Date: Tuesday 17 April 2018
Time: 5:35pm
Meeting Room: Level 2 Reception Lounge
Venue: Town Hall
Auckland

Heritage Advisory Panel

OPEN MINUTE ITEM ATTACHMENTS

<table>
<thead>
<tr>
<th>ITEM</th>
<th>TABLE OF CONTENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.1</td>
<td>Consideration of Extraordinary Items - Planning processes - 6 Ardmore Road, Ponsonby - Keith Hunter</td>
</tr>
<tr>
<td></td>
<td>A. 17 April 2018 Item 9.1: Planning processes - 6 Ardmore Road, Ponsonby - Keith Hunter - tabled document</td>
</tr>
<tr>
<td>5</td>
<td>Pukekohe Rail Station Building</td>
</tr>
<tr>
<td></td>
<td>A. 17 April 2018 Item 5: Pukekohe Rail Station Building - presentation</td>
</tr>
</tbody>
</table>

Note: The attachments contained within this document are for consideration and should not be construed as Council policy unless and until adopted. Should Councillors require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
Keith Hunter: Re Planning Processes.

Architect re Special Character (No) and Heritage areas (Yes). Both apply in my case. You would think that in an area that's distinguished as both a special character area and heritage area you'd find planners tiptoeing over filed application in anxiety to get it right. That's not my experience.

- The crucial process is not to tell anyone, especially anyone affected, about the planned development before consent approval is gained. After that the only recourse for objection is by Judicial Review – huge money.
- What it does is to get projects underway quickly and efficiently. It may relate only to internal pressure to get results but in my view it opens AP to charges of collusion, especially when property developers are involved. Property developers know and will have used all the tricks before. They will also have built relationships with the planners who approve their projects. My new neighbour is a property developer.

The process in my case
- In March last year the new absentee neighbour showed me plans of what he intended to do with his house. I told him I would oppose him 'with every penny I have'.
- I asked AP to list me on the 6 Ardmore file as an interested party. An AP email told me a memo to that effect had been lodged on the file.
- I heard nothing more until on 30 August I discovered that a tenant in 4 Ardmore had to move out of his flat in a few weeks. I immediately contacted AP and found that an application for consent under the RMA had been lodged on 17 August. I asked for and was sent a copy of the plans. Later that day the AP planner involved in the case emailed offering a meeting the following day, 31 August.
- We met at 2pm. I showed him why the proposed development would affect my house and my enjoyment of it. He did not respond to anything I said.
- The following day, at 4pm on 1 September, the planner emailed a copy of his consent approval.
- It was now too late for me to object. I contacted AP and met and communicated with planners and a senior integrity office over several months, all to no avail.
- In this period I discovered that the memo recording my interest as an affected party is missing from the property file.
- Amongst the claims put to me by the AP planner was that he had not decided the matter prior to meeting me. That is patently false.
  - Evidence: J. affidavit, Allen-Findlay emails 30 August,
- The planner also claims in his consent approval that he visited the site on 30 August. This would counter any opposing claim that he wrote his consent without visiting the site. This claim too is patently false.
  - Evidence: the Allen-Findlay emails, impossible timing.

The issues
- The plan is to extend the house at the rear and accommodate parking for two cars under the house. For this the house will be lifted 30mm and moved back from the road by 1.5
metres to allow sufficient distance from the road for vehicles to get low enough to get underneath the house.

- **Heritage:** AP’s consent document says that:
  
  *The proposed shift of 1.5 m to the east and a lift of 300mm has been reviewed by Councils Heritage Specialist who raised no concerns with the additional height and noted that the shifting of the dwelling by 1.5 m into the site would be the most acceptable outcome following a pre-application meeting…*

- The planning expert’s view is expressed in the written record of the pre-application meeting:
  
  *Mr Curham advised that the best heritage outcome is to remove the existing garage and provide a double car parking pad at the front with a wider vehicle crossing. However if the garage underneath the dwelling is proposed, the less the dwelling is to be moved back is preferable.*

- **Shading:** The changes are heritage issues but if allowed they would block sun from the northern side of my house completely for months in winter. The shifting places the house due north of the lounge windows of the flat on my north side, occupied for the last 5 years by a 75 year-old widow. The additional rear extension is to be 3.75 metres (12 1/2 feet) high and to stretch about 6 1/2 metres along my northern boundary

- See the back page quotes about the visible impact of the developments:
  
  - NB: There are no shading charts by either the applicant or AP.
  
