

The Minister for the Environment
c/o Environmental Protection Authority
Private Bag 63002
Waterloo Quay
Wellington 6140

Your reference: 2020-B-07137

29 September 2020

Dear Minister Parker,

RE: COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Dominion Road Mixed Use Development – Comments sought

We are responding to your invitation for comments on an application before you for referral to the Expert Panel under the COVID-19 Response (Fast Track Consenting) Act 2020.

The application to Ministry for the Environment is made by Silk Road Management Ltd and is located at 360 Dominion Road, 88 Prospect Terrace and 113 Grange Road, Mt Eden, Auckland (Lot 2 DP 170042).

Having reviewed the application material provided, we can advise that Auckland Council has some potentially significant concerns with the proposed development, as follows:

- Auckland Transport have identified that Dominion Road is an Arterial road and is currently an important route for public transport (Frequent Transit Network route with bus lanes in both directions). Highest priority in this area is for pedestrians and public transport. The applicant has advised that initial modelling shows an effect of the proposal on the local road network – including difficulty with right turns at intersections. Some form of mitigation measures will be required to address the transportation effects if this development proceeds. Currently the proposed mitigation measures and the ability to address the potential effects is unknown.
- Healthy Waters have identified that the site is affected by flooding by a significant upstream catchment and the proposal would need to address any adverse effects on surrounding properties due to the proposed changes in ground levels and buildings footprints.
- Watercare Services Limited have identified that there are capacity constraints in the local wastewater network. These constraints would need to be mitigated by the developer through public network extension or upgrades. If the applicant's wastewater proposal is not supported by Watercare, then the alternatives could require the construction of public wastewater infrastructure to support the development. Any costs associated with this infrastructure upgrade would be entirely at the developer's cost.

From a planning perspective, the proposal is not considered to be contrary to the high level policy framework promoted by the Auckland Plan and the Auckland Unitary Plan. However, more detail is required to better understand the potential adverse effects of the proposal. In addition to the potential adverse effects identified above, other potential effects include: construction effects, demolition of a character supported building, volcanic viewshaft, increased retail and effects on other centres, geotechnical considerations and residential amenity (from over height buildings). On a development of this scale, the quality of urban design responses is also important.

The Albert-Eden Local Board have also raised concerns in relation to public and economic costs and benefits, traffic and parking.

In response to the information requirements stated in your letter referenced 2020-B-07137:

1. *Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the Act?*

The Council is currently in the very early stages of resource consent pre-application discussions with the applicant. Currently very little is known on the effects of the proposal on key infrastructure and amenity.

It is considered that this proposal will benefit from being processed through typical Resource Management process to enable the applicant to work with Auckland Council infrastructure and asset owners to manage constraints on the networks from this proposal (in particular Auckland Transport, Healthy Waters, Watercare). We consider this necessary to ensure the effects of the proposal are appropriate and can be managed/mitigated.

In addition, the transportation effects from the development (in particular the supermarket) are likely to extend beyond the immediate neighbours, with modelling indicating difficulties with nearby intersections. A typical RMA process will enable determination of whether to notify this application wider than just the immediate neighbours.

2. *Does the Council have any comments on implementation of The National Policy Statement on Urban Development 2020 as it relates to this part of Dominion Road?*

Council considers this proposal is largely in keeping with the National Policy Statement on Urban Development. This is because the proposal is for residential intensification along an area that is already serviced by high frequency public transport. In addition, Dominion Road is on the 'likely' but not yet confirmed, Light Rail Transport network, and increased residential accommodation is supported in the vicinity of these networks.

The provision of a large supermarket (and associated carparking and transportation effects), needs to be considered in the context of the effects on the roading network, and existing and future public transport.

3. *Does the applicant, or a company owned by the applicant, have any past or current breaches/notices or litigation related to environmental regulatory compliance that you are aware of?*

The application to Ministry for the Environment has been made by Silk Road Management Ltd. However, in the application it states that Foodstuffs, Dominion Constructors and Pudong Housing Development Company Ltd also have involvement.

There are no known significant breaches of the RMA for Silk Road Management Ltd, Foodstuffs or Pudong Housing Development Company Ltd. It is noted that Silk Road Management company does not hold any current resource consents with Auckland Council. The company's sole director has a long and positive history with Auckland Council, having formerly been Chief Executive of Waterfront Auckland.

Auckland Council has taken enforcement action against Dominion Constructors Ltd in the past. Abatement notices have been issued for incidents involving the discharge of both sediment and concrete from sites managed by them and for non-compliance with construction hours.

