

BEFORE THE ENVIRONMENT COURT

Decision No. [2013] NZEnvC 145

IN THE MATTER of appeals pursuant to Clause 14 of First  
Schedule of the Resource Management Act  
1991 (the Act)

AND

IN THE MATTER of PC163 and Residential 1 zoning

BETWEEN NEW ZEALAND HEAVY HAULAGE  
ASSOCIATION INCORPORATED  
(ENV-2007-AKL-000122)

Appellant

AND

AUCKLAND COUNCIL

Respondent

Hearing: At Auckland, 21, 25 – 29 March, 15 – 19 April 2013

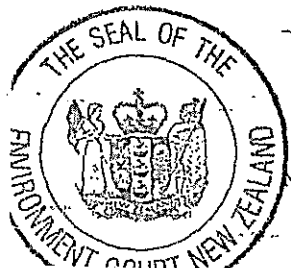
Court: Environment Judge J A Smith  
Environment Commissioner R M Dunlop  
Environment Commissioner D Kernohan

Appearances: P A Cavanagh QC, S J Ryan and R H Ashton for New Zealand  
Heavy Haulage Association Incorporated (**Heavy Haulage**)  
W S Loutit & R J O'Connor for the Auckland Council (**the  
Council**)  
J Burns for New Zealand Historic Places Trust (NZHPT) - Section  
274 Party  
K Tolmie-Bowden for Parnell Heritage Incorporated - Section 274  
Party (**Parnell Heritage**)  
P G Watts for himself and S J Lees – Section 274 parties

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DECISION OF THE ENVIRONMENT COURT

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- A. The wording of the relevant provisions is proposed to be amended in accordance with Annexure B attached. Parties have 15 days in which to file comments on scope of alterations and wording. The Court will then proceed to finalise these provisions.
- B. The existing Residential 1 Zone provisions including Planning Maps are otherwise confirmed. In particular, all buildings constructed prior to 1940 are subject to a resource consent for demolition in the Residential 1 Zone.
- C. The appeals are allowed to the extent of changes to the provisions, and otherwise dismissed.
- D. Costs applications are not encouraged. However, any application must be filed within 15 working days; any responses within a further 10 working days; and a final reply 5 working days thereafter.

## REASONS FOR DECISION

### Introduction

[1] PC163 sought to introduce controls over demolition/removal<sup>1</sup> and new criteria for evaluating reconstruction in Residential zones 1, 2 and 3 of the Auckland City District Plan: Isthmus section. Corresponding changes to higher order provisions were also proposed.

[2] This case is the substantive residue of an appeal which had its genesis in 2006. It has been to hearing in 2010, and notwithstanding an independent assessor addressing terms of reference for studying whether some streets or parts of streets should be excused from the demolition rule, which were agreed by the parties, the matter has returned to the Court.

[3] The Court case involves as much an exploration as to what the actual issues are as it does a determination of resource management issues. Most interestingly, it also

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<sup>1</sup> From this point we use 'demolition' to describe both activities



represents the way in which planning provisions can become so coated with political and other meanings imparted by the parties that they have little connection with the actual wording of the provision.

[4] It is most unfortunate that this case has taken 7 years in coming to be finalised before the Court, given that many myths and misunderstandings have arisen in relation to it in the meantime. We trust that this case will serve as a salutary reminder to the Council that these matters should be determined by the Court expeditiously.

#### THE COUNCIL'S STATEMENT AS TO ISSUES

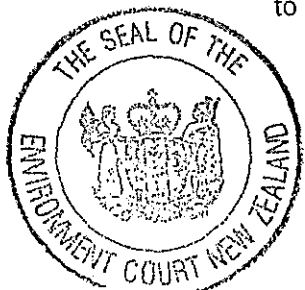
[5] In its opening, the Court was told by the Council that the primary issue is very confined, namely:

- [a] Should consent be required to demolish or remove all pre-1940 houses in the Residential 1 Zone (the comprehensive or blanket approach)?; or
- [b] Should the Council be directed to undertake an assessment of all pre-1940 houses in the Residential 1 Zone in order to decide which houses should be subject to this requirement (the targeted approach)?; or
- [c] Some other hybrid of [b] involving streets or areas within the Residential 1 Zone?

[6] The Council further added that there were two secondary issues:

- [a] The appropriate assessment criteria against which any such application for demolition or removal would be assessed. Planning witnesses had agreed on final criteria for Assessment Criteria U (those are annexed to this decision as Annexure A, headed Session 1 and dated 11 March 2013); and
- [b] Whether the demolition of a building should be a permitted activity if consent had been granted to construct a new building on the same site.

[7] It is also salient to record counsel's submission that Heavy Haulage does not seek to challenge the objectives, policies and other provisions in PC163 except to the extent



they may require amendment should a targeted or hybrid approach be accepted by the Court<sup>2</sup>. We interpret this to mean that the Residential 1 objective and policies are effectively settled except to the extent required to give effect to the Court's decision.

### Problems with the Council Statement of the Issues

[8] Although on a quick reading this may appear to be an appropriate statement of issues, it became clear through the following two weeks plus hearing that the real issues were nowhere near as clear. The following facts were accepted by the parties:

- [a] That the area zoned Residential 1 was set prior to the introduction of PC163. Accordingly, sites could not be removed from the Residential 1 Zone<sup>3</sup>;
- [b] All properties in the Residential 1 Zone were already subject to a construction control. The parties accepted that the settlement of the assessment criteria for those controlled all buildings within the Residential 1 Zone, not just those built pre-1940;
- [c] That only buildings built prior to 1940 could be subject to a demolition control. As a matter of fact if a house was built in 1940 or later, the demolition control did not apply. Furthermore, it applied only to pre-1940 houses on their original sites. It is not intended to apply to houses relocated after 1940;
- [d] No architectural or historical matter turned on the date 1940. It was simply the date that the Council possessed a full set of photographs, flown over the Auckland area in that year.

[9] We were told in evidence that the demolition of houses within the Residential 1 & 2 Zones had rarely been undertaken, with nine cases over the two years prior to the introduction of PC163. Although we do not have the exact number of houses covered by the Residential 1, 2 and 3 Zones, we estimate it to be in the order of 15,000 homes. We suspect less than 10,000 of those would be constructed prior to 1940.

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<sup>2</sup> Loutit, Opening submissions at [4.9]

<sup>3</sup> Loutit, Closing submissions at [3.1]



[10] From 2005 until 2012, the seven year period in which the Rule has been in gestation but has been applicable, some 40 demolition applications have been made or approximately 6 per year. This represents something in the order of 0.04% to 0.06% per annum of relevant Residential 1 - 3 housing stock covered by the rule. At first sight the particular concern addressed by the demolition rule may not appear to be of significant moment, given this particularly low percentage of demolition, and the fact that any new building has to be consented by the Council.

[11] The matter was first part heard in 2010. The dispute centred around whether all Residential 1 Zone houses built prior to 1940 should be individually assessed as to their contribution to special character.

[12] It is clear that the Court felt in 2010 that the appointment of an independent assessor and agreement on the assessor's review criteria would lead to resolution of this matter. Unfortunately, the matter has returned to the Court again.

[13] Given the agreement of the parties to the appointment of the assessor and the outcome, and the fact that this matter has already been to a part-hearing, we have concluded:

- [a] That the first real question for this Court is '*Whether the reviewer Mr Matthews has reached the wrong conclusion?*';
- [b] Given that we cannot rezone a Residential 1 property, the question would then be '*Do we exclude an area or particular property from demolition by schedules or using a map?*' In other words, '*Is the objective of the zone better met by the exclusion of those houses or areas from the demolition control than their inclusion?*';
- [c] We also need to examine the criteria of 'U' to see if these are appropriate in relation to demolition; and
- [d] Finally, we must examine whether or not the granting of consent for the construction of a new building should provide permitted activity status for the demolition of the old, as sought by the appellants.



## The Appellant's Position

[14] Heavy Haulage opposed what it characterised as the blanket control on demolition and removal of all pre-1940 Residential 1 Zone buildings. It submitted that there are streets or parts of streets within the zone that do not exhibit a special and recognisable character and therefore do not warrant imposition of the control. It contended that a detailed site-by-site analysis, of the type Council's witness Mr J Salmond considered necessary to support such an approach, was not required. Rather it was Heavy Haulage's case that much of the work required for the targeted approach, which it sought, had been done by the Matthews' report. Relying on the evidence of Mr A Wild, conservation architect, Mr Cavanagh submitted that the following streets should be excused the control:<sup>4</sup>

- a. Area 1 – Herne Bay: Tweed and Curran Streets,
- b. Area 5 – Grey Lynn: those smaller pockets of Residential 1 zoned land within one or two roads surrounded by commercial land, Old Mill Road and West View Road;
- c. Hakanoa/Tutanekai as these demonstrate more Res 2 special built/flora characteristics;
- d. Area 9- Sandringham: four modern houses surrounded by Residential 6a in Hazel Avenue and 2 isolated Residential 1 properties on the south side of Kenneth Avenue;
- e. Area 14 – Epsom: The north side of Pencarrow Avenue (I would contend that a number of these, particularly towards the western end, should be listed as heritage) while other parts according to Mr Matthews' assessment appear to be more Res 2 special built/flora in character;
- f. Area 18 – Otahuhu: Nikau Road (three properties) and Mangere Road (1 property); and
- g. Area 19 – St Heliers.

[15] Heavy Haulage submitted that there was an additional group of streets that required further investigation. These were said to comprise streets with multiple zones and those where only one or a handful of the criteria *are evident from the Matthews's report*.<sup>5</sup> Heavy Haulage submitted that application of the contested control to these sites should be determined by further direction from the Court *as to the measure of coherence required in terms of the Court appointed criteria provided to Mr Matthews, to be*

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<sup>4</sup> Exhibit J

<sup>5</sup> Cavanagh, Opening submissions at [6] and Exhibit J Section 2.



*sufficient to justify the imposition of the control*<sup>6</sup> and the Court's site visit findings. It was contended that a high degree of coherence is required to justify the control.

[16] On the assumption that the purpose of the contested control is for the function of maintaining and enhancing amenity values as special built character (not historic heritage for Section 6(f) purposes), Heavy Haulage sought the following specific relief:

- [a] That an overlay identify areas where there is sufficient special built character to justify control on demolition. The overlay would not identify buildings required to be preserved but those required to make application for demolition/removal;
- [b] Demolition be allowed for as a permitted (or alternatively controlled) activity consequential on the grant of consent for a replacement dwelling under Criteria R in areas subject to the demolition control unless the building is *specifically scheduled or in a Conservation Area*.<sup>7</sup> It was envisaged that appropriate performance standards could specify:
  - [i] that demolition not occur until building consent for a replacement building was granted with the Council having *some control over the timing* of demolition under Section 37 of the Building Act; and
  - [ii] a time for the commencement of construction of the replacement dwelling as a condition of consent for the latter.
- [c] Alternatively, it was submitted that the same considerations might be secured by way of a controlled activity consent regulating similar matters.
- [d] Clear statements be inserted in the Plan that the Residential 1 zone is for the purpose of maintaining and enhancing amenity values (special built character) and not for the purpose of protection of historic heritage (Section 6(f));

<sup>6</sup> Ibid at [7]

<sup>7</sup> Cavanagh, Opening submissions at [78] and [83]



- [e] Amendment to the supporting policies to Residential 1 Zone Objective 7.6.1.1 and consequential change(s) elsewhere.<sup>8</sup>

[17] Heavy Haulage submitted that the caucus of expert planning witnesses identified correctly changes required to support a targeted approach<sup>9</sup> and that the detail of such might result from directions in an interim decision.<sup>10</sup>

[18] It was also Heavy Haulage's case that the requirement in the decisions version of Criteria U to consider whether a building is *beyond rehabilitation* has led to error by favouring preservation inconsistent with a special character zone. Counsel acknowledged the amended version of Criteria U agreed in caucusing by the planning witnesses. However, counsel were concerned that unless the purpose of the Plan change and its concern with special character were resolved, then the substitute words *disproportionately greater [cost]* favoured by the planners *risk becoming a future subjective battleground in the same way that the words "beyond rehabilitation" have been to date.*<sup>11</sup>

[19] Heavy Haulage did not challenge the controls for the external alteration of existing buildings (Criteria Q), the design and construction of new buildings (Criteria R) or the Residential I Zone Objective 7.6.1.1.

#### Section 274 Parties' Position

[20] The NZHPT participated as a Section 274 party in support of the Council's case. It considered the heritage resource under consideration to be sufficiently important to warrant its involvement. It was the Trust's case that the form and pattern of subdivision, buildings and streetscape in the Residential 1 Zone, and its heritage elements, characteristics and qualities, are part of Auckland's historic heritage as defined by Section 2 of the Act. However, it stopped short of contending that the purpose of the zone is to protect historic heritage (Section 6(f)), or that it is solely concerned with the protection of heritage.<sup>12</sup> Nevertheless, it considered that PC163 as proposed by Council better assists in providing protection to those elements of the zone that constitute historic

<sup>8</sup> What consequential changes might be required is unclear Cavanagh's Opening submissions, Footnote 2

<sup>9</sup> Statement, December 2013 at [8]

<sup>10</sup> Cavanagh, Opening submissions at [10] and [11]

<sup>11</sup> *Ibid*, at [92]

<sup>12</sup> Burns, Opening submissions at [15]





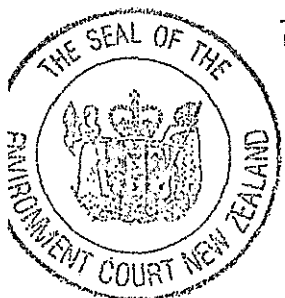
heritage than the alternative provisions sought by Heavy Haulage. Mr Burns adopted the submissions made in Opening by counsel for the respondent and made the following additional points:

- [a] The control on demolition is neither a prohibition nor an onerous requirement. The relatively few applications to date can be attributed to the market responding to the control and associated policy framework;
- [b] The *modest restriction* does not justify an assessment of every building or street in the zone;
- [c] The vast majority of owners have no wish to demolish their pre-1940 dwellings and live there because of the Residential 1 Zone not in spite of it. It is significant that of the approximately 7,600 pre-1940 dwellings in the Residential 1 Zone not a single owner or occupier has joined the appeal in opposition;
- [d] Buildings that might be excused the control on the basis of their current perceived condition may well be capable of future renovation. Mr Matthews' evidence was that little more can be done to investigate this without going onto individual sites and doing a lot more work. Analysis of a building's condition is best done at the time any demolition application is made;
- [e] The extensive removal or demolition of the early housing stock that might otherwise occur would diminish both the heritage values of the zone and its recognisable and special character. This would occur increasingly as the cumulative effects of more and more demolition became apparent.

[21] Mr P Watts for himself and Ms S Lees appeared intermittently during the hearing, generally in support of the Council and NZHPT cases. They purchased their now renovated St Mary's Bay house in the Residential 1 Zone 20 or so years ago. In submissions Mr Watts described how he and Ms Lees had witnessed the *historic and heritage character* of the area being undermined by the removal of houses usually by developers who then built *jarring designs, usually on spec, then sold them on.*<sup>13</sup> Amongst

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<sup>13</sup> Watts, Initial Submissions at [4]



other things they were concerned about persons removing buildings as a permitted activity yet retaining *the benefit of the ambience and environmental amenity that the historic and heritage character of the surrounding houses bring.*<sup>14</sup>

[22] Ms K Tolmie- Bowden appeared intermittently for Parnell Heritage. In submissions she supported:

- [a] Retention of the PC163 blanket demolition control;
- [b] That the Plan not be amended by making demolition a permitted activity where consent is obtained for a replacement building; and
- [c] That the further relief sought by Heavy Haulage in its 21 February 2013 initial opening submissions not be granted.<sup>15</sup>

#### Additional Relevant Factors

[23] We were told by Council officers that the original assessment for the Residential 1 Zone boundaries were undertaken well before PC163 in an earlier iteration of the Plan. One witness suggested that it was undertaken between 1991 and 1993. There have been significant changes in the inner-city area subsequently through the continued upgrading and increase in value of homes within that area.

[24] It is agreed that there are no national or regional documents which frame this plan change. There was an agreement by all experts that PC163 was not about historic heritage, but was about the maintaining of amenity values by preserving character.

[25] PC163 is simply a *tack-on* to the existing Plan. The Operative Plan established:

- [a] Residential 1 as being largely Victorian and Edwardian building, form, subdivision and patterns; and
- [b] Residential 2 as being the cottage garden period involving architectural plus natural elements.

<sup>14</sup> Watts, Opening Submissions at [4]

<sup>15</sup> Tolmie-Bowden, Initial Opening Submissions



[26] Neither of these provisions discussed buildings prior to 1940. It is clear that the Residential 1 Zone referred largely to Victorian and Edwardian buildings built prior to WWI. The Residential 2 Zone may have included later periods of buildings, but largely seemed to capture the period between 1914 through to the mid-1930s.

[27] The words *prior to 1940* were added to the relevant residential zone statements by PC163, and were based not on any architectural division, but as stated the date on which aerial photographs of Auckland City were taken. Mr Loutit for the Council submitted that there was no jurisdiction to change the 1940 date.<sup>16</sup>

[28] Mr Loutit acknowledged it was open to the Court to direct amendments to the Plan under Section 292 of the Act, but submitted *it is a discretion to be exercised as an exception to the clear and strong statutory background and is a slip rule for minor corrections*. He specifically acknowledged that PC163 may not have been graced with Chancery drafting and may inadvertently use terms such as *historic, historical* or *heritage* interchangeably. While contending that it is clear PC163 seeks to achieve *protection of the City's built legacy of pre-1940 buildings*, and that related amendments are not necessary, he indicated discussion on this point in the Court's Decision would clarify any past misunderstandings and be of considerable assistance to the Council.<sup>17</sup> We consider the need for clarification to be somewhat greater than Mr Loutit indicated and have responded to the invitation to make amendments in Annexure **B** to this decision. We give our reasoning for the changes through the decision.

## DISTRICT PLAN PROVISIONS

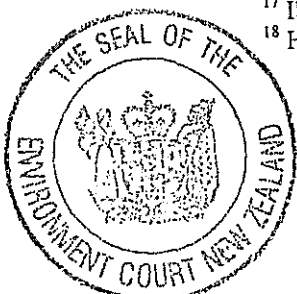
[29] Mr G Hill, a planning witness for the Council, outlined the relevant District Plan provisions.<sup>18</sup> These include:

- (a) The over-arching Principal Objectives and Resource Management Strategy ... in Part 2 of the Plan;
- (b) The objectives and policies for Residential Activity which apply across the Isthmus as stated in Part 7 of the Plan.
- (c) The zone specific objectives and policies for each residential zone  
...

<sup>16</sup> Mr Loutit, Closing submissions [3.3] - there is no jurisdiction to change the 1940 date as it was not raised in Heavy Haulage's submission on PC163

<sup>17</sup> Ibid at [3.6] and [6.6]

<sup>18</sup> Hill, EIC at [9]



10 Also relevant to PC163 are the objectives and policies relating to Heritage in Parts 2 and 5 of the District Plan.

[30] Mr Hill attached relevant objectives/policies to his evidence and deposed that these:<sup>19</sup>

... contribute to establishing a resource management strategy that, amongst other things, recognises the need to accommodate future development while also ensuring appropriate protection for heritage matter per se, and in relation to this appeal 'residential' heritage character.

[31] The Heritage provisions of the plan contain a Schedule of Buildings, Objects, Heritage Properties or Places of Special Value and those subject to Heritage Orders. They are complemented by the Plan's provisions for Conservation Areas, which are an *overlay* applied to specific areas which display a considerable degree of unity in their scale and form and seek to ensure their unique character is retained and remains as visible evidence of the particular style or era they represent. These areas, which are included within the Residential 1 Zone, have additional controls to the underlying zoning. Together, these parts of the Plan recognize and provide (with other measures) for the protection of historic heritage. However, not all Residential 1 zoning is Conservation Area and most Residential 1 areas have no such overlays.

[32] As indicated, the Residential 1 Zone is concerned with retaining the special character of Auckland's older inner suburbs that are part of the city's legacy but not necessarily part of its historic heritage. As the Plan explains:<sup>20</sup>

**Special Character Residential Zones**

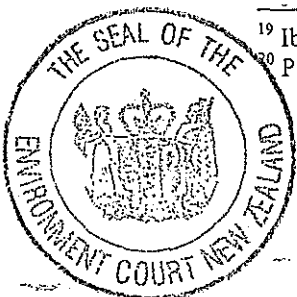
... The special character zones sit within a continuum of provisions in the Plan. The highest level of protection is by the scheduling of specific buildings within the Plan, followed by the Conservation Areas, and then the controls within special character zones ...

[33] The Residential 1 Zone has the following objective and policies as amended by PC163 Decisions Version:

**7.6.1.1 OBJECTIVE AND POLICIES**

<sup>19</sup> Ibid, at [12]

<sup>20</sup> Plan Methods 7.5.1



### Objective

*To ensure the survival of the historic form and pattern of subdivision, buildings and streetscapes in Auckland's early-established residential neighbourhoods.*

### Policies

- By maintaining the authenticity of character of land included in the zone in relation to activities, development, and by preventing other work which is not in sympathy with the special character.
- By requiring renovation and new building construction in a manner which maintains and protects the historic form, pattern, intensity and grain of buildings and streetscape in the areas to which the zone is applied.
- By protecting the special level amenity that exists in the area, against the adverse effects of more intensive non-residential activities.
- By imposing provisions which seek to maintain as appropriate enhance the amenity of the streetscape appearance of these areas through controlling structures in the front yard and through road maintenance and improvements compatible with the character of the vicinity.
- By providing for activities to be conducted in existing buildings that can ensure the restoration and maintenance of the fabric of any building on the site, where the building is of characteristic historic period.
- By encouraging, where practical, the construction of garages and carports to the rear of, underneath (where appropriate in terms of topography), or alongside the building on the site to ensure the front garden and façade remain visible to the streetscape.
- By protecting buildings constructed prior to 1940 where they contribute positively to the special character of the streetscape.

[34] The use of the word *historic* in the Objective is not used in the sense of Section 6(f) of the Act. All experts agreed that the change and the Objective and Policies are rather concerned with Section 7 amenity and character. We understand *historic* to be used here as *legacy* or *historical*, as does the second policy. We discuss these provisions later in this decision.

[35] The objective and policies are implemented by rules, which amongst other things, require consent be obtained for external additions/alterations, construction of new buildings, and the demolition of more than 30% of a pre-1940 building. Restoration, repair and internal alterations of existing buildings is a permitted activity.



## SELECTION OF RESIDENTIAL 1 ZONE

[36] Residential 1 encompasses areas of Freemans Bay, Heme Bay, Grey Lynn, but also smaller areas of Mt Eden and Parnell. In addition, there are smaller areas at more distant points.

[37] Although it started as a core zone based around Victorian, Edwardian, and transitional villas, it seems to have had grafted into it some buildings that were:

- [a] Seen as having value; but
- [b] Were not protected or listed in any way; and
- [c] There was no other zone that would give them any protection.

[38] Thus the modernist duplexes in Hazel Avenue, several former railway houses in Otahuhu, an enclave of workers' cottages at Old Mill/West View Roads in Grey Lynn, and several homes relocated onto properties at St Heliers have been included.

[39] May we say straight away and as previously stated that none of the witnesses before this Court accepted a relocation of a building onto a new site after 1940s as fitting the criteria of pre-1940s. Accordingly, those buildings that have been located onto their sites after 1940 (even if a pre-1940 building) do not meet the criteria of this change. Thus for example, the buildings at St Heliers are not covered by the demolition provisions as they were located on these sites after 1940. Like many other buildings within the residential zone, they may be zoned Residential 1, but the demolition controls do not apply to them. This should be noted on their Council property files.

[40] The major problem we have found with the reliance upon the zone boundaries set in 1991 (or thereabouts) is that there has been significant change, even within these areas, from 1991 to the present. Largely the change has been positive, with significant gentrification of these areas. Nevertheless, most of these homes have now been subject to significant additions and changes. Most of these are in keeping with the style of the buildings as viewed from the street. The distinction between original and replicated features is at times difficult to identify.



[41] It appears to us that an entire industry has now built up around making original looking features for Victorian/Edwardian buildings, including things such as sash windows, verandah decoration, wall timbers, and the like. We note in particular that Residential 1 is about streetscape and character values gained from the street view. We consider that these are values gained by an ordinary person with average knowledge of the areas in question, but not an expert in architectural heritage. Thus for example, where there has been high quality work with original features replicated, we accept that it would be difficult for an ordinary person from the street to tell whether this was original or new.

[42] On the other hand, where non-original features have been added, such as aluminium windows, we take it that an ordinary person observing would note that this as a derogation from the original character.

[43] However, what we have noticed is that as the value of these areas has increased, so has the attention to detail in ensuring that the buildings look original, at least from the street view. We say this for several reasons:

- [a] During our site visits there was evidence of on-going work to improve these buildings, which included replacing windows, timber boards with what looked to be original, but was new work;
- [b] In the streets there were often examples of houses that were unpainted, sometimes with modern aluminium joinery which were clearly not in keeping with the special character;
- [c] Nearby there would be houses that had been repainted and with joinery which looked original, but was clearly recently installed and was in keeping with the special character of the area.

[44] In short, there is clearly significant value to the owners of these properties in having the streetscape look original. We notice that many of the backs of these homes where they could not be seen from the street had more modern features, including improved indoor/outdoor living flow.



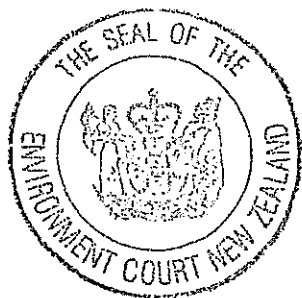
### Arbitrariness

[45] Accordingly, we acknowledge that some boundaries of the Residential 1 areas now appear in some cases to be arbitrary. In many areas the boundaries were natural barriers such as major roads where business premises and other activities had created a break in the integrity of the residential areas. This is most noticeable in the Grey Lynn/Herne Bay areas. However, in other areas what may have originally been seen as a barrier based upon either development time or subdivision style, have become merged with gentrification. A good example of this is the area between Mt Eden Road and Dominion Road. We accept that originally there was probably a significant distinction between homes on Dominion Road built on the lower-lying road with denser occupation levels and lower cost housing, and the larger more gentrified areas of Mt Eden on the more open and sunnier slopes.

[46] Mr Farrant, the Council's principal heritage adviser, noted that when he had undertaken inspections in the early 1990s, many of these properties in Dominion Road were still occupied as student flats and were generally in poor condition. Now the quality of many of these properties is similar to those on the upper slopes of Mt Eden.

[47] In areas such as Mt Eden, the distinction between the Residential 1 and the Residential 2 & 3 Zones is unclear. In some areas the Victorian/Edwardian character still remains, with the movement to the more modern bungalow and post-war styles further up the road, but in other areas the distinction is, at best, moot. With trees, gardens and similar setbacks from the road, the changes in the suburbs established after 1900 are less clear. In those cases, the boundaries between Residential 1 & 2 Zones for example, now appear somewhat arbitrary, probably based upon different subdivision times, no longer obvious on the ground.

[48] Why certain parts of certain streets are included, while not others, also became problematic for the Court. We found ourselves mystified at times as to why certain areas were included, but other nearby areas were not. For example, in Avondale on Willcott Street a small group of properties were included in Residential 1 which had more modern features, such as rear sections developed with visibly modern houses. One hundred metres further up the road was a group of workers' cottages on original sites in near original condition with no such changes and yet zoned Residential 6a.





[49] We reiterate that we are not being asked to consider whether other areas should be included in the Residential 1 zone, or whether the demolition control should apply on a wider basis. Moreover, that special character may apply over areas beyond Residential 1-4 does not affect our task as to whether it exists in the particular areas zoned Residential 1.

### The Effects of PC163

[50] Given that PC163 does not establish the Residential 1, 2 or 3 Zones, but simply adds provisions into it, the question needs to be asked '*What precisely does PC163 do?*'

[51] Essentially it provides a control over demolition of buildings built before 1940, and also introduces criteria for assessment for demolition. For new buildings consent was already required, but new criteria have been added. There have also been further rules or controls relating to the extent of external changes and additions that can be made.

[52] Notwithstanding that words such as *heritage*, *historic* and *historical* are used in PC163, the experts agree that PC163 is not about historic heritage under Section 6(f) of the Act. However, Mr Burns made the point that although it may not be about such things, it may have the indirect effect of preserving historic heritage. Mr Burn's position was that the heritage elements of the form and pattern of subdivision, buildings and streetscape, these elements' characteristics and qualities are part of Auckland's historic heritage. His position is that the special character of the area derives, at least in part, from the historic pattern of subdivision and its heritage character.

[53] It is fair to say that the question of whether or not Section 6(f) of the Act, *historic heritage*, is being protected by PC163, lies at the heart of many of the concerns for the appellants. Certainly from emails produced to the Court, some councillors take the view that the demolition of pre-1940 houses is a matter of *historic heritage*, as do many of the preservation groups and other submitters to the Council. Given that the experts were agreed that this was not the case, there is clearly a disconnect between the wording of the Plan and the expectation created by parties utilising it.



## THE INDEPENDENT ASSESSMENT

[54] During the appeal hearing in 2010, the Court considered that the differences between experts might be resolved by an independent assessment of whether the contested provisions should apply to all of the zone or parts of it. The Court directed that the parties confer with a view to agreeing on:

- [a] An independent assessor; and
- [b] The criteria for that assessment.

[55] All parties consented to the appointment of Mr Matthews as an assessor, and the terms of that appointment. We quote from Mr Matthew's report itself where he concisely states:<sup>21</sup>

The survey was required to determine whether or not the demolition and removal control should or should not apply to whole streets or parts of streets within the Residential 1 zone. The study does not look at whether the control should apply to individual houses or buildings.

### The Criteria

The criteria to be used in undertaking the assessment of the Residential 1 zone were set out by the Court as follows:

*In identifying whether whole streets or parts of streets should or should not be subject to the demolition and removal control, consider whether the built environment as viewed from a public space displays sufficient pre 1940 character to warrant inclusion in the Residential 1 zone by reason of their being a measure of coherence binding an area together in terms of one or more of the following features:*

- i) *Age and style of housing*
- ii) *Pattern of subdivision/lot size*
- iii) *Setback and density of housing*
- iv) *The grain of the area (size, spacing and rhythm of street-front buildings)*
- v) *Historical ambience*
- vi) *Character of the street*

*Explanatory note: Some aspects of the grain may evolve gradually over time (for example, building ages, forms, styles, the changing detailed character of the streetscape, the character of the front yard, and an increase in density) while retaining consistency in other aspects (for example, the disposition of buildings*

<sup>21</sup> Matthews, *Plan Change 163 Residential 1 Zone Study 2012*, page 1



*on their sites, their relationship to the street, and the generally consistent separation of front, side and rear yards).*

[56] His conclusions are also concisely stated:<sup>22</sup>

1. The study has not revealed streets or parts of streets where one or more of the criteria or characteristics are not evident,
2. In places where streets or parts of streets have been identified as having a different character to the predominant character evident, this is typically where post-1940 development has occurred and therefore the demolition and removal control does not apply.

Bungalows or other pre-1940 types of houses within an area containing predominantly villa-type houses, although different in age, reflect many of the other criteria which collectively contribute to the character and historic ambience of an area, for example lot sizes may be the same, size, spacing and rhythm of street-front buildings may be similar as well as gardens and fencing heights. Such areas demonstrate evolution over time and still have a measure of coherence.

3. The Residential 1 Zone has, in limited places, been applied to very small groups of houses, or to one side of a street. Within these small areas zoned Residential 1, one or more of the criteria are evident, however the small Residential 1 pocket may be quite different from the wider residential character.

In summary, I do not believe any streets or parts of streets should not be subject to the demolition and removal control.

### The Elephant in the Room

[57] Before we go on to examine these issues, we feel it is important to deal with a major concern of the appellants in bringing this appeal.

[58] Many examples were given to this Court of the way in which Council staff have applied the demolition and reconstruction controls. These have been applied to areas which were not visible from public areas, including interior fabric and interior design of buildings, and even on occasions to the extent of specifying whether a party could have a new house or had to re-adapt the old (Mrs Williams), or the size of the sash windows which could be installed on an upper floor (Mr Putt).

[59] Mr Perkins, senior planner for the Council, accepted that there had been errors in the application of these plan provisions, but that the Council was now undertaking a diligent regularisation of its approach. We understand very clearly the concerns of the

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<sup>22</sup> Ibid, page 7



appellant because it was clear that political pressure had been brought to bear on staff by councillors who believed the Plan provisions provided protection for historic heritage under Section 6(f) of the Act. Combined with various heritage organisations, there was now clear conflation in the minds of members of the public between PC163 and matters of historic heritage.

[60] We make it very clear that special character recognised in PC163 derives from the streetscape, that is, the street view that one obtains of the relationship of the buildings to one another, and in terms of their subdivision pattern, shape, and like. A high quality replica building which was entirely in keeping with the original building style would provide the same character input, at least from a streetscape point of view. If it is in better condition than the original (i.e. not rotting), then it may contribute to a higher level of amenity, accepting that the patina of age can also contribute to character.

[61] At page A9 the District Plan states:

... It is also not intended that any new building in these zones should be period replicas.

[62] However, it must be noted that a replica Victorian/Edwardian villa (or a Victorian or Edwardian villa moved in from elsewhere) would, depending on its siting, most probably achieve the objectives for Residential 1, given we are dealing with *the historic form and pattern of subdivision, buildings and streetscape*.<sup>23</sup>

[63] However, any such construction or relocation would be subject to all the controls for a new building.

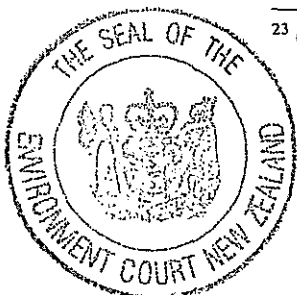
### Streetscape Character

[64] We do not understand PC163 to be concerned with the internal integrity of a building or its originality. It is simply concerned with the contribution of the part of the building visible from the street to the special character and amenity of that area.

[65] For example, we saw many buildings which had been restored and changed over the years by the addition of storeys and the like, but referenced the Victorian and Edwardian period with high quality timber sashes, fenestrations and the like. They

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<sup>23</sup> Objective 7.6.1.1



clearly contribute significantly to the Residential 1 amenity, provided they reinforce the subdivision and placement pattern, as most houses do.

[66] A modern building does not necessarily derogate from this character, depending on the attention placed on various design elements. The outcome sought is *reference to the historic form and pattern of subdivision, buildings and streetscape* - the streetscape created in certain parts of Auckland over time by the period construction of Victorian/Edwardian villas and houses.

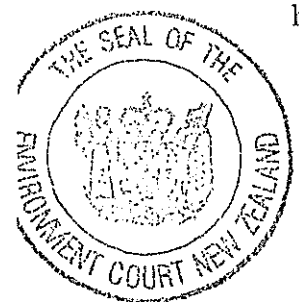
[67] We agree with the witnesses that a building granted consent under the construction provisions of this Plan should at least be neutral to or enhance the special character of the area. It must therefore be obvious that the scope of the investigation in respect of the demolition or removal of existing buildings is a narrow one.

[68] If it is intended that a new building is to be immediately constructed, the question will be: *Will the new building provide at least the same level of contribution to streetscape character or more?* If the building is not to be immediately replaced, then the question must be: *What is the period for which it would remain unreplaced (which may be a major impediment to the grant of a demolition consent)? or What loss is there to the streetscape character by the loss of that building?*

[69] In our view, examination of the comparative cost of a new building versus an old building as required in Assessment Criteria U, is not a relevant criterion, and it is difficult to see on what basis such arguments can be introduced.

[70] The Court was perturbed to hear evidence of applicants for demolition consent having to cost the restoration of the house, versus a new building. This appears to us to be an unreasonable constraint upon an owner's right to build a home. It is without any basis under PC163. The issue under PC163 is the maintenance of special character, not a prescription of the way in which people must live or the age or design of houses in which they must live.

[71] The Heavy Haulage's evidence went to the extent of detailing Council officers discussing internal framing and timbers. For example, Mrs Williams, looking to construct a home for her invalid husband, found Council dictating the type of home that he must live in and suggesting that if it was a similar cost to build a new home as restore



the existing, then she must restore the existing. This seems to go well into the economic feasibility of renovation to retain original building stock rather than maintaining special character. If retaining all building stock, including any which does not contribute to special character, is the intention of this change, then it is not supported by the wording of PC163.

[72] Such a view may be based upon *Objective 7.6.1.1* and its 7<sup>th</sup> policy:

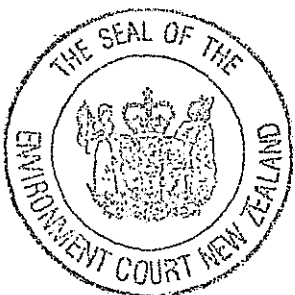
- By protecting buildings constructed prior to 1940 where they contribute positively to the special character of the streetscape.

There are significant difficulties with this construction of the above Policy:

- [a] All experts agree that PC163 is not about historic heritage;
- [b] It is only that part of the building that contributes to special character;
- [c] The provisions only require that any change maintain that character; and
- [d] Any protection is therefore limited by the change as a whole.

[73] We conclude this policy is poorly worded, but is intended to control demolition of buildings to maintain special character. Clarity can be achieved by rewording of this Policy.

[74] Another example is a client of expert witness Mr Putt, who had an attractive corner site building in which he wished to install a double-width sash window. The window was of a not inappropriate style for the age of the building and it was acknowledged that there were other buildings of a similar age with the same sized windows in it. Nevertheless, the Council denied the ability to install this window on the basis that it would derogate from the special character of the area. While such a constraint might be appropriate in a Conservation Area or for a registered heritage area or building, we cannot follow the logic of that conclusion in this circumstance. We, like Mr Putt, remain astounded that the Council could take such a position in relation to the application of this special character control.



[75] We note that this and other cases referred to us were not appealed to this Court. If they had been challenged, the practice of Council officers would have been addressed much earlier. In some cases the cost to applicants ran into the tens of thousands of dollars. We are not surprised that people such as Mrs Williams remain aggrieved. However, we are not engaged in an appeal on these matters and our concern must be to make the Plan provisions clear and straightforward in implementation.

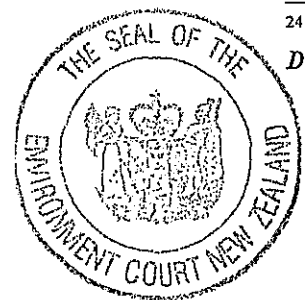
### Criteria and Wording

[76] We consider sources of concern for the Council's described approach are founded in some unclear wording in Assessment Criteria U and in the general wording of PC163.

[77] As a result, we have concluded that the final bullet point in Criteria U is overall intrusive and unnecessary. It encourages the parties, and in particular the Council, to compare values of replacement buildings vis-a-vis renovations rather than the contribution of building work to the special character of the subject area. To this extent we accept Heavy Haulage's case that the substitution of *disproportionately greater* for *beyond rehabilitation to its original state and the costs of the rehabilitation* as agreed by the caucusing planners is not an appropriate amendment. It would leave a value judgement in the hands of Council around the related Section 7(b) matter in an area that intrudes too far into the *compromise between [the] values of planning and respect for private developments* as described by the High Court in *Meridian Energy v Central Otago DC*.<sup>24</sup>

[78] It is also relevant that Mr Loutit in Closing Submissions volunteered that the fifth bullet of Criteria U might appropriately be deleted. We agree for the reasons indicated. There is merit, however, in retaining the ability to take into account achieving current Building Code standards and the provision of contemporary living standards. We find that the fifth bullet should be removed, and the wording of the third bullet point expanded by inclusion of the two matters noted to provide further guidance on the circumstances in which renovation is *practicable and reasonable*.

<sup>24</sup> Cavanagh, Opening submissions at [61] with reference to *Meridian Energy Limited v Central Otago District Council* [2011] 1 NZLR 482; [2010] NZRMA 477



[79] We acknowledge that areas such as Residential 1 will be subject to some level of change over time. We note that the Plan itself explicitly recognises this. At page A9 the District Plan states:

The Plan does not intend that the elements or qualities which give the special character zones their uniqueness be kept from change (i.e. 'frozen in time').

[80] However, the statement in Assessment Criteria U that *Applications will also be considered against all the following criteria* has been interpreted by some as meaning that all criteria must be met or else consent may be refused. The question as to the number of criteria that must be met is a matter for discretion by the party applying the rule given the context and the objective of the Residential 1 zone. We have redrafted the Criteria U as part of Annexure **B** attached. Criteria U is reworded to read:

**U. Demolition or removal of buildings (more than 30% by volume and excluding accessory buildings) constructed prior to 1940 in the Residential 1 zone.**

In considering an application to demolish (either totally or substantially) or remove any building (excluding any accessory building) constructed prior to 1940, the Council will restrict its discretion to the following criteria:

- The intrinsic character and value of the existing building and the contribution it makes to the historic form and pattern of the streetscape and neighbourhood;
- Whether the demolition or removal of the building itself will detract from the special character of the streetscape and neighbourhood as a whole. To demonstrate this, a site and context analysis shall be submitted which shows the extent to which the existing building shares the dominant original form and design features with other buildings in the street (refer to Appendix 13 for more detail on the requirements for a site and context analysis);
- Whether the building has retained its basic original (or restored) design features relating to the overall form, mass, proportion and materials (i.e. its integrity) so that restoration/renovation of the building is practicable and reasonable, such that it makes a positive contribution to the historic form and pattern of the streetscape and neighbourhood. When determining what is practical and reasonable, regard shall be had to:
  - (i) Achieving current Building Code compliant standards,
  - (ii) Providing modern day living/amenity standards.
- In the event that there is a concurrent application for a replacement building, whether its design, quality, purpose and amenities would positively contribute to the historic form and pattern of the streetscape and neighbourhood character in accord with the assessment in criteria in R above.





