

Ministry for The Environment | Manatū Mō Te Taiao
PO Box 10362
Wellington 6143
New Zealand

30 March 2022

Dear Sir/Madam,

Covering letter in support of Sanctum's project for the Kepa Road Apartments

1.0 INTRODUCTION

Civix is pleased to submit this project for fast-tracking on behalf of Sanctum Projects Limited ("Sanctum"). This is the second project that Sanctum has sought for fast-tracking. The Minister for the Environment has already decided to refer Sanctum's Waimarie Project for fast tracking.

The proposal is for a total of 45 apartments at the corner of Kepa and Kurahapo St in Orakei on a combined site area of around 2,250m² (182 Kepa is 673m², 84 Kepa is 718m² and 8 Kurahapo is 860m²).

The design of the development has been lead by renowned architects Monk McKenzie in conjunction with Boffa Miskell who are providing landscape architecture and urban design input.

The purpose of this letter is to introduce the project and outline the key points and issues for fast-tracking in a condensed form, to help the Ministry gain an insight into the project, as set out in the following headings:

- Key benefits of the project, including:
 - Housing supply;
 - Contribution to well-functioning urban environment, and social and cultural well-being;
 - Economic benefits;
 - Energy efficiency and waste minimisation; and
 - Whether the project would likely progress faster by fast-tracking.
- Auckland Council and Orakei Local Board comments
- Why the apartment height is appropriate, including:
 - Resource consent triggers;
 - Scale and height of the development and the future change in the local area;
 - Images of the development against bulk and location of surrounding permitted development controls



2.0 KEY BENEFITS OF THE PROJECT

2.1 Housing supply

- While the proposed 45 new dwellings may be considered small in scale compared to other COVID fast track applications, the scale of development is significant in the Orakei suburb.
- Based on the Economic Assessment, there is only one completed apartment development within the study area comprising a total of 7 units. This indicates a shortage of new apartments in this location and given the central location it would generally have strong demand for apartments. The proposal increases the current number of dwellings on the site from two (2) to 45.
- Understandably the apartments are not 'affordable' against any Auckland-wide metric, however they will be considerably less expensive than stand-alone housing in this part of Auckland (Orakei, Mission Bay etc).
- As a result, this apartment development will perform an important role in facilitating further intensification in Auckland. The demographic of Orakei and the surrounding suburbs includes a high-proportion of empty nesters and retiree-age people. At present, there are few opportunities for older people living in this part of Auckland to downsize **and** continue to live in their community while not moving to a retirement village.
- Thus, the apartment building fulfils an important role of providing housing choice, by providing apartment living in an area which has little.
- Furthermore, and perhaps most importantly, Orakei, Mission Bay, Remuera etc. are predominantly made up of larger sites and dwellings that are highly suited for further intensification as a result of the NPS-UD and the RMA amendments.
- If just half of the buyers of this development were local residents that in turn sold their current dwelling, and based on the assumption that the average lot size of these dwellings was 600m², this would free up 1.38 hectares of potential development land, sufficient for approximately a further 115 additional dwellings to be facilitated in the local area (based on 3 dwellings on a 300m² site – consistent with the permitted activity rules of the AUP's Mixed Housing Urban Zone, which is also similar to the MDRS). See **Figure 5** which shows the site sizes around Patterson Avenue and Dudley Road which is less than a 1km walk from the site. This is just one example within the local area. The assumptions made in this point were confirmed by Adam Thompson, Urban Economics Specialist, to be reasonable.
- This assessment demonstrates why it is important to consider not only the size of this development, but also the important role it will perform in facilitating the renewal and intensification of this part of Auckland.

2.2 Contribution to well-functioning urban environment, and social and cultural well-being

- As noted above, this development will play an important role in freeing up under-developed sites in the local area for further intensification.
- The site has excellent accessibility to community and recreational amenities, public transport, and is close to the CBD. Residential intensification of the Site therefore aligns with the government directions as set out in the NPS-UD for urban intensification to occur in locations that would achieve a compact urban form and a well-functioning urban environment. This is outlined in more detail in Part IX of the application.
- Of particular note, Policy 1 of the NPS-UD seeks for planning decisions to contribute to well-functioning urban environments, which are urban environments that, as a minimum includes (but not limited to):

- Having or enabling a variety of homes that meet the needs, in terms of type, price, and location, of different households;
- Having good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport.

