

SUMMARY ŌRĀKEI LOCAL BOARD COMMENTS/OBSERVATIONS – 37 AWARUA CRESCENT

Background

1. Mosen Haghi (the “applicant”) seeks land use consent so that a five (5) storey residential apartment building can be constructed, containing 7 apartments on the site at No. 37 Awarua Crescent, Ōrākei.

Property Details

2. We note the following property details and Auckland Unitary Plan – Operative in Part (updated 29 June 2018) (AUP) notations that are relevant: Table 2:

Table 2: Relevant Property Details and Notations

Site Address	No. 37 Awarua Crescent, Orakei
Legal Description	Lot 1 DP 121123
Site Area	863m ²
Relevant Plan	Auckland Unitary Plan (AUP) – Operative in Part 2016
Zoning	Residential – Mixed Housing Urban (MHU Zone)
Precinct	-
Appeals	-
Modifications	-
Overlays	-
Controls	Controls: Macroinvertebrate Community Index – Urban
Designations	-



Application Details

3. The application seeks to construct a 7-unit residential apartment complex. A detailed opportunities and constraints assessment has been completed by Waterfall Associates and is included in the Architectural Design Statement (Appendix 3) which informs the background of the concept design, which is summarised as:
4. “It was decided to build a single mass apartment block as this configuration maximised the site better. A single mass was able to consolidate the individual garages into a single basement carpark, utilising the available space effectively. This proposal also provides more apartments with a view of the basin.”

Proposed Site Layout

5. The proposed building is comprised of 2 levels below and 3 levels above the street. The massing has been formed from the context of its location, in particular the steeply sloping site and the views of the Ōrākei Basin.
6. There is a total of 7 apartments, 3 of which are 3-bedrooms apartments and 4 of which are 2-bedroom apartments. The building is designed to step down the site, breaking down the overall scale of the building while simultaneously bringing views and light into each level. The northern sun is also captured in the private courtyard, bringing light in for the inner spaces of the apartments. A split level is required at street grade to maintain a lobby level with the footpath.

Auckland Unitary plan

7. The OLB note there are 7 consent requirements that need to be satisfied to meet AUP standards.

Table 2: Standards to be complied with: Mixed Housing Urban Zone

Rule	Standard to be complied with	Comment
<i>H5.4.1. Activity table (A4)</i>	Dwellings = RD (restricted discretionary)	<u>Consent required.</u> The proposal includes 7 dwellings which is more than the 4 dwellings permitted on site.
<i>H5.4.1 Activity table (A33)</i>	Alternate Height in Relation to Boundary = RD (restricted discretionary)	<u>Consent required.</u> Refer to Part 4.1 of this AEE.
<i>H5.4.1 Activity table (A34)</i>	New buildings = RD (restricted discretionary)	<u>Consent required.</u> Refer to Part 4.1 of this AEE.
<i>H5.6.4. Building height</i>	11m	<u>Consent required.</u> Refer to Part 4.1 of this AEE.
<i>H5.6.8. Yards</i>	2.5m front 1m side and rear	<u>Consent required.</u> The retaining wall proposed is located 1.5m of the front boundary.
<i>H5.6.10. Building Coverage</i>	45%	<u>Consent required.</u> 46%

<p><i>H5.6.14 Outdoor living space</i></p>	<p>20m² at ground level 8m² balcony at upper level</p>	<p>Consent Required. Units 1 – 3 are at street / ground level and will not include 20m² courtyards with 4m dimensions. Unit 6 has a private outdoor courtyard of complying size/dimension to the east, with all other apartments are at the upper level with balconies exceeding 8m².</p>
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Mixed Housing Urban – number of dwellings

- 8. Activity table H5.4.1 (A4) states that the development of four or more dwellings per site is a restricted discretionary activity. The Environmental Court has recently come to a decision on the appeal relating to the number of dwellings permitted on a site, and the Court recently ruled that three dwellings per site is permitted subject to development standards and that four or more will require consent as a restricted discretionary activity. Notwithstanding, the above consent is required as a restricted discretionary activity.

