

23 May 2022

Bentley Studios Limited
C/- Jessica Parulian
Barker & Associates Limited
3-13 Shortland Street
Level 4, Old South British Building
Auckland 1010

Dear Jessica

Resource consent application – s92 request and s37 timeframe extension

Application number:	BUN60397498
Applicant:	Bentley Studios Limited
Proposed activity:	Construction of 81 residential dwellings and associated vehicular access, parking and landscape arrangements, non-compliances with residential noise levels and associated unit title subdivision.
Site address:	96 Beach Haven Road and 13 Cresta Avenue, Beach Haven

Thank you for submitting the above resource consent application.

Following consultation with the respective Council specialists, I am writing to advise you that the following further information and clarification is required under Section 92(1) of the Resource Management Act 1991 (“the Act”) to allow for a full and accurate assessment of your application to be undertaken:

Engineering

Stormwater

1. Please update section 3.4.2 of the infrastructure report to confirm that 10% AEP peak flow

attenuation to pre-development flows will be provided. If not, please provide an assessment as to why this will not be provided.

2. Please provide the Stormwater Management Design Report which was stated as being appended.
3. Please provide a finalised Stormwater Management Plan (**SMP**) as required under the regionwide Network Discharge Consent for approval. It is noted that a draft SMP was submitted for review in August 2021. The proposed stormwater management methodology should be correctly reflected in both the infrastructure report and SMP at the appropriate level of detail.
4. Please find a attached a further information request response table from Healthy Waters. Please review and respond accordingly within the table provided.

Note: I am still awaiting review from Watercare Services Limited. Once received, any further information requests will be advised of separately.

Traffic

5. Please confirm what alterations, if any, were made to default SIDRA behaviour with respect to vehicle behaviour and gap acceptance?
6. Regarding the roundabout modelling, please clarify what geometry settings were used in SIDRA?

Noise

7. No assessment of construction noise is provided within the application. Noting that the construction of four residential apartment buildings may generate high levels of noise, a construction noise and vibration assessment is required to assess compliance and to address any likely adverse effects.
8. The submitted acoustic report has advised that on-site vehicle and waste collection noise will exceed the Auckland Unitary Plan (Operative in Part) (**AUP(OP)**) noise limits and recommends 1.2m and 1.8m acoustic fencing for controlling day time vehicle noise and setting up body corporate rules to address night-time noise. The report considered that waste collection noise effects will be less than minor. Following on from this:
 - a. The submitted landscape plans specify only pool type fencing and the use of existing 1.8m timber fencing along the driveway and the eastern boundary, which is different from the recommendations of the acoustic report and are not considered acoustically effective. Accordingly, please confirm what fencing types will be used for this application and ensure that consistent information is detailed on the landscape plans.
 - b. Please confirm how the proposed night-time traffic noise management measures will be implemented and enforced e.g., restricting vehicles to 10km/h and ensuring courteous driver behaviour after 10pm? What other suitable noise mitigation measures could and should be implemented for mitigating this noise?

