

## **ADDENDUM - examples of notification comments made as portfolio leader**

39-35 Coates Avenue, Orakei

Firstly I am aware of another application by adjacent owners at 37 Coates Ave and which I have recommended public notification. That matter involves blatant height infringement and will clearly have a cumulative adverse effect that is more than minor, anticipating development at this site (29-35 Coates) or other proximate sites.

Like that application, although to a lesser extent, the applicant has chosen to design a building that infringes the standards, notably height, in the unitary plan which are already more generous than had been anticipated under previous consents granted for the site. The very clear indication from Peter Kensington at recent training for portfolio leaders on Boards was that Council planners would treat standards with the robust 'control' interpretation they are meant to have. A standard is to be adhered to as much as possible, rather than treated as a guideline to be contravened.

It is therefore incumbent on planners to realise that while a 1 metre or .80 m infringement may seem a small number in the context of the maximum 16 metre height, but that cumulative grants of consents for developments that infringe height contribute to adverse effects that are more than minor - and that is especially relevant where a site is on an arterial ridgeline with wide coastal and visual amenity effects likely from the ensuing built form it presents.

I do not accept the AEE at page 10 suggesting it is appropriate to disregard effects below 16m height simply because a previous consent may have found there to be no more than minor effects for a four storey building previously applied for and of lower height.

The receiving environment of this development is the area of Coates Ave that currently has some multi storeyed development. Overall the proposal is likely to contribute to an obvious dominant high, built environment. This is said to be consistent with the future character of the area.

It is however currently not the character of the area and there can be no expectation that just because a zone's set of standards enable certain types of development, that the community and land-owners suddenly forego concern for the existing state of character or will seek to exploit those activities.

The future character of the area relies on developments that are designed to meet standards and not infringe them. This proposal may, for want of being designed to meet height and HIRB standards, therefore disrupts amenity value in the existing neighbourhood of mostly lower level surrounding residential built form and character.

It will plainly meet many other unitary plan purposes and would not attract a notification trigger if designed to standard as to height and HIRB.

IF the advice I received in my training recently was that standards ARE to be upheld, then this matter presents an adverse effect as to height that is more than minor and should be notified.

IF however Council planners intend on facilitating an ongoing culture of enabling developers to treat standards they are all very aware of in due diligence for a site and as measures to be willingly infringed, then there is a case to say the positive effects of the proposal in this zone and area may mitigate the potential adverse effects.

#### 4 Koa Street

The proposal is for the removal of the existing buildings on the land of 632m in parcel size, and their replacement with a three level (plus basement parking) residential building providing for 14 residential units with 10 parks in the basement. That is an intensification considerably more than the presumed starting point of three, or more than three, for this zone.

The applicant requests limited notification to the immediately abutting neighbours; apart from HNZ who own a number of properties at Koa Street (number 6 and 8) and whose signed support for the proposal is attached to the application documents

Koa Street is a small cul de sac with narrow ingress and egress and limited off street parking. As distant as it is from the nearby train station, due to already saturated commuter parking in the area, Koa Street is NOT exempt from commuter parking. The cumulative effect of parking shortfalls when providing 14 units and only 10 car parks, along with and general parking activities of owners or visitors to this Koa development will generate a more than likely adverse effect which will be more than minor.

The infringement of H.I.R.B by 2.4m on the southern boundary is, in my view, a more than minor effect of intensification and some shading on neighbouring sites. However the applicant also breaches height controls by over 1m. The applicant has the opportunity to design something to meet the plan controls and elects not to do so. The Auckland Unitary Plan Operative in Part (AUP OP), Alternative Height in Relation to Boundary Standard (AHIRB) activity status is under challenge. This means that consent will also need to be considered against the legacy Auckland Council District Plan. Even so, the impact of height infringing development under generous new unitary plan provisions only accentuates that new multi-level development will have a dramatic visual effect on the receiving environment that, at this stage, remains predominantly single storey or single unit. The effect of development that infringes height, in those circumstances, means objectively that there can only be an adverse effect that is more than minor, and therefore a clear basis for notification.

The other infringements include reductions in required standards for outdoor living areas and space and minimum unit areas within the development. It occurs to me that the intent of the applicant's intensification and the design to meet the principles of the UP zoning, are in contradiction to them by not meeting the controls.

Overall, if Council planners are to uphold the intent of the unitary plan then they need to demonstrate they are prepared to treat infringing applications robustly, to reinstate controls within different zones as measures to be designed to rather than as guidelines to be contravened.

I agree that limited notification is a likely minimum requirement for this matter due to the technical influence of the legacy HIRTB provisions that still need consideration.

