

Appointment of independent commissioners: Application for resource consents - Proposed multi-level mixed-use development at 198-202 & 214-222 Dominion Road and 113 & 117 Valley Road, Mount Eden

File No:

Purpose

1. This report invites the Hearings Committee to appoint commissioners to make decisions under sections 95 and 104 of the Resource Management Act 1991 on applications for resource consent.



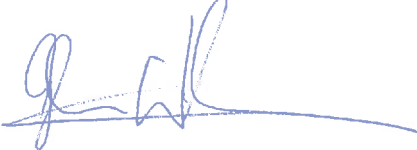
Executive Summary

- 2 The council has received an application for resource consent to develop the sites at 198-202 & 214-222 Dominion Road and 113 & 117 Valley Road, Mount Eden. The proposed multi-level mixed-use development will incorporate four new buildings with heights of four or five levels. The development will contain 97 residential and 8 retail units above a basement parking area for 110 vehicles. The construction will involve a considerable amount of excavation involving rock breaking. The proposal involves demolition of two character supporting buildings at 214-220 Dominion Road.
- 3 The application was lodged with the Council on 17 June 2016. At the time of reporting the application is being reviewed and assessed by council officers.
- 4 This application has been submitted to the Hearings Committee to appoint independent commissioners as decision makers as the application is regarded by staff as potentially contentious given the loss of the character supporting buildings and the intensity and height of development proposed. The Hearings Committee Policy states that the Committee should determine the decision makers for contentious applications. As the applicant is a council controlled organisation it is recommended that only independent commissioners are appointed. Further, it is recommended that a heritage commissioner is appointed with the chair to make the notification determination.

Recommendations

That the Hearings Committee:

- a) Appoint Leigh McGregor (chair), and Richard Knott, to make the notification determination on the applications by Panuku Development Auckland Limited for resource consent (R/LUC/2016/2434 & R/REG/2016/2576) for the proposed development at 198-202 & 214-222 Dominion Road and 113 & 117 Valley Road, Mount Eden, pursuant to sections 95A and 95B of the Resource Management Act 1991 ("RMA").
- b) subject to the notification decision above, either;
 - i) appoint the independent commissioners as appointed in (a) to make a decision under section 104 of the RMA in the event that the application proceeds on a non-notified basis or otherwise does not require a hearing, or
 - ii) appoint Justine Bray and Rebecca Skidmore as commissioners, to sit with the previously appointed commissioners under (a), in the event that the application proceeds on a notified basis and a hearing is required, to hear submissions and make a decision under section 104 of the RMA;
- c) delegate to the Chairperson of the Hearings Committee the authority to make replacement appointments should any of the commissioners appointed under (a) and (b) above be unavailable.

<p>Report Recommendations accepted under urgency</p> <p>Date: <i>14.10.16</i></p>	<p>Cr Linda Cooper, Chairperson Hearings Committee </p> <p>Cr. Penny Webster Deputy Chairperson Hearings Committee </p> <p>Glenn Wilcox Member Hearings Committee </p>
--	---

Discussion

The Application

- 3 Resource consents (R/LUC/2016/2434 & R/REG/2016/2576) are sought by Panuku Development Auckland Limited to develop the site at 198-202 & 214-222 Dominion Road and 113 & 117 Valley Road, Mount Eden, for a multi-level mixed-use development. An aerial photograph showing the location of the site and representative elevations of the development are provided in **Attachment A**.
- 4 The proposal includes 97 residential units and 8 retail units and a community space. The development will have four buildings being 4-5 stories high with the maximum height ranging from 16.4m to 18.7m. Between the buildings will lie a comprehensively designed open space and courtyard area for the use of future occupants.
- 5 The semi basement will be constructed to provide 110 carparks and the entry to the carpark will via a combined 6.5m wide crossing from Valley Road. The basement layout will accommodate for rubbish collection.
- 6 The proposed construction will require 15,000m³ of excavation for the basement carparking. As the ground level conditions comprise of basalt rock, the basement construction will either require the use of machines or blasting methods either of which will result in considerable vibration.
- 7 The site is located within the Business 2 (202 Dominion Road, 214-222 Dominion Road, 214-222 Dominion Road and 113 & 117 Valley Road) and Residential 6a (198 Dominion Road) zones of the Operative Auckland Council District Plan (Auckland City Isthmus Section), and zoned Business-Local Centre Zone (202 Dominion Road, 214-222 Dominion Road, 214-222 Dominion Road and 113 & 117 Valley Road) and Residential-Terrace Housing and Apartment Building Zone (198 Dominion Road) in the Proposed Auckland Unitary Plan-Decision Version ("the PAUP-DV").
- 8 The maximum height permitted for the site where located within the Business 2 zone (202 & 214-222 Dominion Road and 113 & 117 Valley Road) is 12.5m and for the Residential 6a zoned portion of the site (198 Dominion Road) is 8m under the Operative Auckland Council District Plan (Auckland City Isthmus Section). The application site is subject to the Height Variation Control-Eden Valley with a 13m maximum permitted height under the PAUP-DV.
- 9 The proposed works are within the Eden Valley (Dominion Road) Business Character overlay within the Auckland Council District Plan – Operative Isthmus Section (1999) ('District Plan' ID 31) and PAUP-DV Special Character area. The development involves the demolition of two *character-supporting* buildings at 214-220 Dominion Road and is adjacent to three *character-defining* buildings south of the project area.

