

Part VII: Adverse effects

Description of the anticipated and known adverse effects of the project on the environment, including greenhouse gas emissions:

In considering whether a project will help to achieve the purpose of the Act, the Minister may have regard to, under Section 19(e) of the Act, whether there is potential for the project to have significant adverse environmental effects. Please provide details on both the nature and scale of the anticipated and known adverse effects, noting that Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail.

Plan Context

The Resource Management (Enabling Housing Supply) Amendment Act 2021

The Resource Management (Enabling Housing Supply) Amendment Act 2021 ("the RMEHSAA") came into effect on 21 December 2021. The RMEHSAA amends the RMA, requiring territorial authorities in New Zealand's major cities to set more permissive land use regulations that will enable greater intensification in urban areas by bringing forward and strengthening the National Policy Statement on Urban Development (the NPS-UD).

Specifically, the RMEHSAA:

- Requires tier 1 councils, including Auckland Council, to notify an intensification planning instrument (IPI) by 20 August 2022 that:
 - must give effect to Policy 3 NPS-UD to every residential zone in an urban environment
 - must incorporate medium density residential standards ("MDRS") into all relevant residential zones
 - may allow related provisions to be included where these support or are consequential to the mandatory requirements
 - may include more enabling provisions than the MDRS
- Accelerates NPS-UD implementation: some intensification planning instrument provisions have immediate legal effect upon IPI notification (with equivalent AUP provisions no longer treated as operative and ceasing to apply), plus removal of appeal rights.

During the period where new rules have legal effect but are not yet operative, a 'weighting exercise' is to be undertaken where both the current operative and proposed plan rules apply and need to be considered against the higher order policy documents. The intensification plan change process is expected to be completed in approximately 12 months and therefore potentially operative by August 2023 (if not appealed), which is when the current operative rules will fall away.

Regarding the MDRS which will be implemented by way of a plan change, of relevance to this application are the reduced requirements for outlook and landscape coverage within the THAB zone, as the development will comply with all of these standards under the MDRS, compared to the existing THAB zone standards.

Adverse environmental effects are to be assessed in the context of the relevant planning documents. In this case, the most relevant operative planning document is the Auckland Unitary Plan – Operative In Part (AUP):

Business – Mixed Use Zone (MUZ)

The zoning applied to the sites fronting Kepa Road (arterial road) are zoned Business – Mixed Use.

The MUZ is typically located around centres and along corridors served by public transport. It acts as a transition area, in terms of scale and activity, between residential areas and the Business – City Centre Zone, Business – Metropolitan Centre Zone and Business – Town Centre Zone.

The zone provides for residential activity as well as predominantly smaller scale commercial activity. The zone does not specifically require a mix of uses on individual sites or within areas. The building height limit for the zone allows for at least five storeys.

New development within the zone requires resource consent in order to ensure that it is designed to a high standard which enhances the quality of streets within the area and public open spaces.

The proposal complies with all the MUZ standards except maximum height and ‘centred’ outlooks for some of the bedrooms.

The purpose of the building height standard is to:

- manage the effects of building height;
- manage shadowing effects of building height on public open space, excluding streets;
- manage visual dominance effects;
- allow an occupiable height component to the height limit, and an additional height for roof forms that enables design flexibility, to provide variation and interest in building form when viewed from the street;
- enable greater height in areas identified for intensification; and
- provide for variations to the standard zone height through the Height Variation Control, to recognise the character and amenity of particular areas and provide a transition in building scale to lower density zones.

Residential – Terrace Housing and Apartment Building Zone (THAB)

The Residential – Terrace Housing and Apartment Buildings Zone is a high-intensity zone enabling a greater intensity of development than previously provided for. This zone provides for urban residential living in the form of terrace housing and apartments. The zone is predominantly located around metropolitan, town and local centres and the public transport network to support the highest levels of intensification.

The purpose of the zone is to make efficient use of land and infrastructure, increase the capacity of housing and ensure that residents have convenient access to services, employment, education facilities, retail and entertainment opportunities, public open space and public transport. This will promote walkable neighbourhoods and increase the vitality of centres.

