

## H8. Business – City Centre Zone

### H8.1. Zone description

The city centre is the top of the centres hierarchy and plays a pivotal role in Auckland's present and future success. The Business – City Centre Zone seeks to ensure the city centre is an international centre for business and learning, innovation, entertainment, culture and urban living.

To maintain and enhance the vibrancy of the city centre, the zone permits a wide range of activities to establish in most parts of the city centre. The zone also manages activities that have the potential to adversely affect the amenity of the city centre or that have the potential to generate reverse sensitivity effects on identified marine and port activity areas.

The provisions in this zone give effect to Policies 3 and 4 of the National Policy Statement on Urban Development 2020 (NPS-UD) in accordance with sections 77N and 77O of the Resource Management Act 1991.

The Plan enables the greatest intensity of development in terms of height and floor area to occur in the city centre. Within the city centre itself, development potential is concentrated in the core central business district. Development potential reduces towards the ridgelines and transitions to lower heights on the waterfront and landward periphery whilst allowing for variation and interest in built form outcomes. The Business – City Centre zone enables building heights and forms which maximise the benefits of intensification and reflect that the city centre sits at the top of the centres' hierarchy in the Auckland Unitary Plan.

The zone also manages the scale of development in order to protect important special character areas sunlight admission to parks and public spaces, the relationship to the Waitematā Harbour, historic heritage, significant views to the volcanic cones maunga and other landmarks including identified views to historic heritage places; and to maintain and enhance the distinctiveness of particular areas including special character areas.

The city centre makes an important contribution to our sense of place and identity. The significant height and scale of buildings in the city centre increases their visibility from many places, affecting the quality of both public and private views at local and city-wide scales. The zone seeks to maintain Auckland's balanced landscape identity as both a city of harbours and maunga. In addition to managing the scale of development, the zone manages the quality of building design to ensure new buildings successfully integrate with the city centre's existing and planned built form and public realm to create an attractive and recognisable skyline.

Within the city centre are precincts and overlays, which have their own distinct features, character and/or function. For example, the Port Precinct allows for the ongoing use, development and expansion of port and marine activities at the Port of Auckland.

### H8.2. Objectives

*General objectives for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone*

- (1) A strong network of centres that are attractive environments and attract ongoing investment, promote commercial activity, and provide employment, housing and goods and services, all at a variety of scales.
- (2) Development is of a form, scale and design quality so that centres are reinforced as focal points for the community.
- (3) Development positively contributes towards planned future form and quality, creating a well-functioning urban environment and a sense of place.
- (4) Business activity is distributed in locations, and is of a scale and form, that:
  - (a) provides for the community's social and economic needs;
  - (b) improves community access to goods, services, community facilities and opportunities for social interaction; ~~and~~
  - (c) manages adverse effects on the environment, including effects on infrastructure and residential amenity; and
  - (d) accommodates qualifying matters.
- (5) A network of centres that provides:
  - (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;
    - (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.

*Business – City Centre Zone objectives*

- (6) The city centre is an internationally significant centre for business.
- (7) The city centre is an attractive place to live, learn, work and visit with 24-hour vibrant and vital business, education, entertainment and retail areas.
- (8) Development in the city centre is managed to accommodate growth and the greatest intensity of development in Auckland and New Zealand while respecting its existing and planned built form and character ~~valley and ridgeline form~~ and waterfront setting.

- (9) The distinctive built form, identified special character and functions of particular areas within and adjoining the city centre are maintained and enhanced.
- (10) A hub of an integrated regional transport system is located within the city centre.
- (11) The city centre is accessible by a range of transport modes with an increasing percentage of residents, visitors, students and workers choosing walking, cycling and public transport.
- (12) Development maintains and enhances the city's physical, cultural and visual connections with the waterfront as a public space and with the Waitematā Harbour and maunga.
- (13) Building heights are enabled to realise as much development capacity as possible, unless qualifying matters apply which modify the relevant building height and/or density of urban form.

### **H8.3. Policies**

*General policies for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone*

- (1) Reinforce 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.
- (2) Enable an increase in the density, diversity and quality of housing in the centres zones and Business – Mixed Use Zone , where it is compatible with any qualifying matters and while managing any reverse sensitivity effects including from the higher levels of ambient noise and reduced privacy that may result from non-residential activities.
- (3) Require development to be of a quality and design that positively contributes to:
  - (a) planning and design outcomes identified in this Plan for the relevant zone;
  - (b) the visual quality and interest of streets and other public open spaces; and
  - (c) pedestrian amenity, movement, safety and convenience for people of all ages and abilities.
- (4) Encourage universal access for all development, particularly medium to large scale development.
- (5) Require large-scale development to be of a design quality that is commensurate with the prominence and visual effects of the development.
- (6) Encourage buildings at the ground floor to be adaptable to a range of uses to allow activities to change over time.
- (7) Require at grade parking to be located and designed in such a manner as to avoid or mitigate adverse impact on pedestrian amenity and the streetscape.

- (8) Require development adjacent to residential zones and the Special Purpose – School Zone and Special Purpose – Māori Purpose Zone to maintain the amenity values of those areas, having specific regard to dominance, overlooking and shadowing.
- (9) Discourage activities, which have noxious, offensive, or undesirable qualities from locating within the centres and mixed use zones, while recognising the need to retain employment opportunities.
- (10) Discourage dwellings at ground floor in centres zones and enable dwellings above ground floor in centres zones.
- (11) Require 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.
- (12) Recognise the functional and operational requirements of activities and development.
- (12A) Enable building height of at least six storeys within mapped walkable catchments unless a qualifying matter applies that reduces height.
- (13) ~~Enable greater building height than the standard height in identified locations identified within the Height Variation Control centres zones, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone~~ enable greater building height than the standard zone height, having regard to whether the greater height:
- (za) is commensurate with the level of commercial activities and community services;
- (zaa) is compatible with a qualifying matter that requires reduced height and/or density;
- (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; ~~and~~
- (e) support the role of centres.
- (14) ~~Reduce building height below the standard zone height in identified locations identified within the Height Variation Control centre zones, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone,~~

~~reduce building height below the standard zone height~~, where the standard zone height would have significant adverse effects on identified special character, identified landscape features, ~~or amenity~~ or other qualifying matters.

*Business – City Centre Zone policies*

*Land use activities*

- (15) Provide for a wide range and diverse mix of activities that enhance the vitality, vibrancy and amenity of the city centre including:
  - (a) commercial and residential activities;
  - (b) arts, entertainment, events, civic and community functions;
  - (c) high-quality visitor experiences, visitor accommodation and associated services; and
  - (d) learning, teaching and research activities, with a particular concentration in the learning precinct.
- (16) Enable a significant and diverse residential population to be established and maintained within a range of living environments and housing sizes.
- (17) Enable the most significant concentration of office activity in Auckland to locate in the city centre by providing an environment attractive to office workers, with a focus on the ~~core central business district~~ of the city centre.
- (18) Provide for a wide range of retail activities throughout the city centre while maintaining and enhancing the vitality, vibrancy and amenity of core retail areas within the city centre and centres outside of the city centre. In particular:
  - (a) enable smaller scale retail activities to occur throughout the city centre;
  - (b) encourage large department stores and integrated retail developments to locate within the core retail area; and
  - (c) avoid large department stores and integrated retail developments locating outside the core retail area where they would adversely affect the amenity, vitality and viability of core retail areas within the city centre and/or centres outside of the city centre.
- (19) Provide for a wide range of activities along the waterfront, while continuing to provide for those activities requiring a harbour location.
- (20) Enhance the waterfront as a major gateway to the city centre and Auckland.
- (21) Enable the efficient use and development of the Port of Auckland and identified marine and port activity areas.
- (22) Support the development of public transport, pedestrian and cycle networks and the ability to efficiently change transport modes.

*Precincts*

- (23) Identify and encourage specific outcomes in areas of the city centre that relate to:
  - (a) a distinctive built character; and/or
  - (b) a concentration of particular activities; and/or
  - (c) activities that have specific functional requirements; and/or
  - (d) significant transformational development opportunities.
- (24) Encourage comprehensive and integrated development of key development sites or precincts in the city centre.
- (25) Limit activities that would have reverse sensitivity effects on established and future marine and port activities.
- (26) Limit activities within the residential and learning precincts that would adversely affect the amenity and character of those precincts.

*Historic heritage and special character*

- (27) Encourage the retention and conservation of the city centre's historic heritage through scheduling ~~and through development incentives.~~
- (28) Maintain and enhance the special character values of pre 1940 buildings in the Queen Street Valley precinct and buildings outside this precinct identified on Map H8.11.1 of the Business – City Centre Zone as making a strong or significant contribution to the special character of the surrounding area, in particular by:
  - (a) ~~[Deleted] awarding transferable development rights where an identified special character building is protected in perpetuity and restored in accordance with an approved character plan;~~
  - (b) requiring all development proposals for identified special character buildings to have considered adaptive re-use;
  - (c) avoiding the demolition of identified special character buildings where it would adversely affect the built character of the surrounding area; and
  - (d) requiring alterations and additions to existing buildings and new buildings to give consideration to, and be sympathetic to the existing and planned character of the area.

*City form*

- (29) Enable the tallest buildings and the greatest density of development to occur in the core of the city centre ~~central business district.~~

(29A) Ensure high quality building design which recognises the city centre's role in reinforcing Auckland's sense of place and identity, including a thriving and authentic mana whenua identity that is genuinely visible throughout the city centre.

(30) Manage adverse effects associated with building height and form by:

- (a) transitioning building height and development densities down to neighbourhoods adjoining the city centre and to the harbour edge;
- (b) protecting sunlight to identified public open spaces and view shafts;
- (c) requiring the height, ~~and form, and design~~ of new buildings ~~to respect the valley and ridgeline form of the city centre and building design~~ to be complementary to existing ~~or~~ and planned built form and character of the zone and precincts; and
- (d) managing the scale, form and design of buildings to:
  - (i) avoid adverse dominance and/or amenity effects on streets and public open space; and
  - (ii) encourage well-designed, human scale podiums with slender towers above with adequate separation between towers; or on sites where towers are not possible, encourage well-designed buildings which complement the streetscape and skyline on sites identified within the special height area on Map H8.11.3.

(30A) In identified locations, modify building height and/or density of urban form to provide for qualifying matters.

~~(31) Maximise~~ Ensure adequate sunlight, daylight, and outlook around buildings.

(31A) Ensure adequate separation between buildings to avoid adverse effects on the physical, cultural and visual connections between the city centre and the Waitematā Harbour and maunga.

(32) Encourage public amenities to be provided within developments, including publicly accessible open space, ~~artworks of art~~ and through site links.

(32A) Require that existing public amenities within developments be retained, including publicly accessible open space, artworks and through site links.

#### *Public realm*

(33) Require building and development of the highest quality that contributes to the city centre's role as an international centre for business, learning, innovation, entertainment, culture and urban living.

(34) Require building frontages along identified public open spaces and streets to be designed in a way that provides a sense of intimacy, character, interest and variation, human scale and enclosure at street level.

(35) Require the demolition of buildings and structures to avoid, remedy or mitigate significant adverse effects on the pedestrian amenity of the city centre and the safety and efficiency of the road network.

(36) Protect identified sightlines along streets and public open spaces from the city centre to the Waitematā Harbour, Rangitoto Island, the North Shore and identified sightlines along roads and public open spaces within the city centre to natural features and landmarks.

(37) Enable high-quality public open spaces along the waterfront that are accessible and provide spaces for recreational opportunities, facilities and events.

(38) Ensure adequate sunlight and daylight to public open spaces and streets.

#### H8.4. Activity table

Table H8.4.1 specifies the activity status of land use and development activities in the Business – City Centre Zone pursuant to section 9(3) of the Resource Management Act 1991.

**Table H8.4.1 Activity table**

Activity		Activity status
<b>General</b>		
(A1)	Activities not provided for	NC
<b>Use</b>		
Residential		
(A2)	Boarding houses	P
(A3)	Dwellings	P
(A4)	Retirement villages	P
(A5)	Supported residential care	P
(A6)	Visitor accommodation	P
Commerce		
(A7)	Commercial services	P
(A8)	Entertainment facilities	P
(A9)	Offices	P
(A10)	Retail	P
(A11)	Conference facilities	P
(A12)	Drive-through facilities	NC
(A13)	Service stations not otherwise provided for	NC
(A14)	Service stations on sites with frontage to Beach Road between Ronayne St and Stanley Street	D
Community		
(A15)	Artworks	P

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(A16)	Public amenities	P
(A17)	Care centres	P
(A18)	Community facilities	P
(A19)	Education facilities	P
(A20)	Emergency services	P
(A21)	Healthcare facilities	P
(A22)	Hospitals	P
(A23)	Information facilities	P
(A24)	Recreation facilities	P
(A25)	Major recreation facilities	P
(A26)	Tertiary education facilities	P
<b>Industry</b>		
(A27)	Industrial laboratories	P
(A28)	Manufacturing	P
(A29)	Repair and maintenance services	P
(A30)	Warehousing and storage	P
<b>Mana Whenua</b>		
(A31)	Marae complex	P
<b>Development</b>		
(A32)	New Buildings	RD
(A32A)	Demolition of buildings	C
(A33)	Minor cosmetic alterations to a building (including special character buildings identified on Map H8.11.1 and buildings constructed prior to 1940 within the Queen Street Valley precinct) that do not change its external design and appearance	P
(A34)	Internal alterations to buildings	P
(A35)	External alterations and additions to a special character building identified on Map H8.11.1 and buildings constructed prior to 1940 within the Queen Street Valley precinct not otherwise provided for	RD
(A36)	Alterations and additions to buildings not otherwise provided for	RD
(A37)	Conversion of a building or part of a building to dwellings, visitor accommodation or boarding houses	RD
(A38)	The total or substantial demolition (more than 30 per cent by volume), or any demolition of the front facade of a special character building identified on Map H8.11.1	RD
(A39)	Activities not provided for	NC
(A40)	A building that does not comply with Standard H8.6.3 Admission of sunlight to public places	NC

(A41)	A building that does not comply with Standard H8.6.4 Aotea Square height control plane	NC
(A42)	A building that does not comply with Standard H8.6.5 Harbour edge height control plane or Standard H8.6.6 Exception to the harbour edge height control	<u>DRD</u>
(A43)	A building that does not comply with Standard H8.6.7 Railway station building and gardens view protection plane	NC
(A44)	<del>[Deleted]A building that exceeds the basic floor area ratio specified for the site in Standard H8.6.10 Basic floor area ratio without providing a bonus feature</del>	NC
(A45)	<del>[Deleted]A building that exceeds the maximum total floor area ratio in Standard H8.6.21 Maximum total floor area ratio</del>	NC
(A46)	<u>A building that does not comply with Standard H8.6.33 H8.1.1. Strategic Transport Corridor Zone – Railway corridor setback</u>	<u>RD</u>

### H8.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table H8.4.1 above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table H8.4.1 Activity table and which is not listed in H8.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).
- (4) Any application for resource consent for the following activity will be considered without public or limited notification or the need to obtain the written approval of affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991:
  - (a) Development which does not comply with Standard H8.6.33. Minimum dwelling size.

### H8.6. Standards

All activities listed as permitted, controlled or restricted discretionary in Table H8.4.1 Activity table must comply with the following standards.

#### H8.6.1. Retail

Purpose: to maintain and enhance the vitality, vibrancy and amenity of the core retail area shown on Map H8.11.2.

- (1) The land use activity status of retail outside of the core retail area shown on Map H8.11.2 will be determined in accordance with the Table H8.6.1.1 below.

- (2) Trade suppliers, marine retail, motor vehicle sales, garden centres, markets and food and beverage activities are not subject to this standard.

**Table H8.6.1.1 Retail**

Activity	Activity status
Retail (excluding department stores and integrated shopping malls) less than 1000m <sup>2</sup> gross floor area per site	P
Retail (excluding department stores and integrated shopping malls) between 1000m <sup>2</sup> and 5000m <sup>2</sup> gross floor area per site	RD
Retail (excluding department stores and integrated shopping malls) over 5000m <sup>2</sup> gross floor area per site	D
Department stores and integrated shopping malls over 1000m <sup>2</sup> gross floor area per site	D

### H8.6.2. General building height

Purpose: manage the height of buildings within the city centre to:

- enable the tallest buildings within the ~~core central business district of the city centre;~~ and
- transition heights down to neighbourhoods adjoining the city centre and to the harbour edge;
- consolidate the city centre as the top of the centres hierarchy in Auckland;
- respect the ~~valley and ridgeline form of the city centre and the existing or~~ and planned built form and character of the zone and precincts; and
- avoid adverse dominance, shading and/or visual amenity effects of building height on streets and public open spaces.
- provide for variations to building height to recognise the character and amenity of particular areas, including heritage places.

- (1) The height of a building must not exceed the limits shown on Map H8.11.3.
- (2) Where height limits shown on Map H8.11.3 and Map H8.11.4 overlap, the lowest height limit applies as the first level of control.
- (3) The measurement of height for the purposes of Standards H8.6.2(1) and H8.6.2(2) above shall be undertaken in accordance with Standard H8.6.8 below.

### H8.6.3. Admission of sunlight to public places

Purpose: manage the scale of development around identified public open spaces to ensure they receive adequate sunlight when those spaces are most used.

- (1) The height of a building within a defined sunlight admission cone shown on Map H8.11.4 must not exceed the allowable building heights detailed on the relevant diagrams in Appendix 11 Business – City Centre Zone sunlight admission into public places.
- (2) Where part of an existing building does not comply with this standard, any reconstruction, alteration or addition to the building must not further reduce sunlight admission to public open spaces identified in [Appendix 11 Business – City Centre Zone](#) sunlight admission into public places.

#### **H8.6.4. Aotea Square height control plane**

Purpose: manage the scale of buildings:

- to ensure that Aotea Square receives adequate sunlight when the space is most used;
- to maintain views from Aotea Square to landmark buildings and views to Aotea Square; and
- so that tall buildings do not dominate the open character of Aotea Square.

- (1) The height of a building subject to this standard must not exceed the height plane shown on Figure 5 in [Appendix 11 Business – City Centre Zone](#) sunlight admission into public places.

#### **H8.6.5. Harbour edge height control plane**

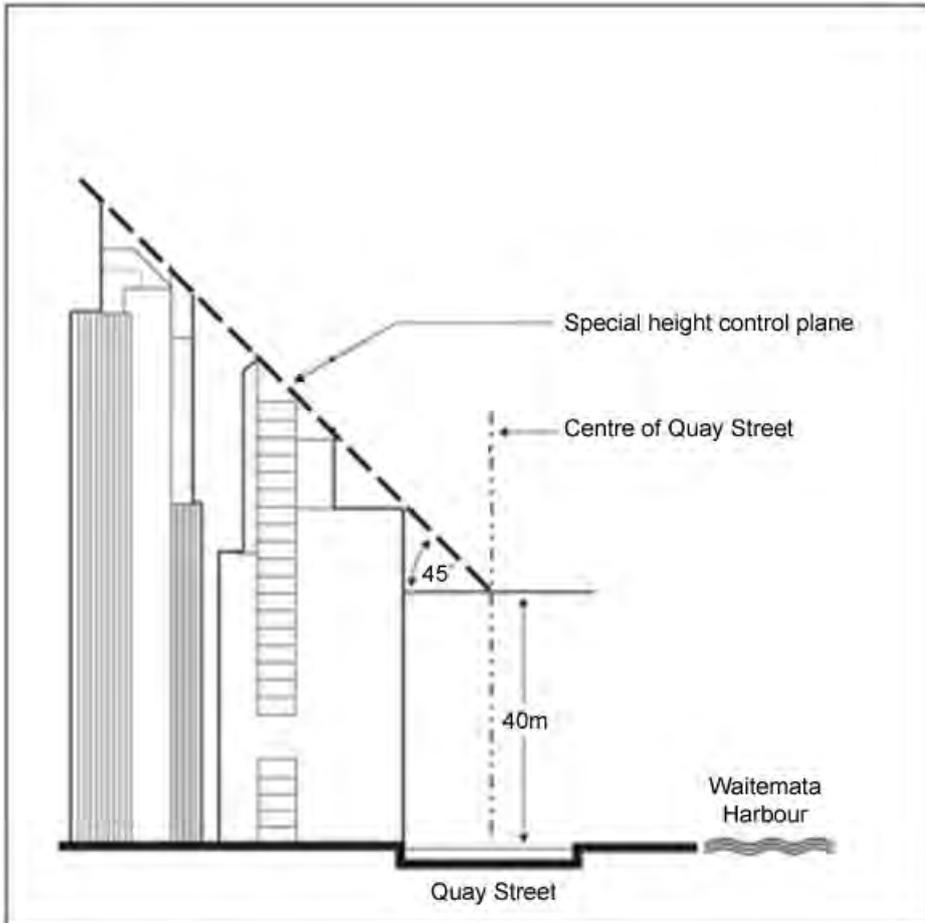
Purpose: manage the scale of buildings at the western end of Quay Street to:

- provide a city form which transitions in building height from the ~~core central business district~~ core of the city centre down towards the waterfront;
- maximise ~~views~~ visual connections and visual permeability between the harbour and the city centre; and
- reinforce the Quay Street east west connection running from the corner of The Strand and Quay Street to the east and Jellicoe Street in Wynyard Precinct to the west by the alignment of tall buildings frontages.

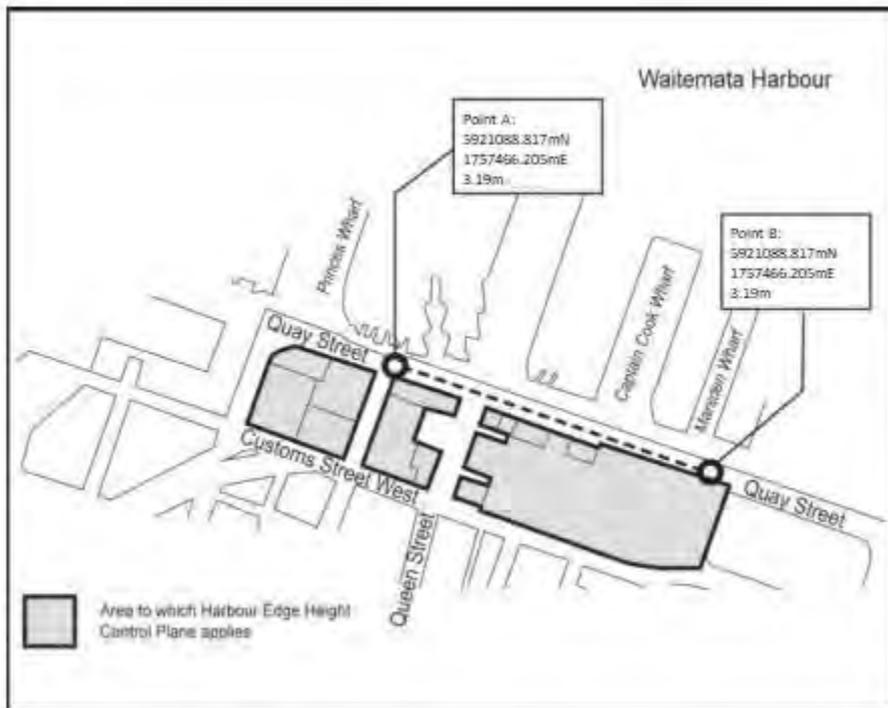
- (1) The height of a building subject to this standard must not exceed the height plane shown in Figure ~~H8.6.6.4~~H8.6.5.1 Harbour edge height control plane. The height plane starts at a line 40m above the centre line of Quay Street and continues as a tilted plane at 45 degrees to the horizontal from that line in a southerly direction.
- (2) For the purpose of this standard, the centre line of Quay Street extends between the eastern boundary of Britomart Place and the western boundary of Lower Hobson Street and is defined by a straight line passing through the coordinates specified in Figure ~~H8.6.6.2~~H8.6.5.2 Harbour edge height control co-ordinates.



**Figure H8.6.5.1 Harbour edge height control plane**



**Figure H8.6.5.2 Harbour edge height control co-ordinates**



**H8.6.6. ~~[Deleted]~~Exception to the harbour edge height control plane**

~~(1) Where the building or structure is located on a site within the area bounded by Customs Street, Lower Hobson Street, Quay Street and Queen Elizabeth Square, an application may be made as a restricted discretionary activity to exceed the Harbour Edge Height Control Plane by no more than 20m, where the following requirements are met:~~

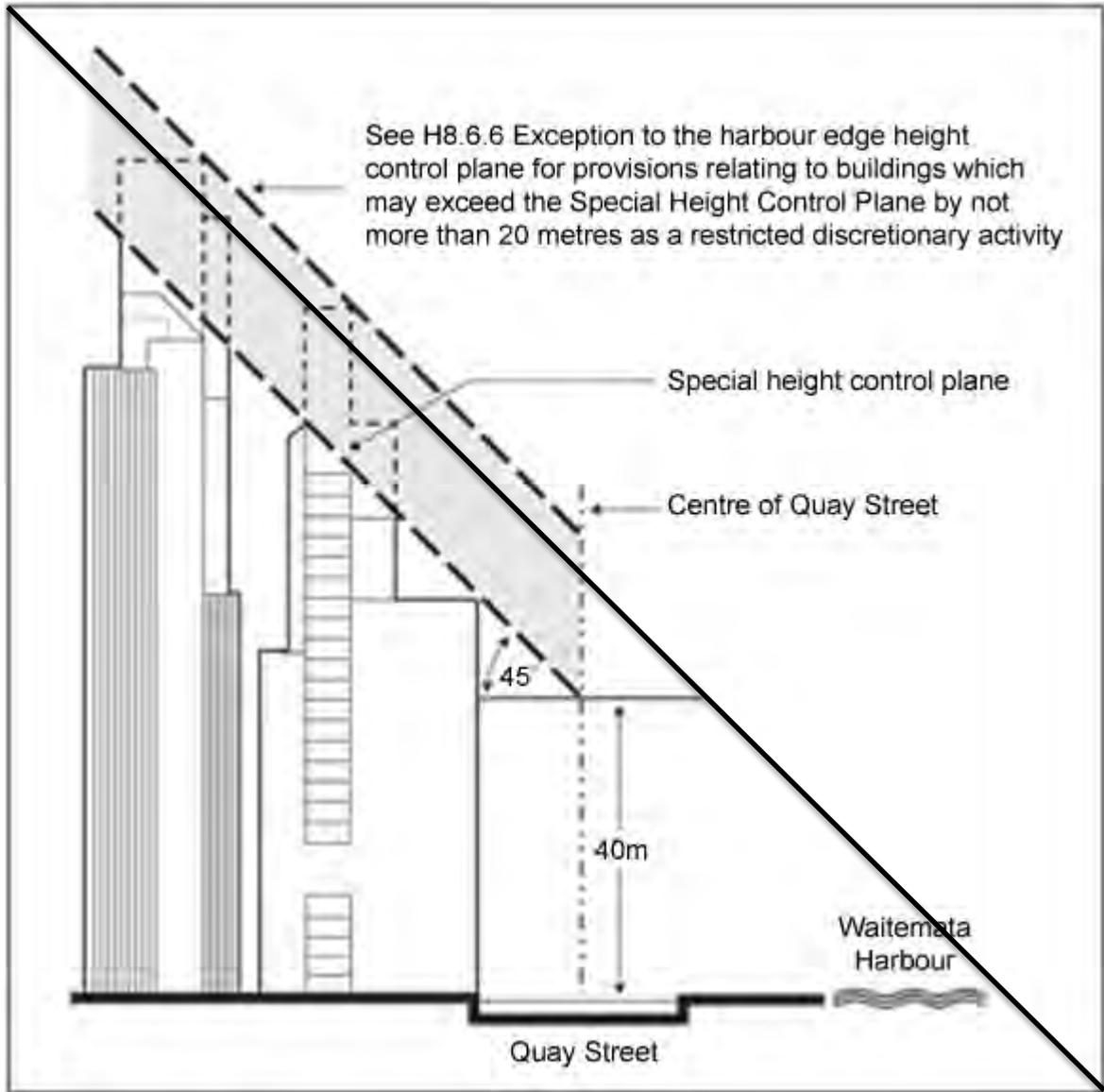
~~(a) any penetration of building bulk through the Harbour Edge Height Control Plane must be compensated for by equivalent open space “corridors” which are situated below the plane and which must:~~

- ~~(i) be continuous and run approximately north to south through the development site to provide some permeability of appearance when looking from a northerly or southerly direction; and~~
- ~~(ii) have a minimum width equating to 15 per cent of the widest east-west dimension for the site.~~

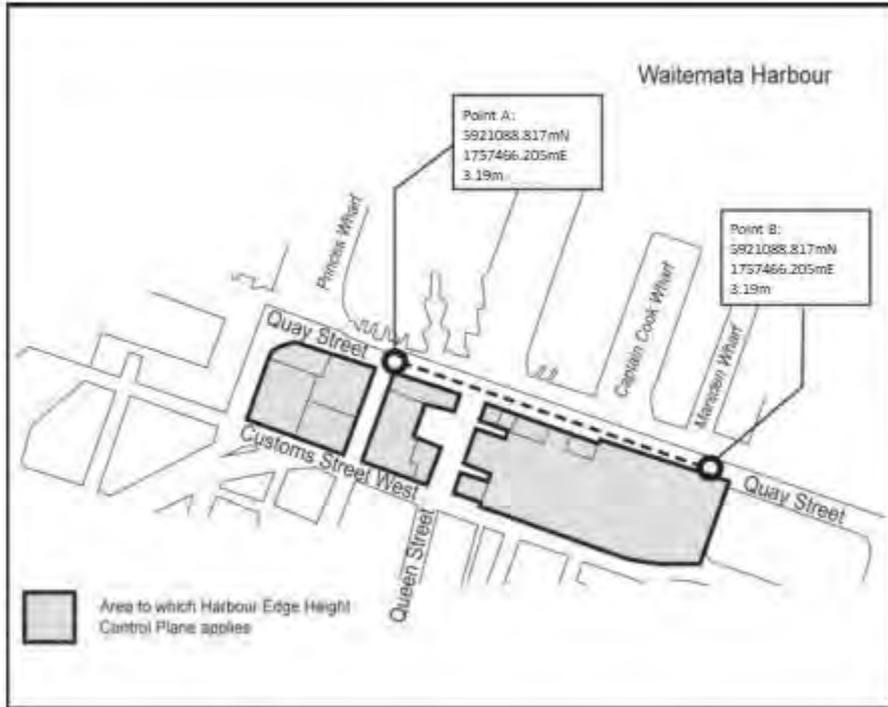
~~(a) the method of calculating the compensatory open space for Standard H8.6.6.1(a) above is as follows:~~

- ~~(i) establish a maximum total floor area ratio for the site;~~
- ~~(ii) calculate and demonstrate the obtainable floor area ratio for the building proposal within the Special Height Control Plane;~~
- ~~(iii) determine the floor area which the building proposal could qualify for above the Special Height Control Plane;~~
- ~~(iv) add that floor space to the building or structure above the Special Height Control Plane and also add a theoretical compensatory floor area (equal to that calculated in Standard H8.6.6.1(b)(iii) above) to the building or structure below the Special Height Control Plane, assuming a floor-to-floor distance the same as applies to the building or structure at that level; and~~
- ~~(v) then recalculate any light and outlook bonus claimed, as if the theoretical compensatory floor area Standard H8.6.6.1(b)(iv) existed.~~

**Figure H8.6.6.1 Harbour edge height control plane ~~[Deleted]~~**



**Figure H8.6.6.2 Harbour edge height control co-ordinates [Deleted]**

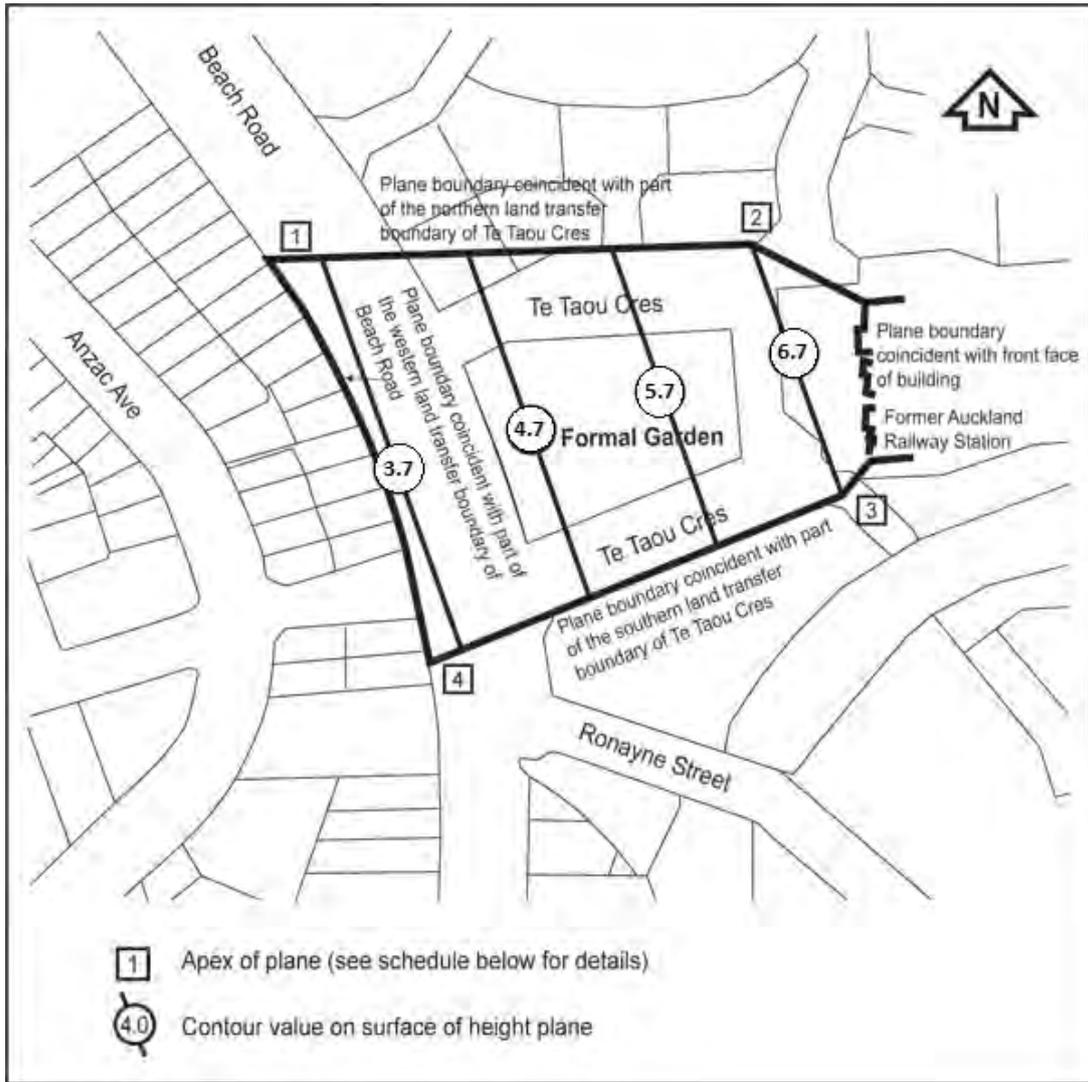


#### H8.6.7. Railway station building and gardens view protection plane

Purpose: manage the scale of development to protect the view of the railway station buildings and gardens when viewed from Beach Road.

- (1) The height of a building, including any structures on the roof of a building, subject to this standard must not exceed the height limits specified on Figure H8.6.7.1 Railway station buildings and garden view protection plane. This figure defines achievable reduce level (RL in terms of NZVD2016).

**Figure H8.6.7.1 Railway station buildings and garden view protection plane**



Note 1

Maximum allowable building height above NZVD2016.

**Table H8.6.7.1 Coordinate schedule**

Point	Mount Eden Circuit 2000		Height (NZVD2016)	New Zealand Transverse Mercator 2000	
1	400857.401	803543.872	3.40	1758145.255	5920544.863
2	401027.91	803554.641	6.68	1758316.137	5920552.488
3	401058.48	803464.612	6.68	1758344.839	5920461.903
4	400906.611	803407.863	3.44	1758191.949	5920407.968

Note 1

Coordinates in terms of Geodetic Datum 2000.

### **H8.6.8. Measuring building height**

Purpose: require height to be measured using the rolling height method where the maximum height varies across the site (contours) or average street level method where a general height limit is specified.

- (1) Building height will be the same as the definition of height when measuring the:
  - (a) height planes for admission of sunlight to public places and the special height limits (refer Map H8.11.4); and
  - (b) height of buildings within the blocks bounded by Hobson Street, Fanshawe Street, Halsey Street, Victoria Street West, and Union Street.
- (1) Unless otherwise stated all other heights will be measured as the vertical distance between mean street level and a horizontal plane above that level (being the specified height limit).
- (2) For the sites fronting Nelson Street within the block bounded by Union Street to the south and Cook Street to the north, height may be determined from the mean street level of Nelson Street to a maximum depth of 26m from the site boundary with Nelson Street.

### **H8.6.9. Rooftops**

Purpose: ensure the roofs of buildings are uncluttered when viewed from the street and surrounding buildings.

- (1) Rooftop projections including ~~towers~~, turrets, chimneys, lift towers, machinery rooms and water towers that exceed the height of all parts of a parapet surrounding the roof on which the projections are located, must be enclosed in a maximum of three structures and integrated within the overall roof design.
- (2) ~~[Deleted] All floor space forming part of rooftop projections that meet the requirements of this standard is excluded from the calculation of gross floor area for the development.~~
- (3) For the purpose of this standard rooftop includes the roof of building podiums in addition to its ordinary meaning.
- (4) For the purpose of this standard, rooftop projections do not include:
  - (a) ~~[Deleted] any part of a building included in the definition of gross floor area;~~
  - (b) any rooftop ornamental projections including finials, pediments and cornices integral to the design of the building; and
  - (c) telecommunications antennas and aerials.

### **H8.6.10. ~~[Deleted] Basic floor area ratio~~**

~~Purpose: manage the scale of development in the city centre.~~

(1) The basic floor area ratio applying to any site in the city centre is as shown on Map H8.11.7.

**H8.6.11. [Deleted] Bonus floor area ratio**

Purpose: encourage developments to be designed, contain activities or provide features that provide a benefit to the public.

- (1) In addition to the basic floor area, bonus floor area is available where development incorporates one or more of the features listed in Table H8.6.11.1.
- (2) The area of a feature for which a bonus is obtained cannot be claimed for twice.
- (3) Floor space approved for publicly accessible open space and through-site links are exempt from the calculation of gross floor area.
- (4) To qualify for the bonus, the bonus feature must comply with the bonus standards. A bonus feature that does not comply with the relevant standards is a restricted discretionary activity.
- (5) The amount of bonus floor area available per m<sup>2</sup> of feature provided and the locations within which they apply are set out in Table H8.6.11.1 except that the methods for calculating the amount of bonus floor area available per m<sup>2</sup> of feature provided for, historic heritage and special character floor space, through-site links and works of art are detailed in Standards H8.6.15, H8.6.16, H8.6.18, H8.6.19 and H8.6.20 respectively.
- (6) Table H8.6.11.1 lists the bonus features as permitted, controlled or restricted discretionary activities.
- (7) The bonus areas referenced in Table H8.6.11.1 are shown on Map H8.11.8.

**Table H8.6.11.1 Bonus floor area**

Bonus feature	Activity type	Bonus floor area available per m <sup>2</sup> of feature provided						Maximum floor area ratio limit to bonuses on a site								
		1a	1b 1c	2	3	4	5	6	1a	1b	1c	2	3	4	5	6
See Map H8.11.8 Bonus areas and Map H8.11.7 Site intensity																
Use or transfer of historic heritage and special character building floor space	C	Refer to Standard H8.6.13						NA	NA	NA	NA	NA	NA	NA	NA	NA
Securing historic heritage and special character	RD	Refer to Standard H8.6.14						4:1	4:1	4:1	4:1	4:1	1:5:1	1:5:1	1:1	

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building floor space																	
<b>Activities</b>																	
Dwellings	RD	2m <sup>2</sup>	2m <sup>2</sup>	2m <sup>2</sup>	2m <sup>2</sup>	2m <sup>2</sup>	2m <sup>2</sup>	2m <sup>2</sup>	2:1	2:1	2:1	2:1	2:1	1:1	1:1	1:1	
Home occupations	RD	2m2	2m2	2m2	2m2	2m2	2m2	2m2	2:1	2:1	2:1	2:1	2:1	1:1	1:1	1:1	
Visitor accommodation	RD	2m2	2m2	2m2	2m2	2m2	2m2	2m2	2:1	2:1	2:1	2:1	2:1	1:1	1:1	1:1	
Camping grounds	RD	2m2	2m2	2m2	2m2	2m2	2m2	2m2	2:1	2:1	2:1	2:1	2:1	1:1	1:1	1:1	
Boarding houses	RD	2m2	2m2	2m2	2m2	2m2	2m2	2m2	2:1	2:1	2:1	2:1	2:1	1:1	1:1	1:1	
Student accommodation	RD	2m2	2m2	2m2	2m2	2m2	2m2	2m2	2:1	2:1	2:1	2:1	2:1	1:1	1:1	1:1	
Integrated residential development	RD	2m2	2m2	2m2	2m2	2m2	2m2	2m2	2:1	2:1	2:1	2:1	2:1	1:1	1:1	1:1	
Retirement village	RD	2m2	2m2	2m2	2m2	2m2	2m2	2m2	2:1	2:1	2:1	2:1	2:1	1:1	1:1	1:1	
Supported residential care	RD	2m2	2m2	2m2	2m2	2m2	2m2	2m2	2:1	2:1	2:1	2:1	2:1	1:1	1:1	1:1	
<b>Public amenities</b>																	
Public open space	RD	8m <sup>2</sup>	6m <sup>2</sup>	6m <sup>2</sup>	4m <sup>2</sup>	4m <sup>2</sup>	3.5 m <sup>2</sup>	3m <sup>2</sup>	3:1	3:1	2:1	3:1	3:1	2:1	1:1	1:1	
Through-site links*	RD	Refer to Standard H8.6.18							1:1	1:1	1:1	0.5:1	0.5:1	0.5:1	1:1	0.5:1	
Works of art	RD	Refer to Standard H8.6.20							1:1	1:1	1:1	1:1	1:1	1:1	1:1	1:1	
<b>Light and outlook</b>																	
Light and outlook	P	Refer to Standard H8.6.12								NA	NA						

\*See Standard H8.6.19 for the additional bonus floor space available for through site links on identified blocks.

**H8.6.12. [Deleted] Bonus floor area ratio – light and outlook**

Purpose: provide additional floor area where buildings are setback from site boundaries to encourage:

- slender buildings that are not overly bulky in appearance;
- sunlight access to streets, public open space and nearby sites;
- light and outlook around buildings; and
- views through the city centre.

(1) Bonus floor area is available as a permitted activity for light and outlook as calculated below.

(2) A bonus will be awarded where that part of a building to which calculated floor area relates is reduced in coverage as set out in Table H8.6.12.1 except for sites in bonus areas 1b and 1c (refer to Standard H8.6.21).

(3) For the purpose of this standard, calculated floor area has the same meaning as average floor area except that it is calculated by averaging the area of that floor or part of a floor immediately below a horizontal plane of a set height above mean street level and all floors above that plane. The height of the horizontal plane must be:

- (a) for bonus areas 1a and 2: 28m above mean street level; or
- (b) for bonus areas 3, 4, 5 and 6: 12.5m above mean street level.

(4) On sites identified as special height area on Map H8.11.3, the building must comply with Standard H8.6.24 to qualify for the bonus.

**Table H8.6.12.1 Calculating the light and outlook bonus**

<b>Bonus area 1a</b>		
Where:		Bonus FAR equals
(A46)	$\frac{CFA}{SA} < 0.25$	4:1
(A47)	$0.25 < \frac{CFA}{SA} < 0.75$	$5.75 - \frac{(7 \times CFA)}{SA} : 1$
(A48)	$CFA > 0.75$	Nil
<b>Bonus area 2, 3, 4, 5, and 6</b>		
Where:		Bonus FAR equals
(A49)	$\frac{CFA}{SA} < 0.3$	1.5:1
(A50)	$0.3 \leq \frac{CFA}{SA} \leq 0.8$	$2.4 - \frac{(3 \times CFA)}{SA} : 1$
(A51)	$\frac{CFA}{SA} > 0.8$	Nil

**H8.6.13. ~~[Deleted] Bonus floor area – use or transfer of historic heritage and special character floor space bonus~~**

~~Purpose: encourage the retention and enhancement of scheduled historic heritage and identified special character buildings by enabling those buildings to sell or transfer their unrealisable floor space to another site.~~

- ~~(1) The use or transfer of bonus floor space obtained by the conservation of a scheduled heritage building or the protection of an identified special character building is a controlled activity.~~
- ~~(2) The historic heritage or special character building floor space bonus may be used in whole or in part on the site of that building where that site is located within the Business – City Centre Zone or transferred in whole or in part from the site of the scheduled building to one or more sites within the Business – City Centre Zone, subject to compliance with the following:~~
  - ~~(a) upon use of historic heritage or special character building floor space within the donor site or transfer of historic heritage or special character~~

~~building floor space, the registered covenant on the title of the donor site must be amended to show the corresponding reduction of the historic heritage or special character building floor space bonus; and~~

~~(b) the amount of any historic heritage or special character building floor space bonus transferred from a recipient site and any remaining floor space bonus must be recorded by covenant registered against the title of the recipient site.~~

~~(3) The transfer of all or part of the historic heritage or special character building floor space bonus may be postponed and used at a later date subject to securing the necessary resource consent under this standard.~~

#### **H8.6.14. ~~[Deleted] Bonus floor area – securing historic heritage and special character floor space bonus~~**

Purpose:

- ~~• to ensure that a conservation plan is prepared and able to be implemented prior to awarding transferable floor space to scheduled historic heritage buildings; and~~
- ~~• to ensure that a character plan is prepared and able to be implemented prior to awarding transferable floor space to identified special character buildings.~~

~~(1) Securing bonus floor space for the conservation of a scheduled heritage building or the protection of identified special character buildings is a restricted discretionary activity.~~

~~(2) The amount of floor space claimed must be assessed in accordance with the method of calculation set out below.~~

~~(3) For scheduled historic heritage buildings, the applicant must prepare a conservation plan in accordance with the requirements of the Historic Heritage Overlay rules in [D17.11\(4\)](#) and demonstrate that a programme of works will be undertaken including a maintenance plan to guide ongoing regular maintenance and cleaning.~~

~~(4) For identified special character buildings, the applicant must prepare a character plan that details how the significant features of the building that contribute to streetscape amenity will be retained and enhanced. The plan must demonstrate that a programme of works will be undertaken, including a maintenance plan to guide ongoing regular maintenance and cleaning.~~

~~(5) The applicant must pay a bond to ensure that the works will be completed in accordance with the conservation plan or character plan.~~

~~(6) The area of the heritage floor plate and the amount of heritage or special character floor space must be recorded by way of a registered covenant on the certificate of title.~~

~~(7) Once the heritage or special character floor space has been recorded on the certificate or certificates of title, the Council will maintain a register that~~

~~records the following for the purpose of monitoring the acquisition and use of such floor space:~~

- ~~(a) the address and legal description of the donor site;~~
- ~~(b) the address and legal description of the recipient site or sites;~~
- ~~(c) the amount of heritage floor space secured by the donor site;~~
- ~~(d) the amount of heritage floor space used on the donor site or transferred to a recipient site; and~~
- ~~(e) the date of the use or transfer and the residual floor area remaining after the use or transfer.~~

**H8.6.15. ~~[Deleted] Bonus floor area - bonus floor space calculation for scheduled heritage buildings~~**

~~Purpose: calculate the transferable floor area available to scheduled historic heritage buildings based on the lost development potential arising as a result of the building being scheduled and the relative costs of conservation.~~

- ~~(1) The following formula must be used to determine bonus floor space for identified historic heritage buildings:~~

$$\text{Bonus floor area} = (A \times B) - C + \frac{(C \times D)}{100}$$

~~A = Area of historic heritage floor plate~~

~~B = MTFAR applying to the site. For sites with no MTFAR: 2.5~~

~~C = Gross floor area of the scheduled building~~

~~D = Heritage schedule point ranking.~~

- ~~(2) 'Historic heritage floor plate' means that part of a site which is covered by a scheduled building including a curtilage of a minimum depth of 2m contained within the legal boundaries of the site and surrounding the scheduled building except that as part of the application for securing historic heritage floor space the depth of the curtilage may be increased where the Council is satisfied that the increased depth would enhance the visual integrity of the scheduled building.~~

- ~~(3) The 'equivalent schedule point ranking' must be determined as follows:~~

~~(a) Category A scheduled buildings: 110 points; and~~

~~(b) Category B scheduled buildings: 74 points.~~

- ~~(4) In determining the amount of gross floor area allowed on the balance of a site or residual site area but not contained within the historic heritage floor plate, that portion of the site area occupied by the historic heritage floor plate must not be included for the purpose of calculating the BFAR.~~

- ~~(5) Where a scheduled building is incorporated in a development or a new development is proposed on the residual site area and the scheduled building is subject to an approved conservation plan, the gross floor area of the scheduled building is excluded from floor area ratio calculations.~~
- ~~(6) Where any public amenity bonus element has been granted on the historic heritage floor plate, this bonus floor space, subject to compliance with all other requirements of the Plan, may be included in the permitted floor area for the development on the residual site.~~

**H8.6.16. ~~[Deleted] Bonus floor area – bonus floor space calculation for identified special character buildings~~**

~~Purpose: calculate the transferable floor area available to identified special character buildings based on the lost development potential arising as a result of the building being retained as special character and the relative costs of protection.~~

- ~~(1) A floor space bonus may be granted when the significant features of identified special character buildings that contribute to streetscape amenity are protected. The bonus comprises the sum of the following two items:~~
- ~~(a) recognition of the loss of development potential that arises as a consequence of the special character building being retained; and~~
  - ~~(b) recognition of the cost of protection~~

~~The sum of (a) and (b) above is calculated by the following formula:~~

$$\text{Bonus floor area} = (A \times B) - C + \frac{(C \times 49)}{100}$$

~~A = Area of the identified special character building floor plate~~

~~B = MTFAR applying to the site. For sites with no MTFAR: 2.5~~

~~C = Gross floor area of the identified special character building~~

- ~~(2) For the purpose of this standard:~~
- ~~(a) 'identified special character buildings' are all pre-1940s buildings within the Queen Street Valley precinct and those identified on Map H8.11.1;~~
  - ~~(b) 'character building floor plate' means that part of a site which is covered by an identified special character building including a curtilage of a minimum depth of 2m contained within the legal boundaries of the site and surrounding the building except that as part of the application for securing special character floor space the depth of the curtilage may be increased where the Council is satisfied that the increased depth would enhance the visual integrity of those parts of the buildings that are identified as significant features.~~

- ~~(3) In determining the amount of gross floor area permitted on the balance of a site or residual site area but not contained within the identified special character building floor plate, that portion of the site area occupied by the special character building floor plate will not be included for the purpose of calculating the basic FAR.~~
- ~~(4) Where any public amenity bonus element has been granted on the identified special character building floor plate, this bonus floor space, subject to compliance with all other requirements of the Plan, may be included in the permitted floor area for the development on the residual site.~~
- ~~(5) Where an identified special character building is incorporated in a development or a new development is proposed on the residual site area and the special character building is subject to an approved character plan, the gross floor area of the special character building is excluded from floor area ratio calculations.~~

#### **H8.6.17. ~~[Deleted] Bonus floor area – public open space~~**

~~Purpose: provide additional floor area where a high-quality public open space is incorporated into the development.~~

- ~~(1) The Council will consider as a restricted discretionary activity an application to obtain bonus floor space for the provision of a public open space.~~
- ~~(2) In order to qualify for the bonus, the public open space must:~~
  - ~~(a) be readily accessible to the public 24 hours a day, seven days a week, except where required to be closed from time to time for public safety or maintenance reasons, and signposted accordingly;~~
  - ~~(b) adjoin the street for a minimum length of 10m;~~
  - ~~(c) be capable of containing a 10m diameter circle;~~
  - ~~(d) the level of the public open space must be at the same level of the adjoining street for a minimum depth of 10m, except that where the adjoining street slopes along the site frontage, the public open space must be no more than 1.2m above or below the level of the site frontage;~~
  - ~~(e) the entrance of the public open space must be at street level;~~
  - ~~(f) exclude any area nominated as a through-site link or a service lane/s; and~~
  - ~~(g) be kept clear and unobstructed from the ground or floor level upwards except that any part of a building may project by not more than 1.5m over the public open space if not more than 10 per cent of the public open space is so covered.~~
- ~~(3) The public open space must connect at grade with the street, with vertical differences traversed by ramps or escalators.~~

- ~~(4) Where located on a site subject to Map H8.11.6 Verandahs, provide a verandah along the street for the full length of the public open space in accordance with Standard H8.6.26(4)–(7).~~
- ~~(5) This standard does not exempt or offset the payment of development contributions for public open space.~~

**H8.6.18. [Deleted] Bonus floor area – through-site link**

~~Purpose: provide additional floor area where a high-quality through-site link is incorporated into a development that will enhance the pedestrian amenity of the city centre.~~

- ~~(1) The Council will consider any application to obtain bonus floor space for the provision of a through-site link as a restricted discretionary activity.~~
- ~~(2) The through-site link bonus applies to lanes, arcades and covered links.~~
- ~~(3) For the purpose of this standard, lanes, arcades and covered links are defined as follows:
  - ~~(a) lanes are uncovered external spaces that provide permanent pedestrian connections at all times;~~
  - ~~(b) arcades are enclosed pedestrian routes within buildings which feature active uses, such as retail, along their length; and~~
  - ~~(c) covered links are enclosed pedestrian routes within buildings, that are not arcades.~~~~
- ~~(4) To qualify for the bonus, all forms of through site link must:
  - ~~(a) be a separately defined, continuous and clearly identifiable public walkway taking the most direct route, which is designed specifically to traverse a site to connect roads or other public places or other through-site links and provides a shorter and more convenient route than the existing alternative; and~~
  - ~~(b) have an access easement registered on the title to which the link applies to ensure preservation of the link and its ongoing maintenance by the owner of the title.~~~~
- ~~(5) A through-site link may be a combination of lanes, arcades and covered links along its length. The particular length of the link must comply with the requirements below as they apply to that length.~~
- ~~(6) To qualify for the bonus, lanes, arcades and covered links must comply with the standards below.~~

*Lanes*

- ~~(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.~~
- ~~(8) Lanes must be publicly accessible 24 hours a day, seven days a week.~~

- (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.

*Arcades*

- (10) Arcades must be pedestrian only and covered.
- (11) Arcades must be publicly accessible, the minimum hours of operation being 7.30am to 6pm Monday to Friday, excluding public holidays, and such other times when the site is open for business or for its principal purpose.
- (12) Arcades must maintain a minimum unobstructed width of 3.5m. The unobstructed width of the arcade must be free of any buildings and fixtures that disrupt the passage of pedestrians.

*Covered links*

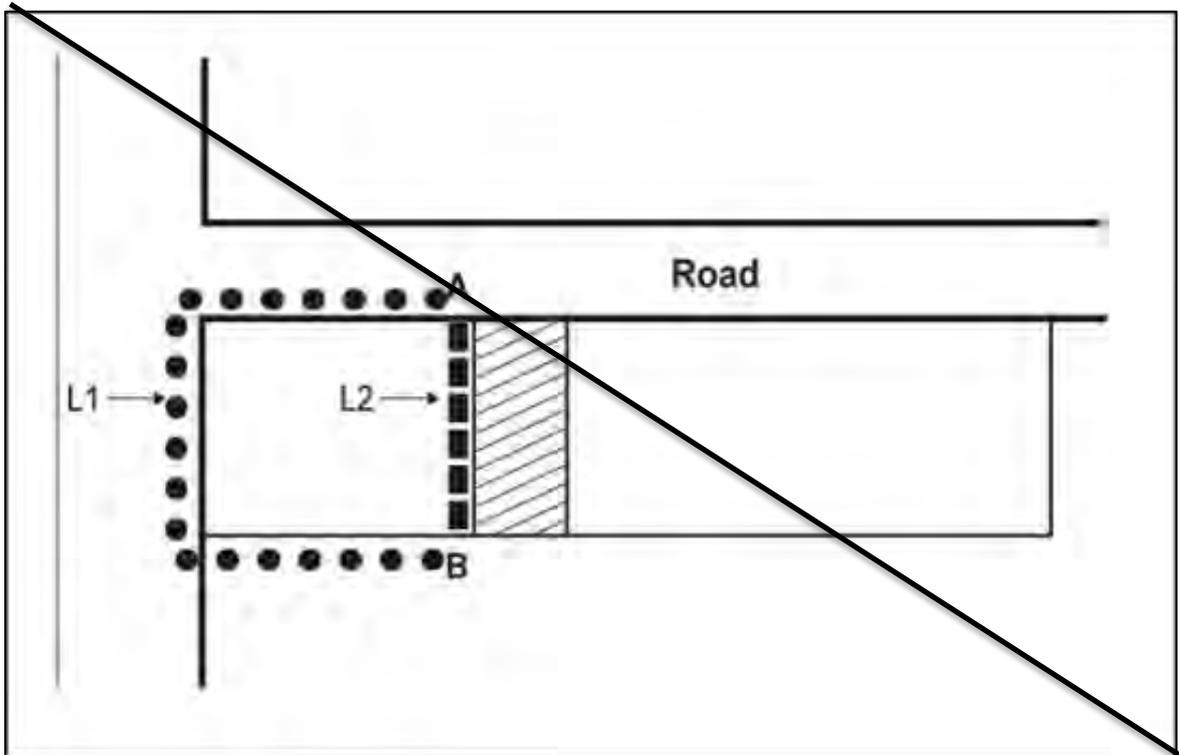
- (13) Covered links must be pedestrian only and covered.
- (14) Covered links must be publicly accessible, the minimum hours of operation being 7.30am to 6pm Monday to Friday, excluding public holidays, and such other times when the site is open for business or for its principal purpose.
- (15) Covered links must have a minimum unobstructed width of 3.5m. The unobstructed width of the covered link must be free of any buildings and fixtures that disrupt the passage of pedestrians.

*Method of calculation*

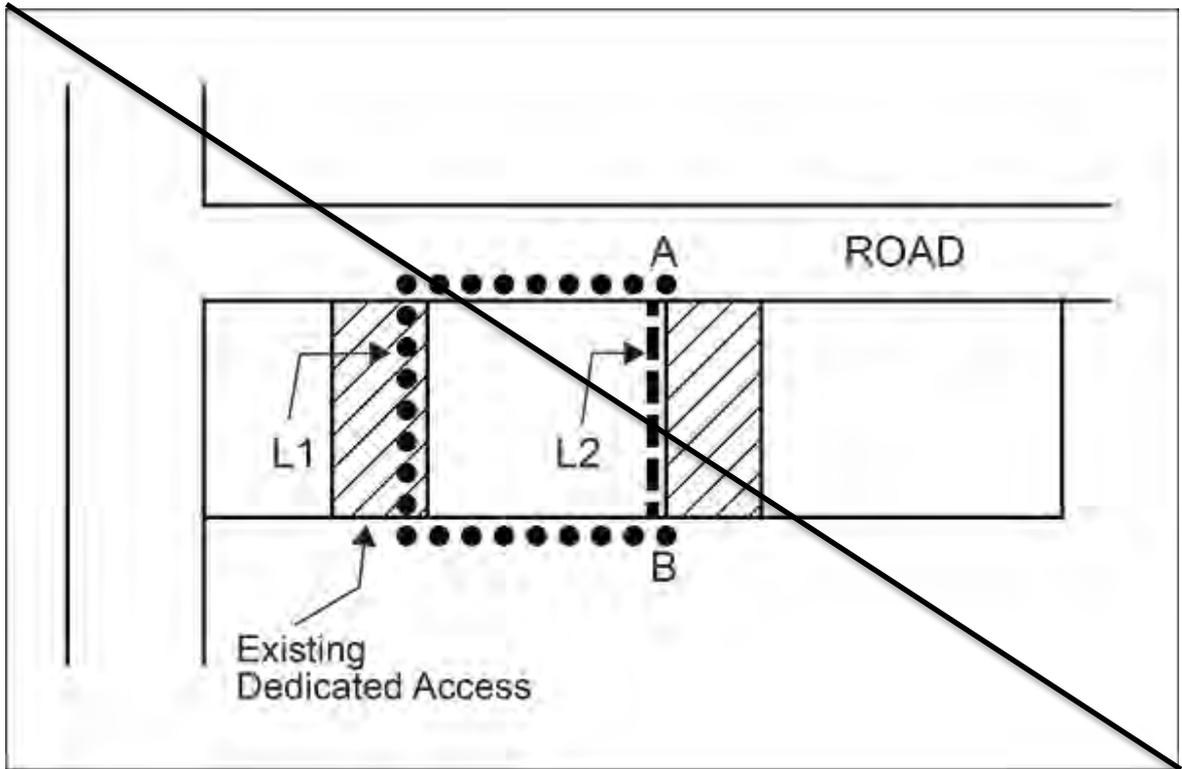
- (16) The through-site link bonus, be it a lane, arcade or covered link, or those in combination is calculated in accordance with the formula below:
- (a) The bonus floor area achievable per square metre of through-site link provided is expressed by the ratio  $L1:L2$  where:
- (i)  $L1$  = the shortest distance between points A and B measured along the road boundary; and
  - (ii)  $L2$  = the shortest pedestrian route between points A and B (refer Figure H8.6.18.1 below).
- (b) except that subject to the maximum FAR limit for a through-site link bonus set out in Table H8.6.11.1:
- (i) the bonus floor area available per square metre of through-site link provided will not exceed  $10m^2$  (i.e. where  $L1:L2 = 10:1$ ); and
  - (ii) the bonus floor area available per square metre of through-site link provided will be no less than  $5m^2$  (i.e. where  $L1:L2 = 5:1$  or less) provided that through-site links that attain less than  $2m^2$  will not be eligible for a bonus.
- (c) for the purpose of these measurements the following apply:

- (i) road boundary includes the shortest distance between points at either end of a pedestrian access which is protected by a registered easement or similar form of dedication (refer Figure H8.6.18.2);
- (d) no part of a through-site link is counted more than once for the measurement of L2;
- (e) where either an escalator is included in a through-site link, the calculation of L2 includes the plan distance of the escalator (refer Figure H8.6.18.3 below);
- (f) where stairs are included in a through-site link their actual travel distance applies (refer Figure H8.6.18.4 below); and
- (g) the maximum width of the through-site link will be regarded as 6m.

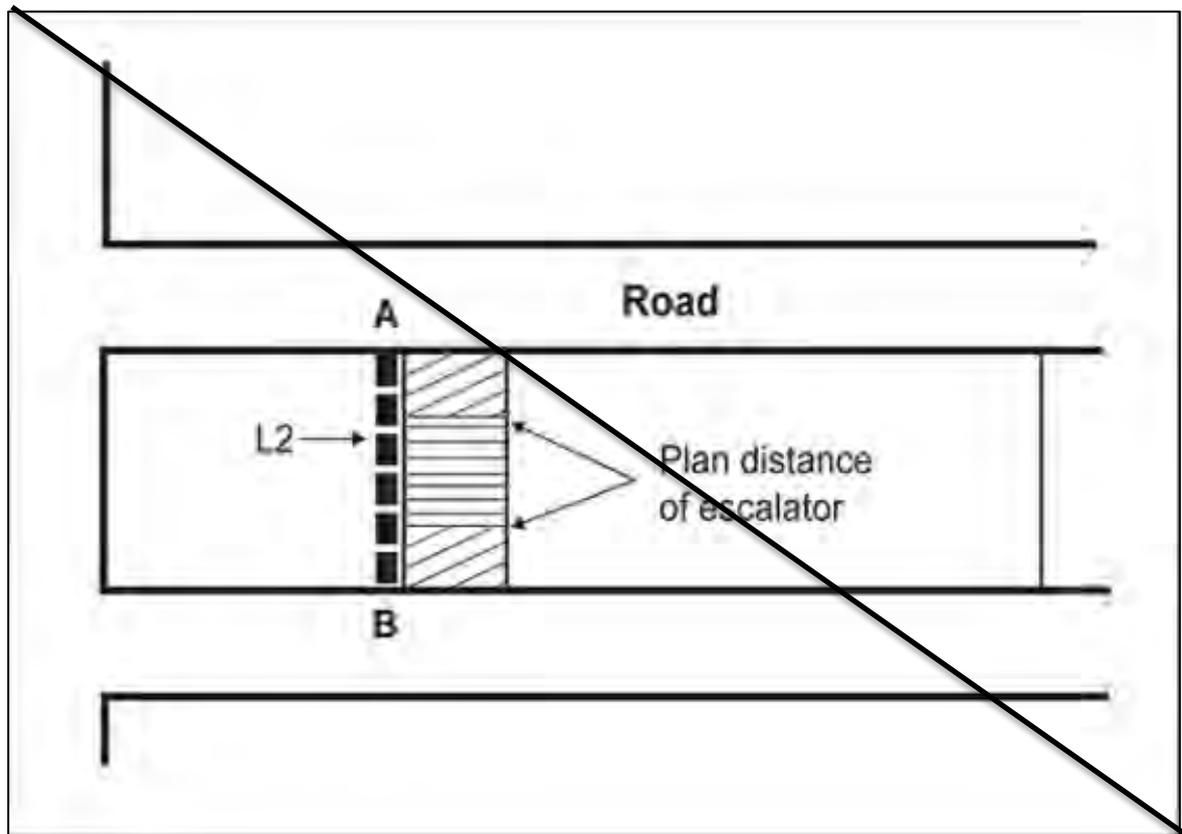
**Figure H8.6.18.1 Calculating through-site link bonus Deleted**



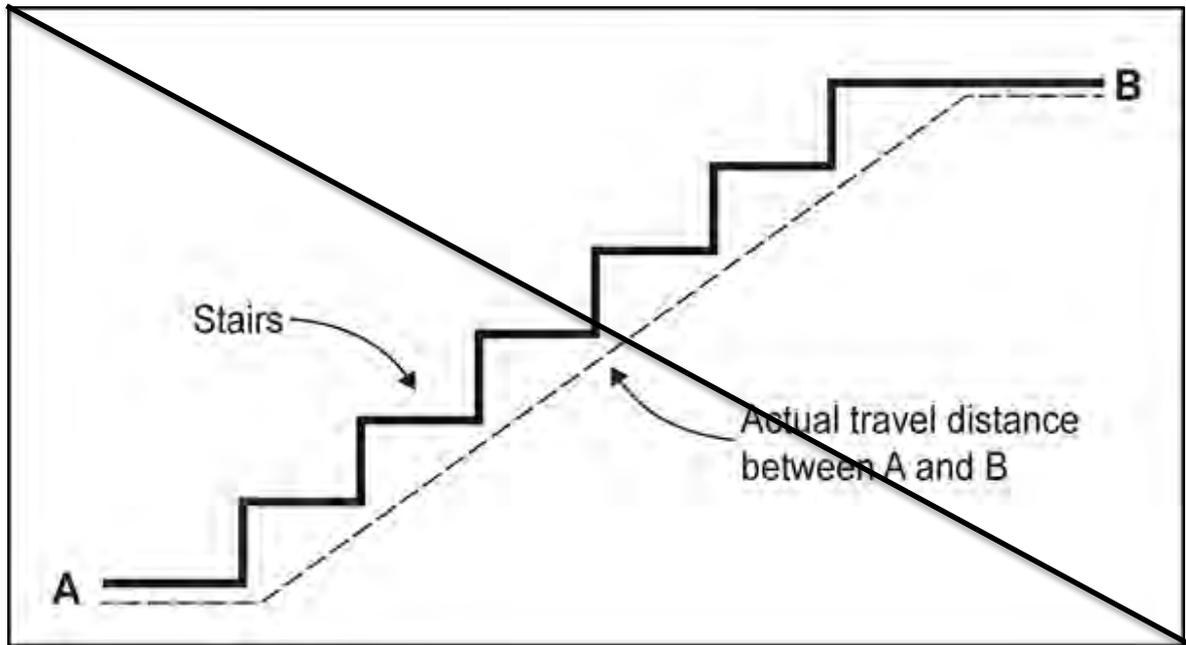
**Figure H8.6.18.2 Calculating through-site link bonus 2**



**Figure H8.6.18.3 Escalator plan distance [Deleted]**



**Figure H8.6.18.4 Stair plan distance measurement**



**H8.6.19. ~~[Deleted] Bonus floor area -- through-site links through identified blocks~~**

~~Purpose: provide additional floor area where a through-site link is incorporated into a development that will significantly improve the permeability and accessibility of the block.~~

- ~~(1) Where a through-site link is provided through a block identified on Map H8.11.9, the above standards apply, except that:
  - ~~(a) an additional 0.5:1 will be awarded to any through-site link on the blocks identified on Map H8.11.9 and will apply in addition to the bonus calculated above using the ratio of L1:L2.~~~~

**H8.6.20. ~~[Deleted] Bonus floor area -- works of art~~**

~~Purpose: provide additional floor area where a high quality work of art is incorporated into the development that will enhance the cultural richness of the city centre.~~

- ~~(1) Securing bonus floor space for the provision of works of art is a restricted discretionary activity.~~
- ~~(2) To qualify for the bonus:
  - ~~(a) works of art must be located so they are accessible or visible to the public 24 hours a day, seven days a week; and~~
  - ~~(b) a covenant must be registered on the title to which the work of art applies to ensure preservation of the work of art and its ongoing maintenance by the owner of the title.~~~~

- ~~(3) The bonus floor area available is assessed at the following ratio:~~
- ~~(a) five per cent extra floor area for each one per cent of total construction cost spent on the commission and execution of the work of art;~~
  - ~~(b) for calculating the extra floor area which can be claimed, five per cent will be taken off the total floor area which has resulted from the calculation of the addition of all of the following:~~
    - ~~(i) the floor area permitted by the basic floor area ratio for the site;~~
    - ~~(ii) all bonus floor area claimed and awarded (apart from the extra floor area claimed for provision of a work of art);~~
    - ~~(iii) areas contained within a building occupied by through site links for which consent has been granted; and~~
    - ~~(iv) any entrance foyer/lobby or part of it including any void forming an integral part of it. The entrance foyer/lobby must be publicly accessible, accessed directly from a street or public open space and have an overhead clearance of at least 6m.~~
  - ~~(c) for the purpose of this standard, 'total construction cost' means the total cost of completing the development (or in the case of an existing development, the replacement cost of that development) for which extra floor area is claimed to an initial tenable condition, including all external and internal structural walls of the building to a finished standard (but excluding non-structural partitioning and furnishings); all building services; floor coverings; and all site works but not including land cost or the cost of the proposed work of art;~~
  - ~~(d) a certificate prepared and signed by a registered quantity surveyor or registered architect must be supplied to the Council to verify total construction cost as defined in H8.6.20(3)(c) above, land cost and cost of the proposed work of art; and~~
  - ~~(e) a fraction of the one per cent of total construction cost, either more or less, may be spent on the commission and execution of the work and where this occurs the amount of extra floor area granted will be increased or reduced in the same proportion.~~

#### **H8.6.21. [Deleted] Maximum total floor area ratio**

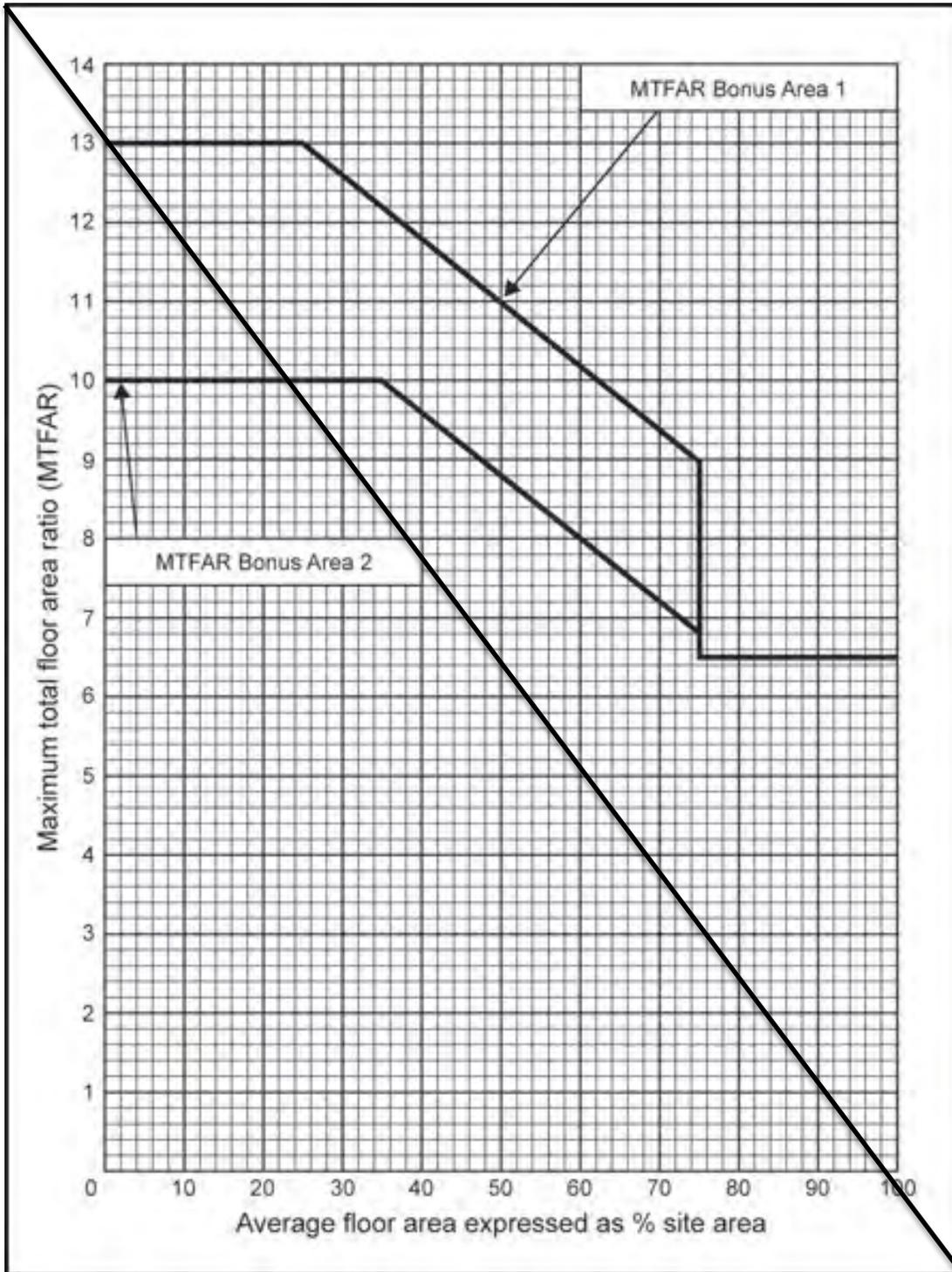
**Purpose:** manage the overall scale of development in the city centre.

