

**SUBMISSION ON PROPOSED (PRIVATE) PLAN CHANGE 16  
TO THE 2002 NORTH SHORE CITY DISTRICT PLAN**

To: The Chief Executive, North Shore City Council, Private Bag 93500, Takapuna,  
NORTH SHORE CITY COUNCIL

**Attention:** Environmental Policy & Planning

1. This submission by the North Shore City Council relates to proposed (private) Plan Change number 16 (Chelsea Mixed Use Overlay Area and Overlay Plan, Business 9 zone, Chelsea Estate, Birkenhead).
2. The specific provisions of the Proposed Change that this submission relates to are as follows:
  - a) The whole of the change, but more specifically those aspects of the change including the overlay plan that would lead to the generation of environmental outcomes that are either adverse or do not represent optimum outcomes for the city, locality or site.
  - b) The objectives, policies and rules (including assessment criteria) of the change, to the extent that they are not the most effective or efficient for bringing about sustainable or beneficial outcomes for the city, locality or site.
  - c) The provisions of the change and the overlay plan, to the extent that they do not adequately or appropriately provide for or allow:
    - (i) The best possible mix of business, community and residential activities so that the employment potential of the site, and its potential contribution to the city's economy, is able to be fully realised.
    - (ii) High quality urban design outcomes, including the careful integration of historic heritage values with new uses and developments, and the linking of public and private spaces and transport and movement requirements.
    - (iii) The protection of the coastal environment, taking account of its significance as a cultural landscape, and the integration of buildings into the landscape generally.
    - (iv) The greatest possible protection of ecological values and of significant trees and vegetation, including those having historic heritage values.
    - (v) Integrated management of traffic and transport effects, including the successful integration of ferry and bus passenger services into both the pattern of development and rate of change at the site.
    - (vi) Integrated management of stormwater effects, particularly through use of low impact design principles and techniques, and managing the potential adverse effects of contaminants from buildings and roads.
    - (vii) A rate of change or pattern of uses and developments that ensures the avoidance of adverse effects and/or the achievement of positive effects.
3. The Council's submissions are:
  - a) The site has unique attributes and significant values and it is important that the plan change provides for the best possible outcomes at the time of sugar refining ceasing, and that it does not prematurely lock the

- redevelopment of the site into a fixed development pattern, particularly a predominantly residential scheme, if this would not generate a sustainable or beneficial pattern of uses and developments for the site, locality or city.
- b) The land is zoned for general business purposes (Business 9) and the Overlay Plan is not consistent with the aims and purposes of this zoning. The change is not consistent with all the other objectives and policies governing business zonings across the city, particularly with respect to residential activities.
  - c) It is not clear how the Business 9 zoning rules would apply or operate for the site after an overlay plan had been approved, and they are probably not appropriate for that time (as the land would be in predominantly residential use). It may be that a special mixed-use or business zoning should be introduced (possibly at the time of sugar refining ceasing) rather than an overlay technique being used now. Alternatively, an 'overlay plan' technique could have a diminished role, such as a guide to a Discretionary application.
  - d) The land is a significant area of business land and the analysis to date has shown that it has significant and unique attributes and resources. This, combined with zone 'supply' considerations, supports the land having a more significant role in the economy (or employment capacity) of the city than the plan change presently provides for.
  - e) The city is not short of 'residential' land but is rapidly running short of 'business' land. The city growth strategy (see Plan Change 2) promotes intensification of residential development around existing centres (see also Plan Change 1). The *Architectus* statement concerning the Business 9 land (at 2.7.1, Section 32 Volume 2, Appendix 1) contains the rationale behind the plan change, but does not provide a robust justification for a predominantly 'residential' redevelopment of the land: *"It is likely that in such a situation (refining stops), continued industrial activities would not be favoured. Rather, a residential development that incorporates local convenience retail and services, as well as conservation and reuse of heritage structures seems more appropriate"* (emphasis added).
  - f) While the land may not be suited to many heavy industrial activities, due primarily to its residential hinterland and protected heritage buildings, North Shore City has little 'heavy industry' at present and this is likely to continue to be the case (as there are not suitable land areas available). But there is a wide range of other general business activities that this land and its buildings (existing and new) could be very suitable for and these land use options should not be frustrated by inflexible or inappropriate controls (for example, that a greater floorspace than 3,200 becomes 'discretionary'). The *Market Economics* report (section 32 Volume 2, Appendix 5) does not provide reasons as to why the achievement of (at least) North Shore average employment densities at the land would not be viable. The predominance of residential development within the overlay plan would severely compromise the site's potential to accommodate employment-generating activities.
  - g) The redevelopment of the site could be decades away and it is not appropriate to lock the development of the site into a pattern that is based on present market conditions or an inadequate consideration of land use options. The 'environment' for business activities can change rapidly, and a wider range of possible futures should be built into a plan change that is designed to provide for what could be a very long-term 'future'.
  - h) It may be quite inappropriate to provide for this Business 9 land for any multi-unit residential development ahead of sugar refining ceasing, even as a Discretionary activity (eg at the 'horse paddock'). Such development is