4. *Have any directors of the applicant or a company owned by the applicant (in their capacity as an individual or a director of any company) ever been subject to proceedings concerning breaches/notices or litigation related to environmental regulatory compliance that you are aware of?*

See above comments

If you have any further queries or comments, please feel free to contact me.

Yours sincerely,



Ian Smallburn
General Manager – Resource Consents
Auckland Council
Enclosed:

- Comments from key experts, Auckland Transport, Watercare, Healthy Waters and Local Board

Asset Owner / Specialist Response

From: Tracey Grant, Planner/Principal Project Lead, Auckland Council (Planning Comments)

Date: 22/9/2020

Overall Summary:

The proposal is for a residential, retail and commercial development within an area anticipated in the Auckland Unitary Plan (Operative in Part) to accommodate moderate to high intensity residential and small-scale retail and commercial (Business Mixed Use zone).

Broadly speaking, the key actual and potential adverse effects of the proposal at this stage are considered to be related to transportation. The zone anticipates small scale supermarkets (up to 450m² as a permitted activity). From the plans provided, it appears the supermarket will be approximately 2718m². Careful consideration will therefore be required to determine the effects of the increased supermarket size on vehicle movements and traffic generation in the immediate and adjoining road network and whether these effects can be appropriately managed and/or mitigated.

Another potential effect is the exceedance of height. The site is within a character overlay which restricts height to 13m (including roof form). The extent of the height infringements have not yet been defined, however the height infringements occur near the centre of the site. An assessment will be needed to determine the effects of the height exceedance on adjoining properties.

Another potential effect is overland flow paths and flood plains that exist within the site. An assessment will be needed to determine if the proposal sufficiently addresses these potential effects.

Other effects of the proposal to consider include: construction effects, demolition of a character supported building, increased retail and effects on other centres, volcanic viewshaft and geotechnical considerations. From a planning perspective, there do not appear to be any obvious concerns relating to these other effects such that they cannot be managed to an acceptable level, however this is dependent on expert input.

Adverse effects will need to be balanced against the positive effects of the proposal which is the delivery of 117 residential units of a variety of typologies and sizes. This is in keeping with the anticipated outcomes of the zone, which includes the provision of moderate to high intensity residential activity.

Due to the very initial stage of preapplication discussions with regard to the proposed development, it is not yet clear whether this proposal would trigger notification in accordance with the RMA.

The acceptability of the commercial infringement will need to be assessed against objectivities and policies including:

- Objective H13.2.4: Business activity is distributed in locations, and is of a scale and form, that:
(a) provides for the community's social and economic needs;

(b) improves community access to goods, services, community facilities and opportunities for social interaction; and
(c) manages adverse effects on the environment, including effects on infrastructure and residential amenity

- Policy H13.3.3 Require development to be of a quality and design that positively contributes to:
 - (a) planning and design outcomes identified in this Plan for the relevant zone;
 - (b) the visual quality and interest of streets and other public open spaces; and
 - (c) pedestrian amenity, movement, safety and convenience for people of all ages and abilities.
- Policy H13.3.21 Require activities adjacent to residential zones to avoid, remedy or mitigate adverse effects on amenity values of those areas.

A small scale supermarket is clearly anticipated within the area, however the effects of a large supermarket on Dominion Road and adjacent streets in terms of traffic safety and efficiency are unknown. Without knowing the details of the supermarket, including the number of carparks, anticipated trip generation and traffic mitigation measures, it is unknown whether the proposed supermarket will have adverse effects on transportation in the area and/or whether it would meet the expectations of the zone and character overlay in terms of avoiding adverse effects on amenity and infrastructure.

Asset Owner / Specialist Response

From: Sarah Jaff – Principal Development Planner, Auckland Transport

Date: 23 September 2020

Summary:

This proposal includes a mixed-use development comprising of residential, retail, large format retail and commercial activities. With a development of this nature, a higher number of trips would be generated to the site via the local network and the Dominion Rd corridor in particular, which are considered to have some traffic effects which would require mitigation.

The application however does not include a transport assessment/report or address an assessment of effects to enable an appropriate review of the potential traffic effects. These effects are currently unknown due to a lack of analysis provided in the application.