- ~~(1) The basic FAR plus the accumulation of any bonus FAR must not exceed the MTFAR identified on Map H8.11.7.~~
- ~~(2) The MTFAR achievable in bonus areas 1a, 2 and 3 is limited by the ratio of average floor area to site area to the extent shown in Table H8.6.21.1 and Figure H8.6.21.1 MTFAR bonus areas 1a and 2 and Figure H8.6.21.2 MTFAR bonus area 3.~~

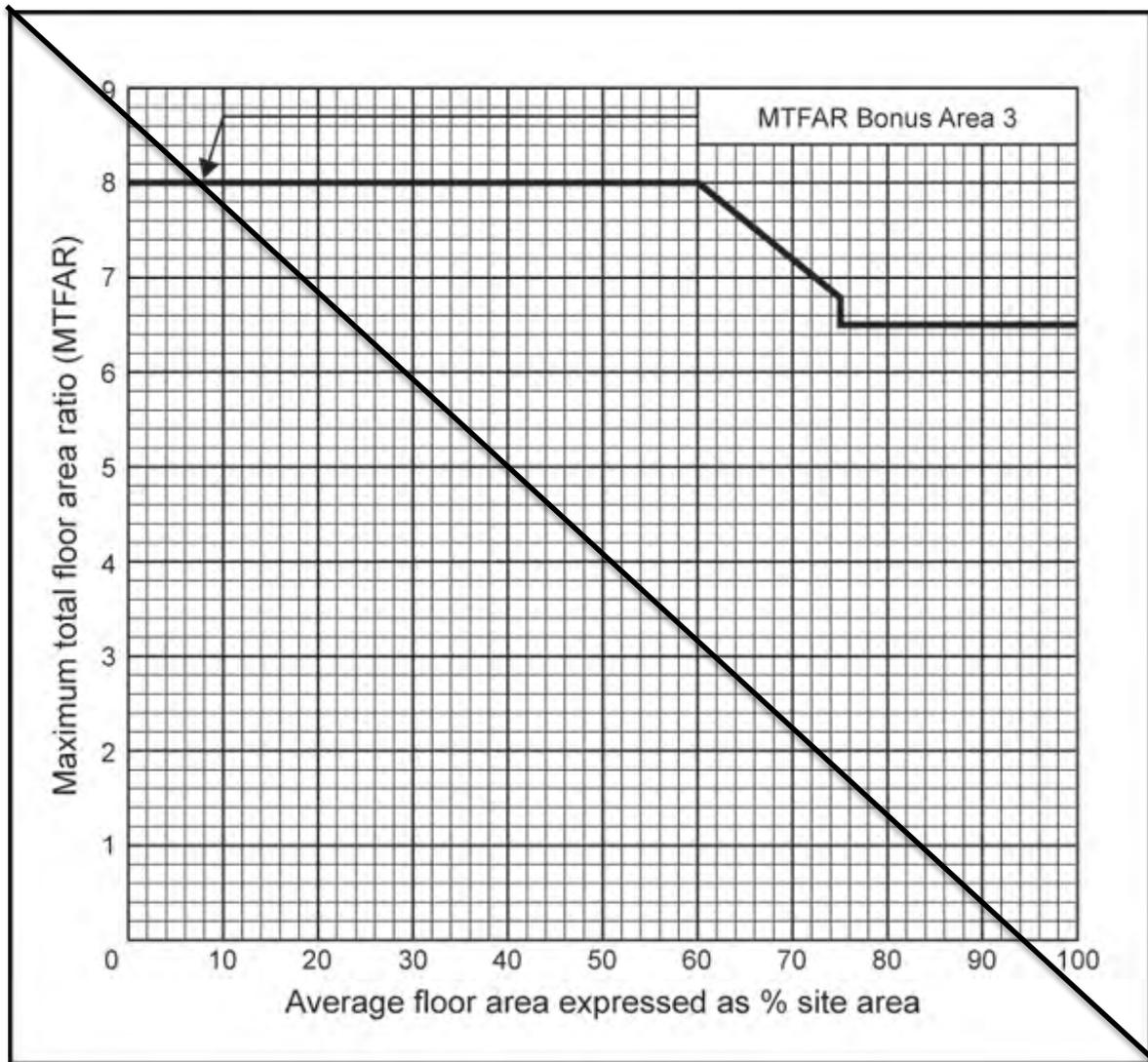
**Table H8.6.21.1 Maximum total floor area ratio**

<b>Bonus area 1a</b>		
Where:		MTFAR equals
(A52)	$\frac{AFA}{SA} < 0.25$	13:1
(A53)	$0.25 < \frac{AFA}{SA} \leq 0.75$	$15 - \frac{(8 \times AFA)}{SA} : 1$
(A54)	$\frac{AFA}{SA} > 0.75$	6.5:1
<b>Bonus area 2</b>		
(A55)	$\frac{AFA}{SA} < 0.35$	10:1
(A56)	$0.35 \leq \frac{AFA}{SA} \leq 0.8$	$12.8 - \frac{(8 \times AFA)}{SA} : 1$
(A57)	$\frac{AFA}{SA} > 0.8$	6.5:1
<b>Bonus area 3</b>		
(A58)	$\frac{AFA}{SA} < 0.6$	8:1
(A59)	$0.6 \leq \frac{AFA}{SA} \leq 0.75$	$10.8 - \frac{(8 \times AFA)}{SA} : 1$
(A60)	$\frac{AFA}{SA} > 0.75$	4.5:1

Figure H8.6.21.1 MTFAR bonus areas 1a and 2 [Deleted]



**Figure H8.6.21.2 MTFAR bonus area 3**



**H8.6.22. [Deleted] Building in relation to boundary [Advice note not to be included – deletion of this standard is subject to additional analysis recommended in section 3.12.2 of the Report]**

Purpose: retain the spacious landscaped character and maximise sunlight admission to public open spaces in the areas that the standard applies.

- (1) A building located on a site identified as being subject to this standard on Map H8.11.7A must comply with the indicators set out in [Appendix 10 Business – City Centre Zone](#) building in relation to boundary except that:
- (a) this standard only applies to the shared boundaries of identified sites or where the boundary of an identified site adjoins open space zones; and
  - (b) the effective site boundary for the purpose of this standard may be taken as the furthest pedestrian accessway, entrance strip or access site, where a site adjoins such accessway, entrance strip or access site, or adjoins a series of contiguous entrance strips or access sites.



### **H8.6.23. Streetscape improvement and landscaping**

Purpose: maintain landscaped qualities in the areas that the standard applies.

- (1) For those sites identified on Figure H8.6.23.1 as being subject to the site frontage standard:
  - (a) not less than 50 per cent of that part of the site, between the street and a parallel line 6m from the street frontage must be landscaped;
  - (b) no part of any building or parking and manoeuvring space may be located within an area between the street and a line 3m parallel from the street frontage; and
  - (c) Standards H8.6.23(1)(a)-(b) above do not apply to rear sites.
- (2) For the sites identified on Figure H8.6.23.1 as 'Sites requiring not less than 30 per cent net site area landscaping', at least 30 per cent of the net site area must be landscaped.
- (3) For the sites identified on Figure H8.6.23.1 as 'Sites requiring not less than 10 per cent net site area landscaping', at least 10 per cent of the net site area must be landscaped. The landscaping must include a special amenity yard between the north-eastern boundary and a parallel line 8m from that boundary, as shown on Figure H8.6.23.1, in which no part of any building or parking may be located.
- (4) The landscaping required above must incorporate both:
  - (a) low level shrubs; and
  - (b) specimens of trees capable of reaching a minimum height at maturity of 8m. The trees must be at least 1.5m high at the time of planting.
- (5) ~~[Deleted]The following applies in relation to the site that adjoins and is to the south of the St Andrew's Presbyterian Church site:~~
  - ~~(a) no part of any building, or parking and manoeuvring space, or service area may be located on the site between the street and a parallel line 8m from the street frontage; and~~
  - ~~(b) at least 50 per cent of the 8m set-back area must be landscaped.~~

**Figure H8.6.23.1 Streetscape improvement and landscaping**



**H8.6.24. Maximum tower dimension, setback from the street and tower separation in special height area (shown on Map H8.11.3)**

Purpose: ensure that high-rise buildings:

- are not overly bulky and are slender in appearance;
- provide adequate sunlight and daylight access to streets and public spaces;
- provide a consistent human-scaled edge to the street;
- provide adequate sunlight, daylight and outlook around buildings;
- enable views visual connections through the city centre; and
- mitigate adverse wind effects.

(1) On every site identified as special height area on Map H8.11.3 a new building or addition to an existing building must comply with the following:

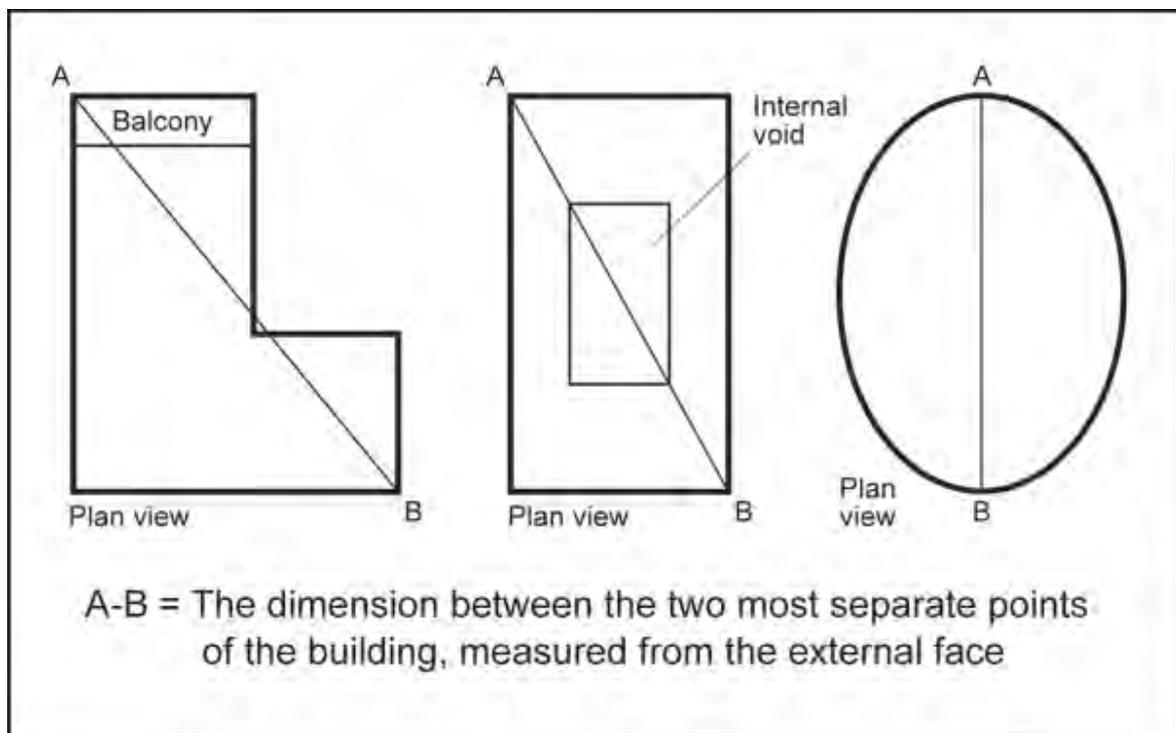
(a) the maximum plan dimension of that part of the building above 28m (above mean street level) must not exceed an average of 50m55m; and

(b) the part of a building above 28m must be located set back at least 6m from all boundaries of the site.

(2) The maximum plan dimension is the horizontal dimension between exterior faces of the two most separate points of the building (refer Figure H8.6.24.1).

(3) If there is more than one tower on a site, a tower separation distance of at least 12m must be provided between the parts of the buildings above 28m.

**Figure H8.6.24.1 Maximum plan dimension**



#### **H8.6.24A Maximum east-west tower dimension**

Purpose: ensure that high-rise buildings provide adequate physical, cultural and visual connections with, and visual permeability to, the Waitematā Harbour.

(1) On every site identified as subject to the east-west tower dimension standard on Map 8.11.10 a new building or addition to an existing building must comply with the following:

(a) the maximum plan dimension of any part of a building in the east-west direction must not exceed 45m for that part of the building above:

(i) 28m, for sites identified as special height area on Map H8.11.3.

(ii) 32.5m for all other sites.

(2) This standard applies in addition to the maximum plan dimension stated in H8.6.24 and H8.6.25A.

#### **H8.6.25. Building frontage alignment and height**

Purpose: ensure streets are well defined by human-scaled buildings and provide a sense of enclosure to enhance pedestrian amenity, while still providing adequate sunlight and daylight access to streets.

(1) On every frontage identified on Map H8.11.5, a new building or addition to an existing building must comply with the following:

(a) the building must adjoin the entire length of the frontage excluding vehicle and pedestrian access and public open spaces for the minimum frontage height specified in H8.6.25(1)(a)(i) and (ii) below:

(i) for frontages identified as '19m', the building must have minimum contiguous height of 19m for a minimum depth of 6m from the frontage; and

(i) for frontages identified as '13m', the building must have minimum contiguous height of 13m for a minimum depth of 6m from the frontage.

(2) On every frontage identified on Map H8.11.5A, a new building or addition to an existing building must comply with the following:

(a) for frontages identified as "28m", the maximum frontage height must not exceed 28m for a minimum depth of 6m from the frontage;

(b) for frontages identified as "1:1 to street width" the maximum frontage height must not exceed the lesser of:

(i) a 1:1 ratio to the width of the street which that frontage is on, for a minimum depth of 6m from the frontage, or

(ii) 32.5m, for a minimum depth of 6m from the frontage.

(c) where the street width referenced in H8.6.25(2)(b)(i) is less than the minimum frontage height requirement on Map H8.11.5, then the maximum frontage height is equal to the minimum frontage height.

#### **H8.6.25A Building setback from boundaries**

Purpose: ensure that buildings:

- provide adequate sunlight and daylight access to streets and public open spaces;
- provide a consistent human-scaled edge to the street;
- provide adequate sunlight, daylight and outlook around buildings;
- enable visual connections through the city centre; and
- mitigate adverse wind effects.

(1) On every site identified as subject to this standard on Map H8.11.11 a new building or addition to an existing building must comply with the following:

(a) For boundaries which have a maximum frontage height (refer H8.6.25(2)), the set back is as stated in H8.6.25(2).

(b) For all other boundaries, the part of the building above 32.5m-must be set back from the boundary by at least 6m.

(c) The maximum plan dimension, as defined in H8.6.24(2), of that part of the building above 32.5m must not exceed an average 55m.

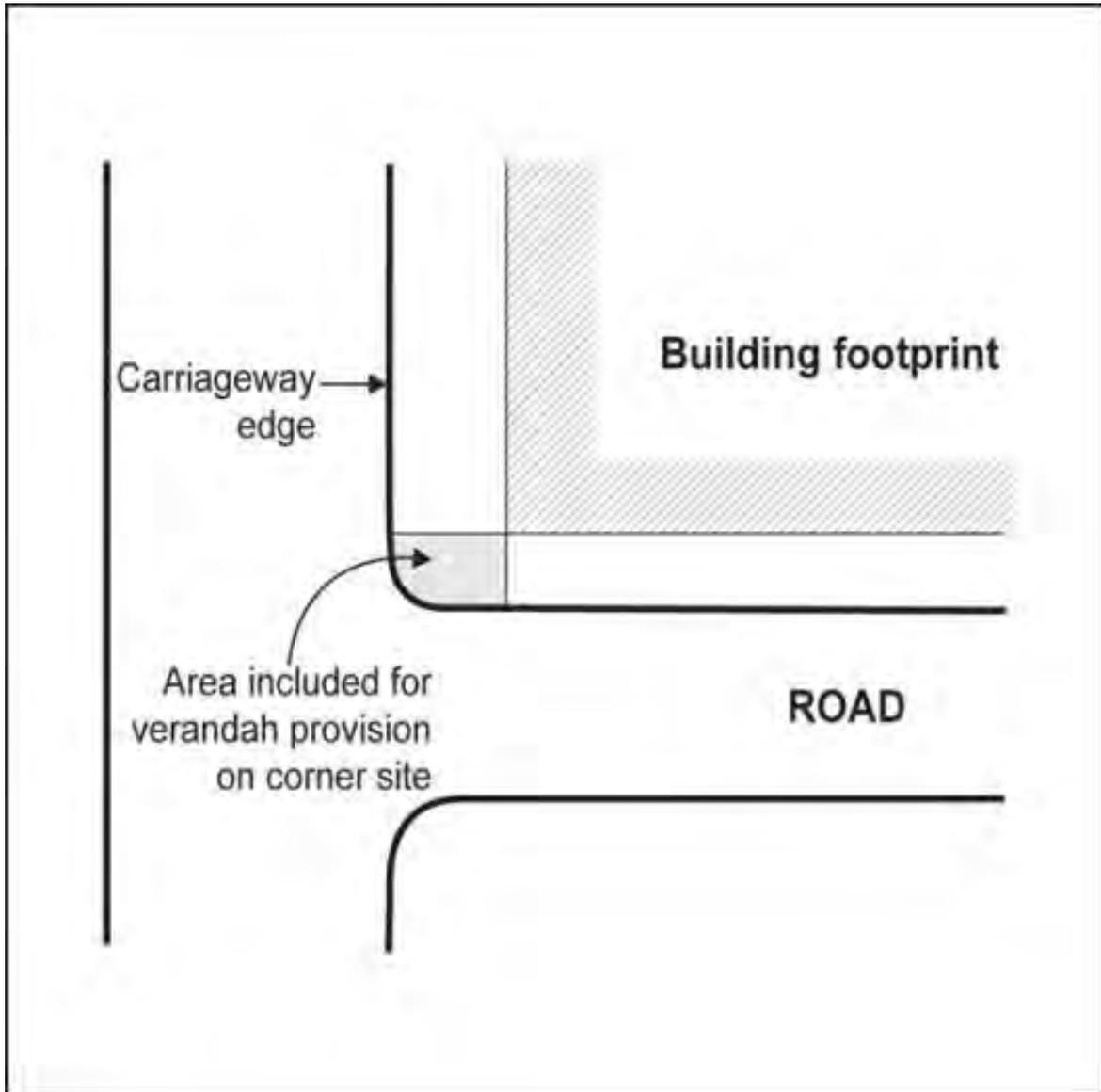
(d) If there is more than one tower on a site, a tower separation distance of at least 12m must be provided between the parts of the buildings above 32.5m.

#### **H8.6.26. Verandahs**

Purpose: provide pedestrians with weather protection on main streets.

- (1) A new building, external alteration or substantial internal alteration to an existing building, excluding minor cosmetic alterations or repairs which do not change its design and appearance, on a site identified on Map H8.11.6 must provide a continuous verandah along the full width of its building frontage.
- (2) For the purpose of this standard, substantial internal alterations means the alteration or reconstruction of an existing building to a value of \$500,000 or more assessed at the time a building consent is lodged with the Council.
- (3) If an existing verandah is removed, it must be replaced in accordance with the requirements of this standard.
- (4) A verandah on a corner site must comply with Figure H8.6.26.1.

**Figure H8.6.26.1 Verandah on corner site**



(5) All verandahs must:

- (a) have a minimum height of 3m and a maximum height of 4m above the footpath immediately below;
- (b) be no closer than 700mm in plan to the edge of the road carriageway notwithstanding any other requirement of this standard;
- (c) include drainage to control rain run-off;
- (d) where glazed, be opaque or patterned glass; and
- (e) comply with the minimum widths in Table H8.6.26.1.

**Table H8.6.26.1 Minimum width**

<b>Location</b>	<b>Minimum width</b>
Queen Street, north of Wakefield Street except the western side between Aotea Square and Wellesley Street	4m
Karangahape Road	4m
Swanson Street between Mills Lane and Queen Street	3m
Vulcan Lane, south side	3m
Queen Street, west side between Aotea Square and Wellesley Street	5m
All other frontages identified on the plan	3m or setback no further than 700mm in plan from the edge of the road carriageway, whichever is the lesser

- (6) Lighting outside daylight hours must be provided under a verandah to a minimum of 20 lux (light illumination) on the footpath, where the lux level is measured at ground level on a horizontal plane at 2m from the building adjoining the footpath. Lighting of the footpath must have a uniformity ratio of 0.5.
- (7) The lighting levels required above may be met by one or more of the following methods:
- (a) providing lighting beneath a street verandah;
  - (b) providing lighting within the shop/office that spills out through windows to the outside footpath;
  - (c) the use of advertising signage of light colour which will spill light out onto the footpath; or
  - (d) providing downwardly directed lighting on the exterior of the building.

**H8.6.27. Minimum floor to floor height**

Purpose: ensure that:

- commercial buildings are adaptable to a wide variety of uses over time; and
  - adequate sunlight and/or daylight is provided into the interior spaces of commercial buildings.
- (1) The ground floor of a new building and alterations and additions that change the floor to floor height must have a minimum finished floor to floor height of 4.5m for a minimum depth of 10m where it adjoins a street or public open space.

- (2) The finished floor to floor height of new buildings above ground floor and any alterations and additions that change the floor to floor height above ground floor must be at least 3.6m where those floors will accommodate non-residential activities.

**H8.6.28. Wind**

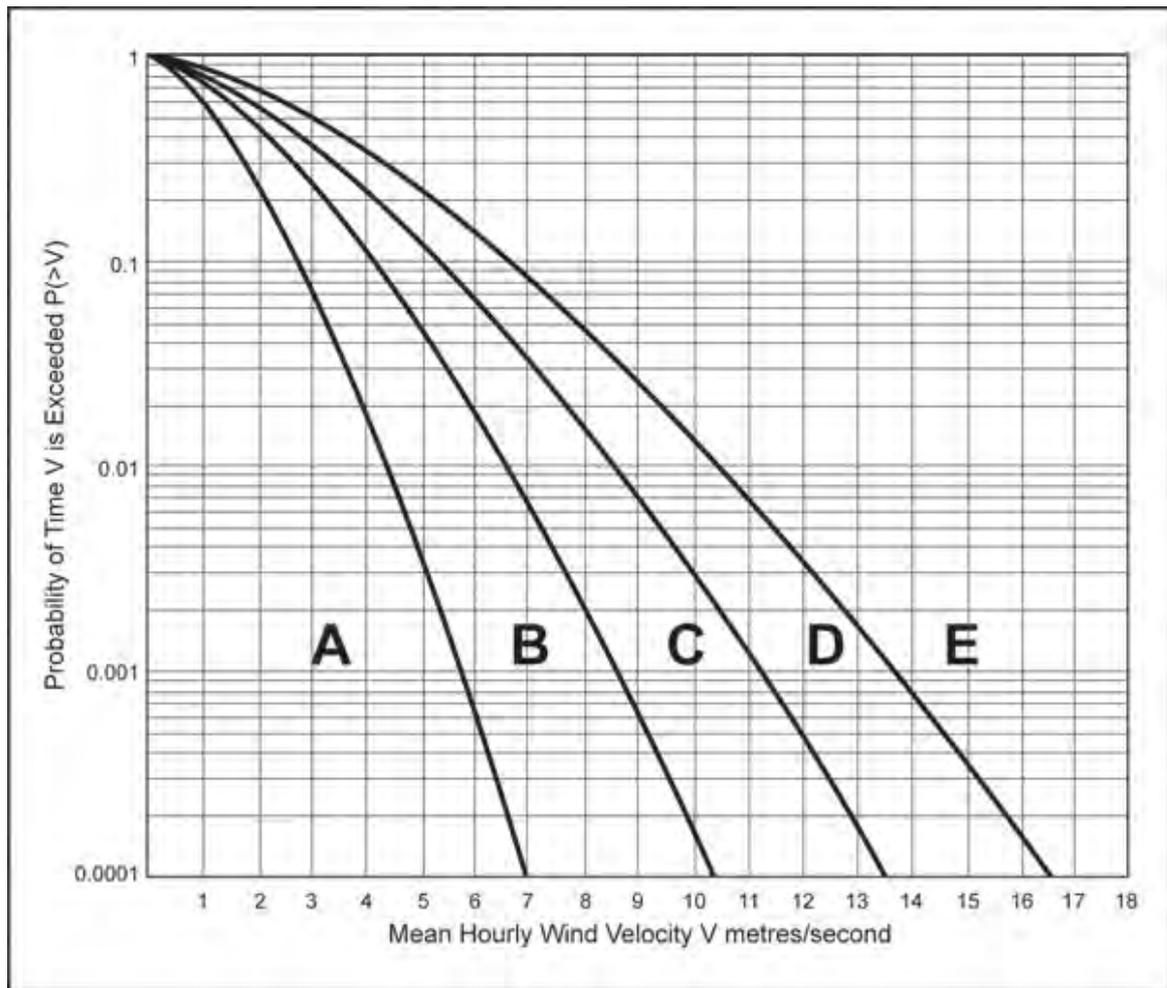
Purpose: mitigate the adverse wind effects generated by high-rise buildings.

- (1) A new building and additions to existing buildings that increase the height of any part of the building must not cause:
- (a) the mean wind speed around it to exceed the category for the intended use of the area as set out in Table H8.6.28.1 and Figure H8.6.28.1 Wind environment control;
  - (b) the average annual maximum peak 3 second gust to exceed the dangerous level of 25m per second; and
  - (c) an existing wind speed which exceeds the controls of Standard H8.6.28(1)(a) or Standard H8.6.28(1)(b) above to increase.

**Table H8.6.28.1 Performance categories**

Category	Description
Category A	Areas of pedestrian use containing significant formal elements and features intended to encourage longer term recreational or relaxation use, such as. major and minor public squares, parks and other open spaces, including. Aotea Square, Queen Elizabeth Square, Albert Park, Myers Park, St Patrick’s Square, and Freyberg Place
Category B	Areas of pedestrian use containing minor elements and features intended to encourage short-term recreation or relaxation, such as minor pedestrian open spaces, pleasure areas in road reserves, streets with significant groupings of landscaped seating features, including Khartoum Place, Mayoral Drive pleasure areas, and Queen Street
Category C	Areas of formed footpath or open space pedestrian linkages, used primarily for pedestrian transit and devoid of significant or repeated recreational or relaxational features, such as footpaths where not covered in categories A or B above
Category D	Areas of road, carriage way, or vehicular routes, used primarily for vehicular transit and open storage, such as roads generally where devoid of any features or form which would include the spaces in categories A - C above
Category E	Represents conditions which are dangerous to the elderly and infants and of considerable cumulative discomfort to others. Category E conditions are unacceptable and are not allocated to any physically defined areas of the city
Note: All through-site links and other private land given over to public use as bonus features, or subject to public access easements, must be subject to the wind environmental categories.	

**Figure H8.6.28.1 Wind environment control**



Derivation of the wind environment control graph:

The curves on the graph delineating the boundaries between the acceptable categories (A-D) and unacceptable (E) categories of wind performance are described by the Weibull expression:

$$P(>V) = e^{-(v/c)^k}$$

where V is a selected value on the horizontal axis, and P is the corresponding value of the vertical axis:

and where:

$P(>V)$  = Probability of a wind speed V being exceeded;

e = The Napierian base 2.7182818285

v = the velocity selected;

k = the constant 1.5; and

c = a variable dependent on the boundary being defined:

A/B, c = 1.548

B/C, c = 2.322

C/D, c = 3.017

D/E, c = 3.715

#### **H8.6.29. Glare**

Purpose: ensure non-reflective materials are used on buildings to avoid, remedy and mitigate the adverse effects of glare on pedestrians and motorists.

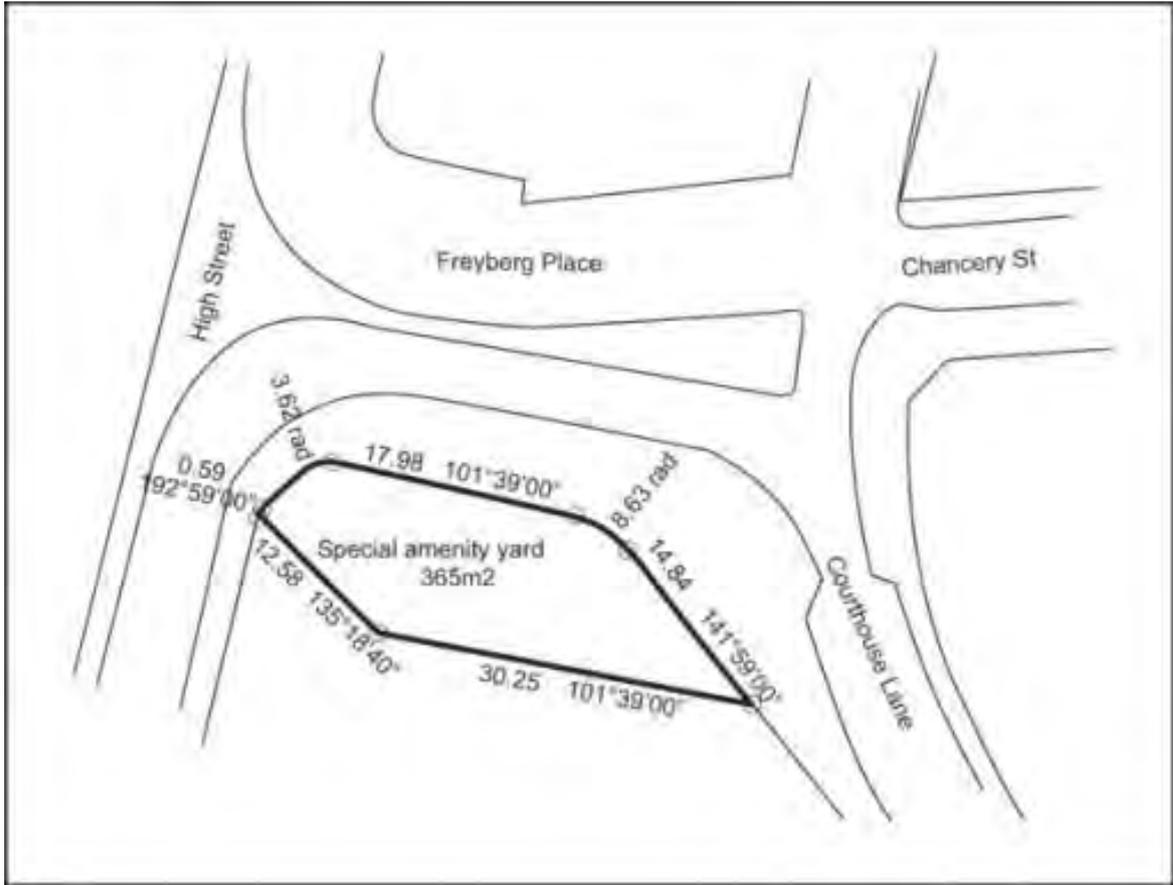
- (1) Buildings must be designed and built so that the reflectivity of all external surfaces does not exceed 20 per cent of white light. This means that glass and other materials with reflectivity values that exceed 20 per cent may only be used provided they are covered or screened in such a way that the external surfaces will still meet this standard.

#### **H8.6.30. s**

Purpose: avoid buildings locating in areas that would have a significant adverse effect on pedestrian and/or streetscape amenity.

- (1) A building must not be at or above ground level within the yards shown on Figures H8.6.30.1, H8.6.30.2, ~~and H8.6.30.3~~ and H8.6.30.4.
- (2) In the Freyberg Place special amenity yard, the existing contour of the land and the existing Phoenix palms within the yard must be retained.

Figure H8.6.30.1 Freyberg Place special amenity yard



**Figure H8.6.30.2 Myers Park special amenity yard**

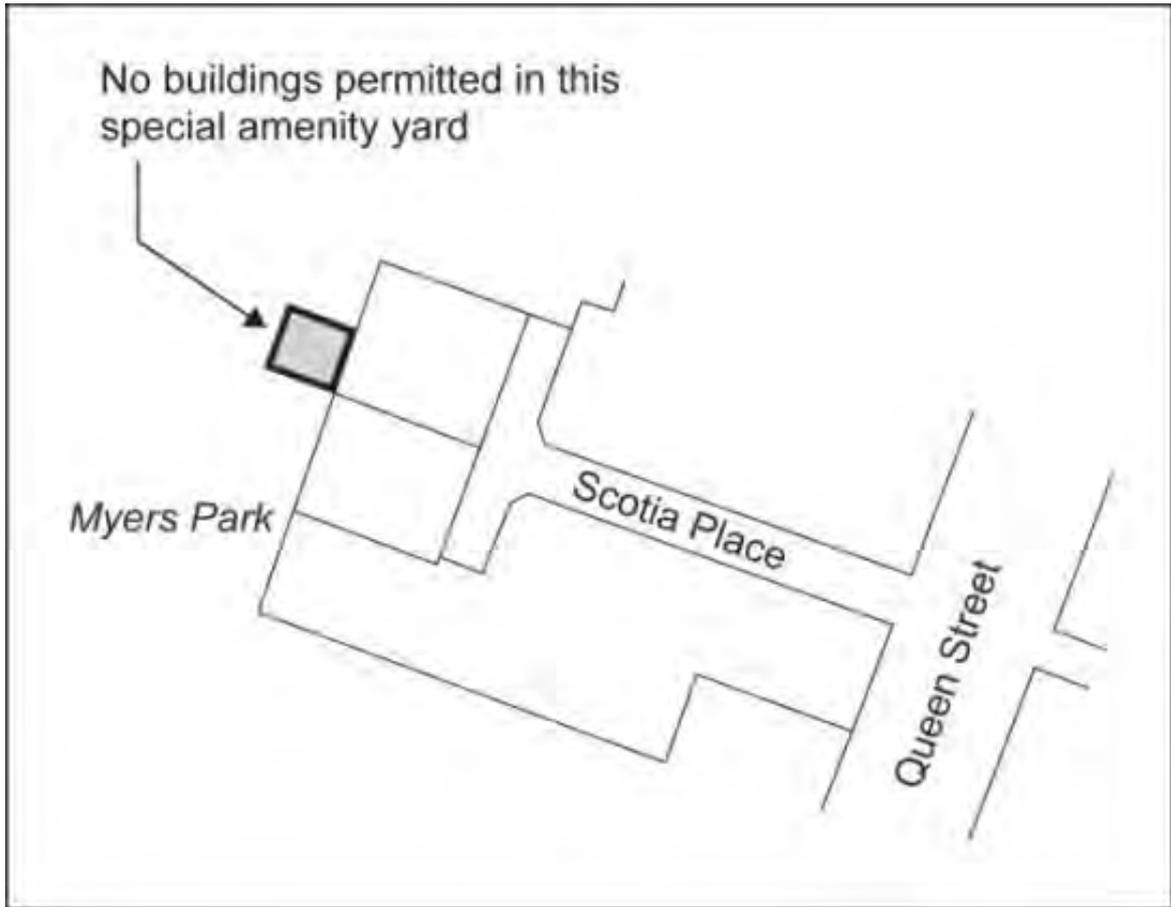
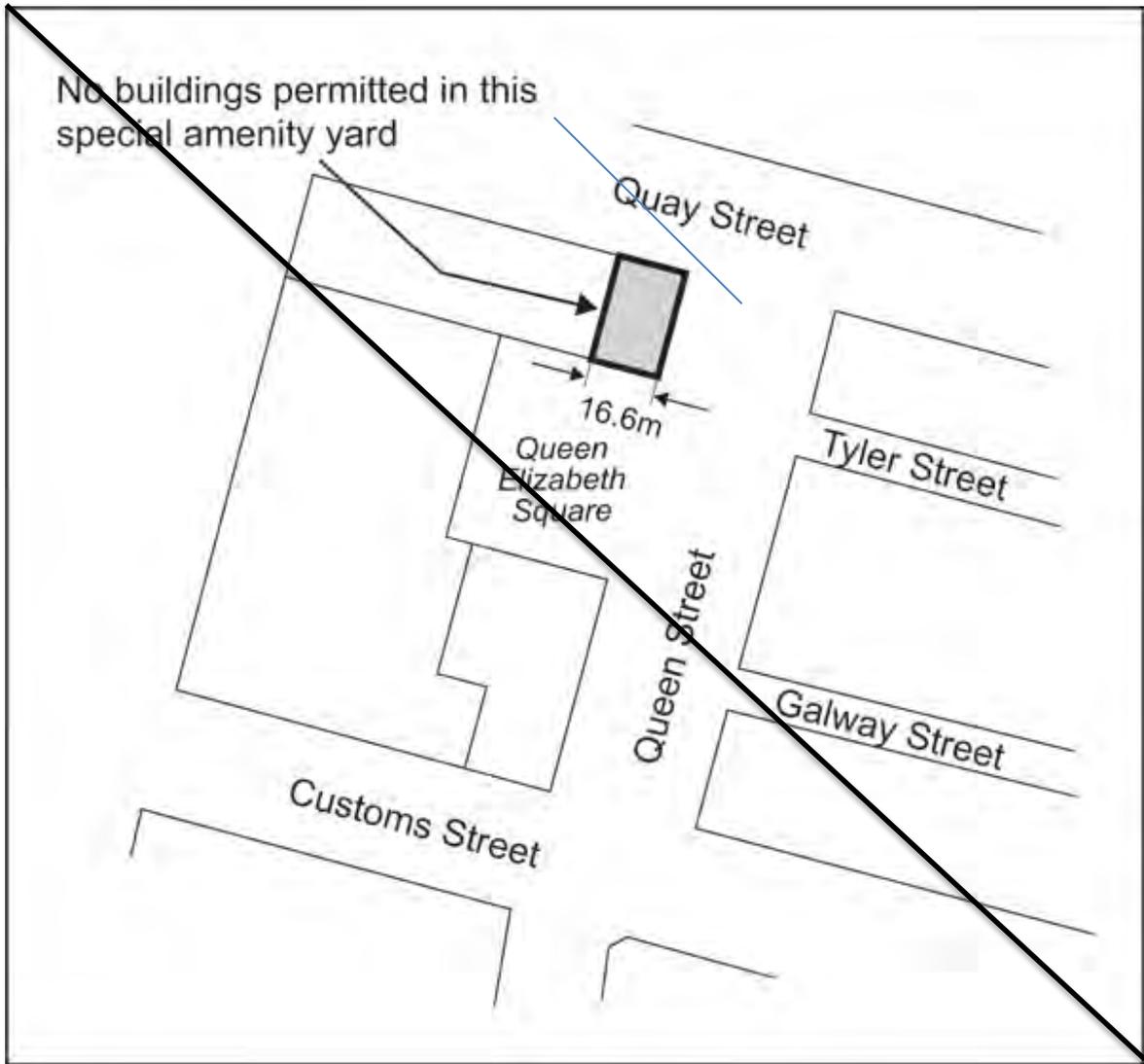
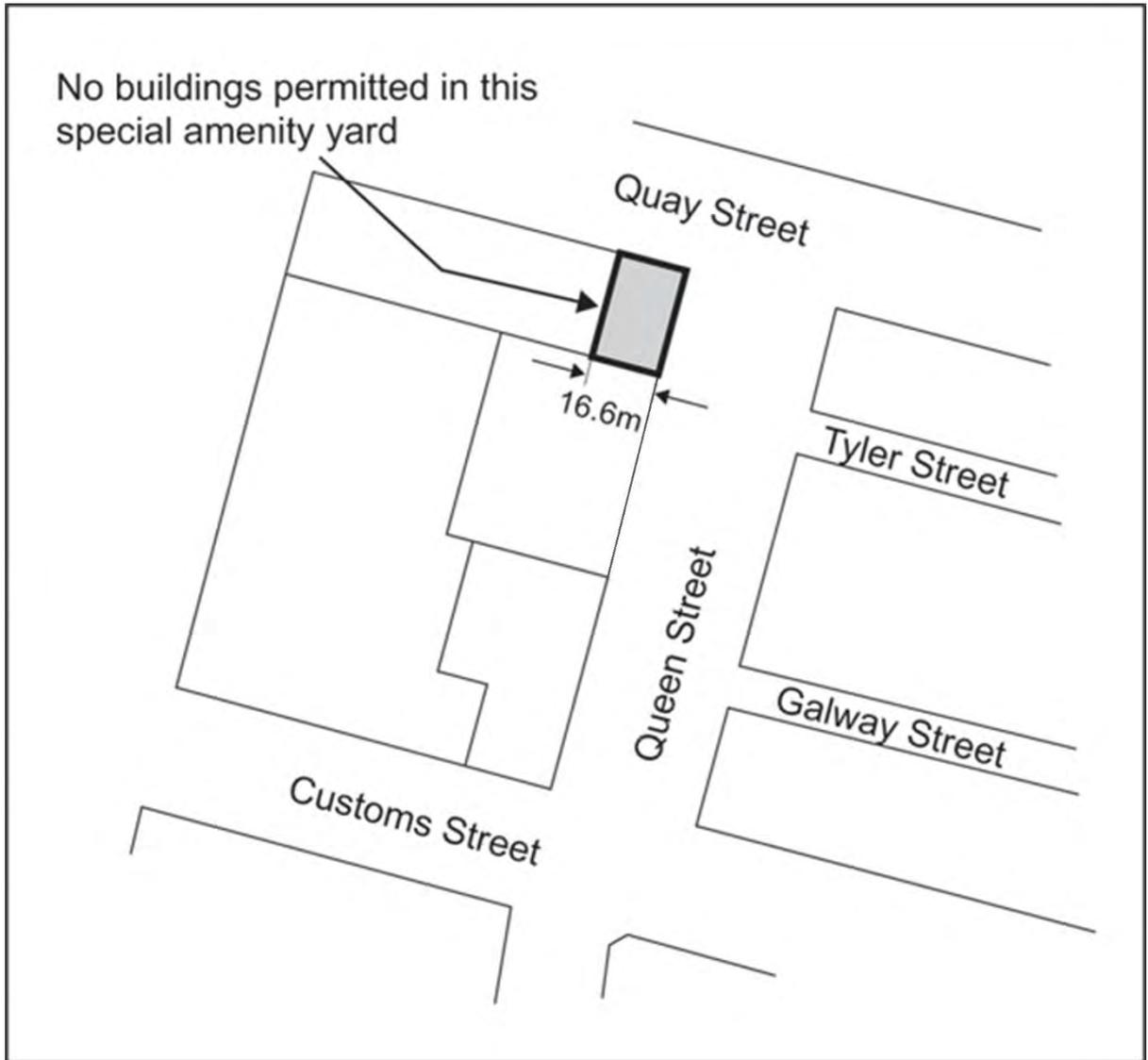
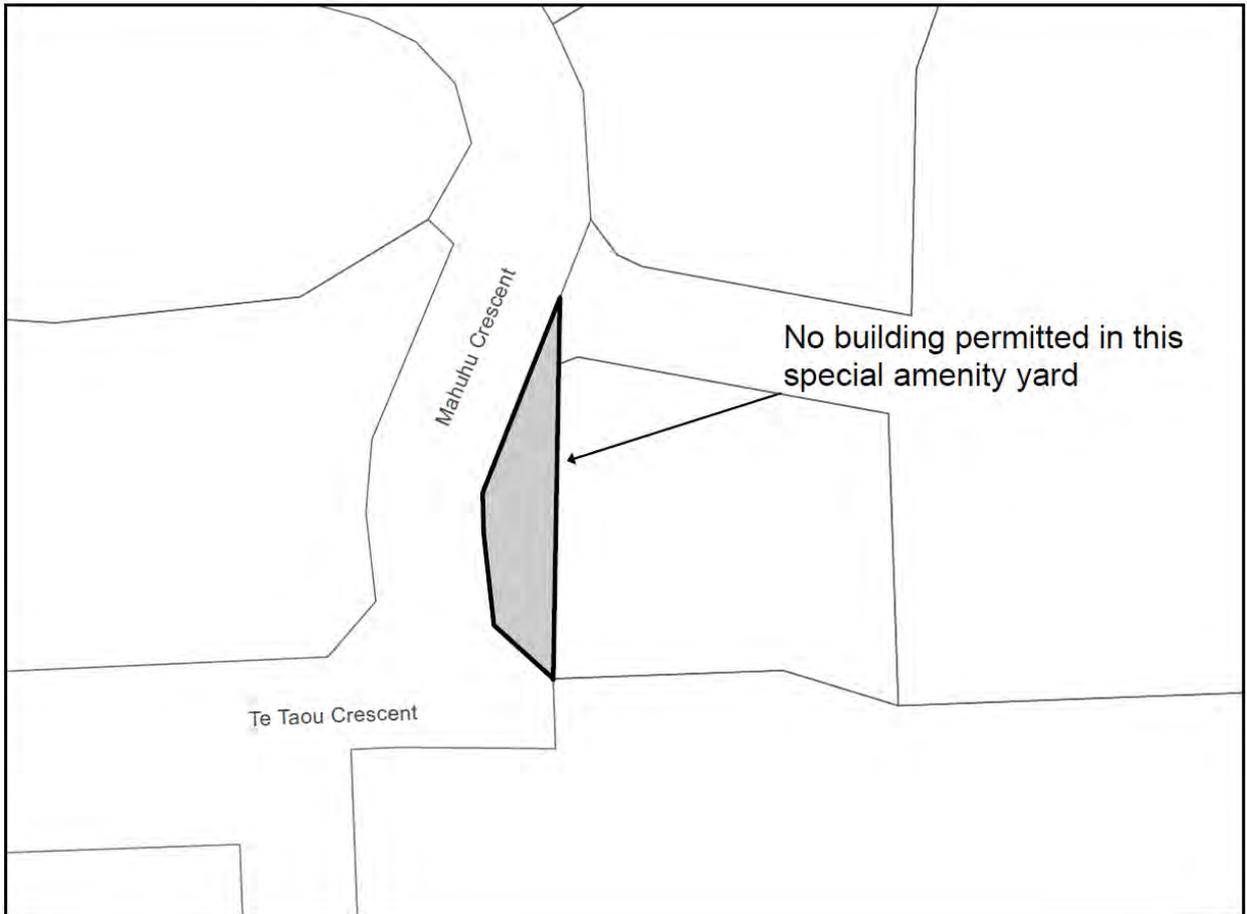


Figure H8.6.30.3 Queen Street special amenity yard





**Figure H8.6.30.4 Mahuhu Crescent special amenity yard**



### H8.6.31. Street sightlines

Purpose: retain views from key locations in the city centre to significant landmarks and the harbour.

- (1) Views from public open space or along streets to the harbour to Rangitoto Island and to the North Shore or to other natural features and landmarks from within the city centre are protected as shown in [Appendix 9 Business – City Centre Zone](#) sight lines. Except for the eastern ray of Street Line No. 23 (which affects part of the Maritime Square site (being Lot 1A DP 198984), this standard does not apply beyond the streets affected. Refer to [Appendix 9 Business – City Centre Zone](#) sight lines, where the sightlines are shown in detail.
- (2) Buildings or structures must not locate within the sightlines identified in [Appendix 9 Business – City Centre Zone](#) sight lines, except as otherwise provided for in [Table E26.2.3.1 Activity table](#) in [E26 Infrastructure](#) and Standard H8.6.26 Verandahs.

### H8.6.32. Outlook space

Purpose:

- ensure a reasonable standard of visual and acoustic privacy between different dwellings, including their outdoor living space, on the same or adjacent sites; and
  - encourage the placement of habitable room windows to the site frontage or to the rear of the site in preference to side boundaries, to maximise both passive surveillance of the street and privacy, and to avoid overlooking of neighbouring sites.
- (1) The standard below applies to new buildings containing dwellings, visitor accommodation and boarding houses, and buildings that are converted to dwellings, visitor accommodation and boarding houses.
  - (2) An outlook space must be provided from each face of the building containing windows to principal living areas or bedrooms of any dwelling. Where windows to a principal living area or bedroom are provided from two or more faces of a building, outlook space must be provided to the face with the greatest window area of outlook.
  - (3) The minimum dimensions for outlook space are:
    - (a) for principal living areas, the dimensions of the outlook space, measured perpendicular to the exterior face of the building, must be ~~in accordance with Figure H8.6.32.2, for the relative height of the floor above the average ground level along each building face~~ 6m; and
    - (b) for bedrooms, the outlook space must be a minimum of 6m, measured perpendicular to the exterior face of the building.

- (4) The outlook space must extend from the exterior wall of the principal living room or bedroom and not the windows.
- (5) The outlook space may be over:
  - (a) the site on which the building is located, but not towards a side boundary if the building is within 10m of the site frontage (refer Figure H8.6.32.1);
  - (b) the street;
  - (c) public open space; or
  - (d) another site, only if:
    - (i) the outlook space is secured in perpetuity for the benefit of the building by a legal instrument to be put in place prior to the commencement of construction; and
    - (ii) the written approval of the owner of the adjoining site for the outlook space is provided when the application for resource consent is lodged.
- (6) In the situation where an outlook space is provided over a legal road narrower than the width specified in Figure H8.6.32.2, the street width is deemed to satisfy the minimum outlook space requirement.
- (7) More than one building on the site may share an outlook space.

**Figure H8.6.32.1 Outlook over the street**

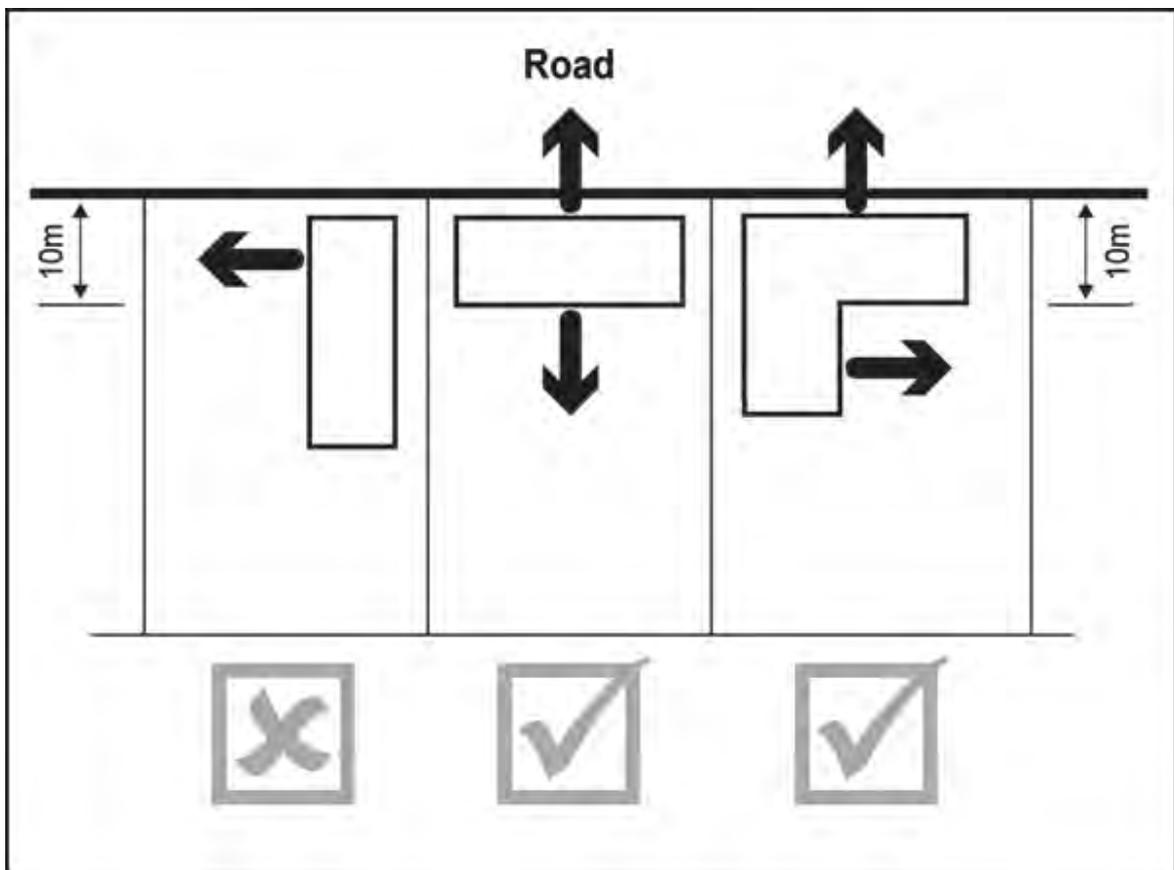
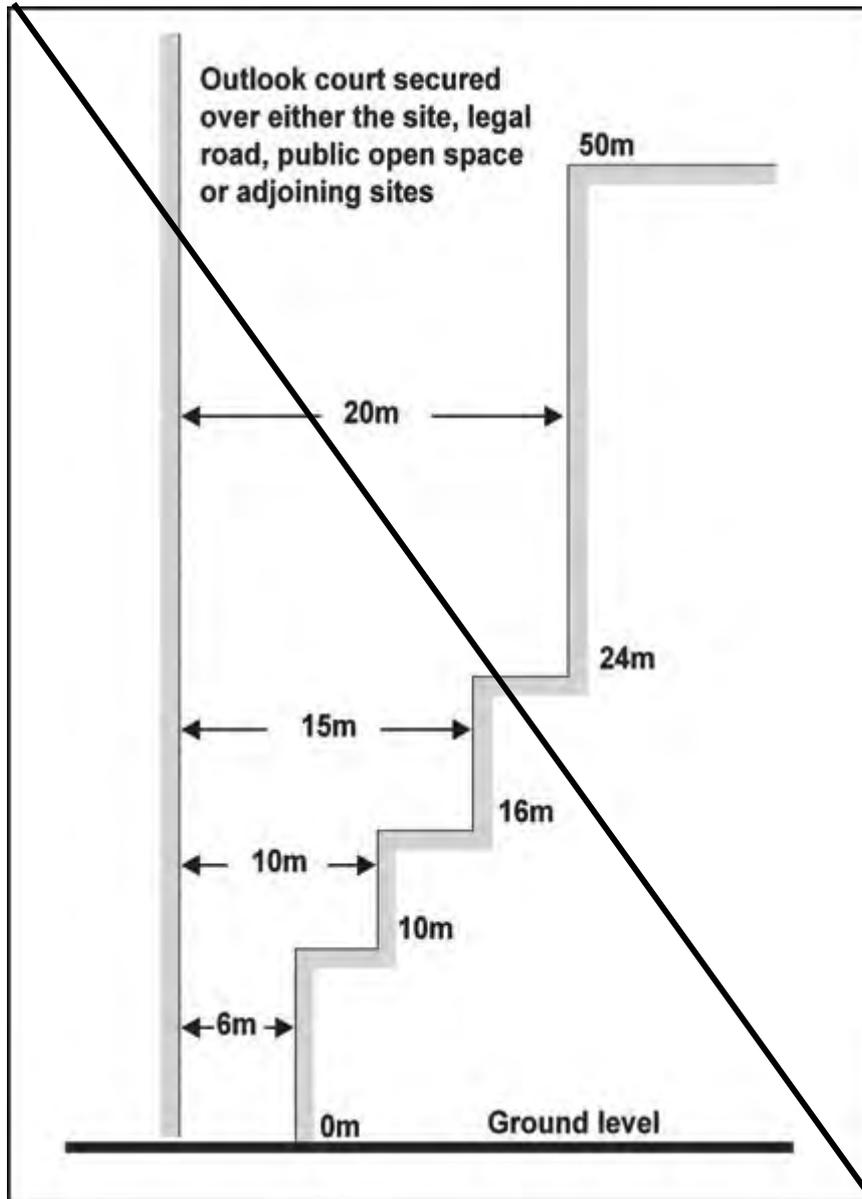


Figure H8.6.32.2 ~~[Deleted]~~ Outlook space



### H8.6.33. Minimum dwelling size

(1) Dwellings must have a minimum net internal floor area as follows:

(b) 35m<sup>2</sup> for studio dwellings.

The minimum net internal floor area for studio dwellings may be reduced by 5m<sup>2</sup> where a balcony, ground floor terrace or roof terrace of 5m<sup>2</sup> or greater is provided.

(c) 50m<sup>2</sup> for one or more bedroom dwellings.

The minimum net internal floor area for one or more bedroom dwellings may be reduced by 8m<sup>2</sup> where a balcony, ground floor terrace or roof terrace of 8m<sup>2</sup> or greater is provided.

(d) Provided that for the purpose of Standard H8.6.33(1)(a) and H8.6.33(1)(b) above, the balcony, ground floor terrace or roof terrace:

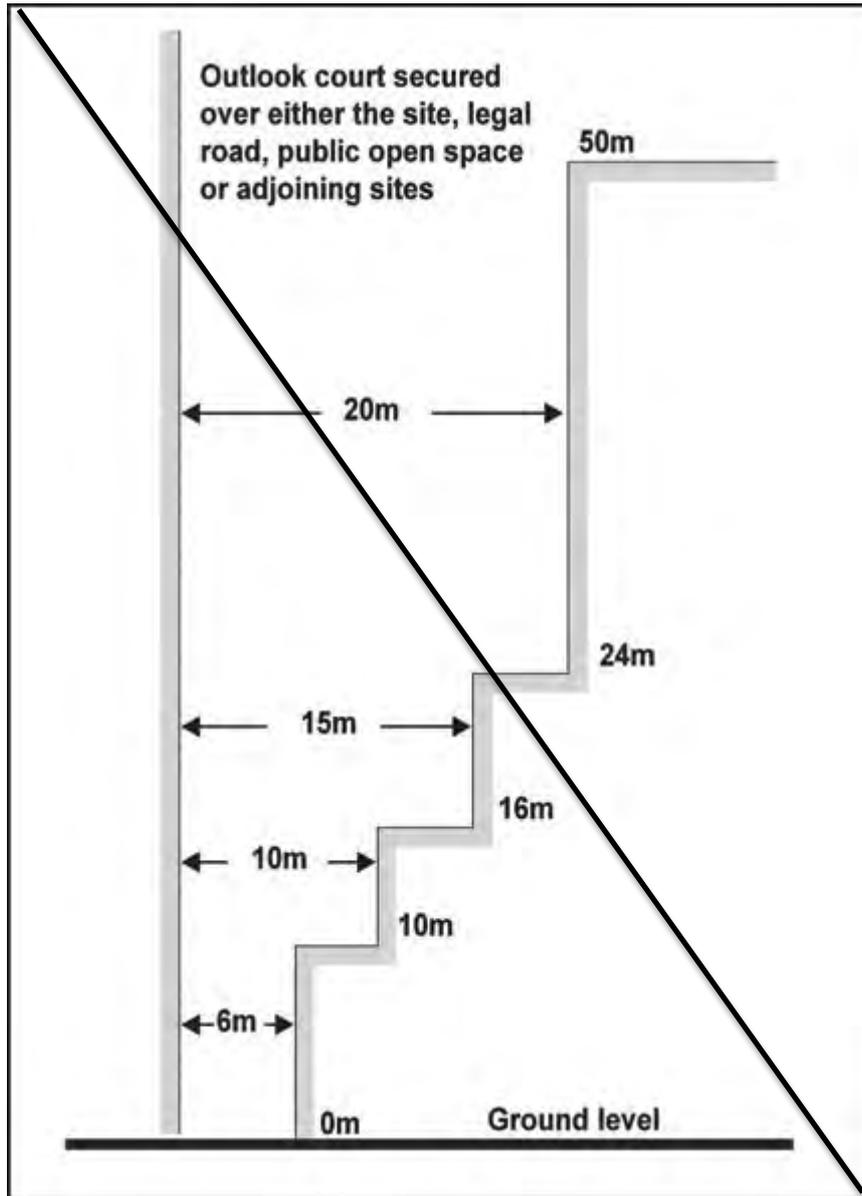
- (i) is for the exclusive use of the dwelling occupants;
- (ii) has a minimum depth of 1.2m for studios;
- (iii) has a minimum depth of 1.8m for one or more bedroom dwellings; and
- (iv) balconies and ground floor terraces shall be directly accessible from the principal living room space.

**H8.6.34 Strategic Transport Corridor Zone – Railway corridor setback**

Purpose: to ensure the safe or efficient operation of the railway corridor by providing sufficient space for people to safely and efficiently conduct activities within their own land.

- (1) A building or parts of building or structure must be set back 5m from the boundary of a site adjoining the Strategic Transport Corridor Zone subject to a KiwiRail designation.

Figure H8.6.32.2 Outlook space



### H8.6.33. Minimum dwelling size

(2) Dwellings must have a minimum net internal floor area as follows:

(e) 35m<sup>2</sup> for studio dwellings.

The minimum net internal floor area for studio dwellings may be reduced by 5m<sup>2</sup> where a balcony, ground floor terrace or roof terrace of 5m<sup>2</sup> or greater is provided.

(f) 50m<sup>2</sup> for one or more bedroom dwellings.

The minimum net internal floor area for one or more bedroom dwellings may be reduced by 8m<sup>2</sup> where a balcony, ground floor terrace or roof terrace of 8m<sup>2</sup> or greater is provided.

(g) Provided that for the purpose of Standard H8.6.33(1)(a) and H8.6.33(1)(b) above, the balcony, ground floor terrace or roof terrace:

- (v) is for the exclusive use of the dwelling occupants;
- (vi) has a minimum depth of 1.2m for studios;
- (vii) has a minimum depth of 1.8m for one or more bedroom dwellings; and
- (viii) balconies and ground floor terraces shall be directly accessible from the principal living room space.

## **H8.7. Assessment – controlled activities**

### **H8.7.1. Matters of control**

The Council will reserve its control to all of the following matters when assessing a controlled activity resource consent application:

- (1) demolition of buildings:
  - (a) pedestrian amenity and safety;
  - (b) reuse of building materials;
  - (c) site condition post-demolition; and
  - (d) traffic generation.

### **H8.7.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for controlled activities:

- (1) demolition of buildings:
  - (a) pedestrian amenity and safety:
    - (i) whether sites containing buildings that are proposed to be demolished have significant adverse effects on the quality and amenity of the public realm and the safety and efficiency of the surrounding transport network. In particular:
      - whether a high-quality and safe temporary hard or landscaped edge is provided along the site boundaries so that a defined boundary to streets and public open spaces is maintained. Including the provision and maintenance of continuous pedestrian cover within areas subject to the verandah standard; and
      - whether an edge treatment designed to reduce its vulnerability to graffiti and vandalism is maintained;

- (b) reuse of building materials:
  - (i) the extent to which demolished materials are reused and recycled as much as possible;
- (c) site condition post-demolition:
  - (i) if the site is not developed following demolition, the extent to which the site is landscaped to provide a good standard of visual amenity and whether the site will not be used for temporary or permanent parking.
- (d) traffic generation:
  - (i) with regard to the effects of building demolition on the transport network:
    - proposed hours of operation;
    - the frequency and timing of truck movements to and from the site; and
    - the location of vehicle access.

## **H8.8. Assessment – restricted discretionary activities**

### **H8.8.1. Matters of discretion**

The Council will reserve its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) new buildings and external alterations and additions to buildings not otherwise provided for:
  - (a) building design and external appearance;
  - (b) form and design of buildings adjoining historic heritage places;
  - (c) design of parking, access and servicing;
  - (d) design and layout of dwellings, visitor accommodation and boarding houses; ~~and~~
  - (e) functional requirements; and
  - (f) layout and design of through-site links.
- (2) external alterations and additions to a special character building identified on Map H8.11.1 and buildings constructed prior to 1940 within the Queen Street Valley precinct:
  - (a) building design and external appearance;
  - (b) architectural style and retention of original building features; and
  - (c) consistency with an approved character plan;

- (3) conversion of a building or part of a building to dwellings, visitor accommodation or boarding houses:
    - (a) design and layout of dwellings, visitor accommodation and boarding houses;
  - (4) retail (excluding department stores) between 1000m<sup>2</sup> and 5000m<sup>2</sup> gross floor area per site:
    - (a) centre amenity and vitality;
  - (5) the total or substantial demolition (more than 30 per cent by volume), or any demolition of the front façade of a special character building identified on Map H8.11.1:
    - (a) the matters of control identified in H8.8.1(1) above; and
    - (b) special character values;
  - (6) infringement of ~~general building height, building in relation to boundary,~~ **[Advice note DO NOT INCLUDE – subject to further analysis as per recommendation]** streetscape improvement and landscaping, maximum tower dimension, setback from the street and tower separation in special height area, and building setback from boundaries standards:
    - (a) effects of additional building bulk and scale on neighbouring sites, streets and public open spaces (sunlight and daylight access, dominance, visual amenity, and landscape character);
    - (b) consistency with the existing and planned built future form and character of the area/zone; including enabling well-designed buildings which have a human scale podium and slender towers above to maximise sunlight, daylight and outlook, or where towers are not possible, buildings should be well-designed and complement the streetscape and skyline; ~~and~~
    - (c) site specific characteristics; and
    - (d) the provision of effective and efficient emergency responder servicing.
  - (7) infringement of rooftops standard:
    - (a) amenity effects;
  - (8) ~~[Delete] exception to the harbour edge height control plane standard:~~
    - ~~(a) form, scale and dominance effects;~~
    - ~~(b) amenity effects;~~
    - ~~(c) consistency with the streetscape; and~~
    - ~~(d) design of buildings or structures;~~
- (8A) Infringement of the harbour edge height control plane standard

(a) The effects of height, form, and scale on:

(i) A city form which transitions in building height down towards the harbour edge

(ii) Maximising visual connections and visual permeability between the city centre and the Waitematā Harbour;

(b) Amenity effects on the streetscape, and adjacent waterfront public open spaces

(8B) infringement of maximum east-west tower dimension standard:

(a) The effects of building form, scale and bulk on providing adequate visual permeability between the city centre and the Waitematā Harbour.

(9) infringement of minimum floor to floor height, building frontage alignment and height and verandahs standards:

(a) effects on the vitality and amenity of streets and public open spaces;

(b) effects on historic heritage and special character buildings; and

(c) effects on the potential of the building to accommodate other uses over time;

(d) for infringements of maximum frontage height (H8.6.25(2)):

(i) building bulk and scale;

(ii) consistency with the existing and planned built form and character of the zone; including enabling well-designed buildings which have a human scale podium and slender towers above to maximise sunlight, daylight and outlook;

(e) site specific characteristics.

(10) infringement of outlook space standard:

(a) privacy and outlook for dwellings;

(b) daylight access and ventilation for dwellings; and

(c) privacy, outlook, daylight access and ventilation for visitor accommodation;

(11) infringement of wind standard:

(a) pedestrian and public amenity;

(12) infringement of glare standard:

(a) pedestrian amenity; and

(b) traffic safety and efficiency;

- (13) infringement special amenity yards standard
  - (a) effects on amenity; and
  - (b) design of buildings or structures;
- (14) infringement of street sightlines standard:
  - (a) design of buildings or structures.
- (15) infringement of minimum dwelling size standard:
  - (a) effects of reduced living and circulation space.
- (16) infringement of Strategic Transport Corridor Zone – Railway corridor setback standard:
  - (a) The location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.

#### **H8.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) new buildings and external alterations and additions to buildings not otherwise provided for:
  - (a) building design and external appearance:

##### *Contributing to a sense of place*

- (i) the extent to which the design of buildings contribute to the local streetscape and sense of place by responding positively to the existing and planned built form and character of the zone and surrounding area and significant natural landforms and landscape features including the Waitematā Harbour;
- (ii) the extent to which the silhouette of the building as viewed from areas surrounding the city centre positively contributes to the city centre's skyline while reinforcing the existing and planned built form and character of the city centre;
  - (iia) the extent to which buildings are designed to create human scale podiums at street level and slender towers above which allow daylight and sunlight into buildings and daylight and sky views to filter down to streets and public places, while respecting the relationship of the city centre with the Waitematā Harbour.
  - (iib) the extent to which buildings are designed to ensure adequate sunlight and daylight access to streets, public places and nearby sites.
  - (iic) The extent to which sunlight, daylight and outlook is provided around buildings at all levels above the podium, to enable light to filter to streets

and complimenting the relationship between the city centre and its surrounds including the Waitematā Harbour by through site views.

*Creating a positive frontage*

- (iii) the extent to which buildings have clearly defined public frontages that address the street and public open spaces to positively contribute to the public realm and pedestrian safety;
- (iv) whether the ground floor of a new building is at the same level as the adjoining street;
- (v) the extent to which pedestrian entrances are located on the street frontage and are clearly identifiable and level with the adjoining frontage;
- (vi) *[deleted]*
- (vii) for mixed use buildings, whether separate pedestrian entrances are provided for residential uses;
- (viii) where not required by a standard, activities that engage and activate streets and public spaces are encouraged at ground and first floor levels;
- (ix) the extent to which internal space at all levels within buildings is designed to maximise outlook onto street and public open spaces;
- (x) the extent to which dwellings located on the ground floor of buildings fronting streets and public open spaces adversely affect:
  - amenity values and the vitality of the street or public open space, such as on frontages that are subject to the verandah standard; and
  - amenity values in terms of noise and air quality effects, such as on streets that carry high volumes of vehicle traffic.
- (xi) where dwellings are considered to be appropriate at ground floor, the extent to which they are designed to enable passive surveillance of the street/public open space and provide privacy for residents. This could be achieved by:
  - providing balconies over-looking the street or public open space;
  - providing a planted and/or fenced setback where the site adjoins streets or public open space. Fences or landscaping should be low enough to allow direct sight lines from a pedestrian in the public realm to the front of a balcony; or
  - raising the balcony and floor plate of the ground floor dwellings above the level of the adjoining street or public open space to

a height sufficient to provide privacy for residents and enable them to overlook the public realm;

*Variation in building form/visual interest*

- (xii) the extent to which buildings, including alterations and additions, are designed as a coherent scheme and demonstrate an overall design strategy that contributes positively to the visual quality of the development;
- (xiii) where the proposed development is an addition or alteration to an existing building, the extent to which it is designed with consideration to the architecture to the original building and respond positively to the visual amenity of the surrounding area;
- (xiv) the extent to which buildings are designed to:
  - avoid long, unrelieved frontages and excessive bulk and scale when viewed from streets and public open spaces;
  - visually break up their mass into distinct elements to reflect a human scale and the typical pattern of development in the area; and
  - differentiate ground, middle and upper level;techniques to achieve this include the use of recesses, variation in building height and roof form, horizontal and vertical rhythms and facade modulation and articulation;
- (xv) whether blank walls are avoided on all levels of building frontages to streets and public open spaces;
- (xvi) whether side or rear walls without windows or access points are used as an opportunity to introduce creative architectural solutions that provide interest in the facade including modulation, relief or surface detailing;
- (xvii) the extent to which buildings provide a variety of architectural detail at ground and middle levels including maximising doors, windows and balconies overlooking the streets and public open spaces;
- (xviii) the extent to which roof profiles are designed as part of the overall building form and contribute to the architectural quality of the skyline as viewed from both ground level and the surrounding area. This includes integrating plant, exhaust and intake units and other mechanical and electrical equipment into the overall rooftop design;
- (xix) the extent to which colour variation and landscaping are used- Noting they should not be used to mitigate a lack of building articulation or design quality;
- (xixa) the extent to which glazing is provided on street and public open space frontages and the benefits it provides in terms of:

- the attractiveness and pleasantness of the street and public open space and the amenity for people using or passing through that street or space;
- the degree of visibility that it provides between the street and public open space and the building interior; and
- the opportunities for passive surveillance of the street and public open space from the ground floor of buildings.

(xixb) the extent to which adequate separation between buildings is provided:

- to ensure sunlight and/or daylight reaches the street
- to ensure streetscape amenity
- to avoid a sense of dominance to the street and neighbouring sites
- to ensure gaps are created between buildings which allow physical, cultural and visual connections to the Waitematā Harbour and maunga.

(xx) for residential development:

- the extent to which the mechanical repetition of unit types is avoided;
- the extent to which balconies are designed as an integral part of the building. A predominance of cantilevered balconies should be avoided;
- whether apartments above ground floor can be accessed from internal corridors or entrance way. External walkways/breezeways should generally be avoided;

*Materials and finishes*

- (xxi) the extent to which buildings use quality, durable and easily maintained materials and finishes on the façade, particularly at street level;
- (xxii) where provided, the extent to which signs are designed as an integrated part of the building façade;

*Cultural identity*

- (xxiii) the extent to which development integrates mātauranga, ~~and~~ tikanga and Māori design principles into the design of new buildings and public open spaces; and

*Functional requirements*

- (xxiv) whether the design recognises the functional requirements of the intended use of the building;

(b) form and design of buildings adjoining historic heritage places:

- (i) buildings adjoining a scheduled historic heritage place:
- whether the proposed building is located and designed to have regard to the significant historic heritage elements and built form of the place. This does not mean a rigid adherence to the height of the place, nor does it reduce the development potential of the site, but it does require careful consideration in terms of the form and design of the building to minimise the effects of dominance;
  - may not be required to adjoin the site frontage if a better design outcome could be achieved by respecting the setback and/or spatial location of the place; or
  - whether the proposed building uses materials and/or design detail that respect rather than replicate any patterns or elements existing in the place, however new and contemporary interpretations in form and detail may be used;

(c) design of parking, access and servicing:

- (i) whether parking is located, in order of preference, underground, to the rear of building or separated from the street frontage by uses that activate the street;
- (ii) where parking is provided at lower building levels, the extent to which it is fully sleeved with active uses or activities that provide passive surveillance of the street and contribute to pedestrian interest and vitality. Above this, the extent to which car parking is fully screened on all sides of the building using design methods that present facades that are visually attractive and avoid night time light spill, noise and air quality effects on nearby sites and streets and public open spaces;
- (iii) whether vehicle crossings and accessways are designed to reduce vehicle speed, be visually attractive and clearly signal to pedestrians the presence of a vehicle crossing or accessway;
- (iv) whether pedestrian access between parking areas, building entrances/lobbies and the street provide equal access for people of all ages and physical abilities, a high level of pedestrian safety and be visually attractive;
- (v) whether separate vehicle and pedestrian access are provided within parking areas. Shared pedestrian and vehicle access may be appropriate where a lane or street is proposed within a development site. The shared space should prioritise pedestrian movement;
- (vi) whether ramps visible from the street are avoided, however, where necessary, whether they are minimal in length and integrated into the design of the building;

- (vii) for commercial activities, whether suitable provision is made for on-site rubbish storage and sorting of recyclable materials that:
  - is a sufficient size to accommodate the rubbish generated by the proposed activity;
  - is accessible for rubbish collection; and
  - for new buildings, is located within the building
- (viii) where appropriate, whether a waste management plan is provided and:
  - includes details of the vehicles to be used for rubbish collection to ensure any rubbish truck can satisfactorily enter and exit the site; and
  - provides clear management policies to cater for different waste management requirements of the commercial tenancy and residential activities.
- (ix) for alterations or additions to existing buildings where it is not possible to locate the storage area within the building, whether they are located in an area not visible from the street or public open spaces;
- (x) whether the development is able to be adequately served by wastewater and transport infrastructure; and
- (xi) whether servicing elements (including venting and air-conditioning units) are located on the roof of the building or internal to the site and not on street-facing facades. Where this is not possible (e.g. alterations to a shop front), the extent to which servicing:
  - forms an integrated element of the building façade; and
  - is located so that it minimises adverse effects such as noise/odour on neighbouring sites and the public realm;
- (d) design and layout of dwellings, visitor accommodation and boarding houses:
  - (i) the extent to which dwellings are located, proportioned and orientated within a site to maximise the amenity of future residents by:
    - clearly defining communal, semi-communal and private areas within a development;
    - maximising passive solar access while balancing the need for buildings to front the street; and
    - providing for natural cross-ventilation by window openings facing different direction.

(ii) the extent to which visitor accommodation and boarding houses are designed to achieve a reasonable standard of internal amenity. Taking into account:

- any specific internal design elements that facilitate the more efficient use of internal space;
- the relationship of windows or balconies to principal living rooms; and
- the provision of larger indoor or outdoor living spaces whether communal or exclusive to the visitor accommodation and boarding houses is more important for units that are not self-contained.

(iii) whether suitable provision is made for on-site rubbish storage and sorting of recyclable materials that:

- is a sufficient size to accommodate the rubbish generated by the proposed activity;
- is accessible for rubbish collection;
- for new buildings, is located within the building; and
- for alterations or additions to existing buildings where it is not possible to locate the storage area within the building, whether the storage area is enclosed and not visible from the street or public open spaces.

(iv) whether a waste management plan:

- includes details of the vehicles to be used for rubbish collection to ensure any rubbish truck can satisfactorily enter and exit the site; and
- provides clear management policies to cater for different waste management requirements of the commercial tenancy and residential activities;

(e) The extent to which the proposed development facilitates convenient pedestrian connections between streets and public spaces, considering the existing network and potential future connections; and

(f) Where a through-site link is proposed:

- (i) the extent to which visibility to, from, and within the through-site link is provided to support public safety, and wayfinding elements are integrated to guide pedestrians and enhance navigability;
- (ii) (ii) The extent to which the quality of the pedestrian experience within the through-site link is enhanced, including the provision of safety

measures, comfort features such as seating and shelter, and amenities that contribute to a pleasant and engaging environment;

- (iii) (iii) The extent to which the proposed through-site link contributes positively to the overall urban design and public realm of the city centre; and
- (iv) (iv) The extent to which the through-site link accommodates for the needs of diverse users, including people with disabilities or mobility impairments, and its adaptability to changing conditions and demands.

(2) external alterations and additions to special character buildings identified on Map H8.11.1 and buildings constructed prior to 1940 within the Queen Street Valley precinct:

(a) building design and external appearance:

(i) refer to the assessment criteria in H8.8.2(1)(a), H8.8.2(1)(b) and H8.8.2(1)(c) above.

(b) architectural style and retention of original building features:

(i) whether alterations and additions to special character buildings:

- are in keeping with the building's architectural form, proportions and style and whether materials that are sympathetic to those originally used;
- retain as much of the existing building façade as practicable by refurbishing, restoring and adapting parts of the building rather than replacing them;
- are in a contemporary architectural style and whether they are designed to be sympathetic to the form, bulk, proportions and articulation of the existing building or buildings on the site; and
- avoid additional structures such as aerials and air-conditioning units on street-facing facades of the special character building. However, where they are necessary, whether they are appropriately located and designed to reduce the appearance of visual clutter.

