

**IN THE MATTER**

of the Resource Management Act 1991

and

the Local Government

(Auckland Transitional Provisions) Act 2010

And

**IN THE MATTER OF**

Topic 059, 060, 062 & 063 Residential Provisions

**STATEMENT OF EVIDENCE OF BARRY LLOYD KAYE**

On Behalf of Ockham Holdings Ltd

Submission 6099

## OVERARCHING RELIEF SOUGHT IN OCKHAM SUBMISSIONS

### Scope

At the outset of the 2040 case Mr Brabant made submissions on scope in relation to the Council's proposed changes to the provisions (As attached to Mr Roberts primary evidence) and in respect of the SHZ in particular.

It is useful I believe in respect of that matter that I set out below from Submission 6099 a number of relevant points .

At page 25 of the Ockham submission the following relief is sought (with Council's coded submission references in brackets).

### ***"HIGH LEVEL RELIEF SOUGHT***

*At the overarching level the submitter seeks the following relief;*

- 1. That the Council declines the PAUP in respect of all residential zoning provisions and zoning maps. That the residential provisions be reformulated to achieve the outcomes set out below. (6099/1)*
- 2. Remove the PAUP 'construct' of density from all sections of the plan. (6099/2)*  
*.*
- 3. Merge all MHU and THAB zoned land to create a new THAB zone (6099/3)*
- 4. Rezone as MHU all areas zoned MHS under the notified PAUP (6099/4)*
- 5. Decrease the size of the Single House zone (6099/5)*
- 6. Enlarge the THAB zone to all residential sites located within 5 minutes' walk of all main arterials and connecting roads-such as New North Road, Sandringham Road, Dominion Road, Mt Eden Road. Manukau Road, Great South Road, Pt Chevalier Road, Great North Road etc and reduce the extent of MHS and Single house zone accordingly. (6099/6)*
- 7. Apply the new MHU zone to all residential sites with access off all main arterials and connecting roads-such as New North Road, Sandringham Road, Dominion Road, Mt Eden*

Road. Manukau Road, Great South Road, Pt Chevalier Road, Great North Road and so on and reduce the extent of Single house zone accordingly (6099/7).



Figure 1-Example of locations where THAB zone should be applied

8. Zone all land within 10 minutes' walk of train stations and transport nodes [which is not Business zoned] as THAB. (6099/7)
9. Reassess the extent of the pre-1944 demolition control for the Single House zone in particular but also for all other residential zones by way of specifically identifying the buildings that are worthy of specific protection rather than using the proposed generic pre-1944 demolition control. (6099/8)
10. Amend the assessment criteria that relate to the amended pre 1944 heritage control provisions so that that there is a clear direction that where pre 1944 buildings are to be

*affected by a higher density development proposal that the existing building must have outstanding heritage characteristics for it to be retained.(6099/9)*

**11.** *Remove all density related controls for the residential zones and Mixed Use zone (6099/10) except that for the Single House zone a minimum subdivision gross site area of 400m<sup>2</sup> should apply to any new lots. That lot size minimum should not apply to where there are two dwellings existing or created within a single building.(6099/12)*

**12.** *Remove in all residential zones all development controls other than those relating to yards, height, height to boundary, and landscaped area standards. (6099/12)*

**13.** *Apply new development controls to residential zones as follows;*

***Single House/Large Lot***

*Height-9m*

*Height in Relation to Boundary-3m+ d*

*Landscaped area-50%*

***(6099/13-6099/17)***

***MHU***

*Height-12m*

*Height in Relation to Boundary-3m+ d*

*Landscaped area-50%*

***(6099/18-6099/20)***

***THAB***

*Height 14m*

*Height in Relation to Boundary – Performance criteria based around site specific access to daylight.*

*Landscaped area-45%*

***(6099/21-6099/23)***

***Submission 1.7***

[PART 3 - REGIONAL AND DISTRICT RULES» Chapter 1: Zone rules»1 Residential zones»7. Development Controls - Mixed Housing Suburban zone»7.2 Building height](#)