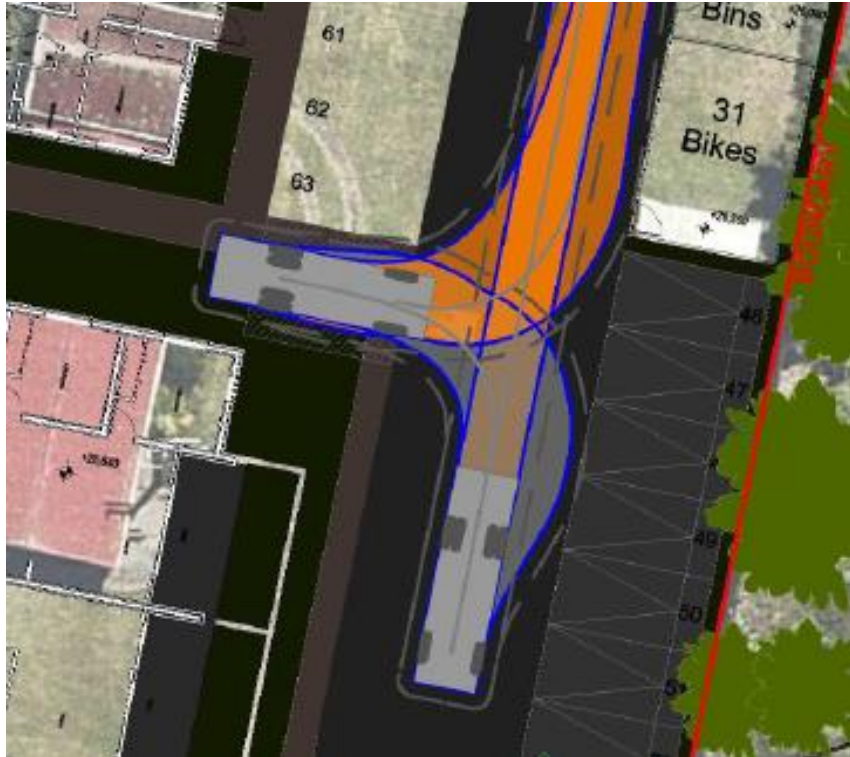
9. Waste collection noise is predicted to be 57 dB LAeq at 120 Beach Haven Road, which the submitted acoustic report has concluded as being less than minor due to the exceedance occurring for a short duration and at one receiver. The Council's noise specialist does not agree with this assessment and notes that as there are at least two, two-level buildings along the shared boundary at 120 Beach Haven Road, there could be additional people affected such that a more precise assessment is required. Furthermore, the noise level has been averaged over the daytime hours and is still noticeably louder than the AUP(OP) limit (50 dB LAeq) and much louder than the ambient noise level (45 dB LAeq). Given the large number of apartments and that the submitted waste management plan proposes multiple weekly waste and recycling collections, further noise mitigation needs to be considered and proposed.

Waste Management

10. Please confirm that the bin storage space required is approximately 25m²? While dimensions are provided as indicative illustrations within the submitted waste management plan, they need to be included on the design plans.
11. Following on from question 10, if the metreage is confirmed, the storage for 81 units is not regarded as adequate to meet waste management requirements. Please consider providing a third storage area, or extending the existing two. At a minimum, the smaller bin space should be increased to 15m² so both are the same size. Alternatively, please provide further assessment on why the proposed waste management arrangements are appropriate.
12. It is not clear from the information submitted but it appears as though some units will overlook the bin storage areas? Accordingly, please provide further details in respect of screening of the refuse areas, including fencing and / or landscaping.
13. Waste management services should not be supplier specific. Please confirm that this will be the case, ideally through a statement in the waste management plan executive summary.
14. Please confirm if households will be provided with a benchtop bin for food scraps when organic waste collection commences?
15. There is no mention of inorganic items within the submitted waste management plan. The plan needs to address the likelihood that people will dump items and these need to be addressed by a building manager or similar, who has responsibility for keeping these communal areas clean and clear of obstruction. Please address this.
16. With regard to section 3.5 of the submitted waste management plan, it is possible that Council contractors could access the site for the annual inorganic collection (if all properties are individually rated). This would be arranged between Council and the Body Corporate. This point needs to be addressed accordingly.

Urban Design

17. Based on the submitted vehicle tracking diagrams (see image below), it appears that the rubbish truck will require additional space for manoeuvring than shown on the landscape plan, which indicates that the rubbish truck will drive over the landscaped area / footpath. Please clarify / update the plans as necessary to address this.



