

THE MANAGEMENT OF SUBURBAN AMENITY VALUES IN AUCKLAND CITY

Office of the
PARLIAMENTARY COMMISSIONER FOR THE ENVIRONMENT
Te Kaitiaki Taiao a Te Whare Pāremata

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This report is one of three council case studies undertaken as part of an investigation into local authority management of suburban amenity values. It should be read in conjunction with a synthesis report available through Bennetts Government Bookshops. The synthesis report includes a legal analysis, definitions and interpretations of amenity values and a discussion of how amenity values are affected by suburban intensification.

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Bibliographic reference

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EXECUTIVE SUMMARY FROM SYNTHESIS REPORT

Suburban intensification (ie increasing housing densities and population densities) can **affect** a city's infrastructure, transportation network, the natural environment, heritage places and areas, and amenity values. This investigation by the Parliamentary Commissioner for the Environment focuses on the management of amenity values in suburban residential areas that are subject to intensification.

Introduction

The term "amenity values" is defined in the Resource Management Act 1991 (**RMA**) as "those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes" (s 2 RMA). Contributing factors to suburban amenity values include public and private open space, historic and cultural heritage, neighbourhood character, vegetation (eg bush, trees and gardens), safety, views, and noise levels.

Significant effects of intensification on suburban amenity values include:

- changes to the streetscape and the combination of the natural and built environment;
- the loss of vegetation, special character, and public and private open space;
- increased traffic, noise levels, on-street car parking and the effects of increased **traffic** levels on safety.

Auckland, Christchurch and Waitakere City Councils were chosen as case study councils for the investigation and separate background reports were prepared on **how** each council is managing suburban amenity values in its city. Relevant information has been drawn together in a synthesis report and in the formulation of good practice guidelines for the management of suburban amenity values.

*(Recommendations have been **italicised** and their recipients noted in bold type)*

Some residential areas in Auckland, Christchurch and Waitakere Cities are in transition from a suburban form to an urban form. Suburban intensification will continue as all three cities have policies to manage urban growth within existing boundaries by encouraging intensification of existing suburban areas. Traditional low density development at one unit per 1,000 m² was common 10- 15 years ago; today, low density development is more likely to be at one unit per 500 m².

As intensification continues, which it must if more sustainable transport and other **infrastructural** systems are to evolve, there will be changes in

Findings

Urban form and intensifi- cation

amenity values. Some communities consulted during this investigation expected little change in residential amenity values as residential intensification occurred. This is unlikely to be the case. Sustainable management of the total urban environment (eg the adoption of an urban consolidation strategy) will bring changes to local amenity values but these effects can be mitigated with increased management of the urban environment.

Identification of amenity values

All areas of a city have their own identity and characteristics and, therefore, amenity values. It is appropriate that these characteristics and values are identified by local communities in consultation with councils.

Describing amenity values is difficult as there are subjective aspects to be considered. However, there are aspects that are measurable and that can be identified. From this investigation, it appears that only a few communities have described their neighbourhood amenity values through consultation processes.

Management of amenity values

The management of amenity values in a neighbourhood that is subject to intensification requires the development of both statutory and non-statutory mechanisms by councils.

Most private amenity values (eg access to sunlight and privacy) can largely be managed by district plan mechanisms. These can include rules on site area, height in relation to boundary, and setback distances, and councils often consider these rules as a “package” in managing the effects of residential intensification.

The design of buildings and their relationship to adjacent buildings is a critical issue that affects amenity values as site and housing densities increase. The identification of the design characteristics of an area and the extent to which new buildings can enhance the amenity values of a street or neighbourhood are key factors in the community’s acceptance of intensification. While perceptions of “good design” may change with time, there are universal issues such as the siting, configuration and aesthetic quality of buildings, their relationship to each other or context, and their relationship to the open space around them that need to be considered.

As managers of public open space including parks, reserves, streets and the coastal edge, councils have the ability to maintain or enhance off-site amenity values through the management of these assets.

Some areas subject to intensification lack sufficient areas of open space. Increasing the area of public open space would be a significant response to intensification. It is essential that adequate reserve contributions are obtained from areas subject to intensification to enable councils to

purchase additional public open space in those areas. Adequate funds need to be provided to upgrade existing streets, parks and reserves. Streets are valuable public open space and, where appropriate, **traffic calming** measures and landscaping could assist to mitigate any effects of intensification and improve the streetscape.

There has been intense public concern about the loss of urban vegetation which has accompanied residential intensification in some areas. The identification of heritage trees and the use of general tree protection and special indigenous bush zones can assist councils in the management of vegetation cover. The establishment of a green network of ecological linkages also contributes to the management of amenity values.

It is recommended that all Territorial Authorities recognise the importance of amenity values to communities and use appropriate management techniques accordingly, including those approaches in the Parliamentary Commissioner for the Environment's management of suburban amenity values good practice guide.

The management of the amenity values of a neighbourhood is a complex undertaking. Councils will need access to expertise including professional staff with urban design, architecture, landscape, heritage and horticultural skills. The insufficient use of professionals with the required expertise to assess effects on amenity values will compromise the adequacy of an evaluation of an assessment of environmental effects for residential **infill** or redevelopment. An urban amenity team could be established with professional staff from all relevant disciplines to individually and collectively comment on any assessment of effects on amenity values. This would include obtaining input from the local community and special interest groups when identifying amenity values.

The need for expertise

The processing without notification of resource consents for some proposed activities has resulted in concerns being expressed by local residents that **significant** amenity values and other environmental values would be adversely **affected** by the activity. Subject to s 94 RMA, the use of criteria to test if an application should be notified would improve the consistent processing of resource consents.

Resource consent issues

The assessment of cumulative effects on the amenity values of an area is a critical issue in terms of the medium to longer-term changes to amenity values. There are examples where there has been inadequate consideration of the cumulative effects of a series of individual housing developments in a street or neighbourhood in the evaluation of resource consent applications.

The enforcement of conditions on resource consents that relate to amenity values, eg landscaping conditions, is crucial to community acceptance of intensification.

Role of central government

Central government has a role to assist local government in the management of amenity values. New solutions are required to accommodate urban growth within existing city boundaries instead of relying on traditional suburban development. There is very little New Zealand developed research or information to assist councils in planning future urban form to achieve sustainable management of their cities. There is also an inadequate understanding and appreciation of the role of urban design in planning future urban form.

It is recommended that the Minister for the Environment *invest in, and encourage research into, urban design that will be appropriate to New Zealand to provide information to local authorities to assist them in promoting the sustainable management of urban environments and the management of amenity values.*

It is recommended that the Minister of Science, Research and Technology *invest in, and encourage research into, urban form and urban design that is appropriate for New Zealand conditions to assist local authorities with the sustainable management of urban environments.*

Monitoring

Monitoring the changes in amenity values that occur when intensification takes place is a crucial element in the ability of councils to manage amenity values. There are, however, no nationally developed environmental indicators that would assist councils and communities to describe and monitor changes in amenity values.

It is recommended that the Minister for the Environment *develop environmental indicators for amenity values to assist local authorities and communities to monitor and report on the state of amenity values.*

Role of major housing providers

Major housing providers and private landowners have a role in ensuring that amenity values are maintained or enhanced when properties are redeveloped.

It is recommended that the Minister of Housing *direct Housing New Zealand to include, in its Statement of Corporate Intent, information stating the steps that Housing New Zealand proposes to take to assist the Crown in meeting its social objectives in relation to the provision of housing and related services and, in particular, the steps Housing New Zealand proposes to take to address effects on amenity values from the intensification of established residential areas,*

It is recommended that Housing New Zealand *increase the focus on managing the effects on amenity values from the intensification of established residential areas, in accordance with the principal objective of the company (s 4 Housing Restructuring Act 1992) and “having regard to the interests of the community” in which the company operates.*

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1. INTRODUCTION

This report was prepared in the period September 1996 to March 1997. Comments on a draft report were received from the Auckland City Council in early March 1997 and the report was then finalised as at that date. The Auckland City Council was requested to officially respond to the report in May 1997 and a final response was received in September 1997.

This investigation is the fourth in a series of local authority quality assurance reviews being undertaken by the Parliamentary Commissioner for the Environment under section 16(1)(b) of the Environment Act 1986. The purpose of the reviews is to examine the environmental management of local authorities and to report on good practice.’

This investigation focuses on the management of amenity values in established suburban residential areas that are subject to intensification. In the Resource Management Act 1991 (RMA) the term “amenity values” is defined as:

those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes (s 2 RMA).

Suburban intensification (ie changing housing densities and population densities) can affect a city’s infrastructure, transportation network, the demand and supply of services, the natural environment, heritage places and areas, and amenity values. The changing housing densities are usually the result of

- suburban **infill** (ie adding another house or houses to a site with an existing house);
- suburban **infill** on vacant or reserve land; and
- redevelopment (ie replacing an existing house with multiple townhouses).

Auckland, Christchurch and Waitakere City Councils were chosen as case study councils for this review. The selection of a local authority for case study purposes was influenced by the following criteria:

¹ The first *three* reviews were: *Assessment of Environmental Effects (AEE): Administration by Three Territorial Authorities* (1995); *Coastal Management: Preserving the Natural Character of the Coastal Environment. Administration by Far North, Tauranga and Wanganui District Councils* (1996); and *Administration of Compliance with Resource Consents - Report of an investigation of three councils* (1996).

1.1 Background

- ~~the~~ the council had adopted an urban consolidation strategy or urban growth strategy;
- ~~population~~ population growth had been high over the past few years;
- ~~infill~~ infill and redevelopment were significant resource management issues; and
- ~~the~~ the maintenance and enhancement of amenity values was a significant resource management issue.

Separate background reports were prepared on how each council was managing suburban amenity values in their city; relevant information was then drawn together in the synthesis report and in the formation of good practice guidelines for the management of suburban amenity values.

Terms of reference: Auckland City Council

1. To review the manner in which the Auckland City Council is managing amenity values in established Isthmus residential areas that are undergoing urban intensification.
2. To assess the effectiveness of environmental planning and management by the Auckland City Council to manage amenity values in established Isthmus residential areas.
3. To identify areas of good practice in avoiding, remedying or mitigating adverse environmental effects; and to provide advice if appropriate.
4. To report on the outcome of the investigation, and on any recommendations to local authorities, by 20 February 1996²; and also in the Parliamentary Commissioner for the Environment's Annual Report to Parliament for the year ending 30 June 1997.

Other issues

Although the focus of this investigation is on the management of suburban amenity values, the linkages between the management of amenity values and other issues such as transport planning and the provision of infrastructure have been acknowledged where appropriate.

Other issues that were raised during this investigation but were not specifically investigated include:

- ~~the~~ the roles and responsibilities of different agencies for integrated transport management and land use planning;
- ~~planning~~ planning for the future direction of regional growth in the longer term ie more than twenty years;
- ~~the~~ the linkages between the Auckland City Council strategic plan, district plan and annual plan, and the annual plan and budget process;

² **The target completion date could not be achieved because of late responses to the final draft report.**

- the administration of signs by the Auckland City Council; and
- the resourcing and training of planning commissioners who hear resource consent applications.

Methodology

The investigation team visited Auckland in mid-September 1996 to meet with staff from the Auckland City Council, five community boards, and a selection of agencies, community groups and individuals. In addition, the team visited different residential areas and neighbourhoods to view urban intensification and various projects aimed at enhancing amenity. These visits included sites that had been drawn to the Commissioner's attention over the past two years. Documentation was requested from the council and was provided by other interested parties.

Chapters 2, 3 and 4 outline policies, plans and other mechanisms that affect the management of amenity values in Auckland City. The effectiveness of the different approaches is discussed in chapter 5.

Auckland City is one of four major cities in the Auckland region. The Isthmus area of the city comprises 15,258 hectares, of which 7,570 hectares are zoned residential. The Isthmus area is mainly a suburban-urban environment based on a unique volcanic landscape, with volcanic cones and craters and remnant areas of bush, often in undeveloped gullies. The Waitemata Harbour, the Manukau Harbour and Hauraki Gulf contribute to the special character and identity of the city. The city has a diverse ethnic population and a variety of urban land uses.

The Isthmus area has an estimated population of 331,000 people, an increase of around 32,000 people since 1991 (ie a 12 per cent increase over five years). Mt Roskill, Hobson and the Eastern Bays Wards have received the majority of the increase in population although significant growth is starting to occur in the Avondale, Mt Eden, and Maungakiekie Wards. It is estimated that the population is likely to grow by between 1.5 per cent and 2 per cent per year with the population expected to increase to over 400,000 people by the year 2016 (ie a further 69,000 people within 20 years). This growth rate means that around 2,000 new dwellings and apartments are required for Auckland City each year.

The Auckland City Council was formed in 1989 following the reorganisation of the eleven local authorities that existed on the Isthmus and in the islands in the Hauraki Gulf. The council has been confronted with major resource management and administration issues that have influenced its ability to deliver services including:

- a historical legacy of major drainage and transport constraints;

1.2 Outline of Auckland City and the Auckland City Council

1.3 The Auckland City Council

- the administration of twelve transitional district plans (including ten for the Isthmus area) with significant administration and implementation costs;
- the scale and rate of economic and population growth in Auckland;
- the increased workload generated by land-owners anticipating the release of the proposed Isthmus district plan in July 1993 and applying for resource consents and certificates of compliance to avoid having to conform with the heralded more restrictive provisions of the proposed plan; and
- the restructuring of council regulatory administration in 1993 and 1996.

Until 1997 the council had a central corporate office with strategic planning, marketing, and policy and plan development sections. Specialist professional staff including the Conservation and Urban Design Division (C&UDD) and transport planning were located in this corporate office. Five area offices were responsible for direct administration and contact with residents and the local community. A separate business unit, City Environments, was formed in 1993 to manage regulatory processes for the Area Offices including the processing of all building consents, resource consents and a range of licences.

From 1997, as a result of the 1995/96 regulatory review, the council decided that the Area Offices would be disestablished and the implementation of the district plan would be centralised through City Planning, with the evaluation of applications for resource consents being performed by a new central regulatory services group, Auckland City Environments. Specialist management groups at the Civic Service Centre and Auckland City libraries would be the key providers of information and services. It was believed that the new structure would:

- provide a “one stop shop” for receiving and approving applications;
- enable experienced staff to be located on front counters;
- provide a fast track system for applicants who provide consistently thorough information; and
- simplify processes while achieving desired outcomes.

Regulatory policy

In late 1990 was after a review of the council’s regulatory services, it was recommended that:

- a minimum level of regulatory intervention be applied, sufficient to mitigate any adverse effects;
- allowance be made for maximum choice of regulatory service providers;
- a user pays approach be adopted and the true costs of services be identified; and

☞ a customer service philosophy be put in place (as referred to in the City Environments report to Area Managers 1993).

These points have been key determinants in the council's approach to regulation and the cause of much concern for some community groups.

In late 1995 the council undertook another review of regulatory processes. The goals of the regulatory review were to improve customer satisfaction with the service, increase efficiency and effectiveness, and align regulation with strategic goals. The review team included senior staff, consultants and representatives of customers (two lawyers, a planner and a surveyor). Community boards, community groups and ratepayers were not included as representatives of customers to review regulatory processes.

Until recently, it has been unclear to interested groups whether the term "customers" includes direct and indirect customers such as residents and the wider community who have a major interest in their environment. A customer based model now identifies customers as either internal customers (elected representatives, managers and departments) or as external customers (direct contact customers: public, applicants and submitters, special interest groups, and agencies and organisations; indirect contact customers: residents, business, community groups, recreational visitors, business visitors and tourists) (Planning and Regulatory Services Department business plan - scope and functions).

As of 1996/97 the following regulatory policy is now applied to services and outputs (Auckland City Council city planning group business plan 1996) :

- ☞ *protect and enhance the City's unique environmental and social qualities;*
- *ensure that bylaws and planning controls are imposed to only achieve a specific objective **and/or** remedy a particular problem;*
- *appropriately locate regulatory powers in the bylaws or the district plan; avoiding repetitions and ensuring compatibility between the two;*
- ☞ *allow reasonable **flexibility** in site development and activities whilst affording adequate protection to neighbouring properties and the environment; and*
- ☞ *increase appropriate flexibility and discretion in decision making by the council in the administration of regulatory control.*

1.4 Urban growth policies

After 1945, Auckland City expanded from a central core of business and residential development based around a tram system to a low density suburban residential environment and associated retail outlets across the region. The development of the motorway system and the Harbour Bridge (1959) along with the provision of bulk utility services considerably accelerated suburban development outside of the city. This has resulted in issues associated with urban growth and the low density use of land being addressed at both the regional and local level.

Regional urban growth policy

Central to practically all resource management issues in the Auckland region is the management of growth and development. The Auckland Regional Council's (ARC) proposed regional policy statement has outlined a strategic direction for the region focusing on the containment of urban development within defined limits, and the encouragement of intensification at selected places within those limits (Auckland Regional Council 1994). The regional council's policies for regional development that support the strategic direction are:

- ▬ urban development shall be contained within defined geographic limits which include the metropolitan area, rural towns and coastal settlements;
- ▬ within the defined urban areas, the form of the region's urban development shall be planned and undertaken in ways that are consistent with the strategic direction; and
- ▬ countryside living may be provided for only in defined locations in rural areas in ways that are consistent with the strategic direction.

The strategic direction **recognises** that intensification, including **infill** development, within the urban area has the potential to play a greater part in meeting Auckland's future needs for housing, jobs and services. However, unless intensification and **infill** are carefully managed, they can have adverse effects on natural or physical resources and amenity values. These can stem from the loss of trees and bush, overloading of utility systems (especially drainage and stormwater), traffic congestion and reduction of space around buildings.

The Auckland Regional Council and the territorial local authorities have established a number of working parties to deal with major issues in the region.

1. The Auckland Regional Growth Strategy Forum, led by the ARC, has been established to address growth issues in the Auckland region by ensuring coordination and liaison on a regional basis, and to facilitate the production of a regional growth strategy. A technical advisory group has identified issues relating to urban form (the central issue), transport, physical infrastructure, funding of infrastructure, social infrastructure, rural development and environmental quality in assessing growth options for the region.

2. The region's size, rate of growth and topography have resulted in major transport planning and funding problems with public concerns over traffic congestion, noise, pollution and safety. The Auckland Regional Council, the seven territorial authorities and central government are participating in a task force to assess and report on the transport infrastructure needs created by Auckland's growth. The Keep Auckland Moving campaign is one outcome of the regional focus on transportation issues.
3. The importance of having adequate drainage systems for the Auckland region and the effect of stormwater on ecosystems has been recognised in the Auckland region. The Territorial Authority/Auckland Regional Council Stormwater Liaison Group has been formed primarily to develop a long-term strategy for the management of urban stormwater throughout Auckland. The strategy will identify priority areas for stormwater management over the next 30 years.

Auckland City Council urban growth policy

As part of the review of the district plan, the council in 1991 investigated growth and development on the Isthmus to identify the most appropriate locations where growth should be targeted. The council was aware that the regional council would release its regional policy statement after the notification of the proposed Isthmus plan and that the proposed plan needed to **recognise** the requirements of the urban consolidation policy of the ARC (see above). The residential growth strategy **recognises** the need for residential growth and the constraints placed on it by drainage and transport infrastructure and the concern of the community to maintain and enhance the particularly appreciated existing character of residential areas.

