

Comment from Ōrākei Local Board - s15(2) Local Government Auckland Council Act 2009

Application: BUN 60324987 Drive Holdings Ltd

75-79, 81-87, & 89-97 Tamaki Drive, 6, 8-10, 12 & 14 Patterson Avenue, 26, 28, & 30 Marau Crescent, Mission Bay

Introduction

1. The combined site represents the “hub of the Mission Bay”. It is surrounded by landmark public destinations. A 1999 Concept Plan prepared under the legacy Isthmus District Plan, and a number of previously granted resource consents for this site, make specific mention of the special character of the area and the need to retain a residential interface with residential areas to the south.
2. The Board’s strong view is that the Unitary Plan offers far more generous development opportunities than the legacy Isthmus District Plan. The Board supports redevelopment of such a significant site as a ‘transformative’ change only if all aspects of the proposals comply with the Unitary Plan. The Applicant’s Urban Design Assessment at para 6.11 acknowledges this proposal is intended to be ‘transformative’ and states:
 - (a) *The AUP: OP directs consideration of the planned future form of the centre, not its historic or existing form or associated character and amenity values. I understand that for Mission Bay, this change will be significant and quite dramatically transformative, and it has formed the context of my analysis of the project.*
3. Overall the Board believes there are positive effects to be generated by the proposal including: increased local economic opportunities for employment, rejuvenated local amenity and quality apartment accommodation.

Surrounding environment and intrinsic values

4. The surrounding environment offers a unique blend of coastal village charm and thriving hospitality amenity sustained because of historically lower rise development. There is a unique sense of connection between the coast, reserve area and the inner Bay areas.
5. The Board believes heritage themes remain apparent through-out Mission Bay, for example with Mission House, mature Norfolk Pine and Pōhutukawa, the fountain, and existing art deco on the proposal site. Other features of the significant surrounding environment are summarised in para 2.32 – 2.41 of the Assessment of Environmental Effects.
6. The Board therefore confirms a unique sense of place in Mission Bay, an amphitheatre highly valued by locals and visitors. The Applicant Landscape Architects Landscape and Visual Effects report refers to this sense of place by stating:
 - 3.12 *The surrounding landform and ridgelines to the east, south and west enclose the bay effectively forming a broad amphitheatre to the local centre on the flat coastal terrace. The wider surrounding area is extensively vegetated with coastal Pōhutukawa, vegetated slopes and mature tree plantings within individual properties.*

Height infringements and design philosophy

7. The Board is very concerned that four of the seven buildings proposed do not comply with already more generous height maximums and the Applicant seeks to considerably infringe the building height control in places.

Refer para 5.2 (page 57 AEE) and summary table below.

Maximum Occupiable Height Occupiable height infringement Maximum Building Height
Building Height infringement # Stories

Building 1 16m 11.657m 18m 10.207m 7

Building 2 16m 5.138m 18m 4.475m 5

Building 3 16m 1.03m 18m 0.38m 4

Building 4 16m 0.656m 18m Complies 4 (plus plant room)

Building 5 16m Complies 18m Complies 3

Building 6 16m b/w 150mm to 7.588m 18m 6.424m 6

Building 7 16m 1m 18m Complies 4 (plus plant room)

8. A major policy feature of the Unitary Plan is to enable a 'compact' city. The aspiration for being 'compact' includes intensification that is designed to generous new standards including height maximums. The Board prefers that 'compact' is achieved through complying height development.
9. The Board has made similar comments in regards height-infringing developments at Stonefields and along St Johns Road – and notes both those proposals were subsequently not granted. For a benchmark reference as to height infringements, the Board produces its infringement table regarding the most recent case along St Johns Road:

Benchmark reference: Summerset infringement table

Proposed Height Infringement Number of storeys

Building A 14.7m 3.73m Infringes over entire footprint 3 storeys

Building B 15m 4.15m Infringes over entire footprint 3 (4 storeys) This building approaches 4-storeys in real height due to a retained parking podium facing the western boundary

Building C 13m 2.82m 3-4 storeys

Building D 19.8m 8.8m Infringes over entire footprint 5 storeys

Building E 22.65m 11.65m Infringes over entire footprint 6 storeys

Building F 24.15m 13.15m Infringes over entire footprint 7 storeys (this is actually up to 8-storeys in height)

Building G

(Suburban zone) 11.45m 3.4m Infringes 8m building height under Mixed Housing Suburban Zone 2-3 storeys

10. The Board notes the applicant Drive Holdings had originally proposed a concept design for Mission Bay that complied with standards for the Business-Local centre Zone (including height, height in relation to boundary and yards) – per para 3.13 Assessment of Environmental Effects (AEE). The Applicant has instead chosen to use a design philosophy to raise the height of buildings on the Tamaki Drive and Patterson Avenue sides, and include "articulation and modulation" through other buildings on the site.

