

29 January 2021

Attention: Cameron Browne, Haines Planning (cameron.browne@hainesplanning.co.nz)

Dear Cameron,

Resource consent application – Further information request

| | |
|----------------------------|---|
| Application number: | LUC60370146 |
| Applicant: | Body Corporate 183777 |
| Address: | 31 Day Street, Auckland Central |
| Proposed activity: | Alterations and additions to existing building, including the enclosure of the balconies, new cladding, joinery, changes to ground level and rooftop. |

I have undertaken a preliminary planning check of the above application. Under [Section 88](#) of the Resource Management Act 1991 (RMA), this application has been accepted for processing.

I have undertaken a preliminary planning check of the above application. Under [section 92\(1\)](#) of the Resource Management Act 1991 (RMA), I request the following further information to enable an appropriate understanding of the proposal and assessment of its effects:

Requested information

Planning matters

- The proposed development will have a Floor Area Ratio (FAR) of 4.81:1, which infringes the site's Basic FAR of 4:1. Please confirm if any bonus FAR elements will be utilised to help bridge the gap between the Basic FAR and the proposed FAR. If no bonus FAR elements are proposed, consent is required under Rule H8.4.1(A44).

Urban Design matters

Materiality / design of ground level Day Street interface

- A greater level of detail is requested to understand both the design quality of the ground floor interface to Day Street and the degree to which the proposed metal railing achieves an appropriate balance between privacy and passive surveillance. In particular:
 - Please provide a precedent image of the railing to the two ground floor units. It would be appreciated / is suggested that the northern elevation drawing is amended to add this image onto the drawing.
 - Please confirm what is the general spacing between the metal fins of the railing. The desired outcome here is to provide only filtered views up from the pavement to the patios of the ground floor units while providing views out. This would suggest a narrower spacing for the fins of the railing.

- Please confirm what is the finish of the railing, e.g. powdercoated black. Given the ground floor positioning of the railings, this sort of higher quality finish is encouraged.
- The ground floor elevation shows concrete blocks visible under the metal railing. It is recommended that, rather than a simple concrete block finish, the blocks are rendered to provide an appropriately high-quality finish. Please confirm if you agree with our specialist's recommendations and if so, please update the elevation to show this detail.

Glare/ reflectivity

- As per Standard H8.6.29 of the AUP (OP) and Condition c(v) of the building's original resource consent, the building's glazing/ cladding must have a reflectivity of more than 20% white light. Please provide further information on the proposed glazing/ cladding's reflectivity and how the proposal will meet this standard/ condition.

Glazing – tint / appearance

- Full floor to ceiling glazing is proposed on large parts of the northern and southern elevations, which our specialist notes will be a highly visible part of the building. Please provide further information on the tint and colour of the proposed glazing.

With regard to the tint/ colour of glazing, our specialist notes that consideration might be given to the degree to which this filters direct views from the street (both, for example, from Day Street and the Hopetoun Street bridge) into the apartments. While appreciating that even untinted / completely clear glass has a degree of reflectivity that filters views into a building, consideration might be given to a degree of tint in order to ensure that apartment interiors are not 'fully on display' to the street.

Cross-ventilation

- Our specialist notes that Council has an interest in the extent to which the design of dwellings achieves cross-ventilation. This is of particular interest in this application due to the proposal to enclose balconies. The application is unclear on to what extent ventilation (normally achieved by opening windows) is provided for in each apartment, in particular – the north facing apartments. These are likely to receive a large amount of solar gain due to the proposed floor to ceiling glazing and could become extremely hot if appropriate ventilation (e.g. opening windows) are not provided. A standard approach to this matter might be tinted glass (refer to the glazing query above on this) and openable 'balcony' windows.

The north elevation has 'arrows' suggesting that some glazing for the now enclosed balconies opens. Arrows, however, are not shown for all apartments. Please confirm the approach to cross-ventilation.

Heritage matters

- Please clarify what the proposed colour scheme of the lift overrun will be.
- Please provide a montage/ realistic views of the proposed development from Karangahape Road, when viewed from the angles provided in Page 10 of Annexure 3.

Noise matters

- The drawing plans (as per below) show that sliding doors may be provided on northern and southern elevations - if this is the case, the acoustic report has not assessed the effectiveness of sliding doors in noise attenuation. Please provide an additional assessment to show how the sliding doors will achieve the required noise reduction, particularly at 63Hz and 125 Hz.



- Our specialist notes that concrete repair is proposed as part of the construction works, which may involve grinding/drilling/cutting of concrete; and these concrete works would generate very high level of noise. Construction noise also has not been assessed in the noise report.

Please provide a noise assessment against the construction noise/ vibration standards (E25.6.28 and E25.6.30). Please also provide a mitigation plan if any high noise activities are to be carried out.

