

**RESOURCE CONSENT RECONVENED HEARING
16 FEBRUARY 2009**

**RC NO: LH-2126227
83 HINEMOA STREET**

Submission of Birkenhead Residents Association Incorporated.

1) The Birkenhead Residents Association is an incorporated society that represents 402 Members and its many Supporters, all of whom live within the Birkenhead area.

2) The Birkenhead Residents Association (BRA) is not against development of this site. It's the magnitude to which this proposed development, and its most recent amendment, breaches the Heritage nature of the Birkenhead area and the level of residential intensification that is completely out of character for the location.

We also convey the sentiment of local residents who are appalled by this proposal as they consider that a development of this scale and style is inconsistent with the character of Birkenhead Point. They, as do we, still believe that it is completely out of character with surrounding residential buildings.

3) We are here today to present our submission on the applicant's revised plan 'G'.

4) Also presented to Commissioners are letters of support and Submissions from Local Residents who are eligible to be here today but for various reasons are not able to attend in person and present their own submission.

5) Our reasons for asking that the Hearing Commissioners reject the current proposal include, but not limited to, the following:

Ground Floor Commercial Units

The amended proposal has reduced the number of ground floor commercial units from four to three. This revised commercial ground floor area is stated as being approximately 174m²; with the ground floor commercial street frontage being approximately 81% of the ground floor building street frontage.

However, we draw the commissioner's attention to:

The commercial layout, as shown on RC.05 G, details three "commercial" units, these units are required to satisfy the rule 15.7.3.4 b of the District Plan that anticipates commercial activities occupying more than 75% of road frontage.

It can be seen on RC.12 G, RC.13 G and RC.14 G (in the cross sections B-B, C-C and E-E) that the commercial units particularly along Maritime Terrace are substantially subterranean. This can be visually seen on RC.29 G.

Reference to the District Plan (see attachments) clarifies that the commercial activity referred to in 15.7.3.4 b is predominantly considered to be neighbourhood shopping.

When the District Plan refers to "ground floor shopping frontage" (especially in a heritage area) it must have anticipated that it be in a configuration consistent with comparable

existing neighbourhood shopping as it talks about the retention of neighbourhood shopping.

That form of shopping is almost without exception, able to be accessed at on-grade "walk-in walk-out" levels.

Therefore we do not believe that the applicant's revised plan 'G' satisfies the requirement of "ground floor shopping frontage". This is because "*frontage*" in this context must mean that it meets the established criteria of Shopping frontage - that being "at grade" access to the shop.

Just because a section of the upper cavity of the "commercial" unit is at street level doesn't constitute satisfaction of the requirement to have over 75% "commercial" ground floor road frontage. As it is, the majority of the "commercial" units are effectively semi-basement not ground floor level.

Traffic and Parking Effects

1. Driveway gradient

The amended proposal has improved the driveway gradient and profile, with specific reference to the transition platform and therefore *MAY* increase the safety for pedestrians along the footpath.

However, it is our view that the proximity of the drive to the building, which borders the boundary, will cause visibility to be severely impaired. Additionally, the one parking bay on the west side of the entry / exit on Maritime Terrace provides another barrier to traffic accelerating towards this entry / exit from Hinemoa Street.

This dangerous situation could be remedied if the proposed development was set back from the berm as mentioned by numerous submitters at the previous Hearing.

Owen Taylor's report includes in 7.4.1 ii

"... *this resource consent submission is satisfactory on the basis of a traffic engineering assessment*". Conditions in respect of the following were recommended should the application be granted:

- e. Vehicles exiting the site must give way to pedestrians and not queue over the footpath.
- f. Markings should be installed to raise pedestrian awareness and avoid cars queuing on the footpath.

As mentioned elsewhere in this submission, courier drivers and large trucks will be forced to park on the kerbside, and they are going to do this in a manner most convenient to them – as close as possible to the point of entry. In this case the pedestrian entrance on Maritime Terrace, this is located between the car park exit and the Hinemoa Street intersection.

Conclusion:

The applicant's amended plans have not adequately addressed traffic and pedestrian safety issues.

2. Manoeuvrability & Ramp

The amended proposal has attempted to improve manoeuvrability with the introduction of a sub-basement car park.

However, these amendments have resulted in compromised security issues and unrealistic expectations of visitors to the site. People, courier drivers almost without exception, are lazy, and will not traverse the sharp turns, ramps and tricky manoeuvres (as described by Traffic Engineer Wes Edwards in his Traffic Assessment report) in order to reach allocated parking spaces.

Therefore the amended plans have not addressed our previous concerns that stacked parking will encourage visitors and clients to park on the street. In fact the amended plans have only exacerbated the issue with the introduction of this sub-basement carpark which requires drivers to engage in multiple turns and tricky manoeuvres (also pointed out by Wes Edwards) required enter and exit the basement car park.

We also note with interest that in Wes Edwards Traffic Assessment, he also states that *“The ramp has a gradient of 1 in 8 meeting the District Plan maximum gradient for non-residential activities.”*

As this new basement car park has allocated spaces for residents and their visitors – AND that because the site is predominantly residential in nature and design, residential rules should be applied.