An exception to the above is the moving of a building within the site which will be treated as construction or relocation of a building (see clauses R and T).

*Note: the Council holds a set of aerial photos flown in 1940 which may assist the Council and applicants to determine the age of buildings and parts of buildings subject to application for demolition. Upon request these aerial photos can be viewed free of charge.*

[81] Elsewhere other criteria have the words added:

*Note: There is an expectation that new building construction in the Residential 1 zone will satisfy all of the assessment criteria or the Council may refuse consent.*

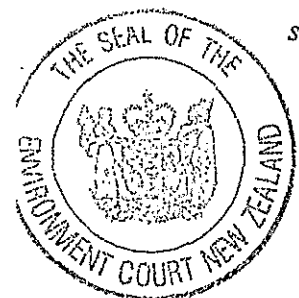
[82] This seems to apply to Residential 1 for Criteria O, R, and in Residential 3 for Criteria OO, RR, and SS. This has led to a view that these criteria operate as rules. Mr Loutit concedes this note was inappropriate.

[83] We agree, and conclude that we should remove them under Section 292 of the Act to make it clear that the need to satisfy all criteria is at the discretion of the consent authority. This is under Section 292(1) of the Act, which gives the Court power to amend the Plan to remove uncertainty. This, together with the removal of the word *all* in Criteria U, should assist in applying the criteria.

[84] It is clear that we can also improve the consistency and clarify the wording to ensure that conflation with Section 6(f) of the Act does not occur. This has led us to the view that references to words such as heritage and historic should be removed and replaced with more neutral terms, such as legacy, old, and built. Again, we have power under s292(1) to make changes to remove uncertainty. The parties agreed changes would assist in clarifying the Plan's intent. We acknowledge there would need to be an opportunity to comment on whether the changes made are clearer, and their extent.

[85] With these wording changes, and the Court's clear directions as to the way in which the demolition control is to be utilised (i.e. with the objective of maintaining the streetscape character), we can move on from the sub-text to deal with the particularities of the appeal itself.

[86] We re-iterate that it is *the historic form and pattern of subdivision, buildings and streetscape* which is to be maintained. Policy 7.6.1.1(7) provides that this be done in the



first instance by protecting pre-1940 buildings, that contribute to the zone's special streetscape character, from demolition. However, the requirements of residents of the area can be accommodated by allowing for change provided the streetscape character is maintained, including through demolition where Criteria U is met.

### The Wording of the Plan Provisions

[87] We now address the appropriate wording for the Plan provisions.

[88] We have annexed hereto as **B** our proposed changes to Part 7 made under Section 292(1) of the Act. Most are to wording inserted by PC163, but several words are part of the Operative Plan. Our proposed change is to improve and clarify the Plan under Section 292 of the Act to the extent that it goes beyond PC163. The alterations are minor and seek to substitute words such as *historic* with more neutral words. We change the word *protection* to avoid conflicts with Section 6(f) of the Act. Generally, we use *maintain*. We now proceed to consider the key issues on the basis that the wording of the Plan is now amended as per Annexure **B**.

### WAS THE CONCLUSION OF THE MATTHEWS REPORT WRONG?

[89] In the letter of appointment of Matthews & Matthews Architects Limited, the Court noted at [7]:

7. One of the issues raised on appeal by NZHHA1 over the Residential 1 zone (partially heard) related to whether or not the demolition or removal controls are to be applied to all pre-1940s buildings in the Residential 1 Zone.
8. The Court and the parties have now agreed:
  - (a) the criteria and methodology to undertake a survey of streets (or parts of streets) in the Residential 1 zone in order to determine whether or not the demolition and removal control should apply;
  - (b) that you be appointed by the Court as an independent expert to undertake the survey using the agreed criteria and methodology and provide a written report setting out your findings to the Court and parties; and
  - (c) that you may be required to give evidence and be available for cross examination in a resumed hearing.

[90] There followed the terms of the appointment, criteria and explanatory note we have already cited, plus the following additional paragraph to Explanatory Notes:



Explanatory Notes

...

*The overall pattern frequently relates and responds to the underlying landform (ridges and valleys in particular).*

Methodology

*The following tasks should be completed as part of an iterative process:*

- (a) *Compile information necessary to undertake the fieldwork such as Residential 1 zonal maps overlaid with cadastral and street numbering data, historical maps and aerial photographs.*
- (b) *Undertake the fieldwork tasks.*
- (c) *Complete the desktop study and collate the information into a final report.*

[91] It is this task which Mr Matthews addresses in his report *Plan Change 163 Residential 1 Zone Study 2012*. Mr Matthews was asked closely about whether or not there were any properties where only one of the criteria was met, and his position was that at least two criteria or more were met in all areas.

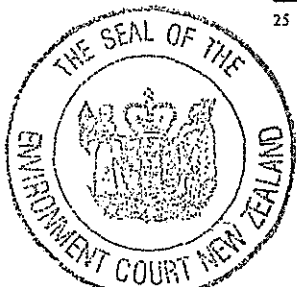
[92] It would be fair to say that he recognised there were areas where there was less cohesion than others. Nevertheless, he remained unmoved after extensive cross-examination that at least one or more of the criteria was met in every area.

[93] There was in many areas a disquieting tendency to begin examining individual buildings, when it was quite clear from Mr Matthews' evidence that he was looking at matters on the basis of streetscape character as derived from the criteria identified. It was Mr Wild's evidence that constituted the most direct attack upon Mr Matthews' approach and essentially chose those areas where there was less coherence, and thus argued that the area did not meet the criteria.

[94] Mr Wild notes:<sup>25</sup>

... Mr Matthews recognises that the Residential 1 zone has, in some places, been applied to very small areas zoned Residential 1, where one or more of the criteria are evident "*however the small residential pocket may be quite different from the wider residential character*" (page 7, conclusion 3). This is an important statement and qualifier to Mr Mathews' [sic] approach which I have difficulty following. If a street has a character which is at variance with the special character to which the Residential 1 zone has been recognised, then it follows that the street is uncharacteristic, and the street should be excused ...

<sup>25</sup> Wild, EIC, 28 Nov 2012, Appendix 3 Page 3



[95] Mr Wild continued:<sup>26</sup>

... It is my understanding that Residential 1 special built character is not singularly "pre-1940 buildings" as Mr Matthews often refers, but the special character as "built" as is defined in the plan modification. Equally my understanding of special built character is not about buildings *per se* but rather about the space created from the context of buildings framing the space between them. This is a phenomenon that includes the street.

[96] The Court agrees with Mr Wild's view with respect to *the special character as built as is defined in the Plan modification* and in so far as PC163 is about streetscape – *the context of buildings framing the space between them*.

[97] Therefore, it is important to re-iterate the objective of the Residential 1 Zone. It is:

**Objective**

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

[98] We note that the word *historic* has been removed from the proposed wording by the Court. Even if it remains, it is used in the sense of historical, not under Section 6(f) of the Act. It means in this context, legacy or early. We deleted it as it adds nothing to the objective. *Historic*, on its common meaning, indicates that *something famous in history occurred*. We do not consider that apt, and the word is at best confusing. As we have stated earlier, PC163 is simply a *tack-on* to the existing Plan. The Operative Plan describes Residential 1 as follows:<sup>27</sup>

**7.6.1.2 Strategy**

... In this zone the houses are largely Victorian-Edwardian but some modification has occurred with later infill such as the very plain 'transitional'-style bungalow of the 1910's. The houses generally stand close to the street and each other on narrow small sites ...

[99] Mr Wild provided a list of streets and areas<sup>28</sup> he considered in his expert opinion exhibits an insufficient measure of coherence to be special and recognisable and should be excused from the demolition control. In addition, in his Schedule 4, Mr Wild noted

<sup>26</sup> Ibid

<sup>27</sup> 7.6.1.2 Strategy

<sup>28</sup> Schedule 4 Exhibit J



streets or parts of streets that *warrant further investigation*. He also noted areas that should be considered for Conservation Area status. So far as areas warranting further investigation, our conclusion is that this case must conclude whether or not the properties are subject to the demolition control.

[100] The Court undertook a site visit on Friday 19 April 2013 and visited all the streets and/or areas suggested by Mr Wild. We applied the criteria used by Mr Matthews to assess his conclusions, and to help determine if any of the streets or area nominated by Mr Wild warranted exclusion from the demolition control. We accepted that not all criteria need be met for a street or area to exhibit the special character.

[101] We consider that the major difference in the evidence of Mr Wild is:

- [a] Mr Wild ignores the influence of properties outside the area of interest. We see surrounding context as important to interpreting the character; and
- [b] Mr Wild seems to assume the special character cannot be the same as that outside the Residential 1 Zone. We do not see that there has to be a different character outside the Residential 1 Zone.

[102] We acknowledge that there were several areas where it was difficult to ascertain a largely Victorian-Edwardian character. Other special character from later periods was evident in these cases. Examples would be the modernist duplexes in Hazel Avenue, and possibly the railway workers' cottages in Nikau Road. There was at least one house on Mangere Road where it was difficult to see how it gained coherence from other buildings, given that the buildings from which it must obtain such coherence were in another street distant from it.

[103] There were other properties, for instance in Willcott Street, in a pocket abutting Rosebank Road and Great North Roads, Avondale, where character was actually derived from buildings that were not within the zone, but gave coherence to the buildings that had been included within it. There was also the example in St Heliers Bay where several houses had been relocated to the site and were now included within Residential 1. Clearly, as we have already identified, those properties would not be subject to the demolition rule.



[104] We accept that not every building within, and particularly buildings post-1940, are likely to contribute to the special character of Residential 1 Zones. Moreover, that character may be contributed to by properties outside the Residential 1 Zones.

[105] Finally, there were different types of character and different levels of coherence.

[106] In many of the cases that Mr Wild referred to we were mystified as to the basis upon which it was argued that these areas did not demonstrate special character. Some of them, such as Area 5 for Grey Lynn (Hakanoa and Tutanekai Streets) clearly display special character.

[107] Perhaps the most surprising of all of these was the group of houses on West View/Old Mill Roads, within Area 5 of Grey Lynn. These were all houses constructed in a similar style of cottage vernacular. The streets consist of homes, many of which are in their original condition and are similarly placed on the site and with the same basic design. We subsequently ascertained that these were properties built on the former abattoir lands, sometime between 1920 and 1925, and are annexed to Western Springs. They are some of the most interesting vernacular style houses the Court has seen in Auckland, and we were astounded with the proposition that there should be no demolition and removal control over these properties. We have located and annex hereto as C, a copy of the *Introduction of the Auckland City Council (Workers' Homes) Vesting and Empowering Bill 1991* which we hope will pique interest in these unique properties.

[108] In many other cases, the argument as to the property being included seemed to be based upon the fact that there were other character properties of a similar type outside the immediate zoning. In our view, that does not derogate from Residential 1 Zone itself, but simply means that similar characteristics may exist outside the Residential 1 Zone. Whether these should also be included in the zone is not an appeal topic before us. This is not a case in which we are able to re-establish the zone boundaries, and so these arguments avail little in the current circumstances.

[109] In any case, on the whole, we had little difficulty on inspection, in confirming Mr Matthew's conclusions in most cases. We acknowledge the consideration that Mr Wild has given to identifying streets and areas that might be excused, warrant further analysis or warrant conservation area recognition. His approach is generally thoughtful although



he does suggest Old Mill Road/West View Roads should not warrant the demolition control.

[110] However, in recognising some of the anomalies we have cited with respect to the delineation of the Residential 1 Zone, we are reluctant to begin to implement a *targeted* approach as applied in Residential 2 Zone. In the case of Residential 1 there is generally more cohesion to the streets and areas so zoned. There may be anomalies but it seems imprudent and impractical to identify individual buildings in what is agreed is a matter of streetscape and special character. We consider that when viewed on a street or part street scale, coherence is greater than Mr Wild suggested.

### Conclusion

[111] We have concluded that Mr Matthews is correct, that the Residential 1 Zone does exhibit one or more of the particular criteria and sufficient coherence, with the possible exception of the single property on Mangere Road. Nevertheless, there would be no point in creating a demolition exception for that one property and the issue of its surrounding character would be addressed at the time any consent was applied for.

[112] We have concluded that the existing demolition control should apply to all pre-1940 properties within the Residential 1 Zone because:

- [a] The vast majority display criteria of cohesiveness identified by the Court and parties as criteria;
- [b] Taking into account the limits of such areas (edge effects) and the need to identify small clusters and individual buildings, we accept the Residential 1 Zone has been appropriately used;
- [c] Given that the zoning is to be reviewed as part of the Unitary Plan, then it appears the option of specialised treatment for individual properties or small groups of properties, and a broader approach of Residential 1 where appropriate in the inner city suburbs, could properly be addressed to ensure that most areas including these special characteristics are recognised.



[113] We are satisfied that there is no adequate evidence to establish that Mr Matthews has undertaken his assessments incorrectly, and that the object of the zone is better achieved by the continued general application of the demolition rule to all houses constructed pre-1940.

[114] Accordingly, it is not necessary for us to address whether these exceptions should be addressed in a schedule or not, given our conclusion. All Residential 1 zoned properties built on site pre-1940 should be subject to the demolition control. Individual cases can of course be addressed by the application of the Assessment Criteria U. We have discussed the removal of the last criterion, thus confirm that the discretion is restricted to the criteria under U, already identified above.

### SECTION 32 ANALYSIS

[115] Although we acknowledge that there have been inefficiencies in the application of the demolition rule in the past, we consider that these can be clarified by the tidying up of the wording of the provisions, attached as Annexure B, and the re-wording of the Assessment Criteria. Where a new building is to be constructed, this is directly taken into account in establishing whether streetscape special character is maintained or enhanced. We consider this decision should clarify the intent and application of the criteria in future.

[116] We are satisfied that this should mean that the proper application of the provisions by the Council to individual applications is not unduly onerous where an appropriately designed new building is being provided. The clarification of the general wording of the provisions makes it clear that this is not a change dealing with historic heritage. Although pre-1940s buildings may be maintained, they do so only where this better maintains and enhances the special character of the area derived not only from the built components, but from the other subdivisional and relational components identified.

[117] We consider that the market has in any event recognised the value in maintaining the special character streetscape. For the vast majority of homes throughout the Residential 1 Zone, accommodation can be made for the pre-1940 special character of the frontage, while allowing the rear of the property to accommodate modern living requirements and design. The criteria do not preclude a change provided the special character as viewed from the street can be maintained.





[118] We conclude this reaches an appropriate balance between the need for parties to upgrade their living accommodation and provide for modern living standards, while at the same time recognising the special character that the timber construction of the largely Victorian and Edwardian period has given to the city. In reaching this conclusion, we are encouraged by the fact that there have been few applications for demolition.

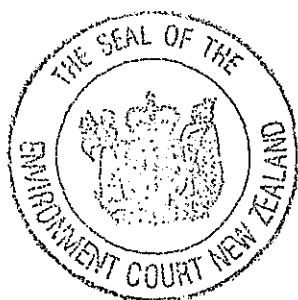
[119] The key mechanism which has achieved this, of course, is the requirement for a single dwelling per site, which has discouraged multi-storey buildings. This has in turn encouraged the continuing capitalisation of the existing properties.

[120] Accordingly, we are able to conclude from all of this that the provisions are effective and efficient, although perhaps reflective of existing economic reality that may nevertheless have worked over a long period. The only inefficiency has been created in relation to the incorrect application of the provisions. We are hopeful that in light of this decision, such difficulties will be avoided in the future, particularly as they relate to arguments under Section 6(f) of the Act.

[121] Overall, we consider it as most appropriate under Section 32 of the Act that there be a demolition control to provide for the special character derived from legacy buildings, subdivision, spatial and relational features.

[122] It was suggested to us that Brisbane had a far more enlightened approach to this issue. However, when comparing the provisions, it appears to us that these are very similar to those which we are now considering and largely seek to recognise Brisbane's pre-1946 special character and buildings.

[123] Overall, we do not believe this provision is a substitute for the direct protection of buildings under the Historic Places Act where they display appropriate characteristics, nor to the protection of individual buildings or groups of buildings within Conservation Areas. These provisions address built historic heritage under Section 6(f) of the Act. The purpose of PC163 is to maintain the special character of areas under Section 7 which we conclude is achieved with the changes in wording we are now suggesting.



[124] We consider that in looking at the statutory test, this operates as a check on our evaluation conducted to date. We note as quoted in *Coatesville Countryside Residents Living Group v Rodney District Council*:<sup>29</sup>

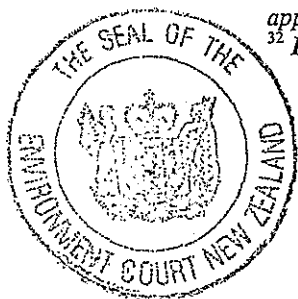
- [a] That the Court does not start with any particular presumptions as to the appropriate zone, rule, policy or objective;<sup>30</sup>
- [b] The Court is seeking to obtain the optimum<sup>31</sup> planning solution within the scope of the appeal it has before it, based upon evaluation of the totality of the evidence given in the hearing, without imposing a burden of proof on any party;<sup>32</sup>
- [c] A policy, rule or method can be considered against the purpose found in the objectives and policies in the plan. Where the objectives and policies are challenged these will need to be judged against superior documents, including any relevant national or regional policy statements or national standards. Nevertheless, the Court recognises that the provisions in all plans do not always fit neatly together, and we regard the policies and objectives of the plans through the filter of Part 2 when necessary. Reaching a conclusion as to which provision is better under Section 32, the Court considers:
  - [i] whether it assists the territorial authority to carry out its functions in order to achieve the purpose of the Act;
  - [ii] whether it is in accordance with Part 2 of the Act;
  - [iii] if a rule, whether it achieves the objectives and policies of the plan;
  - [iv] efficiency and effectiveness of the provision; and
  - [v] the benefits and costs for that provision.

<sup>29</sup> A77/2009 at [11]

<sup>30</sup> *Eldamos Investments Ltd v Gisborne District Council*, C3/2008 at [123]. See also *Wellington Club v Carson*, (1972) NZLR 698 at [702]

<sup>31</sup> Gendall, J in *Rational Transport Society Incorporated v NZTA*, [2012] NZRMA298 at [45] found *most appropriate* does not require *superior*, or presumably optimum.

<sup>32</sup> *Eldamos* at [129]



[125] We do not understand any of those criterion to conflict with the more detailed checklist outlined in *Long Bay-Okura Great Park*.<sup>33</sup>

[126] Looking at the preliminary principles, this Court has spent some considerable time looking to identify the overall objective of PC163. It has identified, and the experts agree, that the provision is about maintaining special character that represent[s] a scarce legacy from the past, not about protecting heritage under Section 6(f) of the Act. To that end, we recognise that the provisions in this plan do not fit neatly with that clear evidence, and we have undertaken a redrafting to clarify that the provisions are to maintain special character.

[127] In doing so, we do not understand that the word *maintain* is a lesser standard than protection. In *Port of Otago v Dunedin City Council*<sup>34</sup> the Court concluded that *maintain* includes the meaning of protect, ie retain, keep the same. What we have done, therefore, is to try and avoid continuation of the perception that PC163 and Residential 1, 2 and 3 Zones are about protection of historic heritage under Section 6(f) of the Act. The wording as we have amended it, now more properly reflects Section 7(c) of the Act using the words *maintain* and *enhance* from that section.

[128] In this case, as stated, there were no superior documents drawn to our attention directly bearing upon the outcome of this case. Clearly, the Act envisages the management of existing physical resources for the enabling purposes of Sections 5 and 7(c) to maintain and enhance character and amenity. We now consider the various additional criteria identified above.

#### **Whether it assists the Territorial Authority to carry out its functions**

[129] As redrafted, we are satisfied that this provision allows the Council to control demolition (and reconstruction) to ensure that the special character of identified areas is maintained or enhanced. It does not apply to all buildings, only those constructed prior to 1940. It would clearly require an evaluation at the time a consent was sought as to what contribution, if any, the building made to that special character. We recognise that the contribution of a particular building may change over time, due to a number of factors including:

<sup>33</sup> *Long Bay-Okura Great Park Society Incorporated v North Shore City Council*, A078/08 at [34] C4/2002, at [41] & [42]



- [a] Any improvements enhancing its original character; and
- [b] Other changes or demolitions within the immediate area.

[130] As such, it appears to us that an appropriately worded control will assist in managing the resource to maintain the special character of the area. We recognise the criticisms of the appellant, but do not consider that the early recognition of special character in an area will assist in evaluating its contribution at the time works are commenced. For example, if an evaluation was undertaken in 2013 this would not necessarily mean the special character was the same, or the contribution of the individual building was the same, in five or ten years time, when demolition approval might be sought. Given the limitation to pre-1940s buildings, and the scope of the Residential 1 Zone identified, we are satisfied that the demolition control applying to all pre-1940 residences assists the territorial authority in meeting the objective of the plan and implements the policies appropriately.

[131] We are mindful that in making a rule, regard is to be had to the actual or potential effects on the environment of activities, including in particular any adverse effect (Section 76(3)). This includes cumulative effects.

[132] We have given careful consideration to the potential cumulative effect of demolition being a permitted or controlled activity where consent had been issued for a replacement building (as distinct from the scheme where separate consents are required for each activity).

[133] The case for Heavy Haulage was that the requirement for a residential discretionary consent and application of Criteria R, including the Design Guidelines in Appendix 13, would ensure retention of the Zone's special character and amenity. Mr Loutit responded to this position in closing submissions making a number of points in reliance on the evidence. He pointed to:

- [a] Mr Matthew's evidence in re-examination to the effect that some modern buildings (like Mr Cook's dwelling in Franklin Road) *fit better than others within the predominant style of Residential 1*. If however there were a series of similarly modern houses in the same street, the cumulative effect would result in the erosion of special character;



- [b] Mr Hill's agreement that one new house may be acceptable but two or three would be more than evolutionary;<sup>35</sup>
- [c] Mr Wild's acceptance, that if Mr Cook's home were constructed next to 1 Belmont Terrace the special character would be lost.

[134] In Mr Loutit's submission this evidence illustrated that *while one replacement dwelling may fit within [a part of] the Residential 1 zone, two or more may not and therefore assessment under Criteria U is required to protect the special character*. He also submitted that the heritage experts in their caucusing statement agreed that cumulative effects are detrimental.<sup>36</sup> What the witnesses carefully agreed was:<sup>37</sup>

The degree to which development occurs is important. There is a cumulative effect. This could/would also affect change of street environment, not just buildings. It is not so much about the speed of change but about measurable effect. At what point is it to be recognised that the identifiable character is being replaced by new development? There is a threshold issue here.

[135] On the same matter, Mr Loutit indicated while the Council anticipates some change, indeed that such is inevitable, the Residential 1 Zone Objective and Policies seek to ensure that the zone's special character is not eroded, including by a thousand cuts. Mr Hill deposed, the loss of a small number of adjacent houses would not be appropriate evolution of the zone and would likely result in *an erosion and significant change in character*. We find merit in Mr Loutit's submission that *the appellant's relief seeking exclusion of certain areas and allowing removal or demolition as a permitted activity if a new dwelling consent is granted will lead to the potential for this thousand cuts to occur (figuratively if not literally)*.<sup>38</sup>

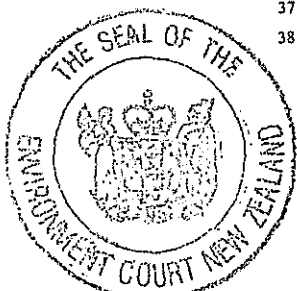
[136] Keeping in mind factors such as the scale of demolition to date and the evident propensity for buildings to be retained/upgraded, we consider that it is certainly a factor that requires careful weighing in the context of Section 32(4)(b) and the *risk of acting or not acting*. Our conclusion is that the demolition/removal control should remain with the modified Criteria U. This will mean that questions of cumulative effect can be examined at the time of any proposal to ensure the retention of special character. This means the existing building contribution will be directly considered under Criteria U.

<sup>35</sup> *Evolutionary* being a pragmatic recognition that the Zone's special character is likely to evolve over time.

<sup>36</sup> Loutit, Closing Submissions at [2.3]

<sup>37</sup> Expert Witness Conference Statement - Heritage Architects, 14 December 2012, Pages 2 - 3

<sup>38</sup> Loutit, Closing Submissions at [2.10]



### **Whether it is in accordance with Part 2 of the Act**

[137] In this case, the experts were agreed that this change was not about historic heritage under Section 6(f). Although Historic Places Trust sees this as a corollary of the zoning, it is not the purpose of the control. The purpose of the control is to maintain the special character of these areas for the benefit of the individuals and communities who can experience this special character. That would include not only the residents and other ratepayers, but also visitors to the area.

[138] The maintenance of physical resources for such purposes is legitimate, provided it does not unnecessarily disable any other portion of the community. In this case the Court has been anxious to ensure that the controls are appropriate, that they do not become a de facto licence for the Council to re-design properties, delve into matters not visible from the street, or achieve historic heritage protection. With the rewording that we have proposed, we are satisfied that the criteria can be properly and simply applied to ensure that the special character of the areas are maintained into the future,

### **Whether it achieves the Objectives and Policies of the Plan**

[139] We have spent some time rewording the relative objectives, policies, and criteria, to ensure that the rule appropriately addresses the question of maintaining special character. In most cases where a substitute building is intended and authorised by a resource consent, that by definition maintains the special character, although consideration is given to whether restoration/renovation is practicable and reasonable. Where a demolition only is intended, the applicant would need to show clearly how the special character is to be maintained or enhanced by such demolition.

[140] We are satisfied that the rules enable such an assessment to be made at the time, to ensure that the objectives and policies are achieved. We do not believe any pre-assessment of this would necessarily achieve the objectives and policies. A building that was identified as appropriate for demolition now may very well have changed its contribution to special character by the time any demolition is intended. Pre-classification of the building would simply change parties' expectations in circumstances where a re-assessment may very well lead to a different outcome due to changes within the area or to the building itself.



### **The Efficiency and Effectiveness of this Provision**

[141] The appellants were very concerned at this issue, citing a number of cases where there were significant costs to parties in progressing an application for demolition. We accept that, as previously implemented by Council, such provisions have been unacceptable in application on occasions. Nevertheless, with the rewording that we have now proposed, and the clarification through expert evidence and the hearing that the provisions are about maintaining special character under Section 7(c) of the Act, not historic heritage under Section 6(f), we expect that proper application of the provisions will avoid ineffective and costly arguments relating to demolition and reconstruction. If inappropriate outcomes are obtained, these can of course be appealed to the Court and resolved in that way.

[142] We do not consider there should be no control simply because of the possibility of inappropriate application of the criteria by Council officers. Accordingly, in our view it is not the provisions themselves which are inefficient, but the potential for incorrect application by Council staff. The appropriate remedy in our view to such a course would be to take an appeal, given we have improved the clarity of the wording both in the plan and in terms of this decision.

### **Benefits and Costs**

[143] In this regard, and in respect of questions of efficiency, we are most concerned at the appellant's proposal that there be a current assessment, which would be checked at the time an application was actually filed. We would see a single assessment as at the current time as being clearly inefficient and unnecessarily costly. Given that only some 40 consents were applied for over seven years, it would seem completely unnecessary to undertake an assessment of all the streets identified by Heavy Haulage in the Residential 1 Zone. Only a handful of houses are subject to application in any one year.

[144] It appears to us that the concern is that this cost will instead be visited upon the applicant rather than being met by the ratepayers generally. That is, of course, a matter for Council policy and not this Court. From our perspective we consider that there is clearly a benefit to both the public and the landowner from any such assessment. However more importantly, we believe a proper assessment can only be made at the time the application for demolition is made.



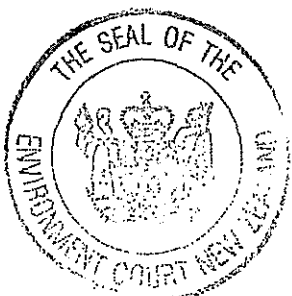
[145] We have noted significant ongoing improvements throughout most of the Residential 1 area. Special character, which at this stage may be considered lower in some areas, could significantly change in future years with improvements conducted to individual homes. Many of these improvements are directly addressed at improving the legacy streetscape, while modernising the homes inside, out of view of the street. Greater experience, care and monies are being spent in these areas, and we are relatively confident that special character will increase in ongoing years. Nevertheless, application of other provisions, particularly to post-1940s houses and the like, might derogate from special character in particular areas in the future. It seems to us inevitable that an examination of the character at the time of the application is required to identify and address the provisions of this plan.

[146] That being the case, it is clearly our view that it is more effective both in terms of time and cost that that assessment be undertaken when required, and not on a zone-wide basis or on a subset of the zone. Moreover, we consider that the control is a cost-effective method of maintaining special character in appropriate cases. With the rewording to the criteria and other wording we consider that the assessment should be relatively straightforward, especially where a new building meeting the character requirements of the plan is anticipated, having first satisfied the demolition control.

## **PART 2 OF THE ACT**

[147] In the final analysis, the question for this Court is whether the proposed provisions, as proposed to be altered by us, achieve the purpose of the Act. In our view, this type of special character is recognised in Auckland and elsewhere as being of importance. The settled provisions of the Zone and PC 163 say as much. These provisions do not apply to all of the areas within Auckland that might display special character. The artificial division into largely Victorian/Edwardian and cottage and garden creates confusion when the issue largely is one of amenity derived from these residential areas.

[148] Recognising that that amenity may change from place to place, we believe that a proper application of the rule could have wider application than just within the Residential 1, 2 & 3 Zones. It is intended to apply only to buildings constructed prior to 1940. The provisions still allow for change within the areas and the control over





construction means that new construction will seek to maintain or enhance the special character of these zones.

[149] Accordingly, we conclude that the purpose of the Act is better achieved by confirming that buildings constructed on their current sites pre-1940 within the Residential 1 Zone are subject to the demolition controls, criteria and rules, as we annexed hereto and marked as **B**. Any review necessary to amend the area covered by the Special Character Zones could be undertaken as part of the Unitary Plan process.

### OUTCOME

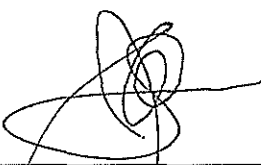
[150] We confirm the Residential 1 zones as shown on the Council Planning maps. We propose a change to Part 7 of the Plan as attached in **B**.

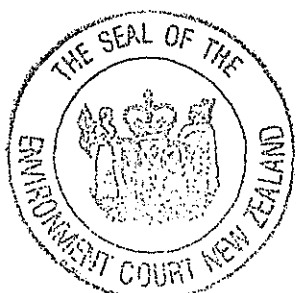
[151] The parties have 15 wording days to file comments on the changed wording. The Court will then proceed to issue a final decision or convene a Judicial Conference upon receipt of these comments.

[152] The appeal is otherwise dismissed.

[153] This does not appear to us to be an appropriate case for costs. Notwithstanding, if any party wishes to make application for costs, they are to file application within 15 working days; reply within 10 working days thereafter; final reply, if any, a further 5 working days.

DATED at AUCKLAND this 2nd day of July 2013

  
\_\_\_\_\_  
J A Smith  
Environment Judge



# Annexure A

## EXPERT WITNESS CONFERENCE – PLANNING (Session 1)

**Case** NZ Heavy Haulage Association Inc v Auckland Council (formerly Auckland City Council) (ENV-AKL-2007-000122).

**Date** 11<sup>th</sup> March 2013

**Venue** Metro Planning Ltd's Office - General Building - Shortland St

### Witnesses present

Name	For
Greg Hill	Auckland Council
Hayes Perkins	Auckland Council
Brian Putt	NZHHA
Duncan McKenzie	NZHPT

**Facilitator** Self facilitated (follow up witness conference to that held on the 14<sup>th</sup> December 2012 and facilitated by Commissioner McConachy).

### Environment Court Practice Note:

It is confirmed that all present:

- Have read the Environment Court Consolidated Practice Note 2011 Code of Conduct and agree to abide by it.

And in particular

- Have read the Environment Court Consolidated Practice Note 2011 in respect of Expert Witness Conferencing (reference 5.4), General Directions on Conferencing (reference 5.6), and agree to abide by it.

### Joint Witness Statement:

The matter of Criteria U, the assessment criteria to assess any application to demolish or remove a pre 1940's building in the Residential 1 Zone, was discussed at the witness conference held on the 14<sup>th</sup> December 2012.

This Joint Witness Statement is to record that the experts listed above (and signed below) have now agreed the "U" criteria and the definition of streetscape. The agreed provisions are set out below:

### **Assessment Criteria "U" - and Definition of Streetscape –**

***(U. Demolition or removal of buildings (more than 30% by volume and excluding accessory buildings) constructed prior to 1940 in the Residential 1 zone***



In considering an application to demolish (either totally or substantially) or remove any building (excluding any accessory building) constructed prior to 1940, the Council will restrict its discretion to the following criteria:

- The intrinsic character and value of the existing building and the contribution it makes to the historic form and pattern of the streetscape and neighbourhood.
- Whether the demolition or removal of the building will detract from the special character of the streetscape and neighbourhood as a whole. To demonstrate this, a site and context analysis shall be submitted which shows the extent to which the existing building shares the dominant original form and design features with other buildings in the street (refer to Appendix 13 for more detail on the requirements for a site and context analysis);
- Whether the building has retained its basic original (or restored) design features relating to the overall form, mass, proportion and materials (i.e. its integrity) so that restoration/renovation of the building is practicable and reasonable, and such that it makes a positive contribution to the historic form and pattern of the streetscape and neighbourhood;
- In the event that there is a concurrent application for a replacement building, whether its design, quality, purpose and amenities would positively contribute to the historic form and pattern of the streetscape and neighbourhood character in accord with the assessment criteria in R above; and
- Whether the structural or physical condition of the building is such that the cost to repair or upgrade it is disproportionately greater than the cost of a new building of a similar size and scale to:
  - <sup>Check it</sup> Bring it up to current code compliant standards; and
  - Provide for modern day living/amenity standards; and
  - Recover its architectural qualities relevant to the special character zone and with regard to the historic form and pattern of the zone.

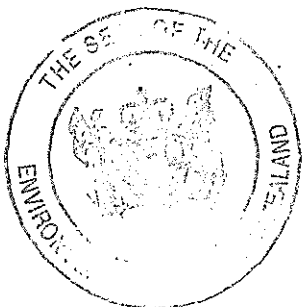
Handwritten notes: "Hand", "mk", "HGP", "BWP" with arrows pointing to the list items.

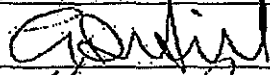
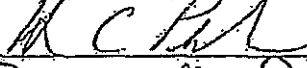
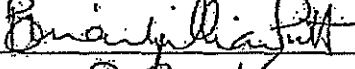
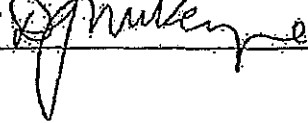
An exception to the above is the moving of a building within the site which will be treated as construction or relocation of a building, see clauses R and T).

Note: the Council holds a set of aerial photos flown in 1940 which may assist the Council and applicants to determine the age of buildings and parts of buildings subject to application for demolition. Upon request these aerial photos can be viewed free of charge.

**Definition - Streetscape in the Residential 1 zone means:**

The image and perception of a street, resulting from the dominant rhythm and grain of the existing subdivision and pattern of built development, and the built features in particular that contribute to or define the historic form, pattern and intensity of the urban landscape.



Witness	Signature	Date
Greg Hill		11/3/13
Hayes Perkins		11/3/13
Brian Pitt		11/3/13
Duncan McKenzie		11-3-13



Targeting- NZHHA – Change 163 – Residential 1”



Targeting - NZHHA -  
Change 163 - Residei



## Targeting- NZHHA – Change 163 – Residential 1

### First arrangement

1. If the residential 1 zone objective as amended by change 163 is for the function of protection of historic heritage for the purposes of section 6(f), then historic heritage buildings and historic heritage areas shall be identified and protected using the scheduling or conservation area methods from part 5C of the plan.
2. Amend the supporting policy to zone objective 7.6.1.1

*By protecting buildings constructed prior to 1940 where they contribute positively to the special heritage character of the streetscape by methods under Part 5C of the plan including scheduling and the identification of conservation areas [or words to same or similar effect]*

3. Delete demolition and removal control unless protected by methods under Part 5C.
4. Make any consequential changes, including to the Design Guidelines.

### Second arrangement

5. If the residential 1 zone objective as amended by change 163 is for the function of maintaining and enhancing amenity values as special built character (not historic heritage for the purposes of section 6(f)) then:

- a. Identify areas of special built character with sufficient aesthetic coherence to justify being subject to demolition and removal control [Mr Wild, paragraph 9.1].
- b. Provide for demolition or removal to be consequential on the grant of resource consent for a replacement dwelling as a permitted [or alternatively, controlled] activity -in areas subject to the demolition or removal control.
- c. Delete references to "protecting" special built character and replace with "maintaining and enhancing".
- d. Insert a statement that the special character residential 1 zone is for the purpose of maintaining and enhancing amenity values, not for the protection of historic heritage for the purposes of section 6(f) per se.
- e. Delete or amend references to "heritage".
- f. Replace references to "protecting pre-1940 buildings" to "controlling the demolition or removal of pre- [1940] buildings" in identified aesthetically coherent areas containing built special character.
- g. Amend final supporting policy to objective 7.6.1.1 to provide for

*Control of the demolition or removal of buildings constructed prior to [1940] where they contribute positively to the special character of identified aesthetically coherent streetscapes unless a new building is proposed that makes a positive contribution to the character of the streetscape. [or words to same or similar effect]*

- h. Specify performance standards (if a permitted activity) or matters over which control is reserved (if a controlled activity) to control the timing of demolition or removal with the construction of the replacement dwelling-in areas subject to the demolition or removal control.
- i. Make any consequential changes, including to the Design Guidelines.



# Annexure B

## PART 7 - RESIDENTIAL ACTIVITY

NOTE: As outlined at [88] of this decision, the Court has clarified the wording of the Plan provisions including the re-wording of Assessment Criteria U. These changes are shown in track-changes. The Court expects that the Council will re-format and re-paginate these sections for readability.

## PART 7 - RESIDENTIAL ACTIVITY

CONTENTS .....	PAGE
7.1 CONTENT AND STRUCTURE .....	A3
7.2 RESOURCE MANAGEMENT ISSUES .....	A3
7.3 RESOURCE MANAGEMENT OBJECTIVES AND POLICIES .....	A4
7.4 RESOURCE MANAGEMENT STRATEGY .....	A5
7.5 IMPLEMENTATION .....	A7
7.6 THE ZONES .....	A12
7.7 RULES : ACTIVITIES .....	A22
7.8 RULES : DEVELOPMENT CONTROLS .....	C1

### Note re Page Numbering

For the purpose of page numbering this Part has been divided into subsections. This assists with the production of updated sections of the Plan for subscribers. It is also in keeping with the format of the on-line version of the Plan.

Page numbering is sequenced as follows:

Page A1, A2, A3 etc

Page B1, B2, B3 etc

Page C1, C2, C3 etc

### Plan change annotations - key



Indicates where content is affected by proposed plan modification x.  
Refer to plan modification folder or website for details.



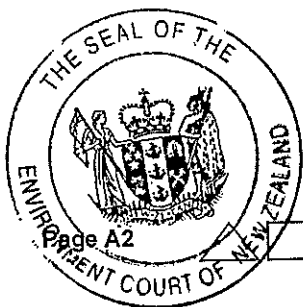
Indicates where the content is part of plan modification x, which is subject to appeal.

Underlined content to be inserted.

~~Struck through~~ content to be deleted.



PART 7 - RESIDENTIAL ACTIVITY



See key on page 1  
of this section

CITY OF AUCKLAND - DISTRICT PLAN  
ISTHMUS SECTION - OPERATIVE 1999  
updated 16/04/2012





## PART 7 - RESIDENTIAL ACTIVITY

### 7.1 CONTENT AND STRUCTURE

The Plan recognises that:

- Residential activity is the major land use occurring on the Isthmus;
- Residential areas are collectively made up of a broad range of communities and neighbourhoods, reflecting different lifestyles, aspirations and built environments;
- Residential activity is comprised of a range of elements that contribute to the environmental qualities of the various residential areas;
- Residential activity requires particular measures to be adopted that manage residential areas in a manner which maintains and enhances their amenity values while ensuring the efficient use and development of the natural and physical resources concerned.

This Part is presented as follows -

- **Resource Management Issues**

This outlines the significant resource management issues concerning residential activity within the district.

- **Resource Management Objectives and Policies**

This outlines how this Part intends to deal with the identified residential activity issues.

- **Resource Management Strategy**

This outlines the strategy for managing activities and development within a variety of residential zones and explains the reasons for the management approach, together with anticipated results.

- **Implementation**

This outlines and gives an explanation of the methods adopted to meet the objectives, policies and strategy for the residential zones.

- **Zones**

This outlines the different residential zones adopted by the Plan and explains their application.

- **Activities**

This specifies the rules required to implement the policies by regulating or allowing certain activities to give effect to the residential resource management policies.