(c) consistency with an approved character plan:

(i) whether alterations and additions are consistent with a character plan, where one has been approved for the site;

(3) conversion of a building or part of a building to dwellings, visitor accommodation or boarding houses:

(a) design and layout of dwellings, visitor accommodation and boarding houses:

- (i) refer to the assessment criteria in H8.8.2(1)(d) above;
- (4) retail (excluding department stores) between 1000m<sup>2</sup> and 5000<sup>2</sup> gross floor area per site:
- (a) centre amenity and vitality:
    - (i) whether retail greater than 1000m<sup>2</sup> and less than 5000m<sup>2</sup> gross floor area per site outside of the core retail area:
      - significantly adversely affect the amenity values and functions of the core retail area having regard to the activity's proposed size, composition and characteristics; and
      - provide a net positive benefit in terms of the community's convenient access to commercial activities and community services, including having regard to whether locating within the core retail area would result in adverse environmental effects on the form, function or capacity of the core retail area;
- (5) the total or substantial demolition (more than 30 per cent by volume) or any demolition of the front façade of a special character building identified on Map H8.11.1:
- (a) the assessment criteria in H8.7.2(1) above apply in addition to the criteria below;
  - (b) special character values:
    - (i) whether the total or substantial demolition (more than 30 per cent by volume) or any demolition of the front facade of a special character building significantly adversely affect the built form and streetscape character of the surrounding area. In considering this, the Council will have regard to the following:
      - whether the building forms part of a cohesive group of buildings similar in age, scale, proportion or design and the extent to which the building's demolition would detract from the shared contribution that group makes to streetscape, the unique special character or the history and context of the area;
      - whether the building makes a significant contribution to the historic context, character or cohesiveness of the surrounding streetscape;
      - whether the building is a remnant example of a building type that reflects the history of the area;
      - the extent of the building's contribution to any adjoining or nearby scheduled places, either through the context and the relationship of the building to the scheduled place or through the building's mass, height or rhythm of facades;

- whether demolition would adversely affect the historic heritage values of any neighbouring scheduled historic heritage places; and
  - whether the proposal has fully considered whether reasonable use of the site could be achieved through the adaptive re-use of the building rather than through demolition and replacement.
- (ii) notwithstanding the above, other factors will be considered and balanced when assessing an application for the demolition of a special character building, including:
- whether the building is beyond rehabilitation in terms of poor structural or physical condition, and the costs of the repair work or upgrading necessary to extend the useful life of the building are prohibitive in comparison to the costs of a new building of similar size; and
  - whether the building is beyond rehabilitation to its original state and the costs of the rehabilitation to reproduce the qualities of the building and enhance the architectural qualities and special characteristics of the streetscape and the surrounding area, in comparison to the costs of a new building of a similar size;
- (6) infringement of general building height, ~~building in relation to boundary~~, **[Advice note not to be included – subject to further analysis as per recommendations in the Report]** streetscape improvement and landscaping maximum tower dimension, setback from the street and tower separation in special height area, and building setback from boundaries standards:
- (a) effects of additional building bulk and scale on neighbouring sites and streets and public open spaces (sunlight and daylight access, dominance, streetscape amenity, visual amenity and landscape character):
- (i) whether minor height infringements may be appropriate where it would provide an attractive and integrated roof form that also meets the purpose of the standard;
- (ii) whether height or setback infringements may be appropriate on corner sites to reinforce the prominence of the corner where it meets the relevant standard infringement criteria and makes a positive contribution to the streetscape; and
- (iii) ~~[Deleted] whether minor infringements to the building in relation to boundary standard or the streetscape improvement and landscaping standard may be appropriate where the spacious landscaped character of the area is retained.~~ **[Advice note not to be included – subject to further analysis as per recommendations in the Report]**
- (b) consistency with the existing and planned future built form and character of the zone/area:

- (i) where building height or maximum tower dimension, setback from the street and tower separation in special height area, and building setback from boundaries standards is infringed whether the proposal demonstrates that Policies H8.3(29), H8.3(29A), H8.3(30), and H8.3(31) and H8.3(38) of the Business – City Centre Zone are met.
- (c) site specific characteristics:
  - (i) whether there are particular site specific characteristics in terms of narrow site size, unusual site size, shape or orientation, or the location and nature of existing buildings which have constrained the form of the development proposed;
  - (ii) where towers are not possible, the extent to which buildings are well-designed and complement the streetscape and skyline;
- (7) infringement of rooftops standard:
  - (a) amenity effects:
    - (i) whether rooftop projections result in a cluttered roof appearance when viewed from the street and surrounding buildings;
- ~~(8) [Deleted] exception to the harbour edge height control plane standard:~~
  - ~~(a) visual profile:~~
    - ~~(i) the effects of the building profile on the form of the city centre when viewed from the main city centre approaches by land and water and from public places which offer comprehensive views. Whether the building must be of a scale, bulk, appearance and location which represents a visually compatible addition to the city centre.~~
  - ~~(b) waterfront amenity:~~
    - ~~(i) whether the building bulk penetrating the Harbour Edge Height Control Plane results in significant loss of amenity to adjacent waterfront public areas. Particular consideration will be given to sunlight admission, shading and air movement at street level and at public gathering places.~~
  - ~~(c) streetscape and street corners:~~
    - ~~(i) the extent to which the proposed building is consistent with the scale, visual harmony and form of the existing streetscape, in particular the relationship to street corners, especially for sites fronting Quay Street, Customs Street and Queen Elizabeth Square.~~
  - ~~(d) effects on surrounding properties:~~
    - ~~(i) whether the building allows for adequate light, space and general amenity around the development and where possible through the site while noting that it is not the intention of this provision to protect views from private property to the harbour.~~

~~(e) design of upper parts of buildings or structures:~~

~~(i) the extent to which the part of the building which protrudes through the harbour edge height control plane is designed in a manner which avoids abrupt or arbitrary truncation of the upper parts of the building or structure.~~

~~(f) particular constraints:~~

~~(i) whether there are particular site development characteristics in terms of unusual site size, shape or orientation, or the location and nature of existing buildings which have constrained the form of the development proposed.~~

(8A) infringement of the harbour edge height control plane standard:

(a) Height, form, and scale:

(i) The extent to which the building (including roof structures) are designed to reinforce the planned built form of the city centre and the waterfront when viewed from:

- within the city centre and main approaches to the city centre by land and water; and
- public spaces which offer comprehensive views.

(ii) The extent to which the part of the building which protrudes through the harbour edge height control plane:

- Avoids abrupt or arbitrary truncation of the upper parts of the building or structure.
- Is visually compatible with its proximity to the Waitematā Harbour, taking into account:
  - Whether the expression of the building provides visual interest and variation;
  - Whether the design visually reinforces the building's sense of place on the waterfront; and
  - The clustering of building heights to reinforce transitioning to a lower density waterfront setting.
- Maintains visual and physical connections and visual permeability to the Waitematā Harbour through the city centre by providing adequate airspace, sunlight, daylight and amenity around towers.

(b) Amenity effects on the streetscape and adjacent public open spaces along the waterfront:

(i) The extent to which building bulk above the harbour edge height control plane results in loss of amenity to adjacent public open spaces along the waterfront, including:

- Sunlight admission.

- Shading and dominance at street level and public spaces, in particular Quay St, Queen St, and Customs St.

(c) Particular constraints:

(i) Whether there are particular site development characteristics in terms of unusual site size, shape or orientation, or the location and nature of existing buildings which have constrained the form of the development.

(8B) infringement of maximum east-west tower dimension standard:

(a) The effects of building form, scale and bulk on providing adequate physical, cultural and visual connections, and visual permeability between the city centre and the Waitematā Harbour:

(i) The extent to which towers have spaces between and around them providing north-south views of the harbour.

(ii) the extent to which towers have a square or north-south alignment.

(iii) the extent to which buildings avoid creation of a wall of built form which reduces views to the harbour from the city centre.

(9) infringement of minimum floor to floor height, building frontage alignment and height and verandahs standards:

(a) effects on the vitality and amenity of streets and public open spaces;

(b) effects on historic heritage and special character buildings:

(i) the Council will give priority to protecting important features of historic heritage and special character building ground floor facades over compliance with the street frontage standard.

(c) effects on the potential of the building to accommodate other uses over time.

(d) for infringement of maximum frontage height (H8.6.25(2)):

(i) effects of additional building scale on neighbouring sites, streets and public open spaces (sunlight and daylight access, dominance, visual amenity, and landscape character):

- the extent to which buildings have clearly defined human scale frontages that address the street and public open spaces to positively contribute to the public realm and pedestrian safety;
- the extent to which buildings are designed to provide adequate sunlight, daylight and sky view access to streets, public places and nearby sites.
- whether maximum frontage height infringements may be appropriate on corner sites to reinforce the prominence of the

corner where it meets the relevant standard infringement criteria and makes a positive contribution to the streetscape;

(ii) whether the proposal demonstrates that Policies H8.3(30), H8.3(31), H8.3(34) and H8.3(38) of the Business – City Centre Zone are met.

(iii) whether there are particular site specific characteristics in terms of unusual site size, shape or orientation, or the location and nature of existing buildings which have constrained the form of the development proposed.

(10) infringement of outlook space standard:

(a) privacy and outlook for dwellings:

(i) dwellings that infringe the outlook standard, whether they will have a good standard of outlook and visual and acoustic privacy between principal living rooms and bedrooms of dwellings on the same and between dwellings on adjacent sites and will not prevent a complying residential development on an adjoining site.

(b) daylight access and ventilation for dwellings:

(i) dwellings that infringe the outlook standard, whether the dwellings will receive a good degree of natural light and ventilation, particularly those at lower building levels.

(c) privacy, outlook, daylight access and ventilation for visitor accommodation:

(i) the criteria for dwellings in H8.8.2(10)(a) and H8.8.2(10)(b) above apply, except that a lesser dimension of outlook separation to a minimum of 6.0m from bedrooms or principle living areas may be acceptable in some cases where the intent of criteria H8.8.2(10)(a) and H8.8.2(10)(b) above are satisfied and, with the exception of Crown land, where certainty can be provided, through a registered covenant in favour of the Council or another equally restrictive mechanism, that the building or area within a building is not to be used for accommodation other than visitor accommodation and is to be managed as a single entity in perpetuity;

(11) infringement of wind standard:

(a) pedestrian amenity:

(i) whether development avoids excessive wind velocity and turbulence in outdoor pedestrian spaces; and

(ii) consideration will be given to the potential for mitigation measures to be incorporated into the development to minimise exacerbation of existing wind conditions;

(12) infringement of glare standard:

(a) pedestrian amenity:

- (i) the extent to which glare from external surfaces may cause discomfort or hazards to pedestrians.
- (b) traffic safety and efficiency:
  - (i) the extent to which glare may generate hazards for drivers;
- (13) special amenity yards:
  - (a) effects on amenity:
    - (i) the extent to which buildings within special amenity yards avoid significant adverse effects on pedestrian and/or streetscape amenity.
  - (b) design of buildings or structures:
    - (i) the nature, extent and form of any building element or feature proposed within a special amenity yard;
    - (ii) the extent to which any building element or feature proposed within the Queen Street special amenity yard obscures:
      - views of the Ferry Building and harbour glimpses available through the special amenity yard from Queen Elizabeth Square and the Central Post Office building; or
      - views of the Central Post Office Building through the special amenity yard from the Ferry Building.
    - (iia) the extent to which any new or alteration to existing building element or feature proposed within the Mahuhu Crescent special amenity yard obscures:
      - views of the Railway Station building available through the special amenity yard from Mahuhu Crescent and Māhuhu-ki-te-Rangi park.
    - (iii) the extent to which the proposed building element constitutes a visually competing intrusion into the foreground or background of the protected sightline(s);
- (14) street sightlines:
  - (a) design of buildings or structures:
    - (i) the nature, extent and form of the proposed non-complying feature;
    - (ii) the extent to which the proposed non-complying built element will obscure the protected sightline from the key location in the city centre to significant landmarks and the harbour; or
    - (iii) the extent to which the proposed non-complying element constitutes a visually competing intrusion into the foreground or background of the protected sightline.
- (15) infringement of minimum dwelling size standard:

- (a) Effects of reduced living and circulation space, on residential amenity
  - (i) Dwellings that do not comply with the minimum dwelling size standard must demonstrate that:
    - the proposed dwelling size provides a good standard of amenity for the number of occupants the dwelling is designed for
    - there is adequate circulation around standard sized furniture.
  - (ii) Methods to achieve (i) above may include use of built in furniture and mezzanine areas with good access and head height. Provision of a larger private outdoor space may provide amenity that mitigates a smaller dwelling size.
- (16) infringement of Strategic Transport Corridor Zone – Railway corridor setback standard:
- (a) Location of the building or structure
  - (b) Methods of providing for building maintenance within site boundaries on a permanent basis.
  - (c) The outcome of any consultation with KiwiRail.

## **H8.9. ~~[Deleted]~~Assessment – bonus floor area**

### **H8.9.1. ~~Controlled activities~~**

#### **H8.9.1.1. ~~Matters of control~~**

~~The Council will reserve its control to all of the following matters when assessing a controlled activity resource consent application for development seeking to obtain bonus floor space:~~

- ~~(1) the use or transfer of historic heritage and special character floor space:~~
  - ~~(a) recording the use/transfer of floor space on the certificate of title.~~

#### **H8.9.1.2. ~~Assessment criteria~~**

~~The Council will consider the relevant assessment criteria below for controlled activities:~~

- ~~(1) the use or transfer of historic heritage and historic special character floor space:~~
  - ~~(a) recording the use/transfer of floor space on the certificate of title.~~

### **H8.9.2. ~~Restricted discretionary activities~~**

#### **H8.9.2.1. ~~Matters of discretion~~**

~~The Council will reserve its discretion to all of the following matters when assessing a restricted discretionary resource consent application for development seeking to obtain bonus floor space:~~

~~(1) public open space:~~

- ~~(a) pedestrian safety, interest and amenity;~~
- ~~(b) universal access;~~
- ~~(c) sunlight access; and~~
- ~~(d) landscaping, lighting and materials;~~

~~(2) through-site links:~~

- ~~(a) pedestrian safety, interest and amenity;~~
- ~~(b) universal access;~~
- ~~(c) daylight access; and~~
- ~~(d) landscaping, lighting and materials.~~

~~(3) works of art:~~

- ~~(a) artistic quality; and~~
- ~~(b) public access;~~

~~(4) securing historic heritage building floor space:~~

- ~~(a) effects on historic heritage;~~

~~(5) securing special character building floor space:~~

- ~~(a) effects on special character;~~

~~(6) Residential activities:~~

- ~~(b) internal and on-site amenity;~~

~~(7) infringements to bonus floor area standards:~~

- ~~(a) public benefit.~~

#### **H8.9.2.2. Assessment criteria**

~~The Council will consider the relevant assessment criteria below for restricted discretionary activities:~~

~~(1) public open space:~~

- ~~(a) pedestrian safety, interest and amenity;~~

- (i) ~~the extent to which pedestrian desire lines are provided to, from and within the public open space;~~
  - (ii) ~~the extent to which the design of the public open space has have a sense of order and proportion and have regard to the human scale;~~
  - (iii) ~~the extent to which orientation and design provides pedestrians with protection from the wind, particularly in those locations where seating is provided;~~
  - (iv) ~~the extent to which a significant area of the public open space is visible from its entrance onto the street;~~
  - (v) ~~the extent to which buildings adjoining the public open space are designed to provide for, or facilitate the establishment of, those activities which attract people, especially at night. For example upper level residential accommodation with windows or balconies overlooking the amenity area would be appropriate, as would adjoining cafes, restaurants or small shops. Blank facades, offices and activities with very large frontages, especially those which are traditionally closed at night and weekends should be avoided; and~~
  - (vi) ~~the extent to which good visibility to, from and within the public open space is provided to ensure public safety;~~
- (b) ~~sunlight access:~~
- (i) ~~the extent to which sunlight access into the space is maximised. The extent to which seating areas are located to avoid being shaded from 10am to 3pm in mid-winter where practical;~~
- (c) ~~landscaping, lighting and materials:~~
- (i) ~~the extent to which areas of landscaping dominate any paved pedestrian area;~~
  - (ii) ~~the extent to which seating and landscaping is in pleasant, clearly visible, convenient and safe locations. As a guide landscaping may comprise low shrubs and plants or tall open trees and shrubs which do not screen an area off;~~
  - (iii) ~~the extent to which high quality and durable materials are used; and~~
  - (iv) ~~whether the public open space is well lit. Whether the lighting provides a high vertical luminance so that shadows of people and indications of movement are easily seen, even at a distance;~~
- (2) ~~through-site links:~~

- (a) ~~the assessment criteria in H8.9.2.2(1)(a)(v) – (vi), H8.9.2.2(1)(b)(i) and H8.9.2.2(1)(d)(iii) above apply;~~
- (b) ~~pedestrian safety, interest and amenity:~~
  - (i) ~~whether through-site links provide a connection between two streets or other public areas to create interest in the city and have a clearly visible origin and destination;~~
  - (ii) ~~the extent to which the design of the through-site link take the pedestrian's desired routes into consideration when determining location;~~
  - (iii) ~~the extent to which lanes are of a width proportionate to the scale of development to create a sense of enclosure, with a ratio of 1:5 being encouraged; and~~
  - (iv) ~~the extent to which lanes have active uses along at least one side.~~
- (c) ~~daylight access:~~
  - (i) ~~the extent to which arcades are covered and lined with active uses at the level of the arcade; and~~
  - (ii) ~~the extent to which arcades are of generous height to maximise a sense of space and maximise daylight penetration to their interior;~~
- ~~(3) works of art:~~
  - (a) ~~artistic quality:~~
    - (i) ~~the extent to which the work of art is in media adequate for the site such as a sculpture, mural, glass, or water feature; and~~
    - (ii) ~~the extent to which the work of art aesthetically enhances the public space to which it relates having regard to its artistic merit, scale and placement as adjudged by the Council;~~
  - (b) ~~public access:~~
    - (i) ~~whether works of art are freely accessible from public space during daylight hours by being incorporated as a feature into the development or on the facade of the building for which the bonus is claimed, or be in the form of a night time feature;~~
- ~~(4) securing historic heritage building floor space:~~
  - (a) ~~refer to the relevant policies and assessment criteria in [D17 Historic Heritage Overlay](#);~~
- ~~(5) securing special character building floor space:~~

~~(a) effects on special character:~~

- ~~(i) whether the character plan outlines the significant features of the building that contribute to the built and streetscape character of the surrounding area, and how any future works should be undertaken to respect the significant features of the building identified in the plan;~~

~~(6) residential activities:~~

~~(a) internal and on-site amenity:~~

- ~~(i) the extent to which the residential development provides a high standard of internal amenity and on-site amenity for occupants of the residential development.~~
- ~~(ii) To demonstrate this, and in order for the bonus floor space to be awarded for residential activities, residential developments must comply with all of the relevant standards and be consistent with the assessment criteria for residential developments.~~

~~In some circumstances it may be appropriate to award the bonus floor space where the development (or part thereof) does not comply with the relevant standards. In this instance, the applicant will need to demonstrate that an equal or better standard of amenity can be achieved when compared with a development that complies with the relevant standards.~~

~~(7) infringements to bonus floor area standards:~~

~~(a) public benefit:~~

- ~~(iii) whether the proposal meets the intent of the bonus as contained in its associated stated purpose or it is unreasonable or impractical to enforce the standard; and~~
- ~~(iv) whether the application to infringe the standard would achieve the objectives and policies of the Business – City Centre Zone.~~

## **H8.10. Special information requirements**

~~There are no special information requirements in this section.~~

### **H8.10.1. Alterations and additions to buildings identified as historic heritage and special character**

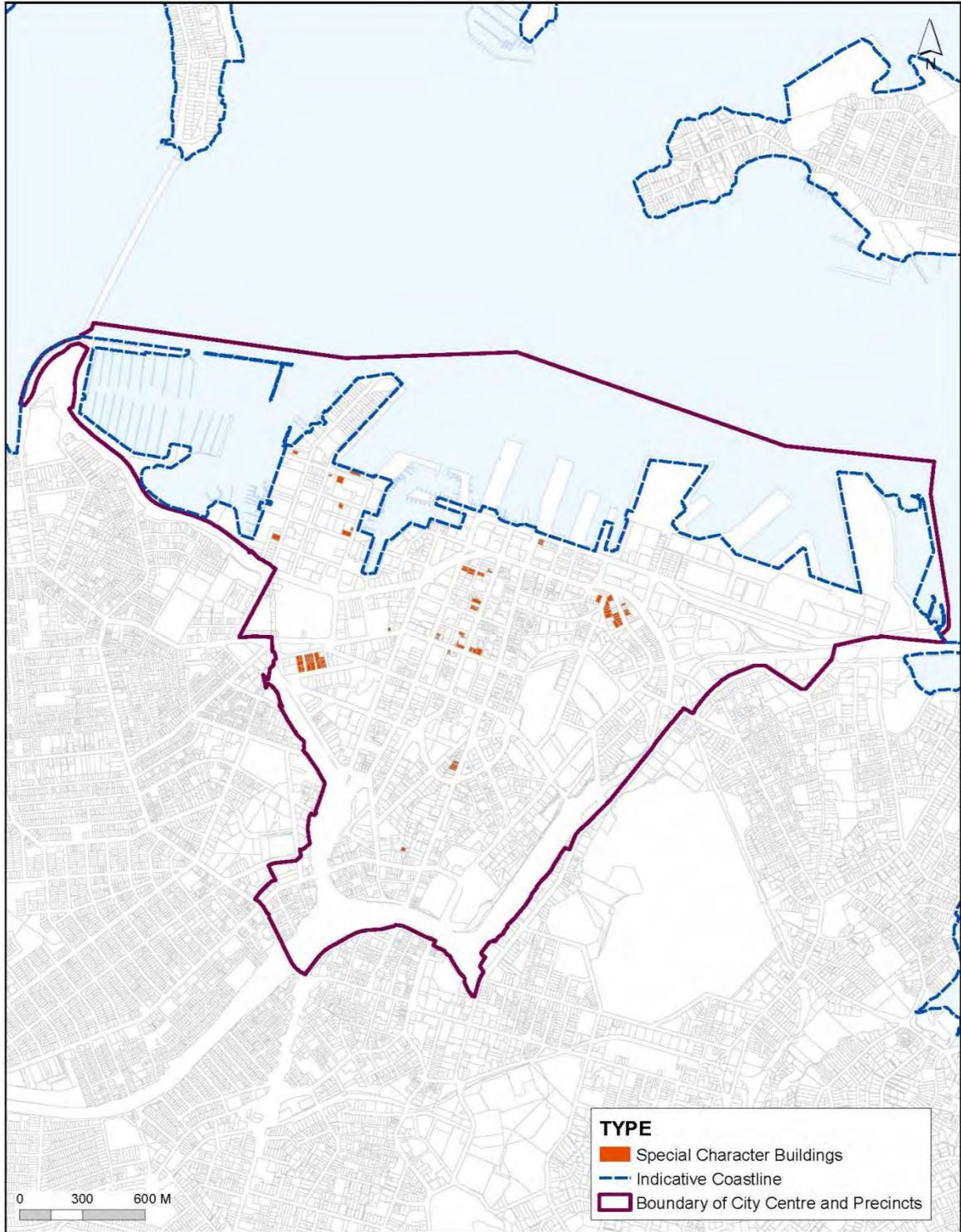
(1) For scheduled historic heritage buildings, the applicant must prepare a conservation plan (or update an existing conservation plan where one already exists) and demonstrate that a programme of works will be undertaken including a maintenance plan to guide ongoing regular maintenance and cleaning. This information shall be provided where the application is for:

- (a) substantial demolition or destruction;
- (b) relocation within the scheduled extent of place; or
- (c) significant restoration or modification works.

(2) For any application for works affecting identified special character buildings, the applicant must prepare a character plan that details how the significant features of the building that contribute to streetscape amenity will be retained and enhanced. The plan must demonstrate that a programme of works will be undertaken, including a maintenance plan to guide ongoing regular maintenance and cleaning. The plan shall be commensurate with the effects of the proposed works on special character values. For the purpose of this information requirement, 'identified special character buildings' are all pre-1940s buildings within the Queen Street Valley precinct and those identified on Map H8.11.1.

H8.11. Maps

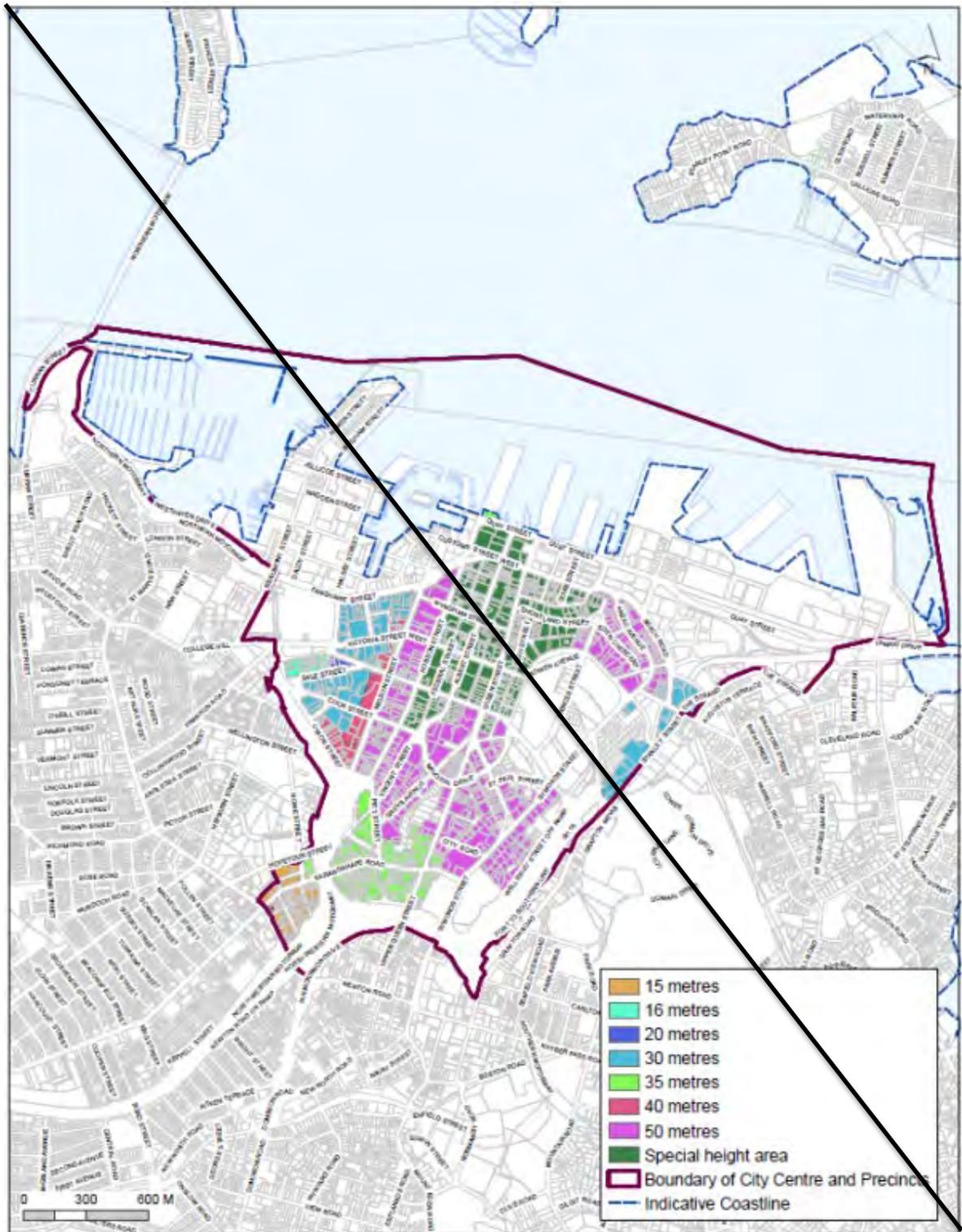
Map H8.11.1 Special character buildings [amend by removing properties as per evidence of Megan Walker]



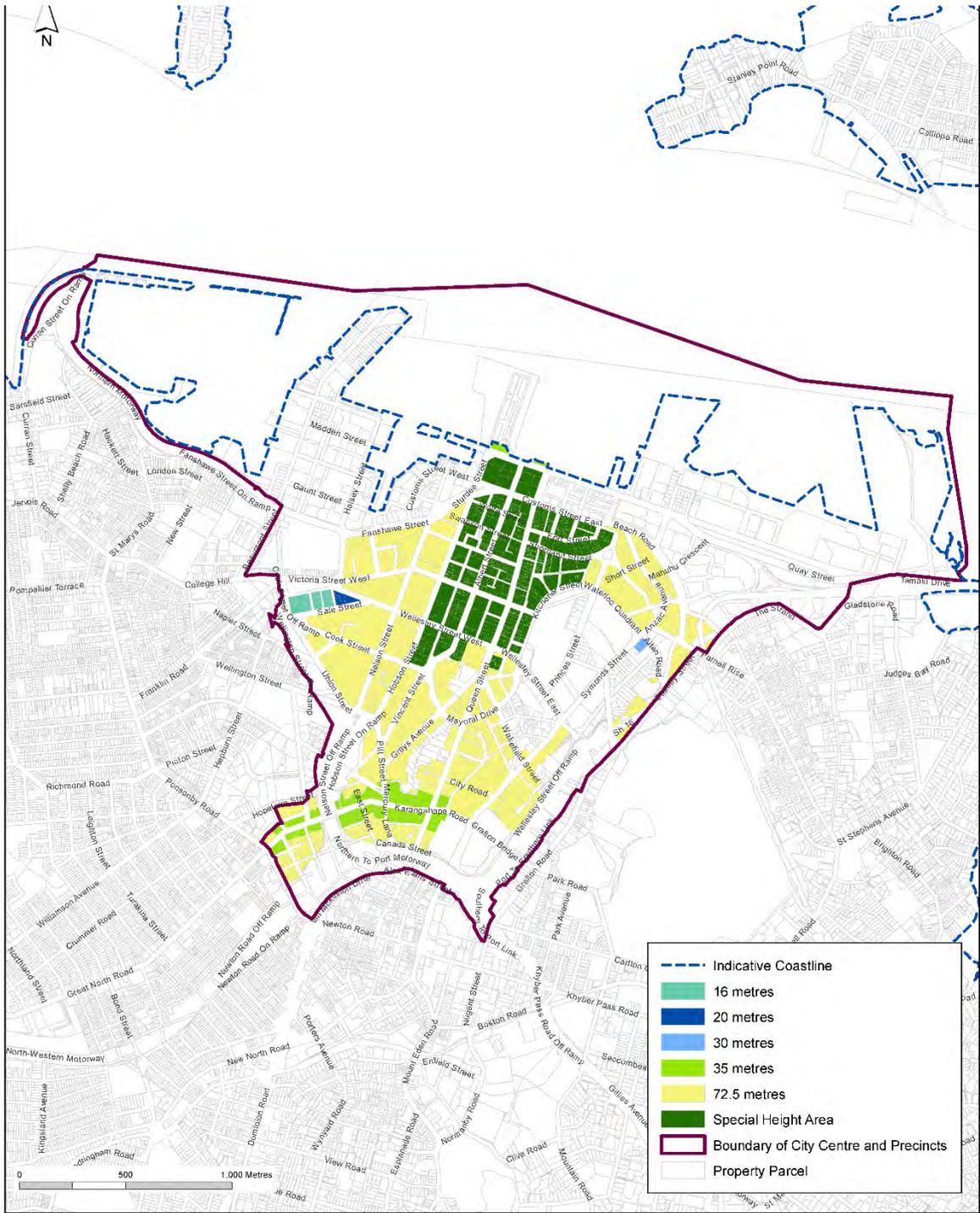
Map H8.11.2 Core retail areas



Map H8.11.3 General height controls



H8 Business – City Centre Zone

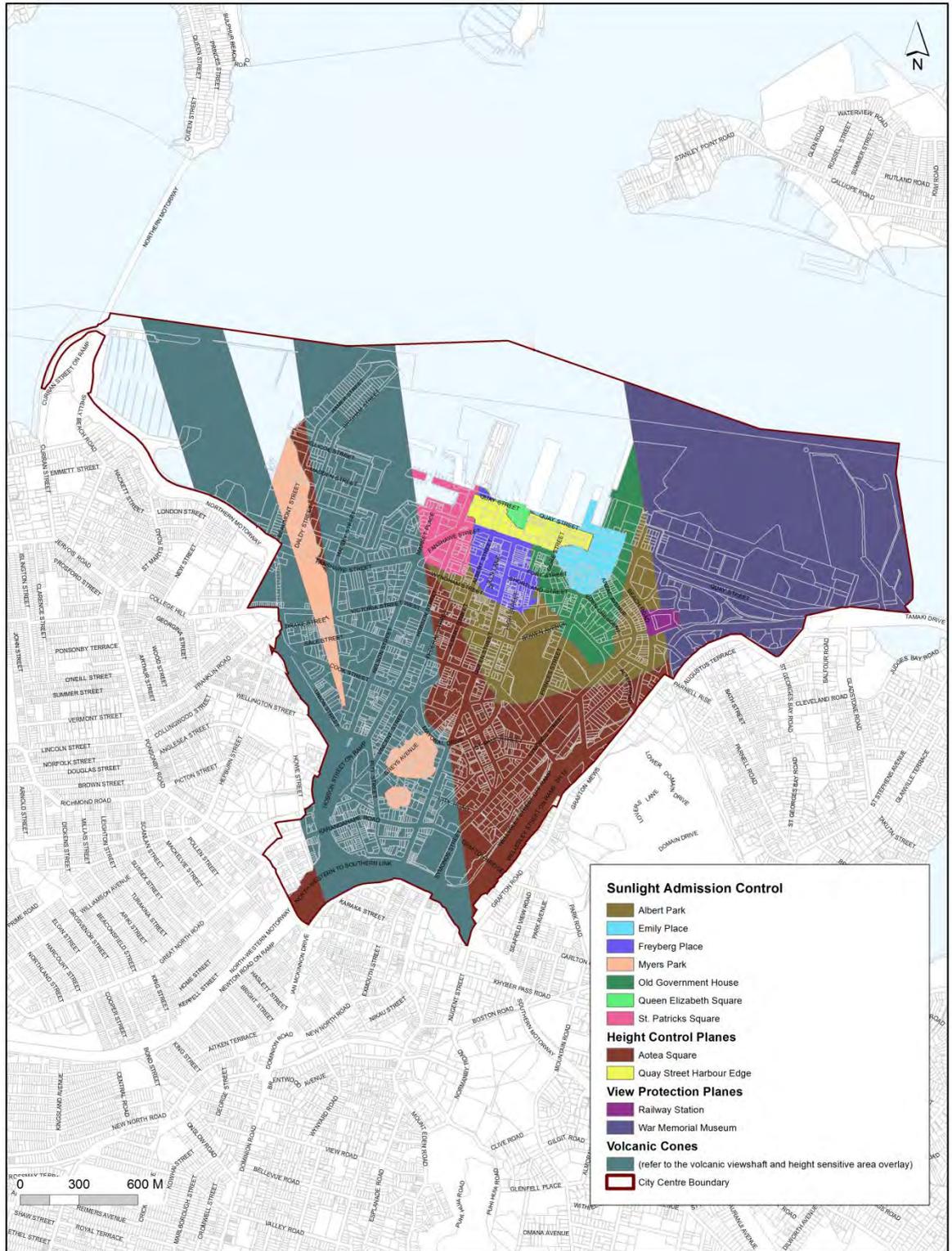


**[Advice note not to be included– amend Map 8.11.3 to include the block bound by Rutland, Queen and Wellesley Streets and Mayoral Drive – area in Orange Below]**

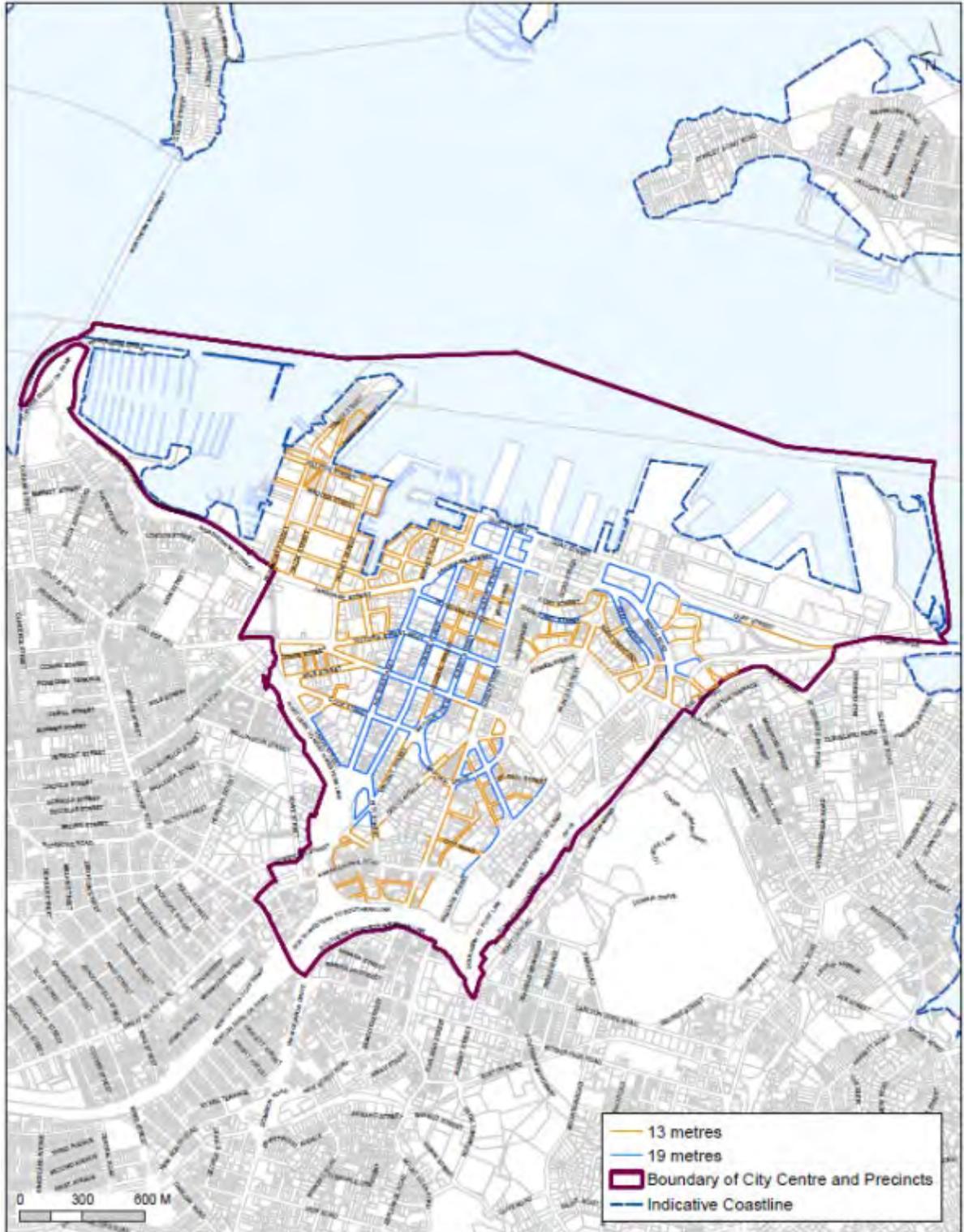
**City Centre: Special Height Area Inclusion**



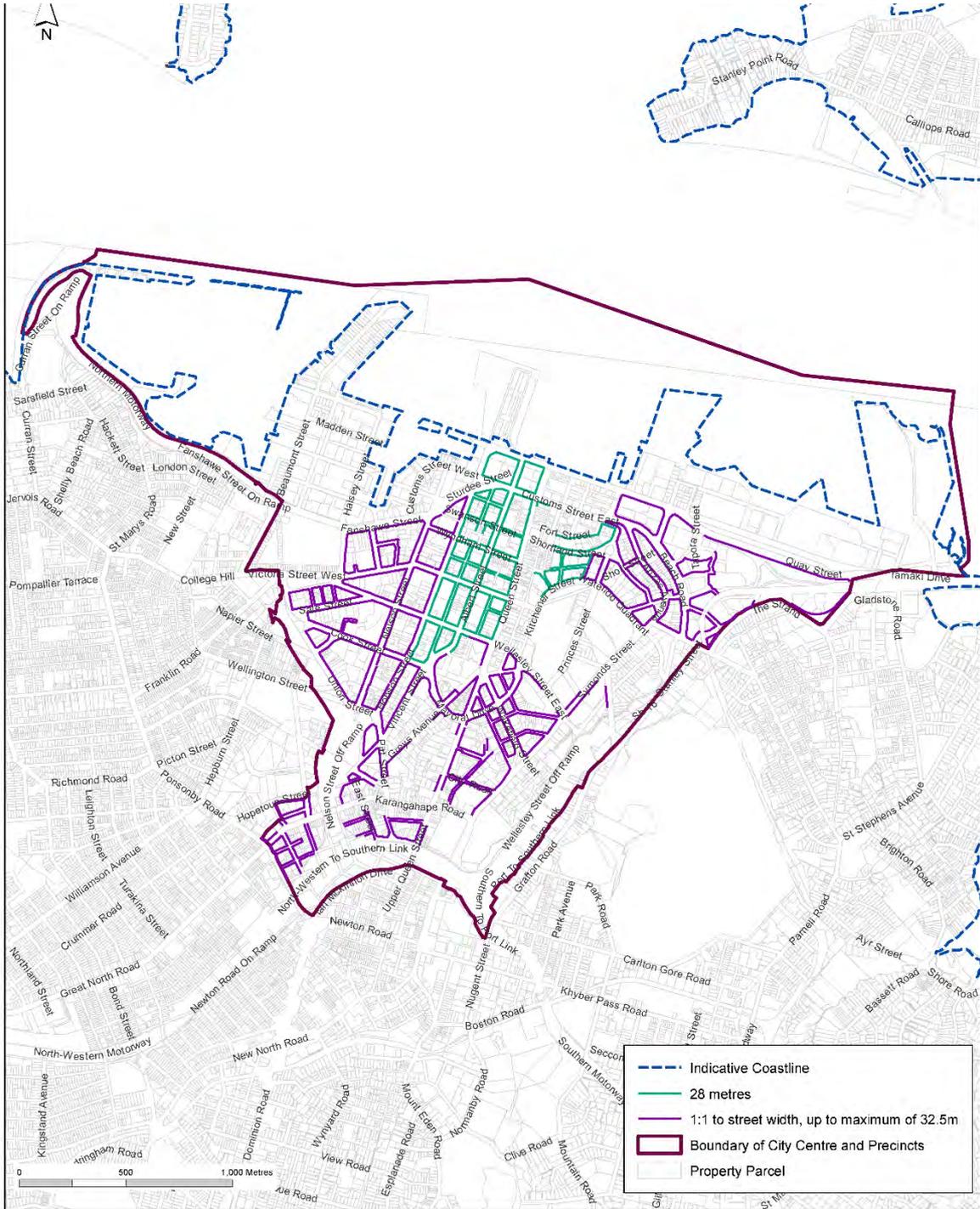
**Map H8.11.4 Special height controls [Advice note not to be included - consequential changes necessary to reflect recommendations for the seven additions to Appendix 11]**



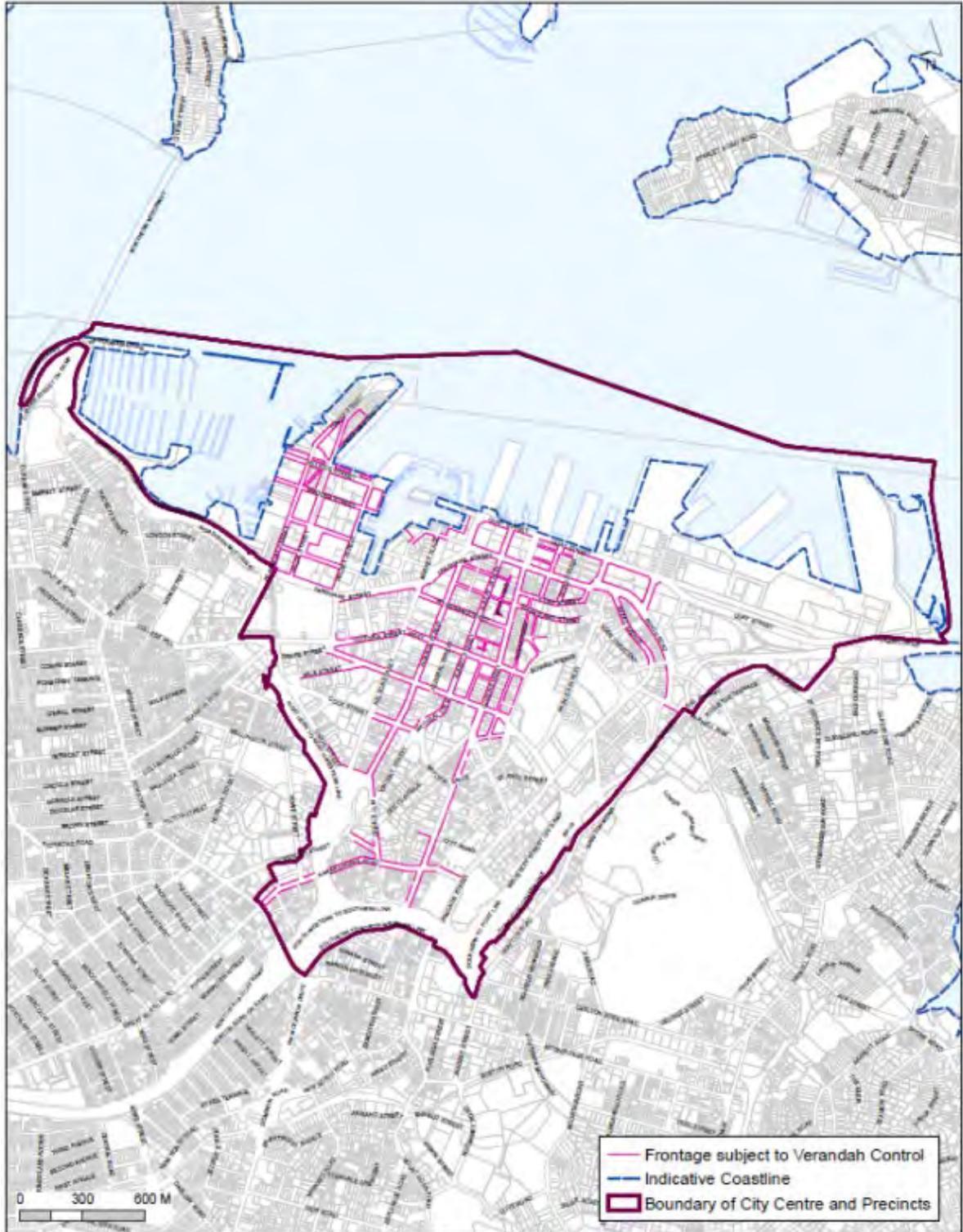
**Map H8.11.5 Minimum frontage height [Advice note not to be included - consequential changes may be necessary to reflect recommendations]**



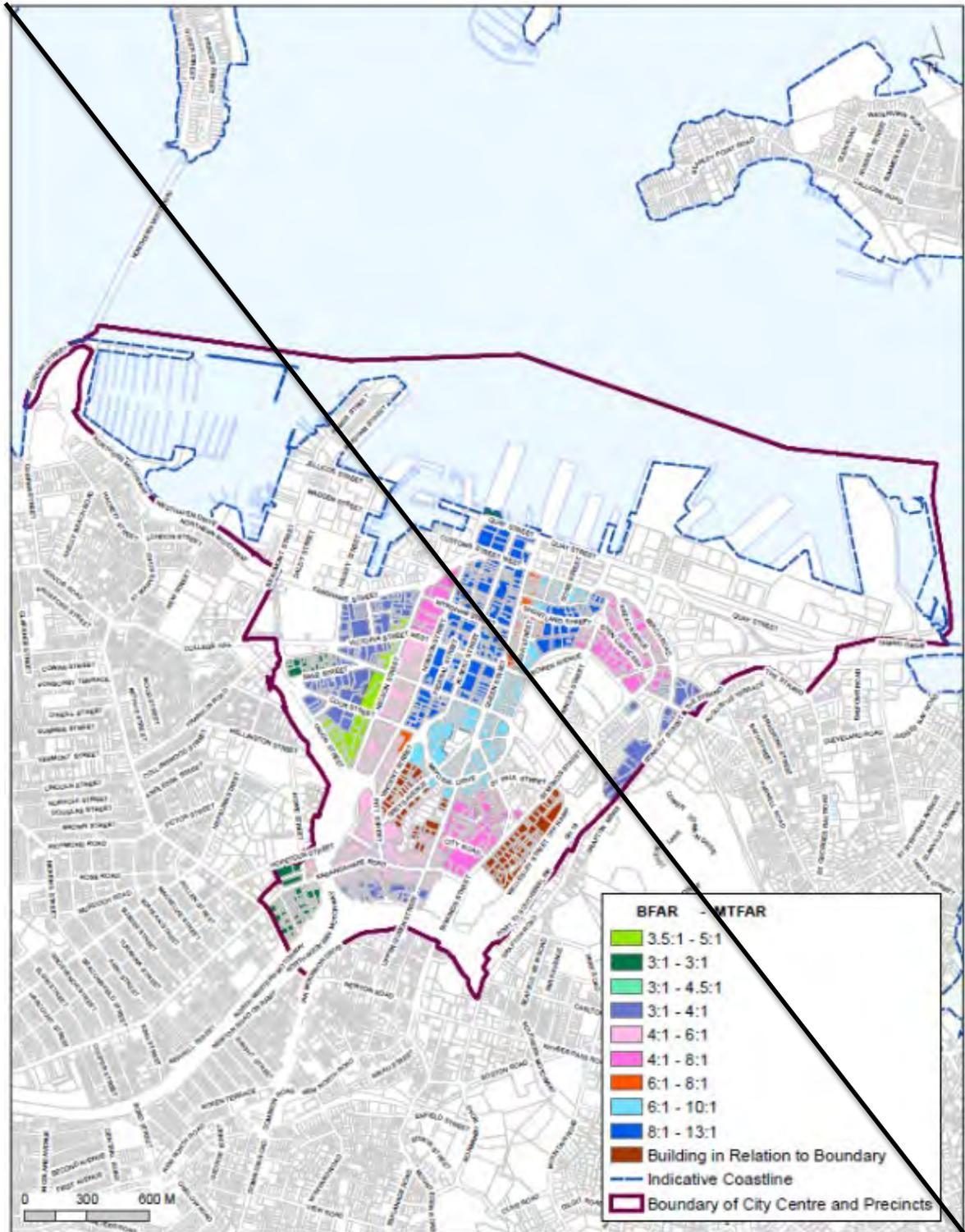
**Map H8.11.5A Maximum frontage height [Advice note not to be included - consequential changes may be necessary to reflect recommendations for the seven additions to Appendix 11]**



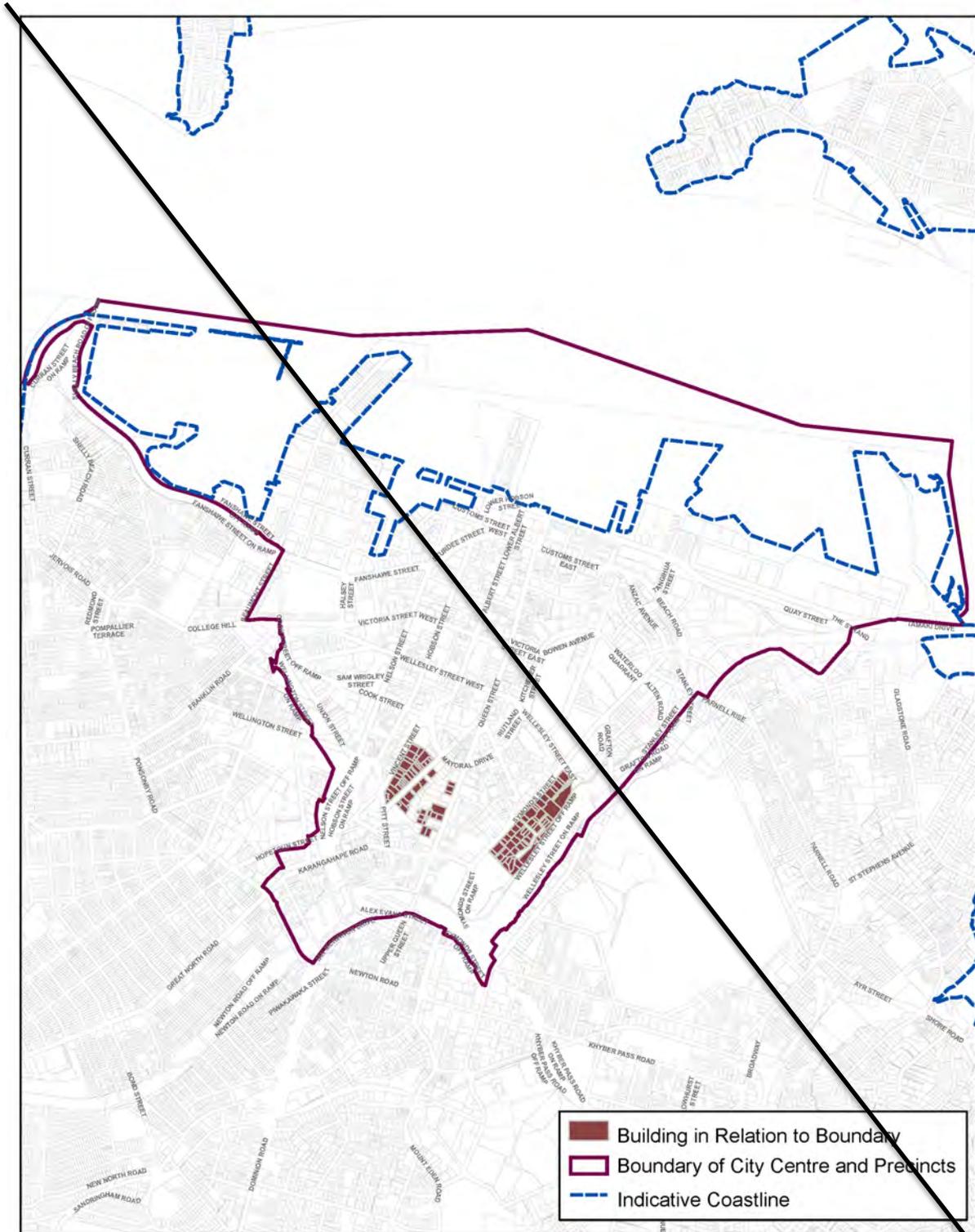
Map H8.11.6 Verandahs



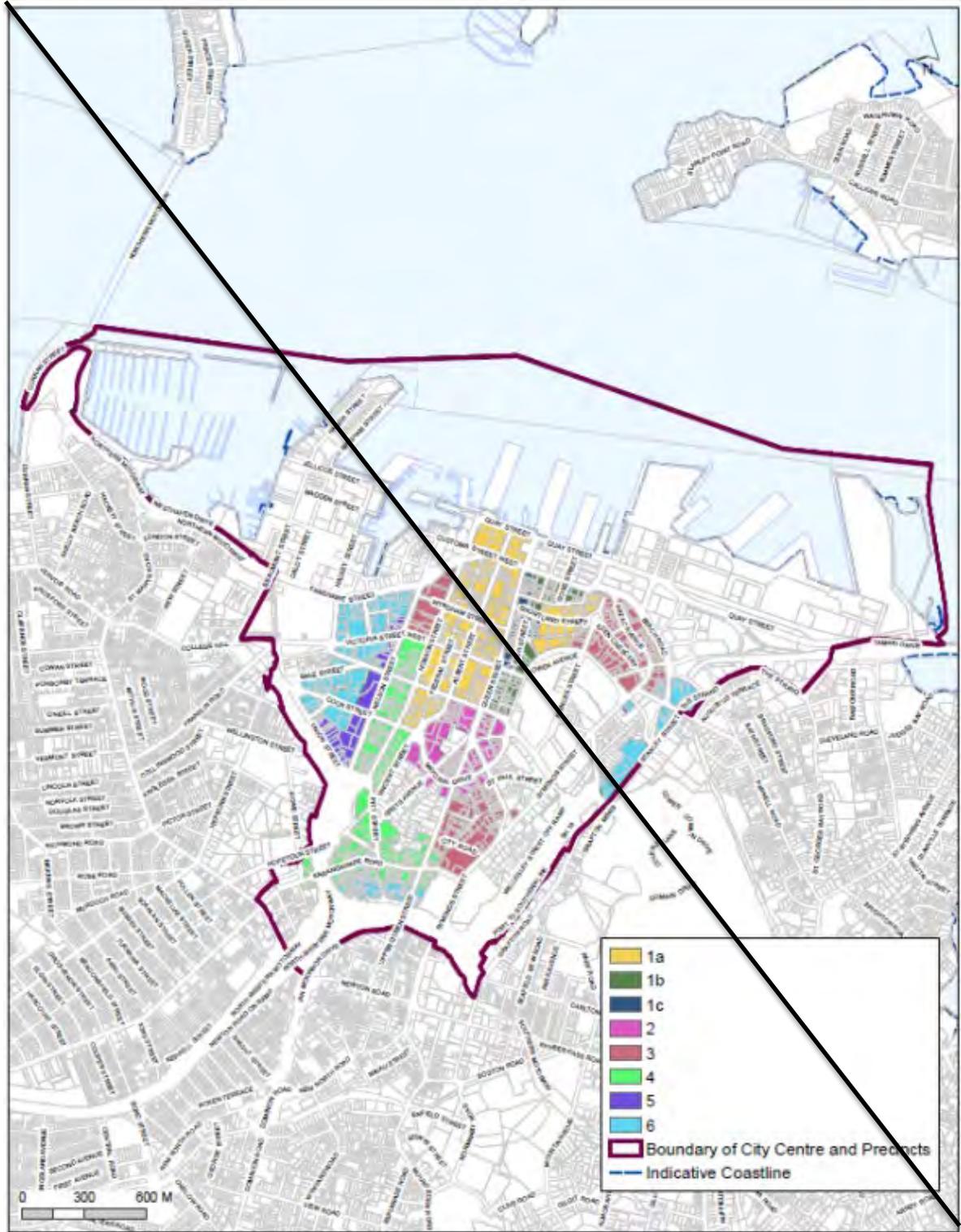
Map H8.11.7 [Deleted] Site intensity



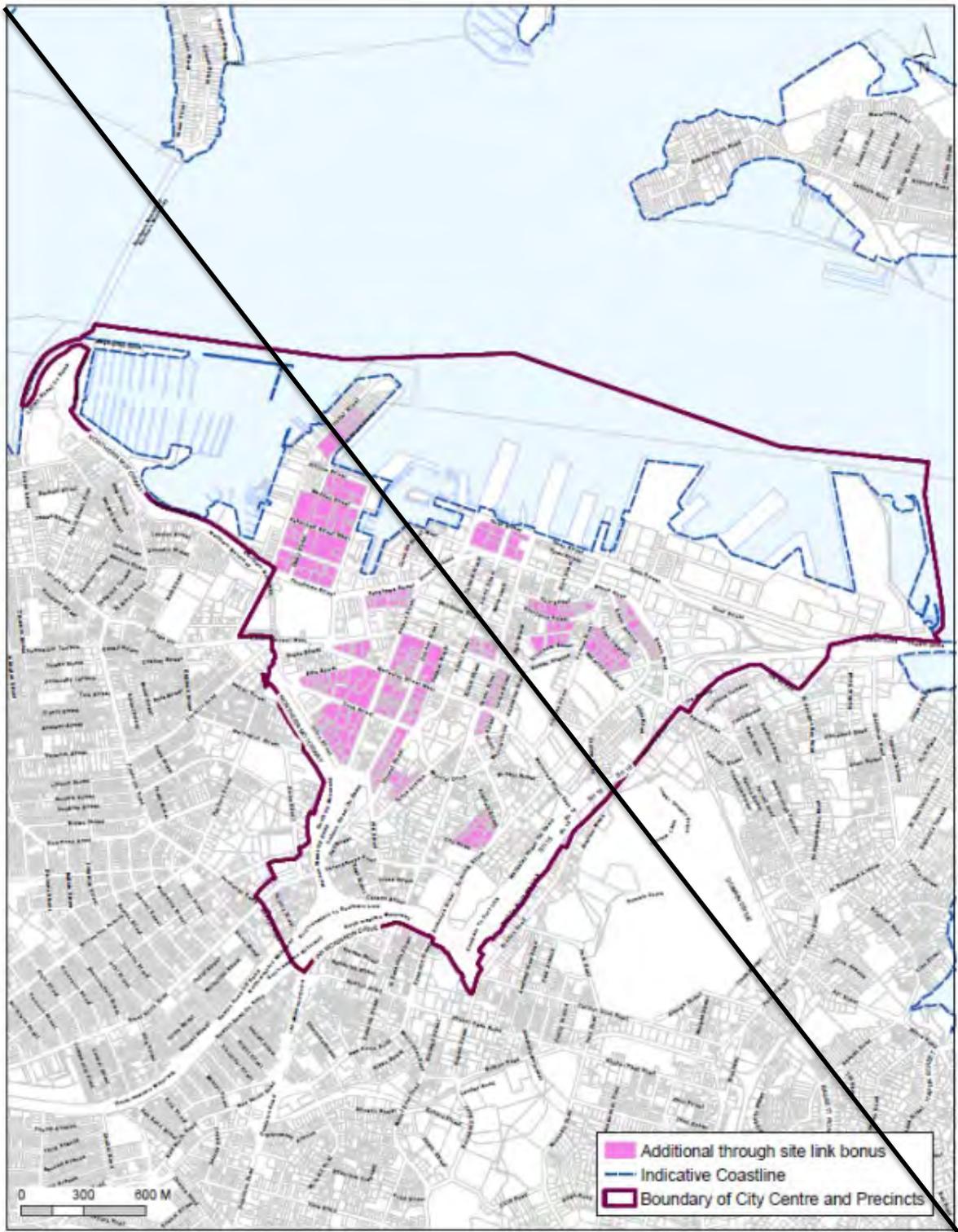
**Map H8.11.7A Building in relation to boundary [Advice note not to be included – deletion subject to further analysis as per recommendations]**



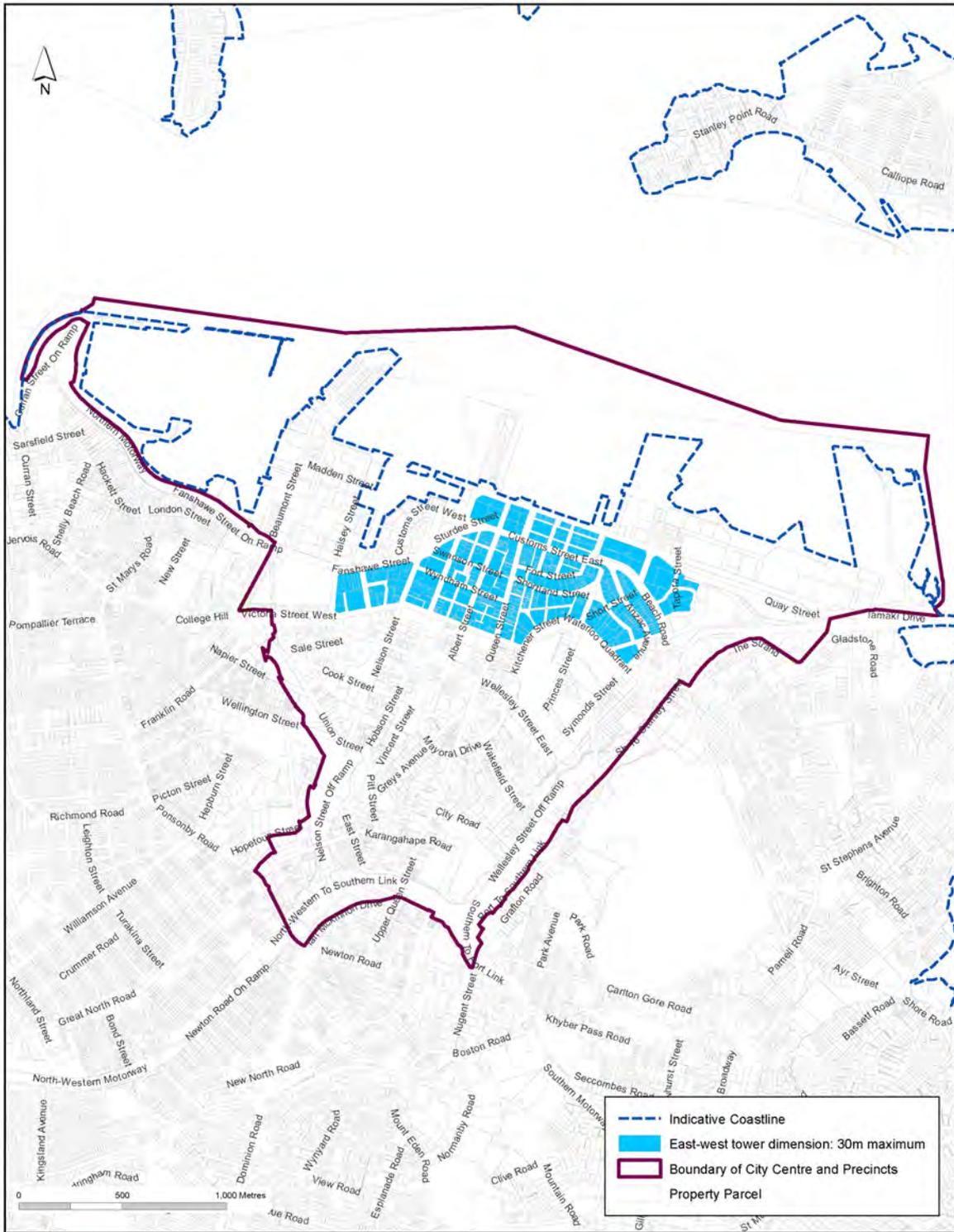
Map H8.11.8 ~~[Deleted]~~ Bonus areas



Map H8.11.9 ~~[Deleted]~~ Additional through-site link bonus



**Map H8.11.10 East-west tower dimension**



**Map H8.11.10 East-west tower dimension**

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## **I201. Britomart Precinct**

### **I201.1. Precinct background**

The Britomart Precinct is bordered by Lower Queen Street, Quay Street, Britomart Place and Customs Street East and its zoning is Business - City Centre zone. The precinct re-establishes traditional grid street pattern through the extension of Gore and Commerce streets from Customs Street to Quay Street. The extent of the Britomart precinct is shown on Britomart Precinct: Precinct plan 1.

The purpose of the precinct is to act as a regional transport centre, provide for comprehensive development and provide a link between the core central business district and the harbour edge, while preserving identified special character and historic heritage values and enabling adaptive reuse of those buildings. Britomart's proximity to the harbour edge and the core central business district of the city centre provides an important context for existing and new development. The convenience and location of transport services is an important aspect of the precinct, along with providing a safe, attractive pedestrian environment with good sheltered connections to both the harbour edge and the city core.

The precinct is comprised largely of low and medium rise buildings including scheduled historic heritage places and identified special character buildings on its perimeter. The identified historic heritage building and special character buildings and general streetscape contribute to its character, enclosure, and sense of human scale. In combination with the precinct's function as a regional transport interchange, the identified historic heritage places and special character buildings form a framework for future redevelopment. It is noted however, that the north western perimeter of the precinct is comprised of high rise modern buildings. It is also proposed to develop new medium to high rise buildings within the central spine of the precinct.

The precinct is also in a critical location for providing a better link between the city centre and the harbour and also Viaduct Harbour to the west and the Quay Park precinct (the site of Auckland's former rail station and shunting yards) and the arena site to the east. Provision for an attractive and safe pedestrian network and public squares, with good quality connections to the harbour edge and the city core, is vital.

Station Plaza and Takutai Square are the two major public open spaces within the precinct and Te Ara Tahuhu (walking street) provides the main east-west pedestrian link connecting Commerce Street to Britomart Place.

The precinct provisions require future above-ground development to occur in a comprehensive and coordinated manner.

The land in the Britomart Precinct is zoned Business – City Centre Zone.

### **I201.2. Objectives**

(1) An attractive, safe and lively environment that reflects the importance of the precinct's role as a regional transport interchange, and provides a link between the core central business district and the harbour edge.

- (2) Britomart is comprehensively developed as a mixed use precinct that:
- (a) integrates with the facilities and functions of the Britomart regional transport centre;
  - (b) maintains a perimeter built form that is of an appropriate scale in relation to the form and scale of existing heritage buildings and waterfront edge location, and is in keeping with or complementary to established development within the precinct;
  - (c) acknowledges and reinforces the lower scale Customs Street heritage frontage, the Quay Street frontage and the medium to high rise new central spine of the precinct;
  - (d) provides a high level of physical and visual accessibility within the precinct, and to the city centre and the waterfront; and
  - (e) has high quality pedestrian connections and open spaces.
- (3) The historic heritage values of identified buildings within the precinct are retained, and where appropriate conserved.
- (4) The Port of Auckland is protected from potential reverse sensitivity effects generated by residential activities within the precinct.

The overlay, Auckland-wide and Business – City Centre Zone objectives apply in this precinct in addition to those specified above.

### **I201.3. Policies**

- (1) Limit development to a scale that is sensitive to the values of heritage buildings within the precinct and the Waterfront setting.
- (2) Require development within Sub-precinct B to maintain an overall built form outcome that supports a lower scale heritage Customs Street frontage, a medium to high rise central spine and a mixed low, medium and high rise Quay Street frontage.
- (3) Reduce any potential adverse visual effects of buildings in relation to the harbour edge and as viewed from the southern side of Customs Street East, from Britomart Place through to the Chief Post Office building.
- (4) Require buildings and public open spaces to achieve a high standard of urban design while maintaining or enhancing the values of heritage buildings within the precinct.
- (5) Require development of building frontages to streets or other public spaces to maintain a height above street level that retains a sense of intimacy, character and human scale, particularly on the Customs Street frontage, and preserves sunlight access.
- (6) Reinforce pedestrian activity and adjoining public open spaces by requiring significant portions of ground floor frontages be made available for retail and commercial service activities.

(7) Manage the scale, form and intensity of development to maintain the character of the Britomart Precinct.

(8) Reinforce and acknowledge the Quay Street waterfront edge of the CBD, which runs from the Port Precinct through to Beaumont Street, through a mixture of lower buildings punctuated by taller buildings along the Britomart Precinct Quay Street frontage, while restricting tall new buildings along the Quay Street edge between Britomart Place and Gore Street to one location at 110 to 114 Quay Street.

(9) Provide an opportunity on the Seafarers' site to create a contemporary medium to high rise building that acknowledges the surrounding heritage buildings but is also consistent with the scale of the existing medium to high rise contemporary buildings on the north-western frontage of the Precinct.

The above objectives and policies cannot be used to justify additional height above the maximum permitted height on sites along the Quay Street frontage of the Britomart Precinct, other than on the Seafarers' site.

#### *Heritage*

(10) Enable the adaptive re-use of historic heritage buildings while ensuring that their valued features are maintained or enhanced.

(11) Avoid insensitive development or objects adjacent to historic heritage places that detract from the heritage values for which the building is protected.

#### *Open space and pedestrian connections*

(12) Maintain and enhance the environmental qualities and amenities of the precinct.

(13) Establish an interconnected system of public open spaces, of varying size and pedestrian connections which can cater for a range of appropriate activities, events and support the regional transport interchange function of the precinct.

(14) Preserve sunlight access to identified public open spaces by managing building height and form.

(15) Provide strong visual and physical connections between the public open spaces within the Precinct, the waterfront and the city centre core.

#### *Land uses*

(16) Encourage the distinction of different areas within the precinct, each with its own character.

(17) Require accommodation in the precinct to be located and designed to provide for amenity and well-being of residents while mitigating potential adverse effects of port operations and avoiding the likelihood of reverse sensitivity effects on the Port of Auckland.

(18) Limit parking to the eastern end of the precinct and to the Britomart carpark site located on the eastern side of Britomart Place to maintain main pedestrian thoroughfares and retain the visual amenity provided by heritage buildings.

The overlay, Auckland-wide and Business – City Centre Zone policies apply in this precinct in addition to those specified above.

#### **I201.4. Activity table**

The provisions in any relevant overlays, zone and the Auckland-wide apply in this precinct unless otherwise specified below.

Table I201.4.1 specifies the activity status of development activities in the Britomart Precinct pursuant to section 9(3) of the Resource Management Act 1991.

- The activities in the Business – City Centre Zone apply in the Britomart Precinct except in those areas identified as public open space on Precinct plan 4, and as specified in the following table.

**Table I201.4.1. Activity table - Britomart Precinct**

<b>Activity</b>		<b>Activity status</b>
<b>Development</b>		
(A1)	Minor cosmetic alterations to a building that does not change its external design and appearance	P
(A2)	New buildings, and alterations and additions to buildings not otherwise provided for	RD
(A3)	Dwellings and visitor accommodation that do not comply with Standard I201.6.1(1)	D
(A4)	Development that does not comply with Standard I201.6.7(1)-(2) or I201.6.8(1)	D
(A5)	Development that does not comply with Standard I201.6.5(1) or I201.6.6(1)-(5)	NC

Table I201.4.1 specifies the activity status of land use activities in the Britomart Precinct pursuant to section 9(3) of the Resource Management Act 1991.

- The following table specifies the activity status of activities within the identified public open spaces shown on Britomart Precinct: Precinct plan 4.

**Table I201.4.2. Activity table - Britomart precinct (identified public open spaces shown on Britomart Precinct: Precinct plan 4)**

<b>Activity</b>		<b>Activity status</b>
<b>Community</b>		
(A6)	Informal recreation	P
(A7)	Landscaping	P

(A8)	Artworks	P
(A9)	Playgrounds	RD
(A10)	Seating and picnic tables	P
(A11)	Awnings, canopies or similar weather protection structures accessory to tables and seating	RD
(A12)	Kiosks and market stalls	RD
<b>Development</b>		
(A13)	Glazed roof structures/atrium and/or glazed verandahs and physical connections	RD
(A14)	New buildings	D
(A15)	Dwellings and visitor accommodation that do not comply with Standard I201.6.1(1)	D
(A16)	Development that does not comply with Standard I201.6.7(1)-(2) or I201.6.8(1)	D
(A17)	Development that does not comply with Standard I201.6.5(1) or I201.6.6(1)-(5)	NC

### **I201.5. Notification**

(1) Any application for resource consent for an activity listed in Table I201.4.1 Activity table - Britomart and Table I201.4.2. Activity table - Britomart precinct (identified public open spaces shown on Britomart Precinct: Precinct plan 4) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

(2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

### **I201.6. Standards**

The overlay, zone and Auckland-wide standards apply in this precinct unless otherwise specified below.

All permitted and restricted discretionary activities listed in Table I201.4.1 Activity table - Britomart and Table I201.4.2. Activity table - Britomart precinct (identified public open spaces shown on Britomart Precinct: Precinct plan 4) must comply with the following standards.

#### **I201.6.1. Dwellings and visitor accommodation**

Purpose: to avoid the potential for reverse sensitivity effects on the Port of Auckland.

(1) Dwellings and visitor accommodation must be subject to a restrictive non-complaint covenant\* in favour of the Ports of Auckland.

- (2) For the purposes of this rule a 'restrictive non-complaint covenant' is defined as a restrictive covenant registered on the Title to the property or a binding agreement to covenant, in favour of Ports of Auckland Limited, non-complaint covenant' by the landowner (and binding any successors in title) not to complain as to effects generated by the lawful operation of the port. The restrictive non-complaint covenant is limited to the effects that could be lawfully generated by the port activities at the time the agreement to covenant is entered into. This does not require the covenantor to forego any right to lodge submissions in respect of resource consent applications or plan changes in relation to port activities (although an individual restrictive non-complaint covenant may do so). Details of the existence of covenant documents may be obtained from Ports of Auckland Limited, its solicitors, or in the case of registered covenants by searching the Title to the relevant property.

### **I201.6.2. Building height**

Purpose: manage the height of buildings to achieve Policies I201.3(1), (2), (3), (7), (8), (9) and (14) of the Britomart Precinct.

- (1) Buildings must not exceed the heights specified on Britomart Precinct: Precinct plan 1.
- (2) The Britomart station ventilation stacks may exceed the maximum building height specified on Britomart Precinct: Precinct plan 1 provided that they do not exceed 10m above the roof to the storey immediately below.
- (3) A single lift machine room or over-run within the 50m height area shown on Britomart Precinct: Precinct plan 1 may exceed the maximum building height provided that:
- (a) the height of the projection does not exceed 5.4m above the maximum permitted height; and
  - (b) the area of the projection does not exceed a floor area equal to 10 per cent of the area of the roof to the storey immediately below.
- (4) Seafarers' Height Controls as specified on Britomart Precinct: Precinct plan 1
- A building on the Seafarers site is composed of two elements, each with the maximum permitted height as follows:
- (a) a larger element located at the eastern end of the site with an east-west footprint dimension two thirds of the east-west dimension of the site area (or up to a maximum of five metres either side of this dimension) and no taller than 55.24m above mean street level (AMSL); and
  - (b) a smaller element located on the (remaining) western-most one third of the site (or up to a maximum of five metres either side of this dimension) and no taller than 35.40m AMSL

Explanation

The Seafarers site is a potential redevelopment site on the Quay Street frontage of the Precinct. The varied height limits provide an opportunity to develop a contemporary building that is complementary to both the taller existing buildings to the south and west and the lower heritage character buildings to the east. The larger element corresponds to the lower of the two Quay Street Harbour Edge Height Control Planes (HEHCP), while the smaller building element corresponds to the height of the parapet on the second step back on the western elevation of the East Building, facing Takutai Square.