The zone provides for the greatest density, height and scale of development of all the residential zones. Buildings are enabled typically up to six storeys. Standards are applied to all buildings and resource consent is required for all dwellings and for other specified buildings and activities in order to:

- achieve the planned urban built character of the zone;
- achieve attractive and safe streets and public open spaces;
- manage the effects of development on adjoining sites, including visual amenity, privacy and access to daylight and sunlight; and
- achieve high quality on-site living environments.

The proposal generally complies with all the THAB zone standards except for maximum height.

Adverse Effects

The identified key potential adverse effects associated with the proposal are:

- Landscape visual effects from the proposed buildings particularly as they infringe maximum height
- Amenity effects from the proposed new building and activity
- Traffic effects from traffic generation and new access being proposed
- Earthworks and construction effects associated with the development phase of the project – i.e. noise, vibration, construction traffic, and odour.
- Infrastructure effects in terms of wastewater and water supply demand and capacities, and stormwater discharges

A preliminary high-level assessment memo has been prepared by specialists to address the above effects. These memos can be found in the Appendices, specifically **Appendices 11 (landscape memorandum), 12 (urban design memorandum), 13 (transport memorandum), 14 (acoustic memorandum), and 15 (engineering memorandum).**

Visual Character and Landscape effects

The ‘technical’ height infringement for the tallest building ranges between 3.1m and 5.29m. This is because the plan sets a height limit for occupiable space as well as overall building height (allowing an additional 2m for non-occupiable ‘roof space’ only) for buildings in the Business – Mixed Use zone. In terms of how the actual bulk of the tallest building compares with the development controls on surrounding sites, the building ranges between 1.1m and 3.29m taller than the 18m height set by the development controls for the zone where the 2m roof height has been used to the full extent. Thus, the proportions of the building will be appropriate when considered against how the surrounding sites will evolve.

I also add that from my experience, as there is often no ‘actual’ difference in physical effects between additional building height that is occupiable and non-occupiable, Council often approves buildings up to 18m height in the Business – Mixed Use zone regardless of occupiable building height (16m) infringement, provided that the roof form is interesting, the effects are less than minor, and/ or the overall design quality is high.

It is acknowledged that the proposal will result in a high visual change to what currently exists on the site. However, the change is not a significant departure from what could reasonably be expected in the zones. As noted in the Landscape Assessment Memo prepared by Julia Wick and Rachel de Lambert of Boffa Miskell Ltd:

“Such change and urban residential intensification on significant road corridors such as Kepa Road is not, however unexpected. Similar scaled apartment development already exists in the locality including in respect to the ‘Outlook’ and ‘Horizon’ Apartments to the 400m to the east along Kepa Road. The nature of the development is not therefore unexpected in this part of Ōrākei. The proposal will respond to the Auckland housing demand by utilising a large suburban residential site which has been highly modified and is able to accommodate high-quality housing at a greater level of urban intensity in support of a key transport route to the city.”

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. The Court of Appeal 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 3D Graphic Supplement (see Appendix 14 and Figures 1 – 3 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. 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.

The visual simulations demonstrate that the proposed development will be in keeping with the planned and developing urban character of the area, particularly given the relatively small size of the subject site, which also limits the overall bulk that could be developed on the site thereby limiting its visual impact in the changing urban landscape.



