

**VARIATION TO PLANNING MAPS 31A, 32 AND 37: REMOVAL OF MAPPING
ANNOTATION “SUBJECT TO RULES 9.5.1.3 & 9.5.3.3”**

1. The variation addresses a mapping error identified in Stage 1 of the District Plan review, whereby an area of land on the south side of Frankton Road (Frankton Road Site) was erroneously included within a mapping annotation (an overlay called “Subject to Rules 9.5.1.3 & 9.5.3.3 “(mapping annotation)). Land within the mapping annotation is subject to specific rules that limit the maximum permitted height of buildings. The effect of this error is that Rules 9.5.1.3 and 9.5.3.3 of the High Density Residential Zone (HDR) erroneously apply to the land.
2. My evidence assesses and makes recommendations on the Fred van Brandenburg (3294) submission which opposes the variation. I have grouped my analysis of this into four main topics, three of which are summarised below. Overall, my recommendation is that the Panel should remove the mapping annotation.

Topic 1: Rejecting the mapping variation.

3. Should the mapping variation be rejected, then the area identified would remain subject to the above rules. In many cases development would then effectively not be permitted and it would require a discretionary activity resource consent in order to develop the land in accordance with the HDR zone purpose. This is not the intention of these rules and would in my view unduly restrict development. On the contrary, removal would allow for the application of the general HDR height rules and would achieve the most appropriate outcome for the efficient and effective management of development of the Frankton road site zoned HDR.

Topic 2 - Amend the wording of Rule 9.5.1.3 and Rule 9.5.3.3.

4. In combination with the relief sought above the submitter also seeks that Rules 9.5.1.3 and 9.5.3.3 be amended to allow for some building elements to exceed the height of the Frankton Road (SH6) carriageway centreline.

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5. In my view, there is no scope to amend Rules 9.5.1.3 and 9.5.3.3 or Rules 9.5.1.1 and 9.5.3.1 as they apply to land zoned HDR other than that within the Frankton Road Site, nor to amend any HDR provisions generally.
 6. Nevertheless, in my view, when considering the proposed amended rules as they would apply to the subject land only, they would still unduly restrict development of the subject land. It would only allow one story in height for many sites and none for others and introduce unnecessary complexity.

Topic 3 – Extend the removal of the mapping annotation to the submitter’s land.

7. As alternative relief, Mr Brandenburg (3294) seeks that the variation be amended so that the mapping annotation is removed from his land. The submission states that there are no clear planning reasons for the application of different height rules to neighbouring properties within the HDR.
8. In my evidence I outline the planning reasons why the mapping annotation should apply to the submitter’s land, and why different height rules should apply to specified properties within the HDR. I also do not consider that the application of different height rules to neighbouring properties within the HDR would have adverse amenity effects between neighbouring sites not anticipated by the HDR zone.
9. Overall, I consider that Mr Brandenburg’s land does not have any distinguishing features that set it apart from the rest of the land covered by the mapping annotation (with the exception of the Frankton Road Site) and I am not persuaded that it warrants special treatment.