

Report to the Local Board of Member Vernon Tava September-October 2016

Purpose

This report covers my Waitematā Local Board Activities during September-October 2016 (due to the intervening election) as (up to and including September 2016) Chair of the Hearings Committee; Lead of the Parks and Open Spaces portfolio; Heritage, Urban Design and Planning portfolio holder; and Local Board representative on the K' Road Business Association.

Executive Summary

- This is my first report to the Local Board for the 2016-2019 term of Council. I am grateful to the electors of Waitematā for the opportunity to serve the community in this capacity for a second term
- We saw something of a rush in SHA (Special Housing Area) applications in September as the empowering HASHAA legislation came to the end of its term. The controversial 1 Kelmarna Avenue site saw an application made by Manson TLMC and no less than four new applications were submitted in September in the Great North Road Strategic Housing Area. The Housing New Zealand pensioner housing at 32-36 Surrey Crescent, Grey Lynn, will be demolished and replaced with more than double the number of apartments all to be populated by HNZ tenants
- Representatives of Fukuoka City, Japan, visited the city in mid-September to advise on the construction of the Fukuoka Garden
- I keep track of resource consent applications as they are received by Council, requesting further information, plans and Assessments of Environmental Effects for applications of interest. Significant applications are referred to the relevant residents' associations for their input which I then relay to planners as part of the Local Board's input. Reporting of resource consent applications, planning portfolio

input, hearings and decisions in the Local Board area for this month is detailed in the Heritage, Urban Design and Planning section of this report under the headings 'Planning': 'Resource Consents'

Comments

Priorities for the 2016-2019 Triennium

I would like to take the opportunity here to set out my priorities for the coming term. My first term was a steep but interesting learning curve; now I have a much clearer idea of what it is possible to achieve as a local board member and where leverage is best and most productively applied in Council.

1. Support the community of Grey Lynn and Arch Hill in developing the 'Re-Imagining Great North Road' community-led plan initiated in 2015 and funded by the Local Board in May 2016.
2. Continue to report monthly to the local board and wider public on my areas of responsibility within Council and particularly resource consent matters. I will continue to seek a sensible balance between the intensification that is needed in the city and the preservation of heritage values and amenity that the community demands.
3. Oversee the installation of the Heritage Foreshore Signage project.
4. Ensure that the Albert Park band rotunda is restored to a high standard.
5. Make the Local Board initiated audit of inner-city accessways and viewing platforms accessible in an online, ideally app-based, form.
6. Work with resource consenting teams to get consistent standards in place for illuminated signs in the city centre. These have become a contentious issue as new (or more correctly, cheaper) technology has allowed very large, illuminated digital billboards to be installed at many prominent sites throughout the city. They have tended to be very bright and are visible from great distances. Fortunately, this brightness can be easily adjusted by the operators. In the last term the standards were somewhat unclear due to the gap in regulation between the District Plan and the Unitary Plan (UP) but now that the UP has been passed, we are in a position to find greater clarity on standards and enforcement.

Portfolio Report: Parks & Open Spaces

Portfolio Responsibilities

Decision-making for and oversight of local parks and public council open spaces, including beaches, coastal walkways, reserves, sports fields, playgrounds, non-road reserve plazas and boat ramps. This includes location and naming of new parks, design and maintenance of park facilities and settings, and supporting community events and planting programmes in parks. Landowner consent delegation in respect of local parks and open spaces. Regulatory and policy oversight of local dog management. Advocacy to achieve local priorities relating to parks network development and input into the management and use of regional parks located within the local area.

Fukuoka Gardens



In the 2013-2016 term of Council, I was a member of the Fukuoka Gardens Advisory Group along with Member Deborah Yates. Council hosted a very successful visit from the Fukuoka delegates in mid-September 2016. Friends of Fukuoka Garden provided significant support to the visit, in particular Stephanie Hay who

opened up her home to Mr Matsuda and Mr Takai and chauffeured the delegates and Lee Elliot who chauffeured and assisted fitting the delegates out with their boots. The contractor, Harald Decker, was open, respectful and accommodating of the delegates and the delegates were very happy with what was achieved during their stay. While this was not part of the initial plan, the specialised input from Fukuoka is going to be very beneficial to the delivery of the garden. A function arranged by Global Relations to greet the delegates on Monday 12 September went well and both the Mayor and Japanese Consul-General were able to attend. We anticipate a further visit from Fukuoka with five delegates for a two week period later in the project. The dates for this visit have not yet been confirmed but will not likely be before late November. We have been told the five delegates at this time will be Prof Kubota, Mr Matsuda and his son, and two of Mr Takai's builders.