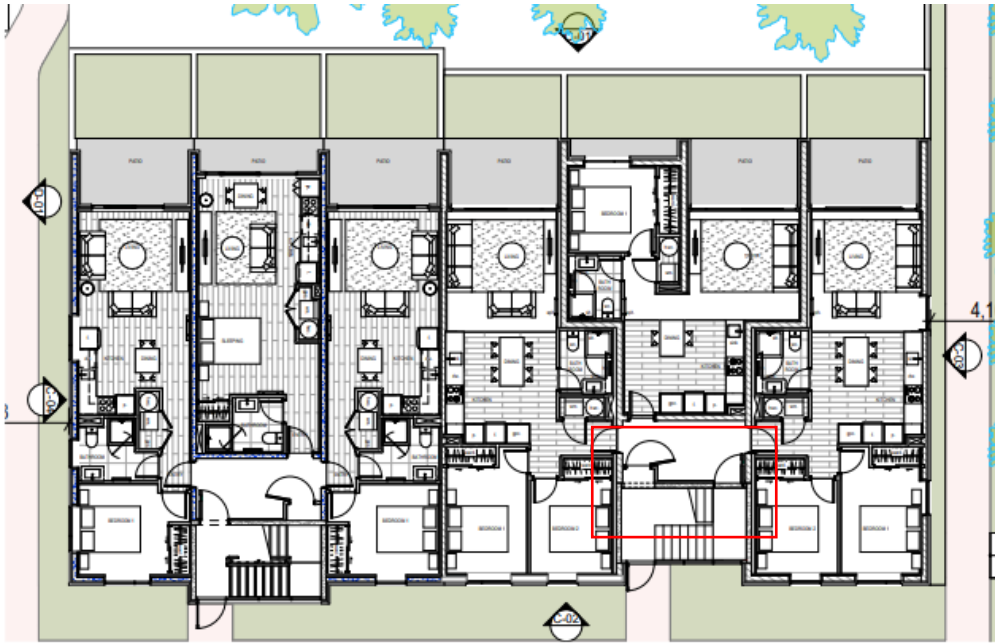
18. Please provide dimensions (width, depth, length) on the floor plans.
19. Please provide details (dimensions, material, finish) and precedent images of the communal refuse bin and bike storage structures / enclosures.
20. Please provide shading diagrams for the proposal during the March / September Equinox and June solstice at one-hour intervals, and also include the combined fence and wall height along the site boundaries. Please also indicate on the plans the extent of shading beyond the permitted height and height in relation to boundary standards. This is requested to better understand the proposed shading effect on neighbouring properties.
21. Please provided scaled cross-sections in the locations shown below to demonstrate:
 - a. The height of the boundary wall and fence relative to the outdoor living spaces and the natural ground level of the adjoining sites; and
 - b. The position of the retaining wall, fence and planting (on top, in front of or behind the retaining wall).

Please clearly label the retaining wall, fence and planting and provide the dimensions. The vegetation should be shown at the growth height at five years. Accurate shape (height, width, density) plants similar to what species are being proposed should be illustrated in the sections / details.

(Note: this has incorporated the cross-section request by Council's landscape architect)



22. Please confirm where the mailboxes for the apartment units will be located and update the plans as necessary, as the space available seem limited within the lobby.
23. Please clarify the access to the lobby area of Block C (see image below) and update the plans as necessary.



Landscaping

24. It would be expected, due to the development being located within the Single House Zone (noting the private plan change is not active) and the proposed scale of the development, including the technical infringements (including height) that a Landscape and Visual Effects (LVE) Assessment be provided.

Therefore, please provide a LVE prepared by a qualified Landscape Architect which provides an assessment of the potential landscape and visual amenity effects that may result from the proposal. The assessment should be consistent with Te Tangi a Te Manu Aotearoa New Zealand Landscape Assessment Guidelines and should include / address the following:

- a. A description and assessment of the landscape and visual amenity values of the site as viewed from public and private locations.
- b. An assessment on the potential adverse visual amenity from public places, including from Beach Haven's Local Centre (Beach Haven Road and Rangatira Road), Shepherds Park and Cresta Avenue.
- c. An assessment of potential adverse visual amenity effects on private residential properties, including 88, 90, 92, 94/94a, 98, 100, 116 and 120 Beach Haven Road and 5, 7, 9, 11, 12, 14, 15, 16, 17 and 29 Cresta Avenue. This should consider the treatment (materials, colours, modulation, location of windows) of the elevations visible to each individual neighbouring resident.
- d. Cross sections and / or a set of perspective views from adjacent private properties to visually

demonstrate the relationship / outlook between the proposed buildings and neighbours outdoor living, internal living spaces, windows etc. in support of the above written assessment on these neighbours.

