



Date: Monday, 30 May 2022

**Government's new housing rules:
what it means for Auckland**

Late Submissions

**WRITTEN FEEDBACK Vol. 2
(7886 - 7889)**

Sub Num	Submitter Name	Organisation name	Local Board	Volume
7886	Cameron Smythe		Not supplied	2
7887	Perry Keenan		Not supplied	2
7888	Craig Barns		Not supplied	2
7889	Michael Pearson		Not supplied	2

From:

Sent: Friday, 13 May 2022 2:55 PM

To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>

Subject: National Policy Statement on Urban Development 2020 & Medium Density Residential Standards (MDRS) Submission - Reconsideration of Neighbourhood Centre Zone Standards in relation to proposed new development standards for Mixed Housing Suburban Zone

Importance: High

Hi,

Could you please review the development standards for Business – Neighbourhood Centre Zone (see attached) given the proposed extensive intensification proposed for Mixed Housing Suburban Zone.

The Mixed Housing Suburban Zone now allows for more intensive use of these sites than allowed under the Business – Neighbourhood Centre Zone.

This appears to be inconsistent with the proposed intent of the NPS-UD given that most Business-Neighbourhood Centre Zones are located on key transport routes and are proposed as a focal area for the local community.

This review appears to have not been made when making the proposed intensification for Mixed Housing Suburban Zone.

Many thanks,
Cameron

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Business – Neighbourhood Centre Zone

H12.1. Zone description

The Business – Neighbourhood Centre Zone applies to single corner stores or small shopping strips located in residential neighbourhoods. They provide residents and passers-by with frequent retail and commercial service needs.

Provisions typically enable buildings of up to three storeys high and residential use at upper floors is permitted. Development is expected to be in keeping with the surrounding residential environment.

New development within the zone requires assessment in order to ensure that it is designed to a high standard which enhances the quality of streets within the area and public open spaces.

H12.2. Objectives

General objectives for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone

- (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.
- (2) Development is of a form, scale and design quality so that centres are reinforced as focal points for the community.
- (3) Development positively contributes towards planned future form and quality, creating a sense of place.
- (4) Business activity is distributed in locations, and is of a scale and form, that:
 - (a) provides for the community's social and economic needs;
 - (b) improves community access to goods, services, community facilities and opportunities for social interaction; and
 - (c) manages adverse effects on the environment, including effects on infrastructure and residential amenity.
- (5) A network of centres that provides:
 - (a) a framework and context to the functioning of the urban area and its transport network, recognising:
 - (i) the regional role and function of the city centre, metropolitan centres and town centres as commercial, cultural and social focal points for the region, sub-regions and local areas; and
 - (ii) local centres and neighbourhood centres in their role to provide for a range of convenience activities to support and serve as focal points for their local communities.

- (b) a clear framework within which public and private investment can be prioritised and made; and
- (c) a basis for regeneration and intensification initiatives.

Business – Neighbourhood Centre Zone objectives

- (6) Commercial activities within residential areas, limited to a range and scale that meets the local convenience needs of residents as well as passers-by, are provided in neighbourhood centres.
- (7) Neighbourhood centres are developed to a scale and intensity in keeping with the planning outcomes identified in this Plan for the surrounding environment.

H12.3. Policies

General policies for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone

- (1) Reinforce the function of the city centre, metropolitan centres and town centres as the primary location for commercial activity, according to their role in the hierarchy of centres.
- (2) Enable an increase in the density, diversity and quality of housing in the centre zones and Business – Mixed Use Zone while managing any reverse sensitivity effects including from the higher levels of ambient noise and reduced privacy that may result from non-residential activities.
- (3) Require development to be of a quality and design that positively contributes to:
 - (a) planning and design outcomes identified in this Plan for the relevant zone;
 - (b) the visual quality and interest of streets and other public open spaces; and
 - (c) pedestrian amenity, movement, safety and convenience for people of all ages and abilities.
- (4) Encourage universal access for all development, particularly medium to large scale development.
- (5) Require large-scale development to be of a design quality that is commensurate with the prominence and visual effects of the development.
- (6) Encourage buildings at the ground floor to be adaptable to a range of uses to allow activities to change over time.
- (7) Require at grade parking to be located and designed in such a manner as to avoid or mitigate adverse effects on pedestrian amenity and the streetscape.

- (8) 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.
- (9) Discourage activities, which have noxious, offensive, or undesirable qualities from locating within the centres and mixed use zones, while recognising the need to retain employment opportunities.
- (10) Discourage dwellings at ground floor in centre zones and enable dwellings above ground floor in centre zones.
- (11) Require development to avoid, remedy or mitigate adverse wind and glare effects on public open spaces, including streets, and shading effects on open space zoned land.
- (12) Recognise the functional and operational requirements of activities and development.
- (13) In identified locations within the centres zones, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone enable greater building height than the standard zone height, having regard to whether the greater height:
 - (a) is an efficient use of land;
 - (b) supports public transport, community infrastructure and contributes to centre vitality and vibrancy;
 - (c) considering the size and depth of the area, can be accommodated without significant adverse effects on adjacent residential zones; and
 - (d) is supported by the status of the centre in the centres hierarchy, or is adjacent to such a centre.
- (14) In identified locations within the centre zones, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone, reduce building height below the standard zone height, where the standard zone height would have significant adverse effects on identified special character, identified landscape features, or amenity.

Business – Neighbourhood Centre Zone policies

- (15) Provide for small scale commercial activities to meet either local or passers-by convenience needs, including local retail, business services, food and beverage activities.
- (16) Discourage large-scale commercial activity that:
 - (a) would adversely affect the retention and establishment of a mix of activities within the neighbourhood centre;

(b) would significantly adversely affect the function, role and amenity of the Business – City Centre Zone, Business – Metropolitan Centre Zone or Business – Town Centre Zone, beyond those effects ordinarily associated with trade effects on trade competitors; and

(c) does not appropriately manage adverse effects on the safe and efficient operation of the transport network including effects on pedestrian safety and amenity.

(17) Require activities adjacent to residential zones to avoid, remedy or mitigate adverse effects on amenity values of those areas.

(18) Restrict maximum impervious area within a riparian yard in order to ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.

H12.4. Activity table

Table H12.4.1 Activity table specifies the activity status of land use and development activities in the Business – Neighbourhood Centre Zone pursuant to section 9(3) of the Resource Management Act 1991

Table H12.4.1 Activity table

Activity		Activity status
General		
(A1)	Activities not provided for	NC
Use		
Accommodation		
(A2)	Dwellings	P
(A3)	Conversion of a building or part of a building to dwellings, integrated residential development, visitor accommodation or boarding houses	RD
(A4)	Integrated residential development	D
(A5)	Supported residential care	P
(A6)	Visitor accommodation and boarding houses	P
Commerce		
(A7)	Commercial services	P
(A8)	Conference facilities	D
(A9)	Department stores	NC
(A10)	Drive-through restaurants	RD
(A11)	Entertainment facilities	D
(A12)	Cinemas	D
(A13)	Food and beverage	P
(A14)	Funeral directors' premises	D

Activity		Activity status
(A15)	Garden centres	NC
(A16)	Marine retail	NC
(A17)	Motor vehicle sales	NC
(A18)	Offices up to 500m ² gross floor area per site	P
(A19)	Offices greater than 500m ² gross floor area per site	NC
(A20)	Retail up to 450m ² gross floor area per tenancy	P
(A21)	Retail greater than 450m ² gross floor area per site tenancy	NC
(A22)	Service stations	D
(A23)	Supermarkets up to 450m ² gross floor area per tenancy	P
(A24)	Supermarkets exceeding 450m ² and up to 2000m ² gross floor area per tenancy	RD
(A25)	Supermarkets exceeding 2000m ² per tenancy and up to 4000m ² gross floor area per tenancy	D
(A26)	Supermarkets greater than 4000m ² gross floor area per tenancy	NC
(A27)	Trade suppliers	NC
Community		
(A28)	Artworks	P
(A29)	Care centres	P
(A30)	Care centres within 30m of a residential zone	RD
(A31)	Community facilities	D
(A32)	Education facilities	D
(A33)	Emergency services	RD
(A34)	Healthcare facilities	P
(A35)	Hospitals	NC
(A36)	Justice facilities	NC
(A37)	Recreation facilities	D
(A38)	Tertiary education facilities	D
Industry		
(A39)	Industrial activities	NC
(A40)	Industrial laboratories	NC
(A41)	Light manufacturing and servicing	NC
(A42)	Repair and maintenance services	P
(A43)	Storage and lock-up facilities	NC
(A44)	Waste management facilities	NC
(A45)	Warehousing and storage	NC
Mana Whenua		

Activity		Activity status
(A46)	Marae complex	D
Development		
(A47)	New buildings	RD
(A48)	Demolition of buildings	P
(A49)	Alterations to building facades that are less than 25m ²	P
(A50)	Additions to buildings that are less than: (a) 25 per cent of the existing gross floor area of the building; or (b) 250m ² whichever is the lesser	P
(A51)	Internal alterations to buildings	P
(A52)	Additions and alterations to buildings not otherwise provided for	RD

H12.5. Notification

- (1) Any application for resource consent for an activity listed in Table H12.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).
- (3) Any application for resource consent for the following activity will be considered without public or limited notification or the need to obtain the written approval of affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991:
 - (a) Development which does not comply with Standard H12.6.9 Minimum dwelling size.

H12.6. Standards

All activities listed as permitted or restricted discretionary activities in Table H12.4.1 Activity table must comply with the following standards.

H12.6.0 Activities within 30m of a residential zone

- (1) The following activities are restricted discretionary activities where they are located within 30m of a residential zone and are listed as a permitted activity in the activity table:
 - (a) bars and taverns;
 - (b) drive-through restaurants;
 - (c) outdoor eating areas accessory to restaurants;

- (d) entertainment facilities;
- (e) child care centres; and
- (f) animal breeding and boarding.

This standard only applies to those parts of the activities subject to the application that are within 30m of the residential zone.

H12.6.1. Building height

Purpose:

- manage the effects of building height;
 - manage shadowing effects of building height on public open space, excluding streets;
 - manage visual dominance effects;
 - allow an occupiable height component to the height limit, and an additional height for roof forms that enables design flexibility, to provide variation and interest in building form when viewed from the street;
 - enable greater height in areas identified for intensification; and
 - provide for variations to the standard zone height through the Height Variation Control, to recognise the character and amenity of particular areas and provide a transition in building scale to lower density zones
- (1) Buildings must not exceed the height in metres specified in Table H12.6.1.1 below, unless otherwise specified in the Height Variation Control on the planning maps.

Table H12.6.1.1 Building height

Occupiable building height	Height for roof form	Total building height
11m	2m	13m

- (2) If the site is subject to the Height Variation Control, buildings must not exceed the height in metres, as shown in Table H12.6.1.2 below and for the site on the planning maps.
- (3) Any part of a building greater than the occupiable building height is to be used only for roof form, roof terraces, plant and other mechanical and electrical equipment.

Table H12.6.1.2 Total building height shown in the Height Variation Control on the planning maps

Occupiable building height	Height for roof form	Total building height shown on Height Variation Control on the planning maps
11m	2m	13m
16m	2m	18m
19m	2m	21m
25m	2m	27m
Same as on the planning maps	NA	Exceeding 27m

H12.6.2. Height in relation to boundary

Purpose:

- manage the effects of building height;
- allow reasonable sunlight and daylight access to public open space excluding streets, and neighbouring zones; and
- manage visual dominance effects on neighbouring zones where lower height limits apply.

- (1) Buildings must not project beyond a recession plane that begins vertically above ground level along the zone boundary. The angle of the recession plane and the height above ground level from which it is measured is specified in Table H12.6.2.1 and Figure H12.6.2.1 or Figure H12.6.2.2 below.
- (2) Where the boundary forms part of an entrance strip, access site or pedestrian access-way, the standard applies from the farthest boundary of that entrance strip or access site. However, if an entrance strip, access site or pedestrian access-way is greater than 2.5m in width, the standard will be measured from a parallel line 2.5m out from the site boundary.
- (3) Figure H12.6.2.3 will be used to define what is a north, south, east or west boundary, where this is referred to in Table H12.6.2.1. The recession plane angle is calculated by orientating both site plan and Figure H12.6.2.3 to true north. Figure H12.6.2.3 is placed over the site plan with the outside of the circle touching the inside of the site boundary under consideration. At the point where Figure H12.6.2.3 touches the site boundary, the recession plane angle and height at which it begins, will be indicated by Table H12.6.2.1

Table H12.6.2.1 Height in relation to boundary

Location	Zoning of adjacent site	Angle of recession plane (identified as x in Figure H12.6.2.1 or Figure H12.6.2.2)	Height above ground level which the recession plane will be measured from (identified as y in Figure H12.6.2.1 or Figure H12.6.2.2)
NA	Residential – Single House Zone; or Residential – Mixed Housing Suburban Zone	45°	2.5m
	Residential – Mixed Housing Urban Zone	45°	3m
	Residential – Terrace Housing and Apartment Buildings Zone	60°	8m
	Special Purpose – Māori Purpose Zone; or Special Purpose – School Zone	45°	6m
	Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or Open Space – Community Zone	45°	4.5m
Buildings located on the southern boundary of the adjacent site	Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or Open Space – Community Zone	45°	8.5m

