

I hereby give notice that a hearing by commissioners will be held on:

Date: Tuesday 28 September 2021 - Tuesday 5 October 2021
Time: 9.30am
Meeting room: Council Chamber
Venue: Ground Floor, Auckland Town Hall
301 Queen Street, Auckland

PRIVATE PLAN MODIFICATION 44
HEARING REPORT
VOLUME ONE
33-37 GEORGE STREET, NEWMARKET
NEWMARKET HOLDINGS DEVELOPMENT
LIMITED PARTNERSHIP

COMMISSIONERS

Chairperson	David Wren
Commissioners	Trevor Mackie
	Sheena Tepania

Laura Ager
SENIOR HEARINGS ADVISOR

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WHAT HAPPENS AT A HEARING

Te Reo Māori and Sign Language Interpretation

Any party intending to give evidence in Māori or NZ sign language should advise the hearings advisor at least ten working days before the hearing so a qualified interpreter can be arranged.

Hearing Schedule

If you would like to appear at the hearing please return the appearance form to the hearings advisor by the date requested. A schedule will be prepared approximately one week before the hearing with speaking slots for those who have returned the appearance form. If changes need to be made to the schedule the hearings advisor will advise you of the changes.

Please note: during the course of the hearing changing circumstances may mean the proposed schedule may run ahead or behind time.

Cross Examination

No cross examination by the applicant or submitters is allowed at the hearing. Only the hearing commissioners are able to ask questions of the applicant or submitters. Attendees may suggest questions to the commissioners and they will decide whether or not to ask them.

The Hearing Procedure

The usual hearing procedure is:

- **the chairperson** will introduce the commissioners and will briefly outline the hearing procedure. The Chairperson may then call upon the parties present to introduce themselves. The Chairperson is addressed as Madam Chair or Mr Chairman.
- **The applicant** will be called upon to present his/her case. The applicant may be represented by legal counsel or consultants and may call witnesses in support of the application. After the applicant has presented his/her case, members of the hearing panel may ask questions to clarify the information presented.
- **Submitters** (for and against the application) are then called upon to speak. Submitters may be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker.
 - Late submissions: The council officer's report will identify submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
 - Should you wish to present written evidence in support of your submission please ensure you provide the number of copies indicated in the notification letter.
- **Council Officers** will then have the opportunity to clarify their position and provide any comments based on what they have heard at the hearing.
- The applicant or his/her representative has the right to summarise the application and reply to matters raised by submitters. Hearing panel members may further question the applicant at this stage. The applicants reply may be provided in writing after the hearing has adjourned.
- **The chair** will outline the next steps in the process and adjourn or close the hearing.
- If adjourned the hearing panel will decide when they have enough information to make a decision and close the hearing. The hearings advisor will contact you once the hearing is closed.

Please note

- that the hearing will be audio recorded and this will be publicly available after the hearing
- catering is not provided at the hearing.

**A NOTIFIED PLAN MODIFICATION TO THE AUCKLAND UNITARY PLAN BY
NEWMARKET HOLDINGS DEVELOPMENT LIMITED PARTNERSHIP**

	TABLE OF CONTENTS	PAGE NO.
Volume One		
Reporting officer's report		7- 226
Attachment 1	Clause 23 Requests for further information	227 - 264
Attachment 2	Council technical experts' reports	265 - 626
Attachment 3	Reporting planner qualifications and experience	627 - 630
Volume Two		
Attachment 4	Evidence for the Auckland Unitary Plan Independent Hearings Panel	631 - 1166
Attachment 5	Proposed George Street Precinct Provisions	1167 - 1186
Attachment 6	National Policy Statement on Urban Development 2020 (NPS-UD) – Extract of Objectives and Policies	1187 - 1192
Attachment 7	Environment Court Decision on NPS-UD	1193 - 1202
Attachment 8	PPC44 Submissions and Further Submissions	1203 - 1440
Volume Three		
Attachment 9	Other Relevant Plans and Strategies	1441 -2080

Reporting officer, Vanessa Wilkinson, Planner

Reporting on a proposed private plan modification to introduce a new precinct at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket

APPLICANT: NEWMARKET HOLDINGS DEVELOPMENT LIMITED PARTNERSHIP

SUBMITTERS:	
Page 1206	Victor de Bettencor
Page 1208	Marco Creemers
Page 1210	Rob Thomas
Page 1214	Morgan Properties
Page 1216	Gavin Hodder

Page 1218	Philip Robert Eilenberg
Page 1220	Cleveland Properties Limited
Page 1225	Hugh Michael Caughley
Page 1227	Peter Gordon Buchanan and Aroha Buchanan
Page 1229	Moana Point Farms Ltd
Page 1234	Michael John Fischer and Gabrielle Lesley Fischer
Page 1236	KD Properties, The James Gang Trust (Warwick James, Jennifer Goulding and Dean Ellwood)
Page 1239	G T Darby
Page 1240	Freda Constance Green, George William Green and Ian George Lewish
Page 1242	Sharon Stayt
Page 1245	Parkwood Body Corporate 162274
Page 1251	The Foundation Village Partnership
Page 1254	Foundation Properties Limited
Page 1257	MUDI Ltd
Page 1267	Terance Patrick James Macdonald
Page 1269	Jonathan Leonard Newman Eriksen
Page 1272	Zamin Investment Limited
Page 1279	Core City Investments Limited
Page 1286	Graham Burrell
Page 1288	Rose McSherry
Page 1290	Auckland Transport
Page 1298	James A Carmichel
Page 1300	Ian and Catrina Fair
Page 1306	Christoph Paszyna
Page 1307	Domain Terraces Body Corporate 192346
Page 1313	Domain Apartments
Page 1318	Darryl Carey
Page 1320	Alan Herbert Burton and Wendy Alyson Burton
Page 1324	Robyn Hughes
Page 1326	Alasdair and Joan Thompson
Page 1329	Alexandra Garland & Laura Horrocks
Page 1331	Cushla O'Shea
Page 1334	Donald Kay Keung Yung
Page 1335	Roger and Julie France
Page 1338	11 George Body Corporate 344700
Page 1340	Katherine S Lester
Page 1342	Downtown House No. 2 Ltd
Page 1348	FourClayton Properties Limited
Page 1354	TwoMorgan Properties Limited

Page 1361	Aclay Ltd
Page 1369	John Gilbert Ecroyd
Page 1371	Robert Thomas Clark
Page 1373	Auckland Council
Page 1391	Penelope Jane Hansen
Page 1396	33 Broadway Trust
Page 1400	Rostrevor Edwin Burnell
Page 1402	Roland No2 Trust
Page 1404	Tupuna Maunga o Tamaki Makaurau Authority
Page 1408	Parnell Community Committee (Inc)
Page 1411	Patricia Judd
Page 1415	Raymond Robinson

FURTHER SUBMITTERS:

Page 1420	Parkwood Body Corporate 162274
Page 1424	Auckland Transport
Page 1429	Tūpuna Maunga Authority
Page 1434	Mercury NZ Limited



Hearing Report for Proposed Private Plan Change 44: George Street Precinct, Newmarket to the Auckland Unitary Plan (Operative in Part)

Section 42A Hearing Report under the Resource Management Act 1991

Report to:	Hearing Commissioners
Hearing Dates:	28 – 30 September and 1 October 2021
File No:	Hearing Report – Proposed Plan Change 44 (PPC44)
File Reference	\\aklc.govt.nz\Shared\CPO\RLP\FC\LUP\UP MODIFICATIONS\PC044 - George Street (Private)\04 Hearings\Hearing, Hearing Evidence and Section 42A Reports
Report Author	Vanessa Wilkinson, Consultant Planner, Scott Wilkinson Planning for Plans and Places, Auckland Council
Report Approver	Celia Davison, Manager – Central and South Planning, Plans and Places
Report produced	21 June 2021

SUMMARY OF PROPOSED PRIVATE PLAN CHANGE 44: GEORGE STREET PRECINCT, NEWMARKET

Plan subject to change:	Auckland Unitary Plan (Operative in part) 2016
Number and name of change:	Proposed Private Plan Change 44: George Street Precinct, Newmarket to the Auckland Unitary Plan
Status of Plan:	Operative in part
Type of change:	Proposed private plan change
Requestor:	Newmarket Holdings Development Limited Partnership (NHDLP)
Sites subject to Proposed Plan Change 44:	33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket
Clause 25 outcome and decision date:	Accepted on 21 May 2020
Parts of the Auckland Unitary Plan affected by the proposed plan change:	Planning Maps Chapter I Precincts
Date draft proposed plan change was sent to iwi for feedback: Was clause 4A completed:	The requestor has advised that they engaged 16 iwi groups via an email on 22 March 2019 which contained an overview of the private plan change request. The email provided an opportunity for queries and feedback prior to the lodgement of the request with the Council. This was responded to by 3 iwi groups being Ngati Whatu Orakei, Ngati Tamaoho and Ngati Whatu o Kaipara.
Date of notification of the proposed plan change and whether it was publicly notified or limited notified:	Publicly notified on 25 June 2020
Submissions received (excluding withdrawals):	56
Date summary of submissions notified:	27 August 2020
Number of further submissions received (numbers):	4
Legal Effect at Notification:	No
Main issues or topics emerging from all submissions:	<ul style="list-style-type: none"> Built Form, including building height, bulk, scale, adverse effects of built form and the use of the George Street datum;

	<ul style="list-style-type: none">• Volcanic viewshafts, maunga to maunga views, and visual and landscape character;• Effects on the Auckland Domain, Museum and Foundation Precinct;• Pedestrian connections;• Traffic, including car parking and vehicle access;• Infrastructure;• Construction and construction effects;• Precinct provisions (including objectives, policies, activities, rules, notification, standards, matters for discretion and assessment criteria);• Economic effects;• Need for precinct, precinct extent, precedent, and not sound resource management practice.
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Contents

Summary of Proposed Private Plan Change 44: George Street Precinct, Newmarket	2
1.0 Executive Summary	8
2.0 Purpose of PPC44	9
3.0 Background to PPC44	10
3.1 Pre-Application Discussions and Auckland Urban Design Panel	10
3.2 Clause 23 Requests for Further Information	11
3.3 Clause 23 Responses and PPC44 Documents	11
4.0 Hearings and Decision Making Considerations	12
5.0 The Site and Surrounding Area	14
5.1 The Site.....	14
5.2 The Surrounding Area	21
5.2.1 George Street to the east of the Proposed Plan Change Area.....	21
5.2.2 George Street to the west of the Proposed Plan Change Area	23
5.2.3 To the north-east of the Proposed Plan Change Area.....	24
5.2.4 To the north of the Proposed Plan Change Area	25
5.2.5 Morgan Street.....	26
5.2.6 Clayton Street.....	29
5.2.7 Alma Street.....	31
6.0 Existing Auckland Unitary Plan Provisions	32
6.1 Zoning.....	32
6.1.1 Business - Mixed Use Zone	33
6.2 Overlays.....	44
6.2.1 Volcanic Viewshaft and Height Sensitive Areas Overlay	44
6.3 Controls.....	49
6.3.1 Height Variation Control.....	49
6.3.2 Centre Fringe Office Control	50
6.3.3 Macroinvertebrate Community Index – Urban.....	51
6.4 Other Features.....	52
6.5 Other Relevant Unitary Plan Provisions.....	54
6.5.1 E27 Transport.....	54
7.0 Auckland Unitary Plan Development	59
8.0 PPC44 Provisions	65
8.1 Proposed George Street Precinct Introduction And Description.....	65
8.2 Proposed George Street Precinct Objective And Policies.....	71
8.3 Proposed George Street Precinct Activity Table.....	73
8.4 Notification in the Proposed George Street Precinct.....	75
8.5 Proposed George Street Precinct Standards lx.6	76
8.6 Proposed George Street Precinct Matters of Discretion	83
8.7 Proposed George Street Precinct Assessment Criteria	87
8.8 Proposed George Street Special Information Requirments	94
8.9 Proposed George Street Precinct Defintions	94
9.0 Statutory and Policy Framework	95
9.1 Resource Management Act 1991	96
9.1.1 Plan Change Matters – Regional and District Plans.....	96
9.1.2 Resource Management Act 1991 – Regional Matters	97
9.1.3 Resource Management Act 1991 – District Matters	97

10.0	National Policy Statements	98
10.1	Hauraki Gulf Marine Park Act 2000 (Hgmpa).....	98
10.2	National Policy Statement On Urban Development 2020 (NPS-UD).....	101
11.0	National Environmental Standards or Regulations	103
12.0	Auckland Unitary Plan	104
12.1	Auckland Unitary Plan - Regional Policy Statement (RPS)	104
12.1.1	B2.2 Urban Growth and Form.....	104
12.1.2	B2.3 A Quality Built Environment.....	107
12.1.3	B2.4 Residential Growth	122
12.1.4	B2.5 Commercial and Industrial Growth.....	125
12.1.5	B2.7 Open Space and Recreation Facilities.....	127
12.1.6	B2.8 Social Facilities.....	129
12.1.7	B3.3 Transport.....	129
12.1.8	B4.2 Outstanding Natural Features and Landscapes.....	133
12.1.9	B4.3 Viewshafts.....	139
12.1.10	B5.2 Historic Heritage.....	148
12.1.11	B6 Mana Whenua.....	151
12.1.12	B7.4 Coastal Water, Freshwater, Geothermal Water	152
12.1.13	B10.2 Natural Hazards and Climate Change	154
12.1.14	RPS Conclusion:	156
12.2	Auckland Unitary Plan - District Plan	157
12.2.1	D14 Volcanic Viewshafts and Height Sensitive Areas Overlay.....	157
12.2.2	E1 Water Quality and Integrated Management	159
12.2.3	E27 Transport.....	160
12.2.4	E36 Natural Hazards and Flooding	161
12.2.5	H13 Business – Mixed Use Zone.....	161
13.0	Other Plans And Strategies	164
13.1	Auckland Plan	165
13.2	Tupuna Maunga Integrated Management Plan.....	170
13.3	Tupuna Maunga Strategies	173
13.4	Independent Māori Statutory Board - Schedule of Issues of Significance and Māori Plan 2017	173
13.5	Ngati Whatua Orakei Iwi Management Plan 2018	174
13.6	Auckland Domain Plan 1993 and Auckland Domain Masterplan 2016	176
13.7	Auckland War Memorial Museum: A Conservation Plan 1993.....	181
13.8	Waitemata Local Board Plan 2020	182
13.9	Newmarket Laneways Plan	185
13.10	Waitemata Greenways Plan	185
14.0	Assessment of Effects	187
14.1	Built Form Effects	187
14.1.1	Visual Dominance Effects on Wider Area	190
14.1.2	Visual Dominance and Public Amenity Effects.....	192
14.1.3	Visual Dominance Effects on Adjoining Properties	193
14.1.4	Shading	195
14.1.5	Wind Effects	196
14.2	Landscape and Visual Amenity Effects.....	197
14.3	Heritage Effects.....	197
14.4	Economic Effects	198
14.5	Transport Effects	199
14.6	Infrastructure Effects	200
14.7	Open Space Effects	201

14.8	Cultural Effects.....	202
14.9	Construction Effects	202
14.10	Positive Effects.....	203
15.0	Consultation	204
15.1	Mana Whenua.....	204
15.2	Local Board.....	206
16.0	Notification and Submissions	207
16.1	Legal and Statutory Context Relevant to Submissions	208
16.2	Analysis of Submissions and Further Submissions.....	208
16.2.1	Built Form, including Building Height, Bulk, Scale, Adverse Effects of Built Form and the Use of the George Street Datum.....	209
16.2.2	Volcanic Viewshafts, Maunga to Maunga Views, Visual and Landscape Character	210
16.2.3	Effects on the Auckland Domain, Museum and Foundation Precinct	211
16.2.4	Pedestrian Connections.....	211
16.2.5	Traffic, including Car Parking and Vehicle Access	211
16.2.6	Infrastructure	212
16.2.7	Construction and Construction Effects.....	213
16.2.8	Precinct Provisions (including Objectives, Policies, Rules, Notification, Standards and Assessment Criteria)	214
16.2.9	Economic Effects.....	214
16.2.10	Need for Precinct, Precinct Extent, Precedent, and Not Sound Resource Management Practice.....	215
16.2.11	Section 32 Analysis	217
16.2.12	Development Can Be Achieved Via Resource Consent.....	217
16.2.13	Lack of Consultation	217
16.2.14	Other Matters.....	218
17.0	Conclusion	218
18.0	Recommendations	219
19.0	Signatories	219

Abbreviations

Abbreviations in this report include:

Abbreviation	Meaning
PPC44	Proposed Plan Change 44
RMA	Resource Management Act 1991
Unitary Plan	Auckland Unitary Plan (Operative in Part)
Proposed Unitary Plan	Proposed Auckland Unitary Plan
NHDLP	Newmarket Holdings Development Limited Partnership
AUDP	Auckland Urban Design Panel
ONF	Outstanding Natural Feature

HGMPA	Hauraki Gulf Marine Park Act
NPS-UD	National Policy Statement on Urban Development 2020
RUB	Rural Urban Boundary
AZHC	Additional Zone Height Control
ITA	Integrated Transport Assessment
ZTV	Zone of Theoretical Visibility
AVLE	Applicants Assessment of Landscape and Visual Effects, George Street Precinct - Private Plan Change, Newmarket, Auckland, prepared by LA4 Landscape Architects, dated March 2020.
VPT	Viewpoint
TMIMP	Tūpuna Maunga Integrated Management Plan
TMS	Tupuna Management Strategies
the Board	Independent Maori Statutory Board
the Authority	Tūpuna Maunga o Tāmaki Makaurau Authority

Attachments	
Attachment 1	Clause 23 Requests for Further Information
Attachment 2	Council Technical Expert Reports
Attachment 3	Reporting Planner Qualifications and Experience
Attachment 4	Evidence for the Auckland Unitary Plan Independent Hearings Panel
Attachment 5	Proposed George Street Precinct Provisions
Attachment 6	National Policy Statement on Urban Development 2020 (NPS-UD) – Extract of Objectives and Policies
Attachment 7	Environment Court Decision on NPS-UD
Attachment 8	PPC44 Submissions and Further Submissions
Attachment 9	Other Relevant Plans and Strategies

1.0 EXECUTIVE SUMMARY

1. Proposed Private Plan Change 44 (George Street Precinct) (**PPC44**) seeks to introduce a new precinct over 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket. The plan change proposes to remove the 27 metre Height Variation Control and introduce a Precinct over the site that will enable a range of building heights up to 65 metres above ground level. The new precinct will also enable mixed use development with a publicly accessible plaza, pedestrian connections and vehicular and pedestrian access to and from George, Morgan and Clayton Streets.
2. PPC44 was lodged by Newmarket Holdings Development Limited (**NHDLP**). A report in accordance with section 32 of the RMA was prepared by the applicant as part of the private plan change request, as required under clause 22(1) of Schedule 1 of the RMA.
3. The Council received the private plan change request on 1 October 2019.
4. Following the private plan change process set out in Part 2 of Schedule 1 of the Resource Management Act 1991 (**RMA**) further information was sought from NHDLP on the 19 November 2019 (following an extension of time under s37 of the RMA) and 27 March 2020 (second request for further information under clause 23(2)). NHDLP provided further information on 6 March and 9 April 2020.
5. PPC44 was considered and accepted by the Council on 21 May 2020.
6. PPC44 was publicly notified on 25 June 2020 with submissions closing on 23 July 2020. The summary of submissions on PPC44 was then notified for further submissions on 27 August 2020 and this closed on 24 September 2020.
7. There were 56 submissions received, with 265 submission points raised. Four further submissions were received. There were no late submissions.
8. Auckland Council lodged a submission on PPC44.
9. This hearing report has been prepared in accordance with section 42A of the RMA. The report provides an assessment of the plan change request against relevant statutory tests taking into account the issues raised by submissions and further submissions on the plan change request.
10. The assessment, discussion and recommendations in this report are intended to assist the Hearing Commissioners, the requestor and those persons or organisations that lodged submissions on PPC44. The recommendations contained within this report are not the decisions of the Hearing Commissioners.
11. This report has been prepared on the basis of the proposed plan change as notified and taking into account resulting submissions.
12. The plan change request (based on the technical reviews and analysis of submissions) raises a number of potential conflicts with national and regional policies relating to the hierarchy of centres, the protection of identified regionally significant volcanic viewshafts, potentially significant views to and between maunga, historic heritage and outstanding natural features, and wastewater capacity.

13. In terms of the National Policy Statement on Urban Development 2020, PPC44 may give effect to Objective 2 to support competitive land markets and through those (but not specifically on this site) affordable housing. However, in my view PPC44 has not sufficiently taken into consideration the principles of the Treaty of Waitangi / Te Tiriti o Waitangi in relation to the potential for adverse cultural effects on Auckland's maunga and views to and between them; and cultural values associated with scheduled historic and natural heritage items as required by Objective 5.
14. With regard to the Hauraki Gulf Marine Park Act, at this stage, development enabled by the proposed plan change could result in increased wastewater discharges to the catchments of the Hauraki Gulf.
15. In my view the plan change request, particularly with regard to proposed building height and bulk, is contrary to, and inconsistent with, the RPS objectives and policies as it does not reinforce a hierarchy of centres; and it does not sufficiently respond to, protect or avoid adverse effects on the intrinsic and physical characteristics of its area, its setting and its relationship to the surrounding area, including natural features (such as ONF's and maunga), landscape and visual, and heritage aspects. These issues also arise in a consideration of District Plan objectives and policies and other supporting policy documents, such as the Auckland Plan.
16. In my opinion, in order to reduce adverse effects to a more acceptable degree, the overall height and bulk of building scale enabled or sought in the proposed plan change provisions should be reduced. However, to determine a more acceptable scale would require further analysis and consideration.
17. I also outline a number of issues with the drafting of the proposed plan change provisions and many of these are supported by submissions. But, given my fundamental concerns with the proposed plan change, particularly building height and bulk that would result from any implementation of the plan change, I have not provided tracked changes of these.
18. If further information is provided prior to the hearing that sufficiently resolves the issues of building height and bulk; and other associated matters such as wastewater, then a number of amendments to the proposed precinct text would be recommended.
19. As a result of the assessment of the plan change request and recommendations on the submissions, it is recommended that PPC44 be **declined**.

2.0 PURPOSE OF PPC44

20. Proposed Private Plan Change 44 (George Street Precinct, Newmarket) to the Auckland Unitary Plan (Operative in Part) seeks to introduce a new precinct at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket. The plan change proposes to remove the 27 metre Height Variation Control and the new Precinct, while retaining the existing Business – Mixed Use zoning, seeks to enable a range of building heights up to 65 metres above ground level. The new precinct also proposes to enable mixed use development with a publicly accessible plaza, pedestrian connections, and vehicular and pedestrian access to and from George, Morgan and Clayton Streets.

21. The purpose of PPC44 as outlined in the requestors s32 evaluation report is to:
- “...deliver a comprehensively designed mixed use development that enables greater height in a highly accessible location. The Plan Change also seeks to promote public transport and active transport modes through limiting carparking and utilising the podium to deliver high quality publicly accessible spaces that protect and formalise the pedestrian route between Newmarket and Pukekawa /Auckland Domain.”¹*

3.0 BACKGROUND TO PPC44

3.1 PRE-APPLICATION DISCUSSIONS AND AUCKLAND URBAN DESIGN PANEL

22. The precinct provisions now proposed result from the preparation of a concept scheme for the development of the site and associated pre-application discussions for a proposed resource consent application which took place between 2017 to 2019. After a number of iterations, a proposal for the redevelopment of the sites at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket was submitted to the Auckland Urban Design Panel in January 2019. The Auckland Urban Design Panel (AUDP) provided guidance at the conceptual level and made the following recommendations:

As a concept, the Panel recognises the potential for additional height (over and above the Unitary Plan provisions) on the site, but would need to see the architectural and urban design details of the proposal to form any opinion of support for any increased height in this location.

In order to address these issues, the Panel would like to see a draft set of principles and visual illustrations of the architectural and urban design outcomes for the site. The principles would also address:

- *Ensuring a diverse set of architectural responses which provides a variety and cohesiveness to the building form to ensure further visual interest in the short, medium, and long views. The Panel would expect this to be of an exemplary architectural quality beyond what was provided in the presentation;*
- *The interface between the site, and Morgan and Clayton streets;*
- *Ensuring effective legibility and connectivity (both visual and physical) between the Domain, through the plaza, to Clayton Street in both directions;*
- *edge effects in terms of dominance, setbacks, etc. onto adjacent properties;*
- *How the buildings on-site address the plaza providing active and functioning public realm;*

¹ Section 32 Evaluation Private Plan Change Request 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket dated 09 April 2020 by Evita Key / Rebecca Sanders and Nick Roberts of Barkers and Associates, Section 5.2, Page 19.

- *A rationale for the level of carparking proposed and how traffic movements would work on Morgan and Clayton Streets and its impact on the public realm; and*
- *A movement strategy which encourages active modes of travel.²*

23. Following the feedback from the AUDP, the requestor chose to pursue a plan change taking in the above AUDP recommendations and further refinement in the precinct provisions.

3.2 CLAUSE 23 REQUESTS FOR FURTHER INFORMATION

24. As outlined earlier, the plan change request was received on 1 October 2019. On 19 November 2019 and 27 March 2020, prior to accepting PPC44 for notification, the Council sought that the requestor provide further information under Clause 23 of Schedule 1 of the RMA. These requests are attached as **Attachment 1** to this report.

25. The purpose of the further information requests was to enable Council to better understand the effects of PPC44 on the environment and the ways in which adverse effects may be mitigated.

3.3 CLAUSE 23 RESPONSES AND PPC44 DOCUMENTS

26. The requestor, NHDLP, provided responses to the Clause 23 requests on 6 March and 9 April 2020. The responses included the updated specialists' documents and reports listed in **Table 1** below.

Table 1: Plan Change Documents

Document Name	Specialist	Date
Section 32 Evaluation	Evita Key and Rebecca Sanders, Barker and Associates	9 April 2020
Appendix 1 – George Street Precinct	-	-
Appendix 2 – Certificates of Title and Restrictions	-	-
Appendix 3 – Auckland Unitary Plan Objectives and Policies Assessment Table	Rebecca Sanders and Evita Key, Barker and Associates	-
Appendix 4 – Site context, Concept Design Testing and GFA Study	Warren and Mahoney; Barker and Associates; LA4 Landscape Architects; and RDT Pacific	9 April 2020
Appendix 5 – Urban Design Report	Matt Riley, Senior Associate / Urban	4 March 2020

² *George Street Plan Change Urban Design Assessment, Private Plan Change Request 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket dated 04 March 2020 Prepared by Matt Riley of Barkers and Associates, Section 4.3, Page 20.*

	Designer, Barker and Associates	
Appendix 6 - Assessment of Landscape and Visual Effects	Rob Pryor, Landscape Architect, LA4 Landscape Architects	9 April 2020
Appendix 7 - Integrated Transportation Assessment Report	Michelle Seymour, Principal Transport Consultant, Commute Transportation Consultants	1 April 2020
Appendix 8 - Power and Telecommunications Infrastructure Report	N. R Top, Electrical Consulting Services Ltd	12 September 2019
Appendix 9 - Engineering Infrastructure Report	Craig Horwood, MSC Consulting Group Ltd	4 March 2020
Appendix 10 - Survey Data – Site Plan	Survey Worx Ltd	24 January 2020
Appendix 11 – Topographical Survey Drawings	Calibre Consulting	9 March 2016
Appendix 12 – Mana whenua Consultation Summary	Barker and Associates	-
Appendix 13 - Urban Design Indicative Montage Studying View to Volcanic Cones from Domain	Warren and Mahoney; Barker and Associates; and LA4 Landscape Architects	9 April 2020
Appendix 14 – Business Zones Development Control Summary	Barkers and Associates	-
Request for further information - Engineering	Nick Topp, Electrical Consulting Services Ltd	25 November 2019
Request for further information – Traffic Assessment Report	Michelle Seymour, Principal Transport Consultant, Commute Transportation Consultants	8 April 2020
2 nd RFI Response – Memorandum	Barker and Associates	9 April 2020

27. The information listed in **Table 1** was used for the notification of the plan change; and this information forms the basis for this report and the assessment contained within it.

4.0 HEARINGS AND DECISION MAKING CONSIDERATIONS

28. Clause 8B of Schedule 1 of the Resource Management Act 1991 (**RMA**) requires that a local authority shall hold hearings into submissions on its proposed plan.

29. Section 34 of the RMA provides for a local authority to delegate its functions, powers or duties under the RMA.
30. The council's Regulatory Committee has delegated its authority to independent hearing commissions to hear and make decisions on PPC44.
31. The Hearing Commissioners will not be recommending a decision to the Council but will be issuing the decision directly.
32. In accordance with s42A(1), this report considers the information provided by the requestor and summarises and discusses submissions received on PPC44. It makes recommendations on whether to accept, in full or in part; or reject, in full or in part; each submission.
33. This report makes a recommendation on whether to decline or approve the plan change in part or in full.
34. Any conclusions or recommendations in this report are not binding to the Hearing Commissioners.
35. The Hearing Commissioners will consider all the information in the proposed plan change, in this report, and the information in submissions, together with evidence presented at the hearing.
36. This report includes and relies on advice provided by the technical experts in the reports, as listed in **Table 2** below:

Table 2: Technical Advice and Reports

Name	Technical Expertise
Tracy Ogden-Cork, Principal Urban Designer, Motu Design Ltd	Urban Design
Peter Kensington, Consultant Specialist – Landscape Architect	Landscape and Visual
Carolyn O'Neil, Heritage Consultant, The Heritage Studio Limited	Built Heritage
Alastair Jamieson, Principal Advisor Biodiversity, Auckland Council	Outstanding Natural Features
Maylene Barrett, Principal Specialist Parks Planner, Parks Planning	Open Space
Gary Black, Technical Direction Transportation, Harrison Grierson	Traffic
Susan Fairgray, Associate Director, Market Economics Ltd (M.E)	Economic
Gemma Chuah and Iresh Jayawardena, Healthy Waters Specialists, Resource Management Team, Healthy Waters	Stormwater

Jay Kesha, Manager New Solutions, Vector	Electricity
Andre Stuart, Wastewater Network Manager, Watercare	Water and Wastewater Infrastructure
Mitesh Bula, Senior Geospatial Specialist, Plans and Places, Auckland Council	Modelling of precinct provisions

37. The reports prepared by the above listed technical experts are provided in **Attachment 2** to this report.
38. My qualifications and experience are provided in **Attachment 3**.

5.0 THE SITE AND SURROUNDING AREA

5.1 THE SITE

39. The proposed plan change area comprises 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket. The plan change area comprises an irregularly shaped block with an area of approximately 7,873m².
40. The plan change area is located within northern Newmarket, and is bound by George Street to the north, Morgan Street to the west, and Clayton Street to the south. The plan change area is located approximately midway along each of George Street and Morgan Street; and at the northern end of Clayton Street. The Auckland Domain / Pukekawa and the Auckland Museum are located directly opposite the plan change area to the north.
41. The plan change area is also located approximately 650m from the Newmarket Railway Station to the south-east, or approximately 850m from the Grafton Railway Station to the west. In addition, the plan change area has good accessibility to the frequent bus network that operates along the main arterial roads of Carlton Gore Road approximately 95m to the south and/or Broadway and Parnell Road approximately 175m to the east. The plan change area is also located approximately 110m – 230m from the Newmarket, Business - Metropolitan Centre Zone. The location of the plan change area is identified in **Figures 1** and **2** below.

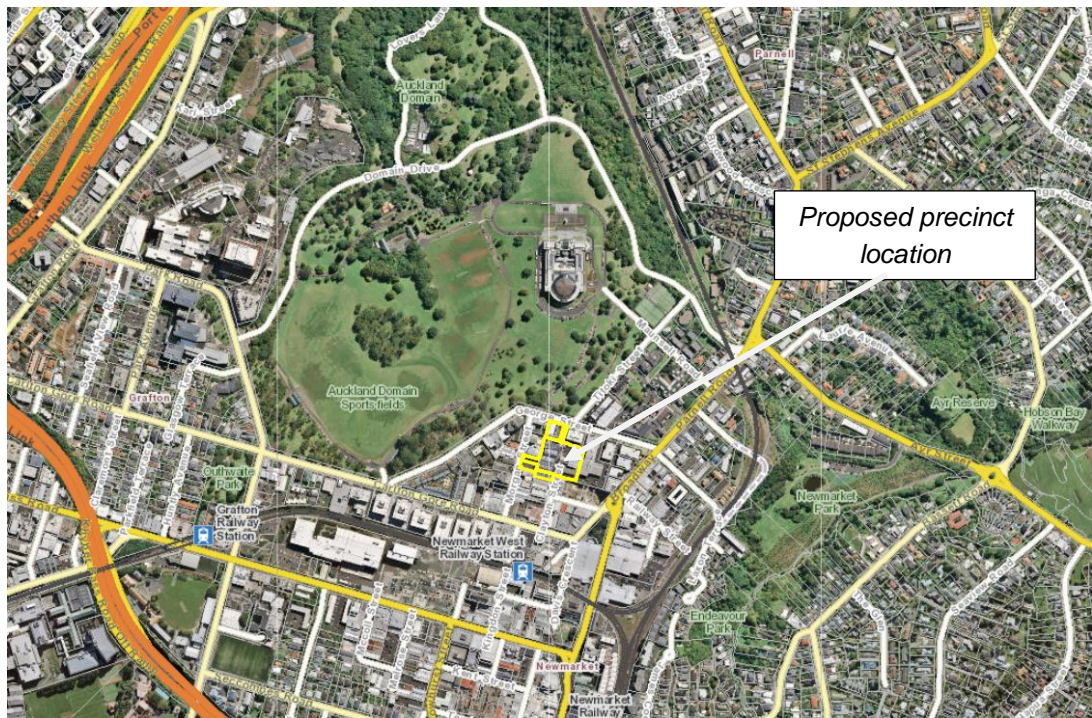


Figure 1: Location of proposed precinct area
Source: Auckland Council Geomaps



Figure 2: Aerial view of proposed precinct area being 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket. **Source:** Auckland Council Geomaps

42. The plan change area has a fall of approximately 10m from its northern, George Street, frontage down to its southern, Clayton Street, frontage. It also has a fall of approximately 3.0m from west to east along its George Street frontage and a 2.5m fall from north to south along the Morgan Street frontage. It has a frontage to George

Street of approximately 34m, a frontage to Morgan Street of approximately 25m and a combined frontage to Clayton Street of approximately 25m (being approximately 12m along the southern edge of 13-15 Morgan Street and a further 13m along the eastern edge of 10 Clayton Street).

43. The plan change area currently contains a mix of older, one to two storey, industrial style, buildings. These buildings accommodate a variety of activities including a photography studio, a gym and offices as identified in Photographs 1 to 6 below.



Photographs 1 & 2: View of existing buildings and access at 33-37 George Street, Newmarket. **Source:** Report Author



Photograph 3: View of existing buildings at 13-15 Morgan Street (to rear of 39 George Street) **Source:** Report Author



Photographs 4 & 5: View of existing buildings at 13-15 Morgan Street from Clayton Street, looking north to George Street; and as viewed from the Morgan Street frontage.



Photograph 6: View of existing buildings at 10 Clayton Street and 13-15 Morgan Street from Clayton Street. **Source:** Report Author

44. The existing building at 33 Morgan Street is built up to the George Street frontage. However, the building at 37 Morgan Street is set back approximately 8.0m from the road frontage and car parking is currently formed in this area.
45. An accessway is located on the eastern side of the plan change area. This accessway provides pedestrian and vehicle access to the 13-15 Morgan Street portion of the site. It also provides informal vehicle and pedestrian access between George Street and Clayton Street to the south as identified in Photograph 7 below.
46. It is noted that this accessway is also identified as Parts A and B on the Record of Title for Lot 2 DP129174 being 13-15 Morgan Street, as shown in **Figure 3** below. The Memorandum of Transfer notes three purposes for Parts A and B, being a restriction on the height of buildings and plants, rights to light and air, and a right of way on foot only. More specifically, the Memorandum of Transfer notes that the owner of 13-15 Morgan Street *will not erect or permit to be erected or plant or grow or permit to be planted or grown upon areas marked A and B any building structure, trees, plants or hedges which exceed survey level RL66 in height.* RL66 is effectively the current street level for George Street in the vicinity of the plan change area. This restriction is noted as being in favour of the Royal New Zealand Foundation for the Blind land.

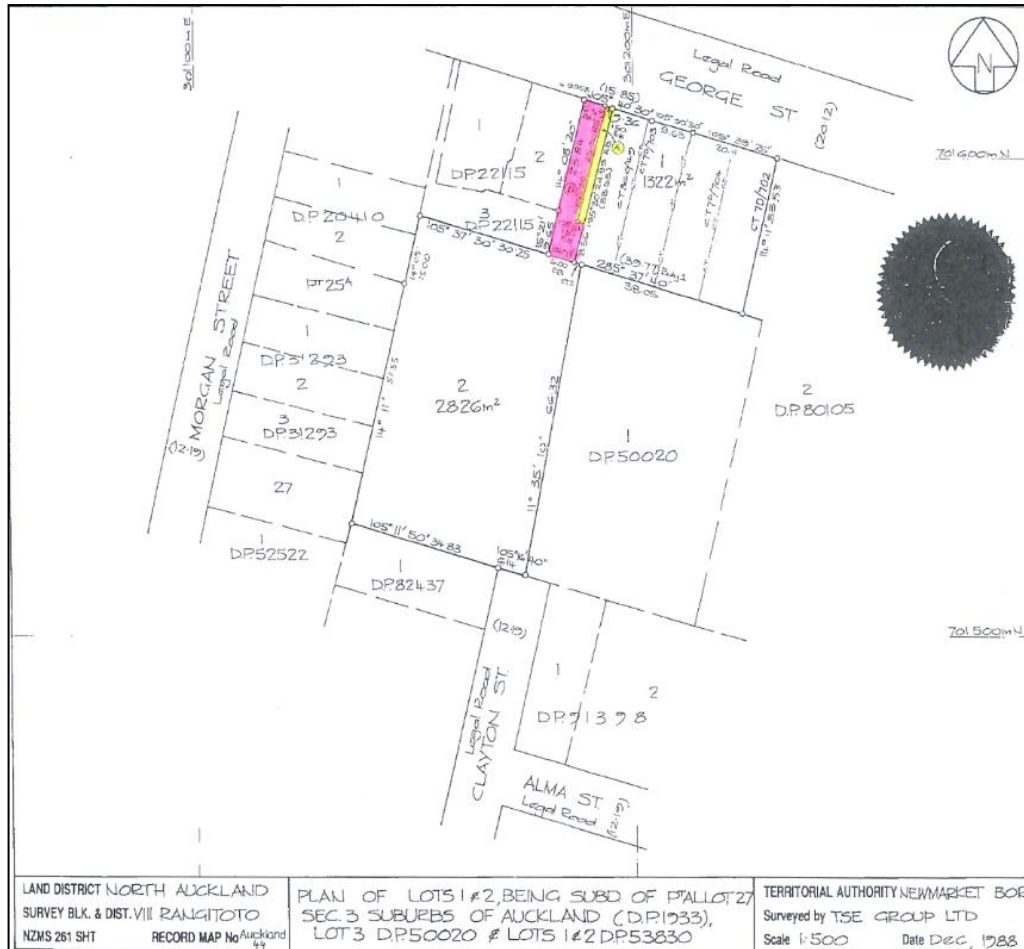


Figure 3: Title Plan showing Area A (yellow) and Part B (pink) on Lot 2 DP 129174 being 13-15 Morgan Street

Source: PC44 Appendix 2 Certificates of Title and Restrictions

47. In addition, a perpetual right is created to the free and uninterrupted flow of light and air from and over parts marked A and B to, through and for the windows and apertures of any buildings erected on the Blind Foundation Land which are of a height of greater than survey level RL 66. It is assumed the Blind Foundation Land referred to is the land to the west at 39 George Street (which contains and is currently owned by ACG Parnell College).
48. Furthermore, a right of way for foot access only is granted over Part A, also benefiting the Blind Foundation Land. The Memorandum of Transfer also notes that if the owner of 13-15 Morgan Street wants to develop their land, it is required to preserve reasonable alternative pedestrian access to the western side doorway of Level 2 of the building situated on Blind Foundation Land (being that Level of the building situated at survey level RL 62.9) or provide pedestrian access to the said Level 2 of any such building so erected on the Blind Foundation Land. As above, it is assumed the Blind Foundation Land referred to is the land to the west at 39 George Street (which contains and is currently owned by ACG Parnell College).



Photograph 7: View of existing accessway from George Street end to Clayton Street (marked as Part A and B on record of title). **Source:** Report Author



Photograph 8: View of pedestrian access to western side of adjacent land/building at 39 George Street (ACG Parnell College) **Source:** Report Author

49. A further, approximately 6.9m wide, right of way easement for access purposes is located along the southern boundary of 13-15 Morgan Street. The Record of Title for Lot 1 DP 50020, as reproduced in **Figure 4** below, outlines that this easement provides a right of way access for pedestrian and vehicles from 47 George Street to the west, through to Clayton Street. Noting however, that the Council conditions of consent contained in Transfer 389903 state that:

1. That the right-of-way be formed, metalled and maintained to the satisfaction of the Council.
2. That a gate be erected and maintained at the entrance to the right-of-way.
3. That no buildings be erected having a frontage wholly to the right-of-way.



Figure 4: Title Plan showing right of way for access (yellow) on Lot 1 DP 50020 being part of 13-15 Morgan Street

Source: PC44 Appendix 2 Certificates of Title and Restrictions

50. At the southern end of the site, adjacent to Clayton Street, the areas to the east of the existing buildings are used for car parking. Similarly, the existing buildings are set back some 25m from the Morgan Street road frontage, with this area also being used for car parking.

5.2 THE SURROUNDING AREA

5.2.1 George Street to the east of the proposed plan change area

51. George Street road reserve is approximately 20m wide, with a formed carriageway of approximately 10m. It enables two-way traffic movements, with parallel parking at its eastern end, and a combination of parallel and angled parking provided in the vicinity of the plan change area. The George Street road reserve contains grassed berms along the southern side and some street tree planting. The berm is paved on the northern side of George Street, towards its eastern end; and is grassed on the northern side towards the southern end, associated with the Auckland Domain. There is a pedestrian crossing located approximately 26m to the east of the plan change area. There is also a traffic calming device (speed hump) approximately 9.0m to the west of the plan change area.
52. To the immediate east of the plan change area is 39 George Street. As identified in Photograph 9 below, this site contains a two-storey building fronting George Street, but noting the slope of the land to the south, down from the street, the building becomes at least three storeys to the rear. This building is currently occupied by part of the ACG Parnell College Primary School. As outlined in paragraphs 47 and 48 and in Photograph 8 above, the western side of this site has a pedestrian access, doors and windows along its western boundary protected by air, light and access rights noted on the Record of Title for part of the proposed plan change area known as 13-15 Morgan Street.



Photograph 9: View of building at 39 George Street (ACG Parnell College)

Source: Report Author

53. The rear of the site at 39 George Street appears to contain an outdoor area for used by the children of the College.



Photograph 10: View of outdoor area at the rear of 39 George Street (ACG Parnell College). **Source:** Report Author

54. Further to the east, 47 and 49 George Street contain older style office development, located within buildings that are two-storeys high fronting George Street. It is understood that the site at 47 George Street may soon be re-developed, although the form and height of any development on this site is as yet not known.



Photograph 11: View of two-storey office buildings at 47 and 49 George Street
Source: Report Author

55. Further to the east, 1 Broadway, located on the corner of Broadway with George Street, contains a three-storey office building.



Photograph 12: View from Broadway to the west along George Street. 1 Broadway containing a three-storey office building to the left of the photograph and Foundation Precinct buildings at 545 and 547A Parnell Road and 2 Titoki Street to the right of the photograph. **Source:** Report Author

5.2.2 George Street to the west of the proposed plan change area

56. To the immediate west of the plan change area, the site at 31 George Street contains a single storey weatherboard cottage setback from the road by approximately 3.5m and currently used as a funeral home.
57. Further to the west, at the corner of George Street and Morgan Street, the site at 29 George Street contains a three-storey residential apartment building. This building has a pedestrian access to George Street and vehicle access to rear off Morgan Street.



Photographs 13 & 14: View of 31 and 29 George Street. **Source:** Report Author

58. Beyond this at 27 George Street, on the opposite (western) side of Morgan Street, but also fronting George Street is an eight to nine storey residential apartment building known as the Parkwood Residences.



Photographs 15 & 16: View of Parkwood Residences at 27 George Street as viewed from Morgan Street and George Street. **Source:** Report Author

59. Further to the west, along the southern side of the remainder of George Street, to the intersection with Carlton Gore Road, are a mix of residential apartment buildings, typically four storeys in height as they front George Street; and a series of terrace dwellings known as the 'Domain Terraces' which are two and three storeys high as they front George Street.

5.2.3 To the north-east of the proposed plan change area

60. To the north-east of the proposed plan change area, and bound by Parnell Road, Broadway, George Street, Titoki Street and Maunsell Road is a block of land owned by Foundation Properties Limited (Royal New Zealand Foundation of the Blind). The part of this block closest to the plan change area, identified as 545 or 547A Parnell Road contains a two-storey brick building known as the Foundation Precinct containing a mix of retail, café and office uses.
61. Beyond this, at 545 Parnell Road, is a two-storey brick building formerly used as the Royal New Zealand Foundation for the Blind office and workshops and identified as being a Category A Heritage Building in the Auckland Unitary Plan (ID No. 1794) and classified as a Category 1 heritage building by Heritage New Zealand.



Photograph 17: Former Royal New Zealand Foundation for the Blind listed heritage building now used as Parnell Library. **Source:** Report Author

62. The part of the block identified as 2 Titoki Street, at the corner of Titoki and George Streets contains a four to five storey brick building, used as part of the ACG Parnell College. Further to the north beyond this, the site identified as 10 Titoki Street contains a three-storey brick building identified as being 'Pearson House', a Category A heritage building identified in the Auckland Unitary Plan (ID No. 1892) and classified as a Category 1 heritage building by Heritage New Zealand. Next to this is 16 Titoki Street which appears to contain landscape and parking areas for the uses within the wider block.
63. The part of the block identified as 20 Titoki Street contains a four-storey building occupied by Birthcare, a maternity hospital, and other associated medical services. Fronting Maunsell Drive, on the site identified as 4 Maunsell Drive, is another four-storey building which appears to be used as offices for Blind Low Vision NZ (formerly the Blind Foundation).
64. The part of this block identified as 537 – 539 Parnell Road is currently vacant of buildings but has resource consent (Council reference: BUN60343924) for the development of the site with two, five and six storey buildings (approximately 23m high). The approved development will contain a mix of office or commercial uses at ground level and 116 retirement village apartments above, with associated basement car parking.

5.2.4 To the north of the proposed plan change area

65. The Auckland Domain/Pukekawa is located opposite and to the north of the proposed plan change area. The Domain/Pukekawa is approximately 75 hectares in size and contains large areas of open, green space, recreational sports fields and several Auckland Unitary Plan and Heritage New Zealand identified / listed heritage buildings, features and trees. These include the Auckland War Memorial Museum and Cenotaph, the Wintergardens, the Grafton Gateway, the Bandstand, the Grandstand, the Domain Kiosk, and the Pukekawa volcano, including the Pukekaroa tuff ring, which is also identified as an Outstanding Natural Feature (ID 7) in the Auckland Unitary Plan. The museum building is located approximately 230m north of the George Street edge of the proposed plan change area. Noting that there are areas of public car parking on roads within the Domain between the southern side of the Museum and the George Street frontage of the plan change area.



Photograph 18: View of Auckland Domain/Pukekawa from George Street.

Source: Report Author

5.2.5 Morgan Street

66. Morgan Street runs on a north-south axis between George Street (north) to Carlton Gore Road (south). It slopes steeply from its northern end and flattens as it reaches Carlton Gore Road. Morgan Street has a road reserve width in the order of 12m and this contains an approximately 8.0m wide vehicle carriage way, with a 1.5m wide footpath on the eastern side and a 2.5m wide footpath on the western side. Parking is available on both sides of the street.



Photograph 19: View to the north, up Morgan Street. **Source:** Report Author

67. The site at 19 Morgan Street, to the north and west of the plan change area, contains a six-storey office building which appears to be built to the boundary common with the plan change area.
68. To the north of this, 25 Morgan Street, contains a three-storey building that appears to contain residential activity, and is also built to the common boundary with the plan change area.



Photographs 20 & 21: View of buildings at 19 and 25 Morgan Street.

Source: Report Author

69. The site at 11 Morgan Street, to the south and west of the plan change area, contains a two-storey building used as a gym. The building is set back from Morgan Street by approximately 6.5m and this area is used for car parking.
70. To the south of this, 9 Morgan Street contains a single storey weatherboard cottage that appears to be used for commercial purposes. This building is also set back approximately 13m from the road frontage and the area used for car parking.
71. The sites at 3, 5 and 7 Morgan Street all host older style industrial buildings, containing a mix of office and commercial activities.
72. The site at 110 – 116 Carlton Gore Road, which also has a frontage to Morgan Street (on the southern side of 3 Morgan Street) and Clayton Street, is currently under development by Mansons. Resource Consent (Council reference: BUN60344602) was approved on 16 December 2019 for the construction of a seven-level office and retail building, with two levels of basement car parking. The height of the approved building exceeds the 27m height variation control by 5m, so the building will be 32.05m high above ground level. Roof top plant and equipment will extend further, to a height of 33.96m above ground level.



Photograph 22: View of buildings to the south of plan change area on the eastern side of Morgan Street. **Source:** Report Author

73. The western side of Morgan Street contains a mix of older weatherboard cottages, older style industrial buildings two to three storeys in height used for office and other commercial or retail activities, a six-storey office building, and as identified earlier, the Parkwood Residences apartment building which is nine storeys high as it fronts the northern end of the Morgan Street.



Photograph 23: View of buildings on the western side of Morgan Street. **Source:** Report Author

5.2.6 Clayton Street

74. Clayton Street runs on a north-south axis between the southern boundary of the plan change area to Carlton Gore Road (south). Clayton Street is a one-way street at its southern end, up to its intersection with Alma Street; it then becomes a two-way street between Alma Street and the southern edge of the plan change area. Clayton Street has a road reserve width in the order of 12m and this contains an approximately 8.0m wide vehicle carriage way, with a 1.5m wide footpath on the eastern side and a 2.5m wide footpath on the western side. Parking is available on both sides of the street.
75. Immediately south of the plan change area, 8 Clayton Street, which is located on the western side of Clayton Street contains a five-storey apartment building. The north facing balconies for each apartment, from first floor to fourth floor level, are located approximately 2.4m from the common boundary with the plan change area.



Photograph 24: View of apartment building at 8 Clayton Street, adjacent to south of plan change area (brown building in right of photograph). **Source:** Report Author

76. To the south, 4 and 6 Clayton Street, contain two and three storey office buildings.
77. On the eastern side of Clayton Street, to the south of the vehicle accessway located within the plan change area, 2 Alma Street contains a two to three storey building with a long frontage to Clayton Street. This building appears to be used for commercial purposes at the lower two levels, but for residential activity on the third level.



Photograph 25: View of building at 2 Alma Street from Clayton Street. Mercury Energy building at 4-10 Alma Street and 33 Broadway visible behind. **Source:** Report Author

78. Further to the south on Clayton Street, at the south-eastern corner of Clayton Street and Alma Street, 11 Alma Street, contains a two-storey commercial building.
79. At the southern end of Clayton Street, 118-120 Carlton Gore Road currently contains two-storey retail and commercial buildings. However, this site has resource consent (Council Reference: BUN60363017), approved on 13 January 2021, for a ten-storey residential apartment building, containing 136 apartments, with one level of basement parking. The consented building is to be built to both the Clayton Street and Carlton Gore Road frontages, with vehicle access via Clayton Street. The building height exceeds the 27m height variation control by 7.5m and will be 34.5m high above ground level.

5.2.7 Alma Street

80. Alma Street is an approximately 12m wide, one-way street with footpaths on each side, accessed via Clayton Street and providing access to Davis Crescent and Broadway.
81. The sites at 4-10 Alma Street and 33 Broadway contains the recently constructed Mercury Energy head office building. This building is in the order of 29m high to the top of roof top plant and equipment and the lift overrun. A portion of this sites northern boundary is common boundary with the southern boundary of the plan change area.



Photographs 26 & 27: View of Mercury Energy building at 4-10 Alma Street and 33 Broadway from Alma Street and north side of building behind plan change area and existing building at 13-15 Morgan Street. **Source:** Report Author

6.0 EXISTING AUCKLAND UNITARY PLAN PROVISIONS

6.1 ZONING

82. As evidenced by **Figure 5** below, the proposed plan change area is currently zoned Business – Mixed Use Zone under the Auckland Unitary Plan (Operative in Part) (the **Unitary Plan**).

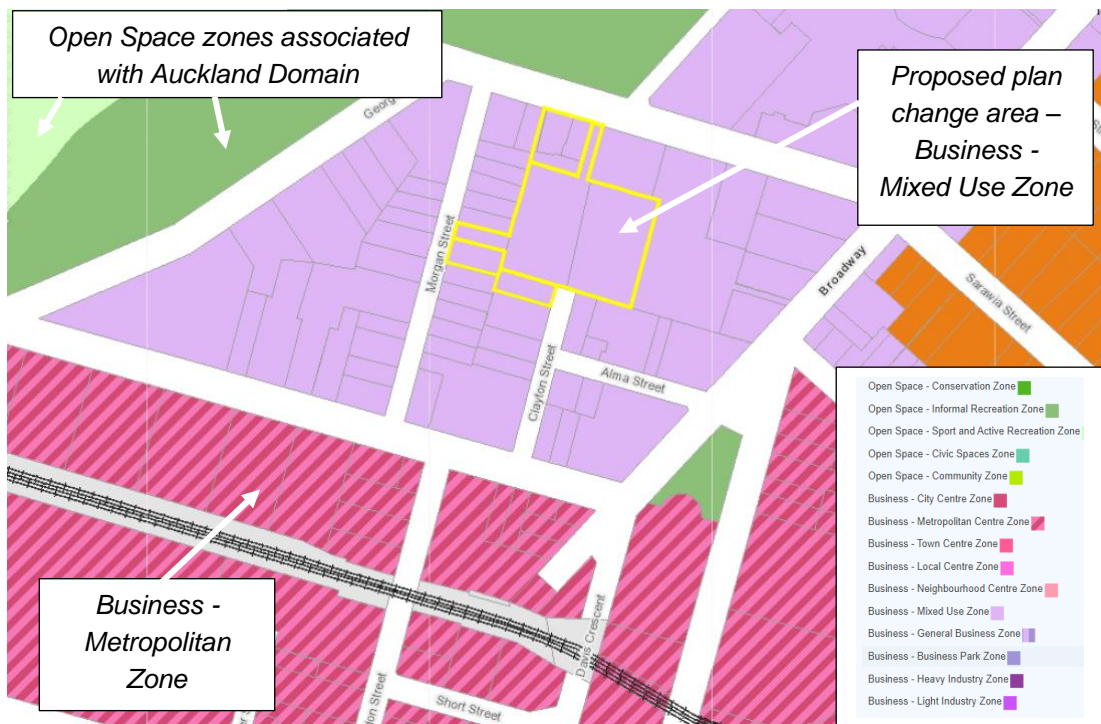


Figure 5: Existing Unitary Plan zoning of plan change area and surrounding area.

Source: Auckland Council Geomaps

83. Those sites located immediately to the east, north-east, west and south are also zoned Business- Mixed Use Zone. While the Auckland Domain / Pukekawa, located to the north, is zoned a mix of Open Space – Community, Sport and Active Recreation, Major Recreation Facility and Informal Recreation zones.

84. The plan change area is also located approximately 110m north of the northern edge of the Newmarket, Business - Metropolitan Centre Zone.

6.1.1 Business - Mixed Use Zone

85. The Business - Mixed Use Zone is described as:

The Business – Mixed Use Zone 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. It also applies to areas where there is a need for a compatible mix of residential and employment activities.

The zone provides for residential activity as well as predominantly smaller scale commercial activity that does not cumulatively affect the function, role and amenity of centres. The zone does not specifically require a mix of uses on individual sites or within areas.

There is a range of possible building heights depending on the context. Provisions typically enable heights up to four storeys. Greater height may be enabled in areas close to the city centre, metropolitan centres and larger town centres.

Some street frontages within the zone are subject to a General Commercial Frontage Control.

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.

86. There is a set of five objectives and 15 policies that are shared by all the Business centres zones (i.e. City Centre, Metropolitan Centre, Town, Local and Neighbourhood Centres) and by the Business - Mixed Use, General Business and Business Park zones.

87. These shared objectives (H13.2(1) to (5)) seek a strong network of centres, where development is of a form, scale and design quality so that the centres are reinforced as focal points for the community. They also seek that business activity is distributed in locations, and is of a scale and form, that provides for the community's social and economic needs; improves community access to goods, services, facilities, and social interaction; and manages adverse effects on the environment, including effects on infrastructure and residential amenity. Furthermore, the objectives endeavour to establish a network of centres that provide the following:

Objective H13.2(5)

- (a) *a framework and context to the functioning of the urban area and its transport network, recognising:*
 - (i) *the regional role and function of the city centre, metropolitan centres and town centres as commercial, cultural and social focal points for the region, sub-regions and local areas; and*

- (ii) *local centres and neighbourhood centres in their role to provide for a range of convenience activities to support and serve as focal points for their local communities.*
 - (b) *a clear framework within which public and private investment can be prioritised and made; and*
 - (c) *a basis for regeneration and intensification initiatives.*
88. To achieve the objectives, Policy H13.3(1) seeks the reinforcement of:
- “the function of the city centre, metropolitan centres and town centres as the primary location for commercial activity, according to their role in the hierarchy of centres.”*
89. While Policy H13.3(2) seeks to:
- “Enable an increase in the density, diversity and quality of housing in the centre zones and Business – Mixed Use Zone while managing any reverse sensitivity effects including from the higher levels of ambient noise 65.and reduced privacy that may result from non-residential activities.”*
90. Policies H13.3(3) – (8) require or encourage the following:
- development to be of a quality design that positively contributes to planning and design outcomes sought, the visual quality and interest of streets and other public open spaces, and pedestrian amenity, movement, safety and convenience for people of all ages and abilities;
 - universal access for all development;
 - large-scale development to be of a design quality commensurate with the prominence and visual effects of the development;
 - the ground level of buildings to be adaptable to a range of uses to allow activities to changeover time;
 - at grade parking to be located and designed to avoid or mitigate adverse effects on pedestrian amenity and the streetscape;
 - development adjacent to residential or other identified zones to maintain the amenity values of those areas, with specific regard to dominance, overlooking and shadowing; and
 - development to avoid, remedy or mitigate adverse wind and glare effects on public open spaces, including streets, and shading effects on open space zoned land.
91. While Policy H13.3(9) discourages noxious or offensive activities or activities with undesirable qualities from locating within the centres and mixed use zones.
92. Policy H13.3(13) establishes the ability, in identified locations, to enable greater building height than the standard zone height having regard to whether greater height:
- (a) *is an efficient use of land;*

- (b) *supports public transport, community infrastructure and contributes to centre vitality and vibrancy;*
 - (c) *considering the size and depth of the area, can be accommodated without significant adverse effects on adjacent residential zones; and*
 - (d) *is supported by the status of the centre in the centres hierarchy, or is adjacent to such a centre.*
93. While Policy H13.3(14) establishes the ability, in identified locations, to reduce building height, lower than the zone standard height, where:
- the standard zone height would have significant adverse effects on identified special character, identified landscape features, or amenity.*
94. These two policies are directly relevant to the establishment of the Height Variation Control as outlined further below.
95. Policy H13.3(15) provides opportunities for substantial office development in the Business- Mixed Use Zone where the zone is located in proximity to the Business – City Centre Zone and the Business – Metropolitan Centre Zone at Newmarket.
96. Objectives H13.2(6) to (8) and policies H13.3(16) to (22) then provide more specific objectives and policies for the Business – Mixed-Use Zone. Objectives include:
- moderate to high intensity residential activities and employment opportunities are provided for, in areas in close proximity to, or which can support, the Business- City Centre, Metropolitan Centre and Town Centre zones and the public transport network.
 - a mix of compatible residential and non-residential activities is encouraged; and
 - the Business – Mixed Use Zone has a high level of amenity.
97. Policies (H13.3(16) to (22) endeavour to:
- provide for a range of commercial activities that will not compromise the function, role and amenity of the Business - City Centre, Metropolitan Centre, Town Centre and Local Centre zones, beyond those effects ordinarily associated with trade effects on trade competitors;
 - enable the development of intensive residential activities;
 - promote and manage development to a standard that:
 - (a) *recognises the moderate scale, intensity and diversity of business, social and cultural activities provided in the zone;*
 - (b) *recognises the increases in residential densities provided in the zone; and*
 - (c) *avoids significant adverse effects on residents.*

- require activities adjacent to residential zones to avoid, remedy or mitigate adverse effects on amenity values of those areas; and
 - restrict maximum impervious area within a riparian yard in order to ensure that adverse effects on water quality, water quantity and amenity values are avoided or mitigated.
98. There are a range of accommodation, commerce, community, industrial and Mana Whenua activities permitted within the Business – Mixed Use Zone. More specifically, these include:
- Dwellings;
 - Integrated residential development;
 - Supported residential care;
 - Visitor accommodation and board houses;
 - Commercial services;
 - Drive-through restaurants;
 - Entertainment facilities;
 - Food and beverage;
 - Offices within the Centre Fringe Office Control as shown on the planning maps;
 - Offices up to 500m² gross floor area per site;
 - Retail up to 200m² gross floor area per tenancy;
 - Supermarkets up to 450m² gross floor area per tenancy;
 - Artworks;
 - Care centres;
 - Community facilities;
 - Education facilities;
 - Healthcare facilities;
 - Recreation facilities;
 - Tertiary education facilities;
 - Industrial laboratories;
 - Light manufacturing and servicing;
 - Repair and maintenance services;
 - Warehousing and storage; and
 - Marae complexes.

99. There are some other activities that are a Restricted Discretionary Activity and require resource consent and consideration of a restricted range of matters. These include:
- Conversion of a building or part of a building to dwellings, residential development, visitor accommodation or boarding houses;
 - Service stations;
 - Supermarkets exceeding 450m² and up to 2000m² gross floor area per tenancy; and
 - Emergency services.
100. There are also a number of Discretionary or Non-Complying activities listed in the Business- Mixed Use Zone. In order for these activities to establish in the zone, resource consent is required, along with an assessment of the activity and its appropriateness with regard to the above-mentioned objectives and policies. The Discretionary and Non-Complying activities listed are as follows:
- Conference facilities;
 - Department stores;
 - Cinemas;
 - Garden Centres;
 - Marine retail;
 - Motor vehicle sales;
 - Offices greater than 500m² gross floor area per site;
 - Retail greater than 200m² gross floor area per tenancy;
 - Supermarkets greater than 2000m² gross floor area per tenancy;
 - Trade suppliers;
 - Hospitals;
 - Justice facilities;
 - Industrial activities;
 - Storage and lock-up facilities;
 - Waste management facilities; and
 - Activities not otherwise listed or provided for.
101. The demolition of buildings; alterations to building facades that are less than 25m²; and additions to buildings that are the lesser of either, less than 25 per cent of the existing gross floor area of the building; or 250m², are all permitted activities in the Business - Mixed Use Zone. However, new buildings or additions and alterations to buildings in the Business - Mixed Use Zone require resource consent as a Restricted Discretionary activity.

102. The assessment of the appropriateness or otherwise of new buildings, or additions and alterations to buildings over the permitted size limits, are restricted to matters of:
- the design and appearance of buildings as it affects the existing and future amenity values of public streets and spaces used by a significant number of people;
 - whether floor to floor heights enable flexible use of space over time;
 - the extent of glazing fronting public streets and spaces;
 - the provision of verandahs to provide weather protection in areas used or likely to be used by significant numbers of pedestrians;
 - the application of Crime Prevention through Environmental Design principles to the design and layout of buildings adjoining public spaces;
 - the effects of the creation of new roads and/or service lanes;
 - the positive effects of landscaping, including required landscaping, on sites adjoining public spaces is able to contribute to the amenity values of people using or passing through the public space;
 - how stormwater management is integrated into the development; and
 - the functional requirements of the activities the buildings are intended to accommodate.
103. There are also more specific matters of discretion for buildings used for specific types of activities i.e. supermarkets, department stores, large format retail or integrated retail development.
104. Most activities and development are subject to the normal tests for notification under the RMA, meaning that, where resource consent is required, the effects of an activity and/or development must be assessed on the wider environment (public notification) and persons (limited notification). The exception to this is for development that does not comply with Standard H13.6.10 Minimum dwelling size. The non-compliance with this standard is listed as being excluded from either public or limited notification unless specialist circumstances under s95A(4) of the RMA apply.
105. All permitted and restricted discretionary activities listed in the Business – Mixed Use Zone are required to comply with a series of standards. These standards are described further below.
106. **Standard H13.6.0 Activities within 30m of a residential zone** – requires further assessment of the location of certain activities i.e. bars and taverns, as they relate to a residential zone. This standard is not relevant to the plan change area as there are no residential zones located sufficiently close enough to trigger it.
107. **Standard H13.6.1 Building height** – 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.*

108. The height standard limits the height of buildings to a total of 18m, within which 2m is to establish a roof form, roof terraces, plant and other mechanical and electrical equipment, and the remaining 16m must be occupied by activities. Also noting however, that building height can be varied by the Height Variation Control (refer to Section 6.3.1 below). Where the Height Variation Control is below 11m or exceeds 27m then the 2.0m roof form requirement does not apply.

109. It is also noted here that 'height' and its measurement is defined in Chapter J1 Definitions, of the Unitary Plan as:

Height

Height is the vertical distance between the highest part of a building or structure and a reference point. The reference point outside the coastal marine area is ground level unless otherwise stated in a rule. The reference point inside the coastal marine area is mean sea level. Height rules or standards are always a maximum unless otherwise stated in a rule or standard.

The exclusions below apply both outside and inside the coastal marine area.

..... (I have not listed the exclusions)

Outside the coastal marine area there are two techniques available for measuring height:

- (a) *the rolling height method where height is measured as the vertical distance between ground level at any point and the highest part of the building or structure immediately above that point. The rolling height method is illustrated in Figure J1.4.2 Height – rolling height method below; and*
- (b) *the average ground level method where height is measured as the vertical distance between the highest part of the building or structure and the average ground level, being the average level of the ground*

measured at 1m intervals at the external foundations of the building walls or the base of the structure, provided that no part of the building or structure exceeds the maximum permitted height for the site by 2m if measured using the rolling height method. The average ground level method is illustrated in Figure J1.4.3 Height – average ground level method below.

Inside the coastal marine area, height is the vertical distance between the highest part of the building or structure and mean sea level.

Figure J1.4.2 Height - rolling height method

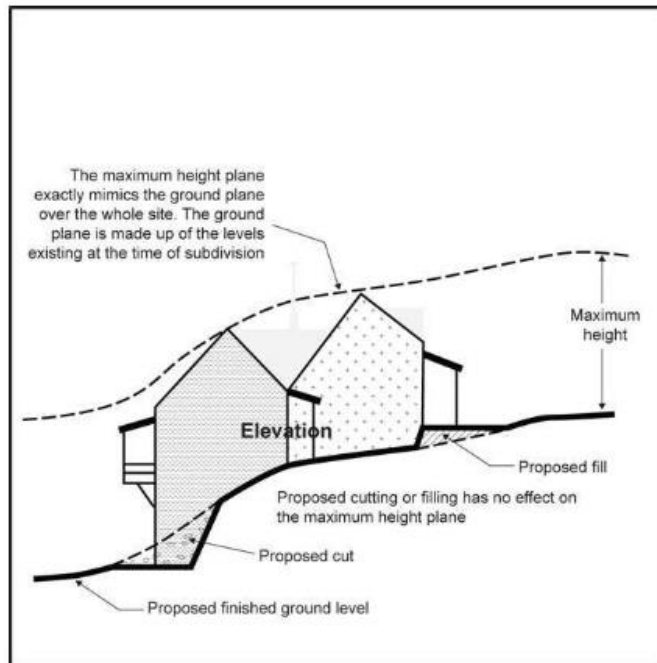
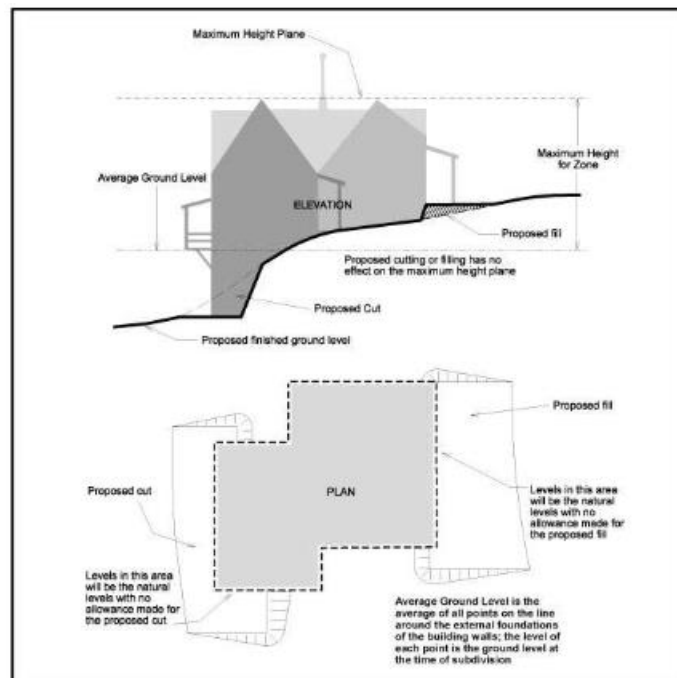


Figure J1.4.3 Height - average ground level method



110. **Standard H13.6.2 Height in relation to boundary** – the purpose of the height in relation to boundary standard is to:
- *manage the effects of building height;*
 - *allow reasonable sunlight and daylight access to public open space excluding streets, and to nearby sites;*
 - *manage visual dominance effects on neighbouring zones where lower height limits apply*
111. The height in relation to boundary standard requires that buildings must not project through a recession plane that begins vertically above ground along the zone boundary. The angle of the recession plane and the height above ground level at which the recession plane is measured from differs depending on the adjacent zone type and its sensitivity to development.
112. In this regard, the plan change area is located adjacent (across the road from) to the Auckland Domain / Pukekawa. This part of the Domain is zoned Open Space – Informal Recreation Zone. As a result, the applicable height in relation to boundary recession plane is an angle of 45 degrees, measured at a point 8.5m above ground level. However, there is also a recession plane for buildings located on the southern boundary of the adjacent site, and where that adjacent site is an Open Space Zone, such as that identified for the Auckland Domain / Pukekawa, then the applicable recession plane is an angle of 45 degrees measured at a point 16.5m above ground level.
113. **Standard H13.6.3 Building setback at upper floors** – the purpose of the standard is described as to:
- *provide adequate daylight access to streets;*
 - *manage visual dominance effects on streets;*
 - *manage visual dominance, residential amenity and privacy effects on residential zones; and mitigate adverse wind effects.*
114. As it relates to the plan change area, this standard requires that where buildings exceed 27m in height they must be setback a minimum of 6m from the site frontage.
115. **Standard H13.6.4 Maximum tower dimension and tower separation** – the purpose of this standard is to ensure that high-rise buildings:
- *are not overly bulky in appearance and manage significant visual dominance effects;*
 - *allow adequate sunlight and daylight access to streets, public open space and nearby sites;*
 - *provide adequate sunlight and outlook around and between buildings; and*
 - *mitigate adverse wind effects.*

116. The maximum tower dimension and separation standard requires that the maximum plan dimension (being the horizontal dimension between the exterior faces of the two most separate parts of the building), where the part of a building is above 27m, must not exceed 55m. In addition, this standard requires that the part of a building above 27m high must be located at least 6m from any side or rear boundary.
117. **Standard H13.6.5 Yards** – the purpose of the yards standard is to:
- *provide a landscaped buffer between buildings and activities and adjoining residential zones and some special purpose zones, to mitigate adverse visual and nuisance effects; and*
 - *ensure buildings are adequately setback from lakes, streams and the coastal edge to maintain water quality, amenity, provide protection from natural hazards, and potential access to the coast.*
118. The yards standard requires that a building, or parts of a building, be setback from rear and side boundaries (but only where that boundary adjoins a residential zone or the Special Purpose – Maori Purpose Zone), riparian, lakesides or coastal boundaries. The standard also requires planting within side and rear yards. However, none of these circumstances is applicable to the plan change area, so this standard is not relevant.
119. However, **Standard H13.6.6 Landscaping** requires the provision of a 2m wide landscaped area along a street frontage, between the street and car parking, loading or service areas (but not vehicle access points) which are visible from the street. This is, by default, a setback requirement; and this is applicable to the plan change area. The purpose of the landscaping standard is to:
- *ensure landscaping provides a buffer and screening between car parking, loading, or service areas commercial activities and the street; and*
 - *ensure landscaping is of sufficient quality as to make a positive contribution to the amenity of the street.*
120. **Standard H13.6.7 Maximum impervious area in the riparian yard** – the purpose of this standard is to:
- Support the functioning of riparian yards and in-stream health.*
121. This standard is only applicable when there is a river or stream on or in close proximity to a site. It requires that the maximum impervious area within a riparian yard does not exceed 10 per cent of the riparian yard area. However, this standard is not relevant to the plan change area as there are no known streams running through or close to the site.
123. **Standard H13.6.8 Wind** – the purpose of the wind standard is to:
- mitigate the adverse wind effects generated by tall buildings.*
124. The wind standard requires that a new building greater than 25m high, and additions to existing buildings that increase the building height above 25m, must not cause the

mean wind speed around an area to be exceeded. The wind speed is defined by Categories, such as whether it is public or private outdoor space etc. In addition, an average annual maximum wind gust must not be exceeded; or if a wind speed is already exceeded by a building, any new building or addition to the existing building must not cause further wind speed exceedance.

125. A report and certification that the wind standard is complied with is required to be provided with a resource consent application. If compliance cannot be achieved, then further wind tunnel testing and reporting is required.

126. **Standard H13.6.9 Outlook space** – the purpose of the outlook space standard is to:

- *ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites; and*
- *manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.*

127. The outlook space standard applies to dwellings, integrated residential development units, visitor accommodation and boarding houses. It requires that an outlook space with a minimum dimension of 6m in depth and 4m in width be provided for a principal living room; and that an outlook space with a minimum dimension of 3m in depth and 3m in width be provided to all other habitable rooms of a dwelling or bedrooms in a boarding house or supported residential care unit.

128. The outlook space is measured from the face of a building containing habitable rooms; and it can be within a site, over a public street or public open space. But, the outlook space must be unobstructed by buildings, not extend over adjacent sites, and not extend over outlook spaces or outdoor living spaces required by another dwelling.

129. **Standard H13.6.10 Minimum dwelling size** – the purpose of the minimum dwelling size standard is to:

ensure dwellings are functional and of a sufficient size to provide for the day to day needs of residents, based on the number of occupants the dwelling is designed to accommodate.

130. The minimum dwelling size required under this standard is 30m² for studio dwellings; and 45m² for one or more bedroom dwellings.

131. If any of these standards are infringed, then resource consent as a Restricted Discretionary activity is required in accordance with Chapter C General rules, specifically Rule C1.9(2).

132. There are some matters for discretion and assessment criteria if some of these standards are infringed i.e. H13.8.1(7) buildings that do not comply with standards. These matters include:

- (7) *buildings that do not comply with the standards:*
 - (a) *any policy which is relevant to the standard;*

- (b) *the purpose of the standard;*
- (c) *the effects of the infringement of the standard;*
- (d) *the effects on the amenity of neighbouring sites;*
- (e) *the effects of any special or unusual characteristic of the site which is relevant to the standard;*
- (f) *the characteristics of the development;*
- (g) *any other matters specifically listed for the standard; and*
- (h) *where more than one standard will be infringed, the effects of all infringements.*

133. However, the matters outlined in Chapter C General rules, specifically Rule C1.9(3), are also relevant in the consideration of any infringement to a standard. These matters include:

- (a) *any objective or policy which is relevant to the standard;*
- (b) *the purpose (if stated) of the standard and whether that purpose will still be achieved if consent is granted;*
- (c) *any specific matter identified in the relevant rule or any relevant matter of discretion or assessment criterion associated with that rule;*
- (d) *any special or unusual characteristic of the site which is relevant to the standard;*
- (e) *the effects of the infringement of the standard; and*
- (f) *where more than one standard will be infringed, the effects of all infringements considered together.*

134. It is also relevant to recognise that where an activity is restricted discretionary, discretionary or non-complying the Chapter C General rules, specifically Rule C1.8(1), enables consideration of all relevant overlay, zone, Auckland wide and precinct objectives and policies that apply to an activity or to the sites where that activity will occur. While, if any activity is discretionary or non-complying, Rule C1.8(2) enables the Council to have regard to the standards for permitted activities on the same site as part of the context of the assessment of effects on the environment.

6.2 OVERLAYS

6.2.1 Volcanic Viewshaft and Height Sensitive Areas Overlay

135. As identified in **Figure 6**, the western portion of the plan change area is subject to the Volcanic Viewshafts and Height Sensitive Areas Overlay. In particular, the E8 Mount Eden Volcanic Viewshaft and Height Sensitive Areas Overlay.

136. The E8 volcanic viewshaft is described in Schedule 9 Volcanic Viewshafts Schedule as being a regionally significant viewshaft.

137. The location and attributes of the viewshaft are contained in Appendix 20 of the Unitary Plan, being the Values Assessment associated with the Volcanic Viewshaft and Height Sensitive Areas. Appendix 20 notes that the view is from King Edward Parade / the Devonport Beachfront to Mt Eden / Maungawhau, and the view is summarised as follows:

E08 is an important view that draws together archetypal features of the Auckland landscape – both natural and man-made. Mt Eden is the centrepiece for this view, juxtaposed with the War Memorial Museum, Auckland CBD, and the Waitemata Harbour. The resulting panorama captures much that is central to the identity of Auckland, with Mt Eden / Maungawhau as its ‘crowning element’.

138. The height allowed across the portion of the plan change area subject to the E8 Volcanic Viewshaft and Height Sensitive Areas Overlay ranges from between 33.5m above ground level in the north-western corner, up to 48.5m above ground level over the south-western portion of 10 Clayton Street. This is also identified in **Figure 6** below.

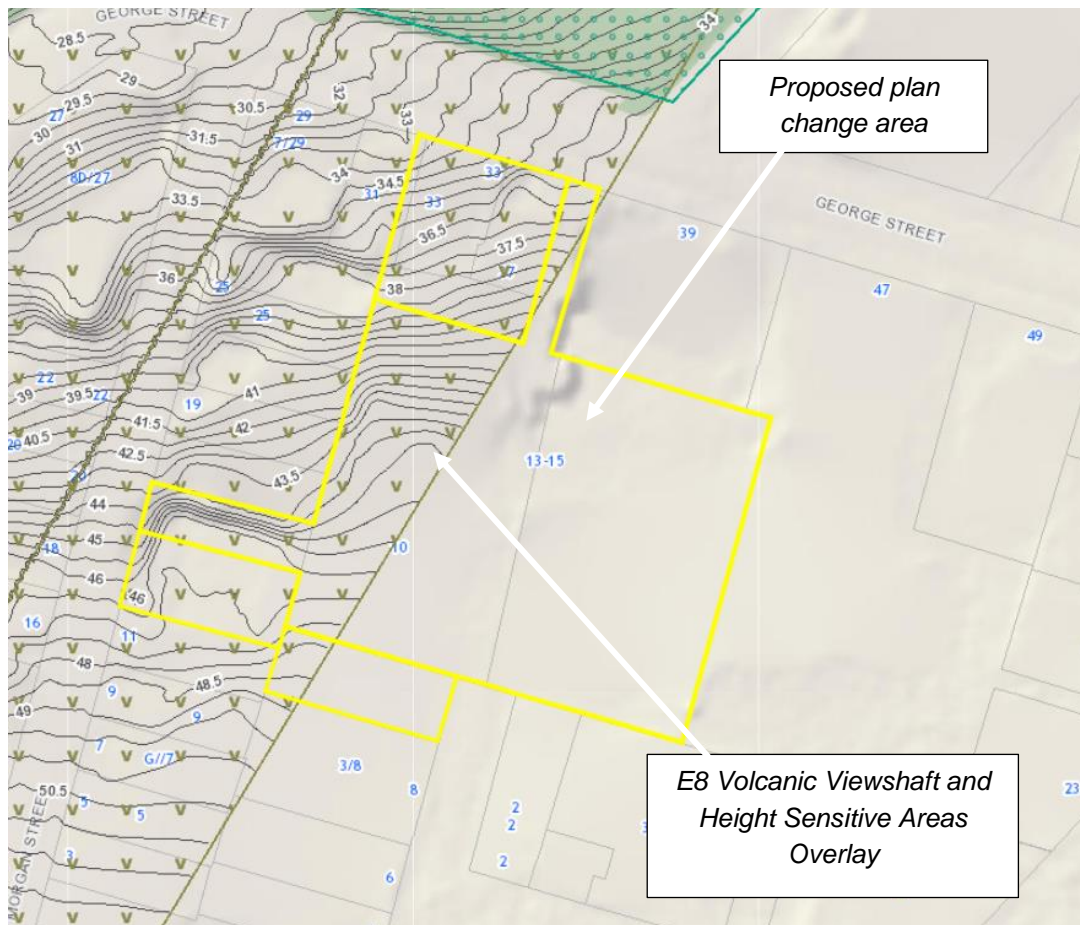


Figure 6: Location and height of Volcanic Viewshafts and Height Sensitive Areas Overlay – E8 Mount Eden over plan change area. **Source:** Auckland Council Geomaps

139. As also identified in **Figure 7** below, the following are also subject to a number of the Volcanic Viewshafts and Height Sensitive Areas, which limit building height, under the Volcanic Viewshafts and Height Sensitive Areas Overlay:

- the wider Newmarket Metropolitan Centre Zone area;
- the Business – Mixed Use Zone area, and
- the Auckland Domain / Pukekawa.

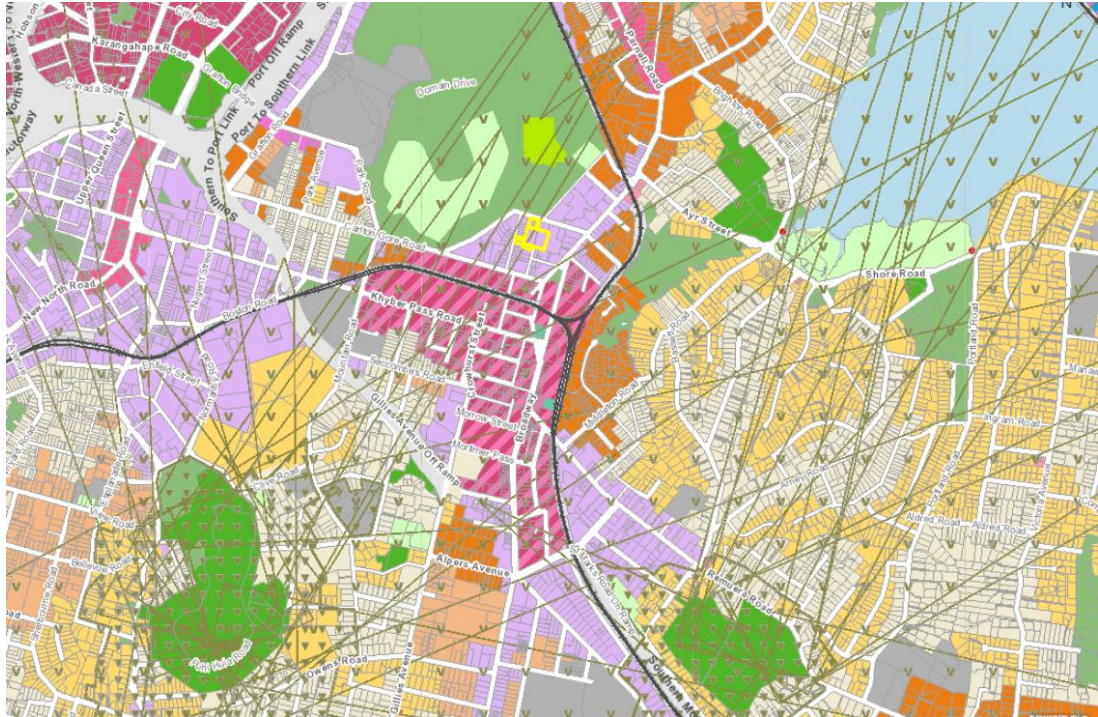


Figure 7: Volcanic Viewshaft and Height Sensitive Areas Overlay over the wider Newmarket and surrounding area. **Source:** Auckland Council Geomaps

140. The Volcanic Viewshafts / Maximum Permitted Heights prepared by Warren and Mahoney for the requestor (on page 10 of Appendix 4 Site Context, Concept Design Testing and GFA Study) provides a useful summary of building height restrictions resulting from the Volcanic Viewshafts and Height Sensitive Areas Overlay. This is reproduced as **Figure 8** below. Noting however, the heights nominated are spot levels and the actual heights vary across all the sites.



Figure 8: General permitted heights resulting from Volcanic Viewshaft and Height Sensitive Areas Overlay over the wider Newmarket and surrounding area.

Source: Appendix 4 Site Context, Concept Design Testing and GFA Study, prepared by Warren and Mahoney for the requestor

141. The purpose of the Volcanic Viewshafts and Height Sensitive Areas Overlay is described in Chapter D14 as:

...to appropriately protect significant views of Auckland's volcanic cones through the use of viewshafts and height sensitive areas. The volcanic viewshafts and height sensitive areas are identified on the planning maps.

This overlay contributes to Auckland's unique identity by protecting the natural and cultural heritage values of significant volcanic cones.

This overlay incorporates three elements:

- (1) *Regionally significant volcanic viewshafts which protect regionally significant views to the Auckland maunga. Buildings that intrude into a regionally significant volcanic viewshaft require restricted discretionary activity consent up to 9m in height, beyond which they are a non-complying activity.*
- (2) *Locally significant volcanic viewshafts manage development to maintain locally significant views to the Auckland maunga. Buildings that intrude into a locally significant volcanic viewshaft are a permitted activity up to 9m in height, beyond which they are a restricted discretionary activity.*
- (3) *Height sensitive areas are areas of land located on the slopes and surrounds of the volcanic cones. These areas are mapped and are*

identified as a layer on the planning maps and are marked with the following symbol: ▼.

Height sensitive areas enable reasonable development in areas where the floor of the viewshaft is less than 9m (the maximum height in Residential – Single House Zone and Residential – Mixed Housing Suburban Zone). They also ensure that development is of a scale and/or location that does not dominate the local landscape or reduce the visual significance or amenity values of the volcanic feature. Buildings are a permitted activity up to a defined maximum height beyond which they are a non-complying activity. An additional height control applies at the boundary of a volcanic feature.

142. The objectives (D14.2) for the Volcanic Viewshafts and Height Sensitive Areas endeavour to ensure that:

- (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.*

143. While the policies (D14.3) seek to achieve these objectives as follows:

- (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.*
- (5) *Avoid new buildings or structures that exceed two storeys in height in a height sensitive area, except where they would have no adverse effect on the visual integrity of any volcanic maunga to which that height sensitive area relates, as seen from any public place.*
- (6) *Require urban intensification to be consistent with the protection of volcanic features and viewshafts.*

144. Rules for buildings located within the Volcanic Viewshafts and Height Sensitive Areas Overlay are located in Activity Table D14.4.1. These enable a building, that does not intrude into a Volcanic Viewshaft, to be a permitted activity. However, if a building does intrude into a Volcanic Viewshaft, where that building is 9m or less in height, resource consent as a Restricted Discretionary activity would be required. However, if that building was greater than 9m in height then resource consent as a Non-Complying Activity would be required, and the application would require full public notification.

6.3 CONTROLS

6.3.1 Height Variation Control

145. As identified in **Figure 9** below, the plan change area and a number of the sites to the east, west and south are subject to the Height Variation Control.
146. For the plan change area, the Height Variation Control enables height to 27m. 27m is also the height limit for the land to the west bound by Morgan Street, George Street and Carlton Gore Road; and for the land to the to the immediate east of the plan change area, bound by George Street, Broadway and Carlton Gore Road.
147. A small triangle of Business - Metropolitan Centre zoned land, on the southern side of Carlton Gore Road, is limited in height to 28m, 30m, 31m, or 32m. With that portion bound by the railway line, Kingdon Street and Carlton Gore Road being enabled for up to 55m height under the Height Variation Control.

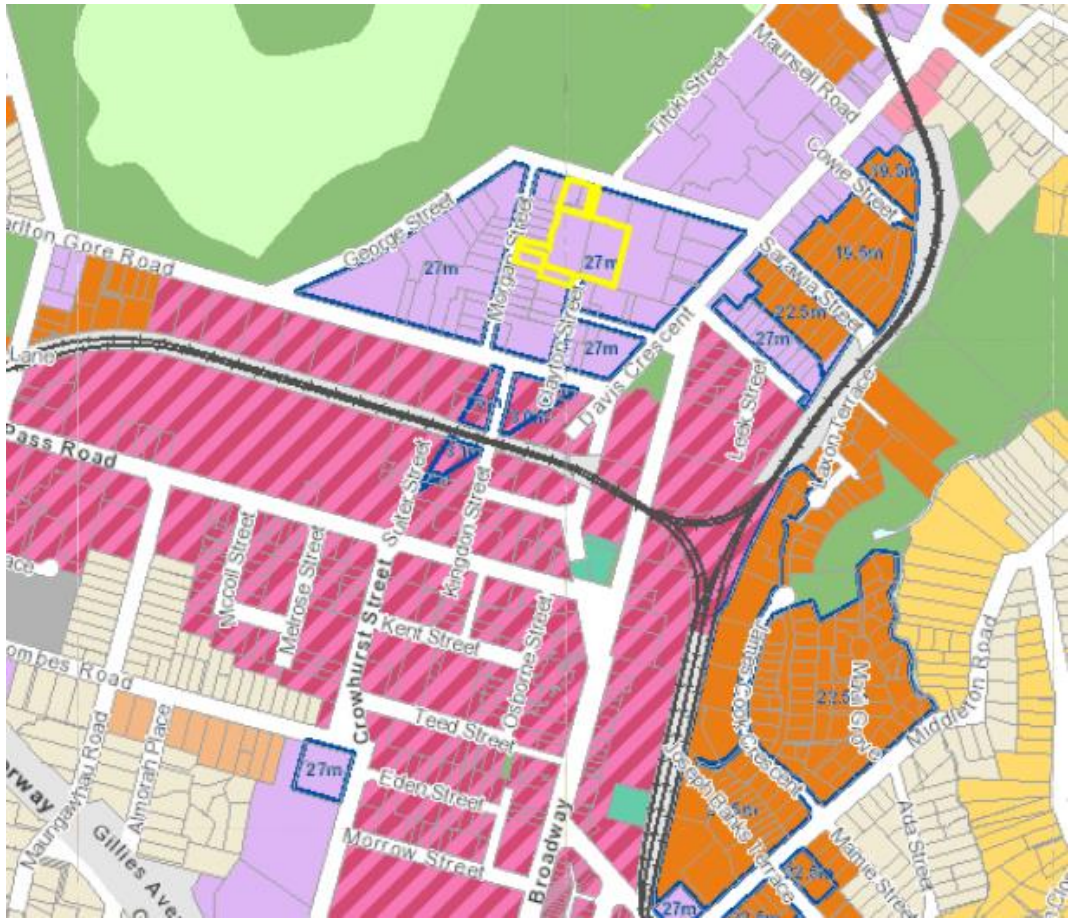


Figure 9: Height Variation Control and associated heights over the plan change area and the surrounding area. **Source:** Auckland Council Geomaps

148. The relevant objectives, policies and rules associated with the height variation control are listed under the 'height' provisions within the Business - Mixed Use Zone, as described in paragraphs 86 to 97 above.

6.3.2 Centre Fringe Office Control

149. The plan change area, as well as the wider surrounding Business - Mixed Use Zone area, is subject to the Centre Fringe Office Control (refer to **Figure 10** below).



Figure 10: Centre Fringe Office Control over the plan change area and the surrounding area. **Source:** Auckland Council Geomaps

150. The Centre Fringe Office Control is not defined in the Unitary Plan however, it is my understanding that it enables, as a permitted activity, offices in limited locations on the fringes of the Business - City Centre, within the Business - Metropolitan Centre and Mixed Use zones surrounding the central city and Newmarket.

151. It is also noted that the provisions of E27 Transport state that

....

there is no requirement for activities or development to provide parking in the following zones and locations:

- *the Business – City Centre Zone; and*
- *Centre Fringe Office Control as shown on the planning maps for office activities.*

instead, a maximum limit has been set on the amount of parking that can be provided on a site in these areas;

....

this approach supports intensification and public transport and recognises that for most of these areas, access to the public transport network will provide an alternative means of travel to private vehicles;...

6.3.3 Macroinvertebrate Community Index – Urban

152. The plan change area is also subject to the Macroinvertebrate Community Index. This index relates to rivers or streams and is a guideline for freshwater ecosystem health associated with different land uses within catchments. For the plan change

area, the catchment is identified as being an 'urban' catchment. However, while it is noted that there are no rivers or streams located in the plan change area, the objectives and policies in E1 Water quality and integrated management which endeavour to maintain or improve water quality remain relevant.

6.4 OTHER FEATURES

153. There are a number of overland flow paths identified as being located within the plan change area. These are identified in **Figure 11** below.

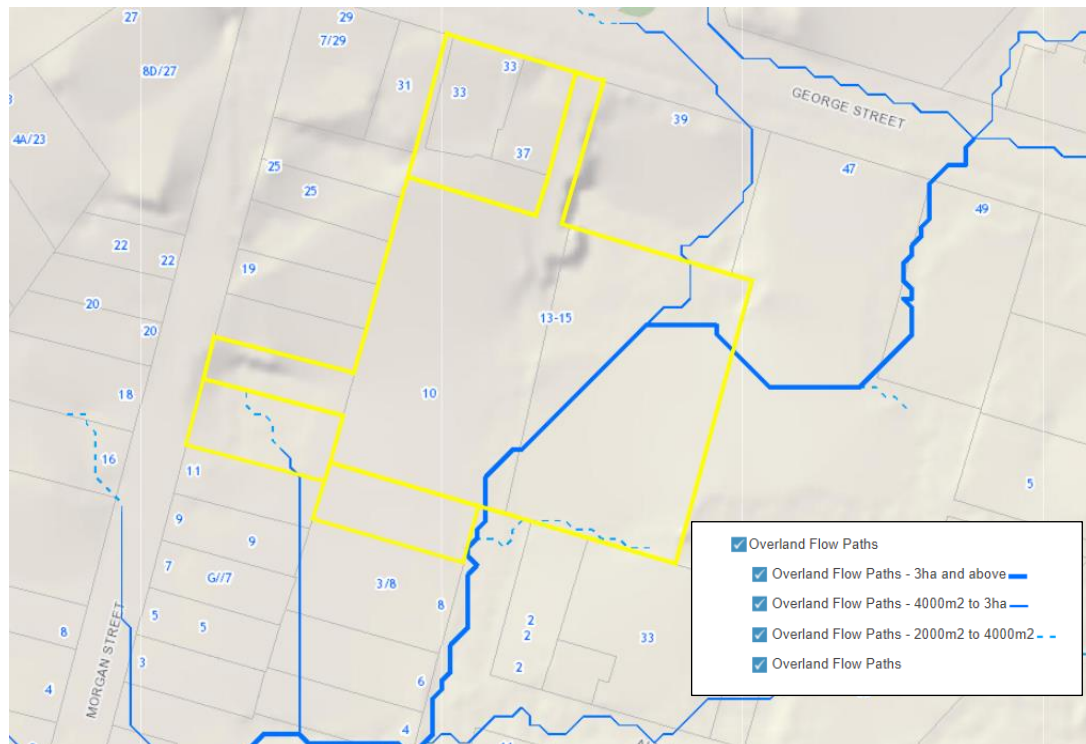


Figure 11: Overland flow paths in plan change area. **Source:** Auckland Council Geomaps

154. Development of the plan change area may require resource consent as a Restricted Discretionary activity under the provisions of E36 Natural hazards and flooding if a building was to be located over the overland flow paths; and / or if the entry or exit points of these identified overland flow paths was to be diverted, if the overland flow paths were to be piped, or if the capacity of the overland flow paths was to be reduced.
155. The objectives and policies relevant to overland flow paths include the following:

E36.2 Objectives

- (2) *Subdivision, use and development, including redevelopment in urban areas, only occurs where the risks of adverse effects from natural hazards to people, buildings, infrastructure and the environment are not increased overall and where practicable are reduced, taking into account the likely long term effects of climate change.*

- (5) *Subdivision, use and development including redevelopment, is managed to safely maintain the conveyance function of floodplains and overland flow paths.*

E36.3 Policies

- (3) *Consider all of the following, as part of a risk assessment of proposals to subdivide, use or develop land that is subject to natural hazards:*
- (a) *the type, frequency and scale of the natural hazard and whether adverse effects on the development will be temporary or permanent;*
 - (b) *the type of activity being undertaken and its vulnerability to natural hazard events;*
 - (c) *the consequences of a natural hazard event in relation to the proposed activity;*
 - (d) *the potential effects on public safety and other property;*
 - (e) *any exacerbation of an existing natural hazard risk or the emergence of natural hazard risks that previously were not present at the location;*
 - (f) *whether any building, structure or activity located on land subject to natural hazards near the coast can be relocated in the event of severe coastal erosion, inundation or shoreline retreat;*
 - (g) *the ability to use non-structural solutions, such as planting or the retention or enhancement of natural landform buffers to avoid, remedy or mitigate hazards, rather than hard protection structures;*
 - (h) *the design and construction of buildings and structures to mitigate the effects of natural hazards;*
 - (i) *the effect of structures used to mitigate hazards on landscape values and public access;*
 - (j) *site layout and management to avoid or mitigate the adverse effects of natural hazards, including access and exit during a natural hazard event; and*
 - (k) *the duration of consent and how this may limit the exposure for more or less vulnerable activities to the effects of natural hazards including the likely effects of climate change.*
- (4) *Control subdivision, use and development of land that is subject to natural hazards so that the proposed activity does not increase, and where practicable reduces, risk associated with all of the following adverse effects:*

- (a) *accelerating or exacerbating the natural hazard and/or its potential impacts;*
- (b) *exposing vulnerable activities to the adverse effects of natural hazards; the conveyance function of floodplains and overland flow paths.*

Overland flow paths

- (29) *Maintain the function of overland flow paths to convey stormwater runoff safely from a site to the receiving environment.*
- (30) *Require changes to overland flow paths to retain their capacity to pass stormwater flows safely without causing damage to property or the environment.*

6.5 OTHER RELEVANT UNITARY PLAN PROVISIONS

156. Other provisions of the Unitary Plan that would likely to be relevant to any development of the plan change area include, but are not limited to, the following:

- E7 Taking using, damming and diversion of water and drilling – for groundwater diversion;
- E8 Stormwater – discharge and diversion;
- E9 Stormwater quality – High contaminant generating car parks and high use roads;
- E11 Land disturbance – Regional;
- E12 Land disturbance – District;
- E17 Trees in roads;
- E24 Lighting;
- E25 Noise and vibration;
- E27 Transport;
- E30 Contaminated Land;
- E37 Subdivision – Urban; and
- E40 Temporary Activities.

6.5.1 E27 Transport

157. For completeness, I outline here the objectives and policies for E27 Transport relating to car parking, vehicle access, loading, manoeuvring and pedestrian movement, that I consider are relevant to the proposed plan change area and provisions. These provisions limit the need for car parking where land is subject to the Centre Fringe Office Control. However, these provisions do require safe and efficient vehicle, pedestrian and cycle access, and loading and manoeuvring to be provided, so that adverse safety and streetscape amenity effects, as well as vehicle, pedestrian and

cycle conflicts, are avoided or mitigated. They also support and encourage increased cycling and walking, particularly in larger developments.

158. The objectives and policies in E27 Transport relevant to the plan change area are as follows:

E27.2. Objectives

- (1) *Land use and all modes of transport are integrated in a manner that enables:*
 - (a) *the benefits of an integrated transport network to be realised;*
and
 - (b) *the adverse effects of traffic generation on the transport network to be managed.*
- (2) *An integrated transport network including public transport, walking, cycling, private vehicles and freight, is provided for.*
- (3) *Parking and loading supports urban growth and the quality compact urban form.*
- (4) *The provision of safe and efficient parking, loading and access is commensurate with the character, scale and intensity of the zone.*
- (5) *Pedestrian safety and amenity along public footpaths is prioritised.*

E27.3. Policies

- (1) *Require subdivision, use and development which:*
 - (a) *generate trips resulting in potentially more than minor adverse effects on the safe, efficient and effective operation of the transport network;*
 - (b) *are proposed outside of the following zones:*
 - (i) *the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone;*
 - (ii) *Residential – Terrace Housing and Apartment Buildings Zone;*
 - (iii) *the Centre Fringe Office Control as shown on the planning maps; or*
 - (c) *do not already require an integrated transport assessment or have been approved based on an integrated transport assessment*

to manage adverse effects on and integrate with the transport network by measures such as travel planning, providing alternatives to private vehicle trips, staging development or undertaking improvements to the local transport network.

Parking

- (3) *Manage the number, location and type of parking and loading spaces, including bicycle parking and associated end-of-trip facilities to support all of the following:*
 - (a) *the safe, efficient and effective operation of the transport network;*
 - (b) *the use of more sustainable transport options including public transport, cycling and walking;*
 - (c) *the functional and operational requirements of activities;*
 - (d) *the efficient use of land;*
 - (e) *the recognition of different activities having different trip characteristics; and*
 - (f) *the efficient use of on-street parking.*

- (5) *Limit the supply of on-site parking for office development in all locations to:*
 - (a) *minimise the growth of private vehicle trips by commuters travelling during peak periods; and*
 - (b) *support larger-scale office developments in the Business – City Centre Zone, Centre Fringe Office Control area, Business – Metropolitan Centre Zone, Business – Town Centre Zone and Business – Business Park Zone.*

- (6) *Provide for flexible on-site parking in the Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone and Business – Mixed Use Zone (with the exception of specified non-urban town and local centres and the Mixed Use Zone adjacent to those specified centres) by:*
 - (a) *not limiting parking for subdivision, use and development other than for office activities, education facilities and hospitals.*
 - (b) *not requiring parking for subdivision, use and development other than for retail (excluding marine retail and motor vehicle sales) and commercial service activities.*

- (6A) *Enable the reduction of on-site parking for retail and commercial services activities in the Business-Metropolitan Centre Zone, Business-Town Centre Zone, Business-Local Centre Zone and Business-Mixed Use Zone where a suitable public off-site parking solution is available and providing for no or reduced on-site parking will better enable the built form outcomes anticipated in these zones.*

- (7) *Provide for flexible on-site parking by not limiting or requiring parking for subdivision, use and development (excluding office) in the Centre Fringe Office Control area, Residential – Terrace Housing and Apartment Buildings Zone and Residential – Mixed Housing Urban Zone (studio and one bedroom dwellings).*
- (14) *Support increased cycling and walking by:*
 - (a) *requiring larger developments to provide bicycle parking;*
 - (b) *requiring end-of-trip facilities, such as showers and changing facilities, to be included in office, educational and hospital developments with high employee or student numbers; and*
 - (c) *providing for off-road pedestrian and bicycle facilities to complement facilities located within the road network.*

Loading

- (15) *Require access to loading facilities to support activities and minimise disruption on the adjacent transport network.*
- (16) *Provide for on-site or alternative loading arrangements, including on-street loading or shared loading areas, particularly in locations where it is desirable to limit access points for reasons of safety, amenity and road operation.*

Design of parking and loading

- (17) *Require parking and loading areas to be designed and located to:*
 - (a) *avoid or mitigate adverse effects on the amenity of the streetscape and adjacent sites;*
 - (b) *provide safe access and egress for vehicles, pedestrians and cyclists;*
 - (c) *avoid or mitigate potential conflicts between vehicles, pedestrians and cyclists; and*
 - (d) *in loading areas, provide for the separation of service and other vehicles where practicable having regard to the functional and operational requirements of activities.*
- (18) *Require parking and loading areas to be designed so that reverse manoeuvring of vehicles onto or off the road does not occur in situations which will compromise:*
 - (a) *the effective, efficient and safe operation of roads, in particular arterial roads;*
 - (b) *pedestrian safety and amenity, particularly within the centre zones and Business – Mixed Use Zone; and*
 - (c) *safe and functional access taking into consideration the number of parking spaces served by the access, the length of*

the driveway and whether the access is subject to a vehicle access restriction.

Access

(20) Require vehicle crossings and associated access to be designed and located to provide for safe, effective and efficient movement to and from sites and minimise potential conflicts between vehicles, pedestrians, and cyclists on the adjacent road network.

159. I further note that parking, loading and access in E27 Transport is typically a permitted activity (Rule E27.4.1(A1) unless standards are infringed. Where infringed, parking, loading and access become a Restricted Discretionary Activity (Rule E27.4.1(A2).

160. There is a requirement in Rule E27.4.1(A3) for any activity or subdivision exceeding trip generation standards in E27.6.1 to be considered as a Restricted Discretionary Activity. However, Standard E27.6.1(2) states that the trip generation standards do not apply where a proposal is located in a Centre Fringe Office Control. As outlined earlier, the plan change area is located in the Centre Fringe Office Control therefore the trip generation requirements are not applicable.

161. Furthermore, Standard E27.6.2 Number of car parking and loading spaces, outlines the maximum or minimum car parking rates applicable to activities. With regard to the plan change area Standard E27.6.2(3A) states that:

(3A) Within the Centre Fringe Office Control area, the parking rates contained in Table E27.6.2.2 apply instead of those contained in Table E27.6.2.3 and Table E27.6.2.4.

162. In this regard, the maximum car parking rates applicable to the plan change area are as follows:

Table E27.6.2.2 Maximum parking rates for the Centre Fringe Office Control area as shown on the planning maps

Activity		Centre Fringe Office Control as shown on the planning maps adjoining the Business – City Centre Zone Maximum rate
(T16)	Offices	1 per 60 m ² GFA
(T17)	All other activities	No minimum or maximum

163. The rates for bicycle parking set out in Standard E27.6.2(6), the need for end of trip facilities specified in Standard E27.6.2(7), as well as loading space requirements in Standard E27.6.2(8) are applicable to the plan change area. As are the requirements for the design of parking and loading spaces in Standard E27.6.3 and Access in E27.6.4, specifically the width and number of crossings, access and gradient requirements.

164. Should standards be infringed, then there are a range of matters for discretion and assessment criteria that are required to be considered. These include the effects of vehicle movements and the efficient operation of the transport network including public transport and the movements of pedestrian, cyclists and the general traffic.

The effects of the design of parking, loading and access, effects on pedestrian safety and streetscape amenity and the effects on the transport network, including its safe and efficient operation.

7.0 AUCKLAND UNITARY PLAN DEVELOPMENT

165. When the Proposed Auckland Unitary Plan (**proposed Unitary Plan**) was notified in 2013, the plan change area was to be zoned Mixed Use Zone. The plan change area was also subject to the following overlays:

- Infrastructure: Parking - Centre Fringe Area;
- Natural Heritage: Volcanic Viewshafts and Height Sensitive Areas - E8, Mt Eden;
- Built Environment: Centre Fringe Office;
- Built Environment: Special Character - Business Newmarket; and
- Additional Zone Height Controls: Additional Height Controls - Newmarket, 24.5m / 6 storeys.

166. A submission (Number 3625) on the proposed Unitary Plan was received from Southpark Corporation in relation to 33-37 George Street, 13-15 Morgan Street and 10-12 Clayton Street, Newmarket. The submission sought to:

- retain the Mixed Use Zone for these sites (3625-4);
- retain the Centre Fringe Office overlay over these sites (3625-5);
- retain offices as a permitted activity (3625-6);
- amend the Additional Zone Height Control from 24.5m to 30m over these sites (3625-7); and
- delete the Special Character Overlay over these sites (3625-8).

167. The submission points were considered by the Council and the Auckland Unitary Plan Independent Hearings Panel under Topic 051 - 054 – Centres zones, Business park and industries zones, Business activities, and Business controls; Topic 078 Additional Height Control; and Topics 080, 081 and 081e Rezoning and Precincts (Geographical Areas).

168. Submission point 3265-4 to retain the Mixed Use zoning was supported by the Council.

169. Consideration of zoning, a hierarchy of business centres, zone heights, the basis for the Additional Zone Height Control and submissions made on these matters, were addressed in the evidence for the Council to the Auckland Unitary Plan Independent Hearings Panel provided by:

- Mr John Duguid for Topics 080 and 081 Rezoning and Precincts;
- Mr Jeremy Wyatt for Topics 051 – 054 City Centre and Business Zones; and

- Mr Trevor Mackie for Topics 051-054 – Centres zones, Business park and industries zones, Business activities, and Business controls and 078 Additional Height Control.
170. Copies of the evidence of Mr Duguid, Mr Wyatt and Mr Mackie are provided as **Attachment 4**. Essentially, this evidence outlines that while the Additional Zone Height Control (as it was named in the proposed Unitary Plan), now the Height Variation Control, may either increase or decrease heights in zones the variation did not occur in isolation to the hierarchy of centres or a consideration of area and site characteristics.
171. More specifically, Mr Wyatt’s evidence notes that:
- 11.3 *The centres hierarchy provides a regulatory framework for categorising centres into a sliding scale, from those that have regional significance to those that have local importance to the community immediately around them and passers-by.*
 - 11.4 *A centre’s place in the hierarchy depends on a number of factors including:*
 - (a) *size*
 - (b) *location*
 - (c) *access to public transport*
 - (d) *scale of built form*
 - (e) *existing activities and future activities anticipated in the centre*
 - (f) *surrounding environment and growth expectations in that environment.*
 - 11.5 *Scale is not the sole determining factor for a centre’s place in the hierarchy, as the role and function of a centre is determined based on a consideration of all the factors above. For these reasons there is not a clear cut distinction between centres at different levels of the hierarchy.*
 - 11.6 *The objectives, policies and rules relating to each centre depend on its place in the hierarchy. The PAUP regulates the anticipated activities and scale of built form in centres using their place in the hierarchy.*
 - 11.7 *For example, the PAUP encourages commercial activities of all sizes into metropolitan centres, which reflects the sub-regional catchment of those centres and the excellent public transport access. Local and neighbourhood centres serve the surrounding residential environment and the PAUP proposes to limit the scale of anticipated commercial activity. Mr Bonis’ evidence outlines the role that the centres hierarchy plays in the PAUP strategy for commercial activity.*

11.8 *Scale of built form is also relevant to the hierarchy. The larger scale of metropolitan centres reflects their sub-regional importance and generally anticipates a larger scale of built form than centres lower in the hierarchy. This aspect of the centres hierarchy is fluid however. For example Papakura Metropolitan Centre has lower proposed heights than many town centres. Some town centres that have historic character elements or are located rurally have the same heights as neighbourhood centres. These height issues are outlined in Mr Mackie's evidence.*

172. While at paragraphs 18.30 and 18.31, Mr Duguid outlines the principles that directed where it may or may not be appropriate to apply the Additional Zone Height Control (AZHC). These principles included:

18.30. *The principles direct that it is not appropriate to apply the AZHC:*

- (a) where it will conflict with height limits imposed by the Volcanic Viewshafts, Height Sensitive Areas and Auckland Museum Viewshaft overlays;*
- (b) within areas subject to a Special/Historic Character or Historic Heritage overlay;*
- (c) where the area is within a precinct or sub-precinct and height is addressed as part of that package of rules;*
- (d) where additional height is inconsistent with the building form, scale and general amenity anticipated in the hierarchy of centres;*
- (e) to sites that are poorly served by the transport network (including rapid and frequent public transport) or community infrastructure;*
- (f) where the provision for additional height within business zones could have significant adverse effects on adjacent residential zones;*
- (g) where there are no special characteristics of the site or its location that make it inherently more suitable for accommodating the effects of additional height; and*
- (h) where the site is not adjacent to a centres zone with a higher zone height.*

18.31 *The Council's zoning principles support the application of the AZHC where:*

- (a) the additional height supports public transport, community infrastructure and contributes to vitality and vibrancy if it is located in a centre;*

- (b) *the size and depth of the area can accommodate the additional height without significant adverse effects;*
- (c) *the application of the AHZC within business zones will not result in significant adverse effects on adjacent residential zones;*
- (d) *any additional height in centres supports the status of the centre in the centres hierarchy or is adjacent to such a centre;*
- (e) *the application of the AZHC ensures an efficient use of land; and additional height in the THAB zone provides an appropriate transition between the adjacent business zone and the neighbouring residential area.*

173. The evidence of Mr Wyatt and Mr Duguid and the principles applied with regards to zoning, is further supported by the evidence of Mr Mackie with regard to zone height and the Additional Zone Height Control. More specifically, Mr Mackie noted:

7.3 There are urban design and planning principles for establishing appropriate height development controls. They seek to enable intensification and provide urban amenity, while managing the amenity of adjacent areas with residential or public open space zonings. The purpose of the height control includes managing the effects of building height, ensuring reasonable sunlight and daylight access to public open space (excluding streets) and nearby sites, managing visual dominance effects, and enabling design flexibility and intensification. It is also to provide variations to standard heights where character and amenity of particular areas warrants, and provides a transition in building scale to lower density zones.....

7.4. A hierarchy of centres is proposed, with buildings of greater height and bulk in the City Centre and Metropolitan Centres, and less height as the catchments of the centres reduce, through Town, Local and Neighbourhood Centres. Building form, scale and general amenity will change through the hierarchy, and centre growth and intensification will be well-supported by infrastructure, particularly transport. Other factors may influence the height limits and override the generic zone height controls. These include landscape, character and heritage overlays, and precincts that can respond to local area conditions.

....

Additional Zone Height Control

8.11. The PAUP includes the Additional Zone Height Control as a mechanism for providing site-specific height controls without including a list of exceptions in the zone-wide height rules. The mechanism works by delineating a site or area on the planning maps and specifying a height limit. The heights specified in the

Additional Zone Height Control override the applicable zone-wide height control. As mentioned above, site and area specific height requests have been individually assessed by the relevant area planners.

8.12. In undertaking their assessments they have applied general and specific principles for assessing site-specific or area-specific height submissions. These principles are based on the relevant objectives and policies of the PAUP, anticipated effects associated with height, and other matters relevant to the statutory framework. The principles variously relate to strategic areas of importance, general assessment matters for sites and areas, and specifically those that relate to certain zones. The height may be controlled by a landscape overlay, for example Outstanding Natural Landscapes, Outstanding Natural Features, Extent of Volcanic Viewshafts, Blanket Height Sensitive Area and Auckland Museum Viewshaft overlays. An area may be subject to a special character or heritage overlay, for example Sites and Places of Significance/Value and Historic Heritage Place/Extent of Place. An area may be within a precinct or sub-precinct where height is addressed as part of that package of rules.

8.13. In general terms, height limits supported by the Council are consistent with the building form, scale and general amenity anticipated in the hierarchy of centres. Intensive development needs to be well-served by and support the transport network, including rapid and frequent public transport, and community infrastructure. The variations in height limit between the edges of a centre and its inner areas contribute to the amenity of nearby residential areas. The size and depth of some town centres can enable them to accommodate additional height without significant adverse effects, as can zones such as Mixed Use which enable transition from taller buildings in centres out to lower residential areas.

8.14. The Additional Zone Height Control applies to Town Centres, which have no standard height limit, and to some of the other business zones. The control applies to some areas of the Mixed Use Zone, where they are sufficiently removed from residential zones, or where aspects of local character and amenity would be adversely affected by greater height.

174. Mr Mackie's evidence concluded that it was appropriate to increase the Additional Zone Height Control from 24.5m to 27m, as it related to the plan change area (and other areas).

175. However, the Council did not support submission point 3625-7 seeking additional height up to 30m over the plan change area. The reasons for this are outlined in the evidence of Ms Hannah Thompson, Mr Hamish Scott and Ms Lee-Ann Lucas on

behalf of Auckland Council, for Topics 051-054 and 078, 28 July 2015 (also provided in **Attachment 4**), specifically pages 62-63; which state:

12.17 *Newmarket is restricted in height by a number of volcanic viewshafts passing through. The Metropolitan Centre zone has been reduced from 72.5m to 32.5m to support these viewshafts. Furthermore, there are areas in both the Metropolitan Centre and Mixed Use zones that are further restricted by these viewshafts as they vary in height from 20 – 38m through the centre. The viewshafts and the Special Character overlay (proposed to be revised to Historic Character overlay) are the fundamental reasons why a number of the requests to increase height in Newmarket cannot be supported.*

12.18 ...

12.19 *Viewshafts alone are not the only matter for consideration. Zones and height limit are structured to enable a form of development which will support the function and needs of the various centres and prevent unnecessary building bulk moving away from the centres and into more residential environments.*

12.20 *....Newmarket Metropolitan Centre zone is supported by an expansive area of Mixed Use zoned land (except to the west where the THAB and Public Open Space zones dominate over the other side of the railway line). Due to the reduction in height of the Metropolitan Centre zone, the majority of this Mixed Use land is subject to an AZHC overlay increasing the height to 27m (proposed to be revised from 24.5m). But the areas further away from the centre retain the underlying zone height of 18m (proposed to be revised from 16.5m) thereby supporting the height principles and reducing the physical impact on the residential zones moving away from Newmarket.*

12.21 *As discussed above, a number of submissions seek to increase the height of the Mixed Use zones to either the AZHC heights of 24.5m or to a greater height depending on their proximity to the Metropolitan Centre zone. Each of these has been considered on their merits, but generally their location deems their request to be inconsistent with the height principles.*

176. The business centres hierarchy, the zoning and height principles, as well as the 27m height limit (adjusted by the Additional Zone Height Control and renamed as the Height Variation Control) were included in the recommendations of the Auckland Unitary Plan Independent Hearings Panel, and subsequently included in the Unitary Plan.

8.0 PPC44 PROVISIONS

177. The requestor has provided a description of the plan change at Section 5.0 of the Section 32 Evaluation Report. In this section, I also provide a description of the plan change provisions and my interpretation of how the proposed provisions do or do not work together, and/or with other Unitary Plan provisions. Based on my interpretation of the provisions, I also outline where I consider there are inconsistencies or gaps in the provisions, or clarifications required. A copy of the proposed plan change provisions as notified are provided as **Attachment 5**.

8.1 PROPOSED GEORGE STREET PRECINCT INTRODUCTION AND DESCRIPTION

178. PPC44 as notified, maintains the underlying Business - Mixed Use zoning for 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, but seeks to introduce a new precinct, named the 'George Street Precinct' with specific objectives, policies, rules, notification requirements, standards, matters for discretion and assessment criteria, as well as special information requirements and a definition. It also seeks to remove the 27m Height Variation Control, over the land at 33-37 George Street, 13-15 Morgan Street, and 10 Clayton Street, Newmarket.
179. The purpose of the George Street Precinct is described in IX.1 Precinct Description as:

... to provide for a comprehensively designed and integrated mixed use development with high quality, publicly accessible spaces that provide pedestrian connectivity and wayfinding between Newmarket and Pukekawa and the Auckland Domain. To address a 10m level difference between George Street and Clayton Street, it is envisaged that the development form will be a podium, generally level with George Street, providing a level platform for buildings. The maximum height of the podium is RL65.7, which is a datum along the precinct's George Street frontage. All building heights are measured from this datum.

180. The Precinct description also notes that:

A variety of heights are enabled across the precinct. These take advantage of the precinct's size and proximity to amenities including public transport, the Auckland Domain and the Newmarket Metropolitan Centre, whilst ensuring the visual prominence of the Auckland Museum, maintaining protected views to the surrounding regionally significant volcanic landscape, and also maintaining the relationship of the site with Pukekawa that forms part of the Auckland Domain. Height Area A enables the greatest height, providing for a 55m tower above the George Street Datum.

All building requires assessment against a tailored set of criteria to ensure development integrates with the surrounding area. The precinct also includes development standards which will result in tall slender buildings set back from neighbouring buildings to maintain a reasonable level of amenity and manage visual dominance effects.

To encourage public transport and active transport modes the precinct includes a maximum limit on the number of carparks.

With its centrally positioned plaza, pedestrian connections and convenience retail, the precinct will be a neighbourhood focal point, with a mix of uses, supporting people living and working in the northern part of Newmarket and southern part of Parnell.

181. It is relevant to acknowledge that RL65.7, as referenced in the Precinct description, is the datum at a specific point on George Street, based on the New Zealand Vertical Datum 2016. The New Zealand Vertical Datum is an official New Zealand datum, introduced on 27 June 2016 to replace 13 local vertical datums, including the Auckland 1946 datum. The datum RL66 is referenced in other parts of the plan change documents (i.e. George Street Precinct Plan 1- Building heights; and IX.11 Definitions). RL66 is the local Auckland Datum, and more specifically it is the Auckland 1946 datum. On 11 May 2021, Auckland Council advised, via a section 58I amendment, a change to the vertical datum the Council and the Unitary Plan use from the Auckland 1946 datum to the New Zealand Vertical Datum 2016.
182. The difference between datums and their use, is outlined in the assessment for Council provided by Mr Mitesh Bhula in **Attachment 2**. Given the timing of the Datum change, most reports and assessments have relied on or referenced the Auckland 1946 Datum. Although it should be noted that when viewing the Unitary Plan and maps now these use contours and relative levels associated the New Zealand Vertical Datum 2016.
183. The location of the George Street Datum point is identified on the George Street Precinct Plan 1 – Building heights, as being on the George Street frontage. This Plan is reproduced as **Figure 12** below.

George Street Precinct Plan 1 - Building heights



Figure 12: George Street Precinct Plan 1- Building heights.

Source: Requestors Plan change documents.

184. The heights specified in the four height areas, A, B, C and D, identified in the George Street Precinct Plan 1- Building heights (**Figure 12** above) are outlined in Standard IX.6.1 Building height. These heights are all to be measured from the George Street datum:
- Height Area A – 55m
 - Height Area B – 29m
 - Height Area C – 35m
 - Height Area D – 0m
185. As outlined in Section 5, the site has a sloping contour, so that while the proposed height in Height Area A is enabled up to 55m above the George Street datum, based

on the existing ground contours, which are between approximately RL55.5 to RL58 (based on the NZVD 2016 as now used in the Auckland Council Unitary Plan Maps) along the southern boundary of Height Area A, a building in the southern portion of Height Area A could be 8m to 10m higher than a building measured using the Unitary Plans' typical rolling height measurement.

186. Additional height could also be gained by the use of the George Street datum for measuring height in the southern portions of Height Areas B and C. For example, the existing ground contour is approximately RL58 at the southern end of Height Area B (based on the NZVD 2016 as now used in the Auckland Council Unitary Plan Maps). Therefore, a building in this area could be up to 8m higher i.e. up to 37m in height (but still comply with the 29m height requirement from the George Street datum). While for Height Area C, the existing ground contours are approximately RL55.5 and RL57.5 at the southern end of the plan change area within Height Area C (based on the NZVD 2016 as now used in the Auckland Council Unitary Plan Maps). Therefore, a building could be up to 10m higher i.e. up to 45m in height (but still comply with the 35m height requirement from the George Street datum).
187. The indicative location of a plaza, and the location of pedestrian connections through the plan change area, as well as vehicle access points are identified on George Street Precinct Plan 2 – Urban design framework. This is reproduced as **Figure 13** below.



Figure 13: George Street Precinct Plan 2 – Urban design framework.
Source: Requestors Plan change documents.

188. The George Street Precinct Plan 2 – Urban design framework identifies a pedestrian connection – type A and a vehicle access point located off George Street in the portion of land known as 13-15 Morgan Street and specifically within the cadastral boundaries of the approximately 6m wide strip of land that is currently used for vehicle and pedestrian access from George Street to 13-15 Morgan Street (as described in Section 5, paragraphs 45 - 48 above). My interpretation of this location, based on my review of the Precinct Plan 2 and the wording contained within the key associated with it, is that this location is not indicative and that this is the intended location for both the pedestrian connection and the vehicle access point. Noting that vehicle access is likely required to be two-way and the Unitary Plan requires at least 5.5m in width for a two-way vehicle access, based on an approximate width of 6.0m, there is only 0.5m remaining for a pedestrian connection. In my view, 0.5m is an insufficient

width for a pedestrian connection, particularly in a Precinct that is relying on improving pedestrian connections to offset an increase in building height.

189. However, when reviewing Standard IX.6.3 Pedestrian connections I note that the wording refers to “a pedestrian connection between Clayton Street and George Street” to be provided “in the indicative location shown on George Street Precinct Plan 2”.
190. In my view, there is a difference in interpretation and a disconnect between the precinct plan and the drafting of Standard IX.6.3, which calls into question whether the location of the George Street pedestrian connection is more accurately established or whether it is more indicative.
191. My view is that, the intention is that the pedestrian connection location on the Precinct Plan is indicative and that this pedestrian connection could be located anywhere within the vicinity of the eastern side of 33-37 George Street and the approximately 6.0m wide access strip to 13-15 Morgan Street. But as outlined above, this intention would not be my current planning interpretation.
192. I am also of the view this this matter would likely become a point of some debate at resource consent stage and should, if possible, be clarified. In this regard, I consider that if the location of a pedestrian connection from George Street is intended to be indicative and that this connection could be located anywhere within the vicinity of the eastern side of 33-37 George Street and the approximately 6.0m wide access strip to 13-15 Morgan Street, then the thick black dashed line shown on Precinct Plan 2 should be located over the identifiable cadastral boundary line between 33-37 George Street and 13-15 Morgan Street, and that the wording in the key to the Precinct Plan be amended to include the word ‘indicative’ as it relates to the pedestrian connections.
193. The George Street Precinct Plan 2 – Urban design framework also identifies two types of pedestrian connection, being type A and type B. However, there is no description provided of what these types of connections are, or their differences. There is a standard regarding pedestrian connections (IX6.3), however the types are not referenced in this standard. There are also assessment criteria relating to the design of the pedestrian connections which provide reference to the type A and type B connections, including how they might be designed or constructed. In my view some components of these assessment criteria (i.e. type A not being enclosed) may be better included as a standard, to better achieve the intended design.
194. I am also of the view that to achieve the stated purpose of the proposed George Street Precinct and its objective and policies (i.e. high quality, publicly accessible spaces that provide pedestrian connectivity and wayfinding between Newmarket and the Auckland Domain / Pukekawa), that a standard should be introduced outlining a minimum pedestrian connection width between George Street and Clayton Street and between Morgan Street and the plaza. In addition, as a result of their important role in providing connections between the Domain / Pukekawa and Newmarket as outlined in the Precinct description, I consider that any infringement to such a minimum width standard should be at least a Discretionary, if not a Non-Complying,

activity as has been established for an infringement to Standard IX.6.2 Plaza and IX.6.3 Pedestrian Connections.

195. The George Street Precinct Plan 2 – Urban design framework also identifies ‘active edges’ along the George Street and Clayton Street frontages; and along parts of the George Street to Clayton Street pedestrian connection, the western side of the plaza, the southern edge of the precinct area adjoining Clayton Street, and the eastern edge of the 10 Clayton Street portion of the precinct area. No active edges appear to have been identified for the northern, southern or south-western edges of the plaza.

8.2 PROPOSED GEORGE STREET PRECINCT OBJECTIVE AND POLICIES

196. The proposed George Street Precinct notes that the existing Unitary Plan objectives and policies relating to overlays, Auckland-wide and zone provisions continue to apply to the precinct unless stated otherwise. My interpretation of this statement is that the majority of the provisions listed in Section 6 above continue to apply and should be read in conjunction with the proposed objectives and policies.
197. The proposed Precinct provisions introduce additional, development specific objectives and policies to support the form and height of development, and the creation of the public plaza and pedestrian connections, that the Precinct envisages.
198. The proposed George Street Precinct objectives and policies are as follows:

IX.2 Objectives

- (1) The George Street Precinct is comprehensively developed as an attractive, and vibrant mixed use precinct with a high quality built form and high amenity publicly accessible spaces, that create a community focal point for future residents and the wider neighbourhood.*
- (2) A greater scale of height is enabled within a location that is highly accessible to public transport and other amenities, while ensuring buildings do not dominate the skyline when viewed from around the city, and the visual prominence of Auckland Museum is maintained.*
- (3) A range of retail and service activities are anticipated to support residential and worker amenity within the precinct and surrounding area.*
- (4) Buildings above the podium level are designed to achieve a form that contributes to a feeling of spaciousness when viewed from the surrounding streets and area, and from within the development.*
- (5) The George Street Precinct promotes pedestrian safety and connectivity through the area, particularly between Newmarket, Pukekawa and the Auckland Domain.*

IX.3 Policies

- (1) Encourage the location, bulk, outlook, access to, and servicing of buildings to be planned and designed on a comprehensive and integrated basis, rather than on an ad hoc individual building basis.*

- (2) *Encourage a mixture of building heights within the George Street precinct through providing for lower building height adjacent to the interface with Pukekawa and the Auckland Domain (Height Area B) and providing for taller building heights away from the George Street interface, where potential adverse visual effects can be managed (Height Areas A and C).*
- (3) *Promote high-quality architecture and urban design that enhances the relationship of buildings and open space and that responds to the topographical and edge conditions of the precinct through the provision of a podium generally level with George Street.*
- (4) *Require a publicly accessible space at podium level that creates a legible pedestrian through-route between George Street and Clayton street, that is predominately open to the sky, enhanced by landscaping, and ensures space for a plaza between the adjoining buildings.*
- (5) *Require a slender building form that creates a sense of spaciousness between buildings above the podium level, maintains sky views from the publicly accessible spaces within the precinct, and where upper levels are set back from existing and future development on adjoining sites.*
- (6) *Require safe and attractive pedestrian connections and a pedestrian plaza to be provided adjoining each stage of development to ensure a high level of amenity and enhance walking links to the surrounding area.*
- (7) *Require activities and built form which positively contributes to the maintenance of pedestrian interest and vitality at the interface of pedestrian connections and the pedestrian plaza.*
- (8) *Require vehicle access to the precinct to primarily utilise Morgan Street and be designed to prioritise pedestrian safety and not detract from the amenity of the pedestrian connections through the precinct.*
- (9) *Limit the supply of on-site parking to recognise the accessibility of the George Street Precinct to public transport and Newmarket Metropolitan Centre.*
- (10) *Discourage high car trip generating uses such as service stations, large supermarkets or drive through restaurants in order to reinforce the pedestrian focus of the precinct.*

199. I am of the opinion that there is a lack of emphasis or statement in the proposed objectives and policies recognising the importance of the proposed pedestrian connections as a means of connection between the Auckland Domain / Pukekawa and Newmarket. This is outlined in IX.1 Precinct Description but reference to where connections are to or from is missing from the objectives and policies.

200. I otherwise consider that these proposed objectives and policies generally flow or cascade to the proposed activity table, standards, matters for discretion and assessment criteria, subject to the comments I make below.

8.3 PROPOSED GEORGE STREET PRECINCT ACTIVITY TABLE

201. The proposed George Street Precinct also introduces a new activity table, Table IX4.1. The preamble to the table notes again that all the relevant overlay, Auckland-wide and zone activity tables continue to apply unless the activity is listed in the proposed activity table IX4.1.

202. With regard to activities anticipated by the proposed George Street Precinct, all the activities listed in the Business – Mixed Use Zone (as outlined in paragraphs 98 to 101 above) continue to apply. However, the proposed activity table varies some of these, so that the ability to establish the specified activities becomes more constrained in the Precinct.

203. The activities where the activity status is varied, and the variation to them, are outlined in **Table 3** below.

Table 3: Activity and activity status differences between Business – Mixed Use Zone and Proposed George Street Precinct

Business – Mixed Use Zone		Proposed George Street Precinct
Activity	Activity Status	Activity Status
Drive-through restaurants	P	D
Service Stations	RD	D
Industrial Laboratories	P	D
Light manufacturing and servicing	P	D
Repair and maintenance services	P	D
Warehouse and Storage	P	D

204. The Business - Mixed Use Zone permitted activity status for the activities outlined in **Table 3** above is enabling, and this is supported by the Business - Mixed Use Zone objectives and policies (i.e. Objectives H13.2(1), (4), (6), (7) and (8), and Policies H13.3(1), (17), (18)). The proposed activity status indicates that the proposed George Street Precinct seeks to restrict the establishment of the activities listed in **Table 3**. The requestors Section 32 Evaluation Report, on page 13, at Section 5.1.4, identifies the reason for the additional restriction as:

This is where a land use is not consistent with the objectives of the precinct which seek to provide a pedestrian orientated development. In

particular drive-through restaurants, service stations, manufacturing and warehousing are proposed to be discretionary activities.

- 205. This is supported by Policy IX.3(10) which discourages the activities listed in **Table 3** as they are high car trip generating uses.
- 206. With regard to ‘Development’, Table IX.4.1 Activity table provides that a new building or additions and alterations to buildings not otherwise provided for in the proposed George Street Precinct require resource consent as a Restricted Discretionary Activity. This restricted discretionary activity status is the same for new buildings or additions and alterations to buildings not otherwise provided for under the Business – Mixed Use Zone provisions.
- 207. In addition, the permitted activity provisions from the Business – Mixed Use Zone for other development i.e. demolition of buildings, alterations to buildings depending on size and internal alterations continue to apply in the proposed George Street Precinct.
- 208. The proposed George Street Precinct also introduces some development specific activities which establish the activity status for infringements to some of the proposed new standards within the Precinct. These are reproduced in **Figure 14** below:

(A9)	Development or subdivision that does not comply with Standard IX.6.2 Plaza or Standard IX.6.3 Pedestrian Connections	NC
(A10)	Development that does not comply with Standard IX.6.4 Staged Delivery of Plaza and Pedestrian Connections	RD
(A11)	Development that does not comply with Standard IX.6.1, IX.6.4, IX.6.5, IX.6.6, IX.6.7, IX.6.8 & IX.6.9.	RD

Figure 14: New development activities and their activity status in the proposed George Street Precinct. **Source:** Precinct provisions

- 209. Furthermore, the proposed George Street Precinct introduces some precinct specific ‘Transport’ activities based on the proposed new car parking standard IX.6.9 Number of car parking spaces, and an activity status for them. These are reproduced in **Figure 15** below.

Transport		
(A12)	Parking which is an accessory activity and complies with Standard IX.6.9	P
(A13)	Parking which is an accessory activity and does not comply with Standard IX.6.9	RD

Figure 15: New ‘Transport’ activities and their activity status in the proposed George Street Precinct. **Source:** Precinct provisions

- 210. In addition, the ‘Transport’ part of Activity Table IX.4.1 introduces the need for a restricted discretionary activity resource consent with regard to ‘Vehicle access’ (activity A14), where this would otherwise likely be a permitted activity under the provisions of E27 Transport.
- 211. While ‘vehicle access’, as an activity requiring consent, is introduced in the Precinct, there does not appear to be a link between the George Street Precinct Plan 2 – Urban design framework which identifies the location of vehicle access points, and the

above-mentioned rule, and there is no standard to require vehicle access in a location identified on the George Street Precinct Plan 2 – Urban design framework.

8.4 NOTIFICATION IN THE PROPOSED GEORGE STREET PRECINCT

212. The proposed George Street Precinct, at IX.5 Notification, introduces its own notification requirements. More specifically, it enables a number of activities listed in the Precinct activity table, as well as a number of infringements to the proposed Precinct standards or existing Business – Mixed Use Zone standards, to be considered without the need for public or limited notification unless special circumstances are considered to apply. These activities and/or standards are:

- (a) *a restricted discretionary activity listed in Table IX4.1; and/or*
- (b) *IX.6.4 Staged delivery of plaza and pedestrian connections*
- (c) *IX.6.5 Residential along active edges*
- (d) *H13.6.9 Outlook space*
- (e) *H13.6.10 Minimum dwelling size*

213. The reference in (a) above to Table IX4.1 includes the following restricted discretionary activities:

- (A7) New buildings;
- (A8) Additions and alterations to buildings not otherwise provided for;
- (A10) Development that does not comply with Standard IX.6.4 Staged Delivery of Plaza and Pedestrian Connections; and
- (A11) Development that does not comply with the following standards:
 - Standard IX.6.1 Building height
 - Standard IX.6.4 Staged delivery of plaza and pedestrian connections
 - Standard IX.6.5 Residential along active edges
 - Standard IX.6.6 Yards
 - Standard IX.6.7 Maximum tower dimensions and tower separation
 - Standard IX.6.8 Setback from neighbouring sites
 - Standard IX.6.9 Number of car parking spaces
- (A13) Parking which is an accessory activity and does not comply with Standard IX.6.9 Number of car parking spaces
- (A14) Vehicle Access

214. It appears that Standard IX.6.4 Staged delivery of plaza and pedestrian connections, Standard IX.6.5 Residential along active edges and Standard IX.6.9 Number of car parking spaces, are listed multiple times as being excluded from the Precinct notification requirements (except if special circumstances were to apply).

215. It is noted that an infringement to Standard H13.6.9 Outlook space would otherwise be subject to the 'normal tests' for notification under s95 of the RMA, under the provisions of the Business – Mixed Use Zone.
216. Furthermore, it is noted that the exclusion of an infringement to Standard H13.6.10 Minimum dwelling size from the 'normal tests' for notification is also listed in the same way in the Business – Mixed Use Zone (refer to H13.5(3)(a)).
217. There is no notification statement relevant to the Discretionary activities (i.e. A1-A5) or the Non-Complying activity (i.e. A9), that are identified in the activity table. It is also not clear where the rules for notification for these Discretionary and Non-Complying activities are located i.e. whether this defaults to the underlying Business-Mixed Use Zone notification provisions or the notification provisions provided as Rule C1.13 Notification in Chapter C General rules. Noting however, that the Business – Mixed Use Zone and the Chapter C General rules state the 'normal tests' for notification would apply.

8.5 PROPOSED GEORGE STREET PRECINCT STANDARDS IX.6

218. The proposed George Street Precinct introduces new standards and varies some existing Unitary Plan standards. The Precinct provisions specify, at IX.6(1), that all the relevant overlay, Auckland-wide and zone standards continue to apply to all the activities listed in proposed Activity Table IX.4.1 unless stated. In this regard the provisions then note that the Business – Mixed Use Zone building height standard (Standard H13.6.1) does not apply. Neither does Business – Mixed Use Zone Standard H13.6.4 Maximum tower dimension and tower separation. These are both replaced by new Precinct specific standards.
219. Table E27.6.2.3 Parking rates - area 1 is also listed as not being applicable to activities in the proposed Precinct. However, I am of the view that Table E27.6.2.3 is not likely applicable in any event as, Standard E27.6.2 Number of parking and loading spaces in the provisions in E27 Transport, particularly Standard E27.6.2(3A) states:

Within the Centre Fringe Office Control area, the parking rates contained in Table E27.6.2.2 apply instead of those contained in Table E27.6.2.3 and Table E27.6.2.4.

and the whole of the proposed precinct area is located with the identified Centre Fringe Office Control.

220. IX.6(3) requires that all activities listed in the activity table comply with the proposed Precinct standards.
221. The Precinct standards proposed are as follows:
- IX.6.1 Building height
 - IX.6.2 Plaza
 - IX.6.3 Pedestrian connections
 - IX.6.4 Staged delivery of plaza and pedestrian connections

- IX6.5 Residential along active edges
- IX6.6 Yards
- IX6.7 Maximum tower dimension and tower separation
- IX.6.8 Setback from neighbouring sites
- IX.6.9 Number of car parking spaces

222. **Table 4** below identifies all the Business - Mixed Use Zone standards and the proposed Precinct standards and whether those standards remain or are replaced as a result of the proposed Precinct provisions.

Table 4: Zone and Precinct Standards

Business – Mixed Use Zone	Proposed George Street Precinct	Is standard retained, or replaced, or new/additional?
H13.6.0 Activities within 30m of a residential zone		Zone standard retained
H13.6.1. Building height	IX.6.1 Building height	Precinct standard replaces Zone standard
H13.6.2. Height in relation to boundary		Zone standard retained
H13.6.3. Building setback at upper floors		Zone standard retained
H13.6.4. Maximum tower dimension and tower separation	IX.6.7 Maximum tower dimension and tower separation	Precinct standard replaces Zone standard
H13.6.5. Yards	IX.6.6 Yards	It is not clear whether the proposed Precinct Yards standard is intended to replace or be additional to the Zone Yards standard.
H13.6.6. Landscaping		Zone standard retained
H13.6.7. Maximum impervious area in the riparian yard		Zone standard retained
H13.6.8. Wind		Zone standard retained
H13.6.9. Outlook space		Zone standard retained
H13.6.10 Minimum dwelling size		Zone standard retained

	IX.6.2 Plaza	New/additional standard
	IX.6.3 Pedestrian connections	New/additional standard
	IX.6.4 Staged delivery of plaza and pedestrian connections	New/additional standard
	IX.6.5 Residential along active edges	New/additional standard
	IX.6.8 Setback from neighbouring sites	New/additional standard
	IX.6.9 Number of car parking spaces	New/additional standard

223. As a general comment, I note that none of the proposed Precinct standards provides a 'purpose' for the standard, as is common practice for all standards under the Business – Mixed Use Zone and other Unitary Plan zones. Although I acknowledge this as being historically less common in Precincts.
224. As a further general comment, I also note that some of the proposed Precinct standards use the word 'shall' to require a matter to be addressed. Where common drafting practice in the Unitary Plan would be to use the word 'must', which is considered to be a stronger and more consistent requirement.
225. **Standard IX6.1 Building height** – As outlined above, this standard lists the height for the Height Areas A – 55m, B – 29m, C – 35m and D – 0m above the George Street datum.
226. This new building height standard replaces the building height standard, including the Height Variation Control height of 27m, otherwise established for the plan change area in the underlying Business - Mixed Use Zone.
227. The building height standard further specifies that the 0m height limit in Area D does not apply to canopies, balustrades, fencing, light poles, signs, planter boxes and seating, sculptures and works of art; buildings and structures associated with temporary activities; and occupiable buildings of a maximum 5m height above the George Street Datum, provided that their total gross floor area is no more than 250m.
228. An infringement of the building height standard would be considered as a Restricted Discretionary Activity, without the need for public or limited notification, unless special circumstances apply.
229. **Standard 1X.6.2 Plaza** – this standard introduces requirements for the provision of a pedestrian plaza in Height Area D, in the area indicatively mapped on the George Street Precinct Plan 2 – Urban design framework. This standard includes a minimum 700m² area and 20m dimension requirement, as well as a requirement for the plaza to intersect with the pedestrian connections that are required under

Standard IX.6.3 Pedestrian connections, between George Street, Clayton Street and Morgan Street.

230. An infringement of the plaza standard would be considered as a Non-Complying Activity. As outlined in paragraph 217 above, there is no specific statement regarding what notification provisions would apply to this standard and it is unclear whether this would default to the Business – Mixed Use Zone notification rules or the Chapter C General rules, where ‘normal tests’ would apply.
231. **Standard IX.6.3 Pedestrian connections** – as outlined above, this standard requires pedestrian connections between, Clayton Street and George Street; and between Morgan Street and the pedestrian plaza, to be provided in the ‘indicative location’ shown on the George Street Precinct Plan 2. As outlined, in paragraphs 187 to 192 above, there is a difference in language regarding the ‘indicative’ nature or otherwise, of the pedestrian connections resulting from the wording in the standard, the location of the pedestrian connection dashed line and wording identified on the George Street Precinct Plan 2. The comments I make regarding this matter remain relevant here. In addition, in paragraph 194 I identify that I consider there is a need for a standard / standards establishing a minimum pedestrian connection width for the pedestrian connections within the proposed Precinct; and for an associated rule setting out a Discretionary or Non-Complying activity status should a minimum width standard be infringed.
232. IX.6.3(3) also requires that the pedestrian connections should be publicly accessible between the hours of 7am and 11pm.
233. An infringement to standard IX.6.3 requires consideration as a Non-Complying activity. My comments in paragraph 217 above regarding notification are also relevant here.
234. **IX.6.4 Staged delivery of plaza and pedestrian connections** – this standard requires that the pedestrian plaza required by Standard IX.6.2 be completed before, any building in Height Area A or any buildings in both Height Areas B and C, greater than 5m high above the George Street datum, are occupied.
235. Furthermore, the standard also requires the pedestrian connection between Clayton Street and George Street be completed before, any building in Height Area A or any buildings in both Height Areas B and C, greater than 5m high above the George Street datum, are occupied; and that the pedestrian connection between the pedestrian plaza and Morgan Street be completed before any building in Height Area C, greater than 5m in height above the George Street datum, is occupied.
236. Noting the slope of the land, a building 5m higher than the George Street datum could be approximately 15m high at the Clayton Street end of Height Area A or 13m -14 m high in at the southern ends of Height Areas B and C. Therefore, the pedestrian plaza and pedestrian connections would not need to be completed in these situations.
237. I note a concern that the delivery of the plaza and pedestrian connections is not required until buildings in both Height Areas B and C are established. I’m of the

view that the connections should be provided when a building in either of these areas is established, as it may be sometime until a building in the remaining area is established, and in the meantime the pedestrian connectivity focus required in the precinct is not achieved.

238. An infringement to Standard IX.6.4 Staged delivery of plaza and pedestrian connections is a restricted discretionary activity in activity table IX.4.1 and excluded from public or limited notification unless special circumstances apply, under IX.5.
239. **IX.6.5 Residential along active edges** – this standard restricts the location of dwellings at ground floor level within the frontages to streets (i.e. George, Clayton and Morgan Streets) and internal open spaces marked as ‘active edges’ on the George Street Precinct Plan 2 – Urban design framework.
240. An infringement to Standard IX.6.5 Residential along active edges is a restricted discretionary activity in activity table IX.4.1 and excluded from public or limited notification unless special circumstances apply, under IX.5.
241. **IX.6.6 Yards** – The yards standard requires that *buildings must be set back a minimum of 4m from the George Street boundary, as measured above the George Street datum*. It is not clear why the reference to the George Street datum is included in this standard’s wording and it is not clear how it is relevant to a yard setback requirement.
242. Furthermore, as outlined in **Table 4** above, it is not clear whether the proposed yards standard is intended to replace or be additional to the underlying zone yards standard. My interpretation is that the proposed yards standard is different to the underlying zone yards standard and therefore, both standards would likely be applicable. However, also noting my comments above, that the underlying zone yard requirements are unlikely to be triggered in the plan change area.
243. An infringement to Standard IX.6.6 Yards Residential is a restricted discretionary activity in activity table IX.4.1 and excluded from public or limited notification unless special circumstances apply, under IX.5.
244. **IX.6.7 Maximum tower dimension and tower separation** – This standard is intended to replace the underlying Business – Mixed Use Zone Standard H13.6.4. The proposed standard has two components. Firstly, it sets a 55m limit on the plan dimension of a building, measured from one corner to the opposite corner. The measurement of the plan dimension commences when a building is 5m or more in height above the George Street datum, which would be in the order of 15m above ground level at the Clayton Street end of Height Area A. This standard is comparable to Standard H13.6.4 in the underlying Business – Mixed Use Zone. However, in the underlying zone the measurement of the plan dimension of a building only commences at 27m in height. IX.6.7(2) of the proposed standard is the same as H13.6.4(2) in the underlying zone standard and provides an explanation and diagram (Figure) for how the plan dimension is required to be measured with regard to different shaped buildings.

245. The second function of Standard IX.6.7 is to require a 10m minimum separation distance between buildings in Height Areas B and C. This is again measured at a height of 5m above the George Street datum. This means that separation of buildings in Height Areas B and C would not be required between ground level and between approximately 13m - 14m above ground level at the lower, southern ends of Height Areas B and C (which would be approximately 5m above the George Street datum).
246. An infringement to Standard IX.6.7 Maximum tower dimension and tower separation is a restricted discretionary activity in activity table IX.4.1 and excluded from public or limited notification unless special circumstances apply, under IX.5.
247. **IX.6.8 Setback from neighbouring sites** – As outlined in **Table 4** above, this is a new standard. It requires buildings to be variously set back from side, rear or precinct boundaries. More specially IX6.8(1) of the standard requires that:
- in Height Area A a building greater than 5m in height above the George Street datum must be located at least 6m from the precinct boundaries.
248. IX.6.8(2) requires that:
- (2) *The part of a building greater in height than 4m below the George Street Datum must be located at least 4m from the precinct boundary with 8 Clayton Street.*
249. IX.6.8(2) is seeking to create a greater setback to the adjacent apartment building at 8 Clayton Street to ensure daylight and sunlight continue to be accessible to the north facing apartments. As outlined in paragraph 75 above, this building is setback 2.4m from the boundary common with the plan change area. The 4m setback required in IX6.8(2) would result in a 6.6m setback between this building and any buildings in the plan change area. A setback of 6.6m is similar to the 6.0m outlook space required in the underlying zone, but as the building at 8 Clayton Street is located on a different site this standard and its 6.0m space would not otherwise be applicable.
250. I agree with the need for IX.6.8(2) and consider it will likely provide more certainty for owners/occupiers of 8 Clayton Street regarding building setbacks in the plan change area, which the underlying Business – Mixed Use Zone does not currently appear to do.
251. However, I do consider the wording of IX.6.8(2) as it relates to the height below the George Street datum, to be confusing. Given the slope of land in the plan change area, the reference to a height below the George Street datum is not as easily definable or understood, as opposed to a rolling height above existing ground level might be; and therefore, it is not as obvious at what building height in the plan change area the 4m setback would commence at.
252. IX.6.8(3) requires buildings in the precinct area greater than 27m in height, measured using the rolling height method, must be located at least 6m from any side or rear precinct boundary. The standard also states this is “*except as required by IX6.8(1) and IX6.8(2)*” of the standard. My interpretation of IX.6.8(3) is that the

exception stated is trying to ensure that this clause does not apply to Height Area A, as IX.6.8(1) applies to Height Area A and this requires that the 6.0m setback from all precinct boundaries to occur at a building height of 5m above the George Street datum. This is a lesser height for the setback to commence at, compared to the 27m otherwise stated in IX.6.8(3). Again, the wording of Standard IX.6.8(3), particularly, the exception is confusing. The standard might be more clearly stated as being specific to Height Areas B, C and D only. Noting again the setbacks from all precinct boundaries for Height Area A are specified in Standard XI.6.8(1).

253. I also note a confusion with the wording of the exception in Standard IX.6.8(3) as it relates to standard IX.6.8(2). As IX.6.8(2) applies it would require a 4m setback from 8 Clayton Street commencing at a point 4.0m below the George Street datum (which may be approximately 4m - 5m above existing ground level in the precinct area adjacent to 8 Clayton Street). In my interpretation this 4.0m setback requirement would extend the full height of any proposed building adjacent to 8 Clayton Street. It is not clear if the 6m setback in IX.6.8(3) is supposed to apply at the point of 27m for a building in the proposed precinct adjacent to 8 Clayton Street.
254. I recognise that the proposed precincts side and rear boundaries encompass more than just the boundary with 8 Clayton Street, so the 6m building setback at 27m high required by IX.6.8(3) would be applicable to all other precinct side or rear boundaries. In this regard then, it seems counterintuitive to require a lesser building setback to 8 Clayton Street above 27m, where 8 Clayton Street contains a known residential apartment building, and where greater consideration of amenity effects should be required; compared to a greater setback of 6m to other sites containing buildings with potentially more business or commercially oriented activities, with generally lesser amenity expectations.
255. IX.6.8(4) then states that building height for IX.6.8(1) and (2) are to be measured from the George Street datum. While building height in IX.6.8(3) is to be measured using the rolling height method. In my view IX.6.8(4) is unnecessary, as the wording in IX.6.8(1) and (2) already references that height should be measured from the George Street datum and IX.6.8(3) already states that height should be measured using the rolling height method and definition.
256. An infringement to Standard IX.6.8 Setback from neighbouring sites is a restricted discretionary activity in activity table IX.4.1 and excluded from public or limited notification unless special circumstances apply, under IX.5.
257. **IX.6.9 Number of car parking spaces** – This is a new standard, specific to the proposed precinct. This standard restricts the number of car parking spaces that can be provided in the proposed precinct to 500 car parks. The number of car parking spaces proposed has been established by the requestor based on an analysis of relevant Unitary Plan provisions, the likely gross floor area of buildings the proposed precinct provisions might enable, and of various development scenarios, based on activities that might or could occur, and including the activities' likely trip generation rates.
258. IX.6.9(2) clarifies what should be considered as a 'car parking space'. It states:

For the purposes of meeting the requirements of the vehicle parking rules, a car parking spaces includes those provided for in a garage or car port or any paved areas provided for the sole purpose of parking a motor vehicle, excluding loading spaces.