Conclusions:

- A. The amended proposal has not improved manoeuvrability within the site.**
- B. The driveway gradient is steeper than allowed for under the District Plan.**

3. Loading Bay

The amended proposal has attempted to improve manoeuvrability in respect of the truck movements and loading.

The audit report states: *“The dimensions of the loading bay do not meet the standards of the District Plan and the height of vehicles using the bay will be restricted to 2.8m.”*

The traffic engineers report states *“...the majority of trucks can be accommodated within the site and only a few large trucks may need to make frequent use of kerbside parking”.*

This raises serious concern. We calculate that transit type vans and the average car will be the only vehicles able to readily and easily manoeuvre within the ‘Truck Bay’, therefore anything larger will be the “Few large trucks” that will be making frequent use of kerbside parking.

Consider this:

- 1) How many is 'a few large trucks' given that one large truck parking on the kerbside, is one truck too many!
- 2) What kerbside parking? There won't be any!
- 3) How many people move house using vans?
- 4) What is the height of a service vehicle – electrician, plumber etc – with roof racks?

Conclusion:

The amended proposal, in our opinion, has not improved manoeuvrability in respect of the truck movements and loading bay issues.

4. Traffic Safety

The junction of Bridge View, Maritime and Hinemoa roads is already a problematic intersection, with over 7,000 traffic movements down Maritime Terrace each week (last traffic count 2002, see attachment) therefore there should be no compromise in terms of traffic safety and onsite parking.

By the way - It is outrageous that the traffic engineers can use data that is so old, as the basis for their assessment of the impacts!! How credible are their conclusions?

Note: we estimate that if a traffic count was taken this week that the number of movements is likely to be much closer to 10,000 movements per week.

The amended proposal includes a narrow, box like, viewing shaft approximately 1.5 meters high, in which drivers are expected to see traffic heading south on Hinemoa Street.

Owen Taylor mentions this issue in his report:

7.4.1 ii a. Visibility lines for vehicles making a right turn out of Maritime Terrace into Hinemoa Street are to be kept clear of obstruction. This obstruction is deemed to include significant planting, more than 600mm above ground level or overhanging from balconies, and other objects that may impede visibility for vehicles making this movement. This is specifically applicable to the corner units with balconies adjoining the sightline.

These other objects could include:

- Children who gather at this intersection for the school bus,
- smokers from within the building (who always seem to congregate in groups around door ways and balconies)
- courier drivers, taxi's and tenants who park upon the Kerb or over yellow 'No Parking' lines in order to deliver, drop off or collect people and /or goods
- pedestrians waiting to cross the intersection

As most of these 'Objects' are an every day reality of life, a clear line of sight as proposed in the amended plans can not be guaranteed. And to suggest the installation of 'No Parking' or 'Keep Clear' (no gathering, no smoking) signs will prevent this happening is completely unrealistic - as evidenced all over the city, people choose to ignore these signs, because they will only be a few minutes.

A few minutes is all it takes for a driver on a blind intersection to take a risk. A risk that could prove fatal.

Conclusion:

The amended proposal, has not improved the sight lines and safety for vehicles at the intersection of Maritime Terrace and Hinemoa St

Amenity of Neighbouring Properties

The amended proposal remains inconsistent with the historic nature and heritage architecture in the form of villas, bungalows, and housing in the immediate area. There is the odd exception, with the introduction of more modern dwellings introduced in the 50's to 80's. However, more recently North Shore City Council's Heritage protection measures for this area have partially ensured the preservation and retention of heritage homes.

Ms Mein is wrong in her recommendation that this level of intensification appropriate for Birkenhead – she was reminded last time that the intensification in the District Plan is in the Highbury area, not the heritage Point area. DP defines 6C zone as area around a node and suitable for intensification, as in around Highbury, not 3C as in Birkenhead Point. Also North Shore City Council's City Blueprint identifies Highbury for same and is quoted in Highbury Centre Plan. Ms Mein doesn't seem to recognise the difference between Highbury and Birkenhead Point.

The amended proposal does **not** blend in with its surrounds.

The amended proposal is now disjointed – and bitsy.

The amended proposal still appears dominant on a gateway site - an eyesore on the Birkenhead Point landscape.

Conclusion:

The amended proposal has not brought about a positive effect on the 'Heritage Values', 'Neighbourhood Character' or 'The Amenity Values of Neighbouring Properties'

The amended proposal is inconsistent with any other development style in the area.

Summary

In our previous submission (May 2008) we stated:

The Birkenhead Residents Association accepts that there is merit in the concept of a mixed use development on this site, albeit not as currently proposed. If unchanged, the proposal is likely to create more than just minor adverse effects to the landscape

character and the resulting inconsistency with the surrounding and predominantly heritage residential area.

On this basis the Birkenhead Residents Association recommend that the development is significantly redesigned to address these concerns. The redesign should include:

- a reduction in the intensity of the development
- a setback of the building footprint with a front yard so as to resolve traffic and pedestrian safety issues; and or
- a redesign of the building form with regard to its relationship to both street frontages and surrounding buildings, and the proposed exterior building materials.
- a design that incorporates wider hallways, and outdoor space.
- a design that adheres to the **recommended minimum 2.7m** ceiling height requirements for commercial premises.
- the inclusion of covenants on the proposed commercial units to ensure that they remain just that, commercial units, and cannot be “renovated” for Residential accommodation at a later date.

