

5 February 2024

**Attention: Mark Benjamin**

Dear Mark

### Resource consent application – Further information request

Application number(s):	BUN60427502
Applicant:	JAMES KIRKPATRICK GROUP LIMITED
Address:	538 Karangahape Road NEWTON 1010
Proposed activity(s):	To construct and operate a new part 10- part 11-level commercial building with two basement levels. Bulk cut earthworks with associated groundwater drawdown and diversion. The proposal is located on a HAIL site and a contaminated land discharge consent is required.

Further to my letter of 25 January 2024 where I confirmed that your application was accepted for processing, I have now reviewed your application.

This letter is a request for further information that will help me better understand your proposal, including its effect on the environment and the ways any adverse effects might be mitigated.

### Requested information

#### Planning

- 1) The Wind Environment Desktop Study by the Wind Engineering Group, states that “[t]he downwash from the SW face of the building in the central region of the SW face has the potential to reach the ground level carpark area at 582 K Rd, and flow out and into Abbey St at pedestrian level, to create ‘wind problems’..... this can be mitigated by the use of a 6 – 9m canopy and a number of 300mm deep ribs / fins...”. It is noted the canopy required to mitigate the wind effects would have to be built over the neighbouring site 582 K Rd. This site has not been included in the application, nor have consent matters related to this been included in the application. Please indicate how you intend to implement the canopy which is essential to developing a building that can effectively mitigate wind effects to acceptable levels.

*Note: We recommend that the proposed canopy be included in this application (i.e. include the address and relevant consent matters).*

- 2) Standard H8.6.26.(5)(a) states that verandahs must have a maximum height of 4m above the footpath immediately below. It appears from measurements taken off the plans that there are sections of the verandah that are higher than 4m above the footpath. Please

confirm the height and include this on the plans. If there is an infringement please apply for this and provide the assessment.

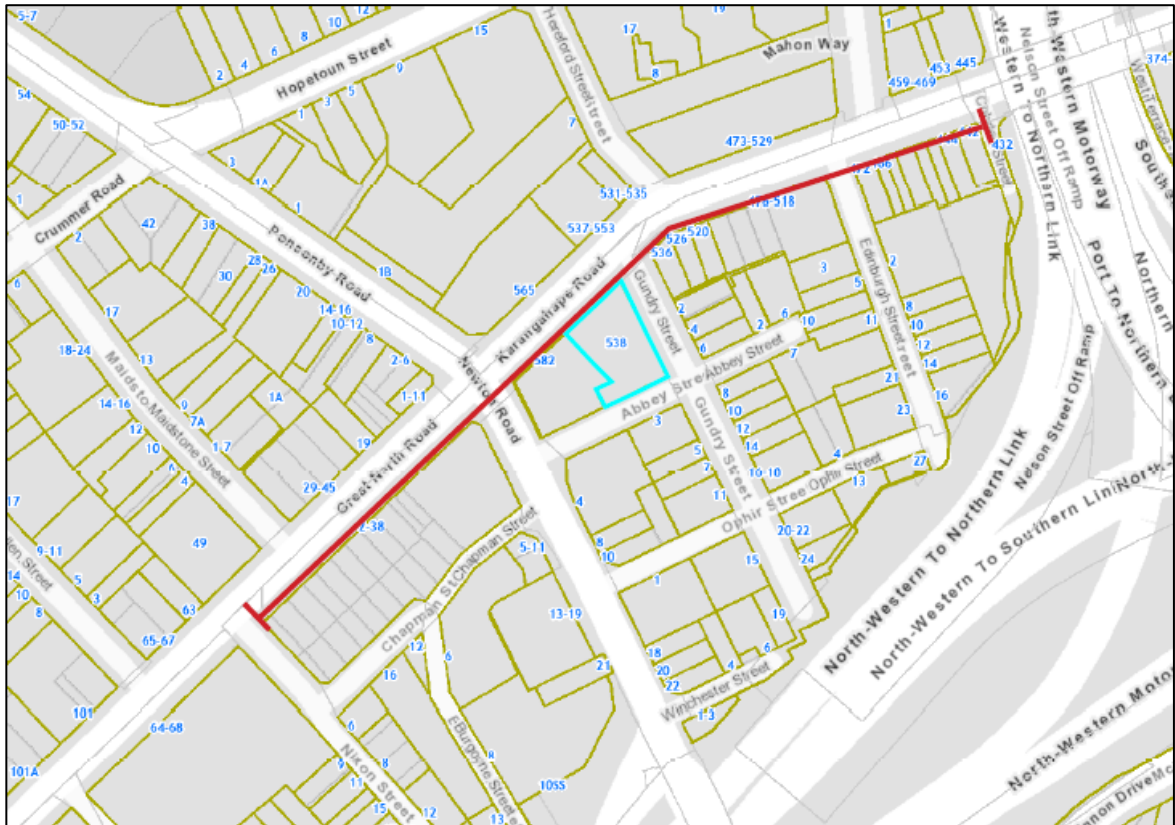
- 3) Please provide a schedule of floor areas (GFA) per use.