Figure H12.6.2.1 Height in relation to boundary

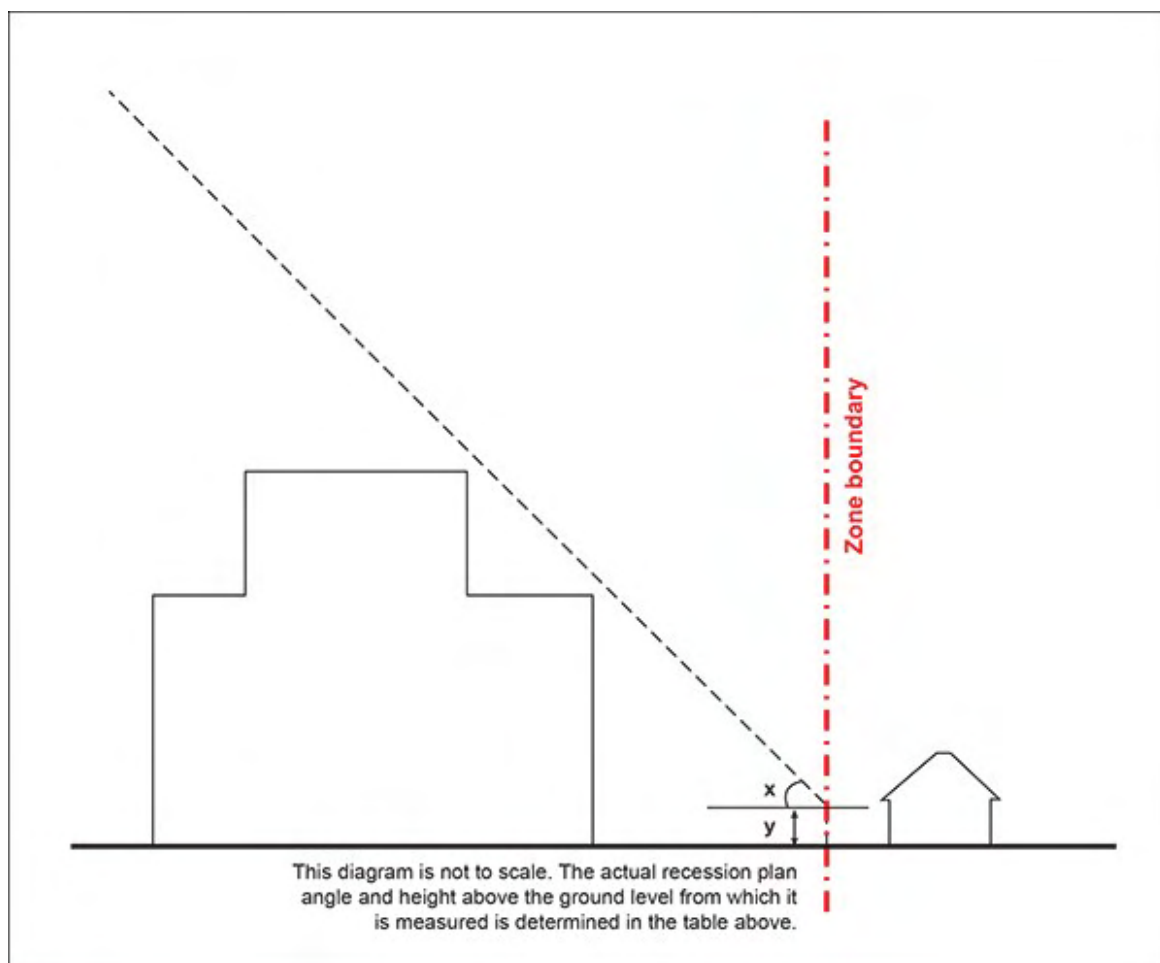


Figure H12.6.2.2 Height in relation to boundary opposite a road

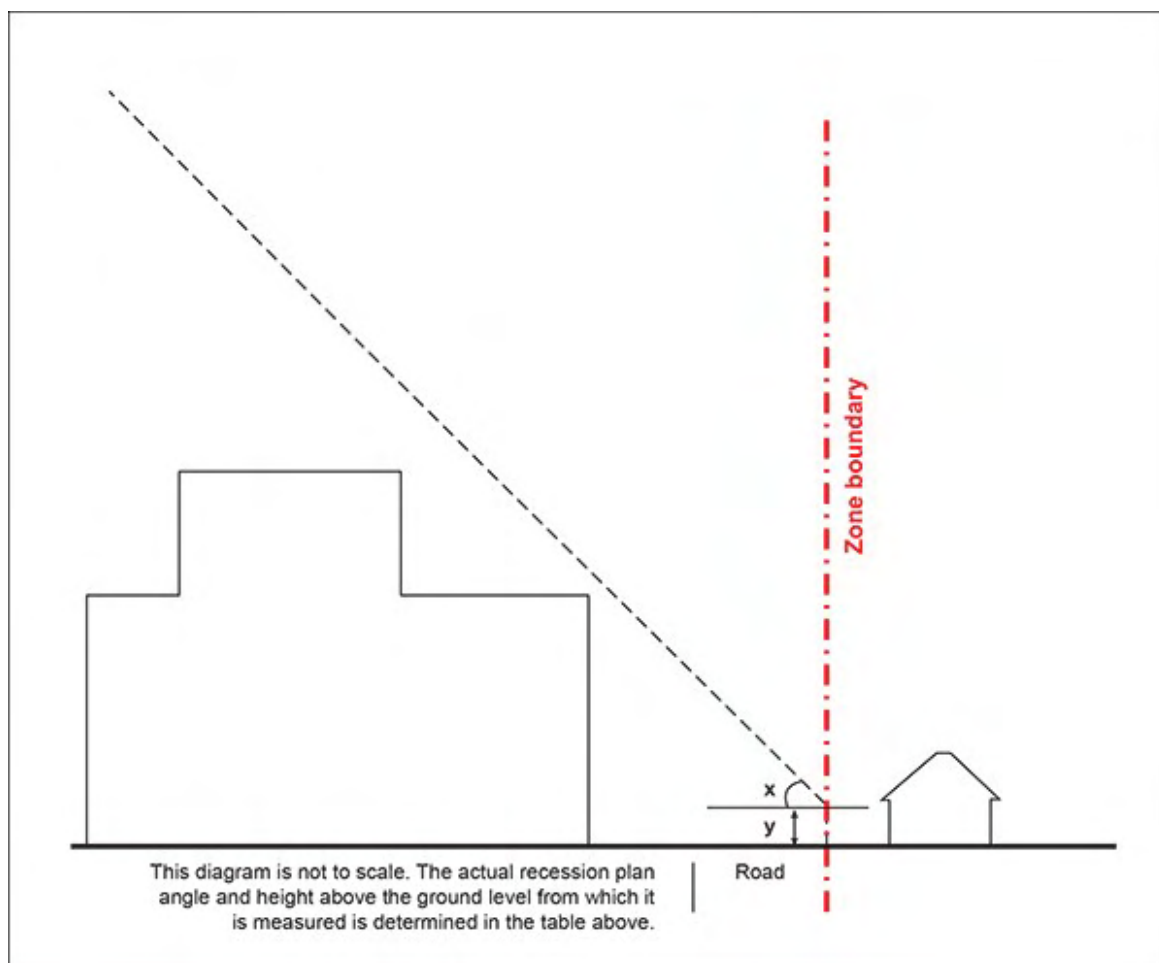
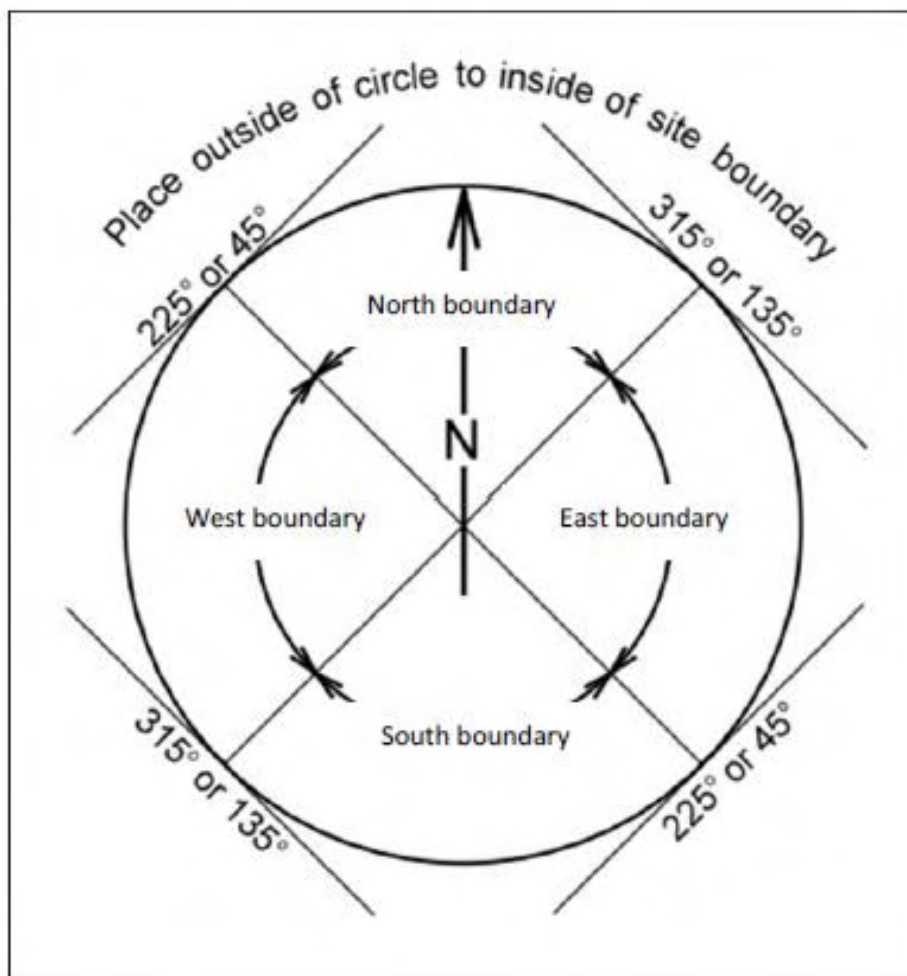


Figure H12.6.2.3 Recession plane indicator for sites adjacent to an open space zone



H12.6.3. Residential at ground floor

Purpose:

- protect the ground floor of buildings within centres for commercial use; and
- avoid locating activities that require privacy on the ground floor of buildings.

(1) Dwellings including units within an integrated residential development must not locate on the ground floor of a building where the dwelling or unit has frontage to public open spaces including streets.

H12.6.4. Yards

Purpose:

- provide a landscaped buffer between buildings and activities and adjoining residential zones and some special purpose zones, to mitigate adverse visual and nuisance effects; and
- ensure buildings are adequately setback from lakes, streams and the coastal edge to maintain water quality, amenity, provide protection from natural hazards, and potential access to the coast.

(1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table H12.6.4.1 below.

Table H12.6.4.1 Yards

Yard	Minimum depth
Rear	3m where the rear boundary adjoins a residential zone or the Special Purpose – Māori Purpose Zone
Side	3m where a side boundary adjoins a Residential zone or the Special Purpose – Māori Purpose Zone
Riparian	10m from the edge of all permanent and intermittent streams
Lakeside yard	30m
Coastal protection yard	25m, or as otherwise specified in Appendix 6 Coastal protection yard

Note 1

A side or rear yard, and/or landscaping within that yard, is only required along that part of the side or rear boundary adjoining a residential zone or the Special Purpose – Māori Purpose Zone.

(2) Side and rear yards must be planted with a mixture of trees, shrubs or ground cover plants (including grass) within and along the full extent of the yard for a depth of at least 3m.

H12.6.5. Landscaping

Purpose:

- ensure landscaping provides a buffer and screening between car parking, loading, or service areas commercial activities and the street; and
- ensure landscaping is of sufficient quality as to make a positive contribution to the amenity of the street.

(1) A landscape buffer of 2m in depth must be provided along the street frontage between the street and car parking, loading, or service areas which are visible from the street frontage. This rule excludes access points.

- (2) The required landscaping in Standard H12.6.5(1) above must comprise a mix of trees, shrubs or ground cover plants (including grass).

H12.6.6. Maximum impervious area in the riparian yard

Purpose: support the functioning of riparian yards and in-stream health.

- (1) The maximum impervious area within a riparian yard must not exceed 10 per cent of the riparian yard area.

H12.6.7. Wind

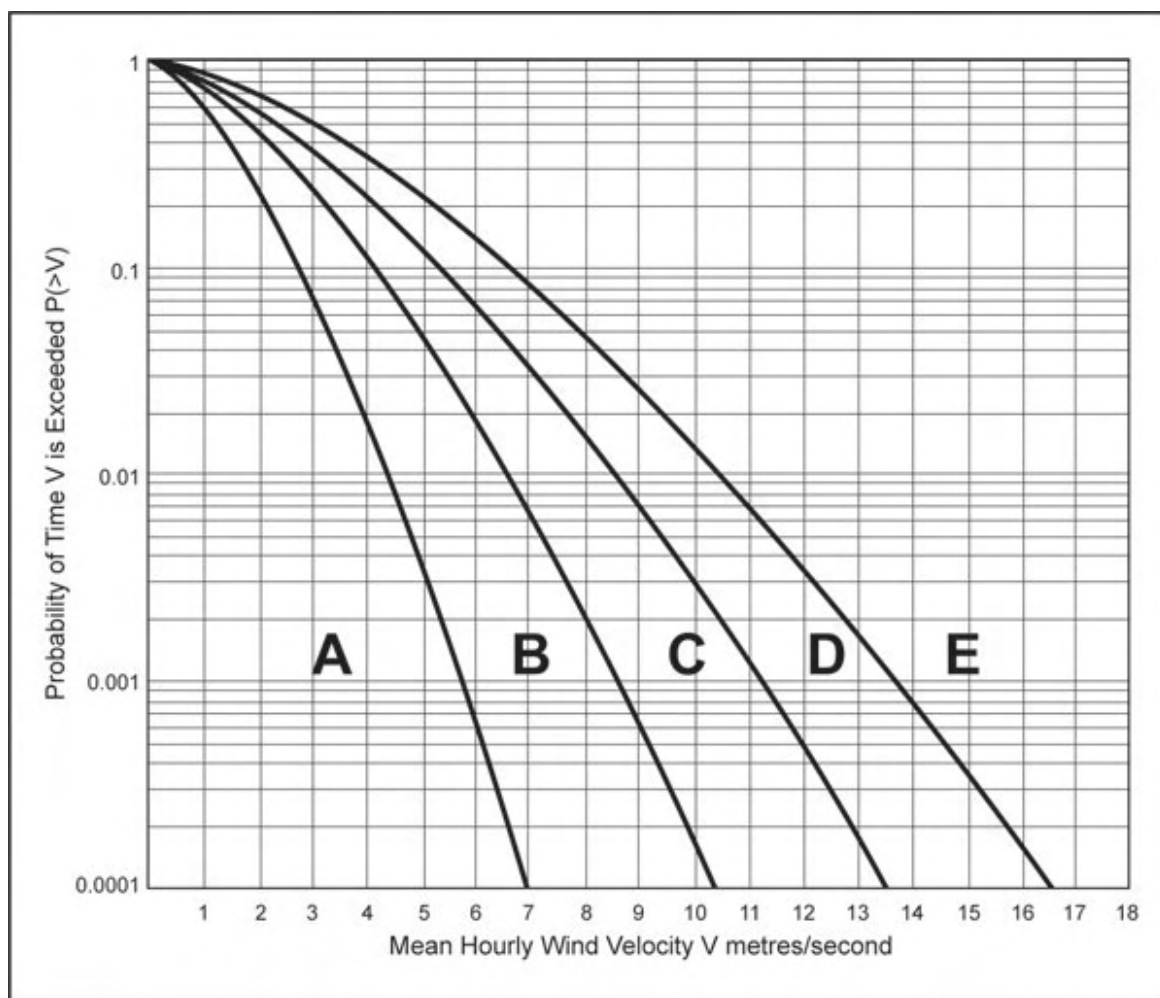
Purpose: mitigate the adverse wind effects generated by tall buildings.

- (1) A new building exceeding 25m in height and additions to existing buildings that increase the building height above 25m must not cause:
- (a) the mean wind speed around it to exceed the category for the intended use of the area as set out in Table H12.6.7.1 and Figure H12.6.7.1 below;
 - (b) the average annual maximum peak 3-second gust to exceed the dangerous level of 25m per second; and
 - (c) an existing wind speed which exceeds the controls of Standard H12.6.7(1)(a) or Standard H12.6.7(1)(b) above to increase.
- (2) A report and certification from a suitably qualified and experienced person, showing that the building complies with Standard H12.6.7(1) above, will demonstrate compliance with this standard.
- (3) If the information in Standard H12.6.7(2) above is not provided, or if such information is provided but does not predict compliance with the rule, a further wind report including the results of a wind tunnel test or appropriate alternative test procedure is required to demonstrate compliance with this standard.

Table H12.6.7.1 Categories

Category	Description
Category A	Areas of pedestrian use or adjacent dwellings containing significant formal elements and features intended to encourage longer term recreational or relaxation use i.e. public open space and adjacent outdoor living space
Category B	Areas of pedestrian use or adjacent dwellings containing minor elements and features intended to encourage short term recreation or relaxation, including adjacent private residential properties
Category C	Areas of formed footpath or open space pedestrian linkages, used primarily for pedestrian transit and devoid of significant or repeated recreational or relaxational features, such as footpaths not covered in categories A or B above
Category D	Areas of road, carriage way, or vehicular routes, used primarily for vehicular transit and open storage, such as roads generally where devoid of any features or form which

	would include the spaces in categories A - C above.
Category E	Category E represents conditions which are dangerous to the elderly and infants and of considerable cumulative discomfort to others, including residents in adjacent sites. Category E conditions are unacceptable and are not allocated to any physically defined areas of the city

Figure H12.6.7.1 Wind environment control

Derivation of the wind environment control graph:

The curves on the graph delineating the boundaries between the acceptable categories (A-D) and unacceptable (E) categories of wind performance are described by the Weibull expression:

$$P(>V) = e^{-(v/c)^k}$$

where V is a selected value on the horizontal axis, and P is the corresponding value of the vertical axis:

and where:

$P(>V)$ = Probability of a wind speed V being exceeded;

e = The Napierian base 2.7182818285

v = the velocity selected;

k = the constant 1.5; and

c = a variable dependent on the boundary being defined:

A/B, $c = 1.548$

B/C, $c = 2.322$

C/D, $c = 3.017$

D/E, $c = 3.715$

H12.6.8. Outlook space

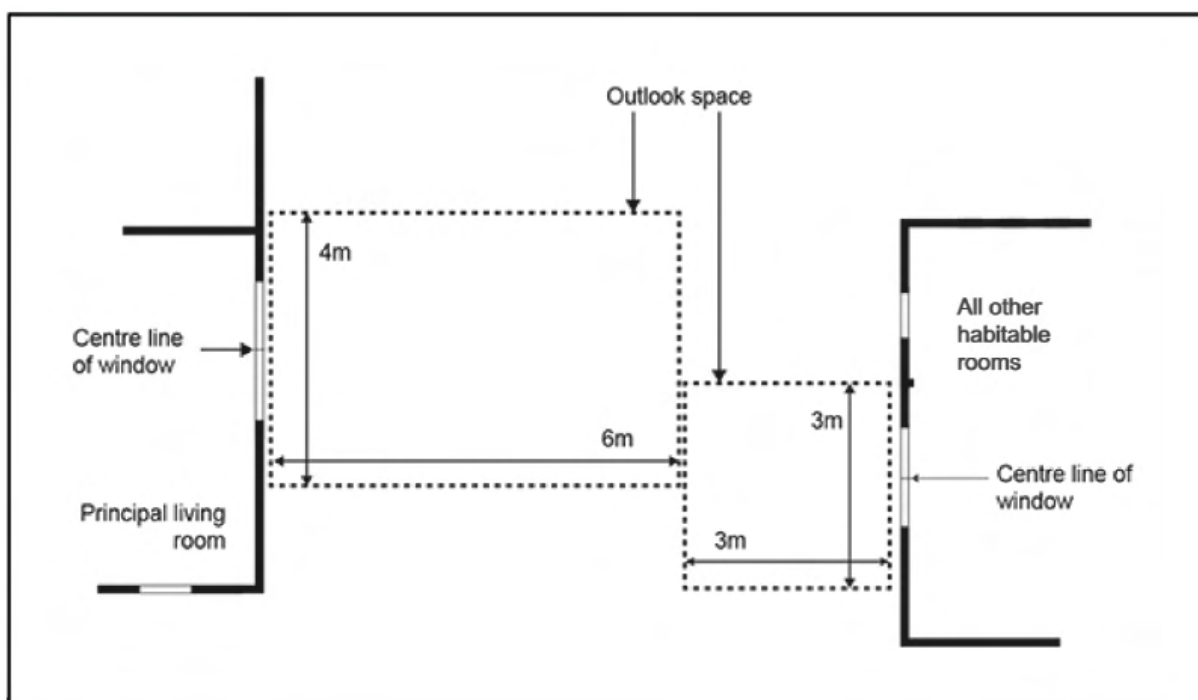
Purpose:

- to ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites; and
- manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.

- (1) This standard applies to dwellings, units in an integrated residential development, visitor accommodation and boarding houses.
- (2) An outlook space must be provided from the face of a building containing windows to a habitable room. Where the room has two or more external faces with windows the outlook space must be provided from the face with the largest area of glazing.
- (3) The minimum dimensions for a required outlook space are as follows:
 - (a) a principal living room of a dwelling or main living and dining area within a boarding house or supported residential care must have a outlook space with a minimum dimension of 6m in depth and 4m in width;
 - (b) all other habitable rooms of a dwelling or a bedroom within a boarding house or supported residential care unit must have an outlook space with a minimum dimension of 3m in depth and 3m in width; and
- (4) The depth of the outlook space is measured at right angles to and horizontal from the window to which it applies.
- (5) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
- (6) The height of the outlook space is the same as the floor height, measured from floor to ceiling, of the building face to which the standard applies.
- (7) Outlook spaces may be within the site, over a public street, or other public open space.

- (8) Outlook spaces required from different rooms within the same building may overlap.
- (9) Outlook spaces may overlap where they are on the same wall plane.
- (10) Outlook spaces must:
 - (a) be clear and unobstructed by buildings;
 - (b) not extend over adjacent sites, except for where the outlook space is over a public street or public open space as outlined in H12.6.8(7) above; and
 - (c) not extend over an outlook spaces or outdoor living space required by another dwelling.

Figure H12.6.8.1 Required outlook space



H12.6.9 Minimum dwelling size

Purpose: to ensure dwellings are functional and of a sufficient size to provide for the day to day needs of residents, based on the number of occupants the dwelling is designed to accommodate.

- (1) Dwellings must have a minimum net internal floor area as follows:
 - (a) 30m² for studio dwellings.
 - (b) 45m² for one or more bedroom dwellings.

H12.7. Assessment – controlled activities

There are no controlled activities in this zone.

H12.8. Assessment – restricted discretionary activities

H12.8.1. Matters of discretion

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application:

- (1) drive-through restaurants, activities within 30m of a residential zone and emergency services:
 - (a) the compatibility of:
 - (i) the effects of intensity and scale of the development arising from the numbers of people and/or vehicles using the site; and
 - (ii) the effects of the operation of the activity on the existing and expected future amenity values of the surrounding area and any practicable mitigation measures that would be appropriate to manage those effects.
 - (b) the effects of the design and location of parking areas and vehicle access and servicing arrangements on visual amenity of the streetscape and on pedestrian safety;
 - (c) the effects of location, design and management of storage and servicing facilities on the amenity values of nearby residential properties including potential visual effects, adequacy of access for service vehicles (including waste collection) and any night time noise effects; and
 - (d) the assessment of the above matters having regard to the need to provide for the functional requirements of the activity;
- (2) supermarkets greater than 450m² and up to 2000m²:
 - (a) the compatibility of the effects of intensity and scale of the development arising from the numbers of people and/or vehicles using the site, with the existing and expected future amenity values of the surrounding area and any practicable mitigation measures that would be appropriate to manage those effects;
 - (b) the effects of the design and location of parking areas and vehicle access and servicing arrangements on visual amenity of the streetscape and on pedestrian safety;
 - (c) the effects of the size, composition and characteristics of retail activities proposed on the existing and expected future function, role and amenity of other centre zones having regard to the need to enable convenient access of communities to commercial and community services while disregarding any effects ordinarily associated with trade effects on trade competitors; and
 - (d) the assessment of the above matters having regard to the need to provide for the functional requirements of the activity;

- (3) new buildings and alterations and additions to buildings not otherwise provided for:
- (a) the design and appearance of buildings in so far as it affects the existing and future amenity values of public streets and spaces used by significant numbers of people. This includes:
 - (i) the contribution that such buildings make to the attractiveness pleasantness and enclosure of the public space;
 - (ii) the maintenance or enhancement of amenity for pedestrians using the public space or street;
 - (iii) the provision of convenient and direct access between the street and building for people of all ages and abilities;
 - (iv) measures adopted for limiting the adverse visual effects of any blank walls along the frontage of the public space; and
 - (v) the effectiveness of screening of car parking and service areas from the view of people using the public space.
 - (b) the provision of floor to floor heights that will provide the flexibility of the space to be adaptable to a wide variety of use over time;
 - (c) the extent of glazing provided on walls fronting public streets and public spaces and the benefits it provides in terms of:
 - (i) the attractiveness and pleasantness of the public space and the amenity for people using or passing through that space;
 - (ii) the degree of visibility that it provides between the public space and the building interior; and
 - (iii) the opportunities for passive surveillance of the street from the ground floor of buildings.
 - (d) the provision of verandahs to provide weather protection in areas used, or likely to be used, by significant numbers of pedestrians;
 - (e) the application of Crime Prevention through Environmental Design principles to the design and layout of buildings adjoining public spaces;
 - (f) the effects of creation of new roads and/or service lanes on the matters listed above;
 - (g) the positive effects that landscaping, including required landscaping, on sites adjoining public spaces is able to contribute to the amenity values of the people using or passing through the public space;
 - (h) taking an integrated stormwater management approach; and

- (i) all the above matters to be assessed having regard to the outcomes set out in this Plan and the functional requirements of the activities that the buildings are intended to accommodate;
- (4) in addition to the matters for new buildings stated above the Council will restrict its discretion to the following matter in regard to:
- supermarkets, department stores and large format retail where the activity or integrated retail development exceeds 1000m² gross floor area per tenancy;
- (a) the manner in which these building/developments are integrated with the adjacent existing and planned future centre and zone activities and public spaces and provide for the continuity of active public frontages and associated pedestrian amenity that is appropriate to those centres and zones having regard to the outcomes set out in this Plan and the functional requirements of the activities that the buildings are intended to accommodate. This will include the effects of the design and location of parking areas, vehicle access and servicing arrangements on the visual amenity of the streetscape and on pedestrian safety;
- (5) in addition to the matters for new buildings stated above the Council will restrict its discretion to the following matter in regard to:
- drive-through restaurants; or
 - service stations.
- (a) the effects of the location and design of:
- (i) buildings and associated equipment, parking and service areas;
 - (ii) access for vehicles including service vehicles; and
 - (iii) landscaping
- on the amenity of surrounding areas (particularly residential areas), on streetscapes and on pedestrian amenity and any methods by which those effects can be appropriately managed;
- (6) conversion of a building or part of a building to dwellings, retirement villages, visitor accommodation and boarding houses:
- (a) any matters that do not meet the standards set out for the activity in Standard H12.6.8 or Standard H12.6.9 having regard to the need to ensure a good standard of amenity within and between dwellings, visitor accommodation, boarding houses and retirement villages;
- (7) buildings that do not meet the standards:
- (a) any policy which is relevant to the standard;
 - (b) the purpose of the standard;

- (c) the effects of the infringement of the standard;
- (d) the effects on the amenity of neighbouring sites;
- (e) the effects of any special or unusual characteristic of the site which is relevant to the standard;
- (f) the characteristics of the development;
- (g) any other matters specifically listed for the standard; and
- (h) where more than one standard will be infringed, the effects of all infringements.

