

280



Auckland  
Regional Council  
TE RAUHITANGA TAIAO

**NOTICE OF SUBMISSION TO A PROPOSED PLAN CHANGE UNDER CLAUSE  
6 OF THE FIRST SCHEDULE (PART I) TO THE RESOURCE MANAGEMENT  
ACT 1991**

**TO:** Chief Executive  
North Shore City Council  
Private Bag 93-500  
Takapuna  
**North Shore City**

**FROM:** General Manager, Regulatory Services  
Auckland Regional Council  
Private Bag 92 012  
**Auckland**

21 Pitt Street  
Private Bag 92 012, Auckland  
New Zealand  
DX CP-28 008 Pitt St  
Telephone +64 9 366 2000  
Facsimile +64 9 366 2155  
www.arc.govt.nz

File Ref D256\_02\_04

**The Auckland Regional Council makes this submission in opposition to:**

Proposed (Private) Plan Change No 16: Chelsea Mixed Use Overlay (Chelsea Estate, Birkenhead) to the North Shore District Plan 2002.

**The Auckland Regional Council opposes the entire Proposed Plan Change.**

**The reasons for the Auckland Regional Council's submission are:**

**1.0 Introduction**

1.1 The Proposed Plan Change seeks to apply a special zone overlay – 'Chelsea Mixed Use Overlay' – to the Business 9 zoning on the Chelsea Estate, Birkenhead. It would provide for a mix of new uses, including up to 528 residential units, community and business/retail activities (covering a floor space of 3200 square metres) in the event of sugar refining ceasing. The 15 hectares of land affected includes the sugar refinery as well as land to the west known as the 'Horse Paddock'.

1.2 This submission presents the Auckland Regional Council's (ARC) response to the Proposed Plan Change with reference to the following key policy documents and strategies:

- Auckland Regional Policy Statement 1999 (ARPS) and Proposed Change 6 to the ARPS 2005<sup>1</sup>.
- Auckland Regional Growth Strategy 1999 (RGS).
- Northern and Western Sectors Agreement 2001.
- Auckland Regional Land Transport Strategy 2005 (ARLTS).
- Auckland Regional Plan: Coastal 2004 (ARP:C).
- Proposed Auckland Regional Plan: Air, Land and Water 2001 (PARP:ALW).
- North Shore City District Plan 2002 (District Plan) and Proposed Plan Change 12 to the District Plan 2005.
- Department of Conservation (DoC) Auckland Conservation Management Strategy.

<sup>1</sup> The Proposed Change 6 to the ARPS was notified on 31 March 2005 giving effect to the Regional Growth Concept, as contained in the RGS, and better integrating land use and transport provisions, in accordance with the requirements of the Local Government (Auckland) Amendment Act 2004 (LG(A)AA). The proposed changes provide a policy framework for the location and density of future development in urban areas, rural and coastal settlements and countryside living areas throughout the region. This framework is based upon not compromising the strategic direction of containment and intensification and for the avoidance of adverse effects on the environment.

## Consultation

- 1.3 The ARC wishes to clarify the process outlined in the Section 32 Analysis with respect to consultation. The ARC was not formally part of any 'consultation committee' and did not participate in the meetings mentioned as held in December 2004 and April 2005. In May 2005, the ARC became party to the appeal by New Zealand Sugar Company to the District Plan and its provisions as they related to the Chelsea Estate.
- 1.4 The ARC can confirm that officers were provided with a copy of the draft Section 32 Analysis and provided comments on the 'Regional Issues' Section in October 2005. Officers attended meetings to discuss ecological issues with respect to the 'draft' Proposed Plan Change on 20 November and 5 December 2005.

## Timeframe

- 1.5 The Section 32 Analysis accompanying the Proposed Plan Change states "*There are no plans to close the refinery*"<sup>2</sup>. Presented with a potential long-term timeframe within which this Proposed Plan Change may take effect, the ARC considers that this raises questions regarding the appropriateness of proceeding with a plan change now, when at the time it becomes operative, the regional and local context may be greatly changed. Without greater certainty as to the realistic timeframe involved with the proposal, progressing with a plan change is considered to be inappropriate.

## Structure of Submission

- 1.6 The ARC's submission to the Proposed Plan Change is divided into five sections as follows:
- Section 1.0 Introduction.
  - Section 2.0 Regionally Significant Values of the Chelsea Estate.
  - Section 3.0 Strategic Policy Implications.
  - Section 4.0 Assessment of Effects.
  - Section 5.0 Conclusion.

## 2.0 Regionally Significant Values of the Chelsea Estate

### 2.1 Regional Ecological Significance

- 2.1.1 The 'Chelsea Estate' contains a large area of regenerating native forest that is part of a wider area of regional ecological significance which includes Chelsea Bush and Kauri Point. Both these areas of forest have been identified as significant in several regional documents including the ARPS and the Department of Conservation's (DoC) Auckland Conservation Management Strategy.

---

<sup>2</sup> Proposed Private Plan Change No 16. Request to North Shore City Council by Chelsea Estates NZ Pty Ltd. 2006. *Chelsea Mixed Use Overlay Plan Analysis Pursuant to S32 Resource Management Act 1991. Volume 1*, page 21.