### Landscape architecture

- 4) Please provide an additional simulation from Viewpoint 18, Figure C. We acknowledge this was not requested when viewpoints were discussed at pre application stage but having viewed the application, it is considered that this is a busy intersection with a high volume of pedestrians and vehicles passing through it and a visual simulation would illustrate the proposal in its immediate context.
- 5) Please provide discussion on what the proposed landscaping to the loggia on Gundry Street and the terrace facing K Road will be, and any contribution this has on addressing visual effects where it is visible to viewers from the street. The architectural Design Report has a single page but no indication of species or potential sizes. These elements are two key pieces with the potential to assist in softening the building mass.
- 6) Please advise if there is any likelihood for roof plant to be added. If so, provide commentary on any potential visual effects arising, which may include effects from additional height.
- 7) At point 91 of the Landscape Visual Assessment (LVA) the inclusion of an indicative building is discussed and shown on Fig 4, Viewpoint 1. Please explain why the same approach was not taken to include an indicative building on the site to the west of the application site from Fig 7, Viewpoint 02 and include it on the additional Viewpoint 18.
- 8) It is acknowledged the LVA was prepared in accordance with the NZILA guidelines, which has no definitions of effects ratings. The assessment has a ratings effect graphic included in Appendix A. Please provide an interpretation of the relevant effects ratings, particularly for Low (107, 145) and Very Low (140) effects. (Very low is generally considered to be almost no change).

### Urban Design

- 9) Please provide a basic street elevation or transect that illustrates the proposed building within the adjoining K Road context. The elevation or transect should show the outline of all existing buildings along the southern extents of K Road as per the Figure below (illustrated by the red line). In addition, please also show the relevant height controls that apply within the zone / precinct (dotted line).



- 10) Using Figure 3 (Viewpoint 1) and Figure 6 (Viewpoint 2) of Appendix B to the Landscape Assessment, please model a complying building mass under the current AUP provisions; and a second image for each viewpoint that models a complying mass under the planned provisions of PC78.
- 11) Please provide coloured building elevations.
- 12) Please provide specific details of the design and proposed banding width of both the horizontal and vertical frit patterns as applied to building façade type 01 (refer page 49 of the Fearon Hay Design Statement). This information should be clearly documented on the Fearon Hay Architectural Plan Set elevations for ease of reference.
- 13) The architectural plans provide an indication of proposed signage. Please confirm if the number of signs, locations and extents as illustrated on the building elevations within the architectural drawings set are fixed/confirmed. Noting that details regarding the signage can be dealt with through a condition of consent.

*Note: This information has also been requested by the council's Heritage specialist.*

### Traffic / Transportation

- 14) The scope of the study area adopted for the crash analysis and the spread of crashes throughout the study area are not entirely clear from the information provided in the Transport Assessment (TA). While the TA references particular intersections covered in the analysis, it is not clear as to whether the analysis covers a sufficiently wide area, including mid-block sections of road.

The proposal is expected to result in high concentrations of new vehicle activity at the intersection of Karangahape Road / Gundry Street and high concentrations of pedestrian activity at this intersection and at the new pedestrian building entrances on Karangahape Road and Abbey Street. An appropriate scope for the crash analysis should therefore include:

- a. Karangahape Road between (and inclusive of) its intersections with Newton Road and Edinburgh Street, noting that there are no formalised intermediate pedestrian crossing opportunities between these two intersections.
- b. Gundry Street, at least as far south as its intersection with Abbey Street
- c. Abbey Street, between Newton Road and Gundry Street

Please provide further detail accordingly and if appropriate, consider scope for mitigation measures, such as additional pedestrian crossing points to cater for desire lines accessing the new development.