2.3 Economic benefits

- In terms of employment and economic benefits of the proposal, aside from the creation of jobs in the construction industry as discussed in the Economic Assessment, the increase of residents in this location would also have positive effects on the businesses within the nearby centres, which would have also been impacted by COVID.
- As a result of COVID, more working professionals have shifted to flexible working / 'working-from-home' arrangements. As such, residential intensification in close proximity to existing and proposed centres, would help support the function and vitality of these centres that have been adversely impacted by COVID due to mandated lockdowns and isolations.
- The proposal would support the commercial feasibility of the project immediately in the short term. The developer, like all developers, has limited finance and capacity to undertake projects, and therefore if this project is not approved, there would be a significant time delay to identify, acquire and set-up a new project, and by this time the opportunity to support employment and GDP growth in the short term would be forgone. More generally there is no material difference from the fast-track consent process supporting several smaller development rather than one medium or large development in this respect.

2.4 Energy efficiency and waste minimisation

Initiatives below to achieve energy efficiency include:

- The building will have above building code insulation values to walls.
- The design will include storm water retention tanks.
- Glazing will include low E glass where needed.
- We will attempt to utilise a proportion of recycled material in the construction, i.e. Concrete.
- Landscape planting includes citrus producing trees for apartment owners use.
- Landscape berm to roadside is replanted in native grass and shrubs to attract and assist native wildlife.
- Thermal modelling will be undertaken to prove efficiency of building envelope.
- Bicycle parking and visitor bicycle parking will be provided.
- Car parks will be EV charging ready (i.e. futureproofed for e-vehicles).

2.5 Whether the project would likely progress faster by fast-tracking

I am confident that this application would not be processed under Council resource consenting processes 'relatively quickly and efficiently', for the following reasons:

- The recent *Wallace v Auckland Council* [2021] caselaw at Ventnor Road in Remuera, and scrutiny over building height exceedances, would likely result in notification of the proposal and/or threats of judicial review. In relation to developments at that site, Auckland Council has processed a second consent for the Ventnor Road on a non-notified basis (taking into account the High Court's findings) and the neighbours have threatened to judicially review that consent as well.



- The Orakei Local Board is opposed to any form of intensification and has requested that Ventnor Road and (as far as I know) all other similar types of development be publicly notified.
- The Fast-track process essentially facilitates a fast 'limited notification' process where the concerns of neighbours are heard and responded to, without the associated delays.
- There is a shortage in Council processing staff and specialists (particularly urban design and landscape architects).
- There are applications that have recently been allocated up to three months post lodgement.
- Initial review and comments to confirm any s 92 matters then take up to another month.
- If notified, there will be impacts on timeframes from the notification process.

3.0 AUCKLAND COUNCIL AND ORAKEI LOCAL BOARD COMMENTS

Auckland Council does not have capacity to provide pre-application feedback and so their feedback has not been obtained.

The Orakei Local Board were invited to provide initial comments on the proposal on 4 November 2021. Comments were received from Arlene Fredericks on behalf of Orakei Local Board via email on 15 November 2021 (see **Attachment 1**), which is set out verbatim below.

Notably the Local Board's feedback related to a higher apartment – one that had an additional floor level facing out onto Kapa Road). Their feedback may be less oppositional with this lower height.

For the avoidance of doubt, the project team still supports the original proposed height of the building (with an extra floor) and Sanctum would be willing to build a taller building, but we have been concerned to ensure that this fast-tracking project does not push the boundaries of what the AUP enables, hence the reduction in height by one floor, resulting in a considerably reduced height infringement.

In that regard, I note that while the maximum height infringement is just over 5m, the magnitude of the infringement varies across the site and for the taller building in some parts is just over 3m. The shorter building infringes by between 0m and just under 1.2m.

I have set out the Local Board's feedback below as I anticipate Auckland Council may have similar views.

1. *We note the applicant Sanctum will be a private developer - Director being Tiek Ghee of Kingsland, and final architectural plans are not finalised.*
2. *The seven storey proposal triggers considerable activities all requiring resource consent, and a significant change to the area. The many effects anticipated from that scale of development in this unique area, even before seeing clear plans, will likely be more than minor. For example, a 16m height is said to be exceeded, generating significant visual effects on a locally and regionally prominent ridgeline.*
3. *The grounds for fast tracking this type of private development proposal are considered to stretch the intent and application of the law beyond what is intended. The employment opportunities and housing supply to be applied for by Sanctum are not any greater than many similar local intensification projects being processed under resource consenting processes relatively quickly and efficiently.*
4. *The market conditions of COVID and lockdown impacts and housing supply being delivered in Auckland currently have shifted considerably recently, meaning the need for a fast track consent for this type of development is not justified.*

4.0 WHY THE APARTMENT HEIGHT IS APPROPRIATE

4.1 Resource consent triggers

- The number of ‘activities’ being triggered are not greater or different than other similar proposals for apartments in the Business Mixed Use and/ or Residential – THAB zones. The proposal only infringes the height and outlook space zone standards. The proposal significantly complies with the coverage controls for the THAB zone.
- The height infringement is relatively modest, considering the setback from other residential properties
- The Site is not subject to any Overlay, Precinct or Controls that specifically protect viewshafts or existing landscape qualities associated with the ridgeline location.