Providing the information

Please provide this information in writing within 15 working days¹ (before 19 February 2021). 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.

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.²

¹ Section 92A(1) of the RMA

² Section 95C of the RMA

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.³

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 timeframe⁴. I will be able to give you an updated forecast on a decision date on request once you have provided the information requested above.

Suggested recommendations – not pursuant to section 92 of the RMA

Visual landscape matters

Our landscape specialist notes that a landscape and visual assessment by an independent landscape architect or professional has not been undertaken. Rather, an assessment of effects has been incorporated into the AEE. This does not include any supporting information from a registered surveyor, but a certificate at roof framing stage is understood to be a condition of consent.

Our specialist has undertaken a peer review of the application and provided comments/ recommendations from a landscape/ visual perspective. In summary, she concludes the following:

“In conclusion:

- *The building and its roof is clearly visible against the volcanic feature (with other buildings) but does not mask or interrupt its silhouette.*
- *The proposed roof features will have a very small impact on the amount of unencumbered green space visible on the volcanic feature from the viewing point, but is nevertheless in a sensitive location so that the size and form of buildings is important.*
- *As a result of distance, the lift overrun will be a small component of the view and will therefore have low effects in terms of a visually competing intrusion in to the view.*

Overall, therefore, I consider effects to be small but request that further consideration be given as to whether the lift overrun could be better integrated into the roof design – to soften its appearance and avoid a ‘pimple’ effect.”

Our specialist’s peer review memo is attached at the end of this letter.

Please review and confirm if you agree with their recommendations/ conclusions, particularly from a landscape/ visual perspective.

If you have any queries, please contact me on sarah.wong@aucklandcouncil.govt.nz and quote the application number above.

³ Section 36AAB(2) of the RMA

⁴ Section 88C(2) of the RMA

Yours sincerely,

A handwritten signature in black ink, appearing to be 'SW', with a long horizontal stroke extending to the right.

Sarah Wong
Intermediate Planner
City Centre Team
Central Resource Consenting

ATTACHMENT 1: COUNCIL'S LANDSCAPE SPECIALIST PEER REVIEW

LANDSCAPE SPECIALIST REPORT

Sarah Wong
Central Resource Consenting, Auckland Council

From: Sally Peake, Principal / Specialist Urban Designer
Auckland Design Office, Auckland Council

Date: 27th January 2020

Subject: Request for Expert Advice - Urban Design/Landscape Design
31 Day Street, Auckland Central

Application #: LUC60370146

Dear Sarah,

Thank you for the opportunity to review the proposed alterations to the Avoka apartments at 31 Day Street that includes changes to the overall height and roof design. The purpose of the review is restricted to the effects of the development on the Mt Eden protected viewshaft. The following information has been reviewed in relation to this assessment:

- Application/AEE prepared by Haines Planning Consultants Ltd dated 22 December 2020
- Design Statement prepared by Morrison Architects dated 17 December 2020
- Plans prepared by Morrison Architects dated 18 December 2020
- Visual Assessment Photos dated 15 December 2020

1. Proposal and key matters for review

The following is taken from the pre-application memo (6 November 2020):

Volcanic viewshaft infringement

- *Having regard to Appendix 20 of the AUP (OP) (Volcanic Viewshafts and Height Sensitive Areas – Values Assessments), a landscape visual assessment and an assessment of the effects on the maunga should be provided as part of the application.*
- *A consent condition requiring the provision of a surveyor's certificate at roof framing stage should be proffered at the time of lodgement of the application. This condition has been offered and accepted by both Council and submitters in similar applications which infringed the volcanic viewshaft (refer relevant consenting history.)*

- *As noted by the applicant, although some parts of the reconstructed lift room will be higher than existing, the overall area of the proposed infringement into the volcanic viewshaft is less than the existing infringement. This reasoning for the proposed infringement should be clearly noted in the application.*

A landscape and visual assessment by an independent landscape architect or professional has not been undertaken. Rather, an assessment of effects has been incorporated into the AEE. This does not include any supporting information from a registered surveyor, but a certificate at roof framing stage is understood to be a condition of consent.

The following provides an example of the relevant scope and matters for assessment.

- a. Identification of relevant viewshafts and their origin points (with reference to Schedule 9 and Appendix 20).
- b. Analysis of views being protected, noting that long views should consider gradual accumulation of height incursion where there is the potential to erode the visual integrity of the maunga.
- c. Assessment of values in B4.3.2 where the following may be used as a guide:

A visual impact assessment shall include an assessment of the extent to which the non-complying object obscures the protected view of the volcanic feature. In assessing the degree of intrusion into the protected view the following criteria will be considered -

 - i) The silhouette of the volcanic feature, including the lower slopes.
 - ii) The amount of unencumbered greenspace visible on the volcanic feature from the viewing point(s) selected in (b) above.
 - iii) The extent to which the non-complying object constitutes a visually competing intrusion into the background or foreground of the unencumbered view of the volcanic feature.