- 10 The proposal requires consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES) and the Regional Plan: Air, Land & Water. The site is subject to a flood plain and overland flow path.
- 11 Overall the proposal is to be assessed as a non-complying activity.
- 12 The application was lodged with the Council on 17 June 2016 and is currently being reviewed by council staff, including specialists, for sufficiency of information and assessment of recommendation on notification. At this stage no assessments have been completed.

Consideration

Local Board Views and Implications

- 13 The Albert-Eden local board has been advised of the application and briefed by Council on the application on 27 June 2016. An opportunity for the Board to provide comments on the application is also provided following the standard comment process. At the time of reporting there has been no input received. Any views received will be included in the information included in the staff report to the decision makers.

Maori Impact Statement

- 14 The application is of interest to Ngāi Tai Ki Tāmaki with an email received on 6 July 2016 outlining their concerns with the application. The applicant is aware of this and have stated that Panuku Development Auckland Limited have a separate regular forum for iwi consultation process. No further correspondence has been received from the applicant to state that consultation has been undertaken with iwi.
- 15 As such this matter and iwi responses will be further addressed in the information included in the staff report to the decision makers.

General

- 16 The Hearings Committee has adopted a hearings policy that, at section 4.2, refers to: "Allocation of decision making responsibility between elected members, independent commissioners and staff". Section 4.2.2 states that in deciding who is the most appropriate decision maker, the Hearings Committee will take into account recommendations from staff, the significance of a particular matter and whether it is contentious.
- 17 *The development may impact on the character of the area which is subject to the Eden Valley Character Overlay under the Operative District Plan (Isthmus Section) and the Special Character Areas Overlay Residential and Business-Business Eden Valley under the Proposed Auckland Unitary Plan-Decision Version.*
- 18 Therefore, in accordance with the Hearings Committee policy, staff consider that the Hearings Committee should appoint commissioners as decision-makers for this application. It is recommended that if a hearing is required the independent commissioners appointed have heritage, planning, urban design and resource management expertise.

