



Proposed Plan Change 120: Housing Intensification and Resilience (PC120)

to the Auckland Unitary Plan (Operative in part)

Section 32 and Schedule 3C of the Resource Management Act 1991 for qualifying matter:

Special Character Areas Overlay – Business

EVALUATION REPORT

Table of Contents

Executive summary	3
Introduction	6
Integrated evaluation for qualifying matters.....	7
Issues.....	12
Characteristics of the SCA Overlay.....	13
Key issues the proposed qualifying matter raises	14
AUP approach to managing qualifying matter	14
Objectives, policies and rules (existing)	15
Additional analysis for the qualifying matter – site specific analysis	18
Development of Options.....	20
Special Character Overlay as a qualifying matter	20
Consequences for development capacity.....	21
Evaluation of options	22
Proposed amendments to the AUP	27
Risks or acting or not acting.....	28
Effectiveness and efficiency.....	28
Description of how the qualifying matter is to be implemented	28
Overall conclusion.....	29
Appendix 1 – Consultation summary	30
Information Used	30

Executive summary

This section 32 report addresses the Special Character Areas Overlay – Business (**SCA Overlay or overlay**) as a qualifying matter. This qualifying matter is present across various business centre zones across Auckland’s urban environment. The overlay is a qualifying matter where it is located within areas identified in Policy 3 of the National Policy Statement on Urban Development (**NPS-UD**) (**Policy 3**).

The Special Character Areas Overlay – Residential applies to urban residential zones, but that qualifying matter is the subject of a separate section 32 report for Proposed Plan Change 120 to the Auckland Unitary Plan (**PC120**).

The SCA Overlay is a qualifying matter as it identifies, and seeks to maintain and enhance, the special character values of specific business areas identified as having collective and cohesive values, importance, relevance and interest to the communities within the locality and wider Auckland region. The areas identified are parts of commercial centres that represent the early European settlement of Auckland. Building height within the areas generally varies from one to three-storeys but is predominantly two-storeys.

The SCA Overlay is identified as a qualifying matter under section 77O(j) of the Resource Management Act 1991 (**RMA**) as any other matter that makes higher density, as provided for Policy 3 of the National Policy Statement on Urban Development (**NPS UD**) (**Policy 3**), inappropriate in an area, but only if section 77R of the RMA is satisfied. Section 77R requires a section 32 report to provide more analysis of the qualifying matter, including a site-specific analysis.

Clauses 4(1)(b) and 4(1)(c) of Schedule 3C of the RMA and Policy 3 set out specific height and/or density requirements that must be enabled in a district plan. The requirements of clauses 4(1)(b) and (c) and Policy 3 are building heights and/or densities of at least:

- a) 15 storeys in the walkable catchments of the Maungawhau (Mount Eden), Kingsland and Morningside train stations (clause 4(1)(b)),
- b) ten storeys in the walkable catchments of the Baldwin Avenue and Mount Albert train stations (clause 4(1)(c)) (note that the SCA Overlay is not present within these walkable catchments),
- c) six storeys within at least a walkable catchment of other existing and planned rapid transit stops, the edge of city centre and metropolitan centre zones (Policy 3(c)), and
- d) within and adjacent to neighbourhood, local and town centre zones, building heights and densities commensurate with the level of commercial activity and community services (Policy 3(d)).

In PC120, all areas subject to the SCA overlay have been identified and evaluated considering the factors set out in the Regional Policy Statement (**RPS**) section of the Auckland Unitary Plan (Operative in part) 2016 (**AUP**). All the areas proposed to be subject to the overlay have been subject to the provisions of section 77R of the RMA, including the

required site-specific analysis. Each special character area is supported by a special character area statement,¹ which identifies the key special character values of the area.

There are 16 SCA Overlay areas identified in PC120. Four² areas are located in the walkable catchment areas required for high density that are identified in clause 4(1)(b) and Policy 3(c). Twelve areas are located outside walkable catchments but are within neighbourhood, town or local centre zones so are subject to the provisions of Policy 3(d) of the NPS-UD.

Properties subject to the SCA Overlay are shown by the Special Character Areas Overlay – Residential and Business in the Unitary Plan maps (a blue outline and a pattern of square blue dots).

The AUP contains objectives and policies at both regional³ and district⁴ levels. The provisions seek to maintain and enhance the values of special character areas and avoid, remedy or mitigate the adverse effects of subdivision, use and development on the identified special character values of an area. Chapter D18 sets out rules to manage development activities within the overlay. In addition to the provisions of the underlying zone, activities like external redecoration and repairs to, or alterations to the rear of, building are permitted. Activities anticipated to have a greater effect on the values of the overlay, such as total or substantial demolition of most buildings within the overlay are managed via resource consent. New buildings within the overlay also require consent.

Where the SCA Overlay is a qualifying matter, it is not compatible in all areas with the height and/or density requirements of clause 4(1)(b) and Policy 3. The overlay is not necessarily compatible with the density requirements because demolition of some buildings requires a resource consent in the overlay (the demolition of buildings in neighbourhood, local or town centre zones is a permitted activity). To address these matters in part, a site-specific analysis was undertaken, which identified where the special character values of the overlay were of high quality. Where the special character values of the overlay were not identified as high quality, the spatial extent of some of the overlay areas has been reduced.

Where the overlay is proposed to be identified as a qualifying matter, the requirements of clause 4(1)(b) and Policy 3 need to be modified in some of the overlay areas, via the application of a Height Variation Control (**HVC**), which will provide for the specific characteristics of the qualifying matter. In some overlay areas, the HVC is lower than the height directed by clause 4(1)(b) or Policy 3 but in other areas it is not. The proposed reduction in extent contributes to the provision of heights and densities within these zones, by way of the overlay being applied to a smaller number of sites.

Applying the qualifying matter in the manner proposed by PC120 will not result in a significant impact on housing capacity, as the qualifying matter is predominantly located in

¹ AUP Schedule 15 Special Character Schedule, Statement and Maps (**Schedule 15**).

² Newmarket SCA Business area is within the Metropolitan Centre Zone (MCZ). The MCZ is not part of PC120, as it was considered through Plan Change 78 to the AUP.

³ Chapter B5 Ngā rawa tuku iho me te āhua - Historic heritage and Special Character (**Chapter B5**).

⁴ Chapter D18 Special Character Areas Overlay – Residential and Business (**Chapter D18**) and Schedule 15.

business centre zones.⁵ The business centre zones seek to provide a focus for commercial activities and growth and predominantly provide for non-residential activities, although residential activities are enabled at upper floors.

Applying the qualifying matter in the manner proposed by PC120 will have some impact on non-residential development capacity. The impact varies, depending on the location of the qualifying matter:

- a) the impact is greatest within the walkable catchments of the Maungawhau (Mount Eden), Kingsland and Morningside train stations, where at least 15 storeys is enabled by clause 4(1)(b). However, there is only 6 hectares (**ha**) of land identified as the SCA Overlay qualifying matter in these walkable catchments (out of a total land area of 271 ha).
- b) there is no impact on development capacity within the walkable catchments of the Baldwin Avenue and Mount Albert train stations, as no land is subject to the overlay in these areas.
- c) within other walkable catchments, where at least six storeys are enabled by Policy 3, there is a minor overall impact, as the overlay applies to a small area of land (approximately 17 ha out of a total area of 6,592 ha).