2.1.2 Chelsea Bush is identified as a Significant Natural Heritage Area in Appendix B of the ARPS. It is also identified as a Site of Special Wildlife Interest of 'moderate' significance by DoC. The Chelsea Bush area is identified in the joint ARC and NSCC "*North Shore City Ecological Survey*" (2005)<sup>3</sup> as being one of the two largest areas of native forest remaining in urban Auckland, the other being the Lucas Creek catchment. Chelsea Bush is a regenerating coastal forest ecosystem which is part of a wider continuous 200 hectare area of native vegetation along the Birkenhead coast from Kauri Point to Chelsea to Soldiers bay, and including the Defence land at Oruamo. It forms a prominent bush clad headland and coastal escarpment on the Birkenhead coastline on the eastern edges of the Upper Waitemata Harbour. Chelsea Bush contains significant coastal cliff pōhutukawa forest as well as inland regenerating kauri forest. The Chelsea Bush and Kauri Point forest provides a significant habitat for native flora and fauna and a significant habitat and ecological corridor in the context of the region. It forms a significant habitat and stepping stone for native bird species in Auckland, with the Gulf Islands, other North Shore forest remnants and the Waitakere Ranges to the west.

## 2.2 Regional Historic/Cultural Heritage Significance

2.2.1 The Chelsea Sugar Refinery has operated continually on its original site since 1884 and is one of the longest functioning industries in New Zealand. The refinery, together with its associated wharf, structures, buildings and setting, is of considerable local, regional, national and even international historical significance. The antiquity, aesthetic qualities and visual prominence of the refinery complex contribute to its status as an iconic Waitemata Harbour landmark held in high esteem by the people of Auckland generally and of Birkenhead in particular. The refinery and its setting are also of considerable industrial, technological, architectural, social and archaeological value.

## 2.3 Regionally Significant Landscape

The coastline below the Chelsea Estate is identified as a Regionally Significant Landscape (Rating 5) in the ARP:C.

## 3.0 Strategic Policy Implications

### 3.1 Urban Structure

3.1.1 The intent of the Urban Structure policies of Proposed Change 6 to the ARPS is to ensure that more intensive forms of development are not provided on an ad-hoc basis but are centred around identified centres and transport corridors. These policies clarify and reinforce the Strategic Direction in the operative ARPS. Policy 2.5.2-3 (iii) of the ARPS seeks that urban intensification at selected locations is provided for and encouraged. Policy 2.6.1-2 (i) provides for urban intensification around selected nodes and along selected corridors; Policy 2.6.1-2 (iii) seeks that urban development brings about patterns of activities that will mitigate the effects of increased travel; and Policy 2.6.1-2 (v) seeks that the efficient provision of services are facilitated through the utilisation of upgrading of existing facilities.

<sup>3</sup> Auckland Regional Council and North Shore City Council. 2005. *North Shore Ecological Survey Report. A Survey of Sites of Ecological Significance in Tāmaki and Rodney Ecological Districts.*

- 3.1.2 Policy 2.6.5-1 of Proposed Change 6 to the ARPS states that urban intensification is to occur in specified locations (including areas identified in Schedule 1A) to provide the focus for the region's residential commercial and retail growth. The Proposed Plan Change – Chelsea Mixed Use Overlay enables higher density mixed use development with density levels which are similar to those promoted for high density centres and corridors in Schedule 1 of Proposed Change 6 to the ARPS and Table 6.1 of Proposed Plan Change 12 to the District Plan.
- 3.1.3 However, the subject site is not identified as an area suitable for urban intensification in either Schedule 1A of Proposed Change 6 or Table 6.1 of Proposed Plan Change 12 to the District Plan<sup>4</sup>. The area is also not identified for future urban growth in the RGS. Schedule 1A of Proposed Change 6 identifies Highbury; Northcote; Milford; Glenfield and Browns Bay as high density centres in North Shore City. The site is within one kilometre of the Highbury Town Centre, however, it is not clear from the Proposed Plan Change if it is suggested that this site forms a part of this centre. It is not clear whether the Chelsea Estate will be a Town Centre or a Neighbourhood Centre. The expected residential and working population is not known or the impacts that these various scenarios will have on Highbury and the surrounding road/transport network.
- 3.1.4 The Proposed Plan Change does not have regard to Policy 1 in Section 6.4 (Urban Growth Strategy) of Proposed Plan Change 12 to the District Plan:

*"Development opportunities for more intensive forms of residential and business development will be provided for in and around selected town and village centres and on transport corridors on a progressive basis in accordance with Table 6.1..."<sup>5</sup>*

- 3.1.5 Policy 2.6.5-12 of Proposed Change 6 to the ARPS states that urban intensification may only occur in locations other than those listed in Schedule 1 if it can be demonstrated that this will not compromise the achievement of Policies 2.6.5-1-2.6.5-6. The Proposed Plan Change – Chelsea Mixed Use Overlay does not demonstrate that Policies 2.6.5-1-2.6.5-6 of Proposed Change 6 will not be compromised. For example, the Proposed Plan Change and Section 32 Analysis do not provide sufficient analysis to demonstrate how the land use activities will mitigate the effects of increased travel and how transport and land use has been integrated. Furthermore, it does not demonstrate how Strategic Objectives 2.6.1-1-3 and 2.6.1-5: of Proposed Change 6 will be met:

### **3.2 Land Use and Transport Integration**

- 3.2.1 The Proposed Plan Change – Chelsea Mixed Use Overlay does not address land use and transport integration with regard to Strategic Policies 2.6.11-1 and 2 of Proposed Change 6 to the ARPS, Policy 12.3.1-3 (Transport System Effectiveness and Safety) of Proposed Plan Change 12 to the District Plan and the objectives and policies of the RLTS. This assessment would include such matters as to how the development could be serviced by public transport, how the design could better support public transport investment, and how the design of the proposal improves pedestrian and cycle accessibility to (and within) the site. The Proposed

<sup>4</sup> As part of Proposed Plan Change 12 to the North Shore District Plan as a requirement of the LG(A)AA.

