**Kōmiti Whakarite Mahere / Planning Committee**

**OPEN MINUTE ITEM ATTACHMENTS**

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5 December 2019

To: Planning Committee

From: Orakei Local Board

Integrated Residential Developments (IRDs) in Single House Zones (SHZ) of Orakei

Background:

At the time that the AUP was being developed a new classification was introduced – that of an Integrated Residential Development (IRD).

We understand IRDs first appeared in the FAUP, and were restricted to two locations. By the time the AUP was finalized the definition had changed significantly, and applied to all of Auckland.

The definition of an IRD is prone to debate and time and expense - for example, see difficulties in recent 71-unit proposal for Sandspit Road, Cockle Bay decision


Definition of IRD

The definition in Chapter J1 of the AUP suggests an IRD is a so-called residential development on sites greater than 2000m2, and which includes: “supporting communal facilities such as recreation and leisure facilities, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities accessory to the primary residential use”

This IRD definition becomes a Trojan horse that can be used by all developers who can amalgamate sites greater than 2000m2 and construct apartments with a minimal number of communal facilities – which is a consequence completely adverse to the intent of SHZ objectives and policies.

Undermining the SHZ zoning.

The recent Cockle Bay decision exposes difficulties in determining whether a proposal is an IRD – and overall, exposes how SHZ is undermined - the critical planning approach to it being:

- whether a proposal was an IRD, in a SHZ, it will be considered as a discretionary activity. This might allow considerably looser control and greater numbers of consents in SHZs; and

- if, however, the proposed development is not an IRD, it must be assessed as “more than one dwelling per site” which is a non-complying activity – which is far more appropriate for SHZs.
Allowing IRDs in a SHZ is an unacceptable and unnecessary state of planning sophistry making a mockery of the UP:


The purpose of the Residential – Single House Zone is to maintain and enhance the amenity values of established residential neighbourhoods... particular values may be based on special character informed by the past... large trees... established neighbourhood character. Multi-unit development is not anticipated...

The Orakei Area has reasonable levels of SHZ with special character overlay remaining, particularly through northern areas of Remuera and with pockets through Mission Bay and St Heliers.

The views of Resident Associations received so far, and our own views as local governance, is IRDs should be removed from application to Orakei area SHZs.

Authority

The conclusions of the Commissioners (per Chair Rebecca Macky) in the Sandspit Rd, Cockle Bay, paragraph 166 copied below, strongly demonstrate that IRDs are not suitable for inclusion in SHZ at all. The decision also identifies the danger of precedent – per paragraphs 180.- 181 also copied below.

Recommendations:

1. Acknowledge that the UP has successfully availed new zonings of land to accommodate greater regional residential intensification and retain some areas of less prevalent intensification.
2. The purpose of the SHZ must be respected, so that any larger scale multi-unit mixed residential development proposed for a SHZ is simply assessed as non-complying.
3. We request the Planning Committee instigate a plan change to reflect this effective, simple planning approach, retaining the integrity of the SHZ zone and allowing certainty for residents and users.

Extract from Chairman Rebecca Macky’s decision:

166. We conclude that the proposal is contrary to the relevant objectives and policies of the AUP, for the following reasons:

(a) The RPS objectives and policies are very clear about the goal of intensification, subject to specific references to the appropriate location for higher and lower residential intensification. The Single House Zone is clearly not identified as a zone where intensification is generally expected.

(b) The Zone objectives and policies are also clear in the character and amenity found and expected to be maintained within its areas, generally enabled by single houses of one-two storeys.

(c) Development is to be “in keeping with” the amenity values of established residential neighbourhoods within the zone and of a form that maintains the existing suburban built character.

(d) A proposed development must ensure that a reasonable level of sunlight access and privacy is provided for, and that visual dominance effects to adjoining sites is minimised.
(e) Whilst we conclude that the proposed development is not an iKD, even if it were, the provision for iRDs is an exception to this general expectation and their form is still subject to the zone’s expectations that specifically do not include multi-unit development.

180. Precedent: Another legitimate section 104(1)(c) matter is precedent, sufficient to undermine public confidence in the administration of the AUP.

For a precedent to be set, it must be a possibility that granting the application will result in a proliferation of materially indistinguishable applications. This in turn hinges on whether this site and proposal are unique. As noted above, we are not convinced that this site is unique and we have real concerns that if this consent is granted, it will be difficult, if not impossible, to distinguish other like applications.

181. There is a strong possibility that the outcome could be to undermine the Single House zone and its objectives of maintaining the amenity of established residential communities like the Cockle Bay neighbourhood and its established character, and of providing quality residential amenity not only for the residents of the proposal, but also for adjoining sites and streets.

Orewa Local Board

December 2019