In the 12 SCA overlay areas that are subject to Policy 3(d),⁶ where heights and densities have to be commensurate with the level of commercial activity and community services in an area, 28ha of land is subject to the overlay (out of a total land area of 59,000ha). The underlying zoning within these overlay areas is Town Centre Zone,⁷ Local Centre Zone,⁸ Neighbourhood Centre Zone⁹ and Business – Mixed Use Zone.¹⁰ Most of the areas have an HVC applied, mainly 13m but the HVC is 9m in parts of Devonport and Helensville and is 27m in Onehunga.

The costs and broader impacts of applying the qualifying matter on development capacity are low, given the small land area that the qualifying matter is proposed to be applied to and because the qualifying matter does not affect the provision of capacity (as directed by clause 4(1)(b)) on every site. While it is acknowledged that applying the qualifying matter will result in site-specific costs, it is considered that the application of the overlay as proposed by PC120 is appropriate, as the overlay maintains a characteristic that is important to Auckland. Accordingly, clause 4(1)(b) and Policy 3 should be modified to accommodate the qualifying matter, but only to the extent necessary, by identifying an HVC for some overlay areas and by identifying rules for the demolition of buildings as a qualifying matter.

⁵ The SCA Overlay is also present in a limited number of Open Space zones.

⁶ Note that the Ellerslie SCA Overlay area is proposed to be deleted.

⁷ Devonport, Onehunga, Otahuhu, Howick and Helensville.

⁸ Eden Valley, Grey Lynn, West Lynn, Balmoral Shopping Centre, part of Mount Eden Village and Sandringham.

⁹ Lower Hinemoa Street.

¹⁰ Part of Mount Eden Village.

Introduction

This report is prepared as part of the evaluation required by Section 32 and Schedule 3C of the RMA for PC120 to the AUP.

The background to and objectives of PC120 are discussed in the overview report, as is the purpose and required content of section 32 and Schedule 3C evaluations.

This report discusses the implications of applying Special Character Areas Overlay – Business (**SCA Overlay** or **overlay**) as a qualifying matter to the requirements of clause 4(1)(b) of Schedule 3C of the RMA and the implementation of policy 3 of the NPS-UD. This report also evaluates the provisions which have been included in PC120 relating to the SCA Overlay.

The Council may make the relevant building height or density requirements of clause 4(1)(b) and (c) of Schedule 3C of the RMA and policy 3 of the NPS-UD less enabling of development in relation to an area within any zone in an urban environment only to the extent necessary to accommodate 1 or more of the following qualifying matters that are present:

- (a) a matter listed in section 77I(a) to (i) of the RMA;
- (b) any other matter that makes higher density, as specified by clause 4(1)(b) or (c) of Schedule 3C of the RMA or policy 3 of the NPS-UD, inappropriate in an area but only if subclause (4) of clause 8 of Schedule 3C is satisfied.

Under clause 8(2) of Schedule 3C of the RMA, the evaluation report required under section 32 of the RMA must in relation to a proposed amendment to accommodate a qualifying matter under subclause (1)(a) or (1)(b) of clause 8:

- (a) demonstrate why the Council considers:
 - (ii) that the area is subject to a qualifying matter; and
 - (iii) that the qualifying matter is incompatible with the level of development provided by clause 4(1)(b) or (c) or policy 3 for that area; and
- (b) assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity; and
- (c) assess the costs and broader impacts of imposing those limits.

Under clause 8(4) of Schedule 3C of the RMA, the evaluation report required under section 32 of the RMA must, in relation to a proposed amendment to accommodate a qualifying matter under subclause (1)(b) (an "other" qualifying matter), also:

- (a) identify the specific characteristic that makes the level of development specified by clause 4(1)(b) or (c) or policy 3 inappropriate in the area; and
- (b) justify why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and
- (c) include a site-specific analysis that—
 - (i) identifies the site to which the matter relates; and

- (ii) evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and
- (iii) evaluates an appropriate range of options to achieve the greatest heights and densities specified by clause 4(1)(b) or (c) or policy 3 while managing the specific characteristics.

Under clause 8(5) of Schedule 3C of the RMA, the Council may, when considering existing qualifying matters (a qualifying matter referred to in clause 8(1)(a) of Schedule 3C of the RMA that is operative in the AUP when PC120 is notified), instead of undertaking the evaluation process described in clause 8(2), do all of the following things:

- (a) identify by location (for example, by mapping) where an existing qualifying matter applies:
- (b) specify the alternative heights or densities (as relevant) proposed for those areas identified under paragraph (a):
- (c) identify in the evaluation report why the Council considers that one or more existing qualifying matters apply to those areas identified under paragraph (a):
- (d) describe in general terms for a typical site in those areas identified under paragraph (a) the level of development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been provided by clause 4(1)(b) or (c) or policy 3:
- (e) notify the existing qualifying matters in the Auckland housing planning instrument.

Integrated evaluation for qualifying matters

For the purposes of PC120, evaluation of the SCA Overlay as a qualifying matter has been undertaken in an integrated way that combines section 32 and Schedule 3C of the RMA requirements. The report follows the evaluation approach described in the table below.

The preparation of this report has involved the following:

- a) assessment of the AUP to identify any relevant provisions that apply to this qualifying matter
- b) development of draft amendments to the operative district plan provisions of the AUP to implement this matter as a qualifying matter in accordance with the requirements of Schedule 3C of the RMA
- c) review of the AUP to identify all relevant provisions that require a consequential amendment to integrate the application of this qualifying matter
- d) a site-specific survey of each site within the SCA Overlay to determine its special character values
- e) based on the site-specific survey above, an analysis of the AUP maps to review the spatial application of this qualifying matter
- f) development of proposed changes to the planning maps to reflect the spatial extent of the SCA Overlay and identify sites subject to particular D18 rules
- g) amendments to Chapter D18 to accommodate the qualifying matter, where appropriate

- h) section 32 options analysis for this qualifying matter and related amendments.

The scale and significance of the issues is assessed to be minor.

This section 32/Schedule 3C evaluation report will continue to be refined in response to any consultation feedback provided to the council, and in response to any new information received.