4.2 Scale and height of the development, and the change to the local area

- The Boffa Miskell Landscape Architects and Urban Design Specialist engaged by the applicant are highly qualified and experienced in their fields. While these specialists acknowledge that the proposal will “*result in a significant change to the landscape*”, they also note that “*such change and urban residential intensification on significant road corridors such as Kepa Road is not, however unexpected.*” Based on the assessments undertaken by the landscape and urban design experts, the adverse visual effects would not be significant when considered against the AUP context.
- Based on the zoning and permitted height limits along the Kepa Road ridgeline, the character of the ridgeline will likely change over time to a collection of multi-level buildings, which is already an emerging trend. As you will know, the Court of Appeal¹ has highlighted that effects can be assessed against a future environment where there is expected to be significant change to the local area – as is happening in Auckland:

*“[57] In summary, all of the provisions of the Act to which we have referred lead to the conclusion that **when considering the actual and potential effects on the environment of allowing an activity, it is permissible, and will often be desirable or even necessary, for the consent authority to consider the future state of the environment, on which such effects will occur.**”*

- The building height is proposed to be exceeded because of the difficulties in adding additional building levels / apartments once the apartment building has been constructed. As such, it is important to ensure that the maximum dwelling yield on the site can be achieved by the proposal, noting also the direction of the NPS-UD.
- Based on our prior experience with ‘over-height’ apartment applications, exceedances to the building height standard are often opposed by Local Board and Council, despite the evidence that may be presented by the applicant’s experts. It is our view that Local Board and Council often overstate the issues and actual adverse effects associated with height exceedances.
- The 3D Graphic Supplement (see **Appendix 2** and **Figures 1 & 2** below) prepared by Boffa Miskell, shows the permitted height limits along the ridgeline based on the current AUP rules. This exercise gives an indication of how the proposal will look as Kepa Road develops and changes over time to accommodate buildings of greater heights than what currently exists. The building will not appear out of place. Furthermore, as a result of the NPS-UD, some of the existing permitted heights may be further increased to allow for a minimum of six storeys.

¹ *Queenstown Lakes DC v Hawthorne Estate Ltd (2006) 12 ELRNZ 299, [2006] NZRMA 424*





Figure 1: Existing aerial view of the site and surrounding area, looking north-east. Prepared by Boffa Miskell.



Figure 2: Aerial view with maximum height based on AUP zones modelled. Prepared by Boffa Miskell.



Figure 3: Zoom of Figure 2 Aerial view with maximum height based on AUP zones modelled. Prepared by Boffa Miskell.

- While the site is within 800m of the Meadowbank train station it is not within a walking distance due to a lack of connectivity from Kepa Road to the train station. However, all of the land on the opposite side of Purewa Creek is within a 800m walking distance to the train station, and much of the land to the east of the site is within 800m of the Orakei train station. These areas will have to be rezoned to allow 6 storey development (approximately 18m) under the NPS-UD. Furthermore, in time it is foreseeable that a pedestrian connection from Kepa Road to the Meadowbank train station will be created.
- The Boffa Miskell Report does not show this future change as the relevant plan changes have not been notified and the focus of the Boffa Miskell report is on buildings along Kepa Road.
- Nevertheless, this exercise shows that much of the surrounding area is in the process of changing to a 6 storey / 18m permitted height and the proposed building will sit comfortably within that new apartment typology.