Implementation Issues

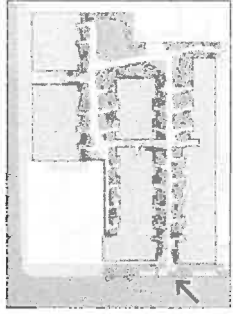
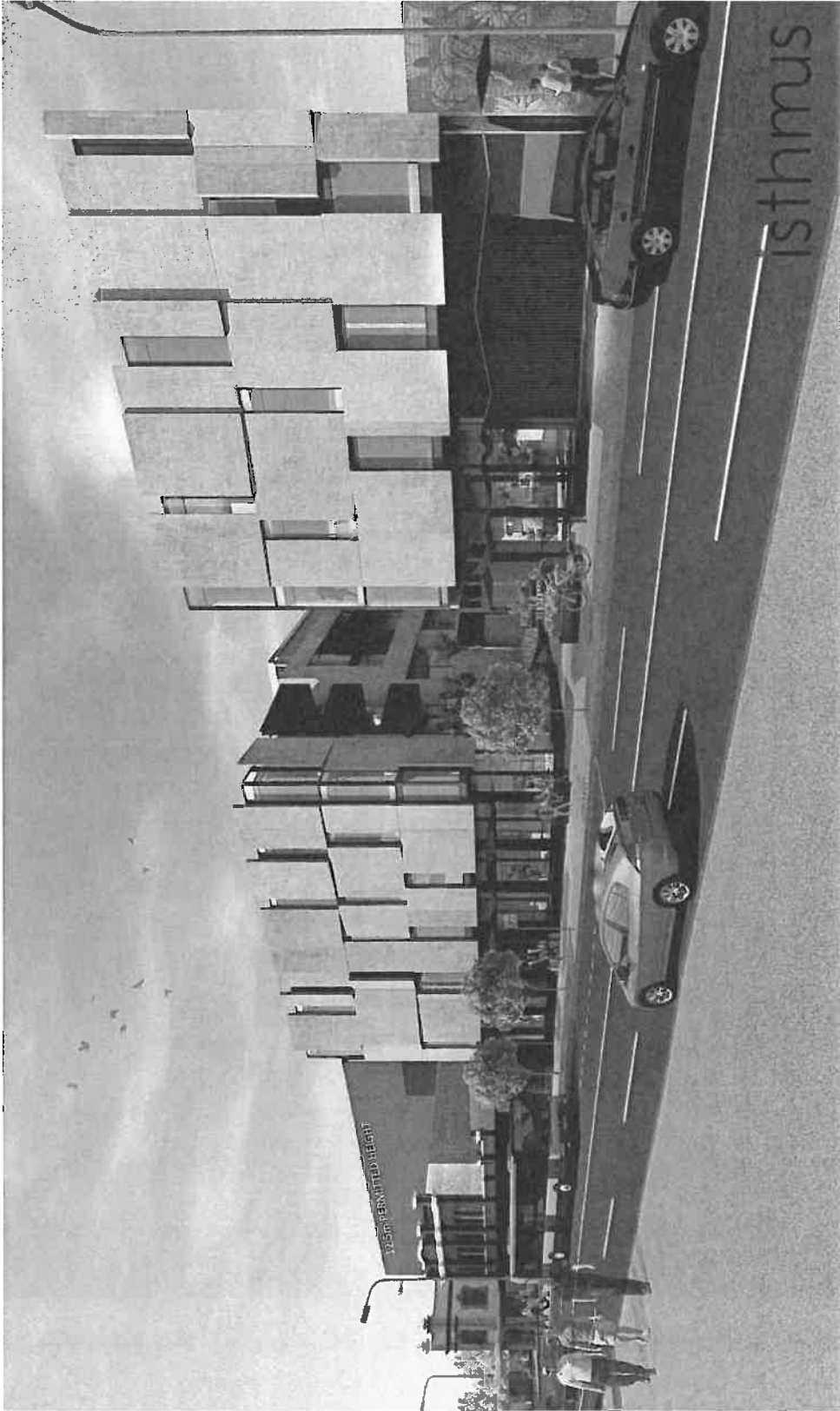
- 19 There are no financial or legal implications beyond those normally associated with the appointment of a hearing commissioner. The cost of the hearings commissioner will be met by the applicant.

Attachments

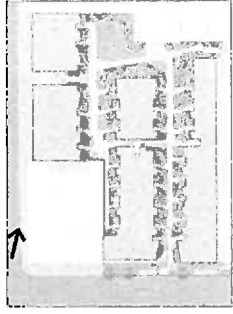
No.	Title	Page
A	198-202 & 214-222 Dominion Road and 113 & 117 Valley Road, Mount Eden, - Aerial Location Plan and representative elevations / perspectives.	4

Signatories

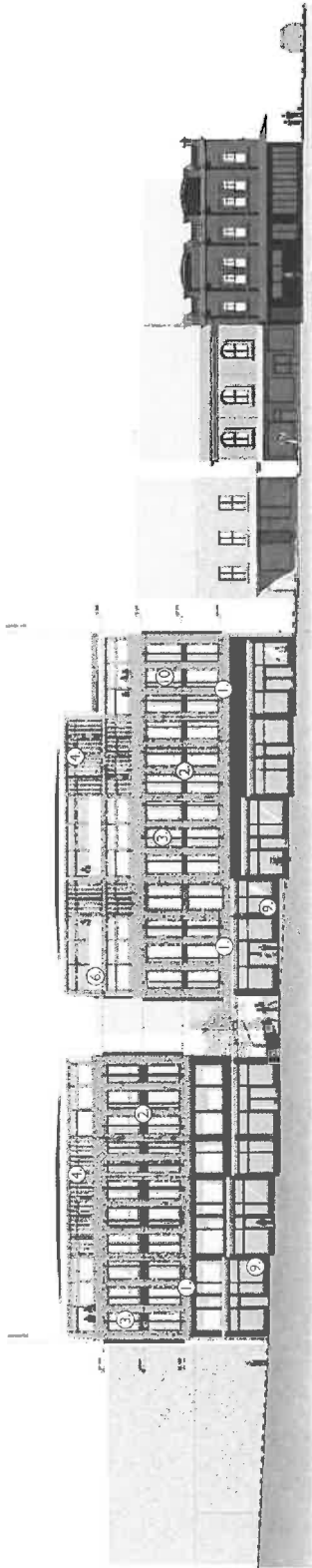
Authors	Purnima Naidu – Senior Planner Robert Andrews - Resolutions Team Manager
Authorisers	Ian Smallburn - General Manager Resource Consents



