



SUBMITTER DETAILS

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NOTIFIED RESOURCE CONSENT APPLICATION DETAILS

We wish to make a submission on the following application:

Site address 538 & 582 Karangahape Road NEWTON 1010
Application number BUN60427502, LUC60427504.
Name of applicant James Kirkpatrick Group Limited
Applicant's email address markb@mhg.co.nz
Applicant's proposal Construction and operation of a new part 10- part 11-level commercial building with two basement levels.

Our submission: opposes the application in part.

Aspects of the application we are submitting on:

Our submission relates primarily to the scale of the building and the consequent potential negative effects on the heritage values of the Karangahape Road Historic Heritage Area (HHA).

What are the reasons for our submission?

Civic Trust Auckland has long advocated for the protection of historic heritage, and we consider that the building as proposed in this application is likely to have negative effects on the heritage values for which the Karangahape Road Historic Heritage Area (HHA) is scheduled in the Auckland Unitary Plan.

SUBMISSION

1. In the proposed Auckland Unitary Plan, Council proposed the area as simply a precinct. Others including Civic Trust Auckland submitted that it be scheduled as an Historic Heritage Area. The AUP Independent Hearing Panel explored the differences and similarities between the aims of the precinct and a historic heritage area and concluded that the protection of Karangahape Road's historic heritage was best achieved by its inclusion in the AUP as an historic heritage area.
2. The AEE (dated 16 April 2024) accompanying the application makes a number of statements. It notes that the proposed building *"has been designed in a comprehensive manner to ensure the most efficient use of the land and minimise any adverse environmental effects, while providing a high-quality building which respects and responds to its unique location."*

Our response is that the design of the building may be high-quality, but the so-called 'efficient use' is just another way of saying the applicant is attempting to construct as much floor space on the site as possible, to an extent in fact well beyond that envisaged by the Unitary Plan, a plan widely consulted on with the public of Auckland.

3. The AEE further states that the *"various assessments prepared acknowledge that the development will inevitably result in a considerable visual change on the site however, this extent of change is considered acceptable, with the scale and form able to be successfully accommodated on the site whilst also maintaining and enhancing the heritage and precinct qualities of the area."*

Our response is that the word 'however' belies the reality that the words 'considerable visual change' is an understatement. The proposed building would allow the site to accommodate a building of the scale envisaged, but it is unclear how a building of such relative enormity maintains or enhances the heritage qualities of the area. To the contrary, it dominates them, and domination of this unique location is not respectful as suggested by the applicant.

4. It is suggested that the sawtooth roof *"presents an opportunity for a three-dimensional landmark corner to reinforce the 'gateway' role of the building in announcing the Karangahape Road precinct."*

Our response is that an Oxford Dictionary definition of 'gateway' is *"a place through which you can go to reach another larger place"* and on that basis, if the proposed building is meant to be a gateway, its scale is manifestly incompatible with the predominantly low-rise building fabric of this Historic Heritage Area (HHA). We do however accept that the proposed facade treatments at the lower levels, while contemporary in nature, are compatible with the diverse range of architectural styles in the HHA.

5. The aspect of greatest concern to Civic Trust Auckland is the sheer bulk of the proposed building, and we note in this regard that alongside the related breaches of height and setback provisions, the proposed GFA of 7.29:1 far exceeds the AUP maximum of 3:1.
6. The applicant is in the business of property investment and development rather than the altruistic provision of commercial and residential space, and while we note the applicant's reference to the levels of intensification envisaged by the NPS-UD and PC78, in the context of the non-complying GFA and building height breaches of this proposal, those

levels are simply enabled rather than required. We note also that the non-compliance with the AUP's setback provisions and submit that these are likely to exacerbate the potential over-dominance of the building.

7. For scheduling purposes, the Karangahape Road Historic Heritage Area (ID: 02739) is defined as a 'place' (see: D17, pg.1) and is included for its (A) historical, (F) physical, (G) aesthetic and (H) contextual values.

In relation to the discretion that may be exercised, we note the following matters in the AUP:

- *D17.8.1 (1)(a) "effects on the known heritage values of a historic heritage place from the scale ..."* - We submit that the bulk and height of the building as proposed is out of scale with the identified values of the HHA.
 - *D17.8.1 (1)(b) "effects on the inter-relationship between buildings ... within the place"* - We submit that the building as proposed is out of scale with the identified values of other buildings in the HHA.
 - *D17.8.1 (1)(c) "effects on the overall significance of the place"* - We submit that the building as proposed would contribute to the potential cumulative negative effect that buildings of the scale proposed would have on the overall significance of the HHA.
 - *D17.8.1 (1)(d) "effects on the inter-relationship between contributing places within a Historic Heritage Area, including the views to, within or from the place or area"* - We submit that the building as proposed would negatively affect the inter-relationship between contributing places within the HHA, including the views to and within the area.
 - *D17.8.1 (1)(e) the purpose and necessity for the works and any alternatives considered* - We submit that the purpose of the building is laudable, but construction at the scale proposed, while it may be desirable for the applicant, is not strictly speaking a necessity for Auckland.
8. In relation to the exercise of that discretion, we note the following assessment criteria in the AUP:
- *D17.8.2 (1)(a) - whether the proposed works will result in adverse effects (including cumulative adverse effects) on the heritage values of the place and the extent to which adverse effects are avoided, remedied or mitigated* - We submit that there will be negative adverse environmental effects, including cumulative ones, on the heritage value of the place, and that these may be avoided by reducing the height and bulk of the proposed building.
 - *D17.8.2 (1)(b) whether the proposed works will maintain or enhance the heritage values of the place, including by:*
 - (iv) *complementing the form and fabric which contributes to, or is associated with, the heritage values of the place* - We submit that the scale of building as proposed does not compliment the predominantly low-rise form which characterises the existing fabric which characterise the Karangahape Road HHA.

9. **Decisions and amendments we would like the council to make:**

Civic Trust Auckland does not agree with the applicant's professional advice that the effects of the building as proposed will be no more than minor. Consequently we would like the council to decline the application as proposed, but allow instead a modified proposal that removes the infringements which contribute to what we consider to be the potential negative effects on the Karangahape Road (HHA).

Are we a trade competitor of the applicant? We are not a trade competitor of the applicant.

Do we want to attend a hearing and speak in support of your submission? Yes

If other people make a similar submission will we consider making a joint case with them at the hearing: Yes

A handwritten signature in black ink, appearing to read 'Audrey van Ryn'.

Audrey van Ryn

Secretary (on behalf of Civic Trust Auckland)

6 June, 2024