Table 1 Integrated approach for any matter specified in section 77I(a) to (i) that is not currently operative in the AUP and any other matter that makes higher density, as specified by clause 4(1)(b) or (c) of Schedule 3C of the RMA or policy 3 of the NPS-UD, inappropriate in an area

Standard sec 32 steps	Plus clause 8 Schedule 3C steps
Issue Define the problem- provide overview/summary providing an analysis of the qualifying matter	PC120 proposes to apply the SCA Overlay as a qualifying matter to 16 commercial centres areas that are located within Auckland's urban environment. The SCA Overlay is a qualifying matter because it manages important special character values that contribute to Auckland's identity. The overlay is applied to commercial centres that represent the early European settlement of Auckland. The SCA Overlay contains areas of architectural and other built character value, which illustrate collective and cohesive values, importance, relevance and interest to the locality and wider Auckland region. The specific characteristics of each overlay area are described in detail in Schedule 15. The location and extent of sites subject to the SCA Overlay are shown in the AUP maps as a pattern of blue squares.
Identify and discuss objectives / outcomes	The RPS objectives and policies that are specific to the SCA Overlay as a qualifying matter are set out in the AUP Chapter B5. The district-level objectives, policies and rules are set out in AUP Chapter D18 and Schedule 15. The overlay is a qualifying matter identified under section 77O(j) of the RMA, being any other matter that makes higher density as provided for by clause 4(1)(b) or Policy 3 inappropriate in an area (but only if RMA section 77L is satisfied). The overlay itself does not control building height; this is managed by the underlying zone. Through the underlying zones, an HVC is applied to some overlay areas to reduce the building height below the standard zone height where this standard height would have adverse effects on

Standard sec 32 steps	Plus clause 8 Schedule 3C steps
	the identified special character values of the area. The Chapter D18 rules manage building density by requiring resource consent for various demolition activities. While the Chapter D18 rules manages building density by requiring consent for new buildings, this activity also requires consent in the provisions of the underlying zone.
Identify and screen response options	A range of reasonably practicable options for achieving the objectives have been identified and evaluated for this qualifying matter. • Option 1 – do not apply the SCA overlay, • Option 2 – apply the SCA Overlay outside locations where the impact on development capacity is highest (i.e., do not apply the qualifying matter within the walkable catchments of Mount Eden, Kingsland and Morningside train stations), and • Option 3 – apply the SCA Overlay as a qualifying matter in a reduced spatial area (based on the site-specific analysis) and modify the relevant provisions as necessary to accommodate the qualifying matter. A site-specific analysis of the SCA Overlay has been undertaken which evaluates the specific characteristics on a site-specific basis to determine the geographic area where intensification needs to be compatible with the qualifying matter. Each site within the SCA Overlay was surveyed to determine that each overlay area continues to exhibit the characteristics identified in Schedule 15. This analysis has resulted in the geographic extent of the overlay being reduced in most of the SCA Overlay areas and the overlay proposed to be deleted completely from Ellerslie.
Collect information on the selected option(s)	The qualifying matter is not always compatible with the level of development provided by clause 4(1)(b) or Policy 3. The level of incompatibility depends on the location of the overlay. <i>Walkable catchments of Maungawhau (Mount Eden), Kingsland and Morningside train stations – at least 15 storeys (Clause 4(1)(b))</i> • There are two business special character areas located within these walkable catchments: Kingsland and part of Upper Symonds Street area (the other part of the area is within a Policy 3 walkable catchment and is considered below). • The SCA Overlay applies to 6 ha of land within these walkable catchments (which represents 2% of the total land area within these walkable catchments).

Standard sec 32 steps	Plus clause 8 Schedule 3C steps
	• A HVC is applied to Kingsland (13m/2 storeys) and Upper Symonds Street (18m/4 storeys). • While sites within the SCA Overlay in the Kingsland and (part of) the Upper Symonds Street business areas will enable significantly less height than what is directed by clause 4(1)(b), but the overall impact of applying the qualifying matter in these walkable catchments is small, given the small land area and number of sites affected. <i>Walkable catchments of Baldwin Avenue and Mount Albert train stations (Clause 4(1)(c))</i> There is no impact, as the overlay is not present within these walkable catchments. <i>City Centre zones (Policy 3(a))</i> There is no impact, as the overlay is not present within these walkable catchments. <i>Metropolitan Centre zones (Policy 3(b))</i> There is one SCA Overlay area within a Metropolitan Centre zone (Newmarket). This area was considered in a hearing on Plan Change 78 to the AUP and is not considered as part of this section 32 report. <i>All other walkable catchments – at least six storeys (Policy 3(c))</i> • There are three business special character areas located within other walkable catchments – Upper Symonds Street (part of it only), Ponsonby Road and Parnell. • The SCA Overlay applies to 17 ha of land within these walkable catchments (which represents less than 1% of the total land area). • A HVC is applied to these areas: Ponsonby Road and Parnell (13m/2 storeys) and Upper Symonds Street (18m/4 storeys). • While sites within the SCA Overlay in the Ponsonby Road and Parnell business areas will enable significantly less height than what is directed by Policy 3 in this area, but the overall impact of applying the qualifying matter in these walkable catchments is small, given the small land area and number of sites affected. <i>Areas within Policy 3(d) locations – heights and densities commensurate with the level of business activity and community services</i> • There are 12 business special character areas located in Policy 3(d) locations – Balmoral Shopping Centre, Devonport, Eden Valley, Grey Lynn, Lower Hinemoa Street Onehunga, Otahuhu,

Standard sec 32 steps	Plus clause 8 Schedule 3C steps
	Helensville, Howick, Mount Eden Village, Sandringham and West Lynn. • The SCA Overlay applies to 28 ha of land within these walkable catchments (which represents less than 1% of the total land area). • A HVC is applied to most of these areas: 13m for all areas except Devonport and Howick (which have a mix of 9m and 13m), Mount Eden Village (which has a mix of 13m and Business Mixed Use Zone), Lower Hinemoa Street (no HVC, underlying zone is Neighbourhood Centre) and Onehunga (which has an HVC of 27m). • The spatial extent of the overlay has been reduced in all areas except Balmoral Shopping Centre, based on the site-specific analysis. • There is no prescribed height and/or density for areas subject to Policy 3(d). The underlying zone in each area, in conjunction with an HVC, where appropriate, will assist to maintain and enhance each area's special character values and will also enable intensification commensurate to the level of business activity and community services provided in each area (although a resource consent will be required for some activities). <i>Site-specific analysis</i> Analysis of each of the business areas has been undertaken to evaluate an appropriate range of options to achieve the greatest heights and densities specified by clause 4(1)(b) and Policy 3 which managing the specific characteristics of the qualifying matter. Different HVCs are applied, depending on the characteristics of each area. It should be noted that an HVC may also be applied to some sites subject to the qualifying matter for additional or other reasons (e.g., identified landscape features or amenity).
Evaluate options – costs for housing capacity	The cost of imposing limits on housing capacity by identifying the SCA Overlay as a qualifying matter is minor, as the qualifying matter is only located in business centre zones. These zones seek to predominantly provide for non-residential activities, although residential activities are provided for at upper floors.
Evaluate option(s) -environmental, social, economic,	Identifying the SCA Overlay as a qualifying matter provides both costs and benefits, which vary across the options identified above. Each option has costs, with Option 3 having the lowest overall costs for the

Standard sec 32 steps	Plus clause 8 Schedule 3C steps
cultural benefits and costs	overlay as a qualifying matter, and all three options also have benefits. Refer to Table 3 for more details.
Preferred approach	The preferred approach is Option 3. Development at higher heights is still enabled through a resource consent, as long as it can be demonstrated the proposed works maintain and enhance the special character values of the area.
Overall judgement as to the better option (taking into account risks of acting or not acting)	The implications of the qualifying matter on the development capacity to be enabled by clause 4(1)(b) and Policy 3 in the areas where the qualifying matter applies are minor. The qualifying matter is proposed to apply to only 6 ha of land within the walkable catchments where at least 15 storeys is required (comprising 2% of the land area within these walkable catchments). The qualifying matter is proposed to apply to 17 ha of land within walkable catchments identified in Policy 3 (comprising less than 1% of the land area within these walkable catchments). The characteristics of the SCA Overlay are important to the Auckland region. If the overlay is not identified as a qualifying matter, those characteristics may be completely lost. The characteristics of the SCA Overlay make the level of development sought by clause 4(1)(b) or Policy 3 inappropriate in the light of the national significance of urban development and the objectives of the NPS-UD.

