

SUBMISSION ON APPLICATION FOR RESOURCE CONSENT UNDER SECTION 96 OF THE RESOURCE MANAGEMENT ACT 1991

To: Auckland Council, 35 Graham Street, Auckland Central
1010

Name of Submitter: Business North Harbour Incorporated

Application and scope of submission

1. This is a submission on an application by Lucy Li (**Applicant**) for a mixed use residential and commercial complex (**Development**) in Rosedale, Auckland (LUC60319564) (**Application**).
2. This submission relates to the entire Application.
3. Business North Harbour Incorporated (Society # 1277568) (**Business North Harbour**) opposes the Application in its entirety.

Background to the Application

4. The proposal involves the construction of three new buildings to provide a Commercial Mixed-Use development comprising a commercial mixed-use precinct providing commercial floor space and 18 upper floor apartments and basement parking; and a residential precinct with two 5 level residential apartment buildings containing 66 apartments, and all associated works at 54 Parkway Drive, Rosedale.
5. The matters of particular interest to Business North Harbour include the residential density; the use of commercial zoned land for residential development; and a number of matters concerning traffic and transportation, including traffic flow, traffic volume, provision of adequate parking on-site and in the vicinity and the safety impacts for cyclists and pedestrians.

Background to Business North Harbour's interest in the Application

6. The site of the proposed development falls within the Business Improvement District – North Harbour (BID) for the purposes of a targeted rate under the Auckland Council Long Term Plan 2015-2025. A map of the area is appended to this submission.
7. Business North Harbour represents over 4500 commercial property and business owners who have invested interests within the North Harbour BID. Indirectly through their employers, Business North Harbour also represents 35,000 employees who chose to work within the North Harbour BID.
8. The objectives of Business North Harbour, as set out in its Rules of Incorporation are principally:
“To act in the best interests of all business and commercial property owners within the BID Targeted Rating Area; to promote the area; to have a voice in the development of the area; and to ensure that the BID Targeted Rating Area is known as a safe, secure and thriving environment that will attract and retain business that will drive employment growth.”
9. Business North Harbour is concerned that the proposed development would create residential accommodation on land that is zoned for business and commercial purposes, thereby diminishing the availability of land for such purposes in the BID area; and that the traffic and parking impacts of the proposed development would negatively affect businesses in the vicinity.

Submission

10. In general, the reasons why Business North Harbour opposes the Application include that the Application:

- (a) Does not adequately avoid, remedy and mitigate the adverse effects on the environment;
 - (b) Is not consistent with the sustainable management of natural and physical resources and is otherwise inconsistent with the purpose and principles of the RMA; and
 - (c) Is inconsistent with sound resource management practice.
11. Without derogating from the generality of the above matters:
- (a) The Development would use land zoned for business purposes for substantially residential purposes.
 - (b) Two of the one-bedroom apartments are smaller than the Minimum Dwelling Size permitted by the Auckland Unitary Plan.
 - (c) The proposal substantially under-provides on-site car parking.
 - (d) The Transport Assessment for the proposed complex contains significant shortcomings and omissions regarding:
 - i. Road network impacts,
 - ii. Consideration for pedestrian and cyclist safety, and
 - iii. The availability of public transport services.
 - (e) The Development, as planned, inadequately addresses the potential walking, cycling and public transport options for residents, visitors, and workers on the site.
 - (f) The information on which the application relies, especially the traffic information, is out-dated.
12. These reasons are addressed in further detail below.

Land Zoning

13. The preapplication meeting notes for the Development state that the Land is not zoned for residential. It is in the Business – General Business Zone, which provides for business activities from light industrial to limited office, large format retail and trade suppliers. Residential activity is not envisaged due to the potential presence of light industrial activities and the need to preserve land for appropriate commercial activities. [Ref: LUC60319564 14 Appendix 9 Pre-App Minutes 1.pdf]
14. The notes to that meeting put the following question:
- “...what is it about the site or application that represents a unique environment, such that it is clearly demonstrated that effects on the immediate and wider environment are acceptable and that replication of the development could not be achieved in the zone.”*
15. Business North Harbour does not consider that any part of the Application provides an adequate answer to that question. There is nothing unique, or particularly special, in the Application that justifies an exception to the Business – General Business zoning of the underlying site.
16. At the preapplication meeting, the Applicant was clearly pointed to the assessment criteria for residential units in the Business 9 zone:
- “The assessment criteria at 15.7.3.2 refers to guidelines for residential units and encourages that any residential units in the Business 9 zone are one component of a mixed-use development on any site and should not exceed 25% of the GFA (Ground Floor Area) of the site, except where the proposal is for a hostel or residential accommodation associated with an educational facility.”*
17. The Schedule of Areas attached to the Application [ref: LUC60319564 18 Schedule of Areas.pdf] indicates that the total GFA for the Development is 15,230 square metres, of which the residential component comprises 9,028 m², which is 59% of the total, more than twice the 25% guideline criterion.