<sup>5</sup> North Shore City Council. March 2005. *North Shore City District Plan Proposed Plan Change 12*.

Plan Change simply promotes high density development and focuses on the effects from traffic generated from the site, with little regard to the operation of other transport modes on the site.

- 3.2.2 The Section 32 Analysis states that Policy 4.4.1 of the ARPS has been reviewed (as follows), but does not state how the need for vehicle traffic has been reduced:

*"Land use and transport planning will be integrated in a way which reduces the need for vehicle travel".*

- 3.2.3 This Policy has been strengthened by Proposed Change 6 to the ARPS as follows:

*"Land use and transport planning will be integrated in a way which reduces the need for private vehicle travel and significantly increases the amount of travel made by public transport, walking and cycling."*

- 3.2.4 Method 4.4.2 of the ARPS requires that land use and transport planning should be integrated by district plan provisions, which address the interaction between land use and the transport system.

- 3.2.5 Policy 3.1 of the RLTS also states:

*"Ensure that land use development and the transport system are mutually supportive and recognise the importance of design for non vehicular travel."*

- 3.2.6 The ARC considers that insufficient regard has been has to the transport implications of the Proposed Plan Change – Chelsea Mixed Use Overlay. It proposes a new objective and policies to the Business section of the District Plan for the Chelsea Mixed Use Overlay Area (Section 15.3.8). The objective is *"To enable the redevelopment of the land [...] for increased residential capacity and commercial potential and a wider choice of residential lifestyles, including access to community and commercial services, and transport infrastructure [...].* (emphasis added). However, apart from roading infrastructure there is no mention of what this infrastructure might be and, furthermore, the Proposed Plan Change does not include policies addressing transport and in particular, public transport infrastructure or walking connections to the Highbury Town Centre.

- 3.2.7 The ARC considers that the provision of higher density residential development on this site is inappropriate without provision for public transport services. The Proposed Plan Change has not incorporated any specific objectives or policies that seek to ensure that public transport services will be provided.

- 3.2.8 The Proposed Plan Change focuses on private vehicle trip generation to meet the transport needs for employment and services on a daily basis. This creates a significant amount of trip making to and from the site. The Proposed Plan Change should have further regard to the need to reduce travel demand. The traffic assessment underestimates private vehicle demand because it assumes that apartment development will generate less traffic than single dwelling units on the premise that apartments dwellers will be higher uses of public transport<sup>6</sup>. However, until such time

<sup>6</sup> Appendix 6. Traffic Effects. Chelsea Sugar Refinery Development: Assessment of Traffic Effects on the Surrounding Street Network, February 2004. Traffic Design Group Limited.

that public transport is provided (or planned for), with some degree of certainty, to this site as part of this Proposed Plan Change this assumption cannot be made.

- 3.2.9 The Section 32 Analysis does not contain a comprehensive transport assessment that considers the integration of all transport modes. Appendix 6 of the Section 32 Analysis contains a Traffic Effects Assessment that concentrate solely on traffic issues. While the Section 32 Analysis mentions the possibility of a ferry service to the site, i.e., that there is a deep water terminal at the site, and space available to provide parking for commuters on site, it does not contain a feasibility study into the ability to provide (including funding) such services to the area. There is also no mention of how buses might service this area or how buses might integrate with any future ferry service.
- 3.2.10 The Proposed Plan Change enables additional transport facilities on this site as a discretionary activity status. It would be preferable if it planned for and enabled transport provisions, such as ferry services, as permitted activities.

### **Transport Audit**

- 3.2.11 A comprehensive transport audit, as required by Method 2.6.12-8 of Proposed Change to the RPS, is needed to provide certainty that transport issues can be satisfactorily addressed. This audit will need to include comprehensively addressing the integration of ferry services to the site; consideration of a bus public transport link; provision for pedestrian and cycle modes both within the site and to adjoining areas, in particularly the Highbury Town Centre; and the related provision of parking. The traffic assessment would form one part of the transport audit.

### **3.3 Urban Design**

- 3.3.1 The policies of the operative ARPS seek to achieve high standards of amenity in urban areas and the desired regional outcomes in the RGS including urban amenity – higher quality urban amenity particularly business, residential, shopping and public space areas. Proposed Change 6 to the ARPS places a stronger emphasis on good urban form and building design to ensure that developments provide a high quality urban living and working environment. Key urban design matters that need to be addressed include:
1. As there are no plans to close the refinery in the short term, there is time to develop a more comprehensive analysis of the best open space and building space within the wider context of the Chelsea Estate and integration of activities within the wharf/coastal edge, including public open space and the impact on views to the development from the adjoining harbour.
  2. The Boiler House and Melt House have been incorporated into the Chelsea Mixed Overlay Plan, since the February 2004 Architectus Outline Master Plan and are not resolved. The Boiler House sits uncomfortably in the middle of the plaza and the Melt House impinges on the footpath and tree planting in the internal street. As the heritage structures are fundamental to supporting building development on the refinery site then they must be fully integrated into the Overlay Plan.

