

Submissions

Contact details

Full name of submitter: Victor de Bettencor

Organisation name:

Agent's full name:

Email address: vicdb@windowslive.com

Contact phone number: 02108337889

Postal address:

5/4 Curran St

Herne Bay

Auckland 1011

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

- 1.2 | Rule or rules:
The change from a 27 metre height restriction to 65 metres.

Property address: 29/8 Clayton St, Newmarket

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The current height restriction is perfectly livable as a guide for redevelopment of a mixed-use residential area. Allowing for 65 metres is around a 20 storey building which will not only block any light that the residents of No 8 Clayton currently receive, but will also overwhelm the area's skyline footprint and how the area relates to the nearby Auckland Domain.

- 1.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 26 June 2020

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Marco Creemers

Organisation name:

Agent's full name: Samson Corporation Ltd

Email address: marco.c@samson.co.nz

Contact phone number:

Postal address:
102/100 Parnell Road
Auckland
Auckland 1052

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

2.2 | Rule or rules:
Height Control

Property address: 33-37 George St , 13-15 Morgan St and 10 Clayton St , Newmarket .

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

A great design, the Buildings have a sense of place , with good overall spacing letting in plenty of light and provide plenty of look arounds to view other Maunga. A good use of a large land resource that will add to the vibrancy of Newmarket. All of which override the negatives associated with over height.

2.1 | I or we seek the following decision by council: Accept the plan modification

Submission date: 2 July 2020

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Rob Thomas

Organisation name:

Agent's full name: Rob Thomas

Email address: rob@robthomas.co.nz

Contact phone number: 021704423

Postal address:
3/154 Basset Road
Remuera
Auckland
Auckland 1011

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

3.2

Rule or rules:
Regionally Significant Volcanic Viewshafts Overlay
Locally Significant Volcanic Viewshafts Overlay
Locally Significant Volcanic Viewshafter Overlay Contours
Ridge-line Protection Overlay

Property address: 33 – 37 George St, 15 Morgan St, and 10 Clayton St.

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

3.2

Dear Auckland Council,
I am writing to oppose the proposed precinct plan change PC 44 (Private) - George Street Precinct, Newmarket.
The applicant's proposal to increase the height from 27m to 65m is in contradiction to the Volcanic Viewshafts Overlay outcomes in the Unitary Plan, it is a non-compliant activity relating to building heights under the volcano and is in contradiction to the community evidence that was presented to the Unitary Plan Hearings.
Unitary Plan Outcome

3.2 | The above mentioned properties are in the Volcanic View Shaft and what is proposed does not support the purpose of Unitary Plan "6.3 Volcanic Viewshafts and Height-sensitive Areas"
 The purpose of the overlay is to protect significant views of Auckland's volcanic cones through the use of the view shafts and height sensitive areas which is why these height restrictions are in place. Part of the unique identity of the Newmarket area is volcanic views between the Mt Eden Volcano, Auckland Domain Volcano and the Waitemata Harbour which would be significantly diminished if the proposed plan change was approved.

Buildings around the Auckland Domain Volcano need to retain a Height Sensitive Area to provide a visual buffer. This is to ensure that the development is of a scale that does not dominate the local landscape or reduce the visual significant or amenity values which I believe a height increase this significant would adversely impact.

Non-Compliant Activity

In the unitary plan there are specific rules that govern the Development Controls under the Volcanic Viewshaft that say "Maximum height no greater than 25m or 10 per cent in additional to the existing height of the structure whoever is the lesser." What is proposed in the private plan change is non-compliant and should not progress any further.

Community Evidence

As an Elected Member on the Waitemata Local Board from 2010 to 2019. I was intimately involved in reading submissions and providing feedback to the Unitary Plan Hearings Committee.

While there is support for the ongoing economic development of Newmarket as a thriving Metropolitan Town Centre this outcome was never at the expense or detriment to the unique natural typology and volcanic view shafts that have been in place and maintained for generations.

Residents from all across Newmarket and the greater Auckland Region wrote submissions to the Auckland Unitary Plan Hearings Committee in support of maintaining the unique natural Volcanic Viewshafts across Auckland. Many residents commented to me that they were delighted they were protected and it should never be in any doubt over the future of their protection.

I employ you to decline the application PC 44 (Private) - George Street Precinct, Newmarket as it would significantly diminish the value of the existing Volcanic Viewshafts.

Further to my evidence I have included the speech I made to the Unitary Plan Hearings panel in regards to the importance of protecting Auckland's Volcanic view shafts :

"My name is Rob Thomas, I am an elected member of the Waitemata Local Board.

However, I am presenting to you today as an independent witness for the Newmarket Community Association.

The evidence I am presenting today is in support of keeping Auckland's Volcanic View Shafts in the Proposed Auckland Unitary Plan.

At the heart of a city's planning framework are rules and guidelines that are designed to prevent the adverse effects that can come from the growth of a city. As Auckland's population continues to grow and our built environment continues to intensify, Auckland's Volcanic View Shaft Overlay will continue to be a vital tool, in our planning framework, that will enable growth while protecting the significantly important views that creates Auckland's unique identity.

Newmarket has experienced significant population growth in less than a decade from 1,578 residents in 2006 to 2,958 in 2013 (Statistics NZ). With significant investment, such as the University of Auckland's new Engineering Campus on Khyber Pass (with the potential for 5,000 full time students), the planned Westfield Development, the yet to be announced apartment development on the former Newmarket Bowling Club site, Newmarket is likely to experience further intensification and population growth. This growth in my opinion is not stifled by the existing view shaft protect rules. The Newmarket Metropolitan Town Centre will continue to grow and thrive while the Volcanic View Shaft continues to protect our important connection back to both our natural and cultural heritage.

A Link to Auckland's Natural History

Over the past five years I have door knocked over 16,000 homes in Auckland's Inner-City and time and time again I hear from residents who tell me that our natural environment is so critical to Auckland's future.

Auckland's Volcanoes set the dramatic backdrop to our environment that flows into the Waitemata Harbour. It's my view that the visual presents and dominance of our Volcanoes, unobstructed by view,

is a critical part of the long-term protection of our natural environment. Auckland's Volcanoes are an iconic feature of the cities natural landscape and that iconic status should continue to be reflected in Auckland's Volcanic View Shaft overlay in the Proposed Auckland Unitary Plan.

A recent study undertaken at the Auckland University of Technology called "Pollinator Pathways" highlights the importance of cities maintaining pollen pathways for animals and insects. It notes that Bees can travel up to 5kms searching for pollen. The study highlights that potential barriers to pollen include transport corridors and the built environment. It is unarguable that our volcanic cones provide a food source for bird life, insects and the pollination required to grow plant species. This gives strong cause that maintaining Auckland's Volcanic View Shafts, not creating barriers, will allow easier access for pollinators such as birds and insects. This will become increasingly important as Auckland moves towards becoming a low carbon community and reaching our own sustainability goals.

The City of Vancouver (Canada) is very similar to Auckland in many ways including its geographic topography. The City of Vancouver has a planning policy called Protecting Vancouver Views. Within this framework, Vancouver has 27 protected view corridors, established by the City to protect the view of the North Shore mountains, the Downtown skyline, and the surrounding water.

The planning document says "Vancouver's skyline signifies the city's connection to nature and aligns with its goals around sustainability." The city has used the view shaft guidelines as a key planning tool "The protected view corridors help determine the site location and design of buildings, resulting in the retention of panoramic and narrow views downtown." More information about the Vancouver experience is available on their website <http://vancouver.ca/home-property-development/protecting-vancouver-views.aspx>

A Link to Auckland's Cultural Heritage

The Volcanic View Shafts are an important Taonga (treasure) that date back to Maori occupation and war. The Volcanoes themselves provided sanctuary, but that sanctuary was only granted by the views from volcanoes stretching out towards the harbour and out across the horizon. For centuries these views kept Maori safe from invading tribes and a clear line of site to food source.

Today the Volcanic View Shafts continue to provide a sanctuary for Aucklanders. As Auckland's population continues to grow the need to protect Auckland's Volcanic View Shafts will become ever increasingly important as a public amenity and part of our own cultural identity. After all Auckland is a city built on volcanoes.

The City of London (UK) has implemented planning controls over the views of three landmark heritage and cultural icons; St Paul's Cathedral, the Monument, and the Tower of London. The protected views document state these protected and enhanced views are "for the enjoyment of Londoners and those who visit London". More information about the UK experience is available on the following websites:

<https://www.london.gov.uk/priorities/planning/supplementary-planning-guidance/view-management>

<https://www.cityoflondon.gov.uk/services/environment-and-planning/planning/heritage-and-design/Pages/protected-views.aspx>

As the UK have rules to protect views associated to a built historic environment so should the history of Auckland's Volcanoes. Auckland's Volcanoes are a unique part of our topography which tells a story of Auckland's wild natural history that has shaped Auckland over millions of years.

The Vancouver and London international precedence exemplify the rationale for Auckland keeping the Volcanic View Shafts as they provide an important connection to Auckland's natural and culture identity.

At this planning hearing today, I am tabling the following documents as international evidence that view shaft protection is a critical planning tool and should continue to be used in the Proposed Auckland Unitary Plan:

- ♣ Height Restriction Rules as they apply to Asia, Europe and North America
- ♣ Protecting Vancouver's Views Summary
- ♣ Protecting views, Historic Environment, City of London Summary

Keeping the Volcanic View Shafts aligns with decades of Auckland planning which provides direction on how the city is to grow. Arguably and probably more importantly, it provides direction to what Aucklanders value.

For the reasons outlined, Auckland's Volcanic View Shaft Protection should be kept in the Auckland Unitary Plan.

Thank you for your consideration.”

3.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 3 July 2020

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Steve Quine

Organisation name: Morgan Properties

Agent's full name: N/A

Email address: steve@federalgroup.co.nz

Contact phone number: 021946830

Postal address:
5 morgan street ,newmarket
auckland
auckland 1149

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

- 4.3 | Rule or rules:
Vehicle Access & Movements of 500 additional cars off Morgan street
Relating to George Precinct plan change

Property address: 13-15 morgan street

Map or maps: as per private plan change submission

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
Morgan Street is already congested and narrow ,council have recently approved the Manson 110 Carlton Gore Rd development to use Morgan street as its primary carpark access which will be incorporate 117 carparks and there movements of at least 234 + P/Day
This plan change adds another 500 carparks /1000 + plus vehicle movements.
These additional movements in this street are excessive and intolerable to existing owners & occupiers.

- 4.1 | I or we seek the following decision by council: Amend the plan modification if it is not declined

4.2 | Details of amendments: Re locate proposed morgan street on site carparking entry /exit traffic to alternative George & or Clayton streets traffic

Submission date: 6 July 2020

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: gavin hodder

Organisation name: Private

Agent's full name: gavin hodder

Email address: gavin@saitogroup.com

Contact phone number: 021679315

Postal address:
8/27 Clayton Street
auckland
auckland 1023

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

Rule or rules:
Building Hieght

Property address: Prposed George street prescint

Map or maps:

Other provisions:
Height of Tower C in particular
Traffic exist into Clayton Street
Proposed precinct mall

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Tower C completely obscures natural light and even with a 6 Meter set back is far too close to 8 Clayton Street. There is Privacy issues for both existing residents in 8 Clayton street and in the new proposed tower -directly looking into bedrooms. The extra height is a significant impact on 8 Clayton Street.

The traffic increase at the exit into Clayton street is not quantified and will be substantial increase over current

The proposal places a lot of "community benefit statements" on access to the domain and the retail complex. This is unsupported. With the new 277 a short distance away its hard to envisage a quality development. Newmarket Rail station precinct which has a destination Hub and has existing foot

traffic is a "low quality" outcome. Further the Access to the Domain from Grafton station and the Hospital facilities is far greater and easier than the proposed from Clayton Street. The benefits in our view are more likely confined in the most part to the new residences being proposed....and has the real risk of being low quality as per the Newmarket rail station.

This is a large and complex proposal and difficult for a lay person to understand....a physical scale model should be available for public viewing as there may well be different aspects not apparent on the reading of over a hundred pages.

We are not against redevelopment of the area nor against some of the proposals -but need

5.1 | I or we seek the following decision by council: Amend the plan modification if it is not declined

5.2 | Details of amendments: Towers adjacent to 8 Clayton street to be reduced in height. Traffic flow into

5.3 | Clayton Street to be controlled by way of volume. Precinct design to reflect the adjacent green zone

5.4 | rather than risk a low quality development.

Submission date: 8 July 2020

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Philip Robert Eilenberg

Organisation name:

Agent's full name: Philip Eilenberg

Email address: peilenbergnz@gmail.com

Contact phone number:

Postal address:
3B/21 George Street
Newmarket
Auckland 1023

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

6.2 | Rule or rules:
Height Variation Control increase from 27 metres to 65 metres above ground level

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Concern that the proposed increase to 65 metres will adversely affect:

- 1) light (morning) to the current buildings on Clayton St, Morgan St and George St;
- 2) further restricting sight lines to both Mt Eden and Mt Hobson volcanic cones;
- 3) The further destruction of both local and broader surrounding amenity value of the area, which started with the development of the 25-27 George St apartment building in the mid 90's (8 floors on George St and 10 floors on Morgan St).

6.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 9 July 2020

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

FORM 5**SUBMISSION ON PRIVATE PLAN CHANGE 44 (PC44)
TO THE AUCKLAND UNITARY PLAN (OPERATIVE IN PART)**

To: Auckland Council
Private Bag 93200
AUCKLAND 1142

unitaryplan@aucklandcouncil.govt.nz

1. Submitter Details

Name of Submitter: Cleveland Properties Limited (“Submitter”)
Address: Attn: Luke Carter, Space Station, 110 St Georges Bay Road,
Parnell, Auckland 1052
Telephone: 0274 888 360
Email: luke@spacestationstorage.co.nz

2. Submitter’s Interest in Plan Change

The Submitter is the owner of the adjoining property at 31 George Street (Lot 1 DP 501400).

The property adjoins the subject land, and is potentially affected by PC44 (the “Plan Change”) which seeks to introduce a new precinct into the Auckland Unitary Plan (AUP) for the 7,873m² site at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket and to remove the 27m height limit from that land.

3. Trade Competition

The Submitter is not a trade competitor and could not gain advantage in trade competition by this submission.

4. Submission Details

The specific provision(s) of the proposal that this submission relates to are:

PC44 is its entirety.

The plan change promotes a Masterplan design for the subject land that has been prepared by Warren and Mahoney Architects and LA4 Landscape Architects. The Masterplan identifies the location of vehicle and pedestrian access to the site, (basement) parking, pedestrian circulation routes, landscaping and shared spaces all located at podium level around the base of four tower buildings of 8, 10 and 16 levels respectively. The spatial layout for the site represents a logical and comprehensive design solution, which enhances site utilisation (by adopting vertical buildings) balanced by open space.

My Submission is:

4.1 Subject to acceptance of the relief sought by the Submitter (specified below), the following aspects of the Plan Change are conditionally supported:

- 7.5 | • The Masterplan layout of the site, in particular the spatial arrangement of buildings, open space, and circulation routes through the site;
- 7.6 | • The proposed heights of building Towers B, C and D;
- 7.7 | • Deletion of the 27m Height Variation Control from the subject land (33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket);
- 7.8 | • The introduction of the George Street Precinct to the Auckland Unitary Plan;
- 7.9 | • IX.1 Precinct Description
- 7.10 | • IX.2 Objectives – all proposed objectives for the new precinct;
- 7.11 | • IX.3 Policies – the proposed policies for the new precinct, in particular those relating to the requirement for comprehensive design, high quality architecture, a podium generally level with George Street, a central publicly accessible space, a network of internal pedestrian connections and a pedestrian plaza;
- 7.12 | • IX.4 - Activity Table, except for activity Rule A11 (as addressed below).
- 7.13 | • IX.5 Notification
- 7.14 - 7.22 | • IX.6 Standards, except for IX6.8 *Setback from neighbouring sites* (as addressed below).
- 7.23 | • IX.7 Assessment – Controlled Activities
- 7.24 | • IX.8.1 Matters of discretion
- 7.25 | • IX.8.2 Assessment Criteria
- 7.26 | • IX10 Precinct Plan 1 – *Building Heights*, but not Precinct Plan 2- *Urban Design Framework*
- 7.27 | • IX11 Definitions

The reasons for support of these provisions are:

The proposed provisions for the George Street Precinct provide a detailed and comprehensive framework that, with the exception of two matters (addressed below), will provide for the integrated development and future land uses within the precinct in a manner that will achieve the purpose of the precinct, and give effect to its objectives and policies.

- 7.28 | 4.2 The following aspect of the Plan Change is neither supported or opposed:
- The proposed height of building Tower A.

The submitter's property is sufficiently separated from the proposed location of Tower A to be unaffected by the potential 16-level (55m above datum) height of this building. The landmark qualities and benefits of a taller building on the site are noted, however consideration must also be given to potential adverse effects of the additional building height in this location in the context of a comprehensive master planned side development.

4.3 The following aspects of the Plan Change are opposed:

- Table IX.4.1 Activity Table, Rule A11 – which provides RD Activity status for development that does not comply with Standards IX.6.1 (Building Height), IX6.4 (Staged delivery of plaza and pedestrian connections), IX6.5 (Residential along active edges), IX.6.6 (Yards), IX6.7 (Maximum tower dimension and tower

separation), IX6.8 (Setback from neighbouring sites) and IX6.9 (Number of car parking spaces).

- IX.10 Precinct Plan 2 - *Urban Design Framework*

The reasons for opposing these provisions are:

Activity Table IX.4.1, Rule A11

PC44 seeks to remove the special height control, and to replace it with four specific height areas A-D (measured from a site-specific datum located on George St) applied under Standard IX6.1.

The height limits will enable buildings of substantially greater height to be erected on the site than under the existing 27m height limit, particular in Height Area A (where PC44 applies a 55m height limit).

Following adoption of the Plan Change, the submitter concurs that it would be appropriate for buildings that comply with the respective height limits in Standard IX6.1 to be assessed as a Restricted Discretionary Activity on a non-notified basis.

However, the effect of listing Standard IX.6.1 in Rule A11 would be to enable any application made in future for a building that exceeds the height standards under IX6.1 (without limit) to also be assessed on a non-notified basis as a Restricted Discretionary Activity.

Without amendments to Rule A11, there is a risk that the Consent Authority is precluded from considering potential adverse effects on potentially affected persons that may arise from buildings exceeding the height limits specified in Table IX6.1.1.

The exemption from limited or public notification for buildings exceeding the height limited specified in Standard IX.6.1 is therefore considered to be inappropriate (given the potential adverse effects of additional buildings height on surrounding properties).

The normal notification tests should therefore be applied to any application for additional building height beyond the limits specified in Standard IX.6.1. That would be achieved by deleting the reference to Standard IX.6.1 from Rule A11.

For similar reasons the inclusion of the “Yard” and “Setback from neighbouring site” Standards (IX6.6 and IX 6.8) in Rule A11 are also opposed as infringements of those standards, which may cause adverse effects on adjoining properties, would also be exempt from the standard notification tests under the Act if listed within Rule A11. Such exemptions are not appropriate.

Precinct Plans

The Precinct Plans in section IX.10 do not provide sufficient certainty of the development outcome within the precinct, and fail to:

- define building bulk and location within the precinct; or
- incorporate the pedestrian circulation routes and building setbacks that are shown on the “Masterplan – Ground Level Circulation” or “Masterplan – Roof Plan”¹.

¹ prepared by Warren and Mahoney Architects and LA4 Landscape Architects

In particular, the secondary pedestrian circulation route located on the western side of Tower B is shown on the “Masterplan – Ground Level Circulation” plan; however, it is not included within the “Urban Design Framework – Precinct Plan 2”.

In order to rectify those omissions, the submitter is requesting inclusion of a 6m “setback” from the western precinct boundary and the addition of the western pedestrian route to Precinct Plan 2. Those amendments would ensure that taller buildings enabled by the plan change on the subject land are set back from the boundary in order to enable the Masterplan for the site to be implemented in a holistic manner. In particular, inclusion of the proposed landscaped areas and pedestrian circulation spaces at ground/podium level is required to counter-balance the height and development intensity on the subject site.

5. The Submitter Seeks the following decision:

7.1 Adoption of Plan Change 44 into the Auckland Unitary Plan, subject to the following:

a) Amendments to Rule A11 to delete the reference to Standards IX.6.1, IX.6.6 and IX.6.8 from the rule as follows:

7.2

A11	Development that does not comply with Standard IX.6.1, IX.6.4, IX.6.5, IX.6.6, IX.6.8 & IX.6.9	RD
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Reasons: Any exceedance of those Standards would be assessed as a RD activity under General Rule C.1.9(2) and would be assessed in accordance with the matters listed under Rule C.1.9(3). Any such application would be subject to the normal tests for notification, as they would no longer be exempt under proposed Rule IX.5 (1)(a), which exempts all RD activities in Table IX.4.1 from public or limited notification (unless special circumstances apply).

And

7.3

b) Amend Standard IX.6.8 Setback from neighbouring sites by introducing an additional set back requirement, as follows:

(5) In Height Areas B and C, any part of a building greater than 5m in height above the George Street Datum must be located at least 6m from the western boundary of the precinct.

Reasons: the additional clause applies a boundary setback for the western precinct boundary to ensure building setbacks are consistent with the Master Plan layout for the site. The additional height and bulk of buildings sought within the proposed Precinct is only justified if the comprehensive Master Plan layout is adopted and there is a complete set of Standards that ensure that layout is adopted as the base design for the integrated and comprehensive development of the site.

And

7.4

c) Amend Precinct Plan 2 to incorporate the Pedestrian Circulation Route as shown on the *Masterplan – Ground Level Circulation* plan on the western side of Tower B.

Reasons: incorporation of the western pedestrian route into the Masterplan will ensure that the holistic Masterplan design solution for the site is implemented in a

manner that provides a high level of amenity for residents and visitors to the site, noting that the open space areas alongside and between buildings provide relief from the vertical forms of the buildings and support the integration of land use activities with the built form across the site.

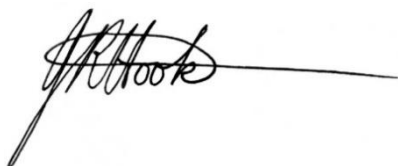
And/or

- 7.29 | d) Any alternative or consequential relief that satisfies the concerns of the Submitter in respect of ensuring that the precinct provisions deliver a development outcome that is consistent with the site Masterplan prepared by Warren and Mahoney and LA4.

6. Hearing

The Submitter wishes to be heard in support of this submission.

If others make a similar submission the submitter would be prepared to consider presenting joint case with them at any hearing.



Signed: James R Hook, Planning Consultant
For and on behalf of Cleveland Properties Limited

Date: 6 July 2020

Address for Service:

Cleveland Properties Limited
C/- Envivo Limited
PO Box 107 207
Newmarket
AUCKLAND 1149

Attention: James Hook, Principal Planner

Phone: 630 9512, 021 444 313

Email: james.hook@envivo.nz

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Hugh Michael Caughley

Organisation name:

Agent's full name: Hugh Caughley

Email address: hughcaughley@gmail.com

Contact phone number:

Postal address:
5A/21 George St
Newmarket
Auckland
Auckland 1023

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

Rule or rules:

Two aspects:

Height of Tower A. At 16 stories and 63.7 metres above the ground.

Size of studio apartments in the development.

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Tower A adds nothing to Newmarket generally and actually spoils the ambiance of the suburb around George St. Height restrictions have been respected in Newmarket for a century. Most other developments have respected the height limitations of Newmarket and thus created a good mixed commercial/residential environment. Tower A grossly spoils this both visually and from a sun/light shadow perspective. Otherwise I support the development in terms of height.

8.3

My second point is that we should never approve in Auckland any residential space of 30 sq. metres. The studios of this size should be banned as we are creating modern slums and future social problems. Indeed, the average dwelling in this development is only 84 sq m. In a good suburb such as Newmarket, near the Domain, dwellings should be bigger and better. Please don't ignore this aspect.

8.1 | I or we seek the following decision by council: Accept the plan modification with amendments

8.2

8.3

8.2 | Details of amendments: Tower A height should be 8 stories. Studio apartments at 30 sq metres
8.3 | should not be offered for sale.

Submission date: 12 July 2020

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Peter Gordon Buchanan and Aroha Buchanan

Organisation name:

Agent's full name:

Email address: p.buchanan@auckland.ac.nz

Contact phone number: 0284163306

Postal address:
5 Maungawhau Rd
Newmarket
auckland 1023

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

Rule or rules:
all

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
is contrary to the RMA and Unitary Plan. The effects are significant

9.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 12 July 2020

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Michael John Fischer and Gabrielle Lesley Fischer

Organisation name: Moana Point Farms Ltd

Agent's full name: NA

Email address: lesandmichael@gmail.com

Contact phone number: 021 02709818

Postal address:
4A/ 23 George St
Newmarket
Auckland 1023

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

Rule or rules:

10.2 | The proposed building height of 65 metres above ground level removing the present 27 metre height restriction

Property address: 7 Morgan St Newmarket Auckland 1023

Map or maps:

Other provisions:

10.3 | Vehicular and pedestrian access to George, Morgan and Clayton Streets which are already overloaded and a Developer in Carlton Gore Rd and 1 Morgan St has permission to enter and exit 117 carparks for a building being erected in Carlton Gore Rd as using Morgan Street did not require notification

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

10.4 | Two of our properties in Morgan Street are south of the proposed tower blocks and the shading will be unacceptable. Morgan Street is too narrow for two cars to pass in opposite directions when vehicles are legally parked. You have already given permission for a Developer to put a carpark with 117 cars entering and exiting Morgan St. The plan to introduce new precincts which are isolated to 3 properties would reduce our amenity value without giving us the same rights which we do not accept is reasonable and suggest it would have to be a change to the entire area under the district plan.

10.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 14 July 2020

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Michael John Fischer and Gabrielle Lesley Fischer

Organisation name: Moana Point Farms Ltd

Agent's full name: NA

Email address: lesandmichael@gmail.com

Contact phone number: 021 02709818

Postal address:
4A/ 23 George St
Newmarket
Auckland 1023

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

Rule or rules:

10.6 | The proposed building height of 65 metres above ground level and removing the present 27 metre height restriction.

Property address: 9 Morgan St Newmarket Auckland 1023

Map or maps:

Other provisions:

10.7 | Vehicular and pedestrian access to George, Morgan and Clayton streets which are already overloaded and a Developer in Carlton Gore Rd and 1 Morgan St has permission to enter and exit 117 carparks for a building being erected in Carlton Gore Rd, as using Morgan Street did not require notification

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

10.8 | Two of our properties in Morgan Street are south of the proposed tower blocks and the shading will be unacceptable. Morgan Street is too narrow for two cars to pass in opposite directions when vehicles are legally parked. You have already given permission for a Developer to put a carpark with 117 cars entering and exiting Morgan St. The plan to introduce new precincts which are isolated to 3 properties would reduce our amenity value without giving us the same rights which we do not accept is reasonable and suggest it would have to be a change to the entire area under the District Plan.

10.5 | I or we seek the following decision by council: Decline the plan modification

Submission date: 14 July 2020

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Att Theres or Bronnie,

Further to our conversation of today I wish to amend our submission(no 10) for 9 Morgan St Newmarket to read oppose.

We oppose the proposed height level being increased to 65 metres based on the reasons given in our submission for Moana Point Farms Ltd, 7 and 9 Morgan St Newmarket. Can you please attach this amendment to our submission form. Please confirm you have received this and actioned it.

With kind regards,

Gabrielle and Michael Fischer,

Moana Point Farms Ltd

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Michael John Fischer and Gabrielle Lesley Fischer

Organisation name:

Agent's full name: NA

Email address: lesandmichael@gmail.com

Contact phone number: 021 02709818

Postal address:
4A/23 George St
Newmarket
Auckland 1023

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

Rule or rules:

11.2 | The proposed building height of 65 metres above ground level replacing the present 27 metre height restriction

Property address: 4A/23 George St Newmarket Auckland 1023

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

There is a District Plan in place with a generous height allowance and increasing it will only add to the traffic congestion in the area which is already high due to the Domain being used for sporting events and the Museum also attracts a number of visitors.

11.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 14 July 2020

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

FORM 5

In the Matter of **The Resource Management Act 1991**

And

In the Matter of **The Auckland Unitary Plan**

And **An application for Private Change (Plan Change 44)**

at 33-37 George St, 13-15 Morgan St, 10 Clayton St, Newmarket

by Newmarket Holdings Development Ltd Partnership

Submission by **KD Properties Ltd, The James Gang Trust, (Warwick James, Jennifer
Goulding James and Dean Ellwood) as owners of 16,18 Morgan St and
141-143 Carlton Gore Road, Newmarket**

SUBMISSION

KD Properties and The James Gang Trust (KDP, JGT) oppose Proposed Plan Change 44 in its entirety

12.1

**KDP, JGT seek that the Plan Change be refused
and that the current Mixed Use zoning provisions be retained for the site.**

KDB, JGT have not been consulted over any aspects of the Proposed Plan Change and are parties affected by the proposal, owning property opposite the site at 16 and 18 Morgan St, and opposite Clayton St at 141-143 Carlton Gore Road.

Reasons for submission

General

The Proposed Plan Change conflicts with the RPS, the hierarchy of centres set out in the AUP, and corresponding objectives/policies, and the purpose of the Mixed Use zone as a transition to the higher intensity Metropolitan Centre. The Proposed Plan Change creates a ‘spot zone’ designed to enable the intensification aspirations of the applicant for its site but does not achieve the purposes and principles of the RMA, and particularly the articulation of growth in the RPS based on a planned centres approach, is lacking in assessment or reasons as to why this site differs from the generality of properties within the zone or in fact immediate neighbourhood in the mixed use zone- except the size of its

landholding.) The Plan Change is expedient and is essentially an ad hoc extension to the Metropolitan Centres zone which is inappropriate in this location.

The reasons for the opposition to the Proposed Plan Change are expanded as follows-

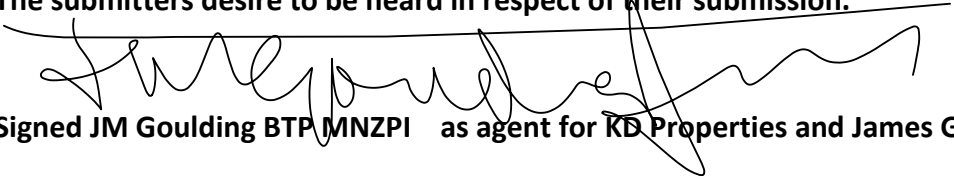
1. The current objectives, policies and rules for the Mixed Use zone provide sufficient scope and generality to achieve the objectives and policies of the RPS and create a high quality compact development.
2. The Proposed Plan Change is an expedient proposal to achieve the intensification goals of the applicant which exceed the expectations set out under the RPS and Unitary Plan for this site. In particular the height of the proposed buildings is excessive for this area and is more than double what is expected in this zone.
3. The Proposed Plan Change is contrary to the RPS – in particular it directly calls into question the hierarchy of centres for the planned achievement of a compact urban form, (B.2 objectives and policies of RPS). The Proposed Plan change skews the centre of Newmarket to the North and is a defacto application of the Metropolitan Centre zone under the guise of a Precinct.) The proposed building height may exceed parts of the Metropolitan Centre (Newmarket) which is affected by a volcanic cones viewshaft (including the submitter's property at 143 Carlton Gore Road). No justification is made for this height increase other than views and market residential demand.
4. The current provisions of the AUP have been designed to achieve the RPS and fulfil the RMA Part II Provisions. KDP, JGT oppose the proposed George St Precinct, but support the retention of provisions for the Mixed Use zone in the locality between Carlton Gore Road north side, Morgan St and Broadway, including on the subject site.
5. The submitters disagree with the broadly sweeping Section 32 Analysis accompanying the Proposed Plan Change.
 - A, The subject site is not unique as relied upon in the S 32 Analysis. The subject site is just a collective of sites with similar characteristics to the surrounding neighbourhood, including the submitter's sites at 18 and 16 Morgan St.
 - B, The current Mixed Use zoning is adequate to achieve the quality of amenity anticipated for the Mixed Use zone surrounding the site and the subject site itself. The recently completed Mercury Energy development is an example of high quality outcomes possible within the existing zoning regime. Another consented development is under construction on Carlton Gore Road. These developments are immediate to the subject site.
 - C. The Proposed Plan Change rationale for amenity based on creating public space through Clayton St is overstated. This is a secondary service street with low amenity space in the context of the building heights proposed and it is not really a high quality pedestrian area through-route to The Domain. Access to The Domain is readily achieved through the current street network. It is unclear whether the plaza has value beyond the subject site.
 - D. The applicant overstates the reduction in carparking on site as a contribution to Auckland wide transport objectives. 500 carparks are proposed which is a large

number to be accessed off a very narrow hilly Morgan St, opposite the submitters property and is an outcome of the scale and intensity and design of development proposed in the Plan Change. The traffic impact is likely to be substantial. The traffic assessment does not deal with specific impacts on an already compromised Morgan Street, and on the submitter's properties.

E. The S32 Analysis provides no substantial assessment of environmental effects from the proposed change to scale and intensification for this property and its impact beyond the site. The proposed scale and intensity is inappropriate in terms of potential environmental effects (e.g. amenity, traffic, dominance). The submitters are concerned at potential for more than minor environmental effects on its properties from the provisions set out in the Plan Change.