Mixed Housing Urban – Alternative height in relation to boundary

- 9. Activity table H5.4.1 (A33) states new buildings and additions to buildings which do not comply with H.5.6.5 Height in relation to boundary but comply with H5.6.6 Alternative height in relation to boundary (ALT HIRB) is provided for as a restricted discretionary activity. The first 20m of the development has been designed in accordance with the ALT HIRB and therefore the proposal requires consent as a restricted discretionary activity.

Mixed Housing Urban – New Buildings

- 10. Pursuant to Activity table H5.4.1 (A36), the development of new buildings is afforded the same activity status as the land use activity the buildings will accommodate. In this case, the proposed residential activity, being the provision of three or more dwellings on a site, is a restricted discretionary activity, the proposed new buildings will require consent as a restricted discretionary activity.

Mixed Housing Urban – Maximum building height

- 11. H5.6.4. Building height states that all buildings in the MHU Zone shall not exceed a total height of 11m. The proposed building extends above the 11m maximum rolling height by 1.185m reducing to nil across a distance of 8.3m at the southern elevation and by 1.315m reducing to nil over a length of 4.885m along the western elevation. As such, consent is required as a restricted discretionary activity under rule C.1.9(2).

Yards

- 12. H5.6.8 Yards states that all buildings shall be located outside of the 2.50m front yard. The proposal seeks retaining within 1.5m of the front boundary which is considered as a building within the yard. As such, consent is required as a restricted discretionary activity under rule C.1.9(2).

Building Coverage

- 13. H5.6.10 Building Coverage states that the site is allowed 45% building coverage. The proposal seeks 46% building coverage which exceeds the permitted standards. As such, consent is required as a restricted discretionary activity under rule C.1.9(2).

Outdoor living space

14. H5.6.14 Outdoor Living Court states that every unit where located at ground level shall provide a 20m² outdoor living space that shall meet various requirements. Units 1 – 3 which are located at street level will not include 20m² outdoor living spaces with minimum dimensions of 4m. As such, consent is required as a restricted discretionary activity under rule C.1.9(2).
15. We note cumulatively that there are **7 key consents required** – designated as restricted discretionary. This level of activity would warrant public notification – if assessed on a consolidated basis.

Ancillary comments: -

16. Paragraph 2 page 18 of AEE – it is noted that ...” the total building coverage is 1% above that permitted and while not meeting the performance standards.... the high quality landscaped areas will achieve a high quality urban built character which will not appear visually dominant to any person. The last sentence is subjective.
17. Paragraph 5 page 18 – it is note the building will” marginally exceed the 11m maximum rolling height – however the degree of infringement is set back into the footprint will not be evident from the street...” Again this sentence is subjective.
18. Paragraph 5.6 Limited notification assessment –page 22...it states ...” Section 95E requires that the consent authority disregard any effects on those persons who have provided their written approval to the application. In this instance **no** written approvals have been obtained....” This would justify a need for public notification to ensure all relevant stakeholders, neighbours included have the opportunity to comment on the development.
19. Traffic assessment (Appendix 8) page 26 a review of the transport standards has identified **four infringements** against the Auckland Unitary plan but these infringements need to be resolved as a condition of the consent.
 - a. Parking space 1-4 require additional manoeuvre to exit the site
 - b. The vehicle crossing will be 4.5metre wide at the site boundary serving 9 parking spaces – where 5.5metres is required.
 - c. The vehicle access is designed with a gradient of 1 in 8 at the boundary- and does not comply
20. Appendix 4 Civix Infrastructure Report – para 7 Stormwater – page 4.... states “...stormwater servicing is proposed to be achieved via discharge to the stream to the rear of the property. Landowner approval is being sought from the Auckland Council Parks department for the proposed works. We need to ensure this is a condition of the consent –as we are not familiar with the capacity of the nearby stream and the flow of excess stormwater.
21. Appendix 4 infrastructure report – para 8 Waste water page 5 states “.... the proposed building footprint is above the existing waste water line that crosses through the centre of the site. WasteCare build over approval will therefore be required for the development.

This should be a condition of the consent – given there are 125 dwellings and a school contributing to the immediate downstream network – we are not familiar with the full impact of capacity.

SUMMARY

Given the cumulative restricted discretionary activity consents required and the ancillary comments noted above – public notification is advocated.