Drainage has been recognised as a major determinant of, and constraint to, growth on the Isthmus because increased densities have a significant effect on combined stormwater and sewage drainage systems in particular. In 1992 the council undertook a major investigation of the Auckland drainage system to identify different levels of development potential with a site by site investigation of stormwater capacity, flood hazard and foul water separation. There is a need to improve the present drainage system, to maintain and renew existing capacity (including separation of combined stormwater and sewage systems), and to enhance the drainage capacity in areas that could support **further** development.

Examination of residential development potential

The council examined residential development potential within the Isthmus to assess if it broadly conformed to the ARC policy standard well prior to the finalisation of the first residential development potential report and prior to the notification of the proposed district plan (the development potential report was subsequently released in November 1993). The development potential report examined the

impact of existing and proposed residential zoning provisions and development capacities on the number of dwellings. Two residential development scenarios were examined: a theoretical capacity and an achievable capacity.

The theoretical capacity was calculated for each property by dividing the existing lot size by the appropriate zone's subdivision and density requirements. The extent of existing development, the location of existing dwellings and development constraints associated with infrastructure were not considered in the calculation of theoretical capacity. In effect, the theoretical capacity was based on total redevelopment with no consideration of the existing housing stock or other constraints.

Under the transitional district plan, the zoning of the Isthmus provided for a theoretical maximum capacity of a 102 per cent increase in the number of units. However, some of the old district schemes gave density exemptions for single bedroom units and, when this is also taken into account, the maximum capacity was well in excess of 102 per cent. In comparison, to the theoretical maximum capacity provided by the proposed Isthmus plan was a 49 per cent increase.

An achievable capacity was also calculated for the proposed Isthmus plan based on various assumptions to provide an indication of the degree of development that could occur. The achievable capacity was calculated by subtracting from the theoretical capacity, the impact of planning controls, existing lot sizes, variable take-up rates and vacant land use. The achievable scenario did not consider the impact of land values or the location of existing dwellings on individual sites. No calculation of the achievable capacity for the transitional district plan was made by the council.

The proposed Isthmus plan provided for an achievable capacity of a 27 per cent increase with an additional 32,000 units. Given an average one per cent growth rate in new residential dwellings, this would provide 25 years of capacity with an additional 82,500 people and meet the requirements of the regional policy statement (Auckland City Council 1994a). The achievable capacity did not include residential development in business zones or the central area of the city where there was considerable apartment development.

The council released information showing an average 52 per cent decrease in theoretical unit capacity from the transitional district plan to the proposed district plan and promoted the down-zoning³ that would occur with the introduction of the new district plan. **However,**

³ Decreasing the density of housing that is allowed by a district plan in order to limit further **infill** and redevelopment (eg increasing the minimum site area from 300 m² to 375 m²).

erroneous signals were given by the council, as not all residents and communities were sufficiently informed of the percentage increase in achievable development that would be able in selected areas (ie a 49% in development in the Eastern Bays). Public expectations that infill would decrease were wrong and the council statements may have resulted in residents not making submissions on the proposed district plan because they believed that infill was under control.

The main development potential was identified for the Mt Roskill, Avondale and Eastern Bays wards where approximately a 50 per cent increase in unit numbers could be accommodated. Given that there were higher land values in the Eastern Bays, it was believed that this area would be developed first as land-owners and developers maximised economic returns. Older areas such as Mt Albert, Mt Eden and Western Bays, which had already been developed, had used up most of the potential capacity in these areas (Auckland City Council 1994a).

Residential zone summary table (Auckland City Council 1994a)

Ward	Approx. number of existing units	Additional theoretical unit capacity ¹ : proposed dp	% change in theoretical unit capacity ¹ from the trans. dp to proposed dp	Additional achievable unit capacity ² : proposed dp	% change in units with additional achievable unit capacity ²
Avondale	11,436	8,682	- 21 %	6,125	53 %
Eastern Bays	14,714	12,899	- 46 %	7,218	49 %
Hobson	13,496	2,811	- 61 %	2,365	18 %
Maungakiekie	11,232	9,377	- 70 %	2,958	26 %
Mt Albert	11,198	2,970	- 56 %	803	7 %
Mt Eden	14,285	1,595	- 71 %	-387	- 3 %
Mt Roskill	14,162	12,591	- 46 %	7,552	53 %
Tamaki	16,400	5,378	- 25 %	4,762	29 %
Western Bays	11,577	4,328	- 77 %	445	4 %
TOTAL	118,500	57,441	- 52 %	31,841	27 %

dp = district plan

¹ Theoretical unit capacity is estimated according to residential zoning provisions and existing lot sizes. The theoretical unit capacity is calculated for each property by dividing the lot size by the appropriate zone's subdivision and density requirements. There is no consideration made for the extent of existing development, the location of existing dwellings or development constraints associated with infrastructure.

² Achievable unit capacity is based on assumptions for take up rates of development that indicate the degree of development that may occur. Assumptions include the theoretical capacity, the impact of planning controls, existing lot sizes, varying take up rates and vacant land use. The achievable scenario does not consider the impact of land values or the location of existing dwellings on individual sites.

1.5 Infill and redevelopment over the past thirty years

By 1965 the Isthmus had been substantially suburbanised except for limited areas in Lynfield, Glendowie and Meadowbank. From 1965 the various district schemes generally provided for higher residential density development potential along main roads, adjacent to commercial centres and, especially in the north of the Isthmus, on ridge lines and other high ground that provided important landscape and harbour views.

In the mid-sixties the former Auckland City Council introduced town housing as an alternative to “sausage flats”⁴ which had been dominating residential redevelopment. The council also experimented with **infill** housing within the Freeman’s Bay redevelopment and urban renewal programmes to test a wide variety of housing types and these were subsequently taken up by private developers (McShane 1996). There was also a city-wide reaction to the “sausage flat” developments which resulted in the down-zoning of some areas (eg Mt Eden and Onehunga) and the development of controls that sought to regulate on-site amenity.

In the late 1980s the increase in **infill** development and the negative community reaction to it resulted in further down-zoning in some of the southern areas of the Isthmus. In general residential development potential was provided at medium densities of one unit to 300 m² to 375 m² of site area. There was substantial residential building activity in the second half of the 1980s compared with the early 1980s and the primary factor was the increase in **infill** development. This was widely distributed but there was a notable increase in the Eastern Suburbs (Auckland City Council 1990a).

In 1993 the city experienced significant development pressure on residential areas. This was in part due to burgeoning economic growth, to increased demand for housing (partly due to immigration), and to land-owners seeking to **capitalise** on the development potential of their property before being **affected** by anticipated down-zoning provisions in the proposed Isthmus plan. The level of residential development between 1991 and 1995 nearly doubled. Many land-owners had a two year period in which to develop their land if they had applied for a certificate of compliance or a resource consent under the old transitional plan. The continued development under the old rules (which allowed higher densities) generated concerns from local communities who observed adverse effects on amenity values **from** individual developments and the cumulative effect of some of the developments.

Adequate funding of infrastructure and reserves has not always been provided for in residential areas partly because of a deficiency in the cross-lease legislation whereby cross-lease developments were exempt

⁴ Long, one storey attached flats, often constructed of concrete blocks

or not able to be charged a development levy.⁵ The council also believed that individual cross-lease developments were not large enough to allow the council to obtain effective contributions for public drainage works that were required. However, collectively these developments have required the council to advance their programme of public works in order to cope with the need for increased capacity. Since 1991 cross-leases have been included in the **definition** of subdivision under the RMA, and a 1993 judgment of the Planning Tribunal **clarified** that a condition requiring payment of a financial contribution could be imposed on a consent to subdivide by way of cross-lease (*Application by Hamilton City Council* (1993) 2 NZRMA 641).

Between 1991-1995 there were 8,567 new dwellings constructed in the Isthmus area with an average annual growth rate of 2.1 per cent. Higher growth levels occurred in the Eastern Bays Ward (particularly in the Meadowbank, Kohimarama and St Heliers areas) and, in particular, areas such as **Parnell**, Remuera, Waiata, Epsom, Royal Oak, **Lynfield** and Ellerslie. In this period, new dwellings as a percentage of existing dwellings was greater than ten per cent for the above areas and reached 25 per cent for **Parnell West**.

Associated with the increased development in the residential areas, there has been a rapid increase in the development of mixed use office/apartment blocks and dedicated apartment blocks in the inner city. Since 1993 the central area of Auckland has experienced the conversion of offices to apartments and the construction of 1,800 new apartments.

In the last three years, total redevelopment of a site has been increasing with typical cross-lease redevelopments featuring comprehensive designs, landscaping and shared driveways. This change **from infill** to redevelopment has been a result of the “prime” **infill** sites having now been developed and changes to the district plan in respect of site coverage rules allowing only 35 per cent site coverage in the Residential 5, 6 and 7 zones. Previously, site coverage had varied between 25 and 50 per cent. Several new townhouses on one site are regarded as more saleable as they have a similar design and are usually landscaped as opposed to leaving an old house next to a new townhouse. It is often easier for a developer to clear a site and start again, rather than having to work around an existing house.

⁵ Under the RMA financial contributions (eg for **infrastructural** upgrading) are not able to be collected until the proposed plan is operative

1.6 Development of the proposed Isthmus plan

The council resolved to prepare a new district plan in three sections: the Hauraki Gulf Islands, the Isthmus, and the Central Area (the area bounded by the motorway ring around the central business district). The aspects of plan development relating to urban growth and implications for amenity values are discussed in this section.

Strategic issues

In 1990, the council released a strategic issues discussion document (Auckland City Council 1990a) as part of the preparation for the new district plan. This was followed by the release of a statement of issues and proposed objectives and policies in 1991 (Auckland City Council 1991a) supported by 13 background papers. These background papers addressed issues such as social and community development, Maori planning issues, recreation, the natural environment and resources, the built environment and heritage, and transport.

In the strategic issues discussion document, a major issue was the high level of development in the 1980s after a period of significant population loss and slow economic growth in the 1970s. There was “considerable further potential available within residential areas to accommodate additional housing development at higher densities” (Auckland City Council 1990a, p 10). However, it was **recognised** by the council that there was concern among some sections of the community about the impacts of **infill** on amenity values, and the character of many neighbourhoods.

Residential activity discussion paper

In the council’s Residential Activity background paper (Auckland City Council 1991b), it was noted that the Isthmus is largely developed and that demand for residential development would probably be met by redevelopment in existing suburbs. A key issue was how to provide for residential development while at the same time controlling the adverse effects of these activities. The council’s proposed approach was to target the intensity of residential development to the ability of the drainage and transport infrastructure to cope with the effects of the development. This proposed approach was generally supported at public meetings that were part of the public consultation process for the preparation of the district plan.

The council will use all of its regulatory powers to achieve the stated objectives in the best practicable method. Bylaws will generally be utilised to protect amenities within a site and planning controls to reduce any generated impact on neighbouring sites and the local environment. This comprehensive approach will be applied as appropriate, and is intended to ensure that duplication which in the past has restricted development to an unreasonable extent, is avoided wherever possible.

*Residential ordinances should impose a level of control that provides developers with flexibility while affording protection to the amenities of the community. A measure of protection of amenities within a site is necessary to safeguard amenities **for future** residents, which may in the short run as well as the long run be of **benefit** to the community as a whole (Auckland City Council 1991b, p 39).*

The council believed that there was considerable scope to provide for a diversity of residential development in the new district plan by seeking to achieve a balance between maintaining the established residential character of areas while providing sufficient flexibility to allow further development. However, areas that were identified as being special character areas were to be subject to stricter controls than the remaining residential areas (Auckland City Council 1991 b).

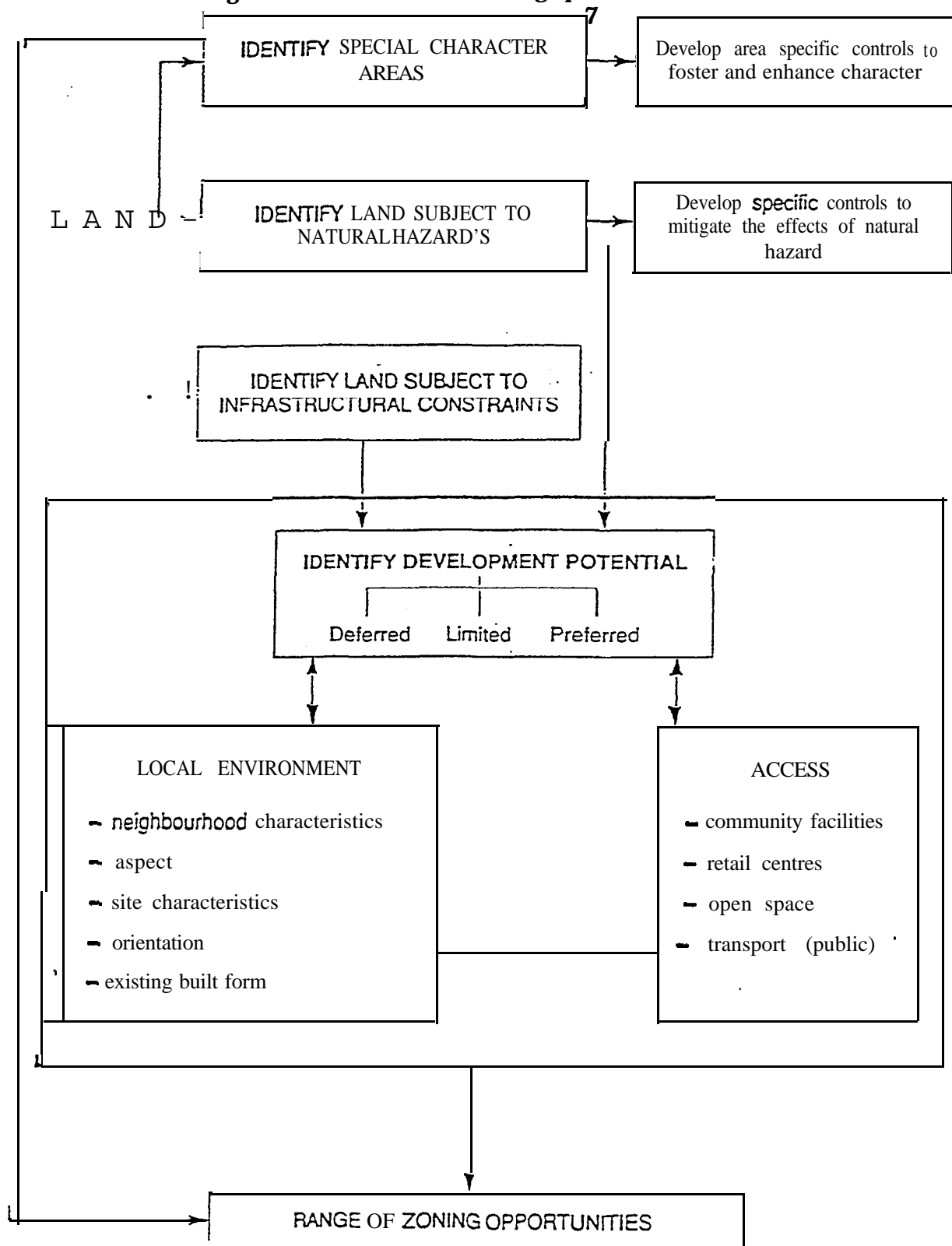
The council also prepared a variety of reports which addressed the management of amenity values as background to the preparation of the proposed Isthmus plan and as part of a s 32 RMA analysis. Internal council discussion papers were produced on topics such as residential controls, open space requirements, yard requirements, special character areas, **traffic** generated effects of proposed development, housing, and servicing issues. The implications of increasing density were not explicitly examined but they were **recognised** in the development of the policy to down-zone areas of the city (ie reduce the site densities at which development could occur).

The general zoning process followed by the council is shown in figure 1. The council has used land use zoning to identify development potential in the different areas of the city **after** performing a constraints-based assessment where special character areas are identified, as is land subject to physical constraints and infrastructure constraints.

1.7 Zoning process

The main infrastructure constraints were limitations with the drainage and roading infrastructure, and these studies showed that the infrastructure would not be able to cope with the growth potential provided for in the transitional district plan. The natural hazards identified that may adversely affect the area include sea level rise, coastal erosion, flooding and land instability. Natural hazards and residential development was examined in a background working paper during the district plan preparation.

Other factors which were used in the development of the residential zoning pattern were the local environment and access to amenities. These factors were identified using an Isthmus-wide street by street analysis with points allocated to each street for its different

Figure 1 Residential zoning process

environmental factors. The local environment factors were the natural environment, aspect, shape, orientation and existing built form. The access factors used in the analysis were services (community), shopping, employment, leisure opportunities, and transport (public).

Special character areas

The identification of special character areas **recognises** the built and natural heritage values of some city areas that are regarded as a finite resource. Some 14 per cent of the city area is identified as special character areas. The methodology for identifying special character areas included research and pilot studies in different areas as part of the preparation of the district plan.

Special character or heritage quality is apparent when:

- ⌘ *components such as buildings, trees and views combine to create a distinctive character; or*
- ⌘ *landform or setting makes an important contribution to this character; or*
- ⌘ *the scale and/or style of subdivision and/or building has a high degree of coherence and continuity, and/or has remained relatively free of intrusions; or*
- ⌘⌘ *there is a predominance or cohesion of individual buildings which are individually of merit (Auckland City Council 1995a).*

Natural character

The council gathered some information on the natural character of the city and has identified significant natural environment features on the Isthmus (Auckland City Council 1992a). As a result of studies carried out in 1992-93, a number of areas on the Isthmus were targeted for conservation in the proposed district plan. Additional pockets of indigenous vegetation in private ownership have subsequently been identified on the Isthmus as a result of an in-house survey of ecologically significant sites in the city.

More than 1300 significant trees (about half are indigenous) were identified and protected in the proposed Isthmus plan, while a further 700 trees have been included in the plan as a result of council decisions after submissions. After notification of the proposed plan, the council carried out some ecological studies as part of the exercise of considering some remnant bush areas for rezoning, in consultation with the Residents Action Group (see chapter 3.2). The council has recently decided to undertake a detailed ecological survey using the protected natural areas programme methodology. Once completed, a strategy will be developed on how to afford protection for those areas.

Local area and neighbourhood

As part of the preparation of the proposed Isthmus plan, a checklist of the main natural, built and socio-economic elements determining

residential character was compiled. Together these elements form and influence the physical character of neighbourhoods and give rise to the distinctiveness which may occur between neighbourhoods (Auckland City Council 1991b).

2. THE AMENITY VALUES OF AUCKLAND CITY

Although perceptions of what constitutes amenity values will vary between individuals, there are general factors that contribute to the amenity values of an urban or suburban setting. These factors include (Auckland City Council 1995b):

- scale: the ratio of building height to the street;
- aesthetic coherence: the visual relationship between different elements;
- richness and detail: visual interest;
- experiential detail: the feelings gained by being in the area or space;
- comfort: measurable factors include wind speed, noise levels, sunlight, daylight, outlook, smell, and shelter from rain and sun;
- views;
- continuity: the inclusion of elements from our past in an environment for the present; and
- permeability: accessibility and alternative routes through the environment.

Another description of factors that **affect** amenity values can be found in the schedule of environmental effects which **may** need to be addressed as part of a resource consent application (**annexure 9** of the proposed Isthmus plan). These are effects on or experienced by people and include:

- effect on the amenity values of the area including dominant and special character elements such as spaciousness and design;
- effect on the visual coherence of the streetscape;
- effects of changes to local wind patterns on pedestrians;
- effects on sightlines to volcanic cones; and
- effect of any noise generated.

