

**21 NOVEMBER 2023**

**JAMES KIRKPATRICK GROUP LTD  
C/- MT HOBSON GROUP LTD.  
ATTN.: MARK BENJAMIN  
BY E-MAIL**

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Dear James Kirkpatrick Group Ltd

**APPLICATION FOR RESOURE CONSENT FOR NEW COMMERCIAL DEVELOPMENT AT  
538 KARANGAHAPE ROAD, AUCKLAND**

1. Thank you for engaging me to assist with your application for resource consent.
2. I visited the Site numerous times over the past 12 months prior to preparing this assessment.
3. I am an urban designer with over 20-years of experience. I have the qualifications of B.Plan (Hons); M.Plan (Hons); M.Arch [Urb Des] (Hons); M.Env.LS (Hons); and M.EngSt [Transport] (Hons). I have worked on over 2,500 projects across the country. I am particularly experienced with issues relating to new commercial and mixed use buildings including of the scale proposed.
4. Although this is not a Court proceeding or a formal statement of evidence, I confirm that in undertaking my analysis and in preparing this assessment the Environment Court's Code of Conduct for Expert Witnesses 2023 has been at all times adhered to. I have not omitted any fact or information known to me and relevant to my conclusions, and the opinions expressed within this report are entirely my own except where stated otherwise.
5. For convenience, this assessment is presented in summary form, outlining what I have done and my key conclusions reached. It is presented as follows:
  - a. Confirmation of my brief and involvement to date;
  - b. Confirmation of the evaluative framework I have followed;

- c. Summary of the Site's key urban design characteristics;
- d. Summary of the proposal's key urban design characteristics;
- e. Identification of the matters that are in my opinion not of urban design concern or need for particular analysis; and
- f. Analysis of the key urban design matters relating to the proposal's urban design environmental effects and overall merit.

**Brief and involvement to date**

- 6. I have been engaged to provide independent urban design services. I have engaged with Council officers and attended two out of three meetings with the Council's independent Urban Design Panel, across which the proposal was subject to substantial refinement.
- 7. I have attended numerous 'internal' design reviews and meetings with the project team, and provided general advice and recommendations to the project architect Fearon Hay Ltd.
- 8. The final plans that have formed the basis of my assessment are:
  - a. Architectural plans prepared by Fearon Hay Ltd., project no. 2301, dated 1 November 2023 (Rev. A), and an accompanying design statement dated 3 November 2023.
  - b. Photo-simulations prepared by Isthmus Ltd., Appendix B to landscape assessment of Matthew Jones, dated November 2023.
  - c. I have also collaborated closely with Mr. Adam Wild, Archifact Ltd., (heritage architecture), and Mr. Matthew Jones, Isthmus Ltd., (landscape architect) noting the issues raised by the proposal and Auckland Unitary Plan: Operative in Part ("**Unitary Plan**").

**Evaluative framework**

- 9. I have been advised by, and rely on, Mt Hobson Group Ltd's analysis of the Unitary Plan and brief to me which included legal analysis from Berry Simons Ltd. The advice is, in summary, that:
  - a. Resource consent falls to be required as a non complying activity. This means that the specific gateway tests of s.104D RMA apply over and above the requirements of s.104 and s.104B RMA. I am advised that the activity status stems from the proposal not complying with a maximum 3:1 Floor Area Ratio control.
  - b. The application is to be lodged on a publicly notified basis, and following on from that I am not required to consider whether or not the proposal's adverse effects would warrant public or limited notification.
  - c. The proposal is subject to the operative Unitary Plan as well as Plan Change 78 ("**PC78**"). That has been prepared by the Council on the basis of directions within the RMA to implement policies 3 and 4 of the National Policy Statement on Urban Development, 2020. The Unitary Plan has

classified the Site as within the City Centre zone and within the Karangahape Road Precinct as well as a historic heritage area. It is in total subject to a wide range of quite varied objectives and policies. PC78 would have the effect of increasing the City Centre zone standards that apply to the Site (and removing the current Floor Area Ratio control). I have been asked to give weighting in my assessment to the PC78 Plan provisions on the basis that these are subject to a specific statutory process and may not be withdrawn or varied by the Council, and advised that there are no submissions seeking to reduce the proposed PC78 height limits that would apply to the Site.

