

## SPECIAL CHARACTER AREAS OVERLAY – 5 FEBRUARY 2019

The Special Character Areas Overlay – Residential and Business seeks 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

Special Character Areas Overlay - Residential	Special Character Areas Overlay - Business	Special Character Areas Overlay – General (both Residential and Business)
Special Character Areas Overlay – Residential : Isthmus B - <b>Remuera</b>		
Special Character Areas Overlay – Residential : Isthmus B – <b>Remuera / Meadowbank</b>		
Special Character Areas Overlay – Residential : Isthmus B – <b>Mission Bay</b>		
Special Character Areas Overlay – Residential : Isthmus B – <b>St Heliers</b>		
Special Character Areas Overlay – Residential : Isthmus C – <b>Remuera/Epsom</b>		

In *Auckland Council v Budden* [2017] NZEnvC 209, Auckland Council (Council) sought declarations from the Environment Court to confirm whether it had been correctly applying the Special Character Area Overlay – Residential (SCAR) and Residential – Single House Zone (SHZ) provisions in the Unitary Plan.

In essence, the Council sought declarations that the rules and performance standards in the SCAR act as a "replacement package", such that the performance standards of the SHZ do not need to be considered when determining applications for resource consent within the SCAR. This approach formed the basis for its Practice Note, which the Council had issued as guidance for its in-house planners in applying the SCAR (and other overlay) provisions in the Unitary Plan

### **D18.6.1.2. Height in relation to boundary**

Purpose: to manage the height and bulk of buildings to:

- retain the character of the streetscape;
  - enable a built form that reflects the identified character of the area; and
  - maintain a reasonable level of sunlight access and minimise visual dominance effects.
- (1) Buildings in the Special Character Areas Overlay – Residential must not project above a 45-degree recession plane measured from a **point 3m** above the ground level along any side and rear boundaries of the site where:
- (a) The site has a frontage length of less than 15m

- i) For corner sites, standard D18.6.1.2(1) applies to each frontage with a length less than 15m.

**OLB Portfolio holders' comment-**

- It was noted the Auckland Council vs Budden case was in favour of the more generous SCAR overlay provisions
- This is notable as many older homes in the SCAR overlay had higher studs and noting that the SCAR areas with site frontages less than 15m were usually found in North Shore and Ponsonby areas
- The OLB support the retention of the 3m height threshold for sites with frontages greater than 15m, noting many previous Res 2b and Res 5 zoned land in our ward and now covered by special overlays would be more likely to be parcels of land with frontages greater than 15m, therefore more likely ensuring that established Orakei character property areas and homes continue to have the traditional architectural design as originally built

**D18.6.1.3. Yards Purpose:**

- to retain the historical built character of the streetscape by managing the setback and the relationship of the building frontage to the street.

- (1) A building or parts of a building in the Special Character Overlay – Residential must be set back from the relevant boundary by the minimum depth listed in Table D18.6.1.3.1 Yards below:

Table D18.6.1.3.1 Yards

Yard	Minimum depth
Front	The average of existing setbacks of dwellings on adjacent sites, being the three sites on either side of the subject site or six sites on one side of the subject site
Side	1.2m
Rear	3m

**OLB comment:**

- Rear yardage can also create an aspect of spaciousness
- The removal of the 3m depth provided flexibility but we are cognisant of the character of many suburban streets in the Orakei ward
- Regarding proposals to delete rear yard requirements, we believe rear yard minimums should be preserved and not deleted. The intent of the overlay is greater than streetscape character protection. For some established character areas in our ward, retaining a rear yard minimum ensures ongoing residential amenity, spatial integrity between built forms, a stronger sense of sight line and visual permeability - all of which are common features of character development in many established residential areas of our Ward.

**D18.6.1.4. Building coverage**

Purpose: to manage the extent of buildings on a site commensurate with the existing built character of the neighbourhood.

- (1) The maximum building coverage for sites in the Special Character Areas Overlay – Residential must not exceed the percentage of net site area listed in Table
- 6.1.4.1 Building coverage in the Special Character Areas Overlay – Residential below:

Table .6.1.4.1 Building coverage in the Special Character Areas Overlay – Residential

Site area	Building coverage
Up to 200m <sup>2</sup>	55 per cent of the net site area
200m <sup>2</sup> – 300m <sup>2</sup>	45 per cent of the net site area
300m <sup>2</sup> – 500m <sup>2</sup>	40 per cent of the net site area
500m <sup>2</sup> – 1,000m <sup>2</sup>	35 per cent of the net site area
Greater than 1,000m <sup>2</sup>	25 per cent of the net site area

### OLB Portfolio holders' Comment

Overall the % figures for building coverage site areas appear to reflect existing levels under the Plan. The Board believes many SCAR areas within the Ward would likely be in the 500-1000m range and a 35% net coverage site area is reasonable to preserve character site by site and cumulatively.