The council has clear criteria for assessing applications in the proposed plan to indicate what matters will be evaluated in the special character zones. For controlled activities these include design and external appearance of buildings, landscape design and site layout, access, and car parking. A tree plan showing the positions of existing trees on the site and the location of the development proposal must accompany an application in the Residential 2, 3 and 4 zones. **However, the evaluation of a resource consent application and the setting of conditions will ultimately influence whether a proposed activity will complement existing amenity values or detract from them.**

2.1 Description of amenity values

Another description of factors contributing to the amenity values of a particular area is found in the 1993 monitoring report (Auckland City Council 1994b):

- the quality of the local architecture and landscaping;
- the quality of the views;
- sunlight and wind conditions;
- proximity to parks and natural features such as beaches and bush reserves;
- opportunities for enjoying other forms of outdoor recreation;
- opportunities for cultural activities; and
- local traffic conditions and the level of public transport services.

Table of amenity: strategies

The council has considered amenity values in a matrix of the factors which include elements of the natural and physical environment. The following table summarises this approach.

	Natural Environment	Physical (Built) Environment
Region	<ul style="list-style-type: none"> • Hauraki Gulf • Regional parks 	
City-wide	<ul style="list-style-type: none"> • Waitemata Harbour • Volcanic cones • Coastline • Premier parks • Urban forest • Water quality strategy • Air quality strategy 	<ul style="list-style-type: none"> • Special character zones • Heritage incentives and protection • Conservation areas of built heritage • Safer city programme • Waste/litter strategy
Area	<ul style="list-style-type: none"> • Parks and acquisition programme • Walkways and cycleways • Tree planting policy • Natural streams • Noise control 	<ul style="list-style-type: none"> • Local Area Traffic Management programmes • Mainstreet programmes • Street improvement programmes • Signs policy
Immediate neighbourhood including individual sites	<ul style="list-style-type: none"> • Local parks and playgrounds • General tree protection • Landscaping • Earthworks • Coastal protection yard • Noise control 	<ul style="list-style-type: none"> • Density • Development controls incl. coverage, yards, private open space, screening, recession planes, and height

Source: Adapted from Auckland City Council

City-wide

The amenity values of Auckland city include the heritage and landscape values of the volcanic cones, the residential character areas, suburbs of built character and/or natural character, open space such as Cornwall Park and Albert Park, and areas of indigenous bush and coastal margins. Inner city residential areas display distinctive characteristics important to the preservation of the city's heritage with features such as buildings and trees. Views from public open space to the Waitemata and Manukau Harbours, Rangitoto Island, and the other Gulf islands are important to the city.

Public open space and recreation space which includes access to the foreshore, the harbours and the Hauraki Gulf are of vital significance to the quality of life in Auckland City. Open space provides areas of visual, cultural, educational, active or passive amenity. This space includes reserves and undeveloped or marginally developed land.

Special character zones in the proposed Isthmus plan

The council documented the special character areas through the use of brief descriptions, maps, aerial photographs, and photographs of sympathetic and non-sympathetic alterations. Residential areas with special character were given specific controls to foster and enhance character because of their built and natural heritage features.

Special character residential zones

Residential zone	Physical character
Residential 1 Built dominant Approx. 5.7% of res. zones.	Protects streets of mainly Victorian/Edwardian wooden houses regarded as part of Auckland's heritage. Generally a lack of large trees. Controls in these areas will ensure that renovations and new buildings are sympathetic with existing character. Much of Ponsonby and parts of Mt Eden and Kingsland.
Residential 2 Built/flora dominant Subzones:	Protects neighbourhoods characterised by large, well-treed sections and period homes, particularly Edwardian villa, English cottage Revival and Garden Suburb Movement.
Residential 2a 1.3% Residential 2b 7.9%	Defines the neighbourhoods with the lowest density, largest site and tallest buildings.. Has voluntary design guidelines in order to allow new buildings to maintain architectural consistency.
Residential 2c 0.4%	A density of one housing unit per 1000 m ² , a maximum building height of 8 m and maximum coverage of 25 per cent.
Residential 3 Built/landform dominant Subzones:	Protects established residential areas particularly on coastal cliffs and the slopes of volcanic cones from development which may be out of character with existing neighbourhoods and detract from the cones themselves.
Residential 3a 0.1% Residential 3b 0.8%	Comprises steep narrow c&de-sacs, set out in Victorian times, with small period houses packed tightly together. Similar voluntary design guidelines to Residential 2b.
Residential 4 0.0% Flora dominant	Protects bush-clad or regenerating forest areas from high density or inappropriate housing development. Zoned for limited residential use.

Source: Auckland City Council 199.5 Isthmus Plan update.

Other residential areas

Other residential areas were assessed in terms of the significance of the local natural environment and topography; and access to community services, business centres, open space, leisure activities, and public transport. For instance, where areas scored highly in terms of access to facilities and there were few drainage or transport constraints, the zoning for the area would be assessed as medium to high density. The council has, however, neither specifically identified amenity values for these areas, nor identified the possible effects of intensification on the amenity values.

General residential zones

Residential zone	Physical character
Residential 5 Approx. 26.4% of res. zones.	Maintains the low density character of areas with the potential to become special character areas or where the drainage cannot cope with further development.
Residential 6 Subzones: Residential 6a 53% Residential 6b 1.4%	Provides for medium density residential development in areas where services and drainage can cope. This zone covers the largest area of residential land in Auckland. Provides for a density of one residential unit per 375 m ² of site area. Provides for a density of one residential unit per 300 m ² of site area.
Residential 7 Subzones: Residential 7a & 7b 2.8% Residential 7c 0.1%	Provides for high density residential development in areas near major public transport routes, near major commercial centres in areas where the local environment and services can cope. Provide for three and four storey multi-unit developments. Provides for development on an even greater scale.

Source: Auckland City Council 199.5 Isthmus Plan update.

Coastal edge

Descriptions of particular characteristics and amenity values are also provided in the coastal edge strategies that have been prepared for some areas such as Pt Chevalier and Manukau Harbour. The strategies contain design guidelines for coastal structures; vegetation management and street patterns. An esplanade study has also been undertaken and includes a description of the factors that contribute to amenity values (refer to chapter 4.4).

2.2 Changes to amenity values

The effects on amenity values from urban intensification were noted in a 1990 report as part of the preparation of the new district plan.

It has also to be recognised that there are concerns within the community about the impact of intensive housing development on the overall character and amenity of established communities and residential neighbourhoods on the Isthmus. Such concerns are in part about physical change (more housing, fewer large trees, loss of privacy) and also social change (younger more mobile and affluent households apparently "replacing" older residents) (Auckland City Council 1990a, p 44).

Comments were expressed about the management of amenity values in submissions on the proposed plan including a desire to apply the special character Residential 2 zone provisions to other areas. The submissions contained conflicting views on intensification. Significant community concern was expressed at the level of infill taking place in neighbourhoods but there were more individuals concerned at the reduction in densities and the loss of development potential.

In September 1994 a meeting called by the Residents Action Group (representing more than 20 residential groups) was attended by approximately 600 people concerned about the adverse effects of **infill** and redevelopment. Critical issues that were identified included:

- the effectiveness of district plan policies relating to **infill** development, tree protection and the protection of neighbourhoods with special character and architectural features;
- the council's procedures regarding notification of an application, what constituted the mitigation of an adverse effect, and the ability of the public to participate in decisions;
- the administration and enforcement of the district plan;
- resourcing for effective policy formulation and management of the urban environment at a strategic level including infrastructure, transport and schooling;
- inadequate public consultation; and
- inadequate monitoring.

Changes to amenity values that have been identified by residents and community groups are summarised in the following table. These concerns were raised by individuals and groups who met with the investigation team during the course of this review as well as being compiled from the documentation sent to the Commissioner over the past two years.

Changes to amenity values

Changes to public amenity values	Changes to private amenity values
<ul style="list-style-type: none"> • Loss of habitat and the integrity of remnant bush. • Loss of mature trees (individual trees and groves of trees), vegetation and green space. • Exacerbated stormwater with an increase in hard impervious surfaces as gardens replaced with houses and driveways. • Increased demands on drainage with overflows of stormwater affecting the amenity values of harbours and water bodies. • Loss of open space. • Increased noise with the loss of quiet streets and neighbourhoods. • Effects on streetscape and character. • Changes to architectural style and design. • Effects on landscape values eg from development on the sides of the volcanic cones. • Increased traffic generation and increased car parking on streets. • Overflow of car-parking from commercial areas into residential areas. 	<ul style="list-style-type: none"> • Loss of sunlight/increased shading. • Increased noise. • Loss of private open space. • The effects on adjacent properties of excavations on boundaries with ground subsidence. • The effects on adjacent properties of building retaining walls on boundaries. • Loss of privacy. • Loss of views. • Changes in character when a new building is located on the same site as an older existing building.

3. REGULATORY MECHANISMS

Transitional district plan

There are ten transitional district plans for the Isthmus with 33 separate residential zones. The influence of the transitional district plans is decreasing as parts of the proposed Isthmus plan become operative.

The majority of the transitional district plans made provision for intensive development with densities around one unit per 300 to 400 m² of site area. For example, several residential zones within the former Auckland City Council area allowed intensive development to less than 300 m² in strategic locations along arterial routes. However, a number of transitional district plans applied a policy of maintaining high amenity residential areas at or near present densities through control of the number of units on site or requiring a large site area per unit (+600 to 1000 m²). Some controls were provided on external design and the appearance of **infill** development in an attempt to make this harmonious with existing buildings and streetscape.

The proposed Isthmus plan

Resource management issues identified in the proposed Isthmus plan include the need to:

- accommodate ongoing change while maintaining the existing quality of the environment;
- recognise regional issues and the need to plan for growth and urban consolidation in order to avoid urban sprawl;
- encourage intensification of use while **recognising** pressure on existing infrastructure, transport and utility services;
- recognise the value of the existing built resource while providing flexibility to meet community aspirations;
- provide flexibility in residential areas to meet a range of housing types;
- protect and maintain valued elements of the city's heritage; and
- protect and maintain elements of the natural environments that contribute to the city's unique character, particularly its coast, volcanic cones, parks and reserves (Auckland City Council 1995a).

Key resource management issues for residential activity identified in the proposed plan include:

- the need to provide for residential growth through intensification in areas that are not subject to infrastructure constraints or hazards;
- the need to recognise, maintain and where possible enhance the **recognised** character and amenity of established residential environments;

3.1 District plan provisions

- the need to provide opportunities for innovation and flexibility in accommodating demands for new and different housing solutions; and
- the need to provide for supporting activities where they complement the residential environment (Auckland City Council 1995a).

Principal objectives of the proposed plan directed at achieving sustainable management of the resources of the Isthmus include:

- to protect, preserve and enhance significant habitats and flora;
- to conserve the district's significant landscape features;
- to conserve significant features of the district's coastline;
- to retain and enhance the heritage amenity of the district;
- to provide for further growth in activities while maintaining the quality of the built environment;
- to achieve a healthy and safe living environment for the citizens of the district;
- to protect and enhance residential amenities;
- to encourage the development of community identity and distinctiveness; and
- to allow maximum flexibility for individual site development without adversely impacting on neighbouring activities.

The proposed plan uses either “amenity” or “amenities” interchangeably and adopts the RMA definition of amenity values to define “amenity” or “amenities”.

The proposed Isthmus plan states that:

In providing for further residential development the Plan seeks to ensure that the individual amenity of each residential area is maintained and that development occurs at levels appropriate to each locality. The identification of the physical character of residential neighbourhoods has been an important ingredient in the determination of the residential zones and their permitted density, activities and development controls (Auckland City Council 1995a, Part 7, p 6).

The proposed plan provides for a down-zoning in residential areas across the city and a reduction in the development potential for infill housing as compared to the transitional district plan. The change in infill capacity is somewhat offset by the possibility of residential activity being undertaken in business zones (the increase in apartments in the central city area is another form of urban intensification).

Under the proposed Isthmus plan 7,570 ha of the Isthmus is zoned residential, with 53 per cent zoned Residential 6a (provides for medium density development) and 28 per cent zoned Residential 5 (provides for

low density development). Approximately 14 per cent of the Isthmus is zoned as special character zones, either Residential 1, 2, 3 or 4 zones. A summary of the physical characteristics of the various residential zones is provided in chapter 2.

The proposed plan is intended to limit residential growth where the infrastructure is at capacity or inadequate or where the amenity of a particular area may be adversely affected if growth is allowed unchecked. Elsewhere in accordance with the regional policy of urban consolidation the plan allows intensification of areas where appropriate (Auckland City Council 1995). Areas where the infrastructure is presently inadequate could be expected to be rezoned in the future as the capacity and state of the drainage in particular is upgraded.

Table 3.1: Zone summary table (Auckland City Council 1994a)

Proposed Residential Zone	Character of Zone	Existing Average Site Size (m ²)	Minimum Standards (m ²)	
			Subdivision	Density (unit per area)
Special Character Zones				
Residential 1	Built	400	400	site
Residential 2a	Built/flora	1,109	1,000	1,000
Residential 2b	Built/flora	818	600	600
Residential 2c	Built/flora	-	1,000	1,000
Residential 3a	Built/landform	278	400	site
Residential 3b	Built/landform	980	600	600
Residential 4	Flora dominant	3,310	4,000	site
Low/Medium Density Zones				
Residential 5	Low intensity	722	500	500
Residential 6a	Medium intensity	581	400	375
Residential 6b	Medium intensity	441	400	300
High Density Zones				
Residential 7a	High intensity	376	400	200
Residential 7b	High intensity	363	400	200
Residential 7c	High intensity	327	400	200
ALL		604		

The changes from the transitional district plan to the proposed plan would provide for at least a 70 per cent reduction in theoretical capacity (ie reducing the scope for infill) in the Western Bays, Mt Eden, and Maungakiekie Wards; and around a 50 per cent reduction in the Eastern Bays, Mt Albert, and Mt Roskill Wards. The Tamaki Ward with a 25 per cent decrease received the least reduction in capacity (see chapter 1.4).

Whether any areas were opened up for increased density has been difficult to ascertain as there has been no analysis of increasing

the density requirements by zone rather than by ward. Some of the down-zoning (eg from operative Residential zone 5 with 300 m² to Residential zone 6a with 375 m²) is of a minor nature and many sections have already been developed. However, a few areas in the Eastern Suburbs changed from a 1: 1000 m² density to a 1:600 m² density. The actual effect of the zoning provisions depends on the size of the existing sections eg if an existing section is 600 m², then a site density of 375 m² would prevent an additional house being built on the section unless land amalgamation took place.

The description of “low density” zones with site densities of one unit per 500 m² has been criticised by residents who believe the site density is inappropriate. Typical low density development was around one unit per 1000 m² (ie the quarter acre) fifteen to twenty years ago. However, with population growth and the need to use existing suburban land more efficiently, low density is now considered around one unit to 400 to 500 m². As the change is made from 1000 m² to 500 m², there is less private open space and buildings are closer together so more attention needs to be paid to the management of amenity values.

Proposed district plan objectives and policies

Proposed district plan objectives and policies aimed at the maintenance and enhancement of amenity values include:

- ✍ Objective 7.3.1: to provide opportunities for residential growth in Auckland by encouraging suitable intensification of housing in appropriate locations.

Policies include: selecting those residential areas which are suitable for further intensity and applying sufficiently liberal controls; identifying those residential areas which are appreciated for their special character and applying controls which will protect and enhance their special character.

- ✍ Objective 7.3.2: to identify, maintain and enhance the **recognised** character and amenity of residential environments.

Policies include: ensuring that the type and intensity of residential activity in each area occurs at a level capable of being sustained by the local environment; adopting measures aimed at enhancing the heritage qualities of certain residential areas.

- ✍ Objective 7.3.3: to provide for a broad and flexible range of residential development while offering reasonable protection to the amenities of neighbouring properties and the local environment.

Policies include: providing for a wide variety of households as may be appropriate to the site and local environment characteristics to satisfy the diverse needs of present and future residents; ensuring that planning controls and bylaws are only imposed to achieve specific objectives and/or to remedy a particular problem; primarily applying development controls which afford protection to the amenities of neighbouring sites; applying minimum control to

achieve protection of on-site amenities and to maintain flexibility for future occupants.

Separate objectives and policies have also been prepared for the various zones. For example, the objective for the Residential 1 zone is to promote the survival of the historic form and pattern of subdivision, buildings and streetscape in Auckland's early-established residential neighbourhoods. The objective for the Residential 6 zone is to provide for medium intensity residential neighbourhoods in appropriate locations with a policy of permitting a wide range of activities while maintaining the appreciated amenity.

Plan controls

The proposed Isthmus plan provides up to twenty controls for both on-site and off-site effects to conserve the particular element(s) which give each area its character. These controls are meant to be considered as a whole "package" in order to manage development and to provide for the maintenance and enhancement of amenity values. These controls include density, form, site coverage, special character areas, landscaping, design guidelines, view protection for important visual landmarks and tree protection provisions. Residential planning controls are summarised in table 3.2.

Table 3.2 Residential controls

On-site Amenity	Off-site Amenity	Intensity
Private open space - living court Density control Screening of storage, service areas and parking General tree protection Heritage controls	Design and appearance Building in relation to boundary Height controls Yard controls Distance between buildings Coastal requirements Noise controls View protection - to and from volcanic cones Sign controls (bylaw) Lighting controls (bylaw)	Site coverage Landscape control - permeable area Paved - impermeable area Access requirements Intensity level controls On-site vehicle manoeuvring and parking Parking requirements

The Western Bays Community Board requested that the council assess the environmental impact of the residential controls. This was not performed. Ideally, this assessment should have been done at the preparation stage of the district plan to assess if the built outcome will achieve the policies and objectives of the plan. For example, the height in relation to boundary rule is 2 m plus 55° on the northern boundary, 2 m plus 35° on the southern boundary and 2 m plus 45° on the east and west. This allows for smaller north facing yards and larger south

facing yards although a reduction in amenity can result as the northern sunny yard has been reduced and the larger southern yard can be overlooked by a closer building to the south.

The level of control depends on the nature and purpose of the zone, and the council acknowledges that not every rule will be appropriate on every site. In certain circumstances the characteristics of a site may make strict compliance with the development controls inappropriate. The proposed plan provides through the resource consent process for modification to the development controls to increase flexibility in the application of rules. Using the development control modification rule, the council may grant a discretionary activity resource consent to an application to **modify** one or more of the development controls. The council must be satisfied that the adverse effects of such a modification are minor or of little significance having regard to:

- ✧ the plan's express explanation of the development control;
- ✧ whether unusual circumstance exist; and
- ✧ whether conditions can be devised to avoid or mitigate any adverse effects.

The extent will be limited so that the effect on adjacent land (except where any person affected has provided written approval of the modification) in terms of the protection of amenity afforded them by the policies and rules of the Plan is small and not significant. Where this cannot be established the application will be assessed as a non-complying activity.

The council is considering amending this rule as a result of appeals to the proposed plan and will negotiate with interested parties. **The rule has attracted considerable criticism from some groups who have been concerned about the high level of flexibility provided by the rule and subsequent adverse effects on the environment.**

Tree protection

The council has provided protection for more than 2,100 heritage trees that are scheduled in the proposed Isthmus plan. A resource consent is required for work on the trees and these are administered by regulatory staff (eg planners and arborists). The proposed plan also provides guidelines for work in the vicinity of trees.

General tree protection provisions require a discretionary activity resource consent where removal or major pruning is proposed for indigenous trees over six metres in height and exotic trees over eight metres in height in the Residential 1, 3a, 5, 6, and 7 zones. A six metre trigger height for all trees applies for the remaining zones. A recent council review of the general tree protection provisions over a three month period showed that for applications for removal, around 81 per

cent were granted consent, and for applications for pruning, around 92 per cent were granted consent.