Issues

The qualifying matter is the Special Character Areas Overlay – Business. This qualifying matter is present across various business centre zones across Auckland’s urban environment.

The SCA Overlay is identified as a qualifying matter as it identifies, and maintains and enhances, the special character values of specific business areas identified as having collective and cohesive values, importance, relevance and interest to the communities within the locality and wider Auckland region. These areas are commercial centres that represent the early European settlement of Auckland. Building height within the areas generally varies from one to three-storeys but is predominantly two-storeys.

The qualifying matter is a matter specified in section 77O(j) of the RMA, being any other matter that makes higher density, as specified by Policy 3, inappropriate in an area.

The SCA Overlay is proposed to apply as a qualifying matter in PC120 to approximately 22 ha of land across 16 commercial centres within Auckland’s urban environment. It is shown in the PC120 map viewer by a pattern of blue squares.

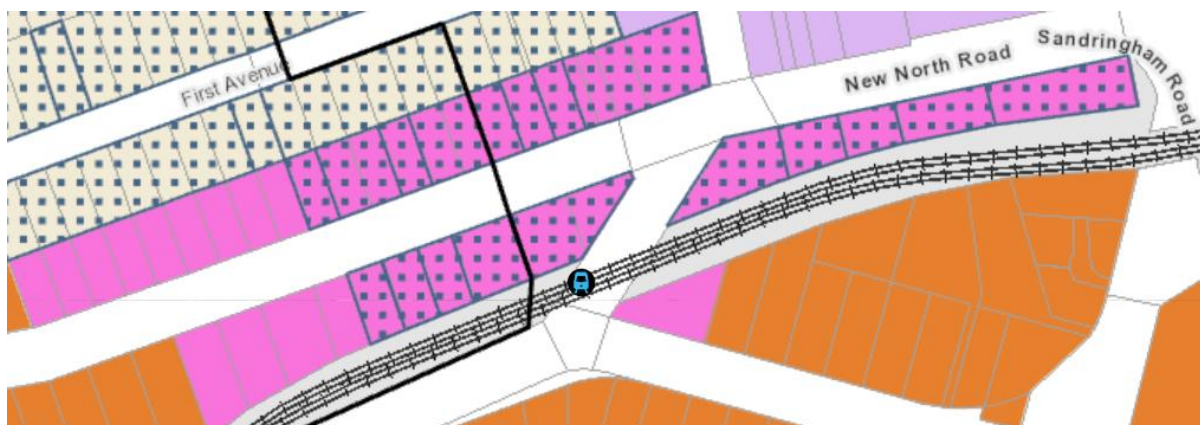


Figure 1: Special Character Areas Overlay – Residential and Business, as shown in the PC120 viewer by the pattern of blue squares. The underlying zoning is shown by the colours underneath the overlay and the walkable catchment line is the thick black line.

Characteristics of the SCA Overlay

The AUP describes areas within the SCA Overlay as places that have collective and cohesive values, importance, relevance and interest to the communities within the locality and wider Auckland region.¹¹

Special character areas include older established areas and places which may be whole settlements or parts of suburbs or a particular rural, institutional, maritime, commercial or industrial area. They are areas and places of special architectural or other built character value, exemplifying a collective and cohesive importance, relevance and interest to a locality or to the region. Historical heritage values may underlie the identification of special character areas and make a contribution to the character and amenity values of such areas, but the special character areas are dealt with differently from significant historic heritage identified and protected in terms of the separate policy framework for identifying and protecting Historic Heritage in B5.2. The attributes of the character and amenity values and the environmental quality of a special character area, including buildings and streetscape, might be derived from its historical legacy without being historic heritage.

The SCA Overlay is located in areas that are zoned Business Town, Local or Neighbourhood zone. Each overlay area is supported by a special character area statement (in AUP Schedule 15), which identifies the key special character values for each area.

Typical features of the overlay areas are described below:

- Commercial centres representing early European settlement of Auckland
- Concentrations of predominantly late-nineteenth and early-twentieth century buildings which reflect the building types and architectural styles associated with this time
- Predominantly commercial buildings, but some other building types, including residential, ecclesiastical and public buildings

¹¹ AUP Chapter B5

- Predominantly one and two-storey development, with high parapets and verandahs
- Predominantly built of brick (plastered or painted) with some buildings clad in timber
- Many areas present a continuous building line from buildings constructed to the front boundary and occupying the full width of the site.

Key issues the proposed qualifying matter raises

The qualifying matter raises few issues for housing capacity, as it is only applied in business centre zones. The key issue the qualifying matter raises in terms of development capacity is the application of a lower height limit than what is enabled by clause 4(1)(b) and/or Policy 3 in most areas where the overlay is proposed to be applied.

AUP approach to managing qualifying matter

The AUP currently manages the qualifying matter by identifying areas of special character value and applying the SCA Overlay to them. The AUP provisions to implement the overlay sit at the RPS (Chapter B5) and district levels (Chapter D18 and Schedule 15). The extent of the overlay is shown in the planning maps and in Schedule 15. These provisions provide the framework for the relevant objectives, policies and rules and methods that are described below. This approach in the AUP was extensively addressed through the Proposed AUP hearings process 2014 – 2016.

Objectives, policies and rules (existing)

The relevant AUP objectives and policies that support the Special Character Areas Overlay – Business qualifying matter are as shown in the table below.

Table 2: AUP objectives and policies for the Special Character Areas Overlay – Business

AUP Chapter	Objective / Policy	Summary of matter addressed
B5 Ngā rawa tuku iho me te āhua – Historic heritage and special character	Objective B5.3.2(2) Policies B5.3.3(1), (2), (3), (4)	The objective seeks to maintain and enhance the character and amenity values of identified special character values. The policies direct how to identify and evaluate areas with special character values and provide direction on how these areas should be maintained and enhanced.
D18 Special Character Areas Overlay – Residential and Business	Objectives D18.2(1), (2), (3)	Objective 1 seeks to maintain and enhance special character values (as identified in the statements in Schedule 15). Objective 2 seeks the retention of specific physical attributes that define, contribute to or support the special character of an area, being (a) built form, design and architectural values of buildings and their contexts, (b) streetscape qualities and cohesiveness, including historical form of subdivision and patterns of streets and roads, and (c) the relationship of built form to landscape qualities and/or natural features including topography, vegetation, trees, and open spaces. Policy 3 seeks to avoid, remedy or mitigate the adverse effects of subdivision, use and development on the identified special character values of areas.