H12.8.2. Assessment criteria

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

- (1) drive-through restaurants, activities within 30m of a residential zone emergency services and service stations:
 - (a) for Matter H12.8.1(1)(a)(i) refer to Policy H12.3(3)(a), Policy H12.3(3)(b), Policy H12.3(3)(c), Policy H12.3(8), Policy H12.3(15) and H12.3(17);
 - (b) for Matter H12.8.1(1)(a)(ii) refer to Policy H12.3(3)(a), Policy H12.3(3)(b), Policy H12.3(3)(c), Policy H12.3(8), Policy H12.3(15); and H12.3(17);
 - (c) for Matter H12.8.1(1)(b) refer to Policy H12.3(3)(c) and Policy H12.3(7);
 - (d) for Matter H12.8.1(1)(c) refer to Policy H12.3(17);
 - (e) for Matter H12.8.1(1)(d) refer to Policy H12.3(12);
- (2) supermarkets greater than 450m² and up to 2000m²:
 - (a) for Matter H12.8.1(2)(a) refer to Policy H12.3(3)(a), Policy H12.3(3)(b), Policy H12.3(3)(c) and Policy H12.3(8);
 - (b) for Matter H12.8.1(2)(b) refer to Policy H12.3(7);
 - (c) for Matter H12.8.1(2)(c) refer to Policy H12.3(1);
 - (d) for Matter H12.8.1(2)(d) refer to Policy H12.3(12);
- (3) new buildings and alterations and additions to buildings not otherwise provided for:
 - (a) for Matter H12.8.1(3)(a)(i) refer to Policy H12.3(3)(a) and Policy H12.3(3)(b);
 - (b) for Matter H12.8.1(3)(a)(ii) refer to Policy H12.3(3)(c);
 - (c) for Matter H12.8.1(3)(a)(iii) refer to Policy H12.3(4);

- (d) for Matter H12.8.1(3)(a)(iv) refer to Policy H12.3(3)(a);
 - (e) for Matter H12.8.1(3)(a)(v) refer to Policy H12.3(7);
 - (f) for Matter H12.8.1(3)(b) refer to Policy H12.3(6);
 - (g) for Matter H12.8.1(3)(c)(i) refer to Policy H12.3(3)(a) and Policy H12.3(3)(b);
 - (h) for Matter H12.8.1(3)(c)(ii) refer to Policy H12.3(3)(a) and Policy H12.3(3)(b);
 - (i) for Matter H12.8.1(3)(c)(iii) refer to Policy H12.3(3)(a) and Policy H12.3(3)(b);
 - (j) for Matter H12.8.1(3)(d) refer to Policy H12.3(3)(c);
 - (k) for Matter H12.8.1(3)(e) refer to Policy H12.3(3)(c);
 - (l) for Matter H12.8.1(3)(f) refer to Policy H12.3(3)(b);
 - (m) for Matter H12.8.1(3)(g) refer to H12.3(3)(c);
 - (n) for Matter H12.8.1(3)(h) refer to Policy [E1.3\(10\)](#);
 - (o) for Matter H12.8.1(3)(i) refer to Policy H12.3(3)(12);
- (4) in addition to the policies for new buildings stated above the Council will have regard to the following policies when considering new buildings for the following purposes:
- supermarkets, department stores and large format retail where the activity or integrated retail development exceeds 1000m² gross floor area per tenancy:
- (a) refer to Policy H12.3(1), Policy H12.3(5), and Policy H12.3(16);
- (5) in addition to the policies for new buildings stated above the Council will have regard to the following policies when considering new buildings for the following purposes:
- drive-through restaurants; or
 - service stations:
- (a) refer to Policy H12.3(3)(a), Policy H12.3(3)(b), Policy H12.3(3)(c), Policy H12.3(7), Policy H12.3(8), Policy H12.3(12), Policy H12.3(15) and H12.3(17);
- (6) conversion of a building or part of a building to dwellings, retirement villages, visitor accommodation and boarding houses:
- (a) refer to Policy H12.3(2);

(7) buildings that do not comply with the standards:

(a) height and height in relation to boundary:

- (i) refer to Policy H12.3(3)(a), Policy H12.3(3)(b), Policy H12.3(8), Policy H12.3(13) and Policy H12.3(14);

(b) residential at ground floor:

- (i) refer to Policy H12.3(10);

(c) yards and landscaping:

- (i) refer to Policy H12.3(3)(b), Policy H12.3(3)(c), Policy H12.3(7) and Policy H12.3(8);

(d) maximum impervious area in a riparian yard:

- (i) Policy H12.3(18);

(e) wind:

- (i) Policy H12.3(11);

(f) outlook space, minimum dwelling size and outdoor living space:

- (i) refer to Policy H12.3(2).

H12.9. Special information requirements

There are no special information requirements in this zone.

From: Perry Keenan
Sent: Friday, 13 May 2022 11:24 AM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>

Subject: Objection to Northcote Point SCA Assessment

To: Auckland Council
CC: Richard Hills, Chris Darby
From: Perry Keenan
Subject: Northcote Point SCA assessment

This memo is to register my opposition to Auckland Council's proposal to significantly reduce the Special Character Area (SCA) overlay around Northcote Point. The proposed reductions will significantly impact a large portion of Clarence Rd, all of Church Street, and significant parts of Rodney Road and Queen Street.

In characterizing the significant and special character of Northcote Point, I highlight the description provided on Auckland Council's website (May 2022) **"With its many old villas and other historic features, a beautiful coastline, and spectacular views, it is one of the North Shore's most interesting heritage areas."**

The basis for my opposition to the proposed SCA reduction around Northcote Point is threefold.

1. Council's approach fails to sufficiently consider the history and character of the area as a whole. Given the acknowledged heritage value of Northcote Point, there is insufficient evidence of clarity or analytical rigor in the approach used to determine the requirement of 66% of properties needing to achieve greater than

or equal to a score of 5 to qualify as “special character”. Additionally, the approach council has followed (and published) appears to have been restricted to primarily desktop analysis using “Google Street View”. Such an approach will likely create flawed analyses - leading to a substantial reduction in the cohesiveness and character across the Northcote Point area.

2. Council's approach does not quantitatively factor in other vital overlays impacting Northcote Point and which will be affected by an intensification of housing.

- a. Northcote Point has a significant risk of coastal erosion. This issue extends all around the Northcote Point coastline.
- b. Significant Ecological Area (SEA) and “notable tree” overlays are particularly intense in the Northcote Point area.
- c. Northcote Point has well-recognized integrity, character, and heritage as a maritime suburb that has played an important part in our city's history.

3. The cost/benefit assessment to intensify housing in the Northcote Point SCA does not appear warranted.

- a. Northcote Point is a small and distinctive area. Any greater-Auckland benefits from housing intensification in the Northcote Point area are highly marginal. However, the costs of intensification will be high – risking a substantial discount of the heritage value of the area.
- b. From a supply standpoint, council has already confirmed that they have ample land available for intensification in less historically and environmentally important areas.

Essentially Auckland Council is advancing a solution that risks undermining the very qualities that they are seeking to preserve. Council’s approach to Northcote Point needs to be more nuanced, particularly in assessing overlays and buffer zones around areas of significant heritage and environmental importance. For example, directly including critical overlay considerations such as SEAs, notable trees, coastal erosion risks, and historical heritage. Additionally, council should adopt a more flexible and realistic approach to scoring. For example, 60% of dwellings score five or more, or 80% of dwellings score three or more.

A significantly more robust and fieldwork-based (rather than desktop) assessment of Northcote Point is critical. Council's current approach focuses on a superficial analysis of

individual properties and fails to consider the holistic Northcote Point area, and how its different elements interact. Council is not reflecting the specific attributes of Northcote Point as outlined in their SCA statement in schedule 15 or the Auckland Unitary Plan.

Thank you for your consideration.

Perry Keenan FIMechE, FEngNZ (12 Clarence Road, Northcote Point)

Can you candidate? You can. Visit voteauckland.co.nz.



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From: Craig Barns
Sent: Friday, 13 May 2022 4:47 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>

Subject: Northcote Point rezoning

Hello,

I'm writing in regard to the proposed rezoning of Northcote Point

I understand the need for housing density changes, however looking at the proposal on a map I'd like to make a few points

- 1 Per chart below, the changes make some sense around church st, onewa end of queen st, but the rest looks like a paint by numbers chart. Refer red circles on map below. Northcote point (like any other area) is not a chart, it is a community where people live, a community where people take pride in the appearance of their area. Proposing a solution where some houses on one side of street are zoned different to the other side without a clear boundary, and houses next to each other are continually zoned differently, etc will just create a mess.
- 2 Infrastructure. We have lived in this area for over 20 years and have seen the increase in traffic density in Queen St as it joins to Onewa Road (the key entry/exit point of this area). Without other options to travel to/from this area, it will push the load to breaking point. The harbour bridge foot/cycle crossing would help reduce this, but in the absence of this Queen St is the only exit (the ferry provides some benefit but only for a small number of passengers at selected point).
- 3 Foot traffic. This area has heavy children walking/biking/scootering to school/kindergarten/day care during key times. Over the years I've seen too many near misses with the increase in road traffic, and increasing housing density without addressing this a recipe for disaster

Thanks
Craig Barns



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16 May UPDATED corrected version EMAIL 269 M Pearson

From:

Sent: Sunday, 15 May 2022 9:12 PM

To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>; Councillor Chris Darby

Subject: RE: NPS-UD / MDRS Submission - M. Pearson

Importance: High

Good evening,

Due to time pressures to meet the extended submission deadline provided by Councillor Darby of 5pm 13th May 2022, I was unable to complete a full and final proof read of the submission.

Having now had the opportunity to do so, I have attached a revised copy which reflects the changes made as a result.

If you could please replace the document I sent on Friday with the document attached to this email, that would be very much appreciated.

If you could also please confirm receipt of the submission and confirmation that it will be included in Auckland Council's review process.

Kind regards,

Mike Pearson

From:

Sent: Friday, 13 May 2022 5:00 PM

To: 'Unitary Plan' <unitaryplan@aucklandcouncil.govt.nz>; chris.darby@aucklandcouncil.govt.nz;

'Councillor Richard Hills' <Richard.Hills@aucklandcouncil.govt.nz>

Subject: NPS-UD / MDRS Submission - M. Pearson

Importance: High

Good afternoon,

Please find attached my submission on the subject.

Kind regards,

Michael Pearson

[Can you candidate? You can. Visit voteauckland.co.nz.](http://voteauckland.co.nz)



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SUBMISSION IN RESPONSE TO
AUCKLAND COUNCIL'S PRELIMINARY PROPOSAL FOR
NORTHCOTE POINT
IN RELATION TO THE NPS-UD AND THE MDRS



View over Northcote Point towards Auckland
John Tremenhare Johnson
c.1865

SUBMISSION IN RESPONSE TO AUCKLAND COUNCIL'S PRELIMINARY RESPONSE FOR NORTHCOTE POINT IN RELATION TO THE NPS-UD AND THE MDRS

'With its many old villas and other historic features, a beautiful coastline and spectacular views, [Northcote Point] is one of the North Shore's most interesting heritage areas'

- Auckland Council (May 2022)¹

Executive Summary

- We **SUPPORT** Auckland Council's proposal to include 'Infrastructure' as a qualifying matter.
- We **SUPPORT** Auckland Council's proposal to include 'Special Character' as a qualifying matter.
- We **DO NOT SUPPORT** Auckland Council's proposal to reduce the Northcote Point Special Character Area (SCA) overlay.
- We hold significant concern regarding the assessment methodology employed by Auckland Council, namely;
 - o The Area assessment criteria fails to reflect the full range of special character values as outlined in Schedule 15 of the Auckland Unitary Plan.
 - o The Area assessment fails to specifically recognise the unique values of the Northcote Point SCA, preferring instead to adopt a generic approach applied to all SCAs.
 - o The absence of a justification of the 'high quality' threshold(s).
 - o The assessment methodology being based on the NPS-UD and not updated to reflect the additional adverse impacts otherwise imposed on the SCA by the MDRS.
 - o The Area assessment fails to give effect to B5.3.1 and B5.3.2 of the Auckland Unitary Plan.
 - o The Area assessment fails to give effect to D18.2, D18.3 and D18.8.2 of the Auckland Unitary Plan.
- We hold significant concern regarding the manner in which Auckland Council conducted the assessment, namely;
 - o Limitations of an assessment based solely on Google Street-view.
 - o The practice of dividing the SCA into smaller blocks for assessment purposes.
 - o The decision to exclude sites based on their ease of viewing.

¹ Auckland Council, 'Northcote Point Heritage Walk', <https://www.aucklandcouncil.govt.nz/arts-culture-heritage/heritage-walks-places/Pages/northcote-point-heritage-walk.aspx>, retrieved 05 May 22.

- **Given;**

- o The concerns outlined above, *and*
- o Auckland Council's acknowledgement that;
 - Sufficient housing supply exists to meet short-, medium- and long-term needs, *and*
 - Retaining the density and height limitation on existing SCA residential land would (at a regional level) have no little effect on Auckland housing supply, *and*
 - The key purpose of further intensification (over and above AUP) is to contribute to the supply of 'affordable' housing, *and*
 - Detailed localised capacity constraint studies have not been conducted, *and*
- o Northcote Point is not within a 'walkable catchment', nor is it accessible to reliable/regular public transport to a range of community services and commercial activities, *and*
- o The ability to otherwise achieve NPS-UD and MDRS intensification levels is significantly compromised in the Northcote Point SCA due to the presence of a number of additional overlays, *and*
- o Northcote Point's accessibility is significantly compromised during peak times with a further deterioration anticipated due to intensification (planned and underway) in adjacent areas, *and*
- o The values and strengths of the Northcote Point SCA are well document, *and*
- o The geographical boundaries of the Northcote Point SCA are spatially well-defined, and it exhibits a strong visual coherence and association with its maritime history.

- **That;**

- o The level of development provided for in the NPS-UD and MDRS is **inappropriate** for the Northcote Point SCA, *and*
- o Auckland Council should investigate and provide alternative planning tools and/or mechanisms to allow a greater level of intensification (above extant constraints) for properties within the current SCA, subject to design and envelope controls which serve to protect and enhance the existing special character values of the area. A particular focus for the application of these principles would be;
 - The northern portion of the SCA (closest to Onewa Road), and
 - Properties throughout the SCA that received an individual grading of 0-2.

Introduction

On Tuesday 19th April 2022, Auckland Council announced its preliminary response to the National Policy Statement on Urban Design (NPS-USD) and the Medium Density Residential Standard (MDRS) as part of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Act).

This submission focuses specifically on the Northcote Point Special Character Area (SCA) overlay. It provides an overview of the area then tracks the development of heritage and special character protection over the last decade. We also identify and address significant concerns over both the methodology behind, and the conduct of, the recent Area surveys conducted by Auckland Council.

From this analysis we see how by conflating the principles of Special Character, Historic Heritage and Single House Zone Auckland Council has been limited in its ability to be able to best manage the competing interests of conservation vs. growth.

We do not feel Auckland Council has evaluated a wide enough range of options for providing 'middle ground' solutions to address the needs of both Heritage/Special Character and intensification.

Auckland Council's proposal involves a drastic reduction in the Northcote Point SCA and the costs of doing so are significant. The well documented integrity, character and heritage of a maritime suburb which played a key part in the history of Auckland, will be destroyed.

Given Auckland Council have already confirmed that more than sufficient housing supply exists, and that outside of the walkable catchments, the loss of SCAs will not provide any real benefit, we feel the costs of the proposal far outweigh the benefits.

Therefore, it would be **inappropriate** to intensify the Northcote Point Special Character Area as is currently proposed by Auckland Council.

Northcote Point

One of only three maritime heritage suburbs in Auckland, Northcote Point's uniqueness remains to this day with its distinctive natural values relating to its geology, topography and setting on the harbour clearly recognised². In addition to strongly influencing the built environment, these factors also provide prominence to features such as mature trees and landmark status to the more distinctive heritage buildings³. When combined *'the built form and sense of history embodied in these areas has had a particular appeal to subsequent generations, both as a living environment, and a place to visit and enjoy'*⁴.



Figure 1: Northcote Point (image: oneroof.co.nz)

As a peninsula, Northcote Point has well defined geographic boundaries which have been a key factor in preserving the area as a distinct and complete whole—an advantage it holds over the other heritage areas which have continuous (and at times) overlapping area boundaries. In these areas the encroaching nature of surrounding development can serve to undermine the value and uniqueness of other heritage areas, the 'island' nature of Northcote Point acts to preserve it. It not only ensures it maintains a strong natural connection with the maritime landscape it was originally designed to sit

² Auckland Council, District Plan (Operative) North Shore Section (2002) Section 16.4.3 Residential 3 Zone: Built Heritage, http://www.aucklandcity.govt.nz/council/documents/districtplannorthshore/text/section16-residential.pdf?fbclid=IwAR1F6pj23XL7WMMokAmmmbUWc5cpJAp6_UF4xAbjMvz1JyHI3fP0aG6xhtQc, retrieved 05 May 22.

³ Ibid.

⁴ Ibid.

within, it provides a distinct cutoff between 'old and new' which serves to amplify the heritage values of the area.

The peninsula nature of the area provides additional benefit in that the history and amenity of the area can be viewed and enjoyed from the surrounding coastline and landforms—a benefit which the majority of historic areas throughout Auckland cannot offer.



Figure 2: Hall's Beach, Northcote Point

Northcote Point is also unique from other heritage areas in Auckland in that the suburb was predominately defined by larger section sizes, rather than the more compact form which can be observed elsewhere across the Auckland isthmus.