6. The Proposed Plan Change creates a precinct which actually undermines the Mixed Use zoning.
7. The Proposed Plan Change looks to revisit the zoning of the subject site when there appear to be no apparent new issues to have arisen which could alter the outcomes sought for this location than when the Unitary Plan hearings were heard. The only new matter may arise from Covid 19 and potential impacts on intensification outcomes in the Unitary Plan (will there be an oversupply of business zoned land for intensification? If so, the Plan Change creates new up zoning to compete with existing supply).
8. The Proposed Plan Change has been designed to create a consenting pathway for a specific development. The appropriate pathway for individual projects, is through the resource consent procedures, which allow for the specific details of built form and environmental effects to be assessed and their impacts commented on by affected parties, or the public through the normal notification procedures under the RMA.
9. The Proposed Plan Change objectives, policies and rules are so enabling as to be beyond the expectations for development in this area of Newmarket. The Plan Change, if granted, will create a precedent for other 'permissive' intensification projects on an ad hoc basis and the undermining of the integrity of the Unitary Plan as a whole.

The submitters desire to be heard in respect of their submission.


Signed JM Goulding BTP MNZPI as agent for KD Properties and James Gang Trust

17th July 2020

Address for service jennigoulding@gmail.com 0272748944

12 Glanville Tce, Parnell 1052

PP 44

13.1

I see nowhere in the PP that the sewage problem pertaining to the overflow into Middleton creek and Hobson bay has been addressed. This creek is subjected to 100+ overflows per annum. The stench is sometimes unbearable. This Has been a problem Since 2008. No increase in residential occupancy should be entertained until this problem is resolved.

G T Darby
nzdarby@gmail.com
Owner 1/66 Middleton Road.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) FREDA CONSTANCE GREEN, GEORGE WILLIAM GREEN & IAN GEORGE LOUISH

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

3A/27 GEORGE STREET NEWMARKET, AUCKLAND 1023

Telephone: (021-924759) 356-7445 Fax/Email: ggreen@outlook.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number	PC 44 (Private)
Plan Change/Variation Name	George Street Precinct, Newmarket

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s) NOTIFIED PROPOSAL FOR POLICY STATEMENT OR PLAN CHANGE OR VARIATION

Or

Property Address

Or

Map

Or

Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: ^{1.} The proposed development is inappropriate for the area and site. We see no reason to allow building of this height to be allowed.

2. Morgan street especially and the surrounding streets are not capable of coping with the volume of traffic associated with such a planned development

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation

Accept the proposed plan change / variation with amendments as outlined below

14.1 | Decline the proposed plan change / variation

If the proposed plan change / variation is not declined, then amend it as outlined below.

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

Frieda C Green

Frieda C Green

Signature of Submitter
(or person authorised to sign on behalf of submitter)

20. July. 2020.

Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could / could not gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am / am not directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Mrs Sharon Stayt

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

Skypark Apartments, 3c/23 George Street, Newmarket 1023

Telephone:

022 474 2999

Fax/Email:

shazzystayt@gmail.com

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number PC 44 (Private)

Plan Change/Variation Name George Street Precinct, Newmarket

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

- 15.2 Plan provision(s) Introducing a new precinct at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket. The plan change proposes to remove the 27 metre Height Variation Control and introduce building height up to 65 metres above ground level.
- Or
- 15.3 Property Address
- Or
- 15.3 Map Apartment Towers A, B, C and D shown on Page 34, North Elevation George Street, George St Precinct Plan, Revision 11, 9 April 2020
- Or
- Other (specify)**

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes No

Height restriction of 27 metres to remain

The reasons for my views are:

Volcanic viewshaft would unnecessarily be compromised. A precinct would change the fundamental character of the village.

Road parking and access to the area has already been severely compromised (Continued on attached sheet -Attachment A)

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation

Accept the proposed plan change / variation with amendments as outlined below

15.1 Decline the proposed plan change / variation

If the proposed plan change / variation is not declined, then amend it as outlined below.

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

20 July 2020

Signature of Submitter
(or person authorised to sign on behalf of submitter)

Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

~~XXXXXX~~ I ~~could~~ could not gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

~~XXXXXX~~ I ~~am~~ am not directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

Attachment A

Two roads included in the development – Morgan Street and Clayton Street are both narrow having been designed for carriage traffic – not giant SUVs. They struggle to cope with existing traffic and are to all intents and purposes one way with cars unable to pass each other. The Mercury building exacerbated this problem.

In addition, there are a number of major developments already underway in the area that will spill yet more traffic into this area which already cannot cope with it: Mansons development in Carlton Gore/Morgan Street, 47 George Street and The Warehouse site to name but three.

A quick look on Trademe on 13 July reveals telling figures of an oversupply of office space/ accommodation in the area already:

- 303 offices to rent in Newmarket
 - 60 retail stores listed (not including Westfield - where the bottom floor is 3/4 empty).
- Already in competition with Sylvia Park, Commercial Bay, St Lukes to name but a few.
- 32 Businesses for sale
 - 655 properties of all types in total for lease
 - Two huge Manson buildings to be built in George Street and Carlton Gore Road
 - The Warehouse site for development
 - Offices around the proposed precinct that have been empty for years – eg Tegel, Morgan Street
 - 42 residential Properties listed for sale
 - 37 residential properties to rent
 - 17 Flatmates wanted

COVID has highlighted that many businesses are now adapting a model of working from home this is not likely to change in the near future and office/retail space is easy to come by. Broadway already looks like a ghost town with numerous empty stores. What possible rationale is there for amending the volcano to volcano regulation for and creating a concrete jungle?

What benefits, if any, would more tall buildings in Newmarket bring to the residents of the area? It will block the eastern view of Mt Hobson for all the residents of George Street and provide a concrete jungle to look at instead of a volcano.

Put simply there is no demand for more tall buildings to an already over-populated area with very poor access/roads.

Form 5**Submission on notified proposal for policy statement or plan, change or variation***Clause 6 of Schedule 1, Resource Management Act 1991*

To: Auckland Council
 Unitary Plan
 Private Bag 92300
 Auckland 1142

Attention: Planning Technician

And by email to: unitaryplan@aucklandcouncil.govt.nz

Name of submitter: Parkwood Body Corporate 162274

This is a submission on the following proposed plan change proposed to the following plan (the **proposal**):

Proposed Plan Change 44 (Private) – George Street Precinct, Newmarket Auckland under the Auckland Unitary Plan (Operative in Part)

The submitter could not gain an advantage in trade competition through this submission. The submitter is directly affected by an effect of the subject matter of the submission that—

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

The specific provisions of the proposal that my submission relates to are:

1. Resource Management Act and Practice

The use of the plan change process for the proposed development is not in accordance with sound resource management practice in that it subverts the purpose and principles of the Act, the resource management process and the opportunities for public involvement (resource consent by stealth).

The purpose of the precinct could be readily be achieved by applying for resource consent/s which would allow for public participation (through notification) in terms of the management of effects such as:

- construction effects,
- building height and design,
- effects of bulk and scale,

16.1

- effects of the actual mix of activities, and
- operational effects such as those associated with increased traffic and the proposed limit on the supply of parking spaces.

16.1

A resource consent application (or applications) would have to contain a fully developed proposal and a detailed assessment of effects, with the likelihood of notification (due the scale of development proposed).

The notified plan change option enables the applicant to obtain approval for substantial height without the scrutiny of an actual proposal.

This is effectively spot zoning of a site that is less than 1ha in area.

2. Section 32

The section 32 analysis of the proposed plan change is inadequate for the reasons set out below.

3. Consultation

Consultation has been inadequate or non-existent.

4. Objectives and Policies

The objectives and policies of the Regional Policy Statement and the underlying Mixed Use Zone offer very little guidance or direction as to the appropriateness of applying precinct provisions to an individual site.

16.2

The material provided in the application does not establish that

- The objectives of the precinct are the most appropriate way to achieve the purpose of the Act; and
- The provisions are the most appropriate way to achieve the objectives.

5. Proposed Precinct inappropriate

The application does not establish that a precinct is appropriate for this particular site or why the height limit should be increased.

The applicant appears to promote the establishment of a public plaza as justification for precinct provisions to apply, but there are issues related to its location, access and status which are not addressed.

A public plaza such as proposed could form part of a resource consent application.

6. Non-notified Restrictive Discretionary Activities

In the plan change, non-notification applies to all Restricted Discretionary (RD) activities listed in the precinct's activity table (including infringements of nominated standards). RD activities include:

16.3

- Any new buildings
- Additions and alterations to buildings not otherwise provided for
- Development that does not comply with Standard IX6.4 Staged delivery of plaza and pedestrian connections

- Development that does not comply with Standards relating to building height; residential development along active edges; yards (setbacks, including from George Street); maximum tower dimensions and tower separation; setbacks from neighbouring sites and number of car parking spaces.
- Accessory parking which does not comply with Standard IX6.9 and
- Vehicle Access (for example, off Morgan Street).

16.3

The notification provision in IX.5 provides that any application for resource consent for specified activities that infringe identified standards will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist.

This is inappropriate because it will prevent scrutiny and input by neighbours, other interested parties and the general public regarding an actual development proposal that has the potential to generate significant adverse effects on the environment.

Non-notification of development standard infringements means, for example, that the proposed height limits could be significantly exceeded without notification (unless it is determined that “special circumstances” apply).

Other standards that could be exceeded without notification include

- tower dimensions;
- the setback from neighbouring properties;
- the minimum size of apartments;
- the requirement for outlook space, and
- the maximum parking provision (which is relied on for the traffic assessment).

16.2

7. **Effects on the Environment (construction)**

Significant effects on the environment are likely to include construction effects, such as traffic, noise, vibration and dust which are likely to have significant adverse effects on the owners and occupiers of neighbouring properties. Noise and vibration from demolition, excavation and piling will be particularly significant.

Without notification of a specific proposal, there will be no opportunity for neighbours to make a submission on any of these effects.

8. **Increased building height**

The proposed increases to the maximum building height from the current maximum of 27m are inappropriate:

16.4

- The use of the George Street Datum means that the heights proposed in the plan change are misleading, and differ from the basis for determining the height of buildings in almost every other part of the City. The justification for this in the AEE is inadequate and fails the tests in section 32 of the Act.
- The effects of the potential 10m height difference between the George Street frontage and the southern end of Height Area A generated by the George Street Datum have not been identified or assessed. This omission is

significant because the proposal means that the maximum height of 55m in Height Area A is actually up to 65m above ground level – only 7m less than the maximum height in the Metropolitan Centre Zone.

16.4

- The effects of the increased height are likely to be significantly adverse, and include dominance, overlooking, wind and shading (considerable to the south). However, the only opportunity for full assessment will be at the time resource consent is applied for, but non-notification is mandatory for new buildings under the proposed plan change.
- The existing 27m height limit applying to the site under the Auckland Unitary Plan (AUP) has been determined through the Unitary Plan process, taking into account the existing environment including existing buildings and the proximity of the Domain. George Street is a very sensitive zone interface and any change to the maximum height should only be made for compelling reasons.
- Because of the additional height proposed, the proposed building design is crucial and should be assessed through a notified process. It is also important to note that the style of building would be very different to that depicted in the plan change graphics if a non-residential use were to occupy a tower. Again, public input is locked out due to the provisions of the plan change, which allow for development without the scrutiny of a specific proposal.
- In terms of height, the proposal is out of character with existing development in the area or development contemplated under the AUP.
- The proposed height and intensity of development is inconsistent with the expectations of the Mixed Use Zone and is more akin to development anticipated in the Metropolitan Centre Zone.

9. Assessment of Environment Effects (general)

The AEE is inadequate:

16.2

- Not all potential land uses have been assessed;
- Not all potential effects on neighbouring properties have been assessed;
- The cumulative total of retail Gross Floor Area (GFA) that could be established on the site is unlimited, however, the effects of this have not been established; and
- The effects of other potential activities have not been assessed.

Whilst the plan change specifies that its purpose is to “*deliver a comprehensively designed mixed use development ... utilising the podium to deliver high quality publicly accessible spaces ...*” design outcomes are uncertain and the public spaces are not readily identifiable from outside the site and legibility through the site is obscure.

Because the development described in the plan change is merely a concept design for one option and would be a non-notified restricted discretionary activity, all potential development options should be identified and assessed for their impact in the section 32 report.

10. Transport Assessment

The transport assessment is deficient, for example:

- The traffic effects of the full extent of potential development on the site have not been assessed.
- It is assumed that occupiers or visitors to the proposed development who do not occupy one of the parking spaces provided on the site will not travel to or from the site by car.
- Traffic generation is based on on-site parking spaces rather than demand generated by the area occupied by each of the potential uses. This ignores traffic generated by the development but for which parking is not provided on the site.
- The off-site effects of limiting parking on the site (particularly spillover parking on the street) have not been assessed.
- Access to public transport is described as “excellent”, and this is relied upon in the ITA, but there is no bus route past the site and the train stations are both about 800m away.
- The ITA contains no analysis of traffic effects on the surrounding streets and intersections. Instead, this is left to the non-notified resource consent stage.
- The majority of traffic movements associated with the future development on the site are proposed to be accommodated on Morgan Street but the use of this street is already compromised due to its relatively narrow width and parking on both sides.

It has not been demonstrated that Morgan Street can accommodate additional traffic without significant effects on its operation and efficiency, affecting the use of the street by other traffic (including traffic associated with existing developments which obtain access from that street).

- No tracking curves for cars or trucks have been provided to demonstrate the suitability of any of the proposed site access points.

11. Landscape effects and impact on volcanic cones

There is insufficient or inadequate assessment of impacts on landscape and views to and from volcanic cones.

16.2

This submission is:

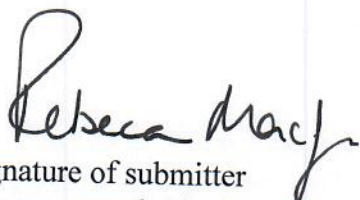
16.1 | *To oppose the entire plan change for the reasons set out above.*

The submitter seeks the following decision from the local authority:

To decline the entire plan change.

The submitter wishes to be heard in support of this submission.

If others make a similar submission, the submitter will consider presenting a joint case with them at a hearing.



Signature of submitter
(or person authorised to sign
on behalf of submitter)

Date: 21.7.2020

Electronic address for service of submitter: david.mcgregor@envirocounsel.co.nz or rebecca.macky@envirocounsel.co.nz

Telephone: 021936016 or 021933989

Postal address: 3C, Parkwood, 27 George Street, Newmarket 1023

Contact person: [name and designation, if applicable]
David McGregor / Rebecca Macky on behalf of Parkwood Body Corporate 162274

**SUBMISSION ON PROPOSED PLAN CHANGE 44 (PRIVATE) - GEORGE STREET PRECINCT,
NEWMARKET UNDER CLAUSE SIX OF THE FIRST SCHEDULE, RESOURCE MANAGEMENT
ACT 1991**

TO: Auckland Council
Unitary Plan Private Bag 92300
Auckland 1142
Attn: Planning Technician
unitaryplan@aucklandcouncil.govt.nz

SUBMISSION ON: Proposed Private Plan Change 44 - George Street Precinct, Newmarket

NAME OF SUBMITTER: The Foundation Village Partnership

ADDRESS FOR SERVICE: C/- Richard Mora
Mobile: 021 658 881
Email: richardm@genus.co.nz

1. INTRODUCTION

This submission is made by The Foundation Village Partnership.

Genus Living Group have partnered with Foundation Properties Limited in The Foundation Village Partnership to establish a high-quality mixed-use development on the site at 537 - 547 Parnell Road, 4 Maunsell Road and 16 Titoki Street, Parnell. Resource consent for a retirement village project was granted by Auckland Council in 2019.

Foundation Properties Limited is a company that is owned by The Royal New Zealand Foundation of the Blind, a registered charity that is New Zealand's main provider of practical and emotional support for people who are blind or have low vision. Foundation Properties Limited own all the properties and buildings contained within the street block bordered by Parnell Road, Maunsell Road, Titoki Street and George Street, Parnell – which is known as the Foundation Precinct.

Foundation Properties Limited also holds lease agreements with the various tenants of its buildings within the Foundation Precinct.

The Foundation Precinct is located directly adjacent to the site that is the subject of Proposed Private Plan Change 44.

2. SUBMISSION

Proposed Plan Change 44 is **supported in part / opposed in part** by The Foundation Village Partnership.

Simply put, The Foundation Village Partnership do not have enough information at this time to determine their stance as to Proposed Plan Change 44. It is intended to engage with the Applicants to obtain information around various aspects as outlined below.

17.1 | The Foundation Village Partnership recognise the potential suitability of Parnell for additional height and density of development beyond that which is currently specified in the built form standards for the Business - Mixed Use Zone in the Auckland Unitary Plan. In this regard, the area is well-served by public transport, amenities and employment opportunities to support additional density.

17.2 | Notwithstanding the above, it is important that any additional density and building height in Parnell is suitably located and carefully designed to maintain the overall character of the area and does not unduly affect neighboring properties.

17.3 | With respect to Standard IX.6.1 (Building Height) in Proposed Plan Change 44, The Foundation Village Partnership are concerned that the supporting assessments have not adequately considered the potential for visual dominance effects on the character of the Foundation Precinct. In this regard, with the current information it is not possible to adequately ascertain how the additional height proposed at the site would impact upon those properties within the Foundation Precinct fronting George Street – including potential future development to the standards anticipated in the Business - Mixed Use Zone.

17.4 | Matter of Discretion IX.8.1 (2) also seeks to restrict discretion for a new building on the site to traffic effects on pedestrian safety in Morgan Street, Clayton Street, George Street, as well as on the amenity of George Street. Whilst it is considered that additional density at this site may potentially be accommodated, The Foundation Village Partnership submit that broader consideration should be given to the effect of additional development on the safe and efficient operation of the surrounding road network. That is, pedestrian safety is not the only relevant consideration.

On the above basis, The Foundation Village Partnership may or may not support the Proposed Plan Change 44 dependent on:

- The concerns noted above regarding potential visual dominance effects of additional height at the site on the Foundation Precinct being adequately addressed; and
- Matter of Discretion IX.8.1 (2) providing for broader consideration of the traffic-related effects of additional development density at the site.
- 17.5 | • Any other relevant consideration that may become apparent as part of receiving further information.

The Foundation Village Partnership could not gain an advantage in trade competition through this submission.

The Foundation Village Partnership would like to be heard in support of its submission. As stated above, The Foundation Village Partnership intend to engage with the Applicant to form a definitive view.



Richard Mora

For, and on behalf of, The Foundation Village Partnership

Dated this 20 day of July 2020

**SUBMISSION ON PROPOSED PLAN CHANGE 44 (PRIVATE) - GEORGE STREET
PRECINCT, NEWMARKET UNDER CLAUSE SIX OF THE FIRST SCHEDULE,
RESOURCE MANAGEMENT ACT 1991**

TO: Auckland Council
Unitary Plan Private Bag 92300
Auckland 1142
Attn: Planning Technician
unitaryplan@aucklandcouncil.govt.nz

SUBMISSION ON: Proposed Private Plan Change 44 - George Street Precinct,
Newmarket

NAME OF SUBMITTER: Foundation Properties Limited

ADDRESS FOR SERVICE: C/- Philip Kean
Terra Firma Group
Mobile: 021 670 113
Email: philip@terrafirma.co.nz

1. INTRODUCTION

This submission is made by Foundation Properties Limited.

Foundation Properties Limited is a company that is owned by The Royal New Zealand Foundation of the Blind, a registered charity that is New Zealand's main provider of practical and emotional support for people who are blind or have low vision. Foundation Properties Limited own all the properties and buildings contained within the street block bordered by Parnell Road, Maunsell Road, Titoki Street and George Street, Parnell – which is known as the Foundation Precinct.

Foundation Properties Limited also holds lease agreements with the various tenants of its buildings within the Foundation Precinct.

Foundation Properties Limited have partnered with Generus Living Group in The Foundation Village Partnership to establish a high-quality mixed-use development on the site at 537 - 547 Parnell Road, 4 Maunsell Road and 16 Titoki Street, Parnell. Resource consent for a retirement village project was granted by Auckland Council in 2019.

The Foundation Precinct is located directly adjacent to the site that is the subject of Proposed Private Plan Change 44.

2. SUBMISSION

Proposed Plan Change 44 is **supported in part / opposed in part** by Foundation Properties Limited.

Simply put, Foundation Properties Limited do not have enough information at this time to determine their stance as to Proposed Plan Change 44. It is intended to engage with the Applicants to obtain information around various aspects as outlined below.

18.1 | Foundation Properties Limited recognise the potential suitability of Parnell for additional height and density of development beyond that which is currently specified in the built form standards for the Business - Mixed Use Zone in the Auckland Unitary Plan. In this regard, the area is well-served by public transport, amenities and employment opportunities to support additional density.

18.2 | Notwithstanding the above, it is important that any additional density and building height in Parnell is suitably located and carefully designed to maintain the overall character of the area and does not unduly affect neighboring properties.

18.3 | With respect to Standard IX.6.1 (Building Height) in Proposed Plan Change 44, Foundation Properties Limited are concerned that the supporting assessments have not adequately considered the potential for visual dominance effects on the character of the Foundation Precinct. In this regard, with the current information it is not possible to adequately ascertain how the additional height proposed at the site would impact upon those properties within the Foundation Precinct fronting George Street – including potential future development to the standards anticipated in the Business - Mixed Use Zone.

18.4 | Matter of Discretion IX.8.1 (2) also seeks to restrict discretion for a new building on the site to traffic effects on pedestrian safety in Morgan Street, Clayton Street, George Street, as well as on the amenity of George Street. Whilst it is considered that additional density at this site may potentially be accommodated, Foundation Properties Limited submit that broader consideration should be given to the effect of additional development on the safe and efficient operation of the surrounding road network. That is, pedestrian safety is not the only relevant consideration.

On the above basis, Foundation Properties Limited may or may not support the Proposed Plan Change 44 dependent on:

- The concerns noted above regarding potential visual dominance effects of additional height at the site on the Foundation Precinct being adequately addressed; and
- Matter of Discretion IX.8.1 (2) providing for broader consideration of the traffic-related effects of additional development density at the site.
- 18.5 | • Any other relevant consideration that may become apparent as part of receiving further information.

Foundation Properties Limited could not gain an advantage in trade competition through this submission.

Foundation Properties Limited would like to be heard in support of its submission. As stated above, Foundation Properties Limited intend to engage with the Applicant to form a definitive view.

P.P. *Giorgia Evans*

Philip Kean

For, and on behalf of, Foundation Properties Limited

Dated this 20 day of July 2020

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Tony Watkins

Organisation name: MUDI Ltd

Agent's full name:

Email address: tony@tony-watkins.com

Contact phone number: 575 809

Postal address:

Karaka Bay

Glendowie

Auckland 1071

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

Rule or rules:

The entire Plan Change

Property address: George Street, Newmarket.

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

My reasons are explained in the attached PDF file.

19.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 21 July 2020

Supporting documents

44 George Street 2020.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Private Plan Change 44, George Street Precinct, Newmarket

The private plan change seeks to introduce a new precinct at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket. It also removes the 27 metre height restriction. The proposed development is for one 16 storey tower and three 10 storey towers.

The Plan Change is open for submissions until 23 July 2020.

Full details may be found at [www.aucklandcouncil.govt.nz/plan change 44](http://www.aucklandcouncil.govt.nz/plan%20change%2044)

1) **With this Plan Change we are talking about corruption rather than planning.**

If the wealthy can just ignore the Unitary Plan, and do whatever they like, while the poor are expected to comply with the Plan, then we are talking about blatant corruption and injustice, rather than planning.

Justice and equity are always important, but never more so than at this time in history. We may make choices about our responses, but issues like climate change, loss of species, and the collapse of the planet as we know it, are going to happen whether we address them or ignore them. Covid-19 needs to be seen as a symptom rather than a disease. We will have more pandemics after this. We can plan a dream world that ignores reality, as the Unitary Plan does, or we could do some real planning. This is not a time to talk about returning to "normal" with just another "normal" Plan Change.

The "old normal" of neoliberalism, like neoliberal architecture, gives form to greed, envy, and a lust for power. These values are the cause of the mess we are in. We need to move beyond neoliberalism if the human race is to survive.

There are deep divisions opening up within our society. Idealists ask how we might address our big environmental issues. The super-wealthy, in New Zealand as elsewhere, ask only how they can make money out of climate change, or how they can make money out of Covid-19.

We need to learn from the 1980 Global Financial Crash. The super-wealthy made money out of the crash and paid themselves handsome bonuses. The environment paid the price. We are seeing in Plan Change 44 the first moves towards making money out of post Covid-19 architecture. This is not "economic recovery".

None of these issues are going to be resolved by adversarial thinking. Lawyers slogging it out in expensive hearings are only reinforcing a system that is doomed to failure. We need to rise above the aggression and conflict of adversarial law. We need to embrace justice and equity. We need healing. We all need to work together.

There are also cultural issues. New Zealand was once an egalitarian society. We once cared for each other. We once believed in a health system for all. We realised that an individual could not be healthy unless the whanau was also healthy. We once believed in education for all. Learning lifted us up. Universities were centres of intellectual challenge and debate rather than just dull servants of "a knowledge economy". We met our politicians in the street or at parties. We were one people. We all belonged. Jacinda would say that we recognised that we were all in it together.

Since 1978 the salaries of the CEOs of the top 350 companies in the USA and Arab worlds have increased by 940%. Auckland Council's senior staff have enjoyed following the trend, locking the doors to keep the peasants out. The idealism of the Mondragon Co-ops, where the income of the highest paid person was no more than that of the lowest paid person, has been long forgotten.

Architecture gives form to the distribution of wealth in our society. No other society in the world has gone so far as to build a private skyscraper on their city's most significant public space.

The Auckland Council should serve all citizens and be incorruptible. The Council should give a voice to those who have no voice. The Council should speak for the community, and leave the powerful to speak for themselves.

In practice the Super-City Council has adopted defensive strategies to defend the indefensible. The

"open hand" of traditional local government has gone. The Council now has a policy of not even permitting staff to have contact with citizens. A citizen ends up with hundreds of job numbers, but no one to answer the phone.

The deep divisions that have opened up in the Western World are given physical form by architecture. Plan Change 44 lays all the big issues out on the table. Sadly planning hearings are for the privileged rather than the thoughtful. Planning is not a game and should not be a spectator sport.

Who then will speak for democracy?

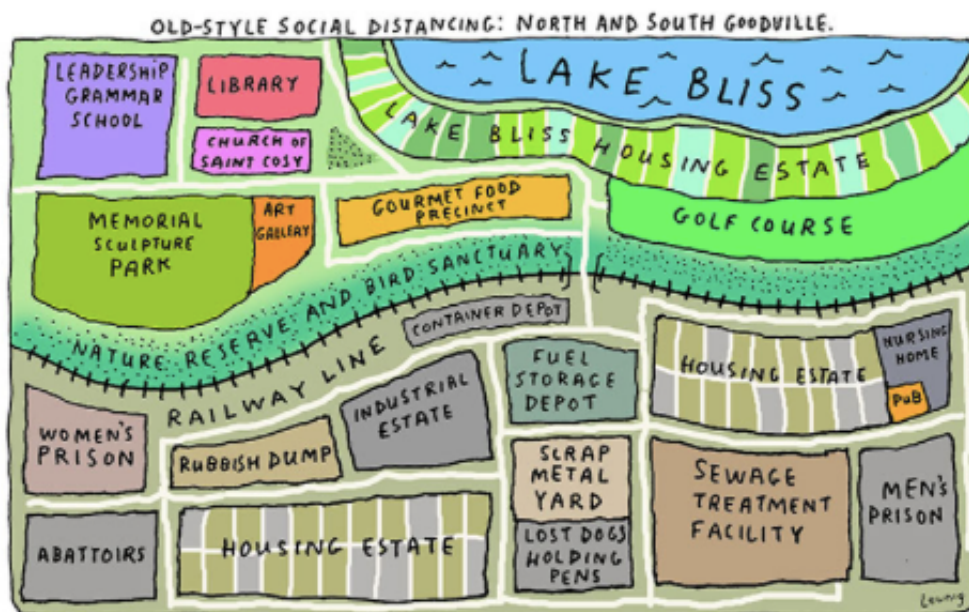
In theory architects support the ideals of justice, equality and democracy, but in practice all those wonderful ideals can be set to one side at the request of a client.

Architects are corruptible. They do not have a Code of Ethics. Architects may have signed up to the "Architects and Engineers Leadership Statement" (refer Appendix 1), the "Diversity Agenda", or even the "Kawenata", but in practice architects can be bought, because they need to stay in business.

Architects are now the slaves of the wealthy, helping to drive an economy devoted to exploitation and the concentration of power. While the vast array of drawings and reports submitted to support Plan Change 44 may look very impressive their integrity needs to be questioned. Arguing about small details becomes a smoke screen to avoid looking at the big issues, and they are very big.

Turning down Plan Change 44 would make at least a small gesture to reassure citizens that the Council is not corrupt. You need to start somewhere.

However accepting Plan Change 44, with its strong hint that the Council is corruptible, means that we should begin talking about changes to Council.



Saturday, 02 May 2020

2) Plan Change 44 is so significant that allowing it to proceed would call into question the entire Unitary Plan.

Either you have a plan or you do not have a plan. If one person can just ignore the plan then why should everyone else not also just ignore the plan? Let's have a free for all and get on with it. Pretending that we have a plan when any wealthy person can gain an advantage by seeking a Plan Change is a nonsense.

An increase from 27 metres to 65 metres is not a minor variation.

3) The justification for the proposal seems to be that the Unitary Plan is bad, and the proposal is not that much worse.

If the "developer" thinks that the existing Unitary Plan is a disaster then I would have to agree.

The Auckland Council has spent years devising the mediocre, and already hopelessly out-of-date, Unitary Plan. Lawyers have been paid millions of dollars to ensure that none of the submissions made by unpaid citizens were listened to. Rather than ending up with any kind of plan to anticipate a pandemic, or address any of the major issues of our time, such as climate disruption, species loss, or ecological collapse, we have ended up with a plan devoted entirely to exploiting our wonderful inheritance to make money for a few individuals. Once we would have talked about selling our souls for "a mess of potage". Colin McCahon spoke more generously of Tamaki Makarau as "a city with too few lovers". Sadly Auckland Council does not seem to be one of the lovers of Auckland City.

Plan Change 44 seeks to exploit rather than enhance one of the most beautiful city sites in the world.

To get to grips with Plan Change 44 we need to cast our minds back to Filarete, at the beginning of the Renaissance. His idea of Utopia provided the philosophical foundation for the Unitary Plan. The idea of Utopia looked good in theory but we can now see that it laid the foundation for the collapse of the planet. With Utopia you could choose what to include and what to ignore. You could ignore Covid-19, for example, even though any fool could see that a pandemic was coming. You could ignore climate change. You could choose to make money, and you could ignore the consequences. We do not need a referendum on euthanasia. Plan Change 44 embraces euthanasia.

Even more importantly "There is no room for Mrs Brown in utopia".

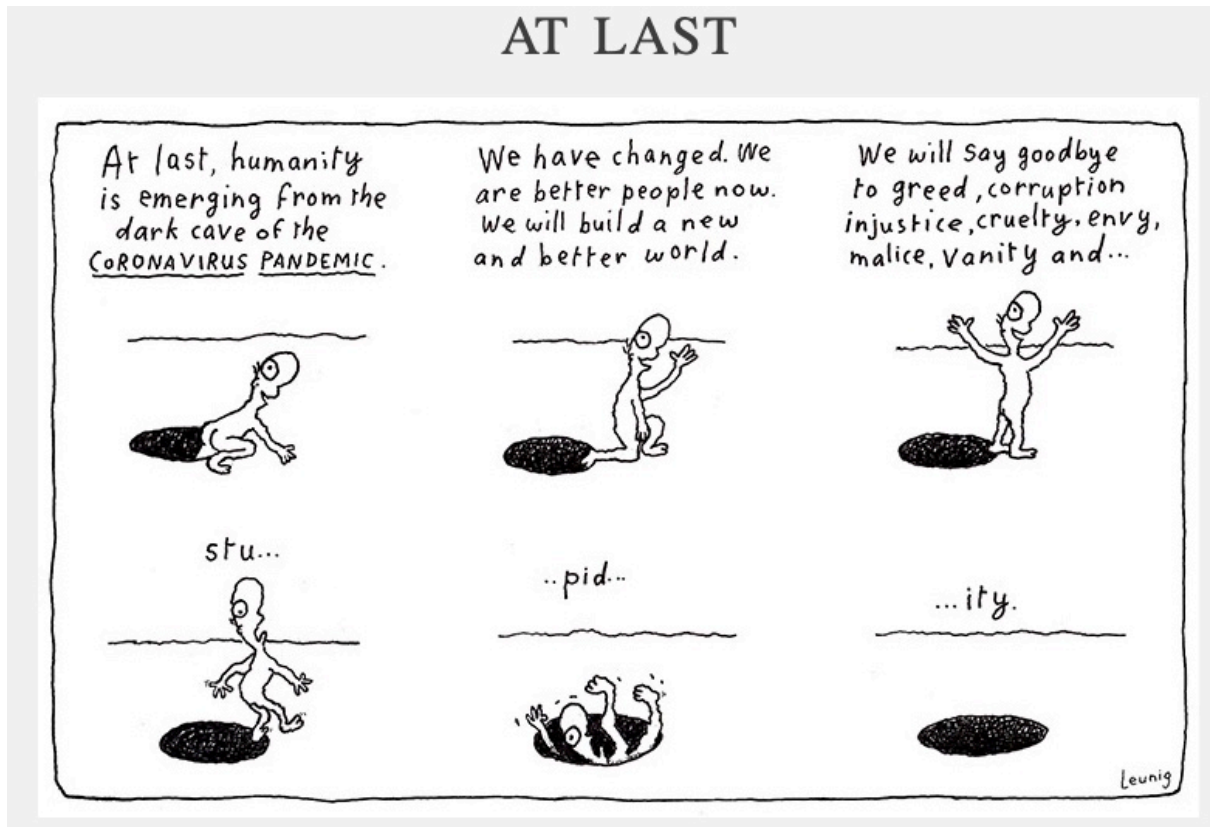
All concentrations of power lead to evil. In "The Lord of the Rings" the ring needed to be destroyed. Power itself was the problem, not who held the power. The very philosophical foundation of the Super-City is flawed, but that is all another issue. Rodney Hide was no philosopher. He ignored the Royal Commission.