- d. Urban design includes a consideration of context and how a proposal responds to that, but it does not go so far as to impart to urban designers expertise on all matters that may exist within that context. Relevant to the proposal is that the Precinct warrants a particular filter of analysis by experts in historic heritage. The scale also warrants a particular landscape and visual assessment by experts in that discipline. I defer to the relevant expertise of Mr. Wild and Mr. Jones respectively, and have tailored my assessment so as to stay clear of those matters as well as avoiding any unnecessary duplication.
  - e. I confirm that in undertaking my assessment I have started with what I regard as industry-standard best practice urban design principles including 'ideal' built-form solutions. But I have used these as a guide to my assessment only, not as the object or outcomes that the proposal must achieve to warrant support. The focus on my assessment has been whether or not the proposal is acceptable in terms of its likely real-world effects, and in terms of the built form outcomes sought by the Unitary Plan.
  - f. My assessment has taken in the Site and its context, which I have taken to include land within an approximately 1km area around it. Beyond that distance, even though the proposed building is large, it would only form a very small part of any person's view as part of a much wider 'city-scape', such that this and any other potential adverse effect or planning matter would present negligible urban design concern.
10. In summary, my assessment focuses on the built form outcomes sought by chapters D17, H8 and I206 of the Unitary Plan, with emphasis placed on the PC78-version. Although this assessment and the opinions expressed are my own, it is relevant to acknowledge that at the time of writing:
- a. The Council's urban design panel is (subject to on-going architectural refinement) agreeable with the scale, massing, height and form of the building proposed, its internal uses and planning, and how it generally relates to the street and local environment in general urban design terms i.e., visual interest, passive surveillance, activation, etc.). It has offered measured support in terms of the proposal's relationship with the heritage values promoted by the Karangahape Road Precinct and heritage area.
  - b. The Council's urban design officer is opposed to the proposal in many respects, but principally (as I understand it), in terms of the scale and effects of a proposed wintergarden feature in relation to Karangahape Road, and the compatibility of the proposal with the heritage values promoted by the Karangahape Precinct and heritage area.

## Summary of key site characteristics

11. The Site has been comprehensively described within the architectural and landscape plans, and the assessments of Mr. Wild and Mr. Jones. Without unnecessarily repeating that material, I would summarise the key urban design characteristics of the Site as follows:
  - a. The Site is a corner Site fronting Karangahape Road on its north / north-western side, Gundry Street on its eastern side, and Abbey Street on its southern side. It has an irregular shape but a generally rectangular aspect. It is 1,597m<sup>2</sup>.
  - b. The Site is vacant, having been previously cleared as part of implementing a resource consent that has not been progressed. It also has a slope generally north-south, down from the Karangahape Road ridge. The cross fall between Karangahape Road and Abbey Street is approximately 3m.
  - c. To the immediate west is 582 Karangahape Road. This has been re-developed in recent times and contains a 1-2 storey contemporary building at Karangahape Road and a series of differentiated buildings from 2-3 storeys along Newton Road. These have a servicing and parking area on the south side facing Abbey Street (which is a lower-quality built form outcome).
  - d. To the north, across Karangahape Road is 565 Karangahape Road. It is occupied by a service station and is dominated by the forecourt; that is highly illuminated at nighttime. Next to and east of that is 531-537 Karangahape Road, a 2-storey strip of historic buildings at the street edge.
  - e. To the east across Gundry Street is 520-536 Karangahape Road and 2 Gundry Street. This is a vacant site used for car parking (which has been the case for some time). South of that is 4-6 Gundry Street. This is occupied by a modern 2-storey building and at-grade car park.
  - f. To the south across Abbey Street is 3 Abbey Street. This is occupied by a commercial building that is 1-storey at the street but 2-storeys at its southern side. This building presents a relatively blank front wall to the street.
  - g. Karangahape Road is one of Auckland's iconic streets. It connects to and continues along its axis as Great North Road and these roads together form something of a partial 'ring' following the natural ridge that wraps around much of the traditional Auckland CBD. As a consequence of planning decisions over the past decade, high density intensification of 6+ storey buildings along this ridge (and others) is becoming quite common.
  - h. Gundry and Abbey Streets are local streets forming part of the original contradiction of Auckland's grid form that was draped across the landform despite its natural contours perhaps warranting a 'less colonial' approach. The built form quality along the streets is very varied and overall I would characterise the locality as having a mixed-use 'grittiness' about it.
  - i. The Karangahape Road Precinct and historic heritage area sets out a vision to maintain its distinctive built form and streetscape character. In

