

Proposed Plan Change 16 (PC 16)

**Improving consistency of provisions in
Chapter H Zones, Chapter J Definitions of
the Auckland Unitary Plan (Operative in
part) version**

**SECTION 32
EVALUATION REPORT**

Advice note: Please read the 'Navigation guide' on the Proposed Plan Change 14
prior to reading any of the reports and attachments.

TABLE OF CONTENTS

1.0 Introduction	5
1.1 Scope and purpose of the report.....	5
1.2 Background to the proposed plan change.....	7
1.3 The resource management issue to be addressed.....	9
1.4 Objectives of the proposed plan change.....	9
1.5 Development and Evaluation of Options.....	10
1.6 Evaluation of Options (Evaluation 1 – Overview).....	10
1.7 Risk of acting or not acting	13
2.0 Reasons for the proposed plan change.....	13
2.1 Reasons for the preferred option	13
2.2 Scope of plan change	14
3.0 Statutory evaluation under Part II and relevant sections of the Resource Management Act (RMA).....	14
3.1 Part 2 of the RMA and relevant sections of the RMA.....	14
3.2 Other relevant sections of the RMA	15
3.3 Provisions with immediate legal effect	16
4.0 National and Regional Planning Context.....	17
4.1 National Coastal Policy Statement.....	17
4.2 National Policy Statements	17
4.3 National Environmental Standards.....	18
4.4 Other Acts.....	18
4.4.1 Hauraki Gulf Marine Park Act 2000	18
4.4.2 Waitākere Ranges Heritage Protection Act 2008.....	19
4.4.3 Local Government Act 2002.....	19
4.4.4 Local Government (Auckland Transitional Provisions) Act 2010.....	19
4.5 The Auckland Plan	20
4.6 Auckland Unitary Plan (Operative in part)	21
4.7 Iwi Management Plans.....	21
5.0 Development of Proposed Plan Change	22
5.1 Methodology and development of Plan Change	22
5.1.1 Develop the Scope of PC 16.....	22

5.1.3	Development of Proposed Amendments.....	24
5.2	Consultation Undertaken.....	25
5.2.1	Summary of general consultation undertaken	25
5.2.2	Consultation with iwi authorities	25
5.2.3	Summary of feedback from iwi authorities.....	26
6.0	Evaluation approaches.....	27
7.0	SECTION 1: RESIDENTIAL ZONES.....	32
7.1	Theme 1: Rural and Coastal Settlement Zone – Building Coverage Standard 32	
7.2	Theme 2: Rural and Coastal Settlement Zone - Front Fence Standard	35
7.3	Theme 3: Fence Height applying to Lakeside yard, Coastal Protection Yard and Riparian Yard.....	38
7.4	Theme 4: Height in Relation to Boundary – Pedestrian Access ways.....	42
7.5	Theme 5: Height in relation to boundary adjoining Open Space zones.....	48
7.6	Theme 6: Height in relation to boundary standards – Minor consistency amendments.....	52
7.7	Theme 7: Fences within an Outlook Space.....	55
7.8	Theme 8: Outdoor Living Space Standard	58
7.9	Theme 9: Matters of Discretion and Assessment Criteria for Parking and Access.....	60
7.10	Theme 10: Matters of Discretion: Traffic Effects	63
7.11	Theme 11: Matters of Discretion: Residential character and Landscape Qualities.....	67
7.12	Theme 12: Additional Assessment Criteria: Storage and Collection of Solid Waste within the THAB Zone.....	71
8.	SECTION 2: BUSINESS ZONES	74
8.1	Theme 1: Glazing.....	74
8.2	Theme 2: Street Sightlines	77
8.3	Theme 3: Additions to buildings	79
8.4	Theme 4: Residential floor space bonus	81
8.5	Theme 5: Form and design of buildings adjoining historic heritage places .	84
8.6	Theme 6: Bonus floor area - public open space.....	86
8.7	Theme 7: Cross referencing error	88
8.8	Theme 8: Verandah standard and assessment criteria	90

8.9	Theme 9: Outlook Space – Business - City Centre and Business - Metropolitan Centre Zones	93
8.10	Theme 10: Outlook space - Other business zones and Residential Zones	96
8.11	Theme 11: Bonus floor area ratio – light and outlook.....	100
8.12	Theme 12: Terminology – Pedestrian facilities	103
8.13	Theme 13: Height and Height in relation to boundary in business zones	105
8.14	Theme 14: Average floor area definition	109
8.15	Theme 15: Mean street level definition	113
8.16	Theme 16: Pedestrian circulation space definition.....	116
8.17	Theme 17: Business - City Centre Zone assessment criteria terminology	118
8.18	Theme 18: Business - Heavy Industry and Business - Light Industry Zones – Building Height Purpose	121
9.	SECTION 3: OPEN SPACE, SPECIAL PURPOSE AND WAITAKERE FOOTHILLS ZONES	123
9.1	Theme 1: OPEN SPACE ZONES – Jetties and boat ramps	123
9.2	Theme 2: SPECIAL PURPOSE: SCHOOL ZONE – Floodlights	126
9.3	Theme 3: WAITAKERE FOOTHILLS ZONE AND WAITAKERE RANGES ZONE – Yards	130
9.4	Theme 4: WAITAKERE RANGES FOOTHILLS ZONE – Minor dwellings	136
10.	SECTION 4: DEFINITIONS.....	138
10.1	Theme 1: Building	138
10.2	Theme 2: Food and beverage.....	155
10.3	Theme 3: Gross Floor Area	159
10.4	Theme 4: Landscaped area	163
10.5	Theme 5: Net internal floor area	172
10.6	Theme 6: Through site.....	177
10.7	Theme 7: Workers’ accommodation	182
11.0	Conclusion	189

1.0 Introduction

1.1 Scope and purpose of the report

This report is prepared by Auckland Council (Council) to fulfil the statutory requirements of section 32 of the Resource Management Act 1991 (the RMA) for proposed Plan Change 16 (PC 16).

PC 16 is one of a series of four plan changes to address technical issues across the Auckland Unitary Plan (AUP). These plan changes follow on from Plan Change 4 – Corrections to technical errors and anomalies in the Auckland Unitary Plan (Operative in part) version (PC4). The series of proposed follow up plan changes, are proposed to have a slightly broader scope than PC4 to enable a number of the technical issues that did not meet the criteria for inclusion within PC4 to be addressed. Other plan changes in the series include:

- Plan Change 14: Auckland-wide and Overlays
- Plan Change 15: Coastal
- Plan Change 16: Zones
- Plan Change 17: Coastal

PC 16 introduces amendments to the following chapters within Chapter H Zones and to Chapter J Definitions of the Auckland Unitary Plan – Operative in part (**AUP**).

The proposed amendments are to address identified technical issues only and will retain the current policy direction of the plan. In particular the amendments proposed in PC 16 are to:

- amend provisions that are ambiguous or unclear;
- amend the provisions to achieve vertical and horizontal alignment across the AUP where there are current gaps or a misalignment of provisions; and
- improve integration of different chapters within the AUP.

The proposed amendments relate to the following chapters of the AUP and are summarised in section 6.0.

Section 1 - Chapter H Zones (Residential)

There are various amendments to the provisions of the six residential zones recommended through this plan change. The amendments proposed are primarily in relation to the standards, to improve the alignment with the objectives and policies, and to improve clarity for purposes of interpretation. There are also some minor changes to the matters of discretion and assessment criteria for increased consistency with the objectives and policies. The zones within Chapter H, collectively named the '**residential zones**' with recommended amendments include:

- H1 Residential - Large Lot Zone
- H2 Residential - Rural and Coastal Settlement Zone
- H3 Residential - Single House Zone (SHZ)

- H4 Residential - Mixed Housing Suburban Zone (MHS)
- H5 Residential - Mixed Housing Urban Zone (MHU)
- H6 Residential - Terrace Housing and Apartment Buildings Zone (THAB)

Section 2 - Chapter H Zones (Business)

The proposed amendments to the business provisions cover all ten business zones. Changes are proposed to some of the standards and assessment criteria to improve the clarity of the provisions. The purpose statements are also proposed to change for some of the standards. Changes are also proposed to two definitions that relate predominantly to the business zones and the introduction of a new definition is proposed. The zones within Chapter H, collectively named the ‘**business zones**’, with recommended amendments include:

- H8 Business - City Centre Zone
- H9 Business - Metropolitan Centre Zone
- H10 Business - Town Centre Zone
- H11 Business - Local Centre Zone
- H12 Business - Neighbourhood Centre Zone
- H13 Business - Mixed Use Zone
- H14 Business - General Business Zone
- H15 Business - Business Park Zone
- H16 Business - Heavy Industry Zone
- H17 Business - Light Industry Zone

Section 3 - Chapter H Zones (Other - Open Space, Special Purpose Waitakere Ranges and Waitakere Foothills Zones)

There are minor amendments proposed to a range of other zones to fill gaps with the provisions and to improve the alignment of the provisions with the objectives and policies. Changes are proposed to activity tables and standards of the relevant zones to improve the clarity and usability of the provisions in implementation. The zones within Chapter H with recommended amendments include:

- H7 Open Space zones
- H29 Special Purpose - School Zone
- H20 Waitakere Foothills Zone
- H21 Waitakere Ranges Zone

Section 4 - Chapter J Definitions

A total of 15 definitions within Chapter J are addressed through PC X. In most instances, each definition has its own theme. Additional definitions are also addressed within specific sections of this report, where consequential amendments to Chapter J are proposed, or where definitions are interrelated with a specific topic, best addressed in the context of that theme.

The plan change documents for PC 16 are set out in Attachments 1A, 1B, 1C and 1D and show proposed text amendments to the following zones:

- Attachment 1A: Residential Zones
- Attachment 1B: Business Zones
- Attachment 1C: Open Space, Special Purpose and Waitakere Ranges and Waitakere Foothills Zones
- Attachment 1D: Definitions

Section 32 of the RMA requires that before adopting any objective, policy, rule or other method, the Council shall have regard to the extent to which each objective is the most appropriate way to achieve the purpose of the Act, and whether the policies and rules or other methods are the most appropriate way of achieving the objectives. A report must be prepared summarising the evaluation and giving reasons for the evaluation. In accordance with section 32(6) of the RMA and for the purposes of this report:

- the 'proposal' means PC 16,
- the 'objectives' means the purpose of the proposal/ PC 16, and
- the 'provisions' means the policies, rules or other methods that implement, or give effect to the objectives of the proposal.

The AUP contains existing objectives and policies which set the direction for how the zones will manage the way in which areas of land are to be used or developed. PC 16 is not altering or re-litigating any of these provisions. This evaluation report on PC 16 relates to technical issues within the existing policy framework of the AUP. The policy approach remains unchanged, and this report will not evaluate it in any more detail.

This evaluation will continue to be refined in relation to any consultation that occurs, and in relation to any new information that may arise, including through submissions and during hearings as per Section 32AA of the RMA.

1.2 Background to the proposed plan change

The structure of the AUP is complex. It is a combined plan pursuant to section 80 of the Resource Management Act 1991, bringing the regional policy statement, the regional plan (including the regional coastal plan) and the district plan into a single document. This plan applies to almost the entire Auckland region, excluding only the district plan provisions in respect of the land area of the Hauraki Gulf Islands. The scale of such a combined planning exercise has never before been undertaken in New Zealand.

The separation of controls among overlays, zones, Auckland-wide and precinct provisions means that a single site may be subject to four or more layers of plan provisions. Identifying accurately all of the provisions that may be relevant to a site or a proposal, is integral to understanding the planning controls that might apply.

As a result of the nature of the layered provisions of the AUP, plan users and Council planning staff have been identifying a number of technical issues. These issues affect the usability of the AUP and its overall integration. Since the AUP became operative in part (15 November 2016), the Council has been registering potential errors and issues that have been identified by both staff and members of the public. Issues are sent through via email enquiry and then they are registered, categorised and grouped in a spreadsheet by their respective AUP chapter, section, precinct, GIS mapping layer, provision/standard and/or property.

Over 2,000 potential errors or issues have been recorded to date and the number continues to grow as AUP users continue to identify and send potential issues to the Council's enquiry line.

The issues identified so far are found in all components of the AUP (text and maps), and cover a range of matters.

There are three ways in which issues in the AUP can be corrected under the RMA:

- Clause 16(2) of Schedule 1 to the RMA – for alterations of a minor effect, or the correction of minor errors where the plan is not yet operative/still subject to appeal;
- Clause 20A of Schedule 1 to the RMA – for the correction of minor errors where the plan is operative; and
- Plan change/s to the AUP.

Many of the issues that were registered when the AUP first became operative in part were clear errors or anomalies, which although minor in nature could not be amended using Clause 16 or Clause 20A. In order to resolve these issues quickly to enable the AUP to function how it was intended PC4 was notified in September 2017.

Where an error or anomaly required further research and investigation, there were various possible scenarios or corrections or where the impact of the correction is unclear, these issues were excluded from PC4.

At the conclusion of the preparation of PC4 the Council was left with issues which required further investigation for potential inclusion in a plan change that had broader scope than PC4. Additionally a range of issues across the AUP continued to be added to the register. Consequently the Council decided to prepare a series of follow up plan changes to PC4 to continue to address technical issues within the AUP.

A series of proposed follow up plan changes, of which PC 16 is part of, are proposed to have a slightly broader scope than PC4. This is to enable a number of the technical issues that did not meet the criteria for inclusion within PC4 to be addressed.

1.3 The resource management issue to be addressed

The resource management issue to be resolved through PC 16 is to correct the identified technical issues and resolve the identified gaps in the horizontal and vertical alignment of provisions, to improve the workability of the plan and ensure that the AUP functions in an integrated way.

The identified technical issues are creating confusion for plan users¹ and increasing the likelihood of debate and litigation when administering the AUP. The identified technical issues are also impacting the integrity of the AUP through compromising the ability to fully implement the plan as intended.

1.4 Objectives of the proposed plan change

PC 16 introduces amendments within Chapter H Zones, to the residential, business, open space and special purpose zone provisions identified in Sections 7 8 and 9, and amendments to Chapter J Definitions to the definitions identified in Section 10.

Zones manage the way in which areas of land are to be used or developed. Zone provisions are located in Chapter H of the Plan and the zones are identified on the planning maps. In addition, zone rules which have a spatial component such as the Height Variation Control are identified on the planning maps.

An evaluation under Section 32 of the RMA must examine the extent to which the objectives of PC 16 are the most appropriate way to achieve the purpose of the RMA. The objective of PC 16, or the purpose of the plan change, is to address the identified technical issues as outlined in sections 7-10 of this report, to ensure:

- the wording of provisions is clear and unambiguous;
- the provisions of the AUP cascade vertically and horizontally; and
- there is a high level of integration across the different chapters of the AUP.

The plan change should assist the Council to carry out its functions in order to achieve the purpose of the RMA, being to promote the sustainable management of natural and physical resources.

The evaluation of the identified amendments to the AUP zones and definitions concludes that these are technical issues which have the potential to create confusion for plan users². The uncertainty or ambiguity created by the current provisions identified in sections 7 to 10 of this report impacts the functionality and workability of the AUP and increases the risk of debate and litigation when administering the AUP. Amending the AUP to resolve these identified issues is the most appropriate way to achieve the purpose of the RMA, as outlined in the evaluation of options below.

² Council's Resource Consents department and external planning practitioners involved in consenting processes as well as the property owners themselves.

1.5 Development and Evaluation of Options

Section 32 requires an examination of whether the provisions in PC 16 are the most appropriate way to achieve the objectives of the proposed plan change by identifying other reasonably practical options for achieving the objective. In the preparation of PC 16, the following options have been identified:

Option 1 – Adopt a ‘do nothing’ approach/retain the status quo.

Option 2 – Undertaking non-regulatory methods to meet the objective.

Option 3 – Undertaking regulatory methods – (a plan change to amend the identified technical issues within Chapter H Zones and Chapter J Definitions in respect of the provisions identified in sections 1 to 4 of this report).

Option 4 – Other regulatory methods – Address technical issues at a later date, as part of a full AUP review.

1.6 Evaluation of Options (Evaluation 1 – Overview)

Option 1 – Adopt a ‘do nothing’ approach/retain the status quo

The ‘do nothing’ option means the technical issues which have the potential to compromise the integrity of the AUP will not be addressed. By not amending the AUP, ambiguous provisions will continue to cause confusion for plan users increasing the risk of debate and litigation while implementing the plan. The AUP will continue to have gaps in the horizontal and vertical alignment of provisions that affect the ability of the AUP to promote the purpose of the RMA in an integrated way.

Option 2 – Non-regulatory methods

Non regulatory methods to address the identified technical issues include practice notes, guidance or interpretation notes. This option is an alternative to addressing technical issues through a plan change.

Option 3 – Regulatory methods

This option would result in a plan change to amend the identified technical issues within Chapter H zones and Chapter J Definitions in respect of the provisions identified in sections 1-4 of this report, above.

This option will address the identified technical issues within the AUP, through a statutory process. The statutory plan change process allows the technical issues to be addressed in a clear and legally robust process.

Option 4 – Other regulatory methods

Other regulatory methods to address the identified technical issues include waiting to amend the AUP to address the identified technical issues as part of the full plan review. This would involve incorporating the amendments proposed to address the technical issues into the review of the AUP, which is approximately five to ten years away.

Table 1 – Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness of provisions in achieving the objectives	Benefits	Costs
Option 1: Adopt a 'do nothing' approach/retain the status quo	The do nothing option is not an effective or efficient option to achieve the objectives of PC 16 (to address technical issues to remove ambiguity and ensure the provisions align both vertically and horizontally across the AUP). The identified issues are a result of the current wording of provisions and have arisen as the plan has been used. This option will do nothing to address the identified issues which are compromising the ability to implement the plan as intended. This option will also lead to inefficient implementation of the AUP as the plan users will have to clarify technical issues on a case by case basis.	As a plan change is not pursued under this option, there is no financial burden on the Council to undertake a public plan change. This option also allows the Council more time to collate further technical issues and research appropriate solutions. There is a risk that in trying to address an issue a further issue can be created. With no action, this can be prevented.	If users of the AUP interpret the AUP differentially because of the identified technical issues, there is both an economic and environmental cost. The need to clarify the identified technical issues will slow down the consenting process. There is also the potential for litigation and debate over the meaning of provisions. This in turn limits the productivity of the AUP. The identified technical issues compromise the ability to implement the plan as intended. This could result in outcomes that are not aligned with the objectives and policies of the AUP and in turn the purpose of the RMA.
Option 2: Non-regulatory methods	Non-regulatory methods include practice notes, guidance or interpretation notes which do not have any statutory weight. This lack of weight may limit the effectiveness of this option in achieving the objectives of PC 16 as the guidance contained within non-statutory	This option requires limited staff time and resourcing, compared to a plan change. It also allows technical issues to be addressed in a timely manner as practice notes, guidance or interpretation notes do not need to go through a statutory process.	Due to the non-statutory nature of practice notes, guidance or interpretation notes there is the potential for there is both an economic and environmental cost. Non-statutory guidance may be challenged and ignored by plan users,

	<p>guidance can be challenged or ignored.</p> <p>Furthermore guidance notes themselves are open to interpretation and therefore there is a risk that these non-statutory documents have the potential to impact on the integrity and public opinion of the AUP.</p>		<p>which could slow down the consenting process and increase the potential for litigation and debate over the meaning of provisions. This in turn limits the productivity of the AUP.</p> <p>The identified technical issues compromise the ability to implement the plan as intended. If non-statutory guidance is ignored or challenged this could result in outcomes that are not aligned with the objectives and policies of the AUP, and in turn the purpose of the RMA.</p>
<p>Option 3: Regulatory Methods - A plan change to amend the identified technical issues within Chapter H zones and Chapter J Definitions in respect of the provisions identified in Sections 7 to 10,</p>	<p>A plan change can effectively address the technical issues identified in the AUP to remove ambiguity within the provisions and ensure there is both vertical and horizontal alignment across the plan. Through undertaking four plan changes based on the structure of the plan a more efficient process can be followed via a series of small discrete plan changes addressing individual issues. It also ensures that similar issues can be grouped together while stopping the plan change from getting so large that it is difficult to manage and interpret by plan users.</p>	<p>At present, PC 16 can be resourced through existing staff budgets. Depending on the submissions received and the issues that arise there may be the potential for higher costs in the future.</p>	<p>By addressing the identified technical issues within the AUP, consenting should become more efficient. The plan can be implemented as intended which ensures that the outcomes reflect the objectives and policies of the AUP and also the purpose of the RMA.</p>
<p>Option 4: Other regulatory methods – Address technical issues at a later date, as part of a full AUP review</p>	<p>This option involves a comprehensive review of the AUP which allows the identified technical issues to be comprehensively reviewed at the same time. Although it is efficient to review the</p>	<p>This option is cost efficient in that the technical issues can be addressed as part of a wider review of the AUP. As the timeframe for the review however is more than five years away, the costs of the</p>	<p>As the technical issues will remain in the AUP until it is reviewed the environmental and economic costs that are associated with these issues will remain.</p>

	<p>issues as part of a wider review of the plan, this is not an effective approach as the issues will remain unresolved for the next five to ten years.</p>	<p>technical issues will significantly outweigh the benefits. Their costs include lost development opportunities and costs caused by difficulty in plan interpretation.</p>	<p>The need to clarify the identified technical issues will slow down the consenting process. There is also the potential for litigation and debate over the meaning of provisions. This in turn limits the productivity of the AUP.</p> <p>The identified technical issues compromise the ability to implement the plan as intended. This could result in outcomes that are not aligned with the objectives and policies of the AUP and in turn the purpose of the RMA.</p>
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1.7 Risk of acting or not acting

Section 32(2)(c) of the RMA requires this evaluation to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. There is considered to be sufficient information about the technical issues being addressed through PC 16 to proceed with the plan change.

This evaluation will continue to be refined in relation to any new information that may arise following notification, including during hearings on PC 16 as required by Section 32AA.

2.0 Reasons for the proposed plan change

2.1 Reasons for the preferred option

The evaluation of options above concludes that a plan change is most appropriate option to address the identified technical issues.

Option 1, which is to maintain the status quo, is not recommended. The mapping anomalies can result in differing interpretations of the AUP, delay consenting and have an overall impact on the functionality and integrity of the AUP.

Option 2, the non-statutory approach, which would include guidance material or advice on plan interpretation is not recommended as this type of guidance does not have statutory standing and therefore can be challenged or interpreted differently by different plan users.

This can reduce any gains in efficiencies in plan administration and also pose a reputational risk to the integrity of the AUP.

Both regulatory options (Option 3 and 4) allow technical issues to be addressed in a legally robust manner and increase efficiencies in the administration of the AUP. While Option 4 is more holistic and cost efficient in the longer term, in the immediate term the issues will remain unresolved. Timeliness is an important dimension in addressing the issues as the potential costs and risks posed by these technical issues are significant and have a real impact on the way land is used in the present. Through proceeding with Option 3 the issues can be resolved so that the plan can be efficiently administered.

2.2 Scope of plan change

The scope PC 16 is limited to addressing the technical issues (outlined in sections 1 to 4 of this report) that are compromising the ability of plan users to efficiently administer the AUP. PC 16 is limited to amending technical matters to ensure the subject provisions give effect to the objectives and policies of the AUP.

As such the scope of PC 16 generally includes:

- Amendments to provisions that are ambiguous or unclear;
- Amendments to the provisions to achieve vertical and horizontal alignment across the AUP where there are current gaps or a misalignment of provisions; and
- Amendments to improve integration of different chapters within the AUP.

PC 16 does not seek to alter the current policy direction of the plan. It will not alter the outcomes of the objectives and policies nor will it seek to add new objectives and policies.

3.0 Statutory evaluation under Part II and relevant sections of the Resource Management Act (RMA)

3.1 Part 2 of the RMA and relevant sections of the RMA

The purpose of the RMA is to promote the sustainable management of natural and physical resources, as defined in section 5(2) of the RMA. The residential, business, open space and special purpose zone provisions are required to achieve the purpose of the RMA, as set out in section 5.

In addition to the overall purpose of the RMA set out above, sections 6, 7 and 8 of that RMA identify, respectively, matters of national importance that shall be recognised and provided for, matters to which particular regard shall be had, and the requirement to take into account the principles of the Treaty of Waitangi.

Of specific relevance to the residential, business, open space and special purpose zone provisions is section 7(c) of the RMA and the obligation to have particular regard to the maintenance and enhancement of amenity values. The RMA defines “amenity values” as:

Those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreation attribute.

Also of considerable relevance to the residential, business, open space and special purpose zone provisions is:

- Section 6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- Section 6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
- Section 7(f) the maintenance and enhancement of the quality of the environment;
- Section 8 the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

PC 16 is consistent with Part 2 of the RMA. The residential, business, open space and special purpose zone provisions are a key method used in the AUP to achieve the purpose of the RMA as they manage the way in which areas of land are to be used or developed. The zone provisions set out a common policy direction to assist in determining the existing or future nature of those areas. PC 16 is not altering the policy direction of any of the residential, business, open space and special purpose zones. PC 16 is assisting with the sustainable management of natural and physical resources through addressing technical issues which will decrease the risk of debate and litigation when administering the AUP.

The definitions contained within Chapter J of the AUP are used to assist with the interpretation of provisions within the plan. PC 16 is proposing amendments to remove ambiguity within the existing definitions to enable more effective and efficient administration of the AUP. These amendments are consistent with Part 2 of the RMA.

3.2 Other relevant sections of the RMA

There are relevant sections of the RMA that must be considered in context of the proposed plan change:

- Section 31 – Functions of territorial authorities under this Act
- Section 72 – Purpose of district plans
- Section 73 – Preparation and change of district plans
- Section 75 – Contents of district plans
- Section 76 – District rules
- Section 79 – Review of policy statements and plans
- Section 80 – Combined regional and district documents

Sections 30 and 31 of the RMA state that a function of council is to control any actual or potential effects of the use, development or protection of land and associated natural and physical resources of the district and regional level.

Section 80 of the RMA sets out the approach to which local authorities may prepare, implement, and administer the combined regional and district documents. The AUP is a combined regional and district plan.

In preparing PC 16, the council must apply the requirements of Section 80 of the RMA. In particular subsection 6A *'in preparing or amending a combined document, the relevant local authority must apply the requirements of this Part, as relevant to the documents comprising of the combined document'*. The AUP contains a regional policy statement, a regional plan, a regional coastal plan and a district plan for the Auckland region.

Sections 63 to 68 and 72 to 76 of the RMA are relevant to the preparation and implementation of PC 16. In addition to the above, Section 80(6B) of the RMA, *'the relevant local authorities may also, in preparing the provisions of a regional plan or a district plan, as the case may be, for a combined document that includes a regional policy statement – (a) give effect to a proposed regional policy statement; and (b) have regard to an operative regional policy statement.'*

The AUP contains existing objectives, policies, rules and other methods that are of regional and district significance. PC 16 is correcting mapping anomalies within the AUP. By correcting these mapping anomalies, PC 16 will have regard to the operative regional policy statement provisions and will give effect to any proposed amendments to the regional policy statement.

Overall, it is considered that PC 16 assists the Council in carrying out its functions set out in Sections 30 and 31 of the RMA to meet the requirements of the prescribed sections of the RMA set out above. It is important to note that PC 16 is not altering or re-litigating any of the objectives and policies of the AUP. PC 16 addresses technical anomalies within the Chapter H Zones and Chapter J Definitions, and the proposed amendments are to will retain the current policy direction of the plan. The policy approach, their purpose and function of the AUP remains unchanged, and this report will not evaluate these parts in any more detail.

3.3 Provisions with immediate legal effect

Sections 86B to 86G of the RMA specify when a rule in a proposed plan has legal effect.

When deciding the date a plan change takes effect, the RMA provides in Section 86B(1) that 'a rule in a proposed plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified'. Exceptions are provided for in Section 86B(3), 'a rule in a proposed plan has immediate legal effect if the rule –

- (a) protects or relates to water, air, or soil (for soil conservation); or*
- (b) protects areas of significant indigenous vegetation; or*
- (c) protects areas of significant habitats of indigenous fauna; or*
- (d) protects historic heritage; or*
- (e) provides for or relates to aquaculture activities.'*

Certain types of rules in the AUP have immediate legal effect from the date of notification of PC4, provided that they fit within section 86B(3) of the RMA. Immediate legal effect means that a rule must be complied with from the day the proposed rule (or change) is notified.

The proposed amendments in PC 16 (Attachments 1A – 1D) will not have legal effect until the release of the decision notice of PC 16.

4.0 National and Regional Planning Context

In addition to the statutory evaluation detailed in section 6.0 of this report, there are a number of other statutes, regulations, national directives, policies and plans that are of relevance to PC 16.

4.1 National Coastal Policy Statement

Sections 62(3), 67(3) and 75(3) of the RMA require that a regional policy statement, regional plan and district plan must give effect to the New Zealand Coastal Policy Statement (NZCPS).

The AUP contains existing objectives, policies, rules, zoning and other methods that give effect to the NZCPS. PC 16 does not seek to alter the current policy direction of the plan, and therefore no amendment in PC 16 will alter how the AUP gives effect to the NZCPS.

However, for information purposes PC 16 proposes the following amendments that will control development adjoining the Coastal Marine Area:

- Addition of a fence height threshold for the Coastal Protection Yard and Riparian Yards

The proposed amendments are consistent with the NZCPS; Policy 6(1)(h) and (i) require consideration of how adverse visual impacts of development can be avoided in areas sensitive to such effects, and to set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment.

4.2 National Policy Statements

National policy statements are instruments issued under section 52(2) of the RMA and state objectives and policies for matters of national significance. There are four national policy statements in place:

- National Policy Statement on Urban Development Capacity
- National Policy Statement for Freshwater Management
- National Policy Statement for Renewable Electricity Generation
- National Policy Statement on Electricity Transmission

At present, the Ministry for the Environment is in the process of developing a proposed National Policy Statement for Indigenous Biodiversity.

The National Policy Statement on Urban Development Capacity sets out a desire to provide for urban environments that enable the social, economic, cultural and environmental wellbeing of current and future generations as well as provide opportunities for development of housing and business land to meet demand.

Sections 62(3), 67(3) and 75(3) of the RMA require that a regional policy statement, regional plan and district plan must give effect to any national policy statements.

PC 16 has a narrow purpose and seeks to amend technical issues within Chapter H Zones and Chapter J identified within Attachments 1A, 1B, 1C and 1D. PC 16 is proposing amendments that are technical in nature and will not change the overall policy direction of the plan. Consequently PC 16 is consistent with the purpose and principles of the national policy statements listed above.

4.3 National Environmental Standards

There are currently six National Environmental Standards in force as regulations:

- National Environmental Standards for Air Quality
- National Environmental Standard for Sources of Drinking Water
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standards for Electricity Transmission Activities
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
- National Environmental Standard on Plantation Forestry
- National Environmental Standard on Aquaculture (in the process of development)

Section 44A of the RMA requires local authority to recognise national environmental standards.

PC 16 has a narrow purpose and seeks to amend technical issues within Chapter H Zones and Chapter J identified within Attachment 1. PC 16 is proposing amendments that are technical in nature and will not change the overall policy direction of the plan. Consequently PC 16 is consistent with the purpose and principles of the national environmental standards listed above.

4.4 Other Acts

4.4.1 Hauraki Gulf Marine Park Act 2000

The Hauraki Gulf Marine Park Act 2000 (HGMPA) has the purpose of seeking the integrated management of the national, historic and physical resources of the Hauraki Gulf, its islands, and catchments. It also established the Hauraki Gulf Forum, the Park itself and the recognition of tangata whenua with the Hauraki Gulf and its islands.

PC 16 has a narrow purpose and seeks to amend technical issues within Chapter H Zones and Chapter J identified within Attachment 1D. PC 16 is proposing amendments that are technical in nature and will not change the overall policy direction of the plan. Consequently PC 16 is consistent with the purpose of HGMPA and section 6 of the RMA (recognition of the national significance of the Hauraki Gulf, and its islands).

4.4.2 Waitākere Ranges Heritage Protection Act 2008

The purpose of the Waitākere Ranges Heritage Protection Act 2008 (WRHPA) is to recognise the national, regional and local significance of the Waitākere Ranges heritage area and promote its protection and enhancement for present and future generations.

To achieve this, the WRHPA established the Waitākere Ranges area as a matter of national significance (s6 of the RMA) and defines its heritage features. Furthermore, it provides additional matters for the council and other parties to consider when making decision, exercising a power or carrying out its duty that relate to the heritage area.

Specifically, section 9 of this report details minor changes to the Waitakere Ranges Zone and Waitakere Foothills Zone, however, the changes are not altering any policy directions. Therefore overall it is considered that PC 16 is consistent with the purpose of WRHPA and section 6 of the RMA (recognition of the national significance of the Waitākere Ranges and its heritage features).

4.4.3 Local Government Act 2002

Council's functions and powers are derived from the purpose of the Local Government Act 2002 (LGA). The LGA mandates the purpose, funding, and governance duties of the council. With additional responsibilities for Auckland Council under the provisions of the Local Government (Auckland Council) Act 2009, including the preparation of a spatial plan.

Section 12 of the LGA states that a local authority has full capacity to carry on or undertake any activity or business, do any, or enter into any transaction with full rights, powers and privileges subject to any other enactment and the general law.

PC 16 is prepared under the RMA and overall is consistent with the LGA.

4.4.4 Local Government (Auckland Transitional Provisions) Act 2010

The purpose of the Local Government (Auckland Transitional Provisions) Act 2010 (LGATPA) is to resolve further matters relating to the reorganisation of local government in Auckland begun under the Local Government (Tāmaki Makaurau Reorganisation) Act 2009 and continued under the Local Government (Auckland Council) Act 2009.

In s3(2)(d) of the LGATPA it states this Act “provides a process for the development of the first combined planning document for Auckland Council under the RMA”.

Part 4 (sections 115-171) of the LGATPA outlines the process for development of the combined plan for Auckland Council. The development of the first combined plan followed the legislation set out in LGATPA, and the Hearings Panel (also known as IHP) was set-up under the LGATPA.

Although the AUP is now operative in part, and PC 16 is prepared under the RMA, the purpose of the plan change is to address technical issues that have arisen from the development of the first combined plan process. Consequently reference is made to the material developed in this process to support the proposed amendments included in PC 16.

4.5 The Auckland Plan

The Auckland Plan 2012 is a 30 year strategy for Auckland’s future growth and development required under the Local Government (Auckland Council) Act 2009. The Auckland Plan is a strategy prepared under other legislation to which regard should be had pursuant to section 74(2)(b)(i) of the RMA. The Auckland Plan specifically identifies the AUP as a means of implementing the Auckland Plan.

The overall vision stated in the Auckland Plan 2012 is for Auckland to become the world’s most liveable city. A key development strategy is to “create a stunning city centre, with well-connected quality towns, villages and neighbourhoods” (Strategic Direction 10). Section 10 of the Auckland Plan focuses on Urban Auckland, including how to achieve the development strategy. The three stated priorities for Urban Auckland are to:

- Realise quality compact urban environments.
- Demand good design in all development.
- Create enduring neighbourhoods, centres and business areas.

The RPS broadly gives effect to the strategic direction set out in the Auckland Plan.

The Auckland Plan has been reviewed and the Auckland Plan 2050 is now available. The plan sets out three key challenges Auckland will face over the next 30 years – our high population growth and its various impacts, sharing prosperity across all Aucklanders and reducing environmental degradation.

The plan is framed around six outcomes and a development strategy. The development strategy sets out how Auckland will grow and change over the next 30 years, including sequencing of growth and development.

The strategic directions in the Auckland Plan 2012 influenced the regional policy statement which the zone provisions within Chapter H give effect to. The amendments to Chapter H Zones and Chapter J Definitions are technical in nature and do not change the way in which the AUP implements the strategic direction of the Auckland Plan 2012 or the Auckland Plan 2050.

4.6 Auckland Unitary Plan (Operative in part)

When preparing or changing a district plan, Council must give effect to any RPS and have regard to any proposed RPS. The RPS identifies a number of issues of regional significance, and several of these are relevant to PC 16.

- B2: Tāhuhu whakaruruhau ā-taone - Urban growth and form
- B3 Ngā pūnaha hanganga, kawekawe me ngā pūngao - Infrastructure, transport and energy
- B8 Toitū te taiwhenua - Coastal environment

Relevance to PC 16

PC 16 is correcting technical inconsistencies with the Zone provisions and definitions. PC 16 is not amending the objectives and policies of the zones; rather it is aligning the provisions with the objective and policy framework of the AUP and the RPS. Overall, it is considered that PC 16 is consistent with the RPS provisions of the AUP.

4.7 Iwi Management Plans

An iwi management plans (IMPs) is a term commonly applied to a resource management plan prepared by an iwi, iwi authority, rūnanga or hapū. IMPs are generally prepared as an expression of rangatiratanga to help iwi and hapū exercise their kaitiaki roles and responsibilities. IMPs are a written statement identifying important issues regarding the use of natural and physical resources in their area.

The RMA describes an iwi management plan as "...a relevant planning document recognised by an iwi authority and lodged with the council". IMPs must be taken into account when preparing or changing regional policy statements and regional and district plans (sections 61(2A)(a), 66(2A)(a), and 74(2A) of the RMA).

Council is aware that the following iwi authorities have an iwi management plan:

- Ngāti Whātua Ōrākei
- Te Kawerau-a-Maki • Ngāti Rehua • Ngāti Paoa
- Waikato – Tainui
- Ngāti Te Ata • Ngātiwai
- Ngāi Tai ki Tāmaki
- Te Uri o Hau

It is considered that the amendments to the Chapter H and Chapter J proposed within PC 16 are minor and will have little bearing on the Iwi Management Plans listed above. PC 16 does not seek to alter the current policy direction of the plan, and therefore the provisions will change the degree to which the AUP addresses matters in an iwi management plan.

5.0 Development of Proposed Plan Change

This section outlines the development of PC 16 and the consultation in preparing the plan change.

5.1 Methodology and development of Plan Change

5.1.1 Develop the Scope of PC 16

First, the Council developed a statement on the scope of PC 16. This is outlined in section 1 of this report. The statement on scope provided the criteria to determine which issues could be included in PC 16.

5.1.2 Review of Issues

A project team was established to review the issues that were out of scope of PC4 in addition to the issues that continued to be identified by both staff and members of the public. A scope statement for PC 16 was developed to guide this review.

The project team undertook a review of the identified potential issues registered at the time to determine one of the following courses of action:

- a) Correct the error through Clause 16(2) or Clause 20A;
- b) No further action; or
- c) Address the issue through the PC 16.

In recommending an appropriate course of action the project team considered the following criteria:

Technical or Policy Matter

As outlined in Section 1.1 above, PC 16 is limited to amending technical issues to improve the usability of the AUP and its overall integration. However, many of the issues registered, related to dissatisfaction with various policy directions within the plan. Therefore the first task was to determine if the issues were technical or policy matters.

A technical issue is where a change is required so that the AUP will function in the way it was intended. The amendment of technical issues will not, by themselves, result in any substantive changes to the plan provisions. Technical issues may include:

- Format and language changes to clarify provisions where the intent is not clear; and
- Amendments to achieve vertical or horizontal integration and alignment.

