

Decision on notification of a resource consent application under the Resource Management Act 1991



Applicant: Scentre (New Zealand) Limited

Site address: 80 St Lukes Road, St Lukes

Proposal: Expansion of 'Westfield St Lukes' mall north to Exeter Road and to the corner of St Lukes Road Morningside Drive referred to as the Stage 4/5 development. Total GFA will increase to 77,013m² and car parking increasing to 3,497 spaces predominantly by expansion within the northern gully.

Resource consent:

Resource consents are required for the following reasons:

Land Use Consents (s9) – R/LUC2015/529

Auckland Council District Plan (Isthmus section)

General

- The area of earthworks will be approximately 28,150m². As this exceeds an area of greater than 500m² (on a site with an average slope of less than 5%), this requires consideration as a *Controlled* activity pursuant to Rule 4A.2B.
- It is proposed to remove four trees within the Aroha Avenue road reserve. Pursuant to Rule 5C.7.3.3B(a) this requires consideration as a *Restricted Discretionary* activity.

Building Controls

- As the proposal includes the construction of buildings within 30 metres of a site boundary which will be more than 500m² in area, the proposal requires consideration as a *Restricted Discretionary* activity pursuant to Part A of Concept Plan E06-05.
- The proposal includes signage that is exterior to the site. This requires consideration as a *Restricted Discretionary* activity pursuant to Part A of Concept Plan E06-05.
- The proposal includes the construction of buildings fronting Exeter Road Extension. This requires consideration as a *Restricted Discretionary* activity pursuant to Part A of Concept Plan E06-05.
- The proposal includes infringements to the maximum height limits of Rule B2.1 of Concept Plan E06-05. These require consideration as a *Discretionary* activity pursuant to Rule 4.3.1.2B of the District Plan.

- The proposal includes an infringement to the Type C Interface Control (Rule B4.3(a)) of Concept Plan E06-05. This infringement requires consideration as a *Discretionary* activity pursuant to Rule 4.3.1.2B.
- The proposal includes an infringement to the Type D Interface Control (Rule B4.4(a)) of Concept Plan E06-05. This infringement requires consideration as a *Discretionary* activity pursuant to Rule 4.3.1.2B.
- The proposal includes infringements to the Type E Interface Control (Rules B4.5(a)-(d)) of Concept Plan E06-05. These infringements require consideration as a *Discretionary* activity pursuant to Rule 4.3.1.2B.
- The proposal includes an infringement of Rule B5.3 Concept Plan E06-05 as the development will not include a continuous pedestrian shelter the full length of Exeter Road Extension. This infringement requires consideration as a *Discretionary* activity pursuant to Rule 4.3.1.2B.
- The proposal includes an infringement of Rule B5.5 Concept Plan E06-05 as the development will include an infringement to the required glazing percentage on the street façade at ground level of buildings along the Exeter Road Extension. This infringement requires consideration as a *Discretionary* activity pursuant to Rule 4.3.1.2B.

Parking and Access

- The proposal includes the provision of parking for more than 100 vehicles. This requires consideration as a *Restricted Controlled activity* pursuant to Part A of Concept Plan E06-05.
- The proposal includes the construction and operation of the link road between Exeter Road and Aroha Avenue. This requires consideration as a *Restricted Controlled activity* pursuant to Part A of Concept Plan E06-05.

Proposed Auckland Unitary Plan

- A district and regional land use consent for earthworks is required under the provisions of Rule H4.2.1.1 as a *Restricted Discretionary activity* as more than 2,500m² and/or 2,500m³ of earthworks is proposed in a Town Centre zone, with approximately 29,000m² and approximately 31,000m³ proposed.
- A regional land use consent for earthworks is required under the provisions of Rule H4.2.1.2 as a *Restricted Discretionary activity* as earthworks are proposed in a "100-year ARI flood plain".
- A regional land use consent for building over an overland flowpath requires consideration as a *Discretionary* activity pursuant to Rule H4.12.1.
- The proposal requires consent pursuant to the Stormwater – Quality controls of Rule 4.14.3.1 as a *Restricted Discretionary activity* as the new and redevelopment of existing uncovered parking area is greater than 1,000m² and does not meet the stormwater quality management requirements, with 9,982m² proposed.