Minimum Dwelling Size

18. The Internal Area Schedule attached to the Application [ref: LUC60319564 17 Internal Area Schedule.pdf] indicates that two of the one-bedroom apartments in the Development would be 44 m² (Residential A) and 42 m² (Residential B).
19. The Minimum Dwelling Size for a one-bedroom apartment in the Unitary Plan is 45 m², in rule H6.6.17 (H6 Residential – Terrace Housing and Apartments Zone), and rule H5.6.16 (H5 Residential – Mixed Housing Urban), and rule H4.6.15 (H4 Residential – Mixed Housing Suburban Zone).

Car parking

20. The Transport Assessment notes that the Unitary Plan requires a minimum of 139 parking spaces, and that the Development has a shortfall of 48 spaces, with no visitor parking at all provided for the office, café or commercial activities.
21. There is very little parking available adjacent to the commercial/mixed use part of the development on the northern part of the site. The image below shows that the Constellation Bus Station car park is completely full, which is typical on any weekday during working hours. Appended to this submission are ariel images taken of the surrounding streets.

Bus Station and Street Parking



22. The building to the west of the site (shown as 52 Parkway Drive on the Auckland Council GIS) is the North Shore Police Station. It would be highly inappropriate for working staff and customers at the mixed-use part of the Development to use the parking spaces in or around that neighbouring site.

Transport Assessment Shortcomings

23. The Transportation Assessment (Assessment) appended to the Application contains some omissions that are of concern to Business North Harbour. [ref: LUC60319564 9 Appendix 6 Transportation Assessment.pdf]
24. Overall, Business North Harbour has concerns around increased traffic congestion from this development on Parkway Drive, Constellation Drive and Sunset Road. Concerns are also held for parking overspill on these roads as well as Ramp Road, as parking is full on these roads by 7.30am due largely to undersupply at the Park and Ride and compounded by employee off street parking shortfalls. Business North Harbour also has concerns that the traffic assessment is based on **2014 and 2016** data.
25. **Section 4.4 - Traffic Effects** of the Assessment fails to adequately address the flow of

vehicular traffic into and out of the mixed-use part of the development, at the northern boundary of the site.

26. In the image below, the image titled “*Figure 2: Northern Building - proposed parking and access arrangements onto Parkway Drive*”, which appears on page 5 of the Assessment has been overlaid on an image of the site taken from the Auckland Council GIS system. Shown in context, it is clear that the access driveway is:
- (a) Immediately adjacent to the exit driveway of the North Shore Police Station, and
 - (b) Very close to the traffic-light controlled intersection in front of the Police Station, and
 - (c) Would provide a very awkward right-hand turn out of the northern access driveway, conflicting with traffic leaving the Bus Station parking lot, queuing at the lights, especially at evening peak hours.

Site Access – northern access to Parkway Drive



27. These issues mentioned in section 4.4 of the Assessment (Traffic Effects), by the statement:
- “It is considered that any queues forming on site as a result of this will have minimal impact on the external roading network and that vehicles queued on the intersection approach will either let vehicles waiting to exit the site out and into the traffic stream, or the nature of the trips exiting the park and ride (in intermittent bunches depending on bus arrivals) will enable this to occur.”*
28. Business North Harbour considers this to be an inadequate response to the issue. No analysis has been undertaken of the current or projected frequency of bus arrivals, and the consequent bunching of vehicles exiting the park and ride, for instance. There is no indication that input has been sought from NZ Police - direct neighbours to this proposed development, regarding the proximity of the two driveways, or the impact of increased traffic flow and on-street parking, caused by the Development.
29. **Section 2.4 - Road Safety** in the Assessment addresses the matter of car crashes in the area. There is no mention of the hazards that might be presented by increased pedestrian and cycling activity in the area, related to the Development.