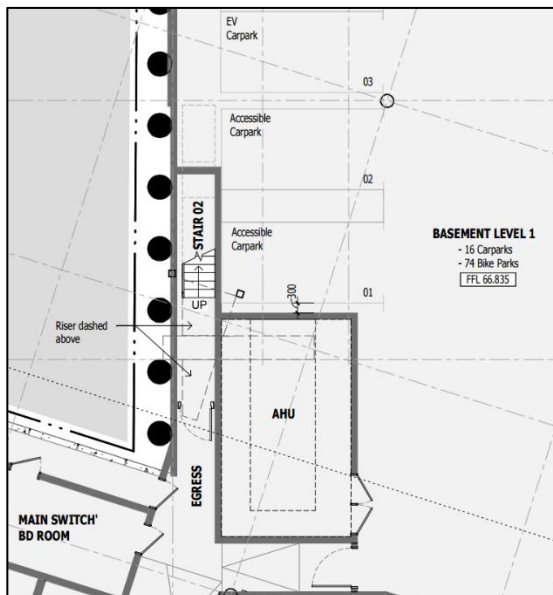
- 15) While traffic generation thresholds of the Unitary Plan do not apply within the Business City Centre Zone, the TA does nonetheless note significant trip generation potential, while the proposed on-site car parking provision will cater for only a small proportion of vehicle demand. The TA does not, however, assess the impact of the lack of parking provision on the adjoining area, nor does it provide detail of travel demand management measures to mitigate against the impact of vehicle trips and corresponding parking demand. Please provide an assessment of parking demand in the wider area and consideration of travel demand management measures to mitigate against potential adverse effects of excess parking demand.
- 16) The TA refers to a waste vehicle servicing the building after typical operational hours and the Operational Waste Management Plan (OWMP) by Green Gorilla similarly refers to a service vehicle parking in the access lane. However, the specification of waste collection vehicle referred to in the OWMP has a height of 3.9 metres, while the TA refers to height clearances in the basement of between 2.1 metres and 2.5 metres. The AEE and OWMP state the waste vehicle may park in the vehicle access. Please confirm if the truck will be accessing the building / parking partially within the building. If the truck will be entering the building / parking partially within the building, please re confirm both the height of the vehicle and clearance within the part of the building to be accessed by a waste collection truck. If appropriate, please indicate if a shorter waste collection truck be used, and / or can vertical clearance within the building be increased. Please also provide horizontal and vertical vehicle tracking to confirm the ability of a waste collection truck to access the site safely.
- 17) In the event of on-street collection (which appears to be dependent on Auckland Transport (AT) providing a loading zone on Gundry Street), please provide a plan showing the loading zone. Please also provide comment on how the truck will safely manoeuvre into and out of the loading bay and please provide additional assessment on the safety of the surrounding traffic. Also noting car movement from and into the basement.

*Note:*

*The council's Traffic Engineer is seeking comment from AT to ensure consistency of the proposal with works being undertaken to AT assets, including rebuilding of pedestrian footpaths on Gundry Street and Abbey Street and interface with Karangahape Road*

*Enhancement Project. The latter is noted to include modifications to on-street parking arrangements and the Transport Assessment places dependency on the provision of a loading space on the western side of Gundry Street to service the development.*

- 18) Regarding the operational hours for waste collection, please provide additional comment on 'after hours' times conflicting with demands to use kerbside space for local parking demands.
- 19) In the event the development is constructed before AT provides the loading facility, please confirm how waste will be collected from the building / how the building will serviced with deliveries, etc.
- 20) The AEE notes that 1 loading bay is required. The Transport Assessment notes 2 are required (1 for the retail uses and 1 for all other uses). Auckland Transport (AT) state that 2 loading bays are required for this development. On-street loading is relied upon, please comment on the uncertainty regarding the reliance on loading facilities that may be removed by AT in the future. In the event the loading facilities are removed, how will the development be serviced.
- 21) NZS 4121-2001 requirement 5.7.2 states that people with disabilities shall not have to pass behind parked cars when moving to an accessible route or when approaching from an entrance. It appears from the site plan that access between parking space #02 and the nearest building entrances would necessitate passing behind a parked car in space #01 (if occupied). It is recommended that consideration be given to an alternative site layout to negate this problem.