Vertical or Horizontal Integration and Alignment

It is essential to the effectiveness of the AUP that it promotes the purpose of the Resource Management Act 1991 in an integrated way. This integration must also address the regional, coastal and district functions of the Council. This means that to support integration and to

align provisions where they are related, the plan should have vertical or horizontal integration and alignment.

Many of the issues identified relate to a gap within the vertical or horizontal alignment of provisions through the AUP. To remediate these issues amendments are required in one of three directions:

- i. down through provisions to give effect to a policy;
- ii. up from methods to fill the absence of a policy direction; and
- iii. across sections to achieve consistency of restrictions or assessments and the removal of duplicate controls.

Complexity of the Issue

Once the project team had established whether the issues were technical or policy matters they considered the complexity of the issue. This was in order to determine whether it was appropriate to address particular issues through an omnibus plan change or whether an issue may be of a scale to warrant its own plan change.

As an example it was decided that complex issues which relied on certainty of other parts of the plan (such as precincts) have a level of complexity that sits outside the scope of this plan change.

Alternative Options

In the case of many issues there are alternative options available to resolving the issue other than a change to the plan. The project team considered the alternative options in determining the course of action for each registered issue.

The alternative options include non-statutory methods such as practice notes, guidance or interpretation notes. Non-statutory methods have been utilised where guidance has been needed promptly. In many instances this non-statutory guidance has satisfactorily clarified the provisions thereby resolving the issue. Where this is the case the Council has not pursued amendments to the plan.

In some instances the issues relate to provisions that are the subject of appeals before the courts. There has occasionally been scope to fix the issue through this process.

Another alternative option is to take no further action in relation to an issue. This has been the recommended course of action where the Council does not agree that there is enough evidence to show that this is an issue and will monitor the provisions to determine if a change is warranted in future.

In some limited circumstances, an amendment via PC 16 is not required as the issue may have been resolved via another process such as a separate plan change. Therefore no change is required to the AUP.

Results of the Review of Registered Issues

As a result of this review the following courses of action were recommended:

- 160 errors were amended using Clause 20a or Clause 16;
- 143 errors via another process (such as the appeals process or internal interpretation/guidance/practice notes);
- 136 potential matters were not progressed and had no further action;
- 301 potential issues required further investigation for potential inclusion in a plan change that had broader scope than PC4.

The recommendations of the project team were audited by a review panel comprising of senior managers, representatives from the legal and resource consents department and Auckland Transport. The review panel sought to ensure the issues proposed to be included within PC 16 were within scope of the plan change and most appropriately addressed by the plan change.

5.1.3 Development of Proposed Amendments

Issue definition

The issues proposed for inclusion within PC 16 have been recorded verbatim from the original source email. As a first step the project team grouped similar issues and clarified the issues so that it was clear what the plan change is trying to achieve.

Research and Collection of Evidence

Once the issues had been clearly defined the project team undertook background research to determine how the issue had come about and built up an evidence basis to support or reject proposed amendments to the plan.

Depending on the issue this process included reviewing recent consent decisions, seeking input from experts, undertaking site visits consulting with internal and external stakeholders. The consultation is outlined in Section 5.2 of this report.

Development of first draft of proposed amendments and draft Section 32 evaluation

The project team drafted amendments to the AUP to address the various issues and documented the Section 32 evaluation process.

Identify affected sections of the plan

The project team then identified an initial index of the sections of the AUP affected by proposed amendments to address the identified issues. The purpose of the index was to ensure that consequential amendments could be identified and to identify any crossover between different workstreams. It was also used in consulting with stakeholders to determine areas of interest.

Stakeholder Review of draft amendments and section 32 evaluation

The proposed amendments and draft section 32 evaluation report was circulated to internal stakeholders for comment and feedback. The internal stakeholders included plan users

across the Council and Council Controlled Organisations including resource consents, Auckland Transport, Auckland Design Office and Legal Services.

Upon receiving this feedback the proposed amendments and section 32 evaluation report were further refined.

5.2 Consultation Undertaken

In accordance with clause 3 of Schedule 1 of the RMA, during the preparation of a proposed policy statement or plan, the Council is required to consult with:

- a) the Minister for the Environment; and
- b) those other Ministers of the Crown who may be affected by the policy statement or plan; and
- c) local authorities who may be so affected; and
- d) the tangata whenua of the area who may be so affected, through iwi authorities; and
- e) any customary marine title group in the area.

A local authority may consult anyone else during the preparation of a proposed policy statement or plan.

5.2.1 Summary of general consultation undertaken

As PC 16 is focused on technical matters and does not include any shift in policy direction, no specific consultation was undertaken with the community prior to notification of the plan change.

Staff advised members of the public and internal staff within the council who had sent in potential issues to the email address (unitaryplan@aucklandcouncil.govt.nz) to advise them on the course of action in response to the issue raised. A number of these customers were advised that their potential issue would be addressed as part of a plan change process. An additional letter was sent to these customers to advise and confirm that the issue is part of PC 16. All letters were sent prior to notification and provide information on the plan change process.

The Council has also sent a copy of PC 16 to statutory bodies and parties specifically affected by amendments in PC 16 (such as the Ministry for the Environment).

5.2.2 Consultation with iwi authorities

Clause 3(1)(d) of Schedule 1 to the RMA, states that local authorities shall consult with tangata whenua of the area who may be so affected, through iwi authorities, during the preparation of a proposed policy statement or plan.

Due to the nature and scale of PC 16, staff have identified, through the mana whenua-defined rohe maps, the following iwi authorities who the Council must consult with on the content of the plan change:

- Ngāti Wai
- Ngāti Manuhiri
- Ngāti Rehua
- Te Runanga o Ngāti Whātua
- Te Uri o Hau
- Ngāti Whātua o Kaipara
- Ngāti Whātua o Ōrākei
- Te Kawerau a Maki
- Ngāti Tamaoho
- Te Akitai Waiohua
- Ngāti Te Ata Waiohua
- Te Ahiwaru
- Ngai Tai ki Tāmaki
- Ngāti Paoa
- Ngāti Whanaunga
- Ngāti Maru
- Ngāti Tamaterā
- Te Patukirikiri
- Waikato-Tainui

Clause 4A of Schedule 1 to the RMA states that local authorities must:

- Provide a copy of a draft proposed policy statement or plan to iwi authorities to consider
- Have regard to feedback provided by iwi authorities on the draft proposed policy statement or plan
- Provide iwi authorities with sufficient time to consider the draft policy statement or plan.

And in addition to the above, recent legislation changes to the RMA introduced section 32(4A):

(4A) If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—

- (a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and*
- (b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.*
- (c) a summary of all advice received from iwi authorities on the PC4 (section 32 (4)(a) of the RMA).*

5.2.3 Summary of feedback from iwi authorities

A draft copy of PCB Coastal, PC 16 Zones and PCD Unitary Plan Viewer were provided to the iwi authorities in the Auckland region on 14 August 2018 with the accompanying section 32 evaluation reports. PCA Aucklandwide and Overlays was

provided to the Iwi authorities in the Auckland region with the accompanying Section 32 evaluation report on 24 September 2018.

The only response received was from Ngāti Whātua Ōrākei who were supportive of the proposed plan changes. A Hui was held with the planning representative from Ngāti Whātua Ōrākei to go over the key points kanohi ki te kanohi.

6.0 Evaluation approaches

In accordance with section 32(1)(b) of the RMA, an evaluation report is required to examine whether the provisions in PC 16 is the most appropriate way to achieve the objectives of PC 16 and therein, the purpose of the RMA.

PC 16 introduces changes within Chapter H Zones to the residential, business, opens space, special purpose, Waitakere Ranges and Waitakere Foothills zones' provisions identified in sections 1 to 3 respectively. Additionally it introduces amendments to Chapter J Definitions to the definitions identified in section 4.

PC 16 relies on the existing objectives and policies of the AUP, and no amendments to the policy framework of the identified zones are being recommended. The proposed amendments to the rules and other methods can be categorised into themes as follows:

Section 1: RESIDENTIAL ZONES

There are various amendments to the provisions of the six residential zones recommended through this plan change. The amendments proposed are primarily in relation to the development standards that apply in each of the residential zones, to improve the alignment with the objectives and policies, and to improve clarity for purposes of interpretation. There are also some minor amendments for increased consistency with the objectives and policies. The proposed amendments within the Residential Zones are summarised into themes below.

Theme	Topic	Purpose of change
1.	Rural and Coastal Settlement Zone - Building Coverage Standard	Addressing inconsistencies between the policy framework of the Rural and Coastal Settlement Zone and the building coverage standard.
2.	Rural and Coastal Settlement Zone - Front Fence Standard	Addressing inconsistencies between the policy framework of the Rural and Coastal Settlement Zone and the lack of a standard for front fence height.

3.	Fence Height applying to Lakeside yard, Coastal Protection Yard and Riparian Yard	Clarifying the fence height standard which applies within coastal protection yard, lakeside yard or riparian yard.
4.	Height in Relation to Boundary - Pedestrian Access Ways	Clarifying how the height in relation to boundary standard applies where a residential zone adjoins an unzoned pedestrian accessway.
5	Height in Relation to Boundary adjoining Open Space Zones	Clarifying the exemptions to the height and relation to boundary standard in respect of narrow parts of open space zones.
6	Height in Relation to Boundary standards – Minor consistency amendments	Addressing inconsistencies between the height in relation to boundary standards in respect of exemptions relating to access sites and gable ends.
7	Fences within a required Outlook Space	Addressing inconsistencies between the purpose statement and application of the outlook standard.
8	Outdoor Living Space Standard	Addressing inconsistencies between the purpose statement and application of the outdoor living space standard.
9	Matters of Discretion: Parking and Access	Addressing the inconsistencies between the policy framework and the matters of discretion and assessment criteria in the residential zones in respect to location' of parking and access.
10	Matters of Discretion: Traffic Effects	Addressing a misalignment between the matters of discretion within the Terraced Housing and Apartment Buildings Zone and the policy direction of the Plan in respect of traffic effects.
11	Matters of Discretion: Residential character and Landscape Qualities	Addressing an error in the matters of discretion relating to the specified zone character within the Single House Zone, Mixed Housing Suburban Zone, Mixed Housing Urban Zone and Terrace Housing and Apartment Building Zone.
12	Assessment Criteria: Storage and Collection of Waste	Addressing the gap in requirements for solid waste separation, storage and collection for multi-unit residential developments within the Residential: Terraced Housing and Apartment Buildings Zone.

Section 2: BUSINESS ZONES

The proposed amendments to the business provisions cover all ten business zones. Changes are proposed to some of the standards and assessment criteria to improve the clarity of the provisions. The purpose statements are also proposed to change for some of the standards. Changes are also proposed to two definitions that relate predominantly to the business zones and the introduction of a new definition is proposed. The proposed amendments within the Business Zones are summarised into themes below.

Theme	Topic	Purpose of change
1	Glazing	Introducing assessment criteria relating to glazing for new buildings and external alterations and additions to buildings.
2	Street Sightlines	Exempting verandahs from the street sightline standard.
3	Additions to buildings	Clarifying that certain standards apply to a number of the activities in the activity table (not just new buildings).
4	Residential floor space bonus	Amending the assessment criteria to use consistent and broad language relating to residential activities.
5	Form and design of buildings adjoining historic heritage places	Amending wording of the assessment criteria to align them with the matters of discretion.
6	Bonus floor area - public open space	Amending standard H8.6.17(4) Bonus floor area - public open space outlining the location and extent of verandahs to clarify which standard applies.
7	Cross referencing error	Removing the existing cross referencing to the non-existent ground floor activities standard.
8	Verandah standard and assessment criteria	Deleting a criterion to remove the requirement for verandahs to be predominantly transparent.
9	Outlook Space - City Centre and Metropolitan Centre zones	Making a number of amendments to the Outlook Space Standards H8.6.32 and H9.6.10 in the City Centre and Metropolitan Centre zones in order to clarify the standards.
10	Outlook space - Other Business zones and Residential zones	Making a number of amendments to the Outlook Space Standards in the Town Centre, Local Centre, Neighbourhood Centre, Mixed Use Business Park and Residential zones in order to clarify the standards.
11	Bonus floor area ratio – light and outlook	Amending the standard to clarify the purpose of the standard and how it relates to the maximum tower dimensions, setback from the street and tower separation standard.
12	Terminology – Pedestrian facilities	Amending Standard H8.6.20 Bonus floor area - works of art to ensure that the standard is consistent with the exemption in the gross floor area definition.

13	Height and Height in relation to boundary in Business zones	Amending the purpose statements to clarify what is a relevant consideration in relation to the building height and height in relation to boundary standards.
14	Average floor area definition	Amending the definition so the wording of the inclusions better reflects the intent and application of the definition.
15	Mean street level definition	Amending the definition to clarify how mean street level should be calculated.
16	Pedestrian circulation space definition	Introducing a new definition of 'Pedestrian circulation space'.
17	City Centre Zone assessment criteria terminology	Amending assessment criteria to refer to residential activities instead of residential apartments and amending the assessment criteria relating specifically to visitor accommodation and boarding houses to not refer to dwellings.
18	Heavy Industry and Light Industry – Building height purpose	Amending the purpose of the height standard to delete the reference to the subject site.

Section 3: OTHER ZONES (Open Space, Special Purpose, Waitakere Ranges and Waitakere Foothills Zones)

The proposed amendments relate to the Open Space Zones and Special Purpose – School Zone, Waitakere Foothills Zone and Waitakere Ranges Zone. Amendments are proposed to improve the alignment of the provisions with the objectives and policies. Changes are proposed to the activity table and standards to improve the clarity and usability of the provisions in implementation. The proposed amendments within the respective zones are summarised into themes below.

Other Zones		
1.	Open Space Zones - Jetties and boat ramps	Addressing inconsistencies between the zone purpose statement and the activity table within Chapter H7 Open Space zones in respect of jetties and boat ramps.
2.	Special Purpose: School Zone - Floodlights	Addressing inconsistencies between the standards within the Special Purpose - School Zone in respect of the height limit of floodlights.
3.	Waitakere Foothills Zone and Waitakere Ranges Zone - Yards	Addressing a gap in the standards within the Waitākere Foothills and Waitākere Ranges zones in relation to riparian, lake and coastal protection yard requirements.
4.	Waitakere Ranges Zone – Minor dwellings	Clarifying the standards in relation to minimum net site area for a minor dwelling within the Waitākere Foothills Zone.

Section 4: DEFINITIONS

A total of 15 definitions within Chapter J1 are addressed through PC 16. In most instances, each definition has its own theme (as listed below). Additional definitions are also addressed within specific sections of this report, where consequential amendments to Chapter J are proposed, or where definitions are interrelated with a specific topic, and are best addressed in the context of that theme. The proposed amendments relating to Chapter J1:Definitions are summarised into themes below.

Definitions		
1.	Building	<p>Clarifying several aspects to Table J1.4.1, in particular:</p> <ul style="list-style-type: none"> -Whether multiple qualifying dimensions or standards should be read as an 'and' or 'or'. Such as for pools and tanks. -Linking where appropriate the use of 'high' to the definition of 'height'; and addressing the height measurement type. -Providing for specific small-scale park infrastructure to be a structure that does not become a building unless over a specified height. <p>As well as, addressing ambiguity of the exclusion of 'roof mounted chimneys' from the definition; alongside several other amendments.</p>
2.	Food and beverage	<p>Removing the requirement for the activity of food and beverage having to be the primary business on a site, in order to fall under this definition.</p>
3.	Gross floor area	<p>Clarifying the plant area is excluded from the floor area ratio regardless of location within the building, and that this does not relate to the entire basement area in general.</p>
4.	Landscaped area	<p>Clarifying that the features listed cannot collectively exceed 25 per cent of the landscaped area.</p> <p>Providing for 'ground cover plants' as a landscape feature.</p> <p>As well as addressing inconsistencies and contradictions within the definition.</p>
5.	Net internal floor area	<p>Removing reference to 'required storage space' as an exclusion to the definition, as it is not directly linked to a standard or rule in the AUP for Residential Zones.</p>
6.	Through site	<p>Clarifying what constitutes a through site by inserting a new definition.</p>
7	Workers' accommodation	<p>Removing ambiguity relating to 'surrounding rural area', for workers' accommodation in Rural Zones.</p>

7.0 SECTION 1: RESIDENTIAL ZONES

7.1 Theme 1: Rural and Coastal Settlement Zone – Building Coverage Standard

Chapter of the AUP	Chapter H Residential Zones
Sub-section of the AUP	H2 Rural and Coastal Settlement Zone
Specific provision	H2.6.9. Building coverage

Status quo and problem statement

The Residential: Rural and Coastal Settlement Zone is one of six residential zones within the AUP. The purpose of the zone is to maintain a rural and/or coastal character within high quality landscape and coastal areas.

Standard H2.6.9 Building coverage currently specifies that the maximum building coverage is either *20% of the net site area or 200m² – whichever is the lesser*. The purpose of the building coverage provision is to manage the extent of buildings on a site to maintain and complement the rural and coastal built character of the zone, and any landscape qualities and natural features.

Evidence was provided to the Independent Hearings Panel (IHP) on behalf of Auckland Council in support of a building coverage rule of *20% of net site area or 400m² whichever is the lesser*. This amendment was not correctly translated into the tracked changes attached to the evidence provided at the time, which then resulted in incorrect tracked changes within the recommendations by the IHP. It is therefore likely that this is an error, as no explanation for the change to 200m² was provided in the recommendation reports, nor was it raised as an issue during the hearings.

The minimum site size for the Rural and Coastal Settlement Zone is 2,500m², notwithstanding many sites within existing settlements may be smaller than this. Therefore the current building coverage standard will almost always default to 200m², as 20% of the minimum site size for this zone will usually be larger, given the minimum site sizes of the zone.

Therefore it is considered that the 200m² building coverage threshold is unreasonably restrictive, particularly in comparison with legacy building coverage controls for equivalent zones and the minimum site size of the zone. It is expected that many new dwellings and ancillary buildings, particularly in rural or coastal areas, will be larger than 200m². Consequently, such a low building coverage threshold could constrain the type and quality of development within the zone.

Outline of the proposals

The options for addressing this issue are outlined below.

Option 1: Status quo: retain the existing provisions and make no amendment to current building coverage standard).

Option 2: Reinstate the building coverage requirement to 20% or 400m². The proposed amendments to implement this are shown as follows:

H2.6.9 Building Coverage

The maximum building coverage must not exceed 20 per cent of net site area or ~~200~~400m², whichever is the lesser.

Option 3: Amend the building coverage requirement to use a percentage based approach only, dependant on net site area. The proposed amendments to implement this are shown as follows:

H2.6.9 Building Coverage

The maximum building coverage must not exceed 20 per cent of net site area or 200m², whichever is the lesser.

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	Unreasonably restrictive building coverage threshold inappropriate for the zone. 200m ² would almost always be lesser given the minimum lot sizes in the zone.	Potential to result in large numbers of resource consent applications for building coverage infringements (high consenting costs) – therefore inefficient use of resources. Risk of inconsistent assessment of consents which exceed the threshold.	More efficient than requiring a plan change to change the standard
Option 2 (Preferred): Amend building coverage requirement to 20% or 400m ²	A building coverage threshold of 20% or 400m ² is more appropriate than 200m ² and more consistent with the objective and policy framework for the zone. The two thresholds (percentage and gross floor area) respond to a range of site sizes. This is a residential zone where new	Reliance on the 400m ² proposed through the IHP hearings process as the appropriate building coverage for zone.	A tailored approach suited to the zone and site sizes. Less likely to result in a large number of resource consent applications so more efficient use of resources.

	<p>dwelling are a permitted activity, therefore the building coverage threshold should allow for a reasonable size of dwelling.</p> <p>The 400m² threshold has already been justified through the AUP IHP Hearing process.</p>		
Option 3: Percentage threshold only	Varying dwelling sizes dependent on section sizes may result in inconsistency across the zone, and be contrary to policies relating to bulk of buildings and amenity of neighbouring sites.	20% site coverage may not always be appropriate given the wide ranging site sizes in this zone.	Site coverage dependant on size of site, therefore larger sites can accommodate more buildings.

Conclusion

It is considered that Option 2 is the most effective and efficient for achieving the objectives of the Rural and Coastal Settlement Zone, the AUP and the Plan Change for the following reasons:

- The current building coverage threshold of 200m² is overly restrictive and inappropriate for dwellings within the zone. The recommended change of 400m² is more appropriate for anticipated dwellings and associated buildings within this zone.
- This amendment is related to an error whereby the track changes for Council's closing statement to the IHP were never updated to reflect the evidence of the Planning witness. This error has been carried over into the Operative AUP.

The recommended tracked changes to H2.6.9 (1) are contained within Attachment 1A.

7.2 Theme 2: Rural and Coastal Settlement Zone - Front Fence Standard

Chapter of the AUP	Chapter H
Sub-section of the AUP	H2 Rural and Coastal Settlement Zone
Specific provision	H2.6.10 Side and Rear Fences and Walls

Status quo and problem statement

The Residential: Rural and Coastal Settlement Zone is one of six residential zones within the AUP. The purpose of the zone is to maintain a rural and/or coastal built character within high quality landscape and coastal areas.

The Rural and Coastal Settlement Zone contains Rule H2.6.10 Side and Rear Fences and Walls, which imposes a 2 metre maximum height standard for side and rear fences; however there is no standard relating to front fence height. As there is no threshold for front fences, by default fences within a front yard could be built up to 2.5m in height, above which they fall under the definition of “building” and are therefore not permitted in the front yard.

This variance in permitted fence height across a site may result in unsatisfactory built outcomes for the Residential: Rural and Coastal Settlement Zone and is inconsistent with its rural and coastal landscape character. For example, policy H2.3 (4) requires development to be of a height and bulk to maintain and complement the rural and coastal built character of the area. It is considered that front fences of 2.5m would be inconsistent with the rural and coastal character, as it results in visual dominance effects on the streetscape character and amenity.

The resolution for appeals ENV-2016-AKL-000230 and ENV-2016-AKL-000236 imposed a standard for front fences within the Residential: Terraced Housing and Apartment Buildings, Mixed Housing Suburban, Mixed Housing Urban and Single House zones. However the resolution did not amend the fence height for the Rural and Coastal Settlement zone; it is considered that this was an oversight.

Outline of the proposals

The options for addressing this issue are as follows:

Option 1: Retain the approach of no restriction to front fence height within the Zone, which would rely on the default building height of 2.5m.

Option 2: Insert a front fence standard equivalent to the Residential: Single House, Mixed Housing Suburban, Mixed Housing Urban and Terrace Housing and Apartment zones, as follows:

(a) Within the front yard, either:

(i) 1.4m in height, or

(ii) 1.8m in height for no more than 50 per cent of the site frontage and 1.4m for the remainder, or

(iii) 1.8m in height if the fence is at least 50 per cent visually open as viewed perpendicular to the front boundary.

Option 3: Utilise the same maximum fence height provision as applies to side and rear boundaries (2 metres) to apply to front boundaries in the Rural and Coastal Settlement Zone.

Evaluating the proposal against its objectives

Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – default fence height of 2.5m	<p>Inconsistent with side and rear fence height – resulting in variance in permitted fence height across a site. This has the potential to result in built outcomes where the amenity of the front yard and streetscape is compromised (by 2.5m high fences).</p> <p>Inconsistent with key policies of the Rural and Coastal settlement zone relating to rural and coastal character and policies of the RPS relating to streetscape amenity and safety.</p> <p>Inconsistent with front fence requirements in other residential zones.</p>	<p>May result in poor urban design outcomes for streetscape amenity and passive surveillance.</p>	<p>Less resource consents required for front fence infringements.</p> <p>Increased privacy options for occupants.</p>
Option 2 (Preferred): Apply the same front fence standard which applies in other residential zones.	<p>Consistent with Council's current approach to front fence height across other residential zones.</p> <p>Threshold has been justified through a recent appeal resolution regarding this matter for all other residential zones.</p>	<p>May generate resource consents to exceed the proposed new threshold.</p>	<p>Good urban design outcomes for the Zone and streetscape amenity, as less visual dominance effects are generated by lower fences.</p>
Option 3: Apply a permitted front	<p>Inconsistent with approach to front</p>	<p>May result in poor urban design outcomes</p>	<p>Less resource consents required for</p>

fence height of 2m for consistency with the permitted side and rear fence heights	fences in other residential zones. Front boundaries have different amenity considerations than side and rear boundaries due to their relationship with the streetscape.	for streetscape amenity. Inconsistent with front fence requirements in other zones.	front fence infringements. Increased privacy for occupants.
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Conclusion

It is considered that option 2 is the preferred amendment to H2.6.10 Side and Rear Fences and Walls, and is the most effective and efficient for achieving the objectives of the Rural and Coastal Settlement Zone, the AUP and PC 16 for the following reasons:

- A default front fence height of 2.5m is inconsistent with the policy framework and the side and rear fence height of the Rural and Coastal Settlement Zone, is inconsistent with the other residential zones and is undesirable from an urban design perspective.

Therefore, it is recommended that a front fence standard is imposed consistent with the other residential zones, as per H2.6.10 and outlined in Attachment 1A.

7.3 Theme 3: Fence Height applying to Lakeside yard, Coastal Protection Yard and Riparian Yard

Chapter of the AUP	Chapter H
Sub-sections of the AUP	H2 Residential - Rural and Coastal Settlement Zone H3 Residential - Single House Zone H4 Residential - Mixed Housing Suburban Zone H5 Residential - Mixed Housing Urban Zone H6 Residential - Terraced Housing and Apartment Buildings Zone
Specific provisions	H2.6.10 Side and rear fences and walls H3.6.12 Front, side and rear fences and walls H4.6.14 Front, side and rear fences and walls H5.6.15 Front, side and rear fences and walls H6.6.16. Front, side and rear fences and walls

Status quo and problem statement

The standards within the residential zones relating to front, side and rear fences and walls (as listed above) do not refer to fences within a coastal protection yard, lakeside yard or riparian yard; rather only thresholds for fences within front, side and rear yards are specified.

Therefore it is not clear whether coastal, lakeside and riparian yards should have the equivalent fence height limit specified for front yards or side and rear yards. Furthermore, if a fence was located within a coastal protection, lakeside yard or riparian yard that was not also within a front, side or rear yard, then the default fence height of 2.5m would apply, as per the Chapter J definition of 'building'.

The purpose of coastal protection yards, lakeside yards and riparian yards is *'to ensure buildings are adequately set back from lakes, streams and the coastal edge to maintain water quality and provide protection from natural hazards'*. The coastal protection, lakeside and riparian yards are also intended to preserve the character and amenity of the coast, streams and lakes for the public, and are intended to serve an access function. The lack of fence height within the coastal protection yard, lakeside yard or riparian yards is contrary to the purpose of the respective yard requirements, particularly from a visual amenity perspective.

The lack of fence height also does not give effect to the Regional Policy Statement (RPS) and the New Zealand Coastal Policy Statement (NZCPS). For example, RPS B8.3.2 policy (7) specifies that development is set back from the Coastal Marine Area to protect the character and amenity values of the coastal environment. Within the NZCPS, policy 6(1)(h) and (i) require consideration of how adverse visual impacts of development can be avoided in areas sensitive to such effects, and to set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment.

The RMA 1991 (section 229) requires the creation of esplanade reserves at the time of subdivision. The purpose of esplanade areas is to provide for public access and recreational use, protection of natural character, management of natural hazards, and the protection of riparian ecosystems and to provide for the relationship of Maori and their taonga. These reasons are highlighted in Section 6 of the RMA as matters of national importance, and the purposes of esplanade reserves and strips are specified within s229.

If fence heights within these yards are not restricted, the amenity, character and ecological function of the areas may be compromised. There is the potential for adverse effects from high solid fences of up to 2.5m that are contrary the fundamental purposes of a coastal protection yard, riparian yards and lakeside yard requirements.

Outline the proposals

Option 1: Retain existing approach – no fence height limits within coastal protection, lakeside or riparian yards, other than 2.5m (as per definition of ‘building’) or otherwise specified by other front, side or rear yard fence thresholds.

Option 2: Add ‘coastal protection yard, lakeside yard and riparian yard’ to the current fence standard relating to maximum front fence height. This option would result in amendments to Standards H2.6.10, H3.6.12, H4.6.14, H5.6.15 and H5.6.16 and their related purpose statements, as follows:

Purpose: to enable fences and walls to be constructed on a front, side or rear boundary or within a front, side or rear, riparian, coastal protection or lakeside yard to a height sufficient to:

- provide privacy of dwellings while enabling opportunities for passive surveillance of the street or adjoining public place
- minimise visual dominance effects to immediate neighbours, ~~and~~ the street or adjoining public place

(1)

a) *On or within the front yard, coastal protection yard, lakeside yard or riparian yard, either:*

(i) 1.4m in height, or

(ii) 1.8m in height....

Option 3: Add ‘riparian yard, coastal protection yard and lakeside yard’ to the thresholds for (b) side and rear fences. This option would result in amendments to Standards H2.6.10, H3.6.12, H4.6.14, H5.6.15 and H5.6.16, as follows:

(b) Within the side, ~~and~~ rear, coastal protection yard, lakeside yard or riparian yard, yards: 2m.

Option 4: Specify a different height for fences within the coastal protection yard, lakeside yard and riparian yards, or no fences at all. This option would result in amendments to Standards H2.6.10, H3.6.12, H4.6.14, H5.6.15 and H5.6.16, as follows:

(d) Within a coastal protection yard, lakeside yard or riparian yard, yards: X metres.

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status Quo	<p>No further change required</p> <p>Inconsistent with NZCPS and RPS policies relating to amenity and character of the coastal environment, and lakeside and riparian environments.</p>	<p>Potential for adverse amenity outcomes from a character and amenity perspective, through potential 2.5m fences along coastlines, lakes and streams.</p>	<p>It would allow landowners to have fences that provide for their privacy and security.</p>
Option 2 (Preferred): Lakeside Yard & Coastal Protection yard & riparian yard have the equivalent of the front fence standard (1.4m).	<p>Consistent with NZCPS and RPS policies relating to amenity and character of the coastal environment.</p> <p>In terms of amenity values, each of the yard's purpose are similar to a front yard in terms of allowing passive surveillance and minimising visual dominance effects.</p> <p>This amendment would improve the usability of the Plan, as at present it is not clear which fence standards apply to lakeside, coastal protection and riparian yards.</p>	<p>May result in less privacy for residents of properties containing coastal protection and lakeside yards adjacent to public walkways, for example.</p>	<p>Provides better protection of the natural character, visual amenity and recreational values of coastal, lakeside and riparian areas.</p>
Option 3: Lakeside Yard & Coastal Protection yard & Riparian yard have the equivalent to side and rear fence standard (2m)	<p>This may be appropriate in some areas, but the 2 metre threshold could have amenity issues when located next to coastal and lakeside walkways and beaches, for</p>	<p>If all mentioned yards are treated as a side or rear yard, there could be blank 2m high fences all along coastal and riparian edges.</p> <p>Along beaches where</p>	<p>Allows for privacy for residents in properties containing coastal protection and lakeside yards adjacent to walkways</p>

	<p>example.</p> <p>Less consistent with identified NZCPS and RPS policies relating to amenity and character of the coastal environment.</p>	<p>private properties extend onto the beach, 2m high fences could be constructed anywhere within the coastal protection yard as a permitted activity.</p>	
<p>Option 4: Specify a different threshold for fences that are located within a coastal protection yard, lakeside yard and riparian yards.</p>	<p>Policy shift from current situation – where fences within a coastal protection, lakeside or riparian yard are not restricted beyond 2.5m or by other yard requirements.</p> <p>This option would require more investigation to justify a new and defensible threshold.</p> <p>Different environments may be more or less sensitive therefore a one size fits all approach may not be appropriate.</p>	<p>Would result in significantly less privacy for landowners with properties located within a coastal protection, lakeside or riparian yard, particularly those adjoining public access ways or a public place.</p> <p>Could result in ecological costs where fencing of riparian areas is required to prevent access to sensitive areas (e.g. by public or stock).</p>	<p>Would provide significant amenity benefits for each of the respective coastal protection, lakeside and riparian yards, and align with their purposes and higher level policies relating to avoiding visual and dominance effects of development within each of the yards.</p> <p>Potential ecological benefits</p>

Conclusion

It is considered that option 2 is most preferred, whereby the riparian yard, coastal protection yard and lakeside yards have the equivalent of the front fence standards, within residential zones, for the following reasons:

- It is considered that these amended changes have increased alignment and consistency with RMA, NZCPS and RPS policies relating to amenity and character of the coastal environments and esplanade areas.
- The amendment provides better protection of the natural character, visual amenity and recreational values of coastal, lakeside and riparian areas.

The suggested tracked changes to Standards H2.6.10, H3.6.12, H4.6.14, H5.6.15 and H6.6.16 are contained within Appendix 1A.

7.4 Theme 4: Height in Relation to Boundary – Pedestrian Access ways

Chapters of the AUP	Chapter H: Residential Zones Chapter J: Definitions
Sub-sections of the AUP	H2: Residential: Rural and Coastal Settlement Zone H3: Residential: Single House Zone H4 Residential: Mixed Housing Suburban Zone H5: Residential: Mixed Housing Urban Zone H6: Residential: Terraced Housing and Apartment Buildings Zone
Specific provisions	H2.6.6 (4) H3.6.7 (4) H4.6.5 (4) H4.6.6 (5) H5.6.5 (4) H5.6.6 (5) H6.6.6 (4) H6.6.7 (6)

Status quo and problem statement

Residential Zones chapters H2 to H6 inclusive each include height in relation to boundary standards (specifically Standards H2.6.6, H3.6.7, H4.6.5, H5.6.5, H6.6.6). The purpose of the height in relation to boundary standard is “to manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access and minimise adverse visual dominance effects to immediate neighbours”.

There is an issue with the height in relation to boundary standards when a site within one of the residential zones adjoins a pedestrian access way. There are approximately 1,100–1,500 pedestrian access ways in the Auckland region and many thousands of residentially zoned properties adjoining those access ways.

The AUP typically identifies pedestrian access ways that run between two legal roads as ‘roads’ on the GIS viewer (as illustrated in Figure 1 below) and therefore they fall under the definition of ‘road’ within s315 of Local Government Act 1974. ‘Access ways’ are also defined within s315 of the LGA, as follows:

access way means any passage way, laid out or constructed by the authority of the council or the Minister of Works and Development or, on or after 1 April 1988, the Minister of Lands for the purposes of providing the public with a convenient route for pedestrians from any road, service lane, or reserve to another, or to any public place or to any railway station, or from one public place to another public place, or from one part of any road, service lane, or reserve to another part of that same road, service lane, or reserve

Within the LGA, in most circumstances roads include ‘access ways’, except otherwise provided. However, this raises difficulties from a planning perspective and for the AUP, as

the physical attributes of a pedestrian access way are very different to a typical road used as a carriageway for vehicles.

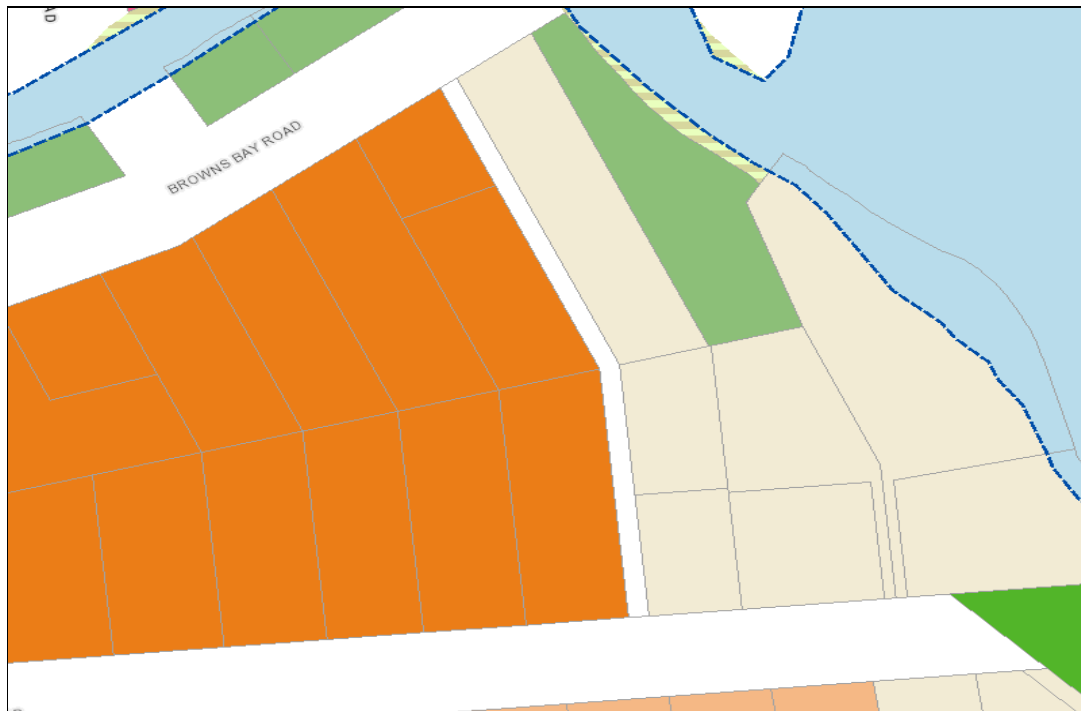


Figure 1: Example of a pedestrian accessway between residential properties where no height in relation to boundary control applies.

Implications for Height in Relation to Boundary Standard

Within each of the residential zones, the height in relation to boundary standard is triggered for side and rear boundaries. Front, side and rear boundaries are not defined within the AUP, however, Figure J1.4.8 shows that front sites are those considered to be adjoining a road. As access ways are considered to be 'roads', the boundary that adjoins an access way is considered a 'front boundary'.

Therefore, the height in relation to boundary standard is not triggered when a residential site adjoins an access way, because they are typically not zoned and the standard does not apply to front boundaries.

However, it is considered that in these situations the height in relation to boundary standards *should* apply to manage sunlight, privacy and visual dominance effects for the access way, and for adjacent residential sites (on the opposite side of the access way). Furthermore, the residential zone on the other side of the access way may be a lower intensity zone, which is even more susceptible to shading and visual dominance effects from the higher intensity zone.

The absence of any height in relation to boundary control applying to properties adjoining pedestrian access ways has the potential to create adverse effects on neighbouring sites (on the opposite side of the access way), and is contrary to the purpose of the standard, and the policies of each zone relating to development maintaining a reasonable level of sunlight access and privacy, and minimising visual dominance effects to immediate neighbours.

The height in relation to boundary standard within the residential zones (H2 – H6 inclusive) includes various exemptions. The height in relation to boundary standard includes an exemption relating to control being measured from the farthest boundary where it adjoins a rights of way, entrance strip or access site as follows. This exemption, however, does not include pedestrian access ways.

Essentially, it is considered that the AUP did not anticipate the relationship of pedestrian access ways with residential sites in terms of height in relation to boundary or yard standards. This was an oversight during the PAUP hearings process.

This exposes a gap in the AUP in relation to un zoned pedestrian access ways, where the boundary adjoining a pedestrian access way would default to a being 'front yard' (given that access ways are shown as 'roads') and where height in relation to boundary controls would not apply.