30. The Development, as planned, would provide the full number of cycle parks required by the Unitary Plan, and it is in close proximity to the Constellation Drive Bus Station, which residents of the Development would presumably access by walking to and from.
31. As a consequence, the Development is likely to cause an increase in walking and cycling activity in the immediate and surrounding areas. The Transport Assessment has not addressed the road safety impacts of that increased activity.
32. **Section 2.3 – Public Transport Services** in the Assessment makes one brief statement about the availability of bus services in the area:

“The site is located adjacent to the Constellation Park n Ride bus station on the Northern Expressway thus has access to an excellent public transport provision that is likely to encourage staff / residents / visitors to make use of public transport services to and from the site.”
33. Business North Harbour agrees that the proximity of the site to the Constellation Busway Station could be an advantage for this development for those commuters wishing to link to the CBD, or from northern locations with have access to the Northern Expressway corridor. But there is no analysis in the Application of the bus routes servicing the area, their frequency, or the destinations available, which would reduce the reliance by residential or commercial on the use of private motor vehicles.
34. Some routes through the area (on Sunset Rd and Constellation Drive) stop at the Constellation bus station, but don’t use the Northern Busway itself: 555, 843,874, 560, 880, 886, 874, 85X, 86X. One route terminates on Sunset Road behind the Development but doesn’t use the Station: Birkenhead Transport’s 078 (Sunnynook to Glenfield College). None of this is mentioned in the Transport Assessment.

Design improvements or better uses for the site

35. Given that the proposal has a shortfall of 48 car-parking spaces when compared to the Unitary Plan, along with the availability of bus services nearby, the cycling and walking options for this proposal have been poorly developed.
36. The New Zealand Productivity Commission published a report titled “Using land for housing” in September 2015, which questioned minimum parking requirements in district plans. There is an argument for reducing the amount of land allocated for on-site car parking, in residential developments and commercial areas, especially where good public transport services and safe walking and cycling options are available.
37. If this proposal had been designed on that basis, as a deliberate and carefully planned exercise, then it might have met the criteria (set out by the Planner at the first pre-application meeting) for having unique qualities, well-suited to this particular site.
38. But that is not the case. The proximity of the site to public transport services appears to have been used as an “excuse” for the under-provision of car parking under current Unitary Plan rules.
39. Business North Harbour questions whether a mixed-use commercial/residential Development is the most appropriate use for this site. Commercial accommodation, in the form of a motel or serviced apartments to meet the needs of business travellers and visitors to the North Harbour Stadium (for instance), might be a more suitable purpose for this site.
40. In general, Business North Harbour supports new development in the BID area. But it supports development that would enhance productivity, amenity and economic development in the area. We submit that this application, as it currently stands, does not serve the best interests of business in the North Harbour BID area.

Decision sought

41. Business North Harbour seeks the following decision from Auckland Council:
 - (a) That the Application be declined for the reasons set out above;
or

- (b) That, if Auckland Council is minded to grant consent for the Application, then the consent must be granted subject to conditions that:
 - i. The residential component be reduced, to more closely meet the guideline criteria that residential units in the Business 9 zone should not exceed 25% of the Ground Floor Area for this Development.
 - ii. All the apartments in the residential part of the complex must meet the Minimum Dwelling Size requirements of the Unitary Plan.
 - iii. The design of the Development must provide access to Parkway Drive that will not interfere with the egress of Police vehicles from the North Shore Police Station, with agreement from the Police as to the suitability of that aspect of the design.
 - iv. The design must directly address the safety of pedestrians and cyclists in the immediate and surrounding areas, and the accessibility of the Constellation Bus Station for residents and workers within the Development.
- (c) ensure the Development achieves the purpose and principles of the Resource Management Act 1991, meets all relevant statutory and planning requirements and achieves the intent of the planning criteria and guidelines in and associated with the Auckland Unitary Plan;
- and
- (d) that all amendments are made to the Application, and conditions are imposed on it, to ensure that the decision appropriately responds to the matters raised in this submission.

42. Business North Harbour wishes to be heard in support of its submission.

DATED at Auckland this 19th day of June 2018.

Submitter: Business North Harbour Inc

Address for service of submitter

PO Box 303-126

**North Harbour
Auckland 0751**

Attention: Janine Brinsdon – General Manager

Telephone: 09 968 2222

Email: gm@businessnh.org.nz

Appended images as referred to in section 21:



Fig 1: Constellation Drive Park and Ride parking at capacity



Fig 2: Parkway Drive towards the proposed development – on street parking at capacity



Fig 3: Parkway Drive – entire length of the road on street parking at capacity



Fig 4: Ramp Road, off Parkway Drive – on street parking at capacity



Fig 5: Constellation Drive intersection with Parkway Drive, off peak.