The Auckland Unitary plan provides a specific and detailed description of the specific values which define each of the SCA) overlays across Auckland. Some key highlights defining the Northcote Point SCA are;

- *The overlay area is of significance because it is one of the earliest substantial areas of European settlement and development that occurred on the North Shore in the late 19th and early 20th centuries.*
- *It is one of the three marine suburbs established close to Auckland City.*

- *It is also significant as it formed part of the most populated late 19th and early 20th century urban areas in the country.*
- *The area collectively reflects important or representative buildings, types, designs, styles, methods of construction, materials and craftsmanship, urban patterns, landscape, and streetscape qualities.*
- *The overlay area is significant for its physical and visual qualities as it retains a large grouping of houses that collectively demonstrate the late 19th and early 20th century period of settlement and illustrate the urban pattern of development of the North Shore and the Northcote Point area.*
- *Surviving buildings from this period in Northcote collectively demonstrate the architectural philosophy, design approach and social patterns of the time. The surviving stock of buildings demonstrates changing requirements and design ideas in domestic architecture in the change from the Victorian and Edwardian villa to the bungalow.*
- *The built fabric includes the houses and clusters of early commercial buildings, street layouts and urban form.*
- *Throughout the area there is a high degree of visual coherence due to the general consistency of subdivision pattern and lot sizes, density and rhythm in the positioning of houses, age and style of housing, as well as the scale, materials and forms generally evident. The combination of these attributes contributes to the visual coherence of the area.*



When reading the description of the Northcote Point SCA, it is clear that not only does Northcote Point contribute strongly to the overall special character and historic heritage values of Auckland, the review emphasises the strength which lies in it as a whole entity with language/phrases such as 'area', 'visual coherence', and 'collectively' regularly featuring throughout the descriptions.

It also evident that the coherent manner in which a variety of styles is brought together is a significant factor leading to the uniqueness of Northcote Point. The notable residential styles include Edwardian and Victorian Villas, Art Deco, English Cottage (including early State Houses in English Cottage style) and New Zealand Californian Bungalows. In addition, these are well integrated with the remaining commercial buildings which reflect a variety of late 19th and early 20th century styles.⁵

The strength of the heritage of the area is also further recognised with Auckland Council having developed, and continuing to promote to this day, a Northcote Point Heritage Trail.⁶

With a better understanding of the unique special character values of Northcote Point, the development of the Auckland Unitary Plan gives us an insight into the mechanisms behind Auckland Council's recent proposal.

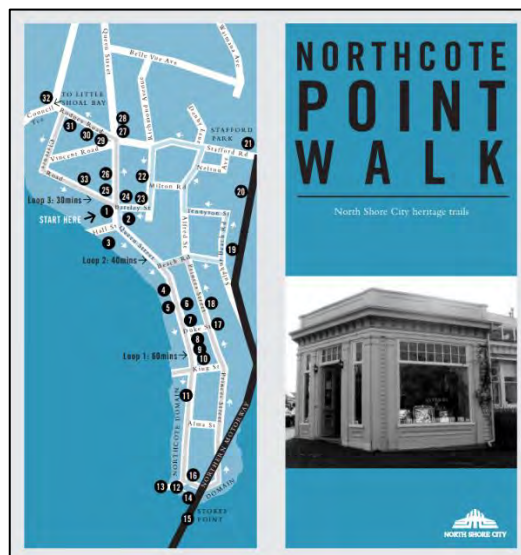


Figure 4: Northcote Point Heritage Walk brochure

Preserving Heritage and Character

Whilst Northcote Point retains a significant portion of its historic (both built and natural) value, over time it has not been immune to the effects unsympathetic development—albeit this has all but been prevented (and in many cases, reversed) over recent times.

⁵ Auckland Council, Schedule 15 Special Character Schedule, Statements and Maps, <https://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20%20Schedules/Schedule%2015%20Special%20Character%20Schedule%20Statements%20and%20Maps.pdf> , retrieved 06 May 22

⁶ Auckland Council, Northcote Point Heritage Trail, <https://www.aucklandcouncil.govt.nz/arts-culture-heritage/heritage-walks-places/Documents/northcote-point-heritage-walk.pdf>, retrieved 05 May 22

One of the contributing factors towards this period of unsympathetic development can be traced back to when Northcote Point's character was protected by focusing in on individual properties/features and protecting them in isolation—i.e. a focus on Built or Historic Heritage. Most notably this was via the Category 'A' and 'B' Heritage Listings and Notable/Scheduled Trees.

As can be seen in the section of the North Shore City Council Designations and Special Provisions Chart⁷ shown to the right, Northcote Point contained a high proportion of Heritage Places and Significant Features.

Unfortunately, however, this system was flawed in that whilst it served to protect the individual properties, it did nothing to protect their interrelationships with one another, or their surroundings. As a result, the very fabric which defined the special character of Northcote Point as an area, began to erode.



Fortunately, this trend was identified by the then North Shore City Council who understood that *'built heritage is vulnerable to unsympathetic development and, to be sustainable and to maintain the existing authenticity the special character must be identified and protected against the impacts of change'*.

As a result, the North Shore City Council introduced a 'zoning' system which sought to address the issues observed and protect the full heritage and character value of the area. This was by ensuring that not only were the historic properties of key buildings preserved, but the surrounding replacement/upgraded buildings were sympathetic and contributing to the overall heritage values of the streetscape/area. The zoning introduced was known as Residential Zone 3: Built Heritage and was broken into three subcategories; 3A, 3B and 3C.

⁷ Auckland Council, North Shore City Council Plan: Designations and Special Provisions, http://www.aucklandcity.govt.nz/council/documents/districtplanorthshore/maps/design-30.pdf?fbclid=IwAR3aIo45YsND8BqDfe4435LBgOs4I_YxB4ZQUL6HFRFHuej80JuK75-ec5Y, retrieved 05 May 22.

3A was applied to smaller lot sizes, compact street patterns and houses near the street. 3C was predominately applicable to the land along the coast, and in recognising the uniqueness of Northcote Point, 3B was introduced as a transition was needed between the earlier compact developments along the ridges (e.g. Queen Street) and the need to protect the natural character of the coastline.^{8 9}



Figure 6: Excerpt from North Shore City Council Plan: Zones

In 2012, and with the Residential Zone 3: Built Heritage zoning proving to be effective in protecting and enhancing the Heritage values of the area, Auckland Council notified Plan Change 38: 'Changes to Appendix 11A: Schedule of Buildings, Objects and Places of Heritage Significance'. This plan change involved Auckland Council removing all properties with Category B heritage status given the controls of the District Plan's Residential 3 Zone (Built Heritage) now provided the required protection of heritage values.¹⁰ The ongoing protection of Northcote Point's special character seemed to be getting back on track.

⁸ Auckland Council, District Plan (Operative) North Shore Section (2002) Section 16.4.3 Residential 3 Zone: Built Heritage, http://www.aucklandcity.govt.nz/council/documents/districtplannorthshore/text/section16-residential.pdf?fbclid=IwAR1F6pj23XL7WMMokAmmbUWc5cpJAp6_UF4xAbjMvz1JyHI3fP0aG6xhtQc, retrieved 05 May 22.

⁹ Auckland Council, North Shore City Council Plan: Zones, <http://www.aucklandcity.govt.nz/council/documents/districtplannorthshore/maps/zone-30.pdf>, retrieved 05 May 22.

¹⁰ Letter from Auckland Council, 'Proposed Plan Change 38 – Changes to Appendix 11A: Schedule of Buildings, object and Places of heritage significance (Auckland Council District Plan – North Shore Section)', dated 28 June 2012.



Figure 7: Travellers make their way from the ferry up to the Northcote Hotel c1900.

The Auckland Unitary Plan

Following the merger of the previously independent City Councils into the combined ‘super city’ Auckland Council, the task of combining the various district plans in one—the Auckland Unitary Plan—began. As the largest planning project ever to be conducted in New Zealand, this provided not only an opportunity to align the varying rules in place across the city, but to ensure it provided a blueprint to support the future needs of Auckland. It was the perfect opportunity to ensure a modern, flexible approach to both historic heritage and special character protection, one which could strike the right balance between the often-competing needs of conservation and growth.

When the Proposed Auckland Unitary Plan (PAUP) was notified on 30 September 2013, it included the addition of SCA overlays—reflecting the areas with recognisable residential values. The PAUP provided for six of these SCAs; Helensville, Isthmus A, Isthmus B, Isthmus C, North Shore and, General. Each SCA then had an overarching description regarding the values and attributes which contributed towards its special character. Whilst this didn’t provide an ideal level of detail

(Northcote Point, Birkenhead Point and Devonport described as one), it did provide distinction from the other SCAs, particularly those in the Auckland Isthmus.¹¹

The PAUP outlined the SCA values to be maintained and enhanced, including; history, community associations and overall notable or distinctive aesthetic or physical qualities of the area. The PAUP went further to outline some of the physical qualities that define, contribute to, or support the character of an area include;

- **Built Form.** Design and architectural values of buildings and their contexts, *and*
- **Streetscape qualities.** Including historical form, subdivision and patterns of streets and roads, *and*
- **Landscape qualities and/or natural features.** Including topography, vegetation and open spaces.

The PAUP also required that activities and development that either detracted from, or undermined, the special character of the area were to be avoided.



Figure 8: Queen Street c.1900

¹¹ Auckland Council, 'The Proposed Unitary Plan', Part 2 Chapter E Subsection 3.1, <https://unitaryplan.aucklandcouncil.govt.nz/pages/plan/Book.aspx?exhibit=ProposedAucklandUnitaryPlan>, retrieved 11 May 22.

What is clear from the PAUP is the clear distinction made between special character and built form. It is particularly clear that built form is only a subset of physical qualities, which in itself, is a subset of special character. Furthermore, the restrictions on conflicting activities and developments reinforced the importance of cohesiveness and interconnectedness to an SCA and the need to view it as a collective whole. As such, assessing the value, or quality, of an SCA based purely on the merits of built form, either collectively, or as individual properties, is incompatible with the definition of special character and will therefore produce invalid results.

When the PAUP was first notified on the 30 September 2013 the previous Residential 3A, 3B and 3C zones covering Northcote Point were replaced with two layers of controls as shown in the image to the right¹². Firstly, an underlying 'Single House Zone' (SHZ) (pale yellow) and then a Special Character Area overlay (blue dots) was applied over top. In addition to control the design elements of development (to support Special Character) the SCA overlay also contained building envelope controls, some of which were more restrictive than the underlying SHZ, and others more permissive. However, as the SCA and SHZ areas aligned, no conflict between neighbouring/adjacent sites would occur.



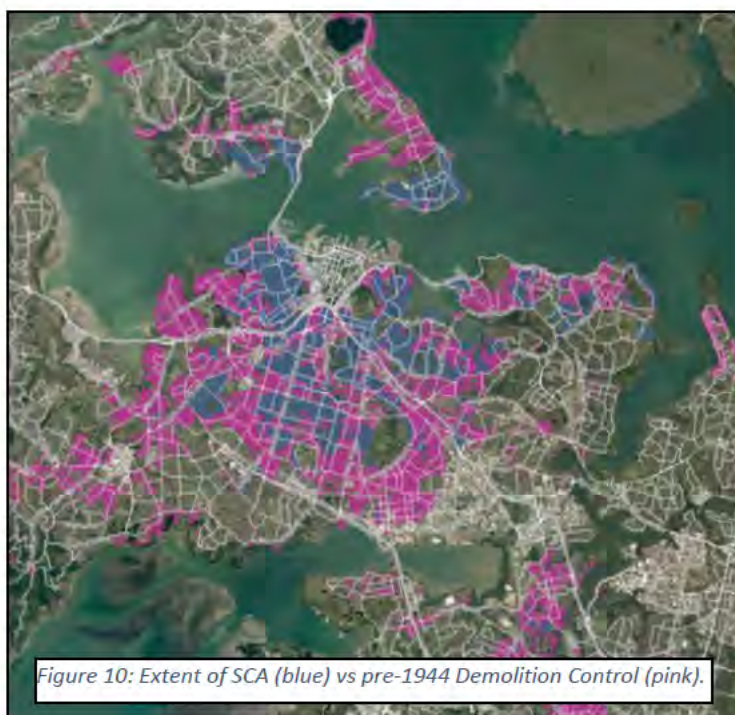
The pre-1944 Demolition Control Overlay

Under heavy pressure from lobby groups¹³, the initial path Auckland Council chose to take was to develop a Pre-1944 Building Demolition Control. This was a very conservative option which placed wide ranging planning restrictions on any area that had been settled prior to 1944 (chosen as this

¹² Auckland Council, 'GEOMAP: Proposed Auckland Unitary Plan – Notified version (30 Sep 2013)', <https://unitaryplanmaps.aucklandcouncil.govt.nz/upproposed/>, retrieved 11 May 22.

¹³ NZ Herald, 'Character net beyond historic suburbs', https://www.nzherald.co.nz/nz/character-net-beyond-historic-suburbs/ICNJFBX7SSNV073XI4XPUKI34/?c_id=1&objectid=10871584, retrieved 10 May 2022.

was the first year a comprehensive aerial survey of Auckland was undertaken)¹⁴. Justification for this was to protect against the loss of unknown heritage until the Council had had the opportunity to survey the areas. Importantly, the 1944 cut-off meant that it was exempted from the normal plan change notification and consultation process and as such came into immediate affect when the PAUP was notified. As shown in the image below, this was a large area (shown in pink) which extended significantly beyond the Special Character Area overlays (shown in blue).¹⁵



During the ensuing PAUP consultation process the pre-1944 Demolition Overlay approach was roundly criticised as being too broad brush, arbitrary and for unreasonably limiting intensification and growth. The Independent Hearings Panel (IHP) recommended the Council reconsider its strategy as the overlay was inconsistent with the Council's compact urban form strategy and was unnecessarily placing constraints and burdens on landowners.

It also recommended the Council conduct a thorough policy analysis and introduce the special character changes through a separate plan change¹⁶ and to provide revised overlay maps by the end

¹⁴ Vernon Tava, 'Pre-1944 Demolition Control Not Protecting Heritage Buildings', <https://vernontava.com/2014/11/13/pre-1944-demolition-control-not-protecting-heritage-buildings/>, retrieved 10 May 22.

¹⁵ Stuart Ryan, Barrister, 'Purple Haze' and Auckland's Unitary Plan – the Pre-1944 Demolition Control Rule', <http://stuartryan.co.nz/wp-content/uploads/2016/07/purple-haze-and-auckland-unitary-plan-the-pre-1944-demolition-control-rule.pdf>, retrieved 10 May 22.

¹⁶ Ibid.

of October 2015. As a result, the Auckland Council undertook survey work which was to include assessing the character merit of every house subject to the overlay.¹⁷

The sheer scale of this work led some commentators to believe it was too ambitious.¹⁸ Whether it was due to this, or the barrage of submissions it faced during the Hearing process, Auckland Council elected to drop not only the pre-1944 Demolition Control overlay, but also its planned Historic Heritage Areas—a more targeted planning control originally intended for seven new neighbourhoods in some of Auckland's earliest colonial settlements—citing insufficient evidence to meet the thresholds.

A key theme of the IHP's findings was that Auckland Council had not provided for sufficient growth and their recommendations reflected this and sat somewhere between that originally notified by Auckland Council and the widespread up-zoning which submitters like Housing New Zealand (HNZ) were seeking. Whilst generally well received, commentators did observe that potentially more could be done to achieve intensification in the Isthmus portion of Auckland¹⁹—a theme still relevant today. A representation of the difference between the original plan and the IHP's recommendations can be seen in the image below;



Figure 11: Representation of intensification under originally notified PAUP and IHP's recommendations.

¹⁷ Chancery Green, 'Auckland Unitary Plan: is the Pre-1944 Building Demolition Control Overlay Facing the Wrecking Ball?', <https://www.chancerygreen.com/articles/2015/9/21/pre-1944-building-demolition-control-overlay>, retrieved 10 May 22.

¹⁸ NZ Herald, 'Auckland's heritage housing in jeopardy', <https://www.nzherald.co.nz/nz/aucklands-heritage-housing-in-jeopardy/R5VG6R4V3KLQRPWDGUUUS25A2M/>, retrieved 11 May 2022.

¹⁹ Greater Auckland, 'Unitary Plan Recommendations Revealed', <https://www.greatauckland.org.nz/2016/07/28/unitary-plan-recommendations-revealed/>, retrieved 11 May 22.

Whilst the pre-1944 Demolition Control overlay and Historic Heritage Areas were casualties of the hearings process, what did eventuate—given the increasing pressure to justify against intensification—was a much more tailored and robust focus on the refinement of the SCAs. Notified on the 15th November 2016, the Auckland Unitary Plan (AUP) replaced the seven generic SCA groupings with some 57 individual SCAs each of which having been reviewed in detail and its specific and unique values recorded.

Also updated were the overarching policies and guidance which defined SCAs and, their purpose. There are three key sections of the unitary plan which guide the management of special character;

- Chapter B Regional Policy Statement;
 - o B5.3 Special Character.²⁰
 - o This contains the generic principles of Special Character and the aims of protection.
- Chapter L: Schedules;
 - o Schedule 15 Special Character Schedule, Statements and Maps.²¹
 - o This contains the detail regarding the key values which define Special Character and then provides an in-depth review and assessment of each SCA according to these key values.
- Chapter D: Overlays;
 - o D18 Special Character Areas Overlay – Residential and Business.²²
 - o This contains the specific planning and design rules pertaining to Special Character Areas.

²⁰ Auckland Council, 'Unitary Plan: B5 Historic heritage and special character', <https://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20B%20RPS/B5%20Historic%20heritage%20and%20special%20character.pdf>, retrieved 12 May 22.

²¹ Auckland Council, 'Unitary Plan: Schedule 15 Special Character Schedule, Statements and Maps', <https://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20L%20Schedules/Schedule%2015%20Special%20Character%20Schedule%20Statements%20and%20Maps.pdf>, retrieved 12 May 22.

²² Auckland Council, 'Auckland Unitary Plan: D18 Special Character Overlays – Residential and Business', <https://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20D%20Overlays/3.%20Built%20Heritage%20and%20Character/D18%20Special%20Character%20Areas%20Overlay%20-%20Residential%20and%20Business.pdf>, retrieved 11 May 22.

Of note is that the Unitary Plan also clearly distinguishes between special character and historic heritage, with the equivalent Historic Heritage guidance being contained at B5.2, Schedule 14, and D17. Key definitions of Special Character are;

B5.3.2 Identifies and evaluates special character areas considering the following factors;

- (a) physical and visual qualities: groups of buildings, or the area, collectively reflect important or representative aspects of architecture or design (building types or styles), and/or landscape or streetscape and urban patterns, or are distinctive for their aesthetic quality; *and*
- (b) legacy including historical: the area collectively reflects an important aspect, or is representative, of a significant period and pattern of community development within the region or locality.

D18 Describes their purpose as to;

“...retain and manage the special character values of specific residential and business areas identified as having collective and cohesive values, importance, relevance and interest to the communities within the locality and wider Auckland region”

Schedule 15 Outlines the key attributes contributing to character;

- Historical context
- Physical and visual qualities
- Built form
 - o Period of development
 - o Scale of development
 - o Form and relationship to the street
 - o Density/Pattern of development
 - o Building types
 - o Visual coherence
- Architectural values
 - o Styles
 - o Materials and construction
- Urban structure
 - o Subdivision
 - o Road pattern
 - o Streetscape
 - o Vegetation and landscape characteristics

What becomes clearly evident from the various sections of the Unitary Plan are the Special Character contributions made from factors *outside* of a specific property. These include urban structure, historical context and physical and visual qualities. It can also be observed that Built Heritage (typically composed from the values of Built Form and Architectural Values) are key sub-set of Special Character. What is also clear, is the value placed on the *collective* and *cohesive* values of these attributes, and therefore the need to assess a Special Character Area has a whole, not by assessing the merits of individual features/properties without any regard for their interrelationship.



To protect this principle of unity, B5.3.2 of the Unitary Plan requires Auckland Council to;

- (4) Maintain and enhance the character and amenity values of identified special character areas by all of the following:
 - (a) requiring new buildings and additions and modifications to existing buildings to maintain and enhance the special character of the area;
 - (b) restricting the demolition of buildings and destruction of features that define, add to or support the special character of the area;

- (c) maintaining and enhancing the relationship between the built form, streetscape, vegetation, landscape and open space that define, add to or support the character of the area; and
- (d) avoiding, remedying or mitigating the cumulative effect of the loss or degradation of identified special character values.