- 22) The vehicle tracking assessment was not provided with the TA Report, please provide the tracking assessment in order to enable the Traffic Engineer to determine the adequacy of the car park layout.
- 23) Please provide long-sections of the proposed ramp from the vehicle crossing showing safety platform and ramp gradient. It is noted that the proposed roading plan shows that

1:8 gradient is proposed for the safety platform infringing the maximum requirement of 1:20.

- 24) The Traffic Assessment states that “[t]here are three parking spaces within the Basement 2 car park which have a slightly reduced height clearance of 2.1 metres (Spaces 27, 28, 29). As these parking spaces do not comply with the 2.3 metre requirement of the Unitary Plan, an assessment has been undertaken against the criteria outlined in Rule E27.8.2 (8), and is provided in Table 4.” The AEE states the proposal complies with vertical clearance. Please confirm this point and if necessary apply for the infringement and provide an assessment.

### Auckland Transport (AT)

- 25) The transport assessment notes a vehicle trip generation of over 2000 vehicles per day to the site. There is no back berm present between the property boundary and the public footpath. Based on the high trip generation rate and the lack of back berm, AT is concerned that pedestrian and vehicle intervisibility is affected. The traffic assessment notes that a pedestrian visibility splay is provided on the northern side of the proposed vehicle crossing to assist in achieving pedestrian and vehicle intervisibility. The splay is proposed at 2.9m x 1.1m. Based on the proposed trip generation rates, the proximity of the crossing to an intersection and non-compliance with the required vehicles waiting platform, the size of the pedestrian visibility splay provided is considered insufficient to address pedestrian safety concerns. Please provide additional information in accordance with E27.8.2(8)(a) on how pedestrian and vehicle intervisibility at the proposed vehicle crossing can be avoided, remedied or mitigated.

*Advice note: The NZTA Pedestrian Planning and Design Guideline recommends a 5m x 2m pedestrian visibility splay for vehicles crossings generating more than 200 vehicles trips per day. This development will exceed the 200-trip number.*

- 26) There are concerns with pedestrian amenity and safety effects as a result of the prolonged closure of the footpath on Gundry Street and Abbey Street adjacent to the site. To better understand the effects of the proposed development, please provide an assessment of the effects on pedestrian safety and amenity during the construction phase considering objective E27.2.(5) “*Pedestrian safety and amenity along public footpaths is prioritised*”. Please also provide measures to avoid, remedy or mitigation any adverse effects identified in this regard.

*Advice note: it is noted that this footpath has been closed for almost two years due to planned works on the site which are not progressing. This consent, if granted, will further extend the period for which this path (and parking spaces) will be closed. The applicant is recommended to explore measures to mitigate these effects. It is recommended that the applicant provide safe pedestrian passage along their street frontage through the use of gantries or similar measures.*

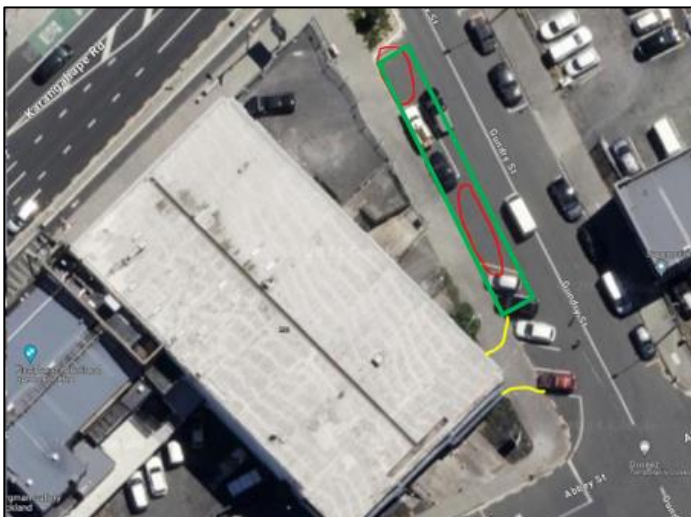
27) The proposed vehicle crossing is across multiple existing on-street parking spaces on Gundry Street. Parking in this area is in high demand and there is a concern with the proposed loss of these spaces. It is also noted that the site has 4 existing vehicle crossings that will be made redundant through this proposal.