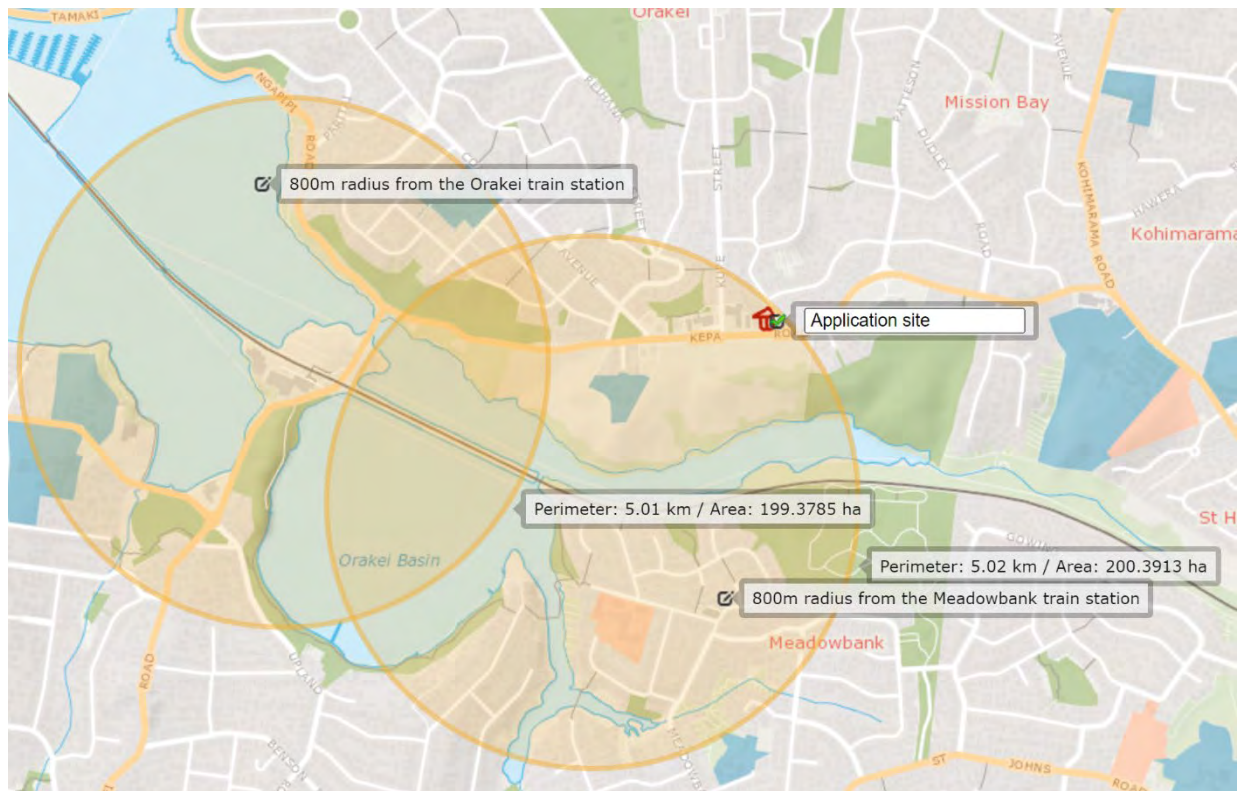


Figure 4: Map showing the Application Site, and 800m radius from Orakei train station and Meadowbank train station.

Sandy Hsiao
 Senior Planner
 Civix Limited – Planning and Engineering
 022 1700 688
 s 9(2)(a)