In addition to refining the guiding policies, the review process from PAUP to AUP also led to a refinement of the physical boundaries of the Northcote Point SCA. A key change was the overlay being removed from the areas located on both the southern side of Belle Vue Ave, and on the northern side of Belle Vue Ave (as bounded by Bruce St, Onewa Rd and Waimana Ave).²³

At the same time, these areas were also re-zoned Mixed Housing Suburban (MHS)—in the case of the area to the south of Belle Vue Ave—and Mixed Housing Urban (MHU)—in the case of the area to the north. The specific justifications resulting in the loss of this section of the special character area are unknown however the compounding effects on the SCA are significant and its intrusiveness clearly visible in the image to the right.²⁴



Not only did this serve to create an 'island' east of Waimana Ave, it gave no recognition to the effects on the streetscape of Bruce St, Waimana Ave, along with sections of Queen St and Richmond Ave. The change also introduced longer term consequences, as the next time the SCA would be reviewed, the case for the retention of the SCA overlay for the 'island' east of Waimana Ave, and the

²³ Auckland Council, 'Schedule 15 Special Character Schedule, Statements and Maps', <https://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20L%20Schedules/Schedule%2015%20Special%20Character%20Schedule%20Statements%20and%20Maps.pdf>, retrieved 05 May 22

²⁴ Auckland

block west of Bruce St, may be significantly weakened as they risk losing their connection with the remainder of the SCA.

Given the SCA principles of cohesiveness and interconnectness, and the absence of clear justification as the loss of character vs. the need for that particular area of land to be zoned into a higher density use category, it was arguably unjustified. Additionally this is perhaps a first example of the design failures of the SCA overlay in Northcote Point as it demonstrates it was effectively only able to be used as an overlay over the SHZ. Applied to any other zone and it would in essence convert it back SHZ and therefore acting as a pseudo zone in and of itself. If it was a true overlay it would've permitted intensification as per the underlying zone (e.g MHU and MHS for the areas around Belle Vue Ave) however ensure this occurred in a manner sympathetic to the values of the surrounding/adjacent SCA—not simply ignoring, or even detracting from them.

A more appropriate and flexible approach would have been an overlay that rather than focusing on controlling the building envelope, focused on the design controls needed to *ensure* the resulting dwellings reinforced and enhanced the character of the area rather than leaving this to chance through the decisions of individual developers and/or property owners.

This can be illustrated in current examples under construction in Northcote Point. Both properties are located on the block of land north of Belle Vue Tce and located within the same zone (MHU). On the corner of Belle Vue Ave and Bruce St we see an example of an additional dwelling which, through sympathetic design, not only retains the existing character dwelling, it integrates well with it, the neighbouring properties/street, and with the wider Northcote Point SCA.



Meanwhile, on the opposite side of the MHU block, under the same planning rules, the following development to the right is underway. The property fronts Onewa Rd, which as one of busiest arterial roads in Auckland mean the consideration needed for the streetscape is not the same as for the properties behind it which line Belle Vue Tce.



Figure 14: View from Onewa Road.



Figure 15: The property outlined in red.

This demonstrates that character can be appropriately respected whilst allowing for development. However, given the lack of flexibility in its planning tools, Auckland Council is unable to manage this, and instead must leave it to chance and the decisions of individual developers.

Zones vs. Overlays

Whilst the specific descriptions and defining values of each of the SCAs were reviewed, updated and captured in the Unitary Plan, the planning rules associated with the SCA overlay weren't. This would prove to be a fairly blunt tool which removed the nuance and flexibility—albeit limited—of previous methods (such as residential 3A, 3B and 3C zones) and instead installed a single set of SCA overlay planning rules.

Given these rules then had to cover the full breadth and variety of character areas across Auckland, its generalised nature risked losing sight of the area-specific qualities and values it was intended to protect, seemingly preferring instead to focus on the more generalised provision of amenity²⁵—a pathway that would eventually lead to years of legal challenges and has arguably led one of the reasons behind the legislative fixes we are seeing today.

²⁵ Chancery Green, 'Auckland Unitary Plan: is the Pre-1944 Building Demolition Control Overlay Facing the Wrecking Ball?', <https://www.chancerygreen.com/articles/2015/9/21/pre-1944-building-demolition-control-overlay>, retrieved 10 May 22.

A key difference with the overlay concept was that unlike previous Heritage rules which acted as zone upon themselves, the SCA overlay would sit over an underlying planning zone (e.g. SHZ) meaning two sets of rules would apply to a single property. This is of a particular issue when some of the overlay rules are more restrictive and some are more permissive, particularly when it doesn't just apply to the pure building envelope controls, but also to the more subjective controls. For example, in the case of SHZ, one consideration for discretion—and what would prove to be a key difference—is the amenity value on neighbouring properties, whereas there is no equivalent in a SCA. Conversely in a SCA a consideration for discretion included 'streetscape', but this doesn't feature in the SHZ.²⁶

At the core of the issue was that whilst the Unitary Plan sets out how each of its different sections interacted, it does not specify whether an overlay provision prevails over either a zone or an Auckland wide provision.²⁷ Auckland Council was of the opinion that the SCA overlay was a replacement set of rules for the underlying zone, whereas others thought it also needed to appropriately consider the underlying zone rules when making its Resource Consent decisions²⁸.

Where this issue was of key importance was in the 'Single House Zone' where differences between the provisions of that zone, and the SCA overlay rules occur. These affect a number of provisions including HIRB, overall height and set back rules, some of which were more permissive, some of which were more restrictive.

In order to resolve the matter, and provide certainty for all, Auckland Council sought a declaration from the Environment Court on the correct interpretation. In December 2017, the Environment Court ruled against Auckland Council and declared that the presence of an overlay did not automatically nullify the standards in the underlying zone—due consideration had to be given to both²⁹. Whilst this decision provided much needed clarity, it also highlighted the risks that the AUP

²⁶ Commbes, K., Williams, M., 'Auckland Unitary Plan Overlays Analysis', p.30, <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/declaration-proceedings/Documents/overlays-analysis-report-coombes-williams-2018.pdf>, retrieved 10 May 22.

²⁷ *ibid*, p.8,

²⁸ Our Auckland, 'Council reviews special character resource consents', <https://ourauckland.aucklandcouncil.govt.nz/news/2018/8/auckland-council-reviews-special-character-resource-consents/> retrieved 06 May 22.

²⁹ Auckland Council v Budden [2018] NZEnvC 030 ('third decision') paragraph [54].

overlays may not function as intended.³⁰ In the case of the SCA, given the Council had inextricably linked it with SHZ meaning it could only choose intensification **or** character—it hadn't provided itself with the tools to achieve the middle ground and satisfy both. A situation which remains unaddressed to this day and is a significant factor shaping the Council's response to recent legislation requiring intensification.

In the wake of the Environment Court decision, Auckland Council commissioned consultants Coombes & Wilson to analyse the situation and provide recommendations on the way forward. In their report of December 2018, the consultants concluded that *"there is no simple amendment that can address all of these issues collectively"* and *"it would not be appropriate to introduce a general rule that makes the overlay provisions always prevail over zone and Auckland-wide provisions."*³¹ Unfortunately the approach which Coombes & Williams recommended as not being appropriate, is the one Auckland Council then decided to pursue.

In response to the Courts and the consultants Auckland Council set about preparing Plan Change 26: *Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions*³² which was notified on the 30 May 2019. As part of this change, Auckland Council sought to incorporate some 'Single House Zone' rules into the SCA overlay rules thereby only having to apply one set of rules.³³ This particular approach, given the history of the situation, naturally led to questions over the actual purpose of the rules and if they were really being applied for reason intended.

³⁰ Commbes, K., Williams, M., 'Auckland Unitary Plan Overlays Analysis', p.36, <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/declaration-proceedings/Documents/overlays-analysis-report-coombes-williams-2018.pdf> , retrieved 10 May 22.

³¹ Commbes, K., Williams, M., 'Auckland Unitary Plan Overlays Analysis', p.26, <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/declaration-proceedings/Documents/overlays-analysis-report-coombes-williams-2018.pdf> , retrieved 10 May 22.

³² Auckland Council, 'Plan Change 26: *Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions*', <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/Pages/details.aspx?UnitaryPlanId=27> retrieved 06 May 22.

³³ Auckland Council, 'Overview of proposed plan change 26', <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/proposed-plan-changes/Documents/pc-26-overview-simplified-explanation.pdf> , retrieved 11 May 22.

A key submission made during the Plan Change 26 process was that from Housing New Zealand (HNZ)³⁴. In their submission they highlighted the apparent confusion, and potentially misappropriation, of the use of SCAs in order to achieve zone planning restrictions (notably SHZ), and these were not specifically designed to protect the character of an area, they were becoming more focused on amenity. HNZ proposed;

- o *That rule provisions maintain focus with the special character amenity values that the Special Character Overlay is seeking to recognise, and*
- o *Auckland Council reapply the Special Character Area overlay so that it applies to the geographic extent of resource values (rather than being zone specific), and*
- o *Auckland Council undertake a review, and rezone the underlying land in accordance with the maps provided by Housing New Zealand. These proposals focused on the Auckland Isthmus and covered areas such as, but not limited to, Point Chevalier, Mt Albert, Royal Oak and Onehunga.*³⁵

The practical implication of HNZ's submission were to ensure the use of SCAs was focused on the specific geographic area which was aligned with a unique and distinctive set of character values. This would also assist in avoiding SCA restrictions unnecessarily preventing activities not contrary to a specific value of that SCA, such as the ability to develop a rear yard and/or modifications to the rear of the house. Ultimately this would allow for improved land utilisation and development potential thereby contributing to the aims of intensification, housing affordability, and a more compact city form.

The Independent Review Panel (IRP) found that whilst Auckland Council preferred to describe the Plan Change as 'clarifying' the interrelationship between the SHZ and SCA following the Environment Court decision, it sought to do so by actually amending the SCA provisions to ensure they would always prevail.³⁶

³⁴ Auckland Council, Plan Change 26 Submissions 251-274: Submission #257 (Housing New Zealand) p. 6, <https://www.aucklandcouncil.govt.nz/UnitaryPlanDocuments/pc26-submissions-251-274.pdf>, retrieved 06 May 22.

³⁵ HNZ focused on SCAs located on the Auckland Isthmus and did not suggest any rezoning of Northcote Point).

³⁶ Auckland Council, 'Decision following the hearing of a Proposed Plan Change under the Resource Management Act 1991', p.10, <https://www.aucklandcouncil.govt.nz/UnitaryPlanDocuments/pc26-decision.pdf>, retrieved 09 May 22.

In December 2020 the IRP released its final decision and confirmed that the purpose of SCA overlays was clear therefore there was no requirement for a plan change to reinforce this. It did however note the plan needed to provide some clarity to users that where development standards are duplicated in both SHZ and the SCA overlay³⁷. As part of its decision, the IRP modified/removed some of the planning amendments made by Auckland Council and rejected the proposals from Housing New Zealand to have SCAs redrawn. The final result was that Plan Change 26 was approved in part with modifications and Auckland Council notified this decision on 28 January 2021.

The influence of the NPS-UD

In July 2020, whilst the Plan 26 submission and IHP processes were running, the New Zealand Government (via the Ministry of Housing and Urban Development) released its National Policy Statement on Urban Development (NPS-UD)³⁸. A key document, the NPS-UD brought in widespread changes aimed at enabling denser housing in the walkable distances over key urban areas such as city and metropolitan areas and rapid transit stops. Some of these changes included directing Councils to enable greater height and density (particularly in areas of high demand and access) and, remove car parking requirements for new developments. Furthermore, it removed by default, areas such as SCAs. Whilst Councils were provided with the ability to reintroduce them as 'qualifying matters', this required them to be re-justified thereby ensuring each one was still relevant and not unreasonably preventing intensification. A core requirement was that all Councils now had to provide sufficient development capacity to meet housing demand over the short, medium and long terms.³⁹

³⁷ Auckland Council, 'Decision following the hearing of a Proposed Plan Change under the Resource Management Act 1991', p.26, <https://www.aucklandcouncil.govt.nz/UnitaryPlanDocuments/pc26-decision.pdf>, retrieved 09 May 22.

³⁸ New Zealand Government, 'National Policy Statement on Urban Development 2020', <https://environment.govt.nz/assets/Publications/Files/AA-Gazetted-NPSUD-17.07.2020-pdf.pdf>, retrieved 10 May 22.

³⁹ Ministry of Housing and Urban Development, 'National Policy Statement on Urban Development', <https://www.hud.govt.nz/urban-development/national-policy-statement-on-urban-development/>, retrieved 10 May 2022.

Underpinning the overarching objectives of the NPS-UD were 11 policies, two of which have specific relevance to Northcote Point;

- o **Policy 3 (d)** ...enable...building heights and density of urban form commensurate with the greater of:
 - (i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
 - (ii) relative demand for housing and business in that location.
- o **Policy 4** ...modify the relevant building heights or density requirements under Policy 3 only extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.

Tight timeframes were set by the NPS-UD with the Councils being given until the 20 August 2022 to action (i.e. publicly notify) policies 3 and 4 above.

The introduction of the NPS-UD posed an issue for the IHP regarding Plan Change 26. They noted it represented significant differences in terms of the nature and scale of directions being given to Councils. Whilst Auckland Council referred to the NPS-UD as being particularly relevant to the IHP's decision, they provided no further assistance or advice as to whether Plan Change 26 gave effect to the NPS-UD (e.g. if Auckland Council would be utilising Special Character as a qualifying matter). The IHP states its decision gives effect to Policy 1 of the NPS-UD, contributes to a well-functioning urban environment, but notes the limitations with respect to the remaining policies.

In March 2021, following the IHP's decision, and in the continued absence of direction or advice from Auckland Council as to how the NPS-UD would be managed, Kaianga Ora (previously HNZ), lodged an appeal against Plan Change 26.⁴⁰

⁴⁰ Auckland Council, 'Kaianga Ora: Notice of Appeal – 10 March 2021', <https://www.aucklandcouncil.govt.nz/UnitaryPlanDocuments/pc-26-appeal-kaianga-ora.pdf>, retrieved 06 May 22.

The appeal held the position that SCAs were being both overused, and failed to focus on the specific values to be protected for each particular area, favouring instead to simply provide an alternative set of planning constraints (namely SHZ) in order to provide added amenity, rather than special character protection. Further, the appeal cited that Plan Change 26 materially impacted upon urban growth and intensification outcomes in Auckland and therefore did not give effect to the NPS-UD.

Then on the 20th May 2021, Auckland Council issued a Notice of withdrawal with respect to Plan Change 26⁴¹ citing a number of reasons including the following;

- o *The decision version of Plan Change 26 does not achieve better outcomes that can be achieved without the plan change, and*
- o *Costs of defending the appeal, and*
- o *Issues regarding the relevance of the NPS-UD 2020 to the geographical extent of the Special Character Areas overlay. Auckland Council noted that it was far more appropriate to deal with the extent of the Special Character Area overlays (and underlying zones) in a comprehensive and integrated manner as part of implementing the National Policy Statement on Urban Development.*

Auckland Council responds to NPS-UD

In July 2021, nearly a year after the NPS-UD was adopted, Auckland Council began to provide an indication to the public as to how it would respond. Importantly, the Council concluded that the Unitary Plan already provided sufficient capacity to meet housing demand over the short, medium and long terms, however this would not necessarily translate into more affordable housing for lower to moderate income households. This is key as it frames the ‘need’ or ‘benefit’ when assessing the ‘cost’ of implementing any intensification solutions.

⁴¹ Auckland Council, ‘Auckland Unitary Plan: Notice of withdrawal of Proposed Plan Change 26: Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions’, <https://www.aucklandcouncil.govt.nz/UnitaryPlanDocuments/pc-26-public-notice-withdrawal.pdf>, retrieved 06 May 22.

The introduction of the NPS-UD, and the lessons learnt from years of Independent Hearings Panel findings, Court Decisions, submissions and most recently the HNZ appeal, presented an ideal situation for a wholesale review of how Auckland Council approached the competing interests of Special Character and intensification. An opportunity to introduce a more nuanced approach that better suited the needs of all, and which would break the shackles between the SCA and SHZ.

Unfortunately, this opportunity was not taken and Auckland Council set about designing a response on its existing tools—tools which did not allow a middle ground between intensification and character, but ones that required the Council to choose between the two, at the total exclusion of the other. Even at this early stage some commentators observed that the Council's early moves aligned with its practice of applying resistance to proposals that depart from its own plans.⁴²

Qualifying Matters

Whilst the NPS-UD brought with it a significant impetus to increase intensification efforts, it also provided Auckland Council with the ability to reduce intensification within an area of residential zone to accommodate as 'qualifying matter' (e.g. a Special Character Area overlay) if that matter makes the density provided by the NPS-UD **inappropriate**, and, subject to the s. 32 evaluation report,⁴³

- o Identifying the specific characteristic that makes the level of development provided for by the MDRS or NPS-UD inappropriate in the area; *and*
- o Justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-US; *and*
- o Includes a site-specific analysis that—
 - Identifies the site to which the matter relates; *and*
 - Evaluates the specific characteristics on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; *and*

⁴² Civitas, 'NPS-UD: Auckland Council's Initial Response', <https://www.civitas.co.nz/news/auckland-councils-initial-response-to-the-nps-ud/>, retrieved 12 May 22.

⁴³ Parliamentary Counsel Office. 'Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021, s. 77I (j)', https://www.legislation.govt.nz/act/public/2021/0059/latest/whole.html?search=sw_096be8ed81ba17f7_notified_25_se&p=1#LMS614388, retrieved 09 May 22.

- Evaluates an appropriate range of options to achieve the greatest heights and densities permitted by MDRS or NPS-UD whilst managing the specific characteristics.⁴⁴

In its July 2021 meeting, the Planning Committee agreed⁴⁵ that, for the purposes of properties within the ‘walkable catchments’⁴⁶ areas of ‘high quality’ special character **would** be considered a qualifying matter and therefore be excluded from the effects of up-zoning to allow intensification.

In light of this decision, we can assume the first two conditions of the of the qualifying matter have been satisfied (identify and justify) and therefore the focus of the remaining discussion is on the third condition which includes the; identification of the site, evaluating its geographic boundary, and identifies a range of options to achieve the greatest height and density limits whilst managing the special character.

The fact that special character properties would either be selected for intensification or not, once again highlights deficiencies in Council’s planning tools. It had no ability to moderate or control it given the SCA essentially contained Single House Zone planning restrictions—as it had been warned about by numerous parties in the preceding years. It was an all-or-nothing situation which created an almost impossible situation. Follow the special character definitions as per the AUP and you risked unreasonably limiting intensification. Allow for the intensification demanded, and you unreasonably compromise character protection.

Faced with this dilemma, and with the implications of HNZ’s recent appeal still fresh in the mind, Councillors were presented, and agreed upon, the method of assessment which comprised of surveying each property within the current residential SCAs and scoring them according to the

⁴⁴ Parliamentary Counsel Office. ‘Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021, s. 77L (a)-(c)iii https://www.legislation.govt.nz/act/public/2021/0059/latest/whole.html?search=sw_096be8ed81ba17f7_notified_25_se&p=1#LMS614388, retrieved 09 May 22.

⁴⁵ Auckland Council, ‘Planning Committee – Open Minutes’, pp.13-16, https://infocouncil.aucklandcouncil.govt.nz/Open/2021/07/PLA_20210701_MIN_10174.PDF, retrieved 06 May 22.

⁴⁶ A pre-determined distance around City/Metropolitan/Town centres and Rapid Transit Stops e.g. a 400m radius from Highbury. NB: Northcote Point is not within a walkable catchment.

values outlined in the Special Character Statement for each area according to Schedule 15 of the AUP⁴⁷.