View protection

In 1976 the then Auckland Regional Authority published a study that introduced the extensive system of city-wide protected views of major volcanic cones from public places. After this study the provisions were included in most of the region's local authority plans as an important regionally coordinated amenity control. However, the detailed system of defining available heights with controlled sites has proven less than adequate because it has been difficult to administer with a lack of accurate data at survey levels of precision.

In 1994 the Auckland City Council proposed to retain and enhance the viewshaft controls via a radically altered system which incorporated very precise surveyed viewshaft "floors". This proposal, accepted for regional adoption by the ARC and the territorial authorities, has resulted in new protected views in the proposed Isthmus district plan and will continue in the Central Area. A study to review the value of existing viewshafts and identify potential new ones has recently been completed by the ARC.

After the proposed plan was notified, in July 1993, residents, particularly in the Eastern Suburbs, were increasingly concerned about the ability of the council to maintain and enhance amenity values in areas subject to intensification.

Protection of bush areas

At the initiative of the Residents Action Group, in association with the Planning Department of the University of Auckland, the council participated in a series of studies to further assess the character and amenity values of parts of the Eastern Suburbs. These studies were in response to community concerns about the adverse effects of urban infill and redevelopment on the environment and lack of appropriate recognition of natural bush areas.

Some eleven plan variations were proposed mainly to rezone some of the bush clad valleys and coastal areas in the Eastern Bays. Most of the changes altered the residential zoning to reduce residential densities within selected streets and small areas within the Isthmus (eg rezoning from Residential 6a to 2b). The purpose of the variations was to conserve the character and amenity values for certain streets in the Eastern Suburbs. Since notification, one of the variations has been withdrawn, six are now effective and four are under appeal. There have been requests from groups of residents that the council support a variation to down-zone their street to protect the existing level of amenity but these have been declined by the council (eg Seascope Road, Meadowbank, and Sarsfield Street, Herne Bay).

3.2 Changes to the plan provisions since notification

Excavations on boundaries

Residents have raised several concerns about deep excavations on boundaries with the council. Deep excavations may alter the water table and de-water adjacent sites, resulting in the subsidence of buildings and the loss of vegetation.

In January 1995 a variation to address excavations close to boundaries was initiated by the council and it is now effective. The proposed plan classifies excavation as a controlled activity when it is within 20 metres of a site boundary where the slope below ground level at the boundary exceeds 1 vertical to 2 horizontal. When assessing an application for a resource consent to undertake any excavation, the council must be satisfied the relevant objectives and policies for the zone have been met, the excavation will not endanger the public, any neighbouring property or adjacent buildings, services or protected trees, and affected parties (including any neighbouring properties are notified in writing of the excavation (Auckland City Council 1995a, Part 4A, p 7). Although neighbours may be notified they have no rights to make a submission if the consent is processed as a non-notified application.

There is an associated issue that does not appear to have been considered by the council: the need for controls on retaining walls on boundaries which are below natural “ground level.... There are controls on a retaining wall built above ground level. This lack of control has resulted in problems when a neighbour’s land is penetrated for underground retaining wall footings or there is loss of soil, subsidence and change of soil composition due to wall footing requirements.

Plan changes as a result of submissions

There were additional changes to the proposed plan after the consideration of submissions and petitions by concerned residents groups. For example, after a resident’s petition and district plan submissions, changes were made to introduce a Residential 2c zoning for some properties around Dingle Dell, St Heliers, to provide for the open space and large section sizes in the area.

3.3 Monitoring

In 1993 the council prepared a monitoring strategy (Auckland City Council 1994b) which noted the need for the monitoring of amenity values to provide a basis for policy development. The council acknowledged that only limited public opinion was sought on the matter of amenity as part of the district plan preparation and that detailed monitoring would be needed. The monitoring proposals included:

- focus discussion groups to canvass public opinion;
- analysing resource consent applications that seek to deviate from rules based on amenity values;
- analysing submissions to notified applications; and

analysing Environment Court decisions.

The monitoring is expected by the council to ascertain whether the proposed district plan reflects the values and expectations of the city's residents. This monitoring is not yet underway as the residential section of the proposed district plan only became effective in 1996, despite a commitment in the 1992/93 annual plan that monitoring would commence within two years.

A resource consent monitoring programme was established in April 1995 to collect information about resource consents granted. In response to public concerns, a pilot study of the "start to finish" conduct of applications to alter or construct new buildings in the Residential 1 special character zone has been completed. Twenty-five randomly selected case studies were documented and investigated in detail as to the compliance with the decision, application documentation and early discussions.

The report suggested a high but not total level of success in administering the zone controls by the former Area Offices and City Environments, with expert advice provided by the former **C&UDD** team. The results suggest that more care and training is needed in some areas but that in general the controls were working well. The pilot study will be expanded to cover individually scheduled built heritage and natural heritage items.

In a retrospective study of resource consent applications received by the council between July 1993 and November 1994, key findings of the analysis included:

- 78 per cent of developments did not need resource consent as they were permitted or entirely complying developments;
- 2,536 consent applications were received in 17 months;
- about two per cent of all development applications were processed as notified applications;
- 1059 applications (42 per cent) were in the **Hobson/Eastern Bays** wards; and
- activities generating the most applications were the height in relation to boundary control, infringement of yard controls, and tree clearance.

A further study of resource consent applications received for the Isthmus between 1 April and 31 July 1995 identified that the most common reasons for resource consent applications were tree protection issues, height in relation to boundary, building activities in the Residential 2 zone and yard controls.

The council has released a second state of the environment report (Auckland City Council 1996a) that documents environmental issues and development trends in the city including noise, water quality, air

quality, natural areas of significance, heritage, natural hazards, hazardous substances, waste management, land resources, monitoring the district plan, and the economy. Again, the importance of monitoring amenity values is mentioned in the report.

The council's monitoring strategy is to be reviewed in the near future to refine existing monitoring programmes and to develop new programmes.

3.4 Enforcement

As a result of community concern expressed at the Residents Action Group's public meetings in late 1994, the council identified enforcement as a major problem area. Key problems included failure to enforce conditions of consent; failure to identify non-compliance with conditions and the district plan, failure to respond to requests, and failure to keep adequate records.

Until late 1995 consent compliance monitoring was complaint-driven which did not give a good indication of the extent of compliance with conditions of a resource consent. In 1994 a sample of 40 resource consent site inspections showed that of those developments that were completed (about half), 44 per cent did not meet the conditions, and most of those conditions related to amenity controls such as screening.

The council then implemented a more rigorous monitoring and enforcement programme including pre-consent site inspections, more accurate recording of complaints and the development of a compliance monitoring system. Sites where building consents were to be granted were checked for compliance with the district plan prior to consents being issued and there were more pre-consent site inspections to identify issues (eg trees). A special enforcement team was created and by March 1995 it had nine staff.

After restructuring in 1997, the Environmental Effects Division has responsibility for compliance monitoring and enforcement with a team leader, eight enforcement/compliance officers and two resource consent monitors (who check compliance with conditions on resource consents). The community is aware that the council is providing an improved monitoring and compliance programme.

3.5 Attempts to change the general tree protection provisions

In March 1996 the council recommended that the budget for tree policy, administration and enforcement relating to the general tree protection provisions be reduced by at least \$250,000. The total cost of the general tree protection provisions was around \$600,000 to \$700,000. A council report listed five options to reduce the cost of the provisions including: the total withdrawal of the provisions, applying the provisions only to indigenous trees, the raising of the trigger heights and widths, and procedural changes for assessing pruning

applications. The impact on cost savings from the various options was assessed but there was only a limited environmental assessment of the effects of the different options on potential changes to the city's tree cover.

The council report acknowledged that the general tree protection provisions had received significant support both during the submission process and at public hearings, and the provisions were now a widely accepted district plan rule. Increasing the size triggers was opposed by council arborists who believed that this would eliminate a large portion of the city's tree cover from the protection offered by the provisions. The Planning Committee considered the report and resolved to adopt procedural changes for assessing pruning applications and recommended that the trigger heights should be increased by two metres in order to meet the required budget reduction.

A further report was then prepared covering both the proposed procedural changes and the increase to the trigger heights, with a recommendation to the Planning Committee that the variation be adopted. The proposed changes to the trigger heights were vigorously opposed by some community boards and by community groups including the Tree Council, Royal Forest and Bird Protection Society and the Auckland Civic Trust, because the change in policy would, in their view, reduce tree protection and adversely affect amenity values. After further consideration, the Planning Committee resolved to amend the assessment criteria and improve the administration processes (eg streamline resource consent procedures), but not reduce the level of tree protection. This resolution was then adopted by the full council in July 1996.

Other agencies also have an important role in assisting to maintain and enhance amenity values in local areas; the design and density of housing developments can have important implications for amenity values.

3.6 Responsibilities of other agencies

Housing New Zealand is a major housing owner and housing provider with a total of 12,000 rental units in the greater Auckland area, most of which are located on the Isthmus within Auckland City. Housing New Zealand expressed concerns to the Auckland City Council that the down-zoning in the proposed district plan would have a major impact on the ability of Housing New Zealand to develop and redevelop affordable housing on the Isthmus (Report from the Commissioner on Isthmus District Plan Hearings, September 1996).

Housing New Zealand appealed council decisions on its submissions to the proposed Isthmus plan and requested that the council should:

- amend the zoning pattern across the Isthmus to provide for more intensive development;

- ⌘ reassess the low density Residential 5 Zone where it is applied to areas of significant Housing New Zealand interest;
- ⌘ reduce the Residential 2b Zone in areas of state designed housing or amend to allow development; and
- ⌘ provide for higher density development in the Residential 2b Zone subject to design.

Following discussions with the council, Housing New Zealand withdrew the appeals.

Housing New Zealand's objective in seeking higher densities of development is to facilitate the provision of additional housing for its target customers other than in the dormitory suburbs on the fringes of Auckland. The agency seeks to provide its customers with desirable, affordable living environments that integrate appropriately into the communities within which it operates with the consideration of the environmental effects of its activities (Letter from Housing New Zealand to PCE January 1997).

The design and location of Housing New Zealand developments will have a significant effect on amenity values in some areas. The appeal to the Auckland City Council to allow more intensive development across the city and for specific areas of Housing New Zealand developments did not appear to recognise the existing amenity values of particular areas or the concerns of residential communities. It will be important that Housing New Zealand consider the effects of its developments on an area's amenity values for both social and environmental reasons. The company will need to liaise with a council in order to seek advice on appropriate planning for an area's amenity values and how best these values can be maintained and enhanced.

4. NON-REGULATORY MECHANISMS

1993 strategic plan

In 1991 the council began a review of strategic options for the city and activities and expenditure planned for the next 20 years. Public comment on the draft strategic plan was sought over a period of two years and, after consideration of some 250 submissions, council adopted the strategic plan in December 1993. The strategic plan recognised that:

The natural and physical environment has been put under pressure by the development of the city. We plan to reverse the damage and develop sustainable management to preserve the natural and physical integrity of the city for generations of future Aucklanders. and

The Resource Management Act and increasing public pressure require the Council to improve its performance in environmental protection (Auckland City Council 1993a, p 15).

The integration between the community, the natural environment and the (Auckland) economy conformed to the principles contained in Agenda 21 which identifies the integration of environmental, economic and social policies as a key factor in achieving sustainable development.

The plan documented the current budget, strategy, outcomes and a five-yearly anticipated budget for functions such as drainage, transport, the harbour edge, and planning and regulation. The outcomes for the city planning and regulation section include: strategic guidance of city development, a flexible regulatory regime, and protection of the environment and monitoring of progress in achieving environmental standards.

1996 strategic plan

A review of the 1993 strategic plan was signalled to occur after the 1995 local government elections and thereafter at three yearly intervals. This was to take into account changes in such things as community requirements or significant changes in financial conditions.

The review of the strategic plan was carried out in an innovative way compared to that for the previous strategic plan via the “outside in” approach. The “outside in” approach provided for the city’s stakeholders (ie different groups of people who live in, work in, and

4.1 Strategic planning

visit Auckland) to express their vision for the city rather than the city councillors and staff doing this. Stakeholders were asked what makes a city “outstanding” and research was commissioned into community attitudes on the environment. City councillors and community leaders were also asked for their views. Submissions from the public were invited and more than one thousand submissions were made but **there were no hearings and the submitters are unaware of any changes made before the plan was adopted by council in June 1996.** The consultation strategy being developed by the council would have assisted this process.

The plan comprises the key strategic challenges, a description of what an “outstanding Auckland” could be like, the council’s strategies and a funding plan outline to contribute to the strategic goals (Auckland City Council 1996b). The key strategic directions which were identified from the different interested parties are:

- alive, exciting and green;
- fresh and clean;
- good for work and business;
- a great community to belong to; and
- a place where it’s easy to get around.

The alive, exciting and green strategic challenge is the one in which city-wide amenity & values are **recognised** through the goal of “A city that values its distinctive built environment”. The description of this goal is that outstanding Auckland would have a unique character, quality building and urban design, a sense of history alongside a vision for the future, a physically attractive setting, and green areas to balance built areas.

The description of council’s contribution to achieve this goal is:

- guidelines to encourage sensitive developments in special character areas;
- an “excellent architecture” award;
- green spaces in neighbourhoods;
- public buildings, street furniture and footpaths, and plantings provided in a way that reflects the character of an area; and
- identification of heritage buildings and streetscapes for protection.

The council’s plan to work towards these goals includes supporting owners of heritage buildings that have innovative restoration projects, purchasing new open space particularly where accessible by public transport and where populations are likely to increase most, and developing and providing access to the Manukau Harbour and Tamaki Estuary waters edge.

Unlike the 1993 strategy plan, the 1996 strategic plan does not explicitly mention that it conforms with the Agenda 21 principles

including the integration of environmental, economic and social policies as a key factor in achieving sustainable development.

However, there is recognition that the council is only one of a number of organisations, along with the people of the city, who will shape the **future** of the city. The “outside in” approach to the strategic plan has, in the council’s view, demanded a paradigm **shift** to customer focus and partnerships between the council, the residents and the business community.

The strategic plan is deliberately couched in everyday language to articulate the goals of the various interested parties although there is little detail as to the manner in which goals will be achieved. This detail is contained in the council’s five year implementation plans which have programmes, timeframes and accountabilities for council staff. The annual plan for each financial year is based on these implementation plans.⁶ At present, it is difficult to see that the strategic plan goals are reflected in the detailed work programmes outlined in the annual plan as the link is the council’s in-house business plans. A gap analysis was undertaken by the council in late 1996.

Links with the district plan and annual plan

The different approach to the formulation of the strategic plan in which the high level goals for the city and the contribution the council can make in the city’s development has meant there is some discontinuity between the strategic plan goals, the objectives of the district plan and the 1996/97 annual plan.

In 1993 the council began to address the issue of realignment of the strategic plan with the district plan, annual plan and other regulatory instruments and this has continued with the 1996 strategic plan. The council undertook an overview study of the reviewed strategic plan in relation to the Isthmus district plan and identified potential conflict between the strategic plan objectives and the district plan provisions. For example, the council has suggested that the district plan car parking requirements will need to be reviewed as the strategic plan encourages “Cafe Precincts”.

⁶ The council’s 1996/97 **draft annual** plan was **criticised** by the New Zealand Business Round Table because the Business Round Table could not effectively comment on the proposed actions of the council because of a lack of information. This reduced the ability of the Business Round Table to hold the council accountable for its actions. In late 1996, the Department of Internal **Affairs** examined the council’s draft annual plan and found that it did not meet the requirements of the Local Government Act (s 223D). The Department commented that the adopted plan addressed a number of criticisms that were **levelled** at the draft but interested parties were not able to respond to a complete draft. The Department advised the council that it would examine the 1997/98 draft **annual** plan.

The examination of the linkages between the different plans is a positive action although it may not always be possible for the district plan to align with the strategic plan. The district plan is a statutory document under the Resource Management Act 1991 (RMA) which assists council to carry out their functions in order to promote the sustainable management of natural and physical resources. The strategic plan is not a statutory document and it has not been subject to the same consultation procedures with rights of appeal compared to the district plan. The maintenance and enhancement of amenity values is an RMA Part II matter that is addressed in the district plan but it does not have the same emphasis in the strategic plan. **The strategic plan should accommodate the council's duties and functions that are set out under other legislation such as the RMA and the council will need to review the realignment process.**

4.2 Advice and advocacy

The Conservation and Urban Design division (C&UDD) was located within the Planning and Regulatory Directorate of the council and was responsible for all heritage policy, overview and monitoring work. This team was the first to be set up by a local council in 1985. The division had roles which included advocacy on heritage, conservation, and urban design, the provision of expert advice, reporting on resource consents involving scheduled items, and a "call-in" power to deal with applications of city-wide significance concerning conservation areas and all scheduled items.

As part of the 1997 council restructuring, the C&UDD has been restructured with the creation of a heritage division with six staff within City Planning, and an urban design section with two staff within Planning, Policy and Projects (one staff member for the central area and another for the Isthmus).

One of the important aspects of the former division's work was to encourage early contact and discussions with land-owners and developers to recognise and provide for the protection of heritage in the city. However, the extent to which the staff could perform this advisory work for developments in other than Residential 1 zone was limited. Since the special character areas were promulgated through the proposed plan, many architects are now designing in sympathy with the character of an area and some innovative designs are being built after some 2.5 years of talking with architects and land developers.

The C&UDD team produced design guidelines for building facades in Karangahape Road (1988), Tamaki Drive (1992b), and the High Street/Lorne Street precinct (1993b). Architectural design guidelines for period housing were produced in 1993 by the C&UDD to assist land-owners to understand the character and distinctive qualities of the older houses and they are annexed to the proposed plan. The guidelines are intended to be used to assess development or

rehabilitation work in defined areas that are controlled activities and the guidelines have influenced recent development including both alterations and new work. In addition, design guidelines for the Onehunga and Otahuhu centres have recently been developed for the council as part of the Centre Plan approach developed for these business and community areas.

A heritage and streetscape study for Ponsonby Road and Jervois Road commenced in 1996 to identify heritage features which might not warrant individual scheduling but are of sufficient character to justify retention in the streetscape. The initiative for this work has arisen through the Western Bays Community Board and follows a sustained period of community efforts, since the mid-1980s, to invoke protection for this area.

There are nine community boards within the Isthmus area of Auckland City with a role of considering and reporting to council on matters of concern to their communities. Community boards have the authority to administer the Small Local Improvement Projects (SLIPs) fund so that local needs, on a small scale, are able to be determined and actioned. The kind of projects that are funded have a strong emphasis on improving amenities for communities and, in some cases, enhancing amenity values eg tree planting and upgrading parks in the Avondale area and upgrading sports grounds to increase usage. Other projects that receive funding are to improve amenities such as toilet blocks. The gross cost of the overall project fund is \$2.56 million which is about \$250,000 for each community board (Auckland City Council 1996c).

4.3 Small Local Improvement Projects

Auckland City is fortunate to have regional amenities to complement the reserves and open space in the city (eg the Hauraki Gulf and the regional parks). Upon amalgamation, the city inherited a variety of recreation and open spaces comprising some 2,100 hectares of reserve land of varying standards and uses. In 1990 a recreation and open space policy review was carried out. The purpose of the review was to start the development of policies on reserves for the whole of the Isthmus because the new district plan would have to be specific about open space provision and reserve requirements.

