

Submission No. 338

From: John Milliken [john.milliken@internet.co.nz]
Sent: Friday, 29 May 2009 0:10
To: isthmusplan
Subject: Submission - Westfield St Lukes - Plan Change 8
Attachments: BC 346086 - SLGA - Submissions on Westfield St Lukes 29-05-2009.pdf

Please find attached a submission of behalf of St Lukes Garden Apartments Body Corporate 346086, in the matter of the proposed Private Plan Change 8 (Westfield St Lukes).

John Milliken

Committee Secretary,
Body Corporate 346086,
St Lukes Gardens Apartments.

Ph: 09 - 846 6438
Mob: 021 136 2060

District Plan Submission Form

(for plan changes, variations and notices of requirement)

<p>Please print clearly</p> <p>Full name: JOHN ALEXANDER MILLIKEN</p> <p>Organisation: (if the submission is on behalf of an organisation) ST LUKES GARDEN APARTMENTS BODY CORPORATE 346086</p> <p>Agent: (if applicable)</p> <p>Address for correspondence: 3K-19 MORNING STAR PLACE, ST LUKES, AK 1025</p> <p>Phone: (business) 021-136 2060 (home) 09-8466438 (fax)</p> <p>e-mail address: john.milliken@internet.co.nz</p>	<p>For office use only</p> <p>Submission No</p>
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This is a submission on the following plan modification (state plan modification name and number):

WESTFIELD ST LUKES - PROPOSED PLAN MODIFICATION 8

Please tick the section of the district plan your submission relates to:

- | | |
|--|---|
| <input checked="" type="checkbox"/> 1999 Operative Isthmus Section | <input type="checkbox"/> Transitional Operative District Plan (former Auckland District Scheme) |
| <input type="checkbox"/> 1996 Operative Hauraki Gulf Islands Section | <input type="checkbox"/> 1997 Proposed Central Area Section |
| | <input type="checkbox"/> 2004 Operative Central Area Section |

Please use a separate form for each separate matter for submission

The specific provision of the plan modification that my submission relates to is:

PLEASE REFER ATTACHED.

continued on reverse



Auckland City

I / We support / oppose / seek amendments to the plan modification. The reasons for my / our views are:

Note: if you generally support the plan modification but seek some amendments to it you should tick both the "support" and the "seek amendments" box. If you oppose the modification but seek amendments as an alternative to its decline, you should tick both the "oppose" and the "seek amendments" box.

PLEASE REFER ATTACHED.

I / We seek the following decision from the council (give precise details):

Note: the decision requested from council should only relate to the content of the plan modification. Any matters raised which do not directly relate to the plan modification will be treated as being not "on" the plan modification or "outside the scope" of the plan modification and will not be considered.

decline / accept / accept with amendments

PLEASE REFER ATTACHED.

I have attached additional information: Yes No

I / We wish to be heard at the council planning hearing Yes No

I / We would be prepared to present a joint case at the hearing with any others making a similar submission Yes No

Signed [Signature]

Date 29 MAY 2009

Note: If your submission is to a notice of requirement the RMA requires you to serve a copy on the person who lodged the notice of requirement as soon as reasonably practicable



In the matter of the Resource Management Act 1991

And

In the matter of a request by Westfield New Zealand Limited for a private plan change (number 8) to expand the Business 8 zoned land occupied by Westfield St Lukes Shopping Centre to incorporate additional properties and other land

To **Auckland City Council**

SUBMISSION IN OPPOSITION ON BEHALF OF THE ST LUKES GARDENS APARTMENTS BODY CORPORATE 346086 IN RESPECT OF THE REQUEST FOR PRIVATE PLAN CHANGE NO. 8

To: City Planning
Auckland City Council
Private Bag 92516
Wellesley Street
AUCKLAND 1141

Attention: Manager, City Planning

- 1 On 1 December 2008 Westfield New Zealand Limited (**Westfield**) submitted a request to the Auckland City Council (**Council**) for a private plan change pursuant to clause 21(1) of Part 2 of the First Schedule to the Resource Management Act 1991 (**Act**). The purpose of the request is to seek amendments to the Council's District Plan (Isthmus section – operative 1999) (**District Plan**) to expand the Business 8 zoned land occupied by Westfield St Lukes Shopping Centre to incorporate additional properties and other land. The Council notified the request on 27 April 2009 and the submission period closes on 29 May 2009.

2 The St Lukes Gardens Apartments Body Corporate (**Body Corporate 346086**) is constituted from owners in the St Lukes Gardens Apartment development in accordance with the Unit Titles Act 1972. The current St Lukes Gardens Apartments development comprises approximately 230 residential units and some office units. Further stages are yet to be completed and include potentially 2 additional apartment blocks. The Body Corporate is concerned that, if approved in its current form, Private Plan Change 8 will have significant adverse effects upon owners and occupiers in the St Lukes Gardens Apartments. The Body Corporate submits that Plan Change 8:

- 2.1 will not promote the sustainable management of natural and physical resources under Part No. 2 of the Act and does not satisfy the relevant statutory requirements;
- 2.2 Will compromise the ability of people and communities to provide for their social, cultural and economic wellbeing;
- 2.3 has an inadequate Section 32 Report;
- 2.4 does not give effect to the Auckland Regional Policy Statement;
- 2.5 background technical reports do not adequately avoid, remedy or mitigate adverse effects.

3 In particular, and without derogating from the generality of the above, Plan Change 8 is opposed by the Body Corporate due to its concern about the following adverse effects:

- 3.1 Increased volumes of traffic will exacerbate traffic problems, including:
 - 3.1.1 the generally congested conditions that often exist in the vicinity of the Westfield Mall;

- 3.1.2 the light phasing problems with exiting Morning Star Place;
 - 3.1.3 the inappropriate use of Morning Star Place as a layby and turning area by general traffic;
 - 3.1.4 noise and adverse air quality effects.
- 3.2 The scale of development proposed of 92,500m² of gross floor area will exacerbate and compound existing parking problems in the St Lukes area. The amount of parking to be provided in relation to different activities is inadequate and this will have an adverse impact on local residents' access to street parking and also increase unlawful use of private parking within the St Lukes Gardens Apartment.
- 3.3 Urban design issues have not been adequately addressed including general street amenity and pedestrian amenity which can be in direct conflict with the overall intensity and traffic generation that Plan Change 8 would allow. The Plan Change provides for significantly increased heights on the corner of St Lukes Road and Morningside Road which has the potential to visually dominate the St Lukes Gardens Apartments as only a minimal setback has been provided.
- 3.4 The increased height that Plan Change 8 would allow has the potential to shade the St Lukes Gardens Apartments and reduce the amenity values and the wellbeing of residents.
- 3.5 The assessment of social and economic impacts is inadequate and does not properly account for allowing the St Lukes development to continue to expand when it is largely under the control of a single landowner. While it is claimed that Plan Change 8 will turn the mall into more of a 'town centre', a town centre normally enjoys

the vitality and diversity that is associated with multiple ownership of land and development.

- 3.6 St Lukes currently lacks sufficient natural and public amenities, including infrastructure, to sustain such a substantial increase in predominantly retailing activities.
- 3.7 The scale and intensity of Plan Change 8 is inappropriate for the relatively low density wider St Lukes area, and the more that the Westfield Mall is developed, thereby attracting even greater numbers of shoppers, the more that the amenity values of existing residents will be eroded.
- 4 The Body Corporate seeks that the request for Private Plan Change 8 be refused. In the alternative the Body Corporate seeks appropriate modifications to be made which avoid, remedy or mitigate adverse effects and address the matters raised in this submission.
- 5 The Body Corporate wishes to be heard in support of its submission.
- 6 If others make a similar submission the Body Corporate will consider presenting a joint case with them at the hearing.

Date: 29 May 2009


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**John Milliken, Committee Secretary,
Body Corporate 346086,
St Lukes Gardens Apartments.**

The address for service is:

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3K-19 Morning Star Place
St Lukes
Auckland 1025.
Tel: 846 6438
Mobile: 021 136 2060
Email john.milliken@internet.co.nz

Copy of Submission:

Cc: Westfield (New Zealand) Limited
Level 2, Office Tower
277 Broadway
P O Box 109-280
Newmarket
Auckland 1149
Attention David Drew