Outline of the proposals

Option 1: Make no amendments to provisions relating to access ways. Therefore no height in relation to boundary standards apply to boundaries adjoining access ways.

Option 2:

Amend the clause (4) within HX.6.X which currently applies to legal rights of way, entrance strips and access sites, to add 'pedestrian access ways', where the control is measured from the *farthest* boundary, rather than the site boundary.

The proposed amendments to standards H2.6.6 (4), H3.6.7 (4), H4.6.5 (4), H4.6.6 (5), H5.6.5 (4), H5.6.6 (5), H6.6.6 (4) and H6.6.7(6) are shown as follows:

*(4) Where the boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, the control within Standard HX.6.X(1) applies from the *farthest* boundary of that legal right of way, entrance strip, access site or pedestrian access way.*

Option 3: Create a definition of 'front boundary'. The definition of 'front yard' relies on the term 'front boundary'; however the term is not currently defined in the AUP.

Therefore a definition of 'front boundary' would establish that boundaries adjoining pedestrian access ways and motorways are not to be considered as front boundaries, and are therefore side or rear boundaries to which the height in relation to boundary control would apply.

The proposed definition of 'front boundary' is similar to the existing definition of 'frontage', and would read as follows:

Front boundary

The boundary line on a site which adjoins a road.

Excludes:

- Boundary lines which adjoin motorways or pedestrian access ways, whether or not they are further classed as a road.

- Any boundary on a rear site.

Option 4: Rezone all access ways that are shown as roads and provide them with an appropriate zone. This would require an extensive rezoning exercise to rezone access ways to the same as the adjoining zone.

If the access ways were zoned, the height in relation to boundary standard would apply by default as the boundaries would be considered a 'side or rear' boundary, rather than a 'front boundary'.

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
<p>Option 1:</p> <p>Status Quo – no amendments to provisions relating to access ways.</p>	<p>Height in relation to boundary standards will not be applied to access ways as they are considered a front boundary.</p> <p>Inconsistent with planned character of residential zones and policies relating to visual dominance effects on neighbours.</p> <p>Inconsistency between primary height in relation to boundary standard and that relating to lower intensity zones.</p>	<p>Poor urban design outcomes for access ways and narrow roads. Adverse shading and dominance effects.</p> <p>Risk of inconsistency of interpretation and therefore appeal.</p>	<p>Does not require any amendments to provisions or re zoning.</p>
<p>Option 2 (Preferred):</p> <p>Amend the standard applying to access sites (measuring control from the farthest boundary) to add 'pedestrian access ways'</p>	<p>Requiring height in relation to boundary controls along access ways enhances amenity and avoids visual dominance effects on residential sites on the opposite side of the access way.</p> <p>Better alignment with objectives and policies of residential zones regarding bulk and location of buildings.</p> <p>Not overly restrictive in terms of bulk and location of buildings on sites adjoining access ways.</p>	<p>Amenity considerations for pedestrian access ways may differ from access sites, entrance strips etc.</p> <p>Taking the height in relation to boundary measurement from the farthest boundary of the access way may create more dominance than if the measurement was taken from the residential site boundary (i.e. if it were to be treated as a side boundary). However, this is not as restrictive in terms of</p>	<p>Amenity benefits to require height in relation to boundary controls along access ways and adjacent lower intensity zones</p> <p>Enhanced consistency with other height in relation to boundary standards.</p>

	<p>Does not require mapping amendments or rezoning (therefore less resource intensive).</p> <p>Consistent with the approach in Business - Mixed Use Zone.</p>	<p>development potential of the site by imposing the standard from the residential site boundary.</p> <p>Will require creation of new diagrams in the AUP (for lower intensity zones standard).</p>	
<p>Option 3 (Preferred):</p> <p>Amendment of definitions – creating a definition of front boundary exempting pedestrian access ways.</p>	<p>Does not require mapping amendments or rezoning.</p> <p>Establish/define that access ways are not typical 'roads' as per LGA s315</p> <p>Creating a definition of front boundary would mean that boundaries adjoining access ways are side boundaries, to which height in relation to boundary standards would apply.</p> <p>Requiring height in relation to boundary controls along access ways enhances amenity and avoids visual dominance effects on residential sites on the opposite side of the access way</p> <p>Better alignment with objectives and policies of residential zones regarding bulk and location of buildings.</p> <p>Further resourcing and legal opinion may be required regarding interpretation of particular definitions, e.g. road, front site, rear site.</p>	<p>Would require changes to multiple definitions, such as rear site, front site, and road.</p> <p>Definition of road relies on LGA 2002 definition which is complex.</p> <p>Implications for Council and Auckland Transport jurisdiction of roads.</p> <p>Height in relation to boundary would apply from the side boundary of a site (rather than the farthest boundary of the access way). This may be overly restrictive for properties adjoining an access way.</p>	<p>Amenity benefits in that height in relation to boundary controls apply from the side boundaries (rather than furthest boundaries).</p>
<p>Option 4</p> <p>Rezone access ways (i.e. to the equivalent of the adjoining zone)</p>	<p>Very resource intensive and less efficient than other identified options.</p> <p>Residential zoning may contradict the uses of the access way (i.e. for access).</p>	<p>Very resource intensive - would require a lot of work to determine most appropriate zone and to map the rezoning.</p>	<p>Clear that height in relation to boundary would apply on each boundary as it adjoins another zone.</p>

	<p>Implications with land ownership – many access ways are under the jurisdiction of AT</p> <p>Ambiguity over which zone to use if the access way adjoins multiple zones</p>		
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Conclusion

It is considered that a combination of Option 2 and Option 3 is the most preferred, which involves creating a definition of ‘front boundary’ and amending standards H2.6.6 (4), H3.6.7 (4), H4.6.5 (4), H5.6.5 (4) and H6.6.6 (4), and for the following reasons:

- This amendment is within the scope of the enhancements plan change and ensures that the objectives and policies of the zones are maintained in relation to maintaining access to sunlight, privacy and visual dominance effects.
- Option 2 is the most effective and efficient for achieving the objectives of the residential zones, the AUP and PC 16 .

The tracked changes are shown in Attachment 1A and Attachment 1D.

7.5 Theme 5: Height in relation to boundary adjoining Open Space zones

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H2, H3, H4, H5, H6
Specific provisions	H2.6.6 H3.6.7 H4.6.5 H4.6.6 H5.6.5 H5.6.6 H6.6.6 H6.6.7

Status quo and problem statement

The purpose of the height in relation to boundary standard within the identified residential zones (H2 to H6 referenced above) is “to manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access and minimise adverse visual dominance effects to immediate neighbours”. In this context it is considered that immediate neighbours include other non-residential zones which require a particular level of amenity in terms of dominance and shading, such as Open Space zones.

However, the standard contains an exemption relating to sites adjoining Open Space Zones of more than 2000m² in area. Effectively, this means that the height in relation to boundary controls in the residential zones do not apply to the boundaries of sites exceeding 2000m² in all of the Open Space Zones; specifically the Open Space: Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone and the Open Space – Community Zone.

Whilst this standard protects smaller open spaces less than 2000m² where height in relation to boundary would still be triggered, it fails to protect long and narrow open spaces, which could exceed 2,000m². An example of this is esplanade reserves (typically 20 metres in width), required under Section 229 of the RMA. The rule also fails to acknowledge that particular portions of larger parks (generally where amenity areas such as playgrounds are located) are susceptible to shadowing and dominance effects.

As Auckland moves toward a more compact urban form, and greater intensification of existing residential sites, managing the impacts on outdoor amenity spaces on private property becomes more challenging. Further, increased population and demand on open spaces makes high quality public open space and parks essential to the health and wellbeing of residents.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Status quo - retain the existing provisions of no width threshold for open spaces greater than 2,000m², therefore no height in relation to boundary control applies irrespective of the width of the open space.

Option 2: Amend the exemption within the height in relation to boundary standards relating to Open Space zones to add a *width requirement* for open space greater than 2000m². It is considered that a width threshold of 20 metres is most appropriate, given the esplanade reserve requirement minimum width.

The specific parts of the open space site that are less than 20 metres wide would therefore be subject to the height in relation to boundary thresholds along the shared boundary adjoining the residential zone. The following amendments to the standard would be required to implement this option:

- (2) Standard HX.6.X(1) above does not apply to a boundary, or part of a boundary, adjoining any of the following:

....

- (b) sites within the: Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone; ~~exceeding 2000m².~~

i) that are greater than 2000m²; and

ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary.

This option is shown in the below example. In Figure 2, the height in relation to boundary control would apply to the properties located west of Foote Street, but not the property to the east (i.e. where the reserve is greater than 20 metres in width, provided the esplanade reserve exceeds 2000m²).



Figure 2: Open space zoning adjoining residential zoning, showing the varying widths along its course.

Evaluating the proposal against its objectives

Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Retain status quo in terms of no height in relation to boundary requirements applying to open space greater than 2000m ²	Height in relation to boundary standards will not apply to narrow parts of larger parks/open spaces, resulting in adverse shading and visual dominance effects on narrow parts of the open space. Inconsistent with the policies related to sunlight access and visual dominance effects, and the planned character of open space and residential zones.	Greater cost to amenity values in terms of shading and dominance effects of narrow parts of larger parks/open spaces.	No plan change required.
Option 2 (Preferred): Create a width threshold requirement for open space greater than 2000m ² .	Does not require mapping amendments. Consistent with the purpose of the height in relation to boundary standard and the	Greater consenting costs as specific measurement of open space dimensions would be required.	Environmental and amenity benefits in terms of visual dominance and shading on narrow parts of the open space zone.

	<p>AUP's policies relating to sunlight and visual amenity values for open space.</p> <p>Will ensure that height in relation to boundary thresholds apply to narrower parts of larger parks.</p>		
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Conclusion

Option 2 is the most preferred, where the specific parts of the open space site (that is greater than 2000m²) less than 20 metres wide would be subject to the height in relation to boundary thresholds along that shared boundary adjoining the residential zone, for the following reasons:

- Option 2 is the most effective and efficient for achieving the objectives of the residential zones and open space zones of the AUP and PC 16 in relation to maintaining access to sunlight, privacy and visual dominance effects specified by the policies of the individual zones.
- Option 2 will ensure that height in relation to boundary thresholds apply to narrower parts of larger parks, therefore minimising any adverse shading and visual dominance effects on the open space.

The amendments to H2.6.6, H3 are shown within Attachment 1A.

7.6 Theme 6: Height in relation to boundary standards – Minor consistency amendments

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H5: Residential: Mixed Housing Urban Zone H6: Residential: Terraced Housing and Apartment Buildings Zone
Specific provisions	H5.6.7 H6.6.8

Status quo and problem statement

Exemptions relating to other height in relation to boundary standards

The primary height in relation to boundary standard across the residential zones contains exemptions relating to access sites and gable ends. For example:

- (1) *Where the boundary forms part of a legal right of way, entrance strip or access site or access way, the control applies from the farthest boundary of that legal right of way, entrance strip, access site or access way.*
- (2) *A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:

 - a) *no greater than 1.5m² in area and no greater than 1m in height; and*
 - b) *no greater than 2.5m cumulatively in length measured along the edge of the roof.**

However, the standard relating to lower intensity zones within the Terraced Housing and Apartment Buildings Zone, and the Mixed Housing Urban Zone, does not contain such exemptions. Therefore, the standard does not allow for the height in relation to boundary to be taken from the opposite side of a right of way, or exempt gable ends and dormers, like the primary height in relation to boundary standard does.

It is considered that it is the intention of these standards to also apply the same exemptions for all height in relation to boundary standards across all of the residential zones.

Height in relation to boundary standard within the Residential: THAB Zone

Standard H6.6.6 (1) within the Residential: THAB Zone has different wording to the other residential zones. The wording refers to the standard being triggered when it is 'adjoining' another zone, whereas H5.6.5 and H4.6.5 for example, refer to 'side and rear boundaries'. It is considered that the current wording within the THAB Zone is overly complex, and should be consistent with the other residential zones, which achieve the same result. The current wording is as follows:

H6.6.6. Height in relation to boundary

(1) Where sites in the Residential – Terrace Housing and Apartment Buildings Zone adjoin another site in the same zone or any other zone not specified in Standard H6.6.8 Height in relation to boundary adjoining lower intensity zones below, buildings must not project beyond a 45-degree recession plane measured from a point 3m vertically above ground level along the side and rear boundaries, as shown in Figure H6.6.6.1 Height in relation to boundary below.

The wording with the Residential: Mixed Housing Urban Zone, and other residential zones, is as follows:

H5.6.5. Height in relation to boundary

(1) Buildings must not project beyond a 45 degree recession plane measured from a point 3m vertically above ground level along side and rear boundaries, as shown in Figure H5.6.5.1 Height in relation to boundary below.

It is considered that both standards have the same meaning, as H6.6.6 also refers to side and rear yards. Furthermore, as a result of changes to clause (4) relating to pedestrian access ways, the 'adjoining zone' component is not always correct given that access ways have no zoning.

Outline of the proposals

Option 1: No amendments to height in relation to boundary provisions relating to consistency.

Option 2: Minor amendments to the following provisions for consistency:

Add the same exemptions relating to entrance strips and gable ends and dormers to the height relation to boundary standard (relating to lower intensity zones), within the THAB and MHU Zones. This would result in the following amendments to Standards H5.6.7 and H6.6.8:

- (3) Where the boundary forms part of a legal right of way, entrance strip or access site or access way, the control applies from the farthest boundary of that legal right of way, entrance strip, access site or access way.
- (4) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plan is:
 - c) no greater than 1.5m² in area and no greater than 1m in height; and
 - d) no greater than 2.5m cumulatively in length measured along the edge of the roof.

Amend standard H6.6.6(1) to be consistent with the other residential zones, as follows:

H6.6.6 Height in relation to boundary

- (1) ~~Where sites in the Residential – Terrace Housing and Apartment Buildings Zone adjoin another site in the same zone, or any other zone not specified in Standard H6.6.8 Height in relation to boundary adjoining lower intensity zones below, b~~

Buildings must not project beyond a 45-degree recession plane measured from a point 3m vertically above ground level along the side and rear boundaries, or boundaries otherwise specified within H6.6.6 or H6.6.8, as shown in Figure H6.6.6.1 Height in relation to boundary below.

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
<p>Option 1:</p> <p>Status quo – no amendments to height in relation to boundary provisions relating to consistencies between standards.</p>	<p>Height in relation to boundary standards inconsistent with each other.</p>	<p>Cost relative to inconsistent outcomes resulting from inconsistent application of the standard across the residential zones.</p>	<p>No amendment or reinterpretation required.</p>
<p>Option 2 (Preferred):</p> <p>Minor amendments to standards for consistency.</p>	<p>Clarity that exemptions relating to gable ends and dormers and access sites apply in the context of lower intensity zones.</p> <p>The recommended amendments will ensure consistency with the other height in relation to boundary standards</p> <p>It is considered that standards have the still same meaning after amendment.</p>	<p>Re wording and re interpretation of standard may be confusing for plan users (change from status quo).</p>	<p>Enhanced consistency with other height in relation to boundary standards within the AUP.</p> <p>Simpler wording of H6.6.6 (1) assists clarity for plan users.</p>

Conclusion

Option 2 is the most preferred for the following reasons:

- It is considered that the same exemptions and wording should apply to the height in relation to boundary standard across the key residential zones.
- Option 2 is the most effective and efficient for achieving the objectives of the residential zones, open space zones the AUP and PC 16 in relation to maintaining access to sunlight, privacy and visual dominance effects specified by the policies of the individual zones.

The amendments are shown within Attachment 1A.

7.7 Theme 7: Fences within an Outlook Space

Chapter of the AUP	Chapter H Zones
Sub-sections of the AUP	H4 Residential - Mixed Housing Suburban Zone H5 Residential - Mixed Housing Urban Zone H6 Residential - Terraced Housing and Apartment Buildings Zone
Specific provisions	H4.6.11 (9) H5.6.12 (9) H6.6.13 (9)

Status quo and problem statement

An issue has been raised relating to the outlook standard (H4.6.11, H5.6.12, H6.6.13) in particular clause (9) that outlook space only has to be clear and unobstructed by 'buildings'.

As the term 'buildings' is used, this means that a high close boarded fence could be located within the outlook space, as a fence below 2.5m does not fall within the definition of building. If this fence is, for example, only 1m from the living room glazing, then there is in effect no outlook or sense of space provided, despite complying with the standard.

This is inconsistent with key policies and does not achieve the purpose of the standard – specifically “ensuring habitable rooms have an outlook and sense of space”. For example policy H5.2(5) requires that accommodation be designed to meet the needs of residents by providing privacy and outlook. High fences within a required outlook space are inconsistent with such policies as they do not provide a sense of outlook and sense of space.

Outline of the proposals

Option 1: Status quo - no restrictions on fences or other structures within outlook space, only those existing provisions which fall under the definition of 'building'.

Option 2: Amend Standards H4.6.11(9) , H5.6.12(9) and H6.6.13(9) to specify a fence height for fences required within outlook spaces. The following clause could be added to the outlook standard to implement this option:

(X) Fences within an outlook space must:

- (a) not exceed 1.2m in height, or
- (b) be at least 50 per cent visually open as viewed perpendicular from the glazing of the habitable room.

Option 3: Amend standard H4.6.11(9), H5.6.12(9) and H6.6.13(9) to add a requirement of no fences within a required outlook space. The following clause could be added to the outlook standard to implement this option:

(X) No fences must be located within an outlook space.

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
<p>Option 1: Status Quo No restrictions on fences or structures within the outlook space – only 'buildings'</p>	<p>Does not achieve the purpose of Standard - specifically “ensuring habitable rooms have an outlook and sense of space.”</p> <p>Inconsistent with policies requiring that accommodation be designed to meet the needs of residents by providing privacy and outlook (e.g. Policy H5.4 (5)).</p>	<p>Poor amenity outcomes for residents where outlook space is compromised.</p> <p>Fences below 2.5m are not considered 'buildings' and can therefore be located within the outlook space.</p> <p>High fences located within an outlook space could affect sunlight access.</p>	<p>No plan change required</p> <p>Fences may provide a sense of privacy and safety for residents.</p>
<p>Option 2 (Preferred): Amend provision to specify a fence height for fences required within outlook spaces.</p>	<p>More consistent with purpose of standard and policies in ensuring that outlook space is provided and habitable rooms therefore have a sense of space.</p> <p>This suggested clause aligns with Policy H5.3(5) which requires that outlook spaces be clear and unobstructed by buildings, specifically where the outlook space is obstructed by a fence.</p> <p>Existing site typologies and built environments may make the required outlook space difficult to achieve, especially on smaller sites (such as small dwellings or unusual shapes).</p>	<p>May result in undesirable built outcomes to achieve the required outlook space, particularly with unusually shaped sites.</p> <p>May result in greater resource consents as the required outlook may not always be possible to achieve (particularly with existing buildings and site typologies).</p>	<p>Will ensure that outlook space is maintained from habitable rooms and therefore the fundamental purpose of standard is achieved.</p> <p>Allowing some type of fence means existing site typologies can still achieve the required outlook.</p>
<p>Option 3: Amend standard to require that no fences are within a required outlook space.</p>	<p>Policy shift from current situation – where fence height within a required outlook space is not restricted.</p> <p>Consistent with purpose of standard and policies in ensuring habitable rooms have a</p>	<p>May result in undesirable built outcomes to achieve the required outlook space.</p> <p>May result in more developments requiring resource consents as the required outlook</p>	<p>Will ensure that outlook space is maintained from habitable rooms and therefore the fundamental purpose of standard is achieved.</p>

	<p>sense of space.</p> <p>Existing site typologies and built environments may make the required outlook space difficult to achieve, especially on smaller sites (such as small dwellings or unusual shapes).</p>	<p>may not always be possible to achieve (particularly with existing buildings and site typologies).</p>	
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Conclusion

Option 2 is considered the most preferred option, to insert a threshold for fences located within a required outlook space, for the following reasons:

- It is considered that this option is best aligned with the purpose of the standard, whilst allowing some types of fence structures for privacy, or where the site typology is restricted.
- The suggested change ensures that outlook is provided from ground floor habitable rooms to achieve the purpose of the standard and Policy H5.3(5) which requires that outlook spaces be clear and unobstructed by buildings, providing residents with privacy and outlook.

The recommended changes to H4.6.11, H5.6.12 and H6.6.13 is shown in Attachment 1A.

7.8 Theme 8: Outdoor Living Space Standard

Chapter of the AUP	Chapter H Zones
Sub-sections of the AUP	H4 Residential Mixed Housing Suburban Zone H5 Residential Mixed Housing Urban Zone H6 Residential Terraced Housing and Apartment Buildings Zone
Specific provisions	H4.6.13 (1) (c) H4.6.13 (2) (c) H5.6.14 (1) (c) H5.6.14 (2) (c) H6.6.15 (1) (c) H6.6.15 (2) (c)

Status quo and problem statement

The outdoor living space standard in residential zones (H4 to H6) identified by the specific provisions above, includes an inconsistency between the purpose of the standard and the standard itself.

The purpose states that the outdoor living space should be '*directly accessible from the principal living room, dining room or kitchen*'. However, the standard states the outdoor living space should be '*directly accessible from the dwelling, supported residential care unit or boarding house*'.

The standard does not refer to which rooms the outdoor living space should be accessible from. This is problematic for permitted activities, as the outdoor living space could all be located off a bathroom for example, which is not considered typically to be a living space.

This could result in adverse amenity outcomes for residents, and is inconsistent with policies relating to outdoor living space, such as, Policy H5.3 (6) 'Encourage accommodation to have useable and accessible outdoor living space'.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Retain the status quo, with no changes to provisions. Continue monitoring as a possible issue and if required proceed amendment in another process.

Option 2: Amend the Outdoor living space standard (HX.6.X(1)) to also include '*directly accessible from the principal living room, dining room or kitchen*' of the dwelling:

- (1) A dwelling, supported residential care or boarding house at ground floor level, must have an outdoor living space that is at least 20m² that comprises ground floor and/or balcony/roof terrace space that:

.....

(c) is accessible from the principal living room, dining room or kitchen of the dwelling, supported residential care unit or boarding house;

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Retain status quo.	Ambiguity as to purpose of standard and where in the dwelling the outdoor living space should be accessible from.	Greater costs to the amenity values. Difficulty to monitor permitted activities.	No plan change process required.
Option 2 (Preferred): Amend standard to include 'directly accessible from the principal living room, dining room or kitchen of the dwelling'.	Clarity of where in the dwelling the outdoor living space should be accessible from. Achieves the intention of the standard resulting in better amenity outcomes.	Purpose of provision unclear, therefore resulting in undesirable outcomes.	Amenity benefits possible as new proposals would be assessed against the purpose of the outdoor living space of the dwelling.

Conclusion

Option 2 is recommended to clarify where in the dwelling the outdoor living space should be accessible from, for the following reasons:

- The amendment achieves the intention of the standard resulting in better amenity outcomes for residents in terms of outdoor living space;
- The amendment is consistent with policies relating to residential accommodation having a useable and accessible outdoor living space.

The amendments are shown in Attachment 1A.

7.9 Theme 9: Matters of Discretion and Assessment Criteria for Parking and Access

Chapter of the AUP	Chapter H Zones
Sub-sections of the AUP	H1, H2, H3, H4, H5, H6
Specific provisions	<i>Matters of Discretion and Assessment Criteria:</i> H1.8.1(1)(b)(iii) H1.8.2(1)(d) H2.8.1(1)(b)(iii) H2.8.2(1)(d) H3.8.1(1)(a)(iii) H3.8.2(1)(c) H4.8.1(1)(a)(iii) H4.8.1(2)(a)(iii) H4.8.1(3)(a)(iii) H4.8.2(1)(d) H5.8.1(1)(b)(iii) H5.8.1(2)(a)(iii) H5.8.1(3)(a)(iii) H5.8.2(1)(d) H6.8.1(1)(b)(iii) H6.8.1(2)(a)(iii) H6.8.1(3)(a)(iii) H6.6.2(1)(d)

Status quo and problem statement

Within Residential zones H1 to H6 (inclusive) the matters of discretion and assessment criteria (identified as HX.8.1 and HX.8.2) only assess the design of parking and access, and not the 'location' of parking and access.

The matters for discretion and assessment criteria therefore do not require the 'location' of parking and access to be considered in the context of a resource consent application for a restricted discretionary activity. This results in a misalignment between the objectives and policies relating to amenity, and Auckland Wide Transport policies, such as E27.3: "*Manage the number, **location** and type of parking and loading spaces.....*"

It is considered that the matters of discretion and assessment criteria should also refer to the location of parking and access, as well as the design, in order to ensure alignment with the intention of the standards and the policy framework.

Outline of the proposal

The proposals to address the problem identified above are:

Option 1: Retain the current status quo, with no changes to provisions.

Option 2: To amend the relevant standards relating to parking and access to include 'location' as a matter of discretion.

The proposed amendments to implement this option are shown below:

H2.8.1 Matters of discretion

...

(1)

(b) the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following:

.....

(iii) location and design of parking and access; and

....

H2.8.2 Assessment criteria

(1)

(d) location and design of parking and access:

(i) whether adequate parking and access is provided or required.

Option 3: Non-regulatory guidance.

Produce an interpretation practice note specifying how 'design' should be considered to also include 'location' of parking and access.

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	Potential for adverse amenity outcomes as matters of discretion and assessment criteria do not specifically reflect objectives and policies of the plan.	Possible cost to the plan as loss in its integrity and amenity outcomes to residential parking do not reflect Auckland-wide objectives and policies. Greater consenting costs and uncertainty for the consenting planners to process application and assessments.	Does not have to go through a plan change process.
Option 2 (Preferred): amend matters of discretion and assessment criteria to include 'location' and design of parking and access	Creates consistency between the objectives and policies of the plan and the matters of discretion and assessment criteria. Linkage between the Auckland-wide transport chapter policies and objectives with assessment	Possibly less cost to the plan integrity as improvement and consistency to the chapters of the plan. Consent processing costs could possibly be less as assessment criteria would not be open for interpretation.	Environmental and amenity benefits possible to parking and access as new proposals would be considered with aligned discretion rather than being subject to interpretation.

	criteria of residential chapters to provide vertical and horizontal consistency.		
Option 3: Practice note to support interpretation	Further resourcing required in developing an interpretation document. Effectiveness subject to individual consent planners' interpretation.	Higher risk in terms of interpretation inconsistencies across individual planners.	Does not have to go through a plan change process.

Conclusion

Option two is recommended as the preferred option, for the following reasons:

- By including location *and* design of parking and access within the matters of discretion and assessment criteria, the provisions more consistently reflect the objectives and policies of the Residential Zones and Auckland Wide: Transportation chapters.
- The inclusion of location into the assessment enhances the usability of the plan to applicants and consent planners, not exposing the provision to unintended interpretation.

7.10 Theme 10: Matters of Discretion: Traffic Effects

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H6 Residential - Terrace Housing and Apartment Buildings Zone
Specific provisions	H6.8.2 (2) for dwellings H6.8.2 (3) for integrated residential development

Status quo and problem statement

Terrace Housing and Apartment Building (THAB) zone provisions

The Terrace Housing and Apartment Building (THAB) Zone contains a number of matters of discretion that are required by rule H6.8.1. The matters of discretion include effects on the surrounding area from the impacts of traffic. However, traffic effects are not included in the assessment criteria for dwellings (H6.8.2(2)) and integrated residential development (H6.8.2(3)), unlike the corresponding assessment criteria for supported residential care, boarding houses, visitor accommodation, dairies, restaurants and cafes, care centres, community facilities and healthcare facilities in H6.8.2(1).

In terms of the AUP's structure, this represents a deficiency in the vertical integration of the THAB provisions. Dwellings and integrated residential development assessment criteria largely cross-reference a range of THAB policies (H6.3) and standards (H6.6). However, the assessment criteria for dwellings and integrated residential development do not explicitly address the consideration of traffic effects as identified in the matters of discretion in H6.8.1, creating an assessment gap.

Not all THAB zones are in locations which are conveniently accessible to the amenities of adjacent centres, near good quality public transport or serviced by roads designed to accommodate the levels of traffic generated by THAB developments. The absence of traffic related assessment criteria may result in certain THAB dwellings and integrated residential developments not being assessed for adverse traffic effects that cannot be accommodated within existing transport infrastructure. This can have flow on effects in terms of localised congestion and adverse transportation effects on the community that are not adequately addressed in the AUP.

Auckland-wide Transport provisions

Residential developments in the THAB zone are exempt by rule E27.6.1(2)(a) from the trip generation standards in the E27 transport provisions.

The transport trip generation standards also include an exception where there are requirements to assess transport, traffic or trip-generation effects for the activity in the applicable zone rules or precinct rules for any controlled or restricted discretionary land use activities (E27.6.1.(2)(d)). This exception means that the trip generation standard in E27.6.1

is not triggered where the matter of a transport or traffic assessment is addressed by other consenting requirements in the zone or precinct provisions. This approach is intended to encourage higher density residential growth where traffic effects can be mitigated through access to amenities available in centres and good quality public transport.

Outline of the proposals

The options to address the problem identified above are:

Option 1: Retain status quo and review this issue comprehensively as part of a future plan change.

Option 2: Insert additional assessment criteria relating to traffic effects. This is to ensure that THAB developments which require restricted discretionary consent that are less accessible to centres and good quality public transport services will then provide an assessment of traffic effects.

The proposed wording to implement this option is as follows:

H6.8.2

(2) for dwellings:

.....

(k) traffic:

- (i) the extent to which the activity avoids or mitigates adverse effects on the safe and efficient operation of the immediate transport network.
- (ii) H6.8.2 (2)(k)(i) is not considered where the development is located adjacent or opposite to a Business – City Centre Zone, Business – Metropolitan Centre Zone or Business – Town Centre Zone.

(3) for integrated residential development:

.....

(k) traffic:

- (i) the extent to which the activity avoids or mitigates adverse effects on the safe and efficient operation of the immediate transport network.
- (ii) H6.8.2 (3)(k)(i) is not considered where the development is located adjacent or opposite to a Business – City Centre Zone, Business – Metropolitan Centre Zone or Business – Town Centre Zone.

Evaluating the options against its objectives

To address the absence of an assessment criterion to address the matter of discretion of traffic effects in the THAB zone for dwellings and integrated residential developments.

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Retain status quo and review this issue	Keeping the status quo. This is not an efficient or effective	This may result in outcomes that are not aligned with the	This option would allow a wider cross-plan review of the THAB

Options	Efficiency and effectiveness	Costs	Benefits
comprehensively as part of a future plan change.	<p>option to achieve objective H6.2 (1) regarding the management of effects on the transport network.</p> <p>This option will also lead to inefficient implementation of the AUP as plan users will have to clarify issues relating to the assessment of traffic effects for dwellings and integrated residential development on a case by case basis.</p>	<p>objectives and policies, in particular policy E27.3 (1) of the AUP and the purpose of the Act, such as adverse traffic effects which cannot be accommodated within existing transport infrastructure, resulting in localised congestion.</p>	<p>zone to enhance the overall vertical and horizontal integration of the AUP.</p>
<p>Option 2 (Preferred): Insert additional assessment criteria relating to traffic effects</p>	<p>The proposed refinement of the THAB assessment criteria is an effective and efficient approach to address objective H6.2(1) <i>'Land adjacent to centres and near the public transport network is efficiently used to provide high-density urban living that increases housing capacity and choice and access to centres and public transport.'</i> around the management of effects on the transport network. The ability to assess this matter would include THAB developments in locations less able to mitigate transport effects (e.g. not supported by good public transport).</p>	<p>Potential for increased consenting costs in regard to assessing transport effects of THAB developments.</p>	<p>Refined assessment criteria will better align the AUP objectives and policies with land use and transport integration outcomes, ensuring appropriate development in the THAB zone.</p> <p>The inclusion of explicit assessment criteria will provide greater certainty in regard to the interpretation of the AUP. This level of certainty will also extend to ensuring that interests around traffic related amenity effects are adequately addressed in the AUP.</p>

Conclusion

Option 2 is most preferred. Amending the THAB Zone Assessment Criteria to better reflect the matter of discretion for traffic recommended in option 2, is the most appropriate method for achieving the objectives of the AUP and PC 16 for the following reasons:

- This option addresses the unintentional gap in assessment and provides better alignment between the zone matter of discretion and assessment criteria.

The tracked changes are contained in **Attachment 1A – Residential**.

7.11 Theme 11: Matters of Discretion: Residential character and Landscape Qualities

Chapter of the AUP	Chapter H Zones
Sub-sections of the AUP	H1 Residential – Large Lot Zone H3 Residential – Single House Zone H4 Residential – Mixed Housing Suburban Zone H5 Residential – Mixed housing Suburban Zone H6 Residential – Terrace Housing and Apartment Building Zone
Specific provisions	H1.8.1 (2) (a) Matters of discretion H1.8.1 (3) (d) Matters of discretion H3.8.1 (2) (d) Matters of discretion H4.8.1 (4) (d) Matters of discretion H5.8.1 (4) (d) Matters of discretion H6.8.1 (4) (d) Matters of discretion

Status quo and problem statement

Issue 1: Reference to Character within H3-H6

Each residential zone in the AUP anticipates a different level of character. The anticipated character of each of the residential zones is important to defining the difference between each of the zones and the provisions contained in them. Each of the residential chapters is described in the zone description and the policies by the following character in the zone purpose:

- H1 Residential – Large Lot Zone: spacious landscape character
- H2 Residential – Rural and Coastal Settlement Zone: rural and coastal built character
- H3 Residential – Single House Zone: suburban built character
- H4 Residential – Mixed Housing Suburban Zone: suburban built character
- H5 Residential – Mixed housing Urban Zone : urban built character
- H6 Residential – Terrace Housing and Apartment Building Zone: high-density built character

There is an issue with the matters of discretion relating to the specified zone character within the Single House Zone, Mixed Housing Suburban Zone, Mixed Housing Urban Zone and Terrace Housing and Apartment Building Zone. Wording was duplicated from H2 Residential - Rural and Coastal Settlement Zone into these zones so that the matter of discretion refers to the '*rural and coastal character*' of the zone, rather than the character of the specific zone identified in the zone purpose. This duplication results in a vertical inconsistency in the zones where the matters of discretion are contrary to the zone purpose.

Issue 2: Large Lot Zone

Within the Large Lot Zone, there is a vertical inconsistency between the zone description, objectives, policies and matters of discretion with respect to landscape qualities and natural features. Objective H1.2 (1) seeks to ensure that development is in keeping with the area's spacious landscape character, landscape qualities and natural features. However, only 'landscape character' is mentioned as a matter of discretion for minor dwellings, building height, yards, maximum impervious areas and building coverage, and the reference to 'landscape qualities natural features' is missing.

Outline of the proposals (Issue 1)

The proposals to address the problem identified above are for the first issue are:

Option 1: Retain the status quo with no amendments to the matter of discretion.

Option 2: Amend the matters of discretion so that the respective zone character is reflected in the provision instead of 'rural and coastal character' to:

- H3 Residential – Single House Zone: suburban built character
- H4 Residential – Mixed Housing Suburban Zone: suburban built character
- H5 Residential – Mixed housing Suburban Zone: urban built character
- H6 Residential – Terrace Housing and Apartment Building Zone: high-density built character

Outline of the proposals (Issue 2)

The proposals to address the problem identified above for the second issue are:

Option 1: Retain the status quo so that there is no amendment to the matters of discretion.

Option 2: Remove landscape qualities and natural features from the zone purpose, objectives and policies.

Option 3: Amend the matters of discretion within H1.8.1 to refer to 'landscape qualities and natural features' along with landscape character.

H1.8.1 ...

(2) for minor dwellings:

(a) the effects on the landscaped character, landscape qualities and natural features of the zone; and

....

(3) for buildings that do not comply with Standard H.6.4....

.....

(d) the effects on the landscape character, landscape qualities and natural features of the zone;

Evaluating the proposal against its objectives

The matters of discretion and zone description should reflect the objectives and policies

Issue 1: Reference to Character within H3-H6

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Retain the status quo with no amendments to the matter of discretion	The matter of discretion is not efficient as the wording is not aligned to the zone purpose and the policy HX.3 (1) of the zones. Plan users therefore are unable to suitably and effectively use the matter of discretion to address the planned character in the zones. .	Greater consenting costs and uncertainty for the plan users to process application and assessments. Ongoing uncertainty for plan users.	Does not have to go through a plan change process.
Option 2 (Preferred): Amend the matters of discretion so that the respective zone character is reflected in the provision instead of 'rural and coastal character'	Clear and certain as the matter of discretion will directly correspond to existing objectives and policies.	Potential economic cost if assessment of zone character would reduce development rights.	Consistency within the plan between the zone description objectives, policies and matters of discretion. Makes it easier for all plan users to see the alignment of the zone purpose, the policies and the matters of discretion.

Issue 2: Large Lot Zone landscape qualities and natural features

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Retain the status quo so that there is no amendment to the matters of discretion.	Landscape qualities and natural features could still be assessed as a matter of discretion under H1.8.1 2(a) and H1.8.1 3(d) through landscape character. However, the assessment of the landscape qualities and natural features are not effectively assessed.	Greater consenting costs and uncertainty for the plan users to process application and assessments. Ongoing uncertainty for plan users.	Does not have to go through a plan change process.
Option 2: Remove landscape qualities and	Results in shift in policy direction which has	Greater cost to the amenity value by	Consistency within the plan between

natural features from the zone purpose, objectives and policies	been put in place through the development and hearings of the AUP.	removing discretion to assess landscape qualities and natural features. Does not suitably implement the intention of the zones to provide for differing types of residential character.	objectives, policies and assessment criteria.
Option 3: Amend the matters of discretion within H1.8.1 to refer to 'landscape qualities and natural features' along with landscape character	<p>Clear and certain as the matter of discretion will directly correspond to existing objectives and policies.</p> <p>Improves the efficiency and usability of the plan with consistency between the objectives, policies, matters of discretion.</p>	Higher costs to processing consents for the plan users to also consider landscape qualities and natural features.	Environmental and amenity values benefits as new proposals would be considered with clear direction to consider landscape qualities and natural features.

Conclusion

It is considered that option 2 is preferred to address issue 1. To address issue 2, option 3 is most preferred. Amending the zone's matters of discretion to better reflect the zone character is the most appropriate method for achieving the objectives of the AUP and PC 16 for the following reasons:

- Addresses the current problem of the unintentional duplication and therefore unworkable provisions.
- Provides better vertical alignment between the zone purpose and matters of discretion

The tracked changes are contained in **Attachment 1A – Residential**.

7.12 Theme 12: Additional Assessment Criteria: Storage and Collection of Solid Waste within the THAB Zone

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H6: Residential: Terraced Housing and Apartment Buildings Zone
Specific provision/s	H6.8.2(2)(j); H6.8.2(3)(j)

Status quo and problem statement

There is currently no effective requirement for solid waste separation, storage and collection for multi-unit residential developments within the Residential: Terraced Housing and Apartment Buildings Zone.

There are multiple council bins required for each dwelling, including a waste bin, recycling bin, and in future food/organic waste bin. They need space on a site, either at each dwelling or collectively, and space at road side for safe collection without clutter or blocking traffic and pedestrians. Alternatively, private arrangements can include centralised sorting, storage and collection areas and private truck collection on site.