- **Development Controls**

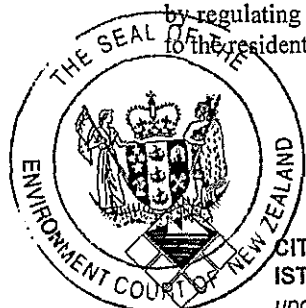
This specifies the development control rules which the Plan adopts to ensure that the actual or potential effects of activities within the residential zones do not adversely affect the environment.

### 7.2 RESOURCE MANAGEMENT ISSUES

The Plan seeks to create a resource management approach that maintains the high environmental quality of the district's residential areas, while providing opportunity for development and activity at a level and form that meets the needs of this and future generations. It must also address the following issues:

- The need to provide for residential growth through intensification in a manner that gives effect to the Growth Concept of the Auckland Regional Growth Management Strategy, the Auckland Regional Policy Statement, and the Council's adopted Growth Management Strategy. The Future Planning Framework and the outcomes of the precinct plans and liveable community plans should also be utilised to guide development.
- The need to maintain and enhance a quality urban environment through urban design and the assessment of the character and qualities of the built environment;
- The need to recognise, [~~protect~~] maintain and [~~where possible~~] enhance the recognised character and amenity of established residential environments; 163
- The need to provide opportunities for innovation and flexibility in accommodating demands for new and different housing solutions;
- The need to provide for activities where they complement the residential environment.

The objectives and the policies in regard to these issues are set out as follows:



**7.3 RESOURCE MANAGEMENT OBJECTIVES AND POLICIES**

**7.3.1 OBJECTIVE**

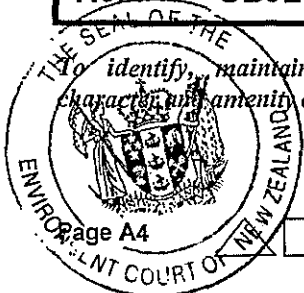
*To provide opportunities for residential growth in Auckland by encouraging suitable intensification of housing in appropriate locations.*

**Policies**

- By selecting those residential areas which are suitable for further intensity and applying sufficiently liberal controls.
- By identifying those residential areas which are appreciated for their special character and applying controls which will ~~protect~~ maintain and enhance their special character.
- By providing for a graded intensity in residential development potential across the Isthmus to permit variety in environment and lifestyle.
- By regulating the intensity of new residential development according to the availability of public utilities and services and to foster their efficient use.
- By providing for and encouraging facilities and services to enable higher intensity residential development in proximity to major public transport corridors, nodes and retail centres.
- By providing for residential redevelopment opportunities in former non-residential buildings and locations.
- By providing opportunities for a more compact urban lifestyle within specified growth areas through the application of the Residential 8 zone.
- By avoiding or mitigating conflict or incompatibility (including reverse sensitivity effects) between new land uses and both existing and planned future regionally significant infrastructure. For the purpose of this Objective "planned future regionally significant infrastructure" is regionally significant infrastructure which is the subject of a Notice of Requirement designation or resource consent or which otherwise has statutory planning approval.

**7.3.2 OBJECTIVE**

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



See key on page 1 of this section

**Policies**

- By ensuring that the type and intensity of residential activity in each area occurs at a level capable of being sustained by the local environment.
- By adopting measures aimed at ~~protecting~~ maintaining and enhancing the heritage, ~~legacy~~ elements, characteristics and qualities of certain residential areas 163

**7.3.3 OBJECTIVE**

*To provide for a broad and flexible range of residential development while offering reasonable protection to the amenities of neighbouring properties and the local environment.*

**Policies**

- By providing for a wide variety of households as may be appropriate to the site and local environment characteristics to satisfy the diverse needs of present and future residents.
- By adopting planning controls which are sufficiently liberal to allow the creation of a wide range of housing types.
- By ensuring that planning controls and bylaws are only imposed to achieve specific objectives and/or to remedy a particular problem.
- By primarily applying development controls which ~~afford protection~~ maintain ~~to~~ the amenities of neighbouring sites.
- By applying minimum control to ~~achieve protection of~~ maintain on-site amenities and to maintain flexibility for future occupants.

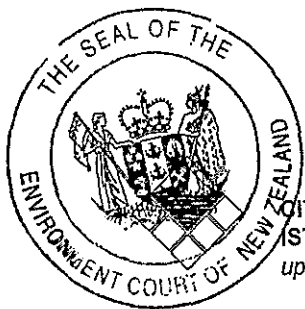
**7.3.4 OBJECTIVE**

*To recognise that certain non-residential activities can be located in residential areas in a way which maintains and enhances the amenities of the area and enables people to provide for their social, economic and cultural well-being, and for their health and safety.*

**Policies**

- By providing for non-residential activities in certain residential areas where the activities are not disruptive of residential amenities.
- By permitting ancillary work opportunities by way of home occupations.
- By taking into account the impact of location, scale, and generated effect on neighbouring sites and the local environment when administering development controls in relation to non-residential activities in residential zones.





**7.3.5 OBJECTIVE**

*To promote high quality distinctively Auckland urban design within specified residential areas of the city.*

**Policies**

- By applying urban design rules, criteria and guidelines to areas where higher density development is promoted.
- By requiring new multi-unit development to complement the context of the surrounding neighbourhood, reinforce distinctive local character and ~~protect~~ maintain amenity values.

**7.4 RESOURCE MANAGEMENT STRATEGY**

**7.4.1 GROWTH THROUGH INTENSIFICATION**

Auckland's population will continue to gradually increase. Since the Isthmus is substantially built up, there are few vacant sites available for further subdivision. Provision for additional housing will largely be made through infill and new development in existing residential areas. The Plan recognises and addresses the need for residential growth and the constraints placed on it in terms of:

- infrastructure limitation; and
- the concern of the community to maintain and enhance the particularly appreciated existing character of residential areas.

The Plan seeks to achieve a balance between maintaining the established residential character of areas while providing sufficient flexibility to allow further development. More compact urban residential living will be promoted within specified growth areas through a process of consultation with the community and through the application of the Residential 8 zone. The community consultation process will develop a planning framework for managing future growth which facilitates the development of quality urban environments where people live within walking distance to work, schools, civic facilities, shops and parks and have easy access to public transport. The technique of grouping areas of similar character into residential zones is retained in the Plan. Within the zones there is flexibility which allows for the location of activities which can be serviced by the infrastructure in an area and which are compatible with its character and

The Plan's residential zoning pattern is designed to reflect the ability of the district to accommodate the additional residential development required to house Auckland's growing population.

In addition to character and amenity, the elements that assist in determining the intensity of residential development appropriate to an area are

- drainage
- roading
- public transport
- access to community services, business centres and areas of open space
- natural hazards.

**Drainage**

The Isthmus' drainage system requires upgrading. This work is required whether or not development intensification occurs. If residential activity is intensified this will increase the urgency of this work, as well as adding to the costs of further development. The cost of upgrading will ultimately be borne by the community. Further development could provide a positive benefit by actually increasing the community's ability to pay the costs of upgrading. Higher density development will be provided for in those areas where the overall potential of the drainage system has been classified as suitable for further development.

Certain areas of the district would have the potential to support further development but inadequate sanitary drainage means that such development must be limited until the drainage system has been upgraded.

**Roading**

High intensity residential development will continue to be provided for on the regional and district arterial roads. These roads have substantial vehicle carrying capacities and are the major focuses for the public transport system and the district's shopping facilities. However, methods may need to be employed to mitigate the effects of new, more intensive developments accessing directly onto the regional arterial roads. Sufficient space must be provided on these sites to accommodate the vehicle requirements (ie parking, loading, and on-site manoeuvring) generated by activities on these sites. On non-arterial roads, residential density is unlikely to be constrained by capacity but will be influenced by safety issues and the acceptability of increased flows to existing residents.

**Public Transport**

The Council recognises the desirability of land use policies complementing the community's investment in an effective public transport system. This is reflected in policies which seek to promote higher intensity residential development on



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major public transport routes. Higher density redevelopment has already occurred in some of these areas.

In addition the Council is committed to supporting an efficient public transport system. Such a system will be assisted through increased densities and intensification of activities on the major public transport corridors.

#### Access

For convenience and the promotion of the sustainability of the community's resources, access to

- community services
- business centres
- open space
- leisure activities
- public transport

is an important factor in the residential zoning pattern.

The Plan encourages, through higher densities, the concentration of residential activity around these facilities in order to

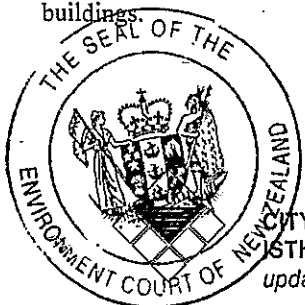
- maximise the investment in them
- to ensure that no unnecessary duplication occurs
- to encourage where possible, the efficient use of energy resources.

The concentration of higher residential density in areas well served by such facilities will reduce pressure on areas with unsuitable access and infrastructure.

#### Natural Hazards

Development in certain areas of the Isthmus will be constrained by natural hazards. Landslip, subsidence and areas prone to flooding are the natural hazards of particular concern. Certain areas of the Isthmus are known to be susceptible to these natural hazards. The Plan seeks to promote land stability, minimise flooding and ensure that the environment is not vulnerable to landslip, subsidence and flooding.

Natural hazard areas can change over time due to a worsening of the problem or through engineering improvements. As a consequence, a specific hazard zone has not been adopted. However, additional development controls and appropriate restrictions may be imposed on development in these areas (refer PART 5D - NATURAL HAZARDS). These include controlling the removal of vegetation, restricting earthworks, and control on the location of buildings.



### 7.4.2 CHARACTER AND AMENITY

In providing for further residential development the Plan seeks to ensure that the individual amenity of each residential area is maintained and that development occurs at levels appropriate to each locality. The identification of the physical character of residential neighbourhoods has been an important ingredient in the determination of the residential zones and their permitted density, activities and development controls.

In certain areas this character is so special as to warrant its ~~protection~~ retention. This has resulted in a series of special character zones being identified on the Isthmus [~~(namely the Residential 1 to 4 zones)~~]. These areas are a key part of Auckland's ~~heritage built legacy~~, but their amenity value is fragile and could be damaged by ~~the demolition/removal of buildings and by~~ unsympathetic or ~~discriminatory~~ land development, building forms and densities. 163

These areas represent a scarce legacy from the City's past. They require ~~protection~~ retention in order that they may survive and be appreciated by future generations. The special character zoning will result in the [~~conservation-protection~~ maintenance of the special character of these areas. Controls are applied to [~~conserve-protect~~ retain] the particular element(s) [~~or qualities~~] which give each area its character, such as development intensity, form, [~~site, lot~~] size, building style, mature planting. The level of ~~protection~~ control varies according to the intent of the zone. [~~The special character zones are in general distinct from Conservation Areas as identified in Part 5C.7.2 of the Plan. The generally more strict and specific rules applying to Conservation Areas are in addition to the rules of the underlying special character zone.~~] 163

The standard residential zones accommodate the community's demand for additional housing on the Isthmus. These zones are dispersed throughout the Isthmus. They will provide varying opportunities for increases in the resident population, as well as facilitating the development of a range of residential housing types and environments. In these residential zones regard is had for the local environment and measures are adopted to secure amenity values. The zoning pattern reflects the local variations in topography, subdivision size, built form, and levels of development. These factors have, over time, contributed to people's appreciation of an area's pleasantness. [~~These standard residential zones allow a greater degree of flexibility of building design than the special character residential zones.~~] 163

### 7.4.3 INNOVATION AND FLEXIBILITY

Household size and the composition of the City's population is expected to alter continually. As well as the traditional

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of this section



family units, Auckland's population comprises a variety of groups, with different housing needs. The housing needs of these diverse groups are recognised. But rather than aiming to anticipate every possible housing need, the Plan provides a range of residential densities and contains sufficiently flexible controls to allow the creation of a wide range of housing types. Planning mechanisms have been developed to encourage innovative and integrated approaches to the provision of a wide range of residential accommodation. These developments are expected to involve concepts or characteristics of merit in terms of their location, intensity, form, content or tenure which warrant special provision. Planning requirements provide sufficient flexibility to facilitate housing types which are culturally appropriate.

**7.4.4 ACTIVITIES**

A broad range of activities are provided for in residential areas. However, not all of these activities will be appropriate in every residential area. Because certain residential areas may need greater protection, a limited range of activities is considered appropriate. In the higher intensity residential areas a wider range of activities is provided for, where these activities benefit or service the residential area.

Certain activities can generate effects which may adversely impact on the amenities of adjacent residential sites and the surrounding neighbourhood. These impacts will be controlled to ensure a reasonable level of protection.

**7.4.5 URBAN DESIGN**

Good urban design is an essential factor in ensuring that the amenity of residential areas is maintained and enhanced, particularly those where higher density development is encouraged. In such areas good urban design, rather than density, is the predominant factor in maintaining amenity for both residents of a development and neighbours. The Plan recognises that good urban design is not only achieved through specific rules, and so multi-unit development over a certain scale and new residential development in specified growth areas is subject to a resource consent process with related urban design assessment criteria.

**7.4.6 EXPECTED OUTCOMES**

Residential activity is the major land use on the Isthmus. The resource management strategy adopted in the Plan for residential activity will enable all sections of the district's residents to meet their housing needs.

There will be a level of control on residential activity that provides flexibility for development, while ensuring that the character and amenity of the district's many residential

environments are ~~protected~~maintained. The ~~protection controls provided for~~ amenities within a residential site will safeguard amenities for future residents, and will result in benefits being derived for the community as a whole.

The comprehensive approach adopted to reduce any anticipated adverse impact on neighbouring sites and the local environment will achieve the residential objectives in the best practicable method. The approach is intended to avoid where possible the duplication of controls that in the past has restricted development to an unreasonable extent.

Residential areas that warrant particular consideration due to their special character have more restrictive controls applied in order to ~~protect~~maintain ~~[and enhance]~~ their uniqueness ~~[and the particular elements or qualities that are characteristic of the streets and areas that warranted inclusion in the zone]~~. 163

Areas able to sustain more intensive residential development due to the absence of infrastructural constraints and the presence of community facilities and services will benefit from the growth resulting from increased opportunities for new development.

The flexibility offered in the residential rules will encourage innovation in respect to the creation of a range of housing types to meet the special housing needs of Auckland's diverse population.

The activities that will locate within the district's residential areas are expected to supplement the amenities of the community. Activities are expected to control any anticipated adverse impacts to a level that ensures a reasonable level of ~~protection for the amenities~~amenity of ~~the~~for neighbouring residential land and the general environment.

**7.5 IMPLEMENTATION**

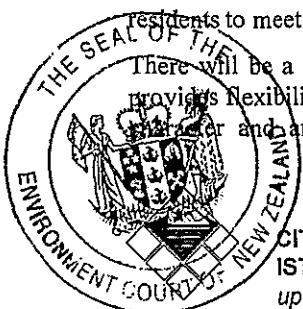
**7.5.1 PLAN METHODS**

**7.5.1.1 ZONING**

Zoning is used as the primary management technique determining the future distribution of residential activities on the Isthmus. It takes a traditional approach to the extent of identifying specific locations, but the distribution pattern is performance orientated.

It is based on the actual physical characteristics and functions of activities and their effects on the local environment. This approach will ensure that the level of development permitted in each locality is compatible with the ability of the area to cope with additional development.

The zoning provisions are orientated towards providing greater flexibility for developers appropriate to the local



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environment, while attempting to maintain or even enhance the amenity values experienced by the local community.

Figure 7.1 outlines the process used in developing the residential zoning pattern.

The distribution of the residential zones across the Isthmus has been determined by the interaction of the following principal factors:

- Infrastructure constraints (in particular, drainage and roading);
- Access to services, shopping, and leisure opportunities;
- Local environment (topography, existing development);

The zoning pattern is qualified by the identification of exceptional areas which warrant special ~~protection controls~~ or safeguards. There are certain areas where controls are applied to [~~conserve-protect-maintain~~] the particular elements [~~or qualities~~] which give each area its character, such as development intensity and form, lot sizes, building style, mature trees, etc. 163

### Special Character Residential Zones

The Isthmus is largely developed. The Council therefore recognises that it is not solely the natural features such as landform, coastline and vegetation that contribute to the special character of environments. Some environments are special as a consequence of the presence of recognisable man-made features that form or create a cohesive character. Other environments reflect a special character as a consequence of the presence of a mix of both natural and man-made features.

Certain environments within the Isthmus comprise features that are considered to justify ~~protection controls~~ on the premise that they are a scarce legacy to this generation. Specific measures have been incorporated in the Plan to ensure that these environments are able to be appreciated by future generations. Generally the value or special character of a particular environment is primarily viewed from the road. Other vantage points such as reserves, public thoroughfares, and the sea also offer opportunities for the public to gain an appreciation of this special character. When assessing the special character of an area the public visibility of its qualities will be an important factor.

Features that contribute to the special character of an environment include:

- Landform;
- Aspect - climate/views;
- Age, style and condition of housing;
- Lot size/width;
- Set-back and density of housing;

In the residential 1 zone and the older less diversified residential 2 zone, window/wall ratios;

- In the residential 1 zone and the older less diversified parts of the residential 2 zone, traditional gabled and/or hipped (with lean-tos to the rear), pitched roof forms;
- In many parts of the zones a transparent and interactive relationship between building and street;
- The 'grain' of the area - the size, spacing and rhythm of street-front buildings;
- Character of front yard;
- Character of street - width, berms, etc;
- Presence of trees and shrubs, on/off street;
- Property boundary definition - hedges, fences, walls;
- Quietness/seclusion;
- Historical ambience.

In each case, there needs to be a measure of coherence to bind an area together in terms of some of these features.

Special character [~~or heritage quality~~] is apparent when:

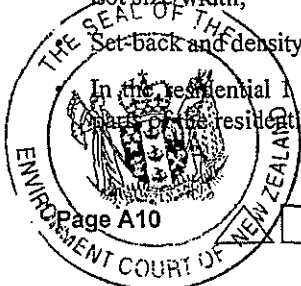
- components such as buildings, trees and views combine to create a distinctive character; [~~and/or~~]
- landform or setting makes an important contribution to this character; [~~and/or~~]
- the scale and/or style of subdivision [~~pattern~~] and/or building has a high degree of coherence and continuity, and/or has remained relatively free of intrusions; [~~and/~~] or 163
- there is a predominance or cohesion of individual buildings which are individually of merit.

Three types of special residential character have been identified on the Isthmus (set out in the following table). These range from those in which the built environment predominates to those where the flora predominates. Between the two lie combinations of built and natural landscapes and vegetation.

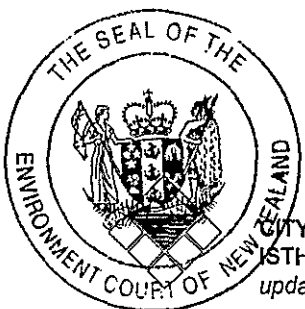
Examples of these environments may be found in various locations around the Isthmus and as a consequence sub-zones have been developed to account for particular variations.

The special character zones sit within a continuum of heritage provisions in the Plan. The highest level of protection is for the protection is by the scheduling of specific heritage buildings within the Plan, followed by the Conservation Areas, and then the controls within special character zones. Refer to Part 5C.5 IMPLEMENTATION for further detail on scheduled features and Conservation Areas. 163

~~[Not all residential special character zones require the same level of protection.]~~ Depending upon the uniqueness and scarcity of the particular character, various degrees of ~~protection control~~ apply [within the special character zones. The greatest building restrictions applying in those of the residential







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~~1 zone which fall within Conservation Areas, where detailed design criteria apply. Elsewhere in the Residential 1 zone, and in the Residential 2 and 3 zones, the design criteria applicable are of a more general nature].~~ 163

The control regime for the special character residential zones involves a progression of control and emphasis between the predominantly "built" and the predominantly "natural" type of residential environment ~~[(from the Residential 1 zone to the Residential 4 zone)].~~ In each of the special character residential zones the controls reflect and reinforce the identified character ~~[of an area.]~~ Controls specific to these zones include: 163

- density limits;
- limits on infill;
- controls on bulk and location for buildings;
- ~~[prescriptive] design [and appearance] criteria for external alterations/additions and new buildings [(including the Architectural Design Guidelines);~~
- ~~voluntary design criteria;]~~
- earthworks control;
- control on demolitions ~~[and/or removal of buildings.]~~

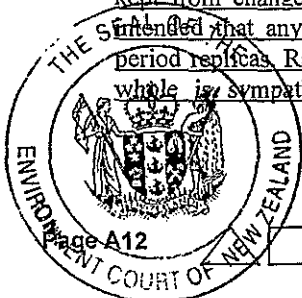
Other development controls are applied in common with the standard residential zones.

In general the controls will have the outcome of ~~protecting maintaining the [various heritage and amenity features identified special character of a street and/or area.]~~ In addition, the controls are expected to provide a climate of stability and certainty that will encourage private owners to maintain and rehabilitate their period homes. This should help to ensure the ~~[conservation protection maintenance of the special character]~~ of the City's early timber built suburbs. In particular areas, the controls will also secure the ~~[protection retention]~~ of extensive areas of trees which provide special neighbourhood character. 163

While these controls seek to achieve the maintenance of the special character of particular areas, it is acknowledged that the general character of these areas is also affected by the design and appearance of ~~[streetscapes,]~~ road works and services. Therefore the Council will develop and promote local traffic management techniques, service provision (eg undergrounding), and ~~[pavement and kerbing design and]~~ road planting programmes, where appropriate, which are sympathetic to the objectives and policies of the special character zones.

~~[The Plan does not intend that the elements or qualities which give the special character zones their uniqueness be kept from change (i.e are 'frozen in time'). It is also not intended that any new building in these zones should be period replicas. Rather it is intended that development as a whole is sympathetic to, and respects, such elements,~~

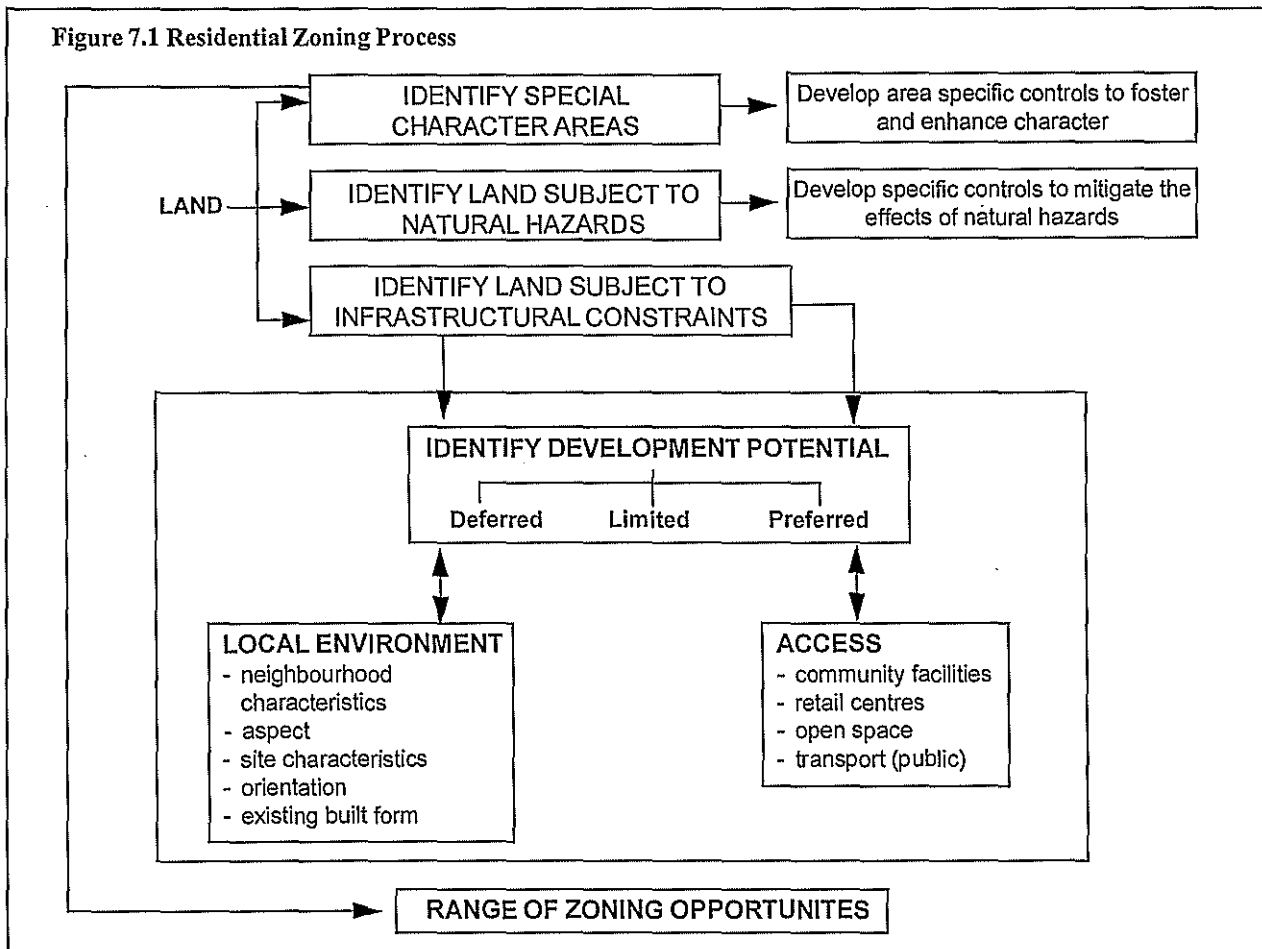
ensuring that the special character of an area is retained.] 163



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Figure 7.1 Residential Zoning Process



CONTINUUM OF TYPE	ZONE NAME	CHARACTER (ABBREVIATED)	EXAMPLES
Built Environment	Residential 1 Built	Largely Victorian/Edwardian housing, with some modification and infill. Generally a lack of large trees.	Much of Ponsonby, and parts of Mt Eden
Composite Built and Natural Environment	Residential 2 Built/Flora	Garden suburbs of the Edwardian villa/English cottage periods. Many large trees.	Entrican Avenue Landscape Road
	Residential 3 Built/Landform	Residential areas occupying slopes of volcanic cones.	Pere Street Summit Drive (Mt Albert)
Natural Landscape	Residential 4 Flora dominant	Natural forest, undisturbed but zoned for limited residential use.	Granny's Bay



**Standard Residential Zones**

Three types of standard residential zone (low intensity, medium intensity and high intensity) have been identified on the Isthmus. These aim to recognise the wide variety of residential opportunities and environments that currently exist, as well as providing opportunities for the development of further housing.

Unlike the Residential 1-4 zones, the other residential areas of the district do not have an identifiable and quantifiable special character. The built form, age of development, vegetation and landform varies considerably throughout.

Within these areas however, a combination of factors can be found that set areas apart from others. In some areas it is the low intensity of existing residential development. In others, it is the diverse form of existing development.

**Changes in Zoning**

Provision is made for changes to occur in the residential zoning pattern. It is recognised that over time the local environment and infrastructural constraints in a residential area, that initially determined its zoning, may change. In such circumstances the zone applied may no longer be appropriate.

Where this occurs the Council may either initiate a change to the Plan or may consider a formal request for a change from residents in the area. In assessing a change in zoning the Council will consider:

- The physical characteristics and functions of activities provided for in the proposed zone and their effect on the local environment;
- Methods of ensuring that the amenity values experienced by the local community will not be adversely affected and where possible will be enhanced by the proposed zone;
- Ensuring that factors such as any infrastructural constraints experienced by the local environment (in particular drainage and roading), and the ability for development to access services, shopping and leisure opportunities, are at a level consistent with the intensity of development likely to result from the proposed zone.

**7.5.1.2 ACTIVITIES**

Residential accommodation is the primary activity provided for in all the residential zones. The type of accommodation and scale of intensity is determined in accordance with the zonal objectives and policies where appropriate. In the less intense residential zones the predominance of established and appreciated residential activities contribute largely to the zones character. The range of activities is accordingly limited to ensure the retention of that predominantly residential character. A wide range of activities is permitted in the higher density residential zones where provision is made for ancillary activities which either provide a service to

the surrounding residential neighbourhoods or may provide limited employment opportunities.

The effects likely to be generated by home occupations, care centres and rest homes at the specified intensity levels are not anticipated to differ from those generated by residential units at the density level provided for in each of the zones. The intensity levels are derived from the Plan's definition of 'household'. The definition includes a group of up to eight unrelated persons. It is considered that by keeping the intensity level for these activities in line with those for residential units, the residential character and amenities of the locality will be maintained.

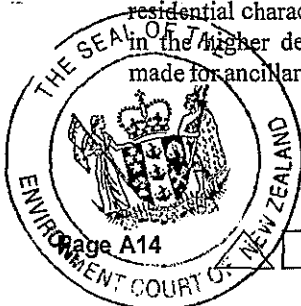
The use of artificial lighting in a residential area can have a significant adverse effect if light spill and glare impacts on adjoining sites. In general the use of artificial lighting is controlled by the methods outlined in CLAUSE 4.6 ARTIFICIAL LIGHTING of the Plan. However where the illuminance of the artificial lighting exceeds 150 lux at ground level, additional control and assessment is considered necessary in order to ensure that any adverse effect is avoided, reduced or mitigated. Therefore the use of artificial lighting producing an illuminance over 150 lux at ground level, is a discretionary activity in the residential zones.

**7.5.1.3 DEVELOPMENT CONTROLS**

The primary purpose of the development controls is to afford a reasonable level of protection for the amenity values, and the natural and physical resources appreciated by the community.

The community has come to expect certain amenity standards within their residential areas. To ensure these standards are achieved a range of development controls are included in the Plan. The development controls set for residential areas are in many instances more restrictive than those for the other activity areas.

The Plan seeks to regulate the type and intensity of residential land use at a level capable of being sustained by the local environment. A core group of controls apply to the range of standard residential zones. They seek to promote zonal objectives and policies. In the Residential 1 to 4 zones they are applied to [~~conserve protect maintain~~] the particular elements [~~or qualities and characteristics~~] which give each area its [~~special~~] character [~~and amenity~~], such as development intensity and form, lot size, building style, mature trees etc. Not all residential character areas require the same level of protection. Depending upon the uniqueness and scarcity value of the particular character, various degrees of protection apply. [~~The Plan seeks to control the type and/or height of fences or walls and other structures constructed within the required front yard of sites in the Residential 1 and 2 zone to ensure that those elements or qualities that characterise areas within the zone are protected controlled maintained.~~] In the Residential 5 to 7 zones the controls are primarily designed to afford reasonable protection control for the amenity values and natural and physical resources of the general environment.



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They also provide a reasonable degree of amenity on multi-unit development sites. Some of these controls, eg building coverage, landscaped permeable surface, and paved impermeable surface, are applied to ~~protect~~ control/safeguard the natural environment by reducing loads on the local drainage infrastructure and for amenity reasons by reducing building bulk and paved surfaces. Other controls including noise, access and parking controls, apply across all the zones. 163

A modification to one or more of the development controls in certain circumstances is provided for in Clause 4.3.1.2B. DEVELOPMENT CONTROL MODIFICATION.

#### 7.5.1.4 FINANCIAL CONTRIBUTIONS

The Council is permitted under Section 108 of the Act to take financial contributions for any purposes stated in the Plan. Financial contributions are used extensively in the Plan in the management of residential development and activities for the following purposes:

- Reserves;
- Infrastructure;
- Environmental protection including protection of coastal areas;
- Heritage protection.

Financial contributions may take the form of cash, land, works and services or a combination of these.

Where a financial contribution is required it will in general be obtained as a condition of a subdivision or land use consent. Financial contributions for reserve purposes will be required from most residential development and so are required as a condition of a permitted activity.

Reference should be made to PART 4B - FINANCIAL CONTRIBUTIONS of this Plan to gain an understanding of the application of financial contributions to residential development on the Isthmus.

#### 7.5.1.5 ACCESSORY BUILDINGS

The Plan provides for accessory buildings which are incidental to other buildings and permitted activities in the residential zones. Accessory buildings may include garages, carports, glasshouses, sleepouts, games rooms, spa pools, swimming pools or other similarly incidental uses. None of the residential zones have any specific development controls, such as additional size or height limits, for accessory buildings. Rather the same development controls apply to both accessory buildings and residential units. This allows people a considerable degree of flexibility in the arrangement and use of buildings on a residential property.

The key characteristic of accessory buildings is their incidental nature. The Plan does not intend that they be used to provide self-contained residential accommodation. Rather the density rules of the Plan must be complied with. At times

it can be difficult to determine whether a proposed building fits into the definition of 'accessory building'. In determining whether a development is an accessory building, or a residential unit, or neither, the Council will have regard to the following matters:

1. The functions that the building performs, or is likely to perform given its design and internal layout;
2. The size and location of the building in relation to existing residential unit(s) on the site;
3. Whether the building provides, or is capable of providing, all the residential needs of one or more inhabitants.

### 7.5.2 OTHER METHODS

The Act requires the Council to consider alternative methods of achieving the purposes of the Act in addition to District Plan rules. For these alternative methods see ANNEXURE 1.

## 7.6 THE ZONES

### 7.6.1 RESIDENTIAL 1 (BUILT)

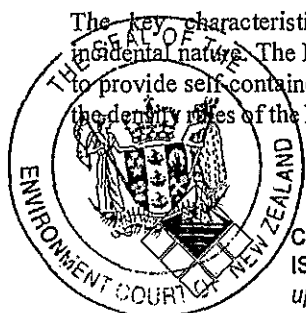
#### 7.6.1.1 OBJECTIVE AND POLICIES 163

##### Objective

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

##### Policies

- By maintaining the authenticity ~~of~~ character of ~~[land included in]~~ the zone in relation to activities and development, and by ~~[discouraging-preventing]~~ other work which is not in sympathy with the ~~[identified special]~~ character.
- By ~~[encouraging-requiring]~~ renovation and new building construction in a manner which maintains ~~[and-protects]~~ the historic form, ~~[and]~~ pattern, intensity and grain of buildings and streetscape in the ~~[zone-areas to which the zone is applied]~~.
- By ~~protecting-maintaining~~ the special level of amenity that exists in the area, against the adverse effects of more intensive non-residential activities.
- By imposing provisions which seek to maintain and as appropriate enhance the amenity of the streetscape appearance of these areas through controlling structures



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in the front yard and through road maintenance and improvements compatible with the character of the vicinity.

- By providing for activities to be conducted in existing buildings that can ensure the restoration and maintenance of the fabric of any building on the site, where the building is of the characteristic historic period.
- [By encouraging, where practical, the construction of garages and carports to the rear of, underneath (where appropriate in terms of topography), or alongside the building on the site to ensure the front garden and façade remain visible to the streetscape.]
- By protecting-controlling the demolition/removal of buildings constructed prior to 1940 where they contribute positively to the special character of the streetscape.]

### 7.6.1.2 STRATEGY 163

The Residential 1 zone's environment is an essential element of Auckland's heritage-built legacy, which has been described as 'the most extensive range of timbered housing with its classical details and mouldings in the world'. In this zone the houses are largely Victorian-Edwardian but some modification has occurred with later infill such as the very plain 'transitional'- style bungalow of the 1910's. The houses generally stand close to the street and each other on narrow small sites. There are streets within the zone, (eg Renall Street) which show particular coherence of form and character. These will be subject to additional controls as Conservation Areas (see PART 5C - HERITAGE).

In this environment, built form predominates and is finely articulated. Typically, the front garden is open to view, often beyond a low picket fence, which is an important element of the streetscape. There is generally a lack of large trees. Two types of character exist within the zone. In one type, exemplified by Wanganui Avenue, the street layout is rectilinear, there is consistency of lot size and building set back, and period styles tend to be repeated. In the other type, as in Vine/Melford Street, there is a variety of lot sizes and a rich profusion of period styles.

In light of the [heritage and amenity special] character of the areas encompassed within the Residential 1 zone, new building construction, other than minor works as described, requires a resource consent in order that compliance with the relevant objectives, policies and rules can be assessed.

For new or ~~altered~~ buildings and external alterations/additions, appropriate design criteria [(including Architectural Design Guidelines)] are applied to maintain consistency of building set-back and of architectural mass, form, proportion, detail and materials within the zone, including treatment of the front boundary. Because of the ~~small~~ lot sizes, buildings are permitted to cover a larger proportion of the sites than in the standard zones. The ~~building~~ set-back for dwelling construction is determined on

[As the streetscape is an important element in the Residential 1 zone, it is expected that the provision of off-street parking will be in the form of a car parking pad or a single width garage or carport (under certain circumstances) if located to the front of the existing building on the site (particularly within the front yard). It is expected that double garages or carports will be located to the rear of, alongside or underneath (where appropriate in terms of topography) the existing building on the site, to ensure that visibility of the existing building from the street is maintained.]

Controls are applied to the erection of walls, fences and other structures at the front boundary. Generally walls and fences shall be required to be characteristic of the era ~~being~~ ~~[conserved/protected]~~ special character in the zone. There will however be exceptional cases such as a street on a lava flow [in basaltic volcanic areas] with a legacy of scoria walls which should be maintained. Concrete block or stucco walls should generally

be avoided. [In addition, it is recognised that the need for the protection of children and the security of households and property not to be unnecessarily compromised, is a factor to be taken into account in considering the appropriate scale and form of the wall or fence to be erected.]

Subdivision is permitted down to a lot size of 400 m<sup>2</sup>, to recognise and maintain the close-knit character of the area.

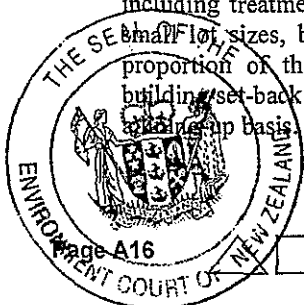
Within the Residential 1 zone there are existing buildings and activities that are not residential in nature. These have generally been included in the Residential 1 zone because the activity is representative of the heritage-built legacy and character that the zone is seeking to promote or because the building in which the activity is located is characteristic of the period that the zone is seeking to retain.

In many cases the activity has been present on the site from the building's time of construction. As a consequence the activity itself is able to provide a link with Auckland's heritage. In other instances the presence of the activity has and will continue to ensure that the building is protected maintained and enhanced.

A special level of amenity exists in the area which requires protection to be maintained from the adverse effects of intensive activities. Activities will require consent in order that the compatibility of the particular activity with the special character of the area can be assessed. [Proposals that require the removal or damage of historic building stock, are unlikely to be consented to.]

External additions or alterations to existing buildings on sites in this zone are classed as controlled activities. Where the criteria set out in Clause 7.7.3.2 ADDITIONAL CRITERIA FOR SPECIFIC ACTIVITIES are met, it shall be deemed that the activity is of minor effect and that no person will be adversely affected by the granting of such resource consent.]

[The total or substantial demolition or removal of buildings (more than 30% by volume and excluding accessory buildings) is controlled so that consideration can be given to



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the extent the building contributes to the special characteristics and qualities of the streetscape. Demolition or removal below this threshold will be considered as an external alteration. The exclusion of accessory buildings from this provision does not extend to the demolition of an accessory building on a property scheduled (i.e site and surrounds) in the Plan. Refer to clause 5C.7.1.3 for such accessory buildings.] 163

### 7.6.1.3 EXPECTED OUTCOMES 163

The controls in the Residential 1 zone are expected to provide a climate of stability and certainty. This will encourage private owners to maintain and rehabilitate their period homes in a manner that is in keeping with the form of the surrounding built environment. [The provisions of the Residential 1 zone will also ensure that new building construction is sympathetic to, and consistent with, the elements and qualities of the surviving original character that give areas in this zone their special character.]

## 7.6.2 RESIDENTIAL 2 (BUILT/FLORA)

### 7.6.2.1 OBJECTIVE[S] AND POLICIES

#### Objective

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

#### Policies

- By ensuring renovation of existing buildings and new buildings maintain the historic form and pattern of buildings, open space and distinctive streetscapes of areas included in the zone.
- By maintaining the architectural values of period housing predominant in the street.
- By ~~protecting~~ controlling the demolition/removal of buildings constructed prior to 1940 where they contribute positively to the special character of the streetscape.

#### Objective

*To 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.*

#### Policies

- By maintaining the quality of spaciousness which characterises areas included in the zone.
- By requiring the retention of the larger trees, located on private property, roads and reserves, which give areas included in the zone a distinctive character.
- By requiring replacement planting to maintain the landscape qualities and spaciousness of areas in this

zone. Replacement with indigenous trees will be encouraged when this is the traditional pattern of planting in the area or when an indigenous tree has been removed.

- By ensuring that the spacious and well-landscaped front yards which are typical of land in this zone retain a reasonable degree of visibility from the street.

**Streetscape Character, Streetscape Value or Character of the Streetscape** means: The image and perception of a street which includes the composition of elements in a street, that combine to create the urban landscape, including the natural and built features and the spatial qualities of the street.

This definition applies to only the Residential 2 zone and does not apply to any other parts of the District Plan.

### 7.6.2.2 STRATEGY

The Residential 2 zone is characterised by generously sized lots, wide roads and low densities. Dwellings in the zone are generally set well back from the road, and there is an abundance of trees both on private and public land. House design and street character are typically that of the Edwardian villa suburb, the English cottage revival, and the garden suburb movement. In some roads there has been a degree of infill of a later period, but the original period remains dominant.

This zone also includes the best of the cottage-style State-designed housing of the late 1930s/early 1940s, characteristically set well back on the lots behind clean unfenced lawns.

