

Astrid Caldwell

From: donotreply@aucklandcouncil.govt.nz
Sent: Friday, 28 February 2014 3:47 p.m.
To: Unitary Plan
Cc: tyau.chan@gmail.com
Subject: Proposed Auckland Unitary Plan Submission - Tin Chan
Attachments: 8Unitary Plan submission.pdf; Auckland Mayor Review.pdf

Thank you for your submission to the proposed Auckland Unitary plan.

You should receive an acknowledgement within 10 working days. Please retain this as your copy. If you do not receive this, could you email unitaryplan@aucklandcouncil.govt.nz or phone 09 301 0101.



Submitter details

Full name: Tin Chan
Organisation: No Confidence Party
Postal address: 103 Wellington Street, Freemans Bay, Auckland
Email address: tyau.chan@gmail.com
Post code: 1011
Local board: none
Contact Person: Auckland Mayor Len Brown
Date of submission: 28-Feb-2014

Scope of submission

The specific provisions that my submission relates to are:

Provision(s):
Unitary Plan has to be one rule for all properties in Auckland.

Property address:

Map:

Other:

Submission

Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.

I support the specific provisions identified above

I wish to have the provisions identified above amended:

Yes

The reasons for my views are:

The Unitary Plan proposed by Auckland Council does not provide landowners equal opportunity, just decisions and no prejudice.

I seek the following decision by Council:

Decline the Proposed Plan

If the Proposed Plan is not declined, then amend it as outlined below:

All proposed maps and various zoning rules in the proposed Auckland Unitary Plan are deemed to be suggestions, recommendations, non-binding reference for individual landowners to optimize their use of land. All biased variation in the Auckland Unitary Plan is not compulsory and need not be complied against the will of the land owners.

I wish to be heard in support of my submission:

Yes

If others make a similar submission, I will consider presenting a joint case with them at a hearing:

Yes

Telephone:

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act 1991

I could not gain an advantage in trade competition through this submission

Friday, 28 February, 2014

Formal Unitary Plan Changes Submission

The Unitary Plan will not be accepted until Auckland Central MP, Nikki Kaye, has reviewed, investigated and removed all the rots and corruptions in the past Auckland City Council. On 8 June 2009 Nikki Kaye was asked by the Confederation of Chiefs to investigate the ownership issue of Westhaven Marina and the joining Seabed Foreshore unextinguished native title. Ref: www.parliament.nz/resource/0000080457 A video clip of the incidence in a public meeting at Hepburn St Hall is available on request. Up to today date, the original Bill of Sales of Westhaven Marina sold by Ports of Auckland is not presented. The site for Western Bus Terminus was obtained through the Public Works Act compelling Mrs. Mary Ravelich to move out against her rights to die in her home. Is this the land in the Auckland District Plan at the time planned for the Casino? Is the Casino a Public Work in this Plan? Auckland City Council presented the photomontage as truthful evidence to Court, successfully declined Brierley Investments' Symonds St. Sky Tower resource consent application. But the photomontage does not prove the Hobson St. Sky Tower would also breach the height restricted by the same Mt Eden view protection plane on View Shaft E10. If all the rots and corruptions in the past are not remedied, the Unitary Plan will deemed to be redundant and obstructive to have peace in Auckland. The first official Auckland Day is on 29 January 1840, one week before signing the Treaty of Waitangi. The New Zealand Government Gazette of 26 January 1842 (Volume 2, 4th Edition) http://en.wikipedia.org/wiki/Auckland_Anniversary_Day In other words, what is the pre-treaty jurisdiction putting serious question to the lawfulness of Auckland City Council and its successor, Auckland Council, to govern Auckland under the post Boer War flag jurisdiction adopted on 12 June 1902, a broken link to the founding document of Treaty of Waitangi?

The synonym of unitary is 'one' in WordWeb dictionary. Unitary is 'based on or characterized by unity' as defined in the Collin Dictionary, the authority of current English. All proposed maps and various zoning rules in the proposed Auckland Unitary Plan are deemed to be suggestions, recommendations, non-binding reference for individual landowners to optimize their use of land. All biased variation in the Auckland Unitary Plan is not compulsory and need not be complied against the will of the land owners.