All planning, all architecture, and all politics should be concerned with the distribution of power rather than the concentration of power. Donald Trump is not the problem. The problem is the culture that gives power to so called "property developers". They have the Trump Tower. We have Plan Change 44. For them it is too late. We still have time.

Participation is a human right. The Council takes away the right of people to participate in the creation of their architecture. The Council stops people building so that the wealthy can accumulate ever more wealth. Passive societies are doomed to die. Active societies are able to make ethical choices.

This is not a time for adversarial mud-slinging. To argue that one nail in the coffin is not much worse than all the other nails in the coffin rather misses the point.

"Widespread pandemics have hit civilisations about once every 80 years or so since ancient times. The first recorded pandemic, the plague of Athens, occurred around 426 BCE." "In the past 30 years we have had HIV, Zika virus, SARS-1, Ebola, MERS, and H1N1 Swine Flu." "Significant tools were available to us to prevent this pandemic, but few were put into place." (Kris Vette, Ingenio, Winter 2020, p14 & p15) The possibility of a tsunami or major earthquake in the next 500 years is slight. Auckland is probably the only city in the world to locate its main hospital on the top of an old volcano. The logic of Council planners is impossible to follow.



4) When the design is so bad we need to ask why it needs to be so big and to dominate the skyline.

At best the architectural design envisaged by Plan Change 44 is dull, mundane, lack-lustre and mediocre.

There is no delight. No magic. No poetry. Nothing any architect could be proud of.

It is placeless and degrading of culture. It does not belong.

If there were no environmental costs the proposal could get lost among all of Auckland's other mediocre architecture. However "in your face" skyline mediocrity is shameful, in one of the most wonderful city sites in the world.

The placelessness embraced by the Auckland Council is reprehensible enough, but to force it upon everyone else beggars belief. The Council already had a great array of "enforcement officers" but scoured the globe to bring 25 more to New Zealand, ignoring the fact that they knew nothing about our culture or our country. Strangers devour our land.

5) Can the environmental cost of the proposal be justified?

All architecture has an enormous environmental cost. Architecture is the most significant cause of climate change, loss of species, and environmental degradation. Architecture is destroying the planet.

Plan Change 44 fails to address the issue of climate change, taking no responsibility for the consequences of the architecture. We have a problem, and this Plan Change fails to address it.

A little architectural greenwash is a waste of time. With every proposal for a building we need to ask if it can be justified, not whether it can be tarted up to perform a little better.

The only truly sustainable building is the one you do not build.

6) Western civilisation has been based on the idea of exploitation.

The proposal does nothing to enhance the beauty of the Auckland landscape. The assumption is that the beauty is there to exploit. You look at the view and tot up the increase in your property values.

Looking at a view is very different from being immersed in a view and becoming part of it.

We have all enjoyed the way in which our consumer society has converted riches into trash. Consumer architecture does the same. New Zealand produces more waste than any other country in the developed world. Plan Change 44 picks up on the theme.

7) The proposal is anthropocentric.

Anthropocentric thinking is the major cause of global environmental collapse.

In a quick sweep through history we could say that in Rio in 1992 at UNCED the architects of the world rejoiced when the Bruntland Report gave a big tick to anthropocentric architecture and in effect destroyed the modern global environmental movement.

The protests of our younger generations are really protests against Plan Change 44. Young people do not want to have their future taken away from them. Young people are marching in the streets demanding a return to the Holocene.

The vast array of photo montages submitted with the application, for example, are anthropocentric. They see the world through the eyes of selfish individuals who think they are the centre of the universe.

Kaitiakitanga, as enshrined in New Zealand law, begins with the concept that we are immersed in the universe and part of the great web of life. This is a much richer concept than the selfish thoughts of someone driving along Tamaki Drive.

Reductionism is always bad. The Council has elevated it to an art form.

8) Domination is just architectural abuse. Violence breeding violence.

In our society we need to declare that architectural abuse is unacceptable. Abusive architecture, of the kind envisaged by Plan Change 44 leads to abusive behaviour. It is unacceptable.

Respect is a core quality of great architecture. Not respecting the gentle volcanic landforms of the isthmus will only lead to further abuse.

The Museum does not dominate the landscape but it has "presence". It belongs. It respects the gentle landforms of our isthmus. We need to learn from it, not abuse it, as Plan Change 44 does. You are aware of the Museum in the same way that you are aware when a person with charisma enters a room. We need to build less, but improve the quality of our buildings.

The abusive behavior of the loud-mouthed Plan Change 44 has no place in the "room" of our landscape.

9) To heal our broken world we need to focus on making connections and enhancing relationships.

Modern planning has focused on disconnection. It once seemed like a good idea to move housing away from the "dark satanic mills", but the real need was to look at the built-form expression of capitalism.

The Council has now gone full circle, trashing one of the great garden cities of the world, and replacing it with a sordid slum. Council planning seems to be a process of going backwards through history.

Our planet is one living organism. In the seventies we talked about Gaia. Every move in one part of our environmental network affects every other part. It is the same with our bodies.

James Lovelock celebrated his 101st birthday on 26 July 2020.

10) The documentation does not explain where the water for the proposal will come from.

The CEO of Watercare, on a salary of \$775,000, seems to have a poor understanding of the water cycle.

The Plan Change assumes that water will come from somewhere, even though the intensification of the built environment resulting from Plan Change 44 will cause climate change and the disruption of the water cycle. The proposed development will contribute to the failure of the Waikato river. Everything is interconnected. Given the current crisis the Council should refuse to supply water to the development.

Watercare is considering treating sewage to provide drinking water. If this is to be done then it should be the sewage of new developments that is treated to provide drinking water for those same new developments. The burden of new development should not be carried by those who make no profit out of them.

11) The documentation does not explain where the waste-water from the proposal will go to.

The Manukau Sewage Treatment plant has no spare capacity. It has a performance failure around four times a year. Given the current crisis the Council should refuse to make a sewage connection to the development.

The Waitemata Harbour is not a cesspit. The stormwater which will result from the proposed development needs to be dealt with on site. Desalination of the marine environment is a major problem. Our marine environment is dying. It has no capacity to deal with the waste of the proposed development.

12) Intensification means increasing the ecological footprint of Auckland.

Developers take the profits and the community and the environment carry the cost. That is why developers, like Donald Trump, become very rich. Transferring costs is great for a balance sheet

"Sprawl" is just the physical footprint of a city. The ecological footprint is much greater. Preventing sprawl is just the fashionable jargon for avoiding any discussion on the ecological footprint of Auckland.

13) Every building has social consequences.

Planning has always been a process of oppressing the poor and dispossessed, while creating wealth for those who are already wealthy. Plan Change 44 is extreme.

Disempowering the poor, and taking away their ability to help themselves, creates a passive, soporific society. Dependency is the outcome of political and architectural choices.

14) The proposal is not actually a "development".

A "development" should develop something. The proposed Plan Change begins with demolition and destruction. Kill off your children and get some new ones. Fashion to trash is not development.

15) Is the development appropriate for a post-Covid-19 world?

The Covid-19 lock-down has provided a valuable chance to pause and think about how we build. Most people have enjoyed the reduction of pollution and noise, the chance to enjoy the beauty and wonder of nature, and the opportunity to escape from architecture.

Returning to the same old architectural failures would mean the sad loss of one of the greatest opportunities we have had.

Some simple practical consequences of Covid-19 cannot be denied. Social distancing is going to mean one person going up 16 floors in the lift, and one person coming down. Our media stated that "one person infected 71 other people in 60 seconds by using a lift".

In Melbourne in July 2020 more than 3000 people were confined to their apartments in their apartment towers. They were forbidden to use any of the communal facilities. Lifts were used only to deliver food, medicine and other essential needs to people trapped in their architecture.

The design of the Plan Change 44 towers would present the ideal breeding ground for inevitable future pandemics.

The proposal is so 1970s. It is past its use-by date.

16) The proposal is so bad that it raises some very interesting questions.

How have we ended up in this planning mess, with lawyers battling over matters of no consequence, and our architecture and urban design so degraded that it seems as though we are destroying the planet without even having fun along the way.

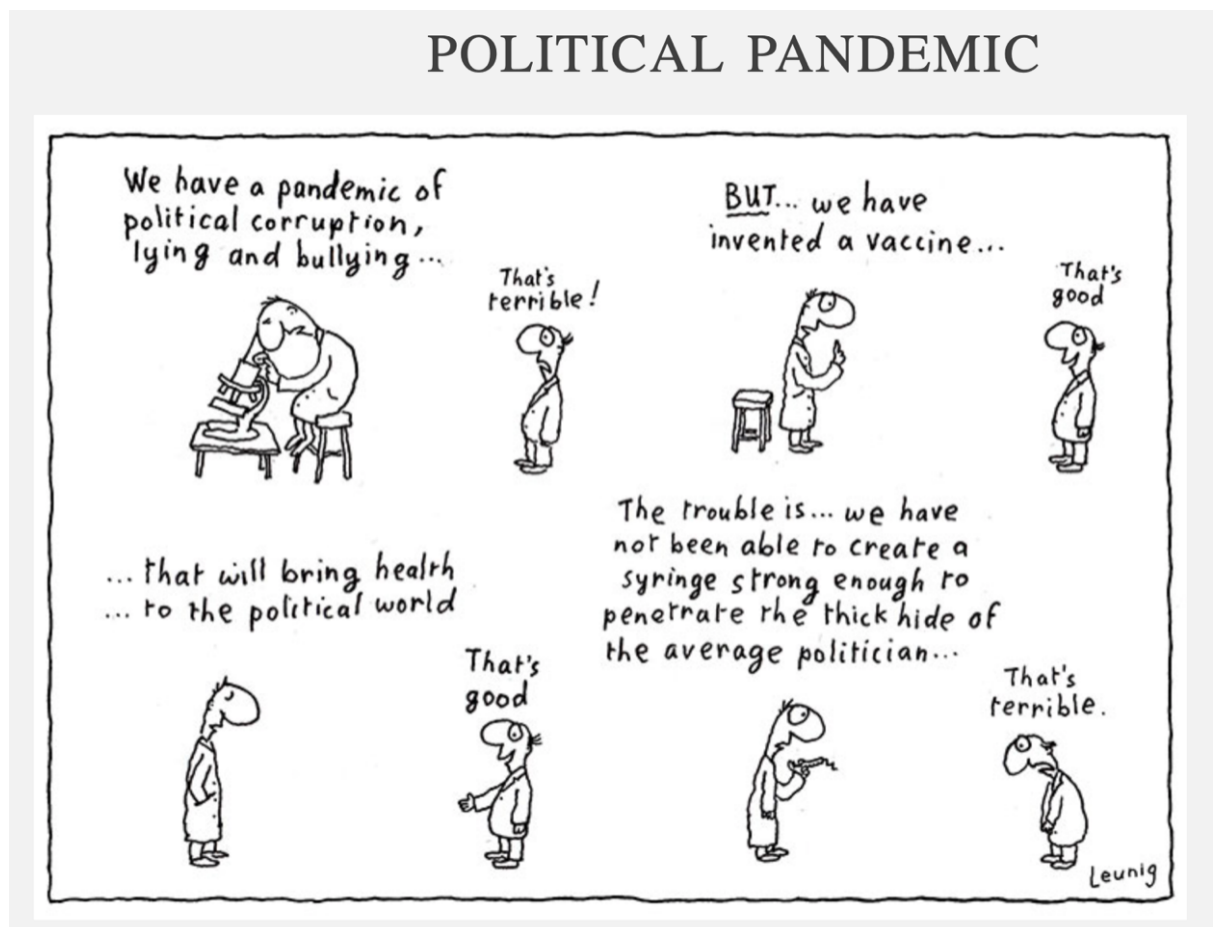
The proposal is the physical manifestation of the economic euthanasia that is sapping the life out of our brilliant, amazing, astonishing natural world. Our architects have become "built environment anesthetists" dulling the pain of economic euthanasia. Surely we can do better than this?

We have all watched Pruitt Igor and hundreds of other developments similar to the one proposed being demolished. Reiner de Graaf has explained how "putting 'em up and knocking 'em down" makes money for what we now euphemistically call "developers" but who are really "destroyers".

We have a global crisis and we are going to need to make radical changes. The possibility of institutional change is remote, so it seems that we need to change our institutions.

Planning, as we now know it, did not exist before 1953. It was not taken over by adversarial lawyers until after 1991. It has been an interesting recent experiment, but nothing more.

City planning has been an interesting experiment, but it has failed.



Appendix 1.

The Leadership Statement adopted by architects during the Covid-19 lockdown.

- **We will take every reasonable step to safeguard the health and safety of people.**

The biggest health issue facing the human race is the death of the human species. Alongside climate change Covid-19 is just a minor glitch. Facing up to health and safety means facing up to climate disruption, loss of species, and the degradation of the natural environment. The built environment (architecture if you like) is the most significant cause of the current collapse of the planet. Climate is now a health issue.

- **We will put the wellbeing of our communities front and centre.**

Putting the wellbeing of communities ahead of the paralysing power of bureaucratic institutions, plans, regulations, and the exploitation of the natural environment, is going to change everything. Imagine an environment that begins with respect. Respect for place, traditions, stories, history, and all those other foundations of community. Imagine a city that welcomes the poor, the sick, the elderly, the young, the disadvantaged, or the homeless. Imagine an architectural profession that embraces life in all its fullness and frailty.

- **We drive work on sustainability, recognising the effects of our work on the environment and avoiding adverse consequences.**

Let's assume that by sustainability we mean sustaining the life of the planet, which is what it did when I first used the term back in the 1970s. That is our task. Avoiding the adverse consequences of architecture is going to mean completely rethinking the way we build. Architects are going to need to leave behind the exploitation that has been the foundation of Western civilisation. In a post-Covid-19 world architects will refuse to build anything that does not leave the world a richer place than they found it.

- **We hold each other to account and speak up when we see behaviours that could lead to adverse outcomes.**

Plan Change 44 challenges architects to opens up the architectural discourse. The values architects respect are going to be different. The time has come to leave behind the tired old legal litanies of planning hearings. A smiling, happy built environment, with a sense of humour, will lift us all up to be more alive.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Terance Patrick James Macdonald

Organisation name:

Agent's full name: Terry Macdonald

Email address: tpjmacdonald@gmail.com

Contact phone number:

Postal address:
P.O.Box 28-477 Remuera
Remuera
Auckland
Auckland 1054

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

20.2 | Rule or rules:
27m Height restriction

Property address: George Street Precinct

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

We have been property owners at 48 Broadway since 1994 and penthouse apartment residents since 2000.

It is my view that the current 27m height limit for Newmarket is sufficient to allow development, but at the same time preserve a low-rise style mixed use precinct.

The proposed group of towers in my view would be completely out of character with the neighbourhood.

20.3 | A secondary issue is that I also consider it unnecessary to create a retail precinct in close proximity to the Domain.

The retail sector in Newmarket should be concentrated around 277, Broadway and the adjacent areas of Osborne and Nuffield Streets.

Primarily my objection is to preserve the current 27m height restriction.

20.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 July 2020

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Jonathan Leonard Newman ERIKSEN

Organisation name:

Agent's full name:

Email address: jon.eriksen@orcon.net.nz

Contact phone number: 021746884

Postal address:

Flat 1B
Parkwood
27 George St,
Newmarket
Auckland 1023

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

Rule or rules:

I am not a professional planner.

I do not have the funds to engage a professional planner.

Therefore I cannot directly identify specific rules that I am objecting to other than there is a District Plan and Plan Change 44 seeks to change that Plan and the only reason for making the change is to increase the size and scale of the development allowed on the property and I'm objecting to changing the District Plan.

Property address: 33-37 George St and 13-15 Morgan St

Map or maps:

Other provisions:

- 21.2 | 1) NHDLP can gain approval for the proposal by submitting a Resource Consent and following the planning processes everyone else does. A Private Plan change is not required and it potentially avoids the public scrutiny that a Resource Consent application would incur.
- 21.3 | 2) The proposed Plan Change directly conflicts with the Volcanic View Shafts which I have been told by council officers and elected members is not allowed under the District Plan
- 21.4 | 3) The traffic effects are unclear and are much more than minor. At peak traffic times the journey time from Morgan St to Parnell could be increased by more than 15 minutes. At present people in Morgan St can exit onto George St and get to Parnell in 5 to 10 minutes. If they choose to exit onto Carlton Gore Rd then it can take 25 to 30 minutes to reach Parnell. If the traffic mitigation for the proposed development is to make Morgan St one way, and the only sensible way to do this is to make in one

- way towards Carlton Gore Rd, then travel time to Parnell or the Eastern suburbs, increases by more than 15 minutes.
- 21.5 | 4) The effects of construction on the general area are significantly understated and are likely to be much more than minor.
- 21.6 | 5) The use of the George St Datum understates the actual height of the development
- 21.7 | 6) The maximum height of the development is double what is provided for in the District Plan and is out of proportion with developments in the general that have been done over the last 20 years (e.g. the old Abels site on Carlton Gore Rd, developments along Broadway, the developments in the Kingdon St area and more recently the developments in Margaret St and on Carlton Gore Rd and in the Foundation Precinct.
- 21.8 | 7) Access to the area designated as Public Space is unclear and the protection of access to this space is unclear thus making it at risk of not being made available as the Plan Change implies.
- 21.9 | 8) The storm water systems in the area are already under pressure and there is no impact assessment or mitigation of this development on the storm water, or for that sewage, systems in the area (there are reported overflows into Hobson Bay)

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

- 1) NHDLP can gain approval for the proposal by submitting a Resource Consent and following the planning processes everyone else does. A Private Plan change is not required and it potentially avoids the public scrutiny that a Resource Consent application would incur.
- 2) The proposed Plan Change directly conflicts with the Volcanic View Shafts which I have been told by council officers and elected members is not allowed under the District Plan
- 3) The traffic effects are unclear and are much more than minor. At peak traffic times the journey time from Morgan St to Parnell could be increased by more than 15 minutes. At present people in Morgan St can exit onto George St and get to Parnell in 5 to 10 minutes. If they choose to exit onto Carlton Gore Rd then it can take 25 to 30 minutes to reach Parnell. If the traffic mitigation for the proposed development is to make Morgan St one way, and the only sensible way to do this is to make in one way towards Carlton Gore Rd, then travel time to Parnell or the Eastern suburbs, increases by more than 15 minutes.
- 4) The effects of construction on the general area are significantly understated and are likely to be much more than minor.
- 5) The use of the George St Datum understates the actual height of the development
- 6) The maximum height of the development is double what is provided for in the District Plan and is out of proportion with developments in the general that have been done over the last 20 years (e.g. the old Abels site on Carlton Gore Rd, developments along Broadway, the developments in the Kingdon St area and more recently the developments in Margaret St and on Carlton Gore Rd and in the Foundation Precinct.
- 7) Access to the area designated as Public Space is unclear and the protection of access to this space is unclear thus making it at risk of not being made available as the Plan Change implies.

21.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 19 July 2020

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Roya Reyhani

Organisation name: Zamin Investment Limited

Agent's full name:

Email address: roya@corecity.co.nz

Contact phone number: 021777419

Postal address:
PO Box 113152
Newmarket
Auckland 1149

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

Rule or rules:
Entire plan change request

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:
Please refer to attached

22.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 20 July 2020

Supporting documents
PC44 - Submission - Zamin Investment Ltd.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**SUBMISSION ON PROPOSED PLAN CHANGE 44 (PRIVATE)
THAT IS SUBJECT TO FULL NOTIFICATION**

GEORGE STREET PRECINCT, NEWMARKET

To: Auckland Council
Unitary Plan
Private Bag 92300
Auckland 1142
Attention: Planning Technician

And to: Newmarket Holdings Development Limited Partnership
c/- Barker & Associates Limited
PO Box 1986
Shortland Street
Auckland 1140
Attention: Rebecca Sanders and Evita Key

Name of Submitter: Zamin Investment Limited as trustee of the Zamin Investment Trust
(**Submitter**)

1. This is a submission on Proposed Plan Change 44 (Private) (the **proposed plan change**) to the Auckland Unitary Plan (Operative in Part) (the **Unitary Plan**) by Newmarket Holdings Development Limited Partnership (the **Applicant**) relating to land at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket. The Request proposes to remove the 27m Height Variation Control and introduce building height up to 65m above ground level and other amenity requirements by way of a new precinct (George Street Precinct).
2. The Submitter owns the property at 98 Carlton Gore Road, Newmarket, which sits in the block to the west of that occupied by the Application site, with site frontage to Carlton Gore Road at its southern boundary.
3. The Submitter is not a trade competitor for the purposes of section 308B of the RMA.

4. This submission relates to the entire Application.
5. The Submitter **OPPOSES** the Application on the basis that it:
 - (a) Does not promote sustainable management of natural and physical resources and is not the most appropriate way to achieve the purpose of the RMA;
 - (b) Results in significant actual and potential adverse effects; and
 - (c) Creates inconsistency issues within the Unitary Plan.
6. Without limiting the generality of the above, the specific reasons for the Submitter's opposition to the Application are as follows:
 - (a) The proposed plan change heights are out of context with the existing block and will result in development that is visually incoherent with its immediate neighbours, the surrounding land and the broader context;
 - (b) The proposed plan change will result in significant visual dominance and privacy effects;
 - (c) The proposed plan change will result in significant shading effects;
 - (d) The proposed plan change will result in significant traffic effects; and
 - (e) The proposed plan change will result in consistency issues within the Unitary Plan relating to how infringements to standards are treated.
7. These issues are addressed further below.

Height and massing / Landscape and Visual Effects

8. The proposed plan change heights are out of context with the neighbouring sites, the existing block and wider setting and will result in development that is visually incoherent with the broader context. Whilst stated in reference to the 'George Street Datum' defined in the proposed Precinct, the proposed height about ground level can be up to 10m higher than stated due to the falling topography of the site towards the south.
9. The total development heights rival those able to be achieved within the Newmarket Metropolitan Centre and undermine the hierarchical relationship between the Mixed Use Zone and Metropolitan Centre Zone. The Submitter seeks a reduction in the proposed height limits sufficient to retain the hierarchy and integrity of the Auckland

Unitary Plan.

10. While the Submitter recognises that gestures such as the proposed pedestrian connections through the block provide a 'public good' element that may need to be offset by additional height, and is not averse to additional height provided it is done well, aside from not being subject to the Volcanic Viewshaft restrictions that apply to much of the surrounding land and Newmarket more broadly, the proposed 63.7m upper height limit appears somewhat arbitrary and is excessive. The section 32 analysis explores different options for delivering additional height on the application site but does not explore or justify the proposed heights as being the most appropriate to deliver the objectives of the Plan.
11. The proposed plan change heights and massing, and the 63.7m maximum height element in particular, give rise to adverse landscape and visual effects from a number of local and medium-distance public vantage points.

Visual dominance and privacy effects

12. The proposed plan change includes a significant increase in height over what is currently provided for across the application site, and will result in significant visual dominance and privacy effects to neighbouring properties, nearby properties and the adjacent public realm include streets and Pukekawa (Auckland Domain).
13. The proposed height limit is incongruous with existing and anticipated development north of Carlton Gore Road, being an area of Mixed Use Zoned land intended to act as a buffer between the more intensive Metropolitan Centre Zoned land to the south and east and Pukekawa (Auckland Domain). Efforts to focus the highest development area centrally within the block is acknowledged, however from the massing and height give rise to adverse dominance effects particularly to properties to the south / downhill of the George Street Precinct site which sits in an elevated position.
14. Whilst not a direct impact on the Submitter, proposed rule IX.5 (Notification) states that infringements to H13.6.9 (Outlook space) shall be considered without public or limited notification. The stated purpose of the outlook space standard is to *“ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites”*. Infringements to the outlook space standard have the potential to directly affect an owner or occupier of adjacent land and it is not appropriate to impose a blanket restriction on the potential to notify those parties of any such proposals. This is demonstrably a matter that requires case-by-case consideration and raised consistency issues within the Unitary Plan that are of concern to the Submitter.

22.2

22.3

22.4

22.3
22.4

15. Proposed provisions 22.4 IX.8.1(3)-(10) (Matters of discretion) and IX.8.2(3)-(10) (Assessment criteria) each relate to the infringement of a standard relating to design and amenity and should each be subject to the matters of discretion in H13.8.1(7) and H13.8.2(7) in addition to any other the matters stated within the provisions.

22.5

22.6

22.5
22.6

16. Proposed provisions IX.8.1(10) and IX.8.2(10) prescribe the matters of discretion and assessment criteria to be considered where the 'Setback from neighbouring sites' standard is infringed. The Submitter is concerned that the integrity of the Unitary Plan may be undermined by the proposal to limit the scope of that assessment only to the existing development on specified adjacent sites. Any potential future activities and development that could reasonably be anticipated on those (or other) sites should not be excluded from consideration. It is not for a Plan to predict the type, extent or timeframe of a potential infringement of a standard, or to disregard how an adjacent site might reasonably be (re)developed under the existing Plan provisions.

Shading effects

17. The proposed plan change will result in significant shading effects on a number of properties including that Submitter's property at 98 Carlton Gore Road. The shading studies included within the 'Concept Design Testing and GFA Study' included within the notified suite of documents identifies an impact on the Submitter's property in the morning during the winter solstice derived from the northern-most tower form within the proposed precinct.

Traffic effects

18. The Submitter has significant concerns for safety and traffic effects on Carlton Gore Road and specifically relating to the safety and efficiency of the intersections with Morgan Street and Clayton Street. Vehicle flows to and from the proposed supermarket, particularly in peak travel periods are also a concern. The Submitter notes that current traffic along Carlton Gore Road and neighbouring streets is already difficult during peak travel periods. The proposed supermarket will likely create traffic disruption throughout the day as people including those from outside the immediate neighbourhood travel there. The Submitter also holds concerns about traffic and noise effects associated with servicing the supermarket activity.

19. The proposed plan change includes significant car parking provision within the podium structure which is accessed directly from Morgan Street and Clayton Street. These vehicle access points coincide with pedestrian access points to the site and also create points of conflict between the two modes for passers-by.

Decision Requested

20. The Submitter seeks the following decision from the Council:

22.1 | (a) **DECLINE** the Proposed Plan Change in its entirety.

21. The Submitter wishes to be heard in support of its submission.

22. The Submitter will consider presenting a joint case with others making a similar submission.

DATED at *Auckland* this *17th* day of *July* 2020



Roya Reyhani

Zamin Investment Limited

Electronic address for service of Submitter: roya@corecity.co.nz

Zamin Investment Limited

PO Box 113152, Newmarket, Auckland, 1149

Telephone: +64 21 777 419

Contact person: Roya Reyhani

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Roya Reyhani

Organisation name: Core City Investments Limited

Agent's full name:

Email address: roya@corecity.co.nz

Contact phone number: 021777419

Postal address:
PO Box 113152
Newmarket
Auckland 1149

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

Rule or rules:
Entire plan change request

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:
Please refer to attached

23.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 20 July 2020

Supporting documents
PC44 - Submission - Core City Investment Ltd.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**SUBMISSION ON PROPOSED PLAN CHANGE 44 (PRIVATE)
THAT IS SUBJECT TO FULL NOTIFICATION**

GEORGE STREET PRECINCT, NEWMARKET

To: Auckland Council
Unitary Plan
Private Bag 92300
Auckland 1142
Attention: Planning Technician

And to: Newmarket Holdings Development Limited Partnership
c/- Barker & Associates Limited
PO Box 1986
Shortland Street
Auckland 1140
Attention: Rebecca Sanders and Evita Key

Name of Submitter: Core City Investments Limited (Submitter)

1. This is a submission on Proposed Plan Change 44 (Private) (the **proposed plan change**) to the Auckland Unitary Plan (Operative in Part) (the **Unitary Plan**) by Newmarket Holdings Development Limited Partnership (the **Applicant**) relating to land at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket. The Request proposes to remove the 27m Height Variation Control and introduce building height up to 65m above ground level and other amenity requirements by way of a new precinct (George Street Precinct).
2. The Submitter owns the property at 123 Carlton Gore Road, Newmarket, which sits in the block to the south of that occupied by the Application site, directly opposite Morgan Street.
3. The Submitter is not a trade competitor for the purposes of section 308B of the RMA.
4. This submission relates to the entire Application.

5. The Submitter **OPPOSES** the Application on the basis that it:
- (a) Does not promote sustainable management of natural and physical resources and is not the most appropriate way to achieve the purpose of the RMA;
 - (b) Results in significant actual and potential adverse effects; and
 - (c) Creates inconsistency issues within the Unitary Plan.
6. Without limiting the generality of the above, the specific reasons for the Submitter's opposition to the Application are as follows:
- (a) The proposed plan change heights are out of context with the existing block and will result in development that is visually incoherent with its immediate neighbours, the surrounding land and with the broader context;
 - (b) The proposed plan change will result in significant visual dominance and privacy effects;
 - (c) The proposed plan change will result in significant shading effects;
 - (d) The proposed plan change will result in significant traffic effects; and
 - (e) The proposed plan change will result in consistency issues within the Unitary Plan relating to how infringements to standards are treated.
7. These issues are addressed further below.

Height and massing / Landscape and Visual Effects

8. The proposed plan change heights are out of context with the neighbouring sites, the existing block and wider setting and will result in development that is visually incoherent with the broader context. Whilst stated in reference to the 'George Street Datum' defined in the proposed Precinct, the proposed height about ground level can be up to 10m higher than stated due to the falling topography of the site towards the south.
9. The total development heights rival those able to be achieved within the Newmarket Metropolitan Centre and undermine the hierarchical relationship between the Mixed Use Zone and Metropolitan Centre Zone. The Submitter seeks a reduction in the proposed height limits sufficient to retain the hierarchy and integrity of the Auckland Unitary Plan.

10. While the Submitter recognises that gestures such as the proposed pedestrian connections through the block provide a 'public good' element that may need to be offset by additional height, and is not averse to additional height provided it is done well, aside from not being subject to the Volcanic Viewshaft restrictions that apply to much of the surrounding land and Newmarket more broadly, the proposed 63.7m upper height limit appears somewhat arbitrary and is excessive. The section 32 analysis explores different options for delivering additional height on the application site but does not explore or justify the proposed heights as being the most appropriate to deliver the objectives of the Plan.
11. The proposed plan change heights and massing, and the 63.7m maximum height element in particular, give rise to adverse landscape and visual effects from a number of local and medium-distance public vantage points.

Visual dominance and privacy effects

12. The proposed plan change includes a significant increase in height over what is currently provided for across the application site, and will result in significant visual dominance and privacy effects to neighbouring properties, nearby properties and the adjacent public realm include streets and Pukekawa (Auckland Domain).
13. The proposed height limit is incongruous with existing and anticipated development north of Carlton Gore Road, being an area of Mixed Use Zoned land intended to act as a buffer between the more intensive Metropolitan Centre Zoned land to the south and east and Pukekawa (Auckland Domain). Efforts to focus the highest development area centrally within the block is acknowledged, however from the massing and height give rise to adverse dominance effects particularly to properties to the south / downhill of the George Street Precinct site which sits in an elevated position.
14. Whilst not a direct impact on the Submitter, proposed rule IX.5 (Notification) states that infringements to H13.6.9 (Outlook space) shall be considered without public or limited notification. The stated purpose of the outlook space standard is to "*ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites*". Infringements to the outlook space standard have the potential to directly affect an owner or occupier of adjacent land and it is not appropriate to impose a blanket restriction on the potential to notify those parties of any such proposals. This is demonstrably a matter that requires case-by-case consideration and raised consistency issues within the Unitary Plan that are of concern to the Submitter.

23.2

23.3

23.4

23.3
23.4

15. Proposed provisions 23.4 IX.8.1(3)-(10) (Matters of discretion) and IX.8.2(3)-(10) (Assessment criteria) each relate to the infringement of a standard relating to design and amenity and should each be subject to the matters of discretion in H13.8.1(7) and H13.8.2(7) in addition to any other the matters stated within the provisions.

23.5
23.6

16. Proposed provisions 23.5 IX.8.1(10) and 23.6 IX.8.2(10) prescribe the matters of discretion and assessment criteria to be considered where the 'Setback from neighbouring sites' standard is infringed. The Submitter is concerned that the integrity of the Unitary Plan may be undermined by the proposal to limit the scope of that assessment only to the existing development on specified adjacent sites. Any potential future activities and development that could reasonably be anticipated on those (or other) sites should not be excluded from consideration. It is not for a Plan to predict the type, extent or timeframe of a potential infringement of a standard, or to disregard how an adjacent site might reasonably be (re)developed under the existing Plan provisions.

Shading effects

17. The proposed plan change will result in significant shading effects on a number of properties including that Submitter's property at 123 Carlton Gore Road. The shading studies included within the 'Concept Design Testing and GFA Study' included within the notified suite of documents identifies a direct impact on the Submitter's property between 9am-11am during the winter solstice. Over the course of the morning, additional shading from the three southern-most towers fall across the Submitters site.

Traffic effects

18. The Submitter has significant concerns for safety and traffic effects on Carlton Gore Road and specifically relating to the safety and efficiency of the intersections with Morgan Street and Clayton Street. Vehicle flows to and from the proposed supermarket, particularly in peak travels periods are also a concern. The Submitter notes that current traffic along Carlton Gore Road and neighbouring streets is already difficult during peak travel periods. The proposed supermarket will likely create traffic disruption throughout the day as people including those from outside the immediate neighbourhood travel there. The Submitter also holds concerns about traffic and noise effects associated with servicing the supermarket activity.

19. The proposed plan change includes significant car parking provision within the podium structure which is accessed directly from Morgan Street and Clayton Street. These vehicle access points coincide with pedestrian access points to the site and also create points of conflict between the two modes for passers-by.