urban design terms this is a challenging matter to assess because of how varied the precinct's built stock is. There is a wide variety of land use and building types along the road, and in the vicinity of the Site overall streetscape quality is mixed.

- j. Also very relevant is the proximity of the Site to an under-development CRL train station. This will be a transformative infrastructure project and in urban design terms it would be highly desirable to maximise the density of activity, especially of high-density office uses, so close to that.
12. Overall, the Site is an excellent candidate for a high-density office development.

### **Summary of proposal's key characteristics**

- 13. The proposal is for a 10-11 storey office building with a basement car park (accessed from the lower side of Gundry Street), and provision for retail activities activating and accessible directly from the street at the Karangahape Road and Abbey Street frontages. The principal entrance for the office component is on Gundry Street.
- 14. In general terms, the proposal has a 'base' section of 3-storeys (relative to Karangahape Road), a middle section of another 3-storeys that includes a 'wintergarden' feature built close to the Karangahape Road street frontage, and then a 'top' section of 4-storeys, set back from the frontages, and capped by a serrated roof form.
- 15. The façade has been modulated by way of a variety of techniques and has incorporated numerous façade elements inspired by a study of the characteristics of several character buildings within the Precinct.
- 16. The proposal infringes numerous operative planning rules and although designed as a response to the PC78 planning environment, also infringes the key zone standards proposed by the Council for that.
- 17. The proposal falls to be considered as a non complying activity and is being made on a publicly notified basis.

### **Matters that are not of urban design concern**

- 18. The following urban design matters have been considered and do not present potential environmental effects or conflicts with the outcomes sought by the Unitary Plan sufficient concern to warrant particular commentary or justification; and/or any urban design recommendations:
  - a. The land use activities (office and retail) proposed within the building and its internal planning, including entrance points and the location of the entrance to a car parking basement;
  - b. The general way in which the proposal relates to its street boundaries and its (western) private property boundary, including the provision of opportunities to activate, passively surveil, and provide a positive visual amenity contribution to the quality of the street;
  - c. The general modulation / form, cladding materials and finishes, and visual appearance of the building including the serrated roof feature;

- d. Shadowing and visual dominance;
  - e. The extent to which the proposal makes the most of the Site's capability to accommodate a high-quality, high-density commercial activity close to the under-construction CRL train station; and
  - f. Effects of the proposal on adjoining privately owned land.
19. In respect of all of the above matters, the proposal:
- a. Will have adverse urban design effects that are minor or less than minor;
  - b. Will have overall urban design effects that are appropriate and acceptable (including numerous positive effects); and
  - c. Will be consistent with the outcomes sought by the relevant objectives and policies Unitary Plan.
20. Also in respect of the above, I note that the Council's urban design panel has undertaken 3 x reviews of the project as it developed and has arrived at a position of general support.