Auckland Transport primarily has concerns with the pavement clutter and road obstruction if many units put out bins on narrow streets, and access requirements for waste collection vehicles. This concern can relate to the configuration and layout of sites (e.g. sites with narrow frontages and limited berm space).

Auckland Council Waste Solutions Unit concerns are that the Solid Waste Bylaw is not effective, particularly in relation to multi unit apartment developments. Solutions should be designed as part of resource consent applications, so there are clear requirements for future dwelling owners, and adverse effects of multiple bins on the street are considered.

As a result of recent appeals Environment Court Decision NZEnvC 38 regarding the permitted threshold for dwellings, new assessment criteria concerning the storage and screening of waste disposal areas is being introduced to guide the assessment of 4 or more dwellings in the MHS and MHU zones. These are as follows:

- x) The extent to which dwellings:

.....

(iii) (iv) Provide the necessary storage and waste collection and recycling facilities in locations conveniently accessible and screened from streets and public open spaces.

However, the above criterion has not been added to the Terraced Housing and Apartment Buildings zone. The key difference between similar a criterion for the THAB Zone (compared with the MHS and MHU Zones) would be that it would be assessed for all new dwellings given their Restricted Discretionary Activity status. There is potential to add such criteria to

be considered at subdivision stage, however, given the land use led approach to development, it is considered that this issue also be assessed at the land use consent stage.

Outline the proposal(s)

The proposals to address the problem identified above are:

- **Option 1:**
Status Quo – reliance on bylaw and current plan provisions

- **Option 2:**
Add the following assessment criteria in the THAB Zone ‘for dwellings’, as per the consent order relating to Mixed Housing Urban and Mixed Housing Suburban Zones, as follows:
 - (2) For dwellings:
 -
 - (k) The extent to which the necessary storage and waste collection and recycling facilities is provided in locations conveniently accessible and screened from streets and public open spaces.

- **Option 3:**
Add matters of discretion and assessment criteria in E38 Urban subdivision chapters and E27 Auckland Wide: Transportation chapters (can be combined with proposal 2).

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
Option 1 Status Quo Reliance on Solid Waste bylaw 2012	Solid Waste Bylaw is not effective on individually owned dwellings within multi-unit developments. No requirement for solid waste separation, storage and collection in multi unit residential developments Risks of not acting include intensification of existing and new residential areas with multiple bins on narrow streets, new streets and site accesses not designed for multiple kerbside bins or waste management vehicles,	Adverse effects of multiple bins for multiple dwellings clogging up narrow streets. Smaller dwellings have less spare space to store bins.	No plan change required

	streets blocked by collection vehicles		
Option 2 – Additional Assessment Criteria regarding waste within the THAB Zone (already exists within other residential zones).	<p>Resource consent stage is the best time to make arrangements for solid waste management, so the requirements can be passed on to future dwelling owners</p> <p>Multi-unit residential development will generally precede the subdivision into separate titles, so a subdivision approach to this may be too late, if arrangements are made or not made at land use consent stage</p>	<p>Only considered in the context of four or more dwellings per site (where RD resource consent is required)</p> <p>Not necessarily considered at subdivision stage when design of development and roading occurs</p> <p>May discourage more intensive development on narrow streets if criteria are too restrictive</p>	<p>Amenity benefits for streetscape and occupants of more intensive developments</p> <p>Able to consider effects of kerbside collection on transport network</p>
Option 3 – Additional criteria within Chapter E38 Subdivision	<p>Planning for the movement and loading of waste management collection vehicles to be considered in the context of the design and layout of roads at the subdivision stage to avoid downstream impacts on the operation and function of roads.</p> <p>Private collection arrangements will need suitable vehicle crossings and/or stopping/loading areas if on-street.</p>	<p>Multi-unit residential development will generally precede the subdivision into separate titles, so a subdivision approach to this may be too late, if arrangements are made or not made at land use consent stage</p>	<p>Amenity benefits for streetscape and occupants particularly of intensive developments</p> <p>Design of subdivision roading layout can take waste collection into account.</p>

Conclusion

It is considered that Option 2 is most preferred, i.e. to add an additional assessment criteria relating to solid waste management within the THAB Zone, for the following reasons:

- This approach is consistent with the Residential Mixed Housing Suburban and Mixed Housing Urban Zones.
- It is considered that management of solid waste is especially important within the Terraced Housing and Apartment Buildings Zone given its anticipated character of apartment and multi unit development, and therefore increased numbers of waste storage and bins required.

8. SECTION 2: BUSINESS ZONES

8.1 Theme 1: Glazing

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre Zone
Specific provision	H8.8.2(1)(a)(xxv) Assessment criteria

Status quo and problem statement

The Business - City Centre Zone does not include any assessment criteria relating to glazing for new buildings and external alterations and additions to buildings. The IHP recommendations report for the Business - City Centre Zone and other business zones notes that a number of standards should be deleted and instead addressed as matters of discretion and assessment criteria³. Glazing was specifically identified in the IHP recommendation; however there are no specific glazing assessment criteria to address this. This is considered an oversight and it results in a gap in the provisions to manage the effects of blank walls when new buildings are constructed. The same recommendation was made for other business zones and glazing *is* included as a matter of discretion with policies referred to for assessment criteria.

It is important that applications for new buildings and alterations and additions to buildings in the Business - City Centre Zone consider the extent of glazing. Glazing helps to achieve passive surveillance of the street and to contribute to the attractiveness of the public space and amenity for people using or passing through that space.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Do nothing. No changes to the existing provisions.

Option 2: Introduce new assessment criteria for glazing.

This option includes the introduction of assessment criteria for new buildings and alterations and additions to buildings to address the issue of glazing. The additional provision is proposed to be inserted under the existing matter of discretion of 'building design and external appearance - variation in building form/visual interest'. The wording that is currently in the Business - Metropolitan Centre zone has been used to help develop these criteria, and

³ The IHP recommendations report for Topics 050-054 said at paragraph 1.2 xiii '*Delete prescriptive design-based standards and address design by matters of discretion for: ground floor and entrances at street frontage level, glazing and ground floor activities*'.

is shown below. Changes are shown in underline (new provisions) and strikethrough (removed provisions):

H8.8.2(1)(a)(xxv) Assessment criteria

(xixa) the extent to which glazing is provided on street and public open space frontages and the benefits it provides in terms of:

- *the attractiveness and pleasantness of the street and public open space and the amenity for people using or passing through that street or space;*
- *the degree of visibility that it provides between the street and public open space and the building interior; and*
- *the opportunities for passive surveillance of the street and public open space from the ground floor of buildings.*

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Do nothing. No changes to the existing provisions.	Does not allow effective assessment of new buildings where glazing could contribute to the attractiveness of the public space and amenity for people using or passing through that space.	Could result in poor built outcomes if glazing is not provided to streets and public open spaces.	No change to the plan required.
Option 2 (Preferred): Introduce new assessment criteria for glazing.	<p>Glazing is considered as part of assessing new buildings in other business zones. This change brings the Business - City Centre Zone in line with these other zones.</p> <p>The proposed criteria help to achieve the two objectives identified below by allowing new buildings and additions to building to be assessed on the extent of glazing provided on walls fronting public streets and public spaces and the benefits that glazing provides.</p> <p><i>H8.2(3) Development positively contributes towards planned future form and quality,</i></p>	Very little additional cost to applicants because new buildings and external alterations and additions to buildings already require consents as a restricted discretionary activity and this change only introduces another criterion for developments to be assessed against.	<p>The proposed additional assessment criteria fill a gap that has been identified in the AUP and meets the objective of the plan change. The additional criteria also help to implement and meet the objectives of the Business - City Centre Zone.</p> <p>The extent to which glazing is provided on frontages to streets and public open spaces can be assessed as part of a package of matters that are assessed in the Business - City Centre Zone for new buildings and external alterations and additions to buildings.</p>

	<p><i>creating a sense of place.</i></p> <p><i>H8.2(7) The city centre is an attractive place to live, learn, work and visit with 24-hour vibrant and vital business, education, entertainment and retail areas.</i></p>		
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Conclusion

Option 2 is preferred. Introducing new assessment criteria for glazing in the Business - City Centre Zone is the most appropriate method for achieving the objectives of the Business - City Centre Zone and PC 16 for the following reasons:

- It will ensure the objectives of the zone can be achieved by enabling glazing to be considered as part of the design of buildings.
- Glazing ensures that pedestrians can see activities occurring within the ground floor of buildings fronting the street to provide interest for pedestrians and enable passive surveillance of the street and public open space.

The proposed amendments are shown in Attachment 1B: Business zones.

8.2 Theme 2: Street Sightlines

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre Zone
Specific provision	H8.6.31. Street sightlines

Status quo and problem statement

The Business - City Centre Zone includes a street sightlines standard (H8.6.31) which seeks to retain views from key locations in the city centre to significant landmarks and the harbour. These sightlines are identified in the AUP in *Appendix 9 Business – City Centre Zone sight lines*. The standard states that buildings or structures must not be located within the sightlines.

There is also a requirement under standard H8.6.31 for verandahs to be provided in locations that are identified on Map H8.11.6 Verandahs. Verandahs are currently not excluded from the Business - City Centre Zone street sightlines standard. The lack of an exclusion means that a restricted discretionary resource consent is currently required for a verandah if it was to infringe the street sightlines standard. There is a conflict between two standards which was not intended.

Previously, under Clause 14.2C.4.2 of the legacy Auckland City Central Area District Plan, there was an exclusion to the street sightlines rule for verandahs that were proposed as per Clause 6.9 Verandahs.

The purpose of each of the standards has not changed from the legacy central area district plan; therefore it is considered that the same approach is warranted. Where verandahs are required under standard H8.6.31, if they infringe into a street sightline, it is appropriate that they may be located in the street sightlines and without the need for a resource consent.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Do nothing. Retain the existing provisions.

Make no change to standard H8.6.31. Street sightlines.

Option 2: Insert a provision to exempt verandahs from the Street Sightlines standard.

The proposal to address this issue is to add a cross reference to the verandah standard in the street sightlines standard as follows:

H8.6.31. Street sightlines

- *Buildings or structures must not locate within the sightlines identified in Appendix 9 Business – City Centre Zone sight lines, except as otherwise provided for in Table E26.2.3.1 Activity table in E26 Infrastructure and Standard H8.6.26. Verandahs.*

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Do nothing. Retain the existing provisions.	It is not efficient to have two standards that directly conflict with each other. It results in unnecessary consenting requirements and inconsistency between intended outcomes.	This option means that there is a continuing conflict between two standards and extra resource consent applications (or reasons for consent) are required. The AUP is unclear about which standard should take precedence.	Verandahs that intrude into street sightlines need a restricted discretionary resource consent which means verandahs can be assessed on a case by case basis.
Option 2 (Preferred): Insert a provision to exempt verandahs from the Street Sightlines standard.	The proposed amendment ensures that there is no conflict between the Verandah and Street Sightlines standards H8.6.26 and H8.6.31. Verandahs are important on main streets in the city centre to provide weather protection for pedestrians and help to meet the objectives of the zone including objective H8.2(7): <i>The city centre is an attractive place to live, learn, work and visit with 24-hour vibrant and vital business, education, entertainment and retail areas.</i>	Street sightlines may be impacted by the presence of verandahs locating in them. This may be in the order of 3-4 metres but this is a minor intrusion and in keeping with the type and nature of development anticipated in a street environment.	Resolves the problem of unnecessary resource consent applications needing to be made to infringe the verandah standard where they are located in identified street sightlines, therefore reducing costs. Verandahs have been permitted to be located within street sightlines for many years under the legacy Central Area District Plan and the sightlines have not been negatively impacted.

Conclusion

Option 2 is preferred. Making verandahs exempt from the street sightlines in the Business - City Centre Zone is the most appropriate method for achieving the objectives of the Business - City Centre Zone and PC 16 for the following reasons:

- It removes the conflict that currently exists in the provisions. It is considered appropriate to take the same approach to verandahs in these locations that was in the legacy plan given that the purpose of each of the standards has remained the same.
- Verandahs provide important weather protection on main streets in the city centre and any impact on identified street sightlines will be minimal.

The proposed amendments are shown in Attachment 1B: Business zones.

8.3 Theme 3: Additions to buildings

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre Zone H9 Business - Metropolitan Centre zone H10 Business - Town Centre zone H11 Business - Local Centre zone H12 Business - Neighbourhood Centre zone H13 Business - Mixed Use zone H14 Business - General Business zone H15 Business - Business Park zone
Specific provisions	Standard H8.6.27 Minimum floor to floor height Standard H8.6.28 Wind Standard H9.6.9. Wind Standard H10.6.9 Wind Standard H11.6.7. Wind Standard H12.6.7. Wind Standard H13.6.8. Wind Standard H14.6.6. Wind Standard H15.6.6. Wind

Status quo and problem statement

An introductory sentence in H8.6 Standards notes that all activities listed as permitted, controlled or restricted discretionary in the activity table must comply with the standards of the zone. However, there is a misalignment between that statement and the detailed wording of some of the standards where it may only refer to ‘new buildings’ and not ‘additions to buildings’. This is a problem because if 15 storeys are added to an existing building for example, the wind standard needs to apply. It is proposed to amend the standards to align the language and ensure the correct application of the standards.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Do nothing. Retain the existing provisions.

Option 2: Insert amendments to make it clear that the standards identified in the table above apply to a number of the activities in the activity table (not just new buildings).

For example, in the Business - City Centre Zone the standards should apply to the following activities:

- *New Buildings (restricted discretionary activity under rule H8.4.1(A32)).*

- *Alterations and additions to buildings not otherwise provided for (restricted discretionary activity under rule H8.4.1(A36)).*

The proposed amendments for each standard are outlined in Appendix 1B Business zones.

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Do nothing. Retain the existing provisions	Results in loss of efficiency in the resource consent process where the reasons for consent are not clear.	Additional costs associated with clarifying with applicants those standards that apply to a development proposal.	No changes required to the standards.
Option 2 (Preferred): Insert amendments to make it clear that the standards identified above apply to a number of the activities in the activity table (not just new buildings).	<p>The proposed amendments effectively resolve the misalignment that currently exists.</p> <p>Business zone objectives H8.2(2) and H8.2(3) below seek that development is of a scale and quality that makes a positive contribution. The proposed amendments are the most appropriate way in which to achieve these objectives.</p> <p><i>(2) Development is of a form, scale and design quality so that centres are reinforced as focal points for the community.</i></p> <p><i>(3) Development positively contributes towards planned future form and quality, creating a sense of place.</i></p>	Results in a number of amendments across the business zones to clarify the standards that apply to all activities.	An introductory sentence in H8.6 to the listed standards notes that all activities listed as permitted, controlled or restricted discretionary in the activity table must comply with the standards of the zone. However, there is a misalignment between that statement and the detailed wording of some of the standards which is leading to confusion about which activities listed in the activity table the standards apply to. Proposed amendments resolve this confusion.

Conclusion

Option 2 is preferred. Amending multiple standards across the business zones to make it clear what activities the standards apply to is the most appropriate method for achieving the objectives of the business zones and PC 16 for the following reasons:

- The amendments make it clear the activities that the standards apply to and will ensure alignment between the wording of the individual standards and the introductory sentence to the standards sections.

- The amendments will ensure that the appropriate standards apply to all relevant activities.
The proposed amendments are shown in Attachment 1B: Business zones.

8.4 Theme 4: Residential floor space bonus

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre zone
Specific provisions	Bonus floor area H8.9.2.2(6)(a) – Assessment criteria

Status quo and problem statement

Residential floor space bonus rules in the Business - City Centre Zone require assessment under H8.9.2.2(6)(a). These are optional provisions that enable a development to attain extra gross floor area where residential activities are provided in a development. Within the provisions, the wording used creates confusion with the assessment criteria because the term 'dwellings' conflicts with the other 'residential' activities that the bonus applies to. The assessment criteria incorrectly only reference dwellings when the bonus applies to a range of residential uses.

Through earlier amendments made through plan change 4 (Corrections to technical errors and anomalies), Table H8.6.11.1 Bonus floor area has been amended to make it clear that the 'residential' bonus floor area applies to all activities in the Residential nesting table (Table J1.3.5) in Chapter J definitions. In order to enable a correct assessment of any development proposal to be undertaken, the relevant assessment criteria should be amended.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Do nothing. Make no changes and leave the assessment criteria wording in their current form.

Option 2: List out the individual residential activities.

Through plan change 4 (Corrections to technical errors and anomalies), Table H8.6.11.1 Bonus floor area has been amended to make it clear that the 'residential' bonus floor area applies to all activities in the Residential nesting table (Table J1.3.5) in Chapter J definitions. Table H8.6.11.1 therefore now lists the following activities: dwellings, home occupations, visitor accommodation, camping grounds, boarding houses, student accommodation, integrated residential development, retirement village and supported residential care. The assessment criteria could be amended to list out all these activities.

Option 3: Amend the assessment criteria to use consistent and broad language as follows:

H8.9.2.2(6)(a)

(6) residential activities:

(a) internal and on-site amenity:

(i) the extent to which ~~the~~ residential development provides a high standard of internal amenity and on-site amenity for occupants of the ~~dwellings~~ residential development.

(ii) To demonstrate this, and in order for the bonus floor space to be awarded for residential activities, ~~dwellings~~, residential developments must comply with all of the relevant standards applying to residential development and be consistent with the assessment criteria for residential developments.

In some circumstances it may be appropriate to award the bonus floor space where the development (or part thereof) does not comply with the relevant standards for ~~dwellings~~. In this instance, the development applicant will need to demonstrate that an equal or better standard of amenity can be achieved when compared with a development that complies with the relevant standards complying development.

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Do nothing. Make no changes and leave the assessment criteria wording in their current form.	Inefficient because the applicability of the assessment criteria to different types of residential activities is difficult to comprehend because of the current wording.	Assessment criteria incorrectly only reference dwellings when the bonus applies to a range of residential uses.	Continue to apply the assessment criteria as they are currently.
Option 2: List out the individual residential activities.	Inefficient as it results in repetition in the provisions and creates very lengthy assessment criteria.	Makes the assessment criteria unnecessarily long and repetitive.	There is no doubt about which activities the assessment criteria apply to.
Option 3 (Preferred): Amendment to use consistent and broad language.	Increases efficiency because the change ensures there is no confusion about how to assess an application for residential floor space bonus. Appropriate in helping to achieve the following	A change to the AUP and therefore possibly results in a change to the current implementation resulting in increased costs to applicants.	Clarifies the assessment criteria relating to the residential floor space bonus in order to make the provisions more clear and to reduce ambiguity. Resource consent applicants or developers are clear on

	<p>city centre objective H8.2(8).</p> <p><i>(8) Development in the city centre is managed to accommodate growth and the greatest intensity of development in Auckland and New Zealand while respecting its valley and ridgeline form and waterfront setting</i></p>		<p>the requirements in order to utilise the residential floor space bonus.</p>
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Conclusion

Option 3 is preferred. Amending the assessment criteria to use consistent and broad language is the most appropriate method for achieving the objectives of the Business - City Centre Zone and PC 16 for the following reasons:

- It addresses the current confusion with the assessment criteria.
- It allows applications that involve the use of the residential floor space bonus to be assessed appropriately in order to achieve the purpose of the provision, which is to encourage residential activities to be located in the Business - City Centre Zone.

The proposed amendments are shown in Attachment 1B: Business zones.

8.5 Theme 5: Form and design of buildings adjoining historic heritage places

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre zone
Specific provisions	H8.8.2(1)(b) and H8.8.2(1)(b)(i) Assessment criteria

Status quo and problem statement

New buildings and external alterations and additions to buildings not otherwise provided for in the Business - City Centre Zone are a restricted discretionary activity. One of the matters of discretion listed in H8.8.1(1)(b) is the '*form and design of buildings adjoining historic heritage places*'. There is a misalignment between the wording of the matter of discretion and the corresponding assessment criterion, which widens the assessment to also include buildings in 'close proximity' to a scheduled historic heritage place. This is a problem as it creates uncertainty about what matters require assessment.

Criterion H8.8.2(1)(b)(i) is also proposed to be amended to align the wording of the matter of discretion and the wording of the assessment criteria. The matters of discretion set out those matters that the Council can consider so it is important that the wording of the assessment criteria aligns with the matters.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Do nothing. Retain existing inconsistencies in the AUP.

Option 2: Amend wording of the provisions to align them.

This option would result in the deletion of the words "*or in close proximity to*" in the assessment criteria H8.8.2(1)(b)(i) to ensure the wording aligns with the corresponding matter of discretion and to change H8.8.2(1)(b) to ensure the same alignment as follows:

(b) ~~design and scale~~ form and design of buildings adjoining historic heritage places:

(i) ~~buildings adjoining or in close proximity to~~ a scheduled historic heritage place:

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Do nothing. Retain existing inconsistencies in the AUP.	Retaining the status quo is inefficient because the matters of discretion and assessment criteria	Ongoing confusion about which provisions apply.	Continue to apply the assessment criteria as they are currently being applied.

	have different wording which creates uncertainty for plan users.		
Option 2 (Preferred): Amend wording of the provisions to align them.	<p>The proposed amendment will ensure achievement of objective H8.2(9) to be achieved.</p> <p><i>(9) The distinctive built form, identified special character and functions of particular areas within and adjoining the city centre are maintained and enhanced.</i></p>	Buildings in close proximity to a scheduled historic heritage place will not be considered when assessing new buildings, however in practice, this is already the case because of the wording of the matter of discretion.	<p>The proposal to amend the provisions will remove the misalignment between the matters of discretion and assessment criteria and reduce confusion in the existing provisions.</p> <p>Makes it very clear that buildings in close proximity to a scheduled historic heritage place will not be considered when assessing new buildings.</p>

Conclusion

Option 2 is preferred. Amending the assessment criteria to align the matters of discretion with the corresponding assessment criteria is the most appropriate method for achieving the objectives of the Business - City Centre Zone and PC 16 for the following reasons:

- It will ensure the provisions can be appropriately implemented because it will correct the current mismatch.
- It makes it very clear that buildings in close proximity to a scheduled historic heritage place will not be considered when assessing new buildings

The proposed amendments are shown in Attachment 1B: Business zones.

8.6 Theme 6: Bonus floor area - public open space

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre Zone
Specific provisions	Standard H8.6.17 Bonus floor area - public open space Standard H8.6.26 Verandahs

Status quo and problem statement

In the legacy Auckland City Central Area District Plan the Verandah Standard referred to 'site frontage' and this has changed to 'building frontage' in the AUP. This has resulted in inconsistencies in the wording used in cross referencing to the verandah standard under H8.6.17(4) Bonus floor area - public open space.

Standard H8.6.17(4) Bonus floor area - public open space states:

*Where required by Standard H8.6.26, provide a verandah along the street for the **full length of the public open space**.*

Standard H8.6.26(1) states:

*A new building, external alteration or substantial internal alteration to an existing building, excluding minor cosmetic alterations or repairs which do not change its design and appearance, on a site identified on Map H8.11.6 must provide a continuous verandah along the **full width of its building frontage**.*

The difference in wording of the standards outlining the location and extent of verandahs leads to confusion around which standard applies.

A verandah will more than likely never be required by standard H8.6.26 to be provided along the street for the full length of public open space. This is because H8.6.26(1) refers to the requirement for 'a continuous verandah along the full width of [a] building frontage'. The intent of standard H8.6.17 Bonus floor area - public open space is that verandahs should be provided for the full length of all 'bonus feature' public open space where it is on a site adjoining a road identified on Map H8.11.6 Verandahs, in order to attain the bonus floor area. The proposal to amend the provisions as shown below will make this clear while ensuring that the verandah provided meets the qualitative parts of the standard set out in H8.6.26(4) – (7).

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Do nothing. No changes to the existing provisions.

Option 2: Amend the language used in the provisions.

Amend standard H8.6.17(4) Bonus floor area - public open space as follows:

~~(4)Where required by Standard H8.6.26~~ located on a site subject to Map H8.11.6 Verandahs, provide a verandah along the street for the full length of the public open space in accordance with Standard H8.6.26(4) – (7).

Evaluating the proposal against its objectives

Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Do nothing. No changes to the existing provisions.	Results in inefficiencies because the lack of clarity means that users of the AUP have to question the interpretation of the standard.	Lack of clarity about how to meet the Bonus floor area - public open space standard because of the mismatch with the verandah standard.	Continue to apply the standard as it is currently being applied.
Option 2 (Preferred): Amend the language used in the provisions.	<p>The proposed amendment effectively ensures the purpose of the public open space bonus floor area standard is met.</p> <p>Improving cross referencing to clarify provisions is one of the objectives of the plan change.</p> <p>The change is appropriate because it helps to implement city centre policy H8.3(32) <i>Encourage public amenities to be provided within developments, including publicly accessible open space, works of art and through site links.</i></p>	Possibility of increased costs to applicants to provide verandahs along the full length of the public open space	The Bonus floor area - public open space standard will be implemented as intended.

Conclusion

Option 2 is preferred. Amending the language used in standard H8.6.17(4) is the most appropriate method for achieving the objectives of the Business - City Centre Zone and PC 16 for the following reasons:

- It will ensure that where required, verandahs are provided along the street for the full length of the public open space in order to utilise the public open space floor space bonus.
- It addresses the current inconsistency between Standard H8.6.17(4) Bonus floor area - public open space and Standard H8.6.26 Verandahs.

The proposed amendments are shown in Attachment 1B: Business zones.

8.7 Theme 7: Cross referencing error

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre Zone
Specific provisions	H8.8. Assessment – restricted discretionary activities H8.8.1(9) Matters of discretion H8.8.2(9) Assessment criteria

Status quo and problem statement

The matters of discretion and assessment criteria cross reference a standard relating to ground floor activities. However, the ground floor activities standard no longer exists in the Business - City Centre Zone, after it was removed in recommendations made by the IHP.

Outline the proposals

The proposals to address the problem identified above are:

Option 1: Do nothing. No changes to the existing provisions.

No changes to the wording would result in the incorrect cross referencing in being retained.

Option 2: Remove the existing cross referencing to the non-existent ground floor activities standard.

This option would result in the deletion the cross reference in the matters of discretion and assessment criteria to a standard that is no longer in the Business - City Centre Zone as follows.

- H8.8.1(9) infringement of minimum floor to floor height ~~ground floor activities~~, building frontage alignment and height and verandahs standards:
- H8.8.2(9) infringement of minimum floor to floor height (~~ground floor~~), building frontage alignment and height and verandahs standards:

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Do nothing. No changes to the existing provisions	Inefficient use of plan users time to clarify why a standard in cross referenced.	Cross referencing a standard that is not in the AUP causes confusion and creates costs associated with plan users needing to determine if this is an error.	Continue to apply the assessment criteria as they are currently being applied.
Option 2 (Preferred): Remove the existing cross referencing to the non-existent	Removes an existing error within the provisions that cross references to a	Correct an error, no costs identified.	Corrects an error to improve clarity and reduces confusion for plan users.

ground floor activities standard.	provision that does not exist.		
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Conclusion

Option 2 is preferred. Removing the cross reference to the non-existent ground floor activities standard is the most appropriate method for achieving the objectives of the Business - City Centre Zone and PC 16 for the following reasons:

- It will address the incorrect cross reference to a standard that is not in the Business - City Centre Zone.
- Corrects an error to improve clarity and reduces confusion for plan users.

The proposed amendments are shown in Attachment 1B: Business zones.

8.8 Theme 8: Verandah standard and assessment criteria

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre Zone
Specific provisions	H8.6.26. Verandahs H8.8.2(1)(a)(vi) – assessment criteria

Status quo and problem statement

There is a conflict between the standard for verandahs H8.6.26 and the assessment criteria for assessing new buildings and external alterations and additions to buildings H8.8.2(1)(a)(vi). Standard H8.6.26 specifies that glazed verandahs must be opaque or patterned glass, however the assessment criteria in H8.8.2(1)(a)(vi) includes a preference for transparent verandahs, as follows:

Standard H8.6.26(5)(d) states:

(5) All verandahs must:

...

(d) where glazed, be opaque or patterned glass...

The purpose of the verandah standard is to provide pedestrians with weather protection on main streets.

The assessment criteria in H8.8.2(1) has a criterion around verandahs being **predominantly transparent** as follows:

(1) new buildings and external alterations and additions to buildings not otherwise provided for:

(a) building design and external appearance...

(vi) whether verandahs are designed to be predominantly transparent to enable pedestrians to view the building façade from under the verandah and from across the street.

The purpose of H8.8.2(1) is to ensure that building design and external appearance contributes to a sense of place and enables pedestrians to view the building façade from under the verandah and from across the street.

There is a direct misalignment between standard H8.6.26(5)(d) for verandas and the assessment criteria in H8.8.2(1)(a)(vi).

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: No change. Retain the existing conflict within the provisions.

Option 2: Amend the standard to align with the assessment criteria.

Amend the standard to align with the assessment criteria to state that verandahs should be predominantly transparent

Option 3: Delete the criterion to remove the requirement for verandahs to be predominantly transparent.

The proposed amendment is to delete the assessment criteria below.

~~H8.8.2(1)(a)(vi) whether verandahs are designed to be predominantly transparent to enable pedestrians to view the building façade from under the verandah and from across the street;~~

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: No changes. Retain the existing conflict within the provisions.	Does not effectively implement the intent of the verandah standard.	Differing opinions about how to interpret the provisions results in wasted time.	Assessment criteria are used as a guide and this criterion could help guide applicants to provide transparent verandahs.
Option 2: Amend the standard to align with the assessment criteria.	The purpose of the verandah standard is to provide weather protection, it is therefore not necessary to predetermine the material used for verandahs.	Very prescriptive, requiring transparent verandah which could increase costs for applicants.	Encourages verandahs to be transparent to enable more light and visibility.
Option 3 (Preferred): Delete the criterion to remove the requirement for verandahs to be predominantly transparent.	The proposed amendment ensures there is no conflict between the verandah standard and the assessment criteria for new buildings and external alterations and additions to buildings. This would ensure that are aligned and this is one of the objectives of the plan change. Standard H8.6.26(5)(d) should take precedence over assessment criteria in H8.8.2(1)(a)(vi) because the standard does not require verandahs to be	There is no specific criterion relating to verandahs to assess new buildings and external alterations and additions to buildings against.	Removes the conflict and the confusion this creates when assessing an application for new buildings and additions and alterations. Provides for a range of verandah styles.

	glazed. Including a criterion that assesses a buildings verandah based on its transparency is not considered appropriate.		
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Conclusion

Option 3 is preferred. Deleting criterion H8.8.2(1)(a)(vi) to remove the requirement for verandahs to be predominantly transparent is the most appropriate method for achieving the objectives of the Business - City Centre Zone and PC 16 for the following reasons:

- It will align the assessment criteria with the verandah standard.
- It addresses the current conflict between the standard and assessment criteria.

The proposed amendments are shown in Attachment 1B: Business zones.

8.9 Theme 9: Outlook Space – Business - City Centre and Business - Metropolitan Centre Zones

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre Zone H9 Business - Metropolitan Centre
Specific provisions	H8.6.32 Outlook space H9.6.10 Outlook space

Status quo and problem statement

An outlook space standard applies across a number of business and residential zones. The standard in the Business - City Centre and Business - Metropolitan Centre zones differs from that in other zones to reflect the increased scale and height of development that is provided for. In these zones, the outlook space (dimension) that is required increases as buildings increase in height. Outlook space is required to ensure a reasonable standard of visual and acoustic privacy between dwellings and units in visitor accommodation and boarding houses and to encourage the placement of habitable room windows to the site frontage or to the rear of the site in preference to side boundaries, to maximise both passive surveillance of the street and privacy, and to avoid overlooking of neighbouring sites.

A number of inconsistencies have been identified within the standard that are causing uncertainty and making the standard more difficult to implement. The inconsistencies relate to:

- identifying which activities the standard applies to,
- the alignment of text with the figures, and
- general readability and clarity of the standard.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: No changes. Retain the existing provisions.

Option 2: Make a number of amendments to the Outlook Space Standards H8.6.32 and H9.6.10 in the Business - City Centre and Business - Metropolitan Centre Zones.

A number of amendments are required for this option in order to clarify the standard as follows (see H8.6.32 Outlook Space in Attachment 1B – Business zones):

- Amend the purpose to make it clear that the standard applies to visitor accommodation and boarding houses in addition to dwellings.
- Amend clause (1) to clarify the standard applies to dwellings, visitor accommodation and boarding houses regardless of whether they are located in a new building, additions to a building or a building is converted to accommodate one of these uses. This aligns with the wording used in the other centres and business zones and

means that the applicable uses don't need to be repeated in other parts of the standard.

- Amend clause (2) to make the standard easier to interpret and result in less repetition.
- Amend clause (5) to make it clear where the outlook space may apply and to make the words align with the figure to avoid confusion.
- Amend clause (6) to cross reference H8.6.32(3) - this ensures there is still a link to Figure H8.6.32.2, but also clarifies that bedrooms overlooking a street of less than 6m wide will comply.
- Amend Outlook Space Figure H8.6.32.2 to change reference from 'outlook court' to 'outlook space' and at the 24m point add 'and above' to reflect that any building over 24m needs a 20m outlook space. Remove the reference to 50m because buildings are built taller than this so it is not appropriate to reference this height.

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the RMA

	Efficiency and effectiveness	Costs	Benefits
Option 1: No changes. Retain the existing provisions	The standard currently has inconsistencies so it is not effectively achieving the objectives of the City Centre and Metropolitan Centre zones.	Continued reduction in amenity for residents if appropriate outlook space is not provided.	Relies on the current practice of interpreting and implementing the standard without the need for change.
Option 2 (Preferred): Make a number of amendments to the Outlook Space Standards H8.6.32 and H9.6.10 in the Business - City Centre and Business - Metropolitan Centre Zones	By ensuring residential developments have adequate outlook space the changes help to effectively implement Business - City Centre zone objective H8.2(7) <i>'The city centre is an attractive place to live, learn, work and visit with 24-hour vibrant and vital business, education, entertainment and retail areas'</i> and policy H8.3(16) <i>'Enable a significant and diverse residential population to be established and maintained within a range of living environments and housing sizes.'</i> and Business - Metropolitan Centre zone objective H9.2(7) <i>'Metropolitan</i>	Potentially more costs associated with development as applications require additional design assessment to comply with the standard.	Clarifies where the Outlook Space standard applies and aligns the purpose of the standard and the different parts of the standard to reflect this. Corrects the inconsistencies that currently exist making the standard clearer for all users of the AUP. Reduces differences of opinion about how to interpret and implement the standard.

	<p><i>centres are an attractive place to live, work and visit with vibrant and vital commercial, entertainment and retail areas'.</i></p>		
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Conclusion

Option 2 is preferred. Making a number of amendments to the Outlook Space Standards H8.6.32 and H9.6.10 in the Business - City Centre and Business - Metropolitan Centre zone to address inconsistencies is the most appropriate method for achieving the objectives of the Business - City Centre and Business - Metropolitan Centre Zones and PC 16 for the following reason:

- The changes clarify the outlook space provisions while not changing the purpose of the standard or the policy approach.

The proposed amendments are shown in Attachment 1B: Business zones.

8.10 Theme 10: Outlook space - Other business zones and Residential Zones

Chapter of the AUP	Chapter H Zones
Sub-sections of the AUP	H4 Residential - Mixed Housing Suburban Zone H5 Residential - Mixed Housing Urban Zone H6 Residential - Terraced Housing and Apartment Buildings Zone H10 Business - Town Centre Zone H11 Business - Local Centre Zone H12 Business - Neighbourhood Centre Zone H13 Business - Mixed Use Zone H15 Business - Business Park Zone
Specific provisions	H4.6.11(7) Outlook space H5.6.12(7) Outlook space H6.6.13(7) Outlook space H10.6.10 Outlook space H11.6.8 Outlook space H12.6.8 Outlook space H13.6.9 Outlook space H15.6.7 Outlook space

Status quo and problem statement

The business zones and residential zones identified above all include a standard requiring outlook space. The purpose of this standard is to ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites; and to manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space. Through implementation of the AUP a number of issues have been identified with the standard across the zones it applies. There is currently inconsistency within the standards about those uses to which the standard applies and if/where the outlook space can overlap.

In the PAUP, the business zones were included as one chapter and the outlook space standard was not written (in full) in the business chapter. Instead, the outlook space standard located in the THAB zone was cross referenced as applying to these business zones. The IHP separated all the business zones into individual chapters with the standards that apply in each zone written out in full. Some of the issues identified within this standard appear to have occurred when the business zones were separated into individual chapters.

There is some confusion about whether outlook spaces can overlap. In the PAUP, the word “dwelling” was used in the standard rather than ‘building’ but this changed through the IHP

process. The IHP noted in the city centre and business zones recommendations report that they made changes to the outlook space standard “to address interface issues better”. Outlook spaces required from different rooms within the same *dwelling* can overlap because there are no privacy issues because occupiers are looking into their own space. However it is not appropriate for different rooms within the same *building* to overlap because an apartment building for example has multiple dwellings and it is not appropriate to have one apartment to look into a different apartment because a reasonable standard of visual privacy is sought.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: No changes. Retain the existing provisions.

This option would result in no amendments to the Outlook Space Standard in the zones identified in the table above and rely on current practice to interpret the provisions.

Option 2: Apply the Business - City Centre and Business - Metropolitan Centre Outlook Space Standard in the zones to the other business zones.

The Business - City Centre and Business - Metropolitan Centre Zones include an Outlook Space standard, however this differs from the standard that applies in the other business zones (and the residential zones). The City Centre standard requires the outlook space to increase as buildings get higher to ensure a reasonable level of visual and acoustic privacy between different dwellings. Given that maximum building heights in some of the business zones allow for very high buildings, one option is to change the standard to match that used in the Business - City Centre and Business - Metropolitan Centre zones.

Option 3: Insert a number of amendments to the outlook space standards in the Business - Town Centre, Business - Local Centre, Business - Neighbourhood Centre, Business - Mixed Use, Business - Business Park and the Residential – Mixed Housing Suburban, Residential - Mixed Housing Urban and Residential - Terraced Housing and Apartment Buildings Zones.

A number of amendments are proposed to clarify the standards as follows:

- Amend the Outlook Space standard in each of the identified business zones in the table above to clarify those activities to which the standard applies. The varying uses to which the standard applies is made clear in the first part of the standard in each zone but this was not carried through to the rest of the standard which is leading to interpretation issues.
- Amend the Outlook Space standard in each of the business zones and in each of the residential zones identified in the table above to remove the allowance of different rooms within the same building to overlap. There is currently a contradiction within the standard.