Appropriate controls are applied to maintain the spacious and tree-filled qualities which distinguish the zone. These include a density limit, and a front yard control. The front yard is imposed to protect the traditionally deep and spacious front yards found in the zone. There is a greater restriction on building coverage than in the standard zones.

The zone is separated into three sub-zones, reflecting shades of difference in the spaciousness of existing character and matching controls.

#### • Residential 2a and 2c

These areas are characterised by lower housing densities, generally combined with period housing and an abundance of planting. Permitted building coverage is lower. A higher height limit is permitted in the Residential 2a zone, where the area is characterised by taller buildings.

#### • Residential 2b

Areas included in this sub-zone have higher housing densities and building coverage than areas in the Residential 2a and 2c zones, and generally involve period homes.



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The zone has also been applied to protect significant bush clad areas. While parts of these areas do not display the period housing characteristics of the Residential 2 zone, these areas do exhibit a special landscape quality.

Given the special blend of built and natural features that characterise areas in the zone, new building construction (other than minor works described) requires a resource consent in order that compliance with the relevant objectives, policies and criteria can be assessed.

Broadly based design criteria are applied to resource consent applications for new building construction in order to maintain consistency of architectural mass, form, and proportion.

Controls are applied on the height of walls, fences and other structures in the required front yard to ensure outlook from the street over the typical spacious and well-landscaped front yard is maintained.

The total or substantial demolition or removal of buildings (more than 30% by volume and excluding accessory buildings) is controlled on sites identified on the maps [163] so that consideration can be given to the extent the building contributes to the special characteristics and qualities of the streetscape. Demolition or removal below this threshold will be considered as an alteration. The exclusion of accessory buildings from this provision does not extend to the demolition/removal of an accessory building on a property scheduled (i.e site and surrounds) in the Plan. Refer to clause 5C.7.1.3 for such accessory buildings.

7.6.2.3 EXPECTED OUTCOMES

A special level of amenity exists in the area which requires protection to be maintained from the adverse effects of more intensive non-residential activities. The provisions of the Residential 2 zone are expected to ensure that new building construction is sympathetic to existing (and where relevant, the surviving original) architectural qualities and landscaped qualities that give land in this zone its special character.

7.6.3 RESIDENTIAL 3 (BUILT/ LANDFORM)

7.6.3.1 OBJECTIVE AND POLICIES 192

Objective

To maintain visual harmony and coherence between the residential areas which occupy parts of the volcanic cones, and the cones themselves, and particular coastal cliffs on the Isthmus.

Policies

By ensuring that no building in the zone visually offends or competes with the form and texture of the volcanic cone or cliff it occupies.

- By encouraging renovation and new building construction in a manner which maintains the historic form and pattern of buildings and streetscape in the zone.
By restricting any earthworks to a minimum so as not to detrimentally affect the form and texture of the volcanic landscape.

Objective

To protect the visual and physical integrity of outstanding volcanic features such as volcanic cones, tuff rings and explosion craters.

Policies

- By controlling subdivision, use and development to ensure that natural and cultural heritage values of volcanic features are maintained.
By ensuring that new development does not encroach visually on the natural character of the land above the existing residential development on volcanic features.
By restricting any earthworks to a minimum so as not to detrimentally affect the form and texture of volcanic landscapes.

Objective

To protect/maintain the special character of the residential areas which occupy volcanic cones, volcanic features and particular coastal cliffs, and maintain the resulting visual harmony and coherence between the historic character of development, and the natural character of the wider landform.

Policies

- By ensuring that no new development in the zone visually offends or competes with the form, texture and natural character of the volcanic cone, volcanic features or coastal cliff it occupies.
By maintaining the scale, massing and color of development, and maintaining and enhancing the pattern of vegetative cover in the zone as necessary to protect the natural character.
By maintaining the authenticity of character of land included in the zone in relation to activities, development, and by preventing other work which is not in sympathy with the identified special character.

Objective

To protect/maintain the architectural values of buildings which contribute to the special character of the streetscape in the zone.

Policies

- By ensuring additions and alterations to existing buildings and new buildings maintain the historic form



See key on page 1 of this section





and pattern of buildings, open space and distinctive streetscapes of land included in the zone.

- By maintaining the architectural values of period housing predominant in the street.
- By protecting—controlling the demolition/removal of buildings constructed prior to 1940 where they significantly contribute to the special character of the streetscape.

### **Objective**

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

### **Policies**

- By maintaining the open or treed character of land included in the zone.
- By requiring the retention of the larger trees, located on private property, roads and reserves, which give land included in the zone a distinctive character.
- By requiring, where appropriate, replacement planting of trees to maintain the landscape qualities and spaciousness of areas in this zone.
- By ensuring that the spacious and well-landscaped front yards which are typical of land in this zone retain a reasonable degree of visibility from the street.]

### **7.6.3.2 STRATEGY** <sup>192</sup>

[Most residential-Residential] areas within the Residential 3 zone have a significant relationship with [the] natural landform [of the volcanic cones]. The volcanic cones are one of the most significant natural features of the Isthmus, and the Council is concerned to ensure that the form of the cones is protected. [The zone also is applied to a remnant of a tuff ring associated with a volcanic cone, and an area coastal cliff, both of which display an important combination of built form and natural character.

#### Residential areas on volcanic features

The Auckland region's volcanic cones, tuff rings and explosion craters are outstanding natural features that are of regional, national and international significance. They are iconic features that embody landscape, scientific, social, cultural and historical values, that can be adversely affected by subdivision, use and development. They form part of a wider natural and cultural heritage which includes the aprons where more extensive development has taken place. The heritage values of the volcanic features are fragile and can be adversely affected by unsympathetic forms of development which involves extensive or visible excavation, or uses high or bulky built forms.

While the natural character of the cones has been compromised to some extent by housing on their slopes, some of the houses on the cones are complementary to the

setting. Those on Mt St. John with steeply dipping roofs in the English cottage style, echo the slope of the cone. However it is important that any further building is visually compatible with the form and texture of the cones, and that it is positioned no higher than present development.

While the natural character of the cones has been compromised to some extent by housing on their slopes, much of this development has an historic character in its own right. Some houses, such as those on Mt St. John with steeply dipping roofs in the English cottage style, echo the slope of the cone. Some other houses, while less dramatic, are part of a wider historic character more typical of the early suburbs of Auckland or later Garden Suburb development. Some later houses, while not regarded as having identifiable historic character, have a general form that is compatible with the landscape qualities. The special character of these areas will be protected/maintained, by applying protection to safeguarding houses that participate in the special character, and ensuring that new building respects both the architectural and the landscape values of these sensitive areas.]

The zone is also applied to land between McCullogh Avenue and Simmonds Avenue in Mt Roskill, where the only clearly visible and wholly intact segment of the outer tuff ring of the remaining Three Kings crater is present. Not only is this a precious geological item, but it is also an element of special landscape character. To [~~conserve-protect~~] this remarkable combination of housing and landform, it is important that building activity is [controlled ~~prevented from moving up the~~ tuff ring's slope.

#### Residential areas on particular coastal cliff-lines

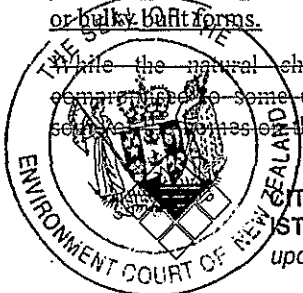
The zone is also applied to the residential areas above[, and below and occupying] the coastal cliffs at West Tamaki Head and Karaka Bay. It is important that housing in this area not encroach on the natural character of the cliffs, and that their vegetation cover be protected and maintained. Appropriate controls are applied to promote compatibility of building location, form and texture with the character of the cliffs.

#### [The nature of the controls and their application

Given the special blend of built and natural features that characterise areas in the zone, new building construction requires a resource consent in order that compliance with the relevant objectives, policies and criteria can be assessed.

Broadly based design criteria are applied to resource consent applications for new building construction in order to maintain consistency of scale, mass, form, proportion, materials and colour as appropriate in the zones.

The total or substantial demolition or removal of buildings (more than 30% by volume and excluding accessory buildings) is controlled so that consideration can be given to the extent the building contributes to the special characteristics and qualities of the streetscape. Demolition or removal below this threshold will be considered an external alteration. The exclusion of accessory buildings from this



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provision does not extend to the demolition/removal of an accessory building on a property included as a scheduled building (i.e. site and surrounds) in the Plan. Refer to clause 5C.7.1.3 for such accessory buildings.

Controls are applied on the height and design of walls and fences, to preserve aspects of traditional character, protect the relationship between houses and the street, and allow continued appreciation of landform and landscape qualities.

Appropriate controls are applied to promote compatibility of building form and texture with the character of the cones. A more restrictive height limit is applied than in the standard residential zones. [In respect of the volcanic cones, no No] subdivision is permitted if it would result in a new residential unit being built higher up the slope than existing neighbouring development. Controls are [also] applied to ensure that development in existing sites does not encroach visually on the open space zoned land at the top of the cones.

The zone is separated into two sub-zones -

- Residential 3a

This area comprises steep narrow cul-de-sacs, set out in late Victorian times - [on the western side of Mt Eden. Lot Site] sizes are mostly small, the period houses are tightly packed and the built character is similar to the Residential 1 zone. Accordingly, the allowable activities in this area are the same as for the Residential 1 zone and its development controls apply with the exception of maximum height. [In this zone, the density and dominance of many of the buildings which have colonized the slopes of the cone has masked much of the natural character.]

- Residential 3b

Most of these areas have qualities similar to the Residential 2 zone, although the age of houses, the nature of the landform and the character of vegetation does vary. Sites are larger and the density of development is lower. In some of the areas on the slopes of the volcanic cones such as Mt St John, large indigenous or exotic trees are present, while on the Glendowie cliff-line, there are areas of regenerating coastal bush.

The visual impact of houses within these sensitive landscapes (both individually and collectively) depends on a number of factors. In terms of the built contribution to the environment, these factors include the form, mass and colour of the houses. In terms of the landscape, the terrain, lot size and landscaping (in particular the presence of large trees) are particularly important. The built aspects and natural aspects also interrelate. In some areas in the zone, larger sites which include significant trees harmoniously accommodate relatively large houses without inappropriate visual dominance. Other less treed areas, where lot sizes are less generous, have maintained their natural qualities because house sizes are smaller.]

### 7.6.3.3 EXPECTED OUTCOMES 192

As a result of the zone's provision it is expected that further development occurring in residential areas around volcanic cones will not detract from the visual significance of the cones. Renovation and new construction will be undertaken in a manner that is in keeping with the historic form and pattern of existing buildings, particularly in the case of the Residential 3a sub-zone.

[The provisions of the Residential 3 zone are expected to ensure that new building construction is sympathetic to existing (and where relevant, the surviving original) architectural and landscape qualities of the site and wider context. The provisions are also intended to ensure that there is no further erosion of either the natural character of the context or historic character embodied in the development. It is also anticipated that the existing treed character will be retained, and enhanced over time by replacement plantings, where appropriate using indigenous species in areas of regenerating bush. Use of noxious or weed species for replacement or additional planting is strongly discouraged.]

## 7.6.4 RESIDENTIAL 4 (FLORA DOMINANT)

### 7.6.4.1 OBJECTIVE AND POLICIES

#### Objective

*To protect and maintain the primacy, cohesiveness, continuity and botanical health of existing areas of mature or regenerating forest, particularly native forest, in association with limited housing development.*

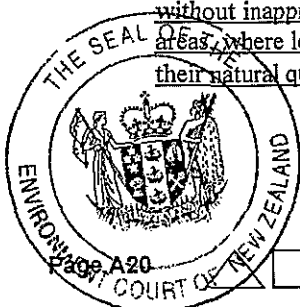
#### Policies

- By restricting to a very low density any residential activity within mature or regenerating forest, particularly native forest, so that the forest remains predominant.
- By ensuring that every residential unit and vehicular access is visually compatible with, and subservient to, the natural character of the forest.
- By restricting any earthworks to a minimum so as not to endanger the health or stability of the trees.

### 7.6.4.2 STRATEGY

The Residential 4 zone applies to 1.0 hectare of mixed coastal forest at Granny's Bay which includes part of a larger stand of pohutukawa forest extending from the adjacent Council land. The area is botanically significant, it is a wildlife habitat and is an outstanding natural landscape feature, particularly when viewed from the beach.

Much of the land is steep, and has marginal stability. To protect the forest from unnecessary disturbance, the Council will allow only one dwelling unit to be erected per lot. In the event of any subdivision the Council will seek to protect the



bulk of the forest by a memorandum of encumbrance or covenant to the effect that the area of forest is to be protected in perpetuity and is to be fenced off. A sufficient area of cleared land may be provided for the residential unit within the lot, outside the covenanted or encumbered portion.

Permitted building positions and vehicular accesses shall be shown upon a management plan approved by the Council (refer PART 11 - SUBDIVISION). No earthworks or building development shall be commenced except in conformity with the management plan.

Appearance controls are applied to ensure compatibility of building form and texture with the landform and the character of the forest.

#### 7.6.4.3 EXPECTED OUTCOMES

Controlling development in terms of the rules of this zone will ensure that this significant area of the City is protected from inappropriate residential development.

### 7.6.5 RESIDENTIAL 5 (LOW INTENSITY)

#### 7.6.5.1 OBJECTIVE AND POLICIES

##### Objective

*To protect and maintain the low intensity character of certain areas:*

- i) in order to secure their generally appreciated pleasantness and coherence;*
- ii) in selected locations to assist in preserving the overall integrity of the special character zones by ensuring developments occurring in adjacent residential neighbourhoods are sympathetic;*
- iii) in order to reflect the limited capacity of the existing environment to sustain additional development.*

##### Policies

- By limiting densities to a level which will preserve the qualities and conditions of the local environment.
- By limiting the range of permitted activities in this zone to ensure that the residential qualities and characteristics of the neighbourhood areas are not eroded.
- By imposing limitations on development to maintain amenity values particularly appreciated by the community.

#### 7.6.5.2 STRATEGY

The Residential 5 zone has been applied generally to areas characterised by detached homes, mainly low rise (1-2 storeys), at lower densities (1-2 units per site) on sites with relatively generous areas of open space to accommodate

landscaping and leisure activities. These areas exhibit a pleasantness and aesthetic coherence which is particularly appreciated by the resident community. The purpose of the zone is to maintain or even enhance the environment of these areas. In certain areas, while development is unlikely to be constrained by aspect and slope, access to public transport, community facilities and business areas is poor. In addition, some areas are also constrained by drainage infrastructure that is operating at capacity and are experiencing isolated stormwater problems and minor sanitary drainage problems.

In some parts of the Isthmus that are zoned Residential 5, higher densities than presently exist may be established. However, the zone's provisions aim for compatibility with existing development through controls which encourage lower rise, lower intensity development, while preserving privacy and open space for existing residential units. Height is limited to 8.0 metres which will facilitate development of one to two storeys. Units are required to provide open space at ground level.

Emphasis is on activities primarily residential in nature. This zone aims to prevent the intrusion of incompatible activities and their disruptive characteristics. Activities are restricted in the zone to ensure that the generated effects are consistent with the surrounding environment.

#### 7.6.5.3 EXPECTED OUTCOMES

In all areas where Residential 5 has been applied, it is expected that over time, local amenity values will be enhanced. In some areas this will occur to the extent that these areas will become the special character areas of the future.

It is also expected that as other parts of the Isthmus change as a consequence of more intensive development, Residential 5 environments will offer the opportunity of a less intensive lifestyle.

### 7.6.6 RESIDENTIAL 6 (MEDIUM INTENSITY)

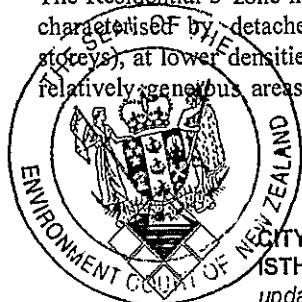
#### 7.6.6.1 OBJECTIVE AND POLICIES

##### Objective

*To provide for medium intensity residential neighbourhoods in appropriate locations.*

##### Policies

- By directing these zones to areas where the environment is able to sustain residential development at medium intensity.
- By imposing controls on developments which protect the external environment of the site, while achieving a reasonable level of amenity for medium intensity developments.



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- By permitting a wider range of activities in these locations than is permitted in the lower intensity zone, while maintaining the appreciated amenity.
- By promoting quality and innovative design solutions for developments of 4 or more residential units by requiring the application of urban design criteria.

### 7.6.6.2 STRATEGY

The Residential 6 zone tends to be less spacious and often more diverse in form than the Residential 5 zone. These areas have aesthetic conditions which set them apart from higher intensity areas and are often characterised by favourable aspect, principally orientated to the northern slopes.

Residential 6 is the most significant residential zone on the Isthmus because in its application, it covers the largest area of residential land.

Areas within the zone are reasonably accessible to local open space and leisure opportunities, public transport, community facilities and business areas and are generally located on roads which distribute traffic from the primary network. The drainage systems in these areas are generally able to cope with residential development at higher densities than presently reflected in the existing built environment.

The zone's controls compliment and build upon the characteristics of the areas zoned for medium intensity. This zone allows for further development while retaining and sustaining a reasonable level of amenity with more generous density limits permitted in the residential 6 zone than in the Residential 5 zone. The zone is divided into two sub-zones; Residential 6a and 6b zones that vary in density and height. The Residential 6a zone has a density of one residential unit for every 375m<sup>2</sup> of site area. The Residential 6b zone has a density of one dwelling for every 300 m<sup>2</sup> of site area.

The zone has two height limits, which are designed to reflect existing amenity values. The lower of these two height limits, 8 metres, is applied in the Residential 6a zone, to those locations which are predominantly characterised by one or two storey developments. This height limit is intended to compliment the amenity values currently found in these locations.

In Residential 6b, an increased height limit of 10m is applied in locations which are characterised by increased building bulk and a more intense development style. It is envisaged that the amenity values of these areas will not be compromised by the increased building envelope. This height limit provides increased design flexibility and will accommodate up to three storeys of development. Often the Residential 6b zone occurs adjacent to the Residential 5 zone. To protect this less intensive zone from the potential impacts of development in the Residential 6 zone the height to boundary control applies at the common boundary between these zones. In some instances this zone will act as a buffer between the distinct styles of the development of the

Residential 5 zone, and the development of the high intensity Residential 7 zone.

Provision is made for a range of activities to operate within this zone. In general the activities provided for will be expected to include a residential component or to be of benefit to the community. Activities which attract significantly more people to a site than would be anticipated from the density permitted in the zone, will be discouraged. These can cause increased traffic generation, noise and other adverse environmental impacts. Conditions may be imposed on activities seeking resource consent to ensure that:

- generated effects do not extend beyond the boundaries of a site; and
- measures are undertaken to mitigate any adverse impact on personal privacy and on the visual amenity of the vicinity.

### 7.6.6.3 EXPECTED OUTCOMES

It is expected that the Residential 6 zone, will enable residential development to occur that is distinctly different to the higher densities able to be achieved in the Residential 7 zones and the low intensity character that the Residential 5 zone will maintain.

## 7.6.7 RESIDENTIAL 7 (HIGH INTENSITY)

### 7.6.7.1 OBJECTIVE AND POLICIES

#### Objective

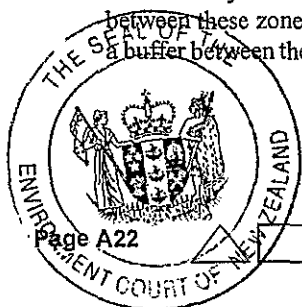
*To maximise design flexibility and allow residential activities to establish at a relatively high intensity, while protecting the surrounding environment from adverse effects of development.*

#### Policies

- By providing for higher density residential development in appropriate locations.
- By imposing minimal development controls on sites within the zone, while affording appropriate protection on the interface with lower intensity residential zones.
- By promoting quality and innovative design solutions for developments of 4 or more residential units by requiring the application of urban design criteria.

### 7.6.7.2 STRATEGY

The Residential 7 zone is characterised by a range of building types and includes relatively high rise, high density development. Three and four storey multi-unit developments can be found in the Residential 7a and 7b sub-zones while development at a greater scale can be found in the Residential 7c sub-zone. The zone is often located in areas with favourable aspect and slope. It is applied to areas



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with good access to local open space and leisure opportunities, business centres, community services and public transport. Areas within the zone are generally found adjacent to the regional and district arterial roads of the Isthmus.

Indications are that the sanitary drainage system in these areas is able to cope with further residential development. However, there may be areas within the zone experiencing isolated stormwater drainage problems.

The zone is applied to locations suitable for the application of more generous building bulk controls to allow residential accommodation to be established at higher densities. It sits apart from the other residential zones because it contains substantially more intense development which is often located on smaller sites with minimal areas of open space.

As a consequence, the zonal controls seek to maximise design flexibility. To this end development controls provide an appropriate density, and three height controls, all of which will accommodate multi-level development. The application of these height limits is based on the existing built environment which generally characterises these locations. A 10 metre height limit is applied to areas which exhibit relatively high intensity development usually at 2-3 storeys. A 12.5 metre height limit is applied to those locations which already include development at a greater scale, sometimes up to and greater than 4 storeys. A 20 metre height limit is applied to those areas which include development which has been established at a far greater scale than occurs elsewhere in the City including, in some cases, high rise apartment blocks.

In some areas this zone will be located beside the lower intensity zones. While minimum controls are applied to sites within the zone, it is considered important to protect the lower intensity zoned sites at this interface from any potential adverse effects generated by the higher intensity development. These effects include overshadowing, visual domination and to a certain extent the loss of privacy. To achieve this, stringent controls are applied at the interface.

The zone is also applied near existing commercial centres and community facilities which are able to service a greater population. In these cases the more generous development controls associated with the zone, allow development to achieve a built scale similar to the commercial centres without the additional and often adverse impacts which can be associated with the non-residential uses the commercial centres contain. This will have the effect of providing a buffer between the larger scale and higher intensity form of development which occurs in commercial centres and lower intensity development associated with lower density residential areas.

#### 7.6.7.3 EXPECTED OUTCOMES

It is expected that the range of choice offered by the 3 subzones of the Residential 7 zone will provide the

opportunity to achieve a range of lifestyles appropriate to particular needs and circumstances.

The density applied in Residential 7 is expected to facilitate more intensive development in areas near major public transport routes, near major commercial centres and in areas where the local environment and infrastructure are able to accommodate the level of additional development envisaged.

### 7.6.8 RESIDENTIAL 8 (STRATEGIC GROWTH MANAGEMENT AREAS)

#### 7.6.8.1 OBJECTIVES AND POLICIES

##### Objective

*To provide opportunities for a more compact lifestyle, in appropriate locations, while catering for future population growth within the Auckland Isthmus.*

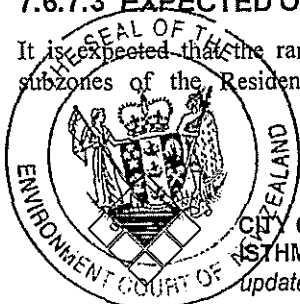
##### Policies

- By promoting the development of higher density apartment, terraced housing and townhouse residential development within specified growth areas, through the application of the Residential 8 zone, in a manner which respects the surrounding built and natural environment and protects neighbouring sites from the adverse effects of development.
- By directing compact residential living to appropriate locations which will have sufficient infrastructure capacity to accommodate such growth and which avoid compromising significant natural, historic or cultural features.
- By promoting growth within locations which are within walking distance of major transport nodes, existing town centres zoned Business 2 and 3 and recreational opportunities.
- By promoting quality, and innovative design solutions for developments, by requiring the application of urban design criteria

#### 7.6.8.2 STRATEGY

The Residential 8 zone is applied to residential land close to the Central Area, adjacent to existing centres, or main transport nodes, which is located within a specified growth areas. The purpose of the zone is to facilitate the outcomes of Council's adopted growth management strategy through the provision of more liberal densities than found in the other residential areas of the City.

To create quality neighbourhoods, and to avoid or mitigate any adverse effects arising from more compact development, specific development controls and design criteria are applied. The zone allows for a range of housing choice and



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lifestyles including apartment, terrace house and townhouse living.

Planning frameworks for managing future growth are developed for each community within the specified growth areas in consultation with the community and local stakeholders. The development of the planning framework for each area will be an on going process which will vary depending on factors such as capacity to accommodate growth, budget, infrastructure capacity and public 'acceptance' of process.

The principal outcomes of the growth management strategy through the identification of specified growth areas, are to:

- accommodate expected population growth in appropriate locations
- reduce vehicle dependence for access to employment, retail and community facilities by promoting walkable neighbourhoods clustered around centres of compatible mixed uses,
- ensure walkable neighbourhoods are designed to promote access to all users, including those with disabilities,
- foster a sense of community and strong local identity,
- promote access generally by a series of interconnected network of streets which facilitate safe, efficient and pleasant walking, cycling and driving
- promote developments, which support safe and direct access to public transport for residents.
- promote the development of a variety of housing types to cater for the diverse housing needs of the community
- protect areas with environmental, cultural and historic significance

The actual location of each Residential 8 zone is usually determined through the consultative process of developing the planning framework. The zone may also be applied to land, which is located within a specified growth area, but not subject to an adopted planning framework, where the land's characteristics satisfies the above stated outcomes.

The Residential 8 zone is applied to parcels of land with an area of one hectare or more. Parcels of land zoned Residential 8 will usually comprise a number of sites held either in individual or multiple ownership, and will be applied within distinctive urban boundaries. These boundaries could be defined by topography, built form, character, street edges or a combination.

The Residential 8a zone is usually applied to parcels of residential land within a ten minute walking distance of town centres or major transport nodes.

Three storey multi unit developments, including townhouses and terrace housing, can be found in the Residential 8a zone.

The Residential 8b zone, is usually applied to parcels of residential land that are within a five minute or less walking distance of the town centre or major transport node. Multi unit development in this zone can reach 3-4 storeys high consistent with existing town centre commercial buildings.

The Residential 8c zone is applied to parcels of residential land within a 2 km radius of the Central Area. The development controls are consequently more flexible and provide for greater height, bulk and density.

Within all the Residential 8 zones, developments are required to be sensitive to the amenity of the existing residential neighbourhoods. Development Controls are applied to avoid overshadowing, over looking, visual domination and loss of privacy.

The Residential Design Guide is also applied to these Residential 8 zoned areas in order to achieve quality medium to high density residential developments, which display vitality and interest while integrating into the local neighbourhood.

Pedestrian and cycleway linkages between developments within this zone and town centres / the central area, local reserves / recreation areas and transport nodes are encouraged, so as to offer people choices in how they may move around and travel.

Where one owner holds a parcel of Residential 8 land, in separate titles, the Council would prefer to see these sites developed in an integrated manner. To encourage this, the Residential 8 zone allows planned unit development as a restricted discretionary activity. This activity allows one resource consent application to be lodged for development on all sites within the parcel through the mechanism of a development plan, and provides flexibility on how buildings can be located with regard to internal site boundaries. In return, certainty over the type, variety and location of housing is required, as is compliance with particular Residential 8 development and urban design rules. To ensure compliance with the approved development plan is maintained, covenants will be imposed.

### 7.6.8.3 EXPECTED OUTCOMES

It is expected that the Residential 8 zone will allow a range of higher density housing options, within specified growth areas, in a manner which achieves the outcomes of Council's adopted growth management strategy. The zone enables a range of lifestyle choices, while protecting the character and amenity of these areas, through application of the Residential Design Guide.

The location of Residential 8 zones around town centres and major transport nodes will strengthen existing town centres and ensure that residents in these areas are located close, or have good access, to community facilities, services, business and educational opportunities.



See key on page 1 of this section



## 7.6.9 RESIDENTIAL 9A (ELLERSLIE RACECOURSE)

### 7.6.9.1 OBJECTIVES AND POLICIES

#### Objective

To enable residential development at moderately high intensities and mixed use development within those parts of Ellerslie Racecourse that are not currently used for racing purposes and which adjoin or are in close proximity to existing residential zones, while protecting the surrounding environment from the adverse effects of development, facilitating residential intensification within easy walking distance of the Ellerslie Town Centre and public transportation routes, and enhancing views of the adjoining racecourse from publicly accessible places.

#### Policies

- By enabling the development of higher residential densities (including apartments and terrace housing) within the area to the south of the existing racetrack between Morrin Street and Derby Downs Place, in a manner which respects the surrounding built and natural environment and which protects neighbouring sites from the adverse effects of development while optimising the use of a scarce land resource.
- By providing for the establishment of non-residential activities, as discretionary activities, of a scale and character comparable to residential development allowed in the residential 9a zone that are not disruptive of residential amenities in the zone.
- By encouraging the opening up of views into the adjoining open space land (racecourse) from publicly accessible areas.
- By encouraging the provision of convenient walking and cycling connections through the zone to facilitate easy access to major transportation routes and town centres.
- By controlling development with the aid of concept plans and rules which are specially tailored to meet the particular circumstances of the zone.
- By ensuring quality and innovative designs, by requiring all applications for new buildings to be part of a comprehensively designed and integrated layout and subject to assessment against a series of suitable design criteria.
- By ensuring there is sufficient capacity within the adjoining infrastructure (including roads) to accommodate the potential residential or mixed use development.

### 7.6.9.2 STRATEGY

The residential 9a zone is a special residential zone that has been applied to land at Ellerslie Racecourse which is not currently used, or only used occasionally, for racing purposes. The zoning controls seek to achieve a reading layout and building forms that take into account the particular location and character of the land, the nature of the surrounding land uses, the surrounding State highway and local roading system, and the regional and district objectives and policies relating to residential intensification.

The relatively large size of the land involved coupled with the fact that it is mostly unencumbered by buildings: held in single ownership; not compromised by existing road boundaries and capable of being developed with a variety of building forms; mean that the area is well suited to a zoning that has its own unique set of site specific development controls. The concept plan technique enables the activities which are allowed to develop within the zone to be specified; the required arrangement and location of internal private roads and walkways within the zone to be determined; links to the surrounding State Highway and local roading network to be identified; the controls that apply to building activities within the zone to be specified; and the assessment criteria required to be applied to any application for land use consent to be listed.

The residential 9a and residential 6a zones front onto Morrin Street and back onto an existing residential 6a zone served by The Oaks (private way) and Lonsdale Street. This area is zoned in part residential 6a and in part residential 9a.

Parts of the land zoned residential 9a are still used from time to time for horse racing. In particular, the land includes the start chute for the 2,400m race. The residential 9a zone includes provisions which enable the occasional continuation of horse racing within the area.

The Ellerslie Racecourse is a privately owned area of open space which is owned by the Auckland Racing Club and which has been operating in Ellerslie for over 150 years. The Auckland Racing Club proposes to lease the residential 9a zoned land so as to provide an ongoing income stream which will improve the financial security of the Club and in turn the long term viability of the dominant activity of horse racing on its adjoining Open Space 5 (Ellerslie Racecourse) land.

Due to historical reasons most of the periphery of the racetrack is screened from outside view by a combination of 2.5m high corrugated iron fences, rock walls and screen planting. As a result, views into the extensive Ellerslie Racecourse private open space area are only enjoyed by a relatively small number of people. These include residents from surrounding areas who look out over the racecourse (often from a distance) and members of the public who have the privilege of driving or walking through the racecourse grounds. The residential 9a zone seeks to improve this situation by requiring the opening up of views into the racecourse from existing surrounding streets and proposed





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internal publicly accessible roads and footpaths located adjacent to the racetrack.

Parts of the Ellerslie Racecourse are underlain by a lava flow, and there is the potential for lava cavities to exist within this lava flow. Lava cavities can yield important scientific information about Auckland's geological heritage. The provisions of the concept plan seek to ensure that developments that involve excavation should include a protocol that sets out a process to be followed in the event that a lava cavity is discovered during construction. This protocol should be satisfactory to the council's heritage team and may be reinforced through conditions of consent.

The residential 9a zone is subject to a concept plan, which contains a unique combination of planning controls. The objectives, rules and diagrams which make up the concept plan seek to implement the objectives and policies outlined in clause 7.6.9.1 in a two stage process which includes

- Defining the broad form of development ultimately proposed for the land by way of the concept plan, and
- Requiring all subsequent building development to obtain consent as a restricted discretionary activity or discretionary activity in accordance with the relevant objectives, policies, assessment criteria and, where appropriate, Appendix 10a Residential 9a (Ellerslie Racecourse) Design Guide contained in the Plan.

The over-arching urban design strategy for the residential 9a zone is to create a residential environment that integrates closely with the adjoining racecourse and surrounding area and which capitalises on the area's parklike setting with its associated high visual and recreational amenity. A wider planning exercise for the racecourse area has been completed so that any development is being undertaken in a comprehensive and integrated manner. An indicative future development plan (namely the Preliminary Master Plan, dated 10 May 2011) has been developed to reflect the Auckland Racing Club's indicative long term development possibilities over the racecourse site. From a transportation perspective, the development potential of the Preliminary Master Plan (or other development plans for the land) will need to be considered by reference to an Integrated Transport Assessment prepared in accordance with ARTA guidelines October 2007 (or any replacement of those guidelines) and a comprehensive transportation network model. This assessment and modelling will ensure that the overall development of the racecourse area can be appropriately integrated into the surrounding local and State Highway network, taking into account any existing network constraints.

7.6.9.3 EXPECTED OUTCOMES

It is expected that the foregoing processes, coupled with the concept plan requirements, will ensure a high quality urban design outcome in terms of layout and building form as well as facilitating a more efficient use of two areas that are

conveniently located to public transport and the Ellerslie town centre. It is also expected that development of the racecourse land in general accordance with Concept Plan E11-25 and the applicable development controls will achieve Objective 7.6.9.1.

7.6.9.4 ACTIVITY RULES AND DEVELOPMENT CONTROLS

The activity rules and development controls relating to the Residential 9a zone are set out in Concept Plan E11 -25.

7.7 RULES: ACTIVITIES

7.7.1 ACTIVITIES IN THE RESIDENTIAL 1-7 ZONES 163 192

For the purpose of the following table:

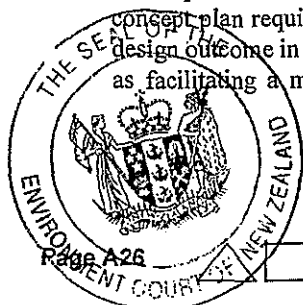
P = Permitted Activity

C = Controlled Activity

D = Discretionary Activity

\*Those activities marked with a \* are restricted controlled activities (refer Clause 4.3.2.5 RESTRICTED CONTROLLED ACTIVITIES for public notification and service requirements).

\*\* Those activities marked \*\* are restricted discretionary activities (refer Clause 4.3.2.6 RESTRICTED DISCRETIONARY ACTIVITIES for public notification and service requirements).



See key on page 1 of this section






ACTIVITIES	ZONES									
	1	2a, 2b & 2c	3a	3b	4	5	6a	6b	7a & 7b	7c
Construction and/or relocation of residential units [ <del>within the density limits specified in Clause 7.7.2.1</del> ] or any new building (including accessory buildings) # <span style="border: 1px solid black; padding: 2px;">163</span> <span style="border: 1px solid black; padding: 2px;">192</span>	[C*] D** <span style="border: 1px solid black; padding: 2px;">163</span>		[C*] D** <span style="border: 1px solid black; padding: 2px;">192</span>	[C*] D** <span style="border: 1px solid black; padding: 2px;">192</span>	C*	P	P	P	P	P
Construction of residential units on any new building or accessory building in the residential 2a, 2b and 2c zones; and relocation onto a Residential 2a, 2b and 2c zoned site of a residential unit. #		D**								
Construction and/or relocation of 4 or more residential units on a site (within the density limits specified in Clause 7.7.2.1) within the Residential 6 & 7 zones. #1							D**	D**	D**	D**
The use of a residential unit for residential purposes (within the density limits specified in Clause 7.7.2.1) #.	P	P	P	P	P	P	P	P	P	P
Restoration, repair and internal alteration of any existing building fabric or detailing thereof	P	P	P	P	P	P	P	P	P	P
External additions or alterations to existing buildings on the site [ <del>within the density limits specified in Clause 7.7.2.1</del> ] # <span style="border: 1px solid black; padding: 2px;">163</span> <span style="border: 1px solid black; padding: 2px;">192</span>	[C*] D** <span style="border: 1px solid black; padding: 2px;">163</span>		[C*] D** <span style="border: 1px solid black; padding: 2px;">192</span>	[C*] D** <span style="border: 1px solid black; padding: 2px;">192</span>	C*	P	P	P	P	P
External additions and alterations to or building relocation within the same site of, existing buildings in the Residential 2a, 2b and 2c zones. #		D**								
Earthworks†										
• over 5m <sup>3</sup>			D	D						
• of up to 500m <sup>2</sup> where the average slope of the area subject to earthworks is less than 5% (refer to Clause 4A.2 for development controls)	P	P			P	P	P	P	P	P
• of up to 250m <sup>2</sup> where the average slope of the area subject to earthworks is 5% or more (refer to Clause 4A.2 for development controls)	P	P			P	P	P	P	P	P



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ACTIVITIES	ZONES									
	1	2a, 2b & 2c	3a	3b	4	5	6a	6b	7a & 7b	7c
• of greater than 500m <sup>2</sup> where the average slope of the area subject to earthworks is less than 5% (refer to Clause 4A.2 for criteria)	C*	C*			C*	C*	C*	C*	C*	C*
• of greater than 250m <sup>2</sup> where the average slope of the area subject to earthworks is 5% or more (refer to Clause 4A.2 for criteria)	C*	C*			C*	C*	C*	C*	C*	C*
• Resurfacing, maintenance and repair of existing carparking areas and driveways, where no more than 500m <sup>2</sup> of bare earth is exposed at any one time at an average slope of less than 5% or no more than 250m <sup>2</sup> of bare earth is exposed at any one time at an average slope of 5% or more.	P	P	P	P	P	P	P	P	P	P
• Boarding House / Hostel accommodating people within the intensity level specified in the note below.†† Refer to 	D	D	D	D		D	D	D	D	D

† These provisions do not apply to earthworks which are to be carried out as part of:

- a subdivision which has been granted a resource consent; or
- a network utility service of the type where specific provision has been made for earthworks in Clause 4A.4.6B. PERMITTED ACTIVITIES.

Provided however, that the works are outside the dripline of any scheduled or protected trees, and will not affect any scheduled archaeological or geological feature.

(1) Note: Parts 5B, 5C have earthwork rules which may be more restrictive and which take precedence over these provisions.

(2) Note: The above rule does not obviate the need to obtain the written consent of Council to excavate or otherwise interfere with any land in the vicinity of a public work of the Council if the excavation or interference is likely to produce, directly or indirectly, a subsidence onto that work or a subsidence of that or of the soil under it (refer to Section 237 Public Works Act 1981)

(3) Note: The NZ Archaeological Association and the Auckland Regional Council maintains a list of recorded archaeological sites. In addition to this a number of archaeological sites are listed with the NZHPT in their register of Historic Places, historic areas, wahi tapu and wahi tapu areas. All archaeological sites are protected by the Historic Places Act 1993 whether or not they are recorded. No destruction or modification of any archaeological site whether scheduled, recorded or unrecorded may take place without prior authority from the NZHPT. Applicants undertaking earthworks are advised to contact the abovementioned agencies in the first instance to ascertain whether their property or properties contain or are likely to contain archaeological sites.

#1 The Council considers that these activities are appropriate in these zones. However, the Council has retained discretion to consider certain aspects of these activities and has the right to decline them.

†† Intensity level for Boarding House / Hostel in the Residential 5 zone is 1 person per 100m<sup>2</sup>.

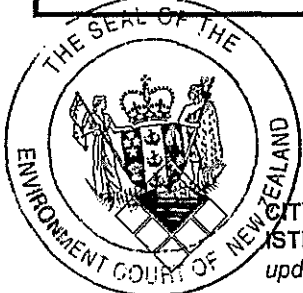
Where an application for a Boarding House/Hostel seeks to exceed the intensity level specified in Clause 7.8.1.1, such an application is considered a non-complying activity. Refer to Clause 4.3.1.3 NON-COMPLYING ACTIVITIES



See key on page 1 of this section



ACTIVITIES	ZONES											
	1	2a	2b	2c	3a	3b	4	5	6a	6b	7a & 7b	7c
Care centre accommodating people within the intensity level specified in Clause 7.8.1.1	P		C		C	C	D	C	P	P	P	P
Care centre accommodating people in excess of the intensity level specified in Clause 7.8.1.1	D		D		D	D	D	D	D	D	D	D
Camping ground									D	D	D	D
Community welfare facility	D		D		D	D			D	D	D	D
Dairy	D		D		D	D			D	D	D	D
Educational facility	D		D		D	D			D	D	D	D
The use of accessory buildings for any permitted activity in Clause 7.7.1	P		P		P	P	P	P	P	P	P	P
Ancillary activities	P		P		P	P	P	P	P	P	P	P
Home occupation	P		P		P	P	P	P	P	P	P	P
Horticulture								D	D	D	D	D
Hospital	D		D		D	D		D	D	D	D	D
Housing development for the elderly or disabled								D	D	D	D	D
Integrated housing development									D	D	D	D
<ul style="list-style-type: none"> <li>In the Residential 6a zone with a density limitation of 1 residential unit per 300m<sup>2</sup> site area;</li> <li>In the Residential 6b zone with a density limitation of 1 residential unit per 250m<sup>2</sup> site area;</li> <li>In the Residential 7 zone, or on the site located at 24 St Luke's Road (being 9034m<sup>2</sup> comprised in Lot 2 DP 190708, CT NA132C/126), with a density limitation of 1 residential unit per 150m<sup>2</sup> gross site area</li> </ul>												
Healthcare services	D		D		D	D			D	D	D	D
Offices	D <sup>(1)</sup>										7a 7b D <sup>(2)</sup>	
Places of assembly	D		D		D	D		D	D	D	D	D
Rest home accommodating people within the intensity level specified in Clause 7.8.1.1	C		C		C	C	D	C	C*	C*	C*	C*
Rest home accommodating people in excess of the intensity level specified in Clause 7.8.1.1	D		D		D	D	D	D	D	D	D	D
Retirement village								D	D	D	D	D
Non-permanent accommodation for care	D**		D**		D**	D**		D**	D**	D**	D**	D**
Visitor accommodation									D	D	D	D



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Where an application seeks to exceed the density limitations set out above for integrated housing developments, such an application is considered a non-complying activity. Such non-complying activities shall be notified. Refer to Clause 4.3.1.3 NON-COMPLYING ACTIVITIES ASSESSMENT.