- e. A set of visual simulations / montages which indicate the location, bulk, height, and design of the proposed buildings in relation to the surrounding context, specifically as viewed from the intersection of Beach Haven Road and Rangatira Road. The simulations should be supported with a written methodology.

It would also be helpful to understand whether any variation to the typologies across the site were considered (e.g., single or two storey forms) to address the existing surrounding suburban catchment.

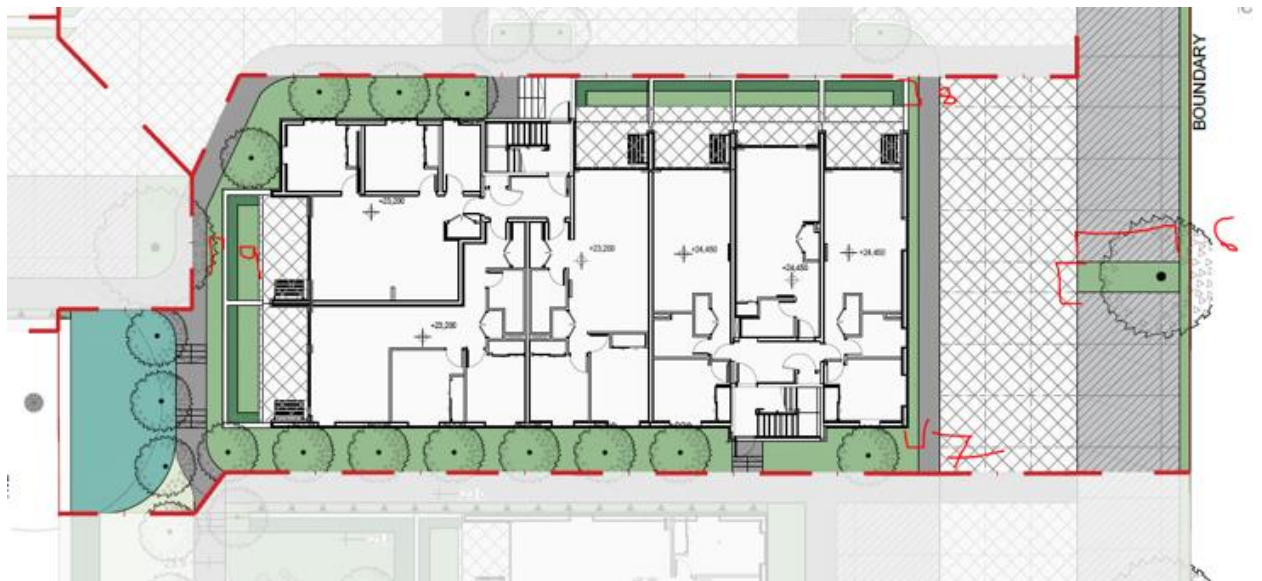
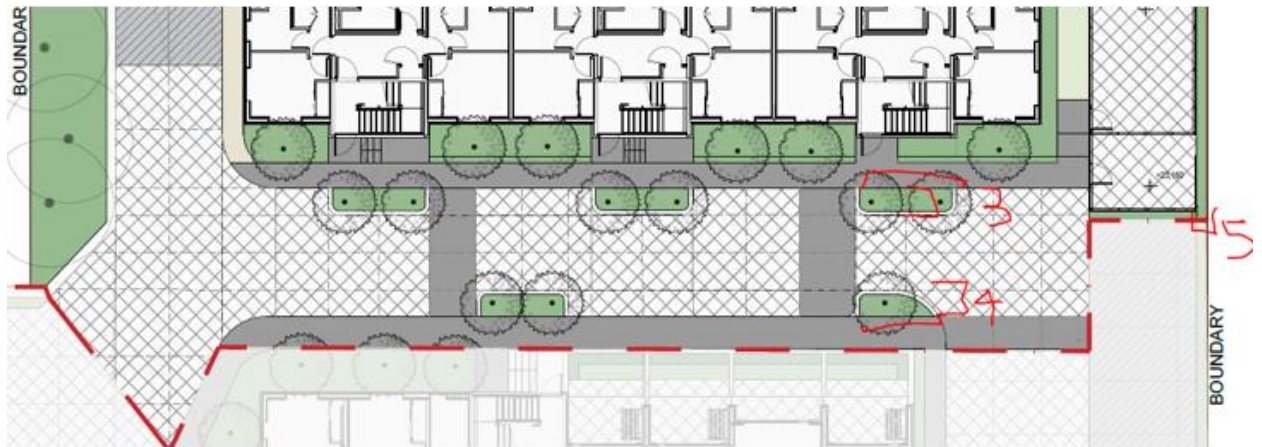
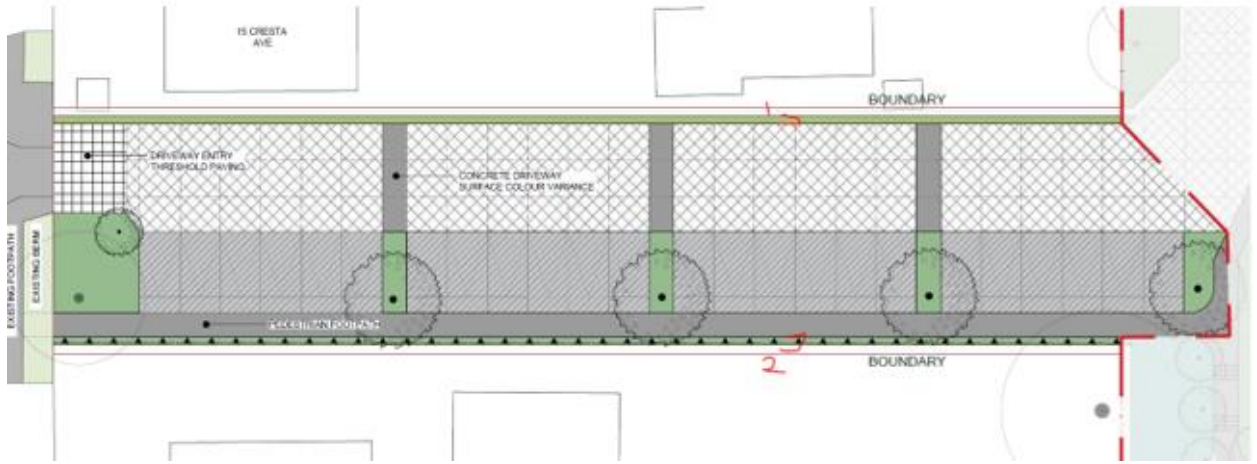
Preliminary Comments: From a landscape perspective given the visibility of the southern elevation of Building D as seen from the local centre, it is recommended that the roof form be broken down and refined to address this view.