  - My photos only suggest the truth re ‘dominance’ and ‘visible impact’

- Grant’s Herald story.

- Another victim wrote to the Herald the following week.

- What’s the point of having regulations written to have authority if a planner can simply overrule them with no more justification than his alleged opinion.

- The situation could not be better designed for corruption.
Auckland Planning Consent Document:

- There will be no adversely affected persons as a result of the proposal for the following reasons:
  - Shifting the dwelling by 1.5m towards the rear of the site will not result in adverse shading or dominance effects on adjacent persons to the north or south as the built form of the main dwelling bulk will not extend past the rear of the built form on adjacent sites, therefore any impact on the rear yards of these persons is considered to be less than minor in this regard, particularly in the context of existing built forms within each site and existing boundary treatments.
  - To the south...Proposed landscaping within the side and rear yards will screen and soften the additional built form to the rear, which is within the bulk and location controls and of a low set nature so as to remain unimposing as experienced by adjacent persons. With the low form and screening proposed, the built form will be sufficiently separated and screened to result in less than minor adverse visual amenity and dominance effects on persons to the south. Similarly, having regard to the existing situation and effects associated with the current dwelling, effects associated with the additional height and relocation of the dwelling within the site are not found to result in minor or more effects on persons to the south.

- ... Additions to the rear are differentiated in form and materiality without adversely affecting the integrity of the dwelling or the wider heritage area or special character considerations. These additional components to the rear will be low set and screened by boundary planting so as to be visually inconsequential when viewed external to the subject site.

The Applicant’s Planners’ Application, p18

6.1.1.1. The proposed increase in height will be marginally noticeable but the shifting of the house is the greatest visible change. As the house is to the north of the property at 8 Ardmore Road, and the sun is at its highest azimuth to the north, the neighbour will experience no noticeable loss of direct sunlight from the change in house position. This is additionally so as the roof slopes at approximately the same angle as the 45 degree height to boundary plane, and so it is therefore only a slither of roof that infringes this control. As a result the following measures have been implemented to avoid adverse dominance effects on th eneighbouring residence at no 8 Ardmore Road...

The rear addition has been kept as a very low profile with a 4 degree pitch rooffline to ensure that it will not be clearly visible over existing fencing and complies to height to boundary standards.
On the cricket
It might be an idea for the Black Caps to take a 20-over's "mental" into the 50-over game, instead of edgy out singles. What's the worst that could happen? We lose. But it would be fun.
John Clements, Orewa

On road changes
There ought to be a simple rule of thumb...
Peter Thomas, Hamilton

On Erebuz
Deborah Hill-Cone has eloquently stated...
Mary Tallow, Mangere

On Winston
It took the Germans close to six months to piece together their government coalition.
It took Winston Peters only a couple of weeks.
Instead of gnashing about Peters we ought to get him nominated for the Nobel Peace Prize.
Arch Thomson, Mt Wellington

Council officials make mockery of Unitary Plan
T here is little point having an Auckland Unitary Plan if council planners игнори the process. The process to compile the plan has taken years and the last appeals are being worked through. Communities, public and private interests have all fine-tuned a plan to meet the unforeseen needs of a growing city sustainably.
The problem is council planners are making decisions that bear little resemblance to the plan's intentions and then obstructing any challenge to these decisions. People are pushing boundaries and the council isn't pushing back. Rules are meant to be an upper limit. Many think that, just because there is a rule, they are meant to test it.
Simple planning rules like fence height, boundary set backs, height to boundary, site coverage, and protected trees are not being complied with and the council is indifferent to it. These simple rules set the baseline for the amenity of an area, which ensures compatibility between neighbouring activities.
We have planning rules to minimise nuisance. Nuisance is a legal term where everyone has a duty to not cause a substantial and unreasonable...