### **I201.6.3. Minimum frontage height**

Purpose: ensure streets are well defined by buildings and provide a sense of enclosure to enhance pedestrian amenity.

- (1) New buildings and additions to buildings must adjoin the site frontage for its entire length excluding vehicle and pedestrian access areas and have a minimum frontage height of 16m above mean street level.

### **I201.6.4. Paving of public open spaces**

Purpose: Maintain and enhance the amenity of public open space.

- (1) Paving of areas of public open space, as shown on Britomart Precinct: Precinct plan 3, must be provided by adjacent site owners in conjunction with any new development of the site.
- (2) Applications for any new building or external alteration or addition to any existing building on sites adjacent to areas identified for paving in Britomart Precinct: Precinct plan 3 must provide details of ground surface designs particularly in relation to the paving materials to be laid and the pattern of their layout.
- (3) The pavers must be at least equal to the standard of paving and detailing in Station Plaza.

### **I201.6.5. View shaft**

Purpose: manage development to maintain views from Britomart Place through to the Chief Post Office building and provide an important visual guide for pedestrians moving into and through the Precinct. The view shaft is intended to protect this view for the benefit of pedestrians.

- (1) Buildings must not locate within the areas of the view shaft shown on Britomart Precinct: Precinct plan 3, except for:
  - (a) temporary buildings which are permitted activities or for which resource consent has been granted;
  - (b) parts of buildings or structures above first floor level; and
  - (c) verandahs required by [H8.6.26](#) of the Business – City Centre Zone rules or for which resource consent has been granted.

### **I201.6.6. Site intensity**

Purpose: manage the scale, form and intensity of development to maintain the character of the Britomart Precinct.

- (1) The basic and the maximum floor area ratios permitted within the Britomart precinct are as shown on Britomart Precinct: Precinct plan 2.
- (2) ~~[deleted] In Sub-precinct A the bonus floor area provisions for bonus area 1a (refer to [H8.6.11](#) – [H8.6.20](#) of the Business – City Centre Zone rules) apply except that the light and outlook bonus does not apply. The basic FAR plus the bonus FAR must not exceed the MTFAR shown in Britomart Precinct: Precinct plan 2.~~
- (3) In Sub-precinct B the basic maximum total FAR and the MTFAR is the gross floor area allowed as a permitted activity, except that for the sites notated on Britomart Precinct: Precinct plan 2 the floor area ratio must be limited to the gross floor area achievable within the existing special character building or scheduled historic heritage place.
- (4) In Sub-precinct B the 11:1 FAR shown in Britomart Precinct: Precinct plan 2 for sites to the east of Takutai Square is the ~~basic~~ maximum total FAR for a building or combination of structures covering all sites, and is not the ~~basic~~ maximum total FAR for individual sites.
- (5) On the Seafarers' site, the permitted site intensity shall be the floor area required to achieve the maximum permitted height as provided for within rule I201.6.2(4) Seafarers' Height Controls.

#### **I201.6.7. Heritage buildings**

Purpose: manage heritage buildings to achieve Policies I201.3(10) and (11) of the Britomart precinct.

- (1) All works relating to identified historic heritage buildings must be subject to conservation plans and obtain all necessary resource consents required by the Historic Heritage overlay rules and the Heritage New Zealand Pouhere Taonga Act 2014.
- (2) All works relating to the following non-scheduled buildings must be subject to approved conservation plans:
  - (a) Charter House, 54-58 Customs Street East (Part Lot 2 DP 382501);
  - (b) Newdick Building, 104 Quay Street (Part Lot 1 DP 369895);
  - (c) Quay Buildings, 106-108 Quay Street (Part Lot 1 DP 369895); and
  - (d) Maritime Building, 130 Quay Street (Lot 57 DP 317575).

#### **I201.6.8. Noise**

Purpose: Manage noise to maintain amenity.

- (1) Any activity must comply with [E25 Noise and Vibration](#) of the Auckland-wide rules for noise and vibration except that noise from events and temporary activities

must be measured 1m from the façade of the nearest dwelling or visitor accommodation building located outside of the Britomart precinct.

#### **I201.6.9. Parking**

Purpose: Limit parking to the eastern end of the precinct to maintain main pedestrian thoroughfares and retain the visual amenity provided by heritage buildings.

- (1) For the purpose of calculating the maximum permitted parking, [E27.6.2](#) of the Auckland-wide - Transport rules apply except that:
  - (a) Sub-precinct B and Lot 5 DP 325137 in the Quay Park precinct is defined as a site. Parking accumulated within this area is limited to the areas marked with an asterisk on Precinct Plan 2 and to Lot 5 DP 325 137 within the Quay Park precinct; and
  - (b) for the sites identified with an asterisk and bounded by Customs Street East, Gore Street, Galway Street and Rouakai Lane, parking must be confined to basement levels and vehicle access must be from Galway Street only.

#### **I201.7. Assessment – controlled activities**

There are no controlled activities in this precinct

#### **I201.8. Assessment – Restricted discretionary activities**

##### **I201.8.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions:

- (1) new buildings, and alterations and additions to existing buildings not otherwise provided for:
  - (a) the matters of discretion in [H8.8.1\(1\)](#) of the Business – City Centre Zone rules apply;
- (2) restricted discretionary activities within the public open spaces identified on Precinct plan 4:
  - (a) location, design and external appearance of temporary or permanent buildings, structures and signs;
- (3) infringing the building height standard:
  - (a) building scale, dominance and visual amenity effects; and
  - (b) effects on the current or planned future form and character of the precinct;

- (4) infringing the minimum frontage height standard:
  - (a) building scale, dominance and visual amenity effects; and
  - (b) pedestrian amenity;
- (5) infringing the paving of public open spaces standard:
  - (a) pedestrian amenity.

#### **I201.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions:

- (1) new buildings, and alterations and additions to existing buildings not otherwise provided for:
  - (a) building design and external appearance - contributing to sense of place:
    - (i) whether the consistency of the existing character in a cohesive streetscape is maintained, with new buildings acknowledging traditional design and detailing. However, new buildings and additions need not replicate this style.
  - (b) building design and external appearance - variation in building form/visual interest:
    - (i) the extent to which buildings contain a predominance of vertical or neutral emphases on their elevations (rather than horizontal), and thus contribute to the visual reduction in the scale of buildings, and an appropriate scale close to public places;
  - (c) building design and external appearance - creating a positive frontage:
    - (ii) the extent to which the ground floor level of buildings adjacent to public spaces make use of architectural elements of columns, windows, doors, verandahs, colonnades, and recessed entrance ways to achieve a strong visual and physical integration of public and private space;
    - (iii) the extent to which the treatment of exterior walls continuously define the edge of the street (or open space) but with individual variation in architectural character to avoid long, dull, monotonous lengths of undifferentiated wall;
    - (iv) the extent to which buildings are designed to address and align to the street boundaries and adjoining public spaces to develop a strong visual axis along streets and at intersections;
    - (v) the extent to which buildings contain activities that have a strong interaction with the use of adjoining public space in order to provide increased security and surveillance and contribute to the vitality of the area;

- (vi) whether buildings adjacent to public open space dominate it or 'privatise' it by giving the impression that the open space is a forecourt to any private development adjoining it; and
  - (vii) the extent to which verandahs, where required, are continuous along the length of the street but should be designed separately on a site by site basis. The architecture of each verandah should relate directly to the building on that site and should not be designed as a uniform or standardised building element.
- (d) building design and external appearance - materials and finishes:
- (i) the extent to which materials and colour used in new buildings complement existing buildings, but may use new and contemporary interpretations in form and detail;
  - (ii) the extent to which the design of ground surfaces ensures conformity of detail and material where private developments are integrated with streets or adjacent public open spaces; and
  - (iii) the extent to which new buildings or external alterations or additions to buildings on sites adjacent to areas identified for paving in precinct plan 4 ensure the adjoining ground surface design is appropriate and sensitive and has regard to the manner in which the development is integrated with adjacent public spaces.
- (e) signage and temporary buildings:
- (i) the extent to which signage is designed to a high standard and complements the architectural qualities, materials, details and colours of the buildings to which it relates;
  - (ii) the extent to which temporary buildings, including structures, show design sensitivity, be located in areas that will not compromise pedestrian access, and be simple in colour, form and materials and not conflict with the architectural style of permanent buildings.
- (f) design and scale of buildings adjoining historic heritage places:
- (i) the extent to which redevelopment of sites adjoining scheduled historic and character buildings on Quay Street incorporates a podium of similar height, complementing the building form of the existing adjoining buildings in terms of scale and proportion.
- (g) design of access and parking:
- (i) service access points to buildings should not be located in pedestrian intensive areas and, where possible, should be combined with access to parking areas; and
  - (ii) where vehicles and pedestrians share the same circulation network, the ground surface should be pedestrian orientated, that is, designed primarily

for people on foot, but across which vehicles may have clearly defined and free access.

- (h) design and layout of dwellings, visitor accommodation and boarding houses:
  - (i) the extent to which buildings to be used for any form of dwelling or visitor accommodation are appropriately located and designed to reduce reverse sensitivity effects and any adverse noise effects from the surrounding environment (including noise from the port, traffic and other uses in the Britomart precinct such as entertainment). The extent to which the design of such buildings takes into account the location of bedrooms, the type and thickness of glass, and the presence or otherwise of opening windows or doors to the exterior.

(2) new buildings on the Seafarer's site:

Heritage New Zealand Pouhere Taonga shall be considered to be a potentially adversely affected person for any application involving a new building on the Seafarer's site (as opposed to re-furbishment of the existing building). Accordingly, Heritage New Zealand Pouhere Taonga written approval shall be required if the application is non-notified. Alternatively, the application shall be served on Heritage New Zealand Pouhere Taonga if the application is to be processed on a limited notified basis or is publicly notified.

- (a) general design principles:
  - (i) any new building and its primary elements (including the upper and lower building elements) shall have inherent design integrity, coherence and demonstrate high quality architectural design;
  - (ii) any new building shall be constructed using high quality materials;
  - (iii) the building design shall recognise the unique quality of its setting, within a block of important heritage buildings, while enhancing the qualities of the adjacent heritage buildings and the urban form of Auckland, particularly when viewed from the North Shore, the Waitemata Harbour, elsewhere in the CBD, the wider Britomart Precinct, Quay Street and Takutai Square;
  - (iv) the site shall be fully developed to all boundaries approximately to the height of the adjoining heritage Quay Building in the city block bounded by Quay Street, Gore Street, Tyler Street and Britomart Place;
  - (v) the cadastral boundaries of the site shall be respected and no parts of the building shall extend or be cantilevered beyond these boundaries;
  - (vi) the floor plan footprint and the corresponding vertical expression of the floor plan shall acknowledge and reflect the historic cadastral plan pattern of land subdivision between Britomart Place and Gore Street;

- (vii) a sustainable approach to building design shall be utilised through the use of durable, low maintenance materials, maximisation of solar access and natural light and ventilation, and the incorporation of mechanical and electrical systems that optimise energy efficiency;
- (b) base Building (designed to relate to Quay Buildings and Union Fish building):
- (i) building frontage at street level must contribute to pedestrian vitality, interest and public safety. This will require a variety of architectural detail and maximising the number of doors and both the number and size of window openings;
  - (ii) a pedestrian through-site link shall be provided in close proximity to the western boundary of the Seafarers' site between Quay and Tyler Streets and shall be open to the public during normal working hours;
  - (iii) the rhythm and scale of architectural features, fenestrations, finishes and colour shall harmonise with and complement the streetscapes on both the northern and southern sides of the site;
  - (iv) the overall mass of the base building shall be broken down and articulated to reflect the scale and rhythm and masonry character of existing heritage buildings. The three dimensional form of the building should express the historic cadastral plan pattern of land subdivision. Facades should acknowledge primary structural elements, solid to void ratios of heritage buildings, compositional and elemental proportions and materials which induce detail, surface complexity, light and shade;
- (c) Upper Building
- (i) any new building shall consider high quality architectural design references to existing or adjacent/nearby buildings as follows:
    - first reference: The height of the main horizontal component of the parapet on the adjoining heritage Union Fish Building (8.61m AMSL);
    - second reference: The height of the parapet on the adjoining Quay Building (20.27m AMSL).
    - third reference: The height of the parapet of the more recently constructed Union House on the corner of Quay and Commerce Streets (46.40m AMSL);
    - fourth reference: The heights of the Nathan and Australis Buildings forming the southern edge of Takutai Square (22.84m AMSL and 23.89m AMSL respectively), and the height of the very western end of the East Building forming the eastern edge of Takutai Square (23.25m AMSL);

The architectural references should not replicate existing building features but, instead, provide an appropriate high quality contemporary interpretation that is complementary to the architecture of the existing heritage buildings. These references may include vertically stratified changes in the composition and character of the elevations, balconies recessed back from the Quay Street and Tyler Street boundaries, upper level set-backs, or a combination of two or more of these or some other architectural design referencing techniques. The three dimensional form of the upper building should reflect the historic cadastral plan pattern of land subdivision. The upper building is to be architecturally differentiated from the base building. A quite different character is required for the Upper Building with a preference for elevations of a transparent or translucent nature. All elevations are to be designed to achieve a lighter character for the upper building relative to the Base Building.

(ii) above the tallest adjoining heritage building, the new building will be seen in the round and its plan form and corresponding elevations shall be architecturally articulated and modulated to acknowledge their exposure to public view. The articulation and modulation of the east and west elevations is as equally important as the north and south elevations and shall be designed to the highest quality and constructed using high quality materials;

(iii) the building facades, above the tallest heritage buildings in the vicinity, should express differentially their two 'front' (Quay and Tyler) and two 'side' (east and west) boundaries. The design of these facades should establish a hierarchy whereby the 'front' facades are 'primary' and the 'side' facades are 'secondary', although the quality of design of each of the four facades should be of an equally high order;

(iv) building facades must provide richness, interest and depth. Blank walls shall not be permitted (except where necessary for services);

(d) rooftops

(i) roof profiles shall be designed as part of the overall building form and contribute to the architectural quality of the skyline when viewed from street level and the harbour. The roof design should also be attractive when viewed from higher surrounding buildings. This will require integration of plant, exhaust and intake units and other mechanical and electrical equipment into the overall rooftop design so that they are not visible from outside the site;

(e) Takutai Square:

(i) when viewed from Takutai Square, the building design shall be complementary to the scale, design composition and modulation of the other buildings surrounding the square, particularly but not restricted to the East Building, the Westpac Charter Building and the Australis and Nathan heritage buildings;

- (ii) Takutai Square shall not be subject to adverse wind effects that would infringe the Unitary Plan rules.
- (iii) in urban design terms, the space of Takutai Square is positively 'commanded'/'dominated' by the East Building, and by its 'direct' dialogue with the Central Building planned to define and contain the opposite (western) side of Square. The axial strength and primacy of this 'dialogue' between the East Building and the yet to be constructed Central Building should not be formally, spatially or visually challenged by a building on the Seafarers' site;
- (iv) the architectural expression and character of a building on the Seafarers' site shall clearly differentiate itself from that of the East and Central buildings whose similarities assist the east-west axial 'dialogue' across the urban space that is Takutai Square;
- (v) notwithstanding the requirement to differentiate its architectural character from that of the East and Central buildings, the architectural composition and expression of a building on the Seafarers' site should draw upon and reference the various heights and set-backs on the north-western corner and the western elevation of the East building and the Westpac Charter Building, in response to the height and scale of the Australis and Nathan Buildings;

#### Explanation

The purpose of the above criteria is to ensure that any new building on the Seafarers' site is of high quality design and complementary to the character and scale of the other buildings on the Quay Street frontage, the buildings which spatially define and contain Takutai Square and the wider Precinct. It is also particularly important that any new building on the Seafarers' site is complementary to the formal and visual primacy of the East Building when viewed from Takutai Square;

- (3) restricted discretionary activities within the public open spaces identified on Britomart Precinct: Precinct plan 4:
  - (a) location, design and external appearance of temporary or permanent buildings, structures and signs:

Buildings and structures within Britomart public open space should be consistent with the purpose and function of the open space as follows:

Station Plaza:

    - (i) Station Plaza is intended to complement the ground level transport focus of the surrounding streets and the use of the plaza as a primary taxi drop-off/collection point for passengers. Given the potential mix of traffic and pedestrians in the area, emphasis is primarily on ensuring clarity for pathways, visibility of different transport modes, and safety and convenience for users;

Te Ara Tahuhu (“walking street”):

- (ii) the walking street is intended to provide for an attractive, safe, convenient and unrestricted pedestrian through-traffic while stimulating lively and interactive private development on adjacent sites. Features of the walking street include a central row of light cones providing light to the tunnel below, a glazed atrium and other connections linking the upper floors of the adjacent buildings;

Takutai Square:

- (iii) all four sides of Takutai Square have sheltered active edges, with the focus of adjoining tenancies being retail and food and beverage related. Takutai Square is intended to be a dynamic and pedestrian-filled open space at the heart of the precinct, maximising lunch time sunshine and providing for regular informal use by shoppers and passers-by, while being of a sufficient size to allow for reasonable sized crowds for events;
- (iv) the extent to which activities within the public open space enhance the precinct as a ‘people place’ and promote pedestrian flows through the precinct while integrating with adjacent land uses;
- (v) the extent to which temporary buildings and structures show design sensitivity, are located in areas that will not compromise pedestrian access, and are simple in colour, form and materials and not conflict with the architectural style of adjacent permanent buildings, including heritage buildings;
- (vi) the extent to which buildings and structures are compatible in height and scale to adjoining buildings and should not compromise or dominate the use of the open space for public recreational use;
- (vii) the extent to which signage proposed as part of a resource consent application is designed to a high standard and should complement the architectural qualities, materials, details and colours of the buildings, facilities or open space to which it relates;

(4) infringing the building height standard:

- (a) building height may be exceeded where it would provide an attractive and integrated roof form that also meets the purpose of the standard; and
- (b) where building height is exceeded, Policies I201.3(1), (2), (3), (7), (8), (9) and (14) of the Britomart Precinct and Policy [H8.3\(30\)](#) of the Business – City Centre Zone should be considered.

(5) infringing the minimum frontage height standard:

- (a) the extent to which buildings frame the street to provide a sense of enclosure; and

(b) whether pedestrian amenity is maintained or enhanced.

(6) infringing the paving of public open spaces standard:

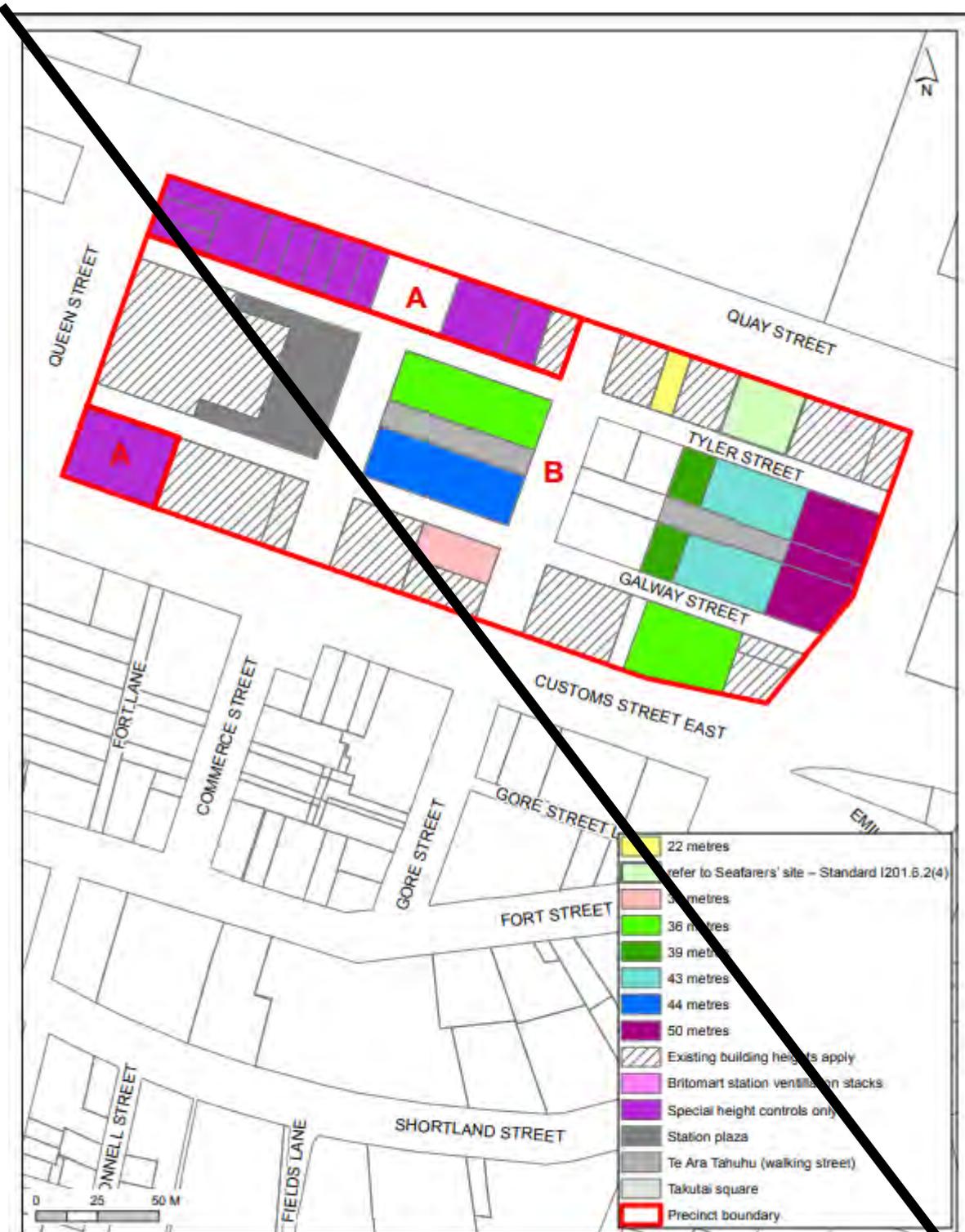
(a) whether public open space is maintained and is functional.

**I201.9. Special information requirements**

There are no special information requirements in this precinct.

**I201.10. Precinct plans**

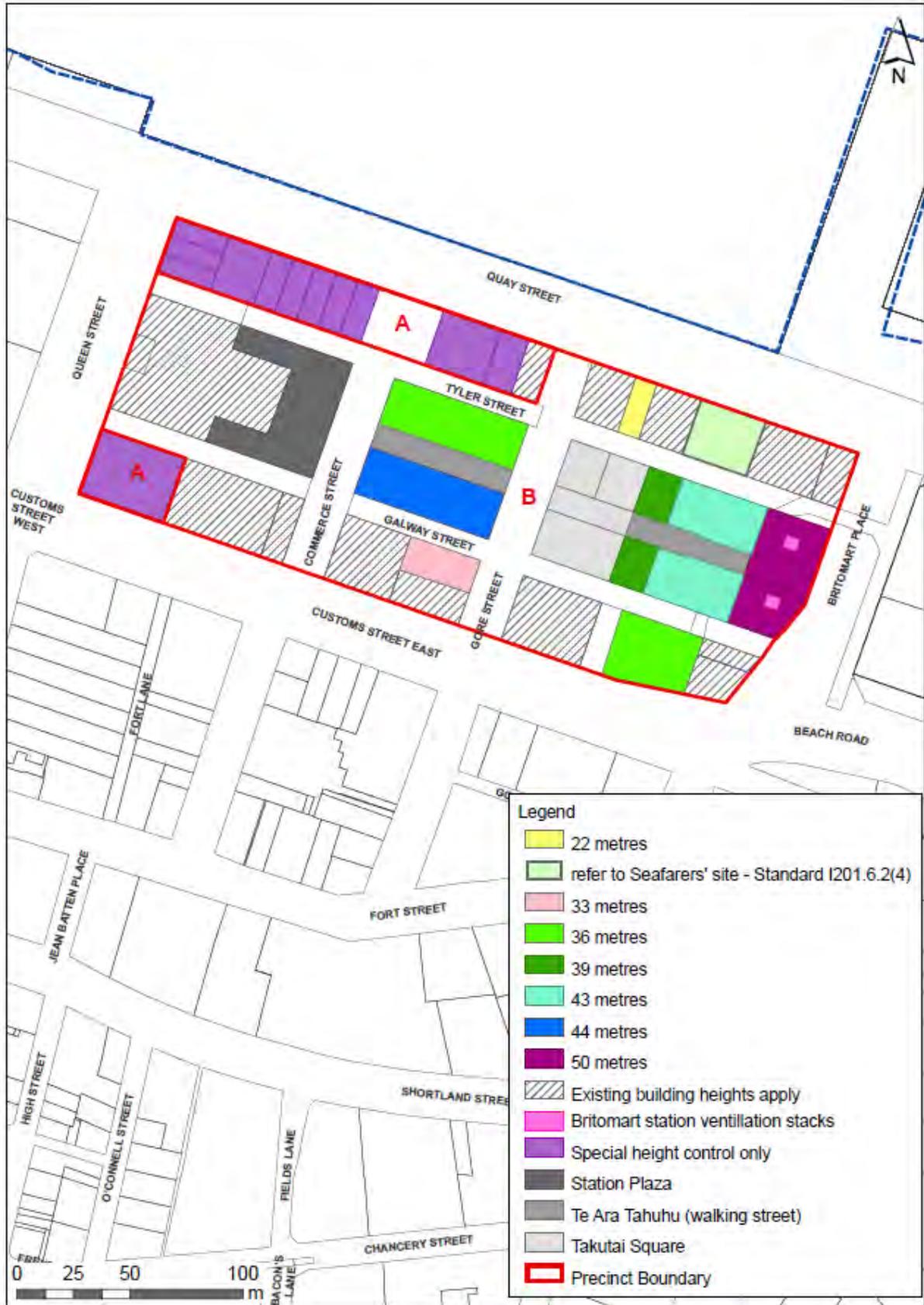
I201.10.1 Britomart Precinct: Precinct plan 1 - Building height



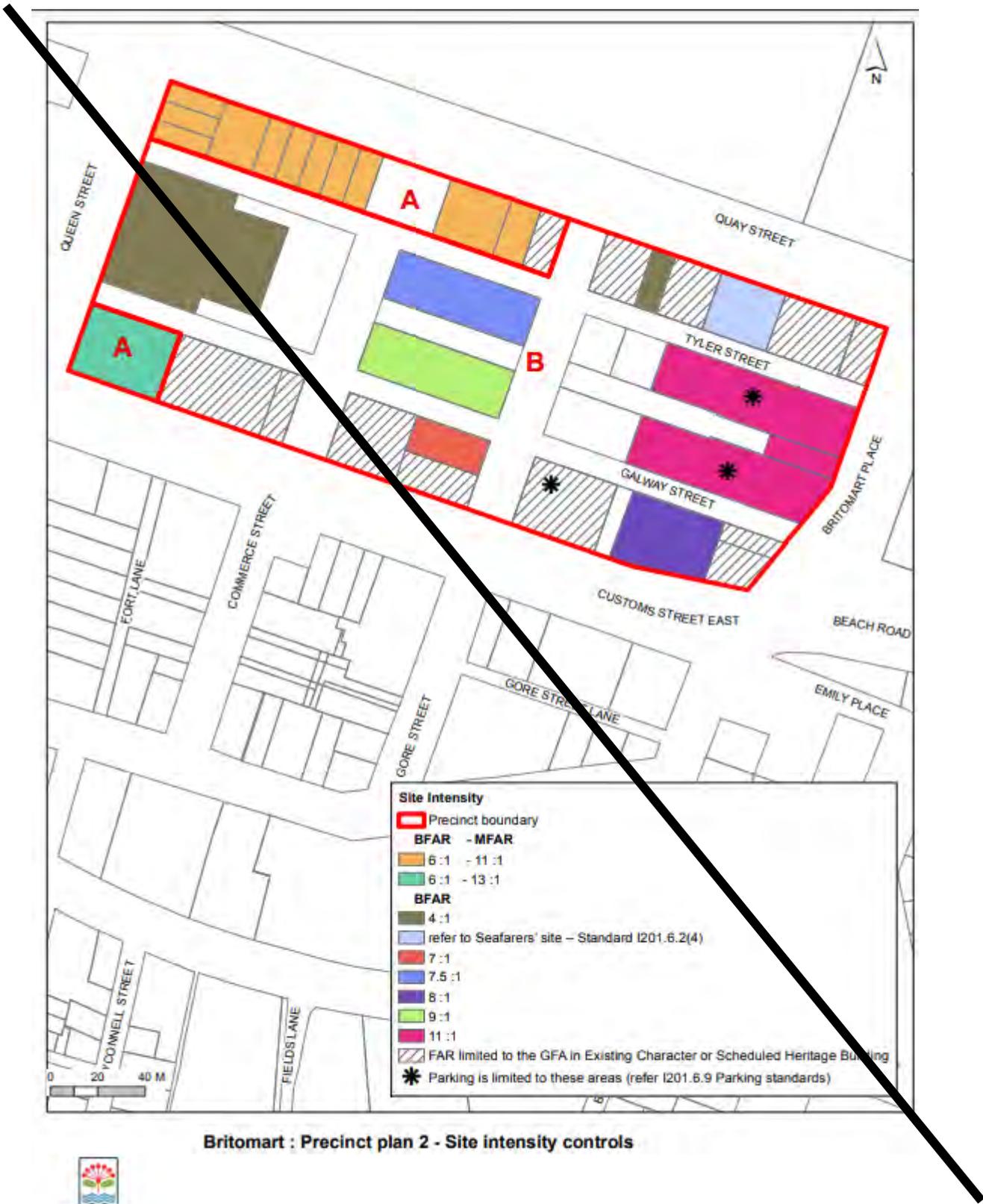
Britomart: Precinct plan 1 - Building height controls



I201 Britomart Precinct



I201.10.2 Britomart Precinct: Precinct plan 2 - Site intensity



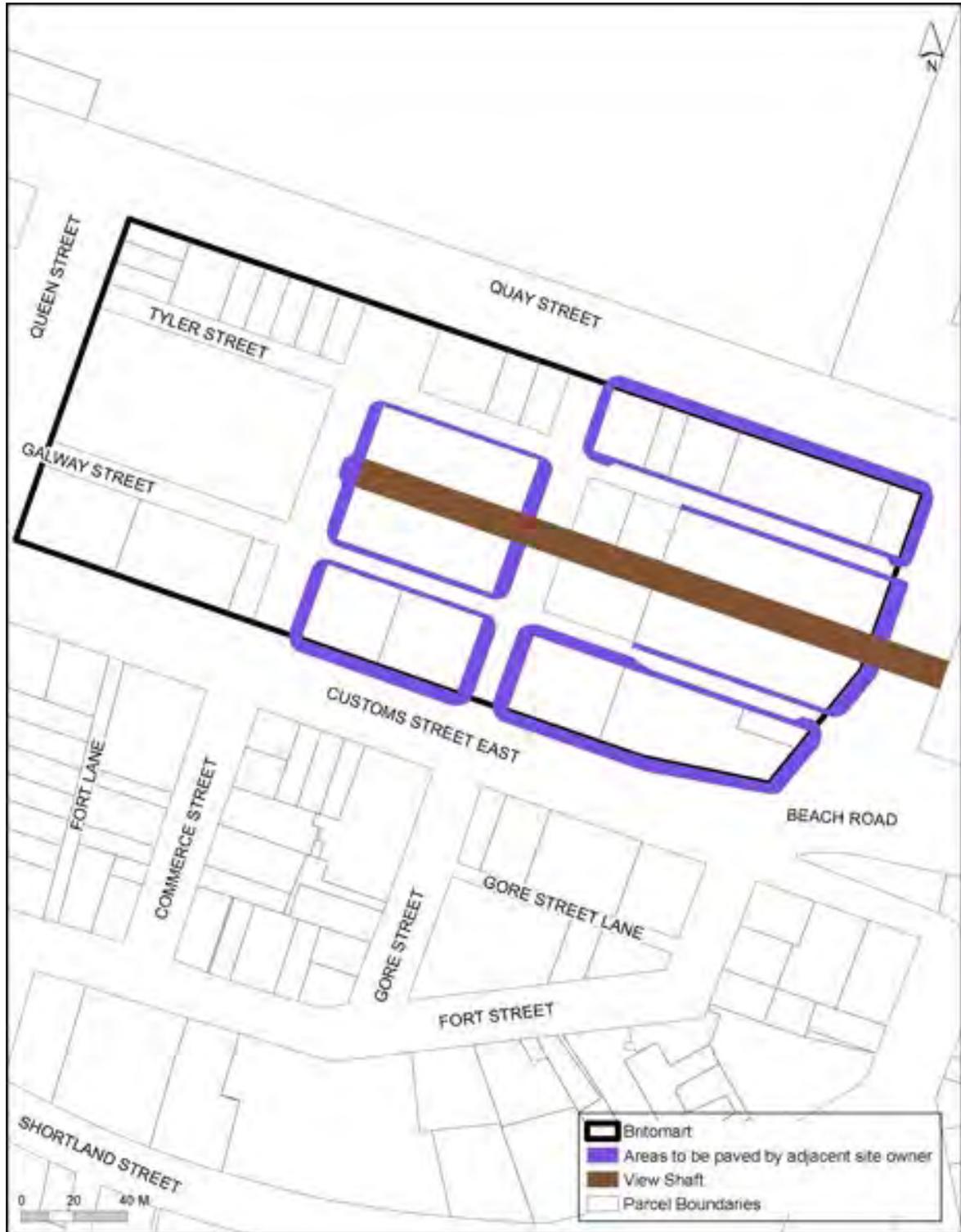
Britomart : Precinct plan 2 - Site intensity controls



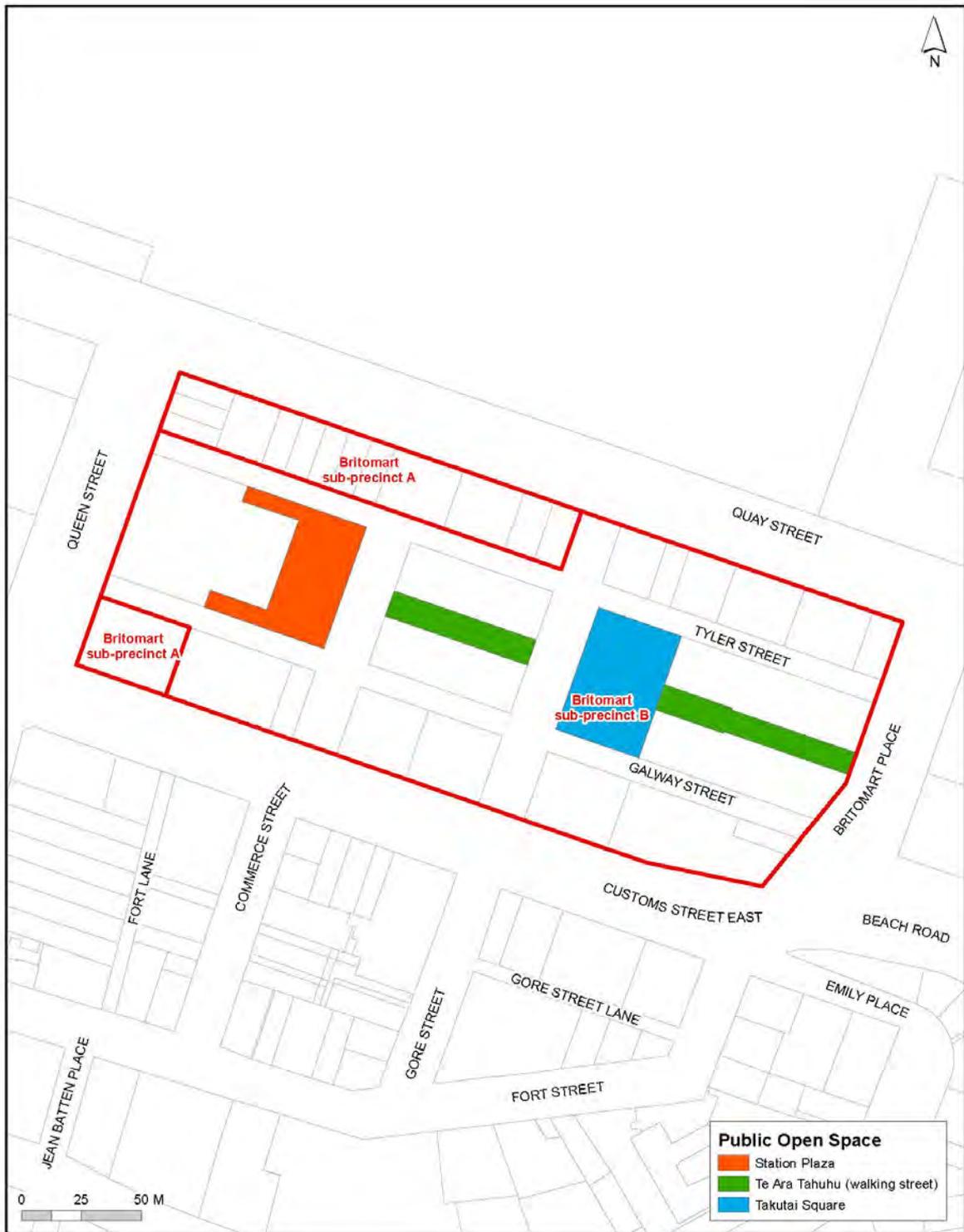


**Britomart precinct plan 2: Site intensity controls**

I201.10.3 Britomart Precinct: Precinct plan 3 - Paving and viewshafts



I201.10.4 Britomart Precinct: Precinct plan 4 - Public open space



## **I202. Central Wharves Precinct**

### **I202.1. Precinct description**

The zoning of the land within the Central Wharves Precinct is the Business – City Centre Zone and the underlying zoning of the part of the Central Wharves Precinct within the coastal marine area is the Coastal – General Coastal Marine Zone.

The Central Wharves Precinct incorporates the finger wharves between Viaduct Harbour precinct and the Port Precinct, including Princes Wharf, Queens Wharf and Captain Cook Wharf and the adjacent coastal marine area. The extent of the Central Wharves Precinct is shown on Precinct plan 1. Coordinates for the precinct boundary in the coastal marine area are shown on Precinct plan 3.

The precinct is characterised by its active water edge, maritime passenger operations (including cruise ships), marine and port activities, proximity to the city core, and areas of low-rise character buildings.

Captain Cook Wharf currently forms part of the working port infrastructure where public access is necessarily restricted. It may be appropriate to provide for public access and development if this wharf is no longer required for port operations.

The purpose of the precinct is to provide for ongoing use for maritime passenger operations and other marine and port activities, and in parts of the precinct to provide an environment and an appropriate scale of built form for public activities, marine facilities and events, while maintaining public access to the waterfront and providing for sustainable land and coastal management within the precinct.

### **I202.2. Objectives [rcp/dp]**

- (1) A world-class visitor destination that is recognised for its quality buildings, public open spaces, recreational opportunities, marine and port activities and facilities and events.
- (2) Development which is of a medium to low scale on the waterfront which integrates and does not conflict with the scale of development in neighbouring precincts.
- (3) A safe, convenient and interesting environment, which optimises pedestrian and cycling use and connections to the waterfront and to the core central business district, in public areas of the precinct.
- (4) Public wharf space developed and used for predominantly public activities for the benefit of the people of Auckland and visitors while also enabling marine and port activities and maritime passenger operations.
- (5) Adverse effects arising from activities and development are avoided, remedied or mitigated, in an integrated manner across mean high water springs.

The overlay, Auckland-wide, Business – City Centre Zone and Coastal – General Coastal Marine Zone objectives apply in this precinct in addition to those specified above.

### **I202.3. Policies [rcp/dp]**

The policies are as listed in the Coastal – General Coastal Marine Zone for the coastal marine area in the precinct in addition to those specified below, with the exception of Policy [F2.5.3\(4\)](#).

For Captain Cook Wharf, the Business – City Centre Zone Policies [H8.3\(19\)-\(23\),\(25\),\(30\),\(34\) and \(36\)](#) apply to land within the precinct in addition to those specified below while the wharf is still being operated by Ports of Auckland Ltd for marine and port activities.

For all other areas in the precinct, and for Captain Cook Wharf when it is available for public use, the Business – City Centre Zone policies apply in addition to those specified below:

- (1) Enable the efficient operation and development of the precinct by providing for activities which have a functional need to locate in or adjacent to the coastal marine area, including maritime passenger operations, marine and port activities and maritime passenger facilities including for the cruise ship industry.
- (2) Enable the use of Captain Cook Wharf for marine and port activities while also:
  - (a) enabling the potential future redevelopment of this wharf for other activities in accordance with the objectives and policies for the Central Wharves Precinct; and
  - (b) enabling public access, events, and associated activities in a manner that does not constrain or conflict with the use of the wharf for marine and port activities.
- (3) Enable a diverse range of activities while:
  - (a) avoiding, mitigating or remedying potential adverse effects in an integrated manner across mean high water springs, including reverse sensitivity effects on marine and port activities and maritime passenger operations; and
  - (b) maintaining and enhancing public access to the water's edge, except where public access must be excluded for safety, security, biosecurity, Customs, maintenance or operational purposes.
- (4) Provide for continued use of all berthage areas adjacent to public open spaces for maritime passenger operations and other marine and port activities.
- (5) Manage building height to:
  - (a) achieve an appropriate scale in relation to the street network and the precinct's prominent waterfront location;
  - (b) provide a sense of intimacy along streets and waterfront public space frontages;

- (c) complement the height enabled in the adjacent Britomart, and Viaduct Harbour precincts; and
- (d) provide a transition in height between the core city centre and the harbour.
- (6) Encourage the development of a diverse range of high-quality visitor experiences including promenading, coastal recreation and temporary activities.
- (7) Provide for a network of different-sized public open spaces in key locations along the water's edge to cater for a range of recreational opportunities and provide vantage points.
- (8) Enable public access and events along Queens Wharf in a manner that does not constrain or conflict with the use of this wharf as a terminal and berthage for maritime passenger operations, cruise ship operations, other visiting non-cargo vessels and public transport facilities.
- (9) Enable public access, events, and associated activities along Captain Cook wharf in a manner that does not constrain or conflict with the use of the Port Precinct for marine and port activities.
- (10) Manage the land and coastal marine area to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on the ecology of the city centre coastal environment.
- (11) Limit the loss of identified significant public views from the city to the harbour and adjacent landscape features.
- (12) Enable dredging within the precinct that is necessary to provide for the safe and efficient navigation, manoeuvring, and berthing of vessels, while avoiding, remedying or mitigating any adverse effects.

#### **I202.4. Activity table**

Table I202.4.1 Activity table specifies the activity status for land use and development activities pursuant to section 9(3) of the Resource Management Act 1991 and the activity status for works, occupation and use (including dredging) in the coastal marine area pursuant to sections 12(1), 12(2), and 12(3) of the Resource Management Act 1991, including any associated discharges of contaminants or water into water pursuant to section 15 of the Resource Management Act 1991, or any combination of all of the above sections where relevant.

- (1) The activities in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Central Wharves Precinct unless otherwise specified in Table I202.4.1 Activity table.
- (2) The activities in the Business – City Centre Zone apply to land in the Central Wharves Precinct unless otherwise specified in Table I202.4.1 Activity table.
- (3) Those activities marked with \* have the listed activity status only when that activity is located on a coastal marine area structure (e.g. a new building on an

existing wharf). If that activity is located directly in the coastal marine area (e.g. a new wharf) a different activity status will apply.

- (4) The temporary activities provisions applying to the use of public places within the Business – City Centre Zone as set out in [E40 Temporary Activities](#) apply to existing coastal marine area structures within the Central Wharves Precinct.

### **Resource Management (National Environmental Standards for Freshwater) Regulations 2020**

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 apply to coastal wetlands and to any part of the coastal marine area that is upstream from the mouth of a river.

If an activity provided for in rules I202.4.1 to I202.9, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

**Table I202.4.1 Activity table**

Activity		Activity status	
		CMA [rcp]	Land [dp]
<b>Reclamation, declamation, drainage, deposition and dumping</b>			
(A1)	Maintenance or repair of a reclamation or drainage system	P	P
(A2)	Minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation	RD	NA
(A3)	Reclamation or drainage not otherwise provided for	D	NA
(A4)	Declamation	RD	RD
<b>Dredging, extraction and disturbance</b>			
(A5)	Maintenance dredging	C	NA
(A6)	Capital works dredging	RD	NA
<b>Use and activities and associated occupation</b>			
<b>Residential</b>			

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(A7)	Dwellings on Princes Wharf	P	NA
(A8)	Visitor accommodation on Princes Wharf	RD	NA
<b>Commerce</b>			
(A9)	Aquaculture activities	Pr	NA
(A10)	Commercial services on Princes Wharf	P*	NA
(A11)	Entertainment facilities on Princes Wharf	P*	NA
(A12)	Maritime passenger operations	P*	P
(A13)	Offices on Princes Wharf	P*	NA
(A14)	Parking on wharves accessory to marine and port activities, maritime passenger operations and events	P*	NA
(A15)	Parking on wharves that is not accessory to marine and port activities and maritime passenger operations and events (excluding Princes Wharf)	NC*	NA
(A16)	Parking on Princes Wharf	P*	NA
(A17)	Retail on Princes Wharf	P*	NA
(A18)	Offices, retail, commercial services and entertainment facilities not specified as a permitted or non-complying activity	D*	D
<b>Community</b>			
(A19)	Public amenities	P*	P
<b>Industry</b>			
(A20)	Marine and port activities	P	P
(A21)	Industrial activities not otherwise specified as a permitted or restricted discretionary activity	D	D
<b>Development</b>			
(A22)	Occupation of the CMCA by an activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent	RD	NA
(A23)	Permanent refuelling facilities for boats	RD	RD
(A24)	Marine and port facilities except for permanent refuelling facilities for boats	P*	P
(A25)	Marine and port accessory structures and services, excluding new pile moorings	P	P
(A26)	Marinas	P	NA
(A27)	Demolition or removal of any buildings or coastal marine area structures	P	P
(A28)	Hard protection structures including wave attenuation devices	RD	RD

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(A29)	Observation areas, viewing platforms, and boardwalks	RD	RD
(A30)	New and existing swing moorings including occupation and use by vessel to be moored	P	NA
(A31)	Pile moorings existing at 30 September 2013 including occupation and use by the vessel to be moored	P	NA
(A32)	New pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored	RD	NA
(A33)	Maimai	NC	NC
(A34)	Minor cosmetic alterations and repairs to a building that does not changes its external design and appearance	P*	P
(A35)	New buildings, and alterations and additions to buildings not otherwise provided for	RD*	RD
(A36)	Coastal marine area structures or buildings not otherwise provided for	D	NA
(A37)	Development that does not comply with Standard I202.6.1.2	NC	NC
(A38)	Development that does not comply with Standard I202.6.1.8	NC	NC
(A39)	Development that does not comply with I202.6.1.10(1)-(3)	NC	NC

**I202.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Table I202.4.1 above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table I202.4.1 Activity table and which is not listed in I202.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

**I202.6. Standards**

**I202.6.1. Land and water use standards**

The standards in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Central Wharves Precinct and the standards in the Business –

City Centre Zone apply to land in the Central Wharves Precinct unless otherwise specified below, except that:

- (a) the Coastal – General Coastal Marine Zone Standard [F2.21.9.4](#) Parking on coastal marine area structures for loading and unloading passengers and cargo to vessels does not apply to Captain Cook Wharf while it is still operated by Ports of Auckland Limited for marine and port activities; and
- (b) the Auckland-wide Noise rules [E25.6.2-E25.6.13](#); [E25.6.23-E25.6.26](#); [E25.6.27-E25.6.29](#) and [E25.6.31](#); [E25.6.32](#); [E25.6.33](#) do not apply to land and coastal marine area in the Central Wharves Precinct..

**I202.6.1.1. Activities on Princes Wharf**

- (1) Activities on Princes Wharf must comply with the following in Table I202.6.1.1.1:

**Table I202.6.1.1.1 Activities on Princes Wharf**

Activity	Maximum gross floor area allowed as a proportion of the overall gross floor area of buildings on Princes Wharf allowed in I202.6.1.8 Site intensity below
Visitor accommodation	30 per cent
Retail	5 per cent
Offices (except the Ports of Auckland building or offices that are accessory to marine and port activities)	10 per cent
Parking buildings and areas	35 per cent

**I202.6.1.2. Parking**

- (1) The number of parking spaces on Princes Wharf must not exceed 850, of which:
  - (a) at least 60 per cent of the spaces must be for short term parking (non-accessory); and
  - (b) at least five must be loading spaces.
- (2) On Princes Wharf, parking buildings or areas must not locate within 80m of the northern end of the wharf. This rule does not apply to parking associated with marine and port activities or loading associated with a permitted activity.

**I202.6.1.3. Maintenance or repair of a lawful reclamation or drainage system**

- (1) The work must not change the area occupied by the reclamation or drainage system.

- (2) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in ONC, ONF and SEA-M1 overlay areas and within seven days in other areas of the coastal marine area.
- (3) There must be an emergency spill plan in place to address the unforeseen release of contaminants from equipment being used for the activity.
- (4) All equipment and materials must be removed from the foreshore and seabed on the completion of works or activities.
- (5) Written advice must be given to the council at least 10 working days prior to the work starting.

**I202.6.1.4. Noise**

- (1) These standards do not apply to temporary activities allowed under the [E40 Temporary Activities](#) rules.
- (2) These standards do not apply to the operational requirements of commercial vessels including cargo vessel, tugs, passenger liners, naval vessels and commercial fishing vessels operating within the coastal marine area.
- (3) The noise level arising from any activity within the Central Wharves Precinct must not exceed the following:
  - (a) when measured beyond the inner control boundary shown on Precinct Plan 3 in the Port Precinct:

**Table I202.6.1.4.1 Noise limits**

Time	Noise level
7am – 11pm	65 dB LAeq
11pm to 7am	60 dB LAeq 70 dB Leq at 63 Hz 65 dB Leq at 125 Hz 75 dB LAFmax

**I202.6.1.5. Construction noise**

- (1) Construction activity within the Central Wharves Precinct must not exceed the noise levels specified in [E25.6.28](#) Construction noise levels in the Business – City Centre Zone and the Business – Metropolitan Centre Zone, when measured 1m from the façade of any building on the south side of Quay Street.

#### **I202.6.1.6. Lighting**

- (1) Artificial lighting illuminance associated with marine and port activities must not exceed 150 lux, measured at any point on the site containing the light source, in a horizontal or vertical plane at ground level.

Illumination associated with vehicles, mobile plant, and quay cranes are exempt from this standard.

- (2) Lighting sources associated with marine and port activities must be sited, directed and screened to avoid, as far as practicable, creating a navigation and transport safety hazard.
- (3) Lighting sources associated with marine and port activities must be sited, directed and screened to ensure, as far as practicable, that glare resulting from the lighting does not cause an unreasonable and appreciable level of discomfort to any persons.
- (4) Lighting sources associated with marine and port activities shall not exceed an added illuminance of 50 lux measured horizontally or vertically at any point on or directly above the kerbline on the southern side of Quay Street.
- (5) Artificial lighting illuminance not associated with marine and port activities must comply with the [E24 Lighting](#) rules.

#### **I202.6.1.7. Building height**

Purpose: manage the height of buildings to achieve Policy I202.3(5) of the Central Wharves precinct.

- (1) Buildings must not exceed the heights specified on Precinct plan 1.

#### **I202.6.1.8. Site intensity**

Purpose: manage the scale, form and intensity of development to maintain the character of Princes Wharf.

- (1) The gross floor area of all buildings on Princes Wharf must not exceed 100,000m<sup>2</sup>.

#### **I202.6.1.9. Public spaces and accessways**

Purpose: manage public spaces and accessways to achieve Policy I202.3(9) of the Central Wharves Precinct and Policy [H8.3\(37\)](#) of the Business – City Centre Zone.

- (1) Public accessways must be provided at ground level around the perimeter of Princes Wharf and Queens Wharf. The public accessways must have minimum dimensions as follows:
  - (a) Princes Wharf: 6m

(b) Queens Wharf: 10m

- (2) All public accessways within and around Princes Wharf and Queens Wharf must be available to the public at all times except where it is necessary to temporarily restrict access for security, safety or operational needs associated with marine and port activities or temporary events permitted under the Auckland-wide temporary activity rules or by resource consent.
- (3) Buildings or structures must not locate within the accessways. This standard does not apply to verandahs or lawful temporary buildings or structures.

(4) On Princes Wharf:

- (a) a minimum of 35 per cent of the overall wharf deck area must be maintained as external public space. A minimum of 30 per cent of this space must be located at the northern end of the wharf. For a length of 64m, external steps, ramps or landings must be provided to enable access from within the development down to the public areas at wharf deck level; and
- (b) a minimum of 15 per cent of the total gross floor area of the wharf deck level and the first upper level of all buildings must be in the form of internal public spaces and accessways and must include:
  - (i) internal pedestrian access to the northern end of the first upper level of any development, leading to the stairs or ramps required to provide access down to the wharf deck; and
  - (ii) an internal public space of at least 500m<sup>2</sup> on the first upper level of any development, commencing within 80m of the northern exterior wall, and designed to enable maximum views of the coastal marine area.

#### **I202.6.1.10. Viewshafts**

Purpose: manage development to maintain identified public views from the city to the harbour and adjacent landscape features.

- (1) Buildings or structures must not locate within those areas of land identified as viewshafts on Precinct plan 2. This standard does not apply to verandahs, existing buildings or structures, temporary activities, or marine and port accessory structures and services.
- (2) Coastal marine area structures must not locate within or over those parts of wharves and waterspace identified as viewshafts on Precinct plan 2. This standard does not apply to existing coastal marine area structures or

their reconstruction, temporary activities, or marine and port accessory structures and services.

- (3) Marine and port facilities that do not comply with I202.6.1.10(1)-(2) above are a restricted discretionary activity.

## **I202.7. Assessment – controlled activities**

### **I202.7.1. Matters of control**

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application:

- (1) maintenance dredging:
  - (a) effects on coastal processes, ecological values and water quality;
  - (b) effects on other users of the coastal marine area, navigation and safety;  
and
  - (c) consent duration and monitoring.

### **I202.7.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for controlled activities:

- (1) maintenance dredging:
  - (a) whether methods are implemented to avoid, remedy or mitigate the release of contaminated sediment;
  - (b) whether methods are implemented to avoid, remedy or mitigate effects on other users of the coastal marine area, navigation and safety;
  - (c) whether measures are taken to avoid, remedy or mitigate significant adverse effects on sediment quality;
  - (d) whether measures are taken to avoid, remedy or mitigate significant adverse ecological effects; and
  - (e) whether monitoring, including periodic monitoring of sediment quality, is required in order to demonstrate the extent and type of effects of the dredging on water and sediment quality and the degree to which the effects are remedied or mitigated during the activity.

## **I202.8. Assessment – restricted discretionary activities**

### **I202.8.1. Matters of discretion**

The Council will reserve its discretion to all the following matters when assessing a restricted discretionary resource consent application:

- (1) declamation:
  - (a) construction or works methods, timing and hours of construction works;

- (b) location, extent, design and materials used;
  - (c) effects on coastal processes, ecological values, water quality;
  - (d) effects on public access, navigation and safety;
  - (e) effects on existing uses and activities; and
  - (f) consent duration
- (2) capital works dredging:
- (a) effects on coastal processes, ecological values, and water quality;
  - (b) effects on other users of the coastal marine area, navigation and safety; and
  - (c) consent duration and monitoring.
- (3) visitor accommodation on Princes Wharf:
- (a) the matters of discretion in [H8.8.1\(3\)](#) of the Business – City Centre Zone rules apply.
- (4) hard protection structures including wave attenuation devices:
- (a) location and design of the hard protection structure;
  - (b) effects on navigation and safety;
  - (c) effects on coastal processes including wave hydraulics;
  - (d) construction or works methods, timing and hours of operation; and
  - (e) consent duration and monitoring.
- (5) minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation:
- (a) form and design of the reclamation;
  - (b) contaminated material;
  - (c) the safe and efficient operation of marine and port activities;
  - (d) identified landscapes or sites of significance to Mana Whenua;
  - (e) construction or works methods, timing and hours of operation; and
  - (f) effects on natural hazards, coastal process, ecological values, water quality.
- (6) observation areas, viewing platforms, boardwalks and boat launching facilities:

- (a) the matters of discretion in [F2.23.1\(1\)](#) of the Coastal – General Coastal Marine Zone rules apply.
- (7) new buildings, and alterations and additions to buildings not otherwise provided for:
  - (a) the matters of discretion in [H8.8.1\(1\)](#) of the Business - City Centre Zone rules apply; and
  - (b) effects on public access, navigation and safety.
- (8) pile moorings established after the date of notification of this Unitary Plan including occupation and use by the vessel to be moored:
  - (a) the matters of discretion in [F5.8.1\(8\)](#) of the Coastal – Minor Port Zone apply.
- (9) permanent refuelling facilities for boats
  - (a) the matters of discretion in [F2.23.1\(1\)](#) of the Coastal – General Coastal Marine Zone apply.
- (10) occupation of the CMCA by an activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent:
  - (a) the matters of discretion in [F2.23.1\(1\)](#) and [F2.23.1\(2\)\(c\)](#) of the Coastal – General Coastal Marine Zone apply; and
  - (b) effects on the safe and efficient use, operation and development of the CMCA subject to Ports of Auckland's existing occupation consents.
- (11) noise and construction noise:
  - (a) effects on land uses beyond the precinct;
  - (b) measures to avoid, remedy and mitigate the adverse effects of noise; and
  - (c) operational requirements of the Port of Auckland.
- (12) lighting:
  - (a) effects on adjacent land uses;
  - (b) measures to avoid, remedy and mitigate the adverse effects of lighting; and
  - (c) operational requirements of the Port of Auckland.
- (13) building height:
  - (a) building scale and dominance / visual amenity effects;
  - (b) effects on the current or planned future form and character of the precinct; and

- (c) pedestrian access and amenity.
- (14) public spaces and accessways:
  - (a) pedestrian access and amenity; and
  - (b) operational requirements.
- (15) marine and port facilities within identified viewshafts:
  - (a) effects on the visual integrity of the identified viewshaft; and
  - (b) operational requirements of the Port of Auckland.

#### **I202.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) declamation:
  - (a) whether the adverse effects of declamation are avoided, remedied or mitigated in respect of the effects of the final land/water configuration on:
    - (i) the marine environment (including coastal processes, water quality, sediment quality and ecology) of the coastal marine area;
    - (ii) hydrogeology (ground water) and hydrology; and
    - (iii) sediment accumulation and the need for ongoing maintenance dredging of the coastal marine area.
  - (b) whether declamation works, including the construction of seawalls, avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated soils and groundwater, and other contaminants;
  - (c) whether declamation is located and designed so that the adjacent land area can provide adequate public open space adjacent to, and public access around along the waters edge whether on land or on the adjacent water space.
- (2) capital works dredging:
  - (a) whether measures are taken to avoid, remedy or mitigate adverse effects on coastal processes, ecological values, and water quality;
  - (b) whether effects on other users of the coastal marine area during the dredging are avoided, remedied or mitigated;
  - (c) whether consent duration is limited to the minimum duration reasonably necessary for the functional or operational needs of the activity;

- (d) whether monitoring is required in order to demonstrate the extent and type of effects of the dredging, and the degree to which the effects are remedied or mitigated during and after the activity.
- (3) hard protection structures including wave attenuation devices:
- (a) whether the location and design of the hard protection structure consider existing activities including marine related industries, other marine activities and/or adjoining residential/coastal activities;
  - (b) whether the location and design of the hard protection device consider the effects of wave hydraulics on other users of the coastal marine area and on the adjacent coastline;
  - (c) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants.
- (4) minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation:
- (a) whether reclamation, as far as practicable, mitigates adverse effects through their form and design, taking into account:
    - (i) the compatibility of the design with the location;
    - (ii) the degree to which the materials used are visually compatible with the adjoining coast;
    - (iii) the ability to avoid consequential erosion and accretion, and other natural hazards;
    - (iv) the effects on coastal processes;
    - (v) the effects on hydrology.
  - (b) whether the use of contaminated material in a reclamation is avoided unless it is contained in a way that avoids, remedies or mitigates adverse effects on water quality, aquatic ecosystems and biodiversity;
  - (c) the Council will consider the extent to which the reclamation will affect identified landscapes or sites of significance to Mana Whenua;
  - (d) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants.
- (5) visitor accommodation on Princes Wharf:
- (e) the assessment criteria in [H8.8.2\(3\)](#) of the Business – City Centre Zone rules apply.
- (6) observation areas, viewing platforms, and boardwalks:

- (a) the assessment criteria in --clauses [F2.23.2\(1\)](#) and [F2.23.2\(17\)](#) of the Coastal –General Coastal Marine Zone rules apply in addition to the criteria below;
  - (b) the extent to which the design and finish complement and enhance the coastal environment, open spaces and pedestrian linkages.
- (7) new buildings, and alterations and additions to buildings not otherwise provided for:
- (a) the assessment criteria in [H8.8.2\(1\)](#) of the Business – City Centre Zone rules apply in addition to the criteria below;
  - (b) whether effects on public access, navigation and safety are avoided or mitigated.
- (8) new pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored:
- (a) the assessment criteria in [F5.8.2\(8\)](#) of the Coastal – Minor Port Zone apply.
- (9) permanent refuelling facilities for boats:
- (a) the assessment criteria in [F2.23.2\(1\)](#) of the Coastal – General Coastal Marine zone apply.
- (10) occupation of the CMCA by an activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent:
- (a) the assessment criteria in [F2.23.2\(1\)](#) and [F2.23.2\(9\)](#) of the Coastal – General Coastal Marine Zone apply in addition to the criteria below;
  - (b) whether the actual or potential adverse effects on the safe and efficient use, operation and development of the coastal marine area occupied by Ports of Auckland are avoided.
- (11) noise and construction noise:
- (a) the extent to which adverse effects on the health and amenity values of people who may be affected are avoided, remedied and mitigated, taking into account the existing noise environment, the frequency and duration of the proposed infringement and the practicality of managing the noise emissions; and
  - (b) the operational requirements of the Port of Auckland.
- (12) lighting:
- (a) the extent to which adverse effects on the health and amenity values of people who may be affected are avoided, remedied and mitigated, taking into account existing light levels; and

(b) the operational requirements of the Port of Auckland.

(13) building height:

(a) building height may be exceeded where it would provide an attractive and integrated roof form that also meets the purpose of the standard;

(b) where building height is exceeded, Policy I202.3(5) of the Central Wharves Precinct and Policy [H8.3\(30\)](#) of the Business – City Centre Zone should be considered.

(14) public spaces and accessways:

(a) whether public access to the water's edge is provided;

(b) whether operation of marine and port activities are enabled.

(15) marine and port facilities within identified viewshafts:

(a) whether the location, number, design and operation of the marine and port facilities limit the loss of identified significant public views from the city to the harbour and adjacent landscape features;

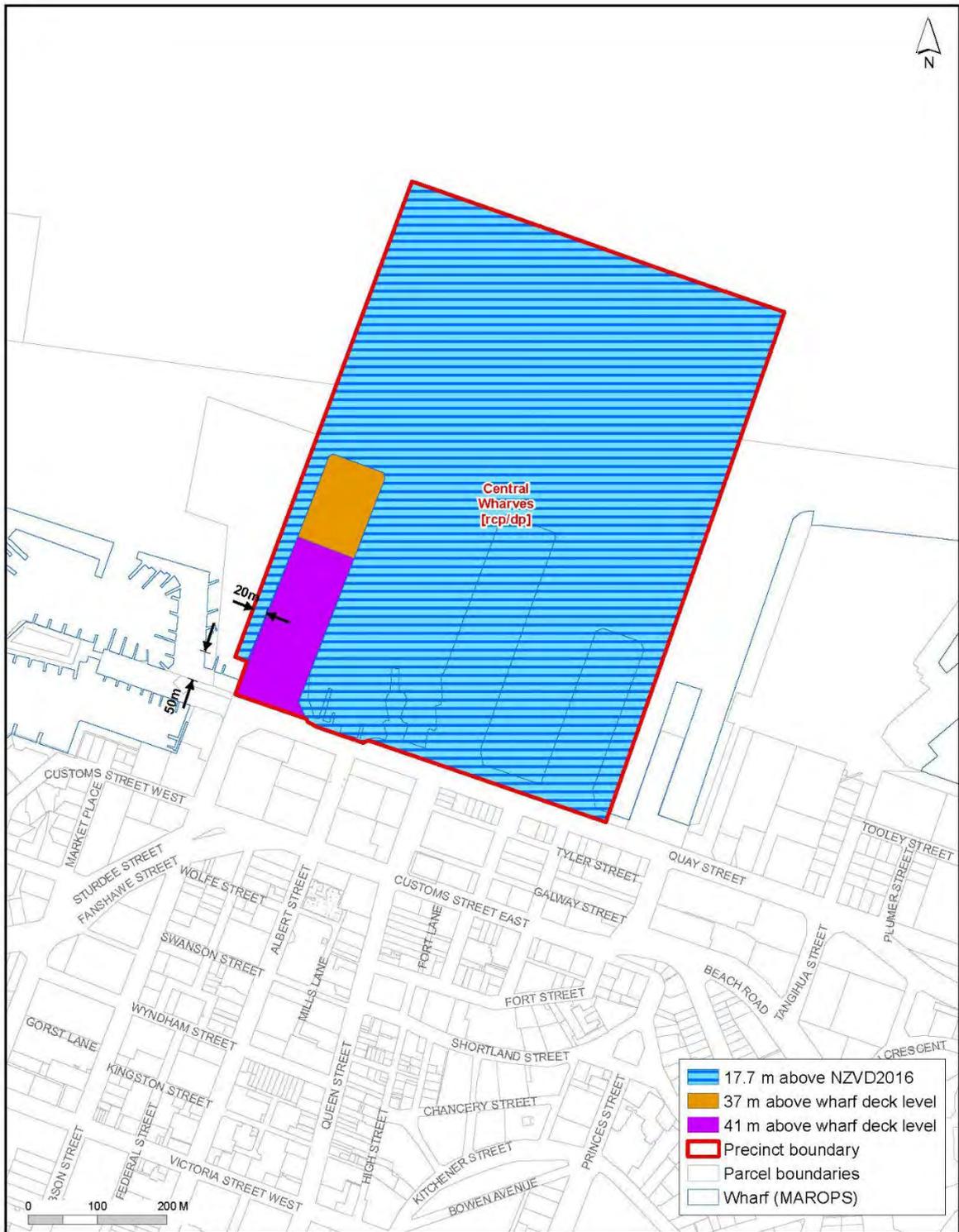
(b) the operational requirements of the Port of Auckland.

#### **I202.9. Special information requirements**

There are no special information requirements in this section.

#### **I202.10. Precinct plans**

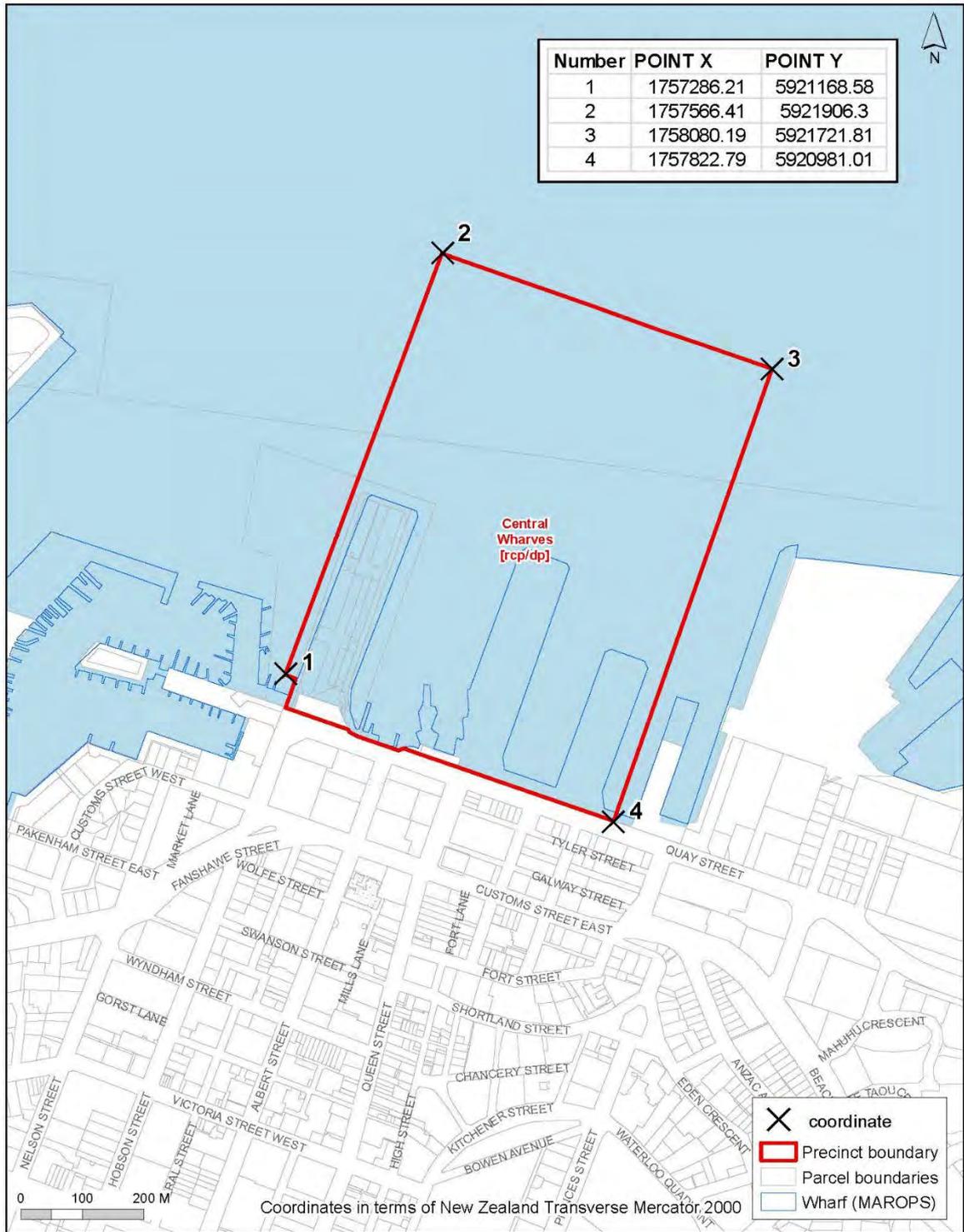
I202.10.1 Central Wharves: Precinct plan 1 - Building heights



I202.10.2 Central Wharves: Precinct plan 2 - Viewshafts



**I202.10.3 Central Wharves: Precinct plan 3 - Precinct boundary coordinates in the coastal marine area**



## **I205. Downtown West Precinct**

### **I205.1. Precinct description**

The Downtown West Precinct is located within the heart of the city centre waterfront, between the established Viaduct Harbour Precinct and regenerating Britomart Precinct. The precinct has a mix of commercial and residential land uses including a major hotel and open spaces.

The block bounded by lower Queen Street, Customs Street West, lower Albert Street and Quay Street is generally held in single ownership and has significant redevelopment potential. Queen Elizabeth Square is legally recognized as a road with pedestrian mall status under the Local Government Act 1974. As such, no zone has been applied to the square. As part of any future development proposal, alternative locations for the square should be investigated and identified, potentially including a combination of both publicly provided open spaces, pedestrian and cycle connections and enhanced through site links within the block.

Council has confirmed approval to sell or lease part of Queen Elizabeth Square to ensure that redevelopment of the block is of the highest 'world class' design quality and the proceeds from the sale of Queen Elizabeth Square are reinvested in new or enhanced downtown public space/s and collectively, these alternative spaces should achieve a better street and open space network than is presently offered within or immediately adjoining the precinct. If the road stop process is approved, the square can be closed and the precinct provisions together with the Business – City Centre Zone objectives, policies and rules will apply.

The land in the Downtown West Precinct is zoned Business – City Centre Zone and Open Space – Informal Recreation Zone.

### **I205.2. Objectives**

- (1) The precinct contains a mix of uses and the form and scale of development is integrated with the core central business district and the waterfront.
- (2) High quality public open space is provided and pedestrian connectivity from the core central business district to the waterfront and from Britomart to the west is enhanced.
- (3) Development recognises the precinct's location as part of Auckland's primary transport centre and supports the transport facilities within and around the precinct.

The overlay, Auckland-wide and zone objectives apply in this precinct in addition to those specified above.

### **I205.3. Policies**

- (1) Enable and encourage a diverse range of activities within the precinct including residential (including visitor accommodation), commercial, recreational, temporary activities and events.

- (2) Encourage an integrated network of attractive streets, lanes and pedestrian connections to improve pedestrian permeability and accessibility through the precinct and supports the transport interchange function of the area.
- (3) Provide for an interconnected network of high quality public open spaces and publicly accessible spaces which vary in form and function in highly accessible locations within the precinct that are activated by uses around their periphery.

The overlay, Auckland-wide and zone policies apply in this precinct in addition to those specified above.

**I205.4. Activity table**

Table I205.4.1 Activity table – Sub-precinct A and Table I205.4.2 Activity table – Sub-precinct B specifies the activity status of land use activities in the Downtown West Precinct pursuant to section 9(3) of the Resource Management Act 1991.

- (1) The activities listed in the Business – City Centre Zone apply in the Downtown West Precinct except to Area A identified on Precinct plan 1, or otherwise specified in the activity table below.
- (2) The activity status of activities within existing roads, including streets and lanes (including Area A), is the same as for roads.
- (3) If the legal road within Area A or Sub-precinct B on Precinct plan 1 is closed, the area will be classified as Business – City Centre Zone and Downtown West Precinct.

**Table I205.4.1. Activity table - Sub-precinct A**

Activity		Activity status
(A1)	Activities in Table <a href="#">H8.4.1</a> Activity table in the H8 Business – City Centre Zone	
(A2)	Development that does not comply with Standard I205.6.2 Pedestrian connections	RD

**Table I205.4.2. Activity table - Sub-precinct B**

Activity		Activity status
<b>Development</b>		
(A3)	Minor cosmetic alterations to a building that does not change its external design and appearance	P
(A4)	New buildings, and alterations and additions to buildings	RD
(A5)	Open space or through-site links	RD
(A6)	Vehicle, cycle and pedestrian access	RD

(A7)	Development that does not comply with Standard I205.6.2 Pedestrian connections	RD
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**I205.5. Notification**

- (1) Any application for resource consent for an activity listed in Table I205.4.1. Activity table - Sub-precinct A and Table I205.4.2. Activity table - Sub-precinct B above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

**I205.6. Standards**

The overlay, zone and Auckland-wide standards apply in this precinct unless otherwise specified below.

All permitted and restricted discretionary activities listed in Table I205.4.1. Activity table - Sub-precinct A and Table I205.4.2. Activity table - Sub-precinct B must comply with the following standards.

**I205.6.1. Area A**

- (1) When the legal road within Area A on Downtown West: Precinct plan 1 or the legal road within Sub-precinct B is closed, the standards applying to the adjoining land within the precinct will apply except that Standard [H8.6.3](#) Admission of sunlight to public places does not apply to a building up to 19 metres above mean street level within Area A on Downtown West: Precinct plan 1. The minimum frontage height (19 metres) does apply between points A and B as shown on the Downtown West: Precinct plan 1.

**I205.6.2. Pedestrian connections**

- (1) Upon the erection of any new building on either of the blocks between Lower Queen Street and Lower Hobson Street, and unless already provided, an ~~at-grade~~, east-west pedestrian connection across the block must be provided, and must achieve the following:
  - (a) provide straight pedestrian routes between streets, with a clear pedestrian movement width of at least 5 metres;
  - (b) protect pedestrians from the weather;
  - (c) incorporate natural daylight through glazed canopies of glazed roof structures;
  - (d) be publicly accessible 24 hours a day, 7 days a week; and
  - (e) incorporate active uses at ground floor level framing the pedestrian connection; and

- (f) provide accessible, direct and unobstructed transitions between levels, including through ramps or lifts as required.