*This submission relates to the above rule.*

### **Submission**

*The rule is appropriate for the Single House zone. For MHS zone height needs to be three storey or 12m.*

### **Reasons**

*The submitter considers that the retention of greens pace is the development control most closely correlated with delivering amenity. The required density and varied housing typologies require can only be achieved with a three story height limit that retains GFA (economic viability) and green space (best practice UD outcomes).*

### **Relief Sought**

*That the rule be amended as follows.*

*Purpose: manage the height of buildings to generally maintain a suburban residential character of the zone (one to three storeys).*

*1. Buildings must not exceed 12m or three storeys in height.*

**(6099/34)**

**In addition the submission coded as 6099/107-6099/110 states;**

*'Relief Sought*

*That all Residential and Mixed Use zone proposed objectives and policies be deleted and replaced with objectives and policies that reflect the submitter's submissions.*

*Deletion of reference to the ADM in all objective and policy provisions (and assessment criteria) of the PAUP.*

*Amend all zone descriptions to reflect the merged zones and different spatial contexts following from the submitters other relief sought' .*

### **Other Key Points**

In my filed evidence I have set out the key matters that a short brief of evidence can cover.

I note that I have deliberately related my evidence to the Council's latest tracked change version of the provisions as set out in the attachment to Nick Roberts evidence. I have done that as;

- a) the detail set out in the original submission as lodged sets out Ockham's issues in terms of the notified provisions clearly ,and
- b) it is a more efficient way of discussing the submitter's position but does not assume that Council's tracked change version has any greater weight than the notified provisions.

At para 15 of my evidence I note that;

*Other matters that influence the nature of the individual zone provisions include;*

- *The need for a rationalisation of the proposed zones (by way of merging zones) to better reflect the initial and more appropriate PAUP proposed zones [which were altered following political input to become the notified zones]*
- *The need for revised spatial mapping of zones following the above outcome*
- *The need for a new 'combination' zone along major arterials that reflects a mix of the MU/THAB provisions in pored to 'activate' living and working options in close proximity to public transport.*

**Key points in my evidence are at paras 16, 25, 31, 34, 36, 40.**

**At para 40** I note in particular the following;

*Core Development Controls should be limited to those that directly constrain the built form and site development outcomes that directly impact on the residential amenity of surrounding land, namely;*

- *Building height*
- *Height in relation to boundary (including Alternative height in relation to boundary in the Mixed Housing Urban zones and Terrace Housing and Apartment Buildings zone and Height in relation to boundary in the Terrace Housing and Apartment Buildings zone where it adjoins lower density zones)*

- *Building coverage*
- *Landscaping (retained green space/permeable area)*

**I note in passing that at para 47 of his primary evidence Mr Burton states;**

*Of the core development controls height, coverage and height to boundary (in its various forms) are the controls that most differentiate between zones.*

I also note that a summary of the areas of the different zones is provided on the website and that indicates the following allocation of zone areas as notified as set out below.

- Single House-11081ha (32.6%)
- MHS -13278ha (39.08%)

**71.68% total for SH+ MHS**

- MHU-3284ha (9.6%)
- THAB-1638ha-(4.82%)
- Rural and Coastal Settlement-1452ha-(4.27%)
- Large Lot-3242ha-(9.54%)

Total =99.91%

**At para's 42 & 43 of my primary evidence I noted;**

*The SH zone should be refined and may perhaps even include some areas of the current MHS zone while substantive areas of the SH zone should go into the MHU zone. The SH zone should remain as the targeted zone 'capturing' areas with character such as the Historic Villa areas. The MHS and MHU zones should be merged to become the final MHU zone.*