3. There is no sound justification to support development of the Horse Paddock. The consideration of alternatives, such as concentrating development in areas within the wider context of the Chelsea Estate and the option of the Horse Paddock becoming open space near the harbour edge need to be investigated.

### **3.4 Structure Planning**

- 3.4.1 The Section 32 Analysis states that "*The proposed 'Chelsea Mixed Use Overlay Plan' fulfils a similar function to a structure plan and relies on similar 'Comprehensive Development Plan' rules and assessment criteria already contained in the plan*". The ARC contends that the Chelsea Mixed Use Overlay Plan does not fulfil a similar function to a structure plan, as required for existing urban areas proposed for significant<sup>7</sup> redevelopment by the ARPS (Method 2.6.2-8) and Proposed Change 6 to the ARPS (Method 2.6.6-14).
- 3.4.2 Proposed Change 6 to the ARPS further states that the structure plan process as a minimum must meet the requirements of Appendix A-4: Structure Planning. This Appendix outlines what matters this process will consider including growth needs within North Shore City and sub-regional area; the broader sub-regional context, including relationship of the subject site with the immediate surrounding area and subregional area; the need to give effect to the ARPS, relevant regional plans, the District Plan and other North Shore City Council strategic policies and plans; how to achieve integrated land and transport outcomes; infrastructure servicing requirements, including the adequate treatment of stormwater, and how these fit with Integrated Catchment Management Plans; and the protection of significant heritage feature and open space.
- 3.4.3 The ARC would expect that the key issue of whether or not urban intensification is appropriate on the Chelsea Estate be addressed through a strategic structure planning process. The structure plan would also address the extent to which intensification of the site may compromise the ability to undertake urban intensification within the high density centres and corridors listed in Schedule 1A of Proposed Change 6 to the ARPS and Table 6.1 of Proposed Change 12 to the District Plan.

## **4.0 Assessment of Effects**

### **4.1 Ecological Effects**

- 4.1.1 The ARPS contains policies regarding heritage preservation and protection. Policy 6.4.1-3 specifically states that:

*"The subdivision of land, and use and development of natural and physical resources should be controlled in such a manner that:*

*(i) The values of heritage resources of international, national or regional significance are preserved or protected from significant adverse effects."*

---

<sup>7</sup> Proposed Change 6 to the ARPS now defines 'Significant' in this context to include land of 5000 square metres or greater.

- EA
- 4.1.2 The Proposed Plan Change will impact on parts of the wider Chelsea Bush forest identified as being regionally significant including areas of coastal cliff pōhutukawa forest and mixed native regenerating forest in the vicinity of the Chelsea Estate. While the areas of this forest in the vicinity of the Chelsea Estate (on the eastern and northern side of the Horse Paddock) contain a significant element of exotic trees and weeds in places, they are still significant in terms of their value as part of the wider area of vegetation, their ecological linkage and corridor values, and their contiguity with the wider forest that stretches from Chelsea to Kauri Point and Soldiers Bay.
- 4.1.3 Section 10.6 of the Section 32 Analysis states that development has been avoided within the coastal escarpment and areas of high ecological value, however, areas of vegetation are proposed to be cleared around the Horse Paddock area, and development is also planned close to the coastal edge and adjoining coastal cliff pōhutukawa forest.
- 4.1.4 The clearance of vegetation around the Horse Paddock will remove valuable habitat and a portion of the wider Chelsea Bush vegetation. Clearance of vegetation and development close to the coastal edge will also impact on this vegetation and limit the potential to restore and extend this coastal forest ecosystem inland. The coastal cliff pōhutukawa forest is very narrow and fragile in this area (restricted to the steep cliffs) and impacted by weeds. Restoration is needed to extend it from the cliff, inland. It is contiguous with more extensive coastal forest to the north along the Birkenhead coast to Kauri Point and Soldiers Bay. These ecological linkages need to be strengthened and development in the Chelsea Estate area will compromise possibilities for future ecological restoration and protection of this part of the wider Chelsea Bush area.
- 4.1.5 Section 11.1 and 11.4 of the Section 32 Analysis discusses Sections 5 and 6 of the Resource Management Act 1991. The ARC does not concur with the statements in the analysis that there will be negligible impact on ecosystems, that the coastal margin is heavily modified, and that there are no areas of significant indigenous vegetation.
- 4.1.6 The coastal margin and wider area contains significant areas of vegetation that are part of a wider area of regional ecological significance. Impacts on ecosystems will include fragmentation and edge effects.
- 4.1.7 Section 8.34 of the Section 32 Analysis states that when considering "*the landscape and habitat attributes of the site... and the efficacy of the existing and proposed rules regarding protection of these attributes*" reference should be made to the joint ARC and NSCC "*North Shore City Ecological Survey (2005)*". It is recommended that a number of other documents also need to be referred to in making decisions regarding protection, including DoC's Sites of Special Wildlife Interest reports and the DoC Conservation Management Strategy, and other NSCC ecological reports.