4.4 Reserves and open space acquisition

The council recognised that a high growth rate will place an increased demand on existing open space and recreation facilities. It also indicated that provision should continue to be made to accommodate future recreation and open space needs. As backyards are developed and additional dwellings are added, local reserves may need to take on some of the roles of the traditional type of open space as well as providing breaks in the landscape (Auckland City Council 1990b).

In the 1990 open space study, needs and demands which were given priority were:

- an improvement in the distribution and availability of local open space within walking distance of residential areas. This included the provision of space in areas subject to **infill** and where there was a shortage of open space;
- improvement in the quality of reserves; and
- provision of open space to meet the demands of different groups.

The new district plan has a strong emphasis on reserves and open space. The need to ensure the protection, development and use of the Isthmus' open space and recreation resources for a growing and diverse population is **recognised** as a significant resource management issue in the plan. Part of the strategy is to use the financial contributions for reserves purposes to acquire open space to meet the needs of different communities. The level of contribution will be related to the additional demand which a development places on the city's public open space. Criteria for the acquisition of reserves are set out in the district plan.

The commitment of the council to purchasing and upgrading public open space can be gauged by the expenditures approved in the annual plans. For example in the 1996/97 annual plan, a total expenditure of \$5.75 million is signalled for the Rangihoua sportsfield construction (\$600,000), land purchase (\$500,000), citywide walkway network (\$250,000). Other activities include upgrading sports fields, weed control, playground upgrades, cliff stabilisation and lighting. Over the past few years, the council has acquired a further 50 hectares of land for open space in the city.

Coastal edge strategies

Another initiative is the production of coastal edge strategies for the management of various sections of the city's coastline. The council **recognises** that the coastal edge is likely to come under increased pressure from urban expansion and demands for recreational uses in the future. Strategies that have been produced include:

- Point Chevalier Coastal Strategy in 1994;
- The Manukau Harbour Edge Strategy in 1995;
- Eastern Bays Coastal Strategy in preparation.

These will be followed by the Tamaki River Coastal Strategy and then the Mangere Inlet Coastal Strategy.

Management plans

Management plans for a number of the city's major parks and reserves have been completed or reviewed, as is required under the Reserves Act 1977. In one instance, Albert Park has both a management plan and a conservation plan to **recognise** its long history and distinctive

character. Similarly, the Symonds Street cemetery has a hybrid conservation/management plan.

Issues regarding the management and use of parks and open spaces raised as part of this investigation include:

- provision of cat-parks which impinge on the open space of a park;
- proposals to sell off small parcels of reserve land to adjoining neighbours;
- approving the building of sports club rooms on parks and the implications for neighbours in loss of amenity values;
- proposals to lease park or reserve land for uses other than those intended by management plans;
- proposals to sell or rezone parts of reserve or council open space land have been opposed by local residents (eg at Cox's Bay Reserve, St Helier's Bay Reserve and Basque Park); and
- areas of public open space not being classified as reserves but as parks with concerns that this may make it easier for the council to sell or modify these areas.

These issues illustrate the **conflicts** that can and have arisen between the needs of the community who live around a park and other potential users of a park. It has sometimes taken an enormous amount of effort and lobbying by residents to achieve outcomes in accord with park management plans (documentation provided to the Parliamentary Commissioner for the Environment 1995).

Esplanade reserves

In response to the changes in esplanade provisions of the **RMA**, the council developed management guidelines to provide policy direction for processing applications for waivers and reductions in the esplanade reserve requirement. The council has adopted a policy for the taking of esplanade areas for the Isthmus area (Auckland City Council 1993c). This will result in more land being available as an esplanade reserve.

Trees are planted in public spaces on a street in accordance with a street plan developed by the local area arborists. The planting of street trees is now coordinated among the Planning, Roading, Services and Drainage sections of council. There are many areas where mature street trees are a feature of an area eg Franklin Road in Ponsonby and Tamaki Drive in the Eastern suburbs. However, there are large gaps in the age distribution of street trees as there has been no systematic planting over the last 20 to 30 years by the previous borough councils. A resource inventory of street trees has been compiled.

All street trees are subject to planning controls although in a number of cases, particularly valuable street tree groups (eg Franklin Road, Ponsonby) are specifically scheduled. This is a departure from

4.5 Street tree planting

previous district plan approaches which assumed that only private land needed regulatory control.

4.6 Special projects

The maintenance of amenity values is **affected** by and can be compromised by the ability of a council to maintain a city's infrastructure.

Stormwater and sewer upgrades

Sewer separation is one of the infrastructure issues still to be resolved in parts of Auckland City. The lack of maintenance and the significant area of the city requiring sewer separation is one of the legacy's of past council inaction on the infrastructure. There are a number of waterways into which the combined stormwater and sewage overflow when there is some rain in the catchment. These **overflows** end up in the harbours and are likely to contain significant numbers of **disease-causing** organisms. There is public health monitoring of beaches in the Auckland and North Shore city areas being undertaken by Auckland HealthCare Ltd to assess the effect of rainfall on (beach) water quality.

Housing intensification has increased the impervious surface area so that more stormwater is generated. The council is part of a combined regional and territorial authority working group assessing priorities for stormwater treatment and disposal. Intensification has effects not only on the capacity of the infrastructure to dispose of greater quantities of stormwater but also the effects on the marine environments into which it is disposed.

The council has identified a number of **catchments** where the environmental effects are significant and has decided on a priority order for stormwater and sewage in the catchments to be separated. There are other catchments and works that are required; these are listed in each annual plan. The priorities identified in the strategic plan and which are to be separated by 2001 are:

- the Viaduct Basin/Harbour Edge stormwater system;
- Orakei Basin catchment; and
- Cox's Creek.

The Viaduct Basin catchment must largely be separated prior to the commencement date of the America's Cup campaign in October 1999. This catchment area comprises both the CBD area and the Freeman's Bay area in which virtually no separation has taken place. In order for the Freeman's Bay sewer separation to proceed (around \$16 million), several smaller projects have been deferred (Auckland City Council planning report June 1996).

The Orakei Basin is a city-wide amenity for recreation and is also an area contributing to the amenity values of the Eastern Suburbs. The Orakei Basin catchment has been identified by the council as needing

sewer separation works completed by the year 2000. The council considers that the Meadowbank catchment is the main contributor to the environmental problems of the Orakei Basin. An overall strategy for the disposal of stormwater from the Meadowbank, Ellerslie-Waiatarua and Remuera catchments and the issue of whether to use multiple discharge locations or just the Orakei Basin as a discharge location has not yet been developed by the council. The council agreed to a number of actions over the next four years to improve the Orakei Basin including continuation of sewer separation, construction of stormwater treatment ponds in the Orakei Creek, and imposition of building regulations governing surface water runoff.

The Cox's Creek catchment is targeted for separation by June 2001 but works in the catchment are not signalled to begin until the 1998/99 financial year. In the meantime, residential developments in Business 4 zones continue to add significant numbers of houses in this catchment.

Although sewer separation work occurs predominantly on public land, the effect on amenity values is dealt with via the close involvement of the C&UDD in defining routes and techniques to be used in the works.

Harbour Edge Strategy

The concept of improving the Harbour Edge could have major amenity outcomes eg if public open space is, provided as, part of any, development. The council has assumed a facilitation role in the development of the Harbour Edge, ie the city's waterfront area and the land adjoining the waterfront, in conjunction with other agencies and organisations. The waterfront is another of the city-wide and regional amenities that contributes to the inner city and regional character. The council has introduced a plan change to designate areas of open space as this is a "one-off" opportunity to gain public access to this area.

A number of other programmes have the potential to contribute to the management and enhancement of amenity values.

4.7 Other programmes

Local Area Traffic Management: A city-wide LATM programme was funded during the 1995/96 financial year (at a cost of \$200,00). These programmes are generally initiated by residents living in local streets that experience significant increases in through traffic partially resulting from increased housing densities.

Mainstreet and Centre Plans: There are some "Mainstreet" programmes eg Glen Innes, Onehunga Mall, Otahuhu, Panmure and St Heliers (at a total cost of \$826,000) funded in the 1995/96 financial years. Businesses contribute to the cost of the "Mainstreet" programmes.

Other centres such as Mission Bay have requested the development of a Centre Plan in order to address issues such as insufficient car-parking for the many restaurants that are now operating in the retail area and which have not had to provide car-parking (Letter from Mission Bay-Kohimaramara Residents Association to PCE 1996).

The Tree Council

The Tree Council is funded by the local authorities in the Auckland region and it supports tree protection by the Auckland City Council. The Tree Council is an incorporated charitable society which has been serving the community since 1985 in the protection of mature trees. The Tree Council aims to promote and coordinate effective programmes for the protection, management and planting of trees, particularly in the urban environment, to improve the quality of life in the Auckland region and to improve the Auckland treescape.

5. KEY ISSUES

Since amalgamation in 1989 the Auckland City Council has had to respond to major resource management and administration issues and; since 1993, strong levels of economic growth have encouraged further residential and commercial development. This has generated a large number of resource consent applications. Ongoing major drainage and transport infrastructure constraints have required urgent attention. The preparation of the new district plan has required significant council resources with extensive background research. Together these issues have influenced, and continue to influence, the council's ability to promote the sustainable management of the Auckland City environment including the maintenance and enhancement of amenity values.

5.1 Transitional issues

Cross-leases to permit the development of adjoining sites have been used extensively in Auckland with current levels around 2,200 cross-leases per year. As cross-leases were not subdivisions prior to the enactment of the RMA in 1991, they were not liable for reserve contributions which could be levied only on subdivisions. This has resulted in the inadequate funding of infrastructure and reserves in residential areas. Even though cross-leases are now subdivisions under the RMA, no financial contribution can be required in respect of those areas where a transitional plan is still operative. This is because financial contributions may be required only where a provision in the relevant plan specifies that such a contribution may be required for specific purposes.

An issue with cross-lease developments is that there is often incompatibility between the designs of the two houses on the cross-leased sections and the removal of mature trees and gardens is sometimes the only way to construct a suitably sized second dwelling. Although cross-leasing has allowed intensification to occur, the cumulative effects on the amenity values of streets and areas have often seemed to have been overlooked. In some cases, the timing of cross-lease developments to avoid anticipated planning controls and additional costs of complying with the proposed district plan has resulted in some developments that appear as though they were poorly planned and constructed. In these areas, remedial action may be required to attempt to improve off-site amenity values and mitigate the effects from the cross-lease developments.

In terms of financial contributions, the council has a policy of not requiring financial contributions for residential developments in the Business 4 to 6 zones. An increase in residential apartment development in these zones requires that this policy is reviewed to ensure that these business zones contribute appropriate levels of financial contributions, particularly for the provision of public open space and other public works.

5.2 Regulatory approach and council philosophy

In 1990 the council adopted and promoted a philosophy which included a minimum level of regulatory intervention that was **sufficient** to mitigate any adverse effects, and a customer service focus. This philosophy was still in place in November 1993 (City Environment's report to Area Managers and Community Boards 1993). A new regulatory policy has now been adopted (see chapter 1.3) but the effects and the legacy of the 1990 regulatory philosophy have implications for the effective management of neighbourhood and community amenity values and for the needs of future generations.

Regulatory approach

Between 1990 and 1995 the council sought to increase flexibility and discretion in the administration of regulatory control with the adoption of a minimum regulatory approach sufficient to mitigate any adverse effects on the environment. It is worth noting that the RMA requires that adverse effects are to be avoided, remedied or mitigated and it does not assume that all effects should be mitigated only.

The district plan is the result of a detailed and lengthy public consultation process and it represents the views of Auckland residents on how they want their environment to be managed. The council has a statutory obligation under the RMA to implement the district plan. The council's internal regulatory policy should ensure that the implementation of the district plan will achieve the anticipated environmental outcomes in the plan. Monitoring of the environment and the effectiveness of the plan will indicate if the outcomes are being achieved; and if they are not, then the regulatory policy would need to be adjusted and **resourced** accordingly.

In periods of intensive residential development, it is arguable that the council needs to adopt a precautionary approach and increase the level of intervention with appropriate action to maintain environmental quality, such as greater evaluation of resource consent applications, to ensure that local amenity values are being maintained and enhanced.

The impact of the philosophy on effective environmental planning is demonstrated in a 1995 review of regulatory policy which contained a proposal to liberalise the control regime for the Residential 1 zone. It was noted that there were a disproportionate high number of applications generated in these zones and "these provisions should be modified to remain consistent with the council's planning strategy but in line with its regulatory policy" (Council planning report 1995, p 8). However the objective for the Residential 1 zone is "to promote the survival of the historic form and pattern of subdivision, buildings and streetscape in Auckland's early-established residential **neighbourhoods**". This will require a high degree of council intervention with associated costs in order to protect the important values of these areas. It will not be possible to have a minimum

regulatory approach to managing the Residential 1 zone or the other special character areas without compromising the important amenity values of these areas.

Similarly, the proposed changes to the general tree protection controls in mid-1996 (see chapter 3.5), primarily for cost saving purposes, was in effect trading off environmental quality for cost reduction reasons. The general tree cover of Auckland is highly valued by the community and it contributes important amenity values to the city. A degree of council intervention is required in order to provide for the continuation of the existing tree cover given the high levels of intensification. A minimum regulatory approach will not be sufficient to manage this tree cover or provide for the maintenance of these important amenity values.

The management of amenity values requires a proactive approach to be taken by the council with a combination of non-statutory mechanisms and district plan provisions. It is unlikely that the objectives of the district plan including “to identify, maintain and enhance the **recognised** character and amenity of residential environments” and “to provide for a broad and flexible range of residential development while offering reasonable protection to the amenities of neighbouring properties and the local environment” can be met by a minimum regulatory approach alone.

Information accumulated by the Parliamentary Commissioner for the Environment would suggest that the “minimum regulatory philosophy” and approach and “flexibility and discretion in decision making in the administration of regulatory control” is not sufficient to mitigate adverse effects on amenity values and the wider environment.

Customer focus and consultation

The council uses a customer based model to **recognise** different customers that it has contact with and who utilise council services. The council defines the term “customer” to include direct customers (eg resource consent applicants), indirect customers (eg utility services users), and the wider community. However, there is a widespread community concern that the council only interprets a customer to mean a direct customer and that it has little regard for community groups or wider environmental values. Some groups believe that the ethos of a customer-driven organisation does not appear to take into account the needs and aspirations of the community who must live with any resulting effects from developments.

Several recent council reviews appear to support the view that parts of the council have a narrower interpretation of customers than the council policy. For example, in the 1995/96 review of regulatory processes, the review team only included two lawyers, a planner and a

surveyor as specific representatives of customers. Neither representatives of community groups nor residential ratepayers were included as representatives of customers for the purpose of reviewing the effectiveness of council regulatory processes.

Similarly in a June 1996 report that was prepared on proposed changes to the general tree protection provisions, the report commented that an option to streamline the evaluation of an application:

relates to procedural changes which could be made to the application process under that provision, which would lead to quicker responses (and as a result better customer satisfaction) and reduced costs for applications to prune trees (Auckland City Council planning report 20 June 1996, p 2).

It appears that in the above context, the customer is defined only as a direct customer. This is of concern because while a resource consent application may be able to be processed faster, the concerns of the wider community and the sustainable management of the environment may not be able to be provided for with this approach.

The council has defined different segments of customers and customer motivation in the 1996/97 Planning and Regulatory Services business plan. **More work will need to be undertaken to inform all customers that their views are considered and, more importantly, that all sections of the council have the same understanding of customers in different situations.**

Having defined customers, a consultation strategy would provide guidance on appropriate consultation procedures to be followed by the council to identify and respond to the views of all interested parties and it would inform interested parties how any information would be used. For example, more than one thousand submissions were made on the review of the 1996 strategic plan but the council did not provide for hearings of submissions or inform submitters how their views were taken into account by the council. Limited time was available for council staff to complete a detailed analysis of submissions with recommended changes and for councillors to consider changes to the **draft** strategic plan.

As part of the preparation of the proposed district plan, the council conducted a street by street analysis of environmental and access factors to determine an area's zoning (see chapter 1.6). This analysis did not appear to include any comment **from** other groups or interested parties. If the process and the draft analysis had been available for public comment then the council may have received more support for the new zones that reflected residents' views of the amenity values of

their areas. Community boards could have had a major role in the consultation process with their communities.

In 1996 the council established a city-wide consultation team to create a framework for consultation for Auckland City. The expected outcomes of the framework include:

- ✧ a manual to promote a consistent consultation approach;
- ✧ staff training on consultation and ongoing support;
- ✧ a database of consultation projects; and
- ✧ monitoring and review of consultation strategies.

The framework for consultation that is being prepared by the council needs to be completed and implemented and further work needs to be undertaken by the council to:

- ✧ consult with all customers including the community and residents;
- ✧ consider the adequacy and scope of consultation by applicants for resource consents in council planning reports; and
- ✧ develop a process to inform adjacent residents and neighbours of developments before the activity begins.

As noted in chapter 5.1, the council has been under enormous pressure to respond to many environmental and administrative issues. However, **the council has taken a reactive, rather than a proactive approach to resolving major environmental issues affecting amenity values.**

5.3 Policy and plan development

In 1990, as part of the development of the new district plan, the council recognised the adverse effects of **infill** and that there had been significant **infill** development in the Eastern Suburbs (Auckland City Council 1990a). However, no action was proposed to address adverse effects on amenity values and the **infill** development until the release of the proposed plan in July 1993. Land-owners with either a resource consent or a certificate of compliance obtained prior to the release of the proposed plan could continue to build under the transitional plan until mid-1995 with subsequent effects on amenity values.

A reactive approach is also demonstrated by:

- ✧ limited analysis as to the effectiveness of relying on **infill** development to cater for population growth and whether other forms of urban development would allow intensification to occur without such significant effects on residential amenity values;
- ✧ limited council monitoring even though the city experienced a major development boom from 1993 with significant effects on amenity values. The council has recently published a state of the environment report that will assist council monitoring and establish monitoring programmes for the future;
- ✧ the council **increasing** the level of enforcement in 1995 and employing more enforcement officers only after sustained public

pressure and concerns that conditions of resource consents and the provisions of the proposed district plan were not being enforced;

- the council not identifying the importance of the bush clad valleys in the Eastern Suburbs until the community demanded that the council respond to the loss of vegetation due to intensification with subsequent zoning changes;
- the council not undertaking an ecological survey of the Isthmus until 1996 when the proposed district plan was virtually operative and significant development has been undertaken in areas such as the Eastern Bays; and
- the permitting of residential development with no density limits in business activity zones without assessing the effect on surrounding residential zones and the ability of catchments to accommodate the increased stormwater discharge. The intensification in the business zones will particularly affect the integrity and coherence of surrounding special character zones. In late 1996 the council decided to monitor and audit development in these areas after widespread public reaction.

If the council is to progress to a more proactive approach then it will need to consider new approaches for identifying significant issues that it needs to address. **A strategic directions research group could assist the council to develop and model a range of future scenarios for the city and consider the interconnections between policies and rules in the district plan, infrastructure requirements and demands, and physical constraints.** This group would need a wide range of skills to include not only urban planners and engineers but also ecologists, landscape architects and urban designers.

Definition of a site

The proposed plan defines a site as including an area of land in a single certificate of title but excludes land subdivided under the Unit Titles Act 1972 or the cross-lease system, where a site is the whole of the land subject to the unit development or cross-lease. The council believes that the parties to a cross-lease should determine the allocation and provision of on-site amenity values, so the plan does not require interface controls for a cross-lease development as it does between freehold development.