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

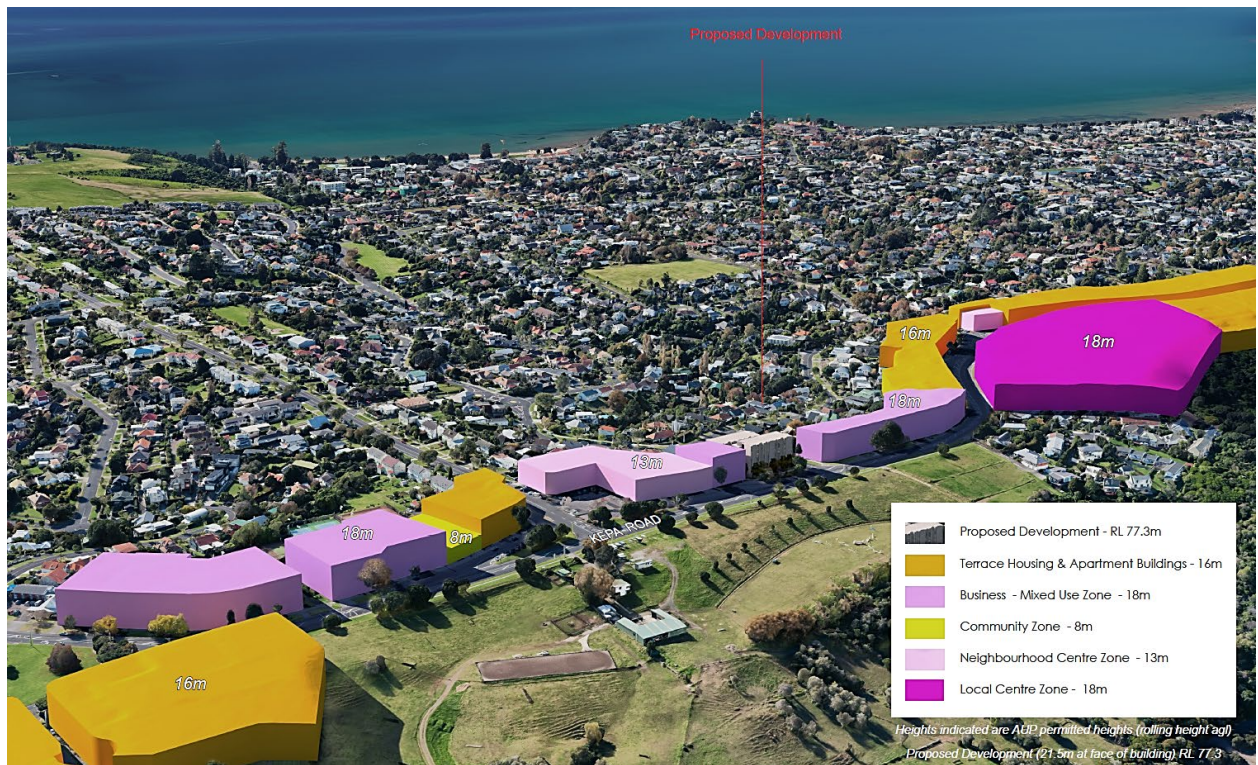


Figure 2: Aerial view with maximum height based on AUP zones modelled. Prepared by Boffa Miskell.



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 (see **Figure 4**). 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, it is clear 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.