contrary to Council's policy position and would generate various issues that should be addressed prior to making any such provision in the district plan (traffic and reverse sensitivity effects, possibility of compromising the best overall pattern of development, etc). Non-complying status is likely to be more appropriate until further analysis of this scenario is undertaken. Notwithstanding these considerations, if 'residential' development was considered appropriate for any of the land the subject of the change, 'Residential 2A' would most likely be the appropriate zoning to apply.

- i) The plan change does not adequately address the longer term traffic and transport implications of the form and scale of development in its wider or longer term context. The modelling work does not take account of growth in surrounding areas, particularly the Highbury centre and its residential catchments, and only looks at the '2003' situation. The modelling relies on a simplistic approach that averages out the traffic impact, and this approach overlooks some critical areas where there are concerns which have not been adequately investigated. A comprehensively evaluated 'overlay plan' (and supporting policies, rules and assessment criteria) would address such things as the timing or staging of development, the potential impact of public transport services and improvements, and the impacts on, or in the context of, the wider Highbury area (as opposed to just the Colonial Road intersection and others already under pressure). An integrated approach also necessitates greater consideration of the onsite provision for parking, vehicle circulation, buses and ferry infrastructure, provision for cyclists and associated pedestrian movements. A ferry service would be viable at this location and any redevelopment scheme that gives appropriate weight to 'sustainability' and 'transport choice' principles should make specific provision for the efficient transition of ferry passengers to other transport modes including buses. The pattern and design of public roading (and landuses) within the development would need careful consideration in the light of such principles. An evaluation that takes account of a much greater floorspace in 'office' or general business activities may also be required.
- j) The plan change (or its 'section 32') does not contain a comprehensive analysis addressing the integration of the new uses into this site's significant heritage buildings and structures and associated heritage values. The document "Chelsea Sugar Refinery: Heritage Assessment" contains a policy (21) that requires a revision of that document in the event of sugar refining ceasing. The current district plan provisions tend to assume an ongoing refinery and accordingly do not address the interiors of buildings (but for one exception) or their wider context (including their 'surrounds', archaeology, landscape and vegetation). A major redevelopment and 'reuse' scheme involving completely different uses should provide for the preservation or conservation of heritage features and values without the constraints created by 'existing land use' assumptions. It is possible that the operative heritage provisions will need to be altered.
- k) There is sufficient understanding of the archaeology of the industrial site (in the 'Heritage Assessment') to warrant proposed scheduling in the district plan, and this should be addressed in an evaluation of the implications of what is proposed, in advance of the change having operative status (or any resource consent application being processed). There should also be an evaluation of trees, vegetation and landscaping at the site to establish what if any heritage significance remains, and that might impact on the pattern, form or timing of development.

- l) The operative district plan heritage provisions (Chapter 11) are primarily designed to provide the refinery operation with scope to adapt and alter buildings, and even demolish, to ensure the refinery remains viable. The plan change presents a completely different land use scenario and accordingly there may be greater scope for 'protection' of buildings and features without constraining appropriate 'reuse' outcomes (perhaps even enhancing them). The plan change does not investigate or promote these possibilities, for what is recognised as the only heritage site of its type in New Zealand.
- m) Mixed use, 'office park' or residential developments in buildings having historic heritage must be carefully designed and staged to optimise the benefits that can be generated, and the change does not address this land use change process in a comprehensive manner (given the national significance of the site). A 'conservation plan' is an appropriate technique and should be completed prior to the plan change having effect.
- n) The plan change makes extensive use of on-site 'assessment' provisions that stem from Plan Change 1 (intensive residential development). This is not necessarily inappropriate but there does not seem to be the same attention given to the policies of Plan Change 1 that are concerned with the location of 'intensive residential developments'. Furthermore, the 'assessment' provisions are aimed at assessing residential developments only, and may not be comprehensive enough for mixed use developments or a primarily 'business' environment. They are also not suitable, in an unmodified form, for application to the 'reuse' of protected heritage structures. (NB, *there is already a cross-reference to these provisions within the Business section, so while the subject land remains zoned Business 9 there is no need to repeat the provisions*).
- o) The layout and bulk and scale of buildings shown on the overlay plan does not adequately address the visual and other impacts on the coastal environment and may have adverse effects on the landmark or collective heritage significance of the protected buildings. The overlay plan, particularly at the eastern end, introduces a formality of layout that is not consistent with the character of the refinery which has developed by accretion over time. The design is therefore questionable. The change should contain greater guidance on the layout, and design and appearance of new buildings and developments in order to acknowledge or safeguard significant built and natural heritage values. The newly operative district plan heritage provisions may not be entirely suitable for assessing these developments (eg 8 storey and carparking buildings adjoining Category A buildings). Hybrid or Chelsea-specific urban design/heritage provisions may be required.
- p) The overlay plan should provide greater certainty as to the areas of land proposed to be in public ownership, particularly roads and reserves but also 'plazas' and carparking areas. It is otherwise difficult to establish how the development will integrate with or complement existing roads and reserves, and adjoining lands (which are presently zoned 'residential') and how well the scheme would satisfy recognised urban design principles and the needs of the public to access the coastline, water bodies or any ferry or bus service. As a minimum all proposed esplanade reserves should be demarcated, and policies or principles should guide the location and design of other public areas.
- q) The overlay plan would appear to show a portion of the protected melthouse removed to contribute to 'private open space'. A comprehensive 'conservation plan' would effectively address this and any other similar questions.