AUP Chapter	Objective / Policy	Summary of matter addressed
	Policies D18.3(8) to (14)	The policies support the objectives by: • directing development and redevelopment to have regard and respond positively to identified special character values, • identifying individual buildings that contribute to identified special character as character defining or character supporting buildings, • discourage the removal or substantial demolition of buildings that contribute to the continuity or coherence of the special character area, • require new buildings, alterations and additions to existing buildings, and infrastructure, which are within the overlay but not character defining or character supporting buildings, to maintain the integrity of the context of the area, • require additions and alterations to character supporting and character defining buildings to be compatible with and respect the special character and existing scale of development, and • encourage the ongoing use and maintenance of buildings in special character areas.

The management of special character areas within Auckland is not new; some areas within the SCA Overlay have had their special character values managed under legacy district plans and the Unitary Plan for over 30 years. Special character values have been identified as being important to Auckland and its people and communities for a significant length of time.

The provisions of the AUP seek to maintain and enhance the character and amenity values of identified special character areas. The management approach for the SCA Overlay set out in the AUP has two key components. Firstly, special character areas are identified and evaluated for their significance and are described in Schedule 15. Secondly, identified special character areas are subject to the provisions of Chapter D18. These provisions manage the use, development and demolition of buildings within identified special character areas to maintain and enhance these areas.

Chapter D18 includes a policy requiring individual buildings that contribute to the identified special character values according to the following descriptions:

- (a) character defining – makes a considerable contribution to the character of the area because of historical, physical and visual qualities, and
- (b) character supporting – makes a moderate contribution to the character of an area. the building should contribute to the appearance, quality and identity of the area and should be consistent with the values of character-defining places.

Not all buildings are identified in the two categories above; some buildings are neither character defining nor character supporting.

The Chapter D18 rules (in Table D18.4.2) manage the following development activities for buildings:

- external redecoration and repair,
- alterations or minor alterations to the rear,
- additions to buildings,
- total or substantial demolition,
- demolition of the front façade,
- alterations not otherwise provided for,
- new buildings.

The activity status for the rules in Table D18.4.2 depend on whether a building is a character defining building, a character supporting building, or is neither. The activity status is more rigorous for buildings that are character defining and less controlling in relation to buildings on sites that do not contain character defining or character supporting buildings.

The provisions of the SCA Overlay are based on a management approach where activities anticipated to have a greater effect on the values of an area are subject to more rigorous management. Activities such as redecoration and repair and minor alterations to the rear are permitted, subject to standards, while activities likely to have a greater impact on the special character values of a place, such as total or substantial demolition, require resource

consent. The rules are designed to avoid unnecessary consent activity, while maintaining and enhancing the special character values of each area.

The SCA Overlay as a qualifying matter is incompatible with the level of development provided for by clause 4(1)(b) and Policy 3. Rules manage density (including demolition activities), and height is managed in the underlying zone (by applying an HVC to set height at a limit that will maintain and enhance the characteristics of the qualifying matter).

Additional analysis for the qualifying matter – site specific analysis

Section 77 of the Act states that a qualifying matter is not a qualifying matter under section 77O(j) in relation to an area unless the requirements of section 77R are met/the section 32 evaluation report also:

- (a) identifies the specific characteristic that makes the level of urban development required within the relevant paragraph of Policy 3 inappropriate; and
- (b) justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS UD; and
- (c) includes a site-specific analysis that:
 - (i) identifies the site to which the matter relates; and
 - (ii) evaluates the specific characteristics on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and
 - (iii) evaluates an appropriate range of options to achieve the greatest heights and densities provided for by Policy 3 while managing the specific characteristics.

Section 77R(a) Specific characteristic that makes the level of urban development required by Policy 3 inappropriate

The AUP describes areas within the SCA Overlay as places that have collective and cohesive values, importance, relevance and interest to the communities within the locality and wider Auckland region. PC120 proposes to apply the SCA Overlay as a qualifying matter to 16 areas are commercial centres that represent the early European settlement of Auckland. Each area is supported by a character statement, in Schedule 15 of the AUP, which describes the values and features of each area. Typical characteristics of the overlay are:

- Concentrations of predominantly late-nineteenth and early-twentieth century buildings, which reflect the building types and architectural styles associated with this time
- Predominantly commercial buildings, but some other building types, including residential, ecclesiastical and public buildings
- Predominantly one and two-storey development, with high parapets and verandahs
- Predominantly built of brick (plastered or painted), with some buildings clad in timber
- Many areas present a continuous building line from buildings constructed to the front boundary and occupying the full width of the site.

Section 77R(b) Justify why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS UD

The characteristics of the SCA Overlay are important to the Auckland region. If the overlay is not identified as a qualifying matter, those characteristics may be completely lost.

The qualifying matter has only a minor impact on the ability to enable urban development, given it applies in such a small area. Where it does apply, the overlay can contribute to a well-functioning urban environment (NPS-UD Objective 1), as it enables sites for different businesses within centre zones and, because it is located in centre zones, can contribute to good accessibility for people between housing, jobs and community services.

The presence of the qualifying matter will not prevent more businesses and community services to be located in areas near centre zones and/or areas that are well-served by existing or planned public transport (NPS-UD Objective 3). The qualifying matter is located in the walkable catchments of several train stations, and within the walkable catchment of the City Centre. The use of buildings within the SCA Overlay and the standards for the activities carried out within the overlay are managed by the underlying business zones; the overlay does not prevent business and community use within the areas it is located.

The provisions of Chapter D18 are flexible enough to enable the urban environments that the qualifying matter is located within, including their amenity values, to develop and change over time (NPS-UD Objective 4). The Chapter D18 rules do not prevent development within the SCA Overlay but provide for a range of development activities via a resource consent. Some activities, such as new buildings, also require consent in the underlying zone.

Section 77R(c) Includes a site-specific analysis

A site-specific analysis of the overlay was undertaken for this qualifying matter. The analysis was based on a survey, which reviewed each building within the AUP SCA Overlay to determine which areas (or parts thereof) continued to exhibit the special character values identified in the AUP. The survey methodology and guidance documents used for the site-specific analysis will be made available on the website PC120 is publicly notified.

The specific characteristics of each building upon every site within the SCA Overlay were evaluated on a site-specific basis to determine the geographic area where intensification needs to be compatible with the qualifying matter. The contribution of each building was reviewed, with buildings identified as 'character defining', 'character supporting' or 'Non-contributing'. Sites with no buildings or that were not visible also identified. Individual site data was collated, analysed and mapped and the results for each area were compared to existing information set out in the AUP. Areas (or parts thereof) that continue to exhibit the special character values identified in the AUP were determined to be high quality and are identified within the SCA Overlay in PC120.

The site-specific analysis has led to a reduction in the extent of the overlay in most of the areas, to remove those parts of the area which are not of high-quality special character

values. In addition, the Ellerslie SCA Overlay area is proposed to be deleted entirely, as the area overall is not considered to exhibit the special character values identified in the AUP.

A findings report has been prepared for each SCA Overlay area, which summarises the findings of the survey. The reports will be made available online when PC120 is notified.