Utilising these values, Schedule 15 outlines the significant contributions Northcote Point makes towards retaining the character of unique part of Auckland's development. Not only does it recognise a variety of specific key values, critically, it identifies the strength the interrelationship between them. Examples include, but are not limited to;

- *The overlay area is of significance because it is one of the earliest substantial areas of European settlement and development that occurred on the North Shore in the late 19th and early 20th centuries.*
- *It is one of the three marine suburbs established close to Auckland City.*
- *The overlay area is significant for its physical and visual qualities as it retains a large grouping of houses that collectively demonstrate the late 19th and early 20th century period of settlement and illustrate the urban pattern of development of the North Shore and the Northcote Point area.*
- *The overlay area is strongly defined by the survival of houses dating from the late 19th and early 20th centuries, as well as examples of shops, churches and community buildings from a similar period in close proximity to housing.*
- *Throughout the area there is a high degree of visual coherence due to the general consistency of subdivision pattern and lot sizes, density and rhythm in the positioning of houses, age and style of housing, as well as the scale, materials and forms generally evident.*



⁴⁷ Auckland Unitary Plan: Schedule 15 Special Character Schedule, Statements and Maps, <https://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20L%20Schedules/Schedule%2015%20Special%20Character%20Schedule%20Statements%20and%20Maps.pdf>, retrieved 08 May 2022.

Despite the direction for the assessment to be reflective of the values contained within Schedule 15, for an undetermined reason Auckland Council elected to conduct the SCA assessments on a very narrow band of criteria; Relationship to Street, Period of development, Typology, Architectural Style, and Level of Physical Integrity⁴⁸—measures typically associated with assessing the historic heritage (or even Built Form using PAUP terminology) value of an individual property, not the overall special character of an area.



Whilst no direct justification can be found as to why Auckland Council elected to use these criteria, the closest association can be drawn to D18.8.2 Assessment Criteria relating to the total/substantial demolition or removal/relocation of a building.⁴⁹ Should this be the origin of the criteria, their use in isolation would be of significant concern noting they fail to give effect to the overarching matters of discretion as per 18.8.1 which includes, but is not limited to, *“the effects on the streetscape and special character context as outlined in the special character statement”*; *“... its contribution to the streetscape character”*; *“the buildings relationship to other adjacent buildings ... and if ... its loss ... would result in the loss of character value attributable to the group”*; and perhaps most critically *“where a replacement building is proposed, its design, quality, purpose and amenities and the contribution that such as building might make to the qualities of streetscape character”*.

⁴⁸ Auckland Council, ‘Minute Item Attachments of Planning Committee – Thursday 01 July 2021 – NPS-UD’, p.86, https://infocouncil.aucklandcouncil.govt.nz/Open/2021/07/PLA_20210701_MAT_10174.PDF, retrieved 05 May 22.

⁴⁹ Auckland Council, ‘Unitary Plan D18.8.2.1 Assessment Criteria: Special Character Areas overlay – residential’, <https://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20D%20Overlays/3.%20Built%20Heritage%20and%20Character/D18%20Special%20Character%20Areas%20Overlay%20-%20Residential%20and%20Business.pdf>, retrieved 12 May 22.

Furthermore, section 18.3 (policies) of the AUP requires Auckland Council to;

- (3) Discourage the removal or substantial demolition of buildings that contribute to the continuity or coherence of the special character area as identified in the special character area statement.
- (4) Require any application for demolition or removal of a building in a special character area to, on its own or cumulatively as a result of other removals or demolition, demonstrate that the loss of the building: (a) would not erode the identified special character values of the area; and (b) would not disrupt the cohesiveness of the streetscape and wider special character area, including links with scheduled historic heritage places.

Historically, when considering matters of Special Character, Auckland Council focused more on architectural and building details. It is understood that this is because planning rules allowing limitations of subdivision and lot size were able to effectively keep those matters stable. This meant that building additions and alterations, or new buildings, were the main focus of change (noting that in Northcote Point, subdivision for new allotments has effectively finished).

The implications of unlimited density provision under the MDRS and NPS-UD however will allow a significant change in densities, subdivision patterns, and streetscape. Potentially this may include many more vehicle crossings and less space for grass berms or street trees.

In this context, the non-architectural aspects of Special Character should come into greater focus as it is the compromise of these values that are likely to create at least as much disruption to Northcote Point's cohesive built form character as the potential demolition of existing buildings.

In light of the above, Auckland Council's decision to use these particular six criteria as the sole determination for not only the removal of a property from an SCA, but the justification of the very existence of the SCA appears at best, peculiar. Rather than a narrow focus property-by-property, a wider approach needs to be taken with due cognisance of all attributes and the wider policies controlling SCAs.

The list below shows (in bold) five of the six of the criteria selected by Auckland Council to assess the merits of the entire Northcote Point SCA. Whilst no justification or rationale can be found supporting the use of these, we note the chosen criteria represent just five out of at least 15 SCA values list in Schedule 15 of the AUP including;

- Historical
- Physical and visual qualities
- Built Form
 - o **Period of Development**
 - o Scale of Development
 - o **Form and Relationship to Street**
 - o Density/Pattern of Development
 - o **Types**
 - o Visual Coherence
- Architectural Values
 - o **Styles**
 - o Materials and Construction
- Urban Structure
 - o Subdivision
 - o Road Pattern
 - o Streetscape
 - o Vegetation and Landscape Characteristics

The sixth criterion selected by Auckland Council, 'Level of Physical Integrity' is somewhat arbitrary and does not feature in the Schedule 15 values. It appears to be a subjective score which overlaps somewhat with the 'Architectural Style' score. It is also awarded on the basis of the condition of the property. Not only is this against the decision of Councillors to utilise Schedule 15 values, it is in contradiction to the Unitary Plan which requires Council to maintain and enhance the values of the SCA by ensuring developments *'recover or reveal special character values of buildings and features.'*⁵⁰

⁵⁰ Auckland Council, 'Unitary Plan: D18.3 Policies – Special Character Areas Overlay – Residential', (2) li), <https://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Council%20Decision/Chapter%20D%20Overlays/3.%20Built%20Heritage%20and%20Character/D18%20Special%20Character%20Areas%20Overlay%20-%20Residential%20and%20Business.pdf> , retrieved 12 May 22.

This selection of assessment criteria is perhaps the single greatest cause for concern in the method in which Auckland Council has conducted its SCA reviews. Perhaps representative of an internal conflict over the terms of historic heritage vs. special character, perhaps a deliberate measure to manage the issues related to the interconnectedness of the SCA vs. SHZ, perhaps simply due to a lack of time and resources?

Whilst often interchanged, historic heritage is a subset of special character, not an alternative term for it⁵¹. As such, the determination of the special character of any area only “results from a **combination of elements** including, but not limited to, urban structure and buildings and their relationship to one another, the street and the open spaces”.⁵²

Perhaps this explains the often hard to describe feeling that row upon row of newly renovated but similar houses, with limited other defining streetscape features, can still lack a feeling of ‘character’? Whereas a collection of different styles of homes and streetscape features which are cohesive, reflective of history and are sitting sympathetically with the landscape, do.

Special character needs historic heritage, but historic heritage does not need special character.

It is important to recognise that both play an important role in preserving the history of our city and there will be situations where one or both apply—something other Councils have recognised by introducing two separate overlays, ‘Heritage’ and ‘Special Character’⁵³. This allows these Council to apply them independently or concurrently depending on the situation. Where there are areas of high Heritage value then the more tailored building controls can be applied. Then overlaying this, and extending out beyond it, a SCA overlay can be applied, allowing development and intensification, but doing so in tempered and complimentary style. This provides a key buffer or transition zone; an option Auckland Council has left itself without.

⁵¹ Minhinnick, D., Senior, P., Resource Management Journal, ‘Working with historic heritage and special character in New Zealand’, https://www.rmla.org.nz/wp-content/uploads/2020/04/RMJ_April_2020_Minhinnick-Senior.pdf, retrieved 08 May 22.

⁵² Auckland Unitary Plan: Schedule 15 Special Character Schedule, Statements and Maps, p1, <https://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20L%20Schedules/Schedule%2015%20Special%20Character%20Schedule%20Statements%20and%20Maps.pdf>, retrieved 09 May 22.

⁵³ Christchurch City Council, ‘Draft Heritage Plan Change’, <https://ccc.govt.nz/the-council/haveyoursay/show/506>, retrieved 09 May 22.

Irrespective of the system used, it remains imperative to correctly identify and isolate what it is we are intending to protect through this process—Special Character—and then correctly assess it. Any attempt to determine the value of an area’s Special Character, by only assessing a certain subset(s) of it, is not only destined to fail, but also deliver nonsensical results—such as one side of a road being determined as special character and the other not—such as those produced by the survey for Northcote Point.

High Quality

“The whole is greater than the sum of its parts”- Aristototele

Having outlined the concern over the assessment criteria chosen by Auckland Council, we will now review concerns over how the ‘high quality’ rating was achieved. The continued use of the extant selection criteria is used for the purpose of illustrating the issues identified, it is not an endorsement of the scoring matrix used. A full and proper assessment would have a wider range of assessment criteria with some objective and some subjective. Critically this assessment would also consider the level of cohesion and interrelations of the various elements within the area as a whole, not focus solely on the elements.

Having determined the six assessment criteria to be used, each was then allocated a maximum of one point. Each property would then be assessed individually and graded as follows⁵⁴;

Score	Rating
6	Character Defining
4-5	Character Supporting
2-3	Neutral
0-1	Detracting

For ‘walkable catchments’ the threshold for ‘high quality’, and therefore retain its SCA overlay, a minimum of 75% of the properties in that area had to achieve a score of either 5 or 6. No definition

⁵⁴ Auckland Council Special Character Area: Residential Survey Guidance – July 2021.

of 'area' for the purposes of the 75% assessment can be found, however given the SCA is a singular entity, the importance of which is consistently referred to in the AUP, 'area' should refer to the whole SCA.

Breaking the SCA into smaller areas is by definition against one of the key principles outlined in the AUP which is to '*maintain the continuity or coherence of the identified special character values of the area*'.⁵⁵ The practice of assessing the merits of something the strength of which lies in its relationships, by looking at its parts in isolation is fraught. It would be akin to removing individual nails from a house, without considering the cumulative contribution they make towards its structural integrity. Unfortunately, this is the approach Auckland Council elected to take with its SCA reviews.

There is no supporting documentation, or evidence of external peer reviews etc, that has been located to assist in understanding how the thresholds (75% and minimum score of 5) were determined. Furthermore, there are no definitions of low, or average quality provided. The threshold set by Councillors meant that an area could have more than half its dwellings rated 'character supporting' or better, and have the significant presence of streetscape, history, subdivision pattern etc., and still be assessed as insufficient quality to justify its retention. Approximately 83% of all Northcote Point properties were scored 3 or higher, and approximately 62% a 4 or higher.

The example to the right is a Northcote Point property graded a '4'. An immaculate renovation of a late 1800s property occupying its original site position. Despite this, the property is discounted from the statistics as it is not deemed to be of sufficient quality and is currently proposed to have its SCA overlay removed.



⁵⁵ Auckland Council, 'Auckland Unitary Plan: D18.3 Policies', <https://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Council%20Decision/Chapter%20D%20Overlays/3.%20Built%20Heritage%20and%20Character/D18%20Special%20Character%20Areas%20Overlay%20-%20Residential%20and%20Business.pdf> , retrieved 12 May 22.

The high-quality thresholds set by Council appear to be too rigid and don't allow for various pathways for an area to qualify. In particular, the threshold of 75% 5 or greater acts against the provisions of D18.3, to *'recover or reveal special character values of buildings and features.'* As such investigation of alternative pathways should be undertaken. For example;

- o 60% of dwellings score "5" or above, or
- o 70% of dwellings score "4" or above, or
- o 80% of dwellings score "3" or above.

It is important to remember that when the 'high quality' thresholds above were set in July, they were specific to 'walkable' catchments only. Thresholds for areas needed to be higher, as these are the areas where intensification was to be focused. The July meeting noted that recommendations for eligibility criteria for areas outside these catchments would be recommended in August. A review of the August minutes shows that Councillors noted that the same criteria would be used for other areas, however the notes do not contain any discussion or supporting evidence as to why this was the case given the lower impetus on intensification away from the 'walkable catchments' where the use of lower quality, such as 'average' would seem to have been more appropriate.

Intensification outside of the 'walkable catchments': Relative Demand and Accessibility

Having determined the qualifying matters under the NPS-UD, Auckland Council's focus shifted back to Policy 3(d) which required Councils to enable building heights and density commensurate with accessibility (to public transport) or relative demand.

Auckland Council elected to use 'land value' as a measure of demand and a GIS analysis model of public transport access to a range of activities and services to measure accessibility. The Council proposed to use the following destinations for the analysis; jobs; centres; mixed use zones; education facilities; supermarkets; convenience stores/dairies; medical facilities; and open space.⁵⁶

⁵⁶ Civitas. 'NPS-UD: Further Detail on Auckland Council's Response', <https://www.civitas.co.nz/news/nps-ud-further-detail-on-auckland-councils-response/> , retrieved 12 May 22.

Given accessibility was theoretical model it is understood that in the case of Northcote Point, it didn't not take into account real world disruptions to access such as; significant roading congestion at peak times⁵⁷; low frequency/unreliable services (e.g. ferry cancellations due wind/weather, full buses upon reaching lower Onewa Road)⁵⁸, poor/infrequent cross town services, nil access to rapid transit, hills/terrain between any town centre).

In August 2021, Auckland Council determined that for areas which were either 'accessible' or 'high demand' they would be rezoned to allow at least two-storey development with no density constraints. Properties that were both 'accessible' and 'high demand' would be rezoned at least three-storey with no density constraints. Neither of these options contained any design restrictions.⁵⁹ Early concerns over these requirements were raised as the effect on Auckland appeared to be an up-zoning across the central Isthmus and also the coastal parts of the lower North Shore which would have led to outcomes opposite to those intended (affordable housing).⁶⁰

These decisions, in combination with the decision to reassess the SCA under the 'high quality' threshold, set in motion large changes for Northcote Point.

No longer afforded the protection of the 'Single House Zone', the rezoning of the properties adjacent to and surrounding the SCA meant deficiencies of the SCA overlay – namely its effective incorporation of Single House Zone rule—were about to be laid bare.

⁵⁷ Greater Auckland, 'Onewa Road', <https://www.greeterauckland.org.nz/2018/05/09/onewa-road-2/>, retrieved 09 May 22.

⁵⁸ Stuff, 'Auckland's Northcote wharf to close again, a year after its \$2.6m upgrade', <https://www.stuff.co.nz/national/127679401/aucklands-northcote-wharf-to-close-again-a-year-after-its-26m-upgrade>, retrieved 08 May 22.

⁵⁹ Auckland Council, 'Planning Committee Open Minutes', item 9 resolution PLA/2021/97, https://infocouncil.aucklandcouncil.govt.nz/Open/2021/08/PLA_20210805_MIN_10173_WEB.htm, retrieved 12 May 22.

⁶⁰ Civitas, 'NPS-UD: Updated Principles for Intensification', <https://www.civitas.co.nz/news/nps-ud-updated-principles-for-intensification/>, retrieved 12 May 22.

The Final Straw

In December 2021, the New Zealand Government introduced the Resource Management (Enabling Housing Supply and Other Matters) Act (the 'Act'). This Act largely served to build upon the NPS-UD and provides the following key outcomes;

- o Councils required to use a new streamlined planning process
- o Tier 1 Councils (e.g. Auckland) required to adopt Medium Density Residential Standards (MDRS)
- o MDRS will apply from 20 August 2022 unless;
 - o *A qualifying matter applies (i.e. a more restrictive height standard), or*
 - o *The Council has proposed a more permissive height standard.*
- o Clarification of Policy 3(d) of the NPS-UD;
 - o A sole focus on accessibility, rather than accessibility *and* demand. Revised wording;

3(d) within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and density of urban form commensurate with the level of commercial activity and community services.

MDRS would become the minimum standard across all areas of Auckland unless otherwise limited by a qualifying matter (such as special character). Effectively this meant the areas of Northcote Point which the Council planned to re-zone as minimum two-storey, were now set to be three-storey. For those already set to be three-storey, it meant no change. As compared to the present state however, where the vast majority of Northcote Point is zoned 'Single House Zone' this would represent a significant change as it;

- o *Largely removed all subdivision constraints, and*
- o *Allowed the construction of three x three story high (12 metre high) terrace houses per section with reduced boundary setbacks (1m) and relaxed height in relation to boundary rules, and*
- o **No** design constraints were imposed.

If the weaknesses in Auckland Council's use of SCAs had been exposed by the NPS-UD, they had just been blown wide open by the MDRS. With the SCA providing increasingly overly restrictive limitations on intensification, they were under significant pressure to reduce them. Now without the ability to mitigate the immediate effects by having two-storey buildings adjacent to the SCA (albeit with no design criteria), it was faced with having three-storey (12m high) buildings in their place. The adverse effects on the neighbouring SCA would be exponential, and Auckland Council had no tools to manage the transition—it was still persisting with the 'character with single house zone' or bust approach.

Of note for Northcote Point is the amendment to Policy 3(d). This is significant as it served to reduce the focus/need for intensification from that originally required by the NPS-UD. This is because it removed the 'relative demand' or land value factor, and also refocused efforts back towards neighbourhood/local/town centre zones and commensurate with the level of services and commercial activity in the area⁶¹. This has the net effect of lower the justification bar for maintaining extant density and height regulations in Northcote Point, thereby strengthening the argument for the maintenance of the SCA.

Given the Act maintained the 20 August 2022 deadline, this situation left Auckland Council in a position where already faced with very tight timeframes, it had to manage the incorporation of a new set of planning rules, without the tools to provide the necessary middle ground.

Time starts to run out

With time pressures building, Auckland Council elected to conduct a number of the SCA surveys via Google 'street-view' with Northcote Point being one of these. Whilst basing a decision of such magnitude from a 'desktop' review would be unacceptable in the best of situations, this was made even worse in this case noting the concerns regarding the survey methodology and assessment criteria already discussed. The compounding effect of these has all but guaranteed a material and

⁶¹ Auckland Council, 'Planning Committee Open Minute Item Attachments', attachment 3A, https://infocouncil.aucklandcouncil.govt.nz/Open/2022/03/PLA_20220303_MAT_10167_WEB.htm, retrieved 12 May 22.

negative impact on the conclusions and recommendations for Northcote Point and in support of this, specific examples of issues and concerns will be covered in due course.

With the surveys of the existing SCAs completed in late 2021 and finalised the reports in early 2022, the Auckland Council Planning Committee met in March to consider the impacts and decide on the final criteria for public consultation.

Councillors were advised that utilising the ‘high quality’ thresholds that they had set, 71% of the properties (61% by area) within a current SCA would be retained. This retained SCA land represents approximately only 3% of the total residential land area in Auckland therefore if **existing** height and density restrictions were maintained it *‘would have little impact on Auckland’s capacity for housing’*.⁶²

Planning staff noted that the impact of the SCAs across Auckland was not uniform with those on the Isthmus having a much greater impact than others—themes similar to those raised during the AUP introduction and by HNZ in their Plan Change 26 appeal. For example, the SCAs within the ‘walkable catchments’ of the city centre, Mount Eden, and Kingsland train stations represented 32%, 20% and 46% respectively, of all residential or mixed-use land. Unfortunately planning staff noted that *‘there has been insufficient time since the completion of the survey work to explore the more localised capacity issues with the committee’*.

For Northcote Point, this means that the impact on housing supply due to maintaining the SCA as is, is significantly lower than the average across all the Auckland SCAs. Despite this, Northcote Point is set to lose a significantly greater portion of its SCA area than those which would have a greater impact on housing. This is an unreasonable outcome and one which is likely to be the result of both flawed assessment methodology and planning tools which lack the finesse to managing the differing needs and intensification pressures/requirements on the various SCAs across Auckland.