- 259. A very similar note, without the loading space exclusion, is included at E27.6.2(3) number of parking and loading spaces. It is considered that this E27 standard is also applicable to the plan change area. Therefore, IX.6.9(2) may not necessary here.
- 260. An infringement to Standard IX.6.9 is a restricted discretionary activity in activity table IX.4.1 and excluded from public or limited notification unless special circumstances apply, under IX.5.

8.6 PROPOSED GEORGE STREET PRECINCT MATTERS OF DISCRETION

- 261. There are no controlled activities proposed in the proposed precinct, therefore there are no matters of control or related assessment criteria.
- 262. Matters of discretion and associated assessment criteria for restricted discretionary activities are provided in sections IX.8.1 and IX.8.2. It is noted that there is no catch-all statement that the provisions of the relevant Overlays, Auckland-wide and underlying zone apply to this section. This appears to be the standard drafting associated with the creation of new precincts unless there is a clear reason why this should not occur. The expectation, therefore, is that all restricted discretionary activities in the precinct should have matters for discretion and assessment criteria outlined in the precinct provisions, or statements where these matters and criteria are to be considered based on provisions already contained in other Unitary Plan sections.
- 263. As outlined in paragraph 213 above, restricted discretionary activities in the proposed precinct include new buildings, additions and alterations to buildings, development that does not comply with standards IX.6.1 Building height; IX.6.4 Staged delivery of plaza and pedestrian connections; IX.6.5 Residential along active edges; IX.6.6 Yards; IX.6.7 Maximum tower dimensions and tower separation; IX.6.8 Setback from neighbouring sites; and IX.6.9 Number of car parking spaces; as well as vehicle access.
- 264. IX.8.1(1) sets out matters of discretion (a) – (e) associated with new buildings and additions and alterations to buildings not otherwise provided for. These include building design and external appearance, the design of pedestrian connections and the plaza, active edges and the design of parking.
- 265. Matter (e) states that the precinct matters IX.8.1(a) – (d) replace the matters of discretion H13.8.1(3) in the underlying Business – Mixed Use Zone which also relate to new buildings and additions and alterations not otherwise provided for. I interpret the proposed precinct matters of discretion to enable a broader consideration of building design and appearance in comparison to the matters than the underlying zone might otherwise enable. By this I mean, that the matters in H13.8.1(3) appear to require a more focussed consideration, limited to how building design or parts of a

buildings design might respond to a specific area (i.e. the street), as opposed to the proposed provisions where this restriction is not stated.

266. IX.8.1(2) provides matters of discretion for vehicle access, with consideration enabled of the:
- location of the vehicle access;
 - effects on pedestrian safety on Morgan Street; and
 - effects on pedestrian safety and amenity on Clayton Street.
267. IX.8.1(3) establishes the matters of discretion if there was an infringement to Standard IX.6.1 Building height. These matters include, at part (b), building scale, dominance, landscape character and visual amenity effects. While Part (a) states:
- (a) matters of discretion in H13.8.1(7) apply in addition to the matters of discretion below; and*
268. H13.8.1(7) is the matters of discretion in the underlying Business – Mixed Use Zone for buildings that do not comply with standards. These matters include:
- (a) any policy which is relevant to the standard;*
- (b) the purpose of the standard;*
- (c) the effects of the infringement of the standard;*
- (d) the effects on the amenity of neighbouring sites;*
- (e) the effects of any special or unusual characteristic of the site which is relevant to the standard;*
- (f) the characteristics of the development;*
- (g) any other matters specifically listed for the standard; and*
- (h) where more than one standard will be infringed, the effects of all infringements.*
269. I agree that it is relevant to include this cross reference to the underlying zone matters for buildings not complying with standards.
270. As also outlined in above, I also note again here that the Council's current interpretation of the Unitary Plan would result in consideration also being required of the General Rules in Chapter C, specifically Rule C1.8 Assessment of restricted discretionary, discretionary and non-complying activities and Rule C1.9 Infringement of standards. Where Rule C1.9(3) states that:
- (3) When considering an application for a resource consent for a restricted discretionary activity for an infringement of a standard under Rule C1.9(2), the Council will restrict its discretion to all of the following relevant matters:*
- (a) any objective or policy which is relevant to the standard;*
- (b) the purpose (if stated) of the standard and whether that purpose will still be achieved if consent is granted;*

- (c) *any specific matter identified in the relevant rule or any relevant matter of discretion or assessment criterion associated with that rule;*
- (d) *any special or unusual characteristic of the site which is relevant to the standard;*
- (e) *the effects of the infringement of the standard; and*
- (f) *where more than one standard will be infringed, the effects of all infringements considered together.*

271. I further observe that the C1.9(3) matters are very similar to the H13.8.1(7) matters. Although the matters in C1.9(3) specify a consideration of objectives, where the zone matters only specifies policies. Furthermore, the Zone matters include additional consideration of effects on amenity of neighbouring sites and the characteristics of the development.
272. Matters IX.8.1(4) and (5) provide matters for the consideration of infringements of Standards IX.6.2 Plaza and IX.6.3 Pedestrian connections. However, the activity table, IX.4.1(A9), states that development or subdivision not complying with these standards is a Non-Complying Activity. Non-Complying activities under the RMA are subject to an unrestricted assessment of relevant environmental effects and a full assessment against relevant objectives and policies. As a result of this non-complying status, the matters of discretion IX.8.1(4) and (5) as they relate to Standards IX.6.2 Plaza and IX.6.3 Pedestrian connections are unnecessary and should be deleted.
273. Matter IX.8.1(6) provides matters of discretion for an infringement of Standard IX.6.4 Staged delivery of plaza and pedestrian connections, which sets out when the plaza and pedestrian connections should be completed with reference to building development in the different height areas. The matters are limited to considering:
- (a) *effects on pedestrian health and safety, accessibility and connectivity.*
274. I'm of the opinion that more detail is needed regarding where the expected connectivity is to or from i.e. to/from the Domain and Newmarket could be included in matter IX.8.1(6)(a) and this would also align with my comment in paragraph 199 above where I considered that additional reference in the objectives and policies was also required, so that provisions were more in line with the intentions expressed in the Precinct description.
275. I'm of the opinion that additional matters relating to the consideration of any proposed alternative staging of the provision/completion of the plaza and the pedestrian connections, timing of development as it relates to these, and the achievement of the Precincts objectives and policies regarding the implementation of a plaza and pedestrian connections, and public accessibility, are also required. This would ensure that these matters can be adequately considered should an infringement of the standard occur.

276. Matter IX.8.1(7) relates to an infringement of Standard IX.6.5 Residential along active edges. I am of the opinion this matter is satisfactory.
277. Matter IX.8.1(8) relates to an infringement of Standard IX.6.6 Yards. The matter states:
- (a) *precinct legibility and visual amenity.*
278. I'm of the view that this wording should be amended to read "*the effects on or of...*" as this is more aligned to the Unitary Plan's standard drafting of matters.
279. Matter IX.8.1(9) relates to an infringement of Standard IX.6.7 Maximum tower dimension and tower separation. As with matter IX.8.1(1), matter IX.8.1(9)(a) has a link back to the underlying Business- Mixed Use Zone matters of discretion for buildings that do not comply with standards (H13.8.1(7)). In this regard my comments above are also relevant here.
280. The IX.8.1(9)(b) part of the matter also enables consideration of the visual amenity effects on the immediate streetscape, neighbourhood and wide city landscape. My interpretation of the words 'wider city landscape' is that this includes reference to the Maunga and volcanic viewshafts. However, noting the setting of the proposed plan change area, I'm of the view that the wording of the matter would benefit from being more explicit in this regard i.e. it could read as follows:
- "the visual amenity effects on the immediate streetscape, neighbourhood and wide city landscape, including the Maunga, volcanic viewshafts, heritage buildings and outstanding natural features."*
281. Matter IX.8.1(10) relates to an infringement of Standard IX.6.8 Setback from neighbouring sites. Again, matter IX.8.1(10)(a) includes reference back to H13.8.1(7), so my comments in paragraphs 268 - 271 are applicable.
282. Matters IX.8.1(10)(b) and (c) enable the consideration of the visual amenity effects on:
- the apartment building at 8 Clayton Street; and
 - the established development at 47 George Street, 2 Alma Street and 33 Broadway.
283. With regard to part (b) and the apartment building at 8 Clayton Street, I note that the requestors Section 32 Evaluation at page 24 states that:
- The precinct includes setback controls which will appropriately manage amenity on neighbouring sites, in particular the adjoining apartment building at 8 Clayton Street.*
284. and on page 39 the assessment states:
- Furthermore, the Plan Change seeks to manage development on the boundary with 8 Clayton Street and the boundaries of Height Area 'A' where the greatest height is provided for, to continue to provide access to a reasonable level of daylight and amenity to these neighbouring sites.*

285. While the requestors Urban Design Report, provided in their Appendix 5, states at Section 3.10, page 26, that an opportunity or constraint to the Precinct is:

- *Accommodating building bulk on the site in a manner that appropriately manages amenity on neighbouring sites, in particular the adjoining apartment building at 8 Clayton Street.*

286. In my opinion the requestor's comments establish the reason for the setback standard IX.6.8(2) to 8 Clayton Street as being to provide for amenity and daylight, as well as visual amenity. As a result, I am of the of the opinion that only listing 'visual amenity' in the relevant matter is somewhat restricted; and that this matter should be expanded to enable an assessment of a wider range of amenity effects, as well as an assessment of the effects on achieving a reasonable level of sunlight access to 8 Clayton Street, from an infringement of Standard IX.6.8(2) in the plan change area.

287. Furthermore, matter IX.8.1(10)(c) only enables consideration of an infringement to Standard IX.6.8(1) and (3) to three properties, being 47 George Street, 2 Alma Street and 33 Broadway. As outlined in Section 5.2 above these sites are located immediately adjacent to the plan change area, specifically to Height Area A. In this regard, I consider it appropriate to consider the visual amenity effects of an infringement to Standard IX.6.8(1) on these immediately adjoining properties.

288. However, I note that there is no ability to assess any effects if Standard IX.6.8(3) was infringed, as it relates to the need for a 6m setback at 27m high (using the rolling height method of height measurement), was infringed. I am of opinion that this results in a gap in the provisions that should be addressed.

289. Matter IX.8.1(11) relates to an infringement of Standard IX.6.9 Number of car parking spaces. The matters include a reference back to matters in E27 Transport, more specifically E27.8.1(5). These are:

- (5) *any activity or development which provides more than the maximum permitted number of parking spaces under Standard E27.6.2(1):*
 - (a) *adequacy for the site and the proposal;*
 - (b) *effects on intensification; and*
 - (c) *effects on the transport network*

290. I agree that the inclusion and cross reference back to these matters is appropriate. I also agree with the additional matter IX.8.1(11)(b) which requires consideration of the effects on pedestrian amenity, should additional car parking be sought to be provided.

8.7 PROPOSED GEORGE STREET PRECINCT ASSESSMENT CRITERIA

291. Assessment criteria for the proposed Precinct are provided in IX.8.2. The assessment criteria generally appear to align with the matters for discretion in IX.8.1.

292. **IX.8.1(1) provides assessment criteria for new buildings and additions and alterations to buildings not otherwise provided for.** These include the need to consider/assess:

- Building design and external appearance, including whether:
 - the building responds to its context, including the landscape setting beside Auckland Domain / Pukekawa;
 - visual interest and quality when viewed from the street and within the precinct (i);
 - maximisation of doors, windows and balconies overlooking the street and publicly accessible spaces within the precinct (ii);
 - buildings, particularly in Height Area A, make a positive contribution to the collective skyline of the precinct when viewed from the street and surrounding areas, including through roof and upper level design (iii);
 - buildings use quality, durable and easily maintained materials on the façade, particularly at lower levels along street frontages (iv);
 - the development integrates matauranga and tikanga into the design of buildings and publicly accessible spaces (v) and incorporates crime prevention through environmental design principles (vi);
 - landscaping is incorporated into the development, particularly along the pedestrian connections and within the plaza identified in Precinct Plan 2 (vii);
 - buildings provide convenient and direct access between the street, pedestrian connections and publicly accessible spaces for people of all ages and abilities (viii);
 - the adverse effects on pedestrian amenity are minimised from blank walls along a street frontage, pedestrian connections and publicly accessible spaces (ix);
 - floor to floor heights offer adaptability to a range of uses (x);
 - balcony design is integral to residential development, avoiding a predominance of cantilevered balconies, and external walkways and breezeways are generally avoided (xi); and
 - operation and functional needs are recognised in building design (xii).

293. I generally support the wording of assessment criteria subject to the following comments.

294. Some of the assessment criteria wording references the terms 'Pukekawa and the Auckland Domain', which seems to infer that these are separate, distinct locations to consider effects on or from. However, my understanding is that Pukekawa is the Maori name for the Auckland Domain, and it is not a separate or different place, feature or name. I am also of the understanding that the majority of Pukekawa / Auckland Domain is identified as an outstanding natural feature and a part of this includes 'Pukekaroa' which is a small volcanic hill within the wider Pukekawa Volcano. I am of the view that the assessment criteria wording should be clarified to confirm that it is intending that Pukekawa / Auckland Domain are the same, and

further clarify where specific assessment of particular components of the features that make up Pukekawa/Auckland Domain is required i.e. specifically the ONF or specifically the amenity it provides as a green, public open space etc. This would assist to avoid confusion over what can or cannot be assessed at resource consent stage.

295. I am concerned about the use of the term 'publicly accessible spaces' in sub-parts (ii), (viii) and (ix). In my view a reference to 'publicly accessible spaces' includes the pedestrian plaza, but I am unclear if it is meant to include the pedestrian connections. My initial interpretation is that the pedestrian connections are publicly accessible spaces and would be included in the term; however, the wording in sub-parts (viii) and (ix) references both 'pedestrian connections' and 'publicly accessible spaces' separately. As a result, I am unclear whether the term is exclusive to the plaza components or inclusive of the plaza and pedestrian connection components. I'm of the view the wording 'publicly accessible spaces' should be clarified and then the wording intended, consistently used.
296. Criteria IX.8.2(1)(b) relates to the design of the pedestrian connections and the plaza. It requires consideration of whether pedestrian connections and the plaza are:
- designed as high amenity spaces with a public realm quality and clear wayfinding through the:
 - pedestrian connection Type A and the plaza not being enclosed within buildings, while allowing for canopy cover and building projection where this provides weather protection and visual interest; and retaining good awareness to the sky, in particular views to the sky when looking north along the Clayton Street entrance to the pedestrian connection; and
 - pedestrian connection Type B may pass through a building;
 - reinforcement of a sense of openness and public accessibility;
 - design, as strongly legible walking routes through the Precinct by building alignment reinforcing clear sightlines, spatial volume of entries to the connections and use of landscaping;
 - direct, safe, accessible and convenient pedestrian connections, subject to good levels of passive surveillance from ground and upper floors.
 - provided noting that a podium constructed across the Precinct, generally level with George Street, is the preferred means to traverse the north to south level difference across the Precinct; and that any alternative options should demonstrate consistency with the criteria listed above and policies IX.3(3), (4) and (7).
 - in the form of an accessible lift or escalator for the Clayton Street pedestrian connection to the podium ; and in the form of accessible steps for the pedestrian connection between Morgan Street and the podium.

297. I am of the opinion that some of these criteria are worded as, or would be better worded as, standards (i.e. no enclosure of Type A pedestrian connections or the plaza), to ensure the design outcomes sought are actually achieved.
298. Criteria IX.8.2(1)(c) relates to active edges and enables consideration of whether buildings along the active edges identified on the Precinct Plan:
- contain activities that interact with and contribute to the vitality of the street;
 - are at the same level as the publicly accessible space or street;
 - note that an active edge can include a lift;
 - maximise glazing.
299. Criteria IX.8.2(1)(d) relates to the design of parking areas and sets out a preference for car parking to be located in basement levels, and separated from the street and the identified active edges by active uses, or screened from view from publicly accessible locations.
300. Criteria IX.8.2(1)(e) states that assessment criteria IX.8.2(1)(a)-(d) replace the assessment criteria in H13.8.2(3) from the underlying Business – Mixed Use Zone, which relate to new buildings and additions and alterations to buildings not otherwise provided for. These underlying Zone criteria would otherwise require an assessment against the underlying Zone policies or parts of policies, H13.3(3), (4), (6), (7), (10) and (12). The proposed criteria goes on to state that policies H13.3(3) regarding quality and design, (4) regarding universal access and (12) regarding operation and functional requirements of activities, continue to apply. So underlying policies H13.3(6) regarding ground floor uses and adaptability, (7) regarding the design and location of at grade parking, and (10) regarding dwelling at ground floor, would not be assessed.
301. **Criteria IX.8.2(2) relates to vehicle access** and requires consideration of the:
- location of vehicle access points including:
 - limiting vehicle access to those shown on Precinct Plan 2; and
 - the precinct's primary access point and access for large service vehicles being from the Morgan Street frontage.
 - effects on pedestrian safety and the amenity on Clayton Street and George Street, including whether:
 - the George and Clayton Street vehicle accesses are designed to prioritise pedestrians, reduce vehicle speeds, be visually attractive and positively respond to adjoining pedestrian connections; noting that the George Street access may take various forms, including a minimised carriageway; and
 - if a Clayton Street vehicle access was required, that the pedestrian emphasis may also take various forms such as design to limit desirability of use by vehicles via, for example, one-way vehicle movements.

302. **Criteria IX.8.2(3) relates to an infringement of Standard IX.6.1 Building height.** This seeks consideration of building scale, dominance and visual amenity effects, including whether a building creates adverse dominance and visual amenity effects on the surrounding area, particularly in relation to the Auckland Domain and the Museum.
303. Criteria IX.8.2(3)(b) seeks to replace the underlying Business – Mixed Use Zone criteria for buildings that do not comply with standards. Specifically, H13.8.2(7)(a) which relates to height, height in relation to boundary, building setbacks at upper floors, and maximum tower dimension and tower separation, specifically in the underlying zone. This underlying zone criteria would otherwise require consideration of policies H13.3(3)(a) and (b), (8), (13), (14) and (21). However, the proposed precinct criteria further states that underlying Zone policies H13.3(a), (b) relating to development quality and design in accordance with Plan and zone outcomes, and (13) relating to enabling greater building height in specified locations, continue to be applicable.
304. **Criteria IX.8.2(4) and (5) relate to infringements of Standards IX.6.2 Plaza and IX.6.3 Pedestrian connections.** As outlined in paragraphs above, an infringement of these standards is a non-complying activity, and a full assessment of effects and objectives and policies is required. As a result, I consider that assessment criteria IX.8.2(4) and (5) should be deleted.
305. **Criteria IX.8.2(7) relates to the assessment of an infringement of Standard IX.6.5 Residential along active edges.** This criteria enables consideration of the effects on activity levels of active edges and whether residential use at ground level along the areas marked as ‘active edges’ in Precinct Plan 2 will adversely affect the vitality and levels of pedestrian activity in the adjoining publicly accessible space. As outlined in paragraph 295 above, it is unclear if the reference to ‘publicly accessible space’ only includes the plaza, or whether this is both the plaza and the pedestrian connections. Noting that the activity edges are identified along the edge of the plaza and pedestrian connections.
306. **Criteria IX.8.2(8)(a) relates to the assessment of an infringement of Standard IX.6.6 Yards** and enables a consideration of the precinct legibility and visual amenity with regard to the extent to which a reduced yard depth from George Street would adversely affect the sense of entry and legibility of the precinct from George Street. The requestors s32 elevation (at page 17, section 5.1.7) identifies that the requirement for the yard standard is derived from and is to acknowledge the:
- “existing building setbacks and landscaped front yards of properties fronting George Street, to bring the ‘green’ of Pukekawa / Auckland Domain into the Plan Change area and creating a soft, green edge to George Street....”*
307. With reference to this comment, I am of the opinion that additional criteria should be added to this criterion, to make it clearer that landscaping or greening to create a relationship with the Auckland Domain / Pukekawa is also sought.

308. Criteria IX.6.8.2(8)(b) states that assessment criteria IX.6.8.2(8)(a) replaces the underlying Business – Mixed Use Zone assessment criteria H13.8.2(7)(b) which relates to yards and landscaping; except that policies H13.3(3)(b) relating to visual quality and interest of the street and other public open spaces, H13.3(3)(c) relating to pedestrian amenity and H13.3(7) requiring at grade parking to be located and designed to avoid or mitigate adverse pedestrian amenity and streetscape effects, continue to apply. Consideration of underlying policy H13.3(8) relating to development adjacent to residential zones or the Special Purpose School or Maori zones would not apply. I agree these criteria are relevant and appropriately worded.
309. **Criteria IX.8.2(9) relates to the assessment of an infringement of Standard IX.6.7 Maximum tower dimension and tower separation.** IX.8.2(9)(a) states that the underlying Business – Mixed Use Zone assessment criteria H13.8.2(7) for buildings that do not comply with standards, applies. However, assessment criteria IX.8.2(9)(c) then also states that criteria IX.8.2(9)(a) and (b) replace criteria H13.8.2(7), except that only policies H13.3(3)(a) and (b) and H13.3(13) apply. So, it would appear that the reference to the same underlying zone assessment criteria (H13.8.2(7)) is made twice, one including all policies referenced and one criteria only allowing consideration of some of the policies. I am of the view that criteria (IX.8.2(9)(a) could be deleted and criteria (c) relied on instead.
310. Assessment criteria IX.8.2(9)(b) enables consideration of visual amenity effects on the immediate streetscape, neighbourhood and wider city landscape, including whether a building creates adverse dominance and visual amenity effects on the surrounding area, particularly in relationship to the Auckland Domain / Pukekawa and the Auckland War Memorial Museum. I reiterate here my comments made in paragraphs 279 – 280 above which related to the associated matters of discretion for an infringement of the maximum tower dimensions and tower separation. In those paragraphs, I suggested that additional wording to clarify that the words ‘wider city landscape’ include reference to the Maunga and volcanic viewshafts. This is in part, picked up in the proposed assessment criteria wording references to the Domain and the Museum, but I consider the assessment criteria wording could also be further clarified and expanded.
311. **Criteria IX.8.2(10) relates to the assessment of an infringement of Standard IX.6.8 Setback from neighbouring sites.** IX.8.2(10)(a) states that the underlying Business – Mixed Use Zone assessment criteria H13.8.2(7) for buildings that do not comply with standards, applies. However, assessment criteria IX.8.2(10)(d) then also states that criteria IX.8.2(10)(a) to (c) replace criteria H13.8.2(7)(a), except that only policies H13.3(3)(a) and (b) and H13.3(13) apply. So, it would appear that the reference to the same underlying zone assessment criteria (H13.8.2(7)) is made twice, one including all policies referenced and one criteria only allowing consideration of some of the policies. I am of the view that criteria (IX.8.2(10)(a) could be deleted and criteria (d) relied on instead. Although, I also query the need for reference to policy H13.3(13) which relates to building height as it is not relevant to consideration of building setbacks.

312. Criteria IX.8.2(10)(b) enables consideration of whether a reduced setback along the precinct boundary, or an infringement to the tower dimension, results in visual amenity effects on the apartment building at 8 Clayton Street. I am of the opinion that the reference to an 'infringement to the tower dimension' is incorrectly placed in this criteria relating to setbacks. The tower dimension reference should occur in criteria IX.8.2(9) which is specific to tower dimension matters. The comments I made in paragraphs 282 – 286 above, with regard to the matters of discretion for an infringement of the setback standards are also relevant here. As they relate to assessment criteria, I note that only visual amenity can be considered. However, as the requestor outlined in their s32 Evaluation, the reasons for the standard were to provide for amenity and daylight, as well as visual amenity. As with the matter for discretion, I am of the view that the assessment criteria wording should be broadened to enable an assessment of amenity effects in a more general sense, as well as an assessment of the effects on a reasonable level of sunlight access to 8 Clayton Street, from an infringement of the setback Standard IX.6.8(2).
313. As I also stated in paragraph 287 above, criteria IX.8.2(10)(c) only enables consideration of an infringement to Standard IX.6.8(1) and (3) to three properties, being 47 George Street, 2 Alma Street and 33 Broadway. I consider it appropriate to consider the visual amenity effects of an infringement to Standard IX.6.8 on these immediately adjoining properties, although I do consider that the same consideration given to the apartment building at 8 Clayton Street should also be applied to the existing residential apartments at the upper level of the building at 2 Alma Street, noting that this is also an immediately adjacent site to the plan change area.
314. Furthermore, as also outlined in paragraph 288 above, there is no specific assessment criteria provided to direct an assessment of effects should Standard IX.6.8(3), as it relates to the need for a 6m setback at 27m high (using the rolling height method of height measurement), was infringed. I note that the general criteria provided by parts (a) or (d) of IX.8.2(10) would apply, but I am also of opinion that specific criteria should be developed to better guide the outcomes sought and that this is a gap in the provisions that should be addressed.
315. **Criteria IX.8.2(11) relates to the assessment of an infringement of Standard IX.6.9 Number of car parking spaces.** More specifically criteria IX.8.2(11)(a) enables consideration of the effects on the transport network including:
- (i) *the extent to which vehicle movements associated with any additional parking spaces affect the safe and efficient operation of the adjacent transport network, including public transport and the movements of pedestrians, cyclists and general traffic. This includes considering the effect of additional parking on trip generation from the site during peak commuter times;*
 - (ii) *the trip characteristics of the proposed activities on the site requiring additional parking spaces;*

- (iii) *the availability of alternative parking in the surrounding area, including on street and public parking, to provide the additional parking sought for the proposal;*
- (iv) *the availability of parking provision in the immediate vicinity to accommodate parking demands from surrounding activities;*
- (v) *the adequacy and accessibility of public transport and its ability to serve the proposed activity;*
- (vi) *mitigation measures to provide the additional parking which may include measures such as by entering into a shared parking arrangement with another site or sites in the immediate vicinity; and*
- (vii) *the extent to which the demand for the additional parking can be adequately addressed by management of existing or permitted parking. Depending on number of additional parking spaces proposed, the number of employees, and the location of the site, this may be supported by a travel plan outlining measures and commitments for the activity or activities on-site to minimise the need for private vehicle use and make efficient use of any parking provided; and*

316. Criteria IX.8.2(11)(c) also states that the criteria in (a) to (b) replace the assessment criteria in E27.8.2(4). I note here that, other than E27.8.2(4)(a), all the parts of criteria IX.8.2(10)(i) – (vii) listed above are the same as the criteria they are replacing from E27.8.2(4). However, criteria IX.8.2(10)(b) does provide an additional criterion to be considered, relating to the extent to which vehicle movements associated with any additional parking spaces affect pedestrian amenity, particularly along the pedestrian connections required by George Street Precinct plan 2.

8.8 PROPOSED GEORGE STREET SPECIAL INFORMATION REQUIREMENTS

317. IX.9 introduces requirements for special or additional, specific information to be provided with a resource consent application. In this instance, development staging plans are required to address activity IX.4.1(A10) being development that does not comply with Standard IX.6.4 Staged delivery of plaza and pedestrian connections. So, the need to provide staging plans only arises should the staging required by Standard IX.6.4 be infringed. I am of the opinion that staging plans should be provided as part of any application to address Standard IX.6.4, not as a result of an infringement to it. Therefore, I am of the view that this specialist information requirement should be amended to delete reference to activity IX.4.1(A10), so that any application is required to provide staging plans up front, as this would enable a better understanding of what the staging proposed is and whether Standard IX.6.4 is actually infringed.

8.9 PROPOSED GEORGE STREET PRECINCT DEFINITIONS

318. Section IX.11 Definitions of the Precinct provisions seeks to introduce a new definition which attempts to describe the proposed George Street datum point (i.e. its RL level and its location).

319. In this regard, I note that it is not standard drafting practice to include definitions in a precinct. As outlined in the Auckland Unitary Plan Independent Hearings Panel Recommendation on Topic 065 Definitions, specifically Section 10.1 Keep all definitions in one place:

... all definitions should be in the definition section.

Given the wide-ranging effect of definitions and to assist users in identifying which words or phrases are defined, it is desirable to have a definitions section in the Plan and to locate all definitions in that section.

320. I agree with the recommendation of the Hearings Panel, as did Council in accepting the recommendation, and consider that if a definition is required it should be located in J1 Definitions of the Unitary Plan.
321. I am also of the view that a separate, specific definition within the Precinct provisions, of the George Street datum is unnecessary. There is sufficient reference in IX.1 Precinct Description and in Precinct Plan 1 - Building heights regarding the use of the datum and its location. Although, I do consider that there would be benefit and further clarity in referencing the George Street datum (including the RL and reference to Precinct Plan 1 identifying its location) in the proposed objectives and policies.
322. Finally, I also reiterate here my comments in paragraphs 185 – 186 above regarding the use of the New Zealand Vertical Datum and/or the Auckland 1946 Datum and the different RL number each of these datum results in. Also, noting again that this is currently inconsistent in the proposed Precinct provisions and should be amended so that only one datum type and the same RL number are referenced.

9.0 STATUTORY AND POLICY FRAMEWORK

323. Private plan change requests can be made to the Council under clause 21 of Schedule 1 of the RMA. The provisions of a private plan change request must comply with the same mandatory requirements as Council initiated plan changes, and the private plan change request must contain an evaluation report in accordance with section 32 and clause 22(1) in Schedule 1 of the RMA.
324. Clause 29(1) of Schedule 1 of the RMA provides:
- “except as provided in subclauses (1A) to (9), Part 1, with all necessary modifications, shall apply to any plan or change requested under this Part and accepted under clause 25(2)(b)”.*
325. The RMA requires territorial authorities to consider a number of statutory and policy matters when developing proposed plan changes. There are slightly different statutory considerations if the plan change affects a regional plan or district plan matter.
326. PPC44 matters are district plan matters, with respect to introducing a new precinct that enables bespoke provisions for an area, and removal of the height variation control. However, the consideration of how the proposed private plan change gives effect to a Regional Policy Statement is also required.

327. The following sections summarise the statutory and policy framework, relevant to PPC44.

9.1 RESOURCE MANAGEMENT ACT 1991

9.1.1 Plan Change Matters – Regional and District Plans

328. In the development of a proposed plan change to a regional and / or district plan, the RMA sets out mandatory requirements in the preparation and process of the proposed plan change. **Table 5** below summarises matters for plan changes as they relate to regional and district plan matters.

Table 5: Plan Change Matters Relevant to Regional and District Plans

Relevant Act / Policy / Plan	Section	Matters
Resource Management Act 1991	Part 2	Purpose and intent of the Act
Resource Management Act 1991	Section 32	Requirements preparing and publishing evaluation reports. This section requires councils to consider the alternatives, costs and benefits of the proposal
Resource Management Act 1991	Section 80	Enables a 'combined' regional and district document. The Auckland Unitary Plan is in part a regional plan and district plan to assist Council to carry out its functions as a regional council and as a territorial authority
Resource Management Act 1991	Schedule 1	Sets out the process for preparation and change of policy statements and plans by local authorities.

329. The mandatory requirements for plan preparation are comprehensively summarised by the Environment Court in *Long Bay-Okura Great Park Society v North Shore City Council*, Environment Court Auckland A078/2008, 16 July 2018 at [34] and updated in subsequent cases including *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC 55 at [17]. When considering changes to district plans, the RMA sets out a wide range of issues to be addressed. The relevant sections of the RMA include sections 31-32 and 72-76 of the RMA.

330. The tests are the extent to which the objective of PPC44 is the most appropriate way to achieve the purpose of the Act (s32(1)(a)) and whether the provisions:

- accord with and assist the Council in carrying out its functions (under s 31) for the purpose of giving effect to the RMA;

- accord with Part 2 of the RMA (s74(1)(b));
- give effect to the AUP regional policy statement (s75(3)(c));
- give effect to any national policy statement (s75(3)(a)), in particular the National Policy Statement on Urban Development (NPS-UD);
- have regard to the Auckland Plan 2050 (being a strategy prepared under another Act (s 74(2)(b)(i));
- have regard to the actual or potential effects on the environment, including in particular, any adverse effect (s76(3));
- are the most appropriate method for achieving the objectives of the Unitary Plan, by identifying other reasonably practicable options for achieving the objectives (s32(1)(b)(i)); and by assessing their efficiency and effectiveness (s32(1)(b)(ii)); and:
- identifying and assessing the benefits and costs of environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
 - economic growth that are anticipated to be provided or reduced (s32(2)(a)(i)); and
 - employment that are anticipated to be provided or reduced (s32(2)(a)(ii));
- if practicable, quantifying the benefits and costs (s32(2)(b)); and
- assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions (s32(2)(c)).

331. Under section 74(1)(e) the decision maker must also have particular regard to the section 32 evaluation report prepared in accordance with s 32 (s74(1)(e)).

9.1.2 Resource Management Act 1991 – Regional Matters

332. While there are mandatory considerations in the development of a proposed plan change to regional matters, PPC44 does not seek to change any regional plan provisions or matters.

9.1.3 Resource Management Act 1991 – District Matters

333. There are mandatory considerations in the development of a proposed plan change to district plans and rules. **Table 6** below summarises district plan matters under the RMA, relevant to PPC44.

Table 6: Plan Change – District Plan Matters Under the RMA

Relevant Act / Policy / Plan	Section	Matters
Resource Management Act 1991	Part 2	Purpose and intent of the Act

Relevant Act / Policy / Plan	Section	Matters
Resource Management Act 1991	Section 31	Functions of territorial authorities in giving effect to the Resource Management Act 1991
Resource Management Act 1991	Section 73	Sets out Schedule 1 of the RMA as the process to prepare or change a district plan
Resource Management Act 1991	Section 74	Matters to be considered by a territorial authority when preparing a change to its district plan. This includes its functions under section 31, Part 2 of the RMA, national policy statement, other regulations and other matter
Resource Management Act 1991	Section 75	Outlines the requirements in the contents of a district plan
Resource Management Act 1991	Section 76	Outlines the purpose of district rules, which is to carry out the functions of the RMA and achieve the objective and policies set out in the district plan. A district rule also requires the territorial authority to have regard to the actual or potential effect (including adverse effects), of activities in the proposal, on the environment.

10.0 NATIONAL POLICY STATEMENTS

334. National policy statements (NPS) must be considered in the preparation and, in considering submissions on PPC44.
335. While there are a number of national policy statements, only two are considered to be relevant to PPC44. These include the Hauraki Gulf Marine Park Act 2000 (HGMPA) and the National Policy Statement on Urban Development 2020 (NPS-UD).

10.1 HAURAKI GULF MARINE PARK ACT 2000 (HGMPA)

336. The purposes of the Hauraki Gulf Marine Park Act, as set out in Section 3, are to integrate the management of natural, historic and physical resources of the Hauraki Gulf, its islands and catchments; to establish the Hauraki Gulf Marine Park and Forum; establish objectives to manage the Hauraki Gulf, its islands, and catchments and to recognise the relationship tangata whenua.
337. In section 4 of the HGMPA, 'catchment' is defined to mean any area of land where the surface water drains into the Hauraki Gulf.

338. In this instance, all surface water from the proposed plan change area, and the surrounding area, drains to the Hauraki Gulf.
339. Section 9(3) of the Hauraki Gulf Marine Park Act requires that a territorial authority must ensure that any part of a district plan that applies to the Hauraki Gulf, its islands and catchments, does not conflict with sections 7 and 8.
340. Section 10 of the Hauraki Gulf Marine Park Act states that for the coastal environment of the Hauraki Gulf, sections 7 and 8 must be treated as a New Zealand coastal policy statement issued under the Resource Management Act 1991.
341. Therefore, the key issue is the extent to which stormwater and wastewater mitigation measures in PPC44 will address the matters set out in sections 7 and 8 of the HGMPA.
342. Section 7 of the HGMPA recognises the national significance of the Hauraki Gulf, its islands and catchments, and emphasises the life-supporting capacity of the Hauraki Gulf and the capacity to provide for the social, economic, recreation and cultural wellbeing of people and communities.
343. Section 8 sets out the objectives of the management of the Hauraki Gulf, its islands and catchments, including the protection, maintenance and, where appropriate, the enhancement of the life-supporting capacity, natural historic and physical resources, cultural and historic associations; and the contribution of natural historic and physical resources to the social and economic wellbeing and to the recreation and enjoyment of the Hauraki Gulf.
344. The requestor provides an assessment of servicing matters, including stormwater and wastewater, relevant to the proposed plan change at section 8.6 of their Section 32 Evaluation and in their Infrastructure Report prepared by MSC Consulting (refer to the requestors Appendix 8). These assessments note and conclude that:
- the proposed plan change area is located within a partially combined sewer and stormwater network and that it is unclear what the current drainage status is of the properties within this catchment;
 - stormwater runoff that would result from development anticipated by the proposed plan change will not exceed pre-development levels;
 - the development anticipated by the proposed plan change provisions can be designed to ensure that the entry and exit points of the overland flow paths that are located in the proposed plan change area can remain unchanged; and
 - sufficient stormwater and wastewater infrastructure can be provided to service the development anticipated by the proposed plan change.
345. The requestors assessment has been reviewed for Council by Ms Gemma Chuah and Mr Iresh Jayawardena of Healthy Waters and Mr Andre Stuart of Watercare (refer to **Attachment 2**).
346. With regard to stormwater, Ms Chuah and Mr Jayawardena for Healthy Waters consider that the requestor has adequately addressed stormwater infrastructure

matters and there are not likely to be any adverse effects in relation to stormwater resulting from the proposed plan change as:

- development anticipated by the proposed plan change provisions will not alter the generation of stormwater i.e. the impervious area of the plan change area is currently 100 percent and this is unlikely to be altered;
- there is sufficient capacity in the existing stormwater system to cater for runoff from the proposed plan changes' anticipated development;
- overall redevelopment in the proposed plan change area will enable opportunities to achieve integrated stormwater management outcomes;
- any redevelopment in the proposed plan change area will need to be consistent with the large brownfields provisions of the Healthy Waters Regionwide Network Discharge Consent, including the provision of a Stormwater Management Plan; and
- detailed stormwater design can be considered at the resource consent stage.

347. With regard to wastewater, Watercare's assessment (by Mr Stuart) notes that the site is located within a partially combined sewer and stormwater network and that it is unclear what the current drainage status is of the properties in the catchment. Watercare's assessment also notes that:

5.6 An assessment of the proposed development confirms the requirement for the identified 150mm wastewater pipe in Clayton St to be upgraded. The requirement for any further upgrade of the 225mm network is dependant on confirmation of the current drainage status of adjacent properties within the catchment. If it is determined that there are combined properties within the catchment draining through the 225mm pipeline, then this pipe will be under capacity and will require upgrading by the applicant to a 300mm pipeline. For the purpose of the plan change, we assume that the local network will need to be upgraded to a 300mm pipeline. Further investigation could confirm that the 225mm pipe is sufficient; however, this is the responsibility of the applicant to determine.

5.7 Analysis of the dry weather flows in the downstream transmission network (bulk networks) confirms that there is sufficient capacity to convey dry weather flows without risk of dry weather overflows.

5.8 Wet weather overflows that have been identified within the submissions are predicted to become more frequent and of higher volume in the short-term due to flows from this development. These overflow issues will be addressed through proposed transmission projects that are programmed for the catchment and potential further network separation if this is identified within the catchment.

348. Furthermore, with regard to wastewater the Watercare assessment concludes and recommends that:

- 6.2 *The applicant has completed a capacity assessment to the nearest 225mm wastewater pipeline in Clayton St. Watercare requires this capacity assessment to be completed to the nearest 300mm.*
- 6.3 *The applicant's conclusion that the 150mm pipeline within Clayton St requires upgrading to 225mm is possible, however, it is possible that this will need to be further upgraded.*
- 6.4 *Further upgrades to the 225mm network require further analysis to confirm the drainage status of the properties within the upstream catchment. This is the responsibility of the developer to undertake the analysis to determine the size of the network upgrade.*
- 6.5 *The proposed development does not result in a risk of dry weather flows in the downstream network. There will be a short-term worsening of wet weather overflows until programmed works downstream to resolve transmission network capacity constraints have been implemented. These works are planned to be undertaken by Watercare in 2025.*

349. As a result, with regards to stormwater I consider that PPC44 does not conflict with sections 7 or 8 of the Hauraki Gulf Marine Park Act.

350. However, with regard to wastewater, at this stage there does not appear to be sufficient information regarding wastewater network capacity; and there may be short-term wastewater overflows from development anticipated by the proposed plan change provisions, depending on the timing of any Watercare planned upgrades and the timing of approval related to either this proposed plan change and/or any subsequent or concurrent consent applications for development.

351. Therefore, at this stage, I consider that as the proposed plan change enables development that could result in increased wastewater discharges to the catchments of the Hauraki Gulf, the proposed plan change is in conflict with sections 7 and 8 of the Hauraki Gulf Marine Park Act; and the protection, enhancement and/or maintenance of the catchments of the Hauraki Gulf is not achieved. Nonetheless, it is expected that there is a solution to this matter and the applicant is invited to provide further information to address and clarify wastewater capacity matters in their evidence and at the hearing.

10.2 NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT 2020 (NPS-UD)

352. The National Policy Statement on Urban Development 2020 (**NPS-UD**) seeks to ensure that New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of diverse communities. It also seeks to remove barriers to development to allow growth 'up' and 'out' in locations that have good access to existing services, public transport networks and infrastructure.

353. The Environment Court considered the impact of the NPS-UD on private plan changes in its decision (*Eden-Epsom Residential Protection Society Incorporated v Auckland Council* [2021] NZEnvC 082) dated 9 June 2021 (released by the Court on 15 June 2021). The Environment Court decision appears to consider that the only

NPS-UD objectives and policies that are relevant to the merits of a private plan change request accepted by the Council are those that include specific reference to 'planning decisions' i.e. Objectives 2, 5 and 7 and Policies 1 and 6. In the absence of the Council having completed the work envisaged by other policies, it appears that currently only some sub-clauses of Policy 6 would apply.

354. The Environment Court's decision also confirms that Policies 3 and 4 of the NPS-UD, do not currently apply when considering the merits of private plan change requests i.e. having regard to Part 4 and subpart 6 of Part 3 of the NPS-UD it is anticipated that future Council initiated plan changes will implement these policies.
355. In accordance with the Court's direction I consider that Objectives 2, 5 and 7 and Policies 1 and 6 are relevant to PPC44, noting that Auckland is identified as a Tier 1 urban environment. An extract of all of the NPS-UD objectives and policies are provided in **Attachment 6**; and a copy of the Environment Court's decision is provided as **Attachment 7**.
356. The requestor has provided an assessment against the NPS-UD on pages 20 and 21 of the Section 32 Assessment. This assessment concludes that:
- The proposed George Street Precinct is completely in keeping with the proposed policy direction of the NPS – Urban Development. As discussed in 6.1.1 the precinct will enable a greater intensity of development and increased height in a location that is highly accessible and market desirable. It is also proposed to limit car parking to acknowledge the precincts access to active and public transport modes.*
357. I understand that the Council is undertaking a comprehensive approach to giving effect to the NPS-UD intensification requirements, in accordance with the timeframes specified for this by the Government (i.e. by July 2022 being two years after the commencement date of the NPS-UD), and is currently investigating whether there is further scope for urban intensification. Specifically, the Council will be investigating what existing capacity is already enabled throughout the zones in the region under the Unitary Plan and whether the residential capacities required are being met, then investigate development feasibility in areas required to be intensified.
358. As a result, PPC44 is being considered before any intensification plan changes occur.
359. Having turned my mind to the Court identified relevant objectives of the NPS-UD, I consider that PPC44 may give effect to Objective 2 to support competitive land markets and through those (but not specifically on this site) affordable housing, However, I consider that PPC44 has not sufficiently taken into consideration the principles of the Treaty of Waitangi / Te Tiriti o Waitangi in relation to the potential for adverse cultural effects on Auckland's maunga and views to and between them; and cultural values associated with scheduled historic and natural heritage items. Therefore, in my opinion PPC44 does not give effect to Objective 5.
360. In my view, PPC44 does contribute to the information required by local authorities in making planning decisions, but equally the operative Unitary Plan also provides such information and gives effect to Objective 7.

361. With regard to the Court identified relevant policies of the NPS-UD, I consider that PPC 44 will give effect to Policy 1(a) to (f) as, the development the provisions seek to enable will:
- contribute to a well-functioning urban environment enabling of a variety of homes that meet the needs of different households as sought by Policy 1(a)(ii); and
 - enable a variety of sites that are suitable for different business sectors as sought by Policy 1(b);
 - have good accessibility for all people between housing, jobs community services, natural spaces, and open spaces, including by way of public and active transport as sought by Policy 1(c);
 - encourage multiple activities and reduced car dependence which would likely support reductions in greenhouse gas emissions as sought by Policy 1(e); and
 - likely be resilient to the current and future effects of climate change as sought by Policy 1(f).
362. Nonetheless, I also consider that the current operative planning provisions (i.e the Business – Mixed Use Zone) along with the sites location also give effect to Policy 1(a) – (f).
363. I consider that it is difficult for PPC44 to give effect to the requirement of Policy 6(a), (b) and (d) with regard to development capacity and the planned urban built form anticipated by those RMA planning documents that have given effect to the NPS-UD because those planning documents have not yet been notified.
364. I also consider that PPC44 may give effect to Policy 6(c) in so far as it gives effect to Objective 2.
365. Furthermore, as outlined above, and I discussed in Section 12.1.13 of my report below, I consider that PPC44 will give effect to Policy 6(e) as the provisions consider the likely current and future effects of climate change.
366. However, as with Policy 1, I also consider that any redevelopment of the plan change area would also give effect to Policy 6.
367. So, in summary, I consider that the current Unitary Plan provisions already give effect to the NPS-UD. Moreover, while I consider that the proposed plan change provisions enabling additional height may give further effect to the NPS-UD with regards to development capacity, I am of the opinion that it does not give adequate consideration or effect to Objective 2.

11.0 NATIONAL ENVIRONMENTAL STANDARDS OR REGULATIONS

368. Under section 44A of the RMA, local authorities must recognise national environmental standards in its plans. But no rule or provision may duplicate or be in conflict with a national environmental standard or regulation.

369. There are no National Environmental Standards or Regulations relevant to the consideration of PPC44.

12.0 AUCKLAND UNITARY PLAN

370. For a plan change, the relevant policy statement and regional and district plans must be considered in the preparation of a plan change and in the consideration of submissions.

371. The requestor has provided an assessment of the plan change against objectives and policies of the Unitary Plan that they consider to be relevant. This is provided in Section 7.0, pages 22 – 25 of the Section 32 Elevation Report and as Appendix 3 to the request.

372. I have reviewed the comments / assessment made and I agree with some, but not all, of the requestor's assessment. I outline the matters of agreement and disagreement as part of my assessment below.

12.1 AUCKLAND UNITARY PLAN - REGIONAL POLICY STATEMENT (RPS)

373. Section 75(3)(c) of the RMA requires that a district plan must give effect to any regional policy statement (**RPS**).

374. I consider that the parts of the RPS that are most relevant to PPC44 are the following:

- B2.2 Urban growth and form
- B2.3 A quality built environment
- B2.4 Residential growth
- B2.5 Commercial and industrial growth
- B2.7 Open space and recreation facilities
- B2.8 Social facilities
- B3.3 Transport
- B4.2 Outstanding natural features and landscapes
- B4.3 Viewshafts
- B5.2 Historic heritage
- B6.3 Recognising Mana Whenua values
- B6.5 Protection of Mana Whenua cultural heritage
- B7.4 Coastal water, freshwater, geothermal water
- B10.2 Natural hazards and climate change

12.1.1 B2.2 Urban Growth and Form

375. The objectives and policies in B2.2 set out the strategic framework to guide Auckland's urban growth and form. More specifically, Objectives B2.2.1(1) – (5) require a quality compact urban form that enables a higher-quality urban environment, greater productivity and economic growth, a better use of existing and

efficient provision of new infrastructure, improved and more effective public transport, greater social and cultural vitality and reduced environmental effects all within the urban area and so that sufficient development capacity and land supply is provided to accommodate residential, commercial, and industrial growth (and social facilities to support growth) and is integrated with the provision of appropriate infrastructure.

376. As relevant to the plan change area, the policies seek to provide a quality compact urban form by:

- enabling higher residential intensification in and around centres and close to public transport, social facilities (including open space) and employment opportunities (B2.2.2(5)); and
- identifying a hierarchy of centres that supports quality compact urban form, so that the city centre, metropolitan centres and town centres function as focal points for commercial, cultural and social activities for the region or sub-region, and local and neighbourhood centres support and serve their local communities (B2.2.2(6)).

377. With regard to these objectives and policies, the requestors assessment notes that:

The proposed George Street Precinct will provide quality, compact neighbourhoods within a highly accessible location and increase residential capacity.

The George Street Precinct will enable 324 dwellings on a site that is highly accessible to the Newmarket Metropolitan Centre, the Newmarket and Grafton train stations, the FTN that runs along Broadway, the University of Auckland Grafton campus, ACG school, the Auckland Domain, Auckland Hospital and a range of other social amenities. This provides for a significant increase in the efficient utilisation of a land resource and existing infrastructure. Additionally, the colocation of commercial and residential uses reduces the pressure on transport infrastructure.

The Plan Change can be serviced by existing infrastructure.

While the George Street Precinct provides for height limits which are within a similar range to those that apply within Newmarket Metropolitan Centre, the Plan Change will not undermine the hierarchy of centres. The Plan Change area is located adjacent to the Newmarket Metropolitan Centre and almost reads as part of the centre. The GFA study (refer to Appendix 4) has shown that the Plan Change will not significantly increase the GFA that can be achieved on site beyond what a compliant commercial development can achieve. Further the visual landscape assessment has shown that the height enabled by the Plan Change will be viewed in the context of Newmarket Metropolitan Centre to the south, the surrounding commercial environment as well as the residential urban fabric and will not appear incongruous in this setting.

The Plan Change is entirely keeping with these objectives and policies.

378. I agree with the requestor's assessment that PPC44 will provide a quality, compact neighbourhood within a location highly accessible to public transport (i.e. trains and buses), and that, given the proposed building heights, it will likely increase residential dwelling capacity. Nonetheless, I consider that the existing Business – Mixed Use Zone would also facilitate this outcome, albeit the extent of dwelling capacity would not likely be as great given the lesser height enabled in the Business – Mixed Use Zone and by the Height Variation Control in this area.
379. I also agree with the applicant's assessment that the plan change area is well located to accommodate a more intensive and taller development than the maximum 27m height provided for under the Unitary Plan. This is due to the site's central location and the mature nature of Newmarket, the proximity to public transport, its location opposite the Auckland Domain which provides extensive areas of open space, and it's location in an area with a business zoning that is not subject to reduced development potential due to volcanic viewshafts. However, and importantly, this is premised on ensuring that development takes a form that is sensitive to the special environmental qualities of the site and its context, and how any additional height is managed, where it is located on the site and how the effects on surrounding properties are minimised or mitigated. It is these aspects that are at issue.
380. With regard to the RPS requirement to identify a hierarchy of centres to support a quality compact urban form, an intended hierarchy of centres is identified and established in the Unitary Plan. It is outlined in the zone description for each business zone. For example:
- H8.1 the zone description for the Business – City Centre Zone states that *“the city centre is the top of the centres hierarchy”*.
 - H9.1 the zone description for the Business – Metropolitan Centre Zone states *“The Business – Metropolitan Centre Zone applies to centres located in different subregional catchments of Auckland. These centres are second only to the city centre in overall scale and intensity...”*
 - H10.1 the zone description for the Business – Town Centre Zone states *“The Business – Town Centre Zone applies to suburban centres throughout Auckland, the satellite centres of Warkworth and Pukekohe, and the rural towns of Helensville and Wellsford. The centres are typically located on main arterial roads, which provide good public transport access.”*
 - H11.1 the zone description for the Business – Local Centre Zone states *“This Business – Local Centre Zone applies to a large number of small centres throughout Auckland. The centres are generally located in areas of good public transport.”*
 - H12.1 the zone description for the Business – Neighbourhood Centre Zone states *“The Business – Neighbourhood Centre Zone applies to single corner stores or small shopping strips located in residential neighbourhoods.”*
 - H13.1 the zone description for the Business – Mixed Use Zone states *“The Business – Mixed Use Zone 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.”

381. Furthermore, the hierarchy of centres is further reinforced by the types of activities enabled in each particular centre and by the extent of building height enabled. For example, the Business – Metropolitan Centre Zone typically enables building height of up to 72.5m, while the Business – Local Centre Zone enables building height of up to 18m and the Business – Neighbourhood Centre Zone enables building height of up to 13m. As outlined in Section 7.0, paragraphs 169 – 176 of this report, while the heights in centres can be varied by the Height Variation Control, this is done in a principled manner, and includes consideration of the type and function of the centre and the characteristics of the surrounding area and a particular site. However, as it relates to height, a fundamental principle of the hierarchy of centres in the Unitary Plan is that building height typically reduces as you move down the hierarchy of the centres. I consider the impacts of PPC44 on the hierarchy of centres further in Section 12 below.
382. With regard to the above comments, I am of the opinion that PPC44 is generally consistent with the objectives and policies in B2.2 Urban growth and form.

12.1.2 B2.3 A Quality Built Environment

383. The objectives in B2.3.1 seek:
- (1) *A quality built environment where subdivision, use and development do all of the following:*
 - (a) *respond to the intrinsic qualities and physical characteristics of the site and area, including its setting;*
 - (b) *reinforce the hierarchy of centres and corridors;*
 - (c) *contribute to a diverse mix of choice and opportunity for people and communities;*
 - (d) *maximise resource and infrastructure efficiency;*
 - (e) *are capable of adapting to changing needs; and*
 - (f) *respond and adapt to the effects of climate change.*
 - (2) *Innovative design to address environmental effects is encouraged.*
 - (3) *The health and safety of people and communities are promoted.*
384. Policies to achieve this include:
- (1) *Manage the form and design of subdivision, use and development so that it does all of the following:*
 - (a) *supports the planned future environment, including its shape, landform, outlook, location and relationship to its surroundings, including landscape and heritage;*

- (b) *contributes to the safety of the site, street and neighbourhood;*
 - (c) *develops street networks and block patterns that provide good access and enable a range of travel options;*
 - (d) *achieves a high level of amenity and safety for pedestrians and cyclists;*
 - (e) *meets the functional, and operational needs of the intended use; and*
 - (f) *allows for change and enables innovative design and adaptive re-use.*
- (2) *Encourage subdivision, use and development to be designed to promote the health, safety and well-being of people and communities by all of the following:*
- (a) *providing access for people of all ages and abilities;*
 - (b) *enabling walking, cycling and public transport and minimising vehicle movements; and*
 - (c) *minimising the adverse effects of discharges of contaminants from land use activities (including transport effects) and subdivision.*
- (3) *Enable a range of built forms to support choice and meet the needs of Auckland's diverse population.*
- (4) *Balance the main functions of streets as places for people and as routes for the movement of vehicles.*
- (5) *Mitigate the adverse environmental effects of subdivision, use and development through appropriate design including energy and water efficiency and waste minimisation.*

385. The requestor considers that the proposed plan change will achieve objectives and policies in B2.3. Their assessment (particularly at pages 2 – 3 of the Auckland Unitary Plan Objectives and Policies Assessment Table in Appendix 3) states:

The proposed George Street Precinct responds to the physical characteristics of the site and area, including its setting through ensuring that the very well utilised informal pedestrian connection between Clayton Street and George Street is formalised and enhanced. The George Street Precinct also introduces specific provisions which respond to the unique characteristics of the site and ensures that the existing and future development at 8 Clayton Street, 33 Broadway, 2 Alma Street, 47 George Street and 39 George Street will have a reasonable level of amenity not currently provided for under the Business - Mixed Use zone.

*The Visual Effects Assessment (refer **Appendix 6**) has shown that the higher buildings enabled by the Plan Change will not visually overpower Newmarket Metropolitan Centre. The Visual Effects Assessment finds*

*that the development enabled by the Plan Change will sit comfortably into the existing urban fabric and will be seen as an integral component of the wider Newmarket area. The GFA study (refer **Appendix 4**) has shown that a completely commercial development will not result in significantly more commercial floor space than a complying development under the current provisions. Therefore, the Plan Change will not detract from the function of Newmarket as a Metropolitan Centre.*

To ensure development with the additional height enabled within the precinct integrates with the surrounding development and demonstrates an overall design strategy, a design-based approach has been implemented, with all building development requiring assessment against a tailored set of criteria.

The Plan Change is entirely keeping with these objectives and policies.

386. I disagree with the requestor's assessment as it relates to Objective B2.3.1(1)(a) and Policy B2.3.2(1). My opinion is that the proposed plan change will not provide the quality built environment sought as it does not respond sufficiently or appropriately to the intrinsic qualities and physical characteristics of the site and area, including its landform, or its setting and relationship to its surroundings, including landscape and heritage.
387. In particular the proposed plan change, and the height and bulk of development enabled by the precinct, does not sufficiently respond to the intrinsic qualities and physical characteristics of the:
- Auckland Domain / Pukekawa, including the Auckland Domain Volcano / Pukekaroa which is identified as an outstanding natural feature in the Unitary Plan (ID 7);
 - various maunga, particularly the views to and between them and some of the established viewshafts to or from them;
 - Auckland Museum which is an identified heritage building in the Unitary Plan (ID 1640) and by Heritage New Zealand; or
 - other identified heritage buildings in the area bound by Parnell Road, Maunsell Road, George Street and Titoki Street to the north-east.
388. In this regard I agree with and rely on the comments made in the assessments for Council by Mr Alastair Jamieson with regard to outstanding natural features associated with the Domain Volcano / Pukekaroa and maunga; Mr Peter Kensington with regard to landscape and visual effects and Ms Carolyn O'Neil with regard to built heritage (refer to **Attachment 2**).
389. More specifically the assessment provided by Mr Jamieson with regard to outstanding natural features considers that:

.... the natural underlying topography of site can still be perceived as a continuation of the outer slope of the volcanic feature, as the existing buildings generally follow the natural contour. I consider the scale of

buildings proposed would further conceal and disrupt the ability observe the volcanic landform in its wider setting. In my view, this would detract from the value of Auckland Domain Volcano in relation specifically to the following identification factors for which it is scheduled as an ONF;

- (e) the extent to which the landform, geological feature or site contributes to the value of the wider landscape; and*
- (g) the potential value of the feature or site for public education.*

I also share Mr Kensington's concerns about of the potential impact on views from and between Auckland Domain Volcano and other volcanic features (maunga). With respect to its value as an ONF rather than a landscape feature, this concern relates to identification factor (d), being the extent to which the landform, geological feature or site is part of a recognisable group of features. More generally, I consider that interference with views between volcanic features is inconsistent with the Objective and Policies outlined above.

390. The assessment provided by Mr Kensington with regard to landscape and visual effects considers that the development of the plan change provisions and the impact of development that would be enabled has not considered the impact of development on the visual connection between maunga or the significance of maunga to maunga views. Mr Kensington is of the opinion that this is a relevant issue for consideration as part of a robust section 32 analysis.
391. Mr Kensington undertakes his own assessment of the proposed plan change with regard to the significance of maunga to maunga views (under B4.3.2(1)) and the effects of the proposed plan change on these. He concludes, on a preliminary basis, that the following views are locally or regionally significant:
- View from Ōhinerau / Mt Hobson to Pukekaroa / Pukekawa - a Locally Significant view;
 - View from Maungawhau / Mt Eden to Takarunga / Mt Victoria and Maungauika / North Head and the relationship with Rangitoto and the Waitematā – noting Pukekaroa / Pukekawa in foreground of the view – a Regionally Significant view;
 - View to and between Maungauika / North Head to Maungawhau / Mt Eden – a Regionally Significant view; and
 - View from Takarunga / Mt Victoria to Maungawhau / Mt Eden – a Regionally Significant view.
392. Mr Kensington states that the locally significant view from Ōhinerau / Mt Hobson to Pukekaroa / Pukekawa would be adversely affected to a high degree by the building form and bulk enabled by the proposed plan change provisions. Mr Kensington also considers that the development that would be enabled in Height Area A would interrupt and detract from the regionally significant view from Maungawhau / Mt Eden to Takarunga / Mt Victoria and Maungauika / North Head and the relationship with

Rangitoto and the Waitematā – noting Pukekaroa / Pukekawa in foreground of the view; and result in an indirect, and therefore, moderate impact on the regionally significant view from Takarunga / Mt Victoria to Maungawhau / Mt Eden. Furthermore, Mr Kensington considers the regionally significant view to and between Maungauika / North Head to Maungawhau / Mt Eden would be affected to a moderate to high degree by the proposed plan change enabled development.

393. In addition, Mr Kensington considers that there will also be an indirect adverse landscape effect on the visual connection of Pukekaroa / Auckland Domain and Ōhinerau / Mt Hobson as a result of the scale of built development that would be enabled by the proposed plan change provisions.

394. Furthermore, at paragraph 8.44 Mr Kensington considers that:

8.44 Consideration of potential 'visual dominance' and 'urban landscape character' effects on public amenity values is required because of the importance of the site's existing context (being located in close proximity to Pukekaroa / Pukekawa / Auckland Domain) and given the strong sense of place arising from the existing character of this part of Newmarket.

395. In this regard, at Paragraphs 8.45 – 8.46 Mr Kensington concludes that:

8.45 In my opinion, the proposed maximum building height within 'Height Area A' (at RL121) is too great when considered in the context of the surrounding landform and relative building heights of existing buildings in the landscape, including the Auckland Museum (refer Plate 13 below).

8.46 These adverse effects will include the potential erosion of the Auckland Museum building's visual prominence in the landscape and on people's experience of the open space of Pukekaroa / Pukekawa (Auckland Domain) and of the Auckland Museum building. I defer to the historic heritage expertise of the Council's expert, Carolyn O'Neil, acknowledging the overlap between our areas of speciality.

396. Finally, at paragraph 8.51 Mr Kensington notes that he has:

.... considered views from the Waitematā towards the Museum building for people experiencing the urban coastal landscape of Auckland / Tāmaki Makaurau. Given the visual prominence of the Museum building (controlled through specific viewshaft provisions under the AUP(OP)), this built element is a focus in the view, alongside other prominent built and natural features in the landscape, as it unfolds when arriving into the city from the water (refer photographs within Attachment 4). In my opinion, building bulk and form at the heights that would be enabled through the proposed provisions, has the potential to adversely impact on this experience; however, I acknowledge that other existing built elements already

detract somewhat from these views and the additional impact would be cumulative.

397. In terms of historic heritage, Ms O’Neil identifies that the Unitary Plan, at D17 Historic Heritage Overlay defines the setting of historic heritage places as follows:

“The setting of a historic heritage place includes elements of the surrounding context beyond the identified extent of place within which a historic heritage place is experienced. The setting of a historic heritage place includes the sea, sky, land, structures, features, backdrop, skyline and views to and from the place. It can also include landscapes, townscapes, streetscapes and relationships with other historic heritage places which contribute to the value of the place”.³

398. Ms O’Neil also comments at paragraph 5.1 that:

5.1 In reviewing the documentation submitted by the applicant for PPC44, I note that historic heritage has not been comprehensively addressed. The s32 Evaluation acknowledges that “there are no protected historic heritage on the site”, and, as a result, is not covered by the historic heritage overlay in the AUP (OIP). This may account for the omission of an assessment of effects on historic heritage values and the incorporation of historic heritage-related provisions in the proposed precinct plan.

399. Ms O’Neil then assesses the effects on the historic heritage values of the Auckland Domain and Auckland War Memorial Museum and concludes:

6.7 Occupying an elevated and isolated position within the Domain (akin to the Acropolis after which it was reputedly designed), the Museum derives much of its visual appeal from its setting. Given its siting, scale and prominence within the Domain, I do not consider that the proposed development will visually overwhelm (or dominate) its appearance or degrade its symbolism, as alluded to in some of the submissions. However, it is my opinion that the proposed built form enabled by the plan change, particularly ‘Tower A’, has the potential to compete with the Museum and detract from its aesthetic and context heritage values.

....

6.10 In consideration of the above and the information currently available, it is my opinion that the proposed development has the potential to undermine the aesthetic and context qualities of the Museum and, to a lesser extent, the Domain, detracting from, rather than maintaining or enhancing, their historic heritage values.

400. Ms O’Neil also considers the effects of the proposed plan change and the development it would enable on the historic heritage values of the heritage buildings in the Foundation Precinct. In this regard, she notes that:

6.12 *A key issue that arises from the above submissions is that the plan change documentation does not adequately consider the potential for adverse visual dominance effects on the Foundation Precinct and its heritage buildings.*

6.13 *In accordance with my previous comments, I agree that there is currently limited information in the applicant's documentation to determine the level of impact the development enabled by the proposed plan change may have on the heritage values of these adjacent historic heritage buildings. I also concur that, based on the information that is available, there is potential for the proposed development to undermine the heritage values of these places.*

401. At paragraphs 6.14 – 6.15 Ms O'Neil provides further assessment of the likely effects of the development enabled by the plan change provisions and in paragraphs 6.15 - 6.17 she concludes that:

6.15 *The historic heritage values of the former Royal New Zealand Foundation for the Blind office and workshops are supported by its architectural and landmark qualities and its positive contribution to the streetscape. The building also has a strong historical and contextual relationship with Pearson House that fronts Titoki Road. In reviewing View B of Council's 3D imaging, it is clear that the proposed new development will be highly conspicuous when viewed from vantage points along Parnell Road. In my opinion, the bulk of the proposed built form and the disproportionate height of 'Tower A' from this location, has the ability to overshadow the scheduled building, encroach on its immediate setting, and distract from the active contribution it makes to the streetscape.*

6.16 *Like the Royal New Zealand Foundation for the Blind office and workshops, Pearson House possesses physical attributes and aesthetic heritage values. However, given its location at the rear of the site and next to the larger-scaled ACG Parnell College building, it arguably lacks the same physical presence and landmark qualities. In my view, this has an influence on the extent by which the new development may impact on its heritage values. As shown in View C of Council's 3D imaging, the built form enabled by the proposed plan change will be visible within the setting of Pearson House, with 'Tower A' continuing to appear considerably taller than surrounding development (and relative to the maximum building height currently enabled by the AUP (OIP) provisions). Despite the continued ability of the proposed built form to dominate the skyline within the context of Pearson House, I am of the view that, given the location of the proposed development beyond the larger-scaled neighbouring ACG Parnell College building, the visual impact on the heritage values of Pearson House is likely to be less pronounced.*

6.17 *Based on the information currently available, it is my opinion that the concerns raised in the submissions regarding the potential for the proposed development to result in adverse visual dominance effects on the character and heritage values of buildings within the Foundation Precinct is, to varying degrees, warranted.*

402. So, to reiterate, as a result of the technical expert assessments provided by Mr Jamieson, Mr Kensington and Ms O’Neil, I consider that the plan change provisions and the scale, mass and height of the development they would enable, have not sufficiently responded to the intrinsic and physical characteristics of the plan change area or its setting and relationship to the surrounding area, including natural features, landscape and visual (particularly maunga to maunga views), and heritage aspects. As a result, I consider that PPC44 is inconsistent with RPS objective B2.3.1(1)(a) and Policy B2.3.2(1)(a).
403. As outlined in paragraph 383 above, Objective B2.3.1(1)(b) also envisages a quality built environment where subdivision, use and development reinforce the hierarchy of centres. As I outline in paragraph 381 above, I consider the hierarchy is established by both the zone type, the activities enabled and the zone height.
404. The requestors Section 32 Elevation (at page 24) considers that the Plan Change will not detract from the hierarchy of centres or the function of Newmarket as a Metropolitan Centre because a completely commercial development will not result in significantly more commercial floor space than a complying development under the current provisions.
405. The requestor provides an assessment of activities and their gross floor area that would be enabled under the existing Business – Mixed Use Zone provisions and under the proposed precinct provisions. The requestor’s assessment, at Section 8.3 (on page 32) of the Section 32 Elevation, notes that:

The activities which can establish within the Plan Change area are largely determined by the underlying Mixed Use zone, which is enabling of office, residential and retail. The GFA that can be achieved is related to the land use as there are different setback requirements where developments incorporate habitable rooms. A GFA study has been undertaken to determine the difference in feasible GFA enabled by the current planning provisions in comparison to that enabled by the proposal and is attached in Appendix 4. The results of the GFA study are summarised in Table 8.3.1 below.

Table 8.3.1 Summary of GFA Study

	Scenario A - Current AUP Rules (max yield for commercial development)	Scenario B - Plan Change (Max yield for commercial development)	Scenario C - Current AUP Rules (max yield for residential development)	Scenario D - Plan Change (Typical yield for mixed use development)
Retail GFA	-	-	-	1,300 m ²
Supermarket GFA	2000 m ²	2000 m ²	2000 m ²	2000 m ²
Residential GFA	-	-	18,500m ²	27,310 m ²
Commercial GFA	31,700 m ²	35,100 m ²	-	-
Total GFA	33,700 m²	37,100 m²	20,500 m²	30,610 m²

406. The requestors assessment goes on to state that:

While the Plan Change allows for higher buildings within the Plan Change area there is no significant increase in overall GFA in a fully commercial development. A compliant commercial development under the current planning provisions could result in a GFA of 33,700m². The Plan Change however, is subject to the Maximum tower dimension and tower separation standard which applies to buildings over 27m to ensure a slender building form. This control significantly reduces the overall GFA which can be achieved in a commercial development. As such the concept scheme that the Plan Change is based on only results in a commercial GFA of 37,100m², which is only 3,400m² more than the commercial GFA that can be achieved under the AUP rules. As the increase in commercial or retail GFA is minimal the impact on the role and function of Newmarket Metropolitan Centre is minor. Furthermore, under the Mixed Use zone provisions the impact of any supermarkets, department stores and large format retail exceeding 1,000m² on the Newmarket Metropolitan Centre will need to be assessed⁷.

407. This assessment of the likely impact of various activities and their floor area, on the Newmarket Metropolitan Centre is supported by Council's Economic expert Ms Susan Fairgray, in her Economic Assessment, provided in **Attachment 2**. Ms Fairgray assesses the activities likely to establish in the plan change area, along with their likely floor area (resulting also from building height proposed to be enabled by the plan change provisions), and the likely impact on the Newmarket, Metropolitan Centre from these. At paragraphs 7.1 – 7.7 Ms Fairgray concludes that:

7.1 I consider that the applicant has adequately assessed the proposed private plan change effects on the environment in relation to economic effects. The likely land uses on the site are either largely already anticipated by the BMU Zone and controls, are unlikely to

result in further economic effects substantially beyond that which could already occur under the existing provisions, or are unlikely to generate adverse economic effects.

- 7.2 *In my view the proposed plan change is consistent with the Auckland Unitary Plan (Operative in part) objectives and policies in place at its location including those of the surrounding urban structure. The likely development patterns are relatively consistent with the BMU Zone objectives and policies, taking into account the Centre Fringe Office and Height Variation controls in place. This is because the proposal is for a high intensity development that is relatively consistent with the nature of activity enabled under the existing provisions.*
- 7.3 *Although the total level of potential commercial office floorspace enabled on the proposal site is large relative to long-term demand in Newmarket, I consider that the effects are not substantially different to what is already enabled, and are within the level of activity enabled within the location overall. The additional height would only enable up to 10% greater commercial office floorspace, which is unlikely to have a substantially different effect to the level of commercial floorspace that could already be established on the site, and therefore anticipated under the existing provisions. Moreover, the level of commercial floorspace is already anticipated within this area as it could alternatively be achieved through redevelopment of only a small number (1-2) of sites.*
- 7.4 *I consider that the proposal is unlikely to generate any adverse retail effects in relation the distribution of retail in the area. It is unlikely that retail activity would establish on the site to the extent already enabled by the BMU Zone, and correspondingly further unlikely to the greater extent enabled by the proposal. The scale of retail that is likely to be viable on the site (mostly ground floor) is unlikely to challenge the core retail area of Newmarket, with retail itself having strong tendencies to concentrate together in central areas.*
- 7.5 *In my view, the larger relative potential increase in residential floorspace is also unlikely to generate adverse economic effects. Rather, I consider that this would reflect residential development in a well-located, accessible and high amenity area.*
- 7.6 *Similarly, I consider that if the Community land uses (tertiary/other education (e.g. schools) and medical services), beyond their office component functions, were to establish to a greater extent than already enabled on the site, then they are unlikely to generate adverse economic effects. This is largely due to the efficiency of the location for these types of activities.*

- 7.7 *I further consider that the proposal is not inconsistent with the objectives and policies of the adjacent Newmarket Metropolitan Centre. The additional demand generated from higher intensity development on the site is likely to support the ongoing commercial viability of the Newmarket centre. Employees and residents are likely to access the core retail and social amenity functions of the centre, thereby supporting their commercial viability. I note that this area is identified within the Centres and BMU Zone policies as a location in which to “provide opportunities for substantial office activities (H13.3(15))”. The location of employees and residents on the proposal site, within close proximity to the central area, is likely to have a similar effect in relation to their demand supporting the viability of the centre, to if they were located within the central area itself.*
- 7.8 *Higher intensity commercial or residential development (and the less likely to establish community land uses) on this site is also likely to be consistent with the Regional Policy Statement. In my view, development in this location supports a quality compact urban form. This occurs through residential intensification on the site as a high amenity and accessible location, as well as the support for the adjacent Newmarket centre thereby supporting a compact, centres-based urban form.*
- 7.9 *I consider that development on the proposal site may provide well located residential development in an area of high amenity, accessibility, and demand. Furthermore, intensive residential development in this type of location is likely to increase the range of dwelling supply and may positively contribute to regional housing affordability objectives through the delivery of smaller, more intensive dwellings in an efficient location.*
- 7.10 *Overall, I am able to support the proposed private plan change in relation to the potential economic effects for the reasons outlined above.*

408. I agree with Ms Fairgray’s assessment that the activities and floor area enabled in the Business – Mixed Use Zone by the proposed precinct provisions would be more likely to support the higher order Newmarket Business – Metropolitan Centre. On this basis, I consider that the activities and floor area resulting from the plan change provisions will likely reinforce the hierarchy of centres and will be consistent with Objective B2.3(1)(b).
409. However, I do not agree with the requestor’s assessment with regard to building height enabled by the plan change provisions and its impact on the hierarchy of centres as this relates to the relationship between the plan change area (which is zoned Business – Mixed Use Zone) and the Newmarket, Business – Metropolitan Centre Zone which is located close to the plan change area. The requestor states, at Section 7.1 on page 24, that:

.... The additional height enabled by the Plan Change will not visually overpower Newmarket and will sit comfortably into the existing urban fabric as an integral component of the wider Newmarket area.

410. and at Section 8.3 on page 31 of the Section 32 Elevation, the requestor states that:

In relation to the impacts of the Plan Change on Newmarket Metropolitan Centre an additional consideration is whether the additional height might result in development that is of a scale that undermines the centre hierarchy. The maximum height limit of the Business-Metropolitan Centre zone is 72m however Volcanic Viewshafts constrain the maximum height that can be achieved in Newmarket to between 28m to 55m. The Plan Change enables a mixture of heights ranging from 29.8m up to 63.7m above grade. This will in some instances enable buildings which are the same height or taller than what can be developed in Newmarket Metropolitan Centre.

The planning framework that determines the heights of buildings in centre zones does not reflect a centres hierarchy approach. This is because the Height Variation Control can vary the height of any tier of centre to heights of 13m, 18m, 21m or 27m. Also centres, particularly Metropolitan Centres, develop gradually over time. Meaning that buildings will vary significantly in height while the full development potential is gradually taken up. Despite the varied nature of height in centres and the unclear height hierarchy for centres within the AUP, the visual impact assessment (refer Appendix 6) has shown that the higher buildings enabled by the Plan Change will not result in a landmark building outside of the centre that visually overpowers Newmarket Metropolitan Centre. While development enabled by the Plan Change will be highly visible from certain locations, it will be seen as an integral part of the wider Newmarket area and will be of an appropriate form and scale for its location.

Overall any adverse effects on the role, function and amenity of Newmarket Metropolitan Centre are unlikely and minor.

411. I have set out in Section 7.0 and paragraphs 169 – 176 of this report, the principles that the Council applied in establishing zoning, zone height and the Height Variation Control. These principles emphasised a recognition and consideration of the hierarchy of centres as well as area specific and site specific characteristics. Therefore, I consider that the requestor is incorrect to state that the planning framework that determines the heights of buildings in centre zones does not reflect a centres hierarchy approach.
412. A review of building heights enabled in the Newmarket, Business- Metropolitan Centre Zone and building heights enabled within the plan change area by both the underlying Business – Mixed Use Zone / Height Variation Control provisions and the proposed precinct provisions has been undertaken by Council's Urban Design

expert, Ms Ogden-Cork in her Urban Design Assessment, provided in **Attachment 2**.

413. As outlined in paragraphs 9.33 to 9.39 of Ms Ogden-Cork's assessment, while building height in a Business - Metropolitan Centre Zone could be up to 72.5m, for the Newmarket, Business - Metropolitan Centre Zone building heights are restricted by the Volcanic Viewshaft and Height Sensitive Areas Overlays that are present over this metropolitan centre. This results in building heights being limited to, in the order of 25m on the southern side of Broadway and at their highest, 60m in the area bound by McColl, Roxborough and Melrose Streets on the southern side of Khyber Pass Road.

414. Building height in proposed Height Area A is enabled up to 55m above the George Street datum or 65m above ground level at the Clayton Street end of the plan change area. Therefore, for the plan change area, particularly Height Area A, building height would be up to 5m higher, than the highest height enabled in the wider Newmarket Metropolitan Centre Zone.

415. Ms Ogden-Cork states, at paragraph 6.16 and 6.17 (on page 26) of her assessment, that while in principle she considers that additional development (above the existing height of 27m) will in general support the vitality of Newmarket, she also considers that:

6.17 the heights currently proposed have the potential to undermine the integrity of the urban form and character of Newmarket, including the prominence of the Metropolitan Centre, due to the height of 55m above the George Street datum being enabled in height area A, and the effects of this height.

416. Ms Ogden Cork also states, at paragraph 9.40, that:

9.40 This analysis of the proposed maximum height illustrates how within the context of Newmarket, and the Metropolitan Centre Zone, the proposed Height Area A is likely to be perceived as out of scale in relation to the hierarchy of centres, its position in the landscape and how it is viewed from across the city. This assessment supports the conclusion by Peter Kensington.

417. I agree with Ms Ogden-Cork's assessment of building height in the wider Newmarket area and across the plan change area, and I agree with her conclusion that the proposed precinct building heights, in particular the 55m / 65m building height in Height Area A, would likely be perceived as being out of scale with the nearby Newmarket, Business – Metropolitan Zone.

418. Furthermore, in my view, enabling taller buildings on a site in a Business – Mixed Use Zone, which is defined in the Unitary Plan as being a transition zone between residential areas and the Business – City Centre Zone, the Business- Metropolitan Centre Zone and the Business – Town Centre Zone, and therefore, at a lower level in the hierarchy of centres, than what could occur in a zone at a higher level in the hierarchy of centres, such as the Newmarket, Business – Metropolitan Centre Zone,

does not reinforce the centres hierarchy as directed by Objective B2.3.1(1)(b). As a result, I consider that the proposed plan change is inconsistent with Objective B2.3.1(1)(b).

419. I also agree with Ms Ogden-Corks comments at paragraph 9.41 that:

... a lower height, that is a more compatible in height to other parts of Newmarket, may result in a more acceptable level of effect when viewed from the surrounding Maunga, and from across the city. Supporting the legibility and hierarchy of the Metropolitan Centre Zone, and signalling the northern extent of the Newmarket business area.

420. With regard to the remaining parts of Objectives B2.3.1(1), being parts (c) – (f), and Objectives B2.3.1(2) and (3), and the remaining parts of Policy B2.3.2(1) being parts (c) – (f) and Policies B2.3.2(2) – (5), I am of the view that the proposed plan change provisions will enable development that would:

- contribute to the diverse mix of choice and opportunity for people and communities (B2.3.1(1)(c));
- maximise resource and infrastructure efficiency (B2.3.1(1)(d));
- meet the functional and operational needs of the intended uses B2.3.2(1)(e); and
- be capable of adapting to changing needs (B2.3.1(1)(e),

421. as the plan change provisions will enable a range of activities to occur, and the proposed provisions provide sufficient scope in the design of buildings to provide for the intended range of activities and their functional and operational needs. In addition, redevelopment encouraged by the plan change provisions would likely create employment and other opportunities for people and the community.

422. Although, I consider that the existing underlying Business - Mixed Use Zone provisions can also achieve these same outcomes.

423. I am also of the opinion that the plan change provisions and the development they would enable would result in a response to climate change as required by Objective B2.3.1(1)(f) and Policy B2.3.2(5) i.e. by providing for newer buildings, which by virtue of more modern materials and building methods, are likely to be more energy efficient; and given the plan change areas proximity to public transport and other commercial services, open space and social amenities (i.e. the Domain/Pukekawa and Auckland Hospital) meaning peoples journeys between these can be shorter. However, I also agree with the conclusion of Ms Ogden-Cork at paragraph 11.20 of her urban design assessment (refer to **Attachment 2**) that:

11.20the inclusion of specific provisions on environmental performance (eg. optimise on site energy efficiency, reduce waste, manage carbon, and provide for water sensitive design) and priority given to a reduction in car use, would increase the positive effects provided by the proposal and be in line with the

objectives of the RPS for encouraging innovation in response to environmental issues, including climate change.

424. Furthermore, while the proposed plan change includes requirements to create pedestrian connections and vehicle access in identified locations and to limit vehicle movements, as well as a means to assess these, I consider that the proposed plan change may not contribute to the safety of the site, street and neighbourhood, or the accessibility and high level of amenity and safety for pedestrians and cyclists that Policies B2.3.2(1) and (2) envisage. The reasons for this are:

- the proposed pedestrian connection to George Street appears to be located in a manner that would likely conflict with the vehicle access point. As outlined above and in Sections 3.2 and 6.1 of the assessment provided by Mr Black in **Attachment 2**, there is insufficient space in the approximately 6.0m wide area identified to provide two-way vehicle access and a well designed and accessible pedestrian connection, and this would likely result in adverse safety and amenity effects.
- the plan change provisions do not specify a minimum pedestrian connection width that would better ensure the plan change objectives and policies and the RPS objectives and policies are met.
- given its width, there is a question over the ability of Morgan Street to accommodate service vehicles as the plan change and Precinct Plan 2 envisage, with a suggestion by Mr Black, in Section 6.1 of his assessment, that service vehicles may also need to use the George Street vehicle access point, thereby exacerbating the pedestrian safety issues raised above.
- the proposed plan change includes Standard IX6.3(3) which states that the pedestrian connections required only need to be publicly accessible between the hours of 7am to 11pm. Ms Ogden-Cork in paragraph 10.2 of her Urban Design Assessment (refer to **Attachment 2**) considers that this aspect will make a positive contribution to the pedestrian environment. However, its use for 24 hours a day would be preferable. I agree with this assessment. In my opinion, the restriction on hours the pedestrian connections are to be open to the public reduces the connectivity that the pedestrian connections are supposed to achieve under the plan change provisions. This results in the plan change being less consistent with Policy B2.3.2(1) than it could otherwise be. I also consider that if the pedestrian connections are not well designed the objectives and policies of the proposed plan change and this RPS policy will not be met as they will likely result in unsafe spaces with limited amenity and accessibility.
- at the Clayton Street end of the plan change area the pedestrian connection is likely to be achieved by a mix of escalators and/or lifts. It will be critical to the use of this pedestrian connection that it is clearly identified to be used by the public and that it feels safe to use by pedestrians and cyclists at all hours, regardless of whether these are restricted or not.

425. I also note that in the Council's Urban Design Assessment (refer to **Attachment 2**), Ms Ogden-Cork notes at paragraphs 10.23 a number of the design challenges that would be faced to ensure a quality plaza space. At paragraph 11.8 of her assessment Ms Ogden-Cork also states that:

Sunlight to plaza

11.8 Sunlight to the plaza area located on the proposed north/south pedestrian route is limited to only about 2 hours a day.⁴⁷ This is during the middle of the day, but the limited amount will impact on the usability of the space, depending on season. In general, for vibrant public spaces longer hours of sunlight at varying time of the day encourages more use. If the 39 George Street site to the north was to develop to 27m at the boundary of the precinct, then the plaza may not get any sunlight in winter which is when sun is most valuable. This lack of sunlight is a key reason why I consider that getting the plaza and pedestrian route working well will be particularly difficult, and it does limit its public benefit.

426. Therefore, while I consider the plan change is, in part consistent with Policies B2.3.2(1) and (2), more could be included in the plan change provisions to improve this, and achieve better and more certain outcomes.
427. Overall, in my opinion the proposed plan change is not sufficiently consistent with and does not give sufficient effect to creating the quality built environment sought by RPS objectives and policies in B2.3.

12.1.3 B2.4 Residential Growth

428. B2.4 Residential growth is relevant to the plan change area as Objectives B2.4.1(1) and (3) direct that residential intensification supports a quality compact urban form and that land within and adjacent to centres or in close proximity to public transport and social facilities (including open space) or employment opportunities is the primary focus for residential intensification. In this regard higher residential intensification is to be enabled in areas closest to centres, the public transport network, large social facilities, education facilities, tertiary education facilities, healthcare facilities and existing or proposed open space (Policy B.2.4.2(2)).
429. In addition, Objectives B2.4.1(2) and (4) and Policies B2.4.2(9) and (11) seek an increase in housing capacity and the range of housing choice, including a mix of dwelling types and sizes, to meet people's varied needs and lifestyles and where that choice is provided in attractive, healthy and safe areas with quality development that is in keeping with the planned built character of an area. Furthermore, Policies B2.4.2(6) and (7) seek to ensure that residential development is supported by infrastructure and adverse reverse sensitivity effects are managed.
430. However, Policy B2.4.2(5) directs that intensification should be avoided in areas:
- (a) *where there are natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana*

Whenua, natural resources, coastal environment, historic heritage or special character or

(b) that are subject to significant natural hazard risks;

where such intensification is inconsistent with the protection of the scheduled natural or physical resources or with the avoidance or mitigation of the natural hazard risks.

431. The requestor provides an assessment of the plan change against the Objectives and policies in B2.4 at page 4 of the Auckland Unitary Plan Objectives and Policies Assessment Table in their Appendix 3. Their assessment states:

The George Street Precinct aligns with the residential growth policies of the Regional Policy Statement through enabling increased residential development capacity in a highly accessible city fringe location and with the ability to be serviced with infrastructure.

Therefore, the Plan Change will make efficient use of land close to public transport, Newmarket Metropolitan Centre, The Auckland Domain and within close proximity to a range of healthcare, education and cultural amenities.

With the proposed precinct in place the Plan Change area will have the capacity for approximately 324 dwellings and an almost 50% increase in residential GFA that could be achieved under a scenario that complies with the current AUP zoning for the Plan Change area.

The Plan Change is entirely keeping with these objectives.

432. I agree with the requestor's assessment that the proposed plan change provisions will enable increased residential intensification in an area that is close to a metropolitan centre, the public transport network, education facilities (i.e. ACG schools and Auckland University) healthcare facilities (i.e. Auckland Hospital), and existing open space (i.e. Auckland Domain / Pukekawa). However, I also consider that the existing Business – Mixed Use Zone provisions enable a level of residential intensification that would also assist to achieve the objectives and policies in B2.4.

433. The difference between the residential intensification achieved under the proposed plan change provisions and the existing Business – Mixed Use Zone results from the additional building height the plan change provisions enable, and therefore the increased floor area such buildings would provide. For example, a 55m high building in Height Area A would likely be in the order of 15 – 16 stories high (depending on the floor to ceiling/floor height used). This is up to double the height and number of storeys likely to be achieved by a building of up to 27m high based on the existing Height Variation Control allowance for the plan change area. That said, it is also my view that no one development is required to provide for all residential intensification, and that cumulatively, all development in areas enabled for residential development are required to contribute to these objectives. In that regard, residential development of even a moderate scale in the plan change area under existing or proposed

provisions would likely contribute to residential intensification and achieve these objectives.

434. However, the requestor's assessment does not appear to address Policy B2.4.2(5). With regard to this policy, it is my opinion that the residential intensification likely to be achieved as a result of the form, and particularly the height, of buildings, under the proposed plan change will not protect scheduled natural and physical resources such as:

- Maunga, and views to, from and between them; or
- Outstanding natural features, such as the Auckland Domain Volcano / Pukekawa / Pukekaroa) and other maunga (i.e. Mount Eden / Maungawhau; or
- Built historic heritage, such as the Auckland War Memorial Museum (and Cenotaph), the former Royal New Zealand Foundation for the Blind office and workshops, and, albeit to a lesser extent, the Auckland Domain and the Pearson House.

435. This view is supported by the Council's technical expert assessments of landscape and visual effects, effects on the outstanding natural feature of the Auckland Domain Volcano / Pukekawa / Pukekaroa, and on the effects on built heritage, provided by Mr Kensington, Mr Jamieson and Ms O'Neil (refer to **Attachment 2**) which conclude that there would be:

- high adverse landscape and visual effects in relation to significant views from, to and between proximate maunga, including the Auckland Domain Volcano and the Auckland Museum; and
- adverse visual effects on the heritage values of the Auckland War Memorial Museum (and Cenotaph), the former Royal New Zealand Foundation for the Blind office and workshops, and, albeit to a lesser extent, the Auckland Domain and the Pearson House; and
- indirect adverse landscape effects on the aesthetic values and memorability of the ONF and maunga; and that large scale buildings would:
 - detract from the ability to perceive and understand the volcanic landform of the Auckland Domain Volcano ONF in its wider environment; and
 - further conceal and disrupt the ability to observe the volcanic landform in its wider setting, which would detract from the value of Auckland Domain Volcano in relation to identification factors for which it is scheduled as an ONF being B4.2.2(1)(e) the extent to which the landform, geological feature or site contributes to the value of the wider landscape; and B4.2.2(1)(g) the potential value of the feature or site for public education.

436 As a result, I consider that the residential intensification that would likely enabled by the proposed plan change would occur in a manner that does not avoid or protect the natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage or historic heritage, and as a result the proposed plan change is contrary to Policy B2.4.2(5).

12.1.4 B2.5 Commercial and industrial growth

437. The objectives relevant to the proposed plan change in B2.5.1 direct that employment, commercial and industrial opportunities meet current and future demands; and that commercial growth and activities are primarily focused within a hierarchy of centres and identified growth corridors that supports urban form.

438. These objectives are to be achieved by Policies B2.5.2(1), (2) and (6) which:

- encourage commercial growth and development in the city centre, metropolitan and town centres to provide the primary focus for Auckland's commercial growth;
- support the function, role and amenity of centres by encouraging commercial and residential activities within centres, ensuring development that locates within centres contributes to the following:
 - (a) *an attractive and efficient urban environment with a distinctive sense of place and quality public places;*
 - (b) *a diverse range of activities, with the greatest mix and concentration of activities in the city centre;*
 - (c) *a distribution of centres that provide for the needs of people and communities;*
 - (d) *employment and commercial opportunities;*
 - (e) *a character and form that supports the role of centres as focal points for communities and compact mixed-use environments;*
 - (f) *the efficient use of land, buildings and infrastructure;*
 - (g) *high-quality street environments including pedestrian and cycle networks and facilities; and*
 - (h) *development does not compromise the ability for mixed use developments, or commercial activities to locate and expand within centres. (B2.5.2(2)).*
- enabling commercial activities, where appropriate, in business zones (other than centres and identified growth corridors) having regard to the following:
 - adverse effects on the function, role and amenity of the city centre, metropolitan and town centres (beyond those associated with trade effects),
 - adverse effects on the quality compact urban form including the existing and planned location of activities, facilities, infrastructure and public investment;
 - the effects on:
 - community social and economic wellbeing, and accessibility;
 - the efficient use and integration of land and infrastructure;

- the safe and efficient operation of the transport network; and
- residential activity; and
- o avoiding conflicts between incompatible activities. (B2.5.2(6)(a));
- o the extent to which activities would compromise the achievement of commercial growth and development in the city, metropolitan and town centres; and
- o the extent to which activities would compromise the hierarchy of locations identified in Policies B2.5.2(1) to B2.5.2(5).

439. The requestor's assessment of the B2.5 Commercial growth objectives and policies, at page 5 of the Auckland Unitary Plan Objectives and Policies Assessment Table in their Appendix 3, states:

The George Street Precinct is located adjacent to the northern extent of the Metropolitan Centre zone however, any adverse effects on the role, function and amenity of Newmarket Metropolitan Centre are unlikely and minor in relation to the scale of development. The Visual Effects Assessment (refer Appendix 6) has shown that the development enabled by the Plan Change will sit comfortably into the existing urban fabric and will be seen as an integral component of the wider Newmarket Metropolitan Centre.

Furthermore, the GFA study has shown that due to the setback controls that apply to taller development, significantly greater commercial GFA than what is currently enabled by the AUP is not provided by the Plan Change.

The George Street Precinct further limits some industrial and vehicle orientated commercial activities that do not mix well with the intended primary residential use and pedestrian orientated nature of the precinct.

440. For the same reasons outlined in paragraphs 407 – 408 above, I agree with the requestor's assessment, and the assessment provided by the Council's Economic expert, Ms Susan Fairgray (refer to **Attachment 2**), that the range of commercial, retail and residential activities enabled or envisaged by the proposed plan change provisions are likely to support the function and role of the adjacent Newmarket, Metropolitan Centre and the Business – Mixed Use Zone.

441. However, while I consider that the proposed plan change provisions will enable activities and development that will contribute to an attractive and efficient urban environment, in my view the public places (i.e. the pedestrian connections and the public plaza) created may not be of a high quality or a sufficient quality. I reiterate here my comments in paragraphs 424 and 425 above with regard to the potential conflicts between vehicles and pedestrians, particularly the George Street pedestrian connection; the uncertainty about the quality of the pedestrian connections as a result of the lack of direction over their minimum width in the plan change provisions; concerns about accessibility as a result of the currently proposed

restriction on hours and design; and the number of the design challenges, such as access to sunlight, that would be faced to ensure a quality plaza space.

442. Furthermore, while the proposed plan change may enable development that can provide for a range of activities, employment and commercial opportunities, as well as a focal point for communities, as I outlined in paragraphs 409 – 418 above, I do not consider that the form of the development, particularly building height, enabled by the plan change provisions will support the hierarchy of centres and the higher order role of the Newmarket, Business – Metropolitan Centre in this.
443. As a result, I consider that the proposed plan change is insufficiently consistent with the commercial growth objectives and policies in B2.5, as while employment and commercial opportunities may be provided, the form of the development they are to be provided in may not be of sufficient quality and will be of a height that is unlikely to support the hierarchy of centres.

12.1.5 B2.7 Open space and recreation facilities

444. The objectives and policies in B2.7 relevant to the proposed plan change include objective B2.7.1(1) which seeks that the:

(1) *Recreational needs of people and communities are met through the provision of a range of quality open spaces and recreation facilities.*

445. and policies B2.7.2(2), (3) and (7), which seek to:

(2) *Promote the physical connection of open spaces to enable people and wildlife to move around efficiently and safely.*

(3) *Provide a range of open spaces and recreation facilities in locations that are accessible to people and communities.*

(7) *Avoid, remedy or mitigate significant adverse effects of land use or development on open spaces and recreation facilities.*

446. With regard to these objectives and policies that requestor's assessment notes that:

The Plan Change enables intensification to occur in a location that is very well serviced by open space. In particular, Pukekawa/Auckland Domain, which is one of Auckland's oldest and largest urban parks (75 hectares) is located directly across George Street. The park contains several important civic facilities including, the Auckland War Memorial Museum, the Wintergardens and sportsfields. It is also the home of many cultural and sporting events.

The Plan Change is in keeping with the relevant objectives and policies.

447. In my opinion, the proposed plan change will provide for additional open space i.e. the public plaza (albeit this will likely be a privately owned space). Furthermore, the pedestrian connections that are envisaged will promote the physical connection of the plan change area to the open space of the Auckland Domain, and between this and the wider Newmarket area. However, as outlined in both the Council's Open Space Assessment provided by Ms Maylene Barrett and the Urban Design Assessment of Ms Ogden-Cork (refer to **Attachment 2**) the physical connection

would be better improved if the pedestrian connections were publicly available 24 hours a day.

448. I am of the opinion that the development enabled by the proposed plan change provisions will adversely affect the Auckland Domain, which is noted as being Auckland's oldest and one of the largest open space areas; and which has various recreational, natural, landscape and historic heritage functions.

449. I consider my view is supported by the comments made by both Council's landscape and visual, and built heritage experts, Mr Kensington and Ms O'Neil. More specifically, with regard to public amenity values, at paragraph 8.46, Mr Kensington notes that:

8.46 These adverse effects will include the potential erosion of the Auckland Museum building's visual prominence in the landscape and on people's experience of the open space of Pukekaroa / Pukekawa (Auckland Domain) and of the Auckland Museum building.

450. While, Ms O'Neil, notes at paragraph 6.4 of her assessment that:

6.4 Several submissions raise specific concerns about how this increased building height would detract from the openness of the Domain's landscape, dominate views from within the park and from the Museum, or visually impact on the Domain and its heritage buildings.

451. In this regard Ms O'Neil notes that she shares some of these concerns and agrees that the:

excessive height and resultant visibility of the proposed development, particularly 'Tower A', has the potential to impact on the heritage values of the Domain and the Museum and the way in which they are experienced.

452. At paragraphs 6.5 of her assessment Ms O'Neil also further notes that:

6.5 The Domain possesses distinguishing topographical features and a varied terrain that encompasses both expansive areas of open space and areas that have a greater sense of enclosure. This means that, despite the Domain's close proximity to the fringe centres of Grafton and Parnell and the metropolitan centre of Newmarket, one's perception of development beyond its boundaries can vary within the park. Looking west and north-west, for example, the Auckland Hospital building and CBD's skyline are noticeable. However, development near its eastern and southern boundaries, is, at present, far less apparent. The most conspicuous building in this location is the 'Parkwood Apartments', which, at the maximum 25m height currently enabled in the area by the AUP (OIP), is markedly taller than its neighbouring structures. Notwithstanding, this development is largely screened and softened by existing trees at the edge of the Domain. In my view, the inability to readily perceive the

surrounding urban environment near the southern portion of the Domain contributes to its open character, aesthetic values and sense of place. It also reinforces the strong presence of the Museum.

453. Ms O’Neil goes on to state that allowing a building up to 55m / 65m in height, as enabled in Height Area A, will mean that such a building will:

...be visible within the Domain and from vantage points around the Museum. In light of this, I agree that the introduction of a building of this height has the potential to compromise the characteristic ‘openness’ of the southern portion of the Domain and, in so doing, challenge the landscape qualities and visual appeal that contribute to its heritage values and sense of place.

454. However, I acknowledge that Policy B2.7.2(7) requires the avoidance, remedying or mitigating of ‘significant’ adverse effects open spaces. While I consider there may be adverse effects on the open space and the open space qualities of the Auckland Domain, I acknowledge that the scale of these effects will not be at the significant level. I consider that the level of adverse effects would be more towards the minor end of the spectrum. Furthermore, as outlined by the above referenced expert assessments, the adverse visual, landscape and heritage effects on the open space of the Auckland Domain are not avoided, remedied or mitigated.

455. As a result, I consider that the plan change is consistent with the open space objectives and policies in B2.7. However, if the Commissioners were of the opinion that the adverse effects identified above are significant then policy B2.7.2(7) would not be met.

12.1.6 B2.8 Social facilities

456. The objectives and policies in B2.8 direct that social facilities be enabled, accessible and of a size commensurate with the area it is serving.

457. The requestor has provided an assessment against the objectives and policies in B2.8 at pages 7 - 8 of the Auckland Unitary Plan Objectives and Policies Assessment Table in their Appendix 3.

458. I agree with the requestor’s assessment in that the proposed plan change area is well located to support and/or be served by existing social facilities. However, I am of the view that the proposed plan change provisions do not alter the level of social facilities provided or offered over and above the existing Business – Mixed Use Zone and other relevant Unitary Plan provisions.

459. As a result, I consider that the proposed plan change is consistent with the provisions in B2.8.

12.1.7 B3.3 Transport

460. With regard to Transport, RPS Objective B3.3.1(1) directs:

(1) *Effective, efficient and safe transport that:*

(a) *supports the movement of people, goods and services;*

- (b) *integrates with and supports a quality compact urban form;*
- (c) *enables growth;*
- (d) *avoids, remedies or mitigates adverse effects on the quality of the environment and amenity values and the health and safety of people and communities; and*
- (e) *facilitates transport choices, recognises different trip characteristics and enables accessibility and mobility for all sectors of the community.*

461. To achieve objective B3.3.1(1), the policies at B3.3.2 seek to manage transport infrastructure. Of relevance to the proposed plan change are policies B3.3.2(1) and (2) which seek to enable the effective, efficient and safe development, operation, maintenance and upgrading of all modes of an integrated transport system; and the movement of people, goods and services and ensure accessibility to sites.

462. Furthermore, Policy B3.3.2(5) seeks to:

- (5) *Improve the integration of land use and transport by:*
 - (a) *ensuring transport infrastructure is planned, funded and staged to integrate with urban growth;*
 - (b) *encouraging land use development and patterns that reduce the rate of growth in demand for private vehicle trips, especially during peak periods;*
 - (c) *locating high trip-generating activities so that they can be efficiently served by key public transport services and routes and complement surrounding activities by supporting accessibility to a range of transport modes;*
 - (d) *requiring proposals for high trip-generating activities which are not located in centres or on corridors or at public transport nodes to avoid, remedy or mitigate adverse effects on the transport network;*
 - (e) *enabling the supply of parking and associated activities to reflect the demand while taking into account any adverse effects on the transport system; and (*
 - f) *requiring activities adjacent to transport infrastructure to avoid, remedy or mitigate effects which may compromise the efficient and safe operation of such infrastructure.*

463. The requestor has provided an Integrated Transport Assessment (ITA) prepared by Commute, which assesses the proposed plan change provisions and their likely traffic effects.

464. In addition, at pages 8 - 9 of the Auckland Unitary Plan Objectives and Policies Assessment Table, in their Appendix 3, and in their Section 32 Evaluation, the

requestor has provided an assessment of the proposed plan change against the above outlined objectives and policies. These assessments consider that:

- the plan change area has excellent accessibility to various transport modes including walking, cycling, bus, train and private vehicle;
- a parking maximum of 500 car parking spaces is incorporated in the plan change provisions to mitigate the traffic impacts of the increased building height enabled by the proposed plan change;
- a comparison of three scenarios for the plan change area demonstrates that, in a worst case example, the proposed building height increases, result in the generation of approximately 65 more trips in the peak hour;
- the proposed plan change takes advantage of the accessibility of the plan change area to encourage travel behaviour change;
- the proposed plan change will formalise a highly used pedestrian route between Clayton Street and the Domain; and that the vehicle access requirements to the plan change area have been designed to enhance this connection by prioritising pedestrian safety and amenity; and
- the surrounding road network can operate safely and efficiently with the proposed precinct in place.

465. Therefore, on this basis the requestor considers that the proposed plan change is in keeping with the relevant objectives and policies in B3.3.

466. A review of the Commute ITA and the proposed plan change has also been undertaken on behalf of Council by Mr Gary Black of Harrison Grierson Consultants. A copy of Mr Black's assessment is provided as **Attachment 2** to this report.

467. Mr Black's assessment notes:

- that while the ITA by Commute does provide an assessment of trip generation (where this is not required as outlined in Standard E27.6.1(2) for areas identified as subject to the Centre Fringe Office Control), it does not detail how the surrounding road network can operate safely and efficiently with the precinct in place.
- that the trip generation assessment provided uses older, 2013 census data, where 2018 census data is now available. However, the minor variations in some modes of transport does not affect the trip generation calculations presented in the requestors ITA and that the assessed trip generation rates are realistic.
- while the requestor's ITA does not address the safe and efficient operation of the surrounding road network that might result from the proposed plan change, the plan change provisions include a standard that restricts the number of car parking spaces within the plan change area to 500 car parking spaces. This limit is less than the number of parking spaces in a potential development that could be built under current Business – Mixed Use zoning for the plan change

area. This should reduce the number of vehicle trips under the plan change as the vehicle trips relate to the number of parking spaces available.

- that traffic congestion and a limited supply of street car parking is an existing issue in the area; however, the restriction on the number of car parking spaces that is proposed in the plan change area will minimise the number of trips by private car;
- a concern that the 500 car parking spaces proposed may not sufficiently mitigate traffic and pedestrian safety effects. However, there is sufficient scope provided in the matters of discretion in the proposed precinct provisions to enable an assessment of these effects and ways to mitigate them;
- that given the width of Morgan Street some loss of on-street parking may be required to facilitate access and egress for service vehicles from Morgan Street; and
- a concern with the location of the pedestrian connection and vehicle access from George Street, as a vehicle access is likely to be two-way and would require a minimum width of 5.5m. The width of the area currently indicated for both a pedestrian and vehicle access is unlikely to be sufficient and would likely create an adverse safety effect.

468. However, overall Mr Black concludes that he supports the parking maximum approach proposed in the plan change and that this will minimise the number of car trips by private cars and provides less spaces compared to a potential development under the existing provisions.

469. As a result of both the requestors and Mr Black's assessments, I consider that the proposed plan change will be consistent with the objectives and policies in B3.3, in particular B3.3.2(2) and B3.3.2(5) as the proposed plan change:

- will enable the movement of people, goods and services and ensure accessibility to sites; and
- will result in a land use pattern that will reduce the rate of growth in private vehicle trips, especially during peak periods;
- results in the location of activities so that they can be served by public transport services and routes (i.e rail and bus); and
- enables a supply of parking that reflects demand, while accounting for the adverse effects, particularly of trip generation, on the transport system.

470. However, I do also consider that a development under the existing Business – Mixed Use Zone provisions could equally achieve the objectives and policies of B3.3 as the area is well located and close to various public transport opportunities; and as, other than for office activities, there are no car parking maximum or minimums required to be met for activities, and the amount of car parking and therefore trip generation, could be kept to a similar level as the plan change suggests. I also consider that there is sufficient scope in existing Unitary Plan zone (H13) and transport (E27)

provisions that similar pedestrian connections and suitable vehicle access points could reasonably be achieved.

12.1.8 B4.2 Outstanding natural features and landscapes

471. The objectives and policies in B4.2 relating to outstanding natural features are considered to be relevant to the proposed plan change as, while the proposed plan change area is located outside the mapped extent of the Outstanding Natural Features Overlay, the area is adjacent to the Auckland Domain Volcano, which is identified and scheduled as an outstanding natural feature in the Unitary Plan (ID No. 7). As a result, there is the potential for the proposed plan change, and the development it would enable, to have adverse effects on the scheduled values of the feature, in particular in relation to its landscape qualities and visual association with other volcanic features (see Objective B4.2.1(3)).
472. Furthermore, the proposed plan change area is also recognised by Mr Alastair Jamieson, in the Outstanding Natural Features Assessment provided for Council (refer to **Attachment 2**), as occupying part of the wider geological extent of the Auckland Domain Volcano, outside the mapped / identified outstanding natural feature (**ONF**). More specifically, the plan change area occupies part of the outer slope of the volcanic tuff ring and is a contiguous part of the volcanic landform. As a result, development of the plan change area may have physical effects on the wider volcanic feature.
473. The Auckland Domain Volcano is identified and described in Schedule 6 Outstanding Natural Features Overlay Schedule of the Unitary Plan as follows:

ID	Name	Location	Site type	Description	Unitary Plan criteria
7	Auckland Domain Volcano	Parnell	V	Auckland Domain volcano consists of a large tuff ring about 700m in diameter, which extends between the Auckland War Memorial Museum and Auckland City Hospital. A central scoria cone, Pukekaroa, forms a knoll surrounded with alluvium (castle and moat) at the centre of the tuff ring. The adjoining Outhwaite Park scoria mound is associated with the neighbouring Grafton volcano. An accessible example of lithic tuff deposits from the volcano occurs in a natural cliff exposure about 300m north of the Domain duck pond.	a, c, d, f, g, h, i, e

				<i>Features of note include Lovers Lane tuff exposure and a scoria cone lava bomb.</i>	
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474. Site type 'V', as identified above, is described as being with V1 or V2 large volcanic landforms in D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay of the Unitary Plan.

475. Site types V1 and V2 are further described in D10 as:

V1: The publicly owned and mainly unmodified portions of the scoria cones, explosion craters and tuff rings of the Auckland and South Auckland volcanic fields, including all areas zoned as open space.

V2: The privately owned and partially modified portions of the scoria cones, explosion craters and tuff rings of the Auckland and South Auckland volcanic fields.

476. While the criteria the Auckland Domain Volcano is scheduled under are further described in B4.2.2(4) as:

(a) the extent to which the landform, feature or geological site contributes to the understanding of the geology or evolution of the biota in the region, New Zealand or the earth, including type localities of rock formations, minerals and fossils;

(c) the extent to which the feature is an outstanding representative example of the diversity of Auckland's natural landforms and geological features;

(d) the extent to which the landform, geological feature or site is part of a recognisable group of features;

(e) the extent to which the landform, geological feature or site contributes to the value of the wider landscape;

(f) the extent of community association with, or public appreciation of, the values of the feature or site;

(g) the potential value of the feature or site for public education;

(h) the potential value of the feature or site to provide additional understanding of the geological or biotic history.

477. The objectives in B4.2.1, therefore relevant to the proposed plan change, direct that:

(1) Outstanding natural features and landscapes are identified and protected from inappropriate subdivision, use and development.

(2) The ancestral relationships of Mana Whenua and their culture and traditions with the landscapes and natural features of Auckland are recognised and provided for.

(3) *The visual and physical integrity and the historic, archaeological and cultural values of Auckland's volcanic features that are of local, regional, national and/or international significance are protected and, where practicable, enhanced.*

478. While the relevant policies in B4.2.2(4) provide the criteria or factors by which an ONF is identified and evaluated. For the Auckland Domain Volcano these criteria or factors are outlined in paragraph 476 above.

479. In addition, policies B4.2.2(5), (6), (7) and (8) are also considered relevant to the proposed plan change. These require:

- that a place identified as an ONF be included in Schedule 6 of the Unitary Plan; (B4.2.2(5));
- the protection of the physical and visual integrity of Auckland's ONF's from inappropriate subdivision, use and development; (B4.2.2(6));
- the protection of the historic, archaeological and cultural integrity of regionally significant volcanic features and their surrounds; (B4.2.2(7)) and
- the management of outstanding natural landscapes and outstanding natural features in an integrated manner to protect and, where practicable and appropriate, enhance their values. (B4.2.2(8)).

480. At pages 24 – 25 of the Section 32 Evaluation and at pages 12 – 16 of the Auckland Unitary Plan Objectives and Policies Assessment Tables in Appendix 3, the requestor has provided an assessment of the proposed change against the above outlined objectives and policies. This assessment considers that:

Although the Plan Change will not physically affect Pukekawa there is the potential for landscape/visual effects. Therefore, the Plan Change includes an objective and assessment criteria to ensure new development is respectful of its landscape context.

Additionally, an assessment of Landscape and Visual Effects has been undertaken to help inform the Plan Change application. The Visual Effects Assessment finds that the physical and visual integrity, aesthetic values and memorability of the ONF will not be adversely affected by development enabled by the Plan Change. As part of this assessment the visual effects of the Plan Change have been assessed from a number of representative viewpoints within the Auckland Domain which were decided in collaboration with Auckland Council.

481. The requestors Assessment of Landscape and Visual Effects prepared by Rob Pryor of LA4 Landscape Architects provided as their Appendix 6, considers (at paragraphs 5.12 on page 23) that:

The Auckland Domain ONF has been significantly modified through the construction of playing fields, roads and car parking areas, facilities and servicing areas and associated infrastructure.

482. Mr Pryor goes on to consider that:

Despite these modifications, the visual and physical integrity of the volcanic feature still retains a high degree of expressiveness and legibility, revealing its formative process of the explosion crater and tuff ring of Pukekawa surrounding the central scoria cone, Pukekaroa.

483. Then Mr Pryor's assessment concludes (at paragraphs 5.13 on page 23) that:

The physical and visual integrity, aesthetic values and memorability of the ONF will not be adversely affected by development enabled by the proposed plan change....

484. Mr Pryor considers that this illustrated in Viewpoint 5 – Domain Playing Fields, Viewpoint 6 – Domain Winter Gardens, Viewpoint 7 – Domain Drive and Viewpoint 9 – War Memorial Museum Front Lawn as provided in his assessment.

485. The proposed plan change and the requestor's assessments have been reviewed by both Mr Alastair Jamieson, with regard to the ONF matters, and Mr Peter Kensington with regard to landscape and visual matters as they relate to the Auckland Domain Volcano ONF. As outlined previously, both Mr Jamieson's and Mr Kensington's assessments are provided as **Attachment 2** to this report.

486. With regard to the ONF and the potential landscape and visual effects of development that would be enabled by the proposed plan change on it, Mr Jamieson generally agrees with the opinions offered by Mr Kensington. Mr Kensington states in paragraph 6.10 of his assessment that no direct adverse landscape effects will arise in relation to the physical and visual integrity of the ONF however, the scale of development that would be provided for under the proposed plan change provisions will likely result in indirect adverse landscape effects on the aesthetic values and memorability of the ONF. In this regard Mr Kensington also notes that his findings take into account, the heritage effects review by Ms O'Neil and his own analysis of the potential impact on views between maunga and in relation to the contribution that the Auckland Domain Volcano, as an ONF, contributes to Newmarket's sense of place and landscape character and amenity.

487. In addition, Mr Jamieson also considers that the potential large scale of buildings that would be provided for under the proposed plan change would also detract from the ability to perceive and understand the volcanic landform of the Auckland Domain Volcano ONF in its wider environment. Mr Jamieson considers that this is a particular concern in this situation because the plan change area occupies part of the same volcanic feature as protected in part by the ONF, albeit modified by previous development.

488. Mr Jamieson considers that currently, the natural underlying topography of site can still be perceived as a continuation of the outer slope of the volcanic feature, as the existing buildings generally follow the natural contour. He considers that the scale of buildings proposed would further conceal and disrupt the ability to observe the volcanic landform in its wider setting; and that this would detract from the value of the Auckland Domain Volcano in relation to the criteria or factors B4.2.2(4)(e) and (f) that it is scheduled for. These criteria or factors being:

- (e) *the extent to which the landform, geological feature or site contributes to the value of the wider landscape; and*
- (g) *the potential value of the feature or site for public education.*

489. Mr Jamieson also notes that he shares Mr Kensington's concerns regarding the potential impact on views from and between the Auckland Domain Volcano and other volcanic features (maunga) with respect to its value as an ONF rather than a landscape feature. Mr Jamieson considers that interference with views between volcanic features is inconsistent with criteria or factor B4.2.2(4)(d), being the extent to which the landform, geological feature or site is part of a recognisable group of features, and the other objectives and policies in B4.2 as relevant to ONF's.
490. Furthermore, noting again that the plan change area occupies the outer slope of the Auckland Domain Volcano, Mr Jamieson identifies that earthworks that would accompany any redevelopment of the plan change area, as enabled by the plan change provisions, will inherently involve excavation into the underlying volcanic geology. However, these earthworks would not be controlled by the ONF earthworks provisions of the Unitary Plan as these provisions only apply to the identified / mapped extent of the ONF. Nevertheless, Mr Jamieson is of the opinion that the volcanic stratigraphy beneath the plan change area is likely to hold a valuable record of various aspects of the geological setting and eruptive history of the Auckland Domain Volcano, which could be investigated and analysed if it were excavated. Furthermore, he considers that, based on other experiences (i.e. recent excavations at the St Heliers Volcano) there is also a prospect that subfossil material would be uncovered during earthworks in the plan change area.
491. Mr Jamieson suggests additions to the plan change provisions to address the above mentioned earthworks concern, to enable earthworks to be monitored by suitably qualified geological specialists so that excavations are recorded, sampled and analysed to mitigate the loss of any geological information and so that the requirements of the accidental discovery standard for sub-fossil materials is incorporated, as this is a reasonably foreseeable eventuality for earthworks in the plan change area. While this may mitigate some of the physical integrity issues arising from any earthworks component of any resource consent, and I would support inclusion of such requirements in the plan change provisions, it would not overcome the wider concerns regarding visual and physical integrity adverse effects of above ground enabled development on the Pukekawa / Pukekaroa / Auckland Domain ONF.
492. I agree with and rely on Mr Jamieson's and Mr Kensington's assessments with regard to the landscape, visual and physical effects likely from development enabled by the proposed plan change provisions; and I disagree with the requestor's assessment that the physical and visual integrity, aesthetic values and memorability of the ONF will not be adversely affected by development enabled by the Plan Change.
493. The requestors assessment identifies that the proposed plan change provisions include *an objective and assessment criteria to ensure new development is respectful of its landscape context*. The assessment doesn't specify which objective and assessment criteria they are referring to. However, in any event (and as also outlined

earlier in this report), I consider there is insufficient clarity and scope in the wording of the proposed precinct's objectives, policies, matters for discretion and assessment criteria to ensure that the effects on the ONF can be adequately considered, particularly with regard to landscape, visual and physical effects.

494. At page 15 of the Auckland Unitary Plan Objectives and Policies Assessment Tables in Appendix 3, the requestor also assesses the impact of the proposed plan change and its effects on the ONF as they relate to Mana Whenua and Mana Whenua values. In this regard the requestor notes that:

In relation to the ancestral relationship of Mana Whenua to Pukekawa, Ngāti Whātua Ōrākei and Ngāti Tamaoho identified the potential impact of views to Maungakeikei (One Tree Hill) from the Auckland Domain and a photo of the view was provided by Ngāti Whātua Ōrākei's representative.

In response, an analysis was prepared by Warren and Mahoney with regards to the photo provided and this was provided to both authorities (see Appendix 13). This analysis compared the following:

- *A theatrical building mass of a building that would comply with the current planning standards for the site, i.e. 27m height limit (which is less than the volcanic view shafts), building setbacks, height in relation to boundary, etc;*
- *A potential scenario of a development that would be enabled by the proposed plan change; and*
- *Building mass of a compliant building mass vs plan change scenario.*

Following review of this further analysis, both authority representatives noted that they did not object to the additional height limits sought if the impact of the loss of this view is culturally offset within the final design of the development. The applicant will continue to work with Iwi regarding cultural offsetting and there is a trigger within the assessment criteria (IX.8.2(1)(a)(v)) to ensure that the design process integrates mātauranga and tikanga.

495. I acknowledge that consultation has occurred and is likely to continue to occur with Mana Whenua regarding the proposed plan change. However, with regard to the landscape, visual and physical effects on the ONF outlined by Mr Kensington and Mr Jamieson, at this stage, I am of the opinion that an assessment criteria requiring consideration of the extent to which mātauranga and tikanga are integrated into the design of new buildings and publicly accessible spaces does not enable an appropriate level of assessment of the effects on the ONF and the likely Mana Whenua views and values associated with the ONF of Pukekawa (being the Auckland Domain Volcano and Pukekaroa which is part of the volcano).

496. I am therefore of the opinion that the proposed plan change and the development it will enable does not respond sufficiently to, and is inconsistent with, the objectives and policies of B4.2.
497. More specifically, based on the comments in paragraphs 485 – 493 above, I consider that the proposed plan change and the development it will enable will not result in the protection of the Auckland Domain Volcano / Pukekawa, including Pukekaroa, or its physical and visual integrity from inappropriate subdivision, use and development as directed by Objectives B4.2.1(1) and (3) and Policy B4.2.2(6). Furthermore, based on my comments in paragraphs 494 – 495 above, I also consider that the proposed plan change does not sufficiently provide for the ancestral relationships of Mana Whenua and their culture and traditions with the landscapes and natural features of Auckland as directed by Objective B4.2.1(2); and will not likely protect the historic, archaeological and cultural integrity of the Auckland Domain Volcano and its surrounds as directed by Policy B4.2.2(7).

12.1.9 B4.3 Viewshafts

498. Volcanic Viewshaft E8 Mt Eden is located over the western part of the plan change area. In addition, the plan change area is located in proximity to a number of other identified volcanic viewshafts (i.e. E9, E11 and E12). Furthermore, the plan change area is located between various maunga (i.e. Maungawhau / Mt Eden; Pukekawa / Auckland Domain; Ōhinerau / Mt Hobson; Takarunga / Mt Victoria and North Head).
499. As a result of the location and proximity of the plan change area within and to identified viewshafts and other maunga I am of the opinion that the objectives and policies in B4.3 are relevant to the consideration of the proposed plan change.
500. Objectives in B4.3.1 direct that:

B4.3.1. Objectives

- (1) *Significant public views to and between Auckland's maunga are protected from inappropriate subdivision, use and development.*
 - (2) *Significant views from public places to the coastal environment, ridgelines and other landscapes are protected from inappropriate subdivision, use and development.*
501. Policies B4.3.2(1) to (6) are intended to achieve the above objectives. These policies direct that:
- a view to or between a maunga is identified and evaluated for its regional and local significance considering a range of factors. The factors to consider include whether:
 - (a) *the viewpoint conveys the view to an audience from a public viewpoint that is regionally or locally significant;*
 - (b) *the view conveys an intact view of the maunga within a wider context which is of high or good quality;*

- (c) *the view will contribute to or reinforce an overall appreciation of the region's maunga;*
- (d) *the view recognises the importance of the maunga to Mana Whenua;*
- (e) *the extent to which there are other public views of and between the maunga; and*
- (f) *taking into account the extent to which the viewshaft will affect future development otherwise enabled by this Plan. (B4.3.2(1)).*
- a view be included in Schedule 9 Volcanic Viewshafts Schedule if it is regionally or locally significant. (B4.3.2(2)).
- significant views to and between maunga be protected by:
 - (a) *avoiding subdivision, use and development that would:*
 - (i) *result in significant modification or destruction of view; or*
 - (ii) *significantly detract from the values of the view; and*
 - (b) *avoiding where practicable, and otherwise remedying or mitigating, adverse effects of subdivision, use and development that would:*
 - (i) *result in the modification of the view; or*
 - (ii) *detract from the values of the view. (B4.3.2(3)).*

502. Furthermore, the policies direct that:

- the visual character, identity and form of maunga be protected by identifying height sensitive areas around the base of maunga; and by establishing height limits which control future development in areas which could encroach into views and erode their significance. (B4.3.2(4)).
- a view from a public place to the coastal environment, ridgelines and other landscapes is identified and evaluated for its regional and local significance considering the following factors:
 - (a) *the viewpoint conveys the view to an audience from a public viewpoint that is regionally or locally significant;*
 - (b) *the view conveys an intact view within a wider context which is of high or good quality;*
 - (c) *the view will contribute to or reinforce an overall appreciation of the region's natural landscape;*
 - (d) *the view recognises the importance of the landscape to Mana Whenua; and*
 - (e) *the extent to which there are other similar public views; and*
 - (f) *taking into account the extent to which the viewshaft will affect future development otherwise enabled by this Plan. (B4.3.2(5)).*

503. Finally, policy B4.3.2(6) requires that locally significant views be included in Schedule 11, the Local Public View Schedule.
504. The building height proposed by the plan change provisions (Standard IX6.1 building height) in Height Area A enables buildings up to 55m above the George Street datum or 65m from ground level at the southern end of the height area. Height Area A is located outside of the identified extent of the regionally significant viewshaft E8 Mt Eden.
505. Both Height Area B and C are located within the Volcanic Viewshafts and Height Sensitive Areas Overlay, within the identified extent of regionally significant viewshaft E8. Height Area B has a height limit of 29m and Height Area C has a height limit of 35m. However, both of the nominated heights in Height Areas B and C are less than the height limit specified by the Volcanic Viewshafts and Height Sensitive Areas Overlay (refer to **Figure 6** earlier in this report).
506. The requestor's planning assessment of the proposed plan change on viewshafts, and the objectives and policies in B4.3 (at section 7.1 on page 24 of their Section 32 Evaluation) acknowledges that there is a direction in B4.3 to protect significant views to and between maunga. The requestors planning assessment then concludes that the plan change is consistent with the policy direction of B4.3 as:
- "...the height limits that apply to the western portion of the plan change area are lower than the height limits allowed under the volcanic viewshaft and therefore buildings enabled by the plan change will not intrude into E8 Mount Eden, viewshaft, allowing this regionally significant view of Mount Eden to be preserved."*
507. While I agree that the building height enabled by the proposed plan change provisions will not intrude into the E8 (Mt Eden) viewshaft, as outlined above, I share the view, expressed by Council's landscape and visual expert, Mr Kensington (at paragraph 5.1(i), in his landscape and visual effects assessment at **Attachment 2**), that there is the potential for the proposed built form envisaged by the plan change provisions to adversely impact on the integrity of views, from a variety of locations, including towards and between natural features such as maunga, and including Auckland Domain / Pukekawa / Pukekaroa. In my opinion, this is a relevant consideration with regard to Objectives B4.3.1(1) and (2) and Policy B4.3.2(3).
508. The requestor has provided an Assessment of Landscape and Visual Effects prepared by Rob Pryor of LA4 Landscape Architects (Appendix 6), which assesses eleven representative viewpoints which have potential for visual effects and were selected as locations that capture and fairly represent the range of public and private views towards the plan change area. Mr Pryor's assessment of viewpoints considers (at paragraphs 4.21 – 4.68) that the level of visual effect would be:
- Negligible effects for Viewpoint 5 – Auckland Domain Playing Fields; Viewpoint 7 – Auckland War Memorial Museum Front Lawn; Viewpoint 8 – Beach Road and Te Taou Crescent; Viewpoint 10 – Takaunga (Mt Victoria Summit); and Viewpoint 11- Maungauika (North Head) Summit;

- Negligible to low effects for Viewpoint 1 – King Edward Parade (identified viewshaft E8 Mt Eden);
 - Very low effects for Viewpoint 2 – Tamaki Drive and Viewpoint 9 – Auckland War Memorial Museum Front Lawn (West);
 - Low effects for Viewpoint 3 – Ōhinerau (Mt Hobson) Summit and Viewpoint 4 – Maungawhau (Mt Eden) Summit; and
 - Moderate effects for Viewpoint 6 – Auckland Domain Wintergardens.
509. With regard to identified viewshafts, Mr Pryor notes that Viewpoint 1 – King Edward Parade is taken from the origin point of identified Viewshaft E8, a view of Mt Eden. He considers, at paragraphs 4.27 and 4.28, that:
- 4.27 Development enabled by the PPC would have no adverse effect on the volcanic viewshaft and the visual integrity of Maungawhau or the War Memorial Museum. The view is expansive and the PPC would be subservient to the visual array within the scene.*
- 4.28 Overall the visual effects of the PPC would be negligible to very low from viewing locations in the Devonport area. The PPC would be in keeping with the Newmarket commercial characteristics and viewed as an integral component of the urban and coastal environment.*
510. With regard to Viewpoint 2 (VPT 2), which Mr Pryor describes (at paragraph 4.30) as a view from Tamaki Drive which encompasses the harbour, Hobson Bay and the Outboard Boating Club Marina, Point Resolution, the Port and the iconic volcanic cones of Maungawhau (Mt Eden) and Ōhinerau (Mt Hobson), Mr Pryor considers (at paragraphs 4.31 and 4.32) that:
- 4.31 As illustrated in the photomontage, development enabled by the PPC, while visible, would be well integrated into the urban setting and viewed as a component of the established cityscape. The PPC would not adversely affect the visual integrity of Maungawhau (Mt Eden), Ōhinerau (Mt Hobson) or the Holy Trinity Cathedral.*
- 4.32 Overall the visual effects of development enabled by the PPC would be very low from viewing locations along the Tamaki Drive waterfront. The PPC would be viewed as an integral component of the wider urban and coastal environment.*
511. Furthermore, with regard to the potential effects on inter-visibility between maunga Mr Pryor concludes (at paragraphs 4.95 – 4.97) that:
- 4.95 Development enabled by the PPC would have minimal adverse landscape or visual effects on views to and between maunga and the Auckland War Memorial Museum (to avoid competing with the Auckland War Memorial Museum building for prominence on the skyline).*
- 4.96 **Viewpoint 3** - Ōhinerau (Mt Hobson) summit, clearly illustrates that from here, the PPC envelope would be backdropped by the CBD*

*with the War Memorial Museum sitting to the north. **Viewpoint 4** - Maungawhau (Mt Eden) summit, illustrates the PPC envelope sitting well below the sightlines to Takarunga (Mt Victoria), Maungauika (North Head) and Rangitoto Island with the War Memorial Museum sitting prominently to the north. **Viewpoint 10** - Takarunga (Mt Victoria) summit, illustrates that the PPC envelope will have no adverse effects on the visibility either towards Maungawhau, Ōhinerau or the more distant Maungakiekie (One Tree Hill). The War Memorial Museum would be viewed sitting prominently within the vegetated slopes, backdropped by Maungawhau.*

*4.97 **Viewpoint 11** – Maungauika, similarly illustrates the relationship between the PPC envelope and the War Memorial Museum. There will be no adverse landscape or visual effects on either the inter-visibility between the maunga or prominence of the War Memorial Museum from here.*

512. Council's landscape and visual expert, Mr Peter Kensington has reviewed Mr Pryor's assessment and provided his own assessment of the effects of the proposed plan change and development it would enable, on landscape and visual matters, including the Auckland Domain / Pukekawa as an ONF and a maunga; as well as identified volcanic viewshafts; and significant views to and between maunga (refer to **Attachment 2**).

513. At paragraph 6.5 Mr Kensington states that Mr Pryor has taken a narrow view of landscape effects, concluding that low adverse landscape effects would result based on the plan change area being part of a heavily modified urban commercial area, with little remaining 'natural' landscape elements. Mr Kensington also states:

In my mind, given the importance of the site's existing context (being located in close proximity to Pukekaroa / Pukekawa / Auckland Domain) and given the strong sense of place arising from the existing character of this part of Newmarket, more consideration of landscape effects is required. I acknowledge that there is an overlap between landscape and visual effects in this regard and the Applicant ALVE does address these matters broadly in the assessment of visual effects⁵

514. With regard to visual effects, at paragraph 6.8 Mr Kensington acknowledges that he uses the same scale of adverse visual effects as Mr Pryor. However, at paragraph 6.9, Mr Kensington states that he reaches a differing conclusion as to the scale of adverse visual effects that will arise, particularly in relation to enabled building bulk and mass at height. Furthermore, at paragraph 8.3 Mr Kensington states that his assessment of adverse landscape and visual effects ratings are generally higher than Mr Pryor's as a result of the value and importance he has placed on elements within the existing views, including the regionally significant natural landforms (maunga) cultural landmarks (Auckland Museum) and the combination of these elements within the landscape that contribute to a combined sense of place.

515. Mr Kensington provides Table 1 in his assessment which is a comparison of Mr Pryor's effects rating and his own. This is reproduced as **Figure 15** below.

Adverse landscape / visual effects ratings	Applicant ALVE assessment	My review assessment
VPT 1: King Edward Parade, Devonport	Very Low	Low – Moderate
VPT 2: Tamaki Drive	Very Low	Low – Moderate
VPT 3: Ōhinerau – Mt Hobson Summit	Low	High
VPT 4: Maungawhau – Mt Eden Summit	Low	Moderate
VPT 5: Domain Playing Fields	Very Low	Low
VPT 6: Domain Winter Gardens	Moderate	Moderate – High
VPT 7: War Memorial Museum Front Lawn	Not visible	Not visible*
VPT 8: Beach Road Te Taou Crescent	Not visible	Not visible
VPT 9: War Memorial Museum Front Lawn (West)	Very Low	Moderate*
VPT 10: Takarunga – Mt Victoria Summit	Very Low	Moderate
VPT 11: North Head Summit	Very Low	Moderate – High

Figure 15: Table 1

Source: Mr Peter Kensington's landscape and visual effects assessment, page 9 (Attachment 2 to this report)

Identified volcanic viewshafts

516. With regard to adverse effects on identified volcanic viewshafts, particularly E8 (VPT1), Mr Kensington considers that low to moderate landscape effects will occur and that while development in the plan change area will not directly impact on the form of Mt Eden / Maungawhau from this viewpoint, indirect adverse landscape effects will result given the scale of built form relative to the visible portion of the maunga in relation to the Auckland Museum.
517. With regard to VPT2 from Tamaki Drive, which captures a view associated with Volcanic Viewshaft E11 towards Mt Eden / Maungawhau and Mt Hobson / Ōhinerau, Mr Kensington considers that low to moderate landscape effects will occur for similar reasons as outlined for the E8 viewshaft.
518. Mr Kensington also notes that no assessment of Volcanic Viewshaft E9 (towards Mt Eden / Maungawhau from within the Auckland Domain) and E12 (from Ngapipi Road)

has been provided in the requestors ALVE. However, he also considers that any analysis of E12 would not greatly assist with any further assessment; and that the E9 viewshaft will be unaffected by development enabled by the proposed plan change.

519. At paragraph 8.15 Mr Kensington concludes that:

the potential impact on identified volcanic viewshafts under the AUP(OP) is that, while no direct adverse effects will result, low-moderate indirect adverse effects will arise from the scale (bulk / height / mass) of built development that would be enabled by the Proposed Provisions. In my opinion, in order to reduce these adverse effects to a more acceptable degree, the overall height and bulk of enabled building scale should be reduced. To determine a more acceptable scale would require further analysis.

520. I agree with and rely on Mr Kensington's assessment with regard to the effects of the proposed plan change and development it would enable, on identified volcanic viewshafts.

521. Specifically, with regard to viewshaft E8 and E11 to Mt Eden / Maungawhau and Mt Hobson / Ōhinerau, in my opinion, the low - moderate adverse effects identified by Mr Kensington, resulting from the scale of PPC44 enabled building height and bulk outside the viewshafts relative to the visible portion of the maunga within the viewshafts and in relation to the Museum in the wider context will create a minor change or loss of the existing character or distinctive features of the landscape and a small reduction in the perceived visual amenity of the receiving environment and/or the visual context within which it is seen, (using the explanation of effects ratings in the requestors ALVE), detracting from the values of the view. In my opinion, these effects are neither avoided where practicable, or remedied or mitigated by the proposed plan change provisions and the likely height and bulk of buildings. As a result, I consider that the proposed plan change is inconsistent with Objectives B4.3.1(1) and (2) and Policy B4.3.2(3)(b)(ii) and the identified significant views of E8 and E11 will not be protected.

Significant views to and between maunga

522. As outlined above, Objective B4.3.2(1) directs the protection of significant views to and between maunga. The requestors ALVE has provided an assessment of a number of views to or between maunga, such as from Mt Hobson / Ōhinerau (VPT3); from Mt Eden / Maungawhau to Mt Victoria / Takarunga, North Head / Maungauika and Rangitoto (VPT4); and from Takarunga / Mt Victoria towards Mt Eden / Maungawhau, Mt Hobson / Ōhinerau or One Tree Hill / Maungakiekie, and concluded that there will be minimal adverse landscape or visual effects on these maunga to maunga views. However, the requestor has not commented or considered whether these views are 'significant' views.

523. I am of the opinion, that given the assessed views are to or between maunga, that a consideration of whether the views are 'significant' based on the factors in B4.3.2(1) is required to establish whether the views should be protected under the objectives and policies of B4.3. Following an assessment under B4.3.2(1), then analysis of

whether the proposed plan change protects these views as required, may then be required.

524. In this regard, neither the requestors Section 32 Evaluation or the ALVE make any comments or provide an assessment regarding whether the views to or between maunga are significant and if so, whether these views should be protected. In my view this is a shortcoming in the requestor's assessment.
525. At Appendix 3 of his landscape and visual assessment Mr Kensington provides a preliminary assessment of a number of the maunga to maunga views from a landscape values perspective, with regard to factors (a), (b), (c), and (e) as referenced in Policy B3.4.2(1). Mr Kensington's assessment recognises, and I agree, that a response to factor (d) must be informed by mana whenua determination; and that a response to factor (f) would require additional specialist mapping analysis to determine whether development on other properties was impacted. Mr Kensington also recognises that public participation and engagement in formally determining views of significance would be required.
526. At paragraph 8.22 Mr Kensington concludes that four of the maunga to maunga views assessed are either locally or regionally significant when considered against the landscape factors of Policy B4.3.2(1). These views are:
- 8.22.1 *View from Ōhinerau / Mt Hobson to Pukekaroa / Pukekawa (refer Plates 8 and 16 and VPT 3) - a Locally Significant view;*
 - 8.22.2 *View from Maungawhau / Mt Eden to Takarunga / Mt Victoria and Maungauika / North Head and the relationship with Rangitoto and the Waitematā – noting Pukekaroa / Pukekawa in foreground of the view (refer Plates 9 and 17 and VPT 4) – a Regionally Significant view;*
 - 8.22.3 *View to and between Maungauika / North Head to Maungawhau / Mt Eden (refer Plates 10-11 and 18 and VPT 11) – a Regionally Significant view; and*
 - 8.22.4 *View from Takarunga / Mt Victoria to Maungawhau / Mt Eden (Plate 19 and VPT 10) – a Regionally Significant view.*
527. Mr Kensington then considers whether the proposed plan change, and the development it would enable, would adversely affect the significant view, and if so to what level. In this regard, at paragraph 8.26, Mr Kensington considers that for the view from Ōhinerau / Mt Hobson to Pukekaroa / Pukekawa the bulk of development at height in Height Area A, as enabled by the proposed plan change, will adversely affect (to a high degree) the integrity of this locally significant view towards Pukekaroa / Pukekawa (Auckland Domain including the Museum building).
528. For the regionally significant view from Maungawhau / Mt Eden to Takarunga / Mt Victoria and Maungauika / North Head, Mr Kensington considers, at paragraph 8.27, that the proposed plan change development enabled in Height Area A would interrupt and detract from the view to Takarunga / Mt Victoria and Maungauika / North Head and the relationship of Maungawhau / Mt Eden with Rangitoto and the Waitemata.

529. While at paragraph 8.30 Mr Kensington concludes that there will be moderate to high adverse effects from development enabled by the plan change provisions on the regionally significant view to and between Maungauika / North Head to Maungawhau / Mt Eden.
530. Finally, at paragraph 8.31 Mr Kensington concludes that the impact from built development that would be enabled by the proposed plan change provisions on the regionally significant view towards Maungawhau / Mt Eden from Takarunga / Mt Victoria is similar to that from Maungauika / North Head. However, rather than this development having a direct impact on the form of the Maungawhau / Mt Eden maunga, the impact would be more indirect. As such, he considers that this adverse effect of development on the view is slightly lower, at a moderate effect.
531. I agree with Mr Kensington's analysis of these views as being either locally or regionally significant; and with his landscape and visual assessment of effects being moderate to high on them as a result of the proposed plan change and the development it would enable. Using again the explanation of effects ratings in the requestors ALVE (paragraph 4.19), the effects ratings mean:

Moderate Effect

The proposal would result in a partial loss or modification to the existing character or distinctive features of a landscape and a small reduction in the perceived visual amenity of the receiving environment and/or the visual context within which it is seen.

Moderate – High Effect

The proposal would result in a noticeable change to the existing character or distinctive features of the landscape or a reduction in the perceived visual amenity or the addition of new and uncharacteristic features and elements.

High Effect

The proposal would result in major modifications or change to the existing character, distinctive features or quality of the landscape or a significant reduction in the perceived amenity of the outlook. The proposal would cause high adverse effects that could not be avoided, remedied or mitigated.

532. As a result, I am of the opinion that the proposed plan change does not protect views to or between maunga that are likely to be locally or regionally significant, being the views:
- from Ōhinerau / Mt Hobson to Pukekaroa / Pukekawa
 - from Maungawhau / Mt Eden to Takarunga / Mt Victoria and Maungauika / North Head and the relationship with Rangitoto and the Waitematā – noting Pukekaroa / Pukekawa in foreground of the view
 - to and between Maungauika / North Head to Maungawhau / Mt Eden

- from Takarunga / Mt Victoria to Maungawhau / Mt Eden

as required by Objective B4.3.2(1). I am of the opinion that the proposed plan change, and the development it would enable, will not avoid; or avoid where practicable, and otherwise remedy or mitigate, development that would result in a significant modification or destruction of a view, or significantly detract from the view, as required by Policy B4.3.2(3).

533. Therefore overall, I am of the opinion that the proposed plan change is contrary to the objectives and policies of B4.3 as they relate to both identified volcanic viewshafts and to other potentially locally or regionally significant views to or between maunga.

12.1.10 B5.2 Historic heritage

534. The plan change area does not contain any identified historic heritage buildings or places. However, as outlined in Section 5.2 of this report the surrounding area contains a number of Unitary Plan identified and / or Heritage New Zealand listed historic heritage places, building, features and trees which, in my opinion, contribute to the context, including the character, amenity and values of the wider area. As a result, I am also of the opinion that a consideration of the effects of the proposed plan change on identified historic heritage buildings and features is required. Furthermore, in my view this consideration is also directed by the Unitary Plan objectives and policies in B5.2 Historic Heritage. More specifically, Objective B5.2.1(1) directs that:

(1) *Significant historic heritage places are identified and protected from inappropriate subdivision, use and development.*

535. Furthermore, policies B5.2.2(6), (7) and (8) require:

Protection of scheduled significant historic heritage places

346. *Avoid significant adverse effects on the primary features of significant historic heritage places which have outstanding significance well beyond their immediate environs including:*

- (a) *the total or substantial demolition or destruction of any of the primary features of such places;*
- (b) *the relocation or removal of any of the primary features of such places away from their original site and context.*

347. *Avoid where practicable significant adverse effects on significant historic heritage places. Where significant adverse effects cannot be avoided, they should be remedied or mitigated so that they no longer constitute a significant adverse effect.*

348. *Encourage new development to have regard to the protection and conservation of the historic heritage values of any adjacent significant historic heritage places.*

536. The requestor has not provided a specific assessment of the proposed plan change with regard to effects on identified historic heritage. The comments made in the

requestor's s32 Evaluation Report rely on there being no identified historic heritage buildings or features within the plan change area.

537. However, on the basis of the proximity of the plan change area to identified historic heritage buildings and features, and as a result of submissions which raised concerns regarding the proposed plan change's potential effects on the context and values associated with identified historic heritage, the Council commissioned an assessment by Ms Carolyn O'Neil, Heritage Consultant. Ms O'Neil's' assessment is provided as part of **Attachment 2** to this report.
538. Ms O'Neil lists the identified historic heritage buildings and features relevant in Attachment 1 to her assessment. Furthermore, Ms O'Neil outlines the location and historic heritage context of the buildings and features in Section 3.0 and the key issues in Section 4.0 of her assessment. In my opinion these issues are directly relevant to an assessment of the proposed plan change against policies B5.2.2(6), (7) and (8). In this regard, Ms O'Neil notes the key historic heritage issues as:
- *Whether the proposed new development will protect the heritage values of these historic heritage places.*
 - *Whether the proposed new development has regard to the protection of these historic heritage places from inappropriate subdivision, use, and development.*
 - *The potential of the proposed new development, by virtue of its scale (height) and widespread visibility, to generate adverse visual effects on the historic heritage values of adjacent historic heritage places by virtue of impacts on their the setting.*
 - *Whether the proposed precinct will maintain or enhance historic heritage values of these historic heritage places and the potential to mitigate adverse effects on historic heritage values.*
539. Ms O'Neil also notes that the potential effects of the proposed plan change on historic heritage values will be visually rather than physically generated, and in this regard, she has relied on information, including photomontages, in the requestor's Assessment of Landscape and Visual Effects (ALVE) (refer requestors Appendix 6). In addition, Ms O'Neil notes that there were a number of representative viewpoints that were not considered by the requestors ALVE. As a result, Council's Geospatial Team developed a series of 3D models to capture these views. The background to the Council's modelling is discussed in the statement prepared by Mr Mitesh Bhula in **Attachment 2**.
540. Ms O'Neil considers that the excessive height and resultant visibility of the proposed development that would be enabled by the proposed plan change provisions, particularly 'Tower A' (Height Area A), has the potential to impact on the heritage values of the Auckland Domain (ID 1566) and the Museum (ID1640), and the way in which they are experienced. Furthermore, the introduction of a building of the height enabled by Area A has the potential to compromise the characteristic 'openness' of

the southern portion of the Domain and, in so doing, challenge the landscape qualities and visual appeal that contribute to its heritage values.

541. While Ms O’Neil does not consider that development enabled by the proposed plan change provisions will visually overwhelm (or dominate) the Museum’s appearance or degrade its symbolism; she does consider that the proposed built form enabled, particularly, Tower A (Height Area A), has the potential to compete with the Museum and detract from its aesthetic and context heritage values. Ms O’Neil considers, at paragraphs 6.8 – 6.9 of her assessment, that these effects are most evident when viewing the proposed development from the front lawn of the Museum and from the Wintergardens (ID 1638), as shown in the requestors ALVE, photomontages being viewpoints (VPT) VPT 9 and VPT 6 respectively. More specifically:

6.8 ... From the front lawn (VPT 9), the upper storeys of ‘Tower A’ are visible directly behind the Museum. Although just a small portion of the building is perceptible from this location, such visual effects will likely increase the closer one gets to the Museum. This is confirmed by View A of the supplementary 3D images prepared by Council (refer to **Attachment 2**), which illustrates that the proposed development is far more visible and, in my view, will interrupt the silhouette of the Museum and encroach on the relative openness of its backdrop. This also demonstrates that there may be other vantage points within the park where views of and from the Museum may be equally, or more greatly, affected, as highlighted in Submission 48 (Auckland Council).

6.9 Furthermore, when viewed from the Wintergarden (VPT 6), ‘Tower A’ is clearly visible close to the edge of the Domain and reaches a height that rivals that of the Museum. This, in my view, has the potential to distract from the Museum’s landmark qualities within the Domain and detract from its relationship with its setting.

542. Ms O’Neil then concludes at paragraph 6.10, that the development anticipated by the plan change provisions:

...has the potential to undermine and aesthetic and context qualities of the Museum and, to a lesser extent, the Domain, detracting from, rather than maintaining or enhancing, their historic heritage values.

543. Ms O’Neil also assesses the impacts of development enabled by the proposed plan change provisions on the historic heritage values of the identified historic heritage buildings in the area known as the Foundation Precinct, including the Royal Foundation for the Blind office and workshops (ID 1794) and Pearson House (ID 1892). She considers, at paragraph 6.14, that the increased height enabled by the proposed plan change has the potential to visually dominate surrounding development, including the scheduled buildings within the Foundation Precinct. Ms O’Neil concludes, at paragraph 7.8, that:

... it is the aesthetic and context heritage values of the former Royal New Zealand Foundation for the Blind office and workshops that, in my view,

have the greatest potential of being compromised by the plan change. In my opinion, the height and bulk of the proposed built form are likely to overshadow the building, encroaching on its setting, distracting from streetscape presence and thereby diminishing its heritage values. Given the location of the proposed development beyond the larger-scaled neighbouring ACG Parnell College building, I am of the view that the visual impact on the heritage values of Pearson House are likely to be less pronounced.

544. Ms O'Neil concludes, at paragraph 8.2, that she considers that the proposed precinct is not consistent with the direction of the Unitary Plan particularly in relation to relevant historic heritage provisions in the RPS, nor does it respond to applicable outcomes sought in the plans developed for the Domain and Museum.
545. I agree with Ms O'Neil's assessment regarding the potential for adverse effects on surrounding identified historic heritage places from the proposed plan change provisions and the development that it will enable. However, with regard to policies B5.2.2(6) and (7) I acknowledge that Ms O'Neil does not conclude that the effects of development anticipated under the plan change provisions on adjacent historic heritage places would be significant.
546. However, noting that Ms O'Neil does consider that there will be adverse visual effects on the heritage values of identified significant historic heritage buildings and spaces i.e. the Auckland War Memorial Museum (and Cenotaph), the former Royal New Zealand Foundation for the Blind office and workshops, and, albeit to a lesser extent, the Auckland Domain and the Pearson House, which will not be avoided by the proposed plan change provisions, or the development they will enable, I consider that the proposed plan change does not have sufficient regard to the protection and conservation of the historic heritage values of the adjacent significant historic heritage places. As a result, I am of the opinion that the proposed plan change is inconsistent with Policy B5.2.2(8).
547. Overall, I am of the view that the proposed plan change is inconsistent with Objective B5.2.1(1) as the adjacent identified significant heritage places are not sufficiently protected from inappropriate development.

12.1.11 B6 Mana Whenua

548. B6 of the Unitary Plan sets out the strategic framework for the recognition of the Treaty of Waitangi partnerships and participation, recognition of Mana Whenua values; Maori economic, social and cultural development; and the protection of Mana Whenua cultural heritage.
549. The requestor's assessment does not provide any specific assessment against the objectives and policies in B6. However, as outlined earlier in this report, the requestor has assessed the impact of the proposed plan change and its effects on the ONF as they relate to Mana Whenua and Mana Whenua values. Furthermore, as outlined in Section 15.0 below, there has been an amount of consultation undertaken with Mana Whenua.

550. However, I consider that I am not qualified to make a judgement on whether the proposed plan change provisions sufficiently met the objectives and policies of B6 with regard to the recognition of the Treaty of Waitangi partnerships and participation, recognition of Mana Whenua values; Maori economic, social and cultural development; and the protection of Mana Whenua cultural heritage. Others with standing, that have sufficient expertise to comment of these matters are invited to address them in evidence and at the hearing.

12.1.12 B7.4 Coastal water, freshwater, geothermal water

551. The objectives and policies of B7.4, in respect of coastal and freshwater systems, as they relate to stormwater and wastewater discharges, are considered relevant to a consideration of PPC44.

552. Objectives B7.4.1(2), (4), (5) and (6) seek that:

- (2) *The quality of freshwater and coastal water is maintained where it is excellent or good and progressively improved over time where it is degraded.*
- (4) *The adverse effects of point and non-point discharges, in particular stormwater runoff and wastewater discharges, on coastal waters, freshwater and geothermal water are minimised and existing adverse effects are progressively reduced.*
- (5) *The adverse effects from changes in or intensification of land use on coastal water and freshwater quality are avoided, remedied or mitigated.*
- (6) *Mana Whenua values, mātauranga and tikanga associated with coastal water, freshwater and geothermal water are recognised and provided for, including their traditional and cultural uses and values.*

553. These are supported by Policy B7.4.2(1) relating to integrated management of subdivision, use, development and freshwater by:

- (a) *ensuring water supply, stormwater and wastewater infrastructure is adequately provided for in areas of growth; and*
- (b) *requiring catchment management planning as part of structure planning;*
- (c) *controlling the use of land and discharges to minimise the adverse effects of runoff on water and progressively reduce existing adverse effects where those water are degraded; and*
- (d) *avoiding development where it will significantly increase adverse effects on water, unless these adverse effects can be adequately mitigated.*

554. In addition, policies B7.4.2(6) and (7) relating to water quality seek to:

- (6) *Progressively improve water quality in areas identified as having degraded water quality through managing subdivision, use, development and discharges.*
- (7) *Manage the discharges of contaminants into water from subdivision, use and development to avoid where practicable, and otherwise minimise, all of the following:*
 - (a) *significant bacterial contamination of freshwater and coastal water;*
 - (b) *adverse effects on the quality of freshwater and coastal water;*
 - (c) *adverse effects from contaminants, including nutrients generated on or applied to land, and the potential for these to enter freshwater and coastal water from both point and non-point sources;*
 - (d) *adverse effects on Mana Whenua values associated with coastal water, freshwater and geothermal water, including wāhi tapu, wāhi taonga and mahinga kai; and*
 - (e) *adverse effects on the water quality of catchments and aquifers that provide water for domestic and municipal supply.*

555. Furthermore, with regard to stormwater management Policy B7.4.2(9) directs the management of stormwater by all of the following:

- (a) *requiring subdivision, use and development to:*
 - (i) *minimise the generation and discharge of contaminants; and*
 - (ii) *minimise adverse effects on freshwater and coastal water and the capacity of the stormwater network;*
- (b) *adopting the best practicable option for every stormwater diversion and discharge; and*
- (c) *controlling the diversion and discharge of stormwater outside of areas serviced by a public stormwater network.*

556. While, with regard to wastewater, Policy B7.4.2(10) directs the management of adverse effects of wastewater discharges to freshwater and coastal water by all of the following:

- (a) *ensuring that new development is supported by wastewater infrastructure with sufficient capacity to serve the development;*
- (b) *progressively reducing existing network overflows and associated adverse effects by all of the following:*
 - (i) *making receiving environments that are sensitive to the adverse effects of wastewater discharges a priority;*
 - (ii) *adopting the best practicable option for preventing or minimising the adverse effects of discharges from wastewater*

networks including works to reduce overflow frequencies and volumes;

(iii) ensuring plans are in place for the effective operation and maintenance of the wastewater network and to minimise dry weather overflow discharges;

(iv) ensuring processes are in place to mitigate the adverse effects of overflows on public health and safety and the environment where the overflows occur;

(c) adopting the best practicable option for minimising the adverse effects of discharges from wastewater treatment plants; and

(d) ensuring on-site wastewater systems avoid significant adverse effects on freshwater and coastal water.