While I have reservations about the bulk and scale, by itself in this zone it is not such an infringement as to be a special circumstance that would likely meet the requirements for discretionary public notification. However there is a very high degree of public interest in ensuring quality built environs in this area as a number of other intensification projects are pursued, some from HNZ.

I would suggest this proposal be sent to councils Urban Design Panel for approval before any final notification decision was made. IF they are satisfied then the applicant's request for limited notification would be appropriate. However you should ensure the written consents as stated by the applicant are sighted and confirmed before concluding the limited notification list.

The applicant seeks that the proposal be limited notified to the properties listed with the exclusion of the HNZ properties at 5, 6, 7, 8 and 10 Koa Street as written consent has been provided by HNZ in support of the proposal. It asks that the matter should be limited notified to those persons/property owners at; • 1 Koa Street  
40 Koa Street Apartments • 2 Koa Street • 62 Tahapa Crescent • 65 Tahapa Crescent

39 Ripon Crescent

I have JUST received this file and request for comment which I make urgently based only on perusing the AEE.

The steeply contoured nature of the site results in height infringements. The site therefore could be said to not enable a conventionally scaled home to be built under the zoning. That reality is something an applicant has every chance to address in what it proposes to do with the site and design of what happens on that type of land rather than infer is an issue due to the land itself.

The consequence of enabling greater infill and density in this area for height infringing proposals like this where the infringement is 2.38m on steeply contouring land is an effect that, in my view, is more than minor and I do not agree with an AEE conclusion to the contrary. I recommend limited notification on first glance.

234, 236 & 236A Kepa Road, Mission Bay

I have considered the AEE and supporting documents. The primary trigger is the infringement in relation to height and boundary. The location is along a prominent arterial ridgeline on the coastal side of our Orakei Ward.

Existing multi storied development along Kepa Road ridge could be said to have a more than minor visual effect viewed from many vantage points in the Ward to the south and from the northern coastal aspect.

The Eastridge shopping area itself, while relatively low lying, still has an obvious ridgeline effect. Generally I am aware of many constituents / resident groups who have echoed concerns about height in development, especially in the Orakei / Kohi region.

Overall the potential for this application's height infringing proposals both singularly and cumulatively to be considered as a 'special circumstance' for the purposes of section 95A RMA is likely to me. Height infringing activities on a prominent ridgeline may have a more than likely adverse effect - and the location of the five storey part of this development across from the Eastridge shopping area would appear to be no exception.

The height infringement of between 0.8 - 1m may appear to be a small amount for a desk top analysis. The applicant also has the option to design a building to comply with the height permitted under generous new unitary plan zoning controls so to mitigate the concern for whether there are grounds to recommend notification.

There may be special circumstances justifying notification also because I am aware of significant, albeit height complying, proposals for multi-storied development in close proximity at 246, 250, 252 and 254 Kepa Road. The cumulative effects of such a mass of multi-storey development where height infringements might be allowed for some ( namely this one before me) is, in my view, a more than minor effect.

Overall a precautionary approach would be to publicly notify in this unusual context; that is, where there is a sudden and large number of high rise developments being pursued, many of the others plan-complying.

New apartment building on 27 Coates Ave, Orakei

I am concerned about the breaches of height. It is planning rhetoric in the AEE to say the building "generally" complies. The plan drawings suggest some design actually does not comply ...The table on page 9 and 12-13 of the AEE lists the non compliance. In my experience breaches of height are one of the more commonly cited concerns of the community about developments in our coastal suburb areas. The new unitary plan allows for considerable more generous height in certain zones than what has been permitted in the past, and as such developers have very useful opportunities to explore optimising heights in some zones such as this 'Terrace Housing & Apartment Buildings' zone without needing to design developments that breach or seek to extend height or height to boundary requirements EVEN IF BY SMALL breaches. I note the site had a historic consent for four storeys.

In this case the height of the proposal is considerably greater than the two proximate multi-storied apartment blocks. A further proposed four story development is planned for the corner site adjacent. Overall the height of this proposal will generate a strong cumulative effect of dense, multi-storied development in this pocket area of Coates Avenue. The proximity of this type of development may be appropriate if it remains concentrated in this area only. Overall, to apply the logic of the Arrigato case law there is a likely cumulative effect from this development, given the height breaches, that may lead to overall adverse effects that may be more than minor. The appropriate comparison of the activity is with what is either being done 'lawfully' on the land ( read: fully complying with the plan) or could be done as of right by the plan".

It seems appropriate to enable the community be notified to submit on this proposal, which otherwise could have been designed to comply with the zone, in which the zone purpose states that the form of development will result over time in a change from suburban to urban character with a degree of visual change.