From a transport network perspective, initial concern was raised with the level of trips generated and effects on Dominion Rd, which would require providing additional or improvement to transport infrastructure to sustain the additional demand. The application notes that preliminary traffic modelling (not included in this application) was conducted, however, confirms that additional right turning demand at the intersections of Dominion Rd, Grange Rd and Prospect Tce would be difficult. Intersections on Dominion Rd have a high number of death and serious injury crashes (DSIs) and added pressure to these intersections by motorists or vulnerable road users' needs to be sufficiently assessed.

It is evident that some form of mitigation measures will be required (i.e. potential for, but not limited to, improved traffic/signal infrastructure, active modes amenity, potential for turning restrictions etc.) to address the additional vehicular and active mode trips; in particular, trips generated from large format retail in the peak hours. However, insufficient information has been provided to enable an informed review of the effects.

In summary, there is currently insufficient assessment/information, in the absence of an integrated transport assessment, which may lead to adverse effects on the local transport network. Further matters for reference have been noted below.

Dominion Rd and the local network:

Dominion Rd is an Arterial and is a current Frequent Transit Network route with bus lanes in both directions. The highest priority modes for the corridor are public transport and walking. It is important that effects of the development and any required mitigation measures do not affect reliability of public transport services and prioritise active modes safety and amenity.

Road Safety:

Dominion Rd currently has the highest number of DSI crashes for motorcyclists and mopeds of arterials in Auckland, largely due to right turning at intersections. Auckland Transport's Road Safety team currently has a project along Dominion Road, 'Urban Motorcycle safety trial', which includes both Grange Rd and Prospect Tce as sites where initial safety measures are being installed. Additional demand for right turning at the intersections would generate a potential adverse effect on road safety and would need to be sufficiently assessed.

Due to the strategic nature and mode priority of Dominion Rd, additional traffic lanes on the side roads would cause an adverse safety effect on pedestrians, therefore, sufficient mitigation would be required for pedestrian and vulnerable road user safety and priority.

The proposal would also trigger the AUP trip generation threshold, as well as other transport standards, where a full traffic analysis would be required. An integrated transport assessment and adequate modelling, along with assessment into mitigation measures, traffic calming, active modes infrastructure would be required to assess potential effects on all users, with inclusive effect on the strategic nature and mode priorities of Dominion Rd.

Asset Owner / Specialist Response

From: Mark Iszard, Growth and Development Manager, Healthy Waters

Date: 23/09/2020

Overall Summary:

Flooding

The site is affected from flooding by a significant (>20Ha) upstream catchment that will need to be appropriately accommodated through the site to manage any adverse effects to the surrounding properties due to the proposed changes in ground levels and buildings footprints.

We would expect that a detailed flood analysis would have or will be undertaken to help inform the design of the proposal. The applicant and his design team should consider the downstream effects due to any loss of informal flood storage volume due to the redevelopment.

Stormwater disposal

In terms of a suitable stormwater network to service the site, a private SW network discharging to a series of private soak-holes on-site is proposed to be implemented. This would be considered a suitable and preferred method of managing the SW runoff from the site and given the volcanic nature of the surrounding geology should be an achievable design.

Quality Treatment.

As it is proposed to discharge the stormwater runoff to ground, a suitable pre-treatment system is recommended to filter out likely contaminants prior to them entering the natural ground water. This could be a series of property filter systems or the use of bio-treatment devices such as rain gardens incorporated into the proposed green space.

Asset Owner / Specialist Response

From: Tarso DosSantosGirio, Development Engineer, Watercare

Date: 23 September 2020

Overall Summary:

No water and wastewater flow or water supply demand data was provided as part of this application. Based on the very limited information provided to MfE, Watercare has undertaken a very high-level assessment of the proposal for this mixed-use development. The proposal is for a maximum six-storey mixed-use development comprising of 117 residential units, a supermarket, other retail tenancies and associated car parking at 360 Dominion Road, 88 Prospect Terrace and 113 Grange Road, Mt Eden, Auckland.

Water supply: There is capacity in the local water supply network.

Wastewater: There are potentially significant capacity constraints in the wastewater network. The capacity constraints in the wastewater network will need to be mitigated by the developer through public network extensions or upgrades, depending on the agreed solution with Watercare as part of the resource consent process.

Water Supply:

At this stage, the existing 200mm CI watermain on Dominion Road has sufficient available capacity to accommodate this development.

Wastewater:

The applicant needs to provide Watercare detailed information on expected water supply and wastewater demand. Based on this information, Watercare needs to assess the development's proposed demand/flows calculations and a catchment analysis investigation before confirming the impact on the wastewater infrastructure.