Symonds Street Cemetery

Lynda Lucas' officer report is attached as **ATTACHMENT A**.

Portfolio Report: Heritage, Urban Design and Planning

Portfolio Responsibilities

Decision-making for and oversight of local parks and public council open spaces, including beaches, coastal walkways, reserves, sports fields, playgrounds, non-road reserve plazas and boat ramps. This includes location and naming of new parks, design and maintenance of park facilities and settings, and supporting community events and planting programmes in parks. Landowner consent delegation in respect of local parks and open spaces. Regulatory and policy oversight of local dog management. Advocacy to achieve local priorities relating to parks network development and input into the management and use of regional parks located within the local area.

Planning

Resource Consents

The portfolio request information on resource consent applications of interest as a matter of course. The Local Board can have input into the decision on public notification of a resource consent application but not into the substantive matters of the application. The input of the Local Board is not binding on the commissioner making the decision. Nonetheless, on some significant applications we will include substantive comments along with our views on notification.

- R/LUC/2016/3264, 1/10 Edgerley Avenue, Newmarket. Construction of six storey apartment building. The current proposal involves construction of a six storey apartment building with a basement level having a maximum height of 19.45m. The proposed building will contain 44 residential apartment units. We did not have input into the notification decision.
- R/LUC/2016/4038, 35 London Street, Ponsonby. An application for the total demolition of a pre-1940 building at 35 London Street. Reasons for consent include demolition of a building in the Residential 1 Zone under the District Plan, and demolition of a building subject to the Special Character - Residential Isthmus A Overlay under the Proposed Auckland Unitary Plan (Decisions Version). The overall activity status is Restricted Discretionary. Standard notification tests apply under the PAUP DV. The heritage report did not reveal any significant heritage

value, supporting the demolition and, given also that the house is almost invisible from the street, we opted not to ask for notification of this application.

- R/LUC/2016/3730, 40 Drake Street, City Centre. Additions and Alterations to mixed use building. Includes increasing the existing three storey height plus mezzanine to five storeys to accommodate three new residential units, modifications to ground floor and first floor commercial tenancies and an increase in parking from 7 to 10 spaces. This is precisely the sort of development that we support in this part of the inner city so we did not have input into the notification decision.
- R/LUC/2016/3902, 21 Herne Bay Road, Herne Bay. Application for additions and alterations to a dwelling in a Residential 1 zone. It includes an infringement to the maximum height limit. The heritage specialist is in agreement with the alterations. This looks to be a modest and sympathetic set of alterations so we did not have input into the notification decision.
- R/TRC/2016/4015, 13 Masons Avenue, Herne Bay. Application for removal of scheduled Scarlet Oak tree. This follows an earlier application this year also for removal. The first application was not supported and was closed. The applicant cites the following as reasons for the removal: The tree overhangs a neighbouring site where it drops leaf litter on the roof; blocks drains; leaves in the swimming pool; the tree looks ridiculous on a small site; high maintenance cost for several months a year; possible future damage to a concrete retaining wall. The applicants also provided an arborist's report with the application which concludes that removal of the tree does not meet the assessment criteria for removal of a scheduled tree. Although the application is unlikely to be supported by Council, the local board have requested **public notification** of this application.
- R/LUC/2016/4097, 10 Cremorne Street, Herne Bay. Removal of existing dwelling, and construction of a new dwelling and associated works.
- R/LUC/2016/4234, 7 Tamaki Drive, Auckland Central. Construction of an operations building.
- R/VCC/2015/2954/1, 70 Sale Street, Auckland Central. Demolish existing building and construct 10 level accommodation building (107 units).
- R/TRC/2016/4216, Curran Street. Removal of pine tree. Curran road concerns the removal of a small Pinu species located on the road berm entering the Harbour Bridge and Westhaven. In and of itself, the tree is not much but AT want to remove it on the basis it may cause damage to the kern and crash barrier and

retaining wall. The arborist visited the site and saw no compelling reason to support this. We left this to the arborist to decide and did not have notification input.