This section 32 report includes an appropriate range of options to achieve the greatest heights and densities provided for by Policy 3 while managing the specific characteristics of the overlay, as set out in Section 5.

Development of Options

Section 32 of the RMA requires an examination of the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA. The overall objective (purpose of the proposal) of Plan Change 120 has two key objectives – it proposes:

- measures to better manage significant risks from natural hazards region-wide; and
- an amended approach to managing housing growth as a result of no longer incorporating the medium density residential standards (MDRS), but providing for intensification in a way that complies with clause 4 of Schedule 3C of the RMA by:
 - providing at least the same amount of housing capacity as would have been enabled if Plan Change 78: Intensification (PC78), as notified, was made operative, including by providing for additional intensification along selected Frequent Transit corridors and modifying zoning in suburban areas through an amended pattern of Residential - Mixed Housing Urban and Mixed Housing Suburban zones;
 - enabling the building heights and densities specified in clause 4(1)(b) and (c) of Schedule 3C of the RMA within at least the walkable catchments of Maungawhau (Mount Eden), Kingsland, Morningside, Baldwin Avenue and Mount Albert Stations;
 - giving effect to Policy 3 (c) and (d) of the National Policy Statement on Urban Development 2020 (NPS-UD) through intensification in other walkable catchments and land within and adjacent to neighbourhood, town and local centres;
 - enabling less development than that required by clause 4(1)(b) and (c) of Schedule 3C or Policy 3 of the NPS-UD where authorised to do so by clause 8 of schedule 3C.

Section 32 requires a range of options to be considered.

Special Character Overlay as a qualifying matter

The SCA Overlay qualifying matter is a qualifying matter that is "any other matter that makes higher density, as specified by clause 4(1)(b) of Schedule 3C of the RMA and/or Policy 3 of the NPS-UD inappropriate in an area". Therefore, a site-specific analysis is required to

evaluate an appropriate range of options to achieve the greatest heights and densities specified by clause 4(1)(b) of Schedule 3C of the RMA and/or by Policy 3 of the NPS-UD, while managing the specific characteristics. The site-specific analysis is described in Section 4.

The options that have been evaluated in the section 32 and Schedule 3C assessment of the SCA Overlay qualifying matter are:

- **Option 1** – do not apply the qualifying matter
- **Option 2** – do not apply the SCA Overlay as a qualifying matter in locations where the impact on development capacity is highest (i.e., do not apply the qualifying matter within the walkable catchments of Maungawhau (Mount Eden), Kingsland and Morningside train stations)
- **Option 3** – apply the SCA Overlay as a qualifying matter in a reduced spatial area (based on the site-specific analysis) and modify the relevant provisions as necessary to accommodate the qualifying matter.

Consequences for development capacity

The consequences for the provision of development capacity by accommodating the SCA Overlay qualifying matter are limited to the requirement to obtain a resource consent for the demolition of some buildings and the setting of height limits (but this is managed in the underlying zone). The effects of limiting development capacity within these areas predominantly relates to building heights:

- within the walkable catchments of the Maungawhau (Mount Eden), Kingsland and Morningside train stations, the building heights enabled where the qualifying matter applies are either 13m/two storeys or 18m/four storeys, rather than the 15 storeys directed by clause 4(1)(b),
- within all other walkable catchments, the building heights enabled where the qualifying matter applies are either 13m/two storeys or 18m/four storeys, rather than the six storeys enabled by Policy 3.
- within Policy 3(d) areas, building heights and densities or urban form are to be commensurate with the level of commercial activity and community services (no particular heights and densities are specified).

The effects of limiting development capacity via height do not apply to large areas:

- 6 ha in the walkable catchments of Maungawhau (Mount Eden), Kingsland and Morningside (out of a total of 271 ha of land within these walkable catchments),
- 17 ha in other walkable catchments (out of a total of 6,592 ha of land in these walkable catchments),
- 28ha within Policy 3(d) areas.

The demolition of buildings within the SCA Overlay is managed where the qualifying matter applies, with this development activity requiring resource consent. The ability to demolish a building may impact on the density that can be enabled on a site. New buildings also require

resource consent in the overlay; this activity also requires resource consent in the all the business centre zones that underly the overlay.

Evaluation of options

To determine the most appropriate response for SCA Overlay as a qualifying matter, each of the options needs to be evaluated in the context of the objectives and Policy 3 of the NPS-UD.

Option 1 – do not apply the qualifying matter / apply clause 4(1)(b) and Policy 3 in full

The overlay would not be present in any clause 4(1)(b) or Policy 3 locations, so would not impact on intensification in these areas. The SCA Overlay provisions (Chapters B5 and D18, Schedule 15) would be deleted, thus enabling clause 4(1)(b) and Policy 3 not to be impacted by the SCA Overlay (note that other qualifying matters may still be present which would require the modification of clause 4(1)(b) and Policy 3).

Option 2 – apply the SCA Overlay as a qualifying matter outside locations where the impact on development capacity is highest

The SCA Overlay would not be identified in the walkable catchments of the Maungawhau (Mount Eden), Kingsland and Morningside train stations, enabling buildings of up to 15 storeys. The qualifying matter would be identified elsewhere.

Option 3 – apply the SCA Overlay as a qualifying matter in a reduced spatial extent that reflects the site-specific analysis and modify the HVC as appropriate to accommodate the qualifying matter

The SCA Overlay would be applied to the 16 commercial centres that have identified special character values and are within areas listed in clause 4(1)(b) and/or identified in Policy 3. Most of these SCA Overlay areas are located outside walkable catchments (Eden Valley, Grey Lynn, West Lynn, Devonport, Balmoral Shopping Centre, Mount Eden Village, Onehunga, Sandringham, Otahuhu, Lower Hinemoa Street, Howick and Helensville). These areas are subject to Policy 3(d) of the NPS-UD.

The SCA Overlay is predominantly located in non-residential zones,¹² including town, neighbourhood and local centre zones. The provisions of Chapter D18 do not manage height within the qualifying matter and as already mentioned, height (via HVC) is managed in the underlying zone. Subdivision is not managed by the Chapter D18 provisions. New buildings within the SCA Overlay require consent as a restricted discretionary activity both in Chapter D18 and in the underlying business zones. The SCA Overlay manages density by requiring consent for various demolition activities. Chapter D18 therefore requires modification to identify demolition activities as a qualifying matter rule, to ensure that the provisions maintain and enhance the values of the SCA Business areas.

¹² There are a few sites within the overlay that have an Open Space zoning.