- (1) Applies to some sites only. Refer to Clause 7.7.4.3H
- (2) Applies to some sites only. Refer to Clause 7.7.4.3I and Figure 7.3A

ACTIVITIES	ZONES											
	1	2a	2b	2c	3a	3b	4	5	6a	6b	7a & 7b	7c
Service stations existing as at 1 July 1995 on sites listed in Appendix 9 including alterations, modifications and redevelopment of those listed service stations provided that:		2a	2b C	2c				C	C		C	
i) the modification, alterations or redevelopment do not contravene or invalidate conditions attaching to any previous consent or approval which relate to the operation of the premises; and ii) In relation to the plan accompanying that previous consent or approval, site coverage is not increased by more than 30%; and iii) Unless previously consented to the retail premises shall not exceed 200m <sup>2</sup>												
Modifications, alterations and redevelopment of existing service station on sites listed in Appendix 9 where those alterations, modifications and redevelopment are not a controlled activity		2a	2b D	2c				D	D		D	
Extensions to service station existing as at 1 July 1995 into residentially zoned land		2a	2b D	2c				D	D	D	D	
Tourist complex										D	D	D
Use of artificial lighting producing an illuminance in excess of 150 lux measured at any point on the site containing the light source, in a horizontal or vertical plane at ground level.	D		D		D	D	D	D	D	D	D	D



See key on page 1 of this section



ACTIVITIES	ZONES											
	1	2a	2b	2c	3a	3b	4	5	6a	6b	7a & 7b	7c
Any wall or fence or other structure defined as a building located within the yard required by clause 7.8.1.7A. or in the case of the Residential [1], 2a, 2b and 2c zones any wall or fence which meets the standards of clause 7.8.1.15, [or in the case of the Residential 3a and 3b zones any wall or fence which meets the standards of clause 7.8.1.16] [63] [92]	[C*] P [163]		P		[C*] P [192]	P	P	P	P	P	P	P
[The total or substantial demolition or removal (more than 30% by volume) of any building (excluding accessory buildings) constructed on the site prior to 1940 in the Residential [ ] zone] 163	[D**] [163]											
Demolition or removal of buildings (more than 30% by volume and excluding accessory buildings) constructed on the site prior to 1940 within the Residential 2a, 2b and 2c zones on sites identified on the maps [....] 163			D**									
[The total or substantial demolition or removal (more than 30% by volume) of any building (excluding accessory buildings) constructed on the site prior to 1940 in the Residential 3a and 3b zones.] 192					[D**] [192]	[D**] [192]						

Note: the Council holds a set of aerial photos flown in 1940 which may assist the Council and applicants to determine the age of buildings and parts of buildings subject to application for demolition. Upon request these aerial photos can be viewed free of charge.

SECTION CONTINUED



## 7.7.2 PERMITTED ACTIVITIES

The permitted activities listed in Clause 7.7.1 ACTIVITIES IN THE RESIDENTIAL 1-7 ZONES are allowed without a resource consent where they comply in all respects with the relevant development controls.

### Explanation

#### i) Residential 1, 2, 3 and 4 Zones

*A limited range of permitted activities have been nominated for these zones. Activities in these zones have generally been classified as controlled or discretionary activities to enable the Council to ensure that the particular elements which give each area its special character*

*are [~~conserved/protected~~ 163 maintained.]*

#### ii) Residential 5 Zone

*Fewer permitted activities are nominated in this zone to recognise the sensitive nature of the zone's residential environment and the need to protect the character of the neighbourhood against the impact of potentially intrusive and disruptive activities.*

#### iii) Residential 6 and 7 Zones

*The permitted activities have been selected because their particular qualities will promote the objectives and policies of the Plan without adverse effect on the environment.*

### 7.7.2.1 DENSITY

Those activities identified with an # in Clause 7.7.1 ACTIVITIES IN THE RESIDENTIAL 1-7 ZONES are subject to the following density limitations.

Zone	1 <sup>#</sup> Residential Unit Per
1	site
2a	1000m <sup>2</sup> gross site area
2b	600m <sup>2</sup> gross site area
2c	1000m <sup>2</sup> gross site area
3a	site
3b	600m <sup>2</sup> gross site area
4	site
5	500m <sup>2</sup> gross site area
6a	375m <sup>2</sup> gross site area
6b	300m <sup>2</sup> gross site area
7a,b,c	200m <sup>2</sup> gross site area

except that -

Sites zoned Residential 7c and defined in Figure 7.2, shall not be limited by this rule; and

- ii) Nothing in this rule shall prevent the erection of one unit on any site where all other relevant provisions of the Plan are met.
- iii) Provided that all other applicable provisions of the Plan are complied with in every respect, nothing in this rule prevents the erection before 30 April 1998 of two residential units on the following sites
- All that parcel of land containing 844 square metres being Lot 30 on Deposited Plan 94426 (30 Panapa Drive, St Johns)
  - All that parcel of land containing 660 square metres being Lot 2 on Deposited Plan 39045 (26 Pukeora Avenue, Remuera)
- iv) Provided that all other applicable provisions of the Plan are complied with in every respect, nothing in this rule prevents the erection before 30 April 1998 of three residential units on the following site
- All that parcel of land containing 1454 square metres being Lot 1 on Deposited Plan 137002 (16 Mainston Road, Remuera)
- v) Provided that all other applicable provisions of the Plan are complied with in every respect, nothing in this rule prevents the erection before 26 July 1999 of two residential units on the following sites
- All that parcel of land continuing 1048m<sup>2</sup> being Lot 1 Deposited Plan 117528 (15 Ayr Street, Parnell)
  - All that parcel of land containing 796m<sup>2</sup> being Lot 1 Deposited Plan 58364 (19 Ayr Street, Parnell).
- vi) Provided that all other applicable provisions of the Plan are complied with in every respect, nothing in this rule prevents the erection of two residential units on the following site
- All that parcel of land containing 1004m<sup>2</sup> being Lot 2 on the Deeds Register Plan at Auckland as No.S.86 and being part of Allotment 2 of Section 2 of the Suburbs of Auckland (Limited as to Parcels) (19 Judges Bay Road, Parnell)
- vii) Unit development may be restricted by the access provisions of PART 12 - TRANSPORTATION.
- viii) Sites zoned Residential 3b and defined in Figure 7.2A shall be limited to a maximum density of one residential unit to each 1000m<sup>2</sup> of gross site area.
- ix) The densities set out in the above table shall not apply to sites zoned Residential 7b and 7c and shown as Areas A to F in Figure 7.2B, where the maximum number of residential units permitted in each Area shall not exceed the number specified for each Area. The total number of units in Areas A to F inclusive shall not exceed 432.
- x) The densities set out in the above table shall not apply to sites zoned Residential 2b, in Figure 7.2C. On these sites



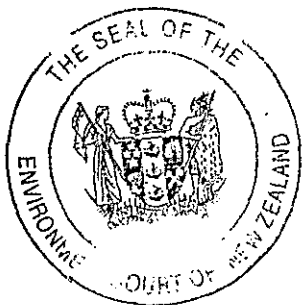
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the minimum density shall be 800m<sup>2</sup>

- xi) The densities set out in the above table for the Residential 6a zone shall not apply to land located in Morrin Street, Ellerslie, as shown on Figure 7.5A. The number of residential units in this area shall be limited to no more than three.

Note: Financial contributions for reserve purposes are required on the construction of residential units as per the provisions of PART 4B - FINANCIAL CONTRIBUTIONS.

**Explanation**

**Residential 1 Zone**

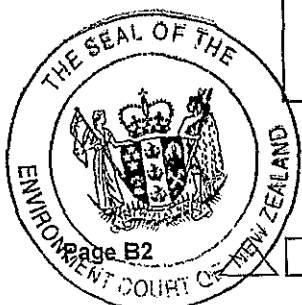
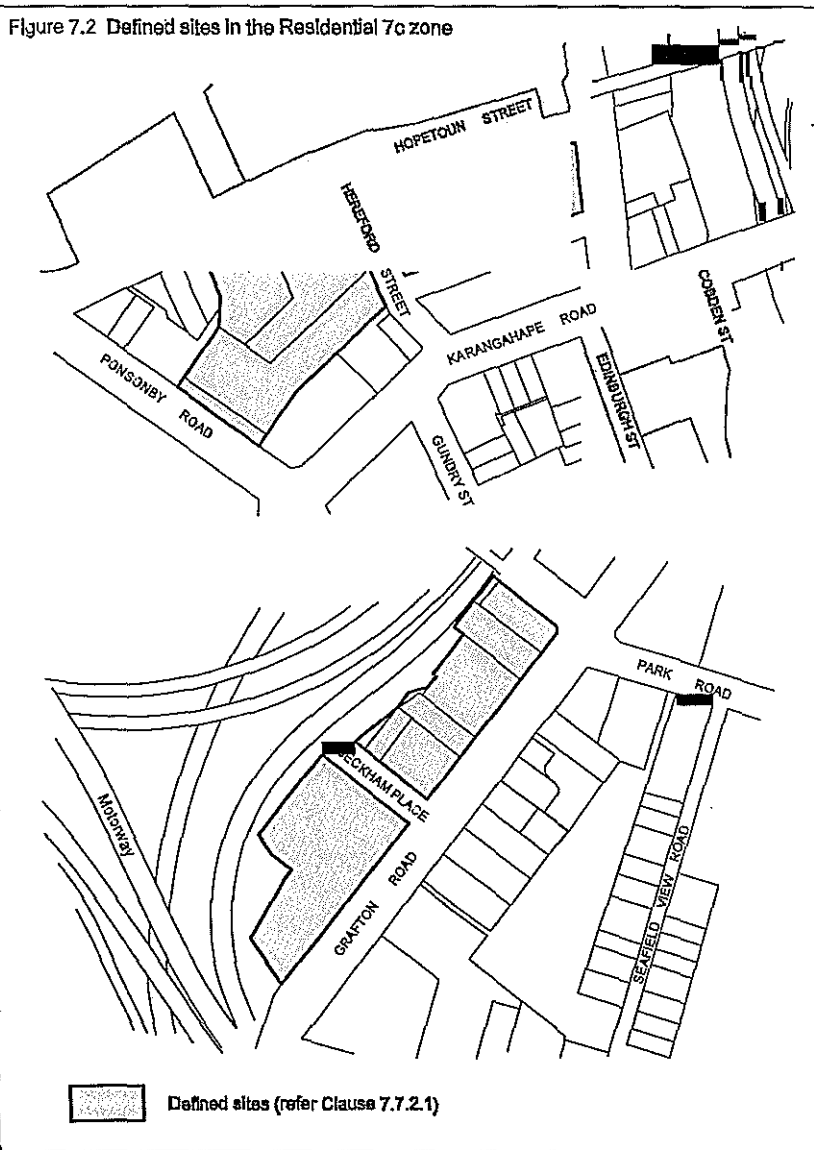
Areas in this zone are characterised by relatively small lots, most of which are occupied by only one dwelling. They are distinguished from the generality of areas in the City by the age of development, the state of preservation of many of the buildings or by the compact nature of the environment,

which contrasts architecturally with more spacious suburban areas. The density control which permits only one dwelling per site in this zone is intended to reinforce this special character.

**Residential 2 Zone**

*This zone is applied in areas to recognise their pleasant spaciousness, high standard of development and extensive planting. Densities should be retained at or near their existing intensity levels.*

*Dwellings are not restricted to one unit per site as a combination of density, coverage and front yard controls can allow limited unit development to occur without adversely affecting the amenity values and special character elements of these locations.*



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Figure 7.2A Defined sites in the Residential 3b zone

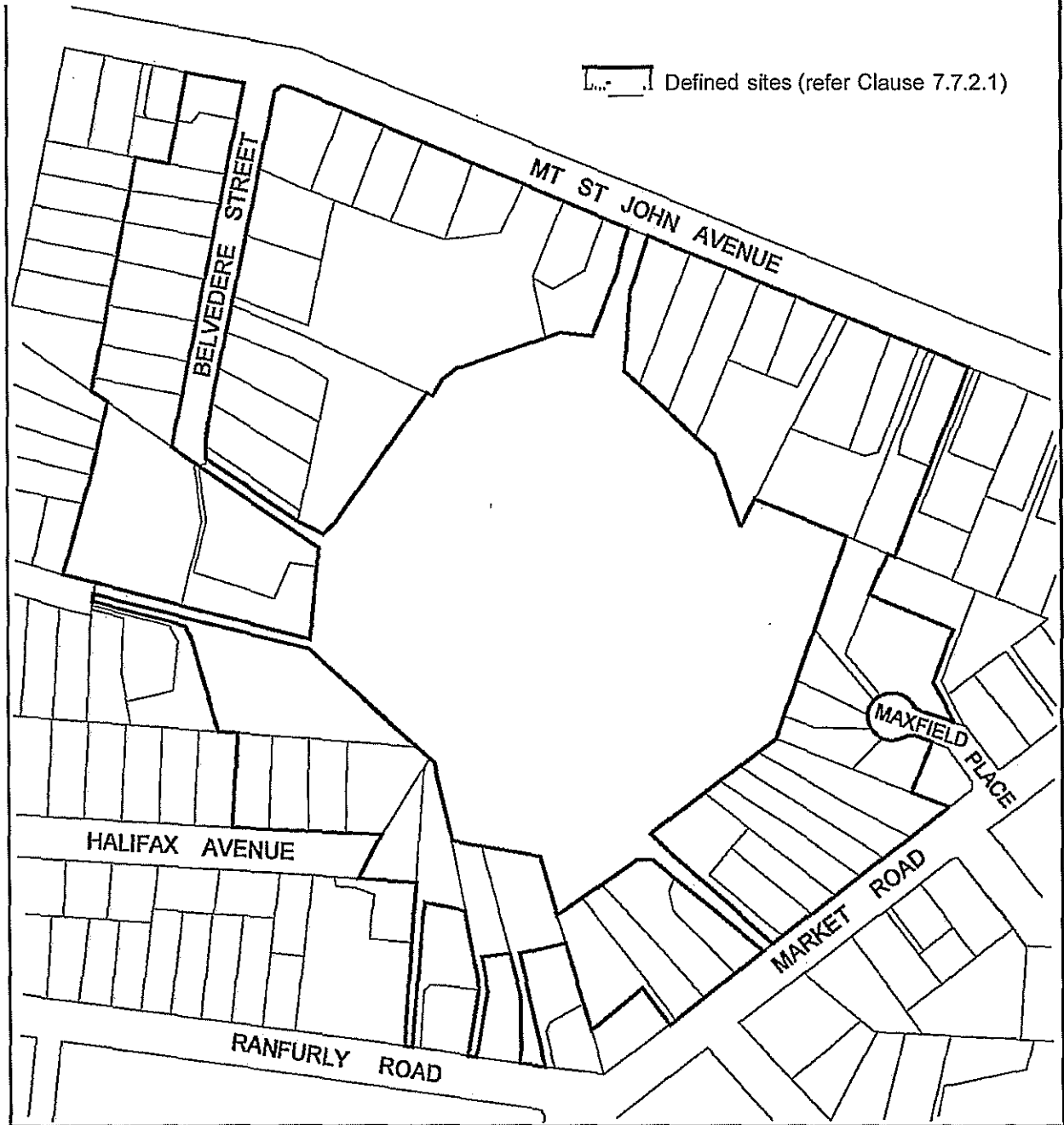
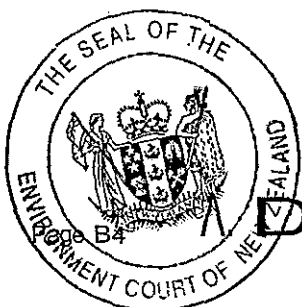
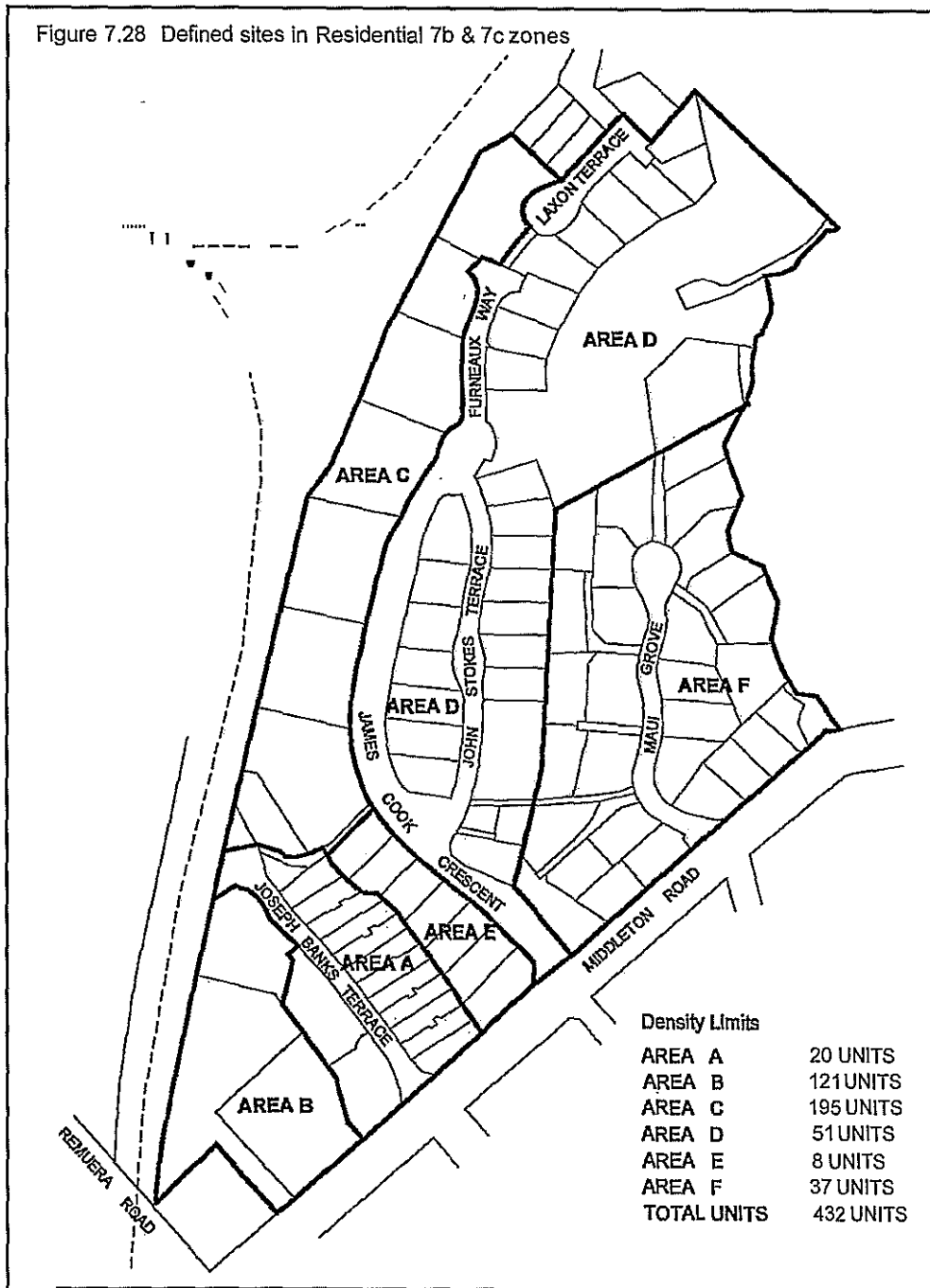
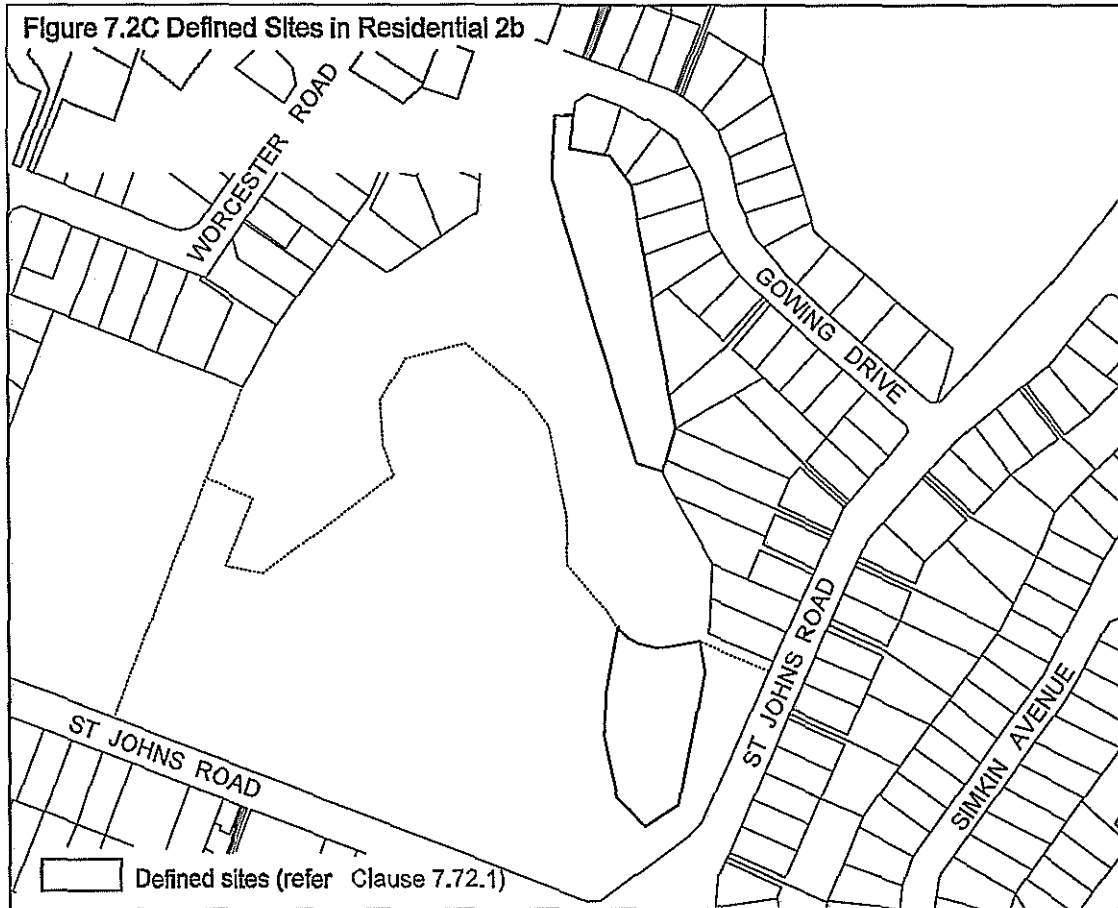


Figure 7.28 Defined sites in Residential 7b & 7c zones



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**Residential 3 Zone**

*Relatively low density development is provided for to reflect the unique environments created by the natural landforms.*

*Development of these locations at high densities would impact on the particular amenity values and aesthetic uniqueness of these areas. The difference in density between the two sub-zones acknowledges the existing site size and style of development.*

**Residential 4 Zone**

*Development is restricted in this zone to protect the mature and regenerating forest and ensure that the native forest remains dominant.*

**Residential 5-7 Zones**

*The primary purpose of the density control in these zones is to limit the intensity of development in a particular locality, in keeping with the qualities and servicing considerations of the local environment.*

*The density level in the Residential 5 zone is intended to restrict development to a level at, or near existing levels. While limited infill development may still occur it will be at a level which is not disruptive to the existing amenity values of areas.*

*Densities in the Residential 6 and 7 zones are intended to facilitate additional units in areas where it is considered such development can be sustained by the local environment.*



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In selected parts of the Residential 7c sub-zone, no density requirement is imposed on development. This is intended to provide incentives to increase the amount of inner city residential accommodation.

**7.7.3 CONTROLLED ACTIVITIES**

The controlled activities listed in Clause 7.7.1 ACTIVITIES IN THE RESIDENTIAL 1-7 ZONES will be expected to comply in all respects with all the residential development controls.

**Explanation**

The activities nominated in this category are considered to be ones that may, in certain circumstances, cause adverse impacts on the residential environments in which they are located.

i) Residential [1-] [3] and 4 Zones [163] [192]

The Plan provides for a variety of design choices. Adherence to design guidelines contained in the annexures to the Plan may be required in certain circumstances to ensure that the design of new buildings and the external refurbishment of old are sympathetic to those elements and aspects of the area's environment that contribute to its special character.

Residential [1-&] [3a] Zone[s] [163] [192]

~~[These zones have]~~ This zone has special characteristics, as described in ~~[their the]~~ zone strategy. To afford appropriate ~~protection~~management, certain activities are classified as controlled. The Plan applies design criteria to ensure that the design and location of buildings are sympathetic to those elements and aspects of the area's environment that contribute to its special character. [163] [192]

~~[In these this] zone[s], it is the intent of the criteria that new buildings, additions or alterations are designed and located in a manner which respects the surviving original physical and architectural character of the neighbourhood, without being tightly constrained to use period overall design or detailing. In this respect new structures should be designed so as to visually relate to, and rest harmoniously alongside original buildings or elements as the case may be, whether original style and detail is used or not.]~~ [163] [192]

~~[In the Residential 3a zone, it is the intent of the criteria that new buildings, additions or alterations are designed, finished and located in such a manner as to respect and rest harmoniously with the natural character of the cone or cliff on which they are situated, and not exhibit unnecessary or over-brominance over their landscape context.]~~

Residential [3b] [and 4] Zones [192]

These zones have special characteristics, as described in their zone strategy. To afford appropriate ~~protection~~management, certain activities are classified as controlled. The Plan applies design criteria to ensure that the design and location of buildings are sympathetic to those elements and aspects of the area's environment that contribute to its special character.

~~[In the Residential 3b zone, it is the intent of the criteria that new buildings, additions or alterations are designed and located in a manner which respects the surviving original physical and architectural character of the neighbourhood, without being tightly constrained to use period overall design or detailing. In this respect new structures should be designed so as to visually relate to, and rest harmoniously alongside original buildings or elements as the case may be, whether original style and detail is used or not. Retention of the tree filled quality of these areas is important and buildings must be located with this in mind.]~~

[192]

In the Residential 3b and 4 zones, it is the intent of the criteria that new buildings, additions or alterations are designed, finished and located in such a manner as to respect and rest harmoniously with the natural character of the cone, cliff or landscape on which they are situated. [192]

In the Residential [3-] and 4 zones, a tree plan is required to be submitted with any application for resource consent in order that particular attention may be given to

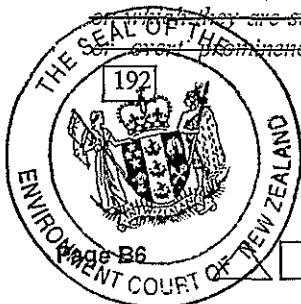
safeguarding the health of trees on the site. [192]

ii) Residential 5 Zone

As a consequence of the number of people likely to be attracted to a residential site at any one time, (and in particular the number of vehicles likely to be associated with the site and the Plan's requirements to locate parking on-site), it is considered essential that activities such as care centres and rest homes are controlled activities. Conditions may be imposed to ensure that the impact of these activities on the surrounding residential environment can be avoided or remedied.

With respect to care centres, the term 'care centre' is intended to accommodate both early childhood centres as defined in the Education Amendment Act 1990, and activities displaying similar characteristics such as caring facilities for:

- the elderly;



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- for the intellectually or physically handicapped;
- for school aged children during out of school hours.

*On-site requirements for licensed early childhood centres are set by Regulation. With regard to the off-site effects generated by care centres, compliance with the Plan's development controls is required. The main adverse effects anticipated from these activities relate to traffic and noise generated by the activity.*

### 7.7.3.1 GENERAL CRITERIA FOR ASSESSING APPLICATIONS FOR CONTROLLED ACTIVITIES

In considering each of the controlled activities regard must be had to the relevant criteria contained in PART 4 - GENERAL PROVISIONS AND PROCEDURES and the following particular matters.

Annotations applied in the following table refer to the particular matters to be addressed in relation to each activity.

Controlled Activities	Particular Matters To Be Addressed						
	1	2	3	4	5	6	7
Care centre	*	*	*	*	*	*	
Construction or relocation of residential units (within the density limits specified in Clause 7.7.2.1) or any new building or structure	*	*	*	*	*	*	
External additions or alterations to existing buildings on the site	*					*	
Accessory buildings	*					*	
Any wall, fence or other structure other than a picket fence as provided for in Clause 7.7.1, not defined as a building located within the yard required by Clause 7.8.1.7A	*	*					
Rest home accommodating people within the intensity level specified in Clause 7.8.1.1	*	*	*	*	*	*	
Service stations existing as at 1 July 1995							*

#### Particular Matters to be Addressed (see Table)

All controlled activities must comply with the development controls for the zone. (Refer to Clause 4.3.1.2B. DEVELOPMENT CONTROL MODIFICATION for modifications to one or more of the development controls.) In addition, conditions may be imposed on particular proposals in relation to the following matters -

#### 1. Design and external appearance of buildings and structures

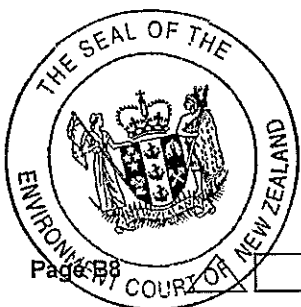
Particular concerns relate to ensuring all buildings retain a residential appearance and character in keeping with other residential buildings in the surrounding area.

#### 2. Landscape design and site layout

The following may be required to ensure that the effects of the proposal are internalised on the site and do not impact on the adjacent roadway or adjacent residential zoned sites:



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- Activity buffers in the form of yards, screening or landscaping or a combination of these;
- Specific requirements in terms of site layout – buildings, parking and vehicle circulation areas.

### 3. The location and design of vehicular and pedestrian access to and from the site

Must ensure adequate sight distances and prevent on-street congestion caused by the ingress and egress of vehicles to and from sites.

The activity must be located, where practicable, away from abutting sites so as to protect the aural privacy of those sites.

### 4. Carparking

The following may be required by the Council:

- Additional parking to be provided where it is considered in the view of the Council that the specific nature of the proposed activity is likely to generate a need for parking beyond the requirements of the parking provisions of PART 12 - TRANSPORTATION;
- On-site parking areas to be located remote from boundaries or where this is impracticable adequate screening provided in the form of fencing or landscaping, in order to prevent adverse aural or visual impacts on abutting properties;
- The internal circulation of the parking areas designed to the satisfaction of the Council so that particular requirements of individual proposals for safe and efficient vehicle circulation on site are attended to.

### 5. Minor adverse effect on the environment

Conditions may be imposed to ensure that no minor adverse effect on the environment of the zone occurs as a result of a proposal, in particular:

- Noise, arising from the congregation of people, and their vehicles, must be controlled. To that end, the hours of operation may be restricted, during the hours of darkness.
- With respect to earthworks, due to the sensitive nature of certain parts of the City, the control of earthworks, landfilling and other soil retention or removal methods will be of particular concern. To ensure that any potential adverse impact on the site and surrounding sites is avoided or minimised, conditions may be imposed as part of the resource consent.
- Activities that involve hazardous substances in terms of PART 5E - HAZARDOUS FACILITIES of the Plan may also have conditions placed upon their operation to ensure the avoidance or to minimise any potential adverse impact.

### 6. Tree plan to accompany applications 192

All applications for resource consents in the Residential [3b] and 4 zones shall be accompanied by an accurate plan of the positions of existing trees on the site, the location of the development proposals and (if relevant) the vehicle path of any building intended to be moved to or from the site.

Location of existing trees on roads will also be considered in determining the most appropriate location of access to residential sites – see Clause 5C.7.3 TREES.

### 7. Refer to additional criteria for specific activities in Clause 7.7.4.3 FURTHER CRITERIA TO BE CONSIDERED

#### 7.7.3.2 ADDITIONAL CRITERIA FOR SPECIFIC ACTIVITIES

##### A. Criteria for Care Centres located in Residential 1-3 Zones

In the Residential 1-3 zones the Council must be satisfied that the relevant objectives and policies for the zone have been met and that:

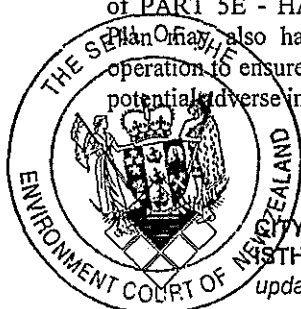
- The site is of adequate size and frontage to accommodate the activity;
- There is adequate provision for parking and vehicle manoeuvring without difficulty or congestion and without detracting from the special character of the area;
- Any landscaping and parking areas will be located, constructed and maintained so as to preserve the particular amenities of the neighbourhood;
- There is no removal of or damage to any existing building that represents the era being conserved;
- Any new building or structure will not detract from the appearance of any existing buildings on the site;
- Any sign or lighting is compatible with the historic legacy form and pattern of buildings and streetscape in the vicinity and is in compliance with bylaw requirements; provided that the signage associated with the activity is limited to a single sign not exceeding 0.2m<sup>2</sup>.

Note: reference should be made to the Signs Bylaw.

##### B. Criteria for External Additions or Alterations to existing buildings on the site in the Residential [3b] and 4 Zones 192

Applications under this Clause which comply with the Architectural Design Guidelines (ANNEXURE 4) shall be deemed to comply with the following criteria.

When assessing an application for a resource consent to building additions or alterations the Council must be



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satisfied that the relevant objectives and policies for the zone have been met and that:

- The form, colour and texture of the addition or alteration shall be visually compatible with that of the cone, cliff or landscape on which it is situated, and shall not compete with or dominate that character. ~~[(Relates to Residential [3b and] 4 zones)]~~

192

C. Criteria for the Construction or Relocation of Residential Units (within the density limits specified in Clause 7.7.2.1 DENSITY) or any new building or structure or Accessory Buildings in the Residential [3b] and 4 Zones 192

Applications under this Clause which comply with the Architectural Design Guidelines (ANNEXURE 4) shall be deemed to comply with the following criteria.

When assessing an application for a resource consent for a new building (be it a residential unit or accessory building) the Council must be satisfied that the relevant objectives and policies for the zone have been met and that:

- The form, colour and texture of the building shall be visually compatible with that of the cone, cliff or landscape on which it is situated, and shall not compete with or dominate that character. ~~[(Relates to Residential [3b and] 4 zones)]~~ 192

D. Criteria for External Additions or Alterations to existing buildings on a site in the Residential [1- &] 3a] Zone[s] 163 192

When assessing an application for a resource consent to building additions or alterations, the Council must be satisfied that the relevant objectives and policies for the zone have been met and that:

- ~~[Changes to the road facade of the building shall be in character with the existing building and shall not significantly alter the heritage character of the whole fabric or design, or the character of original detail;~~

- ~~Subject to the above, additions shall be so positioned or modifications so designed as not to detract from the continuity of front facade alignment of the dwellings in the vicinity;~~ 163

- The form, mass, proportion and materials of the addition or alteration shall be compatible with the prevailing architectural style of the existing dwelling on the site;

- ~~[[In the Residential 3a zone the The] form, colour and texture of the addition or alteration shall be visually compatible with that of the cone on which it is situated, and shall not compete with or dominate that character;]~~ 163 192

- Materials and the use of materials shall be in sympathy with the traditional character and material of buildings in the vicinity;
- Any existing traditional fencing at the front boundary shall as far as possible be preserved or reinstated after development; provided that, in considering the appropriate scale and form of the fencing, the need for the protection of children and the security of households and property shall be taken into account.

Applications under this Clause which comply with the Architectural Design Guidelines (ANNEXURE 4) shall be deemed to comply with the foregoing criteria.

E. Criteria for the Construction or Relocation of Residential Units (within the density limits specified in Clause 7.7.2.1 DENSITY) or any new building or Accessory Buildings in the Residential [1- &] 3a] Zones 163 192

When assessing an application for a resource consent for a new building (be it a residential unit or accessory building), the Council must be satisfied that the relevant objectives and policies for the zone have been met and that:

- ~~[The form, mass, proportion and materials of the building shall be compatible with the original architectural style predominant in the street, and shall not ignore, compete with, or dominate that character;]~~ 163

- ~~[[In the Residential 3a zone, the The] form, colour and texture of the building shall be visually compatible with that of the cone on which it is situated, and shall not compete with or dominate that character;]~~ 163 192

- The building shall be so positioned as not to detract from the continuity of the front facade alignment of the dwellings in the vicinity;

- Any existing traditional fencing at the front boundary shall as far as possible be preserved or reinstated after development; provided that, in considering the appropriate scale and form of the fencing, the need for the protection of children and the security of households and property shall be taken into account.

Applications under this Clause which comply with the Architectural Design Guidelines (ANNEXURE 4) shall be deemed to comply with the foregoing criteria.

F. Criteria for Activities located within the Front Yard required by Clause 7.8.1.7A. FRONT YARD in the Residential [1- &] 3a] Zones 163 192

When assessing an application for a resource consent to construct a wall, fence or other structure not included in the definition of building, within front yards of sites in the Residential [1- and] 3a] zones, the Council must be



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satisfied that the relevant objectives and policies for the zone have been met and that: 163 192

- use of unsympathetic materials is avoided; and
- the wall, fence or structure does not detract from the existing streetscape; and
- the scale and form of the wall, fence or structure is in keeping with others on the site and within the road; and
- the new wall or fence does not destroy or detract from the continuity or harmony of existing fencing.

Applications under this Clause which comply with the Architectural Design Guidelines (Annexure 4) shall be deemed to comply with the foregoing criteria, provided that the Council may waive any or all of the criteria if to insist on compliance in any particular case would compromise the protection of children in households, or the security of households of property, to which the wall, fence or structure relates. No new building or building addition shall be so positioned as to exclude the possibility of creating off-street parking provision to the side or rear of the residential unit.

The Council may consent to the location of a parking space, garage or carport in the front yard where it is satisfied that:

- no practical location is available elsewhere on the site; and
- the provision will not detract from the continuity and harmony of the building forms in the street nor otherwise detract from the coherence of the streetscape; and
- any structure associated with the parking provision is minimal in scale, and designed in a manner which is coherent with the original architectural character of any house on the site.

#### G. Criteria for Rest Home accommodating people within the intensity level specified in Clause 7.8.1.1

The Council must be satisfied that the relevant objectives and policies for the zone have been met and that:

- There is adequate provision for on-site parking (for both staff and visitors) and vehicle manoeuvring without difficulty or congestion occurring on the road and that the location of such will not detract from the amenity values of the area, including the streetscape;
- Large groups of parking spaces shall be avoided due to their impact on visual and aural amenities, unless these effects can be adequately mitigated by separation distances, and/or screening/landscaping;

In the case of the reuse of existing buildings, where space for parking is only available to the front of the

site, particular attention will be given to the form of screening/landscaping to ensure that the visual impact on the streetscape is minimal;

- The internal circulation of the parking areas should be designed for safe and efficient vehicle circulation on-site;
- For larger developments, pedestrian access to and from the site shall be sufficiently separated from the vehicle access to ensure the safety of pedestrians if this may be through segregated access, use of different paving or signage;
- Development or redevelopment, modification or alteration to an existing rest home including that occurring through site amalgamation shall result in buildings of a similar or complementary scale and appearance to that of other residential buildings within the surrounding area;
- Where larger buildings are inserted in areas with smaller buildings, the publicly visible facades of the new buildings shall be detailed to mitigate the possible perception of unsympathetic bulk. Where site amalgamation results in the redevelopment, modification, or additions to existing buildings on the site(s), attention shall be given to ensuring that the development will not result in a long continuous street facade. The development shall be designed to complement and enhance the streetscape character;
- Consideration shall be given to the location and design of service activities/facilities on-site (such as kitchens, laundries, and waste storage areas) with regards to protecting the visual privacy and aural amenity of neighbouring sites;
- A landscape plan shall be provided with the application. The site must be appropriately landscaped to provide pleasant seating areas and visual outlook from within the site for residents and from the street, while also ensuring integration with neighbouring residential sites. Wherever possible and appropriate, any existing trees and mature landscaping shall be retained. Particular attention shall be paid to parking areas, services areas, and site boundaries;
- It is acknowledged that, due to the nature of certain ailments of residents, additional security measures may be required such as security fencing. In these situations, such measures must be in keeping with the character of the surrounding residential environment, especially when viewed from the street;
- For rest homes in the Residential 1-3 Zones, the Council will also be concerned to ensure that the proposal does not require the removal or damage to any existing building representative of the heritage built legacy and character that the zone is seeking to promote/



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retain, nor involve any new building which will detract from the appearance of any existing building(s) on-site or in the vicinity. The Council must also be satisfied that any sign or lighting is compatible with the ~~historic-legacy~~ form and pattern of buildings and streetscape in the vicinity and in compliance with bylaw requirements. Reference shall be made to the Bylaw.