Grant McLachlan - Whangaparaoa...

interference with another's enjoyment of their land.
The Resource Management Act was meant to avoid, remedy, or mitigate nuisance through simple regulation and semi-formal processes. Instead, the Auckland Council is facilitating nuisance and delaying aggrieved parties to pursue their nuisance claims through a complicated High Court judicial review.
The Auckland Council's officials do "measure up" the "right" of aggrieved parties. They comment little, develop, but cower to the high...
To justify decisions, planners use the term "less than minor". Happily, if a permitted site coverage is 35 per cent, apparently a 33 per cent site coverage causes "less than minor" adverse effects. A house height that casts a shadow only 4m further than permitted across a neighbour's outdoor living area is also a "less than minor" adverse effect.
Under the law, assuming the adverse effects as "less than minor" also justifies the council's duty to not notify an application and bypass the Unitary Plan to approve non-complying activities. Effectively, the council has decided how a proposal will affect neighbours without adding them or allowing them a right to object.
Once a poor decision has been made, others will try to push the boundaries further. Setting a precedent, the "less than minor" scale creep further from the plan's intentions.
To prevent a repeat of poor decisions, many try to defend the "integrity" of the plan. Based on how the planners are applying the plan, the plan has no integrity. There is little consistency, clarity, or transparency in how it is complied with. You won't need to travel far for the plan in action. Rows of new houses crammed into sites, obstructing sun and views. Car parks and tall fences replace mature trees.
Some developers and hearings commissioners have tried to set a higher amenity standard. Many new properties have covenants and consent notices attached to individual lots requesting a certain style of house, fence, frontage, driveway, and coverage to achieve a cohesive community.
Instead, council officials often ignore these standards when processing planning and building consents.

The neo-liberal intentions of the RMA have turned into neo-fascist Neo-liberals who define their property rights often fail to recognize their duty to avoid affecting the rights of others. Councils then bully aggrieved parties in their behalf.

The consistent flow of stories in this publication about dubious planning decisions indicates the Auckland Council's planning department has reached a stage where intervention is necessary. Heads need to roll.
The Minister for the Environment has powers to interfere the performance of the Auckland Council. David Parker can even sack officials and appoint a commissioner.

There is precedent. In 2005, the minister investigated the underperforming Environment Canterbury and Far North District Council. The following year, Environment Canterbury's councillors were sacked and replaced with commissioners.
A ministerial investigation must have the right people to direct change. The last thing Auckland needs is a sack puppet gesturing that everything is fine when obviously it isn't.

Grant McLachlan - environmental and infrastructure specialist
Census questions a bit light

I completed the 2018 Census on Tuesday. If you do it in a time one might have thought systems would be faster but I found response time at the entire seconds, satisfactory. However, there are three aspects of what was asked in which I am very disappointed.

First, much of the information could have been produced by various government data bases. That is, the answers to the questions could relatively easily have been found with a little massaging of data already held.

Second, the number of questions was trivial. It is the amount of data used by the multitude of planners in our myriad government departments the reason the planning is so poor is obvious.

Thirdly, I am disappointed that in this day and age any questions should ask for one's religious orientation.

What government organisation is sensitised to use this data for planning purposes? Next we'll be finding special programmes for Catholics, Jews, Hindus and whatever god you choose.

Quite simply this would be wrong so if you don't need it, why ask for it?

Cycle lanes not used

Cycle lanes have been installed along Quay St at great expense and disruption to traffic. Why then do some cyclists choose not to use them, as I witnessed the other day when two cyclists were weaving in and out of the traffic on the opposite side of the road to the cycle lanes:

It should be mandatory where there are cycle lanes for them to be used.

D Cook, Torbay.

No one takes blame

Our legal system is truly a disgrace. We have no one responsible for the collapse of the CVT building, no one prosecuted for the Pike River debacle.