25. Please provide a set of landscape plans that clearly indicates and annotates the specific species of trees / hedging / shrubs across the site (including within the accessway, communal spaces and private outdoor living spaces). The current landscape plans only show the location of trees, hedges and shrub mix, but does not specify which species is being located where. Depending on the tree species, some spaces may not be suitable (e.g., contained space) for these trees to be retained long term. Similarly, the proposed hedge species vary in height providing different levels of amenity vs screening. In preparing these plans:
 - a. Please confirm the species, number, height / width and age of the existing vegetation being retained along the boundary with 15 and 17 Cresta Avenue and the individual tree at the road edge of 13 Cresta Avenue. It would be helpful if a photo indicating the tree or extent of trees (marked) could be provided.
 - b. Please confirm whether there are any changes to the planting that was approved under the bulk earthworks consent. It is understood that climbing plants were consented along the northern side of 13 Cresta Avenue. The proposed landscape plan does not include this. The landscape plan also shows a darker green area along the northern side (shown as a hedge / shrub) in renders but no details of this are provided.
 - c. Please confirm what type of planting (if any) is proposed behind the rubbish bin and bike storage areas and how the proposed planting will be accessed and maintained in the future.
 - d. Please confirm whether the location of the proposed lighting across the site, and within the pedestrian / cyclist only accessway, will impact on the location of any proposed vegetation (also consider future proofing the location of trees so they do not have to be removed due to screening the light source).

- e. Please confirm how the *Trachelospermum jasminoides* are to be trained up the retaining walls.
 - f. Please confirm the treatment of the retaining walls (e.g., painted / stained). While it is understood that the retaining walls along the boundaries have been approved as part of the bulk earthworks consent, given the combined height of the wall and fence, the visual treatment (colour e.g., painted / stained black) and planting is considered important to provide an attractive appearance and reduce dominance for future residents.
26. Please provide a set of cross sections through the locations in the image below. This is requested to understand the relationship of the pedestrian paths, retaining walls / fences (levels) and the proposed planting. The vegetation should be shown at the growth height at five years. Accurate shape (height, width, density) plants similar to what species are being proposed should be illustrated in the sections/details).



27. Please provide the dimensions of the spaces in the images below in terms of the extent of medium / soil provided for the planting e.g., exclude space required for hard structures such as retaining walls and fences where relevant.





28. Please clarify how the residents will access the communal space to the north, and the envisioned use of this space, noting there is only one narrow access point to this space which is also proposed to be gated.

It is requested that you either provide this information, in writing, within 15 working days, or contact me to arrange an alternative timeframe.

Please note that pursuant to Section 95C of the Act, if the information is not or will not be submitted within the 15-day timeframe and an alternative timeframe has not been agreed, the application must be publicly notified. Please contact me as soon as possible to confirm that the information will be provided either within the 15 working days of the request or to agree alternative timeframes for the provision of the information requested.

If you do not reply in writing within 15 working days, or refuse to provide the information, the Council reserves the right to decline your application under Section 92A(3) of the Act should it consider that it has insufficient information to enable it to determine the application.

Your attention is also drawn to the provisions of Sections 357A(1) and 357C of the Act which set out the rights of objection against this request for information.

Pursuant to Sections 88B and 88C of the Act, the application is “on hold” until all matters have been addressed.

Non-s92 matters

The following does not form part of the section 92 request but identifies potential issues with the development that may need to be addressed. These matters are as follows:

Urban Design

- a. The design of the balustrades for the balconies along the north elevation of Block A is regular and contributes to a monotonous appearance. It is recommended that variation is provided to the proposed balustrade treatments, in particular for the balconies on the 1st and 2nd floors, as they will be more visible to adjacent properties.
- b. At a distance of more than 30m, Block D as a large and visually unrelieved building. It is recommended that greater variation is provided to the roof form and modulation of this block, noting that its south elevation will have a level of visibility from the nearby local centre.
- c. For Block B and D, consideration of locating both building entrances along the same (northern) façade is recommended. This will improve wayfinding and legibility within the site and enable a clearer hierarchy of pedestrian movement by defining the semi-private and semi-public areas. If the southern building entrance of Block D is re-located to the northern façade, the pedestrian path to the south and west of Block D may be removed. This could strengthen the pedestrian routes within the site and achieve a clearer “public front” and “private back” for Block D.
- d. 1m high pool fencing is proposed between the ground floor outdoor living spaces, which is unlikely to provide adequate privacy for occupants. It is also unclear whether the proposed planting will provide adequate soft screening (see the detailed landscape plan as requested by Council’s

landscape architect). It is recommended that 1.4m high fencing is provided between the ground floor outdoor living spaces to provide a higher degree of privacy for occupants.