557. The requestor does not specifically address B7.4 in their assessment. However, as outlined previously in Section 10.1, the requestor has provided an assessment of servicing matters, including stormwater and wastewater, relevant to the proposed plan change and this was reviewed and assessed for Council by both Healthy Waters and Watercare (these assessments are provided as **Attachment 2**).

558. In summary, Healthy Waters considers that there are unlikely to be any adverse effects in relation to stormwater resulting from the proposed plan change as there is sufficient capacity in the stormwater system to cater for development enabled by the proposed plan change provisions and overall re-development in the plan change area will enable opportunities to achieve integrated stormwater management outcomes.

559. However, with regard to wastewater, Watercare's assessment notes at this stage there does not appear to be sufficient information regarding wastewater network capacity; and there may be short-term wastewater overflows from development anticipated by the proposed plan change provisions, depending on the timing of any Watercare planned upgrades and the timing of approval related to either this proposed plan change and/or any subsequent or concurrent consent applications for development.

560. Therefore, at this stage, I consider that the proposed plan change is consistent with the objectives and policies in B7.4 as they relate to stormwater and integrated management. However, at this stage, I consider that the proposed plan change is not consistent with the objectives and policies in B7.4 as they relate to wastewater and associated discharges and water quality. Nonetheless, it is expected that there is a solution to this matter and the applicant is invited to provide further information to address and clarify wastewater capacity matters in their evidence and at the hearing.

12.1.13 B10.2 Natural hazards and climate change

561. I am of the opinion that the objectives and policies in B10.2 as they relate to natural hazards and climate change are relevant to a consideration of PPC44, as the plan change area contains a number of overland flow paths, as also identified in Section 6.4 above.

562. More specifically, objectives B10.2.1(1) – (6) seek that:
- communities are more resilient to natural hazards and the effects of climate change (B10.2.1(1));
 - the risks from natural hazards, to people property, infrastructure and the environment, are not increased in existing developed areas (B10.2.1(2));
 - new subdivision, use and development avoids the creation of new risks to people, property and infrastructure (B10.2.1(3));
 - the effects of climate change on natural hazards is recognised and provided for (B10.2.1(4));
 - the functions of natural systems, including floodplains, are protected from inappropriate subdivision, use and development (B10.2.1(5)); and
 - the conveyance of overland flow paths is maintained (B10.2.1(6)).
563. As relevant to the proposed plan change, these objectives are supported by policies B10.2.2(4), (5), (6), (7), (8), (9), (10). These policies seek to:
- Assess natural hazard risks (B10.2.2(4));
 - Manage subdivision use and development of land subject to natural hazards based on the type and severity of event; the vulnerability of the activity, including the health and safety of people and communities, the resilience of property to damage, and the effects on the environment; and the cumulative effects of location activities on land subject to natural hazards (B10.2.2(5));
 - Adopt a precautionary approach to natural hazard risk assessment (B10.2.2(6));
 - Avoid or mitigate the effects of activities in areas subject to natural hazards, such as earthworks, changes to natural and built drainage systems, vegetation clearance and new or modified structures, so that the risks of natural hazards are not increased (B10.2.2(7));
 - Manage the location and scale of activities that are vulnerable to the adverse effects of natural hazards so that the risks to people and property are not increased (B10.2.2(8));
 - Encourage activities that reduce, or do not increase, the risks posed by natural hazards (B10.2.2(9));
 - Encourage redevelopment on land subject to natural hazards to reduce existing risks and ensure no new risks are created by using a range of measures such as:
 - the design and placement of buildings and structures;
 - managing activities to increase their resilience to hazard events; or
 - change of use to a less vulnerable activity (B10.2.2(10)).

564. The requestor does not specifically address B10.2 in their Section 32 Evaluation or their Objectives and Policies Assessment. However, the requestor has provided an assessment of the four overland flow paths that are located within the plan change area, as a result of development that would be enabled by the proposed plan change provisions (refer to Section 4.2 of the Engineering Infrastructure Report prepared by MSC Consulting provided as the requestor's Appendix 9).
565. This aspect was reviewed for Council by Healthy Waters (refer to **Attachment 2**). Healthy Water agrees with the requestor's assessment that development enabled by the proposed plan change provisions will not result in additional flow or effects into/on existing overland flow paths; and that there will be no impact on downstream properties.
566. As a result, I am of the opinion that PPC44 is consistent with the relevant objectives and policies in B10.2 relating to natural hazards and climate change and that the risks from identified hazards in the plan change area can be appropriately managed.

12.1.14 RPS Conclusion:

567. Based on the above consideration of the objectives and policies of the Auckland Unitary Plan Regional Policy Statement I conclude that PPC44:
- is generally consistent with the objectives and policies in B2.2 relating to urban growth and form;
 - is inconsistent with RPS objective B2.3.1(1)(a) and Policy B2.3.2(1)(a) as it does not sufficiently respond to the intrinsic and physical characteristics of the plan change area or its setting and relationship to the surrounding area, including natural features, landscape and visual (particularly maunga to maunga views), and heritage aspects;
 - will be partly consistent with Objective B2.3.1(1)(b) and likely reinforce the hierarchy of centres as this relates to the activities and floor area resulting from the plan change provisions.
 - is partly inconsistent with Objective B2.3.1(1)(b) as it relates to building height and bulk and this will not reinforce the hierarchy of centres;
 - is in part consistent with Policies B2.3.2(1) and (2), but that more could be included in the plan change provisions to improve this, and achieve better and more certain outcomes;
 - overall, is not sufficiently consistent with, and does not give sufficient effect to, creating the quality built environment sought by RPS objectives and policies in B2.3.
 - is contrary to Policy B2.4.2(5) as the residential intensification that would likely be enabled by the proposed plan change does not avoid or protect the natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage or historic heritage.
 - is not sufficiently consistent with the commercial growth objectives and policies in B2.5, as while employment and commercial opportunities may be provided,

the form of the development they are to be provided in may not be of sufficient quality and will be of a height that is unlikely to support the hierarchy of centres;

- is consistent with the open space objectives and policies in B2.7 as PPC44, and the development it will enable, will result in adverse effects on the open space and the open space qualities of the Auckland Domain. However, while these effects may not be at the significant level, it is considered that they will not be avoided, remedied or mitigated.
- is consistent with the provisions in B2.8 relating to social facilities;
- will be consistent with the objectives and policies in B3.3, in particular B3.3.2(2) and B3.3.2(5) relating to traffic and car parking matters;
- is inconsistent with, the objectives and policies of B4.2 as it will not result in the protection of the Auckland Domain Volcano / Pukekawa, including Pukekaroa, or its physical and visual integrity from inappropriate subdivision, use and development as directed by Objectives B4.2.1(1) and (3) and Policy B4.2.2(6). Furthermore, PPC44 does not sufficiently provide for the ancestral relationships of Mana Whenua and their culture and traditions with the landscapes and natural features of Auckland as directed by Objective B4.2.1(2); and will not likely protect the historic, archaeological and cultural integrity of the Auckland Domain Volcano and its surrounds as directed by Policy B4.2.2(7);
- is contrary to the objectives and policies of B4.3 as they relate to both identified volcanic viewshafts E8 and E11, and to other potentially locally or regionally significant views to or between maunga, as views will not be protected;
- is inconsistent with Objective B5.2.1(1) as the adjacent identified significant heritage places are not sufficiently protected from inappropriate development;
- is consistent with the objectives and policies in B7.4 as they relate to stormwater and integrated management; but at this stage, it is not consistent with the objectives and policies in B7.4 as they relate to wastewater and associated discharges and water quality; and
- is consistent with the relevant objectives and policies in B10.2 relating to natural hazards and climate change and that the risks from identified hazards in the plan change area can be appropriately managed.

568. In my overall opinion, and on balance, PPC44, and particularly its proposed building height and bulk, is contrary to, and inconsistent with, the RPS objectives and policies as it does not sufficiently respond to, protect or avoid adverse effects on, the intrinsic and physical characteristics of its area, its setting and its relationship to the surrounding area, including natural features (such as ONF's and maunga), landscape and visual, and heritage aspects; and it does not reinforce a hierarchy of centres.

12.2 AUCKLAND UNITARY PLAN - DISTRICT PLAN

12.2.1 D14 Volcanic Viewshafts and Height Sensitive Areas Overlay

569. I consider that the objectives and policies of D14 Volcanic Viewshafts and Height Sensitive Areas Overlay are relevant to PPC44 for the same reasons as I outline in Section 12.1.9 above i.e. the western portion of the plan change area is located within the identified overlay area, subject to viewshaft E8 Mt Eden. I also note that the plan change area is located in close proximity to other identified regionally significant volcanic viewshafts i.e. E9, E11 and E12; and is located between various maunga (i.e. Maungawhau / Mt Eden; Pukekawa / Auckland Domain; Ōhinerau / Mt Hobson; Takarunga / Mt Victoria and North Head).
570. The requestor has not specifically considered the objectives and policies of D14 in their s32 Evaluation or Objectives and Policies Assessment as they note, and I agree, that the building height enabled by the proposed plan change provisions will not intrude into the regionally significant viewshaft E8 Mt Eden. However, as also outlined in Section 12.1.9 (regarding RPS B4.3 Viewshafts) above, there is the potential for the proposed built form envisaged by the plan change provisions to adversely impact on the integrity of views, particularly as they relate to identified volcanic viewshafts.
571. Therefore, I am of the opinion that objective D14.2(1) and policies D14.3(1), (2), (3) and (6) are relevant to a consideration of PPC44. These objectives and policies are identified in Section 6.2.1 earlier in this report. In summary, they seek:
- that regionally significant views to and between Auckland's maunga are protected;
 - to protect the visual character, identify and form of regionally significant volcanic maunga by locating height sensitive areas around their base, and imposing height limits which prevent encroachment into views of the maunga that would erode the visibility to their profile and open space values, while allowing a reasonable scale of development;
 - to 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; and
 - to 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.
572. The comments I make in Section 12.1.9 (regarding RPS B4.3 Viewshafts) above, are equally as relevant to a consideration of objectives and policies under D14. In summary, I continue to agree with and rely on, the comments of Council's landscape and visual expert, Mr Peter Kensington (refer to **Attachment 2**), including that there will be:
- low to moderate effects on volcanic viewshaft E8 Mt Eden; and that while development in the plan change area will not directly impact on the form of Mt Eden / Maungawhau from this viewpoint, indirect adverse landscape effects will

result given the scale of built form relative to the visible portion of the maunga in relation to the Auckland Museum; and

- low to moderate landscape effects will occur on volcanic viewshaft E11 for similar reasons as outlined for the E8 viewshaft.
- no direct adverse landscape effects will arise in relation to the physical and visual integrity of Pukekawa / Pukekaroa / Auckland Domain however, the scale of development that would be provided for under the proposed plan change provisions will likely result in indirect adverse landscape effects on the aesthetic values and memorability of Pukekawa / Pukekaroa / Auckland Domain.

573. For these reasons, in my opinion the proposed plan change and the urban intensification it will enable, particularly with regard to building height and bulk, will be inconsistent with objectives D14.2(1) and (2) and policies D14.3(1), (2), (3) and (6) as PPC44:

- will not protect currently identified volcanic viewshafts (i.e. E8 and E11);
- does not avoid activities that would likely detract from the integrity of the historic, archaeological and cultural values of the maunga; and
- will not maintain or enhance the contribution of the regionally significant volcanic maunga, which are scheduled as ONF's, to the landscape of Auckland.

12.2.2 E1 Water quality and integrated management

574. The objectives and policies of E1, in respect of freshwater, as they relate to stormwater and wastewater discharges, are considered relevant to a consideration of PPC44.

575. Objectives E1.2(1) – (3) seek that:

- (1) *Freshwater and sediment quality is maintained where it is excellent or good and progressively improved over time in degraded areas.*
- (2) *The mauri of freshwater is maintained or progressively improved over time to enable traditional and cultural use of this resource by Mana Whenua.*
- (3) *Stormwater and wastewater networks are managed to protect public health and safety and to prevent or minimise adverse effects of contaminants on freshwater and coastal water quality.*

576. Specific to stormwater management policies E1.3(9) and (10) seek to:

- minimise or mitigate new adverse effects of stormwater runoff; and
- take an integrated management approach taking into account matters such as cost, location, design, capacity, and the nature and sensitivity of the receiving environment.

577. Specific to wastewater management, policies E1.3(17) seek that the discharge of wastewater to the coastal marine area and to freshwater is avoided unless:

- (a) *alternative methods, sites and routes for the discharge have been considered and are not the best practicable option;*
- (b) *Mana Whenua have been consulted in accordance with tikanga Māori and due weight has been given to section 6, section 7 and section 8 of the Resource Management Act 1991;*
- (c) *the affected community has been consulted regarding the suitability of the treatment and disposal system to address any environmental effects;*
- (d) *the extent to which adverse effects have been avoided, remedied or mitigated on areas of:*
 - (i) *high recreational use, or that are used for fishing or shellfish gathering;*
 - (ii) *areas of maintenance dredging;*
 - (iii) *commercial or residential waterfront development;*
 - (iv) *high ecological value; and*
 - (v) *marine farms.*

578. The requestor does not specifically address E1 in their assessment. However, the comments made with regard to stormwater and wastewater matters and their assessment by both the requestor and for Council, by Healthy Waters and Watercare (as outlined in Sections 10.1 and 12.1.13 above) are applicable when considering the objectives and policies in E1.

579. Therefore, I consider that the proposed plan change is consistent with the objectives and policies in E1 as they relate to stormwater and integrated management. However, at this stage, I consider that the proposed plan change is not consistent with the objectives and policies in E1 as they relate to wastewater and associated discharges and water quality. Nonetheless, it is expected that there is a solution to this matter and the applicant is invited to provide further information to address and clarify wastewater capacity matters in their evidence and at the hearing.

12.2.3 E27 Transport

580. The requestor has provided an Integrated Transport Assessment (ITA) prepared by Commute, which assesses the proposed plan change provisions and their likely traffic effects, but this does not address objectives and policies of E27. Furthermore, the requestor has provided limited reference to the provisions of E27 in their Section 32 evaluation and no assessment in their Objectives and Policies Assessment.

581. I have outlined the E27 Transport objectives and policies I consider relevant to PPC44 in Section 6.51 of this report; and I have considered the RPS, B3.3 Transport objectives and policies as they relate to the proposed plan change in Section 12.1.7 of this report.

582. Noting that the objectives and policies in E27 Transport are intended to support the RPS B3.3 provisions, and that I concluded, that PPC44 will be consistent with the

objectives and policies of RPS B3.3 Transport, I am of the view that the proposed plan change is consistent with the objectives and policies of E27 Transport. Although, I also reiterate that I am of the view that the parking limits, pedestrian connections and vehicle access sought to be achieved by the plan change provisions could equally be provided and/or achieved under the existing E27 provisions.

12.2.4 E36 Natural hazards and flooding

583. I have outlined the E36 Natural hazards and flooding objectives and policies that I consider are relevant to PPC44 in Section 6.4 of this report.
584. In Section 12.1.13 I considered PPC44 with regard to the objectives and policies in the RPS B10.2 Natural hazards and climate change. My comments in that section are also applicable to a consideration of the proposed plan change with regard to the relevant objectives and policies in E36.
585. As a result, I am of the opinion that PPC44 is consistent with the relevant objectives and policies in E36 relating to natural hazards, and in particular the function of overland flow paths.

12.2.5 H13 Business – Mixed Use Zone

586. Reiterating comments I made earlier in this report, the underlying zone for the PPC44 area is zoned Business- Mixed Use Zone. I described the Business – Mixed Use Zone provisions, including the objectives and policies, in Section 6.1.1 of this report. As also discussed throughout this report, PPC44 maintains the underlying Business - Mixed Use zoning, but seeks to introduce a new Precinct, with specific objectives, policies and associated provisions. The underlying Business – Mixed Use Zone provisions are required to be read in conjunction with the proposed Precinct provisions.
587. The requestor has provided an assessment of PPC44 and the objectives and policies of the Business – Mixed Use Zone throughout their Section 32 Evaluation and specifically at pages 17-19 of their Auckland Unitary Plan Objectives and Policies Assessment Table (refer to the requestors Appendix 3). The requestors objectives and policies assessment identifies objectives H13.2(1), (2), (3), (6), (7), (8) and (9) and policies H13.3(1) – (7), (9) – (15), (17) – (18) and (20) as being relevant. I agree that these objectives and policies are relevant however, I also consider that objectives H13.2(4) and (5) are relevant to a consideration of the proposed plan change.
588. The requestors objectives and policies assessment states:

The George Street Precinct is in keeping with the objectives and policies of the underlying Business – Mixed Use zone. Although the George Street Precinct provides for buildings within a similar height range to Newmarket Metropolitan Centre, development enabled by the Plan Change has been found to not impact the surrounding urban amenity and sit comfortably into the existing urban fabric. Development will be seen as an integral component of the wider Newmarket area and will be an appropriate form and scale for its location.

The level of commercial floor space provided for in the precinct is not significantly greater than what a complying commercial development will result in. Therefore, the proposal does not undermine the role and function of Newmarket Centre.

The George Street Precinct provides for high intensity residential and/or commercial development of the edge of Newmarket Metropolitan Centre to support an efficient use of land and public transport.

The increase in height will not affect special character or identified landscape features as the height limit is below the Volcanic Viewshaft.

To ensure development with the additional height enabled within the precinct integrates with the surrounding development and demonstrates an overall design strategy, a design-based approach has been implemented, with all building development requiring assessment against a tailored set of criteria.

The Plan Change is in keeping with the relevant objectives and policies.

589. In general, I do not agree with the requestor's assessment of the zone objectives and policies. I outline the reasons for agreement and disagreement below.
590. In my opinion the proposed plan change, and the development it enables, will attract ongoing investment, promote commercial activity, employment, housing and goods and services as required by Objective 13.2(1). However, I am also of the opinion that the proposed height sought in the precinct provisions will undermine the requirement to provide a strong network of centres. The building height enabled by the plan change provisions will be higher than the adjacent Newmarket, Business – Metropolitan Centre Zone and this height will be incongruent with the transitional scale intended for the plan change area. This will detract from and not support the Newmarket, Business – Metropolitan Centre Zone's position as it relates to height, in the hierarchy of centres and therefore will likely disrupt the ability to provide a strong network of centres as required by Objective H13.2(1) and Policy H13.3(13) and the framework and context of the functioning of centres as required by Objective H13.2(5). Furthermore, while the plan change area is one where additional height has been enabled by the existing Height Variation Control, the proposed plan change heights, and in combination the other built form provisions, do not give sufficient consideration to the significant adverse effects created on identified landscape features such as maunga (and views to and between them), or amenity of the wider area.
591. The comments I make in Section 12.1.2 are relevant to a consideration of objectives H13.2(2) and (3). In this regard, in my opinion the proposed plan change provisions will not result in development that positively contributes towards planned future form and quality. The proposed height and bulk of buildings enabled by the proposed plan change provisions will likely result in a range of adverse effects on the surrounding environment (refer to Section 14 below) and will detract from the sense of place and character associated with the area, which is created by features such

as the Auckland Domain, the Auckland Museum and other identified historic heritage buildings in the surrounding area.

592. With regard to objectives H13.2(4), (6) and (7) and policies H13.3(1), (15) and (17) I agree that business, commercial and residential activities enabled by the plan change provisions will be of a scale and form that provides for the community's social and economic needs, and will support the function and role of the adjacent Newmarket, Metropolitan Centre Zone, and the public transport network. This is confirmed by Council's economic expert, Ms Fairgray and traffic expert, Mr Black (refer **Attachment 2**). Furthermore, the proposed plan change will improve opportunities for social interaction by the introduction of a new public plaza and pedestrian connections. Although the quality of the spaces created as a result of the proposed plan change provisions is questioned.
593. I agree that Objective H13.2(8) can be achieved. However, for the reasons outlined in Section 12.1.2 above I do not agree that the proposed plan change provisions will result in the high level of amenity sought by Objective H13.2(9) and Policy H13.3(3). Furthermore, and again for the reasons identified in Section 12.1.2 above, I consider that the proposed plan change, in particular the height and bulk of enabled development, will detract from the visual quality of the open space associated with the Auckland Domain and its various identified values and may not provide the pedestrian amenity, movement, safety and convenience for people that is required in this location. Therefore, I consider that the proposed plan change will not achieve the outcomes sought in Policy H13.3(3).
594. As variously outlined throughout Section 12 above, the proposed height and bulk of buildings envisaged by the proposed plan change provisions are considered to result in significant adverse visual and landscape effects, particularly on potentially significant views to and between maunga. The design quality envisaged or encouraged does not mitigate these effects. Therefore, I am of the opinion that the proposed plan change will not meet Policy H13.3(5).
595. The proposed plan change provisions support the adaptability of building uses, discourage dwellings at ground floor and recognise the functional and operational requirements of activities and development. Therefore, I consider that policies H13.3(6), (10) and (12) can be achieved.
596. The traffic assessments provided by the requestor and for Council agree that the proposed plan change provisions contain sufficient scope to ensure that the location and design of car parking, particularly at grade parking, can avoid or mitigate pedestrian amenity and streetscape effects. Therefore, the proposed plan change is consistent with Policy H13.3(7).
597. Furthermore, the plan change provisions (i.e. the objectives, policies and activity table and activity status) maintain the ability to ensure activities which have noxious, offensive and undesirable qualities are restricted from the locating within the plan change area.
598. I consider shading that might occur as a result of the proposed plan change provisions in Section 14.1.4 below. In my opinion the height and bulk of

development that would be enabled by the proposed plan change provisions will likely result in more than minor shading effects on the public realm i.e. the Olympic Reserve; and these effects are currently not avoided or mitigated by the proposed provisions. Therefore, I do not consider that Policy H13.3(11) would be achieved by the proposed plan change. No assessment of wind has been provided, so I cannot form an opinion on this matter, other than to state an assessment can still be made of this aspect of a development under the structure of the plan change provisions.

599. I provide an assessment of potential visual dominance effects on adjoining properties in Section 14.1.3 below. I conclude that such effects will likely be at least minor, if not more than minor. Noting that many of the adjoining properties contain residential dwellings, I am of the opinion that with regard to Policy H13.3(20), the proposed plan change provisions as they relate to how built form can be developed do not sufficiently manage these adverse effects. However, I do acknowledge that there is likely more consideration of this matter available under the proposed plan change provisions (i.e. matters for discretion and assessment criteria), than in the underlying Business – Mixed Use Zone. Nonetheless, as I have also outlined in Section 8, I consider further amendments to provisions enabling the consideration of effects on adjoining properties is required.
600. Overall, for the reasons outlined above, particularly those relating to the role of the Business - Mixed Use Zone as a transitional or supporting zone to the adjacent Newmarket, Metropolitan Centre Zone; and the cumulative adverse effects of building height and bulk, which will adversely impact on this relationship and the hierarchy of centres, as well as create adverse visual and other amenity effects on the surrounding area, I am of the opinion that the proposed plan change is inconsistent with the objectives and policies of the Business – Mixed Use Zone.

13.0 OTHER PLANS AND STRATEGIES

601. Section 74(2)(b)(i) of the RMA requires that a territorial authority must have regard to plans and strategies prepared under other Acts when considering a plan change.
602. The other plans and strategies considered to be of relevance to PPC44 are identified in **Table XX**, and summarised and discussed below.

Table XX Other Relevant Plans and Strategies

Auckland Plan
* Tupuna Maunga Integrated Management Plan
* Tupuna Maunga Authority Integrated Management Plan Strategies
* Independent Māori Statutory Board - Schedule of Issues of Significance and Māori Plan 2017
* Ngati Whatua Orakei Iwi Management Plan 2018
* Auckland Domain Plan 1993
* Auckland Domain Masterplan 2016

* Auckland War Memorial Museum: A conservation Plan 1993
* Waitemata Local Board Plan 2020
* Newmarket Laneways Plan
* Waitemata Greenways Plan

* A copy of these plans is provided as **Attachment 9**

13.1 AUCKLAND PLAN

603. The Auckland Plan 2050 is prepared under section 79 of the Local Government (Auckland Council) Act 2009, and is a relevant strategy document that should be had regard to when considering PPC44.

604. The Auckland Plan 2050 was adopted in June 2018. It is a long-term spatial plan which considers how Auckland will address key challenges over the next 30 years. These challenges include high population growth, shared prosperity, and environmental degradation. The Auckland Plan includes a development strategy and identifies six outcomes sought. These are described further as follows.

605. The Development Strategy in the Auckland Plan is intended to show how Auckland will physically grow and change over the next 30 years. It takes account of the above listed outcomes, as well as population growth and the provisions of the Auckland Unitary Plan to provide a pathway for Auckland's future physical development and a framework to prioritise and co-ordinate the required supporting infrastructure.

606. The Development Strategy states that Auckland will take a quality compact approach to growth and development. Where compact development will be focused in existing and new urban areas within the urban footprint, limiting expansion into rural areas. While quality means that:

- most development occurs in areas that are easily accessible by public transport, walking and cycling;
- most development is within reasonable walking distance of services and facilities including centres, community facilities, employment opportunities and open space;
- future development maximises efficient use of land; and
- delivery of necessary infrastructure is coordinated to support growth in the right place at the right time.

607. The benefits of a quality compact Auckland are considered to be:

- greater productivity and economic growth;
- better use of existing infrastructure;
- improved transport outcomes;
- maintenance of rural productivity and character;
- enhanced environmental outcomes

- greater social and cultural vitality.
608. This will be all be achieved by:
- Ensuring sufficient capacity for growth;
 - Embedding good design in all development;
 - sequencing what gets delivered;
 - Aligning the timing of infrastructure provisions with development; and
 - Supporting rural production.
609. Ensuring sufficient capacity for growth will be undertaken in accordance with the requirements of the National Policy Statement on Urban Development. At this stage, based on feasible development capacity over the short to medium term (1-10 years) there is sufficient feasible capacity for housing and business growth. However, in the longer term (11-30 years) there is a shortfall of dwellings.
610. Embedding good design in development is considered to include all of the following attributes:
- functionality
 - attractiveness
 - longevity
 - innovation
 - legibility.
611. The strategy states that:
- Good design needs to be integrated at all scales of development. It includes the quality of the city structure, the design of public places and spaces as well as building and house design. The quality of city design is integral to how it functions, which affects our overall wellbeing. Good design can contribute to making Auckland a sustainable, attractive, equitable and desirable place. The quality and characteristics of successful places make them memorable. They result in people going there more often, staying longer, or choosing to live and work there.:*
612. With regard to sequencing, the development strategy notes that planning and investment will be targeted to those areas where the greatest development capacity is taken up. This means existing urban areas where actual development of scale happens and providing new bulk infrastructure for future urban land. In the existing urban area this is done through identifying nodes and development areas.
613. With regard to the timing of infrastructure provision, it is noted that future growth and capacity will require a significant increase in Auckland's infrastructure networks and this needs to be co-ordinated with growth.

614. The development strategy seeks to build strong urban centres and neighbourhood. It recognises that a network of centres is required to serve communities and that this network is reflected in the hierarchy of Centres in the Unitary Plan.
615. The development strategy anticipates that growth will occur in the city centre, nodes and development areas, as well as future urban areas. It is noted at Newmarket is included in a category City centre and city fringe. In this regard development is expected over the next 30 years to increase dwelling growth.
616. The development strategy also identifies strategic public infrastructure projects, such as the City Rail link, the Newmarket Gully wastewater, the central reservoirs water storage projects which are programmed in Decade 1 (2018 – 2028) will assist with the provision of infrastructure to support growth.
617. The six outcomes sought, as considered to be relevant to PPC44, are identified in **Table 6** below

Table 6: Outcomes of the Auckland Plan 2050

Outcomes	Matters	
Belonging and Participation	<p>Direction 1</p> <p>Foster an inclusive Auckland where everyone belongs</p>	<p>Focus Area 1</p> <p>Create safe opportunities for people to meet, connect, participate in and enjoy community and civic life</p>
Maori Identity and Wellbeing	<p>Direction 3</p> <p>Recognise and provide for te Tiriti o Waitangi outcomes</p> <p>Direction 4</p> <p>Showcase Auckland's Māori identity and vibrant Māori Culture</p>	<p>Focus Area 5</p> <p>Advance mana whenua rangatiratanga in leadership and decision-making and provide for customary rights</p> <p>Focus Area 7</p> <p>Reflect mana whenua mātauranga and Māori design principles throughout Auckland</p>
Homes and Places	<p>Direction 1</p> <p>Develop a quality compact urban form to accommodate Auckland's growth</p> <p>Direction 4</p> <p>Provide sufficient public places and spaces that are inclusive, accessible</p>	<p>Focus Area 1</p> <p>Accelerate quality development at scale that improves housing choices</p> <p>Focus Area 5</p> <p>Create urban places for the future</p>

	and contribute to urban living	
Transport and Access	<p>Direction 1</p> <p>Better connect people, places, goods and services</p> <p>Direction 2</p> <p>Increase genuine travel choices for a healthy, vibrant and equitable Auckland</p> <p>Direction 3</p> <p>Maximise safety and environmental protection</p>	<p>Focus Area 1</p> <p>Make better use of existing transport networks</p> <p>Focus Area 4</p> <p>Make walking, cycling and public transport preferred choices for many more Aucklanders</p> <p>Focus Area 5</p> <p>Better integrate land-use and transport</p> <p>Focus Area 6</p> <p>Move to a safe transport network, free from death and serious injury</p> <p>Focus Area 7</p> <p>Develop a sustainable and resilient transport system</p>
Environment and Cultural Heritage	<p>Direction 1</p> <p>Ensure Auckland's natural environment and cultural heritage is valued and cared for</p> <p>Direction 2</p> <p>Apply a Māori world view to treasure and protect our natural environment (taonga tuku iho)</p> <p>Direction 3</p> <p>Use Auckland's growth and development to protect and enhance the natural environment</p>	<p>Focus Area 1</p> <p>Encourage all Aucklanders to be stewards of the natural environment, and to make sustainable choices</p> <p>Focus Area 2</p> <p>Focus on restoring environments as Auckland grows</p> <p>Focus Area 3</p> <p>Account fully for the past and future impacts of growth</p> <p>Focus Area 4</p> <p>Protect Auckland's significant natural environments and cultural heritage from further loss</p> <p>Focus Area 5</p> <p>Adapt to a changing water future</p> <p>Focus Area 6</p> <p>Use green infrastructure to deliver greater resilience, long term cost</p>

		savings and quality environmental outcomes
Opportunity and Prosperity	Direction 1 Create the conditions for a resilient economy through innovation, employment growth and raised productivity	Focus Area 2 Ensure regulatory planning and other mechanisms support business, innovation and productivity growth

618. The requestor has provided an assessment of PPC44 against the Auckland Plan in at Section 6.2.1 of their Section 32 Evaluation (pages 21 – 22). With regard to PPC44, this assessment notes or considers that the proposed plan change is consistent with achieving the strategic direction of the Auckland Pan and a quality compact approach to urban growth for the following reasons.

- the plan change area is within a five-minute walking distance of the Newmarket Metropolitan Centre and Pukekawa / Auckland Domain and is well serviced by public transport. It is also well located for access to a range of social facilities such as education, healthcare and cultural facilities. The plan change area is also serviced by existing infrastructure.
- The plan change provides opportunities to increase residential development capacity through increasing the height limits in the plan change area from 27m to between 0m to 55m above the George Street datum. This increase in height is estimated to provide up to 10,000m² more floor area for residential use. Furthermore, the proposed precinct provides for an efficient use of land by limiting car parks to 500 spaces, so that floor area is used for residential or commercial purposes rather than for car parking.
- The proposed precinct provisions introduce a framework to achieve quality urban design outcomes and establish formal pedestrian connections between clayton Street and Pukekawa / Auckland Domain. The design based approach used in the precinct provisions will ensure that the taller buildings enabled will integrate with the surrounding development and ensure that publicly accessible spaces and pedestrian connections are attractive, safe and lively spaces.

619. I agree with aspects of the requestor’s assessment such as that, PPC44 will be consistent with the accessibility and locational outcomes and the increased residential capacity outcomes sought in the Auckland Plan. However, as expressed previously, I do consider that the current planning provisions could also achieve these outcomes. Noting also, that not all residential capacity is required to be increased by one development, rather it is expected to be increased cumulatively, by all development.

620. However, I do not agree with the requestor's assessment that the proposed plan change will introduce the quality urban design outcomes to the level they suggest. I outline the reasons for this in Section 12 of this my report. Furthermore, I am of the opinion that the requestor has not fully considered that outcomes and directions sought as they relate to Maori identity and well-being and environment and cultural heritage.
621. In my view, and again for the reasons outlined in the sections above, PPC44 does not meet outcomes and directions such as:
- Maori identity and wellbeing, particularly Focus Areas 5 and 7; and
 - Environment and cultural heritage, particularly Direction 1, 2 and 3 and Focus Areas 1, 2, 3, 4.
622. Therefore, in my opinion, PPC44 is inconsistent with the Auckland Plan.

13.2 TUPUNA MAUNGA INTEGRATED MANAGEMENT PLAN

623. The Tūpuna Maunga Integrated Management Plan (TMIMP) outlines the Tūpuna Maunga Authority's long-term vision for the Tūpuna Maunga and establishes the direction for protection, restoration, enhancement and appropriate use of the Tūpuna Maunga. The TMIMP identifies that:

The Tūpuna Maunga are among the most significant spiritual, cultural, historical, archaeological and geological landscapes in the Auckland region. The Tūpuna Maunga are sacred to mana whenua as taonga tuku iho (treasures handed down the generations). Ngā Mana Whenua therefore secured the statutory requirement for an IMP to ensure the future of each of these treasured places will be organised with equal consideration and reverence.

624. The TMIMP also notes that:

3.10 The Tūpuna Maunga are revered by all peoples for their multiple layers of cultural, natural and built heritage. As Auckland continues to grow and intensify, the Tūpuna Maunga are increasingly important as spiritual and aesthetic anchors for all Auckland communities, and as valuable open spaces and places of refuge in an urban landscape. They will continue to be celebrated, treasured and valued for their defining heritage features and importance in shaping the character and identity of Tāmaki Makaurau.

3.11 Auckland's key point of difference in the world is its unique Māori identity, with the Tūpuna Maunga being a tangible reminder of mana whenua occupation of Auckland over a millennia.

625. The TMIMP sets out values and pathways to achieve the integrated outcomes for all the Tūpuna Maunga. The values provide the tika (correct) framework for the care and protection of the Tūpuna Maunga and the pathways elaborate and give tangible expression to the values. They are considered to be the guiding principles and

objectives that set the direction for the Tūpuna Maunga Authority to protect and care for the Tūpuna Maunga and provide a crucial framework for decision-making.

626. The values identified are:

- Wairuatanga / Spiritual;
- Mana Aotūroa / Cultural and Heritage;
- Takotoranga Whenua / Landscape;
- Mauri Pūnaha Hauropi / Ecology and Biodiversity;
- Mana Hononga Tangata / Living Connection;
- Whai Rawa Whakauka / Economic and Commercial; and
- Mana Whai a Rēhia / Recreational.

627. With regard to 8.7 Takotoranga Whenua / Landscape Value, the TMIMP states that:

The Tūpuna Maunga are among the most treasured and distinctive connected landscape features of Tāmaki Makaurau that are both natural and modified. The Tūpuna Maunga create and contribute to Aucklanders sense of pride, 'place' and home.

The ability to view these taonga from all over Auckland – the most populated part of New Zealand – and from other maunga is valued for this reason. The Tūpuna Maunga are a place to see and experience other parts of Tāmaki Makaurau.

The significance of the Tūpuna Maunga to mana whenua and all Aucklanders creates an opportunity to ensure the protection and enhancement of the physical and visual integrity of these natural features in the surrounding urban environment. Their significance includes the distinctive and impressive earthworks such as terracing, rua (storage pits), and defences, which are characteristic of pā on the maunga. These reflect the extent and nature of past use and occupation of the Tūpuna Maunga by mana whenua, and are of exceptional archaeological significance both nationally and internationally.

The Tūpuna Maunga are a part of the naturally preserved, young, monogenetic basaltic volcanic field in Aotearoa/New Zealand. They are the most visible reminder to people of the volcanic field on which we live, and are important to our understanding of Auckland's geological history.

628. The associated pathway seeks to protect the integrity of the landscape of tupuna maunga as follows:

- *Recognise that the Tūpuna Maunga are a part of a broader volcanic field and mana whenua and local communities wish to see the maunga and volcanic field in their entirety protected and enhanced.*
- *Enable the mana of the Tūpuna Maunga to be better recognised and uplifted.*

- *Ensure the landscape values of the individual and collective maunga are protected so that current and future generations visually identify with, relate to and connect with the maunga.*
- *Protect the authenticity and integrity of this unique landscape feature and respect this important landscape through the progressive removal of structures and features that detract from the maunga.*
- *Recognise the unique ecological value the remnant and restored lava-flow forest and scoria-cone forest the maunga provide to Tāmaki Makaurau.*
- *Identify cultural elements including archaeological sites and features, built heritage, plantings and view shafts that contribute to the significance of landscapes on the maunga and ensure that these are protected during future use and development. The TMIMP identifies the area and features associated with each maunga.*
- *Preserve and enhance the authenticity and visual integrity of the Tūpuna Maunga so that they are markers in the landscape, and their cultural and natural features are visually apparent.*

629. Furthermore, as relevant to PPC44, pathway 8.7 seeks (at page 66) to encourage activities that are in keeping with the natural and indigenous landscape by the following means:

- *Protect, maintain and improve the visibility and understanding of the natural, geological and cultural features.*
- *Progress relationships with neighbours to enable an integrated approach to caring for the maunga.*
- *Take an active leadership role to uphold and enhance the mana of the Tūpuna Maunga.*

630. The TMIMP seeks (at page 67) to preserve the visual and physical authenticity and integrity of the maunga as landmarks of Tamaki through:

- *Respect the visual connection and sense of place people derive from the Tūpuna Maunga by maintaining significant views to the maunga from across Tāmaki Makaurau.*
- *Identify and protect significant views on and between maunga, and from the maunga to the motu across Tāmaki Makaurau.*
- *Build upon the Tūpuna Maunga network as cultural landscapes in the wider context of Tāmaki Makaurau and encourage connections and development of linkages between the maunga, such as through greenways and the regional trails network.*

631. The requestor has not provided a specific assessment of PPC44 as it may relate to the TMIMP. However, as discussed in Section 12.1.9 of this report the requestor

has provided an Assessment Landscape and Visual Effects (refer to the requestors Appendix 6) and this includes some consideration of identified and other views to maunga and the landscape and visual effects on them. As also discussed, this assessment was reviewed by Council's landscape and visual expert, Mr Peter Kensington (refer to Attachment 2).

632. There is a difference of opinion between the requestor and the Council experts with regard to the level of effects of PPC44 and the development it would enable, on identified viewshafts to maunga. Furthermore, Mr Kensington has undertaken, on a preliminary basis, an assessment of views to and between maunga, and determined the significance of these and whether, in his opinion, they will be adversely affected by PPC44. In this regard, Mr Kensington considers that four views to and between maunga that are either locally or regionally significant and that these views will be variously affected up to a high degree.
633. As outlined in Section 12.1.9 I rely on Mr Kensington's assessment. As a result, I am of the opinion that PPC44 is inconsistent and likely contrary to the Tūpuna Maunga Integrated Management Plan, particularly pathway 8.7, as PPC44 will not protect or preserve and enhance the visual integrity of the Tūpuna Maunga so that they are markers in the landscape, and their cultural and natural features are visually apparent.

13.3 TUPUNA MAUNGA STRATEGIES

634. The Tupuna Maunga Strategies (**TMS**) provide the strategic direction for the management of the 14 Tūpuna Maunga, setting out the foundations for how the Tūpuna Maunga will be valued, protected, restored, enhanced and managed in the future. The TMS is intended to give tangible visibility to Mana Whenua values and world views as well as reflecting the connections and public access Auckland's diverse communities have with maunga.
635. I am of the opinion that the TMS are relevant to a consideration of PPC44 as it sets out the importance of the maunga to mana whenua and Aucklanders and PPC44 has been identified as adversely affecting views to and between maunga. However, beyond this the TMS are a document for the management of activities on the maunga themselves and these aspects do not appear to be directly relevant to PPC44. However, noting the comments in Section 13.2 above, I am of the opinion that PPC44 is unlikely to be consistent with the Tupuna Maunga Strategies, particularly those where views to or between maunga have been identified.

13.4 INDEPENDENT MĀORI STATUTORY BOARD - SCHEDULE OF ISSUES OF SIGNIFICANCE AND MĀORI PLAN 2017

636. The Independent Maori Statutory Board (**the Board**) was established in 2010 as part of the creation of Auckland Council as a Unitary Authority. The Board has a statutory responsibility to monitor Auckland Council against its Treaty of Waitangi obligations, and promote issues of significance to Māori in Tāmaki Makaurau (Auckland).

637. The Schedule of Issues of Significance to Māori in Tāmaki Makaurau is a statutory document prepared by the Independent Māori Statutory Board (the Board) to promote and advocate to Auckland Council for and on behalf of Māori in Tāmaki Makaurau.

638. The Schedule of Issues documents sets out (at page 10) Maori Values – Key Directions to be achieved. These include:

Whanaungatanga - *Develop Vibrant Communities*

"A City/region that caters for diverse Māori lifestyles and experiences";

Rangatiratanga - *Enhance Leadership & Participation*

"People engaged in their communities";

Manaakitanga - *Improve Quality of Life*

"Satisfaction with our environments and standard of living";

Wairuatanga - *Promote Distinctive Identity*

"Recognised sense of identity, uniqueness and belonging";

Kaitiakitanga - *Ensure Sustainable Futures*

"Intergenerational Reciprocity"

639. The issues of relevant to PPC44 set out under these values / key directions are as follows:

Maori Values – Key Directions	Issue of Significance
Manaakitanga - Improve Quality of Life	Water Quality - The mauri of our waterways is restored, maintained and preserved for future generations.
Wairuatanga - Promote Distinctive Identity	Built Environment - Māori cultural values, history and heritage are reflected within the built environment through design, architecture and the inclusion of uniquely Māori design principles in public spaces.

640. With regard to the assessment of wastewater issues discussed in Sections 10.1, 12.1.12 and 14.6 and with regard to the assessment of volcanic viewshaft and maunga to maunga views as they relate to mana whenua values in Sections 12.1.9, 12.1.11 and 14.8 I am of the opinion that PPC44 is likely inconsistent with the Independent Māori Statutory Board - Schedule of Issues of Significance and Māori Plan 2017.

13.5 NGATI WHATUA ORAKEI IWI MANAGEMENT PLAN 2018

641. The Ngati Whatua Orakei Iwi Management Plan 2018 is identified at paragraph 1.17 as being the resource management plan for Ngāti Whātua Ōrākei. It provides a statement of the iwi interest and values as they apply to resource management matters.

642. Paragraph 1.20 advises that the desired outcomes set out in the management plan are intended to apply at a policy and implementation level.
643. The desired outcomes identified in the Ngāti Whatua Orakei Iwi Management Plan include:
7. *There should be a significant shift in investment away from car based transport towards mass transit and low carbon modes including rail, bus, cycling and walking.*
 8. *City-level urban design should fully integrate land use with mass transit and low carbon transport networks.*
 9. *At the local level, all developments should incorporate energy-efficient design.*
 10. *Developments should incorporate native trees and other vegetation.*
 11. *Ngāti Whātua Ōrākei should be fully engaged as Treaty Partners and mana whenua in Spatial Planning for Auckland.*
 21. *Water should be managed, and where necessary restored, to maintain or enhance mauri and to protect ecosystem, amenity, and mana whenua values.*
 22. *New development should incorporate the use of sustainable (low impact) design practice for the management of surface water runoff*
 23. *There should be no discharge of untreated surface water from urban areas*
 25. *There should be a significant increase in investment at a city-wide scale to drive improvements to Auckland's wastewater and stormwater treatment and reticulation systems and ensure full separation of the two. Wastewater management systems should be well maintained and function effectively.*
 26. *The direct discharge of wastewater into rivers, lakes and the sea should be avoided.*
 27. *Best practice techniques in sustainable design should be used for minimising waste and treating wastewater at source.*
 31. *Ngāti Whātua Ōrākei sites of significance, and our relationships with those sites, are maintained or enhanced.*
 36. *The cultural landscapes of Ngāti Whātua Ōrākei throughout Tāmaki Makaurau are identified, enhanced and celebrated.*
 37. *Public access to, through and across cultural landscapes is protected, maintained and enhanced.*
 38. *Cultural landscapes, including, maunga, streams and coastal areas are managed in partnership with Ngāti Whātua Ōrākei.*

39. *Key vistas between maunga, headland pā and other linked heritage places are identified and protected through the Unitary Plan.*

40. *Access, permeability and connectivity of cultural landscapes are preserved and enhanced.*

644. With regard to PPC44 and the assessment of traffic and locational matters (as discussed in Sections 12.1.7 and 14.5 in this report) I am of the opinion that PPC44 will likely be consistent with outcomes 7 and 8.

645. With regard to PPC44 and the assessment climate change and sustainability matters, I am of the view that PPC44 will likely be consistent with the outcomes sought, however I do consider that the provisions could include more detail regarding building sustainability and associated measures.

646. With regard to the assessment of wastewater issues and as this relate to water quality discussed in Sections 10.1, 12.1.12 and 14.6; and with regard to the assessment of volcanic viewshaft and maunga to maunga views as they relate to mana whenua values in Sections 12.1.9, 14.1.11 and 14.8 I am of the opinion that PPC44 is likely inconsistent with outcomes 23, 25, 26, 27, 31, 35, 35 and 38.

647. Therefore, for the reasons outlined above, I am of the opinion that PPC44 achieve some but not all of the desired outcomes identified in the Ngati Whatua Orakei Iwi Management Plan.

13.6 AUCKLAND DOMAIN PLAN 1993 AND AUCKLAND DOMAIN MASTERPLAN 2016

Auckland Domain Plan 1993

648. The Auckland Domain Plan 1993 has a single objective. This is that:

The Auckland Domain will be managed and conserved to maintain and enhance its cultural historic natural and volcanic landscape values and to continue to provide for appropriate recreation as a premier park in Auckland City and the wider region for the enjoyment of all people.

649. At page 3, the Auckland Domain Plan 1993 states that the plan forms the basis for the administration of the Domain and for the assessment of any proposal which affect it. While at page 7, the importance of the Domain to Auckland and New Zealand is described.

650. The landscape identity of the Domain is described in section 2.0 as including:

The location and prominent landform of the Domain, in conjunction with the dominant position by the Museum, ensure that the Domain and its associated features are an important, though often subconscious, component of the experience of the City of Auckland for its residents and visitors alike. As much as anything it is these traditional values, the presence of green, vegetated, uncommercialised, and tranquil environment, which must be protected for the future generations of Aucklanders and the city's visitors.

The Domain is an important component of the city's open space network and complements the surrounding urban environments of the central city and waterfront, Parnell and Newmarket.

651. 4.0 Pedestrian linkage states (amongst other matters) that:

In addition to allowing for logical appropriate pedestrian circulation within the Domain, good pedestrian linkages to adjacent areas outside of the Domain should be provided. In particular pedestrian access to/from Parnell and the city is presently limited. This is in part due to the nature of the landform and to the street pattern.

652. Although there are no specific policies regarding external pedestrian linkages to the domain. Policies discuss access within the domain only.

653. The Auckland Domain Plan 1993 contains policies and implementation measures to be considered. While these are mostly internal to the Domain there are aspects that have an external focus or may be compromised by development outside of the Domain. Those relevant to PPC44 are identified in **Table 7** below.

Table 7: Auckland Domain Plan 1993 – Key Policies and Implementation Measures

Policy Number	Implementation measures
<p>Policy 1.1</p> <p>To recognise and promote the Domain as a cultural and historic landscape and to manage it to protect and enhance these values.</p>	<ul style="list-style-type: none"> • work toward a full understanding of the cultural and historic values of the Domain through continued investigation of its traditional and European historical and archaeological features
<p>Policy 1.2</p> <p>To recognise and protect Maori cultural sites.</p>	<ul style="list-style-type: none"> • in consultation with Maori decide the appropriate form of recognition and interpretation of Maori sites including Potatau Te Wherowhero's houses, Pukekaroa pa, Waikoahanga Pa, Pukekawa or Puke Maharatanga and Tokiwhatinui battle site
<p>Policy 1.6</p> <p>To encourage protection of the historical context of the Domain.</p>	<ul style="list-style-type: none"> • identify and protect individual heritage items and historical precincts in the area adjoining the Domain
<p>Policy 2.1</p> <p>To recognise and protect the intrinsic values of the Domain as a component of the City of Auckland</p>	<ul style="list-style-type: none"> • ensure off site development does not compromise the Domain's dominant position within and connection to the City of Auckland by ensuring adequate development within the District Plan.

<p>Policy 2.2</p> <p>To recognise, protect and enhance the volcanic features, landscape character, atmosphere, and visual amenity of the Domain.</p>	<ul style="list-style-type: none"> • ensure protection of the Domain explosion crater tuff ring and central scoria cone for its scientific values • ensure design and implementation decisions build on existing landscape character to improve the Domain's existing landscape qualities • restrict any activity that would compromise the non-commercialised and tranquil character of the Domain • restrict any activity or use that would modify the landform of the Domain • design any new buildings or structures to a high standard and ensure they are sited so as to protect the existing landscape character of the Domain
<p>Policy 6.2</p> <p>To sustain a diversity of appropriate informal public recreation opportunities</p>	<ul style="list-style-type: none"> • Protect existing open space areas without a specific focus or function for visitors wishing to enjoy such qualities
<p>Policy 7.1</p> <p>To ensure that all buildings and structures of historical and/or architectural merit and their landscape context are protected and managed for their conservation values.</p>	<ul style="list-style-type: none"> • ensure appropriate protection for all structures of historical / architectural merit within the Domain

Auckland Domain Masterplan 2016

654. The purpose of the Auckland Domain Masterplan is to identify all the various projects and work streams impacting on Auckland Domain, and to create a coordinating plan that consolidates its position as Auckland's premier park. It seeks to:
- establish a vision and action plan for Auckland Domain and the surrounding area to guide existing and future investment;
 - enhance heritage and cultural values, connectivity, public access, use and amenity of the Auckland Domain; and
 - value te ao Māori.
655. There are 7 key principles, supported by key proposals in the Auckland Domain Masterplan. As relevant to PC44 these are outlined in **Table 8** below. In addition,

the Masterplan contains Te Aranga Maor Design Principles. However, these are internal to the Domain.

Table 8: Auckland Domain Masterplan – Key Principles and Proposals

Key Principle	Key Proposals
1. Enhancing the Domain for peaceful respite.	1.1 Wairuatanga, recognise and maintain the spiritual benefits of Auckland Domain. 1.3 Prevent any further built encroachment into the Domain and ensure surrounding development is of high quality and sympathetic to the park.
2. Enhancing the role of the Domain as an important cultural and heritage site.	2.3 Ensure that all future developments within and surrounding the Domain are sympathetic with and do not adversely impact on its heritage values. 2.4 Prevent any inappropriate development in the surrounds to the Auckland War Memorial Museum and Pukekaroa hill to respect the significance of these places.
4. Improving connectivity to the Domain and to the key features within it.	4.7 Implement the Waitematā Greenways Plan. 4.8 Upgrade the Carlton Gore Road entrance and support opportunities to create a pedestrian and cycle link to the University of Auckland site on Khyber Pass Road.

656. The Auckland Domain Masterplan 2016 also describes the features of the Domain and identifies where improvements could be made. At section 5.1, page 28, the Masterplan identifies various pedestrian and cycling circulation improvements. These include to improvements other connections to the surrounding area. These are identified in **Figure 16** below.



Figure 16: Identified pedestrian and cycling circulation in the Auckland Domain

Source: Auckland Domain Masterplan 2016

- 657. Relevant to PPC44, pedestrian and cycling connections, identified in yellow in the above Figure, include a shared path along Carlton Gore Road between Park Road and George Street.
- 658. While new paths, identified in black in above Figure, include introducing new shared pedestrian/cycle paths leading towards the south entrance of the Museum and a greenway connection on the east side of the railway that connects Parnell Station to Newmarket Park.
- 659. Both the Auckland Domain Plan 1993 and Auckland Domain Masterplan 2016 complement each other. The Auckland Domain Management Plan 1993 forms the governing framework for the Domain. The Auckland Domain Masterplan 2016 is

guided by this. I consider that PPC44, and the pedestrian connections it envisages will support the improved circulation to the surrounding Newmarket area in the manner suggested both of these plans. However, I also consider that PPC44 will not protect or enhance the open space, landscape, visual and historic heritage values associated with the Domain and the features within it (as discussed in Sections 12.1.2; 12.1.9 and 12.1.10 in this report). Therefore, I consider that PPC44 is inconsistent with the Auckland Domain Plan 1993 and Auckland Domain Masterplan 2016.

13.7 AUCKLAND WAR MEMORIAL MUSEUM: A CONSERVATION PLAN 1993

660. The Auckland War Memorial Museum: A Conservation Plan 1993 describes, in Section 1.01, the setting of the Museum as:

The building sits in the Auckland Domain on a prominence formerly known as 'Observatory hill', or to the Maori, Pukekawa - the 'hill of bitter memories', [fig.] Its location is such that it is highly visible from a large part of the Auckland Isthmus, especially from the Waitemata harbour. Because of this setting, and the architectural quality and scale of the building, the Museum is probably Auckland's best known building and it is one of the visual icons of the metropolitan landscape. The important views of (and from) the building are protected in local planning ordinances by height controls over the Parnell rise.

661. The Conservation Plan describes the history of development and use of the Museum. It then assesses the cultural significance of the Museum. With regard to cultural heritage the Conservation Plan (at page 45) acknowledges that:

The legal site of the Museum is strictly the land occupied by the building. It is, however, clear that the immediate setting of the building is an important ingredient of its architectural character and historic landscape. While these spaces may not fall within the scope of this conservation plan, it is important to understand that they are integral with the Museum and critical to views of and from the building.

662. The geological remnant of Pukekawa Hill is identified as a category A which contributes to the significance of the significance of the Museum building.

663. The Conservation Plan then provides (at pages 62 - 63) a statement of significance. This includes its architectural and landscape significance which are described as follows:

4.03.1 Historical

The Auckland War Memorial Museum building houses two of Auckland's oldest cultural institutions - the Auckland Museum and the Auckland Institute - and has thus important historical links with the founding and development of the city. As a memorial to the dead of two world wars and numerous smaller conflicts in different parts of the world, the building is a tangible reminder of the involvement of this country with modern international history.

4.03.4 Landscape

The setting of the Auckland War Memorial Museum is prominent, and the building is a significant landmark, widely visible from vantage points around the city. This exactly parallels the character of its classical Greek antecedent, the Parthenon, standing on the Acropolis, in the city of Athens. The Museum building has a correspondingly important landscape significance for the city of Auckland.

As a local building of exceptional character, it successfully dominates its exposed position and gives emphasis to the Auckland Domain, the city's largest public park. The relative isolation of the building on a landscaped hill top is an important ingredient of the building's visual clarity and iconic character.

664. The Conservation Plan then sets out the constraints and requirements for the Museum. With regard to landscape aspects, the constraints are identified as:

5.01.4 Landscape

The Auckland War Memorial Museum is a major regional landmark. The building dominates its immediate setting as well as many vistas within the Auckland metropolitan area, and views of the Museum are protected by View corridors' proposed in the Regional Plan, as expanded and defined in the operative and proposed Auckland City Council District Plans. It will be of great regional importance that the existing views and landmark significance of the Museum remain unaffected by any external changes or internal developments.

665. The Conservation Plan then establishes conservation policies for the Museum. With regard to the museum site this includes recognition by the Council of the conservation guidelines in the Conservation Plan.
666. Noting the Conservation Plan's description of the context and importance of the Museum and with regard to the assessment provided by Council's built heritage expert, Ms O'Neil regarding the potential effects on the Museum and its setting as a result of the proposed plan change provisions, particularly the height and bulk of buildings that would be enabled, I am of the opinion that PPC44 is not consistent with the Auckland War Memorial Museum: A Conservation Plan 1993.

13.8 WAITEMATA LOCAL BOARD PLAN 2020

667. The Waitemata Local Board Plan 2020 establishes six outcomes to be achieved. Each of the outcomes is supported by an objective and key initiatives. Those with relevance to PPCC44 are identified in **Table 9** below.

Table 9: Waitemata Local Board Plan 2020 – Outcomes, objectives and key initiatives

Outcome	Objective	Key initiatives
Outcome 2	Provide accessible and inclusive opportunities and services that meet	

Connected communities that are inclusive, accessible and equitable	the needs of our diverse communities.	
<p>Outcome 3</p> <p>High quality urban development that has accessible, versatile, and sustainable public and private spaces.</p>	Activate and enhance our parks, streetscapes and open spaces.	<ul style="list-style-type: none"> • We will investigate further opportunities to provide well-lit public spaces and areas.
	Ensure the design of our current and future public and private spaces are accessible, safe, multifunctional, family friendly, low impact and adaptable in the future	<ul style="list-style-type: none"> • Ensure planning of new public spaces consider Māori design principles and artwork. • Encourage developments that provide a range of housing types that are healthy and sustainable for current and future residents including family-friendly housing, affordable housing, co-housing and papakāinga or whānau-oriented housing. • Support the development of shared facilities that can be utilised by schools and the community.
	Preserve our neighbourhood character and continue to improve town centres	<ul style="list-style-type: none"> • Enhance our public spaces through placemaking and park improvements ... • Use our area plans such as the Newton-Eden Terrace Plan, Parnell Plan and Ponsonby Road Plan to guide and leverage off future developments such as CRL in our town centres.
	Treasure and protect our heritage buildings and structures.	

<p>Outcome 4</p> <p>Waitematā is future-focused, green and resilient to climate change</p>	<p>Support Waitematā being a low carbon community.</p>	<ul style="list-style-type: none"> Support business innovations, tools and resources that enable businesses to adopt low carbon practices and thrive
	<p>Improve our air and water quality and clean our waterways.</p>	
<p>Outcome 5</p> <p>Sustainable transport network that is safe and accessible</p>	<p>Improve safety for all road users particularly around schools.</p>	<ul style="list-style-type: none"> Improve safety for all road users through traffic calming and initiate safe speeds zones in line with Vision Zero. Work with delivering organisations to ensure streets and footpaths are people focused.
	<p>Provide connected network of parks, open spaces and streets</p>	<ul style="list-style-type: none"> Improve pedestrian footpaths through the Auckland Domain.
	<p>Increase walking, cycling, micro-mobility transport and green corridors to connect our communities.</p>	<ul style="list-style-type: none"> Implement the Waitematā Greenways Plan and extend the cycle network ... Provide and advocate for streetscape enhancements to improve amenity and safety.
<p>Outcome 6</p> <p>Waitematā businesses are sustainable, innovative and prosperous</p>	<p>Create great places that support the local economy.</p>	<ul style="list-style-type: none"> Partner with Heart of the City, Parnell, Uptown, Ponsonby, Newmarket and Karangahape Road business associations to deliver outcomes from the City Centre Master Plan, Parnell Plan, Newton and Eden Terrace Plan, Ponsonby Plan, Newmarket Laneways Plan and the Karangahape Road Plan

668. Generally, I consider that the car parking numbers restriction and pedestrian connections provided for in the proposed plan change provisions, support Outcome 5 sought in the Waitemata Local Board Plan. Furthermore, the range of activities that can be accommodated in the plan change area, under the proposed provisions, will likely achieve Outcome 2. Although, I also consider that the existing Unitary Plan provisions could also achieve these outcomes.
669. Furthermore, I consider that the scale and bulk of development the proposed plan change envisages will not achieve Outcomes 3 and 6 as the character and amenity of the area surrounding the plan change area will be compromised and the quality of the public plaza and pedestrian connections created may not be sufficient.
670. Therefore, overall, I consider that PPC44 is inconsistent with the Waitemata Local Board Plan.

13.9 NEWMARKET LANEWAYS PLAN

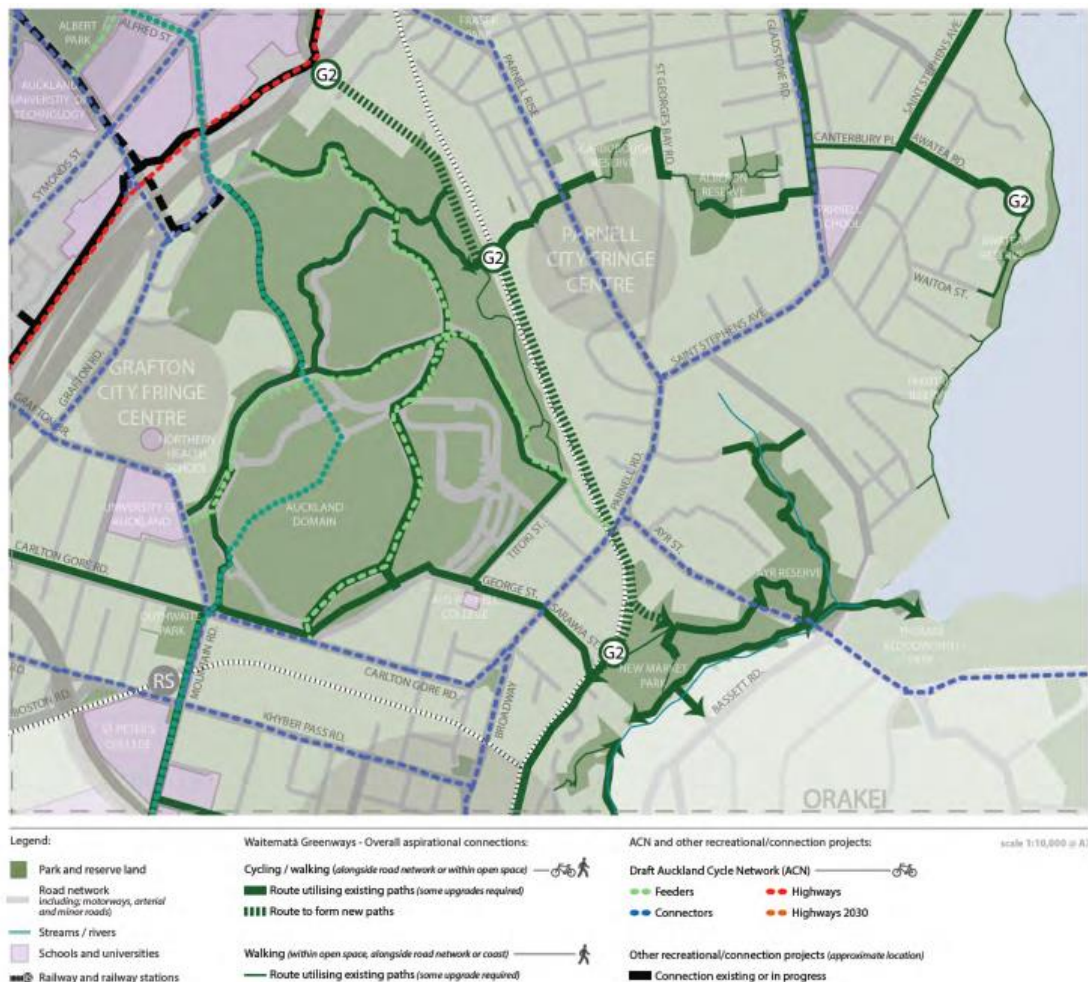
671. The Newmarket Laneways Plan aims to improve the quality of streets and public spaces in the Newmarket area, to make them safer, more inviting, interesting and walkable. In this regard the Laneways Plan identifies that Lanes provide an environment for social interaction and activity (such as live music performances, outdoor dining, play and art appreciation) and can make a significant contribution to the enjoyment, identity and vitality of Auckland.
672. Newmarket Laneways Plan is primarily intended to identify potential streetscape and laneway upgrades and to provide best practice streetscape principles for Newmarket. It identifies Newmarket's history, place in the centre's hierarchy (i.e. as second to the City centre with regard to employment), and current roading and pedestrian connection issues. It also identifies recent laneways upgrades, such as Nuffield Street.
673. The Laneways Plan then identifies future public realm improvement projects. Close to the plan change area, these include the widening of the footpath along parts of Carlton Gore Road; and in general these also include improving wayfinding within Newmarket.
674. The proposed plan change area is identified on the outskirts of the Newmarket Laneways Plan area and the potential pedestrian connections, envisaged through the proposed plan change area and enabled by the proposed precinct provisions are not recognised in this plan.
675. Noting that PPC44 envisages the provision of improvements to public access through the plan change area, to facilitate pedestrian movement between Newmarket and the Domain, it is considered that PPC44 is consistent with the intent of the Newmarket Laneways Plan. However, the quality of the pedestrian connections to be created under the proposed plan change provisions and their accessibility to all people and at all times is in question.

13.10 WAITEMATA GREENWAYS PLAN

676. The Waitemata Greenways Plan is a long-term Greenways or Green Network Plan for the Waitemata Local Board. The objectives of the Greenways Plan include:

- The provision of high quality and varied parks and open spaces and community facilities for people to enjoy;
- The protection and enhancement of the natural environment of Waitemata;
- Effective and integrated transport options that are safe and people-centre; and
- Strong, vibrant and engaged communities.

677. The Greenways Plan provides (at 3.1) a map of existing pathway connections. This identified existing connections along the edge of and through the Auckland Domain, in the vicinity of the proposed plan change area. It then provides a map (at 3.2) of proposed priority greenways. This identifies a link on the eastern side of the Auckland Domain called the G2 – Parnell Parks Link and Waipapa Valley Connection. There are no currently proposed links outlined for the area immediately surrounding the plan change area. However, a map (at 3.3) identifies aspirational links and connections, which includes routes and connections in proximity to the plan change area. Map 6 included below identifies these more clearly.



Map 6: Waitemata Greenways Plan

678. As with the Newmarket Laneways Plan discussed in Section 13.10 above, and again noting that PPC44 envisages the provision of improvements to public access through the plan change area, to facilitate pedestrian movement between Newmarket and the Domain, it is considered that PPC44 is consistent with the intent of the Waitemata

Greenways Plan. However, the quality of the pedestrian connections to be created under the proposed plan change provisions and their accessibility to all people and at all times is in question.

14.0 ASSESSMENT OF EFFECTS

679. Clause 22 of Schedule 1 to the RMA requires private plan changes to include an assessment of environmental effects that are anticipated by the Plan Change, taking into account clauses 6 and 7 of Schedule 4 of the RMA.

680. An assessment of actual and potential effects on the environment is included in the requestors Section 32 Evaluation Report, specifically Section 8 (at pages 27 – 38) and in the supporting appendices. The requestor considers effects under the following headings.

- Quality Built Environment - including a high quality pedestrian environment; quality built form; and relationship to neighbouring sites;
- Landscape and Visual Amenity
- Hierarchy of Business Centres
- Transport
- Open Space and Community Facilities
- Servicing

681. In the following parts of this report I provide an assessment of actual and potential effects on the environment, with reference to the requestors assessment and including the comments of Council's technical experts, where relevant. However, I have structured my review and assessment of effects under the following topic headings:

- Built form effects;
- Landscape and visual amenity effects;
- Heritage effects;
- Economic effects;
- Transport effects;
- Infrastructure effects;
- Open space effects;
- Construction effects;
- Positive effects.

14.1 BUILT FORM EFFECTS

682. The requestor has provided an assessment of effects of PPC44 relating to a quality built environment, including consideration of a high quality pedestrian environment; quality built form; and relationship to neighbouring sites (refer to pages 27-30 of the

Section 32 Evaluation); and including an Urban Design Assessment, prepared by Mr Matt Riley (refer to the requestors Appendix 5). The assessments conclude that:

... the proposed provisions will achieve the outcomes sought in relation to a high quality pedestrian environment. In particular the urban design assessment finds:

- *The required size and dimensions of the pedestrian plaza and the requirement for it to be edged by active uses will deliver a new community focal point in this northern part of Newmarket.*
- *The required pedestrian connections will provide valuable improved permeability through the wider area, extending the existing permeable network of Newmarket laneways through to a new interface and frontage with the Auckland Domain and southern part of Parnell.*
- *The requirement for the pedestrian connections to be publicly accessible between 7am-11pm appropriately balances the desirability of extended hours of access with safety imperatives.*
- *The requirement for the pedestrian connections and plaza to be constructed at the time of occupation of adjoining buildings within the Precinct gives certainty as to their delivery should development occur in stages.*
- *The proposed Precinct provisions are well crafted to ensure that the required pedestrian connections deliver the key features of successful pedestrian routes including good wayfinding, overall legibility, safe, edged by active uses, accessible and have design features that reinforce a sense of public accessibility.*
- *The combination of a proposed cap on carparking numbers, the discretion reserved to Council on the design of parking areas and vehicles access, and associated criteria which reinforce the importance of the pedestrian environment, will support a key aim of the Precinct: the delivery of an overall high quality pedestrian realm.*

683. Furthermore, with regard to a quality built form, the requestor concludes that:

... the proposed provisions, flowing through from objectives and policies to tailored standards, matters of discretion and assessment criteria, with their emphasis on high-quality architecture and design, provide a suite of tools that will ensure an overall high quality of design is achieved for development within the Precinct. Furthermore, the assessment criteria reference the Te Aranga design principles and encourage the use of landscaping to reinforce the connection from Newmarket to the Domain. These criteria create a clear guide to applicants for future resource consents within the Precinct regarding expectations for incorporation of cultural heritage and sense of place elements such as landscaping into any design response.

684. and that:

... the Precinct provisions effectively manage building height and scale to integrate it in a positive manner into the surrounding environment through a combination of:

- *Four different height areas resulting in a staggering of building scale;*
- *A 55m maximum tower dimension applied at a lower height than in the underlying Business-Mixed Use zone, resulting in more slender tower forms;*
- *A minimum required 10m separation between any facing buildings across Height Areas B and C, to ensure building bulk in these two adjoining Height Areas does not appear visually contiguous.*
- *Assessment criteria, enabling consideration of building appearance as seen from the surrounding streets and area, and how the roof profiles of buildings contribute to the skyline.*

685. Furthermore, that the proposed provisions will:

... produce a development form with streetscape outcomes superior to those enabled by the underlying zone. In particular, proposed provisions will ensure that development in the Precinct presents activated street level frontages to both George Street and Clayton Street and prioritises pedestrian safety and legibility on all frontages. The provisions also require that there is passive surveillance of the street through the incorporation of high levels of glazing on upper floors.

686. Finally, with regard to the relationship to neighbouring sites the requestor concludes that:

The Precinct uses an approach of adopting some Business-Mixed Use zone standards to manage visual dominance and privacy and shading effects on adjacent sites, while introducing Precinct-specific provisions where Precinct boundaries are particularly sensitive to additional height. The Urban Design assessment is satisfied that this is a well-balanced approach and the potential visual dominance and privacy effects to adjacent sites are appropriately managed. Further, the extent of additional shadow cast by the Precinct development envelope when assessed against the existing and planned future environments is not significant.

687. The requestor then provides an overall conclusion that the proposed plan change provisions will:

... facilitate a redevelopment of the Plan Change area that will have positive effects. The precinct provisions will result in an enhanced pedestrian environment creating a community focal point and increasing permeability of the Plan Change area. The precinct provisions will achieve a quality built form which integrates with the surrounding area. Future

development will result in visual dominance, privacy and shading effects on adjacent sites however, these will be managed in accordance with the underlying zone or with precinct specific provisions where precinct boundaries are particularly sensitive to additional height.

688. With regard to building height it is reiterated that the underlying Business – Mixed Use Zone applying to the plan change area manages height to a maximum total height of 18m. However, noting the transitional location of the plan change area i.e. given its proximity to the Newmarket, Business – Metropolitan Zone; and its location with regard to identified, regionally significant volcanic viewshafts which restrict height, the Height Variation Control increases the height anticipated for the plan change area (and a wider area) to 27m. The PPC44 provisions seek to replace the Height Variation Control height with bespoke building height provisions that would enable a range of building heights over the plan change area, when measured from a specific datum point (which is not the lowest point of the plan change area) i.e:
- Height Area A – 55m,
 - Height Area B - 29m,
 - Height Area C - 35m and
 - Height Area D – 0m
689. These heights are to be measured above the George Street datum of RL66 (Auckland 1946) or RL65.7 (NZVD2016). As outlined in paragraphs 185 – 186 of this report, given the slope of the land, measuring building height from the George Street datum could result in a building height of up to 65m high in Height Area A, up to 37m high in Height Area B, and up to 45m high in Height Area C.
690. The proposed plan change also includes standards relating to the provision of yards, the setback of buildings from neighbouring sites; and a maximum dimension for towers and a separation distance between towers. These standards seek to regulate building bulk and the relationship with neighbouring properties.
691. The proposed increased building height, on its own, and in combination with building bulk (established by the yards, building setbacks, tower dimensions and tower separation standards), has the potential to create adverse effects with regard to visual dominance and amenity, shading, and wind. With regard to these matters the proposed plan change and the requestors assessment has been reviewed by Council’s urban design expert, Ms Tracy Ogden-Cork, Council’s landscape and visual expert, Mr Peter Kensington, and Council’s heritage expert, Ms Carolyn O’Neil. Their assessments are provided as **Attachment 2** to this report.

14.1.1 Visual dominance effects on wider area

692. With regard to visual dominance Ms Ogden – Cork considers, at paragraphs 9.30 – 9.31 that:

9.30 ... the variety of heights proposed does help to ensure integration with the adjoining streetscapes, in particular along George Street where a height of 29m is proposed in Height Area B. The

development enabled on other Mixed Use sites (up to 27m) is able to screen views of the proposed site/development. However, the maximum height in Height Area A, is 5 – 10m higher than the maximum heights provided for in any other part of Newmarket and will result in Height Area A being viewed as out of scale relative to the rest of Newmarket, and overly dominant from some views, in particular where re-development is less likely to occur. Some additional height may be possible but further information, analysis and assessment would be required confirm the extent of this.

9.31 Similarly the western part of Height Area C, that enables buildings of up to 35m from the George Street datum, has the potential to be visually dominant and out of scale with the rest of the Morgan Street streetscape.

693. In addition, at paragraph 9.42 Ms Ogden-Cork also states that:

9.42 The proposed height of building in Height Area A, being 55m above the George Street datum or 65m above the Clayton Street ground level is substantially greater than the other parts of Newmarket. In views from the surrounding area, the proposal will be visually dominant and out of scale in relation to other buildings, in particularly when viewed as part of the wider landscape.

694. Finally, in paragraphs 9.85 – 9.86 Ms Ogden-Cork concludes that:

9.85 In summary, whilst I consider that the proposed precinct provisions include a range of positive features, there is still a limit to the amount of height and building mass (as determined by the maximum height and maximum building dimension) that can be accommodated in the area, even with the proviso of robust design assessment to ensure a quality development. This is due to the landscape and visual effects which are significant, due to being located within a regionally sensitive location opposite the Auckland Domain, Auckland Museum, and adjacent to historic heritage, between Maunga views, and in Newmarket where even the Metropolitan Centre Zone is limited in height.

9.86 I have reviewed the assessment of visual dominance and landscape character effects undertaken by Peter Kensington, and undertaken my own analysis of height and building form in relation to the topography of the surrounding area, and assessment of impact on streetscape. I agree that the visual dominance, urban form and character effects of the proposed 55m height in Height Area A, in conjunction with 55m maximum building dimension, are of the magnitude that they cannot be effectively managed or mitigated.

695. I agree with Ms Ogden-Cork's assessment regarding the potential adverse effects of building height and bulk that would be enabled under the proposed plan change

provisions. I consider that the adverse effects are likely at least minor, if not more than minor.

14.1.2 Visual dominance and public amenity effects

696. There is potential for public amenity effects associated with visual dominance from building height and bulk that would be enabled by the proposed plan change provisions. Mr Kensington, at paragraph 8.39, considers that:

... These adverse visual dominance effects are in relation to people's appreciation of the public amenity values and urban landscape character of this part of Newmarket, which I agree is located in an area of physical and visual transition between the Newmarket Metropolitan Centre zone and the Open Space zone of Pukekaroa / Pukekawa (Auckland Domain).

697. At paragraph 8.44 Mr Kensington also considers, and I agree, that:

8.44 ...potential 'visual dominance' and 'urban landscape character' effects on public amenity values is required because of the importance of the site's existing context (being located in close proximity to Pukekaroa / Pukekawa / Auckland Domain) and given the strong sense of place arising from the existing character of this part of Newmarket.

698. With regard to building heights that would be enabled in Height Areas B and C, Mr Kensington considers that, on their own these would result in an appropriate outcome. However, Mr Kensington considers, at paragraphs 8.42 – 8.51, that:

8.42 ... enabled built form in 'Height Area A' (at RL121), both individually and cumulatively (alongside enabled built form within 'Height Areas B and C') will have high adverse visual dominance effects on the amenity values of people experiencing the public landscape urban character of this part of Newmarket.

8.43 In my opinion, the combined proposal will result in a very bulky built form on site, particularly when viewed as a group of buildings together from the east and west. In addition to the proposed height of buildings in 'Height Area A', it is the combined building mass at height (enabled by the proposed building footprints) that will contribute to these outcomes. It would be very difficult, in my opinion, to use building design tools (such as through the use of materials, colours, texture and façade articulation) to mitigate the adverse effects of the enabled building bulk at height.

699. With regard to the visual dominance effects on the Auckland Museum both Mr Kensington and Ms O'Neil, Council's built heritage expert, agree that the maximum building height in Area A is too great in context of the landform and the relative building heights of existing buildings in the landscape, including the Museum which at its highest point (being the centre point of its dome) is RL104.25 (Auckland 1946 datum). Mr Kensington is of the opinion that there is likely an adverse cumulative

effect on the view of the Auckland Museum from building bulk and form at height, when the Museum is viewed from the Waitemata Harbour.

700. Mr Kensington also considers that the visual dominance effects will include the potential erosion of people's experience of the open space of Pukekawa / Pukekaroa / Auckland Domain and indirect landscape effects on the aesthetic values and memorability of the Auckland Domain Volcano as an ONF. Where these adverse effects primarily relate to the impact on views between maunga and in relation to the contribution that the Auckland Domain Volcano makes to Newmarket's sense of place, landscape character and public amenity values.
701. I rely on and agree with, the assessments of both Mr Kensington and Ms O'Neil. Overall, I consider that the potential for adverse visual dominance effects on public amenity, including the ONF and open space aspects of the Pukekawa / Pukekaroa / Auckland Domain and the prominence of the Auckland Museum in its setting, to likely be more than minor.

14.1.3 Visual dominance effects on adjoining properties

702. In addition, both Ms Ogden-Cork and Mr Kensington consider the visual dominance effects on adjoining properties.
703. At paragraph 9.79 of her assessment Ms Ogden-Cork advises that she agrees with Mr Matt Riley's Urban Design Assessment for the requestor, in that for the majority of the adjoining sites the impact of development enabled by the proposed plan change provisions is likely to be low to moderate due to the angle of view, and for some, the setbacks from boundaries will ensure better outcomes than the existing underlying Business - Mixed Use Zone provisions.
704. Furthermore, at paragraph 9.81 Ms Ogden-Cork states that:

9.81 The visual impact of the proposal tends to be greater the further back from the site a viewer is located, but even then, the future development of some sites will screen views of the precinct area as illustrated in the range of photo-montages provided with the plan change information. I agree in general with Mr Reilly that in the short – mid range views, from street level, that proposed development is not overly dominant, subject to the planned built environment and what other development might occur in the future.

9.82 However, the visual impact is likely to be greater from the upper floors of buildings, that will see more of the Height Area A that won't be screened to the same extent by other buildings, due to the angle of view. Mr Kensington has visited several submitters properties and I refer to his assessment of visual effects.

705. With regard to the potential visual dominance effects on the Mercury Energy building at 33 Broadway, Ms Ogden-Cork confirms that she shares Mr Kensington's opinion that development in the plan change area, particularly Area A would be adversely visually dominant from the atrium area of this building, which, due to being setback further from the boundary, have a different angle of view. This means that the top

floors of a building development in Height Area A are likely to be visible through the open to the sky area.

706. Ms Ogden-Cork also makes comments about the potential effects of built form of the apartment building to the south, at 8 Clayton Street. She identifies that there are balconies on this site built to the proposed precinct's boundary and that under the existing Business - Mixed Use Zone a development of up to 27m in height could be built as of right along the common boundary. This would likely block views outlook, daylight and air circulation to the residential apartments at 8 Clayton Street. Ms Ogden-Cork considers that the proposed plan change provisions address these likely effects by requiring a setback of at least 4m for any part of the building greater in height than 4m below the George Street Datum. In her view this would ensure daylight and air circulation to the 8 Clayton Street units is similar to the provisions of the Business - Mixed Use Zone that requires a 6m minimum outlook from the glazing area of the principle living room.
707. I agree that the 4m setback requirement, in combination with the existing buildings existing setback, will provide some daylight and air circulation for the apartments at 8 Clayton Street. However, I outline in Section 8.5 above some conflicts between the setback standards and exceptions to them, as they relate to this building. Furthermore, in Section 8.6, I identify that the requestors assessment states the reasons for the setback proposed include the provision of amenity and sunlight, but the matter of discretion only enables consideration of 'visual amenity'. If the commissioners were minded to approve this plan change, it is my view that further drafting work on the precinct provisions needs to be undertaken to address these matters and the level of visual dominance or other effects to the existing apartment building at 8 Clayton Street. Given my conclusions and recommendations in this report, I have not undertaken that work.
708. Mr Kensington's assessment, at paragraph 8.52 – 8.53, also makes comments that the existing Business – Mixed Use Zone provisions would give adjoining property owners the comfort that development which exceeds standards will be assessed in relation to various amenity value considerations. These would include adverse visual amenity effects (outlook and visual dominance) from building bulk and height and the impact on people's appreciation of the aesthetic coherence of an area's qualities and characteristics that contribute to individual and collective amenity values. Mr Kensington notes he visited the following properties:
- 48 Broadway
 - 143 Carlton Gore Road
 - 27 George Street (Parkwood Apartments)
 - Domain Apartments
709. and that private viewpoints from these properties enjoy a reasonable amenity value because of the relatively low-rise building development on the site and in the immediate vicinity of the site. Mr Kensington considers that development in the plan change area, and in the wider area, under the current Unitary Plan provisions would

result in significant change in the views currently available. He states however, that the proposed building height / bulk that would be enabled by the proposed plan change provisions would result in increased adverse visual dominance effects and change. In particular, the potential loss of outlook and impact on amenity values for people within the 'Parkwood' apartment building is likely to be significant, primarily because the existing panoramic views include skyline features such as multiple maunga landforms.

710. I rely on Mr Kensington's assessment and as a result, I consider that the potential for adverse visual dominance (and amenity) effects resulting from building height, and cumulatively from building height and bulk would likely be in the range of minor to significant on adjoining properties, dependant on the viewing location.

14.1.4 Shading

711. Ms Ogden-Cork, at paragraph 11.4, considers that the shading effects from a development enabled under the proposed plan change provisions would be relatively limited due to the:

- location of the site being on the southern side of George Street and the Auckland Domain;
- location of the taller parts of the building being within the centre of the urban block with a 27m high buildings currently provided for in the underlying Business - Mixed Use Zone;
- the height of some of the surrounding buildings;
- the north / south orientation of the building blocks; and
- the gap between the buildings where Height Area D is located.

712. Ms Ogden-Cork also notes, at paragraph 11.6, that she agrees with Mr Riley, that the degree of additional shadow cast on the wider area throughout the majority of the year will not be significant due to the orientation of buildings and given that the area is highly urbanised. However, she does consider that there will be adverse effects in the following locations:

- *Olympic Reserve, located at 59 Broadway – from 1 – 4pm in winter, and in particular at 2pm.*

This is because sunlight into public spaces is critically important within highly urbanised areas, especially during winter when sunlight at ground level is often in scarce supply. And although the park has a number of trees that will create shade, tree canopies typically provide dappled light and shade, not full shade. (refer fig 10 Olympic Park seating area in Attachment A). In reviewing the shading diagrams it also appears that it is the central seating area that will be shaded. 2pm in winter is a time of day when sunlight areas are likely to be used. The existing building at 33 Broadway already shades the park in part, but being a very recent building, built to the maximum height of the Mixed Use Zone, it is unlikely that

any other future development will create more shading in this localised area, at around 2pm in winter. I consider that the increase in shading should be considered significant due to the public impact of it. A reduction in Building Height A will most likely make a significant difference in the amount of shading effecting Olympic Reserve due to the low angle of the sun.

- *33 Broadway (containing the Mercury Energy building) – will experience some additional shading on its roof and within its atrium spaces between 2 – 4 pm at Equinox and 1- 4pm in Winter. It is hard to determine the exact extent of the impact based on the information provided, as some of the atrium space will be shaded already. But whilst these are key times of the day when sunlight into the office areas is valued, overall, it will still get good sunlight at other times of the day and year.*
- *Middleton Road, Remuera – the shading studies show that somewhere between 3pm and 4pm in winter, the shadow will extend across the valley to the properties at 50 – 62 Middleton Road and then across the street to properties at 67 – 75 Middleton Road. Each of these properties will still get sunlight at other times of the day, but the extent of the shadow is substantially beyond that created by other tall buildings in the Metropolitan Centre Zone. A reduction of building height in Height Area A would mean that the shadow is more in keeping with that created by the others buildings, and ensure no additional shading in the late afternoon.*

713. In addition, Ms Ogden-Cork considers that 18 Broadway:

will experience additional shading along its street elevation from between 4 and 5pm at the Equinox onwards. However, this is an office building and will still get sunlight on this elevation from 11am in the morning.

714. Ms Ogden-Cork concludes, at paragraph 11.18, that:

... the proposal will have some shading effects, even if the future development of the surrounding area is considered. This is likely to impact on the quality and useability of the public realm, and in particular Olympic Reserve at 59 Broadway. The shading will also contribute to the sense of visual dominance created by Height Area A, due to the long reach of its winter shadow, that will extend beyond that cast from the Metropolitan Centre Zone.

715. I rely on Ms Ogden-Cork's assessment and for the reasons she outlines, I am of the opinion that the height and bulk of development that would be enabled by the proposed plan change provisions will likely result in more than minor shading effects on the public realm i.e. the Olympic Reserve and private properties.

14.1.5 Wind effects

716. No assessment has been provided on the potential effects of wind from proposed plan change enabled development, particularly as a result of proposed building height. I agree with Ms Ogden-Cork's assessment at paragraph 11.10, that the underlying Business - Mixed Use Zone provisions remain applicable to wind effects. However, given no assessments have been provided, I cannot form or provide an opinion as to the potential effects.

14.2 LANDSCAPE AND VISUAL AMENITY EFFECTS

717. I consider the potential landscape and visual effects of the proposed plan change and the development it would enable in Sections 12.1.2; 12.1.9 above, with reference to the various expert assessments provided by both the requestors and council's experts. In summary I consider that there will likely be:

- no direct adverse landscape effects in relation to the physical and visual integrity of Pukekawa / Pukekaroa / Auckland Domain as an ONF. However, the scale of development that would be provided for under the proposed plan change provisions will likely result in indirect adverse landscape effects on the aesthetic values and memorability of the ONF.
- low to moderate indirect effects with regard to the regionally significant volcanic viewshafts E8 and E11 to Mt Eden / Maungawhau and Mt Hobson / Ōhinerau given the scale of built form possible relative to the visible portion of the maunga in relation to the Auckland Museum.
- a significant adverse effect on the integrity of the view from Ōhinerau / Mt Hobson to Pukekaroa / Pukekawa given the bulk of development at height in Height Area A, as enabled by the proposed plan change.
- a minor adverse effect on the view from Maungawhau / Mt Eden to Takarunga / Mt Victoria and Maungauika / North Head. To the extent that the proposed plan change enabled development in Height Area A would interrupt and detract from the view to Takarunga / Mt Victoria and Maungauika / North Head and the relationship of Maungawhau / Mt Eden with Rangitoto and the Waitemata.
- moderate to high adverse effects from development enabled by the plan change provisions on the view to and between Maungauika / North Head to Maungawhau / Mt Eden.
- an indirect and moderate visual effect from development enabled by the proposed plan change provisions on the view towards Maungawhau / Mt Eden from Takarunga / Mt Victoria.

718. Overall, as a result of the assessments provided and undertaken, cumulatively, I consider that there are likely significant potential adverse landscape and visual effects as a result of the proposed plan change and the development it would enable, particularly from the height of buildings envisaged in Height Area A, but also as a result of the cumulative height and bulk of buildings that are anticipated by the proposed plan change provisions.

14.3 HERITAGE EFFECTS

719. I consider the potential heritage effects of the proposed plan change and the development it would enable in Sections 12.1.2 and 12.1.10 above, with reference to assessment provided by Council's built heritage expert, Ms Carolyn O'Neil (refer to **Attachment 2**).
720. In summary I consider that the built form enabled by the proposed plan change provisions, particularly the building height in Height Area A, has the potential to:
- compete with the Museum and undermine and detract from its aesthetic and context heritage values. This is particularly evident when viewing the proposed development from the front lawn of the Museum and from the Wintergardens.
 - to compromise the characteristic 'openness' of the southern portion of the Domain and, in so doing, challenge the landscape qualities and visual appeal that contribute to its heritage values and sense of place.
 - to visually dominate surrounding development, including the scheduled buildings within the Foundation Precinct, by encroaching on the setting of the identified historic heritage buildings in this area and distracting from the Foundation Precincts streetscape presence and thereby diminish the identified heritage values.
721. Cumulatively, I consider that there are likely at least minor, if not more than minor, potential adverse effects on the values of identified historic heritage places and buildings, as a result of the proposed plan change and the development it would enable.

14.4 ECONOMIC EFFECTS

722. The potential economic effects that may result from PPC44 have been assessed for Council by Ms Susan Fairgray (refer to **Attachment 2**). This assessment is also outlined and considered in Section 12.1.2 above.
723. In summary, Ms Fairgray reviews the requestors assessment of activities, the gross floor area that would be enabled under the existing Business – Mixed Use Zone provisions and under the proposed precinct provisions. Ms Fairgray assesses the activities likely to establish in the plan change area, along with their likely floor area (resulting also from building height proposed to be enabled by the plan change provisions), and the likely impact on the Newmarket, metropolitan centre from these.
724. Ms Fairgray concludes that:
- the likely land uses on the site are either largely already anticipated by the Business - Mixed Use Zone and controls are unlikely to result in further economic effects substantially beyond that which could already occur under the existing provisions, or are unlikely to generate adverse economic effects.
 - although the total level of potential commercial office floorspace enabled on the proposal site is large relative to long-term demand in Newmarket, the effects are not substantially different to what is already enabled, and are within the level of activity enabled within the location overall. The additional height would only enable up to 10% greater commercial office floorspace, which is

unlikely to have a substantially different effect to the level of commercial floorspace that could already be established on the site, and therefore anticipated under the existing provisions. Moreover, the level of commercial floorspace is already anticipated within this area as it could alternatively be achieved through redevelopment of only a small number (1-2) of sites.

- the proposal is unlikely to generate any adverse retail effects in relation the distribution of retail in the area; and that it is unlikely that retail activity would establish on the site to the extent already enabled by the BMU Zone, and correspondingly further unlikely to the greater extent enabled by the proposal.
- the scale of retail that is likely to be viable on the site (mostly ground floor) is unlikely to challenge the core retail area of Newmarket.
- the larger relative potential increase in residential floorspace is also unlikely to generate adverse economic effects, rather it would reflect residential development in a well located, accessible area with high amenity.
- there are unlikely to be adverse economic effects generated by community land uses establishing in the proposed plan change area.
- the additional demand generated from higher intensity development on the site is likely to support the ongoing commercial viability of the Newmarket centre.

725. I rely on Ms Fairgray's assessment. As a result, I consider that there will be no adverse economic effects on the operation of the high order Newmarket, Business – Metropolitan Zone or the surrounding Business – Mixed Use Zone as a result of PPC44.

14.5 TRANSPORT EFFECTS

726. I identified earlier in this report, at Section 12.1.7, that the requestor has provided an Integrated Transport Assessment (ITA) prepared by Commute, which assesses the proposed plan change provisions and their likely traffic effects. The requestor has also considered transport effects in their Section 32 Evaluation and Objectives and Policies Assessment.

727. I also identified that a review of the requestors ITA and the proposed plan change has been undertaken on behalf of Council by Mr Gary Black of Harrison Grierson Consultants (refer to **Attachment 2** to this report).

728. Mr Black agrees with the requestor's assessment that:

- the plan change area has excellent accessibility to various transport modes including walking, cycling, bus, train and private vehicle;
- traffic congestion and a limited supply of on-street car parking is an existing issue in the area;
- the trip generation rates assessed are realistic; and
- the parking maximum of 500 car parking spaces included as a standard in the proposed plan change provisions is likely less than the number of car parking spaces in a potential development under the current Business- Mixed Use

zoning for the plan change area. As a result, the car parking restriction should reduce the number of vehicle trips;

729. However, Mr Black does identify:

- that given the width of Morgan Street some loss of on-street parking may be required to facilitate access and egress for service vehicles from Morgan Street; and
- a concern with the location of the pedestrian connection and vehicle access from George Street, as a vehicle access is likely to be two-way and would require a minimum width of 5.5m. The width of the area currently indicated for both a pedestrian and vehicle access is unlikely to be sufficient and would likely create an adverse safety effect.

730. I rely on Mr Black's assessment, and I conclude that individually, the potential traffic effects will likely be less than minor. However, cumulatively, with respect to the concerns identified regarding the width of Morgan Street and its ability to provide sufficient access for service vehicles; and potential for traffic safety effects of PPC44 from pedestrian and vehicle access points to George Street, I am of the opinion that traffic effects will likely be minor in scale.

14.6 INFRASTRUCTURE EFFECTS

731. Stormwater and wastewater infrastructure matters are outlined and assessed in Sections 10.1 and 12.1.12 and of this report.

732. I reiterate here, that as a result of review by Healthy Waters it is considered that there are unlikely to be any adverse stormwater effects result from development enabled by the proposed plan change provisions.

733. With regard to wastewater, Watercare's assessment identifies that at this stage, there does not appear to be sufficient information regarding wastewater network capacity; and there may be short-term wastewater overflows from development anticipated by the proposed plan change provisions, depending on the timing of any Watercare planned upgrades and the timing of approval related to either this proposed plan change and/or any subsequent or concurrent consent applications for development. As a result, at this stage, I consider there is the potential for minor adverse wastewater effects resulting from wastewater discharges associated with the scale of development envisaged by PPC44.

734. The provision of electricity to service development envisaged under the PPC44 provisions has been reviewed for Council by Mr Jay Kesha of Vector. Mr Kesha's assessment is provided in **Attachment 2** to this report.

735. Mr Kesha advises that:

There is capacity available on existing feeders that is allocated on the basis of first come first served.

For the scale of the buildings proposed their location and demand requirements may not be served by the available capacity.

The more realistic outcome is that a new feeder either coming from Parnell or Newmarket would be required to serve a major new development.

- *A developer would likely pay their share to access the cable.*
- *A developer may need to provide space for a switch/transformer room to accommodate their load and allow other connections to be served from that room.*

736. I rely on Mr Kesha's comments, and I am of the opinion that there are unlikely to be any adverse effects associated with the provision of electricity to the plan change area or resulting from development enabled by the proposed plan change provisions.

737. Therefore, overall, I am of the view that there will be no stormwater or electricity related adverse infrastructure effects, but that there will likely be minor adverse wastewater infrastructure effects. However, further assessment of wastewater matters by the requestor may be able to confirm if these effects can be mitigated.

14.7 OPEN SPACE EFFECTS

738. I make comments on open space effects in Section 12.1.5 earlier in this report. In this regard, I reiterate that I consider, in a general sense, that the pedestrian connections that are envisaged under the proposed plan change provisions will promote the physical connection of the plan change area to the open space of the Auckland Domain, and between this and the wider Newmarket area. I consider that this will be a positive effect of resulting from PPC44. However, I also consider that the design of the pedestrian connections likely to result from the proposed plan change provisions may result in adverse pedestrian safety effects. By this I mean, that in my view there is insufficient direction in the proposed plan change provisions to ensure the width of pedestrian connections will be sufficient to ensure the high quality pedestrian connectivity the provisions envisage and that the restriction on the hours of public accessibility calls into question how pedestrian connections would be used or secured in hours of darkness, which in turn impacts on a user's feeling of safety, the likely overall accessibility and amenity of the area. In my opinion this adverse safety and amenity impact would likely be minor.

739. Relying on the comments provided at paragraph 11.8 in Ms Ogden-Cork's urban design assessment (refer to **Attachment 2**), sunlight to the proposed public plaza is likely to be limited to approximately two hours per day. Albeit the sunlight hours will be in the middle of the day, when the plaza will most likely be in highest use. However, the limited amount of sunlight will adversely impact on the useability of what is intended to be public space (albeit, privately owned). This shading effects would also likely be exacerbated by development up to 27m as enabled by current Business - Mixed Use zoning provisions on the adjacent site at 39 George Street (The ACG Parnell School site). In this regard, the plaza may not receive any winter sunlight.

740. I consider that these shading effects on the proposed plaza would be at least minor, and would detract from the envisaged useability and quality of the intended public open space.
741. I also reiterate here the comments made earlier in this report, with regard to potential adverse effects on the natural, landscape and historic heritage functions of the Auckland Domain, which is recognised as being Auckland's most recognised, oldest and one of the largest open space areas. In this regard, I consider that the potential natural, landscape and historic heritage effects identified, will likely be minor as a result of development enabled, particularly building height and bulk, by the proposed plan change provisions.
742. Therefore, overall, I am of the opinion that there will likely be minor adverse effects on existing and proposed open spaces as a result of PPC44.

14.8 CULTURAL EFFECTS

743. As I note at Section 12.1.11 of this report, the requestor has assessed the impact of the proposed plan change and its effects on the Pukekawa / Pukekaroa / Auckland Domain ONF as they relate to Mana Whenua and Mana whenua values. Furthermore, as outlined in section 15 below, there has been an amount of consultation undertaken with Mana Whenua.
744. It is also acknowledged that there is the potential for other cultural effects and effects on mana whenua values, particularly arising from the potential adverse effects associated with the proposed plan change provisions as they relate to building height and bulk, and the resulting effects on volcanic viewshafts and views to and between maunga, which are of known importance to mana whenua and likely important to others as well.
745. With regard to cultural effects as they relate to mana whenua values, I am not qualified to make a recommendation on the potential effects of the proposed plan change provisions. Others with standing, that have sufficient expertise to comment of these matters are invited to address them in evidence and at the hearing.
746. With regard to likely European or other cultural values, while noting the setting of the proposed plan change area and its proximity to the Auckland Domain, the Auckland Museum and its setting between maunga; and relying on the assessments of Mr Jamieson, Mr Kensington and Ms O'Neil which identify potential adverse effects on Pukekawa / Pukekaroa / Auckland Domain ONF; the landscape and visual integrity of identified and other views between maunga and historic heritage, I am of the opinion that adverse effects on European or other cultural values are also potentially affected to a more than minor or significant degree.

14.9 CONSTRUCTION EFFECTS

747. The documents provided by the requestor do not address the potential for construction effects that may occur as a result of the more intensive development the proposed plan change provisions envisage. However, in this regard, I acknowledge that there is the potential for adverse construction effects to occur as a result of development envisaged by PPC44. However, I also consider that such potential

effects could equally occur, to a similar level, as a result of re-development of the plan change area under the existing Business - Mixed Use Zone provisions.

748. In this regard, I consider that there are existing requirements in the Unitary Plan regarding:

- construction as a temporary activity (E40 Temporary activities) that is necessary to facilitate development in an urban environment,
- the provision of limits to address the potential for adverse construction noise and vibration effects (i.e. E25 Noise and vibration).
- the ability to consider adverse traffic effects resulting from construction traffic as part of an assessment of a wider consideration of adverse traffic safety and road network efficiency effects.

749. In addition, in my experience, there are also a range of best practice management and management plan techniques that assist with the mitigation of adverse construction effects. Such that I consider potential adverse construction effects resulting from PPC44 are likely to be mitigated to a less than minor level; or if not mitigated, then likely to be able to be satisfactorily managed. I also note that specifics of these matters are more appropriately considered as part of a resource consenting process.

14.10 POSITIVE EFFECTS

750. The requestor, in their Section 32 Evaluation and Urban Design Assessments (refer to their Appendix 5) considers that the development enabled by PPC44 would result in positive effects, including:

- (a) an enhanced pedestrian environment which creates a community focal point, being the public plaza; and increased permeability through the plan change area via the envisaged pedestrian connections.
- (b) the improvement of social and economic well-being of the community.
- (c) a positive contribution towards planned and integrated future form and quality and by creating a sense of place;
- (d) positive environmental and cultural effects resulting from a precinct that enables different heights across different parts of the plan change area which can respond the presence of the identified volcanic viewshaft E8; and
- (e) positive visual effects from the proposed precinct height limits and building bulk controls which will provide for slender well designed buildings.

751. I agree that PPC44 could potentially result in positive effects including those identified as (a) and (b) in paragraph 750 above. However, as I have also outlined in this report there are multiple aspects of the proposed plan change provisions and the development they would enable (for example: building height and bulk, the design and location of pedestrian connections and the public plaza), that I consider would result in the potential for adverse effects, which in turn reduce the likely positive effects of the proposed plan change.

752. Albeit, I also acknowledge that I consider there would likely be positive effects from PPC44 and the development these provisions envisage with regard to:

- improving and integrating the provision of stormwater, as outlined in the Health Water assessment (refer to **Attachment 2**); and
- the supporting economic effects of residential and commercial use in the plan change area on the Newmarket business area, as outlined in Ms Fairgray’s economic assessment (refer to **Attachment 2**).

15.0 CONSULTATION

15.1 MANA WHENUA

753. Section 7.3 (page 26) of the requestors Section 32 Evaluation and Appendix 12 – Mana Whenua Consultation Summary on Private Plan Change sets out the mana whenua consultation undertaken by the requestor. In this regard the requestor sent the 16 Iwi identified in **Table 10** below, an email advising them of the plan change proposal on 22 March 2019, prior to the plan change request being lodged with the Council.

Table 10: Iwi Consulted

Ngāti Whātua Ōrākei
Ngāti Tamaoho
Ngāti Whātua o Kaipara
Waikato - Tainui
Ngāi Tai ki Tāmaki
Ngāti Maru
Ngāti Pāoa (Ngāti Paoa Iwi Trust)
Ngāti Pāoa (Ngāti Paoa Trust Board)
Ngāti Tamaterā
Ngāti Te Ata
Ngāti Whanaunga
Te Ahiwaru – Waiohua
Te Ākitai Waiohua
Te Kawerau a Maki
Te Patukirikiri
Te Rūnanga o Ngāti Whātua

754. Ngāti Whātua Ōrākei and Ngāti Tamaoho responded to the requestor and raised concerns about the potential effects of buildings enabled by the plan change

provisions on maunga to maunga view connections, particularly views to Maungakeikei / One Tree Hill from the Auckland Domain.

755. The requestor has advised that they provided these Iwi with an analysis of theoretical building mass that could occur under the current planning controls (i.e. a building height limit of 27m, building setbacks, height in relation to boundary etc), as well as a potential development scenario enabled by the proposed plan change and building mass of a compliant building mass vs plan change scenario. The information provided can be found in the requestors Appendix 13 – Urban Design – Indicative Montage Studying View to Volcanic Cones from Domain.
756. As a result of this information Ngāti Whātua Ōrākei suggested that it would be appropriate for some cultural offset to be offered, and that this could be by way of the incorporation of appropriate recognition of local cultural heritage on the eventual building design, and that this commitment could be incorporated into the development standards. On this basis Ngāti Whātua Ōrākei advised that they would not object to the additional height limits sought.
757. The comments provided by Ngāti Whātua Ōrākei were also supported by Ngaati Tamaoho and by Ngāti Whātua o Kaipara.
758. As outlined in Section 12.1.9 above (refer my B4.3 assessment), the requestors Section 32 Evaluation (at page 25) notes that the requestor will continue to work with Iwi regarding cultural offsetting and that there is a trigger within the assessment criteria (IX8.2(1)(a)(v) to ensure that the design process integrates mātauranga and tikanga.
759. From my review of the requestor’s Appendix 13, relating to Mana Whenua consultation, it would appear that Ngaati Tamaoho also advised that they would like to see further streetscape designs with regard to stormwater design and management. It is not clear from the information provided by the requestor whether this further aspect was followed up by the requestor, or what their response to this request was.
760. The requestor is invited to clarify this matter in their evidence and at the hearing.
761. No responses were received from any of the other iwi groups identified in **Table 10** above, contacted by the requestor.
762. Subsequently, PPC44 was also publicly notified; and letters/emails sent by Council directly to 18 Iwi groups, advising them of the proposed plan change and the ability to make a submission. Email responses were received from Te Rūnanga o Ngāti Whātua and Ngāti Whātua o Kaipara advising that they defer to any comment provided by Ngāti Whātua o Orakei. However, no submissions on the proposed plan change were received from any of the directly notified Iwi.
763. However, a submission was received from the Tūpuna Maunga o Tāmaki Makaurau Authority (Submission No. 53) (“**the Authority**”). This submission raises concerns as follows:
- The proposal to remove the 27m height variation control and the introduction of a datum point to measure height and whether the method of calculating height

would result in a building height above the floor of the identified regionally significant volcanic viewshaft E8 to Maungawhau / Mt Eden;

- introducing a height at least double the current height immediately east of a regionally significant volcanic viewshaft (E8) reduces the value of the viewshaft and will compromise what remains of maunga to maunga connections;
- beyond the E8 viewshaft, the lack of discussion regarding the impact on Maungawhau / Mt Eden's profile, legibility or effect on perceived anchoring in the landscape;
- the lack of assessment of maunga to maunga views, including the view from Maungauika / North Head to Mt Eden and views to or between other maunga, including Ōhinerau / Mt Hobson and Takarunga / Mt Victoria.

764. This submission and the issues raised are discussed and considered in Sections 12.1.9, 14.2 and 16.2.1 of this report.

15.2 LOCAL BOARD

765. The requestor presented information regarding the proposed private plan change to the Waitemata Local Board on 12 March 2020.

767. The Waitemata Local Board were advised of the plan change request and invited to provide their views on the plan change at a local board meeting on 20 October 2020. Subsequently, the Waitemata Local Board resolved to:

- a) provide local board views below on Private Plan Change 44 by Newmarket Holdings Development Limited Partnership (NHDLP) for 33 -37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket.*
- b) appoint a local board member A Bonham to speak to the local board views at a hearing on Private Plan Change 44.*
- c) delegate authority to the chairperson of Waitematā Local Board to make a replacement appointment in the event the local board member appointed in resolution b) is unable to attend the private plan change hearing.*
- d) note the current proposal has insufficient community including public space benefit provided to justify the significant adverse effects.*
- e) note the Auckland Unitary Plan support vibrant developments and there is a risk that another upmarket apartment building in this area would be underutilized, which would be of little benefit to local businesses.*
- f) note that the construction of such a building is highly resource intensive and it can only be justified if it is fully utilized.*

- g) *do not support the proposed height of the tallest apartment block, looking towards the museum, because it tends to tower over the park.*
- h) *confirm its preference for a mixed use development that includes residential, as is promoted in the proposal.*
- i) *should overall the plan change be approved, we urge the following changes:*
 - i. *add in an objective to create a climate change resilient development with regard energy, water, landscaping, and construction materials.*
 - ii. *add in an objective that the buildings in this development will be lived in, and managed to ensure the residences are occupied the majority of the time. We believe that there are greater benefits to the local area when the majority of the residences are occupied.*
 - iii. *add in an objective to create healthy, cross-ventilated, well insulated (including soundproofing) and well-designed homes for a range of future residents including families. Or any indicator that child friendly urban design guidelines must be used as part of any architectural brief.*
 - iv. *Request that it includes clusters of family friendly housing. This would include safe shared play spaces inside and outside.*
 - v. *request the design be an exemplar of climate-change resilience which may include but not be limited to solar panels, passive heating/cooling, water capture and storage, green roofs, compost collection, bike racks, electric vehicle and bicycle chargers, as well as natural elements in the plaza.*
 - vi. *Request circular design principles are used so as to make the building itself, and the products used in its construction, reconfigurable.*
 - vii. *the design of the public spaces are sufficiently engaging and welcoming so as to create an activated space and include drinking water fountains, public toilets, places to sit and shade.*

768. Matters (d) to (i) have been considered in the preparation of this report.

16.0 NOTIFICATION AND SUBMISSIONS

769. Details of the notification timeframes and number of submissions received are outlined in **Table 11** below:

Table 11: Notification dates and submission numbers

Date of public notification for submissions:	25 June 2020
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Closing date for submissions:	23 July 2020
Number of submissions received:	56
Date of public notification for further submissions:	27 August 2020
Closing date for further submissions:	24 September 2020
Number of further submissions received:	4

770. All submissions were received within time and there were no late submissions. Copies of the submissions are provided as **Attachment 8** to this report.

16.1 LEGAL AND STATUTORY CONTEXT RELEVANT TO SUBMISSIONS

771. There are no legal matters resulting from the submissions.

16.2 ANALYSIS OF SUBMISSIONS AND FURTHER SUBMISSIONS

772. The following sections address the submissions received on PPC44. I discuss the relief sought in the submissions; and make recommendations to the Hearing Commissioners in terms of accepting or rejecting the submissions.

773. As outlined in **Table 11** above, 56 submissions and four further submissions were received.

774. Submission 2.1 seeks that PPC44 be accepted.

775. The following submissions seek that PPC44 be declined:

1.1; 3.1; 6.1; 9.1; 10.1; 10.5; 11.1; 12.1; 14.1; 15.1; 16.1; 19.1; 20.1; 21.1; 22.1; 23.1; 24.1; 25.1; 27.1; 28.1; 29.1; 30.1; 31.1; 33.1; 34.1; 36.1; 38.1; 39.1; 40.1; 42.1; 43.1; 44.1; 45.1; 47.1; 49.1; 50.1; 51.1; 53.1; 54.1; 55.1; 56.1.

776. Submissions 4.1; 5.1; 32.1; 37.1; 41.1; 48.1; 53.2; 53.3; seek that PPC44 be amended if it is not declined.

777. Submissions 7.1; 8.1; 26.1; 35.1; 46.1; 52.1 seek that PPC44 be amended and accepted.

778. It is noted that for the various recommendations on the submissions below, where there is a relevant further submission then this should be determined accordingly.

779. The analysis of submissions has been grouped and considered as follows:

- Built Form, including building height, bulk, scale, adverse effects of built form and the use of the George Street datum;
- Volcanic viewshafts, maunga to maunga views, and visual and landscape character;
- Effects on the Auckland Domain, Museum and Foundation Precinct;
- Pedestrian connections;
- Traffic, including car parking and vehicle access;
- Infrastructure;
- Construction and construction effects;

- Precinct provisions (including objectives, policies, activities, rules, notification, standards, matters for discretion and assessment criteria);
- Economic effects;
- Need for precinct, precinct extent, precedent, and not sound resource management practice;
- Section 32 analysis;
- Development can be achieved via Resource Consent;
- Lack of consultation; and
- Other matters.

16.2.1 Built form, including building height, bulk, scale, adverse effects of built form and the use of the George Street datum

780. There are large number of submissions commonly seeking that the plan change be declined or amended which raise concerns about built form that would result from the proposed precinct provisions. In particular, concerns relate to the removal of the height variation control over the plan change area and the extent of height that would be enabled by the proposed replacement building height standard, particularly in Height Area A. Concerns are also raised regarding other built form design aspects of the proposed precinct provisions i.e. building setbacks. Concerns are also raised regarding the potential effects of any proposed precinct enabled built form, such as effects on the surrounding area and its qualities, effects on adjacent properties, visual dominance, shading, sunlight and other amenity effects.

781. Submitters also raise concern with the use of a datum of George Street to measure height and consider that this understates the actual height of development

Discussion

782. Matters relating to the built form and its effects are considered throughout this report with reference to the assessments provided by Council's experts. I am of the opinion that the proposed building height, particularly in Height Area A is too great; and that cumulatively buildings will likely be overly bulky and visually dominant. As a result, I am of the opinion that the proposed plan change provisions, particularly those related to building height and bulk, but also in combination with other provisions relating to setbacks, do not respond sufficiently to the site's setting in Newmarket, and in proximity to the Auckland Domain, the Auckland Museum and other identified historic heritage buildings, or to adjacent properties. Furthermore, the visual effects and visual dominance likely to arise from development enabled by the PPC44 George Street Precinct provisions are likely to result in both public and private visual dominance and effects, as well as other amenity effects i.e. shading.

783. I do consider that some additional building height may be able to be accommodated in the plan change area, over and above the existing 27m height limit under the Height Variation Control. However, the extent of any additional building height requires further analysis and consideration.

784. With regard to the use of a datum on George Street to measure building height, Council's urban designer, Ms Ogden-Cork considers this matter at paragraphs 5.5 –

5.8 of her urban design assessment (refer to **Attachment 2**). I agree with Ms Ogden-Cork's comments regarding:

- a preference for using a rolling height method of measuring height (which is one typical method used in the Business- Mixed Use Zone in the Unitary Plan) as it enables an underlying landform (i.e. slope) to be better perceived.
- that the use of the rolling height method on sloping sites often leads to complexities and inefficiencies in terms of the built form it enables and the increased likelihood of height infringements which require resource consent consideration.
- it can be appropriate to apply a datum to measure height when there are particular site or area sensitivities, and that this approach has been taken in other precincts i.e. Smales Fame, in the Unitary Plan.
- the most important factor is that all the relevant information is provided to enable both a lay person and decision maker understanding of a proposal as it relates to height (and other matters).

785. In this regard, I am of the opinion that while aspects of references to the George Street datum in the plan change provisions are confusing and require some clarification, that the datum location and its corresponding heights, given the slope of the plan change area, can be sufficiently understood and considered.

Recommendation

786. That the following submissions 1.2; 3.2; 5.2; 6.2; 8.2; 6.2; 10.2; 10.6; 11.2; 14.1; 15.2; 15.3; 16.4; 17.1; 17.2, 18.1; 18.2; 20.2; 21.6; 21.7; 22; 23; 25.2; 25.3; 27.2; 28.1; 29.2; 30.4; 31.3; 32.2; 33.2; 34.2; 34.3; 35.2; 36.4; 38.1; 39.3; 40.2; 41.2; 42.2; 42.5; 43.2; 43.3; 43.5; 44.2; 44.3; 44.7; 45.3; 45.6; 47.2; 48.2; 49.2; 50.3; 50.5; 50.6; 51.2; 51.3; 52.2; 55.5; 56.2 which oppose or seek amendments to built form, in particular building height, be **accepted**.

787. That submission 2.2 supporting building height be **rejected**.

788. That submission 7.6 and 7.7 supporting building height, except for Height Area A, and supporting the removal of the height variation control be **accepted in part**.

789. That submissions 21.6 and 30.4 regarding the George Street datum be **accepted in part**.

790. That submission 48.3 regarding the use of the George Street datum be **accepted**.

791. That further submissions FS01 opposing submission 2.2; 27.2 be **accepted**.

792. That further submissions FS01, FS03 and FS04 supporting submissions 3.2; 10.2; 10.6; 15.2; 16.4; 30.4; 42.2; 42.5; 48.2; 48.3; 50.5; 50.6; be **accepted**.

16.2.2 Volcanic viewshafts, maunga to maunga views, visual and landscape character

793. A number of submissions raise concerns regarding PPC44 provisions and the likely effect of building height, bulk and form on volcanic viewshafts, maunga to maunga views, and associated visual and landscape character. These matters are considered in Sections 12.1.9 and 14.2 of this report, where it is concluded that the

proposed precinct provisions will result in varying degrees of adverse visual and landscape effects on identified volcanic viewshafts and views to and between maunga, as well as likely visual dominance effects.

Recommendation

794. That submissions: 3.2; 15; 21.3; 27.3; 35.3; 37.1; 38.1; 39.3; 49.2; 53.2; 53.4 be **accepted**.

795. That further submission FS03 supporting submission 3.2; and that further submission FS01 supporting submission 27.3 be **accepted**.

16.2.3 Effects on the Auckland Domain, Museum and Foundation Precinct

796. Some submissions seeking that the plan change be amended and/or declined raise concerns regarding PPC44 provisions and the likely effects on the open space and historic heritage values of surrounding identified historic heritage places and buildings such as the Auckland Domain, Auckland Museum and buildings in the Foundation Precinct. These matters are considered in Sections 12.1.10 and 14.3 of this report, where it is concluded that the proposed precinct provisions will adversely affect the values of identified historic heritage places and buildings.

Recommendation

797. That submissions: 3.2; 5.4; 17.3; 18.3; 28.1; 38.1; 39.3; 54.2 be **accepted**.

16.2.4 Pedestrian connections

798. The submission by Auckland Transport (No. 26) and Auckland Council (No. 48) considers that amendments are required to PPC44 provisions for pedestrian connections and to the hours that these are available to the wider public through the site. As outlined variously in this report, I agree with these submitters.

799. The submission by Cleveland Properties seeks that an additional pedestrian connection be identified along the western side of proposed Tower B as shown on in the requestors Appendix 4. Council's urban Design expert, Ms Ogden-Cork has reviewed this matter (refer **Attachment 2**) and at paragraph 9.56 of her assessment concludes that she does not support the pedestrian connection sought as provision of an additional pedestrian route as this poses the risk of distracting from the use of the primary through site connection and subsequently the vitality of the route and any commercial / retail activity that may be located along it. She goes on to consider that the space is better used for tenancies, or for landscaping to support communal amenity, with pedestrian access limited to residents. I agree with Ms Ogden-Cork's assessment of this matter.

Recommendation

800. That submissions: 21.8; 26.4; 48.9; and 48.10 be **accepted**.

16.2.5 Traffic, including car parking and vehicle access

801. A number of submissions raise concerns about traffic effects resulting from PPC44 provisions and the scale and intensity of development these would enable. Concerns include:

- number of vehicle movements;
- the narrowness of Morgan Street;
- lack of car parking in the area;
- traffic congestion and lack of capacity in the road network in the vicinity of the plan change area;
- adverse effects on the safe and efficient operation of the road network surrounding the plan change area which would increase as a result of the proposed plan change;
- location of vehicle access points;
- lack of assessment and information on traffic effects;
- pedestrian/cyclists and vehicle conflicts;
- pedestrian and road safety concerns.

802. These matters have been considered in Sections 12.1.7 and 14.5 in this report. While, in his traffic assessment for Council, Mr Black does identify some concerns relating the narrowness of Morgan Street for delivery vehicles; potential conflicts; and a safety issue due to the location of vehicle and pedestrian access points on George Street, overall, he agrees with the requestor's traffic assessment. Furthermore, both the requestors and Council's traffic experts consider that traffic effects resulting from the proposed plan change provisions and development in the plan change area can likely be mitigated and managed.

803. Auckland Transport's submission (No. 26) identifies a number of suggested amendments to the proposed plan change provisions to improve the ability to consider transport and traffic matters. These amendments are generally agreed with for the reasons outlined in this report and in the traffic assessment for Council by Mr Gary Black (refer to **Attachment 2**).

Recommendation

804. That submissions: 5.3; 10.3; 10.7; 14.1; 15; 16.2; 17.4; 18.4; 21.4; 22; 23; 26.12; 26.14; 27.4; 27.5; 28.1; 31.9; 32.3; 32.4; 33.3; 34.4; 37.2; 38.1; 39.2; 39.4; 42.6; 43.4; 44.4; 44.5; 45.4; 50.7; 50.8; 51.4; 55.4 be **rejected**.

805. That submissions: 4.2; 4.3 be **accepted in part**.

806. That further submission FS01 opposing submission 10.3; 10.7 be **rejected**.

807. That further submission FS01 supporting submissions 27.4 and 27.5 be **accepted in part**.

808. That further submissions FS01, FS03 and FS04 supporting submissions 42.6; 50.7 and 50.8 be **rejected**.

16.2.6 Infrastructure

809. Submissions raise concerns with infrastructure, particularly wastewater servicing and discharges that would likely result from development enabled by the proposed plan

change provisions. As outlined in Sections 10.1, 12.1.13 and 14.6 of this report the redevelopment of the plan change area will likely enable improved integrated management of stormwater infrastructure and there is sufficient capacity in this system to accommodate re-development. However, at this stage, there does not appear to be sufficient information regarding wastewater network capacity; and there may be short-term wastewater overflows from development anticipated by the proposed plan change provisions, depending on the timing of any Watercare planned upgrades and the timing of approval related to either this proposed plan change and/or any subsequent or concurrent consent applications for development.

810. Other infrastructure i.e. electricity can be satisfactorily provided to a development in the plan change area of the scale and intensity envisaged by the proposed plan change provisions.

Recommendation

811. That submissions: 13.1; 21.9; 42.7; 43.8; 44.6;45.5; 46.2 be **accepted in part** where they relate to concerns regarding wastewater provision and discharges; but be **rejected in part** where they relate to stormwater and electricity infrastructure capacity and effects.
812. That further submission FS01 supporting submission 42.7 be **accepted in part**.

16.2.7 Construction and construction effects

813. Construction and construction effects are considered in Section 14.9 in this report. As I state in that section, I conclude that while I acknowledge that there is the potential for adverse construction effects to occur as a result of development envisaged by PPC44, I also consider that such potential effects could equally occur, to a similar level, as a result of re-development of the plan change area under the existing Business – Mixed Use Zone provisions. I also consider that there are existing requirements in the Unitary Plan regarding:

- construction as a temporary activity (E40 Temporary activities) that is necessary to facilitate development in an urban environment,
- the provision of limits to address the potential for adverse construction noise and vibration effects (i.e. E25 Noise and vibration).
- the ability to consider adverse traffic effects resulting from construction traffic as part of an assessment of a wider consideration of adverse traffic safety and road network efficiency effects.

814. Furthermore, in my experience, there are also a range of best practice management and management plan techniques that assist with the mitigation of adverse construction effects. Such that I consider potential adverse construction effects resulting from PPC44 are likely to be mitigated to a less than minor level; or if not mitigated, then likely to be able to be satisfactorily managed. I also note that specifics of these matters are more appropriately considered as part of a resource consenting process.

Recommendation

815. That submissions: 16.2; 21.5; 28.1; 30.2; 36.2; 38.1; 39.6; 50.9 be **rejected**.

816. That further submission FS04 supporting submission 50.9 be **rejected**.

16.2.8 Precinct provisions (including objectives, policies, rules, notification, standards and assessment criteria)

817. Several submitters seek amendments and/or additions to specific PPC44 George Street Precinct provisions. I have provided my planning assessment of the PPC44 provisions in Section 8 of this report. I consider that my comments are similar and support the majority of matters raised in submissions. In particular, I note here that I agree with submissions that the activity status of an infringement to standards, particularly building height, should be amended be non-complying, to enable a full assessment of effects, should development extend beyond the significant additional height, particularly in Height Area A, that the proposed plan change provisions enable. I also agree that such an infringement should be subject to, at least, the normal tests for notification.

818. However, given my recommendation on this plan change proposal I have not undertaken work to track suggested amendments to the proposed plan change provisions.

819. If the Commissioners were of a mind to approve this plan change, it is my view that further drafting work on the precinct provisions is required to address the matters in my Section 8 and in submissions.

820. The exception to the above is the submission by Cleveland Properties Limited (No.7) which supports most of the proposed precinct provisions. For the reasons outlined in my assessment in Section 8, I disagree with this submission.

Recommendation

821. That submissions: 7.2; 7.3; 7.12; 16.3; 22.2; 22.3; 22.4; 22.4; 22.5; 22.6; 23.2; 23.3; 23.4; 23.5; 23.6; 26.2; 26.3; 26.4; 26.5; 26.6; 26.7; 26.8; 26.9; 26.10; 26.11; 26.12; 26.13; 30.3; 31.4; 31.5; 31.6; 31.7; 36.3; 39.5; 42.3; 42.4; 43.6; 43.7; 44.8; 44.9; 45.7; 45.8; 48.4; 48.5; 48.6; 48.7; 48.8; 48.9; 48.10; 48.11; 48.12; 48.13; 48.14; 50.2; 50.3; 50.4 be **accepted in part**.

822. That further submission FS01 to submission 7.2 and 7.3 be **rejected**.

823. That further submission FS02 to submission 48.12; and further submission FS03 to submission 48.4 be **accepted**.

824. That submissions supporting precinct provisions as currently drafted being: 7.4; 7.8; 7.9; 7.10; 7.11; 7.13; 7.14; 7.15; 7.16; 7.17; 7.18; 7.19; 7.20; 7.21; 7.22; 7.23; 7.24; 7.25; 7.27 and 7.29 be **rejected**.

825. That further submissions FS01 and FS03 to submissions 7.4; 7.8; 7.9; 7.10; 7.11; 7.13; 7.14; 7.15; 7.16; 7.17; 7.18; 7.19; 7.20; 7.21; 7.22; 7.23; 7.24; 7.25; 7.27; 7.29; 30.1; 42.3; 50.2; 50.3; 50.4 be **accepted**.

16.2.9 Economic effects

826. One submission considers that the activities that PPC44 provides for will not support the Newmarket business area or that activities should be limited. This matter is considered in Section 14.4 of this report where it is found that the economic effects regarding activities in the proposed precinct will not likely affect the functioning of the Newmarket metropolitan centre.

Recommendation

827. That submission 20.3 be rejected

16.2.10 Need for precinct, precinct extent, precedent, and not sound resource management practice

828. Several submitters consider that the proposed plan change is not the most appropriate way of achieving the purpose of the RMA and that the plan change area is not sufficiently unique to justify a bespoke set of planning provisions.
829. Furthermore, submissions consider that enabling building height to the level sought in the proposed plan change provisions will set a 'precedent' and an expectation that the same or similar height can be achieved on other sites of a similar zoning in the immediately surrounding area which may be suitable for redevelopment, and which are unconstrained in height by any of the identified volcanic viewshafts.
830. Submissions then consider that cumulatively, if additional height was allowed on other sites, there would be significant adverse and cumulative effects on the surrounding area, and in particular the natural, open space and historic heritage values associated with the Auckland Domain. Furthermore, they consider that the resulting development and the environment would be significantly different to that provided by the current zone provisions, and that this would be a significant change in policy direction. Finally, the submissions also consider that this matter has not been appropriately canvassed or considered in the information provided with the proposed plan change.
831. Council's urban design expert, Ms Ogden-Cork makes comments, within her area of expertise, regarding whether a precinct is the best way of achieving the purpose of the RMA and/or the precinct boundaries and likely precedent or precedent effects. In this regard Ms Ogden-Cork notes that the plan change area is based on site ownership, with all the sites (which are in separate Records of Title) in the plan change area being held in common ownership. Ms Ogden-Cork considers at paragraphs 8.3 – 8.10 that:
- that if the plan change was initiated by Auckland Council, then addressing the whole block bound by Broadway, George Street, Morgan Street and Carlton Gore Road would likely be appropriate. However, in her pragmatic view, Ms Ogden-Cork considers that a private plan change does provide the opportunity to achieve a more efficient use of land within a timeframe that is not limited to Council's work programmes and timing, as would likely be the situation if consideration of the wider block was undertaken.
 - the plan change area is unique within the wider block as it is the only area that has a logical street / laneway connection through it, and this has been in place

since 1924. Furthermore, as the plan change area is central to the wider block and of a large size, it is a location where more bespoke planning provisions would be beneficial for creating a pedestrian focussed development.

- the introduction of a precinct does have merit given:
 - the extent of the proposed height change;
 - the complexity and sensitivity of the area to an increase in height;
 - the complexity of long-term planning of developments of the size proposed;
 - the ability for the planning provisions to enable a range of building design and changes to this;
 - the ability of a plan change to address the most critical and contentious 'macro' issues upfront (such as building height, setbacks and public pedestrian access) before a lot of time and effort is spent on finer grain details, such as the design of elevations and internal layouts;

832. With regard to precedent setting for building height, Ms Ogden-Cork considers that there is the likelihood that owners of sites in the surrounding area may seek to apply for resource consents, for buildings greater than 27m, in response to the new 'planned context' if the plan change is approved. However, she notes that increases in height above 27m in areas not subject to the volcanic view shaft control are already occurring, such as at 118 and 110 - 116 Carlton Gore Road where the resource consent approved development will extend 6m – 7m above the 27m height control. However, Ms Ogden-Cork is of the view that the Unitary Plan has provisions in place to manage this if, or when, applications occur.

833. Ms Ogden-Cork also considers that an urban design reason for the use of a precinct is the ability to ensure some public benefit (i.e. public access through the plan change area) and benefit to neighbouring sites (i.e. via proposed building setbacks) as well as a variation in heights.

834. I agree with some, but not of all of Ms Ogden-Cork's comments regarding the suitability or otherwise of a precinct and bespoke provisions over the plan change area. Mainly, I agree that the plan change area is large and offers the opportunity to secure long-term public access benefits that would not as easily be available or achievable under the current Unitary Plan provisions. Whether these benefits should be compensated for via additional height is another matter. I also agree that a precinct could enable improved consideration of effects of development on adjoining properties i.e. by including provisions requiring increased setbacks and consideration of amenity matters. So, for these reasons, I consider the use of a precinct and bespoke planning provisions over the plan change area to be appropriate.

835. However, I do acknowledge and agree that enabling the extent of height sought under the proposed plan change provisions could result in a 'precedent' or other sites also seeking similar heights for their redevelopment. Furthermore, I do consider that cumulatively this could result in an unanticipated or unintended change in the character of the area. However, I also note that I do not support the extent of building

height (or bulk) that is currently sought in the proposed plan change provisions. But I do consider that some additional height (subject to further analysis and consideration) may be appropriate. Any consideration of additional height in an area needs to be cognisant of the surrounding area, its characteristics and the likely effects; and in my view, as long as the consideration of height is undertaken in a principled manner then an appropriate height limit could be set, which would not likely create an undue or adverse precedent.

Recommendation

836. That submissions: 10.4; 10.8; 16.1; 31.2; 36.2 be **accepted in part**.
837. That further submission FS02 be **accepted**.

16.2.11 Section 32 analysis

838. A number of submitters consider that the section 32 RMA analysis provided is insufficient and does not appropriately consider the proposed plan change or understand the context that the s32 analysis is supposed to be provided in.
839. I am of the opinion, that while I may not agree with all the comments made in the requestor's documentation, that it sufficiently and appropriately addresses the requirements of section 32.

Recommendation:

840. That submission: 16.2 be **accepted in part**.
841. That submission 36.2 **be rejected**.

16.2.12 Development can be achieved via Resource Consent

842. A number of submitters identify that the development that would be enabled by the proposed plan change provisions could equally be achieved by a resource consent application. As outlined in Section 3.1, earlier in this report, the requestor did undertake pre-application discussions with Council however, they did not progress to the lodgement of a resource consent application. I acknowledge the comments in the pre-application meeting minutes by the Auckland Urban Design Panel which suggest that a plan change may be a more appropriate way of considering additional height in the area. I am of the opinion that the development enabled by the proposed plan change could be progressed via a resource consent application, and subject to the existing unitary plan provisions. Noting that an infringement to the existing Business – Mixed Use Zone height standard would be considered as a restricted discretionary activity and the limit of any infringement is unrestricted, but open to assessment based on identified matters and criteria. However, equally I accept that significant changes to existing plan standards, such as building height, as in this instance, may be better and more holistically considered via a plan change.

Recommendation

843. That submissions: 21.2; 30.1; 32.5; 36.1 be **accepted in part**.

16.2.13 Lack of consultation

844. Submitters have raised a concern that the PPC44 requestor has not undertaken sufficient consultation. I consider that while consultation is good practice, the requestor has fulfilled their statutory obligations as they relate to consultation with other persons.

Recommendation

845. That submissions: 27.6; 30.2; 31.10; 34.5; 36.2; 51.5; 55.6 be **rejected**.
846. That further submission FS01 supporting submission 27.6 be **rejected**.

16.2.14 Other matters

847. Some submissions raise discrete matters, not otherwise considered in the preceding parts of this report. These include comments on unit size; that the plan change area should be rezoned residential and no further large developments be allowed.
848. In this regard the underlying Business – Mixed Use Zone standard relating to minimum dwelling size remains applicable to the plan change area, and this standard has been previously determined as appropriate as a minimum dwelling size. A dwelling less than the minimum size specified would continue to be considered via a resource consent application.
849. I do not agree with the submission that seeks to rezone the plan change area to a residential zone and consider that this would be beyond the scope of consideration for this proposed plan change.

Recommendation:

850. The submissions 8.3 and 25.4 be **rejected**.

17.0 CONCLUSION

851. The plan change request (based on the technical reviews and analysis of submissions) raises a number of potential conflicts with national and regional policies relating to the hierarchy of centres, the protection of identified regionally significant volcanic viewshafts, potentially significant views to and between maunga, historic heritage and outstanding natural features, and wastewater capacity.
852. In terms of the National Policy Statement on Urban Development 2020, PPC44 may give effect to Objective 2 to support competitive land markets and through those (but not specifically on this site) affordable housing, However, in my view PPC44 has not sufficiently taken into consideration the principles of the Treaty of Waitangi / Te Tiriti o Waitangi in relation to the potential for adverse cultural effects on Auckland's maunga and views to and between them; and cultural values associated with scheduled historic and natural heritage items as required by Objective 5.
853. With regard to the Hauraki Gulf Marine Park Act, at this stage, development enabled by the proposed plan change could result in increased wastewater discharges to the catchments of the Hauraki Gulf.
854. In my view the plan change request, particularly with regard to proposed building height and bulk, is contrary to, and inconsistent with, the RPS objectives and policies as it does not reinforce a hierarchy of centres; and it does not sufficiently respond to,



protect or avoid adverse effects on the intrinsic and physical characteristics of its area, its setting and its relationship to the surrounding area, including natural features (such as ONF's and maunga), landscape and visual, and heritage aspects. These issues also arise in a consideration of District Plan objectives and policies and other supporting policy documents, such as the Auckland Plan.

855. In my opinion, in order to reduce adverse effects to a more acceptable degree, the overall height and bulk of building scale enabled or sought in the proposed plan change provisions should be reduced. However, to determine a more acceptable scale would require further analysis and consideration.
856. I also outline a number of issues with the drafting of the proposed plan change provisions and many of these are supported by submissions. But, given my fundamental concerns with the proposed plan change, particularly building height and bulk that would result from any implementation of the plan change, I have not provided tracked changes of these.
857. However, in the event Commissioners are minded to approve PPC44 or further information is provided prior to the hearing that sufficiently resolves the issues of building height and bulk; and other associated matters such as wastewater, then a number of amendments to the proposed precinct text would be recommended.

18.0 RECOMMENDATIONS

1. That, the Hearing Commissioners accept or reject submissions (and associated further submissions) as outlined in this report.
2. That, as a result of the assessment of the plan change request and recommendations on the submissions, that PPC44 be **declined**.

19.0 SIGNATORIES

Name and title of signatories	
Author	 Vanessa Wilkinson, Consultant Planner, Scott Wilkinson Planning Limited
Reviewer / Approver	 Celia Davison, Manager – Central and South Planning, Plans and Places

ATTACHMENT 1

CLAUSE 23 REQUESTS FOR FURTHER INFORMATION

19 November 2019

Rebecca Sanders/Evita Key
Barker and Associates Ltd
PO Box 1986
Shortland Street
AUCKLAND 1151

Dear Rebecca/Evita

Re: George Street Precinct, Newmarket-Clause 23 Request for further information

Please find attached Council's request further information under Clause 23(1) to Schedule 1 of the RMA.

In general, there are two types of requests:

Required-Further information that should be undertaken and issues clarified prior to notification. This includes typo errors etc.

Merits based-Where there is a viewpoint on an issue which maybe addressed prior to notification, although it is likely the issue will be addressed at the submission/hearing stage. The applicant is likely to have a different viewpoint from the Council and may decide not to amend the plan change documentation.

There are also a few matters where it is advisable that the applicant address the issue prior to notification and matters that are likely to be addressed at the resource consents stage.

If required, we are of course happy to meet to discuss any issues as soon as you've had a chance to work through these items.

Please contact me if you have any queries.

Your sincerely



Bruce Young

Principal Planner: Central & South

George Street Precinct Plan Change

Further information request for clarification, errors, to make the PC request clear and understandable.

Incorporate the required amendments and matters of clarification into the Private Plan Change request.

Point Number	Page number	Issue	Action /Request
Section 32 Evaluation			
1	3	Typo-Clause 3.1.2-Third line from the bottom of the page includes a repetition of the word 'that'.	Required -Delete one of the words 'that'
2	4	Sixth paragraph states there was a decision made to pursue a plan change as opposed to a resource consent application. A few more sentences and bullet points on the reasons behind the change in planning direction would be beneficial.	Required -Give planning reasons as to why it was decided to pursue a plan change as opposed to a resource consent. Bullet point reasons would suffice.
3	5	Notwithstanding point 2 above, a statement on why a resource consent under Clause 25(3) would not be appropriate.	Required - Provide a statement on why a resource consent is not appropriate. Background provided with respect to point 2 above.
4	8	Figure 3-The site should be outlined in red as per figure 1 and 2 on page 6	Required - Outline the site in red as per previous figures.

5	11	Clause 5.1.1-The sentence prior to the policies reads: 'The George Street Precinct includes the following objectives policies '.	Required - Amend
6	13	(Objective/Policy direction) 'High quality architecture and design that responds to site characteristics.' Add an additional statement ' <i>...and surrounding context</i> '.	Required - Amend
7	14	(Method summary) The term 'active edge' is used. Ensure that the term introduced may need a definition or be consistent with other similar terms used in the unitary plan. (i.e Key retail frontage and General commercial frontage)	Merits based- Ensure consistency or explain in the planning assessment, the new term/definition.
8	15-16	A Table summarising the changes (from activities through to assessment criteria) the precinct is seeking from Mixed Use. The Metropolitan Centre zones and City Centre zone should also be compared I think this table would be very helpful in providing a comparison between the zones and the precinct provisions introduced and what has changed in the 'baseline' for Mixed Use zone in particular. The comparison with Metropolitan Centre zone provisions would also be of assistance, given the option of rezoning the area/site in the section 32 analysis. Some of the City Centre provisions particularly the standards, matters of discretion and assessment criteria can be used to ensure similar built form to that envisaged in the proposed precinct.	Required- Insert a comparison table for activities (including activity status), standards and matters of discretion and assessment criteria in the following zones: <ol style="list-style-type: none"> 1. City Centre 2. Metropolitan Centre 3. Mixed Use 4. George Street Precinct provisions. <p>This would greatly assist in comparing the George Street Precinct changes to the three zones.</p>
9	22	Clause 7.3-First bullet point the word "theatrical" is an error. The word is "theoretical".	Required- Amend

10		Relationship to neighbouring sites-Are there any controls that need further strengthening or controls required.		
11	25-26	Clause 8.2-first sentence refers to Appendix 7. This should be Appendix 6.		Required- Amend to Appendix 6.
12	26	Table 8.3.1 Summary of GFA Study-Typo-Scenario C. The words "Plan Change" should be deleted as the scenario refers to current AUP Rules for maximum yield for residential development.		Required- Delete the words "Plan Change".
13	28	First paragraph. The reference to maximum height of 28m to 55m is above ground level. The next sentence refers to the plan change enabling a mixture of heights ranging from 29m to 55m. Is this above George Street datum?		Merit- Amend according to reference to above ground level or George Street datum
	29	For analysis purposes, please provide the maximum height of Height Area A when measured from the lowest ground level point within Height Area A. measuring from the plans this appears to be approximately 61 – 62 m above ground level.		Required- Provide the maximum height of Height Area A when measured from the lowest ground level point within Height Area A.
		George street Datum-(RL66). Throughout the document, the term George Street datum is used inter-changeably with 'above ground level'. There should be consistency with the use of the terms or this can potentially cause confusion. Potentially, this is confusing for people as the documentation refers to above ground in some instances and then above George Street datum in others. Consistency is required on how its measured is required.		Merit based- Reconsider the clarification/use of George Street Datum

		<p>Another option would be to use 'above ground level' (RL) and use the third column provided and precinct plan 3 (ground contours) to give a sense of scale in terms building in situ to ground level.</p> <p>Possibly use a Clayton street datum.</p> <p>Consider using a precinct plan 3 and have ground level contours overlaid the height areas, so maximum heights can be calculated (similar to volcanic viewshafts)?</p> <p>Standard IX6.1.1-It should be made clear in the standard that there is a podium of at least 10m height (from Clayton Street level) that can be built in Area D. The way it reads, people may think no building is anticipated in Area D</p> <p>Clarify that the height is bespoke for the precinct and not using Rolling height method. Provide some more justification for not using rolling height method.</p>	<p>Merit based- Add 'above ground level' column in Maximum building height table. Add precinct plan showing ground contours and several datum point's on site (i.e boundaries/corners/middle of building platforms)</p> <p>Required-Amend IX.6.1 Building Height to clarify that there is a building anticipated in Height Area D</p> <p>Required-Additional justification for bespoke height method compared to rolling height in the AUP.</p>
14	35	<p>Clause 9.1.2-Second paragraph-"Furthermore, the plan change seeks to manage development on <u>the</u> boundary with 8 Clayton Street..."</p>	<p>Required- Amend</p>
15	35	<p>Clause 9.1.2-Last paragraph- yellow highlighted ?-Typo</p>	<p>Required- Delete</p>

16	39	Table 9.3.1.1-Summary of Options Analysis Addressing S32(2) matters-Option 1. The reference to Objective B2.4.1(4) ¹¹ . This reference refers to RPS objective (4) whereby “An increase in housing capacity and the range of housing choice...” The reference should be B2.4.1(3).	Required- Amend
17	41	Option 4: Apply an additional <u>Increase the Height Variation Control</u> The heading for Option 4 should reflect what was stated on page 38 “Increase the Height Variation Control” Option 4 does not specify what maximum building height the increase would enable. This should be clarified, and subsequent amendments. Insert “Option 5:” in the subheading	Required- Amend
18	42	Reference to B2.4.1(4) ¹⁷	Required- Amend
19	42	This reference is incorrect should be B2.4.1(3) not (4)	Required- Amend
20	44	2nd bullet point refers to B2.3.1(1)(b) ²⁴ This reference is incorrect and should be B2.3.1(1)(a) ²⁴ not (b)	Required- Amend
21	44	3 rd bullet point refers to B2.2.1(5) ²⁵ This reference is incorrect and should be B2.2.1(1)(c) ²⁵ B2.2.1(5) refers to the development of land within the RUB, towns, and rural and coastal towns and villages	Required- Amend
22	39-44	For <u>all 5 options</u> considered under the section 32, there should be more assessment against:	Required-Provide further assessment

23		<ul style="list-style-type: none"> B2.3.1(b-f). B2.3.1(1) clearly states that “a quality built environment where subdivision, use and development do all of the following:” (refers to a-f). <p>While there has been assessment against (a), no assessment has been undertaken against (b-f).</p> <p>Some assessment against B2.3.1(2) and (3) would also be beneficial.</p> <p>I note some assessment has been done in Appendix 3. Some of this assessment could be incorporated into some of the options and expanded upon.</p>	
24	39-44	<p>For <u>all 5 options</u> considered under the section 32, there should be more assessment against:</p> <p>B2.2.1(1)(a-g). B2.2.1(1) states that “a quality compact urban form that enables <u>all</u> of the following:” (refers to a-g).</p> <p>There has been no assessment undertaken against B2.2.1(1) and (2).</p> <p>Therefore, some commentary/assessment is required against all the elements in the objective.</p> <p>I note some assessment has been done in Appendix 3. Some of this assessment could be incorporated into some of the options and expanded upon.</p>	Required-Provide further assessment
24	39-44	<p>Option 2,3,4 and 5 costs. There should be some assessment on environmental, economic, social and cultural effects anticipated by these options.</p>	Required-provide further assessment

25	39-47	Table 9.3.2.1. Need to address B2.3.1(a-f), (2)(3). (Efficiency and effectiveness)	Required-provide further assessment
26	39-47	Table 9.3.2.1. Need to address B2.2.1(a-g), (2)(3). (Efficiency and effectiveness)	Required-provide further assessment
27	45	Table 9.3.2.1. Amend the following: Option 2: Amend the Additional Height <u>Variation Control</u> to the Metropolitan Centre Height Limit (72.5m).	Required-Amend
28	26	Reference to B2.3.1(1)(b) ²⁹ This reference should be B2.3.1(1)(a) ²⁹	Required-Amend
29	45-47	Table 9.3.2.1. There should be reference to environmental costs like shading etc. Commentary on economic, social and cultural costs should also be addressed.	Required-Amend
30	47	Clause 9.3.2.3. First bullet point refers to B2.3.1(1)(a). Reference should also be made to B2.3.1(1)(b-f) an analysis in table 9.3.2.1.	Required- Amend
31	47	2 nd bullet point refers to B2.3.1(1)(b) ³¹ This reference should be B2.3.1(1)(a) ³¹	Required-Amend
32	47	Clause 9.3.2.3. The summary should reflect the assessment in table 9.3.2.1. taking into account additional comments/assessment in point 29 above.	Required-Amend
33	Various places in section 32	Clause 9.3.2 Theme 2: Standard-Maximum Height - Need to justify the bespoke method of measurement for maximum height in the precinct compared to the accepted rolling height method in the Unitary Plan.	Required-provide further assessment and comment

34	Various places in section 32 and Appendix 3 and 6	<p>Some background analysis would be beneficial as to why a bespoke method is preferred.</p> <p>B4.2.1 Outstanding natural feature and landscapes- Assessment of the proposal against RPS B.4.2.1 is required.</p> <p>RPS B4.2 Outstanding Natural feature and Landscapes is also of relevance being:</p> <ol style="list-style-type: none"> 1. ONF/ONLS are protected from inappropriate subdivision, use and development. 2. Ancestral relationship of Mana Whenua and their culture /traditions with ONF/ONL 3. Visual integrity and historic, archaeological and cultural values of Auckland's volcanic features...are protected. <p>While Point 3 above has been assessed to a degree, the applicant should assess their proposal on Point 1 and 2 above</p> <p>Taking this matter further, the proposal isn't physically affecting Pukekawa/Auckland Domain, but the documentation is relatively silent on the potential landscape and visual effects that may arise from future development, that would be enabled through the proposed precinct provisions, on the proximate Outstanding Natural Feature (ONF) – that being the 'Auckland Domain Volcano' landform (ID 7).</p> <p>In addition, there are relationships with Mana Whenua. The applicant has undertaken consultation with Mana Whenua and 16 other tribal authorities, and they highlight the views to Maungakiekie (One Tree Hill) from the Auckland Domain. Insofar that Ngati Whatua did not object to the additional height limits sought because of the permitted baseline enabled in the AUP, they did seek that some cultural offset could be offered by recognition of local cultural</p>	<p>Required-Provide further analysis and commentary of the landscape and visual effects that may arise on the 'Auckland Domain Volcano' ONF and the ancestral relationship of Mana Whenua and their culture/traditions with the ONF.</p>
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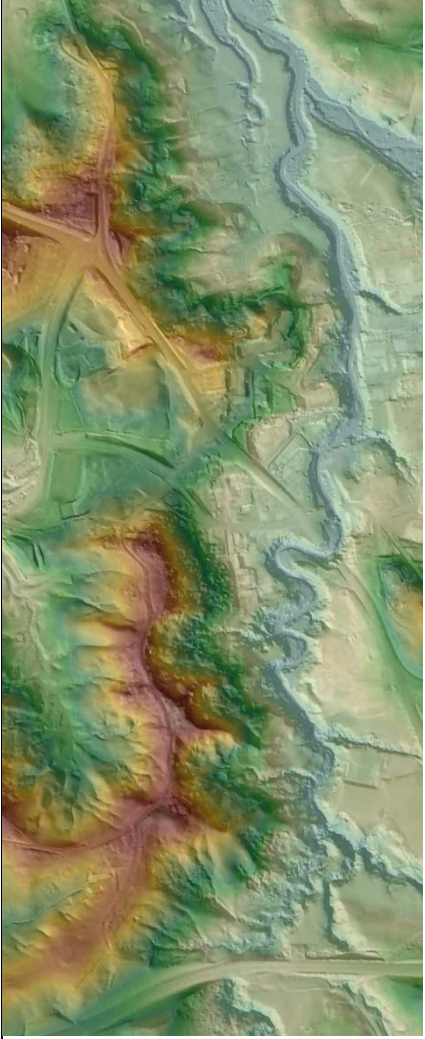
		<p>heritage on the eventual design of the buildings, and that this be incorporated in the precinct provisions. In this regard, it appears the consultation with Mana Whenua has resulted in possible cultural offset maybe being sought.</p> <p>Therefore the applicant should address this further at the RPS level and the desire (including of Mana Whenua) to improve the visual relationship between Manuga as combined landscape features, rather than individual landscape features in their own rights.</p> <p><i>Reason: to better understand the potential effects of enabled built form / bulk on people's appreciation of the Auckland Domain Volcano as an Outstanding Natural Feature.</i></p>	
35		<p>Staging controls – further comment is required on the effectiveness of the staging controls, to ensure that the ‘public elements’ are built . And how in particular the pedestrian route from Clayton to George street will be secured, in the event that only a podium structure is built. This is important for if there are extended delays in construction, or alternative staging approaches undertaken.</p> <p>Reconsider and amend Standard IX.6.4</p> <p>Staging of the ‘public elements’ also relates policy, so a policy that addresses the staging issue should be in the precinct provisions.</p>	<p>Merits based - Reconsider how this is done to consider the provision of a Clayton to George Street pedestrian connection to be secured any development within Area D.</p> <p>Temporary closure for construction of development above the podium can be managed via the resource consent process.</p>
36		<p><u>Consultation with Local Board</u></p>	<p>Advisable- Obtain/consult with the Local Board to</p>

			There doesn't appear to be any consultation with the Local Board. It is advisable that this be undertaken to get their views on this plan change prior to the Council assessment under Clause 25 of the RMA. The report to the Council has a section advising what are the Local Board views.	get their view and feedback.
Visual and Landscape				
1	38	<p><u>Extent of precinct area</u></p> <p>Justification as to why the proposed extent of proposed plan change does not cover additional properties in the immediate area surrounding the site – noting that the request documents acknowledge the site is “irregular” in shape. In other words, would a more comprehensive outcome be realised if the current ‘height variation control’ was deleted for the entire block of Business – Mixed Use Zone land bounded by Morgan Street (in the west), George Street (in the north), Broadway / Davis Crescent (in the east) and Carleton Gore Road (in the south) – avoiding a ‘spot zoning’ type of outcome?</p> <p><i>Reason: to analyse whether or not a better urban form outcome might be achieved if the height variation control was amended over a wider extent than is currently proposed.</i></p>	<p>Merits based- Reconsider and address the issue through the S32 analysis.</p> <p>Insert as Sub option 3a under clause 9.3.1. on page 38 of the S32.</p>	
2		<p><u>Podium external interfaces</u></p> <p>There is no analysis of how development on the site, particularly at ground or podium level, relates to and interfaces with buildings and activities on immediately adjoining sites.</p>	<p>Merits based- The applicant provide further analysis of this matter or advise whether the current AUP(OP) provisions assist in achieving an outcome which achieves an</p>	

		<p>The podium level within 'Area D' will be at grade with George Street at the northern boundary, but will be considerably higher than Clayton Street in the south.</p> <p><i>Reason: to confirm that the proposed and/or existing AUP(OP) provisions will ensure that future built form enabled on the site will interface appropriately with adjoining sites.</i></p>	<p>appropriate interface around each external site boundary (public and private)</p> <p>Further analysis and explanation of this issue would be helpful, including, for example, exploration of whether a stepped podium form might assist.</p>
3	Appendix 6	<p><u>Photomontages-Viewpoint location plan.</u></p> <p>A more complete understanding of the visual effects analysis would be established if the applicant was to provide a Viewpoint Location Plan, which indicated the location of all representative public viewpoints which have been assessed.</p> <p><i>Reason: to provide a better understanding of the relative location of all viewpoints.</i></p>	<p>Required- Provide a Viewpoint Location Plan, which indicates the location of all representative public viewpoints which have been assessed.</p>
4	Appendix 6	<p><u>Zone of Theoretical Visibility (ZTV) analysis.</u></p> <p>This was suggested during pre-application discussions (resource consent) and at the Auckland Urban Design Panel session.</p> <p>This Geographic Information System (GIS) analysis would be based on above-ground LiDAR (light detection and ranging) data and cover an extent of area out to 10km from the site.</p>	<p>Required- Provide a Zone of Theoretical Visibility (ZTV) analysis.</p>

		<p>The analysis should, analyse and compare the visibility of a structure on site at the current maximum building height under the AUP(OP) (27m) and the proposed maximum building height under proposed 'Area A' (55m) . Out of this analysis, the existing spread of representative public viewpoints which have been analysed can be checked to ensure a good spread of distant, mid and close range views.</p> <p><i>Reason: to provide a more informed understanding of the likely visibility of proposed built form at the increased heights which would be enabled by the proposed provisions.</i></p>	
5	Appendix 6	<p><u>Building height relativity analysis</u></p> <p>Provide an analysis of building height relativity, by way of an above ground LIDAR (Light Detecting And Radar) GIS map output – as per the example extract below¹ – with the proposed building heights included (at an appropriate scale to include an extent of area that best communicates the output), would helpfully provide an illustration as to the relativity of the proposed building heights with other buildings in the landscape.</p>	<p>Required- Provide a building height relativity analysis</p>

¹ Noting that this example utilises ground level data (rather than above ground data) for the output.

