



New Zealand Institute of Architects Incorporated

**NZIA Auckland Branch Submission on the
Proposed Auckland Unitary Plan**

28 February 2014

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SUBMISSION ON PROPOSED AUCKLAND UNITARY PLAN
UNDER SECTION 123 OF THE LOCAL GOVERNMENT
(AUCKLAND TRANSITIONAL PROVISIONS) ACT 2010
AND CLAUSE 6 OF SCHEDULE 1 TO THE
RESOURCE MANAGEMENT ACT 1991

To: Auckland Council ("Council")

From: The New Zealand Institute of Architects ("NZIA")

Executive Summary

The New Zealand Institute of Architects welcomes the chance to support the high-level Objectives and Policies in the Proposed Auckland Unitary Plan.

These appear to flow logically from the aspirations of the Auckland Plan, and we hoped the Zone Objectives, Policies and Rules would, in turn, flow logically from them. Unfortunately we consider that is not the case.

While many of the provisions in the zone definitions and rules are useful rationalisations of the multitude of provisions in the legacy plans, we find that, in general, the intensity of development necessary to meet the high level objectives derived from the Auckland Plan will be frustrated by the lower level rules.

We further note that the Unitary Plan alone cannot affect the changes sought by the Auckland Plan. Such changes must, to a large extent, be infrastructure-led, in particular by a high-performing public transport system. The absence of funding for such a system will obstruct the realisation of the objectives of the Unitary Plan.

This submission concentrates on the residential and business zones.

In the residential zones we show how the application of zones on the Planning maps has failed to provide for intensification in many areas of Auckland, even removing intensified areas when compared to the draft Plan. In the Business zones we question the definition of some of the zones (which sometimes seem to do no more than describe existing conditions) and point out how the proposed zones will weaken rather than strengthen existing centres.

In considering the residential rules, we draw attention to the multitude of ways they reduce the intensity of allowed development, and together work to preserve a low-density environment, contrary to the Plan's objectives.

In the overlays section, we point out the blanket suppression of development resulting from the heritage and character controls and volcanic view shafts (including height sensitive area controls) over much of the more desirable Auckland suburbs, and the need for a more fine-grained approach.

NZIA looks forward to working with all interested parties toward a higher quality, more efficient and more vibrant Auckland.

Introduction.

- 1) The NZIA welcomes this important opportunity to comment on the Proposed Auckland Unitary Plan ("PAUP"). The Institute, through the Auckland Branch Urban Issues Group, has promoted the concept of an overall plan for the design of the city for the past 20 years, and the current submission process is the biggest step in that direction to date.
- 2) NZIA welcomes the opportunity to discuss the content of this submission further as the Auckland Council and Hearings Panel move forward with the process for the Auckland Unitary Plan.

NZIA considers there are a number of issues with the PAUP that need resolving and this is best achieved through appropriate pre-hearing processes between the stakeholders.

- 3) General reasons for the submission:

At a general level, we consider the PAUP provisions as notified will not:

enable or promote the sustainable management of resources or achieve the purpose of the RMA;

meet the reasonably foreseeable needs of future generations;

enable social, economic and cultural well-being;

enable the efficient use and development of The Auckland assets ; or

represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means and according to the provisions do not discharge the Council's duty under Section 32 of the RMA.

- 4) NZIA welcomes the appropriate development of the Auckland Unitary Plan as it has the potential to provide for improved resource management via a comprehensive and cohesive policy direction for the Auckland region and a consolidation of the various statutory planning documents. The Auckland Council states it has adopted the following key principles for the Auckland Unitary Plan, and NZIA supports these principles:

- outcomes focused
- simple
- bold
- innovative
- user-friendly as an online tool
- regulation in proportion to the scale of potential impact.

However NZIA considers that with regards to residential and business activities in particular, these principles have not yet been achieved through the Proposed Auckland Unitary Plan notified on 30 September 2013.

- 5) Overall, we are in general agreement with key policy platforms of the PAUP such as the compact city growth model and use of a Rural Urban Boundary to create identified urban areas including satellite towns.

- 6) This submission has been prepared in parallel with that from the Urban Design Forum NZ. There are negligible differences between the two submissions. The focus of these submissions is the constructed urban environment, which is the primary area of interest and expertise of the members of the two organisations.
- 7) The New Zealand Institute of Architects, which was founded in 1905, is the professional body that represents more than 90 per cent of New Zealand's registered Architects, as well as hundreds of architecture graduates and students. The Institute promotes high standards of building design and professional performance. It produces material essential to architects' practice, operates design and technical programmes to educate its members, and runs a rigorous, peer-reviewed awards programme that sets the benchmark for New Zealand architecture. The Institute seeks to collaborate with central and local government, other professional organisations and the wider construction industry in order to achieve its goal: to give New Zealanders the best possible buildings and urban environments in which to live their lives.
- 8) The NZIA considers its interest in architecture, buildings, urban environments and the proposed plan to be greater than that of general public interest. This position is supported by the NZIA Rules, which specifically states among other things that, the Institute seeks:

2.1 To promote excellence in architecture, the acquisition and dissemination of knowledge relating to architecture, ethical conduct in the practice of architecture and the interests of the profession of architecture in New Zealand and overseas.

2.2 To advance the study and practice of architecture.

2.7 To bring before government authorities, public and other bodies any matters affecting architecture and architects.

A full copy of the Rules can be found at
<https://www.nzia.co.nz/the-nzia/rules.aspx>

It is on this basis that the NZIA respectfully requests that the Council considers and grants the NZIA 'further submission' status under the Resource Management Act.

- 9) The Unitary Plan mediates the difficult territory between community needs and aspirations on one hand, and private property rights with property owners' expectations of some certainty around those rights, on the other. Additionally, it needs to fit within the requirements of the Resource Management Act. While we may imagine a better way of managing the built environment, such as less prescriptive planning rules (as in Britain) or having no over-arching national planning legislation (as in Vancouver), this submission assumes the current New Zealand planning system will persist.
- 10) Over time, the rules-based planning system should give way to a more discretionary system. We welcome moves in the Proposed Unitary Plan to work towards this goal. The complexity and size of projects being developed now means there is not a one-rule-fits-all for every site. The Objectives and Policies of an instrument such as the Unitary Plan will become increasingly difficult to translate into Rules. As the city intensifies, more development proposals should require Resource Consent, allowing a discretionary design review to become the norm for a greater proportion of developments.

The Auckland Council should facilitate this by progressively making more applications non-notified under the RMA provisions (and thereby avoiding the threat of appeals to the Environment Court), but at the same time introducing a simpler, cheaper and less confrontational means of community consultation, outside the RMA framework. This should be designed to meet community needs to know about, and possibly influence, proposed developments without the high costs in time and money of the over-legalised RMA procedures.

We **request** Council further investigate this idea.

- 11) The Proposed Unitary Plan, in giving effect to the Auckland Plan with its vision of a 'quality compact city', is focused on the way we build new urban environments over the next 30 years. Our members play a significant role in the design of the built environment, but we also recognise the importance of the natural environment, mana whenua, our historic heritage and infrastructure (especially transport) in shaping the overall environment which is so important to the future prosperity and happiness of Auckland's people.
- 12) Notwithstanding the multitude of factors effecting peoples' overall experience of their environment, we will concentrate this submission on the more intensive residential zones and the business zones of the Proposed Plan, as that is where we are best able to comment authoritatively and it is the area of the Plan that will most significantly affect the development of the city over the life of the Plan.

Support for design quality.

13) In general, we support the Proposed Unitary Plan.

The aspirational and idealistic Auckland Plan (2012), which the Unitary Plan is designed to implement, has inevitably lost some of its power as its bold intentions have been pushed and pulled into the Unitary Plan's zones, overlays and precincts, each with their rules subject to RMA compliance and political manoeuvring.

14) We strongly support the Regional Policy Statement (Part 1, Chapter B), in particular section 2.2 : A Quality Built Environment. The goal to work towards "a quality built environment which maximizes opportunities for the well-being of communities and social and economic exchange by providing safe and lively streets and public spaces, fronted by visually rich and engaging buildings" is one we can all share.

15) Noted and supported are further references to quality built environments in the above section:

"Objective 1: A quality built environment where development... across neighbourhood and city scales...recognises Auckland's sense of place and enriches its landscape, character, heritage and legibility.

Policy 1: Require development to be designed to integrate all the elements of a place, buildings or space into a coherently designed solution.

Policy 2: Design development to respond positively to the site, its context and the planned future character of the place....."

16) The Plan's thrust for greater quality in the built environment, as expressed in the above Objectives and Policies, is difficult to follow through into prescriptive Rules which are supposed to implement those Objectives and Policies. Quality cannot be achieved through rules alone. Auckland Council has recognised this by the establishment of the Urban Design Panels in 2003 to peer review major development proposals, and more recently by the preparation of the non-statutory Auckland Design Manual (2013) to help describe Council's expectations of design quality to applicants.

17) World-wide, the issue of design quality in proposed developments has become important, and the best way of elevating quality has been to introduce a design review process. The Auckland Urban Design Panels are an early example in New Zealand, and they have been very successful in improving design quality in some developments while discouraging poor quality development from proceeding to the next stage. We support their continuation.

18) A key issue in Unitary Plan is the scale of development beyond which a design review process is required. It is accepted that small-scale developments, that conform to a set of rules, should be allowed to proceed to construction without a Resource Consent being required, if only to acknowledge the difficulties around processing the large number of applications city-wide. But at some point in the increasing scale of developments, a Resource Consent will be required and a design review process can then be introduced to assess quality.

It is our view that meeting the demands for design quality in the Objectives and

Policies can be best met by peer design review. This suggests a 'lite' version of the current Urban Design Panels (maybe 2 panel members meeting for 1 hour) would be beneficial to the numerous small applications that may benefit from peer review to supplement that which can be supplied by Council's in-house staff as application numbers increase.

Other General points

19) Infrastructure:

We note the **influence of infrastructure** on the growth of cities.

The PAUP, while an important step in achieving the Auckland Plan objectives, cannot be expected to transform Auckland. As well as responding to planning objectives, policies and rules, development responds to infrastructure, particularly transport infrastructure.

The 'quality compact city' vision is impossible to achieve with our dominant car-based transport system. To achieve even modest intensification will require public transport use to double at least – some of our comparator cities have 2.5 to 3 times our per-person use of public transport. No comparator city has lower public transport use than Auckland.

The lack of a funded plan to realistically target such a goal is deeply concerning, although it is beyond the scope of this submission.

Another important ingredient to reduce reliance on car-based transport will be to generally improve the safety of roading design in urban areas to encourage increased use by cyclists and pedestrians.

Conversely we note, with concern, constraints placed on the PAUP by a lack of infrastructure, such as the limitations on development through flood plain overlays.

20) "suitably qualified and experienced person":

NZIA notes that a number of provisions in the Unitary Plan make reference to a **"suitably qualified and experienced person"**.

While we appreciate Council's efforts to raise the threshold on appropriate representation and reporting on RMA matters, the Institute is concerned that this provision will be problematic to implement and appears contrary to the expectations currently included within the RMA. We wish to address this issue in our further submission and appearance before the hearings panel.

The Institute is also concerned about the additional costs and time that may arise through the requirement to submit technical reports to demonstrate compliance with the District Plan. It is unclear from the Unitary Plan how the Council intends to use / require such compliance documents.