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: No change. Retain the existing provisions.	The standard currently includes inconsistencies so it is not effectively achieving the objectives of the specified business zones.	Reduced amenity for residents if appropriate outlook space is not provided.	Relies on the current practice of interpreting and implementing the standard without the need for change.
Option 2: Apply the City Centre and Metropolitan Centre Outlook Space Standard in the zones to the other business zones.	Not an appropriate change in the context of this plan change because it would introduce a more stringent outlook space standard and changes to the objectives and/or policies may be required to support this change.	The change would increase costs to applicants because a different standard of outlook would be required. Considered a policy shift and therefore not within the scope of the plan change.	Would ensure an adequate level of outlook is provided for residential activities in business zones. Applies a consistent standard across all the business zones which have an outlook space standard.
Option 3 (Preferred): Insert a number of amendments to the outlook space standards in the Town Centre, Local Centre, Neighbourhood Centre, Mixed Use Business Park and Residential zones.	By ensuring residential developments have adequate outlook space the changes help to effectively implement the following objectives: <i>H8.2(1) A strong network of centres that are attractive environments and attract ongoing investment, promote commercial activity, and provide employment, housing and goods and services, all at a variety of scales.</i> <i>H8.2(2) Development is of a form, scale and design quality so that centres are reinforced as focal points for the community.</i>	Potentially more costs associated with development as applicants design buildings to comply with the standard.	Clarifies the uses to which the outlook space standard applies Corrects the inconsistencies that currently exist making the standard clearer for all users of the AUP. Reduces differences of opinion about how to interpret and implement the standard.

Conclusion

Option 3 is preferred. Making a number of amendments to the outlook space standards in the Business -Town Centre, Business - Local Centre, Business - Neighbourhood Centre,

Business - Mixed Use, Business - Business Park and the Residential – Mixed Housing Suburban, Residential - Mixed Housing Urban and Residential - Terraced Housing and Apartment Buildings Zones is the most appropriate method for achieving the objectives of those zones and PC 16 for the following reasons:

- The changes clarify the outlook space provisions while not changing the purpose of the standard or the policy approach.
- Clarifies the uses to which the outlook space standard applies
- Corrects the inconsistencies that currently exist making the standard clearer for all users of the AUP.

The proposed amendments are shown in Attachment 1B: Business zones and Attachment 1A Residential zones.

8.11 Theme 11: Bonus floor area ratio – light and outlook

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre Zone
Specific provision	H8.6.12. Bonus floor area ratio – light and outlook

Status quo and problem statement

Two issues with the use of this standard have been identified.

The purpose of Standard H8.6.12 Bonus floor area ratio – light and outlook is to provide additional floor area where buildings are set back from site boundaries to encourage:

- slender buildings that are not overly bulky in appearance;
- sunlight access to streets and nearby sites;
- sunlight and outlook around buildings; and
- views through the city centre

Currently, ‘sunlight’ and outlook around buildings is listed in the purpose of Standard H8.6.12. However as stated in Policy H8.3(31), this should be ‘light’ and outlook around buildings. ‘Sunlight’ has a different meaning to ‘light’ and it is the ‘light’ around buildings that this standard seeks to encourage. The addition of ‘public open space’ to the second bullet point of the purpose statement also ensures the purpose statement aligns with Policy H8.3(30).

Light and Outlook Standard H8.6.12(4) states that to qualify for the light and outlook bonus floor area, the building must also comply with Standard H8.6.24 Maximum tower dimension, setback from the street and tower separation.

The current wording is causing interpretation and implementation issues because the tower dimension standard only applies to only those sites identified as special height area on Map H8.11.3. This does not cover all the areas in the city centre where the light and outlook bonus standard applies. This results in a misalignment of the standards and raises the question whether the tower dimension standard is to apply for any site that is seeking the light and outlook bonus, or just where a proposal is within the special height area.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: No changes. Retain the existing provisions.

This option would not result in any changes to the standard.

Option 2: Amend Standard H86.6.4(4) to revert back to the wording in the PAUP.

In the PAUP, there was no cross reference to the tower dimension standard. Instead, it required a 6 metre setback from site frontages and side and rear boundaries.

Option 3: Amend the standard to clarify the purpose of the standard and how it relates to the maximum tower dimensions, setback from the street and tower separation standard.

It is proposed to amend the purpose statement of Standard H8.6.12 to align it with the policies of the Business - City Centre Zone. This involves making it clear that as set out in the policy H8.3(31), light and outlook around buildings is important (rather than sunlight). This option also clarifies that only those buildings located within the ‘special height area’ of the city centre must comply with the tower dimension standard in order to qualify for the light and outlook bonus. The proposed amendments are shown below:

H8.6.12. Bonus floor area ratio – light and outlook

Purpose: provide additional floor area where buildings are setback from site boundaries to encourage:

- slender buildings that are not overly bulky in appearance;
- sunlight access to streets, public open space and nearby sites;
- ~~sunlight~~ and outlook around buildings; and
- views through the city centre

...

(1) Bonus floor area is available as a permitted activity for light and outlook as calculated below.

....

(4) ~~To qualify for the bonus~~ On sites identified as special height area on Map H8.11.3, the building must comply with Standard H8.6.24 below to qualify for the bonus.

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: No change. Retain the existing provisions	Retaining the existing provisions is inefficient as it will result in time wasted determining how to interpret the standard.	The purpose of the standard does not align with the policy direction of the zone, resulting in outcomes that do not deliver on the intention of the AUP.	The standard continues to be implemented as it currently is. There is no change required to existing processes.
Option 2: Amend Standard H8.6.12(4) to revert back to the wording in the PAUP.	Not effective because the wording in the PAUP results in a conflict between two standards.	Plan users wasting time interpreting the provisions because the PAUP wording results in a conflict between obtaining the light and outlook bonus as a permitted activity, and Standard H8.6.25	For all areas where the light and outlook bonus applies, a 6 metre setback from site boundaries is required which ensures a good level of light around buildings.

		Building frontage alignment and height which requires identified sites to have a have minimum contiguous height of 13m or 19m for a minimum depth of 6m from the frontage.	
Option 3 (Preferred): Amend the standard to clarify the purpose of the standard and how it relates to the maximum tower dimensions, setback from the street and tower separation standard.	Aligns the standard with the corresponding policies in H8.3 <i>(30) Manage adverse effects associated with building height and form by:</i> ... <i>(d) managing the scale, form and design of buildings to:</i> <i>(i) avoid adverse dominance and/or amenity effects on streets and public open space; and ...</i> <i>(31) Maximise light and outlook around buildings.</i> Clarifies the relationship between the light and outlook bonus and the maximum tower dimension standards.	The change to Standard H8.6.12(4) narrows the applicability of the tower dimension standard which could result in buildings not providing setbacks of 6 metres.	Ensures there is no ambiguity about the purpose of the light and outlook bonus and improves the vertical alignment between the policy and standard. Reduces time wasted on trying to interpret provisions that aren't clear.

Conclusion

Option 3 is preferred. Amending the standard to clarify the purpose of the standard and how it relates to the maximum tower dimensions, setback from the street and tower separation standard is the most appropriate method for achieving the objectives of the Business - City Centre Zone and PC 16 for the following reason:

- It aligns the standard with the corresponding policies and clarifies the relationship between the light and outlook bonus standard and the maximum tower dimension standard.

The proposed amendments are shown in Attachment 1B: Business zones.

8.12 Theme 12: Terminology – Pedestrian facilities

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre Zone
Specific provision	H8.6.20 Bonus floor area - works of art

Status quo and problem statement

The wording and references used in Standard H8.6.20 Bonus floor area - works of art are not aligned with other provisions of the Business - City Centre Zone and Chapter J Definitions. The current wording is making interpreting the provisions difficult.

The reference to 'Pedestrian Facilities' in the standard was included following its use in the legacy Auckland Council District Plan - Operative Auckland City - Central Area Section 2005. However, this term is not clear in the context of the AUP, because the heading of 'Pedestrian Facilities' has been removed from the Bonus Floor Area table (Table H8.6.11.1) in the AUP which sets out all the bonus features. The only pedestrian facility that has remained in the table for which bonus floor area can be obtained is through site links.

Changes to the wording of provision H8.6.20(3)(b)(iv) are required to ensure that the standard is consistent with the exemptions in the Gross Floor Area definition and includes voids which it currently does not.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1: No changes. Retain the existing provisions.

No changes to the provisions will result from this option.

Option 2: Amend Standard H8.6.20 Bonus floor area - works of art to ensure that the standard is consistent with the exemption in the gross floor area definition.

This option would result in an amendment to Standard H8.6.20(3)(b)(iii) & (iv) as shown below to ensure the extra floor area that can be claimed is clear.

H8.6.20. Bonus floor area - works of art

H8.6.20(3)(b)(iii) & (iv)

(3) The bonus floor area available is assessed at the following ratio:

...

(b) For calculating the extra floor area which can be claimed, five per cent will be taken off the total floor area which has resulted from the calculation of the addition of all of the following:

...

(iii) *areas contained within a building occupied by pedestrian facilities through site links for which consent has been granted; and*

(iv) *areas in entrance foyer/lobby or part thereof being a primary means of access ~~to a building which is open to the public, is assessed directly from a public place and has an overhead clearance of not less than 6m.~~ any entrance foyer/lobby or part of it including any void forming an integral part of it. The entrance foyer/lobby must be publicly accessible, accessed directly from a street or public open space and have an overhead clearance of at least 6m.*

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: No changes. Retain the existing provisions.	Inefficient as plan users waste time trying to interpret ambiguous provisions.	The standard does not align with the definition and as a result there are costs involved with the confusion this causes.	No changes to the existing provisions. Current practices utilising the rules regarding bonus floor area and works of art will continue as they are.
Option 2 (Preferred): Amend Standard H8.6.20 Bonus floor area - works of art to ensure that the standard is consistent with the exemption in the gross floor area definition.	Effectively achieves policy H8.3(32) <i>'Encourage public amenities to be provided within developments, including publicly accessible open space, works of art and through site links'</i> . Achieves the objective of the plan change by making the standard unambiguous and align with other parts of the Plan.	Improving clarity, no costs identified.	Reduces costs through less time wasted trying to interpret provisions that are not clear. Ensures horizontal alignment of provisions in the AUP relating to bonus floor area.

Conclusion

Option 2 is preferred. Amending Standard H8.6.20 Bonus floor area - works of art to ensure that the standard is consistent with the exemption in the gross floor area definition is the most appropriate method for achieving the objectives of the Business - City Centre Zone and PC 16 for the following reason:

- Ensures horizontal alignment of provisions in the AUP relating to bonus floor area and therefore easily interpreted and implemented.

The proposed amendments are shown in Attachment 1B: Business zones.

8.13 Theme 13: Height and Height in relation to boundary in business zones

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H9 Business – Metropolitan Centre Zone: H10 Business – Town Centre Zone H11 Business – Local Centre Zone H12 Business – Neighbourhood Centre Zone H13 Business – Mixed Use Zone H14 Business – General Business Zone H15 Business – Business Park Zone
Specific provision/s	H9.6.1 Building height H9.6.2 Height in relation to boundary H10.6.1. Building height H10.6.2. Height in relation to boundary H11.6.1. Building height H11.6.2 Height in relation to boundary H12.6.1. Building height H12.6.2 Height in relation to boundary H13.6.1 Building Height H13.6.2 Height in relation to boundary H14.6.1. Building height H14.6.2 Height in relation to boundary H15.6.1. Building height H15.6.2. Height in relation to boundary

Status quo and problem statement

The purpose statements accompanying the building height and height in relation to boundary standards currently seek to allow reasonable sunlight and daylight access. However these are worded in a manner that suggests that reasonable sunlight and daylight access for nearby sites or neighbouring zones does not form part of this purpose. The purpose of the building height standard should also not refer to sunlight and daylight.

The purpose statements for H13.6.1 and H13.6.2 in the Business – Mixed Use Zone reads as follows:

H13.6.1 Building height

Purpose:

...

- *allow reasonable sunlight and daylight access to public open space excluding streets and nearby sites;*

H13.6.2 Height in relation to boundary

Purpose

...

- *allow reasonable sunlight and daylight access to public open space excluding streets and neighbouring zones; and*

Because there is an ‘and’ between the words ‘excluding streets’ and ‘neighbouring zones’ it suggests that nearby sites and neighbouring zones are excluded from the purpose. These purpose statements do not align with Policy H13.3(8) *General policies for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone* which reads:

Require development adjacent to residential zones and the Special Purpose – School Zone and Special Purpose – Māori Purpose Zone to maintain the amenity values of those areas, having specific regard to dominance, overlooking and shadowing

Policy H13.3(8) protects the amenity of adjacent zones to allow reasonable sunlight and daylight access through having regard to dominance, overlooking and shadowing. Without a comma between the words ‘excluding streets and’ the sentence could be interpreted to mean that sunlight and daylight effects on ‘neighbouring zones’ will not be considered. In addition, the second bullet point of the height standard should be limited to shadowing effects of building height on public open space because the height in relation to boundary standard addresses daylight and sunlight to public open spaces and neighbouring zones.

Therefore, there is a technical issue with the provisions that may lead to outcomes that do not align with the AUP policy direction.

This misalignment was initially identified in relation to the Business – Mixed Use Zone, but is repeated throughout the commercial zones listed in the table above.

Outline the proposals

An amendment is proposed to clarify that reasonable sunlight access for neighbouring zones is a relevant consideration in relation to the height in relation to boundary standard. An amendment is proposed to the building height standard purpose to clarify that sunlight and daylight are not a consideration, but shadowing effects are.

In addition to the Business – Mixed Use Zone, the amendments would also need to be applied to the building height and height in relation to boundary standards for the following zones:

- H9 Business – Metropolitan Centre Zone: H9.6.1 and H9.6.2
- H10 Business – Town Centre Zone: H10.6.1 and H10.6.2
- H11 Business – Local Centre Zone: H11.6.1 and H11.6.2
- H12 Business – Neighbourhood Centre Zone: H12.6.1 and H12.6.2
- H13 Business – Mixed Use Zone: H13.6.1 and H13.6.2
- H14 Business – General Business Zone: H14.6.1 and H14.6.2
- H15 Business – Business Park Zone: H15.6.1 and H15.6.2

The proposals to address the problem identified above are:

Option 1: Do Nothing. No changes to the existing provisions.

Option 2: Amend the purpose statements to add a comma to clarify that reasonable sunlight access for nearby sites is a relevant consideration for the height in relation to boundary standard and clarify that sunlight and daylight are not a consideration for building height, but shadowing effects are, as follows:

H13.6.1

~~allow reasonable sunlight and daylight access~~ manage shadowing effects of building height on to public open space, excluding streets ~~and nearby sites;~~

H13.6.2

'allow reasonable sunlight and daylight access to public open space excluding streets, and neighbouring zones; and'

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Do Nothing. No changes to the existing provisions.	Less effective as it retains uncertain wording.	Lack of clarity about the purpose of the standards leading to time wasted interpreting the provisions.	Continue to apply the standard as it is currently being applied.
Option 2 (Preferred): Amend the purpose statements to add a comma to clarify that reasonable sunlight access for nearby sites is a relevant consideration for the height in relation to boundary standard and clarify that sunlight and daylight are not a consideration for building height, but shadowing effects are.	The wording provides the greatest clarity out of all options and helps to achieve objective H13.2(9): <i>Business – Mixed Use Zone zoned areas have a high level of amenity</i>	Similar consent costs as the consideration of the purpose is part of a resource consent process rather than triggering the requirement for a resource consent.	Benefits for occupants of buildings arising from greater consideration of effects on sunlight and daylight and shadowing as part of applications to infringe height in relation to boundary or building height standards in the business zones.

Conclusion

Option 2 is preferred. Amending the purpose statements of the building height and height in relation to boundary standards across a number of business zones to clarify that shadowing effects on public open space and reasonable sunlight access for neighbouring zones is a relevant consideration is the most appropriate method for achieving the objectives of the identified business zones and PC 16 for the following reasons:

- It addresses the lack of clarity that arises from the current wording.

- Ensures consideration of shadowing effects on public open space and effects on sunlight and daylight as part of applications to infringe building height or height in relation to boundary standards in the identified business zones.

The proposed amendments are shown in Attachment 1B: Business zones.

8.14 Theme 14: Average floor area definition

Chapter of the AUP	Chapter J Definitions
Sub-section of the AUP	J1. Definitions 'Average floor area'
Specific provision	Average floor area

Status quo and problem statement

The term 'Average floor area' is defined in Chapter J – Definitions and is used in the Business – City Centre Zone to control the scale and bulk of buildings. Two issues have been identified in relation to this definition.

- 1) The meaning of the inclusions relating to the minimum horizontal area to be used for a given floor of a building.
- 2) The meaning of the exclusion of an entrance lobby/foyer in the average floor area definition.

(1) Inclusions relating to minimum horizontal area

The definition of 'Average floor area' specifies a minimum horizontal area to be used in calculating the average floor area of a building. For sites with a gross site area of 2,000m² or less, the minimum horizontal area for any floor for calculations must be 20% of the site area. This means that if a building located on a 1,000m² site contains one floor measuring 100m² in horizontal area (floor plate), for the purposes of calculating an average floor area this is considered to be 200m². For sites with a gross site area greater than 2,000m², the minimum floor area for this calculation is 400m², rather than a percentage-based approach.

However, the inclusions listed in the definition in Chapter J do not make this clear, as the second part of the sentence has not been included making the definition unworkable as follows:

Includes:

- *sites with a gross site area of 2,000m² or less, where the horizontal area at any floor level totals less than 20 per cent of the site area; or*
- *for sites with a gross site area greater than 2,000m², where the horizontal area at any floor level totals less than 400m².*

The definition of average floor area has been based on the legacy Auckland Council District Plan - Operative Auckland City - Central Area Section 2005, however the bullet points in the inclusion lists are incomplete.

(2) Exclusions for entrance lobbies/foyers

The 'Average floor area' definition specifically excludes the following:

- *basement space;*
- *approved pedestrian amenities and facilities; and*
- *an entrance lobby/foyer which is a primary means of public access to a building, open to the public and accessed directly from a public open space.*

These exclusions present two problems. Firstly, the term ‘*approved pedestrian amenities and facilities*’ is unclear, and the uncertainty created by this wording could lead to a wide range of amenities or facilities being excluded from the average floor area definition. This could lead to allowances for bulky buildings without the provision of appropriate public amenities. Secondly, the exclusion for entrance lobbies or foyers is unclear in its extent of application, as it does not reference the remainder of the room or void related to the entranceway. The exclusion is also limited to the ‘primary means of public access’ and therefore does not apply to secondary accesses. The amending proposal aligns the exclusion for entrance foyers/lobbies with the exclusion in the definition of gross floor area.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: No changes. Retain the existing provisions.

Option 2: Amend the definition of ‘average floor area’.

The following amendments are proposed to the definition of ‘*average floor area*’. The proposal to address this issue is to amend the wording of the inclusions to better reflect the intent and application of the definition, as follows. In addition, it is proposed in the definitions section of this Plan Change to introduce a new definition for ‘*Through site*’.

Average floor area

The average of the horizontal areas measured at 1.5m above all floor levels from the external faces of the building, including all voids and the thickness of external and internal walls, except:

Includes:

- *for sites with a gross site area of 2,000m² or less, where the horizontal area at any floor level totals less than 20 per cent of the site area, the horizontal area at that level shall be deemed to be 20 per cent of the site area for the purpose of calculating average floor area; or and*
- *for sites with a gross site area greater than 2,000m², where the horizontal area at any floor level totals less than 400m², the horizontal area at that level shall be deemed to be 400m² for the purpose of calculating average floor area.*

Excludes:

- *basement space;*
- *~~approved pedestrian amenities and facilities through site links and works of art; and~~*
- *~~an entrance lobby/foyer which is a primary means of public access to a building, open to the public and accessed directly from a public open space.~~*

- any entrance foyer/lobby or part of it including any void forming an integral part of it, provided that entrance foyer/lobby is publicly accessible, accessed directly from a street or public open space and has an overhead clearance of at least 6m.

Evaluating the proposal against its objectives

Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: No changes. Retain the existing provisions.	Less effective in meeting the objective of the Plan Change, as the provisions would remain somewhat uncertain, potentially leading to outcomes that do not align with the AUP policy direction.	Costs arising from a more uncertain resource consent process where this definition is open to interpretation.	Fewer benefits related to provision of public foyers / lobbies due to uncertain wording of the exclusions to average floor area calculations.
Option 2 (Preferred): Amend the definition of 'average floor area' to better clarify the inclusions and exclusions.	<p>Effective in achieving policies H8.3(30) and H8.3(32):</p> <p><i>(30)(d)Manage adverse effects associated with building height and form by:</i> <i>(d) managing the scale, form and design of buildings to:</i> <i>(i) avoid adverse dominance and/or amenity effects on streets and public open space; and ...</i></p> <p><i>(32) Encourage public amenities to be provided within developments, including publicly accessible open space, works of art and through site links</i></p> <p>Highly effective in meeting the objective of the plan change, which is to clarify the provisions to better give effect to the objectives and policies.</p>	May lead to more situations where resource consent is required as a result of the inclusions, but this is balanced out by expanding the application of the exclusions to average floor area.	<p>Amending the exclusions and inclusions will not substantially change the scope to assess the effects associated with overly large or bulky buildings.</p> <p>Some benefits arising from wider application of exclusions for public foyers/lobbies, which may encourage greater provision of areas with social benefits arising from shelter, amenity and being a focal point.</p> <p>Provides better horizontal alignment between this definition and the definition of gross floor area.</p>

Conclusion

Option 2 is preferred. Amending definition of average floor area to better clarify the inclusions and exclusions is the most appropriate method for achieving the objectives of the AUP and PC 16 for the following reasons:

- Addresses the current problem of the definition being incomplete and therefore unworkable.
- Provides better horizontal alignment between this definition and the definition of gross floor area

The proposed amendments are shown in Attachment 1D: Definitions.

8.15 Theme 15: Mean street level definition

Chapter of the AUP	Chapter J Definitions
Sub-section of the AUP	J1. Definitions
Specific provision/s	'Mean street level'

Status quo and problem statement

'Mean street level' is used to measure building height in the Business - City Centre Zone. The definition of mean street level contains provisions to explain how to calculate the mean street level for sites with multiple frontages, which are principally through sites and corner sites. However, the wording of this definition is not sufficiently clear to describe these types of sites. Through sites are referred to as 'a site with two frontages', despite through sites being depicted in Figure J1.4.8 in relation to the definition of 'Site'. There are also opportunities to clarify the description to better identify what corner sites comprise. The relevant part of the definition is as follows:

The following qualifications apply to sites with more than one frontage and corner sites:

- (a) For a site with two frontages, the mean street level at each frontage applies for half the distance between those frontages.*
- (b) For a corner site that has one frontage, the mean street level is the average of all points measured at the centre lines of the streets parallel to all street boundaries of the site.*
- (c) A site with three or more frontages will be subject to (a) and (b) above between the highest and lowest frontages.*

Outline the proposals

The proposals to address the problem identified above are:

Option 1: No changes. Retain the existing provisions.

Option 2: Amend the definition to clarify how mean street level should be calculated.

The following amendments are proposed to the definition of '*Mean street level*'. In addition, it is proposed in the definitions section of this Plan Change to introduce a new definition for '*Through site*'.

The following qualifications apply to ~~sites with more than one frontage and corner sites:~~

- (a) For a through site ~~with two frontages~~, the mean street level at each frontage applies for half the distance between those frontages.

(b) For a corner site ~~that has one frontage~~, the mean street level is the average of all points measured at the centre lines of the streets parallel to all street boundaries of the site.

(c) A Where a site with has three or more frontages or more it shall be treated will be as a through site in accordance with subject to (a) and (b) above, between the highest and lowest frontages.

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: No changes. Retain the existing provisions.	Retains a level of uncertainty and therefore is not as effective in meeting the objective of the Plan Change. Less efficient as a similar level of regulation is imposed.	Marginally greater consent costs due to increased uncertainty of the application of provisions through the consent process.	Slightly fewer economic and social benefits for developers and those affected by loss of sunlight, daylight and outlook.
Option 2 (Preferred): Amend the definition to clarify how mean street level should be calculated.	Effective in achieving policies H8.3(29) and H8.3(30): <i>(29) Enable the tallest buildings and the greatest density of development to occur in the core central business district</i> <i>(30) Manage adverse effects associated with building height and form...</i> Clarifies through sites better than the existing definition. Better clarifies how mean street level is to be calculated on corner sites. Therefore this option is more effective in meeting the objective of the plan change than doing nothing.	Similar costs as the status quo in relation to economic costs for resource consent applicants and developers. However, marginally lower costs are anticipated as the amendments reduce uncertainty during the development and consent process.	Some benefits to consent applicants/developers utilising provisions relating to mean street level arising from less uncertainty. Benefits related to sunlight, daylight and access arising from enhanced certainty around provisions referring to mean street level (which relate to building scale and bulk).

Conclusion

Option 2 is preferred. Amending the mean street level definition to clarify how mean street level should be calculated is the most appropriate method for achieving the objectives of the AUP and PC 16 for the following reason:

- Addresses the current lack of clarity about how to calculate mean street level for through sites and corner sites.

The proposed amendments are shown in Attachment 1D: Definitions.

8.16 Theme 16: Pedestrian circulation space definition

Chapter of the AUP	Chapter J Definitions
Sub-section of the AUP	J1. Definitions
Specific provision/s	New definition - no existing provisions

Status quo and problem statement

The definition of 'Gross floor area' (GFA) specifically excludes 'publicly accessible pedestrian circulation space between individual tenancies' from being considered as part of gross floor area (GFA) calculations. However, the term 'pedestrian circulation space' is not defined in the AUP, and is creating uncertainty as to its meaning. As a result, there is potential for site or building design elements to be proposed as 'pedestrian circulation space' for the purposes of excluding such areas from GFA calculations, without minimum standards or criteria for their design and purpose. Therefore, there is a need to better clarify what is intended to be excluded from the GFA definition.

Outline of the proposals

Option 1: No change. Do not introduce a definition for pedestrian circulation space.

Option 2: Introduce a definition for 'pedestrian circulation space'.

The proposed amendment is to introduce the definition of '*Pedestrian circulation space*'. This definition is based on the definition contained in the legacy Auckland City Council District Plan – City Centre Section 2005 as follows:

Pedestrian circulation space

Pedestrian circulation space applies to a covered public area which:

- a) *contains a minimum horizontal measurement of 5m; and*
- b) *has a minimum vertical dimension of 2.5m between the finished ceiling and the floor of the pedestrian area, and which is unobstructed and clear of buildings, retail kiosks and retail display cases.*

Includes:

- *escalators, ramps and stairs within the pedestrian circulation space;*
- *decorative features such as fountains and planting within the pedestrian circulation space; and*
- *stages or display areas for free public entertainment associated with any integrated retail development.*

Excludes:

- *seating areas for food courts/eating area;*
- *any space leased for retail display or sales purposes; and*
- *any space for entertainment which is either leased or subject to a charge.*

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: No change. Do not introduce a definition for pedestrian circulation space.	Less effective as it retains uncertainty and lack of clarity about what is excluded from the GFA calculation.	Slightly less costs associated with resource consents arising from applications to infringe standards related to GFA.	Fewer benefits related to provision of pedestrian circulation space.
Option 2 (Preferred): Introduce a definition for Pedestrian circulation space	<p>Effective in achieving policies H8.3(29) and H8.3 (30):</p> <p><i>(29) Enable the tallest buildings and the greatest density of development to occur in the core central business district</i></p> <p><i>(30) Manage adverse effects associated with building height and form...</i></p> <p>Slightly less efficient compared with the status quo. By clarifying and in a sense limiting the extent of exclusions to GFA, the proposals increases the likelihood of resource consent being required for infringements to maximum GFA standards for buildings.</p>	Greater consent costs as applicants unable to discount as much unused space from GFA calculations, and therefore greater likelihood of proposals exceeding maximum GFA standards. These costs are limited given it is likely consent is already required for development.	Some benefits for the public arising from pedestrian circulation space being more functional.

Conclusion

Option 2 is preferred. Introducing a definition for pedestrian circulation space is the most appropriate method for achieving the objectives of the AUP and PC 16 for the following reason:

- It defines a term that is used in the gross floor area definition so there is no uncertainty as to its meaning.

The proposed amendments are shown in Attachment 1D: Definitions.

8.17 Theme 17: Business - City Centre Zone assessment criteria terminology

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre Zone
Specific provisions	H8.8.2 Assessment criteria (c)(viii) design of parking, access and servicing (d)(ii) & (iv) design and layout of dwellings, visitor accommodation and boarding houses

Status quo and problem statement

The assessment criteria for new buildings and external alterations and additions to buildings not otherwise provided for, includes terminology that is unclear. Firstly, two of the assessment criteria relating to design of parking, access and servicing and waste management plans refer to residential apartments, which is not a defined term in the AUP. It is proposed to change this wording to residential activities so that the assessment criteria capture all the residential activities in the residential nesting table in Chapter J Definitions. Secondly, the assessment criterion that relates specifically to visitor accommodation and boarding houses currently refers to dwellings. This causes confusion where an application that doesn't include dwellings has to be assessed against a dwelling criterion.

Outline the proposals

The proposals to address the problem identified above are:

Option 1: No changes. Retain existing provisions.

No changes proposed to the assessment criteria.

Option 2: Amend assessment criteria to refer to 'activities and delete reference to 'dwellings'.

Amend the assessment criteria to use appropriate terminology. Use residential *activities* instead of residential *apartments* and the assessment criteria relating specifically to visitor accommodation and boarding houses should not refer to dwellings as follows:

H8.8.2 Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) new buildings and external alterations and additions to buildings not otherwise provided for:

...

(c) design of parking, access and servicing:

...

(viii) where appropriate, whether a waste management plan is provided and:

- includes details of the vehicles to be used for rubbish collection to ensure any rubbish truck can satisfactorily enter and exit the site; and
- provides clear management policies to cater for different waste management requirements of the commercial tenancy and residential apartments activities.

...

(d) design and layout of dwellings, visitor accommodation and boarding houses:

...

(ii) the extent to which visitor accommodation and boarding houses are designed to achieve a reasonable standard of internal amenity. Taking into account:

...

- the provision of larger indoor or outdoor living spaces whether communal or exclusive to the dwelling visitor accommodation and boarding houses is more important for units that are not self-contained.

...

(iv) whether a waste management plan:

...

provides clear management policies to cater for different waste management requirements of the commercial tenancy and residential apartments activities;

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: No changes. Retain existing provisions.	Results in inefficiencies because the lack of clarity means that users of the AUP have to question the interpretation of the assessment criteria.	Differing opinions about how to interpret the provisions results in wasted time.	Relies on the current practice of interpreting and implementing the criteria without the need for amendments.
Option 2 (Preferred): Amend assessment criteria to refer to	Clear criteria result in more efficient processing of resource	A change to the AUP and therefore possibly results in a change to	Provides clear assessment criteria resulting less time

'activities and delete reference to 'dwellings'	consents. The use of 'activities' in the provisions aligns better with the intention of the provision.	the current implementation.	spent trying to interpret ambiguous provisions.
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Conclusion

Option 2 is preferred. Amending the assessment criteria to refer to residential 'activities' and delete reference to 'dwellings' is the most appropriate method for achieving the objectives of the Business - City Centre Zone and PC 16 for the following reasons:

- Addresses the current confusion that is caused by using the term residential apartments, which is not a defined term in the AUP.
- Addresses the inconsistency where the assessment criterion that relates to visitor accommodation and boarding houses currently refers to dwellings.

The proposed amendments are shown in Attachment 1B: Business zones.

8.18 Theme 18: Business - Heavy Industry and Business - Light Industry Zones – Building Height Purpose

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H16 Business – Heavy Industry Zone H17 Business – Light Industry Zone
Specific provisions	H16.6.1. Building height H17.6.1. Building height

Status quo and problem statement

The purpose statement for the building height standard in the Business - Heavy and Light Industry Zones includes reference to allowing reasonable sunlight and daylight access to the subject site and nearby sites. As outlined in section 8.13 - Theme 13 above, it is recommended that the purpose of the height standard should not refer to sunlight and daylight. The changes proposed to the purpose of the height standard in the other business zones are recommended to also apply to the Business – Heavy and Light Industry Zones.

Policies H16.3(3) and H17.3(4) protect the amenity of specified adjacent zones as follows:

“Require development adjacent to open space zones, residential zones and special purpose zones to manage adverse amenity effects on those zones”

The second bullet point of the height standard purpose should be limited to shadowing effects of building height on public open spaces because the height in relation to boundary standard addresses daylight and sunlight to public open spaces and neighbouring zones.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: No changes. Retain existing provisions.

No change to the purpose of the building height standard.

Option 2: Amend the purpose of the height standard to align with the other business zones, as follows.

H16.6.1. Building height and H17.6.1 Building height

Purpose

- manage the effects of building height including visual dominance; and
- ~~allow reasonable sunlight and daylight access to~~ manage shadowing effects of building height on public open spaces excluding streets, ~~the subject site and nearby sites.~~

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: No changes. Retain existing provisions.	Inefficient to apply the height standard to the subject site and nearby sites in industrial zones which have lower amenity levels than the other commercial zones.	The purpose of the standard in the industrial zones is inconsistent with other business zones.	Allows the effects of building height on the subject site to be considered.
Option 2 (Preferred): Amend the purpose of the height standard to align with the other business zones	Effectively narrows the purpose of the building height standard to those matters which the standard is intended to control. Better delivers the intention of the provision.	Sunlight and daylight are no longer a consideration when looking at building height in the industrial zones.	Clearly articulates the purpose of the standard and brings the industrial zones in line with other business zones.

Conclusion

Option 2 is preferred. Amending the purpose of the height standard in the Business - Heavy and Light Industry zones to delete the reference to sunlight and daylight, and the subject site and nearby sites is the most appropriate method for achieving the objectives of the industrial business zones and PC 16 for the following reasons:

- Effectively narrows the purpose of the building height standard to those matters which the standard is intended to control.
- Brings the industrial zones in line with other business zones.

The proposed amendments are shown in Attachment 1B: Business zones.

9. SECTION 3: OPEN SPACE, SPECIAL PURPOSE AND WAITAKERE FOOTHILLS ZONES

9.1 Theme 1: OPEN SPACE ZONES – Jetties and boat ramps

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H7 Open Space Zone
Specific provisions	H7.9.1 Activity Table – Activity: Development

Status quo and problem statement

In Chapter H7 Open Space zones, jetties and boat ramps are specifically acknowledged in the zone purpose within the Open Space: Sport and Active Recreation Zone. However, new boat ramps and jetties are not provided for within the H7.9.1 Activity table. With no activity status provided under the Activity Table H7.9.1 the activity defaults to a discretionary activity status, as defined by Rule C1.7(1).

If the activity table is silent with regards to jetties and boat ramps, they are not provided for and are therefore inconsistent with the purpose of the Sport and Active Recreation Zone. This is inconsistent with the purpose of the zone, where they are specifically mentioned. In addition, there are and objectives and policies relating to freshwater and marine based recreation facilities.

In Chapter F2 General Coastal Marine Zone, marine and port accessory structures, coastal marine area structures, marine and port facilities below the foreshore and seabed are either non-complying activities, discretionary activities, restricted discretionary activities and permitted activities in Table F2.9.10.

There are different terms use for the equivalent structures of jetties and boat ramps throughout the plan zones. For example, in H19 Rural Zones Activity Table, Boat launching facilities, jetties, ramps, piers are a discretionary activity. Whereas in Chapter E3 Lakes, rivers, streams and wetlands, new structures and the associated bed disturbance or depositing any substance, reclamation, diversion of water and incidental temporary damming of water activity (A35) Jetties, wharves, pontoons are discretionary activities for activities outside and within overlays.

Jetties and boat ramps in H7 Open Space zones are considered a structure under territorial authority. Where the structure is within a bed of the lake, river, stream, wetland or coastal marine zone the structure is considered under the regional council authority and requires assessment under E3 Lakes, rivers, streams and wetlands or F2 Coastal – General Coastal Marine Zone.

For clarity in the zone activity, it is considered that jetties and boat ramps should be provided for in open space zones, given that they are specifically mentioned within the zone purpose.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Retain the status quo with jetties or boat ramps not provided for in the activity table. This would retain the activity status of a discretionary activity using Rule C1.7(1) for activities not accounted for in the AUP.

Option 2: Amend all reference to jetties and boat ramps or boat launching facilities to align equivalent structures to the same terminology in the plan.

Option 3: Amend the activity table H7.9.1 to list jetties and boat ramps as a discretionary activity.

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Retain the status quo with jetties or boat ramps not provided for in the activity table.	<p>No further change required.</p> <p>Inconsistency between the purpose, objectives, policies and rules</p> <p>Potential for adverse amenity outcomes as matters of discretion and assessment criteria do not specifically reflect objectives and policies of the plan.</p>	<p>Greater consenting costs and uncertainty for the plan users to process application and assessments.</p>	<p>Does not have to go through a plan change process.</p>
Option 2: Amend all reference to jetties and boat ramps or boat launching facilities to align equivalent structures to the same terminology in the plan	<p>Enhances the usability and effectiveness across the plan.</p> <p>Further resourcing required to develop an activity status that does not conflict with complexity of the plan.</p>	<p>Higher cost for resourcing and higher risk opening plan up for review rather than enhance technical changes.</p> <p>Cost of unintended complexities exposed in standardisation.</p>	<p>Allows for clear interpretation to plan users for how to assess these types of activities across zones.</p>
Option 3 (Preferred): Amend the activity table H7.9.1 to list jetties and boat ramps as a discretionary activity.	<p>Improves the usability of the plan as it is a clear and certain link for assessment as it relates to existing objectives and policies.</p>	<p>Consent processing costs could possibly be less for plan users as there is less open for interpretation and the plan is more clear on its intent.</p>	<p>New proposals for boat ramps or jetties would be considered in full rather, given they are anticipated by the zones, rather than being subject to interpretation.</p>

Conclusion

Option 3 is preferred to address the issue to include the new activity of jetties and boat ramps in the activity table. Amending the activity table to better clarify the activity status of jetties and boat ramps is the most appropriate method for achieving the objectives of the AUP and PC 16 for the following reasons:

- Addresses the current problem of the missing activity status and uncertainty of the activity status against other zones activity status.
- Provides better vertical alignment between this purpose and the activity table.
- Does not change policy direction.

The tracked changes are contained in **Attachment 1C**.

9.2 Theme 2: SPECIAL PURPOSE: SCHOOL ZONE – Floodlights

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H29 Special Purpose - School Zone
Specific provisions	Table H29.6.2.1 Building height H29.6.2 (2) Building height

Status quo and problem statement

In the Special Purpose School Zone, floodlights are listed as a permitted activity (A15 and A17). Standard H29.6.2 associated with the permitted activity requires that within certain distances from the boundary there is a maximum building height. However, floodlights there are contradicting maximum heights as floodlights are defined as a both building and as a specific structure.

Currently, the plan includes unclear provisions relating to the height of floodlights, particularly whether floodlights located less than 20 metres from a residential, open space or future urban zone can be higher than 12 metres. Floodlights over seven metres in height fall under the definition of ‘building’ and are therefore subject to Table H29.6.2.1 (Building Height). Floodlights are also subject to standards in H29.6.2 (2), that state that floodlights must not exceed 16m in height.

In the IHP hearings there was a removal of floodlights wording from Table 1 which noted “*irrespective of the proximity to a boundary, for floodlights – 16m*” into the standard H29.6.2 (2). Lighting and height in relation to boundary is dealt with other provisions in the chapter and in Auckland-wide chapter E27 lighting.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Retain the status quo of current standard for floodlights.