### 7.7.4 DISCRETIONARY ACTIVITIES

#### 7.7.4.1 GENERAL EXPLANATION

*The activities nominated as discretionary in the residential zones are those which may be appropriate on some sites in the specified zones. They can however have effects which require particular assessment, and may require particular conditions to ensure that they do not have adverse effects on the environment of the area.*

*Consideration of site layout and separation measures is essential to avoid inappropriate dominance by unusually large buildings or structures, and carparking areas.*

*Activities seeking to operate during the hours of darkness may be required to adhere to certain noise limits.*

*Activities such as care centres and rest homes that seek to exceed the intensity level permitted in a zone, may be acceptable. The Council may require measures to be undertaken to mitigate any adverse effect on surrounding residential sites.*

#### Explanation – Specific Activities

##### Boarding House/Hostel

*This term is applied to the range of residential accommodation that includes long-term or semi-permanent accommodation (loosely termed 'boarding'). The scale and form at which a boarding house/hostel may operate will vary considerably, as will its appropriateness in certain residential locations, therefore, requiring assessment as a discretionary activity. The Council will be concerned to ensure that the number of guests accommodated on-site is in keeping with the intensity levels set for other activities provided in each zone. Particular consideration will be given to the design of the development and the amenity provided on-site and for neighbouring properties, as well as adequate provision for parking appropriate to the particular proposal.*

##### Fire Station and Training Centre, Panmure

*The Panmure Residential 8 zone includes the fire station and training centre on the corner of Pilkington and Pleasant View Roads Panmure, which comprises the regional and national training centre, and Mt Wellington Fire Station. This facility, including the activities which take place on the site, plays an essential role in helping to provide for community safety and wellbeing. Discretionary activity*

*status will apply to new or expanded activities not covered by existing use rights in order to protect the amenity and safety of the neighbourhood while providing appropriately for the Fire Service training and fire station activity. Consideration of the location of noise generating activities, traffic movements, visual impact on residential amenity and the need to enhance the pedestrian environment will be of particular concern, as will any introduction of hazardous discharges, acknowledging that at February 2005 no live fire training activities are carried out on site and chemical foam is not used in training. Buildings on the site, with the exception of the existing training tower, would generally be expected to be consistent with the height and development controls of the Panmure Residential 8a zone in F14-01.*

##### Housing Development for the Elderly or Disabled

*It is envisaged that 'Housing Developments for the Elderly or Disabled' will provide a type of residential accommodation for particular sectors in the community, thereby providing a social and community benefit. Such developments include pensioner housing, kaumatua housing, housing for the disabled or the infirm – all groups that have needs that may not be met by standard forms of residential development. Examples of this include the desire for smaller, more manageable individual outdoor living spaces and communal seating/gathering areas and lower demand for parking for residents. This type of housing may consist of various types or forms of residential accommodation such as bedsits, one bedroom units, accommodation for single persons or couples, and communal/shared facilities such as rubbish facilities and laundry facilities.*

##### Integrated Housing Development

*The provision for 'Integrated Housing Developments' allows for a site by site assessment of the potential impact of additional development, acknowledging that some of these developments can be appropriately integrated into existing residential areas. These developments will occur on large sites within set density limitations and will be based on an integrated approach in respect to parking, pedestrian and vehicle linkages, complementary design of buildings and landscaping, and the provision of open space (both private and communal). Particular consideration will be given to the amenity provided both for residents of the development and for surrounding properties. The visual impact of the development is extremely important to ensure its 'fit' or integration with the neighbourhood. Specific assessment criteria are used to assess such developments to ensure that the development is not out of scale with the surrounding area and that good design is incorporated. These developments are envisaged on sites located near shopping services, employment opportunities, areas of public open space, and public transport routes. It is council practice to refer applications for Integrated Housing Developments of eight or more units to the Urban design Panel for review.*



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**[New building construction (including external additions and alterations) in the Residential 1 and 2 Zones. 163]**

Adherence to the specified assessment criteria and the design guidelines contained in the appendices to the Plan will be required in the Residential 1 zone to ensure that the design of new buildings and external additions and alterations to existing buildings are sympathetic to those elements and aspects of the area's environment that contribute to its special character.

The Council considers that new buildings and external additions and alterations to existing buildings are appropriate, however, the Council has retained discretion to consider certain aspects of building design and appearance and has the right to decline consent.

**a) Residential 1 zone**

In the Residential 1 zone, as a consequence of the design criteria and guidelines, new buildings and external additions or alterations to existing buildings will be designed and located in a manner which respects and relates positively to the surviving original physical and architectural character of the neighbourhood, without new development being tightly constrained to use period overall design or detailing. In this respect new structures should be designed so as to visually relate to, and rest harmoniously alongside, original buildings or elements as the case may be, whether original style and detail is used or not. 163

**b) Residential 2a, 2b, 2c Zones**

The Plan has design criteria and guidelines to ensure that new buildings and external additions and alterations to existing buildings will be designed and located in a manner which respects and relates positively to those elements and aspects that contribute to the special character of an area, and in particular to the period housing and landscaping which is characteristic of areas included in the zone. Retention of the tree-filled quality of these areas is important and buildings must be located with this in mind. Adherence to the Design Guideline in the Residential 2 zone (Appendix 13) is not mandatory, however compliance with the guideline is encouraged to ensure that new buildings or external additions and alterations to existing buildings is appropriate for the site and its context.

**[Demolition or removal of buildings (excluding accessory buildings) constructed on the site prior to 1940 within the Residential 1, 2a, 2b, and 2c Zones.**

The effects on the special character of a streetscape are an important consideration in the Residential 1 and 2 zones. To help protect-maintain this special character, the total or substantial demolition or removal (more than 30% by volume) of any building (excluding any accessory building) constructed on the site prior to 1940, has been made a discretionary activity in these zones. The Council has restricted the exercise of its discretion to those matters specified. This will allow the Council to consider the historic architectural qualities of the building as

well as the effect of the demolition or removal on the architectural qualities and special characteristics of the streetscape and surrounding area. Demolition or removal below this threshold will be considered as an external alteration.

Accessory buildings are not subject to this provision in recognition that the demolition or removal of the primary building on the site will have the greatest potential impact on the special character of the streetscape. The exclusion of accessory buildings from this provision does not extend to the demolition/removal of an accessory building on a property scheduled (i.e site and surrounds) in the Plan. Refer to clause 5C.7.1.3 for such accessory buildings.] 163

**[Earthworks (greater than 5 cubic metres in volume) in the Residential 3a and 3b zones 192]**

Outstanding natural features can be adversely affected by any earthworks. Such effects can include visual effects, where the contour of the land is visibly changed, and physical effects, which can be hidden from view by the presence of a building or vegetation, but which result in a change to the natural landform. For this reason, the Council has adopted a very low threshold for triggering the assessment of earthworks as a discretionary activity.

The Council acknowledges that some earthworks are necessary in order to develop any site, however, the Council has retained discretion to ensure that development reduces the earthworks required to an absolute minimum, in order to protect-maintain the sensitive values associated with the Residential

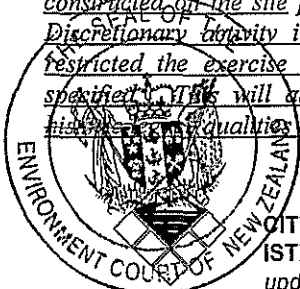
3a and 3b zones. Criteria are applied to ensure that site layout, building design and construction methods adopted minimise both the visual and the physical effects of new development or change in these zones.

**[New building construction (including external additions and alterations) in the Residential 3a and 3b zones**

Adherence to the specified assessment criteria and the design guidelines contained in the annexures to the Plan will be required to ensure that the design of new buildings and external additions and alterations to existing buildings are sympathetic to those elements and aspects of the area's environment that contribute to its special character.

The Council considers that new buildings and external additions and alterations are appropriate, however, the Council has retained discretion to consider certain aspects of building design and appearance and has the right to decline consent.

Development will also be required to respect the natural character of the zones, including the natural landform and presence of trees and other vegetation. New building construction will therefore be required to respond to both the natural and the built attributes of the context.



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In respect of development on the top row of sites on volcanic cones (those sites which abut the land with an open space zoning at the top of the cones), development will be restricted from being higher (in elevation) than the existing development, as defined by a line joining the highest part of the roof of houses on the sites immediately adjacent (which also abut the land with an open space zoning).

### a) Residential 3a zone

In the Residential 3a zone, as a consequence of the design criteria and guidelines, new buildings and external additions or alterations to existing buildings will be designed and located in a manner which respects and relates positively to the surviving original physical and architectural character of the neighbourhood, without new development being tightly constrained to use period overall design or detailing. In this respect new structures should be designed so as to visually relate to, and rest harmoniously alongside, original buildings or elements as the case may be, whether original style and detail is used or not. In this zone, it is also necessary to consider the visual and physical effects on the volcanic landscape. Criteria are applied to ensure new construction respects both the built character and the natural character of the environment.

### b) Residential 3b zone

The Plan has design criteria and guidelines to ensure that new buildings and external additions and alterations to existing buildings will be designed and located in a manner which respects and relates positively to those elements and aspects that contribute to the special character of an area, and in particular to the period housing, site landscaping and the wider landform and landscape qualities present in the zone. Retention of the tree-filled quality of these areas is important and buildings must be located with this in mind.

Demolition or removal of buildings (excluding accessory buildings) constructed prior to 1940 within the Residential 3a and 3b zones,

The effects on the special character of a streetscape are an important consideration in the Residential 3a and 3b zones. To help protect/maintain this special character, the total or substantial demolition or removal (more than 30% by volume) of any building (excluding any accessory building) constructed prior to 1940, has been made a discretionary activity in this zone. The Council has restricted the exercise of its discretion to those matters specified. This will allow the Council to consider the historic-legacy qualities of the building and the effect of the demolition or removal on the special character of the street and surrounding area. Demolition or removal of buildings below this threshold will be considered as an external alteration.

Accessory buildings are not subject to this provision in recognition that the demolition or removal of the primary building on the site will have the greatest potential impact on the special character of the streetscape. The exclusion of

accessory buildings from this provision does not extend to the demolition/removal of an accessory building on a property scheduled (i.e. site and surrounds) in the Plan. Refer to clause 5C.7.1.3 for such accessory buildings.]

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### Place of Assembly

A place of assembly has the potential for large numbers of people and cars to gather in one place. The functions of a place of assembly are considered to be an important aspect of life in an urban environment and to have a positive effect for the community. However, the environmental effects generated by having large numbers of people gathering together in one location such as traffic and noise, have the potential to detract from the environmental amenities of the surrounding residential area. Parking, on-site and in surrounding residential streets, can detract from the visual amenity of an area.

Measures to ensure protection from the adverse effect of noise may include imposing noise levels, restrictions on the hours of operation, construction methods, separation distances and screening. On-site management techniques may be required to control vehicle movement and noise to ensure that acceptable levels of performance are achieved in the residential context.

It is recognised that many community and sports groups need to make some charge for the use of their facilities to recover costs. The Plan does not envisage the use of such facilities specifically for commercial gain. Business zones are the more appropriate locations for such commercial activities.

### Hospital

Hospitals are an accepted activity in residential areas. However, the scale and range of hospitals vary from the small private hospital, to the larger complexes that function in a similar fashion to the large public hospitals. Consequently the effects generated can also vary.

For this reason assessment as a discretionary activity is considered appropriate. In certain cases it may be more appropriate for large complexes to apply for a change of zoning.

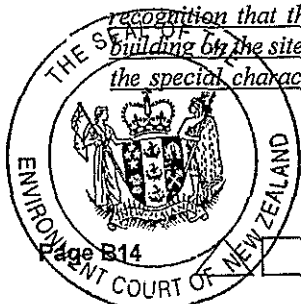
### Community Welfare Facility

This term applies to premises used by community based activities or groups whose functions offer a positive effect in a residential environment and should, where appropriate, be able to locate in residential areas.

### Camping Ground

Camping grounds provide a type of residential accommodation. Elements of a camping ground operation are controlled either by statutory regulation or Bylaw (20.8.3(g) - Camping).

Camping grounds are more recently providing semi-permanent residential accommodation for those who are



See key on the last page of this section



unable to or who do not choose to live in a more settled or structured form of housing. Particular consideration will be given to controlling any detrimental effects the camping ground may have on adjacent residential land.

#### Dairy

In a residential context a dairy performs a necessary service function. The Plan's definition excludes those other retail functions that may generate traffic and noise to levels that are unreasonable in a residential environment.

#### Healthcare Services

This activity is provided for as a discretionary activity in the Residential 1, 2, 3, 6 and 7 zones. Provision is made for healthcare services to be located in residential zones so that they are close to the communities they serve.

In making provision for healthcare services in residential zones it is recognised that they may result in adverse effects that are not sustainable in a residential environment.

A healthcare service in a residential zone is expected to present a residential character. Compliance with the development controls rules is required in order to minimise adverse effects on residential amenity.

The Council will require a high level of site amenity that will reflect the residential environment. The design of the proposed healthcare service will need to carefully address the mitigation and remedying of any adverse effects that could result from the attraction of more traffic into the street, and the increased demand for parking spaces in the vicinity of the proposal.

Residential amenity shall be further ~~protected-maintained~~ by ensuring that the establishment of the proposed healthcare service and the consequential increased traffic and increased street parking does not result in a downgrading of the street parking convenience and the streetscape amenity enjoyed by people living in the area. Traffic and parking assessments will also take account of any cumulative effect from nearby sources of traffic generation such as schools, churches and commercial centres.

For professional and economic reasons, specialist and surgical clinics tend to concentrate within a given area. The District Plan contains provisions to ensure that concentrations do not result in an adverse cumulative effect on the residential environment. Applicants will need to demonstrate that their proposals will not cause significant adverse effects under Section 7.7.4.2 and 7.7.4.3 of the Plan.

#### Rest Home accommodating people in excess of the intensity level specified in Clause 7.8.1.1

Rest homes require additional scrutiny when seeking to exceed the intensity level of the zone. In this regard, Council will be concerned to ensure that the development does not have an adverse effect on the streetscape, that building bulk and coverage is compatible with the surrounding

environment, and that the drainage system has adequate capacity.

Rest homes occur in a range of sizes and, hence, the effects generated can also vary. Where rest homes are existing, the effects of the activity can be reasonably identified. There is a need, however, to assess any additional effects that may arise from the redevelopment, modification, or alteration to the rest home to ensure its suitability in its context, especially where this involves a greater intensity than otherwise permitted in the zone. This is also particularly so with regards to the location of parking and the potential impact of increased impermeable site coverage.

Converted villas or houses are often used for rest homes in residential environments. Where this occurs, the visual effect on the surrounding neighbourhood is potentially minimal. Consideration, however, needs to be given to any additions to the building (especially if site amalgamation is involved) and the visual impact such additions may have on both the streetscape and the neighbouring properties. Consideration also needs to be given to purpose-built rest homes to ensure that they are visually compatible with the surrounding environment.

#### Retirement Village

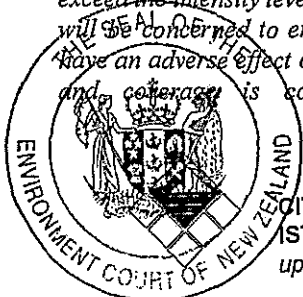
The term 'Retirement Village' is applied to a comprehensively designed 'village' that provides accommodation with a community aspect for elderly, retired or infirm residents through the provision of on-site facilities such as recreational facilities, support, care, and medical services. A range of accommodation types are usually provided, including hospital and rest home beds, serviced apartments, and units providing independent living. Parking provisions differ in relation to the different range of accommodation and activities provided.

Visitor and staff parking are an important consideration as is the location and design of parking areas, accessways, internal roading networks, and pedestrian linkages. Consideration will also be given to the design and layout of the village, especially the integration and interface treatment with the streetscape and neighbouring properties.

#### Visitor Accommodation

This term is applied to accommodation provided for tourists or short-stay visitors. It is acknowledged that the scale and range of visitor accommodation can vary from smaller scale backpackers to larger motels. Consequently, the effects generated can also vary, being significant enough to require assessment as a discretionary activity. Larger-scale visitor accommodation will be directed towards locating on major roads, due to the possibility that the activity will generate large volumes of traffic.

Particular attention will be paid to ~~protecting-maintaining~~ the amenity of the surrounding neighbourhood. Required mitigation measures may include buffer screening/landscaping, controlling vehicle access to the site, and locating potential



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noise generators such as parking areas, swimming pools and barbecue areas away from the interface with any adjacent residential land. The visual impact on the streetscape and neighbouring sites is also of importance.

### Offices

Limited provision for offices has been made in existing buildings in four areas zoned Residential 1 and one area zoned Residential 7b in recognition that the activity has and may continue to ensure that period buildings are retained and in most cases enhanced.

In two areas (Jervois Road, south side between Provost Street and Blake Street; and Ponsonby Road, east side from Pember Reeves Street to Franklin Road), activity is limited to 50% of gross floor area to ensure that the residential component is maintained. In the remaining three areas (College Hill, south side between England Street and Margaret Street; Jervois Road, north side between Lawrence Street and Sentinel Road; and Parnell Road, west side from Birdwood Crescent to Domain Drive), the activity can use up to 100% of the gross floor area.

The activity must not result in any deterioration of the character of the streetscape or surrounding area. In both zones, the presence of the activity must not result in changes occurring to the original style and residential character of the building in which it is located.

### Tourist Complex

This activity is designed to encompass many of the forms of tourist accommodation available in those parts of the City outside the Central Area. Because it is recognised that a range of facilities or services may operate as part of the complex, this is a discretionary activity. Particular attention will be paid to ~~protecting~~ maintaining the amenity of surrounding residential land. This may include measures such as:

- buffer landscaping and screening;
- controlling the manner by which traffic accesses local streets;
- the location of potential noise generators such as swimming pools, barbecue areas, bars and restaurants away from the interface with any adjacent residential land.

### Educational Facility

This activity recognises that changes made in the education system have resulted in a wide range of educational facilities.

Schools are generally accepted as an integral element in the residential environment. Noise is an effect closely linked to school operations. However, it is generally of a short duration (lunch hour etc), and occurs at regular times during the day. Parking pressures are a problem especially on adjacent residential roads. While secondary schools may

generally discourage pupils bringing cars this is not easy to control.

The local school performs a number of functions, including providing open space for passive or active recreation. It may provide a focus for the community and the school hall or classrooms may be used by various community groups. The definition of 'educational facility' is wide enough to encompass the range of educational activities already present in the residential areas of the City – ballet schools, speech teachers, language schools etc. For these functions consideration of the impact of parking, noise and the visual deterioration of residential areas will be of particular concern, as will the hours of operation. With respect to the larger multi-purpose facilities, it may be appropriate to apply a special purpose activity zone.

### Care Centre

While care centres, as defined in the Plan, can display a range of forms and sizes, they have a feature in common. Namely, the drop off and pick up of people or children attending the centre.

In the case of centres seeking to exceed the intensity level identified for the zone, consideration must be given to the impact that vehicles associated with transporting people may have on the safety of traffic flows, particularly at peak hours and on the surrounding residential environment.

In addition, any assessment of care centres catering for children must take into consideration the location of outdoor play areas, due to the relatively high level of noise generated by children at play.

### Horticulture

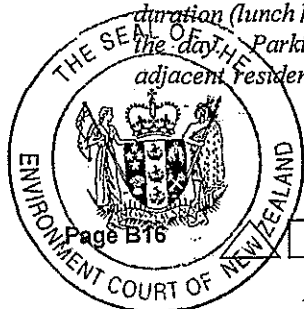
Some areas within the residential zones have, for many years, been utilised for horticultural purposes. These activities can have an adverse effect on the neighbourhood. Of particular concern is the potential for these activities to:

- occupy significant areas of a site with buildings often out of scale with their surroundings.
- generate additional traffic and noise in an area.
- utilise hazardous substances eg sprays, chemicals, which may have an adverse effect on the health of humans, and animal and plant life.

So that the effects of individual horticultural operations can be assessed in light of their location and proposed practice the activities are discretionary activities in the residential zones of the district.

### Artificial Lighting

The use of artificial lighting on land in a residential zone which produces an illuminance in excess of 150 lux measured at ground level can have a significant adverse effect on adjoining properties if the artificial lighting is not positioned so as to limit light spill and glare. Therefore the



See key on the last page of this section





activity is deemed to be a discretionary activity in the residential zones so that appropriate assessment can occur.

**Services Stations existing as at 1 July 1995 and Extensions to Service Stations into Residentially Zoned Land**

Where a service station has occupied a site since 1995 the nature of the effects of the activity are existing and can be reasonably identified. Modifications, alterations or redevelopment of such facilities that lead to their improvement through facilitating better access or parking, improvements to layout, landscaping and overall design and consequently result in an enhanced activity in terms of its effect on the environment is considered appropriate. When considering the effects of such works it is not necessary for the Council to revisit the suitability of a service station in that locality as that has been previously examined and determined. When assessing the additional effects of redevelopment, modification or alteration works on the same site, matters concerning the design and external appearance of buildings, site layout, carparking, access, noise, lighting and landscaping will therefore be addressed.

When considering the expansion of an existing service station onto residentially zoned land, the Council seeks to ensure that the amenity of neighbouring residential properties is ~~protected~~ maintained and that any adverse effects of noise

and traffic are minimised. It is the Plan's intention that expansion of service stations onto residential sites can only be supported where development is undertaken in a manner sensitive to the business/residential interface, and where any

potential effects can be mitigated to a level that is considered reasonable within such an environment. The expansion of an existing service station onto residentially zoned land should address such matters as:

- controlling the manner by which traffic accesses local streets;
- controlling the form and layout of development;
- controlling the size and location of signs and lighting;
- locating noise generating activities (such as car washes, air pumps and gas compressors) away from the residential interface;
- providing buffer landscaping and screening to the satisfaction of the Council.

The Plan contains a reference to general assessment criteria at 7.7.4.2 GENERAL CRITERIA FOR ASSESSING APPLICATIONS FOR DISCRETIONARY ACTIVITIES and lists matters to be addressed. These matters should be applied in addition to the further criteria set out in 7.7.4.3 FURTHER CRITERIA TO BE CONSIDERED.

**7.7.4.2 GENERAL CRITERIA FOR ASSESSING APPLICATIONS FOR DISCRETIONARY ACTIVITIES** 163 192

In assessing discretionary activity applications, the following particular matters will be considered

Particular Matters to be Considered (see Table)

Discretionary Activity	Particular Matters To Be Addressed											
	1	2	3	4	5	6	7	8	9	10	11	12
Non-permanent accommodation for care						*					*	*
Boarding house/hostel	*	*	*	*	*	*	*	*	*	*	*	*
Care centre	*	*	*		*	*		*	*	*	*	*
Camping ground	*	*			*	*	*	*	*	*		
Community welfare facility	*	*		*	*	*			*	*	*	*
Construction or relocation of residential units [(within the density limits specified in Clause 7.7.2.4)] or any new building or structure <span style="border: 1px solid black; padding: 0 2px;">163</span> <span style="border: 1px solid black; padding: 0 2px;">192</span>		*	*	*		*					[*]	
Construction of residential units or any new building or accessory building in the Residential 2a, 2b and 2c zones; and relocation on to a Residential 2a, 2b and 2c zoned site of a residential unit. #		*	*	*		*					*	



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Discretionary Activity	Particular Matters To Be Addressed											
	1	2	3	4	5	6	7	8	9	10	11	12
External additions and alterations to, or building relocation within the same site of, existing buildings in the Residential 2a, 2b and 2c zones.				*		*					*	
Demolition or removal of buildings (more than 30% by volume and excluding accessory buildings) constructed prior to 1940 within the Residential 2a, 2b and 2c zones on sites identified on the maps [....]. [163]											*	
Construction and/or relocation of 4 or more residential units on a site (within the density limits specified in Clause 7.7.2.1) within the Residential 6 & 7 zones		*	*	*		*						
Dairy	*	*			*	*	*		*	*	*	
Educational facility	*	*	*	*	*	*		*	*	*	*	*
External additions or alterations to existing buildings on the site [163] [192]				*		*					[*]	
Hospital	*	*	*	*	*	*	*	*		*	*	*
Housing development for the elderly or disabled	*	*	*	*	*	*	*	*	*	*		*
Integrated housing development	*	*	*	*	*	*	*	*	*	*		*
Healthcare services	*	*	*	*	*	*	*			*	*	*
Horticulture	*	*	*		*	*	*			*		
Offices	*	*	*	*	*	*			*	*		
Places of assembly	*	*	*	*	*	*	*	*	*	*	*	*
Rest home in the Residential 4 Zone and/or rest home accommodating people in excess of the intensity level specified in Clause 7.8.1.1	*	*		*	*	*	*	*		*	*	*
Retirement village	*	*	*	*	*	*	*	*	*	*		*
Tourist complex	*	*	*	*	*	*		*	*	*		*
Use of artificial lighting producing an illuminance in excess of 150 lux at ground level				*	*	*			*	*		
Visitor accommodation	*	*	*	*	*	*		*	*	*		*
Extensions to service stations existing as at 1 July 1995 into residentially zoned land	*	*	*	*	*	*	*	*	*	*	*	



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Discretionary Activity	Particular Matters To Be Addressed												
	1	2	3	4	5	6	7	8	9	10	11	12	
[The demolition or removal of any building (more than 30% by volume,] excluding accessory buildings) as provided for in Clause 7.7.1] [163] [192]												[*]	

**1. Traffic Generation**

No adverse effect on the capacity of the adjacent roading network caused by the expected traffic generation of a proposal will be generally accepted. Any adverse effect may be mitigated by action taken to upgrade road design and/or intersection design. Activities likely to generate high volumes of traffic are not encouraged to locate on local access roads.

**2. Parking**

In general a proposal should comply with the Plan's parking and access controls unless it is not appropriate to do so because of inherent site characterisations.

**3. Access**

Sites for large scale activities may need to be accessible from the major roading network to avoid heavy traffic volumes in residential access roads. Of particular concern will be the location of entry and exit points to the site, their relationship with existing intersections, land constraints and adjacent residential units. Adverse effects may be reduced or mitigated by controlling access to the road, by redesign of the roadway or by traffic signals and the like. Sites on local roads may be unsuitable.

**4. Buildings**

In general buildings or structures should be of a similar or complimentary scale and appearance to that of other residential buildings within the surrounding area. Where this is not practicable, buildings should not overshadow or become overly dominant. Methods to mitigate any adverse effect may include the use of separation distances between the proposal and adjacent sites and the provision of screening.

Where design guidelines are referred to, development shall be consistent with the design guidelines.

**5. Noise**

Activities shall be conducted so that the noise generated shall not exceed the maximum levels specified in the Plan's noise controls. Detailed measures for the elimination of objectional noises may be required. Methods available to mitigate the adverse noise effects of activities include:

the provision or construction of barriers;

- the construction of earthen berms;
- the provision of greater distances between the noise generator and existing development;
- screening the noise generator using natural or man-made materials;
- restricting or imposing conditions on hours of operation – in particular between 10 pm and 7 am.

**6. Development Controls**

In general, activities will be required to comply with the development controls for the zone. A modification to one or more of the development control rules may be considered concurrently under Clause 4.3.1.2B as a separate discretionary activity.

With respect to activities that are designed to attract or accommodate people, the Council will use the intensity level set for permitted or controlled activities for the zone as a guide. This means that activities such as places of assembly and educational facilities are not expected to comply with the intensity level for the zone. The rule will however be used to help assess the potential effect of the activity and determining where necessary, any conditions of consent.

**7. Natural Environment**

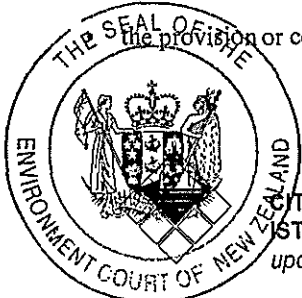
Activities may be subject to conditions relating to water discharges, hazardous substances, air pollution and emission and soil quality to prevent or reduce to an acceptable level, any adverse effect the development may have on the environment.

**8. Infrastructural Constraints**

The site must be able to sustain the infrastructural servicing needs of the development. Where the existing infrastructure can not sustain new development, the proposal must demonstrate an ability to meet its own servicing needs.

**9. Outdoor Activities**

In general, activities should be contained within a building but where this is not practicable, taking into account the nature of the activity, any outdoor work, or entertainment area may be subject to screening, separation, landscaping or noise conditions. This is to ensure that the visual and aural privacy of adjacent land



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is not adversely affected and that the environmental amenity of the surrounding sites is not compromised.

### 10. Cumulative Effect

In assessing the appropriateness of allowing an activity to be located in an area consideration will be given to the presence of activities already located in the area and on the site, and their effect on the surrounding residential environment. Of particular concern is the cumulative effect of locating an activity on a site adjacent to or already accommodating an activity that may currently generate traffic, noise, etc, not in keeping with the residential area. The ability of a site to internalise effects if more than one activity is seeking to operate from it will be considered.

### 11. Tree Plan to Accompany Applications [163] [192]

All applications for resource consents in the Residential [1.] 2a, 2b, 2c, [3a.] 3b and 4 zones shall be accompanied by an accurate plan of the positions of existing trees on the site, the location of the development proposals and (if relevant) the vehicle path of any building intended to be moved to or from the site.

Location of existing trees on roads will also be considered in determining the most appropriate location of access to residential sites – see Clause 5C.7.3 TREES.

### 12. Safety

Applications are to be assessed against the criteria listed in clause 6.2.10.5

#### 7.7.4.3 FURTHER CRITERIA TO BE CONSIDERED

##### A. ~~[Non Permanent Accommodation, Care Centres, Homes for the Aged, Educational Facilities, Community Welfare Facilities, Hospitals, Dairies, Places of Assembly and Healthcare Services in the Residential 1-4 Zones]~~

The proposal must not require the removal of or [~~damage to~~ significant alteration to], any existing building of the era being ~~conserved/protected~~ maintained, nor involve any new building which will detract from the appearance of any existing buildings on the site or in the vicinity. Applications under this Clause which comply with the Architectural Design Guidelines [applicable to the zone] (ANNEXURE 4 [and APPENDIX 13]) shall be deemed

to comply with the foregoing criteria. [163] [192]

The Council must also be satisfied that any sign or lighting is compatible with the ~~historic built legacy~~ form and pattern of buildings and streetscape in the vicinity and in compliance with bylaw requirements (Part 27 - Signs); provided that the signage associated with the activity is limited to a single sign not exceeding 0.2 m<sup>2</sup>.

### B. Earthworks

When assessing an application for resource consent for any earthworks, the Council must be satisfied that the potential effect(s) have been considered and that the relevant objectives and policies of the zone have been met and that, for land situated in Residential 3a and 3b zones, earthworks will not detract from the natural character of the cone, cliff or landscape on which they are situated.

[In respect of the Residential 3a and 3b zones, the Council will be concerned to ensure that:

- The extent of alteration to the natural landform is minimized by appropriate site utilization, building design, and construction methods; and
- Retaining walls are avoided; and
- Visual effects of any visible excavation are mitigated by planting. [192]

In addition applications will be assessed against the criteria listed in Clause 4A.2B. CONTROLLED AND DISCRETIONARY ACTIVITIES. Refer also to ANNEXURE 14 for silt and sediment control methods.

### C. Criteria for Housing Development for the Elderly or Disabled

The proposal shall be consistent with the objectives and policies of the zone. Applications will also be considered against the following additional criteria:

#### a) Site amenity, streetscape character and pedestrian amenity

- New development shall be designed to complement and enhance both streetscape character and pedestrian amenity;
- Buildings shall front roads. Blank walls along a road frontage shall be avoided;
- Car parking areas, carports or garages shall not be located on the road frontage of sites or dominate the streetscape or site;
- All signs and lighting shall be assessed as part of any application. A lighting plan shall be provided at the time of any application that

includes provision for lighting of carparks and for pedestrians to ensure a high level of personal safety for residents and visitors at night while minimising light entering adjacent dwellings;

- A landscaping plan shall be provided with the application;
  - Landscaping of developments shall be provided in a manner that will enhance the visual appearance of the development, including around parking areas, service



See key on the last page of this section



areas, and at the site boundaries. On-site landscaping adjoining the road shall enhance the character of the streetscape;

- Landscaping shall be used to soften large facades, where relevant, and visually integrate the development with surrounding residential or open space zoned sites so as to not detract from the amenities of such sites;
- Wherever possible, and appropriate, any existing trees and mature landscaping shall be retained;
- The development shall include area(s) of communal space/facilities available for the use and enjoyment of the users of the site and designed to provide a good standard of amenity on-site;

#### b) Building scale, form and layout

- New developments shall be compatible in scale with other buildings in the immediate streetscape and adjoining buildings on neighbouring properties. Where larger buildings are inserted in areas with smaller buildings, the publicly visible facades of the new buildings shall be detailed to mitigate the possible perception of unsympathetic bulk;
- The scale of the development shall be consistent with the development controls for the zone;
- The site layout, units (where provided), on-site communal facilities and access to them shall be designed having regard to the particular mobility restrictions and needs of the elderly or disabled;

#### c) Site facilities

- Solid waste storage facilities (including adequate space for both recycling and general waste bins and on-site collection) shall be provided on-site and appropriately located and/or screened/landscaped to avoid any adverse visual impact from the road and from within the development. Refer to Clause 7.8.1.11;
- Communal clothes drying areas shall be provided where no such provision is otherwise made. Such provision shall not be located in the required front yard due to the impact this could have on the visual appearance of the development from the street;

#### d) Car Parking

- Adequate parking shall be provided on-site (including visitor parking) appropriate to the particular form of development;

- Large groups of aboveground parking spaces shall be avoided due to their impact on visual and aural amenities, unless these effects can be adequately mitigated by separation distances and/or screening/landscaping;
  - The internal circulation of parking areas shall be designed for safe and efficient vehicle circulation on-site;
  - Car parking facilities shall be conveniently located for access by residents;
- e) Location and design of vehicular and pedestrian access

- Vehicular access to and from the site must:
  - Ensure adequate sight distances;
  - Prevent on-street congestion caused by the ingress and egress of vehicles;
  - Be located, where practicable, and designed so as to ~~protect~~ maintain the aural amenity of adjacent sites;
- For larger developments, pedestrian access to and from the site shall be sufficiently separated from the vehicle access to ensure the safety of pedestrians if this may be through segregated access, use of different paving or signage. Consideration shall be given to the location of entry and exit points to the site and their relationship with existing pedestrian linkages, the existing road network, and any nearby public transport network/route such as bus stops;
- Consideration shall be given to the provision and location of suitable traffic calming devices on vehicle accessways, such as speedbumps, near the site boundary with the road reserve to ensure that vehicles are travelling at a slow speed when crossing the footpath;

#### f) Intensity and Scale

- The intensity and scale of the proposal, in particular, the number of people involved in the activity, traffic generation and size and location of buildings and associated parking shall be compatible with the character and amenities of the surrounding area having regard to the objectives and policies of the zone;
- Developments shall be located in close proximity to public transport routes;
- Developments shall be located close to community facilities and retail opportunities.



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### D. Horticulture

Applications will be considered against the following additional criteria:

- The size and scale of the proposed activity; and in particular the visual and aural effect the activity may have on the amenity of the adjacent residential land;
- In general any buildings will be required to comply with the
  - height
  - height in relation to boundary
  - landscaping
  - building coverage provisions of the zone in which the site is located;
- Compliance with the provisions of PART 5E - HAZARDOUS FACILITIES must be demonstrated;
- Retail sales from the site will be limited so that
  - only fruit and/or vegetables or other natural products grown on the property can be sold from the site
  - no significant increase in traffic generated by the site will occur.

### E. Criteria for Non-Permanent Accommodation for Care

Although in general the activity may be appropriate, there may be particular circumstances where the activity may be inappropriate, and the Council may not grant consent or may seek to impose conditions. Those circumstances include -

#### (a) Exceeding the Intensity Level (Clause 7.7.2.1 DENSITY)

On sites where the intensity level of the zone provides for fewer persons than is proposed to be accommodated in the activity, it may be appropriate for the Council not to grant consent, or to impose a condition to ensure that any effects associated with the number of vehicles associated with the site and the consequential trip generation, are remedied, avoided or mitigated.

#### (b) Sites where there are Infrastructure Constraints

The activity may not be appropriate on a particular site, because of the constraints relating to problems of disposing of foulwater. Consent may not be granted unless it can be shown that further problems can be remedied, avoided or mitigated. A condition requiring this to be achieved through either the physical provision of the infrastructure, or the payment of financial contribution may be imposed.

### (c) Cumulative Effect

In assessing the appropriateness of allowing the activity to be located in an area, consideration will be given to the presence of other activities in the area and on the site, and their combined effect on the surrounding residential environment; and to the extent (if any) to which establishment of the activity will result in an undesirable accumulation of activities in the area, that may generate a significant adverse effect in respect of the following:

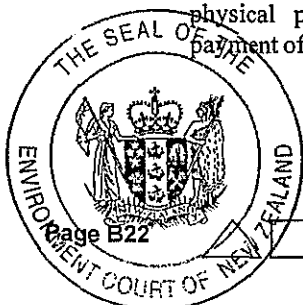
- (i) Traffic – the capacity of the adjacent road to deal adequately with the cumulative effect of traffic generated from the concentration of these activities;
- (ii) Amenity – the character of the surrounding residential area must not be significantly affected by the accumulation of activities, so as to degrade the amenity of the area;
- (iii) Infrastructure – the surrounding area's drainage system must have the capacity to deal with the accumulated servicing needs of the activities.

### F. Visitor Accommodation

The proposal shall be consistent with the objectives and policies of the zone. Applications will also be considered against the following additional criteria:

#### a) Site amenity, streetscape character and pedestrian amenity

- New development shall be designed to complement and enhance both streetscape character and pedestrian amenity;
- Buildings shall front roads. Blank walls along a road frontage shall be avoided;
- All signs and lighting shall be assessed as part of any application, ensuring that they are sensitive to the existing development of the area;
- Lighting shall be designed and located with the aim of promoting crime prevention and personal safety;
- A landscaping plan shall be provided with the application;
  - Landscaping of developments shall be provided in a manner that will enhance the visual appearance of the development, including around parking areas, service areas, and at the site boundaries. On-site landscaping adjoining the road shall enhance the character of the streetscape;
  - Landscaping shall be used to soften large facades, where relevant, and visually integrate



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the development with surrounding residential or open space zoned sites so as to not detract from the amenities of such sites;

- Wherever possible, and appropriate, any existing trees and mature landscaping shall be retained;
- On-site landscaping adjoining the road shall enhance the character of the streetscape;
- The development shall include a suitable area(s) of communal open space available for the use and enjoyment of the users of the site and designed to provide a good standard of amenity on-site;
- Car parking areas shall not be located on the road frontage of sites or dominate the streetscape or site;

#### b) Building scale, form and layout

- New developments shall be compatible in scale with other buildings in the immediate streetscape and adjoining buildings on neighbouring properties. Where larger buildings are inserted in areas with smaller buildings, the publicly visible facades of the new buildings shall be detailed to mitigate the possible perception of unsympathetic bulk;
- Developments shall maintain a spacious feeling to the site, especially in relation to neighbouring residential zoned sites;
- The scale of the development shall be consistent with the development controls for the zone;
- Where buildings abut public open space, they shall not dominate such spaces but address them;

#### c) Visual privacy and aural amenity

- The development shall be designed to maintain, as far as practical, the visual privacy and aural amenity of adjacent sites, in particular, the privacy of habitable rooms and their associated outdoor living spaces and deck areas. This could be through such means as the location of balconies and windows, separation distances, and/or the nature and design of screening/landscaping. Particular attention will be paid to outdoor areas such as decks, swimming pools, barbecue areas, and car parking areas;

#### d) Site facilities

- Solid waste storage facilities (including adequate space for both recycling and general waste bins) shall be provided on-site and appropriately located and/or screened/landscaped to avoid any adverse visual impact from the road and from

within the development. Refer to Clause 7.8.1.11;

#### e) Car Parking

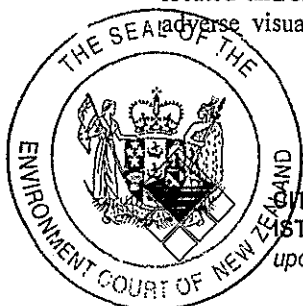
- Large groups of aboveground parking spaces shall be avoided due to their impact on visual and aural amenities, unless these effects can be adequately mitigated by separation distances and/or screening/landscaping. Parking areas shall be located away from boundaries with residential zoned properties or adequately screened/landscaped where this is not possible;
- There shall be adequate parking and manoeuvring space on-site;
- The internal circulation of parking areas shall be designed for safe and efficient vehicle circulation on-site;

#### f) Location and design of vehicular and pedestrian access

- Vehicular access to and from the site must:
  - Ensure adequate sight distances;
  - Prevent on-street congestion caused by the ingress and egress of vehicles;
  - Be located, where practicable, and designed so as to ~~protect~~ maintain the aural amenity of adjacent sites;
- Consideration shall be given to the provision and location of suitable traffic calming devices on vehicle accessways, such as speedbumps, near the site boundary with the road reserve to ensure that vehicles are travelling at a slow speed when crossing the footpath;

#### g) Intensity and Scale

- Particular consideration shall be given to the appropriateness of allowing the activity to be located in an area, given the presence of other activities in the area and their combined effect on the surrounding residential environment and to the extent (if any) to which the establishment of the activity will result in an undesirable accumulation of activities in the area that may generate an adverse effect in respect of the following:
  - Traffic – the capacity of the adjacent road to deal adequately with the cumulative effect of traffic generated from the concentration of these activities;
  - Amenity – the character of the surrounding residential area must not be adversely affected by the accumulation of activities, so as to degrade the amenity of the area, in



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particular, through the number of people involved in the activity, the size and location of buildings and associated parking, signs, noise generation, and the effect on the residential streetscape;

- Infrastructure – the surrounding area's drainage system must have the capacity to deal with the accumulated servicing needs of the activities;
- Developments that generate large volumes of traffic, such as motels, shall generally not be located on local roads;
- Developments shall be located in close proximity to public transport routes.