### D18.6.1.5. Landscaped area

Purpose: to maintain the level of landscaped character and trees consistent with the identified character of the area.

- 1) The minimum landscaped area for sites in the Special Character Areas Overlay – Residential is the percentage of net site area listed in Table 0.6.1.5.1 Landscaped area in the Special Character Areas Overlay – Residential below:

Table 0.6.1.5.1 Landscaped area in the Special Character Areas Overlay – Residential

Site area	Landscaped area
Up to 200m <sup>2</sup>	28 per cent of the net site area
200m <sup>2</sup> – 500m <sup>2</sup>	33 per cent of the net site area
500m <sup>2</sup> – 1,000m <sup>2</sup>	40 per cent of the net site area
Greater than 1,000m <sup>2</sup>	50 per cent of the net site area

- (2) The front yard must comprise at least 50 per cent landscaped area.
- (3) Where a site is within the Rural and Coastal Settlement zone, Standard D18.6.1.5. Landscaped area does not apply.

### D18.6.1.6. Maximum paved impervious area

Purpose:

- to reinforce the building coverage and landscaped area standards;
  - to limit impervious areas on a site to maintain the identified character of the area.
- (1) The maximum paved impervious area for sites in the Special Character Areas Overlay – Residential must not exceed the percentage of net site area listed in Table •.6.1.6.1 Maximum paved impervious area in the Special Character Areas Overlay – Residential below:

Table •.6.1.6.1 Maximum paved impervious area in the Special Character Areas Overlay – Residential

Site area	Paved <u>Impervious</u> area
Up to 200m <sup>2</sup>	17 <u>72</u> per cent of the <u>net</u> site area
200m <sup>2</sup> – 500m <sup>2</sup>	20 <u>65</u> per cent of the <u>net</u> site area
500m <sup>2</sup> – 1,000m <sup>2</sup>	25 <u>60</u> per cent of the <u>net</u> site area
Greater than 1,000m <sup>2</sup>	25 <u>50</u> per cent of the <u>net</u> site area

(2) Where a site is within the Rural and Coastal Settlement zone, Standard D18.6.1.6. Maximum impervious area does not apply and Standard H2.6.8. Maximum impervious area applies.

Overall the % figures for impervious site areas appear to reflect existing levels under the Plan. The Board believes many SCAR areas within the Ward would likely be in the 500-1000m range and a 35% impervious site area is reasonable to preserve character site by site and cumulatively.

### D18.6.1.7. Fences and walls and other structures

#### Purpose:

- to retain the boundary fences and walls that contribute to the character of the area and ensure that new fences and walls complement the existing character of the streetscape.
- (1) Fences and walls and other structures, or any combination of these, in the Special Character Areas Overlay - Residential must not exceed a the height specified below, measured from of 1.2m above ground level:

Auckland Unitary Plan Operative in part 18 D18 Special Character Areas Overlay – Residential and Business

- (a) On the front boundary or between the front façade of the house and the front boundary, **1.2m in height.**
- (b) On the side boundary of the front yard, or between the house and the side boundary, where the fence or wall is located forward of the front façade of the house, **1.2m in height.**
- (c) Note: For the purposes of this standard, the front façade of the house means the front wall of the main portion of the house facing a street, and shall exclude bay windows, verandahs, stairs, attached garages and similar projecting features. Houses on corner sites have two front facades. On any other boundary or within any other yard not described above, **2.0m in height.**

#### OLB portfolio holders' Comment

- Assessment criteria needs to look at the effects on neighbours and previously focus has been on streetscapes
- OLB see merit in maintaining a 1.8m rear yard fence line cf. to the proposed 2m height; to again reinforce the natural hedge lines and landscapes that have built up over the years
- The intent of the overlay is greater than streetscape character protection. For some established character areas in our ward, retaining a lower fence height ensures ongoing residential amenity, spatial integrity between built forms, a stronger sense of sight line

and visual permeability and deters against gated community-like, built dominance between sites.

### **Portfolio holders' Summary**

- Overall the proposed plan change will enable amendments to the special character overlay to be read in conjunction with the plan itself in a way that brings consistency for planning assessments across all special character overlay areas
- Having discussed the proposed character overlay amendments with planning staff, we are satisfied that the changes will enable more thorough assessments by processing planners and do not believe the special character overlay areas of our Ward will be prejudiced by the changes
- Regarding proposals to delete rear yard requirements, we believe rear yard minimums should be preserved and not deleted. The intent of the overlay is greater than streetscape character protection. For some established character areas in our ward, retaining a rear yard minimum ensures ongoing residential amenity, spatial integrity between built forms, a stronger sense of sight line and visual permeability - all of which are common features of character development in many established residential areas of our Ward
- Regarding fencing height, we reiterate the above saying the maximum heights for fencing from a house to the rear yard should be retained at a 1.8m maximum not 2m.

Troy Churton & David Wong

Orakei Local Board