Option 2: To specifically exclude floodlights from building height in Standard H29.6.2. As below:

H6.1.1. H29.6.2 Building height

- (1) Buildings (excluding floodlights) must not be greater than the height specified in Table H29.6.2.1 Building height unless Standard H29.6.7 applies.

Table H29.6.2.1 Building height

Building Location	Maximum Building Height
--------------------------	--------------------------------

<i><u>Buildings</u> Less than 20m from a boundary with a site in residential zones (except the Residential – Terrace Housing and Apartment Building Zone), open space zones, or the Future Urban Zone</i>	12m
<i><u>Buildings</u> Greater than or equal to 20m from a boundary with a site in a residential zone (other than Residential – Terrace Housing and Apartment Buildings Zone) open space zones, or the Future Urban Zone</i>	16m
<i>Buildings in all other locations</i>	16m

Option 3: Amend floodlight standard H29.6.2 (2) to include clarity of floodlight height over the whole site for a permitted activity height in relation to the distance from the boundary. This is to address the conflicting height standards by amending H29.6.2(2) to be consistent with H29.6.2.1.

H29.6.2

....

(2) Floodlights must comply with the following:

(a) poles must not exceed 16m in height anywhere irrespective to the proximity of the boundary in a residential zone (other than Residential – Terrace Housing and Apartment Building zone) or open space zones, or the Future Urban zone;

(b) pole diameter shall be no more than 1m at the base of the pole, tapering to no more than 300mm at its maximum height; and

(c) the pole must be recessive in colour.

Option 4: Combine options 2 and 3 to amend Table H29.6.2.1 building height to exclude floodlights and amend the floodlight provision to provide more clarity that 16m height limit extends over the entire site.

Evaluating the proposal against its objectives

Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Retain the status quo of current standard for floodlights	No further change required. Potential for adverse amenity outcomes as matters of discretion	Greater consenting costs and uncertainty for the plan users to process application and assessments.	Does not have to go through a plan change process.

	<p>and assessment criteria do not specifically reflect objectives and policies of the plan, in particular Policy H29.3 (5)</p> <p><i>'Provide for additional building height in identified locations where it: (a) provides for the efficient use of the site; and (b) can be accommodated without significant adverse effects on adjacent properties.'</i></p>		
<p>Option 2 (Preferred): To specifically exclude floodlights from building height in Table H29.6.2.1.</p>	<p>Improves the usability of the plan as it is a clear and certain link for assessment as it relates to existing objectives and policies. Objective H29.2 (4)</p> <p><i>'Adverse effects of schools, community facilities and associated activities and their use on adjacent areas are avoided, remedied or mitigated.'</i> Policy H29.3 (4)</p> <p><i>'Minimise adverse effects on adjacent properties from development that causes overshadowing, visual domination, loss of visual privacy and loss of other amenity values by the use of building setbacks, screening, graduated building heights and by locating higher buildings away from the zone boundary.'</i></p> <p>And Policy H29.3 (5)</p> <p><i>'Provide for additional building height in identified locations where it: (a) provides for the efficient use of the site; and (b) can be accommodated without significant adverse effects on adjacent properties.'</i></p> <p>This option creates consistency between</p>	<p>Consent processing costs could possibly be less for plan users as floodlights are not to be included in building height.</p>	<p>Environmental and amenity benefits as new proposals would be considered in full rather than being subject to interpretation.</p>

	the objectives and policies of the plan with the building height standards.		
Option 3: Amend floodlight to include clarity of floodlight height over the whole site for a permitted activity height in relation to the distance from the boundary	Improves the usability of the plan as it is a clear and certain link for assessment as it relates to existing objectives and policies also defined in option 2. Creates consistency between the objective H29.2 (4) and policies H29.3 (4) and H29.3 (5) of the plan with the building height standards.	Higher consent processing costs are as there is a higher risk in including detailed description but still not excluding from building height.	Allows for clarity to plan users for how to assess the design and include the objectives and policies of floodlight into application.
Option 4: Amend Table H29.6.2.1 building height to exclude floodlights and amend the floodlight provision to provide more clarity that 16m height limit extends over the entire site	Improves the usability of the plan as it is a clear and certain link for assessment as it relates to existing objectives and policies. Creates consistency between the objective H29.2 (4) and policies H29.3 (4) and H29.3 (5) of the plan with the building height standards.	Consent processing costs could possibly be less as not open for interpretation by plan users.	Environmental and amenity benefits as new proposals would be considered in full rather than being subject to interpretation. Allows for clear interpretation to plan users for how to assess design and include the objectives and policies of floodlight into application.

Conclusion

Option 2 is preferred to address the issue to exclude floodlights from building height in Table H29.6.2.1. Amending the table to better clarify the activity status of floodlights is the most appropriate method for achieving the objectives of the AUP and PC 16 for the following reasons:

- Addresses the current problem of the conflicting height standards of floodlights in the zone.
- Clear and certain inclusion of provision into the assessment enhances the usability of the plan by not exposing the provision to unintended interpretation.
- Does not change policy direction.

The tracked changes are contained in **Attachment 1C**.

9.3 Theme 3: WAITAKERE FOOTHILLS ZONE AND WAITAKERE RANGES ZONE – Yards

Chapter of the AUP	Chapter H Zones
Sub-sections of the AUP	H20: Rural – Waitākere Foothills Zone H21: Rural – Waitākere Ranges Zone
Specific provisions	H20.6.3 Yards H21.6.3 Yards

Status quo and problem statement

An issue has been identified for Standards H20.6.3 Yards and H21.6.3 Yards in relation to the exclusion of standards requiring riparian, lake and coastal protection yards from the decisions version of the AUP.

When the Proposed AUP was notified, the underlying zoning of the Waitākere Ranges Heritage Area precincts (and two sub-precincts) was Countryside Living and Rural Conservation. Both of those sub-precincts were subject to a standard for riparian, lake and coastal protection yards provisions which were located in the underlying zoning rules. During the IHP mediation and hearing process the panel recommended that the Waitākere Foothills and Waitākere Ranges precincts be replaced with zones. The precinct standards were re-drafted into the two new zones, but without specific yards for riparian, lake and coastal protection. This is inconsistent with all other rural zones in the AUP including the Rural – Countryside Living Zone and the Rural – Rural Conservation Zone (of which the objectives and policies apply through a cross-reference in both the objectives and policies of the Rural - Waitākere Foothills Zone and the Rural - Waitākere Ranges Zone).

In addition, an objective of the Waitākere Ranges Heritage Area Act 2008 (the WRHAA), of which the area of land within the heritage area is subject to, is to protect, restore and enhance the area and its heritage features (Section 8(a)). The heritage features of the heritage area includes the naturally functioning streams in the eastern foothills (Section 7(2)(d)), other ecological features including wetland (Section 7(2)(a)) and coastal features (Section 7 (2)(c)). The WRHAA is given effect to through the objectives, policies and standards of the Waitākere Ranges Heritage Area Overlay and section B4.4 of the regional policy statement.

Rural – Waitākere Foothills zone

Objective H20.2.1 and Policy H20.3.1 requires that activities, development and subdivision in the Rural – Waitakere Ranges Zone achieve the objectives and policies contained within D12 Waitākere Ranges Heritage Area Overlay. The overlay includes the standards for areas or sites that are subject to additional subdivision standards above that of the zone or within E39 Subdivision – Rural. Two of these areas within the Rural - Waitākere Foothills zone are the former structure plan areas of Ōrātia and the southern portion of Swanson (D12.10.1 and D12.10.2 of the Waitākere Ranges Heritage Area Overlay).

The notified Proposed Auckland Unitary Plan initially included the wording ‘and riparian margins’ in the standards relating to the subdivision plans (D12.6.3.1 Subdivision within the

Figure D12.101.1 Overlay Subdivision Plan 1 – Ōrātia (Foothills) and D12.6.3.2 within Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills)).

The words ‘and riparian margins’ were removed during the AUP hearing process. Track-change versions of the provisions show the reasoning for this. The reporting planner considered that the ‘indicative enhancement areas’ were sufficient as these areas also covered the extent of the riparian margins previously included in the Swanson Structure Plan. There are limited parcels that still have development potential (labelled as ‘lot allocation’ on the above Swanson South (Foothills) subdivision plan) and subdivision outside of these lots is a non-complying activity.

Standards in practice

Investigation into the use of these standards has highlighted that there is an issue around the use of ‘indicative enhancement areas’. There is no definition of ‘Indicative enhancement areas’ in the AUP. However, the legacy Auckland Council District Plan – Operative Waitākere Section 2003 defined these as ‘areas suitable for planting or revegetation, including catchment headwaters, restoration natural areas or ecological linkages’. There are similar policies in H19. Rural Zones which require the protection and enhancement of streams through environmental enhancement (H19.7.3(d). However Policy H19.7.3(c) also requires the avoidance of locating accessways, services, utilities and building platforms where they will result in adverse effects on, amongst other matters, water quality, wetlands and riparian margins. This policy is supported through H19.10.3 Minimum yards setback requirements with a 20 metre setback required from the edge of permanent and intermittent streams.

The enhancement areas within the Ōrātia and Swanson (South) subdivision plans do generally appear to follow the stream patterns shown on the GIS viewer. However, the ability to achieve Policy D12.3.12, in the Waitākere Ranges Heritage Area Overlay, to protect and enhance streams, lakes, watercourses, wetlands and their margins, is only triggered by some types of resource consent applications such as minor dwellings or subdivision. Only rules A7- A10 (subdivision in relation to Ōrātia (Foothills) and Swanson (Foothills)) in Table D12.4.2 Activity table – Subdivision of sites in the subdivision scheduled areas/sites refer to standards D12.6.3.1 and D12.6.3.2 which relate to the indicative enhancement areas.

Therefore, there is a gap within the standards of D12. Waitākere Ranges Heritage Area Overlay and the standards of H20. Rural – Waitākere Foothills Zone when resource applications other than for subdivisions within the Ōrātia and Swanson (South) subdivision plan areas are processed. There are also objectives and policies in H20. Rural - Waitākere Foothills Zone which provide for limited subdivision and/or development where this ‘protects and enhances streams, lakes, watercourses and wetlands and their margins’ (Policy H20.3.8), but there is no standard for a riparian yard.

These standards also notably do not cover the rest of the land zoned Rural – Waitākere Foothills outside of the Ōrātia and Swanson (South) Subdivision Plans areas. It is not considered an issue if the standards are triggered in both the overlay and zones, as an applicant would still only be required to supply one set of information which addresses both the overlay and the zone standards.

An additional issue with the 'indicative enhancement areas' is that these are shown on low-quality maps within the text (rather than in the AUP Viewer) as general areas. This creates a difficulty in determining the extent of the indicative enhancement areas. Standards D12.6.3.1 and D12.6.3.2 include no wording regarding a required setback from a stream that the indicative enhancement area relates to. The inclusion of a riparian yard would add more certainty and provide a setback requirement for buildings as standards D12.6.3.1 and D12.6.3.2 only currently include provisions for planting, stock exclusion, fencing and weed management. The Swanson Structure Plan (previously included in a section of the Auckland Council District Plan – Operative Waitākere Section 2003) had a range of riparian yards from predominantly 10 metres within the indicative enhancement areas of up to 20 metres outside of these areas. However, one standard of 20 metres is considered appropriate. This aligns with Section 230(3) of the RMA which sets out the requirement for esplanade reserves or esplanade strips as 20 metres in width to be set aside along the bank of any river. A standard of 20 metres would also be consistent with the riparian yard standard in H19. Rural Zones.

In some instances a riparian yard of 20 metres may cover the extent of the indicative enhancement areas. However, there may be other enhancement areas shown on the subdivision plans that are wider than 20 metres. This is dependent on each site as to whether the enhancement area is to protect the stream and its margins or for another reason, such as the restoration of natural areas or ecological linkages (which may be located outside of a riparian yard).

Rural – Waitākere Ranges zone

The issue of the exclusion of riparian, lake and coastal protection yards is repeated in the Rural – Waitākere Ranges zone. In this zone, there are some subdivision plans for certain locations in the Waitākere Ranges Heritage Area Overlay (D12.10.7 to D12.10.13). However, these subdivision plans do not include 'indicative enhancement areas' or any other similar riparian requirements. This creates a gap where the objectives and policies of the overlay and zone provides for limited subdivision and development that protects, maintains and enhances watercourses, or other heritage features such as wetlands and lakes, but there is no supporting standard requiring a setback.

The exclusion of the riparian, lake and coastal protection yards creates inconsistency with the other rural zones. For example, Standard H19.10.3 Minimum yards setback requirement doesn't apply to one property adjoining Lake Wainamu which is zoned Rural – Waitākere Ranges. However, the standard applies at a directly adjacent property zoned Rural – Rural Conservation (located within the Bethells Precinct).

Outline of the proposals

Option 1: Amend the standards relating to riparian yards as they relate to the Waitakere Ranges Foothills Zone and the Waitākere Ranges zone.

This option would result in the following changes to H20.6.3 Yards and H21.6.3:

H20. Rural – Waitakere Foothills Zone

...

H20.6.3 Yards

Purpose: to ensure adequate and appropriate separation distance between buildings and site boundaries to minimise:

- *adverse effects of buildings on the rural character and amenity values enjoyed by occupiers of adjoining properties; and*
- *opportunity for reverse sensitivity effects to arise*
- *the effects on streams to maintain water quality and provide protection from natural hazards.*

~~(1) For sites with a net site area of less than 4000m², the minimum depth of front, side and rear yards is 3m.~~

~~(2) For sites with a net site area greater than 4000m², the minimum depth of front, side and rear yards is 10m~~

-

(3) A building, or parts of a building, must be set back from the relevant boundary by the minimum depth listed in Table H20.6.3.1 Minimum Yard Setback Requirements below.

Table H20.6.3.X Minimum yards setback requirement

<u>Yard</u>	<u>Minimum depth</u>
<u>Front, side and rear yards for sites with a net site area of less than 4000m²</u>	<u>3m</u>
<u>Front, side and rear yards for sites with a net site area greater than 4000m²</u>	<u>10m</u>
<u>Riparian yard</u>	<u>20m from edge of permanent and intermittent streams</u>

H21. Rural – Waitakere Ranges Zone

...

H21.6.3 Yards

Purpose: to ensure adequate and appropriate separation distance between buildings and site boundaries to minimise:

- *adverse effects of buildings on the rural character and amenity values enjoyed by occupiers of adjoining properties; and*
- *opportunity for reverse sensitivity effects to arise*
- *the effects on streams, lakes and the coastal edge to maintain water quality and provide protection from natural hazards.*

~~(1) The minimum depth of front, side and rear yards is 10m.~~

~~(2) For sites located within Overlay Subdivision Plan 7a-7g – Bush Living (Ranges) identified in D12 Waitākere Ranges Heritage Area Overlay, the minimum depth of front, side and rear yards is 3m.~~

(3) A building that does not comply with Standard H21.6.3(1) is a restricted discretionary activity provided that it has front, side and rear yards of a depth of not less than 3m.

(4) A building with front, side and rear yards of a depth less than 3m is a discretionary activity.

(5) A building, or parts of a building, must be set back from the relevant boundary by the minimum depth listed in Table H21.6.3.1 Minimum Yard Setback Requirements below.

Table H21.6.3.X Minimum yards setback requirement

<u>Yard</u>	<u>Minimum depth</u>
<u>Front, side and rear yards</u>	<u>10m</u>
<u>Front, side and rear yards for sites located within Overlay Subdivision Plan 7a-7g – Bush Living (Ranges) identified in D12 Waitākere Ranges Heritage Area Overlay</u>	<u>3m</u>
<u>Riparian yard</u>	<u>20m from edge of permanent and intermittent streams</u>
<u>Lake yard</u>	<u>30m</u>
<u>Coastal protection yard or as otherwise specified for the site in Appendix 6 Coastal protection yard</u>	<u>50m</u>

Option 2: Status quo – make no amendments to the wording of the provisions.

Evaluating the proposal against its objectives

This suggested clause aligns with the objectives and policies of D12. Waitakere Ranges Heritage Overlay and H19. Rural zones and standard H19.10.3 Minimum yards setback requirement.

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Amend the standards relating to riparian yards as they relate to the Waitākere Ranges Foothills Zone and the Waitākere Ranges zone.	Consistent with Objectives D12.2.13, D12.2.17 and Policies D12.3.10, D12.3.12(a), D12.3.13(c) and D12.3.16(a) of the Waitākere Ranges Heritage Area Overlay and the yard standards of H19. Rural zones.	Greater consent costs and uncertainty for applicants to progress consents	Will ensure that the purpose (Section 3) and objectives (Section 8) of the Waitākere Ranges Heritage Area Act 2008 are not undermined.
Option 2: Status quo – make no amendments to the wording of the provisions.	Inconsistent with the Objectives D12.2.13, D12.2.17 and Policies D12.3.10, D12.3.12(a), D12.3.13(c) and D12.3.16(a) of the Waitākere Ranges Heritage Area Overlay and objectives, policies and yard standards of	May result in undesirable environmental outcomes that undermine the purpose and objectives of the both the Waitākere Ranges Heritage Area Act 2008 and the Waitākere Ranges	No plan change required

	H19. Rural zones. In particular, Policies H19.6.3.4(c), H19.6.3.5, Objective H19.7.2.2 and Policies H19.7.3.1(c) and H19.10.3 Minimum yards setback requirement.	Overlay. In particular, Section 3(1)(b) and Section 8(f)(ii), (h) and (k) of the WRHAA.	
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Conclusion

It is recommended that the riparian yard standard is reinstated in H20. Rural – Waitākere Foothills zone. It is also recommended that the riparian, lake and coastal protection yard standards are reinstated in the H21. Rural – Waitākere Ranges zone. Without these standards, council loses the ability to control earthworks, vegetation clearance and building within these areas.

It is considered that Option 1 is the most preferred for the following reasons:

- Option 1 will provide a consistent approach that aligns with the objectives and policies D12. Waitākere Ranges Overlay and the objectives, policies and standards of H19. Rural zones.
- The inclusion of the riparian yard in H20. Waitākere Foothills Zone and riparian, lake and coastal protection yards in H21: Waitākere Ranges Zone will ensure that the purpose and objectives of the Waitākere Ranges Heritage Area Act 2008 ‘to protect, restore and enhance the area and its heritage features’ is not undermined.

The tracked changes are contained in **Attachment 1C**.

9.4 Theme 4: WAITAKERE RANGES FOOTHILLS ZONE – Minor dwellings

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H20: Rural – Waitākere Foothills Zone
Specific provision/s	H20.6.10

Status quo and problem statement

An issue has been raised for standard H20.6.10 in relation to the minimum net site area for a minor dwelling. The current wording includes the word ‘not’ and ‘minimum’. This could be read that a minor dwelling could be located on a site with a net site area of smaller than 1500m², such as 1400m², rather than clearly setting out that the minimum site area that a minor dwelling can be located on is 1500m².

Similar standards apply to both D12: Waitākere Ranges Heritage Area Overlay and to H21: Rural – Waitākere Ranges zone in which the wording does not include the ‘not’. The intention of the standard is that the minimum site area on which a minor dwelling can be located is 1500m². This is to ensure that the location of minor dwellings does not result in potential adverse visual effects and that the amenity values of the rural landscape are retained within the Waitākere Foothills area.

An investigation into the history of these standards shows that similar rules were carried over from the Auckland Council District Plan – Operative Waitākere Section 2003 into the Proposed Auckland Unitary Plan within a precinct known as Sub-precinct A: Waitākere Foothills.

Outline the proposals

Option 1

Status Quo – no amendment to the wording.

Option 2

Amend standard H20.6.10 to remove the word ‘not’ as below:

H20. Rural – Waitākere Foothills Zone

...

H20.6.10 Minor dwellings

The following standards apply to minor dwellings:

- (1) a minor dwelling must ~~not~~ be located on a site with a minimum net site area of 1500m² ;
- (2) there must be no more than one minor dwelling per site;

(3)the minor dwelling must be constructed to have colour reflectivity limited to the following:

- (a) between 0 and 40 per cent for exterior walls; and
- (b) between 0 and 25 per cent for roofs;

Evaluating the proposal against its objectives

This suggested clause aligns with standards D12.6.2 (Waitākere Ranges Heritage Area Overlay) and H21.6.10 (Rural – Waitākere Ranges zone).

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status Quo	Inconsistent with the objectives, policies and standards of the Waitākere Ranges Heritage Area Overlay	May result in undesirable built outcomes that undermine the purpose and objectives of the both the Waitākere Ranges Heritage Area Act 2008 and the Waitākere Ranges Heritage Area Overlay.	No plan change required
Option 2: Amend to remove 'not' to provide clarity that a minor dwelling must be located on a site with a minimum area of 1500m ² .	Consistent with the objectives, policies and standards of the Waitākere Ranges Heritage Area Overlay and the standards of the Rural – Waitākere Ranges zone	Greater consent costs and uncertainty for applicants to progress consents	Will ensure that the purpose and objectives of the Waitākere Ranges Heritage Area Act 2008 are not undermined. Reflects the intention of the standard to ensure that minor dwellings do not have a potential adverse visual effect and the amenity values of the landscape of the foothills are retained.

Conclusion

It is considered that Option 2 is the most preferred, for the following reasons:

- The amendment will ensure that there is consistency with the Waitākere Ranges Heritage Area Overlay and that the purpose and objectives of the Waitākere Ranges Heritage Act 2008 are not undermined.
- The amendment will also ensure that the location of minor dwellings does not result in potential adverse visual effects and that the amenity values of the rural landscape are retained within the Waitākere Foothills area.

The tracked changes are contained in **Attachment 1C**.

10. SECTION 4: DEFINITIONS

10.1 Theme 1: Building

Chapter of the AUP	Chapter J Definitions
Sub-section of the AUP	J1 Definitions
Specific provision	<i>Building</i>

Status quo and problem statement

Overview of issues

An overview of the issues relating to the definition of 'building' is below; followed by more detailed discussion of the ten issues being addressed within the definition. In summary:

- Where there are two or more qualifiers in Table J1.4.1 with no linking word(s), it can be unclear whether qualifying dimensions or standards are to be applied as an 'or' versus applied as 'and'.
- Several structures that may have adverse effects more than negligible, are not triggering resource consent for associated development standards due to wording in Table J1.4.1. If defined as a building, in a number of instances they would require consent. The reverse also applies should some other qualifiers be interpreted in an overly onerous way, with structures becoming a building with only one aspect of the qualifiers met.
- Small scale parks infrastructure assets currently default to being defined as a building, and as a result are not permitted when situated within yards in Open Space Zones.
- Alongside reference to verandahs and bridges in Table J1.4.1 is 'other constructions', which uses vague language.
- Roof mounted chimneys are explicitly excluded from being defined as a building. This results in confusion with other types of chimneys which are not excluded. It also raises the question of whether roof mounted chimneys should be an exclusion.
- Table J1.4.1 currently refers to 'high' when describing the dimension limit for multiple structures which is not a defined term, instead of the defined term 'height'. There are also not clear parameters on height measurement methods for Table J1.4.1.
- Clarification is required that the 30 days qualifier relating to the exclusion of film sets, stages or similar structures (less than 5 meters in height) relates to a consecutive 30

day period, not for example, an accumulative of non-contiguous days across a calendar year.

- In addition, it has also become apparent that there are several grammatical errors which are desirable to address at the same time within the definition of building. (I.e.: pluralise ‘free standing sign’).

Some aspects of the issues have arisen from the definition being the culmination of various parts of several legacy district plan definitions of building. The translation of the wording has not always directly correlated when translated into a table format. This has resulted in some inconsistent use of language, with some qualifiers referring to ‘over a certain amount’, while others referring to ‘less than a certain amount’. A further cause is sentences which were previously linked together within the definition, no longer being linked under the table format.

Use of definition

Building is a core definition used throughout the AUP. The definition very purposefully has a specific meaning within the context of the AUP which differs from the Building Act 2004 definition of building.

Within the definition of building, all structures are by default deemed ‘buildings’, whether temporary or permanent. Table J1.4.1 however, identifies specific structures which only become a building when certain qualifying dimensions or standards are met. The definition also subsequently itemises a list of structures which are excluded entirely from the definition.

The application of the definition is applicable across all zones (Chapter H (Zones) and Chapter F (Coastal Zones) and has significant inter dependencies with controls such as, height, height in relation to boundary, yards, and impervious surfaces, as well as across multiple Overlays, Auckland Wide chapters, and Precincts.

Issue 1: swimming pools and/or tanks

This issue relates to Table J1.4.1 contained in the definition of building.

Extract from Table J1.4.1.

Swimming pools or tanks, including retention tanks, spa pools, swirl pools, plunge pools or hot tubs	Over 1m high More than 25,000l capacity Supported directly by the ground or supported not more than 1m above the ground
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The above qualifiers are being interpreted as needing all three aspects listed in the right-hand column to apply before pools or tanks are considered buildings, particularly the first two qualifiers of being ‘over 1m high’ and ‘more than 25,000l capacity’. The third qualifier is that the pool be ‘supported directly by the ground or not more than 1m above the ground’. This language is confusing given there is also the qualifier of being over 1m high.

In considering effects arising from these two types of structures, it is appropriate that only one aspect relating to height or size needs to be met for a swimming pool, tub or tank to be a building, where the pool is above ground level. This is particularly important for the application of yard controls, as in the case of tanks, these structures are permanent features that can produce visual bulk within yards. Therefore, the bulk, dominance, coverage and in some cases outlook issues arising from these structures need to be considered. For example, large tanks in front yards over the capacity and/or height qualifiers may be particularly visually sensitive or out of place.

It is clear from the list of qualifiers that these are matters which will determine whether the item is a building and consequently whether the effects arising are intended to be considered or controlled by the rules. In many activity tables within the AUP, structures need to align with the definition of building before they can be subject to triggering standards or activities, which are not permitted activities.

This section of the definition of building also currently bundles pools and tanks together. There are however, some differences in the use and effects between these two structures.

Tanks are characterised as being solely functional with a generally cylindrical bulk. While some tanks are completely or partially buried, a number sit on the ground or have a support structure. Tanks also come in an array of sizes. For example, even a small 900 litre traditional design tank generally has an overall height of approximately 1.4 metres. Likewise, a slimline water tank may only have a 2,000-litre capacity but measure 2.1 metres in height. A traditional design 25,000 litre water tank is a very high test to meet, having a diameter of approximately 3.5 metres and 3 metres.⁴ Therefore, there is a need to limit capacity over 1 metre in height, not just in association with a 25,000-litre capacity.

It is important to be able to consider the potential visual bulk affects when in yards or in relation to exceeding building coverage. While tanks in yards can often in part be mitigated with vegetation and permitted height fencing, this needs to form part of the formal mitigation through the resource consent process, where height or capacity limits are exceeded.

Issue 2: flagpoles, masts or lighting poles

This issue relates to flagpoles, masts and lighting poles, within Table J1.4.1, contained in the definition of building.

Extract from Table J1.4.1

Flagpoles, masts or lighting poles	Over 7m higher than its point of attachment or base support Cross-sectional dimension does not exceed 1.2m
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⁴ Specifications for types of tanks, and associated dimensions derived from Bayley Tanks. Accessed from: <http://www.tanks.co.nz/>

There are two qualifiers for 'flagpoles, masts or lighting poles' within Table J1.4.1, shown in the right-hand column above. These are that it is over 7 metres in height (above its point of attachment or base support), and where it has a cross sectional dimension that does not exceed 1.2 metres. As currently interpreted, this requires both aspects to be met before flagpoles, masts or lighting poles become a building. It is inappropriate that the height of 7 metres (above its point of attachment or base support) and the cross-sectional width be mutually inclusive.

This definition provides for three different structures with different design attributes. Lighting poles are generally of vertical, slender design, therefore there are likely to be a limited number of scenarios where the cross-section dimension exceeds 1.2 metres. To require both aspects to be met, is a considerably high test. Conversely, masts by design generally have poles extending off from the central pole axis, which may well exceed a 1.2m cross sectional dimension for a portion of the mast.

The result is that a significant number of flagpoles, masts or lighting poles which exceed 7m in height, above its point of attachment or base support, may not currently be captured within AUP provisions as triggering consent. This relates to controls such as building height and buildings infringing yards.

Additionally, the use of the words 'cross sectional dimension' is more appropriate in the context of much larger, bulky and solid structures, which flagpoles, masts and lighting poles are not. The specific aspect needing be addressed is the width at any point, such as at the widest point of a mast.

Issue 3: 'height' versus 'in height'

The qualifying dimension or standards within Table J1.4.1 currently use the word 'high' for the following types of structures listed in the table:

- Decks, steps or terraces, fences;
- Fences or walls;
- Grandstands, stadia or other structures that provide seating or standing accommodation;
- Retaining walls or breastwork;
- Stacks or heaps of materials;
- Free-standing sign;
- Swimming pools or tanks, including retention tanks, spa pools, swirl pools, plunge pools or hot tubs; and
- Structures used as a dwelling, place of work, place of assembly or storage, or that are in a reserve or camping ground.

High is not a defined term within the AUP, which brings into question how it is applied. 'Height' however, is a defined term used throughout the AUP. This results in uncertainty for plan users. There is a strong correlation between the definition of height and building, and therefore it is important that there is a linkage back to the J1 definition of height.

There are a few exceptions where it is not appropriate to link back to the height definition within Table J1.4.1. This is the case with flagpoles, masts or lighting poles, which refers to its point of attachment or base support. As a point of attachment is not necessarily at ground level (i.e. flagpole on top of a roof), this should remain as 'higher than'.

Issue 4: height measurement type

It also is unclear which height method is to be applied in Table J1.4.1; being either the rolling height or the average ground level method. The rolling height method, as set out in the definition of height, is where height is measured as the vertical distance between ground level at any point and the highest part of the building or structure immediately above that point. By contrast, the average ground level method is where height is measured as the vertical distance between the highest part of the building or structure and the average ground level. This being the average level of the ground measured at 1-meter intervals, at the external foundations of the building walls or the base of the structure. This is provided that no part of the building or structure exceeds the maximum permitted height for the site by 2 metres if measured using the rolling height method.

Due to the nature of the structures set out in Table J1.4.1, taking measurements at a 1-metre interval is generally not appropriate as flagpoles and mast structures are often less than 1 metre in width. While the rolling height method is proposed for most small-scale structures, it is not necessarily appropriate to apply this method to large footprint buildings such as, a dwelling, especially where the topography is very steep and/or undulating. On this basis the line item within Table J1.4.1 relating to 'structures used as a dwelling, place of assembly or storage, or that are in a reserve or camping ground' is best set out separately in the table. This is to ensure there is no misinterpretation that dwellings over 1.5 metres can apply either the rolling or average method for this one item within the table.

Issue 5: roof mounted chimneys

Within the definition of building, 'roof mounted chimneys' are currently set out as a structure but excluded from being a building. Issues being encountered with roof mounted chimneys are what specifically constitutes a roof mounted chimney, versus other types of chimneys, (which are not set out within the definition of building). This raises whether it is appropriate and/or necessary for roof mounted chimneys to be explicitly excluded within the definition of building.

Currently the working interpretation is that roof mounted chimneys are ornamental or replicas, decorative, nonstructural chimneys, which have no functional purpose. A roof mounted chimney does not cover traditional brick or stucco rendered chimneys, which are generally a partial or fully structural component of the wider building, such as, original or earlier chimneys on villas or bungalows. Such chimneys go from the roof down into the interior of the building. Roof mounted chimneys are also not considered to include free standing chimneys, or chimneys originating from the ground, and are generally connected to the wall facing of the wider building. Modern metal chimney flues leading down into an internal fire place are also not interpreted as constituting a roof mounted chimney. This therefore creates a narrow and unclear meaning of what a roof mounted chimney

constitutes. It is questionable whether it is valid or necessary to explicitly exclude this, given the amount of uncertainty it raises.

In many zones and precincts, the activity of additions, alterations or modifications to a building (and sometimes also a structure) is a permitted activity. In the case of the Special Character Overlay however, additions and alterations to a building generally requires resource consent. If roof mounted chimneys are not considered part of a building under the Character Overlay this is problematic. Chimneys are generally an integral architectural feature in character overlays, particularly residential, which are generally defined by pre-1940 residences and associated auxiliary buildings.

In some instances, where chimneys are not the original or earlier masonry construction they may be a replica chimney of lightweight engineered construction, with no structural, functional components, below roof level. The requirement for such a replacement chimney is often an important mitigation element should consent be granted for removal of an original or earlier chimney. Removal and replacement of any form of chimney in Special Character Overlay areas is intended as requiring consent, including a replica. It is therefore contradictory under the Special Character Overlay for roof mounted chimneys to be an exclusion from what constitutes a building.

Furthermore, the inclusion of roof mounted chimneys within the definition creates confusion with other forms of chimneys, and the tests for being ornamental and non-structural becomes overly complicated. The height aspect of chimneys is already sufficiently addressed through the height definition. (2) b) of the height definition sets out that when measuring height, it excludes:

“chimneys that do not exceed 1.1m in width on any elevation or that exceed 1.5m above the permitted activity height for the site”.

This sufficiently addresses visual or dominance issues that may result from chimneys and illustrates it is not necessary as an exclusion within the definition of building.

Issue 6: stacks and heaps

This issue relates to Table J1.4.1 contained in the definition of building.

Extract from Table J1.4.1.

Stacks or heaps of materials ^{ca}	Over 2m high ^{ff} In existence for more than one month ^{ca}
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Recent changes were made to the provisions of the plan under Plan Change 4: Corrections to technical errors and anomalies in the Auckland Unitary Plan Operative in Part, in relation to ‘stacks and heaps’ within Table J1.4.1. This changed the language of one of the qualifiers from ‘do not exist for more than’ and modified it to ‘in existence for more than’. This was to provide consistency in the verse of the language with other qualifiers in the table. A further qualifier is desirable to clarify that in this instance this is to be read as an ‘and’, where both qualifiers need to be met for the structure to become a building. It is not considered reasonable to place the threshold test for constituting a building for a stack of dirt or storage

of a pile of planks of wood of only 0.3 metres in height, to being limited to no more than a month.

Issue 7: structures used as a dwelling, place of work, place of assembly or storage, or that are in a reserve or camp ground

This issue relates to Table J1.4.1 contained in the definition of building.

Extract from Table J1.4.1.

Structures used as a dwelling, place of work, place of assembly or storage, or that are in a reserve or camping ground	Over 1.5m high In use for more than 32 days in any calendar year
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Numerous parts of the plan are relevant in relation to the use of this line from Table J1.4.1., in particular zones. Structures used as a dwelling closely relates to Residential Zone (H1-H6) and Rural (H19-H21). Reserves and camping grounds closely relates to the Open Space Zones (H7), while place of work, assembly or storage particularly relates to the Business Zone (H8-H17). Temporary activities (E40) is also of associated relevance. While most structures used for occupancy will exceed 1.5 metres in height, this provision provides clarity for structures such as caravans, tents, gazebos in camp grounds, or small outbuildings for storage. The need for these to be considered over 1.5 metres in heights and for more than 32 days in a year is particularly important in relation to yard controls and building coverage.

The qualifiers of being over 1.5m high and in use for more than 32 days in any calendar year read as 'and' i.e. both qualifiers must be met to be a building. To further clarify this is the correct reading of the qualifier, it would be desirable to set this out within the table.

Furthermore, given these types of structures can be large and bulky, the rolling height method is not necessarily appropriate.

Issue 8: free standing signs

This issue relates to Table J1.4.1 contained in the definition of building.

Extract from Table J1.4.1.

Free-standing sign	Over 1.5m high
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Free standing signs are most directly relevant to E23. Signs (Chapter E Auckland-wide). This chapter manages aspects such as number, type, location and size of signs. Almost all of the 'types of structures' listed in Table J1.4.1 are plural. This is missing from the word 'sign'. There appears to be no technical reasons for it not being plural like most other types of structures within the table. This amendment will assist with consistency and reflect use of the word within the relevant plan sections.

Issue 9: verandahs, bridges or other constructions over any public open space

This issue relates to Table J1.4.1 contained in the definition of building.

Extract from Table J1.4.1

Verandahs, bridges or other constructions over any public open space	Above ground level
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This definition within Table J1.4.1 sets out that verandahs and bridges when situated within roads, (which have no zoning), are defined as a building. Verandahs, when included as commercial buildings often extend out into the footpath/road reserve. While attached to the wider building, for the avoidance of doubt, this line item clarifies verandahs are to be treated as a building. It is however, ambiguous and unclear what ‘other constructions’ constitutes.

Issue 10: Parks and community facility related buildings/structures

As stated above, under the definition of building, all structures are buildings, unless explicitly stated otherwise. There are several common place small-scale structures not provided for in Table J1.4.1 Buildings, relating to the five Open Space Zones. The result is resource consents are being triggered to install or modify small scale park infrastructure and assets, when situated within yards, (front, side or rear yards depending on the site type).

In the Open Space Zones, Standard H7.11.3. Yards specifies that:

“Buildings, or parts of buildings, must be set back from the relevant boundary by the minimum distance listed in Table H7.11.3.1”.

Buildings are therefore not permitted within yards.

Small scale public amenity infrastructure such as street furniture generally has very minimal built form. Adverse effects of small, low scale infrastructure in areas that are not subject to overlays for sensitive environments are negligible and do not warrant being subject to a resource consent. This relates specifically to structures such as, rubbish bins, seating and picnic tables. Amendments are required to avoid unnecessary resource consent for specific structures within yards in Open Space Zones; whilst ensuring the proposed amendments will still capture these structures under the rules and standards for particularly sensitive overlays, which provide rules for both buildings and structures (as opposed to just buildings).⁵ The line item has purposefully not linked back to the defined terms of ‘public amenities’ and ‘parks infrastructure’ as both definitions include features not considered appropriate to include in Table J1.4.1.

Examples of small scale parks infrastructure currently defined as a ‘building’ in Open Space Zones
Bins and signs

⁵ These being overlays such as, D17 Historic Heritage Place Overlay, D21 Sites and Places of Significance to Mana Whenua Overlay and D10 Outstanding Natural Landscapes Overlay.

It is often desirable and a best fit to have these assets located in a front yard, such as, adjoining to a footpath in the road reserve for rubbish bins and park signs, both for capturing park users and passer-by, as well as to keep the inner area of a park clear of this type of infrastructure. Currently, this requires resource consent.



Figure 3: New reserve in Whenuapai, example of assets such as, seating and rubbish bins on perimeter of park to enable a large open space to be achieved in the centre.