Auckland Council Regional Plan: Sediment Control

- Pursuant to Rule 5.4.2.1) regional land use consent is required as a *Controlled activity* as the proposed earthworks are between 1.0 and 5.0ha on land located outside of a Sediment Control Protection Area (**SCPA**), with 2.9 hectares proposed.

Stormwater Permit (s14 & 15) – R/REG/2015/530

Auckland Council Regional Plan: Air, Land & Water

- Consent is required for a diversion of stormwater as a *Restricted Discretionary activity* under Rule 5.5.3 of the ACRP:ALW because the impervious area discharging to land via ground soakage will be between 5,000m² and 10,000m² (being 9,982m²).

Proposed Auckland Unitary Plan (Notified 30 September 2013)

- Diversion of stormwater from 9,982m² of new impervious area, discharging to land via ground soakage (*Restricted Discretionary activity* pursuant to Rule 4.14.1.1) areas discharging to land via ground soakage.
- The proposal requires regional land use consent pursuant to the Stormwater the development of 9,982m² new impervious area not connected to the stormwater network, being greater than 25m², resulting in impervious area coverage greater than 10% and is not connected to the stormwater network.

It is noted that some aspects of the Stage 4 consent can still be implemented by that consent, and do not require consideration for this application. In particular, this applies to the following:

- The removal of 5 trees from the Exeter Road road reserve;
- The removal of a tree within the Site adjacent to the Morningside Drive/Exeter Road intersection that is not exempt from the provisions of Clause 5C.7.3.3C under Rule B9 of the St Lukes Concept Plan; and
- The planting of cherry trees (to replace those removed from the Exeter Road berm) within the Exeter Road road reserve rather than within the Site as required by Rule C4(a) of the St Lukes Concept Plan.
- Road improvement works at the St Lukes Road/Morningside Drive intersection.
- Road improvement works at the Morningside Drive/Exeter Road intersection.
- Minor adjustments at the carpark access points on Morningside Drive.

Overall it is accepted that the consents overlap, are considered together and the status of the applications are **Discretionary**.

Decision

Having read the application and supporting documents, and hearing presentations and answers from questions to representatives of the applicant, the Albert-Eden Local Board and the reporting planner, the Committee is satisfied that sufficient information is available to consider the matters required by the Resource Management Act 1991 (the RMA) and to make a decision under delegated authority on notification.

The Committee resolves that pursuant to section 95A this application shall proceed without public notification for the following reasons.

1. Overall, it is found that the adverse effects from the proposal will be minor. This determination is based on the acceptance that the level of adverse effects (in particular traffic generation) are found to be within the envelope of those expected by the Concept Plan introduced by Plan Change 34 and the mitigation works and assessment criteria that will occur and be considered as part of the grant of resource consent.
2. With regard to the road network, the Concept Plan requires the adjustment to the Morningside Drive/St Lukes Road intersection, the signalisation of the Morningside Drive/Exeter Road intersection and connection of Exeter Road Extension to Aroha Avenue with traffic calming measures along Aroha Avenue and the reconfiguration of St Lukes Road / Wagener Place intersection and double right turn lanes from St Lukes Road (eastbound) into New North Road (south). This work will help mitigate the additional traffic generation expected with the expansion.
3. The increase in the number of car parking spaces on the development site by 1,479 spaces, to a total provision of 3,497 spaces, complies with the minimum requirements of the Concept Plan and minimise the potential for adverse parking over spill into the surrounding neighbourhood.
4. Off-site car parking effects from the part loss of site parking for the Centre that will continue to operate during the construction period can be managed by staging of the construction and staged opening of new tenancies. The applicant has accepted conditions to be imposed in this regard that include a public communications plan.
5. The proposed building design will incorporate active edges, articulation of the façades, street works and open space design and will relate well to its setting and contribute positively to the streetscape.
6. The site works will utilise control measures, based on TP90, to ensure the proposal does not result in any effects on the receiving environment. The sediment generating potential of the proposed earthworks is known to be low and the resulting effects on the environment can be appropriately managed. A winter earthworks season is possible without adverse effect due to this non-erodible nature of the underlying surfaces and the proposal to direct all surface water into soakage structures.