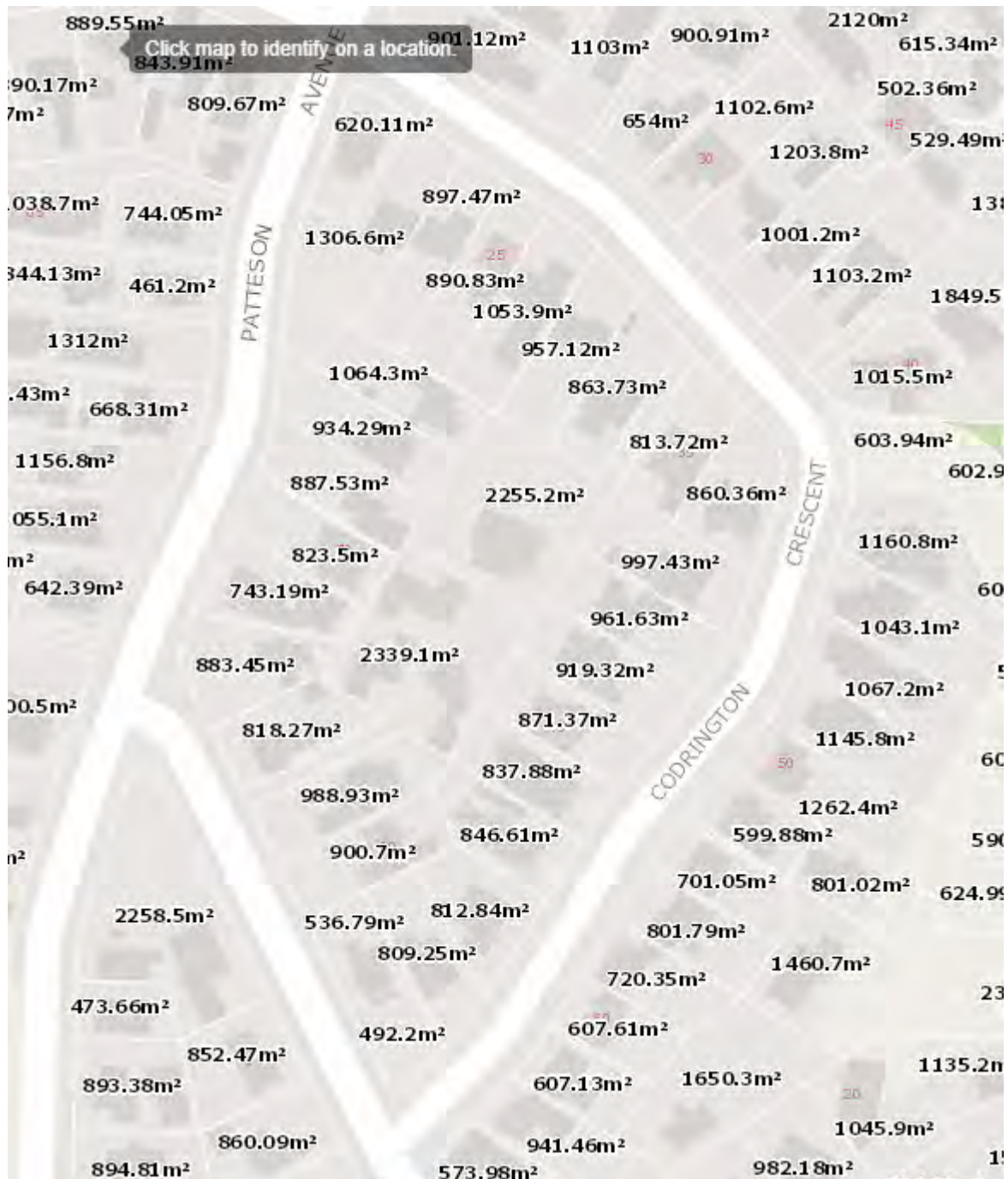


Figure 5: Surrounding site and their land area.

Appendix 1 – Orakei Local Board Email Correspondence



From: s 9(2)(a)
To: [RES Local Board Orakei](#); s 9(2)(a)
Cc: s 9(2)(a)
Subject: RE: RESPONSE - FW: Sanctum Projects Limited: Kepa Road Apartments (182-184 Kepa Rd & 8 Kurahaupo St)
Date: Tuesday, 16 November 2021 6:20:37 am
Attachments: [image002.png](#)
[image003.png](#)

Noting these comments were sent at the planner's request before any formal application to fast track.

With thanks

**Troy Churton | Local Board member
Orakei Local Board**

Office: 25 St Johns Road, Meadowbank Village

Email: s 9(2)(a)

Visit our website: aucklandcouncil.govt.nz

From: Arlene Fredericks <s 9(2)(a)> **On Behalf Of** RES Local Board Orakei
Sent: Monday, 15 November 2021 10:54 PM
To: s 9(2)(a)
Cc: Troy Churton (Orakei Local Board) <s 9(2)(a)>; David Wong (Orakei Local Board) <s 9(2)(a)>; Colin Davis (Orakei Local Board) <s 9(2)(a)>; Scott Milne (Orakei Local Board) <s 9(2)(a)>
Subject: RESPONSE - FW: Sanctum Projects Limited: Kepa Road Apartments (182-184 Kepa Rd & 8 Kurahaupo St)

Kia Ora Sandy

Regarding your email received on 5 November requesting comments on the proposal for a new residential apartment development in Orakei, following is the response from the Ōrākei Local Board:

1. We note the applicant Sanctum will be a private developer - Director being Tiek Ghee of Kingsland, and final architectural plans are not finalised.
2. The seven storey proposal triggers considerable activities all requiring resource consent, and a significant change to the area. The many effects anticipated from that scale of development in this unique area, even before seeing clear plans, will likely be more than minor. For example, a 16m height is said to be exceeded, generating significant visual effects on a locally and regionally prominent ridge line.
3. The grounds for fast tracking this type of private development proposal are considered to stretch the intent and application of the law beyond what is intended. The employment opportunities and housing supply to be applied for by Sanctum are not any greater than many similar local intensification projects being processed under resource consenting processes relatively quickly and efficiently.
4. The market conditions of COVID and lockdown impacts and housing supply being

delivered in Auckland currently have shifted considerably recently, meaning the need for a fast track consent for this type of development is not justified.