This lack of control for on-site amenity values has resulted, in some instances, in the provision of a minimum level of amenity values for cross-lease developments. It has been suggested that this is one of the reasons for the reaction against infill housing. There are no controls over the separation distance between buildings or outlook and privacy. The lack of a height in relation to boundary control on internal boundaries on cross-lease sites, for example, has resulted in buildings over dominating other buildings on the same site eg the “Red House” on Kingsley Street in Cox’s Bay. The flexibility for people to arrange development as they see fit on a property, bearing in mind the wide

range of physical circumstances likely to be encountered, does not appear to be offset by measures to maintain or enhance amenity values. It is possible that the cumulative effect of this type of development could ultimately change the character of a street if there were many cross-lease developments which took a minimum approach to the maintenance of amenity values. There may also be significant differences in the design and character of existing buildings and new buildings which will also affect off-site amenity values.

The application of minimum development controls for the management of amenity values on-site in order to maintain flexibility for future residents will ultimately affect not only the amenity values of the particular site but also the amenity values of streetscapes. The cumulative effect of reduced control on-site has the potential to decrease the amenity values of the streetscape and of particular areas.

The processing and evaluation of resource consents can have a major effect on residential areas.

Processing of resource consents

The proposed district plan establishes the objectives, policies and rules but it is the processing and granting of resource consents where the assessment of the effects on amenity values of an activity such as residential intensification or subdivision is judged as effective or not by the community.

With the notification of the proposed plan and increased development resulting from economic growth, planning staff have experienced major work overloads and the council has also used private consultants to report on resource consent applications. The council has conducted training sessions for consultants in order to brief them on council processes and to ensure a consistent approach. However, the use of consultant planners can make it more difficult for any potentially affected neighbour to locate an application so they can view it as the application may be with the council or with a consultant in the various processing stages (as documented by correspondence to PCE 1996).

The use of planning consultants that may work for both the council and for applicants at different times requires the management of any **conflicts** of interest to enable the public to be confident about the council's evaluation process. Consultant planners may have less experience in evaluating a proposal **from** the perspective of representing the community and considering adverse effects on the wider community and the environment.

5.4 Implementation of the district plan

Concerns raised about the processing of resource consents during this investigation include:

- how the council assesses whether to notify or not to notify an application under s 94 RMA and how it assesses whether an effect on the environment is more than minor and who is an **affected** person;
- the extent to which an assessment of environmental effects covers the matters set out in annexure 9 of the proposed district plan. The examination of some applications has identified a rather brief summary of expected effects and it is unclear whether this information is always required; and
- whether the assessment of the effects on the environment include cumulative effects of a number of developments in a street or neighbourhood. While a site inspection to determine if an application has effects beyond the site may be made, such an inspection may not include an analysis of the cumulative effect of the proposal on the street or neighbourhood.

Examples of where an environmental effect was judged as no more than minor are given in appendixes 2 and 3. A s 94 notification test is crucial in terms of deciding whether or not a community can comment on an application and have their views on the management of amenity values taken into account by the council. The non-notification of applications also prevents residents from knowing what developments are planned for an adjacent site. The first that neighbours may know about a development is the sound of machinery on-site.

Council evaluation of resource consent applications

An evaluation of a resource consent application including an assessment of the adverse effects of an activity on amenity values requires qualitative and quantitative analysis, the use of professional expertise and the consideration of effects from on-site, off-site and community perspectives. Environmental management under the **RMA** is effects based and a detailed evaluation of an application by a council along with a critical analysis is required for the RMA approach to be effective.

In terms of the council evaluation of an application for a resource consent and the effects of a proposed activity on amenity values, it is vital that experienced professionals are available to assist planners with the evaluation of resource consent applications. The inadequate use of professionals with the required expertise to assess effects on amenity values will compromise an adequate evaluation. The council has several arborists to assess the botanical value of trees but other professionals such as landscape architects and urban designers are also required to assess applications.

The former **C&UDD** was not always able to provide input into plan changes or policy development that would have significant effects on

amenity values (eg no input into the proposed changes to the general tree protection provisions in 1996). With only one urban design professional for the entire Isthmus area, it is unlikely that this person will be able to deliver the services that will be required without additional resourcing. Two council landscape architects are located in a council business unit but as their time must be charged for, provision must be made by the council to ensure that these professionals are used to evaluate applications. **A policy directive is required to ensure that appropriate urban design experts and other professionals are consulted by other council staff as part of the evaluation of applications for resource consents.**

An urban amenity team could be established with professional staff from all relevant disciplines that would enable them to individually and collectively comment on any assessment of amenity values. An urban amenity team could also be responsible for policy development and the assessment of changes to council policy and plans. It is of note that the proposed changes to the general tree protection provisions and the assessment in 1996 were not prepared by staff from the C&UDD who would have had the expertise to prepare a full assessment that took into account the environmental effects of the proposed change, even though it was ultimately not adopted (see chapter 3.5).

Consultation with the local community board and community groups that are representative of the local community would assist the evaluation of an assessment of adverse effects of a proposed activity on community amenity values. It will be very difficult to take into account the adverse effects of an activity on community amenity values if these groups are not consulted in order to identify these values and any adverse effects on them.

Although the latest regulatory review has **centralised** the regulatory operations of the council, it will be essential that sufficient contact continues with local communities and their representatives to provide for the adequate assessment of effects on amenity value. This contact could occur during site visits and consultation by the council to assess the effects of a particular activity.

The assessment of cumulative effects on the amenity values of an area is a critical issue in terms of the longer-term changes to amenity values (eg where residential zones are adjacent to business zones with cumulative effects on amenity values, **traffic** flows, and drainage and infrastructure). A regular monitoring programme of resource consent approvals and subsequent changes to the amenity values of particular areas would assist the recognition of cumulative changes to amenity values.

The council has commenced an internal audit programme in the Residential 1 zone and this is to be extended. **A regular audit of a random selection of resource consent applications and decisions would provide for quality control and the evaluation of council processes and the adequacy of decisions compared to the district plan objectives and anticipated outcomes.**

Non-notification

The processing of some proposed activities as non-notified applications has resulted in concerns being expressed by local residents and sections of the community that significant amenity values and other environmental values would be adversely affected by the development proposals (eg see appendix 1 and 2). If an application is not notified then the community can provide no input of the effects of the proposed activity to the council. **The council has advised the Parliamentary Commissioner for the Environment that if the s 94 RMA test cannot be unambiguously met, then the application should be notified.**

It is acknowledged that it is difficult to make a decision regarding notification or non-notification of an application, in terms of what are minor effects and who may be adversely affected, where subjective issues are involved such as effects on amenity values. In this situation, criteria are required for assessing if an application should be notified and to improve the consistent implementation of the district plan. Notification criteria should recognise the policies that have been formulated for a particular zone, the type of resource consent being applied for and the degree of non-compliance with existing amenity values (eg a percentage height over the permitted level or the percentage of vegetation to be removed).

The criteria could require a professional such as a landscape architect or urban designer who would have particular skills in assessing effects on amenity values to be consulted about the notification of an application by a council officer. Input from a community board member or ward councillor could also be provided to represent community input into the notification decision given that many amenity values are also community values.

In conjunction with the s 94 test, the use of notification criteria would assist to provide existing residents and the local community with some certainty that they would be informed via notification of any activity that may have more than a minor effect on local amenity values. Over time, thresholds for determining what are more than minor effects could be established, for instance using percentages over height or over site coverage as a guide. The criteria could be continually reviewed as the results of notified or non-notified applications are tested against the provisions of the district plan.

5.5 Management of amenity values

The proposed Isthmus plan recognises that population growth will continue and that provision for additional housing will largely occur through infill and redevelopment in existing residential areas. The plan recognises the need for growth and the constraints on growth in terms of infrastructure limitations and the desire to maintain and enhance the existing character of residential areas. The plan seeks to achieve a balance between maintaining the established residential character of areas while providing sufficient flexibility to allow further development. However, the implementation of the transitional and proposed plan has caused a great deal of concern because of the resulting changes in amenity values in many neighbourhoods. There is concern that the council has focused on the management of amenity values in special character areas to the detriment of other areas.

The proposed Isthmus plan

The proposed Isthmus plan has as one of its principal objectives “to retain and enhance the heritage amenity of the district and to protect and enhance the residential amenities”. For the special character zones (14 per cent of the residential area), the proposed plan identifies the specific values of the different zones that contribute to the amenity values of those areas and specific controls attempt to provide for these values. The amenity values that are provided by heritage features are particularly well identified in the proposed plan for the Residential 1 zone and the conservation areas.

The council has as a general objective for the residential zones “to identify, maintain and enhance the recognised character and amenity of residential environments”. However, for the majority of the city, the plan does not identify amenity values for particular areas. The lack of recognition and planning for the amenity values of the majority of the urban area has contributed to residents concerns that the council is not responding to the adverse effects of intensification on amenity values. All areas have some amenity values and these should be explicitly recognised in a district plan.

The proposed Isthmus plan objective for the Residential 6 zone (54% of the Isthmus residential areas) is to provide for medium intensity residential neighbourhoods in appropriate locations. This zone includes a policy of “permitting a wide range of activities in these locations while maintaining the appreciated amenity”. However, it will not be possible to be able to maintain the appreciated amenity of the zone with intensification unless the changes in amenity values are mitigated through additional work in public areas or with provisions that target the effect on the streetscape. In addition, unless changes to amenity values are monitored and discussed with communities, possibly through community boards, then it is going to be difficult to assess whether the appreciated amenity has been maintained.

Residential 1 provisions

Concern has been expressed by residents and community groups about the level of control over developments in the special character areas in the proposed plan and whether the controls are sufficient to provide for the maintenance of the special character. For example, a resource consent was approved in 1996 for a building extension in **Wellpark Avenue, Grey Lynn**, in a Residential 1 zone where the height and bulk of the extension would affect the character of the neighbourhood.

The nearly complying development illustrated the conflict between the proposed district plan policies and rules. A policy says that the development should be in character (ie the houses on either side are single storey villas) while the rules allow a height in relation to boundary of 3 m plus 45 degrees and generous site coverage. As the development was a restricted controlled activity, it could not be declined and the bulk and location rules do not allow the council to impose conditions that would ensure the objectives and policies of the zone are upheld. This situation implies that the rules for the Residential 1 zone should be reviewed to ensure that they match the policies and objectives for the zone and ultimately deliver desired outcomes.

Integrity of special character zones

Since July 1993 consent has been granted for 87 new residential unit developments in business areas. However there are no residential density controls in the business activity zones and the development of residential units and apartments in these zones can compromise the amenity values of surrounding residential areas. This has been particularly apparent where Business 4 zone developments affect the coherence and special character of Residential 1 zoned areas. Maintaining amenity values where there are such different residential density controls in the same vicinity is a significant issue in Ponsonby, Cox's Bay, Grey Lynn and Parnell.

Intensive residential development can affect amenity values (eg scale and design of development, traffic flows and car parking), and the transport and drainage infrastructure. Of particular concern is the cumulative effect of these developments on the drainage system and on harbour water quality even though the proposed plan is supposed to limit residential growth where the infrastructure is at capacity (eg developments in the Cox's Bay catchment where there are already significant stormwater and foulwater problems and the council has deferred drainage separation work).

A 1996 report reviewing residential development in business activity zones noted that the business zones do not generally have an identifiable physical character that warrants retention and necessitates specific rules relating to design and appearance. However, the report ignored the effects of the development of "pockets" of business zoned

land on surrounding residential areas. **Developments in business zones adjacent to residential areas should be required to take into account the surrounding amenity values of the total area.**

In October 1996 the council decided to assess more thoroughly the effects of residential developments in business zones and to audit the impact of residential developments and the adequacy of current development controls. This report is urgently required and the council needs to examine if a maximum density is required for business zones adjacent to residential areas in order to provide a buffer zone with a gradual increase in density.

Urban design

In terms of urban design assistance, the council uses a variety of voluntary design guides. While voluntary design guides may encourage compliance through education and can be promoted, they cannot be enforced and they may not be applied to all developments. Without statutory support for design guidelines there is a risk that amenity values will not be provided for and this will increase uncertainty for existing residents. The design guidelines in annexure nine of the proposed plan are currently outside of the plan. However the guidelines should be required to be considered by all resource consent applicants for proposed activities in the special character zones. If an applicant intends to depart from the guidelines, then an application should be required to justify this departure. This could then be evaluated by the council.

Mitigation of effects

Public concern has been expressed about the cutting of trees and vegetation to provide building platforms and that landscaping and replanting does not always mitigate the adverse environmental effect. This is supported by the results of a compliance monitoring survey in 1994 that noted that of consents where work had been completed, 44 per cent of consent holders failed to comply with conditions. Quite often these conditions related to landscaping and the mitigation of adverse effects on amenity values.

The council has restructured its monitoring and enforcement section but further compliance monitoring programmes will need to be conducted by the council along with the enforcement of conditions of resource consents. Adequate resourcing of this section will be essential.

A policy on what actually constitutes the mitigation of adverse effects should be developed by the council so that adequate conditions can be attached to resource consents to maintain and enhance amenity values.

Tree and vegetation management

Notwithstanding the tree protection in the proposed plan, many concerns have been expressed about the loss of vegetation cover from

the Isthmus as a result of intensification. Associated with the removal of tree cover to enable building and landscaping of a site, is the potential loss of tree cover over the next five to ten years as urban trees that have been surrounded by hard impervious surfaces deteriorate and die. **The council will need to monitor the existing vegetation cover and establish a baseline inventory of the existing vegetation of the city to assist the identification of any major changes.**

The council has signalled in the 1996 strategic plan that it intends to prepare an urban tree plan and this could include an inventory of the existing vegetation cover. A vegetation plan could also provide for means to encourage tree establishment and the planting of appropriate trees that can adapt to the city environment.

5.6 Council assessment

A summary of the Auckland City Council's performance in managing amenity values in established suburban areas subject to intensification is shown in table 5.1.

PCE CRITERIA FOR ASSESSING COUNCIL PERFORMANCE	PCE ASSESSMENT
The council has identified amenity values in specific areas.	Amenity values have been identified for the conservation areas, special character zones and the coastal edge. There is inadequate information on amenity values for the general residential zones.
The implications of urban growth and urban consolidation policies for the maintenance and enhancement of amenity values are considered by the council.	The council has prepared an urban growth strategy in line with the regional consolidation policy and has considered the effects of growth on amenity values.
The council has developed policies and practices to maintain and enhance amenity values.	The council uses a variety of mechanisms such as the district plan, coastal edge strategies, and design guides. Some advice is provided eg design guides. There has been inadequate consideration of amenity values in resource consent processes. Additional resourcing and expertise skills in areas such as landscape assessment and urban design is required.
The council integrates the use of various environmental planning mechanisms to maintain and enhance suburban amenity values in specific areas.	A wide range of regulatory and non-regulatory approaches are used by the council although implementation is variable.
The council implements agreed priorities for the maintenance and enhancement of suburban amenity values.	Yes, for the special character residential zones in the proposed plan. Limited attention to other residential areas and some special character areas were not identified during plan preparation.
Parties affected by changes to suburban amenity values are meaningfully consulted by the council at appropriate times prior to final decisions being made (eg during strategic planning, the development of urban growth and urban consolidation policies, and the identification of suburban amenity values).	Individuals and the community are not adequately consulted about what are important amenity values in their area. The non- notification of resource consent applications is limiting the communities' ability to participate in decision-making and provide input into council decision making on activities that will affect local amenity values.
Community action is encouraged by the council to maintain and enhance suburban amenity values.	Some action is encouraged through the use of SLIP funds by community boards.
The council monitors and reports on the state of amenity values.	There is limited monitoring of specific amenity values but this may be partly addressed with monitoring of the proposed plan.
Amenity values are maintained and enhanced to a degree which meet community aspirations.	Information accumulated would suggest that the council philosophy and approach is not sufficient to mitigate adverse effects on amenity values and the wider environment. The council has identified special character areas where amenity values will be considered but it needs to assess if the special character provisions are sufficient . The community recognises significant amenity values of many parts of the city and would like greater recognition of these values by the council.

6. FINDINGS AND RECOMMENDATIONS

Management of growth

- a) Since amalgamation, the council has had to respond to major resource management and administration issues as well as significant economic growth. Together these issues have influenced, and continue to influence, the council's ability to promote the sustainable management of the Auckland City environment including the maintenance and enhancement of amenity values.
- b) The residential growth strategy *recognises* the constraints placed on it by drainage and transport infrastructure and the need to maintain and enhance the special character of some residential areas. However, this strategy targets development and increases pressures on areas that can accommodate residential growth.
- c) The implications of the percentage increase in density that would be able to occur in different areas of the city, as opposed to the suggested decrease, were not widely communicated to residents and communities when the proposed district plan was released in 1993.
- d) Cross-leases that permit the development of adjoining sites have been used extensively in Auckland and, as they were not subject to reserve contribution requirements under the Local Government Act 1974, this has contributed to the inadequate funding of infrastructure and reserves in residential areas with high levels of *infill* development. This will continue to be a problem until the proposed district plan becomes operative.

Council philosophy and consultation

- e) The adoption of a customer service philosophy has resulted in some community groups believing that the council primarily sees a customer as a resource consent applicant and that the groups are not considered as customers. The lack of a consistent consultation strategy hinders the council from obtaining and responding to a range of views.
- f) The new council regulatory services structure may still make it difficult for interested parties and affected persons to view and comprehend a copy of a resource consent application because of
 - the physical remoteness of the central office from much of the city's population; and
 - the lack of resource management staff to directly assist people at public libraries to interpret available information.

6.1 Findings

Policy and planning

g) The council has taken a reactive, rather than a proactive approach to some major resource management issues that affect the management of amenity values. Some issues have only been addressed after widespread community concern was expressed to the council.

h) The strategic plan should accommodate the council's duties and functions that are set out under other legislation such as the RMA. The strategic plan has not been subject to the testing applied to the district plan and the council cannot be confident that it has adequately consulted with the community.

i) The council has endeavoured to protect heritage values and significant natural features of parts of the city through the use of special zoning, land use controls and voluntary design guidelines.

Descriptions of special character and amenity values are provided in the proposed Isthmus plan, design guidelines and the coastal edge strategies for the special character zones.

j) For the majority of the city, the plan does not identify particular amenity values for different areas. The council has not described what is meant by "reasonable protection of amenity values" and has not documented the "appreciated amenity" of residential areas in the proposed Isthmus district plan. The lack of recognition and planning for the amenity values of the majority of the city has contributed to residents' concerns that the council is not responding to the adverse effects of intensification on amenity values. Community consultation, landscape assessments and ecological surveys would have assisted the description of describe local amenity values.

k) The council has provided protection for around 2,100 heritage trees that are scheduled in the proposed Isthmus plan, as well as introducing general tree protection provisions in recognition of the importance of tree cover to the residents of Auckland. The proposed 1996 changes to the general tree protection provisions did not recognise the value of urban tree cover to the management of amenity values but were based on cost savings.

l) The council has recognised the value of open space and has actively pursued purchase or designation of particular areas. However, the implementation of the open space strategy at local levels does not take into account the effects on amenity values of the community as well as the needs of park users when the council proposes to sell land holdings.

m) The effects of intensive residential developments in business zones on adjacent residential areas have not been sufficiently evaluated

and the proposed district plan does not adequately address the contextual and cumulative effects of these developments.

- n) The lack of regulatory control for on-site amenity values has resulted, in some instances, in the provision of a minimum level of amenity values for cross-lease developments. The cumulative effect of the lack of regulatory for cross-lease developments has the potential to decrease the amenity values of the streetscape and of particular areas.