Purpose: To support the transport interchange function of the area by facilitating clear and unobstructed pedestrian movement through the precinct at-grade.

Note: The above requirement applies only to the development site, and accordingly it is acknowledged that the laneway may be developed incrementally, particularly across the block bounded by Lower Albert Street, Customs Street West, Lower Hobson Street and Quay Street.

- (2) Redevelopment of the block between Lower Queen Street and Lower Albert Street must include an at-grade, north-south pedestrian laneway connection between Customs Street West and Quay Street.

Purpose: To support pedestrian movement between the City Centre Core and the waterfront.

- (3) Redevelopment of the block between Lower Albert Street and Lower Hobson Street must include an at-grade, north-south pedestrian laneway connection between Customs Street West and Quay Street, being generally aligned with Federal Street.

Purpose: To support pedestrian movement between the City Centre Core and the waterfront.

#### **I205.7. Assessment – controlled activities**

There are no controlled activities in this precinct.

#### **I205.8. Assessment – restricted discretionary activities**

##### **I205.8.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions:

- (1) new buildings, and alterations and additions to buildings:
  - (a) the matters of discretion in [H8.8.1\(1\)](#) for new buildings and external alterations and additions to buildings not otherwise provided for; and
  - (b) the location, bulk and scale of buildings relative to overall development, including the layout and design of roads, pedestrian linkages, open spaces, earthworks areas and land contours, and infrastructure location; and
  - (c) design, bulk and location of buildings;
- (2) open spaces or through-site links
  - (a) the location, physical extent and design of the transport network;
  - (b) the location, physical extent and design of open space;

- (c) integration of development with neighbouring areas, including integration of the transport network with the transport network of the wider area; and
  - (d) layout and design of public open space should meet the demand of future occupants of the site and be of a high quality, providing for public use and accessibility, views, sunlight access and wind protection within the application area.
- (3) vehicle, cycle and pedestrian access and circulation:
- (a) the location, physical extent and design of the transport network; and
  - (b) integration of development with neighbouring areas, including integration of the transport network with the transport network of the wider area;
- (4) infringing the pedestrian connections standard:
- (a) functional, safe, and convenient pedestrian access between Lower Queen Street and Lower Hobson Street, and between Customs Street West and Quay Street.

#### **I205.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions:

- (1) new buildings, and alterations and additions to buildings:
  - (b) the assessment criteria in [H8.8.2\(1\)](#) of the Business - City Centre zone rules for new buildings and/or alterations and additions to buildings apply.
  - (c) the proposed building, alteration or addition relative to the location of infrastructure servicing the area and open space should result in an integrated network that is adequate to meet the needs of the overall development area;
- (2) open spaces or through-site links:
  - (a) the transport network (roads, public transport connections, pedestrian connections and cycle connections) is generally provided in the location identified in the precinct plan to achieve a legible street network. Where no location is identified, an integrated and efficient street and pedestrian network should be provided, including connections to existing and future streets and networks;
  - (b) public open spaces are generally provided in the location(s) identified in the precinct plan to meet the needs of the local community. Where no location is identified, open space should be provided to and located to serve the future needs of the local community; and

- (c) layout and design of public open space should meet the demand of future occupants of the site and be of a high quality, providing for public use and accessibility, views, sunlight access and wind protection within the application area.

(3) vehicle, cycle and pedestrian access and circulation:

- (a) the transport network (roads, public transport connections, pedestrian connections and cycle connections) is generally provided in the location identified in the precinct plan to achieve a legible street network. Where no location is identified, an integrated and efficient street and pedestrian network should be provided, including connections to existing and future streets and networks;

(4) infringing the pedestrian connections standard:

- (a) whether development that infringes the pedestrian connection standard demonstrates that:

- (i) there is a safe, legible, accessible and direct link through the block;
- (ii) the width of the lane or link is sufficient to provide a functional connection between the adjoining streets;
- (iii) there is adequate provision for pedestrian movement in support of existing east-west options, and in support of the transport interchange function of the area; and
- (iv) north-south pedestrian movement options are increased through blocks in support of pedestrian flows between the City Centre core and the waterfront, with a focus on the quality and interest provided through and along those routes.

- (b) consistency with the planned future form and character of the Downtown Precinct:

- (i) where the pedestrian connection standard is infringed, whether the proposal demonstrates that Policies I205.3(2) and I205.3(3) above are met.

- (c) the extent to which:

- (i) visibility to, from, and within the pedestrian connection is provided to support public safety; and
- (ii) wayfinding elements are integrated to guide pedestrians and enhance navigability with consideration to potential obstructions, level changes, signage and intersections with other pathways.

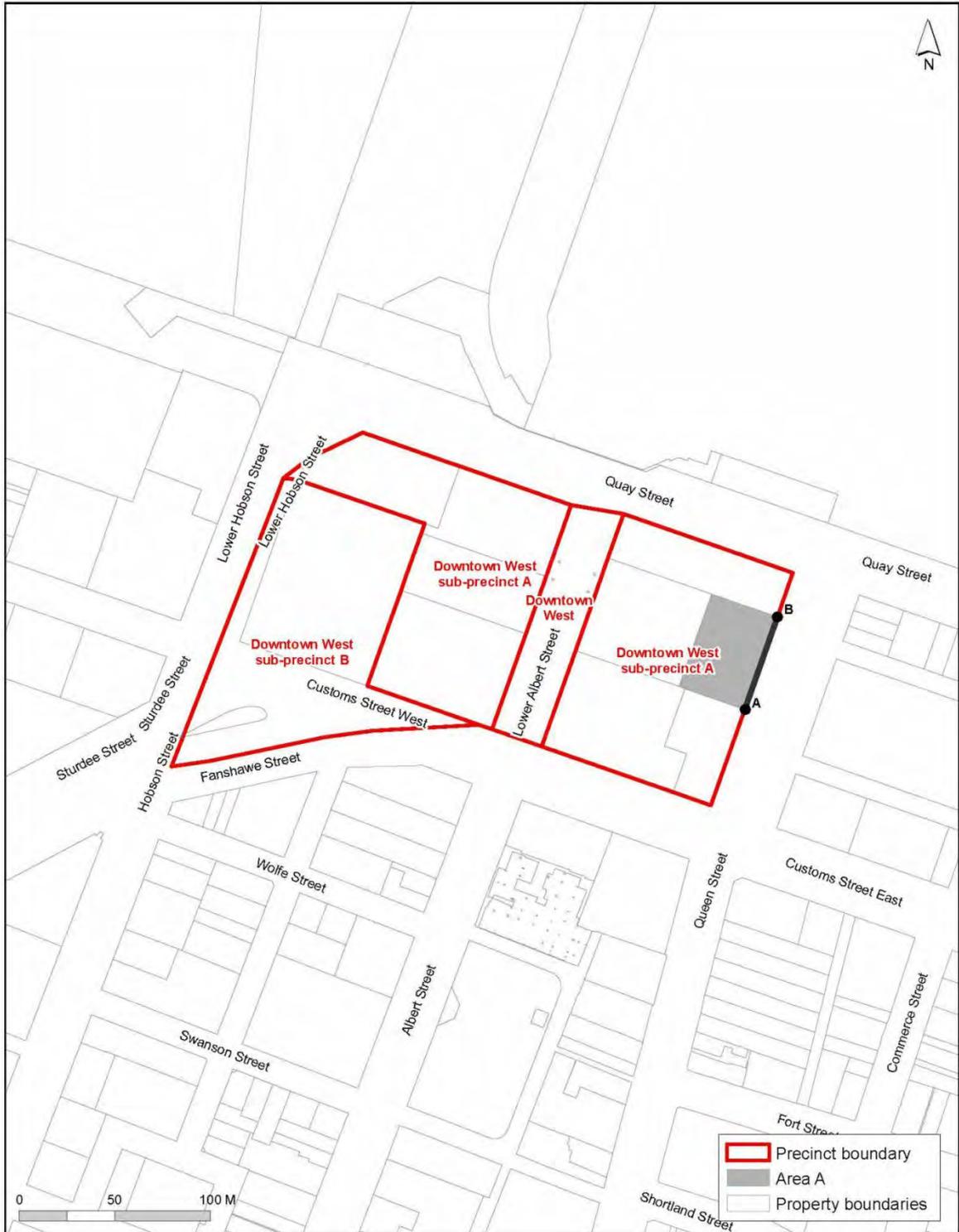
### **I205.9. Special information requirements**

There are no special information requirements in this precinct.

### **I205.10. Precinct plans**

I205 Downtown West Precinct

**I205.10.1 Downtown West Precinct: Precinct plan 1 – Extent of sub-precincts A and B, and Area A**



## **I206. Karangahape Road Precinct**

### **I206.1. Precinct description**

The Karangahape Road Precinct seeks to maintain and enhance the area's distinctive built form and streetscape character. This distinctive character is derived from its:

- ridge top location, orientation and aspect;
- concentration of historic heritage and special character buildings and features; and
- diverse and multi-cultural mix of activities.

Built form and the street frontages of buildings are significant components of the precinct's character. While there is disparity in the age and detail of the frontages, there is an overall coherence. The design and appearance of building frontages is controlled to require new and altered buildings to be sympathetic to the existing qualities and character of the area.

Building form and scale in the precinct is controlled to maintain the spatial integrity of the street and the quality of street-level amenity where the east-west orientation of Karangahape Road enables good standards of sunlight penetration and contributes to the amenity of the area. These attributes are maintained by the frontage control applied to specific sites identified within the precinct and by the maximum height controls applied within and adjacent to the precinct through the general standards

The land in the Karangahape Road Precinct is zoned Business – City Centre Zone.

### **I206.2. Objectives**

- (1) The distinctive built form and streetscape character of the Karangahape Road Precinct is maintained and enhanced.

The overlay, Auckland-wide and Business – City Centre Zone objectives apply in this precinct in addition to those specified above.

### **I206.3. Policies**

- (1) Require building design to respect the form, scale and architecture of scheduled historic heritage places and special character buildings in the Karangahape Road Precinct.
- (2) Maintain the precinct's character and architectural style by requiring new buildings to be compatible in style, including scale, material, colour and detailing.
- (3) Require proposals for new buildings or additions to existing buildings adjoining or adjacent to scheduled historic heritage places or special character buildings to be sympathetic and provide contemporary and high-quality design which enhances the precinct's built form and streetscape character.
- (4) Require new buildings to be built to the street and manage height and building setbacks above street frontages in a manner that:

- (a) respects the general scale and form of existing buildings and avoids adverse dominance effects;
- (b) enhances the street environment for pedestrians by reducing down-drafts and wind tunnel effects, and maintains sunlight and daylight access to the street; and
- (c) contributes to the continuity of pedestrian interest and vitality.

The overlay, Auckland-wide and Business – City Centre Zone policies apply in this precinct in addition to those specified above.

**I206.4. Activity table**

The provisions in any relevant overlays, zone and the Auckland-wide apply in this precinct unless otherwise specified below.

Table I206.4.1 Activity table specifies the activity status of development activities in the Karangahape Road Precinct pursuant to section 9(3) of the Resource Management Act 1991.

**Table I206.4.1. Activity table**

Activity		Activity status
<b>Development</b>		
(A1)	Minor cosmetic alterations to a building that does not change its external design and appearance	P
(A2)	New buildings, and alterations and additions to buildings not otherwise provided for	RD
(A3)	Development that does not comply with Standard I206.6.1 Frontage height and setback	NC

**I206.5. Notification**

- (1) Any application for resource consent for an activity listed in Table I206.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

**I206.6. Standards**

The overlay, zone and Auckland-wide standards apply in this precinct unless otherwise specified below.

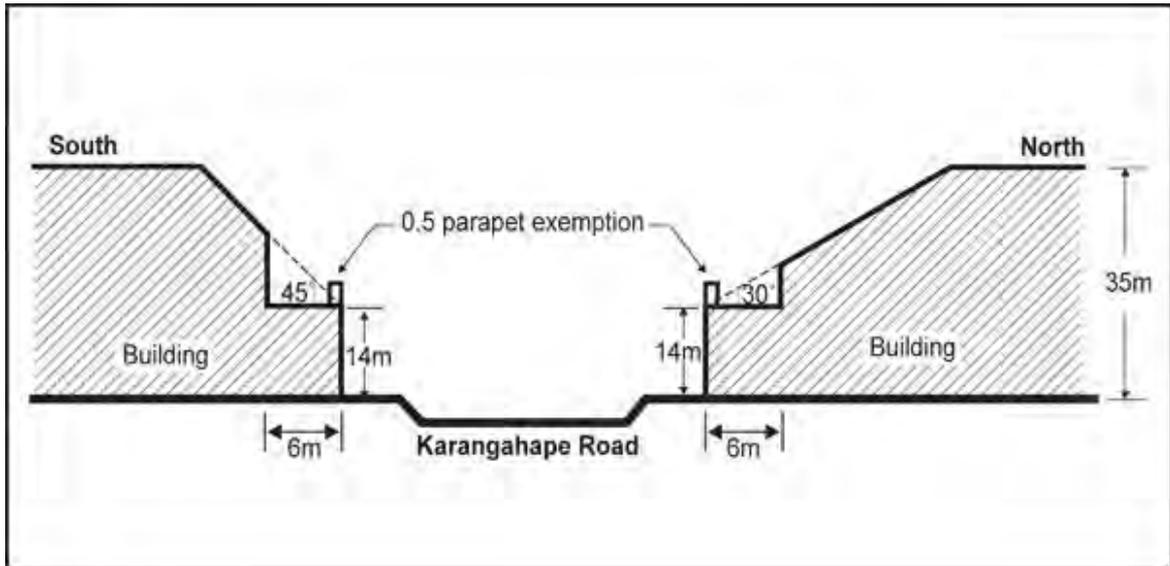
All permitted and restricted discretionary activities listed in Table I206.4.1 Activity table must comply with the following standards.

### **I206.6.1. Frontage height and setback**

Purpose: manage the scale of development to maintain and enhance pedestrian amenity, and to avoid buildings dominating public open space.

- (1) For frontages shown in Precinct plan 1 - Frontage height and setback, buildings must:
  - (a) adjoin the site frontage for its entire length excluding vehicle and pedestrian access areas;
  - (b) not have a building frontage that exceeds 14m in height above mean street level; and:
    - (i) where the building is located on the southern side of Karangahape Road, not project beyond a 45 degree recession plane measured at all points along the site frontage from 14 metres above mean street level; or
    - (ii) where the building is located on the northern side of Karangahape Road, not project beyond a 30 degree recession plane measured at all points along the site frontage from 14 metres above mean street level.
- (2) I206.6.1(1) above does not apply to towers, turrets or similar structures located on a corner site at the intersection of Karangahape Road and the following roads: Queen Street, Upper Queen Street, Pitt Street, Mercury Lane, East Street, and West Terrace.
- (3) Towers, turrets or similar structures located on a corner site at the intersection of Karangahape Road and the following roads: Queen Street, Upper Queen Street, Pitt Street, Mercury Lane, East Street, and West Terrace must not:
  - (a) exceed the maximum height by more than 5 metres;
  - (b) exceed an area of 18m<sup>2</sup>;
  - (c) exceed a horizontal dimension of 4 metres measured along the site frontage; and
  - (d) contain signs at a height greater than 12.5 metres above mean street level.

**Figure I206.6.1.1 Karangahape Road frontage height and setback**



**I206.7. Assessment – controlled activities**

There are no controlled activities in this precinct.

**I206.8. Assessment – restricted discretionary activities**

**I206.8.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions:

- (1) new buildings, and alterations and additions to buildings not otherwise provided for:
  - (a) building design and external appearance.

**I206.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions:

- (1) new buildings, and alterations and additions to buildings not otherwise provided for:
  - (a) building design and external appearance - creating a positive frontage:
    - (i) whether buildings are designed to address and align to the street boundary. Minor modulation and variance of the frontage such as recessed pedestrian entrances is encouraged to avoid architectural monotony;

(b) building design and external appearance - variation in building form/visual interest:

(i) whether building levels incorporate design elements which acknowledge the existing human scale and character of the precinct.

In particular:

- whether frontage height and design have regard to existing buildings in the vicinity and to maintain a consistent scale. This does not mean a rigid adherence to a single height but it does mean a respect for the general scale of the surrounding buildings to avoid dominance;
  - whether the design of building frontages include vertical and horizontal details that avoid dominance of frontage design elements larger than historically present. Where existing sites are amalgamated, whether the frontage design has regard to the existing grain of development and convey a residual sense of the original subdivision pattern;
  - whether the consistency of the existing character in a cohesive streetscape is maintained with the design of new buildings acknowledging the scale, sense of proportion and level of intricacy of detail on neighbouring buildings in the precinct;
  - whether the design of the ground level contributes to the continuity of pedestrian interest and vitality. However, frontages entirely of glass (curtain walling or continuous shopfront glazing) or of solid materials (including roller shutter doors of any size), should not be used at street level as they detract from the streetscape. Where feasible, restoration of original ground level detail should be included in plans for buildings adjoining historic heritage buildings or for alterations to historic heritage buildings;
  - at upper levels, whether large expanses of glass or blank walls are avoided. This will tend to favour solid walls penetrated by a pattern of windows above verandah level, articulation of floor levels and an appropriate treatment of the parapet level;
- (ii) whether the design of upper setback levels relate naturally to the lower frontage height levels in an acceptable architectural manner such as continuation of an elevational rhythm or recognisable visual theme or proportions;
- (iii) whether the design of buildings on corner sites and at the terminus of significant axial views use special features to accentuate focus and should have a landmark quality which can be easily identified from many directions, creating a sense of place;

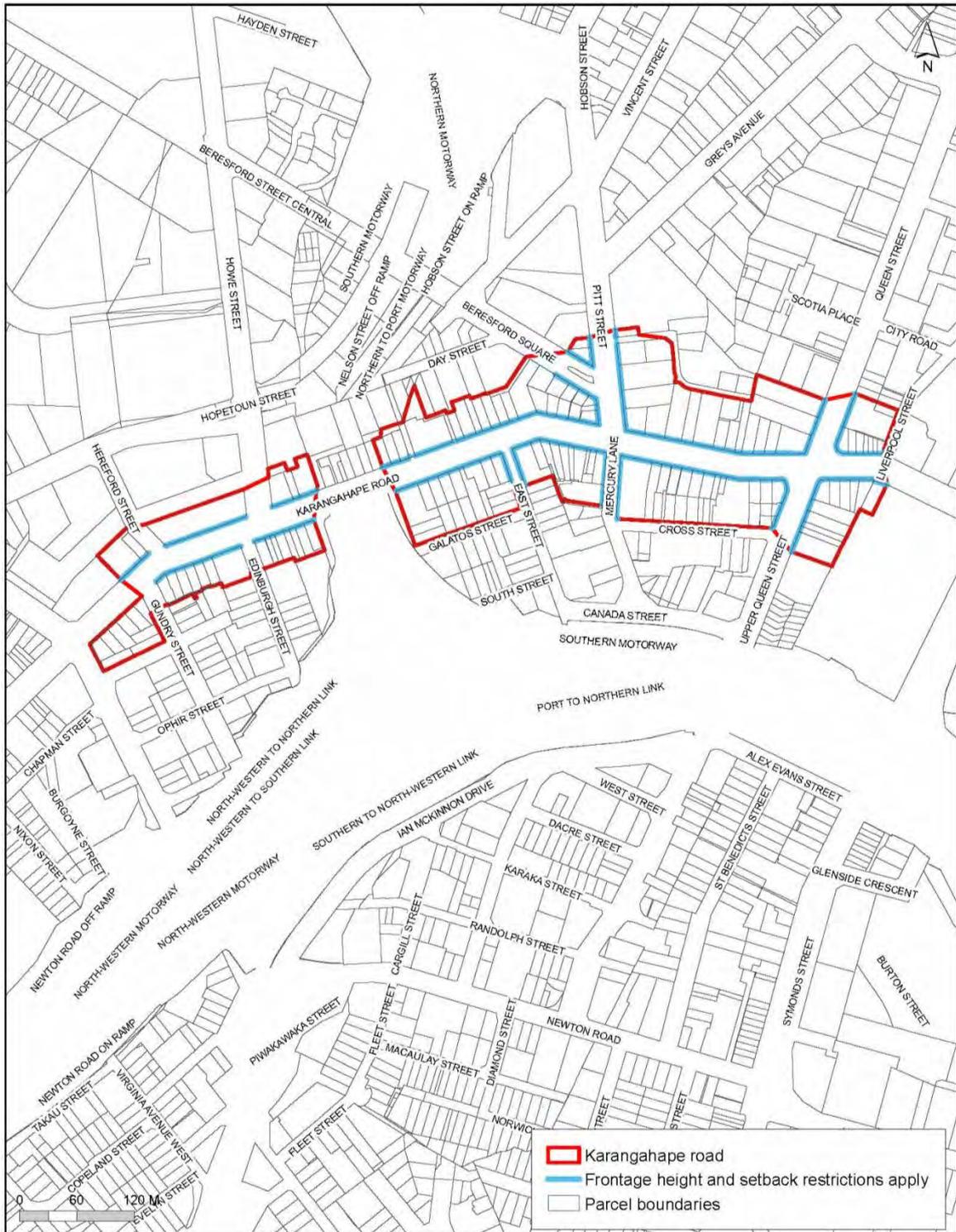
- (iv) whether signs and logos on frontages and fasciae are carefully integrated and visually clear so that they are unobtrusive and sympathetic with the architectural pattern of the buildings;
- (c) building design and external appearance - materials and finishes:
  - (i) whether materials, decoration and colour used for the exterior of new buildings or for alterations to the frontage of existing buildings have regard to existing buildings. New and contemporary interpretations in form and details may be used; and
  - (ii) whether frontage colour integrates with the existing vibrant streetscape, with colour considered as a whole, integrating under-verandah shop fronts with the frontage above. A frontage may be unified through the use of subdued colours or be given a sense of individuality by emphasising architectural features in contrasting colour.

**I206.9. Special information requirements**

There are no special information requirements in this precinct.

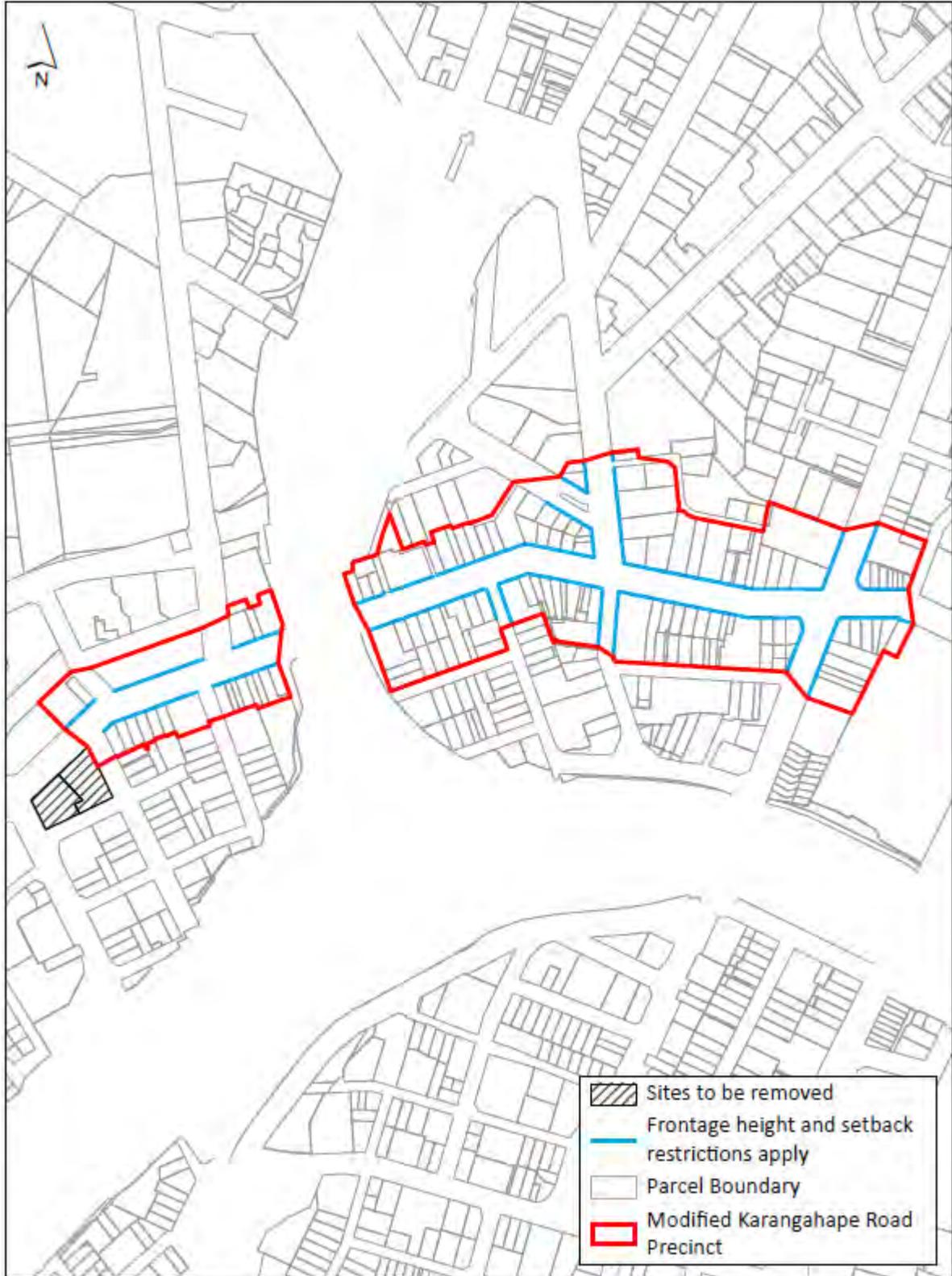
**I206.10. Precinct plans**

I206.10.1 Karangahape Road: Precinct plan 1 - Frontage height and setback



[Advice note not to be included – amend as follows]

**Sites to be removed from I206 Karangahape Road Precinct boundary**



## **I207. Learning Precinct**

### **I207.1. Precinct description**

The Learning Precinct is centred on the Symonds Street ridge where the University of Auckland and Auckland University of Technology have the majority of their properties and have created a tertiary education hub. The location and extent of the Learning Precinct is shown on Precinct plan 1. The Learning Precinct contains Sub-precinct A which specifically addresses parking controls for the University of Auckland land and Sub-precinct B, as shown in Precinct plan 5, which contains the Old Government House site.

The land in the Learning Precinct is zoned Business – City Centre Zone and Open Space – Conservation Zone.

The purpose of the Learning Precinct is to ensure the stimulation of education, research, business and cultural experiences by identifying key actions to enhance economic and social benefits to the city, add value and vitality to the central business district and raise awareness of opportunities for learning in the precinct.

The Council intends the precinct to remain the focus of the tertiary education sector in the city centre, with development retaining and enhancing the particular qualities of the location. The council acknowledges that further expansion will be necessary within the precinct, but has also made provision for education activities outside the precinct, subject to relevant standards. The precinct includes other activities such as offices, residential, retail and food and beverage.

The precinct is one of the most significant destinations in the city, with a large number of students and workers travelling to the area daily. This will increase over time as the University of Auckland consolidates its campuses into the central city.

The physical characteristics of the precinct include historic heritage places, and parks and gardens around the campuses.

#### *Sub-precinct B: Old Government House*

The Old Government House sub-precinct is located at the corner of Princes Street and Waterloo Quadrant. The land forms part of the University of Auckland complex. The buildings located on the site include the MacClaurin Chapel, the old gate keeper's cottage, and Old Government House.

The Old Government House Grounds, whilst in private ownership, are available for public use and provide a key open space within the city centre and in particular the University. The amenity of the area contrasts with the intensity of the surrounding building form.

The purpose of this sub-precinct is to ensure that the grounds remain predominantly an open space for passive recreation. As a result the range of activities allowed in this precinct is limited to education and associated activities. A number of features included within the grounds have been scheduled for protection.

## **I207.2. Objectives**

The overlay, Auckland-wide and Business – City Centre Zone objectives apply in this precinct in addition to those specified below:

- (1) Tertiary education and related activities are enabled to allow for growth and change within the precinct.
- (2) Campus buildings appropriate to education needs are developed to:
  - (a) respect and enhance the built character of the precinct;
  - (b) incorporate high-quality urban design; and
  - (c) avoid or mitigate adverse effects associated with development.
- (3) The predominance of existing tertiary education and accessory activities which characterise the precinct is continued while also providing for growth, change and diversification of activities over time.
- (4) Heritage values including historic heritage places, Māori sites of significance and notable trees, and the contribution they make to the precinct's character, are recognised, protected and enhanced.
- (5) Open spaces and pedestrian connections from the precinct to the wider city centre, including connections between activities and open spaces, are provided for and enhanced.
- (6) The transportation demands of the precinct are provided for and travel demand planning and operations are used to manage their effects on traffic and pedestrians on campuses.

### *Objective for Sub-precinct B: Old Government House*

The overlay, Auckland-wide and Open Space – Conservation Zone objectives apply in this precinct in addition to the objective specified below:

- (7) Education and related activities are enabled.

## **I207.3. Policies**

The overlay, Auckland-wide and Business – City Centre Zone policies apply in this precinct in addition to those specified below.

- (1) Enable a range of tertiary education activities and ancillary activities to occur within the precinct and recognise the functional requirements for those activities.
- (2) Support the efficient operation of the existing campuses while respecting, and where appropriate protecting, the particular built form, amenity and heritage values which contribute to the character of the precinct.

- (3) Provide for the growth and development of the existing campuses to meet existing needs and respond to future demand and changes in teaching, learning, research requirements and campus environments.
- (4) Require new buildings to be designed in a manner that respects existing buildings, provides for amenity, protects heritage values and, where appropriate, enhances the streetscape and gateway locations of the campuses.
- (5) Require new buildings to interface appropriately with the public realm by encouraging building frontages and activities to interact with the street and other public places.
- (6) Limit building height so that it is appropriate to its location, and:
  - (a) enhances and defines the landform;
  - (b) is generally consistent with the adjoining urban form and supports a distinctive urban form; and
  - (c) maintains views across the ridge from buildings in the core central business district.
- (7) Require proposals for new buildings or additions to existing buildings adjoining or adjacent to scheduled historic heritage places to be sympathetic and provide contemporary and high-quality design which enhances the precinct's built form.
- (8) Enable appropriate community use of the educational and research facilities, buildings and campus open spaces.
- (9) Require development to maintain and provide a varied network of key pedestrian connections, open space, and plazas within the campuses, consistent with education activities and campus operations.
- (10) Require pedestrian connections to be well-designed, safe, and improve connectivity for all users.
- (11) Require development to incorporate integrated transport planning that:
  - (a) promotes and enhances opportunities for bicycle and public transport
  - (b) avoids adverse traffic effects on pedestrian safety and amenity
  - (c) limits the amount of car parking in recognition of the limited carrying capacity of the road network and the desirability of maintaining the pedestrian-oriented character of the campuses
  - (d) recognises and provides for some roads within and adjoining the campuses.

*Policy Sub-precinct B: Old Government House*

The overlay, Auckland-wide and Open Space - Conservation Zone policies apply in this precinct in addition to the policy specified below.

- (12) Enable a range of education activities and accessory activities to occur within the Old Government House Grounds precinct

#### I207.4. Activity table

The provisions in any relevant overlays, zone and the Auckland-wide apply in this precinct unless otherwise specified below.

Table I207.4.1 Activity table specifies the activity status of land use and development activities in the Learning Precinct pursuant to section 9(3) of the Resource Management Act 1991.

**Table I207.4.1. Activity table - Learning Precinct including Sub-precinct A**

Activity		Activity status
<b>Residential</b>		
(A1)	Boarding houses	P
(A2)	Dwellings	P
(A3)	Visitor accommodation	P
<b>Commerce</b>		
(A4)	Commercial services	P
(A5)	Conference facilities	P
(A6)	Entertainment facilities	P
(A7)	Industrial laboratories	P
(A8)	Manufacturing	P
(A9)	Offices	P
(A10)	Retail	P
<b>Community</b>		
(A11)	Artworks	P
(A12)	Care centres	P
(A13)	Community facilities	P
(A14)	Educational facilities	P
(A15)	Emergency services	P
(A16)	Healthcare facilities	P
(A17)	Hospitals	P
(A18)	Information facilities	P
(A19)	Organised sport and recreation	P
(A20)	Marae Complex	P
(A21)	Recreational Facilities	P
(A22)	Tertiary Education	P

<b>Development</b>		
(A23)	An entry canopy (and any associated steps, balustrades and retaining walls defined as “building”) located in the position indicated by the symbol “#” in Precinct plan 1 within the “No buildings except as provided for by entry canopy and fire egress stair criteria” area	RD
(A24)	<del>Alterations to or replacement of the existing fire egress stairs located in the position indicated by the symbol “@” in Precinct plan 1 within the “No buildings except as provided for by entry canopy and fire egress stair criteria” area</del>	RD
(A25)	Demolition	C
(A26)	New buildings, relocation of buildings, and alterations and additions to buildings not otherwise provided for	RD
(A27)	Minor cosmetic alterations to a building that does not change its external design and appearance	P
(A28)	Internal alterations to existing buildings	P
(A29)	Conversion of a building or part of a building to dwellings, visitor accommodation or boarding houses	C
(A30)	The transfer and utilisation of unrealised parking within Sub-precinct A complying with Standard I207.6.1	RD
(A31)	Development that does not comply with Standard I207.6.1	NC

Table I207.4.2 Activity table specifies the activity status of land use and development activities in the Learning Precinct pursuant to section 9(3) of the Resource Management Act 1991.

Activities in the Open Space - Conservation Zone apply in Sub-precinct B Old Government House Grounds unless otherwise specified in the activity table below.

**Table I207.4.2. Activity table - Sub-precinct B Old Government House**

<b>Activity</b>		<b>Activity status</b>
<b>Community</b>		
(A32)	Tertiary education facilities	P
(A33)	Temporary activities	P
<b>Development</b>		
(A34)	Storage and maintenance building - not exceeding 50m <sup>2</sup>	P

### **I207.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Table I207.4.1. Activity table - Learning precinct including Sub-precinct A above will be considered without public or limited notification or the need to obtain written

approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

- (2) Any application for resource consent for an activity listed in Table I207.4.1. Activity table - Learning precinct including Sub-precinct A above and which is not listed in I207.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

### **I207.6. Standards**

The overlay, zone and Auckland-wide standards apply in this precinct unless otherwise specified below.

All permitted, controlled and restricted discretionary activities listed in Table I207.4.1 Activity table – Learning Precinct including Sub-precinct A and Table I207.4.2 Activity table - Sub-precinct B Old Government House must comply with the following standards.

#### **I207.6.1. Parking**

- (1) The total number of parking spaces within Sub-precinct A must not exceed 2000.
- (2) Where a site is located within Sub-precinct A and is accessed from either Grafton Road or Alten Road, an application for a restricted discretionary activity may be made to transfer to the recipient site the unrealised permitted parking from any other site or sites within Sub-precinct A held in the same ownership as the recipient site. Any transferred parking may be provided in addition to the amount of parking permitted on the recipient site in respect of any building or buildings erected on, or proposed for that site.
- (3) The unrealised permitted parking able to be transferred from the donor site, is the difference between the amount of parking permitted on the donor site and the amount actually provided, but only if the number of parking spaces provided on the donor site is less than that permitted.
- (4) For the purpose of monitoring the total number of parking spaces a register must be maintained by the council and the following must be recorded in it:
  - (a) the address and legal description of the donor and recipient sites;
  - (b) the number of parking spaces transferred to the recipient site and/or retained on the donor site; and
  - (c) the date of the consent permitting a transfer.

#### **I207.6.2. Temporary activities in Sub-precinct B**

The following standards apply to Sub-precinct B.

- (1) Temporary activities must be limited to functions and ceremonies.
- (2) Temporary activities can include temporary structures associated with functions and ceremonies including the erection of tents and marquees that meet the following:
  - (a) for up to 12 consecutive days and up to six times in a calendar year;
  - (b) not involving ground disturbance of more than 500mm; and
  - (c) includes storage and maintenance building not exceeding 50m<sup>2</sup>.

### **I207.6.3. Building height**

Purpose: manage the height of buildings to achieve Policy I207.3(6) of the Learning Precinct.

- (1) Buildings must not exceed the heights specified on Precinct plan 1.
- (2) Building height will be measured as the vertical distance between mean street level and a horizontal plane above that level for sites where no contour applies on Precinct plan 3. For all other sites on Precinct plan 3, building height will be measured in accordance with [H8.6.8](#) Measuring building height.
- (3) No additional height is permitted for buildings within the area shown on Precinct plan 1 as “existing buildings only”.

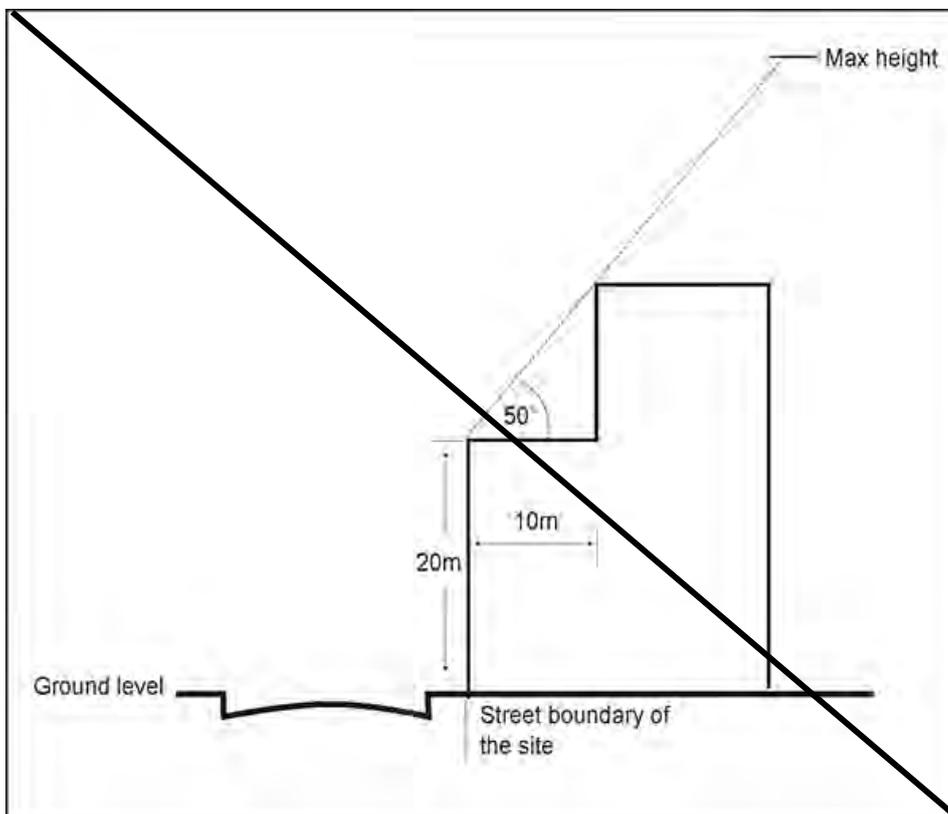
### **I207.6.4. Frontage Height and Setback**

Purpose: manage the scale of development to maintain and enhance pedestrian amenity, and to avoid buildings dominating public open space.

- (1) On every frontage shown as “A” on Precinct plan 4:
  - (a) the building frontage must not exceed a height of 20m for a minimum depth of 10m from the site frontage;
  - (b) the building must not project beyond a 50 degree recession plane measured at all points along the site frontage from 20m above street level. This recession plane applies for a horizontal distance of 20m into the site from the street boundary;
  - (c) the building setback must be an emphatic or a stepped profile of at least two stories and must not be a literal regression of the 50 degree angle; and
  - (d) where the building is on a corner site, the requirements of clauses I207.6.4(1)(a) and (b) above apply to both frontages.
- (2) On every frontage shown as “B” on Precinct plan 4:
  - (a) the building frontage must not exceed a height of 30m for a minimum depth of 10m from the site frontage.
- (3) On every frontage shown as “C” on Precinct plan 4:

- (a) the building frontage must not exceed a height of 15m for a minimum depth of 15m from the site frontage;
  - (b) the building must not project beyond a 45 degree recession plane measured at all points along the site frontage of the site from 15m above street level. This recession plane applies for a horizontal distance of 20m into the site from the street boundary;
  - (c) the building setback must be an emphatic or a stepped profile of at least two stories and must not be a literal regression of the 45 degree angle;
  - (d) Where the building is on a corner site, the requirements of clauses I207.6.4(3)(a) and (b) above apply to both frontages.
- (4) On every frontage shown as “D” on Precinct plan 4:
- (a) the building frontage must not exceed a height of 35m for a minimum depth of 10m from the site frontage.
- (5) On every frontage shown as “E” on Precinct plan 4:
- (a) the building frontage must not exceed a height of 41.3m (New Zealand Vertical Datum 2016) for a minimum depth of 15m from the site frontage
  - (b) This recession plane applies for a horizontal distance of 20m into the site from the street boundary.

**Figure I207.6.4.1 Frontage control A**



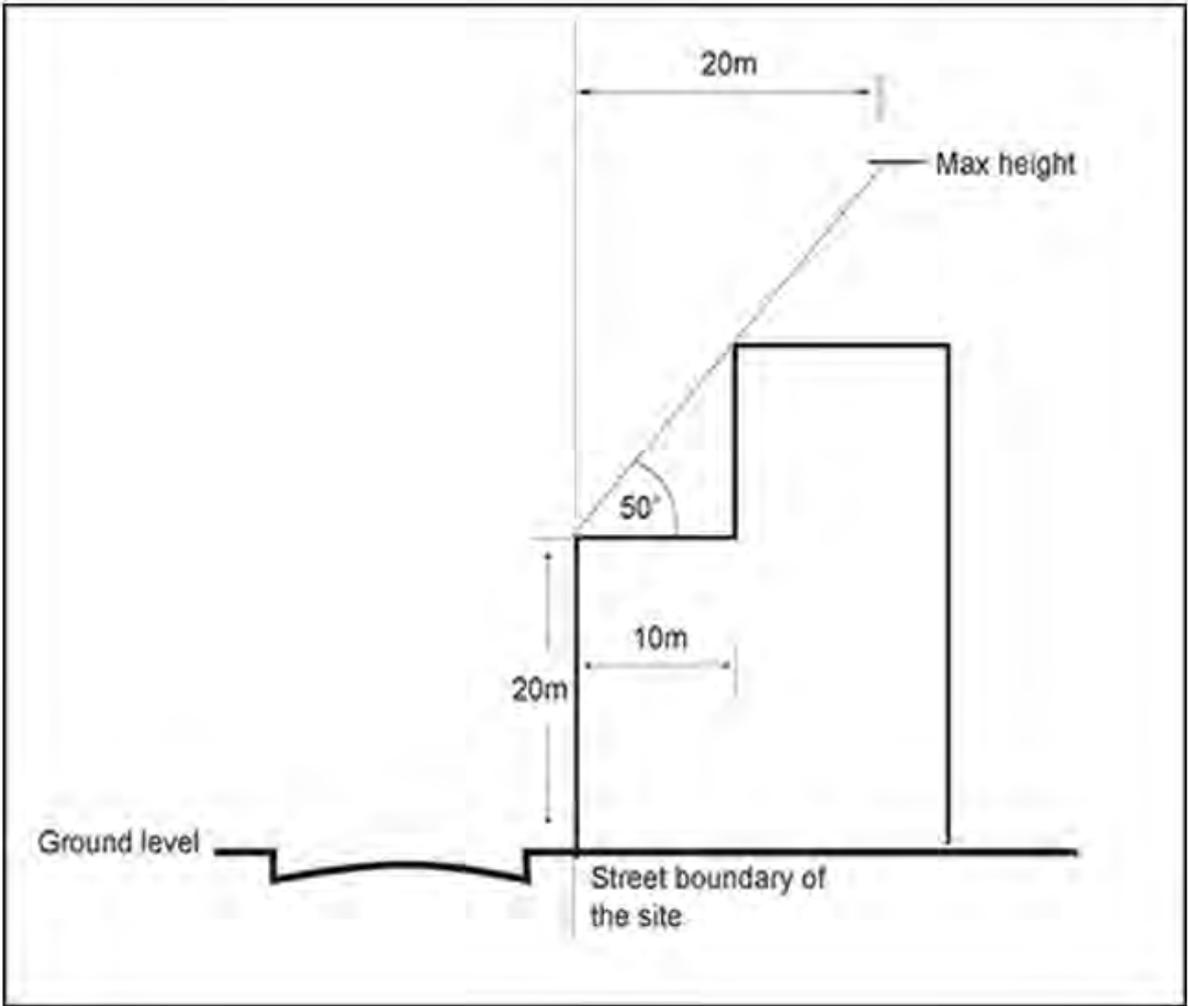


Figure I207.6.4.2 Frontage control B

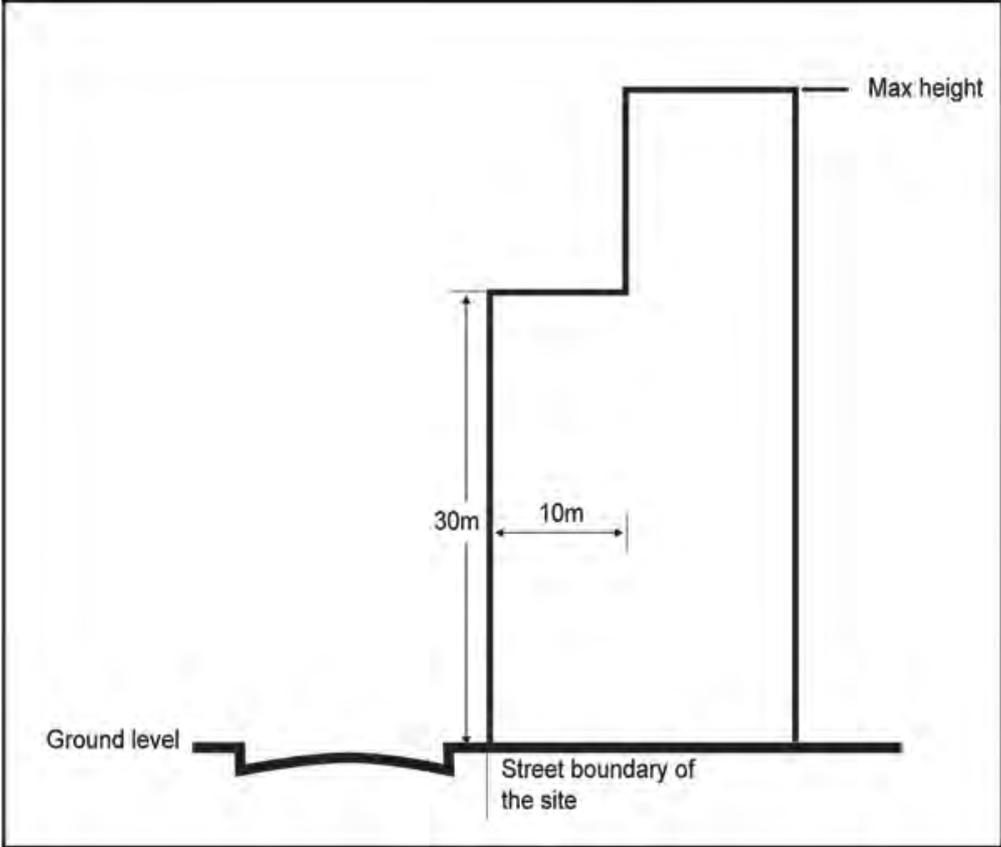


Figure I207.6.4.3 Frontage control C

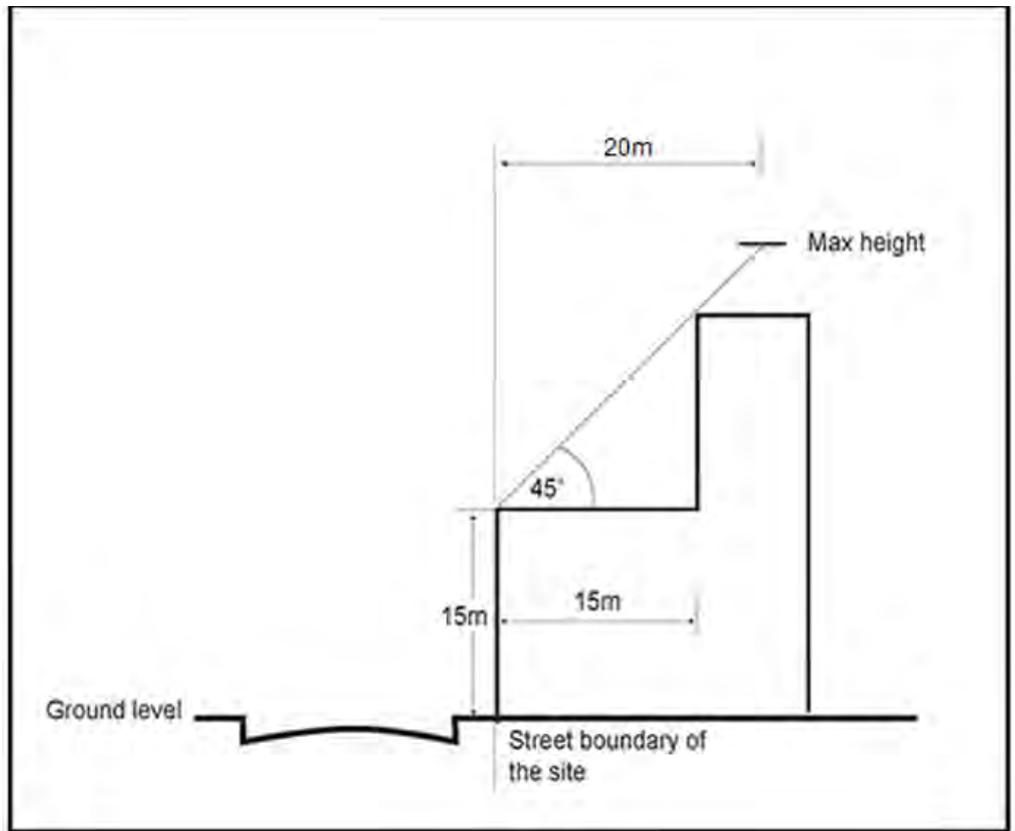
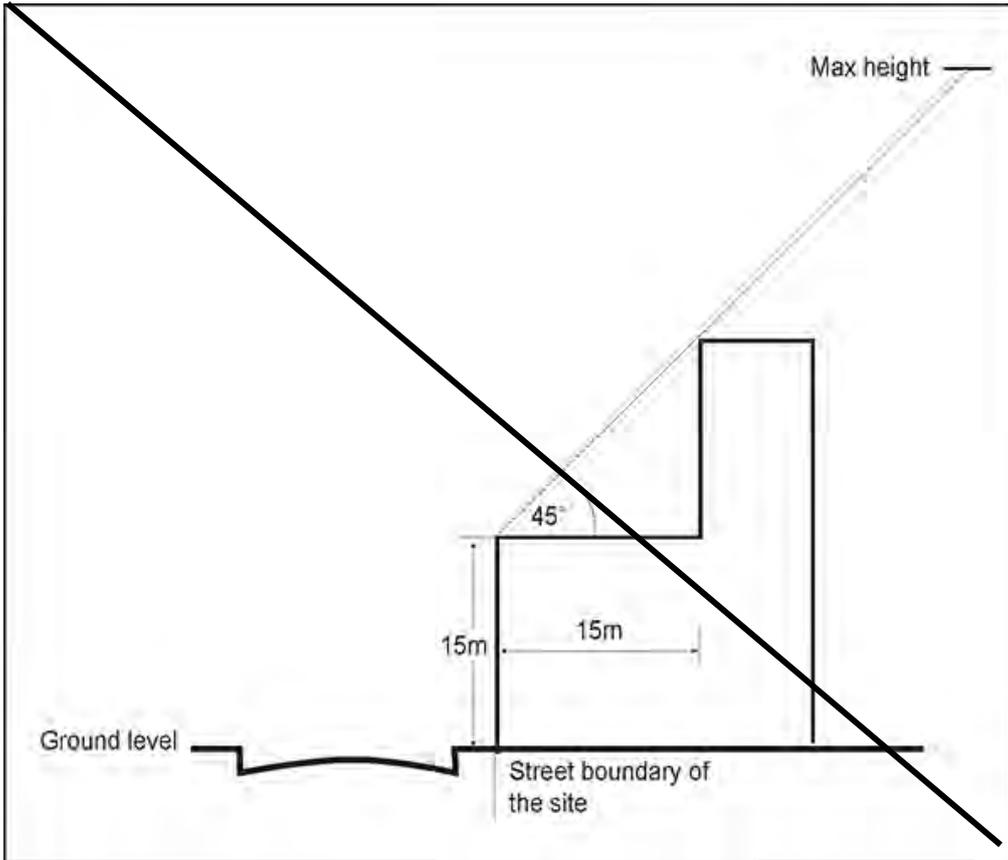


Figure I207.6.4.4 Frontage control D

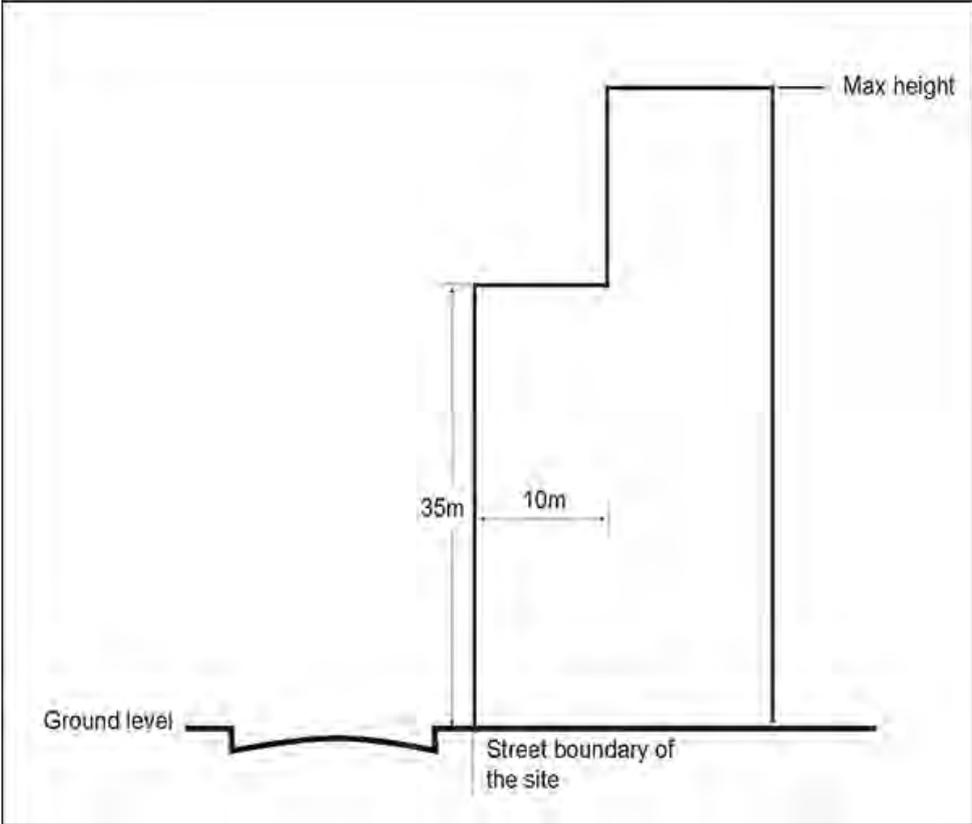
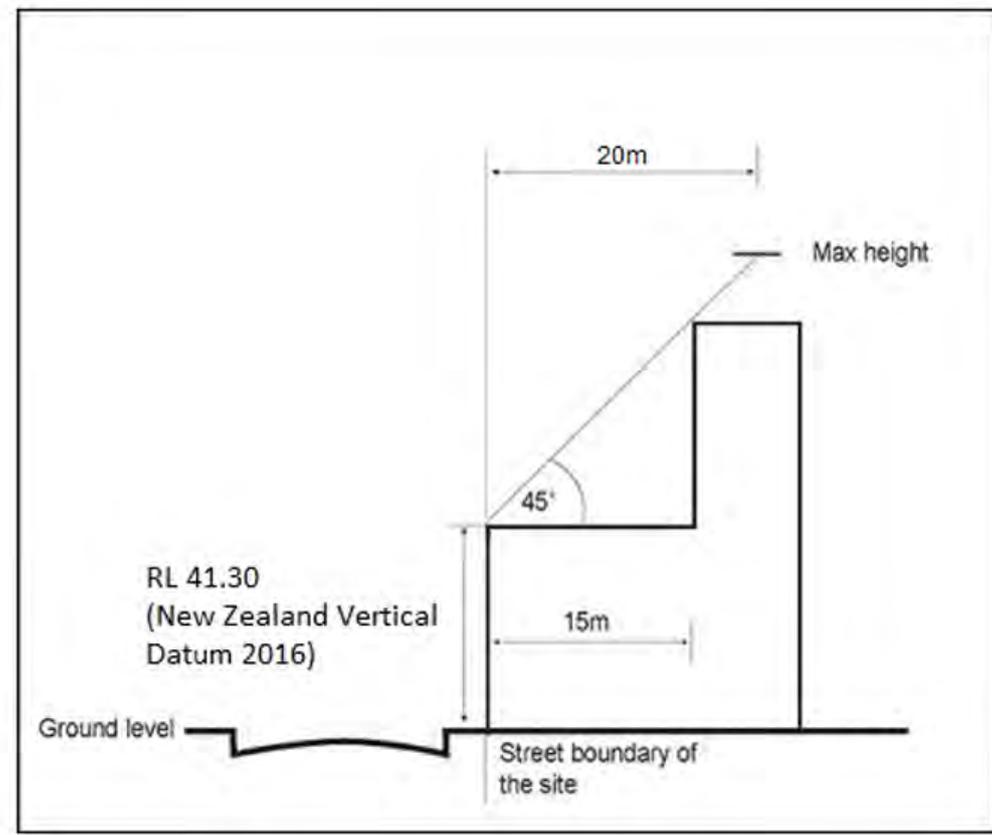
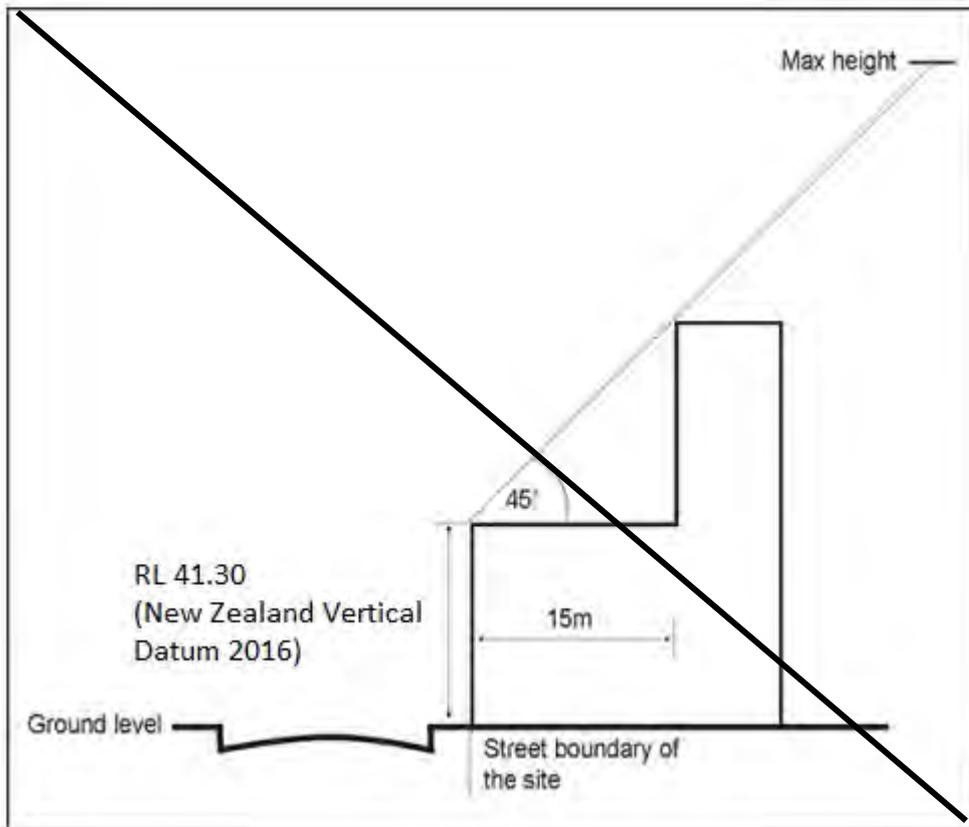


Figure I207.6.4.5 Frontage control E



I207.6.5. Wynyard Street Coverage and Pedestrian Link

Purpose: manage the scale, form and intensity of development to maintain and enhance pedestrian amenity within the precinct.

- (1) For areas shown on Precinct plan 1 as being subject to the “Wynyard Street coverage and pedestrian link control”:
  - (a) the maximum building coverage is 50 per cent;
  - (b) a continual pedestrian link must be provided from Grafton Road to Alten Road:
    - (i) that includes a continuous minimum width of 10m. This does not apply to the first 50m from the Alten Road boundary where the width may be reduced to a minimum of 6m;
    - (ii) that is open to the air and aligned so as to maintain a clear line of sight for pedestrians on Grafton Road through to Alten Road; and
    - (iii) of which sections may be covered by glazing for weather protection and narrow pedestrian over bridges for pedestrian connectivity to upper floors of adjacent buildings providing that Wynyard Street remains open to the air for the majority of its length and a clear line of sight for pedestrians on Grafton Road through to Alten Road is maintained. Pedestrian over bridges and glazing will be counted as coverage for the purpose of this control.

**I207.6.6. Sub-precinct B: Old Government House**

- (1) Buildings must not exceed 7.5m in height in Sub-precinct B.
- (2) A building or parts of a building in Sub-precinct B must be set back from the relevant boundary by the minimum depth listed in Table I207.6.6.1 Yards below.

**Table I207.6.6.1 Yards**

Yard	Sub-precinct B
Front	3m
Side	3m
Rear	3m

- (3) The maximum permitted site coverage or cumulative total area of buildings in Sub-precinct B must not exceed 5 percent of the sub-precinct area.

**I207.7. Assessment – controlled activities**

**I207.7.1. Matters of control**

The Council will reserve its control to all of the following matters when assessing a controlled activity resource consent application:

- (1) for demolition refer to the matters of control in [H8.7.1\(1\)](#) of the Business – City Centre Zone.

- (2) for the conversion of a building or part of a building to dwellings, visitor accommodation or boarding houses refer to matter of assessment in [H8.8.1\(3\)](#) of the Business – City Centre Zone.

#### **I207.7.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for controlled activities:

- (1) for demolition refer to the assessment criteria in clause [H8.7.2\(1\)](#) of the Business – City Centre Zone.
- (2) for the conversion of a building or part of a building to dwellings, visitor accommodation or boarding houses refer to matter of assessment in clause [H8.8.2\(3\)](#) of the Business – City Centre Zone.

#### **I207.8. Assessment – Restricted discretionary activities**

##### **I207.8.1. Matters of discretion**

The Council will reserve its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) new buildings, relocated buildings, and alterations and additions to buildings not otherwise provided for:
  - (a) building design and external appearance;
  - (b) effects of buildings on historic heritage places;
  - (c) safety;
  - (d) the design of covered plazas, open spaces and pedestrian linkages;
  - (e) the design and location of parking; and
  - (f) travel plans and integrated transport assessments;
- (2) an entry canopy (and any associated steps, balustrades and retaining walls defined as “building”) in the position indicated by the symbol “#” in Precinct plan 1 within the “No buildings except as provided for by entry canopy and fire egress stair criteria”
  - (a) design and scale;
- ~~(3) **[Deleted]** alterations to or replacement of the existing fire egress stairs in the position indicated by the symbol “@” in Precinct plan 1 within the “No buildings except as provided for by entry canopy and fire egress stair criteria”~~
  - ~~(a) design, materials and orientation;~~
- (4) the transfer and utilisation of unrealised parking within sub-precinct A:
  - (a) traffic generation and safety;
  - (b) pedestrian safety; and

- (c) design of parking areas.
- (5) infringing the building height standard (I207.6.3 Building height):
  - (a) building scale and dominance/visual amenity effects; and
  - (b) effects on current or planned future form and character
- (6) infringing the frontage height and setback standard:
  - (a) building scale and form, and dominance/visual amenity effects; and
  - (b) effects on streetscape character
- (7) infringing the Wynyard Street coverage and pedestrian link standard:
  - (a) building scale and form, and dominance/visual amenity effects; and
  - (b) effects on public open space and pedestrian access
- (8) infringing the temporary activities standard in Sub-precinct B:
  - (a) noise, lighting and hours of operation; and
  - (b) traffic;
- (9) infringing the height (I207.6.6(1)), yards and building coverage standards in Sub-precinct B:
  - (a) intensity, scale and design.

#### **I207.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) new buildings, relocated buildings, and alterations or additions to buildings not otherwise provided for:
  - (a) building design, and external appearance - creating a positive frontage:
    - (i) whether buildings and their uses maintain and where practicable enhance the quality and usability of streets, the public realm and campus pedestrian linkages through appropriate building scale, design and location. Generally, buildings should have interactive frontages where they face public streets to enable a public experience of activities within the campuses. 'Interactive frontages' are frontages which enable some form of public view or experience of activities within the campus, whether directly through openings and glazed areas into internal campus spaces or indirectly through landscaping, façade design, or artwork expressive of campus activities;
    - (ii) in areas shown on Precinct plan 2 as being within an active use node, active commercial and retail or entertainment uses are encouraged that provide for the needs of students, as well as residents, workers

and visitors. Where not feasible buildings are encouraged to be designed with a ground floor that could adapt to these activities in the future.

- (iii) When adjacent to public streets, whether buildings are designed to encourage visual and physical interaction with the street to support its safety and amenity for pedestrians;
  - (iv) the main entries for all buildings adjacent to streets shall generally be from the street or directly visible from the street and when a building has more than one street frontage, multiple entries are encouraged. If the main entry is internal to the site a secondary street entry is encouraged;
  - (v) whether generous canopies are provided at all entries and encouraged in intermittent locations along street frontages to provide pedestrian shelter, when this can be incorporated into the design of the building. Verandahs are encouraged on streets and within campuses;
  - (vi) the extent to which artwork is encouraged to be incorporated into the street facades of buildings, open spaces and plazas;
- (b) building design and external appearance - variation in building form/visual interest:
- (i) the extent to which buildings are designed to address the street, through alignment, façade modulation, windows, pedestrian entrances/plazas and materials that are appropriate for a contemporary university and compatible with heritage buildings and objects;
  - (ii) the extent to which buildings fronting streets and open spaces incorporate design elements which acknowledge the adjacent built form, and enhance pedestrian comfort and amenity, and the character of the precinct. In particular:
    - the extent to which frontage height and design have regard to existing buildings in the vicinity and maintain a compatible scale. This does not mean a rigid adherence to a single height but it does mean a respect for the general appearance of the surrounding blocks;
    - the extent to which buildings ensure high levels of visual quality and visual interest, as viewed from near and afar, by the use of the number and composition of elements on the building's façade, and the contrasting relationships between them, having regard to the scale and proportions of components on existing buildings within the vicinity. At every scale, from a range of viewing distances, building surfaces should appear rich in detail;

- the extent to which buildings employ the use of human scale proportions in the components of a façade, especially at the lower levels where pedestrians are experiencing the building from closer distances in order to maintain high levels of pedestrian visual interest;
- at all levels, whether large expanses of blank walls are avoided and whether they are visible from streets or public open spaces. If blank walls cannot be avoided, they should be minimal in relation to the overall size and length of the building frontage or located within campuses and mitigated with architectural detailing, artwork or landscaping;
- where the frontage height and setback standard applies, the extent to which the design of upper setback levels relate naturally to the lower frontage height levels in an acceptable architectural manner such as continuation of an elevational rhythm or recognisable visual theme or proportion;
- the extent to which the design of buildings on corner sites enhance the particular spatial qualities of street intersections that contribute to the prominence of sites. Building design on such sites should consider the relationship to other buildings and open spaces on opposite and adjacent corner sites;
- whether materials used in new buildings are durable and of high quality, particularly at ground level to enhance the pedestrian experience;
- the extent to which designs provide strong architectural cues to access-ways and pedestrian routes that reflect the hierarchy of routes and clearly express pedestrian entrances to enhance the visibility of pedestrian access to and through the campuses and their buildings;
- the extent to which frontages are designed to avoid service and access interruptions to frontage continuity, by locating and agglomerating such requirements internally within the campuses where practicable;
- where the proposed development is an extension or alteration to an existing building, the extent to which it is designed with consideration to the architecture of the original building;
- the extent to which building form and height consider the impact of shading and wind on the internal communal spaces of the campus and public streets;
- the extent to which building and landscape design include environmentally sustainable design features, such as passive solar design on-site stormwater conservation measures,

rainwater harvesting devices, green roofs, site landscaping, rain gardens and wetland treatment systems and stormwater planter boxes.

(c) development on the corners of Symonds Street and Wellesley Street:

- (i) for buildings on the corner sites of Symonds and Wellesley Street, a high standard of architecture is expected due to its high profile, landmark location on the crest of the Wellesley Street axis, the location of scheduled historic heritage places in close proximity to the corner sites, its prominence as a significant gateway to the city centre from the Grafton Gully, and to the campuses from Wellesley and Symonds Street. Particular attention is required to the views of the building along Wellesley Street from the direction of both the city and motorway ends, and along Symonds Street;
- (ii) on the north-eastern corner of the intersection where a 5072.5m height limit is applied without a precinct frontage control, the architectural detailing on both frontages of the corner should support the articulation of the corner as distinctive from the rest of the building, and include a vertical emphasis in keeping with its location on the crest of the ridge. It should support the creation of a distinctive landmark that in the horizontal proportions of its façade complements the historic forms of the nearby heritage buildings; and
- (iii) the extent to which a development on the corner of Wellesley Street East and St Paul Street is sympathetic to the heritage building at 59-67 Wellesley Street East.

(d) Grafton Gully:

- (i) the extent to which all buildings that adjoin the motorway corridor or connecting streets, as shown on Precinct plan 2 as subject to the “Grafton Gully landscaped edge”, are designed to incorporate a varied building form that responds to the landscape context of this area, is organic in character, and does not present the appearance of a solid wall. Particular attention is required to the view of proposed buildings from Grafton Bridge, along Grafton Gully, from within the Domain, and from Auckland Hospital. The landscape context is the valley with the green open space of the Domain; the steep slopes, mature trees and vertical towers of the city centre, and the unfolding views of Rangitoto and the Harbour. Geological and ecological heritage values are present in this gully and should be recognised and protected from significant adverse effects. Building podiums and parking levels along this corridor must exhibit a high quality of architectural design befitting their prominent location and be planted at their base using eco-sourced species naturally occurring in the area;

- (ii) an emphasis on enhancing the vertical characteristics of buildings and limiting the appearance of dominant horizontal elements along the Grafton Gully landscaped edge is encouraged. The extent to which buildings provide architectural interest along this edge, provide fronts rather than backs to this edge, and where practical maintain views in between buildings into and from the campus, to enhance Grafton Gully's role as a gateway to the city centre.
- (e) effect of buildings on historic heritage places:
- (i) whether the scale, form and design of new buildings have regard to the significant heritage elements and built form of any scheduled heritage places adjacent to or in close proximity to the development site. This will require careful consideration to avoid the potential for dominance due to height and bulk. In doing so, the full development potential otherwise offered by the development controls may not be able to be achieved;
  - (ii) whether new buildings and additions to existing buildings adjacent to or in close proximity with a scheduled heritage building have regard to and respect the latter's contribution to the streetscape, so that the historic heritage building is able to maintain its contribution to the streetscape and its historical relationship with its site surrounds and wider area, including any adjacent open space;
  - (iii) the extent to which landscaping, where contextually appropriate, acknowledges both the natural and cultural heritage of the area, particularly when in proximity to or adjacent to any scheduled heritage building, its surrounds or conservation area;
  - (iv) the extent to which design features that reflect the cultural heritage of the area, including Māori cultural values associated with the historic settlement and use of the area, are encouraged. For example, in the design of buildings, landscaping, artwork, signs and place names. This should be undertaken in consultation with the council and Mana Whenua;
  - (v) whether new and upgraded buildings avoid inappropriate adverse effects on scheduled street trees and must respect their visual prominence on the streetscape;
- (f) safety:
- (i) whether new and upgraded buildings and public open spaces are designed in accordance with CPTED principles. For the purpose of this assessment, internal open spaces, plazas, foyers, lanes and pedestrian linkages within the campuses will be considered as if they are public open spaces.
  - (ii) for open spaces, plazas, foyers, lanes and pedestrian linkages, multiple entrances and exits are generally considered more

appropriate in a campus environment rather than a single way in and out of such places and spaces.

- (g) the design of covered plazas, open spaces and pedestrian linkages:
- (i) Precinct plan 2 shows the long term aspirations for covered plazas, open spaces and pedestrian linkages. With the exception of Wynyard Street, the location and orientation of these covered plazas, and pedestrian linkages are indicative only, however, building and open space design should seek to incorporate these elements, whether internally within buildings or externally, in a manner that provides for the same degree of permeability, legibility and accessibility within the campuses and beyond as envisaged by the indicative layout of open spaces and pedestrian linkages shown on Precinct plan 2;
  - (ii) Wynyard Street is part of the historical street network and must maintain its historic alignment and become primarily a pedestrian route and linear open space. It must maintain a minimum width of 10m, except for the first 50m from the Alten Road boundary where the width may be reduced to a minimum of 6m, to reinforce its primacy as a major pedestrian route through the campus. Wynyard Street must be open to the air for the majority of its length. Pedestrian over bridges and sections of the street may be covered by glazing for weather protection. These must be designed and located to enhance the amenity of the street and to maintain views along its length;
  - (iii) whether the network of covered plazas, open spaces and linkages ensure a cohesive, permeable and legible or 'self-explaining' network of pedestrian links and routes to create efficient, safe and attractive circulation around the campuses for people of all movement ability levels;
  - (iv) the extent to which building heights and form allow a reasonable level of natural light into existing and planned communal open spaces within the campuses, appropriate to their intended use and limit the adverse effects of shading on student amenity. This may require building form to be modified to the north of such spaces;
  - (v) the extent to which buildings are designed to support high quality open spaces and where appropriate provide views to the wider landscape and/or surrounding streets, to enhance the legibility, accessibility and character of the campuses;
  - (vi) whether buildings provide legible entrances and exits to covered plazas, open spaces and pedestrian linkages.
  - (vii) the extent to which the detailed design of pedestrian routes also supports the legibility of the campuses from the public realm (namely adjoining streets and open spaces);

(viii) whether provision for cycle access and cycle parking is included along major entries where practicable.

(h) Parking

(i) parking, whether at-grade or within buildings is screened from public open spaces and streets.

(i) travel plans and integrated transport assessments:

(i) where no current travel plan exists for the precinct or that part of a campus within which a development is proposed, one must be submitted with a development with gross floor area greater than 2,500m<sup>2</sup>; and

(ii) where additional floor area greater than 2,500m<sup>2</sup> is provided for within a development, then it must be subject to an integrated transport assessment scoping process to determine whether it is required. If an integrated transport assessment is required by the council, then it should be prepared in accordance with current best practice guidelines adopted by Auckland Transport.

(2) an entry canopy (and any associated steps, balustrades and retaining walls defined as “building”) in the position indicated by the symbol “#” in Precinct plan 1 within the “No building except as provided for by entry canopy and fire egress stair criteria”:

(a) design and scale:

(i) the extent to which the canopy enhances the visibility, legibility and overall quality of the entrance at this position; and

(ii) the extent to which the canopy is designed and has a scale that maintains the open space qualities of the no-building area and the character of the street and its context, including the scheduled building, identified surrounds and the street trees.