Decision Requested

23.1

20. The Submitter seeks the following decision from the Council:

(a) **DECLINE** the Proposed Plan Change in its entirety.

21. The Submitter wishes to be heard in support of its submission.

22. The Submitter will consider presenting a joint case with others making a similar submission.

DATED at *Auckland* this *17th* day of *July* 2020



Roya Reyhani

Core City Investments Limited

Electronic address for service of Submitter: roya@corecity.co.nz

Core City Investments Limited

PO Box 113152, Newmarket, Auckland, 1149

Telephone: +64 21 777 419

Contact person: Roya Reyhani

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Graham Burrell

Organisation name: Private submission

Agent's full name:

Email address: grahamburrell@xtra.co.nz

Contact phone number:

Postal address:
2A Swinton Close
Remuera
Remuera
Remuera 1050

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

Rule or rules:
Auckland Unitary Plan

Property address: George St

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:
stick with the unitary plan rules - don't allow for the increase in the height - rules are rules

24.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 21 July 2020

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Rose McSherry

Organisation name:

Agent's full name:

Email address: r.mcsherry@icloud.com

Contact phone number:

Postal address:
1K George St
Newmarket
Auckland 1023

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

Rule or rules:
I object to the whole thing

Property address:

Map or maps:

- 25.2 | Other provisions:
- 25.3 | Too high
- 25.4 | Too large
- 25.4 | Area should be residential only

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

We live at the top of George Street.

A building this high will result in the loss of sunlight to our property.

It will increase the already large volume of traffic in George Street and Carlton Gore Rd.

There is not sufficient infrastructure to cope with a building this size.

From Morgan St to the Carlton Gore Rd end of George Street is largely residential (one old only partly tenanted office building which is probably going to be demolished one day).

Also the top of Morgan St is residential.

- 25.4 | The Council should be looking at rezoning as residential, not allowing further big developments in Newmarket.

25.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 21 July 2020

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

21 July 2020

Plans and Places
Auckland Council
Private Bag 92300
Auckland 1142

Attn: Bruce Young

Email: unitaryplan@aucklandcouncil.govt.nz

**SUBMISSION ON PROPOSED PRIVATE PLAN CHANGE 44: GEORGE STREET
PRECINCT**

Please find attached Auckland Transport's submission on Proposed Private Plan Change 44 to the Auckland Unitary Plan (Operative in Part).

Should you have any queries in relation to this submission, please contact Liam Burkhardt (Planner, Land Use Policy/Planning) on +64 9 447 4513 or liam.burkhardt@at.govt.nz.

Yours sincerely



Liam Burkhardt
Planner, Land Use Policy and Planning North / West

SUBMISSION ON PROPOSED PRIVATE PLAN CHANGE 44 – GEORGE STREET PRECINCT

To: Auckland Council
Private Bag 92300
Auckland 1142

Submission on: Proposed Private Plan Change 44 to introduce a new precinct at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket and the removal of the 27 metre Height Variation Control.

From: Auckland Transport
Private Bag 92250
Auckland 1142

1. Introduction

1.1 This is Auckland Transport's submission on Proposed Private Plan Change 44 ('PPC44' or 'the plan change') to the Auckland Unitary Plan (Operative in Part) ('AUP'). The plan change seeks to introduce a new precinct to 7,873m² of land located at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket. The plan change also seeks to remove the 27 metre Height Variation Control. There is no change to the existing zoning of Business - Mixed Use.

1.2 According to the supporting documents provided with PPC44, the precinct is expected to:

- Introduce building height up to 65 metres above ground level;
- Provide a publicly accessible plaza, pedestrian connections and vehicular and pedestrian access to and from George, Morgan and Clayton Streets.

1.3 Section 3 of the applicant's Integrated Transport Assessment ('ITA'), dated 1 April 2020, states that the current AUP provisions enable up to 31,700m² of office space and 2,000m² of retail space (Scenario A). The "worst case scenario" (Scenario B) also described in section 3 of the ITA states that the plan change and associated precinct could enable up to 35,100m² of office space and 2,000m² of retail space. The plan change, therefore, enables an additional 3,400m² of office space compared with the current AUP provisions. Section 4.2.1 of the ITA states that a primarily office-based development would generate the greatest number of peak hour trips.

1.4 Auckland Transport is a Council-Controlled Organisation (CCO) of Auckland Council and a Road Controlling Authority with the legislated purpose to contribute to an "effective, efficient and safe Auckland land transport system in the public interest". In fulfilling this role, Auckland Transport is responsible for the planning and funding of public transport; operating the local roading network; and developing and enhancing the local road, public transport, walking and cycling network for the Auckland Region.

1.5 Auckland Transport is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

2. Specific parts of the plan change that this submission relates to:

2.1 The specific parts of the plan change that this submission relates to are set out in **Attachment 1**. In keeping with Auckland Transport's purpose, the matters raised relate to transport, and include deficiencies in the precinct plan provisions relating to transport matters.

26.1 | 2.2 Auckland Transport generally supports PPC44 subject to:

- The potential adverse transport effects of the plan change being no greater than those currently enabled by the AUP;
- The resolution of Auckland Transport's concerns as outlined in this submission, including in **Attachment 1**.

2.3 Auckland Transport is available and willing to work through the matters raised in this submission with the applicant.

3. The decisions sought by Auckland Transport are:

3.1 The decisions which Auckland Transport seeks from the Council are set out in **Attachment 1**.

3.2 In all cases where amendments to the plan change are proposed, Auckland Transport would consider alternative wording or amendments which address the reason for Auckland Transport's submission. Auckland Transport also seeks any consequential amendments required to give effect to the decisions requested.

4. Appearance at the hearing:

4.1 Auckland Transport wishes to be heard in support of this submission at a hearing.

4.2 If others make a similar submission, Auckland Transport will consider presenting a joint case with them at the hearing.

Name: Auckland Transport

Signature: 
Christina Robertson
Group Manager, Strategic Land Use and Spatial Management

Date: 21 July 2020

Contact person: Liam Burkhardt
Planner, Land Use Policy and Planning North / West

Address for service: Auckland Transport
Private Bag 92250
Auckland 1142

Telephone: 09 447 4513

Email: liam.burkhardt@at.govt.nz

Attachment 1

	Topic	Support / Oppose	Reason for submission	Decision requested
26.2	IX.1 Precinct Description	Oppose in part	In addressing the maximum limit on the number of parking spaces, the precinct description does not note that this approach is intended to manage the traffic effects on the surrounding transport network.	Amend IX.1 Precinct Description, paragraph 5, as follows: <i>To encourage public transport and active transport modes <u>and to manage the traffic effects on the surrounding transport network, the precinct includes a maximum limit on the number of carparks.</u></i>
26.3	IX.2 Objectives	Oppose in part	The proposed objectives do not recognise the need for the transport effects of subdivision and development in the precinct to be avoided, remedied or mitigated. It is important that this outcome for the precinct is recognised in an objective as the plan change enables additional development and relies on a parking limit and provision of pedestrian connections through the site to manage the traffic effects on the surrounding transport network.	Amend IX.2 Objectives to add the following objective: <i>(x) <u>Subdivision and development within the George Street Precinct occurs in a manner which avoids, remedies or mitigates adverse effects on the safe and efficient operation of transport infrastructure and services.</u></i>
26.4	IX.2 Objective 5	Support	Auckland Transport supports the objective to promote pedestrian safety and connectivity through the area, particularly between the development, Newmarket and the Auckland Domain.	Retain IX.2 Objective 5.
26.5	IX.3 Policy 4	Support	Auckland Transport supports the requirement for a publicly accessible space (including the plaza) between George Street and Clayton Street.	Retain IX.3 Policy 4.
26.6	IX.3 Policy 8	Support	Auckland Transport supports the requirement for vehicle access to prioritise pedestrian safety.	Retain IX.3 Policy 8.

Topic	Support / Oppose	Reason for submission	Decision requested
26.7 IX.3 Policy 9	Support in part	The proposed policy states that limiting on-site parking recognises the accessibility of the George Street Precinct to public transport and the Newmarket Metropolitan Centre. The policy, however, does not highlight that limiting on-site parking is the key method identified in the applicant's ITA to manage the traffic effects on the surrounding transport network.	Amend IX.3 Policy 9 as follows: <i>(9) Limit the supply of on-site parking to recognise the accessibility of the George Street Precinct to public transport and the Newmarket Metropolitan Centre, <u>and to manage the traffic effects on the surrounding transport network.</u></i>
26.8 IX.3 Policy 10	Support in part	The proposed policy states that discouraging high car trip generating uses would reinforce the pedestrian focus of the George Street Precinct. The policy, however, does not highlight that discouraging high car generating trips is needed to manage the traffic effects on the surrounding transport network.	Amend IX.3 Policy 10 as follows: <i>(10) Discourage high car trip generating uses, such as service stations, large supermarkets or drive through restaurants in order to reinforce the pedestrian focus of the precinct <u>and to manage the traffic effects on the surrounding transport network.</u></i>
26.9 IX.5 (1)(a) Notification	Oppose	<p>Infringing IX.6.9 Number of car parking spaces is proposed as restricted discretionary (RD) in accordance with IX.4.1 Activity table (A13).</p> <p>IX.5 (1)(a) proposes to preclude all RD activities listed in IX.4.1 Activity table, from public or limited notification (unless where special circumstances exist).</p> <p>It is not appropriate to preclude IX.4.1 (A13) from public or limited notification, given that exceeding 500 parking spaces may have adverse transport effects beyond the precinct.</p>	Amend IX.5 (1)(a) as follows: <i>(a) <u>Other than (A13)</u> a restricted discretionary activity listed in Table IX.4.1; and/or</i>
26.10 IX.6.2 Plaza	Support	Auckland Transport supports the requirement for a publicly accessible plaza in accordance with this standard.	Retain IX.6.2 Plaza.

Topic	Support / Oppose	Reason for submission	Decision requested
26.11 IX.6.3 (3) Pedestrian connections	Support in part	<p>Auckland Transport supports the requirement for publicly accessible pedestrian connections in accordance with this standard.</p> <p>IX.6.3 (3) should be amended so that is clear that pedestrian connections will be publicly accessible seven days per week, including public holidays. This would support Policy IX.3(4).</p>	<p>Amend Standard IX.6.3(3) Pedestrian connections, as follows:</p> <p><i>(3) The pedestrian connections required by IX6.3(1) and (2) shall be publicly accessible <u>seven days per week (including public holidays)</u> between the hours of 7am and 11pm.</i></p>
26.12 IX.6.9 Number of car parking spaces	Support in part	<p>Auckland Transport supports limiting the number of car parking spaces as a measure to mitigate the traffic effects of the plan change on the surrounding transport network as identified in the ITA.</p>	<p>Retain IX.6.9 Number of car parking spaces.</p>
26.13 IX.8.2 Assessment criteria	Oppose in part	<p>The precinct provisions require pedestrian access to be provided through the precinct. Section 1.3.5 of the applicant's ITA, however, recognises that there are low levels of pedestrian amenity on the pedestrian network in the immediate vicinity of the site i.e. Morgan Street, Clayton Street, and parts of George Street. Section 6.1 of the ITA suggests that there may be opportunities for further amenity improvements as part of subsequent resource consent applications. Options suggested are an upgrade to crossing facilities on the George Street link to Auckland Domain, Clayton Road upgrades related to pedestrian safety and amenity, and rationalisation of on-street parking to accommodate streetscaping works. The ITA suggests that such potential upgrades can be assessed as part of vehicle access arrangements. The assessment criteria relating to vehicle access in IX.8.2(2)(b) and (c), however, are limited to the consideration of pedestrian amenity and safety at the location of the vehicle access. The existing criteria do not suggest that other upgrading along Morgan Street, Clayton Street and George Street may be required.</p>	<p>Add additional assessment criteria to IX.8.2(2)(b) and (c) to ensure that applications for vehicle access address potential mitigation through upgrades to pedestrian facilities along Morgan Street, Clayton Street and George Street that may be required.</p>

26.14

Topic	Support / Oppose	Reason for submission	Decision requested
Missing provisions	Oppose	<p>Section 3 of the ITA states that the current AUP provisions enable up to 31,700m² of office space and 2,000m² of retail space (Scenario A).</p> <p>The “worst case scenario” (Scenario B) described in section 3 of the ITA states that the plan change and associated precinct provisions could enable up to 35,100m² of office space and 2,000m² of retail space. The plan change, therefore, enables an additional 3,400m² of office space compared with the current AUP provisions. Section 4.2.1 of the ITA states that a primarily office-based development would generate the greatest number of peak hour trips.</p> <p>Sections 4.3 and 5.2 of the ITA state that under Scenario A (current AUP provisions) 556 peak hour trips could be generated which would require 595 parking spaces. Under the “worst case” scenario (Scenario B), 601 peak hour trips could be generated which would require 652 parking spaces.</p> <p>No transportation modelling has been provided in the ITA to identify the transport effects of the “worst case” scenario (Scenario B). There may be adverse transport effects beyond what is currently enabled under the AUP and it is not clear that limiting parking spaces to 500 as proposed is an adequate mitigation measure to address the “worst case” scenario (Scenario B).</p>	Amend the precinct plan to include appropriate provisions to avoid the potential adverse effects associated with the “worst case” traffic generation scenario (Scenario B) of 35,100m ² office space and 2000m ² retail space identified in the applicant's ITA.

Submission on Proposed Private Plan Change 44

22nd July 2020

Submission to Auckland Council - unitaryplan@aucklandcouncil.govt.nz

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

Submitter details:

James A. Carmichael
james@jcarmichael.co.nz
5E/27 George Street,
Newmarket,
Auckland 1023.
(M) 021 495 164

Scope of Submission:

This is a submission on Proposed Private Plan Change 44 to the existing Auckland Unitary Plan:

The specific provisions that this submission relates to are:

The whole proposed plan change, and especially:

- (i) The increased height provided for in the Proposed Plan Change
- (ii) The impact upon the character and amenity of the area
- (iii) The increased traffic problems
- (iv) Lack of consultation
- (v) It's ad hoc basis.

The reasons for the submission are:

- 27.2 | (i) Height. The proposed new provisions will provide for buildings that are too high for our environment. They will dominate our community, overlook all other buildings, and destroy the precinct as envisaged in the Auckland Unitary Plan. The proposed height is at odds with the rest of the zone. I submit that a maximum height of 27m is appropriate and this can be achieved with the zoning provisions in the existing the Business – Mixed Use Zone for the area.
- 27.3 | (ii) I submit that the Visual/Landscape assessment report is deficient, especially in the area of urban character and amenity values. Amenity values in the Resource Management Act

means the physical qualities or characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes. Huge buildings more than double the permitted height for the zone will absolutely destroy these attributes. Domineering buildings looking over all of area, and indeed Newmarket, will change the character and our appreciation of our living environment for ever. This will destroy the area we live in, and specifically compromise and degrade the symbolism of the museum.

27.5

(iii) Traffic. The traffic report would appear to be flawed. The proposed additional development opportunities will create many more apartments. I know from my experience that families in Auckland nearly always have more than one car. Where will they all park? We know there will be at least 324 apartments, plus a number of retail outlets, but a maximum of 500 car parks. Where will all the other cars be parked? Likely on the street, or in car parks designated for other businesses, or for other residents in the area. (Street carparking in the vicinity is already 100% utilised during business hours.) To make matters worse, the proposed plan change provides for even greater height, with no public input.

27.4

I am also concerned about the increased traffic flows around our community and in particular the ACG zone. (George St, in the Morgan St/Titoki St environs, is currently heavily jammed every school day between 3.00pm and 3.30pm.) I live in the area and from my experience few use the public transport system, especially the trains, to the extent that car movements are significantly reduced, as suggested in the traffic report.

27.6

(iv) Consultation. I am appalled that the applicant company has not discussed their proposals with our community. I would have thought that with a proposal that fundamentally changes the fabric of our community, the applicant would have at least talked to us, explained their ideas and reasons for them. But we have heard nothing from them, and now we must participate in this adversarial process to make our voices heard and at significant personal financial cost. That is poor practice in my view.

I seek the following decision by Council

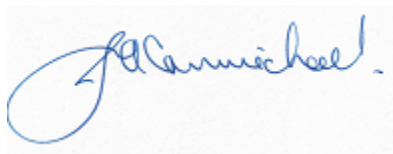
27.1

I request that Proposed Private Plan Change 44 be declined in its entirety.

I wish to be heard in support of this submission

I will not gain an advantage in trade competition through this submission.

Signed



James A. Carmichael

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

28



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Ian and Catrina Fair

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

5A/27 George St Newmarket Auckland 1023

Telephone: Fax/Email:

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

Plan Change/Variation Name

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

28.1 | Plan provision(s)

Or
Property Address

Or
Map

Or
Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: **Please refer attached submission**

(continue on a separate sheet if necessary)


I seek the following decision by Council:

28.1 | **Decline the proposed plan change / variation**

I wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

I A Fair

 on behalf of Fair
9m r i m k f i n

Signature of Submitter
(or person authorised to sign on behalf of submitter)

Date 21st July 2020

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could / could not gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am / am not directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

Summary

We oppose in its entirety the requested plan change as it has no redeeming features whatsoever. It would create a development totally out of character with the area, endanger school children using the area to access the nearby ACG Schools, worsen an already overloaded road (Morgan St) and cause bottle necks at the George St/Morgan St and Morgan St/Carlton Gore Rd intersections, have a severe impact on the cultural and sacred nature of the domain and Auckland War Memorial Museum area, produce a structure to the south of the museum that would block views to Mt Hobson and One Tree Hill. In summary, there is no possible justification for the proposed plan change.

Size and bulk of Structure

The proposed Plan Change is only a method of circumventing by stealth the need for a Resource Consent and denies the affected public and neighbours any opportunity for input on design and the impact on surrounding homes and businesses. The sheer bulk and size of the proposed development will have an adverse effect on not just the immediate neighbourhood with loss of light and increased wind effects but will also impact significantly further away properties.

The Newmarket area has been able to develop totally satisfactorily within existing planning rules as evidenced by the 277 Complex, Mercury Building, ACG buildings, the Manson Apartment block currently under construction and the proposed Foundation retirement complex.

Significant effects on the environment are likely to include construction effects, including traffic, noise, vibration and dust which are likely to have significant adverse effects on the owners and occupiers of neighbouring properties. Noise and vibration from demolition, excavation and piling will be particularly significant. Without the notification of a proposal, there will be no ability for neighbours to make a submission on any of these effects.

The "selling point" of the proposal that it would include a precinct/public plaza is based on false assumptions. Firstly there are not a lot of people that currently access Clayton St either going north to the domain or south from the domain towards Carlton Gore Road.

It is virtually only used by businesses that adjoin Clayton St, or by the few people that get a carpark in the limited carparking areas at the Domain and then walk to Carlton Gore Road. It is not a through way for people accessing public transport for example.

Being internal with limited access hours makes it further pointless.

Danger to school children/over loading of Morgan St.

The ACG school complex caters for a significant number of pupils, a large number of whom are dropped off on north and south side of George St up to and including the top end of Morgan St. Collection of children occurs at the same places after school. It is an extremely busy area already and the proposal that there be a vehicle entrance to the proposed complex off George St and well as the proposed use of Morgan St for access for more than 500 vehicles would add an unacceptable number of vehicle movements to an already overloaded area. There are "near misses" of children seen frequently as vehicles battle for access in an area already overloaded with vehicle movements.

The proposal to have in excess of 500 carparks accessed off Morgan St is simply ludicrous and could only be proposed by someone who has not actually visited the area.

Morgan Street as it is at present is effectively a one way street. With cars parked correctly on both sides of the street there is only room for up traffic or down traffic as it is impossible for cars going both ways to pass each other. To propose you could increase current traffic volumes with up to 500 car park users as well as service vehicles on top of that, going in to Morgan St and out again in to Carlton Gore Road, or going in to Morgan St and out in to George St at the top of Morgan Street is simply not practicable or sensible.

Cultural and Sacred nature of Domain and Auckland War Memorial Museum.

The proposed structure would dominate the domain and views from the Auckland War Memorial Museum. All current structures are sympathetic in size and structure to the area and its heritage .

To allow the proposed plan change would have a totally detrimental effect on the area and without a Resource Consent process open to all those affected, the developers would be virtually unlimited in the adverse effects they could cause to the surrounds and outlooks of the domain and Museum. The views to the south and south east from the domain would be dominated by the proposed structure and because of lack of design disclosure by the proposal avoiding the Resource Consent process those that are affected cannot comment.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Christoph Paszyna

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

511 / 9 Sarawia St., Newmarket, Auckland 1052

Telephone: 021 2157105 Fax/Email: christoph_paszyna@yahoo.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number PC 44 (Private)

Plan Change/Variation Name George Street Precinct, Newmarket

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

29.2] Plan provision(s) removal of 27m Height Variation Control and introduction of building height up to 65m

Or
Property Address

Or
Map

Or
Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are:

The proposed height increase is completely out of character for buildings in this part of Newmarket

The proposed plan change will cause significant shading onto my property and reduce the sunshine hours.

Additional reasoning what is wrong with the Proposed Plan Change 44; see attached file pc44.pdf

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation

Accept the proposed plan change / variation with amendments as outlined below

29.1 Decline the proposed plan change / variation

If the proposed plan change / variation is not declined, then amend it as outlined below.

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

Alvinde Pasupura

21. July 2020

Signature of Submitter
(or person authorised to sign on behalf of submitter)

Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could /could not gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am / am not directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

unitaryplan@aucklandcouncil.govt.nz

Christoph Paszyna
511 / 9 Sarawia St.
Newmarket
Auckland
E-mail: christoph_paszyna@yahoo.co.nz
Phone: 021 2157105

Additional Notes to Submission to Proposed Plan Change 44 (Private)

Referring to Document “Section 32 Evaluation”, section 5.2 (page 19), “Purpose and Reasons for the Plan Change”, the proponents central reasoning is summed up by their following paragraph:

“The Purpose of the Plan Change, or the objective of the Plan Change, is to deliver a *comprehensively designed mixed use development that enables greater hight* in a highly accessible locations. The Plan Change also seeks to *promote public transport and active transport modes* through limiting carparking and utilising the podium to deliver high quality publicly accessible spaces that *protect and formalise the pedestrian route* between Newmarket and Pukekawa / Auckland Domain”

(emphasis added). The emphasised phrases do not entirely stack-up in my assessment:

1. The goal of a “comprehensively designed mixed use development” does not depend on the proposed plan change. It’s the fact that the area in question is in *single ownership* that already facilitates a comprehensive design, even it the plan change is rejected.
2. A comprehensive design does not necessarily “enable greater hight”! The desirability of a *greater hight than provided by the current Auckland Unitary Plan (AUP)* remains unjustified, especially as it relates to the character and height of surrounding properties.
3. It seems to me that in an attempt to *squeeze in* as many apartments as possible into the available space, the AUP’s carpark/apartment ratio cannot be accomodated. This design shortfall is subsequently re-defined as an advantage by claiming that the area’s residents will somehow turn into environment-friendly “public and active transport” users.
4. The intention to “protect and formalise the pedestrian route” across the newly proposed plaza (as opposed to turning the davelopment into a gated community) — while welcome — is also in the best self-interest of the developers, if the plaza is to accomodate cafes and kiosks relying on foot traffic. However, a *public interest* test in trading pedestrian access rights in exchange for plan change concessions has not been established.

In summary, the proponents of Proposed Plan Change 44 appear to suggest that they are willing to provide a comprehensively designed quality development with public access in exchange for the public’s concession to increased height and a reduction of carparking space relative to the current version of the AUP. Subsequent elaborations of their reasoning present a *false choice* between their proposed plan change and a development that is not comprehensive, does not provide public access and where building roofs follow the precise contours of the ground, maximising the existing 27m height limit and therefore resulting in oddly shaped roof lines.

In my view, there is no compelling argument to remove the 27m Height Variation Control and the developers can and should adapt their plans to comply with the existing height limit. **3 of 3**

Form 5

Submission on notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Auckland Council
Unitary Plan
Private Bag 92300
Auckland 1142

Attention: Planning Technician

And by email to: unitaryplan@aucklandcouncil.govt.nz

Name of submitter: Domain Terraces Body Corporate 192346

This is a submission on the following proposed plan change proposed to the following plan (the **proposal**):

Proposed Plan Change 44 (Private) – George Street Precinct, Newmarket Auckland under the Auckland Unitary Plan (Operative in Part)

The submitter could not gain an advantage in trade competition through this submission. The submitter is directly affected by an effect of the subject matter of the submission that—

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

The specific provisions of the proposal that my submission relates to are:

1. Resource Management Act and Practice

The use of the plan change process for the proposed development is not in accordance with sound resource management practice in that it subverts the purpose and principles of the Act, the resource management process and the opportunities for public involvement (resource consent by stealth).

The purpose of the precinct could be readily be achieved by applying for resource consent/s which would allow for public participation (through notification) in terms of the management of effects such as:

- construction effects,

30.1

- building height and design,
- effects of bulk and scale,
- effects of the actual mix of activities, and
- operational effects such as those associated with increased traffic and the proposed limit on the supply of parking spaces.

30.1

A resource consent application (or applications) would have to contain a fully developed proposal and a detailed assessment of effects, with the likelihood of notification (due the scale of development proposed).

The notified plan change option enables the applicant to obtain approval for substantial height without the scrutiny of an actual proposal.

This is effectively spot zoning of a site that is less than 1ha in area.

2. Section 32

The section 32 analysis of the proposed plan change is inadequate for the reasons set out below.

3. Consultation

Consultation has been inadequate or non-existent.

4. Objectives and Policies

The objectives and policies of the Regional Policy Statement and the underlying Mixed Use Zone offer very little guidance or direction as to the appropriateness of applying precinct provisions to an individual site.

30.2

The material provided in the application does not establish that

- The objectives of the precinct are the most appropriate way to achieve the purpose of the Act; and
- The provisions are the most appropriate way to achieve the objectives.

5. Proposed Precinct inappropriate

The application does not establish that a precinct is appropriate for this particular site or why the height limit should be increased.

The applicant appears to promote the establishment of a public plaza as justification for precinct provisions to apply, but there are issues related to its location, access and status which are not addressed.

A public plaza such as proposed could form part of a resource consent application.

6. Non-notified Restrictive Discretionary Activities

In the plan change, non-notification applies to all Restricted Discretionary (RD) activities listed in the precinct's activity table (including infringements of nominated standards). RD activities include:

- Any new buildings

30.3

- Additions and alterations to buildings not otherwise provided for
- Development that does not comply with Standard IX6.4 Staged delivery of plaza and pedestrian connections
- Development that does not comply with Standards relating to building height; residential development along active edges; yards (setbacks, including from George Street); maximum tower dimensions and tower separation; setbacks from neighbouring sites and number of car parking spaces.
- Accessory parking which does not comply with Standard IX6.9 and
- Vehicle Access (for example, off Morgan Street).

The notification provision in IX.5 provides that any application for resource consent for specified activities that infringe identified standards will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist.

30.3

This is inappropriate because it will prevent scrutiny and input by neighbours, other interested parties and the general public regarding an actual development proposal that has the potential to generate significant adverse effects on the environment.

Non-notification of development standard infringements means, for example, that the proposed height limits could be significantly exceeded without notification (unless it is determined that “special circumstances” apply).

Other standards that could be exceeded without notification include

- tower dimensions;
- the setback from neighbouring properties;
- the minimum size of apartments;
- the requirement for outlook space, and
- the maximum parking provision (which is relied on for the traffic assessment).

7. Effects on the Environment (construction)

Significant effects on the environment are likely to include construction effects, such as traffic, noise, vibration and dust which are likely to have significant adverse effects on the owners and occupiers of neighbouring properties. Noise and vibration from demolition, excavation and piling will be particularly significant.

30.2

Without notification of a specific proposal, there will be no opportunity for neighbours to make a submission on any of these effects.

8. Increased building height

The proposed increases to the maximum building height from the current maximum of 27m are inappropriate:

30.4

- The use of the George Street Datum means that the heights proposed in the plan change are misleading, and differ from the basis for determining the

height of buildings in almost every other part of the City. The justification for this in the AEE is inadequate and fails the tests in section 32 of the Act.

- The effects of the potential 10m height difference between the George Street frontage and the southern end of Height Area A generated by the George Street Datum have not been identified or assessed. This omission is significant because the proposal means that the maximum height of 55m in Height Area A is actually up to 65m above ground level – only 7m less than the maximum height in the Metropolitan Centre Zone.
- The effects of the increased height are likely to be significantly adverse, and include dominance, overlooking, wind and shading (considerable to the south). However, the only opportunity for full assessment will be at the time resource consent is applied for, but non-notification is mandatory for new buildings under the proposed plan change.
- The existing 27m height limit applying to the site under the Auckland Unitary Plan (AUP) has been determined through the Unitary Plan process, taking into account the existing environment including existing buildings and the proximity of the Domain. George Street is a very sensitive zone interface and any change to the maximum height should only be made for compelling reasons.
- Because of the additional height proposed, the proposed building design is crucial and should be assessed through a notified process. It is also important to note that the style of building would be very different to that depicted in the plan change graphics if a non-residential use were to occupy a tower. Again, public input is locked out due to the provisions of the plan change, which allow for development without the scrutiny of a specific proposal.
- In terms of height, the proposal is out of character with existing development in the area or development contemplated under the AUP.
- The proposed height and intensity of development is inconsistent with the expectations of the Mixed Use Zone and is more akin to development anticipated in the Metropolitan Centre Zone.

30.4

9. Assessment of Environment Effects (general)

The AEE is inadequate:

- Not all potential land uses have been assessed;
- Not all potential effects on neighbouring properties have been assessed;
- The cumulative total of retail Gross Floor Area (GFA) that could be established on the site is unlimited, however, the effects of this have not been established; and

30.2

- The effects of other potential activities have not been assessed.

Whilst the plan change specifies that its purpose is to “*deliver a comprehensively designed mixed use development ... utilising the podium to deliver high quality publicly accessible spaces ...*” design outcomes are uncertain and the public spaces are not readily identifiable from outside the site and legibility through the site is obscure.

Because the development described in the plan change is merely a concept design for one option and would be a non-notified restricted discretionary activity, all potential development options should be identified and assessed for their impact in the section 32 report.

10. Transport Assessment

The transport assessment is deficient, for example:

- The traffic effects of the full extent of potential development on the site have not been assessed.
- It is assumed that occupiers or visitors to the proposed development who do not occupy one of the parking spaces provided on the site will not travel to or from the site by car.
- Traffic generation is based on on-site parking spaces rather than demand generated by the area occupied by each of the potential uses. This ignores traffic generated by the development but for which parking is not provided on the site.
- The off-site effects of limiting parking on the site (particularly spillover parking on the street) have not been assessed.
- Access to public transport is described as “excellent”, and this is relied upon in the ITA, but there is no bus route past the site and the train stations are both about 800m away.
- The ITA contains no analysis of traffic effects on the surrounding streets and intersections. Instead, this is left to the non-notified resource consent stage.
- The majority of traffic movements associated with the future development on the site are proposed to be accommodated on Morgan Street but the use of this street is already compromised due to its relatively narrow width and parking on both sides.

It has not been demonstrated that Morgan Street can accommodate additional traffic without significant effects on its operation and efficiency, affecting the use of the street by other traffic (including traffic associated with existing developments which obtain access from that street).

- No tracking curves for cars or trucks have been provided to demonstrate the suitability of any of the proposed site access points.

30.2 | **11. Landscape effects and impact on volcanic cones**

There is insufficient or inadequate assessment of impacts on landscape and views to and from volcanic cones.

This submission is:

30.1 | *To oppose the entire plan change for the reasons set out above.*

The submitter seeks the following decision from the local authority:

To decline the entire plan change.

The submitter wishes to be heard in support of this submission.

If others make a similar submission, the submitter will consider presenting a joint case with them at a hearing.

INSTRUMENT CONTROLLED
 PUBLIC NOTICE
 Auckland City
 Auckland

Signature of submitter
 (or person authorised to sign
 on behalf of submitter)

*DD van der Wal
 for and on behalf of Body Corporate 192346
 Body Corporate Manager, Body Corporate 192346*

Date:

22nd July 2020

Electronic address for service of submitter: darrenv@sbcltd.co.nz

Telephone: 027 406 1987

Postal address: STRICTLY **BODY CORPORATE LTD**

Suite 2-13, 72 Dominion Road

Mt Eden, AUCKLAND

po box 106545 | auckland 1143 | new Zealand

Contact person: [name and designation, if applicable]

Darren van der Wal, Body Corporate Manager on behalf of Domain Terraces Body Corporate 192346



.. Strategy .. Policy .. Planning ..

Submission on Proposed Private Plan Change 44

22 July 2020

Submission to Auckland Council - unitaryplan@aucklandcouncil.govt.nz

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

Submitter details:

Craig Shearer, on behalf of the residents, Domain apartments.
craig@craigshearer.co.nz
PO Box 60-240 Titirangi 0644
021735914

Organisation name:

Domain Apartments
c/- James Carmichael
james@jcarmichael.co.nz

Scope of Submission:

This is a submission on Proposed Private Plan Change 44 ("PC44") to the existing Auckland Unitary Plan:

The specific provisions that this submission relates to are:

The whole proposed plan change, including:

- (i) In summary there is no need for a Plan Change in relation to the objectives and policy direction sought for the Zone.
- (ii) The appropriateness of a new Precinct being located within the Zone.

31.2

31.3	(iii)	The increased height provided for in the Proposed Plan Change.
31.4	(iv)	IX.4.1, Activity Table
31.5	(v)	IX.5(1), Notification
31.6	(vi)	IX.6, Standards
31.7	(vii)	IX.8, Assessment Criteria
31.8	(viii)	Visual/Landscape assessment
	(ix)	Urban character and amenity values
31.9	(x)	Traffic
31.10	(xi)	Consultation
31.2	(xii)	Consistency with the Regional Policy Statement

The proposed private plan change is also considered to be contrary to Part 2 of the Resource Management Act.