Implementation of the district plan

- o) The council has frequently assessed the effects of residential intensification on amenity values as less than minor, which has in some cases been disputed by residents and the community. The council has no criteria to assist in the assessment of what is less than minor to ensure the consistent implementation of the district plan.
- p) There is insufficient use of the full range of professional expertise to assess effects on amenity values and this compromises the adequacy of the evaluation of a resource consent application.
- q) The application of minimum development controls for the management of on-site amenity values which provide flexibility for future developments will potentially... **affect** not only the amenity values of the particular site but also off-site amenity values ie the streetscape.

Monitoring and enforcement

- r) The council has been slow to respond to monitoring and enforcement requirements although, since late 1995, a more rigorous monitoring and enforcement programme has been implemented.
- s) The council has commenced an internal audit programme for resource consents in the Residential 1 zone and this is to be extended.

To the Auckland City Council:

6.2 Recommendations

- 1) Implement a comprehensive consultation strategy to:
 - ⌘ ensure there is a consultative approach to policy and plan development;
 - ⌘ provide guidance on appropriate consultation procedures for the full range of statutory and non-statutory processes involving public input;
 - ⌘ inform affected parties about the nature and extent of council's response to any public input; and

- ensure that consultation is **recognised** as a major component of any project and that it is adequately **resourced**.
- 2) Assist local communities to identify particular amenity values for their residential areas so that these values can be considered as part of planning and resource consent processes and changes to amenity values can be monitored.
 - 3) Establish and adequately resource an urban amenity team with professional staff from all relevant disciplines to enable the team to:
 - be responsible for policy development and the assessment of changes to council policy and plans where amenity values are affected; and
 - evaluate resource consent applications where significant amenity values are affected.
 - 4) Prepare an urban vegetation plan as signalled in the 1996 strategic plan and establish an inventory of urban vegetation cover with an appropriate monitoring programme to evaluate changes to urban vegetation cover.

District plan

- 5) Provide for compulsory consideration of design guidelines as part of resource consent applications in the special character zones to provide greater certainty for the protection of significant amenity values.
- 6) Review the decision not to provide district plan control over on-site amenity values for cross-lease developments.
- 7) Review whether the rules for the Residential 1 zone match the policies and objectives of that zone and whether they will deliver the desired outcomes.
- 8) Address the implications for the integrity and coherence of Residential zones where there are adjacent business zone apartment developments by:
 - placing limits on residential density in Business zones;
 - requiring business zone developments to take into account effects on surrounding amenity values; and
 - requiring financial contributions for residential development in all business zones.

Resource consent issues

- 9) Develop criteria for assessing if an application should be notified to assist in the assessment of “more than minor” effects

given the different objectives and policies for the particular residential zones.

- 10) In evaluating resource consent applications, ensure that:
 - ⌘ applicants have consulted with affected persons;
 - ⌘ applicants address the effects of the development on amenity values; and
 - ⌘ the cumulative effects of a development on amenity values are adequately addressed; and
 - ⌘ establish a more rigorous system of internal peer review for all council evaluations of applications for resource consents to ensure a high standard is maintained.
- 11) Issue a policy directive that appropriate urban design experts and other professionals are to be consulted by other council staff where significant amenity values are **affected** by an application for resource consent.
- 12) Ensure that the increased flexibility for applicants through the use of the development control modification is matched by a more rigorous assessment of the effects of the rule on off-site amenity values.
- 13) Develop a policy on what constitutes the mitigation of adverse effects so that adequate conditions can be attached to resource consents to maintain and enhance amenity values.
- 14) Continue to develop the internal auditing programme for resource consents through assessing district plan objectives and policies and environmental outcomes and extend it to all residential zones.

Monitoring

- 15) Encourage local community involvement in the design and implementation of monitoring programmes and:
 - ⌘ develop key environmental indicators for monitoring the state of the environment and the effectiveness of the district plan in terms of the management of amenity values.
 - ⌘ monitor the cumulative effects of intensification on the amenity values of all residential zones.
 - ⌘ ensure adequate resources are available to conduct compliance monitoring programmes and enforce conditions of resource consents.

7. THE IDENTIFICATION OF “GOOD PRACTICE”

The council is using different methods and programmes to maintain and enhance amenity values in some established residential areas. In particular, the identification of special character areas in the proposed Isthmus plan is a positive initiative.

In terms of the maintenance and enhancement of amenity values, the following “good practice” has been identified.

- the identification of special character zones in the proposed Isthmus plan with controls on density, site coverage, design and tree protection;
- general tree protection controls and view protection for important visual landmarks such as the volcanic cones provide further management of amenity values;
- the promotion of early advice and consultation with the former Conservation and Urban Design Division and the preparation of design guidelines;
- Small Local Improvement Programmes administered by the community boards for the enhancement of local amenity values through specific programmes;
- the strategic purchase of land for reserves and public open space in association with the preparation of the esplanade provisions, coastal edge strategies, and coastal management zone controls;
- the development of the coastal edge strategies that recognise the amenity values in this resource;
- the conceptual framework of considering region, city-wide, area and immediate neighbourhood as a matrix with natural and physical environment is a good way of summarising the various elements that contribute to amenity values; and
- the commencement of an internal auditing system for evaluating consistency of resource consents.

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APPENDIX 1 CONSULTATION LIST

Auckland Chamber of Commerce
 Auckland City Community Boards: Avondale, Eastern Bays, Hobson,
 Mt Albert,
 and Western Bays

Auckland City Council
 Auckland Civic Trust
 Auckland Regional Council

Central Auckland Branch Royal Forest and Bird Protection Society

Fletcher Homes Limited

Kingston Morrison Architects

Ministry for the Environment: Head Office, Auckland and Christchurch

New Zealand Arboricultural Association
 New Zealand Institute of Architects

Residents Action Group, Auckland
 Royal Forest and Bird Protection Society National Office

The Tree Council, Auckland

Universal Homes
 University of Auckland, School of Architecture
 University of Auckland, School of Planning

Venture Homes Ltd

The investigation team also met with a number of individuals.

APPENDIX 2 DEVELOPMENT ON SHELLY BEACH ROAD, ST MARY'S BAY

An application was made in late 1995 for a discretionary activity resource consent to construct ten residential units in three separate buildings in the coastal management area at one unit per 300 m². Eight units would be three levels high and two units would be four levels high. The proposed activity was in an existing Residential 7 zone with a proposed Residential 7a zoning that allowed for high intensity residential development ie one unit per 200 m² and a maximum height of ten metres. The proposed zoning was subject to a reference to the Planning Tribunal and the appeal sought that the zoning be changed to Residential 6a.

The proposed activity involved 1250 m² of earthworks, excavations and work within the dripline of protected trees (coastal pohutukawas) that would require pruning. The proposal complied with all the development controls of both the provisions of the transitional plan and the proposed plan.

The application was assessed for notification in terms of s 94 RMA. It was initially considered by the Western Area Office Development Services Manager but with changes to the delegation manual it was then referred to the Planning Fixtures Subcommittee. The notification report concluded that:

[w]ith respect to persons who may be adversely affected by the proposal, and for the reasons set out in the assessment of effects above, it is considered that no persons will be adversely affected by the granting of the consent. In particular, the proposal meets the relevant bulk and location standards which apply to development on the subject site (Consultant Notification Report 1996, p 8).

It was recommended that the application not be notified and this was adopted by the committee.

The various actual and potential effects were assessed in the planning report as follows:

the visual effect of the earthworks on the coastal cliff landform and appearance of the proposed building on the coastal management area. The proposed buildings would obscure the earthworks and the buildings were of a scale which was compatible with other developments in the area;

- ***effects on protected trees as a result of earthworks and construction.*** Conditions on the resource consent would enable any adverse effects on the trees to be avoided or mitigated;
- ***effects of soil erosion, siltation, and slope stability.*** The effects could be mitigated through the design of retaining walls;
- ***effects of construction, including earthworks, on neighbours.*** The 120 truck movements were considered to be minor and conditions could prescribe hours of operation;
- ***effects of the development on the character and amenity of neighbouring properties and the amenity of the locality.*** It was acknowledged that the appearance of the buildings could have an adverse effect on the character and visual amenity of neighbouring properties and the locality. High intensity buildings would be located on a site with “the most remarkable remnant of cliffline trees in the area when viewed from the motorway and the Westhaven marina” (Consultant Notification Report 1996, p 4). However, there was a relatively high intensity of development in the general area although single dwellings were immediately to the south of the site. It was believed that consent conditions could address orientation, cladding, form, scale and colour, and the trees would largely obscure the development. In overall terms, it was considered that the proposal would have no more than a minor adverse effect on the character and amenity of neighbouring sites and the locality.

Discussions and meetings occurred with an officer from the Conservation and Urban Design section and an arborist from City Environments on the proposal and possible consent conditions. The final conclusion of the planning report noted that:

the proposal is not considered contrary to the objectives and policies of the Transitional and Proposed District Plans, will have no more than a minor adverse effect on the environment and will not detract from the amenity of the adjacent properties or the Coastal Management Area (Consultant Planning Report 1996, p 10).

The council believed that if, the development was undertaken in accordance with recommended conditions, the proposal would have no more than a minor adverse effect on the environment. The consent was then granted with conditions in April 1996 including a covenant to ensure any modification of the pohutukawa trees would be subject to approval by the council.

Several concerns were raised by an adjoining neighbour to the proposed development at a meeting of the Western Bays Community Board in July 1996 including:

- the excavation on the mutual boundary;
- trees being removed without approval;

- the earthworks and the cutting back of existing pohutukawa trees;
- the decision regarding non-notification of the application; and
- difficulties local residents had in obtaining information about the application.

Another concern was that, although the overall area allowed a large number of dwellings if calculated on a theoretical site coverage basis, the potential building envelope was only a small proportion of the total site because of the slope of the site and the tree cover. The ten units would have to be located on the front of the site which it was argued would be out of scale with adjacent developments and dominate the surrounding area.

Comment on the case study

The council assessment of whether the application should be notified or not implies that because the effects are minor, it necessarily follows that no person will be adversely affected. This is contrary to s 94(2) RMA. Adjacent neighbours were very concerned about the application and had already lodged a reference with the Planning Tribunal to change the zoning from Residential 7 to 6a.

The planning report did not mention what consultation had been undertaken by the applicant and whether written approval had been granted by any persons affected by the activity. Adjacent neighbours subsequently informed the council that they had not been consulted and they were not aware of the proposal until they were informed that excavation was to begin near their boundary.

It appears that the planning report ignores the issue of cumulative effects and assumes that because there is already a high intensity of development in the area there will be limited effects on character and visual amenity. Local residents expressed concerns about increased traffic and the lack of visitor parking although these could not be taken into account by the council because this was not required in the district plan.

APPENDIX 3 PROPOSED RESIDENTIAL DEVELOPMENT, SEAVIEW ROAD, REMUERA

In late 1994 an application was made for an additional dwelling unit (cross-lease development) on a sloping site in Seaview Road, Remuera. The site had an operative Residential 5 zoning and a proposed Residential 6a zoning. The proposed unit was to be built up to the front boundary and did not comply with front yard setbacks of 1.5 m and 2.5 m under the operative and proposed district plans. The unit did not comply with height in relation to boundary requirements and at the highest point the unit was 2.3 m over the 8 m limit for the zone, decreasing over a horizontal distance of 12 m. The unit also required an air space lease over a road reserve for access to Seaview Road.

The council evaluation of the application noted that written approval by affected persons was not required as no person was considered to be affected by the activity.

No person(s) are deemed affected as the affected boundary is the front/road boundary, and because of the existing topography of the site and the adjoining road berm which has a steep embankment dropping approximately 2-3 metres. The upper story is the only level visible from this frontage. There is no visual nor any shadowing/light impact on any neighbours (Council Planning Report 1994).

As the development was on a cross-lease, the council considered the only affected boundary was the front boundary where the site joined the road reserve. The effects on other units on the cross-lease could not be taken into account under the district plan which does not define a "site" as including cross-lease units.

The council evaluation was that the height in relation to boundary and front yard infringements would not have more than a minor adverse effect on the subject site nor neighbouring properties because of the existing topography of the subject site and adjoining road reserve. The view on to the site from the street frontage only showed the uppermost storey of the unit. There was no detrimental impact on the affected boundary in terms of dominance, light, visual amenity and spaciousness because the unit would be stepped into the slope and the affected boundary was a road reserve. Resource consent was approved in late November 1994 with a condition that an air space lease was required over the road reserve.

Upon hearing about the approval of the resource consent, local residents informed the council that the proposed development would have significant adverse effects upon the amenity values of the immediate locality and streetscape and compromise the future maintenance of the road. They were concerned that they were not consulted about the application, that the planning report did not address traffic safety issues; they believed that the application did not meet the s 94 RMA test for notification and should have been notified.

In May 1995, local residents presented a 90 signature petition to the council expressing their concerns that the granting of the lease would enable development which would have major adverse effects upon the amenity and visual quality of the streetscape and a major adverse impact upon the privacy and visual and environmental amenity of neighbouring sites in the immediate locality. Local residents believed the granting of the lease would establish a precedent for other similar applications in the neighbourhood. The regulatory committee of the council considered the air space lease application in May 1995 and approved the lease. However, this was later withdrawn by the council after an investigation by the Ombudsman.

Comment on the case study

There are several comments that can be made about the evaluation of the application by the council. The proposed unit was almost 30 per cent over the height in relation to boundary rule for the residential zone and it was to be built on the front boundary but these effects were still considered less than minor and the application was not notified. Criteria for assessing what may be considered more than a minor effect for a particular zone, given the policies and objectives for that zone, would assist council officers in deciding if an application required notification.

As the proposed activity was a cross-lease development, the effects on the neighbours directly behind the proposed development could not be taken into account, as they were parties to the cross-lease. Given that the front boundary was the road reserve, the planning report then documented that there were no affected persons. However, an affected person is not defined as only an adjacent neighbour and the concerns from local residents demonstrated that they were interested in what was allowed to be developed on the site. A wider view of who may be an affected person needs to be taken by the council.

The council evaluation of the AEE did not address what consultation had occurred or the adverse effects from traffic and parking although these were raised as concerns by local residents. Notification of the application or consultation as part of the application would have assisted in recognising these effects and assisted the council evaluation. In addition, the AEE evaluation did not include an assessment on

stormwater generation. The use of traffic and engineering professionals was required in order to evaluate the application and consider the magnitude of these effects.

APPENDIX 4 THE ORAKEI BASIN

The Orakei Basin is a city-wide amenity for recreation and is also an area contributing to the amenity values of the Eastern Suburbs. The Orakei Basin Protection Society was formed in mid-1995 as a group of residents became very concerned at the degraded environmental and public health status of the Basin. Other residents have been lobbying for five years to get action. Only 15 per cent of the catchment has been subject to sewer separation and there are 14 sewer overflows that activate each time it rains. After several months of negotiation, the council agreed to a joint council - residents working group to describe the problems and identify options to achieve restoration of the water quality of the Basin. A report was produced (Auckland City Council July 1996) and submissions closed in mid-September 1996. The council is checking the drains on each property in the catchment to ensure that stormwater is diverted to the correct drain and that there are no illegal connections between the sewers and the stormwater drains. Significant discrepancies are being found during the course of this survey between "as built" plans and the reality.

The Orakei Basin catchment has been identified by the council as needing sewer separation works completed by the year 2000. The council considers that the Meadowbank catchment is the main contributor to the environmental problems of the Orakei Basin. An overall strategy for the disposal of stormwater from the Meadowbank, Ellerslie-Waiatarua and Remuera catchments and the issue of whether to use multiple discharge locations or just the Orakei Basin as a discharge location has not been developed by the council.

At its October meeting, the council agreed to a number of actions over the next four years to improve the Orakei Basin. These include:

- continuation of sewer separation;
- stormwater treatment ponds will be built in the Orakei Creek;
- an automatic sluice gate will be installed in the railway embankment to allow higher water levels;
- erosion control;
- some dredging;
- improving cesspit cleaning; and
- imposition of building regulations governing surface water runoff.

The council will also explore whether regulations need to be imposed on the Winstone Quarry which accounts for 10 to 15 per cent of the sediment carried into the Orakei Basin through the Waiatarua Tunnel (*New Zealand Herald* 1 Nov 1996).

APPENDIX 5 COUNCIL RESPONSE

Auckland City has carefully considered the report of the Parliamentary Commissioner for the Environment, and welcomes this opportunity to respond.

(a) PLANNING ISSUES

Amenity

The Resource Management Act defines amenity values as “those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”.

In developing its three district plans and in developing its strategic plans, (particularly the Outstanding Auckland Strategy which focussed on the City as a place), Council has undertaken extensive research and consultation into defining the natural, physical and community qualities that make Auckland a great place to live, to work, and to visit.

Significant trends have developed in the short time span of the amalgamated Auckland City since 1989. The city has continued to be a very popular and sought after place in which to live.

Some people are concerned at the change in the city’s character as it grows. This is reflected by the concern of certain groups at **infill** housing growth particularly in the early 1990s, under the densities of the former local authorities.

Planning Context

The planning context Auckland City found itself in following Local Government re-organisation at the end of 1989 must be considered. The new Auckland City comprised 11 former local authorities. It also had to cope with the complexity of fundamental planning reform with the introduction of the Resource Management Act in 1991. Council inherited 14 operative Transitional District Plans and three proposed transitional district plans.

The City had been zoned for growth rates well in excess of anticipated demand through until 2015, and well in excess of the ability of the City’s infrastructure system to cope.

Auckland Regional Council was developing and promoting a balanced growth strategy with an emphasis on urban consolidation. The projected growth target for the isthmus forecast a 100,000 population increase by the year 2016.

With one exception, Transitional District Plans had no more than two basic residential zones. The consequence of this was a sameness in planning controls, which led to a lack of distinction between different character and forms of neighbourhood.

The Auckland region experienced a building boom in the early 1990’s particularly focussed on residential development. Much of this development was under the old Transitional District Plans.

The Parliamentary Commission for the Environment's case report **criticises** the Council for its failure to act quickly enough in responding to that building boom. That criticism should be examined in the light of these facts:

There were significant operational difficulties with the 1991 Resource Management Act, particularly relating to the logistics of District Plan processing. Parliament passed major amendments which revised substantial portions of the Act **from** July 1993. Council published its proposed Isthmus District Plan in the same month. This was the first urban district plan published in New Zealand.

The Resource Management Act provided for certificates of compliance enabling developers who had obtained consent prior to the new Plan being notified to have two years in which to construct their developments. It was clear from Council's public consultation that there should be significant changes to zonings, which would produce significant down-zoning in some areas. Many property owners preserved their position by securing certificates of compliance prior to July 1993 which gave them until mid-1995 to complete their projects.

Residential Amenity

There was extensive research and consultation in the development of residential policies. Studies ranged over the identification of ecologically important areas, environmental controls, heritage and conservation areas, character areas, the City's coastline, the infrastructural constraints of the City, and the attributes of different neighbourhoods. Proximity to open space, access to community facilities, the existing character and scale of developments, access to public transport, topography and aspect were all taken into account.

As a result, the following initiatives on amenity were included in the Proposed District Plan, and aligned with Council's Strategic Plan.

Foster a range of zones throughout the City, to create a variety and choice of lifestyles and associated living environments reflecting community preferences.

Identify and preserve special character zones identified by particular built and natural environments.

Adopt special controls to regulate development in coastal margins.

Substantially reduce the zoned density (development potential) throughout the City and relate density to amenity considerations and infrastructure.