Based on the high-level flow estimation, Watercare's model predicts that there is no capacity available in 225mm diameter wastewater pipe that runs across the site of the proposed development and shows some substantial surcharge, and potential downstream constraints that will require further investigation by the developer.

The model shows that there is available capacity in 600mm diameter combined sewer that is located on the other side of Dominion Road subject to confirmation of this development's final wastewater flow/demand.

These options will need to be investigated in detail to determine the best servicing option for this development. All local upgrades required to service this development must be fully funded by the developer.

Works Over

The wastewater assets that transverse the site may need to be relocated to achieve Watercare's works over requirements. The relocation of these pipes will be at the developer's cost.

Landscape and Visual - Specialist Response

From: Ainsley Verstraeten, Principal Landscape Architect, Auckland Council

Date: 23.09.2020

Overall Summary:

Overall, from a landscape and visual effects perspective I am of the opinion that the proposed development would be an appropriate use of the site and be generally consistent with the intentions of the Business Mixed Use zone provisions in the AUP (OP). Although, there are sections that would infringe the height limit (height variation control) which could result in adverse visual dominance effects particularly in views from Grange Road and south from Dominion Road.

I note the height variation control in this instance is lower than typically provided for in order to respond positively to the special character area. However, given the height is centred within the site away from residential properties as well as complying with HIRB it is likely that the infringement could be appropriately mitigated. This would include ensuring the visible ends of the apartments are highly articulated and include glazing to ensure the top is lightweight, minimising visual dominance issues.

Further information

Given the over height components of the proposal and sensitive residential neighbours, I would expect to see visual simulations from Grange Road and Prospect Terrace to better understand how the proposal sat within both the immediate and wider context and shading analysis to ensure the additional height wouldn't result in adverse shading effects on residential properties.

Asset Owner / Specialist Response

From: Karin McCoach, Principal – Urban Design, Auckland Council

Date: 23 September 2020

Overall Summary:

From an Urban Design perspective, a mixed-use development of this scale and activity is generally supported and encouraged in this location. It is my view however that the proposal as presented can be improved to further add value to the local and wider area, and to add amenity to users and residents within the development.

The currently proposed upper level apartment units are set back from Dominion Road and will likely not provide sufficient passive surveillance and activity over the road as anticipated. Further, it is considered that the various internally located heights create a cluttered environment as seen from the surrounding streets and a more cohesive design would be preferred.

A main entrance area to both the supermarket and the overall development is located off Dominion Road. While the location is supported, it is considered that this entrance area could be improved to be more legible, accessible, and safe to use. Further, the main entrances to the apartment buildings at upper levels have the potential to be improved to also be more legible and accessible to use.

The three-level built form facing Prospect Terrace are considered appropriate as a transition from Dominion Road to the residential properties within the Single House zone directly to the east of the site. It is however considered that the elevation facing Grange Road, with car access to the supermarket parking area close to the Dominion Road corner, can be improved, to provide interest and a more attractive corner as seen from both Grange Road and Dominion Road looking north.

The centrally located apartment buildings above the podium are set back from the residential properties to the east and complies with height in relation to boundary controls. However, the orientation of units overlooking these properties, with side elevations to both Grange Road and Prospect Terrace are questioned. A slight set back of upper levels with units overlooking the side streets would provide a better outcome in my opinion. Further, the back of house areas and blank walls along the boundary to the residential zone to the east are also of concern and should be addressed.

MEMO

FROM: Andrew Gordon
Specialist, Specialist Unit
Resource Consents Department
Auckland Council

DATE: 22 September 2020

SUBJECT: COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Dominion Road Mixed Use Development - Noise and vibration effects (construction and operation)

Overall Summary

The potential for significant adverse environmental effects to occur from noise and vibration effects is low.

Proposal

A maximum six storey mixed-use development comprising; the demolition of a supporting character building; development of a supermarket, other retail tenancies, 117 residential units; and associated car parking, earthworks and subdivision.

Construction

The proposal is expected to comprise typical construction methodologies and phases including, demolition, earthworks, building foundation and building structure construction.

The application site is likely to be underlain with basalt rock. Given the limited cut earthworks of 0.4m – 0.7m below existing ground level, this is most unlikely to be an issue during earthworks. During the building foundation phase the type and depth of footings should be considered to avoid rock breaking where practicable.

Adopting best practice management and mitigation measures commonly adopted in commercial projects (e.g. Construction Noise and Vibration Management Plan) is expected to control construction noise and vibration effects to a reasonable level.