⁶² Auckland Council, ‘Planning Committee – 31 March 2022 – CONFIDENTIAL’, item 12, attachment 1, https://infocouncil.aucklandcouncil.govt.nz/Open/2022/05/PLA_20220505_ATT_10165_PLANS_WEB.htm, retrieved 12 May 22.

In essence, Auckland Council had reached the realisation that they were about to propose the loss of almost 30% of all properties in SCAs, for negligible material gain in housing supply and, with planning staff out of time and resources to conduct any further analysis. In light of this, Councillors considered motions to reduce the 'high quality' thresholds in order to preserve more of the SCAs. This eventuated into somewhat of a fluid process, which raises into direct question the conduct of the survey process, the rationale behind the setting of the qualifying matter thresholds and, the cost-benefit analysis of housing supply vs. loss of special character (i.e. the 'appropriateness' test as required by the NPS-UD/MDRS).

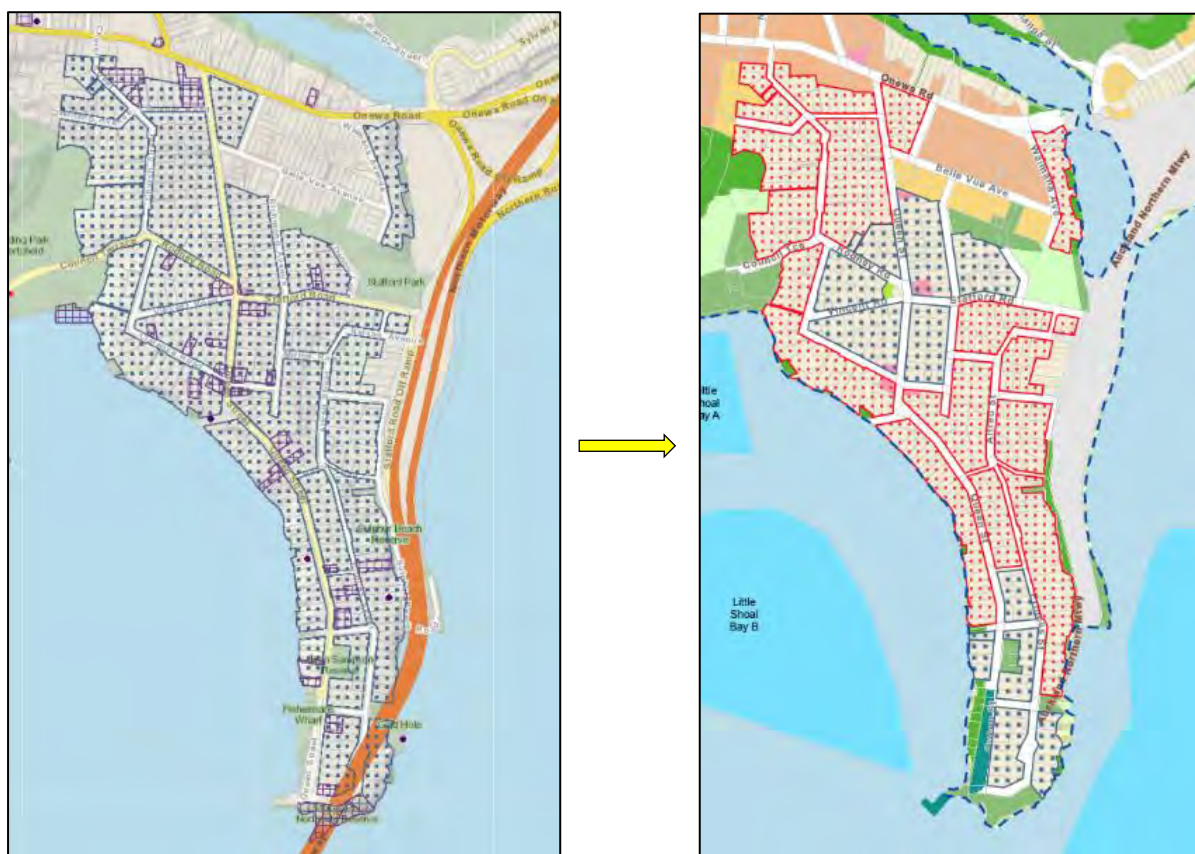
A motion to reduce the qualifying matter threshold to 50% or more of properties scoring 4 or better (including a provision to intensify properties scoring 0-2, subject to design constraints) was lost. An alternative motion, to retain the 'walkable catchment' threshold at 75% 5 or better, and for all other areas reduce it to 66% 5 or better, was then passed. This is criteria upon which the ensuing public consultation information was based upon.

Auckland Council's Preliminary Response

On Tuesday 19th April 2022, Auckland Council announced its preliminary response to the National Policy Statement on Urban Design (NPS-USD) and the Medium Density Residential Standard (MDRS) as part of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Act).

The fundamental change brought about by these requirements would be that Northcote Point, previously a 'Single House Zone' would be by default, unless covered by a 'qualifying matter' be rezoned to Mixed Housing Urban in order incorporate the MDRS. This would allow developments up to 12m high, 3 per property and the removal of all subdivision requirements. No design criteria would apply to these properties.

As part of its proposal, Auckland Council advised 'special character' would be included as a qualifying matter for Northcote Point however the area would be significantly reduced, the magnitude of which can be seen in the illustrations on the following page (areas to be removed in red);

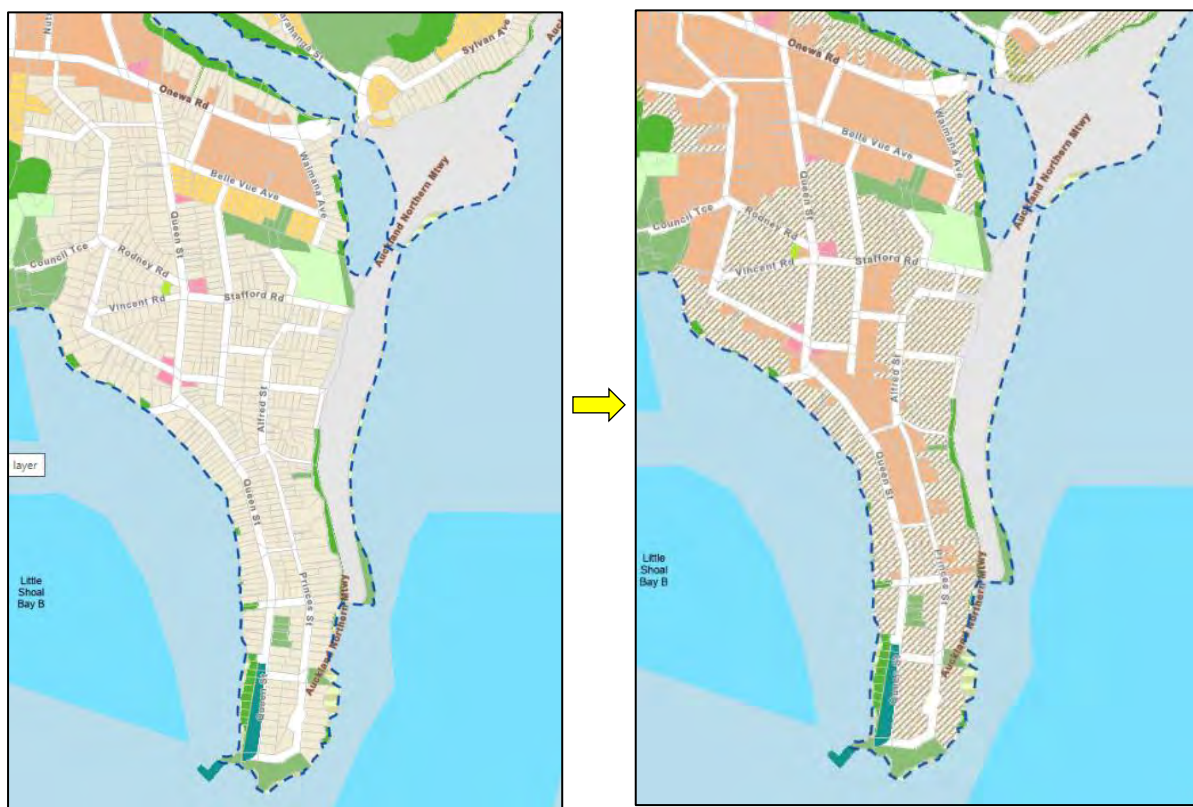


In addition to Special Character Area, the following overlays would also affect Northcote Point.

- Coastal Erosion
- Coastal Inundation
- Notable Trees
- Notable Group of Trees
- Historic Heritage Extent of Place
- Historic Heritage Overlay Place
- Significant Ecological Areas

The effect of overlays on Northcote Point serves to significantly mask the effect of the loss of Special Character Area. Whilst it mitigates the loss to some degree (restricts building to two-stories, single dwelling) it removes subdivision requirements and critically design requirements, the need to consider streetscape, or the impact on the adjacent areas of special character.

The net effect of MDRS + qualifying matter overlays on Northcote Point is shown in the illustrations below. The 'peach' areas represent the 'Mixed Housing Urban Zone' (MHUZ) and the hatched areas the overlays where intensification is suppressed;



The proposal is of significant concern as it serves to significantly breakdown the cohesive and interconnected nature of the SCA by; reducing its overall area; breaking the remaining area into two disconnected areas, and; failing to provide any mitigations/consideration for the negative effects of the new MHUZs in immediate proximity to remaining SCA properties.

This last point is perhaps best illustrated by the numerous examples of streets where Auckland Council zoning one side of the road SCA and the other MHU. This would result in property developments on one side of the road having to give due consideration to the effect on 'streetscape' whereas properties on the other side not have too—not only in direct contravention of B5.3.2, Schedule 15 and D18.2-18.3 of the Auckland Unitary Plan, but a nonsensical outcome.

Perhaps indicative of the mindset of Auckland Council, during the recent consultation phase, Councillors have stated that the loss of the SCA is not as bad as it looks (or words to that effect), as the additional overlays mitigate the effect by restricting development on those properties to two-stories.

Statements like this are perhaps the clearest indication of Auckland Council's confusion over what it is trying to protect and confuses a two storey build envelope with Special Character. It demonstrates an almost total focus on the physical building envelope of individual properties with no consideration on the wider implications on special character such as street scape, sympathetic design etc.

Underpinning the proposal is the 'need' to change. Whilst the need to intensify is understood, it must still be managed in a reasonable and justified manner and central Government have provided the necessary tools to provide for this—qualifying matters.

The special character values of Northcote Point are well recognised and documented. Northcote Point is not within walking distance of town/local centres or a range of community services or commercial activity. It has no access to the Rapid Transit Network, compromised public transport (cancellations, full buses (Onewa Rd), ferry disruptions) and its location at the bottom of a catchment means access in and out of the area is severely limited during peak periods. In light of this, Auckland Council is proposing to remove more than half of the Northcote Point SCA in the full knowledge that they have sufficient housing supply for the short, medium and long term; that their primary focus is on housing affordability not supply, and; that the cumulative effect of intensifying all SCAs would have little effect on Auckland's housing supply. As such the question has to be asked why? What is the clear and specific justification for such a significant reduction of the Northcote Point SCA?

On the balance of the information available the geographical boundary of the Northcote Point SCA should remain as it is, however Auckland Council should investigate alternative options to permit reasonable and sympathetic development within its boundaries.

Despite the background to the proposal having now been well covered, the case made for a fundamental shift in the methodology and decision making behind the SCA review, it is worthy to focus on concerns regarding the documents and procedures controlling the conduct of the recent survey as they reinforce the issues already raised.

Auckland Council published two documents to guide the conduct of the survey; the '*SCA Residential Survey Guide*', and, '*Guidance: Identifying sub-areas of high-quality special character value and/or historic heritage areas*', then produced the finding in appropriate Area Reports.

For ease of reference, comments and concern have been grouped under their corresponding reference document.

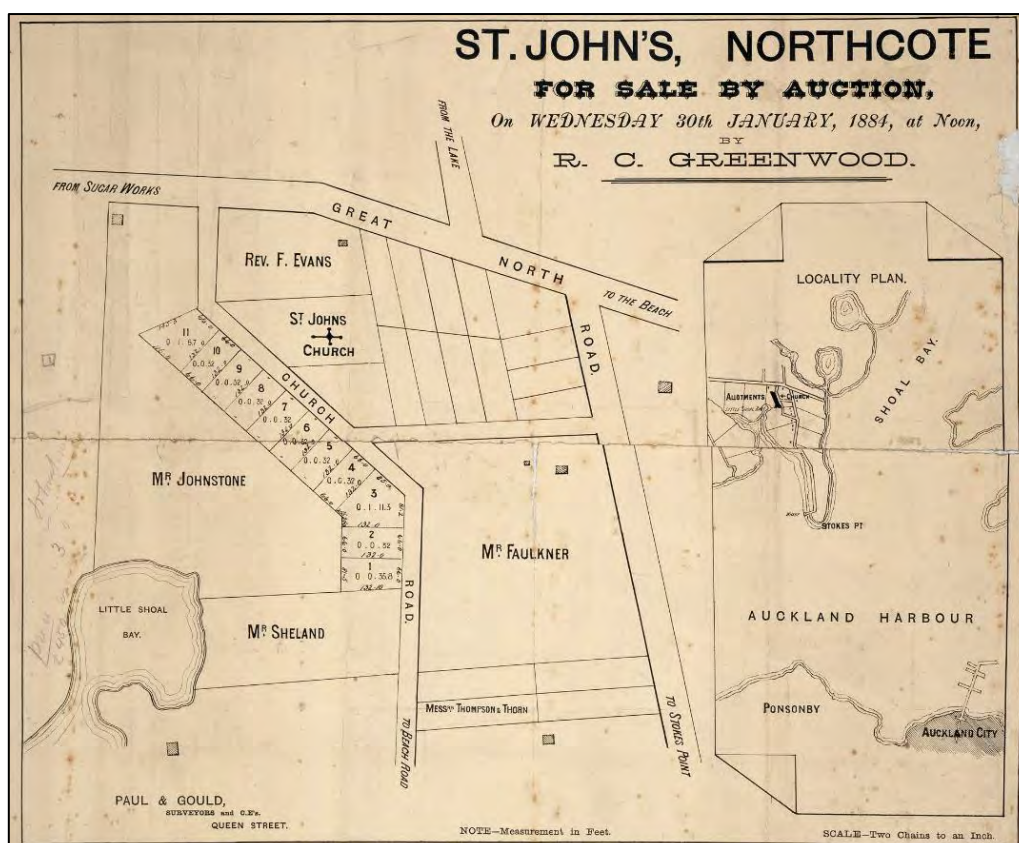


Figure 19: Advertisement for the sale of Church St. sections by auction - 30th January 1884

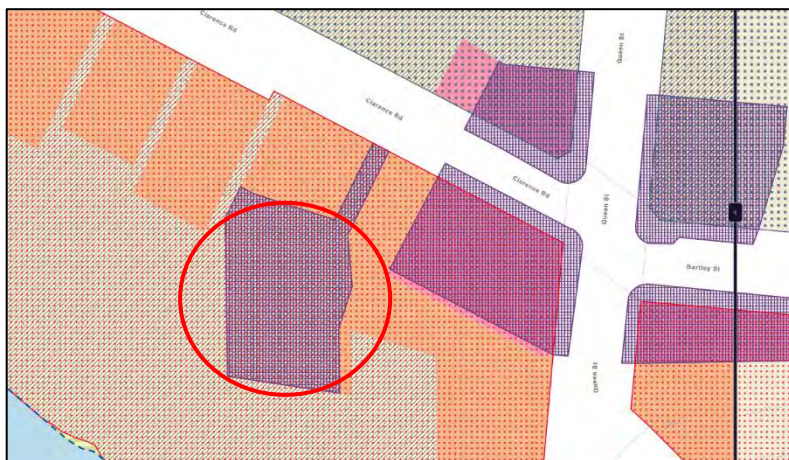
SCA Residential Survey Guide

- States its purpose is to identify 'areas of high-quality special character and potential historic heritage value'.
 - o The assessment criteria limit the assessment to Built Heritage values only, not Special Character.
- States survey results are not be used for any project or purpose other than to review the SCA Residential in response to the NPS-UD.
 - o The survey results are being utilised for another purpose, which is the response to both the NPS-UD and the MDRS.
 - o The adverse effects of MDRS on SCAs (particularly when in close proximity and/or interspersed throughout) is significantly greater than those of the NPS-UD.
 - o The survey methodology should be amended to reflect this change.
- Wet weather/lock down alternative approach. The guide requires a site visit to be undertaken to check and confirm the results of any desktop survey.
 - o This has not been completed. The entire Northcote Point SCA survey has been conducted on the basis of a desk-to review only.
- Type of site. The survey guide only requires a site to be assessed if it is 'readily visible from the public realm'.
 - o Northcote Point has sites that aren't able to be viewed from the public realm however these add to character of the area as they act in a cohesive manner with their surroundings. To exclude them on the basis of not being seen, when the alternative is a 12m building which would then be seen is nonsensical. This would convert a site that is sympathetic with its surroundings into one that detracts from them.
- o The property to the right is an original dwelling on its original site which is not easily visible from the public domain however it still contributes strongly to the special character of the area, however it has had its SCA overlay removed.
- o This also creates a non-sensical situation where a property is included on the Historic Heritage register, yet now deemed not to be contributing to the special character of the



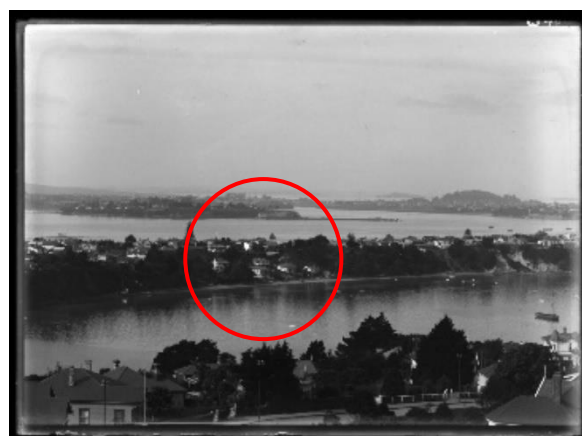
area simply on the basis is not 'easily' visible from the public domain. This situation is demonstrated in the example below.

- This property features on the Historic Heritage Extent of Place overlay, yet was assessed in the survey as 'rear or vacant lot/unable to be seen' and therefore considered a not contributing to special character. This property has lost its SCA overlay and Auckland Council proposes to



surround it with MDRS zoned land. NB: Land to the rear is subject to Coastal Erosion overlay so intensification limited however all design constraints will be removed so no consideration to the property needs to be given

- o Public realm appears to be misinterpreted as the 'road' for the purposes of this survey. This risks ignoring key characteristics which help define Northcote Point e.g.;
- Sites which can be viewed from the coastline and/or water. E.g. the waterfront villas in the images below. The image on the left shows the Google maps view, the image on the right is from the early 1900s (taken from Birkenhead Pt.). These dwellings are not visible from the street but form a strong link with the maritime heritage of the area.



- Sites which can be viewed from parks/green spaces and 'paper roads';



Figure 20: Hall's Beach boatsheds



Figure 21: Dwelling visible from King Street reserve walkway but not from street

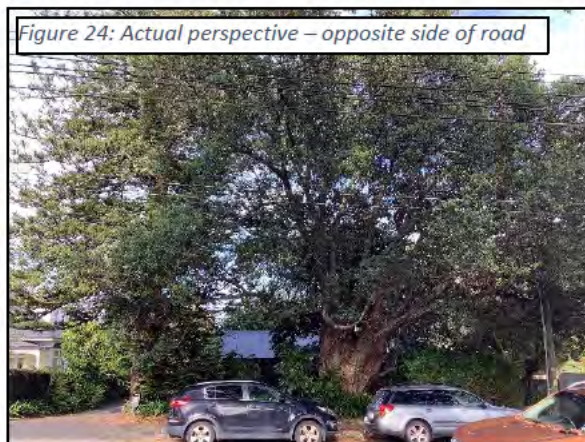
- Sites which can be viewed from other elevations around the area e.g. vistas from Queen St. and Church St, Little Shoal Bay etc.