		 <p><i>Reason: to better understand the relative building heights of that which is proposed under the precinct provisions, with the existing urban form in the surrounding landscape.</i></p>	
6		<p><u>Potential effects on inter-visibility between maunga</u></p> <p>Further analysis and commentary of the potential landscape and visual effects of the proposal is required in relation to whether views between maunga (and to the Auckland Museum²) will be adversely impacted (To avoid competing with the Auckland Museum building for prominence on the skyline).</p> <p>For example, the view from Takarunga / Mount Victoria is subtly different to that of Photomontage VPT 1 and that development which is enabled by the proposed plan change might well impact on the key landscape features of importance within a part of this view.</p>	<p>Required- Provide further landscape and visual effects</p>

²-To avoid competing with the Auckland Museum building for prominence on the skyline.

		<p>The Council acknowledges the analysis behind the Appendix 13 documentation, however there might be other more representative viewpoints within the Domain from where a more accurate depiction of a proposed building envelope (and the impact on views to other maunga) might have been assessed.</p> <p>Additionally, as mentioned at the Auckland Urban Design Panel session, there might be other viewpoints on the lawn area to the north of the Auckland Museum building, other than that utilised for Photomontage VPT 7, where the proposal has a greater impact.</p> <p>A ZTV analysis might assist in this regard and clarify whether the proposal will be visible from this lawn area. <i>Reason: to better understand the potential effects of enabled built form / bulk on people's appreciation of Auckland's maunga as important landscape features.</i></p>	
7	Section 32; Appendixes 3 and 6	<p>Further analysis and commentary of the potential landscape and visual effects of the proposal is required in relation to the Outstanding Natural Feature (ONF - ID 7) under the AUP(OP) – that being the 'Auckland Domain Volcano' landform.</p> <p>See Point 34 above</p>	<p>Required- Provide further analysis on potential landscape and visual effects of the proposal is required in relation to the Outstanding Natural Feature (ONF - ID 7) under the AUP(OP) – that being the 'Auckland Domain Volcano' landform.</p>
Transport/Traffic (ITA report)			
1	5	"photograph 4/show". Typo	Required-Amend
2	12	Consistency of diagrams showing location of precinct. The 'star' is not in the correct location	Required- Correct the diagrams to ensure

3			consistency of precinct location.
18		Floor area of 324 units	Required- Provide GFA of residential units
4	19	<p>Traffic Modelling-It is understood that the site, proposed for the plan change, is subject to Centre Fringe Office Control and a detailed assessment of the traffic generation is not required.</p> <p>However, modelling of the intersections (in relation to traffic) that would be affected by the plan change should be carried out. This will enable Council to understand the effects of the proposed changes on the surrounding intersections and if any improvement work needs to be carried out at these intersections.</p> <p>Traffic modelling to be carried out is to be based on the precinct scenarios described in the ITA. In addition, all assumptions must be clearly stated and sensitivity testing should be undertaken on all scenarios based on a range of the key variables. For example, variables could include the mix of residential, commercial and retail activities, residential and commercial parking, etc.</p>	<p>Required-Provide traffic modelling based on the precinct scenarios described in the ITA.</p> <p>All assumptions must be clearly stated and sensitivity testing should be undertaken on all scenarios based on a range of the key variables.</p>
5		<p>Pedestrians- The ITA does not capture the expected number of pedestrians that are likely to be generated by the activities in the precinct. This, including likely desire lines, needs to be included in the ITA in order to determine if pedestrian facilities need to be improved in the surrounding road network and intersections.</p> <p>The analysis should clearly define the origin and destination of the various types of pedestrian movements (that is, commuting, shopping, recreational, etc).</p>	<p>Required-Provide an analysis on:</p> <ol style="list-style-type: none"> i. The expected number pedestrians that are likely to be generated by the activities in the precinct including desire lines.

			ii. the origin and destination of the various types of pedestrian movements (that is, commuting, shopping, recreational, etc).
6		<p>Parking- The provision of car parking spaces seem to be in excess of what would be considered appropriate for a high density development. It would be useful to set out limits of permitted parking, the limit above which the provision of parking is a Restricted Discretionary activity and the limit above which the provision of parking is a Discretionary activity.</p>	<p>Merits based- Provide limits of permitted parking, the limit above which the provision of parking is a higher level of activity status (Restricted Discretionary, Discretionary, Non-Complying)</p> <p>Required- Amend.</p> <p>Merits based-Reconsider</p>
7	23	P23-last sentence on the first paragraph requires grammatical correction	
8	25	<p>500 parking spaces</p> <p>Has allocation of parking spaces been considered in the precinct provisions? (Standard IX.6.9)</p>	
9	29	<p>7am-11pm. Reconsider to 24 hours.</p> <p>The use of the term 'network of laneways'. The term 'pedestrian links should be used as per precinct plan diagrams.</p>	<p>Merits based-Reconsider</p> <p>Required.</p>

10	31	Clayton Street. Vehicular access should be limited. Confirm if vehicular access from precinct is exiting from this entrance. Need to state the ROW for 47 George Street can use this entrance for vehicles.	Required- Add sentence about ROW for 47 George Street.
11	31	P31-precinct provisions: -Objectives and policies -Activity table -Standards -Matters of discretion/Assessment criteria	Merits based- Reconsider a higher activity status for Parking and allocation to ensure a pedestrian orientated precinct
12		<u>Consultation with Auckland Transport</u> Please provide comment and discussion on any consultation undertaken with Auckland Transport to adequately assess the impact of the plan change on the surrounding road network.	Required -
Infrastructure (Appendix 9- Engineering and Infrastructure Report)			
1	Appendix 9	With regards to the stormwater management provisions of the AUP OP, the following information gaps have been identified. 1. Stormwater pipe re-alignment: - The re-alignment of the stormwater pipes shown in the plan RC-400 is not clear. Please explain the downstream connection from the new SWMH near the eastern boundary of the site. Also note that there was a	Required- 1. Provide further explanation on the downstream connection from the new SWMH

		<p>recent separation project carried out by Auckland Council, as-built plan attached.</p> <p>2. Overland flow path: - Appendix C showing overland flow calculations mentioned in the infrastructure report is missing. The calculations to also show sections within the site with flood levels. If the overland flow path 1 is flowing east it may combine with overland path 2 and will end up at the rear of this site. Please also demonstrate how this overland flow path will be protected within the site.</p>	<p>near the eastern boundary of the site. Also note that there was a recent separation project carried out by Auckland Council, as-built plan attached.</p> <p>2. Provide overland flow calculations.</p>
2	Appendix 3/Section 32	<p>Further clarification:</p> <p>1. Appendix 3 provides an assessment of the AUP: OP Objective(s) and Policy(s). The content focuses on relevant objectives and policies for the proposed plan change. However, taking into account the comprehensive nature of re-development of the subject site, the assessment table does not provide any discussion/assessment on how the proposed plan change request meets/ or give effects to relevant E1.2 Objectives and Policies E1.3. (9) under Chapter E1 Water Quality and Integrated Management of the AUP OP.</p>	<p>Required- Provide discussion assessment.</p>
3		<p>Further clarification:</p> <p>Noting that Auckland Council's Stormwater Network Discharge Consent (NDC) commenced this will take effect immediately for resource consent decisions. The site size is 7,873m² and falls under Brownfield Large Category under NDC. A Stormwater Management Plan (SMP) detailing the Integrated Stormwater</p>	<p>Resource consent- To be undertaken at Resource consent stage</p>

		<p>Management Approach for the site design is required to be submitted to have the discharge authorised by the NDC for Healthy Waters review and approval. A standalone discharge consent will need to meet the information requirements of Chapter E8 of the AUP.</p> <p><i>Advice note:</i></p> <ul style="list-style-type: none"> • <i>Under AUP (OP) Policy E1.3 redevelopment and intensification of existing urban areas provide opportunity for improvement and enhance of the existing situation where practicable rather than to maintain status quo of effects.</i> • <i>Given the subject site is currently fully developed and 100% impervious there will be no additional runoff to be generated by the development. Although there are not any capacity issues, under the SMP, it is required to provide best practicable options are adopted in particular treatment for all impervious areas including trafficable movements.</i> • <i>Please note that Healthy Waters is not intending to approve connections to the public network or accept assets for vesting if the network built for a development that does not meet the performance requirements as noted in the Stormwater Bylaw 2015.</i> • <i>It is strongly recommended that the applicant refers to relevant connection requirements in Schedule 4 of NDC to recognise how these requirements will be met from the proposed development.</i> 	
4		Further clarification:	Resource consent- To be undertaken at Resource

		<p>Section 8.6 of the Planning Report states, 'Stormwater and wastewater infrastructure can be provided to service the Plan Change area and will be confirmed through the consenting stage'. While this is acceptable that site-specific stormwater management will be required to provide at the resource consent stage. However, the overall redevelopment of the site presents significant opportunities to achieve integrated stormwater management approaches in accordance with the policies in the AUP: OP Chapter E1.3 (9). The submitted Engineering Infrastructure Report (No 40696), prepared by MSC Consulting Group Ltd does not provide clear details on how stormwater management for the site and how this is the Best Practicable Option (BPO) for the development. This BPO should consider an integrated stormwater management approach and provide sufficient details to all understanding of how runoff from the development is managed through the proposed stormwater management approach, in particular, water quality improvements.</p>	<p>consent stage -provide an integrated stormwater management approach and provide sufficient details to all understanding of how runoff from the development is managed through the proposed stormwater management approach, in particular, water quality improvements.</p>
5		<p>Please state what the proposed High Contaminant Generating Areas within the site under Chapter E9 of the AUP OP. For example, the proposed development within the site is designed to park more than 30 vehicles. Under Chapter E9 of the AUP OP, treatment is required to be provided for all High Contaminant Generating Car parks (HCGC) areas in order to minimise or mitigate contaminants from comprehensive redevelopment to receiving environment. The Infrastructure report submitted with the proposed plan change does not provide any details on how the effects on runoff will be managed from development if the site contains HCGC areas.</p>	<p>Resource consent- To be undertaken at Resource consent stage -provide details on how the effects on runoff will be managed from development if the site contains HCGC areas.</p>

6	Appendix 12	<p>Further clarification:</p> <p>Appendix 12 provides a Mana Whenua Consultation summary on the proposed plan change. As per Ngāti Whātua Ōrākei requested (emailed dated, 18th September), there is no discussions on the proposed plan change area on how stormwater management will be incorporated in designing streetscape. Please see related information requested on this topic and explain how the proposal responds or does not respond to the outcomes.</p>	<p>Resource consent- To be undertaken at Resource consent stage - Provide discussion on how stormwater management will be incorporated in designing streetscape</p>
7		<p><u>Consultation with Watercare and Healthy Waters</u></p> <p>Please provide comment and discussion on any consultation undertaken with Watercare and Healthy Waters to adequately assess the impact of the plan change on:</p> <ul style="list-style-type: none"> -Water and sewer network -Stormwater network/overland flowpath 	<p>Required</p>
8		<p><u>Consultation with Vector</u></p> <p><u>Initial feedback from Vector:</u></p> <ul style="list-style-type: none"> • There is not sufficient spare capacity from the existing feeders to supply the 3MVA • Transferring some load to adjacent feeder, can free up enough capacity for the development <ul style="list-style-type: none"> ➤ This will involve some excavation for cutting and reconnecting cables in Carlton Gore Rd 	<p>Merits based and advisable- action to be undertaken at consents stage.</p>

		Some further consolation with Vector would be of assistance to clarify matters related to power.	
		The applicant may wish to clarify with Vector the nature of upgrade work required, and submit the information as part of the plan change.	
George Street Plan Change (Appendix 1)			
The following are high level comments on the George Street precinct provisions:			
Objective	3	<p>The following additional objective (or similar) should be included in the provisions:</p> <p><i>The overall height of buildings, is limited to ensure they do not dominate the skyline when viewed from around the city, and the visual prominence of Auckland Museum is maintained.</i></p> <p>There is similar wording within the assessment criteria, and it is important to have clear guidance in the objectives and policies on height in the event they try to go over the PC height in a Resource Consent.</p>	Merits based- Reconsider and insert an objective
Policies	3	Policy wording needs to be stronger. The precinct seeks greater height and what the precinct will offer back will be high quality architecture and buildings (already expected in Mixed Use, Metropolitan and City Centre zones), pedestrian connections and public space. Policies relating to these outcomes need to use the word 'Require' rather than 'Promote' or 'Encourage.'	Merit based- Reconsider using stronger policy words to give greater and certain outcomes for high

ACTIVITY TABLE- Development and Standard IX.6.4	4	<p>(A10) Development that does not comply with Standard IX.6.4</p> <p>This is an important aspect of the development. Currently it is RDA. The wording should be more explicit and give primacy to the provision of the public space. For example, in IX.6.4 (1), buildings in Areas B and C can be built and occupied and no plaza built or completed.</p> <p>In addition, with the staged delivery of plaza and pedestrian connections assessment criteria there is no reference to a legal mechanism to tie in the construction and completion of the plaza and pedestrian connections . This should be added. Alternatively, if this is not acceptable then there should be a higher activity status than RDA.</p>	<p>quality architectural buildings</p> <p>Merits based-Reconsider and amend</p>
ACTIVITY TABLE- Development- Subdivision	4	<p>There is no precinct provision for subdivision. It defaults back to Auckland – wide provisions, which are not specific to take into account the need for the plaza and pedestrian connections.</p> <p>How will the public ‘elements’ be managed if the units are subdivided under Unit Title or allotments created? If they are managed privately, they will form part of the part of body corporate responsibilities and the ‘elements’ could be left in limbo or subject to change by body corporate.</p> <p>There should be a subdivision activity so that any subdivision application within the precinct takes into account the ‘public elements,’ and are not compromised and the need to retain and maintain these elements.</p> <p>A similar situation in Central Park precinct occurred, where the urban design elements were compromised due to subdivision.</p>	<p>Merits based - Reconsider and insert a subdivision activity in the precinct.</p>

IX.4 Activity table	4	<p><u>Development that does not comply with the standards.</u></p> <p>There should be rule in the precinct activity table rather than default to C1.9 and C1.9(3). This is a 'cleaner way' of integration between the precinct provisions which would be fully encapsulated in the precinct compared to cross referencing to the Mixed Use zone provisions.</p> <p><i>Additions and alterations to buildings not otherwise provided for</i></p> <p>Amend the activity/rule as above. Reason: There are no additions and alterations to buildings not otherwise provided for in the precinct activity table. The underlying zone activity table enables additions and alterations not otherwise provided for (i.e A47, A48) but not the precinct activity table.</p> <p>1. Subsection (1) refers to 'special circumstances exist under section 95A(4) of the Resource Management Act 1991'.</p> <p>Due to changes in RMA legislation in 2017, 'special circumstances' should now be referenced under S95A(9) or 95B(10).</p> <p>2. The activity to be considered without public or limited notification or the need to obtain written approval from affected parties, may need further consideration</p>	Merits based- Reconsider and insert a rule activity in the precinct.
IX.4 Activity table (A8)	4	<p>Amend the activity/rule as above. Reason: There are no additions and alterations to buildings not otherwise provided for in the precinct activity table. The underlying zone activity table enables additions and alterations not otherwise provided for (i.e A47, A48) but not the precinct activity table.</p> <p>1. Subsection (1) refers to 'special circumstances exist under section 95A(4) of the Resource Management Act 1991'.</p> <p>Due to changes in RMA legislation in 2017, 'special circumstances' should now be referenced under S95A(9) or 95B(10).</p> <p>2. The activity to be considered without public or limited notification or the need to obtain written approval from affected parties, may need further consideration</p>	Merits Based-Strongly suggest that this should be amended
IX.5 Notification	5	<p>1. Subsection (2) refers to 'special circumstances exist under section 95A(4) of the Resource Management Act 1991'.</p> <p>Due to changes in RMA legislation in 2017, 'special circumstances' should now be referenced under S95A(9) or 95B(10).</p> <p>The amendment should also reflect the Auckland Unitary Plan Precinct Template accordingly:</p>	1. Required- Amend the notification section.
IX.5 Notification	5	<p>1. Subsection (2) refers to 'special circumstances exist under section 95A(4) of the Resource Management Act 1991'.</p> <p>Due to changes in RMA legislation in 2017, 'special circumstances' should now be referenced under S95A(9) or 95B(10)</p> <p>The amendment should also reflect the Auckland Unitary Plan Precinct Template accordingly:</p>	<p>2. Merit based-may need further consideration of appropriateness.</p> <p>1. Required- Amend the notification section in accordance with the Unitary Plan template</p>

		<p>(2) Any application for resource consent for any of the following activities that infringe the following standard(s) will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist under either sections 95A(9) or 95B(10) of the resource Management Act:</p> <p>(a) a restricted discretionary activity; and/or</p> <p>(b) IX.6.4 Staged delivery of plaza and pedestrian connections</p> <p>(c) IX.6.5 Residential along active edges</p> <p>(d) IX.6.9 Outlook space</p> <p>(e) H13.6.10 Minimum dwelling size</p> <p>2. The activity to be considered without public or limited notification or the need to obtain written approval from affected parties, may need further consideration</p>	<p>2. Merit based-may need further consideration of appropriateness.</p>
IX.6.1	4	<p>The Development standard to exceed building height defaults to RD.</p> <p>The Council considers that this should be given a higher activity status as per activity (A9)- i.e Non-complying activity.</p> <p><u>Assessment criteria IX1.8.2(A)(I)</u></p> <p>Building differentiation v cohesiveness</p>	<p>Merits based- Reconsider the activity status for building height infringement</p>
IX.8.2 Assessment Criteria	9-10	<p><u>Standards infringement assessment criteria</u></p> <p>The words ‘whether’ can be used in the criteria where the policy direction is remedy, minimise or mitigate adverse effects. The word ‘whether’ is stronger.</p>	<p>Merits based-Reconsider and add assessment criteria on building differentiation</p>
Urban Design			<p>Merits based-Reconsider using the word ‘whether’ in some of the assessment criteria.</p>
1		<p><u>Plaza and Pedestrian Routes</u></p>	<p>Required</p>

		<p>The PPC propose no public access after 11pm and before 7am. There is some merit to not all through routes being 24hrs for CPTED reasons. However, at least part of the route (Excluding lifts and escalators) that are open to the air, could still be accessible 24 hrs, that a public easement may also be appropriate for at least part of the site and a minimum clear width of the pedestrian route through the site, noting its important as pedestrian thoroughfare.</p> <p>There are similarities between the proposed importance of the pedestrian connections and the provisions related to H8.6.18. Bonus floor area - through-site link in the City Centre Zone and for example this requires that:</p> <p><i>(7) Lanes must be fully pedestrian or have only limited vehicular access and be kept clear and unobstructed from the ground or floor level upwards.</i></p> <p><i>(8) Lanes must be publicly accessible 24 hours a day, seven days a week.</i></p> <p><i>(9) Lanes must maintain a minimum unobstructed width of 3.5m. The unobstructed width of the lane must be free of any buildings and fixtures that disrupt the passage of pedestrians.</i></p>	<p>Provide comment on the extent to which the proposed approach to public access is consistent with the amenity and access anticipated in the provisions related to 'through site links' in the CBD?</p> <p>As well the provisions related to H8.6.17. Bonus floor area - public open space in terms of assessing the design of the proposed plaza.</p>
<p>Urban Design Report</p> <p>2</p>	<p>33</p>	<p><u>6.2.2.1 Pedestrian Plaza</u></p> <p>The model undertaken by Warren Mahoney indicates that the extent of sunlight that the plaza will receive is relatively limited and this will impact on its usability and vitality if the Building Area A was developed to the full extent possible. Of concern is that the design of Building A, including any extension in overall</p>	<p>Merits Based - Provide further comment on whether specific assessment criteria on the design and location of the plaza, and/or the design</p>

		building length from what is modelled, will impact on the sun access, in addition to the detailed design of the plaza and any structures within Area D.	of buildings is required to ensure good sunlight access to the plaza, and what the impact of alternative building forms may have on sunlight.
3		To a lesser extent, any future re-development of 39 George Street may (in winter) also impact on sunlight depending on the final location of the plaza.	Merits Based - Provide an assessment of this likelihood of shading effects from 39 George Street effecting the plaza, pedestrian amenity and active frontages.
4		Any redevelopment of 39 George Street may have an impact on the pedestrian amenity anticipated for Pedestrian Connection Type A and any adjoining vehicle access. This could include visual dominance effects if 39 George Street was to develop to the full height enabled under the AUP and built to boundary with a 'blank' wall that is also enabled in the AUP.	Required - Please provide an assessment of the effects that any redevelopment of 39 George Street may have on the pedestrian amenity anticipated for Pedestrian Connection Type A and how the visual effects of 'blank wall of 27m' could be managed within the plan change site.
5	Pg 53 A3 Drawings Package	<u>Overall Bulk and Mass of Possible Building</u>	Required - Comment on the visual dominance, shading and character effects of buildings that

		<p>The buildings illustrated have a maximum tower dimension plan view of about 50m, not 55m as provided for by the Development Control. IX.8.7 <i>Maximum tower dimension and tower separation.</i></p> <p>Within the required setbacks of Development Control IX.6.8 <i>Setback from neighbouring sites</i>, that includes for Height Area A, a setback of 6m above RL66 / podium level and Height Area D, a setback of 6m above 27m from natural ground level, a 55m dimensioned building is possible from RL66 upwards.</p> <p>In Height Area B and C, the 6m setback is set at 27m rolling height. The buildings illustrated are also approximately 50m in dimension, with additional width possible for the lower part of the building before a setback provisions apply.</p>	<p>are built to the maximum size provided for in the zone, and that when above 27m rolling height, are 55m in maximum dimension.</p>
6		<p>The top floor of the buildings illustrated are setback from the floors below to create an articulated and varied roof form. However, under the provisions a building with no top floor setback is possible.</p> <p>Within the proposed provisions, it will also be possible to infringe the maximum height via a Restricted Discretionary consent with assessment of building scale, dominance and visual amenity effects as per the proposed criteria in IX.8.2 (3).</p>	<p>Required - Please comment on the visual dominance and effects of buildings built to full height for entire top floor, and the effectiveness of the proposed height</p>

		<p>A common development form / approach to the design and development of apartments in the Mixed Use Zone has evolved that typically includes a building built to the maximum height with a 'penthouse' on top that is recessed / or setback from the main bulk of the building, and creates an 'articulated' roof form with relatively minor additional visual dominance or shading effects in some instances, and thus acceptable within the scope of RD consent.</p>	<p>provisions to manage incremental increases in height.</p> <p>Please provide comment on whether or not an approach that has a lesser maximum height, with discretion of additional 3 or 4m for the purpose of creating a varied form and skyline has been considered as a method that also reflects the built form scenario illustrated.</p> <p>Eg. Area A, Maximum height from George Street Datum being 52m with an additional 3 m provided to provide for varied top floor and roof design.</p> <p>Please provide comment on whether or not a non-</p>
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			<p>complying or discretionary activity status for development above the proposed maximum heights in Table IX6.1.1 Building Height has been considered. (See George Street Precinct comments- Appendix 1 comments above)</p>
7		<p>Within Area C, a single L shape building, or two adjoining each other, is possible within the provisions, utilizing a modified apartment layout and access arrangement.</p> <p>I note this is discussed in the urban design assessment and considered low risk based on the investigations taken as part of the example development proposal, but other architects or landowners may take a different approach.</p>	<p>Merits based</p> <p>Please provide more comment on the visual dominance, character and shading effects that may result from a larger contiguous 'L shaped' building in Height Area C.</p>
8		<p>The landscape visual simulations don't include the future development potential of Newmarket and the surrounding area. In order to better understand the hierarchy of building heights provided for in the surrounding area, taking into consideration zoning, volcanic view shafts, topography, and the existing height of some key buildings. (such as Auckland Museum and Auckland Hospital), more information is requested on the RL of proposed maximum</p>	<p>Required:</p> <p>Please provide a map with a selection of RL's for roof tops (existing buildings) and maximum heights of significant redevelopment</p>

		<p>building height relative to other visually prominent buildings in the landscape and sites where redevelopment is anticipated.</p> <p>This will complement the information requested by Mr Kensington for a more detail visual effects assessment and will also assist in understanding the extent to which the proposal will act as local landmark (or de-track from other landmarks) and contribute to city legibility.</p>	<p>areas in Newmarket (such as the Auckland University site on Khyber Pass Road) and other sites proximate to the perimeter of the Domain (eg Grafton and Parnell). The purpose of this is to assist in understanding the height of the proposed relative to other visually prominent buildings in the urban landscape (existing and future).</p>
9		<p><u>Intensity of activity-benefits</u></p> <p>Whilst not directly related to urban design, I would consider that the economic impact and positive effects of increased intensity of residential activity on the site, would support commercial and retail activity, and vibrancy / pedestrian activity at this northern end of Newmarket. Noting the likely impact of Westfield Mall on the vitality of Broadway and the current focus of new development in the northern area having been businesses.</p>	<p>Merits based-</p> <p>Further comment on the site as an anchor to support redevelopment of the wider area and increase pedestrian activity would assist.</p>

		<p>Similarly, the provision of a small-scale supermarket could also create an activity anchor to support street-based businesses and increased foot traffic along Clayton Street and Alma Street. The active edge requirements with the precinct for the Clayton Street further supports this.</p>	
10	10	<p><u>IX.8.2 Assessment Criteria (vi) Te Aranga Maori Design Principles</u></p> <p>Te Aranga Maori Design Principles are a non-statutory set of design principles that sit alongside other industry best practice documents, like the Auckland Design Manual and Urban Design Protocol. They are likely to be subject to change over time. A more appropriate assessment criteria could be the use of <i>H8.8.2. Assessment criteria (1) (a) Cultural identity (xxiii)</i> from the City Centre Zone, that states “<i>the extent to which development integrates mātauranga and tikanga into the design of new buildings and public open spaces</i>”.</p>	<p>Required</p> <p>Please consult with Mana Whenua on the replacement of “<i>the design process integrates Te Aranga Maori Design Principles</i>” with “<i>the extent to which development integrates mātauranga and tikanga into the design of new buildings and public open spaces</i>”.</p>
11	55-57	<p>Clause 6.4.1 reference to drawings</p>	<p>Clarify-There should be reference to the diagrams/plan book as much as possible.</p>
12	A3	<p>The commercial yield study complying with current Business-Mixed Use zone standards.</p>	<p>Clarify and amend if required.</p>

	Drawing set pg61. Pages 65-70	<p>The diagrams show the bulk and massing over the existing ROW to 47 George Street. Is this correct and how does it affect the total commercial GFA (i.e 33,700m²)?</p> <p>The bulk and mass also appears in the shadow diagrams from pages 65-70. Does the bulk/mass on the diagrams affect the extent of the shadows shown? This requires clarification.</p>	
13	A3 drawing set. pg 68	<p>Please provide comparative shading diagrams for 4pm Winter and check that the full extent of Plan Change shading is shown. Eg. 7pm summer, 5pm Equinox looks like it may extend beyond the site area shown.</p>	<p>Required - To confirm extent of shading.</p>

27 March 2020

Rebecca Sanders/Evita Key
Barker and Associates Ltd
PO Box 1986
Shortland Street
AUCKLAND 1151

Dear Rebecca/Evita

Re: George Street Precinct, Newmarket-Clause 23 Request for further information

Thank you for outlining the changes to the precinct provisions on 24 March 2020. The discussion on the changes were very helpful. Further to that meeting, please find attached Council's request further information under Clause 23(1) to Schedule 1 of the RMA.

Precinct Provisions

1. The amended precinct provisions do not include the precinct plans. Please ensure that it is included in the revised version. [Required]
2. The S32 states that the precinct is pedestrian orientated, and uses such as service stations etc are discretionary activities. It maybe advisable to insert a **specific policy** about discouraging these types of uses in the precinct. This may also relate to amending the precinct description, objective 5 or possibly a new objective. [Merits]
3. Consideration of an additional policy on staging of the 'public elements' for providing amenity to residents, workers and visitors.
4. Section IX.5 Notification-Reconsider normal tests for notification matters especially for IX.5(a). [Merits]
5. Section IX.6.8 setback- Relates to subsection (3) and (4) referencing rolling height. This was discussed at the skype meeting on 26 March 2020.

Section 32 Assessment report (Track change version)

1. Pg 19- Height Area A-The 2nd to last line says **Figure X**. Please ensure that it refers to the correct figure.
2. Pg 20- Clause 5.1.9. The last sentence refers to any delay in staging of delivery is a discretionary activity. The activity table (A10) classifies this activity as RD. Please correct the appropriate document for consistency.
3. Pg 37- In Scenario B the commercial yield is 35,100m². Should this be consistent with Scenario B figure in Table on page 40? This figure is 36,600m². Please clarify and make any required amendments.
4. Pg 49- Under subheading 'Efficiency and Effectiveness', the fourth paragraph should read 'This option does not effectively or efficiently achieve Objective B3.3.1(e)...'
5. Waitemata Local Board-You may wish to provide section on sharing the Plan Change information to the Waitemata Local Board on 12 March 2020. A statement in the consultation section of the S32 report would be beneficial. Should the plan change be accepted, the statutory requirement process for formal Local Board feedback will be managed by Plans and Places/Local Board.

Visual Effects assessment

1. Information complete.

Urban Design

1. Tracy has indicated she will be late in providing any further RFI. This will be provided on Monday 30 March 2020.

Traffic/Transport

1. Incorporate the information in the Commute letters dated 5 March 2020, into the revised ITA report originally submitted as part of the plan change request.
2. Clarify which letters are **Attachment A** and **Appendix A**. There is some confusion, and the information provided as part of the RFI should be clearly labelled. This information should be incorporated into the original ITA (as much as possible) as referenced in the above point 1 which would make the information much more readable. The AT comments can be attached separately to the ITA report.
3. In various sections of 'Traffic Assessment Report' (i.e clause 2.3-2.7), the Commute response should specifically refer to the specific section in the planning documents (i.e Precinct provisions or S32 Assessment report), rather than stating 'This matter will be addressed by the applicant's Planner.'

As I understand it, the additional RFI lodged supersedes the original documents lodged back in October 2019? For example, Appendix 2 (Certificates of Title) has not been amended so the original Appendix remains as part of the notification material. Precinct provisions (Appendix 1) have been amended since the original document was lodged, so the new Appendix 1 supersedes the original.

Please confirm that this is the case.

The RFI is relatively minor in nature, mainly clarification and a few other merit considerations. Once all the information is received, I will prepare a Clause 25 report to Council.

Please contact me if you have any queries.

Your sincerely



Bruce Young

Principal Planner: Central & South

ATTACHMENT 2
COUNCIL TECHNICAL EXPERTS' REPORTS

Urban Design Specialist Assessment Report
Proposed Private Plan Change 44
George Street Precinct, Newmarket

Prepared for Auckland Council

By Tracy Ogden-Cork, Principal Urban Designer, Motu Design Ltd,

Final: 16 April 2020

INTRODUCTION	5
1.0 Introduction	5
Experience and Qualifications	5
Information Reviewed.....	7
Pre-Lodgement Meetings and Assessments.....	9
2.0 Precinct Context.....	11
Recently Consented Developments.....	12
3.0 The Proposed Precinct	13
KEY URBAN DESIGN ISSUES.....	15
4.0 Summary of Urban Design Related Issues	15
5.0 Applicant's assessment	18
Methodology	18
Measuring and Assessing Height	18
Floor Area	19
Additional Information.....	20
Summary	22
6.0 Alignment with the Regional Policy Statement.....	23
B2.2 Urban growth and form.....	23
B2.3. A quality built environment	24
B2.5. Commercial and industrial growth.....	26
Key Urban Design Issues and themes relative to the RPS.....	27
7.0 National Policy Statement – Urban Development.	27
8.0 Precinct Boundaries and Precedent Effects	28
9.0 Building Heights, Building Length, Urban Form and Urban Character	30
Submissions.....	30
Urban form – height analysis relative to ground or street level	33
Visual effects in relation to streetscape.....	34
Urban form – height analysis in terms of relative levels	36
Relationship to Heritage Buildings and Pukekawa, Auckland Domain.	38
Building length / Tower dimension and separation control	39

Assessment Criteria – Building Design	43
Mitigating features.....	45
Visual dominance effects on immediate neighbours	45
Concluding Comments.....	47
10.0 Pedestrian Environment.....	47
Positive Effects.....	48
Car parking and traffic effects related to urban design	48
Podium form.....	50
Public benefit of plaza and pedestrian route	51
Summary	52
11.0 Urban Sustainability and Climate Change	53
Shading	53
Sunlight to plaza.....	55
Wind	55
Carbon, Waste, Energy, and Green Star Building	56
Summary	57
12.0 Choice and adaptability	57
Adaptability	58
Diversity and Choice	58
Staging	58
Summary	59
RESPONSE TO SUBMISSIONS.....	60
13.0 Summary of Decisions Requested	60
14.0 Decline the Plan Change - due to urban amenity effects	60
15.0 Decline or accept the plan change – with amendments	60
IX.6.1 Building height - Reduction in the Height of Area A.....	60
Table IX.4.1 Activity table - Infringement of IX.6.1 Building height	61
IX.5 Notification (1) (a) - Non-notification of restricted discretionary consents	61
Standard IX6.8 Setback - Building setback on western boundary	61
URBAN DESIGN ASSESSMENT	63

16.0 Assessment of Effects.....	63
17.0 Key Points of Difference.....	66
CONCLUSIONS AND RECOMENDATIONS.....	69
18.0 Conclusion.....	69
Recommended Changes.....	70
END NOTES - RECORD OF SUBMISSIONS	72

INTRODUCTION

1.0 Introduction

- 1.1 The purpose of this report is to provide an urban design specialist assessment report to contribute towards Auckland Council's Section 42A assessment report of private plan change 44 to the Auckland Unitary Plan.
- 1.2 I have undertaken a review of the private plan change 44, on behalf of Auckland Council in relation to urban design effects. Plan Change 44 is seeking to introduce a new precinct to the Auckland Unitary Plan (Operative in part) ("AUP(OP)") at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket.
- 1.3 It is proposed to remove the 27 metre Height Variation Control and introduce variable building height areas up to 55 metres above a podium level that is proximate to ground level on George Street and 10m above Clayton Street. The precinct is intended to enable a more intensive mixed use development with a publicly accessible plaza, pedestrian connections and vehicular access to and from George, Morgan and Clayton Streets.

Experience and Qualifications

- 1.4 My experiences and qualifications in urban design include 20 years of professional practice providing a wide range of urban design services including design advice, design review and urban assessments as well as plan changes, precinct planning, and community visioning. I hold a Bachelor of Architectural Studies, a Bachelor of Architecture (Hons) and a Master of Architecture (Hons) from the University of Auckland. My Master's thesis was on Tikanga Maori and Urban Design in the context of Tamaki Makaurau.
- 1.5 I am currently the Director of Motu Design Limited (**Motu Design**), which I established in 2005. My team in Motu Design includes urban designers from both architecture and landscape architectural backgrounds and includes landscape designers. Motu Design frequently provide specialist urban design services to Auckland Council's Auckland Design Office on the assessment of resource consents in addition to advice and reporting on private plan changes for Auckland Council's Plans and Places team. Most recently this includes PC 24 (Private) Waiata Shores Local Centre and PC 46 (Private) Drury South.
- 1.6 My previous work experience related to plan changes includes:
 - Contributing to the formation of the Albany Centre Vision and Development Strategy and the Albany Centre planning provisions and structure plan under the North Shore City District Plan, while working as an urban designer for North Shore City Council.

- Preparing expert urban design evidence for Auckland Council on the Albany Centre provisions in the AUP (OIP).
- Providing urban design services and contributing to the formation of the Learning Quarter provisions of the legacy Auckland Council District Plan – Central Area Section.
- Undertaking an urban design review and assessment of the Kingseat provisions as part of the plan change to the legacy Auckland Council District Plan – Operative Franklin Section and providing subsequent expert urban design evidence for Auckland Council on the matter.
- Preparing urban design evidence on behalf of the Auckland Design Office of Auckland Council focusing on design statements as an information requirement within the Proposed Auckland Unitary Plan.
- Preparing expert urban design evidence for various parties on plan changes, including the Milford Residents Society (Plan Change 34 to the legacy North Shore District Plan) and The Promenade Terraces in Takapuna (Topic 081c Rezoning and Precincts (Geographical Areas) – AUP (OIP) in the matter of the zoning of the block bounded by The Promenade, Hurstmere Road, Alison Avenue and Earnoch Avenue in Takapuna).

1.7 In addition to the above:

- My team at Motu Design and myself have undertaken urban design assessments for Auckland Council on a wide range of resource consent applications over the last 10 years. Including a mix of residential and commercial developments in Albany Centre such as the Rosegardens Apartments, the Northern Recreation Swimming Pool, Stage 2 Westfield Mall and Progressive’s retail development. Various Long Bay developments, including the Long Bay town centre.
- Motu Design provided urban design and landscape services to private clients on wide range of built and unbuilt residential and commercial projects including the Library Lane apartments Albany Village, multiple medium density terraced house developments, large subdivisions and apartments both within the city centre, and various mixed use zoned areas.
- I have been a member of the Auckland Urban Design Panel since 2012 and have recently been re-appointed as Panel chair for the 2021 – 2023 term.
- I am an affiliate member of the New Zealand Institute of Architects and a member of the Urban Design Forum.
- In 2020 I completed the Making Good Decisions training for decision making under the Resource Management Act 1991 (RMA).

- Over the years I have tutored in several architecture design studios at The University of Auckland's School of Architecture, and in 2020 and again 2021 I am co-teaching a design studio on Papakainga for Masters of Architecture (Professional) students.

Information Reviewed

1.8 In writing this memo, I have reviewed the following documents:

- a. 'Section 32 Evaluation, Private Plan Change Request, 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket', prepared by Barker & Associates Limited, dated 9 April 2020 ("Applicant S32 Evaluation") with 14 associated appendices, including:
 - i. Appendix 1 – Proposed 'George Street Precinct' AUP(OP) mapping extent and provisions ("Proposed Provisions");
 - ii. Appendix 3 – Auckland Unitary Plan Objectives and Policies Assessment Tables;
 - iii. Appendix 4 – 'George Street Precinct, Proposed Private Plan Change: Drawing Set', prepared by Warren and Mahoney Architects New Zealand Limited, Barker & Associates Limited and LA4 Landscape Architects, Revision 11, dated 9 April 2020 ("Applicant Drawing Set");
 - iv. Appendix 5 – 'Urban Design Assessment, Private Plan Change Request, 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket', prepared by Barker & Associates Limited, dated 4 March 2020 ("Applicant Urban Design Assessment");
 - v. Appendix 6 – 'Assessment of Landscape and Visual Effects, George Street Precinct – Private Plan Change, Newmarket, Auckland', prepared by LA4 Landscape Architects, dated March 2020 ("Applicant ALVE"), with:
 - Annexure 1 – 'Verified Photomontages', prepared by U6 Photomontages Limited ("Applicant ALVE Photomontages");
 - Annexure 2 – 'Indicative Photomontages', prepared by Warren and Mahoney Architects New Zealand Limited, Barker & Associates Limited and LA4 Landscape Architects, Revision 2, dated 9 April 2020 ("Applicant Photomontages");
 - Annexure 3 – 'Verified Photomontage Methodology' (U6 Photomontages Limited);
 - Annexure 4 – 'Visual Effects Matrix Methodology';
 - Annexure 5 – 'Zone of Theoretical Visibility Map' (LAS) with supporting drawings all dated 17 December 2019 ("Applicant ALVE ZTV")
 - vi. Appendix 12 – 'Mana Whenua Consultation Summary on Private Plan Change';

- vii. Appendix 13 – ‘George Street Apartments, Urban Design – Indicative Montage Studying View to Volcanic Cones from Domain’, prepared by Warren and Mahoney Architects New Zealand Limited, Barker & Associates Limited and LA4 Landscape Architects (undated) (“Applicant Domain View Analysis”);
 - viii. Appendix 14 – ‘Auckland Unitary Plan (Operative in part) – Business Zones Development Controls’ (matrix/table, undated);
- b. Memo from Barker & Associates to Bruce Young, ‘George Street Plan Change Request: Second RFI Response’, dated 9 April 2020.

1.9 In addition to the above, I have taken into consideration the follow strategic planning documents of relevance to urban design, that I understand are required to be considered under the Resource Management Act when making decisions on plan changes:

- Regional Policy Statement – Auckland Unitary Plan
- National Policy Standard on Urban Development 2020
- Auckland Plan 2050

1.10 And the following urban design and strategic planning documents that provide non-statutory guidance on urban design specific to the area, and best practice relevant to the Auckland Context.

- Auckland Domain Masterplan – Auckland Council, 2016
- Newmarket Laneways Plan – Waitemata Local Board, Auckland Council, 2015
- Urban Design Protocol by New Zealand Ministry for the Environment, 2005
- People, Places, Spaces by A Design Guide for urban New Zealand. New Zealand Ministry for the Environment, 2002
- Auckland Design Manual, Auckland Council, including Te Aranga Principles.

1.11 In undertaking this urban design assessment I have also reviewed the following draft assessment reports by the following Auckland Council specialists:

- Landscape and Visual Effects – Peter Kensington
- Historic Heritage – Carolyn O’Neil
- Transport effects – Gary Black
- Economic Effects - Susan Fairgray

1.12 I have visited the site and the surrounding area on three occasions for the purpose of assessing the effects of the proposal, and I am also familiar with area having visited that part of Newmarket and Parnell (including Auckland Domain) on multiple occasions for other reasons.

1.13 For the purposes of this report, when referencing relative heights (RL) and for my supporting figures, I have used the '*Auckland 1946 Vertical Datum*' and not the '*NZ Vertical Datum 2016*'.

Pre-Lodgement Meetings and Assessments

1.14 As outlined in the memo from Peter Kensington, the proposal was originally considered to be a possible Resource Consent application and a series of pre-application meetings were held, including presentation to the Auckland Urban Design Panel. I was not involved at this stage.

1.15 Motu Design were asked to provide urban design services for Auckland Council once a decision was made by the applicant to pursue a private plan change. I have reviewed the documentation from Warren and Mahoney that indicates a possible building design, to the extent that it illustrates a potential development scenario. However, with a plan change it is important to not focus on a specific building design because within any set of controls multiple building designs can be enabled. A plan change essentially sets the envelope in which a building can be located (through controls such as height and setbacks), and the various performance criteria that need to be achieved (such as active frontages, and assessment criteria on design qualities anticipated).

1.16 It is also important in assessing a proposed plan change to be cognisant of the fact that the existing AUP and zoning frameworks already anticipates a range of effects, and has methods for managing them. However, whilst standardisation across the city was a key rationale for the formation of the AUP, many parts of the city have unique features, that from an urban design perspective present both opportunities and challenges to further development.

1.17 A series of meetings with the applicant were held, along with the review of initial analysis undertaken by the applicant, and drafts of the Warren and Mahoney documentation on which the planning and urban design assessments are based. Part of this process was to ensure that the type of analysis and assessment undertaken was appropriate to a plan change and not reliant on a singular architectural response.

1.18 The applicant subsequently provided additional analysis drawings and visual simulations appropriate to the urban design assessment of the plan change. These focus on the:

- height, bulk and form of development possible within the building envelopes, enabled by the precinct provisions, which also illustrate the physical mass effects of the likely maximum amount of floor area possible as a result of development controls, but without any building details (such as balconies or windows);

- controls that manage building mass, including maximum heights, the podium, building setbacks at various levels, maximum building dimensions, and separation between building controls;
- precinct requirements related to public movement and site layout, such as the planned location of pedestrian routes and vehicle entries, the podium proposition, and other structuring elements and features like the provision of a plaza;
- design assessment criteria that relate to the principles or features which will be important to guide the design and assessment of the actual buildings to minimise effects, in particular on landscape, streetscape, character and pedestrian amenity;
- impact of other key requirements, not specific to urban design, but that impact on development feasibility and the architectural responses such as the car parks provided / enabled by the existing AUP provisions;
- podium structure as means of providing a combination of car parking, pedestrian access and amenity, and set levels for an efficient building form; and
- impact of development enabled under the existing AUP on the site, and other sites, and the extent to which effects are similar or different may change as the character of the surrounding area changes with development over time.

1.19 As part of this preliminary assessment process, a lot of consideration was given to the detail of the provisions and in particular the controls and assessment criteria that will manage the design and assessment of the:

- pedestrian environment, including the plaza and the legibility, accessibility, activity and amenity along the proposed pedestrian route;
- street interfaces including vehicle crossings in relation to pedestrian safety and amenity, including servicing. (rubbish trucks etc);
- interface of development to adjoining properties, including building setbacks from boundaries at specific heights, so that the built form results in outcomes and effects similar to, or better than the existing AUP provisions;
- building design to ensure sufficient guidance on key aspects such as variation and coherency in the use of materials and the architectural design of elevations, variation in roof form, and glazing at street and podium level;
- clear and specific objectives and policies around the purpose of the precinct and its relationship in particular to Pukekawa / Auckland Domain.

- 1.20 This process of initial engagement with the applicant has resulted in a robust set of provisions for the purposes of notifying the plan change. The structure of the plan change and the proposed provisions sets out to address key matters of concern to urban design, and offers a range of methods for the managing of effects as a result of the proposed additional development. This includes objectives and policies, development standards, and assessment criteria.
- 1.21 However, it is important to note that all advice during the pre-lodgement phase is considered to be without prejudice, and I had not undertaken a full urban design assessment of the potential effects of the proposal on the surrounding area. Further consideration of specific provisions and effects was also anticipated as being necessary after public notification, in response to submissions. This includes, in particular, the proposed maximum heights.

2.0 Precinct Context

- 2.1 The proposed precinct is located within a Mixed Use Zone that adjoins the Metropolitan Centre Zone of Newmarket and is located on the south side of Auckland Domain. The area forms the northern edge of the Newmarket business areas that can be defined by start of the Auckland Domain, and the location of the Parnell Community Centre within the Blind Foundation's block of land at 545 Parnell Road that is diagonally opposite the site.
- 2.2 Both Newmarket and Parnell are located on key transport routes, that include rail and arterial roads with bus services, such as Broadway, Parnell Road and Carlton Gore Road which ensures they are well connected to the wider region. The site is close to multiple major employment areas, including Auckland Hospital and the City Centre, in addition to being well served by a range of shops, community facilities and employment opportunities within both Newmarket and Parnell.
- 2.3 Both Newmarket and Parnell are also defined by their relationship to Pukekawa / Auckland Domain and the wider volcanic landscape, that includes views to and from the Domain to other Maunga in proximity to the area, as well as to the harbour. The protection of volcanic view shafts in the Auckland Unitary Plan is a key feature of Auckland's urban form, heritage, culture and character, and limits the development potential in key parts of the city.
- 2.4 The majority of land within the metropolitan centre zoned area of Newmarket cannot develop to the full height of 72.5m as provided for in the zone, due to being limited by volcanic view shaft controls. As a result, building heights in the Newmarket Metropolitan Centre Zone vary considerably, between 20 - 60m in height. Page 10 of Appendix 4 to the Plan Change RFI documents, (Volcanic Viewshafts/ Maximum Permitted Heights) illustrates the location of the varying heights.

- 2.5 In summary, the sites along either side of Broadway are generally limited to between 30 – 33m in height, with some areas at the northern end being less than that. The sites along either side of Khyber Pass Road vary between 21m and 60m in heights, with the large University of Auckland owned development site at 314 – 390 Khyber Pass Road being able to extend up to around 55m in height.
- 2.6 Along the southern side of Carlton Gore Road, opposite the intersection of Morgan and Clayton Streets, there is an area of Metropolitan Centre Zone that is not subject to a Volcanic view shaft control, but is subject to a Height Variation Control in the AUP. This enables buildings of various heights up to 55m. (Refer Appendix 4 to the Plan Change RFI - page 8 Zoning and Overlay and Page 10 Volcanic Viewshafts/ Maximum Permitted Heights)
- 2.7 The subject site is one of the few areas within Newmarket's other business zoned areas, that has the potential to provide for an increase in height and density, complementary to that anticipated within Metropolitan centres, without infringing on a Volcanic view shaft. And, is within an urban block of similar character to the existing Metropolitan Centre zoned areas in Newmarket.

Recently Consented Developments

- 2.8 The surrounding areas is one that is in the process of changing with multiple sites having been either recently developed (such as 33 Broadway), under-construction or recently consented. Of particular relevance are the following developments:
- a) At 110 –116 Carlton Gore Road (BUN6034460) under construction is 7 storey commercial building, with retail at the ground floor. The height of the main building is 32.005m above ground level which exceeds the maximum height of 27m permitted under the Newmarket height variation control by 5m. The plant equipment atop the building is 33.96m above ground level which exceeds the maximum height of 27m by 6.96m. Refer Attachment B – Extracts from 110 – 116 Carlton Gore Road Resource Consent Documentation (BUN6034460))
 - b) At 118 Carlton Gore Road (BUN60363017) Resource Consent has been granted for a 10 storey residential development, with a retail ground floor that is a total of 34.65 metres high to the top of the lift overrun . This is 7.65m taller that the 27m enabled by Height Variation Control within the AUP. Refer Attachment B - Extracts from 118 Carlton Gore Road Resource Consent Documentation (BUN60363017).
- 2.9 The documentation included in Attachment B – Extracts from 110 – 116 Carlton Gore Road Resource Consent Documentation also illustrates the development potential of other sites in the area, and the variability of heights enabled in Newmarket due to the combination of Volcanic View Shaft controls and the Height Variation Control as shown on the planning maps.

H9.6.1. Building height

(1) Buildings must not exceed 72.5m, unless otherwise specified in the Height Variation Control on the planning maps.

(2) If the site is subject to the Height Variation Control, buildings must not exceed the height in metres, as shown in Table H9.6.1.1 below and for the site on the planning maps.

3.0 The Proposed Precinct

- 3.1 The proposed plan change seeks to introduce a new precinct to enable additional development potential in Newmarket through an increase in building heights. This will provide for a greater number of apartments and/or commercial floor space than currently possible in the existing Mixed Use Zone. The proposed precinct provisions will enable buildings of variable height, with the tallest being 55m above the George Street datum which will be 65m above the lowest part of the site next to Clayton Street. Notably, this is still below the 72.5m enabled within Metropolitan Centre zones throughout the region and similar to the heights enabled along Khyber Pass Road. However, in terms of a maximum height above existing ground level, at the Clayton Street end, it will be 5m higher than the tallest buildings enabled in the Newmarket area where 60m is possible between Melrose and McColl Street .
- 3.2 A range of bespoke provisions have been included in the proposed precinct to help manage the potential for adverse effects as a result of the increase in development potential, to complement the varied height character of the Newmarket area and manage the extent of potential visual dominance effects. This includes identifying different height areas and setbacks to ensure a series of defined building envelopes and ensuring the bulk of the buildings are setback from boundaries.
- 3.3 The provisions seek to ensure a range of positive features to the future development. These are specific to the character of the site and its context, and are in response to the identified constraints and opportunities that the site presents, including the provision of public pedestrian access through the site from Clayton Street to the Auckland Domain.
- 3.4 The precinct also includes a range of site specific design assessment criteria to ensure a robust assessment of the detailed design of the buildings, including interfaces with streets, the podium and the design of upper floors.

3.5 Overall, it is understood that the intention of the bespoke provisions is to support good urban design outcomes in manner that is specific to the site, whilst providing the opportunity for more people to live in Newmarket. In particular, to create a more intensive pedestrian focused precinct within an urban neighbourhood in an area of high amenity. As a result, some aspects are more restrictive than either the existing provisions of the Mixed Use Zone or the Metropolitan Centre Zone.

KEY URBAN DESIGN ISSUES

4.0 Summary of Urban Design Related Issues

- 4.1 The proposed plan change raises a range of urban design issues that primarily revolve around the suitability of the site for more intensive urban development via an increase in the maximum height controls from the 27m currently provided for in the Mixed Use Zone. The key question being how high might be too high in regard to:
- the effects of that additional height on the amenity of the surrounding area, including visual dominance effects,^{1,2}
 - the extent to which additional height could complement or integrate with the planned development of the Newmarket Metropolitan Centre under the existing AUP, or undermine the integrity of the AUP³,
 - landscape and urban form effects on the wider volcanic landscape of Tamaki Makaurau, including Pukekawa/ Auckland Domain,⁴
 - the impact on heritage features, as well as the character and general amenity of the area,⁵
 - the combination of buildings bulk and mass in addition to height, including building length and spaces between them,⁶
 - whether the provisions proposed for minimising and mitigating the potential of adverse effects are able to be effective, including building setbacks and assessment criteria⁷
 - whether or not the positive effects of the proposal are also sufficient to offset some of the adverse effects created by additional development,⁸ and
 - pedestrian safety and amenity, due to the narrowness of the streets,^{9,10}
 - Shading Effects^{11,12}
- 4.2 To assist in addressing these issues, I have undertaken some additional detailed analysis around the issues of height, urban form, character and amenity in relation to the wider area of Newmarket and Parnell. This analysis has informed my assessment of the proposed plan change.
- 4.3 In addition to the height provisions, other urban design issues that have been identified in my assessment or raised by submitters are summarised below. These are discussed in the report, specific to particular submission topics or my urban design assessment, and may also be addressed in the landscape and heritage assessments undertaken by Peter Kensington and Carolyn O'Neil.

- a) Alignment with the Regional Policy Statement including the suitability of the site for a more intensive and taller development than other areas of Mixed Use Zone.¹³
- b) Relationship with Pukekawa/Auckland Domain and Museum, including geological land form being located on the edge the Pukekawa's volcanic crater¹⁴ and effect on volcanic view corridors.¹⁵
- c) Other environmental effects including wind¹⁶
- d) Relationship with The Foundation site on the northern side of George Street, including visual dominance and character effects on heritage buildings, and pedestrian safety in relation to schools, and visually impaired visitors to the Blind Foundation.¹⁷
- e) Mana Whenua and Maunga Authority values in relationship to views of the Maunga and the potential for greater cultural offset integrated into provisions.¹⁸
- f) Character and Amenity of the Public Realm – George Street, Clayton Street, Morgan Street and Alma Lane. Including:
 - The pedestrian environment and impact of traffic on pedestrian safety¹⁹ due to narrow streets and existing activities including schools;
 - Increased traffic congestion and on-street car parking availability;²⁰
 - Vehicle access points and controls
- g) Public benefit of plaza and pedestrian routes²¹, including the quality of pedestrian space created, ease of access and hours of sunlight, feasibility of active edges, legibility of route and the visual connection to Auckland Domain from along Clayton Street, landscape and building design.
- h) Urban sustainability, equity and climate change resiliency²².
- i) Consistency with existing provisions including car parking numbers, the effects of 27m high buildings, apartment size and scope to reduce effects relative to existing situation and/or require higher standards.
- j) Urban design related planning issues related to the provisions including:
 - the appropriateness of a precinct and its boundaries.²³
 - how height is measured, with the use of datum.²⁴
 - the Restricted Discretionary status to go over the proposed height.²⁵

- Notification rules including the ability for development control infringements to trigger notification.²⁶
- k) Design quality, including apartment sizes²⁷ and landscape design.
- l) Adequacy of information on shading, visual dominance including cumulative effects, urban design effects,²⁸ and heights in relation to vertical datum to existing buildings and buildings enabled under the AUP, in other parts of Newmarket.
- m) Effects on surrounding properties (and specific submitter properties) including additional information and assessment of visual dominance, shading and privacy effects on:
 - 8 Clayton Street²⁹
 - 4 Clayton Street³⁰
 - 6 Clayton Street³¹
 - 2 Morgan Street and in the immediate area to 9, 11, 19, and 25 Morgan Street.³²
 - 27 George Street³³
 - 19 George St³⁴
 - 29 George St³⁵
 - 21 George St³⁶
 - 1 George Street³⁷
 - Domain Apartments;³⁸
 - Foundation of the Blind site,³⁹
 - 33 Broadway

4.4 A number of these issues overlap with the assessments being undertaken by other specialists, including the landscape visual effects (Peter Kensington), Heritage (Carolyn O'Neil), Transport (Gary Black), Economic (Susan Fairgray) and Planning (Vanessa Wilkinson). Where applicable I have highlighted the matters of urban design concern or support, but referred to the relevant specialists in terms of a more detailed assessment of effects relevant to that topic.

4.5 The effects on individual properties have been considered, as part of this urban design assessment, with specific reference made to some properties where applicable to address issues raised in addition to the assessment provided by the applicant.

5.0 Applicant's assessment

- 5.1 This section discusses key issues related to the applicant's assessment, including methodology, approach to measuring height, and the selection of precinct boundaries.

Methodology

- 5.2 I consider that in general, the applicant's team of specialists have used a robust methodology for the assessment of urban design effects, and the formation of the proposed precinct provisions. This includes the preparation of a detailed site and context analysis, a concept design by Warren and Mahoney to test the built form and feasibility of development, and the formation of a comprehensive suite of provisions with site specific objectives and policies, spatial layout and built form controls (such as the pedestrian routes, plaza and defined building envelopes), and detailed assessment criteria.
- 5.3 The building envelopes of the proposed precinct provisions have been modelled in 3D to support the assessment of effects through the preparation of a series of:
- site photo montages showing a built form that maximises the development potential of the precinct provisions, in relation to the existing environment and in relation to the increased development potential provided for in the AUP throughout Newmarket;
 - survey verified visual simulations from key locations around the city, to illustrate the impact on landscape character and views from, to and between, various Maunga.
 - Shading diagrams at key times at the day during the equinox and summer and winter solstice, that compare the shading of the maximum development potential possible under the provisions with the development potential already provided for in the existing AUP.
- 5.4 The plans, images and diagrams provided have informed the specialist Landscape Architecture and Urban Design assessments undertaken by Rob Pryor and Matt Reilly that have been provided with the application. It is understood that their assessments have informed key features of the proposed provisions that seek to help manage and mitigate the potential for adverse amenity effects. This process has included consideration of changes recommended by myself and others from Auckland Council, to address the clarity and effectiveness of the precinct provisions. In particular for the strengthening of objectives, policies and assessment criteria important to managing the design of the development via the assessment of Restricted Discretionary consent applications for any new building.

Measuring and Assessing Height

- 5.5 There are multiple ways in which height can be measured. This includes rolling height, mean street level, average ground level, RL levels, and the proposed height above a datum. In the Mixed Use Zone rolling height or average height above ground is used. The precinct provisions propose to measure height by way of a datum from George Street. The use of a datum has been questioned by submitters who consider it to be confusing⁴⁰, and not reflective of the land form like a rolling height limit does.⁴¹
- 5.6 In principle I don't have a concern with the proposed use of a datum as it provides clarity for easy measurement at the Resource Consent Stage, and for assessment of on-site compliance, with the precinct plan change process providing the opportunity to assess the uniqueness of the site in relation to topography. This is because whilst I generally prefer height to be measured relative to rolling ground level, as this helps to ensure a built form that responds to its landscape context, on sloping sites this often leads to complexities, and inefficiencies both in the built form it enables, and the consenting process. This is due to the increased likelihood of height infringements as a result of building footprint sizes and the specifics of a slope.
- 5.7 In some precincts where non-standard heights are provided for in landscape sensitive areas, a maximum RL is used. The Smales Farm precinct is an example of this. However, this also relies on survey data and whilst useful in terms of assessing effects on landscape, it is hard for lay people to conceptualise.
- 5.8 In terms of my urban design assessment and the methodology undertaken, what is most important is that the applicant has provided a range of information that illustrates the overall height and mass of the proposed development intended, and information that enables us to measure height in various ways to assist with assessing the effects of the proposed heights enabled in the precinct.

Floor Area

- 5.9 The applicant has undertaken a comparative floor area study of the development potential enabled under the existing Mixed Use Zone, with that proposed in the precinct provisions. Studies have been undertaken for both commercial and residential use, and include a range of assumptions, such as typical floor plate sizes, and the provision of car parking with a basement/podium.
- 5.10 The commercial floor area illustrated on page 71 of the drawings package from WAM totals 33,700m² for the existing Mixed Use Zone. The study of commercial floor space that may be enabled under the plan change provisions has a total of 37,100m². I have reviewed the plans, and made a series of calculations, based on the measuring of areas from the plans and have no reason to doubt the accuracy of the estimated GFA as modelled.

5.11 However, I do note that the building envelopes modelled to assess visual effects of the potential building mass, is different to that used for the GFA estimates. This is because it is based on an indicative building form that includes some setbacks from boundaries that are greater than the minimum required in response to ensuring light and air to a viable office floor plate. Additional floor area could be possible in the Morgan Street portion of the site, which is shown as being developed to less than 27m in height and for podium and car parking, not commercial floorspace. The GFA estimation of commercial space assumes that a large amount of the site and lower levels are used for car parking. Some of the developable area could be used for commercial activity and an increase in GFA if car parks are reduced.

5.12 The residential floor area illustrated, is similarly based on a series of assumptions, including provision for the required minimum outlook areas for residential development under the Mixed Use Zone. The proposed GFA is also based on the WAM concept design, that illustrates a relatively realistic development scenario. However, a different architectural response may result in a moderate increase in GFA and if less car parks are provided more GFA would be possible.

5.13 But, whilst it would be possible to design a building, within the provisions of the precinct, that has a greater amount of Gross Floor Area than the scenario's illustrated, there is still a need to ensure appropriate outlook, sunlight /daylight and air circulation through the site, along with feasible building plans and depths relevant to activity.

5.14 Depending on how critical the total GFA of various activities is, including retail, commercial and residential, the AUP does have precincts that limit the total GFA of a particular activity. Other methods could include a floor area ratio to site size. Given the multitude of ways in which a development can occur (within the confines of height and setback controls) and the unpredictability associated with mixed use areas in terms of retail/commercial and residential mix, this could be considered for the precinct if the economic impact of the development is of concern.

Additional Information

5.15 Whilst, I have based my assessment of effects on the information provided by in the notified plan change, and site visits. My recommendations on how to respond to submissions, and proposed changes to the precinct provisions is based on the applicant's information and on the additional information and analysis included Attachment A – Illustrations to this report.

5.16 The following is list of figures included in Attachment A:

- Figure 1: Volcanic View Shafts / Maximum Heights– Extract from Appendix 4 of plan change. It shows the varied heights provided for in Newmarket, including around Kingdom Street where heights of 55m, 28m and 32m are enabled in close proximity to each other.

- Figure 2: Newmarket's AUP maximum heights in terms of relative levels (RL) using the ground levels from Auckland Council's GIS. This is still based on the 1946 Vertical Datum and not the 'NZ Vertical Datum 2016' but still serves to illustrate a comparison of building heights in terms of relative levels, across Newmarket.
- Figure 3: Maximum Heights Auckland Hospital
- Figure 4: Proposed Built Form - Notated extract from Appendix 4 of plan change. Illustrating proposed PPC built form along with the maximum building heights provided for in the AUP. With red dashed lines added to show comparison with surrounding area.
- Figure 5: Visual Dominance Effects on Morgan Street. Notated extract from Appendix 4 of plan change. Illustrating potential visual impact of Height Area B on Morgan Street. Arrows added are indicative of possible view lines from pedestrian footpath, and an example of impact on upper floor George Street Apartments (Parkwood Residences).
- Figure 6: View Looking Up Morgan Street.
- Figure 7: View looking down Morgan Street from the corner with George Street.
- Figure 8: Potential Change to Height Areas.
- Figure 9: Borough of Newmarket Map, Date Period 1924 – 1931. Extract from Newmarket Laneways document. Site is located with the red circle. Dotted line shows alignment of laneway through the site from Clayton Street to George Street.
- Figure 10: Olympic Park - Pedestrian Plaza and seating area.
- Figure 11 – Southern boundary of site - Service easement area off Clayton Street.
- Figure 12: 2 Alma Street frontage to Clayton Street.
- Figure 13: Clayton Street - Narrow Footpaths.
- Figure 14: The site's existing use as a laneway.
- Figure 15: Morgan Street Footpath.

5.17 These additional photos and analysis essentially focuses on a more detailed assessment of the proposal in relation to the planned future urban form and context of the area, and how the proposed height, tower dimensions and/or setbacks relate to this context. This additional analysis has been produced in consultation with Peter Kensington who has visited submitters properties and undertaken a more detailed visual effects assessment specific to his expertise.

5.18 I rely on Peter Kensington's assessment in terms of landscape amenity effects including visual dominance effects on views from submitters properties. My focus has been on urban form, streetscape and neighbourhood character effects, in relation to the planned character of Newmarket, and the extent to which these effects can be managed and mitigated with the proposed provisions, inclusive of assessment criteria.

5.19 Carolyn O'Neil has identified some additional photo montages that are required to assess the visual effects of the proposal on heritage values of Auckland Domain and the Foundation of the Blind site. In addition to these I consider that 3D views from the locations shown in Figures 5, 6 and 11 in Attachment A would also be helpful to better understand the range of visual effects in response to submissions.

5.20 Having reviewed the submissions and completed my assessment, I also consider that additional information is required to:

- assess the impact on The Foundation site as raised in their submission⁴²;
- assist with determining if alternative heights and building dimensions that result in a reduction in the overall height, bulk and mass of the development envelope would result in a more acceptable urban design outcome, relative to visual dominance, urban form and neighbour character effects.

5.21 Additional information and more detailed analysis and quantification of shading created may also assist in a more detailed assessment of shading effects, and the extent to which a reduction in height may reduce the shading effects, taking into consideration the development potential on surrounding sites. This is discussed further in the following Section 11 of this report.

Summary

5.22 I consider that in general, the applicant's team of specialists have used a robust methodology for the assessment of urban design effects, and the formation of the proposed precinct provisions.

5.23 In my opinion, the applicant has provided sufficient information to provide a broad assessment of the potential urban design and amenity effects from the proposed precinct provisions, appropriate to a plan change, and to assist in determining the extent to which the proposed provisions (such as assessment criteria) can assist with managing potential effects.

5.24 However, as noted above I consider that further assessment specific to some properties and submissions, with respect to the potential for shading and visual dominance effects would assist with a more detailed assessment of effects.

6.0 Alignment with the Regional Policy Statement

6.1 In terms of urban design, I consider that the most relevant section of the Regional Policy Statement of the Auckland Unitary Plan, is B2.2 Urban growth and form and B2.3. A quality built environment.

B2.2 Urban growth and form

6.2 In terms of the appropriateness of the site for further intensification the following objectives and policies of B2.2 Urban growth and form are particularly relevant.

B2.2.1. Objectives

(1) A quality compact urban form that enables all of the following:

- (a) a higher-quality urban environment;*
- (b) greater productivity and economic growth;*
- (c) better use of existing infrastructure and efficient provision of new infrastructure;*
- (d) improved and more effective public transport;*
- (e) greater social and cultural vitality;*
- (f) better maintenance of rural character and rural productivity; and*
- (g) reduced adverse environmental effects.*

B2.2.2. Policies

Quality compact urban form

(4) Promote urban growth and intensification within the urban area 2016 (as identified in Appendix 1A), enable urban growth and intensification within the Rural Urban Boundary, towns, and rural and coastal towns and villages, and avoid urbanisation outside these areas.

(5) Enable higher residential intensification:

- (a) in and around centres;*
- (b) along identified corridors; and*
- (c) close to public transport, social facilities (including open space) and employment opportunities.*

(6) Identify a hierarchy of centres that supports a quality compact urban form:

- (a) at a regional level through the city centre, metropolitan centres and town centres which function as commercial, cultural and social focal points for the region or sub-regions; and*

(b) at a local level through local and neighbourhood centres that provide for a range of activities to support and serve as focal points for their local communities.

- 6.3 I concur with the applicant's assessment, that the site is well located for a more intensive and taller development than the 27m height provided for in the AUP of the site, and the 18- 27m of height provided for in other areas of Mixed Use zoning found throughout Auckland. In particular due to the site's:
- central location and the mature nature of Newmarket, that provides a greater range and intensity of existing amenities in comparison to other metropolitan centres (such as New Lynn or Manukau);
 - proximity to public transport;
 - location opposite Auckland Domain that provides extensive area of high quality open spaces; and
 - location in one the few areas with a business zoning, in the vicinity of Newmarket, that is not subject to reduced development potential due to volcanic view shafts.
- 6.4 Having undertaken an assessment of the site and its context, I consider that the site has the potential to accommodate a greater amount of development than the 27m in height currently provided for, in support of a 'quality compact urban form', subject to how the additional height is managed, where it is located on the site and how the effects on surrounding properties are minimised or mitigated.
- 6.5 Maximising the development potential of sites in areas well serviced by public transport, and public amenities, in and around established centres, is generally considered good urban design practice. Subject, to ensuring development takes a form that is sensitive to the uniqueness of site and its context, and designed to support a high quality pedestrian environment.

B2.3. A quality built environment

- 6.6 The RPS includes a specific set of objectives and policies relevant to the creation of a 'quality compact urban form', with B2.3. A quality built environment. These are particularly important in terms of an urban design assessment of the proposed provisions for the precinct, and their effectiveness in terms of enabling positive urban design outcomes whilst managing the potential for adverse effects.
- 6.7 The objectives of a quality built environment in B2.3.1. Objectives

(1) A quality built environment where subdivision, use and development do all of the following:

(a) respond to the intrinsic qualities and physical characteristics of the site and area, including its setting;

(b) reinforce the hierarchy of centres and corridors;

(c) contribute to a diverse mix of choice and opportunity for people and communities;

(d) maximise resource and infrastructure efficiency;

(e) are capable of adapting to changing needs; and

(f) respond and adapt to the effects of climate change.

(2) Innovative design to address environmental effects is encouraged.

(3) The health and safety of people and communities are promoted.

6.8 The following policies from B2.3.2 are particularly relevant to an urban design assessment of the proposed precinct provisions.

(1) Manage the form and design of subdivision, use and development so that it does all of the following:

(a) supports the planned future environment, including its shape, landform, outlook, location and relationship to its surroundings, including landscape and heritage;

(b) contributes to the safety of the site, street and neighbourhood;

(c) develops street networks and block patterns that provide good access and enable a range of travel options;

(d) achieves a high level of amenity and safety for pedestrians and cyclists;

(e) meets the functional, and operational needs of the intended use; and

(f) allows for change and enables innovative design and adaptive re-use.

6.9 Relevant to both urban design and transport, in Policy (2) of B2.3.2

(2) Encourage subdivision, use and development to be designed to promote the health, safety and well-being of people and communities by all of the following:

(a) providing access for people of all ages and abilities;

(b) enabling walking, cycling and public transport and minimising vehicle movements;...

6.10 In addition to Policy B2.3.2(2), Policy B2.2(3) is about supporting choice and to meet the needs of Auckland's diverse population, through enabling a range of built forms. While Policy B2.3.2(4) sets out to balance the *functions of streets as places for people and routes for vehicles; and* Policy B2.3.2(5) focuses on the mitigation of adverse environmental effects through design including energy and water efficiency and waste minimisation.

6.11 These policies set a clear direction on the importance of delivering a high quality pedestrian environments, in a diversity of built forms, and in areas of varying character.

B2.5. Commercial and industrial growth

6.12 B2.5 of the RPS relates the location of commercial activity and Objective B2.5.1(2) states that:

Commercial growth and activities are primarily focussed within a hierarchy of centres and identified growth corridors that supports a compact urban form.

6.13 The PPC relates to site in the Mixed Use Zone, that is located only 120m away from the start of the Metropolitan Centre Zone. This is an important consideration when considering the impact of development on the commercial viability of a centre, its urban form and character, in that it is close enough to support, not undermine the centre.

6.14 Newmarket is also a well-developed Metropolitan Centre, that in contrast to others (like New Lynn and Albany Centre) is well established and likely to be able to better support large scale development in and around the centre due to its proximity the CBD and underlying land values. It is also an area where further development could, in terms of urban design, continue to invigorate the area, and support a more pedestrian and public transport focused urban environment, and a diversity of small and large businesses or residential apartment opportunities.

6.15 Of concern to some submitters is whether the proposed heights will undermine the integrity of the proposed centres hierarchy in terms of both economic effects and relation to urban form and legibility.

6.16 In principle, I consider that additional development (above the existing height of 27m) will in general support the vitality of Newmarket, providing that the pedestrian amenity and connectivity proposed in the PPC is achieved. This is because it will function as an extension to the character and quality of the Metropolitan Centre Zone, that then transitions into the lower height area of 27 – 29m along George Street.

6.17 However, I also consider that the heights currently proposed have the potential to undermine the integrity of the urban form and character of Newmarket, including the prominence of the Metropolitan Centre, due to the height of 55m above the George Street datum being enabled in height area A, and the effects of this height.

Key Urban Design Issues and themes relative to the RPS

6.18 On assessing the proposed precinct provisions, and the submissions received I have grouped the key urban design issues identified in Section 4.0 above, into the following key themes that are relevant to an assessment of urban design effects, and the RPS provisions identified above.

6.19 These are as follows:

- a) The proposed **maximum building heights, building length, urban form and urban character** - and the extent to which it supports the planned future environment of Newmarket and Parnell, taking into consideration the characteristics of the site, *“including its shape, landform, outlook, location and relationship to its surroundings, including landscape and heritage”* (B2.3.2(1)(a))
- b) The quality of the **pedestrian environment** created, both within the development, and along surrounding streets to ensure safety and accessibility, and the extent to which vehicle use is minimised.
- c) How **environmental quality** is managed, including sunlight, shading and wind effects, energy and water efficiency, waste minimisation, and climate change issues.
- d) The ability of the provisions to provide for greater **choice and adaptability** in living and working environments in response to changing needs over time.

7.0 National Policy Statement – Urban Development.

7.1 In my urban design evaluation of the site and its context I also considered the National Policy Statement on Urban Development (NPS-UD). This sets a clear direction to consider urban intensification in areas within a walkable distance of Metropolitan Centre Zones. The subject site, being located with a Mixed Use Zone is only 125 from the Newmarket Metropolitan Centre Zone is within a walkable distance.

- 7.2 It is important to note that the NPS-UD refers to providing for a minimum of 6 stories within walking distance of metropolitan centres. There is no maximum height set in the NPS-UD and it is my understanding that this sets a clear direction to enable to the maximisation of development potential subject to the identification of qualifying matters. For a metropolitan centre the size and prominence of Newmarket (being second only to the Central City), I would consider that more than 6 stories is appropriate for consideration and assessment, given its proximity to the Metropolitan Centre Zone. And, in fact 27m already provides for 6 or more stories depending on floor to floor height, that typically varies between commercial and residential activities.
- 7.3 However I also consider that from an urban design perspective it is important to consider the Volcanic view shafts as qualifying matters, and sensitivity to them, and the wider landscape is a particularly important consideration in determining 'how high is too high'.
- 7.4 I also consider that site's close proximity to Auckland Domain, Auckland Museum, and the Foundation's historic buildings and at the transition to Parnell, is an important consideration, not just its proximity to the Newmarket's Metropolitan Centre Zone. However, it is a large site, and in terms of urban design I consider the approach proposed in the PPC, that varies the maximum heights in defined areas, does provide the opportunity to provide a transition in heights to give effect to the NPS-UD, whilst responding to the different character of the areas to north, south, west and east of the site.

8.0 Precinct Boundaries and Precedent Effects

- 8.1 The precinct is focused on the central part of a large urban block, but does not encompass the whole block. It is understood that the primary factor in determining the boundaries of the precinct has been property ownership and that all of the sites included are owned by the same business entity. Submissions have been received opposing the plan change on the basis that the site is not unique enough to justify a precinct⁴³.
- 8.2 In the pre-lodgement discussions, the boundary of the precinct was discussed, and in particular the preference for 39-45 George Street (currently occupied by the ACG Parnell College Primary) to be included within the precinct. It is understood that the applicant, whilst having considering this option, has for a variety of reasons chosen to only focus on land owned by them. From an urban design perspective it would be preferable to have included 39-45 George Street so that the eastern side of the pedestrian route could also be managed. The owners of 39-45 George Street, and School, have not submitted on the plan change.

- 8.3 Whether or not the boundaries of the precinct could or should be extended to a wider area, is, in my opinion, more complicated. If it was a public plan change process, initiated by Auckland Council, then addressing the whole block bounded by Broadway, George Street, Morgan Street and Carlton Gore Road would, would in my opinion be considered appropriate. In particular with regard to the provisions of an increase in maximum height provisions, and possibly other provisions, such as a reduction in car parking. However, from a relatively pragmatic urban design perspective, a private plan change does provide the opportunity to achieve a more efficient use of the land, within a timeframe that is not limited to if Auckland Council would choose to initiate one, and that which a wider review of the Newmarket area would take,
- 8.4 From an urban design perspective, I also consider that the subject site is unique within this block and in particular is the only site that has a logical street / lane connection through it, that has been an informal but integral part of Newmarket since 1924. Refer to Figure 4 in Attachment A. Being central to the block and one of the largest sites, it is also a location where a more bespoke set of provisions (such as the proposed setbacks, podium plaza form and variable height strategy) are beneficial for creating a pedestrian focused development. And, a lot of these provisions would be irrelevant for sites throughout the rest of the block. For this reason, I consider that the precinct boundaries are acceptable.
- 8.5 A number of submissions have raised the question of whether a precinct is an appropriate method to use⁴⁴ and whether the precinct will be precedent setting. Some submitters also question the impact on the integrity of the AUP⁴⁵. I consider this to primarily be a planning matter.
- 8.6 However, from an urban design perspective I consider that the introduction of a precinct does have merit because of the:
- extent of change proposed with regard to height,
 - complexity and sensitivity of the area to an increase in height,
 - complexity of long-term planning of developments of the size proposed,
 - ability for planning provisions to enable a range of building designs, and some flexibility for change in building design in response to changing conditions related to the detailed design of a building, (including technology, construction methods, and market demand)
 - ability of a plan change to address the most critical and contentious 'macro' issues upfront (such as building height, setbacks and public pedestrian access) before a lot of time and effort is spent on finer grain details, such the design of the elevations and internal apartment layouts.

- 8.7 In regard to precedent setting for building height, from an urban design perspective, I consider that there is the likelihood that owners of sites in the surrounding area may seek to apply for resource consents, for buildings greater than 27m, in response to the new 'planned context' if the plan change is approved. And, increases in height above 27m in areas not subject to the volcanic view shaft control is already occurring such as at 118 and 110 -116 Carlton Gore Road that extend 6 – 7m above the 27m height control in the AUP. And, the AUP has provisions in place to manage this if or when applications occur.
- 8.8 I also consider that 47 George Street is one of the properties that is most effected by the proposed precinct, both in terms of dominance effects due to being a large site located adjoining Height Area A and in terms of precedent setting. However, the owners of 47 George Street have not submitted on the plan change.
- 8.9 I also consider that whilst it would have been preferable to include 39-45 George Street within the precinct to manage the design of its western boundary with the proposed pedestrian route and vehicle access, the most effective way of managing this relationship is still via non-RMA processes. The best urban design outcome would be through the two sites being re-developed together, via all being in one ownership, or by a joint venture/development partnership that may be staged and could include sharing vehicle and pedestrian access. I also note, that in my opinion that height above 27m would not likely be acceptable at 39-45 George Street due the proposed precinct maintaining approximately 27m in height along George Street and the sensitivity of being located directly opposite the Auckland Domain and Foundation Precinct.
- 8.10 Another urban design reason for supporting the use of a precinct, and not just providing additional height via an additional height control, or rezoning to a Metropolitan Centre Zone, is the ability to ensure some public benefit (e.g. public access through the site, and a higher standard of design through bespoke assessment criteria) and the benefits to neighbouring sites (e.g. proposed building setbacks from podium level), as well a variation in heights.

9.0 Building Heights, Building Length, Urban Form and Urban Character

- 9.1 This section addresses the key issues around building heights, and the effect this will have on urban form and character, which need to be assessed alongside other factors that affect the overall bulk and mass of potential development such as maximum building dimensions and separation distances between buildings and yards.

Submissions

- 9.2 A large number of submissions have raised concerns related to urban design and the proposed maximum building heights, including their impact on urban form, visual dominance, character and amenity values of the area.

- 9.3 The submissions have been identified in section 4 and referred to where applicable throughout this assessment report. Whilst I have read all submissions, I have relied on the Summary of Decisions Requested table to identify the submissions most relevant to urban design, with some aspects overlapping with landscape visual effects, and planning.
- 9.4 I agree that the proposal will be visually prominent from some locations, in particular until such time as more of the Newmarket area re-develops with the taller buildings enabled under the AUP provisions. However, I consider that the extent to which the buildings will be visible, and thus may appear dominant varies depending on viewer location and the context of that view. The specific design of any future building, and buildings in the surrounding area, will also impact on the visual prominence and character of the streetscape, and surrounding area. In assessing the impact I have considered the information provided by the applicant and views from:
- adjoining sites;
 - adjoining streets;
 - buildings and sites within the neighbourhood (roughly within 200m of the site);
 - other parts of Newmarket or Parnell and the Domain; and
 - across the city and in relationship to our volcanic landform.
- 9.5 I have not visited submitters properties, and the visual effects of the proposal on these has been considered by Peter Kensington on whom I rely. I have however, reviewed the photos he has taken from the various properties.
- 9.6 The focus of my urban design assessment of visual effects relates to the public realm, including streetscape, neighbourhood character and urban form relative to Newmarket business areas, Parnell and Auckland Domain. I have undertaken my assessment and analysis in consultation with Peter Kensington who has assessed the visual impact of the proposal on landscape, including views from the Auckland Domain, the surrounding Maunga, key viewpoints from surrounding areas, and the impact on views from submitters properties. I rely on his assessment in terms of landscape amenity effects including visual dominance effects from the Auckland Domain, and from submitters properties.
- 9.7 In assessing the impact of the additional height, I have also considered how the proposed heights compare to other parts of the city, and in particular the Metropolitan Centre Zones that enable buildings of up to 72.5m in height, and how the precinct provisions compare to the amenity provided for in the Metropolitan Centre Zone. This is important in terms of both the impact on local amenity, as well as how the buildings impact on the urban form of the city as viewed from afar. Also important is how the overall height of the proposal relates to the height provided for in other parts of Newmarket, and other visually prominent buildings in the landscape.

- 9.8 I concur with the assessment of Peter Kensington that the proposal will have a range of visual amenity effects on the surrounding area, and wider landscape, in particular due to the maximum height of 55m above the George Street Datum in height area A, and the ability to create long slab shaped buildings, that do not respond to the topography of the site. The extent of these effects vary considerably, and the potential for future development enabled on other sites by the Auckland Unitary Plan, will screen large parts of the development from site, in particular from near or mid-level views at street level. This is illustrated in the analysis undertaken by the applicant.
- 9.9 However, from some locations and from the upper levels of buildings in the surrounding area, the development will be visually dominant, in particular when viewed from the east or west due to the height and length of buildings possible in contrast to the finer grain of buildings in the surrounding area. And, in relation to the maximum heights of other buildings in the Newmarket, Grafton and Parnell areas.
- 9.10 In order to get a better understanding of the proposed heights, and the how these relate to other areas in Newmarket (existing and planned), I have undertaken a detailed analysis of allowable heights under the AUP. This is important as it helps to understand the visual impact of the development in relation to how it is experience at street level, and from wider views across the landscape, and relates also to matters of hierarchy in the built form created.
- 9.11 These factors are important because a key policy of the RPS is to support the hierarchy of centres, including Newmarket, and the site is located within the Mixed Use Zone that serves to support the metropolitan centre. It is also located on the edge of the Newmarket area, adjoining the transition to Parnell. It is proximate to the heritage buildings on the Foundation Site (that includes the Parnell community centre and library), and the Auckland Museum. It is also located on tuff crater of Pukekawa volcano / Auckland Domain.
- 9.12 The RPS provisions are clear that whilst intensification in and around centres is supported, and Newmarket, as the second largest centre after the Central Business District is well placed to provide for greater intensification, any development must be considered in relationship to its wider surroundings, including landscape and heritage. In this situation, these are sensitive matters due to the importance of Auckland Museum and Domain, the protected volcanic cone views and heritage buildings located to the north of the site.

Urban form – height analysis relative to ground or street level

- 9.13 The Mixed Use Zone in the AUP allows for height to be measured as rolling height or average ground level. The applicant has proposed that due to the sloping nature of the site, the easiest way to record the maximum heights proposed to be enabled within each part of the precinct is via a datum from a set point on the site. This has a range of advantages in terms of managing development expectations and the assessment of a proposal at Resource Consent stage, as well as enabling the effects of height to be assessed through the plan change process.
- 9.14 Within the proposed precinct, Height Area A will enable a building that is 55m in height, measured from the above the George Street datum which means it will be 65m above the lowest part of the site next to Clayton Street. Notably, this is still below the 72.5m enabled within Metropolitan Centre zones throughout the region, but greater than the heights enabled along parts of Khyber Pass Road.
- 9.15 The precinct provisions also propose a stepping of heights as measured from the George Street datum, with 55m proposed for Height Area A, 29m in Height Area B alongside George Street, and 35m for Height Area C along the western side of the site extending to Morgan Street and 0m in Height Area D (that is 10m above Clayton Street). Various setbacks are also proposed in relation to the site boundaries, to help manage outlook, privacy, visual dominance and shading impacts on adjoining properties.
- 9.16 However, in terms of a maximum height for Height Area A, when measured from existing ground level, at the Clayton Street end, at 65m high it will be 5m higher than the tallest buildings enabled in the Newmarket area/Metropolitan Centre Zone where 60m is possible between Melrose and McColl Street. The majority of the Khyber Pass area, including the Auckland University site has a maximum height of approximately 55m. At the end of Morgan Street and Clayton street, there is a small area along Kingdon Street, where 55m is enabled. This area is outside of the Volcanic View Shaft controls, but is subject to a Height Variation Control, so that the zone height of 72.5m doesn't apply, and height is capped at 55m, with 30m, 32m, 31m and 28m allowed for to the east and south, and a continuation of the 55m provided for further to the west. To the north of Carlton Gore Road is the Mixed Use Zone with a 27m height limit. Refer Figure 1 in Attachment A.
- 9.17 Based on this analysis of building heights provided for in Newmarket, in my opinion the AUP enables substantial variation in height across the Newmarket Area, including a height difference of 28 metres, within sites in close proximity of each other or part way through large sites such as the University of Auckland property on Khyber Pass Road. Another example is at the bottom of Kingdon Street, where the maximum heights provided within some sites, and between sites adjacent to each other or on the opposite sides of streets are 55m, 28m, 30m, 32m and 31m. Refer to Figure 1 in Attachment A.

9.18 The Kingdon Street area also illustrates a specific intention in the AUP to limit height in the Newmarket Metropolitan Centre Zone, where a volcanic view shaft does not apply, to be more reflective of the surrounding context created by the Volcanic Viewshafts and/or other features.

Summary

9.19 In summary, whilst a range of heights are provided for in the Newmarket Metropolitan Centre Zone area, due to the impact of Volcanic View Shaft controls, the tallest building possible is 60m (measured from ground level) and the proposed precinct will enable a building 65m high when measured from Clayton Street ground level.

9.20 I consider that in terms of compatibility with the varied heights of Newmarket, the maximum height of Height Area A is too great. While I consider that some additional height may be possible, the extent of the height that may be acceptable requires further analysis and assessment. I also consider that a mix of heights, along with the proposed set-backs from boundaries, is appropriate in principle, but this also requires further assessment of visual dominance effects in relation to specific views.

Visual effects in relation to streetscape

9.21 In relationship to George Street, Height Area B of 29m is similar in height to the 27m currently provided for under the AUP and includes a 4m front yard setback from George Street. The development of Height Area B, and the potential development of the ACG school site, up to 27m ensures continuity along the George street frontage, in particular when walking along George Street.

9.22 The taller Height Areas A and C are set back internal to the block. The 27m will provide a transition in height, but the photo simulations provided do show that as you move further along George Street, such as from Indicative Montage View I and View D, that Height Area A will be visually dominant, in particular if 47 and 51 George Street are not developed with buildings of 27m in height. And, because 1 Broadway is relatively unlikely to be redeveloped due to size. However, even if they are redeveloped to 27m I consider that a building of 55m in height above the George Street datum, will still be visually dominant as one on of tallest buildings in Newmarket.

9.23 Along Morgan Street, Indicative Montage View J illustrates how the development of sites along Morgan Street, Clayton Street and Carlton Gore Road, will screen views of the development from street level. But it also illustrates how Height Area C, extends towards Morgan Street and is potentially incompatible with the adjoining sites that would be limited to 27m height.

- 9.24 In order to record my assessment of the visual effects on Morgan Street, I have included some photos from an additional site visit, and I consider that some additional photo-simulations from these locations would assist. I am relatively comfortable that from street level, views of the buildings in Height Area A will be predominately screened by development of Height Area C and existing multi-storey buildings and/or future development up to 27m. However, Height Area C extends towards Morgan Street and enables 35m high buildings within 6m for the street frontage (and adjoining properties). The 3D model views illustrate how this relatively small amount of additional floor area, creates an awkward shape, but that has the potential for significant visual effects due to it being the only area along Morgan Street that goes up to 35m, and disrupting what would otherwise be a more contiguous streetscape and have visual dominance effects. This is illustrated in Figure 4 and Figure 5 of Attachment A.
- 9.25 The western section of Height Area C also doesn't have the positive effect of framing the view between the Domain and Clayton Street, which is one of the advantages of the height strategy proposed by the applicant in the precinct with 0m in Height Area D that aligns with the planned pedestrian route through the block.
- 9.26 Additional 3D views need to be provided to determine if an increase in building setback above 27m from Morgan Street (e.g. from 6m to 12m or 20), will assist with reducing the potential for visual dominance and character effects of this part of Height Area C on the character of Morgan Street; or if the western section of Height Area C should be reduced in height.
- 9.27 Along Clayton Street, the proposed heights provide the positive effect of creating a defined view up and along the street, that extends the street and draws the eye up to Auckland Domain. Indicative Montage View K in Appendix 6 of the plan change documentation, demonstrates this with Height Area D being 0m above the George Street Datum (or 10m above Clayton Street). This view is maintained even if the ACG site is developed up to 27m in height, and up to the boundary of its site as modelled.
- 9.28 View K does illustrate how inclusion of the ACG site in the precinct would be beneficial, so that a setback from its western boundary could be required to maximise the view from Clayton Street up to Auckland Domain. However, on redevelopment it is also likely that any building will be setback at least 1 – 4m to enable outlook from windows. This will result in the potential for a more generous visual connection than illustrated within Montage View K.
- 9.29 Along the northern side of Alma Street the Mercury Energy Building will predominately screen views of the majority of Height Area A from street level, although glimpses of the top may be visible from the southern side of the street, in particular at either end. No photomontages have been provided for along Alma Street, and this is one of the information gaps that has been identified in this report.

Summary

9.30 In summary, the variety of heights proposed does help to ensure integration with the adjoining streetscapes, in particular along George Street where a height of 29m is proposed in Height Area B. The development enabled on other Mixed Use sites (up to 27m) is able to screen views of the proposed site/development. However, the maximum height in Height Area A, is 5 – 10m higher than the maximum heights provided for in any other part of Newmarket and will result in Height Area A being viewed as out of scale relative to the rest of Newmarket, and overly dominant from some views, in particular where re-development is less likely to occur. Some additional height may be possible but further information, analysis and assessment would be required confirm the extent of this.

9.31 Similarly the western part of Height Area C, that enables buildings of up to 35m from the George Street datum, has the potential to be visually dominant and out of scale with the rest of the Morgan Street streetscape.

9.32 Some additional visual montages would assist to better assess the effects on streetscape. It is possible that a reduction in height in Height Area A may be appropriate. However, no information has been provided for us to assess the effects of a lesser height to determine if it would be acceptable or not in terms of urban design and impact on streetscape, urban form and landscape character. An increase in the building setback above 27m in height from Morgan Street, or a change to its height would also help to reduce visual dominance and character effects on the area.

Urban form – height analysis in terms of relative levels

9.33 Heights measured in terms of the Auckland 1946 datum or the NZ Vertical Datum are useful for assessing the visual impact of height on urban form and views from around the wider landscape as it reflects height above sea level, and the visual prominence of a building within the undulating context of Auckland's volcanic landform. Including how it is relative to the surrounding Maunga or key buildings.

9.34 In this case the proposed maximum height is still well below the heights of the surrounding Maunga, but the height proposed is located in the visually sensitive area between volcanic view shafts, and alongside a prominent ridge, as well as being on the edge of Pukekawa and the Auckland Domain.

- 9.35 The George Street Datum point is located along the precinct's George Street frontage as indicated on Precinct Plan 1. The George Street Datum is approximately 66 Reduced Level above Mean Sea Level. However, in terms of the New Zealand Vertical Datum (NZVD 2016) this is RL 65.7. A difference of 300mm. Council has yet to update its GIS data to align with the NZVD so for the purpose of my analysis and assessment of height I have used the Auckland 1946 datum heights.
- 9.36 The height of Area A is RL 120.7. By way of comparison the top of the Museum is RL 104.25 and the top of Auckland hospital is RL 130 (based on the Auckland 1946 Datum and AUP provisions – refer Figure 3 in Attachment A). This is also illustrated in the information provided by Council's GIS team from Lidar information, as outlined in the report by Mitesh Bula.
- 9.37 To better understand how the proposed building heights compares to the development possible in other parts of Newmarket, I have undertaken some additional analysis. This is included in Figure 2 of Attachment A to this report. It takes the underlying ground contour level from GIS and adds the maximum height enabled from the AUP as a Restricted Discretionary Activity, to determine the approximate Vertical Datum height of new buildings enabled in the AUP for Newmarket. For this analysis I have used the Auckland 1946 datum.
- 9.38 Along Khyber Pass Road the maximum height provisions mean that where 55m is provided for, such as on the Auckland University owned land, a building could extend up to RL 110 which is 10m lower than the proposed height of Area A. Between Melrose and McColl Street, on the southern side of Khyber Pass, up to 60m, or RL 115 is possible but this is still 5m lower than the proposed Height of Area A.
- 9.39 Along Kingdon Street, to the south of Carlton Gore Road buildings up at RL 108 can be anticipated.
- 9.40 This analysis of the proposed maximum height illustrates how within the context of Newmarket, and the Metropolitan Centre Zone, the proposed Height Area A is likely to be perceived as out of scale in relation to the hierarchy of centres, its position in the landscape and how it is viewed from across the city. This assessment supports the conclusion by Peter Kensington.
- 9.41 In my opinion, a lower height, that is a more compatible in height to other parts of Newmarket, may result in a more acceptable level of effect when viewed from the surrounding Maunga, and from across the city. Supporting the legibility and hierarchy of the Metropolitan Centre Zone, and signalling the northern extent of the Newmarket business area.

Summary

9.42 The proposed height of building in Height Area A, being 55m above the George Street datum or 65m above the Clayton Street ground level is substantially greater than the other parts of Newmarket. In views from the surrounding area, the proposal will be visually dominant and out of scale in relation to other buildings, in particularly when viewed as part of the wider landscape.

Relationship to Heritage Buildings and Pukekawa, Auckland Domain.

9.43 Directly to the north of the site is a cluster of heritage buildings (Foundation of Blind Office and Workshop, Pearson House), the Auckland Museum and Pukekawa, Auckland Domain. The effects of the proposal, and in particular the impact of Height Area A, have been assessed for council by the Heritage Consultant, Carolyn O'Neil.

9.44 The applicant has provided a range of visual simulations that illustrate the limited visibility of the development from within parts of Auckland Domain. However, Ms O'Neill has identified some additional views, from locations to the side of the museum, and from within the Foundation site. I agree that these are important to assist with a more robust assessment of effects.

9.45 In the longer range views, such as across the harbour, Height Area A is notably taller than the height of Auckland Museum. The distance between Auckland Museum and Height Area A, and the mature trees throughout the Domain, helps reduce the dominance of the development in relation to the museum, but only to a limited extent. The Height Area A, undermines this due to the fact that it not only appears similar in height (from a distance), but is fact taller than the museum. Subsequently, in terms of urban design effects, I consider that it does compete with the visual prominence of the Auckland Museum within the broader landscape or the city, and thus has adverse urban form and character effects due to the importance of the museum as a cultural landmark.

9.46 A key urban design issue that was raised in the pre-lodgement discussion, is the importance of ensuring the pre-eminence of Auckland Museum. In order to better understand the impact to the proposal, council's GIS team have provided us with Lidar information on the height of the museum. As noted previously, this has been confirmed as RL 104.25 (based on the 1946 Auckland Datum) and the proposed height of Area A is RL 120.7 (based on the NZVD or 121m based on the Auckland 1946 Datum). This confirms that the proposal is not in keeping with the height of the museum, and reinforces my concern above that it will compete with the Museum in terms of visual prominence in the wider landscape. The landscape effects of this are further assessed by Peter Kensington.

9.47 In terms of urban form and landscape, a potential positive effect of the proposal, is the marking of the edge of Pukekawa's tuff crater. However, this could be somewhat undermined by the proposition of a 'flat roof'. A stepped building form for height area A may help to better reflect the volcanic landform and I note that the assessment criteria IX.8.2 (a) building design and external appearance (i) and (iii) provide scope for a design assessment of roof form in relationship to landscape and Auckland Domain, and as discussed later in this report, could be expanded to address this matter which I note has also been raised in submissions.⁴⁶

Summary

9.48 In general, support some additional height above 27m, subject to a robust design assessment, because in my opinion a taller building on the Height Area A part of the site, with 27m maintained along George Street, still achieves a transition between the taller and more intensive areas of the metropolitan centre, and the areas of Parnell, Pukekawa and the Auckland Domain. This transition can support the legibility of the city, and Newmarket as a significant metropolitan centre. However, it is important that the Auckland Museum and the surrounding Maunga maintain their visual prominence in the wider landscape and integrate' with surrounding character of existing and planned built form enabled in the AUP(OP). In my opinion, this will require a reduction in the height of buildings enabled in Height Area A and refinement in the proposed assessment criteria to ensure a sloping or stepped roof form

Building length / Tower dimension and separation control

9.49 The purpose of *IX.6.7 Maximum tower dimension and tower separation control* ' as defined in the Mixed Use Zone (H13.6.4) is to: *ensure that high-rise buildings:*

- *are not overly bulky in appearance and manage significant visual dominance effects;*
- *allow adequate sunlight and daylight access to streets, public open space and nearby sites;*
- *provide adequate sunlight and outlook around and between buildings; and*
- *mitigate adverse wind effects.*

9.50 The control limits buildings taller than 27m to being no more than 55m in length between the two most separate parts of the building as illustrated in Figure H13.6.4.1. The provisions of H13.6.4 also require any part of the building above 27m to be setback at least 6m from side or rear boundaries. But doesn't require separation of buildings within large sites.

9.51 Within the Metropolitan Centre Zone, H9.6.4 has the same purpose and Figure H9.6.4.1, which is the same as Figure H13.6.4.1 in the Mixed Use Zone. This limits the maximum dimensions of towers to 55m with a 6m setback from boundaries but only for parts of buildings above 32.5m in height.

9.52 Within the proposed precinct, the maximum tower dimension of 55m is applied and Figure H13.6.4.1 is included, but the purpose of the control is not included. And, the 55m restriction in building dimension applies from 5m above the George Street datum. The datum is 10m above the lowest point of the site, and thus the limitation in building dimension applies from 5 - 15m above ground level. Varying due to the slope of the land. Bespoke setbacks from boundaries also apply as follows:.

IX.6.8 Setback from neighbouring sites

(1) In Height Area A, the part of a building greater in height than 5m above the George Street Datum must be located at least 6m from the precinct boundaries.

(2) The part of a building greater in height than 4m below the George Street Datum must be located at least 4m from the precinct boundary with 8 Clayton Street.

(3) The part of a building greater in height than 27m above ground level when measured using the rolling height method must be located at least 6m from any side or rear precinct boundary, except as required by IX.6.8(1) and (2) above.

9.53 Within the existing Mixed Use Zone provisions buildings up to 27m in height can be built right up to the side and rear boundaries of the site without any setback, yard or height in relation to boundary control. This is particularly problematic for 8 Clayton Street that has balconies built to the boundary of its site. Therefore, for the properties adjoining Height Area A and 8 Clayton Street, the proposed boundary condition is arguably better than the existing provisions.

9.54 For sites to the west, and along Morgan Street, the requirement to set the building back from the boundary after 27m from ground level, ensures a boundary condition the same as what is currently provided for in the Mixed Use Zone. The additional height provided for in Height Area B and Height Area C (approximately 2m and 8m subject to the slope of land) is likely to have minimal impact on the immediate neighbours due to the 6m setback required from 27m above ground level and the angle of view. The applicant's urban design assessment provided by Mr Reilly address effects on immediate neighbours and I generally agree with this assessment.

9.55 However, I note that submission number 7 by Cleveland's Properties Ltd requests that a 6m setback from 5m above the George Street datum be applied to the western boundary of the precinct.

9.56 the submitter is requesting inclusion of a 6m “setback” from the western precinct boundary and the addition of the western pedestrian route to Precinct Plan 2. Those amendments would ensure that taller buildings enabled by the plan change on the subject land are set back from the boundary in order to enable the Masterplan for the site to be implemented in a holistic manner. In particular, inclusion of the proposed landscaped areas and pedestrian circulation spaces at ground/podium level is required to counter-balance the height and development intensity on the subject site. I support the setback requirement but not the provision of an additional pedestrian route as this poses the risk of distracting from the use of the primary through site connection and subsequently the vitality of the route and any commercial /retail activity that may be located along it. I consider that the space is better used for tenancies, or for landscaping to support communal amenity, with pedestrian access limited to residents.

9.57 Accepting the setback component of this submission point would ensure a better outcome for the neighbours along this boundary in that any development along the boundary would be limited to about 15m or less in height instead of 27m, with the bulk of any building in Height Area A or B being located at least 6m from the boundary. The setback will enable a greater amount of daylight and air penetration into the back of the properties along the western boundary. Adopting this approach could assist with providing some mitigation to the neighbouring sites to offset the potential for upper floor views of the additional height in Height Area A and the visual impact of Height Area C, depending on the nature of the existing buildings, and future development scenarios.

9.58 However, it is important to remember, that the adjoining properties could all still develop up to 27m in height on the boundary, resulting in large concrete walls adjoining the precinct site that could adversely impact on how it develops. But I would recommend accepting this submission noting that the assessment criteria of 1X.8.2 (10) enables the assessment of infringements to the setback rule in the event that there is an existing 27m high blank wall on the boundary at time of consent.

9.59 The proposed precinct provisions also require a separation between any building in Height Area B and C of at least 10m which is positive feature of the precinct provisions.

9.60 Height Area D, which is 0m above the George Street Datum is 20m in width that ensures a 20m gap between buildings in height Area C or B and Height Area A. This supports onsite amenity (including views and outlook) for the proposed buildings, but importantly also ensures visual continuity of Clayton Street up to the Domain and views from the Domain into Newmarket. This is a positive effect.

9.61 The objectives of the precinct refers to slender buildings. However the long narrow form of the buildings that are encouraged by the precinct, due to the protection of the pedestrian through route and 6m boundary setbacks, result in them not appearing slender when viewed from the west and east. Peter Kensington assesses the visual impact of this in his report, and I concur with his conclusion that the cumulative bulk of the buildings in Height Area B and C in addition to Height Area A, will have visual dominance effects on some views. A reduction in the proposed height of the western part of Height Area C along Morgan Street may also assist with reducing dominance effects on upper floor properties to the west.

9.62 During pre-application discussions on the proposed plan change, I did raise the question as to whether or not a 55m dimension was too large, and whether or not a shorter dimension would be more appropriate. In my opinion a shorter dimension would result in a more slender building form when viewed from east and west, reduce the extent of shading created, and subject to how the building is positioned on the site it would also improve the sunlight access to the plaza and laneway.

9.63 A narrower building, in particular above about 27m, would also reduce the visual dominance effects of the proposal on the wider landscape, as discussed by Peter Kensington, by allowing more of the existing views and landscape to be visible around the building. A reduction in the proposed height of the western part of Height Area C along Morgan Street may also assist with reducing dominance effects on upper floor properties to the west, in addition to a reduction in the height of Height Area A.

Summary

9.64 The proposed precinct includes provisions that limit building widths and lengths, and that ensures gaps between the buildings as well as the setting back of buildings from boundaries, above the height of the George Street Datum. These are useful features of the plan change. However, for Height Area A it is likely that the overall size of 55m in maximum building dimension, for the full height of 55m above the George Street datum will result in a slab shaped building that, in conjunction with the other buildings, will result in significant visual dominance effects. These are assessed in more detail by Peter Kensington.

9.65 It is possible that a reduction in maximum building dimensions above 27 in height, could assist in reducing effects but this would have to be modelled in 3d to be fully assessed relative to the proposed heights, and views from surrounding areas. Similarly a reduction in the proposed height of the western part of Height Area C along Morgan Street may also assist with reducing dominance effects

9.66 I support the change to setback controls requested by Cleveland Properties Ltd.

Assessment Criteria – Building Design

9.67 In addition to building form, how buildings are designed, including materials and colours can also have a significant impact on visual dominance, character and amenity, including the cumulative effect of multiple buildings in close proximity to each other. In particular, if there is insufficient contrast between buildings. Choices around materials, detailing and how a facade is articulated, in terms of scale and depth, also has a significant impact on the extent to which any new buildings responds to and integrates with its existing context and the character of an area.

9.68 This aspect has been a point of disagreement between myself and the applicants team, due in part to the approach taken in the WAM concept where the architecture of the three towers is very similar in detailing. This is an approach more common in apartment tower complexes overseas than in New Zealand. The 'white box' model of the plan change building envelopes also illustrates how, if there is insufficient contrast between the buildings there is a risk that from some locations they will visually appear as one large building mass.

9.69 This is problematic given the fine grain and varied character and scale of buildings in Newmarket. And, if each of the buildings in the different height areas were more visually distinctive with different materials or aesthetics, with careful use of recessive colours in key views to ensure a good contrast between buildings, then the cumulative effects visual dominance effects of the buildings (as viewed from the east or west), may be minimised or mitigated in part.

9.70 To address this issue, the precinct appropriately includes building design and appearance as a matter of discretion and includes the following precinct specific assessment criteria.

IX.8.1(1)(a) building design and external appearance:

IX.8.2(1)(a)(i) buildings, including alterations and additions, are of a high design quality and express an architecturally coherent design concept that positively:

- *responds to their surrounding context, including their landscape setting beside Pukekawa and the Auckland Domain; and*
- *contributes to the visual interest and quality of the development, when viewed from the surrounding streets and area and from within the precinct, by techniques including façade modulation and articulation and visually breaking up mass into distinct elements;*

9.71 The applicant is concerned that a 'visually coherent' proposal is created, and in principle I agree that good design requires some degree of visual coherence. And the criteria also requires a positive contribution to context and landscape setting, which ensures that the design and assessment of a development proposal will consider elements within these in terms of proportions, materials and details, as part of the second bullet point which is also well worded to assist with minimising and mitigation of visual dominance and character effects through building design.

9.72 However, it may be appropriate to also consider an additional criteria to ensure that there is sufficient contrast between the buildings within each of the height areas to ensure they do not appear as one mass. An example of possible wording is:

- Ensures sufficient contrast between the buildings in each of the height areas to ensure they do not appear as one building mass, in particular when viewed from the west or east.

9.73 With the exception of the addition above, I consider that the proposed assessment criteria are helpful and will assist good design outcomes to manage effects on character and amenity and ensure good design outcomes in support of an attractive, safe, legible, accessible pedestrian environment. Notwithstanding the fact that achieving this will still be challenging given the need to transition across a 10m height difference between Clayton Street and George Street.

9.74 Also important to the design and assessment of buildings within the precinct is the following assessment criteria related to roof forms.

IX.8.2(1)(a)

(iii) buildings, particularly a tall building in Height Area A, make a positive contribution to the collective skyline of the precinct when viewed from the street and surrounding areas, including through the architectural expression of their roof profiles and upper levels;

9.75 And, I consider this assessment criteria will continue to be important even if the overall height enabled in height Area A is reduced. I also consider that this criteria could be modified to place emphasis on a stepped roof form to reflect its location on the edge of Pukekawa. An example of this is as follows:

(iii) buildings, particularly a tall building in Height Area A, make a positive contribution to the collective skyline of the precinct when viewed from the street and surrounding areas, including through the architectural expression of their roof profiles and upper levels and are sloped to reflect the changes in topography across the site, and its position on the edge of Pukekawa.

Mitigating features

9.76 As noted above, there are a range of features integrated into the precinct provisions that have the potential to provide positive effects, and/or to manage adverse character and amenity effects. These include:

- securing public access through the site to effectively extend Newmarket's network of laneways up to the Auckland Domain.
- The 6m - 20m gap between height areas A and B, that supports the visual legibility of route through to the Domain and also creates a varied form,
- The podium being only 10m high, not a 27m high building that would block this route off entirely, both physically and visually.
- The setback requirements from boundaries that provide a better outcome for neighbours located next to Height Area A, by reducing the height of development at boundaries from 27 to no more than 15m above ground.
- The setback requirement from 8 Clayton Street also provides outlook, daylight and air circulation to the balconies of 8 Clayton Street that are located next to the property boundary instead of a 27m high wall.
- The detailed assessment criteria that will support a more place specific design assessment of a development proposal than just the standard Mixed Use Zone provisions, including consideration of landscaping, building materials and Te Aranga Maori Design principles.

Visual dominance effects on immediate neighbours

9.77 The applicants urban design assessment report by Mr Reilly assesses the extent of potential visual dominance effects on each of the adjoining properties, and takes into account the boundary conditions and the character of each of the properties. Some of them have windows facing in the direction of the site, some don't. A key feature of the area is the fact that under the provision of the Mixed Use Zone a 27m high wall can be built to the boundary of the subject site, and neighbouring properties can do the same.

9.78 The WAM drawing package includes a range of sections that show the proposed change in boundary conditions and that are referred to in Mr Reilly's assessment (pages 64 – 71). I agree with Mr Reilly's assessment, that for the majority of the adjoining sites the impact is low to moderate due to the angle of view. And for some, the setbacks from boundaries will ensure better outcomes than the existing provisions.

9.79 With regard to the site at 33 Broadway, Mr Reilly notes that building in the proposed precinct (Height Area A) of up to 4 storeys will be possible at the boundary (approx. 14m from ground level which is 5m above the datum), which is less than the 27m currently possible, and that would otherwise block views from more of the windows on northern elevation of 33 Broadway. I agree with this part of his assessment and the limited impact of building height due to angle of view. However, he hasn't considered views from within the atrium that, due to being setback further from the boundary, have a different angle of view. This means that the top floors are likely to be visible through the open to the sky area. I have not visited 33 Broadway but refer to Mr Kensington for the assessment of this effect. It is likely that a shorter building A will be a lot less visible.

9.80 The existing height limit of 27m is currently maintained along the western boundary in the precinct provisions, but a submission has been received that requests a 6m setback above the podium level, for the western boundary. This will provide a positive effect to these neighbours and is aligned with the approach taken on the eastern side of the precinct. I consider that adopting this change would be appropriate mitigation of the increased development on the site. The setback will enable a greater amount of daylight penetration, and air circulation to the adjoining sites, and the space provided also has the potential to provide communal landscape amenity for residents or tenancies.

9.81 The visual impact of the proposal tends to be greater the further back from the site a viewer is located, but even then, the future development of some sites will screen views of the precinct area as illustrated in the range of photo-montages provided with the plan change information. I agree in general with Mr Reilly that in the short – mid range views, from street level, that proposed development is not overly dominant, subject to the planned built environment and what other development might occur in the future.

9.82 However, the visual impact is likely to be greater from the upper floors of buildings, that will see more of the Height Area A that won't be screened to the same extent by other buildings, due to the angle of view. Mr Kensington has visited several submitters properties and I refer to his assessment of visual effects.

9.83 The 8 Clayton Street property has balconies that adjoin the precinct boundary which is a situation that is no longer enabled under the AUP provisions. However under the existing Mixed Use Zone controls development of up to 27m in height can be built as of right along the common boundary. This would block views, outlook, daylight and air circulation to the residential apartments at 8 Clayton Street. The proposed plan change addresses this issue by requiring a setback of at least 4m for any part of the building greater in height than 4m below the George Street Datum. This will ensure daylight and air circulation to the 8 Clayton Street units similar to the provisions of the Mixed Use Zone that requires a 6m minimum outlook from the glazing area of the principle living room.

Summary

9.84 I generally agree with the assessment of Mr Reilly that the setting back of buildings from the boundaries, relative to the George Street datum, will provide an improved outcome for neighbours, by preventing solid walls 27m high along boundaries. This helps to offset the visual dominance effects that would occur from still being able to see the top of the Buildings, and Height Area A in particular from upper floors.

Concluding Comments

9.85 In summary, whilst I consider that the proposed precinct provisions include a range of positive features, there is still a limit to the amount of height and building mass (as determined by the maximum height and maximum building dimension) that can be accommodated in the area, even with the proviso of robust design assessment to ensure a quality development. This is due to the landscape and visual effects which are significant, due to being located within a regionally sensitive location opposite the Auckland Domain, Auckland Museum, and adjacent to historic heritage, between Maunga views, and in Newmarket where even the Metropolitan Centre Zone is limited in height.

9.86 I have reviewed the assessment of visual dominance and landscape character effects undertaken by Peter Kensington, and undertaken my own analysis of height and building form in relation to the topography of the surrounding area, and assessment of impact on streetscape. I agree that the visual dominance, urban form and character effects of the proposed 55m height in Height Area A, in conjunction with 55m maximum building dimension, are of the magnitude that they cannot be effectively managed or mitigated.

9.87 There may be urban design merit in enabling buildings greater than 27m in height to complement the Metropolitan Centre Zone and the mix of height's provided in the AUP (that are all less than the 72.5m provided in the zone), due to the volcanic view shaft and height variation control that apply to other parts of Newmarket. These controls do include significant variation in height within and between the volcanic view shafts, However, this option has not been assessed. It is therefore not possible to determine if the proposed package of precinct provisions, that do include a range of positive outcomes and more stringent set of design criteria than the standard Mixed Use Zone, will be sufficient to manage the effects of a smaller building in Height Area A and Height Area C.

10.0 Pedestrian Environment

10.1 This section considers the effects on the pedestrian environment and the contribution the proposal will make in terms of supporting the RPS outcomes sought.

Positive Effects

10.2 Overall, I consider that the proposal will make a positive contribution to the pedestrian environment through the way that it will require:

- A safe, accessible and legible public pedestrian route through the site for at least the hours of 7am to 11pm, but 24 hours would be preferable.
- A public plaza to create a focus to the space and to encourage interaction between residents, workers and visitors,
- The building fronting George Street to be set back 4m from the boundary which provides additional pedestrian access and landscaping along this part of the street,
- Active frontages along Clayton and George Street and the majority of the north-south pedestrian route,
- Vehicle crossings to be designed to ensure pedestrian amenity and safety.

10.3 The precinct also restricts a range of activities that are car-orientated and not conducive to a high amenity intensive urban environment. Whilst also providing for a modest retail anchor, such as mini urban supermarket that is focused on pedestrian customers, at street level on Clayton Street.

10.4 The range of assessment criteria proposed will ensure that the design of the features listed above is effective at creating a quality pedestrian environment. However, the space to provide for a high amenity pedestrian space at the George Street end of the proposal is limited by the need to also provide for two-way vehicle access, and pedestrian access to the adjoining Blind Foundation Land (required by the easement). It is accepted that to provide for a generous pedestrian route, parts of it may have the overhung by buildings, and this is anticipated by the provisions. However, I note that the George Street Precinct Plan 2 implies that all of the pedestrian route can be accommodated on 13-15 Morgan Street.

10.5 The provisions of the proposed plan change include assessment criteria for the design of vehicle crossings to ensure pedestrian safety and amenity is prioritised, and this is important to urban design. However, the number of car parks, and the likely number and/or time of day that the vehicle crossings are used can also impact on street amenity and pedestrian safety.

Car parking and traffic effects related to urban design

10.6 I note that the issues of car parking are primarily a transportation matter and that is being assessed by Mr Gary Black. However, car parking, access locations, use and design are important features of a development that also have urban design relevance.

10.7 I share the concerns raised by submitters about the number of car parks proposed, and the impact these will have on the network of narrow streets and lanes in the area, along with the difficulty of servicing the site. This issue is complicated by the fact that the existing provisions also provide for a substantial amount of development and car parking.

10.8 The precinct includes precinct specific assessment criteria to assist with ensuring the Morgan Street vehicle crossing is designed to minimise the effects on pedestrian safety, with the likelihood of this being a car park entry and service dock area.

10.9 (1X.8.(2) vehicle access (b) effects on pedestrian safety on Morgan Street: _

(i) the Morgan Street vehicle access point is designed in a manner to prioritise pedestrian safety and legibility, through reducing vehicle speed and positively responding to the adjoining pedestrian connections for example by minimising the overall width of the vehicle crossing”.

10.10 Different assessment criteria is used for Clayton Street and George Street with an emphasis on the effects on both pedestrian safety and amenity in response to proximity of the vehicle crossings to the north/south pedestrian route through the site.

1X.8.(2) vehicle access (c) effects on pedestrian safety and amenity on Clayton Street and George Street:

(i) the George Street vehicle access and Clayton Street vehicle access, are designed in a manner to prioritise pedestrians, reduce vehicle speed, be visually attractive, and positively respond to the adjoining pedestrian connections;

(ii) the pedestrian emphasis along the George Street vehicle access may take a variety of forms such as minimising the carriageway where possible;

(iii) if the Clayton Street vehicle access is required the pedestrian emphasis may take a variety of forms such as designing access to the precinct to limit the desirability of vehicles to use this entrance, for example through only enabling one way vehicle movements.

10.11 I consider that the proposed assessment criteria will help to ensure good design outcomes that prioritise pedestrians, and ensure a slow speed environment, that may discourage frequent car use, in particular for local trips. This is also particularly important given the constrained nature of the site, and the short length of the George Street frontage.

10.12 The applicant has also proposed a cap on the number of car parks provided to no more than 500, and this number is based on applicants assessment and design, which I understand is less than what the site could currently be expected to accommodate under the existing AUP provisions. However from an urban design perspective, the large number of car parking spaces still has the potential to distract from the provision of a pedestrian focused mixed use precinct, and to undermine the quality of the proposed urban design response, in addition to causing safety issues due to the narrowness of the streets, and footpaths.

10.13 From an urban design perspective, the actual effects of the 500 car parks will most likely be determined by who the likely users of the car parks are (residents vs commercial activity), how frequently do cars exit and leave, in what direction they are likely to be heading towards, and what times of the day or week, and the numbers of cars that use the various entry/exits, including the pragmatics of servicing and what other transport options are encouraged (including provision for electric bicycles). All of these variables may make a substantial difference to the urban design outcomes, as well, the type and amount of new development in the area, including the recently consented developments at the Carlton Gore end of Morgan and Clayton Street.

10.14 I would support a further reduction in the total number of car parks provided either through development controls, or other incentives, to increase the positive effects of the proposal which are in the creation of a more intensive, pedestrian focused, mixed-use urban living neighbourhood. A reduction in carparking numbers would also be a response to changing the modes of transport used, given the precincts good location. i.e. no more commuter car parking and a reduction in residents car parking.

10.15 A reduction in the overall number of car parks may also provide more flexibility in terms of the podium design, and its interface with Clayton Street, including how the transition in levels occur.

Podium form

10.16 There are positive and negative aspects to the proposed podium approach, in particular to the challenge of negotiating the change in levels at the Clayton Street end of the site, and providing for car parking.

10.17 In my opinion, the podium approach is primarily determined by the need for car parking within a cost efficient structure, and a preference for level access off George Street and Morgan Street to provide for an accessible plaza and pedestrian route through the site. I consider that the site is well located to provide for urban living without carparking, or at least for limited car ownership. However, there are submitters who have raised concerns about the importance of providing car parking on site to manage the effects on streets. Similarly, there are urban design benefits to having commercial activity at street level on Clayton Street, and along the podium level, and this may require some car parking.

10.18 Consideration has been given to having a 'street' or lane that provides a more gradual transition up the slope, instead of podium structure. However, this approach also has complexities in terms of accessible grades and the need to then step building footprints up a slope as well as proposing significant limitations on how car parking can be accommodated. Alternative design solutions that could occur with a reduction in car parks, such as the stepping of the podium, could be possible. The proposed provisions and assessment criteria proposed are sufficient to enable an assessment of alternatives.

10.19 The applicant has provided several visual simulations of the proposed built form resulting from the use of podium, including views from the corner of Clayton and Carlton Gore Road. This confirms that even with the height of the podium relative to Clayton Street, views through the site to the domain, and between the buildings will be possible from this strategically important corner. Similarly, views from George Street toward Newmarket are retained along the 20m wide part of Height area D. And, even if the ACG site is developed up to their boundary, and the gap is narrowed to 6m, the view through is still maintained sufficient to give depth to the view, and to support legibility of the route. However, I consider it more likely that on any redevelopment of the ACG site, a setback from the boundary is more likely to enable windows along its western elevation.

10.20 As a result, I consider that the provisions, that enable a podium development that is level with George Street, approach provides an acceptable strategy for balancing the competing demands of pedestrians, residents, visitors and car parking appropriate to the precinct.

10.21 In addition to this, I consider that the Resource Consent process still provides sufficient flexibility to consider alternative arrangements if a better design solution was to be determined. While the provisions of the precinct provide a good level of direction in terms of the quality of the pedestrian environment, given the stated emphasis on the pedestrian connections the standards associated with this should be improved to ensure that they are achieved.

Public benefit of plaza and pedestrian route

10.22 The precinct provisions place a lot of emphasis on the provision of the pedestrian routes and plaza, and in particular the extension of the Newmarket laneway network up to the domain. I consider that these objectives are all positive features of the proposal.

10.23 However, to achieve a high quality, safe and active pedestrian environment, it will still pose a significant design challenge. In particular because of the:

- one-sided nature of most of the North/South pedestrian route, the current design of the school building at 39 George Street, and uncertainty over its future development.
- change in levels across the site.

- location of the site off the main pedestrian routes used by shoppers in Newmarket.
- changes in retail, hospitality and office patterns that can impact on leasing of spaces.
- length of the pedestrian only route,
- scale of proposed development; and
- limited amount of sunlight that the plaza will get, and the risk of it getting no winter sunlight. This illustrated in the shading diagrams provided within Appendix 4 of the PPC application document.
- The narrowness of the George Street frontage, and the need to provide for vehicle entry/exits as well as the generous pedestrian space, and retail/commercial activity.

10.24 A number of these challenges will be difficult to overcome, but with careful design and consideration of landscaping, I consider that a safe and attractive pedestrian route can still be created. I also consider that the number of people who would be living in the development, as well as working or visiting other places in the area should assist in creating the demand for at least a small cluster of 'neighbourhood' type services, retail and café space to support some activity along the route.

10.25 The provisions also provide for adaptability in how ground and podium level spaces are able to be used. For example, in the event that limited retail activity is not viable for parts of the route, the podium level activity could include resident's services, such as communal function spaces, early childhood centres, generous lobbies to the residential apartments, and landscaping that provides for community interaction and activity for children.

Summary

10.26 Overall, I consider that the proposed precinct, including the elements identified in George Street Precinct Plan 2 - Urban design framework and the range of assessment criteria proposed in addition to the development controls, precinct objectives and policies, will ensure a robust assessment of a proposed development to achieve a quality pedestrian environment.

10.27 Notwithstanding these, it will still be a challenging design exercise to create a quality space that can sustain a good level of activity, and in particular retail and commercial activity, along the pedestrian routes and within the plaza. I share submitters concerns about the public value of what is able to be created, in particular due to the limited sunlight that the plaza is likely to receive. However, I also consider that with careful design of buildings and landscaping, a safe and attractive pedestrian environment, that supports a good sense of community can still be created, with the buildings at podium and street level having 'active frontages' that are adaptable to range of uses over time.

11.0 Urban Sustainability and Climate Change

11.1 This section considers environmental factors including shading, wind and initiatives around sustainable building design.

Shading

11.2 The precinct, if approved will enable buildings up to 29m, 35m and 55m above the height of the George Street Datum (i.e podium), and up to 55m in footprint size (as measured diagonally). The applicant's team have provided a series of shading diagrams to assist with the assessment of how this will impact on surrounding sites, and how much sun the proposed plaza might receive.

11.3 The shading diagrams show anticipated shadows from the current Mixed Use Zone envelope and the proposed precinct building envelope, in relation to existing buildings, with the difference between the two shown in pink. Shading diagrams are shown for the Summer Solstice (hourly from 9am – 7pm), Winter Solstice (hourly from 9am – 4pm) and Equinox (hourly 9am – 5pm). However, they don't show the potential impact of future development on other sites in the area, if they were re-developed to the maximum heights provided for the in the AUP. In some instances the effects of these would overlap and overcome those from the precinct.

11.4 The analysis confirms that the amount of shading and impact it will have is relatively limited for the majority of the development. This is due to the:

- location of the site being on the southern side of George Street and Auckland Domain,
- location of the taller parts of the building being within the centre of the urban block with a 27m high buildings currently provided for in the zone,
- the height of some of the surrounding buildings
- north / south orientation of the building blocks, and
- the gap between the buildings where Height Area D is located.

11.5 In his assessment Mr Reilly summarises the shading effects as follows:

For much of the time throughout the year, additional shadow cast by the Plan Change envelope is limited to the George Street, Carlton Gore Road, Broadway block. At those times the shadow extends beyond this block, it generally hits Business zoned sites and moves quickly.

- *Additional shadow is cast largely on the roofs of existing buildings, rather than building facades or site yards.*

- *The southern end of the Olympic Reserve will be affected by additional shadow on the Winter Solstice for around an hour, as will Residential zoned sites around Middleton Road (until sunset at 5.11pm).*
- *Additional shadow during all periods cast on the apartment block at 8 Clayton Street is largely limited to the roof of that building.*
- *No additional shadow is cast on the neighbourhood of residential apartments and terrace houses along the western end of George Street.*
- *The shadow diagrams do not show sites outside the Precinct with buildings extending up their zone enabled envelopes. I anticipate that as surrounding sites increase in scale and height within these enabled envelopes the comparative extent of additional shadow cast by the Plan Change envelope would markedly reduce, noting the low height of existing buildings relative to Unitary Plan limits.*

11.6 Overall, I agree that the degree of additional shadow cast on the wider area throughout the majority of year will not be significant due to orientation of the buildings, and the fact that the area is already highly urbanised, with the exception of the potential effects in the following locations:

- Olympic Reserve, located at 59 Broadway – from 1 – 4pm in winter, and in particular at 2pm. This is because sunlight into public spaces is critically important within highly urbanised areas, especially during winter when sunlight at ground level is often in scarce supply. And although the park has a number of trees that will create shade, tree canopies typically provide dappled light and shade, not full shade. (refer fig 10 Olympic Park seating area in Attachment A). In reviewing the shading diagrams it also appears that it is the central seating area that will be shaded. 2pm in winter is a time of day when sunlight areas are likely to be used. The existing building at 33 Broadway already shades the park in part, but being a very recent building, built to the maximum height of the Mixed Use Zone, it is unlikely that any other future development will create more shading in this localised area, at around 2pm in winter. I consider that the increase in shading should be considered significant due to the public impact of it. A reduction in Building Height A will most likely make a significant difference in the amount of shading effecting Olympic Reserve due to the low angle of the sun.
- 33 Broadway (containing the Mercury Energy building) – will experience some additional shading on its roof and within its atrium spaces between 2 – 4 pm at Equinox and 1- 4pm in Winter. It is hard to determine the exact extent of the impact based on the information provided, as some of the atrium space will be shaded already. But whilst these are key times of the day when sunlight into the office areas is valued, overall, it will still get good sunlight at other times of the day and year.

- Middleton Road, Remuera – the shading studies show that somewhere between 3pm and 4pm in winter, the shadow will extend across the valley to the properties at 50 – 62 Middleton Road and then across the street to properties at 67 – 75 Middleton Road. Each of these properties will still get sunlight at other times of the day, but the extent of the shadow is substantially beyond that created by other tall buildings in the Metropolitan Centre Zone. A reduction of building height in Height Area A would mean that the shadow is more in keeping with that created by the others buildings, and ensure no additional shading in the late afternoon.

11.7 I note that 18 Broadway will experience additional shading along its street elevation from between 4 and 5pm at the Equinox onwards. However, this is an office building and will still get sunlight on this elevation from 11am in the morning.

Sunlight to plaza

11.8 Sunlight to the plaza area located on the proposed north/south pedestrian route is limited to only about 2 hours a day.⁴⁷ This is during the middle of the day, but the limited amount will impact on the usability of the space, depending on season. In general, for vibrant public spaces longer hours of sunlight at varying time of the day encourages more use. If the 39 George Street site to the north was to develop to 27m at the boundary of the precinct, then the plaza may not get any sunlight in winter which is when sun is most valuable. This lack of sunlight is a key reason why I consider that getting the plaza and pedestrian route working well will be particularly difficult, and it does limit its public benefit.

11.9 There is the potential for the plaza to get more or less sunlight depending on the specific design and location of the proposed buildings and location of the plaza relative to each other. If the buildings are narrower than the building envelopes modelled (e.g. with a maximum building dimension of less than 55m), or shorter in height, then it is likely that the plaza and pedestrian route may receive more sunlight.

Wind

11.10 Some submitters have raised concerns about wind and the applicant has not provided any specialist commentary on wind. However, the standard provisions of the Mixed Use Zone will apply in relation to the wind via Standard H13.6.8 Wind.

11.11 This requires that new buildings exceeding 25m in height demonstrate compliance with the specific standard for wind speed as result of proposed buildings as part of the Resource Consent process. This includes specific velocities, for specific types of spaces as identified in *Table H13.6.8.1 Categories* and *Figure H13.6.8.1 Wind environment control*. These performance requirements, and the limitation of effects as determined by the provisions does not change with height. However, the architectural design and level of analysis required at Resource Consent will need to be detailed and depending on context, orientation and building design, future development may or may not struggle to meet the requirements.

11.12 Importantly, from an urban design perspective, this control ensures that a specialist wind analysis and assessment is able to requested at Resource Consent stage to ensure the effects of building design on public, communal or private spaces are considered. In my experience, the modelling undertaken by wind experts will identify any areas where the control is not met, provide commentary on the level of environmental effect, on for example outdoor dining areas and pedestrians, and provide advice on architectural design measures to change how the wind moves in order to reduce effects. Examples may include introducing canopies or greater variation in building form or façade design to slow wind speeds. In urbanised areas where change in development is anticipated (such as business zones) then development on adjoining sites can also effect wind and thus assessment at resource consent is best as this generally reflects the most current context.

11.13 On the understanding that the Mixed Use Zone provisions of H13.6.8. Wind continue to apply to the precinct, I consider that the potential for adverse wind effects can be managed.

Carbon, Waste, Energy, and Green Star Building

11.14 The proposed precinct does not include any unique climate or environmental design related provisions related to energy use, carbon efficiency or waste reduction that could be integrated into the design of future buildings. This is consistent with the existing AUP that does not have rules and criteria to address these issues.

11.15 However, the RPS requires consideration be given to this through the following objectives.

B2.3.1. Objectives (1)

(d) maximise resource and infrastructure efficiency; and

(f) respond and adapt to the effects of climate change,

B2.3.1. Objectives (2) Innovative design to address environmental effects is encouraged.

11.16 Submission 19 from Tony Watkins also raises the issues of tower building forms and their impact on these wider environmental issues including climate change. In response to this submission, it may be appropriate to consider whether or not a matter of discretion and associated assessment criteria should be included to assist with ensuring these issues are addressed. How, this is done, and the effects (including positive effects) are quantified may be complicated, but the introduction of this could be seen as a positive effect. An example of possible provisions could be:

- Matter of Discretion : Environmental Performance
- The extent to which the building has been designed to optimise on site energy efficiency, reduce waste, manage carbon, and provide for water sensitive design.

11.17 The provision could also include the introduction of other sustainability design polices and assessment criteria to align with Green Star rating requirements (or similar) and that support a mode shift in transport away from private vehicle use, such as provision for electric bicycles.

Summary

11.18 In summary, I consider that the proposal will have some shading effects, even if the future development of the surrounding area is considered. This is likely to impact on the quality and useability of the public realm, and in particular Olympic Reserve at 59 Broadway. The shading will also contribute to the sense of visual dominance created by Height Area A, due to the long reach of its winter shadow, that will extend beyond that cast from the Metropolitan Centre Zone.

11.19 I consider the existing AUP provisions should be sufficient to manage the effects of wind, but that the Plan Change could benefit from some precinct specific controls around environmental performance.

11.20 I consider that the inclusion of specific provisions on environmental performance (eg. optimise on site energy efficiency, reduce waste, manage carbon, and provide for water sensitive design) and priority given to a reduction in car use, would increase the positive effects provided by the proposal and be in line with the objectives of the RPS for encouraging innovation in response to environmental issues, including climate change.

12.0 Choice and adaptability

12.1 This section considers the extent to which choice and adaptability in building use over time is provided for, which are key outcomes sought in the RPS.

12.2 Policy (3) of B2.3.2 is about providing for choice and adaptability in living and working environments in response to changing needs over time. I consider that the proposed precinct will generally perform well in this regard, through the way it will provide additional living and working opportunities in Newmarket, within a unique development.

Adaptability

12.3 Adaptability is addressed in part by the active frontages required, that have the ability to change in activity over time. The transitioning between residential and commercial spaces could occur and in some instances intentionally designing for this flexibility is able to occur within the practice of assessing large scale consents.

12.4 Additional provisions that focus on future trends and methods for managing climate change and environmental issues could also be considered to further support adaptability, including changes in vehicle use patterns.

Diversity and Choice

12.5 The proposal will contribute to providing more living and working options within the Newmarket area, contribution to the diversity and choice in building type and character. However this could be further achieved through the inclusion of additional environmental design requirements.

12.6 Examples might be less carparks, provisions for electric cars and electric bike storage and charging, higher standards of environmental management, adaptability in the design of car parking levels. Or provisions for higher amenity spaces, like larger balconies.

12.7 The Mixed Use Zone does not require balconies or any form of private outdoor space for residential activity. Bespoke provisions of these type may help with ensuring more choice and diversity of apartments within the Mixed Use Zone, in comparison to other parts of the city, but may not be in keeping with the approach taken in other precincts relative to the zone.

12.8 Some submitters have also asked for an increase in the minimum size of apartments,⁴⁸ (H13.6.10 Minimum dwelling size) and others have raised concerns about the risk of low quality development.⁴⁹ Whilst I consider that the building design and appearance criteria will help to ensure a robust assessment process, these are not sufficient to require more than the minimum in floor area for apartments.

Staging

12.9 How the staging of development occurs is also an important factor to consider in relation to adaptability and changes in circumstances that may effects design outcomes over time.

12.10 I note that careful consideration has also gone into the wording of provisions to ensure that the staging of development can be managed, and that the publicly accessible areas, such as the podium pedestrian route, are delivered in the first stages of work. This is based on Area A being delivered separately to Areas B and C, where Areas B and C are likely to be delivered together, or within a shorter time period in terms of staged construction. Grouping Areas B and C together also supports pedestrian safety in terms of managing the effects of staging, construction and completion of works for staged occupation and financing of what is a very large development within the Auckland context.

Summary

12.11 Overall, I consider that the proposed private plan change will make a positive contribution to the provision of a more living and working opportunities in Newmarket, and create a unique development that adds to the diversity of opportunities. I also consider that the proposed private plan change provisions appropriately manage adaptability and staging in line with current methods for enabling this to occur.

12.12 However, I consider that as a result of better addressing sustainable design outcomes, as discussion in Section 11 above, the proposed private plan change could also better deliver more diversity, choice and adaptability in design outcomes.

12.13 I also consider that there may be merit in introducing some bespoke provisions around apartment size and balconies to increase the positive contribution the proposed precinct could make in relation to ensuring diversity and choice of apartment living options in the area. However, one of the key differences between the business zones and residential zones, is the flexibility provided for in regard to the provision of balconies and there may be consistency issues in regard to the AUP provisions applied across the city.

RESPONSE TO SUBMISSIONS

13.0 Summary of Decisions Requested

- 13.1 In undertaking this assessment I have reviewed the Summary of Decisions Requested spreadsheet that has been provided, along with a list the relevant submission points with the footnotes. I confirm that I have read all of the submissions and sought to address the matters in comprehensive manner. The submissions relevant to urban design have been identified in Section 4.0 and are listed within the endnotes to this report, and referred to where applicable.
- 13.2 I have not visited any of the submitters personal properties, and refer to Peter Kensington's assessment of visual effects on specific submitters. I have primarily considered the effects on the public realm not individual properties.
- 13.3 In Section 4.0 of this report I have referenced the submissions made on key issues, and the relevant submissions are recorded within the end notes to this report, and where applicable, within other parts of this urban design assessment.

14.0 Decline the Plan Change - due to urban amenity effects

- 14.1 The majority of matters raised by submitters, that are relevant to the request to Decline the plan change due to urban design and amenity effects, result from proposed building height and overall size and form of the potential development. The relevant submissions have been identified in the notes provided for Section 4.0 of this report, and the issues have been discussed above.
- 14.2 In summary, I agree with the submitters, and recommend decline of the plan change in response to the potential for adverse effects in relation to urban form, streetscape, character and amenity effect. In particular, due to the height proposed for Height Area A and cumulative effects of all the building height enabled in the extent of Height Areas A, B and C. Unless, changes are made to the provisions to reduce the extent of these effects.

15.0 Decline or accept the plan change – with amendments

- 15.1 A number of submissions requested specific amendments to the plan change and indicated that it may be acceptable if changes were made. These submissions provide scope to consider changes to the provisions to address key issues. I have noted the changes that I would support, and these are also summarised in the recommendations.

IX.6.1 Building height - Reduction in the Height of Area A

- 15.2 A reduction in the maximum height limit in Height Area A . This includes the following submitters:
- Submission #5: Gavin Hodder;

- Submission #8: Hugh Michael Caughley;
- Submission # 32: Darryl Carey;
- Submission #38: Cushla O'Shea

15.3 As discussed in the sections above, I consider that for the proposed private plan change to be accepted, a reduction in the maximum height of Height Area A is required, in addition to a reduction of the height enabled on 13 – 15 Morgan Street, in Height Area C.

Table IX.4.1 Activity table - Infringement of IX.6.1 Building height

15.4 A number of submitters have noted that any development greater than the maximum height proposed would require a Restricted Discretionary Activity consent. However, I also consider that since this is a bespoke, and tailored precinct, then a non-complying activity status to go over height may be more appropriate. This will ensure a robust assessment of any height infringement against the objectives and policies of the zone.

15.5 I would support a change in activity status for height infringements, to non-complying in this instance, since the effects of a greater 'maximum height' are in the process of having been fully assessed.

IX.5 Notification (1) (a) - Non-notification of restricted discretionary consents

15.6 I agree with the submitters⁵⁰ that infringements of key controls, such as height and non-compliance with setbacks, and delivery of the precinct plan features (such as the plaza) should not be excluded from public notification. The normal tests for notification should apply given the scale of development enabled and the importance of building design and architecture to managing effects, in particular in terms of visual dominance, character, amenity and pedestrian safety.

Standard IX6.8 Setback - Building setback on western boundary

15.7 Along the eastern boundary of the precinct that adjoins 47 George Street and the boundary with 39 George Street a building setback control is proposed. This states that:

(1) In Height Area A, the part of a building greater in height than 5m above the George Street Datum must be located at least 6m from the precinct boundaries.

15.8 As illustrated in the WAM drawings provided in Appendix 4 of the PPC, this has the effect of limiting development along the boundary with 47 George Street to no more than 15m height when measured from ground level e.g. 5m above the George Street datum that due to the fall of the land is no more than 5m above ground level. This is a reduction in height from the 27m above ground that is currently enabled up to site boundaries under the Mixed Use Zone provisions.

15.9 Submission 7 from Cleveland Properties requests that a similar setback be provided for along the western boundary of the precinct, as follows:

In Height Areas B and C, any part of a building greater than 5m in height above the George Street Datum must be located at least 6m from the western boundary of the precinct.

15.10 I support the adoption of this additional control because it will provide properties along the western boundary with a similar advantage as those alongside Height Area A, and provide mitigation for the increase in height that is enabled by the Heights Areas B and C which is measured from the George Street Datum (not rolling ground level). This would require consequential changes to the rest of the provisions in IX.6.8 Setback as follows.

IX.6.8 Setback from neighbouring sites

(1) In Height Area A, the part of a building greater in height than 5m above the George Street Datum must be located at least 6m from the precinct boundaries.

(2) The part of a building greater in height than 4m below the George Street Datum must be located at least 4m from the precinct boundary with 8 Clayton Street.

(3) In Height Areas B and C, any part of a building greater than 5m in height above the George Street Datum must be located at least 6m from the western boundary of the precinct.

(3) ~~(4)~~ The part of a building greater in height than 27m above ground level must be located at least 6m from any side or rear precinct boundary, except as required by IX.6.8(1), and (2) and ~~(3)~~ above.

*(4) ~~(5)~~ The building heights in IX.6.8(1), and IX.6.8(2) **and IX.6.8(3)** are measured from the George Street Datum. The building height in IX.6.8 (3) is measured as per the definition of height.*

URBAN DESIGN ASSESSMENT

16.0 Assessment of Effects

- 16.1 Having assessed all of the information provided and the reviewed the submissions made, I have concluded that I cannot support the precinct provisions as notified without further modifications, and in particular a reduction in height within Height Area A, and an increase in the upper floor setback from Morgan Street above 27m in height. This is due to the cumulative effects on urban form, urban character, landscape character, streetscape character, visual dominance and shading created by the proposed height and length of the building in Height Area A, and the portion of the building that fronts Morgan Street. This is discussed in Section 9 of this report.
- 16.2 However, I do concur in general with the applicant that the provision of some additional height and a bespoke set of provisions, is an appropriate urban design response to the unique potential of the site. In particular, I agree with the applicant's assessment that the proposed precinct site is well located to provide for an exceptionally high standard of urban living in the form of a mixed use development with apartments above commercial activity.
- 16.3 From an urban design perspective I consider that the proposed private plan change has the potential to complement the planned Newmarket Metropolitan Centre area and support it's vibrancy, due to the fact that most of Newmarket's business zoned land has limited future development potential as result of the volcanic view shaft controls that prevent the 72.5m Metropolitan Zone height from being achieved. This is in contrast to other centres in the region.
- 16.4 The heights enabled within the AUP for the Newmarket Metropolitan Centre area, due to the volcanic viewshaft controls, vary considerably across the centre, with heights of up to 60m above ground level provided for in the block bound by McColl and Melrose Streets, and 55m on the southern side of Khyber Pass Road, the Auckland University site, and on parts of the southern side of Carlton Gore Road. These higher areas are in close proximity to areas that have heights of 30 – 35m. In this variable context and the planned character for Newmarket (that maximises development potential whilst ensuring volcanic view shafts are maintained) some additional height above 27m could support the planned urban character for Newmarket's Metropolitan Zoned business areas. However, further information and assessment of the extent would be required.
- 16.5 Consolidating urban development, and further intensification of a business zoned area will also take pressure of other areas off lesser amenity and contribute to the diversity of living options in the city. This area also has the potential to help further invigorate this part of Newmarket, creating a more intensive urban neighbourhood and defining the transition between Newmarket, Parnell and Auckland Domain.

16.6 As a result, I consider that additional height above 27m is appropriate for parts of the proposed precinct but that 55m above the George St datum is too high. In particular, because it would effectively be taller than any other building possible in the Newmarket Metropolitan Centre Zone (when measured from Clayton Street ground level) and will have a range of adverse visual dominance, urban form and character effects.

16.7 The precinct site is located in a visually prominent location and in an area of high landscape value. In my opinion this limits the extent to which additional height can be provided for, without having a significant impact on the landscape and urban character of the area, including heritage and cultural values. For that reason, I agree with a number of reasons that have been raised by submitters which include the importance of:

- ensuring the pre-eminence of Auckland Museum in the wider landscape,
- responding to the open space values of Auckland Domain and the Mana Whenua values associated with Pukekawa, including views to and from other Maunga.
- respecting the geological location of the site on the edge of the Pukekawa and the 10m change in level across the site,
- respecting the adjacent historic heritage of the Foundation properties,
- ensuring that the proposed height and form of the development complements the eclectic character of Newmarket noting that a variety of heights are provided for throughout the centres business zones due to the impact of the Volcanic View Shafts,
- ensuring a high quality pedestrian environment is created, maintained and enhanced, and that complements the Newmarket street and laneway network.,
- ensuring that the development responds to the transitional nature of the site, on the border of Newmarket, Parnell and Auckland Domain.

16.8 In terms of urban design, I consider that within Height Area A in particular, it is important to consider the visual dominance and character effects of the proposed height in relation to the wider cityscape as well the character of adjoining streets, lanes, neighbouring properties, Newmarket, and the Auckland Domain. To that effect, a separate assessment of Landscape and Visual effects has been undertaken by Peter Kensington and I rely on his assessment in regard to the effects of the maximum height of Height Area A in relation to impact on the city landscape, including the Maunga, relationship to Pukekawa/Auckland Domain and views between Maunga.

- 16.9 However, to the extent that landscape and visual amenity effects overlap with urban design issues of urban character and amenity, Peter and I have worked together to assess the proposal. We have also considered what aspects of the plan change could be further refined to better manage, mitigate or offset the potential for adverse amenity effects, including the reduction in building height, changes in the building length control and/or increased building setbacks..
- 16.10 The applicant has provided a range of analysis and assessment documentation including drawings and photo-simulations to assist with the formation of the proposed plan change, and its assessment. This information is based on a detailed analysis of the site and its context and the preparation of a potential development scenario based on a concept design by Warren and Mahoney Architects.
- 16.11 A separate 3D model of the building envelopes provided for in the plan change as result of the height and setback provisions has been created. Whilst this does not reflect an actual building proposal, it enables a 'worse case' assessment of a development built to the full potential of the provisions. This model has been used to create a series of visual simulations and shading diagrams to assist with the assessment of the effects of the additional height, and proposed setbacks. This analysis takes into consideration both the existing context of the site, and its future development potential. In particular, it assists with establishing where from, and to what extent, the proposed buildings will be visible and whether or not they are likely to be screened from view by future buildings of the heights provided for in the existing AUP.
- 16.12 It is important to note that building design, materials and colour, and features such as balconies and varied roof forms all impact on the visual dominance of a proposal in relation to its context and local character. For these reasons the plan change proposes a Restricted Discretionary Consent status for new buildings, with site specific assessment criteria around building design to ensure a robust assessment of visual character effects through the Resource Consent process.
- 16.13 Whilst it is essentially a theoretical proposal, the Warren and Mahoney development concept was instrumental in determining how carparking requirements can be managed whilst ensuring pedestrian connectivity and amenity through the large block, the creation of viable building footprints, and a method for managing the transition in levels across the site. As result, the proposed plan change anticipates the creation of a basement / podium structure that is aligned with a datum on George Street, but is up to 10 m above Clayton Street. Within the proposed precinct provisions building heights are measured from the top of the podium to provide clarity of anticipated built form across what is a steeply sloping site. Additional information on their height from existing ground level is included in the documentation to assist with the assessment of the effects of the proposed height.

16.14 A specialist urban design assessment of the proposed provisions and the effects of the proposal has been undertaken by Mathew Reilly of Barkers and Associates and a separate Visual Impact Assessment of landscape character effects has been undertaken by Rob Pryor of LA4 Architects.

16.15 Mr Reilly also includes a detailed assessment of the proposed provisions and their effectiveness at managing key urban design issues, such as the legibility and quality of pedestrian routes and street interfaces, as well as the articulation of the built form and residential apartment amenity.

17.0 Key Points of Difference

17.1 Whilst in general I agree with Mr Reilly for the majority of his assessment, including the positive effects of the proposal such as pedestrian connections, plaza, active edges, and the inclusion of more detailed and specific assessment criteria than just those in the Mixed Use Zone, there are several aspects where our opinions differ. Some of these key issues were first raised in our preliminary review of the proposed precinct prior to notification and that based on the submissions received continue to be of concern. Others are issues identified through the more detailed assessment of the effects of the proposed precinct that I have now undertaken in response to submissions. These are related to the following precinct provisions that are considered to be important for the management of amenity effects and to maximise the public benefits of the proposal:

- *IX.6.3 Pedestrian Connections (3)*. – that limits public access through the site to less than 24hrs.
- *IX.8.2 Assessment Criteria (1)(a)(i)* related to building design, and whether or not a more specific direction for diversity of built form to ensure visually distinctive and different buildings in response to Newmarket's existing character versus the specific approach illustrated in the Warren and Mahoney proposal that sets out to prioritise visual coherence and similarity in design between the three or four buildings.
- *IX.8.2 Assessment Criteria (1)(b)(i)* related to the pedestrian connection and plaza design, and in particular to ensure visual connectivity to the Domain from along Clayton Street is maintained, similar to the way that the trees are shown as visible between the buildings, with the submitted photo-simulation from the start of Clayton Street; and not limited to the legibility of the route to an awareness the sky and other less prominent factors.

17.2 In addition to these matters, the following items of concern were also raised in our preliminary assessment, but have required further assessment of effects once the plan change was notified and submissions received. They substantially relate to the key issues of building height and bulk and visual dominance, urban form and landscape character and amenity effects. Section 4.0 of this report discusses these issues in detail. Having completed my urban design assessment of effects. I do not concur with Mr Reilly's assessment of the visual dominance and character effects specific to the following provisions as notified:

- *IX.6.7 Maximum tower dimension and tower separation (1)* – that enables a building length of up to 55m in all height areas including Height Area A and whether or not this should be a lesser dimension, in particular for Height Area A to ensure a more slender building and to help reduce visual dominance and shading effects.
- *IX.6.1 Building Height (1)*. – *Height Area A* that enables up to 55m in height and whether a lower maximum height is more appropriate in terms of reducing the extent of visual dominance effects, effects on urban and landscape character, and shading effects, and, to be more in character with the maximum heights provided for in the AUP for other parts of Newmarket. This is also on the basis that an important urban design feature of the precinct is ensuring that the visual prominence of Auckland Museum is maintained and that buildings don't dominate the skyline (IX.2 Objectives (2).)
- IX.5 Notification (1)(a) - Development that does not comply with Standards IX6.1 Building Height, IX.6.6 Yards, IX.6.7 Maximum tower dimension and tower separation, IX.6.8 Setback from neighbouring sites and IX.6.9 Number of car parking spaces is Restricted Discretionary Activity under IX.4 Activity Table (A11) - and excluded from notification under IX.5, yet infringements of these controls have the potential for significant effects, given the scale of development already proposed within the precinct I consider that normal tests of notification should apply.

17.3 In assessing the issues raised in submissions, I also note the following points of difference:

- H13.6.3. Building setback at upper floors - within the Mixed Use Zone applies and this requires a 6m setback along street frontages, for the part of the building above 27m for buildings in the Mixed Use Zone. Due to the provision for 35m in Height Area C, relative to the 27m provided for along the rest of Morgan Street, I consider that a setback greater than 6m is required for buildings over 27m, to ensure continuity in streetscape character and for reducing visual dominance and shading effects to properties located along Morgan Street. This could also be achieved through a reduction in height for the precinct area at 13 and 15 Morgan Street.