(3) ~~[Deleted] alterations to or replacement of the existing fire egress stairs in the position indicated by the symbol “@” in Precinct plan 1 within the “No buildings except as provided for by entry canopy and fire egress stair criteria”:~~

(4) the transfer and utilisation of unrealised parking within Sub-precinct A:

(a) traffic generation and safety:

(i) whether vehicle access to and from the site provide adequate sight distances and avoid, remedy or mitigate congestion likely to have more than minor adverse effects;

(ii) whether traffic generated from the parking area on the site adversely affect the surrounding roading network, having regard to the current and future traffic volumes in the area and any traffic problems in the area e.g. high accident rates;

- (b) pedestrian safety:
  - (i) whether vehicle access-ways are designed to ensure the safety of pedestrians;
- (c) design of parking areas:
  - (i) Parking areas should be designed to enable safe and efficient on-site vehicle circulation to avoid or mitigate adverse effects on the road network;
- (5) infringing the building height standard (I207.6.3 Building height):
  - (a) building height may be exceeded where it would provide an attractive and integrated roof form that also meets the purpose of the control; and
  - (b) where building height is exceeded, Policy I207.3(6) of the Learning Precinct and Policy [H8.3\(30\)](#) of the Business – City Centre Zone should be considered;
- (6) infringing the frontage height and setback standard:
  - (a) development should be of a scale and form appropriate to the setting;
  - (b) the extent to which the scale of the development is consistent with the current and future character of the Learning Precinct as established through the objectives and policies for the Learning Precinct; and
  - (c) the extent to which pedestrian amenity is maintained or enhanced;
- (7) infringing the Wynyard Street coverage and pedestrian link standard:
  - (a) whether the amenity of the pedestrian link is maintained;
  - (b) the extent to which buildings on Wynyard street are of a scale and form appropriate to the character of the Learning Precinct.
- (8) infringing the temporary activities standard in Sub-precinct B:
  - (a) whether noise and lighting from the activity have a significant adverse effect on the amenity of surrounding residential properties. In determining this, consideration will be given to:
    - (i) the location, duration and timing of the activity and the day of the week on which it will occur;
    - (ii) the measures to mitigate noise and light spill; and
    - (iii) any proposed measures to manage levels of low frequency noise, particularly for night events.
  - (b) traffic:
    - (i) the extent to which the location, scale and intensity of the activity and any associated parking, including provision for public transport will

affect the efficiency of traffic movements and the safety of pedestrians;  
and

- (ii) the extent to which the activity will impact on other activities at the location, including the impact on public access;

(9) infringing the height (I207.6.6(1)), yards and building coverage in Sub-precinct B:

(a) intensity, scale and design:

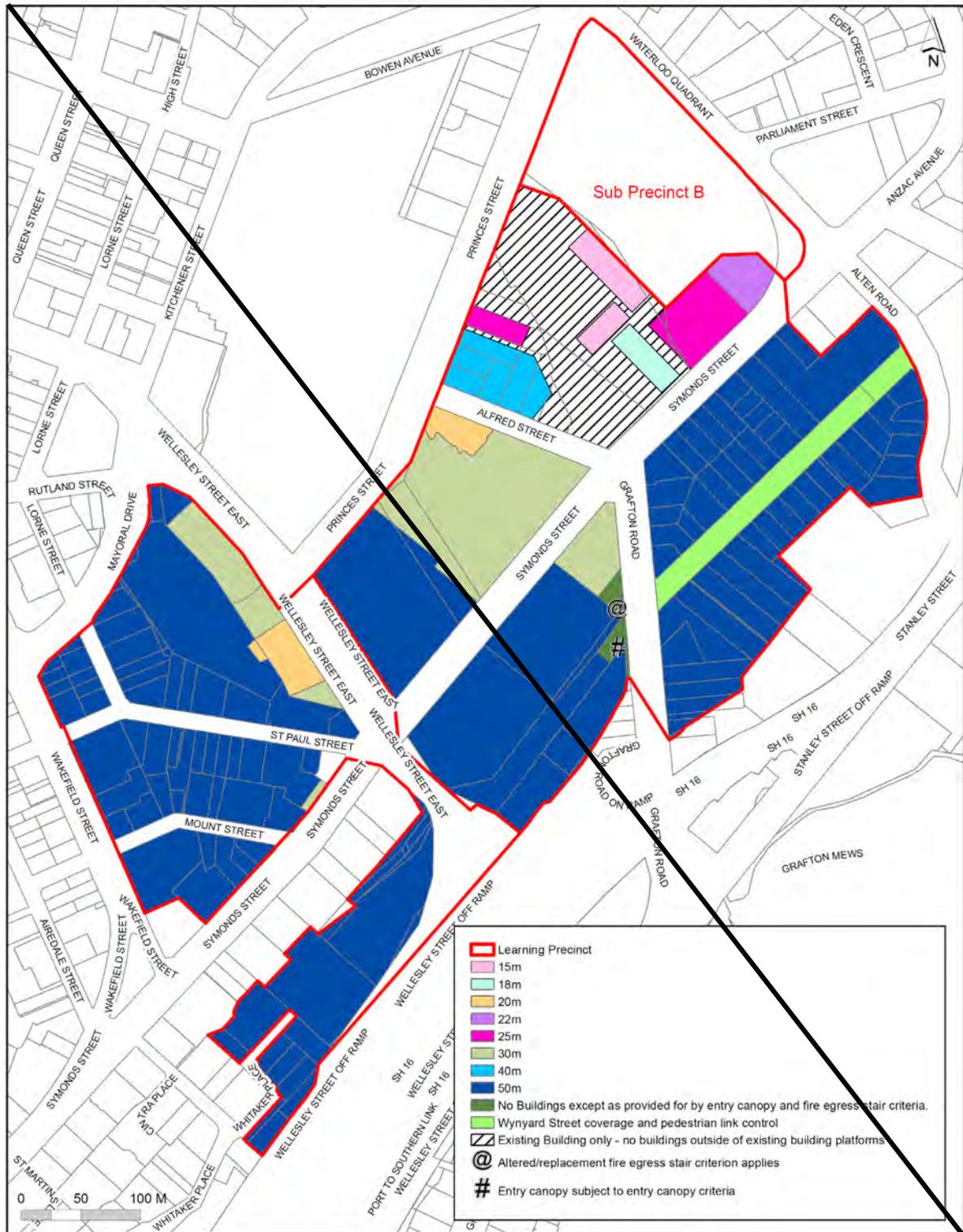
- (i) whether adequate public open space for visual amenity and recreations is maintained; and
- (ii) the extent to which the design of buildings and structures maintains the character of the open space and should be sympathetic to the existing development and open space in the Sub-precinct B.

#### **I207.9. Special information requirements**

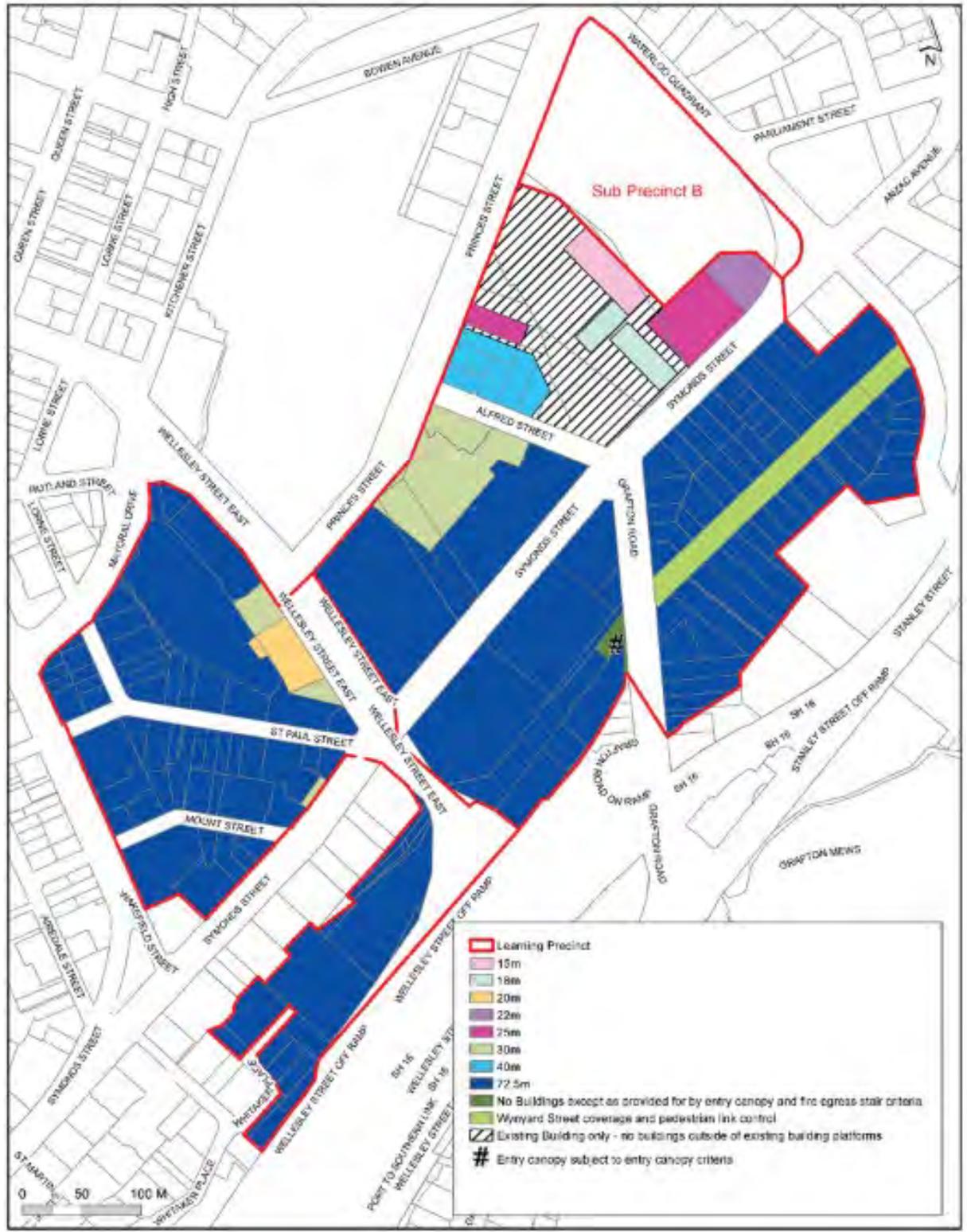
There are no special information requirements in this precinct.

#### **I207.10. Precinct plans**

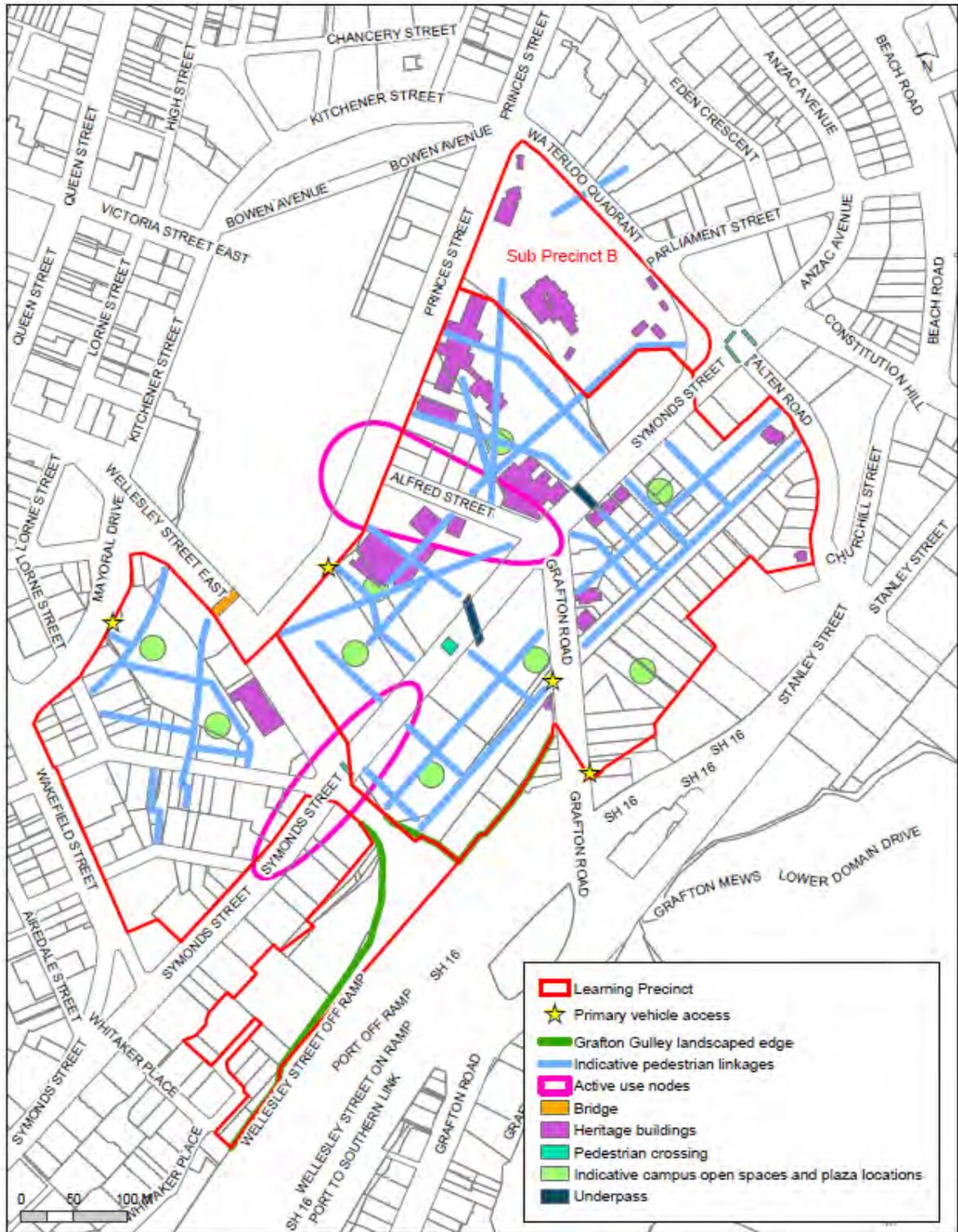
I207.10.1 Learning: Precinct plan 1 - Building height controls



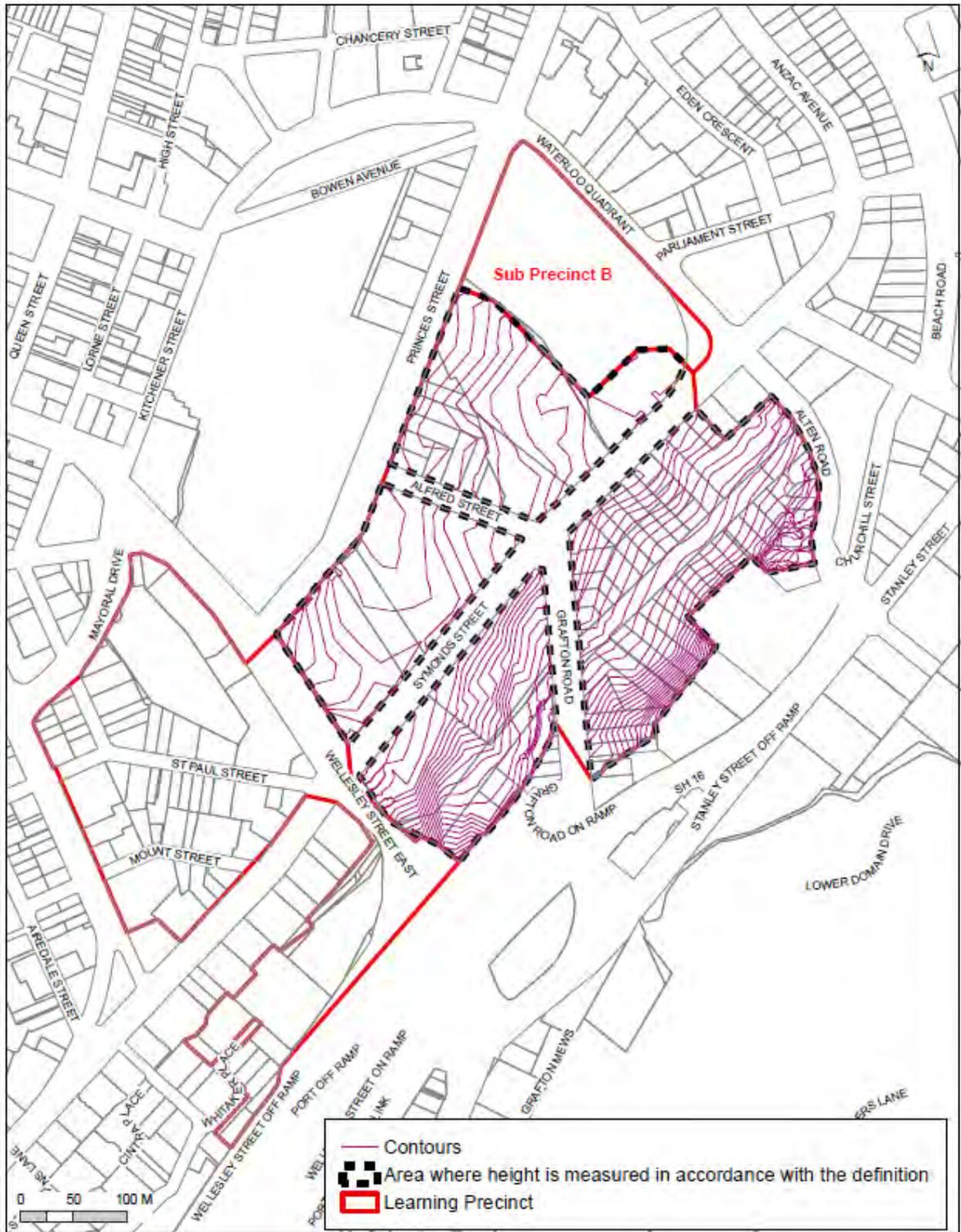
I207 Learning Precinct



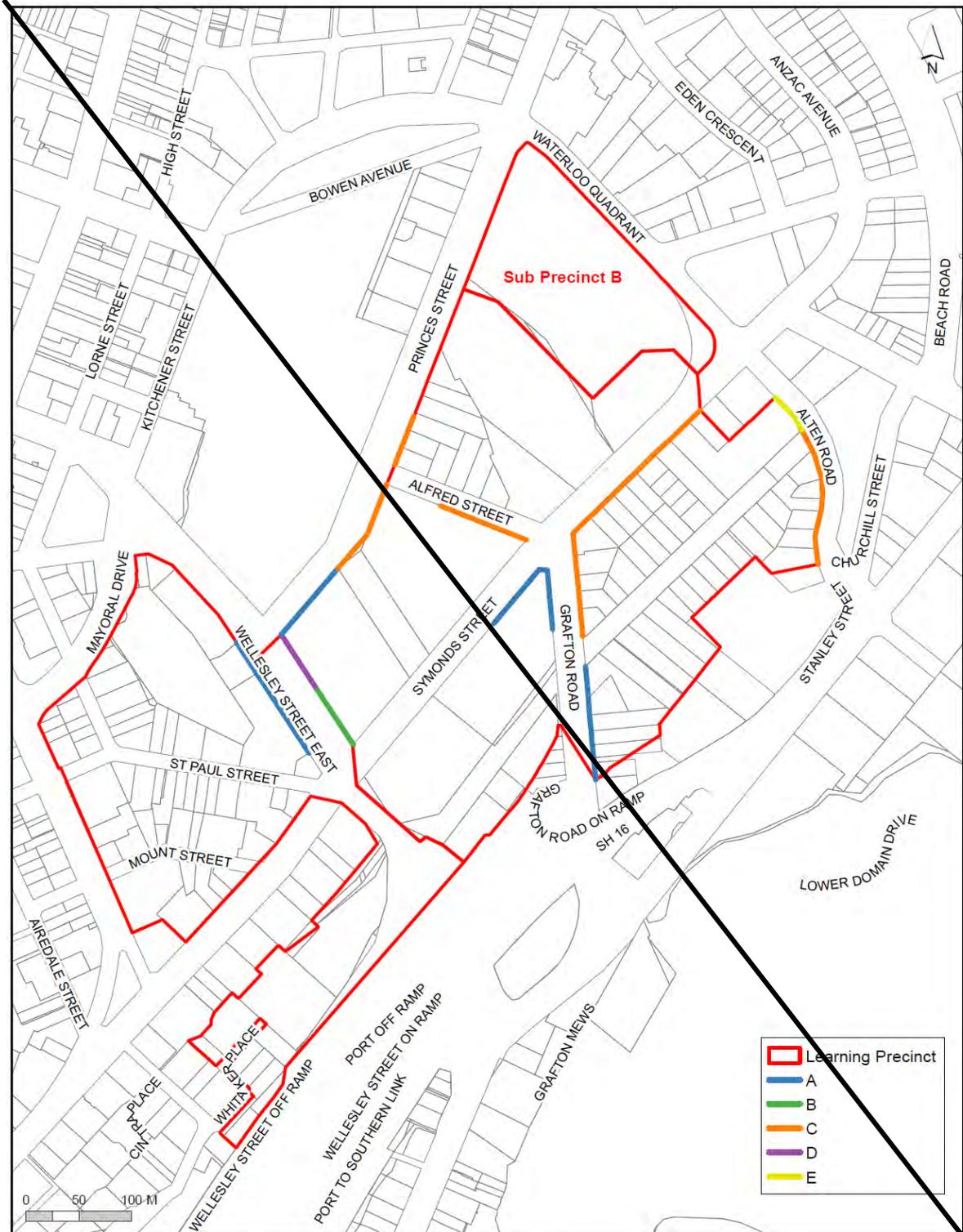
I207.10.2 Learning: Precinct plan 2 - Open spaces and pedestrian linkages



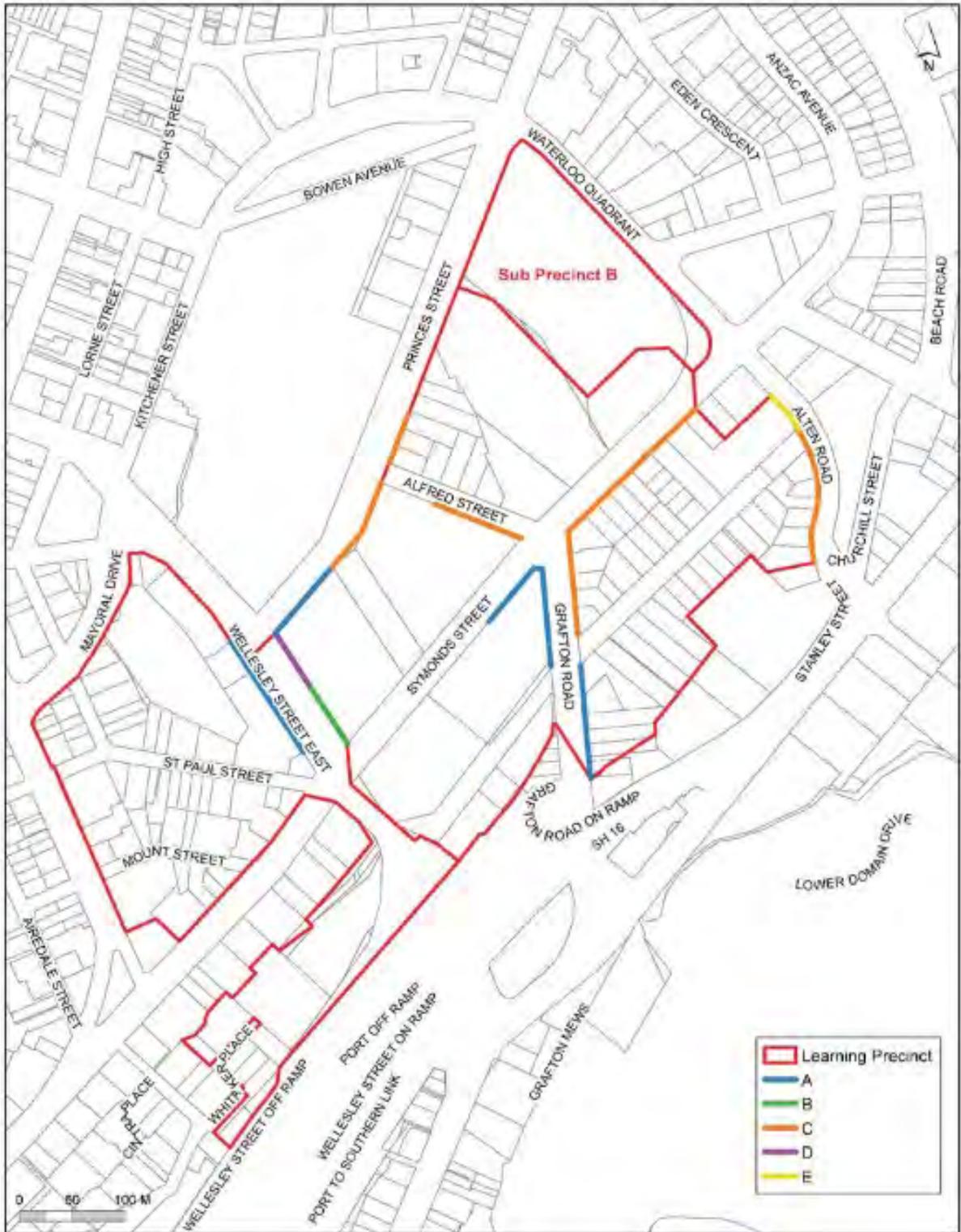
I207.10.3 Learning: Precinct plan 3 - Contours



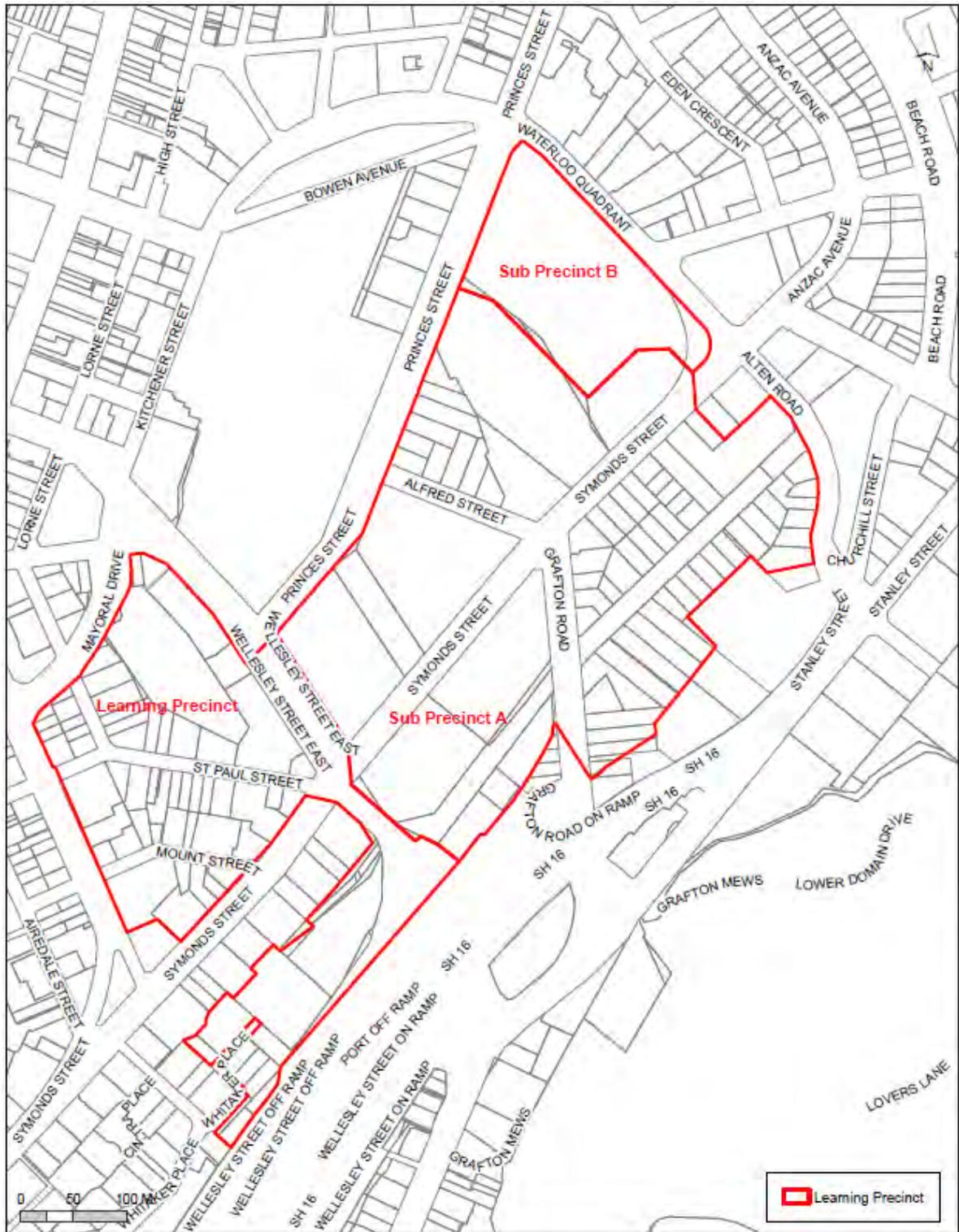
I207.10.4 Learning: Precinct plan 4 - Frontage types



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I207.10.5 Learning: Precinct plan 5 - Sub-precinct B Old Government House



## **I208. Port Precinct**

### **I208.1. Precinct description**

The purpose of the Port Precinct is to provide for a nationally and regionally significant component of Auckland and New Zealand's transport infrastructure and trade network. The precinct primarily consists of land and coastal areas owned or controlled by Ports of Auckland Limited.

The zoning of the land within the Port Precinct is the Business – City Centre Zone and the zoning of the part of the Port Precinct within the coastal marine area is the Coastal – General Coastal Marine Zone.

The Port Precinct includes the land and the coastal marine area north of Quay Street between the western side of Marsden Wharf and the eastern side of the Fergusson Reclamation. The reclaimed land and wharf structures named Bledisloe Terminal, Bledisloe Wharf, Jellicoe Wharf, Freyberg Wharf, and Fergusson Wharf and Fergusson Terminal are primary vessel loading and unloading areas. Cargo storage, cargo handling and ancillary port activities are undertaken on the balance of the area fronting Quay Street. Teal Park and a range of community and emergency facilities and food and beverage activities are located at the eastern end of the precinct.

The Port Precinct includes structures and activities located both on land and within the coastal marine area. For this reason, the activities and development within the precinct on land and within the coastal marine area (including wharves) are generally defined under the same activity category.

Within the precinct it is recognised that the coastal environment has already been modified by structures and port activities and that the land adjoining the coastal marine area provides for the infrastructure to service the marine and port activities. It is therefore appropriate to suitably recognise this, and make provision for the continued use and development of the precinct, while avoiding, remedying, or mitigating adverse effects.

Development within the precinct is guided by Precinct plans 1 – 3. Precinct plan 1 sets out the maximum height controls across the Port Precinct. Precinct plan 2 shows the area (named Area A) within the Port Precinct where buildings require design assessment due to their proximity and visibility from Quay Street and Queens Wharf. Precinct Plan 3 sets out the inner and outer noise control boundaries. Coordinates for the precinct boundary in the coastal marine area are shown on Precinct plan 4.

### **I208.2. Objectives [rcp/dp]**

- (1) The efficient operation, growth and intensification of marine and port activities and marine and port facilities, including the development of the Port's capacity for shipping and its connections with other transport modes.
- (2) The use and development of non-port related activities and buildings do not compromise the existing or future operation of the precinct.
- (3) Adverse effects arising from activities and development are avoided, remedied or mitigated.

(4) Adverse reverse sensitivity effects on the efficient and safe operation of marine and port activities are avoided, remedied or mitigated.

(5) Buildings adjacent to Quay Street complement and enhance the gateway to the city centre, while recognising any functional and operational requirements of marine and port activities.

(6) Public access to, and use and enjoyment of, the coastal marine area is maintained, and where practicable, enhanced, provided it does not adversely affect the efficient and safe operation of marine and port activities and development of the precinct.

The overlay, Auckland-wide, Business – City Centre Zone and Coastal – General Coastal Marine Zone objectives apply in this precinct in addition to those specified above.

### **I208.3. Policies [rcp/dp]**

The policies are as listed in the Coastal – General Coastal Marine Zone for the coastal marine area in the precinct in addition to those specified below, with the exception of Policy [F2.5. 3\(4\)](#).

The Business – City Centre Zone Policies [H8.3\(1\), \(11\), \(19\), \(21\) – \(23\), \(25\), \(30\), \(35\) and \(37\)](#) apply to land within the precinct in addition to those specified below.

(1) Enable the consolidation, intensification, redevelopment and growth within the precinct for a wide range of marine and port activities and associated structures, to provide for the development of the Port's capacity for shipping, and its connections with other transport modes.

(2) Provide a wide range of berthage facilities to accommodate vessels of different types and sizes.

(3) Ensure that non-port related activities or non-port related development within the precinct does not compromise the primary function or development of the precinct for marine and port activities and marine and port facilities.

(4) Require activities within the precinct to avoid, remedy or mitigate adverse effects on the land and coastal environment, particularly noise, lighting and amenity effects and effects on the surrounding road network.

(5) Require the establishment of dwellings outside of the precinct to avoid, remedy or mitigate adverse effects on efficient and safe operation of marine and port activities.

(6) Restrict public access to the coastal marine area only where it is necessary to protect human health and/or safety, to facilitate the efficient and safe operation of activities including the requirements of customs and quarantine, or to maintain security.

(7) Provide for intensification, development and maintenance of marine and port facilities and associated works which contribute to the efficient use, operation, and management of marine and port activities while avoiding, remedying or mitigating potential adverse effects on the environment.

(8) Limit maximum building height to an appropriate scale to provide a transition in height between the city centre core and the harbour, with the exception of specifically identified container and cargo-handling facilities, vessels, structures and equipment associated with marine and port activities.

(9) Encourage buildings within Area A on Precinct plan 2, to be of a high quality design to complement and enhance this city centre gateway and to contribute positively to the visual quality, amenity, interest and public safety of streets and public open spaces, while recognising any functional and operational requirements of marine and port activities.

(10) Avoid further reclamation, unless:

(a) there are no practicable alternative methods of providing the proposed activity, including on land outside the coastal marine area;

(b) the activity which requires reclamation can only occur in or adjacent to the coastal marine area;

(c) it will provide a significant regional or national benefit;

(d) it is the most appropriate form and design of development; and

(e) potential adverse effects will be avoided, remedied or mitigated.

(11) Provide for minor reclamations and for reclamations carried out as part of rehabilitation or remedial works of an existing reclamation or coastal marine area structure, while avoiding, remedying or mitigating any adverse effects on the environment.

(12) Enable dredging within the precinct that is necessary to provide for the safe and efficient navigation, manoeuvring, and berthing of vessels, while avoiding, remedying or mitigating any adverse effects.

(13) Require port operators to take all practicable steps to avoid contamination of coastal waters, substrate, ecosystems and habitats that is more than minor.

(14) Require the provision of adequate and convenient facilities for:

(a) the collection of rubbish from vessels;

(b) sewage and waste from vessels; and

(c) the containment and disposal of residues from vessel servicing, repairs and maintenance.

#### **I208.4. Activity table**

The activities, standards and assessment criteria in the overlays and Auckland-wide rules apply in the Port Precinct, unless otherwise specified below.

The activities, standards and assessment criteria in the underlying General Coastal Marine zone apply to the coastal marine area in the Port Precinct, unless otherwise specified below.

The activities, standards and assessment criteria in the Business – City Centre Zone do not apply to land in the Port Precinct, unless otherwise specified below.

Table I208.4.1 Activity table specifies the activity status for land use and development activities pursuant to section 9(3) of the Resource Management Act 1991 and the activity status for works, occupation and use in the coastal marine area pursuant to sections 12(1), 12(2), and 12(3) of the Resource Management Act 1991, including any associated discharges of contaminants or water into water pursuant to section 15 of the Resource Management Act 1991, or any combination of all of the above sections where relevant. The activities in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Port Precinct unless otherwise specified in the Port Precinct activity table below.

(1) The following table also specifies the activity status of activities on land in the Port Precinct.

(2) Those activities marked with \* have the listed activity status only when that activity is located on a coastal marine area structure (e.g. a new building on an existing wharf). If that activity is located directly in the coastal marine area (e.g. a new wharf) a different activity status will apply.

(3) In this table, the activity status for occupation of the common marine and coastal area (section 12(2) of the Resource Management Act 1991) has the same activity status for the use or activity (section 12(3) of the Resource Management Act 1991) or for the construction of a structure (section 12(1) of the Resource Management Act 1991) that the occupation relates to.

***Resource Management (National Environmental Standards for Freshwater) Regulations 2020***

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 apply to coastal wetlands and to any part of the coastal marine area that is upstream from the mouth of a river.

If an activity provided for in rules I208.4.1 to I208.9, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

**Table I208.4.1 Activity table**

Activity		Activity status	
		CMA [rcp]	Land [dp]
<b>Works in the coastal marine area</b>			
(A1)	Maintenance or repair of a reclamation or drainage system	P	P
(A2)	Minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation	RD	NA
(A3)	Reclamation or drainage not otherwise provided for	D	NA
(A4)	Declamation	RD	RD
(A5)	Maintenance dredging, including dredging within a historic heritage overlay area	C	NA
(A6)	Capital works dredging, including dredging within a historic heritage overlay area	RD	NA
<b>Use and activities and associated occupation</b>			
Residential			
(A7)	Workers accommodation	P*	P
Commerce			
(A8)	Offices accessory to marine and port activities	P*	P
(A9)	Offices within a building existing at 22 January 2015 located within the 30m height area identified on Precinct Plan 1 not accessory to marine and port activities	NA	RD
(A10)	Maritime passenger operations	P	P
(A11)	Food and beverage east of Solent Street	NA	P
(A12)	Marine retail	NA	P
(A13)	Alterations, additions or the total or partial reconstruction of the existing service station located on the corner of Quay and Tinley Streets	NA	RD
(A14)	Service stations not otherwise provided for on those sites with frontage to Quay Street, between the western boundary of the Port Precinct and Plumer Street	NA	D
(A15)	Aquaculture activities (including any activities under RMA s.12(1), s. 12(2), s. 12(3) and s.15)	Pr	NA
Community			
(A16)	Artworks	P	P
(A17)	Community facilities, education facilities and healthcare facilities east of Solent Street	P*	P

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(A18)	Information facilities	P*	P
(A19)	Emergency services	P	P
(A20)	Helicopter facilities (including the landing and taking off of helicopters and associated fuelling and service facilities), except as specified below	D	D
<b>Industry</b>			
(A21)	Marine and port activities, including the landing and taking off of helicopters associated with the loading and unloading of cargo	P	P
(A22)	Artificial lighting	P*	P
<b>Development</b>			
(A23)	Marine and port facilities other than wharves, landings and drydocks	P	P
(A24)	Wharves, landings and drydocks, including alterations and additions to these structures	RD	RD
(A25)	Maritime passenger facilities	P	P
(A26)	Marine and port accessory structures and services	P	P
(A27)	Repair and maintenance services ancillary to marine and port activities	NA	P
(A28)	New buildings and alterations and additions to buildings on land or on coastal marine area structures outside of Area A shown on Precinct plan 2	P*	P
(A29)	Minor cosmetic alterations and additions to a building within Area A shown on Precinct plan 2 that does not change its external design or appearance	P*	P
(A30)	Maintenance, repair and reconstruction of existing coastal marine area structures or buildings	P	P
(A31)	New buildings, and alterations and additions to buildings not otherwise provided for within Area A shown on Precinct Plan 2	RD*	RD
(A32)	Alterations and additions to existing coastal marine area structures or buildings not otherwise provided for	P	P
(A33)	Demolition or removal of buildings or coastal marine area structures except as otherwise specified below	P	P
(A34)	Public amenities	P*	P
(A35)	Hard protection structures including wave attenuation devices	RD	RD

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(A36)	Observation areas, viewing platforms and boardwalks	P	P
(A37)	New and existing swing moorings and pile moorings including occupation and use by vessel to be moored	P	NA
(A38)	Occupation of the CMCA by an activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent	RD	NA
(A39)	Buildings not listed as a permitted or restricted discretionary activity	D	D

### I208.5. Notification

(1) An application for resource consent for a controlled activity listed in Table I208.4.1 above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

(2) Any application for resource consent for an activity listed in Table I208.4.1 which is not listed in I208.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

(3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

### I208.6. Standards

#### I208.6.1. Land and water standards

The land and water use standards in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Port Precinct, unless otherwise specified below, except that the following Coastal – General Coastal Marine Zone standards do not apply:

- [F2.21.1.1](#) Noise and vibration;
- [F2.21.1.2](#) Lighting;
- [F2.21.2.1](#) Maintenance or repair of a lawful reclamation or drainage systems; and
- [F2.21.9.4](#) Parking on coastal marine area structures for loading and unloading passengers and cargo to vessels.

The Business – City Centre Zone standards do not apply to land in the Port Precinct, unless otherwise specified below.

The Auckland-wide Lighting rules [E24](#) and Noise rules [E25.6.2 - E25.6.29](#) and [E25.6.31 - E25.6.33](#) do not apply to land and the coastal marine area in the Port Precinct.

**I208.6.1.1. Noise**

- (1) These standards do not apply to temporary activities allowed under the [E40 Temporary activities](#) rules.
- (2) Within the coastal marine area, these standards do not apply to the operational requirements of commercial vessels including cargo vessels, tugs, passenger liners, naval vessels and commercial fishing vessels.
- (3) The  $L_{Aeq}(15 \text{ min})$  noise level and maximum noise levels ( $L_{AFmax}$ ) arising from any activity (except construction or blasting activities) within the Port Precinct must not exceed the following:
  - (a) when measured 1m from the façade of any building (measured as the incident level with facade reflections excluded) located on the southern side of Quay Street, beyond the inner control boundary shown on Precinct plan 3:

**Table I208.6.1.1 Noise levels 1**

Time	Noise level
11pm to 7am	60dB $L_{Aeq}$ 85dB $L_{AFmax}$

- (b) when measured 1m from the façade of any residential building (measured as the incident level with facade reflections excluded) located beyond the outer control boundary shown on Precinct plan 3:

**Table I208.6.1.2 Noise levels 2**

Time	Noise level
7am to 11pm	55dB $L_{Aeq}$
11pm to 7am	50dB $L_{Aeq}$ 75dB $L_{AFmax}$

- (4) In determining compliance with the above the following applies:
  - (a) the long term average sound level, averaged over any 7 days (i.e. 7 days of short-term average levels) must not exceed the specified levels by more than 3dBA due to statistical variation over those days;
  - (b) there must be no exceedance of the specified short-term average levels by more than 5dBA. The short-term  $L_{Aeq(15 \text{ min})}$  sound level will be the average of any four  $L_{Aeq(15 \text{ min})}$  values obtained during a single night or day when the wind speed at the site where measurement is

taken is less than 2m per second. If the wind speed in the vicinity of both the subject site and the receiver, or any intervening area is known to have exceeded 2m per second during any measurement interval or a temperature inversion is present, then that measurement must not be used to determine the short-term average sound level. Measurements must be accompanied by records of air temperature. There must be no other restrictions on weather conditions;

- (c) care must be taken to ensure that the short-term average sound level represents noise from port activities and is not influenced by noise from other sources. The time period between 3:00am and 5:00am is the preferred time for noise measurements. If the short-term average level is wholly or partly determined from measurements at other times, then records must be adequate to demonstrate that the short-term average sound level was not influenced by noise from non-port sources;
- (d) except as noted above, the noise levels must be measured and assessed in accordance with New Zealand Standard on Acoustics - Measurement of Environmental Sound (NZS 6801:2008) and New Zealand Standard on Acoustics – Environmental Noise (NZS 6802:2008).

#### **I208.6.1.2. Construction noise**

- (1) Construction noise within the Port Precinct must not exceed the levels specified in [E25.6.28](#) Construction noise levels in the Business – City Centre Zone and the Business – Metropolitan Centre Zone, when measured 1m from the façade of any building located outside of the Port Precinct.

#### **I208.6.1.3. Lighting**

- (1) Artificial lighting illuminance must not exceed 150 lux, measured at any point on the site containing the light source, in a horizontal or vertical plane at ground level.
- (2) Illumination associated with vehicles, mobile plant, and quay cranes are exempt from this control.
- (3) Lighting sources must be sited, directed and screened to avoid, as far as practicable, creating a navigation safety hazard.

#### **I208.6.1.4. Parking**

- (1) Standard [E27.6.2](#) Number of parking and loading spaces does not apply to land and coastal marine area west of Solent Street.

#### **I208.6.1.5. Maintenance or repair of a lawful reclamation or drainage system**

- (1) The work must not change the area occupied by the reclamation or drainage system.
- (2) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in ONC, ONF and SEA-M1 overlay areas and within seven days in other areas of the coastal marine area.
- (3) There must be an emergency spill plan in place to address the unforeseen release of contaminants from equipment being used for the activity.
- (4) All equipment and materials must be removed from the foreshore and seabed on the completion of works or activities.
- (5) Written advice must be given to the council at least 10 working days prior to the work starting.

#### **I208.6.1.6. Public access**

- (1) Standard [E38.7.3.2](#) Subdivision establishing an esplanade reserve does not apply to subdivision within the Port Precinct.

#### **I208.6.1.7. Natural Hazards and flooding:**

The activity status for activities listed in Table [E36.4.1](#) of [E36 Natural hazards and flooding](#) do not apply and are replaced by standards I208.6.1.7.1 and I208.6.1.7.2 below:

- (1) Buildings or structures including fences and retaining walls located in 1 per cent annual exceedance probability (AEP) overland flow paths:
  - (a) any ponding of floodwater caused by any new building or structure must not extend beyond (upstream of) the inland boundary of the Port Precinct; or an alternative flow path of equivalent hydraulic capacity must be provided within the site; and
  - (b) the entry point of the flow path into the Precinct must not be altered.
- (2) Habitable rooms of new buildings shall be located above the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise (CSI1).

#### **I208.6.1.8. Building height**

Purpose: manage the height of buildings to achieve Policy I208.3(8) of the Port Precinct.

- (1) Buildings, structures, marine and port facilities, maritime passenger facilities and marine and port accessory structures and services must not exceed the heights specified on Precinct Plan 1.

- (2) For the avoidance of doubt, building height excludes: reefer gantries, cargo and containers, telecommunications equipment, masts, lighting poles and associated equipment and aerials that are accessory to marine and port activities.
- (3) The height of buildings and structures on land must be measured in accordance with Standard [H8.6.8](#) Measuring building height in the Business – City Centre Zone rules.
- (4) The height of buildings and structures within the coastal marine area must be measured above NZVD2016.

### **I208.7. Assessment – controlled activities**

#### **I208.7.1. Matters of control**

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application:

- (1) maintenance dredging:
  - (a) effects on water quality;
  - (b) effects on harbour traffic, navigation and safety; and
  - (c) duration and monitoring.

#### **I208.7.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for controlled activities:

- (1) maintenance dredging:
  - (a) effects on water quality:
    - (i) whether methods are implemented to avoid, remedy or mitigate the release of contaminated sediment.
  - (b) effects on harbour traffic, navigation and safety:
    - (i) whether methods are implemented to avoid, remedy or mitigate effects on harbour traffic, navigation and safety.
  - (c) duration and monitoring:
    - (i) whether monitoring, including periodic monitoring of sediment quality, is required in order to demonstrate the extent and type of effects of the dredging on water and sediment quality and the degree to which the effects are remedied or mitigated during the activity.

### **I208.8. Assessment – restricted discretionary activities**

#### **I208.8.1. Matters of discretion**

The Council will reserve its discretion to all the following matters when assessing a restricted discretionary resource consent application:

- (1) minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation and reclamation or drainage carried out as part of rehabilitation or remedial works:
  - (a) form and design of the reclamation;
  - (b) contaminated material;
  - (c) the safe and efficient operation of marine and port activities;
  - (d) construction or works methods, timing and hours of operation;
  - (e) effects on natural hazards, coastal processes, ecological values and water quality; and
  - (f) consent duration and monitoring
- (2) declamation:
  - (a) construction or works methods, timing and hours of construction works;
  - (b) location, extent, design and materials used;
  - (c) effects on coastal processes, ecological values and water quality;
  - (d) effects on public access, navigation and safety;
  - (e) effects on existing uses and activities;
  - (f) effects on Mana Whenua values; and
  - (g) consent duration and monitoring
- (3) capital works dredging:
  - (a) effects on coastal processes, ecological values and water quality;
  - (b) effects on other users of the coastal marine area, navigation and safety; and
  - (c) consent duration and monitoring.
- (4) hard protection structures including wave attenuation devices:
  - (a) location and design of the hard protection structure;
  - (b) effects on navigation, safety and existing activities;
  - (c) effects on coastal processes including wave hydraulics;
  - (d) construction or works methods, timing and hours of operation; and

- (e) consent duration and monitoring.
- (5) new buildings, and alterations and additions to buildings not otherwise provided for within Area A shown on Precinct Plan 2:
  - (a) building design and external appearance;
  - (b) effects on public access, navigation and safety; and
  - (c) potential adverse effects of any ponding or diversion of floodwater upstream of the Port Precinct caused by changes to the overland flow path.
- (6) offices within a building existing at 22 January 2015 located within the 30m height area identified on Precinct Plan 1 not accessory to marine and port activities:
  - (a) efficient use of port precinct land and resources;
  - (b) public access; and
  - (c) duration of consent.
- (7) alterations, additions or the total or partial reconstruction of the existing service station located on the corner of Quay and Tinley Streets:
  - (a) the matters of discretion in [H8.8.1\(1\)](#) of the Business – City Centre Zone rules apply;
  - (b) location and design of vehicle and pedestrian access; and
  - (c) provision for the on-site manoeuvring of vehicles and pedestrians.
- (8) occupation of the CMCA by an activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent:
  - (a) the matters of discretion in [F2.23.1\(1\)](#) and [F2.23.1\(2\)\(c\)](#) of the Coastal – General Coastal Marine Zone apply; and
  - (b) effects on the safe and efficient use, operation and development of the coastal marine area subject to Ports of Auckland's existing occupation consents.
- (9) wharves, landings and drydocks within the Port Precinct:
  - (a) location and design;
  - (b) construction or works methods, timing and hours of operation;
  - (c) effects on coastal processes;
  - (d) effects on navigation and safety;

- (e) effects on the visual amenity values of the Waitemata Harbour;
  - (f) effects on Mana Whenua values; and
  - (g) consent duration and monitoring.
- (10) noise and construction noise
- (a) effects on land uses beyond the precinct;
  - (b) measures to avoid, remedy and mitigate the adverse effects of noise; and
  - (c) operational requirements of the Port of Auckland.
- (11) lighting:
- (a) effects on adjacent land uses;
  - (b) measures to avoid, remedy and mitigate the adverse effects of lighting;  
and
  - (c) operational requirements of the Port of Auckland.
- (12) building height:
- (a) building scale and dominance / visual amenity effects;
  - (b) effects on the current or planned future form and character of the precinct;  
and
  - (c) reasons for the non-compliance.

#### **I208.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation and reclamation or drainage carried out as part of rehabilitation or remedial works:
  - (a) whether reclamation, as far as practicable, mitigates adverse effects through their form and design, taking into account:
    - (i) the compatibility of the design with the location;
    - (ii) the ability to avoid consequential erosion and accretion, and other natural hazards;
    - (iii) the effects on coastal processes; and
    - (iv) the effects on hydrology.
  - (b) whether the use of contaminated material in a reclamation is avoided unless it is contained in a way that avoids, remedies or mitigates adverse effects on water quality, aquatic ecosystems and biodiversity;

- (c) whether the reclamation enables the efficient operation of port infrastructure; and
  - (d) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants.
- (2) declamation:
- (a) whether the adverse effects of declamation are avoided, remedied or mitigated in respect of the effects of the final land/water configuration on:
    - (i) the marine environment including coastal processes, water quality, sediment quality and ecology of the coastal marine area;
    - (ii) hydrogeology (ground water) and hydrology; and
    - (iii) sediment accumulation and the need for on-going maintenance dredging of the coastal marine area.
  - (b) whether declamation works, including the construction of seawalls, avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated soils and groundwater, and other contaminants; and
  - (c) whether declamation east of Solent Street is located and designed so that the adjacent land area can provide adequate public open space adjacent to, and public access around along the water's edge whether on land or on the adjacent water space;
  - (d) the extent to which declamation will affect Mana Whenua values.
- (3) capital works dredging:
- (a) whether measures are taken to avoid, remedy or mitigate adverse effects on coastal processes, ecological values, and water quality;
  - (b) whether effects on other users of the coastal marine area during the dredging are avoided, remedied or mitigated;
  - (c) whether consent duration is limited to the minimum duration reasonably necessary for the functional or operational needs of the activity; and
  - (d) whether monitoring is required in order to demonstrate the extent and type of effects of the dredging, and the degree to which the effects are remedied or mitigated during and after the activity.
- (4) hard protection structures including wave attenuation devices:
- (a) whether the location and design of the hard protection structure avoid, remedy or mitigate adverse effects on existing activities including marine related industries, other marine activities and/or adjoining coastal activities;

- (b) whether the location and design of the hard protection structure avoid, remedy or mitigate adverse effects of wave hydraulics on other users of the coastal marine area and on the adjacent coastline; and
  - (c) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants.
- (5) new buildings, and alterations and additions to buildings not otherwise provided for within Area A shown on Precinct plan 2:
- (a) the assessment [H8.8.2\(1\)\(a\)\(i\), \(ix\), \(xii\), \(xiii\), \(xv\), \(xvi\), \(xviii\), \(xix\) and \(c\)\(xi\)](#) of the Business – City Centre Zone rules apply in addition to the criteria below;
  - (b) the extent to which buildings within Area A shown on precinct plan 2 have clearly defined public fronts that address the street to positively contribute to the public realm and pedestrian safety. Where this is not possible, where practicable be designed to avoid long, unrelieved frontages and excessive bulk and scale when viewed from Quay Street;
  - (c) the extent to which building mass is visually broken up into distinct elements. Techniques include the use of recesses, variation in building height and roof form, horizontal and vertical rhythms and façade modulation and articulation;
  - (d) the extent to which any parking, loading and servicing activities including the storage and collection of wastes associated with a building is screened and occur behind the buildings and away from Quay Street;
  - (e) the extent to which the quality of building design reflects and recognises Quay Street's importance as a gateway to the city centre. In particular, it should have regard to the area's high visibility in views along Quay Street
  - (f) the extent to which the functional and operational requirements of marine and port activities to be accommodated within the building are recognised when considering the assessment criteria above; and
  - (g) the extent to which the adverse effects of any ponding or diversion of floodwater upstream of the Port Precinct caused by changes to the overland flow path will be avoided or mitigated.
- (6) offices within a building existing at 22 January 2015 located within the 30m height area identified on Precinct plan 1 not accessory to marine and port activities:
- (a) whether the office activity reduces or compromises the efficient use of port land or resources or the future growth or intensification of port activities and facilities;

- (b) whether safe and unencumbered public access is provided between the building and the city centre; and
  - (c) whether the duration of consent is limited to ensure the building is available for marine and port activity when the demand arises.
- (7) alterations, additions or the total or partial reconstruction of the existing service station located on the corner of Quay and Tinley Streets:
- (a) the assessment criteria in [H8.8.2\(1\)](#) of the Business – City Centre Zone rules apply;
  - (b) whether separate pedestrian and vehicle access is provided to and through the site and there is adequate manoeuvring space for vehicles on the site; and
  - (c) the extent to which the design of any alterations or additions contribute to the visual quality, interest and safety of Quay Street and Tinley Street, where practicable.
- (8) occupation of the CMCA by an activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent:
- (a) the assessment criteria in clause [F2.23.2\(1\)](#) and [F2.23.2\(9\)](#) of the Coastal – General Coastal Marine Zone apply in addition to the criteria below; and
  - (b) whether the actual or potential adverse effects on the safe and efficient use, operation and development of the coastal marine area occupied by Ports of Auckland are avoided.
- (9) wharves, landings and drydocks within the Port Precinct:
- (a) whether the location and design of the structure avoid, remedy or mitigate adverse effects on existing activities, marine related industries, other marine and port activities and navigation and safety;
  - (b) whether the location and design of the structure avoid, remedy or mitigate adverse effects on coastal processes and on other users of the coastal marine area;
  - (c) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants;
  - (d) whether duration for construction is limited to the minimum duration reasonably necessary;
  - (e) the extent to which monitoring of construction is required in order to demonstrate the extent and type of effects of the activity, and the degree

to which the effects are remedied or mitigated during and after the activity;  
and

- (f) whether the form, scale and design of the wharf, landing or drydock structures avoid, remedy or mitigate adverse visual amenity effects to and from the Waitemata Harbour;

(10) noise and construction noise:

- (a) the extent to which adverse effects on the health and amenity values of people who may be affected beyond the Port precinct are avoided, remedied and mitigated, taking into account the existing noise environment, the frequency and duration of the proposed infringement and the practicality of managing the noise emissions;
- (b) the operational requirements of the Port of Auckland.

(11) lighting:

- (a) the extent to which adverse effects on the health and amenity values of people who may be affected beyond the Port precinct are avoided, remedied and mitigated, taking into account existing light levels;
- (b) the operational requirements of the Port of Auckland.

(12) building height:

- (a) building height may be exceeded where it would provide an attractive and integrated roof form that also meets the purpose of the standard;
- (b) where building height is exceeded, Policy I208.3(1) and (8) of the Port Precinct and Policy [H8.3\(30\)](#) of the Business – City Centre Zone should be considered.

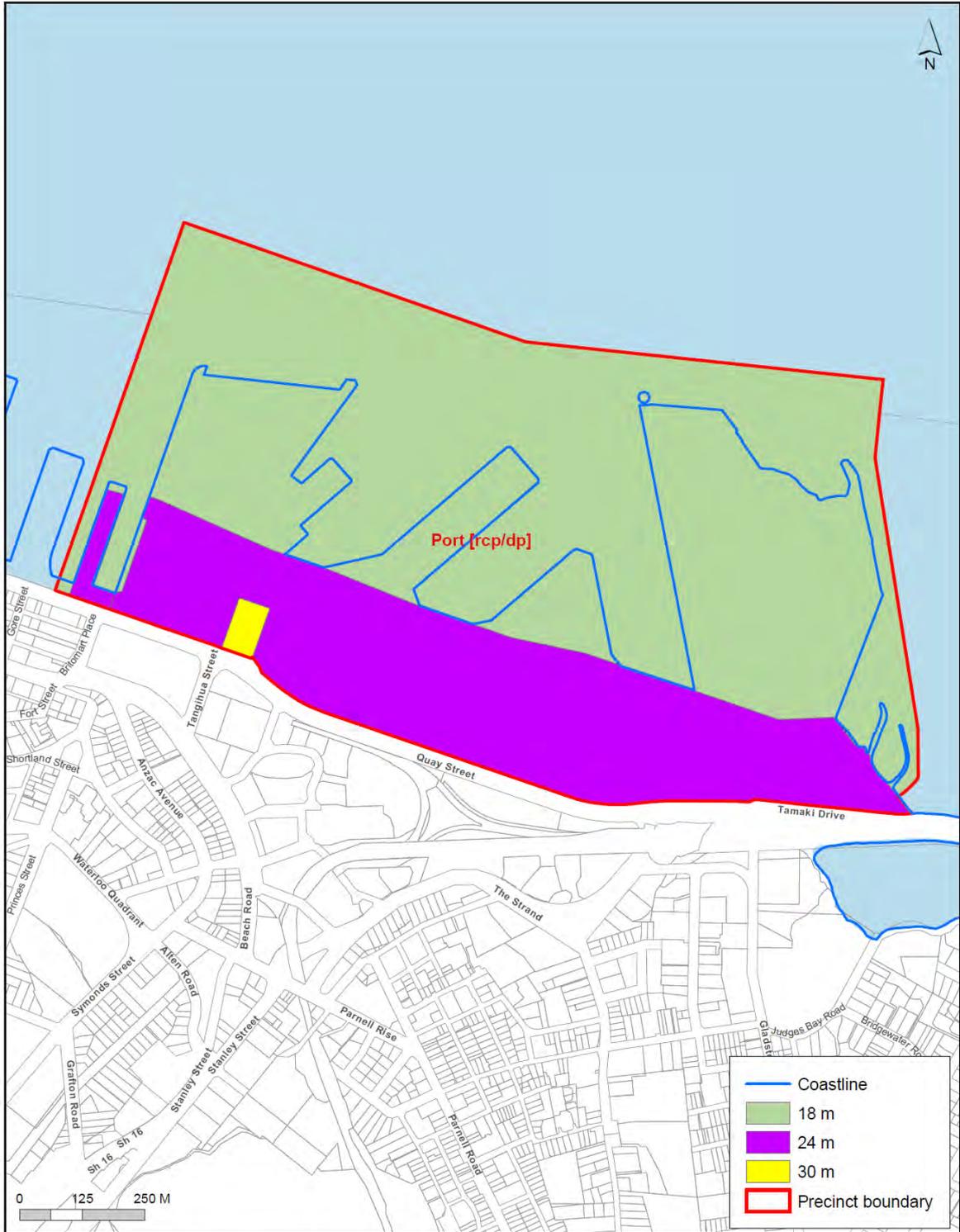
### **I208.9. Special information requirements**

(1) The special information requirements of the Coastal – General Coastal Marine Zone do not apply in the Port Precinct.

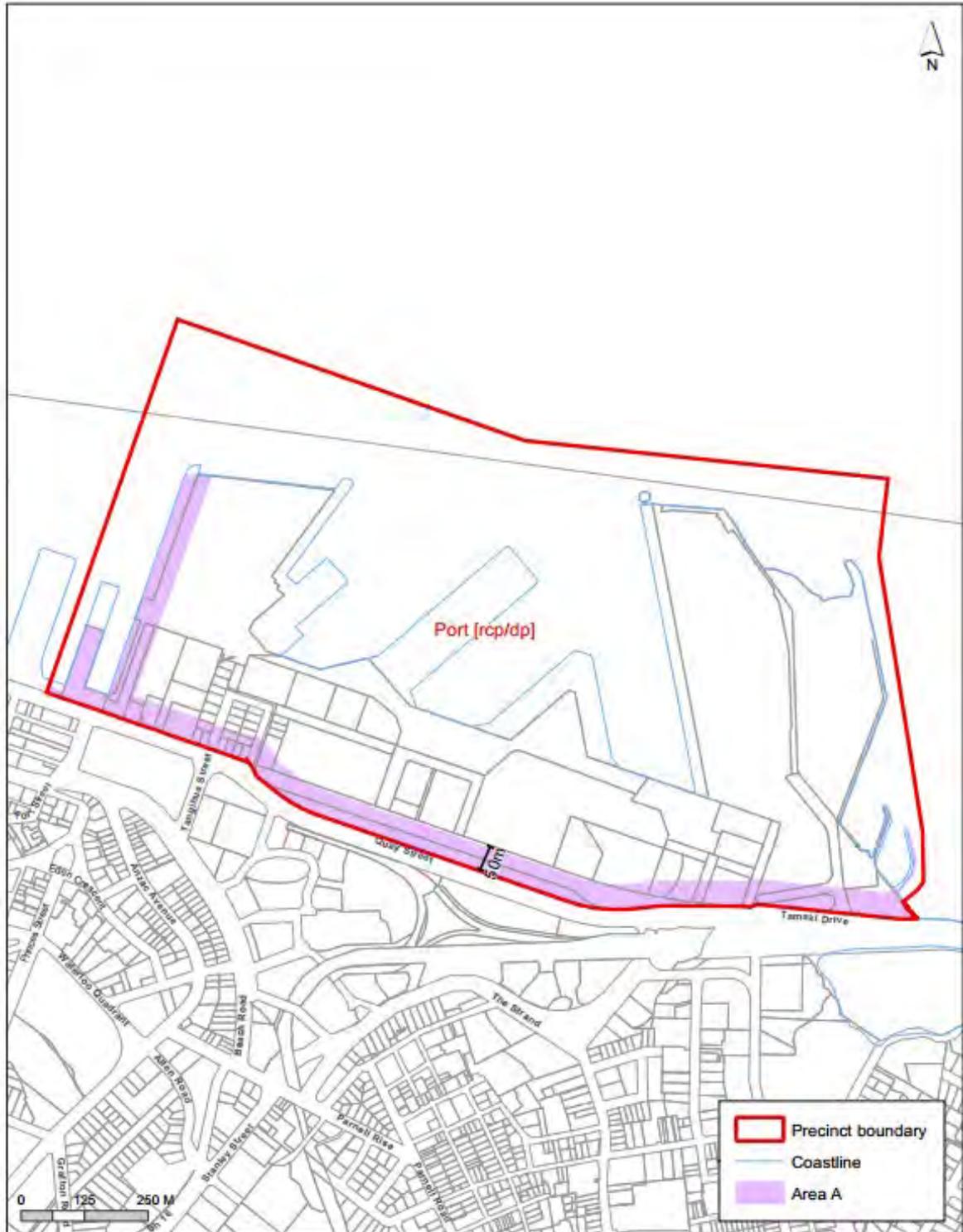
### **I208.10. Precinct plans**

#### **I208.10.1 Port: Precinct plan 1 - Building height**

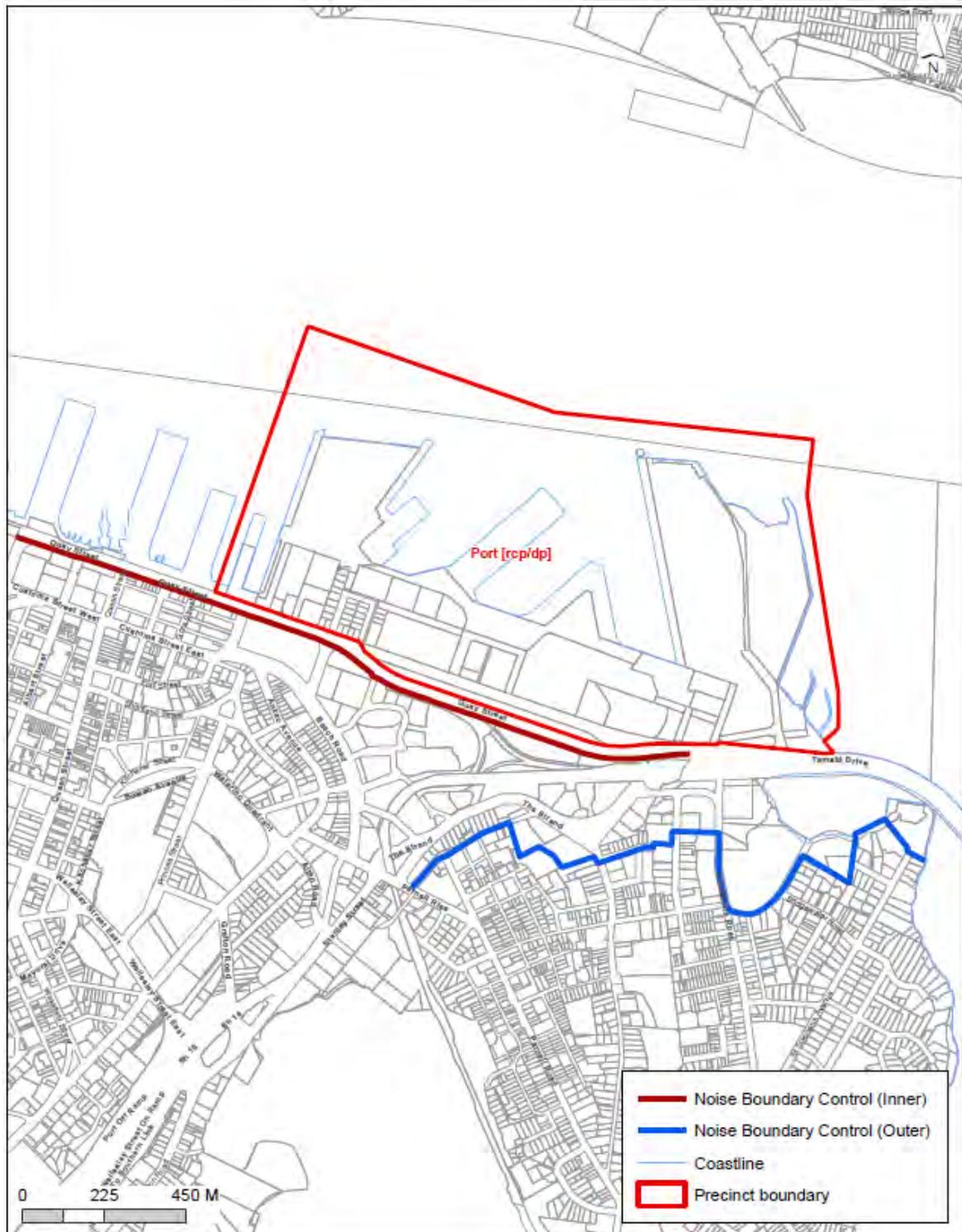
I208 Port Precinct



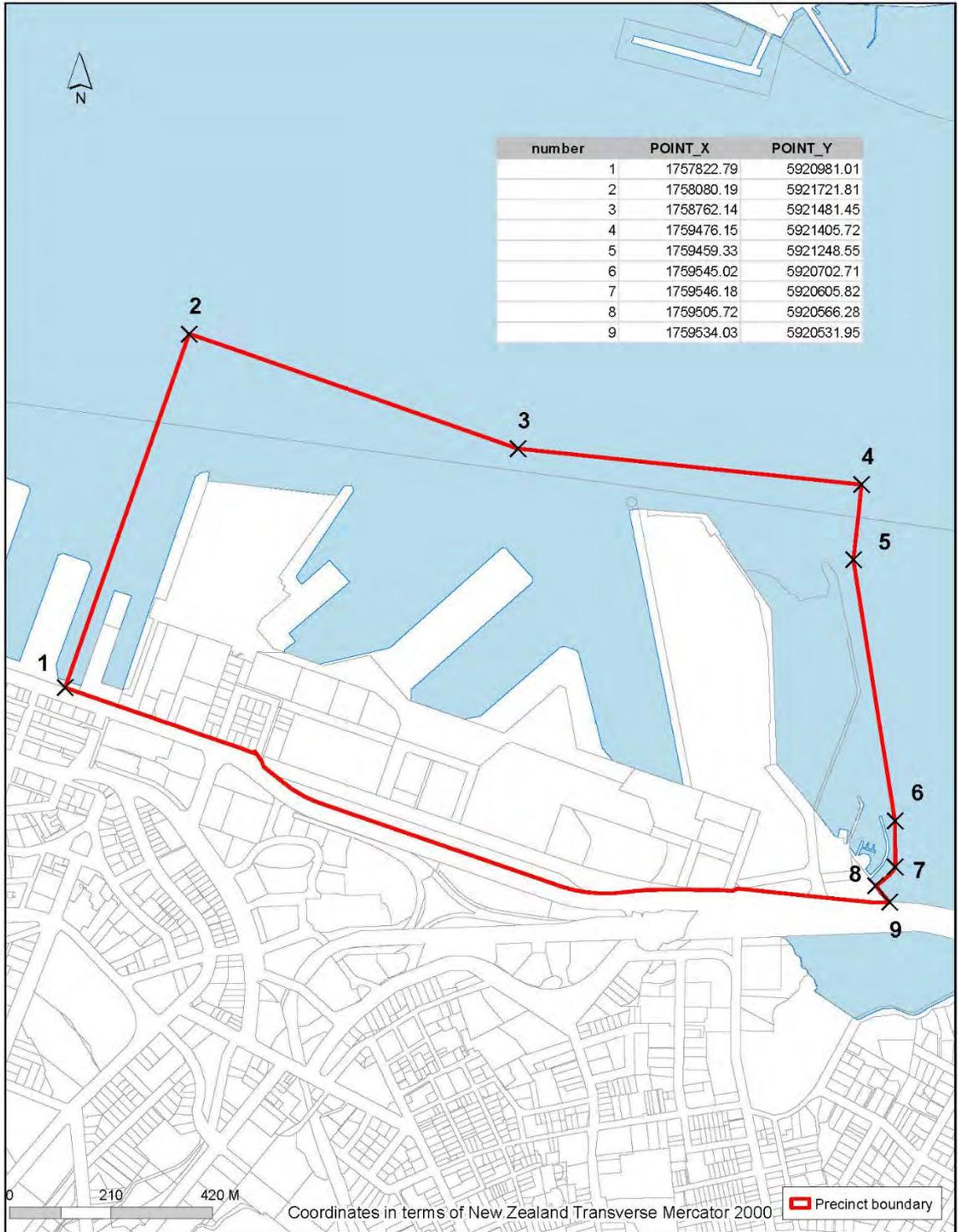
I208.10.2 Port: Precinct plan 2 - Extent of Area A



I208.10.3 Port: Precinct plan 3 - Noise boundaries



**I208.10.4 Port: Precinct plan 4 - Precinct boundary coordinates in the coastal marine area**



## I209. Quay Park

### I209.1. Precinct description

The Quay Park Precinct is located on reclaimed land at the eastern end of the city centre and along the City Centre waterfront. It is dissected to the east and south-east by a designated rail corridor and flanked to the north and south by two major roads, Quay Street and The Strand. The major infrastructure within and surrounding the precinct has made it difficult to achieve a well-connected and high-amenity precinct. Development within the precinct includes the arena, office, retail and accommodation activities

Redevelopment of the precinct should recognise the ~~role this precinct plays as the eastern gateway to the city centre~~ importance in protecting historic heritage and maintaining and enhancing amenity in public open spaces within the precinct; whilst - Redevelopment must also responding innovatively to potential adverse noise and amenity effects generated by the port, and the strategic transport network.

The zoning of land is Business – City Centre Zone and Strategic Transport Corridor Zone.

### I209.2. Objectives

(1) A mix of activities compatible with its location on the eastern edge of the city centre and its proximity to the port and transport network.

(2) The scale and form of development within the precinct:

(a) ~~[Deleted] acknowledges the importance of the precinct as the eastern gateway to the city centre;~~

(b) ~~[Deleted] provides a transition to surrounding neighbourhoods;~~

(c) ~~is sensitive to~~ maintains and enhances the amenity of public streets and identified open spaces, and the former railway station building;

(ca) protects and enhances the former Railway Station Building and gardens and its surrounding context;

(d) enhances and defines street networks; and

(e) provides a variation in building height and form.

The overlay, Auckland-wide and zone objectives apply in this precinct in addition to those specified above.

### I209.3. Policies

#### *Land use activities*

(1) Enable the establishment of a wide range of activities to support and complement the activities in the city centre.

(2) Limit the size and type of retail activity to maintain the vibrancy and amenity of the city centre's core retail areas.

(3) Require the design of any residential apartments to protect occupants from the potential adverse effects of noise from the port and transport network.

#### *Built form*

(1) Require the location and design of development adjoining to respect the scale and architecture of Te Taoū Crescent and the scheduled former rRailway sStation and gardens. ~~to respect the scale and architecture of scheduled historic heritage places such as the railway station.~~

(2) ~~[deleted] Provide for development that responds to the topography of the precinct and surrounds and achieves a transition in height between the core central business district and the less intensive fringe whilst allowing for some additional height in order to provide variation and interest in built form outcomes.~~

(3) Limit building height in particular parts of the precinct to protect views to significant historic heritage places.

(4) Require the scale and design of development to maintain and enhance sunlight access and amenity to identified public open spaces, by managing building height and form.

The overlay, Auckland-wide and zone policies apply in this precinct in addition to those specified above.

#### **I209.4. Activity table**

The provisions in any relevant overlays, zone and the Auckland-wide apply in this precinct unless otherwise specified below.

Table I209.4.1 Activity table specifies the activity status of use and development activities in the Quay Park Precinct pursuant to section 9(3) of the Resource Management Act 1991.

**Table I209.4.1. Activity table**

Activity		Activity status
<b>Use</b>		
Commerce		
(A1)	Drive-through restaurants in Sub-precinct A	RD
<b>Development</b>		
(A2)	Minor cosmetic alterations and repairs to a building that does not change its external design and appearance	P
(A3)	New buildings, and alterations and additions to buildings	RD
(A4)	Transport network for roads, lanes, pedestrian connections	RD
(A5)	Public open space	RD

(A6)	Subdivision	RD
(A7)	<del>Development that does not comply with Standard I209.6.3 Site intensity</del>	NG

### **I209.5. Notification**

(1) Any application for resource consent for an activity listed in Table I209.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

(2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

### **I209.6. Standards**

The overlay, zone and Auckland-wide standards apply in this precinct unless otherwise specified below.

All permitted and restricted discretionary activities listed in Table I209.4.1 Activity table must comply with the following standards.

#### **I209.6.1. Building height**

Purpose: manage the height of buildings to achieve Policies ~~I209.3(5) and I209.4(6) and I209.4(7)~~ of the Quay Park Precinct.

(1) Buildings must not exceed the heights shown on Quay Park Precinct: Precinct plans 2 and 3.

#### **I209.6.2. Building frontage height and setback**

Purpose: manage the frontage height and setback of buildings to maintain pedestrian amenity, and outlook ~~and maintain low building heights around identified public open spaces and streets.~~

(2) On every frontage identified on Quay Park Precinct: Precinct plan 1, buildings must not project beyond a 45 degree recession plane measured at all points along the frontage of the site from 18m above mean street level. The building setback must be an emphatic or a stepped profile of at least two ~~stories~~ storeys and must not be a literal regression of the 45 degree angle.