Ngā mihi / Kind regards

Arlene Fredericks – on behalf of Scott Milne (Ōrākei Local Board Chair)

PA | Office Manager
Ōrākei Local Board | Local Board Services
Ph: 09 301 0101 | s 9(2)(a)

Ōrākei Local Board Office, 25 St Johns Road, Meadowbank 1072
Visit our website: www.aucklandcouncil.govt.nz



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From: Sandy Hsiao <s 9(2)(a)>
Sent: Thursday, 4 November 2021 3:58 pm
To: RES Local Board Orakei <OrakeiLocalBoard@aucklandcouncil.govt.nz>
Subject: Sanctum Projects Limited: Kepa Road Apartments (182-184 Kepa Rd & 8 Kurahaupo St)

Good Afternoon,

Civix Ltd is assisting Sanctum Projects Limited with a proposal for a new residential apartment development in Orakei, Auckland. We are seeking referral of the proposal to an expert consenting panel under the Covid-19 Recovery (Fast-Track Consenting) Act 2020, and have requested pre-application meetings with MfE and Auckland Council at this stage.

We would also like to invite Local Board to make initial comments on the proposal.

You can find the planning memorandum prepared by Civix, the current architectural plans prepared by Monk Makenzie, landscape plans by Jared Lockhart design and an economic / employment report from Urban Economics in the below link:

s 9(2)(a)

Please feel free to contact me using the details below if you have any questions. We look forward to hearing from you.

Thanks for your time.

Regards,
Sandy

Sandy Hsiao



KEPA ROAD APARTMENTS

LANDSCAPE EFFECTS ASSESSMENT GRAPHIC SUPPLEMENT

FEBRUARY 2022

Kepa Road Apartments

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- FIGURE 4: Visual Simulations - Methodology

Document Quality Assurance

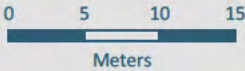
| | | |
|--|---|------------------------------|
| Bibliographic reference for citation: Boffa Miskell, 2022. <i>Kepa Road Apartments</i> Report by Boffa Miskell Limited for Sanctum Properties Limited | | |
| Prepared by: | Julia Wick Principal Landscape Architect Boffa Miskell | |
| Reviewed by: | Rachel de Lambert Partner Principal Landscape Architect Boffa Miskell Ltd | |
| Status: DRAFT | Revision / version: 2 | Issue date: 24 February 2022 |