### G. Use of artificial lighting on a site(s) producing an illuminance in excess of 150 lux

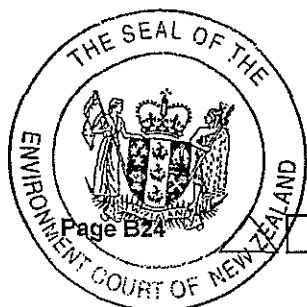
Any application will be assessed against the following criteria:

- Applicants shall demonstrate that there will be no significant adverse effects including light spill and glare on the visual privacy of adjoining land. The use of measures such as screening, dense planting or buffer/separation areas may be required where these may lessen any impact;
- Particular consideration will be given to the placement, design and screening of light fittings and whether their size and illuminance is appropriate to the size of the subject site and to the general light levels of surrounding areas;
- Where the use of artificial lighting will extend the duration of activities on a site beyond normal daylight hours the Council may impose conditions on noise levels and hours of operation so as to protect sites from unreasonable noise;
- Artificial lighting masts or poles will generally be required to comply with zonal height limits. A modification to the height controls (in terms of Clause 4.3.1.2B. DEVELOPMENT CONTROL MODIFICATION) may be acceptable if it can be demonstrated that it will not adversely affect adjoining sites, and it will result in decreased light spill. In such instances conditions relating to the colour of light fittings and poles may be imposed in order to reduce the visual impact of the lighting pole and fittings;
- Applicants shall demonstrate that inappropriate or detrimental changes to the night sky viewing conditions of the surrounding area will not occur.

### H. Criteria for Offices in the Residential 1 Zone

Applications will be considered against the following criteria in addition to those set out in Clause 7.7.4.2 GENERAL CRITERIA FOR ASSESSING APPLICATIONS FOR DISCRETIONARY ACTIVITIES.

- The office activity is to be located on sites fronting
  - i) College Hill (south side between England Street and Margaret Street) or
  - ii) Jervois Road (north side between Lawrence Street and Sentinel Road) or
  - iii) Jervois Road (south side between Provost Street and Blake Street) or
  - iv) Ponsonby Road (east side from Pember Reeve Street to Franklin Road).
- The office activity is limited to 50% of the gross floor area of the buildings existing prior to 1 July 1993 on the site in areas (iii) and (iv) above. (Garages and accessory buildings are excluded.)
- The office activity may utilise up to 100% of the gross floor area of all the buildings on the site existing at 1 July 1993 in areas (i) and (ii) above.
- The activity must not require the removal of or damage to any existing building of the area being conserved or involve the construction of any new building which will detract from the appearance in the vicinity.
- The Council must be satisfied that any sign or lighting is compatible with the ~~historic-legacy~~ form and pattern of buildings and streetscape in the vicinity.
- The Council must be satisfied that the activity shall meet the objectives and policies for the zone, in assuring the survival of this ~~historic-legacy~~ form and pattern of subdivision, buildings and streetscape.
- The Council must be satisfied that the activity shall ensure the restoration and maintenance of the fabric of any building on the site, where the building is characteristic of the ~~historic~~-period.
- In relation to the buildings existing as at 1 July 1993 fronting the south side of College Hill between England Street and Margaret Street the following additional criteria apply.
  - a) The Council will not permit the use of the area between the building existing as at 1 July 1993 and the road boundary as a location for any required parking and loading spaces associated with the office activity unless it can be satisfied that:



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- i) no other practical location is available elsewhere on the site; and
  - ii) there is a demonstrable and reasonable need for the parking to be located in the area (eg provision of disabled parking); and
  - iii) the provision will not detract from the continuity and harmony of the building forms in the street nor otherwise detract from the coherence of the streetscape; and
  - iv) not less than 60% of the area between the existing building and the road boundary will be maintained as landscaped permeable surface. (This requirement shall apply on each frontage of a corner site.)
- b) The Council will only consider an application to reduce or waive required parking associated with the activity when satisfied that:
- i) the provision on the site of the full number of required parking spaces will detrimentally affect the specific character and amenity of the site and neighbouring residential zoned sites; and
  - ii) there is an adequate alternative supply of parking in the vicinity or it can be demonstrated that a less than normal incidence of parking will be generated by the proposal.
- c) More than one sign for an office shall be prohibited.
- d) No office sign shall be more than is required to identify the business located within.
- e) The surface area of any such sign shall not exceed 0.3m<sup>2</sup>; provided that the Council may grant resource consent for signs up to a maximum surface area of 1.5m<sup>2</sup> as restricted discretionary activities on the following conditions:
- i) The matters over which the Council will restrict its discretion will be the nature, style (including colour and form of lettering) and general design of the sign, to the extent that those matters might effect the visual amenity of this part of College Hill;
  - ii) The sign message is to be limited to the name and main activity of the business occupying the property;
  - iii) Where a painted sign is proposed the sign colours are to be consistent with the colours of the main building on the site;
  - iv) The lettering and/or other decorative features of the sign are not unduly prominent and do not detract from the appearance of the main

building on the site and do not detract from the streetscape that the zone is intended to ~~protect~~ maintain;

- v) The sign is otherwise consistent with the purpose of the Residential 1 zone;
- vi) The Council will not require the consent of other parties unless it considers that the proposed sign is likely to adversely effect the visual amenities of the area.

#### I. Criteria for Offices in the Residential 7b Zone on Parnell Road (as shown in Figure 7.3A)

Applications for up to 100% of the gross floor area of any building existing on the site prior to 1 July 1993 to be used as offices on sites fronting Parnell Road (west side between Domain Drive and Birdwood Crescent) shown in Figure 7.3A will be considered against the following criteria, in addition to those set out in Clause 7.7.4.2

#### GENERAL CRITERIA FOR ASSESSING APPLICATIONS FOR DISCRETIONARY ACTIVITIES:

- Any extension or alteration of the existing building will not result in a change to the footprint of the building;
- Any changes to the external facade of the existing buildings on the sites subject to this provision shall be undertaken in such a manner that the residential character and the original architectural style of the building are retained.

#### J. Service Stations existing as at 1 July 1995 and Extensions to existing Service Stations (as at 1 July 1995) onto Residentially Zoned Land

##### a) Design and external appearances:

- i) The design and external appearance of the existing service station should be sensitive to the amenity of adjacent residential zones;
- ii) Parking areas, service areas, storage areas including refuse areas should be screened from any adjacent residential zones;
- iii) The site should be adequately landscaped to soften and screen the service station from adjacent residentially zoned sites. In particular a 3 metre wide landscape strip should be provided adjacent to side and rear boundaries which abut residential zones. A 2 metre wide landscaping strip should be provided along the front of the site except where the frontage is required for the manoeuvring of vehicles accessing or egressing the site. This access/egress area shall be kept to the minimum. The landscaping strip adjoining the front boundary should be designed so as to soften the appearance of the service station while ensuring



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that satisfactory sight distance is available for vehicles entering or leaving the site. All landscaping is to be to the satisfaction of the Council.

- b) The development must satisfy the Dangerous Goods Act and Regulations.
- c) Vehicles access and egress to the site should ensure adequate sight distance and be suitably located with regard to intersections (refer Rule 12.8.2.6 DEFINED ROAD BOUNDARY).
- d) The entry/exit points should be designed to permit easy access to the site and to prevent on street congestion.
- e) The scale of development should be consistent with the development controls for the zone.
- f) All signs and lighting should be approved as part of any application. The Council will seek to ensure that they are sensitive to the existing development in the area.
- g) The site should have adequate on site parking and provide adequate manoeuvring space for tankers and service vehicles.
- h) Restrictions may be imposed on the hours of operation of the service station where the development is unable to comply with the noise controls applying in that zone.
- i) Where the use is established on the edge of a retail centre its location should not break up or isolate parts of the retail frontage.

Note: When the above criteria are not entirely met the upgrading of an existing service stations may be consented to where the Council is satisfied that a substantial improvement would be achieved.

### K Criteria for Healthcare Services in Residential Zones

#### 1. Building Bulk and Location

In general buildings and associated development shall comply with the development controls of the zone. In particular, any accumulation of minor modifications to development controls shall be avoided.

#### 2. Traffic and Parking

- (a) Where a proposal is to be located in a local road traffic generation shall not exceed average traffic volumes expected from a residential activity. This will ensure the maintenance of residential amenity in local road environments, as well as maintain road safety and efficiency.
- (b) Where a proposal is to be located on a major road, the applicant shall address the potential adverse effects on road safety and efficiency.

- (c) The traffic and parking assessment shall identify and assess effects in relation to other traffic generating activities located in the general vicinity of the site subject to the application.
- (d) On-site parking shall be located away from the boundaries with residential sites in order to maintain a high level of aural privacy on neighbouring residential sites. Where this is impractical a high standard of screening shall be provided.
- (e) Proposals shall include an on-site space that is designed for vehicles to stop in order to either pick up or drop off passengers, unless it can be demonstrated that this is not warranted. This area will normally be incorporated into on-site vehicle access and egress ways.

#### 3. Hours of Operation

Particular attention shall be paid to any adverse effect that may result from proposed activities that will occur outside of normal weekday office hours (7.30am to 6.00pm). It may be inappropriate for a healthcare service that is located in a local road, to have hours that extend beyond normal office hours due to the possible adverse effect on the residential neighbourhood.

#### 4. Signs

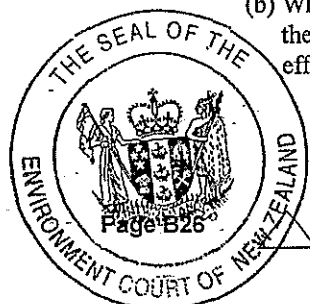
- (a) All signs associated with the proposal shall be assessed as part of the application. The visual effects of all signs shall be sensitive to the residential environment. The surface area of any sign shall not exceed that allowed for residential zones under the Auckland City Consolidated Bylaw. Illumination of signs will not be generally appropriate.
- (b) On-site directional signs and/or ground markings will be required where this is considered necessary. These shall meet the criteria set out in 4 a) above.

#### 5. Outdoor service and storage areas

Outdoor service areas and storage areas, including refuse storage areas, shall be well screened from any adjacent residential sites and from the street frontage.

#### 6. Lighting

On-site lighting shall be compatible with the surrounding residential neighbourhood. The applicant shall comply with the Auckland City Consolidated Bylaw. The use of measures such as screening of buffer separation areas may be required to lessen any effects from security lighting on neighbouring residential properties.



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## 7. Screening

Any screening on the site shall be made of materials that are sensitive to the residential character of the area, and shall be of a residential scale and design.

### L. Retirement Village

The proposal must be consistent with the objectives and policies of the zone. Applications will also be considered against the following additional criteria:

#### a) Site amenity, streetscape character and pedestrian amenity

- New development shall be designed to complement and enhance both streetscape character and pedestrian amenity;
- Buildings shall front roads. Large-scale developments that address significant lengths of road frontage shall be broken up into smaller sections of different character or mitigated to ensure sympathetic bulk. Blank walls along a road frontage shall be avoided;
- All signs and lighting shall be assessed as part of any application, ensuring that they are sensitive to the existing development of the area. A lighting plan shall be provided at the time of any application that includes provision for lighting of carparks and for pedestrians to ensure a high level of personal safety for residents and visitors at night while minimising light entering adjacent dwellings;
- A landscaping plan shall be provided with the application;
  - Landscaping of developments shall be provided in a manner that will enhance the visual appearance of the development, including around parking areas, service areas, and at the site boundaries. On-site landscaping adjoining the road shall enhance the character of the streetscape;
  - Landscaping shall be used to soften large facades, where relevant, and visually integrate the development with surrounding residential or open space zoned sites so as to not detract from the amenities of such sites;
  - Wherever possible, and appropriate, any existing trees and mature landscaping shall be retained;
  - Any land not covered by buildings, carparking, pedestrian or vehicular access shall be landscaped and maintained to create and preserve a good standard of visual amenity and privacy for both the

residents of the retirement village and for surrounding properties. The development shall include suitable areas of open space available for the use and enjoyment of the users of the site that will also assist with this;

- Carparking areas, carports, and garages shall not be located on the road frontage or dominate the streetscape;

#### b) Building scale, form and layout

- New developments shall be compatible in scale with other buildings in the immediate streetscape and adjoining buildings on neighbouring properties. Particular attention shall be paid to the interface of the buildings at the perimeter of the site with adjacent sites. Where larger buildings are inserted in areas with smaller buildings, the publicly visible facades of the new buildings shall be detailed to mitigate the possible perception of unsympathetic bulk;
- The scale of the development shall be consistent with the development controls for the zone;
- Where buildings abut public open space, they shall not dominate such spaces but address them;
- The site layout and access to the on-site communal facilities/services shall be designed having regard to the particular mobility restrictions and needs of the elderly or disabled;

#### c) Visual privacy and aural amenity

- The development shall be designed to maintain, as far as practical, the visual privacy and aural amenity of adjacent sites, in particular, the privacy of habitable rooms and their associated outdoor living spaces and deck areas. This could be through such means as the location of balconies and windows, separation distances, and/or the nature and design of screening/landscaping. Particular attention shall be paid to outdoor areas such as decks, swimming pools, bowling greens, and car parking areas;

#### d) Site facilities

- Solid waste storage facilities (including adequate space for both recycling and general waste bins and on-site collection) shall be provided on-site and appropriately located and/or screened/landscaped to avoid any adverse visual impact from the road and from within the development. Refer to Clause 7.8.1.11;

#### e) Car Parking

- The location and layout of parking and vehicle circulation areas shall ensure that the effects of



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the proposal are internalised on the site and do not impact on adjoining residential zoned sites. Large groups of aboveground parking spaces shall be avoided due to their impact on visual and aural amenities, unless these effects can be adequately mitigated by separation distances and/or screening/landscaping;

- The internal circulation of parking areas shall be designed for safe and efficient vehicle circulation on-site;

### f) Location and design of vehicular and pedestrian access

- Vehicular and pedestrian access to and from the site must:
  - Ensure adequate sight distances;
  - Prevent congestion caused by the ingress and egress of vehicles;
  - Be located and designed so as to ~~protect~~ maintain the aural amenity of adjacent sites;
- Pedestrian access to and from the site shall be sufficiently separated from the vehicle access to ensure the safety of pedestrians – this may be through segregated access, use of different paving or signage. Consideration shall be given to the location of entry and exit points to the site and their relationship with existing pedestrian linkages, the existing road network, and any nearby public transport network/route such as bus stops;
- Consideration shall be given to the provision and location of suitable traffic calming devices on vehicle accessways, such as speedbumps, near the site boundary with the road reserve to ensure that vehicles are travelling at a slow speed when crossing the footpath;

### g) Intensity and Scale

- The intensity and scale of the proposal, in particular the number of people involved in the activity, traffic generation, size of buildings and associated parking, signs, and noise generation shall be compatible with the character and amenities of the surrounding area having regard to the objectives and policies of the zone;
- Developments shall be located in close proximity to public transport routes;
- Developments shall be located close to community facilities and retail opportunities;

## M. Integrated Housing Development

The proposal must be consistent with the objectives and policies of the zone, provided that for the purposes of assessing any integrated housing development located at 24 St Luke's Road (being 9034m<sup>2</sup> comprised in Lot 2 DP 190708, CT NA132C/126) as a discretionary activity, the relevant objectives and policies in relation to density shall be those set out in 7.6.7.1 Objective and Policies for Residential 7 zones.

Applications will be considered against the following criteria from the Residential Design Guide for Developments in the Strategic Growth management Areas (Refer to Appendix 10).

### Element 1 Neighbourhood Character

Criteria C5, C6, C10, C11 (refer to Appendix 10)

### Element 2 Site Layout

Criteria C1, C2, C3, C7, C9, C10 (refer to Appendix 10)

### Element 3 Density

C2 (refer to Appendix 10)

### Element 4 Energy Efficiency

C1-C6 (refer to Appendix 10)

### Element 5 Building Envelope

C4, C6 (refer to Appendix 10)

### Element 6 Visual Privacy

C1-C3 (refer to Appendix 10)

### Element 7 Acoustic Privacy

C1-C3 (refer to Appendix 10)

### Element 8 Landscaping

C1-C7 (refer to Appendix 10)

### Element 9 Driveways and Car Parking

C1-C8 (refer to Appendix 10)

### Element 10 Private Openspace

C1-C6 (refer to Appendix 10)

### Element 11 Site Facilities

C1-C8 (refer to Appendix 10)

Applications will also be considered against the following criteria:

### a) Site amenity, streetscape character and pedestrian amenity

- Ensure that private open space is designed and located to receive sunlight and is well integrated with a living area of the dwelling;
- Visitor parking be clearly designated and readily accessible with appropriate signposting at the entrance.

*(Clauses removed by council plan change)*

### e) Intensity and Scale

- Developments shall be in locations with favourable environmental conditions that can



sustain further development in terms of such matters as stormwater drainage systems. Consideration shall be given to developments incorporating on-site alternative stormwater management systems/methods including stormwater re-use options.

- Developments shall be in locations where there is sufficient capacity in the local wastewater infrastructure or where the adverse effects on the local wastewater infrastructure can be avoided, remedied or mitigated by conditions of consent. Where necessary, having regard to the capacity of the local wastewater infrastructure, consideration shall be given to the provision of mitigation measures such as wastewater holding tanks.
- Developments shall be located in close proximity to public transport routes and close to employment and retail opportunities;
- Developments shall be located in close proximity to areas of public open space;
- Consideration shall be given to the ability of the adjacent roading system to handle any increases in traffic, particularly in residential environments that are serviced by narrow streets.
- (This criterion only applies to developments on the site located at 24 St Luke's Road (being 9034m<sup>2</sup> comprised in Lot 2 DP 190708, CT NA132C/126) that exceeds a density of 1 residential unit per 250m<sup>2</sup> site area). A mix of unit sizes should be achieved within the development, including the provision of 1, 2 and 3 bedroom units.

**N. Rest Home in the Residential 4 Zone and Rest Home accommodating people in excess of the intensity level specified in Clause 7.8.1.1**

The proposal must be consistent with the objectives and policies of the zone. Applications will also be considered against the following additional criteria:

**a) Amenity Considerations**

- A landscape plan shall be provided with the application. The site shall be appropriately landscaped to provide pleasant seating areas and visual outlook from within the site and from the street, while ensuring integration with neighbouring residential sites. Wherever possible and appropriate, any existing trees and mature landscaping shall be retained. Particular attention shall be paid to parking areas, services areas, and site boundaries;

Development or redevelopment, modification or alteration to an existing rest home including that

occurring through site amalgamation shall result in buildings of a similar or complementary scale and appearance to that of other residential buildings within the surrounding area and on the site, having regard to such matters as materials used and the detailing of the facades;

- Where larger buildings are inserted in areas with smaller buildings, the publicly visible facades of the new buildings shall be detailed to mitigate the possible perception of unsympathetic bulk. Where site amalgamation results in the redevelopment, modification, or additions to existing buildings on the site(s), attention shall be given to ensuring that the development will not result in a long continuous street facade. The development shall be designed to complement and enhance the streetscape character;
- The development shall not overshadow or dominate neighbouring sites;
- It is acknowledged that, due to the nature of certain ailments of residents, additional security measures may be required such as security fencing. In these situations, such measures must be in keeping with the character of the surrounding residential environment, especially when viewed from the street;
- Consideration shall be given to the location and design of service activities/facilities on-site (such as kitchens, laundries, and waste storage areas) with regards to ~~protecting~~ maintaining the visual privacy and aural amenity of neighbouring sites;
- There shall be adequate provision for on-site parking (for both staff and visitors) and vehicle manoeuvring without difficulty or congestion occurring on the road and the location and design of such shall not detract from the amenity values of the surrounding area, including the streetscape. Large groups of aboveground parking spaces shall be avoided due to their impact on visual and aural amenities, unless these effects can be adequately mitigated by separation distances and/or screening/landscaping;
- In the case of the reuse of existing buildings, where space for parking is only available to the front of the site, particular attention shall be given to the form of screening/landscaping to ensure that the impact on the streetscape is minimal;

**b) Site facilities**

- Solid waste storage facilities (including adequate space for both recycling and general waste bins) shall be provided on-site and appropriately located and/or screened/landscaped to avoid any adverse visual impact from the road and from



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within the development. Refer to Clause 7.8.1.11;

### c) Location and design of vehicular and pedestrian access

- Vehicular and pedestrian access to and from the site must:
  - Ensure adequate sight distances;
  - Prevent congestion caused by the ingress and egress of vehicles;
  - Be located, where practicable, and designed so as to ~~protect~~maintain the aural amenity of adjacent sites;
- Pedestrian access to and from the site shall be sufficiently separated from the vehicle access to ensure the safety of pedestrians – this may be through segregated access, use of different paving or signage;

### d) Intensity and Scale

- The intensity and scale of the proposal, in particular, the number of people involved in the activity, traffic generation, size of building and associated parking, signs, and noise generation shall be compatible with the character and amenities of the surrounding area having regard to the objectives and policies of the zone;
- Developments that generate large volumes of traffic shall not be located on local roads;
- For rest homes in the Residential 1-4 Zones, the Council will also be concerned to ensure that the proposal does not require the removal or damage to any existing building representative of the ~~heritage-built legacy~~ and character that the zone is seeking to promote/retain, nor involve any new building which will detract from the appearance of any existing building(s) on-site or in the vicinity. Applications under this Clause which comply with the Architectural Design Guidelines (Annexure 4) shall be deemed to comply with this criteria. The Council must also be satisfied that any sign or lighting is compatible with the ~~historic-built legacy~~ form and pattern of buildings and streetscape in the vicinity and in compliance with bylaw requirements. Reference shall be made to the Bylaw.

### O. Boarding House/Hostel

The proposal must be consistent with the objectives and policies of the zone. Applications will also be considered against the following additional criteria:

### a) Amenity Considerations

- The scale of the development shall be consistent with the development controls for the zone;
- New development shall be designed to complement and enhance streetscape character. Buildings shall front roads and blank walls along a road frontage shall be avoided;
- A landscape plan shall be provided with the application;
  - Landscaping of developments shall be provided in a manner that will enhance the visual appearance of the development, including around parking areas, service areas, and at the site boundaries. On-site landscaping adjoining the road shall enhance the character of the streetscape;
  - Landscaping shall be used to soften large facades, where relevant, and visually integrate the development with surrounding residential or open space zoned sites so as to not detract from the amenities of such sites;
  - Wherever possible, and appropriate, any existing trees and mature landscaping shall be retained;
- The development shall include area(s) of outdoor communal space/facilities/services available for the use and enjoyment of the users of the site and designed to provide a good standard of amenity on-site;
- The development shall include an area(s) of indoor communal space available for the use and enjoyment of at least 70% of the persons the building is designed to accommodate;
- New developments shall be compatible in scale with other buildings in the immediate streetscape and adjoining buildings on neighbouring properties. Where larger buildings are inserted in areas with smaller buildings, the publicly visible facades of the new buildings shall be detailed to mitigate the possible perception of unsympathetic bulk;
- Any extensions to existing buildings shall be visually compatible with existing buildings, having regard to such matters as the materials used and the detailing of the facades;
- Outdoor areas such as decks, swimming pools, barbecue areas, and carparking areas shall be appropriately located and/or screened/landscaped to minimise the intrusion of noise and avoid overlooking of adjacent properties;



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- Large groups of aboveground parking spaces shall be avoided due to their impact on visual and aural amenities, unless these effects can be adequately mitigated by separation distances and/or screening/landscaping. car parking areas shall not be located on the road frontage of sites or dominate the streetscape or site;
- There shall be adequate provision of on-site parking and manoeuvring areas. Consideration shall be given to the provision of on-site cycle facilities such as bike racks;
- The internal circulation of parking areas shall be designed for safe and efficient vehicle circulation on-site;

b) Site facilities

- Solid waste storage facilities (including adequate space for both recycling and general waste bins) shall be provided on-site and appropriately located and/or screened/landscaped to avoid any adverse visual impact from the road and from within the development. Refer to Clause 7.8.1.11;

c) Location and design of vehicular and pedestrian access

- Vehicular and pedestrian access to and from the site must:
  - Ensure adequate sight distances;
  - Prevent congestion caused by in the ingress and egress of vehicles;
  - Be located, where practicable, and designed so as to ~~protect~~ maintain the aural amenity of adjacent sites;
- For larger developments, pedestrian access to and from the site shall be sufficiently separated from the vehicle access to ensure the safety of pedestrians – this may be through segregated access, use of different paving or signage;
- For larger developments, consideration shall be given to the provision and location of suitable traffic calming devices on vehicle accessways, such as speedbumps, near the site boundary with the road reserve to ensure that vehicles are travelling at a slow speed when crossing the footpath;

d) Intensity and Scale

- The intensity and scale of the proposal, in particular, the number of people involved in the activity, traffic generation, size of building and associated parking, signs, and noise generation shall be compatible with the character and

amenities of the surrounding area having regard to the objectives and policies of the zone;

- Developments that generate large volumes of traffic shall not be located on local roads;
- Developments shall be located in close proximity to public transport routes and in close proximity to retail and employment opportunities;
- Developments that are designed to accommodate students shall be located in close proximity to educational facilities;
- Developments shall be located in close proximity to areas of public open space;
- For boarding houses/hostels in the Residential 1-4 Zones, the Council will also be concerned to ensure that the proposal does not require the removal or damage to any existing building representative of the ~~heritage~~ and special character that the zone is seeking to ~~promote~~ retain, nor involve any new building which will detract from the appearance of any existing building(s) on site or in the vicinity. Applications under this Clause which comply with the Architectural Design Guidelines (Annexure 4) shall be deemed to comply with the foregoing criteria. The Council must also be satisfied that any sign or lighting is compatible with the ~~historic~~ legacy form and pattern of buildings and streetscape in the vicinity and in compliance with bylaw requirements. Reference shall be made to the Bylaw.

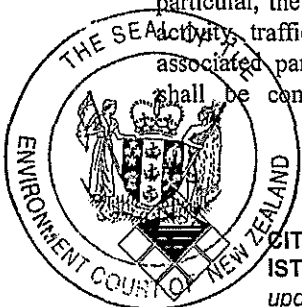
e) Visual privacy and aural amenity

- The development should be designed to maintain, as far as practical, the visual privacy and aural amenity of adjacent sites, in particular, the privacy of habitable rooms and their associated outdoor living spaces and deck areas. This could be through such means as the location of balconies and windows, separation distances, and/or the nature and design of screening/landscaping. Particular attention should be paid to outdoor areas such as decks, swimming pools, barbecue areas, and carparking areas;

P. Construction and/or relocation of 4 or more residential units (within the density limits specified in Clause 7.7.2.1) within the Residential 6 & 7 zones

When assessing an application under this clause the Council must be satisfied that the relevant objectives and policies for the zone have been met and the following criteria from the "Residential Design Guide for Developments in Residential Zones in Specified Growth Areas" (Refer Appendix 10) have been satisfied.

Element 1 Neighbourhood Character  
Criteria C1-C11 (refer Appendix 10).



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Element 2 Site Layout

Criteria C1-C10 (refer Appendix 10).

Element 3 Density

Criteria C2 (refer Appendix 10).

Element 4 Energy Efficiency

Criteria C1-C3 & C6 (refer Appendix 10).

Element 5 Building Envelope

Criteria C1, C2, C3, C5, C6, C7, C9, C12, C13 (refer Appendix 10).

Element 6 Visual Privacy

Criteria C1-C3 (refer Appendix 10).

Element 7 Acoustic Privacy

Criteria C1-C3 (refer Appendix 10).

Element 8 Landscaping

Criteria C1-C3 (refer Appendix 10).

Element 9 Driveways & Carparking

Criteria C1, C2, C8 (refer Appendix 10).

Element 10 Private Open Space

Criteria C1, C2, C3, C4, C5 & C6 (refer Appendix 10).

Element 11 Site Facilities

Criteria C1-C8 (refer Appendix 10).

Crime Prevention through Environmental Design

Refer Criteria for Controlled Activities in Residential 8a, 8b and 8c zones - Section 7.7.5.2C1 - Crime Prevention through Environmental Design.

Q. External additions or alterations to existing buildings on a site in the Residential 1 zone.

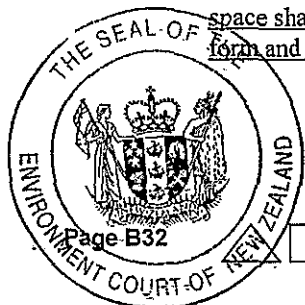
To assist in the application of the following criteria, refer to the Architectural Design Guidelines for the Residential 1 and 2 zones (Appendix 13).

When assessing an application for a resource consent for external building additions or alterations, the Council must be satisfied that the relevant objectives and policies for the zone have been met, and that:

- The form, mass, proportion and scale of the external additions and alterations shall be compatible with the prevailing architectural style of the existing building on the site. In addition a site and context analysis may need to be submitted which shows the extent to which the form, mass, proportion and materials of the additions and alterations are sympathetic to the original architectural style predominant in the street. The provision of this analysis is dependant on the size and scale of the development proposed (refer to Appendix 13 for more detail on the requirements for a site and context analysis); and
- Alterations to expand the building within a roof-space shall respect, and leave dominantly visible, the form and lines of the existing roof; and

- Where decoration and architectural features are used, such features shall follow the characteristic form and detail of the existing building on the site, or if the original features have been removed/altered, other buildings of the same period in the street; and
- Changes to the frontage of an existing building shall not detract from the heritage-legacy character of the whole fabric, design, or the character of original detailing of the facade, and shall not detract from the continuity of facade alignment of the buildings in the street; and
- Materials used shall be the same or similar as the existing materials of the building so that the new building work is consistent with the traditional character and material of existing buildings on the site and in the street; and
- Any existing traditional fencing along the road frontage boundary shall be preserved or reinstated at the completion of development; and
- Where garages or carports are to be adjoined to the existing building on the site, they shall be designed primarily to allow good visibility of the residential building from the street. Where visibility of the building will be significantly obscured, consideration shall be given to alternative designs and locations on the site for garages and carports or provision of a car pad; and
- For parts of buildings highly visible to the street or public place new windows and doors shall be consistent with the proportions and detail of the windows and doors traditionally present in buildings of the style and with the overall window to wall ratio, to ensure visual cohesion.
- Where the external alteration involves the demolition or removal of less than 30% by volume of an existing building constructed prior to 1940, whether the demolition or removal will detract from the continuity and streetscape as a whole.
- Where the external alteration involves the demolition or removal of less than 30% by volume of an existing building constructed on the site prior to 1940, whether any historical-legacy qualities and original design features of the existing building remain.

Note: There is an expectation that new building construction in the Residential 1 zone will satisfy all of the assessment criteria or the Council may refuse consent. 163



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**R. Construction or relocation of residential units or any new building or accessory building in the Residential 1 zone**

To assist in the application of the following criteria, refer to the Architectural Design Guidelines for the Residential 1 and 2 zones (Appendix 13).

When assessing an application for a resource consent for a new building (be it a residential unit, new building or an accessory building), the Council must be satisfied that the relevant objectives and policies for the zone have been met, and that:

- The form, mass, proportion and scale of the building shall be compatible with the original architectural style predominant in the street, and shall not ignore, compete with, or dominate that character, and

*Note: To demonstrate this, a site and context analysis shall be submitted which shows how the new building respects and responds positively to the special character of the street in terms of form, mass, proportion and use of materials (refer to Appendix 13 for more detail on the requirements for a site and context analysis):*

- Materials used shall be in sympathy and shall have a clear relationship to the traditional character and materials of buildings along the street; and
- Parts of a building which are highly visible to the street shall maintain a window to wall ratio visible from the street that is similar to that predominant on the surviving original character buildings in the street; and
- Buildings shall be located on a site so that the siting of the building reflects the historical—original subdivision and development patterns existing in the street, particularly in situations where development is occurring on an amalgamated site. This ensures the 'grain' of the area (in terms of the size, spacing and rhythm of street-front buildings) is maintained; and
- Buildings shall also be located on a site so that they do not detract from the continuity of the front façade alignment of residential dwellings in the street; and
- Any existing traditional fencing along the front boundary shall be preserved or reinstated at the completion of development; and
- Buildings shall preserve the sense of original visual frontage access and interactivity between houses and the street, and shall not present blind or near-blind facades to the street; and
- Buildings shall maintain the predominance of traditional pitched roof forms in the vicinity of the site; and

**Garages and carports**

- Garages and carports shall allow good visibility of the existing building from the street, and shall, where possible, be located to the rear of, underneath (where appropriate in terms of topography), or alongside, the building on the site (particularly in relation to double garages/carports). The Council may consent to the location of a garage or carport in the front yard where it is satisfied that:

- No practical location is available elsewhere on the site; and
- Any structure associated with the parking provision is minimal in scale, (which in most circumstances will exclude a double-width garage or double-width carport) and designed in a manner which is coherent with the original architectural character of any building on the site; and
- The garage or carport will not significantly obscure the visibility of the existing building from the street;

*Note: There is an expectation that new building construction in the Residential 1 zone will satisfy all of the assessment criteria or the Council may refuse consent.* [163]

**S. External additions and alterations to, or building relocation within the same site of, existing buildings in the Residential 2a, 2b and 2c zones**

When assessing an application for a resource consent for building additions or alterations, or building relocation within the same site, the Council will restrict its discretion to the following criteria:

- the intrinsic character and merits of the existing building (irrespective of age), and its contribution to streetscape character;
- the effect of the alteration or addition on the integrity and authenticity of the original building;
- whether the alteration or addition has regard to, or complements the form, style and materials of the existing building;
- the effect of the alteration or addition on the established relationship to the street, in particular, whether the change contributes positively to the street;
- whether the alteration or addition is designed to have regard to landscape elements, including structural and built elements and existing established trees and hedges which make a significant contribution to streetscape value or if, where this is not practical,



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replacement planting or a replacement structural/built element is proposed;

- shifting the building to make more efficient use of the site for a complying subdivision or for a development that complies with the density rules for the zone.

T. Construction of residential units or any new building or accessory building in the Residential 2a, 2b and 2c zones; and relocation onto a Residential 2a, 2b and 2c zoned site of a residential unit

When assessing an application for a resource consent for a new building (be it a residential unit, new building or accessory building) or a relocated residential unit from another site, the Council will restrict its discretion to the following criteria:

- the design of a proposed new/relocated building will complement the existing patterns of bulk and location, and the relationship to the street in the vicinity of the site;
- if a new/relocated building is significantly larger than existing adjacent buildings, its architectural design acknowledges the predominant scale of those existing buildings, through its massing and formal arrangement on the site (in the case of non-residential buildings, it is acknowledged that such formal arrangement may not be appropriate);
- whether district plan bulk and location controls prevent the achievement of an architectural scale which might otherwise be appropriate to the locality or to the prevailing scale, or whether some relaxation of such controls will enable development of more appropriate form and scale;
- the design of a new/relocated building in a contemporary idiom can be shown by analysis to have qualities which are sympathetic to existing established architectural forms and scale, in such a way as to make a positive contribution to streetscape;
- a new/relocated building is designed to have regard to landscape elements, including structural and built elements and existing established trees and hedges which make a significant contribution to streetscape value or if, where this is not practical, replacement planting or a replacement structural/built element is proposed.

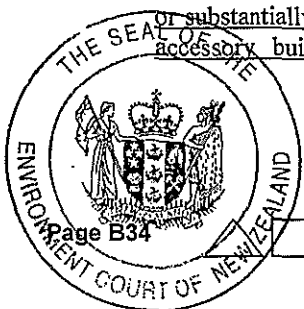
[U. Demolition or removal of buildings (more than 30% by volume and excluding accessory buildings) constructed prior to 1940 in the Residential 1 zone

In considering an application to demolish (either totally or substantially) or remove any building (excluding any accessory building) constructed prior to 1940, the

Council must be satisfied that the objectives and policies for the zone have been met.

Applications will also be considered against all the following criteria will restrict its discretion to the following criteria:

- Whether the building has retained its original (or repaired), visual design features relating to form, mass, proportion and materials so that restoration/renovation of the building is practical and reasonable.
- Whether the demolition or removal of the building will detract from the continuity and special character of the streetscape as a whole. To demonstrate this, a site and context analysis shall be submitted which shows the extent to which the existing building shares original design features with other buildings in the street (refer to Appendix 13 for more detail on the requirements for a site and context analysis).
- Whether any historical qualities and original design features of the existing building are visible from a public place.
- In rare cases where the building is beyond rehabilitation in terms of poor structural or physical condition, and the costs of the repair work or upgrading necessary to extend the useful life of the building are prohibitive, (in comparison to the costs of a new building of similar size), an application may be considered favourably.
- Whether the building is beyond rehabilitation to its original state and the costs of the rehabilitation to reproduce the historic qualities of the building and enhance the architectural qualities and special characteristics of the streetscape and the surrounding area, in comparison to the costs of a new building of a similar size.
- The intrinsic character and value of the existing building and the contribution it makes to the historic form and pattern of the streetscape and neighbourhood.
- Whether the demolition or removal of the building itself will detract from the special character of the streetscape and neighbourhood as a whole. To demonstrate this, a site and context analysis shall be submitted which shows the extent to which the existing building shares the dominant original form and design features with other buildings in the street (refer to Appendix 13 for more detail on the requirements for a site and context analysis);
- Whether the building has retained its basic original (or restored) design features relating to the overall form, mass, proportion and materials (i.e. its integrity) so that restoration/renovation of the building is practicable and reasonable, such that it makes a positive contribution to the historic form and pattern of the streetscape and neighbourhood. When



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determining what is practical and reasonable, regard shall be had to including:

- (i) Achieving current Building eCode compliant standards:
- (ii) Providing modern day living/amenity standards.

Such that it makes a positive contribution to the historic form and pattern of the streetscape and neighbourhood:

- In the event that there is a concurrent application for a replacement building, whether its design, quality, purpose and amenities would positively contribute to the historic form and pattern of the streetscape and neighbourhood character in accord with the assessment in criteria R above.

An exception to the above is the moving of a building within the site which will be treated as construction or relocation of a building- (see clauses R and T).

Note: the Council holds a set of aerial photos flown in 1940 which may assist the Council and applicants to determine the age of buildings and parts of buildings subject to application for demolition. Upon request these aerial photos can be viewed free of charge. 163



**Uu. Demolition or removal of buildings (more than 30% by volume and excluding accessory buildings) constructed prior to 1940 within the Residential 2a, 2b and 2c zones.**

In considering an application to demolish (either totally or substantially) or remove any building (excluding any accessory building) constructed prior to 1940, the Council will restrict its discretion to the following criteria:



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- the intrinsic character and value of the existing building (irrespective of age), and its contribution to streetscape character;
- the heritage-value of the building by reference to its architectural style, whether as an exemplar of the type or as being representative of type;
- the integrity of the building in its current state, having regard to its architectural form and style and the authenticity of its component parts;
- its relationship to other adjacent buildings, whether it contributes to a group in such a way that its loss would result in the loss of a character value attributable to the group;
- its contribution to streetscape character by reference to surrounds within the site, and/or to the public street, and/or to relationships to open space shared with adjacent buildings;
- the practicability and cost of any necessary rehabilitation, and the inability to achieve reasonable amenity for occupants and reasonable compliance with any requirement of the Building Act;
- in the event that there is a proposed replacement building, its design, quality, purpose and amenities and the contribution that such building might make to the qualities of streetscape character;
- whether the building is being removed for relocation and reuse elsewhere.

An exception to the above is the moving of a building within the site which will be treated with external additions or alterations of a building - see criteria S.

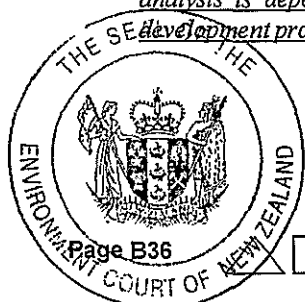
### 100. External additions or alterations to existing buildings on a site in the Residential 3a zone

When assessing an application for a resource consent for external building additions or alterations, the Council must be satisfied that the relevant objectives and policies for the zone have been met, and that:

- The scale, form, mass, proportion, and colour of the external additions and alterations shall be compatible with the prevailing architectural style of the existing building on the site.