#### **~~I209.6.3. [Deleted] Site Intensity~~**

~~Purpose: manage the scale, form and intensity of development to maintain the character of the Quay Park Precinct.~~

~~(1) The basic and the maximum floor area ratio permitted within the precinct is 3:1.~~

~~(2) Excluded from the calculation of the basic and maximum floor area ratio are parking areas incorporated within the building to an equivalent floor area ratio of 1:1.~~

~~(3) For sites within the area bounded by Quay Street, Tangihua Street, Beach Road and Britomart Place the following applies:~~

~~(a) the basic floor area ratio is 4:1 and the maximum total floor area ratio is 8:1;~~

~~(i) the maximum total floor area achievable is limited by the ratio of average floor area to site area as follows:~~

Where:		
(A8)	$\frac{AFA}{SA} < 6$	MTFAR equals 8:1
(A9)	$0.6 < \frac{AFA}{SA} < 0.75$	$12.8 - \frac{(8 \times AFA)}{SA} : 1$
(A10)	$\frac{AFA}{SA} > 0.75$	6.5:1

~~(ii) the bonus floor area provisions under clauses [H8.6.10](#) to [H8.6.20](#) of the Business – City Centre Zone including the bonus features for bonus area 2 apply.~~

### **I209.7. Assessment – controlled activities**

There are no controlled activities in this precinct.

### **I209.8. Assessment – restricted discretionary activities**

#### **I209.8.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions:

- (1) new buildings, and alterations and additions to buildings:
  - (a) the matters of discretion in [H8.8.1\(1\)](#) for new buildings and external alterations and additions to buildings not otherwise provided for; and
  - (b) the proposed building, alteration or addition relative to the location of infrastructure servicing the area and open space should result in an integrated network that is adequate to meet the needs of the overall development area; and
  - (c) form and design of buildings adjacent or in close proximity to a historic heritage places.
- (2) subdivision:
  - (a) the assessment criteria set out [in E38 Subdivision - Urban under E38.12.2](#); and

- (b) the location of infrastructure servicing the area, and open space, should result in an integrated network that is adequate to meet the needs of the overall development area.
- (3) transport network including roads, lanes, pedestrian connection:
- (a) the location, physical extent and design of the transport network;
  - (b) the location and capacity of infrastructure to service the land for its intended use;
  - (c) integration of development with neighbouring areas, including integration of the transport network with the transport network of the wider area; and
  - (d) the location of the roads, lanes and pedestrian connections relative to the overall development, including open spaces, earthworks areas and land contours and infrastructure location.
- (4) public open space network
- (a) the location, physical extent and design of open space; and
  - (b) the location of the public open space relative to the overall development, including roads, pedestrian linkages, existing open spaces, earthworks areas and land contours and infrastructure location.
- (5) drive-through restaurants in Sub-precinct A:
- (a) the matters in I209.8.1(1), where the matters for new buildings, or for additions and alterations, are inconsistent with the matters listed below, the matters listed below take precedence;
  - (b) building design and external appearance; and
  - (c) design of parking, access and servicing;
- (6) infringing the building height standard:
- (a) building scale, dominance and visual amenity effects; ~~and~~
  - (b) effects on the current or planned future form and character of the precinct; and
  - (c) effects on amenity of public streets and public open spaces.
- (7) infringing the building frontage height standard:
- (a) building scale, dominance and visual amenity effects;
  - (b) effects on the planned future form and character of the precinct; ~~and~~
  - (c) pedestrian amenity and function; and
  - (d) effects on the vitality and amenity of streets and open spaces.

### **I209.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions:

- (1) new buildings, and alterations and additions to buildings:
  - (e) ~~the matters of discretion~~ assessment criteria in clause [H8.8.2\(1\)](#) of the Business – City Centre Zone rules for new buildings and/or alterations and additions to buildings apply; ~~and~~
  - (f) the proposed building, alteration or addition relative to the location of infrastructure servicing the area and open space should result in an integrated network that is adequate to meet the needs of the overall development area; and
  - (g) where adjacent or in close proximity to a historic heritage place, the extent to which the new building and/ or alteration and addition to buildings has regard to and respects the scheduled heritage building's contribution to the streetscape and its historical relationship with its site surrounds and wider area, including any adjacent open space.
- (2) subdivision:
  - (a) the matters of discretion set out in [E38 Subdivision - Urban](#) under [E38.12.1](#); and
  - (b) the location of infrastructure servicing the area, and open space, should result in an integrated network that is adequate to meet the needs of the overall development area.
- (3) transport network including roads, lanes, pedestrian connection:
  - (a) the transport network (roads, public transport connections, pedestrian connections and cycle connections) is generally provided in the location identified in the precinct plan to achieve a legible street network. Where no location is identified, an integrated and efficient street and pedestrian network should be provided, including connections to existing and future streets and networks; and
  - (a) the layout of the transport network relative to the location of infrastructure servicing the area and open space should result in an integrated network that is adequate to meet the needs of the overall development area.
  - (b) safe, practical and efficient 24 hour through-site links are encouraged through the block. Where provided, the through-site link should comply with the requirements for through-site links in the City Centre zone.
- (4) public open space network:

- (a) layout and design of public open space should meet the demand of future occupants of the site and be of a high quality, providing for public use and accessibility, views, sunlight access and wind protection within the application area; and
  - (b) public open spaces are generally provided in the location(s) identified in the precinct plan to meet the needs of the local community. Where no location is identified, open space should be provided to and located to serve the future needs of the local community.
- (5) drive-through restaurants in Sub-precinct A:
- (a) the assessment criteria in I209.8.2(1), where the assessment criteria for new buildings, or for additions and alterations, are inconsistent with the assessment criteria listed below, the assessment criteria listed below take precedence;
  - (b) building design and external appearance:
    - (i) the extent to which buildings have clearly defined public frontages that positively contribute to public open spaces including streets (excluding service lanes);
    - (ii) the extent to which streetscape amenity and continuity of built form is maintained as far as is practicable and be supplemented by landscaping;
    - (iii) the extent to which buildings, landscaping and site layout are designed to ensure that the development maintains the amenity of surrounding residential or business zoned sites.
  - (c) design of parking, access and servicing:
    - (i) the extent to which drive-through ordering and collection points are designed and located to avoid or mitigate any adverse effects of noise, light, glare and fumes on adjacent residential zoned sites, including any effects of vehicles stopping and starting on-site;
    - (ii) whether the site is designed to accommodate any queuing of vehicles within the site;
    - (iii) the extent to which outdoor storage and rubbish containers are screened from the street, public open space and adjoining residential zoned sites by fencing or landscaping;
    - (iv) the extent to which the location of vehicle accesses have regard to effects on the continuity of activities and pedestrian movement at street level;
- (6) infringing the building height standard:
- (a) building height may be exceeded where it would provide an attractive and integrated roof form that also meets the purpose of the standard; and

(aa) effects of additional building scale on neighbouring sites and streets and public open spaces (dominance, visual amenity and landscape character);

(ab) consistency with the planned future form and character of the zone area;  
and

(b) where building height is exceeded, Policies I209.3(~~56~~) and I209.4(~~67~~) of the Quay Park Precinct and Policy [H8.3\(30\)](#) of the Business – City Centre Zone should be considered.

(7) infringing the building frontage height and setback standard:

(a) the extent to which the scale of the development is consistent with the planned future character of Quay Park as established through the objectives and policies for the Quay Park Precinct; ~~and~~

(b) the extent to which pedestrian amenity is maintained or enhanced; and

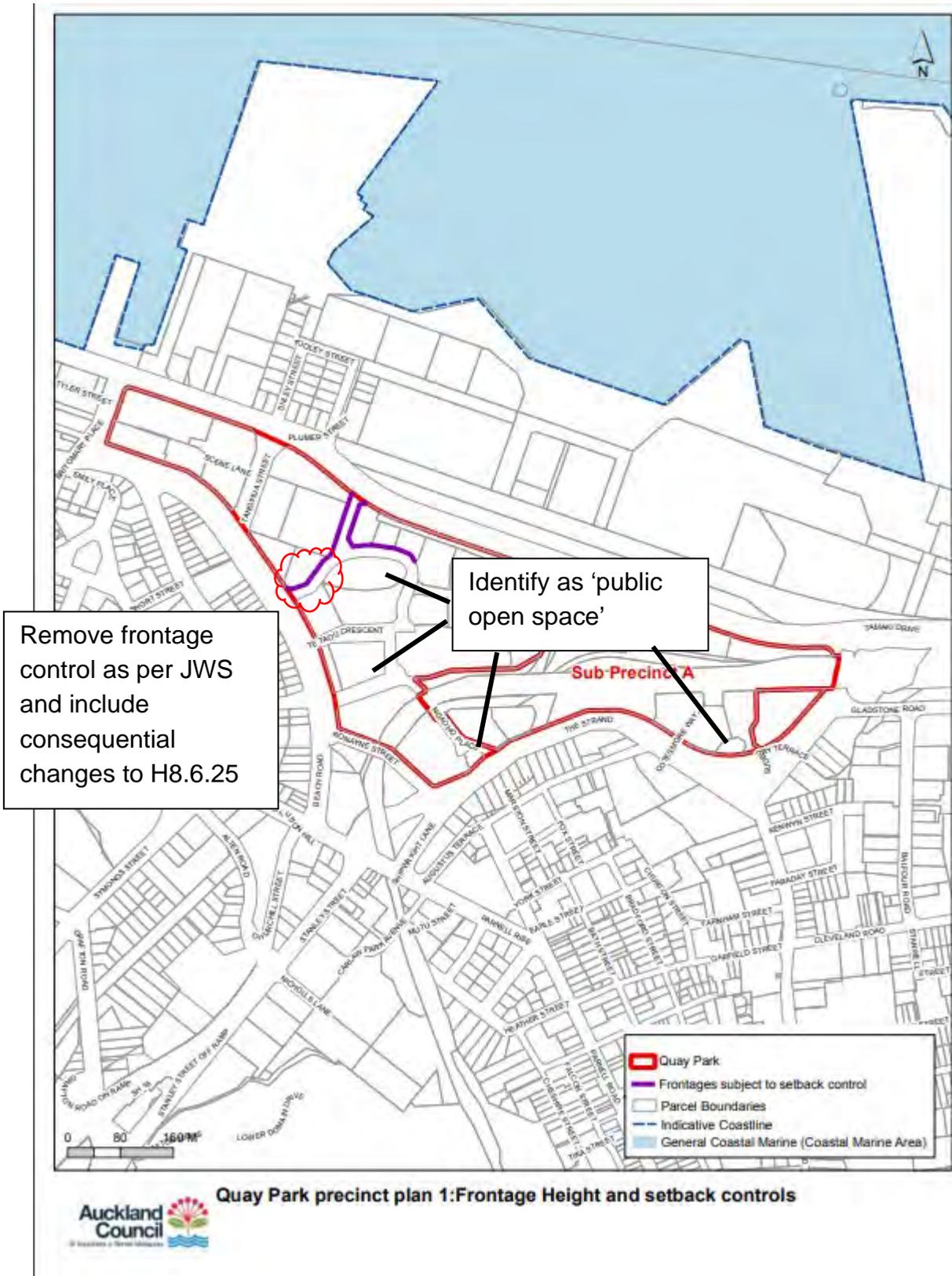
(c) the extent to which buildings have clearly defined human scale frontages that address the street and public open spaces, to positively contribute to the public realm and pedestrian safety.

#### **I209.9. Special information requirements**

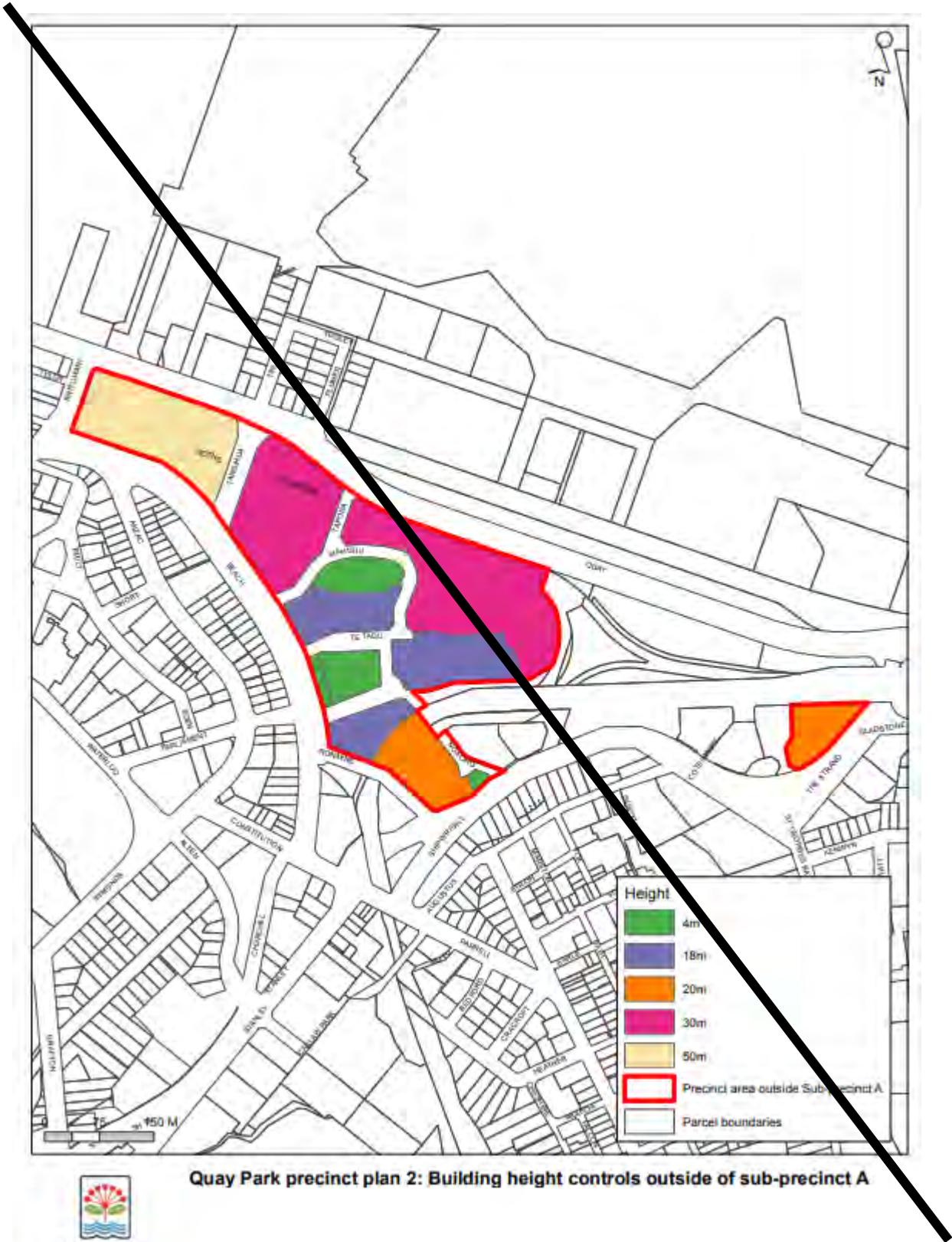
There are no special information requirements in this section.

#### **I209.10. Precinct plans**

**I209.10.1 Quay Park: Precinct plan 1 - Frontage height and setback and identified public open spaces**

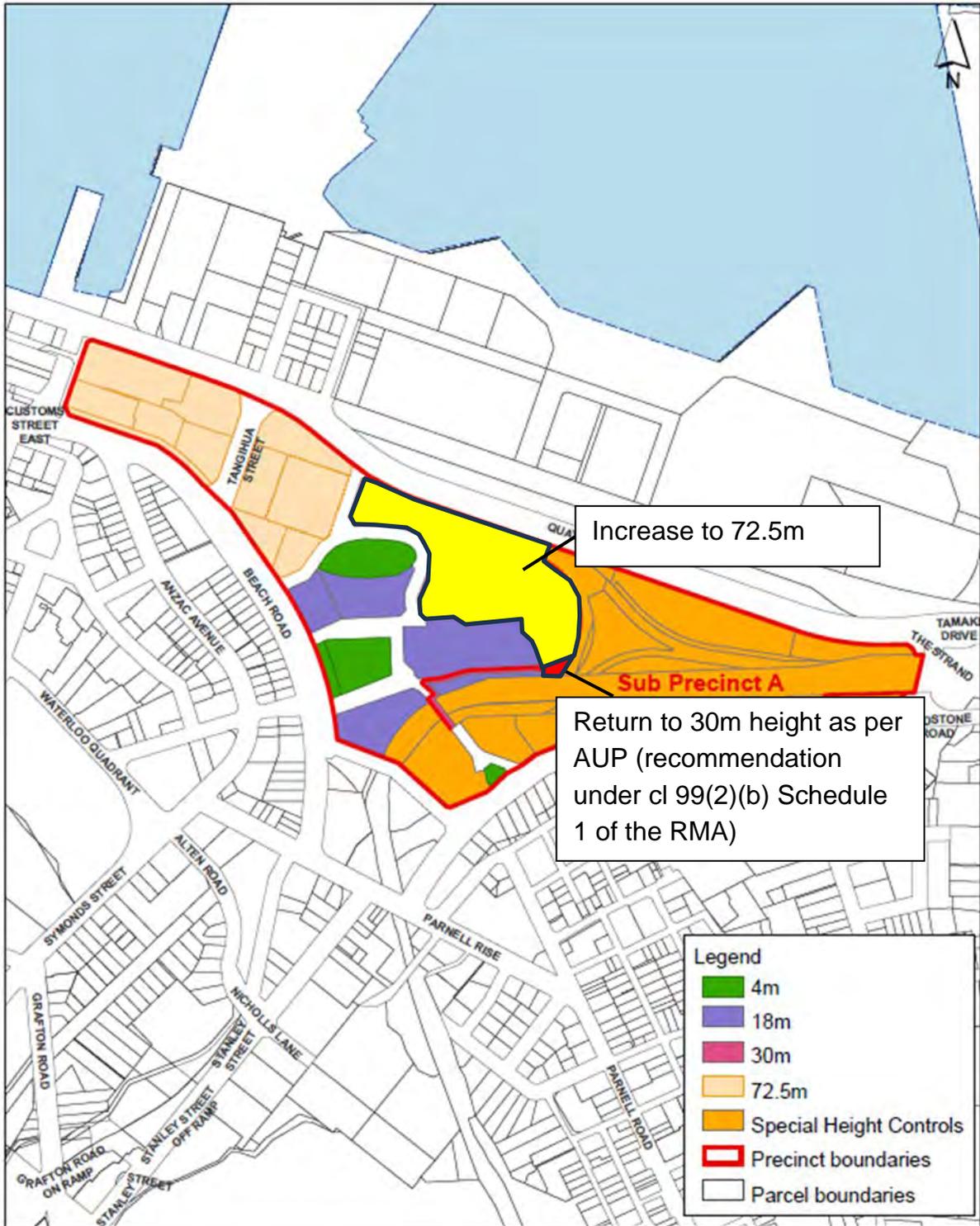


**I209.10.2 Quay Park: Precinct plan 2 - Building height controls outside of sub-precinct A**



**Quay Park precinct plan 2: Building height controls outside of sub-precinct A**





**I209.10.3 [deleted] Quay Park: Precinct plan 3 – Building height controls within sub-precinct A**



## **I210. Queen Street Valley Precinct**

### **I210.1. Precinct description**

The Queen Street Valley precinct is centred on Queen Street and includes the areas surrounding High, Lorne, O'Connell, and Fort streets.

Part of the special character of the Queen St Valley precinct is its varying topography, which includes a north-facing valley running between the Hobson Street and Princes Street ridges and the original shoreline which runs across Queen Street in the vicinity of Fort Street.

The precinct is located within the core central business district and therefore accommodates a wide range of retail and commercial activities that contribute to its vibrancy and amenity. The precinct has a strong pedestrian focus and provides important connections from the city centre to the harbour's edge.

Buildings within the Queen Street Valley precinct are characterised by a highly diverse range of ages, styles, levels of detail, height and bulk. To the east of Queen Street, the streets are generally narrow, creating a sense of enclosure. Small site sizes and building footprints also mean that the architectural character is diverse. The older buildings in this area exert a strong presence in the streetscape, contributing to the precinct's character and sense of human scale. This results in a sense of place with identifiable and unique qualities.

Pre-1940s buildings largely define the precinct. A key purpose of the precinct is to maintain the integrity and coherence of the built form and architecture as this is important to retaining the precinct's streetscape character.

The land in the Queen Street Valley Precinct is zoned Business – City Centre Zone.

### **I210.2. Objective**

- (1) The built and streetscape character and the amenity of the Queen Street Valley Precinct is maintained and enhanced.

The overlay, Auckland-wide and Business – City Centre Zone objectives apply in this precinct in addition to those specified above.

### **I210.3. Policies**

- (1) Require building form and scale to maintain the character, sense of scale within the precinct and maintain sky views and sunlight access to streets.
- (2) Require building design to respect the form, scale and architecture of scheduled historic heritage places and pre-1940s buildings within the precinct.
- (3) Control demolition or removal of pre-1940s buildings, or parts of those buildings, to ensure it does not adversely affect the built form and streetscape character of the precinct.

- (4) Require proposals for new buildings or additions to existing buildings adjoining or adjacent to scheduled historic heritage places or pre-1940s buildings to be sympathetic and provide contemporary and high-quality design which enhances the precinct's built form and streetscape character.

The overlay, Auckland-wide and Business – City Centre Zone policies apply in this precinct in addition to those specified above.

#### I210.4. Activity table

The provisions in any relevant overlays, zone and the Auckland-wide apply in this precinct unless otherwise specified below.

Table I210.4.1 specifies the activity status of development activities in the Queen Street Precinct pursuant to section 9(3) of the Resource Management Act 1991.

**Table I210.4.1. Activity table**

Activity		Activity status
<b>Development</b>		
(A1)	Minor cosmetic alterations to a building that does not change its external design and appearance	P
(A2)	New buildings, and alterations and additions to buildings not otherwise provided for	RD
(A3)	<p>The total demolition or substantial demolition (more than 30% by volume), or any demolition of the front façade of a building constructed prior to 1 January 1940, excluding the buildings substantially located on Computer Freehold Register Identifiers NA386/116, NA988/291, NA37/143, NA2D/160 (North Auckland), which include:</p> <ul style="list-style-type: none"> <li>(a) The Lippincott Building;</li> <li>(b) The former Civic Tavern (also known as the former United Services Hotel);</li> <li>(c) The Original Smith &amp; Caughey Premises [c. 1880] and 1921 Addition;</li> <li>(d) The Mahoney Building; and</li> <li>(e) The McArthur Warehouse.</li> </ul> <p>Except that the Lippincott façade (extending from the parapet to the footpath) of the Smith and Caughey buildings facing Queen Street shall be subject to rule I210.4.1(A3).</p>	RD

### **I210.5. Notification**

- (1) Any application for resource consent for an activity listed in Table I210.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

### **I210.6. Standards**

The overlay, zone and Auckland-wide standards apply in this precinct unless otherwise specified below.

All restricted discretionary activities listed in Table I206.4.1 Activity table must comply with the following standards.

#### **I210.6.1. Frontage height and setback**

Purpose: manage the scale of development to maintain and enhance pedestrian amenity, and to avoid buildings dominating public open space.

- (1) For frontages shown as Frontage Type A on Queen Street Valley Precinct:  
Precinct plan 1 - Frontage types:
  - (a) the height of the building frontage must be at least 19m above MSL (mean street level) and must not exceed 28m above MSL (mean street level);  
and
  - (b) above the frontage height, the building must be setback from the site frontage at least 5m.
- (2) For frontages shown as Frontage Type B on Queen Street Valley Precinct:  
Precinct plan 1 - Frontage types:
  - (a) the height of the building frontage must be at least 19m above MSL (mean street level) and must not exceed 28m above MSL (mean street level);
  - (b) above the frontage height, the building must not project beyond a 65 degree recession plane measured at all points along the site frontage for a depth of at least 5m; and
  - (c) the building setback must be an emphatic or a stepped profile of at least two stories and must not be a literal regression of the 65 degree angle.
- (3) For frontages shown as Frontage Type C on Queen Street Valley Precinct:  
Precinct plan 1 - Frontage types:
  - (a) the height of the building frontage must be at least 13m above MSL (mean street level) and must not exceed 19m above MSL (mean street level);

- (b) above the frontage height, the building must not project beyond a 65 degree recession plane measured at all points along the site frontage for a depth of at least 5m; and
  - (c) the building setback must be an emphatic or a stepped profile of at least two stories and must not be a literal regression of the 65 degree angle.
- (4) ~~[Deleted] Floor space within the area shown on Figures I210.6.1.1 - I210.6.1.3 below is exempt from the calculation of gross floor area for a depth not exceeding 20m from the frontage of the site, if the floor space is located on a storey that adjoins the site frontage or is within 4m of the maximum frontage height specified in I210.6.1(1)-(3) above. Additionally:~~
- ~~(a) a maximum of six stories for Frontage Types A and B and four stories for Frontage Type C shown on Queen Street Valley Precinct: Precinct plan 1 - Frontage types are exempt from the calculation of gross floor area. The exempt stories must be within 4m of the minimum or maximum frontage height specified in I210.6.1(1)-(3) above;~~
  - ~~(b) floor space is not exempt if the building does not comply with the minimum frontage height specified in I210.6.1(1)-(3) above; and~~
  - ~~(c) the building must not exceed the MTFAR applying to the site.~~
- (5) Buildings on sites with two frontages do not need to comply with I210.6.1(1)-(3) above for that part of the building:
- (a) located within 8m of the intersection of the two frontages; and
  - (b) three stories above the maximum frontage height specified in I210.6.1(1)-(3) above where the maximum floor to floor height is 4m.

Figure I210.6.1.1 Frontage height and setback - type A

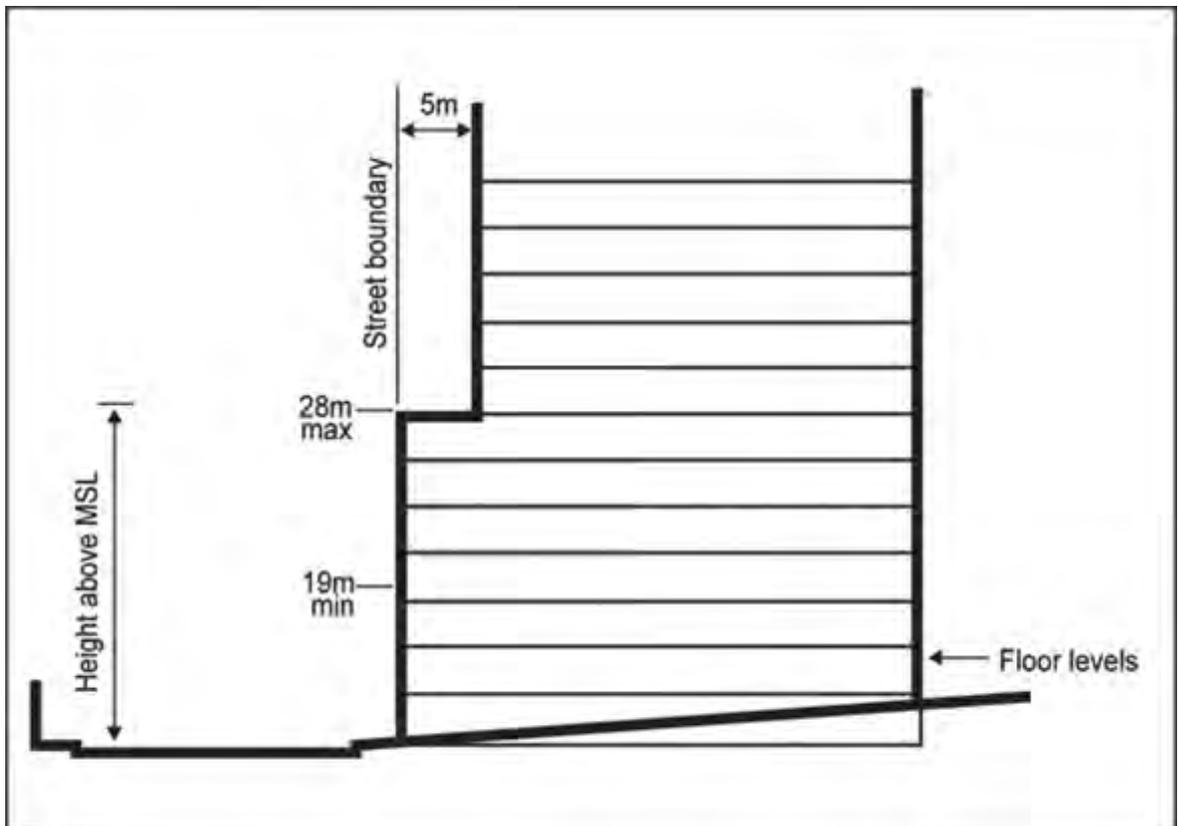
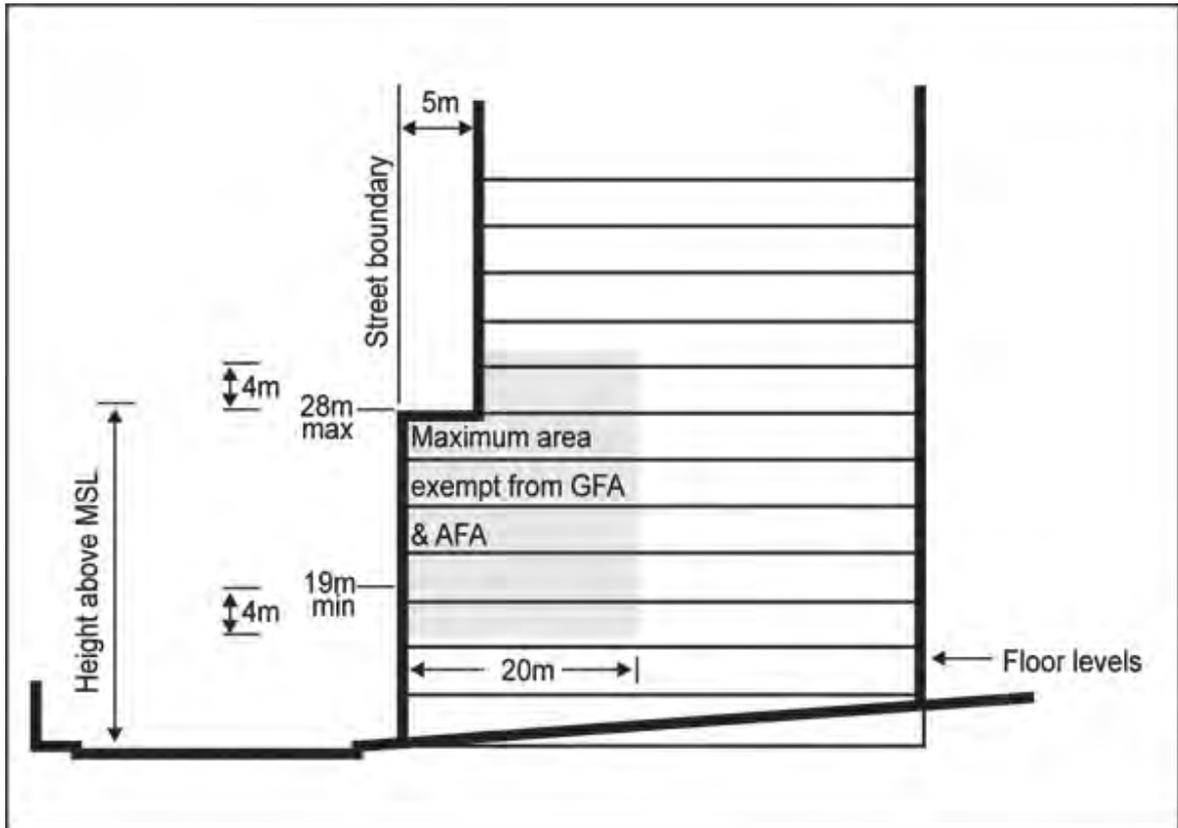
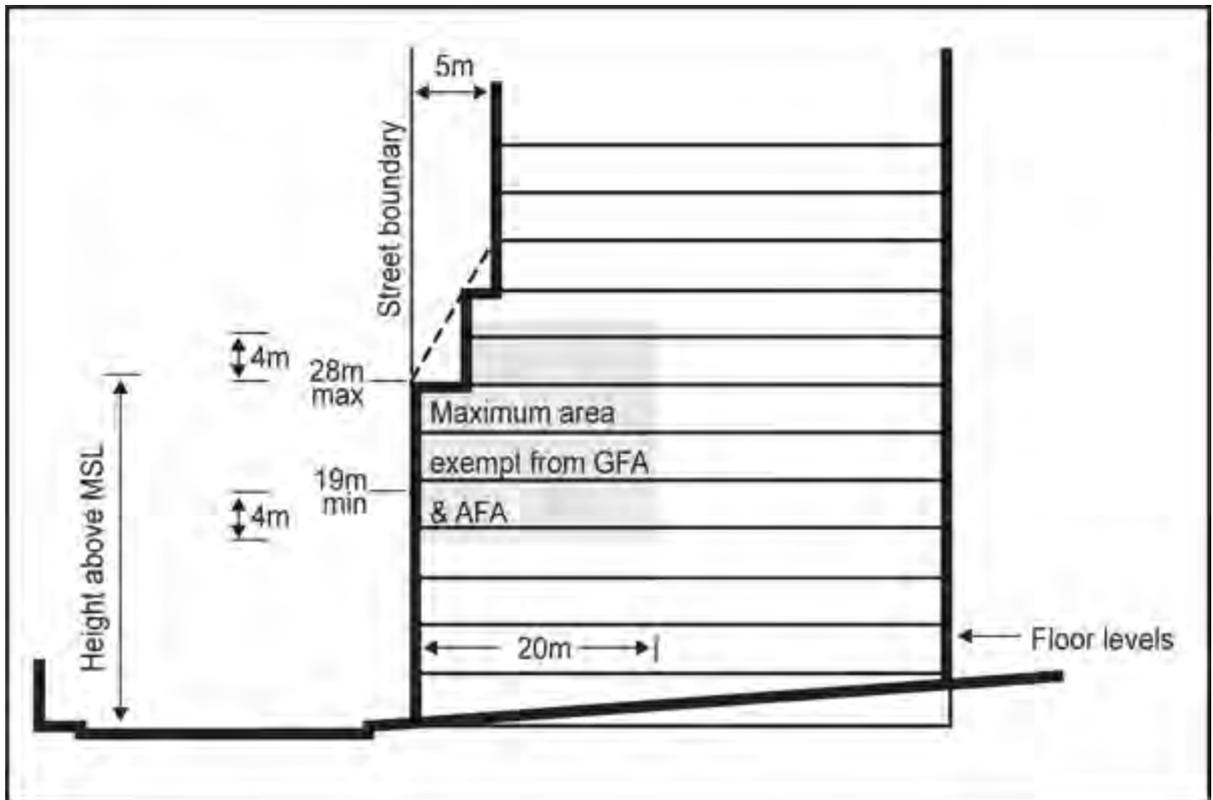


Figure I210.6.1.2 Frontage height and setback - type B



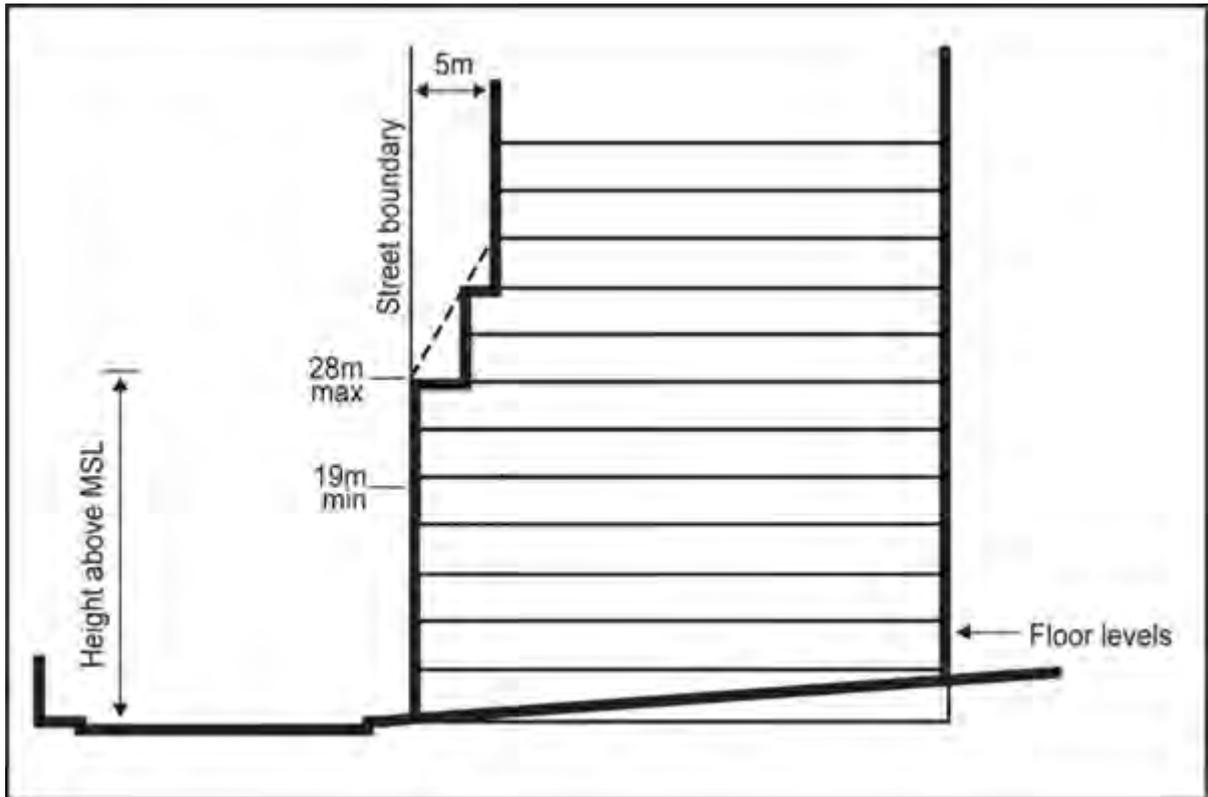
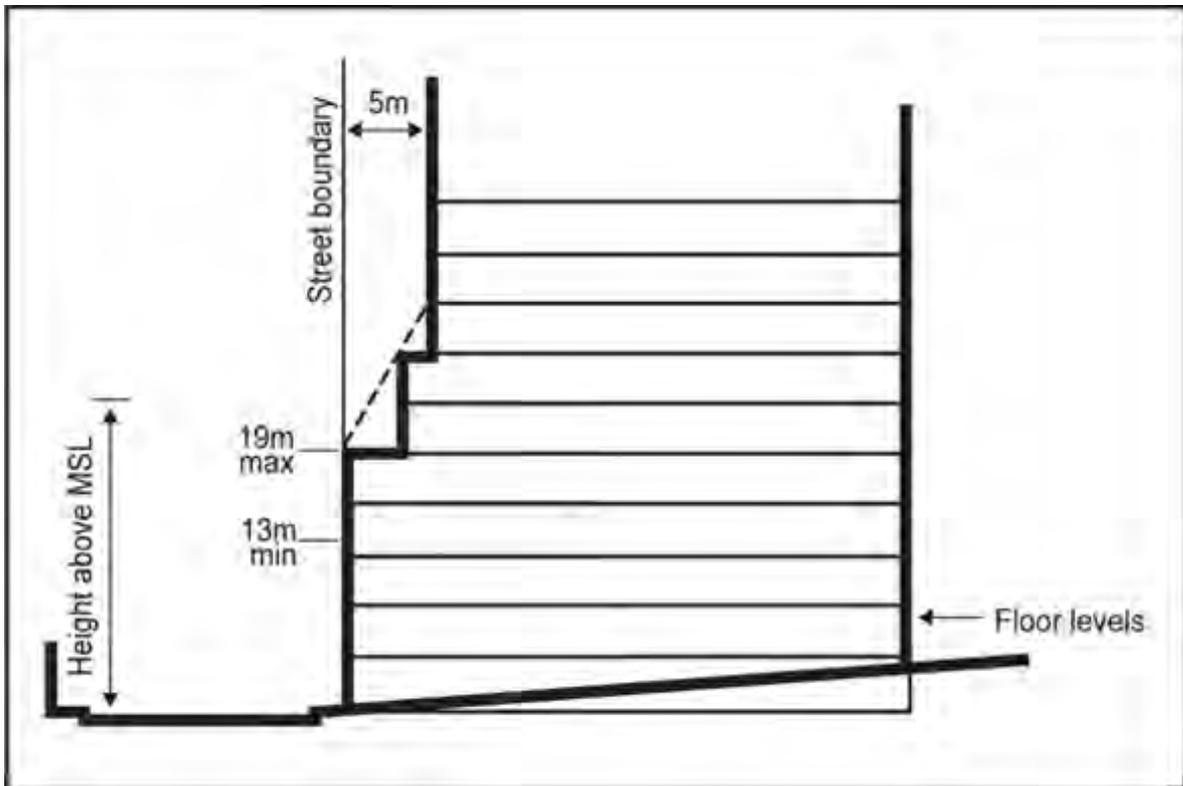
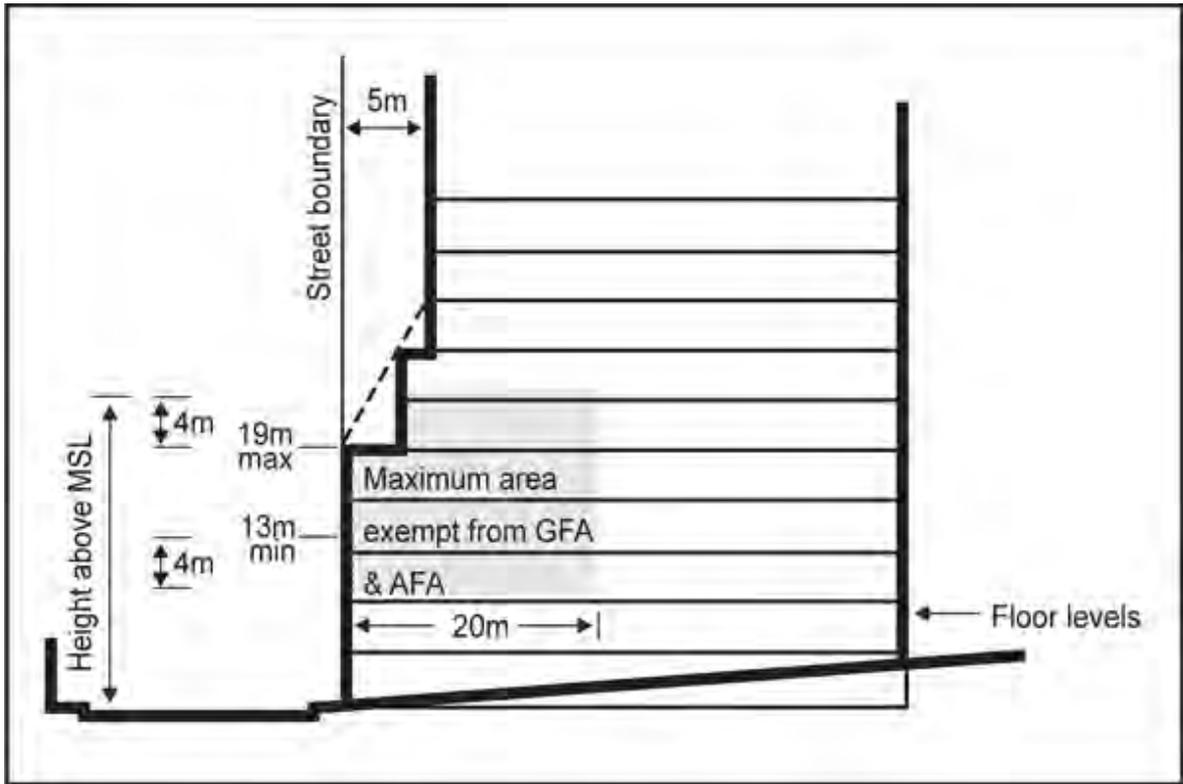
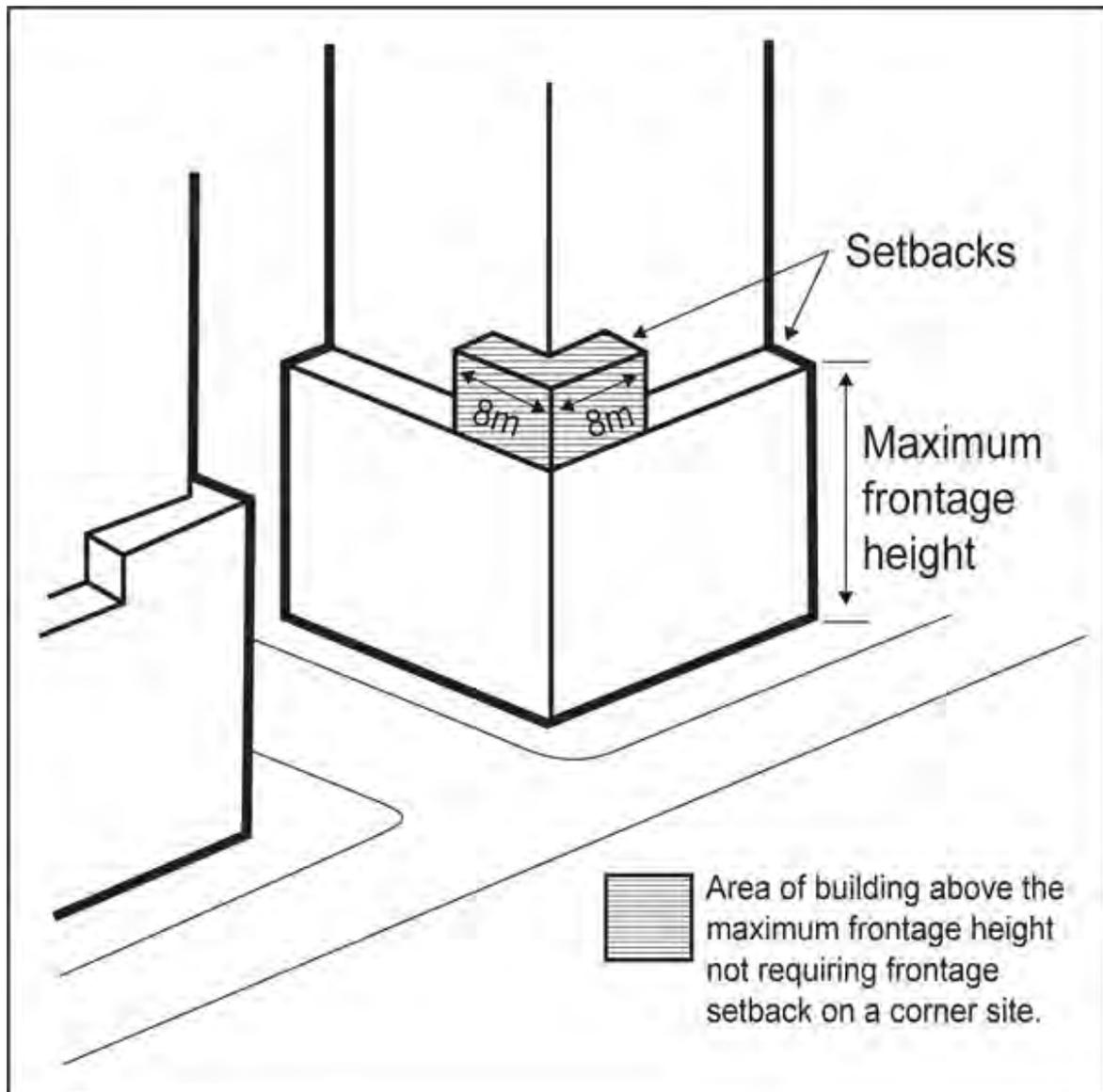


Figure I210.6.1.3 Frontage height and setback - type C



**Figure I210.6.1.4 Setback exemption for corner sites**



**I210.7. Assessment – controlled activities**

There are no controlled activities in this precinct.

**I210.8. Assessment – restricted discretionary activities**

**I210.8.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland-wide or zone provisions:

- (1) new buildings, and alterations and additions to buildings and structures not otherwise provided for:
  - (a) building design and external appearance.
- (2) buildings that do not comply with the frontage height and setback standards:

- (a) building scale, dominance and visual effects; and
  - (b) effects on public open space and pedestrian access.
- (3) The total demolition or substantial demolition (more than 30 per cent by volume), or any demolition of the front façade of a building constructed prior to 1 January 1940.
- (a) The effects of building demolition on built form and streetscape character.

#### **I210.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, Auckland-wide or zone provisions:

- (1) new buildings and alterations and additions to buildings and structures not otherwise provided for:
  - (a) building design and external appearance - creating a positive frontage:
    - (i) whether the design of buildings at ground level contribute to the continuity of pedestrian interest and vitality. However, frontages entirely of glass (curtain walling or continuous shop-front glazing) should not be used at street level as they detract from the streetscape; and
    - (ii) where feasible, whether restoration of original ground level detail is included in plans for buildings adjoining heritage buildings or for alterations to heritage buildings.
  - (b) building design and external appearance - variation in building form and visual interest:
    - (i) whether building levels aligned to the street boundaries incorporate design elements which acknowledge the existing human scale and character of the precinct. In particular:
      - whether frontage height and design have regard to existing buildings in the vicinity and maintain a consistent scale. This does not mean a rigid adherence to a single height but it does mean a respect for the general appearance of the surrounding blocks;
      - whether the design of frontages include vertical and horizontal details which avoid dominance of frontage elements larger than historically present. Where existing sites are amalgamated, the frontage design should have regard to the existing “grain” of development and convey a residual sense of the original subdivision pattern; and
      - whether the consistency of the existing character in a cohesive streetscape is maintained with new buildings acknowledging

the scale, sense of proportion and level of intricacy of adjacent heritage and special historic character buildings in the precinct. However, new buildings should be sympathetic to those buildings and should not replicate or imitate the architectural detailing or style.

(c) building design and external appearance - materials and finishes

(i) whether materials used in new buildings have regard to existing buildings, but new and contemporary interpretations in form and detail may be used.

(2) buildings that do not comply with the frontage height and setback standards:

(a) whether development is of a scale and form appropriate to the setting;

(b) whether the scale of the development is consistent with the current and future character of Queen Street valley as established through the objectives and policies for the Queen Street Valley Precinct; and

(c) whether pedestrian amenity is maintained or enhanced.

(3) the total demolition or substantial demolition (more than 30 per cent by volume), or any demolition of the front façade of a building constructed prior to 1 January 1940.

(a) Effects of building demolition on built form and streetscape character

(i) The demolition or removal of a pre-1940s building within the precinct should not significantly adversely affect the built form and streetscape character of the precinct. In particular, consideration will be given to:

- whether the existing building forms part of a cohesive group of buildings in terms of similarity of age, scale, proportion or design and the extent to which the building's demolition would detract from the shared contribution that group makes to streetscape, the unique character or the history and context of the precinct.
- whether the existing building is a remnant example of a building type that reflects the history of the area.
- the contribution the individual building makes to the context, character or cohesiveness of the streetscape or precinct.
- the contribution the building makes to adjoining or nearby scheduled historic heritage buildings, either through the context and the relationship of the building to the scheduled historic heritage building or through the building's mass, height or rhythm of facades, and whether its demolition would adversely impact on the historic heritage values of the building.

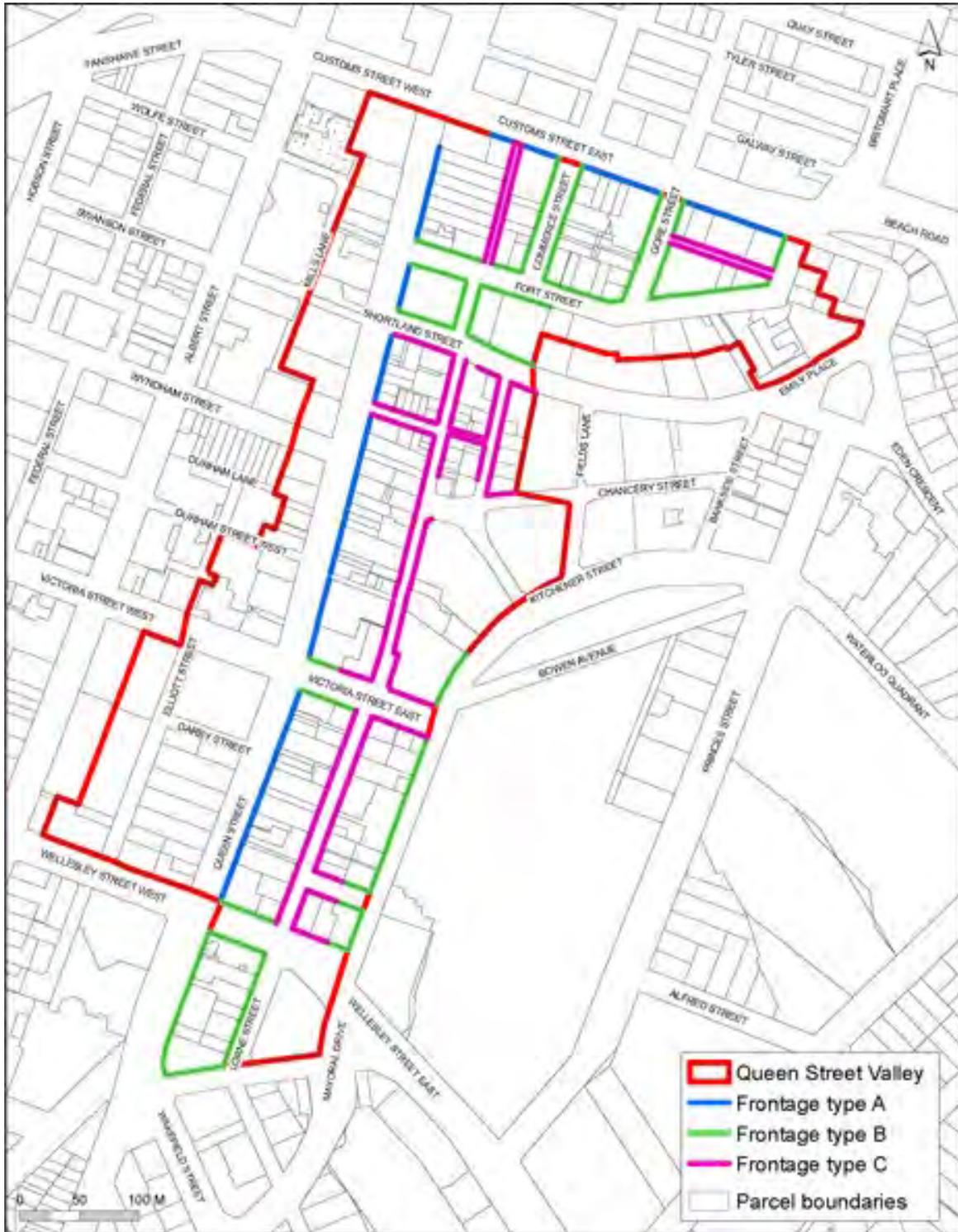
- whether reasonable use of the site can be achieved through adaptive re-use of the building rather than through its demolition and replacement.
- (ii) Notwithstanding the above, whether the building is beyond rehabilitation in terms of poor structural or physical condition, and the costs of the repair work or upgrading necessary to extend the useful life of the building are prohibitive (in comparison to the costs of a new building of similar size).

**I210.9. Special information requirements**

There are no special information requirements in this precinct.

**I210.10. Precinct plans**

I210.10.1 Queen Street Valley Precinct: Precinct plan 1 - Frontage types



## **I211. Viaduct Harbour Precinct**

### **I211.1. Precinct description**

The Viaduct Harbour precinct incorporates Viaduct Harbour and the land fronting the harbour (including Hobson Wharf), and the adjacent coastal marine area. The precinct is characterised by its enclosed water space, interesting water edge, proximity to the city core, and areas of low-rise character buildings close to the water edge and public spaces. Refer to Viaduct Harbour Precinct plan 1 for the location and extent of the precinct. Coordinates for the precinct boundary in the coastal marine area are shown on Precinct plan 6.

The purpose of the Viaduct Harbour precinct is to provide for a scale of development and a range of uses which reflect and complement the Viaduct Harbour as a special place of character within the city centre. Building height, bulk and design controls are intended to provide a framework which, while providing flexibility in building design, encourages well-defined edges to public spaces, a sense of enclosure at the built edges of public space and a visual transition in the height of built form extending from the water's edge of Viaduct Harbour to the established central commercial area.

To build upon and reinforce the Viaduct Harbour's attributes, provision is made for a wide range of activities. In particular, the establishment of a mix of recreation, leisure, retail, entertainment and community/cultural activities is encouraged along the water's edge, open spaces and certain roads where pedestrian activity is likely to be highest.

The open space network, identified as sub-precinct B, incorporates a range of different sizes, widths and shapes to cater for varying recreational needs. The width of space around the Basin perimeter is also sufficient for the coexistence of maritime-related activities, pedestrian promenades, open air cafe seating and similar activities.

The residential area, identified as Sub-precinct C, recognises the established high quality residential environment and the benefits that a permanent residential population provides to the character, vitality, safety and amenity of the precinct.

The zoning in the Viaduct Harbour Precinct is Business – City Centre Zone and Coastal – General Coastal Marine Zone.

### **I211.2. Objectives [rcp/dp]**

- (1) An attractive public waterfront and world-class visitor destination that is recognised for its distinctive character, quality buildings, public open spaces, recreational opportunities, community and cultural facilities and events.
- (2) Maintain and enhance the Viaduct Harbour land and adjacent water space as a special place of character in the City Centre and retain significant views of the water and areas within and adjacent to the precinct.
- (3) A safe, convenient and interesting environment, which optimises pedestrian and cycling use and improves connectivity within the precinct and to adjacent areas of the City.

(4) An attractive place for business and investment is provided for marine and port activity, maritime passenger operations and commercial business activity which benefit from a high amenity waterfront location.

(5) Adverse effects arising from activities and development are avoided, remedied or mitigated, in an integrated manner across mean high water springs.

(6) A mix of activities is encouraged including residential, business, tourism and events that create a vibrant environment.

(7) Maintain the residential character and amenity in Sub-precinct C as an attractive place for permanent residents.

The overlay, Auckland-wide and Business – City Centre Zone objectives apply in this precinct in addition to those specified above.

### **I211.3. Policies [rcp/dp]**

(1) Enable the efficient operation and development of the precinct by providing for activities which have a functional need to locate in or adjacent to the coastal marine area.

(2) Enable a diverse range of activities while:

(a) avoiding, mitigating or remedying potential adverse effects in an integrated manner across mean high water springs, including reverse sensitivity effects on marine and port activities; and

(b) maintaining and enhancing public access to the waters edge.

(3) Provide for continued use of all berthage areas adjacent to public open spaces for commercial vessel activities and other marine and port activities and marina-activities.

(4) Manage building height and bulk to:

(a) achieve an appropriate scale in relation to the street network and the precinct's prominent waterfront location;

(b) complement and maintain the distinctive low-medium rise character ~~established by development in Viaduct Harbour, including to achieve~~ a sense of intimacy along streets and other public space frontages; and

(c) ~~[Deleted] complement the height enabled in the adjacent Downtown West, Central Wharves and Wynyard precincts; and~~

(d) provide a transition in height between the core city centre and the harbour.

(5) Encourage the development of a diverse range of high-quality visitor experiences including promenading, coastal recreation, community and cultural activities and temporary activities.

(6) Encourage the construction of a bridge for pedestrians, cyclists and local public transport connecting the Eastern Viaduct with Jellicoe Street to improve public connectivity between Wynyard precinct and the city centre.

(7) Encourage an integrated network of attractive streets and lanes to increase pedestrian and cycling permeability and accessibility through the precinct.

(8) Enable and maintain a network of different-sized public open spaces in key locations along the water's edge to cater for a range of recreational opportunities and provide vantage points.

(9) Manage the land and coastal marine area to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on the water quality and ecology of the city centre coastal environment.

(10) Limit the loss of significant public views from the city to the harbour and adjacent landscape features.

(11) Maintain the residential character and amenity values in Sub-precinct C by avoiding activities that adversely affect the residential character and its related amenity values.

(12) Provide for permanent residents in Sub-precinct C to:

(a) maintain and enhance the character and vitality of the precinct; and

(b) promote the safety and amenity for pedestrians through passive surveillance.

The overlay, Auckland-wide and Business – City Centre Zone policies apply in this precinct in addition to those specified above.

#### **I211.4. Activity table**

Table I211.4.1 Activity table specifies the activity status for land use and development activities pursuant to section 9(3) of the Resource Management Act 1991 and the activity status for works, occupation and use in the coastal marine area pursuant to sections 12(1), 12(2), and 12(3) of the Resource Management Act 1991, including any associated discharges of contaminants or water into water pursuant to section 15 of the Resource Management Act 1991, or any combination of all of the above sections where relevant.

- Within sub-precinct B, activities marked # in the activity table are limited to the area of the Eastern Viaduct shown on Precinct plan 1.
- Those activities marked with \* have the listed activity status only when that activity is located on a coastal marine area structure (e.g. a new building on an existing wharf). If that activity is located directly in the coastal marine area (e.g. a new wharf) a different activity status will apply.
- The activities in the Coastal – General Coastal Marine Zone and Business – City Centre Zone apply in the Viaduct Harbour Precinct unless otherwise specified in the activity table below.

- For parking on land refer to [E27 Transport](#), except where a more specific activity status applies in the table below.

### **Resource Management (National Environmental Standards for Freshwater) Regulations 2020**

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 apply to coastal wetlands and to any part of the coastal marine area that is upstream from the mouth of a river.

If an activity provided for in rules I211.4.1 to I211.9, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

**Table I211.4.1. Activity table**

<b>Activity</b>		<b>CMA [rcp]</b>	<b>Land [dp]</b>
<b>Works in the coastal marine area</b>			
(A1)	Maintenance or repair of existing seawalls, reclamations or drainage systems	P	NA
(A2)	Minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation	RD	NA
(A3)	Reclamation or drainage not otherwise provided for	D	NA
(A4)	Declamation#	RD	RD
(A5)	Maintenance dredging	RD	NA
(A6)	Capital works dredging	RD	NA
<b>Use and activities and associated occupation</b>			
<b>Residential</b>			
(A7)	Dwellings and visitor accommodation within Sub-precinct C	NA	P
<b>Commerce</b>			
(A8)	Dairies, restaurants and cafes, hairdressers, drycleaning agents, retail and healthcare	NA	RD

I211 Viaduct Harbour Precinct

	facilities on the ground floor of an existing building within Area A of Sub-precinct C		
(A9)	Office activities within Sub-precinct C	NA	D
(A9A)	Swimming, exercising and leisure activities in the part of the site legally described as Lot 4 Deposited Plan 317103 within Sub-Precinct C by occupants of the site undertaking office activities	NA	P
(A10)	Maritime passenger operations, excluding freight movement and storage#	P*	P
(A11)	Parking accessory to marine and port activities, maritime passenger operations and events within Te Wero Island and the Eastern Viaduct in sub-precinct B	P*	NA
(A12)	Parking that is not accessory to marine and port activities and maritime passenger operations and events on coastal marine area structures	NC*	NA
(A13)	Short-term parking (non accessory) within sub-precinct B	NA	RD
(A14)	Aquaculture activities	Pr	NA
<b>Industry</b>			
(A15)	Permanent refuelling facilities for boats	RD	RD
(A16)	Marine and port activities except for permanent refuelling facilities for boats	P	P
(A17)	Industrial activities not specified as a permitted or restricted activity	D*	D
<b>Community</b>			
(A18)	Artworks, open air markets, kiosks, stalls, displays, tables and seating within Waitemata Plaza and Market Square, including those used in association with food and beverage activities located on adjacent sites	NA	P
(A19)	Marinas	P	P
(A20)	Marina berths	P	N/A
(A21)	Community facilities#	P	P
(A22)	Public amenities	P*	P
(A23)	Activities within sub-precinct B and C listed in the City Centre zone activity table and not specified in this activity table	NC	NC
<b>Development</b>			
(A24)	Marine and port facilities within sub-precinct A or B	NA	RD
(A25)	Marine and port facilities located outside of sub-precinct A and B	P*	P

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(A26)	Marine and port accessory structures and services, excluding new pile moorings	P	P
(A27)	Wave attenuation devices	RD	RD
(A28)	Observation areas, viewing platforms and boardwalks	RD	RD
(A29)	Pile moorings existing at 30 September 2013 including occupation and use by the vessel to be moored	P	NA
(A30)	New pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored	RD	NA
(A31)	Maimai	NC	NC
(A32)	A bridge across the Viaduct Harbour	RD	RD
(A33)	Minor cosmetic alterations to a building that does not change its external design or appearance	P*	P
(A34)	New buildings, and alterations and additions to buildings not otherwise provided for	RD*	RD
(A35)	Coastal marine area structures or buildings not otherwise provided for	D	NA
(A36)	Development that does not comply with Standard I211.6.10(1)-(3) or I211.6.11(1)-(2)	NC	NC

### I211.5. Notification

(1) Any application for resource consent for an activity listed in Table I211.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

(2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

### I211.6. Standards

The standards in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Viaduct Harbour Precinct and the standards in the Business – City Centre Zone apply to land in the Viaduct Harbour Precinct unless otherwise specified below

#### I211.6.1. Temporary activities Events

(1) Temporary activities within the Viaduct Harbour precinct must comply with the general noise limit in [E25 Noise and Vibration](#). Temporary activities may exceed the general noise limit (deemed to be a noise event) no more than 15 times in total within the Viaduct Harbour Precinct (regardless of venue) in any calendar year (1 January to 31 December inclusive).

- (2) The general noise levels in [E25 Noise and Vibration](#) may be exceeded for a cumulative duration of not more than 6 hours within any 24 hour period for a noise event.
- (3) For the purpose of this rule and except where otherwise stated, the Eastern Viaduct, Te Wero, Waitemata Plaza and Market Square as defined on Precinct plan 1, are all separate venues.
- (4) For the 15 noise events, the maximum noise levels must not exceed:
  - (a) For no more than 3 of the 15 noise events and for a cumulative duration of not more than 3 of the total 6 hours permitted in I211.6.1(1) above (exclusive of one sound check of no more than one hour duration prior to each event):  
  
82dB  $L_{Aeq(15min)}$   
90dB  $L_{A1(15min)}$   
76dB  $L_{eq(15min)}$  at 63Hz 1/1 Octave Band  
76dB  $L_{eq(15min)}$  at 125Hz 1/1 Octave Band  
(high noise event)  
  
At all other times during the 15 noise events:  
  
72dB  $L_{Aeq(15min)}$   
80dB  $L_{A1(15min)}$   
76dB  $L_{eq(15min)}$  at 63Hz 1/1 Octave Band  
76dB  $L_{eq(15min)}$  at 125Hz 1/1 Octave Band  
(medium noise event)
- (5) Except as provided elsewhere in this rule, noise levels must be measured in accordance with the requirements of NZS6801:2008 Acoustics – Measurement of environmental sound and must be assessed in accordance with NZS6802:2008 Acoustics – Environmental Noise except that clause 6.3 must not be used.
- (6) Within Waitemata Plaza and Market Square as shown on Precinct plan 2 the following additional restrictions apply:
  - (a) there must be no high noise events;
  - (b) there must be no more than two noise events in any four week period;
  - (c) of the total 15 noise events there must be no more than six in any one calendar year and the general noise level in in [E25 Noise and Vibration](#) of the Auckland-wide rules must not be exceeded for a cumulative duration of more than three hours for any one noise event.
- (7) For the purpose of the restrictions in I211.6.1(6) above, Waitemata Plaza and Market Square are counted as a single venue.
- (8) Noise levels exceeding the standard in [E25 Noise and Vibration](#) of the Auckland-wide rules including sound checks, must start no earlier than

9am and must finish no later than 10:30 pm Sunday to Thursday inclusive, 11pm Friday and Saturday and 1am New Year's Day.

- (9) The noise limits applying to noise events must be met when measured as the incident level 1m from any adjacent building outside the venue that is occupied during the event.
- (10) Not less than four weeks prior to the commencement of the noise event, the organiser must notify the council in writing of:
  - (a) the names and types of the acts and whether they are anticipated to be within the medium noise level or high noise level as defined in clause 4 above;
  - (b) the person(s) and procedures for monitoring of compliance with noise levels; and
  - (c) the nominated alternative date in the event of postponement due to the weather.
- (11) The council will keep a record of all noise events held and provide this information upon reasonable request.
- (12) Consultation must be undertaken with the majority freehold land owner within the Viaduct Harbour Precinct.

**I211.6.2. Parking**

- (1) There must be no parking on Hobson Wharf except for parking accessory to marine and port activities, including any short-term servicing requirements.
- (2) The number of parking spaces must not exceed the maximum rates specified in Table I211.6.2.1.

**Table I211.6.2.1. Maximum parking rates**

Activity/site		New development	
(T37)	Dwellings	Dwellings <75m <sup>2</sup> GFA	0.7 per dwelling
(T38)		Dwellings ≥75 and < 90m <sup>2</sup> GFA	1.4 per dwelling
(T39)		Dwellings ≥90m <sup>2</sup> GFA	1.7 per dwelling
(T40)		Visitor spaces	0.2 per dwelling
(T41)	All other activities		1:150m <sup>2</sup> GFA

**I211.6.3. Public access**

- (1) Standard [E38.7.3.2](#) Subdivision establishing an esplanade reserve does not apply to subdivision within the Viaduct Harbour Precinct.

#### **I211.6.4. Building height**

Purpose: manage the height of buildings to achieve Policy I211.3(4) of the Viaduct Harbour precinct and respect the heritage values of specifically identified buildings.

- (1) Buildings must not exceed the heights specified on Precinct plan 3.
- (2) The height of buildings and structures on land will be measured in accordance with [H8.6.8](#) of the Business – City Centre Zone rules.
- (3) The height limit in Sub-precinct A and Sub-precinct C may be exceeded by no more than 2m for roofs, including any roof top projections, subject to the building complying with I211.6.5 below (site intensity).
- (4) Buildings must not exceed a height of ~~24m~~ 52m on the site legally described as LOT 1 DP 183125, except that buildings must be setback at least ~~3m~~ 15m from the northern facade and 5m from the eastern facades of the former Auckland Harbour Board Workshops building, referenced as 01969 in Schedule 14.1 Schedule of Historic Heritage, above 16.5m, measured above mean street level.

#### **I211.6.5. Site intensity**

Purpose: manage the scale, form and intensity of development to maintain the character and amenity of the precinct.

- (1) Buildings must not exceed the floor area ratios shown on Precinct plan 4.

#### **I211.6.6. Building coverage**

Purpose: manage the scale of development within Waitemata Plaza and Market Square to maintain their open space character.

- (1) Buildings, temporary tents, marquees, air supported canopies, structures and tables and seating must not occupy more than 20 per cent in area of Waitemata Plaza or Market Square as shown on Precinct plan 2.

#### **I211.6.7. Vehicle access restriction**

Purpose: ensure safe and efficient access from and to Sturdee Street and Fanshawe Street.

- (1) Vehicular access from and to Sturdee Street and Fanshawe Street (except 7-9 Fanshawe Street, being the land in Certificate of Title 7B/1437), must be for left turn manoeuvres only, provided that nothing in this clause will limit the Council's powers in relation to roads under the Local Government Act 1974 and, in particular, its powers to construct median strips in roads where it considers that such works are necessary for traffic safety reasons.

#### **I211.6.8. Special yard A**

Purpose: ensure that buildings do not restrict public access along the water's edge.

- (1) Buildings must not locate within special yard A shown on Precinct plan 5.
- (2) The yard applies from average ground level of the land affected to a height of 3m.

- (3) The yard must have a minimum width of 7m.

#### **I211.6.9. Special yard B**

Purpose: maintain unobstructed pedestrian access between Customs Street West and the water's edge in Waitemata Plaza.

- (1) Buildings, tents, marquees, air supported canopies, tables, seating and structures must not be located within 10m of special yard B shown on Precinct plan 5.

#### **I211.6.10. Public spaces and accessways**

Purpose: manage public spaces and accessways to achieve Policies I211.3(2), (3), (7) and (8) of the Viaduct Harbour Precinct.

- (1) The pedestrian accessway on the southern side of the eastern viaduct shown on Precinct plan 5 must be not less than 10m wide.
- (2) All public accessways within sub-precinct B must be available to the public at all times except when written approval has been obtained from the council to temporarily restrict access for security, safety or operational needs associated with port activities or events or where restricted for operational or safety reasons specified in the conservation covenants applying to the area.
- (3) Buildings or structures must not be located within the accessways. This standard does not apply to verandahs or lawful temporary buildings or structures.

#### **I211.6.11. Viewshafts**

Purpose: manage development to maintain significant views of the water and adjacent areas within, and to, the Viaduct Harbour precinct.

- (1) Buildings or structures must not be located within those areas of land identified as landward viewshafts on Precinct plan 5. This standard does not apply to the following:
  - (a) verandahs;
  - (b) lawful temporary buildings or structures;
  - (c) road lighting and support structures;
  - (d) traffic and direction signs and road name signs;
  - (e) traffic control devices, traffic signals and support structures, cabinets and other equipment accessory to traffic signals;
  - (f) parking meters, pay and display kiosks and traffic cameras; or
  - (g) cycle facilities.
- (2) Buildings and structures must not be located within or over those parts of coastal marine area structures and waterspace identified as viewshafts coastal marine area and viewshaft horizontal plane 5m above existing wharf deck

level on Precinct plan 4. This control does not apply to lawful temporary buildings or structures.

**I211.7. Assessment – controlled activities**

There are no controlled activities in this precinct.

**I211.8. Assessment – restricted discretionary activities**

**I211.8.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland-wide or zone provisions:

- (1) declamation:
  - (a) construction or works methods, timing and hours of construction works;
  - (b) location, extent, design and materials used;
  - (c) effects on coastal processes, ecological values, water quality and natural character;
  - (d) effects on public access, navigation and safety;
  - (e) effects on existing uses and activities;
  - (f) consent duration and monitoring; and
  - (g) effects on Mana Whenua values.
- (2) maintenance dredging and capital works dredging:
  - (a) effects on coastal processes, ecological values, and water quality;
  - (b) effects on other users of the coastal marine area, navigation and safety; and
  - (c) consent duration and monitoring;
- (3) wave attenuation devices:
  - (a) location and design of the wave attenuation device;
  - (b) effects on navigation, safety, and existing activities;
  - (c) effects on wave hydraulics;
  - (d) construction or works methods, timing and hours of operation; and
  - (e) consent duration and monitoring;
- (4) marine and port facilities within sub-precinct A or B:

- (a) The matters of discretion in [F2.23.1 of the Coastal - General Coastal Marine Zone](#) apply.
- (5) minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation:
  - (a) form and design of the reclamation;
  - (b) contaminated material;
  - (c) the safe and efficient operation of marine and port activities;
  - (d) effects on Mana Whenua values;
  - (e) construction or works methods, timing and hours of operation; and
  - (f) effects on natural hazards, coastal processes, ecological values and water quality.
- (6) short-term parking (non-accessory) within Sub-precinct B:
  - (a) location, extent, design and materials used;
  - (b) effects on existing uses and activities; and
  - (c) amenity, effects on views and visual amenity;
- (7) observation areas, viewing platforms and boardwalks
  - (a) The matters of discretion in [F2.23.1\(1\) of the Coastal – General Coastal Marine Zone](#) rules apply.
- (8) a bridge across the Viaduct Harbour:
  - (a) construction or works methods, timing and hours of operation;
  - (b) location, extent, design and materials used;
  - (c) effects on coastal processes, ecological values, water quality and natural character;
  - (d) effects on public access, navigation and safety;
  - (e) effects on existing uses and activities;
  - (f) amenity, effects on views and visual amenity; and
  - (g) consent duration and monitoring;
- (9) new buildings, and alterations and additions to buildings not otherwise provided for
  - (a) the matters of discretion in clause [H8.8.1\(1\)](#) of the Business – City Centre Zone rules apply; and

(b) effects on public access, navigation and safety.