Table 3: Evaluation of options

Qualifying matter	Option 1 – do not apply the qualifying matter / apply clause 4(1)(b) and Policy 3 in full	Option 2 – apply the SCA Overlay as a qualifying matter outside locations where the impact on development capacity is highest	Option 3 – apply the SCA Overlay as a qualifying matter and modify the HVC as appropriate to accommodate the qualifying matter
Costs			
Costs of applying QM – housing supply / capacity	<i>Low cost</i> If the qualifying matter is not applied, it will not impact housing capacity.	<i>Low cost</i> Applying the qualifying matter in Policy 3 locations but not in clause 4(1)(b) areas will not result in a significant impact on housing capacity, as the qualifying matter is only located in business centre zones. These zones seek to provide a focus for commercial activities and growth and predominantly provide for non-residential activities.	<i>Low cost</i> Applying the qualifying matter will not result in a significant impact on housing capacity, as the qualifying matter is only located in business centre zones. These zones seek to provide a focus for commercial activities and growth and predominantly provide for non-residential activities.
Costs: Social	<i>Moderate cost</i> Cost to the community of not managing specific special character areas when these areas have been identified as worthy of protection and management in district plans for decades.	<i>Moderate cost</i> Cost to the community of not managing the Kingsland and part of Upper Symonds Street special character areas when these areas have been identified as worthy of protection and management in district plans for decades.	<i>Low cost</i> Will maintain the character of existing commercial centres where the QM applies.
Costs: Economic (not otherwise covered by housing capacity issues)	<i>Low cost</i> Landowners will not need a resource consent under the provisions of Chapter D18 if they wish to	<i>Moderate cost for some areas</i> Costs associated with maintaining older buildings.	<i>Moderate cost</i> Costs associated with maintaining older buildings. Cost to landowners within the special character areas

Qualifying matter	Option 1 – do not apply the qualifying matter / apply clause 4(1)(b) and Policy 3 in full	Option 2 – apply the SCA Overlay as a qualifying matter outside locations where the impact on development capacity is highest	Option 3 – apply the SCA Overlay as a qualifying matter and modify the HVC as appropriate to accommodate the qualifying matter
	demolish or redevelop their buildings. For owners demolishing buildings, there will be costs associated with the demolition of existing buildings and their replacement.	Cost to landowners within the Ponsonby Road, Parnell and part of Upper Symonds Street special character areas, as they will not be able to develop their buildings above the specified HVC and will require to pay the costs of a resource consent for development activities.	identified as a qualifying matter, as they will not be able to develop their buildings above the specified HVC and will require to pay the costs of a resource consent for development activities
Costs: Environmental	<i>High cost</i> Loss of identified special character values as buildings within special character areas are redeveloped. These values are finite and are not able to be replaced. Environmental costs that area associated with the demolition of buildings, including impact on landfills from demolition waste.	<i>Moderate cost</i> Loss of identified special character values within the Kingsland and part of Upper Symonds Street special character areas, as buildings within these areas are redeveloped. These values are finite and are not able to be replaced. Environmental costs that area associated with the demolition of buildings, including impact on landfills from demolition waste.	<i>Low cost</i> Will maintain and enhance identified special character values.
Benefits			
Benefits of applying the QM - social	<i>Low benefit</i> Some social benefit in enabling more development to occur close to centres, via the potential to provide more commercial	<i>High benefit in some locations</i> Will maintain the character in some existing town, local and neighbourhood centres where the qualifying matter applies.	<i>High benefit</i> Will maintain the character of existing town, local and neighbourhood centres where the qualifying matter applies.

Qualifying matter	Option 1 – do not apply the qualifying matter / apply clause 4(1)(b) and Policy 3 in full	Option 2 – apply the SCA Overlay as a qualifying matter outside locations where the impact on development capacity is highest	Option 3 – apply the SCA Overlay as a qualifying matter and modify the HVC as appropriate to accommodate the qualifying matter
	activities and community services.	Can enhance sense of place; research suggests that communities that incorporate heritage, and cultural elements can enhance residents' sense of identity and connection to their environment.	Can enhance sense of place; research suggests that communities that incorporate heritage, and cultural elements can enhance residents' sense of identity and connection to their environment.
Benefits - economic	<i>Moderate benefit</i> Special character values will not need to be considered by landowners wishing to redevelop their land – resource consent would not need to be sought for impacts of development on special character values, reducing the cost of building and development. However, the AUP rules for the underlying zones still require consent for some development activities, including new buildings.	<i>Moderate benefit for some areas</i> Special character values will not need to be considered by landowners subject to the Kingsland part of Upper Symonds Street special character areas who wish to redevelop their land – resource consent would not need to be sought for impacts of development on special character values, reducing the cost of building and development. However, the AUP rules for the underlying zones still require consent for some development activities, including new buildings. There may be economic benefits associated with retaining buildings, rather than demolishing them and	<i>Moderate benefit</i> Research in England¹³ on businesses within Conservation Areas (similar to the SCA Overlay) found that while direct commercial benefits and adding value to products were less highly rated, 62% of business owners felt the historic nature of their building enhanced their business; many businesses felt they benefited from the collective appeal of the historic area; many businesses felt that historic buildings can give a competitive advantage and add value by being an important part of the experience in sectors such as hospitality. Intangible benefits around atmosphere, feel, charm, character, soul, etc. were also regularly

¹³ Lynch, N. and G. Culliford (2018). Listed Building Business Occupiers Survey 2018, Qa research and Historic England, accessed from: <https://historicengland.org.uk/content/docs/research/listed-building-business-occupiers-survey-2018/>.

Qualifying matter	Option 1 – do not apply the qualifying matter / apply clause 4(1)(b) and Policy 3 in full	Option 2 – apply the SCA Overlay as a qualifying matter outside locations where the impact on development capacity is highest	Option 3 – apply the SCA Overlay as a qualifying matter and modify the HVC as appropriate to accommodate the qualifying matter
		replacing them with new buildings.	mentioned by businesses in conservation areas. There may be economic benefits associated with retaining buildings, rather than demolishing them and replacing them with new buildings.
Benefits – environmental		<i>Moderate benefit</i> Applying the qualifying matter outside the 15 storey walkable catchments will maintain and enhance some identified special character values, which are a finite resource that contributes to a well-functioning urban environment. There may be environmental benefits associated with retaining buildings, rather than demolishing them and replacing them with new buildings (less building waste going to landfill).	<i>High benefit</i> Applying the qualifying matter will maintain and enhance identified special character values, which are a finite resource that contributes to a well-functioning urban environment. There may be environmental benefits associated with retaining buildings, rather than demolishing them and replacing them with new buildings (less building waste going to landfill).

Analysis of options

When looking at the options for applying the qualifying matter, each option has a cost. The costs to housing capacity are low across all three options. There are also benefits associated with all of the options considered.

Option 3 has the lowest overall cost; this option is the only one that does not have a high cost associated with it. Option 3 is therefore the preferred option.

Proposed amendments to the AUP

Proposed amendments to Chapter D18

PC120 does not propose to amend the provisions relating to the SCA Overlay set out in Chapter D18, except for the following:

- A sentence at the start of chapter D18 identifying that the overlay is a qualifying matter.
- Deletion of the reference to the SCA Overlay area: Ellerslie from D18.1 Background, as this area is proposed to be deleted.
- The addition of a sentence to D18.1 Background to advise plan users that the location and extent of the SCA Overlay is shown on the planning maps, instead of in Schedule 15.
- The addition of information relating to D18.4 Activity table to advise plan users:
 - the rules and standards in the SCA Overlay are in addition to the rules and standards of the underlying business zones, and
 - identified character defining and character supporting buildings are shown in either the Property Summary in the planning maps or in the maps in Schedule 15.
- Rules in Activity table D18.4.2 that impact on height and/or density are proposed to be tagged as a qualifying matter (this affects rules for demolition, new buildings, additions and alterations etc.).