17.4 Prior to submission of the plan change, the applicant provided a draft set of provisions to council specialists to review, and a draft package of information. A range of urban design issues and concerns were raised through this preliminary consultation process. As result, additional information was prepared by the applicant for the purposes of the notifying the plan change, and a range of changes were made to the provisions to address points of concerns. Not all points raised in the preliminary urban design assessment were fully addressed to the extent requested, but overall a robust analysis and assessment was provided and this informed the proposed precinct provisions.

17.5 A number of the submissions made on the proposed precinct provisions, have raised issues that were previously identified as being matters of concern. These include aspects such as:

- the public benefit and quality of the through site link and plaza, including the provision of 24hr access,
- overall building height and bulk that relates back to several provisions including building length controls, maximum heights and setback controls,
- Relationship to the surrounding area in terms of height and development potential, and/or bespoke provisions,
- Pedestrian environment and impact of proposed car parking and vehicle crossings,
- Impact on landscape amenity and relationship to Pukekawa/ Auckland Domain and other Maunga,
- Privacy, shading, wind and visual dominance effects on neighbours in close proximity of the site, and
- How the level changes across the site are to be managed, and the best way to measure height in terms of the provisions, whilst also ensuring the supporting information measured height in multiple ways to assist in analysing and assessing the various effects of the proposal.

17.6 As noted above, in my opinion, the applicant has provided sufficient information to provide a broad assessment of urban design effects but on the basis that the proposed maximum heights cannot be supported due to the extent of visual dominance and landscape character effects.

CONCLUSIONS AND RECOMENDATIONS

18.0 Conclusion

- 18.1 Having reviewed all the submissions and the information provided with the application relevant to urban design, as well as having visited the site and surrounding area on multiple occasions, and undertaken my own assessment relevant to urban design, I consider that the proposed private plan change in its current form cannot be supported. Primarily due to the proposed maximum height of Height Area A, and the extent and height of Height Area C along Morgan Street.
- 18.2 Based on the submissions received and the detailed analysis of the information provided, along with my assessment of effects, I am not able to support the proposed private plan change in its current form due to the visual dominance, urban character, urban form and shading effects created by the proposal.
- 18.3 I consider that the positive effects of the proposal cannot compensate or effectively mitigate the adverse effects of the proposal. In particular, the proposed maximum height of Height Area A and the extent and height of Height Area C that is not compatible with the existing or planned character of Newmarket. In particular being 5 – 10m taller than anywhere else in Newmarket, when measured from ground level at Clayton Street.
- 18.4 I consider that, whilst the site is well placed to provide for a greater intensity of development, the RPS requires a balancing of this with the impact of development on urban form, and landscape character, with the precinct site being within a particularly sensitive location (on the edge of Pukekawa, and opposite the Auckland Domain and Museum, and historic built form on adjacent Foundation properties).
- 18.5 Whilst I cannot support the proposed private plan change in its current form, I consider that in terms of urban design the principle of a precinct limited to 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, with a tailored set of provisions can be supported; and that the majority of provisions, including objectives, policies and assessment criteria are well drafted and will provide a robust basis for the assessment of future Resource Consents.
- 18.6 I also consider that the proposed private plan change will enable the delivery of a range of positive urban design effects, including a more efficient use of land, security of public pedestrian access through the site, and an open area along this (between buildings on the podium) that will provide a strong visual connection between Carlton Gore Road, along Clayton Street, to the Domain.

18.7 The setbacks from boundaries proposed in the proposed private plan change, also provide a better outcome for adjoining neighbours, result in a built form along boundaries that is limited to no more than 5m above the George Street Datum, which means that at most any 'blank walls' on boundaries will be 15m in height instead of 27m as is possible under the existing AUP Mixed Use Zone provisions. This provides adjoining sites with additional light, sunlight, air circulation, and possibly even additional outlook amenity.

18.8 Therefore, I may be able to support the plan change subject to the provision of additional information and the following modifications to the precinct provisions as outlined below.

Recommended Changes

18.9 The following changes to the provisions are recommended to reduce adverse urban design and amenity effects, and provide a more robust set of provisions to assist with the mitigation of effects in response to the unique character and context of this part of Newmarket.

- Height Area A, Maximum height in this area be reduced **(IX.6.1 Building height)**.
- Reduction in maximum tower dimension and tower separation, particularly in Height Area A for when over 27m in height **(IX.6.7 Maximum tower dimension and tower separation)**.
- Along Morgan Street an increase in building setback above 27m height, and/or a reduction in the extent of the height of Height Area C as applied to 13-15 Morgan Street. **(IX.6.1 Building height)**
- Refinement of assessment criteria to emphasise visual difference between buildings, in particular when viewed from the west and east and reduce the cumulative visual dominance effect of buildings; **(IX.8.2 Assessment criteria (1)(a)(i))**
- Refinement of assessment criteria to emphasise change in height of roof form in Height Area A to reflect the geology and slope of land formed by Pukekawa. **(IX.8.2 Assessment criteria (1)(a)(iii))**
- Activity Status to go over height to be non-complying. **(Table IX.4.1 Activity table)**
- Non-notification clause removed for restricted discretionary activity consents and in particular for the provisions that effect building height, bulk, setbacks and car parking so that the normal tests of notification apply. **(IX.5 Notification)**
- Introducing a 6m setback for any part of a building greater than 5m in height above the George Street Datum for the western boundary of Height Areas B and C. **(IX.6.8 Setback from neighbouring sites)**

18.10 I would also support the following changes to increase the positive effects of the proposal and to better support a high-amenity pedestrian focused development, that better supports the sustainable development of the city and ensures a high standard of environmental design.

- Reduction in the overall number of car parks to better support a pedestrian environment and reduce traffic effects on pedestrians. **(IX.6.9 Number of car parking spaces)**
- The introduction of a sustainability design policies and assessment criteria to assist in the management of building design and construction, including the potential for Green Star rating requirements (or similar) that take into consideration ongoing operation costs. These should also support a mode shift in transport away from private vehicle use, such as provision of electric bicycles and associated facilities.

END NOTES - RECORD OF SUBMISSIONS

¹ **Submitters on this matter who oppose the plan change include:** Submission #11: Michael John Fischer and Gabrielle Lesley Fischer; Submission #21: Jonathan Leonard Newman Eriksen; Submission # 32: Darryl Carey; Submission #34: Robyn Hughes; Submission #35: Alasdair and Joan Thompson; Submission #40: 11 George Body Corporate; Submission #47: Robert Thomas Clark; Submission #51: Rostrevor Edwin Burnell; Submission #1: Victor de Bettencor; Submission #10: Moana Point Farms Ltd; Submission #22: Zamin Investment Limited; Submission #27: James A Carmichel; Submission #28: Ian and Catrina Fair; Submission #31: Domain Apartments; Submission #34: Alan Herbert Burton and Wendy Alyson Burton; Submission #34: Robyn Hughes; Submission #38: Cushla O'Shea; Submission #38: Donald Kay Keung Yung; Submission #39: Roger and Julie France; Submission #42: Downtown House No. 2 Ltd; Submission #47: Robert Thomas Clark; Submission #48: Auckland Council c/- Christopher Turbott; Submission #51: Rostrevor Edwin Burnell; Submission #54: Parnell Community Committee (Inc); Submission #55: Patricia Judd.

² **Submitters on this matter who have asked to amend the plan change by reducing height if it is not declined:** Submission # 32: Darryl Carey; Submission #5: Gavin Hodder; Submission #8: Hugh Michael Caughley; Submission #38: Cushla O'Shea; Submission #41: Katherine S Lester

³ **Submitters on this matter who oppose the plan change include:** Submission #42: Downtown House No. 2 Ltd; Submission #43: FourClayton Properties Limited; Submission #44: TwoMorgan Properties Limited; Submission #45: Aclay Ltd; Submission #43: FourClayton Properties Limited; Submission #44: TwoMorgan Properties Limited; Submission #45: Aclay Ltd; Submission #39: Roger and Julie France

⁴ **Submitters on this matter who oppose the plan change include:** Submission #23: Core City Investments Limited; Submission #48: Auckland Council; Submission #1: Victor de Bettencor; Submission #22: Zamin Investment Limited; Submission #27: James A Carmichel; Submission #28: Ian and Catrina Fair; Submission #31: Domain Apartments; Submission #38: Cushla O'Shea; Submission #39: Roger and Julie France; Submission #47: Robert Thomas Clark; Submission #48: Auckland Council; Submission #51: Rostrevor Edwin Burnell; Submission #54: Parnell Community Committee (Inc)

⁵ **Submitters on this matter who oppose the plan change include:** Submission #28: Ian and Catrina Fair; Submission #27: James A Carmichel; Submission #34: Alan Herbert Burton and Wendy Alyson Burton; Submission #38: Cushla O'Shea; Submission #38: Donald Kay Keung Yung; Submission #39: Roger and Julie France; Submission #48: Auckland Council; Submission #54: Parnell Community Committee (Inc); Submission #55: Patricia Judd; #6: Philip Robert Eilenberg; Submission #10: Moana Point Farms Ltd; Submission #25: Rose McSherry; Submission #27: James A Carmichel; Submission #31: Domain Apartments; Submission #34: Alan Herbert Burton and Wendy Alyson Burton; Submission #34: Robyn

Hughes; Submission #35: Alasdair and Joan Thompson; Submission #51: Rostrevor Edwin Burnell; Submission #54: Parnell Community Committee (Inc); Submission #55: Patricia Judd; Submission #56: Raymond Robinson

⁶ **Submitters on this matter who oppose the plan change include:** Submission #25: Rose McSherry; Submission #28: Ian and Catrina Fair; Submission #29: Christoph Paszyna (not justify); Submission #34: Alan Herbert Burton and Wendy Alyson Burton; Submission #38: Cushla O'Shea; Submission #40: 11 George Body Corporate; Submission #42: Downtown House No. 2 Ltd; Submission #43: FourClayton Properties Limited; Submission #44: TwoMorgan Properties Limited; Submission #45: Aclay Ltd

⁷ Submission #31: Domain Apartments

⁸ **Submitters on this matter include:** Submission #21: Jonathan Leonard Newman Eriksen; Submission #28: Ian and Catrina Fair (limited hours); Submission #29: Christoph Paszyna.

⁹ **Submitters on this matter who oppose the plan change include:** Submission #40: 11 George Body Corporate; Submission #51: Rostrevor Edwin Burnell. (streets to narrow); Submission #54: Parnell Community Committee (Inc) c/- Luke Niue. (traffic generation); Submission #55: Patricia Judd

¹⁰ **Submitters on this matter who have asked to amend the plan change if it is not declined:** Submission #41: Katherine S Lester

¹¹ **Submitters on this matter who oppose the plan change include:** Submission #1: Victor de Bettencor; Submission #6: Philip Robert Eilenberg; Submission #22: Zamin Investment Limited; Submission #25: Rose McSherry; Submission #28: Ian and Catrina Fair; Submission #29: Christoph Paszyna; Submission #31: Domain Apartments; Submission #34: Alan Herbert Burton and Wendy Alyson Burton; Submission #38: Cushla O'Shea; Submission #38: Donald Kay Keung Yung; Submission #40: 11 George Body Corporate; Submission #42: Downtown House No. 2 Ltd; Submission #47: Robert Thomas Clark; Submission #48: Auckland Council; Submission #54: Parnell Community Committee (Inc); Submission #5: Gavin Hodder; Submission #8: Hugh Michael Caughley; Submission #38: Cushla O'Shea; Submission #41: Katherine S Lester

¹² **Submitters on this matter who have asked to amend the plan change by reducing height if it is not declined:** Submission #5: Gavin Hodder; Submission #8: Hugh Michael Caughley; Submission #38: Cushla O'Shea. (inaccurate ?); Submission #41: Katherine S Lester

¹³ Submission #22: Zamin Investment Limited; Submission #54: Parnell Community Committee (Inc),
Submission #43: FourClayton Properties Limited; Submission #44: TwoMorgan Properties Limited;
Submission #45: Aclay Ltd; Submission #39: Roger and Julie Franc

¹⁴ Submission #48: Auckland Council

¹⁵ Submission #6: Philip Robert Eilenberg; Submission #21: Jonathan Leonard Newman Eriksen;
Submission #28: Ian and Catrina Fair; Submission #35: Alasdair and Joan Thompson; Submission #38:
Cushla O'Shea; Submission #48: Auckland Council; Submission #54: Parnell Community Committee
(Inc)

¹⁶ Submission #28: Ian and Catrina Fair; Submission #38: Donald Kay Keung Yung; Submission #40: 11
George Body Corporate; Submission #47: Robert Thomas Clark

¹⁷ Submission #54: Parnell Community Committee (Inc)

¹⁸ Submission 20 Tupuna Maunga o Tamaki Makaurau Authority, Submission #48: Auckland Council

¹⁹ Submission #40: 11 George Body Corporate; Submission #51: Rostrevor Edwin Burnell. (streets to
narrow); Submission #54: Parnell Community Committee (Inc). (traffic generation); Submission #55:
Patricia Judd

²⁰ Submission #10: Moana Point Farms Ltd; Submission #11: Michael John Fischer and Gabrielle Lesley
Fischer; Submission # 32: Darryl Carey; Submission #34: Alan Herbert Burton and Wendy Alyson
Burton (narrow road network); Submission #38: Cushla O'Shea; Submission #39: Roger and Julie
France (Scale and intensity-traffic effects and congestion, Morgan Street, Density, low amenity, amenity
for residents, hours of operation-unsuitable activities); Submission #40: 11 George Body Corporate;
Submission #51: Rostrevor Edwin Burnell; Submission #55: Patricia Judd

²¹ Submission #21: Jonathan Leonard Newman Eriksen; Submission #28: Ian and Catrina Fair;
Submission #29: Christoph Paszyna.

²² Submission #19: MUDI Ltd c/- Tony Watkins

²³ Submission #39: Roger and Julie France; Submission #43: FourClayton Properties Limited;
Submission #44: TwoMorgan Properties Limited; Submission #45: Aclay Ltd; Submission #54: Parnell
Community Committee (Inc); Submission #55: Patricia Judd; Submission #27: James A Carmichel

²⁴ Submission #21: Jonathan Leonard Newman Eriksen; Submission #48: Auckland Council c/- Christopher Turbott

²⁵ Submission #43: FourClayton Properties Limited; Submission #44: TwoMorgan Properties Limited; Submission #45: Aclay Ltd

²⁶ Submission #39: Roger and Julie France; Submission #43: FourClayton Properties Limited; Submission #44: TwoMorgan Properties Limited; Submission #45: Aclay Ltd; Submission #5: Gavin Hodder; Submission #8: Hugh Michael Caughley

²⁷ Submission #8: Hugh Michael Caughley; Submission #39: Roger and Julie France; Submission #5: Gavin Hodder; Submission #8: Hugh Michael Caughley

²⁸ Submission #43: FourClayton Properties Limited – (on shading, visual dominance including cumulative effects, urban design effects, services including transport network); Submission #44: TwoMorgan Properties Limited; Submission #45: Aclay Ltd; Submission #54: Parnell Community Committee (Inc)

²⁹ Submission #5: Gavin Hodder

³⁰ Submission #43: FourClayton Properties Limited – including shading, visual dominance and residential amenity effects

³¹ Submission #45: Aclay Ltd

³² Submission #44: TwoMorgan Properties Limited – including shading, visual dominance and residential amenity effects - requiring further assessment of effects on the urban design and associated amenity on 2 Morgan Street and in the immediate area to 9, 11, 19, and 25 Morgan Street. The assessment should include the above matters and consideration of the overall change in character to the area.

³³ Submission #21: Jonathan Leonard Newman Eriksen; Submission #27: James A Carmichel; Submission #28: Ian and Catrina Fair; Submission #34: Alan Herbert Burton and Wendy Alyson Burton; Submission #39: Roger and Julie France.

³⁴ Submission #32: Darryl Carey; Submission #38: Cushla O'Shea; Submission #56: Raymond Robinson

³⁵ Submission #55: Patricia Judd; Submission #56: Raymond Robinson

³⁶ Submission #8: Hugh Michael Caughley; Submission #6: Philip Robert Eilenberg; Submission #35: Alasdair and Joan Thompson

³⁷ Submission #25: Rose McSherry

³⁸ Submission #31: Domain Apartments; Submission #40: 11 George Body Corporate; Submission #47: Robert Thomas Clark; Submission #41: Katherine S Lester

³⁹ Submission #54: Parnell Community Committee (Inc)

⁴⁰ Jonathan Leonard Newman Eriksen and Auckland Council

⁴¹ Submission #48: Auckland Council

⁴² Foundation Properties Limited

⁴³ Parnell Community Committee

⁴⁴ Roger and Julie France, FourClayton Properties Limited, TwoMorgan Properties Limited, Aclay Ltd, Parnell Community Committee, Patricia Judd

⁴⁵ Submission #22: Zamin Investment Limited; Submission #23: Core City Investments Limited

⁴⁶ Submission #48: Auckland Council

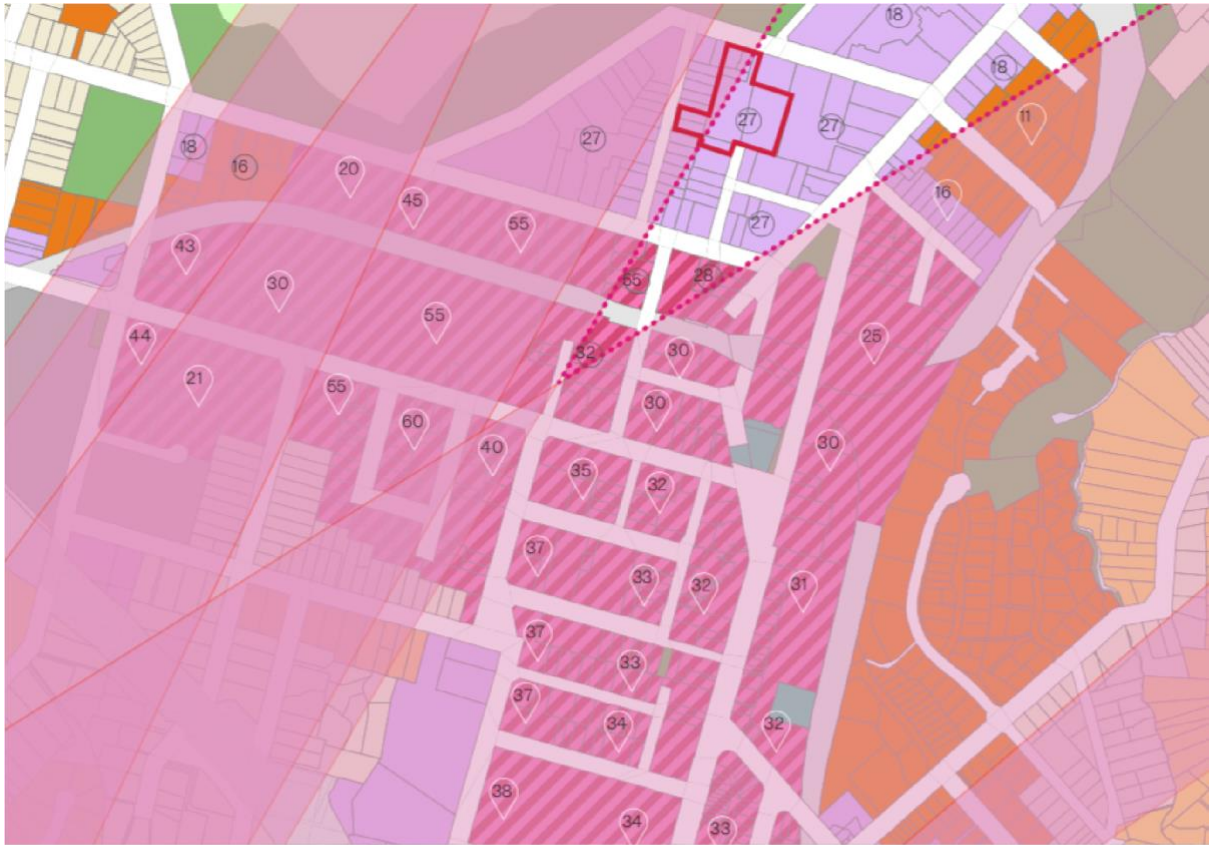
⁴⁷ Page 36 Urban Design Report, Barkers and Associates.

⁴⁸ Submission #8: Hugh Michael Caughley

⁴⁹ Submission #5: Gavin Hodder; Submission #8: Hugh Michael Caughley

⁵⁰ Submission #39: Roger and Julie France; Submission #43: FourClayton Properties Limited; Submission #44: TwoMorgan Properties Limited; Submission #45: Aclay Ltd

ATTACHMENT A - ILLUSTRATIONS



Key

- Site
- Volcanic Viewshaft
- ⋯ Area Outside Volcanic Viewshafts
- x Zone Permitted Height Constrained by Viewshaft (M)
- 27 Height Variation Control Area or Zone Standard Height Area Unconstrained by Viewshaft (M)

Figure 1: Volcanic View Shafts / Maximum Heights. – Extract from Appendix 4 of plan change. It shows the varied heights provided for in in Newmarket, including around Kingdon Street where heights of 55m, 28m and 32m in close proximity to each other.

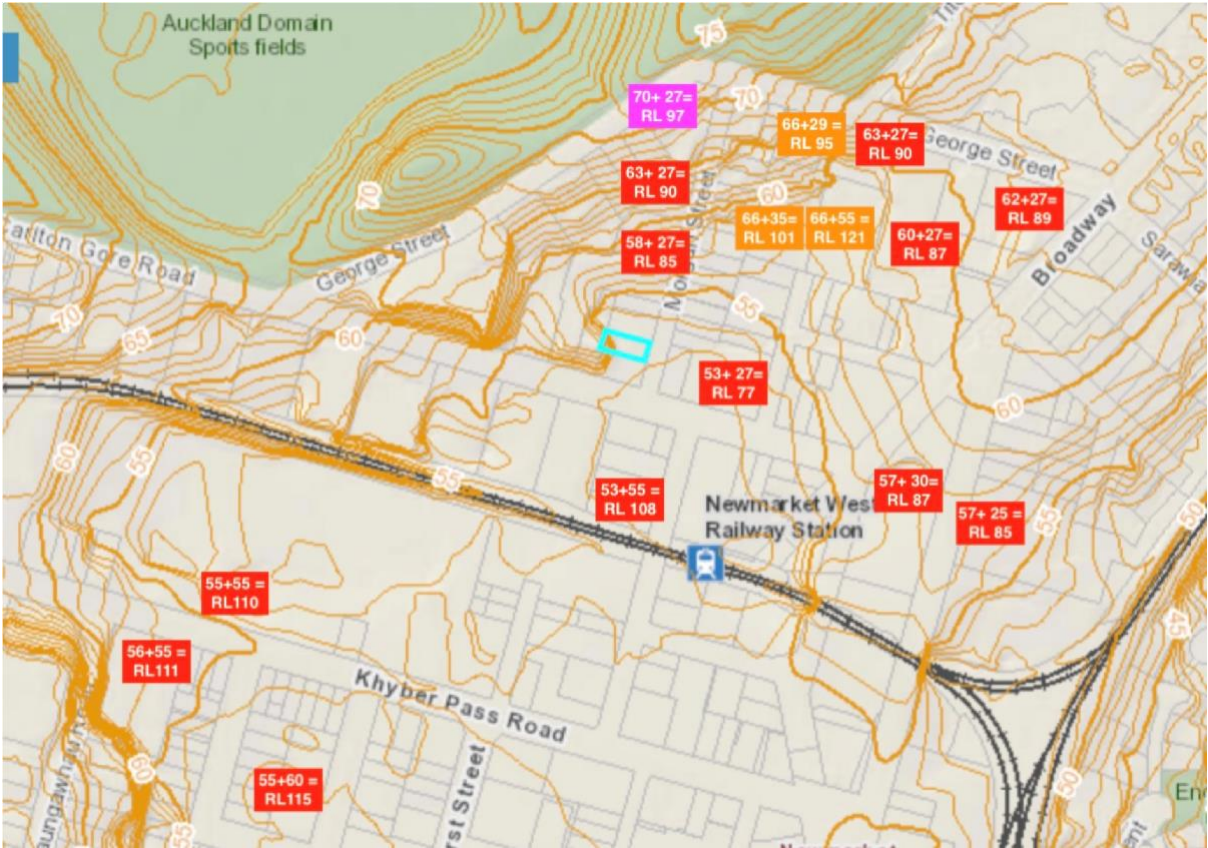


Figure 2: Newmarket's AUP maximum heights in terms of the Auckland 1946 Vertical Datum
 Based on ground levels from GIS.

Figure H25.6.1.1 Auckland Hospital permitted building heights

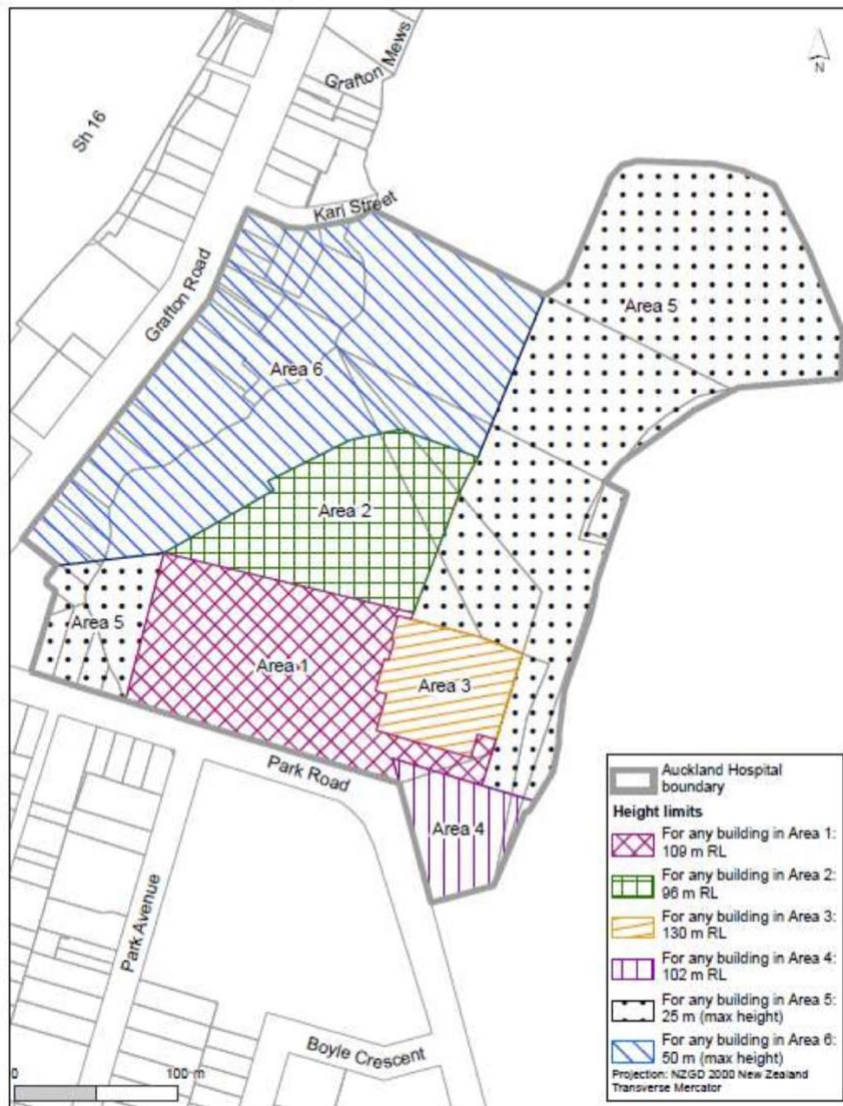


Figure 3 - Maximum heights of Auckland Hospital site.

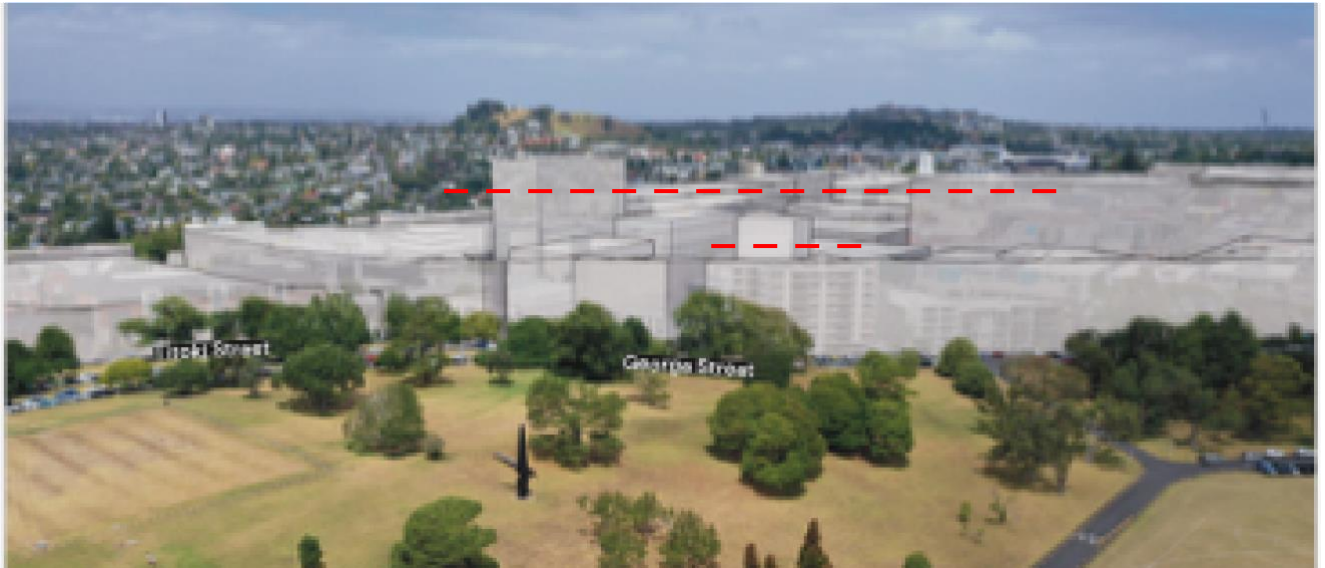


Figure 4: Proposed Built Form - Notated extract from Appendix 4 of plan change. Illustrating proposed PPC built form along with the maximum building heights provided for in the AUP. With red dashed lines added to show comparison with surrounding area.



Figure 5 Visual Dominance Effects on Morgan Street. Notated extract from Appendix 4 of plan change. Illustrating potential visual impact of Height Area B on Morgan Street. Arrows added show some of the view lines from pedestrian, and George Street Apartments.



Figure 6: View Looking Up Morgan Street



Figure 7: View looking down Morgan Street from the corner with George Street.

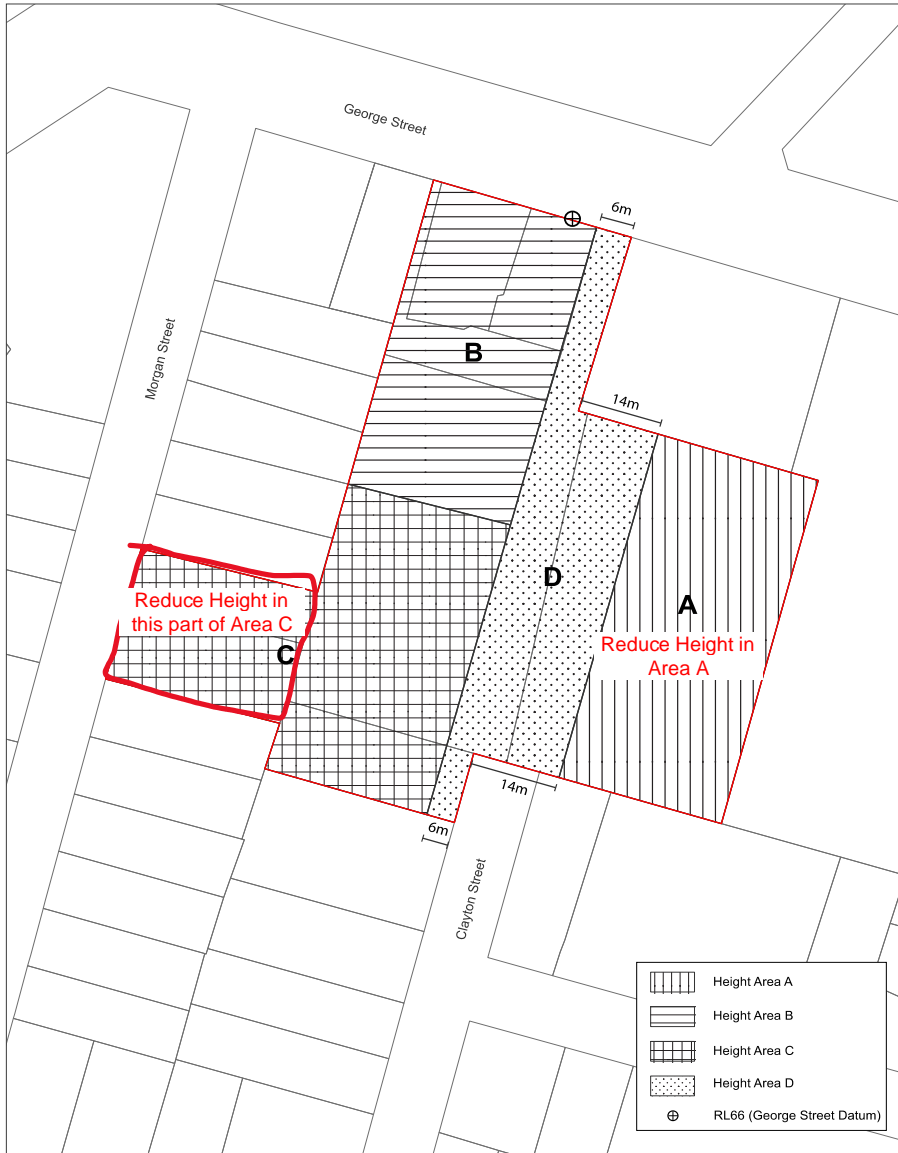


Figure 8: Potential Change to Height Areas

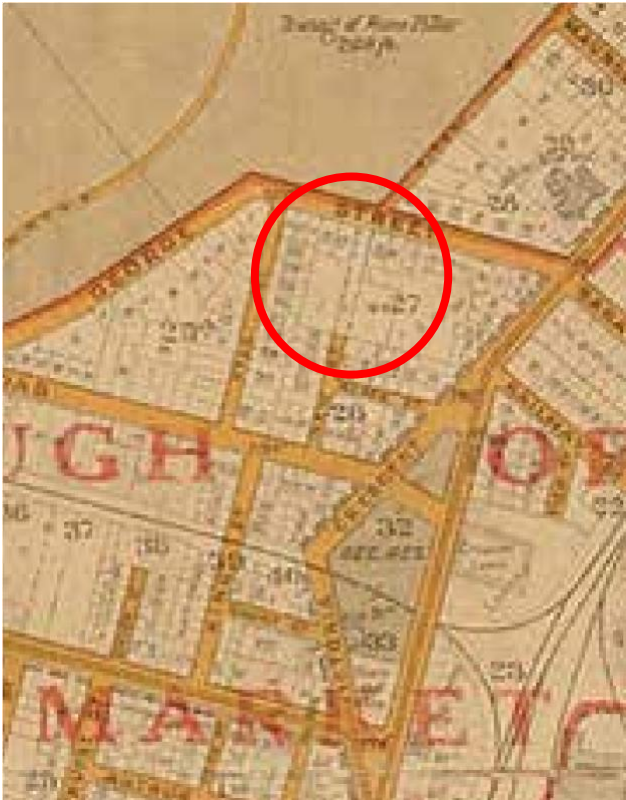


Figure 9: Borough of Newmarket Map, Date Period 1924 – 1931. Extract from Newmarket Laneways document. Site is located with the red circle. Dotted line shows alignment of laneway through the site from Clayton Street to George Street



Figure 10: Olympic Park - Pedestrian Plaza and seating area in



Figure 11: – Southern boundary of site - Service easement area off Clayton Street



Figure 12: 2 Alma Street frontage to Clayton Street.



Figure 13:: Clayton Street - Narrow Footpaths



Figure 14: The site's existing use as a laneway




Figure 15: Morgan Street Footpath

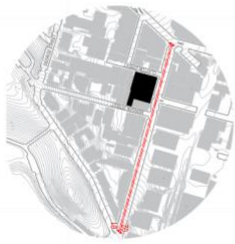
ATTACHMENT B – RECENTLY CONSENTED DEVELOPMENTS.

Copies of information from Consent documentation
(Not to scale)

Office building at 110-116 Carlton Gore Road
Under Construction



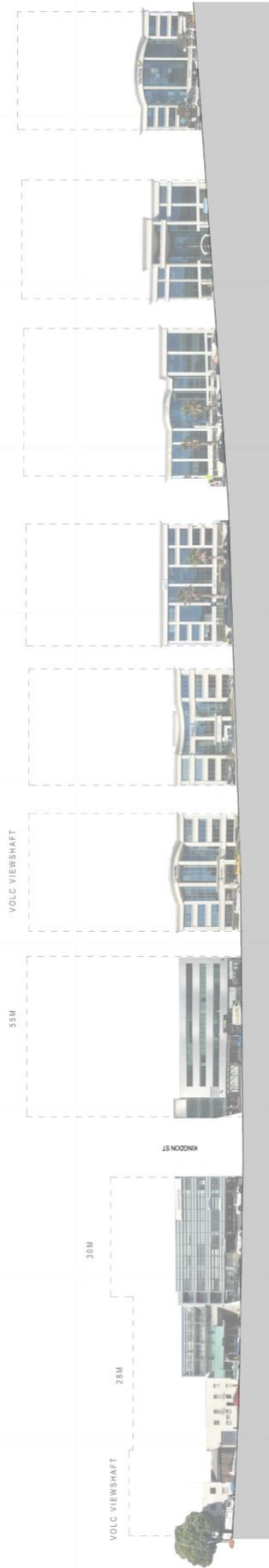

BUN60344602
Approved Resource Consent Plan
16/12/2019



Auckland Council
BUN60344602
 Approved Resource Consent Plan
 16/12/2019



01
 SK 1300
 CARLTON GORE - NORTH
 1:500 @A1



02
 SK 1300
 CARLTON GORE - SOUTH
 1:500 @A1

NOTE: VOLCANIC VIEWSHAFT HEIGHT ESTIMATED BY EYE

Permitted Height

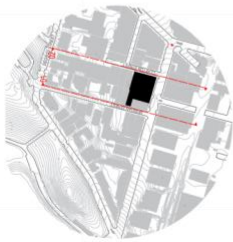
SK 1020A

Shree2Elevations - Carlton Gore



FORMiS

DRAFT RC 12.08.2019
 110 Carlton Gore, Newmarket




BUN60344602
 Approved Resource Consent Plan
 16/12/2019



01
 SK 1300
 SITE SECTION MORGAN
 1:500 @ A1



02
 SK 1300
 SITE SECTION CLAYTON
 1:500 @ A1

NOTE: VOLCANO VIEWSHAFT HEIGHT ESTIMATED BY EYE

Permitted Height based on Rolling Height

SK 03214
 Streets & Elevations - Morgan & Clayton

FORMiS
 DRAFT RC 12.08.2019
 110 Carlton Gore, Newmarket

Auckland Council
BUN60344602
 Approved Resource Consent Plan
 16/12/2019



SITE PLAN - EXISTING

CARLTON GORE ROAD -

CARLTON GORE ROAD - PROPOSED

EXISTING



CLAYTON ST - EXISTING

SK 080SK 1304

CLAYTON ST - PROPOSED

DRAFT RC 12.08.2019
 110 Carlton Gore, Newmarket

Residential / Mixed Use Building at 118 Carlton Gore Road
Consented

BUN0303017
Approved Resource Consent Plan
13/01/2021



Sheet Number	Resource Consent Sheet List	Sheet Name	Current Details
RC-000	COVERSHEET	COVERSHEET	(D)
RC-010	PROPOSED SITE PLAN	PROPOSED SITE PLAN	A
RC-011	EXTERNAL PERSPECTIVES	EXTERNAL PERSPECTIVES	(D)
RC-012	AREA PLANS	AREA PLANS	B
RC-013	G.A. PLAN - BASEMENT	G.A. PLAN - BASEMENT	A
RC-014	G.A. PLAN - LEVEL 1&2	G.A. PLAN - GROUND LEVEL MEZZANINE	(D)
RC-015	G.A. PLAN - LEVEL 3	G.A. PLAN - LEVEL 3	B
RC-016	G.A. PLAN - LEVEL 4	G.A. PLAN - LEVEL 4	A
RC-017	G.A. PLAN - ROOF	G.A. PLAN - ROOF	B
RC-018	ELEVATION - EAST	ELEVATION - EAST	A
RC-019	ELEVATION - SOUTH	ELEVATION - SOUTH	B
RC-020	ELEVATION - WEST	ELEVATION - WEST	C
RC-021	LONG SECTION	LONG SECTION	B
RC-022	SHORT SECTION	SHORT SECTION	A
RC-023	APARTMENT PLANS	APARTMENT PLANS	(D)
RC-024	OUTLOOK SPACE	OUTLOOK SPACE	A

Page 24

Carlton Gore Road - Co-Living Development
118-120 Carlton Gore Road, Newmarket, Auckland

COVERSHEET RC-000
RESOURCE CONSENT

REV D
20000
JASMAX

26-08-2020
 A CONSULTANT
 B R.C. 892 RESPONSE



118-120 CARLTON GORE ROAD

ZONE BUSINESS MIXED USE

SITE AREA 708m²
 BUILDING COVERAGE 660m²

- ADJACENT DEVELOPMENT UNDER CONSTRUCTION
- PROPOSED DEVELOPMENT



1 | 1:500 | 26/08/2020 | PROPOSED SITE PLAN

Approved
 Resource Consent
 BUN0038017
 Approved Resource Consent Plan
 13/01/2021

C M Y K
 ORIGINAL DRAWING
 IN COLOUR

This drawing is the property of JASMAX and is not to be used for any other purpose without the written consent of JASMAX. It is to be used only for the work described in the work order.

JASMAX

Resource Properties Ltd.

Consultant: 27 Days
 Project Manager: 27 Days
 Designer: 27 Days
 Checker: 27 Days
 Approver: 27 Days

Project: 2020020
 Client: Resource Properties Ltd.
 Address: 118-120 Carlton Gore Road, Newmarket, Auckland

PROPOSED SITE PLAN

SCALE @ A1:As indicated



ARCHITECTURAL
 RC-012

CONSULTANT'S LIABILITY AND INDEMNITY
 STATEMENT OF WORKS
 CONTRACTOR'S LIABILITY AND INDEMNITY
 STATEMENT OF WORKS

RESOURCE CONSENT

Memo (specialist technical review to contribute towards Council's section 42A hearing report)

14 June 2021

To: Vanessa Wilkinson, Consultant Planner, for Auckland Council

From: Peter Kensington, Consultant Specialist – Landscape Architect, for Auckland Council

Subject: Proposed Private Plan Change 44 – George Street Precinct, Newmarket ¹

South Park Corporation Limited / Newmarket Holdings Development Limited Partnership

Landscape and visual effects – specialist technical review

1.0 Introduction

- 1.1 I have undertaken a technical review of the proposed private plan change, on behalf of Auckland Council (**the Council**), in relation to the specialist topic of landscape and visual effects.
- 1.2 I have worked as a landscape architect and a planner for twenty-four years. I am currently a director of KPLC Limited. As a consultant, through KPLC, I provide professional landscape architectural and planning services for applicants, regulatory authorities and submitters.
- 1.3 My relevant qualifications include a Bachelor of Landscape Architecture and a Bachelor of Regional Planning. I am a Registered member of the Tuia Pito Ora / New Zealand Institute of Landscape Architects and a Full member of the New Zealand Planning Institute.
- 1.4 My landscape architectural work is focussed in the landscape planning speciality of landscape architecture, where an assessment of effects on natural character, landscape and/or visual amenity values is required, primarily in relation to assessing proposals within applications for resource consent or modifications to statutory provisions through plan changes / variations.

2.0 Terms of reference

- 2.1 In writing this memo, I have reviewed the following documents (as publicly notified):
 - a. *'Section 32 Evaluation, Private Plan Change Request, 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket'*, prepared by Barker & Associates Limited, dated 9 April 2020, with 14 associated appendices, including:
 - i. Appendix 1 – Proposed *'George Street Precinct'* AUP(OP) mapping extent and provisions (**Proposed Provisions**);
 - ii. Appendix 3 – Auckland Unitary Plan Objectives and Policies Assessment Tables;
 - iii. Appendix 4 – *'George Street Precinct, Proposed Private Plan Change: Drawing Set'*, prepared by Warren and Mahoney Architects New Zealand Limited, Barker & Associates Limited and LA4 Landscape Architects, Revision 11, dated 9 April 2020;

¹ Proposal seeking to introduce a new precinct to the Auckland Unitary Plan (Operative in part) ("**AUP(OP)**") at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket. It is proposed to: remove the current 27 metre Height Variation Control and introduce a building height up to 65 metres above ground level; and enable mixed use development with a publicly accessible plaza, pedestrian connections and vehicular / pedestrian access to / from George, Morgan and Clayton Streets.

- iv. Appendix 5 – ‘*Urban Design Assessment, Private Plan Change Request, 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket*’, prepared by Barker & Associates Limited, dated 4 March 2020 (**Applicant Urban Design Assessment**);
 - v. Appendix 6 – ‘*Assessment of Landscape and Visual Effects, George Street Precinct – Private Plan Change, Newmarket, Auckland*’, prepared by LA4 Landscape Architects, dated March 2020 (**Applicant ALVE**), with:
 - Annexure 1 – ‘*Verified Photomontages*’, prepared by U6 Photomontages Limited (**Applicant ALVE Photomontages**);
 - Annexure 2 – ‘*Indicative Photomontages*’, prepared by Warren and Mahoney Architects New Zealand Limited, Barker & Associates Limited and LA4 Landscape Architects, Revision 2, dated 9 April 2020 (**Indicative Photomontages**);
 - Annexure 3 – ‘*Verified Photomontage Methodology*’ (U6 Photomontages Limited);
 - Annexure 4 – ‘*Visual Effects Matrix Methodology*’;
 - Annexure 5 – ‘*Zone of Theoretical Visibility*’ Maps 1-3 and 5-13 (LAS) with supporting drawings all dated 17 December 2019 (**Applicant ALVE ZTV**)²;
 - vi. Appendix 12 – ‘*Mana Whenua Consultation Summary on Private Plan Change*’;
 - vii. Appendix 13 – ‘*George Street Apartments, Urban Design – Indicative Montage Studying View to Volcanic Cones from Domain*’, prepared by Warren and Mahoney Architects New Zealand Limited, Barker & Associates Limited and LA4 Landscape Architects (undated) (**Applicant Domain View Analysis**);
 - viii. Appendix 14 – ‘*Auckland Unitary Plan (Operative in part) – Business Zones Development Controls*’ (matrix / table, undated); and
- b. Memo from Barker & Associates to Bruce Young, ‘*George Street Plan Change Request: Second RFI Response*’, dated 9 April 2020.

2.2 For the purposes of this report, when referencing relative heights (RL) and for my supporting figures, I have used the ‘*Auckland 1946 Vertical Datum*’ and not the ‘*NZ Vertical Datum 2016*’.

3.0 Pre-application involvement for the Council’s resource consents department

- 3.1 I first became involved with reviewing development proposals for this site in December 2017; prior to which time (from May 2017), Leo Jew had provided landscape architectural input for the Council. My initial involvement was through the Auckland Design Office for the Resource Consents Department during pre-application (for resource consent) meeting discussions³. From March 2019, my involvement shifted to assisting the Council’s Plans and Places Department.
- 3.2 I also attended the applicant’s presentation to the Auckland Urban Design Panel (**AUDP**) in January 2019. The AUDP recommendations were cautious in avoiding giving any support to additional building height until further analysis and design refinement had occurred.
- 3.3 I attended a series of meetings with the applicant’s representatives during the May-June 2018 pre-application resource consenting discussions. At these meetings, preliminary design and assessment material was presented by the applicant. Based on my review of that material, my preliminary advice regarding possible building height was outlined in meeting minutes, noting:

² Note: Map Number 4 – Large Context: Tower A not provided, but Map Number 8 provides a composite ‘*All Towers*’ output.

³ PRR00026671

“The proposed heights of Towers B and C at 10 and 13 levels respectively are generally considered acceptable on the basis of the proposed footprints and built form illustrated on the drawings.

Of concern remains the height of Tower A, in particular when assessed from representative viewpoint 3 (Mt Hobson Summit) and viewpoint 4 (Mt Eden Summit). A further reduction in the height of Tower A is considered necessary, noting that a reduction to 16 levels is likely to be acceptable to alleviate the concerns from these particular viewpoints and all representative viewpoints overall.

In addition, the proposed increased footprint of Tower A has resulted in a significant increase in the overall building bulk / mass which, combined with the building height, has contributed towards additional landscape and visual effects and a reduction in the spacing between buildings. The footprint and bulk / mass / height of Tower A requires further consideration and reduction to enable a more elegant and appropriately proportioned building form.

It is reiterated the importance of having distinctive height differences between each of the buildings to ensure a clear hierarchy of tower buildings. There may be some scope to increase the height of Tower D, however this would need careful consideration in the context of the adjacent lower height buildings / residential context / volcanic viewshaft(s), as well as to consider the relationship with Tower C to ensure there remains a distinctive difference in the building heights (and form).

The feedback provided is based on the information available. Other information such as the context of the future anticipated built environment, particularly around Newmarket (including the Metropolitan Centre) would continue to assist in terms of understanding how the proposed development would sit within the wider planned landscape context / environment.

It is noted that these comments relate to landscape and visual effects issues only and at a high and ‘macro’ level. Other matters, such as shading, wind, will need to be further assessed and would likely have implications on the height, bulk, and massing of the proposal. Furthermore, the maximum building heights of all proposed buildings on site need to be considered collectively / holistically.”

- 3.4 While I expressed an opinion in mid-2018 that 16-levels might be an acceptable maximum building height for this site, this advice was tagged as being without prejudice. I noted that further analysis and input would be required to refine my opinions once the proposal had been through a public process (either a notified application for resource consent or a proposed private plan change process) – possibly requiring design refinement. The issues set out in my preliminary advice above, continue to remain as key matters for continued assessment and refinement.
- 3.5 Other relevant issues that arose during pre-application discussions include: proposed building height / bulk / form and relationship with the Domain and the Museum; alongside a demonstration as to how this would contribute to the wider urban form of Newmarket as a whole, within the context of the building heights / bulk / form that are currently enabled under the AUP(OP).
- 3.6 Finally, in relation to my pre-application for resource consent involvement, I suggested that further consideration may need to be given as to whether additional height might be required on other properties in the immediate vicinity of the application site (within the same zone) in order to assist with a better integration of the proposal into this urban landscape.
- 3.7 I am aware that resource consents have been granted for the proposed redevelopment of some of these properties, including for buildings that exceed the AUP(OP) building height standard (generally by one-two storeys). For example, the redevelopment of the properties at 110-116 Carlton Gore Road (which is currently under construction), provides for an exceedance of the building height standard by 5.74m (RL85.24), plus plant room up to RL87.20. Resource consent has also recently been granted for the redevelopment of the properties at 118 and 120 Carlton Gore Road, providing for an exceedance of the building height standard by 7.9m (RL88.95).

4.0 Further information request

4.1 Following my initial review of the originally lodged request documents, I provided a preliminary review memo to Bruce Young, dated 7 November 2019. This memo was to assist with the Council's determination under schedule 1, part 2, clause 23(1), of the Resource Management Act 1991 (whether sufficient information had been provided to understand the proposed change and the actual or potential environmental effects from implementation of the proposed change).

4.2 My preliminary advice recommended that, to allow for an informed understanding of landscape and visual effects, the Council request further information from the applicant in relation to:

- a. **Extent of precinct area** – analysis as to whether or not a better urban form outcome might be achieved if the height variation control was amended over a wider extent than is currently proposed – i.e. for the entire block of Business – Mixed Use Zone land bounded by Morgan Street (in the west), George Street (in the north), Broadway / Davis Crescent (in the east) and Carlton Gore Road (in the south) – avoiding a 'spot zoning' type of outcome;
- b. **External boundary interfaces** – analysis to confirm that the proposed and/or existing AUP(OP) provisions will ensure that future built form enabled on the site (including the proposed podium level) will interface appropriately with adjoining sites and the public realm;
- c. **Viewpoint Location Plan** – defining the location of all representative viewpoints assessed;
- d. **Zone of Theoretical Visibility Mapping** – Geographic Information System (GIS) analysis, utilising above-ground LiDAR (light detection and ranging) data, to provide an informed understanding of the visibility of the proposed additional built form that would be enabled;
- e. **Building height relativity analysis** – GIS analysis, utilising above-ground LiDAR data to better understand the relative building heights of that which is proposed under the precinct provisions, compared with the existing urban form in the surrounding landscape;
- f. **Inter-visibility between maunga** – analysis to better understand the potential effects of proposed building height / bulk / form that would be enabled by the proposed provisions, on people's appreciation of Auckland's maunga as important landscape features. This analysis should also address the impact on existing views towards the Auckland Museum building, which has prominence in the landscape and is an important cultural feature; and
- g. **The 'Auckland Domain Volcano' Outstanding Natural Feature** – analysis to better understand the potential effects of enabled building height / bulk / form on people's appreciation of the proximate Auckland Domain Volcano as an Outstanding Natural Feature, including in relation to the attributes of the feature that have been outlined in the AUP(OP).

4.3 My emails to Bruce Young dated 19 and 27 March 2020 confirmed that, while not all of the requested information outlined above was provided, it was my opinion that the applicant's response included enough information to allow for notification of the request.

4.4 The applicant did not provide any 'Building height relativity analysis' (refer Item (e) above); as such, I instructed the Council's GIS team to undertake this mapping analysis. The resulting map outputs are included at **Attachment 1** to this memo. In my opinion, the information that is illustrated within these maps is very useful in understanding the underlying landform within the localised landscape of the site; alongside the relative building heights in the landscape. For example, the strong ridgeline landform beneath Park Road, Carlton Gore Road, George Street and onto Parnell Road; with the relative prominence (given landform elevation and relative height / bulk) of the hospital buildings, the Museum, mature trees and the 'Parkwood' apartments.

5.0 Key landscape and visual effects issues

5.1 My preliminary review memo, dated 7 November 2019, set out the following key discussion points, which, in my opinion, remain as relevant landscape and visual effects issues:

- i. The potential for proposed built form to adversely impact the integrity of views, from a variety of locations, both towards built elements (primarily the Auckland Museum) and towards / between natural features (primarily maunga, including Pukekaroa / Pukekawa / Auckland Domain). These landscape and visual effects relate to people's appreciation of the urban coastal landscape of Tāmaki Makaurau / Auckland (at a macro-scale) and the urban landscape of Newmarket (at a micro-scale); and whether the proposed built form will adversely impact the sense of place and amenity values⁴ of the city and Newmarket. I acknowledge, however, that the Regional Policy Statement under the AUP(OP) seeks to balance urban growth with the protection of these elements and values;
- ii. How future urban form (primarily in relation to building height) on other properties in the surrounding Newmarket area could be developed over time under the AUP(OP) and whether that natural urban regeneration would assist with the integration of the future built form that could be enabled on this site. In other words, what would the future urban form of a developing Newmarket look like in relation to building height / bulk enabled through the underlying Business – Metropolitan Centre and Business – Mixed Use zoning, taking into account the constraints of the volcanic viewshaft overlays;
- iii. The combined bulk of buildings that might result when viewed from locations to the west and east. In other words, when viewed from the north or south, the proposed building footprints are relatively '*slim*' with good separation; however, when viewed from the west and east, these are relatively '*wide*' both individually and as a group of four '*towers*'; and
- iv. Is the proposed maximum building height for '*Area A*' appropriate and/or do the Proposed Provisions need to be amended / strengthened in relation to possible development enabled in '*Area A*' in order to achieve a successful integration? For example, rather than built form in the area having the same bulk as enabled in '*Areas B and C*', the provisions may require a more-slender built form outcome at height for the east and west elevations.

5.2 I note that the proposed plan provisions (Appendix 1 of the request) envisage "*tall slender buildings*"; however, the modelled example may not fully capture this intent. The proposed objectives and policies do appear to be well considered to respond this key issue; however, the associated matters of discretion and assessment criteria may need strengthening. The proposed tower dimension standard may also need to be made bespoke for all three '*Areas A, B and C*' in order to address the '*cumulative building bulk at height*' issue.

5.3 In addition to the above, following the publicly notified submission process, and as a result of submissions made on the request (refer Section 7.0 of this memo), the relevant issues include:

- i. Building height and form (bulk and mass);
- ii. Adverse effects in relation to volcanic viewshafts;
- iii. Visual dominance / urban landscape character effects on public amenity values; and
- iv. Visual dominance / urban landscape character effects on private amenity values.

⁴ These being: "*those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes*", Resource Management Act 1991, Part 1, Section 2.

6.0 Applicant's assessment

- 6.1 In reviewing this application, I have concentrated on a review of the Applicant ALVE and accompanying annexures, as this is within the area of my specialist expertise. In doing so, I have also taken into account the S32 Evaluation, the Drawing Set and the Urban Design Assessment. The Applicant ALVE provides an appropriate assessment of development that might be enabled on site under the Proposed Provisions; however, it is also my recommendation that, in response to submissions and the relevant issues (refer 5.3 above), further refined assessment is required.
- 6.2 The Applicant ALVE follows a clear methodology to assess potential adverse landscape and visual effects that might arise through development enabled by the Proposed Provisions, noting that the bespoke provisions (including objectives, policies, standards and assessment criteria) have been tailored to assist with the relevant assessment of future proposals on site.
- 6.3 In combination with the Applicant Urban Design Assessment, it is my opinion that the Applicant ALVE provides a clear description of the existing landscape context of the site and immediately surrounding area; alongside an acknowledgement that the AUP(OP) currently provides for increased building height in addition to that which exists in the landscape today.
- 6.4 The Applicant landscape and urban design documents also highlight how the AUP(OP) Natural Heritage Regionally Significant Volcanic Viewshafts, which cover much of the Newmarket Business – Metropolitan Centre zone (with an underlying building height standard of 72.5m) and some of those properties within the localised extent of the Business – Mixed Use zone, effectively restricts the enabled heights of future built form in this urban landscape.
- 6.5 When assessing likely development that might be enabled by the Proposed Provisions, the Applicant ALVE takes a narrow view of landscape effects, concluding that very low adverse landscape effects would result. This narrow view is based on the site being part of a heavily modified urban commercial area, with little remaining '*natural*' landscape elements. In my mind, given the importance of the site's existing context (being located in close proximity to Pukekaroa / Pukekawa / Auckland Domain) and given the strong sense of place arising from the existing character of this part of Newmarket, more consideration of landscape effects is required. I acknowledge that there is an overlap between landscape and visual effects in this regard and the Applicant ALVE does address these matters broadly in the assessment of visual effects⁵.
- 6.6 Turning to visual effects, I acknowledge that the Applicant ALVE has undertaken a thorough visibility analysis, supported by the Applicant ALVE ZTV drawings. I am also comfortable that the representative public viewpoints utilised for the Applicant ALVE Photomontages provide a good range of mid and long range viewpoint locations. These include consideration of views from the origin points of the Volcanic Viewshaft E8 under the AUP(OP) and for views between some maunga. The Applicant Domain View Analysis and Indicative Photomontages provide additional viewpoint analysis from closer viewpoint locations than in the ALVE Photomontages.
- 6.7 I acknowledge that there are other locations in the surrounding landscape from where future built form on the site will be visible – for example from Middleton Road (refer **Plate 1** below) and/or from buildings within the city centre (refer **Plates 2 and 3** below); however, it is my opinion that the assessed viewpoints are representative and allow for informed assessment.
- 6.8 I am also comfortable that the Applicant ALVE utilises an appropriate visual effects methodology and scale of adverse visual effects⁶. I have adopted that same scale in my review assessment.

⁵ For example, refer to paragraph 4.10 of the Applicant ALVE.

⁶ Refer Applicant ALVE paragraph 4.19.



Plate 1 – View towards the site from Middleton Road (18 June 2020)



Plate 2 – View towards the site from Level 23 of the Auckland Council Albert Street offices (27 July 2020)



Plate 3 – Panorama from Level 23 of the Auckland Council Albert Street offices (27 July 2020)

- 6.9 Following analysis of each representative viewpoint, the Applicant ALVE provides a summary of visual effects (at paragraphs 4.98-4.105), concluding that “. . . *the form and scale of the built form enabled by the PPC would be entirely appropriate within the surrounding setting.*”⁷ While I agree with aspects of the Applicant ALVE, I reach differing conclusions as to the scale of adverse visual effects that will arise, particularly in relation to enabled building bulk and mass at height.
- 6.10 When compared to built form that is enabled under the current AUP(OP) provisions, I somewhat concur with the applicant ALVE findings, in that no direct adverse landscape effects will arise in relation to the physical and visual integrity of the ONF. However, in my opinion, following my analysis of the scale of development that would be provided for under the proposed provisions, there is likely to be indirect adverse landscape effects on the aesthetic values and memorability of the ONF. My consideration of these adverse landscape effects take into account the findings of the heritage effects review by Ms O’Neil and my own analysis of the potential impact on views between maunga and in relation to the contribution that the Auckland Domain Volcano, as an ONF, contributes to Newmarket’s sense of place, landscape character and amenity values.
- 6.11 Section 6.0 of the Applicant ALVE sets out the assessment’s conclusions, which provide broad support for the proposed plan provisions, noting that the enabled change within this urban landscape will be positive; while avoiding adverse effects on the amenity of the streetscape and providing mechanisms to ensure that potential adverse effects on landscape character and amenity values “. . . *will be minimised to an acceptable level ... within the context of the existing and planned future urban environment*”⁸. The conclusions of my assessment review differ and I outline my reasons for this in the remainder of this memo.

7.0 Submissions

- 7.1 I have reviewed all submissions made on the proposed private plan change, concentrating on those that raise landscape and visual effects matters.
- 7.2 I note that the majority of relevant submissions that I have reviewed are in opposition to the proposed private plan change, with these submissions seeking that the Council makes the decision to decline the plan modification. Having said this, I acknowledge that there is one relevant submission in support and one submission in conditional support.
- 7.3 I have grouped my review of submission points under the relevant issues / topics, with my assessment response outlined below and my summary of submission points in **Attachment 2**.

⁷ Applicant ALVE, paragraph 4.105.

⁸ Ibid, paragraphs 6.7-6.8

8.0 Review assessment – by issue / topic

Issue / Topic 1 – Building height and form (bulk and mass)

- 8.1 I acknowledge the concerns raised by submitters in relation to the proposed building heights enabled by the Proposed Provisions, which are much greater than that currently enabled under the AUP(OP). In combination with this additional building height, primarily in relation to development enabled in 'Height Area A', the enabled building bulk at the heights proposed does have the potential to result in high adverse visual dominance effects on the amenity values of people experiencing an outlook towards and over the site from both public and private viewpoints.
- 8.2 My own assessment of the potential adverse landscape and visual effects that would arise from development enabled by the Proposed Provisions, when considered from each representative public viewpoint, differs from that of the within the Applicant ALVE assessment. **Table 1** below sets out a summary of these differences based on my own review assessment findings.

Adverse landscape / visual effects ratings	Applicant ALVE assessment	My review assessment
VPT 1: King Edward Parade, Devonport	Very Low	Low – Moderate
VPT 2: Tamaki Drive	Very Low	Low – Moderate
VPT 3: Ōhinerau – Mt Hobson Summit	Low	High
VPT 4: Maungawhau – Mt Eden Summit	Low	Moderate
VPT 5: Domain Playing Fields	Very Low	Low
VPT 6: Domain Winter Gardens	Moderate	Moderate – High
VPT 7: War Memorial Museum Front Lawn	Not visible	Not visible*
VPT 8: Beach Road Te Taou Crescent	Not visible	Not visible
VPT 9: War Memorial Museum Front Lawn (West)	Very Low	Moderate*
VPT 10: Takarunga – Mt Victoria Summit	Very Low	Moderate
VPT 11: North Head Summit	Very Low	Moderate – High

Table 1 – Summary of adverse landscape and visual effects assessment

* note: there are many available viewpoints from the 'front lawn' of the Auckland Museum towards development that would be enabled by the Proposed Provisions (i.e. VPT 9 is a representative view).

- 8.3 My assessment review of adverse landscape and visual effects ratings are generally higher than those of the Applicant ALVE assessment, primarily because of the value and importance that I have placed on elements within the existing views. These elements include the regionally

significant natural landforms (maunga), cultural landmarks (the Auckland Museum) and the combination of these elements within the landscape that contribute to a combined sense of place.

- 8.4 In order to avoid the adverse effects that I have assessed, I recommend the proposed building height (in combination with the associated building bulk) within 'Height Area A' be revised so that this is much lower than currently proposed. The additional building heights proposed within 'Height Areas B and C' raise less adverse visual dominance effects concerns when considered in isolation from 'Height Area A'; however, when considered together with 'Height Area A', in my opinion, there is potential for cumulative adverse landscape and visual effects to arise.
- 8.5 While the site is capable of accommodating some additional building height (than currently provided for under the AUP(OP)), in my opinion, the building heights that have been proposed are too great and will result in high adverse landscape and visual effects. In order to achieve a more appropriate outcome, I recommend that all proposed building height standards be reconsidered, as well as reducing the maximum tower dimension and tower separation standard for buildings above RL93 (being 27m above the proposed George Street Datum at RL66).
- 8.6 If the proposed plan change provisions are not amended (to reduce the proposed building heights and associated building bulk standards), I recommend that the points raised in submissions in opposition, relating to building height, be accepted.

Issue / Topic 2 – Adverse effects in relation to volcanic viewshafts

- 8.7 The Proposed Provisions have been drafted in such a manner so that, technically, future built development will avoid intruding into the defined viewshaft extents under the AUP(OP). However, a number of important issues have been raised through submissions in relation to the potential for adverse landscape and visual effects to occur, from development that would be enabled by the Proposed Provisions, on both the identified regionally significant views to and from maunga, on other views to and between maunga.
- 8.8 I agree that the AUP(OP) volcanic viewshaft provisions take a long-term management approach to the protection of these views, which provide for unique sense of place outcomes to assist with Tāmaki Makaurau / Auckland's point of difference in the world. In addition to providing specific viewshaft protection height limits, the Objective B4.3.1.(1) and the Policy B4.3.2.(3) under the Viewshafts provisions of the AUP(OP) Regional Policy Statement (refer extract below), require the protection of significant views to and between maunga:

B4.3. Viewshafts

Objective B4.3.1.(1)

Significant public views to and between Auckland's maunga are protected from inappropriate subdivision, use and development

Policy B4.3.2.(3)

Protect significant views to and between maunga by:

- (a) *avoiding subdivision, use and development that would:*
- (i) *result in significant modification or destruction of view; or*
 - (ii) *significantly detract from the values of the view; and*

(b) *avoiding where practicable, and otherwise remedying or mitigating, adverse effects of subdivision, use and development that would:*

(i) *result in the modification of the view; or*

(ii) *detract from the values of the view.*

8.9 I am also cognisant that similar aspirations are set out within the Tūpuna Maunga o Tāmaki Makaurau Authority 'Integrated Management Plan' (23 June 2016) (IMP); and the 'Proposed Tūpuna Maunga Strategies' (6 July 2019)⁹ under the IMP Value / Pathway 8.7, as set out below:

Value 8.7 – Takotoranga Whenua / Landscape

Pathway – Preserve the visual and physical authenticity and integrity of the maunga as landmarks of Tāmaki.

- *Respect the visual connection and sense of place people derive from the Tūpuna Maunga by maintaining significant views to the maunga from across Tāmaki Makaurau.*
- *Identify and protect significant views on and between maunga, and from the maunga to the motu across Tāmaki Makaurau.*
- *Build upon the Tūpuna Maunga network as cultural landscapes in the wider context of Tāmaki Makaurau and encourage connections and development of linkages between the maunga, such as through greenways and the regional trails network.*

8.10 I therefore agree with submitters that an assessment of the effects of likely future built form, that would be enabled through this plan change, on views to and from maunga (as identified volcanic viewshafts and as maunga-to-maunga views) is a relevant topic that requires assessment.

Identified volcanic viewshafts under the AUP(OP)

8.11 Photomontage VPT 1 (from King Edward Parade, Devonport) captures the view from the origin point of the AUP(OP) identified regionally significant Volcanic Viewshaft E8 towards Maungawhau / Mt Eden. With regard to the potential impact on this view from development that would be enabled by the Proposed Provisions, I consider that low-moderate adverse landscape effects will occur. My assessment is that development will not directly impact on the form of the maunga from this viewpoint; however, indirect adverse effects will result given the scale of built form relative to the visible portion of the maunga and in relation to the Auckland Museum.

8.12 Photomontage VPT 2 (from Tamaki Drive) captures a view from the origin point of the AUP(OP) regionally significant Volcanic Viewshaft E11 towards Maungawhau / Mt Eden and Ōhinerau / Mt Hobson. With regard to the potential impact on this view from development that would be enabled by the Proposed Provisions, I also consider that low-moderate adverse landscape effects will occur for similar reasons to those that I arrived at for Volcanic Viewshaft E8 above.

8.13 No viewpoint analysis has been provided in relation to the AUP(OP) regionally significant Volcanic Viewshaft E12 (from Ngapipi Road); however, I do not consider this would assist greatly with any further assessment to that already provided by the E11 considerations.

⁹ Sourced from the Auckland Council website.

- 8.14 I note that no commentary has been provided within the Application ALVE in relation to the regionally significant Volcanic Viewshaft E9 towards Maungawhau / Mt Eden from within Auckland Domain (review image in **Plate 4** below). However, from my review of the AUP(OP) provisions and my site visits, this view will remain unaffected by the proposed changes.



Plate 4 – Extract from AUP(OP) Appendix 20 (Volcanic Viewshaft E9 towards Maungawhau)

- 8.15 My overall assessment conclusion regarding the potential impact on identified volcanic viewshafts under the AUP(OP) is that, while no direct adverse effects will result, low-moderate indirect adverse effects will arise from the scale (bulk / height / mass) of built development that would be enabled by the Proposed Provisions. In my opinion, in order to reduce these adverse effects to a more acceptable degree, the overall height and bulk of enabled building scale should be reduced. To determine a more acceptable scale would require further analysis.

Views to and/or between maunga

- 8.16 As outlined in paragraph 8.8 above, in my opinion, within the context of the AUP(OP) RPS Objective B4.3.1.(1) and Policies B4.3.2(1) and B4.3.2.(3), alongside the IMP Value / Pathway 8.7, a consideration of the impact of development enabled by the Proposed Provisions on the visual connection between proximate maunga, plus the significance of these views, is a relevant issue for consideration as part of a robust section 32 analysis.
- 8.17 In this regard, my illustration in **Plate 5** below is a mark-up of Map 1 from the Applicant ALVE ZTV drawings which, alongside my site visits and Asterix my analysis of photographs and the Applicant ALVE Photomontages, has informed my analysis of the potential impact of future built form on the site (marked as the red cross in this image) when considering maunga intervisibility.

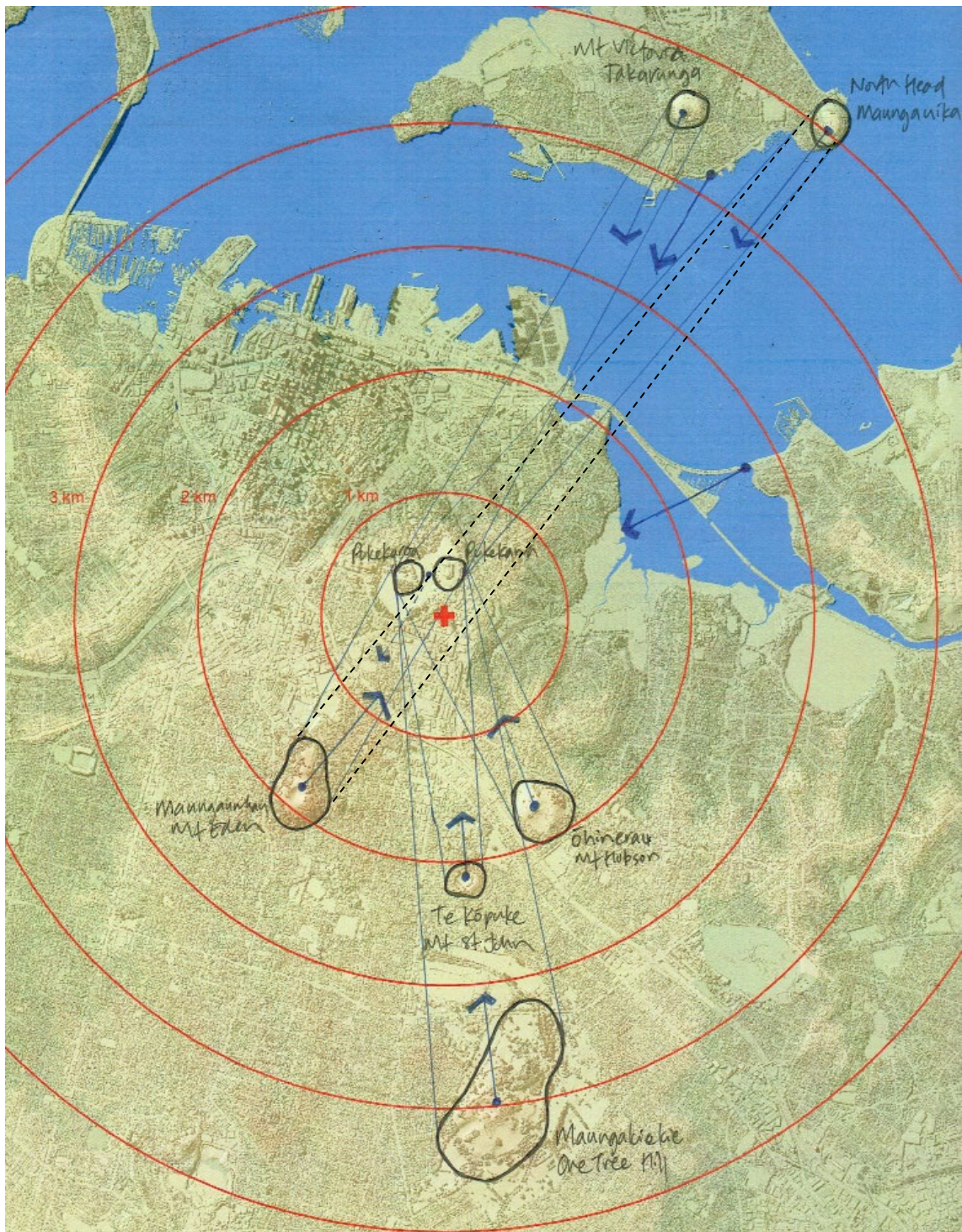


Plate 5 – annotated extract from Applicant ALVE ZTV Map 1 to determine maunga intervisibility

- 8.18 In addition, an evaluation as to whether the existing views are regionally or locally significant is also required, in response to the factors under Policy B4.3.2.(1)(a)-(f). I have undertaken a preliminary assessment of the significance of relevant views. This is provided in **Attachment 3**.
- 8.19 When undertaking site visits as part of my own assessment of this issue (maunga to maunga views), I captured the two photographs (refer **Plates 6 and 7** below) which illustrate the issue.



Plate 6 – View from Maungawhau towards Ōhinerau and Maungarei (clear visual connection)



Plate 7 – View from Ōhinerau towards Maungarei (visual obstruction from built form)

8.20 In addition to fieldwork, the existing and proposed view images within the Application ALVE Photomontages have assisted me with an assessment of whether a view is significant and also the level of adverse effects on these views from development enabled by the Proposed Provisions. I have specifically referenced the following viewpoints from the Application ALVE Photomontages: VPT 3 (from Ōhinerau / Mt Hobson); VPT 4 (from Maungawhau / Mt Eden); VPT 10 (from Takarunga / Mt Victoria); and VPT 11 (from Maungauika / North Head).

- 8.21 My analysis within Attachment 3 evaluates each of these existing maunga to maunga views against the factors under AUP(OP) Policy B4.3.2.(1) from a landscape values perspective. In undertaking my assessment as to the significance of these existing views, I acknowledge that input from mana whenua must assist with any final determination. I have also acknowledged that my assessment findings have not been assisted by detailed mapping analysis to determine whether the protection of an identified significant maunga to maunga view might impact on future built form and development that is currently enabled by the AUP(OP).
- 8.22 As a result of my analysis, it is my opinion that each of the maunga to maunga views that I have assessed, are either locally or regional significant when considered against the relevant landscape factors of Policy B4.3.2(1), as summarised below:
- 8.22.1 View from Ōhinerau / Mt Hobson to Pukekaroa / Pukekawa (refer **Plates 8 and 16** and VPT 3) - a Locally Significant view;
 - 8.22.2 View from Maungawhau / Mt Eden to Takarunga / Mt Victoria and Maungauika / North Head and the relationship with Rangitoto and the Waitematā – noting Pukekaroa / Pukekawa in foreground of the view (refer **Plates 9 and 17** and VPT 4) – a Regionally Significant view;
 - 8.22.3 View to and between Maungauika / North Head to Maungawhau / Mt Eden (refer **Plates 10-11 and 18** and VPT 11) – a Regionally Significant view; and
 - 8.22.4 View from Takarunga / Mt Victoria to Maungawhau / Mt Eden (**Plate 19** and VPT 10) – a Regionally Significant view.
- 8.23 Based on my review of the Applicant ALVE Photomontages, in my opinion, future built form that would be enabled by the proposed plan change provisions will result in high direct adverse effects on the views between maunga that I consider to be either locally or regionally significant.

View from Ōhinerau / Mt Hobson to Pukekaroa / Pukekawa

- 8.24 While the underlying landform of Pukekaroa / Pukekawa is difficult to visualise from external viewpoints, such as from Ōhinerau / Mt Hobson, the vegetation canopy (of Pukekaroa) and the Museum building (atop Pukekawa), are clearly visible natural and cultural features in the landscape. The Auckland Domain as a whole is clearly recognisable as a horizontal band of open space, with mature tree canopy, forming a 'skirt' to the city centre skyline buildings, 'bookended' by the Museum building. I acknowledge that future development that is currently enabled by the AUP(OP) may see some further erosion of this visible open space band; however, I also consider that the existing volcanic viewshaft restrictions, which cover much of Newmarket, will continue to ensure that much of the visible open space remains from this viewpoint.
- 8.25 In my opinion, proposed building form and bulk on the site, as would be enabled by the Proposed Provisions, will impact adversely on the appreciation of these features, which are key components that contribute to the values and significance of the existing view.
- 8.26 The Applicant ALVE Photomontage image for VPT 3 (from the tihi at Ōhinerau / Mt Hobson) clearly illustrates how bulky development at height (in relation to development that would be enabled in 'Height Area A') will adversely affect (to a high degree) the integrity of the view towards Pukekaroa / Pukekawa (Auckland Domain including the Museum building) – refer Plate 8 below.



Plate 8 – Cropped portion of Applicant ALVE Photomontage for VPT 3

View from Maungawhau / Mt Eden to Takarunga / Mt Victoria and Maungauika / North Head

- 8.27 The Applicant ALVE Photomontage for VPT 4 illustrates how development enabled in 'Height Area A' interrupts and detracts from the view of Maungauika / North Head (with Takarunga / Mt Victoria) and that maunga's relationship with Rangitoto and the Waitematā – refer Plate 9 below.



Plate 9 – Cropped portion of Applicant ALVE Photomontage for VPT 4

View to and between Maungauika / North Head to Maungawhau / Mt Eden

8.28 The Applicant ALVE Photomontage image for VPT 11 (refer Plates 10 and 11) illustrates a scale of development that would be enabled when viewed from the tihi at Maungauika / North Head).



Plate 10 – Cropped portion of Applicant ALVE Photomontage for VPT 11

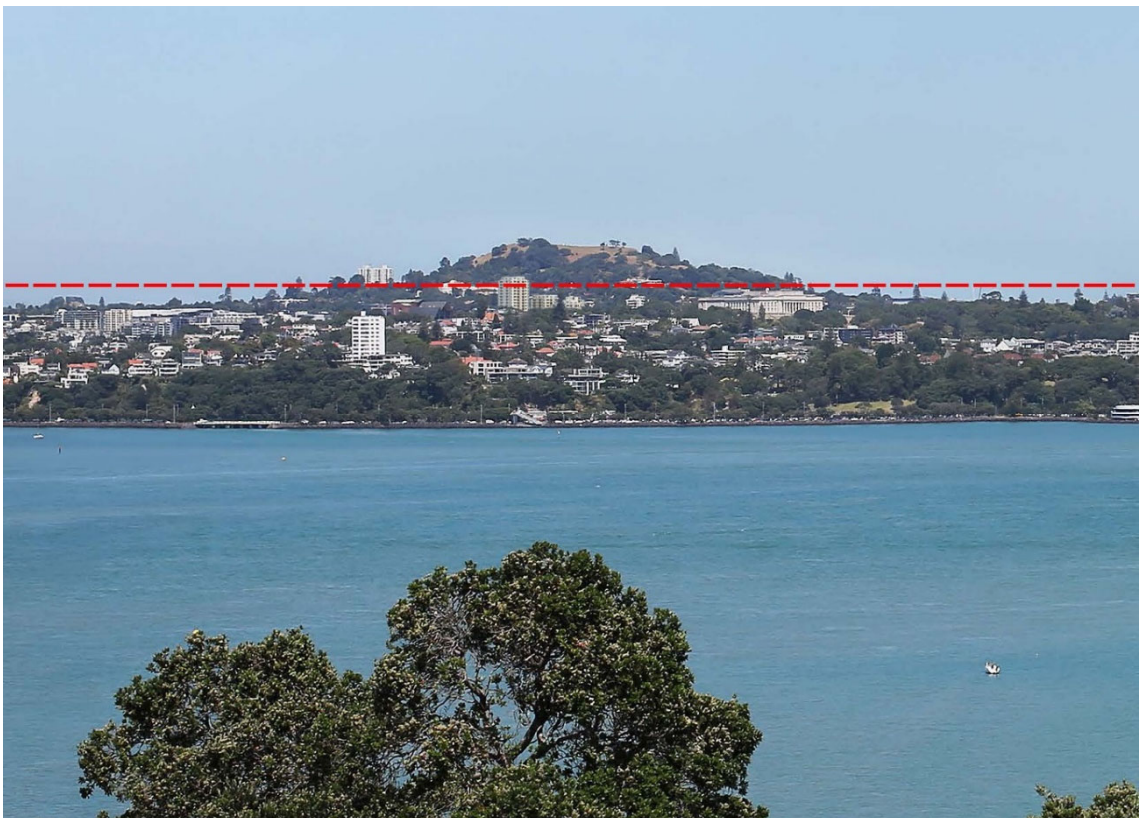


Plate 11 – Zoom portion of Applicant ALVE Photomontage for VPT 11 (my red dashed line)

- 8.29 I have included a red dashed line in the image at Plate 11 above, with this line being my attempt at defining a reference for analysis, based on the top of the Museum building within this view, with the form of the Maungawhau tahi above this line having integrity as a natural feature.
- 8.30 I agree with the submission made on this issue from the Tūpuna Maunga o Tāmaki Makaurau Authority (Submission 53), which raises concern over the “. . . *impact on Maungawhau’s profile, legibility, or effect on perceived anchoring within the surrounding landscape.*” In this context, given my assessment that this is a Regionally Significant view, it is my opinion that adverse effects from development enabled by the proposed provisions will be moderate-high.

View from Takarunga / Mt Victoria to Maungawhau / Mt Eden

- 8.31 The impact from built development that would be enabled by the Proposed Provisions on the view towards Maungawhau / Mt Eden from the tahi of Takarunga / Mt Victoria is similar to that from Maungauika / North Head discussed above. However, rather than this development having a direct impact on the form of the Maungawhau / Mt Eden maunga, the impact would be more indirect – as such, I have rated this adverse effect slightly lower, at moderate.

View from Pukekaroa / Pukekawa to Mt Hobson

- 8.32 During my site visits, I also captured a view from Pukekaroa (Auckland Domain) towards Ōhinerau (Mount Hobson) over the proposed plan change area (refer **Plate 12**).



Plate 12 – View from Pukekaroa towards Ōhinerau (23 January 2021)

- 8.33 While there is likely to be a change in the visual connection between Pukekaroa (Auckland Domain) and Ōhinerau (Mount Hobson) through development that occurs on land between these two features, as currently enabled by the AUP(OP); in my opinion, given the constraints of the AUP(OP) volcanic viewshaft height limits, such a visual connection between Pukekaroa (Auckland Domain) and Ōhinerau (Mount Hobson) will continue to be made. However, there would be an indirect adverse landscape effect on this view from the scale of built development that would be enabled by the Proposed Provisions, in my opinion.

Views to / from other maunga

- 8.34 I note that Appendix 13 of the request (Applicant Domain View Analysis) provides assessment of views between Pukekaroa (Auckland Domain) and Te Kōpuke / Mt Saint John and Maungakiekie / One Tree Hill. In undertaking my own assessment of these views, given the extent of existing vegetation on Te Kōpuke and the distance from the site to Maungakiekie, I agree that there will be no direct impact on these views and, as such, less potential for adverse effects to arise.
- 8.35 Based on my overall assessment above, I recommend that the points raised in submissions in opposition, relating to adverse effects on volcanic viewshafts, be accepted.

Issue / Topic 3 – Visual dominance / urban landscape character effects

- 8.36 It is my understanding that adverse effects of ‘visual dominance’ and on ‘urban landscape character’ both relate to a component of amenity values (refer definition at footnote 4, page 5).
- 8.37 When considering these effects on people, each is influenced by different scales and proximity to a development, alongside whether a person is experiencing the effect from the public or private realms. For example, ‘visual dominance’ is a direct effect that is typically considered when assessing the potential impact that a large building bulk might have on the amenity values of people that live within close proximity to that building. ‘Urban landscape character’ effects have a more indirect impact on people’s amenity values and typically relate to views that people experience from a public realm perspective.
- 8.38 Having said this, people within the public realm can experience ‘visual dominance’ effects and ‘urban landscape character’ effects can impact on the outlook from private viewpoints (i.e. – there is an inevitable overlap between the two). For example, built form in the landscape might result in an adverse ‘visual dominance’ on maunga as natural features within the landscape, as well as being inconsistent with the area’s character.

3A – PUBLIC AMENITY VALUES

- 8.39 A strong theme comes through the submission points in relation to the potential for adverse visual dominance effects to arise through development that would be enabled by the Proposed Provisions. These adverse visual dominance effects are in relation to people’s appreciation of the public amenity values and urban landscape character of this part of Newmarket, which I agree is located in an area of physical and visual transition between the Newmarket Metropolitan Centre zone and the Open Space zone of Pukekaroa / Pukekawa (Auckland Domain).
- 8.40 I acknowledge that the majority of submissions which raise these issues are from people that live in this area; with direct local understanding and appreciation of the area’s amenity values and existing character. I am also cognisant that these amenity values and the existing landscape character of the area will change as new development of a greater building height / bulk than exists within the environment at present, as enabled through the AUP(OP), is constructed.
- 8.41 Consistent with my discussion responses to Submission Issues / Topics 1 and 2 above, in relation to the issue of potential adverse visual dominance and urban landscape character effects, it is my opinion that the proposed building heights for future built form within ‘Height Area B’ (at RL95) ‘Height Area C’ (at RL101) will result in an appropriate outcome.
- 8.42 Conversely, it is my assessment that enabled built form in ‘Height Area A’ (at RL121), both individually and cumulatively (alongside enabled built form within ‘Height Areas B and C’) will have high adverse visual dominance effects on the amenity values of people experiencing the public landscape urban character of this part of Newmarket.
- 8.43 In my opinion, the combined proposal will result in a very bulky built form on site, particularly when viewed as a group of buildings together from the east and west. In addition to the proposed height of buildings in ‘Height Area A’, it is the combined building mass at height (enabled by the proposed building footprints) that will contribute to these outcomes. It would be very difficult, in my opinion, to use building design tools (such as through the use of materials, colours, texture and façade articulation) to mitigate the adverse effects of the enabled building bulk at height.
- 8.44 Consideration of potential ‘visual dominance’ and ‘urban landscape character’ effects on public amenity values is required because of the importance of the site’s existing context (being located

in close proximity to Pukekaroa / Pukekawa / Auckland Domain) and given the strong sense of place arising from the existing character of this part of Newmarket.

- 8.45 In my opinion, the proposed maximum building height within 'Height Area A' (at RL121) is too great when considered in the context of the surrounding landform and relative building heights of existing buildings in the landscape, including the Auckland Museum (refer **Plate 13** below).

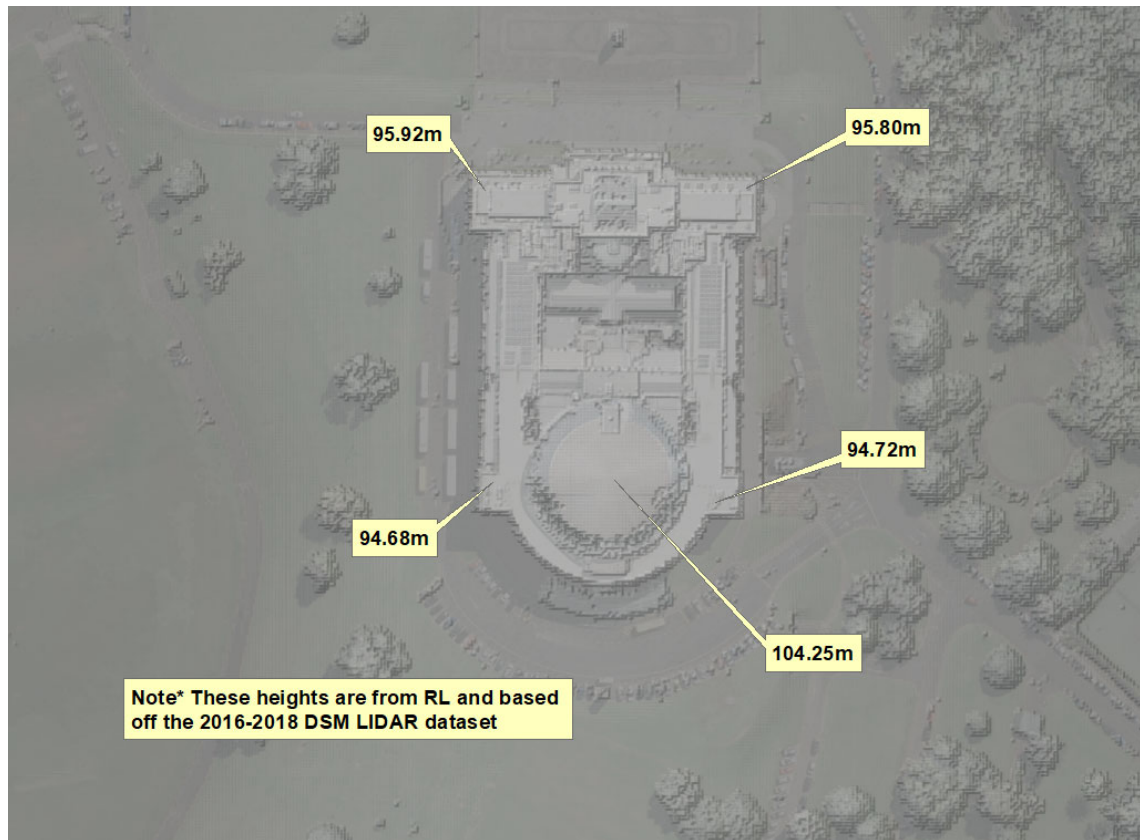


Plate 13 – Maximum RL (Auckland 1946 VD) heights of component parts of the Auckland Museum building

- 8.46 These adverse effects will include the potential erosion of the Auckland Museum building's visual prominence in the landscape and on people's experience of the open space of Pukekaroa / Pukekawa (Auckland Domain) and of the Auckland Museum building. I defer to the historic heritage expertise of the Council's expert, Carolyn O'Neil, acknowledging the overlap between our areas of speciality. In addition to VPT 9, I note that Ms O'Neil undertakes analysis of four additional assessment viewpoints, in order to determine the potential impact of the proposed building height / bulk that would be enabled. This further analysis has also assisted with the consideration of potential effects on public amenity values.
- 8.47 In addition to the Auckland Museum building, I note that other existing buildings are also visually prominent in the landscape, such as the 'Parkwood' apartment building (at RL98.7) and some of the Auckland Hospital buildings (refer **Plates 14 and 15**), which are enabled up to RL130.



Plate 14 – View of the existing Parkwood apartments from Morgan Street



Plate 15 – View of the Auckland Hospital buildings from the rooftop of the Parkwood apartments

- 8.48 To assist with my analysis, I understand that the recently constructed '*Mercury Energy*' building, which is located at a lower relative ground level than the Parkwood apartments, but is of a similar height, has a main bulk at RL83.250, with a central core at RL84.350 and lift overrun at 84.350.
- 8.49 In considering the potential for adverse landscape and visual effects to arise on the natural, cultural and amenity values of Pukekaroa / Pukekawa (Auckland Domain) and of the Auckland

Museum building, I have been conscious of the Auckland Domain Plan (1993) and the Auckland Domain Masterplan (adopted 2016¹⁰), which include the following provisions of relevance:

Key proposal 1.3 - Prevent any further built encroachment into the Domain and ensure surrounding development is of high quality and sympathetic to the park.

Key proposal 2.3 - Ensure that all future developments within and surrounding the Domain are sympathetic with and do not adversely impact on its heritage values.

Key proposal 2.4 - Prevent any inappropriate development in the surrounds to the Auckland War Memorial Museum and Pukekaroa hill to respect the significance of these places.

- 8.50 The scale of development that would be provided for under the proposed provisions will also, in my opinion, result in indirect adverse landscape effects on the aesthetic values and memorability of the Auckland Domain Volcano as an ONF. These adverse effects primarily relate to the impact on views between maunga and in relation to the contribution that the Auckland Domain Volcano makes to Newmarket's sense of place, landscape character and public amenity values.
- 8.51 Finally, in relation to this topic / issue, I have considered views from the Waitematā towards the Museum building for people experiencing the urban coastal landscape of Auckland / Tāmaki Makaurau. Given the visual prominence of the Museum building (controlled through specific viewshaft provisions under the AUP(OP)), this built element is a focus in the view, alongside other prominent built and natural features in the landscape, as it unfolds when arriving into the city from the water (refer photographs within **Attachment 4**). In my opinion, building bulk and form at the heights that would be enabled through the proposed provisions, has the potential to adversely impact on this experience; however, I acknowledge that other existing built elements already detract somewhat from these views and the additional impact would be cumulative.

3B – PRIVATE AMENITY VALUES

- 8.52 While I understand that views from private properties are generally not formally protected; following my reading of a relevant judgement¹¹ by Justice Whata, in my opinion, the AUP(OP) standards, within the context of the relevant objectives and policies, should provide some comfort to private property owners that development which exceeds these standards will be assessed in relation to various relevant amenity value considerations.
- 8.53 These considerations include adverse visual amenity effects (outlook and visual dominance) from building bulk and height and the impact on people's appreciation of the aesthetic coherence of an area's qualities and characteristics that contribute to individual and collective amenity values.
- 8.54 I acknowledge that increased building height and associated bulk (beyond that which is currently provided for under the AUP(OP)) does therefore have the potential to result in adverse effects on residential amenity values through visual dominance and landscape character effects created by the additional building form within an existing outlook.
- 8.55 In order to assess these potential effects, after reviewing the submitter location map¹², I chose to visit five submitter properties¹³, including:

¹⁰ By the Auckland Domain Committee (with elected and Independent Maori Statutory Board representation).

¹¹ CIV-2018-404-404 [2018] NZHC 2598 Ennor v Auckland Council, in particular paragraph 40.

¹² Refer **Attachment 5**.

¹³ On 8 December 2020 between 9.30am-3.00pm.

48 Broadway – Submission #20 Terry Macdonald (looking north-west)



Mercury Energy Building – Submission #50 33 Broadway Trust (looking north)



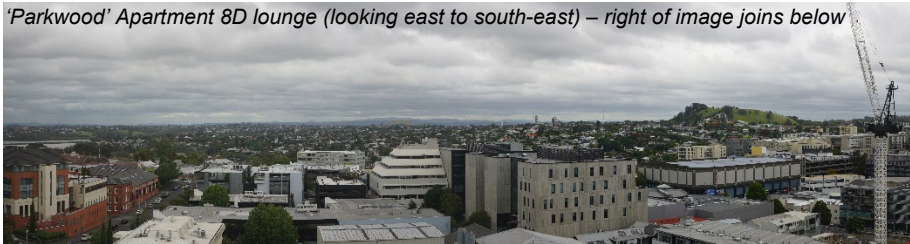
143 Carlton Gore Road – Submission #12 KD Properties Limited (looking north)



27 George Street – Submission #16 Parkwood Body Corporate 162274
'Parkwood' Apartment 8A lounge (looking south-east)



'Parkwood' Apartment 8D lounge (looking east to south-east) – right of image joins below



'Parkwood' Apartment 8D lounge (looking east to south-east) – left of image joins above



Domain Apartments – Submissions #31 & #34 (looking south)



- 8.56 In addition to the above private properties, I also specifically visited publicly accessible areas within the properties related to Submission 17 (The Foundation Village Partnership), within the street block bordered by Parnell Road, Maunsell Road, Titoki Street and George Street.
- 8.57 The existing outlook from many of these private viewpoints enjoy a reasonable amenity value because of the relatively low-rise building development on the site and in the immediate vicinity of the site. It is my assessment however, that this outlook would change significantly should urban redevelopment (that met the AUP(OP) maximum building height and bulk standards) occur on the site and on other properties within these views; therefore, changing the existing urban landscape character that contributes to the amenity values of people within these properties.
- 8.58 Having said this, it is also my opinion that the proposed building height / bulk that would be enabled by the Proposed Provisions would result in increased adverse visual dominance effects and change. In particular, the potential loss of outlook and impact on amenity values for people within the ‘Parkwood’ apartment building is likely to be significant – primarily because the existing panoramic views include skyline features such as multiple maunga landforms.
- 8.59 I therefore recommend that the points raised in submissions in opposition, relating to adverse visual dominance and urban landscape character effects, be accepted.

9.0 Conclusions and recommendations

- 9.1 Subject to my review of further evidence that is provided at the hearing, it is my opinion that the proposed precinct provisions will enable development that results in up to moderate to high¹⁴ adverse landscape and visual effects in relation to:
- 9.1.1 Significant views from, to and between proximate maunga, including the Auckland Domain Volcano (as an ONF) and the Auckland Museum, from a variety of assessed viewpoints; and
 - 9.1.2 Visual dominance effects on the amenity values and urban landscape character experienced by people in the local landscape, including when experiencing these effects from both private and public viewpoints.
- 9.2 With regard to those aspects for consideration within my area of specialist expertise, which overlap with aspects of the Council’s urban design and historic heritage review advice, I recommend that the proposed private plan change be declined by the Council.
- 9.3 However, should the applicant be willing to investigate an alternative set of proposed provisions for the consideration by the Council, I suggest that the following matters must be addressed in order to achieve a more appropriate built form outcome in this location:
- 9.3.1 Reducing the maximum building height metrics¹⁵ above the proposed George Street Datum (RL66) within proposed Table IX6.1.1 ‘Building height’ for ‘Height Area A’ (reduced from 55m (RL121)) and for ‘Height Areas B and C’; and
 - 9.3.2 Amending the maximum tower and tower separation dimensions within Standard IX.6.7 ‘Maximum tower dimension and tower separation’ to provide for slenderer building bulk at heights above RL93 (being 27m above the proposed George Street Datum (RL66)); and

¹⁴ As per the Applicant ALVE definition, a **high adverse effect** is when “the proposal would result in major modifications or change to the existing character, distinctive features or quality of the landscape or a significant reduction in the perceived amenity of the outlook [and / or] the proposal would cause high adverse effects that could not be avoided, remedied or mitigated”.

¹⁵ Alongside annotating Proposed Plan 1 to include these heights (refer red text on drawing at **Attachment 6**).

9.3.3 Consequential amendments to the associated proposed objectives, policies, matters of discretion and assessment criteria to reflect the above changes and to more explicitly include consideration of the:

- a. Potential cumulative effects of building bulk at height;
- b. Maintenance of the visual prominence of the Museum building; and
- c. Amenity values of people within proximate residential dwellings.

Peter Kensington

Consultant Specialist – Landscape Architect

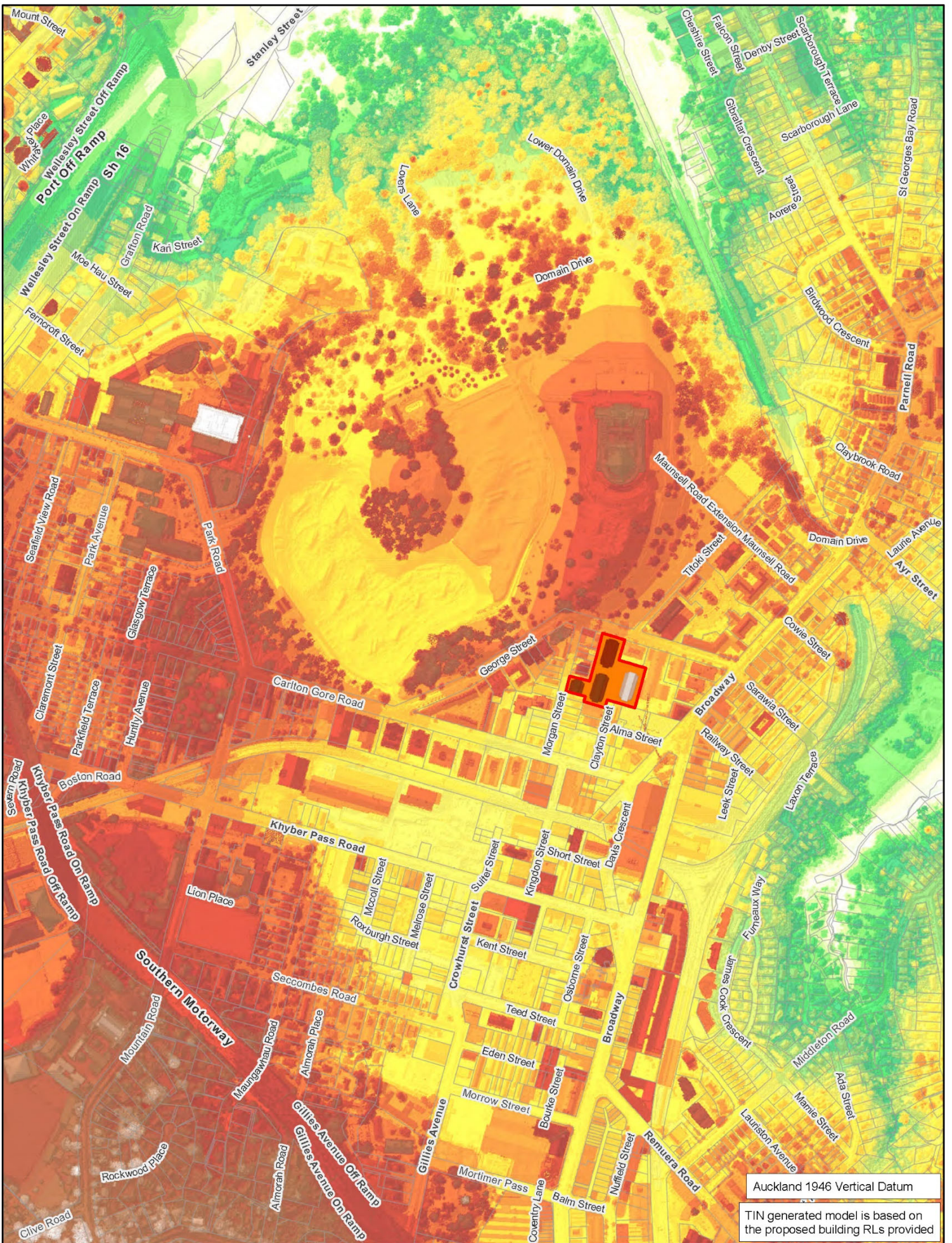
On behalf of Auckland Council – Central South Planning, Plans and Places

Registered NZILA and MNZPI - Email: peter@kplc.co.nz - Phone: 027 227 8700



Attachments (x7)

1. GIS Mapping Analysis (two-pages)
2. Summary of relevant submission points (seven-pages)
3. Evaluation of maunga-to-maunga views against factors under AUP(OP) Policy B4.3.2.(1)(a)-(f) (two-pages)
4. Photographs of the Museum building from the Waitematā (one-page)
5. Submitter Location Map (one-page)
6. Example annotations to proposed Plan 1 (one-page)
7. Copy of supporting plate images – print at A3-size landscape orientation (16-pages)



Auckland 1946 Vertical Datum

TIN generated model is based on the proposed building RLs provided

**Plan Change 44 - George Street Precinct
LIDAR 2016 - 2018 - Digital Surface Model (m)**

Elevation (m)											
-5m - 0m	15m - 20m	35m - 40m	55m - 60m	75m - 80m	95m - 100m	116m - 120m	136m - 140m	0m - 5m	20m - 25m	40m - 45m	60m - 65m
5m - 10m	25m - 30m	45m - 50m	65m - 70m	85m - 90m	101m - 105m	121m - 125m	141m - 145m	10m - 15m	30m - 35m	50m - 55m	70m - 75m
						108m - 110m	128m - 130m				
						111m - 115m	131m - 135m				

Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission
Date: 30/09/2020



388

ISSUE / TOPIC 1 – Building height and form (bulk and mass)

SUBMISSION IN SUPPORT

Submission 2 – Marco Creemers (Samson Corporation Limited)

- *A great design, the buildings have a sense of place, with good overall spacing letting in plenty of light and provide plenty of look arounds to view other Maunga.*
- *A good use of a large land resource that will add to the vibrancy of Newmarket.*
- *All of which override the negatives associated with over height.*

SUBMISSIONS IN OPPOSITION

Submission 12 – KD Properties Limited, The James Gang Trust (Warwick James, Jennifer Goulding and Dean Ellwood, owners of 16 and 18 Morgan Street and 141-143 Carlton Gore Road, Newmarket)

- *Height is excessive and more than double what is expected in the underlying zone.*

Submission 16 – Parkwood Body Corporate 162274 c/- David McGregor and Rebecca Macky (3C, Parkwood, 27 George Street, Newmarket)

- *Challenges use of the datum for measurement of height (not usual practice) and means that the height could be 65m above ground level (only 7m less than Metropolitan Centre Zone).*
- *The effects of the increased height are likely to be significantly adverse, and include dominance, overlooking, wind and shading (considerable to the south).*

Submission 24 – Graham Burrell (2A Swinton Close, Remuera)

- *Don't allow additional height (general non-specific submission).*

Submission 25 – Rose McSherry (1K George Street, Newmarket)

- *General objection to whole proposal (too high, too large).*

Submission 36 – Alexandra Garland & Laura Horrocks (206 and 404 / 9 Sarawia Street, Newmarket)

- *Similar issues to others above (Parkwood).*

Submission 38 – Donald Yung (owner two properties of Domain Terraces at 1 George Street and one property of Parkwood Apartments at 27 George Street)

- *Opposes inappropriate maximum building height.*

Submission 40 – 11 George Body Corporate 344700 c/- Katherine Lester Chairperson (2E/11 George Street, Newmarket)

- *General height concerns – too big for the site and area (keep 27m restriction).*

Submission 41 – Katherine S Lester (2E/11 George Street, Newmarket)

- *General height concern – would support up to 35m (in alignment with other residential buildings in the block).*

Submission 47 – Robert Clark (3C/11 George Street)

- *General opposition to height (too tall for the area).*

Submission 52 – Roland No2 Trust c/- WJR Browne IF Williams (1B Sarawia Street, Newmarket)

- *General opposition to proposed building height limit.*

Submission 48 – Auckland Council c/- Christopher Turbott OPPOSED

- *Concerned that significant adverse effects will arise from large increase in building height.*

SUBMISSIONS IN OPPOSITION

Submission 3 – Rob Thomas (3/154 Basset Road, Remuera) Elected Member on the Waitemata Local Board from 2010 to 2019 and involved in providing feedback to AUIHP; plus, representative of the Newmarket Community Association

- *Increased height from 27m to 65m contradicts the Volcanic Viewshafts Overlay outcomes.*
- *Part of the unique identity of the Newmarket area is volcanic views between the Mt Eden Volcano, Auckland Domain Volcano and the Waitemata Harbour which would be significantly diminished if the proposed plan change was approved.*
- *Buildings around the Auckland Domain Volcano need to retain a Height Sensitive Area to provide a visual buffer. This is to ensure that the development is of a scale that does not dominate the local landscape or reduce the visual significance or amenity values which I believe a height increase this significant would adversely impact.*
- *While there is support for the ongoing economic development of Newmarket as a thriving Metropolitan Town Centre this outcome was never at the expense or detriment to the unique natural typology and volcanic view shafts that have been in place and maintained for generations.*

Submission 6 – Philip Robert Eilenberg (3B/21 George Street, Newmarket)

- *Restricting sight lines to both Mt Eden and Mt Hobson volcanic cones.*
- *Further destruction [cumulative] of both local and broader surrounding amenity value of area (referencing development in the 1990s of 8-10-floor buildings in George/Morgan).*

Submission 15 – Sharon Stayt (Skypark Apartments, 3c/23 George Street, Newmarket)

- *Volcanic viewshaft would be unnecessarily compromised.*

Submission 16 – Parkwood Body Corporate 162274 c/- David McGregor and Rebecca Macky (3C, Parkwood, 27 George Street, Newmarket)

- *Insufficient or inadequate assessment of impacts on landscape and views to and from volcanic cones.*

Submission 21 – Jonathan Eriksen (Flat 1B, Parkwood, 27 George Street, Newmarket)

- *General opposition to process and impacts on volcanic viewshafts.*

Submission 30 – Domain Terraces Body Corporate 192346 c/- Darren van der Wal

- *Insufficient or inadequate assessment of impacts on landscape and views to and from volcanic cones.*

Submission 37 – Cushla O'Shea (4B/19 George Street, Newmarket)

- *Protection of the Volcanic Cone View Protection Plane - Tikanga Values have not been sufficiently considered.*

Submission 39 – Roger and Julie France

- *Raises concerns with height of tower in relation to preservation of volcanic cone sight lines.*

Submission 48 – Auckland Council c/- Christopher Turbott

- *Require height of built form to ensure that views between the tops of Pukekawa and other maunga, including Maungawhau, Te Kōpuke, Maungakiekie, and Ōhinerau, are not interrupted, or that cultural heritage offset is provided if those views are interrupted.*

Submission 49 – Penelope Hansen (10 Ada Street, Remuera)

- *Raises volcanic viewshaft infringement issues.*

This submission is limited to those provisions that may impact on the Tūpuna Maunga:

- a. *Regionally Significant Volcanic Viewshaft E8 to Maungawhau (Mount Eden), which applies to the western portion of the plan change site. The AUP planning maps record the floor of viewshaft varying from RL 33m to RL 49m; and*
 - b. *Broader visual connections between maunga because they represent an enduring symbolic connection between tangata whenua groups and distinctive land forms.*
- *The plan change seeks to replace the HVC and introduce heights of 29m, 35m and 55m. To address a 10m difference in ground level across the site and cap height at a horizontal plane, a podium base height has been introduced. The Authority is concerned that this method of calculating height relative may result in a building height above the floor of the Regionally Significant Volcanic Viewshaft E8 to Maungawhau.*
 - *Photomontages in the Landscape Visual Assessment (LVA) prepared by LA4 Landscape Architects show a 55m high building on the site from various viewpoints. This includes from the Tūpuna Maunga of Ōhinerau, Maungawhau, Maungauika and Takarunga.*
 - *Beyond the Regionally Significant Volcanic Viewshaft E8 to Maungawhau the Authority is concerned there is no discussion on the impact on Maungawhau's profile, legibility, or effect on perceived anchoring within the surrounding landscape. Similarly, when viewed from Maungauika, the building would be visible from different locations, particularly along the eastern and southern sides of the maunga. A singular static presentation is provided and it is unclear if different perspectives have been considered and assessed.*
 - *There is no assessment on maunga to maunga views. Visual connections between Tūpuna Maunga are part of the cultural landscape that is embedded with identify, meaning and significance to mana whenua. The Authority is concerned that introducing a height at least double the current height immediately east of a Regionally Significant Volcanic Viewshaft reduces the value of the viewshaft and will compromise what remains of these connections.*

TOPIC 3 – Visual dominance / urban landscape character effects

PUBLIC AMENITY VALUES

SUBMISSIONS IN OPPOSITION ¹

Submission 1 – Victor de Bettencor (5/4 Curran Street, Herne Bay)

- *Overwhelm the area's skyline footprint and how the area relates to the Auckland Domain.*

Submission 6 – Philip Robert Eilenberg (3B/21 George Street, Newmarket)

- *Restricting sight lines to both Mt Eden and Mt Hobson volcanic cones.*
- *Further destruction [cumulative] of both local and broader surrounding amenity value of area (referencing development in the 1990s of 8-10-floor buildings in George/Morgan).*

Submission 8 – Hugh Michael Caughley (5A/21 George Street, Newmarket) *

- *Height: Tower A adds nothing to Newmarket generally and actually spoils the ambiance of the suburb around George Street. Height restrictions have been respected in Newmarket for a century. Most other developments have respected the height limitations of Newmarket and thus created a good mixed commercial/residential environment. Tower A grossly spoils this both visually and from a sun/light shadow perspective. Otherwise I support the development in terms of height. Suggests 8-storeys for Tower A rather than 16-storeys.*

¹ With some submissions (highlighted with an asterix*) recommending that the plan change be amended if it is not declined.

Submission 9 – Peter Gordon Buchanan and Aroha Buchanan (5 Maungawhau Road, Newmarket)

- *Significant effects [unspecified].*

Submission 14 – Freda and George Green and Ian Lewish (3A/27 George Street, Newmarket)

- *Inappropriate development for the area and no reason to allow building of this height.*

Submission 15 – Sharon Stayt (Skypark Apartments, 3c/23 George Street, Newmarket)

- *Fundamentally change the character of the area – block the eastern view of Mt Hobson for all the residents of George Street.*

Submission 16 – Parkwood Body Corporate 162274 c/- David McGregor and Rebecca Macky (3C, Parkwood, 27 George Street, Newmarket)

- *Proposed height out of character with existing development or as contemplated under AUP.*
- *Inconsistent with Mixed Use Zone and more akin to Metropolitan Centre Zone.*

Submission 19 – MUDI Limited c/- Tony Watkins (Karakā Bay, Glendowie)

- *Interesting perspectives – some good points; but general theme of overall opposition.*

Submission 20 – Terry Macdonald (owner of property at 48 Broadway – live in penthouse)

- *Completely out of character with the neighbourhood (keep height limit).*

Submission 22 – Zamin Investment Limited c/- Roya Reyhani (98 Carlton Gore Road, Newmarket)

- *Proposed heights out of context with neighbouring sites, the existing block and wider setting, resulting in visually incoherent development and significant visual dominance effects. Heights rival those within the Metropolitan Centre Zone – seeks reduction to currently proposed arbitrary, excessive and unjustified heights. Area should be a buffer between Metropolitan Centre Zone and Pukekawa (Auckland Domain).*
- *Gives rise to adverse landscape and visual effects from a number of local and medium-distance public vantage points.*

Submission 23 – Core City Investments Limited c/- Roya Reyhani (123 Carlton Gore Road, Newmarket)

- *Same issues as Submission 22 above.*

Submission 27 – James Carmichel (5E/27 George Street, Newmarket)

- *Buildings too high for our environment – they will dominate our community, overlook all other buildings and will be at odds with the rest of the zone (27m is appropriate).*
- *Visual/Landscape assessment report deficient in the area of urban character and amenity values – huge buildings, more than double existing height, will destroy these attributes.*
- *“Domineering buildings looking over all of area, and indeed Newmarket, will change the character and our appreciation of our living environment for ever. This will destroy the area we live in, and specifically compromise and degrade the symbolism of the museum.”*

Submission 28 – Ian and Catrina Fair (5A/27 George Street, Newmarket)

- *Totally out of character with the area and will have a severe impact on the cultural and sacred nature of the domain and Auckland War Memorial Museum area. It will produce a structure to the south of the museum that would block views to Mt Hobson and One Tree Hill. Will dominate the domain and views from Auckland War Memorial Museum (to the south and south east). All current structures are sympathetic in size and structure to the area and its heritage.*

Submission 29 – Christoph Paszyna (511/9 Sarawia Street, Newmarket)

- *Proposed height is unjustified and will result in development that will be completely out of character for buildings in this part of Newmarket.*

Submission 30 – Domain Terraces Body Corporate 192346 c/- Darren van der Wal

- *Additional height completely out of character with area (similar to others above).*

Submission 31 – Domain Apartments c/- Craig Shearer and James Carmichael

- *Increased height would be incongruous with the surrounding neighbourhood and zone.*
- *Challenges viewpoint locations (significant distances from the site).*
- *Urban character and amenity effects.*

Submission 32 – Darryl Carey (2B/19 George Street, Newmarket) *

- *Tower A building height at twice current height limit will have significant scale effects.*
- *Top floors visible from Museum forecourt, affecting heritage and community value of the Museum Front Lawn and public open space.*

Submission 33 – Alan and Wendy Burton (3D/27 George Street, Newmarket)

- *Opposes location, size and bulk – showing no respect for, or understanding of, sympathetic urban development for this unique Auckland suburb. Supports Parkwood Apartments Body Corporate submission.*
- *“Respect for the Domain, Museum and Cenotaph Precinct. The word ‘iconic’ is much overused in relation to places and objects of value. However, the War Memorial Museum and Cenotaph within the Domain would, by any reckoning, be among the most important of Auckland’s iconic buildings and spaces. They are seen by Aucklanders, along with the harbour and volcanic cones, as critical identifiers of the city and its heritage. Any development on the streets bordering the Domain must be done in such a way that it enhances rather than detracts or distracts from the significance of the city’s spiritual heart. The bulk and scale of the proposed development opening on to George Street are an affront to this highly sensitive area. The Foundation buildings, themselves with heritage and architectural value, also need to be respected given their immediate proximity. The more recent Titoki Street developments on the Foundation site respect the Domain precinct as well as the adjacent historic buildings. There can be no place in Auckland more deserving of the protection of a robust Unitary Plan than the Auckland Domain and its immediate surroundings. The scale of the proposed development is out of all proportion to its neighbourhood; there is no way the impact of a development of this scale can be mitigated. We believe that the proposed development is totally insensitive; it represents a major visual assault on the Domain, its heritage buildings, and environs.”*

Submission 34 – Robyn Hughes (17 Dunedin Street, St Mary’s Bay) owns apartment in Domain apartments block on the corner of George and Morgan Streets.

- *Skyscraper totally out of character and amenity for this area (amidst surrounding low rise buildings and the historic green zone of the Domain park and Auckland museum).*
- *Will dominate all existing buildings including the sympathetically restored Museum building which is an important point of reference for all New Zealanders and visitors alike.*

Submission 35 – Alasdair and Joan Thompson (4b/21 George Street, Newmarket) *

- *Four towers will be completely out of character with the entire Newmarket commercial and residential area (existing seven-storey height limit appropriate for amenity value of area).*
- *If not accepted, then offers alternative building heights.*

Submission 36 – Alexandra Garland & Laura Horrocks (206 and 404 / 9 Sarawia Street, Newmarket)

- *Similar issues to others above (Parkwood)*

Submission 37 – Cushla O’Shea (4B/19 George Street, Newmarket) *

- *Adverse effects on neighbouring properties from building height, bulk and intensity.*

- *The 'tower' block will cause shading, loss of views and interference with horizons, affecting heritage value from public spaces, e.g. the Domain and Auckland Museum in particular. Insufficient consideration has been given to surrounding residents rights to access to light and horizons.*
- *The Images submitted on the proposal are mischievous as they do not accurately present actual visual impacts. E.g. image from Museum.*

Submission 38 – Donald Yung (owner two properties of Domain Terraces at 1 George Street and one property of Parkwood Apartments at 27 George Street)

- *Auckland Domain is Auckland's oldest park and is one of the largest in the city. It is the extinct cone of Pukekawa volcano and has an extensive history of Maori and European use.*

Submission 39 – Roger and Julie France

- *Opposes scale and intensity of proposed development. Raises concerns with height of tower being completely out of character with the immediately surrounding area – including the Foundation for the Blind site, the Auckland War Memorial Museum, the Auckland Domain and the wider Newmarket area.*
- *"The impact of a building twice as high as "Parkwood" on the local environment. It will tower over everything in its vicinity (I imagine similar to "The Sentinel" in Takapuna). It will seriously dominate views from around the Domain and, for example, will be clearly visible across the harbour from Devonport."*

Submission 48 – Auckland Council c/- Christopher Turbott

- *Require height of built form to follow the contour of the flanks of the maunga Pukekawa.*
- *Explicitly require the avoidance of effects on the backdrop of the profile of the Auckland War Memorial Museum and Cenotaph when viewed from afar, and to avoid visual dominance when the precinct is viewed from the southern entrance and north eastern and western paths to the northern entrance to the museum, as well as from other locations.*
- *The proposed additional building height enabled by the precinct is not supported for the following reasons:*
 - *the effect on the human scale of the environment including shading and dominance*
 - *the relative efficiency of built form*
 - *inconsistency of built form with the surrounding Business – Mixed Use Zone*
 - *inappropriate transition in built form from Newmarket through to The Domain*
 - *inappropriate building height in the context of The Domain, the Auckland War Memorial Museum and Cenotaph, and the status of Pukekawa as a maunga*
 - *use of a horizontal height datum rather than height following the landform of Pukekawa*
 - *precedent and cumulative effects of built form in the zone and around The Domain.*
- *See paras 18-24 in relation to adverse effects on the Domain landscape.*

Submission 50 – 33 Broadway Trust (33 Broadway) Ben Harding

- *Raises spot zone issue – not integrating with surrounding area.*
- *Raises general amenity value issues.*

Submission 51 – Rostrevor Burnell (15/7 Cliff Road, St Heliers)

- *Opposes the increased height and the impact on the character and amenity of the area.*
- *Height will be excessive for the local environment and dominate the local community, overlooking all other buildings, being at odds with others at 27m (which is appropriate).*
- *Visual/Landscape assessment is deficient (in the area of urban character and amenity values). "Huge and domineering buildings, more than double the permitted height for this zone, will without doubt destroy these attributes, and will change the character, and the living and recreational environment forever."*

Submission 54 – Parnell Community Committee (Inc) c/- Luke Niue

- *Excessive and inappropriate increase in scale and intensity of development will result in visual dominance effects (including on historic heritage area and Domain / Museum).*

Submission 55 – Patricia Judd (5/29 George Street, Newmarket)

- *The proposed height of the towers is out of character with the surrounding neighbourhood which has been developing into a pleasant mixed use area and is at odds with attractive urban design.*

Submission 56 – Raymond Robinson (3B/19 George Street, Newmarket)

- *Adherence to height limits has contributed to the character of this area as development has occurred over time. Proposal to break these limits is “a highly noxious element” and “the granting of a departure from the current height restrictions would simply not positively contribute to the future form, quality or sense of place for George Street residents”.*

PRIVATE AMENITY VALUES

SUBMISSIONS IN OPPOSITION

Submission 1 – Victor de Bettencor (5/4 Curran Street, Herne Bay)

- *Effects on property at 29/8 Clayton Street, Newmarket (block light for residents).*

Submission 5 – Gavin Hodder (8/27 Clayton Street, Newmarket)

- *Tower C extra height a significant impact on 8 Clayton Street (even with 6m setback)*

Submission 12 – KD Properties Limited, The James Gang Trust (Warwick James, Jennifer Goulding and Dean Ellwood, owners of 16 and 18 Morgan Street and 141-143 Carlton Gore Road, Newmarket)

- *Building dominance on submitter properties.*

Submission 17 – The Foundation Village Partnership c/- Richard Mora (own all the properties and buildings contained within the street block bordered by Parnell Road, Maunsell Road, Titoki Street and George Street)

- *Potential for visual dominance effects (from building height) on the character of the Foundation Precinct.*

Submission 18 – Foundation Properties Limited c/- Philip Kean

- *Same issues as submission 17 above.*

Submission 37 – Cushla O'Shea (4B/19 George Street, Newmarket)

- *Excessive visual dominance on adjacent residential properties (particularly Tower A).*

Submission 42 – Downtown House No. 2 Limited (2 Alma Street, Newmarket) Chris Johanson

- *Lack of analysis of adverse effects on submitter's property (including dominance and residential amenity). See submission for further detail and explanation (page 3).*
- *Challenges suitability of representative viewpoints [but doesn't offer alternatives].*

Submission 43 – FourClayton Properties Limited (4 Clayton Street, Newmarket) Chris Turney

- *Similar issues raised as under Submission 42 above – but for different property.*

Submission 44 – TwoMorgan Properties Limited (2 Morgan Street, Newmarket) Chris Turney

- *Similar issues raised as under Submission 42 above – but for different property.*

Submission 45 – Aclay Limited (6 Clayton Street) Werner Hanni

- *Similar issues raised as under Submission 42 above – but for different property.*

Submission 50 – 33 Broadway Trust (33 Broadway) Ben Harding

- *Raises visual dominance and visual amenity effects on submitter's property.*

Extract from AUP(OP) Policy B4.3.2.(1)

Identify and evaluate a view to or between maunga for its regional or local significance considering the following factors:

- (a) the viewpoint conveys the view to an audience from a public viewpoint that is regionally or locally significant;*
- (b) the view conveys an intact view of the maunga within a wider context which is of high or good quality;*
- (c) the view will contribute to or reinforce an overall appreciation of the region's maunga;*
- (d) the view recognises the importance of the maunga to Mana Whenua;*
- (e) the extent to which there are other public views of and between the maunga; and*
- (f) taking into account the extent to which the viewshaft will affect future development otherwise enabled by this Plan.*

Noting that a response to factor (d) must be informed by mana whenua determination; and that a response to factor (f) would require additional specialist mapping analysis to determine whether development on other properties was impacted. Also, it is recognised that public participation and engagement in formally determining views of significance would be required.

Four key maunga-to-maunga views considered¹

1. View from Ōhinerau / Mt Hobson to Pukekaroa / Pukekawa (Plates 8 and 16 and VPT 3)
2. View from Maungawhau / Mt Eden to Takarunga / Mt Victoria and Maungauika / North Head and the relationship with Rangitoto and the Waitematā – noting Pukekaroa / Pukekawa in foreground of the view (Plates 9 and 17 and VPT 4)
3. View from Maungauika / North Head to Maungawhau / Mt Eden (Plates 10-11 and 18 and VPT 11)
4. View from Takarunga / Mt Victoria to Maungawhau / Mt Eden (Plate 19 and VPT 10)

(refer following four pages)

¹ Being those views that are most likely to be impacted by development that would be enabled by the Proposed Provisions.

1. View from Ōhinerau / Mt Hobson to Pukekaroa / Pukekawa (Plates 8 and 16 and VPT 3)



Plate 16 – View from Ōhinerau tihi towards Pukekaroa / Pukekawa (15 January 2021)

Evaluation:

Factor (a) – Ōhinerau / Mt Hobson is a regionally significant maunga, with the viewpoint analysed (from a seat adjacent the trig station) being representative of the most appropriate location at the tihi to gain views to the west and north.

Factor (b) – The view of Pukekaroa / Pukekawa is somewhat obscured by existing development in the foreground (particularly the ‘Parkwood’ apartment building); however, the Auckland Domain is clearly recognisable as a horizontal band of open space, with mature tree canopy, forming a ‘skirt’ to the city centre skyline buildings, ‘bookended’ by the Museum building. Given the narrow band of visible Auckland Domain open space, views towards Pukekaroa / Pukekawa are particularly sensitive to loss from built development, including through incremental change. Some change to the existing view of the Auckland Domain open space will be impacted by development that is enabled by the existing AUP(OP) provisions; however, this is not anticipated to fully erode the view of visible open space.

Factor (c) – Without a visible recognition of the Auckland Domain open space, the connection and appreciation of Pukekaroa / Pukekawa would be lost. It is acknowledged that lay people may not ‘read’ the Auckland Domain open space as having an underlying geological (volcanic / maunga) landform.

Factor (e) – This viewpoint and the view from Maungawhau / Mt Eden towards Pukekaroa / Pukekawa are two of the only elevated opportunities available to gain an appreciation and visual connection between these maunga.

Conclusion: Locally significant view.

2. View from Maungawhau / Mt Eden to Takarunga / Mt Victoria and Maungauika / North Head and the relationship with Rangitoto and the Waitematā – noting Pukekaroa / Pukekawa in foreground of the view (Plates 9 and 17 and VPT 4)



Plate 17 – View from Maungawhau tihi towards Newmarket and the Waitematā (15 January 2021)

Evaluation:

Factor (a) – Maungawhau / Mt Eden is a regionally significant maunga, which, being proximate to the city centre, provides an opportunity for inner city residents and visitors to visit and experience the outlook from this maunga. A relatively recent public walking track / boardwalk and viewing platform upgrade at the tihi, forms a defined viewpoint which captures expansive views from the west through north and to the east; which includes the Waitematā Harbour, Rangitoto and Maungauika / North Head – these being iconic natural features of the Tāmaki Makaurau / Auckland landscape (with Takarunga / Mt Victoria and Pukekaroa / Pukekawa also within the view, but not as a focus).

Factor (b) – Views of these key maunga elements are intact and ‘bound together’ by the waters of the inner Waitematā Harbour, forming a high quality outlook that captures the Tāmaki Makaurau / Auckland sense of place.

Factor (c) – This view provides a clear appreciation of the region’s maunga, wider natural landscape and coastal values and the Tāmaki Makaurau / Auckland sense of place at a macro-scale.

Factor (e) – Other public views from the Maungawhau / Mt Eden tihi are also available; however, this view towards the north-easterly aspect is particularly important for capturing the relationship between coastal maunga and the Waitematā Harbour, being an important coastal gateway to the city.

Conclusion: Regionally significant view.

3. View from Maungauika / North Head to Maungawhau / Mt Eden (Plates 10-11 and 18 and VPT 11)



Plate 18 – View from Maungauika / North Head to Maungawhau / Mt Eden (15 January 2019)

Evaluation:

Factor (a) – Maungauika / North Head is a regionally significant maunga, which defines the entrance to the inner Waitematā Harbour and provides an ‘anchor’ to the local Devonport landscape. A variety of different view opportunities are available from this maunga tahi for residents and visitors, including back towards the city centre and Isthmus landscape. This includes a clear outlook towards Maungawhau / Mt Eden and the proximate Auckland Museum.

Factor (b) – The Auckland Hospital buildings are clearly prominent on the horizon to the west of the Maungawhau / Mt Eden landform, as are the Mercy Ascot Hospital buildings to the east. Despite this intrusion of built form, the view towards this regionally significant maunga landform from Maungauika / North Head is intact. This outlook also captures the Ōhinerau / Mt Hobson landform and other coastal and isthmus maunga in the immediate proximity.

Factor (c) – While Maungawhau / Mt Eden is the closest and most visually prominent maunga within this view, it is seen within the context of other maunga on the isthmus (such as Maungakiekie / One Tree Hill and Ōhinerau / Mt Hobson) and within the immediate vicinity (such as Takarunga / Mt Victoria).

Factor (e) – There are many vantage points at the tahi of Maungauika / North Head which provide for outlook in all directions (360-degrees); however, the view to the south-west of the city centre, alongside the cultural marker of the Auckland Domain and the natural feature of Maungawhau / Mt Eden, is particularly iconic and representative.

Conclusion: Regionally significant view.

4. View from Takarunga / Mt Victoria to Maungawhau / Mt Eden (Plate 19 and VPT 10)



Plate 19 – View from Takarunga / Mt Victoria to Maungawhau / Mt Eden (15 January 2019)

Evaluation:

Factor (a) – Similarly to Maungauika / North Head, Takarunga / Mt Victoria is a regionally significant maunga, which provides a northern landform feature of the local Devonport landscape. The outlook from the maunga tihi for residents and visitors, which is more accessible than Maungauika / North Head (being closer to the village centre) provides a clear vista of the narrow connection between Devonport and the city centre. The view of the Maungawhau / Mt Eden landform is clearly apparent between the Auckland Museum and Auckland Hospital buildings.

Factor (b) – Like the view from Maungauika / North Head, despite some intrusion of existing built form, the view towards this regionally significant maunga is intact and there is a clear visual relationship with other maunga in the landscape.

Factor (c) – Perhaps more so than the view from Maungauika / North Head, the view of Maungawhau / Mt Eden from Takarunga / Mt Victoria appears more intimate given proximity and viewing angle relative to Devonport.

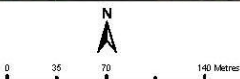
Factor (e) – While there are other viewpoints at the tihi of Takarunga / Mt Victoria, the viewpoint assessed is likely to be the most representative of the southern outlook towards the city centre (including the Auckland Port) and wider isthmus landscape. Like the view from Maungauika / North Head, the view of natural and cultural elements is similarly iconic and representative of the Tāmaki Makaurau / Auckland sense of place.

Conclusion: Regionally significant view.



Series of cropped photographs from Fullers vehicle ferry travelling between Waiheke and Auckland (18 January 2021)

PPC44 s42A input memo (landscape and visual effects)



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Date: 19/01/2021

Plan Change 44 Submission Responses



402

George Street Precinct Plan 1 - Building heights





Plate 1 – View towards the site from Middleton Road (18 June 2020)



Plate 2 – View towards the site from Level 23 of the Auckland Council Albert Street offices (27 July 2020)



Plate 3 – Panorama from Level 23 of the Auckland Council Albert Street offices (27 July 2020)



Plate 6 – View from Maungawhau towards Ōhinerau and Maungarei (clear visual connection)



Plate 7 – View from Ōhinerau towards Maungarei (visual obstruction from built form)



Plate 12 – View from Pukekaroa towards Ōhinerau (23 January 2021)



Plate 16 – View from Ōhinerau tihi towards Pukekaroa / Pukekawa (15 January 2021)



Plate 17 – View from Maungawhau tihi towards Newmarket and the Waitematā (15 January 2021)



Plate 18 – View from Maungauika / North Head to Maungawhau / Mt Eden (15 January 2019)



Plate 19 – View from Takarunga / Mt Victoria to Maungawhau / Mt Eden (15 January 2019)



Panorama from 48 Broadway (looking north-west) – Submission #20 Terry Macdonald (8 December 2020)



Panorama from Mercury Energy Building (looking north) – Submission #50 33 Broadway Trust (8 December 2020)



Panorama from 143 Carlton Gore Road (looking north) – Submission #12 KD Properties Limited (8 December 2020)



Panorama from 27 George Street 'Parkwood' Apartment 8A lounge (looking south-east) – Submission #16 (8 December 2020)



joins left side of image below



joins right side of image above

Panorama from 27 George Street 'Parkwood' Apartment 8D lounge (looking east to south-east) – Submission #16 (8 December 2020)



Panorama from Domain Apartments (looking south) – Submissions #31 & #34 (8 December 2020)

Memo: Technical specialist report to contribute towards Council's section 42A hearing report

15 April 2021

To: Bruce Young, Principal Planner, Auckland Council

From: Carolyn O'Neil, Heritage Consultant

Subject: Private Plan Change 44 (PPC44) – George Street Precinct, Newmarket Specialist review – historic heritage

1.0 Introduction

- 1.1 PPC44 is a proposal that seeks to introduce a new precinct at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket to the Auckland Unitary Plan (Operative in part) (**AUP (OIP)**). It proposes to remove the 27 metre Height Variation Control and introduce building height up to 65 metres above ground level. The new precinct will enable mixed use development with a publicly accessible plaza, pedestrian connections and vehicular and pedestrian access to and from George, Morgan and Clayton Streets.
- 1.2 In August 2020, I was requested by Auckland Council (**Council**) to provide historic heritage input into PPC44 in response to a number of submissions that raised matters pertaining to nearby historic heritage places.
- 1.3 I am a heritage consultant and director of The Heritage Studio Limited, an Auckland-based heritage consultancy established in 2012 that specialises in architectural and building conservation. I hold a first class honours degree in Architectural and Building Conservation from the University of South Wales, UK and have over 18 years' experience in the field. I am a full member of the Institute of Historic Building Conservation (IHBC) and the International Council on Monuments and Sites New Zealand (ICOMOS NZ).
- 1.4 Whilst I specialise in historic heritage matters, cultural heritage, natural heritage and archaeological issues are beyond my area of expertise.

2.0 Documents reviewed

- 2.1 I have undertaken a technical review of the PPC44 on behalf of Council in relation to historic heritage. In writing this memo, I have reviewed the following PPC44 documents submitted by the applicant:
 - *'Section 32 Evaluation: Private Plan Change Request, 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket' (s32 Evaluation)*, prepared by Barker & Associates Ltd., dated 4 April 2020, including Appendix 1 – *'George Street Precinct'*, Appendix 3 – *'Auckland Unitary Plan Objectives and Policies Assessment Table'* and the following drawing set and specialist reports:
 - Appendix 4 – *'Site Context, Concept Design Testing and GFA Study' (Drawing Set)*, prepared by Warren and Mahoney Architects Ltd., Barker & Associates, LA4 Landscape Architects and RDT Pacific, dated 9 April 2020 (Revision 11).
 - Appendix 5 – *'Urban Design Report' (UDR)*, prepared by Barker & Associates Ltd., dated 4 March 2020.
 - Appendix 6 – *'Assessment of Landscape and Visual Effects' (ALVE)*, prepared by LA4 Landscape Architects, dated March 2020 and associated photomontages comprising:
 - Annexure 1: *Verified Photomontages (VPT 1-11)*, prepared for the Landscape and Visual Assessment by Warren and Mahoney, dated 2 March 2020 and;

- Annexure 2: *Indicative Photomontages (View A-K)*, prepared by Warren and Mahoney, Barker & Associates and LA4, dated 9 April 2020 (Rev. 2).

2.2 I have also reviewed submissions made in response to the notification of the PPC44 and the Auckland Council-compiled *'Summary of Decisions Requested'*, with specific reference to those submissions raising historic heritage-related matters. Relevant extracts of those submissions are included in the Section 6.0 of this memo.

2.3 Furthermore, I have relied on information contained within the following documents:

- *The Auckland Unitary Plan (Operative in part on 15 November 2016)*, specifically:
 - Chapter B: Regional policy statement - B5. Ngā rawa tuku iho me te āhua – Historic heritage and special character.
 - Chapter D: Overlays – D17 Historic Heritage Overlay.
- *The Auckland Domain Plan*, prepared by Boffa Miskell Partners Limited and adopted by the Auckland City Council on 13 August 1993.
- *Auckland Domain Masterplan*, prepared by Auckland Council and adopted by the Auckland Domain Committee on 26 July 2016.
- *Auckland War Memorial Museum: A Conservation Plan*, prepared by Salmond Architects, dated November 1993.
- *The Jubilee Building, 545 Parnell Road, Auckland: Conservation Report*, prepared by Denys Oldham of Kingston Morrison, dated March 1995 (revised version).
- A series of supplementary 3D modelling images, prepared by Council's Geospatial team.

3.0 Historic heritage context

3.1 The proposed George Street Precinct (**proposed precinct**) is located in close proximity to several historic heritage places scheduled in the AUP (OIP)¹, which collectively form part of a broader historic landscape. Many of these are scheduled Category A historic heritage places that are of outstanding significance well beyond their immediate environs. A complete summary list is included in **Attachment 1**. Several are also included on the New Zealand Heritage List/Rārangi Kōrero, prepared by Heritage New Zealand Pouhere Taonga.

3.2 To provide some context to the scheduled places raised in the submissions and discussed in this memo, brief descriptions have been prepared of the following:

- The Auckland Domain / Pukekaroa / Pukekawa
- Auckland War Memorial Museum and Cenotaph
- Royal New Zealand Foundation for the Blind office and workshops (former), 545 Parnell Road
- Pearson House, 10 Titoki Street.

3.3 The proposed precinct is situated close to the southern fringe of Auckland Domain, Auckland's oldest park. An important and distinctive historic landscape within the context of the region, the place is sited in the Pukekawa volcanic crater and has an extensive history of Maori and European use. It is the Domain's rich history and layers of heritage that underpin its *considerable* significance as a historic heritage place with *historical, knowledge, and aesthetic* heritage values.

3.4 The Domain is also the site of several other historic heritage places, most notably the Auckland War Memorial Museum – a prominent monument to those who fell in two world wars. Constructed in the Greek Revival style, the Museum is one of the largest neoclassical buildings in Australasia and is considered to be "...one of the finest and most important works of architecture in New Zealand."² Evocative of the Acropolis (which reputedly inspired its design), the building stands in relative isolation on exposed and elevated land within the Domain, giving it a strong presence within its immediate setting and making it an iconic landmark within Auckland's landscape. The Museum (and Cenotaph) is a historic heritage place of *outstanding* significance for its *historical,*

¹ Schedule 14.1 Schedule of Historic Heritage.

² Salmond Architects, *'Auckland War Memorial Museum: A Conservation Plan'*, 1993.

social, Mana Whenua, knowledge, technology, physical attributes, aesthetic, and context heritage values.

- 3.5 The proposed precinct is located to the south-west of the Foundation Precinct, which is the site of two historic heritage places – the former Royal New Zealand Foundation for the Blind office and workshops at 545 Parnell Road, and Pearson House at 10 Titoki Street.
- 3.6 The former Foundation for the Blind office (also known as the Jubilee Building) is a two-storey Edwardian structure, purpose-built as the first residential school for the blind in New Zealand. A notable example of the Gothic Revival style of architecture fronting Parnell Road, the building forms the central part of the complex and is considered a prominent local landmark. Sited directly south-west of the Jubilee Building are the purpose-built former workshops. The three-storey neo-Georgian brick building fronts Parnell Road and extends at a 60-degree angle along George Street. The office and workshops are collectively a historic heritage place of *outstanding* significance for its *historical, social, physical attributes, aesthetic and context* heritage values.
- 3.7 Pearson House is located on the northern edge of the complex, fronting Titoki Street on the southern edge of Auckland Domain. A rare example of a purpose-built residence for blind men, the two-storey brick building was designed in the neo-Georgian style. The place is of *outstanding* historic heritage significance for its *historical, physical attributes and aesthetic values*.
- 3.8 In writing this memo, consideration has also been given to the setting of these historic heritage places, defined in the AUP (OIP) as follows:

*“The setting of a historic heritage place includes elements of the surrounding context beyond the identified extent of place within which a historic heritage place is experienced. The setting of a historic heritage place includes the sea, sky, land, structures, features, backdrop, skyline and views to and from the place. It can also include landscapes, townscapes, streetscapes and relationships with other historic heritage places which contribute to the value of the place”.*³

4.0 Key historic heritage issues

- 4.1 Given the close proximity of the proposed precinct to several historic heritage places (specifically those mentioned in Section 3.0, above), I consider the key historic heritage issue to be:
- Whether the proposed new development will protect the heritage values of these historic heritage places.
 - Whether the proposed new development has regard to the protection of these historic heritage places from inappropriate subdivision, use, and development.
 - The potential of the proposed new development, by virtue of its scale (height) and widespread visibility, to generate adverse visual effects on the historic heritage values of adjacent historic heritage places by virtue of impacts on their the setting.
 - Whether the proposed precinct will maintain or enhance historic heritage values of these historic heritage places and the potential to mitigate adverse effects on historic heritage values.

5.0 Applicant’s assessment

- 5.1 In reviewing the documentation submitted by the applicant for PPC44, I note that historic heritage has not been comprehensively addressed. The s32 Evaluation acknowledges that *“there are no protected historic heritage on the site”*⁴, and, as a result, is not covered by the historic heritage overlay in the AUP (OIP). This may account for the omission of an assessment of effects on historic heritage values and the incorporation of historic heritage-related provisions in the proposed precinct plan.

³ AUP (OIP), Chapter D17 Historic Heritage Overlay.

⁴ Barker & Associates, *Section 32 Evaluation: Private Plan Change Request, 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket*, 2020, 40.

- 5.2 On the matter of overlays, I note that, in addition to being scheduled as a historic heritage place, the Auckland Domain is also scheduled as an Outstanding Natural Feature (**ONF**), and, like the historic heritage overlay, the ONF overlay falls outside the proposed precinct site. It is therefore interesting to observe that whilst the applicant's assessment gives consideration to how the proposed precinct may impact on the Domain as an ONF, the same consideration has not been given to its potential effects on the Domain as a historic heritage place. Moreover, I note that a tailored objective and assessment criteria have been incorporated into the proposed precinct plan to ensure that new development is respectful of the Domain's landscape context as an ONF, but not as an historic heritage place.⁵ In my view, this unbalanced approach does not provide a true reflection of the effects generated by the proposed precinct on all values associated with the Domain.
- 5.3 Whilst I acknowledge that the proposed precinct is not covered by the historic heritage overlay in the AUP (OIP), a provision in the Regional Policy Statement (**RPS**) does encourage new development to have regard to *adjacent* historic heritage places. Policy B5.2.2.(8) reads:
- (8) Encourage new development to have regard to the protection and conservation of the historic heritage values of any adjacent significant historic heritage places.*⁶
- 5.4 In the context of PPC44, I am of the view that the heritage places referred to in the submissions (and highlighted in Section 3.0 of this memo), can be considered as *adjacent significant historic heritage places*.
- 5.5 Further provisions in the AUP (OIP) that seek to avoid significant adverse effects on historic heritage places and provide direction around the protection of scheduled historic heritage places from inappropriate development, are also considered relevant. Principal amongst these are Policy B5.2.2.(7) of the RPS and Objective D17.2.(2) of Chapter D17 Historic Heritage Overlay. The latter reaffirms Section 6(f) of the RMA that seeks the recognition of and provision for "*the protection of historic heritage from inappropriate subdivision, use, and development*"⁷ as a matter of national importance.
- 5.6 In my view, a specialist assessment of effects on historic heritage is required to enable these AUP (OIP) provisions to be considered and responded to. In the absence of such an assessment, however, I have relied on the applicant's other specialist reports (listed in Section 2.0) in the preparation of this memo. Though I am unable to comment on the methodologies adopted, issues raised and conclusions reached in these reports as they are outside my area of expertise, given that the potential effects of the plan change on historic heritage values will be visually (rather than physically) generated, content within the ALVE report, in particular, has helped inform my assessment.
- 5.7 Of particular assistance are the ALVE (Verified and Indicative) Photomontages, which show a series of photographs of the existing environment, the proposed plan change envelope, in addition to the maximum envelope under existing controls in the AUP (OIP). These provide a useful indication of how the proposed development enabled by the plan change will be viewed from surrounding sites, along neighbouring streetscapes and within the broader landscape.
- 5.8 Understanding that a pre-selected number of representative viewpoint locations were identified for the Photomontages, there are a number of key viewpoints around the aforementioned scheduled buildings that have not been captured. For example, though located in close proximity to the Foundation Precinct, the orientations and angles of View E and View G do not enable the proposed development to be seen within the context of the former Royal New Zealand Foundation for the Blind office and workshops and Pearson House. This has made it difficult to determine the full extent of the effects of the proposed built form on the heritage values of these historic heritage places.
- 5.9 To fill these gaps, Council's Geospatial team has developed a series of 3D images that capture these key viewpoints (refer to **Attachment 2**), and it is this supplementary information that I have also relied upon in the preparation of this memo.

⁵ Barker & Associates, *Section 32 Evaluation: Private Plan Change Request, 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket*, 2020, 24.

⁶ AUP (OIP), Chapter B5. Ngā rawa tuku iho me te āhua – Historic heritage and special character, Policy B5.2.2 (8).

⁷ Resource Management Act 1991, Part 2, Section 6(f).

6.0 Submissions

- 6.1 I have reviewed the submissions made on PPC44, focussing on those that raise matters relating to adjacent historic heritage places. My assessments of the relevant issues raised have been grouped into two key topics – those points relating to effects on the historic heritage values of the Auckland Domain and Auckland War Memorial Museum and those relating to effects on the historic heritage values of scheduled buildings within the Foundation Precinct. Almost all of the submissions included oppose PPC44 and seek that it be declined by Council, with two submissions opposing in part and supporting in part. In a number of cases, points made by the same submitter are included under both topics.

Topic 1: Effects on the historic heritage values of the Auckland Domain and Auckland War Memorial Museum

Submissions in opposition

- Submission 19: MUDI Ltd. – Tony Watkins

“The proposal does nothing to enhance the beauty of the Auckland landscape.

Respect is a core quality of great architecture...The Museum does not dominate the landscape but it has “presence”. It belongs...We need to learn from it, not abuse it, as Plan Change 44 does. We need to build less, but improve the quality of our buildings.”

- Submission 27: James A. Carmichael

“Domineering buildings looking over all of area, and indeed Newmarket, will change the character and our appreciation of our living environment for ever. This will destroy the area we live in, and specifically compromise and degrade the symbolism of the museum.”

- Submission 28: Ian and Catrina Fair

“[The proposed plan change would] have a severe impact on the cultural and sacred nature of the domain and Auckland War Memorial Museum area...The proposed structure would dominate the domain and views from the Auckland War Memorial Museum. All current structures are sympathetic in size and structure to the area and its heritage.

...the developers would be virtually unlimited in the adverse effects they could cause to the surrounds and outlooks of the domain and Museum. The views to the south and south east from the domain would be dominated by the proposed structure...”

- Submission 32: Darryl Carey

“Top floors [of Tower A] will be visible from Museum forecourt, affecting heritage and community value of the Museum Front Lawn public open space.”

- Submission 33: Alan and Wendy Burton

“Respect for the Domain, Museum and Cenotaph Precinct

The word ‘iconic’ is much overused in relation to places and objects of value. However, the War Memorial Museum and Cenotaph within the Domain would, by any reckoning, be among the most important of Auckland’s iconic buildings and spaces. They are seen by Aucklanders, along with the harbour and volcanic cones, as critical identifiers of the city and its heritage. Any development on the streets bordering the Domain must be done in such a way that it enhances rather than detracts or distracts from the significance of the city’s spiritual heart. The bulk and scale of the proposed development opening on to George Street are an affront to this highly sensitive area.

There can be no place in Auckland more deserving of the protection of a robust Unitary Plan than the Auckland Domain and its immediate surroundings. The scale of the proposed development is out of all proportion to its neighbourhood; there is no way the impact of a development of this scale can be mitigated. We believe that the proposed development is

totally insensitive; it represents a major visual assault on the Domain, its heritage buildings, and environs.”

- Submission 34: Robyn Hughes

“The proposal to build a massive skyscraper complex amidst the surrounding low rise buildings and the historic green zone of the Domain park and Auckland museum is totally out of character for this area. The excessive height of the proposed structure will dominate all existing buildings including the sympathetically restored Museum building which is an important point of reference for all New Zealanders and visitors alike.”

- Submission 37: Cushla O’Shea

“The ‘tower’ block will cause shading, loss of views and interference with horizons, affecting heritage value from public spaces, e.g. the Domain and Auckland Museum in particular...The proposed height of the tower A is excessive.

...Images submitted on the proposal are mischievous as they do not accurately present actual visual impacts. E.g. image from Museum”

- Submission 38: Donald Kay Keung Yung

“Auckland Domain is Auckland’s oldest park and is one of the largest in the city. It is the extinct cone of Pukekawa volcano and has an extensive history of Maori and European use. Any plan change in the surrounding areas should be denied unless it is proven absolutely necessary. PC44 hasn’t yet been able to justify its need in this regard.”

- Submission 39: Roger and Julie France

“The proposed 65m height of the tower in the plan change raises many environmental concerns...it is completely out of context and character with the immediately surrounding area, specifically:

- *The Auckland War Memorial Museum (possibly Auckland’s best loved building);*
- *The Auckland Domain, the City’s oldest park...*

The impact of a building twice as high as “Parkwood” on the local environment. It will tower over everything in its vicinity...It will seriously dominate views from around the Domain...”

- Submission 48: Auckland Council c/o Christopher Turbott

“The proposed additional height is inappropriate in the context of the adjoining open space of The Domain and the Auckland War Memorial Museum. For the museum, crucial viewing points to the proposed precinct include:

- *the southern entrance to the museum*
- *the western path approach to the northern entrance*
- *the eastern car park and approach path to the northern entrance.*

...the proposed concept buildings used in the photomontage as representative of the height enabled by the precinct, protrude considerably higher and will be more visible to users of The Domain and will alter their experience of The Domain.

