
Report to the Local Board of Member Vernon Tava

April 2017

Purpose

This report covers my Waitematā Local Board Activities during April 2017 as Lead of the Heritage, Urban Design and Planning portfolio; co-holder of the Transport portfolio; Local Board representative on the Parnell Business Association; and member of the Auckland Domain Committee.

Executive Summary

- I laid the wreath on behalf of the Local Board at the Anzac Day Civic Ceremony at the War Memorial Museum.
- A very significant variation of conditions for the Bunnings on Great North Road, Grey Lynn, was countered by my sharing of the (publicly-available) application information with residents who then passed it on to the *New Zealand Herald*. Following an on-site meeting with Council's Urban Design and Consents teams, Bunnings resiled from much of the application which would have altered conditions that were hard-won in the original hearings process. There is more detail on this below under 'Resource Consents'.
- I drafted the Local Boards feedback on the proposed Urban Development Agencies legislation, a law that is of potentially major significance in the area although a significant duplication of the role of Panuku Development Auckland. This is set out in full below.
- 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'.

Recommendation

That the Waitematā Local Board:

- a) Receive the Monthly Report of Member Tava

Comments

ANZAC Day Official Commemorations



On 25 April, I attended as the Local Board's official representative at the civic ceremony held at the Auckland War Memorial. This is the third year that I have laid the wreath on behalf of the Local Board and it is one of the highlights of the year in terms of my official civic responsibilities.

Portfolio Report: Heritage, Urban Design and Planning

Portfolio Responsibilities

Heritage, Urban Design and Planning covers a mix of regulatory and non-regulatory activities including city planning and growth, heritage protection, urban design requirements, Local Board resource consent application input, and bylaw development, including advocacy to

achieve local priorities relating to heritage preservation, good urban design and spatial planning. Regulatory and policy oversight of local liquor licensing, signs & billboards, and brothels.

Urban Development Agencies Legislation Feedback

The Waitematā Local Board welcomes the government's interest in urban renewal but opposes the Urban Development Authorities as proposed.

Overriding of Democratic Plans and Representatives

The Local Board does not support the removal of planning powers from democratically-elected local government members and their transferral to statutorily appointed, non-elected urban development agencies. We strongly oppose statutory powers that would override existing and proposed district and regional plans. The Unitary Plan process has only just been completed after lengthy and involved consultation with the public. Contrastingly, the UDAs as proposed will rapidly

create and implement development plans with sweeping powers. This is unlikely to achieve wide buy-in and willing participation from affected stakeholders.

Panuku Development Auckland

There appears to be an element of duplication in the Auckland context. Panuku Development Auckland (PDA) has recently been created to deal with quality urban development, regeneration and transformation. PDA's mandate is very similar to that proposed for the UDAs. There is ample scope for Government and private developers to undertake developments in accordance with the just-settled Unitary Plan. Furthermore, sections 207A-207F of the Local Government Act 2002 (introduced in 2014) specifically provide for development agreements. Amending these would be a simple, cost-effective and democratic option where government could be included as a development partner if they deemed that necessary. PDA is already well placed and resourced to take on the roles of either or both UDA functions as a regulator and development entity functioning as a developer.

Other existing models suitable for the purpose

The powers of the proposed Urban Development Authorities would apply to particular objects only and would expire when the projects are completed. The government could use existing models for the same purpose such as the Tamaki Redevelopment Company Limited and the Hobsonville Land Company Limited, instead of creating new statutory urban development authorities.

Taking of Public Land/Reserves for UDA Purpose

Commonly cited examples of urban regeneration such as Britomart and New Lynn used public land that had been used for infrastructure or a public work that had become obsolete or redundant. The taking of public spaces and reserves for residential use is a very different proposition.