The reasons for the submission are:

- (i) The Objectives of PC44 can all be achieved through the resource consent process. Specific provisions such as providing for mixed uses, a pedestrian precinct and plaza, and greater height can all be achieved through the existing zone provisions. Similarly, with the size of the landholdings of the applicant, the policy direction is simply a matter of design in any application for resource consent in the Business - Mixed-Use Zone.
- (ii) Precincts are utilised in the AUP to enable local differences to be recognised. For example, Eden Park, Alexandra Park, the War Memorial Museum, Devonport Naval base, and several of the region's marinas are located within an environment where they require additional provisions (precincts) to fulfil their role in the region. The proposed George Street Precinct has no special or differing characteristics to the rest of the Zone, with similar aspect, land uses, and topography.
- (iii) Height provided in PC44 is inappropriate, including for the following reasons:
 - a. The major reason for PC44 would appear to be to enable significantly greater height to be achieved in the Precinct compared to that provided for in the Zone provisions. The increased height would be incongruous with the surrounding neighbourhood and Zone, which was established during the AUP process because of its homogeneous characteristics of slope, height, and aspect.
 - b. Apart from the building height standards provided for in PC44 for the four height areas, the George Street datum used throughout PC44 is at odds with that used in the rest of the Zone. This creates a false impression of the real heights compared with the rest of AUP and compared to the Zone within which the proposed precinct sits, thus exacerbating the potential and actual effects.
 - c. The proposed precinct provisions provide for further increases in height above the standards as a restricted discretionary consent, without public or limited notification. Considering the effects, the activity class and lack of any notification is inappropriate.
 - d. For most of the Zone 18m is the total allowable height, but the variation control in this area extends this to 27m. Comparing with the same above ground heights as currently provided in the Zone provisions, the applicant is now seeking buildings that are 63.7m high (tower A example provided in the application), 44.2m (tower C), 43.6m (Tower

D), and 29.8m (Tower B), with provisions for greater height through resource consent application.

- (iv) IX.4.1 Activity Table. Many of the proposed new rules in the activity table are either unnecessary or inappropriate for the Zone. For example, A7 and A8 are identical to the Zone provisions so should not be duplicated; A11 provides for increased height as a non-notified restricted discretionary application.
- (v) Notification. Unlike the AUP General rules (resource consent applications above Controlled will be subject to the normal tests for notification) the proposed precinct provisions provide for consents for activities in the Activity Table (in particular A11 height) to be considered without notification. This is inappropriate considering the context of the site, the already considerable exceedance of the Zone heights proposed, and considering the existing Zone provisions already provide for additional height via the height variation control.
- (vi) Standards. In most of the zone 18m is the total allowable height, but the variation control extends this to 27m. The applicant (if comparing apples with apples in terms of height) is now seeking buildings that are 63.7m high (tower A) 44.2 (c) 43.6m (D) and 29.8m (B). The standards proposed are not appropriate as the effects have not been appropriately assessed.
- (vii) Assessment Criteria. Many of the criteria, especially those relating to urban design, would be more suited to a design guide for the precinct. They are very subjective eg “in a manner that contributes to overall character, visual and pedestrian amenity and legibility” and not readily enforceable. Many of these criteria are proposed for development that could occur within the existing Zone provisions.
- (viii) Visual/Landscape assessment.
 - a. Generally, the visual/landscape montages are assessed from locations that are significant distances from the site, for example three are taken on the North Shore, two are obscured by the Museum. These do not provide suitable benchmarks on which to base visual/landscape assessment and should be reviewed.
 - b. Urban character and amenity values. This is a major issue for those living close to the applicant’s sites and have not been assessed appropriately. Urban character and amenity values are very subjective and include the effects of bulk, dominance and shading on the surrounding neighbours. These effects are demonstrated in part by the sequence of photomontages contained in Annexure 2 of the Landscape and Visual report. The montages are not realistic, assuming the entire site could be developed to the maximum permitted height. This will not happen, especially considering the 10 year term of the AUP.
 - c. There is potential for greater height, without notification on the applicant’s site, to potentially exacerbate urban character, amenity and shading effects - there is no such assessment within the application.
- (ix) Traffic. The Integrated Transportation Assessment Report is deficient. The report determines traffic generation based on the restricted car parking environment in the proposal. This would appear to be flawed. A consequence is the traffic generation

assessment fails to adequately assess the ability of the surrounding street networks to accommodate potential additional traffic movements, based not only on car parks numbers provided but increased number of visitors and potential car ownership at the precinct.

The report loosely refers to the existence of two train stations being 800m away. These are at the outer perimeter of the walking catchment from the proposed precinct, and yet the intensity of development proposed at the site is more akin to high density development one would anticipate within close proximity of the transport (train) node itself. No evidence is provided to support dominance of use of public transport compared with private motor vehicles.

(x) Consultation. Due to the significant actual and potential effects upon the local community, consultation on the proposal is best practice but this has not been undertaken.

31.2

(xi) Consistency with the Regional Policy Statement (RPS). The Section 32 report misunderstands the relevance of the application in relation to the RPS objectives and policies. The RPS is a strategic document the purpose of which is to provide an overview of the resource management issues of the region and achieve integrated management of the natural and physical resources of the whole region – it is not a document aimed at providing guidance to individual, piecemeal development proposals.

Whilst the PC44 does provide for intensification, emphasis must also be placed on the need for “integrated management” of the region’s physical resources in this case. The Council, via its AUP development and Independent Hearings Panel process, has strategically assessed the need for intensification in an integrated way and determined how best to give effect to the RPS objectives and policies, in this case those of the Urban Growth and Form section of the RPS. Providing for new locations of greater intensification on an ad hoc basis via very small plan changes, is not strategic, not integrated, and not consistent with the position already adopted through the RPS development process.

Finally, PC44 is not considered to be consistent with Part 2 of the Resource Management Act. The application will not promote sustainable management of the physical resources of the Newmarket community which will affect its ability to provide for its social, economic and cultural well-being. The proposal has not adequately had particular regard to amenity values, nor the maintenance and enhancement of the quality of the environment.

I seek the following decision by Council

31.1 | Decline Proposed Private Plan Change 44

Domain apartments wishes to be heard in support of this submission

Domain apartments could not gain an advantage in trade competition through this submission.

A handwritten signature in blue ink, appearing to read "Craig Shearer", is positioned above the typed name.

Craig Shearer
Principal
Shearer Consulting Limited
On behalf of Domain Apartments residents

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Darryl Carey

Organisation name:

Agent's full name: Darryl Carey

Email address: darrylrcarey@gmail.com

Contact phone number: 0275621633

Postal address:

2B/19

George St

Newmarket

Auckland 1023

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

Rule or rules:

Property address:

Map or maps:

Other provisions:

This submission relates to the George St Precinct proposal for a plan change for the Mixed Use Zone.

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

I believe the plan change proposal is not appropriate for the following reasons:

1. Building height - Tower A is approximately 2 x height of current tallest building in the zone. It will have significant scale, shading and activity effects on surrounding areas. Top floors will be visible from Museum forecourt, affecting heritage and community value of the Museum Front Lawn public open space. Also the sun shading diagrams are misleading - sun path analysis suggest greater shading or obscuring of winter sun for the rear of many residential apartments on George St.
2. Transport Effects - ITA is based on out of date transport information (at least 4 years old) and ignores the effect of recent & current developments in the area (eg. Mercury Building, Broadway/Alma, current Manson development, Carlton Gore/Morgan). It also contains incorrect information on Morgan St width (not the same as George St) & current constraints. The development proposes to use Morgan St for primary vehicle transport access, which will significantly increase congestion and delay

in the area.

3. Precinct vs Individual Site Consent - The proposed development is better handled as an individual site resource consent, than a plan change for the entire zone. A plan change is unnecessary and will have detrimental effects. The current mixed use zone has a high proportion of higher density residential buildings amongst busy connecting streets. Significant increases in allowable building height, bulk & area will likely encourage more commercial/business activity, causing decrease in amenity for residential and community activities in the area.

32.1	I or we seek the following decision by council: Amend the plan modification if it is not declined
	<div style="display: flex; justify-content: space-around; margin-bottom: 5px;"> 32.2 32.3 </div> <hr style="border: 1px solid black;"/>
32.2	Details of amendments: Reduce proposed building height, revise/update integrated transport
32.3	<u>assessment, reduce transport effects, localise application to proposed site, instead of plan change to</u>
32.4	<u>zone</u>
32.5	

Submission date: 22 July 2020

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Ms/Ms (Full Name)

Alan Herbert Burton + Wendy Alyson Burton

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

3D, 27 George St, Newmarket, 1023

Telephone:

021 616 061

Fax/Email:

watburton@xtra.co.nz

Contact Person: (Name and designation, if applicable)

Alan Burton

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PC 44 (Private)

Plan Change/Variation Name

George Street Precinct, Newmarket

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

33.2
33.3

Plan provision(s)

Location, size, bulk, traffic impact of

Or

Property Address

33.2

proposed development

Or

Map

33.3

Or

Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are:

Please refer to attached document

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation

Accept the proposed plan change / variation with amendments as outlined below

33.1 Decline the proposed plan change / variation

If the proposed plan change / variation is not declined, then amend it as outlined below.

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

A.A. Burton

Signature of Submitter
(or person authorised to sign on behalf of submitter)

20/07/20

Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could /could not gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am / am not directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

Proposed Plan Change 44 (Private) - George St Precinct, Newmarket

Submission comment from Wendy and Alan Burton, #3D, 27George St, Newmarket

We oppose the Proposed Plan Change 44 (Private) – George St Precinct, Newmarket. We fully support the submission made by the Parkwood Apartments Body Corporate in respect of the proposed plan change.

We oppose the change for the reasons outlined in the Parkwood submission. Fundamentally we believe that this proposal is in direct contradiction to the city's Unitary Plan and the need to keep Auckland suburbs environmentally, socially, and aesthetically in keeping with their existing surroundings. The proposal shows no respect for, or understanding of, sympathetic urban development for this unique Auckland suburb.

We believe the proposed plan change will have seriously detrimental effects in key respects:

Respect for the Domain, Museum and Cenotaph Precinct

The word 'iconic' is much overused in relation to places and objects of value. However, the War Memorial Museum and Cenotaph within the Domain would, by any reckoning, be among the most important of Auckland's iconic buildings and spaces. They are seen by Aucklanders, along with the harbour and volcanic cones, as critical identifiers of the city and its heritage. Any development on the streets bordering the Domain must be done in such a way that it enhances rather than detracts or distracts from the significance of the city's spiritual heart. The bulk and scale of the proposed development opening on to George Street are an affront to this highly sensitive area. The Foundation buildings, themselves with heritage and architectural value, also need to be respected given their immediate proximity. The more recent Titoki Street developments on the Foundation site respect the Domain precinct as well as the adjacent historic buildings. There can be no place in Auckland more deserving of the protection of a robust Unitary Plan than the Auckland Domain and its immediate surroundings. The scale of the proposed development is out of all proportion to its neighbourhood; there is no way the impact of a development of this scale can be mitigated. We believe that the proposed development is totally insensitive; it represents a major visual assault on the Domain, its heritage buildings, and environs.

Traffic

As residents in George Street for some years, we are very aware of current local traffic patterns and the likely traffic impact of any development on the scale of what is proposed. George Street is already a busy connecting street between Carlton Gore and Parnell Roads. It is particularly busy with school traffic generated by Parnell College during the week. It is also much used, along with the nearby Domain parking spaces, by the hundreds of people working in or accessing offices and gyms in George and Morgan Streets. Morgan Street is narrow and already congested. The newly refurbished footpaths are also narrow. Most trips up and down Morgan St during the day require

diverting and/or pulling over, if possible, to give way to oncoming traffic: it is often impossible for vehicles to pass. Clayton Street, at the George St end, is nothing more than an access lane.

Traffic pressure on these three precinct streets from a development of the scale proposed would be unsustainable. The plan shows provision for 403 on-site carparks. Access to these carparks and for all service vehicles is shown as from Morgan St. This is highly problematic; if the 403 figure includes provision for residents, visitors, and users of the retail precinct, major congestion problems can be expected in Morgan Street. Currently, parking spaces are rarely available during working hours in Morgan and George Streets and there is no provision for street parking in most of Clayton Street. Traffic movement to/from the proposed number of residences and traffic movement inevitably generated by the proposed commercial ground level public retail facilities simply cannot be accommodated in the existing George, Morgan, and Clayton Streets.

Wendy and Alan Burton

Submission on Proposed Private Plan Change 44

21st July 2020

Submission to Auckland Council - unitaryplan@aucklandcouncil.govt.nz

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

Submitter details:

Robyn Hughes

17 Dunedin St, St Mary's Bay, Auckland

021 129 2166

Scope of Submission:

This is a submission on Proposed Private Plan Change 44 to the existing Auckland Unitary Plan:

The specific provisions that this submission relates to are:

The whole proposed plan change, and especially:

- 34.2 | 1 The increased height
- 34.3 | 2 The impact upon the character and amenity of the area
- 34.4 | 3 The increased traffic problems
- 34.5 | 4 Lack of consultation

Reasons for this submission are:

I have an apartment in the Domain apartments block on the corner of George and Morgan Street. The proposal to build a massive skyscraper complex amidst the surrounding low rise buildings and the historic green zone of the Domain park and Auckland museum is totally out of character for this area. The excessive height of the proposed structure will dominate all existing buildings including the sympathetically restored Museum building which is an important point of reference for all New Zealanders and visitors alike.

We are informed that there could be at least 324 apartments so that will further create traffic congestion and parking problems in an already congested area.

There has been a total failure to consult with everybody in the community about this project. Surely the community should have a full say particularly when a developer wants to do something contrary to the Unitary plan. We had a huge amount of consultation for the unitary plan. If someone wants to do something contrary to what was agreed in the Unitary Plan that seems wrong to me.

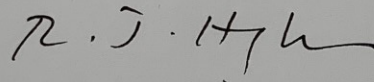
I seek the following decision by Council

34.1 | I request that Proposed Private Plan Change 44 be declined.

I wish to be heard in support of this submission

I will not gain an advantage in trade competition through this submission.

Signed



Robyn Jean Hughes

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Alasdair and Joan Thompson

Organisation name:

Agent's full name: D J Thompson

Email address: ajthompson@xtra.co.nz

Contact phone number:

Postal address:
4b 21 George Street
Newmarket
Auckland
Auckland 1023

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

Rule or rules:
The height of the four towers.

Property address: 13-15 Morgan Street; 10 Clayton Street , Newmarket

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

First, we like that the plan to build more apartments to be built on the periphery of inner Newmarket with its retail and its nearby public transport and Auckland Domain amenities.
But it is uniquely out of character with the entire Newmarket commercial and residential area ONLY because the four towers are too high. No other site in Newmarket has built to that height and even the most recently built, which happen to be nearby this site, are a maximum of 7 floors above ground. Had the then Proposed Unitary Plan proposed such heights, which have been adhered to by all the recent closely surrounding developments, we, and we believe many other affected property owners would have objected to that.
We therefore think the current Unitary Plan fits with the existing look and amenity value of Newmarket and ask that you uphold the current Unitary Plan which has not been long in affect. But, if you are inclined toward allowing this application, then we ask that you limit the height of the four towers and

35.2 | we would seek a reduction in the height of all four towers as follows:

Tower A: 10 levels including 2 in basement (8+2=10)

Tower B: 7 levels including 2 in basement (5+2=7)

Tower C: 10 levels including 4 in basement (6+4=10)

Tower D: 7 levels including 2 in basement (5+2+7)

Having said that, we emphasise that these heights are the maximum we would accept as being consistent with the character, feel and amenity value of Newmarket's commercial and residential area.

35.3 | While that is our substantive objection to the height of the towers (Character, fee, and Amenity value), our next concern is that the long protected site line to Mt Hobson and Mt Eden volcanic cones maybe impinged upon. If they are the proposed private plan change must not be allowed to do that. should not be allowed.

Thirdly, the height of towers will also impinge on the direct morning sun light we get into the rear two bedrooms of our apartment at 4B/21 George Street Newmarket on our colder South East side of our eight apartment building, which, by the way, was height restricted to 5 floors including 1 basement floor as were all the other built in George Street over the last 20 years when our building was completed.

35.1 | I or we seek the following decision by council: Accept the plan modification

Submission date: 22 July 2020

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

35.1

We are NOT accept plan change 44 as it had been notified. Our submission makes that clear. But we would accept aspects of it other than the height of the four towers in the prop listed plan change 44.

Our first preference is that the existing Unitary Plan not be changed but if Council is of a mind to change it , then we would accept that if the changes did not exceed the heights we have set out in our submission.

Thank you

Alasdair and Joan Thompson

4B/21 George Street

Newmarket 1023

09 303 3951

021 029 65360

Sent from my iPhone

SUBMISSION to Auckland Council

Proposed plan change 44 (Private) - George St precinct, Newmarket

36.1 | *We oppose the entire proposed change and seek that the plan change be declined.*

36.2 | The section 32 analysis of the proposed plan change is inadequate in that it does not establish that:

- The objectives of the precinct are the most appropriate way to achieve the purpose of the Act; and
- The provisions are the most appropriate way to achieve the objectives.

36.1 | • This use of the plan change process for the proposed development is not in accordance with sound resource management practice in that it subverts the purpose and principles of the Act, the resource management process and the opportunities for public involvement (resource consent by stealth):

- The purpose of the precinct could be readily be achieved by applying for resource consent/s. That would allow for public participation (through notification) in terms of the management of effects such as: construction effects, building design, effects of bulk and scale, effects of the actual mix of activities, and operational effects such as those associated with increased traffic and the proposed limit on the supply of parking spaces.
- A resource consent application (or applications) would have to contain a fully developed proposal and a detailed assessment of effects, with the likelihood of notification (due the scale of development proposed).
- The notified plan change option enables the applicant to obtain approval for substantial height without the scrutiny of an actual proposal.
- This is effectively spot zoning of a site that is much less than 1ha in area.

36.2 | The objectives and policies of the Regional Policy Statement and the underlying Mixed Use Zone are so loosely worded as to offer very little guidance or direction.

• The applicant has failed to satisfactorily explain why a precinct should be identified for this particular site or why the height limit should be increased.

• The establishment of a public plaza appears to be the primary justification for the application of a precinct to the site but this is unlikely to act as a true public space because:

- it is internal within the site,
- it is not certain that it would be readily visible and accessible from each of the surrounding streets,
- it is not intended that it be available for public use 24 hours a day,
- it is not proposed that the plaza and its associated access be protected by a legal mechanism such as an easement.

36.3 | In PC44, non-notification applies to all Restricted Discretionary (RD) activities listed in the precinct's activity table (including infringements of nominated standards). This is inappropriate because it will prevent scrutiny and input by neighbours, other interested parties and the general public regarding an actual development proposal

that has the potential to generate significant adverse effects on the environment.

36.2

Significant effects on the environment are likely to include construction effects, including traffic, noise, vibration and dust which are likely to have significant adverse effects on the owners and occupiers of neighbouring properties. Noise and vibration from demolition, excavation and piling will be particularly significant. Without the notification of a proposal, there will be no ability for neighbours to make a submission on any of these effects.

- Consultation has been inadequate, and non-existent in relation to the owners and occupiers of neighbouring properties, and there is no evidence of consultation with the parks department of Auckland Council.

- The proposed increases to the maximum building height from the current maximum of 27m are inappropriate:

- The use of the George Street Datum means that the heights proposed in PC44 are misleading and differ from the basis for determining the height of buildings in almost every other part of the City. The justification for this in the AEE is inadequate and fails the tests in section 32 of the Act.

- The effects of the potential 10m height difference between the George Street frontage and the southern end of Height Area A generated by the George Street Datum have not been identified or assessed.

- This omission is significant because the proposal means that the maximum height of 55m in Height Area A is actually up to 65m above ground level – only 7m less than the maximum height in the Metropolitan Centre Zone.

36.4

- The effects of the increased height are potentially adverse, and include dominance, overlooking, wind and shading (considerable to the south).

However, the only opportunity for full assessment will be at the time resource consent is applied for, and non-notification is mandatory for new buildings under the PC44 proposed provisions.

- The existing 27m height limit applying to the site under the Auckland Unitary Plan (AUP) has been determined through the Unitary Plan process, taking into account the existing environment including existing buildings and the proximity of the Domain. It provides a step down from the 72.5m limit in the Metropolitan Centre Zone to the open space of the Domain. George Street is a very sensitive zone interface and any change to the maximum height should only be made for compelling reasons.

We oppose the entire proposed change and seek that the plan change be declined.

Alexandra Garland & Laura Horrocks
bproofgarland@gmail.com

206 and 404 9 Sarawia St Newmarket.

22.7.2020

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Cushla O'Shea

Organisation name:

Agent's full name:

Email address: cushlaoshea@gmail.com

Contact phone number: 0272207628

Postal address:
4B/19 George Street
Newmarket
Auckland 1023

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

Rule or rules:
Plan Modification Number: Plan Change 44

Property address: PC 44 George Street Precinct, Newmarket

Map or maps:

Other provisions:
I oppose the specific matters as per below:
The proposed development should be considered as an individual site, without changing the entire area or zone plan.
Reduce proposed height of buildings.
Defer any ruling until sufficient information is submitted - an up to date traffic impact report should be provided by the applicant.

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

1. Building height, bulk and intensity of the proposal, in which actual and potential adverse effects on neighbouring properties have not been sufficiently avoided or mitigated.
Excessive Visual Dominance of the proposal on adjacent residential properties, particularly Tower A. The 'tower' block will cause shading, loss of views and interference with horizons, affecting heritage value from public spaces, e.g. the Domain and Auckland Museum in particular. Insufficient consideration has been given to surrounding residents rights to access to light and horizons.

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**For: Planning Technician
Unitary Plan
Auckland Council**

**From: Donald Kay Keung Yung
15 Orakei Road
Remuera
Auckland 1050
yung@xtra.co.nz**

Declaration of Interest

I am an owner of two tenanted properties of Domain Terraces at 1 George Street. My wife is also an owner of one tenanted property of Parkwood Apartments at 27 George Street.

Aim

38.1 | I oppose the entire plan change for the reasons below, and I seek the Local Authority to decline the entire plan change.

Reasons for my objection

1. The proposed increases to the maximum building height from the current maximum of 27 m are inappropriate. The effects of the increased height are potentially adverse, and include dominance, overlooking, wind and shading.
2. In light of the proposed increases to the maximum building height, the construction effects (such as traffic, noise, vibration, water pollution, smell, dust and fire hazard) which are likely to have significant adverse impacts on the owners and occupiers of nearby properties for an abnormally long period of time.
3. The cumulative total of retail Gross Floor Area that could be established on the site is unlimited. Therefore, the population gaining access to this area in future (as well as the consequential effect) is also unable to quantify.
4. The traffic issues (including spill over street parking) of the full extent of potential development on the site have not been addressed.
5. Auckland Domain is Auckland's oldest park and is one of the largest in the city. It is the extinct cone of Pukekawa volcano and has an extensive history of Maori and European use. Any plan change in the surrounding areas should be denied unless it is proven absolutely necessary. PC44 hasn't yet been able to justify its need in this regard.

I thank you for your attention and look forward to your favourable response.

Kind regards,
Donald Yung

Form 5**Submission on notified proposal for policy statement or plan, change or variation***Clause 6 of Schedule 1, Resource Management Act 1991*

To: Auckland Council
 Unitary Plan
 Private Bag 92300
 Auckland 1142

Attention: Planning Technician

And by email to: unitaryplan@aucklandcouncil.govt.nz

Name of submitter: **Roger & Julie France**

This is a submission on the following proposed plan change proposed to the following plan (the **proposal**):

Proposed Plan Change 44 (Private) – George Street Precinct, Newmarket Auckland under the Auckland Unitary Plan (Operative in Part)

The submitter could not gain an advantage in trade competition through this submission.

The submitter is directly affected by an effect of the subject matter of the submission that—

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

The specific provisions of the proposal that my submission relates to are:

1. The scale and intensity of the proposed development raises concerns around:
 - Traffic flows and congestion in Morgan Street as its operational width effectively dictates a one-way limitation for most of its length;
 - Density – with the potential for 324 apartments, many of which are small 1BR/2BR and 500 carparks in four towers with close proximity to one another. Without considered design, there is the likelihood that the site will have a very low amenity for residents and visitors;
 - Quiet enjoyment and amenity issues for residents (existing and future, both on and adjacent to the site) if the site is developed as a food and beverage precinct with unlimited activities and hours of operation. Particular concern relates to the possible number, size and operating hours of licensed premises.

- 39.3 | 2. The proposed 65m height of the tower in the plan change raises many environmental concerns. In addition to the need to preserve sightlines to and from the volcanic cones, it is completely out of context and character with the immediately surrounding area, specifically:
- the 4 storey development on the Foundation for the Blind site;
 - the Auckland War Memorial Museum (possibly Auckland's best loved building);
 - the Auckland Domain, the City's oldest park; and
 - the wider Newmarket area.
- 39.4 | 3. The increased vehicular traffic on access to our carparks off Morgan Street which have two entry points. I note the proposal assumes the primary vehicle access will be off Morgan Street with secondary access off Clayton and George Streets.
- 39.3 | 4. The impact of a building twice as high as "Parkwood" on the local environment. It will tower over everything in its vicinity (I imagine similar to "The Sentinel" in Takapuna). It will seriously dominate views from around the Domain and, for example, will be clearly visible across the harbour from Devonport.
- 39.5 | 5. The use of a plan change to introduce a precinct, which means that the proponent will achieve a "building envelope" for the site within which certain activities must be assessed on a non-notified basis, for example, any new buildings, or additions and alterations of buildings, or buildings which exceed the proposed height limits. The ability to alter the minimum size of apartments is of particular concern. Such a blanket non-notification rule is not appropriate or acceptable.
- 39.3 | 6. The proposal is not suited to the underlying Mixed Use Zone which refers to its purpose of "managing the effects of building height".
- 39.6 | 7. Construction effects are also likely to be significant.

This submission is:

- 39.1 | *To oppose the entire plan change for the reasons set out above.*
- The submitter seeks the following decision from the local authority:
- To decline the entire plan change.*

The submitter wishes to be heard in support of this submission.

If others make a similar submission, the submitter will consider presenting a joint case with them at a hearing.



Signature of submitter
(or person authorised to sign
on behalf of submitter)

Date:

22 July 2020

Electronic address for service of submitter: roger@grwfrance.com

Telephone: 021909500

Postal address: 7E, Parkwood, 27 George Street, Newmarket 1023

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Katherine Lester Chairperson

Organisation name: 11 George Body Corporate 344700

Agent's full name:

Email address: 11georgestreet@gmail.com

Contact phone number: 0212432542

Postal address:
2E/11 George Street
Newmarket
Newmarket 1023

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

Rule or rules:

Property address: 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket

Map or maps:

Other provisions:

40.2 | Regarding the proposed change to remove the 27 metre height variation control and introduce building height up to 65 metres

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The height proposed is too big for this area and those streets.

1. It would shadow the east and north side of our George Street building
2. We believe it would create a tunnel effect with wind changes that would affect the outside enjoyment of life for Morgan Street facing balconies
3. Morgan, George and Clayton streets are very small narrow streets, with lots of pedestrians. The traffic volumes are already high, parking is already difficult and it would not only be deleterious in terms of traffic and volume but also potentially more dangerous for pedestrians.

The proposed structure is too big for the site that has been chosen and the 27 metre restriction needs to remain.

40.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 23 July 2020

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Katherine S Lester

Organisation name:

Agent's full name:

Email address: katherinelester100@gmail.com

Contact phone number: 0212432542

Postal address:
2E/11 George Street
Newmarket
Newmarket 1023

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

Rule or rules:

Property address: 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The proposed change to the height Variation is too high at 65 metres. I would support an increase more in alignment with other residential buildings on the block up to 35 metres, but 65 is significantly more. George, Morgan and Clayton streets are very small and narrow and traffic during rush hour and parking are already a challenge. The development proposed is too large for this location and would significantly impact our quality of life if it goes forward.

In addition the size of the development would block the morning sun (the only sun on our side of the building) for the apartments that do not face the Domain (Carlton Gore and Morgan St facing units.)

41.1 | I or we seek the following decision by council: Amend the plan modification if it is not declined

41.2 | Details of amendments: Height restriction limited to 35 metres above ground level

Submission date: 23 July 2020

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?

Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**SUBMISSION ON PLAN CHANGE 44 (PRIVATE) TO THE AUCKLAND
UNITARY PLAN UNDER CLAUSE 6 OF SCHEDULE 1 OF THE RESOURCE
MANAGEMENT ACT 1991**

To: Auckland Council
Private Bag 92300
Auckland 1142
Attention: Planning Technician
unitaryplan@aucklandcouncil.govt.nz

Name of submitter: Downtown House No.2 Limited ("**Submitter**")

Introduction

1. This is a submission on an application for a private plan change ("**Plan Change 44**", "**PC44**") by Newmarket Holdings Development Limited Partnership ("**Applicant**") in respect of the proposal that seeks to introduce a new precinct at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket. PC44 proposes to remove the 27 metre Height Variation Control and introduce building height up to 65 metres above ground level. The new precinct will enable mixed use development with a publicly accessible plaza, pedestrian connections and vehicular and pedestrian access to and from George, Morgan and Clayton Streets.
2. The Submitter owns and leases the site at 2 Alma Street, Newmarket, which is located directly adjacent the proposed George Street precinct and the area that is subject to this plan change. The Submitter's site comprises a two- to three-storey mixed use development, accommodating commercial activities on the ground floor and residential activity at upper floors.
3. The Submitter is not a trade competitor for the purposes of the Resource Management Act 1991 ("**RMA**") and in any event is directly affected by an effect of the proposal.

Scope and Reasons for Submission

4. The submitter **opposes** the plan change in its entirety, on the basis that, as notified, it:
 - a) does not promote the sustainable management of resources and therefore will not achieve the purpose and principles of the RMA;
 - b) is not consistent with Part 2 and other provisions of the RMA;
 - c) will not meet the reasonably foreseeable needs of the future generations;

- d) will not enable social, economic and cultural wellbeing;
 - e) is inconsistent with the purposes and provisions of the relevant statutory planning instruments, including the Auckland Unitary Plan – Operative in Part (“**AUP**”);
 - f) will not avoid, remedy or mitigate significant adverse effects on the surrounding environment.
5. The following comments are made in particular, without derogating from the generality of the above.

Preliminary Comments

6. The Plan Change’s analysis of effects on the Submitter’s property at 2 Alma Street is sub-standard – very light on detail and in the Submitter’s view misrepresentative of the potential for adverse effects, specifically in terms of dominance, shading and associated effects on residential amenity.
7. Further, the plan change proposal appears vague and unnecessarily complex, and therefore potentially misleading particularly in respect of maximum heights of buildings relative to both the AUP and immediately adjoining sites. For example, it is not clear in the Plan Change provisions which “example study” is specifically being pursued in terms of activities and built envelopes or design parameters.
8. Further, the concept design already exceeds the “plan change area” which given the excessive additional built envelope compared to the existing AUP provisions, is unacceptable. Some of the viewpoints chosen for the wider effects of the plan change on Auckland’s skyline are illogical. For example, some viewpoints are chosen from the northern and western side of the Domain where, given the topography in the intervening area, the sites were never perceptible, regardless of height.
9. Finally, the argument presented in the plan change documentation in favour of a plan change rather than a resource consent is not supportable from a planning perspective. Relying solely on the land ownership rather than considering the appropriate urban outcome for the block or even a portion of this block is not a good enough reason to support this ad-hoc approach and definitely does not outweigh the uncertainty and vagueness that arise from the proposal relative to immediately adjoining neighbours such as the Submitter’s site.

Insufficient Information and Assessment

Shading

42.5

10. The analysis in the plan change documentation regarding effects on neighbouring properties is limited. Further assessment is required in respect of the potential for shading and dominance effects, specifically on the Submitter's property. As it stands, the high-level shading analysis indicates that the property at 2 Alma Street will be adversely affected by shading for a considerable period of the day in both summer and winter. Some of this is "permitted" under the AUP already in respect of maximum building heights to 27m, however the plan change exacerbates this effect without mitigation or even specific analysis.

Dominance, including Cumulative Effects

11. The proposal results in the construction of four significantly taller than existing (and plan-enabled) towers in close proximity to the Submitter's site. The cumulative effects on the subject site in terms of amenity (both as an existing two storey development and in the future as an enabled 27m high building) are more than minor, owing to the lack of separation distance and the significant difference in bulk and dominance. At best, the building in Area C is located 20m from the Submitter's site and exceeds 44m in height (10 storeys); and the building in Area A comprises 16 – 18 storeys depending on final design, only 5-6m from the northern boundary.
12. Combined with the existing 27m high building immediately to the east (the Mercury Building), the plan change therefore represents an unacceptable enclosure of the Submitter's site in terms of surrounding built form. The site will be "dwarfed" by the development. This is well illustrated in the plan change documentation, excerpt below, and simply not assessed to any sufficient degree in the application:

Indicative Montage - View K

Plan Change Envelope and existing surroundings

Proposed development to be included in the plan change envelope
The subject site is located within the plan change envelope
The subject site is located within the plan change envelope
The subject site is located within the plan change envelope
The subject site is located within the plan change envelope



View from Carlton Gore Road and Clayton Street

Urban Design effects

13. The assessment of urban design effects on the Submitter’s site, and indeed all other immediately adjoining sites within the wider block is nominal in the plan change, with its documentation concluding that the requirement for active edges to the street frontage on Clayton Street results in an overall “neutral-positive effect” on these properties, irrespective of the significant increase in scale and bulk on the plan change sites.