Operation

The primary noise sources are onsite vehicle movements, mechanical plant and equipment and commercial activity noise. Noise emissions from the proposal are anticipated to comply with a reasonable noise level providing the detailed design incorporates acoustic considerations where necessary.

Building design – external noise

Generally, standard commercial construction comprising solid wall construction with internal plasterboard linings and cavity absorption material would be sufficient to ensure noise levels inside residential units are reasonable. Glazed areas of residential units would require specific acoustic design and mechanical ventilation and/or air conditioning may be required.

Building design – inter tenancy noise

Generally, standard commercial construction comprising solid wall and/or floor/ceiling construction with internal plasterboard linings and cavity absorption material would be sufficient to ensure noise transmitted through common building elements (e.g. between commercial units and residential units) are reasonable.

Comments from Albert Eden Local Board on an application for fast-track approval

Silk Road Management Limited: 360 Dominion Road, 88 Prospect Terrace and 113 Grange Road, Mount Eden, Auckland

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1. Introduction: Albert Eden Local Board (AELB) overall approach and response

We understand that only a general level of detail is expected in this application.

Nevertheless, we believe that the applicant has failed to provide enough information to substantiate enough of the benefits it claims for the development. In our opinion the use of the Fast-track process should be reserved only for densifying developments in our area which *very clearly demonstrate benefit for people and industries affected by Covid-19 and wider public benefit*. If the applicant cannot produce such information we believe that the application should be denied and it should be submitted to the usual approval process which will allow for residents' input and involve less risk of missing important matters because of time constraints.

Significantly, we believe that a Fast-track process for this application without clearing up ambiguity about public benefit would prejudice our ongoing and difficult task to educate residents about the need for intensification. We explain this further below.

The AELB supports moves towards intensification which incorporate high quality, environmentally responsible developments that provide the best amenity to present and future residents, whilst minimising negative impacts. We are finalising the wording of our new local board plan (LBP) to reflect this because we understand the general necessity for intensification in response to growth and climate change, and specific needs to increase:

- housing supply
- local work opportunities
- public amenity
- multi-modal transport

As context, we have been told by many residents that they are struggling to adapt to changes brought by intensification. We do not believe that all of these residents are simply responding as NIMBY's on the basis of "not in my backyard". Rather, we recognise the cumulative impact of a high number and often large scale simultaneous developments in our area, with negative on-going impacts such as construction noise and worse parking problems. This is true of the area in which the subject site is situated.

It falls to us as elected members to mediate tensions between the imperatives for intensification, that we accept, and the response of residents negatively affected by change, and this is harder when residents do not have the chance to participate in the relevant decision-making. In other words, we are regularly challenged by the task of delicately educating about the necessity for intensification when our residents feel that intensified development is happening to them without the opportunity to be heard. This is one reason why we strongly believe that the use of the Fast-track process should be reserved for developments which have the most readily demonstrable public benefit and advantage to

people and industries that have been impacted by Covid-19. As already mentioned, we do not believe that this application passes that threshold, and we explain this further in the following sections.

2.1 Economic costs and benefits for people or industries affected by Covid-19

Overall, we believe there is insufficient information provided in the application to determine with any certainty whether the s 18 Covid-19 Recovery (Fast-track Consenting) Act 2020 Act criteria are met.

At a high level, and without undertaking our own research given time constraints, we believe that the development may provide the following economic costs and benefits to people or industries affected by Covid-19:

Costs:

- Extra competition for a fragile local retail sector affected by Covid-19
- Lost opportunity to make the best possible use of this site for people or industries affected by Covid-19

Benefits:

- Co-working spaces
- Employment opportunities for retail workers
- Employment opportunities for construction and associated workers

We expand on these points in the following paragraphs.

2.1.1 Economic costs for people or industries affected by Covid-19

Extra competition for a fragile local retail sector affected by Covid-19

We are concerned about how the extra competition brought by the planned development will impact existing shops and cafes on Dominion Road, because vibrant and thriving businesses contribute to a sense of individual and communal wellbeing as well as positive economic activity. We have received anecdotal evidence about negative economic impact of Covid-19 that has already been experienced by Dominion Road retailers.

We note that the applicant refers to a permanent population of 250-300 residents whose economic activity may be “permeable to the immediate surrounding catchment” (Application page 12). More information about the type of retail tenants anticipated in the new mall and duplication of offerings with nearby adjacent retailers would help a better understanding about the likely impact of the new shops in the development on the existing retailers.