- a. Please confirm if the car parking spaces proposed to be removed as a result of the new vehicle crossing will be reinstated.
- b. If these spaces will not be reinstated, please provide an assessment in accordance with Objective E27.2(3) Policy E27.3.3(f) of the effects of the loss of on-street parking arrangement on the western side of Gundry Street.

*Advice note: all four redundant vehicle crossings will need to be reinstated by the applicant to the kerb, channel and footpath. The No Stopping at Any Time line markings in front of the redundant Abbey Street vehicle crossings will need to be removed by the applicant. It is recommended that these reinstatement requirements are accepted as a condition of consent with the design detail considered at subsequent design stages. Anticipated required changes to the western side of Gundry Street (along the site's frontage) include:*

- *The removal of angled parking spaces to allow for the vehicle crossing,*
- *Reinstatement of both redundant vehicle crossings on Gundry Street,*
- *Provision of angled parking from the northern kerb buildout to the proposed vehicle crossing without adversely effecting visibility for vehicles leaving the site.*
- *It is likely that the applicant is requested to remove the existing motorbike parking bay.*

*The image below illustrates a concept of how the reconfiguration could work, with the green bar indicating AT's preferred space for paid angled parking. Please note this figure is for reference only to guide a design by the applicant, and it does not indicate that a similar design will be approved in future.*



*AT has requested that the applicant agree to the reinstatement mentioned above, with a concept design being submitted. This would assist in streamlining the EPA process.*