The Christchurch case illustrates how bad things are. A HMRC investigation is riddled into the case of two old men, less than a kilometre from the site of his onstruction.

This was a decision made by a judge.

A Runicard's comments on the site of his onstruction were very close to the actual event.

countries.

He has the freedom to do anything but one day soon he will have to answer for his actions.

Maybe now would be a good time to walk into one of the many churches we have in this beautiful Auckland city and ask that timeless question, "What must I do to be saved?"

Alan Duffield, Browns Bay.

Tax their business

As Brian Rodimer suggests, it is likely over half the population no longer believes in a mythological being (aka God). Surely it is time for the Government to end the tax-free status of so-called religious businesses.

For example, Kiolgys and Hubbars make breakfast cereals just like Sanitarium yet the latter pays no tax. Businesses belonging to the Exclusive freemen are just as profit-oriented as any others yet are tax exempt.

They will of course argue their profits are directed towards charitable activities but those activities are restricted to those of their own ilk. Were they trying their best share of tax, these funds could be used for the benefit of all.

Ray Gilbert, Matamata.

Don't apply for it

Gareth Morgan wants superannuation means tested because he and other wealthy people like him don’t need it. Well, Gareth, it’s simple, don’t apply for it if your choice.

Some things should be our responsibility like good parenting, eating healthy food, and living within your means.

Don’t have that hate or beer, then you are able to pay the rent. And if you don’t like plastic bags, buy your own. Don’t expect the supermarket to decide for you.

Vicki Hill, Manukau.

Army visits

School shooting clubs are the oldest youth service organisations in the nation. Gun clubs have been in schools for over 150 years without problem. This engineered issue is an extremist Greens Party agenda at work. They are putting kids at risk.

Grey guns are a huge issue, guns held illegally for lawful use. Perhaps a bigger rural family sharing a rifle for hunting, with rifles not stored safely, often not handled safely. Kids need to learn fast, and they do.

There are also many illegal guns in the community because the Government is so weak on crime. Kids need to know what they're doing.

ratepayer is asked to provide any further money. We are entitled to know what the existing budget is to ensure all repair costs be published subsequently.

Other budget spending by Auckland Transport should be curtailed; cycleways, kerbing replacements and so on, so that blame is sheered home. Furthermore a head should roll as an example to all staff that incompetence is not tolerated. Transparency is what is required.

Is the mayor, our "man at the top", asking the hard questions, getting answers and reporting back to his voters?

Remember there is another council election in about 18 months time.

D.W. Howarth, Milimani Bay.

Cartoon subject

It may have escaped the notice of Rod Emmerson but we elected a new Government almost six months ago. Somebody should bring him up to date as many people are starting to talk about the fact he continues to satirise Opposition politicians while giving the Government a virtual free ride.

I would hate to think that some of these people might conclude he has an anti-National bias which of course absurd, isn’t it?

Pat Taylor, Bethalham.

Plan ignored

Grant McInachan’s column in Tuesday’s Herald resonated with us.

We built a house that complied with the covenants for a beachfront subdivision and all current and previous planning rules.

Adjacent to ours, however, is a new dwelling being built that has not complied with most rules, adversely affecting many.

Instead of the council applying the rules or assessing the effects that the house will have on our community, it has found ways around every one of them.

What is the point of a council that listened to us when drafting the Unitary Plan but ignore us when we point out non-compliance with it? Is it that we are retired and we don’t pose a threat to them?

Mark and Christine Windram, Shelly Beach.

Black mark

The comments on the black bags are a classic. Breed the professionals more aware than any of what stepping outside
Franklin Heritage Forum’s ideas on the future of the Pukekohe Rail Station building

- Café
- Retail shop
- Commercial offices
- Pukekohe Museum
- Franklin “i site”
- Continued use as operational rail station in some way
- Creche
- Bed and Breakfast
Other ideas used at Stations that have been restored or refurbished

Te Kuiti Station and Café
Waikino Station – Karangahake Gorge Café and Goldmining History
Plimmerton Station
Hobby Shop and Waiting Room
Ranfurly Station - Ranfurly Display Centre & “I site”