*Note: To demonstrate this, an analysis of the site and its context (as supporting evidence) will need to be submitted which shows the extent to which the form, mass, proportion and materials of the additions and alterations are sympathetic both to the original architectural style predominant in the street and the wider landscape context. The provision of this analysis is dependant on the size and scale of the development proposed, and*

- Alterations to expand the building within a roof-space shall respect and leave dominantly visible, the form and lines of the existing roof; and
- Where decoration and architectural features are used, such features shall follow the characteristic form and detail of the existing building on the site, or if the original features have been removed/altered, other buildings of the same period in the street; and
- Changes to the frontage of an existing building shall not detract from the heritage-special character of the whole fabric, design, or the character of original detailing of the facade, and shall not detract from the consistency of facade alignment of the buildings in the street; and
- Materials used shall be the same or similar as the existing materials of the building so that the new building work is consistent with the traditional character and material of existing buildings on the site and in the street; and
- Any existing traditional fencing along the road frontage boundary shall be preserved or reinstated at the completion of development; and
- Where garages or carports are to be adjoined to the existing building on the site, they shall not obscure the visibility of the building from the street. Consideration shall be given to alternative locations on the site for the garage or carport where visibility of the building will be obscured, unless such alternative locations create adverse visual effects on a volcanic landform; and
- For parts of buildings highly visible to the street or public place new windows and doors shall be consistent with the proportions and detail of the windows and doors traditionally present in the existing buildings of the style and with the overall window to wall ratio, to ensure visual cohesion.
- The addition or alteration shall minimize adverse visual effects on the volcanic landscape by minimising alteration to the natural landform, and by appropriate placement of additions or alterations on the site, judicious use of traditional forms, design detailing, colour and landscaping.
- The addition or alteration or associated site-works shall avoid physical effects on the natural volcanic landform, including cumulative effects.
- Where the external alteration involves the demolition or removal of less than 30% by volume of an existing building constructed prior to 1940, the extent to which the demolition or removal of the building will detract from the coherence and continuity of the streetscape as a whole.
- Where the external alteration involves the demolition or removal of less than 30% by volume of an existing



building constructed on the site prior to 1940, whether any historical-original qualities and original design features of the existing buildings remain.

- The additions and alterations which are visible from the street or any other public place shall not detract from the architectural character of period housing or landscape qualities that are predominant in the street.

*Note: There is an expectation that new building construction in the Residential 3a zone will satisfy all of the assessment criteria or the Council may refuse consent.* 192

**[RR. Construction or relocation of residential units or any new building or accessory building in the Residential 3a zone**

When assessing an application for a resource consent for a new building (be it a residential unit, new building or an accessory building), the Council must be satisfied that the relevant objectives and policies for the zone have been met, and that:

- The scale, form, mass, proportion and colour of the building shall be compatible with the original architectural style predominant in the street, and shall not ignore, compete with, or dominate that character.

*Note: To demonstrate this, an analysis of the site and its context (as supporting evidence) shall be submitted which shows how the new building respects and responds positively to the special character of the street in terms of form, mass, proportion and use of materials, and the wider landscape context. This shall include a landscape assessment which demonstrates the effect of the development on the existing landscape, including the landform, existing trees (by including a tree plan to the requirements of clause 7.7.4.2 as modified by the Plan Change) and other vegetation; and*

- Buildings shall contribute to the special character and coherence of the streetscape to the same or similar extent as the existing building to be removed from the site; and
- Materials used shall be in sympathy and shall have a clear relationship to the traditional character and materials of buildings along the street; and
- Parts of a building which are highly visible to the street shall maintain a window to wall ratio visible from the street that is similar to that predominant on the surviving original character buildings in the street; and
- Buildings shall be located on a site so that the siting of the new building reflects the historical-original subdivision and development patterns existing in the street particularly in situations where development is

occurring on an amalgamated site. This ensures the visual pattern of the area (in terms of the size, spacing and rhythm of street-front buildings) is maintained; and

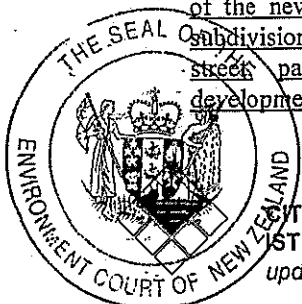
- Buildings shall also be located on a site so that they do not detract from the continuity of the front façade alignment of residential dwellings in the street; and
- Any new or relocated building shall be visually compatible with the form of the cone, and minimize adverse effects on the volcanic landscape by by minimising alteration to the landform, and by appropriate placement of the building on the site, and the use of appropriate form, colour and landscaping; and
- Any existing traditional fencing along the front boundary shall be preserved or reinstated at the completion of development; and
- Buildings shall preserve the sense of original visual frontage access and interactivity between houses and the street, and shall not present windowless or near-windowless facades to the street; and
- Buildings shall maintain the predominance of pitched roof forms in the vicinity of the site; and
- Buildings and site-works shall avoid physical effects on the natural volcanic land-form, including cumulative effects; and
- Garages and carports shall not obscure the visibility of the existing dwelling from the street. Alternative locations shall be preferred, provided that these do not give rise to adverse visual effects on the volcanic landscape.

*Note: There is an expectation that new building construction in the Residential 3a zone will satisfy all of the assessment criteria or the Council may refuse consent.* 192

**[SS. External additions and alterations to existing buildings in the Residential 3b zone**

When assessing an application for a resource consent for building additions or alterations, the Council must be satisfied that the relevant objectives and policies for the zone have been met, and that:

- The scale, form, mass, proportion and colour of the external addition or alteration shall be compatible with the original architectural style of the existing building on the site; and
- Materials used shall be the same or similar to the existing materials of the building; and
- The additions and alterations shall not detract from the architectural character of period housing or



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landscape qualities that are predominant in the street; and

- The additions and alterations shall be located so that larger trees on the site and/or on adjoining land are retained, where this is not practical, replacement planting, particularly of indigenous trees where appropriate, shall be required. Indigenous planting will be required in the Open Space Protection Yard required by clause 7.8.1.7B; and
- The addition or alteration shall or associated site-works avoid physical effects on the natural land-form including cumulative effects.
- The addition or alteration shall minimize adverse visual effects on the landscape context by avoidance of visually obtrusive excavation, and by appropriate placement of additions on the site and judicious use of traditional forms, design detailing, colour and landscaping.
- Where the external alteration involves the demolition or removal of less than 30% by volume of an existing building constructed on the site prior to 1940, the extent to which the demolition or removal of the building will detract from the coherence and continuity of the streetscape as a whole.
- Where the external alteration involves the demolition or removal of less than 30% by volume of an existing building constructed on the site prior to 1940, whether any historical qualities and original design features of the existing building remain.
- The additions and alterations which are visible from the street or any other public place shall not detract from the architectural character of period housing or landscape qualities that are predominant in the street.

~~Note: There is an expectation that new building construction in the Residential 3b zone will satisfy all of the assessment criteria or the Council may refuse consent.]~~ [192]

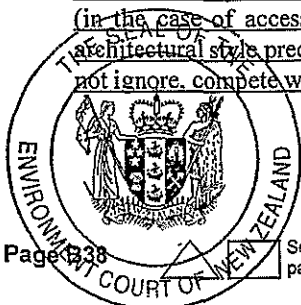
### TT. Construction or relocation of residential units or any new building or accessory building in the Residential 3b zone

When assessing an application for a resource consent for a new building (be it a residential unit, new building or accessory building), the Council must be satisfied that the relevant objectives and policies for the zone have been met, and that:

- The scale, form, mass, proportion and materials of the building shall be compatible with the original architectural style of the existing building on the site (in the case of accessory buildings) or the original architectural style predominant in the street, and shall not ignore, compete with, or dominate that character.

Note: To demonstrate this, an analysis of the site and the context (as supporting evidence) shall be submitted which shows how the new building is sympathetic to the existing surviving architectural elements of period housing predominant in the street and the wider landscape context. This shall include a landscape assessment which demonstrates the effect of the development on the existing landscape, including the landform, existing trees (by including a tree plan to the requirements of clause 7.7.4.2 as modified by the Plan Change) and other vegetation; and:

- Materials used shall be in sympathy and shall have a clear relationship to the traditional character and materials of existing buildings along the street; and
- New buildings shall not detract from the consistency and harmony of building forms in the street or detract from the coherence of the streetscape; and
- Buildings shall contribute positively to the special character and coherence of the streetscape and visual pattern (the size, space and rhythm of street-front buildings) to at least the same or similar extent as any existing building to be removed from the site; and
- The building shall be located so that larger trees on the site and/or on adjoining land are retained, and where this is not practical, replacement planting, particularly of indigenous trees where appropriate, shall be required. Indigenous planting will be required in the Open Space Protection Yard required by 7.8.1.7B; and
- Any building or site-works shall avoid physical effects on the natural land-form, including cumulative effects; and
- Any new or relocated building shall minimise adverse visual effects on the landscape context by avoidance of visually obtrusive excavation, and by appropriate placement of the building on the site and judicious use of appropriate traditional forms, design detailing, colour and landscaping; and
- With the exception of the properties zoned residential 3b as shown on sheet 1 of planning maps B16, C16 and C17, pitched roofs, in gabled and/or hipped forms, shall be used to mitigate adverse visual effects on the natural environment, including cumulative effects caused by adjacent houses being viewed in combination. In using gabled and hipped roof forms, it will not be possible to exploit the maximum allowable height over the entire footprint, as would be possible for a house with a mono-pitch roof constructed on a uniform slope, or a flat-roofed house constructed on an existing terrace.
- For those properties zoned residential 3b as shown on sheet 1 of planning maps B16, C16 and C17,



pitched roofs, in gabled and/or hipped forms, shall preferably be used to mitigate adverse visual effects on the natural environment, including cumulative effects caused by adjacent houses being viewed in combination. In using gabled and hipped roof forms it will not be possible to exploit the maximum allowable height over the entire footprint, as would be possible for a house with a mono-pitched roof constructed on a uniform slope, or a flat roofed house constructed on an existing terrace.

~~Note: There is an expectation that new building construction in the Residential 3b zone will satisfy all of the assessment criteria or the Council may refuse consent.~~ [192]

**[UUU. Demolition or removal of buildings (more than 30% by volume and excluding accessory buildings) constructed prior to 1940 in the Residential 3a and 3b zones.**

In considering an application to demolish (either totally or substantially) or remove any building (excluding any accessory building) constructed prior to 1940, the Council must be satisfied that the objectives and policies for the zone have been met.

Applications will also be considered against all the following criteria:

- : Whether the building has retained its original (or repaired) visual design features relating to form, mass, proportion and materials so that restoration/renovation of the building is practical and reasonable.
- : Whether the demolition or removal of the building will detract from the continuity and special character of the streetscape as a whole. To demonstrate this, a site and context analysis shall be submitted which shows the extent to which the existing building shares original design features with other buildings in the street.
- : Whether any historical-original qualities and original design features of the existing building are visible from a public place.
- : In rare cases where the building is beyond rehabilitation in terms of poor structural or physical condition and the costs of the repair work or upgrading necessary to extend the useful life of the building are prohibitive, (in comparison to the costs of a new building of similar size), an application may be considered favourably.
- : Whether the building is beyond rehabilitation to its original state and the costs of the rehabilitation to reproduce the original historic-legacy qualities of the building and enhance the architectural qualities and special characteristics of the streetscape and the surrounding

area, in comparison to the costs of a new building of a similar size.

- : Whether it is possible to demolish or remove the building without damaging the natural environment, including the landform and existing trees and vegetation.

An exception to the above is the moving of a building with in the site which will be treated as construction or relocation of a building. (see clauses RR and TT). [192]

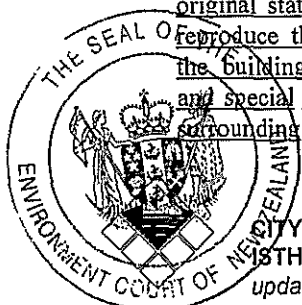
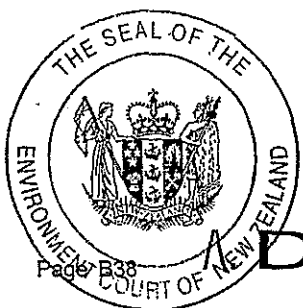


Figure 7.3A Offices in the Residential7b zone on Parnell Road



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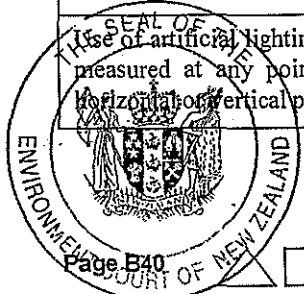
**7.7.5 ACTIVITIES IN THE  
RESIDENTIAL 8A, 8B AND 8C  
ZONES**

Activity *Restricted controlled activities and applications may be considered without need for notification *Refer 4.3.2.5)	Zone 8a	Zone 8b	Zone 8c
Construction and/or relocation of residential units (within the density limits specified in Clause 7.7.5.2B) or any new building (including accessory building) #	C*	C*	C*
Residential units located within 20m of the centreline of an existing high voltage transmission line. Control will be restricted to measures necessary to protect existing utilities and people's health and safety.	C*	C*	C*
Fire station, fire service training centre and ancillary activities, offices for staff involved in training, workrooms and fire service staff accommodation, on the land on the corner of Pilkington and Pleasant View Roads Panmure, described as Allotments 5-6 Section 1 Panmure Village CT- 134D/286 North Auckland Register.	D		
Construction and/or relocation of residential units (within the density limits specified in Clause 7.7.5.2B) or any new building (including accessory building) on a site located within 30 metres of a business or mixed use zone.	C*	C*	C*
Construction and/or relocation of residential units (exceeding the density limits specified in Clause 7.7.5.2B)	D	D	D
The use of a residential unit for residential purposes	P	P	P
Planned Unit Development	D*	D*	D*
Restoration repair and internal alteration of any existing building fabric or detailing thereof	P	P	P
External additions to existing buildings on the site with the exception that a minor addition of 10m <sup>2</sup> per residential unit or less in area will be a permitted activity where; <ul style="list-style-type: none"> <li>• It complies with the rules of Clause 7.8.2</li> <li>• The minor addition is not to any face of the existing building that adjoins a front yard.</li> </ul>	C*	C*	C*
Earthworks under 5m <sup>3</sup> †	P	P	P
Earthworks over 5m <sup>3</sup> †			
Earthworks of up to 500m <sup>2</sup> where the average slope of the area subject to earthworks is less than 5% (refer to Clause 4A.2 for Development Controls) †	P	P	P
Earthworks of up to 250m <sup>2</sup> where the average slope of the area subject to earthworks is 5% or more (refer to Clause 4A.2 for Development Controls) †	P	P	P



PART 7 - RESIDENTIAL ACTIVITY

Activity *Restricted controlled activities and applications may be considered without need for notification *Refer 4.3.2.5)	Zone 8a	Zone 8b	Zone 8c
Resurfacing, maintenance and repair of existing carparking areas and driveways where no more than 500m <sup>2</sup> of bare earth is exposed at any one time at an average slope of less than 5% or no more than 250m <sup>2</sup> of bare earth is exposed at any one time at an average slope of 5% or more.	P	P	P
Earthworks of greater than 500m <sup>2</sup> where the average slope of the area subject to earthworks is less than 5% (refer to Clause 4A.2 for Development Controls) †	C*	C*	C*
Earthworks of greater than 250m <sup>2</sup> in area where the average slope of the area subject to earthworks is 5% or more (refer to Clause 4A.2 for Development Controls) †	C*	C*	C*
Care centre accommodating people within the intensity level specified in Clause 7.8.2.1	P	P	P
Care centre accommodating people in excess of the intensity level specified in Clause 7.8.2.1	D	D	D
Community welfare facility	D	D	D
Dairy	D	D	D
Educational facility	D	D	D
The use of accessory buildings for any permitted activity	P	P	P
Ancillary Activities	P	P	P
Home Occupations	P	P	P
Housing Development for the Elderly and Disabled	D	D	D
Healthcare services	D	D	D
Offices			D
Places of Assembly	D	D	D
Boarding house/hostel	D	D	D
Non permanent accomodation for care	D*	D*	D*
Non permanent accommodation for care, including those required to reside there by law	C	C	C
Rest Home accommodating people within the intensity level specified in Clause 7.8.2.1	C*	C*	C*
Rest Home accommodating people in excess of the intensity level specified in Clause 7.8.2.1	D	D	D
Retirement Village	D	D	D
Visitor Accommodation	D	D	D
Use of artificial lighting producing an illuminance in excess of 150 lux, measured at any point on the site containing the light source, in a horizontal or vertical plane at ground level	D	D	D



See key on the last page of this section





Activity <b>*Restricted controlled activities and applications may be considered without need for notification *Refer 4.3.2.5)</b>	Zone 8a	Zone 8b	Zone 8c
Any wall, fence or other structure no higher than 1.2m within the front yard required by Clause 7.8.2.8	P	P	P

† These provisions do not apply to earthworks, which are to be carried out as part of:

- a subdivision which has been granted a resource consent; or
- the excavations and filling necessary to construct a building which is otherwise a permitted activity and which has been granted a building consent (including any associated access driveway and vehicle manoeuvring area); or
- a network utility service of the type where specific provision has been made for earthworks in Clause 4A.4.6B.

Provided however, that the works are outside the dripline of any scheduled or protected trees, and will not affect any scheduled archaeological or geological feature.

(1) Note: Parts 5B, 5C have earthwork rules which may be more restrictive and which take precedence over these provisions.

(2) Note: The above rule does not obviate the need to obtain the written consent of Council to excavate or otherwise interfere with any land in the vicinity of a public work of the Council if the excavation or interference is likely to produce, directly or indirectly, a subsidence onto that work or a subsidence of that or of the soil under it (refer to Section 237 Public Works Act 1981)

(3) Note: The NZ Archaeological Association and the Auckland Regional Council maintains a list of recorded archaeological sites. In addition to this a number of archaeological site are listed with the NZHPT in their register of Historic Places, historic areas, wahi tapu and wahi tapu areas. All archaeological sites are protected by the Historic Places Act 1993 whether or not they are recorded. No destruction or modification of any archaeological site whether scheduled, recorded or unrecorded may take place without prior authority from the NZHPT. Applicants undertaking earthworks are advised to contact the above mentioned agencies in the first instance to ascertain whether their property or properties contain or are likely to contain archaeological sites.

**7.7.5.1 PERMITTED ACTIVITIES IN THE RESIDENTIAL 8 ZONES**

**General Explanation**

The permitted activities listed in Clause 7.7.5 are allowed without a resource consent where they comply in all respects with the relevant development controls.

The Residential 8 zones are applied to areas of the City which have been identified as appropriate locations for the higher-density housing needed to accommodate the City's future growth.

**7.7.5.2 CONTROLLED ACTIVITIES**

**7.7.5.2A General**

All controlled activities must comply with the development controls and the density controls for the zone. A modification to one or more of the development controls or the density control, requires a discretionary activity resource consent under Clause 7.7.5.3.

**7.7.5.2B Density**

Those activities identified with an # in Clause 7.7.5 above are subject to the following density limitations:

RESIDENTIAL ZONE	1 RESIDENTIAL UNIT PER
8a	150m <sup>2</sup> gross site area
8b	100m <sup>2</sup> gross site area
8c	No limit

**Minimum floor area per residential unit - 40m<sup>2</sup>**

**Explanation**

*Density limits in the Residential 8 zones are intended to facilitate medium – high density residential development within the Strategic Growth Management Areas of the City. The minimum floor area per residential unit ensures that sufficient floor space is provided to accommodate a bedroom, bathroom, living room and kitchen within the residential unit.*



## PART 7 - RESIDENTIAL ACTIVITY

### 7.7.5.2C CRITERIA FOR CONTROLLED ACTIVITIES IN RESIDENTIAL 8A, 8B AND 8C ZONES

#### (1) Construction and/or relocation of residential units (including external additions) or any new building (including accessory buildings)

When assessing an application under this clause the Council must be satisfied that the relevant objectives and policies for the zone have been met and the following criteria from the "Residential Design Guide for Developments in Residential Zones in the Strategic Growth Management Areas" (Refer Appendix 10) have been satisfied.

**Element 1 Neighbourhood Character**  
Criteria C1-C7, C9-C11 (refer Appendix 10).

**Element 2 Site Layout**  
Criteria C1-C10 (refer Appendix 10).

**Element 3 Density**  
Criteria C2, C3 (refer Appendix 10).

**Element 4 Energy Efficiency**  
Criteria C1-C6 (refer Appendix 10).

**Element 5 Building Envelop**  
Criteria C2, C5, C12, C13 (refer Appendix 10).

**Element 6 Visual Privacy**  
Criteria C1-C3 (refer Appendix 10).

**Element 7 Acoustic Privacy**  
Criteria C1-C3 (refer Appendix 10).

**Element 8 Landscaping**  
Criteria C1-C7 (refer Appendix 10).

**Element 9 Driveways & Carparking**  
Criteria C1-C4, C6, C8 (refer Appendix 10).

**Element 10 Private Open Space**  
Criteria C3, C5, C6 (refer Appendix 10).

**Element 11 Site Facilities**  
Criteria C1-C8 (refer Appendix 10).

#### Crime Prevention through Environmental Design

When assessing an application for a new development account shall be taken of:

- (a) Whether the main entrances and exits of buildings are clearly visible from the street.
- (b) Whether potential concealment and entrapment areas (where people can hide) are avoided, or illuminated if they are unable to be removed.
- (c) Whether buildings are designed to overlook public spaces and streets to provide passive surveillance of these areas.
- (d) Whether the site layout, buildings, fences, landscaping and other features clearly define territory and ownership of all public, semi-private, and private space (e.g. dwellings and private open space) to discourage illegitimate entry and use of these spaces.

- (e) Whether appropriate lighting is provided to all pedestrian paths between public and shared areas, parking areas and building entrances.
- (f) Whether site access and car parking are clearly defined, appropriately lit, and visible.
- (g) Whether landscaping, fencing and other structures present a security risk by screening doors, windows and pedestrian routes.
- (h) Whether individual buildings are clearly identifiable by visitors and emergency vehicles.

As a supporting document to provide assistance with compliance with these safety provisions, refer to the Safety Guide Lines, Annexure 16 to the Isthmus District Plan.

#### Explanation

*Developments can play a large part in how safe one 'feels' in a particular environment. The orientation of a building, the placement of windows, doors and public spaces or shared areas; the alignment of paths and walkways; and the location and level of lighting can contribute to passive/natural surveillance opportunities and reduce fear and/or the perception of safety risks. Through the design of the physical environment, it is possible to technically make it more difficult to commit crime. Fear of crime or attack results in people restricting their activities. A personal safety assessment of development proposals is intended to increase the offender's perceived and real risk of apprehension; and increase the technical difficulty of committing a crime against people and property. It is noted that not all the above criteria will be relevant to all situations.*

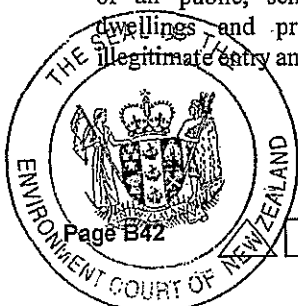
#### Signage

Signage shall be assessed against the provisions of clause 27.5 Signs in Residential Zones of the Auckland City Consolidated Bylaw.

#### **2. Residential units located within 20m of the centreline of an existing high voltage transmission line**

When assessing an application under this clause, the Council will consider whether the location of the building site or works will inhibit the safe and efficient operation of any network utility or result in adverse effects on people's health and safety including:

- the ability for maintenance and inspection of transmission lines and supporting structures and the minimising of risk or injury and /or property damage from or to such lines;
- the extent to which any buildings, structures, mobile plant or earthworks could affect transmission lines and support structures;
- whether the separation distances in the New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP: 34 2001) are met;



See key on the last page of this section



- the nature and location of tree planting adjoining transmission lines and support structures;
- availability of 4wd access to utility structures

**3. Construction and/or relocation of residential units (within the density limits specified in Clause 7.7.5.2B) or any new building (including accessory building), on a site located within 30 metres of a business or mixed use zone**

The purpose of assessing development under this clause is to ensure that where a Residential 8 zoned site adjoins a business or mixed use zone, the development of the Residential 8 site observes the principles of reverse sensitivity. These principles require that the development is designed to be insulated from any adverse effects of the existing adjacent Business use(s) and/or permitted uses in the adjacent Business /Mixed use zone. An application will be assessed on;

- Provision of visual privacy along the shared Residential/ Business or Mixed Use boundary – this can be achieved by locating buildings on the Residential 8 site in a manner so that habitable room windows, balconies and private open space do not face or overlook the shared boundary.

Where habitable room windows, balconies and private open space face or overlook the shared boundary, then adequate screening, set backs and architectural design features will be required in order to maintain visual and aural privacy for future residents and to avoid potential adverse effects on future residents from existing and future activities in the Business or Mixed Use zone.

In this regard the adjoining Business and/or Mixed Use zone shall be recognised in the site and context analysis to be undertaken in advance of the design of the new building as required in Part 2 of the Residential Design Guide for Developments in Residential Zones in Specified Growth Areas.

- Provision of aural privacy for any habitable room – full compliance with Clause 7.8.2.11 is required.

**4. Excavation as defined in part 13**

Refer to Clause 4A.2 for criteria and to Annexure 14 for silt and sediment control.

**5. Criteria for Rest Homes accommodating people within the intensity level specified in Clause 7.8.1.1**

Refer to the following parts of Proposed Plan Change: Plan Modification no 26:

- Part 10G Criteria for Rest Homes accommodating people within the intensity level specified in Clause 7.8.1.1

**Explanation**

*These zones enable the integrated development of residential units at medium - high densities within areas subject to an adopted planning framework for managing future growth. A Central Principle of the Liveable Communities 2050 Strategy, which sets the framework for growth, is the attainment of quality environments in areas of intensive housing.*

*Therefore in these zones it is the intent of the criteria that new buildings, additions or alterations are designed and located in a manner which:*

- enhances the amenity and character of a neighbourhood;
- encourages diversity;
- reinforces or enhances streetscape amenity and safety;
- protects visual and acoustic privacy;
- encourages sustainable development.

**7.7.5.3 DISCRETIONARY ACTIVITIES**

In assessing discretionary activity applications listed in clause 7.7.5 above, the following particular matters will be considered.

	1	2	3	4	5	6	7	8	9	10	11
Any wall, fence or other structure higher than 1.2 metres, not defined as a building, within the front yard required by clause 7.8.2.8				*							
Boarding house / hostel	*	*	*	*	*	*		*	*	*	*
Care centre accommodating people in excess of the intensity level specified in Clause 7.8.1.1	*	*	*	*	*	*	*	*	*	*	*
Community Welfare Facility	*	*	*	*	*	*	*	*	*	*	*
Construction and/or relocation of residential units (exceeding the density limits specified in Clause 7.7.5.2A)	*	*	*			*	*	*	*	*	*
Dairy	*	*		*	*	*	*	*	*	*	*
Educational Facility	*	*	*	*	*	*	*	*	*	*	*



**PART 7 - RESIDENTIAL ACTIVITY**

	1	2	3	4	5	6	7	8	9	10	11
Fire station, fire service training centre and ancillary activities, offices for staff involved in training, workrooms and fire service staff accommodation, on the land on the corner of Pilkington and Pleasant View Roads Panmure, described as Allotments 5-6 Section 1 Panmure Village CT-134D/286 North Auckland Register.	*	*	*	*	*	*	*	*	*	*	*
Healthcare Services	*	*	*	*	*	*	*	*	*	*	*
Housing Development for the Elderly and Disabled	*	*	*	*	*	*	*	*	*	*	*
Non permanent accomodation for care	*	*	*	*	*	*	*	*	*	*	*
Offices in Residential 8c zone	*	*	*	*	*	*	*	*	*	*	*
Places of Assembly	*	*	*	*	*	*	*	*	*	*	*
Planned Unit Development	*	*	*			*	*	*		*	*
Rest Home accommodating people in excess of the intensity level specified in Clause 7.8.2.1	*	*	*	*	*	*	*	*	*	*	*
Retirement Village	*	*	*	*	*	*	*	*	*	*	*
Use of artificial lighting producing an illuminance in excess of 150 lux at ground level				*		*					
Visitor Accommodation	*	*	*	*	*	*		*	*	*	*

**7.7.5.3A PARTICULAR MATTERS TO BE CONSIDERED**

Refer Clause 7.7.4.2, General Criteria for Assessing Applications for Discretionary Activities - Particular Matters to be considered. Numbers 1-9 in the table above refers to numbers 1-9 in Clause 7.7.4.2 as set out below.

- (1) Traffic Generation
- (2) Parking
- (3) Access
- (4) Building
- (5) Noise
- (6) Development Controls
- (7) Natural Environments
- (8) Infrastructure Constraints
- (9) Outdoor Activities

**7.7.5.3B(i) CUMULATIVE EFFECT (NUMBER 10 OF ABOVE TABLE)**

In assessing the appropriateness of allowing an activity to be located in an area consideration will be given to the presence of activities already located in the area and on the site, and their effect on the surrounding residential environment. Of particular concern is that land within these zones has been identified as appropriate for residential intensification, and it is important to ensure that residential activity is the dominant activity within the zones rather than other activities which may wish to locate in the zone.

**7.7.5.3B(ii) REVERSE SENSITIVITY (NUMBER 11 OF ABOVE TABLE)**

Activities proposed on a site, which is located within 30 metres of a Business or Mixed use zone, will be considered against the assessment criteria contained in Section 7.7.5.2.C3.

**7.7.5.3C FURTHER CRITERIA TO BE CONSIDERED**

1. Construction and/or relocation of residential units (including external additions) or any new building (including accessory buildings) which seeks to modify one or more of the development control rules for the Residential 8a, 8b, or 8c zones.

A modification to one or more of the development control rules will be assessed against the criteria set out in Clause 4.3.1.2 E.

2. Construction and/or relocation of residential units which exceed the density limits specified in Clause 7.7.5.2 A.

The Council may grant a discretionary activity resource consent to a proposal that exceeds the density limits of Clause 7.7.5.2 A where it is satisfied that;

- the proposal has demonstrated that it meets the objectives and criteria of Element 3 of the Residential Design Guide for Developments in Residential Zones in Strategic Growth Management Areas as set out in Appendix 10; and
- the adverse effect on the environment of the increase in density is minor or of little significance having regard to



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the Plan's objectives and policies for the Residential 8 zone; and the Residential Design Guide for Development in the Residential Zones in Strategic Growth Management Areas "explanation of Element 3".

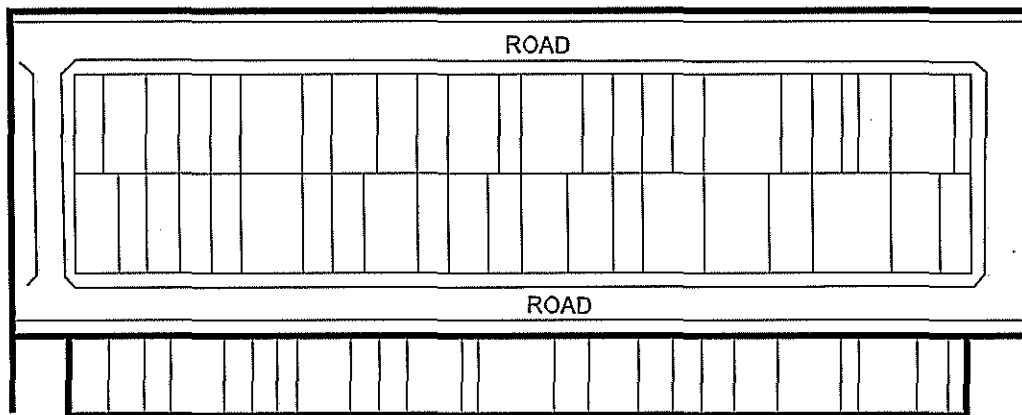
**3. Planned Unit Development**

All applications for this activity must lodge a development plan that indicates;

- The location of the sites facilitates the creation of an integrated planning unit. In particular, where sites in a Planned Unit Development are located across a road or an open space area from each other then it must be demonstrated that the sites are of sufficient size on each side of the road or open space area to ensure an integrated development
- proposed lot and road boundaries
- elevations and footprints of residential units to be built within the development. A range of housing types and designs is encouraged in order to promote visual interest and provide variety in building form
- the location of communal and private open space areas

- the location of car parking areas, manoeuvring areas and ingress/egress points
  - landscape elements including areas to be planted, and any existing trees and vegetation that is to be retained
  - layout of pedestrian routes and footpaths
- (a) The development shall generally comply with the development controls specified in Clause 7.8.2, or demonstrate that the purpose of the rules can be achieved by alternative means. The exception to this is that Clause 7.8.2.4A(i) need not be applied to internal site boundaries of the planned unit development. (refer Figure 7.3A(1) below)
- (b) When assessing an application for a planned unit development the Council will also have regard to the assessment criteria of Clause 7.7.5.2C
- (c) Land which is subject to a planned unit development may be subdivided in accordance with the development plan following its approval by the Council.

Figure 7.3 A (1) Planned Unit Development



— Planned Unit Development Boundary  
 — Internal Site Boundary

Figure 7.3A(1) shows an example of a Residential 8 zoned parcel of land upon which an application for a Planned Unit Development may be sought.



**PART 7 - RESIDENTIAL ACTIVITY**

(d) As a condition of any consent to a Planned Unit Development:

- a covenant will be required to be registered on the certificate of title of each site forming part of the development plan to ensure ongoing compliance with that plan; or
- some alternative mechanism acceptable to the Council may be required to ensure a similar result.

(e) Any additions or alterations to buildings within the planned unit development that do not comply with the approved development plan will be assessed in terms of Clause 7.7.5.2C where the development controls of the Residential 8 zone are complied with, or Clause 7.7.5.3C 1 where one or more of the development controls are modified.

4. Non-Permanent Accommodation for Care – Refer Clause 7.7.4.3 E
5. Use of artificial lighting on a site(s) producing an illuminance in excess of 150 lux – Refer Clause 7.7.4.3 G.
6. Offices in Residential 8c zone

Applications will be considered against the criteria described below as well as the controlled activity criteria listed in clause 7.7.5.2C1 above;

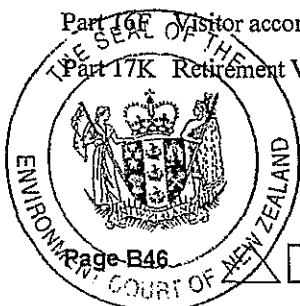
- the site is located adjoining an arterial road;
- the office activity is limited to 50% of the gross floor area of the ground floor area of all buildings on a site and must be located so that the activity fronts the arterial road frontage of the site;
- any parking provided for the office activity shall not detract from the continuity and harmony of the building forms in the street nor otherwise detract from the amenity of the streetscape;
- no office sign shall be more than is required to identify the business located within, and more than one sign for an office is prohibited;
- the lettering and/or other decorative features of the sign shall not be unduly prominent and shall not detract from the appearance of the main building on the site or from the amenity of the streetscape.

**7. Additional further criteria to be considered**

Refer to the following further criteria to be considered which is contained in the following parts of Proposed Plan Change : Plan Modification no 26:

Part 15C Criteria for Housing Development for the Elderly and Disabled

Part 16F Visitor accommodation  
Part 17K Retirement Village



See key on the last page of this section

Part 17L Integrated Housing Development

Part 17M Rest Home accommodating people in excess of the intensity level specified in Clause 7.8.1.1

Part 17N Boarding House / Hostel

**SECTION CONTINUED**



**Plan change annotations - key**



Indicates where content is affected by proposed plan modification x.  
Refer to plan modification folder or website for details.



Indicates where the content is part of plan modification x, which is  
subject to appeal.

Underlined content to be inserted.

~~Struck through~~ content to be deleted.



**Annexure C****New Zealand Parliamentary Debate**

Wednesday, June 19, 1991

[<-- Previous](#)[Search the Archives...](#)[Next -->](#)**AUCKLAND CITY COUNCIL (WORKERS' HOMES)  
VESTING AND EMPOWERING BILL : Introduction****AUCKLAND CITY COUNCIL (WORKERS' HOMES) VESTING AND  
EMPOWERING BILL**

## Introduction

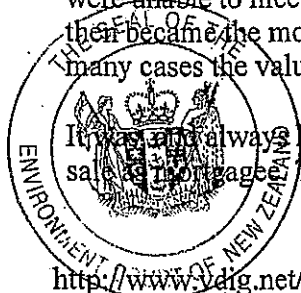
Hon. RICHARD PREBBLE (Auckland Central): I move, That leave be given to introduce the Auckland City Council (Workers' Homes) Vesting and Empowering Bill. The Bill is a local Bill promoted by the Auckland City Council, and its purposes are twofold: first, to vest in the council the freehold of four residential properties in the city for which it has been the mortgagee in possession for nearly 70 years; and, second, to vest in the council the accumulated funds held in trust that have resulted from the investment of rent received from the letting of those properties during those 70 years.

The four dwellings were abandoned by the original owners who had mortgaged their interests back to the council as vendor. None of those people or their descendants or personal representatives has ever come forward to claim those properties despite inquiries extending over many years. The properties are now treated as unclaimed for the purposes of Part V of the Public Trust Office Act 1957, but the Public Trustee has exercised his rights under section 84 of that Act not to administer them and to support this Bill.

The history of these properties is rather interesting, and shows the way in which political climates, times, and ideologies change. On 30 May 1923, Sir James Gunson, who was then the Mayor of Auckland City, reported to his council the acute housing shortage, and his report included this statement: "The shortage of housing accommodation in Auckland is still acute. In fact, it is probably more acute now than at any previous period.". The mayor went on to recommend to the council that it should: "...undertake forthwith the erection of houses in batches of not less than 50 consecutively". He added with respect to the capital moneys that: "...these would be provided by central government under special legislation at a current rate of interest".

In due course 50 houses were built on land owned by the council in Old Mill Road and West View Road, Grey Lynn. Those council houses, for the benefit of Auckland members, have a distinctive style, and can be seen when one is travelling from Surrey Crescent to the zoo. They were built by the Auckland City Council. The houses were sold at cost to low-paid working families. The purchases were financed by mortgages back to the council for the total purchase price, which was about 1100 in each case. During the depression in the early 1930s, 20 of the original purchasers were unable to meet the mortgage commitments, and they walked off their properties. The council then became the mortgagee in possession, and it let out those houses that had been vacated. In many cases the value of the property at the time fell below the amount of the mortgage.

It has always been, the policy of the Auckland City Council not to exercise its power of sale of mortgages. The proceeds of letting were kept in a separate trust account used, first, to repay





the outstanding mortgages, and then on maintenance and upkeep. Now, of course, in all cases a credit balance has been achieved and the proceeds have been invested for some years. Over many years the mortgage loans have been repaid out of rents received. The loan by the Government of 40,000 has also been repaid. Strenuous efforts have been made to find the original owners or their descendants or personal representatives. Despite all efforts no claimants have been found for four properties at Nos. 9, 13, 28, and 34 West View Road and they are the subject of the Bill. These properties have a current market value of about \$120,000 each.

I shall bring the publicity up to date. The schedule of the Bill not only gives the legal description of each property but also the chief surveyor has taken the unusual step of adding the street number of each property and the name of every mortgagor. Of course, if anyone does come forward who is a descendant, the house is his or hers, and still is. I thought that I might give a little additional publicity in case someone who is listening is a descendant, in order to let that person know. I still have difficulty in believing, given the fact that everybody in New Zealand knows everyone---

John Carter: Is my name down there?

Hon. RICHARD PREBBLE: Maybe it is, I do not know. If the member had a relative who lived at 9 West View Road, and, indeed, the deed was in the name of an Albert Edward Wiles of Auckland, a compositor, he could claim a house worth \$120,000. I shall try again; we failed on that one. The house at 13 West View Road was in the name of Ernest Broderick Ford of Auckland. He was a tally clerk.

John Carter: Is that a Ford with an "e"?

Hon. RICHARD PREBBLE: No, it is a Ford without an "e".

John Carter: Missed out again!

Hon. RICHARD PREBBLE: Oh dear! We will try again. There is 28 West View Road and that was in the name of George Theodore Poppel of Auckland, and he was a canvasser. I am not sure what that means. He canvassed for political parties or something.

An Hon. Member: Tents!

Hon. RICHARD PREBBLE: Oh, it was tents, was it? I thought that perhaps he was a political canvasser. We failed there again. Then there is 38 West View Road, and that was in the name of George Cunningham Johnson of Auckland. He was a painter. If anyone knows of those people, or if anyone thinks that he or she is a descendant of those people, that person should come forward immediately, although this Bill will actually still give those persons rights. Clause 3 declares that the surplus funds held by the council in trust as at 31 December 1990 amount to \$322,819. An addition since 31 May takes the total to \$337,000. These funds have always been kept in a separate account and invested accordingly. Clause 6 contains a savings provision that would protect any subsequent valid claim to one of the four properties and to a proportion of the existing surplus funds.

Clause 4 declares that the existing tenancies are not to be affected by the proposed legislation. Clauses 2 and 3 direct that the four properties and surplus funds shall be held and administered by the council under and for the purposes of Part XXXII of the Local Government Act 1974, which deals with the council's powers relating to the provision of land and housing for other purposes. As the local member of Parliament I know of the circumstances around there. I think that, in this case, the Auckland City Council has acted properly. It has not exercised its rights of sale. It has taken the very unusual step of deciding to continue to own the properties. I know that, in nearly all of the 20 people who walked off, the descendants have now received their families' homes. It



seems to me that after this length of time, though, it is reasonable for the council to ask for a local Bill. I recommend it to the House and that it be referred to the Internal Affairs and Local Government Committee, to which anyone who has any representations on the matter can make submissions.

## **AUCKLAND CITY COUNCIL (WORKERS' HOMES) VESTING AND EMPOWERING BILL : Introduction**

JOHN CARTER (Bay of Islands): I thank the member for presenting the Bill. It is an interesting Bill and I listened closely to the comments that he made. I will certainly be going through my family tree to see whether there are any opportunities there for me or for other relations. It is an interesting Bill and one that obviously will be helpful in sorting out a problem for the Auckland City Council. The Government will be happy for submissions to be made on it before a select committee.

Motion agreed to.

Bill introduced and read a first time, and referred to the Internal Affairs and Local Government Committee.

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