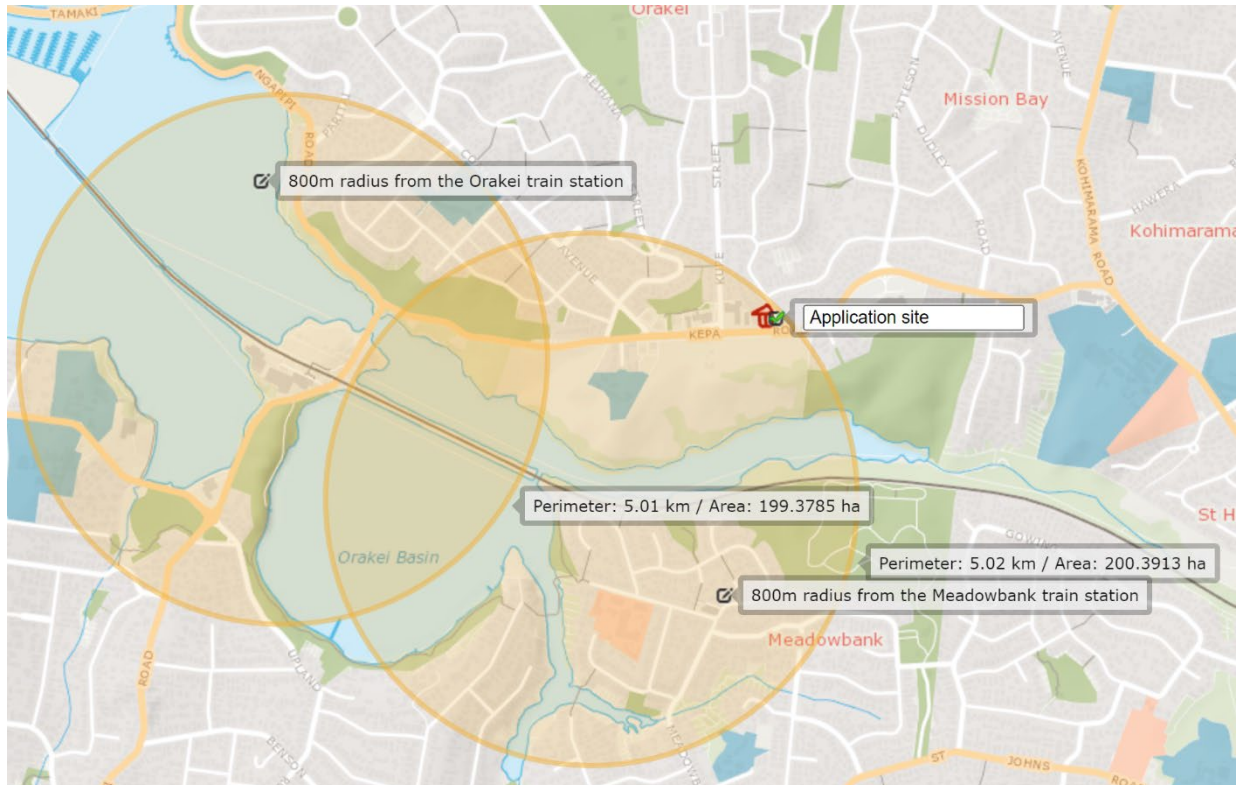


Figure 4: Map showing the Application Site, and 800m radius from Orakei train station and Meadowbank train station.

In terms of the height infringement, Ms Wick and Ms de Lambert notes that the proposal seeks to reduce the potential impact or dominance of the additional height. They also note that the proposal is located a good separation distance from the Outstanding Natural Feature landscape associated with Pourewa Creek and the Ōrākei Basin to the south, and would not compromise the presence or significance of this urban landscape feature.

The proposal will work with the topographical characteristics of the gently sloping site. There is no identified significant or scheduled vegetation on the Site and a landscape plan has been prepared which will provide amenity onsite and to the streetscape.

Overall, Ms Wick and Ms de Lambert consider that:

“The proposal, whilst introducing a substantial change, will, given its strong, quality architectural statement provide an overall positive contribution to the evolving urban landscape of this part of Auckland.

The development will signal the anticipated intensification of a key arterial corridor in a location with attributes that enable the greater height of the proposal to be accommodated.

The proposal will join other recent Kepa Road ridgeline mid-rise apartment development, continuing the urban intensification trend of this high amenity residential corridor. The proposal takes advantage of the locational attributes of the site whilst seeking to avoid and / or mitigate potential adverse effects including in respect of landscape and visual effects."

While Orakei Local Board's initial comments express concerns that the proposal will generate 'significant visual effects on a locally and regionally prominent ridgeline', there is no specific ridgeline protection afforded to the site area under the AUP. The expert opinion of the Boffa Miskell landscape specialists which I rely on, have not raised the same concerns. The following comments within the Landscape Assessment are of note:

"The site occupied by the Proposal is elevated on the Kepa Road ridgeline the new apartment building will form part of the urban ridgeline but not in a way that is overtly prominent. An additional new, larger building will occupy and give emphasis to the ridge and form part of the skyline in a way that is consistent with the emerging established and anticipated nature of this urban ridgeline landform and skyline. The proposed development will consolidate ridgeline apartment development in the locality and will appear similar to the other apartment buildings along the ridgeline."

I adopt and agree with the assessment provided by Ms Wick and Ms de Lambert, and consider the effects on visual character and landscape to be acceptable in the context of the surrounding environment and zoning of the sites.