As landowners of the reserves in the Local Board area, we strongly object to the proposed power to transfer or vest existing reserves in the public entity leading the development project. At the very least, where a reserve exchange is contemplated, we would want to see stronger wording around the new reserve providing 'at a minimum for the same purpose and values as the original reserve and, *if at all practicable*, be located in close proximity to the community that the original reserve served.' Our concern is that the formulation of 'if at all practicable' is insufficiently binding for such a major infringement on reserves which are of very high value to our constituents and make a major contribution to the amenity of the city. To sacrifice reserves for housing would be a classic example of sacrificing long term planning for short term imperatives and one for which we will not be thanked by future generations.

For the same reasons, we disagree with the proposed ability to classify, change the classification of, revoke, or exchange all or part of reserves and consider the duty of mere consultation to be

entirely inadequate in respect of these powers being applied to recreation or local purpose reserves that constitute to vast bulk of reserves in the Waitemata Local Board area.

We have similar concerns with the proposal to amend or replace reserve management plans, or suspend and even require territorial authorities to cancel, create or amend by-laws pertaining to activities on reserves.

Compulsory Acquisition and Compensation

The Public Works Act 1981 already provides for an application to the Minister of Land Information for purposes currently available to central and local government. No new powers or grounds are proposed. We do not see why Panuku Development Auckland is not the right vehicle for this type of application, nor why a UDA would be a better entity to do so.

In calculating compensation for the land acquired, the proposal makes no allowance for any increase or reduction in the value of the land as a result of a development project. This approach is not uncontroversial with regard to land that is taken for the same purpose it is presently used for; the UDA proposal aims to take land that is used for residential purposes and then redeveloping the land area so that the profits accruing from a more intensive development are only collected by the developer and the development authority. This may be appropriate for land that is being repurposed from infrastructural purposes such as railway or motorway land, for instance, but in the case of residential-to-residential repurposing we submit that a fairer method of compensation should be devised that more equally shares profit from the redevelopment with landowners whose land is being acquired. A fairer profit-sharing approach is more likely to achieve wide stakeholder acceptance and willing engagement from existing landowners.

Private developer access to powers

We support the limitation proposed that private developers operating under a development agreement would have to apply to a publicly controlled UDA to decide whether they may use the development powers. These powers should not be fully delegated to private developers.

Targeted infrastructure charges and development contributions

We support, in principle, the idea of levying targeted infrastructure charges and development contributions to meet new infrastructure or upgrades of existing infrastructure given the significant increase in population density in the city and the major expenditures required to create and maintain that infrastructure. However, this is subject to the ongoing operational expenditure requirements for which Council is responsible when the assets are vested in it being planned and supported in a fiscally sustainable way.

Non-notification of development plans

Given the significance and scale of works for which the UBAs are designed and the considerable public interest in their development, we submit that development plans should have a non-rebuttable presumption of public notification.

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/2016/1479, 26 Ponsonby Road, Ponsonby. Alterations to the ground floor shop front and internal modifications to the restaurant, construction of a small outdoor eating area to the rear of the building and a parking shortfall. This is not a character building and the current frontage contributes little to the streetscape. The planner is seeking more information under s92. We did not have input into the notification decision.
- R/LUC/2017/1093, 30-32 Ayr Street, Parnell; The replacement of the existing pipe bridge. The pipe bridge is located within a stream. The proposal will involve associated earthworks, tree removal and works within the root zone of trees. Also, associated R/REG/2017/1094: stream works permit relating to R/LUC/2017/1093. the project involves the replacement of a failing pipe bridge, within the Ayr Reserve. The works will include streambed disturbance and vegetation alterations and form part of a wider project by Watercare Services to repair and replacement aging pipe works in the urban area. As these are emergency works, the Local Board has already given consent.
- R/LUC/2017/1165, 16 Dunedin Street, Ponsonby; Additions and alterations. The proposal involves: the addition of a third story on the dwelling to provide a master suite; construction of a double garage and usable space on ground level. The existing ground floor and immediate sub floor space will be excavated to enable the ground level of the dwelling to be developed. This will include removal of the existing single car garage; the layout of the second level will be rearranged; an outdoor area including a patio and lawn area will be established at the rear of the dwelling. Reasons for consent applied for include: external alterations or additions to a building on all sites in the Special Character Areas Overlay-Residential or Special Character Areas Overlay – General; the building will result in a height in relation to boundary infringement on the eastern and western property boundaries; side yard infringement; building coverage infringement; landscape coverage infringement; maximum paved area infringement; a new 2 metre high fence along the eastern boundary of the rear outdoor area. We did not have notification comment on this application.