- R/LUC/2016/4250, 100-106 Newton Road, Newton. Z Energy seeks to redevelop the site in several stages: Stage 1: Establish and operate a revised temporary service station layout. Stage 2: Redevelop the site per the proposed plans, potentially in two sub stages: Stage 2a – Full redevelopment, excluding construction of the new shop which would instead be provided for on a temporary basis by a portacom and temporary bathroom facilities. Stage 2b – Remove temporary buildings and construct new shop. The first stage, would be to establish and operate a revised service station layout while construction of the Randolph Apartments commences at 43-49 Randolph Street. The redevelopment of the Service Station is proposed as a result of a proposed apartment building development at 43-49 Randolph Street.
- R/TRC/2016/4180, 446 Parnell Road, Parnell. Remove wood from fifteen English Oak trees and one Moreton Bag Fig. This concerns dead-wooding of all the Oak trees at the Parnell Cathedral. The Council officer responsible and heritage arborist together have worked out conditions of consent. All dead-wooding of the trees adjacent to the road (most public and in most need of care) will be done from a cherry picker to avoid unnecessary branch removal through lack of knowledge or lazy workmanship. This is necessary for the health of the trees, so we left this to the arborist to decide and did not have notification input.

Resource consent matters of significance

199 Great North Road, Grey Lynn: SHA CONSENT

R/LUC/2016/4158. Construction of a six level mixed use building over the site including five double level townhouses and two levels of basement car parking.

252 Great North Road, Grey Lynn: SHA CONSENT

R/LUC/2016/3570. Proposed 5-level apartment building development (plus basement) comprising 37 dwellings, a ground floor retail unit and basement with parking, storage and services. This consent is still being processed as it is awaiting further detailed information.

339 Great North Road, Grey Lynn: SHA CONSENT

R/LUC/2016/4192. Proposed 6 level apartment building development (plus basement) comprising of 90 dwellings, ground floor retail units and communal areas and two level basement with parking, storage and services.

667 Great North Road, Grey Lynn: SHA CONSENT

R/LUC/2016/4155: Construction of a five and six storey building with two basement levels containing 63 apartments.

R/REG/2016/4279: Regional consent for the diversion of groundwater & discharge of contaminants to land. (relates to - (R/LUC/2016/4155) - Construction of a five and six storey building with two basement levels containing 63 apartments.

32-36 Surrey Crescent, Grey Lynn – Housing New Zealand Flats: SHA CONSENT

R/JSL/2016/4024: Joint Subdivision and Land Use Consent by Housing New Zealand. This site is located within a Special Housing Area and is being lodged for consideration under the HASHAA not the RMA. The application is seeking to undertake the demolition of the existing buildings onsite and the construction a six storey apartment building accommodating 64 x 1 bedroom units and associated unit title subdivision. The future units are all proposed to be for Housing NZ tenants.

1 Kelmarna Avenue, Herne Bay: SHA CONSENT

R/LUC/2016/4074: application for a five-storey apartment building; R/REG/2016/4078: application for groundwater diversion and discharge, R/REG/2016/4075: application for stormwater diversion and discharge.

I have followed plans regarding this site closely since it was considered for inclusion in the Special Housing Area (SHA) scheme under the HASHAA. The venerable local pub, *The Gables*, on the corner of Jervois and Kelmarna Roads in Herne Bay was declared an SHA in the penultimate Tranche 9 of the Special Housing SHA application approval process was announced on February 11 2016. This means that the application is not subject to the usual notification, consultation or appeal processes to which resource consents are usually.

The Waitemātā Local Board has generally been very supportive of the need for Auckland to intensify and SHAs, with most proposals supported, but the Herne Bay pub site was the first (and only) SHA proposal to go before the Governing body for support that we as the Local Board formally and unapologetically opposed with considered detailed reasoning.

The prior, fully canvassed, similar proposal Environment Court decision against, and current outstanding opposing submissions still before the Unitary Plan Panel were the primary reasons.

The Local Board's detailed reasons for opposition were that:

1. It failed to meet the lack of controversy criteria for an SHA.
2. The site has a significant litigation history. A very similar application was declined by Auckland City Council in 2006. That decision was appealed in 2007 based on a revised proposal for a 300m² hospitality unit and a 142m² retail unit fronting Jervois unit; 925m² of offices in nine units, five with frontage to Kelmarna and four facing to the western boundary; four apartments at 1st and 2nd floor on Jervois, four townhouses with access from Kelmarna and/or Jervois; 56 basement carparks; on Jervois Rd: three-level on corner, to 12.5m height, retail shops, tavern and four residential units above; on Kelmarna Ave: a three-level office building, ten terraced units (four residential and six commercial) with two levels to maximum height of 8m (matching surrounding Residential zone). The proposal was rejected by the Environment Court due to concerns with the combined effect of bulk and location of proposed buildings. In the words of Judge McElrea (*KRJR Properties v Auckland City Council*: ENV-2007-AKL-000663 (Decision No. A 088/2008)), 'the dominance of the development produced by the high level of site coverage, the lack of buffer yards on the northern and eastern boundaries, the loss of direct sunlight to residential properties in Kelmarna Avenue, and the lack of meaningful landscaping on most boundaries,' [119] and '[i]n another context this development might be admirable. In this location it seems out of place with considerable detrimental effects.' [59] These very same concerns are triggered by the, almost identical, current SHA proposal.
3. This SHA application is substantially similar to the rejected 2007 proposal, although with almost 30% greater height, which would only be permissible under proposed zoning changes under the PAUP.
4. Zoning has not yet been settled under the Unitary Plan and there are seventeen submissions against increased height and density in the area and at the specific site.
5. There is a proven record of considerable community opposition to further development of the site that would be thwarted by the SHA process. This opposition is reflected in Unitary Plan submissions and the history of litigation.

Unfortunately, our considered and thoroughly-researched local views were disregarded and the Governing Body, on a very close vote, narrowly supported this proposal proceeding to the Minister who approved it.

18 Paget Street, Freemans Bay: Construction of new dwelling on contentious site

R/LUC/2016/3883. Application for construction of a new two-storey dwelling on this site, including semi-basement car parking below. This consent is notable not so much for the new building being applied for but the previous history of the demolition consent granted in 2011 which consented the removal of the original 1840s building in a Residential 1 zone. The building was not a scheduled heritage site, nor was it in a conservation area. The non-notified removal consent was nonetheless controversial and prompted a review of the process undertaken and the Local Board role in providing input into notification decisions. The internal review report written in the wake of this decision (attached as **ATTACHMENT B**) prompted the current state of affairs (now under review) by which Local Boards are briefed about application to remove pre-1940 buildings in Res 1 and 2 zones and given an opportunity to contribute to the planners final report and recommendations. However, this has been construed generally to mean input on the notification decision only. In any event, this is all of largely academic interest at this point but I record it here in the hope that some institutional memory may be preserved outside of the heads of a small number of elected members with strong powers of recall. In any event, the current application for a new dwelling is not particularly contentious and we have not asked for notification.

4-10 Alma Street, Newmarket: Variation of conditions to go to 6 storeys

R/VCC/2016/1798/1. This is a variation to a consent for the proposed demolition of existing buildings at the site and creation of new office building with proposed retail incorporated. The specific variation asks for the addition of another storey, taking the building to six storeys above ground. We did not have notification input into this consent.

2 Cremorne Street, Herne Bay: Heritage Villa Demolition

R/LUC/2016/3104. Council received a resource consent application for 2 Cremorne Street to remove the Pre-1944 dwelling (built in 1919). It is zoned Residential 2b and no new dwelling is included in the proposal. The house is a hip-roofed bungalow, "English" in style. Most bungalows from this time are Californian in influence so the house is unusual in this respect. The heritage memo obtained as part of this application concludes that the house has intrinsic value as well as being an important part of the intact streetscape of the

corner of Argyle and Cremorne Streets. I agreed with this assessment and requested **public notification** of this consent on the same basis as the heritage assessment. On 6 September 2016, the application was approved to proceed on a **non-notified** basis.

Emergency Demolition of 12 Anglesea Street, Freeman's Bay

A resource consent was required to demolish the building (under Unitary Plan Rule D18.4.1(A3), as the site is within the Special Character Area Overlay – Residential: Isthmus A). A resource consent was also required to demolish the building under the legacy Isthmus Plan (Rule 7.7.1) because it was not clear which provisions of the Unitary Plan could be treated as operative. These consents were applied for retrospectively because the demolition had to be carried out immediately. The demolition fell under s330 emergency works of the RMA. S330A requires notification to Council within 7 days of the works occurring and a retrospective application for the removal to be made within 20 working days of the notification occurring.

Attachments

No.	Title
A	Lynda Lucas, Officer Update for Symonds Street Cemetery, 27 September 2016.
B	Report from Senior Managers to the Chief Executive of Auckland Council, 'Internal Review of the Resource Consent Approval for 18 Paget Street, Freemans Bay', 20 January 2012.

Signatory

Author	Vernon Tava
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