Protect volcanic cones and their immediate environs.

Introduce general tree protection throughout the City, and a comprehensive tree protection strategy.



- Reduce the range of non-residential activities in residential areas and limit such uses to community service activities only.

Protection of important view corridors.

Introduce a comprehensive financial contribution policy throughout the City to ensure the wider community enjoys the benefits of development and redevelopment.

Introduce a range of controls to encourage quality development.

Development controls are critical to achieving on-site amenity. They operate as a package; and new initiatives under the Plan include the following:

- Density modifications referred to above.
- Introduction of private open space controls on all developments (not just multi unit developments).
- Introduction of landscaping controls throughout the City and an increase in the minimum required landscaping in former parts of the City from 30% to 40%.
- Introduction of a minimum permeable surface control.
- Adoption of standardised height in relation to boundary controls throughout the City with particular emphasis on protection of sunlight admission to properties.
- Standardised maximum building coverage controls at 35%.
- Requirement that off-street parking be increased to 2 spaces per unit.
- Introduction of streetscape controls including landscaping of front yards.
- Introduction of maximum paved areas.
- Adoption of noise controls throughout residential areas.
- Introduction of controls on lighting through a City Bylaw.

The planning initiatives and control packages reflected Council's pro-active approach in developing a resource management strategy for residential areas.

Residential controls, were closely **scrutinised** during the District Plan review. The Minister for the Environment lodged submissions against the District Plan saying "the residential activity provisions... contain excessive regulation which is not reasonably necessary to achieve the desired outcomes". The Minister also opposed the introduction of general tree protection.



Council believed each of the controls imposed in its District Plan was important to addressing and mitigating environmental effects and should be confirmed.

A number of appeals were lodged against residential amenity controls. Every appeal sought the removal of controls or further relaxation. These matters have now been considered by the Environment Court and in each case the appeals have either been withdrawn, or settled in Council's favour.

Planning is an evolutionary process. The new Plan implemented a package of new controls for residential areas, and the effectiveness of these controls had to be monitored to ensure they reflect changes in community values.

The achievement of the Council's Strategic Plan Vision "Great Communities to Belong to" is under constant review. City wide teams have been established to identify and develop new initiatives to reinforce this vision.

Tree Protection

The Council's first District Plan developed and introduced an extensive policy on trees.

The approach included:

- Special controls to protect identified key ecological areas.
- Special character zones for those parts of the City which have a special character due to the existing vegetation.
- A general tree protection control.
- Protected street trees.
- Protected trees in parks.
- A blanket control on vegetation along the coastline.
- Landscaping controls and minimum permeable surface controls in all residential developments.

Council is also completing a review of the ecological study done in 1992, particularly targeting bush areas.

Council has variously received strong commendation for its policies, and strong opposition for its interventionist approach.



Strategic Plan

Council is committed to a continuous review of both its strategic plan and district plan to ensure both plans respond to environmental and community needs of the City.

The Strategic Plan was developed following extensive community consultation. Council itself derives its particular roles and the functions and major contributions it must make **towards** making Auckland an Outstanding City through the Plan.

The relevant goals of the plan are:

- A City that is Exciting.
- A City with an Abundance of Sport and Recreation.
- A City with an Abundance of Arts, Culture and Entertainment.
- A City that Values its Distinctive Natural and Built Heritage.
- A City with Environmentally Friendly Services.
- A City which is Clean, Healthy and Safe.
- A Council that Leads and Promotes the City.
- A Climate that Enhances Business.
- Networking Opportunities and Excellent Information Services for Business.
- A City where People have a sense of Belonging and Involvement.
- Communities Working Together to ensure Basic Community Services.
- A City where you can Easily Get Around in Comfort and Safety.
- A City where Parking Needs are Balanced with Public Transport Strategies.

These goals are fundamentally important to the Council's District Plan, and are addressed in it.

Public Consultation

The Council embarked on five consultation phases prior to hearing submissions on its draft District Plan.

The first phase was the "City Development Challenge," a statement covering strategic issues and the factors which the Council would need to address in its resource management strategy. This was a public document.

Phase two involved pre-plan consultation. Objective and policy papers were prepared, and public meetings with community boards, Iwi, and other interest groups were held throughout the city.

The draft District Plan was then prepared and the third phase commenced with further consultation with community boards who examined and commented on the several drafts of the Plan. This consultation was with both the 1989-1992 and 1992-1995 Boards.



In the fourth phase of consultation the Plan was notified followed by an extensive series of public meetings and special meetings with Iwi, interest groups and specialist groups. These were all completed in time for people to lodge submissions to the Plan.

The fifth phase of consultation prior to the hearings was a further submission period with Council staff providing support and advice to people wishing to make further submissions.

All five phases were supported by special publicity campaigns.

The whole process was covered by a comprehensive communications plan prepared early in the process. This was monitored by an external consultant from the University, and by City Marketing. A telephone survey was conducted two months **after** submissions closed to measure the success of the programme. This survey indicated that a very high proportion of the City's residents were aware of the District Plan and their opportunity to have a say.

When the Plan was notified Council said there were significant changes throughout the City because of amalgamation and a combination of the transitional district schemes into a single district plan. Teams of staff attended every public meeting and people were invited to work through with staff what the changes meant for their property.

(b) REGULATORY ISSUES

As a result of restructuring of Council's functions, there have been a number of changes to the system of resource consent processing. These include a **centralised** facility operated by the "Front of House" staff for the receipt of applications, and responsibility for most decisions on non-notified applications delegated to Team Planners within Auckland City Environments, where applications are reported on or briefed to external consultants.

Within the new structure are two new specialist teams. Ward and Hearings Liaison, responsible for liaising between planners and the Democracy Services team in managing resource consent notifications and hearings, and Special Projects and Monitoring, dealing with City-wide and specialist projects requiring a coordinated approach, and the auditing of procedures, with particular emphasis on resource consent processing.

The quality management system of the former City Environments, Council's regulatory business unit, was ISO 9001 accredited in 1996 and has successfully completed its first external audit. Auckland City Environments, the new regulatory unit, will be extending ISO 9001 Certification to all of its operations. In addition, Council uses some ISO accredited multi-disciplinary firms to report on certain applications. The need to ensure modification of ISO flow charts to suit the new structure has been **recognised** and is being addressed.



Recent research undertaken by the Special Projects and Monitoring team on resource consent processes highlighted the need to standardise checklists used in the resource consent process, and to provide further training in their use and value; the desirability of constant review of publications to assist the public in preparing applications; and making available “model applications” based on examples of applications found to suitably address all aspects for which consent had been sought.

Increased responsibility has been given to the supervising planner (“Team Planner”), resulting in fewer auditing checks on applications. While this has advantages in processing times, it can raise concerns about the quality of resource consent reports and decisions. Regular auditing of a random selection of reports across the four area teams, encompassing both in-house planners and external consultants, assists consistency of approach and standards.

Use of External Consultants

Council’s use of external consultants is **criticised** because “this can make it more difficult for any potentially affected neighbour to locate and view an application”. However, the report does not indicate whether these are notified or non-notified applications.

Public notification of notified applications is arranged by the Ward and Hearings Liaison section, who send copies to potentially affected neighbours. Public notice is given in “City Scene”, Councils weekly newspaper distributed to all households within Auckland City, and on the standard sign erected on the site. Applications can also be viewed at the community library nearest the site.

Requests to view non-notified applications have been rare, and copies for public scrutiny have not been needed..

There is some criticism of potential conflicts of interest with the use of external planning consultants. However, these consultants are subject to the same quality control which applies to in-house planners. Following restructuring, the use of external consultants has reduced from 80% of applications processed to approx. 50% .

Assessment of Effects

Auckland City Environments planners, arborists, and external consultants use standard templates for report writing to assist in providing a consistent approach and layout.

The Commissioner’s report refers to examples of where an environmental effect was judged as “less than minor” , including two case studies. The term “less than minor” in this context is unusual, as the Resource Management Act 1991 requires the consent authority to be satisfied that the adverse effect will be “minor.”

In the Shelly Beach Road example, at no time was the conclusion reached that the effects of the proposal were “less than minor”. The Section 94 report recommendation adopted by Council’s Planning Fixtures Committee, correctly described the effects as



“minor.” Similarly, with the **Seaview Road** example, approved in November 1994, the Section 94 Effects Summary Sheet rated some effects within the “Low -ve” and “Nil” categories of the “Magnitude of Effects” section of the standard chart.

Notification of Applications

The claim that the non-notification of applications “prevents residents from knowing what developments are planned for an adjacent site” suggests Council deliberately avoids notification. Section 94 of the Act covers these requirements. If Parliament decided that greater public involvement in this aspect was warranted, the Resource Management Act would need amending.

Professional Input into Processing

To meet this obligation Council is able to draw on a wide range of environmental specialists - both in-house and externally on such issues. Special Projects and Monitoring identified a range of personnel providing specialist input, including City Design staff (including **traffic** engineers and structural engineers); City Planning staff (including policy analysts, heritage and conservation architects/planners, ecologists, and landscape architects); Auckland City Environments staff (including Environmental Health **staff**, and arborists); Property **staff**; Water LATE **staff**; and external legal, planning, and allied consultants

Community Input in Resource Consents.

Community Board representatives have long been involved with tree applications, and others with potentially more significant effects.. For example, Section 94 determinations are not handled at officer level, but are made by Council’s Planning Fixtures Subcommittee comprised of Councillors only. For non-complying applications where neighbour’s consent has not been obtained, a decision not to notify is made in consultation with the Community Board nominee.

Under Councils Delegations Manual, Team Planners can only approve non-notified controlled and discretionary activities where (a) the application is of local significance only; (b) the application is non-contentious; (c) the applicant accepts all conditions; and (d) the council does not have a vested interest in the application. Team Planners do not have the authority to decline applications - these must be referred to a hearing of Planning Commissioners, as are the majority of notified applications

Notification Criteria

The report advocates that notification criteria be established to provide “ existing residents and the local community with some certainty that they would be informed of any activity that may have more than a minor effect on local amenity values.” Examples given of such standards include a percentage height over the permitted level, or the percentage of vegetation to be removed. However, the report fails to **recognise** that it is the degree of effect , rather than the extent of infringement which is critical to the assessment of development control modification applications.



Development Control Modification Rule.

The report says the development control modification rule of the Proposed Plan, has attracted considerable criticism **from** some groups concerned about its “high level of flexibility”. That section of the report has been superseded by Environment Court Consent Order which now permits the granting of a discretionary activity resource consent for development control modifications where Council is satisfied :

- (a) *The adverse effects on the environment are minor or of little significance having regard to the Plan 's express explanation of the Development Control; and*
- (b) *The modification is not contrary to any relevant objective or policy of the Plan; and*
- (c) *Conditions can be devised to avoid and mitigate any adverse effects of the proposed modification on the environment, which may include those set out in (I) below.*

The rule continues by stating:

“When considering an application, the Council will also have regard to any unusual circumstances including those listed in paragraph (ii) below.

The amended rule removes the previous need for Council to be “satisfied” that “unusual circumstances exist” in terms of specified criteria, relegating this to a matter that Council “may have regard to”, while now including the requirement (b) that the modification is not contrary to any relevant objective or policy of the Plan.

Case Studies

The value of including case studies of two applications referred to the Commissioner for the Environment by concerned neighbours is questioned, as there are inaccuracies or omissions in the material selected. Council handles some 7,000 land use consent reports annually, and the Commissioner has referred to only 2.

The case study on a proposed development at **Seaview Road** is misleading. While making brief reference to the Council withdrawing an air space lease, “after an investigation by the Ombudsman”, the report ignores the subsequent findings of the Ombudsman which uphold the action taken by the Council.

The Shelly Beach Road case study is also misleading because comment provided is in a shortened format and does not accurately reflect the level of assessment and description included in the report.



Monitoring and Enforcement Issues

Since the establishment of the Environmental Effects Unit in February 1997, there has been emphasis on resource consent monitoring. Originally one officer was assigned to this function but that commitment has increased to three **staff** who have city-wide responsibilities.

After prioritising the resource consents, the site is visited to check compliance. Failures to comply are documented and referred to the Enforcement Officers working in the same unit. Discussions are held with the applicant, and mediation is preferred to prosecution in seeking a settlement.

The completed inspection sheet generated by each resource consent is returned to the original site file. Reaction to conditions imposed are commented on by the monitors as to appropriateness and enforceability. That report goes to the Special Projects and Monitoring team for collation and supplied to City Planning.



RECOMMENDATIONS BY THE PARLIAMENTARY COMMISSIONER FOR THE ENVIRONMENT

The Parliamentary Commissioner for the Environment has made 15 recommendations in his report to the Auckland City Council.

These recommendations are set out below, and followed by Council's response (in italics).

Recommendation 1

Implement a comprehensive consultation to:

- ensure there is a consultative approach to policy and plan development;
- provide guidance on appropriate consultation procedures for the **full** range of statutory and non-statutory processes involving public input;
- inform affected parties about the nature and extent of Council's response to any public input; and
- ensure that consultation is **recognised** as a major component of any project and that it is adequately **resourced**.

Response

That the working party reviewing and documenting the Council's process for consultation strategy will address the points made in the Parliamentary Commissioner for the Environment 's recommendation.

Recommendation 2

Assist local communities to identify particular amenity values for their residential areas so that these values can be considered as part of planning and resource consent processes and changes to amenity values can be monitored.

Response

That on the Isthmus District Plan being made operative, the City Planning Group will undertake a programme of neighbourhood studies to address the Parliamentary Commissioner 's recommendation.

Rcommendation 3

Establish and adequately resource an urban amenity team with professional staff from all relevant disciplines to enable the team to:

- be responsible for policy development and the assessment of changes to Council policy and plans where amenity values are affected; and
- evaluate resource consent applications where significant amenity values are affected.



Response

Council has resourced its environmental and resource management units with a broad, variety of professional staff, including planners, ecologists, urban designers, architects, heritage specialists, arborists, landscape architects, and a range of other skills. These professionals are available and contribute to the various Council teams established to advance and develop Council policy.

Much of the resource for application processing is now located under restructured City Environments. Other resources within the Council are “on tap” to the Manager: City Environments as particular applications are evaluated. A particular product of the restructuring in the administrative planning functions of the Council has been the aggregation of specialist staff within the City Environments unit.

Recommendation 4

Prepare an urban vegetation plan as signalled in the 1996 strategic plan and establish an inventory of urban vegetation cover with an appropriate monitoring programme to evaluate changes to urban vegetation cover.

Response

This study has begun. The Council now has a staff ecologist to undertake this work. Field work has been completed in 80% of the City. The analysis has commenced for parts of the City. The matter will be reported to the Planning Committee on completion of the study, together with any recommendations for change.

District Plan

Recommendation 5

Provide for compulsory consideration of design guidelines as part of resource consent applications in the special character zones to provide greater certainty for the protection of significant amenity values.

Response

Council’s practice has been to use the guidelines as a “deem to comply” provision and to set criteria which do require assessment to guideline standards or better. It does recognise that different solutions are achievable.

An extensive monitoring study of the Residential 1 zone provisions is being undertaken to determine their application and effectiveness. Following that review, it would be appropriate to determine what changes, if any, are needed to the Plan.



Recommendation 6

Review the decision not to provide district plan control over on-site amenity values for cross-lease developments.

Response

The Council does control on-site amenity for cross-lease development as for normal developments. All standard controls, including streetscape apply. The exception, and where this recommendation is targeted is the controls that relate to the lease boundary within the site. The rationale for not imposing controls on this boundary is that these matters relate only to the lessees and are under their direct control.

The cross-lease boundary is only concluded once buildings are physically erected. Purchasers can physically see buildings constructed and through the leasing arrangements, determine how the site is to be managed, and how any additions or alterations on the property can be controlled. However, the matter will be reviewed.

Recommendation 7

Review whether the rules for the Residential 1 zone match the policies and objectives of that zone and whether they will deliver the desired outcomes.

Response

The rules for the Residential 1 zone have been the subject of recent appeals and close scrutiny by the Environment Court. Appellants were seeking to liberalise the rules rather than impose tighter rules. The Environment Court found in the Council's favour determining that the rules were appropriate to the circumstances.

Recommendation 8

Address the implications for the integrity and coherence of Residential zones where there are adjacent business zone apartment developments by:

- ⌘ placing limits on residential density in Business zones;
- ⌘ requiring business zone developments to take into account effects on surrounding amenity values; and
- ⌘ requiring financial contributions for residential development in all business zones.



Response

The Council has completed an extensive study of this issue and recently notified a variation for addressing it.

The Council has always required financial contributions for residential developments in Business Zones.

Recommendation 9

This relates to alleged deficiencies in the development of notification criteria.

Response

The criticism is not valid. It is the degree of effect, rather than the extent of infringement which is critical in the assessment of development control modifications.

Recommendation 10

This suggests improvements to the process of evaluating resource consent applications.

Response

This proposal is accepted and the following changes will be introduced:

- (1) That aspects of : consultation by applicants; addressing of effects on amenity; and cumulative effects be addressed in applications for resource consent and their inclusion regularly audited by an independent group (i. e. Special Projects and Monitoring);.*
- (2) That a report be submitted to the Planning Committee in 6 months advising findings on the above auditing aspects of resource consents and a copy of the report forwarded to the Commissioner for the Environment*

Recommendation 11

This is seeking a policy directive that appropriate urban design experts and other professionals be consulted where significant amenity values are affected.



Response

This is not necessary since Council currently supports the use of such consultants both in-house and externally.

Recommendation 12

The report recommends that the increased flexibility for applicants through the use of the development control modification is matched by a more rigorous assessment of the effects of the rule on off-site amenities.

Response

The rule has been changed by an Environment Court Consent Order since the report was drafted

The new wording for the control, however, does still require that Council be satisfied that adverse effects on the environment are minor, or of little significance, with off-site amenity issues encompassed by this.

Recommendation 13

This seeks the development of a policy on “*what constitutes the mitigation of adverse effects so that adequate conditions can be attached to resource consents to maintain and enhance amenity values*”

Response

This is accepted and the following change will be introduced: That research into the issue of mitigation of adverse effects and identification of appropriate conditions of resource consent be undertaken by Auckland City Environments and a staff practice note prepared within 6 months.

Recommendation 14

This seeks an internal auditing programme for resource consents and is in line with increased involvement in such issues by the newly established Special Projects and Monitoring section of Auckland City Environments.

Response

The following changes are adopted.

- (1) That the Special Projects and Monitoring section establish a statistical framework for the auditing of planning reports and decisions and implement the practice of auditing on a regular basis, to ensure*



consistency of approach and standards city-wide and to identify possible training needs etc.

- (2) *That a report on the progress of the internal auditing programme and findings to date be forwarded to the Planning Committee within 6 months.*

Recommendation 15

This relates to the implementation of monitoring programmes to:
Encourage local community involvement in the design and implementation of monitoring programmes and:

- develop key environmental indicators for monitoring the state of the environment and the effectiveness of the district plan in terms of the management of amenity values.
- monitor the cumulative effects of intensification on the amenity values of all residential zones.
- ensure adequate resources are available to conduct compliance monitoring programmes and enforce conditions of resource consents.

Response

The Council has published two monitoring reports and work is beginning on the third report which will be published in February or March next year for consideration as part of the budget round

The elements for monitoring that will come within the next monitoring report have been developed as part of the extensive consultation under the Strategic Plan, including a wide range of focus groups and quite extensive surveying of public attitudes, as well as meetings with particular groups. As the key indicators are developed in draft form, these will be further addressed with interested parties.