**Key urban design issues**

21. The key urban design issues most relevant to the proposal, and that I consider warrant a particular comment, are:
- a. The building's height, scale and mass;
  - b. The building's effects on the three street frontages; and
  - c. The building's effects on the character of the locality;

Height, scale and mass

22. I will here consider the proposal's effects in the wider environment. Effects of the proposal's height, scale and mass experienced from close to the Site will be addressed in the following section. I also refer to the landscape and visual effects assessment of Matthew Jones. Although he has undertaken a landscape-based assessment there are many areas of overlap between what he and I have considered.
23. I understand that the proposal exceeds the PC78 height standard, the upper level setback to the neighbouring site at 582 K Road standard, and slightly infringes the building frontage and alignment standards requirements on Abbey Street; but complies with the building frontage and alignment standards to Karangahape Road and to Gundry Street. Although this does warrant a careful consideration of the proposal's environmental effects, a Plan infringement is of itself not a relevant indicator of problematic adverse effects being likely. As I read the Unitary Plan, its language is quite neutral on the question of whether a specific scale and height of building is directed or sought, with the key tests relating to achieving a suitably compatible response incorporating increasing visual and design quality commensurate to each proposal's prominence. This is particularly set out by H8.2(13); H8.3(5); H8.3(30); an H8.6.2. In summary,

there is no urban design basis to presume that only a 'compliant' building can be appropriate or justifiable.

24. The proposal will sit in a very mixed, even jumbled, built form context and from all viewpoints, the Site will sit in view of a number of 1-4 storey 'low rise' buildings and a number of 8+ storey medium rise buildings. In general, the lower-height parts of buildings are close to streets, blend into one another, and do the 'heavy lifting' of street interfaces, activation, and visual engagement with pedestrians. The taller tower forms are visually quite separated from one another and where visible do not generally connect directly to the ground plane.
25. The proposal will not block or impede any identified public view of any particular amenity value.
26. I am supportive of the proposal's height, scale and mass. It is located along a ridge that already accommodates regularly-spaced taller buildings and from all 'wider' viewpoints (05, 06, 02, 03), the proposal will sit comfortably amongst the other medium-rise buildings that can be seen. The combination of height, bulk and mass will not be out of place nor seem dominant in the context of other existing buildings (some of which are notably larger or taller than the proposal). In all of those simulations the proposal presents a varied form, and a compatible contribution to the more solid, wider expression of 2-4-storey 'base' or 'lower' building sections coupled with more slender upper tower sections.
27. In respect of viewpoints 01 – 03, although the proposal will be obvious and prominent when it is newly constructed, within a short time it will come to sit as a 'natural' part of the mixed / varied, and quite eclectic built form character of the Great North Road / Karangahape Road / Symonds Street city-fringe ridge system that will 'blend' into the many other existing similarly-scaled buildings that can be frequently seen. The serrated roof form will be particularly appropriate when viewed from Ponsonby Road (simulation 04) given the building scales and pitched roof forms present in the Ponsonby Road foreground.
28. The character of the development is also in my opinion in-keeping with what people would expect of Auckland's very mixed City Centre zone.
29. Architecturally, Fearon Hay have resolved the geometric proportions of the façade to provide a progression of 'mediations' between scales and contexts, frequent vertical and horizontal divisions, and in particular separate the lower 'base' from the 'upper' sections all in a way that will break down the scale of the building and avoid substantial expanses of uniform or flat wall. The visual quality of the building is in my opinion in the 'superior' category and the aforementioned design element will mitigate potential adverse visual scale and bulk effects.
30. The proposed wintergarden element on Karangahape Road, having considered a number of design tests alongside Fearon Hay Ltd, contributes appropriately to the building's overall massing and scale. It helps to mediate between the lower and top sections of the building but is successful only because of how it will visually differ to the lower and upper sections. It is also notable as an interesting alternative to the perhaps blunt 'tower and podium' combination commonly used in new larger-scale buildings.

31. Particular Unitary Plan objectives and policies that the proposal's height, scale and mass satisfies are in my opinion H8.2(1), (2), (3), (4), (7), (8), (9), (11), and (13); H8.3(1), (3), (5), (11), (12), (23), (24), (29A), (30), (31), (33), and (38); I206.2(1); and I206.3(1) and (3).
32. On the basis of the above, the proposal's height, bulk and mass will sit comfortably in its environment and the design of the building will appropriately avoid, remedy or mitigate many potential adverse effects of the project's scale. Specifically:
  - a. Any adverse effects relating to the proposal's height, mass and scale would be at most minor, and from many viewpoints less than minor.
  - b. The proposal would not be contrary to the Unitary Plan's objectives and policies.