421 Riddell Road, Glendowie

I have perused the AEE and am familiar with the site and locale which includes reasonably highly infilled subdivided surrounding sites. I am also aware through my marine experience that it could be said there is an area of built form along this coast that 'accumulates into each other' and if anything the current site would be one of the few remaining with reasonable undeveloped open space. That is also borne out by the picture Figure 11. Nonetheless - Height controls can have particular significance in coastal margins and should not be infringed irreverently in my view.

In this proposal the height infringements do appear to be minor insofar as effects on surrounding areas are concerned. I tend to agree with the AEE conclusions at para 5.1.3.1 given the design has attempted to centralise the infringements. Overall on this occasion I do agree the proposal in this location will likely have adverse effects that will be less than minor and I can find no other grounds for special circumstances to warrant public notification.

39-35 Coates Avenue, Orakei

Firstly I am aware of another application by adjacent owners at 37 Coates Ave and which I have recommended public notification. That matter involves blatant height infringement and will clearly have a cumulative adverse effect that is more than minor, anticipating development at this site (29-35 Coates) or other proximate sites.

Like that application, although to a lesser extent, the applicant has chosen to design a building that infringes the standards, notably height, in the unitary plan which are already more generous than had been anticipated under previous consents granted for the site. The very clear indication from Peter Kensington at recent training for portfolio leaders on Boards was that Council planners would treat standards with the

robust 'control' interpretation they are meant to have. A standard is to be adhered to as much as possible, rather than treated as a guideline to be contravened.

It is therefore incumbent on planners to realise that while a 1 metre or .80 m infringement may seem a small number in the context of the maximum 16 metre height, but that cumulative grants of consents for developments that infringe height contribute to adverse effects that are more than minor - and that is especially relevant where a site is on an arterial ridgeline with wide coastal and visual amenity effects likely from the ensuing built form it presents.

I do not accept the AEE at page 10 suggesting it is appropriate to disregard effects below 16m height simply because a previous consent may have found there to be no more than minor effects for a four storey building previously applied for and of lower height.

The receiving environment of this development is the area of Coates Ave that currently has some multi storeyed development. Overall the proposal is likely to contribute to an obvious dominant high, built environment. This is said to be consistent with the future character of the area.

It is however currently not the character of the area and there can be no expectation that just because a zone's set of standards enable certain types of development, that the community and land-owners suddenly forego concern for the existing state of character or will seek to exploit those activities.

The future character of the area relies on developments that are designed to meet standards and not infringe them. This proposal may, for want of being designed to meet height and HIRB standards, therefore disrupts amenity value in the existing neighbourhood of mostly lower level surrounding residential built form and character.

It will plainly meet many other unitary plan purposes and would not attract a notification trigger if designed to standard as to height and HIRB.

IF the advice I received in my training recently was that standards ARE to be upheld, then this matter presents an adverse effect as to height that is more than minor and should be notified.

IF however Council planners intend on facilitating an ongoing culture of enabling developers to treat standards they are all very aware of in due diligence for a site and as measures to be willingly infringed, then there is a case to say the positive effects of the proposal in this zone and area may mitigate the potential adverse effects.

9 -11 Purewa Rd Meadowbank Auckland

As the Board's portfolio lead I have indicated comments for the sake of s95 et seq RMA preferring notification of the development proposed for 9-11 Purewa Road. There may be more information to hand I need to see which might cement that view.

Separately I have canvassed my Board for 'views or preferences' under section 15(2) Local Government Auckland Council Act.

Whilst not adverse to intensification per se, the Board views are to believe this proposed development will have a seriously detrimental effect on what is at present a desirable, and sought after residential area of our Ward. Board members views concur with the concerns and comments raised by a number of residents living in the near vicinity of the project who object to the poor design features.

What is unacceptable for the Board's preferences is the quite drastic change in design from what was initially proposed - to a series of 'tenement' like structures with outdated features which have long been discarded in modern building practice. ( ie - external stairways).

The size, and more importantly the density of the planned construction has potential for adverse social impacts on an otherwise safe and pleasant community.

This area of Meadowbank St Johns is already facing saturation problems with the increased traffic flow and parking overload on local streets from intensification, growing commuter use of the Meadowbank Train Station and the expansion from the nearby retirement village expansion.

Board views concur with one which has been pointed out by one resident, namely the piece of land on which the development is proposed, sits adjacent to both Hobson Bay and the railway line, and is a 'gateway' to the Orakei Ward via rail. The situation is highly visible and whatever structure is built will become a landmark of the future. This is an example of a site where the very best of design standards should be implemented.