



BEFORE THE NORTH SHORE CITY COUNCIL

AT ALBANY

UNDER The Resource Management Act 1991

IN THE MATTER OF Proposed plan change no 16 to the North Shore City District Plan

Submission on behalf of Birkenhead Residents Association (BRA)

1.0 Introduction

1.0 My name is Bruce Stainton

1.2 I represent the Birkenhead Residents' Association (BRA). The original Association has a 30 year history of communications with Chelsea. The Association was re-formed out of community opposition to Private Plan Change 16. The scale of that opposition is reflected in the very large number of opposing submissions to the Change, many from the Birkenhead area.

1.3 The Association is deeply concerned with the adverse effects on the local community of Birkenhead of the proposed policy & rules for redevelopment. Such effects include a partial destruction of the integrity of the historic Chelsea estate that is so important to the Birkenhead community's well being. The grounds are well-used by the community and the adverse effects beyond the site, in particular traffic, visual effects, and interruption of the ecological corridor are reasonably considered likely outcomes.

1.3.1 Those applying for resource consents; ie: private plan changes

interpret well being in economic terms. Well being of a community is also referred to in s5 RMA as social and cultural. The historian Kynan Gentry wrote in *Heartlands* “our identity and our very sense of authenticity, it seems, are inextricably bound up with the places we claim as ‘ours’. Perhaps this is because place has a more lasting identity than we have, - and because we unswervingly attach ourselves to our identity”. Later in the same chapter, Place, Heritage & Identity, he wrote “the power of place is one of the key reasons that historic preservation has developed.”

1.3.2 It is not therefore surprising, that many who have established themselves in the Birkenhead/Northcote community consider Chelsea Estate as part of their own identity, given Chelsea’s predominant history and culture evident throughout the area. They wish to see not only conservation but also preservation. They strongly support the Chelsea Trust effort to secure the surrounding environment as the only appropriate context for the heritage buildings. They strongly support heritage planning as a key requirement to any redevelopment, which will seek continuing connection between the Refinery buildings and the current estate environment.

1.4 Other submitters who are members of the Association are presenting submissions on some of these matters, for example Mrs Heather Nicholson on traffic impacts and geo hazards.

1.5 My submission shall be examining planning matters.

2.0 Private Plan Change 16

2.1 This plan change relates to the Business 9 zone at Chelsea, being 13.69 ha. of the approximately 50 ha. Chelsea Refinery Estate. I use the term Chelsea for short to also cover both the NZ Sugar Ltd and Chelsea Estate Ltd interests.

2.2 The Chelsea Refinery estate is listed as Category A in the North Shore District Plan. The Plan acknowledges on p.11-8 that “These provisions for the Chelsea Sugar Refinery site at Birkenhead recognise it as a physical

resource possessing unique industrial heritage of national and international significance.”

- 2.3 The Chelsea Sugar refinery is also on the NZ Historic Places Trust register.
- 2.4 In terms of the Resource Management Act 1991, the Association submits that the original proposed plan change is contrary to S.6(f) and S.17, to the extent that intensive residential housing development will result in significant adverse effects on the site that cannot be avoided, remedied or mitigated. These effects include over-intensive redevelopment of a sensitive historic environment (both buildings and landscape) of considerable integrity, which must be detrimentally affected by large-scale, intensive development.
- 2.5 In terms of the District Plan, S.6 Managing the Growth and Development of the City, 6.3 Urban Growth Strategy, Policies, states that the objectives will be achieved ‘By enabling a differentiated pattern of residential development to emerge in the built-up areas, ranging from higher density intensive housing adjacent to commercial centres, or along selected main transport routes where appropriate, to lower density housing in areas of high natural and built amenity value.’
- 2.6 Chelsea’s 13.69 ha. site is not adjacent to a commercial node or a main transport route. The proposed residential intensity of 528 units is therefore excessive and inappropriate. It actually exceeds any other residential density in the City, including the high density zones. This plan change therefore conflicts with the District Council & Regional Council plans and strategic policy.
- 2.7 It must be kept in mind that much of the rest of the surrounding Chelsea estate is zoned Residential 2A. That is the only position to which the commissioners should have regard. The proposed intensive development cannot therefore be “traded off” against the possibility of the rest of the estate being open space. The conditional sale and purchase agreement with the Chelsea Park Trust relating to the rest of the estate is only a possibility, not a certainty. It is conditional, and one of the conditions is that Chelsea is at liberty to walk away from the agreement if it is not satisfied with the

outcome of this planning process. The conditional sale and purchase agreement must therefore be disregarded in planning decision making. If open space was intended to surround this zone it should have been an integral part of this private plan change.

- 2.8 The Association is mindful of the risk to the agreement with the Trust if opposition to this plan change is effective. It shows the careful assessment of effects of the intensive development of the Refinery and horse paddock have been weighed against the gains of open space in the agreement and found the cost in amenities lost to be too high. Heritage buildings need a context, a setting, to maintain its real value. Intensive development would split the refinery from the setting. Intense development will adversely affect visual, traffic and ecological amenities.
- 2.9 The Association submission sought that Private Plan Change 16 be rejected. Since then, CSR has produced – without withdrawing the Plan Change – an Amendment to the Change. The process outlined in the Amendment provides expressly for 528 residential units and 3,200 m² of commercial space. This together with stated heights for areas up to 25m (as appropriate) predicates all report assessments, and negates all of the other conservation criteria values that the policy is otherwise purporting to support. It leaves no room for impartial capacity assessment. There are no or insufficient assessment criteria to override the above express provisions.
- 2.10 The plan, as amended, while widening the activity status, has withdrawn some of the assessment criteria needed to properly guide a development brief from which a Comprehensive Development Plan could be assessed. I refer to David Truscott's submission on the Proposed Rule 15.6.2.12 being omitted from the amended plan. We also agree the planning map accompanying the amended plan change is still too directive, ie: in circulation layout, as it limits the brief. In summary, report writers are given an intensive development policy, before they have even considered if it is appropriate for a comprehensive Development Plan, but no other assessment criteria's or priorities to guide everyone in the assessment process.

- 2.11 One aspect on visual amenity that I have not noted as mentioned by any other submitter. It is acknowledged that the pine trees and eucalyptus trees around the horse paddock and indeed on other ridges in the estate are old. They are tall and provide a high canopy. If they don't fall down they will need to be cut down as many are dangerously at the end of their life. Once those woods are felled, the views of many residents and street travellers will open up directly into the horse paddock and the bulk sugar area. Natives and other desirable vegetation will take a generation or three to reach the screening height presently observed. All the proposed possible new buildings will be in full view and will depreciate the heritage aspects further.
- 2.12 The Association opposes this plans proposals to guide redevelopment of the Chelsea Estate and therefore seeks that the Plan Change and Amendment be rejected.
- 2.13 The Refinery vows it has no need or plan to close the refinery operation at present. There is time to work through other proposals to get the right balance. Chelsea has been a good citizen and shared the beauty, tranquillity and heritage of its grounds and building with the public, especially the local community. The Association would like to invite Chelsea to engage in dialogue with the Association, to improve the planning policy and rules to be applied if redevelopment is required in the future.