- R/LUC/2017/1196, 21A Logan Terrace, Parnell. Proposed new dwelling - 21A Logan Terrace. Ecological restoration works - 29R Logan Terrace. The consent is for a new dwelling on the site at 21A Logan Terrace. As part of this consent, the applicant has received Parks approval for ecological restoration works in the SEA (Significant Ecological Area) on the cliff face of the site and into the reserve land at 29R Logan Terrace to provide stability to the bank, improve the SEA planting and to provide screening to the proposed development. This is a high quality development with significant public realm benefits so the Local Board has opted not to have notification input into this application.

Resource consent matters of significance this month

Bunnings, 272-276, 300 & 302 Great North Road, Grey Lynn

R/VCC/2012/4147/1. A variation of conditions as follows: changes to the elevations of Great North Road, Dean Street, and King Street; from what was consented, the Great North Road elevation has a reduced extent of glazing, a monotone colour scheme, reduced vertical elements, reduced extent of modulation and the larger signs. The proposal involves a temporary sign (3 months) on Great North Road, which will cover the western portion of the elevation. New signs were proposed on the eastern and western elevation; a new sign on the southern elevation, with some minor changes to the landscaping arrangement from what was approved; no changes have been proposed to the parking and traffic arrangements as part of this application for the variation. countered by my sharing of the (publicly-available) application information with residents who then passed it on to the *New Zealand Herald*. Following an on-site meeting with Council's Urban Design and Consents teams, Bunnings resiled from much of the application which would have altered conditions that were hard-won in the original hearings process. The application was revised as follows: the signage proposed on the southern elevation is now being removed; the signage to the east and west are going to be reduced in size; the option for a temporary sign at the western end of the northern elevation will no longer be pursued; the planners and Bunnings will restore the colour scheme overall. Given these major concessions, following further discussion with Arch Hill residents, we do not have notification input on the revised application.

144 Parnell Road, Parnell

R/LUC/2017/87. Conversion of the Heritage listed former Windsor Castle Hotel building for residential and commercial use and construction of a new 5-level apartment building in an L-shape around the Heritage building (in total 13 apartments and 3 food & beverage tenancies). Breach of the Auckland War Memorial Museum view shaft control (max. infringement of 2m at lift shaft). Breach of maximum building height control, with 13m permitted, and approximately 18.2 metre roof height proposed. The Local Board has requested **public notification** of this project given its scale and impact on a significant streetscape. At the time of publication, the notification decision has not been made.

41 Jervois Road, Herne Bay

Certificate of Compliance (CoC) application received for the demolition the existing dwelling and removal of vegetation at 41 Jervois Road on the corner of Seymour Street. A CoC is confirmation of an existing right so there is little room for legal objection. Demolition consents do not require the applicant to provide information on what they intend to do with the site after demolition. According to the processing officer, the demolition of the dwelling and the removal of vegetation at the site will be a permitted activity. I notified the Herne Bay Residents' Association of the application for their information.

Western Springs College, 100 Motions Road, Western Springs

Construction of Western Springs College main teaching block and gymnasium, R/LUC/2017/1320. In association with outline plan of works R/OPW/2017/1276. Contaminated land discharge, R/REG/2017/1321; regional earthworks, R/REG/2017/1323; stormwater discharge to stream, R/REG/2017/1324; stream works, R/REG/2017/1326. These are very important works which the Local Board is pleased to see progressing and they are taking place entirely within the existing footprint of the school; for these reasons, we are content to leave the processing of this consent to the usual process.

Signatory

Author	Vernon Tava
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