Adverse effects have been mitigated so that the proposal sits well within its visual catchment and will not generate significant adverse effects that are unacceptable and well beyond what could be expected in the zone.

Amenity, Neighbourhood Character and Streetscape

Matt Riley of Boffa Miskell Ltd has undertaken a preliminary urban design review of the proposal. Mr Riley notes the following:

- *It is considered that sound urban design techniques are used to accommodate the proposed height on the Site in a manner which positively addresses its scale and assists with modulation of the buildings. The broad approach is of stepping height down from south to north across the Site, working with the fall of the land, with the southern building being taller and the northern building be lower.*
- *Traditionally, in urban design practice, corner sites are considered to be appropriate locations for increased height. This is because of the legibility to the urban fabric that buildings of greater scale tend to bring to a neighbourhood when placed at a corner. This principle is employed here and then used in conjunction with a stepping of building height down to the north and highly modulated facades in order to break up the overall massing of the buildings. It is considered that, at least for the short term, while the buildings will be visually prominent, they will avoid being visually dominant – in the sense of not being a disproportionate or uncomfortable change in scale.*
- *All outlook spaces of the northern building being within the Site, the deep setback of parts of the building from the northern boundary, the recess of the form of the north-western corner of the building, and the layout of the house on 10 Kurahaupo Street are such that any adverse visual dominance and privacy effects on that property from the proposal, including in respect of its use of the AHIRB standard, are considered to be less than minor.*
- *The provision of multiple pedestrian entries to street frontages, good levels of glazing to street and upper floor levels, proposed front yard landscaping, and the high-quality architectural approach for the development (as described earlier in this report) are such that the proposal is considered to*

present a positive interface to both Kepa Road and Kurahaupo Street.

- *The apartments and development provide a high level of on-site amenity for potential residents.*

I adopt and agree with the assessment provided by Mr Riley, and consider that the proposal will not give rise to significant adverse effects on neighbourhood character, streetscape and amenity that are inappropriate for the context and locality of the site.

Traffic

Andrew Hunter of Traffic Engineering and Management Ltd (TEAM) has not raised any significant concerns with the proposal from a traffic engineering perspective. Each unit will be provided with at least one car parking space, and more than the required number of bicycle parking will be provided based on the AUP requirements. A new two-way vehicle access will be constructed with access onto Kurahaupo Street, which is a secondary collector road with low traffic volumes.

Traffic generation from the residential activity is expected to be in the order of 45 vehicular trips during the peak hour. An analysis of the impacts of adding this additional traffic to the road network and the effects particularly on the intersection of Kepa Road and Kurahaupo Street will be evaluated as a part of the Traffic Impact Assessment. There are alternative routes to and from the site and the additional traffic is expected to have minimal effects on the safe and efficient operation of the local road network.

It is noted that Kepa Road has frequent bus services to local centres and to the CBD, and is located in walking distance to local facilities and amenities, thereby providing good alternative transport options for short trips.

Overall, Mr Hunter considers the design of the development to be suitable for the intended residential use and is expected to operate in a safe and efficient manner from a traffic engineering perspective. Mr Hunter considers potential risks to the safety and efficiency of the local road network are very low and not anticipated to be an issue from a traffic engineering perspective.

Infrastructure Servicing

Civix's engineers have undertaken a preliminary review of the proposal and available servicing and advised that:

- A stormwater capacity assessment based on maximum probable development and climate change was undertaken for the downstream stormwater network and found the downstream network to be undersized for the catchment it serves. Therefore 10-year detention is proposed to mitigate the effect of the proposed development on downstream stormwater flows.
- As shown on Auckland Council Geomaps, no floodplains or significant overland flowpaths are predicted on the site.
- The proposed development basement will intersect an existing wastewater pipe, and therefore diversion of the existing wastewater public network needs to be considered. A wastewater infrastructure assessment was completed for the downstream network to ensure sufficient capacity for the development. Based on the assessment, it is found that the downstream network has sufficient capacity for the development.
- The site is able to be serviced in terms of water supply. A site-specific hydrant test will be undertaken to confirm achievable flow and pressure are supplied within the existing line. Given the locality of hydrants in the surrounding area, the site will comply with the relevant fire-fighting requirements.