Services, including Transport Network and Capacity

42.6

14. The plan change is unclear in respect of how the current function of Clayton Street may be impacted and the consequential effects on the use and access of the Submitter’s site and others on Clayton Street. The Integrated Transport Assessment identifies that the potential traffic generation needs to be capped through the introduction of a maximum of 500 car parks but this still represents a considerable increase in intensity on the network in the immediate and wider surroundings. This again has not been sufficiently assessed in the Submitter’s view.

15. The infrastructure report that accompanies the application pushes a significant portion of assessment in respect of effects of the proposal on infrastructure networks and capacity to later consenting stages. This is concerning given the intensity of development compared to what is “permitted” under the AUP.

42.7

- 16. It is not clear whether sufficient water (both potable and firefighting), wastewater and stormwater services are available and what subsequent consequential effects on development on surrounding sites might arise – considering the “first in first served” basis in terms of connection and demand.
- 17. Of concern, the plan change documentation acknowledges that there is not sufficient capacity or service available in terms of power supply for the proposed development and that Vector will need to (at the developer’s cost) install significant network upgrades. This may also have implications for development feasibility on surrounding sites and is an effect that has not been clearly addressed in the plan change.

Concluding Comments

- 18. Overall, the plan change application is not comprehensive enough to be certain about the level of effects, nor has it appropriately considered the interface of the precinct area within the surrounding Mixed Use block, specifically the Submitter’s site, which is dwarfed by the scheme and inappropriately compromised in terms of amenity effects and future development potential.

Planning Considerations

42.2

- 19. PC44 intends to introduce a new precinct that enables greater development heights and intensity, in some parts more than doubling the current relatively enabling AUP development height limit of 27m in this locale. The Submitter questions how the Applicant has determined that the only recently operative and transformative AUP framework could be considered restrictive in respect of development in this area. The Submitter considers the AUP-enabled 27m high mixed-use development in this area is appropriate and has been well-tested through that plan making process.

- 20. The Submitter considers the intensity and scale proposed by the plan change introduces effects on plan integrity and risks precedent effects across the widely applied Mixed Use zone.

42.3

- 21. Further, the plan change provisions seek to limit any future engagement with the public and neighbouring properties through non-notification rules (IX.5), essentially streamlining the concept development through the consenting process without recourse for adversely affected parties. This is wholly inappropriate. The Submitter strongly opposes these provisions, particularly given the “once over lightly” approach to assessment in the plan change.

42.4

22. The proposal by the Applicant to allow further height infringements beyond the excessive 65m height limits for the precinct as restricted discretionary activities (IX.4.1(A11)) (again able to be automatically non-notified) is also inappropriate. The Submitter strongly opposes these provisions.

Relief Sought

42.1

23. The Submitter seeks that the Plan Change is declined in its entirety for the reasons set out in this submission.

24. The Submitter wishes to be heard in support of its submission.

25. The Submitter would consider presenting a joint case with others at the hearing.

DATED at Auckland this

23rd

day of **July 2020**

Signed:

Chris Johanson
Property Manager, Downtown House No.2 Ltd

Address for Service:

Integral Property Management
PO Box 2462
Auckland 1140

**SUBMISSION ON PLAN CHANGE 44 (PRIVATE) TO THE AUCKLAND
UNITARY PLAN UNDER CLAUSE 6 OF SCHEDULE 1 OF THE RESOURCE
MANAGEMENT ACT 1991**

To: Auckland Council
Private Bag 92300
Auckland 1142
Attention: Planning Technician
unitaryplan@aucklandcouncil.govt.nz

Name of submitter: FourClayton Properties Limited ("**Submitter**")

Introduction

1. This is a submission on an application for a private plan change ("**Plan Change 44**", "**PC44**") by Newmarket Holdings Development Limited Partnership ("**Applicant**") in respect of the proposal that seeks to introduce a new precinct at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket. PC44 proposes to remove the 27 metre Height Variation Control and introduce building height up to 65 metres above ground level. The new precinct will enable mixed use development with a publicly accessible plaza, pedestrian connections and vehicular and pedestrian access to and from George, Morgan and Clayton Streets.
2. The Submitter owns and leases the site at 4 Clayton Street, Newmarket, which is located in very close proximity to the proposed George Street precinct and the area that is subject to this plan change. The Submitter's site comprises a two-storey commercial development.
3. The Submitter is not a trade competitor for the purposes of the Resource Management Act 1991 ("**RMA**") and in any event is directly affected by an effect of the proposal.

Scope and Reasons for Submission

4. The submitter **opposes** the plan change in its entirety, on the basis that, as notified, it:
 - a) does not promote the sustainable management of resources and therefore will not achieve the purpose and principles of the RMA;
 - b) is not consistent with Part 2 and other provisions of the RMA;
 - c) will not meet the reasonably foreseeable needs of the future generations;

- d) will not enable social, economic and cultural wellbeing;
 - e) is inconsistent with the purposes and provisions of the relevant statutory planning instruments, including the Auckland Unitary Plan – Operative in Part (“**AUP**”);
 - f) will not avoid, remedy or mitigate significant adverse effects on the surrounding environment.
5. The following comments are made in particular, without derogating from the generality of the above.

Preliminary Comments

6. The Plan Change’s analysis of effects on the Submitter’s property at 4 Clayton Street is sub-standard – very light on detail and in the Submitter’s view misrepresentative of the potential for adverse effects, specifically in terms of built character and dominance, intensity of activity and associated effects on overall amenity.
7. Further, the plan change proposal appears vague and unnecessarily complex, and therefore potentially misleading particularly in respect of maximum heights of buildings relative to both the AUP and immediately adjoining sites. For example, it is not clear in the Plan Change provisions which “example study” is specifically being pursued in terms of activities and built envelopes or design parameters.
8. Further, the concept design already exceeds the “plan change area” which given the excessive additional built envelope compared to the existing AUP provisions, is unacceptable. Some of the viewpoints chosen for the wider effects of the plan change on Auckland’s skyline are illogical. For example, some viewpoints are chosen from the northern and western side of the Domain where, given the topography in the intervening area, the sites were never perceptible, regardless of height.
9. Finally, the argument presented in the plan change documentation in favour of a plan change rather than a resource consent is not supportable from a planning perspective. Relying solely on the land ownership rather than considering the appropriate urban outcome for the block or even a portion of this block is not a good enough reason to support this ad-hoc approach and definitely does not outweigh the uncertainty and vagueness that arise from the proposal relative to neighbouring properties such as the Submitter’s site.

Insufficient Information and Assessment

Shading

- 43.2 | 10. The analysis in the plan change documentation regarding effects on neighbouring properties is limited. Further assessment is required in respect of the potential for shading and dominance effects, specifically on the Submitter's property. As it stands, the high-level shading analysis indicates that the property at 4 Clayton Street will be adversely affected by shading for a considerable period of the day at the September equinox. At other times of the year, the Submitter's site is shaded by the scheme and whilst some of this is "permitted" under the AUP already in respect of maximum building heights to 27m, the plan change exacerbates this effect without mitigation.

Dominance, including Cumulative Effects

11. The proposal results in the construction of four significantly taller than existing (and plan-enabled) towers in proximity to the Submitter's site. The cumulative effects on the site in terms of amenity (both as an existing two storey development and in the future as an enabled 27m high building) are more than minor, owing to the significant difference in bulk and dominance.
12. The intended "slender building form" sought by the plan change provisions and as assessed by the urban design report that accompanied the Application does not resolve these cumulative dominance effects on the lower-scale existing environment of Clayton Street and does not, in the Submitter's view, correspond to an appropriate scale and bulk relative to AUP-enabled development on the surrounding sites either.
13. The plan change therefore represents an unacceptable enclosure of the properties along Clayton Street, including the Submitter's site, in terms of surrounding built form. The sites will be "dwarfed" by the development. This is well illustrated in the plan change documentation, excerpt below, and simply not assessed to any sufficient degree in the Application:



Urban Design effects

14. The Application makes no assessment of urban design effects on the Submitter’s site, and indeed limits any such assessment in the immediate area to 2 Alma Street and 8 Clayton Street. Even then, the assessment is nominal, with its documentation concluding that the requirement for active edges to the street frontage on Clayton Street results in an overall “neutral-positive effect” on these properties, irrespective of the significant increase in scale and bulk on the plan change site.

43.3

15. A specific assessment of effects on the urban design and associated amenity of the properties on Clayton Street, including the Submitter’s site, is necessary, and ought to cover the preceding matters as well as consideration of the overall change in character to the area, even accounting for what development is already enabled by the AUP. It is the Submitter’s view that the plan change far exceeds the intensity of development within this block and those most affected by that increase in intensity have been dismissed as irrelevant by the Applicant.

Services, including Transport Network and Capacity

43.4

16. The plan change is unclear in respect of how the current function of Clayton Street may be impacted and the consequential effects on the use and access of the Submitter’s site and others on Clayton Street. The Integrated Transport Assessment identifies that the potential traffic generation needs to be capped through the introduction of a maximum of 500 car parks but this still represents a considerable

43.4 | increase in intensity on the network in the immediate and wider surroundings. This again has not been sufficiently assessed in the Submitter’s view.

17. The infrastructure report that accompanies the application pushes a significant portion of assessment in respect of effects of the proposal on infrastructure networks and capacity to later consenting stages. This is concerning given the intensity of development compared to what is “permitted” under the AUP.

43.8 | 18. It is not clear whether sufficient water (both potable and firefighting), wastewater and stormwater services are available and what subsequent consequential effects on development on surrounding sites might arise – considering the “first in first served” basis in terms of connection and demand.

19. Of concern, the plan change documentation acknowledges that there is not sufficient capacity or service available in terms of power supply for the proposed development and that Vector will need to (at the developer’s cost) install significant network upgrades. This may also have implications for development feasibility on surrounding sites and is an effect that has not been clearly addressed in the plan change.

Concluding Comments

20. Overall, the plan change application is not comprehensive enough to be certain about the level of effects, nor has it appropriately considered the interface of the precinct area within the surrounding Mixed Use block, specifically the Submitter’s site, which is dwarfed by the scheme and inappropriately compromised in terms of amenity effects and future development potential.

Planning Considerations

43.5 | 21. PC44 intends to introduce a new precinct that enables greater development heights and intensity, in some parts more than doubling the current relatively enabling AUP development height limit of 27m in this locale. The Submitter questions how the Applicant has determined that the only recently operative and transformative AUP framework could be considered restrictive in respect of development in this area. The Submitter considers the AUP-enabled 27m high mixed-use development in this area is appropriate and has been well-tested through that plan making process.

22. The Submitter considers the intensity and scale proposed by the plan change introduces effects on plan integrity and risks precedent effects across the widely applied Mixed Use zone.

43.6

23. Further, the plan change provisions seek to limit any future engagement with the public and neighbouring properties through non-notification rules (IX.5), essentially streamlining the concept development through the consenting process without recourse for adversely affected parties. This is wholly inappropriate. The Submitter strongly opposes these provisions, particularly given the “once over lightly” approach to assessment in the plan change.

43.7

24. The proposal by the Applicant to allow further height infringements beyond the excessive 65m height limits for the precinct as restricted discretionary activities (IX.4.1(A11)) (again able to be automatically non-notified) is also inappropriate. The Submitter strongly opposes these provisions.

Relief Sought

43.1

25. The Submitter seeks that the Plan Change is declined in its entirety for the reasons set out in this submission.

26. The Submitter wishes to be heard in support of its submission.

27. The Submitter would consider presenting a joint case with others at the hearing.

DATED at Auckland this

23^d

day of **July 2020**

Signed:

Chris Turney
Director

Address for Service:

Ergo Consulting Ltd
PO Box 9717
Auckland 1149

**SUBMISSION ON PLAN CHANGE 44 (PRIVATE) TO THE AUCKLAND
UNITARY PLAN UNDER CLAUSE 6 OF SCHEDULE 1 OF THE RESOURCE
MANAGEMENT ACT 1991**

To: Auckland Council
Private Bag 92300
Auckland 1142
Attention: Planning Technician
unitaryplan@aucklandcouncil.govt.nz

Name of submitter: TwoMorgan Properties Limited ("**Submitter**")

Introduction

1. This is a submission on an application for a private plan change ("**Plan Change 44**", "**PC44**") by Newmarket Holdings Development Limited Partnership ("**Applicant**") in respect of the proposal that seeks to introduce a new precinct at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket. PC44 proposes to remove the 27 metre Height Variation Control and introduce building height up to 65 metres above ground level. The new precinct will enable mixed use development with a publicly accessible plaza, pedestrian connections and vehicular and pedestrian access to and from George, Morgan and Clayton Streets.
2. The Submitter owns and leases the site at 2 Morgan Street, Newmarket, which is located in very close proximity to the proposed George Street precinct and the area that is subject to this plan change. The Submitter's site comprises a two-storey commercial development but is capable of accommodating a 27m-high mixed use development, enabled by the provisions of the Auckland Unitary Plan – Operative in Part ("**AUP**").
3. The Submitter is not a trade competitor for the purposes of the Resource Management Act 1991 ("**RMA**") and in any event is directly affected by an effect of the proposal.

Scope and Reasons for Submission

4. The submitter **opposes** the plan change in its entirety, on the basis that, as notified, it:
 - a) does not promote the sustainable management of resources and therefore will not achieve the purpose and principles of the RMA;
 - b) is not consistent with Part 2 and other provisions of the RMA;

- c) will not meet the reasonably foreseeable needs of the future generations;
 - d) will not enable social, economic and cultural wellbeing;
 - e) is inconsistent with the purposes and provisions of the relevant statutory planning instruments, including the AUP;
 - f) will not avoid, remedy or mitigate significant adverse effects on the surrounding environment.
5. The following comments are made in particular, without derogating from the generality of the above.

Preliminary Comments

6. The Plan Change's analysis of effects on the Submitter's property at 2 Morgan Street is sub-standard – very light on detail and in the Submitter's view misrepresentative of the potential for adverse effects, specifically in terms of built character and dominance, intensity of activity and associated effects on overall amenity.
7. Further, the plan change proposal appears vague and unnecessarily complex, and therefore potentially misleading particularly in respect of maximum heights of buildings relative to both the AUP and immediately adjoining sites. For example, it is not clear in the Plan Change provisions which "example study" is specifically being pursued in terms of activities and built envelopes or design parameters.
8. Further, the concept design already exceeds the "plan change area" which given the excessive additional built envelope compared to the existing AUP provisions, is unacceptable. Some of the viewpoints chosen for the wider effects of the plan change on Auckland's skyline are illogical. For example, some viewpoints are chosen from the northern and western side of the Domain where, given the topography in the intervening area, the sites were never perceptible, regardless of height.
9. Finally, the argument presented in the plan change documentation in favour of a plan change rather than a resource consent is not supportable from a planning perspective. Relying solely on the land ownership rather than considering the appropriate urban outcome for the block or even a portion of this block is not a good enough reason to support this ad-hoc approach and definitely does not outweigh the uncertainty and vagueness that arise from the proposal relative to neighbouring properties such as the Submitter's site.

Insufficient Information and Assessment

Dominance, including Cumulative Effects

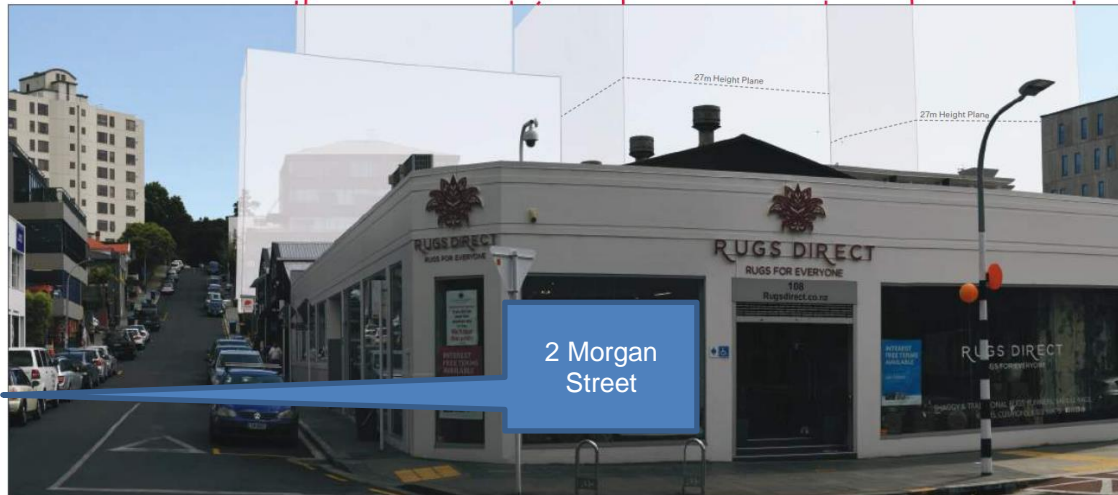
10. The proposal results in the construction of four significantly taller than existing (and plan-enabled) towers in proximity to the Submitter's site. The cumulative effects on the site in terms of amenity (both as an existing two-storey development and in the future as an enabled 27m high building) are more than minor, owing to the significant difference in bulk and dominance.
11. The intended "slender building form" sought by the plan change provisions and as assessed by the urban design report that accompanied the Application does not resolve these cumulative dominance effects on the lower-scale existing environment of Morgan Street and does not, in the Submitter's view, correspond to an appropriate scale and bulk relative to AUP-enabled development on the surrounding sites either.
12. The impact in terms of scale will be exacerbated on properties to the south-west, such as the Submitter's site given the change in topography, which sees the properties near and adjoining Carlton Gore Road at the "bottom" of this urban block at least 10m lower in RL than the precinct. Any tall buildings on the ridgeline will therefore appear monumental in comparison to even the AUP-enabled height of 27m in the vicinity of the Submitter's site.
13. The plan change therefore represents an unacceptable adverse dominance effect of the properties along Morgan Street, including the Submitter's site, in terms of surrounding built form. The sites will be "dwarfed" by the development. This is well illustrated in the plan change documentation, excerpt below, and simply not assessed to any sufficient degree in the Application:

44.2

Indicative Montage - View J

Plan Change Envelope and existing surroundings

The montage shown here is indicative only. The schematic 3D rendering in the montage was generated using Autodesk Revit 2016 software. The montage is matched to the same time and date as the photograph. The photograph was taken from 1.35m above pavement level using a full frame DSLR camera with a 50mm focal length lens.



View from Carlton Gore Road and Morgan Street

Urban Design effects

14. The Application makes no assessment of urban design effects on the Submitter’s site, and indeed limits any such assessment in the immediate area to 9, 11, 19, and 25 Morgan Street. Even then, the assessment is nominal, with its documentation concluding that the proposal in an overall “neutral-positive effect” on these properties, irrespective of the significant increase in scale and bulk on the plan change site.

44.3

15. A specific assessment of effects on the urban design and associated amenity of the properties on Morgan Street, including the Submitter’s site, is necessary, and ought to cover the preceding matters as well as consideration of the overall change in character to the area, even accounting for what development is already enabled by the AUP. It is the Submitter’s view that the plan change far exceeds the intensity of development within this block and those most affected by that increase in intensity have been dismissed as irrelevant by the Applicant.

16. The Submitter contends that the overarching urban design principle of “ensuring buildings’ height and massing are positively integrated into the surrounding area” has not been achieved at all.

Services, including Transport Network and Capacity

44.4

17. The plan change is unclear in respect of how the current function of Morgan Street may be impacted and the consequential effects on the use and access of the Submitter's site and others on Morgan Street. This is particularly concerning given the plan change's intention to funnel most if not all traffic through its Morgan Street vehicle accesses.

18. The Integrated Transport Assessment identifies that the potential traffic generation needs to be capped through the introduction of a maximum of 500 car parks but this still represents a considerable increase in intensity on the network in the immediate and wider surroundings. This again has not been sufficiently assessed in the Submitter's view.

44.5

19. The plan change acknowledges that there is "conflict between the entry to the required pedestrian connection and the vehicle crossings" but dismisses this concern noting that pedestrian activity along Morgan Street is much lower in use compared to Clayton Street. This may be the case now, yet the Application relies heavily on a comparative assessment of all sites along Morgan Street (and indeed everywhere surrounding the site) achieving full bulk and intensity of activity and development as enabled by the AUP. If that is to occur, surely an increase in pedestrian and traffic movements along Morgan Street should be countenanced and considered in the comparative assessment.

20. The infrastructure report that accompanies the application pushes a significant portion of assessment in respect of effects of the proposal on infrastructure networks and capacity to later consenting stages. This is concerning given the intensity of development compared to what is "permitted" under the AUP.

44.6

21. It is not clear whether sufficient water (both potable and firefighting), wastewater and stormwater services are available and what subsequent consequential effects on development on surrounding sites might arise – considering the "first in first served" basis in terms of connection and demand.

22. Of concern, the plan change documentation acknowledges that there is not sufficient capacity or service available in terms of power supply for the proposed development and that Vector will need to (at the developer's cost) install significant network upgrades. This may also have implications for development feasibility on surrounding sites and is an effect that has not been clearly addressed in the plan change.

Concluding Comments

23. Overall, the plan change application is not comprehensive enough to be certain about the level of effects, nor has it appropriately considered the interface of the precinct area within the surrounding Mixed Use block, specifically the Submitter's site, which is dwarfed by the scheme and inappropriately compromised in terms of amenity effects and future development potential.

Planning Considerations

44.7 | 24. PC44 intends to introduce a new precinct that enables greater development heights and intensity, in some parts more than doubling the current relatively enabling AUP development height limit of 27m in this locale. The Submitter questions how the Applicant has determined that the only recently operative and transformative AUP framework could be considered restrictive in respect of development in this area. The Submitter considers the AUP-enabled 27m high mixed-use development in this area is appropriate and has been well-tested through that plan making process.

25. The Submitter considers the intensity and scale proposed by the plan change introduces effects on plan integrity and risks precedent effects across the widely applied Mixed Use zone.

44.8 | 26. Further, the plan change provisions seek to limit any future engagement with the public and neighbouring properties through non-notification rules (IX.5), essentially streamlining the concept development through the consenting process without recourse for adversely affected parties. This is wholly inappropriate. The Submitter strongly opposes these provisions, particularly given the "once over lightly" approach to assessment in the plan change.

44.9 | 27. The proposal by the Applicant to allow further height infringements beyond the excessive 65m height limits for the precinct as restricted discretionary activities (IX.4.1(A11)) (again able to be automatically non-notified) is also inappropriate. The Submitter strongly opposes these provisions.

Relief Sought

44.1 | 28. The Submitter seeks that the Plan Change is declined in its entirety for the reasons set out in this submission.

29. The Submitter wishes to be heard in support of its submission.

30. The Submitter would consider presenting a joint case with others at the hearing.

DATED at Auckland this

23^d

day of **July 2020**

Signed:

Chris Turney
Director

Address for Service:

Ergo Consulting Ltd
PO Box 9717
Auckland 1149

**SUBMISSION ON PLAN CHANGE 44 (PRIVATE) TO THE AUCKLAND
UNITARY PLAN UNDER CLAUSE 6 OF SCHEDULE 1 OF THE RESOURCE
MANAGEMENT ACT 1991**

To: Auckland Council
Private Bag 92300
Auckland 1142
Attention: Planning Technician
unitaryplan@aucklandcouncil.govt.nz

Name of submitter: Aclay Limited ("**Submitter**")

Introduction

1. This is a submission on an application for a private plan change ("**Plan Change 44**", "**PC44**") by Newmarket Holdings Development Limited Partnership ("**Applicant**") in respect of the proposal that seeks to introduce a new precinct at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket. PC44 proposes to remove the 27 metre Height Variation Control and introduce building height up to 65 metres above ground level. The new precinct will enable mixed use development with a publicly accessible plaza, pedestrian connections and vehicular and pedestrian access to and from George, Morgan and Clayton Streets.
2. The Submitter owns and leases out the site at 6 Clayton Street, Newmarket, which is located in very close proximity to the proposed George Street precinct and the area that is subject to this plan change. The Submitter's site comprises a three-storey commercial development but is capable of accommodating a 27m-high mixed use development, as enabled by the provisions of the Auckland Unitary Plan – Operative in Part ("**AUP**").
3. The Submitter is not a trade competitor for the purposes of the Resource Management Act 1991 ("**RMA**") and in any event is directly affected by an effect of the proposal.

Scope and Reasons for Submission

4. The submitter **opposes** the plan change in its entirety, on the basis that, as notified, it:
 - a) does not promote the sustainable management of resources and therefore will not achieve the purpose and principles of the RMA;
 - b) is not consistent with Part 2 and other provisions of the RMA;

- c) will not meet the reasonably foreseeable needs of the future generations;
 - d) will not enable social, economic and cultural wellbeing;
 - e) is inconsistent with the purposes and provisions of the relevant statutory planning instruments, including the AUP;
 - f) will not avoid, remedy or mitigate significant adverse effects on the surrounding environment.
5. The following comments are made in particular, without derogating from the generality of the above.

Preliminary Comments

6. The Plan Change's analysis of effects on the Submitter's property at 6 Clayton Street is sub-standard – very light on detail and in the Submitter's view misrepresentative of the potential for adverse effects, specifically in terms of built character and dominance, intensity of activity and associated effects on overall amenity.
7. Further, the plan change proposal appears vague and unnecessarily complex, and therefore potentially misleading particularly in respect of maximum heights of buildings relative to both the AUP and immediately adjoining sites. For example, it is not clear in the Plan Change provisions which "example study" is specifically being pursued in terms of activities and built envelopes or design parameters.
8. Further, the concept design already exceeds the "plan change area" which given the excessive additional built envelope compared to the existing AUP provisions, is unacceptable. Some of the viewpoints chosen for the wider effects of the plan change on Auckland's skyline are illogical. For example, some viewpoints are chosen from the northern and western side of the Domain where, given the topography in the intervening area, the sites were never perceptible, regardless of height.
9. Finally, the argument presented in the plan change documentation in favour of a plan change rather than a resource consent is not supportable from a planning perspective. Relying solely on the land ownership rather than considering the appropriate urban outcome for the block or even a portion of this block is not a good enough reason to support this ad-hoc approach and definitely does not outweigh the uncertainty and vagueness that arise from the proposal relative to neighbouring properties such as the Submitter's site.

Insufficient Information and Assessment

Shading

45.2

10. The analysis in the plan change documentation regarding effects on neighbouring properties is limited. Further assessment is required in respect of the potential for shading and dominance effects, specifically on the Submitter's property. As it stands, the high-level shading analysis indicates that the property at 6 Clayton Street will be adversely affected by shading for a considerable period of the day at the September equinox. At other times of the year, the Submitter's site is shaded by the scheme and whilst some of this is "permitted" under the AUP already in respect of maximum building heights to 27m, the plan change exacerbates this effect without mitigation.

Dominance, including Cumulative Effects

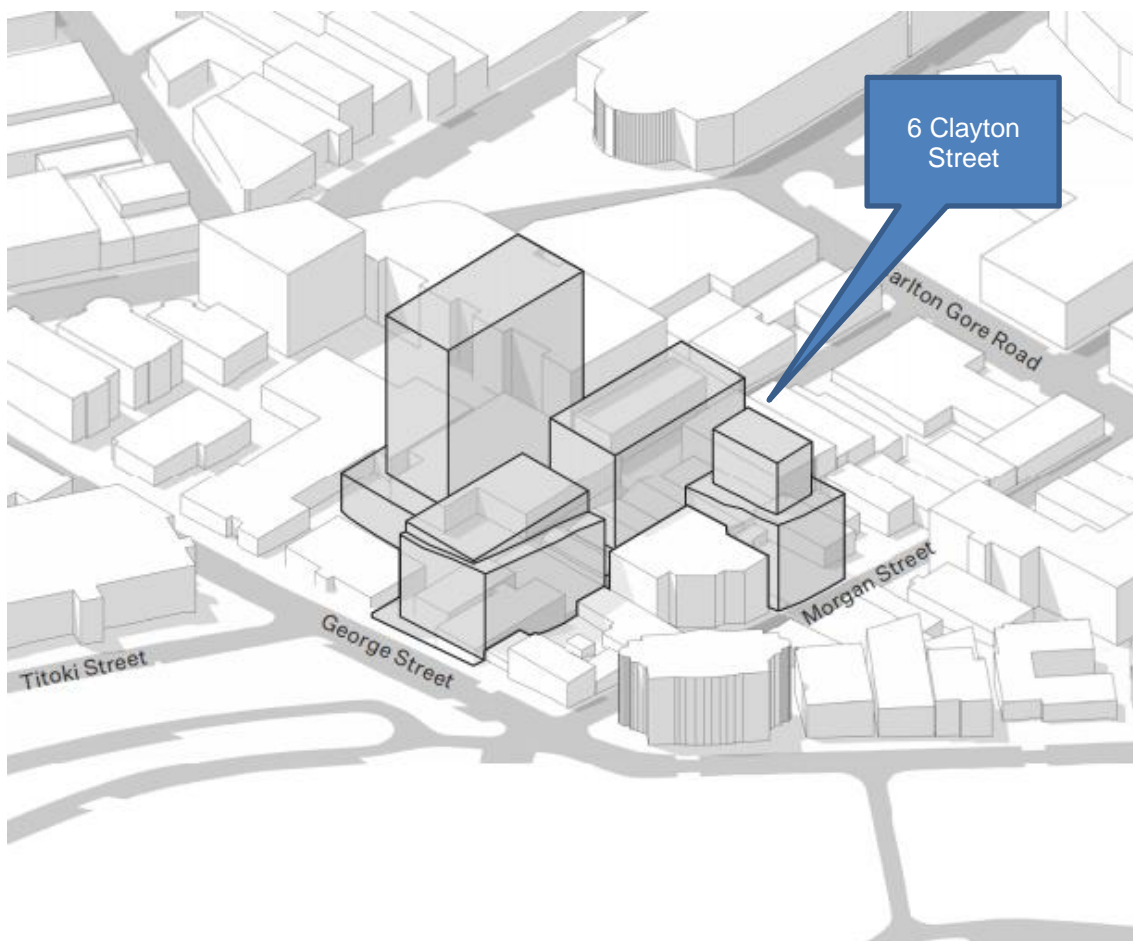
11. The proposal results in the construction of four significantly taller than existing (and plan-enabled) towers in proximity to the Submitter's site. The cumulative effects on the site in terms of amenity (both as an existing three-storey development and in the future as an enabled 27m high building) are more than minor, owing to the significant difference in bulk and dominance.
12. The intended "slender building form" sought by the plan change provisions and as assessed by the urban design report that accompanied the Application does not resolve these cumulative dominance effects on the lower-scale existing environment of Clayton Street and does not, in the Submitter's view, correspond to an appropriate scale and bulk relative to AUP-enabled development on the surrounding sites either.
13. The plan change therefore represents an unacceptable enclosure of the properties along Clayton Street, including the Submitter's site, in terms of surrounding built form. The sites will be "dwarfed" by the development. This is well illustrated in the plan change documentation, excerpts below, and simply not assessed to any sufficient degree in the Application:

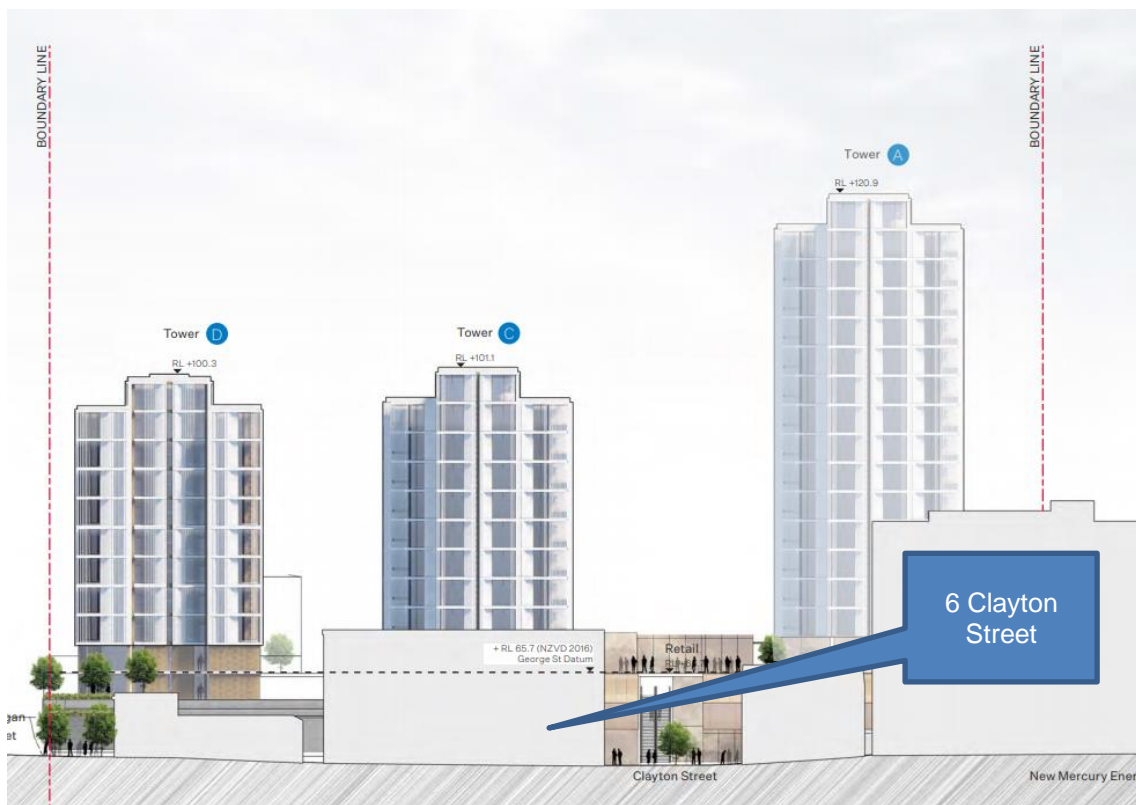
Plan Change Envelope and existing surroundings

The montage shown here is indicative only. The schematic 3D model shown in the montage was generated using Autodesk Revit 2018 software. The montage is matched to the same time and date as the photo. The photo is taken from 1.75m above pavement level using a full frame DSLR camera with a 50mm focal length lens.