The phrases of “*Non compliance*”, “*consent to carry out*”, “*as a consequence of this should be “no more than minor”* and/or “*expect no greater than minimal adverse effects on the environment*” explicitly acquire Council authority arbitrary consenting advantages, prejudice, privilege, favor or infringements to be legalized for an individual property developer impugning judicial gravity. These phrases should not appear in the Resource Consent applications declaring compliance of the Unitary Plan. The plan is bounded by the Principles of Equality, Human Rights, Bill of Rights Act, and all other Acts offering equal opportunity and advantages for all. The Unitary Plan is expected to be one rule for all. Therefore the application of Auckland Council rules, constraints and restrictions in the Unitary Plan contradicting New Zealand constitutions demands Auckland Council responsibility fully and wholly to remedy all affected parties.

Attachment is supporting document for His Worship the Mayor of Auckland Council to investigate and to remedy the rots that have or may have happened.

Submitter: Tin Chan, representative of No Confidence Party

Organization: No Confidence Party.

Address for service: 103 Wellington Street, Freemans Bay, Auckland.

28 February 2014

His Worship the Mayor of Auckland Council, len.brown@aucklandcouncil.govt.nz

c.c. The office of Central Resource Consenting and Compliance, Auckland Council, Level 1 West, 35 Graham Street, Auckland planninghelpdesk@aucklandcouncil.govt.nz
 Ann Burl, Senior Planner, Ann.Burl@aucklandcouncil.govt.nz
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 Mark Weingarth, Resource Consents Team Leader, Mark.Weingarth@aucklandcouncil.govt.nz

Ref: R/LUC/2013/2336 and R/REG/2013/4943

No prejudice, privilege or favour in Auckland District Plan

This correspondence will help land owners, architects, developers, builders, property planners and interested parties adhering to Auckland District Plan rules and RMA 1991. Good Local Government will not consent infringement and discretion activity with regard to adverse affects on the environments or commit prejudice, privilege, favoring certain resource consent applicants while taking advantages from the affected parties.

Below statements come from a resource consent application:

This is an application seeking consent to carry out alterations and additions to an existing villa on a Residential 2b zoned site. Under the Proposed District Plan the alteration requires land use consent. With regard to actual or potential adverse effects on the environment these should be no more than minor in extent and positive as the proposal provides an opportunity to improve an existing dwelling in a quality residential environment.

Height in Relation to Boundary Infringement: The attached elevation demonstrates a non compliance to the north of 1.9m diminishing over 16m. We note the property is a large council owned park. Any actual or potential adverse effects on the environment arising as a consequence of this should be no more than minor in extent. Any actual or potential adverse effects on the environment arising as a consequence of this should be no more than minor in extent.

The process of “*Non compliance*”, “*consent to carry out*”, “*as a consequence of this should be “no more than minor”* and/or “*expect no greater than minimal adverse effects on the environment*” explicitly acquire Council authority consenting infringements, prejudice, privilege, favoring an individual property impugning judicial gravity and principles of laws by taking advantages from the affected parties.

Auckland District Plan should supplement the natural growth of business and residential zones to improve inhabitants’ living environment. Unfortunately, ‘**minor significance**’, ‘**minor or no more than minor**’, and **owner and occupiers’ rights** are not objectively interpreted or well-defined distinctly in RMA 1991. For sake of peace and community harmony, His Worship the Mayor of Auckland would command Central Resource Consenting and Compliance Office cautiously taking up full responsibility and duty not to approve and

consent any resource application that would breach the living environment principles. If any of my points is wrong, please allow your response with full explanation to invite an open discussion forum.

No approval, no consent for all improperly assessed activity

'All earthworks shall be managed to ensure that they do not lead to any uncontrolled instability or collapse either affecting the site or adversely affecting any neighbouring properties. Prevention is better than medicine. Central Resource Consenting office is held accountable to avoid "In the event that such collapse or instability does occur".