## 4.2 Effects on Historic/Cultural Heritage

- 4.2.1 As stated above, the ARPS contains policies regarding heritage preservation and protection. Policy 6.4.1-3 specifically states that:

*"The subdivision of land, and use and development of natural and physical resources should be controlled in such a manner that:*

*(i)The values of heritage resources of international, national or regional significance are preserved or protected from significant adverse effects."*

- 4.2.2 The Proposed Plan Change - Chelsea Mixed Use Overlay has been prepared in the absence of an adequate assessment of effects on historic heritage. There is only brief reference to the "Chelsea Sugar Refinery. A Conservation Plan" (October 2003)<sup>8</sup> (Conservation Plan). The Conservation Plan assesses the significance of the production complex, but not the balance of the subject site. It concludes that the refinery's cultural heritage will "...best be conserved and retained if refinery operations continue"<sup>9</sup> and Conservation Policy 1 states that "*The primary significance of the Chelsea Sugar Refinery should be preserved by ensuring its continued use as a sugar refinery...*"<sup>10</sup>.
- 4.2.3 The Conservation Plan does not address the potential effects of the Proposed Plan Change. Policy 32 relating to a change of use requires that the Conservation Plan be revised "*Should at some time in the future, the Chelsea Sugar Refinery cease to function as a sugar refinery and the buildings and site become available for some new use...*"<sup>11</sup>.
- 4.2.4 The Conservation Plan identifies works that have the potential to bring about the significant loss of heritage value to the production complex (refer pages 94-5). However, the Proposed Plan Change does not provide sufficient information to determine if the proposed development falls into this category.
- 4.2.5 The following potential effects are not addressed in the Proposed Plan Change:

<sup>8</sup> The Conservation Plan was commissioned by the New Zealand Sugar Company Limited and Chelsea Estates Limited and prepared by Clough and Associates Limited in association with Di Stewart and Associates and Urban Design Office - Martin Jones (buildings archaeologist) and James Noble (architect).

<sup>9</sup> New Zealand Sugar Company Limited and Chelsea Estates Limited. 2003. *Chelsea Sugar Refinery. A Conservation Plan*, page 9.

<sup>10</sup> New Zealand Sugar Company Limited and Chelsea Estates Limited. 2003. *Chelsea Sugar Refinery. A Conservation Plan*, page 96.

<sup>11</sup> New Zealand Sugar Company Limited and Chelsea Estates Limited. 2003. *Chelsea Sugar Refinery. A Conservation Plan*, page 101.

DA

- **Impact on archaeological sites**

The Section 32 Analysis states that *"There are no known archaeological or spiritual sites within the property"*<sup>12</sup>. This conclusion is entirely at variance with the findings of the Conservation Plan, which concludes that *"The curtilage of the buildings and the entire site are considered to be an archaeological site..."*<sup>13</sup>; *"The importance of the site lies in the presence of a large quantity of archaeological material..."*<sup>14</sup>; and *"Under the provisions of the Historic Places Act 1993 the extended site of the sugar refinery is by definition an archaeological site..."*<sup>15</sup>.

As noted above, the archaeological assessment in the Conservation Plan only considered the production complex. The ARC has been unable to find any evidence to indicate that the balance of property has been surveyed for archaeological sites, so the lack of recorded archaeological sites is to be expected and cannot be taken as evidence of absence.

The location of the subject site on the coast in proximity to the former Duck Creek lagoon suggests that archaeological sites associated with pre-European Maori occupation will be present in previously undeveloped areas such as the Horse Paddock area, and possibly beneath existing structures, reclamations or filled areas. Furthermore, there will be historic period archaeological sites associated with the refinery complex (including company houses) and possibly with earlier European occupation on the site. Earlier buildings are shown on an 1868 map of the area. Sites associated with gum digging may also be present on the site.

- **Trees and other landscape elements of heritage value**

There are numerous planted exotic and native trees on the subject site. Some of these appear to be of significant antiquity and may be relict planting associated with earlier European settlement of the site. The history and significance, including landscape significance, of individual specimens and groups of trees and landscape elements such as paths; carriage drive; drainage systems; and enclosures, i.e. posts and fences and their contribution to the landscape value of the site needs to be assessed as part of the Proposed Plan Change.

---

<sup>12</sup> Proposed Private Plan Change No 16. Request to North Shore City Council by Chelsea Estates NZ Pty Ltd. 2006. *Chelsea Mixed Use Overlay Plan Analysis Pursuant to S32 Resource Management Act 1991. Volume 1*, page 19.

<sup>13</sup> New Zealand Sugar Company Limited and Chelsea Estates Limited. 2003. *Chelsea Sugar Refinery. A Conservation Plan*, page 10.

<sup>14</sup> New Zealand Sugar Company Limited and Chelsea Estates Limited. 2003. *Chelsea Sugar Refinery. A Conservation Plan*, page 68.

<sup>15</sup> New Zealand Sugar Company Limited and Chelsea Estates Limited. 2003. *Chelsea Sugar Refinery. A Conservation Plan*, page 89.

It is recommended that any revised Conservation Plan also assess the physical cultural landscape of the Chelsea Estate to ascertain how it came into existence and how it has evolved over time. For example, the Chelsea Estate contains layers of tree planting for shelter, erosion control, amenity value, dating in some cases prior to Chelsea Estates NZ Pty Ltd ownership. The carriage drive running up to Manager's House may represent a pre-existing transport node created before the refinery was developed. An understanding of these key landscape processes would better enable an assessment of the criteria relating to landform, vegetation and landscaping as outlined in Rule 15.7.5, Clause e) of the Proposed Plan Change.