### Effects on the streets

33. The proposal fronts Abbey Street, Gundry Street and Karangahape Road. Each street has a different character and the proposal presents something different to each.
34. All streets will be well-overlooked and activated. The facades present frequent variations and will avoid the effects of horizontally long blank walls. Building entrances are obvious and thoughtfully distributed around the three frontages.
35. On all frontages a well-expressed base section, between 3-4 storeys will front the streets continuously, with the upper section recessed and expressed as a tower form. This is well-illustrated on viewpoint 04.
36. In my opinion the Gundry and Abbey Street elevations are appropriate and do not warrant further comment. Karangahape Road warrants particular consideration because of the additional mass proposed by way of the wintergarden feature.
37. Karangahape Road's frontage is proposed via a 6-storey form (3-storeys base following a 14m datum line), and a 3-storey wintergarden feature separated by a subtle negative detail and change in elevation / cladding detail. In my opinion the only urban design adverse effect of potential concern is the massing and potential dominance of this building scale on the street; I have no concerns as to visual quality and interest, the depth and articulation of the façade, passive surveillance or activation, shadowing (the Site is on the south side of the street), or issues pertaining to the weather protection canopy.
38. The Site sits on a curve in Karangahape Road and this is relevant to the proposal's impacts on the street. Viewpoint 01 shows this as viewed from the east, and in that respect the wintergarden feature makes what I regard as a positive mediating contribution between the 'base' and 'tower' as part of the proposal's overall massing approach. In this respect, a key characteristic that I am supportive of is the transparency of the feature and ensuring this in an on-going sense (during occupation and use) will be a relevant matter to consider.
39. I also note my support of the additional image prepared as part of viewpoint 01 (Figure 4) giving an indication of what might occur on the vacant Site at 520-536 Karangahape Road (shown as a semi-transparent red box). In that context



in particular, the proposal will not seem overly dominant or out of place along the street.

40. The 6-storey combined height at the street will contrast (positively and flatteringly) with the service station across the road, and the curvature of the road from the east will effectively turn the building's face away from the viewer (east).
41. From the west, the proposal will rise up above and behind the service station and 2-storey development at 582 Karangahape Road, with the view of the side elevation and its detailing attracting the eye. The 6-storey frontage feature will not appear to loom over or dominate the street.
42. Directly in front of the building, the approximately 38m width of the elevation is not in my opinion especially long or likely to create lasting dominance effects or a lasting negative impression of the street (in the same way that the very low quality service station of a similar frontage width does not adversely compromise the quality of the remainder of the street).
43. Overall, I consider the proposal to be a positive addition to the streets including Karangahape Road. When I consider the other 4+ storey contemporary buildings that front the Karangahape Road, the proposal is one of the higher-quality, more-successful examples.
44. Particular Unitary Plan objectives and policies that the proposal's height, scale and mass satisfies are in my opinion H8.2(2) and (3); H8.3(3), (6), (7), (10), (11), (18), (30), and (38); I206.2(1); and I206.3(1) and (4) (noting that the Site sits outside of the proposed PC78 frontage height and setback area within the Precinct).
45. On the basis of the above, the proposal's street-effects will be appropriate and avoid, remedy or mitigate many potential adverse effects of the project's scale. Specifically:
  - a. Any adverse effects relating to the proposal's interface with its street frontages would be at most minor, and from many viewpoints less than minor.
  - b. Overall the proposal will have positive urban design effects on its three street frontages.
  - c. The proposal would not be contrary to the Unitary Plan's objectives and policies.

#### Effects on built form character

46. In this section I will consider the proposal's appropriateness in terms of the Karangahape Road Precinct. Urban design is not historic heritage and in all such respects I defer to the analysis and assessment of Adam Wild.
47. The relevant urban design contribution to this matter is in whether and the extent to which the proposal can sit compatibly within the context of the Precinct and its values (real-world and stated).