Experience in 2010 to 2012 incidences tells us:

Historic Palace building demolished

<http://www.stuff.co.nz/national/4360666/Aucklands-historic-Palace-building-demolished>

Jones and Davies' first proposal for the new Mt Eden Village property was a three-storey building with a basement carpark for five vehicles. "It was going to be contentious with neighbours who were concerned about the months of vibrations, noise and dust they would endure while the basalt rock site was excavated for the carpark.

http://www.nzherald.co.nz/property/news/article.cfm?c_id=8&objectid=10744928

The (basalt) rock is so hard that it is causing damage to some of the machines. Explosives are being used to break through the volcanic rock.

http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10848643

In the discovery of a real resource consent application (Ref: R/LUC/2013/2336 and R/REG/2013/4943), one of your planners provided Exhibit 1 below with the statement:

All adverse vibration and noise effects are being assessed as part of the resource consent application. The Resource Management Act 1991, states that if the written approval of owners or occupiers are obtained any adverse effects on these persons can be disregarded.

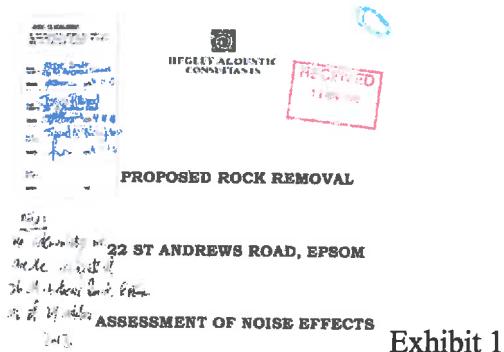


Exhibit 1

This evident the 'occupiers' from next door had been asked to approve rock removal.

Auckland Council office is requested to answer the following points:

1. Is this not the Consenting and Compliance Office's routine procedure: stamping

'CONSENT TO DEVELOPMENT' endorsed by next-door 'occupiers' to seek no objection to the work proceeding?

2. Central Resource Consenting and Compliance office who stamped the document have to prove beyond doubt that those occupiers having signed on Exhibit 1 are fully and thoroughly understand the matter raised in the Hegley's report, although the Office disregarded this backup after an occupier consciously withdrew his signature.
3. The Acoustic Consultant, using the Brüel & Kjaer Predictor programme V9.01, has to provide truthful assessment of the impacts due to transmission of impulsive forces via solid underground to the surrounding buildings, the resonance, focusing of noise energy, multiple reflections from all surrounding objects and superposition of wave vibration in a situation while the existing house would be raised high up for rock removal underneath.
4. On sighting "*the written approval of owners or occupiers*" from a next-door neighbor, do the Central Resource Consenting and Compliance office sufficiently warrant the fitness for Consent to the Development without consulting other affected parties living around the proposed site?
5. Major volume of hard basalt rock to be removed is under the existing dwelling. No decent rock core samples are extracted at the middle basement area, the eastern and western border to work out the distribution of underground rock.
 - Does the noise assessment report trustworthy when the actual hardness of the rocks has no laboratory testing and the actual volume of rock to be removed is unknown?
 - Given insufficient information to assure total removal of rock within a given time frame, the Central Resource Consenting and Compliance Office have to provide confidence on approving the resource consent.
 - What are the shortest distances at points of rock breaking to the three next-door dwellings?
6. Auckland Council office had been served in a submission about shortcomings had not been reported by Mr. Ian McCormick (Application Number: R/LUC/2011/4511).
 - Does Consenting Office hold record of careful piling around the façade of Jean Batten Building involved piling up to 16 m deep?
 - Please answer openly, prior earth removal from the Palace Hotel basement, had sufficient deep pilings been done at this site to support the walls of the hotel? If not, why not?
 - If adverse effects after granting consent do happen due to construction vibration, large scale excavation of rock, new stormwater soak hole and swimming pool causing anew earth movement underground due to change of stress, density and buoyancy that could cause visible damage in neighbors' building foundations and the walls in due time some years later, what remedy would be offered by His worship the Mayor of Auckland for the affected parties?

Maximum allowable building envelopment

The Central Resource Consenting and Compliance office have full understanding of the principles and policies in the District Plan, RMA1991, relevant laws and bylaws for a balanced resource management consideration. Any misjudgment, overlook or mistake in the consultant's report for resource consent is not welcome.

The Operative District Plan Height in Relation to Boundaries

Twenty years ago, Auckland City Council, taking Stephen Kenneth Brown's photomontage at accuracy of 3.5% to the planning tribunal, successfully declined the Symonds St. Sky Tower resource consent application. The Sky Tower was finally built after a land-swap between Auckland City Council and Brierley Investments. (Source: Architecture New Zealand, November/December 1992 p 16) In 1999, Auckland Council had to redraw the Mt Eden view protection planes on View Shaft E10 to accommodate the Sky Tower height control compliance. Therefore Resource Consenting and Compliance office has to disclose fully and openly whether Mr. Brown's photomontage had again been used to audit compliance of the Hobson Street Sky Tower resource consent application? If not, why not?

The Consent Compliance office is hereby requested to clarify the property at 22 St. Andrews Road, Epsom resource consent application. Building envelope Exhibit 2 takes on an advantage of 3 m intrusion into neighboring property for the height in relation to boundary control.



Exhibit 2

	<p>Shared Driveway Diagram</p>  <p>VERSION APRIL 2003</p> <p>District Plan Height</p>
<p>Exhibit 3 an aerial view of this site</p>	<p>Exhibit 4 Council's OPD</p>

Exhibit 3 shows 'The site has no vehicle access, and the front and rear yards are landscaped in lawn and gardens.' Exhibit 4 is a diagram from the Council Operative District Plan.

Central Resource Consenting and Compliance office is hereby requested:

- (a) Provide the setback distance of this building at 22 St. Andrews Road from its legal southern boundary.
- (b) Does this building require a 30 minute fire rated wall if it undergoes alteration?
- (c) Confirm this property has only a private access walkway.
- (d) Re-confirm the site of this property does not provide an entrance space or shared entrance strip for vehicle access to its back yard.
- (e) Provide distance of this property legal southern boundary to the neighboring section southern boundary, i.e. the entrance width for property at 22A St. Andrews Road?
- (f) Provide the legal entrance width for property at 24 St. Andrews Road?
- (g) Are the three sections at 22, 22A and 24 of St. Andrews Road not cross leased properties?
- (h) Justify the consent of applying Rule 7.8.1.3(d) in the southern recession plane by allowing 3 meters intrusion into neighboring private properties.
- (i) Justify the consistency of the final maximum allowable building envelope on taking Rule 7.8.1.3(d), Rule 7.8.1.3(b) and Rule 7.8.2.4 that the final building envelope will not breach the objectives and policies in the Plan not to shade and jeopardize neighbours' dwelling sites on optimizing the use of land.
- (j) To have a garage at the back yard for the applicant and the application of Rule 7.8.1.3(d) both take advantage of the two neighbouring properties' shared entrance strip. Is it unwise to approve consent on using the Rule 7.8.1.3(d) to raise up the house to accommodate a garage underneath with large scale rock removal, multiple infringements and non-compliance activities causing nuisance and disadvantages to neighbouring affected parties?
- (k) For kids, school children and pedestrian safety, is it the Consenting Compliance Office not to approve consent for vehicle exit from a property that does not provide vehicle back turning space or a mechanical turn-table from within that property near the Freemans Bay School?

Auckland Council rules must have consistent outcomes not to violate the Living Environment Principles. Rules from the following district plans will alternately be applied by the Central Resource Consenting and Compliance office to cross-check the final building envelope under the unitary 'Height in Relation to Boundary' constraints.

7.8.1.3 BUILDING IN RELATION TO BOUNDARY

CITY OF AUCKLAND - DISTRICT PLAN Page C6 ISTHMUS SECTION - OPERATIVE 1999 updated 16/04/2012

(b) Residential 2, 3b, 4, 5 and 6 Zones - Height in Relation to Boundary

A recession plane control is applied in these residential zones.

i) Application of recession planes.

Angles for recession planes vary with the direction of bearing of each site boundary according to Figures 7.3 and 7.4. They commence at points 2.0m above the ground level along boundaries abutting land zoned residential and open space. The recession plane angle is calculated by orientating both site plan and recession plane indicator to true north. The recession plane diagram is placed over the site plan with the outside of the circle touching the inside of the site boundary under consideration. The recession plane angle shall be that indicated by the diagram at the point where it touches the site boundary.

ii) All boundaries except boundaries adjacent to the road.

No part of any building shall project beyond a building envelope contained by recession planes from points 2.0m above any site boundary adjacent to land zoned residential or open space - as shown in Figures 7.3 and 7.4.

7.8.2.4 HEIGHT IN RELATION TO BOUNDARY

CITY OF AUCKLAND - DISTRICT PLAN Page C21 ISTHMUS SECTION - OPERATIVE 1999 updated 16/04/2012

A. Height in Relation to Boundary

No part of any building (in residential 8) shall be built so that it fails to comply with the following

(ii) Where the boundary of the site abuts Residential 2, 3b, 4, 5, 6a or 6b zoned land.

The maximum height of a building shall not exceed 2 metres and a 45° recession plane, measured from the boundary.

If a wall is not located on the boundary a 1 metre setback from the boundary is required.

Exceptions To The Height In Relation To Boundary Rules:

(2) Television aerials, chimneys and decorative features that are no more than one metre in any horizontal direction may extend beyond the building envelope.

How close may I build to the boundary?

You can build up to a height of 2.5m high on the boundary, if the Height in Relation to Boundary Rule applies. However, ground floor windows of habitable rooms in the Living and Rural Villages Environments must be at least 1.2m from the boundary. Where any residential building or related structure is constructed within one metre of the boundary, a 30 minute fire rated wall is required. If you wish to construct a commercial or industrial building, different fire rating standards apply.

How Can I Ensure Accuracy In Measurement?

If it is not readily apparent that the building is located below the recession plane angles, then a mathematical equation of the angles should be used. The equations are detailed below. No part of the building can be higher than the sum of:

Northernmost Boundary: $2.5m + (1.428m \times D)$

Southernmost Boundary: $2.5m + (0.7m \times D)$

Western and Easternmost Boundaries: $2.5m + D$

D= the distance between the part of the building you are measuring and the boundary.

<http://www.aucklandcity.govt.nz/council/documents/districtplanwaitakere/infosheets/humanenviron/heightbound.pdf>

(l) Central Resource Consent and Compliance Office are hereby requested to confirm with data and the information that resource consent application (RILUC/2013/2336 and RIREG/2013/4943) fully and completely complies with the unitary Living Environment Principles at 22 St. Andrews Road.

(m) In Council's file SKMBT_C3531312714040, it wrote "*249-259 Gillies Ave (Melville Park). Currently due to the topography of the site, 22 St Andrews Road slopes down towards the park. This part of the park is not an area of high use.*" Would consenting office inform the Mayor spending rate-payers' money wisely and economically to have better resource management in Auckland District Plan to optimize the use of Council's parks?

Further to the above issues, what remedy and provisions Auckland Council will offer fully and wholly for the affected parties on granting consent for all discretionary and non-compliance activities?

Council rule 15.5.1.2

Every person has a duty to avoid, remedy or mitigate any adverse effect on the environment arising from an activity carried on by, or on behalf of, the person, whether or not the activity is in accordance with a rule in this Plan, or a resource consent granted, or an activity lawfully existing prior to 1 October 1991.

Looking forward to His Worship commitment to make Auckland the "world's most liveable city" starting from within the Council discipline in the Unitary Plan.

Tin Chan,
Representative of No Confidence Party

Address for service: 103 Wellington Street, Freemans Bay, Auckland.