- The site also has power, telecommunication and gas supply infrastructure outside the proposed development boundaries.

Based on the above, subject to detailed engineering design, the development is able to be adequately serviced without more than minor adverse effects on existing public infrastructure and capacities.

Construction/ Earthworks

As with all developments, there will be temporary construction effects including construction traffic, noise and vibration, odour and dust. The applicant will undertake all measures necessary to ensure that these effects are avoided, mitigated or minimised as far as practicable, and adopting best practice measures. This can be achieved by preparing and adopting measures set out within a Construction Management Plan, which will include measures to manage construction vehicles, and dust suppression, as well as adhering to geotechnical recommendations.

The proposal will involve reasonably significant excavation due to the basement levels proposed. However noisy rock breaking is not anticipated as the geotechnical investigation for the site (attached as **Appendix 7**) only encountered very weak sandstone and siltstone bedrock. Peter Runcie of SLR Consulting NZ Ltd has provided a high-level review of the potential construction-related noise and vibration generated during the construction phase of the project. He advises that the majority of the works is anticipated to comply with the AUP noise and vibration controls, however these may be infringed during short term periods when noisy works such as excavation and piling take place close to immediately neighbouring receivers. These short-term infringements are common for a project of this scale, and will be managed through adoption of a Construction Noise and Vibration Management Plan.

No particularly vibration intensive activities are likely to form part of the construction works as piling is expected to be undertaken using a bored piling technique.

Overall, the proposal is not expected to give rise to any unusual or significant construction-related effects that cannot be managed so that short-term adverse effects on surrounding receivers are not highly disruptive and unacceptable.

Groundwater

The proposed developed does not meet the criteria to be assessed as a permitted activity for groundwater diversion and take, under E7.6.1.6 and E7.6.1.10 of the AUP. As such, a groundwater permit is required which will be subject to a detailed assessment of effects report and draft ground settlement monitoring and contingency plan. The potential effects of settlements on neighbouring structures from groundwater drawdown induced settlements as well as mechanical settlement of the proposed basement retention system will need to be addressed once scheme plans have been finalised. This would involve detailed analysis of a concept wall design to ensure that effects on neighbouring structures and infrastructure are less than minor.

Subject to detailed geotechnical assessment to address potential settlement effects and implementation of measures such as monitoring, adverse effects associated with groundwater diversion will be less than minor.

Contaminated Soils

A combined PSI and DSI has been prepared by ENGEO to assess the potential for contaminated soils within the site. This report notes that a potential 'HAIL' activity has been identified on the site (ID 1) for asbestos and / or lead-based paints used in construction to weather and contaminate surrounding soils.

A summary of the chemical and asbestos testing results is provided below:

- Asbestos was detected within three of the nine sample analysed. However, only one of these samples (S10) exceed the BRANZ 'all site uses' criteria of 0.001% w/w.
- Lead was detected in excess of the environmental discharge criteria within four of the fourteen samples analysed.
- Heavy metals / metalloids (arsenic, cadmium, copper and lead) were detected on-site in excess of the regional background ranges.

In terms of consenting requirements, the following is noted:

- Future land development is likely to be considered a restricted discretionary activity under Regulation 10 of the NES, and requires a Remedial Action Plan.
- A discharge consent under the AUP may be required for disturbance if the permitted activity standards from AUP E30.6.1.2 cannot be met. As a relatively small volume of soil exceeds the environmental discharge criteria, it is considered likely that soil disturbance can be undertaken as a permitted activity under E30.6.1.2 of the AUP, subject to provision of a Site Management Plan.

Based on our experience with remediation of contaminated soils, these works can be safely undertaken without adverse effects to the environment and human health when undertaken in accordance with a Remedial Action Plan and / or a Site Management Plan.

Summary

Having considered the known and anticipated adverse effects of the proposal based on the information that is available to date, it is concluded that the proposal will not have the potential to have significant adverse effects on the environment.