Even partial enclosure of The Domain by tall building towers would not be appropriate particularly given its identified significance as:

- *Auckland’s oldest park...*
- *a scheduled historic heritage place*
- *the site of the Auckland War Memorial Museum and Cenotaph.*

- Submission 54: Parnell Community Committee Inc.

“The Proposed Plan Change does not detail the environmental effects possible from the increase in scale and intensity of development on this site, including visual dominance effects...”

The Domain frames the suburb to the north with its vast open space and historic heritage building, the Auckland War Memorial Museum...[The proposed plan change] has the potential to...detract from the openness of the landscape of the Domain, with a new 'landmark' building rising in this location and visible for considerable distances."

Response

- 6.2 In considering the relevant points raised in these submissions, it is acknowledged that not all make specific reference to effects on heritage values, considering instead the more broader visual and landscape effects on these heritage places. As such, there is likely to be some overlap in the points considered in this memo and in the memo prepared by Council's landscape and visual effects expert, Peter Kensington, particularly his assessment of *visual dominance* and *urban landscape character*. My response relates solely to effects on historic heritage places and their heritage values.
- 6.3 A number of pertinent points have been raised regarding the potential adverse effects of the proposed precinct on the heritage values of the Auckland Domain and Auckland War Memorial Museum. The building height enabled by the proposed provisions and the potential for resultant adverse visual effects as expressed in several of the submissions is, in my opinion, a concern from a historic heritage perspective.
- 6.4 Several submissions raise specific concerns about how this increased building height would detract from the openness of the Domain's landscape, dominate views from within the park and from the Museum, or visually impact on the Domain and its heritage buildings. I share some of these concerns and agree that the excessive height and resultant visibility of the proposed development, particularly 'Tower A', has the potential to impact on the heritage values of the Domain and the Museum and the way in which they are experienced.
- 6.5 The Domain possesses distinguishing topographical features and a varied terrain that encompasses both expansive areas of open space and areas that have a greater sense of enclosure. This means that, despite the Domain's close proximity to the fringe centres of Grafton and Parnell and the metropolitan centre of Newmarket, one's perception of development beyond its boundaries can vary within the park. Looking west and north-west, for example, the Auckland Hospital building and CBD's skyline are noticeable. However, development near its eastern and southern boundaries, is, at present, far less apparent. The most conspicuous building in this location is the 'Parkwood Apartments', which, at the maximum 25m height currently enabled in the area by the AUP (OIP), is markedly taller than its neighbouring structures. Notwithstanding, this development is largely screened and softened by existing trees at the edge of the Domain. In my view, the inability to readily perceive the surrounding urban environment near the southern portion of the Domain contributes to its open character, aesthetic values and sense of place. It also reinforces the strong presence of the Museum.
- 6.6 As shown in the applicant's plan change documentation, the height of proposed 'Tower A' could reach 65m above ground level - over double that currently enabled under the AUP (OIP), and, as one of the submissions highlights, twice as high as the Parkwood Apartments. Allowing a building of this height will mean that it will be visible within the Domain and from vantage points around the Museum. In light of this, I agree that the introduction of a building of this height has the potential to compromise the characteristic 'openness' of the southern portion of the Domain and, in so doing, challenge the landscape qualities and visual appeal that contribute to its heritage values and sense of place.
- 6.7 Occupying an elevated and isolated position within the Domain (akin to the Acropolis after which it was reputedly designed), the Museum derives much of its visual appeal from its setting. Given its siting, scale and prominence within the Domain, I do not consider that the proposed development will visually overwhelm (or dominate) its appearance or degrade its symbolism, as alluded to in some of the submissions. However, it is my opinion that the proposed built form enabled by the plan change, particularly 'Tower A', has the potential to compete with the Museum and detract from its aesthetic and context heritage values.
- 6.8 This, in my view, is most evident when viewing the proposed development from the front lawn of the Museum and from the Wintergarden, as shown in the ALVE Photomontages VPT 9 and VPT 6 respectively. From the front lawn (VPT 9), the upper storeys of 'Tower A' are visible directly behind the Museum. Although just a small portion of the building is perceptible from this location,

such visual effects will likely increase the closer one gets to the Museum. This is confirmed by View A of the supplementary 3D images prepared by Council (refer to **Attachment 2**), which illustrates that the proposed development is far more visible and, in my view, will interrupt the silhouette of the Museum and encroach on the relative openness of its backdrop. This also demonstrates that there may be other vantage points within the park where views of and from the Museum may be equally, or more greatly, affected, as highlighted in Submission 48 (Auckland Council).

- 6.9 Furthermore, when viewed from the Wintergarden (VPT 6), 'Tower A' is clearly visible close to the edge of the Domain and reaches a height that rivals that of the Museum. This, in my view, has the potential to distract from the Museum's landmark qualities within the Domain and detract from its relationship with its setting.
- 6.10 In consideration of the above and the information currently available, it is my opinion that the proposed development has the potential to undermine the aesthetic and context qualities of the Museum and, to a lesser extent, the Domain, detracting from, rather than maintaining or enhancing, their historic heritage values. I therefore suggest that the relevant submission points relating to the potential for adverse effects on these historic heritage places and their values be accepted.

Topic 2: Effects on the historic heritage values of the heritage buildings in the Foundation Precinct.

Submissions in support in part and opposition in part

- Submission 17: The Foundation Village Partnership

"...The Foundation Village Partnership do not have enough information at this time to determine their stance as to Proposed Plan Change 44.

With respect to Standard IX.6.1 (Building Height) in Proposed Plan Change 44, The Foundation Village Partnership are concerned that the supporting assessments have not adequately considered the potential for visual dominance effects on the character of the Foundation Precinct."

- Submission 18: Foundation Properties Limited (support in part/oppose in part)

"...Foundation Properties Limited do not have enough information at this time to determine their stance as to Proposed Plan Change 44.

With respect to Standard IX.6.1 (Building Height) in Proposed Plan Change 44, Foundation Properties Limited are concerned that the supporting assessments have not adequately considered the potential for visual dominance effects on the character of the Foundation Precinct."

Submissions in opposition

- Submission 33: Alan and Wendy Burton

"The Foundation buildings, themselves with heritage and architectural value, also need to be respected given their immediate proximity. The more recent Titoki Street developments on the Foundation site respect the Domain precinct as well as the adjacent historic buildings."

- Submission 39: Roger and Julie France

"The proposed 65m height of the tower in the plan change raises many environmental concerns...it is completely out of context and character with the immediately surrounding area, specifically:

- *The 4 storey development of the Foundation for the Blind site..."*

- Submission 54: Parnell Community Committee Inc.

“The Proposed Plan Change does not detail the environmental effects possible from the increase in scale and intensity of development on this site, including visual dominance effects...”

George St defines the boundary of Parnell and bookends the suburb with the historic heritage category A buildings- for The Royal Foundation for the Blind, at 545 Parnell Road, ID 01794...[The proposed plan change] has the potential to detract from the importance of the Royal New Zealand Foundation for the Blind site in the immediate vicinity...”

Response

- 6.12 A key issue that arises from the above submissions is that the plan change documentation does not adequately consider the potential for adverse visual dominance effects on the Foundation Precinct and its heritage buildings. Also a concern, as expressed in Submission 34 (Parnell Community Committee Inc.), is the potential of the proposed plan change to detract from the importance of this site.
- 6.13 In accordance with my previous comments, I agree that there is currently limited information in the applicant’s documentation to determine the level of impact the development enabled by the proposed plan change may have on the heritage values of these adjacent historic heritage buildings. I also concur that, based on the information that is available, there is potential for the proposed development to undermine the heritage values of these places.
- 6.14 This opinion is guided by the applicant’s Verified Photomontage – View I, where the proposed development is viewed from alongside the former Royal New Zealand Foundation for the Blind workshops on George Street East. Here, it is clear that the increased height enabled by the proposed plan change has the potential to visually dominate surrounding development, including the scheduled buildings within the Foundation Precinct. This becomes more apparent when viewing the supplementary 3D images prepared by Council (refer to **Attachment 2**), which capture additional views on Parnell Road and Titoki Road, showing the proposed development within the setting of these historic heritage places. Again, I have relied upon these images to formulate my response.
- 6.15 The historic heritage values of the former Royal New Zealand Foundation for the Blind office and workshops are supported by its architectural and landmark qualities and its positive contribution to the streetscape. The building also has a strong historical and contextual relationship with Pearson House that fronts Titoki Road. In reviewing View B of Council’s 3D imaging, it is clear that the proposed new development will be highly conspicuous when viewed from vantage points along Parnell Road. In my opinion, the bulk of the proposed built form and the disproportionate height of ‘Tower A’ from this location, has the ability to overshadow the scheduled building, encroach on its immediate setting, and distract from the active contribution it makes to the streetscape.
- 6.16 Like the Royal New Zealand Foundation for the Blind office and workshops, Pearson House possesses physical attributes and aesthetic heritage values. However, given its location at the rear of the site and next to the larger-scaled ACG Parnell College building, it arguably lacks the same physical presence and landmark qualities. In my view, this has an influence on the extent by which the new development may impact on its heritage values. As shown in View C of Council’s 3D imaging, the built form enabled by the proposed plan change will be visible within the setting of Pearson House, with ‘Tower A’ continuing to appear considerably taller than surrounding development (and relative to the maximum building height currently enabled by the AUP (OIP) provisions). Despite the continued ability of the proposed built form to dominate the skyline within the context of Pearson House, I am of the view that, given the location of the proposed development beyond the larger-scaled neighbouring ACG Parnell College building, the visual impact on the heritage values of Pearson House is likely to be less pronounced.
- 6.17 Based on the information currently available, it is my opinion that the concerns raised in the submissions regarding the potential for the proposed development to result in adverse visual dominance effects on the character and heritage values of buildings within the Foundation Precinct is, to varying degrees, warranted. I therefore suggest that the points raised in opposition, based on the lack of information and the potential for adverse visual effects on the heritage within the Foundation Precinct site, be accepted.

7.0 Assessment of effects on historic heritage values

- 7.1 As highlighted in Section 5.0 of this memo, the applicant's plan change documentation does not currently include a dedicated assessment of effects on the historic heritage values of, in this case, adjacent historic heritage places nor does the proposed precinct plan incorporate provisions that are guided by or respond to these heritage places. As a result, the supporting information, particularly in relation to the viewpoints selected for the photomontages, is also limited.
- 7.2 Given the information gaps in relation to matters within my area of specialist expertise, my assessment is based on the information that is available. As previously noted, this also includes a series of supplementary 3D images prepared by Council's Geospatial team, which I have relied upon to inform my opinions.
- 7.3 My assessment has also been guided by specific requirements in several plans that I consider relevant to the proposed plan change, which are set out below. Principal amongst these are an objective and policies in the AUP (OIP) that seek the protection of historic heritage places, and a number of provisions in the Auckland Domain Plan (1993) and the Auckland Domain Masterplan (2016), which provide a governing framework for this historic heritage place.

AUP (OIP)

B5.2.2. Policies

Protection of scheduled significant historic heritage places

- (7) *Avoid where practicable significant adverse effects on significant historic heritage places. Where significant adverse effects cannot be avoided, they should be remedied or mitigated so that they no longer constitute a significant adverse effect.*
- (8) *Encourage new development to have regard to the protection and conservation of the historic heritage values of any adjacent significant historic heritage places.*

D17.2. Objectives

- (2) *Scheduled historic heritage places are protected from inappropriate subdivision, use and development, including inappropriate modification, relocation, demolition or destruction.*

The Auckland Domain Plan

Policy Statement: Buildings and Monuments

Policy One – To ensure that all buildings and structures of historical and /architectural merit and their landscape context are protected and managed for their conservation values.

Auckland Domain Masterplan

Key principle 2. – Enhancing the role of the Domain as an important cultural and heritage site.

Key proposal 2.3 – Ensure that all future developments within and surrounding the Domain are sympathetic with and do not adversely impact on its heritage values.

Key proposal 2.4 – Prevent any inappropriate development in the surrounds to the Auckland War Memorial Museum and Pukekaroa hill to respect the significance of these places.

- 7.4 Furthermore, the Auckland War Memorial Museum Conservation Plan also highlights the importance of protecting views and the landmark values of the Museum by acknowledging that *"It will be of great regional importance that the existing views and landmark significance of the Museum remains unaffected by any external changes or internal developments."*⁸

⁸ Salmond Architects, *Auckland War Memorial Museum: A Conservation Plan*, November 1993, 64.

- 7.5 In consideration of these provisions, and in accordance with the comments made in Section 6.0 of this memo, I am of the opinion that the development enabled by the proposed precinct plan has not had regard to the historic heritage values of adjacent historic heritage places and will, to varying degrees, adversely impact on the heritage values of adjacent historic heritage places and the way in which they are experienced. This is supported in the following assessment.
- 7.6 Located in close proximity to the southern boundary of the historic Auckland Domain, the proposed built form will be visible above neighbouring low-rise development, which is largely screened from view within the park by existing trees near. Whilst it is acknowledged that the park's topography and vegetation conceals towers B, C and D from certain vantage points within the southern portion of the Domain, 'Tower A' will be a highly conspicuous addition to the landscape. In my opinion, the height of the built form, especially 'Tower A', has the potential to compromise the open character of this part of the Domain, challenging the landscape qualities and visual appeal that contribute to its aesthetic heritage value and sense of place, resulting in a scale of development that, in my view, is neither sympathetic nor appropriate within this historic context.
- 7.7 Of particular concern is the potential visual impact on the heritage values and appreciation of the Museum – an iconic landmark, war memorial and reputedly one of the finest and most important works of architecture in the country. Occupying exposed and elevated land within the Domain, the place has a strong relationship with, and derives much of its visual appeal from, its setting. From within the Domain, I accept that the proposed development may not visually dominate the Museum. However, with a maximum height rivalling that of the Museum and a collective bulk that interrupts its silhouette, it is my opinion that the proposed built form does have the potential to undermine the aesthetic and context heritage values of the Museum by distracting from its landmark qualities and detracting from its important relationship with its setting. In my view, these landmark values are expressed in the Museum's immediate setting within the Domain and in the broader landscape. In my opinion, this does not entirely align with the proposed precinct plan objective that seeks to ensure *"the visual prominence of Auckland Museum is maintained."*⁹
- 7.8 Similar concerns are raised when considering the proposed new development within the context of the two scheduled buildings within the Foundation Precinct, but it is the aesthetic and context heritage values of the former Royal New Zealand Foundation for the Blind office and workshops that, in my view, have the greatest potential of being compromised by the plan change. In my opinion, the height and bulk of the proposed built form are likely to overshadow the building, encroaching on its setting, distracting from streetscape presence and thereby diminishing its heritage values. Given the location of the proposed development beyond the larger-scaled neighbouring ACG Parnell College building, I am of the view that the visual impact on the heritage values of Pearson House are likely to be less pronounced.

8.0 Conclusion

- 8.1 For the reasons outlined in this memo, it is my opinion that the applicant has not adequately assessed PPC44 in relation to effects on the historic heritage values of adjacent historic heritage places. In consideration of the information that is available and subject to a review of any further documentation submitted as part of the plan change process, it is my assessment that the development enabled by the proposed precinct will result in adverse visual effects on the heritage values of the Auckland War Memorial Museum (and Cenotaph), the former Royal New Zealand Foundation for the Blind office and workshops, and, albeit to a lesser extent, the Auckland Domain and the Pearson House.
- 8.2 As a result, the proposed precinct is not, in my view, consistent with the direction of the AUP (OIP), particularly in relation to relevant historic heritage provisions in the RPS, nor does it respond to applicable outcomes sought in the plans developed for the Domain and Museum. Consequently, I am unable to support the proposed private plan change as currently proposed.

Carolyn O'Neil | Heritage Consultant



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⁹ IX. George Street Precinct, IX.2 Objectives (2).

Attachment 1

The following provides a list of historic heritage places scheduled in the AUP (OIP) that are located in close proximity to the proposed George Street Precinct.

The Auckland Domain

ID	Place Name	Category	Heritage Values
01566	Auckland Domain/Pukekaroa/Pukekawa Hill Pa site R11_105, including pits, terraces, midden, house sites, structures, memorials, water supply site, ponds, roads, gardens and plantings	B	A (historical), D (knowledge), G (aesthetic)

Sited within the Auckland Domain

ID	Place Name	Category	Heritage Values
01635	Auckland Domain Bandstand	B	B (social), G (aesthetic)
01636	Auckland Domain Grandstand	A	A (historical), B (social), F (physical attributes), G (aesthetic)
16637	Auckland Domain Kiosk	B	A (historical), F (physical attributes), G (aesthetic), H (context)
01638	Auckland Domain Wintergarden	A	A (historical), F (physical attributes), G (aesthetic), H (context)
01639	Statue of Robert Burns	B	B (social), G (aesthetic), H (context)
01640	Auckland War Memorial Museum and Cenotaph	A	A (historical), B (social), C (Mana Whenua), D (knowledge), E (technology), F (physical attributes), G (aesthetic), H (context)
01781	Auckland Domain Grafton Gateway	B	A (historical), F (physical attributes), G (aesthetic), H (context)

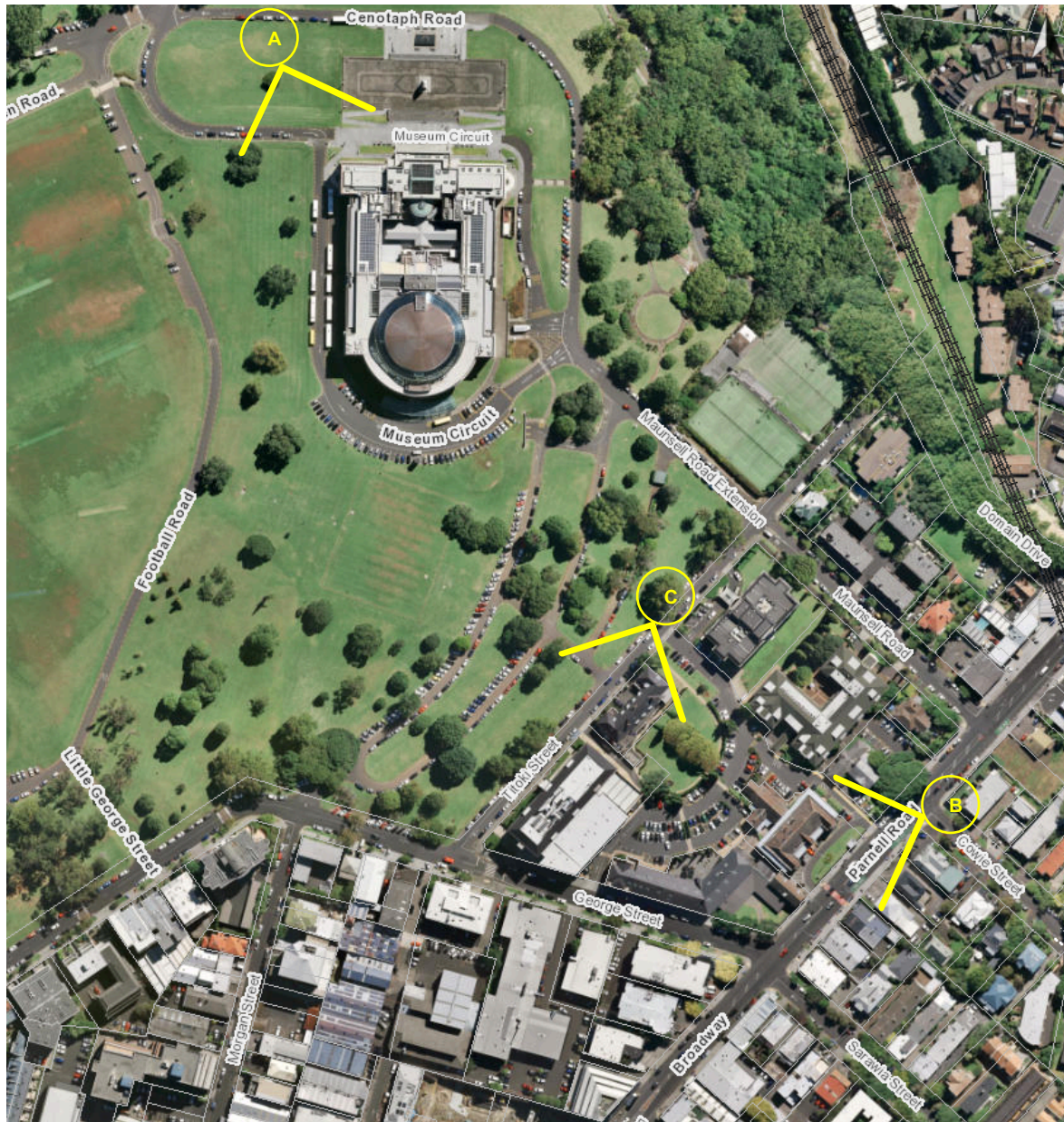
Sited within the Foundation Precinct

ID	Place Name and location	Category	Heritage Values
01794	Royal New Zealand Foundation for the Blind office and workshops (former), 545 Parnell Road	A	A (historical), B (social), F (physical attributes), G (aesthetic), H (context)
01892	Pearson House, 10 Titoki Street	A	A (historical), F (physical attributes), G (aesthetic)

Attachment 2




Supplementary 3D imaging was relied upon in the preparation of this memo, which were supplied by Council's Geospatial team to fill identified information gaps.

The aerial below shows the approximate location of the indicative viewpoints, followed by the associated photographs (by the author and dated 9 September 2020) and representative 3D images. One representative image shows existing buildings with the PPC44 buildings envelopes, while the other incorporates the maximum building envelopes enabled by the AUP (OIP) (excluding the historic heritage sites).

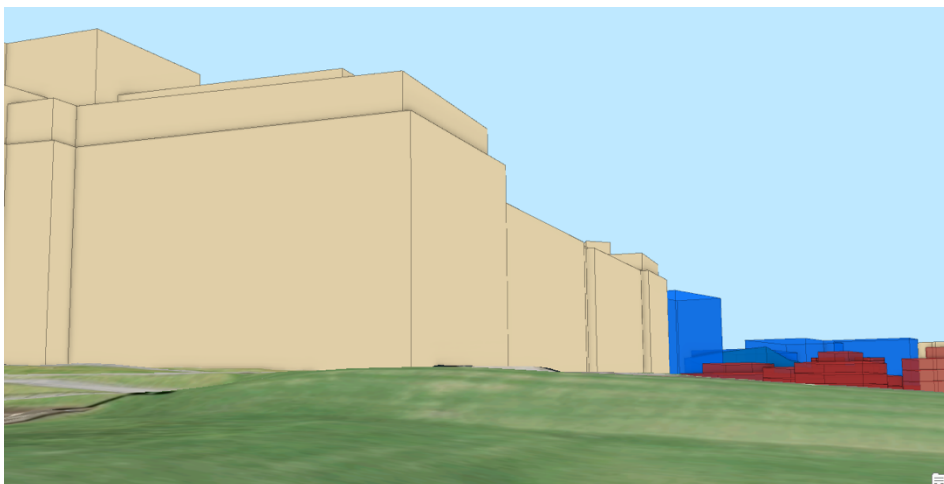
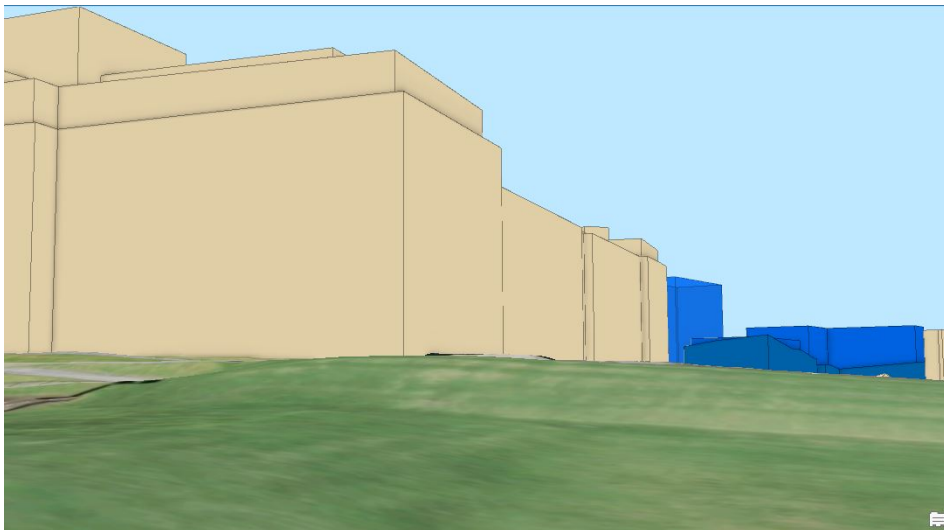


(Auckland Council GeoMaps, 2017)

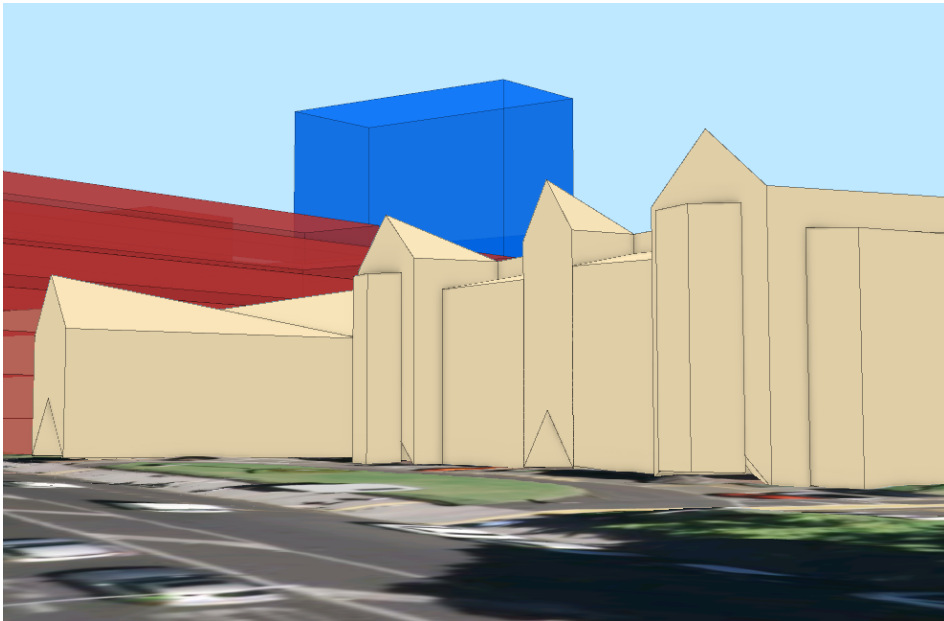
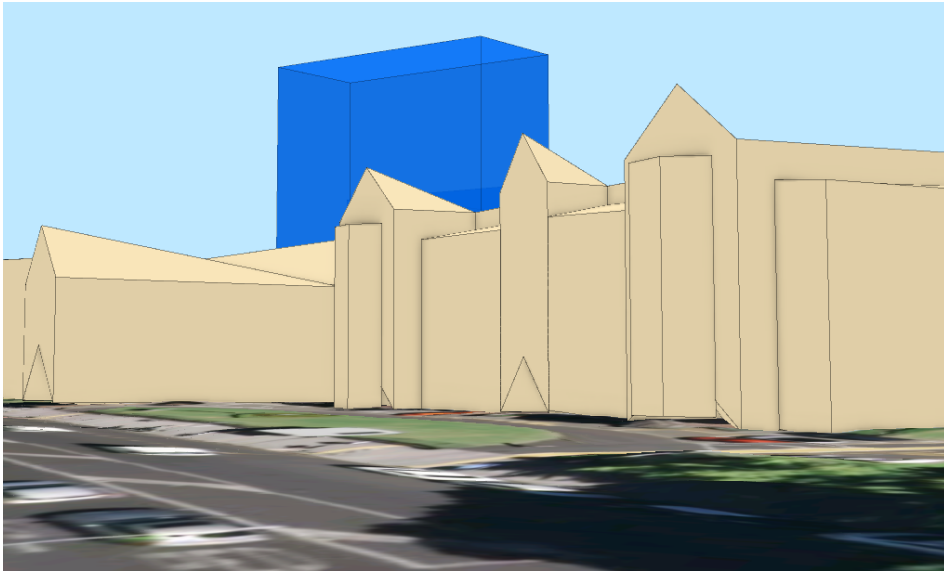
Legend:

-  Existing buildings
-  PPC44 building envelopes
-  Building envelopes (maximum enabled by the AUP (OIP))

View A



View B



View C



MEMO

16 April 2021

To: Vanessa Wilkinson, Planning Consultant on behalf of Auckland Council.
From: Alastair Jamieson, Principal Advisor Biodiversity.

Subject: Private Plan Change – PC44 George Street Precinct, Newmarket – Geological Heritage and Outstanding Natural Features comments

Introduction

I have been requested to provide additional comment on behalf of Auckland Council in relation to geological heritage and Outstanding Natural Features matters, to supplement the full assessment of landscape and visual effects provided by Peter Kensington in his memo of 13 April 2021.

I am currently employed as a Principal Advisor Biodiversity in the Environmental Services Department of Auckland Council. I have a Bachelor of Science degree in Zoology and Geography, and a Master of Science degree in Physical Geography from the University of Auckland. I am accredited as a panel member under the MfE Making Good Decisions Programme for Resource Management Act decision makers.

I developed draft policies and the schedule and mapping of ONFs for the Proposed Auckland Unitary Plan (PAUP) while engaged as a consultant advisor to Auckland Council. I mapped the Outstanding Natural Features overlay which was adopted for the PAUP, including mapping the Auckland Domain Volcano (ONF 7). I held Biodiversity Team Manager positions from October 2012 until October 2020. During this time, I was the technical expert providing evidence on ONFs for Council in relation to the PAUP throughout the Auckland Unitary Plan Independent Hearings Panel hearings process.

Since Auckland Council was established in 2010, I have provided technical expertise and assessments for resource consents in relation to significant geological features under the Auckland District Plan and Outstanding Natural Features (ONFs) under the Auckland Unitary Plan, initially as a consultant and continuing with this in my staff roles.

Key geological heritage Issues

While the proposed George Street precinct lies outside the mapped extent of the Outstanding Natural Features overlay, the area is adjacent to the Auckland Domain Volcano (ONF #7), so has the potential to have effects on the scheduled values of the feature, in particular in relation to its landscape qualities and visual association with other volcanic features.

The site also occupies part of the wider geological extent of the Auckland Domain Volcano outside the ONF, so development here may have physical geological effects on the wider volcanic feature.

Assessment of geological heritage effects

Auckland Domain Volcano is scheduled as an Outstanding Natural Feature in the Auckland Unitary Plan (Item 7 in Schedule 6 Outstanding Natural Features Overlay Schedule). The subject site for Plan Change 44 lies outside but immediately adjacent to the mapped extent of the ONF. Auckland Domain Volcano consists generally of a large volcanic explosion crater partially surrounded by a tuff ring formed from material ejected by eruptions from the volcano.

The subject site occupies part of the outer slope of the volcanic tuff ring and is a contiguous part of the volcanic landform.

As the site lies outside the ONF, I do not consider that it is directly subject to the various ONF rules of the Unitary Plan. However, under section *B4.2. Outstanding natural features and landscapes* of the AUP, there are Regional Policy Statement objectives and policies that I consider relevant to the management of volcanic features beyond the mapped extent of the ONF overlay:

B4.2.1.Objectives

...

(3) The visual and physical integrity and the historic, archaeological and cultural values of Auckland's volcanic features that are of local, regional, national and/or international significance are protected and, where practicable, enhanced.

B4.2.2.Policies

...

(6) Protect the physical and visual integrity of Auckland's outstanding natural features from inappropriate subdivision, use and development.

(7) Protect the historic, archaeological and cultural integrity of regionally significant volcanic features and their surrounds.

(8) Manage outstanding natural landscapes and outstanding natural features in an integrated manner to protect and, where practicable and appropriate, enhance their values.

In my opinion these provisions require consideration of activities beyond the mapped boundaries of the ONF overlay, as such activities may still affect the integrity of volcanic features and how their management is integrated to protect and enhance their values.

Further to this, the AUP is not clear on the extent of "volcanic features" and the term is not defined in the plan. The ONF overlay identifies features considered to be of regional or greater significance. It does not include volcanic features that are of local significance, although objective B4.2.1(3) includes these.

Visual effects

As the site covered by the plan change request lies beyond the mapped physical extent of the ONF, the main effects likely to arise are landscape and visual effects. The significance of the Auckland Domain Volcano as a landscape feature is recognised in its listing in Schedule 6, Outstanding Natural Features Overlay Schedule which includes the following ONF identification factor from Policy B4.2.2(4) of the Natural Heritage Chapter of the AUP:

(e) the extent to which the landform, geological feature or site contributes to the value of the wider landscape.

Mr Kensington has provided a comprehensive assessment of the potential landscape and visual effects of the proposal and I generally agree with his opinions in relation to the effects of the proposal on the ONF. I agree with Mr Kensington's opinions about the likely visual effects of the proposed provisions on the ONF, stated at paragraph 6.10 of his memo;

When compared to built form that is enabled under the current AUP(OP) provisions, I somewhat concur with these findings, in that no direct adverse landscape effects will arise in relation to the physical and visual integrity of the ONF. However, in my opinion, following my analysis of the scale of development that would be provided for under the proposed provisions, there is likely to be indirect adverse landscape effects on the aesthetic values and memorability of the ONF. My consideration of these adverse landscape effects take into account the findings of the heritage effects review by Ms O'Neil and my own analysis of the potential impact on views between maunga and in relation to the contribution that

the Auckland Domain Volcano, as an ONF, contributes to Newmarket's sense of place, landscape character and amenity values.

In addition to Mr Kensington's reasons for his concerns about the landscape effects on the aesthetic values and memorability of the ONF, I consider the potential large scale of buildings that would be provided for under the proposal would also detract from the ability to perceive and understand the volcanic landform of the Auckland Domain Volcano ONF in its wider environment. This is a particular issue in this situation because the site subject to the plan change occupies part of the same volcanic feature as protected in part by the ONF, albeit modified by previous development.

At present, I consider the natural underlying topography of site can still be perceived as a continuation of the outer slope of the volcanic feature, as the existing buildings generally follow the natural contour. I consider the scale of buildings proposed would further conceal and disrupt the ability observe the volcanic landform in its wider setting. In my view, this would detract from the value of Auckland Domain Volcano in relation specifically to the following identification factors for which it is scheduled as an ONF;

- (e) the extent to which the landform, geological feature or site contributes to the value of the wider landscape; and
- (g) the potential value of the feature or site for public education.

I also share Mr Kensington's concerns about of the potential impact on views from and between Auckland Domain Volcano and other volcanic features (maunga). With respect to its value as an ONF rather than a landscape feature, this concern relates to identification factor (d), being the extent to which the landform, geological feature or site is part of a recognisable group of features. More generally, I consider that interference with views between volcanic features is inconsistent with the Objective and Policies outlined above.

Although the reasons for my concerns may differ as they relate to the ONF, I support Mr Kensington's conclusions and recommendations with respect to visual and landscape effects.

Physical effects

While the site covered by the plan change request lies outside the identified extent of Auckland Domain Volcano ONF, it occupies the outer slope of the volcanic tuff ring and forms part of the wider volcanic feature. Earthworks that would accompany redevelopment of the site will inherently involve excavation into the underlying volcanic geology, however they would not be controlled by the ONF earthworks provisions of the AUP. Nevertheless, the volcanic stratigraphy beneath the site is likely to hold a valuable record of various aspects of the geological setting and eruptive history of the volcano, which could be investigated and analysed if it were excavated.

There is also a prospect that subfossil material would be uncovered during earthworks in this location. Recent excavations at St Heliers volcano have revealed subfossil plant remains entrained in the volcanic tuff and at the contact of the volcanic deposit with the underlying pre-volcanic surface. Discoveries like this trigger the accidental discovery rule under E12.6.1(2)(d) and require works to cease and proper investigations of the material to be made.

In my opinion, excavations at this site are almost certain to reveal geological materials of scientific value that are associated with the ONF and directly form part of the wider volcanic feature. As result, I recommend that if the plan change is approved, precinct provisions should stipulate that future earthworks are to be monitored by suitably qualified geological specialists and that excavations should be recorded, sampled and analysed to mitigate the loss of any geological information. I consider that precinct provisions should also incorporate the requirements of the accidental discovery rule for sub-fossil materials as this is a reasonably foreseeable eventuality for earthworks at this site.

A precedent for provisions of this nature exists in the AUP precinct policies for I539 Smales 2 Precinct, which provides for protection and investigation of significant geological features associated with but outside the scheduled outstanding natural feature of Lake Pupuke volcano (ONF 74).

13 April 2021

To: Bruce Young, Planner, Auckland Council
From: Maylene Barrett, Principal Specialist Parks Planner

Subject: Private Plan Change 44: George Street – Parks Sport and Recreation Assessment

1.0 Introduction

- 1.1 I have undertaken a review of the private plan change, on behalf of Auckland Council in relation to Parks Sport and Recreation (PSR) effects.
- 1.2 I hold a Masters of Planning Practice from Auckland University, a Bachelor of Science from Auckland University majoring in Biological Sciences, and a Bachelor of Business from Massey University with a major in International Business.
- 1.3 I have 18 years of experience in environmental planning, parks planning and project management. I have been employed by Council in the Parks Planning team since July 2014. During that time I have gained extensive experience implementing Precinct plans by providing parks specialist input to the subdivision process, and also the preparation of parks planning advice to several private plan changes.
- 1.4 In writing this memo, I have reviewed the following documents:
 - Section 32 Assessment Report
 - Appendix 1 George Street Precinct
 - Appendix 4 Site context, Concept Design Testing and GFA Study
 - Appendix 5 Urban Design Report

2.0 Key Parks, Sport and Recreation Issues

- 2.1 This assessment covers pedestrian connectivity and to address the interface with open space including the Auckland Domain.

Interaction with the Auckland Domain

- 2.2 The site is north facing from the perspective of the Auckland Domain and the shading diagrams show there is no impact from the proposed development on the open space with regards to shading effects.
- 2.3 The proposal will potentially create visual dominance when viewing the development from the Auckland Domain and the Auckland War Memorial Museum, however, these effects will be covered off in the Urban Design and Landscape assessments.
- 2.4 While aspects related to visual dominance and height will be addressed elsewhere, it is worth noting the positive effects that may arise with passive surveillance over the Auckland Domain from apartment dwellers. It would be encouraged that the apartments are constructed in such a way as to facilitate passive surveillance.

Pedestrian access

- 2.5 The pedestrian connection through the site is proposed to be limited to 7am – 11pm which is too restrictive for a public pedestrian access easement. This should be increased to 24 hours.

- 2.6 Newmarket laneways plan and Waitemata Greenways plan

A pedestrian connection through the site is not anticipated in either the Newmarket laneways plan (Refer Attachment 1) or the Waitemata Greenways plan (refer Attachment 2). However, a

pedestrian link that is open 24 hours, 7 days a week will positively contribute to the connectivity between the Newmarket pedestrian and cycling network shown at 2.8 page 22 of the Newmarket laneways plan and the greenway network shown on map 6 page 30 of the Waitemata Greenway plan. An existing greenway network is shown on George Street and Titoki Street that continues within and around the Auckland Domain. It is recommended that the design of the pedestrian link includes facilities incorporated into the design to accommodate for cyclists.

3.0 Submissions

Submission reference	Submitter	Submission	Response
7.4	Cleveland Properties Limited C/- James Cook	Amend George Street Precinct Plan 2 Urban Design Framework to incorporate the pedestrian circulation route as shown on the <i>Masterplan-Ground Level Circulation</i> plan on the western side of Tower B, (Appendix 4 Site Analysis, Concept Design and Masterplan, Plan Change standards and comparative analysis- George Street Precinct: Proposed private plan change: Drawing set-Rev11 Dated 9 April 2020, page 29) <i>Outcome sought: Incorporation of the western route into the masterplan will ensure holistic masterplan will; provide high level of amenity; Ensures open space alongside and between buildings provides vertical relief forms of the buildings; Supports integration of land use activities with built form;</i>	Defer to urban design specialist input
7.5	Cleveland Properties Ltd C/- James Hook	Support the Masterplan layout of the site, in particular the spatial arrangement of buildings, open space, and circulation routes through the site. <i>Outcome sought: Provisions provide comprehensive framework that enables integrated development and future land uses in a manner that will achieve the purpose of the precinct, objectives and policies.</i>	Defer to urban design specialist input
7.17	Cleveland Properties Ltd C/- James Hook	Support IX6.3 Pedestrian connections standard.	Agree in part. Should be extended to 24 hours a day. 7am till 11pm is too restrictive.
7.18	Cleveland Properties Ltd C/- James Hook	Support IX.6.4 Staged delivery of plaza and pedestrian connections standard.	
10.7	Moana Point Farms Ltd	Oppose the vehicular and pedestrian access to George, Morgan and Clayton Streets.	Disagree

20.3	Terance Patrick James Macdonald	Oppose the creation of a retail precinct in close proximity to Auckland Domain.	
21.8	Jonathan Leonard Newman Eriksen	Provide greater clarity on the protection of the pedestrian connections to the plaza.	Clarification will be able to be provide through the resource consenting process and separate easement
26.11	Auckland Transport c/- Liam Burkhardt	Amend Standard IX.6.3(3) <i>Pedestrian connections</i> , as follows: <i>(3) The pedestrian connections required by IX6.3(1) and (2) shall be publicly accessible <u>seven days per week (including public holidays)</u> between the hours of 7am and 11pm.</i>	Agree in part. The hours should be extended to 24 hours a day, 7 days a week.
48.5	Auckland Council	Amend objective 1X.2(2) and associated subordinate policy and rules to explicitly require the avoidance of effects on the backdrop of the profile of the Auckland War Memorial Museum and Cenotaph when viewed from afar, and to avoid visual dominance when the precinct is viewed from the southern entrance and north eastern and western paths to the northern entrance to the museum, as well as from other locations.	Agreed
48.8	Auckland Council	Amend IX.6.3(3) to provide for 24hr public access to the pedestrian plaza and connections.	Agreed
48.10	Auckland Council	Include a standard that requires the pedestrian connection type A and the plaza to not be enclosed inside buildings.	Agreed

4.0 Assessment of Parks Sports and Recreation effects

The following standards relate to pedestrian movement:

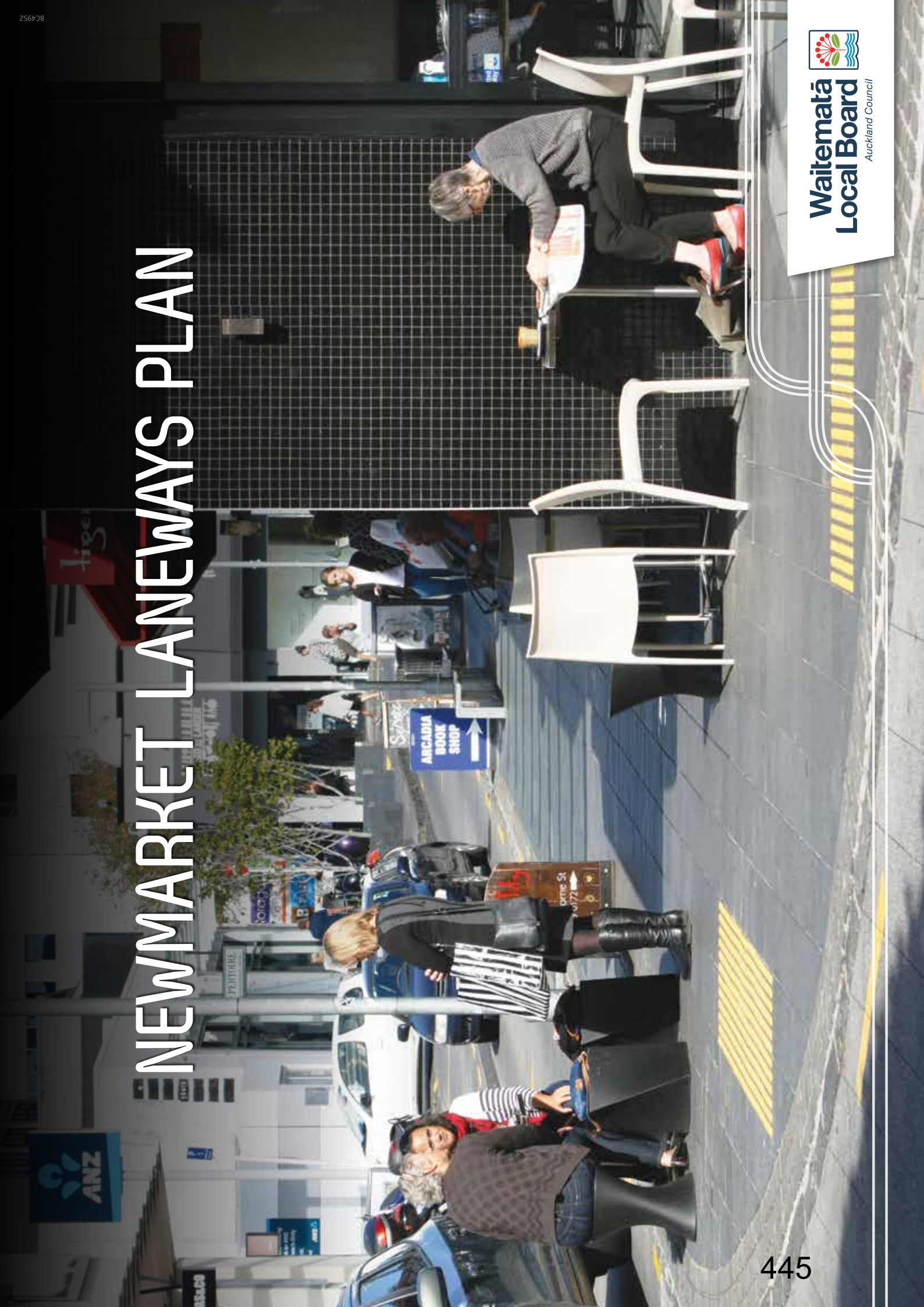
IX.6.3 Pedestrian connections

- (1) A pedestrian connection between Clayton Street and George Street shall be provided in the indicative location shown on George Street Precinct plan 2.
- (2) A pedestrian connection between Morgan Street and the pedestrian plaza shall be provided in the indicative location shown on George Street Precinct plan 2.
- (3) The pedestrian connections required by IX6.3(1) and (2) shall be publicly accessible ~~between the hours of 7am and 11pm~~ **for 24 hours a day.**

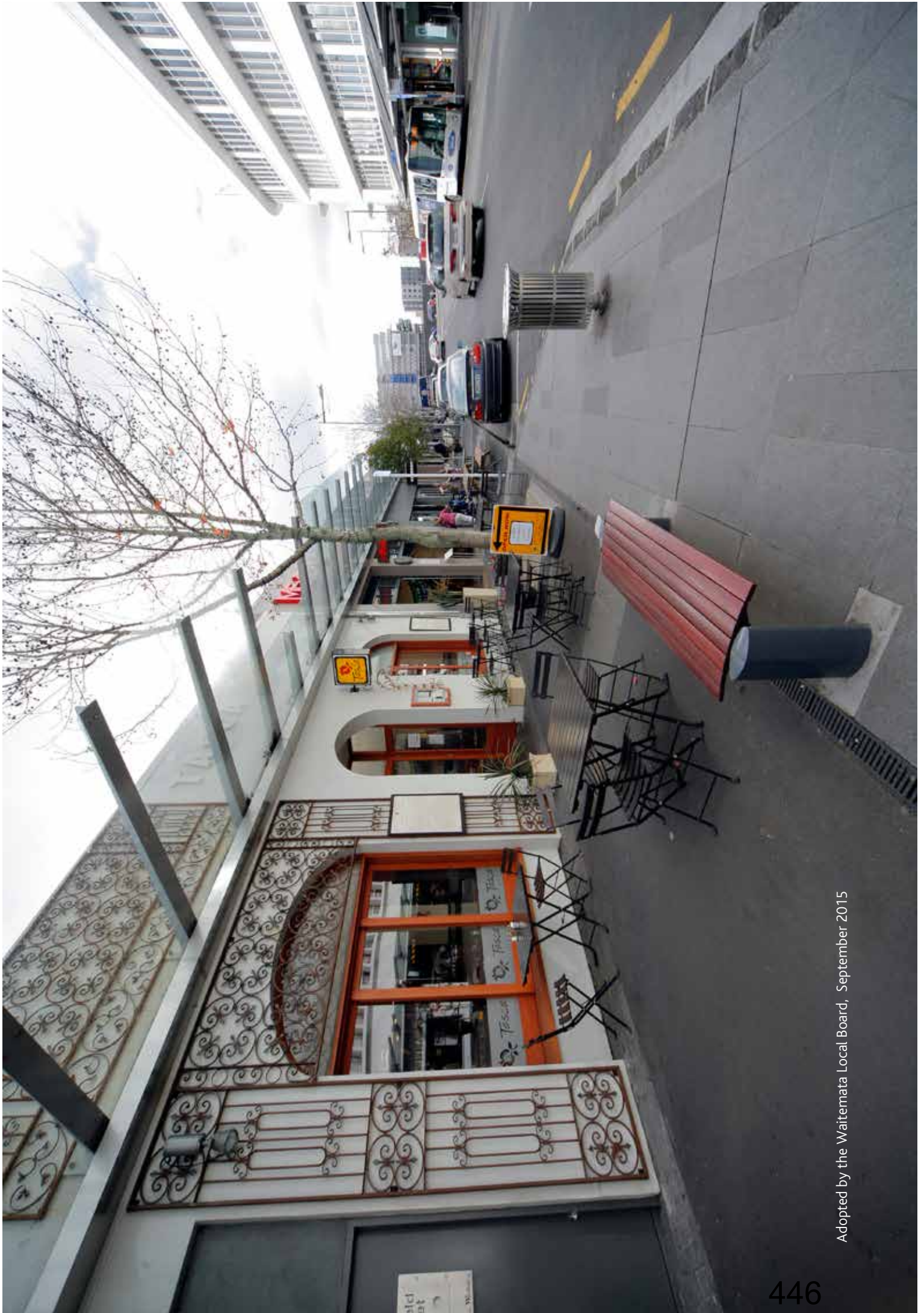
5.0 Conclusions and recommendations

- If the plan change is approved, then the pedestrian connections should be publicly accessible for 24 hours, 7 days a week.
- There is the potential for visual dominance of the development over the Auckland Domain and Auckland War Memorial Museum, but these matters will be addressed in the Urban Design and Landscape assessments.

NEWMARKET LANEWAYS PLAN



**Waitematā
Local Board**
Auckland Council



Adopted by the Waitemata Local Board, September 2015

CONTENTS

SECTION 1.0 – INTRODUCTION	4
1.1 Executive summary	5
1.2 Newmarket Laneways Plan Principles	6
1.3 Why Do We Need A Newmarket Laneways Plan?	8
1.4 Examples Of Recent Auckland and International Laneways.....	10
SECTION 2.0 – CONTEXT ANALYSIS	12
2.1 Newmarket’s Cultural Significance	13
2.2 Newmarket’s Built History	14
2.3 Newmarket Laneways: Scheduled Heritage Buildings.....	17
2.4 Newmarket Laneways: Character and Sense of Place	18
2.5 Current Context	19
2.6 Current Issues.....	20
2.7 Road Hierarchy	21
2.8 Pedestrian and Cycling Network.....	22
2.9 Bus Stops and Parking.....	23
2.10 Building Uses	24
2.11 Recent Upgrades.....	25
2.12 Material Palette	26
2.13 Te Aranga Design Principles.....	28
SECTION 3.0 – PROJECTS	29
3.1 Newmarket Laneways	30
3.2 Projects For Public Realm Improvements – Newmarket Wide.....	31
3.3 Projects For Public Realm Improvement – Newmarket Laneways Phase One Delivery Plan.....	32

SECTION 1.0
NEWMARKET LANEWAYS PLAN
INTRODUCTION

1.1 EXECUTIVE SUMMARY

Getting the balance right at the right place is critical because streets are one of the most important parts of the public realm, and fundamental to how we live together in towns and cities. Streets influence our lives in functional ways (i.e. how we get around) and how we relate to others in public spaces. Streets are testing-grounds for how we, as individuals, share the citizenship of places.

A laneways plan will help to:

- set the vision for Newmarket laneways in the future
- identify which streets have the potential for upgrade
- enable the delivery of projects which will deliver on the vision on an incremental basis as and when budget comes available
- deliver consistent and visually coherent designs
- make the design process more efficient
- make streets easier to maintain and manage
- save money by eliminating wasted time and materials.

The laneways plan principles:

1. prioritising the movement of people
2. developing a dynamic local economy
3. improving our places
4. feeling and being safer
5. reinforcing local distinctiveness
6. streets are social spaces
7. the street network
8. human geography – street users
9. sustainability
10. child friendly public realm
11. historic and cultural heritage
12. te aranga design principles.

The laneways plan vision:

The Newmarket Laneways vision is simple; we aim to improve the quality of our streets and public spaces, making them safer, more inviting, more interesting – and more walkable!

Lanes provide an environment for social interaction and activity (such as live music performances, outdoor dining, play and art appreciation) and can make a significant contribution to the enjoyment, identity and vitality of Auckland.

1.2 NEWMARKET LANEWAYS PLAN PRINCIPLES

Successful town centres and neighbourhoods respond to a set of qualities that shape our buildings, spaces, uses and community. Different places respond differently to these qualities.

The response to these qualities should at all times be appreciative of the surrounding context and conditions.

1. Prioritising the movement of people
Realising Auckland's vision to become a more walkable and rideable city, while having an awareness of the wider transport network.

2. Developing a dynamic local economy
Linking local businesses and activating streets and spaces.

3. Improving our places
Creating quality public realm and streetscapes that are clean, safe, healthy, accessible and pleasant – places where we live, visit and enjoy, that everyone can be proud and feel ownership of.

4. Feeling and being safer
Tackling the underlying causes of actual safety issues and the perceptions that make people feel unsafe.

5. Reinforcing local distinctiveness
Any locally distinctive character should be identified and celebrated as part of Newmarket's sense of place.

Where possible, materials that contribute to the sense of place will be salvaged and reused.

6. Streets are social spaces

Roads and streets are often purely appreciated for their traffic function. Typically road design promotes safe and efficient traffic flow, with little regard given to other users and the wider function of the street as a place where people live, work and socialise.

Activating streets is key to a vibrant public realm and creates a valued destination.

7. The street network

Streets should not be considered in isolation. They are part of a network.

Good design should reinforce a quality network for all users and link streets both for ease of movement for all users and aesthetically for wayfinding and sense of place.

8. Human geography – street users

Understanding how and why people and vehicles use the public realm and streets informs decisions about space allocation and public realm design.

9. Sustainability

Sourcing materials from local suppliers has multiple benefits. It supports local employment, reduces the environmental impact of transporting goods, reinforces local distinctiveness and allows designers to discuss their precise requirements with fabricators and suppliers face to face. The NLP (Newmarket Laneways Plan) will attempt to ensure that materials are sourced from suppliers that uphold accepted standards of ethical business practice. Incorporate sustainability measures and environmental protection including suitable low impact sensitive stormwater practices.

10. Child friendly public realm

Consider how the public realm looks and feels to a child. Utilise colour, incorporate random play opportunities and consider accessibility for push chairs in design.

11. Historic and cultural heritage

Protect, recognise and interpret the historic and cultural heritage of Newmarket.

12. Te Aranga Design Principles

Adhere to the Te Aranga Design Principles as described on page 28.

1.3 WHY DO WE NEED A NEWMARKET LANEWAYS PLAN?

The Laneways have a special heritage and a built form character. With the right vision the Newmarket Laneways have the potential to become a special place.

Newmarket Laneways Plan (NLP) is primarily intended to identify potential streetscape and laneway upgrades and to provide best practice streetscape principles for Newmarket.

The NLP will build on previous work undertaken by Auckland City Council, linking the recent vision, strategies and projects within the area.

The NLP will help to ensure that the built environment we create reflects the community's vision and supports Council strategies, underpinning an integrated approach to better physical environments.

The NLP will set a long term vision for the future development of Newmarket's streetscape environment as well as recognising opportunities for adjacent land use and building development.

The NLP will focus primarily on the streets / laneways and the public realm but it will also consider private development opportunities.

The NLP will help to:

- provide guidance on how future developments and projects contribute to placemaking, identity, environment, structure, common interest and culture
- inspire responsive and resilient design of new buildings, spaces and the interface, of architectural quality and place-making principles
- provide Council with a reference tool in the coordination of a capital works program to incrementally achieve the built form and public realm vision
- consolidate existing good practices
- deliver consistent and visually coherent designs
- make the urban environments more sociable, lively and culturally enriching
- encourage people to walk and cycle more and drive less, reducing pollution and improving health
- minimise crime and antisocial behaviour through good lighting and clear sightlines

- allow beautiful buildings and public spaces to be appreciated
- attract tourists and visitors to support the local economy
- ensure value for money through durable design
- foster an integrated design approach.

While having some prescriptive elements which are outcome based, the NLP highlights the overall vision to achieve or exceed these outcomes.

1. Create a sense of unity for Newmarket streetscapes and laneways.
2. Particular consideration for the physical, visual qualities and function of the public realm.
3. Recognise the unique qualities and sense of place for this urban environment.
4. Illustrate the vision and quality of the public realm, and streetscape.

1.4 EXAMPLES OF RECENT AUCKLAND AND INTERNATIONAL LANEWAYS



O'Connell Street Shared Space,
Auckland City Centre



Osbourne Street, Newmarket,
Auckland City

Dixon Street and Chinatown,
Sydney Laneway Upgrades.

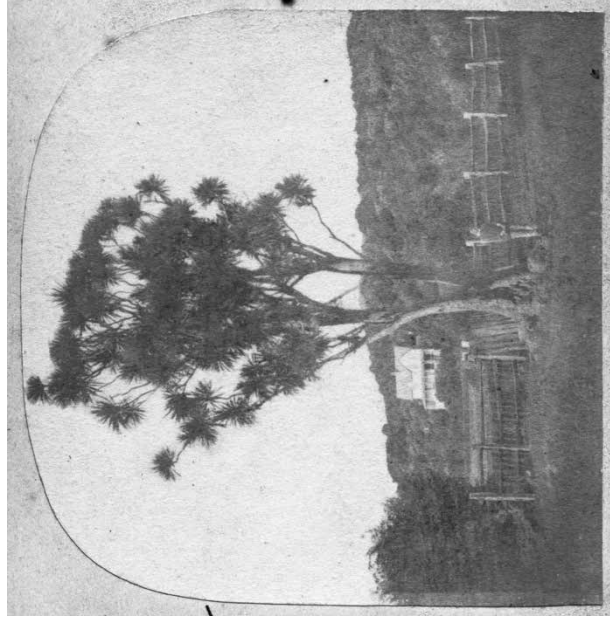


Melbourne Laneways.



SECTION 2.0
NEWMARKET LANEWAYS PLAN
CONTEXT ANALYSIS

2.1 NEWMARKET'S CULTURAL SIGNIFICANCE



Stereoscopic view of a young boy standing at the foot of the cabbage tree Te Ti Tūtahi in Newmarket, with Clovernook, the home of Charles Stichbury, in the background
Auckland Region (N.Z.)



View of Newmarket showing Manukau Road, now Broadway, and the Cabbage tree known as Te Ti Tūtahi, tents of the 40th Regiment, the Stichbury house 'Clovernook', left, and 'Highwic' on the right
Auckland Region (N.Z.)

Māori called Newmarket, particularly the southern part Te Ti Tūtahi, 'the cabbage tree standing alone' or 'the cabbage tree of singular importance', referring to a tree which stood on the corner of Mortimer Pass and Broadway (according to other references at the corner of Clovernook Road and Broadway) until 1908. [4] Some of the cabbage trees in the area are descended from this tree, after Alfred Buckland rescued a portion and replanted trees around Newmarket and as far away as Bucklands Beach. [4]

In the general area of Nuffield Street/Mahuru Street, no remnants today are visible of the Mahuru Spring, once sacred to the local iwi. It is noted that the spring was named after the Māori word for the season of spring.

1860s

Imagine the corner of Mortimer Pass and the Broadway today. Traffic lights, the giant 277 complex, cars, buses. Turn the clock back to the 1860s and you will see the sacred tree, Te Ti Tūtahi which was what the Waiohūa named Newmarket. Some flat land and the tents of the 40th South Lancashire Regiment.

For Māori, fresh water is a taonga, essential to life and identity. Māori have cultural, historical and spiritual links with many of the country's springs, wetlands, rivers, hot pools and lakes. This special relationship with water is recognised under the Treaty of Waitangi. Māori also value having healthy water bodies for mahinga kai (customary food and resource gathering).

2.2 NEWMARKET'S BUILT HISTORY

Nudging against Grafton and posher Parnell, Remuera, Epsom and Mt Eden, Newmarket's heart lies where Broadway and Khyber Pass Road collide at a right angle. Narrow back streets grid the land west of Broadway and further north, Davis Crescent kinks around the back of what used to be a much larger Lumsden Green.

(NZ Heritage, Autumn 2010)

This succinct description accompanied a cover feature article in the magazine NZ Heritage. Under the headlines "Reclaiming Newmarket's Past" and "Shopping for history".

(Dinah Holman's book Newmarket Lost and Found)

Noting that the area was probably once all swamp, author Dinah Holman tagged the mainstay of Newmarket's existence to its location first, then its topography and role as a gateway, with an acknowledgement also of the role that a plentiful supply of fresh water played in the brewing industry.

The comment that most people don't see beyond Newmarket's appeal as a place for shopping is balanced with the point that shopping is also part of the area's original heritage. "Rather than just developing as a dormitory suburb, Newmarket always had both shopping and light industries that serviced the rest of the city (and were sold around the world) as part of its foundation".

Amongst pockets of historic interest is a honeycomb of buildings in the nexus of York, Kent and Teed Streets between the major roadways of Broadway and Crowhurst Streets.

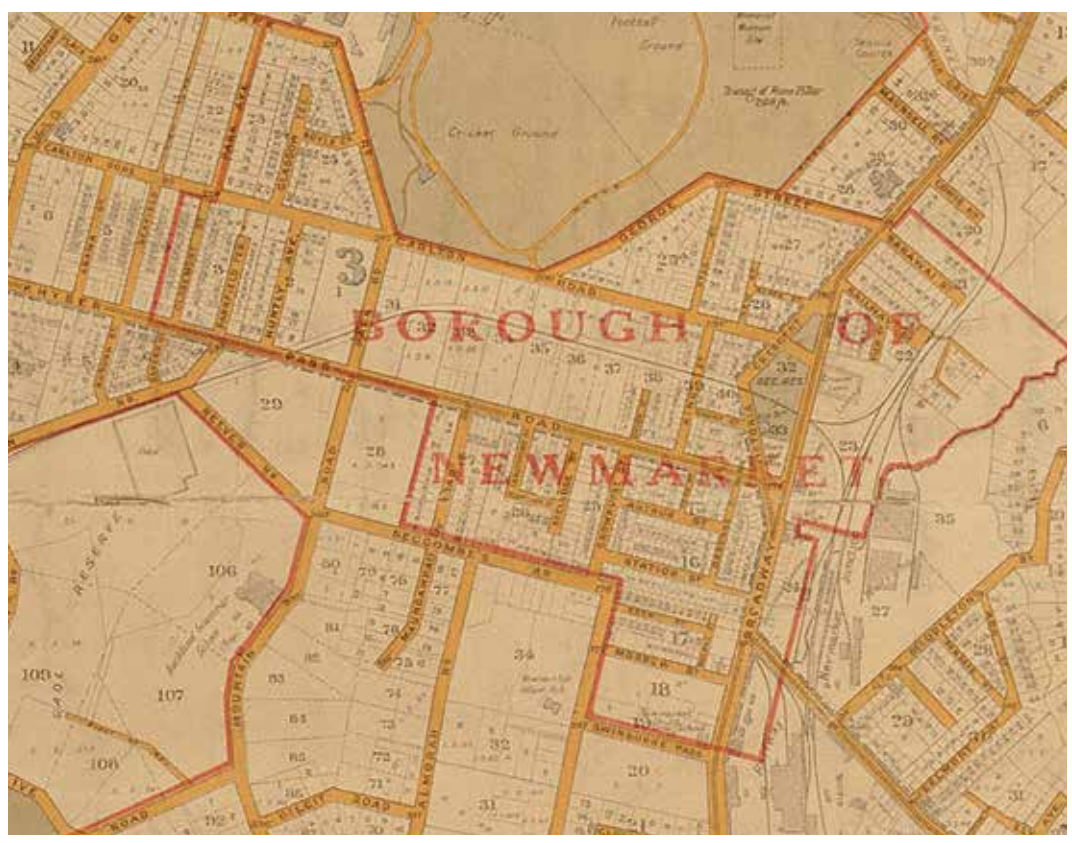
These include:

- the Charles Lee & Co building and Excelsior buildings (York Street)
- Kent St Bakery buildings and Cashmores Brothers Timber Merchants (Kent Street)
- F Hayes Building (at the corner of Teed and Osbourne Streets).

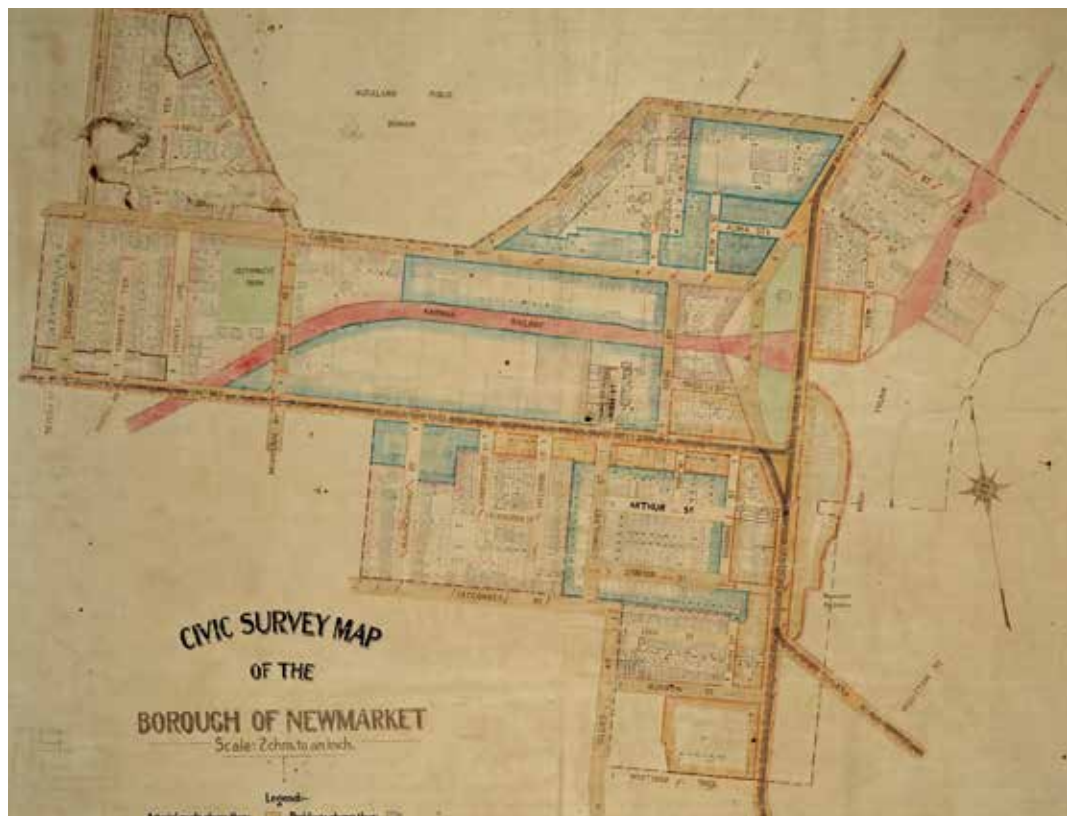
A significant change to the southern skyline of this closely built centre was the Newmarket Viaduct, erected in 1966 (and recently redeveloped).

This and the development of the Southern Motorway effectively opened up new industrial hubs to the south such as Penrose and Mount Wellington.

This resulted in drawing much of the local manufacturing industry out of Newmarket, and along with it many of the working class people who lived in modest houses in the surrounding streets.



Borough of Newmarket. Date Period 1924-1931



Borough of Newmarket. Date Period 1920-1929



Looking along York Street 1928

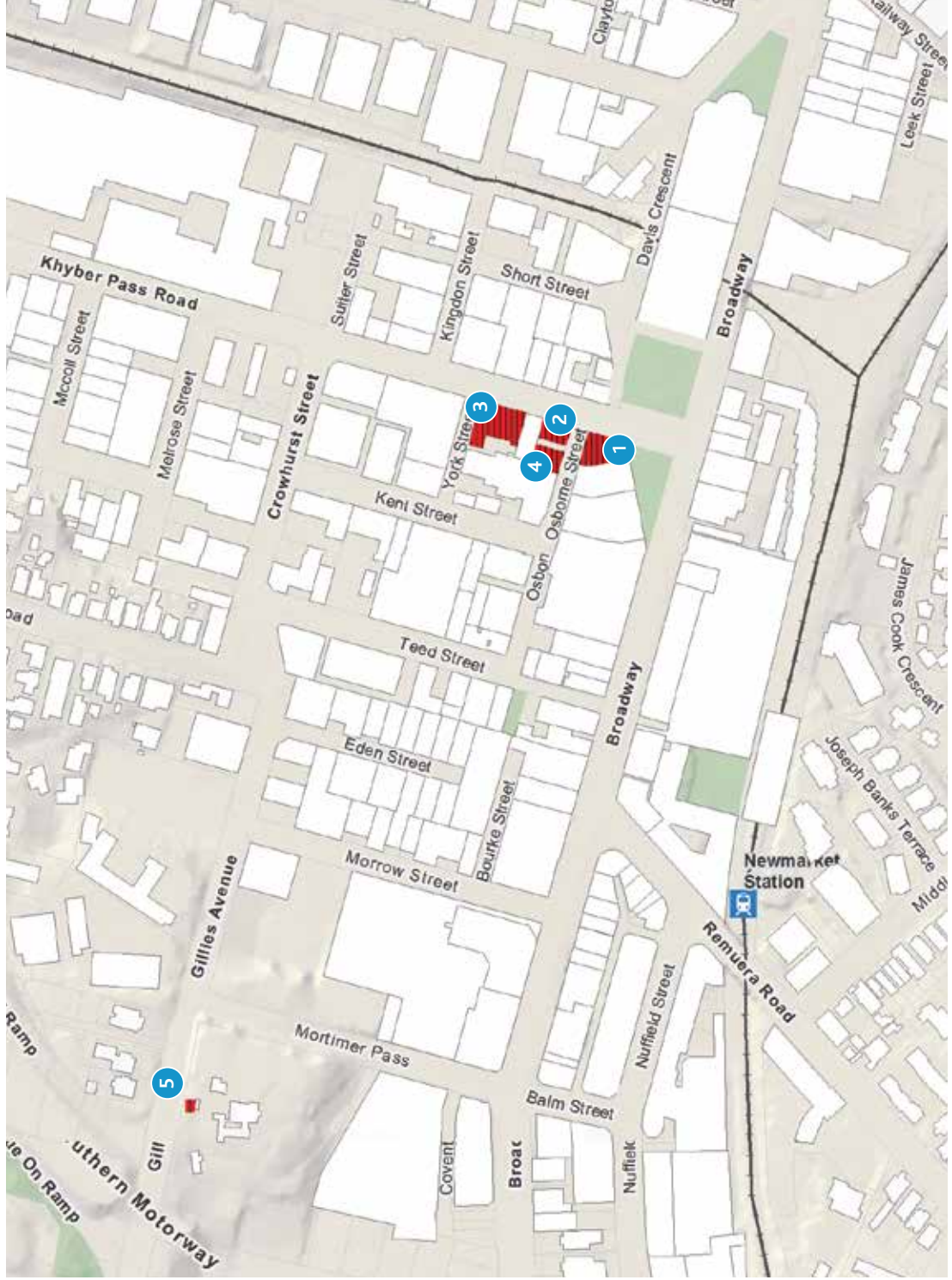


Looking north along Broadway, Newmarket 1928



Looking west from Broadway, Newmarket along Teed Street 1928

2.3 NEWMARKET LANEWAYS SCHEDULED HERITAGE BUILDINGS



Scheduled buildings

- 1 The Carlton (Category B)
- 2 Kent's Bakery Administration (Category B)
- 3 Excelsior Buildings (Category B)
- 4 Kent's Bakery (Category B)
- 5 Highwic House (Category A)

2.4 NEWMARKET LANEWAYS: CHARACTER AND SENSE OF PLACE

Recent upgrades



Lumsden Green



Broadway



Nuffield Street

Laneways



Osbourne Street



Entrance to Teed Street



Private Development off Kent Street

Scheduled heritage buildings



Excelsior Building



Carlton Club



Highwic House

2.5 CURRENT CONTEXT

To facilitate the quality intensification of Newmarket, Auckland City Council implemented Plan Change 196, which converted the Business 4 (industrial) zone to mixed-use and introduced a high-density Residential 8 zone.

Additionally, there was an increase in the basic allowable floor area ratio and height limits (to six stories in the Residential 8 zone, seven stories in the mixed-use zone, and eleven stories in the central Business 3 zone.) The plan change introduced a number of design controls and made car parking requirements less onerous for retail and business activities.

The Auckland Plan (May 2012) has reinforced these earlier strategies. It lists Newmarket as one of the ten metropolitan centres in the Auckland region, for which it states that:

“Metropolitan centres will accommodate a large proportion of the city’s future residential, retail and employment growth. Generally these centres will serve a sub-regional catchment and be supported by efficient transport networks” (Auckland Plan 2012).

With strip shopping on the main street of Broadway and character-filled, compact side streets, Newmarket is currently portrayed as a magnetic precinct that encompasses a complementary mix of retail stores and commercial businesses.

Some of Newmarket’s current strengths are understated, such as its status at the greatest employment centre outside the Auckland City Centre with 15,000 employees at work in the area. This is half as many again as either Takapuna or Manukau City and boasts a well balanced range of employment types (Source: Growing Smarter, 2008).

Given it was identified in a previous Regional Growth Strategy as a ‘strategically managed growth area (meaning that high density mixed-use building would be encouraged), and is now one of Auckland’s 10 designated Metropolitan Centres under Auckland Council there is no doubt that Newmarket will experience construction of more multi-storey buildings (subject to special rules such as volcanic cone sightlines) and intensification.

The Unitary Plan has reinforced earlier steps, such as the Auckland City Council’s Plan Change 196 which also permitted more mixed-use development and a higher density in the Residential zone.

Within the capacity of the area for more development, Newmarket is on the cusp of a new era for transforming, reinvigorating and leveraging its potential – but is not without its tensions.

Within the area’s capacity for new development, Newmarket is entering an era of transformation, reinvigoration and a meeting of its full potential – but not without overcoming current constraints and tensions.

2.6 CURRENT ISSUES

- Narrow, cluttered footpaths on Broadway. Despite the recent footpath widening, there is a perception that the footpath is still congested and cluttered with bins, signs, and other street furniture.



Narrow footpath along major school connection and retail destination.



Narrow footpath along major pedestrian connection.

- The central section of Newmarket has had a major streetscape upgrade, but the wide ex-industrial streets such as Teed Street now accommodate high-quality retail and hospitality business. The condition of the footpaths still evokes the past industry in the area, with sub-standard footpaths and nose-to-kerb parking overhangs.



Teed Street road and footpath in poor condition.

- Pedestrian safety issues at crossing points.
- Signalised crossing points are widely spaced and there are few unsignalised pedestrian crossing points across major roads including Broadway, Khyber Pass Road, and Crowhurst Street.

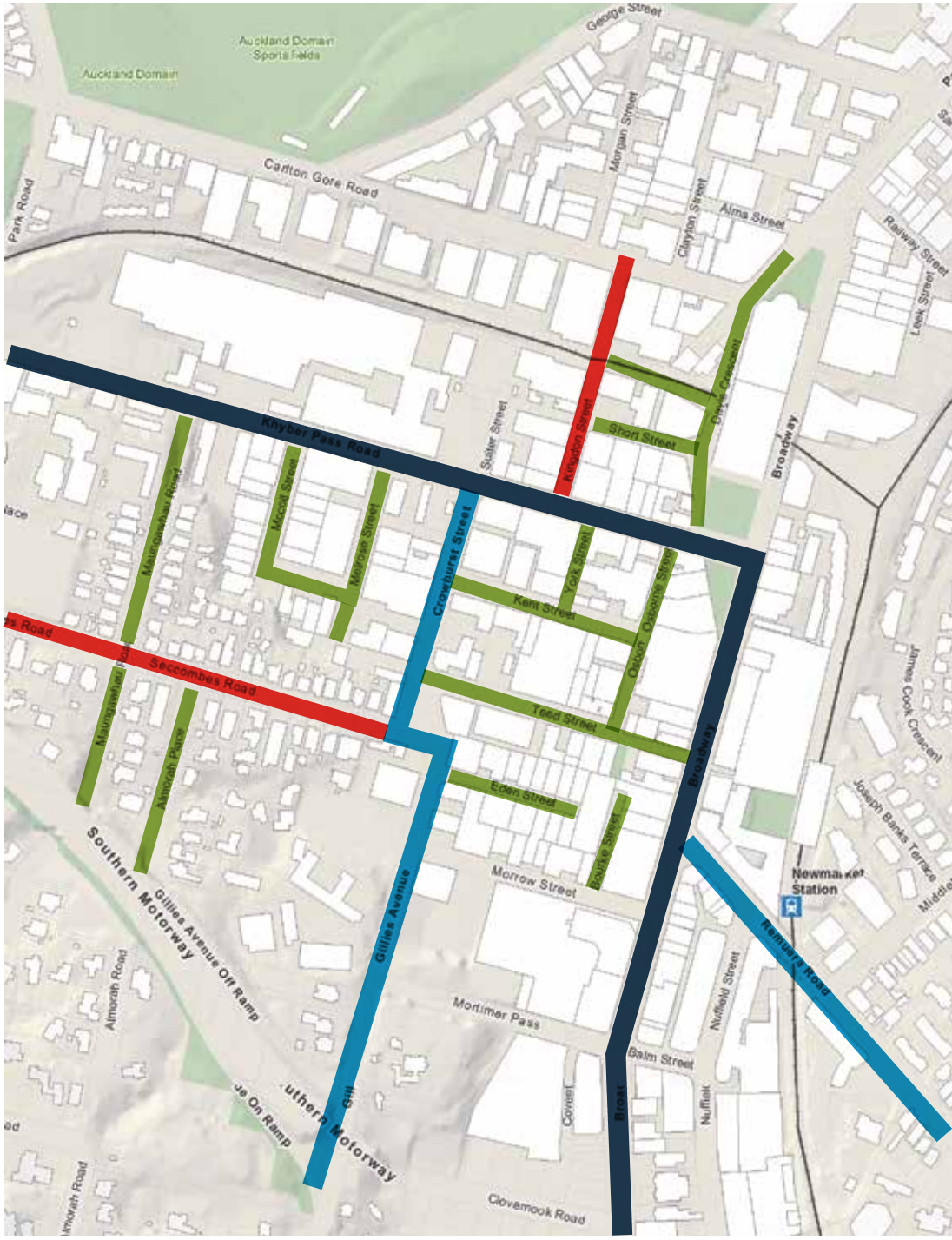


Poor legibility from Bourke Street and Teed street.

2.7 ROAD HIERARCHY

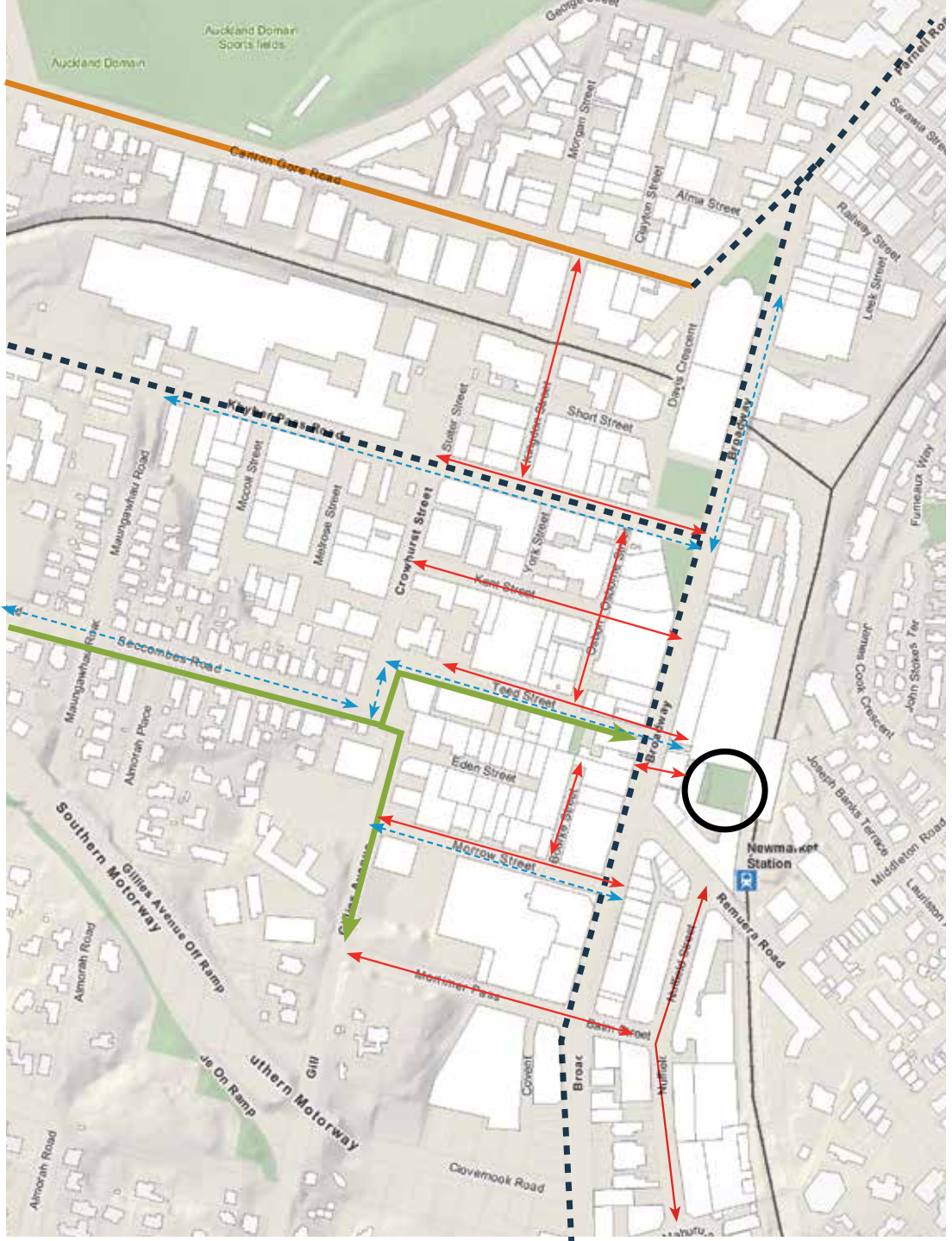
- Regional Arterial Roads
- District Arterial Routes
- Local Roads
- Collector Roads

*Note: In accordance with City of Auckland Isthmus Section Planning Map, updated October 1 2013

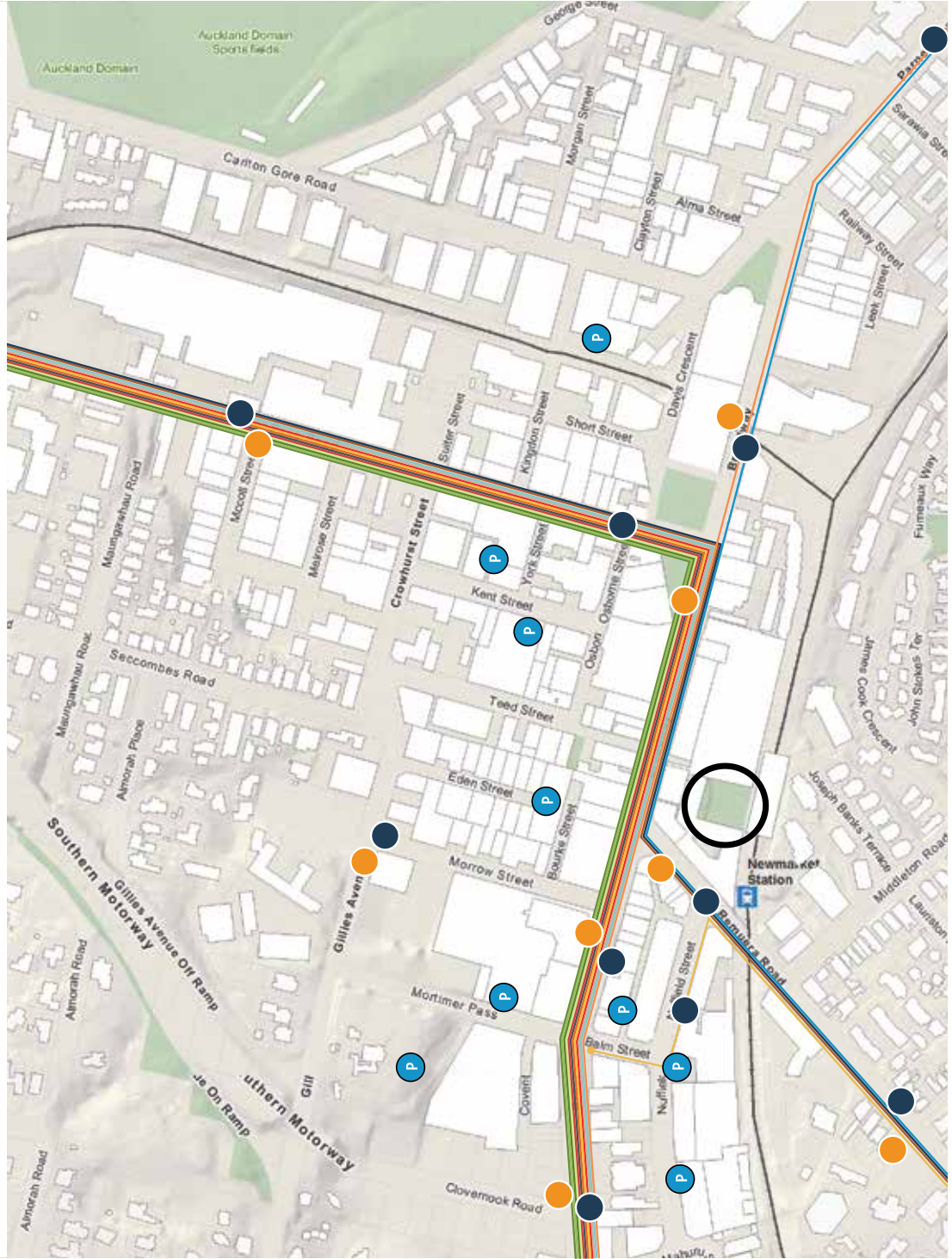


2.8 PEDESTRIAN AND CYCLING NETWORK

- Major pedestrian network paths 
- Major pedestrian network paths for pupils at Auckland Grammar 
- Proposed connector 
- Existing Metro 
- Waitematā Greenways 
- Newmarket Train station 



2.9 BUS STOPS AND PARKING

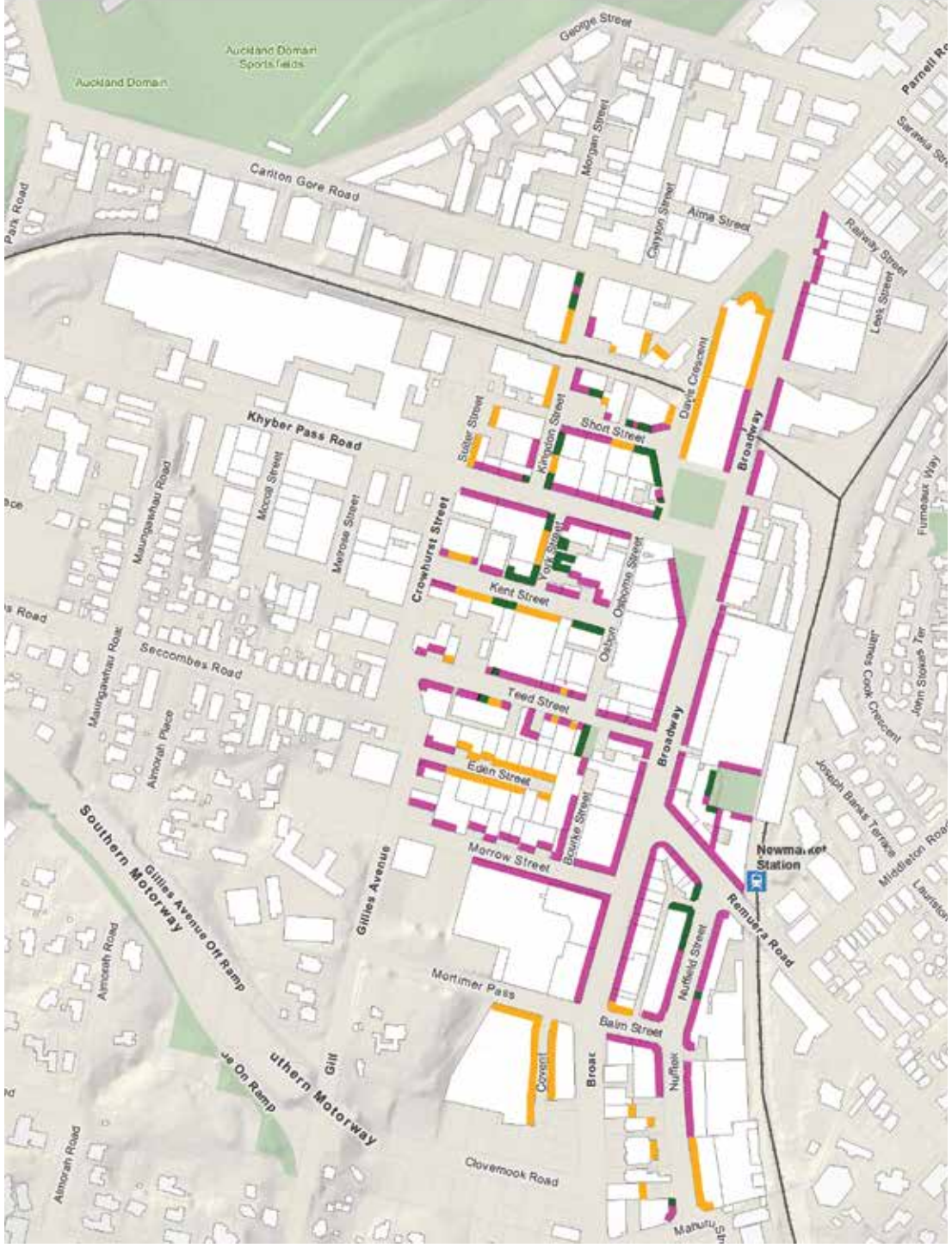


Information is provided only at the bus stops for that particular stop.

Stops, including the station, are not obvious and visible and in most cases are not represented by more than a standard bus stop sign.

A combination of these factors makes for a highly illegible passenger transport environment.

2.10 BUILDING USES



Building uses

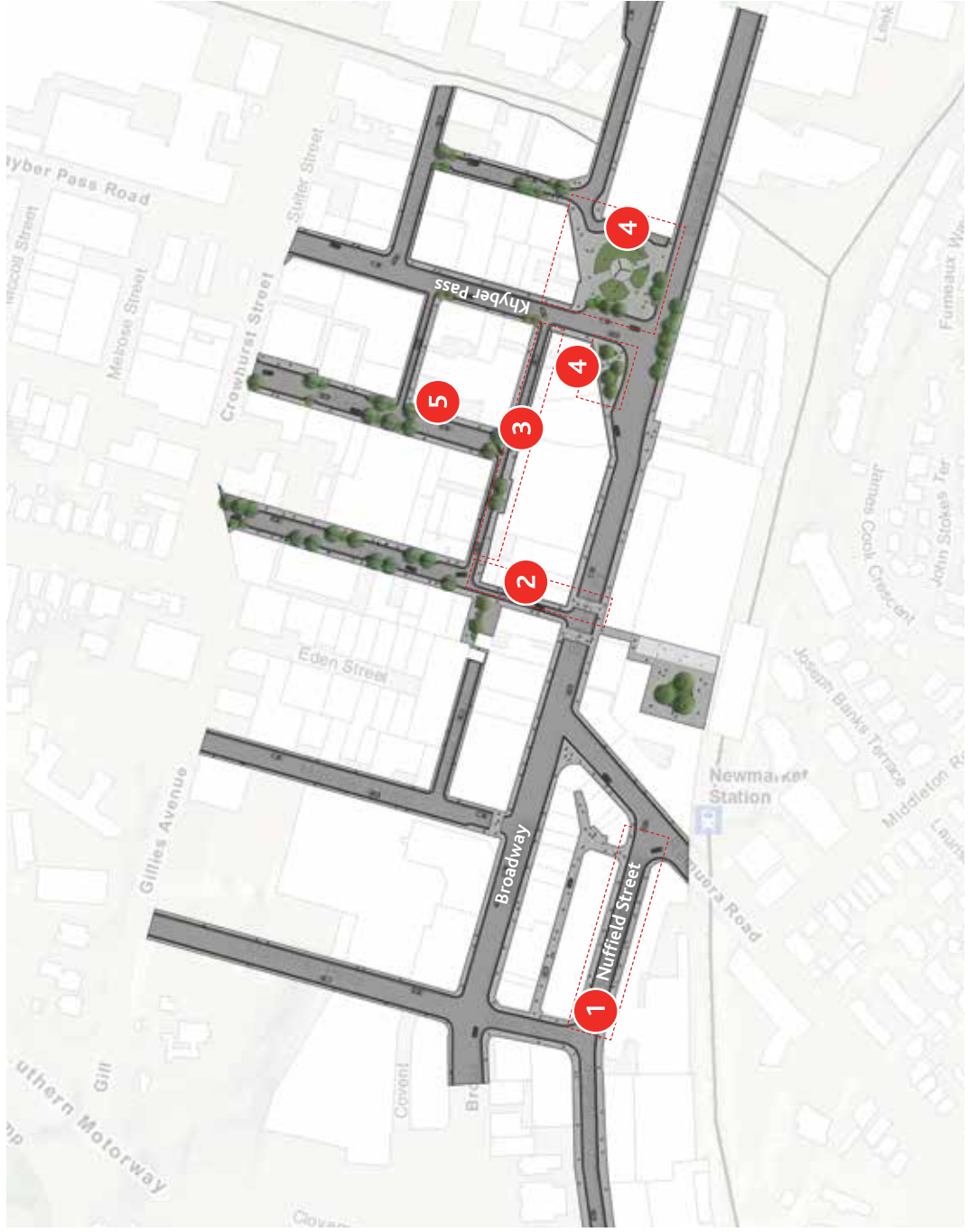
Commercial and retail activities dominate the identity of Newmarket. These retail activities are structured around Broadway (the mainstreet) which has a favourable north to south orientation.

The main retail precinct is located in an area north of Mortimer Pass and is typified by the smaller blocks that are more pedestrian/shopper friendly and conducive to walking.

The main dining experience is located within the laneway precinct and along Nuffield Street.



2.11 NEWMARKET LANEWAYS RECENT UPGRADES



Nuffield Street



Entrance to Teed Street



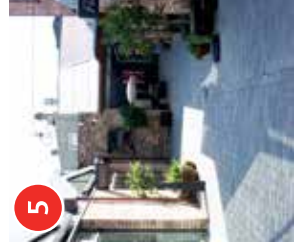
Osborne Street



Broadway and Lumsden Green



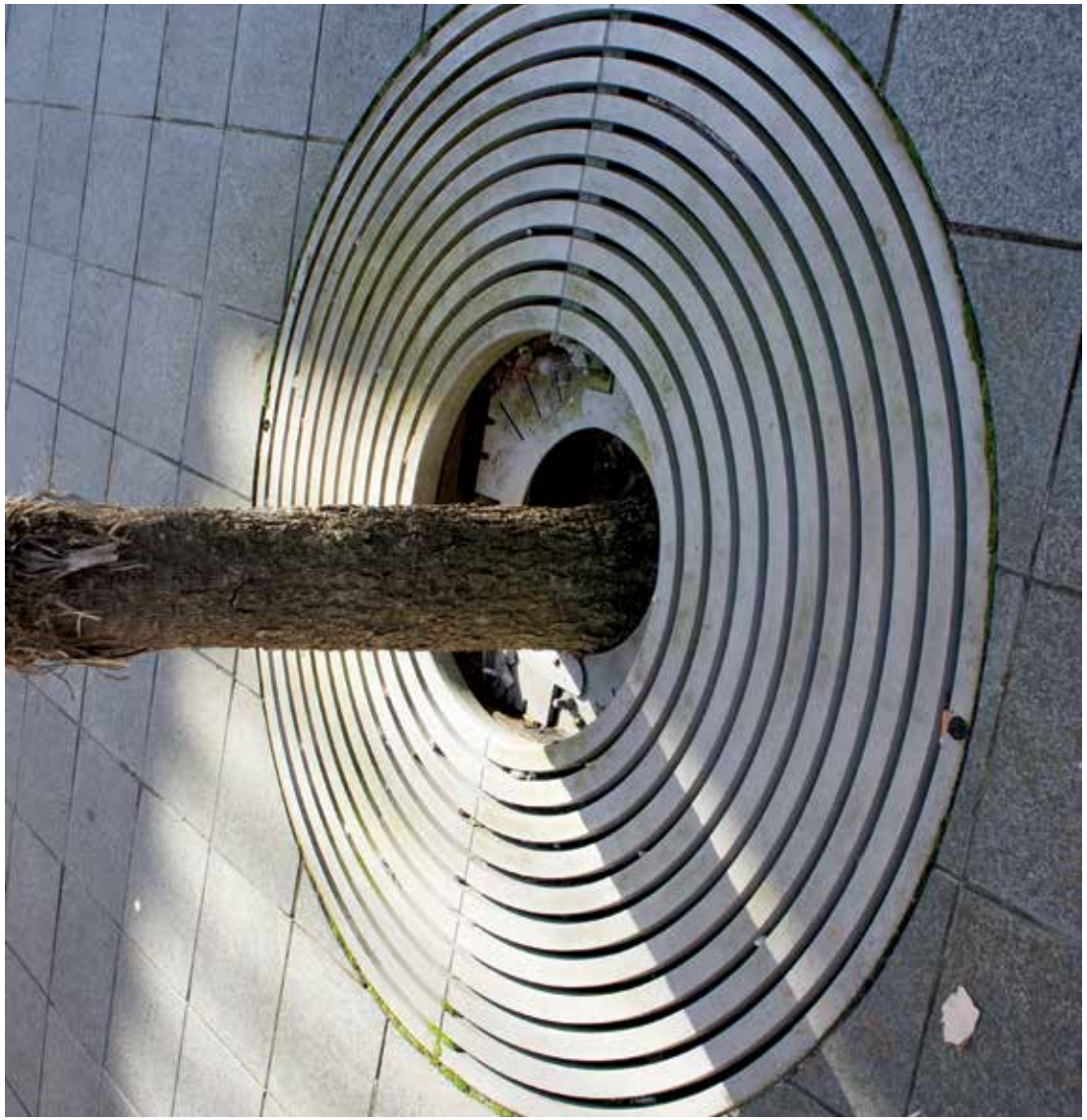
Broadway and Lumsden Green



Private development

2.12 NEWMARKET LANEWAYS MATERIAL PALETTE





2.13 TE ARANGA DESIGN PRINCIPLES

The Core Māori Values

Core Māori values have informed the development of earlier Māori design principles. These process-oriented principles have provided the foundation for, and underpin the application of, the outcome-oriented Te Aranga Māori Design Principles.

Rangatiratanga: The right to exercise authority and self determination within ones own iwi/hapū realm.

Kaitiakitanga: managing and conserving the environment as part of a reciprocal relationship, based on the Māori world view that we as humans are part of the natural world.

Manaakitanga: the ethic of holistic hospitality whereby mana whenua have inherited obligations to be the best hosts they can be.

Wairuatanga: the immutable spiritual connection between people and their environments.

Kotahitanga: unity, cohesion and collaboration.

Whanaungatanga: a relationship through shared experiences and working together which provides people with a sense of belonging.

Mātauranga: Māori/mana whenua knowledge and understanding.

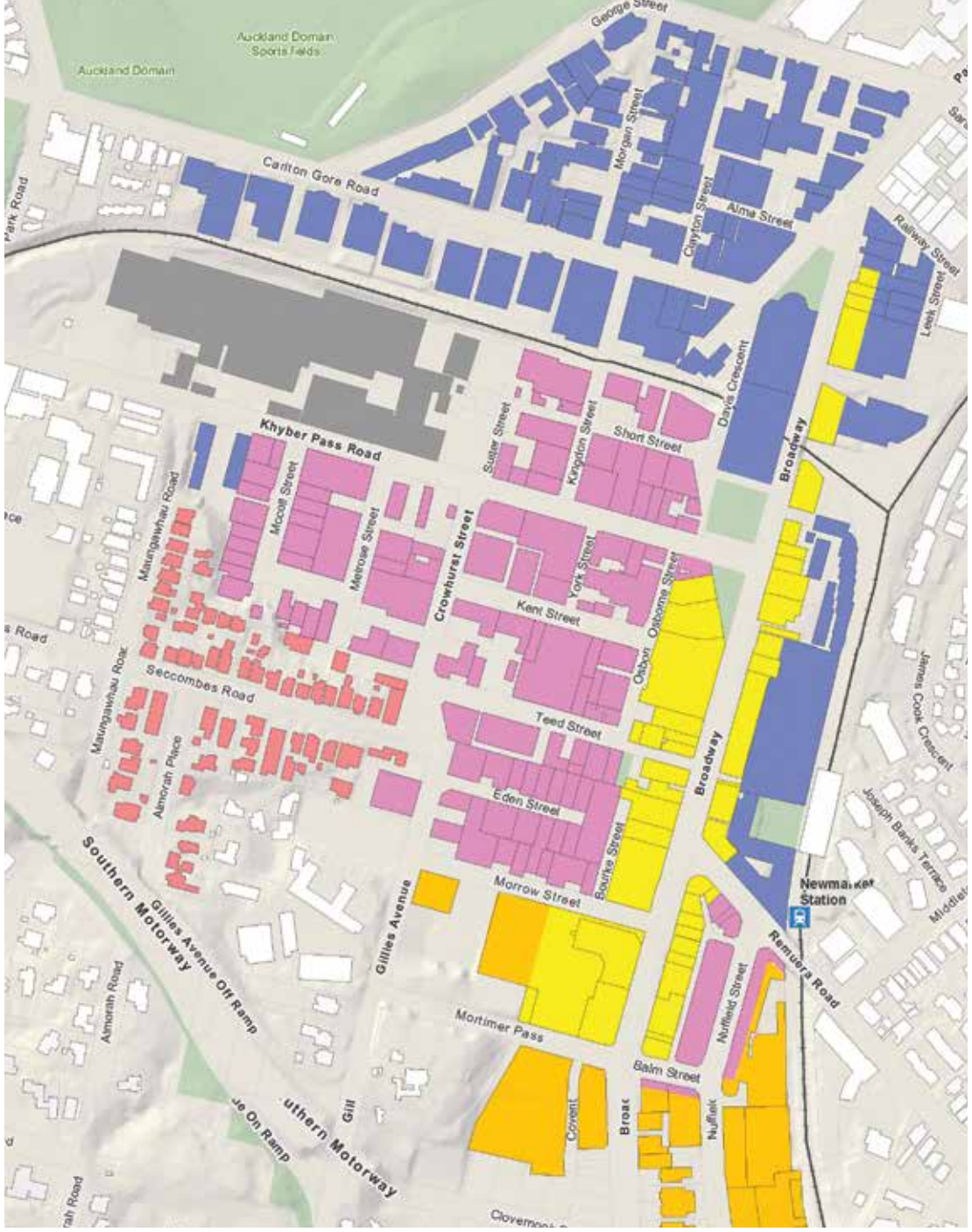
These core Māori values are seen as underpinning and guiding the application of the seven Te Aranga Māori Design Principles.

Te Aranga Design Principles

- 1. MANA** – Rangatira, Authority
The status of iwi and hapū as mana whenua is recognised and respected.
- 2. WHAKAPAPA** – Names and naming
Māori names are celebrated.
- 3. TOHU** – The wider cultural landscape
Mana whenua significant sites and cultural landmarks are acknowledged.
- 4. TAIAO** – The natural environment
The natural environment is protected, restored and/or enhanced.
- 5. MAURI TU** – Environmental health
Environmental health is protected, maintained and/or enhanced.
- 6. MAHI TOI** – Creative expression
The status of iwi and hapū as mana whenua is recognised and respected.
- 6. AHI KAA** – The living presence
Iwi/hapu have a living and enduring presence and are secure and valued within their rohe.

SECTION 3.0
NEWMARKET LANEWAYS PLAN
PROJECTS

3.1 NEWMARKET LANEWAYS



- Core Retail
- Newmarket Laneway Precinct
- Mixed-use / Residential
- Mixed-use / Large Format
- Character Residential

The age, size and the urban structure of Newmarket has enabled the establishment of different sub-commercial characters.

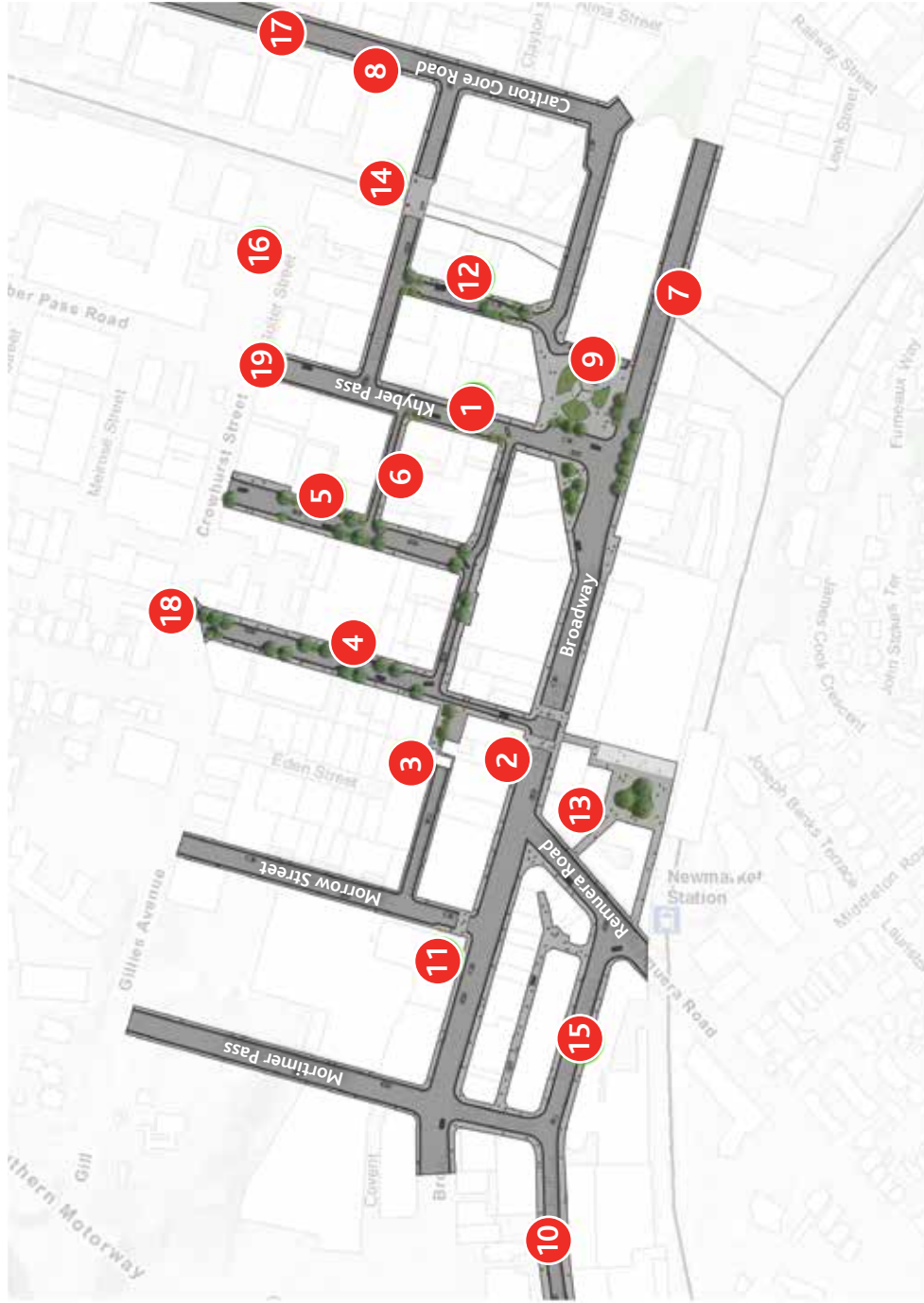
Broadway functions as the high-profile main street – providing Newmarket with its cultural/lifestyle identity.

A 'back lane' environment has been established in the streets and lanes behind Broadway.

This is where high-end retail/designer boutiques and creative industry studios have located, often in refurbished buildings (e.g. Nuffield Street, Teed Street).

A small food retail precinct with a number of cafes and restaurants clustered around the northern end of Nuffield Street has also emerged.

3.2 PROJECTS FOR PUBLIC REALM IMPROVEMENTS – NEWMARKET WIDE



1 Widen footpath along Khyber Pass road to York Street.

2 Better pedestrian crossing from the train station entrance to Teed Street.

3 Open space upgrade and a better connection to Bourke Street from Teed Street.

4 Widen footpath along Teed Street.

5 Widen footpath along Kent Street.

6 Widen footpath along York Street and look to activate street edge by multi storey parking.

7 Widen footpath along Broadway.

8 Widen parts of the footpath along Carlton Gore Road.

9 Rearrange some of the street furniture to increase footpath width.

10 Widen footpath along Nuffield Street West and activate multi storey parking facade.

11 Improve pedestrian crossing on Morrow Street.

12 Widen footpath along Short Street.

13 Station Square and entrances upgrade including better connections to adjacent streets.

14 Pedestrian and cycle connection from Kingdon Street to Carlton Gore Road.

15 Widen footpaths on Nuffield Street.

16 Improve wayfinding and connectivity between the University of Auckland campus and Station Square.

17 Improve wayfinding within the Newmarket area generally, especially to landmarks such as the Domain, Highwic House and Station Square.

18 Deliver the Morrow/Gilles/Secombes and Mangawhai Street Greenways project.

19 Improve pedestrian safety across Khyber Pass at the Crowhurst Street/Suiter Street intersection.

3.3 PROJECTS FOR PUBLIC REALM IMPROVEMENT – NEWMARKET LANEWAYS PHASE ONE DELIVERY PLAN



- 1 Widen footpath along Khyber Pass road to York Street.
- 2 Better pedestrian crossing from the train station entrance to Teed Street.
- 3 Open space upgrade and a better connection to Bourke Street from Teed Street.
- 4 Widen footpath along Teed Street.
- 5 Widen footpath along Kent Street.
- 6 Widen footpath along York Street and look to activate street edge by multi storey parking.

Implementation of the projects identified in the Newmarket Laneways Plan will be achieved progressively as funding becomes available.

Phase One of the delivery programme will commence in October 2015 and focus on implementing those projects located within, or connecting to, the core Laneways area comprising; Teed Street, Kent Street, Osborne Street and York Street.

The delivery of projects within the core Laneways area follows on from the work programme partially completed by Auckland City Council in 2009.



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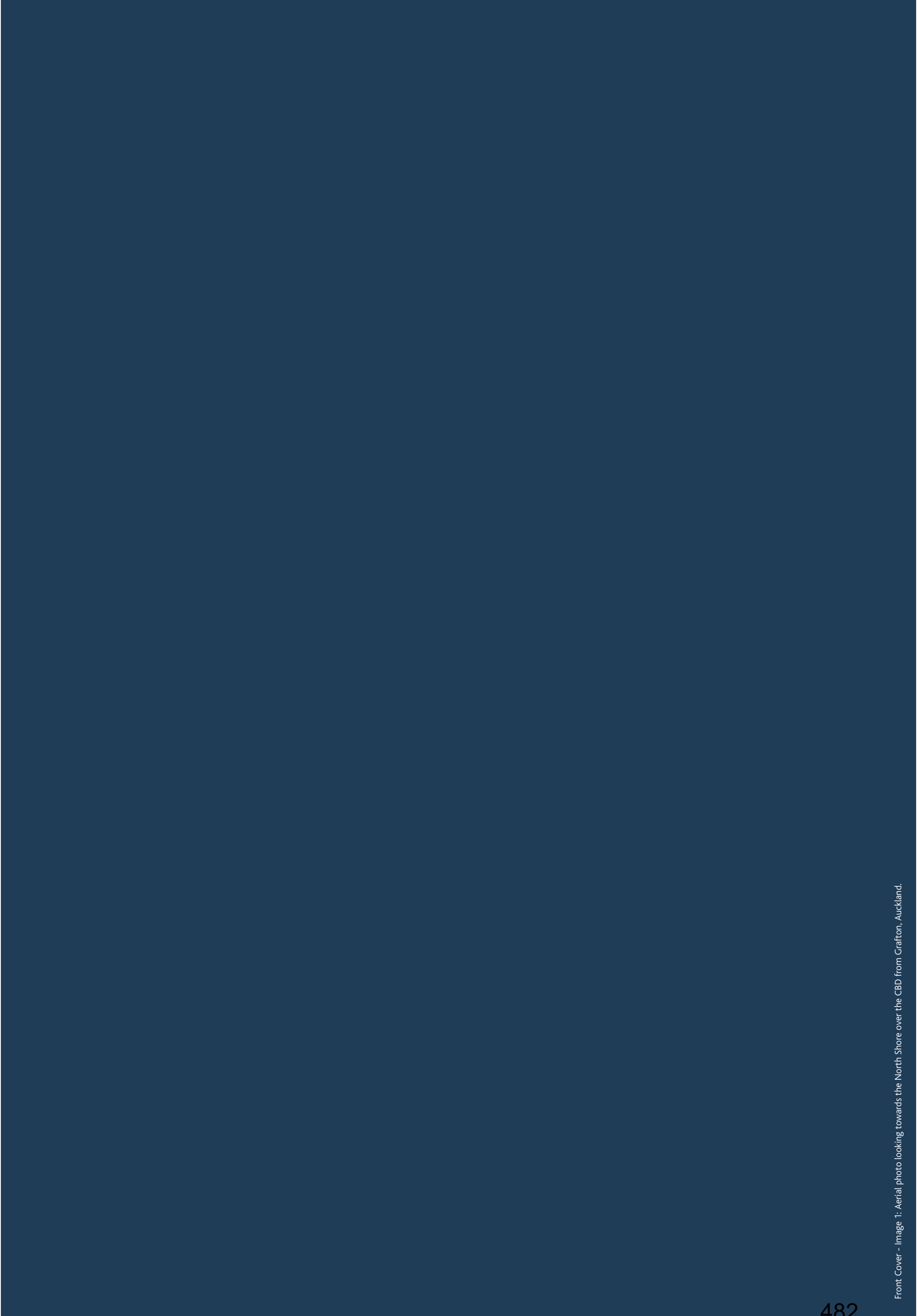
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Waitematā Greenways

July 2013



**Waitematā
Local Board**
Auckland Council



Front Cover - Image 1: Aerial photo looking towards the North Shore over the CBD from Crafton, Auckland.

Contents

- 1.1 Purpose of the document
 - 1.1.1 Purpose
 - 1.1.2 Visionary document
 - 1.1.3 Guiding document
- 1.2 Strategic fit
 - 1.2.1 Links to The Auckland Plan
 - 1.2.2 Links to other initiatives
 - 1.2.3 Local Board aspirations
- 1.3 What is the greenways plan
 - 1.3.1 Definition
 - 1.3.2 Benefits of a greenway
 - 1.3.3 What the greenways might look like
 - 1.3.4 Conceptual imagery for 'minor' road connections
 - 1.3.5 Conceptual imagery for 'arterial' road connections
 - 1.3.6 Auckland context

- 2.1 The process
 - 2.1.1 Introduction
 - 2.1.2 Phase one - draft network
 - 2.1.3 Phase two - analysis
 - 2.1.4 Phase three - refine the network

- 3.1 Existing pathway connections
- 3.2 Proposed priority greenways
- 3.3 Long-term greenways aspiration
- 3.4 Aspirational greenways, overlaid with the ACN and other recreational/connection projects
- 3.5 Proposed greenway network plans
 - 3.5.1 Reference plan
 - 3.5.2 Map 1 of 7
 - 3.5.3 Map 2 of 7
 - 3.5.4 Map 3 of 7
 - 3.5.5 Map 4 of 7
 - 3.5.6 Map 5 of 7
 - 3.5.7 Map 6 of 7
 - 3.5.8 Map 7 of 7

- 4.1 Future development
 - 4.2 Best practice for implementation
 - 4.3 Stakeholder involvement and funding
- References — Page 34

- A1 Connecting Waitematā to Auckland
 - A1.1 Waitemata Local Board Area
 - A1.2 Vision for Auckland and future projects
- A2 Connecting open space, ecological corridors, coastal edge
 - A2.1 Natural environment
 - A2.2 Significant ecological Areas
 - A2.3 Vegetation class
 - A2.4 Geomorphology
 - A2.5 Natural drainage catchments and surface water hydrology
 - A2.6 Topography
- A3 Connecting commuters, transport nodes, town centres and schools
 - A3.1 Road hierarchy
 - A3.2 Public transport
 - A3.3 Built environment - population density and growth centres
 - A3.4 Schools and community facilities
 - A3.5 Community groups
 - A3.6 District plan zoning
 - A3.7 Land ownership
- A4 Connecting communities
 - A4.1 Cycle routes
 - A4.2 Walking routes
 - A4.3 Cultural Heritage inventory and historical sites

- B1 Case studies
 - B1.1 Lloyds Crossing, Portland (USA)
 - B1.2 Portland Green Streets (USA)
 - B1.3 Jellicoe Street, Auckland (NZ)
 - B1.4 Greenpark, Thames Valley (UK)

- C1 Priority sections
 - C1.1 Reference plan
 - C1.2 G1 - Grey Lynn connection
 - C1.3 G2 - Waipapa Valley connection and Parnell Parks link
 - C1.4 G3 - Coastal connection
 - C1.5 G4 - Waiorea to Karangahape Road connection
 - C1.6 G5 - Ponsonby connection
 - C1.7 G6 - Crummer Road

1.0 Introduction

Waitematā Greenways

1.1 Purpose of the document

1.1.1 Purpose

This document defines the long-term 'Greenways Plan' (often termed 'Greenways network') for the Waitemata Local Board area. This is a visionary and guiding document intended for use by elected members, Council and CCO officers, community and volunteer groups, private developers and other interested parties.

1.1.2 Visionary document

Greenways plans similar to this have been developed throughout the world, with Portland, Oregon being one of the most successful. More recently, London developed a Greenways strategy, which was partially implemented in time for the 2012 Olympic Games. Auckland's Greenways plans are a series of linked, visionary plans being driven from the 'ground up' by Local Boards with the long-term aim of greatly improving walking, cycling and ecological connections across the region.

1.1.3 Guiding document

Following from the Greenways plans, Council's Community and Cultural Policy unit will develop Open Space Network Plans for each of the Board areas. Each Greenways plan will ultimately become one 'chapter' of the Open Space Network Plans. The network plans will sit under the Open Space Strategy, providing high level direction for improvements to the open space network, specific to each Board area.

1.2 Strategic fit

1.2.1 Links to the Auckland Plan

The Auckland Plan sets Council's long-term strategic direction, and sets out a vision to create the world's most liveable city. It provides an opportunity for integrated planning to significantly improve transport, environmental protection, land uses, housing growth and economic development, with the benefits of one authority responsible for all coordination.

The Waitemata Greenways Plan implements priorities and directives in a number of chapters in the Auckland Plan, including:

Chapter 5: Auckland's Recreation & Sport

Priority 1: *Encourage all Aucklanders, particularly children and young people to participate in recreation and sport*

Chapter 7: Auckland's Environment

Priority 1: *Value our natural heritage*
Priority 2: *Sustainably manage natural resources*
Priority 3: *Treasure our coastlines, harbours, islands and marine areas*

Chapter 12: Auckland's Physical & Social Infrastructure

Priority 2: *Protect, enable, align, integrate and provide social and community infrastructure for present and future generations.*

Directive 12.8: *Maintain and extend the public open space network, sporting facilities, swimming pools, walkways and trails and recreational boating facilities in line with growth needs.*

Chapter 13: Auckland's Transport

Priority 3: *Prioritise and optimise investment across transport modes.*

1.2.2 Links to other initiatives

In developing this Greenways plan, a number of related Council and non-Council initiatives have been investigated and - where possible - included in the network:

- former 'Auckland City Council' plans and initiatives such as 'Auckland City Heritage Walks - Auckland's Original Foreshore';
- Auckland Council documents such as the 'City Centre Master Plan' (CCMP)
- Waterfront Auckland's 'Waterfront Plan';
- New Zealand Transport Authority (NZTA) proposals such as the Grafton Gully Cycleway;
- local stormwater improvement/stream restoration projects as identified in various local Stormwater Catchment Management Plans and by Watercare or the former Auckland Regional Council (ARC);
- the Auckland Cycleway Network (ACN), prepared by Auckland Transport (AT);
- the National Walkway (Te Araroa) and cycleway routes, as well as the 'Coast to Coast Walkway';
- individual reserve management plans;
- walking school bus routes (supplied by participating schools); and
- initiatives proposed by the 'Greenways Project' community group.

1.2.3 Local Board aspirations

Each Local Board plan is a reflection of what elected members have heard from their community. Feedback gained both formally and informally has been instrumental in shaping these plans, and they provide a touchstone for the aspirations of each area's community.

High-performing Greenways have potential to fulfil a number of the aspirations set out in the 2011 Waitemata Local Board Plan, including those set out in the overall vision statement:

"We value our beautiful natural environments and the buildings and streetscapes that reflect our heritage and shape our identities. We will ensure that these environments are protected and enhanced for future generations to enjoy...we advocate for a sustainable city with connected transport options including public transport that is easy to access and increased cycleways and walkways. We will promote the health and safety of our communities as key factors in transport decisions"

Beneath the over-arching vision, the Board Plan sets out a number of more tangible objectives to guide its delivery. The following objectives (in blue) are supported by this Greenways plan:

- **Places for people:** We will provide high-quality and varied parks, open spaces and community facilities for our people to enjoy.
- *"We will ensure people get to enjoy the parks and beaches in our area by developing and connecting walkways...we want to develop 'green links' connecting our parks and urban bush. This creates more attractive and safer connections linking neighbourhoods, and encourages corridors for increased birdlife in our area"*
- **Respecting and enhancing natural environments:** We will protect and enhance the beautiful natural environments of Waitemata and be responsible global citizens.
- *"We will encourage the use of swales (natural filtration systems), earth sinks, green roofs, green walls, grey water tanks and tree planting around streams."*
- **Connected, healthy transport options:** Our communities will have effective, integrated transport options that are safe and people-centred.
- *"We want cycleways with eight to eighty year olds in mind, to make them safe, accessible and enjoyable for everyone. We want dedicated and connected cycleways and quality road design that rebalances the priority of road uses to all modes of travel (including cyclists, pedestrians, skaters and mobility scooter users)"*

"We support innovative approaches to reduce traffic congestion and enable walking and cycling"

- **Strong, vibrant, engaged communities:**

"We will support and develop an environment that is accessible for people of all abilities, ages and cultures to enjoy and participate in"

"We want to encourage active communities that can participate in organised sport, informal physical activities and use active transport methods. Active communities are healthier, better connected and less vulnerable to lifestyle-related illnesses including obesity and diabetes"



1.3 What is a 'Greenways Plan'

1.3.1 Definition

The aim of the Greenways Plan is to provide cycling and walking connections which are safe and pleasant, while also improving local ecology and access to recreational opportunities. To achieve this, Greenways may cross existing areas of parkland, and follow street connections between parks. The network typically follows natural landforms such as streams and coastlines as well as man made features such as streets and motorways.

Implementation of the Greenways Plan will better connect Waitemata to the neighbouring Kaipatiki, Orakei, Albert-Eden Local Board areas and connect to regional walking/cycling proposals for the greater Auckland region. The adjoining map shows other Greenways Plans either under development or adopted by participating local boards. Each board sets their own Greenways definition for their respective areas, based around a common aim.

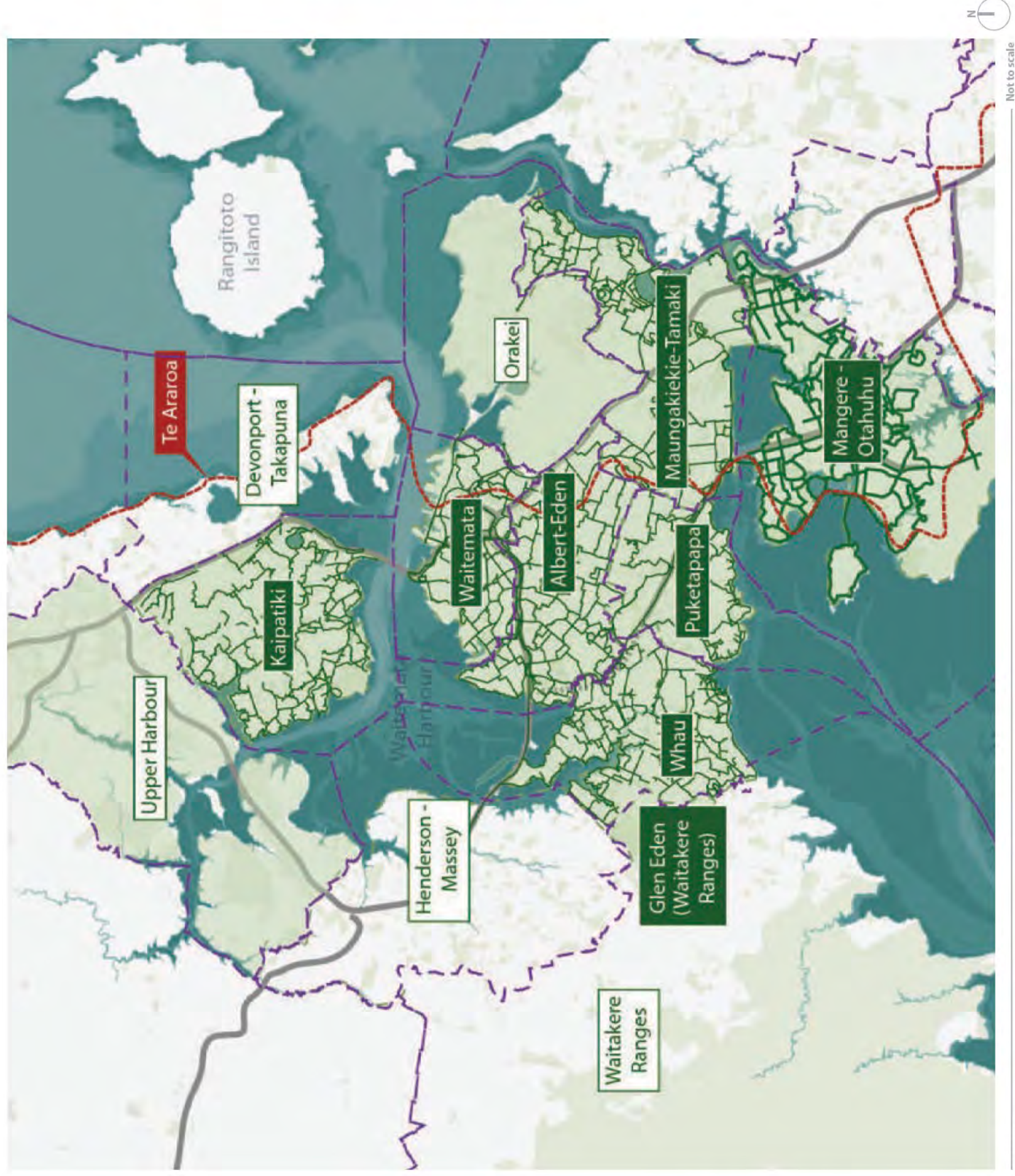
The Waitemata Local Board have set four linked outcomes to define a Greenway in the local area:

- Safe, high amenity walking connections
- Safe, high amenity cycling connections
- Improved ecological and stormwater outcomes, including expanded habitats, movement corridors and food sources for native fauna
- The ability to increase recreational opportunities, both by improving links between neighbourhoods and open space facilities, and also by improving the ability for local streets to function as slow speed environments where the community can gather and play

1.3.2 Benefits of a greenway

There are many benefits from developing greenways, including:

- Recreation - Improving people's access to outdoor recreation and enjoyment close to their home
- Environmental – reducing our reliance on fossil fuels by providing attractive and safe alternative transport choices, improving stormwater quality and reducing flooding events through low impact design (LID) measures, and by enhancing ecosystems, habitat sources and ecological niches;
- Social – providing improved opportunities for people to get out of their cars and meet their neighbours, to be engaged with a diverse range of communities and to be connected with local community facilities;
- Health – providing improved opportunities for activity and fitness;
- Education – Providing opportunities to learn about the vegetation, wildlife, ecology, history and people of the landscapes that they pass through; and
- Economic – High-performing greenways can increase local employment as areas become more desirable for businesses and shoppers. Greenways can also provide a tourist destination for international and national visitors. Research has also shown that residential property values can be positively influenced by access to Greenways corridors and open spaces.



Legend:

- Local Boards with a 'Greenways Plan'
- Local Boards - currently no 'Greenways Plan'
- Te Araroa Walkway (national walkway)
- Local Board Boundaries

Not to scale

1.3.4 What the greenways might look like

The appearance of the network will vary dependent on its location, for instance, a connection that runs through parkland may look and function quite differently to a connection adjacent to a road or in a built-up urban environment. The adjacent images show what the network could look like in a variety of settings, including:

- parks and reserves and connecting to bush tracks
- coastal areas or alongside streams / estuaries
- adjacent industrial land or residential properties
- connecting to busy urban town centres and/or the ACN's 'cycle highways' or 'connectors'
- adjacent to a minor road and/or the ACN's 'feeder' routes

The surface treatment will vary depending on site specific aspects such as the location of the path, slope gradient and the existing character of an area.

The illustrations on pages 10-11 show a range of potential retrofits which could be carried out to create the 'on road' portions of the greenways network.



Legend:

Figure 3-6 Twins Streams Walk / Cycleway, West Auckland	Figure 4 Western Springs, Auckland	Figure 5 Road and walk / cycleway junction at the Twin Streams Walk / Cycleway, West Auckland	Figure 6 Cyclelanes, Sydney, Australia	Figure 7 On road cycling on a minor road, Sydney, Australia	Figure 8 Cyclelanes in the city of Vancouver, Canada	Figure 9 Raingarden alongside road network, Gardner Reserve, New Lynn	Figure 10 Textured surface at intersections to slow cyclists, Twin Streams, West Auckland	Figure 11 Permeable paving on Twin Streams Walk / Cycleway, West Auckland	Figure 12 On-road cycling, local street, Vancouver, Canada	Figure 13 Swales alongside road network, Totara Avenue, New Lynn, West Auckland	Figure 14 Wetland Swale information board, Botanical Gardens, Manurewa	Figure 15 Visualisation of Nelson Street redundant SH1 off-ramp, featured in the CCMP	Figure 16	Figure 17	Figure 18
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1.3.4 Conceptual imagery for 'minor' road connections (ACN 'feeders')

Minor retrofit

Potential alterations:

- rain gardens set into parking zone, designed around catchpit locations
- branding 'Greenways' along streets - to highlight the network
- tree planting
- lobby for power undergrounding (if required)

Benefits:

- reduction of traffic speed as road is pinched
- slower traffic speed creates a safer environment for pedestrians and cyclists
- improved stormwater quality and reduced flooding events through low impact design measures
- additional planting contributes to the enhancement of ecosystems and biodiversity
- improved street amenity and greater legibility for greenways route

Partial retrofit

Potential alterations:

- increase one existing footpath to shared path width
- planted swales / rain gardens to one side of the road
- narrower carriageway achieved by reduced speed limits, with parking used as edge friction to slow traffic speeds
- branding and tree planting as per minor retrofit

Benefits:

- reduced legal traffic speed creates a safer environment for pedestrians and cyclists
- wider footpath allows for a greater number of users
- stormwater quality, flood event reduction, habitat, amenity and legibility benefits as per minor retrofit, but all to a greater degree.

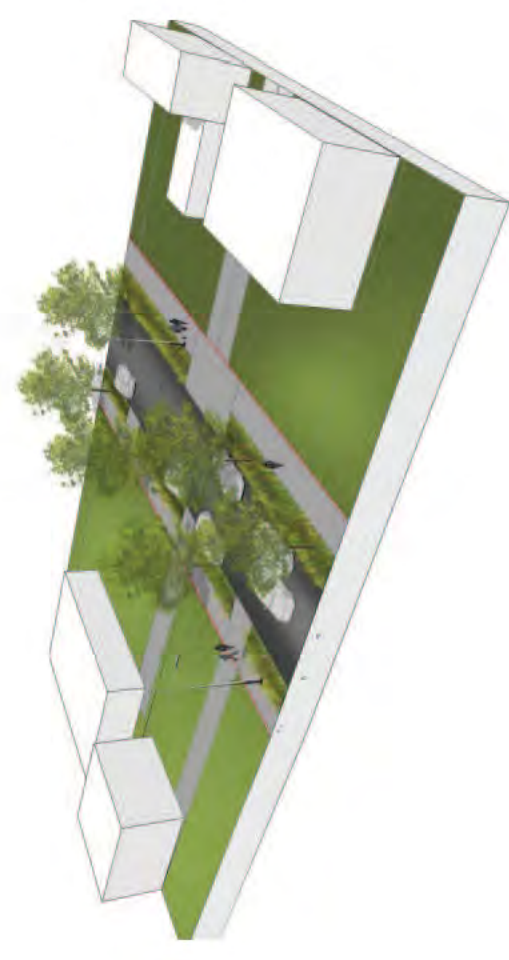
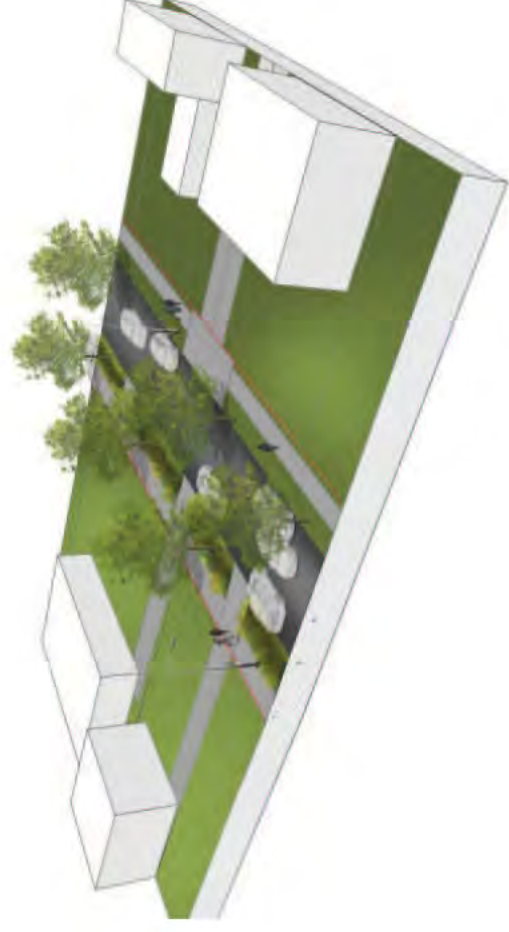
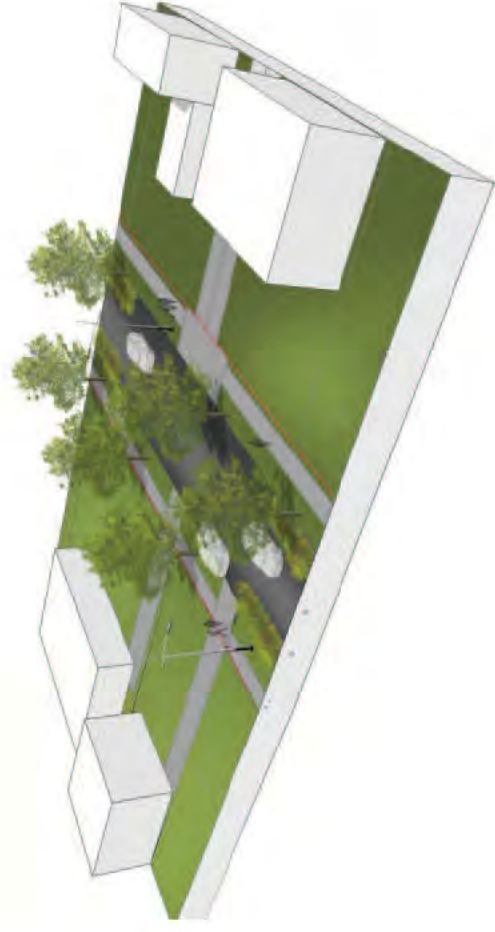
Complete retrofit

Alterations:

- increase both footpaths to shared path width
- planted swales on both sides of the road
- narrower carriageway achieved by reduced speed limits, with parking used as edge friction to slow traffic speeds
- branding and tree planting as per minor retrofit

Benefits:

- As per partial retrofit, but to the maximum extent possible
- Street becomes a genuinely slow speed environment, making it a pleasant place for community interaction and recreation opportunities to occur.



These are visionary diagrams developed by Auckland Council's Parks team for discussion purposes only. Any specific project would be carefully planned with cost, parking, traffic flows and affected parties needs taken into consideration - ideally these works would be phased with other planned upgrade works, and be delivered by Auckland Transport.

1.3.5 Conceptual imagery for 'arterial' road connections (ACN 'connectors')

Partial retrofit

Alterations:

- designate 2.5-3m of footpath as shared path
- rain gardens adjacent to the road created via kerb cuts. Maintain narrow paved strip for access to parked cars as required
- provide foot traffic crossing points within the rain gardens
- provide 'Greenways' signage to highlight the network

Benefits:

- rain gardens act as a buffer between traffic and pedestrians / cyclists
- improved stormwater quality and reduced flooding events through low impact design measures
- additional planting contributes to the enhancement of ecosystems and biodiversity
- improved amenity and legibility of greenways

Cycleways and retrofit of road median

Alterations:

- designate off road 'one way' cycleways adjacent to each side of the road, with swales/rain gardens separating cyclists and pedestrians
- provide footpath adjacent to property boundary
- planter beds in the median (if space and turning movements allow)
- provide 'Greenways' signage to highlight the network

Benefits:

- As per partial retrofit (but to a greater degree) plus:
- planted medians create higher amenity crossing points for pedestrians / cyclists
- Separation of pedestrians and cyclists reduces potential conflicts
- Movement of cyclists away from properties reduces potential conflict with vehicles backing out of driveways

Retrofit via adjacent properties

Alterations:

- designate shared path adjacent to road as for walking and cycling
- rain gardens/swales along boundary and in adjacent lot where possible
- provide 'Greenways' signage to highlight the network

Benefits:

- This is a less desirable outcome from a pedestrian/cyclist amenity perspective, and generates some potentially difficult access and maintenance discussions, requiring buy-in from private landowners.
- It does however offer an alternative where other options may not be possible due to space, underground services or other constraints.



These are visionary diagrams developed by Auckland Council's Parks team for discussion purposes only. Any specific project would be carefully planned with cost, parking, traffic flows and affected parties needs taken into consideration - ideally these works would be phased with other planned upgrade works, and be delivered by Auckland Transport.

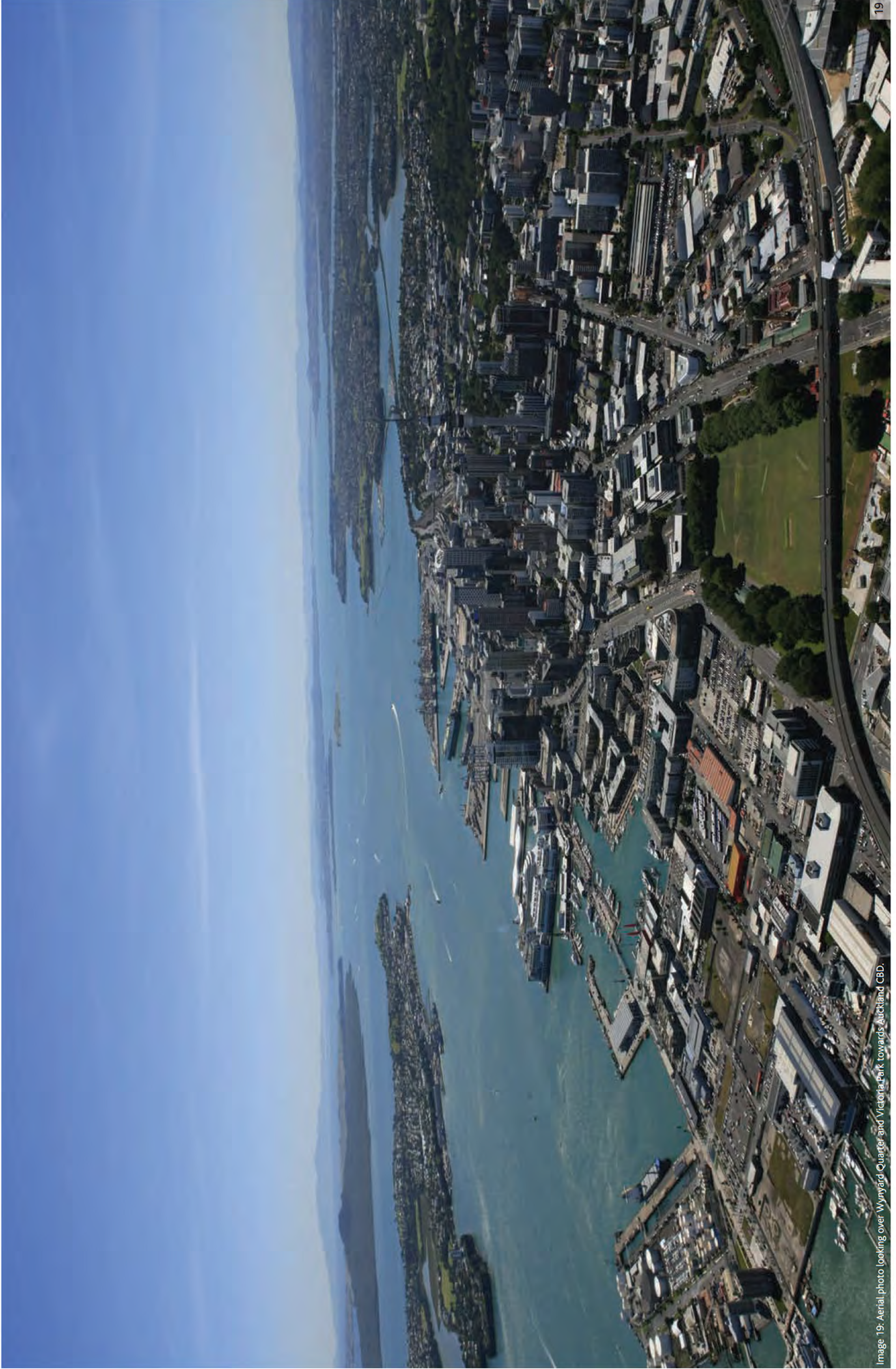


Image 19: Aerial photo looking over Wynyard Quarter and Victoria Park towards Auckland CBD.

1.3.3 Auckland context



This map shows Waitemata Local Board area in its wider context within the Auckland Isthmus, taking in many of the older inner city suburbs, and flanked to the north by the Waitemata Harbour. The Board area is bordered by the Orakei and Albert-Eden Boards to the south, and connected to the Kaipatiki and Devonport-Takapuna Board areas across the harbour via the Harbour Bridge and ferry services. Waitemata is home to Auckland's central business district, and is the city's most densely populated urban area.

Broader transport connections

Waitemata, and in particular the CBD acts as a destination for many north and south-bound commuters. It is bisected by motorways which cradle the CBD and stretch north, south, east and west across the board area. A north-west and south-east rail connection is available to Waitemata commuters. From a Greenways perspective, the motorway and railway corridors present both opportunities and challenges; on one hand bisecting communities, but also offering transport choices, and presenting walking/cycling opportunities in their own right. The CBD offers all major bus services within and out of Auckland. Due to its harbour-edge location, Waitemata offers primary ferry connections for nearby islands like Waiheke and Rangitoto as well as other coastal areas, including Devonport and Birkenhead to the north, Hobsonville to the west and Bucklands Beach in the east.

Broader walking and cycling connections

The proposed 'Te Araroa' national walkway seeks to connect the greater Auckland area with Northland and Waikato, ultimately becoming a continuous route that traverses the length of the country. Within the Waitemata area, Te Araroa follows the existing 'Coast to Coast Walkway'. This walk enters Waitemata from the north at the Quay St Ferry Terminal, and proceeds through the eastern fringe of the CBD and the Auckland Domain, before heading south into the Albert-Eden Local Board area. As yet, the walkway is not clearly defined on the ground, however maps and GPS data can guide the pedestrian or cyclist. The mapping in this document is intended to utilise these walkways and similar predetermined routes, to inform future Greenways connections.

To the north, in addition to the ferry services, the 'SkyPath' concept (a proposed walking/cycling path under the Harbour Bridge), would greatly increase 'active transport options between Waitemata and Kaipatiki. This is highly desirable from a Greenways perspective.



Image 20: Aerial photo looking over Westhaven Marina towards Auckland CBD.

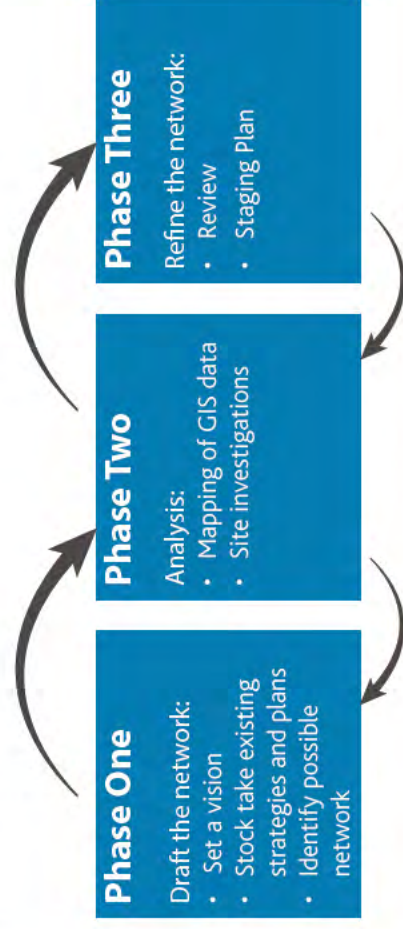
2.0 Methodology

Waitematā Greenways

2.1 The process

2.1.1 Introduction

The Waitematā Greenways Plan was developed via an iterative three-stage process, with feedback loops, as outlined below:



2.1.2 Phase one - draft network

As a first step, previous studies and planning documents relevant to the area were collected and reviewed. The Waitematā Local Board Plan was reviewed to gain an understanding of both the strategic vision of the community, and also their planned projects. After this, a definition for the Waitematā Greenways was discussed and agreed with the Board, and a 'working party' set up, which met regularly to review the Plan as it developed.

Next, a desktop study was carried out to map a draft 'high-level' network to provide walking and cycling connections between existing parks, open spaces, reserves and streets. Potential ecological improvements were also considered looking at linking areas of existing vegetation, existing significant vegetation, and streams/rivers. These desktop studies gave an understanding of the broad landscape patterns within the Waitematā area, and were used to guide phase two of the process, where the network was 'ground-truthed'.

This 'desktop' network plan was taken to the working party for review prior to undertaking site investigations, to ensure that it was aligned with the Board's aspirations and objectives for the project.

During this phase, discussions were held with Auckland Transport and other Council officers to inform them of the project, and to understand linked policies or projects that would affect the Greenways Plan.

2.1.3 Phase two - analysis

The draft network plan was next assessed on site to be 'ground truthed'. This process involved an analysis of the existing site conditions - including topography, vegetation cover, existing asset condition, CPTED (Crime Prevention through Environmental Design) principles, utility service locations and the layout of roading corridors.

All connections were sighted and evaluated, and a photo-record taken. Some connections were found to be inappropriate (where there wasn't enough space for a connection, the connection was unsafe, the terrain was too steep, or a higher amenity alternative was found) and the draft network was updated accordingly.

Following this ground-truthing the route was overlaid with other GIS data to ensure that the network made appropriate connections to all existing facilities, such as schools, community facilities and transport nodes.



2.1 The process

2.1.4 Phase three - refine the network

Following the analysis phase, the Waitematā Local Board and Council officers from Parks Sports and Recreation and Community and Cultural Policy units, as well as Auckland Transport reviewed the proposed Greenways routes in detail, and a wider audience of stakeholders were notified of the draft plans, including those listed below:

- Various Council officers from the Stormwater, Area Spatial Planning Biodiversity and City Transformation Projects teams
- Waterfront Auckland
- Watercare
- Auckland Transport
- Transport organisations; New Zealand Transport Authority and Kiwirail
- Albert Eden and Orakei Local Boards
- Iwi – Ngati Whatua and Ngati Paoa
- Recreational groups; Walk Auckland, Cycle Action Auckland, Auckland Mountain Bike Club and local skaters
- Local Business Associations
- Local Residents Associations
- Schools and Universities
- Local Sports Clubs
- Parnell Trust and Parnell Community Committee
- 'Friends of' and advisory groups; Friends of Cox's Bay, Grey Lynn Park Advisory Group
- Civic Trust, Grey Lynn 2030, Sustainable Coastlines, Mainline Steam Heritage Trust
- Auckland Tourism, Events and Economic Development
- Regional Facilities Auckland and associations; Auckland Museum, MOTAT and Auckland Zoo
- Automobile Association (AA)
- Local residents

The draft maps were then uploaded to the Waitematā Local Board website where the public could view and complete a online feedback form. Around the same time, a public event 'Green for Go' was held (February 2013) to generate public interest in the Waitematā Greenways and gain further feedback on the draft routes.

As the Waitematā Greenways is a long-term project, to be developed over the next ten years, the Board has identified priority sections. These priority sections are based on their costs, benefits, constraints and opportunities, often driven by other local projects - including those by Auckland Council, Council Controlled Organisations and external stakeholders, such as NZTA and Kiwirail.

The Priority sections can be viewed in Appendix Section C of this document.



22



23

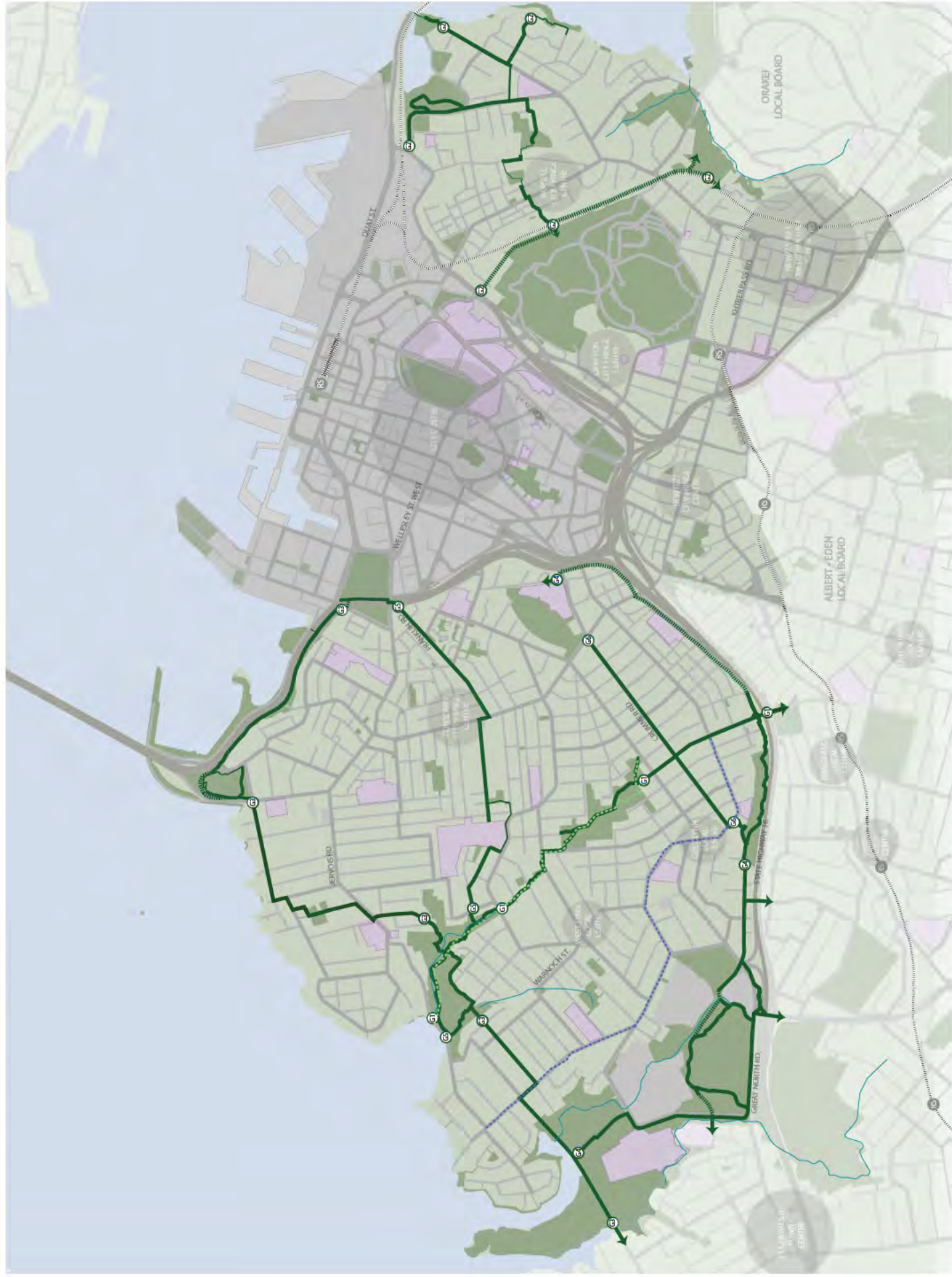


Image 24: Aerial photo looking over Point Resolution and Judges Bay towards Parnell.