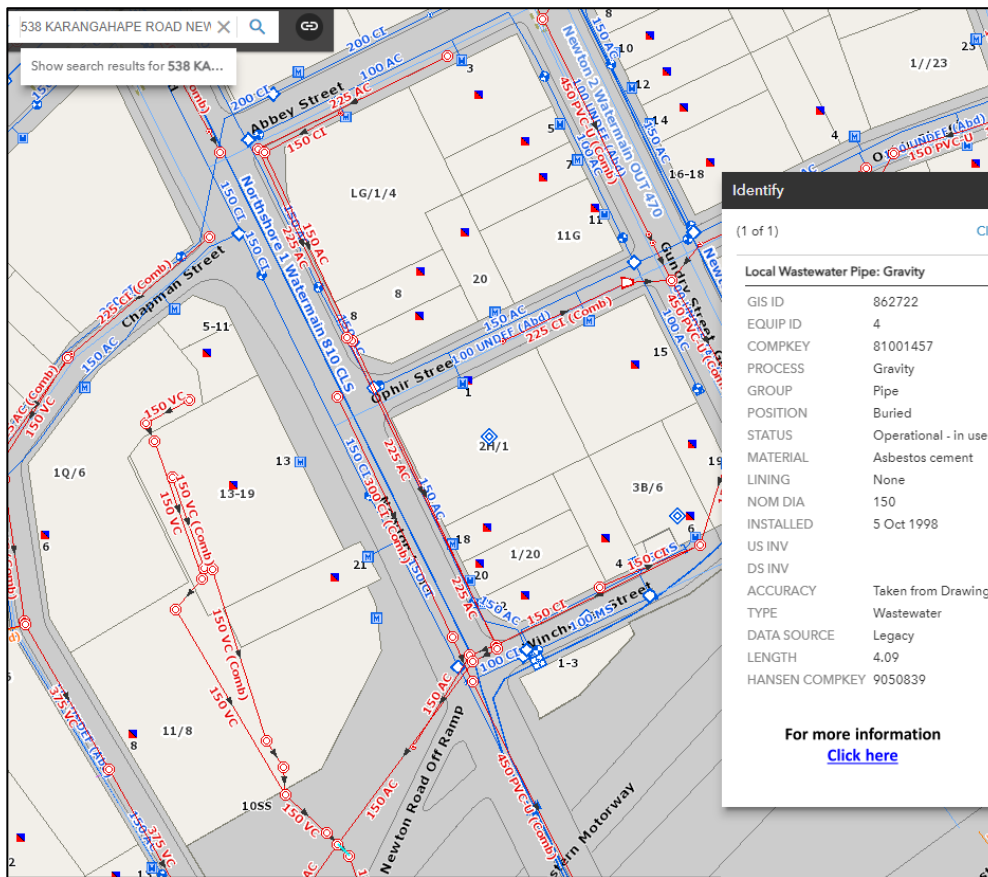
### Development Engineering

- 28) The existing stormwater line shown on the proposed drainage plan does not match up with information on the Council's GIS. Please confirm if existing SWMH 1 is SWMH ID 2000730938 and update drawing for consistency.
- 29) Similarly, the existing wastewater line does not align with the information on Council's GIS. It is noted that the Infrastructure Report states that the "*[s]ite investigation undertaken by Maven Associates has confirmed that the wastewater line does not exist in the berm, and we believe that the line is within the Abbey Street carriageway. The manhole lid is cracked, and a service request has been lodged with Watercare (ref SR 10062208 #4417696). Until this is resolved, Maven is unable to confirm invert depth, or confirm if this asset exists*". Please indicate if this has been resolved and if the connection point has been confirmed / identified. If so, please update the wastewater line and clarify the proposed wastewater extension arrangement. Also add the proposed and existing wastewater items to the legend.
- 30) Please provide high-level construction methodology for the installation of the temporary support in the form of barrier pile and/ or secant wall pile.

### Watercare

- 31) Since the proposed development will increase the wastewater flow discharge by over 2.0 L/s, please provide a catchment study covering the area up to a point continuing with an equal or above 300mm wastewater network. The relevant network line has been highlighted on the extract below, just before crossing Newton Road off Ramp (GIS ID: 862722), this should be the capacity-check line section we expect to see in their catchment study.





32) The hydrant test result attached in the Infrastructure Report was done in 2020, which is outdated. Watercare require the test to be no older than 12 months. Please provide an updated hydrant test.

### Noise

33) Given the hours when the highest permitted construction noise levels apply in Table E25.6.28.2 are 6.30am – 10.30pm, Monday to Friday and 7am – 11pm, Saturday and the vibration amenity limit only applies to occupied buildings, please clarify if it will be practicable to carry out high noise creating works when neighbouring businesses are not open (Note: Marshall Day Acoustics (MDA) advise 'We assume the adoption of conventional construction hours of between 7am – 6pm, Monday to Saturday.').

34) Scheduling of high vibration creating works when Lux Radiology staff are not operating scanning equipment is recommended by MDA to mitigate construction vibration effects. However, please provide any additional information if predicted vibration levels have potential to adversely affect the operation of various x-ray, ultrasound or other imaging equipment when equipment is not in use (e.g. sensitivity thresholds, calibration).

35) MDA make the statement "With knowledge of the area, the commercial building criteria is considered appropriate to apply to all neighbouring buildings. The relevant vibration limits start from 10mm/s PPV for continuous vibration, and are higher in

other cases. We have used the 10mm/s PPV threshold for assessment purposes.” Please confirm that the recommended vibration limit of 10mm/s PPV is appropriate for all immediately adjacent buildings given the Historic Heritage Area Overlay, which suggests some adjacent buildings may be sensitive to vibration and, therefore, a lower limit would apply to avoid cosmetic damage (i.e. 2.5 mm/s PPV).

*Note: some of the neighbouring sites are ‘contributing sites’ in the K Road Historic Heritage Area.*