File ref: BM210826_Kepa_Rd_Graphic_Supplement_20220224

Cover *photograph*: St. Johns Road - looking towards site



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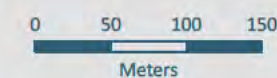
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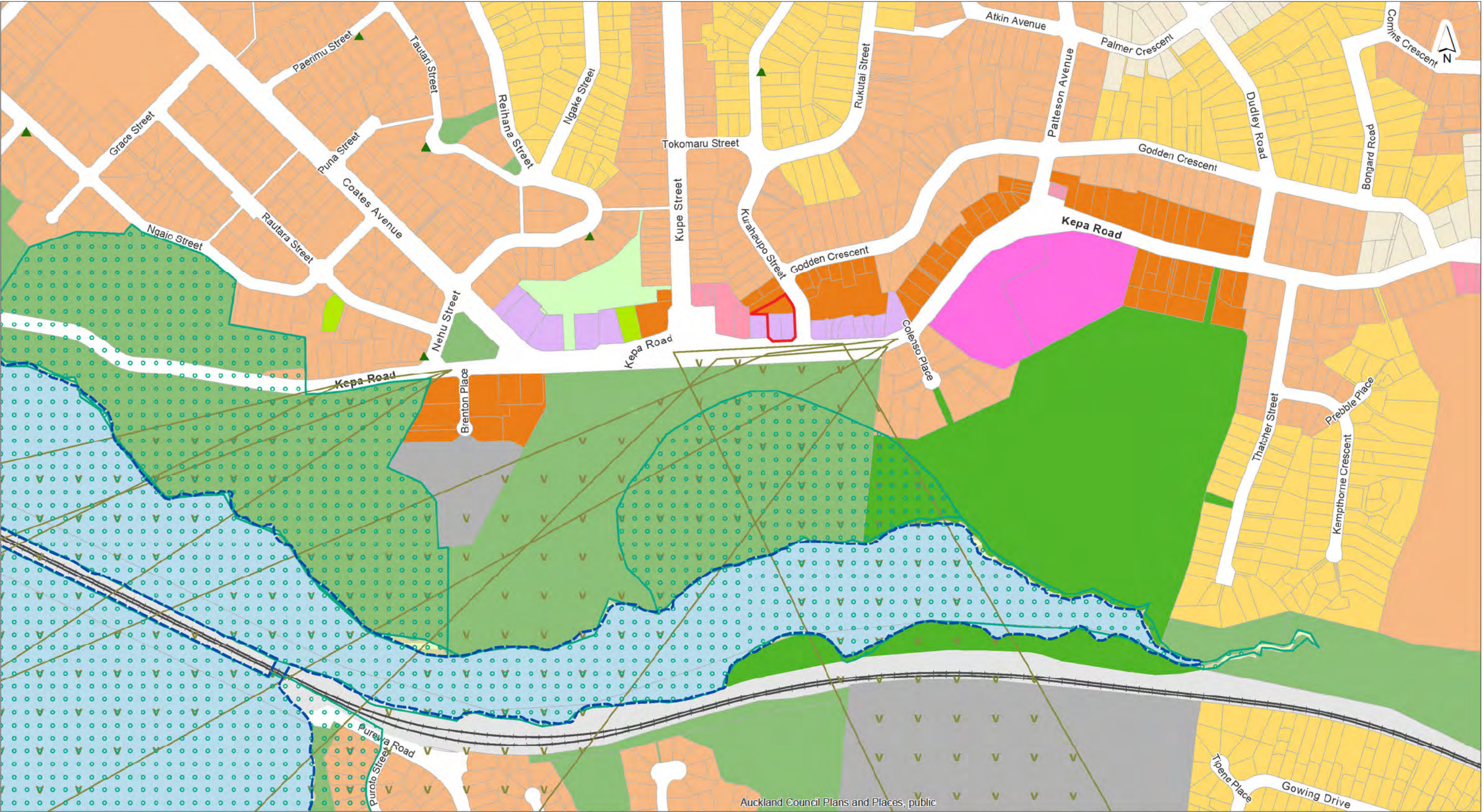
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VISUAL SIMULATIONS - METHODOLOGY