Again, the Institute will provide further feedback on this issue through its further submission and appearance before the hearings panel.

The order of the submission points and their numbering below follows that used in the Proposed Unitary Plan (leaving gaps where no submission points are to be made). As a consequence, minor and major points of submission are mixed together, and are not in any hierarchy of importance.

The relief sought by this submission is the aggregate of the **requests** included in the submission points.

Part 1 – Introduction and strategic direction

CHAPTER B: REGIONAL POLICY STATEMENT

- 21) 2 Enabling quality urban growth
2.1 Providing for growth in a quality compact urban form

The Auckland Plan, being the spatial plan for the region, has been developed under Section 79 of the Local Government Act (Auckland Council) 2009, directing the purpose of the Plan to :

“Contribute to Auckland’s social, economic, environmental, and cultural well-being through a comprehensive and effective long term (20 to 30 year) strategy for Auckland’s growth and development”.

- 22) The opening introduction to the Auckland Plan states:

“A.1 Introduction

The Auckland Plan is the strategy to make Auckland an even better place than it is now, and create the world’s most liveable city. It shows how we will prepare for the additional one million people we may have to accommodate by 2040, and the 400,000 new homes needed.”

As design and planning professionals, our view is that the Auckland Plan requires the region’s planning to be more enabling towards growth and development than previous plans, particularly in relation to residential intensification. The plan directs the design, planning and development community to actively support growth and development while not losing those features that make Auckland special, such as the volcanic cones and the coastal character.

An additional 400,000 new homes is the aspiration stated in the Auckland Plan. The Draft Unitary Plan provided the residential intensification potentially to achieve this. However the PAUP has had significant residential intensification removed from it (a Council estimate of a reduction of up to 180,000 homes) when compared to the Draft Plan.

- 23) The Design and planning community therefore needs to relook at all methods providing for and restricting residential intensification, including the spatial location of residential and business zoning, overlays including the volcanic view shaft, height sensitive areas, and heritage and character areas if the aspirations of the Auckland plan are to be achieved.
- 24) Maps appended to this submission illustrate areas where zones have been proposed which have a density of allowed development which is lower than that required to meet the Plan’s Objectives and Policies.

The maps have been organised under a primary structure relating to each of the

21 Local Board Areas and a secondary structure relating to the following criteria:

Inappropriately low provision for density around a town or metropolitan centre,
Inappropriately high provision for density around a town or metropolitan centre,
Land adjoining public transport node not utilised for densification,
Land adjacent to physical or visual amenity not utilised for densification,
Planning map overlays (e.g. Pre 1944 demolition control) effectively preclude densification,
Ridgelines not being utilised for densification,
Large greenfield sites - not utilised for densification,
Land in market-attractive areas not utilised for intensification,
Inappropriate "roll over" of old low density residential zonings to single house zone,
Inappropriate location of retail or commercial activities outside of town or metropolitan centres eg out-of-centre retail,
Inappropriate zone adjacencies eg. clashing of residential and industrial zones,
Insufficient public open space relative to proposed residential density.

Relief sought - We request a thorough review of the application of the different zones based on the examples of zoning issues we have identified and attached to this submission

25) The Hobsonville model

We note the frequent references in Council publications and images to the new houses at Hobsonville Point. They are depicted as being a desirable outcome for higher density residential development.

However, the rules incorporated in the Proposed Plan, particularly in the Mixed Housing zones, will largely prevent this sort of development being achieved. The combination of the required larger site sizes, required side yards and conservative height-in-relation-to-boundary controls will make the design of houses that look like those in Hobsonville Point impossible.

see attached diagram ONE

We accept that Hobsonville has been comprehensively designed, and that the designer has been able to make design decisions on the neighbouring houses that avoid unacceptable outcomes in respect of the houses being designed.

Nevertheless, we suggest the rules in the mixed house zone are too restrictive and will frustrate the Plan's Objectives and Policies.

Our requested changes to the residential rules are set out below.

26) 3 Enabling economic well-being.
3.1 Commercial and Industrial growth.

We enthusiastically support most of the Objectives and Policies for Commercial and Industrial Growth. We believe that the Policies should be more explicit about the importance of centres in supporting residential intensification and the growing choice of people to live in centres, that enable them to live, work and play in attractive walkable centres where they can access their regular needs on foot.

We support Policies 1- 4, but are concerned that the language of Policies 5 – 8 promote or enable development forms that undermine the first four and the objective for the compact urban form and intensification. This is evident in the

creeping concessions to allow General Business Zones, Business Park Zones, and Growth Corridors totally which threaten to undermine most of the Objectives, particularly the objective of focusing residential intensification on strong compact mixed-use centres.

Accordingly, we **request** the removal of all references to General Business Zones, Business Park Zones and Identified Growth Corridors from the Unitary Plan, and the replacement of those zones on the maps by Light Industrial or Mixed Use Zones or Centre Zones with precinct planning.

While we acknowledge the need to accommodate growth, expansion beyond the centres should not occur at the cost of undermining the overall objective.

To this end we advocate for the condensing of business zones by the integration of some of the business zones so as to strengthen and intensify economic and social activity.

We also **request** the addition of a further policy as follows:

“Ensure there is no threat to centres continuing to offer a full range of goods and services, particularly food and grocery needs, so as to protect their intended role as the focus of efficient sustainable residential intensification.”

27) 3 Enabling economic well-being
3.3 Transport

We note that both the Auckland Plan and the Unitary Plan have as their objectives the creation of a quality urban environment where the compact communities can flourish.

A key component of such communities is that they are walkable and to this end we believe that the quality of the transit environment should be focused on the street environment for pedestrians and cyclists first, with larger, heavier transportation following. This is a matter of re-prioritisation of emphasis within the list of Auckland’s transportation in the introduction and elsewhere in the document.

We **request** that transport modes are regarded and listed according to the priority that puts walkability and the quality of the environment first, followed by efficiency. Specifically transportation modes should be listed as pedestrians, cyclists, public transit, freight and private vehicles, and not start with “state highways, all other roads etc”.

This is not intended to undermine the importance of heavy transport infrastructure and systems, but rather to prioritise the key quality of the city – the people.

Part 2 – Regional and district objectives and policies

CHAPTER D: ZONE OBJECTIVES AND POLICIES

28) 1 Residential Zones General

We support the view, expressed in the introduction, that “as the density of development increases, the greater the requirement for good design.”

This reflects the Regional Policy Statement noted above. Ideally there would be further Objectives and Policies to support the Regional Policy Statement regarding quality design, and these would in turn be reflected in Rules to achieve this.

However, as noted above, formulating prescriptive rules to enforce good design is difficult if not impossible. Nevertheless, we **request** new wording for Objective 2:

“A diverse range of housing **incorporates good design at all scales**, providing choice for households and communities to meet their varied needs and lifestyles.”

29) 3 Business Zones General

Apart from the mention of a “high quality pedestrian environment” and “a high standard of amenity is required in the Mixed Use zone”, the introduction does not reflect the good design requirement of the Regional Policy Statement.

We **request** in all zones (3.1), but particularly the Centre Zones and the Mixed Use Zone (3.2 to 3.7), that a new Objective is introduced:

“Development makes a positive contribution to the quality of public space and, by incorporating good design principles at all levels, strengthens local identity and sense of community.”

30) 3 Business Zones 3.1 Objectives and Policies

We believe that there is insufficient opportunity in the General Business Zones for genuine large-format car-based retail that is inappropriate in Centre zones. At the same time, too much opportunity has been conceded in the General Business Zones for supermarkets, department stores, and small retail shops that can threaten the role of centres in supporting effective sustainable residential intensification. There is also too much opportunity for intensive offices to locate outside centres.

For those reasons, we **request** the removal of the General Business Zone and the Business Park Zone from the Proposed Unitary Plan and their re-mapping respectively as Light Industry Zones and Mixed Use Zones (or possibly in some cases as Centre Zones with precinct plans).

We therefore **request** the modification of Zone and Objective Policies as follows:

Remove references to General Business Zone and Business Park Zone.

Modify Objective 1 as follows: “Development strengthens Auckland’s network of centres as thriving environments where high concentrations of people can shop,

work, live and play in attractive walkable neighbourhoods that meet their everyday needs and offer access to excellent public transport.”

We strongly support the Objectives and Policies relating to the City Centre Zone Metropolitan Centre Zone, Town Centre Zone and Local Centre Zone, and **request** that the General Objective above be made more explicit in the Objectives, Policies, Methods and Reasons.

31) 3 Business Zones
3.2 City Centre Zone

We **request**, in Policy 4.c replacing “avoid large department stores and integrated retail...locating outside the core...with “prevent large department stores...etc.”

It is critical to the success of the central city that economic opportunity is intensified in this zone.

32) 3 Business Zones
3.3 Metropolitan Zone.

Policy 8: Greater emphasis on pedestrian amenity in the centres, followed by cycles and public transport is important to support the general intention to make the town centres good places for business to flourish and the community to enjoy.

We support the call for quality while noting there is potential for developers of particular retail models (supermarkets, large format and integrated retail developments) to undermine the intentions for a rich pedestrian realm along the street.

We **request** deleting from Policy 9b:
“having regard to the functional requirements of these activities”.

33) 3 Business Zones
3.4 Town Centre Zone.

As above, we **request** deleting from Policy 6b:
“having regard to the functional requirements of these activities”.

34) 3 Business Zones
3.5 Local Centre Zone.

Local centre growth should occur naturally, with the expansion beyond existing extents where the commercial edge would remain continuous whether along the street or around the block. Policy 5, in providing for “outward expansion of local centres”, undermines the Business Zones Objectives, and we **request** its modification to address coherence and the continuous commercial edge as noted above.

35) 3 Business Zones
3.6 Neighbourhood Centre Zone.

While we support the principle of this zone and note its importance in providing neighbourhood amenity, as well as business opportunity, we do not support all development being a permitted activity as there is no mechanism to ensure that the stated policy to “require development to achieve a high standard of design” can be audited.

We also note that development is required to be “in keeping with the surrounding

residential development". It is not clear what this means – does it mean house-like? In existing areas now defined as local centres, the commercial development usually does not look like the residential development, but rather is clearly commercial and of a scale and form that differentiates it from adjacent residential development. The appropriate architectural response in any neighbourhood should be based on the context of that location. We support residential use above commercial activity in these zones, but again reiterate that such accommodation may quite rightly differ in form significantly from the surrounding residential development.

Increased high quality development in local centres is to be encouraged, but a mechanism is required to ensure good design is delivered. We **request** that new development is required to obtain Resource Consent.

36) 3 Business Zones
3.7 Mixed Use Zone

We consider this zone to be a useful zone that is under-utilised in the planning maps. The potential mix of both employment and multi-unit residential development on the edges of centres will provide significant increase in residential capacity. This activity, will contribute to increased street and neighbourhood life throughout the day which will encourage increased pedestrian and cycle connectivity to the adjacent centre.

We **request** the following additional Objective following Objective 2: "Larger offices, retail and supermarkets will locate in close proximity to Metropolitan or Town Centre Zones and be subject to appropriate frontage controls."

The permitted mix of activities provides opportunities for development along busy streets where ground floor residential use may be difficult to sustain or less desirable for development. There is potential for a greater mix of activities to coexist that has not occurred in the past – residential over large format retail or car sales rooms etc. We **request** an additional objective to specifically address the need for this zone to be developed so as to provide for both increased and mixed activity with building designs that contribute to a walkable environment.