*That zone will enable a variety of housing solutions at varying densities and heights depending on site size and shape as well as the surrounding planning context. If the HIRTB/setback control remains as a core development control (in association with coverage and landscaped area standards) where there is to be limited flexibility (other than through the alternative controls suggested) then the use of a 11+1m height control as a permitted standard for the new MHU zone will enable innovative design solutions and assist in the delivery of quality and affordable housing.*

*The suggested zoning changes may result in a zoning distribution ratio that is more like;*

- *SH zone-20%*
- *MHU zone-60%*
- *THAB\*\* zone-7%*

*\*\*The THAB zone should also include land abutting arterial roads as discussed in the OHL submissions.*

*[The balance 13% is Rural -Coastal Settlements and Large Lot residential zones]*

In the latest version of the provisions (N Roberts evidence) the following development controls apply. (The numbers in brackets are the submitter's relief as stated in my evidence)

	<b>SH</b>	<b>MHS</b>	<b>MHU</b>	<b>THAB</b>
<b>Height</b>	8+1m	8+1m	11+1m	16m
<b>HIRTB</b>	2.5m+ 45°	2.5m+ 45°	3.0m+ 45°	2.5m+ 45° where abutting SH/MHS
<b>Coverage</b>	35%	35% (40%)	40% (45%)	50% (55%)
<b>Landscaped Area</b>	40%	40% (40%)	40% (45%)	30% (40%)
<b>Density</b>	One Dwelling/site (Agree)	1 to 200m2 No density if site >1000m2 (No Density)	No Density (AGREE)	No Density (AGREE)

The above table illustrates the similarities between the controls for the SH, MHS and MHU zones with the prime distinction being the extra 3m height in the MHU zone-or 2m difference at the top of the building external walls (My primary evidence para 31 & 32).

In my primary evidence at **para 42** I state;



*The SH zone should be refined and may perhaps even include some areas of the current MHS zone while substantive areas of the SH zone should go into the MHU zone. The SH zone should remain as the targeted zone 'capturing' areas with character such as the Historic Villa areas. The MHS and MHU zones should be merged to become the final MHU zone.*

And at para 43;

*That zone will enable a variety of housing solutions at varying densities and heights depending on site size and shape as well as the surrounding planning context. If the HIRTB/setback control remains as a core development control (in association with coverage and landscaped area standards) where there is to be limited flexibility (other than through the alternative controls suggested) then the use of a 11+1m height control as a permitted standard for the new MHU zone will enable innovative design solutions and assist in the delivery of quality and affordable housing.*

## **Conclusion**

After reviewing a good part of the evidence filed by submitters and the Council my position remains the same. I support a large proportion of the tracked changes version of the provisions attached to Mr Roberts's evidence excluding the controls related to height in the MHS zone, the ratios of coverage and landscaped green areas, the need for any density limit at all in the MHS and the need for more than four 'core' development controls on the basis that requiring two or more dwellings to obtain consents as a restricted discretionary activity enables a design led assessment process which reflects the directions set out in the Auckland Plan.

I also remain of the opinion that the notified zones need amendment as described in submission 6099 and my evidence. There are substantive parts of the MHS zone that about MHU zones where there are no distinguishing characteristics that separate those

areas into distinctive geographic entities or neighbourhoods and they should be amalgamated into the MHU zone. As noted in my evidence while the SH zone should be reduced to be more focused and reflect the intent of the zone there may be areas of the MHS zone that could fall back into the SH zone (only ground truthing will resolve that). That task is clearly not simple but is fundamental to establishing the parameter upon which an appropriate set of development controls can be framed.

As a final point I note that there is a parallel need to review and rezone land abutting all of the radial arterials, major transport routes and cross connectors linking those to recognise that nature of that land in an environmental context and noting the historical evolution along those roads of non residential activities. That rezoning exercise must also recognise the 'hubs' and 'nodes' that incorporate small retail/mixed use areas and transport interchange foci.

Barry Kaye

19 October 2015

A handwritten signature in dark ink, appearing to read 'Barry Kaye', with a stylized flourish at the end.