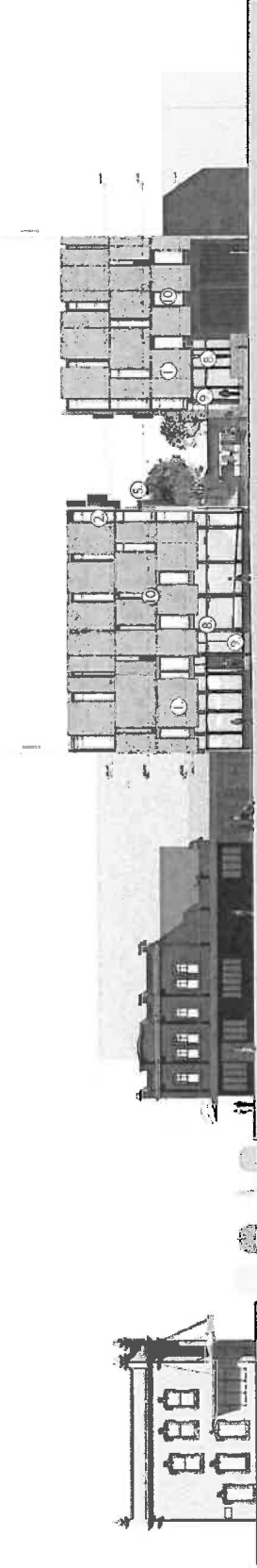
VALLEY RD PERSPECTIVE



DOMINION RD PERSPECTIVE



DOMINION ROAD ELEVATION



VALLEY ROAD ELEVATION

- | | |
|---|--|
| ① | Light Precast Concrete Panels |
| ② | Powdercoated Black Aluminium Panels |
| ③ | Powdercoated Black Aluminium Fins |
| ④ | Silver Anodised Aluminium |
| ⑤ | Folded aSteel Balustrade |
| ⑥ | Glass Balustrade |
| ⑦ | Vertical Metal Balustrade |
| ⑧ | Powdercoated Black Aluminium Verandah |
| ⑨ | Painted Black Concrete |
| ⑩ | Aluminium Joinery with black flashings |
| ⑪ | Concrete Frame |
| ⑫ | Concrete Podium with Black Steel edge |
| ⑬ | Darker Precast Concrete Panels |
| ⑭ | Creepers |

STREET ELEVATIONS 1:400 @ A3

Application: Panuku Development Auckland Ltd.	198- 202 & 214-222 Dominion Road / 113-117 Valley Road Mt Eden	
Chair	Alternate. Chair	2nd Alternate Chair
Leigh McGregor	Rebecca Macky	Kitt Littlejohn
Commissioner 1 (heritage)	Alt Commissioner 1	2nd Alt. Commissioner 1
Richard Knott	John Hill	Cherie Lane
Commissioner 2 (planning)	Alt Commissioner 2	2nd Alt Commissioner 2
Justine Bray	Orchid Atimalala	Craig Shearer
Commissioner 3 (urban design)		
Rebecca Skidmore	David Mead	Lee Beattie

*confirmation of
Commissioners*

Salopek, 14.10.2016.

Application:		
Chair	Alternate . Chair	2nd Alternate Chair.
Commissioner 1	Alt. Commissioner 1	2nd Alt. Commissioner 1
Commissioner 2	Alt. Commissioner 2	2nd Alt. Commissioner 2
Local Board Member		

Application:		
Chair	Alternate . Chair	2nd Alternate Chair.
Commissioner 1	Alt. Commissioner 1	2nd Alt. Commissioner 1
Commissioner 2	Alt. Commissioner 2	2nd Alt. Commissioner 2
Local Board Member		