The mixed use zone is suited to accommodate the activities that occur in the proposed Business Park Zone and a number that occur in the proposed General Business Zone.

The requirement for Resource Consent will allow for design review and assist in determining that quality design is achieved for the buildings and their interface with the public realm.

37) 3 Business Zones
3.8 General Business Zone and 3.9 Business Park Zone.

We **request** these zones are removed entirely from the Plan because they undermine the objectives for a compact city. They appear to exist because they describe an existing zoning situation, but retention of this zoning risks undermining the centres. As noted above, the uses which occur in these zones could be accommodated in other zones – the Mixed Use and Light Industry Zones.

We note that inclusion of the Business Park Zone is because of the existing business parks. However, we consider that diversification of activity within these zones, such as Smales Farm, would both benefit the site itself as well as the

surrounding neighbourhood.

In the event that the Hearings Panel decide to retain the General Business Zone, we **request** changes to the allowable activities to ensure that available capacity is not taken up by offices, supermarkets, cinemas, pubs or small shops.

In the event that the Hearings Panel decides to retain the Business Park Zone, we seek changes to the allowable activities to open up the opportunity of building residential accommodation or small supermarkets.

38) 3 Business Zones
3.10 Light Industry Zone.

This zone should provide opportunity for large format retail that is genuinely car-based and inappropriate for Centre zones. We **request** an additional Objective as follows:

“Single retail stores that are greater than 4,500sq.m and sell predominantly bulky goods that are purchased infrequently will be provided for in managed locations.”

39) 3 Business Zones
3.10 Light Industry Zone and 3.11 Heavy Industry Zone.

While noting that activity in these zones differs from the centres where quality walkable environments is the goal, consideration should be given to the amenity of these zones for people both working and visiting the area.

We **request** that a new policy is developed that addresses that the need for an appropriate standard of amenity is defined and required for new development.

40) Business Zone general comment
Overlays: Key Retail Frontage and General Commercial Frontage:

There do not appear to be definitions for these overlays (shown on various maps) or any explicit explanation for their rationale. We support the idea of frontage overlays and note that building frontages in urban centres require different responses depending on the context, but we **request** principles be articulated in the objectives and policies for the zones in order to facilitate compliance with the design intent.

Such definition would also assist in the analysis of the planning maps where the overlays are used. The reason for a change from one type to another is not always apparent or obvious.

Part 3 – Regional and district rules

CHAPTER G: GENERAL PROVISIONS

41) 2.7.2 Design statements.

We support the requirement for a statement from the applicant regarding site context and the specific design response proposed as part of a Resource Consent application on larger projects.

CHAPTER H: AUCKLAND-WIDE RULES

We **request** a new clause 1, with existing clauses 1 to 6 renumbered 2 to 7:

“1 Design quality.

1.1 All new building development must be designed in a way that provides a safe site layout providing good natural surveillance of common spaces from within the buildings, and incorporates the placement of buildings in such a way that contributes positively to the creation of open spaces.

1.2 All new building development must be designed in a way that acknowledges the existing public realm, so that public streets and other open spaces are enhanced by the buildings surrounding them, and the sense of place is enhanced for both the buildings and the open spaces.”

42) 1.2 Transport

1.2.3.2 Number of parking and loading spaces

We strongly support the removal of minimum parking requirements from most Centre Zones, the Mixed Use Zone, and the Terrace Housing and Apartments Zone. We also support the prohibition on parking and vehicle crossings where there is a Key Retail Frontage.

We believe that parking requirements have been a significant impediment to economic and high-quality intensification in and around centres. These more flexible provisions could well act as a catalyst for significant intensification in the future.

43) 1.2.3.2 We **request** the removal of minimum parking requirements from all zones and activities of the Unitary Plan. In the spirit of the Resource Management Act, we believe that the extent of parking provision could be left to the market, like most other activities covered by the Unitary Plan. The removal of minimum parking provisions would enable more efficient flexible, well-managed use of the existing over-provided parking, particularly kerbside parking. McCormick Rankin Cagney have demonstrated that the benefits far outweigh the costs.

44) 1.2.3.2 Should the Hearings Panel decide to retain Minimum Parking Requirements, we **request** the following specific changes to the Minimum Parking Rules.

45) 1.2.3.2 We **request** the removal of minimum parking requirements be extended to sites within a Mixed Housing Urban Zone where they are within 800m of a City Centre, Metropolitan Centre, Town Centre or Local Centre Zone (Table 3).

This will redress an unintended consequence of the last-minute change to the Draft Unitary Plan that saw most Terrace Housing & Apartment Zones

downgraded to Mixed Housing Urban Zones. Ensuring that an onerous parking requirement is not consequently added will allow flexibility to cater for the hundreds of households without cars that have already clustered around town centres - for instance Orewa.

- 46) 1.2.3.2 We **request** the removal of minimum parking requirements be extended to Neighbourhood Centres (Table 3). Genuine Neighbourhood Centres are based on walkability from the local residential neighbourhood. The imposition of minimum carparking requirements prevents economic intensification of Neighbourhood Centres, with apartments or offices above shops.
- 47) 1.2.3.2 We **request** the removal of minimum parking requirements be extended to Pukekohe and Warkworth (i.e. that they be included with the other Town Centres in Table 3). Pukekohe and Warkworth have been lumped in with small rural townships, but they are to become major growth centres within the RUB. It is demonstrable that intensification of the Pukekohe town centre has been impeded by minimum parking requirements.
- 48) 1.2.3.2 We **request** the removal of minimum parking requirements be extended to Primary and Secondary Schools and Land used for Organised Sport & Recreation (Table 4). School grounds and parks will often get better value from retaining their grass and play space rather than losing space and money creating areas of tarseal and their associated access roads. The users of these facilities may even benefit from a short walk from kerbside parking nearby, or from using less space-hungry means of transport.
- 49) 1.2.3.2 We **request** the removal of minimum parking requirements be extended to all forms of dwellings in Residential Zones (Table 4). We believe that the removal of minimum parking provisions would enable more variety and flexibility to provide affordable housing, and would result in better use of kerbside parking assets. At the very least it should be extended to studio and single-bedroom apartments.
- 50) 1.2.3.2 We support the intelligent addition of requirements for cycle parking (Table 5) and end-of-trip Facilities (Table 6). These are logical complements to the Parking and Loading Space requirements of Tables 4 and 7).
- 51) 6.4 Sustainable development
The requirements for office and industrial buildings of more than 5000sq.m to achieve a 4 star Greenstar rating, and 5 or more dwellings to achieve a 6 star Homestar rating are well intentioned but unworkable.

For instance:

Is it envisaged that the administrative route would be; Certification by Homestar assessors, audited by NZ Green Building Council, routed to Auckland Council at building consent stage, to discharge a resource consent condition? We submit that this is overly complex and difficult.

This rule can only use the design tool, not the construction tool, as the construction tool requires checking at completion of many items including dishwasher/fridge ratings, shower-head flow ratings, evidence of compost bins etc. This is beyond the capacity and ability of Council planning staff.

The majority of residential development is under 5 units, and is exempt from the requirement, but these are the projects most easily able to achieve Homestar ratings.

This rule should not be in a District Plan, and we suggest that the Building Code,

and developers using Homestar and Greenstar to obtain commercial advantage, are the appropriate routes to achieve sustainable development.

We **request** removal of this clause.

52) 6.6 Affordable housing

We support the intention to build affordable housing, but have concerns about requiring private sector developers to provide it. We suggest that the provision of affordable housing is best controlled over time by a public agency.

We **request** removal of this clause, or alternatively a workable model be developed with the housing industry to meet the affordable housing aim.

53) 7.22, 8.24 & 9.23 Universal access

(Although this is not included as an Auckland-wide rule, it applies to all residential zones, so it should be included here).

We support the intent of increasing the supply of universally accessible dwellings, although the rule should be in the Building Act, not in a District Plan.

54) We note the potential for threshold effects, where several additional requirements for developments are applied as development size increases, at around the same size threshold. This may deter developments of a size above the threshold, and may result in larger developments being broken into smaller sections to avoid the additional requirements. At present, the thresholds for additional development requirements are reasonably well spread out so as not to form a big barrier to development of one particular size:

Resource Consent required in the MH zone:	4 or more dwellings.
Homestar rating requirements:	5 or more dwellings.
Universal access units to be incorporated:	10 or more dwellings.
Affordable units to be incorporated:	16 or more dwellings.

We suggest the requirement for affordable units will form a formidable barrier to developments above 15 units.

CHAPTER I: ZONE RULES

1 Residential Zones

55) Submission points in this section relate to the Mixed Housing Suburban (MHS), Mixed Housing Urban (MHU) and Terrace House and Apartment (THAB) zones unless stated otherwise.

56) Corner sites.

We note that sites with two road frontages absorb density better than mid-block sites. They have one less interface with adjoining sites, while the road frontages provide the space for outlook from units. This avoids problems of overlooking from infill type development and means all internal boundaries can be treated through design and landscaping. Meanwhile development fronts the street, and is not side on.

For the neighbourhood, some extra building mass on a corner site helps to generate some diversity in built form, but in a controlled way.

Allowing for greater intensity on corner sites is a way of promoting diversity and density within suburban areas, without having to zone the whole suburban area. This starts to break down the zoning issue (ie. concerns that a higher density zone means that all of the area will be more developed) into smaller, incremental steps.

We **request** further investigation of this idea.

57) 1 Activity Table

We **request** the threshold for requiring a Restricted Discretionary Resource Consent in the MH zone should be reduced from 4 to 3, in order to have more projects subject to a design review, but with a simplified, non-notified process available to avoid further discouraging development applications.

58) 3.1 Maximum Density

The use of the words "no density limit applies" in the MHU zone gives the impression that very high densities may be achieved, which, given all the other controls that apply, is untrue. We **request** using "no specific density control applies", and that this should apply to the MHS zone also.

59) 3.1 Maximum Density : refer to UP Table 1.

The increases in density allowed in the MHS zone (site size reduced to 300sq.m) and MHU zone (site size reduced to 250sq.m) are uncertain, since the requirements to be met to allow these increases, listed in 3.1.2 and 3.1.3 are, incomplete.

The terrace-house typology envisaged for these reduced sized sites needs a package of controls which all apply. We **request** these are:

(i) Minimum site frontage width of 7.5m, and the same width for the length of the site required to accommodate the proposed density (as stated in 3.1.2 and 3.1.3).

(ii) A minimum setback to the dwelling of 2.5m and a maximum setback to the dwelling of 5.0m (this should apply to both zones; the 4m/5m setback proposed for the MHS zone is too restrictive).

(iii) The 'alternative height in relation to boundary control' (clauses 7.4 and 8.4), which applies for a length of 12m along side boundaries.

(iv) The ability to build up to the side boundary for that 12m length.
(The alternative height in relation to boundary control makes no sense with the proposed 1m side yard.)

There is a follow-on issue in applying these terrace-house set of controls, which relates to sites bigger than the minimum specified 300sq.m / 250 sq.m. Can larger sites take advantage of the alternative height in relation to boundary control and build to the boundary? The wording of clause 7.4.1 and 8.4.1 suggests not, but why should this not be permitted?

We **request** that the alternative height in relation to boundary control be available to all sites in the MH zones for the first 17m of the side boundary back from the street frontage. Infringements of this control should be restricted discretionary, assessed on the applicant's providing an analysis of shading and overlooking of neighbouring properties.