3.0 Greenways Mapping

Waitematā Greenways

3.2 Proposed priority greenways



Legend:

- Park and reserve land
- Road network including motorways, arterial and minor roads
- Streams / rivers
- Schools and universities
- Railway and railway stations

Waitematā Greenways - Priority connections:

- Cycling / walking (alongside road network or within open space)
- Route utilising existing paths (some upgrades required)
- Route to form new paths
- Walking (within open space, alongside road network or coast)
- Route utilising existing paths (some upgrade required)
- Route to form new paths

Draft Auckland Cycle Network (ACN):

- Priority routes identified by the local board
- Feeders
- Connectors

scale 1:30,000 @ A3

This map shows the 'Priority Routes' identified by the Local Board for public consultation and feedback. A draft of this map (and those that follow in this section), was displayed online and at the 'Green for Go' open day hosted by Waitematā Local Board members and Auckland Council officers in February 2013.

The six 'priority greenway connections' shown on the adjacent plan are:

- G1 - Grey Lynn Connection
- G2 - Parnell Parks Link and Waipapa Valley Connection
- G3 - Coastal Connection
- G4 - Waiorea to Karangahape Road Connection
- G5 - Ponsonby Connection
- G6 - Crummer Road Connection

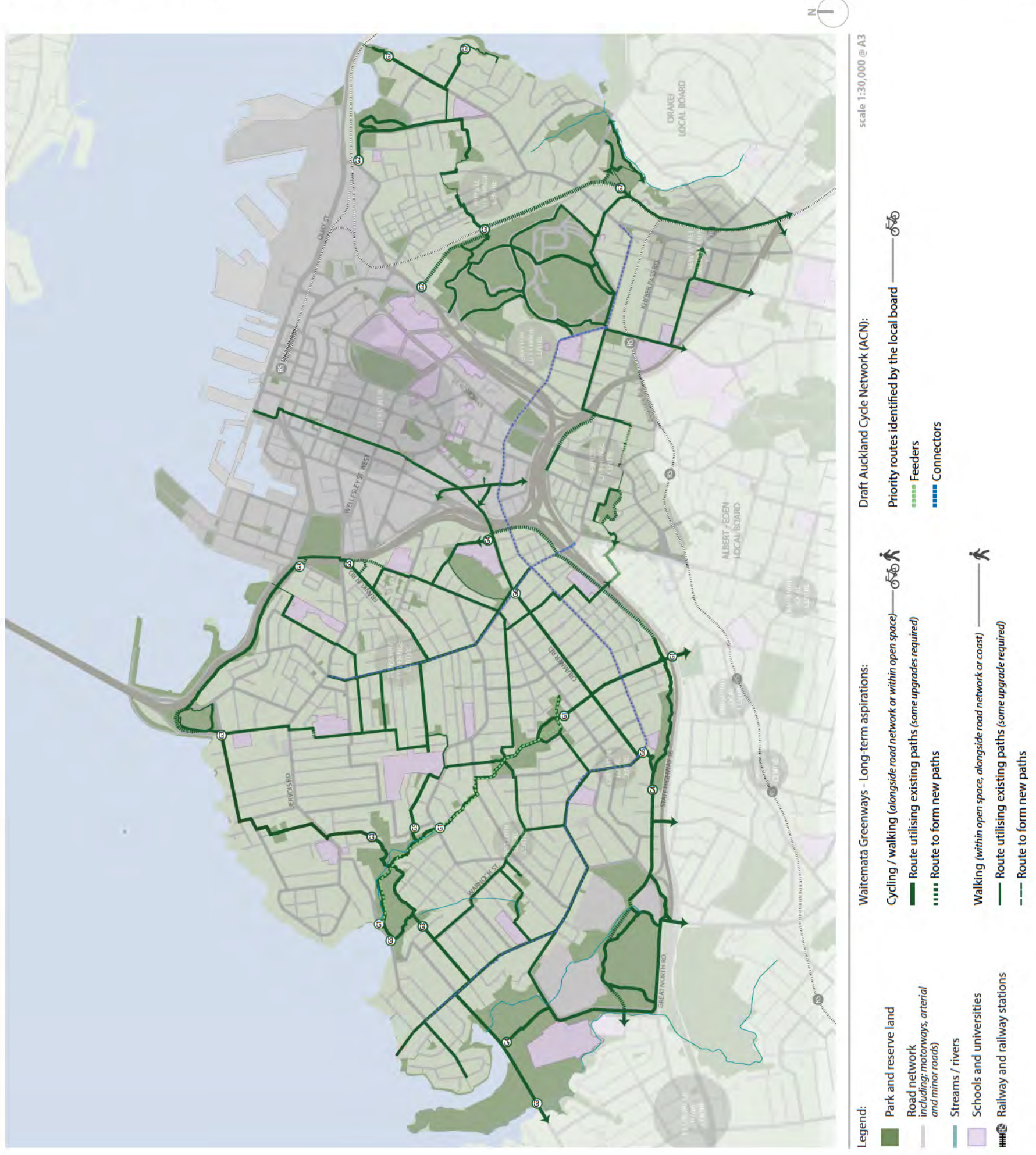
The routes shown on this map series were updated following public consultation, and specific routes were further detailed and prioritised following review of the public and stakeholder feedback. These priority sections are featured in Appendix Section C of this document.

Note: Further investigation is needed to determine the feasibility of cycle access. Walking tracks are shown where cycling is thought to be unachievable.

3.3 Long-term Greenways aspiration

This map shows the 'overall greenways aspiration' identified by the Local Board for public consultation and feedback, including the priority sections as well as longer term routes. This vision is aspirational, and will be reviewed on a regular basis as the draft priority sections are completed, and as other related projects are completed.

While it appears from this map that the city centre appears has minimal Greenway connections, the City Centre Master Plan covers 'green links' in its strategy. The analysis mapping in Appendix Section A illustrates these connections.



3.4 Aspirational greenways, overlaid with the ACN and other recreational/connection projects



Legend: Waitematā Greenways - Overall aspirational connections: scale 1:30,000 @ A3

This map shows the 'aspirational' Greenways connections overlaid with the draft Auckland Cycle Network (ACN), and other recreational/connection projects (some of which are not yet fully funded). The 'other' projects mapped here are:

- Grafton Gully Cycleway, by NZTA (partially under construction 2013)
- Westhaven Promenade, the walkway / cycleway along Westhaven Marina by Waterfront Auckland
- Other NZTA connections along the motorway corridor
- Wellesley Street as 'green link' (as opposed to Victoria Street as proposed in the CCMP)

It is worth noting that the Greenways do not often overlap with the ACN's 'highway' or 'connector' routes, as these are predominantly on busy roads, where opportunities for the amenity, recreational and ecological improvements envisaged as part of the vision are very difficult to achieve. Greenways overlap with the ACN's 'feeder' routes much more closely, and are included in AT's definition of a feeder route. These routes are usually on low traffic volume, 'minor' streets.

It is also of note that the ACN is currently in draft form, and a process to better align the 'feeder' routes with the various Local Board Greenways plans is currently underway. It is intended that both the ACN and the Greenways plans are 'live' documents, which will be updated at regular intervals. The ACN draft shown opposite was current as of May 2013.

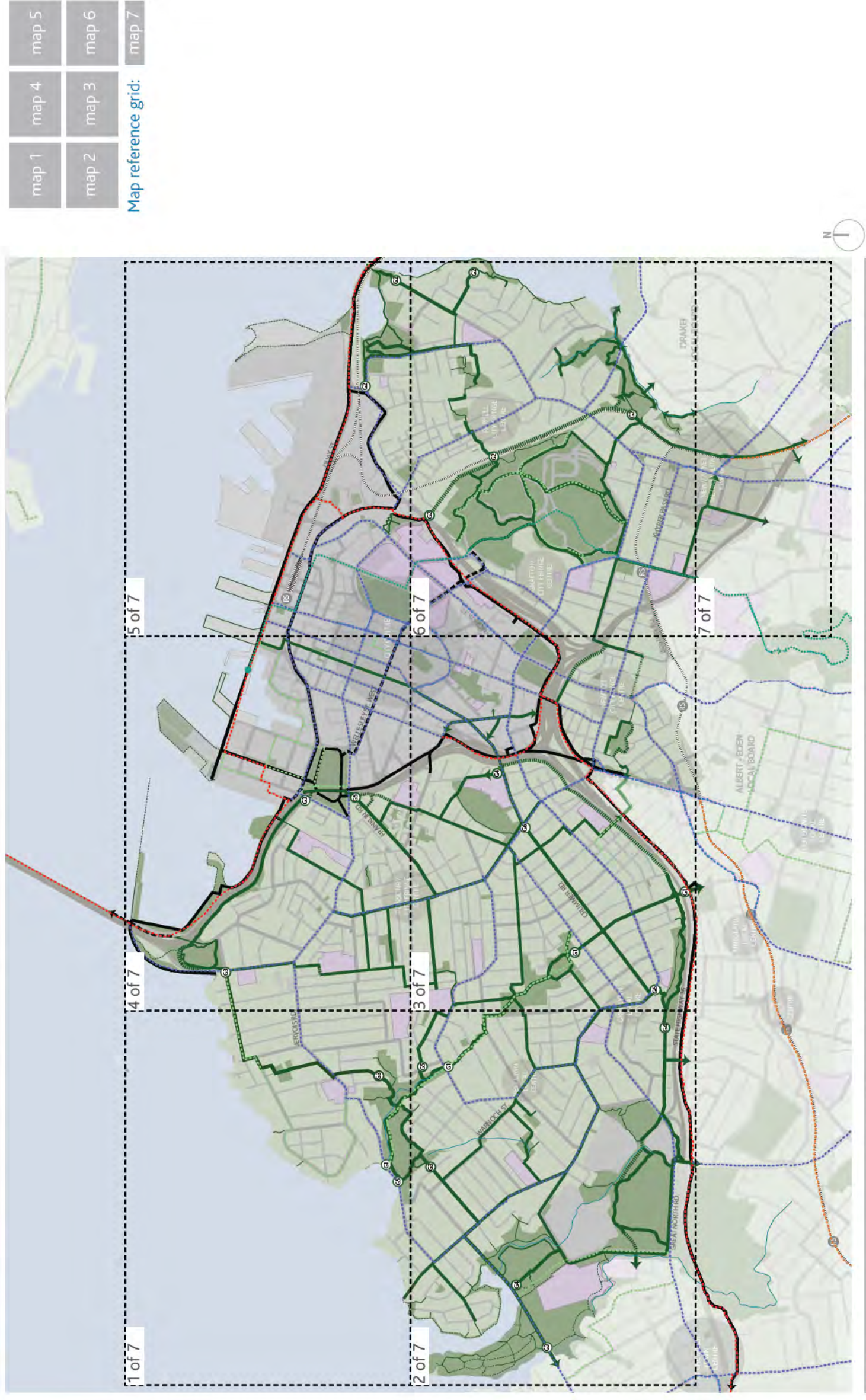
This map can be viewed in greater detail on pages 24-31 'Waitematā Greenways Maps - showing all aspirational connections'.

Walkways shown on this plan include existing and planned connections that will help to build the Greenways.

Note: Further investigation is needed to determine the feasibility of cycle access. Walking tracks are shown where cycling is thought to be unachievable.

3.5 Waitematā Greenways maps - showing all aspirational connections

3.5.1 Reference plan



map 1	map 4	map 5
map 2	map 3	map 6
Map reference grid: map 7		

Legend:

- Park and reserve land
- Road network including: motorways, arterial and minor roads
- Streams / rivers
- Schools and universities
- Railway and railway stations
- 'Coast to Coast' walk

Waitematā Greenways - Overall aspirational connections:

- Cycling / walking (alongside road network or within open space)
- Route utilising existing paths (some upgrades required)
- Route to form new paths
- Walking (within open space, alongside road network or coast)
- Route utilising existing paths (some upgrade required)
- Route to form new paths

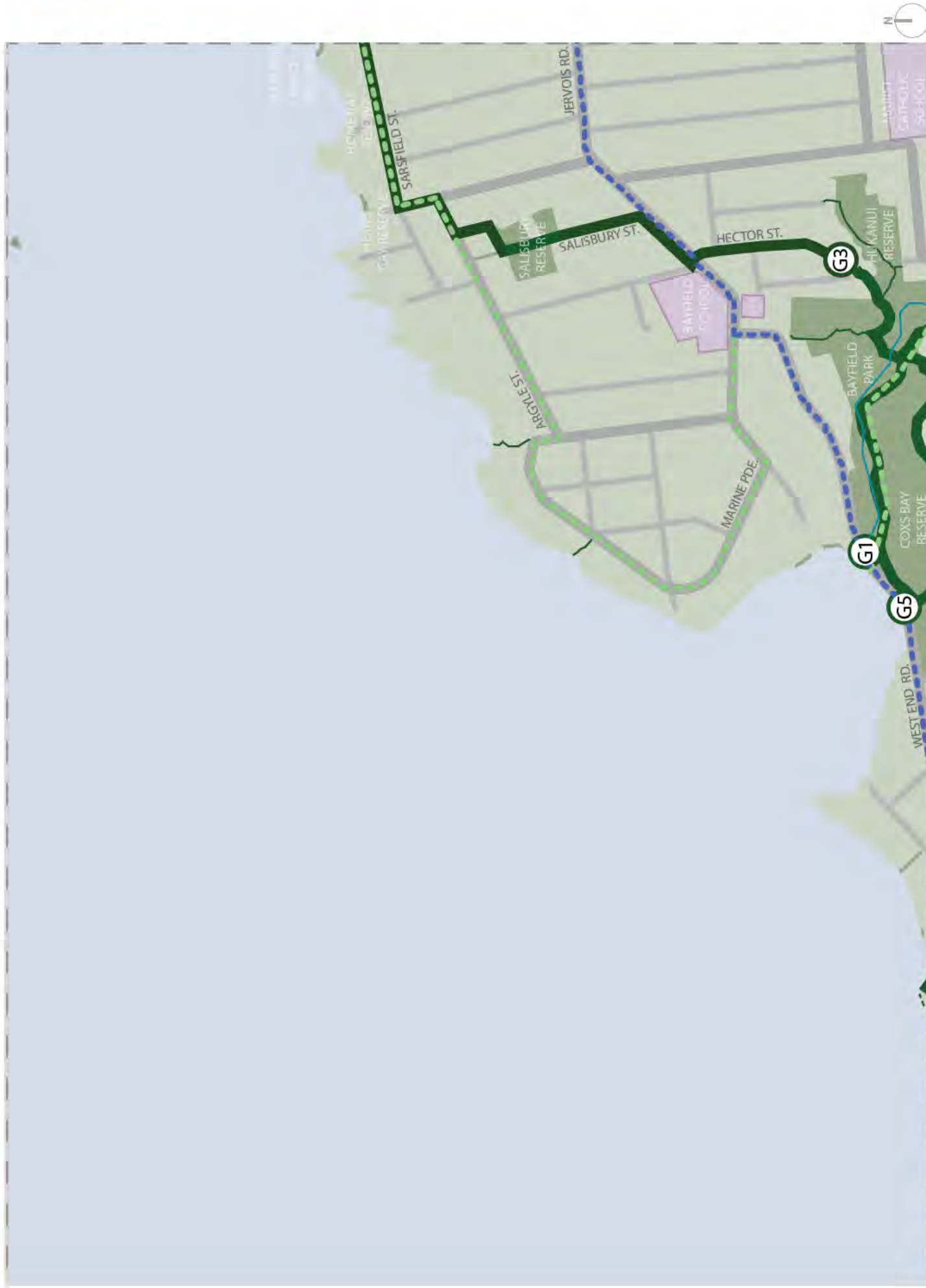
ACN and other recreational/connection projects:

- Draft Auckland Cycle Network (ACN)
- Feeder
- Connectors
- Highways
- Highways 2030
- Other recreational/connection projects (approximate location)
- Connection existing or in progress
- Desired connection

Note: Further investigation is needed to determine the feasibility of cycle access. Walking tracks are shown where cycling is thought to be unachievable.

3.5.2 Map 1 of 7

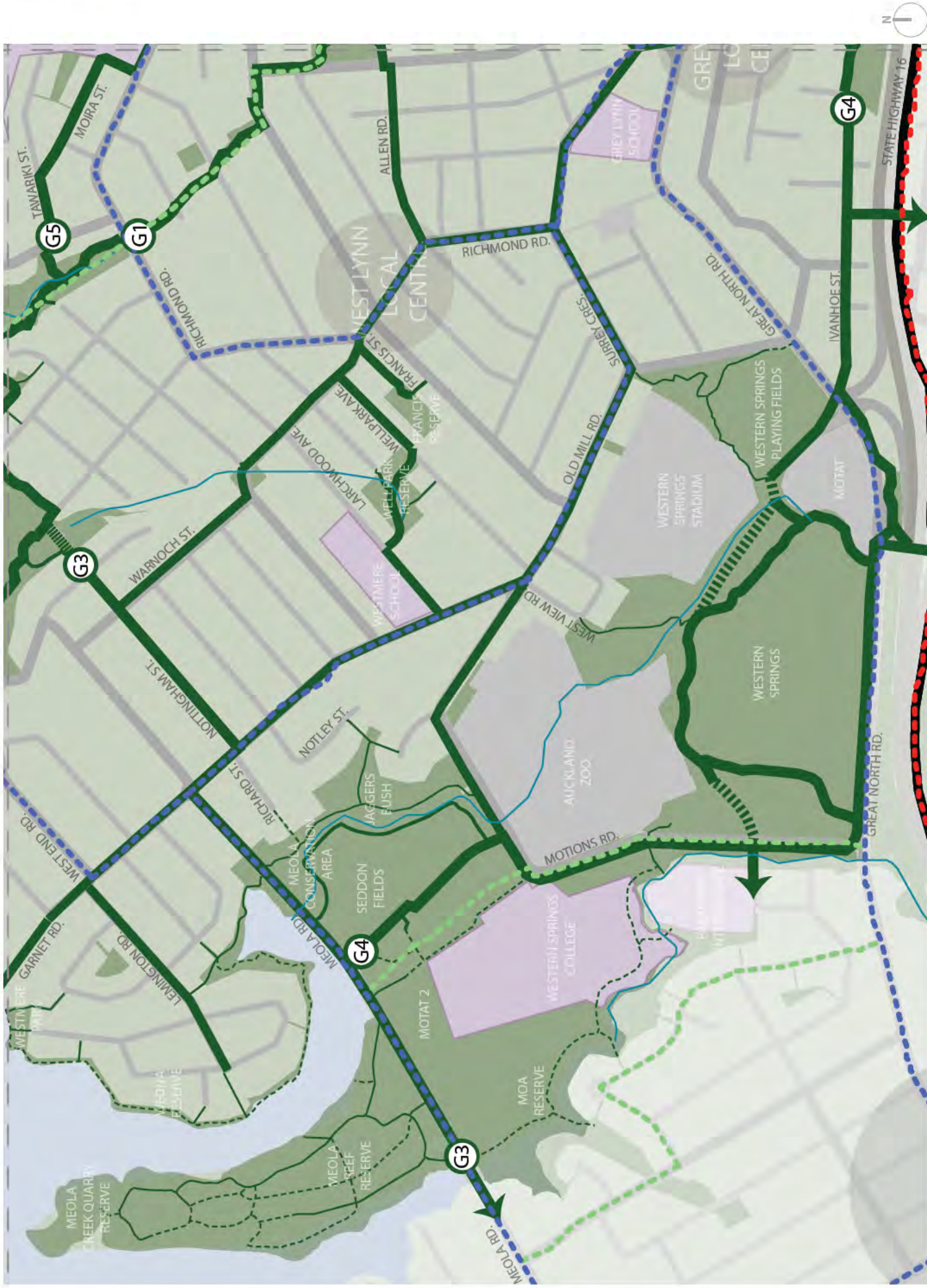
- map 1
- map 2
- map 3
- map 4
- map 5
- map 6
- map 7



scale 1:10,000 @ A3

- Legend:**
- Park and reserve land
 - Road network including: motorways, arterial and minor roads
 - Streams / rivers
 - Schools and universities
 - Railway and railway stations
- Waitemata Greenways - Overall aspirational connections:**
- Cycling / walking (alongside road network or within open space)
 - Route utilising existing paths (some upgrades required)
 - Route to form new paths
 - Walking (within open space, alongside road network or coast)
 - Route utilising existing paths (some upgrade required)
 - Route to form new paths
- ACN and other recreational/connection projects:**
- Draft Auckland Cycle Network (ACN)
 - Feeder
 - Connectors
 - Highways
 - Highways 2030
- Other recreational/connection projects (approximate location)**
- Connection existing or in progress
 - Desired connection

Note: Further investigation is needed to determine the feasibility of cycle access. Walking tracks are shown where cycling is thought to be unachievable.



Legend:

- Park and reserve land
- Road network including: motorways, arterial and minor roads
- Streams / rivers
- Schools and universities
- Railway and railway stations

Waitematā Greenways - Overall aspirational connections:

- Cycling / walking (alongside road network or within open space)
- Route utilising existing paths (some upgrades required)
- Route to form new paths
- Walking (within open space, alongside road network or coast)
- Route utilising existing paths (some upgrade required)
- Route to form new paths

ACN and other recreational/connection projects:

- Draft Auckland Cycle Network (ACN)
- Feeder
- Connectors
- Highways
- Highways 2030

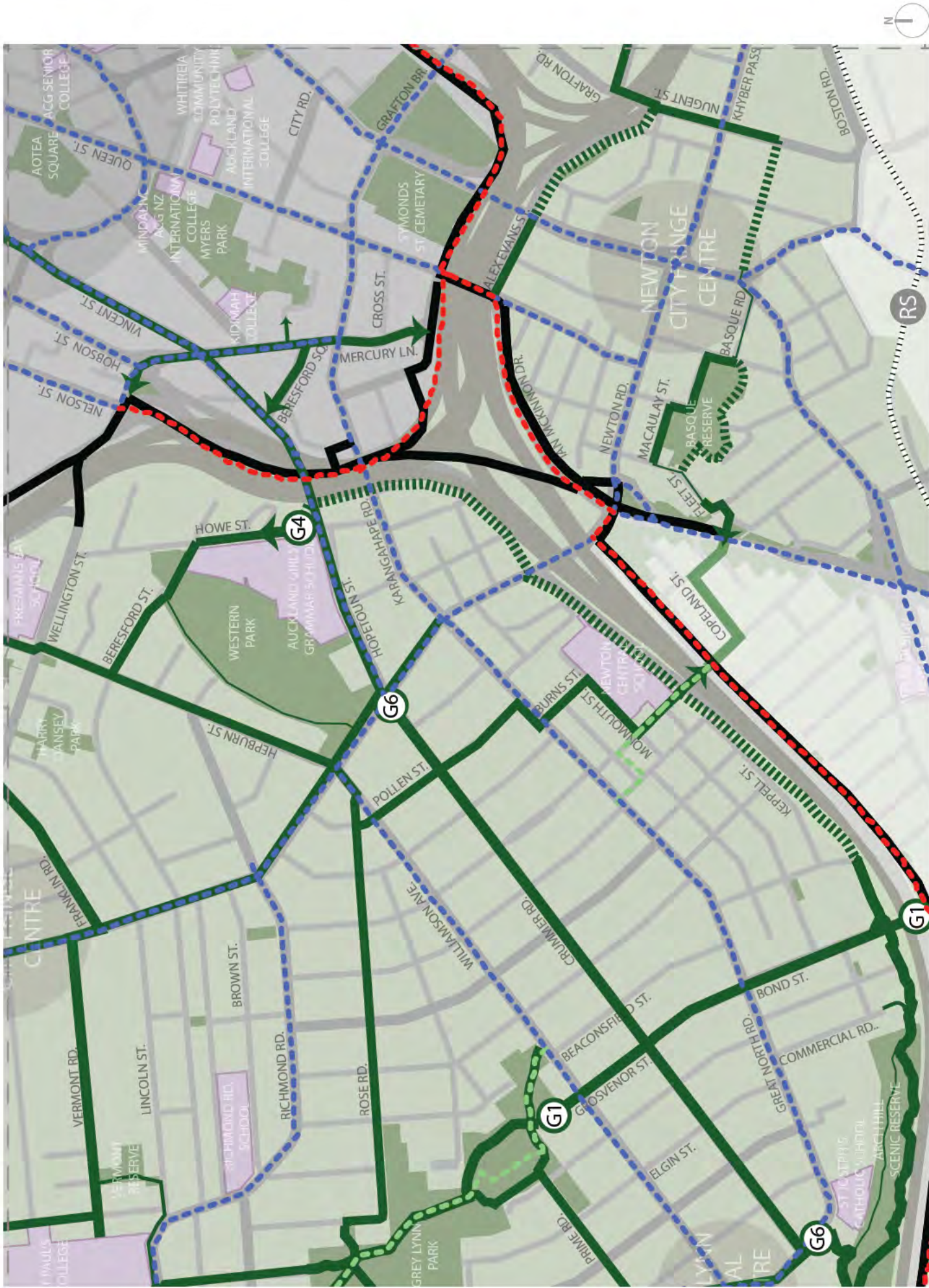
Other recreational/connection projects (approximate location)

- Connection existing or in progress
- Desired connection

scale 1:10,000 @ A3

Note: Further investigation is needed to determine the feasibility of cycle access. Walking tracks are shown where cycling is thought to be unachievable.

3.5.4 Map 3 of 7



map 1	map 2	map 3	map 4	map 5

Legend:

- Park and reserve land
- Road network including: motorways, arterial and minor roads
- Streams / rivers
- Schools and universities
- Railway and railway stations

Waitemata Greenways - Overall aspirational connections:

- Cycling / walking (alongside road network or within open space)
 - Route utilising existing paths (some upgrades required)
 - Route to form new paths
- Walking (within open space, alongside road network or coast)
 - Route utilising existing paths (some upgrade required)
 - Route to form new paths

ACN and other recreational/connection projects:

- Draft Auckland Cycle Network (ACN)
 - Feeder
 - Connectors
 - Highways
 - Highways 2030
- Other recreational/connection projects (approximate location)
 - Connection existing or in progress
 - Desired connection

scale 1:10,000 @ A3

Note: Further investigation is needed to determine the feasibility of cycle access. Walking tracks are shown where cycling is thought to be unachievable.



Legend:

- Park and reserve land
- Road network including: motorways, arterial and minor roads
- Streams / rivers
- Schools and universities
- Railway and railway stations
- 'Coast to Coast' walk

Waiemata Greenways - Overall aspirational connections:

- Cycling / walking (alongside road network or within open space)
- Route utilising existing paths (some upgrades required)
- Route to form new paths
- Walking (within open space, alongside road network or coast)
- Route utilising existing paths (some upgrade required)
- Route to form new paths

ACN and other recreational/connection projects:

- Draft Auckland Cycle Network (ACN)
- Feeders
- Connectors
- Highways
- Highways 2030

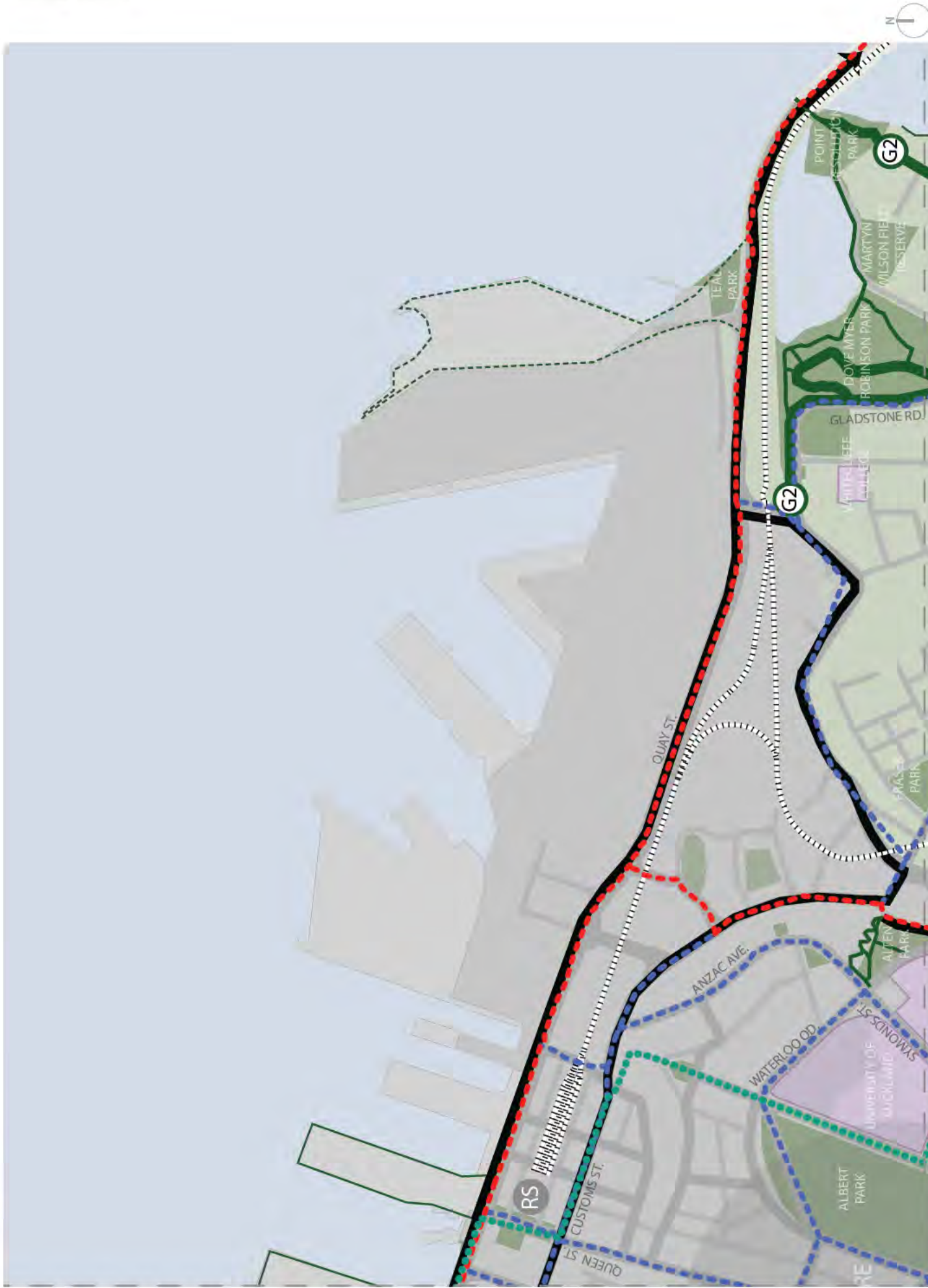
Other recreational/connection projects (approximate location)

- Connection existing or in progress
- Desired connection

Note: Further investigation is needed to determine the feasibility of cycle access. Walking tracks are shown where cycling is thought to be unachievable.

3.5.6 Map 5 of 7

- map 1
- map 2
- map 3
- map 4
- map 5
- map 6
- map 7

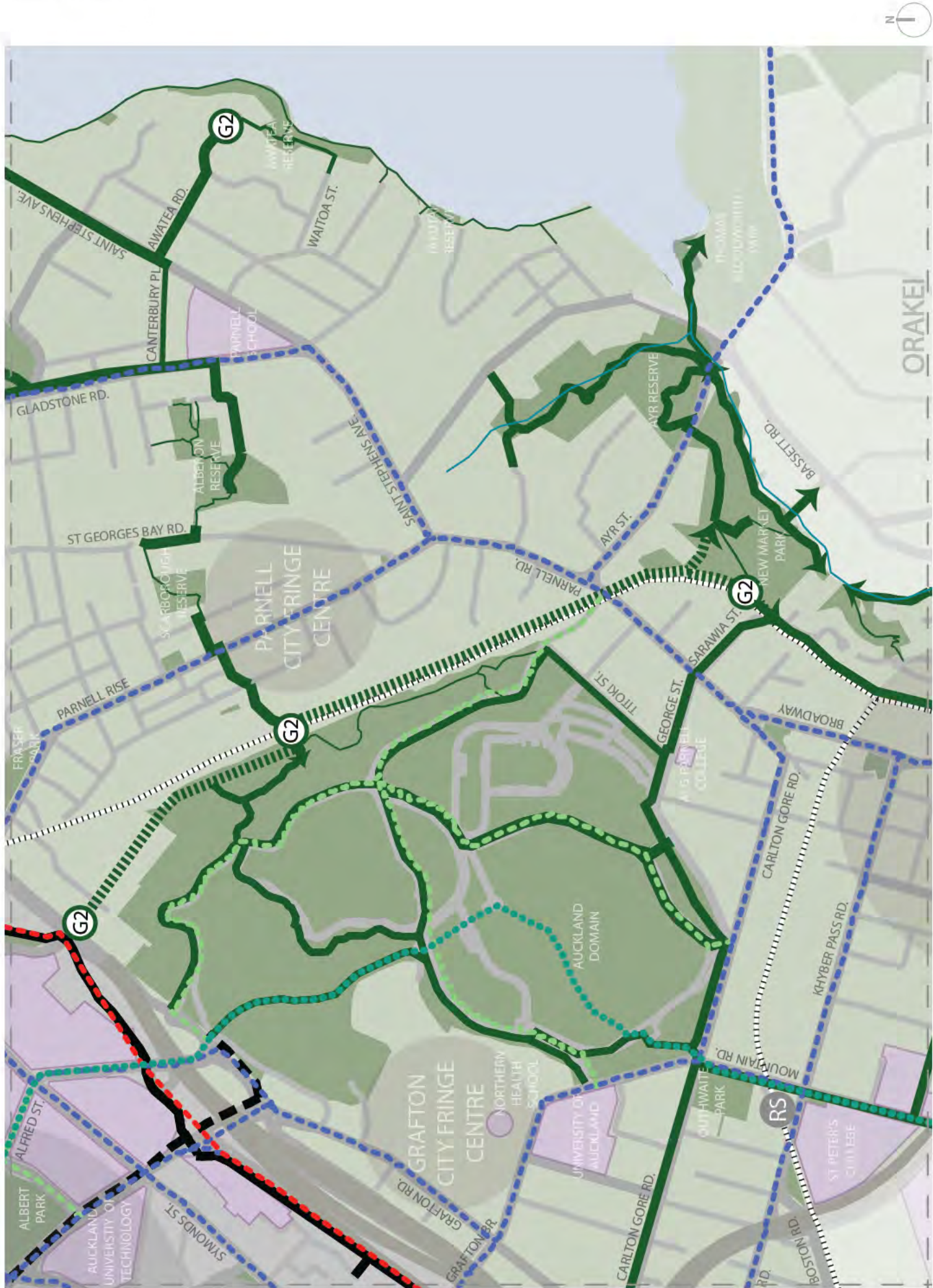


scale 1:10,000 @ A3

- Legend:**
- Park and reserve land
 - Road network including: motorways, arterial and minor roads
 - Streams / rivers
 - Schools and universities
 - Railway and railway stations
 - 'Coast to Coast' walk
- Waitemata Greenways - Overall aspirational connections:**
- Cycling / walking (alongside road network or within open space)
 - Route utilising existing paths (some upgrades required)
 - Route to form new paths
 - Walking (within open space, alongside road network or coast)
 - Route utilising existing paths (some upgrade required)
 - Route to form new paths
- ACN and other recreational/connection projects:**
- Draft Auckland Cycle Network (ACN)
 - Feeders
 - Connectors
 - Highways
 - Highways 2030
- Other recreational/connection projects (approximate location)**
- Connection existing or in progress
 - Desired connection

Note: Further investigation is needed to determine the feasibility of cycle access. Walking tracks are shown where cycling is thought to be unachievable.

3.5.7 Map 6 of 7



- map 1
- map 2
- map 3
- map 4
- map 5
- map 6**
- map 7

Legend:

- Park and reserve land
- Road network including: motorways, arterial and minor roads
- Streams / rivers
- Schools and universities
- Railway and railway stations
- 'Coast to Coast' walk

Waitemata Greenways - Overall aspirational connections:

- Cycling / walking (alongside road network or within open space)
- Route utilising existing paths (some upgrades required)
- Route to form new paths
- Walking (within open space, alongside road network or coast)
- Route utilising existing paths (some upgrade required)
- Route to form new paths

ACN and other recreational/connection projects:

- Draft Auckland Cycle Network (ACN)
- Feeders
- Connectors
- Highways
- Highways 2030

Other recreational/connection projects (approximate location)

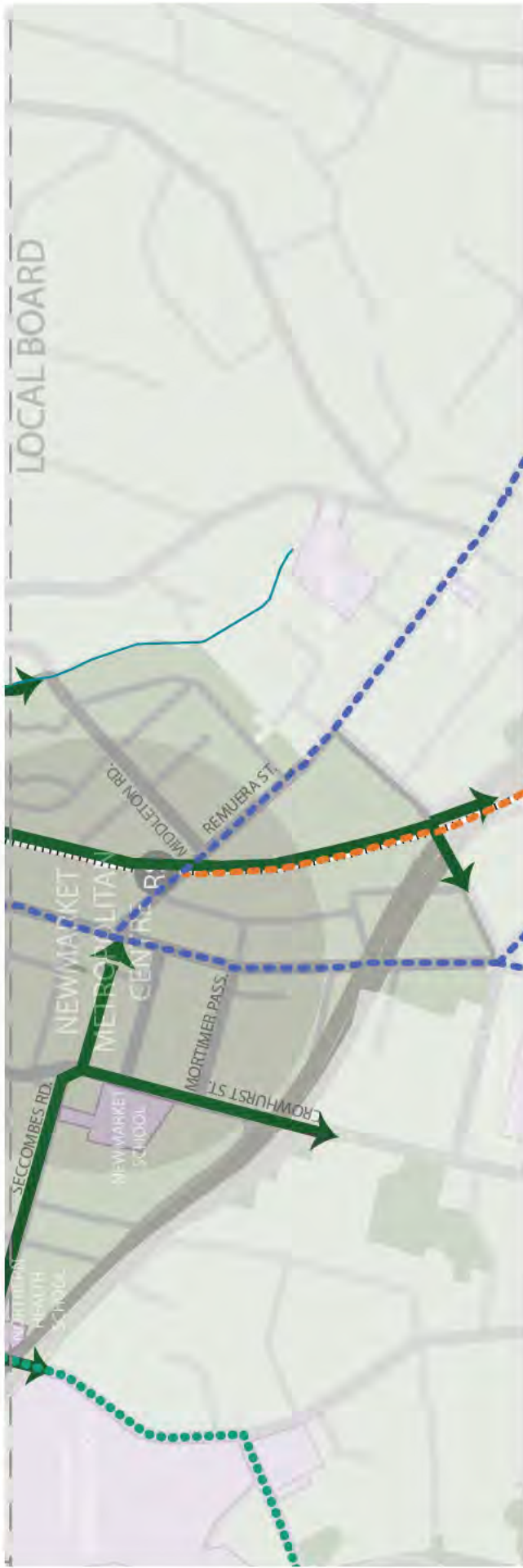
- Connection existing or in progress
- Desired connection

scale 1:10,000 @ A3

30 Waitemata Greenways

Note: Further investigation is needed to determine the feasibility of cycle access. Walking tracks are shown where cycling is thought to be unachievable.

3.5.8 Map 7 of 7



scale 1:10,000 @ A3

Legend:

- Park and reserve land
- Road network including: motorways, arterial and minor roads
- Streams / rivers
- Schools and universities
- Railway and railway stations
- 'Coast to Coast' walk

Waitemata Greenways - Overall aspirational connections:

- Cycling / walking (alongside road network or within open space)
- Route utilising existing paths (some upgrades required)
- Route to form new paths
- Walking (within open space, alongside road network or coast)
- Route utilising existing paths (some upgrade required)
- Route to form new paths

ACN and other recreational/connection projects:

- Draft Auckland Cycle Network (ACN)
- Feeder
- Connectors
- Highways
- Highways 2030
- Other recreational/connection projects (approximate location)
- Connection existing or in progress
- Desired connection

Note: Further investigation is needed to determine the feasibility of cycle access. Walking tracks are shown where cycling is thought to be unachievable.

4.0 Future Development

Waitematā Greenways

4.1 Future development

The Waitematā Greenways Plan will be implemented overtime to achieve (in part) the outcomes envisaged in the Local Board Plan. Implementation of this plan will include the upgrade of existing walking and cycling connections (both on and off-road), as well as the creation of new connections within open space land, through designation areas, and/or via property easements.

Successful implementation of the plan requires co-ordination and commitment from the Waitematā Local Board, Auckland Council, Auckland Transport, as well as key related public/utility organisations such as the NZTA, KiwiRail, Watercare, Transpower and Vector.

Integration with the City Transformation Project will also be required as that project develops, and this may modify and update the Greenways Plan overtime.

The following section gives an overview over the future development and implementation of the Waitematā Greenways Plan over the next 10 years, including best practice for implementation, stakeholder involvement and funding availability, related case studies and the 10-year prioritisation strategy.

4.2 Best practice for implementation

Successful implementation of the Network Plan relies on a co-ordinated approach between Auckland Council's Parks Sports and Recreation, Stormwater and Community and Cultural Policy departments, as well as Auckland Transport. Future detailed planning shall take into consideration best practice guidelines, which include:

- Walking and Cycling Code of Practice (Auckland Transport, Draft)
- Stormwater Code of Practice (Stormwater Team, Draft)
- Parkland Design Guidelines (Community and Cultural Policy/PSR, Draft)

Related 'best practice' documents such as NZTA's 'Bridging the Gap – Urban Design Guidelines (Draft)', DoC's 'Caring for Archaeological Sites' report, and the Ministry of Justice's 'National Guidelines for Crime Prevention through Environmental Design (CPTED) in New Zealand' shall also be taken into account as designs develop, in addition to all relevant Unitary Plan controls and area-specific policies.

4.3 Stakeholder involvement and funding

Ongoing community engagement, stakeholder collaboration and partnerships are key to the successful implementation of the Waitematā Greenways.

Likely stakeholders, other than those previously mentioned include:

- Neighbouring Local Board areas (Orakei and Albert-Eden)
- Iwi - Ngati Whatua, Ngati Paoa, Ngati Tamatera, Ngai Tai ki Tamaki, Te Kawerau a Maki, Ngati Tamaoho, Te Akitai/Waiohua, Ngati te Ata, Ngati Whanaunga, Ngati Maru.
- Auckland Tourism, Events and Economic Development (ATEED)
- Cycle Action Auckland
- YES Disability
- Operators of community facilities, including schools
- Ministry of Education
- Department of Conservation
- Housing New Zealand
- Local residents and business associations
- Forest and Bird

Grass-roots community involvement is very important to ensure the ongoing success of the Greenways plan. Local knowledge-sharing and volunteering are needed to provide community ownership, care and responsibility. Community involvement could take the form of planting/weed clearance days, 'adopt a stream/street' groups, fundraising, lobbying and artistic input.

Funding has been allocated for roading improvements in the Board area in Auckland Council's Long Term Plan (LTP) for the next 10 years, and some of this will be used to implement the Greenways. Other funding avenues include Auckland Transport and the NZTA's regional cycleways fund. In addition the Local Board has planned open space projects to assist with implementation of the priority sections of this Plan.

The maps contained in Appendix - Section C, break down the prioritised projects in more detail, to setup for future planning and programming.



25



26



27

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Waitematā Greenways

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Image 28: Aerial photo looking over Judges bay towards Point Resolution Pedestrian Bridge.

Appendices

Waitemata Greenways

A. Analysis Maps

A1 Connecting Waitemata to Auckland

A1.1 Local Board Area



Legend:

- - - Waitemata Local Board Boundary
- Streams / rivers
- Railway and railway stations

scale 1:30,000 @ A3

This aerial photograph shows the broad landscape patterns of the Waitemata Local Board Area within its surrounding context. The area is bounded by the port and Waitemata Harbour in the north, and nested within a mixed built environment of residential and industrial uses in the south. There are a number of significant open space areas visible on this aerial including the Auckland Domain, Cox's Bay Reserve, Grey Lynn Park, Meola Reef and Western Springs. Auckland's commercial CBD is located in the centre north of the Waitemata Local Board area, cradled and isolated by motorway connections. To summarise, the Waitemata landscape can be categorised by four distinct patterns showing the landuse:

- Industry; including the central business district and the port
- Residential neighbourhoods
- Parks, reserves and public open spaces
- Transport corridors; including motorways and railways

Waitemata connects to two other local board areas by land:

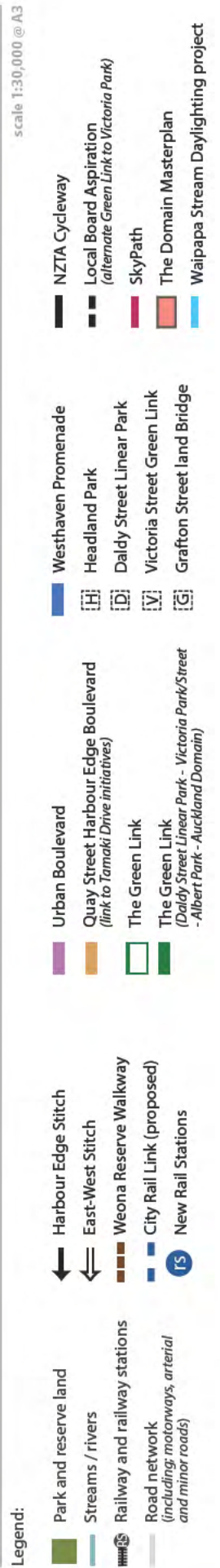
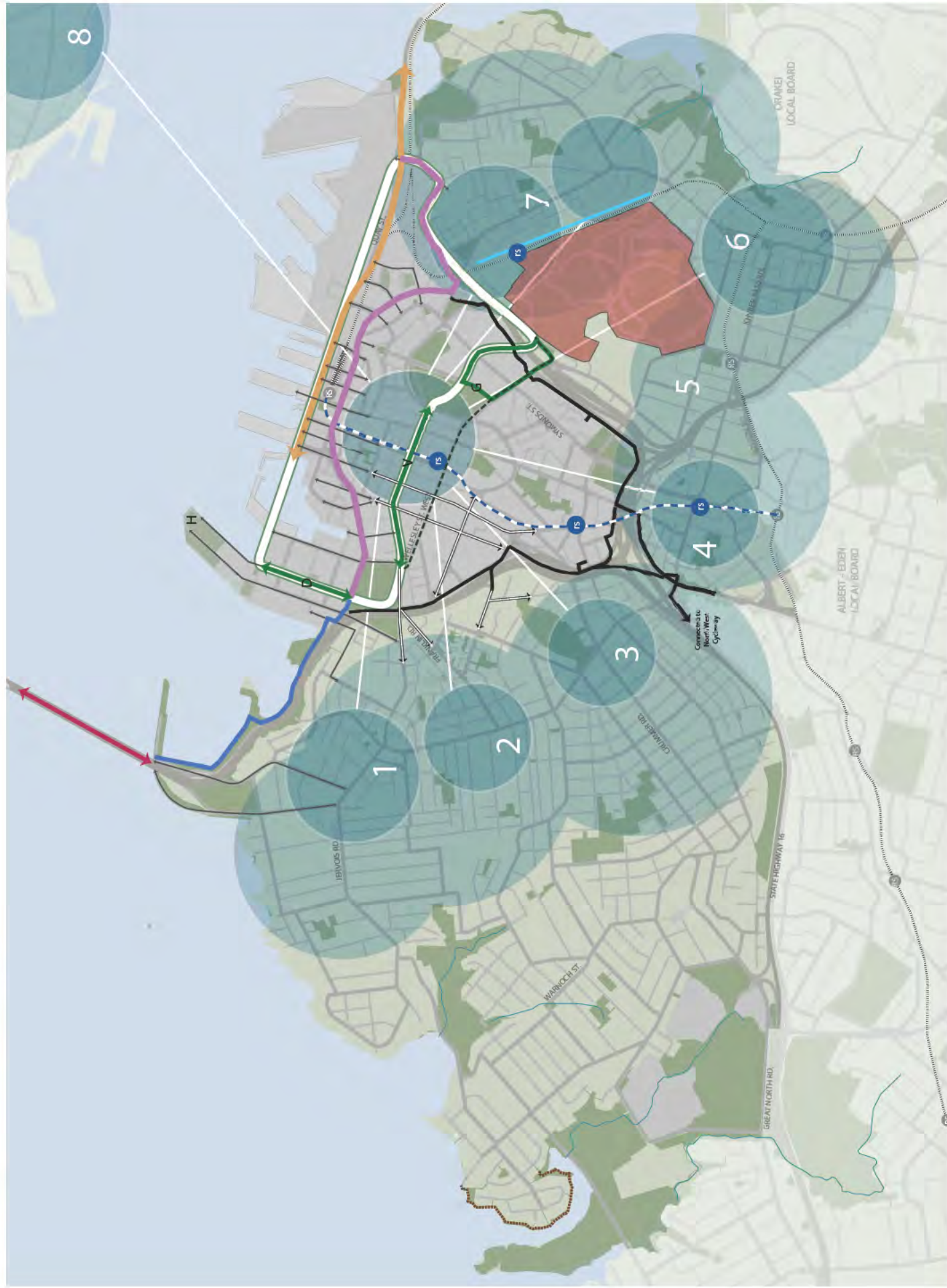
- Albert - Eden Local Board (to the south)
- Orakei Local Board (in the east)

Neighbouring local boards across the Waitemata Harbour are:

- Kaipatiki Local Board (to the north)
- Devonport - Takapuna Local Board (in the north/east)

Kaipatiki and Albert - Eden local boards have started planning their greenways networks and Orakei, Devonport - Takapuna and Upper Harbour local boards have expressed an interest in developing a greenways plan, and may allocate funding in the financial year 2013/2014.

A1.2 Vision for Auckland and future projects



This map was created using the companion documents; City Centre MasterPlan 2012 (CCMP) and the Waterfront Plan 2012 which supported by the overarching Auckland Plan. These plans reveal a 20 year vision that sets the direction for the future of the Auckland's city centre - a vision that is shared by a range of public and private sectors. The documents were prepared by Auckland Council and Waterfront Auckland, and endorsed by the Mayor of Auckland, Len Brown.

The CCMP highlights the importance to connect the following 'Key Fringe Villages and Supporting Centres' to the City Centre (refer attached map):

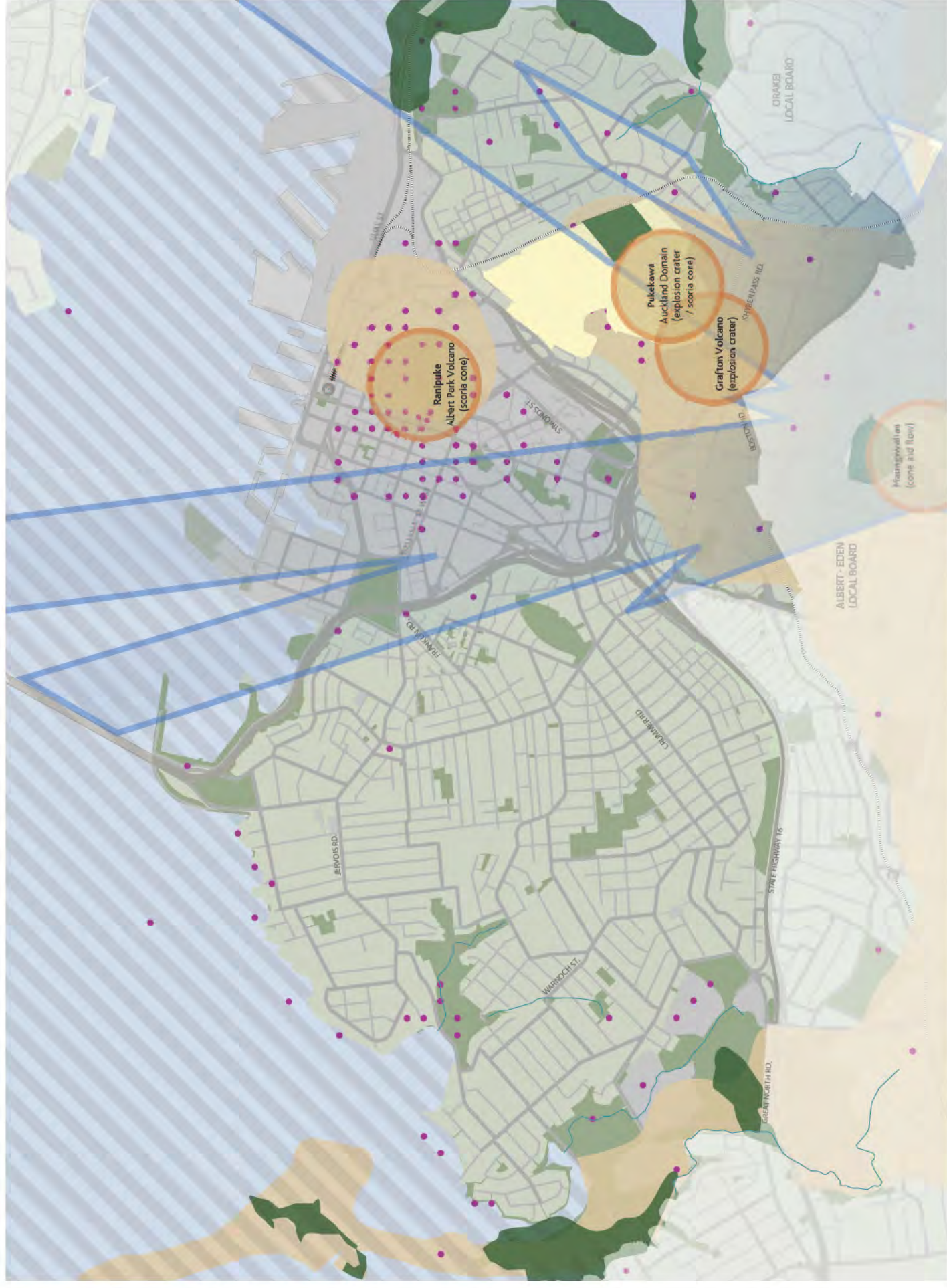
- 1 Three Lamps
- 2 Ponsonby
- 3 Arch Hill
- 4 Newton
- 5 Grafton
- 6 Newmarket
- 7 Parnell
- 8 Devonport

Infrastructure projects of this scale are hinged on transport and rely on Auckland Transport (AT) and New Zealand Transport Authority (NZTA) for input or delivery. The planned City Rail Link will be a major move to be delivered by AT. The Grafton Gully Cycleway (delivered by NZTA), is an extension of the Northwestern Cycleway - and as shown in the adjacent map, there is feasibility to extend the cycleway through to the Waterfront. A connection to Kaipatiki and Takapuna could be achieved via implementation of the SkyPath, a project being driven by the Auckland Harbour Bridge Pathway Trust.

Besides the Greenways there are other initiatives driven by the Auckland Plan for 'greening' the streets and improving the experience for the pedestrian and cyclist. The Green Links and Linear Park (featured in the CCMP) aim to unite the central parks and open spaces through a network of tree-lined links. Greenways in the central CBD area were not reassessed in this document, as it is understood that these inner city projects will be delivered independently.

A2 Connecting open space, ecological corridors and coastal edges

A2.1 Natural environment



scale 1:30,000 @ A3

The Waitemata Harbour forms part of the Hauraki Gulf and is classified as a Marine Park. The Waitemata land area is classified in the Auckland Plan 2012 as a Volcanic landscape, with a number of outstanding natural landscapes and significant volcanic features. The location for Auckland's volcanic landscape features were taken into consideration when planning the routes for Greenways. The volcanic features give rise to a number of viewshafts across the Waitemata Harbour, adding value to the pedestrian and cyclist experience.

There are a number of archaeological sites, shown in the adjacent map, identified in the Auckland Council District Plan (Isthmus Section). The Auckland Domain has been identified as an 'Archaeological and Geological Feature'. Other significant volcanic features include Albert Park (Ranipuke), Auckland Domain (Pukekawa), Grafton Volcano / Outhwaite Park Scoria Cone and Mt. Eden (Maungawhau). The lava flow known as Meola Reef / Western Springs (Waioera) was collectively formed from Three Kings and Mt. St John (Te Kopuke) eruptions, and is the largest lava flow in Auckland's volcanic field. The tidal aspect of Meola Reef has given rise to valuable mangrove habitat, and as it hosts a range of wading birds - it is classified as Significant Coastal Ecological Area - see Map A2.2 overleaf.

This map was created using the Auckland Council GIS Database, 'Volcanoes of Auckland - The Essential Guide', the District Plan and the Auckland Plan 2012. Reference has been made to the following maps within the Auckland Plan:

- Map 7.2 Significant recreational and public open space areas
- Map 7.3 Significant landscapes and natural features
- Map 7.1.1 Additional environmental considerations
- Map 7.5 Auckland's marine and coastal environment

Legend:

Park and reserve land	Volcanic footprints (Including lava flows)	Hauraki Gulf Marine Park / Medium Nearshore Coastal Significance
Streams / rivers	Volcanic feature (Scoria Cone, tuff ring or crater)	Archaeological and Geological Features
Railway and railway stations	Outstanding Natural Landscapes / Features (Natural features, high natural character and significant coastal landscapes)	Archaeological sites
Road network (including motorways, arterial and minor roads)	View Protection Controls (Volcanic Cores Affected Areas - shown as 'Significant View' in the Auckland Plan)	

A2.2 Significant ecological areas



Auckland Plan:
scale 1:30,000 @ A3

- Legend:
- Park and reserve land
 - Significant Terrestrial Ecological Areas (existing and potential areas)
 - Streams / rivers
 - Significant Coastal Ecological Areas
 - Significant Bird Wading Areas
 - Significant Freshwater Ecological Areas
 - Railway and railway stations
 - Road network (including motorways, arterial and minor roads)

There are a number of 'Significant Terrestrial Ecological Areas' in Waitemata, as identified in the Auckland Plan 2012, for example, Meola Reef and Judges Bay which offer important habitat for wading birds. In the wider context there is an ecological corridor that connects Waitemata to the Waitakere Ranges. Western Springs (to the south-west) includes a wetland, which is a key rest point/habitat along this Waitemata to Waitakere corridor. Just south of this, the SH16 motorway corridor has potential to provide a continuous vegetative passage for wildlife, making it ideal for the ecological aspect of a Greenway connection. The Greenways project can support and link these ecological 'nodes', strengthening resilience of the network as a whole.

The Auckland Regional Policy Statement (ARPS) lists the following birds as commonly sighted in the Waitemata Harbour coastal environment; pied shag, little black shag, little shag, pied stilt, black-backed gull and red-billed gull. Pukeko, mallard duck and kingfisher are commonly found in the area's tidal creeks and mangroves.

This map was created using the Auckland Council GIS Database, the District Plan and the Auckland Plan 2012. Reference has been made to the following Maps within the Auckland Plan:

- Map 7.1 Auckland's environment
- Map 7.2 Significant recreational and public open space areas
- Map 7.4 Significant Ecological Areas



A2.3 Vegetation class



This map was produced using information from the Land Cover Database (LCDB3, 2001/2), the Natural Heritage Fund mapping (NHF) and the Tree Location layer from the Auckland Council Asset Management Information System (AMIS, 2008).

Existing vegetation classes within the Waitemata area include the following:

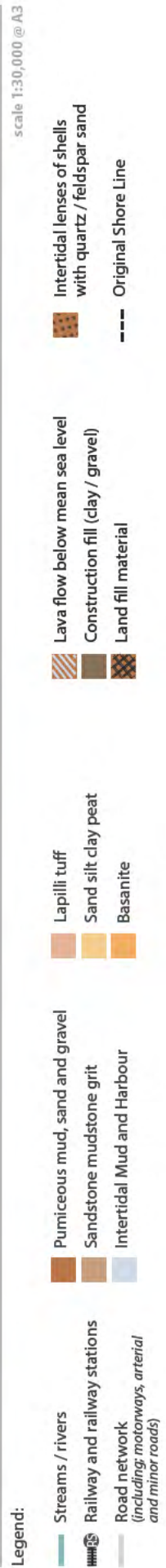
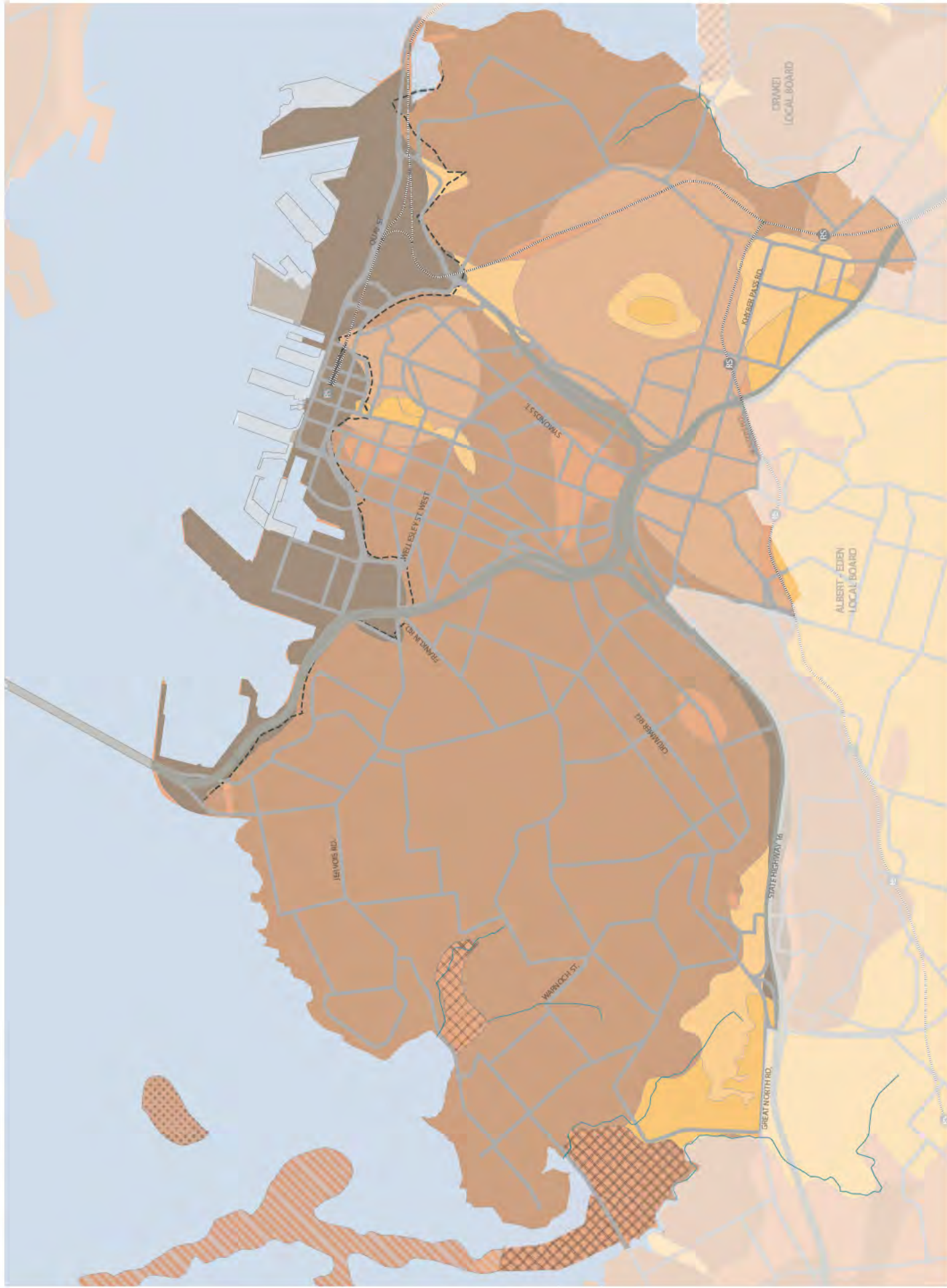
- Exotic forest
- Indigenous forest (native)
- Mangrove
- Broadleaf indigenous hardwoods
- Deciduous hardwoods
- Podocarp broadleaf kauri
- Volcanic
- Coastal

In general terms, tree cover predominantly flanks the road corridor, and intensifies within the parks and reserves. The AMIS database provides information about specific locations of street trees and their origin (native vs exotic). The majority of street tree planting in the study area is exotic, while some more recent native street tree planting also exists. The Auckland Domain and Western Springs / Meola Reef area offer the largest areas of existing tree cover.

There has been significant planting within the Waitemata area in recent years, which is not yet on the database, such as along the SH16 motorway corridor. Closer inspection is required at ground level to determine the vegetation class of these recently planted areas.

For amenity pedestrian/cyclist safety and ecological purposes, the proposed Greenways running through areas with little vegetation cover will benefit from a significant investment in planting.

A2.4 Geomorphology



The underlying geomorphology of the Waitemata area is heavily influenced by the volcanic history of Auckland. For the most part, alternating sandstone, mudstone and interbedded grit overlay a majority of Waitemata's volcanic foundations, with the exception of the Auckland Domain and Albert Park, where there areas of lapilli tuff surround a basanite and mix of sand, silt, clay and peat.

Predominant volcanic landscape features within Waitemata area include:

- Albert Park (Ranipuke)
- Auckland Domain (Pukekawa)
- Grafton Volcano / Outwaite Park Scoria Cone
- Meola Reef (Te Tokarua)

Volcanic features outside of the area which have contributed significantly to the geomorphological make up of the Waitemata area include the following:

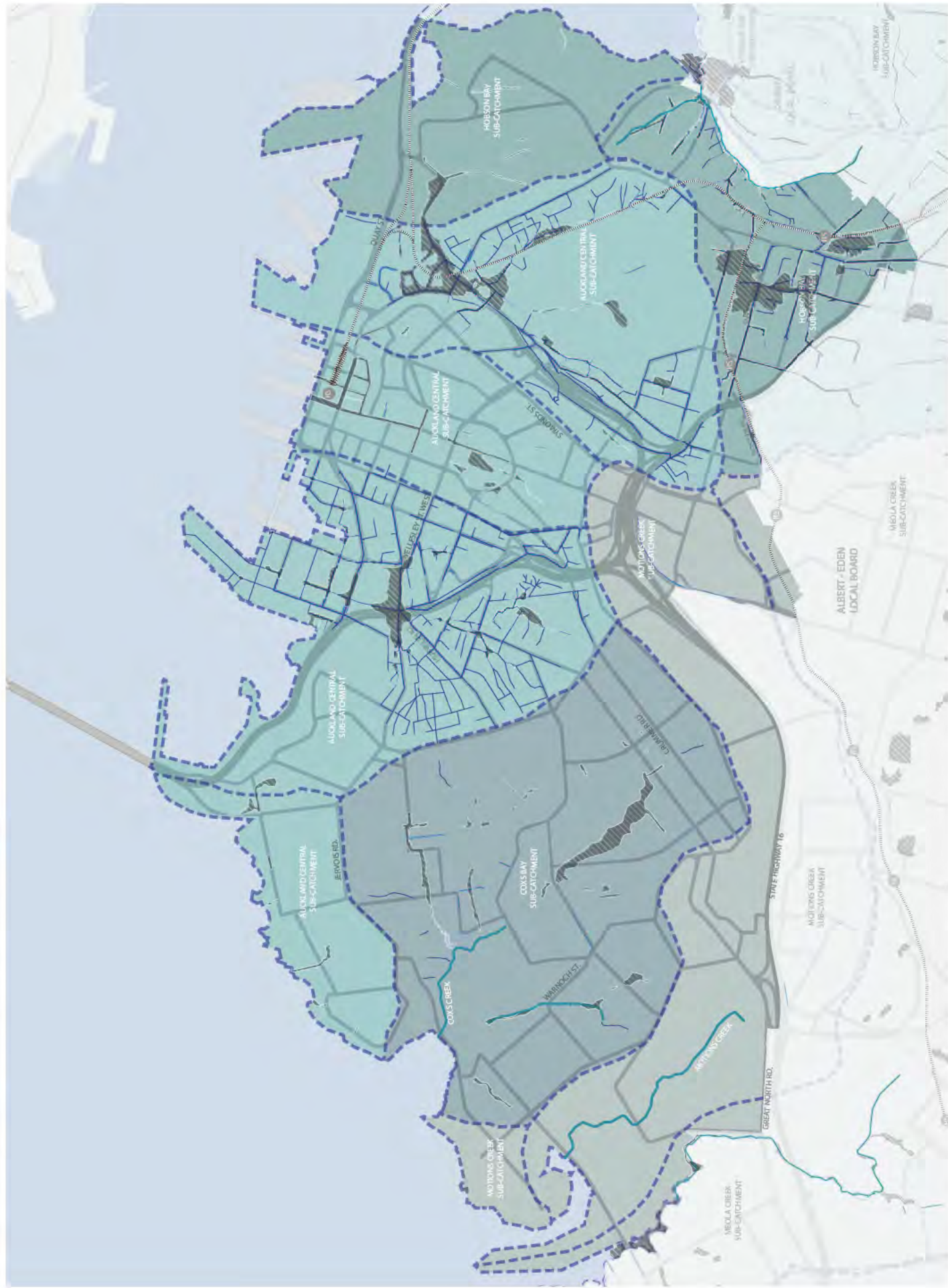
- Mt. Eden (Maungawhau)
- Big King
- Mt. St John (Te Kopuke)

There are a number of clay capped landfill sites in the Waitemata, including: Meola Reef, Seddon Fields and Cox's Bay. These areas now form valuable open space and park land, but there are restrictions placed on their development.

Areas of reclamation also exist, with the CBD waterfront area being the most the most extensive. Construction fill (mixed clay and gravels) make up this land area, which has been for the most part occupied by the marine and port industry. Reclamation came about in the 19th to early 20th centuries with the development of rail connections, and construction of motorways and the Harbour Bridge. The original shore line can be seen on the adjacent map. There have been recent efforts to remediate the contamination as public usage of this area increases.

This map has been created with reference to 'Volcanoes of Auckland - the Essential Guide', the Auckland Council GIS Database and 'Auckland City Heritage Walks - Auckland's Original Shoreline' pamphlet.

A2.5 Natural drainage catchments and surface hydrology



Legend: Streams / rivers; Railway and railway stations; Road network (including motorways and arterial roads); Catchment Boundaries; Auckland Central Sub Catchment; Cox's Bay Sub Catchment; Motions Creek Sub Catchment; Hobson Bay Sub Catchment; 100 year floodplain (from ARC); Surface Water Channel Route (from AMIS); Overland flowpath (from District Plan); scale 1:30,000 @ A3

This map shows stormwater sub-catchments, the 100 year flood plain and overland flow paths. Many of the streams and tributaries of Waitemata sub-catchments have been significantly modified - either straightened, lined or piped. The Waitemata Local Board are working towards rehabilitating streams through "daylighting". The Waipapa Stream in Parnell and Edgars Stream in Grey Lynn are two streams mentioned in the 2011 Local Board Plan. Watercare are a key council controlled organisation responsible for drinking water and wastewater services.

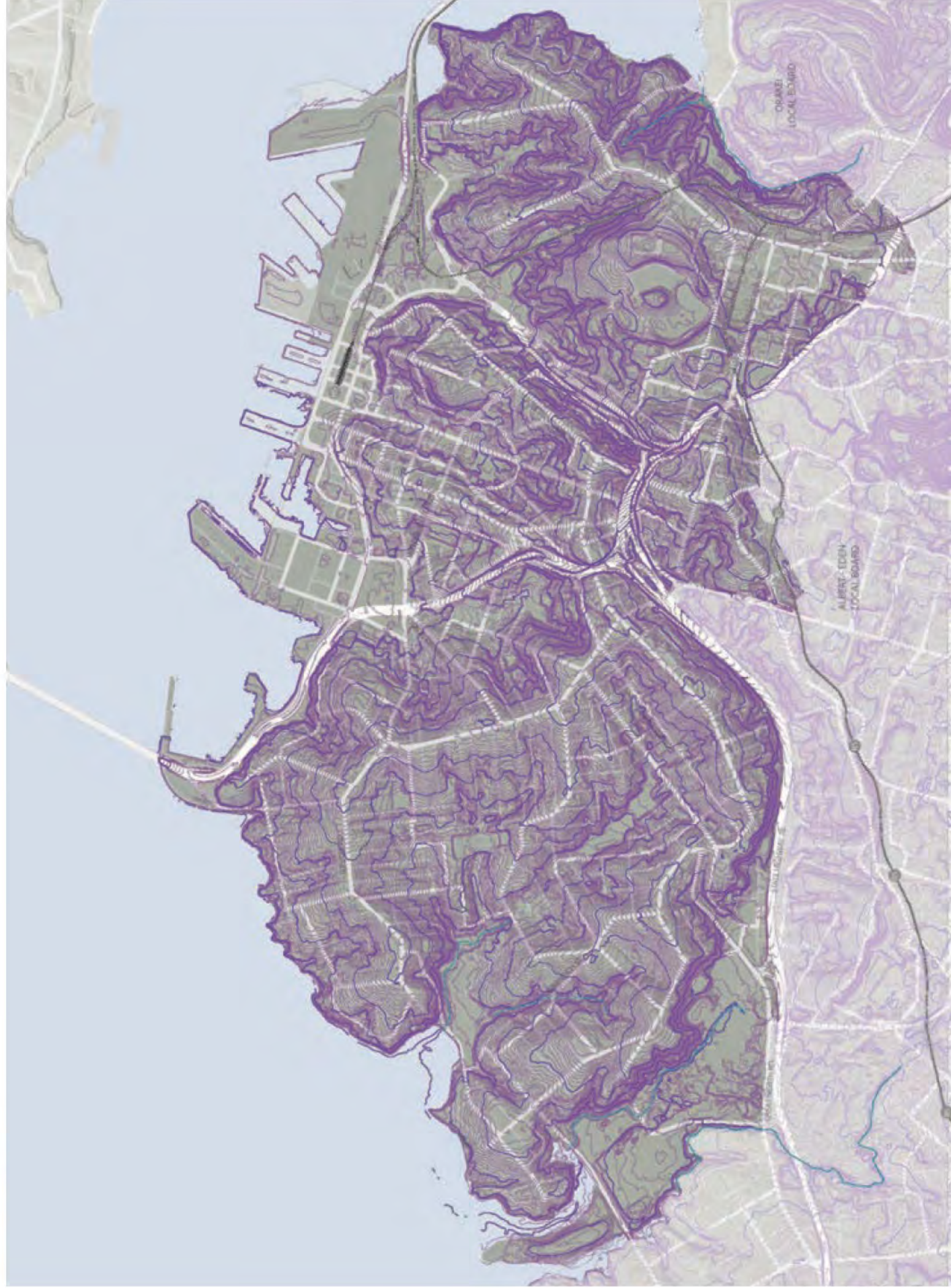
Key Aspirations of the 2011 Local Board Plan in relation to water quality are:

- ensuring clean water, free from pollutants such as road run-off, sewage, litter and pathogens including botulism.
- encouraging Watercare to complete stormwater and wastewater catchment studies to help identify the best ways to improve the water quality in our streams and beaches
- encourage swales (natural filtration systems), earth sinks, green roofs, green walls, grey water tanks and tree planting around streams to improve water quality in the Waitemata area.

These goals can be achieved through the implementation of Low Impact Design (LID) stormwater management, to detain peak flows and reduce contaminant runoff into local water bodies.

Stormwater Catchment Management Plans (SWCMPs) have also identified opportunities for stream restoration and enhanced public access. SWCMPs should be referred to when delivering each individual portion of the Greenways plan, and where possible, projects should be integrated. Other opportunities for integration with the stormwater team exist where LID measures can be used to reduce known flooding hazards.

A2.6 Topography



The adjacent map shows the topography of the Waitemata Board area. Contours run from sea level along the coast to the highest points around the Grafton area, and bordering the Albert Eden Board area, where contours climb towards Mt Eden.

From a Greenways perspective, the undulating topography of Waitemata presents challenges, as some gradients may not be suitable for all ages and physical abilities. There are a number of valleys and ridges, which present a substantial physical challenge to beginner cyclists, wheelchair users and some walkers. Wherever possible, the routes have been selected to minimise vertical climb, and are oriented along cross slopes or within valleys.

Major arterial routes such as Karangahape Road, Ponsonby Road and parts of Great North Road present a challenge in greenway route planning as they offer ideal connections with flatter gradients, and therefore provide a physically 'easier' route, however they conflict with the Greenways criteria of selecting calmer streets for safety and amenity reasons.

In terms of the proposed greenway routes, further investigation is required in places at a detailed stage to determine the feasibility of providing cycle access. There will be walking-only tracks where cycling is deemed to be unachievable.

Legend: Streams / rivers Contours at 1m intervals Railway and railway stations Contours at 10m intervals scale 1:30,000 @ A3

A3 Connecting commuters, transport nodes, town centres and schools

A3.1 Road hierarchy



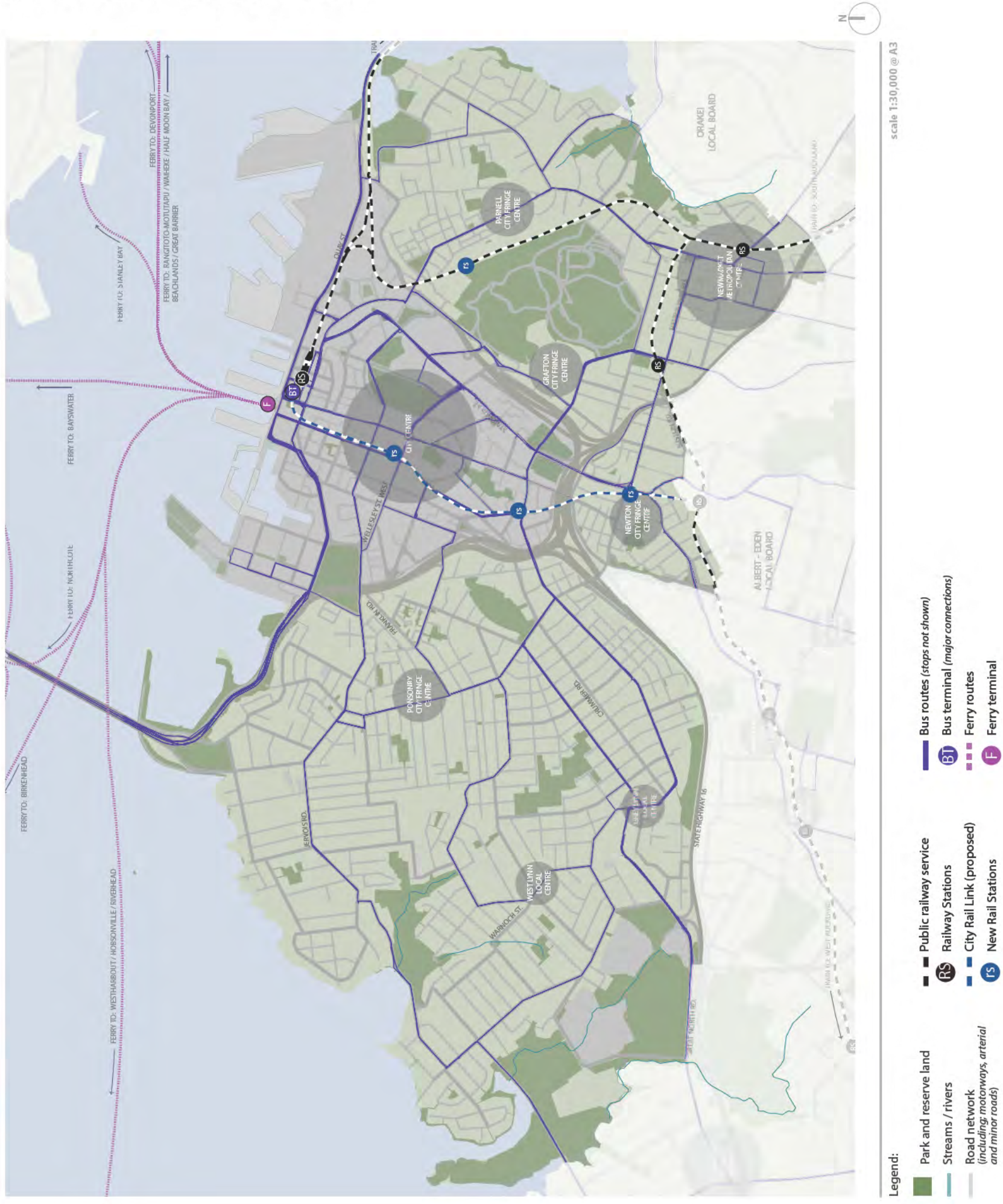
Existing road hierarchy has been considered when determining the Greenways routes, in order to create safe, desirable and high-amenity environments, encouraging use by as many Aucklanders as possible.

Major and arterial roads are typically busy roads that provide for a range of transport types, including cars, buses and trucks. Careful consideration needs to be taken where the green links network intersects or runs along these roads, to ensure desirable/safe routes are formed, and Greenways generally avoid these routes.

Minor or local roads are slower speed environments with lower traffic flows and typically provide more desirable Greenway connections. While these tend to be prioritised when planning Greenway routes, careful consideration at the design stage will still be required in order to ensure adequate passive surveillance and motorist awareness of pedestrians, cyclists and recreational users.

The road hierarchy also affects potential for street 'greening' initiatives to support the green links network. Methods for providing safe crossing points will also be affected by the road hierarchy - for instance, un-signalised crossings are unlikely to be permitted on arterial roads.

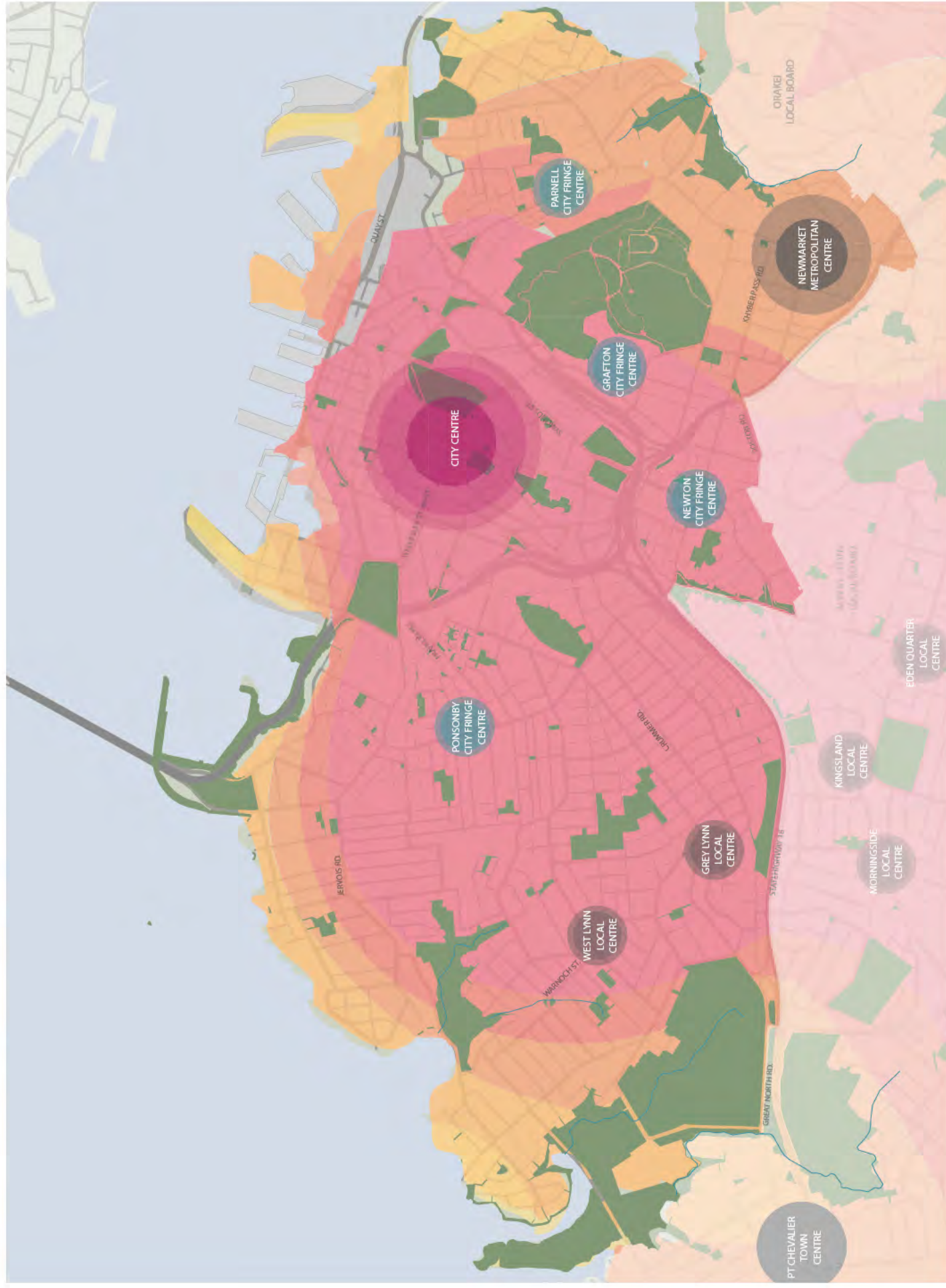
A3.2 Public transport



Existing public transport routes are illustrated on the adjacent map, showing that the city centre is relatively well served by ferry, bus and train services. The port and lower CBD area in particular is well serviced by ferry, bus and train operations with Britomart acting as the CBD's central transport hub. Currently, commuters in the upper CBD areas, such as Ponsonby, are linked by bus to Britomart Station and the ferry terminal, however these areas will benefit greatly from the proposed City Rail Link.

In planning the greenways routes, train stations in particular were taken into account as these are less regularly distributed than bus stops, and have potential to bring visitors into the area on 'day trips', to walk the greenways network - particularly the more scenic coastal routes. Bus routes were also taken into consideration, as these offer less potential for creating 'slow speed' Greenways street environments, and offer more risk to cyclists. On-road Greenways were therefore avoided wherever possible, although links to bus stops have been considered.

A3.3 Built environment - population density and growth centres



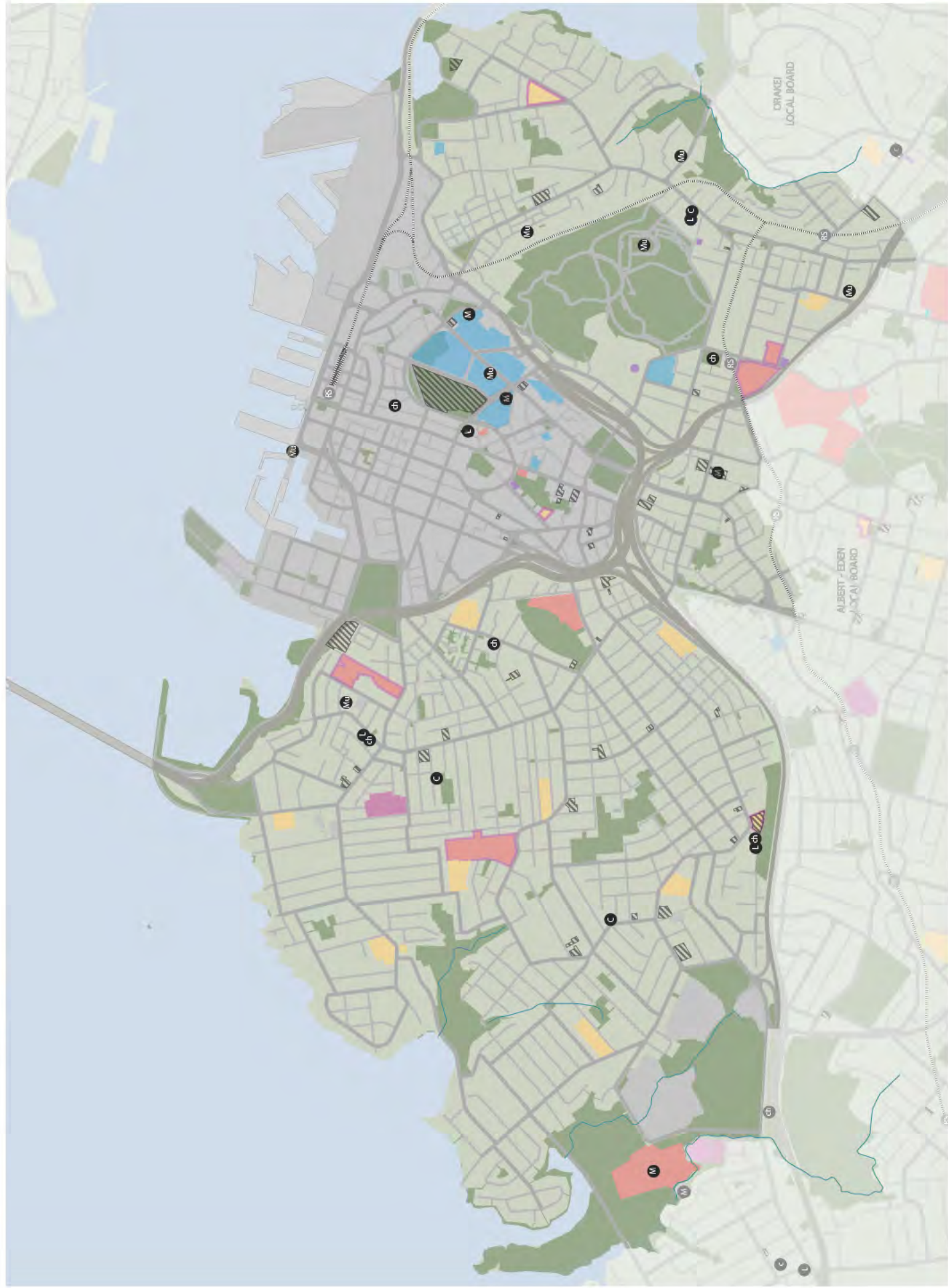
This map, sourced from the Auckland Plan 2012, shows the classification of town centres in the area, along with population densities based on the 2006 Census meshblock data.

Population density is important in Greenways planning as it shows where potential users will be coming from, and it is logical to focus efforts in these areas (in addition to providing strategic regional connections, which are not as influenced by proximity to housing).

In general, as a city intensifies, residential section sizes become smaller, and residents require recreation facilities beyond their backyard. While this can be perceived as a negative impact of intensification, if well planned, these public open spaces can actually build communities by providing locations and facilities where people from different communities can come together and meet.

This map also illustrates the relative significance of the various town centres within the Waitemata area.

A3.4 Schools and community facilities



scale 1:30,000 @ A3

This map shows community facilities in the Waitemata Local Board area, including community halls, places of worship, community centres, libraries, swimming pools, recreation facilities and Marae.

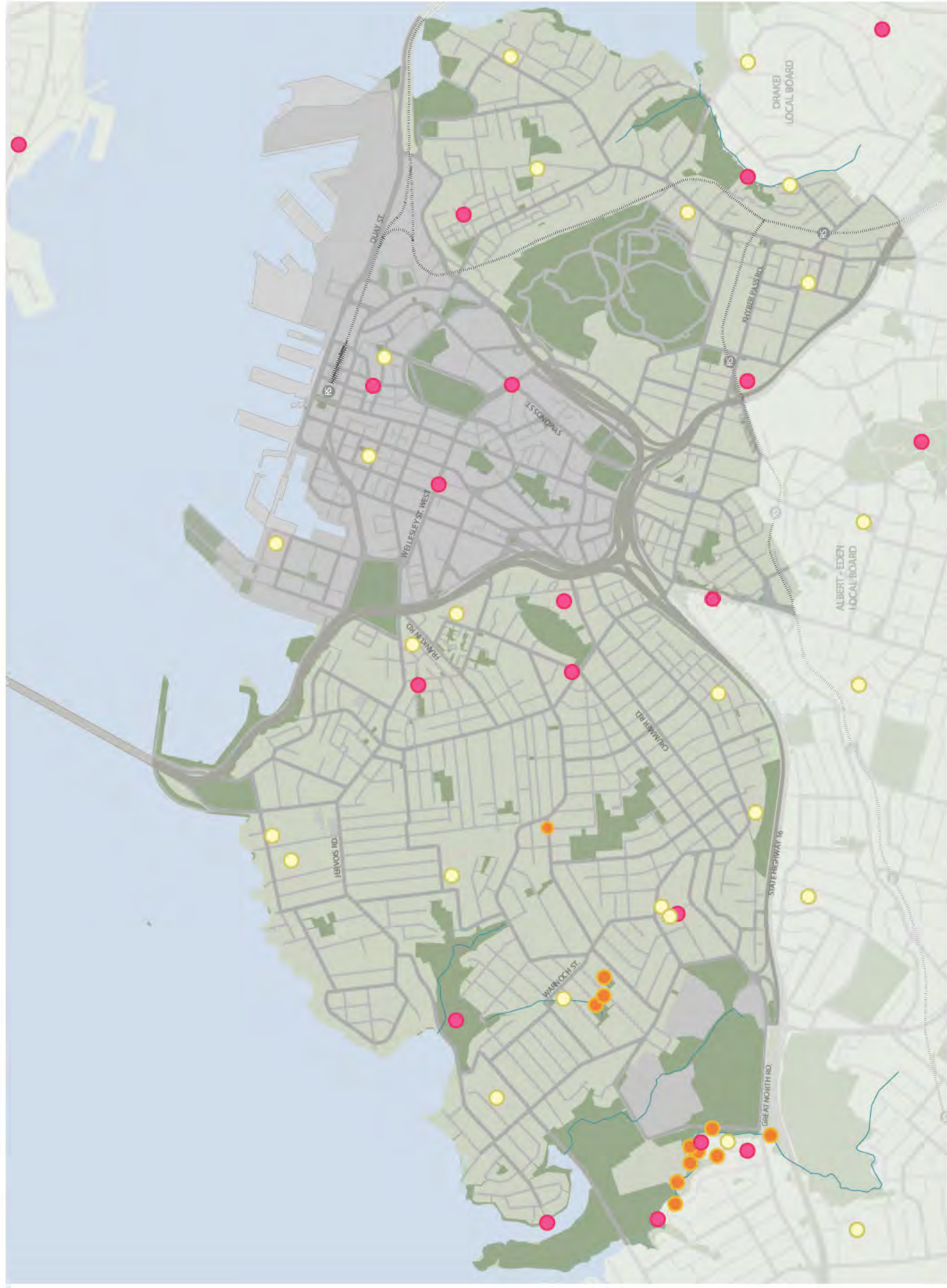
Schools and community facilities are critical points in the Greenways plan, providing both an opportunity to create connections via easements, while also providing destinations in their own right. These facilities are visited on a frequent basis, and providing safer, higher amenity and more accessible connections has great potential to reduce reliance on private vehicles.

Proposed connections to schools may be influenced by existing 'walking school bus' routes (these are featured on Map A4.2). Auckland Transport makes funding available for walking school bus routes, and it is possible that some connections could be supplemented by this funding stream.

Any easement proposal within the boundaries of a community facility would need to be firstly consulted with the landowner or leaseholder, and needs to be carefully considered to ensure the safety of students/facility users, and minimise any risk of property damage. Some accesses may need to be limited to certain times of day for these reasons.



A3.5 Community groups



This map shows community groups listed on Auckland Council's GIS database. In terms of relevance to Greenways plans, these groups can be viewed as stakeholders, or interested parties. Their level of interest depends on the cause of the group and their location within the area. By connecting with these groups throughout the consultation phase of the Greenways Plan, the Local Board can gain insight to specific areas.

'EcoCare Groups' is a Council GIS layer encompassing collectives from the following categories;

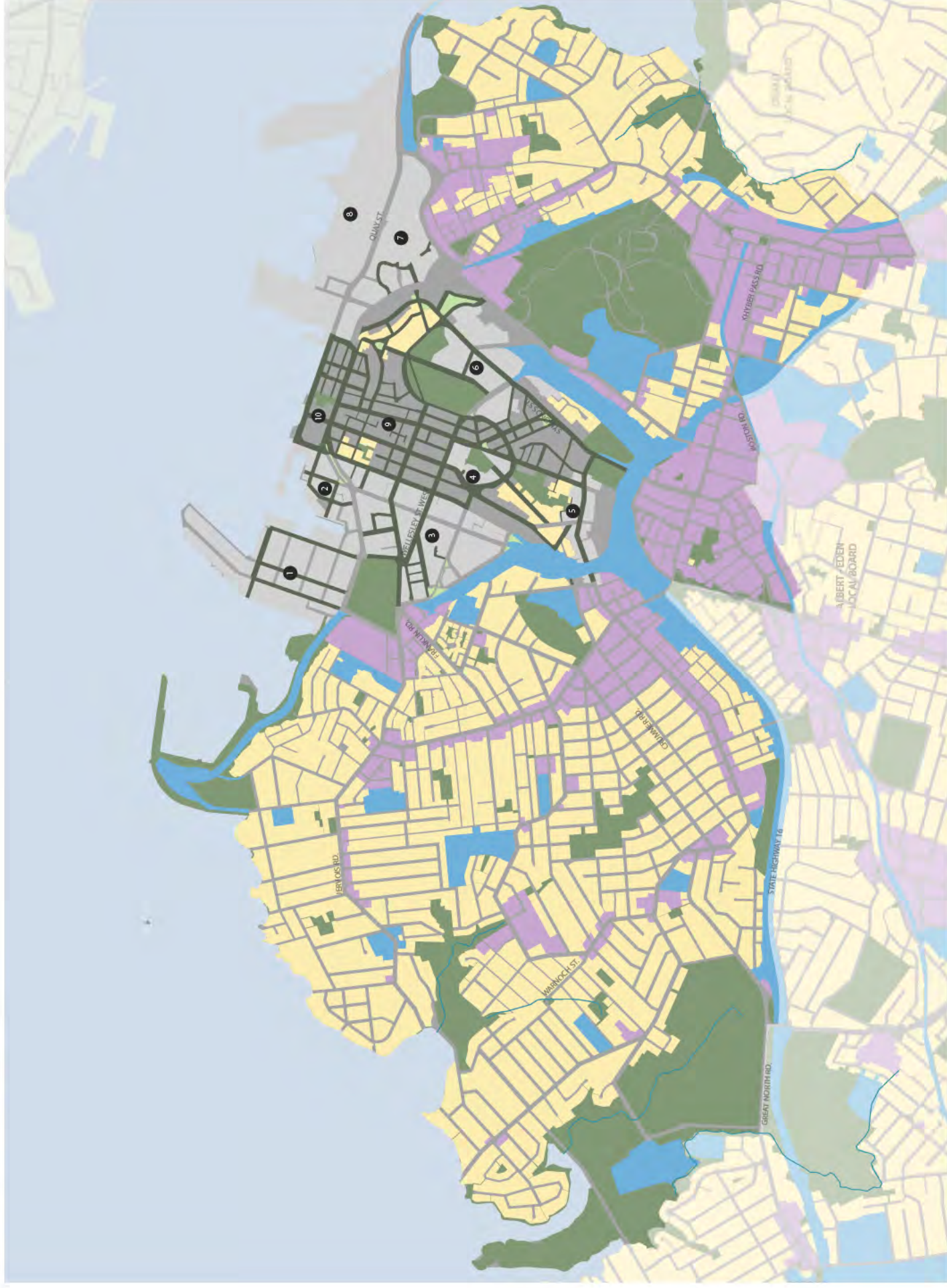
- climate / energy and transport
- coastcare
- cultural heritage
- Enviroschools
- natural heritage
- Pacific and ethnic groups
- parks and tree care groups
- local areas (eg Motions Creek Group)

Wai Care is an organisation that monitors water quality generally and provides education and action plans for community groups. Data is collected from other environmental groups, Auckland Council, universities, and government agencies such as Landcare Research and the Department of Conservation.

The Environment Initiative Fund (EIF) offers support to individuals and groups to improve and care for the region's natural, cultural and physical environments. Examples include:

- worm farming and school waste projects
- restoration of cultural heritage buildings
- native forest restoration
- edible garden projects
- plant and animal pest control

A3.6 District Plan zoning



Legend:

- Park and reserve land
- Streams / rivers
- Road network (including motorways, arterial and minor roads)
- Business
- Residential
- Special purpose
- CBD precincts

Auckland City Council District Plan Zoning:

- Public Open Space 1
- Public Open Space 2
- Public Open Space 3

CBD Precincts and Quarters:

- 1 Wynyard Quarter
- 2 Viaduct Harbour
- 3 Victoria Quarter
- 4 Aotea Precinct
- 5 K Road Precinct
- 6 Tertiary Education
- 7 Quay Park
- 8 Port
- 9 Queen Street Valley
- 10 Britomart

scale 1:30,000 @ A3

This map shows Auckland Council District Plan Zoning, which will be superseded by the Unitary Plan in the future. The areas are summarised as:

Business Zone: Relates to commercial and industrial activities, including retailing, servicing, offices, warehousing, manufacturing and research orientated activities.

Residential Zone: Is the largest land use, and relates to areas that are predominately but not exclusively used for residential activity.

Open Space Zone: Relates to a range of open space used for recreation activities, and conservation and visual purposes, and applies to both public and privately-owned land.

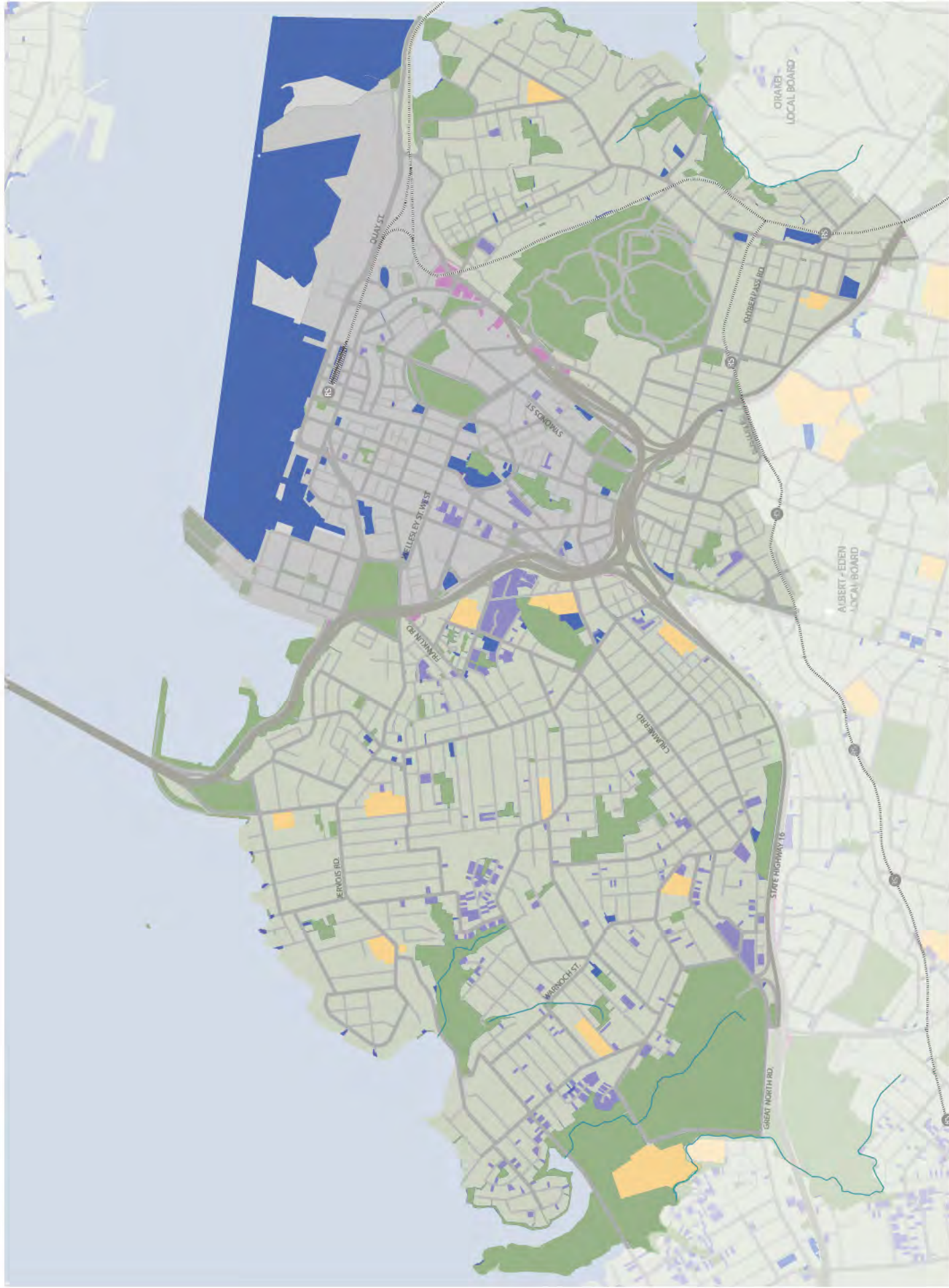
Special Purpose Zone: Relates to sites or areas that require special treatment and are of particular consequence to the communities well-being, health and safety but do not conform to the provisions of the standard zones.

CBD Precincts: The CBD Precinct from the District Plan are sectioned into 'Precincts and Quarters', each with a different set of conditions and regulations in terms of planning outcomes. These areas have been referred to in the current City Centre Master Plan (CCMP), although some of the names have been altered to reflect the current state of the city infrastructure and built environment. The map below from the CCMP illustrates this.



- 01 Aotea Quarter
- 02 Victoria Quarter
- 03 Learning Quarter
- 04 The Engine Room
- 05 Karangahape Road
- 06 Quay Park
- 07 Newton
- 08 The Waterfront

A3.7 Land ownership



Legend:

- Streams / rivers
- Railway and railway stations
- Road network (including: motorways, arterial and minor roads)

District Plan Zoning:

- New Zealand Transport Authority Land (NZTA)
- Housing New Zealand Land (HNZ)
- Auckland Council and CCO owned properties (not including parks)
- Ministry of Education owned properties
- Open Space (not all Council owned)

This map provides details of land within the Waitemata Local Board area that is in some form in public ownership. This information is of key importance, as connections on publicly-owned land are more readily achieved than those on privately-owned property.

Five different public ownership types exist within the study area:

Auckland Council Land, Zoned Open Space: No access arrangements required to improve connections, although resource consent may be required, dependent on the proposal.

Auckland Council and CCO owned properties: This land may be available for Greenway connections, dependent on the current or proposed usage of the site.

Ministry of Education land: Educational institutions generally feature large areas of open space, and discussions may be held regarding public use and/or connection easements over this land.

New Zealand Transport Authority land (NZTA): NZTA holds land adjacent the motorways. Connection such as the Grafton Gully Cycleway have come from NZTA land designations, and there is potential for further connections along other motorway connections.

Additionally, **Housing New Zealand (HNZ) land** exists (not mapped). In areas where there is a cluster of HNZ properties, discussions may be held regarding redevelopment of housing stock, and the redistribution of public open space to a layout which suits both housing and recreational purposes better.

A4 Connecting communities

A4.1 Cycle routes



scale 1:30,000 @ A3

This map combines the draft Auckland Cycle Network (ACN), and Auckland's 'Great Urban Rides'. Great Urban Rides are unmarked cycle routes which have been developed as part of the New Zealand Cycleway Project. Auckland Council's Transport Committee has endorsed the project, and funding has been set aside to deliver the signage.

The routes which enter the Waitemata Local Board area include:

- The Waitemata Harbour Loop
- The Ponsonby Heritage Loop
- Maungawhau Volcanic Ride

The draft ACN is based on the Regional Cycle Network (RCN), developed by the former Auckland Regional Transport Authority in conjunction with former legacy Auckland councils and the NZTA. The draft ACN is driven by the Auckland Plan growth projections and the Auckland Integrated Transport Plan 'One Network' approach, both of which share an estimated completion date of 2040.

The draft ACN (shown on the adjoining map) is broken into three types of cycleways:

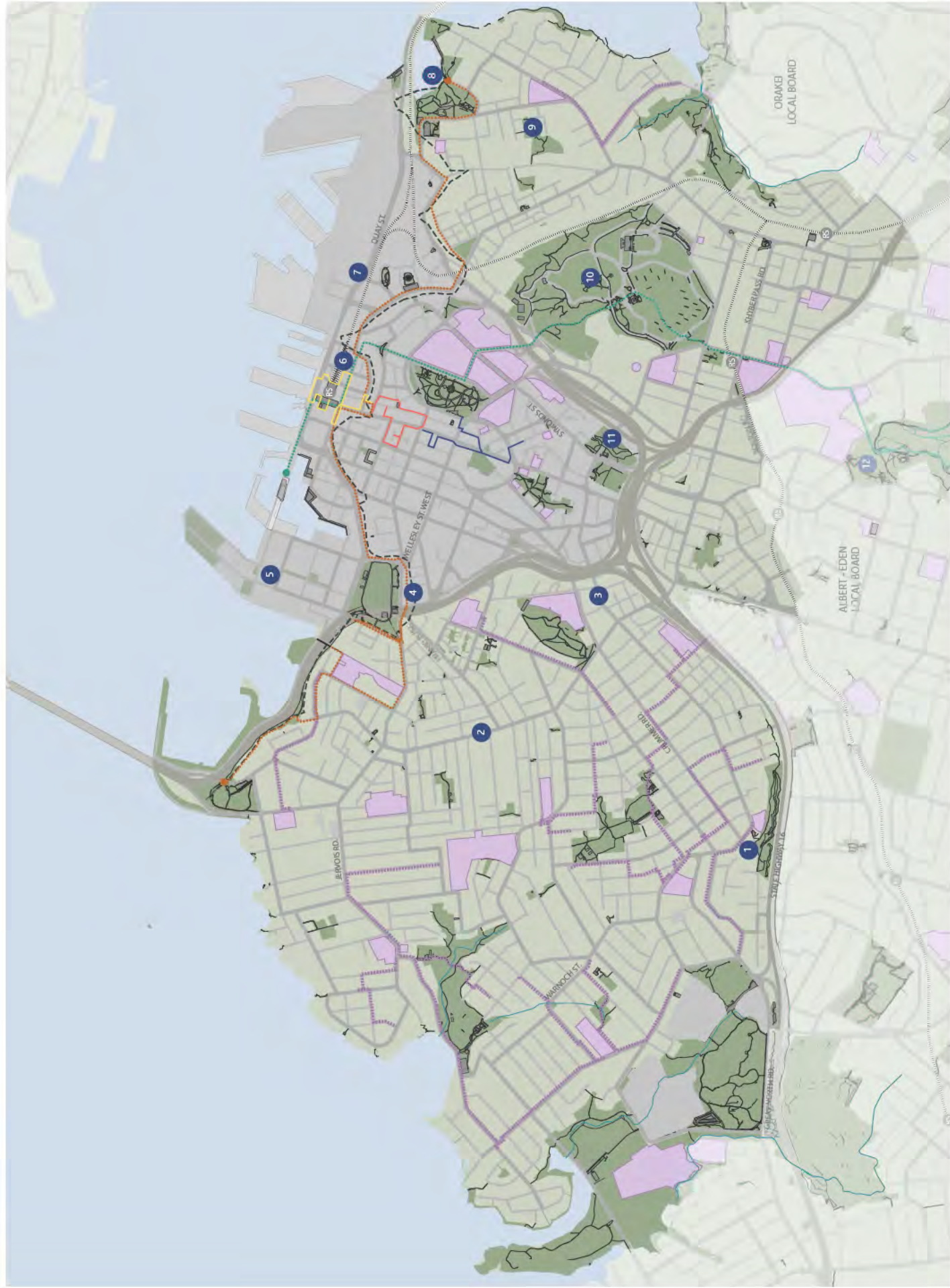
- Cycle highways
- Connectors
- Feeders

'Cycle highways' offer the highest level of service to the cyclist, in that they are dedicated connections, continuous, direct and traffic free. They would exist along motorway or railway corridors. 'Connectors' follow arterial routes, and are designed to connect people quickly and directly to key destinations and public transport nodes. They are 'on road' connections. A number of these exist already, many in shared bus lanes, such as those along Great North Road.

'Feeders' are local neighbourhood connections. These may include and/or double up with Greenways routes. 'Feeder routes' are intended to connect open spaces /parks, and like Greenways, are likely to follow quieter streets.

Within internal officer workshops for the development of the Greenways, Auckland Transport has expressed an interest adjusting their 'feeder' routes to align with those routes chosen in the Greenways plans.

A4.2 Walking routes



This map shows existing walking routes within the Waitemata area. The intent of the Greenways plans in this area will be to overlap with (or connect to) these established walking routes wherever possible.

Walking School Bus (WSB) routes have been developed by Auckland Transport, to provide a safe and healthy environment for children to walk to and from school along quiet streets, under the supervision of an adult.

The remainder of the map information has been compiled from Auckland Council and Auckland Transport GIS, and also transcribed from a number of 'Auckland Council Heritage Walk' pamphlets, and the Auckland Heritage Festival 2012, 'Tours and Walks' brochure. Twelve sites from the 'Tours and Walks' brochure have been highlighted on the map.

Many of the heritage walks have been surveyed and put forward by community groups. There are a number of these walks within the study area, and they traverse many of the most significant natural, cultural and built heritage areas to be found locally.

Legend:

- Park and reserve land (through park and reserve land)
- Streams / rivers
- Railway and railways stations
- Road network (including motorways, arterial and minor roads)
- Existing walkways (through park and reserve land)
- Coast To Coast Walkway (CBD to Onehunga. Forms part of the Te Araroa)
- Schools and universities
- 'Walking school bus' routes

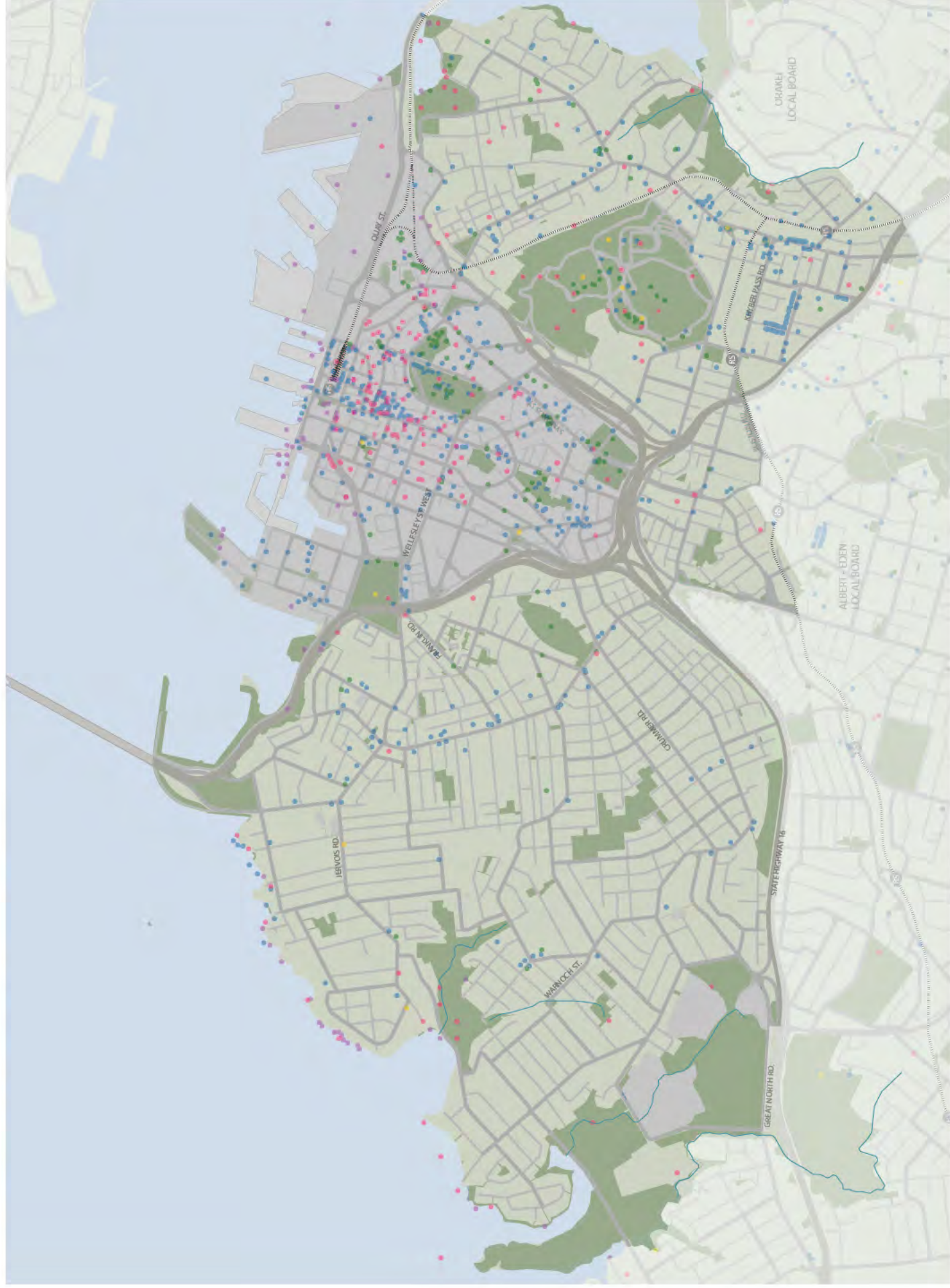
Sites for Walking Tours:

- Grey Lynn
- Ponsonby Road
- Karangahape Road
- Original foreshore
- Wynyard Quarter

Auckland Council Heritage Walks: scale 1:30,000 @ A3

- Downtown
- Midtown
- Uptown
- Britomart
- Quay Street
- Judges Bay
- Parnell: Streams and Gullies
- Auckland Domain
- Grafton
- Mt. Eden

A4.3 Cultural Heritage Inventory and historical sites



This map shows sites that have been identified for their cultural heritage value. The Auckland Council GIS database has a Cultural Heritage Inventory (CHI) layer, that was created by the former Auckland Regional Council. The CHI was established to promote sustainable management of cultural heritage by providing easy access to cultural heritage information and should be used as a resource when developing the network.

CHI sites are classified as follows:

- Archaeological Sites recorded under the New Zealand Archaeological Site Recording Scheme (e.g. midden, pa sites)
- Historic Botanical Sites (e.g. specimen trees in parks)
- Built Heritage Sites (typically early European buildings)
- Maritime Sites (e.g. shipwrecks, wharfs, boatsheds)
- Reported Historic Sites (e.g. known locations of battles)

B. Case Studies

B1 Case studies

B1.1 Lloyds Crossing, Portland (USA)

Lloyds Crossing in Portland is a brownfields redevelopment site in the central city area, with the aim of:

"Developing a conceptual design for a sustainable, financially feasible, mixed-use development project that will catalyse future private development in the district.. Following conceptual master planning, a stakeholder engagement process is now underway, to create the 'Lloyd Green District'"

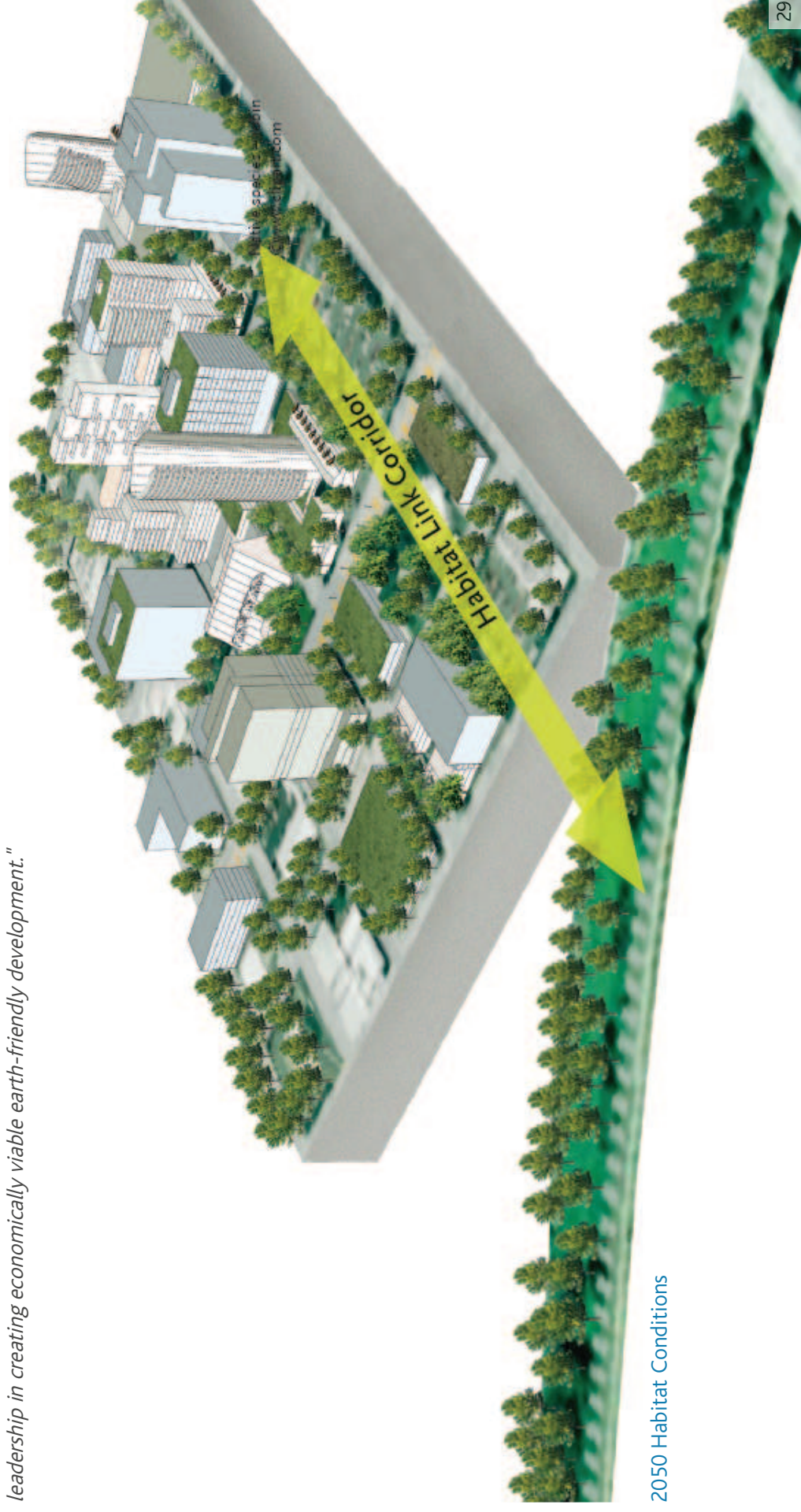
Co-conveners of the stakeholder group are the Mayor of Portland, Council President Metro and Multnomah County Commissioner. Forming the "Lloyd Green District," the group includes sponsors (Portland Development Commission, METRO, City of Portland and Lloyd TMA/ BID), invited property owners, employers and developers in the proposed district area and other local and state agencies and civic organizations.

Their goal is to:

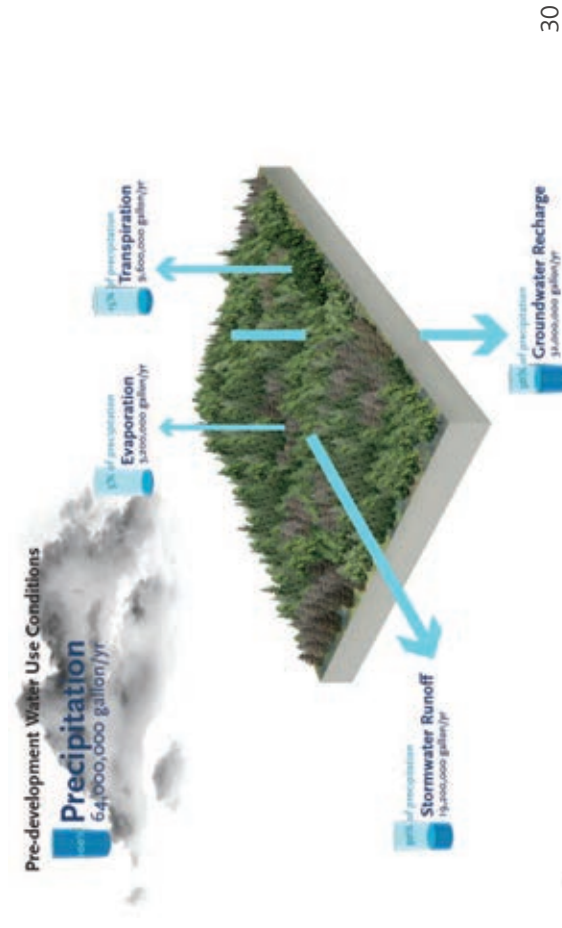
"create a premier sustainable multi-use development district within an urban center." The District "will become a lifestyle community of choice for residents, workers, and visitors, and a showcase demonstrating Portland's leadership in creating economically viable earth-friendly development."

This will become one of the first redevelopments under Washington State's developing programme of Climate Benefit Districts - a programme which aims to:

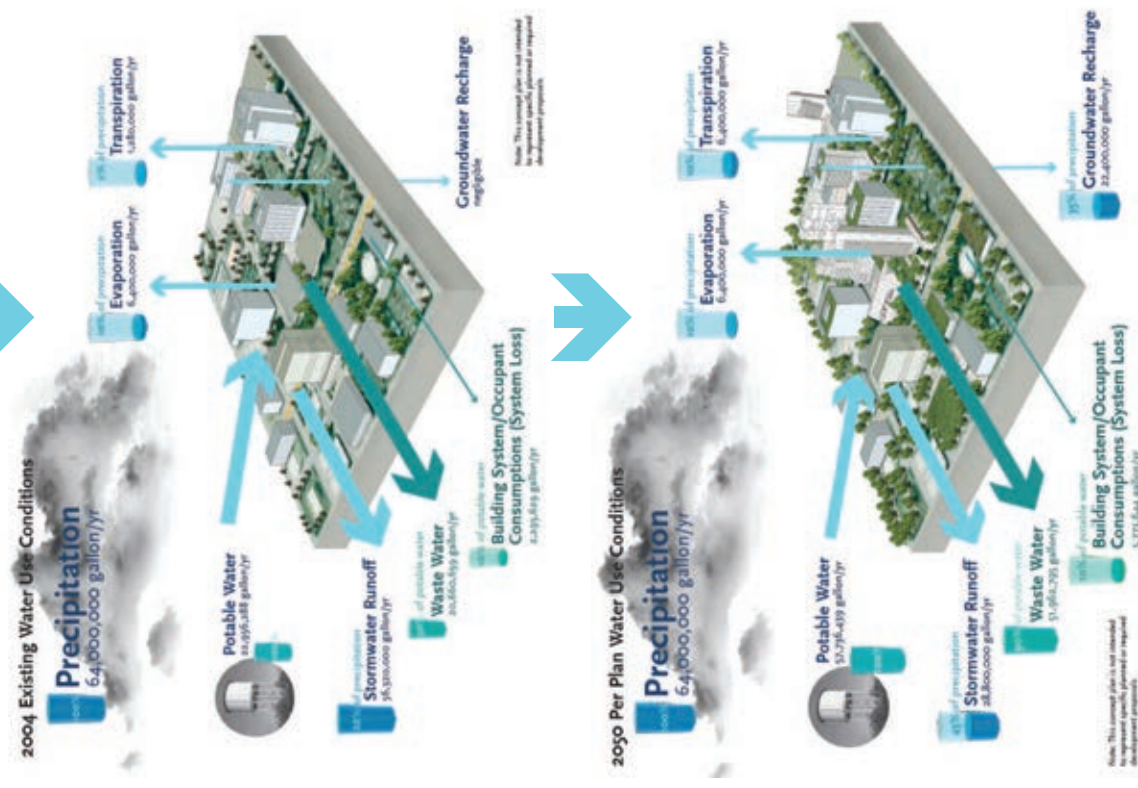
- Support the creation of "green jobs".
- Support livable, diverse and affordable urban neighbourhoods.
- Reduce the impact of urban development on the environment
- Capture the innovations and life cycle cost savings for district level energy and infrastructure solutions.
- Rebuild and reinvest in communities in ways that reduce the demand for driving.
- Help public and private interests to work together in developing healthy, vibrant urban communities aimed at achieving carbon reduction goals.
- Send a clear policy signal to attract desirable private investment and coordinate public action from multiple levels of government.
- Give communities the means to meet major environmental and economic challenges while remaining responsive to local conditions and opportunities.



29



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31

32

B1.2 Portland Green Streets (USA)

Portland has been designing and building Green Streets for many years. Their consistent monitoring has proven that they successfully reduced peak stormwater flows and runoff volumes. The images to the right show a variety of Green Streets in Portland that have been successfully implemented.

Green Streets convert impervious street surfaces into green spaces that capture stormwater runoff and allow the water to permeate through the ground as plants and soil remove pollutants. Green Streets help to create attractive open spaces, streetscapes, provide ecological urban habitats, and help to connect neighbourhoods, open spaces, schools and other areas within the city.

The city of Portland is:

"Committed to green development practices and sustainable stormwater management. Green Streets are an innovative, effective way to restore watershed health. They protect water quality in rivers and streams, manage stormwater from impervious surfaces, and can be more cost efficient than new sewer pipes. Green Streets offer many benefits that sewer pipes can't."

Greenstreets offer the following benefits:

- Convert stormwater from a waste diverted into a pipe, to a resource that replenishes groundwater supplies
- 80%+ of storm water volume to be infiltrated on site.
- Add urban green space and wildlife habitat
- Reduce stormwater in the sewer system
- Save money on wastewater pumping and treatment costs
- Use plants and soil to slow, filter, cleanse, and infiltrate runoff.
- Design facilities that aesthetically enhance the neighbourhood livability and property values



B1.3 Jellicoe Street, Auckland (NZ)

Jellicoe street features over 600m² of purpose built rain gardens. Rain from over 9000m² of the surrounding roads and surfaces flows into the rain gardens.

- integrate Best Practice Stormwater Design and the efficient use of water resources
- re-use existing structures and infrastructure where possible
- generate renewable energy on site
- preserve coastal water quality and protect waterfront ecologies
- protect air quality and reduce traffic congestion
- improve permeability and establish pedestrian priority and safety
- facilitate better access and circulation between transport modes
- enable visual connections through the precinct to the water
- promote pedestrian and cycle activity

This new initiative in a high-use area has proven to be a great way to educate visitors and residents about the merits of low traffic speed, shared space environments and 'green' infrastructure approaches.



B1.4 Greenpark, Thames Valley (UK)

This new industrial development is an exemplary model of best-practice industrial/commercial development. It is acknowledged that retrofitting an existing industrial zone (such as that found in Maungakiekie-Tamaki) is a significantly more difficult task than greenfield development, but this case study shows a range of solutions which can be employed to improve conditions for workers, visitors and the environment. Solutions employed at Greenpark include:

Landscaped parkland including:

- a network of cycleways
- nature trails
- paths running around the banks of the stormwater treatment wetlands

Community life:

- frequent, comfortable buses to bring people into Green Park from Reading station or nearby town centres.
- well-maintained, well-lit walkways make it easy to get around the Park.
- cafés and restaurants
- health club
- a day nursery
- acres of natural parkland

Event hosting:

- Events throughout the year, attract workers and nearby residents alike, and these include a range of organised annual events and one off events, including the Reading half-marathon and the Corus Triathlon. Longwater Lake also hosts regular angling competitions.

Green energy (wind and solar):

- The development generates 2.3 megawatts of clean energy, enough to power around 1200 homes.

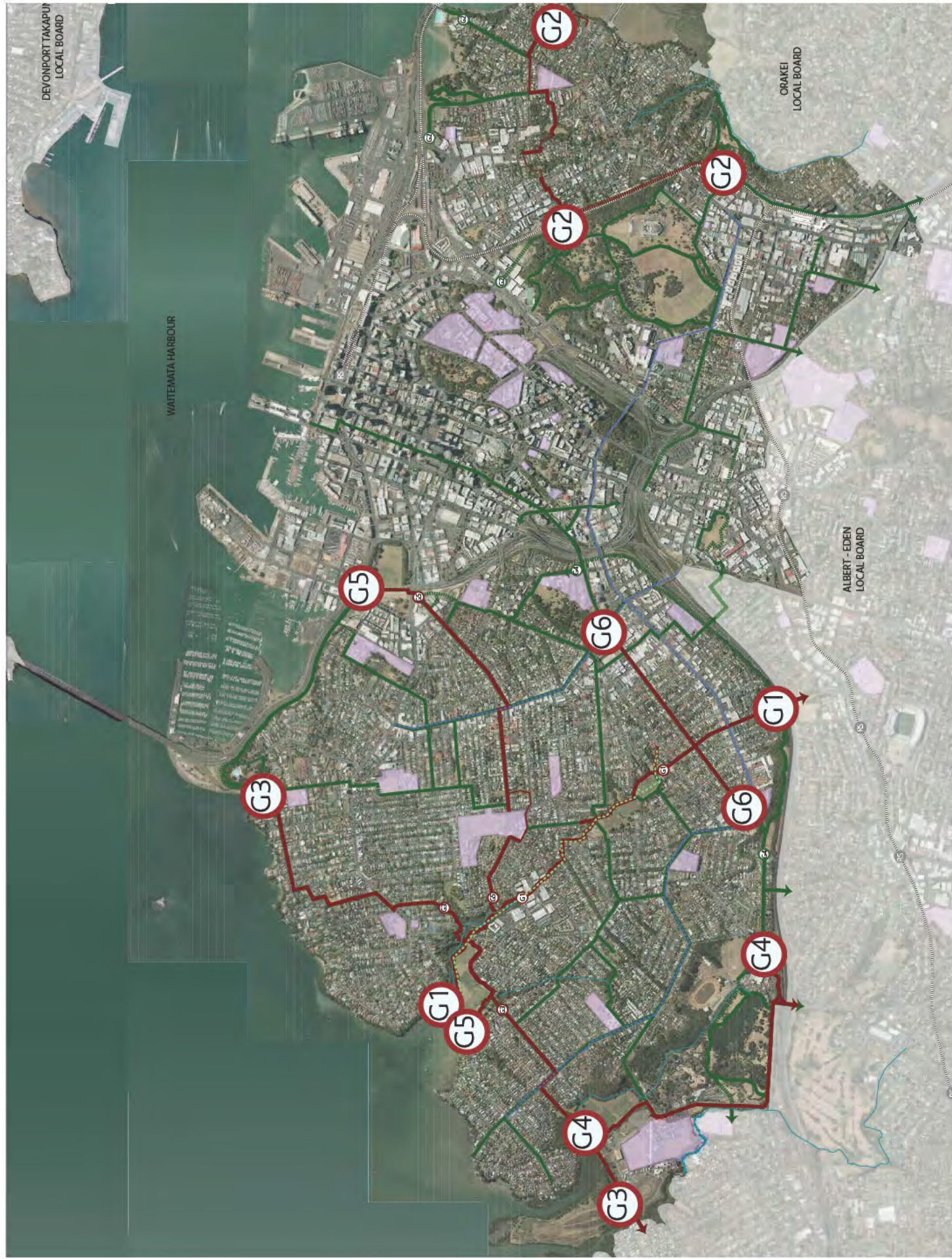
Green Park fast track:

- A fleet of low emission eco-friendly buses. These are among the first in the UK to meet the stringent 'Euro 4' European emission standards and produce significantly lower levels of carbon dioxide and nitrogen oxide than regular fleets.
- Buses include full wireless access and a real time information system for maximum passenger comfort and security.



C. Priority Greenways

C1 Priority sections
C1.1 Reference plan



Map showing the locations of priority sections for Greenways G1-G6:

- G1** Grey Lynn connection (entire connection)
(Refer to Page 65)
- G2** Waipapa Valley connection and Parnell parks link (section of)
(Refer to Page 66)
- G3** Coastal connection
(Refer to Page 67)
- G4** Waiorea to Karangahape Road connection (section of)
(Refer to Page 68)
- G5** Ponsonby connection
(Refer to Page 68)
- G6** Crummer Road
(Refer to Page 69)

Legend:

- Streams / rivers
- Schools and universities
- Railway and railway stations
- Draft Auckland Cycle Network (ACN):
 - Priority routes identified by the local board
 - Feeder
 - Connectors

Waitemata Greenways - Priority routes:

- Cycling / walking (alongside road network or within open space)
- Route utilising existing paths (some upgrades required)
- Route to form new paths
- Walking (within open space, alongside road network or coast)
- Route utilising existing paths (some upgrade required)
- Route to form new paths

Waitemata Greenways - Long term aspirations:

- Cycling / walking (alongside road network or within open space)
- Route utilising existing paths (some upgrades required)
- Route to form new paths
- Walking (within open space, alongside road network or coast)
- Route utilising existing paths (some upgrade required)
- Route to form new paths

scale 1:30,000 @ A3

Note: Further investigation is needed to determine the feasibility of cycle access. Walking tracks are shown where cycling is thought to be unachievable.

C1.2 Priority greenway map of G1 - Grey Lynn connection



Legend:

- Streams / rivers
- Schools and universities
- Railway and railway stations
- Draft Auckland Cycle Network (ACN):
 - Priority routes identified by the local board
 - Feeder
 - Connectors

Waitemata Greenways - Priority routes:

- Cycling / walking (alongside road network or within open space)
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Waitemata Greenways - Long term aspirations:

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- Route utilising existing paths (some upgrade required)
- Route to form new paths

scale 1: 10,000 @ A3

Description of Priority Section G1

Location	Cox's Bay Reserve - Grey Lynn Park - Arch Hill - Nixon Park (via Grosvenor and Bond Streets)
Description	This connection would see existing paths in Cox's Bay Reserve and Grey Lynn Park widened to a shared path width. Along the road network the connection calls for widening of the footpath. Within Cox's Bay Reserve, the connection utilises the boardwalk along the Cox's Creek. To achieve the desired 2.5-3m shared path connection for a greenway, many of the existing paths require widening. Further scoping for the project will determine by how much.
Ecology of the area	The Cox's Bay creek area contains a mix of habitats: <ul style="list-style-type: none"> established native trees and shrubs exotic species tree species (in the in steeper areas) estuarine areas covered with mangroves (Cox's Creek) Creek margins of recently planted coastal and riparian natives (as part of revegetation project). There are wide open grassed areas in both Cox's Bay Reserve and Grey Lynn Park, mainly utilised by sports fields. Grey Lynn Park is surrounded by large native trees around the edges of the park, and some more vegetated areas in the eastern side. The remainder of the connection is via the road network. Some streets are lined with mature natives.
Constraints	<ul style="list-style-type: none"> achieving desired width along boardwalk is not likely to be shared path, width of 2.5-3m creating safe crossing points at key junctions e.g Great North Road / Bond Street. achieving a continuous ecological connection, especially along busy streets like Bond Street gradients
Opportunities	<ul style="list-style-type: none"> connecting Grey Lynn and Cox's Bay residents to the North Western cycleway connecting two major open spaces in the Waitemata creation of swales and additional planting in the wider streets on route
Budget Requirements (Capex)	Waitemata Local Board are appointing Auckland Transport to design the feeder route as a greenway. The Board will fund the design of the park sections from their Green Links budget.

NOTE: These plans are indicative only, for the purposes of identifying opportunities, constraints and setting ballpark budgets. They are subject to feasibility, consultation and detailed design, which may alter the routes shown.

Note: Further investigation is needed to determine the feasibility of cycle access. Walking tracks are shown where cycling is thought to be unachievable.

C1.3 Priority greenway map of G2 - Waipapa Valley connection and Parnell parks link



Legend:

- Streams / rivers
- Schools and universities
- Railway and railway stations
- Draft Auckland Cycle Network (ACN):
 - Priority routes identified by the local board
 - Feeder
 - Connectors
- Waitemata Greenways - Priority routes:
 - Cycling / walking (alongside road network or within open space)
 - Route utilising existing paths (some upgrades required)
 - Route to form new paths
 - Walking (within open space, alongside road network or coast)
 - Route utilising existing paths (some upgrade required)
 - Route to form new paths
- Waitemata Greenways - Long term aspirations:
 - Cycling / walking (alongside road network or within open space)
 - Route utilising existing paths (some upgrades required)
 - Route to form new paths
 - Walking (within open space, alongside road network or coast)
 - Route utilising existing paths (some upgrade required)
 - Route to form new paths

scale 1: 10,000 @ A3

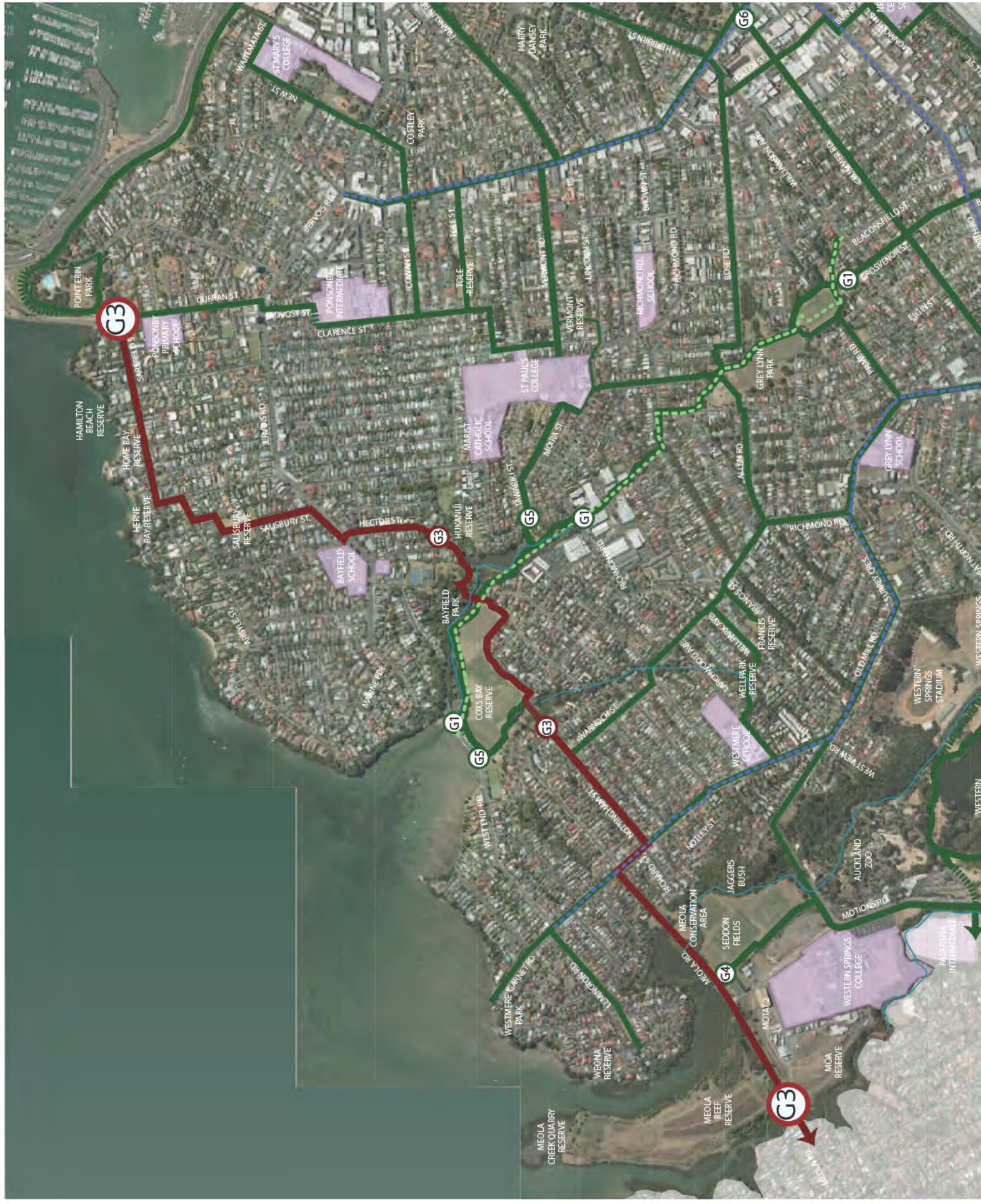
Description of Priority Section G2 (section of)

Location	Newmarket Park – Parnell Tunnel – Waipapa Valley – Parnell Station
Description	Opening of the closed tunnel connection which runs adjacent to the railway track. The connections either side are currently of loose metal tracks, used for railway access. The land is designated railway corridor, owned by Kiwirail.
Ecology of the area	<p>Ecological connections exist between the Waipapa Stream and the Auckland Domain environment. The native bush within the Auckland Domain, offers significant habitat. Future daylighting of the Waipapa Stream would play a vital role in enhancing ecological values in the area via streamside planting and creation of more wetland areas leading to existing wetland area downstream. Currently this area receives flow from the Waipapa via a pipe, and a tributary from the Domain via overland flow. The former ARC highlighted the potential for improved ecological connections between the future daylighted Waipapa Stream and wetlands and the coastal environments of Mechanics Bay.</p> <p>The tunnel itself may provide habitat for species adapted to low light conditions such as glow worms and cave weta.</p> <p>Planting of the batters in association with the planned new Parnell railway station would further benefit local ecology</p>
Constraints	<ul style="list-style-type: none"> The condition of the tunnel Safety provisions, both the tunnel and the approaches need to be made safe for pedestrians and cyclists Heritage considerations Negotiations and approvals required from Kiwirail
Opportunities	<ul style="list-style-type: none"> The Domain masterplan is a current project that will address cycling and walking connections into /around the domain Project Timing: Connection to the proposed Parnell Railway station by AT and Kiwirail Waipapa stream daylighting project alternate route (with less change of gradient) of cycling/walking from New Market to Parnell and the CBD beyond
Budget Requirements (Capex)	The board have planned to fund a feasibility report for the Parnell Tunnel, and this will determine likely costs

NOTE: These plans are indicative only, for the purposes of identifying opportunities, constraints and setting ballpark budgets. They are subject to feasibility, consultation and detailed design, which may alter the routes shown.

Note: Further investigation is needed to determine the feasibility of cycle access. Walking tracks are shown where cycling is thought to be unachievable.

C1.4 Priority greenway map of G3 - coastal connection



Legend:

- Streams / rivers
- Schools and universities
- Railway and railway stations
- Draft Auckland Cycle Network (ACN):
 - Priority routes identified by the local board
 - Feeder routes
 - Connectors

Waitemata Greenways - Priority routes:

- Cycling / walking (alongside road network or within open space)
- Route utilising existing paths (some upgrades required)
- Route to form new paths
- Walking (within open space, alongside road network or coast)
- Route utilising existing paths (some upgrade required)
- Route to form new paths

Waitemata Greenways - Long term aspirations:

- Cycling / walking (alongside road network or within open space)
- Route utilising existing paths (some upgrades required)
- Route to form new paths
- Walking (within open space, alongside road network or coast)
- Route utilising existing paths (some upgrade required)
- Route to form new paths

Description of Priority Section G3

Location	Point Chevalier - Meola Reef - Westmere - Cox's Bay Reserve - Herne Bay - Point Erin Park - Westhaven - Harbour Bridge Crossing or Victoria Park
Description	This connection is predominantly 'on road' network utilising and improving the existing footpaths. The route connects the open spaces Meola Reef, Seddon Fields, Cox's Bay Reserve, Hukanui Reserve and Salisbury Reserve. G3 is referred to as the 'Coastal Connection' as it connects the coastal areas of Meola Reef in Westmere to Herne Bay and Point Erin.
Ecology of the area	The connection passes Meola Reef, which is large nature reserve and 'SEA' with estuarine habitat of mangroves, and native bush. This connection has potential to connect to many bush walks, including Jaggers Bush and the forested areas of Cox's Bay Reserve.
Constraints	<ul style="list-style-type: none"> landfill areas steep topography in places on road connections can be more costly than park connections
Opportunities	<ul style="list-style-type: none"> connect commuters to Weona Coastal Walkway connect to the adjoining local boards areas of Kapatiki and Albert-Eden connection to the future SkyPath connect people from the coast to waterfront, as there is currently no 'round coast' connection
Budget Requirements (Capex)	On road sections to be funded by AT.

NOTE: These plans are indicative only, for the purposes of identifying opportunities, constraints and setting ballpark budgets. They are subject to feasibility, consultation and detailed design, which may alter the routes shown.

Note: Further investigation is needed to determine the feasibility of cycle access. Walking tracks are shown where cycling is thought to be unachievable.

C1.5 Priority greenway map of G4 - Waiorea to Karangahape Road connection



Legend:

- Streams / rivers
- Schools and universities
- Railway and railway stations
- Draft Auckland Cycle Network (ACN): Priority routes identified by the local board
- Feeders
- Connectors

Waitemata Greenways - Priority routes:

- Cycling / walking (alongside road network or within open space)
- Route utilising existing paths (some upgrades required)
- Route to form new paths
- Walking (within open space, alongside road network or coast)
- Route utilising existing paths (some upgrade required)
- Route to form new paths

Waitemata Greenways - Long term aspirations:

- Cycling / walking (alongside road network or within open space)
- Route utilising existing paths (some upgrades required)
- Route to form new paths
- Walking (within open space, alongside road network or coast)
- Route utilising existing paths (some upgrade required)
- Route to form new paths

scale 1: 10,000 @ A3

Description of Priority Section G4 (section of)

Location	Meola Road to Great North Road
Description	New shared path running through Seddon Fields and along Motions Road, adjacent to Motions Creek. Riparian and slope planting, coupled with weed removal in both these areas. Improvements to path width and surfacing, and crossing points along Great North Road.
Ecology of the area	The connection passes Meola Reef, which is large nature reserve with estuarine habitat of mangroves, and native bush. Western Springs is wildlife sanctuary surrounding a natural spring-fed lake, habitat for many freshwater bird species.
Constraints	<ul style="list-style-type: none"> • possible width restrictions along Great North Road • Seddon Fields and MOTAT 2 are closed landfill sites which may limit ecological restoration as due to clay capping. • Planned widening of St Lukes Interchange may present perceived challenges for pedestrians and cyclists
Opportunities	<p>The connection would link:</p> <ul style="list-style-type: none"> • MOTAT 2 to MOTAT • Seddon Fields to the Zoo and Western Springs • commuters from Westmere / Pt Chevalier to the North Western cycleway and Albert-Eden Local Board area • connect commuters to the Draft ACN Connector network • project timing with the St Lukes Interchange Upgrade
Budget Requirements (Capex)	Parks - TBA AT to deliver road to road connections. Budget to be advised.

NOTE: These plans are indicative only, for the purposes of identifying opportunities, constraints and setting ballpark budgets. They are subject to feasibility, consultation and detailed design, which may alter the routes shown.

