

SUBMISSION ON A NOTIFIED APPLICATION FOR RESOURCE CONSENT

To: Auckland Council
Private Bag 92300
Auckland 1142

Name of submitter: Business North Harbour Incorporated ("**the Submitter**")

Business North Harbour (BNH) representing the North Harbour Business Improvement District within which boundary the parcel of land at 15 Apollo Drive is located.

BNH is a significant commercial and industrial Business Improvement District (BID), representing over 4,500 commercial property owners and businesses within the North Harbour area. Collectively they employ over 35,000 Auckland residents and ratepayers.

BNH represents and works with property owners and a wide range of businesses comprising of a mix of sole traders, Small Medium Enterprises (SME), through to multi-national organisations, representing sectors such as ICT, business services, specialist manufacturing, light – medium warehousing, logistics, retail and hospitality.

This is a submission on a notified application for a land use resource consent and water permit (Council reference LUC60432212 and WAT60432214) from Milenio Limited to establish two multi-level buildings at 15 Apollo Drive, Rosedale, containing 88 residential units, 376m² of commercial floor space (across five tenancies) and associated accessways, parking, earthworks, infrastructure and landscaping.

This submission relates to all aspects of the application.

The submitter **opposes** the application for resource consent.

The submitter is not a trade competitor of the Applicant for the purposes of section 308A of the Resource Management Act 1991 ('RMA').

The submitter and its property owner and business owner members would be directly affected by the proposed development, the effects of which are adverse environmental effects that do not relate to trade competition or the effects of trade competition.

The reasons for the submitters' opposition are that the proposal:

- Does not promote the wise use of natural and physical resources in accordance with the sustainable management purpose of the RMA.

- Is not consistent with the outcomes sought nor the objectives and policies for land zoned Business – General Business (“BGB”) zone, and outcomes sought by the Auckland Regional Policy Statement;
- Will generate adverse effects including reverse sensitivity, traffic and noise effects on the surrounding environment and on the submitter;
- In the absence of any distinguishing features, the proposal will create a precedent for the establishment of residential activities in the BGB zone;
- As a non-complying activity, the proposal fails to meet either of the gateway tests of Section 104D of the RMA 1991.

In particular, but without derogating from the concerns outlined above, the submitter also notes the following:

- The BGB zone description states: *“Residential activity is also not envisaged due to the potential presence of light industrial activities and the need to preserve land for appropriate commercial activities.”* This is further emphasised by dwellings being a non-complying activity and requiring full public notification when proposed in the BGB zone. The non-complying activity status for dwellings is considered a clear indication that residential activities are not anticipated in the BGB zone and are subject to a higher level of scrutiny. In this case, it is considered that the proposal does not meet either of the S104D gateway tests of the RMA.
- Of particular note, Objective 8 of the BGB zone states, *“The adverse effects on amenity values and the quality of the environment at the interface with other zones are managed”* and Policy 22 states: *“Require activities adjacent to residential zones to avoid, remedy or mitigate adverse effects on amenity values of those areas.”* Whilst it is acknowledged that the above objective and policy refer to other zones or residential zones that adjoin BGB zoned land, the presence of the proposed residential dwellings within the BGB Zone increases the potential for reverse sensitivity effects if the use of the adjacent BGB zoned land to the southwest and southeast were to change to a use that is less compatible with the proposed residential dwellings. For example, the following activities are permitted in the BGB Zone. Examples include:
 - Entertainment facilities
 - Food and beverage (Including taverns)
 - Drive-through restaurants
 - Industrial activities
- The Submitter is concerned that residential activities will foreclose our members’ ability to tenant their building(s) in the future with other permitted uses that could create noise that could impact on residential amenity and may give increase to the likelihood of reverse sensitivity effects.

- In addition, where currently the subject site and the uses anticipated to occur on the site provide a buffer between the existing residential area to the northeast of the site and the BGB zoned land to the southwest and south-east, the residential components of the proposal would effectively remove this buffer and enable residential activities to occur within close proximity to a range of commercial uses that otherwise would be afforded a degree of separation from more sensitive uses.
- It is also noted that while the surrounding area does contain a reasonable area of BGB zoned land and pockets of BGB zoned land are located elsewhere in the Auckland region, it is significantly less prevalent than other business zones as noted in the BGB zone description which states: *“Although the application of the zone within Auckland is limited, it is an important part of this Plan’s strategy to provide for growth in commercial activity and manage the effects of large format retail”* (emphasis added). The proposed residential activities would reduce the extent of land available for the commercial activities anticipated to occur on land zoned BGB and whilst some commercial uses are proposed, the majority of the proposal is for residential uses.
- Furthermore, the establishment of residential activities within the BGB zone has the potential to set a precedent for other applications over time, especially when considering the limited availability of BGB zoned land.
- Following on from the above, residential development has already occurred in the surrounding area on BGB zoned land, such as the residential development referenced by the application AEE at nearby 52 Rosedale Road, with the AEE stating that the approved proposal indicates a loss of land for business activities was acceptable in that case. However, it is our view that this further emphasises why the subject site should not be used for residential purposes as it further reduces the extent of BGB zoned land available in the area for its intended use, being a wide range of business and commercial activities, and instead introduces residential activities that are not anticipated in the zone and are better suited to residential zones. This will lead to the principal of *“death by a thousand cuts”* that will eventually diminish the availability of BGB zoned land.
- The establishment of residential activities within the BGB zone also has the potential to distort land values in the zone due to the actual or perceived decrease in development potential. This may cause a flow on effect of precluding the establishment of certain industrial and commercial uses in the area due to the proximity of the proposed residential dwellings.
- The submitter has concerns about the potential for adverse transport effects in terms of the overall parking taking up and the blocking of access to the surrounding roading network.
- The submitter is also concerned about the likely adverse effects that will arise from the construction of the buildings. The submitter has businesses that will be impacted by construction noise and vibration and they would expect the applicant will ensure that the proposal complies with the noise and vibration standards and avoids nuisance and damage to tenants and owners in the surrounding area.

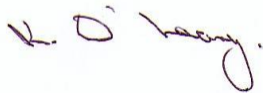
The following additional comments are also noted by the submitter:

- The land is zoned BGB and within our local area we have very little available business land that can be developed to grow and support a thriving business community so to allow residential buildings to be built on what little business land is available will be detrimental to the local economy, will reduce B2B opportunities for other businesses and will see the loss of potential local employment opportunities.
- Businesses in the area, many of whom have suffered significant financial pressures due to the pandemic and the shrinking of the economy, will be adversely affected both during and post construction due to additional congestion which will:
 - have a detrimental effect on access to and from businesses for customers, suppliers and employees thus potentially reducing business cashflow/income and reducing their ability to attract and retain staff, suppliers and customers
 - increase the working day for all concerned working in the area as it will take longer to get to and from business premises

The submitter seeks that the application be **refused** in its entirety.

The submitters wish to be heard in support of their submission. If other parties make a similar submission, the submitters would consider presenting a joint case with them at any hearing.

Signed



General Manager
Business North Harbour

4th October 2024

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