We **request** the reduced site size under this rule for the MHU should be 200 sq.m, not 250 sq.m. A good terrace house can be designed on a 200sq.m site

(or even less) and requiring the larger site is simply pushing up the selling price.

60) 3.1.8 This clause, which states that “development that does not comply with clauses 1-6 (these clauses mostly specify site sizes) is a discretionary activity” appears to be too onerous, and will discourage applicants from taking advantage of the higher density possibilities envisaged in the rules. We **request** a stated degree of latitude for nearly-complying proposals.

61) 3.3 The conversion of a dwelling into two dwellings (Single House zone included)

This is supported in principle, as we understand it has been effective in increasing density and providing affordable housing options in other large cities.

However we are wary of unintended consequences:

(i) Is there an intention to keep both dwellings in single ownership, and can this be enforced over time? Retaining single ownership will be important in managing the potentially low amenity of the second dwelling – lack of private outdoor space, acoustic privacy and no on-site parking for instance.

(ii) Given that house alterations and additions are permitted in all zones, is this an easy ‘back door’ route to infill housing that will receive little or no design review?

62) 7.1 & 8.1 & 9.1 Development Control Infringements

This appears to be a useful innovation that will allow minor infringements to be dealt with easily. We suggest it might be even more useful to give some indication alongside each one about what dimension or percentage infringement will trigger its becoming a discretionary activity.

63) 7.2 (MHS) Building Height

We **request** the 8 metre height limit should be defined in the same way as the 10 metre height limit in the MHU zone. (ie. the sloping roof can project through to 9 metres, similar to the diagram in UP Figure 11).

64) 7.3.4 & 8.3.4 (MHS & MHU) Height in relation to boundary

The exceptions for gable ends and dormers (UP Figures 7 & 13) need updating to suit more modern roof styles. Dormer windows and the very steep roofs shown are rarely used. Roof edges more often penetrate the height in relation to boundary control at the eave rather than the ridge, which affects the neighbour to no greater extent.

We **request** this replacement wording:

“A roof extremity may project no more than 1.0m beyond the recession plan up to an area of 1.5 sq.m measured on the roof plan, with an extent of no more than 2.5 metres measured along the roof edge. No more than one such projection is allowed for every 6m length of the site boundary.”

See attached diagram TWO.

This could possibly be incorporated in the Development Control infringements table (7.1 and 8.1)

65) 8.5 & 8.6 (MHU)

These clauses should be swapped to be consistent with 7.5 & 7.6 (MHS).

66) 7.5 & 8.6 (MHS & MHU) Yards

As discussed above, the 4m front yard in the MHS zone (UP Table 5) is too restrictive in conjunction with the 5m maximum yard. We **request** it is specified

at 2.5m, as for the MHU zone.

The 1m side yard in both zones needs the 'terrace-house' exemption to build on the boundary as discussed above.

67) 7.10 & 8.10 & 9.10 Outlook Space and
7.11 & 8.11 & 9.11 Separation between buildings within a site (all zones)

We **request** a total replacement of these clauses in the Proposed Unitary Plan. We are aware of inadequacies in the current wording, with poor urban design outcomes apparently complying with the proposed clauses.

We **request** a comprehensive set of controls that will address the purpose set out below for all scales of development and for all dwellings in any zone.

"Purpose: require reasonable space outside the windows of a dwelling to provide access to daylight, opportunities for ventilation, privacy, and to manage the effects of dominance of the dwelling by nearby buildings."

We **request** a rule that requires a longer outlook space outside the window as the importance of the room increases and the height of the wall at the other end of the outlook space increases.

Our **requested** clauses are:

"Where the habitable room of a dwelling has windows or balconies that face out toward a boundary and/or the wall of a building ('the facing wall'), an outlook space must be provided between the dwelling's windows or balconies and the boundary or facing wall. Where the room has two or more external faces with windows or balconies, the building separation must be applied from, in order of priority, the face with the largest balcony or the largest area of area of glazing.

The outlook space is an open space free of buildings of the length, width and height as set out below. The length of the outlook space increases as the height of the facing wall increases to avoid excessive dominance and blocking of skylight by the facing wall.

The length of the outlook space is measured at right angles to, and horizontal from, the window or balcony to which it applies across to the facing wall, excluding eaves or guttering. Where the building separation applies to a balcony, it is measured from the outside edge of the balcony.

Where the adjacent building is not perpendicular to the distance being measured, the minimum distance required shall be measured as an average around the centre point of the window/balcony.

The height of the outlook space is from the level of the floor or balcony upwards, clear to the sky except that eaves overhang or gutters may protrude into it.

The length of the outlook space is a combination of a standard length required for the window's outlook, plus an extension length which increases as the height of the facing wall increases. Therefore windows facing taller buildings will generally require a greater separation distance (longer outlook space) than those facing lower buildings.

The length and width of the required outlook space is given in this table:

SIZE OF THE REQUIRED OUTLOOK SPACE OUTSIDE THE ROOMS OF A DWELLING, RELATED TO THE HEIGHT OF THE FACING WALL.

Height of facing wall	Width	Length		Total length
		Standard	Extension	
Principal Living Room:				
PLR	W	Std	Ext	Total
1 storey	4	*6	0	6
2 storeys	4	*6	2	8
3 storeys	4	6	4	10
4 storeys	4	6	6	12
5 storeys	4	6	8	14
6 storeys and above	4	6	10	16
Principal Bedroom:				
PBR	W	Std	Ext	Total
1 storey	3	3	0	3
2 storeys	3	3	0	3
3 storeys	3	3	1	4
4 storeys	3	3	1	4
5 storeys	3	3	2	5
6 storeys and above	3	3	2	5
Other habitable rooms:				
OHR	W	Std	Ext	Total
1 storey	2	1	0	1
2 storeys	2	1	0	1
3 storeys	2	1	1	2
4 storeys	2	1	2	3
5 storeys	2	1	3	4
6 storeys and above	2	1	4	5

* This dimension may be reduced to 4 metres where the room is on the ground floor and has a fence at least 1.6m high giving privacy from neighbouring windows.

Where a common access balcony (breezeway) passes the outside of the window of a dwelling, the width of the balcony is added to the required outlook space.

The horizontal (plan) dimensions of an outlook space may overlap other spaces as follows:

The standard outlook space may overlap:

A public street or open space.
The outlook space of another room of the same dwelling.

The standard outlook space may NOT overlap:

Any part of a building.
The outlook space of a neighbouring dwelling.
Privately owned open space not legally associated with the dwelling.

The outlook space extension may overlap:

A public street or open space.
The outlook space of another room of the same dwelling.
The outlook space extension of a neighbouring dwelling.

The outlook space extension may NOT overlap:

Any part of a building.
The standard outlook space of a neighbouring dwelling.
Privately owned open space not legally associated with the dwelling.”

See attached diagrams THREE and FOUR.

68) Solar orientation

The issue of direct sunlight into dwellings is not addressed by the Proposed Unitary Plan. We are aware of the difficulties in designing all dwellings to receive sunlight, especially in larger developments, and of cultural differences in the appreciation of sunlight into dwellings. Nevertheless, we consider that sunlight is important for health and for passive warming, and therefore that a reasonably permissive control should be introduced. We **request** a new clause:

“The orientation of the length dimension of the outlook area related to the Principle Living Room of any dwelling shall not be between 135 and 225 degrees to true north (ie. between South-East and South-West) except for the percentage of the total dwellings shown in the table below:

MAXIMUM PERCENTAGE OF DWELLINGS WITH SOUTHERLY ORIENTATION, RELATED TO BUILDING HEIGHT.

Building height in storeys	Maximum permitted percentage of dwellings in the building with southerly orientation between SE and SW.
1,2 or 3	0
4	4
5	6
6	8
7, 8 and 9	10
10 and above	12

69) 7.12 & 8.12 & 9.12 Outdoor living space (MHS and MHU, also THAB*)

We suggest that sub-clause 1 (a dwelling at ground level to have 40sq.m etc.) is unnecessary, since even the smallest site, which we have requested at 200sq.m, would require 60sq.m of landscaped area at the required 30% of site area, plus another 40sq.m of non-building area – a total of 100sq.m. Other sites in these zones require much more. We therefore request deleting this sub-clause.

We support sub-clause 2 (*1 in THAB) (delineated area of 20sq.m...etc.)

Regarding sub-clauses 3 and 4 (*2 in THAB) (balconies and roof terraces), we **request** that the requirement is the same for all principal living rooms above the ground, whether or not another part of the dwelling is on the ground. A back yard accessed through a secondary bedroom, laundry or garage, for instance, should not automatically reduce the requirement for a usable size of balcony or roof terrace off the principal living room.

However, we **request** varying the size of the balcony or roof terrace depending on dwelling size.

We **request** the following sub-clause to replace sub-clauses 3 and 4:

“Where a dwelling has the principal living room above ground level, it must have an outdoor living space in the form of a balcony or roof terrace that has the area and minimum dimension given in this table:”

Dwelling size	Minimum area	Minimum dimension
Studio apartment	5.0 sq.m	1.4m
1 Bedroom	5.0 sq.m	1.4m
2 Bedrooms	8.0 sq.m	2.0m
3 bedrooms or more	10.0 sq.m	2.4m

There will be instances, especially in smaller apartments, where the balcony space would be better utilised as interior space additional to the minimum area of the apartment, but we suggest this is subject to specific design review.

70) 7.15 & 8.15 & 9.14 Fences (all zones)

We support the restriction on fence heights in the front yard.

71) 7.16 & 8.16 Garages (MHS & MHU).

We support this clause, although for the 7.5m wide terrace house allowed in these zones we note a 40% of width garage door would be restricted to 3.0m. We **request** sub-clause 1 is expanded:

“The width of a garage door facing a street must be no greater than 40% of the width of the front façade of the dwelling to which the garage relates, or 3.5m, whichever is the greater.”

72) 8.18 & 9.17 Daylight to dwellings (MHU & THAB).

We **request** the purpose of this clause should be to prohibit bedrooms without external windows, in which case sub-clause 2 should be

“Other habitable rooms must have external glazing that is at least 20% of the floor space of that area. Where a dwelling has three or more bedrooms complying with this requirement, one additional room may be provided that does not comply”.

The purpose of the exemption is permit a study or media room in larger apartments. We request this clause should apply also to MHS zone.

We note the New Zealand Building Code requirement for daylight into all habitable rooms (NZBC Compliance document Clause G7 Natural Light. A more strict enforcement of this clause would remove the need for it to be included in a District Plan.

73) 9.2 Building Height (THAB)

This clause needs clarification, and our **requested** wording is:

“Buildings must not exceed the heights in both metres and storeys given in the table below, with the 4 storey height applying to all sites unless subject to the Additional Building Height overlay where the height in metres is shown on the planning maps. Where semi-basement parking is provided, the dimension from ground level up to the lowest habitable level must not exceed 1.2 metres.”

Building height in storeys	Building height in metres	Building height in metres with semi-basement parking.
4	13.5	14.5
5	16.5	17.5
6	19.5	20.5

(Note: we assume the heights are based on 4m (floor to floor) for the first level, 3m (floor to floor) for the higher levels, 0.5m for the roof/eaves and 1m additional where semi-basement parking is to be provided.)

74) 9.4 and 9.5 Building setbacks (THAB).

