

Memo

Date 3 March 2021

To: Phill Reid, Manager Planning, Auckland-wide

From: Todd Elder, Policy Planner, Regional, North, West & Islands

Subject: **Plan Modification: Clause 20A Amendment to Chapter D14 Volcanic viewshafts and height sensitive area overlay of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016).**

Delegated authority to T4 manager through Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register (Updated May 2017).

This plan modification requires decision-making pursuant to clause 20A of the First Schedule to the Resource Management Act 1991, as corrections are required to the Auckland Unitary Plan (Operative in Part).

Rule or Section of Unitary Plan	Standard D14.6.1. Height of Chapter D14 Volcanic viewshafts and height sensitive area overlay (" Chapter D14 ")
Subject Site (if applicable)	Not Applicable
Legal Description (if applicable)	Not Applicable
Nature of change	<p>Plan Change 4 made amendments to Standards D14.6.1 and D14.6.3 of Chapter D14 Volcanic Viewshaft and Height Sensitive Area overlay.</p> <p>The amendment to these standards occurred as there was interpretation issue with Standard D14.6.3(a)(iii)¹. Standard D14.6.3 relates to the permitted height. The permitted height under Chapter D14 is 9 metres unless another method under standard D14.6.3 applies.</p> <p>The interpretation issue occurred when a alternative height measurement method was required to be applied to a proposed development. The section 32 report recommended to amend Standard D14.6.1 to include references to standard D14.6.3 o clarify that an alternative height may be applicable to certain developments.</p> <p>There was an additional issue as the standard was not achieving the outcome that was intended. The section 32 report for Plan Change 4 summarises the issue as:</p> <p><i>"However, the issue lies with the measurement of the permitted height. If the ground level height at which highest roof point is measured, is lower than which the new building will be constructed on, then the new building will be taller than its neighbouring building. This is not the intention of the rule in light of its context. The impact of allowing this rule to remain is that new buildings could further encroach on the views of the</i></p>

¹ <https://www.aucklandcouncil.govt.nz/HearingDocuments/plan-change-4-3.pdf> Page 104

	<p><i>maunga (volcanic feature).</i></p> <p><i>The recommended change is in line with the PAUP Notified Version and Council's evidence to use the 'average of the levels' of the highest points of the roofs of the nearest two buildings to determine the height of the new building. This would need to be determined using the RL of the average of the highest points of the roof of the nearest two buildings."</i></p> <p>The recommend amendments in plan change 4 included a re-drafted sub-standard being D14.6.3(1)(ii).</p> <p>Through the hearing process, sub-standard D14.6.3(ii) was deleted and replaced with D14.6.3(3)(iii). It seems that the initial paragraph D14.6.3(1) was not corrected to refered when these amendments were made and still refers to D14.6.3(1)(ii).</p> <p>A amendment to Standard D14.6.1(1) is required to correct this referencing error to the intended provisions.</p>
Effect of change	<p>The reference in standard D14.6.1(1) were introduced to ensure it is clear which sub-standard applies. The effect of the change is considered neutral corrects a mistake in the final drafting of the decision report.</p>
Changes required to be made	<p>Amend Standard D14.6.1(1) in the Operative in Part version as follows:</p> <p>(1) In applying these standards, height must be measured using the rolling height method except if using standards D14.6.3(1)(a)(i), D14.6.3(1)(a)(ii) <u>D14.6.3(1)(a)(iii)</u> and D14.6.3(1)(c) where maximum height is restricted by another method.</p>

Prepared by:
 Todd Elder, Policy Planner, Regional, North,
 West & Islands

Approved by:
 Phill Reid, Manager Planning, Auckland-wide

Signature:



Signature:

