

18 December 2020



Mayor Phil Goff and Jim Stabback

Auckland Council

Ockham Residential
G02/246 Khyber Pass Rd
Grafton
Auckland 1023

Dear Phil and Jim,

T 09 360 1476

1817 Great North Road Avondale – Tree Owner Approval for Removal of Macrocarpa Tree

ockham.co.nz

Having exhausted all attempts to enable Auckland Council to fix its house, your leadership is required today as your teams have failed in their job. The Aroha Project is in serious risk of failure. We now ask that you urgently exercise your authority as Chief Executive to provide Tree Owner Approval for the removal of the macrocarpa located on this property to enable us to give effect to the approved Resource Consent for development of the site.

After our successful partnership with Panuku redeveloping the old Suburbs Rugby club site in the heart of Avondale, **Ockham was invited by Panuku** to develop a key ‘anchor’ Avondale site at 1817 Great North Road.

We agreed to take the Aroha Project on knowing the risk posed by four scheduled notable trees on the site, but also with the assurance we had Panuku’s full support for our development (this support was in due course provided in writing to Auckland Council). With our trusted mana whenua development partner Marutuahu, we both invested significant monies to obtain a resource consent to build 117 units and remove one of the four scheduled trees (a privately planted macrocarpa that now straddles the boundary). To mitigate its removal we intend to plant 11 street trees along Great North Road (i.e. 3m Silver Cloud). Regarding the resource consent application, Council’s arborists reviewed our independent expert reports and they sought retention of the Macrocarpa. The planning officer who processed the application supported its removal, as did the Independent Commissioner who reviewed and decided the non-notification decision.

As the Macrocarpa is located half in the street berm and is therefore only partially a Council Asset (the balance is privately owned and approved), we require Tree Owner Approval (TOA) for it to be removed. Our application to Council Arborists for this TOA was declined by the same officer that unsuccessfully opposed its removal during the resource consent process. This small-minded TOA decision prevents a development embodying the central theme of the Auckland Plan, to create a quality, compact city from starting.

To date we have invested more than eighteen months and \$4M in design, consents, planning and sales and marketing. Given we are scheduled to commence construction in February 2021 we are committed to letting subcontracts that make up a \$40M main contract. We have already sold 55 open market and Kiwibuild apartments.

In summary, the Aroha Project supports and is aligned with:

- The central themes of the Auckland Unitary Plan, Council's overarching publicly consulted policy document.
- Its objectives and policies.
- Auckland Council's multi-billion-dollar investment in the rail network.
- Auckland Council's \$15M investment in the Avondale town centre.
- Auckland's recognition that there is a climate crisis (i.e. let's build 117 well-connected units in the heart of Auckland rather than the fresh green fields of Pukekohe or Kumeu, for example).
- The 2020 Nation Policy Statement on urban development. <https://www.mfe.govt.nz/about-national-policy-statement-urban-development>

This consent is being held up by an erroneous, and in our view punitive, application of Auckland Council's Urban Tree Policy:

- The tree in question is a not a solely owned Council asset; it is a private tree that has encroached onto public land and is therefore a special case.
- The council officer's written 'reasoning' for not granting approval to remove the tree as allowed for under the resource consent contravenes higher level policy.

Attached is a legal opinion that confirms the CE's authority to grant consent to remove this tree immediately. We implore you to do so primarily because it is in the City's best interests. But secondly because Auckland Council needs to honour its commitments to a key development partner with a stellar track record in urban redevelopment.

Kind regards
Mark Todd
Managing Director