We support the proposed setbacks from the site side and rear boundaries. While the setbacks from low-density zone boundaries at the upper levels of THAB proposals seem large, we assume that in practice the planning maps will be prepared to prevent such abrupt changes in zone density.

75) 9.6 Minimum frontage and site width (THAB).

We support these provisions, noting that, together with site size (1200 sq.m – Chapter H clause 5.2.3.1 Table 1) a strong incentive to amalgamate sites is established. It will be interesting to see how many amalgamations are achieved in reality.

76) 9.7 Maximum impervious area (THAB)

We **request** the maximum allowed is raised from 60% to 75%, to allow the intensity of development envisaged in this zone. The rule needs to clarify that the suitably landscaped roof of car-park podium does not count as impervious area, in order to encourage concealed car-parking.

77) 9.8 Maximum building coverage (THAB)

Further to the above, we **request** this is raised from 40% to 65%.

78) 9.9 Landscaping (THAB)

Further to the above, we **request** the requirement is reduced from 40% to 25%.

79) 9.15 Garages (THAB).

Given the wide frontage required for these developments, the 40% of frontage width which may be occupied by the garage door could be large. We **request** an additional restriction to a maximum of 6.0 metres.

80) 9.22 Minimum floor / ceiling height.

We **request** that sub-clause 2 is modified to:

“In all other instances, the finished floor to ceiling height of habitable rooms less than 6.0m deep measured from the window is 2.55m, and where the room is more than 6.0m deep measured from the window, is 2.7m.”

We also **request** a new sub-clause 3:

“The finished floor to finished ceiling height of non-habitable rooms shall be 2.3m”.

81) Common circulation spaces.

This is not covered in the PAUP.

We **request** this new clause:

“The minimum width of common area corridors and access balconies (breezeways) shall be 1.5m.

The minimum width of a corridor or lobby space immediately adjacent to the lift(s) shall be 2.7m, measured at 90 degrees to the lift doors, for the full combined width of the lift door(s).”

82) Boarding houses and other accommodation.

We **request** the development of rules for these types of dwellings so as to provide for appropriate amenity for residents who are often the most vulnerable members of the community.

3 Business Zones

83) Activity Tables: General and Business Park Zones

We **request** the removal of the General Business and Business Park Zones. They represent a creeping concession to the retail development industry that undermines the objectives for compact centres-based intensification. This will logically lead to changes to the planning maps and changes to other business zones and the status of various activities within the Activity Tables.

84) Activity Tables: Light Industry Zone

This Zone should provide opportunity for large format retail that is genuinely car-based and inappropriate for Centre zones – (e.g. *Harvey Norman*). We therefore **request** changes to the activity table as follows:

Add as a Discretionary Activity:

“Retail stores that are greater than 4500m² GFA in a single tenancy and sell predominantly bulky goods that are purchased infrequently”.

Add as a Non-Complying Activity:

“Supermarkets and Department Stores”.

85) Activity Tables: Mixed Use Zone

This zone is (and should be) extensively applied to allow residential and commercial intensification, but it is too extensive to allow supermarkets and offices to be located throughout.

We **request** these further controls on these uses, either within the activity tables or by way of strong assessment criteria:

To the activity categories of Supermarket and Retail greater than 450sq.m, add the words: “within 100 metres of a Metropolitan or Town Centre zone (and subjected to the Key Retail Frontage controls)”.

To the Offices categories add the words: “within 400 metres of a Metropolitan or Town Centre zone (and subjected to the Commercial Frontage controls)”.

To activity categories of Retail smaller than 450sq.m add words or Assessment criteria to ensure that there is a single tenancy per site or that the shops front a street in a way which complies with the Key Frontage Control rules.

Activity Tables: General Business Zone

We **request** deletion of this this zone because it undermines the centres.

However, if it is retained, we seek the following changes:

Offices, Supermarkets, Department Stores selling apparel, Retail up to 200sq.m, Cinemas, Theatres, Bars and Nightclubs all to be non-complying.

86) Activity Tables: Business Park Zone

We **request** deletion of this zone because it undermines the centres.

However if it is retained, we seek that the zone is made to be more akin to a mixed use neighbourhood where the following activity status would apply:

All accommodation categories	Restricted Discretionary
Supermarkets up to 4500m ²	Discretionary.

87) 4.1 Development control infringements

This rule states that “development that does not comply with controls a – h is a discretionary activity” and appears to be too onerous. We **request** a stated degree of latitude for nearly-complying proposals or a more refined rule or assessment to be developed.

88) 4.3 Height in relation to boundary, Figs 1-8

The diagrams are misleading as they do not include yards and setbacks required by other rules. Also the building outlines shown are arbitrary, and do not assist in the rule’s interpretation.

We **request** the sloping Height in relation to boundary lines are replaced with dimensioned setback requirements at the various building levels. This is consistent with the requirements in the THAB zone and leads to a better building architectural form.

We **request** a comprehensive set of diagrams that show all applicable building envelope controls in each diagram – yards, setbacks and maximum heights.

Examples of the requested diagrams are shown in attached Diagrams FIVE and SIX. The Height in relation to boundary sloping line is shown in our suggested diagrams for comparison purposes only – as above, we request these sloping lines are removed.

89) 4.6 Buildings fronting the street

We **request** these changes:

Amend to “buildings address and define the street....”

Amend 4.6.3 and 4.6.4 to require a default position that buildings must adjoin 80-100% the site frontage and that non compliance with this has a restricted discretionary status.

90) 4.7 Building entrances

We **request** amending 4.7.1 to “All primary building entrances must be located on the street frontage but this may also be combined with a side entry within the first 3m from the site frontage.”

91) 4.15 Yards

We note the requirement for yards and setbacks in relation to public open space. In many circumstances, it would be preferable for buildings abutting public open space to address that space, rather than to treat it as a back or side. Rule 4.17 which requires planting along yard boundaries designed to screen the activity rather than actively respond to it reinforces this approach to have a back/side to a public open space.

This is another example of the limitation of blanket rules and we **request** a contextual response on both the rear and side boundaries in terms of glazing, side yards and landscape requirements.

92) 4.17 Landscaping

The default to plant edges (side and rear boundaries) in urban business zones may not be appropriate. This should be context driven. It may be more beneficial to require a contribution to street trees rather than a landscape strip. We **request** the removal for the default requirement for a landscaped buffer between the street and commercial activities.

93) Dwellings in the business zones and City Centre zone

Several of these zones include for residential uses.
We **request** these controls applicable in residential zones should be explicitly applicable to dwellings in these zones.

These will include:

Outlook space from dwellings and building separation rules, as previously requested.

Outdoor living space as previously requested.

Minimum dwelling size.

Minimum room dimensions.

Minimum floor to ceiling heights.

Servicing and waste, storage.

Common circulation space widths.

CHAPTER J: OVERLAY RULES

2 Historic Heritage and 3 Special Character.

- 94) The NZIA 's submission with respect to historic heritage and special character is as follows and opposes the PAUP provisions referred to, with **requested** amendments as set out in the relief sought:
- 95) The PAUP provisions do not achieve or promote the sustainable management of natural and physical resources in accordance with the statutory purpose and principles set out in Part 2 of the Act.
- 96) The PAUP provisions do not satisfy the requirements of section 32 (and other relevant sections) of the Act and the PAUP provisions referred to in this submission are not the most appropriate under section 32(1) of the Act.
- 97) The NZIA believes that a clear distinction should be drawn between historic heritage and special character and that this should be borne out in the relevant objectives, policies, and rules within the PAUP.
- 98) The NZIA believes that there are insufficient incentives to appropriately incentivise the recognition, protection, and futures of Auckland's precious historic heritage.
- 99) The NZIA supports the recognition of historic heritage by way of an acknowledgement of an appropriate site surrounds context. The NZIA is concerned that the PAUP defaults to the whole of the legally defined site surrounds of any recognised historic heritage asset rather than basing the site surrounds on a carefully assessed historic context.
- 100) Without significant amendment distinguishing historic heritage from special character the PAUP:
- Undermines and discourages the heritage listing of recognised places of historic heritage value and their upkeep.
 - Inadequately distinguishes the specific extent of site surround context relevant to each historic heritage item listed in the PAUP.
 - Inadequately addresses buffering around places of historic heritage value and potential adverse effects on historic heritage from adjoining activity zones provided for and proposed under the PAUP.
 - Inappropriately frustrates the aspiration for intensification in areas where existing infrastructure, public transport, and other amenity exists as these areas naturally tend to be those older (pre-1944) areas through the conflation of special character as a matter of historic heritage through the pre-1944 protection overlay maps.
- 101) The PAUP promotion of "intensification", in the terms proposed, represents an unsustainable conflict between the Council's aspirations for intensification and the sustainable management and protection of those unique qualities that lend Auckland's heritage its value as recognised in the RMA as a matter of national importance.

- 102) There is nothing in the PAUP in terms of meaningful incentives for those places recognised by Council as having recognised historic heritage, either in regard to their continuation as historic heritage value or the amenity or broader external economic values they provide and represent to the community.
- 103) While the PAUP special character text does not refer to historic heritage the special character pre-1944 overlay maps are entitled historic heritage and application of the assessment criteria also requires, as a first step, assessment of a place subject to the overlay for historic heritage value.
- 104) The NZIA considers the pre-1944 qualifier is an inappropriate and arbitrary threshold apparently based on the existence of comprehensive historic aerial photography; however the aerial photography does not cover all areas controlled by the overlay. The methodology that has arrived at the PAUP form of overlay (conditioned by pre-1944 buildings) is flawed and lacks sufficient rigour to be reliable.
- 105) Relief sought: The NZIA requests the following decisions from the Auckland Council:
- 106) A clear distinction is drawn between places of recognised historic heritage value and areas of special character.
- 107) Recognition and protection of modern heritage to be accelerated and to further clarify the distinction between historic heritage and character.
- 108) Delete the pre-1944 historic heritage overlay as an historic heritage tool. The pre-1944 overlay could remain as an amenity overlay incentivising context as a primary design guide.
- 109) Review the PAUP "*Historic Heritage Extent of Place*" for recognised historic heritage assets on a case-by-case basis.
- 110) Assessment of effects on the environment from proposals to remove or demolish a pre-1944 building in areas covered by the PAUP pre-1944 historic heritage overlay to be directly linked to an application for the development of the subject site so that a complete assessment of effects can be measured ensuring that what is replaced enhances the environment.
- 111) Provide meaningful incentives to those owners of recognised historic heritage properties.
- 112) Such further or other relief (including consequential relief) as required to resolve the NZIA's concerns in this submission.

Part 4 – Definitions

113) LARGE FORMAT RETAIL

We request that that the floor area threshold be revised so that the definition of Large Format Retail reads as follows:

“Any individual shop tenancy with a floor area greater than 4,500m², where the tenancy is created by freehold, leasehold, licence or any other arrangement to occupy.”

(The size of 450 sq.m in the PAUP is, we understand, a typo error).

114) URBAN ACTIVITIES

We note that the definition for “Urban Activities” does not include any reference to people or communities.

Relief Sought – We request that the definition for urban activities be amended to read:

“Activities, including development, that by their scale, intensity, visual character, trip generation and/or design and appearance of structures, are of an urban character typically associated with urban communities.