- **Building fabric**

While the adaptive reuse of heritage buildings is supported in principle, the use of the buildings on the site for residential/commercial purposes will have a significant impact on the fabric of some of the heritage buildings that are to be retained, and may not be the most appropriate use. The alteration of Category A scheduled items for alternative uses is not consistent with Conservation Policy 3 contained within the Conservation Plan which states that *"Items scheduled category A should not be altered unless this is essential for the ongoing industrial functioning of the refinery..."*<sup>16</sup> (emphasis added).

The preservation of significant building interior fabric is an issue of particular concern, as are changes to external openings to suit residential or commercial configurations. While some buildings on the site may be suited to adaptive reuse for such purposes, it is difficult to see how buildings, such as the Boiler House, can be adapted for the uses proposed without virtual total reconstruction.

- **Maori cultural values**

The Section 32 Analysis does not indicate whether a response has been received from or contact was made with iwi who were consulted<sup>17</sup>. The Section 32 Analysis does acknowledge that the site has been identified as a Tauranga Waka by Ngati Paoa in the ARP:C<sup>18</sup>, and thus has the potential to be of considerable cultural value to iwi.

---

<sup>16</sup> New Zealand Sugar Company Limited and Chelsea Estates Limited. 2003. *Chelsea Sugar Refinery. A Conservation Plan*, page 96.

<sup>17</sup> Proposed Private Plan Change No 16. Request to North Shore City Council by Chelsea Estates NZ Pty Ltd. 2006. *Chelsea Mixed Use Overlay Plan Analysis Pursuant to S32 Resource Management Act 1991. Volume 1*, page 19.

<sup>18</sup> Proposed Private Plan Change No 16. Request to North Shore City Council by Chelsea Estates NZ Pty Ltd. 2006. *Chelsea Mixed Use Overlay Plan Analysis Pursuant to S32 Resource Management Act 1991. Volume 1*, page 39.

### 4.3 Effects on the Coastal Environment

#### Foreshore Effects

- 4.3.1 The Section 32 Analysis notes that the wharf comes under the jurisdiction of the maritime planning authority<sup>19</sup> and is not assessed<sup>20</sup> and outside the District Plan Zoning Plan as attached. Notwithstanding this, the Proposed Plan Change and Section 32 Analysis should comprehensively address the foreshore, wharf and wharf abutment/surrounds effects of the development. A substantial deep water access wharf is a scarce and valued resource in the region and consideration should be given to the most appropriate future use of the facility.
- 4.3.2 The proposed high density mixed use development, in a coastal location, will clearly have a significant impact on the waterfront area. As acknowledged in the Section 32 Analysis, the subject site has access constraints and this will apply to recreation and sporting activities for residents. No facilities for such activities are proposed in the Proposed Plan Change, such as a boat-launching ramp. Hence demands on foreshore and coastal vegetated areas will be increased, including pressures to create beach areas through beach enhancement.

#### Open Space

- 4.3.3 The present and future open space requirements within the site and the remaining land within the Chelsea Estate should be addressed as part of the Plan Change.

#### Public Access to the Foreshore

- 4.3.4 The Section 32 Analysis refers to development of the land making open space available to the public<sup>21</sup> and providing public access to the waterfront not previously available because of refinery operational requirements<sup>22</sup>. The Proposed Plan Change should clearly indicate all the new waterfront areas proposed to be made available for recreational use, public access and the waterfront park and clarify where esplanade reserves are to be provided.

#### Erosion and Coastal Hazard Protection

- 4.3.5 The Section 32 Analysis concludes that "*There are no natural hazards [...] associated with the proposal*".<sup>23</sup> Hence, it does not specifically address matters of coastal hazard.

<sup>19</sup> This statement should be updated as the wharf comes under the jurisdiction of the ARC.

<sup>20</sup> Proposed Private Plan Change No 16. Request to North Shore City Council by Chelsea Estates NZ Pty Ltd. 2006. *Chelsea Mixed Use Overlay Plan Analysis Pursuant to S32 Resource Management Act 1991. Volume 1*, page 5.

<sup>21</sup> Proposed Private Plan Change No 16. Request to North Shore City Council by Chelsea Estates NZ Pty Ltd. 2006. *Chelsea Mixed Use Overlay Plan Analysis Pursuant to S32 Resource Management Act 1991. Volume 1*, page 25.

<sup>22</sup> Proposed Private Plan Change No 16. Request to North Shore City Council by Chelsea Estates NZ Pty Ltd. 2006. *Chelsea Mixed Use Overlay Plan Analysis Pursuant to S32 Resource Management Act 1991. Volume 1*, pages 25 and 30.

<sup>23</sup> Proposed Private Plan Change No 16. Request to North Shore City Council by Chelsea Estates NZ Pty Ltd. 2006. *Chelsea Mixed Use Overlay Plan Analysis Pursuant to S32 Resource Management Act 1991. Volume 1*, page 20.

- 4.3.6 The ARC has commissioned a coastal hazard report that identifies levels of coastal risk around the Waitemata Harbour. The cliff coastline by the Chelsea Estate has been given a 40 metre width Erosion Risk Zone (excluding esplanade reserve allowance). Accordingly, it is recommended that new building development be kept 40 metres back from the coastline, excluding the esplanade reserve allowance. Alternatively, a coastal hazard/erosion risk assessment of the site should be undertaken before the Comprehensive Development Plan identifies building platforms.