### Groundwater

- 36) Please provide annotated drawings of the existing basement and foundations at 582 Karangahape Road, based on the property file records, which clearly demonstrate that Section C-C’ is the critical section along the western boundary with a retained height of 5.8m.
- 37) Please update Table 1 in the November 2023 report by S & RC to reflect the proposed excavation level at RL62.65m as shown on the drawing titled “538 Karangahape Road, Auckland – Typical Details 3”, prepared by Enovate Consultants, drawing No. S402 rev B , dated 10 October 2023, Project 22-0034.
- 38) Table 7 in the November 2023 report by S & RC indicates that the minimum pile length at Section D is 18.4m , however the WALLAP graphical output for Section D indicates that the pile length is RL70.8m – RL56.4m = 14.4m , please provide clarification and update the report and assessment accordingly.
- 39) Please provide the calculations that inform the predicted maximum differential settlements of 1:500 and 1:800 on the settlement profile for Section C-C’, 1:950 on the settlement profile for Section D – D’ and 1:900 on the settlement profile for Section E - E’
- 40) The Burland Classification of Damage ( Stage 1 Assessment) for the building at 582 Karangahape Road is “Slight”. The predicted maximum total settlement is 14mm and predicted maximum differential settlement is 1:500. On the basis of the Stage 1 assessment the effects of the proposed activity on the building at 582 Karangahape Road are potentially adverse i.e. not less than minor and Notification of the owners of this building is recommended. Please undertake a Burland Stage 2 Assessment based on a review of the foundation drawings of the building at 582 Karangahape Road.
- 41) Please undertake an assessment of the effects of the predicted total and differential settlement on the gas pipe (beneath the footpath on K” Road adjacent to the site) and the transformer box in the northern corner of the site ( if it is to remain), as shown on the drawing titled “*Proposed Earthworks Plan*”, prepared by Maven Associates , Drawing No. C220 Rev A d dated October 2023.
- 42) On the basis of the settlement predictions a draft Groundwater Settlement Monitoring & Contingency Plan (GSMCP) is required. The draft GSMCP should include (but not

be limited to): a plan showing the locations and types of monitoring devices including groundwater monitoring bores, building settlement marks ( targets and or microprisms) on the neighbouring buildings/structures, ground settlement marks, retaining wall capping beam deflection marks and inclinometers. Alert and alarm trigger levels and monitoring frequency are also required for total and differential settlement of the ground surface, buildings and retaining walls and alert levels 1 & 2 for groundwater level monitoring. Pre-and-post dewatering detailed condition surveys are required for existing walls, together with appropriate settlement monitoring and the identification of neighbouring buildings/structures that require pre-and-post dewatering detailed condition surveys, together with those public services , which require pre-and -post dewatering CCTV condition surveys, together with a description of the proposed construction methodology/sequence and contingency options.

- 43) Please confirm if the predicted total and differential ground settlement as a result of the proposed activity are within the tolerable thresholds of private services on neighbouring sites.

### **Providing the information**

Please provide this information in writing within 15 working days<sup>1</sup> (before 27 February 2024). If you will not be able to provide the information by that date, please contact me before then to arrange an alternative time. We will not work on your application any further until either you provide this information, or you state that you refuse to provide it.

**Note:** If you will require more than 15 working days to provide this further information, I will seek that you agree to an extension of time under [section 37](#) of the Resource Management Act 1991 (the RMA). This will enable appropriate time for me to undertake the necessary review of the information once provided.

### **Information considered necessary prior to notification**

The following information requests are considered necessary to obtain / resolve prior to notification of the application: **Items 1, 9, 10, 16-20**. Once these items have been provided and the council is satisfied the information is sufficient, a notification decision will be made and the application notified as soon as possible.

### **Refusing to provide the information**

If you refuse to provide the information, or if you do not submit the information to us within 15 days (or by another other agreed time), the RMA requires that we publicly notify your application.<sup>2</sup>

If this happens, you will be required to pay the notification fee of \$20,000 in full before we proceed with the notification of your application.<sup>3</sup>

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<sup>1</sup> Section 92A(1) of the RMA

<sup>2</sup> Section 95C of the RMA

<sup>3</sup> Section 36AAB(2) of the RMA

## Next steps

Once you have provided the requested information, I will review what you have provided to make sure it adequately addresses all of the points of this request.

In the application acceptance letter, I described the statutory timeframe for our decision on your application. The time for you to respond to this further information request will be excluded from this timeframe<sup>4</sup>.

If you have any queries, please contact by emailing [bradley.peens@aucklandcouncil.govt.nz](mailto:bradley.peens@aucklandcouncil.govt.nz) or by phone 027 220 9138 and quote the application number above.

Yours sincerely,



**Bradley Peens**  
**Intermediate Planner**

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<sup>4</sup> Section 88C(2) of the RMA