2. Relevant provisions

The following provisions apply:

D14.2. Objectives [rcp/dp]

- (1) The regionally significant views to and between Auckland's maunga are protected.
- (2) The locally significant views to Auckland's maunga are managed to maintain and enhance the visual character, identity and form of the maunga in the views.

D14.3. Policies [rcp/dp]

- (1) Protect the visual character, identity and form of regionally significant volcanic maunga, together with local views to them, by:
 - (a) locating height sensitive areas around the base of the volcanic maunga; and
 - (b) imposing height limits which prevent future encroachment into views of the volcanic maunga that would erode the visibility to their profile and open space values, while allowing a reasonable scale of development.

- (2) Manage subdivision, use and development to ensure that the overall contribution of the regionally significant volcanic maunga scheduled as outstanding natural features to the landscape of Auckland is maintained and where practicable enhanced, including by protecting physical and visual connections to and views between the volcanic maunga.
- (3) Protect the historic, archaeological and cultural integrity of regionally significant volcanic features and their surrounds by avoiding activities that detract from these values and the mana of the maunga.
- (4) Avoid new buildings or structures that intrude into volcanic viewshafts scheduled in Schedule 9 Volcanic Viewshafts Schedule, except:

(a) where they would have no adverse effect on the visual integrity of the volcanic maunga as seen from the identified viewing point or line; or

(b) to allow development up to a two storey height to intrude into a volcanic viewshaft, where any adverse effect of development is avoided or mitigated; or

(c) to allow development located within an identified height sensitive area up to defined appropriate height limits; or

(d) to allow the provision of infrastructure where there are particular functional or operational needs that necessitate a structure that penetrates the floor of a volcanic viewshaft, there is no reasonably practicable alternative and adverse effects of development are avoided or mitigated.

3. Peer review

The relevant viewshaft has been identified in paragraph 4.1.2 of the AEE where it determines that the application is a non-complying activity.

In paragraph 4.1.6 it states that the building also infringes the general building height. The rolling height limit is determined to be 35m although I note that the (viewshaft) height contours specific to the site range between 28.5m and 33.5. Clarification is requested in this regard that 35m is the correct baseline.

Section 5.4 of the AEE evaluates the impact of the volcanic viewshaft and is supported by 'visual assessment photographs'.

The reason for the infringement is described (to accommodate the elevators lifting beam) as well as the degree of infringement. However, there is no analysis before it is concluded "The narrower protruding element will have a considerable reduction in adverse effects, as the existing curved roof form is prominent due to the width afforded to a round shape in the context of a wide land feature viewed behind the building." In the absence of any assessment I do not accept this assumption and note that the existing curved form is arguably more elegant and more subtle in terms of impacts due to the reduced sharp corners (particularly relevant to the viewpoint).

A comprehensive description of available views from the Auckland Harbour Bridge is described. While I agree with this description, I consider the assessment process is deficient and question some of the conclusions.

The images and assessment do not reference the viewshaft, which has a fixed origin (and is shown in Appendix 20).

The impacts and perception of foreground elements is irrelevant in the assessment of effects, which is focused on the building in relation to the maunga (not the overall view).

I disagree that the existing curved roof form is more prominent due to its contrast with the forms of other nearby buildings for the reasons given above.

I support the new darker cladding, which I agree will make the new element more recessive (provided it is a matt non-reflective material).

From my analysis, the building occupies a prominent location as part of a linear profile of buildings that appear directly against the maunga. For this reason, while the protrusion above the roof is a small element, I consider it has an impact greater than its size. This is moderated by the distance from the viewpoint on the harbour bridge but is nevertheless discernible.

It is for this reason that I sought input from Matt Riley regarding the design of the roof top elements, noting that all would potentially influence the viewshaft whether or not it intruded above the viewshaft plane.

I accept his opinion that the low profile of the pavilions will reduce their visibility and impacts and also consider that their design and position will not result in a cluttered appearance. However, I reserve judgment about the lift overrun element and question whether it could be better integrated.

In conclusion:

- The building and its roof is clearly visible against the volcanic feature (with other buildings) but does not mask or interrupt its silhouette.
- The proposed roof features will have a very small impact on the amount of unencumbered green space visible on the volcanic feature from the viewing point, but is nevertheless in a sensitive location so that the size and form of buildings is important.
- As a result of distance, the lift overrun will be a small component of the view and will therefore have low effects in terms of a visually competing intrusion in to the view.

Overall, therefore, I consider effects to be small but request that further consideration be given as to whether the lift overrun could be better integrated into the roof design – to soften its appearance and avoid a ‘pimple’ effect.

Sally Peake

Principal / Specialist Urban Design, FNZILA Registered Landscape Architect