7. Soakage testing indicates that infiltration rates are high, and will have sufficient capacity to discharge all stormwater runoff from the site up to and including the 1 in 100 year ARI storm without causing flooding.
8. The Concept Plan contemplates the removal of trees including Aroha Avenue where the application site adjoins that road. The tree removal is necessitated by the Exeter/ Aroha Road extension and the proposal includes replacement planting along this frontage that will mitigate any adverse effects that are more than minor.
9. Lighting will comply with the performance standards in the District Plan.
10. Effects on visual amenity will be positive as the building design and landscape planting will be of a high standard and the proposed expansion of the shopping centre is anticipated by the St Lukes Concept Plan.
11. There is no district or regional rule or national environment standard that requires public notification and the applicant has not requested it.
12. There are no protected customary rights groups in the area affected by this proposal.

Having regard to the general discretion to notify under section 95A(1) and whether there are any special circumstances under section 95A(4), we find that there are no relevant reasons to warrant public notification.

A level of public interest in the expansion of St Lukes is acknowledged in the notification consideration of the Committee and following presentation by the local board representative. The public have previously expressed their interest as part of Plan Change 34. The Concept Plan reflects that past input by setting out the expectations around the level and location of the expansion, roading improvements and mitigation and urban design considerations. In following the broad direction of the Concept Plan the application does not introduce unforeseen adverse effects or raise any other matter not contemplated by the Concept Plan. Therefore, it is unlikely further information or debate from possible submitters that could likely improve the quality of decision-making necessary at the section 104 stage will be elicited.

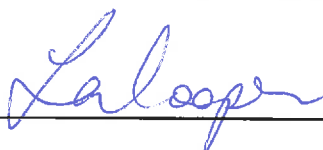
Under section 95B of the RMA this application shall proceed without limited notification as there are no adversely affected persons for the following reasons:

1. The proposal will avoid any adverse effects on neighbouring properties. The proposal will have a built form that corresponds to the limitations provided by the baseline of the Concept Plan, with any infringements to the Concept Plan not considered to exacerbate any adverse dominance, character or amenity effects of the activity on surrounding neighbours.
2. The proposal will have a height and separation distance to neighbouring properties on Aroha Avenue that will avoid adverse dominance, amenity or shadowing effects for neighbours. With particular regard to the application site adjoining the neighbours to the north at 52, 52a and 52b Aroha Avenue it is noted that the Concept Plan sets a baseline against which to consider the effects on these neighbours through a minimum 3 metre buffer yard, minimum

landscaping requirements and compliance with the building in relation to boundary control. The applicant has complied with all requirements at the northern boundary and it is noted that additional landscaping greater than the minimum has been proposed. Having regard to the effects able to be disregarded by the baseline, it is considered that any adverse effects on these neighbours will be less than minor.

3. In regards to the Exeter Road connection and effects to the residents of Aroha Avenue, the applicant offers a monitoring condition of consent which, if triggered, limits right turns at the internal roundabout for exit traffic towards Aroha Avenue. Monitoring will ensure that the volumes of traffic are consistent with the expectation set out by the Concept Plan which sets flows at 258 vehicles per hour (vph) during the weekday evening peak and 325vph during the Saturday midday peak. This transport effect that has the potential to result in direct adverse effects on neighbours will therefore have an appropriate mitigation measure in place (as proposed by the applicant), so that the effects will be no greater than the baseline provided for by the Concept Plan. Because of that baseline, and the applicants confirmation that they will monitor and control the volumes so that the activity operates consistent with these values, it is considered that no persons will be directly adverse affected by this aspect of the proposal.
4. The parking proposed for the site is in excess of the minimum parking requirements required by the Concept Plan and is therefore not anticipated to generate additional parking demands on the surrounding road network.
5. The applicant has proposed measures to minimise the impacts of a loss of parking during the construction period, which are anticipated to mitigate any temporary adverse effects so that such effects to surrounding neighbours will be less than minor.
6. Construction noise and vibration levels, including the effects of rock breaking necessary to form the car parking area at the north-eastern corner of the site, have been appropriately calculated and predicted in the acoustic report to comply with relevant standards. With the use of temporary acoustic fencing the adjacent residential neighbours immediate to the north and north east of the application site will be subject to less than minor adverse effects.
7. The effects to residents from the removal of trees in Aroha Avenue where the application site adjoins that road can be mitigated by replacement planting along this frontage.

Accordingly, we find that application by Scentre (New Zealand) for the expansion of 'Westfield St Lukes' mall north referred to as the Stage 4/5 development at 80 St Lukes Road, St Lukes, be processed on a **NON-NOTIFIED** basis.



Cr Linda Cooper - Chair, Hearings Committee

24 November 2015