- e. It is recommended that a comprehensive signage package is developed and provided from the site entrance and across the site to provide clear and direct wayfinding for visitors.
- f. Given the scale of the development, rear access based on shared accessways and the potential number of people, it is strongly recommended to design the proposed lighting to meet the minimum recommended lighting subcategory of PR2 for shared driveways and accessways and PP3 for pedestrian pathways in accordance with AS/NZD1158.3.1 to ensure an appropriate level of safety and amenity for pedestrians and motorists.

These minimum sub-categories require face vertical illumination which is unlikely to be achieved by bollard lighting, which is generally at heights of 500mm to 1200mm. Alternative lighting solutions, e.g. pole lighting or wall mounted lighting, are encouraged in place of bollard lighting. Light fittings, e.g. bollard and pole lighting, should also not be installed within the pedestrian paths as they can become a hazard to pedestrians and are more prone to accidental damage.

Landscaping

- g. It is recommended that a greater variety of plants within the shrub planting mix be introduced into the plant schedule. Currently, the mix consists of 3x grass species that have a relatively low mature height (600mm) which have been used across the entire site. A range of species, heights at maturity, flowering, evergreen /deciduous shrubs and grasses should be included.
- h. A variety of shrub mixes could be used across the site to help characterise each block or differentiate between private, semi-private and communal areas.
- i. It is recommended that planting of a greater height be introduced into the shrub mix where it is proposed within the parking areas, especially the planting area at the front of Cresta Avenue. The proposed species are not considered to be of scale that would be able to appropriately soften and screen the parking from the road or alleviate the rows of parking within the accessway spaces.
- j. It is recommended that a layered approach to the planting along the northern boundary with 29 Cresta Avenue be implemented (e.g., trees, hedges and shrubs) to provide filtering and screening of views of Building A as viewed from the neighbour and wider views (e.g., Shepherds Park). Planting, alongside variation to the upper floors of Building A (northern elevation) could assist with breaking down the repetitive appearance of the building and reduce potential adverse visual effects on these neighbours.
- k. The transplanting of existing trees on site is encouraged.

Planning

- I. As highlighted in the pre-application meeting minutes, the balcony size for the proposed studio apartments is not supported. The size of these balconies needs to be increased to a minimum of 5m².

Notification and Determination of Application

As currently submitted, based on the provision of 81 residential apartments within four, three storey buildings, my conclusion is that the development results in more than minor adverse effects on the environment and persons within the immediate environment and, notwithstanding the information requested within this letter, I will be recommending that the application proceeds on a fully notified basis. Advice from the Council is that that no consideration will be given to Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 until the necessary plan changes is notified. Until that time, only the Residential – Single House Zone provisions apply. Under this zoning, my assessment is that not only would the application need to be notified, but that it could not be supported as part of a s104 assessment.

Accordingly, in responding to the s92 and non-s92 requests outlined above, you may wish to consider how you would like to continue with the application and whether or not you place it on hold until such time that a more favourable outcome may result depending on how the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 affects the zoning of the subject sites.

S37 Timeframe Extension

Please note that pursuant to S37 & S37A(3)(4) of the Resource Management Act 1991, the Council has determined that it is appropriate to double the timeframe available to process this resource consent application given the special circumstances associated with it. These special circumstances are the complexity of the application, being a combined land use and subdivision consent, and the level of assessment required to fully assess and evaluate the merits of the proposed development.

In extending this time frame, the following matters have been considered:

- The interests of any person who may be affected by the extension.
- The interests of the community in achieving an adequate assessment of the proposal.
- Council's duty to avoid unreasonable delay.

The new timeframe within which the Council has to process the application is 40 working days.

If you wish to discuss the matters, please do not hesitate to contact me.

A handwritten signature in black ink, appearing to read 'Mark Ross', written in a cursive style.

Yours sincerely

Mark Ross

Consultant Planner, Auckland Council