#### 4.4 Landscape and Visual Effects

- 4.4.1 The coastline below the Chelsea Estate is identified as a Regionally Significant Landscape (Rating 5) in the ARPS. This significance is not 'outstanding'. Objective 4.3.1 of the ARP:C is to protect the key elements, features and patterns of Regionally Significant Landscapes (as identified in the Plan Maps) from inappropriate subdivision, use and development in the coastal environment. Objective 4.3.2 of the Plan is to maintain and enhance the diversity, integrity and landscape quality of the coastal environment.
- 4.4.2 For the general public, the most important value associated with the Chelsea Estate is undoubtedly its significance as a prominent landmark on the coastline of the Waitemata Harbour. Set against a predominantly bush vegetated setting, the refinery is an iconic industrial heritage complex on the coast and readily visible by motorists on State Highway 1 travelling north over the Harbour Bridge, from suburbs on the southern shores of the harbour, or from on the water. This significance is articulated in the Conservation Plan:

*"13 Landmark Significance*

*Due to its considerable age, size, visibility, location, aesthetic value and resulting high public esteem the refinery has achieved considerable cultural significance as a Waitemata Harbour landmark. It is regarded as such equally by Aucklanders both local and on the opposite side of the harbour and has also gained visual prominence since the building of the Harbour Bridge, in 1959".<sup>24</sup>*

- 4.4.3 The proposed development will change this unique character and also the integrity of the natural coastal features. It has the potential to significantly detract from both the setting of the refinery and the regionally significant coastal landscape generally. Overall, the photographic simulations/photomontages presented in Appendix 2: Visual Impact Assessment of the Section 32 Analysis are not adequate to assess the impact in terms of scale and form of the proposed development in that they show distant and limited views with poor definition. It is recommended that additional photomontages of the Chelsea Mixed Used Overlay be provided as part of the Visual Impact Assessment from key public viewing points, including views from:

<sup>24</sup> New Zealand Sugar Company Limited and Chelsea Estates Limited. 2003. *Chelsea Sugar Refinery. A Conservation Plan*, page 74.

- Recreational boat users passing the adjacent channel;
- Beaches and small wharfs on the adjacent Herne Bay foreshore;
- The surrounding Birkenhead area from where the development is likely to be highly visible. For example, viewpoint from near the cliff/spillway on the access to the site from Rawene Road.

These additional photomontages are needed to complete the Visual Impact Assessment and confirm the design principles employed for the proposed development, for example the height of new buildings within the refinery site have been set predominantly below the existing historic core of the refinery in order to minimise visual impacts.<sup>25</sup>

- 4.4.4 The Visual Impact Assessment should be updated given that the plan for the Horse Paddock has changed from the Architectus Outline Master Plan. The existing bulk store building is visible from surrounding residential areas, and the three storey apartment blocks are nearer the crest of the Paddock. They are likely to be screened by the existing trees along drive to the manager's house, but this should be verified. These buildings rely on trees to the north and south for screening, however, much of the existing vegetation along the margin of the area to be developed comprises short-lived species, such as pine trees or weed species. It is not realistic to expect that such vegetation, which would impede views from residential properties, will survive in the long term. Potential occupiers of properties along this edge will expect sea views in this location. Any subsequent removal or trimming of trees has the potential to leave three and four storey buildings exposed to view for users of the harbour and for residents and public from across the harbour. The Proposed Plan Change provisions need to require mitigation planting to ensure that a sufficient vegetation buffer is provided to screen development and protect natural character values of the coastal environment.

#### 4.5 Effects from Stormwater Discharges

- 4.5.1 The Proposed Plan Change – Chelsea Mixed Use Overlay and Section 32 Analysis do not sufficiently address surrounding stormwater infrastructure provision and effects from stormwater discharges. When assessing the effects of stormwater discharges on the receiving environment (Duck Creek and Shoal Bay), effects from increased stormwater volumes, flow rates and contamination require consideration. Since the subject site is likely to discharge directly to the coast, increased flow rates and volumes will not cause a significant effect, however, the potential for increased contamination from new impervious areas is of concern to the ARC. Potential future flooding and how this may affect existing impervious areas should be considered as part of the Proposed Plan Change.

---

<sup>25</sup> Proposed Private Plan Change No 16. Request to North Shore City Council by Chelsea Estates NZ Pty Ltd. 2006. *Chelsea Mixed Use Overlay Plan Analysis Pursuant to S32 Resource Management Act 1991. Volume 1*, page 18.

#### 4.5.2 The Section 32 Analysis does not consider:

- Contamination of the receiving environment as a key concern. The Section 32 Analysis concludes that *"There will be no discharge of contaminants"*<sup>26</sup>. The ARC considers this statement to be erroneous. Urban contaminants of concern are likely to include sediment, copper, zinc, lead and PAHs. In addition, there may be other contaminants of concern related to the existing refinery operation on the site.
- The management and recommendations for future stormwater flows. Overland flow paths and the 100 year ARI flood plains would need to be identified, protected and maintained. It is also unclear whether or not coastal inundation would pose a problem for future development.