48. My assessment of the Precinct is that it does not possess a coherent or uniform set of built form values. It has a number of historic heritage buildings (and amongst those there is substantial variation), and a greater-number of non-heritage buildings, some of which are quite large. There is a generally coherent street-edge (i.e., buildings built with continuous frontages and to the street boundary), with windows frequently facing streets. Some modern buildings seem particularly insensitive to what I have interpreted the Unitary Plan seeks, including 445 (City of Sails), 295, and 75 Karangahape Road. Also of some note is the recent 7-8 storey “Ironbank” building at 150-154 Karangahape Road, a very distinctive and architecturally unique building. Another more-recent addition is at 442 Karangahape Road, a 7-storey new building set behind a smaller 4-to-5-storey ‘front’ building.
49. The building stock is characteristically non-residential or mixed-use. Many buildings have a functional appearance and there is an obvious ‘grunge’ in many of the ‘back streets’ behind Karangahape Road – by that I mean aged, weathered and otherwise run-down buildings and sites. Several taller-scale towers crowd around the fringe or edge of the Precinct and, although often not formally within it, nonetheless and in real-world terms contribute to the look and feel of the Precinct.
50. The immediate setting of the Site is a vacant site that contributes nothing to the quality or amenity of the Precinct; adjacent to another vacant site (520-536 Karangahape Road) that similarly offers nothing positive to the environment; a forecourt-dominated service station (565 Karangahape Road), which is the lowest-quality, least amenity contributing part of the area; and a contemporary 1-2 storey development (582 Karangahape Road). Historic heritage 2-storey buildings at 1-9 Great North Road and 531-537 Karangahape Road, and a yard-based car dealership at 2-38 Great North Road round this out.
51. Karangahape Road itself is the focal point of the Precinct although it accommodates a wide-range of building types and qualities. Key values identified within the Unitary Plan are explained briefly at I206.1 and by way of the policies at I206.3. A coherence of built form character, quality of street frontage, and ground floor activity are amongst the various matters identified.
52. These values are not always obvious as one moves along Karangahape Road and seem in some instances within the Precinct – especially back from Karangahape Road – to be misrepresentative or overstated (i.e., the Precinct’s stated values at times seem to present a very idealised or even cherry-picked editorial of the totality of the environment).
53. In the above context the proposal will stand out as a high-quality, large scale destination or ‘marker’ at the western end of the Precinct and that will contrast with its adjacent sites as much for its positive attributes and visual quality as its scale. The proposal incorporates the following elements that in my opinion give it a convincing providence within the Precinct, including a 3-storey ‘base’ datum and scale, incorporating canopy stays, columnar features, and the rhythm and detailing of the façade.
54. The proposal’s design cues in favour of the historic heritage qualities of the Precinct will be obvious and although plainly not a mimic or faux-heritage building, will by the same token not seem to be a random tower that could sit anywhere in Auckland. Noting also that viewers withing the Precinct will see a variety of authentic heritage buildings but also more-recent and less-

sympathetic buildings, the proposal will in my opinion present one a successful example of a new building that will directly relate with that historic heritage context. In these respects the proposal is a successful urban design outcome and demonstrates a thoughtful response to its context (keeping in mind that the urban design goal of a context response is in terms of a direct, easily-discernible acknowledgement rather than a strict subordination or recessiveness).

55. Particular Unitary Plan objectives and policies that the proposal's local character response satisfies are in my opinion H8.2(3) and (9), H8.3(3), (23), (24), 29A), and (30); I206.2(1); and I206.3(1), (2) and (3).
56. On the basis of the above, the proposal's local character response will appropriately avoid, remedy or mitigate many potential adverse effects of the project's scale. Specifically:
  - a. Any adverse effects relating to the proposal's character response would be at worst minor.
  - b. The proposal will have net positive effects on the quality and character of the immediate setting of the Site noting how underwhelming the western end of Karangahape Road currently is (and that the Site is currently entirely vacant).
  - c. The proposal would not be contrary to the Unitary Plan's objectives and policies.
57. On the basis of all of the above, the proposal is acceptable in urban design terms and will make a positive contribution to the urban design quality of the environment.

Please feel welcome to contact me should you wish to discuss any aspect of the above further.

Yours sincerely,



**IAN MUNRO**

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