

NOTICE OF MOTION: from Troy Churton

In terms of clause of 3.11.1 of the Ōrākei Local Board's Standing Orders, please place the following Notice of Motion on the agenda for the Ōrākei Local Board's business meeting to be held on 14 December 2017.

Background:

1. I am reminded by locals how, in the times ahead, the council will be under even more pressure to process resource consents and building consents for large developments such as the one at 20 Pukerangi Cres Ellerslie. There have been many other recent examples of higher-rise apartment blocks (Kepa Road, Meadowbank Road etc)
2. These sort of high-rise apartment developments starting to proliferate since the unitary plan, cause a variety of undue effects to many parties adjacent to them and foreseeable cumulative effects for local communities. Many effects are simply 'more than minor' but that assessment is regularly done by Council planners who have their internal or contracted specialists yet advise me they rely on the evidence presented by applicants.
3. Because of this need for inherent reliance on the applicant's evidence, council needs to make sure that all plans and documents approved are based on solid factual material and the process of issuing a consent is clear and concise. It is plain that every applicant pays their specialists to present the best possible interpretation of their development wishes. Very few applicants chose to publicly notify.
4. I have previously met planning management to advise them that standards in the UP need to be treated as things to be met and complied with, rather than as things that may be infringed readily - and the erosion of notification options only reinforces the importance of the processing function.
5. A recent case with Pukerangi Crescent highlighted a degree of uncertainty in the plans provided by the applicant's specialists. A professionally qualified local and neighbour to the proposal pointed out aspects of the applicant's plans that did not align and only through further information exchange between Council and her and the applicant did some shared understanding on the accuracy of the plans emerge. And yet the matter was initially processed relying on the applicant's plans without notification and granted. When the first challenge to the plans was raised, the planning response was that if the consent could not be exercised, it would not proceed.

Given the diminishing ability of wider community to have input into applications this potential for applications to be granted on the basis that if something might not actually be correct then the consent can not be exercised is completely wrong in my view.

6. I am advised a full existing site survey using a theodolite and Linz datum points is the first document that should be produced for any development, big or small. This should not be done using a GPS system as it cannot give accurate measures close to buildings or structures. All other documents relied on by the applicant should be based on this. The source of this professional advice which i respect is from a local woman with the following credentials:

I attained my NZCD Architectural in 1991. This involved 4 years of study and three years work experience.

I worked as the sole draughtsperson for the Tamaki City Engineers department for 5 years. I was in charge of all cadastral plans and did all the overlays of contours, roading and site drainage. I was also part of the team that did all the surveys for contours and road alignment and drainage.

I also completed a specific course in Architectural Presentation Drawing. This was specifically looking at 3d perspective drawing of buildings.

I also worked as a Building consent office for Manukau City Council. I processed building consents in conjunction with the planners for residential, commercial and industrial buildings.

I have since attained my New Zealand Certificate in Horticulture – As I have been doing landscape design for 20 years this has added to my knowledge base. In particular Amenity planting.

I have also attained my Design 2 LBP status.

In between all of this I have run my own Architectural Practice going on 27 years. This covers all areas of building, subdividing and resource consenting.

I give you this information for the soul purpose of reinforcing my concerns

7. I asked senior planning management to confirm if this requirement exists, (as I assumed not) and if not, that it will be made a compulsory part of development proposals of the scale as in Pukerangi Crescent.

8. Consequently I learned my points, reiterating the professional local person's views also, had been discussed at a senior planning management meeting. The summary of that management meeting's views on my points is:

We agree that the Unitary Plan enables more intense development and may be more controversial as a result. However, except where a clear discrepancy exists, this does not negate council's obligation to rely on the evidence presented as part of an application. RMA case law has established this principle. Except for the standard conditions which require buildings to be checked to ensure they are at consented heights, no-one at the meeting had ever had cause to question or verify surveying

data. Requiring information that we would then not check would result in more expense for negligible benefit.

In the rare event that this is raised as a potential issue, applicants have other options available to them to ensure that the surveying done is correct.

9. Both processing planners and this local board, through its delegated powers and inputs as to notification, and its general statutory ability to comment on certain decision-making requirements under the Local Government Auckland Council Act, have a role to play in assessing application evidence for these larger high rise apartment developments, and any other application.

In my view, and reflecting a professional view expressed to me and supported by a view from a separate registered architect, the minimum requirement for any site application where multi-tower, high density residential development is concerned should contain the following for clarity of the proposed project:

- 1) Clear spot levels at crucial points around the relevant section i.e. on the boundary adjacent to the proposed buildings edge, and around the proposed buildings footprint.
- 2) Overall spot levels to give an accurate measure for any cut and fill that may take place.
- 3) Existing boundary lines in relation to existing fencing structures.
- 4) All existing structures and their floor levels and ridge line levels.
- 5) Clear measures from the boundary line to the proposed buildings on all sides and at the crucial points.

10. Board members and processing planners, if armed with this information above, ensure Council would be able to better check that Height in relation to boundary infringements are shown correctly and from the correct point, and maximum height is calculated correctly.

11. If the proposed developments are close to or infringe on council unitary policy then this is vital information in order to truly assess effects for the sake of a notification decision or a grant decision. As I said above, standards as to height under the UP are to be designed to met, not exceeded readily. I have discussed this with senior planners previously.

12. If the developer has not done this sort of theodolite requirement as a minimum, then I understand there is a chance of error as council will rely on checking the documentation produced - as it must to some extent to keep its own processing cost down.

13. If the developer has not done this degree of theodolite work and the council has approved the resource consent, as was the case for Pukerangi Crescent application in Ellerslie recently, an application granted despite my comment it should have limited notification, then this could expose the council to future scrutiny.

Motion:

a) That the governing body require planners processing applications for high-rise residential apartments in Orakei to exercise their statutory right under the Resource Management Act to ask an applicant for further information to ensure the following. most of which will be presumed if an applicant supplies a theodolite report:

- 1) Clear spot levels at crucial points around the relevant section i.e. on the boundary adjacent to the proposed buildings edge, and around the proposed buildings footprint.
- 2) Overall spot levels to give an accurate measure for any cut and fill that may take place.
- 3) Existing boundary lines in relation to existing fencing structures.
- 4) All existing structures and their floor levels and ridge line levels.
- 5) Clear measures from the boundary line to the proposed buildings on all sides and at the crucial points.

b) That the Orakei Local Board speak to this motion at the next meeting of the Governing Body.

c) That a copy of this resolution be circulated to all local boards.

Author and signatory:



Troy Churton
Ōrākei Local Board Member
1 December 2017