Figure 22: Original dwelling clearly visible from Little Shoal Bay, marked as unable to be seen from public domain

- 'Site' seems to be misconstrued with 'dwelling' for the purposes of the survey.
 - There are many sites recorded in the results as not able to be viewed, when this is incorrect. The site can be viewed (easily) however the dwelling may not be able to be viewed easily (from Google).
 - This should not prevent a site from being discounted as it still contributes significant character to the area. The example below shows a property in Northcote Point which has been recorded as 'unable to be viewed'. In person, the 'site' is clearly able to be viewed, the 'site' has two listed/notable trees on it, and glimpses of the original cliff top villa are available from the street. The top left image is Google Street View, the bottom right the actual view. This is an original 'site' (with glimpse of the original villa)

on almost park like grounds which makes a considerable contribution to the street scape yet Auckland Council has assessed the 'site' it as 'unable to be seen'.



- This trend of focusing on buildings rather than sites (and other features), appears supportive of the thesis that Auckland Council have adopted an almost sole focus on the Built Form/Heritage aspect of individual dwellings, rather the Special Character contributions and interactions of the site. This demonstrates the significant structural issues with this survey.
- Visual assessments. The following highlights specific concerns with some of the individual assessment criteria selected.
 - Scale
 - There is no weighting given to significant properties such as the Northcote Tavern, Masonic Hall and St John the Baptist Church (consecrated in 1860) etc.

- Iconic buildings such as these are of key importance to the area yet have the same influence as the smallest residential site.
- Buildings/sites such as these should be given an additional weighting.



- An example of this is seen in the area north of Faulkner Road. This area has a significant proportion of its area covered by properties graded a '6' or 'character defining'. Notably, this includes the site of St. John the Baptist Church, one of the defining features listed in Schedule 15. It is the oldest Selwyn Church on the North Shore, having been dedicated by Bishop Selwyn (first Bishop of New Zealand) in 1860.⁶³



Figure 26: St. John the Baptist Church c.1913

The area also contains three properties under the Historic Heritage Extent of Place overlay. However, despite this, the sub-area has had its SCA removed. The effect of the smaller properties in the sub-area is disproportionate and makes no allowance for the wider special character values the larger properties add.



Figure 28: Area of large properties graded "6" but due to lose SCA overlay

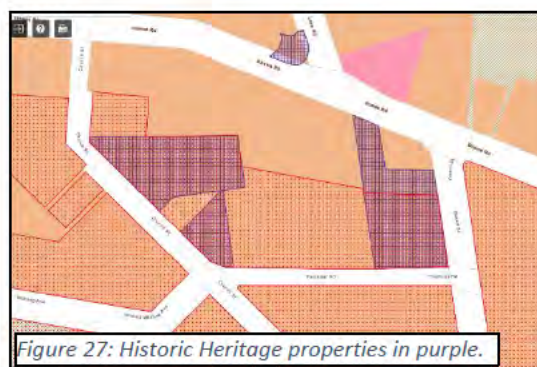


Figure 27: Historic Heritage properties in purple.

⁶³ St. John the Baptist. 'A short history of the buildings', <https://stjohnthebaptist.org.nz/history/>, retrieved 13 May 22.

○ Relationship to street

- **Fencing.** As outlined in the Survey Guide, sites are marked down where a fence exists meaning the dwelling is partially/fully unable to be seen from the road.
 - Fences are not permanent. Allowing a heritage villa to be pulled down just because it can't easily be seen on a particular day because of fence only to make way for a 12-metre-high building which will become highly visible and a significant detractor from the areas character, is non-sensical and short-sighted. The fence could be replaced at any time and therefore should not affect a properties score.
 - Use of fencing as criteria is against Auckland Unitary Plan D18.3 (2) (i) *'recover or reveal special character values of buildings and features.'*
- **Hedging.** The SCA Residential Survey Guide requires that where vegetation substantially blocks a 'place' from view, the assessment is done as if the vegetation is not there. In light of the assessments being conducted via Google-street view, there is concern about the integrity of the process which enabled this to be done. For example, the property below was graded either a 2 or 3 (Field Data Sheet does not contain a record for the property, assessment made via Area Report map). The first image shows the Google street-view image, the second the actual view from atop the pedestrian access gate. A reminder that a grading of 2/3 means the property Auckland Council considers neutral in terms of character contribution;



- **Garages/Carports.** Whilst the need to manage the interrelationship between house and garage is understood, the Survey Guide appears to make no allowance for historical context and instead requires scores to be deducted for garages in front of the house as it is considered to detract from the heritage of the property. In addition to the conflict this creates with D18.3(2)(i) (to enable the recovery of values) there is concern that correct historical context is not being applied. The image below (1924) clearly shows a Clarence Road property with a shed/garage on the front boundary in front of the house. It is unclear how (if at all) Auckland Council is making these assessments against historical records prior to deducting points.



Figure 31: 1925 photo showing street front garage/shed - Clarence Road

o Integrity Point Adjustment (IPA)

- A subjective score which appears to overlap somewhat with the 'Architectural Style' score and is also influenced by property condition.
- A score awarded on condition should be avoided as it ignores the future potential for the site. Northcote Point has undergone somewhat of a resurgence particularly over the past two decades. Properties are being renovated and restored which is having positive impact on the Special Character of the area. Scoring properties on the condition on a given day should be avoided as this acts to stop the trend of improving the area, rather than encouraging/supporting it.
- Criteria is against Auckland Unitary Plan D18.3 (2) (i) '*recover or reveal special character values of buildings and features.*'

- Assessment criteria vs. current processes and standard
 - o It would appear the assessment criteria is disconnected with the actual practices and policies currently employed by Auckland Council. The following examples demonstrate this concern.
 - The property to the right is a recently completed new-build. A new-build was required as the previous dwelling was beyond economic repair (asbestos etc). The new-build was subject to rigorous design reviews and stipulations from Auckland Council to ensure it would complement the existing character of the street. The property was then scored as a 2 (neutral) in the recent SCA survey;
 
 - Conversely, the owners of the house to the right are currently working with Auckland Council to undertake a renovation. A requirement from Auckland Council is that due to the value of the façade on the streetscape and the SCA, it must be preserved during the renovation process. Despite this, the property was scored a 4, meaning Auckland Council do not consider it of sufficiently high quality to contribute to an SCA.
 
 - The examples highlight issues with the apparent lack of consistency in the scores awarded, indicating that the set of assessment criteria is inconsistent with Northcote Point's Schedule 15 area values.
- Historic Heritage Flag. The survey guide requires assessors, based on a visual inspection only, to indicate if the site requires further review to determine if it has Historic Heritage values. No properties in Northcote Point were flagged for follow up. Concerns over this process include;
 - o No criteria for this 'flag' provided.
 - o A significant number of properties in Northcote Point were graded a 6 but no properties flagged for review. This indicates an incomplete or inconsistent set of assessment criteria. Otherwise, properties scoring a 6 should have been flagged.
 - o No reference appears to have been given to the list of properties which had their category 'B' listing removed in 2012. Given the reason for removing them was protection now being provided by heritage 'zoning', reason would have it they would be restored (or at least reassessed) when that layer of protection was subsequently removed.

- In light of the above, I believe there are significant deficiencies in the Survey Guide, the implications of which could result in the unnecessary loss of Special Character values in Northcote Point.



Figure 33: Horse drawn carriage passing by Queen St villa c.1910



Figure 32: The same villa as it stands today. Graded a 3 by Auckland Council 'google street view' survey. SCA overlay proposed to be removed.

Guidance: Identifying sub-areas of high-quality special character value and or historic heritage areas.

“The whole is greater than the sum of its parts”

- Artistotle

The ability to create sub-areas within a SCA is problematic, as they serve to disrupt and breakdown the integrity of the SCA as a whole. With a SCA primarily resulting “from a **combination of elements** including, but not limited to, urban structure and buildings and their **relationship to one another, the street and the open spaces””, the disruption of this visual coherence would then undermine the value of any areas of SCA remaining. This may make it harder to continue to justify the retention of any SCA elements at a later date, and once the cohesion has been significantly disrupted.**

Critically the ability to break an SCA into sub-areas is in direct conflict with the follow sections of the Auckland Unitary Plan; B5.3.1 and B5.3.2, Schedule 15, D18.2, D18.3 and D18.8.2

A clear example of this is the two sub-areas which have been created in Northcote Point. The ‘spine’ connecting these two areas is Queen St. To have this severed with a significant area of dwellings with no requirement to maintain any connection to either sub-area, would undermine the value of each.

It is in these scenarios where a confusion between ‘heritage’ and ‘special character’ appears with the high-quality sub-areas currently identified by Auckland Council appearing to more closely align with the former rather than the later.

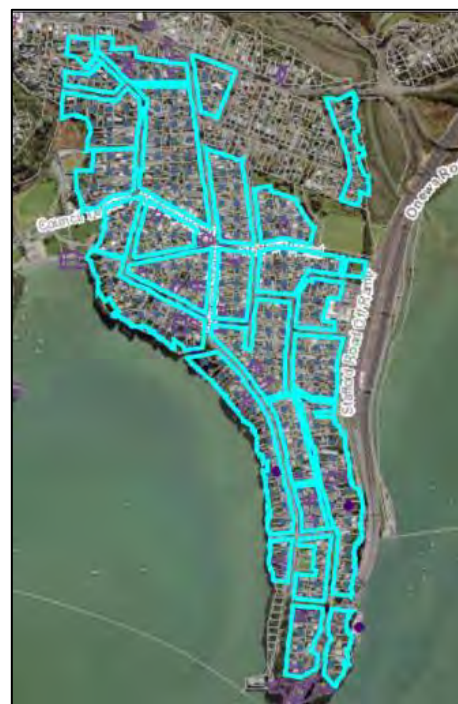


It is recommended that the Northcote Point SCA is assessed as a whole, thereby allowing the incorporation of all of its defining values.

Summary of Area Findings – Special Character Areas Residential: Areas 65 and 66

- Assessment 'blocks'

- o The report shows how Northcote Point was broken into a number of 'blocks' for assessment. The properties within each of these 'blocks' were then assessed together to determine if the 66% threshold had been met. These blocks are depicted in the image to the right.
- o No reasoning is provided for the manner in which the blocks were determined, with them appearing to be a matter of convenience in order to follow the street blocks as per the subdivision pattern of the area.
- o In accordance with sections B5.3.1 and B5.3.2, Schedule 15, D18.2, D18.3 and D18.8.2, the Northcote Point SCA should be considered, and assessed, as a whole.
- o Dividing the current SCA as has been done creates a number of key concerns;
 - Increased likelihood of 'pockets' forming when elements of the SCA aren't allowed to relate to each in their intended way.
 - Auckland Councillors have advised that the reduction in SCA 'isn't as bad as it looks' as various other overlays serve to ensure an *effective* 'Single House Zone' remains in place for some of that lost area. This perspective is of key concern as it serves to reinforce a fundamental change in how special character is assessed and fails to consider that the loss of an SCA still brings with it unlimited density rules coupled with no design criteria, meaning future development on these sites would not need to be done in a manner sympathetic with the adjoining SCAs. This includes impacts on the streetscapes such as increased numbers of crossings required, loss of street planting etc.
 - A failure to assess Streets/Roads holistically, rather, it breaks them up and assesses them in parts (either down the middle, or along their length) without any cognisance for their impact on one another, or on the Special Character of the Street/Road as a whole.
 - Conflict created between SCA and underlying zones. E.g. SCA requires consideration on streetscape. MHUZ does not require any such consideration.
 - Further exacerbating this is the ability for properties on one Road/Street to influence properties on another, despite having no visual connection with each other. Key examples of this include;



- **Queen Street**

- The villas south of the Engine Room on Queen Street are grouped in the same assessment block as properties on Alfred St and Milton Rd. By doing this, the villas on Queen lose their SCA despite there being no visual connection with the properties on Alfred and Milton. There is also no regard given to the impact this has on the opposite side of Queen Street, which is arguably it's most iconic section. To make matters worse, the properties on Alfred St then gain protection from the MDRS (due to Coastal Inundation overall), but having been the reason the villas on Queen St re-zoned to allow 12m high '3x3' housing. A nonsensical outcome.



Figure 34: Area to lose SCA despite high quality assessments



Figure 35: A view of the Queen St. area due to lose its SCA overlay due to the influence of dwellings on another street.

- **Clarence Road**

- Clarence Road is proposed to be divided down the middle, with one side losing the SCA overlay and the other retaining. Furthermore, the side losing the SCA is then essentially divided in half along its length, with one half retaining 'Single House Zone' (due Coastal Erosion overlay) and the other half being re-zoned MDRS (12m '3x3'). This would create three types of zoning in a single road, without any cognisance of the negative effects on the side retaining the SCA.
- This is good example of why the SCAR Survey Guide is now invalid, as it was only ever intended to be able to anticipate the effects of NPS-UD, not those of MDRS zoning.
- There are sections of Clarence Road where the front section is zoned to be MDRS and the rear sections subject to an overlay therefore height limits imposed but no design constraints. In one particular example, an original villa, is to be zoned MDRS

(12m '3x3') whilst the rear section is protected from MDRS due to both the Historic Heritage Extent of Place overlay and the Coastal Erosion overlay. Additionally, the property to the left of the front villa is also under the Historic Heritage overlay and the entire opposite side of the road is in an SCA. It is also in close proximity to one of the most iconic areas of the Northcote Point featuring a high number of Historic Heritage properties. This creates an absurd situation where there has been no consideration as to how the properties would interrelate, the connection with the streetscape, nor with the SCA properties on the other side of the road or the wider SCA. This is in clear conflict with the Special Character policies contained in Chapter B, Schedule 15 and Chapter D of the AUP.



Figure 37: The villa rezoned MDRS

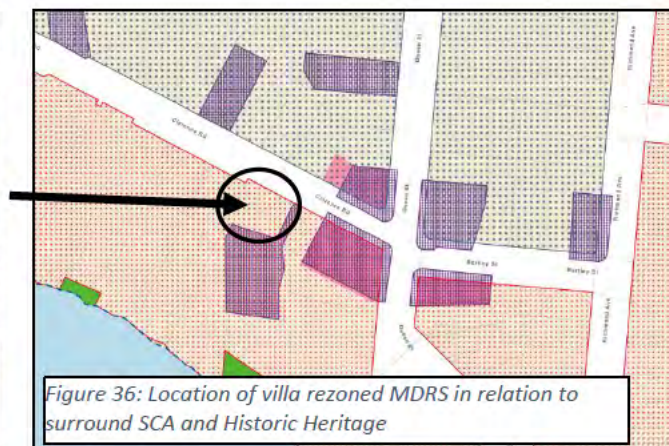


Figure 36: Location of villa rezoned MDRS in relation to surround SCA and Historic Heritage

- **Rodney Road**

- Approximately one half of the northern side of Rodney Road is proposed to be rezoned MDRS, whilst the other half, and the whole opposite side retains SCA. Once again, no cognisance appears to have been given to the impact on the character of the street as a whole, the properties on the opposite side (SCA), of which, and almost directly opposite is a listed heritage building (Masonic Hall).

The image below and to the left shows the section of Rodney Road to be rezoned MHU and whereas the image on the right shows the opposite side of the road which is to retain the SCA overlay and contains a schedule 'A' listed Heritage building. In re-zoning a portion of the street MHUZ, no consideration appears to be given to the corresponding impact on the streetscape of Rodney Road, nor the wider SCA.



Figure 39: Side of Rodney rezoned MHU / MDRS



Figure 38: Side of Rodney Rd to be retained as SCA

- **Church Street**

- The properties which make up the street frontage of Church Street between Faulkner Rd and Rodney Rd appears—from the Area 65 and 66 report—to have **achieved the 66% threshold for retaining an SCA overlay**. However, because of the way the street has been divided for assessment, one side is affected by properties on Wilding Ave and Council Tce, and the other side by properties on Queen St, Faulkner Rd and Rodney Rd. The result is that both sides of Church Street lose the SCA overlay. This is a nonsensical outcome which has no consideration on the historical context of the street (access to the Church) or some of the key/defining streetscapes of Northcote Point. As a result of properties/street with no visual connection, it loses the SCA overlay.



Figure 40: Church St. Proposed to have SCA overlay despite achieving minimum threshold.



Figure 41: Church St character property set to lose SCA overlay.

- o The compounding effect of the loss of each area on the SCA as a whole starts to become clearer once a closer analysis of the findings undertaken. As a result, there is significant concern that the survey methodology is causing the unnecessary loss of SCA sub-areas. The assessment should consider the SCA as a whole and given due consideration to AUP B5.3.1 and B5.3.2, Schedule 15, D18.2, D18.3 and D18.8.2.
- Assessment by Google Street View
 - o The report cites that 100% of the Northcote Point SCA survey was completed utilising Google Street View. The report notes that **no photographic records are held nor has the data has the data been verified.**
 - It is deplorable that Auckland Council considers it acceptable to present a proposal for public submission, which has such wide sweeping and irreversible consequences, based on information with such significant limitations.
 - It is also of concern that these limitations are not clearly articulated in the public submission documents. Rather, this was learnt of only after requesting a copy of the Area Report.
 - o Assessment via this means imposes severe restrictions and introduces risk of significant errors whilst all but totally eliminating the assessor's ability to comprehend a true sense of the area's Special Character. A good example is the powerful streetscape of Duke Street created by the combination of the old bakery, the trees, the narrow road and the grand villa on Princes St. This is not captured, acknowledged or assessed anywhere in the Area Report.



Figure 42: Duke Street streetscape

- Testament to the descriptions contained within Schedule 15 of the AUP, the high values of cohesiveness have ensured a remarkable amount of the Special Character which defined the origins of the area, have been preserved. This can be seen in the following sequence of images;



Figure 43: Queen St streetscape



Figure 44: Opening day at Northcote Tennis Club (now Northcote Bowling Club)



Figure 45: Intersection of Rodney, Queen, Stafford, Vincent

- The limitations of Google street-view appear to have caused properties to be labelled as 'unable to be seen', when this is not representative of the actual views. This is demonstrated in the examples below of street view images vs. actual images;



The critical nature of the scoring cannot be understated, particularly in light of the manner in which Auckland Council have elected to break up each SCA into smaller blocks for assessment. This means that not only could a single property be responsible for removing the SCA overlay over an entire block (even if no visual connection), this could even be due to that property losing a single mark.

With this in mind, the sole reliance on Google street-view to determine the protection status of an entire block of properties, a significant and irreversible decision, is frankly, preposterous.

Conclusion

From this analysis we see how by conflating the principles of Special Character, Historic Heritage and Single House Zone Auckland Council has been limited in its ability to be able to best manage the competing interests of conservation vs. growth.

We do not feel Auckland Council has evaluated a wide enough range of options for providing 'middle ground' solutions to address the needs of both Heritage/Special Character and intensification.

Auckland Council's proposal involves a drastic reduction in the Northcote Point SCA and the costs of doing so are significant. The well documented integrity, character and heritage of a maritime suburb which played a key part in the history of Auckland, will be destroyed.

Given Auckland Council have already confirmed that more than sufficient housing supply exists, and that outside of the walkable catchments, the loss of Special Character Areas will not provide any real benefit we feel the costs of the proposal far outweigh the benefits.

Therefore, it would be inappropriate to intensify the Northcote Point Special Character Area as is currently proposed by Auckland Council.