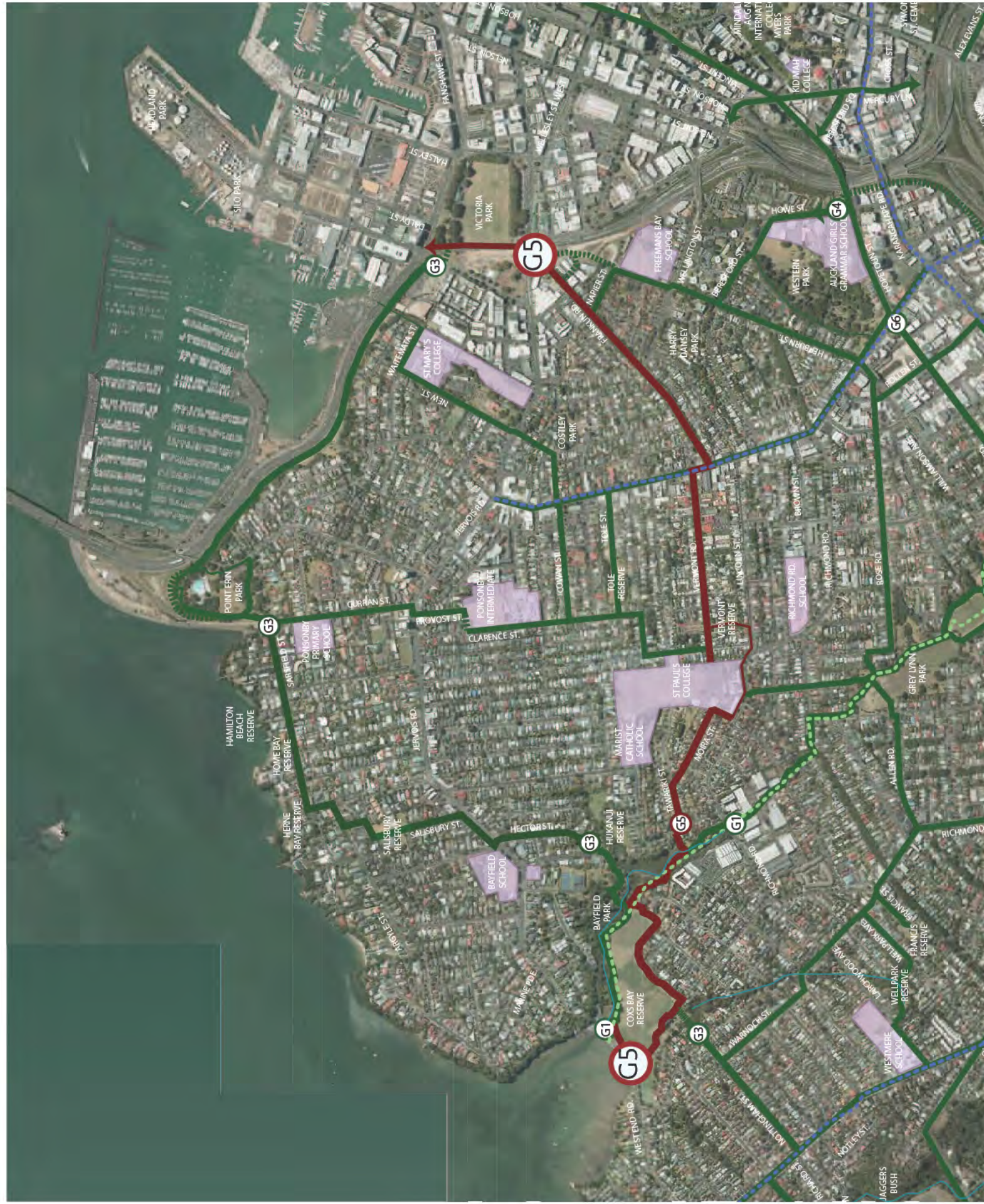
Note: Further investigation is needed to determine the feasibility of cycle access. Walking tracks are shown where cycling is thought to be unachievable.

C1.6 Priority greenway map of G5 - Ponsonby connection

Description of Priority Section G5	
Location	Cox's Bay Reserve - Grey Lynn - Ponsonby - Victoria Park
Description	Connections are predominantly 'on road' linking Cox's Bay Reserve to Victoria Park
Ecology of the area	Currently limited, due to being a road corridor. This connection has potential to connect to many bush walks. Wider streets such as Moira Street provide ample room for swales and raingardens alongside the shared path
Constraints	<ul style="list-style-type: none"> achieving safe crossing across points on roading network, especially the busy arterial routes of Ponsonby Road and Franklin Road. may be difficult to accommodate greenways on the narrow roading corridors of residential streets such as Vermont Street.
Opportunities	<ul style="list-style-type: none"> connect people from the coast to waterfront, as there is currently no 'round coast' connection connect pupils safely from St Peter's College alternate link for the local residents to the shopping stretch of Ponsonby Road Budget exists for upgrade of Franklin Road, providing leverage opportunities.
Budget Requirements (Capex)	Parks - TBA AT to deliver road to road connections. Budget to be advised.

NOTE: These plans are indicative only, for the purposes of identifying opportunities, constraints and setting ballpark budgets. They are subject to feasibility, consultation and detailed design, which may alter the routes shown.

Note: Further investigation is needed to determine the feasibility of cycle access. Walking tracks are shown where cycling is thought to be unachievable.



Legend:

- Streams / rivers
- Schools and universities
- Railway and railway stations
- Draft Auckland Cycle Network (ACN):
 - Priority routes identified by the local board
 - Feeder routes
 - Connectors

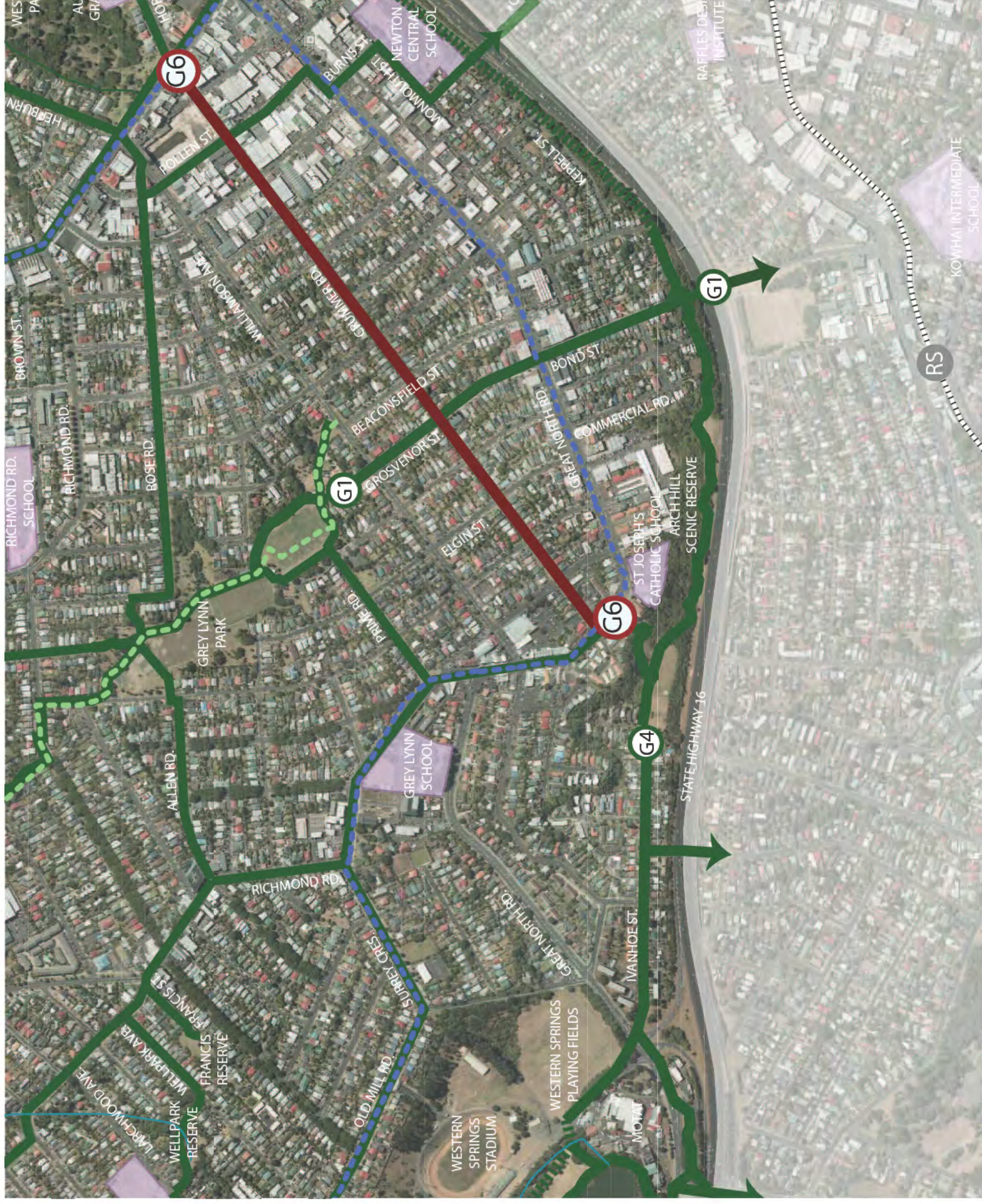
Waitemata Greenways - Priority routes:

- Cycling / walking (alongside road network or within open space)
- Route utilising existing paths (some upgrades required)
- Route to form new paths
- Walking (within open space, alongside road network or coast)
- Route utilising existing paths (some upgrade required)
- Route to form new paths

Waitemata Greenways - Long term aspirations:

- Cycling / walking (alongside road network or within open space)
- Route utilising existing paths (some upgrades required)
- Route to form new paths
- Walking (within open space, alongside road network or coast)
- Route utilising existing paths (some upgrade required)
- Route to form new paths

scale 1: 15,000 @ A3



Legend:

- Streams / rivers
- Schools and universities
- Railway and railway stations
- Draft Auckland Cycle Network (ACN):
 - Priority routes identified by the local board
 - Feeders
 - Connectors

70 Waitemata Greenways

Waitemata Greenways - Priority routes:

- Cycling / walking (alongside road network or within open space)
- Route utilising existing paths (some upgrades required)
- Route to form new paths
- Walking (within open space, alongside road network or coast)
- Route utilising existing paths (some upgrade required)
- Route to form new paths

Waitemata Greenways - Long term aspirations:

- Cycling / walking (alongside road network or within open space)
- Route utilising existing paths (some upgrades required)
- Route to form new paths
- Walking (within open space, alongside road network or coast)
- Route utilising existing paths (some upgrade required)
- Route to form new paths

scale 1: 10,000 @ A3

Description of Priority Section G6

Location	Arch Hill - Crummer Road - Grey Lynn to Ponsonby Road and Western Park
Description	'On road' connection along Crummer Road
Ecology of the area	The road corridor offers little in the way of ecology, other than the existing street trees. However these are regularly cut back to make way for the powerlines. Swales and raingardens would add value.
Constraints	<ul style="list-style-type: none"> AT are responsible for road network, so delivery of this greenway would require agreement to use Crummer Road as alternate to Williamson Avenue for a cycle connection due to the grid street layout in this area, there are many intersections along Crummer Road, provision of safety must be ensured
Opportunities	Crummer Road offers a quieter alternative to Williamson Avenue, of which has been proposed as a Connector in the Draft ACN. Opportunity exists to liaise with AT on basing feasibility study on Crummer Road as opposed to Williamson Avenue when they allocate funding to implementing the ACN. Potential traffic calming and reduced traffic flows due to the Vinegar Lane redevelopment.
Budget Requirements (Capex)	Parks - TBA AT to deliver road to road connections. Budget to be advised

NOTE: These plans are indicative only, for the purposes of identifying opportunities, constraints and setting ballpark budgets. They are subject to feasibility, consultation and detailed design, which may alter the routes shown.

Note: Further investigation is needed to determine the feasibility of cycle access. Walking tracks are shown where cycling is thought to be unachievable.

22 April 2021



**GEORGE STREET PRECINCT PLAN CHANGE
PRIVATE PLAN CHANGE NO: 44 (PPC44)
HG REF: 1040-145909-02**

Harrison Grierson Consultants Ltd (HG) has been commissioned by Auckland Council (Council) to undertake a peer review of the traffic related issues of the Precinct Plan Change at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street referred to as the George Street Plan Change area. The Plan Change was requested by Newmarket Holdings Development Limited Partnership (NHDLP) and is located in the Newmarket suburb of Auckland. It has been given the reference Private Plan Change 44 (PPC44).

The purpose of this memo is to assess the traffic effects of the Precinct Plan Change and assess the public submissions against the information provided by the applicant under the following sections of this peer review report.

Section	Title	Page
1	Information provided	1
2	The Proposal	2
3	Auckland Unitary Plan Objectives and Policies Assessment	4
4	Parking	11
5	Operational Effects	13
6	Access	19
7	Road Safety	21
8	Construction Effects	22
9	Submissions	23
10	Conclusion and recommendations	41

1.0 INFORMATION PROVIDED

I, Gary Black, have undertaken a review of the PPC44 application on behalf of Auckland Council in relation to transportation effects.

I am a Chartered Professional Engineering with Engineering New Zealand and hold a Bachelor of Engineering degree with Honours in Civil Engineering. I have 30 years' experience in traffic and transportation engineering.

My review is based on the following documents:



- 'Integrated Transport Assessment' ('ITA') dated 1 April 2020 prepared by Commute Transportation Consultants.
- 'Request for further information' response (RFI response) dated 8 April 2020 prepared by Commute Transportation Consultants.
- Public Submissions collated by Auckland Council during the July Public Notification.

2.0 THE PROPOSAL

Newmarket Holdings Development Limited Partnership (NHDLP) proposes a Plan Change to the Auckland Unitary Plan (the Unitary Plan) for a 7,873m² Plan Change area located at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street in Newmarket, Auckland.

The Plan Change area is currently zoned as *Business – Mixed Use* and is also subject to a *Centre Fringe Office Control* and *27m Height Variation Control*.

There is no change in the overall land use for the Plan Change area. The Plan Change area remains as *Business – Mixed Use*. The key change proposed to apply within the Plan Change area is an increase in the building height limit from existing 27m to 65m in Height Area A, 29m in Height Area B and 35m in Height Area C.

The Plan Change area in relation to surrounding road network is shown in Figure 1 below.

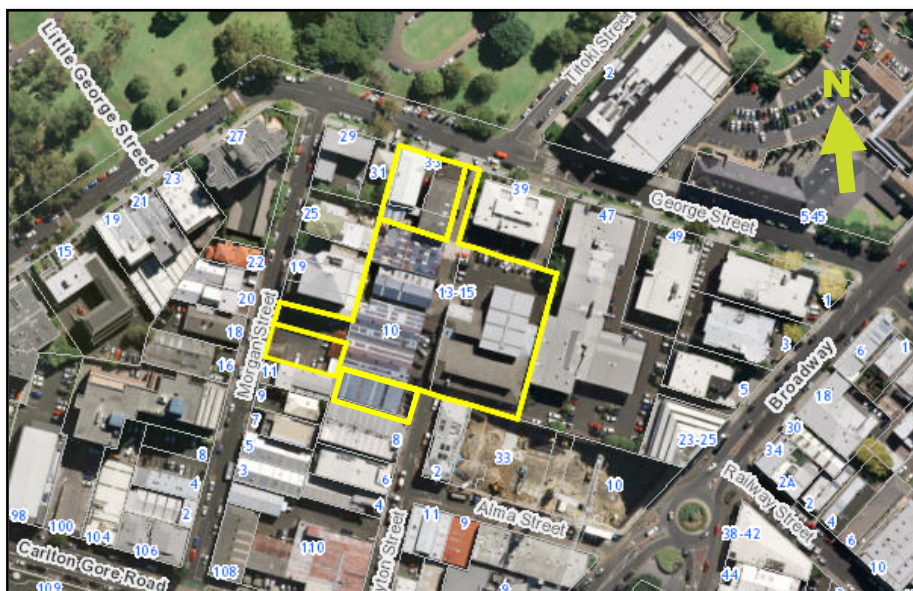


Figure 1: Plan Change Area in relation to surrounding road network

The Plan Change area will be served by four vehicle accesses;

- A vehicle entry/exit on George Street
- A vehicle entry/exit on Morgan Street
- A service entry/exit on Morgan Street for larger vehicles



- An entry/exit on Clayton Street as shown in Figure 2 below.

George Street Precinct Plan 2 - Urban design framework

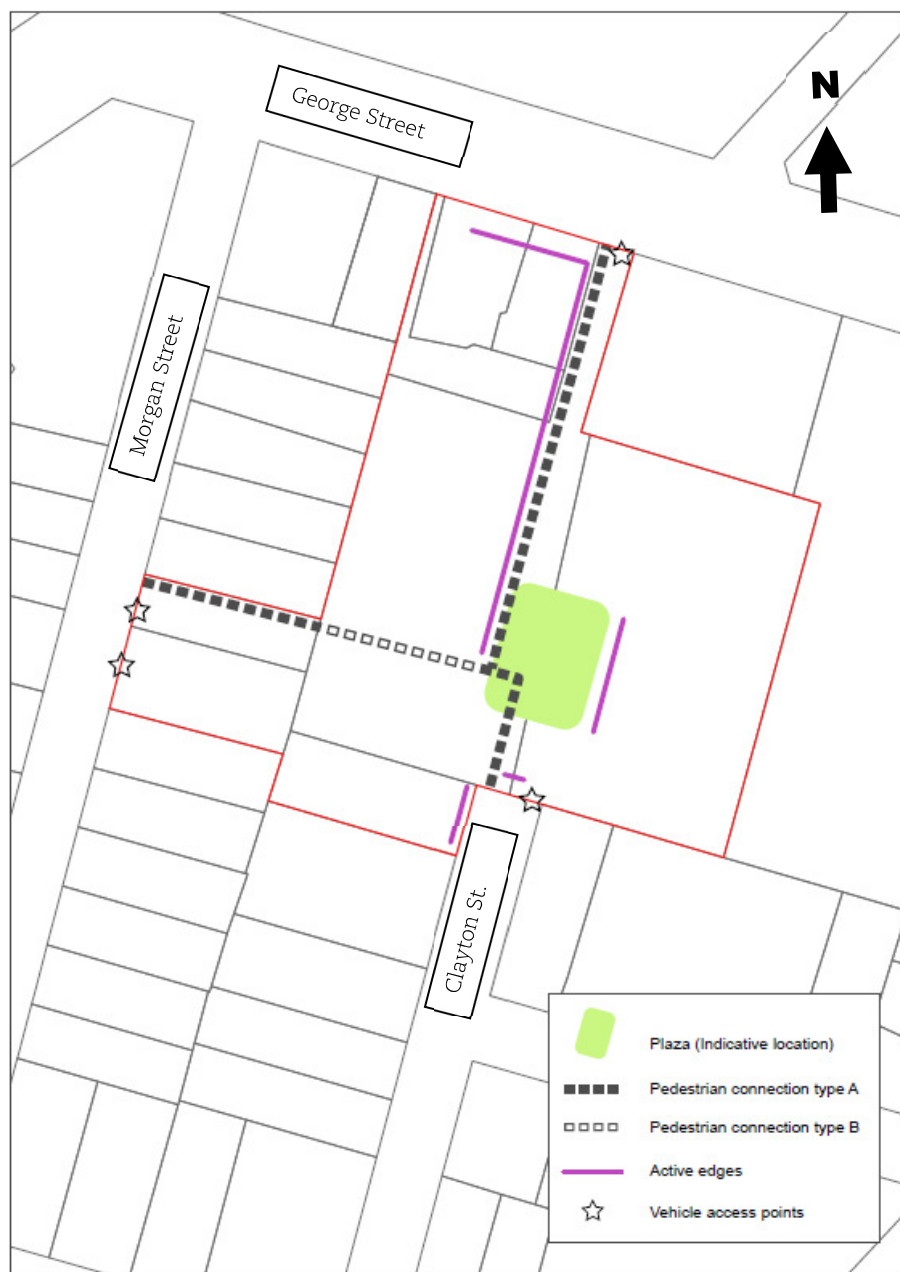


Figure 2: Proposed Access Arrangements for the Plan Change Area



As seen in the figure above, there are also pedestrian connections proposed between George Street, Morgan Street and Clayton Streets. These pedestrian connections are proposed to be public during the day.

2.1 RESOURCE MANAGEMENT ACT 1991 - CLAUSE 23

A clause 23 further information request in respect of the private plan change request was sent to NHDLP in November 2019, which included several traffic related queries. In response to this request, NHDLP has provided a response incorporated into this assessment.

3.0 AUCKLAND UNITARY PLAN - OBJECTIVES AND POLICIES ASSESSMENT

As mentioned above the site is located in the Business – Mixed Use Zone and is subject to a Centre Fringe Office Control and 27m Height Variation Control. Therefore, the following Auckland Unitary Plan Objectives and Policies are applicable:

- Chapter B – Regional Policy Statement:
 - B3.3 Transport:
 - B3.3.1 Objectives
 - B3.3.1 Policies (in part)
- Chapter E27 – Transport
 - E27.2 Objectives (1) to (5)
 - E27.3 Policies (3), (5), (6), (6A) (7), (15), (16), (17) and (20)
- Chapter H13 – Business - Mixed Use Zone
 - Policy H13.3.(3)(c)

Commentary as to whether the PPC44 application has given effect to each policy and objective is provided below:

- Table 1 – Regional Policy Statement Assessment
- Table 2 – Auckland Unitary Plan – Chapter E27 – Transport
- Table 3 – Auckland Unitary Plan – Chapter H13 – Business Mixed Use Zone

3.1 CHAPTER B – REGIONAL POLICY STATEMENT

The Regional Policy Statement Objectives and Policies applicable to PPC42 are listed in Table 1.



Table 1 - Regional Policy Statement Objective and Policy Assessment

Objective / Policy	Commentary
<p>B3.3.1 Objective (1) states the following:</p> <p>(1) <i>Effective, efficient and safe transport that:</i></p> <p>(a) <i>supports the movement of people, goods and services;</i></p> <p>(b) <i>integrates with and supports a quality compact urban form;</i></p> <p>(c) <i>enables growth;</i></p> <p>(d) <i>avoids, remedies or mitigates adverse effects on the quality of the environment and amenity values and the health and safety of people and communities; and</i></p> <p>(e) <i>facilitates transport choices, recognises different trip characteristics and enables accessibility and mobility for all sectors of the community</i></p>	<p>PPC44 has been supported by an Integrated Transport Assessment (ITA) prepared by Commute Transportation Consultants.</p> <p>The ITA does not detail how the surrounding road network can operate safely and efficiently with the precinct in place. The ITA relies on the Centre Fringe Office Control for the site that does not require resource consent under a restricted discretionary activity under E27.6.1. Trip Generation.</p> <p>AUP states: <i>Standard E27.6.1(1) does not apply where:</i> <i>(a) a proposal is located in the..... Centre Fringe Office Control.</i></p> <p>A trip generation assessment has been completed, however an assessment of traffic effects on the efficiency and safety of the network has not been completed. Instead, there is a proposed maximum number of parking spaces of 500 spaces to mitigate the traffic impacts of the increased height of development. The limit of 500 spaces is less than the number of parking spaces in a potential development that could be built under current zoning for the site. This should reduce the number of vehicle trips under PPC44 as the vehicle trips relate to the number of parking spaces available. See section 5.3 – Trip Generation below.</p> <p>I support this approach and consider that PPC44 can give effect to Objective B3.3.1 through the maximum of 500</p>



	parking spaces and associated reduced number of vehicle trips.
<p>Objective B3.3.2(1) states: <i>Managing transport infrastructure</i></p> <p>(1) <i>Enable the effective, efficient and safe development, operation, maintenance and upgrading of all modes of an integrated transport system.</i></p> <p>(2) <i>Enable the movement of people, goods and services and ensure accessibility to sites</i></p>	<p>My comments above for Objective 3.3.1 apply to Objective B3.3.2(1).</p> <p>The PPC44 site current AUP zoning promotes all modes of travel modes. The site is near public transport on Parnell Road and Newmarket providing access to a wider integrated transport system that allows the movement of people goods and services.</p> <p>I consider PPC44 can give effect to B3.3.2(1).</p>

3.2 AUCKLAND UNITARY PLAN - E27 - TRANSPORT

AUP E27 – Transport Objectives and Policies applicable to PPC44 are listed in Table 2, below.

Table 2 – Auckland Unitary Plan E27 -Transport Objective and Policy Assessment

Objective / Policy	Commentary
<p>E27.2. Objectives</p> <p>(1) <i>Land use and all modes of transport are integrated in a manner that enables:</i></p> <p>(a) <i>the benefits of an integrated transport network to be realised; and</i></p> <p>(b) <i>the adverse effects of traffic generation on the transport network to be managed.</i></p> <p>(2) <i>An integrated transport network including public transport, walking, cycling, private vehicles and freight, is provided for.</i></p> <p>(3) <i>Parking and loading supports urban growth and the quality compact urban form.</i></p> <p>(4) <i>The provision of safe and efficient parking, loading and access is commensurate with the character, scale and intensity of the zone.</i></p>	<p>My comments above for B3.3.2 (1) apply to E27.2 Objectives.</p> <p>The limit of 500 parking spaces within PPC44 manages the adverse effects of traffic generation as there will be a reduction in the number of trips compared to a potential development that could be built within the current zoning.</p> <p>PPC44 intends to integrate land use with an integrated transport network that provides:</p> <ul style="list-style-type: none"> • Public Transport – public transport is provided near the site on Parnell Road and Newmarket.



<p><i>(5) Pedestrian safety and amenity along public footpaths is prioritised.</i></p>	<ul style="list-style-type: none">• Walking – three main pedestrian accesses, including a publicly open route between Clayton Street to George Street are provided.• Cycling - The ITA states cycling parking should be addressed at a subsequent resource consent stage and the size of the precinct should allow for compliant cycle parking.• Freight is intended to be provided through internal loading zones within the development accessed from Morgan Street. <p>In the PPC44 precinct text Pedestrian Safety and Amenity is provided for under IX.8.1 <i>Matters for Discretion</i> state:</p> <p>(2) <i>Vehicle Access</i></p> <ul style="list-style-type: none">(a) <i>location of vehicle access</i>(b) <i>effects on pedestrian safety on Morgan Street</i>(c) <i>effects on pedestrian safety and amenity on Clayton Street and George street</i> <p>The XI8.2 Assessment Criteria sufficiently covers the effects of pedestrian safety and amenity along public footpaths.</p> <p>I consider E27.2 Objectives can be met with PPC44.</p>
<p>E27.3 Policies</p> <p>Parking</p> <p><i>(3) Manage the number, location and type of parking and loading spaces, including bicycle parking and associated end-of-trip facilities to support all of the following:</i></p>	<p>My comments above for E27.2 Objectives apply to E27.3 Policies.</p> <p>The PPC44 limits the number of spaces to 500 car parking spaces for the development including office developments meeting the requirements of Policy E27.3 (5). This is less than the that could</p>



<p>(a) the safe, efficient and effective operation of the transport network;</p> <p>(b) the use of more sustainable transport options including public transport, cycling and walking;</p> <p>(c) the functional and operational requirements of activities;</p> <p>(d) the efficient use of land;</p> <p>(e) the recognition of different activities having different trip characteristics; and</p> <p>(f) the efficient use of on-street parking.</p> <p>(5) Limit the supply of on-site parking for office development in all locations to:</p> <p>(a) minimise the growth of private vehicle trips by commuters travelling during peak periods; and</p> <p>(b) support larger-scale office developments in the Business – City Centre Zone, Centre Fringe Office Control area, Business – Metropolitan Centre Zone, Business – Town Centre Zone and Business – Business Park Zone.</p> <p>(6) Provide for flexible on-site parking in the Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone and Business – Mixed Use Zone (with the exception of specified non-urban town and local centres and the Mixed Use Zone adjacent to those specified centres) by:</p> <p>(a) not limiting parking for subdivision, use and development other than for office activities, education facilities and hospitals.</p> <p>(b) not requiring parking for subdivision, use and development other than for retail (excluding marine retail and motor vehicle sales) and commercial service activities.</p> <p>(6A) Enable the reduction of on-site parking for retail and commercial services activities in the Business-Metropolitan Centre Zone, Business-Town Centre Zone, Business-Local Centre Zone and Business-Mixed</p> <p>(7) Provide for flexible on-site parking by not limiting or requiring parking for</p>	<p>be provided for a potential development within the current zoning and should help minimise the growth of private vehicle trips.</p> <p>I consider E27.3 Policies regarding parking can be met with PPC44.</p>
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<p>subdivision, use and development (excluding office) in the Centre Fringe Office Control area, Residential – Terrace Housing and Apartment Buildings Zone and Residential – Mixed Housing Urban Zone (studio and one bedroom dwellings).</p> <p>(9) Provide for flexible approaches to parking, which use land and parking spaces more efficiently, and reduce incremental and individual parking provision.</p> <p>Loading</p> <p>(15) Require access to loading facilities to support activities and minimise disruption on the adjacent transport network.</p> <p>(16) Provide for on-site or alternative loading arrangements, including on-street loading or shared loading areas, particularly in locations where it is desirable to limit access points for reasons of safety, amenity and road operation.</p> <p>Design of parking and loading</p> <p>(17) Require parking and loading areas to be designed and located to:</p> <ul style="list-style-type: none">(a) avoid or mitigate adverse effects on the amenity of the streetscape and adjacent sites;(b) provide safe access and egress for vehicles, pedestrians and cyclists;(c) avoid or mitigate potential conflicts between vehicles, pedestrians and cyclists; and(d) in loading areas, provide for the separation of service and other vehicles where practicable having regard to the functional and operational requirements of activities <p>(20) Require vehicle crossings and associated access to be designed and located to provide for safe, effective and efficient movement to and from sites and minimise potential conflicts between vehicles, pedestrians, and cyclists on the adjacent road network.</p>	<p>I consider E27.3 Policies regarding Loading can be met with PPC44 as the loading facilities are proposed onsite and not on the public road network and access to the loading area to be via a vehicle crossing on Morgan Street.</p> <p>I consider E27.3 Policy (20) regarding vehicle crossings has not been met at this stage with PPC44. The vehicle crossings are on George Street, Morgan Street and Clayton street. The impact on pedestrians and cyclists from vehicles entering and exiting the site will be distributed across three accesses, with the main vehicle access located on Morgan Street. I note that Assessment Criteria IX.8.2 (b)</p>
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	<p>and (c) give effect to <i>pedestrian safety on Morgan Street and pedestrian safety and amenity on Clayton Street and George Street</i>. However, I am concerned based on Precinct Plan 2, with the location of the pedestrian connection and vehicle access from George Street in an area that appears to have a width of approximately 6m. It is not clear how indicative or set this location is. The George Street vehicle access is likely to be two-way and would require a minimum width of 5.5m. The remaining 0.5m within the approximately 6m width identified is not sufficient for a pedestrian connection and would likely create an adverse safety effect. I consider that the location of the pedestrian connection requires amendment or clarification to ensure pedestrian safety is achieved.</p>
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3.3 CHAPTER H13 – BUSINESS - MIXED USE ZONE

AUP H13 Business – Mixed Use Zone Objectives and Policies applicable to PPC44 are listed in Table 3, below.

Table 3 – AUP H13 – Business – Mixed Use Zone, Objective and Policy Assessment

Objective / Policy	Commentary
<p>H13.3 Policies states: <i>General policies for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone</i></p> <p>(3) <i>Require development to be of a quality and design that positively contributes to:</i></p> <p>(c) <i>pedestrian amenity, movement, safety and convenience for people of all ages and abilities.</i></p>	<p>In the PPC44 precinct text Pedestrian Safety and Amenity is provided for under IX.8.1 <i>Matters for Discretion</i> state:</p> <p>(2) <i>Vehicle Access</i></p> <p>(a) <i>location of vehicle access</i></p> <p>(b) <i>effects on pedestrian safety on Morgan Street</i></p> <p>(c) <i>effects on pedestrian safety and amenity on Clayton Street and George street</i></p>



	<p>(4) infringement of Standard IX6.2 Plaza:</p> <p>(a) effects on pedestrian amenity</p> <p>(5) infringement of Standard IX6.3 Pedestrian connection:</p> <p>(a) effects on pedestrian amenity, accessibility and connectivity</p> <p>(6) infringement of Standard IX6.4 Staged delivery of plaza and pedestrian connection</p> <p>(a) effects on pedestrian health and safety, accessibility and connectivity</p> <p>I consider the XI8.2 Assessment Criteria for the above Matters for Discretion sufficiently covers Policy H13.3(3)(c) regarding pedestrian amenity, movement safety and convenience for people of all ages and abilities.</p>
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4.0 PARKING

As mentioned above, the site falls under the Business – Mixed Use Zone with Centre Fringe Office Control area. The following are parking provision requirements for this zone as outlined in Table E27.6.2.2:

- Office - 1 per 60m² Gross Floor Area (GFA) – parking maximum
- All other activities – no minimum or maximum.

However, it is stated in the ITA;

In order to continue to support the provisions in the AUP (OP) and utilise parking management as tool to mitigate the traffic impacts of the proposed increased building height enabled by the Plan Change, a parking maximum is proposed to be included within the Plan Change provisions.

These parking maximums allow for various development scenarios to be implemented under the Plan Change, while still containing the impact to a similar level to that expected within the existing AUP (OP) scenario.

I agree with this statement to address any potential adverse effects and that it is in keeping with the general policy direction of the AUP in terms of car parking, in that the parking provision is a maximum. Table 4 below summarises the number of parking spaces that could be provided under the three scenarios considered in the ITA.



TABLE 4: PARKING ASSESSMENT

Activity		AUP (OP) Parking Requirement	Proposed Parking Provision	Unit	Parking spaces
Scenario A Potential Mixed use under Existing AUP (OP)	Office	1 per 60m ² (Maximum)	1 per 60m ²	31,700m ²	528
	Retail	No minimum or maximum	1 per 30m ²	2,000m ²	67
	Residential	No minimum or maximum	1.2 per unit (average)	Nil	0
	Total (maximum assuming a maximum retail provision of 1 per 30m²)				595
Scenario B Potential Office Development under Plan Change	Office	1 per 60m ² Maximum	1 per 60m ²	35,100m ²	585
	Retail	No minimum or maximum	1 per 30m ²	2,000m ²	67
	Residential	No minimum or maximum	1.2 per unit (average)	0 units	0
	Total (Maximum)				652
Scenario C Potential Mixed use under Plan Change	Office	1 per 60m ² Maximum		0m ²	-
	Retail	No minimum or maximum	1 per 30m ²	3,300m ²	110



	Residential	No minimum or maximum	1.2 per unit (average)	324	389
Total (Maximum)					499

As can be seen in the table above, 595 parking spaces could be provided under the Unitary Plan with no plan change proposal. In the worst case (Scenario B) 652 parking space could be provided.

However, as mentioned above it is proposed in the ITA provided to keep the number of parking spaces for the Plan Change area to a maximum of 500 car parking spaces. I support this proposal as it reduces the number of parking spaces that could be provided in a potential development under the current AUP zoning. This also reduces the number vehicle trips associated with a development, see Section 5.4 – Trip Generation below.

5.0 OPERATIONAL EFFECTS

5.1 DEVELOPMENT SCENARIOS FOR THE PLAN CHANGE AREA

The Integrated Transport Assessment (ITA) provided considers three scenarios to assess the traffic effects of the Plan Change on the surrounding road network, as presented in Table 5 below.

Table 5: Development scenarios

Scenario	Comment	Assumptions	Land Use Assumptions
Scenario A	A baseline assessment considering the effect of what could be enabled within the Plan Change area utilising the existing provisions of the AUP (OP).	A ground floor of retail activities which could potentially include a supermarket. Office activities above the ground floor.	31,700m ² Office
			2,000m ² Retail
			No residential units
Scenario B	A theoretical “worst case” scenario for what could be enabled	A ground floor of retail activities which could potentially include a supermarket.	35,100m ² Office
			2,000m ² Retail



	by the Plan Change.	Office activities above the ground floor.	No residential units
Scenario C	An alternative potential scenario of what could be enabled by the Plan Change based on pre-application discussions with the Auckland Council Urban Design Panel.	A ground floor of retail activities which could potentially include a supermarket. Residential activities above the ground floor.	0m ² Office
			3,300m ² Retail
			324 residential units

As seen in the table above, a development option is considered under the existing height control (scenario A) and the latter two (scenario B and C) is considered with the new height proposal. The scenarios consist of a mix retail and office only, to residential and retail options, as presented in the table above.

5.2 EXISTING TRAFFIC DATA

The ITA provides traffic data for the surrounding road network. This is reproduced below in Table 6 below.

TABLE 6: AVERAGE DAILY TRAFFIC ON SURROUNDING ROADS

Road	Location	Date	7-Day ADT (veh/ day)	Peak hour volume (veh/ hr)		7-Day ADT from MobileRoad
				AM Peak	PM Peak	
George Street	Between Morgan Street and Titoki Street	Nov 2016	4,335	482	642	5,080
Carlton Gore Road	Between Morgan Street and George Street	May 2018	8,727	731	925	7,405
Parnell Road	Between Cowie and George Street	March 2017	18,881	1,390	1,381	16,390



As can be seen in Table 3 above, George Street is moderately busy during the AM and PM peaks. Carlton Gore Road and Parnell Road are busier, as expected from arterial roads.

I have also compared the traffic count given with the updated one from the MobileRoad in the table above. As can be seen above there is no significant difference between the data obtained and what was presented in the ITA. According to MobileRoad’s website these counts have been uploaded on 30 June 2020.

There are no vehicle counts available or given in the ITA for Morgan Street and Clayton Street, however from the traffic counts in the surrounding area and information obtained from MobileRoad it is estimated that Morgan Street has a 7-day ADT of around 1,000 and Clayton Street has around 500 vehicles ADT.

5.3 TRIP GENERATION

I have reviewed the trip generation rates in the ITA. Trips are broken down according to the three development scenarios mentioned in Section 5.1 above.

To determine the expected trip generation from the proposed development scenarios the following industry accepted standards have been used in the ITA:

- ‘The New South Wales Roads and Maritime Services (formerly the roads and traffic authority) Guide to Traffic Generating Developments’ (‘RTA Guide’), Version 2.2, October 2002.
- Modal split from Census data 2013.
- Trip generation for the number of car parking spaces.

Reference to Trips and Parking Related to Land Use of New Zealand Transport Agency (Research Report 453) has been also made which give similar trip generation rates as per RTA Guide.

The 2013 Census data was used to estimate the number of vehicle trips as data was not available when the ITA report was written.

I have investigated and found out that the data for 2018 is now available. However, I have found out that the data is very similar to 2013 with minor variations in some modes of transport which I consider will not affect the trip generation calculations presented in the ITA. A comparison of data presented in the ITA and what is available for 2018 is shown in the Table 7 below.

TABLE 7: COMPARISON BETWEEN 2013 AND 2018 CENSUS DATA

To Newmarket		
Census data 2013	Mode of Transport	Census data 2018
70.1%	Drove a private vehicle	58%



17.1%	Took a bus or a train	23%
6.3%	Walked or jogged	6%
2%	Cycled	2%
4.5%	Other (work from home, annual leave, sickness)	3%
From Newmarket		
Census data 2013	Mode of Transport	Census data 2018
37%	Drove a private vehicle	31%
19%	Took a bus or a train	28%
23%	Walked or jogged	26%
2%	Cycled	2%
	Other (work from home, annual leave, sickness)	8%

Therefore, I consider that the use of data from 2013 is acceptable. For estimating trip generation, I do not consider that there will be significant differences between using 2013 or 2018 data.

Table 8 below, provides a summary of trip generation as presented in the ITA for each scenario during the peak hour based on two trip generation methods:

- Trip generation based on the land use and gross floor area,
- Trip generation based on the number of parking spaces limited to 500 spaces.

TABLE 8: TRIP GENERATION COMPARISON WITH LIMITED CAR PARKING SPACES

Scenario	Land Use	Trip Rate	Peak Hour Trips	Number of Parking spaces (max 500)	Peak Hour Trips with Parking Maximum
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Scenario A: Potential Mixed use under AUP (OP)	31,700m ² Office	0.8 trips per parking space	423	-	-
	2,000m ² Retail	2 trips per parking space	133	-	-
Scenario A Totals			556	-	-
Scenario B: "Worst Case" Plan Change	35,100m ² Office	0.8 trips per parking space	468	433	347
	2,000m ² Retail	2 trips per parking space	133	67	133
Scenario B Totals			601	500	480
Scenario C "Potential" Plan Change	324 residential Units	0.29 trips per apartment	94	390	94
	3,000m ² Retail	2 trips per parking space	220	110	220
Scenario C Totals			314	500	314

As seen in the table above Scenario B (a mix of office and retail) will generate the highest trip rates and Scenario C (a mix of residential and retail) will generate the lowest trip rates among three options considered for the Plan Change area.

By limiting parking spaces to 500, trip generation has reduced from Scenario A to Scenario B by 76 trips (480 trips versus 556 trips) in the peak hour and from Scenario A to Scenario C by 242 trips (314 trips versus 556 trips).

I consider that the trip rates appear to be appropriate. The trip generation for the office building is based on a 15m² per employee to estimate the number of employees for Scenario B.

The 15m² of GFA per employee is a conservative average density that has been assumed to estimate the number of employees should a commercial only Scenario is proceeded with. This employee density is given in the RTA Guide.

I consider the trips associated with the retail activity which is based on 2 trips in each peak hour per parking spaces is adequate and represents a realistic scenario.



Bicycle parking and accessibility parking will be provided based on the requirements of the future development as stated in the ITA provided and will be assessed under the subsequent consent processes for the development.

5.4 PEAK HOUR TRAFFIC MOVEMENTS

No specific traffic movements have been predicted in the ITA provided. The ITA states that;

Given that the Plan Change area is located within a Centre Fringe Office Control, provided that a development complies with all other E27 standards, a detailed assessment of traffic generation and impacts of this on the network would not be required.

Therefore, no specific traffic movement modelling has been provided to consider the effects of the traffic related to this development on the surrounding roads and intersections. I acknowledge that Newmarket is subject to frequent traffic congestion, as provided by the feedback from the public notification. However, based on the above assessment the anticipated traffic effects from the peak hour traffic movements would be less than a potential development under the current zoning.

Service vehicles are proposed to use Morgan Street for deliveries for a potential future retail activity. As Morgan Street is a narrow street, with a kerb-to-kerb measurement of 8m and clear traffic lane of 4.5m with parked cars, I consider that this street will be only suitable for certain sizes of service vehicles. Vehicle tracking analysis will be required in a resource consent application to prove the suitability of Morgan Street for commercial vehicle use that is expected to service the retail activity of the site on a regular basis. I anticipate some loss of on-street parking may be required to facilitate access and egress for service vehicles.

5.5 PEAK HOUR TRIP MOVEMENTS - CAR PARK SPACES EXCEEDING 500 SPACES - RESTRICTED DISCRETIONARY ACTIVITY

The Activity Table provides Permitted Activity status for the no more than 500 parking spaces and Restricted Discretionary Activity status for more than 500 spaces. The Assessment Criteria for IX8.2(11) include:

- Effects on transport network including how additional parking spaces *affect the safe and efficient operation of adjacent transport network, including public transport and the movement of pedestrians, cyclists and general traffic.*
- Considering the *effects of additional parking on trip generation from the site during peak commuter times.*
- Effects on pedestrian amenity, *particularly along the pedestrian connections required by George Street Precinct Plan 2.*

I consider this approach to be appropriate to manage the effects of both traffic and pedestrian activities if the number of parking spaces exceed 500 spaces for any future development under PPC44.



6.0 ACCESS

6.1 VEHICLE ACCESS

The site will have three accesses from three different roads which are described below:

- The George Street access provides a vehicle entry and exit point.
- The Morgan Street accesses provides a vehicle entry and exit point and a separate service vehicle entry and exit point for to service the Plan Change area.
- Clayton Street is identified as a vehicle access point, and I consider it likely to be used as a vehicle exit for the passenger vehicles only.

I agree with the access layout proposed in the Plan Change area. However, I have the following observations that can be addressed as part of a future resource consent application.

- The ability and suitability for Morgan Street to accommodate service vehicles, as discussed earlier.
- Access from George Street as a second access for service vehicles, such as courier van deliveries. This would help distribute services vehicles across the two accesses to minimise the impact on pedestrians.

6.2 PEDESTRIAN ACCESS

It is stated in the ITA;

A key objective and policy outcome of the Precinct is to promote attractive, safe and accessible spaces that promote pedestrian connectivity through the area. By achieving these outcomes, the Precinct will create a key linkage between the Auckland Domain and Newmarket centre.

I generally agree with the level of pedestrian facilities proposed for the plan change area, noting however the issue raised above with regard to the location of the George Street pedestrian connection. The public access is proposed to be from 7am to 11pm to keep with the permeability of the site for pedestrians between Newmarket and the Auckland Domain. Auckland Council's Urban Designer's view on the acceptability of this should be sought as this is outside the scope of traffic engineering.

It is also stated in the ITA;

Based on this and the review completed it is considered that there may be opportunities for further potential amenity improvements as part of subsequent resource consent applications including:

- *Upgrade to crossing facilities on George Street link to Auckland Domain*
- *Clayton Street upgrades related to pedestrian safety and amenity*
- *Rationalization of on street parking to accommodate for streetscaping works*



It is noted that further detail on potential upgrades will be assessed as matter of discretion as part of vehicle access arrangements, and include effects on pedestrian safety on Morgan Street, and effects on pedestrian safety and amenity on Clayton Street and George Street.

I agree with the above statement and the need for any pedestrian facilities upgrade to be assessed in the resource consent stage.

As discussed earlier, the total number of parking spaces for the Plan Change Precinct will be kept to a maximum of 500 parking spaces. I note, however, that all new buildings require a consent and have to consider the objectives and policies of the Unitary Plan. This includes H13.3(3)(c) and as mentioned in Section 3 – Auckland Unitary Plan Objectives and Policies Assessment of this report, which may restrict development on the site if proposals up to the full extent of the zone control/allowances are found to compromise pedestrian safety as a result of vehicle traffic.

Therefore, the mitigation of 500 parking spaces may not be sufficient to mitigate the traffic and pedestrian safety effects under H13.3(3)(c). However, I note the activity table in the precinct text, Table 9 below, states the following:

TABLE 9: ACTIVITY TABLE

Activity		Activity Status
Transport		
(A12)	Parking which is an accessory activity and complies with Standard IX.6.9	P
(A13)	Parking which is an accessory activity and does not comply with Standard IX.6.9	RD
(A14)	Vehicle access	RD

IX.6.9(1) states: *The number of car parking spaces in the George Street Precinct must not exceed 500 carparks.*

I note that (A14) Vehicle access has the following Matters for Discretion and Assessment Criteria:

IX8.1(2) Vehicle Access

- (a) location of vehicle access
- (b) effects on pedestrian safety on Morgan Street
- (c) effects on pedestrian safety and amenity on Clayton Street and George street

IX.8.2(2) vehicle access:



- (a) location of vehicle access:
 - (i) vehicle access points are located and limited in number to those shown on George Street Precinct plan 2;
 - (ii) the precinct's primary vehicle access point is from the Morgan Street frontage; and
 - (iii) large service vehicles access the precinct from the Morgan Street frontage.
- b) effects on pedestrian safety on Morgan Street:
 - (i) the Morgan Street vehicle access point is designed in a manner to prioritise pedestrian safety and legibility, through reducing vehicle speed and positively responding to the adjoining pedestrian connections for example by minimising the overall width of the vehicle crossing.
- (c) effects on pedestrian safety and amenity on Clayton Street and George Street:
 - (i) the George Street vehicle access and Clayton Street vehicle access, are designed in a manner to prioritise pedestrians, reduce vehicle speed, be visually attractive, and positively respond to the adjoining pedestrian connections;
 - (ii) the pedestrian emphasis along the George Street vehicle access may take a variety of forms such as minimising the carriageway where possible;
 - (iii) if the Clayton Street vehicle access is required the pedestrian emphasis may take a variety of forms such as designing access to the precinct to limit the desirability of vehicles to use this entrance,

I consider that these Matters for Discretion and associated Assessment Criteria above sufficiently meets the requirements of H13.3(3)(c). The assessment criteria provide sufficient measures to provide mitigation for the adverse effects on pedestrians in the design of the vehicle accesses.

7.0 ROAD SAFETY

The ITA details a search of NZTA's Crash Analysis System for all reported crashes for the full five-year period from 2014 to 2018 including all available results from 2019. The search area covered George Street (between Carlton Gore Road and Broadway), Morgan Street, and Clayton Street.

As stated in the ITA, most of these crashes happened at the intersections. There were no crashes along the George Street corridor unrelated to the intersections. There was only one crash along the Morgan Street corridor unrelated to the intersection where a parked vehicle was hit by a truck.

I have also found a recent crash from my search on George Street where several parked cars were hit by another car travelling along George Street. This happened due to a medical condition of the driver.

The limitation of parking spaces has reduced the trip generation from Scenario A to Scenario B by 76 trips (480 trips versus 556 trips) in the peak hour and from Scenario A to Scenario C by 242 trips (314 trips versus 556 trips). I consider the anticipated reduction in trips with the parking space



limit will help minimise any road safety issues on the surrounding road network once a development is operational at this site under PPC44.

7.1 PEDESTRIAN SAFETY

It is mentioned in the ITA provided that a key objective and policy outcome of the Precinct is to promote attractive, safe and accessible spaces that promote pedestrian connectivity through the area. By achieving these outcomes, the Precinct will create a key linkage between the Auckland Domain and Newmarket centre.

The level of pedestrian facilities provided inside the Plan Change area can be considered acceptable provided the location of the pedestrian connection and the vehicle access off George Street are of a sufficient width and sufficiently separated from one another. There were no pedestrian crashes recorded along George Street and Morgan Street in the five-year period from 2014 to 2018 including all available results from 2019.

On the surrounding road network there are footpath facilities. On George Street there is a crossing facility to the east of the existing and proposed access.

It is also noted that ACG College is to the north of the site on Titoki Street and ACG Primary School is to the east of the access on George Street. There is a pedestrian crossing facility that will be utilised by the ACG college students and general public on George Street. There are speed calming measures along George Street that further improve road safety for pedestrians as well as for vehicles.

An increased level of pedestrian and vehicle conflict is expected at the proposed accesses with the trip generation that is presented in the ITA provided both on George Street and Morgan Street frontage. Measures will be needed to put in place to prioritise pedestrians along the accesses to the plan change area. This could be, but is not limited to:

- Improvements on the existing pedestrian crossing on George Street
- Improvements at the intersection of Morgan Street and George Street.

This can be assessed in a future resource consent application.

8.0 CONSTRUCTION EFFECTS

It is stated in the ITA provided;

As is typical with a development of this scale, it is recommended that as part of any later resource consent, a Construction Traffic Management Plan (CTMP) should be required as a condition. It is considered that this Construction Traffic Management Plan should include:

- *Construction dates and hours of operation including any specific non-working hours for traffic congestion/noise etc, aligned with normally accepted construction hours in the Auckland Region;*



- *Truck route diagrams between the site and external road network.*
- *Temporary traffic management signage/details for both pedestrians and vehicles, to manage the interaction of these road users with heavy construction traffic; and*
- *Details of site access/egress over the entire construction period and any limitations on truck movements. All egress points should be positioned to achieve appropriate sight distances.*

I agree with the above statement as a CTMP is usually prepared when the project is near the construction stage and a contractor is appointed for the construction of the project. It is considered that with an appropriate CTMP the effects of construction traffic will be managed adequately. I recommend that the CTMP should address any potential safety effect on pedestrian and general traffic around the site and can be addressed by way of a condition in any future resource consent application.

I reviewed potential access routes to the site for construction traffic and envisage truck access and egress could be via a circulatory route comprising State Highway 1; Khyber Pass Road; Park Road; Carlton Gore Road; George Street; Parnell Road; Broadway; Khyber Pass Road and State Highway 1.

If managed appropriately through an appropriate CTMP, I consider the surrounding road network can accommodate construction traffic of a proposed development under the current zoning and under PPC44.

9.0 SUBMISSIONS

The application was publicly notified in July 2020 and submissions closed in September 2020.

Auckland Transport (AT) provided submission to the proposed private plan change. AT's submission is discussed separately in Section 9.1 below.

Twenty eight (28) of the total received submissions raised traffic-related concerns. These concerns and our response to those concerns are provided in Table 11 and Section 9.2 below.

9.1 AUCKLAND TRANSPORT SUBMISSION

Auckland Transport provided a submission, dated 21 July 2020, on the notified resource consent and their submission is given in Table 10 below:

TABLE 10: AUCKLAND TRANSPORT'S SUBMISSION (SUBMITTER # 26)

Topic	Support Oppose	Reason for submission	Decision requested	My Observation
IX.1 Precinct Description	Oppose In part	In addressing the maximum limit on the number of parking spaces, the precinct description does not note that this approach is intended to manage the traffic effects on the surrounding transport network.	Amend IX.1 Precinct Description, paragraph 5, as follows: <i>To encourage public transport and active transport modes and to manage the traffic effects on the surrounding transport network, the precinct includes a maximum limit on the number of carparks.</i>	I agree with this amendment as it should help manage the traffic effects on the surrounding road network
IX.2 Objectives	Oppose In part	The proposed objectives do not recognise the need for the transport effects of subdivision and development in the precinct to be avoided, remedied or mitigated. It is important that this outcome for the precinct is recognised in an objective as the plan change enables additional development and relies on a parking limit and provision of pedestrian connections through the site to manage the traffic effects on the surrounding transport network.	Amend IX.2 Objectives to add the following objective: <i>(x) Subdivision and development within the <u>George Street Precinct occur in a manner which avoids, remedies or mitigates adverse effects on the safe and efficient operation of transport infrastructure and services.</u></i>	I agree with this amendment.
IX.2 Objective 5	Support	Auckland Transport supports the objective to promote pedestrian safety and connectivity through the area, particularly between the development, Newmarket and the Auckland Domain.	Retain IX.2 Objective 5.	I support this.



IX.3 Policy 4	Support	Auckland Transport supports the requirement for a publicly accessible space (including the plaza) between George Street and Clayton Street.	Retain IX.3 Policy 4.	I support this.
IX.3 Policy 8	Support	Auckland Transport supports the requirement for vehicle access to prioritise pedestrian safety.	Retain IX.3 Policy 8.	I support this.
IX.3 Policy 9	Support in part	The proposed policy states that limiting on-site parking recognises the accessibility of the George Street Precinct to public transport and the Newmarket Metropolitan Centre. The policy, however, does not highlight that limiting on-site parking is the key method identified in the applicant's ITA to manage the traffic effects on the surrounding transport network.	Amend IX.3 Policy 9 as follows: <i>(9) Limit the supply of on-site parking to recognise the accessibility of the George Street Precinct to public transport and the Newmarket Metropolitan Centre, and to manage the traffic effects on the surrounding transport network.</i>	I agree with this amendment.
IX.3 Policy 10	Support in part	The proposed policy states that discouraging high car trip generating uses would reinforce the pedestrian focus of the George Street Precinct. The policy, however, does not highlight that discouraging high car generating trips is needed to manage the traffic effects on the surrounding transport network.	Amend IX.3 Policy 10 as follows: <i>(10) Discourage high car trip generating uses, such as service stations, large supermarkets or drive through restaurants in order to reinforce the pedestrian focus of the precinct and to manage the traffic effects on the surrounding transport network.</i>	I agree with the amendment proposed.



IX.5 (1)(a) Notification	Oppose	<p>Infringing IX.6.9 Number of car parking spaces is proposed as restricted discretionary (RD) in accordance with IX.4.1 Activity table (A13).</p> <p>IX.5 (1)(a) proposes to preclude all RD activities listed in IX.4.1 Activity table, from public or limited notification (unless where special circumstances exist).</p> <p>It is not appropriate to preclude IX.4.1 (A13) from public or limited notification, given that exceeding 500 parking spaces may have adverse transport effects beyond the precinct.</p>	<p>Amend IX.5 (1)(a) as follows: <i>(a) Other than (A13) a restricted discretionary activity listed in Table IX.4.1; and/or</i></p>	I agree with this amendment.
IX.6.2 Plaza	Support	Auckland Transport supports the requirement for a publicly accessible plaza in accordance with this standard.	Retain IX.6.2 Plaza.	I support this.
IX.6.3 (3) Pedestrian connections	Support in part	<p>Auckland Transport supports the requirement for publicly accessible pedestrian connections in accordance with this standard.</p> <p>IX.6.3 (3) should be amended so that is clear that pedestrian connections will be publicly accessible seven days per week, including public holidays. This would support Policy IX.3(4).</p>	<p>Amend Standard IX.6.3(3) Pedestrian connections, as follows: <i>(3) The pedestrian connections required by IX.6.3(1) and (2) shall be publicly accessible seven days per week (including public holidays) between the hours of 7am and 11pm.</i></p>	I agree with this amendment.



IX.6.9 Number of car parking spaces	Support in part	Auckland Transport supports limiting the number of car parking spaces as a measure to mitigate the traffic effects of the plan change on the surrounding transport network as identified in the ITA.	Retain IX.6.9 Number of car parking spaces.	I support this.
IX.8.2 Assessment criteria	Oppose in part	The precinct provisions require pedestrian access to be provided through the precinct. Section 1.3.5 of the applicant's ITA, however, recognises that there are low levels of pedestrian amenity on the pedestrian network in the immediate vicinity of the site i.e. Morgan Street, Clayton Street, and parts of George Street. Section 6.1 of the ITA suggests that there may be opportunities for further amenity improvements as part of subsequent resource consent applications. Options suggested are an upgrade to crossing facilities on the George Street link to Auckland Domain, Clayton Road upgrades related to pedestrian safety and amenity, and rationalisation of on-street parking to accommodate streetscaping works. The ITA suggests that such potential upgrades can be assessed as part of vehicle access arrangements. The assessment criteria relating to vehicle access in IX.8.2(2)(b) and (c), however, are limited to the consideration of pedestrian amenity and safety at the location of the vehicle access. The existing criteria do not suggest that	Add additional assessment criteria to IX.8.2(2)(b) and (c) to ensure that applications for vehicle access address potential mitigation through upgrades to pedestrian facilities along Morgan Street, Clayton Street and George Street that may be required.	As the development is expected to generate pedestrian trips as assessed in the ITA I agree with the additional assessment criteria to be added for pedestrian facilities. Additional assessment criteria to IX.8.2(2)(b). (c) Pedestrian facilities on George Street and Morgan Street outside the development are designed to maximise the



Missing provisions	Oppose	<p>other upgrading along Morgan Street, Clayton Street and George Street may be required.</p> <p>Section 3 of the ITA states that the current AUP provisions enable up to 31,700m² of office space and 2,000m² of retail space (Scenario A).</p> <p>The “worst case scenario” (Scenario B) described in section 3 of the ITA states that the plan change and associated precinct provisions could enable up to 35,100m² of office space and 2,000m² of retail space. The plan change, therefore, enables an additional 3,400m² of office space compared with the current AUP provisions. Section 4.2.1 of the ITA states that a primarily office-based development would generate the greatest number of peak hour trips.</p> <p>Sections 4.3 and 5.2 of the ITA state that under Scenario A (current AUP provisions) 556 peak hour trips could be generated which would require 595 parking spaces. Under the “worst case” scenario (Scenario B), 601 peak hour trips</p>	Amend the precinct plan to include appropriate provisions to avoid the potential adverse effects associated with the “worst case” traffic generation scenario (Scenario B) of 35,100m ² office space and 2000m ² retail space identified in the applicant’s ITA.	desirability for pedestrians and prioritise pedestrian safety.
				It is proposed to keep the parking provision to 500 spaces as a mitigation measure if Scenario B is progressed with. I support this approach as 500 parking spaces will limit the number of trips associated with the development and on-street parking demand limits opportunity for on street parking and trips associated with a proposed development.



		<p>could be generated which would require 652 parking spaces.</p> <p>No transportation modelling has been provided in the ITA to identify the transport effects of the “worst case” scenario (Scenario B). There may be adverse transport effects beyond what is currently enabled under the AUP and it is not clear that limiting parking spaces to 500 as proposed is an adequate mitigation measure to address the “worst case” scenario (Scenario B).</p>		
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9.2 PUBLIC SUBMISSIONS

TABLE 11. ASSESSMENT OF PUBLIC SUBMISSIONS

TRANSPORT THEME	SUBMITTER ID	SUBMISSIONS	SUMMARY OF DECISIONS REQUESTED	ITA ASSESSMENT	MY OBSERVATIONS
Car Parking Shortfall	12	<p>A number of submitters have raised concerns that the number of parking spaces proposed will create a parking shortfall in the surrounding streets.</p> <p>It is also mentioned that there is an existing parking shortfall due to the demand from the adjacent businesses.</p> <p>It is mentioned that some of the drivers are using vehicle crossings as parking spaces which creates problems for local residents and businesses.</p>	Decline the plan change.	<p>In order to continue to support the provisions in the AUP (OP) and utilise parking management as a tool to mitigate the traffic impacts of the proposed increased building height enabled by the Plan Change, a parking maximum is proposed to be included within the Plan Change provisions.</p> <p>These parking maximums allow for various development scenarios to be implemented under the Plan Change, while still containing the impact to a similar level to that expected within the existing AUP (OP) scenario.</p>	<p>According to the Unitary Plan there are no maximum or minimum car parking requirements for the Plan Change area, with the exception of a maximum limit for an office development. There is no minimum parking requirement for an office development. Despite this, the developer is proposing 500 spaces.</p> <p>Depending on the type of development that will be established from the Plan Change area, trip generation could be controlled by providing limited parking spaces. This will control trip generation that is expected by the residents or employees of the Plan Change area. Therefore, I agree with the ITA assessment. However, this might not have any control over drop off or visitor trips. Therefore, a drop off and short-term parking is proposed along Tower B as per the Masterplan concept designs provided.</p>
	16		Amend the plan change if it is not declined.		
	27		Decline the plan change.		
	28		Decline the plan change.		
	29		Decline the plan change.		
	30		Decline the plan change.		
	33		Decline the plan change.		
	34		Decline the plan change.		
	37		Decline the plan change.		
	40		Decline the plan change.		
	41		Decline the plan change.		
	50		Decline the plan change.		
51	Decline the plan change.				
55	Decline the plan change.				

TABLE 11. ASSESSMENT OF PUBLIC SUBMISSIONS

TRANSPORT THEME	SUBMITTER ID	SUBMISSIONS	SUMMARY OF DECISIONS REQUESTED	ITA ASSESSMENT	MY OBSERVATIONS
	56			<p>The purpose of the precinct is to provide for a comprehensively designed and integrated mixed-use development with high quality, publicly accessible spaces that enhance connectivity between Newmarket and the Auckland Domain, and to enable buildings of greater height (see Figure 9) than on surrounding Business-Mixed Use zoned sites, taking advantage of the precinct's size and proximity to amenities including public transport and open space.</p>	<p>People will not rent or own if the property they are renting or buying does not meet their lifestyle requirements. Hence, I do not consider that a parking shortfall will occur from the residents and tenants of the Plan Change area.</p> <p>The on-street parking is controlled by pay and display and time limited measures. This will discourage potential buyers that are willing to rely on the availability of on-street parking spaces.</p> <p>Parking spaces provided onsite is kept to a minimum to avoid any adverse traffic effects of the Plan Change.</p> <p>There are frequent bus services along Parnell Road which is near the Plan Change area. Any public transport facility within 15 minutes walking distance from a site is considered accessible, hence I agree with the ITA referring to the accessibility of the public transport to the Plan Change area as excellent.</p> <p>Drivers misbehaving in terms of parking is an enforcement issue and Auckland Transport is the authority who needs to address this.</p>

TABLE 11. ASSESSMENT OF PUBLIC SUBMISSIONS

TRANSPORT THEME	SUBMITTER ID	SUBMISSIONS	SUMMARY OF DECISIONS REQUESTED	ITA ASSESSMENT	MY OBSERVATIONS
Traffic Generation / Congestion and Volume	4 5 10 15 16 17 18 21 22 27 28 30 31	Existing traffic conditions have been discussed by the submitters and they have expressed their concern on increasing traffic volume and congestion along George Street, Morgan Street and Clayton Street. It has been also mentioned that this development will further add to the traffic along these streets with the provision of 500 parking spaces. The access on Clayton Street is misunderstood by some of	Amend the plan change if it is not declined. Decline the plan change.	The expected traffic generation of each scenario has been calculated. As shown in Table 9, the current baseline scenario generates some 556 trips, and the scenario with additional building height allowances as per the Plan Change, generates 601 trips, an additional 45 trips in the peak period. Should a predominately residential development be progressed, or a development that is has a residential component be proposed, the expected trip generation would be within the above ranges.	I do not anticipate that the proposed development would exacerbate the existing parking shortfall in the surrounding road network as the parking limit of 500 spaces would discourage trips for those without an allocated parking space. The anticipated vehicle movements associated with the Plan Change area will depend on where the destination of each movement is as explained above in Section 4.4 of this report. Based on this each driver will decide which access to use. At this stage I anticipate that both Morgan Street and George Street access will receive traffic movements regardless of being main entrance or not, as drivers simply choose the easiest route to access and egress any development. . I do not expect that all of the 300 to 500 car trips that are expected during the peak hours would use only one of the streets as the development has two accesses. They will be distributed depending on where the vehicles' origin and destination are located. The traffic

TABLE 11. ASSESSMENT OF PUBLIC SUBMISSIONS

TRANSPORT THEME	SUBMITTER ID	SUBMISSIONS	SUMMARY OF DECISIONS REQUESTED	ITA ASSESSMENT	MY OBSERVATIONS
	33 37 40 42 43 44 45 50 51 55 56	<p>submitters as two-way access.</p> <p>It is also mentioned that Morgan Street is too narrow for two cars to pass in opposite directions when vehicles are legally parked.</p> <p>The development at the corner of Carlton Gore Road and Morgan Street with 117 cars entering and exiting on Morgan Street has been raised by submitters.</p> <p>It is also raised that due to the main access being from Morgan Street, traffic generated by the development will further increase the traffic along Morgan Street and will increase congestion along this street and at its two intersections with George Street and Carlton Gore Road.</p>	<p>Decline the plan change.</p>	<p>To restrict the impact of potential development scenarios to that expected under the existing AUP (OP) provisions, it is proposed to limit the parking provisions.</p> <p>The main vehicle movements would be accommodated on Morgan Street. This enables the site frontage on George Street and Clayton Street to have an active frontage, which continuing into the precinct, encourages movement through and around the precinct by foot.</p> <p>A key design element proposed by the Plan Change is separation of vehicles and pedestrian movements to provide a safe environment for a range of users. The provision of two vehicle accesses on Morgan Street allows for future development to have a</p>	<p>that is expected to be generated during the rest of the day is also expected to be catered for by both Morgan Street and George Street.</p> <p>Traffic in the central city areas is a common issue and this case is not an exception. Wider streets will bring speeding vehicle issues.</p> <p>Vehicles giving way to each other functions as a speed calming measure along Morgan Street. This is a good safety outcome specially with developments along this street. This will also encourage more walking and cycling in the area.</p> <p>I agree with the ITA's assessment which is assuming that if a resident is not allocated a car park they will not have a car. However, the resident could be travelling to and from the site via ride share means other than public transport.</p> <p>Existing and estimated traffic on the surrounding streets shows that there is spare capacity for the traffic that is expected to be generated from the proposed scenarios as proposed in the plan change, provided that the</p>

TABLE 11. ASSESSMENT OF PUBLIC SUBMISSIONS

TRANSPORT THEME	SUBMITTER ID	SUBMISSIONS	SUMMARY OF DECISIONS REQUESTED	ITA ASSESSMENT	MY OBSERVATIONS
		<p>Traffic and congestion have been also raised along Alma Street.</p> <p>Concerns have been also raised regarding construction traffic and the general construction methodology.</p> <p>Concerns have been raised in regards the retail activity that is proposed as part of this development and its related traffic generation.</p>		<p>dedicated access for loading spaces.</p> <p>Pedestrian access will also be provided on Morgan Street.</p> <p>Depending on overall site circulation exiting vehicles may utilise Clayton Street access, and travel down Alma Street to leave the Precinct. However, the access point will primarily be pedestrian focused and no vehicle entrance, or through movements from George Street will be possible.</p> <p>To facilitate construction traffic, further assessment will need to be completed once a consented development proposal is available. This will consider the staging and potential truck movements. Particular consideration will be given to the operation of the Parnell Road and George Street intersection</p>	<p>number of car parks are kept at or less than 500 spaces.</p> <p>The introduction of such developments will change the reliance on private passenger cars and will promote the use of alternative modes of transport such as public transport and cycling. Hence not exacerbating the existing traffic congestion on the surrounding roads such as Carlton Gore Road and Broadway.</p> <p>I anticipate that the exit only from the site onto Clayton Street to be used occasionally. Existing vehicles on this street need to make a left turn on to Alma Street as Clayton Street is currently a one-way road. Therefore, it is more convenient to use George Street or Morgan Street instead. Hence, I do not anticipate a significant increase in the volume of Traffic on Alma Street.</p> <p>Existing traffic on Morgan Street is anticipated to be in the order of 1000 vehicle per day. Therefore, I consider that there is capacity in the road network for traffic that is expected from the Plan Change area.</p>

TABLE 11. ASSESSMENT OF PUBLIC SUBMISSIONS

TRANSPORT THEME	SUBMITTER ID	SUBMISSIONS	SUMMARY OF DECISIONS REQUESTED	ITA ASSESSMENT	MY OBSERVATIONS
				and the Carlton Gore Road and George Street intersections.	<p>Once a final development is decided on in the Plan Change area, a further assessment will be carried out and a tracking assessment is expected to be submitted by the applicant.</p> <p>I consider that with the appropriate Construction Traffic Management Plan (CTMP) the adverse traffic effects of construction will be addressed and mitigated where possible. I consider that the surrounding road can cater for construction traffic and I envisage construction access and egress would be from George Street and access to the site via SH1, Khyber Pass Road, Park Road, Khyber Pass Road and George Street.</p> <p>Currently it is proposed to have a retail floor as part of the Plan Change. The type and extent of it is not known. I am expecting that this retail would attract most pass by trips and would be ancillary to the proposed development above.</p> <p>The trip generation for the retail will also be controlled by the number of parking spaces designated for this facility onsite.</p>

TABLE 11. ASSESSMENT OF PUBLIC SUBMISSIONS

TRANSPORT THEME	SUBMITTER ID	SUBMISSIONS	SUMMARY OF DECISIONS REQUESTED	ITA ASSESSMENT	MY OBSERVATIONS
Pedestrian Safety	22 28 40 42 43 44 45 55	It has been raised by submitters that the proposed plan change includes significant car parking provision within the podium structure which is accessed directly from Morgan Street and Clayton Street. These vehicle access points coincide with pedestrian access points to the site and also create points of conflict between the two modes for passers-by. Concerns have been also raised regarding the ACG school complex which caters for a significant number of pupils, a large number of whom are dropped off on the north and south side of George St up to and including the top end of Morgan St. Collection of children occurs at the same places after	Decline the plan change.	A key objective and policy outcome of the Precinct is to promote attractive, safe and accessible spaces that promote pedestrian connectivity through the area. By achieving these outcomes, the Precinct will create a key linkage between the Auckland Domain and Newmarket centre. Further detail will need to be undertaken on the access design at resource consent stage. This would need to consider the following specific vehicle design elements such as <ul style="list-style-type: none"> • Separation between vehicle access points, and separation between pedestrian and vehicle access • Pedestrian visibility and provision of appropriate 	Any pedestrian improvements needed in the vicinity of the Plan Change area will be assessed in the subsequent resource consent stages. These improvements could be raising the existing crossing facility and the provision of crossing facility at the intersection of George Street and Morgan Street. The school and commuter peak hours only coincide during the morning. However, it is staggered in the afternoon where school peak is expected to be between 3:00 to 3:30pm while commuter peak is expected to be between 4:00-6:00pm. With an appropriate level of improvement for pedestrians I consider that the adverse effects of traffic from this development on the pedestrians safety will be managed effectively in the surrounding road network.



TABLE 11. ASSESSMENT OF PUBLIC SUBMISSIONS

TRANSPORT THEME	SUBMITTER ID	SUBMISSIONS	SUMMARY OF DECISIONS REQUESTED	ITA ASSESSMENT	MY OBSERVATIONS
		<p>school. It is an extremely busy area already and the proposal that there be a vehicle entrance to the proposed complex off George St as well as the proposed use of Morgan St for access of more than 500 vehicles would add an unacceptable number of vehicle movements to an already over loaded area. There are “near misses” of children seen frequently as vehicles battle for access in an area already overloaded with vehicle movements. It is also mentioned that due to the location of ACG School, George Street, Titoki Street and Morgan Street receives a significant traffic volume during the school peak hours.</p>		<p>platforms to enable inter-visibility between exiting vehicles and pedestrians</p> <ul style="list-style-type: none"> • Access gradients • Sight distances on the surrounding road network. 	

TABLE 11. ASSESSMENT OF PUBLIC SUBMISSIONS

TRANSPORT THEME	SUBMITTER ID	SUBMISSIONS	SUMMARY OF DECISIONS REQUESTED	ITA ASSESSMENT	MY OBSERVATIONS
Access	4 32 33 48	<p>Site access via Morgan Street and its capacity to cater for the traffic expected for such a future development has been raised by submitters. It is mentioned that the development proposes to use Morgan St for primary vehicle servicing/transport access, which will significantly increase congestion and delay in the area.</p> <p>It is mentioned that Morgan Street is narrow, and it is further made narrow by parked vehicles on both sides of the street.</p> <p>It is also suggested by submitters to relocate the access to an alternative location such as George Street.</p>	<p>Amend the plan change if it is not declined.</p> <p>Decline the plan change.</p>		<p>I agree with the access layout proposed.</p> <p>I recommend allowing service vehicle access from George Street as a second access for service vehicles such as courier drivers and use the pick-up and drop off area. This would help distribute service vehicles across the two accesses to minimise the impact on pedestrians.</p> <p>This will also reduce the use of Morgan Street by service vehicles hence reducing the chances of any congestion and conflict along this street.</p>

TABLE 11. ASSESSMENT OF PUBLIC SUBMISSIONS

TRANSPORT THEME	SUBMITTER ID	SUBMISSIONS	SUMMARY OF DECISIONS REQUESTED	ITA ASSESSMENT	MY OBSERVATIONS
Outdated data	32 56	<p>Pedestrian access through the site has been requested to be kept for 24hrs a day.</p> <p>Concerns were raised due to the use of outdated data used in the TIA provided.</p>			<p>The traffic data that is used is what is available from Auckland Transport's website. The census data that is used is from 2013. I understand that this could be due to unavailability of census data from 2018 while the ITA report was written.</p> <p>I have now investigated and found that the data for 2018 is available.</p> <p>However, I have found out that the data is very similar to 2013 with minor variations in some modes of transport which I consider will not affect the trip generation calculations presented in the ITA. Therefore, I consider that the use of data from 2013 is acceptable as there are no significant differences when compared with 2018. For estimating trip generation, I do not consider that there will be significant differences between using 2013 or 2018 data.</p> <p>I have checked the latest traffic counts and expected traffic volumes where necessary and</p>



TABLE 11. ASSESSMENT OF PUBLIC SUBMISSIONS

TRANSPORT THEME	SUBMITTER ID	SUBMISSIONS	SUMMARY OF DECISIONS REQUESTED	ITA ASSESSMENT	MY OBSERVATIONS
					<p>can confirm that the new and updated traffic volumes have been used as part of my assessment.</p> <p>Census data has been used from 2013. This is due to the unavailability of the 2018 data yet. This data was used to estimate how the people living or working in the area commute.</p> <p>I do not consider that there will be significant differences for estimating trip generation and trip distribution by using 2013 data instead of 2018 data. This has been discussed in Section 5.3 of this report in detail.</p>

10.0 CONCLUSION AND RECOMMENDATIONS

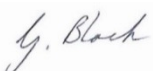
Overall, it is concluded that the proposal has minor effects on the transport network in the surrounding area and I can support PPC44 for the following reasons:

- A Transportation Assessment (Commute) has been provided and the crash record on the nearby intersections shows inherent safety issues with rear ending, overtaking and turning crashes. There is only one midblock crash due to a medical event, unrelated to any vehicle accesses along the roads.
- The feedback from many submitters raised concerns regarding traffic congestion in the area and the limited supply of on-street parking. This is an existing situation and PPC44 meets the Auckland Unitary Plan to minimise the number of trips by private car.
- The Transportation Assessment has not provided any assessment of traffic effects such as traffic modelling as this is not required under *City Fringe Office Control*, and there is no change to this control within PPC44.
- To mitigate the traffic effects of the increase in height the Plan Change proposes a parking limit of 500 parking spaces. I support this proposal as it provides less parking spaces and a reduced number of vehicle trips compared to a potential development that could be built under the current zoning.
- The surrounding road network can accommodate construction traffic if managed in an appropriate mechanism to ensure construction has a minimum impact on the safety and efficiency of the road network.
- The proposed activity in the Plan Change area is expected to comply with the transport standards of the Unitary Plan (Chapter E27) upon further stages of the resource consent application.
- The Plan Change gives effect to the relevant Objectives and Policies in the Auckland Unitary Plan relating to transport.

It is recommended that PPC44 be approved from a traffic perspective.

Yours sincerely
Harrison Grierson

Review and Approved:



Gary Black

Technical Direction
Transportation

14 April 2021

To: Bruce Young, Principal Planner, Auckland Council
From: Susan Fairgray, Associate Director, Market Economics Ltd (M.E)

Subject: Private Plan Change – PC44 George Street Precinct, Newmarket – Economic Assessment

1.0 Introduction and Context

- 1.1 A private plan change (PPC) request has been submitted to Auckland Council for a site located at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street (“the George Street precinct”). The PPC seeks the establishment of a precinct plan for the site, but does not seek to change the underlying Business Mixed Use (BMU) zoning.
- 1.2 M.E were commissioned by Auckland Council to review the submitted plan change documents to determine whether an economic assessment of effects is required by the applicant to understand the likely effects of the PPC. The intent was to inform a Council section 92 Further Information Request (FIR).
- 1.3 M.E have been further commissioned to provide analysis of specific submissions received in response to the public notification of the plan change that make reference to potential economic effects of the plan change.
- 1.4 This memo sets out our initial view of the PPC based on the information provided within the plan change documents submitted by the applicant. It begins by detailing the relevant aspects of the sites’ location, summarises the key points in the Precinct Plan, then outlines our view on the requirement for an economic assessment. The memo also contains our analysis of the potential economic effects identified in the submissions.
- 1.5 I am currently employed as an Associate Director at Market Economics Ltd (M.E). I have 14 years’ experience working in the field of urban economics. I have experience in quantitative and qualitative analysis, spatial analysis (GIS) and economic research methods and interpretation. This has been applied to inform and support policy and evaluation, including the preparation and presentation of evidence at hearings.
- 1.6 My experience covers major commercial, industrial and residential sectors, and key infrastructure, including understanding their effects on urban form. I have project experience across many locations in New Zealand, including most major urban economies.
- 1.7 Prior to joining M.E, I was employed at Auckland Council. During this time, I conducted economic analysis and evaluation to inform the Auckland Unitary Plan. This included the preparation and presentation of evidence within the Auckland Unitary Plan hearings setting.
- 1.8 I hold a Master of Science, specialising in economic geography, with first class honours from the University of Auckland (2006). Prior to that I completed a Bachelor of Science in Geography from the University of Auckland (2004).
- 1.9 In writing this memo, I have reviewed the following documents:
 - i. The Section 32 Evaluation – Barkers & Associates, 2019. *Section 32 Evaluation: Private Plan Change Request 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket*, prepared for South Park Corporation, 1 October 2019.
 - ii. The activity table (Table IX.4.1 Activity table) in the Auckland Unitary Plan Precinct Template submitted by the applicant (dated 26 September 2019).
 - iii. Warren and Mahoney, 2019. *George Street Precinct Proposed Private Plan Change: Drawing Set*, 24 September 2019.
 - iv. Submissions as listed under Section 5.0.
- 1.10 I have relied on the accuracy of the potential floorspace calculations supplied within the Warren and Mahoney (2019) report (and contained within the Section 32 Evaluation) to inform my view on the potential economic effects arising from the plan change.

1.11 I have also read, and refer to, the following documents in my assessment:

- i. The Auckland Unitary Plan *H13. Business - Mixed Use Zone* chapter.
- ii. The Auckland Unitary Plan *H9. Business – Metropolitan Centre Zone* chapter.
- iii. The Auckland Unitary Plan – *Regional Policy Statement: B2. Tāhuhu whakaruruhau ā-taone – Urban growth and form* chapter.

2.0 Site Location and Key Attributes

- 2.1 The proposal site has a land area of 7,873m² and is located at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street (“the George Street precinct”). It currently has a Business Mixed Use (BMU) zoning under the Auckland Unitary Plan and is located within the Height Variation Control. This means the site currently enables a greater height limit of 27m in comparison to the standard 18m height limit for the BMU Zone. Part of the site falls within the Regionally Significant Volcanic Viewshaft and Height Sensitive Areas Overlay. The site is also subject to the Centre Fringe Office Control, which removes the office floor area limits applied elsewhere in the BMU Zone and limits the amount of on-site parking for office developments.
- 2.2 The site is located within the City Fringe, close to the edge of the Newmarket Metropolitan Centre Zone area (100m to 300m road network distance).
- 2.3 The site is currently occupied by a number of buildings, which appear to range in height from 1 to 3 storeys. The stated intent is to redevelop the site to a higher density and increased building height (with site plans consisting of four main towers) as enabled by the proposed precinct plan.

3.0 Proposed Precinct Plan and Key Issues

- 3.1 The proposal seeks to develop a precinct plan for the site whilst retaining the underlying BMU Zone. The provisions in the precinct plan are intended to replace the corresponding provisions within the underlying zone and overlay controls.
- 3.2 The key changes to provisions are for a greater building height allowance (increasing the current 27m allowance up to 55m on part of the site), together with changes to the enabled bulk and size of buildings through the building standard controls. Changes to parking rates are also proposed. The proposed activity table also includes more restrictive provisions (in terms of activity statuses) for a subset of the land uses provided for within the zone. This is to enable a more pedestrian-focussed precinct.
- 3.3 The effect of the changed provisions would be to enable the construction of considerably larger buildings on the site. These would include a greater floorspace area than otherwise enabled by the BMU Zone at this location.
- 3.4 The section 32 planning report¹ submitted as part of the application shows that it would increase the potential residential floorspace by around 50%. Under the BMU Zone provisions, the existing potential residential floorspace equates to around 20,500m² GFA. This would increase to a potential floorspace of around 30,600m² GFA (i.e. +10,100m² GFA).
- 3.5 However, the increase is smaller for the commercial floorspace due to the building height and bulk controls that still apply under the proposed set of planning provisions. The maximum commercial yield (if all available opportunities were taken up as commercial office space) would increase by around 10% from 33,700m² GFA under the current provisions, to 37,100m² GFA (i.e. +3,400m² GFA).
- 3.6 It is important to note that the maximum commercial and residential yields reported for the site are not additive. They show the maximum floorspace that can be achieved under different scenarios if the space were to be allocated to commercial office uses vs. if the space were to be allocated to residential uses.
- 3.7 I consider that the economic effects that may arise from the proposed plan change may occur from the propensity for different types of activity to establish on the floorspace constructed. It is important, when assessing the potential economic effects, to take into account the ability for any activity to also establish under the Business Mixed Use Zone provisions in the absence of the plan change. A range of activity is already able to occur on the site under the existing Business Mixed Use Zone provisions. Therefore, the effects of the plan change relate to the additional activity able to occur on the site as a result of the additional height enabled by the plan change (as set out above).

¹ Barkers & Associates, 2019 *Section 32 Evaluation: Private Plan Change Request 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket*, prepared for South Park Corporation, 1 October 2019.

- 3.8 It is relevant to consider whether additional activity on the site may have economic effects on Auckland's urban form or on the supply of housing in Auckland. Effects on urban form include any economic impacts on the adjacent Newmarket Metropolitan Centre. It is important to consider whether the additional activity enabled by the plan change that may occur is consistent with the Auckland Unitary Plan objectives and policies for the surrounding urban form.
- 3.9 I consider that the types of activity that would reasonably locate within the potential new buildings constructed on the site that are relevant for the consideration of economic effects in this location area as follows:
- i. Residential dwellings (and other accommodation)
 - ii. Supermarket
 - iii. Retail, food and beverage, and commercial services
 - iv. Office commercial.
- 3.10 I consider each of these in turn in relation to the changes generated by the proposed precinct plan in Section 6.0.

4.0 Applicant's assessment

- 4.1 The applicant has not provided a specific assessment of economic effects in relation to the proposed plan change. The information that was provided included a calculation of changes to the potential total commercial and residential yields as a result of the proposed plan change. The changes in yields are set out above in Section 3.0.
- 4.2 I have relied on these calculations to inform my earlier memo (dated 11 October 2019) that provided my view on the requirement for an economic assessment.
- 4.3 The 11 October 2019 memo concluded that no further economic assessment was required to understand the likely effects of the proposed PPC as it was drafted. However, it noted that further economic assessment may be required if there are further changes to the proposal, including to the provisions of the proposed precinct plan.

5.0 Submissions

- 5.1 I have been requested to provide analysis on the following submissions:
- i. Submission 15: Mrs Sharon Stayt
 - ii. Submission 16: Parkwood Body Corporate 162274.
 - iii. Submission 18: Foundation Properties Limited
 - iv. Submission 20: Terance Patrick James Macdonald
 - v. Submission 30: Domain Terraces Body Corporate 192346
 - vi. Submission 38: Donald Kay Keung Yung
- 5.2 The submissions state the following matters relating to potential economic effects of the proposed plan change:
- i. Not all potential land uses that may establish on the site have been established and therefore their potential effects have not been considered (submissions 16 and 30).
 - ii. Unlimited retail floorspace could potentially establish on the site and the effects of this, if it were to occur, have not been established (submissions 16, 30 and 38).
 - iii. It is unnecessary to create a retail precinct in close proximity to the Domain. Retail should instead be concentrated in the central area of Newmarket Metropolitan Centre (submission 20).
 - iv. The proposed height (up to 55m) and intensity of development is inconsistent with the BMU Zone expectations and is more consistent with development anticipated within the Metropolitan Centre Zone (submission 30).
 - v. There is an existing oversupply of office and other commercial space within the surrounding area that would be exacerbated by the proposed plan change. The current economic situation, brought about by Covid-19, has further decreased the demand for commercial space, generating numerous vacant commercial spaces within Newmarket mainstreet area (submission 15).

- vi. There is an existing oversupply of accommodation within the surrounding area (submission 15).
- vii. Retail development within the proposed plan change would compete with retail in other locations in Auckland such as Sylvia Park, Commercial Bay and St Lukes (submission 15).

5.3 In my view, some of the points raised by the submitters appear not to take account of the activity already enabled on the site through the BMU Zone. In particular, these relate to the concerns raised over the retail and commercial space (points ii, iii, v and vii). The BMU Zone, together with the Centre Fringe Office Control and Height Variation Control applied in this location, already enable significant commercial development (including retail development) to occur on the site. Therefore, a significant share of the economic effects outlined in the submissions are instead attributable to the existing zoning.

5.4 I address the points raised in the submissions in relation to retail, office and other commercial space, residential accommodation and urban form in the following sub-sections.

Retail

5.5 I consider it unlikely for retail to develop beyond the ground floor (or at most, level 1) at the proposed location. Well established patterns of retail development in Auckland seldom have retail in upper levels of buildings, with major large enclosed malls rarely exceeding two levels of main retail development. These existing patterns of development are well below the potential six floors of retail development currently enabled on the site. I therefore consider it unlikely for retail to establish to the vertical extent that is already allowed, and even less likely for it to establish beyond this in the greater height enabled by the proposed plan change. Therefore, I consider that the point ii and its consequent effects are unlikely to occur.

5.6 Given that the proposed plan change is unlikely to result in any further retail development than that already enabled, I consider that there are unlikely to be further effects from retail as a result of the proposed plan change. Therefore, any effects from competition (point vii) or retail location (point iii) would already be anticipated under the existing zoning.

Office and Other Commercial Space

5.7 At the request of Auckland Council, I have conducted further assessment on the supply and demand of office space within Newmarket Metropolitan Centre, including in the surrounding BMU Zone area. This assessment provides context for understanding the potential effects of additional office space enabled by the proposed plan change, and is set out below.

5.8 I have used M.E's *Auckland Office Demand Model (2019)* to estimate the future office-based employment growth, and corresponding demand for office floorspace, within Newmarket and the City Centre. This is contained in Table 1 below. It is important to note that these projections do not include the impact of Covid-19, which will be greatest in the short-term.

Table 1: Projected Office-Based Employment and Floorspace Demand in Newmarket and the City Centre, 2018-2048

Area and Projection Series	YEAR			Net Change	
	2018	2028	2048	2018-2028	2018-2048
Office-Based Employment					
Newmarket					
Med-High	5,800	7,400	8,900	1,600	3,100
Medium	5,800	6,800	7,900	1,000	2,100
Low	5,800	6,700	7,300	900	1,500
City Centre					
Med-High	74,300	96,900	114,900	22,600	40,600
Medium	74,340	91,000	104,600	16,600	30,300
Low	74,340	87,800	94,400	13,400	20,000
Office Floorspace (m2 GFA)					
Newmarket					
Med-High	113,000	142,000	166,000	30,000	53,000
Medium	113,000	130,000	147,000	18,000	34,000
Low	113,000	128,000	136,000	15,000	23,000
City Centre					
Med-High	1,442,000	1,854,000	2,139,000	412,000	697,000
Medium	1,442,000	1,740,000	1,947,000	298,000	505,000
Low	1,442,000	1,679,000	1,757,000	237,000	315,000

Source: M.E Auckland Office Demand Model, 2019.

Note: Projections were prepared at the end of 2019 and do not include the impact of Covid-19.

- 5.9 Office-based employment is projected to increase by between 1,500 to 3,100 employees in the long-term (to 2048) in Newmarket. This translates to an additional demand for between 23,000m² to 53,000m² of office floorspace.
- 5.10 It is relevant to also consider the projected increases in office floorspace demand within the City Centre. The proximity of Newmarket, and its potential floorspace capacity, means that growth in Newmarket could meet a share of the demand for office space within the City Centre. Over the same period (2018-2048), there is a projected demand for between 315,000m² to 697,000m² of additional office floorspace within the City Centre.
- 5.11 The above projections do not include the impact of Covid-19 where existing demand for floorspace has decreased. This is due to both a decrease in the size of the employment base together with some office-based firms adopting more flexible workspace models with a share of employees working remotely. While there is a high level of uncertainty as the pandemic progresses, the impact of Covid-19 is likely to be greatest in the short-term, with demand gradually returning over the medium to long-term (2028-2048). A range of scenarios (low to med-high) have been presented to reflect the uncertainty of Covid-19. A short-term (2023) demand has also not been reported as the short-term picture is unlikely to represent a reliable basis to inform planning decisions that will prevail into the long-term.
- 5.12 With a total potential commercial office floorspace of up to 37,100m² GFA, the proposed plan change could amount to all of the long-term office floorspace demand in Newmarket. This is also the case for the existing enabled potential floorspace of 33,700m². When considered together with City Centre demand, the proposed plan change would amount to around 7%-11% of the demand (assuming a low to medium projection series). These shares of demand are calculated as a maximum scenario if all the available space were allocated to commercial office uses.
- 5.13 When assessing the demand for office floorspace it is important to also consider the movement of demand within different grades of office stock. The total net additional office stock consented within an area is likely to exceed the net increases in demand as office stock is often upgraded (through redevelopment of sites or refurbishment of existing stock).
- 5.14 Demand is typically greatest for higher grades of office stock, with supply in the lower grades usually unable (through unsuitability) to meet demand for higher grades of stock. As an example, many firms require higher grade office stock that meets higher

safety standards (e.g. earthquake ratings), which may preclude the potential to occupy lower grade stock. Therefore, in my view, the presence of vacant older or lower grade stock (such as the presence of vacant, older office stock referred to in Submission 15) is unable to be used to conclude an existing surplus of supply.

- 5.15 I have assumed that the proposed plan change, as newly constructed floorspace, would result in higher grade office stock being supplied to the market. An assessment of the recent commercial building consents indicates the presence of other higher-grade office stock through the recent construction of new office buildings and refurbishment of existing buildings. Further future refurbishment is also identified across several other office buildings in the market (see Table 2). However, the timelines and status of these plans are unclear.

Table 2: Potential Planned Commercial Developments within Newmarket

Status	Address	Use Type	Development Type	Estimated Value
Early Planning	26 McColl Street	Commercial or Residential	Redevelopment	\$2,000,000
Early Planning	33-37 George Street 13-15 Morgan Street & 10 Clayton Street	Mixed Use - Office, Retail, Residential	Redevelopment	\$100,000,000
Early Planning	47 & 49 George Street	Office	New building	\$25,000,000
Early Planning	7-37 Nuffield Street	Office & Commercial	Redevelopment	\$80,000,000
Early Planning - On Hold	64-80 Broadway	Mixed Use - Office, Retail, Residential	Redevelopment	\$200,000,000
Early Planning - On Hold	101 Carlton Gore Road	Office	Alter Existing Building	\$3,000,000
Early Planning - On Hold	105 Carlton Gore Road	Office	Alter Existing Building	\$3,000,000

Source: Pacifecon Building Consent database (accessed 21 Sep 2020).

- 5.16 In summary, I have found that the potential commercial office floorspace enabled by the proposed plan change is large relative to the long-term demand for office space in Newmarket. Assessment of recent building consents also show other recent and planned supply of significant office stock within Newmarket.
- 5.17 It is also important to consider the overall capacity for office floorspace growth in Newmarket. Despite the large supply in Newmarket (existing and planned) relative to long-term demand, there is large potential for further additional supply within both the Metropolitan Centre and BMU zoned areas.
- 5.18 The underlying zoning, together with the Centre Fringe Office (where offices are a Permitted activity) and Height Variation Controls, mean the potential additional capacity is extensive and well in excess of the demand. In my view, in the absence of the proposed plan change site, only a small number of sites would need to be redeveloped (to their greatest potential) to produce a similar capacity to Newmarket long-term demand.
- 5.19 On this basis, I consider that the effect of enabling up to a further 10% (+3,400m²) of commercial office floorspace on the site is well within any effect that could occur through further commercial development on a small number (1-2) of sites. In my view, the level of commercial floorspace in the proposed plan change is well within the effect of office floorspace that could already establish within the surrounding zoned area.
- 5.20 I consider that most of the potential effects from the commercial office space could already largely occur through the development which is already enabled by the existing BMU zone and controls. If the floorspace yields calculations within the Warren and Mahoney (2019) report are correct, then the potential office space enabled on the site would only increase by 10%. Furthermore, this is the largest increase that could occur above that enabled by the existing provisions as it would rely on all the floorspace in the additional enabled height being allocated to commercial office uses.

Residential Accommodation

- 5.21 I have examined the approach taken in Submission 15 in relation to establishing an oversupply of residential capacity within the Newmarket area. I have also conducted further brief assessment on the supply of residential accommodation and on the area as a location for residential dwellings.
- 5.22 Submission 15 states that a quick search of Trademe listings (13 July 2020) yields 42 residential for sale listings, 33 for rent listings and 17 flatmate wanted listings for the area (it is assumed this applies to Newmarket). From this, it concludes there is an oversupply of residential dwellings in the area.
- 5.23 In my view, this approach does not provide the basis to establish an oversupply of residential capacity in Newmarket. Firstly, counting the number of residential Trademe listings does not generate an accurate picture of supply.

- 5.24 An examination of current listings (as at 25 September 2020) yields similar numbers of listings (35 for sale and 33 for rent). However, upon closer examination, many of these listings are multiple listings of the same properties; and/or are single listings for entire new properties containing multiple units that are available within the new development. Several of these contained developments under construction, due to be completed in 2021 and 2022.
- 5.25 Furthermore, the Submission 15 assessment does not establish the demand for residential dwellings within the Newmarket area. Therefore, it is unable to conclude an estimated level of supply exceeds demand, resulting in an oversupply.
- 5.26 In my view, an assessment of the vacancy rate of residential dwellings (as implied by the partial approach² taken in Submission 15) cannot alone be used to determine an oversupply of residential dwelling capacity in a location. Vacancy rates are driven by a combination of movements of households within the existing dwelling stock, as well as the addition of new dwelling stock to the total supply – there is a combination of the property market and developer markets in operation. Higher vacancy rates can be a function of reduced demand in an area (e.g. households moving out of an area, or slower than expected growth). However, they can also occur through the addition of new stock to a high growth area as a function of growing demand.
- 5.27 It is important to understand the nature of vacant supply in Newmarket, and within the context of residential growth patterns across the immediate area and surrounding urban structure. I have further examined the patterns of residential growth within the City Centre and fringe areas (including Newmarket) as well as the nature of vacant residential supply.
- 5.28 In summary, I have found that the City Centre has experienced strong residential growth over the last 12 years (2006 to 2018 Census years). During this period, residential households have increased by 68% in comparison to 14% for the Auckland region overall. There has also been significant growth in some parts of the city centre fringe, although this is impacted by underlying planning provisions and prevailing land use patterns. Overall, these growth patterns show an increasing residential demand for a central location.
- 5.29 Further examination of the vacant Newmarket supply shows that a large proportion of the residential listings are for new supply. Much of this supply is currently under construction, with anticipated completion dates in 2021 and 2022. This suggests that there is significant developer market activity within the Newmarket area, which is likely to reflect high demand for a central and accessible, high amenity location.
- 5.30 There are few listings for vacant supply within the existing established dwelling stock. When compared to the total number of households³, this equates to a vacancy rate of between 2% and 3%, which is generally expected within a large urban residential market.
- 5.31 I have further triangulated this assessment with recent property development market information through building consent data. The building consent data is summarised in Table 3 and shows a number of new residential developments at various stages of planning and construction within the Newmarket area. In total, the assessment has identified around 250 dwellings recently constructed (excluding individual dwelling projects) across 6 developments around the Newmarket area. A further 309 apartments are currently under construction across three sizeable apartment developments; and a further 428 potential dwellings (including the proposed plan change) in the early stages of planning. In total, this amounts to nearly 1,000 dwellings.

² Submission 15 only stated the number of residential for rent or for sale listings. It did not go further to express these as a vacancy rate.

³ This is estimated for 2020 based on applying the 2013-2018 growth rate to 2018 Newmarket Statistical Area 2 households.

Table 3: Summary of Recently Completed, Under Construction and Planned Potential Residential Developments in Newmarket

Status	Date	Location	Type	Estimated Value	Levels	Number of Dwellings	Description
Completed	Completed 2019	85 Nuffield Street	Apartments	\$12,000,000		10	16 New apartment building
Completed	Completed 2017/2018	14 Sarawia Street	Houses	\$2,000,000		4	6 Terraced houses
Completed	Completed June 2018	14-18 Edgerley Avenue	Apartments	\$29,000,000		5	81 New apartment building
Completed	Completed 2017	246 Khyber Pass Road	Apartments			6	59 New apartment building with mixed use lower levels.
Completed	Completed 2017/2018	371 Khyber Pass Road	Apartments	\$10,000,000		7	29 New apartment building with retail ground floor
Completed	Completed 2018	10-12 St Marks Road	Mixed Use			6	59 New building - apartments and commercial
Total Completed							250
Under construction	Completion end 2022	12 Kingdon Street	Apartments			11	84 New apartment building with retail ground floor
Under construction	Completion May 2021	39-43 Gillies Ave	Apartments			5	126 New apartment buildings - 50% serviced hotel suites
Under construction	Completion Sep 2021	5-9 Madeira Lane	Apartments			6	99 New apartment building
Total Under Construction							309
Resource Consent Issued	Construction to start 2020 and completion est. 2022/2023	1 MacMurray Road	Apartments			8	104 New apartment building with amenities.
Early Planning		33-37 George Street 13-15 Morgan Street & 10 Clayton Street	Mixed Use	\$100,000,000		16	324 Mixed use development. Potential commercial office or residential apartments.
Early Planning	Resource consent issued March 2019	7A & 7B MacMurray Road	Mixed Use	\$2,000,000			New mixed use building
Total Early Planning							428
Total Completed, Under Construction and Early Planning							987

Source: Pacifecan Building Consent database (accessed 21 Sep 2020); Corelogic; Trademe (accessed 21 September 2020); Desktop Search (as at September 2020).

5.32 In my view, there is no evidence of an oversupply of residential accommodation within the Newmarket area. Instead, there are patterns of recent significant investment by the development sector in the area. This is indicative of demand for a high value, centralised and accessible location. Provision of additional residential supply in Newmarket is consistent with the broader patterns of residential demand in the wider surrounding City Centre and fringe area of increased demand for a central location.

Other Potential Land Uses

- 5.33 Point i in the submissions claims that not all potential land uses that could establish on the site have been identified and therefore their corresponding effects have not been assessed.
- 5.34 As above, the assessment of effects must relate to the additional activity that could occur on the site through the additional height sought in the proposed plan change. This is because the underlying BMU Zone provisions are to be retained.
- 5.35 I have examined the activity tables of the BMU Zone and taken account of the land use patterns in the surrounding area and other high value commercial locations. I consider that the resulting land uses in the additional height are likely to be either office commercial or accommodation (with any retail uses predominantly restricted to the ground floor, as discussed above). There are no other activities enabled within the BMU Zone that would be likely to be commercially viable to establish in these upper levels. Therefore, I consider that there are unlikely to be other land uses and associated economic effects that could reasonably occur on the site as a result of the proposed plan change.

Consistency of Urban Form

- 5.36 Point iv from the submissions claims that the proposed plan change is inconsistent with the BMU Zone and instead more reflective of patterns of development anticipated within the Metropolitan Centre Zone.
- 5.37 In my view, this assertion does not give adequate consideration to the Centre Fringe Office and Height Variation controls applied at this location and their associated intents. The application of these controls reflects the sites' location on the edge of a metropolitan centre in a valuable, centralised location within Auckland's wider urban economic structure.
- 5.38 In my view, high intensity commercial office or accommodation development in this location is consistent with the combined policy objectives of the BMU Zone and the controls. Moreover, I consider that the sites' location on the edge of Newmarket Metropolitan Centre means that additional residential, tourist or commercial office worker activity accommodated on the site is likely to generate additional demand for amenity, goods and services from the Newmarket Metropolitan Centre. It is therefore likely to support the ongoing viability of the centre.

- 5.39 The demand for goods and services is likely to be directed into the existing base of the Newmarket Metropolitan Centre where this activity is established in the central area.
- 5.40 In my view, the proposed plan change is not likely to result in any geographic dilution to this retail/services offering away from the Newmarket core area. Retail has a strong tendency to co-locate with other retail in highly centralised areas within a centre (e.g. a mall or mainstreet). There is limited ability for retail within a centre to establish away from this area, meaning that any retail effect would be well below that which could potentially occur under the existing provisions.
- 5.41 For these reasons, I consider that the proposed plan change is not inconsistent with the combined urban form of the Metropolitan Centre and BMU Zone.

6.0 Assessment of economic effects

- 6.1 I consider that the types of activity that would reasonably locate within the potential new buildings constructed on the site that are relevant for the consideration of economic effects in this location are as follows:
- i. Residential dwellings (and other accommodation)
 - ii. Supermarket
 - iii. Retail, food and beverage, and commercial services
 - iv. Office commercial
 - v. Community
- 6.2 Within my earlier 11 October 2019 memo I considered each potential activity type (with the exception of Community activities), as well as other activities potentially enabled on the site, in relation to the changes generated by the proposed precinct plan. The intent of the assessment was to determine whether there was likely to be any adverse economic effects that would require further assessment as part of the proposed plan change application. I have summarised my conclusions here, and have included my more detailed explanation in Appendix 1. I have also subsequently assessed the relevant Community activities and included my assessment in Appendix 2.
- 6.3 In summary, examination of the proposed precinct plan shows that the main change, in relation to economic effects, is the increase of potential floorspace enabled through the additional height allowances sought. Importantly, the economic effects arise as a function of the quantity of activity enabled from the scale, which is differentiated from the physical effects of the scale of the building itself on the landscape. The latter is outside the scope of the economic assessment and I understand this issue is assessed separately within the landscape assessment.
- 6.4 I consider that the activities most likely to uptake this additional capacity are residential dwellings (or other accommodation), and commercial offices, and, to a lesser extent, a limited range of activities within the Community land uses that may occupy office space. The quantity of floorspace in other activities is unlikely to be affected by the additional capacity as they typically seek a ground floor or lower level location. Therefore, their viable development potential is likely to be equivalent to that already enabled within the BMU Zone.
- 6.5 In my view, the additional dwelling and office capacity at this location is unlikely to result in adverse economic effects. This is in large part due to the edge of centre and city fringe location of the proposal. This positioning means that the additional consumer demand generated by these activities is likely to support the viability of Newmarket metropolitan centre.
- 6.6 I recognise that the proposal would result in larger scale office activity on an individual site than would be permitted within much of the Newmarket Metropolitan Centre Zone (due to the presence of viewshaft restrictions). However, I consider that the effect (in relation to supporting the viability of the centre), on Newmarket centre, of having additional employees and residents within the proposal's location would be similar to having the employees and residents within the centre zone itself.
- 6.6.1 The additional employees and residents in this location are likely to access the main central core areas of Newmarket centre, thus supporting the viability of core retail and social infrastructure functions of the centre.
 - 6.6.2 Meanwhile, the proposal is unlikely to draw retail activity out of the main metropolitan centre area (beyond what is already enabled within the BMU Zone). I consider that the retail provisions within the Metropolitan Centre Zone will act to concentrate retail within the core central area of Newmarket. Further, the core destination retail functions of Newmarket have an endogenous

propensity to concentrate together within central areas. The spatial broadening of consumer demand origins within the wider Newmarket commercial area will still result in demand being met within the central core area.

- 6.7 For the above reasons, I consider that the proposal is therefore consistent with the RPS compact urban form objectives. It provides additional catchment demand within close proximity to the central area of Newmarket. The demand is likely to be met within the central core areas of Newmarket, which supports the viability and vitality of the centre.
- 6.8 The potential take-up of office space by education and medical Community uses is also likely to be economically efficient due to the spatial proximity of other education and medical uses and relative close proximity of significant public social infrastructure within these sectors.
- 6.9 Furthermore, additional commercial office capacity in this location is already somewhat anticipated within the Plan through a combination of the Permitted activity status for Offices under the Centre Fringe Office Control and the additional height enabled by the Height Variation Control. Most of the commercial office capacity on the site is already enabled by the Plan in this location, with the additional capacity enabled by the proposed precinct plan only 10% greater than that already enabled. These additional controls reduce the gradient of commercial activity between a Metropolitan Centre and the surrounding area.
- 6.10 On this basis, I considered that no further economic assessment was required to understand the likely effects of the proposed PPC as it is currently drafted. However, further economic assessment may be required if there are further changes to the proposal, including to the provisions of the proposed precinct plan.

7.0 Conclusions and recommendations

- 7.1 I consider that the applicant has adequately assessed the proposed private plan change effects on the environment in relation to economic effects. My assessment of the likely land uses on the site are either largely already anticipated by the BMU Zone and controls, are unlikely to result in further economic effects substantially beyond that which could already occur under the existing provisions, or are unlikely to generate adverse economic effects.
- 7.2 In my view the proposed plan change is consistent with the Auckland Unitary Plan (Operative in part) objectives and policies in place at its location including those of the surrounding urban structure. The likely development patterns are relatively consistent with the BMU Zone objectives and policies, taking into account the Centre Fringe Office and Height Variation controls in place. This is because the proposal is for a high intensity development that is relatively consistent with the nature of activity enabled under the existing provisions.
- 7.3 Although the total level of potential commercial office floorspace enabled on the proposal site is large relative to long-term demand in Newmarket, I consider that the effects are not substantially different to what is already enabled, and are within the level of activity enabled within the location overall. The additional height would only enable up to 10% greater commercial office floorspace, which is unlikely to have a substantially different effect to the level of commercial floorspace that could already be established on the site, and therefore anticipated under the existing provisions. Moreover, the level of commercial floorspace is already anticipated within this area as it could alternatively be achieved through redevelopment of only a small number (1-2) of sites.
- 7.4 I consider that the proposal is unlikely to generate any adverse retail effects in relation the distribution of retail in the area. It is unlikely that retail activity would establish on the site to the extent already enabled by the BMU Zone, and correspondingly further unlikely to the greater extent enabled by the proposal. The scale of retail that is likely to be viable on the site (mostly ground floor) is unlikely to challenge the core retail area of Newmarket, with retail itself having strong tendencies to concentrate together in central areas.
- 7.5 In my view, the larger relative potential increase in residential floorspace is also unlikely to generate adverse economic effects. Rather, I consider that this would reflect residential development in a well-located, accessible and high amenity area.
- 7.6 Similarly, I consider that if the Community land uses (tertiary/other education (e.g. schools) and medical services), beyond their office component functions, were to establish to a greater extent than already enabled on the site, then they are unlikely to generate adverse economic effects. This is largely due to the efficiency of the location for these types of activities.
- 7.7 I further consider that the proposal is not inconsistent with the objectives and policies of the adjacent Newmarket Metropolitan Centre. The additional demand generated from higher intensity development on the site is likely to support the ongoing commercial viability

of the Newmarket centre. Employees and residents are likely to access the core retail and social amenity functions of the centre, thereby supporting their commercial viability. I note that this area is identified within the Centres and BMU Zone policies as a location in which to “provide opportunities for substantial office activities (H13.3(15))”. The location of employees and residents on the proposal site, within close proximity to the central area, is likely to have a similar effect in relation to their demand supporting the viability of the centre, to if they were located within the central area itself.

- 7.8 Higher intensity commercial or residential development (and the less likely to establish community land uses) on this site is also likely to be consistent with the Regional Policy Statement. In my view, development in this location supports a quality compact urban form. This occurs through residential intensification on the site as a high amenity and accessible location, as well as the support for the adjacent Newmarket centre thereby supporting a compact, centres-based urban form.
- 7.9 I consider that development on the proposal site may provide well located residential development in an area of high amenity, accessibility, and demand. Furthermore, intensive residential development in this type of location is likely to increase the range of dwelling supply and may positively contribute to regional housing affordability objectives through the delivery of smaller, more intensive dwellings in an efficient location.
- 7.10 Overall, I am able to support the proposed private plan change in relation to the potential economic effects for the reasons outlined above.

Residential Dwellings

The proposed precinct plan would enable a greater amount of floorspace to be constructed. The BMU Zone has a 'Permitted' activity status for residential dwellings without controls on the number of dwelling units or total floorspace per site. Therefore, when the BMU Zone residential or other accommodation provisions are applied to the greater floorspace allowance (enabled through the additional height), this would result in a substantially larger number of residential dwellings that could potentially be constructed in comparison to the current provisions of the Plan.

I consider that a greater number of residential dwellings at this location is unlikely to generate any adverse economic effects. This is because the site is located on the edge of a centre and within the city centre fringe area. The presence of higher density dwellings in this location would be consistent with the Regional Policy Statement (RPS) compact urban form objectives and would be likely to support the viability of Newmarket centre. It would also encourage urban efficiency and sustainability as they would be located within the pedestrian catchment of amenity offered by the adjacent metropolitan centre and proximate public transport hubs.

Supermarket

The planning documents indicate that a 2,000m² gross floor area (GFA) supermarket may be developed as part of the development on the proposal site.

I consider that the proposed precinct provisions will not generate any adverse effects in relation to the development of a supermarket beyond the provisions of the BMU Zone. This is because the proposed precinct plan does not propose any additional allowances for supermarket development, with the activity status remaining constant across both sets of provisions. Supermarkets with 450m² GFA up to 2,000m² GFA have a Restricted Discretionary (RD) activity status which would therefore mean that the assessment of effects would still occur under any resource consent process.

Retail, Food and Beverage, and Commercial Services

The increased potential floorspace arising from the increased height provisions in the proposed precinct plan could potentially result in a greater amount of retail, food and beverage and commercial services floorspace being able to develop on the site. However, in my view, this effect is likely to be limited to the theoretical potential floorspace that could develop and is unlikely to affect the likely take-up of this type of floorspace. I consider that this type of floorspace typically develops within the ground floor and lower levels of buildings as it is predominantly commercially reliant on pedestrian volumes to generate demand. It is therefore unlikely that the additional floorspace enabled in higher vertical levels through the increased height provisions would provide viable locations for this type of activity.

I therefore consider that there would be unlikely to be any additional amount of this activity establishing on the site than what would otherwise do so under the existing BMU Zone provisions. It would therefore be correspondingly unlikely that the additional height provisions would generate an effect in relation to this type of activity.

Office Commercial

The additional height enabled by the proposal increases the potential floorspace available for commercial uses. The planning section 32 report submitted as part of the application shows that despite a large percentage increase in height, it only increases the maximum commercial floorspace yield by around 10%. This is because of the building standards that would generate a slender building form for the additional height requested.

In total, the proposed precinct plan would increase the maximum commercial floorspace yield from an existing potential for 33,700m² GFA to 37,100m² GFA (including the basement level 2,000m² GFA supermarket). This equates to an additional 3,400m² GFA (+10%). Importantly, this is a maximum commercial floorspace scenario where all potential floorspace is allocated to commercial uses where appropriate.

I consider that this does not result in any substantive difference to the urban form of the wider Newmarket area in this location. The additional commercial office capacity in this location is already somewhat anticipated within the Plan through the additional height enabled by the Centre Fringe Office Control. Most of the commercial office capacity on the site is already enabled by the Plan in this location, with the additional capacity enabled by the proposed precinct plan only 10% greater than that already enabled.

I also consider that the additional consumer demand generated by the potential additional commercial office activity is likely to support the viability of Newmarket metropolitan centre.

For these reasons, it is my view that the additional office capacity at this location is unlikely to result in adverse economic effects.

Other Activities

The proposed precinct plan also notably places further land use restrictions on a range of land uses that currently have a more permissive status within the BMU Zone. These occur through the application of more restrictive activity statuses than those within the Plan. These are set out as follows:

- Drive-through restaurants (currently Permitted activity status, proposed Discretionary activity status)
- Service stations (currently Restricted Discretionary, proposed Discretionary)
- Industrial laboratories (currently Permitted, proposed Discretionary)
- Light manufacturing and servicing (currently Permitted, proposed Discretionary)
- Repair and maintenance services (currently Permitted, proposed Discretionary)
- Warehousing and storage (currently Permitted, proposed Discretionary)

I consider that there are unlikely to be any significant adverse economic effects from these further restrictions within the proposed precinct plan. This is because these activities are unlikely to establish on the proposal site under either of the existing or the proposed planning provisions.

Most of the listed activities are predominantly light industrial in nature, which typically seek lower value locations in less central areas. It is unlikely they would seek a new location within a higher value city fringe area on the edge of a major, central metropolitan centre.

In addition, the site is located away from the main metropolitan centre core area. This may reduce the viability of establishing a drive-through restaurant or service station on this site. These land uses also often preclude development above ground level, which would waste development potential on the site.

Appendix 2 – Assessment of Economic Effects of Community Land Uses

At the request of Auckland Council, I have also further assessed the potential for economic effects to occur as a result of Community Land uses to locate within the proposed plan change site. I consider that the most relevant activities with a Permitted⁴ activity status include:

- Education
- Health care
- Tertiary education
- Community facilities

A large proportion of the activity in these sectors is already captured in the office supply and demand assessment where these uses are less likely to occupy office floorspace. In my view, it would primarily be the office-based functions of these activities⁵ that would locate in the proposed development, particularly on the upper levels beyond the height currently enabled on the site. Moreover, these activities are already substantially able to occur with the existing zoning, with only limited increases in quantity due to the additional height. I therefore limit my assessment to consideration of the activities that could potentially viably occur in the additional upper level space that would be enabled by the proposed plan change.

Beyond the office floorspace component of these activities, the following could potentially occur in the additional enabled floorspace:

- Office floorspace fitted out for medical purposes.
- Office floorspace used for tertiary education purposes (e.g. the ACG Parnell campus).

In my view, the establishment of additional tertiary education or medical facilities on the upper levels, if they were to occur, would be unlikely to result in adverse economic effects. The location of the plan change site is likely to be an efficient location for these activities to establish. This is due to the proximity to other medical activity, including major public social infrastructure (i.e. Auckland City and Starship Children's Hospitals), and the high accessibility of the Newmarket area.

The agglomeration of private medical services (i.e. the type of medical activity most likely to establish on the site) typically occurs around major public sector health infrastructure such as hospitals. This is evident when examining geographic patterns of other medical sector employment in relation to the major public hospitals in Auckland (Statistics New Zealand, Business Demographic dataset 2019 and M.E Spatial Economy Model). An example includes the concentration of medical services in the Business Mixed Use Zone along Shakespeare Road adjacent to North Shore Hospital. Although not currently well established as a medical agglomeration, the proposed plan change location is similarly located in relation to (approximately 1 kilometre away) two major public hospitals.

The proposed plan change site is also likely to be an efficient location for tertiary education to establish. It is located within 800m walking distance of the major public transport node (bus and train) in Newmarket, which has linkages to much of the Auckland metropolitan urban area.

In summary, I consider that the above activities form the Community land uses that could potentially viably establish on the proposed plan change site. These are already enabled within the current zoning, and are less likely to establish on the additional upper levels enabled by the proposed plan change. However, if they did occur to a greater extent on the site as a result of the proposed plan change, then I consider that they are unlikely to result in adverse economic effects. This is because the site represents an efficient location for them to occur.

⁴ It has been assumed that any economic effects of activities with less permissive activity statuses would be captured within a resource consent application process.

⁵ I consider it very unlikely that early childhood education (as set out in the nested tables associated with education) would establish within the upper levels. They would not enable significant outdoor areas that are a core component of an early childhood education centre.

Memo (technical specialist report to contribute towards Council's section 42A hearing report)

25 September 2020

To: Bruce Young, Principal Planner, Auckland Council
From: Gemma Chuah, Senior Healthy Waters Specialist, Resource Management Team, Healthy Waters
Iresh Jayawardena, Healthy Waters Specialist, Resource Management Team, Healthy Waters

Subject: Private Plan Change – PC44 George Street Precinct, Newmarket – Healthy Waters stormwater and flooding assessment

1.0 Introduction

- 1.1 I have undertaken a review of the private plan change, on behalf of Auckland Council in relation to stormwater effects.
- 1.2 I am a Senior Healthy Waters Specialist in the Healthy Waters Department of Auckland Council. I hold a Bachelor of Science (hons) degree from the University of Canterbury and I am a member of Water New Zealand. I have been employed by Auckland Council for ten years. In my current role I am responsible for providing technical and planning input from Healthy Waters perspective into plan changes and resource consent applications and for coordinating the implementation of Healthy Waters' regionwide network discharge consent.
- 1.3 In writing this memo, I have reviewed the following documents:
 - Engineering Infrastructure Report for Proposed Mixed-Use Development at 13-15 Morgan Street & 10 Clayton Street, Newmarket for Southpark Corporation, prepared by MSC Consulting Group Ltd. Dated September 2019.
 - Section 32 Evaluation, Private Plan Change Request , 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket, prepared by Barker and Associates Limited, Dated October 2019.

2.0 Key stormwater Issues

- 2.1 This memo provides a Healthy Waters network operator and stormwater management review of the proposed private plan change 44 to the Auckland Unitary Plan (AUP) to add a precinct over the site and increase the building height limit, and change the carparking requirements.
- 2.2 The total site area is 7873m². It is currently a mix of commercial buildings and carparking and is approximately 100% impervious area.
- 2.3 The precinct does not propose to change the maximum impervious area for the underlying Business mixed use zone which is not restricted other than within the riparian yard. Redevelopment of the site could currently occur to 100% impervious area.

3.0 Applicant's assessment

3.1 The applicant has provided an Engineering Infrastructure Report which reviewed a proposed development on the site and concludes that:

- post development stormwater runoff will be similar or less than pre development run off and therefore no mitigation will be required
- the existing stormwater connection should be abandoned and new stormwater network constructed
- overland flow paths through the site will remain the same
- one of the overland flow paths identified on Council's Geomaps does not exist on the ground.
- The site is well serviced by existing infrastructure and suitable for development.

3.2 The engineering infrastructure report does not discuss the specific precinct provisions as none of these relate to infrastructure matters.

4.0 Submissions

4.1 Submissions 12, 21, 25, 42, 43, 45 and 46 all raise concerns with infrastructure capacity or wastewater overflows.

4.2 Although wastewater overflows occur via the stormwater network, the stormwater network acts only as a conveyance for these. The mitigation of these effects will occur through upgrades or other mechanisms within the wastewater network and are the responsibility of Watercare who hold RMA authorisations for these discharges. Healthy Waters and WaterCare continue to work closely together on these issues.

4.3 Watercare's technical specialist memo addresses the impact of this proposed plan change and development of the water supply and wastewater network.

4.4 Stormwater is generated from impervious surfaces. As the proposed plan change will not alter the maximum impervious area control for the zone, and the site is pretty much 100% impervious already the volume of stormwater runoff will not change. Details of stormwater management including any contaminant management can be addressed at Resource Consent stage.

5.0 Assessment of stormwater effects

5.1 The proposes precinct provisions do not change matters which will alter the generation of management of stormwater. All other provisions of the Unitary Plan which relate to stormwater management will apply unchanged as relevant to future proposed development.

5.2 The site is currently 100% impervious so that any redevelopment will have the same or less (if any landscape planted areas are proposed) flow and volume of runoff.

Infrastructure capacity

5.3 The applicant has provided a capacity check of the downstream stormwater network and concluded that there is sufficient capacity. The stormwater runoff from the site will not change due to the proposed precinct provisions.

Flooding and overland flow paths

5.4 The applicant's Engineering Infrastructure Report has accurately addressed matters in relation to overland flow paths. This report does not mention flooding however the site is well outside the flood plain and as runoff will not increase there will be no impact on downstream flooding.

Water quality

- 5.5 Changes in the use or form of the site as part of redevelopment could change (increase or reduce) the contaminant generating potential of the site. This will depend on the layout and design of any future development undertaken in accordance with the precinct provisions. The details of this are best addressed at the Resource Consent stage once the design is known. The proposed precinct provisions will not specifically change the generation of contaminates.

Healthy Waters Regionwide Network Discharge Consent

- 5.6 As the site discharges to the public stormwater network any redevelopment will need to be consistent with the Large Brownfields provisions of Healthy Waters Regionwide Network Discharge Consent, including provision of a Stormwater Management Plan. It is most appropriate that this review takes place alongside the resource consent process once the detail of the proposed development is known.
- 5.7 Details of stormwater management including any contaminant management can be addressed at Resource Consent stage.

6.0 Conclusions and recommendations

- The applicant has adequately addressed the stormwater infrastructure matters relating to the plan change.
- There are not likely to be any adverse effects in relation to stormwater arising from the plan change.
- The proposed precinct provisions do not change matters which will alter the generation or management of stormwater. All other provisions of the Unitary Plan which relate to stormwater management will apply unchanged as relevant to future proposed development.
- The overall re-development of the site presents significant opportunities to achieve integrated stormwater management outcomes in accordance with the E1.2 Objectives and E1.3 (9) Policies under Chapter E1 of the AUP OP. It is appropriate to leave the detailed design of the stormwater system including giving effect to the above Objectives and Policies, to the time of the development of the site and as part of the assessment of the resource consents. There are sufficient existing provisions in the Unitary Plan that will ensure that these matters are considered at that time.
- Overall Healthy Waters can support the plan change without modifications.

Vanessa Wilkinson

From: Jay Kesha <Jay.Kesha@vector.co.nz>
Sent: Monday, 31 August 2020 10:37 am
To: Bruce Young
Subject: FW: 33 -35 George Street - Newmarket. S/R# 1-3701284177

Importance: High

Hi Bruce,

Our comments in relation to intensification in the area are as follows:

- There is capacity available on existing feeders that is allocated on the basis of first come first served.
- For the scale of the buildings proposed their location and demand requirements may not be served by the available capacity.
- The more realistic outcome is that a new feeder either coming from Parnell or Newmarket would be required to serve a major new development.
 - A developer would likely pay their share to access the cable.
 - A developer may need to provide space for a switch/transformer room to accommodate their load and allow other connections to be served from that room.

Customer requirements drive the solution and Vectors position is neutral in the re-zoning of this area.

Regards
Jay

Jay Kesha | Manager New Solutions
Vector Limited | PO Box 99882, Newmarket 1149 | Auckland 1023
DDI: 09 213 0276 | Mob: +64 21 527 534
Jay.Kesha@vector.co.nz | www.vector.co.nz



From: Jane Liu <Jane.Liu@vector.co.nz>
Sent: Monday, 31 August 2020 10:13 AM
To: Jay Kesha <Jay.Kesha@vector.co.nz>
Cc: Rob Charlton <Rob.Charlton@vector.co.nz>
Subject: RE: 33 -35 George Street - Newmarket. S/R# 1-3701284177

Hi Jay,

We have two 11kV feeders around the area, shown below, both from Newmarket substation. Each feeder has about 2MVA spare capacity at present. Depending on the demand from the proposed development and the location of customers' supply points, it may require to install new 11kV feeder(s) to supply the new load from the development.

This is BAU for Vector. I don't have particular reason to either support or object the proposed development from planning perspective. Just my thought and happy to discuss.

Regards
Jane



From: Jay Kesha <Jay.Kesha@vector.co.nz>
Sent: Wednesday, 26 August 2020 11:53 AM
To: Jane Liu <Jane.Liu@vector.co.nz>
Cc: Rob Charlton <Rob.Charlton@vector.co.nz>
Subject: FW: 33 -35 George Street - Newmarket. S/R# 1-3701284177

Hi Jane,

We have previously looked at this from a high level perspective. Council are asking for further comment within the context of the attached. The activity is focussed on changing planning designation for more intensification.

The key concerns around power are:

Of concern, the plan change documentation acknowledges that there is not sufficient capacity or service available in terms of power supply for the proposed development and that Vector will need to (at the developer's cost) install significant network upgrades. This may also have implications for development feasibility on surrounding sites and is an effect that has not been clearly addressed in the plan change.

Is it possible to discuss a response once you have had a chance to consider?
It does not have to be detailed design.

Regards
Jay

From: Bruce Young <Bruce.Young@aucklandcouncil.govt.nz>
Sent: Wednesday, 26 August 2020 11:36 AM
To: Jay Kesha <Jay.Kesha@vector.co.nz>
Subject: RE: 33 -35 George Street - Newmarket. S/R# 1-3701284177

Hi Jay

Further to your initial comments on Plan Change 44-George Street precinct last year (see email below), I am now requesting formal comments to be incorporated into my Section 42A (RMA) report.

The plan change for George Street precinct has received a number of submissions ***‘requesting clarity on whether power supply is available to service the development (i.e more intensity), and consequential effects in future development in the area, based on the “first in, first served” principle for connection and demand.’***

I have attached these annotated submissions (42.7, 43.8, 44.6, 45.5), and please refer to the specific paragraph in the submission for the submitters issue.

Would you be able to provide me ‘formal comment’ on the attached template (or Vector template) addressing the power supply issue highlighted in their submissions?

I will need formal feedback for my Section 42A Hearings report to the Planning Commissioners.

The Summary of Decisions Requested (attached) will be notified for **further submissions** tomorrow (27 August), and will close on the 24 September.

Could you please analyse the attached submissions and provide input into the S42A Hearing report.

I would be grateful if you can provide this by **24 September** and on the attached template (or Vector template).

Please contact me if you there are any issues.

Regards

Bruce Young
Principal Planner
Plans and Places, Central South
135 Albert Street
Level 24
Auckland
+6421854930

From: Jay Kesha <Jay.Kesha@vector.co.nz>
Sent: Monday, 18 November 2019 10:30 AM
To: Bruce Young <Bruce.Young@aucklandcouncil.govt.nz>
Subject: RE: 33 -35 George Street - Newmarket. S/R# 1-3701284177

Hi Bruce,

Based on our current view of connected customers:
We can confirm that the overall development can be accommodated with upgrades to the power network in the locale.

Regards
Jay

From: Bruce Young <Bruce.Young@aucklandcouncil.govt.nz>
Sent: Monday, 18 November 2019 10:22 AM
To: Jay Kesha <Jay.Kesha@vector.co.nz>

Subject: RE: 33 -35 George Street - Newmarket. S/R# 1-3701284177

Importance: High

Hi Jay

Thanks for the initial feedback.

The work required to transfer some of the load can be undertaken at the resource consent/building stage of work when the developer builds the new buildings?

In other words, the lack of power capacity is not detrimental to the overall development. And that it can be remedied with upgrades to the power network?

Can you confirm?

Regards

Bruce Young

Principal Planner | Central & South

DDI: 09 890 7639 | Extn: 46 7639 | Mob: +64 21 854 930

Auckland Council

Level 24, 135 Albert Street, Auckland

www.aucklandcouncil.govt.nz

From: Jay Kesha <Jay.Kesha@vector.co.nz>

Sent: Monday, 18 November 2019 8:39 AM

To: Bruce Young <Bruce.Young@aucklandcouncil.govt.nz>

Subject: RE: 33 -35 George Street - Newmarket. S/R# 1-3701284177

Importance: High

Hi Bruce,

Sorry for the delay in providing feedback. Our Initial comments:

- There is not sufficient spare capacity from the existing feeders to supply the 3MVA
- By transferring some load to adjacent feeder we can free up enough capacity for the development
 - This will involve some excavation for cutting and reconnecting cables in Carlton Gore Rd

Please come back to me if you wish to discuss.

Regards

Jay

DDI: 09 213 0276 | Mob: +64 21 527 534

From: Jay Kesha

Sent: Monday, 7 October 2019 9:19 AM

To: bruce.young@aucklandcouncil.govt.nz

Subject: 33 -35 George Street - Newmarket. S/R# 1-3701284177

Hi Bruce,

Just a quick note to introduce myself. I am a key account contact for Auckland Council. I've put your question to our electricity planner and hope to have a response to you regarding the requested capacity availability in the area.

Regards
Jay

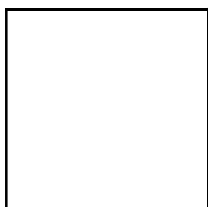
Jay Kesha | Manager New Solutions
Vector Limited | PO Box 99882, Newmarket 1149 | Auckland 1023
DDI: 09 213 0276 | Mob: +64 21 527 534
Jay.Kesha@vector.co.nz | www.vector.co.nz



Hi I work as a Planner at the Auckland Council. I am looking for a contact within Vector who can provide comment on a plan change (zoning) at George Street, Newmarket to enable more development than what the current town planning zone in the Unitary Plan allows. Attached is the document (power and telecommunications assessment for rezoning) which are relevant to Vector . I would like some feedback from Vector as to whether there are any major issues . regards Bruce Young

Bruce Young
bruce.young@aucklandcouncil.govt.nz
021854930

Please advice



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24 September 2020

To: Bruce Young, Principal Planner, Auckland Council
From: Andre Stuart, Wastewater Network Manager, Watercare

Subject: Private Plan Change – PC44 George Street Precinct, Newmarket – Water and Wastewater Assessment

1.0 Introduction

- 1.1 I have undertaken a review of the private plan change, on behalf of Auckland Council, in relation to the water and wastewater effects.
- 1.2 I am the Network Planning Manager at Watercare Services Limited (Watercare). I hold a Bachelor of Engineering (Chemical and Materials) (Hons) from the University of Auckland, and I am a Member of Engineering New Zealand. I have been employed by Watercare for eight years. In my current role, I am responsible for water and wastewater network infrastructure planning. This role extends across Watercare's functions with respect to planning to meet future growth, demand and regulatory changes.
- 1.3 In writing this memo, I have reviewed the following documents:
 - Engineering Infrastructure Report for Proposed Mixed-Use Development at 13-15 Morgan Street & 10 Clayton Street, Newmarket for Southpark Corporation, prepared by MSC Consulting Group Ltd.

2.0 Key Water and Wastewater Issues

- 1.1. The applicant proposes to develop a parcel of land to create a mixed-use development including apartments, retails, and office space. The proposal envisions four towers of between 10 and 18 levels.
- 1.2. There is existing water and wastewater infrastructure that services the site. The key issue is the capacity of the water and wastewater network to support the proposed development.
- 1.3. There was no consultation with Watercare regarding the capacity of the water and wastewater network to support the proposed development. They have stated (p.8 Engineering Infrastructure Report) that "Consultation with Watercare will occur at the appropriate time within the approval process."

3.0 Applicant's assessment

Water Supply

- 3.1 The applicant has estimated a peak day demand for water supply for the Plan Change area of 140,000 l/day. They prepared these estimates in accordance with the Watercare Water and Wastewater Code of Practice.
- 3.2 They propose to connect the development via a new 100mm PE connection to the 100mm watermain in George Street.

Wastewater

- 3.2 The applicant has estimated a peak wet weather wastewater flow for the entire site of 20.45 l/s. They have stated they prepared these estimates in accordance with the Watercare Water and Wastewater Code of Practice. Their analysis was undertaken to wastewater manhole GIS ID 515156.

- 3.3 They have proposed to upgrade the existing 150mm diameter wastewater pipe to a 225mm diameter pipe.

4.0 Submissions

- 4.1 Submissions on the capacity of the water and wastewater network were made in Submission Numbers 13, 21, 25, 42, 43, 44, 45, and 46. The submissions state that it is not clear whether there is sufficient water and wastewater capacity to support this development and what the consequential effects of the development are on the surrounding sites.

5.0 Assessment of water and wastewater effects

Water Supply

- 5.1 There is an existing Bulk Supply Point (BSP) on George Street next to the proposed development. The BSP supplies a 300mm watermain and a 200mm watermain west to east. There are two 150mm road crossings off each pipe. These supply one of the existing connections to the site.
- 5.2 We would expect that any supply to the development would be from the existing 300mm water main on the northern side of the road via a new connection.
- 5.3 The additional demand takes the existing 300mm watermain over the 10m/km pipe capacity limit. Installing a new connection immediately downstream of the BPS could mitigate this issue.
- 5.4 Due to the size of the development, an alternative back up supply should be considered or multiple connections could be made for each building. All of the demand would still be on the George Street BSP.

Wastewater

- 5.5 The proposed site is located within a partially combined sewer and stormwater network. It is unclear what the current drainage status is of the properties within this catchment.
- 5.6 An assessment of the proposed development confirms the requirement for the identified 150mm wastewater pipe in Clayton St to be upgraded. The requirement for any further upgrade of the 225mm network is dependant on confirmation of the current drainage status of adjacent properties within the catchment. If it is determined that there are combined properties within the catchment draining through the 225mm pipeline, then this pipe will be under capacity and will require upgrading by the applicant to a 300mm pipeline. For the purpose of the plan change, we assume that the local network will need to be upgraded to a 300mm pipeline. Further investigation could confirm that the 225mm pipe is sufficient; however, this is the responsibility of the applicant to determine.
- 5.7 Analysis of the dry weather flows in the downstream transmission network (bulk networks) confirms that there is sufficient capacity to convey dry weather flows without risk of dry weather overflows.
- 5.8 Wet weather overflows that have been identified within the submissions are predicted to become more frequent and of higher volume in the short-term due to flows from this development. These overflow issues will be addressed through proposed transmission projects that are programmed for the catchment and potential further network separation if this is identified within the catchment.

6.0 Conclusions and recommendations

Water Supply

- 6.1 The bulk water supply network has capacity. Due to the size of the development, there will be pressure on the George Street Bulk Supply Point. However, this can be mitigated with

additional connections. The extent and location of new connections will be determined at resource consent.

Wastewater

- 6.2 The applicant has completed a capacity assessment to the nearest 225mm wastewater pipeline in Clayton St. Watercare requires this capacity assessment to be completed to the nearest 300mm.
- 6.3 The applicant's conclusion that the 150mm pipeline within Clayton St requires upgrading to 225mm is possible, however, it is possible that this will need to be further upgraded.
- 6.4 Further upgrades to the 225mm network require further analysis to confirm the drainage status of the properties within the upstream catchment. This is the responsibility of the developer to undertake the analysis to determine the size of the network upgrade.
- 6.5 The proposed development does not result in a risk of dry weather flows in the downstream network. There will be a short-term worsening of wet weather overflows until programmed works downstream to resolve transmission network capacity constraints have been implemented. These works are planned to be undertaken by Watercare in 2025.

Memo 3D Model Development

Subject: Proposed Private Plan Change 44 (PPC44) – George Street Precinct, Newmarket

Name: Mitesh Bula, Senior Geospatial Specialist, Plans and Places, Auckland Council

Date: 18 May 2021

1. Introduction

Proposed Private Plan Change 44 (**PPC44**) George Street Precinct, Newmarket is a proposal that seeks to introduce a new precinct at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket. The plan change proposes to remove the 27 metre Height Variation Control and introduce building height up to 55 metres above ground level (George Street Datum). The new precinct will enable mixed use development with a publicly accessible plaza, pedestrian connections, and vehicular and pedestrian access to and from George, Morgan and Clayton Streets.

In October 2020, I was requested by Bruce Young and Fiona Sprott of Auckland Council to build a three-dimensional building envelope to model proposed plan change 44 provisions to assist with Auckland Council's consideration of the likely built form enabled by PPC44 provisions and the likely / potential effects the provisions enabled / likely built form.

I am a Senior Geospatial Specialist in Auckland Council's Plan and Places Unit. I have been in this role since April 2018. I hold the qualifications of Master of Science in Geography from the University of Auckland and have over 8 years' experience.

2. The Model

The PPC44 model was developed using ArcGIS Pro which has the ability to build 3D models based on a range of rules and heights to show scenarios in a 3D format.

2.1 LiDAR

The 2016 Lidar DEM (Digital Elevation Model) was used as the base layer to display the ground height. This data was captured for Auckland Council by Aerial Surveys from 16 August 2016 to 9 August 2018. The accuracies for the ground level are below:

- Vertical Accuracy Specification is +/- 0.2m (95%).
- Horizontal Accuracy Specification is +/- 0.6m (95%).
- Vertical datum is Auckland 1946.

Vertical datum Auckland 1946 is a vertical datum first defined in 1946 and is suitable for use in the Auckland area. The Auckland 1946 is a vertical datum for Geodetic survey, topographic mapping, and engineering surveying.

All height data collected via LiDAR must be referenced back to a known starting point or Datum the z axis. This being the Auckland 1946 datum ensures that all measurements made from the dataset are relative to each other, providing consistent height measurements across Auckland.

The current Auckland 1946 Vertical Datum (AHD 1946) uses a traditional tide gauge method as the basis for its height system and is a local vertical datum for Auckland. The New Zealand Vertical Datum (NZVD 2016) was introduced in 27 June 2016 as the official National Vertical Datum for New Zealand. It was introduced to replace the previous 13 local vertical datums (of which Auckland 1946 was one). The height conversion difference between the Auckland 1946 vertical datum and NZVD2016 is a mean of 0.292m and ranges between 0.23m to 0.37m.

The George Street Datum, is the reference point for measuring height within the George Street Precinct unless otherwise stated in a rule.

The George Street Datum point is located along the precinct's George Street frontage as indicated on Precinct Plan 1. The precinct provisions variously note the George Street datum as being RL65.7 (refer IX.1 Precinct Description) which is based on the NZVD or RL66 (refer I1.11 Definitions and George Street Precinct Plan 1 – Building heights) which is the Auckland 1946 Vertical Datum. Figure 1 below shows a comparison of Height Area A using the different datums.

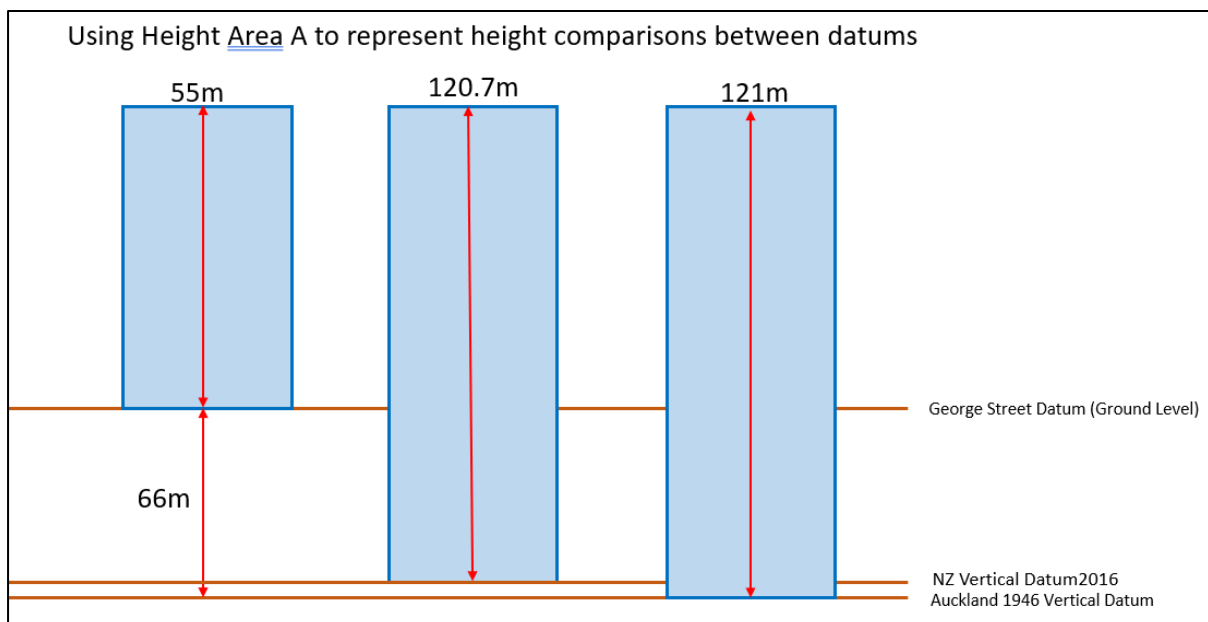


Figure 1: Shows the height comparisons between the three different datums

2.2 Auckland Unitary Plan (Operative in Part) Modelled Building Envelopes

The building envelope calculation was originally developed in 2013 as part of the AUP PAUP (Section 9.5 Business redevelopment (floor space) capacity calculation methodology, Capacity for Growth Study 2013). Since then, the methodology has been amended and updated to reflect the Operative in Part provisions. It is used to calculate maximum theoretical scenario building development in '3D' for each permitted storey for each parcel using a combination of building limitations from business zone provisions to create a maximum permitted building envelope, within which the maximum calculated floorspace must exist. Elements of the AUP provisions that alter building heights and shape factors include:

- a) maximum zone building heights,
- b) height overlays and volcanic viewshafts,
- c) yard setbacks,

- d) height in relation to boundary,
- e) upper level setbacks,
- f) maximum tower dimensions,
- g) building coverage,
- h) floor area ratios, and
- i) i) sunlight admission (if applicable).

2.3 The rules for the PPC44 model:

The rules relevant to the PPC44 model include the following:

- Podium – The precinct model incorporated 10m level difference between George Street and Clayton Street, as it is envisaged that the development form will be a podium, generally level with George Street, providing a level platform for buildings. The maximum height of the podium is RL65.7m NZVD 2016 or RL66m Auckland 1946 datum.
- Setbacks from neighbouring sites, maximum tower dimensions and tower separations.

The Precinct has four 'Height Areas' see Figure 1 below, with heights all modelled to the Auckland 1946 Datum (refer to Table 1 below).

- In **Height Area A** (refer to Figure 1), the part of a building greater in height than 5m above the George Street Datum must be setback at least 6m from the precinct boundaries. Height Area A, at the south-east corner of the site, is the greatest height within the Precinct – at 121m above the Auckland 1946 datum.
- **Height Area B**, adjoining the George Street frontage, has a maximum height of 95m above the Auckland 1946 datum and a minimum setback of 4m from the George Street boundary. The part of the building greater in height in 27m above the podium was setback 6m from any side or rear precinct. The minimum separation between height area B and height area C at a height greater than 5m above the George Street Datum of 10m has also been applied.
- **Height Area C** is at the south-west corner of the site, with a frontage to Morgan Street and 6m setback from Clayton Street. It permits a maximum height of 101m above the Auckland 1946 datum. The part of the building greater in height in 27m above ground level when measured using the rolling height method was setback 6m from any side or rear precinct boundary. The minimum separation between height area B and height area C at a height greater than 5m above the George Street Datum of 10m has also been applied. The part of a building greater in height than 4m below the George Street Datum must be located at least 4m from the precinct boundary with 8 Clayton Street.
- **Height Area D** applies to an area which extends from the site's George Street frontage through to Clayton Street. The required pedestrian plaza and north south pedestrian connection are within this Area. The height of this area is George Street Datum (65.7 NZVD or 66m - Auckland 1946 datum).

George Street Precinct Plan 1 - Building heights



Figure 2: George Street Precinct Plan - Building Sites
(RL66 measured from Auckland 1946 datum)

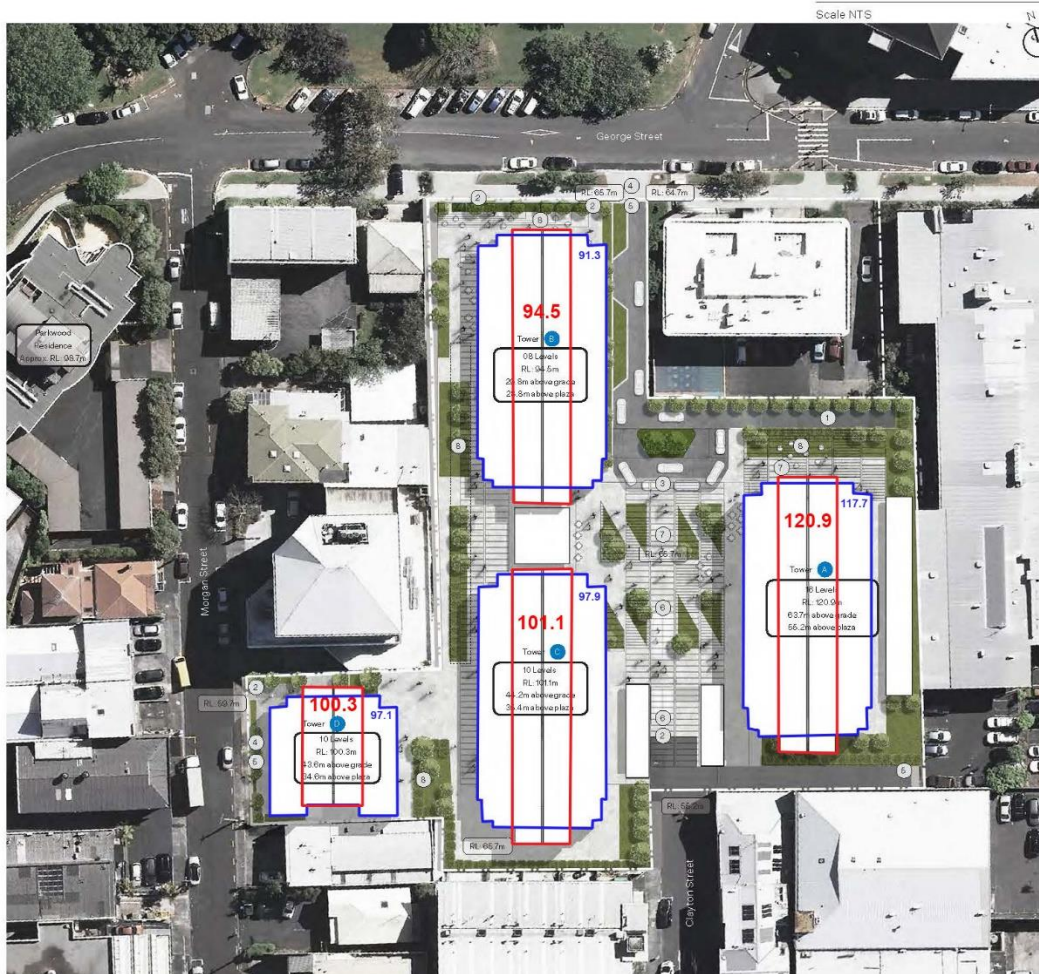


Figure 3: Proposed building height concepts for George Street Precinct.

2.4 Max Building Heights

Heights of the buildings enabled by the provisions were modelled relative to Auckland 1946 datum rather than NZVD2016 to align with Auckland Council corporate elevation datasets at the point in time the model was created (existing building footprints, LiDAR and Modelled Building Business envelopes). The maximum building heights are listed in the table below along with the conversions between the different datum heights. The vertical datum difference between NZVD2016 and Auckland 1946 datum is 0.3m.

Height Area on George Street Precinct Plan	Maximum Building Height (Measured from George Street Datum (RL65.7 NZVD2016 (RL66 Auckland 1946 Datum))	Height relative to New Zealand Vertical Datum 2016 (NZVD2016)	Heights relative to Auckland 1946 Datum
A	55m	120.7m	121m
B	29m	94.7m	95m
C	35m	100.7m	101m
D	0m	65.7m	66m

2.5 Existing Buildings (Building Rooflines 3D)

The current existing 3D buildings data within the model is an extraction of the Roofline Extruded from the original source data Raster Dataset of 2015-2016 Urban Aerials – building outlines.

- Vertical Accuracy Specification is +/- 0.2m (95%).
- Horizontal Accuracy Specification is +/- 0.6m (95%).
- Lidar captures the elevation of each roof, elevation added to building outline and extruded downward to this value. For many buildings this works well but Sky Tower is an obvious exception as it gets a very wide cylinder for a base.

2.6 Assumptions & Limitations

- Trees and vegetation have not been incorporated into the George street precinct model. Including them would give a better representation of what the George Street building envelopes would look like from the given viewpoints. Viewpoint locations are shown within the Historic Heritage specialist review section 42A hearing report¹. This is a limitation as the height of some trees conceal the view towers B, C and D within the Precinct from certain points within the domain.
- 'Existing buildings' dataset was captured in 2015-2016. Therefore, any new buildings such as Westfield Newmarket have not been captured within the 'existing building' dataset.
- We have only modelled the building envelope for the George Street Precinct. By modelling the building concept/design, we would be able to visualise a more realistic structure within the surrounding environment.
- The George Street precinct model is deemed accurate as it has been developed using the rules, setbacks, separations, and height values provided by the applicant which ensures an accurate representation of the rules.
- The modelling approach taken, as part of the Housing and Business Assessment, consolidates individual height control (e.g., viewshafts, height variation controls, base zone heights, and sunlight admissions) in a single 'height constraint overlay'. The height constraint overlay calculates the lowest maximum storey that has been permitted under the Unitary Plan (the Plan) provisions. In this regard, non-zoned based overlays, such as volcanic viewshafts and height variation overlays always replace zoned based height controls.
- For the purpose of accommodating various building typologies and simplifying the modelling process, the practical control on physical building height is taken assuming all business storeys have a 3.6 metres floor to ceiling storey height. This 'storey height' is therefore, a changeable parameter with the model that can be verified if required or converted to meters above ground level.

¹ PC44 s42A specialist input memo – historic heritage | Final page 13

3. Conclusion

In conclusion, the George Street 3D Model has been developed incorporating all of the development standards from the George Street Precinct (building heights, setbacks from neighbouring sites, maximum tower dimensions, separations and building yard setbacks). It is a tool which allows decision makers to visualise the building envelope for the George Street Plan Change. Furthermore, decision makers have the ability to assess the extent of the effects of the George Street development from given viewpoints and the surrounding environment. The development allows for decision makers to compare existing buildings and the potential of theoretical development builds using the Auckland Unitary Plan rules.

References:

- Balderston, K., & Fredrickson, C. (2014). Capacity for Growth Study 2013 (Proposed Auckland Unitary Plan): Methodology and Assumptions (Research Investigations and Monitoring Unit). Auckland, New Zealand: Auckland Council.
- Auckland Council (2017). National Policy Statement on Urban Development Capacity 2016: Housing and business development capacity assessment for Auckland
- Barker Associates, PC44 Appendix 1 George Street Precinct, <https://www.aucklandcouncil.govt.nz/UnitaryPlanDocuments/pc-44-appendix-1-george-street-precinct.pdf>

ATTACHMENT 3

REPORTING PLANNER QUALIFICATIONS AND EXPERIENCE

QUALIFICATIONS AND EXPERIENCE OF VANESSA WILKINSON

NAME	Vanessa Wilkinson
POSITION	Planning Consultant Scott Wilkinson Planning Limited
QUALIFICATIONS	Bachelor of Arts in Geography; and Management Studies and Labour Relations University of Auckland (1996) Master of Planning Practice Planning University of Auckland (1998) Certified Independent Commissioner Ministry for the Environment (2018)
MEMBERSHIPS	New Zealand Planning Institute (Int) Resource Management Law Association
EXPERIENCE	<p>I have 21 years statutory planning in New Zealand, Australia and United Kingdom. I have worked for local authorities (most recently Auckland Council) and within the private sector.</p> <p>One of my Auckland Council roles was assisting the Auckland Unitary Plan Independent Hearings Panel with the hearings process and recommendations on the Auckland Unitary Plan.</p> <p>I have been a Consultant Planner at Scott Wilkinson Planning since 2019.</p> <p>I have experience in assessing plans, plan changes and notices of requirements for Auckland Council.</p> <p>I also have experience in the preparation and assessment of resource consent applications, both for Councils and for private clients.</p>

