

## **ATTACHMENT 1: SUMMARY OF PROPOSED CHANGES TO THE SPECIAL CHARACTER AREAS OVERLAY - RESIDENTIAL**

### Height in Relation to Boundary (HIRB)

1. At present, two height in relation to boundary controls apply to sites that are located within the SCAR Overlay: the control in the overlay as well as the control in the zone. However, the purpose of the overlay may not be achieved when both the SCAR and SHZ standards are applied together, because the underlying SHZ is more restrictive.
2. Council's position through the IHP Hearings was changed through the IHP recommendations. The IHP standardised the height in relation to boundary controls – applying a blanket control of 3m and 45 degrees across the entire overlay. However, the more enabling control was only intended to apply to Isthmus A and C1, as well as the part of Devonport south of Ngataringa Bay and Seabreeze Rd.
3. It is considered that having a singular (and more enabling) HIRB control across all the character areas is too broad given the varying characteristics of the character areas across the region. The application of a more fine-grained approach to the HIRB standards would better reflect the different characteristics of the character areas.
4. Therefore in order to address the issues with the height in relation to boundary provisions, it is proposed that:
  - Standard D18.6.1.2 be amended to confirm the underlying zone height in relation to boundary standard applies, except for sites with specific characteristics where a more permissive 3m and 45 degrees would apply.
  - Within the matters of discretion, create a link to all relevant matters from both the overlay and the underlying zone for assessment of infringements; in order to create scope for the assessment of amenity effects on neighbours.

### Maximum Paved Area, Building Coverage and Landscaped Area

5. Coverage and surface controls within the SCAR acknowledge that the variety of lot sizes within the overlay require more tailored provisions to enable varying habitable built form without adversely impacting on the established character of the place (as identified in the character statement).
6. However, the meaning of the term 'maximum paved area' within the SCAR is different to the meaning of 'maximum impervious area' in the underlying zone. 'Paved area' is not defined in the Unitary Plan, however, the coverage, landscaped area and paved area controls within the SCAR overlay all work together to ensure an adequate area for soakage.
7. Therefore in order to address these issues, it is proposed to:
  - Refine the terminology within standards D18.6.1.4 Building coverage, D18.6.1.5 Landscaped area and D18.6.1.6 Maximum paved area to make the terminology consistent with the zone standards;
  - Confirm that those standards should prevail over the underlying zone standards, such as Building coverage, Landscaped area and Maximum impervious area.

## Yards

8. Front yards in the SCAR relate to historic built form patterns, in particular the relationship between the building and the street. The front yard width is determined in relation to the average of existing setbacks of dwellings on adjacent sites. Therefore the front yard standard enables the unique conditions of each street to be retained in new development.
9. However, as a result of the IHP Recommendations, the yard provisions were standardised: side and rear yard provisions of 1.2m and 3m respectively were applied to the entire SCAR, where they had previously only applied to the North Shore area. While side yards contribute to the relationship of built form to street and streetscape qualities, rear yards are not visible and therefore do not need to be managed by the SCAR.
10. Given the building coverage and maximum paved area standards within the SCAR, a separate side and rear yard control that is more restrictive than the underlying zone is not considered necessary to achieve the desired built form outcomes.
11. Therefore in order to address the issues with the yard provisions, it is proposed to:
  - Confirm that D18.6.1.3. front and side yard standards should prevail over the underlying zone yard standards
  - Remove the more restrictive rear standards within the SCAR, and refer instead to the underlying zone rear yard standards, as well as any relevant underlying riparian and coastal protection yard requirements.

## Fences

12. The provision for fences and walls within the SCAR requires clarification. Currently there is no specific consideration of fencing within the relevant SCAR activity table (D18.4.1), only a standard (D18.6.1.7) that restricts fencing to 1.2 m on all boundaries.
13. The provisions also require amendment to allow for fencing to 2 metres on boundaries where they are not adjacent to the street and therefore do not affect the streetscape values of a special character area.
14. In order to address these issues it is proposed to:
  1. Make amendments to the activity table D18.4.1 to include an activity status for new fences and walls;
  2. Make amendments to D18.6.1.7 to clarify 1.2m only refers to fences and walls along front boundaries.

## Activity status for buildings

15. The SCAR overlay is concerned with building works and not land uses, as its purpose is to maintain the physical attributes that contribute to the special character of the area. The SCAR provides for external alterations or additions, and for new or relocated buildings, as restricted discretionary activities. The matters of discretion are specific to the SCAR and will retain the intended built form character.

16. Some buildings within residential zones become discretionary or non-complying, because they have the same activity status as the land use (e.g. café, community facilities, visitor accommodation). In these instances, the development needs to be decoupled from the use.
17. Therefore in order to address the activity status provisions, it is proposed to:
  - Confirm that D18.4.1(A4) and (A5) prevails over the development related activities in the underlying zone, but that the land use activity of the underlying zone determines the status of the activity and the standards to be complied with (related to the land use).

#### Subdivision

18. Subdivision within the SCAR is specifically provided for within E38 Urban Subdivision. A finer grained approach has been applied to the sites within the SCAR, relating to the historic development pattern of the respective areas. This is articulated in Table E38.8.2.6.1. In some instances the minimum net site area is more permissive and in others more restrictive than the underlying zone.
19. However, E38 does not confirm whether the SCAR subdivision controls prevail. Because these net site areas reflect the predominant subdivision pattern in the area, it is considered that the SCAR specific controls should prevail over the relevant underlying zone.
20. Therefore, it is proposed to:
  - Include a new provision E38.8.2.6 (2) specifying that the standards within Table E38.8.2.6.1 prevail over those within Table E38.8.2.3.1.

#### Special Character Areas Overlay - General

21. The Special Character Areas General Overlay (**SCAG**) includes both residential or business zoned areas. D18.1 Background contains a paragraph stating that any sites in a residential zone that are within the SCAG Overlay, the SCAR provisions apply. Similarly the sites within the SCAG that have a business zoning, then the Special Character Areas Business provisions apply.
22. Activity table D18.4.1 also includes references to sites within the SCAG with a residential zoning. However there are no references to the SCAG within the standards D18.6.1.
23. It is considered specific reference needs to be made to the SCAG (with a residential zoning) within the standards, in order to make it explicit that these provisions apply to those areas as they would the SCAR.