With the exception of the wider hallways, it is with disappointment that we find none of these recommendations are represented in the applicant’s amended plans. Therefore, we again ask that this application be rejected.

A) The applicant has had three opportunities to present a proposal that could be sympathetic to the site.

February 2005 - December 2007 and February 2009

Our reason for objection to each of these proposals includes:

- The scale and style of the proposal
- Its disrespect for the Historic and Heritage nature of the area
- Its height and bulk
- The intensity and resulting compromise on safety, and amenity value etc
- Traffic and pedestrian safety

B) The applicant, a lawyer by trade, is an experienced developer, and knows the system well. The amended design we see here today, is merely a reiteration of the very first proposal that was rejected in 2005, and again in 2008.

Sure it has had a few nips and tucks here and there, a floor plan modification and addition of a sub-basement car park. But nonetheless it would appear that if the applicant and his 'Team of Experts' was listening at the two previous Hearings, he in fact heard nothing.

At no time has the applicant offered an alternative design. He has chosen a building block template and refuses to consider the wider view of the inhabitants of the area and the intent of the District Plan.

Rather his method to achieve his intended result is to simply wear the community down. In each case his amendments are largely superficial, and in our view, are merely redrawn plans whereby he has attempted ticked off the objections one by one until he gets what he wants.

C) At no stage in the revised plans since 2005 (B-G) has the applicant taken into consideration the Historic, Heritage nature of the immediate area. Rather he has tried to ensure compliance with technical issues, like Height to Boundary issues, car parking, and overall height etc

We ask that the Hearing Commissioners consider the bigger picture in this instance, because ***it's not about being right it's about doing the right thing.***

And in this instance ***the right thing*** is to preserve this unique part of North Shore City and reject this amended proposal outright.

Rejection of this proposal is in line with the intent of the District Plan, parts of the RMA, North Shore City Councils recently stated intentions to stop this type of development and the aspirations of those who call this unique area 'HOME'.

THANK YOU.

Attachment 1

District Plan June 2002 Updated May 2008 15-17 – (EXTRACT)

15.4.1 Local 1 Zone

Objective

To manage the effects of activities in small local centres in a manner which:

- Helps to minimise average vehicle trip lengths by recognising the neighbourhood shopping role that local centres serve or could potentially serve
- Makes efficient use of natural and physical resources
- Avoids, remedies or mitigates the adverse effects of activities on the amenity of residential properties.

Policies

1. By enabling the retention of the neighbourhood shopping role of small local centres and by enabling new small local centres which can serve a neighbourhood shopping role for new residential areas.
2. By enabling a wide range of business activities to establish in small local centres in order to ensure that efficient use is made of the resource that they represent.
3. By ensuring that those potential adverse effects of activities in small local centres on the amenity of adjoining residential areas are avoided, remedied or mitigated.

Methods

- All policies will be implemented by rules.

Explanation and Reasons

There are numerous small retail centres which have been developed throughout the city, the commercial function of which needs to be recognised.

The viability of some of these centres has fluctuated over time. In order to ensure that maximum use is made of this existing resource and that all possible opportunities for employment close to local residential areas are available, a broad range of activities, including warehousing and manufacturing, is available within the zone.

In line with the approach taken within the Business Section, it is the effects of those activities which are controlled rather than the activities themselves.

A policy dealing with the adverse effects from licensed premises, or premises which attract significant numbers of people for social or recreational activities, is contained under Objective 15.3.4: Control of Adverse Effects.

Since the majority of the sites with a Local 1 zoning will lie within 30 metres of a residential zone boundary, they will be caught by the stricter controls which apply to Buffer Strip sites, as well as by the standard development controls for the zone.

The combination of these two levels of control will ensure that residential site amenity will be protected.

The future service station site on the southern side of Greville Road is zoned Business Local 1G in recognition of the need to provide adequate protection for adjoining residential sites and the local highway network.

The topography of the area is such that a wide landscape buffer is needed to provide adequate protection for neighbouring residential sites.

The Business Local 1G zone adjoins the intersection of Hugh Green Drive and Greville Road.

The location of vehicular exits need to be controlled in order to protect the safe and efficient functioning of the local highway network.

Expected Environmental Results

- *Small scale intensive business areas which are compatible with the locality, as measured by five-yearly resident surveys and a biennial business zones land use survey*
- *Increased use of the existing buildings within the zone, as measured by a biennial assessment of building vacancy levels within the zone.*

15.7.3.4 Residential Activities at Ground Level Fronting a Business

1, 2, 3, 4 and 5 Zoned Street

a) The extent to which the residential development would result in a noticeable break in the **ground floor shopping frontage** of a commercial area.

b) The proportion of ground floor commercial frontage occupied by ground floor residential developments. The Council will normally expect **commercial activities to occupy more than 75% of the road frontage in a commercial centre.**