11. The applicant explains the re-designing with extra (infringing) height as enabling something:

.... “culminating in a focal landmark building marking a focal gateway to the Project on the corner of Tamaki Drive and Patterson Avenue” (see para 3.15 et seq AEE).

12. The Board preference is that aspirational focal landmarks are achieved through height-complying designs within the generous Unitary Plan standards.

Visual effects - Unitary Plan policy - Permitted baseline risk

13. The Board believes the Applicant’s Urban Design Assessment at para 6.11 is far too generous. It is inappropriate, we think, to propose infringing design activity simply by alleging that the visual effects of that infringing activity would be not much different to complying activity.
14. This is the first significant development proposal under this Business zone in this area. If the applicant’s logic, for enabling visual effects by allowing infringing height, was granted the Board believes it would create an immediate permitted baseline from which subsequent developer applications would lever from.
15. The Board believes community well-being would not be served if that sort of design approach was tolerated in this or future applications. It would be a precedent risk of enabling non-complying development to accumulate over time – resulting in an area with little regard to the policies of the Unitary Plan. A precautionary approach is needed for inaugural transformative development.
16. The Board’s preference is that the Urban Design Assessment view extracted below (from para 6.11) not be given weight. Unitary plan zoning anticipates greater ‘intensification’. We believe it is unsafe to assume all higher intensity development proposed will be suited within a particular zoned area or will optimise the well-being of communities. The Urban Design Assessment concerns us when it says:
 - (c) *The proposed height will help to retain the visual and activity ‘core’ of Mission Bay at the Tamaki Drive and Patterson Avenue intersection, where access for the community to the beach and reserve is greatest, rather than (in time) more generally along the 350m length of Local Centre and Mixed-Use zone along Tamaki Drive opposite the beach. In this respect, the height proposed has benefits in overcoming what may become a 4-to-5 storey tall, 350m-long urban wall with no discernible heart or ‘focal point’ (achieving a real-world focal point in each Local Centre zone is itself a key planning outcome in the AUP: OP to differentiate them from Mixed Use and the Terraced Housing and Apartment Building zones that typically exist around them). In my view, the intersection of Tamaki Drive and Patterson Avenue is the historical and obvious future focal point of the centre and this is where the greatest building height, density of activity and vibrancy of commercial and entertainment activity should cluster.*
 - (d) *The project, at 3-to-8 storeys in height, will remain in the low-rise to medium-rise range of buildings, and this is pivotal in my opinion to successfully implementing the AUP: OP zone outcomes for the Local centre zone. High-rise buildings (greater than 10-12 storeys) would be extremely difficult to reconcile with a “local” type of commercial centre and would be a more obvious fit in a Town Centre or Metropolitan Centre*
17. The applicant’s planner and urban design expert take the view that the policies for this business zone are not about “maintaining” character, but “creating” a new character.

However, the Urban Design Assessment seems to contradict the 'transformative' approach the Applicant planner claims. At para 6.72, the Urban Design Assessment says:

"The proposal will ...contribute...in a way that will maintain the amenity values of adjacent public spaces and residential areas"...

18. The Board generally supports how the proposal will create additional commercial amenity (hospitality, food, cinema etc.). We agree this 'maintains' amenity of the use of some of the building spaces. But the Board does not agree with the AEE conclusion (para 6.85) that there will be no adverse effects on visual amenity regarding the relationship to adjacent public and recreational space.
19. Instead, the Board notes the LAVE Visual effects report Section 4.0 – specifically at 4.95 - assesses visual impacts from at least five viewing shafts. The visual effects are described in ways ranging from "moderate to high" effects. This means, using a scale of visual effects, the overall visual effects will therefore be far more than minor, even when contemplating existing and planned future urban environments.
20. The Board's majority view is that a height complying proposal, or one within the height standards, will give greater likelihood of shaping an existing and planned future urban environment that promotes community well-being in this area.