Conclusion and Summary of Relief Sought by NZIA

Overall, NZIA seeks the following decision from the Council on the Combined Plan:

- 1.1 That the Combined Plan be amended so as to provide for the sustainable management of Auckland's natural and physical resources in accordance with the concerns and relief set out in this submission and thereby achieve the purpose of the RMA.
- 1.2 That the relief sought and amendments **requested** in this submission be made in the form provided or amendments to similar effect.
- 1.3 Such further, other or consequential relief as may be appropriate to fully resolve and give effect to the concerns expressed and relief sought in this submission.

NZIA could not gain an advantage in trade competition through this submission.
NZIA wishes to be heard in support of its submission.

The New Zealand Institute of Architects

Date: 28 February 2014

Signature: _____



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Appendices to this Submission

- Diagrams:
 - ONE : Hobsonville housing showing proposed HRtB controls.
 - TWO : Roof penetration through the HRtB control.
 - THREE : Outlook space examples.
 - FOUR : Outlook space examples.
 - FIVE : Business Zones: Height in relation to boundary
 - SIX : Business Zones: Height in relation to boundary

- Maps:

The maps have been marked up to illustrate areas where the application of the zones requires further consideration, for the reasons stated in the map titles. Refer also submission clause 24).

DIAGRAM ONE

HOBSONVILL HOUSING SHOWING PROPOSED HR1B CONTROLS

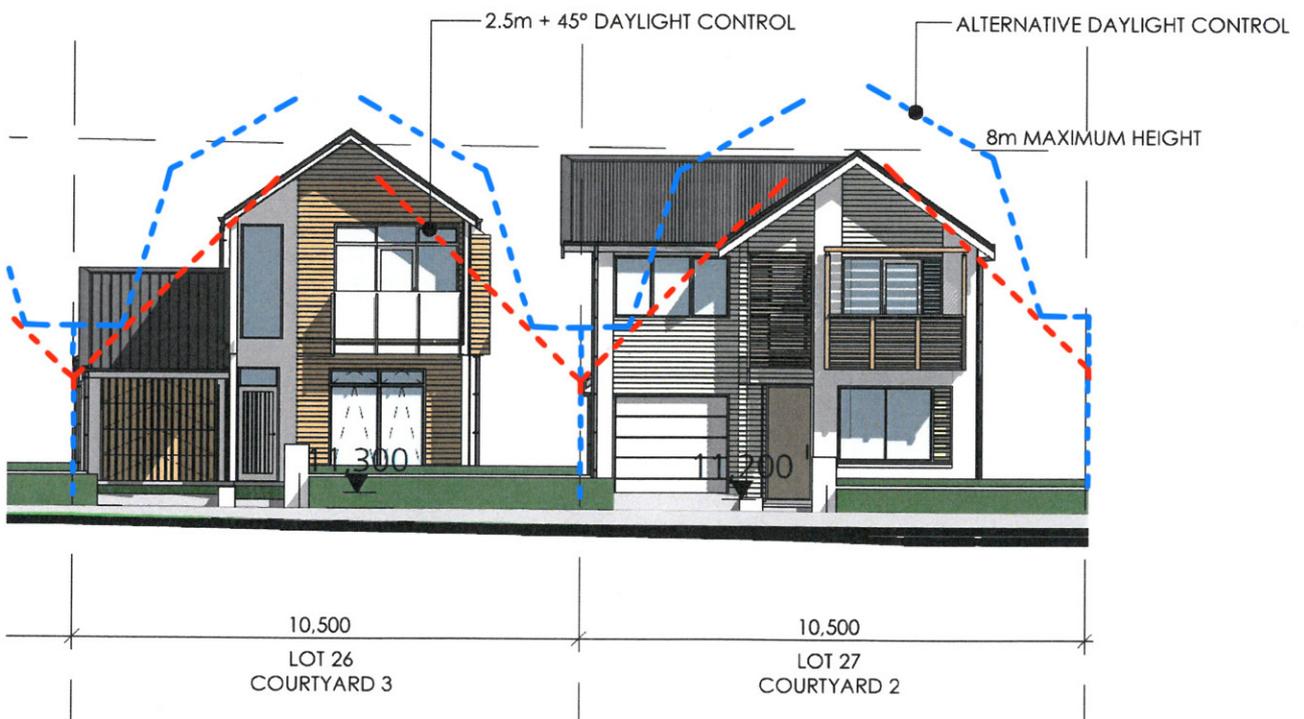
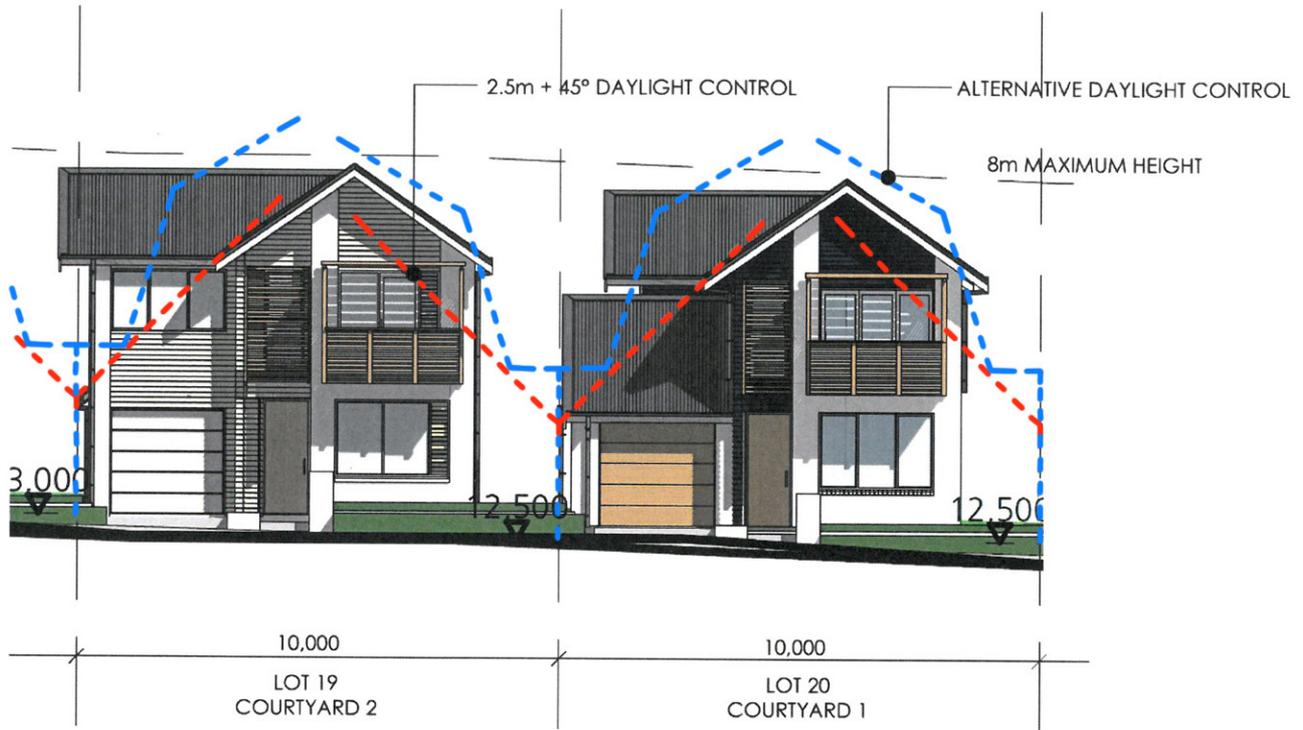
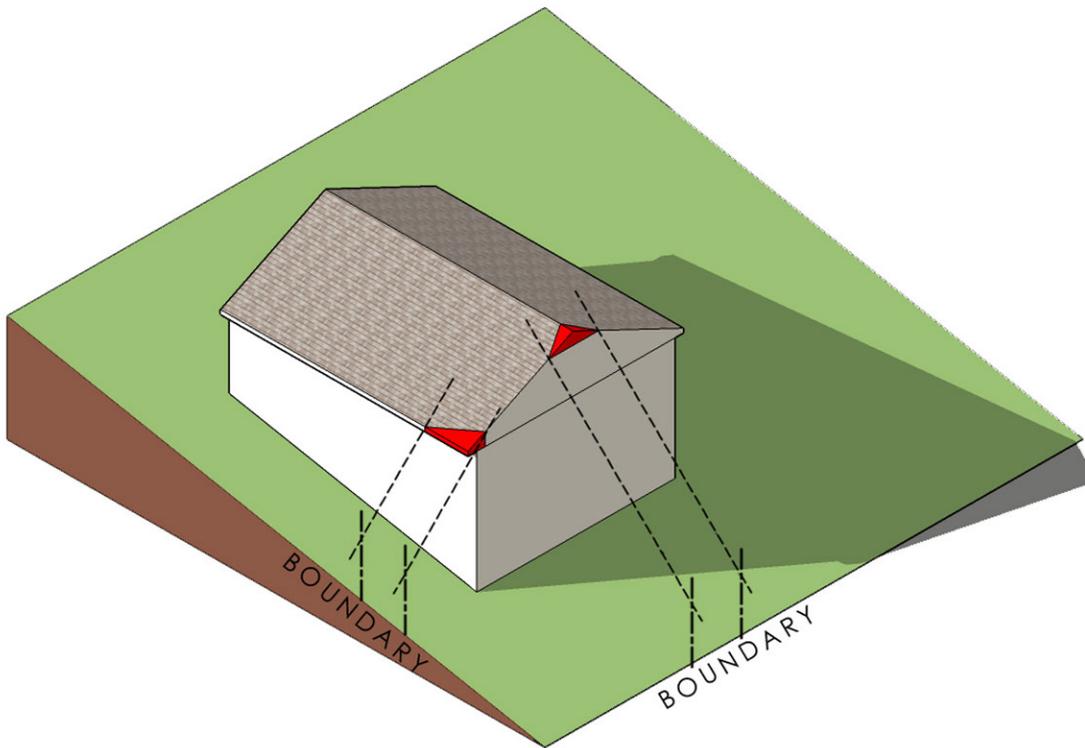
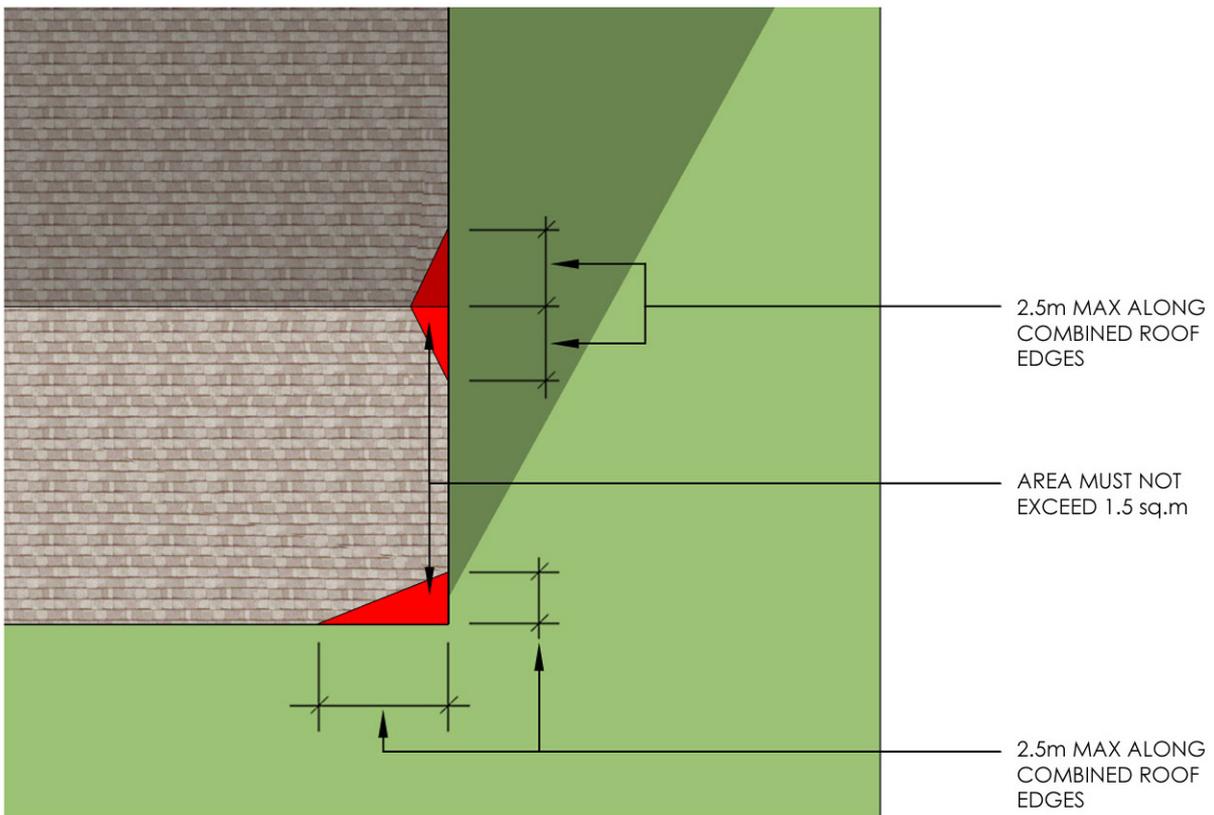