In addition, the applicant claims that the development will revitalise economic activity on Dominion Road by attracting and retaining shoppers in the area which will benefit the existing shops. (Application page 17). We are optimistic that this will prove to be true. We would like to see New Zealand evidence of this kind of impact of new retail malls on older style shops in the neighbourhood.

Lost opportunity to make the best possible use of this site for people or industries affected by Covid-19

We believe that the application fails to provide information which establishes that the proposed non-residential use of the site (supermarket and retail mall) is the best use taking into account the needs of people and industries affected by Covid-19. Note that we accept that it is not necessary for the applicant to show that adding to the housing stock is a benefit (but see our comments on affordable housing in paragraph 2.2.2 below).

However, we believe that the application for fast tracking should provide the following kinds of extra information:

- A list of possible uses for the site to accompany residential
- An analysis of the different possible uses comparing benefits to people and industries affected by Covid-19.

The purpose of the extra information is to give a clear understanding about the choice of use of the site that can be communicated to residents in our area, some of whom we anticipate asking why the development has been fast-tracked. The information should provide answers to the following kinds of questions:

- Why does the development not provide more office or other work space for businesses that may wish to reduce their physical footprint because of Covid-19 impacts and provide employment opportunities close to where people live?
- How much weight has been given to the preference of people to work closer to home because of Covid-19?
- What is the public benefit in the development providing extra space for a supermarket when there is another supermarket within less than 500 metres?

2.1.2 Economic **benefits** for people or industries affected by Covid-19

Co-working spaces

We believe that the proposed inclusion of co-working spaces in the development could potentially benefit people who have been negatively affected by Covid 19. For example, people who have lost their jobs and are now self-employed or who are now required or prefer to work away from the office may be able to make good use of the option to hire co-working space close to home. In Covid-19 times we believe that there are economic benefits for everyone in having more options to work close to home.

Employment opportunities for retail workers

We note that the applicant estimates 150-185 FTE permanent jobs generated by the development and acknowledge that this would be a significant potential benefit for people who have lost their jobs because of Covid 19.

Employment opportunities for construction and associated workers

We are unsure whether the creation of the 100-220 construction FTE jobs mentioned in the application will benefit individuals and construction companies who have been negatively affected by Covid-19. Also, we note with concern significant lack of clarity about the number of jobs involved: “up to 220” (Application page 3) and “100-220” (Application page 12).

We do not know whether these workers will be recruited from the area from amongst workers who are under-employed as a result of Covid-19, given the construction which is continuing to take place. Because of time constraints we are unable to undertake this research ourselves but believe that this matter does need to be checked. If it turns out that a significant number of construction workers will have to be brought into the area then the negative impact of additional demand on housing for them, albeit temporary, could balance out the advantages to the public at large of more construction workers being employed.

2.2 Public benefits

We agree with the applicant about some of the potential public benefits which could result from the development, including: additional housing stock in a transit focused area. However, there is unfortunately insufficient information to establish these or some of the other public benefits claimed in the application, specifically: provision of affordable housing; contribution to neighbourhood amenity and climate change action.

2.2.1 Potential public benefits

Additional housing stock in a transit focussed area

An additional 117 residential housing units on Dominion Road would potentially be a significant public benefit given our ongoing shortage of housing. On the face of it, there would be significant public benefit in these being delivered in a way that involves intensified development, as broadly envisaged by the AUP, in an area which is transit focussed. However, we believe that this potential benefit would most likely be outweighed by the negative impacts of the development on transport and parking (see paragraphs 2.4.1, 2.4.2 and 2.4.3 below).

Low carbon emissions and sustainable design

We note that the proposal incorporates several approaches which we would expect for a low carbon emissions and sustainably designed development, including:

- Car share
- Mini bus service to the train station

- EV charging
- Rain water harvesting
- Some solar panels for public area lighting
- New Zealand Green Building Council's Homestar certification and Green Star 5 rating overall
- Smart City Council (SCCANZ) code for Smart communities

In addition, we would expect the following:

- Bicycle racks for residents, employees and shoppers as well as for the co-working space (Application page 10). It is not clear whether this is anticipated in the reference to a "micro-transport hub" (Application page 4)
- Rain gardens for treatment of stormwater before release

2.2.2 Matters of concern relating to public benefits

Contribution to affordable housing

The applicant claims that the development will make a contribution to the provision of affordable housing. We agree that the provision of affordable housing would be a very important contribution to the public interest because housing affordability remains elusive in Auckland despite a record number of consents issued for home building. However, unfortunately the information in the application fails to provide sufficient information to establish that this is in fact a potential public benefit because the affordability of entry level pricing is not properly substantiated.