- r) The plan change (and/or section 32) should demonstrate how the integrated management of stormwater effects, including low impact design principles, have influenced the layout and design of the overlay plan or the drafting of the policies and assessment criteria. It is not correct that there will be no contaminants discharged into the environment as claimed in Section 7.1(e) Assessment of Environmental Effects. The plan change does not adequately address the potential adverse effects of stormwater borne contaminants from cladding material, particularly zinc and copper, which are of concern due to their build up in the receiving aquatic environment. It also fails to adequately address the management of contaminants from roads or car parking areas or the integration of mitigation measures into streetscapes.
- s) The objective of the plan change is flawed in that it does not anticipate residential development proceeding ahead of sugar refining ceasing, which is provided for in the rules (Discretionary activity). Accordingly the objective and policy 3 are misleading, and all the policies would fail to provide an adequate framework upon which to base resource consent evaluations.
- t) The objective and policies, combined with the overlay plan and assessment criteria, do not provide for an appropriate basis upon which to evaluate other land use scenarios, particularly those having a much greater 'business activity' component. They have a very strong presumption in favour of 'residential' activities and developments.
- u) New policy 9 does not fit within the context of 15.4.7 which addresses uses and developments within general business zones and which aims to minimise inroads by residential activities to such zones. The Business Park 7 provisions arguably provide a better context.
- v) It is not appropriate to attempt to restrict (as new clause 15.7.3.8 does by referring to new rule 15.7.5) the assessment of 'discretionary' applications of resource consent where such significant developments are provided for and a lack of policy guidance exists. For example the policies do not address transport issues.
- w) There are various technical matters that need to be addressed, and redrafting of the provisions of the change, to ensure the objective, policies and rules work in line with the intentions of the change as expressed in the objective, policies, explanations and section 32 material. There may also be a need for more cross-referencing to existing district plan provisions or the redrafting of existing (operative) district plan provisions.

4. The Council seeks the following decision:

The rejection of proposed private Plan Change 16 in its present form and/or ?  
 deferral of the effective operation of the plan change until further work is completed to:

- ✓ (i) Evaluate and provide for a more 'business-focused' land use scenario (or facilitate this other than by way of a Discretionary activity resource consent applications); and
- ✓ (ii) Evaluate and appropriately protect all the significant historic heritage values of the land (including by way of a comprehensive Conservation Plan); and
- ✓ (iii) Ensure an integrated urban design approach to the development of new uses, buildings, public spaces and facilities in, adjacent and adjoining the significant historic heritage features and values of the site; and

- ✓ (iv) Ensure that the unique values of this part of the coastal environment, which is now also a significant cultural landscape, are safeguarded; and
- ✓ (v) Ensure that any issues or values of significance to Maori are addressed in terms of the protection of land or the pattern and rate of development; and
- ✓ (vi) Provide for the integrated management of all traffic/transport and stormwater effects, including the treatment of potential contaminants; and
- ✓ (vii) Address all the other concerns expressed in the submissions above, including by the revision of the plan change provisions, the staging of the rate or sequencing of development, amendment of the overlay plan (or its abandonment in favour of design principles and criteria and/or a concept plan), and/or the creation of new district plan provisions,

and the change modified and finalised accordingly.

? Alternatively, the plan change be modified to ensure that its provisions address all the concerns expressed above, including by the revision of the plan change provisions to address the timing of effective operation of the change, the staging or sequencing of development, the status and assessment of 'activities', the alteration of the role or detail of the overlay plan (or its abandonment in favour of a concept plan with design principles and criteria), and/or the creation of new district plan provisions.

5. The Council does wish to be heard in support of its submission.
6. If other parties make a similar submission, the Council is not willing to make a joint presentation with them at any hearing.
7. This submission is made by the North Shore City Council.

Signed on behalf

  
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Dated

5 May 2006

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