DIAGRAM TWO

ROOF PENETRATION THROUGH THE HRIB CONTROL



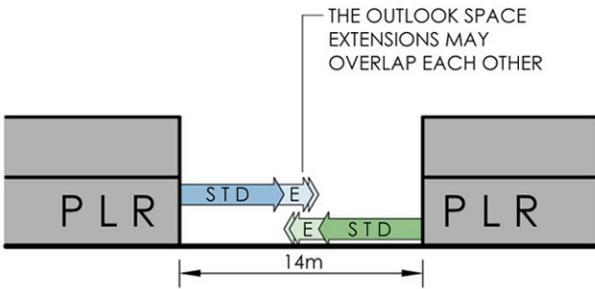
- DIAGRAM SHOWING PERMITTED HEIGHT-IN-RELATION-TO-BOUNDARY CONTROL INFRINGEMENTS



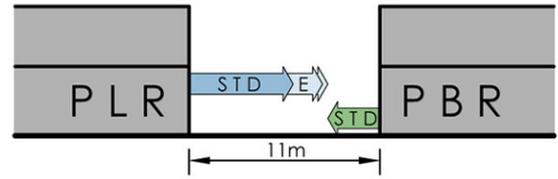
- ROOF PLAN

DIAGRAM THREE

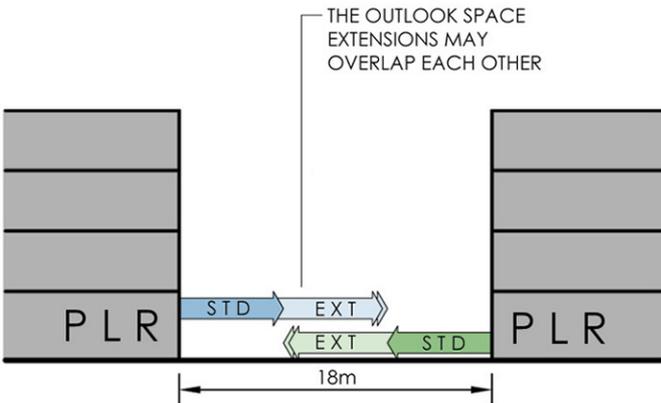
OUTLOOK SPACE EXAMPLES



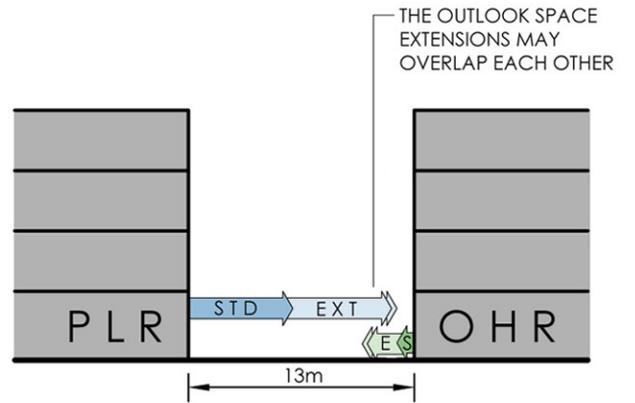
A. PRINCIPAL LIVING ROOM / PRINCIPAL LIVING ROOM - 2 STOREYS



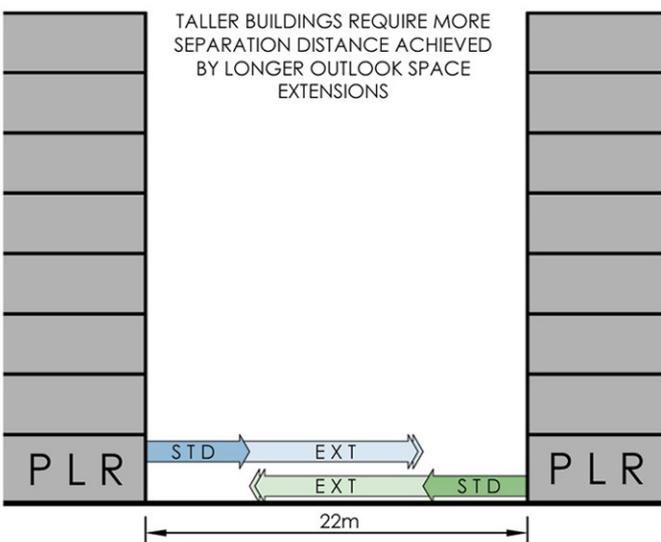
B. PRINCIPAL LIVING ROOM / PRINCIPAL BEDROOM - 2 STOREYS



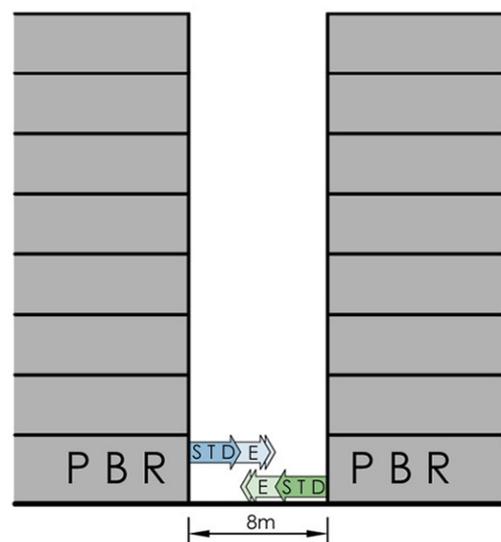
C. PRINCIPAL LIVING ROOM / PRINCIPAL LIVING ROOM - 4 STOREYS



D. PRINCIPAL LIVING ROOM / OTHER HABITABLE ROOM - 4 STOREYS



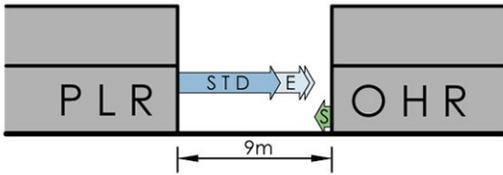
E. PRINCIPAL LIVING ROOM / PRINCIPAL LIVING ROOM - 8 STOREYS



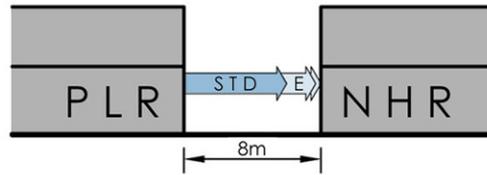
F. PRINCIPAL BEDROOM / PRINCIPAL BEDROOM - 8 STOREYS

DIAGRAM FOUR

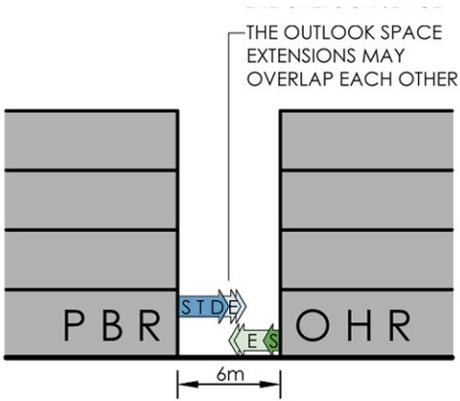
OUTLOOK SPACE EXAMPLES



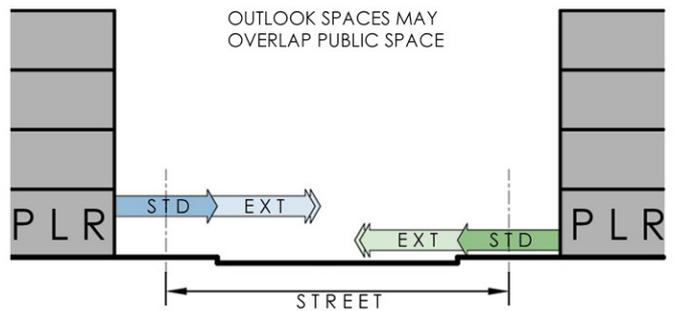
G. PRINCIPAL LIVING ROOM / OTHER HABITABLE ROOM - 2 STOREYS



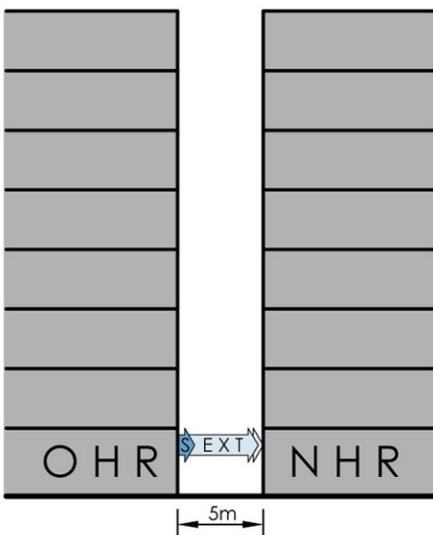
H. PRINCIPAL LIVING ROOM / NON-HABITABLE ROOM - 2 STOREYS



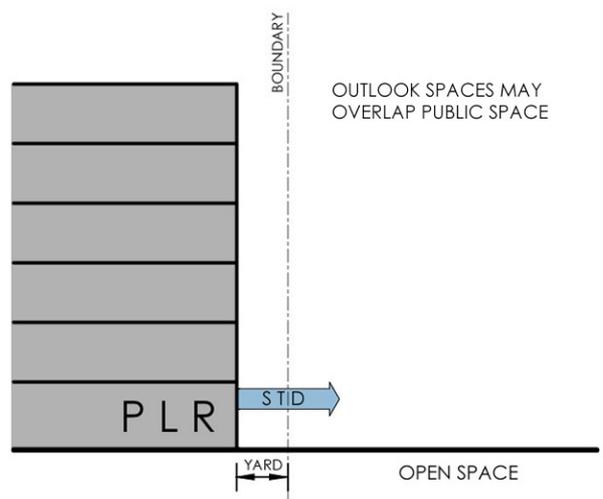
I. PRINCIPAL BEDROOM / OTHER HABITABLE ROOM - 4 STOREYS