The application claims a significant contribution to supply of affordable housing (page 3):

"We will, once the Resource Consent is received, immediately commence the sale of the residential units and again this is expected to occur Q1 2021. **This will deliver 117 affordable residential units into the local market** at an entry level of ^{s 9(2)(b)(ii)} for a 1-Bed unit. Mix of typologies will provide a weighting of 15% 1-bed units with an average price of ^{s 9(2)(b)(ii)} and 79% 2-bed units (of different configurations) with an average price of ^{s 9(2)(b)(ii)} compared to surrounding single building villas selling for ^{s 9(2)(b)(ii)} and above. Our target buyer profile described as predominately (c.65%) Young Professionals we think will be particularly focused on affordability as what they value the most along with other such points of difference as: the provision of community facilities; on-site amenities; and ability to access technology to streamline and simplify the management of busy lives." (emphasis added)

We think the wording here is difficult to understand. Nevertheless, it seems that whilst the application claims the provision of "117 affordable residential units" it then fails to establish the case. There is no information which establishes the significant provision of affordable housing either on the basis of number of affordable units or criteria for claiming affordability:

- The number of "affordable" units for sale at ^{s 9(2)(b)(ii)} is very unclear.
- The applicant has not explained the basis on which it is claimed that ^{s 9(2)(b)(ii)} for a 1 bedroom unit is "affordable". There is no detailed description of the

methodology being used, rather there is vague reference to prices and the kinds of purchasers envisaged. We would like to know, for example, whether the applicant bases their claim of affordability on the detailed affordability criteria referred to in s 15(4) Housing Accords and Special Housing Areas Act 2013. These include: “reference to median house prices, median household income, individual income, the median multiple (as referred to in section 9(3)(a)(ii)) or any other matter relevant to affordability as it applies to the district”.

- We note that as at 22 September 2020 a search of Trade Me Property for new apartments in the Auckland area returns 27 options for new build, one or two bedroom apartments at prices of up to \$550k.

In order to be satisfied that the development provides a contribution to affordable housing in the area we would need to see a significant proportion, such as 35%, of both 1 and 2 bedroom apartments to be offered for sale at a price that is truly affordable according to an established methodology.

We note that the proposed construction method involves “volumetric modular construction” (Application page 13) and would like to know more about passing on the cost advantages involved to purchasers with more truly affordable housing.

Contribution to neighbourhood amenity

Given our recently reviewed local plan priorities, we expect that standards of design and accessibility should be very high with large developments such as this proposal. We believe that this development should serve as an exemplar of good design and consideration for the broader needs of residents and neighbouring residents. Overall, we do not believe that there is sufficient information provided to establish that this will be the case.

Our significant un-met expectations regarding design and contribution to neighbourhood amenity include the following:

- compliance with the [Auckland Design Manual](#) and accessibility standard [NZS 4121:2001 Design for access and mobility - Buildings and associated facilities](#)
- accessible, children-friendly spaces and amenities for both residents and the public within or close to the development (for example, playgrounds). We note the provision of a courtyard which seems to be for the use of residents alone.

Auckland Unitary Plan non-compliance

In the case of the Auckland Unitary Plan, the following standards are breached:

- Maximum size for a supermarket (AUP H13.4.1 (A20))
- Height to boundary limitations: Controls. Height Variation Control - Eden Valley, 1 We are concerned about shading for neighbours in the Special Character Area created by exceeding maximum 13m building height limit (AUP H13.6.1).

Generally, we endorse Auckland Council's planning specialist staff's comments on Auckland Unitary Plan matters.

Flooding and stormwater treatment

Whilst we note the application's reference to the neighbourhood benefitting from the development's contribution to essential infrastructure, we endorse the comments from Auckland Council's Healthy Waters specialist about flooding and treatment of stormwater run-off. We support the inclusion of rain gardens which would contribute natural amenity value.

2.3 Effect on social or cultural well-being of current and future generations

2.3.1 Māori culture

The AELB prioritises protection of the volcanic cone viewshafts which is a significant matter for Māori as well as all future generations.