Amenity Composition

21. Community well-being in Mission Bay has been well-served by the dominant amenity of hospitality, food and beverage and theatre activity at this site. The Assessment of Environmental Effects, at para 3.3, states the final mix of these activities has not yet been determined and floor plans are generic.
22. The Boards preference is for all non-residential activity in the proposal to remain consistent with what there is now: hospitality, food and beverage, theatre etc , and prefers not to see this development extend into broader service types of industry or commerce which are uncustomary for Mission Bay's sense of place (banks / professional service firms / medical services / light industry / supermarkets etc).

Traffic flows and Parking

23. The Board believes the proposal's scale and amenities will support local economic development and attract more people to the area using a variety of transport methods.
24. The Board is concerned that the Applicant's traffic report (ITA report) may underestimate forecasted flows entering this area and the capacity of existing road environment and infrastructure.
25. One example is the assessment of the existing signalised intersection at para 6.3 of the ITA report. The existing flow data versus projected demand flow data are almost the same!
26. Another example relates to provision for parking. There appears to be an anomaly in the Applicant's analysis. Of 265 total parking spaces, only 58 are available for general public per AEE para 3.87, and 36 spaces for residents (despite 100 new dwellings proposed). However, the AEE at para 6.152 states 100 spaces are provided for public visiting the site. The AEE states on-site parking complies with minimum requirements for retail activities (para 10.53) but also provides for anticipated parking requirements for cinema and food and beverage facilities. The Board does not consider this assessment to be robust.

27. The Board majority prefer to see proportionate public parking capacity in the proposal to reflect the greater amenity provided. We believe the surrounding residential areas is unable to absorb greater parking demand based on existing amenity levels. Tamaki Drive is a busy mixed-use corridor and the Board's preference is for major new developments in Mission Bay to contribute to providing generous time-restricted parking in conjunction with general public transport opportunities. For example, the Tamaki Link bus now runs every 15 minutes between 7am to midnight.
28. General public visitor car parks and service traffic both access the site via Patterson Avenue. The Board has concerns about the safe, shared operation of the access given proximity to the signalised intersection. The Board preference is for good design to mitigate the likelihood of conflict between vehicles and greater numbers of pedestrians in the area.
29. All other car parking are accessed from Marau Crescent. The Applicant's ITA Road Network report, at section 5.2, states that 50 additional trips on Marau Crescent can be absorbed by existing traffic capacity in that road. The Board's view is Marau Cres. is regularly overloaded with the existing level of development, especially in summer, during school holidays and in most week day and weekend evenings when many cinema and food patrons park in it and the surrounding streets.

Stormwater

30. The Board is concerned that increased stormwater effects of this proposal will end up in Waitemata Harbour and add risk to an already threatened quality water environment. The site is within the catchment affected by the Hauraki Gulf Maritime Park legislation. The proposal is described in the AEE at 3.104 and 6.172 as:

"...to provide a stormwater connection for the Site by extending a new 450mm diameter public line under Tamaki Drive connecting into the 825mm diameter line on the northern side of the road. Liaison has occurred with Auckland Council Healthy Waters engineers and the proposal is accepted in principle."

And

"Stormwater generated from the Project on Site is proposed to discharge directly into the existing reticulated network. The proposed stormwater discharge has the potential to ultimately result in adverse effects on the receiving environment as a result of the quality and quantity of stormwater which is being discharged from the catchment"

31. The Board preference is that greater investment should be provided by the Applicant into on-site stormwater reticulation, so stormwater run-off is treated to reduce the levels of contaminants discharged from the site into any existing reticulated network and into those precious Gulf marine waters.

Conclusions:

- * Overall the Ōrākei Local Board believes this proposal as it stands affects the well-being of communities within its Board area positively, however the adverse effects from several infringements as stated are significant and negative.
- * The Board view is that development on this site and in this zone needs to comply with the Unitary Plan to create a cohesive built environment over time.

- * Granting development with significant infringement creates risk of a dangerous permitted baseline that has potential to influence subsequent development and distort the policies and objectives of the zone in this highly visited, landmark location.
- * The Board's planning portfolio holder also sought feedback about the well-being of communities from local resident associations before collating this Board statement.
- * Overwhelmingly, community aspiration for improved amenity on this site was countered by very strong concern for lower height development in this coastal area.