J. PRINCIPAL LIVING ROOM / PRINCIPAL LIVING ROOM - 4 STOREYS



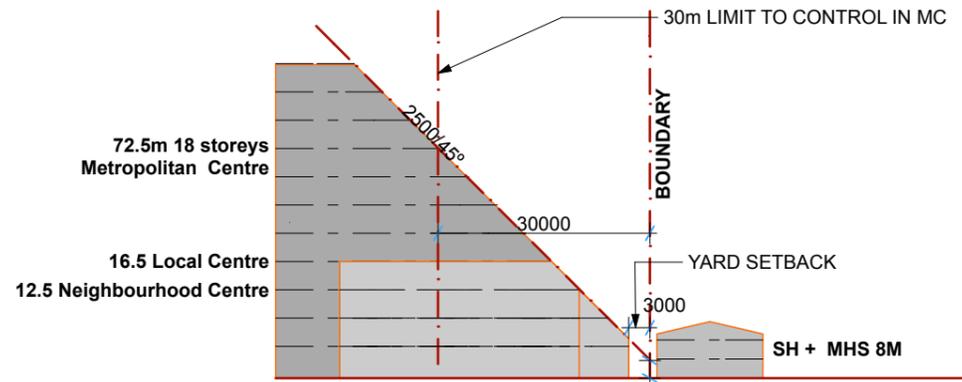
K. OTHER HABITABLE ROOM / NON-HABITABLE ROOM - 8 STOREYS



L. PRINCIPAL LIVING ROOM / OPEN SPACE - 6 STOREYS

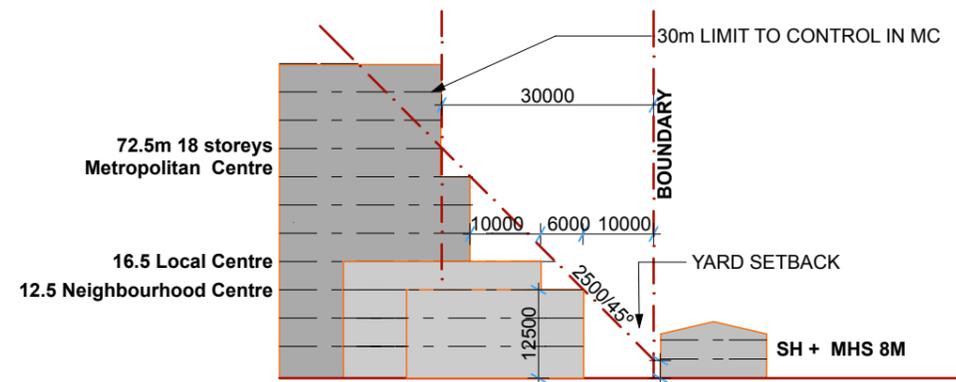
Ref Rule 4.3 Height in Relation to Boundary
Table 2 Figures 1-2

RULE 4.3 FIGS 1- 2 PAUP

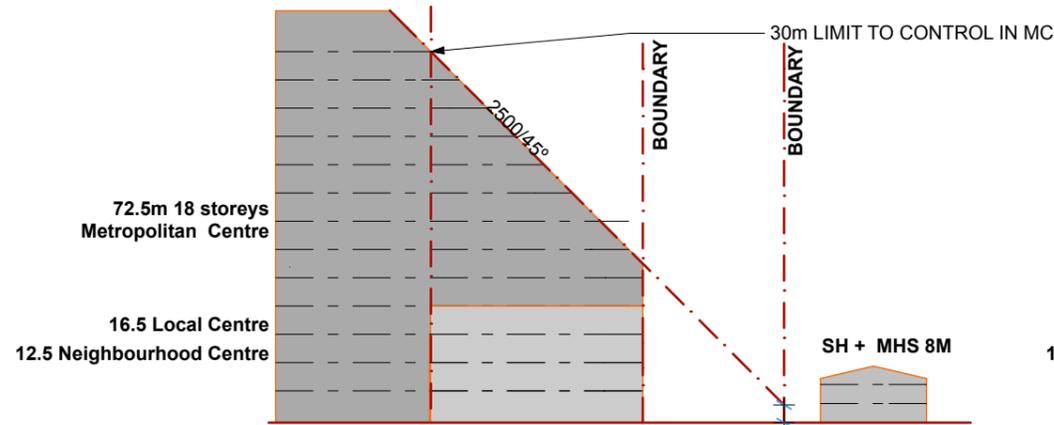


Rule 4.3 Fig 1a

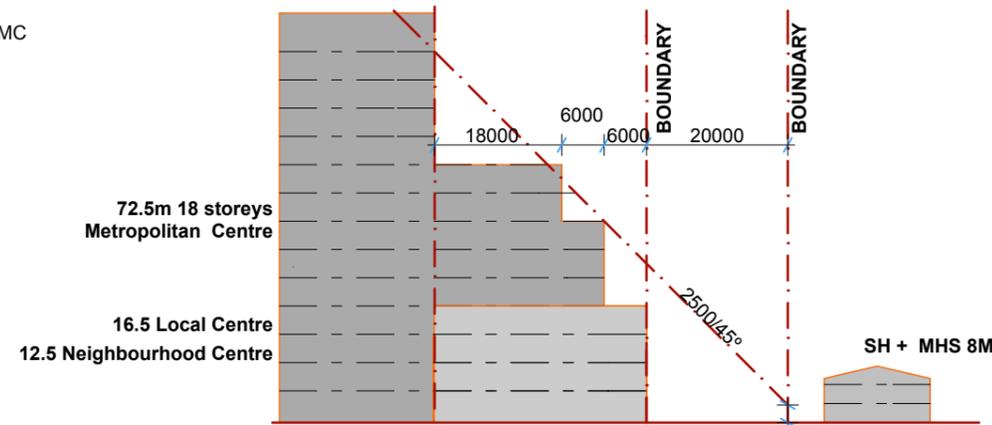
NZIA PROPOSED AMENDMENTS



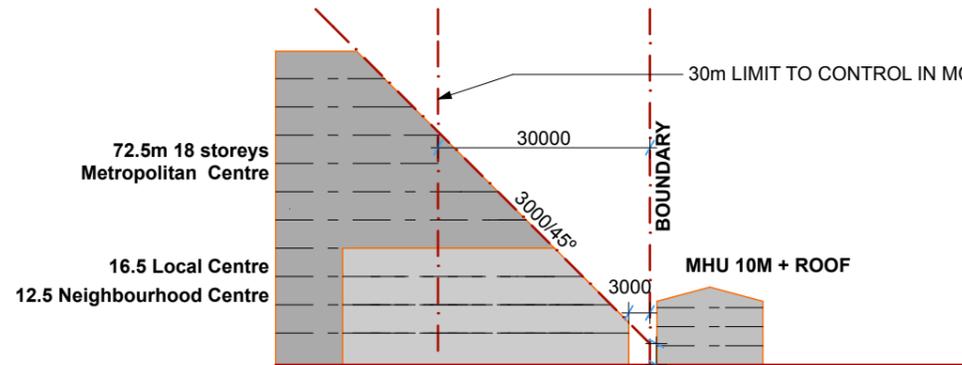
Proposed 1a



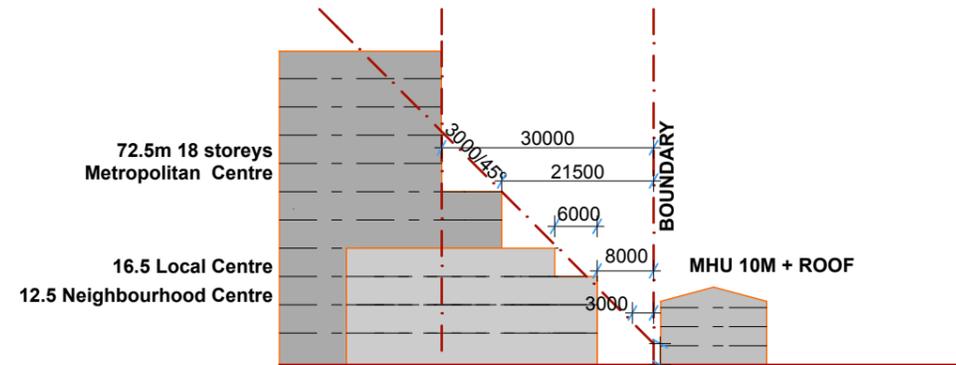
Rule 4.3 Fig 1b



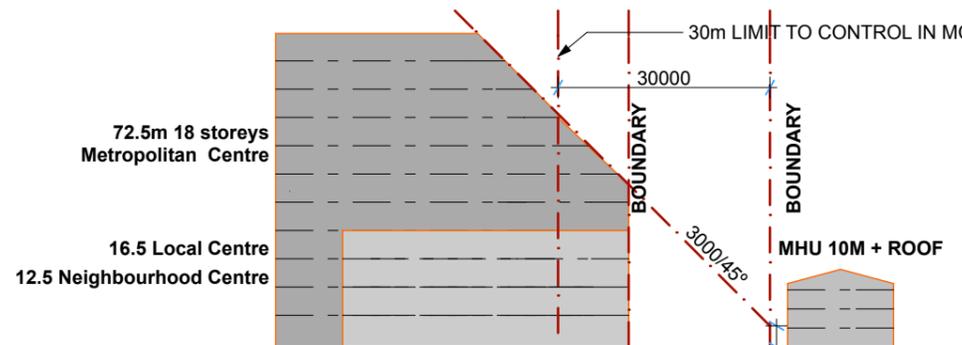
Proposed 1b



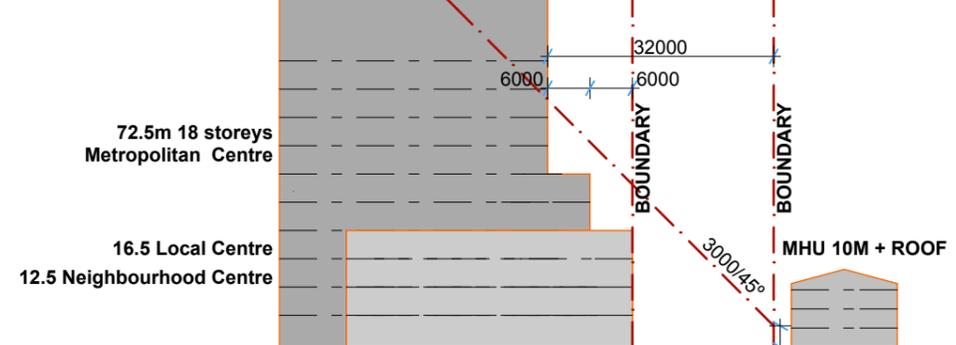
Rule 4.3 Fig 2a



Proposed Fig 2a



Rule 4.3 Fig 2b



Proposed Fig 2b

Ref Rule 4.3 Height in Relation to Boundary
Table 2 Figures 3-4

RULE 4.3 FIGS 3-4 PAUP

NZIA PROPOSED AMENDMENTS