Bollards

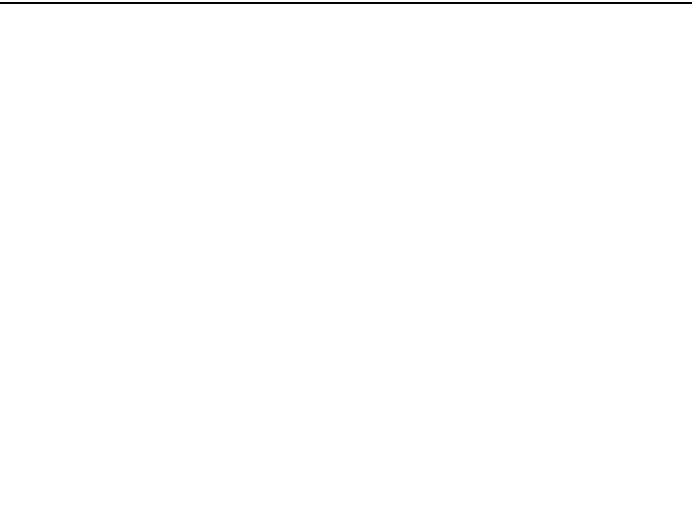
Bollards are not dissimilar to a fence in some respects, particularly where linked by chains. Given a fence is a structure which does not become a building until it measures 2 metres in height, it is consistent in an Open Space Zone for bollards to be provided for in similar manner to fences, particularly if to a lesser height such as 1.5 metres. Such structures are important as a safety measure to prevent vehicle access through a demarcated area. The natural and best sited location for bollards is within a yard, especially a front yard. At present this requires resource consent which is unduly onerous and unnecessary given the intent of the provisions and purpose of the structure.




Figure 4. Illustrating bollards in the front yard of Richard Park, Richard Avenue, Bucklands Beach. Instant streetview, February 2012.

Seats, picnic tables and cycling stands

Placement of park infrastructure such as, seats and picnic tables can also provide activation to the street frontage. These structures are at times placed between play equipment and road frontages to assist with passive surveillance, as a form of Crime Prevention through Environmental Design (CEPTED). A park bench is a good example of where caregivers can sit between the play space and road, watching over the play equipment. It provides a barrier between the play space and the road, while providing surveillance to the park. Similar with cycle racks, being located close to road frontages gives good passive surveillance to assist with a reduction in



<p>the chance of theft. At present because a seat falls under being a building, this requires resource consent, when in a yard, within an Open Space Zone, which is unduly onerous and unnecessary given the intent of the provisions and purpose of the structure.</p>	
<p>Stairs and steps</p>	
<p>Stairs are often required in front and side yards to provide for a difference in ground levels for people to access reserves. A good example of this is narrow entranceways to reserves (pedestrian access points) where the land topography necessitates that stairs are used. The photograph in the right-hand column illustrates an example.</p>	 <p><i>Figure 5. Example of a set of stairs located in a narrow access point to a reserve, within a yard.</i></p>

Qualifying dimensions or standards for park infrastructure

In terms of the appropriate qualifiers for the above small-scale parks infrastructure, 1.5 metres is the most appropriate height when considered against the various types of infrastructure and structures anticipated. 2.0 metres may be too tall as a permitted activity, while 1.0 metres may not sufficiently provide for the various types of infrastructure, while not resulting in the level of adverse effects warranting resource consent assessment. A size limit in some instances will also ensure the bulk of the listed structures remains compact in order to qualify as a structure, not as a building. Setting the qualifying height as over 1.5 metres is also consistent with a number of the other qualifier thresholds in Table J1.4.1.

The current line item within Table J1.4.1 refers to public open space. This is not a defined term in the AUP, and it is considered more appropriate to link this specifically to Open Space Zones, which is a defined term in Chapter J1 as:

Open space zones

Means:

- *Open Space - Conservation Zone;*
- *Open Space - Informal Recreation Zone;*
- *Open Space - Sport and Active Recreation Zone;*
- *Open Space - Civic Spaces Zone; and*
- *Open Space - Community Zone.*

Issue 11: Exclusion on number of days for film set, stage or similar structure

Clarification is required that the exclusion relating to any film set, stage or similar structure less than 5 meters in height that exists for less than 30 days relates to consecutive days.

Without an additional descriptor to this qualifying standard there is a risk this could be interpreted as applying to 30 days across a calendar year or another non-contiguous collection of days across a time period, for example.

The key purpose is to provide for specific events which have a fixed duration. If a specific film set is in use for more than 30 consecutive days, it is to be treated as a building. The purpose of this provision is to provide a degree of flexibility for these types of temporary structures. Providing a further qualifier clarifying that it is consecutive days also aligns with the language used in the Temporary Activities chapter (E40).

Outline the proposals

The proposals to address the issues identified above are:

Option 1: Retain the definition of building as it currently reads. Continue to develop interpretation guidance and respond to issues on the meaning of aspects of the definition on a case by case basis.

Option 2: Amend the definition of building to address several unclear or ambiguous aspects, while not adding new types of buildings/structures to the definition or substantially removing existing building/structures set out within the definition; other than in relation to Open Space Zones, (whilst retaining the intent of the building definition in application throughout the plan).

An overview of amendments proposed to the definition of building in order to implement this option are:

Chimneys	Delete roof mounted chimneys as an exclusion from the bullet pointed list of structures which are not set out in the definition as excluded from being a building.
Pools and tanks	Separate out tanks (including retention tanks) from the various types of pools and tubs so they are two separate line items within Table J1.4.1. Clarify that if a pool or tank is more than 1m above the ground level or is over 25,000l capacity it becomes a building by inserting the word 'or' and modifying the qualifier to refer to ground level as well as height.
Flagpoles, masts or lighting poles	Insert 'or' in the qualifiers for flagpoles, masts or lighting poles in relation to height and cross section dimension. Amend the language of the text relating to cross sectional dimensions, instead referring to the width at any point.
Free-standing sign	Pluralise from 'sign' to 'signs'.
Height and height methods	Clarify the height measurement to be applied is the rolling height method. Provide the option for both height measurement methods (rolling and average) in relation to structures used as a dwelling, place of

	work, place of assembly or storage, or that are in a reserve or camping ground. Amend references of 'high' to 'in height' throughout the definition.
New sections – selected park assets and infrastructure	Amend table to add an exclusion for a number of park assets such as, rubbish/recycling bins, drinking and water fountains, seating and tables, bicycle stand/parking structures, gates, bollards. As well as, boxing and edging. Include a height restriction. Amend table to add board walks and stairs, including a height restriction. Limit these to applying just to Open Space Zones.
Verandahs, bridges or other constructions over any public open space	Delete 'other constructions'.
Exclusion on number of days for film set, stage or similar structure	Insert 'consecutive' in relation to the qualifier of 30 days.
Stacks and heaps	Insert 'and' to require both a height over 2 metres and for more than one month.

The above option would result in the following amendments to the AUP:

Building⁶

Any permanent or temporary structure.

On land for the purposes of district plan provisions, "building" includes the following types of structures listed in Table J1.4.1, only where they meet the qualifying dimensions or standards:

Table J1.4.1: Buildings

Type of structure	<u>Qualifying dimension or standard (for height the rolling height method is to be used)</u>
<i>Decks, steps or terraces</i>	<i>Over 1.5m high in height</i>
<i>Fences or walls</i>	<i>Over 2.5m high in height</i>
<i>Flagpoles, masts or lighting poles</i>	<i>Over 7m higher than its point of attachment or base support <u>or</u> <u>Has a Cross-sectional dimension does not width at any point exceeding 1.2m</u></i>
<i>Grandstands, stadia or other structures that provide seating or standing accommodation</i>	<i>Over 1m high in height</i>

⁶ The rebuttal evidence of Robert Buxton on behalf of Auckland Council. Topic 065. Planning. 3 November 2015. Para 16.1. p 9-12 provides background information on the matters raised through the IHP hearings. Paragraph 16.1 sets out a table of proposed track changes by council. The track changes in council's rebuttal evidence for topic 065 have formed the basis for several the current proposed amendments through this plan change.

<i>(whether or not open or covered or enclosed)</i>	
<i>Retaining walls or breastwork</i>	<i>Over 1.5m high <u>in height</u> or located within 1.5m of the boundary of a road or public place</i>
<i>Satellite dishes</i>	<i>Over 1m diameter</i>
<i>Stacks or heaps of materials</i>	<i>Over 2m high <u>in height and</u> <i>In existence for more than one month</i></i>
<i>Free-standing signs</i>	<i>Over 1.5m high <u>in height</u></i>
<i>Swimming pools, or tanks, including retention tanks, spa pools, swirl pools, plunge pools or hot tubs</i>	<i>Over 1m high <u>in height from ground level, inclusive of the height of any supporting structure or</u> <i>More than 25,000l capacity</i> <i>Supported directly by the ground or supported not more than 1m above the ground</i></i>
<i><u>Tanks including retention tanks</u></i>	<i><u>Over 1m in height from ground level, inclusive of the height of any supporting structure or</u> <u>More than 25,000l capacity, where any part of the tank is above ground level</u></i>
<i>Structures used as a dwelling, place of work, place of assembly or storage, or that are in a reserve or camping ground</i>	<i>Over 1.5m high</i> <i>In use for more than 32 days in any calendar year</i>
<i>Verandahs, and bridges or other constructions over any public open space</i>	<i>Above ground level</i>
<i>In an Open Space Zone:</i> <i><u>Bicycle stand/parking structures</u></i> <i><u>Board walks</u></i> <i><u>Boxing or edging</u></i> <i><u>Drinking and water fountains</u></i> <i><u>Gates, bollards and chains</u></i> <i><u>Rubbish and recycling bins</u></i> <i><u>Seating and tables</u></i> <i><u>Stairs</u></i>	<i><u>Over 1.5m in height from ground level, inclusive of the height of any supporting structure</u></i>
Type of structure	<u>Qualifying dimension or standard (for height either the average ground level or rolling height method)</u>
<i>Structures used as a dwelling, place of work, place of assembly or storage, or that are in a reserve or camping ground</i>	<i>Over 1.5m in height and</i> <i><u>In use for more than 32 days in any calendar year</u></i>

and excludes the following types of structures:

- any scaffolding or falsework erected temporarily for construction or maintenance purposes;
- roads, road network structures, manoeuvring areas, parking areas (other than parking buildings) and other paved surfaces;
- any film set, stage or similar structures less than 5m ~~high~~ in height that exist for less than 30 consecutive days; and
- ~~roof mounted chimneys~~, aerials and water overflow pipes.

In the coastal marine area for the purposes of the regional coastal plan, “building” includes any covered or partially covered permanent or temporary structure, whether or not it is enclosed.

Option 3: Undertake significant further amendments to the definition of building. This option may involve adding further structures to Table J1.4.1 and those listed structures excluded as buildings altogether. Alternatively, amendments to the definition could look to significantly simplify the definition; or take a significant change such as to make separate definitions for ‘building’ and ‘structure’. This may involve steps such as removing qualifiers into standard or rules within provisions, instead of in Chapter J1.

Evaluating the proposal against its objectives

Given the wide-reaching use of the term building there are no highly relevant specific objectives to directly address the changes against in Chapter B - Regional Policy Statement.

Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
<p>Option 1:</p> <p>Retain the definition of building as it currently reads. Continue to develop interpretation guidance and consider the meaning of aspects of the definition on a case by case basis.</p>	<p>The Resource Consent Department will need to develop or continue to apply interpretation or practice notes, where aspects of the definition are unclear. This option however, can still leave uncertainty for plan users and interpretations may be contested. For example, ‘in height’ being read as the definition of ‘height’. It also becomes unclear what height method is to be applied, rolling height or average ground level method.</p> <p>In relation to chimneys, the terminology ‘roof mounted’ to some degree could be addressed</p>	<p>Confusion around the interpretation of the qualifiers remains. As a highly used definition, this could mean a significant number of inquiries.</p> <p>Some works may trigger consent which are overly onerous while others do not trigger consent, where due consideration is needed. For example, an overly onerous approach to stacks and heaps. Conversely, an overly permissive approach for pools and tanks and flagpoles, masts and lighting poles. This may result in adverse environmental impacts.</p>	<p>There are no new or revised provisions for plan users to have to become familiar with and understand.</p> <p>There is a perceived benefit by those plan users currently taking advantage of current anomalies. This type of benefit is not considered genuine or reasonable and has significant wider negatives associated with it, thereby making it more of a cost than</p>

	<p>through an interpretation or practice note, but there is also the wider matter of whether this should be explicitly excluded from definition by virtue of it being an interconnected part of a building already. Retaining the status quo is therefore not highly efficient or effective across several aspects of the definition of building.</p>	<p>Structures such as tables and benches, in Open Space Zones will unreasonably trigger consent, requiring time and money to prepare consent applications. Alternatively, having to position the objects in locations which are not as appropriate or logical as an alternative solution.</p>	<p>a benefit.</p>
<p>Option 2: (Preferred)</p> <p>Amend the definition of building to address several unclear or ambiguous aspects, while not adding new types of buildings/structures to the definition or substantially removing existing building/structures set out within the definition, other than in relation to Open Space Zones.</p>	<p>The changes proposed to the definition aim to make it clearer to interpret and practical in application, while also not looking to completely rewrite the definition or consider new aspects of buildings or structures. In some instances, the wording changes simply give effect to current implementation application.</p> <p>In relation to the new Open Space Zone line items, these exclusions with qualifiers will still enable the purpose of yards to be achieved, which is to provide a reasonable standard of visual amenity between open space zones when viewed from the street and a buffer between open space zones and neighbouring residential and special purpose zones.</p> <p>Option 2 will achieve greater clarity for plan users than doing nothing and therefore is more effective. It provides a balanced middle ground between options 1 and 3, which best reflects the scale and types of issues being addressed.</p> <p>While guidance material could be produced regarding 'other</p>	<p>The time and monetary costs associated with forming part of the plan change; compared to option 1 of maintaining the status quo. This on balance though is not sound justification not to proceed. Especially given there are multiple aspects to be addressed, where issues have been identified.</p>	<p>The key benefit under option 2 is more clarity for plan users, with these amendments.</p> <p>For example, inserting linking text to height and explicitly mentioning the rolling height method will ensure there is a clear linkage to the defined term 'height', providing clarity to plan users.</p> <p>Another example is the clarification that a swimming pool or tank sitting either more than 1m above the ground level or over 25,000l capacity it becomes a building. This will prevent anomalies where tall but narrower tanks do not trigger being a building for example and will ensure standards such as height and height in relation to boundary may be triggered where situated within yards.</p> <p>The changes will mean that where a</p>

	<p>constructions' in relation to verandahs and bridges, it is considered that ambiguity will to a degree remain. It is more appropriate and effective to be deleted.</p> <p>Given the significant variance in meaning between 'and' versus 'or' it is not appropriate to default all qualifying dimensions or standards to one of the two options. For some line items within Table J1.4.1 'or' is not appropriate, and the two points being triggered is necessary. Otherwise there could be a significant number of situations where consent is triggered where there is not a sufficient adverse effect to be considered. Addressing each line item on a case by case basis is therefore the most effective and efficient option.</p> <p>Some changes are very minor but assist with consistency in language, such as pluralising of sign.</p> <p>One of the key purposes of the plan change is considering amendments to provisions that are ambiguous or unclear. The amendments proposed to the definition of building align with this. In relation to AUP objectives the changes proposed through option 2 are not inconsistent with any of the RPS directives for (B1 – B11).</p>		<p>tank is within a yard, this provides the ability for mitigation conditions to be imposed through the consenting process, such as partially or fully screened by complying fencing, the planting of shrubs or managing the colour palette of the tank if in sensitive environments.</p> <p>In relation to new aspects, providing for specified small-scale parks infrastructure assets as exclusions, provides the opportunity for the council Community Facilities and Parks Departments to spend and/or reallocate resources that have been going into preparing and processing resource consents into implementation works. Alternatively, there is the opportunity for budget savings more generally. This in turn is a saving to rate payers.</p>
<p>Option 3:</p> <p>Undertake significant further amendments to the definition of building. This option may involve adding further structures to Table J1.4.1 and</p>	<p>The definition of building (and also separately structure) is proposed to be defined through the National Planning Standards. While this will not likely have to be enacted into the AUP for a number of years from</p>	<p>The definition of building is already wide encompassing and is one of the most widely used terms through the AUP. Changes to provide for a lot of other types of structures as exclusions through this process</p>	<p>This may provide a more lenient framework for some plan users in terms of particular works triggering consent. It is however, questionable that</p>

<p>those listed structures excluded as buildings altogether. Alternatively, amendments to the definition could look to significantly simplify the definition; or take a significant change such as to make separate definitions for 'building' and 'structure'. This may involve steps such as removing qualifiers into standard or rules within provisions, instead of in Chapter J1.</p>	<p>when the Standards are gazetted, it is not efficient or effective to substantially review the definition to this extent as it will change nation-wide in due course. Given the list of structure caveats are already lengthy, it is undesirable for it to significantly expand further. This option is not as effective or efficient as option 2, in the current context.</p>	<p>could have significant unintended consequences and negative ramifications for plan implementation, if amended too much. The list of exclusions is already very extensive. Proposed amendments under this option have therefore been limited to specific types of assets and infrastructure within Open Space Zones.</p> <p>The issues identified have not suggested that this level of amendment is warranted. The cost would therefore be that amendments are disproportionate to the issues.</p> <p>Options such as, separating out the definitions of 'building' and 'structure' may lead to a policy shift, which would not be desirable for this definition, in the context of the subject plan change.</p>	<p>this results in beneficial wider environment outcomes overall.</p> <p>Depending how a new definition is worded, this may result in a shorter definition, with less exclusions embedded directly within the definition. (A number of these would instead however still need to be set out in standards or rules.</p>
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Conclusion

It is considered that the amendments to the definition of building contained in option 2 is the most effective and efficient for achieving the purpose of the plan change for the following reasons:

- It provides a balanced solution to achieve a clearer overall definition of the current framework for the definition of building.
- Amendments are to improve existing sections and limits the amount of new structures contained within Table J1.4.1. This is considered important both to avoid a policy shift and unintended consequences for a highly used definition across the AUP.
- The alternative of not addressing these matters (option 1) may lead to interfering with the implementation of the plan, which is undesirable.
- Achieves this by clarifying how the multiple qualifying standards or dimensions are to be read.
- Clarifies how the dimension for height is measured.
- Removes the unclear provision for roof mounted chimneys being an exclusion to a building.

The proposed amendments to Chapter J1 are shown in Attachment 1D: Definitions.

10.2 Theme 2: Food and beverage

Chapter of the AUP	Chapter J Definitions
Sub-section of the AUP	J1 Definitions
Specific provision	<i>Food and beverage</i>

Status quo and problem statement

There are issues with the definition of 'food and beverage'. This relates to the use of the words 'sites', as well as the food and beverage needing to be the 'primary business'. The use of these two words results in significant limitations to what is able to be encompassed under this definition.

The AUP includes the following definition of food and beverage:

Food and beverage

Sites where the primary business is selling food or beverages for immediate consumption on or off site.

Includes:

- *restaurants and cafes;*
- *food halls; and*
- *takeaway food bars.*

Excludes:

- *retail shops; and*
- *supermarkets.*

This definition is nested within the Commerce nesting table.

The use of the word 'site' has a specific meaning within the context of the AUP, being a defined term in Chapter J1. While one commercial site may comprise one premise or one activity per site, this is often not the case and does not recognise where multiple tenancies may be used for different uses.

In relation to the word 'primary business' this is a very subjective term; which creates confusion when used in definitions. It is not clear whether primary would be based on the size (i.e. metres squared) of the site or the gross floor area of a building or premise. Furthermore, this would be very difficult to apply with businesses where there is an equal split of two activities (i.e. a book shop and café in one) on a site. There is no guidance in other parts of the AUP, such as, Chapter C (General rules) to assist. While this issue was identified in relation to the issues it causes in the Business - City Centre Zone - Residential

Precinct, the term food and beverage is an activity used through business relates zones and also links to sections such as, parking standards in Chapter E27.

Based on the current wording, a hotel for example, including a bar and/or restaurant would not be considered a site where the primary business is selling food or beverages, as this is an ancillary aspect of the main business. Likewise, this would apply to a site where a sushi shop is proposed, where there are multiple tenancies within the site, all with different types of uses such as, a post office, retail store selling clothing, and a hair dresser. In this example, the sushi shop would not fall under the definition of food and beverage, as it is situated within the same legal site as the various other premises and is not the primary business on the site. Even more so if it is a mixed-use development with substantial residential above. In this example, the sushi shop will instead fall under the definition of 'accessory activities', however accessory activities are often not provided for in activity tables. It is considered more appropriate under the food and beverage definition.

Regardless of whether food and beverage is the primary business on the site, the portion of the site which relates to the activity of food and beverage should be subject to this definition, and associated standards and activity table provisions; regardless of whether there are multiple other activities on the site.

Outline of the proposal

The options to address the problem identified above are:

Option 1: Retain the definition of food and beverage as it is – status quo.

Option 2: Amend the definition of food and beverage to delete reference to 'sites', as well as delete requiring food and beverage to be 'the primary business'. Amend the definition of food and beverage with alternative wording options.

This option would result in changes being made to the term 'sites' with an alternative word such as, places, premises, shops, or activities.

This would result in the following amendments to the definition:

~~Sites where the primary business is~~ Premises selling food or beverages for immediate consumption on or off site.

Includes:

- *restaurants and cafes;*
- *food halls; and*
- *take-away food bars.*

Excludes:

- *retail shops; and*
- *supermarkets*

Evaluating the proposal against its objectives

In relation to AUP objectives, no one specific objective is overly applicable, but the most closely related is the RPS objective for commercial and industrial growth (B2.5.1 - Commercial and industrial growth objectives), followed by the specific business zone specific objectives. For example, H14.2.(1) for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone sets out:

A strong network of centres that are attractive environments and attract ongoing investment, promote commercial activity, and provide employment, housing and goods and services, all at a variety of scales.

The key aspect here being the promotion of commercial activity.

Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
<p>Option 1:</p> <p>Retain the definition of food and beverage as it is – status quo.</p>	<p>This leaves significant ambiguity for what constitutes the primary business, which is not effective or easily understood by plan users. This also means a number of proposals do not trigger particular standards, such as parking requirements, which may differ from more general retail parking standards/rules.</p>	<p>To retain the current definition would mean ambiguity remains. This can result in customer inquiries, which can result in inefficient use of time and resources for both the council and customers.</p> <p>Not addressing this avoids costs associated with forming part of the plan change process.</p>	<p>A few plan users who may find that the current wording can be used to their advantage if other activities have lesser tests for standards, such as parking or floor area requirements. Using the plan in this way is not however considered appropriate.</p> <p>Another benefit is that there are not new or revised provisions for plan users to have to become familiar with and understand.</p>
<p>Option 2: (Preferred)</p> <p>Amend the definition of food and beverage to delete reference to 'sites', as well as delete requiring food and beverage to be 'the primary business'.</p>	<p>This is the most effective option as it links directly and only to the core aspect which is the selling of food and beverage for immediate consumption on or off the site. It does not link it exclusively to needing to be the primary business on a site. These amendments provide clarity for plan users with the least amount of words possible.</p>	<p>There are monetary and time costs associated with this change being part of the plan change process. On balance, progressing the change is however warranted to achieve the desired outcomes.</p> <p>Applications may require consent where they previously did not, or a different activity status. Applicants may also have to apply for infringements in</p>	<p>The definition can be applied in relation to the specific activity being undertaken on an activity basis, not in relation to the overall uses on the wider site. This is important as different activities may generate different types of effects. This enables standards, such as parking requirements to be considered based on this activity of food and beverage, not a more general retail activity</p>

	<p>The selection of the word 'selling' is the most overarching of the terms scoped for consideration. It is not overly narrow in its application, Premise has been selected as a term which can apply to a range of scenarios. It is therefore the most effective word to use.</p> <p>In relation to objective B2.5.1 addressing commercial and industrial growth; the amendments under option 2 will better achieve this objective than the current wording due to the more refined approach it proposes.</p> <p>The key plan change objective this aligns with is amending provisions that are ambiguous, or unclear.</p>	<p>relation to multiple forms of retail, where depending on the circumstances they may previously not of had to.</p>	<p>for example. The benefit is that the effects of a proposal are more able to be linked to the provisions in the plan that apply.</p>
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Conclusion

Option 2 is the preferred solution.

It is considered that the amendments to the definition of food and beverage contained in option 2 is the most effective and efficient for achieving the purpose of the plan change for the following reasons:

- It resolves the ambiguity existing in the current definition by removing both 'site' and 'primary business' and focus directly on the words 'premises' and 'selling'. The removal of these words will enable a wider application and triggering of the definition.
- This will enable development controls such as parking to be more focused on the activity of 'food and beverage', instead of falling under a more wider encompassing, generic activity such as the parking requirements for retail.

The proposed amendments to Chapter J1 are shown in Attachment 1D: Definitions.

10.3 Theme 3: Gross Floor Area

Chapter of the AUP	Chapter J Definitions
Sub-section of the AUP	J1 Definitions
Specific provision	<i>Gross floor area (GFA)</i>

Status quo and problem statement

There is unclear and ambiguous language within portions of the gross floor area definition. Based on the current wording it is unclear whether the exclusion in this definition refers to the entire basement area, irrespective of use or, if it is only the plant area in a basement that is excluded from the calculation, regardless of its location within the building.

Gross floor area⁷

...

(2) For the purposes of calculating floor area ratio (FAR):

the sum of the total floor area of all buildings on a site as measured:...

Excludes:

- *basement areas used for parking including manoeuvring areas, access aisles and access ramps;*
- ***plant areas within the building, including basement areas;***
- *basement areas for stairs, escalators and elevators essential to the operation of a through site link or servicing a floor used primarily for parking and loading;*
- *open or roofed outdoor areas, external balconies, porches, provided no more than 75 per cent of the perimeter of these areas is enclosed;*
- *any entrance foyer/lobby or part of it including any void forming an integral part of it. The entrance foyer/lobby must be publicly accessible, accessed directly from a street or public open space and have an overhead clearance of at least 6m;*
- *non-habitable floor space in rooftop structures;*
- *required off-street loading spaces; and*
- ***publicly accessible pedestrian circulation space between individual tenancies.***

The main purpose of GFA controls is to manage building bulk and activity demand, generally in the context of commercial buildings. In addition, some exclusions are associated with the controls to incentivise design outcomes that are deemed desirable, by excluding certain areas such as, staircases, balconies, entry foyers, and plant equipment such as for air

⁷ Text of core relevance bolded.

conditioning systems. As well as below ground parking and manoeuvring areas, from the definition. Excluding these features from the measurement of GFA can incentivise delivering these outcomes as it will not impact on GFA limits.

It is noted that exclusions included in the definition already discount basement areas for stairs, escalators, which are essential to the operation of a through site link or servicing a floor used primarily for parking and loading. It also excludes basement areas used for parking, including manoeuvring areas, access aisles and access ramps. While this can cover a significant portion of spaces within a basement area, not all basements have a sole service role and may be fully or partial basement level retail space, for example.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Retain the definition of gross floor area as it currently reads (based on the PC4 amendments).

Option 2: Amend the definition of gross floor area to clarify that plant areas within any part of a building are excluded, and in doing so remove reference to ‘including basement areas’. This option would result in the following amendments to be made to the AUP:

Excludes:

- *Basement areas used for parking...*
- *Plant areas within the building, ~~including basement areas;~~...*

Option 3: Amend the definition of gross floor area to specifically exclude basements entirely from the calculation of GFA.

This option would result in the following amendments to be made to the AUP:

Excludes:

- *Basement areas used for parking...*
- *Plant areas within the building, ~~including basement areas;~~...*
- *Any other spaces within the basement*

Evaluating the proposal against its objectives

An assessment against Regional Policy Statement or other plan section objectives and policies is not considered relevant to this particular definition.

Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Retain the definition of gross floor area as it included in the AUP.	It is not efficient because the definition currently causes confusion on what is and isn't excluded in	There remains confusion from plan users on whether all of a basement is to be excluded from GFA.	There are not new or revised provisions for plan users to have to become familiar with and understand. This

	<p>relation to basements, and confusion of linking this with plant areas more generally.</p> <p>It is ineffective and unnecessary to include mention of the basement in relation to plants areas as 'building' by definition encompasses basement areas, regardless of being below ground level.</p>		<p>however is not a significant benefit when weighted against the lack of clarity arising.</p> <p>While having 'including basement area' for the avoidance of doubt may have some merit, it is outweighed by the fact that this has caused more confusion than clarity given.</p>
<p>Option 2: (Preferred)</p> <p>Amend the definition of gross floor area to clarify that plant areas within any part of a building are excluded, and in doing so remove reference to 'including basement areas'.</p>	<p>Provides clarification that the plant areas throughout the building are excluded but removes suggestions that basements in generality are excluded. This clarification therefore means it is not ambiguous and is therefore more effective.</p> <p>Amendments are required to clarify the intent of the outcomes sought by the AUP. This aligns with an objective of the plan change, which is to address technical issues to ensure the wording of provisions is clear and unambiguous.</p>	<p>Monetary and time costs associated with this change being part of the plan change process, compared to option 1.</p>	<p>Option 2 provides much clearer wording, in that it clarifies that plant equipment spaces anywhere in the building is excluded from the GFA calculation. This best resolves the lack of clarity in relation to whether all of the basement area is excluded. Option 2 will reduce plan interpretation inquiries in relation to this definition.</p>
<p>Option 3:</p> <p>Amend the definition of gross floor area to specifically exclude basements entirely from the calculation of GFA.</p>	<p>Less effective solution as not all basements are used for service facilities. There can be below ground level habitable premises which fall within the definition of basement which would not be appropriate to exclude from GFA.</p>	<p>While based on the current wording it can exclude a significant portion of spaces within a basement area, not all basements have specifically service roles and can include fully or partial basement level retail space for example. For this reason, it is not appropriate to exclude basements in generality from the GFA.</p>	<p>This more blanket approach may be considered by some plan users to be easier to use the definition when calculating GFA. It can be difficult to group all the various excluded areas within a building. This option would assist with that.</p>

Conclusion

Option 2 is the preferred solution.

It is considered that the amendments to the definition of gross floor area contained in option 2 is the most effective and efficient for achieving the purpose of the plan change for the following reasons:

- It will best clarify that plant areas throughout the building are excluded when calculating GFA. Explicit reference to basements areas in relation to plants is not necessary, as basements by definition already form part of the building.

The proposed amendments to Chapter J1 are shown in Attachment 1D: Definitions.

10.4 Theme 4: Landscaped area

Chapter of the AUP	Chapter J Definitions
Sub-section of the AUP	J1 Definitions
Specific provision/	<i>Landscaped area</i>

Status quo and problem statement

Overview

The definition of 'landscape area' refers to any part of a site not less than 5m² in area, which is grassed or planted in trees or shrubs. The definition also sets out several types of features that can also comprise part of a landscaped area. This includes, ornamental pools, terraces or uncovered decking areas with open jointed slabs, bricks, gobi or similar type blocks, as well as, artificial lawn, which is permeable. Non-permeable pathways are also listed. Each of these features includes dimension limitations for it to fall within the parameters of the landscaped area definition. Directly beneath this list is a clause noting, "*where the total land area occupied by the feature in (1), (2), (3) and (4) above does not cover more than 25 per cent of the landscaped area*".

The clause is causing implementation issues, with some proposals basing landscaped area requirements on interpreting a more permissive approach, of 25 per cent for each listed feature and some the total area of the features. The definition needs to be corrected to prevent this inappropriate application, to avoid the potential for adverse effects of a level not necessarily anticipated outside of the consenting framework.

There are also some subsequent anomalies identified with the functioning of the definition that have been reviewed in light of the issue above.

Current definition

The current AUP definition of landscaped area is:

Landscaped area

In relation to any site, means any part of that site being not less than 5m² in area which is grassed and planted in trees or shrubs and may include:

- (1) ornamental pools not exceeding 25 per cent coverage of the landscaped area;*
- (2) areas paved with open jointed slabs, bricks or gobi or similar blocks where the maximum dimension of any one such paver does not exceed 650mm;*
- (3) terraces or uncovered timber decks where no part of such terrace or deck exceeds more than 1m in height above the ground immediately below;*

(4) permeable artificial lawn; or

(5) non-permeable pathways not exceeding 1.5m in width;

and where the total land area occupied by the feature in (1), (2), (3) and (4) above does not cover more than 25 per cent of the landscaped area.

Permeable artificial lawn in the residential zones is not subject to the 25 per cent limit, except that permeable artificial lawn must not cover more than 50 percent of the landscaped area of the front yard. Permeable artificial lawn must meet the following standards:

- be permeable;
- resembles grass in colour including a mix of natural looking green tones;
- have piles that are a minimum 30mm pile height, straight cut (not looped pile), and of a density and form that resembles grass;
- is resistant to ultra violet degradation, weathering and ageing during its normal service life; and
- is recyclable.

Any part of a landscaped area may be situated over an underground structure with adequate soil depth and drainage.

Excludes any area which:

- falls within the definition of building coverage;
- is part of a non-permeable pathway that is greater than 1.5m in width;
- is used for the parking, manoeuvring or loading of motor vehicles.

Applying the definition⁸

Several of the Chapter H residential zones prescribe a minimum landscaped (Single House, Mixed Housing Suburban, Mixed Housing Urban and Terrace Housing and Apartment zones)⁹. The application of this definition relates to a standard for a minimum landscaped area based on a percentage of the net site area of the site, and in some zones also a percentage of the front yard that must be comprise landscaped area, in accordance with the definition.

⁸ Section J.1.(5) sets out that, “where a list is preceded by the word “includes”, that list is not limited to the matters listed”. In the context of the subject definition, ‘may include’ is set out, further clarifying other aspects can constitute part of the landscaped area.

⁹ Relevant sections: Single House - H3.6.11. Landscaped area; Mixed Housing Suburban – H4.6.10. Landscaped area; Mixed Housing Urban- H5.6.11. Landscaped area and; Terrace Housing and Apartment- H6.6.12. Landscaped area.

The requirements for landscaped areas decrease as the residential zoning intensity increases to recognise the smaller area available surrounding the more compact building footprint, however, it is not considered that this was envisioned to enable a complete lack of natural features in relation to what constitutes the definition of landscaped area. In the Single House Zone and Mixed Housing Suburban Zone for example, the landscaped area requirement is for 40 per cent of the net site area and at least 50 per cent of the front yard (Standards H3.6.11 and H4.6.10). If 25 percent of the required landscaped area is not met this requires consent for not meeting the landscaped area standard of the zone (or also precinct or overlay, if applicable).

Where the definition enables features other than grass, trees and shrubs to constitute part of the landscaped area, this is counter to achieving an appropriate level of residential amenity.

The current wording does not align with the purpose of the landscape area control or associated standards. This is evident in that a landscaped area could consist of 25 percentage from an ornamental pool, a further 25 per cent from gobi block pavement, another 25 percent from an area of timber decking and potentially any remaining landscaped area from permeable artificial lawn (meeting dimension and other specified requirements within the definition), alongside paths less than 1.5 metres. If this interpretation is applied both individually and cumulatively, this would result in an entire landscaped area made up of hard material.¹⁰ This illustrates that there is an issue with the potential for a of loss of residential amenity.

Where landscaped areas are identified as a standard within a zone (or overlay or precinct), trees and scrubs and other forms of planting are an important part of creating and maintaining amenity, both for enhancing visual appearance, and giving a natural balance to the built form. Features such as, bricks, gobi blocks and ornamental pools are harder visual and physical forms of landscaping than greenery. Amenity is the core driver behind the landscaped area definition. This amenity can be in relation to how the site is viewed from the streetscape as well as on-site, for the internalised amenity to occupants. It is not desirable for landscaping to consist solely of semi-hard landscaping features, a key element is for this to be alongside softer landscaping, in the form of plantings and/or grass. To enable providing for nearly all semi-hard landscaping under the definition leaves the site void of necessary greenery, while still meeting the associated landscaped area standard.

Four issues are addressed below relating to specific aspects of the landscaped area definition. These are split into addressing the pluralising of feature, inconsistencies within the definition, ground cover plants not being included, as well as other anomalies.

¹⁰ It is noted that the proceeding text in the definition recognises that artificial lawn meeting the specified aspects in the definition are not limited to the 25 per cent, other than if there is a front yard requirement for landscaping.

Issue 1: feature instead of features¹¹

The word 'feature' within this sentence is problematic. Feature is used in the singular and as a result, this leads to interpretation issues where each of the features set out in points (1) – (4) of the definition, could be read as being able to take up to 25 per cent of the landscaped area each, as opposed to collectively 25 per cent. Particularly for points (2), paved with open jointed slabs, bricks or gobi and (3) terraces or uncovered decks.

Without the pluralising of feature, the result if applied in this way, is that significant portions, if not all the landscaped area could be made up of no grass or plantings, instead relying solely on decks, bricks, pathways and ornamental pools (within the specified dimension parametres). The listed features are forms of semi- hard manufactured landscaping.

To achieve the best form of visual and user amenity, the landscaped area needs to be considered alongside softer forms of landscaping in the form of grass and vegetation. The current singular reference to 'feature' could lead to unanticipated and unforeseen negative outcomes for visual amenity, both internally to site occupants and visually beyond the site, in residential zones such as, the Single House and Mixed Housing Suburban Zones.

It is understood that the current approach of the Resource Consents Department is to interpret 25 per cent across the four features collectively however, proposals come forward interpreting this incorrectly.

Issue 2: inconsistencies and contradictions

There is a specific clause in the definition which provides for artificial grass in residential zones, allowing it to not be subject to the 25 per cent limit.

...

Permeable artificial lawn in the residential zones is not subject to the 25 per cent limit, except that permeable artificial lawn must not cover more than 50 percent of the landscaped area of the front yard. Permeable artificial lawn must meet the following standards:

- *be permeable;*
- *resembles grass in colour including a mix of natural looking green tones;*
- *have piles that are a minimum 30mm pile height, straight cut (not looped pile), and of a density and form that resembles grass;*
- *is resistant to ultra violet degradation, weathering and ageing during its normal service life; and*
- *is recyclable.*

¹¹ While Chapter J1.1(4) Interpretations, sets out that "words used in the singular include the plural and words in the plural include the singular"; this becomes very difficult when applied in the subject context, where the two present substantially different interpretations. While this is applied as a general principle for interpreting definitions, it is not found to be applicable or sensible in the context of the subject use of the word 'feature', within the definition of landscaped area.

Its inclusion within the list of features to not cover more than 25 per cent of the landscaped area is therefore confusing and inconsistent. Given that landscaped areas is a development control relating only to several residential zones, and there is already explicit provision for it to exceed 25 per cent of the landscaped area in residential zones further down in the definition (provided it meets particular parameters), there is no need to refer to it within the matters limited to 25 percent of the landscaped area.

Point (1) in relation to ornamental pools also prescribes that the pool(s) must not exceed 25 per cent coverage of the landscaped area. This is also contradictory to the collective 25 per cent from the identified features.

Issue 3: ground cover plants not included

Across a number of the Business Zones in H8 – H17, there is a ‘landscaping’ provision (not defined in Chapter J). In the Business - Neighbourhood Centre Zone (H12) for example, Standard H12.6.5. Landscaping, requires that the landscaping must “*comprise a mix of trees, shrubs or ground cover plants (including grass).*”

The additional wording of ‘ground covered plants’ is however not included within the definition of landscaped area. Its inclusion in the definition of landscaped area would assist in recognising and clarifying that a wider diversity of plantings which provide ground coverage can form the landscaped area.

Issue 4: Other Anomalies

Given the listed features that are able to count towards the 25 per cent minimum landscaped area, several anomalies have also been identified through reviewing the initial issue relating to ‘feature’. This includes two superfluous words which do not assist in clarifying or describing preceding or proceeding words. These are the words ‘being’ in the phrase ‘being not less than 5m²’ and the word ‘such’ within point (2). These unnecessary words further the difficulties in understanding and applying the definition.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Retain the definition of landscaped area as it is (status quo).