Approximate Geolocation: N801576, E401079
Approximate RL of Ground: 52.97
Date and Time: 16/01/2020, approximately 10am

Extent of Plan Change Envelope (exceeds scope of photo)





Urban Design effects

14. The Application makes no assessment of urban design effects on the Submitter’s site, and indeed limits any such assessment in the immediate area to 2 Alma Street and 8 Clayton Street (the latter being an existing residential development on the northern boundary of the Submitter’s site). Even then, the assessment is nominal, concluding that the requirement for active edges to the street frontage on Clayton Street results in an overall “neutral-positive effect” on these properties, irrespective of the significant increase in scale and bulk on the plan change site.

45.3

15. A specific assessment of effects on the urban design and associated amenity of the properties on Clayton Street, including the Submitter’s site, is necessary, and ought to cover the preceding matters as well as consideration of the overall change in character to the area, even accounting for what development is already enabled by the AUP. It is the Submitter’s view that the plan change far exceeds the intensity of development within this block and those most affected by that increase in intensity have been dismissed as irrelevant by the Applicant.

16. It is not acceptable in the Submitter’s view to limit sensitivity of viewing audience to those properties that only currently accommodate residential activity. All of the surrounding properties are zoned Mixed Use and all can accommodate residential activity as a permitted activity under the AUP. To this end, the assessment of the

impact must be on the anticipated amenity of both existing and future residents in the area.

Services, including Transport Network and Capacity

45.4 | 17. The plan change is unclear in respect of how the current function of Clayton Street may be impacted and the consequential effects on the use and access of the Submitter’s site and others on Clayton Street. The Integrated Transport Assessment identifies that the potential traffic generation needs to be capped through the introduction of a maximum of 500 car parks but this still represents a considerable increase in intensity on the network in the immediate and wider surroundings. This again has not been sufficiently assessed in the Submitter’s view.

18. The infrastructure report that accompanies the application pushes a significant portion of assessment in respect of effects of the proposal on infrastructure networks and capacity to later consenting stages. This is concerning given the intensity of development compared to what is “permitted” under the AUP.

45.5 | 19. It is not clear whether sufficient water (both potable and firefighting), wastewater and stormwater services are available and what subsequent consequential effects on development on surrounding sites might arise – considering the “first in first served” basis in terms of connection and demand.

20. Of concern, the plan change documentation acknowledges that there is not sufficient capacity or service available in terms of power supply for the proposed development and that Vector will need to (at the developer’s cost) install significant network upgrades. This may also have implications for development feasibility on surrounding sites and is an effect that has not been clearly addressed in the plan change.

Concluding Comments

21. Overall, the plan change application is not comprehensive enough to be certain about the level of effects, nor has it appropriately considered the interface of the precinct area within the surrounding Mixed Use block, specifically the Submitter’s site, which is dwarfed by the scheme and inappropriately compromised in terms of amenity effects and future development potential.

Planning Considerations

22. PC44 intends to introduce a new precinct that enables greater development heights and intensity, in some parts more than doubling the current relatively enabling AUP development height limit of 27m in this locale. The Submitter questions how the

Applicant has determined that the only recently operative and transformative AUP framework could be considered restrictive in respect of development in this area. The Submitter considers the AUP-enabled 27m high mixed-use development in this area is appropriate and has been well-tested through that plan making process.

45.6

23. The Submitter considers the intensity and scale proposed by the plan change introduces effects on plan integrity and risks precedent effects across the widely applied Mixed Use zone.

24. Further, the plan change provisions seek to limit any future engagement with the public and neighbouring properties through non-notification rules (IX.5), essentially streamlining the concept development through the consenting process without recourse for adversely affected parties. This is wholly inappropriate. The Submitter strongly opposes these provisions, particularly given the “once over lightly” approach to assessment in the plan change.

45.7

25. The proposal by the Applicant to allow further height infringements beyond the excessive 65m height limits for the precinct as restricted discretionary activities (IX.4.1(A11)) (again able to be automatically non-notified) is also inappropriate. The Submitter strongly opposes these provisions.

45.8

Relief Sought

45.1 | 26. The Submitter seeks that the Plan Change is declined in its entirety for the reasons set out in this submission.

27. The Submitter wishes to be heard in support of its submission.

28. The Submitter would consider presenting a joint case with others at the hearing.

DATED at Auckland this 23rd day of **July 2020**

Signed: Werner Hanni
Director

Address for Service:
21 Cliff Road
St Heliers
Auckland 1071

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: John Gilbert Ecroyd

Organisation name:

Agent's full name:

Email address: jgenewmarket@gmail.com

Contact phone number: 022 19 29 458

Postal address:
2/12 Sarawia Street
Newmarket
Auckland City 1052

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

Rule or rules:

Property address:

Map or maps:

Other provisions:

Insufficient downstream capacity in the sewerage and stormwater drainage infrastructure will inevitably lead to an increase in wet weather overflows of sewerage to the receiving environment (stream and Waitaramoa/Hobson Bay). Watercare is already unable to keep within the target number (Two) of wet weather overflows from the sewerage set out in the Network Discharge Consent. On site storage of wastewater is required to attenuate the peak wet weather discharge

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Insufficient downstream capacity in the sewerage and stormwater drainage infrastructure will inevitably lead to an increase in wet weather overflows of sewerage to the receiving environment. Watercare is already unable to keep within the target number (Two) of wet weather overflows from the sewerage set out in the Network Discharge Consent. On site storage of wastewater is required to attenuate the peak wet weather discharge

46.1 | I or we seek the following decision by council: Accept the plan modification with amendments

46.2 | Details of amendments: On site storage of wastewater is required to attenuate the peak wet weather discharge to limit the load on the existing drainage infrastructure

Submission date: 23 July 2020

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Robert Thomas Clark

Organisation name:

Agent's full name:

Email address: mrholdings@xtra.co.nz

Contact phone number: 09-3772418

Postal address:
3C/11 George Street
Newmarket
Auckland 1023

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

Rule or rules:

Property address: 33-37 George Stree,13-15 Morgan Street, 10 Claton Street, Newmarket

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

47.2 | The reason for my or our views are:
The plan is for a change to 65 meters. This is too tall for the area, it will create a wind tunnel effect around other buildings and block light to the adjacent apartment buildings.

47.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 23 July 2020

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**Submission on publicly notified private plan change request:
Plan Change 44 – George Street, Newmarket**

Auckland Council
135 Albert Street
Private Bag 92300
Auckland 1142

Submitter:
Auckland Council

Scope of submission:

This is a submission on the whole of proposed private Plan Change 44 – George Street (PC 44).

The specific provisions which my submission relates to are:

All provisions of proposed private PC 44 including:

- the IX. George Street Precinct
- the Auckland Unitary Maps.

Submission:

Our submission is:
PC 44 is opposed.

I (the council) seek the following decision:

- 48.1 | Proposed Plan Change 44 – George Street be declined, or amended as follows:
- 48.2 | A. To retain a building height standard the same as, or similar to the existing 27mm height variation control.
- 48.3 | B. To measure building height within the precinct so that the maximum height of the built form follows the contour of the land rather than a flat plain from the George Street Datum referenced in Table 1X6.1.1. This can be achieved via either of or both the average height or rolling height methods as used in the AUP.
- 48.4 | C. Amend the objectives, policies and rules of the precinct to require the height of built form to:
- a. follow the contour of the flanks of the maunga Pukekawa, and
 - b. ensure that views between the tops of Pukekawa and other maunga including Maungawhau, Te Kōpuke, Maungakiekie, and Ōhinerau, are not interrupted, or that cultural heritage offset is provided if those views are interrupted.

- 48.5 | D. Amend objective 1X.2(2) and associated subordinate policy and rules to explicitly require the avoidance of effects on the backdrop of the profile of the Auckland War Memorial Museum and Cenotaph when viewed from afar, and to avoid visual dominance when the precinct is viewed from the southern entrance and north eastern and western paths to the northern entrance to the museum, as well as from other locations.
- 48.6 | E. Amend the introductory clause to IX.4 Activity table as follows:
All relevant overlay, Auckland-wide and zone activity tables apply unless the activity is listed in Activity Table IX.4.1 below. All relevant rules in the zone, Auckland-wide provisions and any overlays apply in this precinct unless otherwise specified in Activity Table IX.4.1 below.
- 48.7 | F. Amend Activity Table IX.4.1 Activity Table to specify that development that does not comply with standard IX.6.1 Building Height is a non-complying activity.
- 48.8 | G. Amend IX.6.3(3) to provide for 24hr public access to the pedestrian plaza and connections.
- 48.9 | H. Include a standard that requires provision of the active edges specified in George Street Precinct Plan 2.
- 48.10 | I. Include a standard that requires the pedestrian connection type A and the plaza to not be enclosed inside buildings.
- 48.11 | J. Include policy and standards to protect daylight and sunlight access to the proposed public plaza and protect the plaza from wind funnelling or deflection from buildings. Example, provisions can be found in the City Centre sunlight access to public spaces provisions H8.3(30(b), H8.6.2, H.8.4.1(A40), Figure H8.11.4 and Appendix 11. These would need to be customised to the particular circumstances of the proposed public plaza. Infringement of the standards should be a non-complying activity.
- 48.12 | K. Delete IX.5 Notification rule (1) which requires non-notification and replace with text to read:
(1) Any application for resource consent for an activity listed in Table IX.4.1 Activity table will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
(2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).
- 48.13 | L. Delete reference to policy H13.3.(13) within assessment criteria IX.8.2(3)(b). Consider what other policy references or assessment criteria would be appropriate if this rule remains a restricted discretionary activity.

- M. Amend the text and images relating to the reference data as set out in Appendix 5.

The reasons for this submission are:

Background

1. The PC 44 precinct proposes a significant policy change to control of the height of built form in the Business – Mixed Use zoned area adjoining The Domain in the vicinity of George Street. This is in the form of a large increase in allowed building height. The council is concerned that significant adverse effects could arise from these changes. In addition, there is potential for a precedent effect on other similarly zoned areas.
2. There are also matters of good planning practice and urban design that the council requests be addressed in the precinct should it proceed.
3. The following paragraphs set out the council's reasons for opposing the plan change in more detail.

Reasons for decisions requested – A, B, C and D on building height

4. The proposed additional building height enabled by the precinct is not supported for the following reasons:
 - the effect on the human scale of the environment including shading and dominance
 - the relative efficiency of built form
 - inconsistency of built form with the surrounding Business – Mixed Use Zone
 - inappropriate transition in built form from Newmarket through to The Domain
 - inappropriate building height in the context of The Domain, the Auckland War Memorial Museum and Cenotaph, and the status of Pukekawa as a maunga
 - use of a horizontal height datum rather than height following the landform of Pukekawa
 - precedent and cumulative effects of built form in the zone and around The Domain.

These are explained further below.

5. The existing 27m building height control in this part of the Business – Mixed Use Zone provides an appropriate human scale (about 7 to 8 storeys) in an area that is not in a centre and is gradually being redeveloped for apartment living. This 27m scale retains a reasonable element of human relationship

between buildings and the public street. It also reduces shadowing and dominance effects relative to even taller buildings.

6. At the same time, an efficient built form with intensive residential activity can be achieved at 27m building height. This can usually be achieved up to 27m without resorting to planning controls such as tower spacing, tower dimension, tower setback and podiums, used for still taller tower buildings to mitigate effects (as proposed in PC 44). While taller tower buildings offer additional vertical floor levels, the additional spacing controls for tower buildings come at the cost of reduced horizontal buildable space in a given land area. Consequently, the 27m height control represents a scale of built form that remains both efficient and effective in meeting human needs in an intensive urban environment, particularly for residential areas.
7. The proposed tower spacing, and other related precinct controls, do not fully mitigate shading and dominance effects of extra height in a future residential or mixed-use area. Shading and dominance effects may remain significant both within the precinct and the surrounding environment.
8. The proposed increase in height up to 55m or more would provide a tower based built form in the precinct that is not consistent with the evolving human scale environment in the neighbourhood outside the precinct. Other sites outside the precinct under the 27m control may not adopt a tower based built form in the future and overall built form in the precinct may remain inconsistent in the context of the surrounding urban environment (However, refer to paragraphs 25 to 28 for precedent and cumulative effects).
9. The proposed precinct is not in or adjoining the Newmarket centre. Consequently, the proposed additional precinct height is inconsistent with the role of the Business - Mixed Use Zone in providing a transition in built form height between centres and other zones (in this case open space zones).
10. The precinct includes land that is part of the outside tuff ring or volcanic cone of the maunga Pukekawa. The inner part of volcanic cone of Pukekawa is the public reserve known as The Domain which is Auckland's oldest reserve. Appendix 4 contains a geology map of the area. This shows that the full extent of the Pukekawa volcano extends outside The Domain, under the PC44 precinct, to Newmarket. Pukekawa has a less distinctively steep cone than other maunga but nevertheless, the cone lies under the proposed precinct sloping down towards Newmarket. All of Pukekawa, including parts outside the reserve are important parts of Auckland's Mana Whenua and Pākehā heritage. Relevant AUP policy includes:
 - B4.2.1(2)and (3),
 - B6.5.1 (1) and (3),
 - B6.5.2 (1) and (7)(a) and (c), and
 - D14.3(2),(3) and (6).

11. This policy is included in Appendix 1.
12. To give effect to these policies it is important that building height here respects and follows the shape of the maunga by:
 - not being excessive, and
 - following the contour of the maunga ground line rather than a horizontal form based on a horizontal datum or other form that does not follow the contour of the outside of the maunga.
13. Accordingly, height in the precinct should be limited to about 27m and use the AUP rolling or average height methods rather than referencing a horizontal George Street datum.
14. It is also important to mana whenua that culturally significant views between the tops of maunga are retained even if they are not specifically scheduled in as an official viewshaft in the AUP. The extra height enabled by PC44 in the precinct enables buildings that could block views of some of the maunga such as Maungakiekie from Pukekawa as indicated in the application material. This needs to be assessed for viewing points from Pukekawa to other maunga.
15. Either the views of the maunga should be protected or if they are not protected, cultural heritage offset should be incorporated into the precinct as requested by Mana Whenua. Further advice should be sought from Mana Whenua on this matter. The I423 Puhinui Precinct provides one possible example of how a precinct can reflect Mana Whenua values, though the circumstances are different so cannot be translated directly into the PC 44 context.
16. The proposed additional height is inappropriate in the context of the adjoining open space of The Domain and the Auckland War Memorial Museum. For the museum, crucial viewing points to the proposed precinct include:
 - the southern entrance to the museum
 - the western path approach to the northern entrance
 - the eastern car park and approach path to the northern entrance.
17. These locations are highly used by the public and tall buildings in the proposed precinct could be prominent when viewed from these locations (refer to the VLT analysis for tower A in the Assessment of Landscape and Visual Effects). These viewing points do not appear to have been assessed in the Assessment of Landscape and Visual Effects. Refer to Appendix 2 for photos of the locations.
18. More generally, The Domain is a large reserve with extensive open space and tree covered landscape. When moving around inside The Domain, it quickly

becomes apparent that the surrounding city is not prominently visible from inside The Domain. This is a consequence of:

- moderate building height around the edges (Auckland Hospital is an exception)
- topographic elevation of the edges along the rim of the volcanic cone of The Domain that partially screens buildings on land beyond
- mature tree plantings in The Domain that partially screen views of buildings.

19. In other words, The Domain is not enclosed by tall buildings. This is an essential part of the character of The Domain. It allows visitors to escape from the city and enter an extensive area of open space largely removed from the city. The only visually distinctive reminder of the city is the protruding built form of Auckland Hospital to the north west.
20. By way of contrast, Myers Park in the CBD is fully enclosed by tall apartment buildings and the park user experience of that park is a totally urban one.
21. Apart from the hospital, existing buildings in the Newmarket area are not highly visible at the edge of The Domain. This includes the existing 8 – storey apartment block on 27 George Street. This is visible in Photomontage VPT 6 of the Assessment of Landscape and Visual Effects (included in Appendix 3). The existing apartment building is partly visible behind and above the trees but is not a protrusive feature.
22. However, the proposed concept buildings used in the photomontage as representative of the height enabled by the precinct, protrude considerably higher and will be more visible to users of The Domain and will alter their experience of The Domain.
23. Even partial enclosure of The Domain by tall building towers would not be appropriate particularly given its identified significance as:
 - Auckland’s oldest park
 - one of Auckland’s premier Maunga
 - a scheduled Outstanding Natural Feature
 - a scheduled site of place of significance to many Tāmaki Makaurau mana whenua and Kīngitanga
 - a scheduled historic heritage place
 - the site of the Auckland War Memorial Museum and Cenotaph.
24. The existing 27m height control does allow some increase in building height around The Domain, but not in excess of existing buildings in the area. For the reasons given above, it is inappropriate to provide for much taller buildings around the edge of The Domain. This is not to say that it would be inappropriate to have taller tower buildings around some other types of parks in Auckland.

25. There is nothing that significantly differentiates the statutory, physical or human environment of the proposed precinct site, in relation to the surrounding Business – Mixed Use zoned land. Consequently, the circumstances of the site do not give rise to a specific planning rationale for a localised height exception to the zone height standards. For example, while part of the proposed precinct site is not under a volcanic viewshaft, there are also many other sites in the zone to the east that are not under a volcanic viewshaft; so this is not a distinguishing feature, or a justification for a higher height standard.
26. The proposed precinct also sets a precedent for allowing tall buildings further to the west in the zone around the south eastern edge of The Domain. If PC 44 is approved, then it is likely that the same planning logic would be applied to obtain increased height in other parts of zone near The Domain. The precedent could also extend to other similarly zoned areas elsewhere.
27. This could cumulatively result in the south western part of The Domain being enclosed by tall buildings. This would be a cumulative significant effect because of the scale of change in built form over the zone and around The Domain. This would result in a built form and human environment that was totally different than that provided by the current zone provisions. It would also be a major change in policy direction.
28. The council believes that such major precedent setting changes could have significant adverse and cumulative effects, the implications of which have not been appropriately assessed in PC44.
29. The reasons below this point relate to specific provisions within the precinct that the council requests be addressed if the Panel is of a mind to approve PC44. They are set out in the approximate order of the text of the proposed precinct provisions.

Reasons for decisions requested – E priority of overlays and other controls in the precinct

30. The proposed introductory clause to Table IX.4.1 implies that the AUP overlays do not apply to activities listed in the activity table. This is inappropriate and inconsistent with C1.6(3). This clause should be worded so that other AUP provisions apply unless the precinct expressly states otherwise.

Reasons for decisions requested – F consent activity status for buildings that exceed the height standard

31. If the main relief requested to retain a 27m height restriction is not upheld, and the precinct height standards are accepted as proposed, it is important that the precinct height rules provide a firm boundary to further additional height by way of resource consent. Accordingly, the activity table should specify that infringement of the standard is a non-complying activity.

Reasons for decisions requested – G, H, I and J pedestrian connections and plaza

32. Full public access to the pedestrian connections over 24 hours is important if these areas are to form a public connection.
33. The precinct does not contain standards requiring the active edges proposed in the precinct plan for George Street and the pedestrian connections. The proposed standard IX.6.5 Residential along active edges is intended to control residential activity on the active edges but does not actually require the edges to be active. The active edges are important to the future amenity of the area and should not be left to assessment criteria alone. Standards should be included to require the active edges as a priority.
34. It is also important to maintain pedestrian connection type A with as close a resemblance as possible to an open-air public street. Therefore, a standard rather than simply assessment criteria, requiring that this pedestrian connection not be enclosed within a building, would be appropriate.
35. The proposed plaza is intended as a public space providing amenity to the precinct. However, there is insufficient solar access to this plaza because of the tall buildings that could surround it under the proposed precinct provisions and the zone provisions outside the proposed precinct. Without adequate solar access, the amenity of the plaza would be poor. Sunlight access to public space controls similar to the ones used the City Centre Zone should be applied to ensure the plaza can function as proposed.
36. It is noted that the proposed plaza and accompanying pedestrian connection type A face southwest which corresponds to the predominant south westerly wind (refer to Appendix 5 for prevailing winds). In addition, the tall buildings may deflect wind onto the plaza. It is not clear that the built form required by the precinct would meet standard H13.6.8. Wind or be able to comply with Policy H13.3(11).

Reasons for decisions requested – K notification of resource consents

37. The precinct proposes that activities listed in the precinct activity table be non-notified. Given that this includes all buildings and a wide variety of uses and

standards, effectively most activities would not be notifiable. This includes activities that could have more than minor effects or would not meet various criteria for non-notification under the Act as recently amended. Specifying non-notification would be inappropriate and it is more appropriate to rely on the Act's provisions to determine whether or not a resource consent is notified.

Reasons for decisions requested – L assessment of consent applications to exceed the height standards

38. Policy H13.3.(13) is a policy that applies to the development of the business zone controls to enable the application of the height variation control in locations that are “identified” in the plan. It enables the application of the alternative height standards for the Business – Mixed Use zone set in standard H13.6.1(2). The policy could also potentially authorise higher height in a precinct “identified” in the plan provided parts (a) to (d) of the policy are met, which is not clear. However, it is not intended to authorise height above those standards by way of resource consent. It should not therefore be referenced in assessment criteria IX.8.2(3)(b) for the assessment of consent applications to exceed the height standard set in the precinct.

Reasons for decisions requested – M reference point for height

39. The reference datum in PC 44 is Reduced Level above Mean Sea Level. This needs to be updated to comply with the current New Zealand Planning Standard 16.A.2 Electronic Accessibility and Functionality requirements, which requires the use of New Zealand Vertical Datum 2016.

I (the council) wish to be heard in support of this submission.

If others make a similar submission I (the council) would consider presenting a joint case with them at the hearing.

Submission prepared by:
Christopher Turbott
Principal Planner
Auckland Council

On behalf of Auckland Council:

A handwritten signature in black ink that reads "Warren A. MacLennan." The signature is written in a cursive style with a period at the end.

Signature of person authorised to sign on behalf of submitter

Warren MacLennan
Manager Planning North West and Islands
Plans and Places
Auckland Council

Dated: 23 July 2020

Appendix 1: referenced RPS policy.

B4.2.1. Objectives

...

(2) The ancestral relationships of Mana Whenua and their culture and traditions with the landscapes and natural features of Auckland are recognised and provided for.

(3) The visual and physical integrity and the historic, archaeological and cultural values of Auckland's volcanic features that are of local, regional, national and/or international significance are protected and, where practicable, enhanced.

B6.5.1. Objectives

(1) The tangible and intangible values of Mana Whenua cultural heritage are identified, protected and enhanced.

(2) The relationship of Mana Whenua with their cultural heritage is provided for.

(3) The association of Mana Whenua cultural, spiritual and historical values with local history and whakapapa is recognised, protected and enhanced.

B6.5.2. Policies

(1) Protect Mana Whenua cultural and historic heritage sites and areas which are of significance to Mana Whenua...

(7) Include a Māori cultural assessment in structure planning and plan change process to do all of the following:

(a) identify Mana Whenua values associated with the landscape;...

(c) reflect Mana Whenua values.

D14.3. Policies [rcp/dp]...

(2) Manage subdivision, use and development to ensure that the overall contribution of the regionally significant volcanic maunga scheduled as outstanding natural features to the landscape of Auckland is maintained and where practicable enhanced, including by protecting physical and visual connections to and views between the volcanic maunga.

(3) Protect the historic, archaeological and cultural integrity of regionally significant volcanic features and their surrounds by avoiding activities that detract from these values and the mana of the maunga.

(6) Require urban intensification to be consistent with the protection of volcanic features and viewshafts.

Appendix 2: views of the precinct from near the museum

Figure 1. View towards the precinct from southern entrance of the Auckland War Memorial Museum (Taamaki Paenga Hira Memorial Whare Taonga). Views between the grassed foreground and other maunga are also important in the context of the Taamaki Paenga Hira Memorial Whare Taonga (Auckland's memorial to fallen chiefs and their gathered taonga).



Figure 2. View towards the precinct from western path to northern museum entrance. Taken from the path. This path connects the northern edge of the museum, carparking and the Wintergarden. It is popular with the public.



Figure 3. View towards the precinct from western path to the northern museum entrance. Located further west of figure 2. Taken from the path.



Figure 4. View towards the precinct from eastern carpark and path to the northern museum entrance.



Appendix 3: Extracts from VPT6 in Assessment of Landscape and Visual Effects

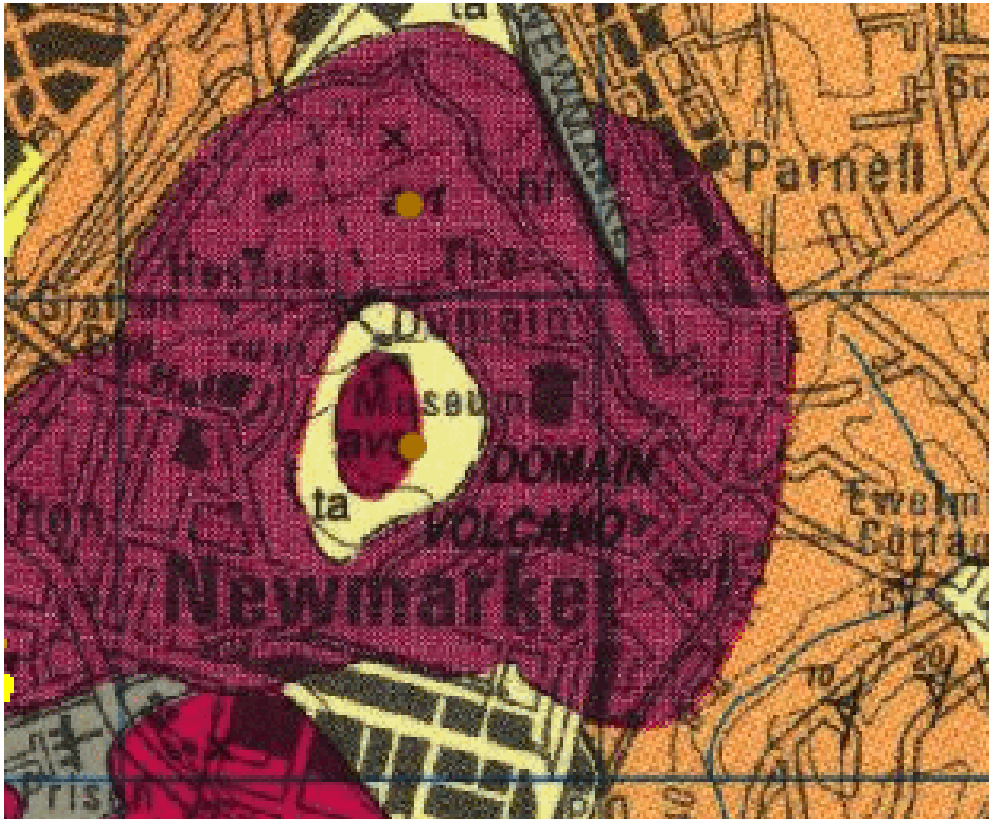


Existing buildings

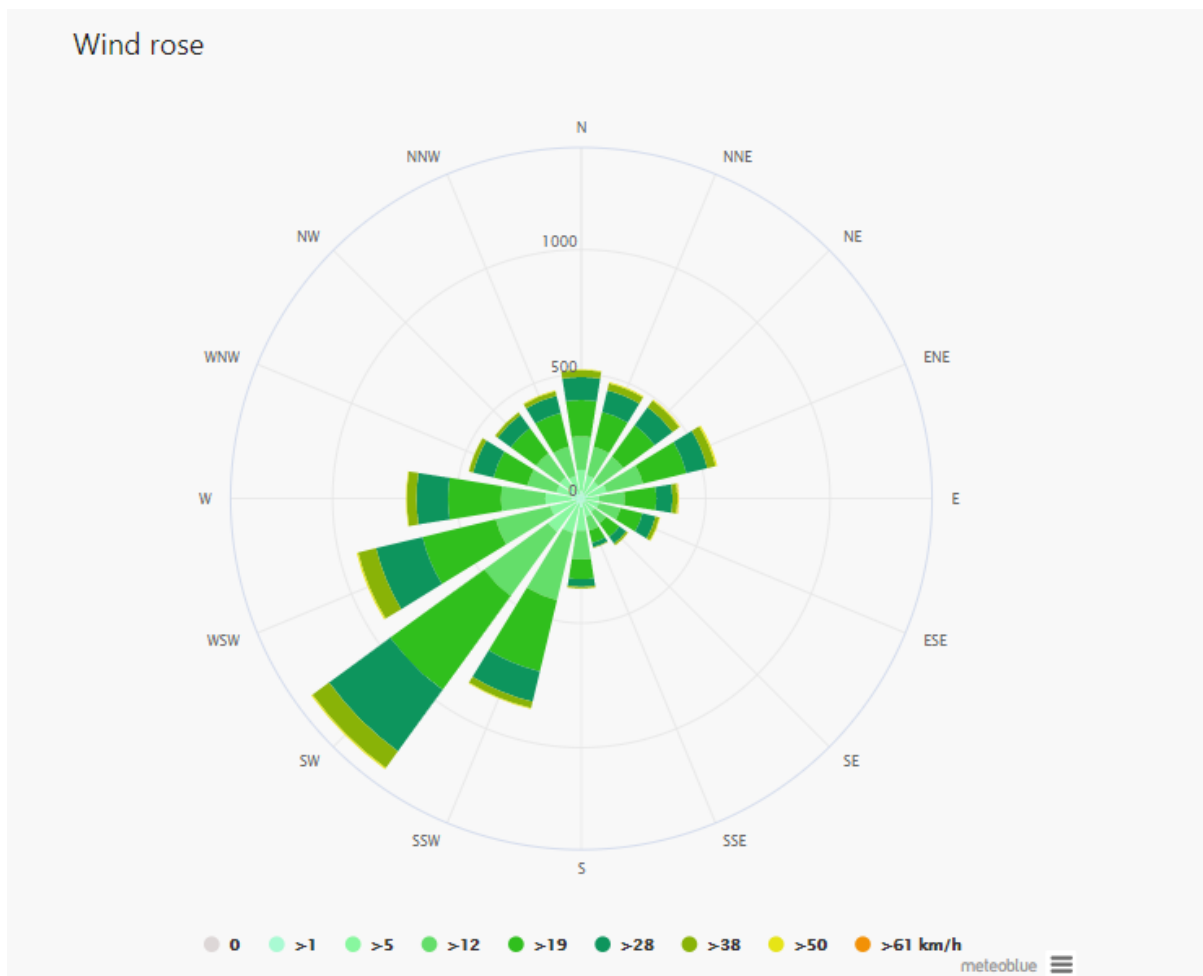


Existing buildings plus applicant's concept for new buildings

Appendix 4: Extract from GNS Geology Maps 1:50,000 series



Appendix 5: Wind rose for Auckland



The wind rose shows how many hours per year the wind blows from the indicated direction. The colour gradations indicate wind speed. The predominant wind is from the south west. This corresponds to the axis of the proposed pedestrian connection and plaza.

Appendix 6: amendments to the datum references.

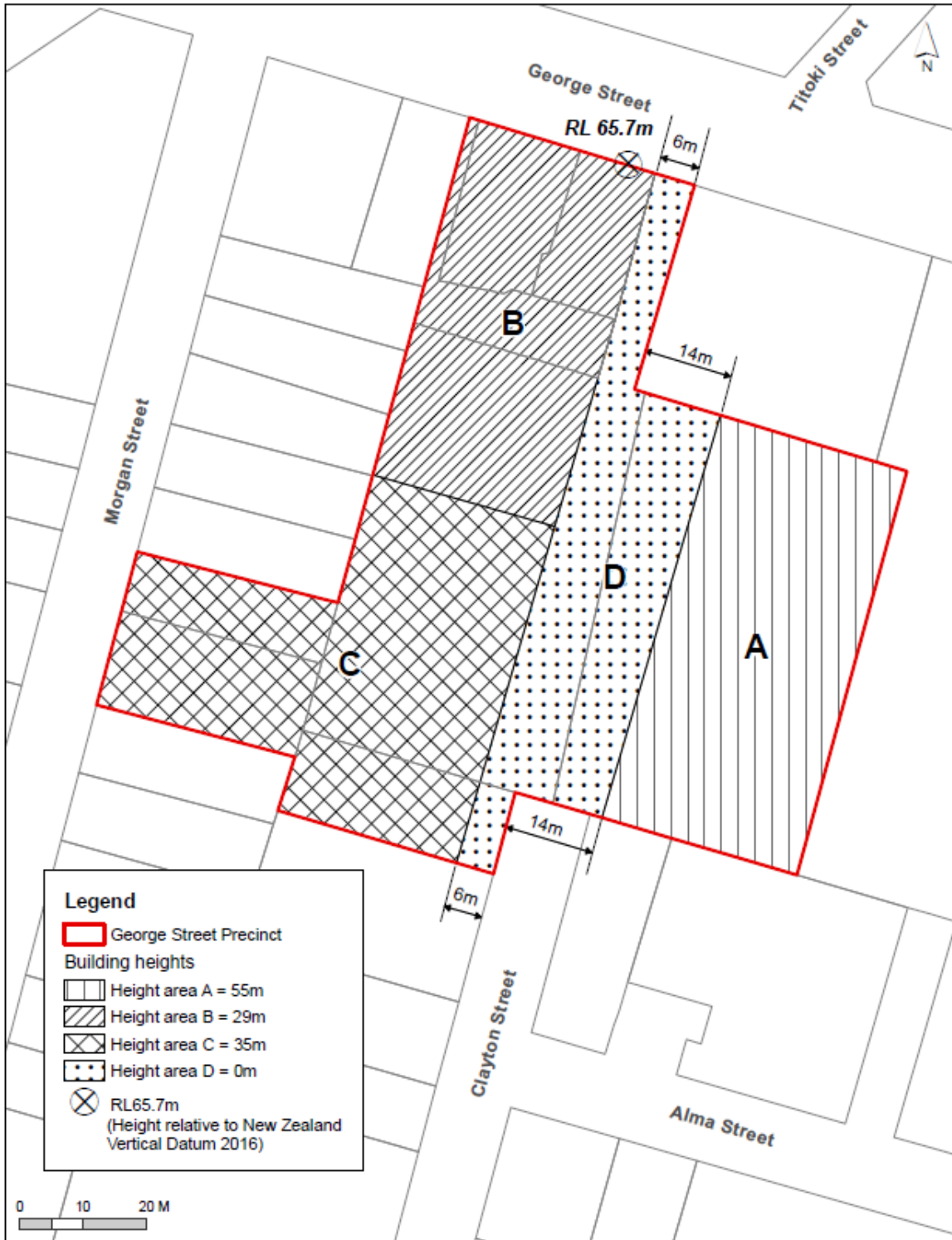
¶

IX.11 Definitions

George Street Datum: The George Street Datum is the reference point for measuring height within the George Street Precinct unless otherwise stated in a rule. The George Street Datum point is located along the precinct's George Street frontage as indicated on Precinct Plan 1. The George Street Datum is approximately ~~66 Reduced Level above Mean Sea Level.~~

¶

Replace with ~~65.7m relative to New Zealand Vertical Datum 2016~~¶



George Street : Precinct plan 1



The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Penelope Jane Hansen

Organisation name:

Agent's full name:

Email address: pjhansen48@gmail.com

Contact phone number: 021 585 078

Postal address:
10 Ada St,
Remuera
Auckland 1050

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

Rule or rules:
Please refer to attached submission

Property address: George St Precinct PPC 44 (Private)

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:
Please see submission attached as a PDF document which reads as follows:

This submission concerns PPC 44 (Private) George St precinct

I raise the following objections to the proposal:

1 Unitary Plan 6.3 Volcanic Viewshafts and Height Sensitive Areas
Rules in the Unitary Plan allow "The maximum height no greater than 25m or 10% on additional to the existing height of the structure whoever is the lesser"

2 PPC 44 (Private) exceeds this at the final height of 65m.

3 What is the point of specifications in the Unitary Plan if challenges to them are constantly made and developers win the challenge? Developers should know that the rules are the rules.