(AUP: Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay - E6, Mount Eden, Viewshafts)

2.3.2 Heritage.

The AELB prioritises protection of local historic heritage and local character, which is a significant matter for today's residents as well as future generations. The sites are in the Eden Valley Special Character Overlay area set by the Auckland Unitary Plan. We believe there is insufficient information to determine whether the project proposed in the application will achieve the respectful treatment of the Special Character area which we would expect.

Please refer to Auckland Council's planning specialist staff's comments on this matter and the non-compliance of the development, in particular the demolition of a character supporting building (AUP D18.4.2) (A18)).

2.3.3 Volcanic cone view shaft

The AUP-protected viewing shafts for the volcanic cone, Maungawhau, have generally high significance as an important natural feature that benefits the character of the area, as well as having significance for Māori. It appears that the piercing of the viewshaft is likely given the breach of the 13m Height Sensitive limit and is therefore a very significant non-compliance with the AUP (see also paragraph 2.3.1 above). It appears that the design focussing the height in the centre does nothing to protect the viewshaft.

In the normal course of events as a consent application under the RMA this matter would be notified to the public at large and we would expect to receive submissions from mana whenua and more broadly. We believe this is a significant matter to be taken into account in assessing the suitability of the Fast-track process.

2.4 Potential for significant adverse effects

We are concerned about significant adverse effects that may be caused by increased traffic, supermarket delivery vehicles and parking in addition to these matters we have already raised:

- Auckland Unitary Plan non-compliance (paragraph 2.2.2)
- Effect on social or cultural well-being of current and future generations (paragraph 2.3)

2.4.1 Increased traffic

We believe that increased traffic associated with the 117 new residential units and supermarket development is likely to create extra congestion, increase DSI's and, in particular, threaten the safety of users of active modes of transport (cyclists and pedestrians).

We endorse Auckland Transport's traffic specialist's comments on this matter. In addition, we note that Dominion Road is likely to develop further in significance and usage as plans for a rapid transit system progresses here (eg light rail).

2.4.2 Supermarket delivery vehicles.

Vehicles carrying out deliveries to the supermarket are likely to create a major problem for traffic flow, pedestrians and cyclists unless better than usual unloading bays and delivery/unloading scheduling are provided.

There is insufficient information provided about traffic management plans to cover the operation of the supermarket. From our on-going experience involving another supermarket in our local board area, we know that the impact of trucks delivering to a supermarket can cause significant problems with traffic and pedestrians.

2.4.3 Parking

There is insufficient information provided to establish whether or not there will be adequate parking for the retail customers and residents of the 117 residential units. We would expect there to be one car park provided for each residential unit in order to avoid the problem of spill-over parking that is being experienced elsewhere in our local board area. For example, we have received a well-substantiated complaint about parking problems that have been exacerbated by a residential development with no car parks, which is well situated for public transport, incorporates bike storage and was promoted for residents who do not own cars. It appears that residents do in fact own cars which they park on the street, creating limited street parking and access visibility problems for other residents. We anticipate that this problem will occur elsewhere, including at the subject site, as Aucklanders transition to transport options that remove the need for private transport. We are therefore concerned to note that the Application refers to "reduced parking on-site".

3. Conclusion: more appropriate to go through standard RMA process

As explained in the introduction to these comments, we believe that the Fast-track process should be reserved for unambiguously beneficial projects, and we believe that in its present format this application should be submitted for the standard RMA process because it fails to establish benefit strongly enough. In particular, we are not satisfied that the applicant has provided information that sufficiently answers the following questions:

- How will the development avoid compounding existing traffic and parking problems and avoid negative impacts on the future development of a rapid transit solution (eg light rail) for Dominion Road?
- Is there an independent assessment of how well the development proposal satisfies the requirements of a fully transport orientated development ("TOD")?
- Will there be a car park in the building development for each residential unit?
- How many affordable homes will the development provide when calculated by applying recognised affordability methodologies?
- Does the proposal *maximise* the potential of the site to provide space for employment opportunities close to where people live? Is there a comparative analysis of options for the site which takes into account the preference of people who have been working in the CBD to work closer to home and for businesses to reduce their physical CBD footprint because of Covid-19?
- What is the public benefit in the development providing for a cornerstone tenant that is a supermarket when there is another supermarket within less than 500 metres? How would this compare with the public benefit of different kinds of workplaces on the site? (We acknowledge that the site is beneficially owned by Foodstuffs North Island Ltd.)
- Will the design comply with the standards in the [Auckland Design Manual](#)?
- What spaces/amenities will be provided for residents and the public ,eg playgrounds?

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