Option 2: An alternative non-regulatory option is an interpretation or practice note providing direction to consenting officers on the intended reading of the definition in relation to considering all the named features under points (1) – (4)/(5) not covering more than 25 per cent of the landscaped area.

Option 3: Amend the definition of landscaped area in order to address a number of issues with the current wording, as outlined above.

In order to implement this option, the following specific changes are summarised as:

- 1) Amend to pluralise feature to read as 'features' instead of 'feature'. In conjunction, further clarify this through inserting the word 'collectively' within the sentence.
- 2) Delete reference within point (1) to ornamental pools 'not exceeding 25 per cent coverage of the landscaped area'.
- 3) Delete superfluous words 'being' in point (1) and 'such' in point (2).
- 4) Delete current point (4), 'permeable artificial lawn' on the basis that it is not subject to the 25 per cent limit, based on the proceeding text.
- 5) Pluralise 'feature' under point 5 and insert 'collectively' to clarify the 25 per cent relates to the total from the listed features.

The amendments as described above would read as:

Landscaped area

In relation to any site, means any part of that site ~~being~~ not less than 5m² in area which is grassed and planted in trees, ~~or~~ shrubs, or ground cover plants and may include:

(1) ornamental pools; ~~not exceeding 25 per cent coverage of the landscaped area;~~

(2) areas paved with open jointed slabs, bricks or gobi or similar blocks where the maximum dimension of any one ~~such~~ paver does not exceed 650mm;

(3) terraces or uncovered timber decks where no part of such terrace or deck exceeds more than 1m in height above the ground immediately below;

(4) ~~permeable artificial lawn; or~~ [deleted]

(5) non-permeable pathways not exceeding 1.5m in width;

~~and~~ where the total land area occupied by one or more of the features in (1), (2), (3) and (5) above does not collectively cover more than 25 per cent of the landscaped area.

...

Option 4: Remove the 25 per cent requirement for certain forms of landscaping from the definition and embed it within the landscaping standards in the relevant residential zones (as well as any relevant precincts or overlays).

Evaluating the proposal against its objectives

The most relevant objectives are those of the residential zones which set out the landscaped area standards. The objectives set out in H3.2.(3) (Single House Zone), H4.2.(3) Objectives (Mixed Housing Suburban), H5.2(3) (Mixed Housing Urban) and H6.2(3) all recognise the

need for development to provide “*quality on-site residential amenity for residents and for adjoining sites and the street*”. Furthermore, for the Mixed Housing Suburban Zone, policy H.4.3. (2) (c) recognises landscaping even more specifically. It looks to: “*achieve the planned suburban built character of predominantly two storey buildings, in a variety of forms by: requiring sufficient setbacks and landscaped areas*”. Likewise, for the Single House Zone, policy H3.3(b) “*requires development tobe of a height and bulk and have sufficient setbacks and landscaped areas to (b)maintain an existing suburban built character or achieve the planned suburban built character of predominantly one to two storey dwellings within a generally spacious setting*”.

Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
<p>Option 1:</p> <p>Retain the definition of landscaped area as it is (status quo).</p>	<p>This will not prevent applicants who prepare a development proposal based on interpreting the definition of landscaped area in an unintended way. It may still mean it remains debated and therefore is not the most effective or efficient option.</p>	<p>To retain the current wording would mean further resource (both time and money) is likely spent on interpretation and debate by plan users. This could also result in uncertainty, inconsistency and variability in the outcomes of the landscaped area provisions.</p> <p>The risk of not acting means there may be plan users who try to suggest that each of the features are allowed to take up 25 per cent of the landscaped area each because of the word ‘feature’ instead of ‘features’. If this approach is applied it could result in unintended adverse amenity effects. This could lead to an outcome that does not align with the policy direction of the AUP in some residential zones.</p>	<p>There are not new or revised provisions for plan users to have to become familiar with and understand. On balance however, this is not a strong justification to not address the issue.</p>
<p>Option 2:</p> <p>An alternative non-regulatory option is an interpretation or practice note providing direction to</p>	<p>The alternative of a guidance or practice note, which does not currently exist, may go some way to assisting plan users, but is not generally a public document.</p>	<p>Practice notes and interpretation notes are currently for internal plan users to council only. This therefore does not sufficiently provide the direction that is required for</p>	<p>Does not require forming part of the plan change, which mean there are not time and costs associated with this process, compared to option 1.</p>

<p>consenting officers on the intended reading of the definition, in relation to considering all the named features under points (1) – (4)/(5) not covering more than 25 per cent of the landscaped area.</p>		<p>external plan users at this time, which is where it is needed most. This is a significant negative aspect of option 2.</p>	
<p>Option 3: (Preferred)</p> <p>Amend the definition of landscaped area in order to address a number of issues with the current wording, as outlined above.</p>	<p>The proposed amendments to the definition are consistent with ensuring the relevant residential zone objectives are achieved, and without these changes may not be as successful in being able to accord with these objectives. In particular for achieving a, <i>“quality on-site residential amenity for residents and for adjoining sites and the street”</i>.</p> <p>In accordance with the objectives of the plan change, the amendment aims to amend provisions that are ambiguous or unclear.</p>	<p>For those plan users currently submitting applications based on each of these features comprising 25 per cent individually, this will no longer be an avenue. For these plan users this will be seen as a cost.</p> <p>Monetary and time costs associated with this change being part of the plan change process, in comparison do no change.</p> <p>In the THAB zone for example, new developments may not be likely to meet the requirement that landscape features not comprise more than 25 per cent of the site. There is not however, an overly high risk or issue as all new developments in the THAB zone require consent as a restricted discretionary activity. The landscaped area is therefore considered as part of the assessment against the criteria, and is not a significant cost.</p>	<p>Clarification that the calculation of the features cannot amount collectively to more than 25 per cent of the total landscaped area required provides clarity. This should result in less time spent on interpretation by plan users. The proposed amendments remove ambiguity and introduce greater certainty for users. This is turn helps to improve the performance of the AUP whilst retaining the current policy direction for this topic. It will enhance the application of the definition of landscaped area.</p>
<p>Option 4:</p> <p>Remove the 25 per cent requirement for certain forms of landscaping from the definition and embed it within the</p>	<p>Requires the 25 per cent limit for specific features to be produced across several zones (as well as Special Character Residential Overlay and several precincts</p>	<p>Duplication of content into every zone, overlay or precinct which sets out landscaped area requirements.</p>	<p>Easier to customise if seeking variations in the landscaping limitations between zones.</p>

landscaping standards in the relevant residential zones (as well as any relevant precincts or overlays).	which include landscaped area standards. This is not as efficient or effective as embedding it within the definition.		
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The scale of properties affected by this proposed amendment is all properties where works are proposed which have an impact on landscaped areas. This covers properties in the Single House, Mixed Housing Suburban, Mixed Housing Urban and Terrace Housing and Apartment Buildings Zones. It also includes several the area specific precincts across the region and overlays such as, the Special Character Overlay – Residential and Precincts such as, Hobsonville Point. Modifications to this definition therefore does have the potential to affect a significant number of properties across the region when undertaking site alterations affecting the landscaped area in particular new developments or re-landscaping. On the other hand, retaining the current definition could have wide reaching adverse effects which are not negligible in some of the residential zones. On balance, the potential for adverse outcomes outweighs that this relates to the application of landscaped area across multiple residential zones, making option 3 the preferred option.

Conclusion

Option 3 is the preferred solution.

It is considered that the amendments to the definition of landscaped area contained in option 3 is the most effective and efficient for achieving the purpose of the plan change for the following reasons:

- The pluralising of feature’s’ in relation to limiting certain landscaping features set out in points (1) – (4) of the definition of landscaped area, clarifies that the total land area occupied by the named features does not cover more than 25 per cent of the landscaped area collectively.
- Specific wording refinements also remove anomalies to ensure the definition can work in practice.

The proposed amendments to Chapter J1 are shown in Attachment 1D: Definitions.

10.5 Theme 5: Net internal floor area

Chapter of the AUP	Chapter J Definitions
Sub-section of the AUP	J1 Definitions
Specific provision	<i>Net internal floor area</i>

Status quo and problem statement

The definition of 'net internal floor area' includes reference within its exclusions, to 'required storage space'. Required storage space was removed from the AUP activity tables and removed as a standard within medium density residential zones due to the recommendations made by the IHP Recommendations Version of the AUP.¹² Its retention in this definition is now superfluous.

The definition in the AUP currently reads as:

Net internal floor area

The floor space between the finished surfaces of internal walls between rooms.

Excludes:

- *balconies or decks;*
- *parking;*
- *garages; and*
- *required storage space.*

Background context

In the Proposed AUP, required storage space was a development control contained in the Mixed Housing Suburban, Mixed Housing Urban and Terrace Housing and Apartment Buildings Zones, which required a specific area and volume of storage space to be provided.¹³ Its purpose was to ensure sufficient space for the storage of everyday household items and bulky items, such as, bicycles, in medium and higher density zones.

In terms of the use of the definition of net internal floor area more generally, it relates to minimum dwelling size standards and other standards such as outdoor living space. In so

¹² Evidence presented to the Auckland Unitary Plan Independent Hearings Panel. Topics 059,060,062,063 Residential objective and policies, activities, development controls and controls and assessment. Planning - Attachment 4 - Summary of Key Issue Raised in Submissions on Residential zones. p 9. And evidence presented to the Auckland Unitary Plan Independent Hearings Panel. Topics 059,060,062,063 Residential objective and policies, activities, development controls and controls and assessment. Planning -Attachment 2 Council's proposed track change provisions. P 48-49,63-64,79-80,88.

¹³ The Proposed Auckland Unitary Plan. Part 4 – Definitions and Chapter H: Zones.

far as it relates to required storage space, this is contained within the definition of net internal floor area to clarify and recognise it does not form part of the area included in the calculation.

The only remaining exception of the use of the phrase ‘required storage space’ specifically within a standard, is within one Special Housing Area (**SHA**) Precinct (Franklin 2), which still reflects the removal of a requirement for storage space.^{14 15}

Furthermore, while removed as a standard with specific dimension requirements for medium density residential zones, storage space is included in the assessment criteria for the Mixed Housing Suburban and Mixed Housing Urban Zones. This enables consideration of the extent to which a dwelling provides secure and conveniently accessible storage for the number and type of occupants the dwelling is designed to accommodate.¹⁶ This was incorporated as a result of an appeal relating to the permitted threshold for residential housing in the Mixed Housing Suburban and Mixed Housing Urban zones, which included criteria for consideration of application exceeding the permitted threshold.¹⁷

Outline of the proposals

The key proposals to address the problem identified above are:

Option 1: Retain definition of required storage space within the listed exclusions of the net internal floor area definition.

Option 2: Amend the definition of net internal floor area to remove reference to required storage space within the exclusions (and associated sequential grammar changes).

Consequentially, as well as deleting ‘required storage space’ and the associated bullet point, the above amendment results in the need to remove the word ‘and’ after garages and shift the ‘and’ further up to after ‘parking’. The semi colon after garage also needs to be removed and replaced with a full stop. Both these additional amendments are required for grammatical accuracy and are very minor consequential amendments. This option seeks to amend the definition as follows:

Net internal floor area

The floor space between the finished surfaces of internal walls between rooms.

¹⁴ As a SHA it is subject to specific legislation. In addition, precincts do not form part of the current set of plan changes, and therefore it is not possible to remove this provision for storage within this SHA at this time. As noted in information page for SHAs (non-statutory), “*Some text in these operative precincts refer to provisions in the proposed Auckland Unitary Plan notified 30 September 2013 (the Notified Version). For all these references, the Notified Version will apply*”.

¹⁵ Auckland Unitary Plan Operative in Part. Chapter I: Precincts. Special Housing Areas. Franklin 2. Part. 4.19 (Storage).

¹⁶ H5 Residential – Mixed Housing Urban Zone. H5.8.2. Assessment criteria (e) (iii).

¹⁷ Adams & Ors v Auckland Council. Decision No. [2018] NZEnvC 008.

Excludes:

- balconies or decks;
- parking; and
- garages; and
- ~~required storage space.~~

Option 3: Amend the definition of net internal floor area to remove reference to required storage space within the exclusions. Also delete the only remaining standard relating to required storage space, within the Special Housing Area, Franklin 2 Precinct.

The amendments as described above to *Chapter 1: Precincts. Special Housing Areas. Franklin 2. Part. 4.19 (Storage)*². would read as:

~~*The required storage space for each dwelling must include a single covered storage space within internal dimensions of at least 2m³.*~~

Evaluating the proposal against its objectives

The most relevant objective relates to medium to higher density zoned housing having “Development [which] provides quality on-site residential amenity for residents and the street”. Objectives are contained in H6.2(3) for the Terrace Housing and Apartment Zone, H5.2.(3) for Mixed Housing Urban, and H4.2.(3) for Mixed Housing Suburban.

Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
<p>Option 1:</p> <p>Retain definition of required storage space within the listed exclusions of the net internal floor area definition.</p>	<p>This option results in the retention of a small amount of content which no longer has a correlation with the general AUP standards and rules. While it is set out as an exclusion within the definition this still is superfluous and unnecessary text, making its inclusion inefficient.</p>	<p>Retaining the reference to required storage space means that redundant and unnecessary text remains within the definition. This has the potential to possibly confuse plan users who may look for provisions relating to storage space, which now do not exist within the medium to higher density zone standards.</p>	<p>Does not require resourcing as part of the plan change in terms of forming part of a hearing and further reporting.</p>
<p>Option 2: (Preferred)</p> <p>Delete required storage space within the listed exclusions of the net internal floor area definition.</p>	<p>The deletion of the reference to required storage space is the most effective way to resolve the issue and to recognise the changes in the residential zoning</p>	<p>Monetary and time costs associated with this change being part of the plan change process.</p> <p>While there remains one reference to</p>	<p>Removes an aspect of the definition which no longer has a direct correlation in relation to net internal floor area and how it is measured; providing for a clearer definition</p>

	<p>provisions since the PAUP. Removal of superfluous text helps in ensuring the AUP is a high functioning document for plan users, in turn leading to a more effective and efficient definition.</p> <p>In relation to the objectives such as H6.2.3(3), relating to ensuring quality on-site amenity for residents and the street; the removal of this aspect of the exclusions to the definition of net internal floor area does not prevent this being achieved. In particular as there is an assessment criterion to consider storage space on a case by case basis.</p> <p>In assessing the proposed amendments against the purpose of the plan change, it aligns with the objective of amending provisions that are ambiguous or unclear.</p>	<p>required storage space within the SHA Franklin 2 Precinct, the deletion of required storage space in one definition is not anticipated to be an issue in the application of this one SHA. Removing the reference to required storage space within the exclusions for net internal floor area is not considered to pose significant risk to apply the storage standard contained in 4.19 (Storage) of the Franklin 2 SHA. The reference within the definition of net internal floor area is limited to clarifying that it is a point of exclusion. If such confusion under this one SHA is to arise this can be sufficiently addressed through consenting interpretation.</p>	<p>for readers and users.</p> <p>The change does not have high technical ramifications, and is minor in nature, but its deletion would assist with plan integrity.</p>
<p>Option 3:</p> <p>As well as deleting required storage space from the exclusions within the definition of net internal floor area, also delete the only remaining standard relating to required storage space, within the Special Housing Area, Franklin 2 Precinct.</p>	<p>It would be desirable for consistency to also delete the standard and any associated points of assessment which are currently contained within the Franklin 2 SHA. This however, sits outside the scope of the plan change, which can not directly address amendments within SHAs.</p>	<p>SHAs are subject to the Housing Accords and Special Housing Areas Act (HASHAA) legislation which have different processes for changes to SHAs. It would not be possible to amend it as part of the subject process. This requires a separate process.</p>	<p>This option ensures that there are absolutely no remaining standards in the AUP relating to required storages area.</p>

Conclusion

Option 2 is the preferred solution.

It is considered that the amendments to the definition of net internal floor area contained in option 2 is the most effective and efficient for achieving the purpose of the plan change for the following reasons:

- Will reflect a change which occurred through the plan development which resulted in the removal of explicitly providing for required storage spaces, which are no longer in the AUP.
- The deletion of required storage space from the definition of net internal floor area is a minor consequential amendment which will clear up any ambiguity.
- On balance, progressing this change as part of the plan change enables the issue to be easily rectified.

The proposed amendments to Chapter J1 are shown in Attachment 1D: Definitions.

10.6 Theme 6: Through site

Chapter of the AUP	Chapter J Definitions
Sub-section of the AUP	J1 Definitions
Specific provisions	<i>Through site</i> (new definition) <i>Site</i> (consequential amendment to existing definition)

Status quo and problem statement

There is no definition of 'through site' in Chapter J1 of the AUP.

The plan distinguishes between several different types of sites based on various aspects, such as frontage dimensions, width and relationship to road(s). The definition of 'site' includes a diagram (Figure J1.4.8: Site) illustrating the application of the definition, and a number of other definitions exist for site types. These being front, corner and rear sites, as well as access site and entrance strip. There is however, no definition for 'through site'.

A definition of through site is required to achieve consistency with the other site types and align with references contained beneath the site type diagram within the definition of site. The definition of site also makes reference to specific site type definitions beneath the diagram. Inserting a definition would therefore complete the guidance within the plan on all the types of sites.

The site classification and its definition determine variables such as where yard controls are taken from, which in turn will impact upon other controls (i.e. height in relation to boundary). It is therefore critical that there is clear direction on what constitutes each site type.

A secondary issue is that there is no reference to the 'corner site' in the linking text directly below Figure J1.4.8:Site, despite it being shown in Figure J1.4.8 and being a defined term in Chapter J.

Background

Through site was a defined term in several of the legacy plans within the region. The definitions provided the same technical content, but with slight variations in wording. The two key aspects of the definition were:

- two or more road/street frontages
- not a corner site.

The definition of through site was not set out in the PAUP, Part 4 Definitions. It also does not appear to have been raised through evidence submitted to the IHP.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Do not introduce a definition of through site and rely on interpretation and clarification of what this constitutes a through site via a practice note.

Additionally, do not provide a referencing link to 'corner site' in the text reference to site types directly below Figure J1.4.8: Site.

Option 2: Insert a new definition for 'Through site'. Following the formatting of the AUP, insert the definition under 'T' in Chapter J1.

Also amend the definition of site, to refer to 'through site' and 'corner site' in the text directly below Figure J1.4.8: Site.

The text for the new proposed definition to read as:

Through site

A site, other than a corner site, with two or more road frontages.

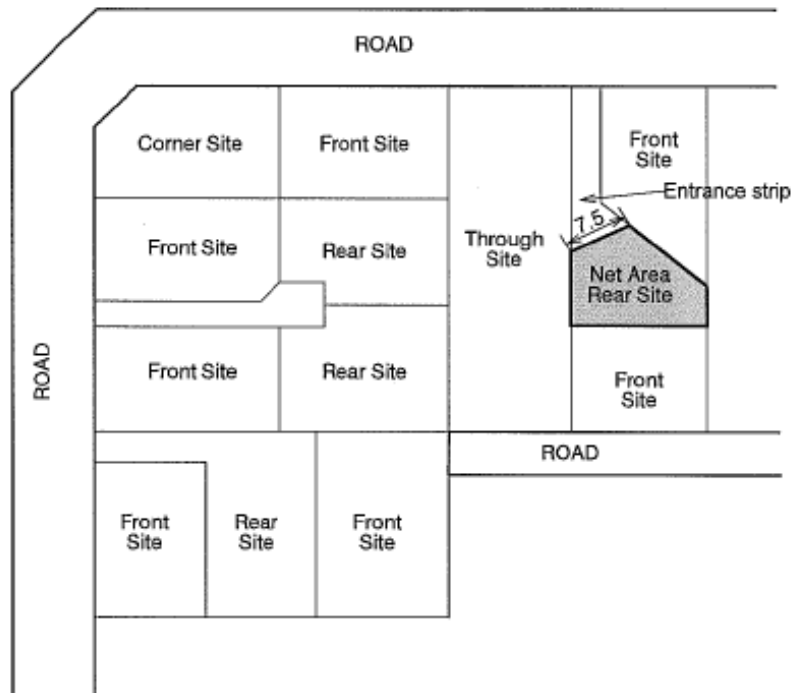
Refer to Figure J1.4.8 Site.

As well as to amend the text directly beneath the Figure J1.4.8 Site diagram, to recognise that the term through site is defined, as well as corner site.

Site

Any area of land which ...

Figure J1.4.8: Site



See also: *entrance strip, rear site, access site, front site, corner site and through site.*

The origins of the proposed definition align most directly with the terminology contained in the legacy plans, however amendments have been made from this legacy definition to align with consistency in language in the other site type definitions in the AUP.

Evaluating the proposal against its objectives

There are no highly relevant specific objectives to directly address the changes against in Chapter B - Regional Policy Statement.

Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
<p>Option 1:</p> <p>Do not introduce a definition of through site and rely on interpretation and clarification of what this constitutes a through site via a practice note.</p> <p>Additionally, do not provide a referencing link to 'corner site' in the text reference to site types directly below Figure J1.4.8: Site.</p>	<p>A practice or interpretation note is generally for internal use only. This does not assist wider plan users/customers, making it partly ineffective for wider users. This also does not hold the same legal weighting should significant issues arise. It is therefore not as effective as option 2.</p>	<p>Option 1 avoids the time and resource required as part of inclusion in the plan change. In the wider scheme of the plan change however, this cost is minimal.</p> <p>Time and resource spent relaying practice/interpretation notes to applicant, customers inquiring.</p> <p>It also does not resolve the gap of having no definition of through</p>	<p>Does not involve the time and costs associated with inclusion of this proposed definition as part of the plan change.</p>

		site and therefore the issue remains.	
<p>Option 2: (Preferred)</p> <p>Insert a new definition for 'through site'. Following the formatting of the AUP, insert the definition under 'T' in Chapter J1.</p> <p>Also amend the definition of site, to refer to 'through site' and 'corner site' in the text directly below Figure J1.4.8: Site.</p>	<p>The changes required are limited to Chapter J1, inserting a new definition, based on legacy definitions, and a minor consequential change to the existing definition of site, to reference through site and ensuring for consistency a reference is made to 'corner site'. Inserting a definition is the most effective and efficient way to provide the necessary clarity. It provides the definition directly within the Plan, unlike a practice note which is outside the plan and not necessarily highly accessible. This option is therefore the most effective and efficient of the two.</p> <p>Inserting a definition for through site aligns with two of the objectives of the plan change, these being to amend the provisions to achieve vertical and horizontal alignment across the AUP where there are current gaps, and to also in relation to ambiguous or unclear provisions (with definitions being a form of provision). The inclusion of the definition is a technical amendment which does not change the policy direction, it instead provides clarification, making this option an efficient and effective solution.</p>	<p>Time and resource as part of inclusion in plan change. On balance however, this is very minor, compared to the benefit of having clarity of what a through site constitutes.</p>	<p>Plan users are provided clarity on what constitutes a through site when considering a project against multiple parts of the AUP. This option will provide clarity and help to avoid confusion for applying other associated definitions and standards on a site, such as yards (front and side) and height in relation to boundary.</p> <p>The scope of this change relates to all sites across the region which fall within the defined parameters proposed for a through site. Given that a through site needs to link up to two roads, there appears to be significantly fewer through sites, then front or rear sites, which comprise the bulk of site types. This therefore limits the overall number of sites affected.</p>

Conclusion

Option 2 is the preferred solution.

It is considered that inserting a new definition of building contained in option 2 is the most effective and efficient for achieving the purpose of the plan change for the following reasons:

- Inserting a new definition to explicitly clarify through site will align with the other types of sites which are currently defined in Chapter J1 (being corner, front and rear sites). Its inclusion will avoid any unnecessary confusion to all plan users.
- The proposed definition draws upon legacy district plan definitions of through site, and then aligns it with the AUP format.

The proposed amendments to Chapter J1 are shown in Attachment 1D: Definitions.

10.7 Theme 7: Workers' accommodation

Chapter of the AUP	Chapter J Definitions
Sub-section of the AUP	J1 Definitions
Specific provision	<i>Workers' accommodation</i>

Status quo and problem statement

In the rural zones, the AUP definition of 'workers' accommodation' provides for people who work on the subject site but also for those who don't work on the site but do work in the surrounding rural area. In all other zones (and precincts), the definition requires that the workers must have duties which necessitate them living on-site.

The definition reads as follow:

Workers' accommodation

A dwelling for people whose duties require them to live on-site, and in the rural zones for people who work on the site or in the surrounding rural area.

Includes:

- *accommodation for rangers;*
- *artists in residence;*
- *farm managers and workers; and*
- *staff.*

The definition includes the phrase 'surrounding rural area' which is broad and subjective. There are no specific parameters on what distance constitutes surrounding area. It could be interpreted by plan users to include accommodation for farm or forestry plantation workers 1km away or 10km away. It could arguably also however, include accommodation for teachers at a local school, a petrol station assistance at a rural petrol station, or even a retail shop assistant in the nearby village or centre servicing the area.

A list of standards is set out H19.10.12 that apply to workers' accommodation in the rural zones. These standards however, do not assist in understanding the phrase "*surrounding rural area*". This can result in debate and uncertainty on what qualifies as surrounding rural area at the time of resource consent. This is undesirable and does not align with the principle of having as clear and unambiguous language as practicably possible.

The provision for workers accommodation in the surrounding rural area was provided for through the IHP recommendations version of the Auckland Unitary Plan.¹⁸ It was not contained within the Proposed AUP. Since the provisions have come into effect, this has been identified as difficult to implement by the Resource Consents Department, who have encountered a few consents where this issue has arisen, both in the context of proposed new workers' accommodation and the conversion of an existing building into the use of workers' accommodation.¹⁹

Outline of the proposals

The options to address the problems identified above are:

Option 1: Do not amend the definition of workers' accommodation and instead maintain the status quo. As a non-statutory option, use a practice or interpretation note for establishing what constitutes the surrounding rural area and how it should be applied.

Option 2: Amend the definition of workers' accommodation to remove provision for inclusion of people who work in the surrounding area. Replace with new text linking workers' accommodation to those specific activities set out in the Chapter J Rural Nesting Table and limit it to on-site workers.

Option 2 would link workers accommodation to the Rural nesting table (J1.3.6) which encompasses the following activities (the terms below are also further defined):

Table J1.3.6 Rural

<i>Rural commercial services</i>	<i>Animal breeding or boarding</i>
<i>Farming</i>	<i>Horticulture</i>
	<i>Free-range poultry farming</i>
	<i>Poultry hatcheries</i>
	<i>Conservation planting</i>
<i>Produce sales</i>	
<i>Intensive farming</i>	<i>Intensive poultry farming</i>
<i>Forestry</i>	
<i>Quarries – farm or forestry</i>	
<i>Equestrian centres</i>	
<i>Rural industries</i>	
<i>On-site primary produce</i>	

¹⁸ Report to Auckland Council Hearing topics 056 and 057 Rural zones. July 2016. Section 1.2 (v).p.3.

¹⁹ Examples include resource consent applications SUB-60309055 and LUC-60067122.

<i>manufacturing</i>	
<i>Post-harvest facilities</i>	

The proposed amended wording to the definition of workers' accommodation under option 2 would read as:

Workers' accommodation

A dwelling for people whose duties require them to live onsite, ~~and in the rural zones~~ a dwelling for people who work on the site for the activities set out in Nesting Table J1.3.6. ~~or in the surrounding rural area.~~

Includes:

- accommodation for rangers;*
- artists in residence;*
- farm managers and workers; and*
- staff.*

Option 3: Amend the definition of workers' accommodation to remove the specific rural zone component of the definition all together. Apply the definition consistently across all zones, overlays or precincts.

Option 4: Amend the definition of workers' accommodation to include a specified default radius area from the site or centre point of the workers' accommodation (i.e.: 5 kilometres, or where the zone changes from rural, whichever is the lesser).

Evaluating the proposal against its objectives

The key AUP objectives to consider the proposal against is the Regional Policy Statement for Rural environment (B9). As well as, the objectives relating to the seven rural zones, contained within H19 (Rural zones), H20 (Waitākere Ranges) and H21 (Waitākere Foothills).

While the AUP recognises that dwellings will be present within rural zones, it also recognises that the rural environment can have sensitivities in relation to buildings for residential uses, both in terms of size and appearance, and impacts on the rural landscape. Zones such as, the Waitākere Ranges and Waitākere Foothills, Rural Conservation and Countryside Living Zones are particularly sensitive in this regard.

Objective B9.2.1.(1) recognises that “*Rural areas make a significant contribution to the wider economic productivity of, and food supply for, Auckland and New Zealand*”. Policy B9.2.2.(1) addresses enabling a *diverse range of activities while avoiding significant adverse effects on and urbanisation of rural areas, including within the coastal environment, and avoiding, remedying, or mitigating other adverse effects on rural character, amenity, landscape and biodiversity values.*

Providing for workers' accommodation across the surrounding rural area may go some way in assisting with rural economic productivity, but this needs to be considered against the other impacts. There are more appropriate alternative housing options for providing accommodation for workers of the rural area more generally such as, minor dwellings and second dwellings.

Objective H19.2.1.(1) recognises that *“rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions”*. The proposed changes to the definition of workers' accommodation under option 2 would still maintain recognition of the need for living, working and recreating, as well as having a range of activities and services in rural areas, but provides a more refined definition, which relates back directly to the rural activities and linking this back to the site or farm, not the wider surrounding rural area at large.

Likewise, Objective H19.2.1(2) recognises that rural production activities are provided for throughout the rural area while containing adverse environmental effects on site. The proposed refinements to the definition of workers' accommodation under option 2 would not prevent rural production activities in rural areas, instead establishing more direct language for workers associated with such activities, which assists in ensuring that adverse effects are contained on-site.

Objective H19.2.3. relating to rural character, amenity and biodiversity values sets out in H19.2.3.(1) that *“the character, amenity values and biodiversity values of rural areas are maintained or enhanced while accommodating the localised character of different parts of these areas and the dynamic nature of rural production activities”*. The key aspect of this objective is in relation to the dynamic nature of rural production activities. Option 2 would still provide for the dynamic nature of such activities but with more refined parameters, linking workers' accommodation directly back to the rural nesting table and on-site. H19.2 Objectives and policies - all rural zones sets out under H19.2.1 Objectives -general rural (1) that: *“Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions”*. Through linking the onsite workers' accommodation to the Rural Nesting Table this maintains the strong connection relating to the rural area and its specific uses.

Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
<p>Option 1:</p> <p>Do not amend the definition of workers' accommodation and instead maintain the status quo.</p> <p>As a non-statutory option, a further practice note could be developed in relation to</p>	<p>While an interpretation or practice note could be developed, it may be difficult to apply an interpretation or practice note on what surrounding rural area constitutes, other than defaulting to a generic spatial extent such as 5 kilometres. Where surrounding rural area</p>	<p>This option avoids costs and risks of challenge associated with a plan change. This however is not a strong reason to not proceed when there are cases of unsatisfactory outcomes.</p> <p>There is the potential</p>	<p>A practice note would assist in providing some level of clarity in resource consent applications but will not be of any use in preventing accommodation beyond the site.</p> <p>Where the accommodation is not</p>

<p>what constitutes the surrounding rural area and when it should be applied.</p>	<p>should such a default radius should be set is difficult.</p> <p>Where this is more permissive to provide for workers in the surrounding area, it is questionable this provides an acceptable compromise between providing for rural productivity and economics and there needing to be a direct correlation to assisting with the economics of the subject site, as is the case with all other zones.</p>	<p>for environmental costs to what is incentivising a potential cumulative degradation of the rural landscape from bulk and location which reads as a standard dwelling, resulting from dwellings which do not provide a direct benefit or co-economic relationship with the subject site or farm. This much more indirect benefit becomes questionable and inappropriately used.</p> <p>There has been 18 months of use of the AUP to assess whether the provisions are working. The Resource Consents Department have indicated this provision is being applied for in an inappropriate manner, but there are significant difficulties in being able to push back on applications proposing accommodation for workers in the surrounding rural area, based on the current definition.</p> <p>Further time and money spent on interpretation by both Council and external District Plan users on what constitutes 'surrounding rural area'. This is considered poor use of time and money.</p>	<p>specifically providing housing for the direct workers whose duties relate to on-site, it brings into question whether a much wider rural community or rural economy benefit is appropriate. A dwelling of 120m² (minus garaging and decking) should only be applied where the benefit of proximity to work relates directly to the site or farm. Where it relates to workers beyond the site this should constitute a further dwelling (or dwelling in less common instances where there is no existing dwelling on-site).</p> <p>Also, there are no new or revised provisions for plan users to have to become familiar with and understand.</p>
<p>Option 2: (Preferred)</p> <p>Amend the definition of workers' accommodation to remove provision in the definition for inclusion of people who work in the surrounding area. Replace with new text</p>	<p>Option 2 will assist in resource consent applications where the reporting planner is left in an unresolved situation on what constitutes accommodation for workers in the surrounding area.</p>	<p>Requires certain proposals to apply for a minor household unit, a second or third dwelling, if the dwelling is for workers of the surrounding rural area not on-site or is for an activity not in the nesting table, such as,</p>	<p>Links the land use(s) the workers' accommodation is provided for to activities specified in the rural nesting table for the rural zones. The direct association for achieving prompt access to the on-site</p>

<p>linking workers' accommodation to those specific activities set out in the Chapter J Rural Nesting Table (J1.3.6) and limit it to workers on-site.</p>	<p>While some aspects of the management of workers' accommodation are managed through conditions of consent, such as, specifying a maximum number of occupants or specific type of workers use, the matter of what constitutes the surrounding rural area cannot be sufficiently addressed other than through a plan change, to remove this overly loose provision.</p> <p>In relation to objective B9.2.1.(1) and policy B9.2.2(1), providing for workers' accommodation across the surrounding rural area may go some way in assisting with rural economic productivity, but this needs to be considered against the other impacts. There are more appropriate alternative housing options for providing accommodation for workers of the rural area more generally such as, minor dwellings and second dwellings. The proposal of linking the workers' accommodation back to the Rural nesting table activities would also still ensure that the accommodation assists with relating back to the rural economy.</p> <p>The proposal aligns with the plan change objective of ensuring that the wording of provisions (definitions) is clear and unambiguous. The affect of the change relates to sites within</p>	<p>an artist in residence.</p> <p>It is possible some activities in the rural nesting table will not have a specific area suitable for workers' accommodation such as, in some quarries and some forestry planation areas, this then does not provide an ability to achieve workers' accommodation. On balance however, this is just one aspect, whereas there is a much wider group of rural activities which should be limited to restricting it to the specific subject site or farm.</p> <p>This is a change in approach from what the IHP set out for workers' accommodation in rural zones.</p>	<p>work is achieved such as, for milking cows and picking fruit or vegetables.</p> <p>The reference to the nesting table provides a much stronger link for specifically bringing it back to the original intent for workers' accommodation in rural zones.</p> <p>The change will enable a more robust definition which is much more focused to those activities that relate specifically to that site or farm.</p> <p>A dwelling of 120m² (minus garaging and decking) is a reasonable size standard dwelling, where this does not accommodate a worker on the specific site or farm, it brings in to question why it should not be considered as a second dwelling. The compass of what may constitute surrounding areas is too vast to ensure there is a direct benefit (i.e. economic/monetary benefit), that is not outweighed by potential effects on the rural landscape, that are better considered on its merits as a second dwelling, or a minor dwelling if meeting the standards of a minor dwelling.</p>
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	the seven rural zones, in particular those between 5 and 40 hectares.		
<p>Option 3:</p> <p>Amend the definition of workers' accommodation to remove the specific rural zone component of the definition all together. Apply the definition consistently across all zones, overlays or precincts.</p>	<p>Removal of any rural zone-specific aspect within the definition would streamline the definition to a one size fits all. It would ideal and more efficient overall for the definition to be the same across all zones, precincts and overlays.</p>	<p>If no provision is provided for workers accommodation for workers of the surrounding area this will require applications to apply an alternative activity type, such as, a second dwelling or minor dwelling.</p> <p>This is a change in approach from what the IHP set out for workers' accommodation in rural zones.</p>	<p>This links the accommodation to the specific land use activities occurring on-site. The direct association for achieving prompt access to the on-site work is still maintained for milking cows, shearing sheep and picking fruit or vegetables.</p>
<p>Option 4:</p> <p>Amend the definition of workers' accommodation to include a specified default radius area from the site or centre point of the workers' accommodation (i.e.: 5 kilometres/ or where the zone changes from rural, whichever is the lesser).</p>	<p>A default radius is unlikely to assist as a one size fits all approach. Establishing what the appropriate radius is and where it is measured from is also difficult. It is not clear what evidence base could be used to establish this meter of kilometre number. For this reason, it is not considered the most effective option.</p>	<p>This option does not address the fact that the workers can relate to the surrounding rural area as opposed to the site, especially if this radius is defined as being very large.</p>	<p>There is a one size fits all for what constitutes surrounding rural area.</p>

Conclusion

Option 2 is the preferred solution.

It is considered that the amendments to the definition of workers' accommodation contained in option 2 is the most effective and efficient for achieving the purpose of the plan change for the following reasons:

- It will assist in preventing inappropriate adverse effects from occupants who have no direct correlation to the subject on-site activity.
- It will remove the current ambiguity of what constitutes the 'surrounding rural area'. Instead, it will provide clarity through linking it to those activities most suited to the rural environment, being those in the Rural Nesting Table (J1.3.6).

The proposed amendments to Chapter J1 are shown in Attachment 1D: Definitions.

11.0 Conclusion

PC 16 seeks to amend Chapter H Zones and Chapter J Definitions in respect of the provisions identified in Attachments 1A, 1B, 1C and 1D. The proposed amendments are to address identified technical issues only and will retain the current policy direction of the plan. The main conclusions of the evaluation under Part 2 and Section 32 of the RMA are summarised below:

1. PC 16 is consistent with the purpose of sustainable management in Section 5 and with the principles in Sections 6, 7 and 8 and Part 2 of the RMA.
2. PC 16 assists the Council in carrying out its functions set out in Sections 30 and 31 of the RMA.
3. Pursuant to section 75(3)(c) of the RMA, PC 16 is consistent with the objectives and policies of the RPS.
4. The evaluation undertaken in accordance with Section 32 concluded:
 - i. The use of the existing objectives of the AUP would be the most appropriate way to achieve the purpose of the RMA.
 - ii. The amendment of Chapter H Zones and Chapter J Definitions in respect of the residential, business, open space, special purpose and other zone provisions and definitions identified in Attachments 1A to 1D is the most appropriate means of achieving the objectives identified in Section 3 of this report.
 - iii. The amendment proposed in relation to the development standards that apply in each of the residential zones, are to improve the alignment with the objectives and policies, and to improve clarity for purposes of interpretation.
 - iv. The proposed amendments to the business provisions to the of the standards and assessment criteria to improve the clarity of the provisions.
 - v. The proposed amendments to the Open Space Zones, Special Purpose – School Zone, Waitakere Foothills Zone and Waitakere Ranges Zone. Amendments are proposed to improve the alignment of the provisions with the objectives and policies.