The proposed changes to Chapter D18 that relate to the SCA Overlay are primarily advice notes, except for the deletion of the reference to Ellerslie (which is required, as this area is proposed to be deleted from the overlay). The proposed changes do not change the way the provisions of Chapter D18 work; the intent is to provide clearer information for plan users about how the provisions work.

Amendments proposed to Schedule 15

PC120 proposes amendments to Schedule 15, primarily to reflect the proposed changes to the spatial extent of the SCA Overlay:

- Sections are deleted, where an overlay area is proposed to be deleted (e.g., Ellerslie).
- Text amendments are proposed to update information arising from proposed amendments to the spatial extent of the overlay, including removing information that relates to individual properties and/or streets within the overlay that are proposed to be removed.
- Some maps are proposed to be amended, to reflect changes to the spatial extent of the overlay areas and/or changes to the contribution of individual properties (character defining, character supporting, or neither).
- Minor amendments for sense, clarity and grammar are proposed throughout Schedule 15.

The proposed amendments to Schedule 15 are effective and efficient way of achieving the objectives of PC120 as they align with the proposed changes to the planning maps that amend the spatial extent of the overlay.

Amendments proposed to planning maps

PC120 proposes amendments to the planning maps to reflect the site-specific survey.

The property summary, which is a part of the planning maps, is proposed to be updated as part of PC120 for properties subject to the SCA Overlay. The proposed amendments will ensure the property summary shows whether a building is character defining or character supporting (or neither).

The changes to the property summary are efficient and effective because, in some cases, the information about whether a property is subject to the demolition control rule and what special character area a property is within is both hard to find in Schedule 15 (the schedule is over 270 pages long) and is hard to see in Schedule 15 (due to the scale of the maps). It is not helpful to plan users if site-specific information about the SCA Overlay is hard to locate. It is considered more efficient and effective to include this information in the planning maps.

Risks or acting or not acting

Section 32(2)(c) of the RMA requires this evaluation to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. The information about the Special Character Overlay as a qualifying matter, including information about the values, location and extent of the overlay, is based on certain and sufficient information that was gathered in the site-specific survey of the special character areas identified in the AUP as operative. There is considered to be sufficient information about the application of the SCA Overlay as a qualifying matter for the plan change to proceed.

Effectiveness and efficiency

The overall objective (purpose of the proposal) of PC120 is to implement clause 4(1)(b) and (c) of Schedule 3C of the RMA and Policy 3 of the NPS-UD. The RPS objective for special character seeks to maintain and enhance the character and amenity of identified special character values. It is not efficient or effective to fully apply clause 4(1)(b) and/or Policy 3 to all areas of the SCA Overlay and enable at least six or 15 storeys, or other heights and densities commensurate with the level of commercial activity and community services in an area. This is because the overlay manages a built form of predominantly one to two storeys and enabling height that will lead to the development of significantly higher buildings is likely to impact on the values and characteristics of the SCA Overlay.

Description of how the qualifying matter is to be implemented

The qualifying matter is to be implemented by identifying it as subject to the SCA Overlay. Each site in the overlay has been subject to a site-specific analysis, resulting in a proposed reduction in the spatial extent of the SCA Overlay. The reduced spatial extent of the overlay will provide more sites in the centre zones that are not subject to the overlay, which will

assist with providing building heights and densities required by clause 4(1)(b) and Policy 3 in each centre.

The overlay is depicted on the plan maps in the same way the operative AUP identifies it, with a pattern of blue squares (the overlay is only a qualifying matter where it is shown on the maps and is also within a walkable catchment). Overlay areas are described in Schedule 15, which provides information about the location of each area and the contribution of buildings within it (character defining or character supporting or neither) and also describes each overlay area.

The relevant provisions for the qualifying matter are contained in the AUP Chapters B5, D18 and in Schedule 15. Where a rule impacts the ability to enable height and/or density, it will be identified in the AUP as a qualifying matter rule.

This method is the most efficient and effective way of implementing the qualifying matter, as it ensures building heights are set at a level that will not impact on the values of the SCA Overlay, while allowing taller development via a resource consent, where the proposed development can be shown to maintain and enhance the special character values of an area.

Overall conclusion

The implications of the qualifying matter on the development capacity to be enabled by clause 4(1)(b) and Policy 3 in the areas where the qualifying matter applies are minor. The qualifying matter is proposed to apply to only 6 ha of land within the walkable catchments where at least 15 storeys is required (2% of the land area within these walkable catchments); 17 ha of land within other walkable catchments (less than 1% of the land area) and 28 ha of land in business centre zones that are subject to Policy 3(d) (less than 1% of the total land area). Applying the qualifying matter results in demolition of character defining and character supporting buildings being identified as a qualifying matter rule and the application of an HVC (through the business zones) to accommodate the qualifying matter.

The characteristics of the SCA Overlay are important to the Auckland region. If the overlay is not identified as a qualifying matter, those characteristics may be completely lost. The characteristics of the SCA Overlay make the level of development sought by clause 4(1)(b) or Policy 3 inappropriate in the light of the national significance of urban development and the objectives of the NPS-UD.

Appendix 1 – Consultation summary

1. The First Schedule to the RMA sets out the relevant consultation requirements.

Limited consultation on PC 120 has been undertaken, and this is detailed in the Auckland Council September 2025 reports entitled:

- CONSULTATION AND ENGAGEMENT ON A PROPOSED PLAN CHANGE POTENTIALLY REPLACING PROPOSED PLAN CHANGE 78 – INTENSIFICATION SUMMARY REPORT
- MĀORI ENGAGEMENT CONSULTATION SUMMARY REPORT

2. Internal consultation with relevant subject matter experts has been undertaken in the preparation of this report, including with staff from the planning, resource consents and legal teams.

Appendix 2 – Information used

Name of document, report, plan	How did it inform the development of the plan change
AUP - B5 Ngā rawa tuku iho me te āhua - Historic heritage and special character	Sets out special character as a key issue, with the particular character and amenity values of special character areas to be maintained and enhanced.
AUP – Chapter D18 Special Character Areas Overlay – Residential and Business	Sets out the objectives, policies and rules for retaining and managing the special character values of specific residential and business areas identified as having collective and cohesive values, importance, relevance and interest to the communities within the locality and wider Auckland region.
AUP – Schedule 15 Special Character Schedule, Statements and Maps	Identifies special character areas that have been identified and evaluated as being of sufficient value to be included in the AUP special character schedule. The schedule includes a character statement for each area, which includes a summary of the special character values and physical and visual qualities for each special character area and how the elements interrelate and contribute to the predominant character of the area.
AUP maps	Identifies the location and extent of special character areas.
Statistics from GIS detailing the percentage of property parcels in Auckland that are subject to the Special Character Overlay	Provided information on the level of impact of modifying Policy 3 and MDRS for the Special Character Overlay as a qualifying matter.