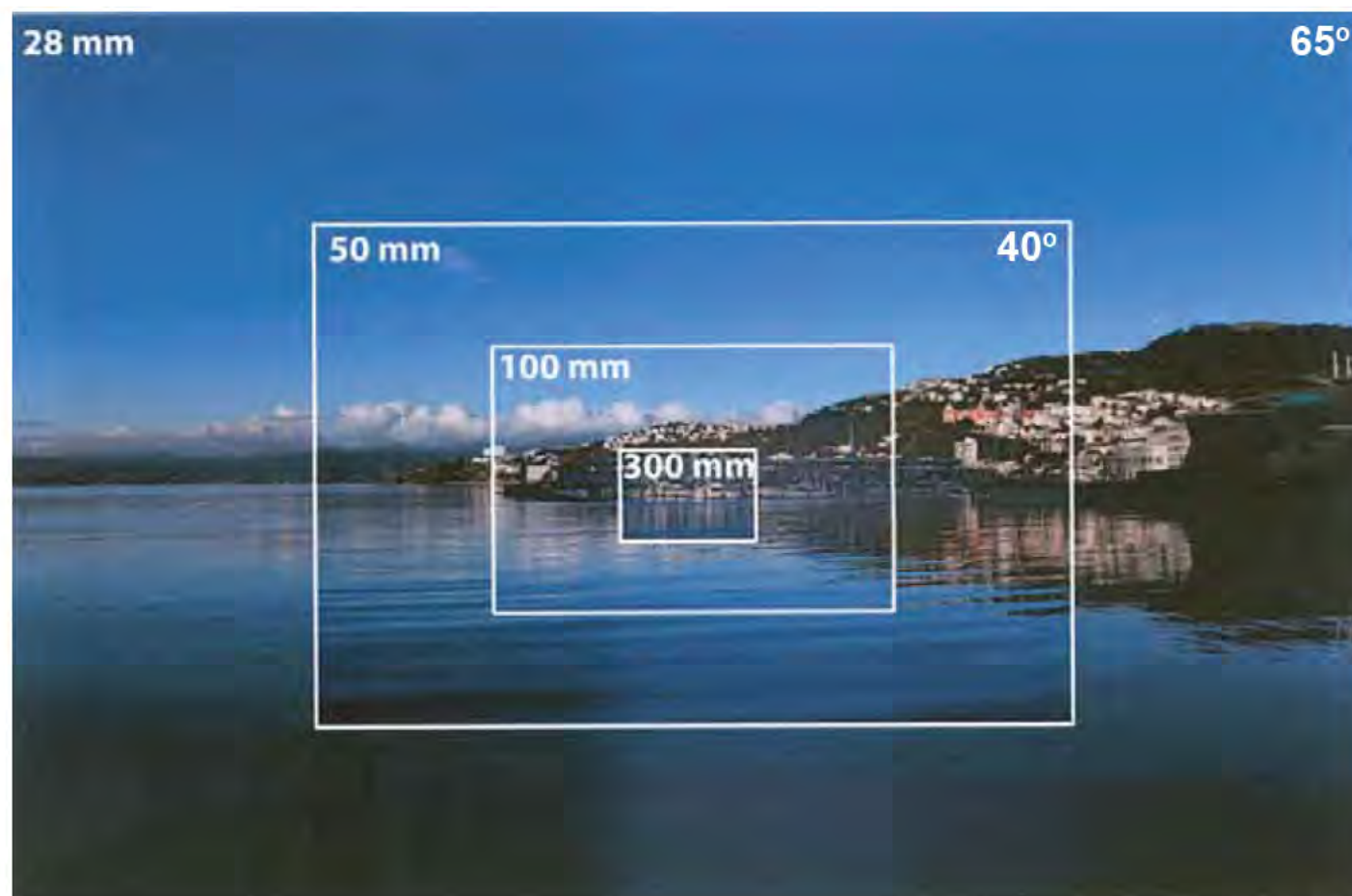
SITE VISIT & PHOTOGRAPHY

Site photography in the form of an aerial photograph draped 3D model was sourced online from Google Earth Studio. A geolocated camera viewpoint was chosen within the web based interface and exported along with track points for use in 3D Studio Max. The geolocated models were then overlaid and rendered.

NZILA GUIDELINES & PANORAMA PREPARATION

The visualisations have been produced in accordance with the NZILA Best Practice Guidelines for Visual Simulations (BPG 10.2) and also adhere to Boffa Miskell's internal Visualisation Guidelines.

Camera lenses of different focal lengths capture images with differing fields of view. To understand how illusions are created by different lens sizes, one must understand depth of field and how "depth of field" and "field of view" are related. As can be seen below (derived from Fig 9 of the NZILA BPG) a photo taken with a 28mm lens will provide a horizontal field of view of 65° - using a 50mm lens will provide a "cropped" (40°) version of the same view. The same image size can also be achieved by taking multiple 50mm photos in "portrait" mode, and using digital stitching software to merge and crop to 65° or 40°.



COMPOSITING

Virtual camera views were then created in 3D modelling software, and a combination of 3D LIDAR (point cloud) data and 3D engineering drawings imported to each of these views. These were then matched to the corresponding photographic panorama, using identifiable features in the landscape and the characteristics of the camera to match the two together. The simulations were then assembled using graphic design software.

RECOMMENDED IMAGE READING DISTANCE

According to the NZILA Guidelines, views which have a field of view of 40° should be viewed from a distance of 55 cm when printed at A3. For convenience, Boffa Miskell has adopted an image reading distance of 50cm.

This will ensure that each simulation is viewed as if standing on-site at the actual camera location, and is in accordance with Section 7.11 of the NZILA BPG (reproduced below). Users are encouraged to print these pages on A3 transparency, go to the viewpoint and hold at the specified reading distance in order to verify the methodology.

| LENS | HORIZ FoV ¹ | PAPER SIZE | ACTUAL IMAGE SIZE ² | READING DISTANCE ³ |
|------|------------------------|------------|--------------------------------|-------------------------------|
| 28mm | 65° | A4 | 277mm W x 185mm H | 215mm |
| | | A3 | 400mm W x 267mm H | 315mm |
| | | A2 | 574mm W x 383mm H | 450mm |
| 50mm | 40° | A4 | 277mm W x 185mm H | 380mm |
| | | A3 | 400mm W x 267mm H | 550mm |
| | | A2 | 574mm W x 383mm H | 790mm |