#### 4.5.3 It is unclear from the Proposed Plan Change how it is proposed to manage effects of future stormwater discharges. Whilst promoting a low impact design approach 'where possible' is admirable (refer Clause 15.7.5 (g)), it is not clear where and how this will be implemented. As a result, the following recommendations are made:

- The effects of stormwater discharges on Duck Creek and Shoal Bay from the proposed change in land use should be investigated and recommendations from this study should be used to inform the Proposed Plan Change.
- Low impact design philosophies (for example, clustering) and devices (for example, rain gardens), stormwater treatment reserves, 100 year ARI floodplains and overland flow paths should be included on the District Plan planning maps.
- Objectives, policies and rules which support the recommendations of the stormwater study should be included in the Proposed Plan Change.

## 4.6 Effects on Air Quality

### 4.6.1 The Proposed Plan Change includes the following activities under Clause c) of Rule 15.5.1.5 as Discretionary Activities:

- *"Any activity or development not otherwise provided for in the Business 9 zone and which does not comply with the Figures A and B in Appendix 15M (the Chelsea Mixed Use Overlay Plan) or which implements a portion of the Overlay Plan while the refinery is still operating"* (emphasis added).

<sup>26</sup> Proposed Private Plan Change No 16. Request to North Shore City Council by Chelsea Estates NZ Pty Ltd. 2006. *Chelsea Mixed Use Overlay Plan Analysis Pursuant to S32 Resource Management Act 1991. Volume 1*, page 19.

- 4.6.2 The Section 32 Analysis also raises the potential option that the Horse Paddock could be developed for residential activities prior to the refinery closing.<sup>27</sup> The Proposed Plan Change, therefore, needs to address the appropriateness of the location of residential activities in close proximity to the operating refinery and whether adequate buffers have been provided to reduce the potential for reverse sensitivity incidence to occur as well as reduced amenity for residents within the site. There may be a consequential need for New Zealand Sugar Company Limited to apply for a change to its Air Discharge Consent.

#### 4.7 Effects from Contamination

- 4.7.1 There is a potential for the activities that have been undertaken on the Chelsea Refinery Site during its long history to have caused contamination. This issue needs to be addressed as part of the Proposed Plan Change. As part of a structure planning process for the site, investigations should be undertaken to determine if contamination is present within soils and groundwater.
- 4.7.2 If areas of the site have been reclaimed then these areas should also be investigated. These investigations shall be undertaken in accordance with the Ministry for the Environment Contaminated Land Management Guidelines: Guide 1: Reporting on Contaminated Sites in New Zealand (2003) and Guide 5: Site Investigation and Analysis of Soils (2004).

#### 5.0 Conclusion

- 5.1 The Proposed Plan Change – Chelsea Mixed Use Overlay has not demonstrated how it gives effect to the relevant objectives and policies of the ARPS, Proposed Change 6 to the ARPS and the RLTS.
- 5.2 The Chelsea Mixed Use Overlay falls short of meeting the requirements of structure planning as set out in Appendix A-4 of Proposed Change 6 to the ARPS. It assesses the site from an environmental constraint mapping, visual assessment and zoning density perspective, but does not make assessments against the regional policy framework. This submission has highlighted a number of key matters that a comprehensive structure planning process would address including, but not limited to:
- Transport audit or assessment to provide for the effective and efficient integration of land use and transport in this locality in a manner that meets the policies of the ARPS, Proposed Change 6 to the ARPS and the RLTS. The transport audit should include the ability to provide viable ferry service to this site and how this service will be funded, how ferry services are be integrated with local bus services and how parking provisions and travel planning will promote the use of public transport and other more sustainable modes of transport and reduce private vehicle travel. The preparation of this audit will require active consultation with the ARC and ARTA.
  - An assessment on how the site relates to the development in the adjoining Chelsea Special Zone and the nearby Highbury Town Centre.

<sup>27</sup> Proposed Private Plan Change No 16. Request to North Shore City Council by Chelsea Estates NZ Pty Ltd. 2006. *Chelsea Mixed Use Overlay Plan Analysis Pursuant to S32 Resource Management Act 1991. Volume 1*, page 33.

- An assessment on the present and future open space requirements within the site and the remaining land within the Chelsea Estate.
- An assessment on whether the proposed business/retail space will compromise retail business opportunities within the Highbury Town Centre.
- Comprehensive assessment of alternative land uses for the site, including the range of business activities, in order to identify the future pattern of significant land uses.
- A revised Conservation Plan for the Chelsea Sugar Refinery in order to address the potential effects of the Proposed Plan Change on historic heritage and the physical cultural landscape.
- An archaeological assessment for the entire site.
- Stormwater Study to assess the effects of stormwater discharges on Duck Creek and Shoal Bay from the proposed change in land use.
- A coastal hazard/erosion risk assessment of the site.
- Investigations to determine if contamination is present at the site within soils and groundwater.

**The Auckland Regional Council's submission would be met by the North Shore City Council declining the Proposed Plan Change in its entirety.**

**The Auckland Regional Council does wish to be heard in support of this submission.**

Signed for and on behalf of the  
**AUCKLAND REGIONAL COUNCIL**



Janine Bell  
**General Manager, Regulatory Services**

Dated on the 5 day of May 2006

**Address for Contact:**

H D Jarvis  
Group Manager, Policy Implementation  
Auckland Regional Council  
Private Bag 92 012  
**Auckland**