4 Allowing changes, as in the case of this PPC, gives developers the impression they can submit a plan for approval, gain that approval and then subsequently, slowly, almost imperceptibly, apply to change parts of their original planning approval so that a conflict with the Unitary Plan arises, in the hope of slipping the conflicting change through. They are led to believe they can sidestep the Unitary Plan, and developer creep begins to dominate our city. It needs to be clear that this cannot happen particularly in the case of the viewshafts which are constantly under challenge.

5 The volcanic viewshafts require protection for the following reasons:

- They are iconic emblems of our city. They imprint ourselves on our psyche, they make us proud of our city. They give us moments of calm in the hurly burly of city life. We pause and look up to them, and then we get on with the life of the city.
- They are historic monuments essential to the original story of Maori in our city and crucial to current tikanga. As such they are visible signals to us of our shared history.
- They provide pathways through the city for the birds, insects and people who pass through them, nest and feed in them. Blocking the volcanoes off with buildings confuses these pathways, crucial to species survival in the case of birds and insects.
- In addition the volcanoes enable us to grow tall trees visible from many parts of our city. They provide places for we Aucklanders to grow trees, crucial to our survival in these days of hurtling climate change.

6 Strong and continued adherence to the volcanic viewshaft rules leaves developers in no doubt as to the requirements.

7 The applicants can achieve their objective of a vibrant Newmarket development, great views from their development, without this additional height. Their development will enhance the area without the additional height. The views the development delivers at 65m as opposed to 25m are for the few who can afford to live in the tower, blocking volcanic views for the many.

8 The Newmarket hub, visited by people from all over Auckland, is enhanced by the volcanic viewshafts and visual connection to the Domain and everything should be done to prevent these connections becoming privileged.

9 Allowing this PPC creates a precedent.

Finally, do we want to be the generation that allows our volcanoes to be submerged in a sea of buildings? I think not.

Thank you for the opportunity to make this submission

Penelope Hansen
10 Ada St
Remuera
Auckland, 1050.

Tel 09 630 0335
Mob 021 585 078

1

49.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 23 July 2020

Supporting documents
PPC 44 - PJ Hansen submission.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

This submission concerns PPC 44 (Private) George St precinct

I raise the following objections to the proposal:

49.2

- 1 Unitary Plan 6.3 Volcanic Viewshafts and Height Sensitive Areas
Rules in the Unitary Plan allow “The maximum height no greater than 25m or 10% on additional to the existing height of the structure whoever is the lesser”
- 2 PPC 44 (Private) exceeds this at the final height of 65m.
- 3 What is the point of specifications in the Unitary Plan if challenges to them are constantly made and developers win the challenge? Developers should know that the rules are the rules.
- 4 Allowing changes, as in the case of this PPC, gives developers the impression they can submit a plan for approval, gain that approval and then subsequently, slowly, almost imperceptibly, apply to change parts of their original planning approval so that a conflict with the Unitary Plan arises, in the hope of slipping the conflicting change through. They are led to believe they can sidestep the Unitary Plan, and developer creep begins to dominant our city. It needs to be clear that this cannot happen particularly in the case of the viewshafts which are constantly under challenge.
- 5 The volcanic viewshafts require protection for the following reasons:
 - They are iconic emblems of our city. They imprint ourselves on our psyche, they make us proud of our city. They give us moments of calm in the hurly burly of city life. We pause and look up to them, and then we get on with the life of the city.
 - They are historic monuments essential to the original story of Maori in our city and crucial to current tikanga. As such they are visible signals to us of our shared history.
 - They provide pathways through the city for the birds, insects and people who pass through them, nest and feed in them. Blocking the volcanoes off with buildings confuses these pathways, crucial to species survival in the case of birds and insects.
 - In addition the volcanoes enable us to grow tall trees visible from many parts of our city. They provide places for we Aucklanders to grow trees, crucial to our survival in these days of hurtling climate change.

- 6 Strong and continued adherence to the volcanic viewshaft rules leaves developers in no doubt as to the requirements.
- 7 The applicants can achieve their objective of a vibrant Newmarket development, great views from their development, without this additional height. Their development will enhance the area without the additional height. The views the development delivers at 65m as opposed to 25m are for the few who can afford to live in the tower, blocking volcanic views for the many.
- 8 The Newmarket hub, visited by people from all over Auckland, is enhanced by the volcanic viewshafts and visual connection to the Domain and everything should be done to prevent these connections becoming privileged.
- 9 Allowing this PPC creates a precedent.

Finally, do we want to be the generation that allows our volcanoes to be submerged in a sea of buildings? I think not.

Thank you for the opportunity to make this submission

Penelope Hansen
10 Ada St
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Auckland, 1050.

Tel 09 630 0335
Mob 021 585 078

Form 5

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR
PLAN, CHANGE OR VARIATION**

Clause 6 of Schedule 1, Resource Management Act 1991

To Auckland Council

Name of submitter: 33 Broadway Trust (*33 Broadway*)

1 This is a submission on proposed Private Plan Change 44 – George Street Precinct, Newmarket (*PC44*) to the Auckland Unitary Plan (*AUP*).

2 33 Broadway could not gain an advantage in trade competition through this submission.

33 Broadway Nominee Ltd

3 33 Broadway is a registered managed investment scheme under the Financial Markets Conduct Act 2013 and is the beneficial owner of the recently developed commercial building at 33 Broadway, Newmarket (*Site*). There are over 500 ultimate investors in 33 Broadway. 33 Broadway's sole purpose is to invest in the Site and it does not hold any other investments. Augusta Funds Management Limited is the manager of 33 Broadway.

4 As 33 Broadway is a unit trust, legal title to the Site is held by 33 Broadway Nominee Limited as custodian for 33 Broadway.

5 Part of the Site is directly adjacent to the southern boundary of the PC44 area. Vehicle access to the Site is from Alma Street.

PC44 opposed in its entirety

6 33 Broadway is generally supportive of the PC44 area being developed comprehensively for mixed commercial and residential uses, but opposes PC44 in its entirety in its current form.

Reasons for submission

7 The reasons for this submission are that PC44, in its current form:

7.1 Will not promote the sustainable management of resources, and therefore will not achieve the purpose and principles of the Resource Management Act 1991;

7.2 Will not promote the efficient use and development of natural and physical resources;

7.3 Will not ensure consistency with good resource management practice;

7.4 Is contrary to the Regional Policy Statement within the AUP;

7.5 Is contrary to Part 2 and other provisions of the RMA, including section 75 of the RMA;

- 7.6 Does not represent the most appropriate way to achieve the purpose of the Act, in terms of section 32 of the RMA;
- 7.7 Would have significant adverse effects on the environment, including on the owners and occupiers of the Site;
- 7.8 Would impact on the function, role and amenity of the neighbouring Newmarket Metropolitan Centre; and
- 7.9 Has not been adequately assessed against relevant statutory requirements. For example, 33 Broadway considers the section 32 evaluation provided with PC44 is inadequate. It provides inadequate analysis of the effects from the significant increase in building height limits on neighbouring properties, including the potential adverse effects on the Site. This inadequacy means that the benefits and costs of PC44 cannot be appropriately quantified.

8 Without limiting the generality of the above, the specific reasons for 33 Broadway's opposition to PC44 in its current form include (but are not limited to):

Building height effects

- 8.1 Proposed Height Area A will permit the greatest height increase across the PC44 area (up to 55m above the proposed podium). As Height Area A of PC44 is located directly adjacent to part of the Site, the Site will potentially experience significant shading, dominance and other visual amenity effects from a future development on Height Area A. The commercial buildings on the Site have been designed to optimise amenity values, including incorporating the use of natural light through a light well. 33 Broadway is concerned that the proposed building height for Height Area A will cause significant adverse effects to the light well, reducing the natural light through the Site.
- 8.2 33 Broadway considers that the proposed building heights for PC44 are disproportionate within the PC44 area and the wider environment. Further, the building heights for the PC44 area were recently considered during the formation of the AUP. Greater building height than the standard zone height was enabled through that process - an increased height of 27m was provided due to the proximity of the PC44 area to the Newmarket Metropolitan zoning. 33 Broadway considers that the existing AUP zone provisions represent the most appropriate way to achieve the purpose of the Act and that a further increase to the building heights for the PC44 area is not appropriate. Reduced height and height in relation to boundary controls along with increased setbacks from the Site may assist in addressing 33 Broadway's concerns.

50.2 |
50.3 |
50.4 |

Lack of integration

- 8.3 PC44 is restricted to property owned by Newmarket Holdings Development Ltd Partnership and is in effect a spot zoning application. As a consequence, PC44 will not enable development that integrates appropriately into the surrounding area. Rather, the plan change will impact on the expected character of the area and will generate adverse effects that are not in keeping with the area.

50.5 |

- 50.5 | 8.4 Further, the policies that support integrating development of the PC44 area are relatively weak in only “encouraging” comprehensive and integrated development and a mix of heights and “promoting” high-quality architecture and urban design.

General amenity values

- 50.6 | 8.5 PC44 inadequately assesses the adverse effects on amenity values that PC44 will have on the Site, which 33 Broadway considers will be significant. 33 Broadway considers that the proposed planning provisions for PC44 do not adequately avoid, remedy or mitigate the potential adverse effects on amenity values on the Site and the wider Newmarket area.

Transport effects

- 8.6 PC44 inadequately assesses the adverse traffic safety and efficiency effects on the Site and wider road users.
- 8.7 Clayton Street is a one-way street between Carlton Gore Road and Alma Street, allowing vehicles to travel from Carlton Gore Road towards George Street. Alma Street is also a one-way street, allowing vehicles to travel from Clayton Street to Broadway. The Site has basement carparking, which is accessed via Alma Street.
- 8.8 PC44 proposes a secondary vehicle access on Clayton Street, which is likely to result in an increase in traffic movements along Alma Street.
- 8.9 As outlined in the Integrated Transport Assessment, between 2014-2019 the intersection between Alma Street/Davis Crescent/Broadway and Railway Street has resulted in 9 crashes, causing 1 minor injury. 33 Broadway has significant concerns that the increased traffic movements along Alma Street will result in increased traffic safety issues for vehicle users accessing the Site and using the intersection.
- 8.10 Further, 33 Broadway has concerns that the promotion of pedestrian and cyclist connectivity through the PC44 area will significantly increase pedestrians and cyclists using Alma Street to access Broadway and the wider Newmarket area. 33 Broadway has significant concerns that the interaction between pedestrians/cyclists and vehicle users have not been adequately assessed and as a result, there could be significant safety issues.

- 50.7 | 8.11 33 Broadway considers the proposed planning provisions for PC44 do not adequately avoid, remedy or mitigate the potential adverse effects on traffic safety and efficiency for vehicle users, pedestrians and cyclists using Alma Street.

Parking effects

- 50.8 | 8.12 PC44 has the potential to create substantial parking shortages in the area, given the proposal to limit the number of car parking spaces in the George Street Precinct.

Construction effects

- 8.13 33 Broadway has significant concerns as to how construction noise and vibration, construction traffic and the general construction methodology

(particularly in relation to the construction of any building within Height Area A) will adversely affect the Site, particularly over an extended period of time.

8.14 The PC44 site is complex, it enables unusually high buildings for this location and involves the proposed construction of a podium prior to the construction of any buildings. In this context, 33 Broadway considers general reliance on the existing AUP provisions may be insufficient to adequately avoid, remedy or mitigate the potential adverse effects from construction noise and vibration, construction traffic and the general construction methodology that will occur on the Site. This is a particular issue in that PC44 seeks that a wide range of activities be processed on a non-notified basis (eg the restricted discretionary activities listed in Table IX4.1).

50.9 | 8.15 33 Broadway considers bespoke planning provisions or specific management plan requirements should be provided to address the adverse effects from the construction of the PC44 development on its neighbours. There should also be a general prohibition on construction traffic using Alma Road.

Relief sought

9 33 Broadway seeks the following:

50.1 | 9.1 PC44 is rejected in its entirety; or

9.2 PC44 is amended to address 33 Broadway concerns.

Hearing

10 33 Broadway wishes to be heard in support of the submission.

11 If others make a similar submission, 33 Broadway will consider presenting a joint case with them at a hearing

Signed for and on behalf of 33 Broadway Trust by Ben Harding



Ben Harding
Head of Asset Management
23 July 2020

(A signature is not required if you make your submission by electronic means)

Address for service of submitter:

33 Broadway Trust
c/- Will Allan
Augusta Capital
Level 2, 30 Gaunt Street
Auckland 1010
Email address: will.allan@augusta.co.nz

Submission to Auckland Council
Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

Submitter Details
Rostrevor Edwin Burnell
rburnell@xtra.co.nz
15/7 Cliff Road
St Heliers
Auckland 1071

Scope. This is a submission on Proposed Private Plan Change 44 to the existing Unitary Plan

The specific provisions that this submission relates to are:

The whole proposed plan change and especially:

- 51.2 | 1 The increased height provided for in the Proposed Plan Change.
- 51.3 | 2 The impact on the character and amenity of the area
- 51.4 | 3 The increased traffic problems
- 51.5 | 4 Lack of consultation

Reasons for the submission are

1 Height. The proposed new provisions are excessive for the local environment. They will dominate the local community, overlooking all other buildings, and destroy the precinct as envisaged in the Unitary Plan. The proposed height is at odds with the rest of the zone, and I submit that a maximum height of 27m is appropriate, and this can be achieved with the zoning provisions in the existing Business-Mixed Use Zone for the area.

2 I submit that the Visual/Landscape assessment is deficient, especially in the area of urban character and amenity values. Amenity values in the Resource Management Act means the physical qualities or characteristics of an area that contributes to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. Huge and domineering buildings, more than double the permitted height for this zone, will without doubt destroy these attributes, and will change the character, and the living and recreational environment forever.

3 The Traffic Report would appear to be flawed. The proposed development envisages 324 apartments, plus retail with 500 car parks. Just where will other cars be parked. Likely on the street, or in parking designated for local business, and other residents of the area. The increased traffic will be a nightmare for local residents and impact on those who visit the Domain. Both Morgan and George Street's are narrow and cannot take more traffic. George Street is already a major thoroughfare between Parnell and Carlton Gore Roads. Increased traffic flows will significantly impact on the local community.

4 The applicant company has not discussed their proposals with the local community. It is hard to believe that the changes they propose which will forever change the fabric of a local community, have not been discussed with that community. We are now forced to participate in this process to be heard.

I seek the following decision by Council.

- 51.1 | I Request That The Proposed Private Plan Change 44 Be Declined

I will not gain an advantage in trade competition through this submission.

Signed.
Rostrevor E Burnell

A signed copy is been sent by Post

Sent from my iPad

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: WJR Browne IF Williams

Organisation name: Roland No2 Trust

Agent's full name: Warwick Browne

Email address: warwick@browne.net.nz

Contact phone number:

Postal address:
1B Sarawia St
Newmarket
Auckland 1052

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

Rule or rules:
The increase of height to 67 meters

Property address:

52.2 | Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
I object to the proposed 67 meter height

52.1 | I or we seek the following decision by council: Accept the plan modification

Submission date: 23 July 2020

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

FORM 5
RESOURCE MANAGEMENT ACT 1991

Submission on notified private plan change 44: George Street Precinct

23 July 2020

Planning Technician
Auckland Council
Private Bag 92300
Auckland 1142
BY EMAIL unitaryplan@aucklandcouncil.govt.nz

Introduction

1. This submission is made on behalf of the Tūpuna Maunga o Tāmaki Makaurau Authority (**the Authority**).
2. The submission is to Proposed Private Plan Change 44 (**the plan change**) to the Auckland Unitary Plan (Operative in part) (**AUP**). This plan change introduces a Precinct Plan and deletes the Height Variation Control – Newmarket, 27m from the site at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket.

Tūpuna Maunga Authority

3. In 2014, following five years of Te Tiriti of Waitangi settlement negotiations, 14 Tūpuna Maunga were transferred to the 13 iwi/hapū of Ngā Mana Whenua o Tāmaki Makaurau. The Tūpuna Maunga are held in Trust for the benefit of those iwi/hapū and people of Auckland.
4. Governance and administration of the Tūpuna Maunga is undertaken by the Authority. This is a co-governance body with equal representation from mana whenua and Auckland Council (together with a non-voting Crown representative).

5. Under section 109 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, the Authority must have regard to the spiritual, ancestral, cultural, customary, and historical significance of the Tūpuna Maunga to Ngā Mana Whenua.
6. The Tūpuna Maunga are among the most significant spiritual, cultural, historical, archaeological and geological landscapes in the Auckland region. The maunga are sacred to Mana Whenua as taonga tuku iho (treasures handed down the generations). The Authority has a direct interest in protecting views to, from and between the Tūpuna Maunga.

Scope of the submission

7. This submission is limited to those provisions that may impact on the Tūpuna Maunga:
 - a. Regionally Significant Volcanic Viewshaft E8 to Maungawhau (Mount Eden), which applies to the western portion of the plan change site. The AUP planning maps record the floor of viewshaft varying from RL 33m to RL 49m; and
 - b. Broader visual connections between maunga because they represent an enduring symbolic connection between tangata whenua groups and distinctive land forms.

Tūpuna Maunga Authority submission

8. In the absence of information to address concerns, the Authority opposes the following specific parts of the plan change:
 - a. Removal of the Height Variation Control - Newmarket, 27m (**HVC**);
 - b. Increased building height; and
 - c. Changes to the measurement for height and ground level by introducing a datum for average ground level.

Reasons for the submission

9. The reasons for this submission are that the plan change:
 - a. Does not promote the sustainable management of resources, and will not achieve the purpose of the Resource Management Act 1991 (**RMA**);
 - b. Is inconsistent with Part 2 of the RMA, particularly sections 6(b), 6(e), 7(a) and 8;
 - c. Does not avoid, remedy or mitigate the adverse effects of the proposal on mana whenua;
 - d. Does not enable an understanding of the effects on visual amenity from, or between the Tūpuna Maunga; and
 - e. Is not the most appropriate way to achieve the objectives of the Auckland Unitary Plan, in terms of section 32 of the RMA.

10. Without limiting the generality of the above, the Authority makes the following additional comments in support of its submission.

Regionally Significant Volcanic Viewshaft E8 to Maungawhau

11. The plan change seeks to replace the HVC and introduce heights of 29m, 35m and 55m. To address a 10m difference in ground level across the site and cap height at a horizontal plane, a podium base height has been introduced. The Authority is concerned that this method of calculating height relative may result in a building height above the floor of the Regionally Significant Volcanic Viewshaft E8 to Maungawhau.

Visual connections between Tūpuna Maunga

12. Photomontages in the Landscape Visual Assessment (**LVA**) prepared by LA4 Landscape Architects show a 55m high building on the site from various viewpoints. This includes from the Tūpuna Maunga of Ōhinerau, Maungawhau, Maungauika and Takarunga.
13. Beyond the Regionally Significant Volcanic Viewshaft E8 to Maungawhau the Authority is concerned there is no discussion on the impact on Maungawhau's profile, legibility, or effect on perceived anchoring within the surrounding landscape. Similarly, when viewed from Maungauika, the building would be visible from different locations, particularly along the eastern and southern sides of the maunga. A singular static presentation is provided and it is unclear if different perspectives have been considered and assessed.
14. There is no assessment on maunga to maunga views. Visual connections between Tūpuna Maunga are part of the cultural landscape that is embedded with identify, meaning and significance to mana whenua. The Authority is concerned that introducing a height at least double the current height immediately east of a Regionally Significant Volcanic Viewshaft reduces the value of the viewshaft and will compromise what remains of these connections.

Decision by the Council

15. The Tūpuna Maunga Authority seeks the following decisions by the Auckland Council:

- 53.1 | a. Decline Private Plan Change 44; or
- 53.2 | b. If Private Plan Change 44 is not declined, amend plan change to confirm:
- 53.3 | (i) the permitted height of any building will not intrude into the Regionally Significant Volcanic Viewshaft E8 to Maungawhau using the datum method of assessing height;
- 53.3 | (ii) the increased building height outside of the Regionally Significant Volcanic Viewshaft E8 to Maungawhau has no impact on the profile of Maungawhau and maunga to maunga visual connections.
- 53.4 | c. Any other relief that addresses the concerns of the Tūpuna Maunga Authority.

16. The Tūpuna Maunga Authority could not gain an advantage in trade competition through this submission.
17. The Tūpuna Maunga Authority wishes to be heard in support of this submission.
18. If others make a similar submission, the Tūpuna Maunga Authority will consider presenting a joint case with them at the hearing.

23 July 2020



Dominic Wilson
Head of Co-governance / Te Pou Mana Whakahaere
Tūpuna Maunga o Tāmaki Makaurau Authority

Address for service of submitter:

Tūpuna Maunga o Tāmaki Makaurau Authority
C/- Dominic Wilson
Private Bag 92300
Victoria Street West
Auckland 1142
dominic.wilson@aucklandcouncil.govt.nz

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Luke Niue

Organisation name: Parnell Community Committee (Inc)

Agent's full name:

Email address: parnellpcc@gmail.com

Contact phone number: 0210554574

Postal address:

Parnell
Auckland 1052

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

Rule or rules:

As per the observations/reasons that follow

Property address: George Street Precinct, Newmarket - as per the notified application

Map or maps: As per the notified application

Other provisions:

As per the observations/reasons that follow

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Parnell Community Committee (Inc) opposes Plan Change 44 and seeking it be declined.

Points for Parnell, based on past positions are as follows;

This proposal is excessive and the Proposed Plan Change does not detail robustly how environmental effects from development within the Precinct are to be managed or mitigated. The Proposed Plan Change is so permissive as to not provide within it, any checks and balances to ensure the purposes and principles of the RMA are met and also the Objectives and Policies of the AUP.

The Proposed Plan Change does not detail the environmental effects possible from the increase in scale and intensity of development on this site, including visual dominance effects, shadowing, traffic generation.

Parnell is a recognised historic suburb with relatively low to moderate building heights (8-16m) except around the Town Centre and along parts of Parnell Road.

- George St defines the boundary of Parnell and bookends the suburb with the historic heritage category A buildings- for The Royal Foundation for the Blind, at 545 Parnell Road, ID 01794.

- The Domain frames the suburb to the north with its vast open space and historic heritage building, the Auckland War Memorial Museum.

- The Business Mixed Use zoning between George St and Carlton Gore Road continues this coherent pattern in recognition of the historic function of this area as a warehousing and industrial/commercial services location to support

- Newmarket, with its regionally significant Broadway commercial strip. This coherence is recognized in the zoning and height limits prescribed in the AUP. The sensitivity of the area is also articulated in the volcanic cone viewshaft overlay and the Auckland War Memorial Viewshaft overlay, the special character overlays affecting much of Parnell.

54.2 | 5. The proposed Plan Change introduces a new height of 55m (65 total) which is inappropriate in this location. It is beyond what the Unitary Plan (and community) has contemplated. It has the potential to detract from the importance of the Royal New Zealand Foundation for the Blind site in the immediate vicinity, detract from the openness of the landscape of the Domain, with a new 'landmark' building rising in this location and visible for considerable distances.

6. The proposed height is purely self serving for the applicant in presumably creating optimal views for the proposed residential tower. If this new height is permitted on this site, the door is open for this height and other towers to establish randomly, and to the detriment of the AUP Centres based height and zoning hierarchy. PCC has played an active role in seeking appropriate height limits in this area, in the context of a compact city model. PCC supports heights as currently prescribed in the AUP (which have already been raised as a result of AUP hearings and through the introduction of a flexible height overlay).

7. PCC supports mixed use zoning for the site and rejects the need for any specific precinct to be provided for on this site. There are many diverse sites in the mixed use zone which display similar characteristics to the subject site. The reason for the collective size of this land is only aggregation of landholdings by the owner.

54.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 23 July 2020

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and

- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Submission on Proposed Private Plan Change 44

23 July 2020

Submission to Auckland Council. –unitaryplan@aucklandcouncil.govt.nz

Att: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Auckland 1142

Submitter details:

Patricia_Judd

Resident/Owner
5/29 George Street
Newmarket 1020

Scope of Submission:

This is a submission on Proposed Private Plan Change 44(PC44) to the existing Auckland Unitary Plan.

The specific provisions that this submission relates to are:

The whole proposed plan change including:

- 55.2 | (1) There is no need for a plan change in relation to the objectives and policy direction sought for the zone.
- 55.3 | (2) The appropriateness of the new Precinct being located within the zone.
- 55.4 | (3) Traffic
- 55.5 | (4) The increased height provided for in the Proposed Plan Change
- 55.6 | (5) Consultation

•

The reasons for this submission are:

- ¶1) Over recent years the older, often rundown buildings in the neighbourhood have been and are being replaced with modern, visually attractive office blocks, housing and cafes. They have not detracted from the environmental value of the Domain and have been undertaken within the existing Auckland Unitary Plan.
- (2) When considering the appropriateness of the development it is important to consider the present community uses of the neighbourhood.

There are three AGC schools- Titoki Street, George Street and Davis Crescent. There is considerable movement of students and teachers between the schools, usually via George Street or Clayton Street.

Titoki Street also contains 'Birthcare', to which new mothers and babies are taken from hospital at all hours, as well as medical rooms.

'Blind. Low Vision', formerly the Foundation for the Blind. Is in Maunsell Street off Titoki Street and used as a through road to Parnell Road.

All will be affected by the increased numbers and movement of people in this proposed Precinct.

- (3) One of the worrying effects of this planned development will be the traffic flow.

There has been and is a continuing increase along Carlton Gore Road and George Street as vehicle avoid the frequent traffic congestion in Khyber Pass Road, particularly around the Khyber Pass/Gillies Avenue intersection. This traffic movement extends to Titoki from George Street and to Davis Crescent from Carlton Gore Road as it heads to and from Parnell Road and Broadway.

When there is any disruption to the overall traffic flow the roads become clogged. I have experienced an incident when the traffic in George Street was frozen and I had to cancel an engagement because all of the traffic movement in the surrounding streets was stopped for a considerable amount of time. Nothing could get in or out.

Morgan Street is a small narrow street between Carlton Gore and George. Vehicle movement is often difficult to such an extent that last one of the owners/residents contacted the Council to see if Morgan Street could be made one way. He was told that it was not possible. This is the street that is intended to be used for the main traffic exit from the Proposed Precinct with its 400 car parks

The pedestrian crossing in George Street is used by the many students from the three schools, before and after school and during the day. The other vehicle exit from the planned Precinct from Clayton Street is a few yards up above the crossing. If it goes ahead there will be massive pedestrian safety issues.

(4) The proposed height of the towers in PC44 is out of character with the surrounding neighbourhood which has been developing into a pleasant mixed use area and is at odds with attractive urban design.

Consultation with the community on this proposal has been minimal and a disappointment. The notification date was 25th June 2020 and submissions had to be in by the 23 July 2020. A matter of four weeks. At a time when the country was moving from lockdown and just before the school holidays when people often go away.

This development will impact on three schools, Birthcare, 'Blind Low vision' and the many people who have homes in these streets and we were only given four weeks to object. Most disappointing.

55.1 | I seek the following decision by Council
Decine Proposed Private Plan Change.

Patricia Judd

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Raymond Robinson

Organisation name:

Agent's full name:

Email address: arjayrobinson@gmail.com

Contact phone number:

Postal address:
3B/19 George Street
Newmarket
Auckland 1023

Submission details

This is a submission to:

Plan modification number: Plan Change 44 (Private)

Plan modification name: PC 44 (Private) - George Street Precinct, Newmarket

My submission relates to

Rule or rules:
PC 44 (Private)-George Street Precinct, Newmarket

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:
Concern about the negative effect of PC44

56.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 23 July 2020

Supporting documents
Apartment submission_20200723184253.309.pdf

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Raymond Robinson

Resident

3B/19 George Street,

Newmarket.

Submission Against Proposed Plan Change 44 (Private)

I am against the proposed Plan Change 44 (Private) for the following reasons:

1. Under the current and previous development plans, the George Street environment that has been steadily eroded from being a pleasant living environment to one of increasing frustration. The pleasant side was a product of the harmony previous plans have produced in terms of the manner in which the blending of residential and commercial has formed over the years. The changes and improvements have been steady but always in keeping with the vision the various plans have nominated. Developments on George Street have generally been a low rise style, giving ample residential stock but also not overpowering the current feel of the residential environment. They have also kept within the height restrictions of the time and this is solely the major contributory factor to the character of George Street.
2. The current proposal under Change 44 to significantly break through the current 27 metre height element is a highly noxious element. It severely changes the style of living environment that has evolved along George Street. The granting of a departure from the current height restrictions would simply not positively contribute to the future form, quality or sense of place for George Street residents.
3. There is a responsibility on the Council Planning to mitigate the increasing congestion on the local Newmarket roads. The current congestion is basically in two forms, road usage congestion and the increasing pressure on parking facilities. In terms of the increased congestion, an all Auckland phenomenon, George Street, is a major bypass for the Newmarket Broadway congestion area. Carlton Gore Road is also part of this bypass

system. Added to this is the pick up of students from the AGC Parnell College and for large parts of the day George Street is already at over capacity. The introduction of bus lanes on Khyber Pass Road has also contributed a large increase of motorists using the George Street bypass. The bike lanes have increased the congestion on Carlton Gore road as well. All these elements have the unintended consequences of congesting the local roads. At times a 2 minute journey from George Street to Khyber Pass Road can take up to 15 minutes, so traffic is now a significant problem on our local roads.

4. Parking locally has been at capacity for years along George Street, Morgan Street, Titoki Street and Carlton Gore Road. This is also the case for any parking in the Auckland Domain. The availability of a parking spot is very much a rarity. Morgan Street with two sided parking has become a single lane road. There is not sufficient room for two way usage along it. George Street has become dangerously narrow in terms of a two way street. A recent accident ended up with 3 parked cars damaged and the offending car on it's side as a result of a driver straying only a half metre or so. Titoki Street is similar to Morgan Street in being a oneway street particularly during school pick up and dropoff periods. Whenever the local business, Academic Hire are active, the increased vehicle activity frequently clogs George Street to a standstill. Driveways are used as convenient parking spots, severely restricting residents access to their homes. Residents are often abused in the latter situations. The figures in the Commute Report are based on 2016 figures and bare no resemblance to today's reality in terms of traffic numbers. In other words, George Street has developed significant traffic problems and is operating well over it's design capacity and there is no available on street parking left.
5. The current Change Proposal 44 will have a significant effect on both traffic issues. There will be an increased vehicle usage, as well as generating another dimension to the existing parking pressure. The Commute Report assesses the car ownership at various percentages using the 2013 Newmarket NZ Statistic survey. This is well out of date. The proposed development is presumably a high end development. The household ownership of cars along George Street apartment residents is very heavily biased towards two and it could be assumed that it would also be the similar in the high end apartments proposed. This would mean a significant increase in George

Street movements and the use of street parking. There will not be sufficient off- street parking for residents of the proposed development and this will overspill onto street parking. There is also no consideration for visitor parking pressure on the on- street parking availability.

- 56.2 |
6. The only method available to maximise the mitigation of the negative effects generated by this proposal is to limit the number of apartments to a minimum by denying the current height increase request.
 7. The current Auckland problems can be squarely put down to either erroneous, flawed or lack of appropriate human decision making. The facts on this project indicate a significant reverse sensitivity issue for the current residents. The planners and decision makers generally do not have to live with any downside, but we the residents do.
 8. Thank you for your consideration.