- (10) new pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored:
  - (a) the matters of discretion in [F2.23.1\(1\) of the Coastal - General Coastal Marine Zone](#) rules apply.
- (11) permanent refuelling facilities for boats:
  - (a) the matters of discretion in [F2.23.1\(1\) of the Coastal - General Coastal Marine Zone](#) apply;
- (12) infringing the building height standard:
  - (a) building scale, dominance and visual effects;
  - (b) effects on current or planned future form and character; and
  - (c) pedestrian amenity and function;
- (13) infringing the site intensity standard:
  - (a) building scale, dominance and visual effects;
  - (b) effects on current or planned future form and character; and
  - (c) effects on the transportation network including safety and efficiency;
- (14) infringing the building coverage standard:
  - (a) building scale, dominance and visual effects; and
  - (b) public use amenity and function of the Waitemata Plaza;
- (15) infringing the vehicle access restriction standard:
  - (a) effects on the transportation network (including safety and efficiency); and
  - (b) pedestrian amenity and function;
- (16) infringing the special yards A and B standard:
  - (a) effects on public open space and pedestrian access.
- (17) activities on the ground floor within Area A of sub-precinct C:
  - (a) effects on the residential character and amenity values; and
  - (b) noise, lighting and hours of operation.

#### **I211.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, Auckland-wide or zone provisions:

(1) declamation:

- (a) whether the adverse effects of declamation are avoided, remedied or mitigated in respect of the effects of the final land/water configuration on:
  - (i) the marine environment including coastal processes, water quality, sediment quality and ecology of the coastal marine area
  - (ii) hydrogeology (ground water) and hydrology; and
  - (iii) sediment accumulation and the need for on-going maintenance dredging of the coastal marine area;
- (b) whether declamation works, including the construction of seawalls, avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated soils and groundwater, and other contaminants;
- (c) whether declamation is located and designed so that the adjacent land area can provide adequate public open space adjacent to, and public access along the water's edge whether on land or on the adjacent water space; and
- (d) The extent to which declamation will affect Mana Whenua values;

(2) maintenance dredging and capital works dredging:

- (a) whether measures are taken to avoid, remedy or mitigate adverse effects on coastal processes, ecological values, and water quality;
- (b) whether effects on other users of the coastal marine area during the dredging are avoided, remedied or mitigated;
- (c) whether consent duration is limited to the minimum duration reasonably necessary for the functional or operational needs of the activity;
- (d) whether monitoring may be required in order to demonstrate the extent and type of effects of the dredging, and the degree to which the effects are remedied or mitigated during and after the activity;

(3) wave attenuation devices:

- (a) whether the location and design of the wave attenuation device consider existing activities including marine related industries, other marine activities and/or adjoining coastal activities;
- (b) whether the location and design of the wave attenuation device consider the effects of wave hydraulics on other users of the coastal marine area;

- (c) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants;
- (4) marine and port facilities within sub-precinct A or B:
  - (a) the assessment criteria in [F2.23.2](#) of the Coastal – General Coastal Marine Zone rules apply;
- (5) minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation:
  - (a) whether reclamation, as far as practicable, mitigate adverse effects through their form and design, taking into account:
    - (i) the compatibility of the design with the location;
    - (ii) the degree to which the materials used are visually compatible with the adjoining coast;
    - (iii) the ability to avoid consequential erosion and accretion, and other natural hazards;
    - (iv) the effects on coastal processes; and
    - (v) the effects on hydrology;
  - (b) whether the use of contaminated material in a reclamation is avoided unless it is contained in a way that avoids, remedies or mitigates adverse effects on water quality, aquatic ecosystems and biodiversity;
  - (c) the extent to which the reclamation will affect Mana Whenua values; and
  - (d) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants;
- (6) short-term parking (non-accessory) within sub-precinct B:
  - (a) the extent to which the short-term parking is located and designed to:
    - (i) maintain safe public access to and along the edge of the coastal marine area and the perimeter of existing wharves;
    - (ii) avoid or mitigate and adverse amenity effects on public access areas and residents; and
    - (iii) avoid or mitigate effects on existing marine and port facilities;
- (7) observation areas, viewing platforms and boardwalks:
  - (a) the assessment criteria in [F2.23.2\(1\)](#) and [F2.23.2\(17\)](#) for coastal marine area structures and buildings in the Coastal - General Coastal Marine Zone rules apply in addition to the criteria below; and

(b) the extent to which the design and finish complement and enhance the coastal environment, open spaces and pedestrian linkages;

(8) a bridge across the Viaduct Harbour:

(a) whether the bridge contributes to a high quality maritime and urban environment and meet the following outcomes:

(i) the bridge design avoids significant visual intrusion into views from public areas across the harbour, or from the harbour out to the wider Waitemata Harbour;

(ii) the bridge contributes to the pedestrian character and amenity of the Viaduct Harbour and Wynyard precincts by:

- providing safe and pleasant pedestrian and cycle access east and west across the Viaduct Harbour;
- having a landscape design, character and quality which integrates with existing pedestrian priority areas and other accessways around the Viaduct Harbour;
- not causing significant adverse effects on the use and enjoyment of Te Wero Island as an area of pedestrian-oriented public space; and
- ensuring the operation or use of the bridge, or lighting will not cause significant adverse effects on the operation of nearby activities or on the amenity values of surrounding land or water uses;

(iii) the bridge is designed and operated to provide for:

- vessel access to and from the inner Viaduct Harbour without undue delay;
- navigation and berthage by the existing range of vessels in the inner Viaduct Harbour;
- any reduction in berthage area to be minimised as far as practicable;
- convenient and easily accessible systems for communicating with vessel users regarding scheduled and unscheduled bridge opening/closing;
- appropriate lighting, navigation aids, safety systems and fail-safe mechanisms; and
- a minimum clearance height of 3m above mean high water springs for a 10m wide navigable channel;

(iv) the ongoing viable use of the Viaduct Harbour (particularly the Wynyard Precinct mixed use sub-precinct) to accommodate marine and port

activities and marine events, such as boat shows and internationally recognised boating events such as the America's Cup event, is maintained;

(v) the bridge has a high quality design that:

- enhances the character of the Viaduct Harbour;
- is simple and elegant;
- is appropriate within the context of the Viaduct Harbour locality and Auckland's coastal setting;
- has an appropriate relationship with the Viaduct Lifting Bridge identified in the Historic Heritage Overlay; and
- utilises high quality and low maintenance materials and detailing;

(vi) the bridge is designed in a manner which may provide in the future for enhanced connectivity for the public between the Wynyard Precinct and the city centre; and

(vii) the bridge has no more than minor adverse effects on coastal processes including sedimentation within the Viaduct Harbour;

(9) new buildings, and alterations and additions to buildings not otherwise provided for:

(a) the assessment criteria in clause [H8.8.2\(1\)](#) of the Business – City Centre Zone rules apply in addition to the criteria below; and

(b) the building should avoid or mitigate effects on public access, navigation and safety;

(10) new pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored:

(a) the assessment criteria in [F2.23.2](#) of the Coastal – General Coastal Marine Zone apply in addition to the criteria below; and

(b) whether the new pile moorings avoid or mitigate effects on public access, navigation and safety;

(11) permanent refuelling facilities for boats:

(a) refer to the assessment criteria in [F2.23.2\(1\)](#) of the Coastal - General Coastal Marine Zone;

(12) infringing the building height standard:

(a) building height may be exceeded where it would provide an attractive and integrated roof form that also meets the purpose of the standard; and

(b) where building height is exceeded, Policy I211.3(4) of the Viaduct Harbour Precinct and Policy [H8.3\(30\)](#) of the Business – City Centre Zone should be considered;

(13) infringing the site intensity standard:

- (a) the extent to which development is of a scale and form appropriate to the setting;
- (b) the extent to which the scale of the development is consistent with the current and future character of Viaduct Harbour as established through the objectives and policies for the Viaduct Harbour Precinct;
- (c) whether adverse effects on the transportation network are avoided, minimised or mitigated; and
- (d) whether development compromises marine and port activities;

(14) infringing the building coverage standard:

- (a) the extent to which the scale and form of development within Waitemata Plaza and Market Square maintains their open space character;

(15) infringing the vehicle access restriction standard:

- (a) whether access from and to Sturdee Street and Fanshawe Street is safe and efficient; and
- (b) unobstructed operation of the transportation network should be safe and efficient;

(16) infringing the Special Yards A and B standard:

- (a) whether unobstructed public access to and along the water's edge is maintained;

(17) activities on the ground floor within Area A of sub-precinct C:

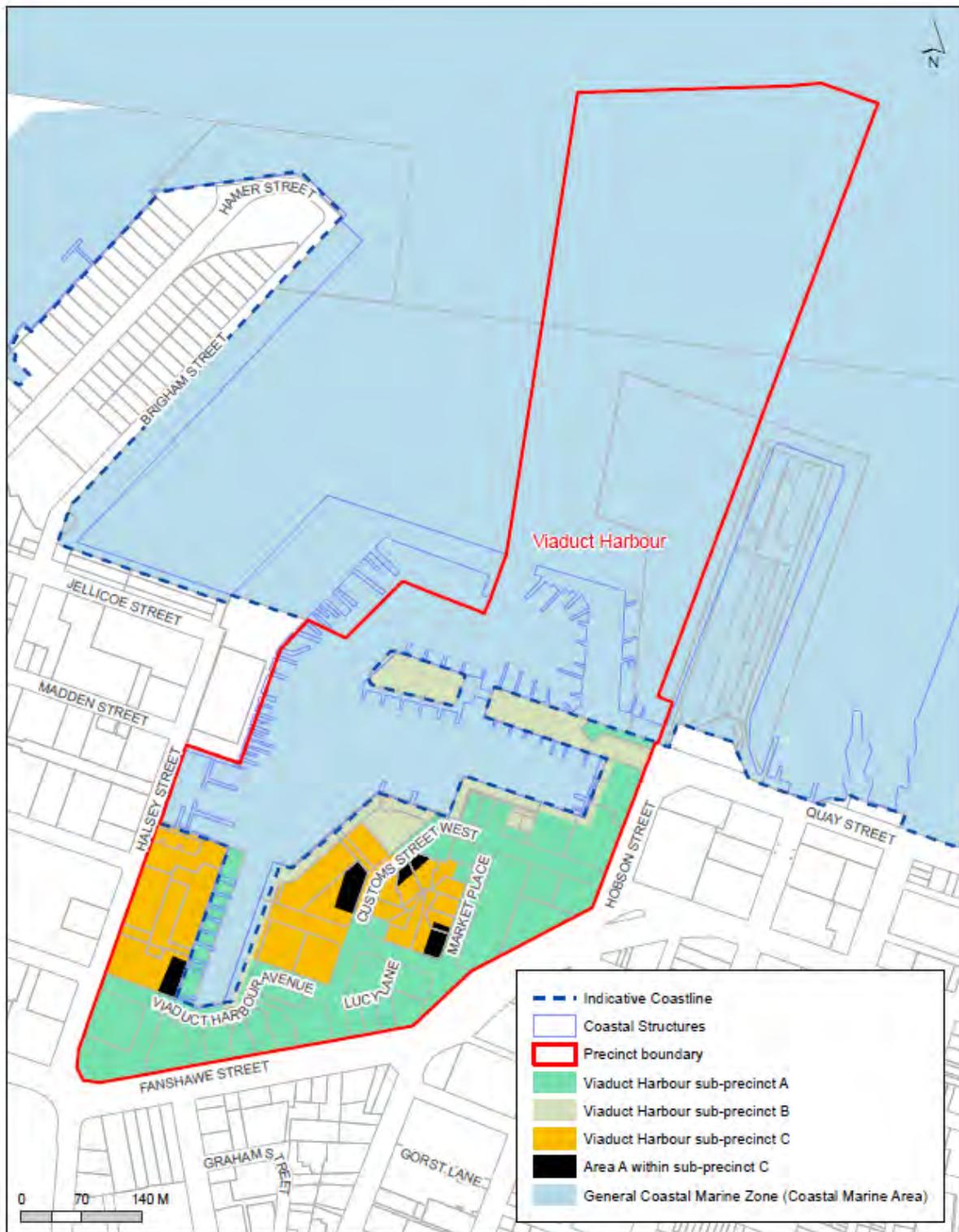
- (a) the extent to which activities are compatible with and do not detract from the residential character and amenity values of sub-precinct C; and
- (b) whether activities generate noise levels that would adversely affect residential amenity. The Council may impose conditions on the activity's hours of operation and/or permitted levels of low frequency noise.

#### **I211.9. Special information requirements**

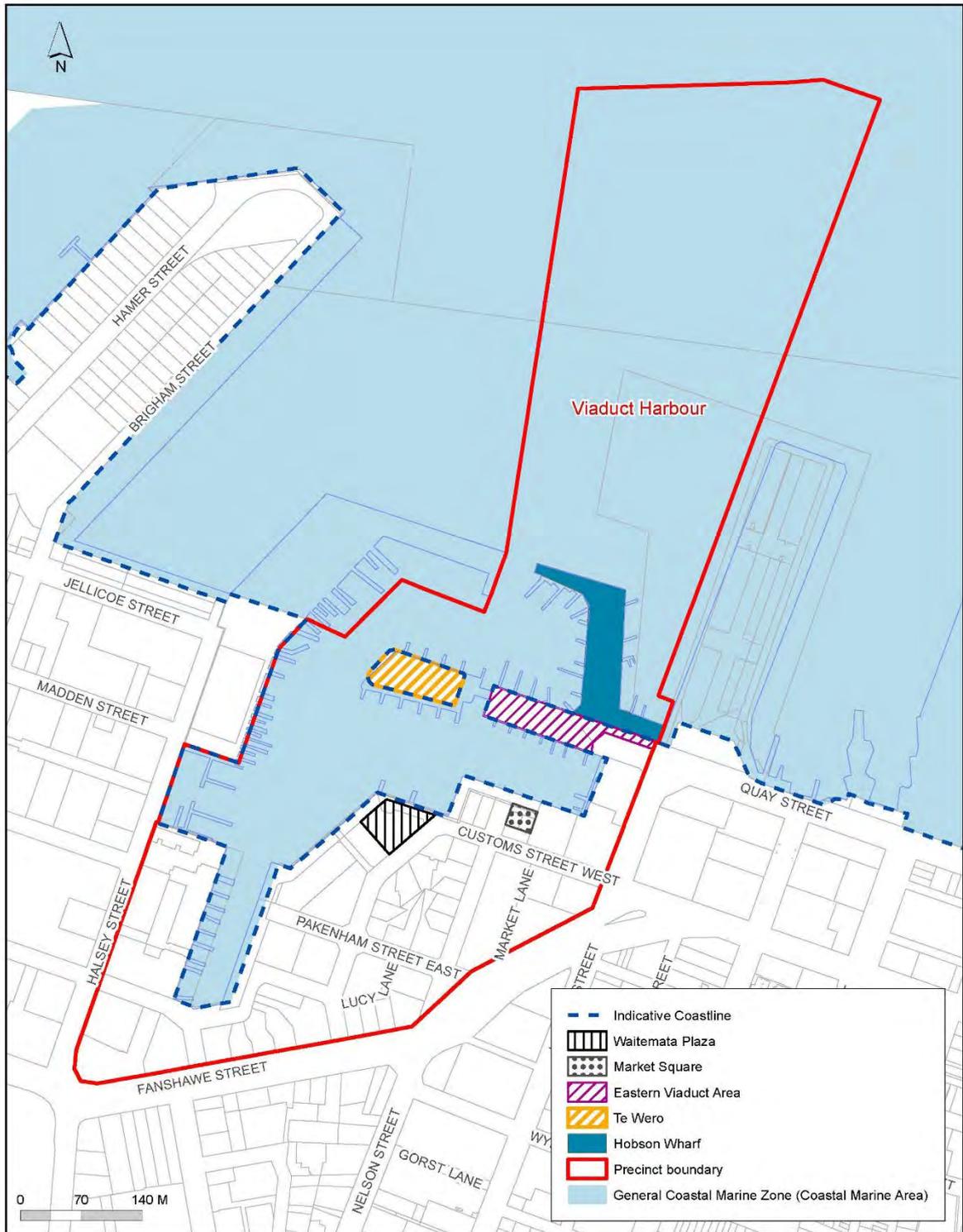
(1) An application for marine and port facilities on land within the Viaduct Harbour area shown on Precinct plan 1 must be accompanied by a site management plan detailing operational procedures and physical measures to be put in place to avoid, remedy or mitigate public safety effects.

**I211.10. Precinct plans**

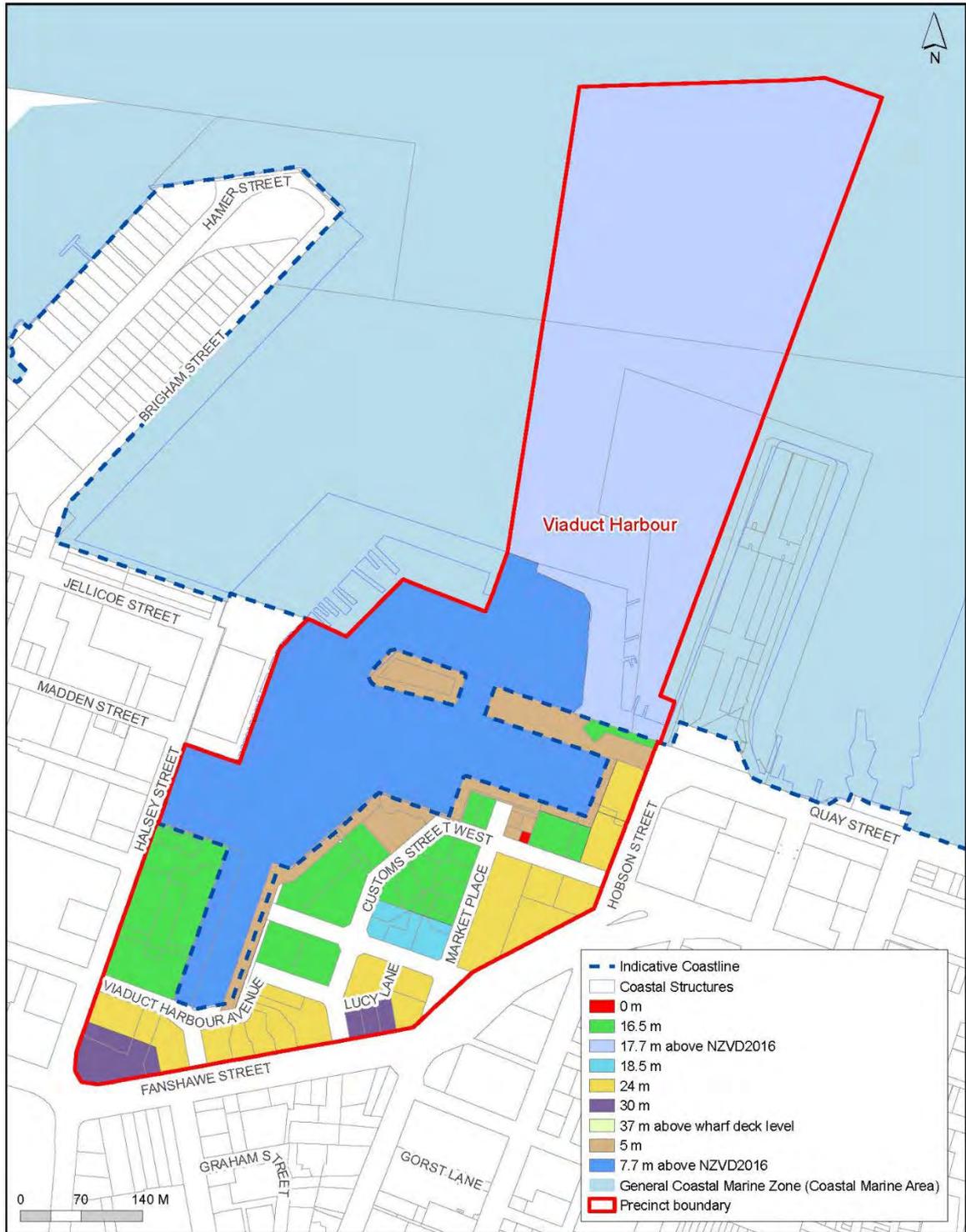
**I211.10.1 Viaduct Harbour: Precinct plan 1 – Precinct and sub-precincts**



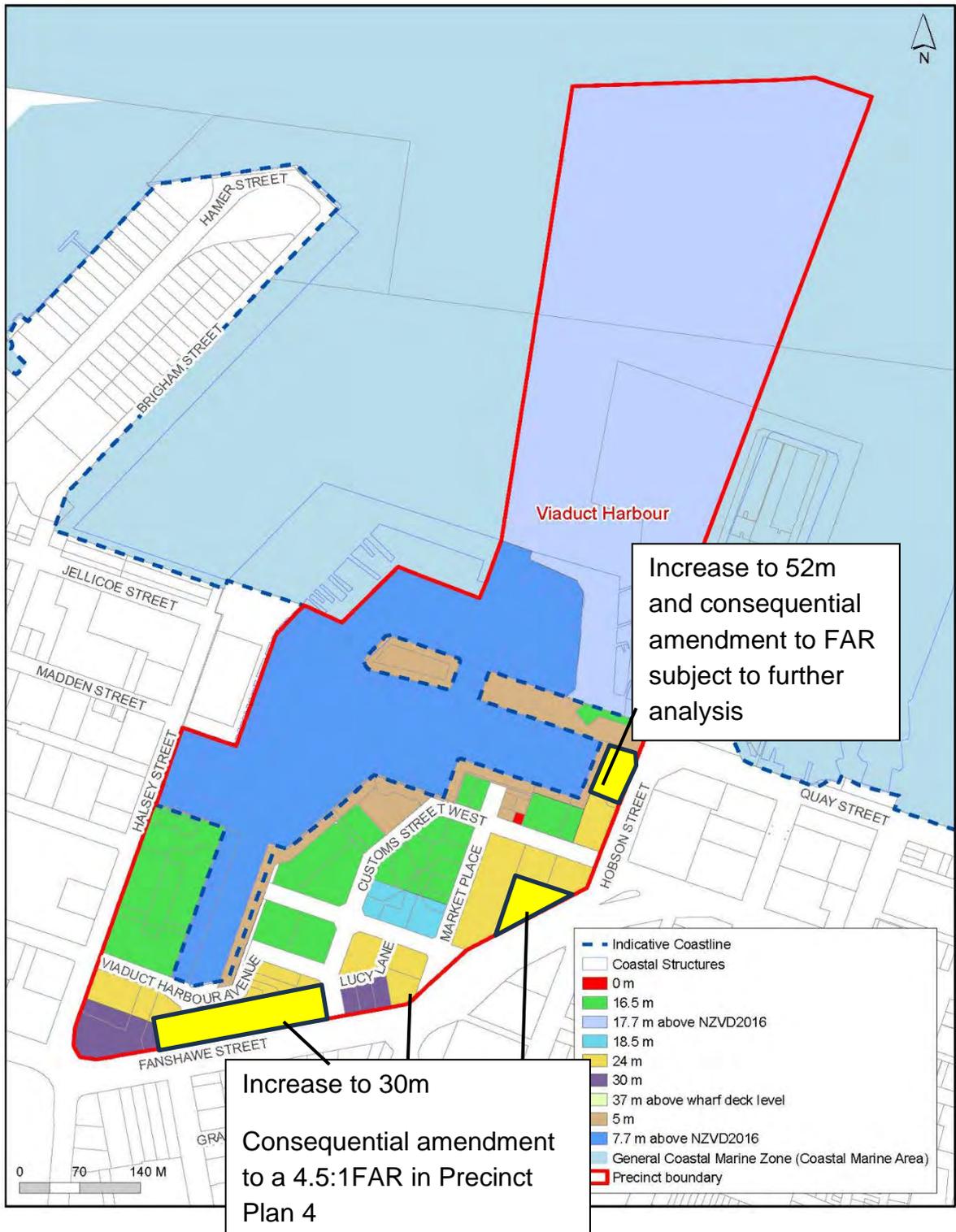
I211.10.2 Viaduct Harbour: Precinct plan 2 - Wharves and open spaces



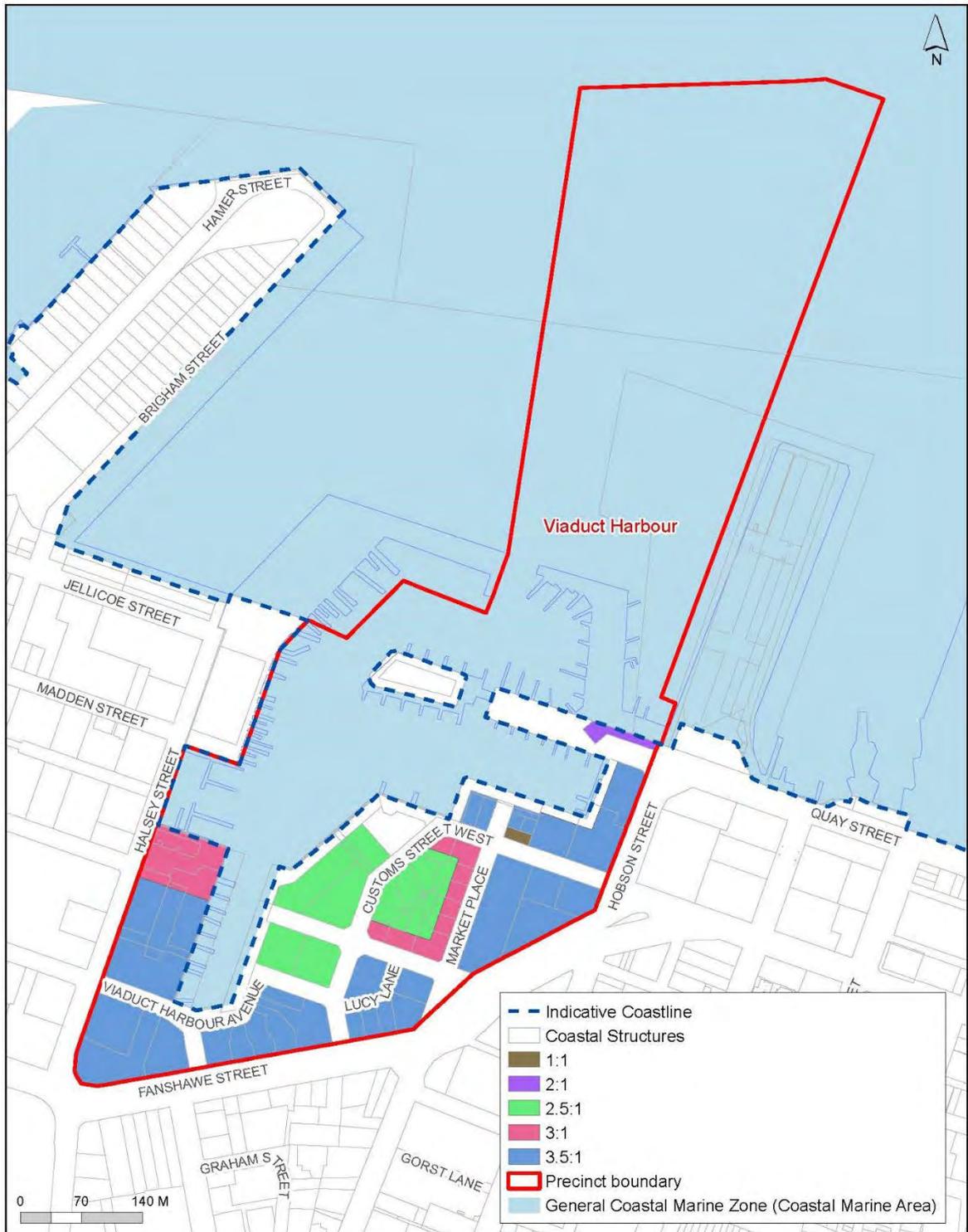
I211.10.3 Viaduct Harbour: Precinct plan 3 - Building height controls



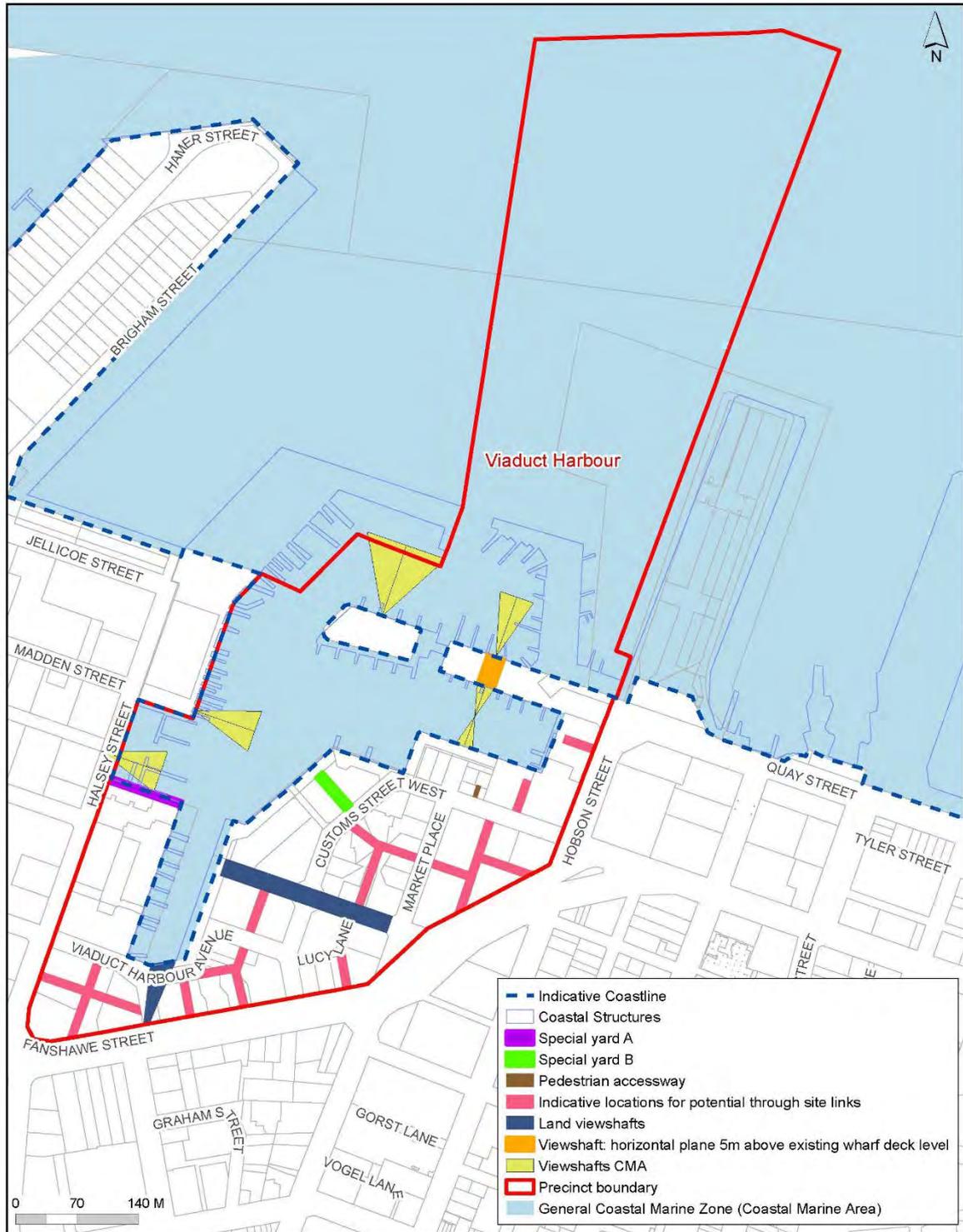
[Advise note not to be included – amend Plan 3 as below]



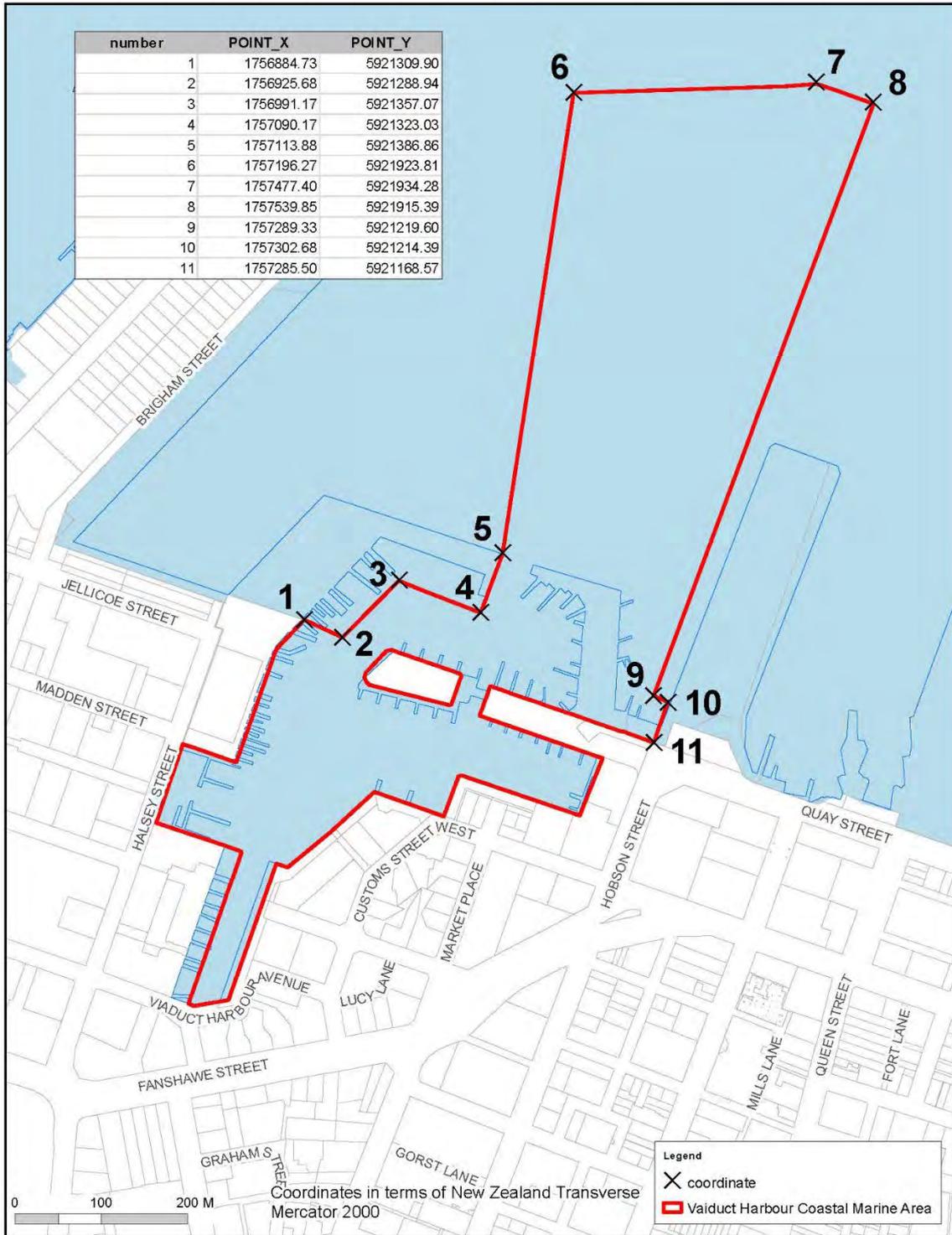
**I211.10.4 Viaduct Harbour: Precinct plan 4 - Site intensity controls [Advise note not to be included – amend Plan 4 to reflect FAR increases as per diagram above]**



**I211.10.5 Viaduct Harbour: Precinct plan 5 - Pedestrian accessways and viewshafts**



**I211.10.6 Viaduct Harbour: Precinct plan 6 - Precinct boundary coordinates in the coastal marine area**



## **I212. Victoria Park Market Precinct**

### **I212.1. Precinct description**

The precinct applies to the Victoria Park Market site which is located between Drake Street and Victoria Street West.

The purpose of the Victoria Park Market Precinct is to maintain the heritage values and the existing distinctive character of the market area.

The scale and form of the former city destructor/market brick buildings and high chimney are primary to the market's character, making it a unique city centre attraction. The area is complemented by the dominant retail and food and beverage activity. The high level of pedestrian activity in the courtyard and at street level should be maintained.

The precinct provides for a mix of other activities where they either occupy an area above the courtyard or do not occupy more than a specified percentage of the courtyard-level floor space. This enables flexibility for development without undermining the site's dominant retail activity. Specific activity provisions also apply to the Drake Street frontage which is an important interface of the precinct with its surrounds.

The precinct provides for existing buildings to be refurbished in a manner complementary to existing historic heritage buildings within the precinct. The precinct also encourages the removal of unsympathetic additions to buildings that detract from the historic heritage and historic special character of the precinct. Any major commercial redevelopment of the western portion of the site that adversely affects heritage qualities is inappropriate.

Specific view shafts are identified on the precinct plans to maintain views from the original cliff line along the Drake Street frontage down to Victoria Park. Additionally, views to the historic brick western wall of the destructor buildings from outside the site are considered important and should be retained.

The land in the Victoria Park Market Precinct is zoned Business – City Centre Zone.

### **I212.2. Objective**

- (1) The special character and overall coherence of the Victoria Park Market Precinct, including its heritage values and pedestrian focus in the courtyard and at street level, and significant view shafts, are maintained and enhanced.

The overlay, Auckland-wide and Business – City Centre Zone objectives apply in this precinct in addition to those specified above.

### **I212.3. Policies**

- (1) Protect and enhance the grouping of scheduled historic heritage places and historic elements and features within the precinct that collectively form a unique special character.
- (2) Enable development within the precinct that maintains and enhances the heritage qualities of its historic heritage places and features and historic character, in particular:

- (a) require development to conform with the form, massing, proportion and detailing of historic heritage places within the precinct; and
- (b) require development to respect the consistent scale of historic heritage places along the Victoria Street and Drake Street frontages.
- (3) Require activities at courtyard and street level to provide pedestrian interest and contribute to the liveliness of street and courtyard level frontages.
- (4) Identify and preserve significant view shafts to Victoria Park and to the historic brick western wall of the destructor buildings from outside the site.
- (5) Encourage built form and public amenity features that enhance public awareness of the former Freeman’s Bay shoreline.

The overlay, Auckland-wide and Business – City Centre Zone policies apply in this precinct in addition to those specified above.

**I212.4. Activity table**

The provisions in any relevant overlays, zone and the Auckland-wide apply in this precinct unless otherwise specified below.

Table I212.4.1 specifies the activity status of development activities in the Queen Street Precinct pursuant to section 9(3) of the Resource Management Act 1991.

**Table I212.4.1. Activity table**

Activity		Activity status
<b>Development</b>		
(A1)	Minor cosmetic alterations to a building that does not change its external design and appearance	P
(A2)	New buildings, and alterations and additions to buildings not otherwise provided for	RD
(A3)	Buildings or external alterations to buildings within the areas identified as scheduled buildings on Precinct plan 1.	NC
(A4)	Buildings that do not comply with Standards I212.6.1(1)-(6), I212.6.2(1)-(2), I212.6.3(1), I212.6.4(1) or I212.6.5(1)	NC

**I212.5. Notification**

- (1) Any application for resource consent for an activity listed in Table I212.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

## I212.6. Standards

The overlay, zone and Auckland-wide standards apply in this precinct unless otherwise specified below.

All permitted and restricted discretionary activities listed in Table I212.4.1 Activity table must comply with the following standards.

### I212.6.1. Activities at courtyard level

Purpose: manage the location of activities to maintain and enhance amenity of courtyards and residential amenity.

- (1) Community facilities and offices must locate at least 3m above courtyard level.
- (2) Dwellings and visitor accommodation fronting Drake Street must locate at least 3m above mean street level using the Drake Street frontage.
- (3) Dwellings and visitor accommodation not fronting Drake Street must locate at least 3m above courtyard level
- (4) The combined gross floor area of community facilities, education facilities, entertainment facilities and commercial services (excluding all related nested activities) must not exceed 25 per cent of the total gross floor area at the courtyard level (excluding the Building Platforms A and B shown on Victoria Park Market Precinct: Precinct plan 1).
- (5) The gross floor area of any individual tenancy for community facilities, education facilities, entertainment facilities and commercial services at courtyard level (excluding all related nested activities) must not exceed 100m<sup>2</sup>.
- (6) In I212.6.1(1)-(5) above, "courtyard level" is defined as mean street level using the Victoria Street frontage.

### I212.6.2. Building height

Purpose: manage the height of buildings to achieve policy 2 of the Victoria Park Market precinct.

- (1) Buildings on platforms A to J shown on Victoria Park Market Precinct: Precinct plan 1 must not exceed the heights set out below:

**Table I212.6.1.1 Building height**

Building platform	Height
A	24m above mean street level
B	16m above mean street level
C	ridge and parapet height not to exceed existing ridge and parapet height of adjacent scheduled building 3
D	ridge and parapet height not to exceed existing ridge and parapet height of adjacent scheduled building 4
E	ridge and parapet height not to exceed existing ridge and

	parapet height of adjacent scheduled building 5
F	Max. RL. 11.36
G	Max. RL. 8.68
H	Max. RL. 9.33
I	Max. RL. 13.18
J	31m above mean street level

Note 1

Datum 0.00 = LINZ (RL in terms of NZVD2016)

- (2) Canopies, verandah and walkway shelters within the courtyard shown on precinct plan 1 must not exceed a height of RL 15.18.

**I212.6.3. Courtyard**

Purpose: manage the location of buildings to maintain the amenity of the courtyard

- (1) Buildings must not locate within the courtyard shown on Victoria Park Market Precinct: Precinct plan 1. This control does not apply to canopies, verandahs and walkway shelters.

**I212.6.4. Adelaide Street Viewshaft**

Purpose: manage the location of buildings to achieve policy 5 of the Victoria Park Market Precinct.

- (1) Buildings must not locate with the Adelaide Street viewshaft shown on Victoria Park Market Precinct: Precinct plan 1 and in Figures 1 and 2 below.

Figure I212.6.4.1 Adelaide Street viewshaft

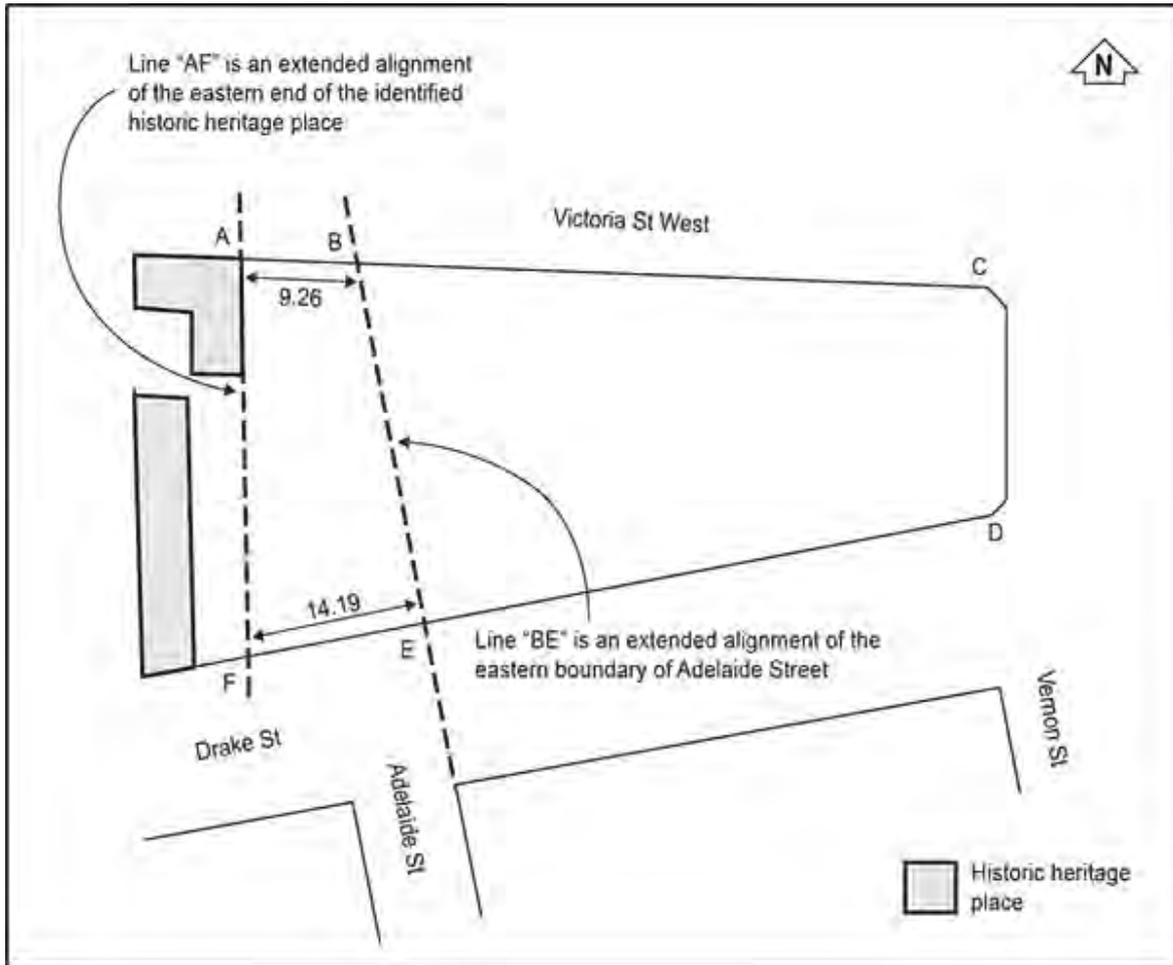
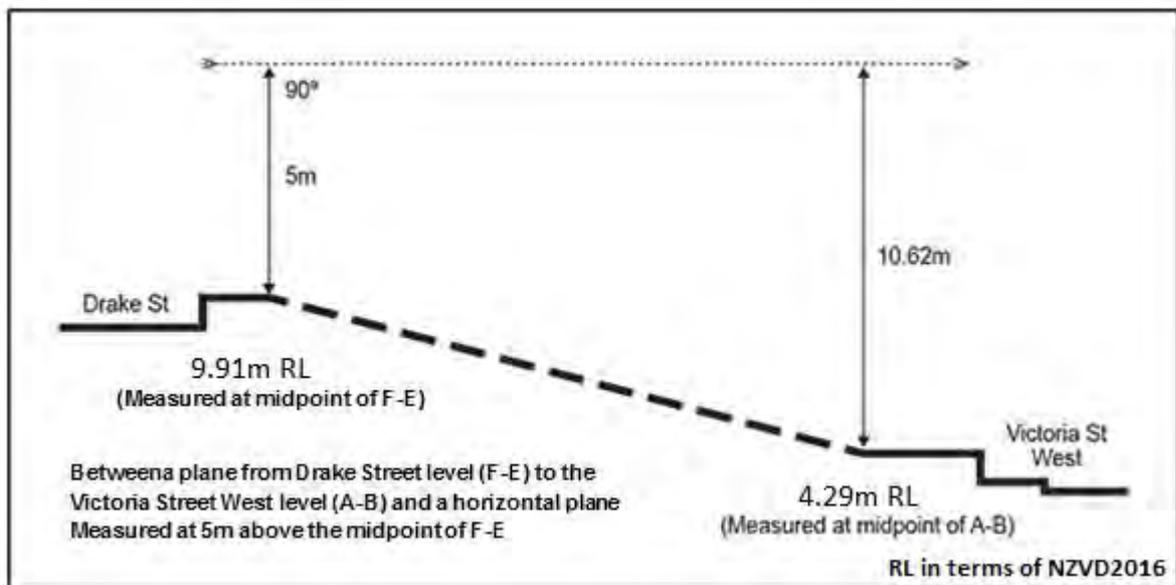


Figure I212.6.4.2 Adelaide Street viewshaft elevation



#### **I212.6.5. Building setback - Building platform 4**

Purpose: manage the location of buildings to maintain and enhance amenity.

- (1) Buildings must be setback 2.5m from building platform D shown on Victoria Park Market Precinct: Precinct plan 1.

#### **I212.7. Assessment – controlled activities**

There are no controlled activities in this precinct.

#### **I212.8. Assessment – restricted discretionary activities**

##### **I212.8.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions:

- (1) new buildings, and alterations and additions to buildings not otherwise provided for:
  - (a) the effects of development on historic heritage values.

##### **I212.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions:

- (1) new buildings, and alterations and additions to buildings not otherwise provided for:
  - (a) the effects of development on historic heritage values:
    - (i) whether the form, mass, proportion and materials conform to the architectural character and heritage value of the scheduled heritage buildings;
    - (ii) whether any alterations retain the consistency of profile which characterises the Victoria Street and Drake Street frontages. In this respect, the vertical profile of the scheduled heritage buildings are considered particularly sensitive to change;
    - (iii) whether permanent canopies over any part of the courtyard detract from the architectural character and heritage value of the buildings. Whether through the use of height, design and materials, canopies maintain the appearance of openness and light in the courtyard area. In this respect, glazing and translucent materials and/or retention of openings to the sky are potentially important design elements to achieve this;

- (iv) new buildings should not detract from the heritage features of existing buildings within the site, particularly the western brick wall of the destructor building;
- (v) whether the open view to the courtyard from Drake Street as shown on Precinct plan 1 is retained;
- (vi) whether new buildings are designed to read as contemporary structures to maintain a distinction between them and the historic market buildings. They should however, be sympathetic in terms of their scale, form and materials used;
- (vii) the extent to which new buildings are generally separated from the historic buildings. Any connections between the two should be lightweight and only touch the historic buildings lightly;
- (viii) whether historic site elements and features such as basalt cobblestones are retained and protected as far as possible. Where cobblestones are affected by new building works, such as the western courtyard building, whether they can be uplifted and stored for future reinstatement. Any other cobblestones that are uncovered during the course of the work should also be retrieved. The final location of the cobblestones should be determined in the course of discussions between the heritage architect, Heritage New Zealand Pouhere Taonga and the Council;
- (ix) whether existing historic fabric assessed as having significance in the conservation plan is retained and protected wherever possible. This includes brickwork, joinery and internal fabric such as original wall linings, roof trusses and match-lined ceilings;
- (x) particular care should be taken to retain and protect any fabric that dates from the building's original uses as the Auckland City Destructor and works depot. This may include steel columns and beams, pulleys, furnace doors and the like;
- (xi) later fabric deemed not to be significant may be removed after consultation with the heritage architect, Heritage New Zealand Pouhere Taonga and the Council;
- (xii) whether historic fabric is repaired as required. This may include replacement of severely eroded bricks, repointing where mortar has weathered and repairs of cracks and other defects. Whether bricks are carefully selected to match the original bricks and mortar should be lime based to match the original. Whether roofs and gutters are repaired or replaced as necessary, either with like materials or to match the original. Some joinery may also need to be repaired or replaced;
- (xiii) whether repairs to the heritage buildings are carried out under the guidance of a heritage architect;

- (xiv) whether the historic buildings on the Victoria Park Market site are returned to an earlier form where possible. This may involve the reconstruction of missing elements such as windows and doors, the restoration or reinstatement of elements to their original locations and the removal of later accretions such as conservatories or canopies;
- (xv) whether the overhead walkway is cut back in various locations where it currently encroaches on the heritage buildings including the chimney, stables, destructor and generator/powerhouse/battery house complex. This will enable these buildings to be reconstructed or restored to their earlier form;
- (xvi) In general, the historic buildings should not be extended or added to other than the provision of two new levels above the battery building and another bay alongside. Some additional space is proposed to be constructed towards the western end of the western depot building in an area that has previously been extensively modified. The eastern depot is also proposed to be extended over part of its length;
- (xvii) some minor modifications may be required to adapt the heritage buildings for a new use. These include the destructor building, the depot buildings, the stables and generator/powerhouse building. In general, work to adapt these buildings may involve the provision of new openings and the installation of appropriate new doors and windows in the exterior fabric;
- (xviii) whether new joinery is detailed to have a consistency of design and appearance and shall be sympathetic to the character of the historic buildings. For example, the destructor building has steel windows and any new windows shall be fabricated to match. The remaining heritage buildings have timber windows;
- (xix) whether new joinery is designed to "read" as being new so as to maintain the distinction between old and new fabric. Some new joinery will also be required in areas such as the shop fronts in the depot buildings;
- (xx) whether all work to adapt the buildings for their new uses are designed in conjunction with the heritage architect, following consultation with Heritage New Zealand Pouhere Taonga and the Council;
- (xxi) In general, in terms of internal fit-outs tenants should be encouraged to leave original fabric exposed. This includes brick walls, trusses, raking ceilings with match lining and original trim.

- (xxii) it is accepted that some tenants may wish to provide new ceilings and wall linings to create a modern retail environment and that this may involve covering over or concealing significant heritage fabric such as brickwork. Any heritage fabric that is not wanted to be seen should be covered over, rather than be removed;
- (xxiii) whether new linings are sympathetic to the historic buildings and not to detract from their heritage values. For example, modern suspended ceilings with tiles set into exposed rails would not be considered appropriate;
- (xxiv) tenants should avoid damage to heritage fabric when installing new wall and ceiling linings. The later linings should also be able to be removed at some future date without damaging fabric and the spaces returned to their earlier form;
- (xxv) whether reticulation of new services is considered at an early stage to minimise their impact on heritage fabric. The location of all duct work and other services shall be discussed with the heritage architect, the council and Heritage New Zealand Pouhere Taonga and the Council;
- (xxvi) in particular, whether large scale ductwork such as kitchen extracts are run within the building envelope and large ducts should not be run on the outside of buildings. Consideration should be given to routing ductwork through new buildings. Service providers are encouraged to co-ordinate the installation of services to prevent a proliferation of ductwork and cabling;
- (xxvii) the location of air-conditioning services should similarly be carefully considered with the aim of avoiding a proliferation of exposed ductwork and air-conditioning plant on walls and roof areas. The location of such equipment must be discussed at an early stage with the heritage architect, Heritage New Zealand Pouhere Taonga and the Council and the council. Where appropriate, plant may be screened to reduce its impact;
- (xxviii) whether other services such as electrical and data cabling is concealed wherever possible. Television aerials and dishes must be concealed behind parapets and the like;
- (xxix) Any significant new development within the precinct should involve the substantial restoration of scheduled buildings identified on the Precinct plan 1; and
- (xxx) whether any lightweight shelters to the proposed new courtyard buildings are constructed of steel and glass and are designed to avoid visual conflict/obfuscation with existing heritage buildings on the site. All such structures should be designed in consultation with the council;

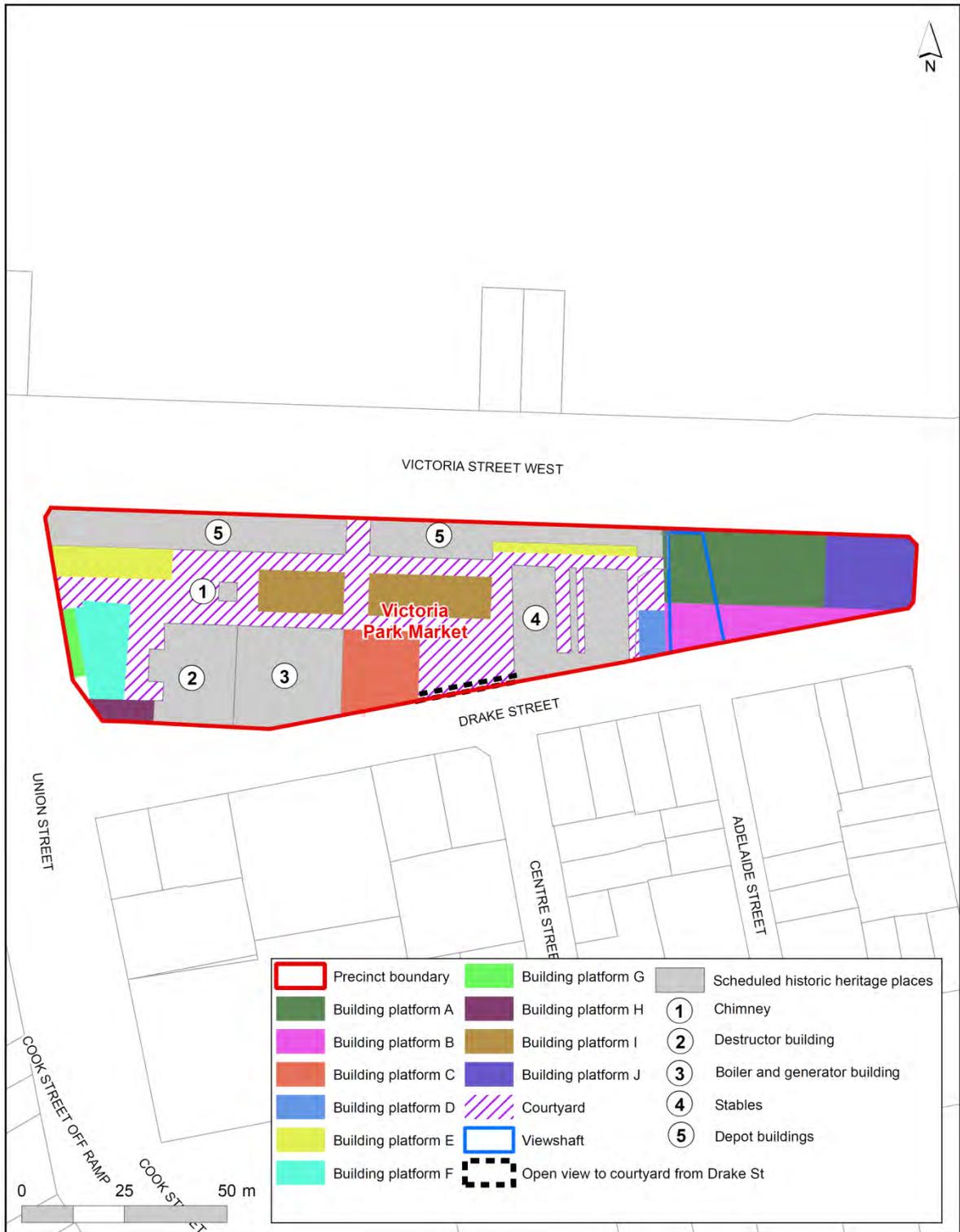
- (xxxi) where possible, whether development of sites along the original shoreline cliff near the northern edge of Drake Street avoids the destruction of, and should identify and enhance that natural and historic feature.

**I212.9. Special information requirements**

There are no special information requirements in this precinct.

**I212.10. Precinct plans**

I212.10.1 Victoria Park Markets Precinct: Precinct plan 1



## **I214. Wynyard Precinct**

### **I214.1. Precinct description**

The Wynyard Precinct represents the north-western end of the city centre. The land is bound on three sides by the sea and by Fanshawe Street on its southern boundary. It is the largest brownfield area within the city centre. The precinct also includes an area of the coastal marine area to the west and the north. Coordinates for the precinct boundary in the coastal marine area are shown on Precinct plan 11.

The purpose of the Wynyard Precinct is to provide for the comprehensive and integrated redevelopment of this large brownfields area while enabling the continued operation of marine industry and hazardous industry.

Wynyard Precinct is an evolving environment characterised by a mix of activities and development including:

- high-quality open space areas, restaurants, offices and cafés fronting Jellicoe Street and North Wharf;
- office activity fronting Fanshawe Street;
- a marine focus along the western edge; and
- a bulk liquids storage industrial activity focus within the northern finger of the precinct.

Marine-related activities, including marine services, ship repairs, fish processing, berthage and marine-related events, will continue to play an important economic and social role for the area.

Existing built form includes a collection of special character buildings, marine and industrial structures, and features that provide a background context to the area's stages of development. Collectively, these elements create an overall industrial aesthetic of structures and buildings, with robust materials and simple details.

To retain the existing character of the area, a design-based approach has been implemented, with all building development and redevelopment requiring assessment.

Although hazardous industry is likely to relocate progressively from the area, risk must still be managed in the transition period, particularly within the northern part of Wynyard Precinct.

Redevelopment of this area should have regard to the existing and planned infrastructure connections that are adjacent to or pass through the precinct, for example, the Additional Waitemata Harbour Crossing.

The zoning in the Wynyard Precinct is Business – City Centre Zone and Coastal – General Coastal Marine Zone.

### **I214.2. Objectives [rcp/dp]**

#### *Social and economic*

- (1) Wynyard precinct is redeveloped while managing potential conflicts between different uses to achieve:

- (a) a high-quality visitor destination which showcases the City's diverse communities and the importance of the harbour;
- (b) maintenance and enhancement of the regionally significant economic function of the marine, fishing and other industries and maritime passenger operations to the Hauraki Gulf islands;
- (c) a vibrant community with a mix of activities and experiences for all people including a community focal point, high quality public open space and community facilities;
- (d) public open space on the waterfront, and an area for events and entertainment activity for the social and economic benefit of the wider Auckland Region;
- (e) access to and along the coast and enjoyment of the coastal environment with a network of open space while recognising the need to manage access with competing commercial activities; and
- (f) the maintenance and where practicable enhancement of navigation and berthage within the Wynyard Precinct coastal marine area for a wide range of recreational and commercial vessels, including maritime passenger transport and fishing industry operations, excluding in areas subject to potential risk and public safety effects.

*Built form*

- (2) An integrated urban environment is created which:
  - (a) exhibits high-quality and diverse built form and urban design which reflects the marine attributes of the precinct;
  - (b) has appropriate building heights that enhance its prominent waterfront location and which complements the central area and wider city landforms, skyline and views; and
  - (c) avoids, remedies or mitigates adverse effects on existing infrastructure.
- (3) Individual buildings or collections of buildings are designed to achieve an appropriate form and scale in relation to:
  - (a) existing and proposed public open spaces; and
  - (b) identified view shafts.

*Special character*

- (4) Identified special character buildings are protected and enhanced and the unique character within Wynyard precinct, which is reflective of its maritime and industrial history, is retained.

(5) *Public open space*

- (6) A significant area of waterfront public park space is provided for the benefit of the Auckland Region with a complementary hierarchy of interconnected, high quality, public open space for current and future residential and commercial occupants and visitors.

*Risk and public safety*

- (7) Adverse environmental effects and risks presented by hazardous or dangerous activities or facilities within the precinct are avoided or mitigated.

*Remediation*

- (8) The adverse effects of contamination are minimised through comprehensive management of contaminated sites and materials.

*Reverse sensitivity and amenity*

- (9) Conflicts between different uses are managed to ensure the efficient operation of marine industry and fishing industry, other industry and regionally significant transport infrastructure while enabling the marine events centre and public spaces to be used for a range of public events.

*Pedestrian access, street quality and safety*

- (10) A safe, convenient and interesting environment, which optimises pedestrian and cycling use and improves connectivity within the precinct and to adjacent areas of the City.

*Transport*

- (11) The safety and capacity of the transport network is maintained and, where appropriate, enhanced.

*Integrated development*

- (12) The development of buildings and activities and the provision of infrastructure in a comprehensive and integrated manner which achieves high quality urban design outcomes and which avoids, remedies or mitigates adverse effects on existing and planned infrastructure.

The overlay, Auckland-wide and zone objectives apply in this precinct in addition to those specified above.

**I214.3. Policies [rcp/dp]**

*Built form*

- (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 the integration of built form with the existing and proposed public open space network on a comprehensive land area basis, rather than a site by site

basis, to create a sound framework for a well-designed and high-quality environment.

- (3) Ensure that maximum building height:
  - (a) is appropriate in scale to the street network and the prominent waterfront location;
  - (b) provides a transition between the core of the precinct and the coastal edge with site-specific opportunities for taller buildings located and designed to reinforce key public open space and waterfront connections while avoiding intrusion of public views into and through Wynyard Precinct;
  - (c) complements development in the Viaduct Harbour Precinct; and
  - (d) provides a transition in height between the core central business district and the harbour.
- (4) Identify and protect public view shafts from open space across, within, and to Wynyard precinct to reinforce connections with the central area, harbour, and wider Auckland.
- (5) Promote excellence and diversity in architecture and urban design that enhances the relationship of buildings with public open space, and reflects the coastal, topographical, and historical qualities of the precinct.

*Special character*

- (6) Recognise the contribution that identified special character buildings make to the marine, fishing, and industrial heritage aesthetic within the precinct.
- (7) Encourage the retention and re-use of identified special character buildings, features, structures and elements within the precinct.
- (8) Encourage developments adjoining or adjacent to identified special character buildings to respond sympathetically to the historic context by reference to characteristics such as form, scale, materials and setbacks.
- (9) Encourage development and design that is reflective of the precinct's maritime location.
- (10) Promote and encourage the important role the marine and fishing industries play in defining the character and amenity of the precinct.

*Social and economic*

- (11) Enabling a diverse range of activities, high quality visitor experiences, entertainment, events and development to occur, while recognising and maintaining the economic importance of the marine and fishing industry, the bulk liquid industry and Hauraki Gulf Islands maritime passenger operations to the Auckland Region.

- (12) Recognise the significant local and regional socio-economic benefits associated with providing high-quality waterfront public open space and events activity while also providing for the operational and access requirements of the marine and fishing industries, other industrial activities and maritime passenger operations.
- (13) Ensure that sufficient and suitably located land, wharf, waterspace and appropriate, convenient and adequate navigation and berthing facilities are provided to accommodate the current and future operation and growth of the marine and fishing industries and maritime passenger operations, including Sub-precinct C, North Wharf, the southern face of the Western Viaduct Wharf and the western face of the Halsey Street Extension Wharf together with the adjacent waterspace for use primarily by the fishing industry.
- (14) Encourage activities and built form which contribute to the maintenance of pedestrian interest and vitality at ground level at Jellicoe Harbour to foster a vibrant community focal point.
- (15) Establish and maintain a network of coastal edge, public open space and public access along waterfront areas, linking the precinct to the wider central area while also providing the operational and access requirements of the marine and fishing industries, other industrial activities and maritime passenger operations.

*Public open space*

- (16) Establish a framework which supports the development of key interconnected public open space across the precinct, including:
  - (a) a high-quality waterfront park of regional significance, including the potential for a high quality public building;
  - (b) a network of coastal edge promenades and pedestrian accessways enabling access to and along the coast comprising a minimum width of 20 metres, with the exception of Sub-precinct C;
  - (c) a high-quality linear park linking Victoria Park to the waterfront park;
  - (d) High quality areas of public open space for the public, residents, workers and local occupants designed to enliven the urban core of the precinct, including a significant park space within Sub-precinct B; and
  - (e) a network of small pocket parks, linking spaces and plazas.
- (17) Encourage the use of the precinct's internal street network to function as part of the public open space network, and provide for the creation of internal canals, ponds and plazas.

*Pedestrian access, street quality and safety*

- (18) Encourage the construction of a bridge for pedestrians, cyclists and local public transport connecting the Eastern Viaduct with Jellicoe Street to improve public connectivity between Wynyard precinct and the city centre.

- (19) Facilitate the reconnection of Daldy Street between Pakenham Street and Madden Street to provide a physical north-south connection through Wynyard precinct and enable the establishment of activities with greater people-or traffic-generation potential.
- (20) Provide mechanisms to manage and, in some cases temporarily restrict, public access to and along some parts of the water's edge to enable marine and fishing industry, maritime passenger operations and events to operate.
- (21) Encourage an integrated network of streets and lanes to increase pedestrian permeability and accessibility through the precinct.
- (22) Encourage a high level of pedestrian amenity along identified existing and future routes, including Te Wero Bridge, which reinforces the ease, comfort and safety of the pedestrian environment.
- (23) Enhance the connection between Wynyard precinct and adjoining areas through the provision of additional pedestrian linkages across Fanshawe Street.
- (24) Discouraging parking within buildings visible from existing and proposed public open space.
- (25) Require planning and development of transport and road changes within and on the fringe of the precinct, including Fanshawe Street, to consider any effects on or contribution to the amenity of the precinct and adjacent areas.

*Risk and public safety*

- (26) Require new activities, buildings and works to be designed, located, and managed to avoid unacceptable levels of risk.
- (27) Require new hazardous industry or changes to existing hazardous industry to be designed, located and managed to avoid levels of risk which are incompatible with existing sensitive activities.
- (28) Require new industry or changes to existing industry at existing or future public interfaces to implement management measures to avoid, remedy or mitigate existing or potential adverse public safety effects.

*Reverse sensitivity and amenity*

- (29) Provide for the continued efficient operation of existing and future marine, fishing and other industries, including maritime passenger operations.
- (30) Manage establishing permanent or temporary accommodation within or directly adjacent to areas identified for marine or fishing operations or events, or on sites subject to potentially unacceptable levels of risk associated with existing hazardous industry.

- (31) Require new development, or changes to existing marine, fishing and other industries, to protect and enhance amenity values of specified existing and future public interfaces.

*Remediation*

- (32) Encourage remediation, including clean-up and mitigation methods, to be addressed on a comprehensive basis.
- (33) Encourage remediation of contaminated land to include consideration of future activity and prospective site topography and likely pathways to the contaminant.

*Transport*

- (34) Constrain and manage private vehicle travel in and out of Wynyard Precinct, particularly during peak travel periods.
- (35) Encourage walking, cycling and the provision of passenger transport services and facilities compatible with the character and amenity of the area.
- (36) Enable the improvement of public connectivity between Wynyard Precinct and the city centre for pedestrians, cyclists and public transport.
- (37) Maintain and enhance maritime passenger transport operations by providing adequate vehicular, pedestrian and public transport access to ferry terminal facilities.
- (38) Protect the safe and efficient operation of Fanshawe Street as a key arterial route connecting the central city area with wider Auckland and an important element of Auckland's frequent and rapid transit network.

*Integrated development*

- (39) Use integrated assessment for future development that has regard to:
- (a) land ownership;
  - (b) character;
  - (c) activities;
  - (d) existing and proposed street pattern; and
  - (e) existing and planned infrastructure.
- (40) Encourage built form, activities, public open spaces and infrastructure to be planned and designed on a comprehensive land area basis, rather than on an individual site basis.

The overlay, Auckland-wide and zone policies apply in this precinct in addition to those specified above

#### **I214.4. Activity table**

Table I214.4.1 and I214.4.2 specifies the activity status for land use and development activities pursuant to section 9(3) of the Resource Management Act 1991 and the activity status for works, occupation and use in the coastal marine area pursuant to sections 12(1), 12(2) and 12(3) of the Resource Management Act 1991, including any associated discharges of contaminants or water into water pursuant to section 15 of the Resource Management Act 1991, or any combination of all of the above sections where relevant.

- (1) The activities on land in the precinct are as specified in the table below and are also subject to compliance with Precinct plan 7.
- (2) The activities in the Coastal – General Coastal Marine Zone and Business – City Centre Zone apply in the Wynyard Precinct unless otherwise specified in the activity table below.
- (3) Activities marked # in the activity table are deemed to be risk-sensitive activities and are subject to additional assessment.
- (4) Within Sub-precinct F and Area 1 and Area 3 shown on Precinct plan 10, the activity status of activities marked \* in the activity table applies until the date when all hazardous industry located within Sub-precinct F discontinue operation. After that time, those activities are permitted unless an alternative activity status not marked \* is shown.
- (5) The requirements in [E40 Temporary activities](#) apply to:
  - (a) all temporary activities within Sub-precincts A, B, C (south of Area 3 as shown on Precinct plan 10), G, Halsey Street Extension Wharf and Western Viaduct Wharf;
  - (b) all sports events provided that the event only passes through, and is not based in, sub-precincts D, E, F or areas 1, 3, 4, 5, and 6 as shown on Precinct Plan 10: Risk areas, and the event does not involve motor racing; and
  - (c) all temporary activities occurring within Sub-precincts D, E, F and areas 1, 3, 4, 5, and 6 as shown on Precinct plan 10: Risk areas, except an event.
- (6) Events located within sub-precincts D, E and F and areas 1, 3, 4, 5, and 6 as identified on Precinct plan 10, will be subject to the requirements set out in Wynyard Precinct. From the date on which all hazardous industry located within Sub-precinct F and Area D discontinue operations, the requirements set out in [E40 Temporary activities](#) apply to events within Sub-precinct F and areas 1, 3, 4, 5, and 6 as identified on Precinct plan 10 - Risk areas.

**Resource Management (National Environmental Standards for Freshwater) Regulations 2020**

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 apply to coastal wetlands and to any part of the coastal marine area that is upstream from the mouth of a river.

If an activity provided for in rules I214.4.1 to I214.9, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

**Table I214.4.1. Activity table – Land use**

Activity		Sub-precinct A and Sub-precinct B	Sub-precinct C	Sub-precinct D	Sub-precinct E and Sub-precinct G	Sub-precinct F	Coastal marine area [rcpl]
(A1)	Dwellings or visitor accommodation #	P	NC	RD*	RD*	NC*	NA
(A2)	Dwellings in the areas identified on Precinct plan 7, as being subject to a no-complaint covenant where no such covenant has been entered into #	Sub-precinct A NA Sub-precinct B D	D	D	D	NC* D	NA
(A3)	Workers accommodation #	P	Areas 1 and 3 - RD*  South of Area 3 - P	RD*	RD*	RD*	Areas 4 – 6 RD*  Outside of Areas 4 - 6 P
(A4)	Offices accessory to marine and port activities and marine retail located on another site within Sub-precinct C or on land fronting Beaumont Street identified on Precinct plan 7, as 'areas where ground level activity is limited to	NA	C	C	C	NA	NA

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	marine and port industry and marine retail only' #						
(A5)	Artworks	P	P	P	P	P	P
(A6)	Community facilities #	P	NC	RD*	RD*	NC*	NC* D
(A7)	Education facilities #	P	NC	RD*	RD*	NC*	NC* D
(A8)	Entertainment facilities, except within lawfully established buildings on Halsey Street extension wharf #	P	NC	RD*	RD*	NC*	NC* D
(A9)	Entertainment facilities, food and beverage up to 100m2 gross floor area and ancillary office activities on the Halsey Street extension wharf within lawfully established buildings	NA	NA	NA	NA	NA	P
(A10)	An event and associated buildings and structures that: i. attracts no more than 1000 people at any one time; and ii. occupies a venue for a maximum cumulative duration of not more than 5 days inclusive of the time required for the establishment and removal of structures	NA	Areas 1 and 3 - P  South of Area 3 - NA	P	P	NC	Area 5 - NC  Area 6 - P  Area 4 - RD  Outside of Areas 4, 5 and 6 - NA
(A11)	An event and associated buildings and structures that: i. attracts no more than 1000 people at any one time; and ii. occupies a venue for a maximum cumulative duration of more than 5 days but not more than 21 days inclusive of the time required for the establishment and removal of structures	NA	Areas 1 and 3 - C  South of Area 3 - NA	C	C	NC	Area 5 - NC  Area 4 - RD  Area 6 - C  Outside of Areas 4, 5 and 6 - NA
(A12)	An event and associated buildings and structures that either: i. attracts more than 1000 people at any one time; or ii. occupies a venue for a maximum cumulative duration of more than 21 days inclusive of the time required for the establishment and removal of structures	NA	Areas 1 and 3 - RD  South of Area 3 - NA	RD	RD	NC	Area 5 - NC  Areas 4 and 6 - RD  Outside of Areas 4, 5 and 6 - NA
(A13)	A major marine event up to 60	NA	NA	NA	NA	NA	P -

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	consecutive days						Halsey St extension wharf and the Western Viaduct wharf
(A14)	Food and beverage up to 100m2 gross floor area per site #	P	Areas 1 and 3 - RD*  South of Area 3 - P	RD*	RD*	NC*	Area 5 - NC* - D  Outside of Area 5 - D
(A15)	Food and beverage greater than 100m2 gross floor area per site #	P	D	RD*	RD*	NC*	Area 5 - NC* - D  Outside of Area 5 - D
(A16)	Industrial activities	D	D	D	D	D	D
(A17)	Information facilities	P	P	P	P	NC*	NC*
(A18)	Marine retail #	P	Areas 1 and 3 - RD*  South of Area 3 - P	RD*	RD*	RD*	NC
(A19)	Marine and port activities	RD	C	RD	RD	RD	P
(A20)	Maritime passenger operations #	P	Areas 1 and 3 - RD*  South of Area 3 - P	RD*	RD*	NC*	Area 5 - NC* - P  Outside of Area 5 - P
(A21)	Offices located within the area identified on Precinct plan 7	P	NA	NA	NA	NA	NA
(A22)	Offices located outside of the area identified for offices on Precinct plan 7 #	P	NC	RD*	RD*	NC*	NC
(A23)	Office activity that exceeds the maximum office activity gross floor area in I214.6.2(1) below, subject to compliance with the maximum office activity gross floor area in I214.6.2(2) below #	RD	NC	RD	RD	RD	NA
(A24)	Private use of coastal access areas either vested in the council or areas over which council has a covenant for public access	NA	RD	RD	RD	RD	NA
(A25)	Public amenities, excluding Wynyard Wharf #	P	P	P	P	NC*	P
(A26)	Public amenities on Wynyard Wharf #	NA	NA	NA	NA	NA	NC*

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(A27)	Drive-through facilities on sites fronting onto Fanshawe Street	D	NA	NA	NA	NA	NA
(A28)	Retail, excluding marine retail, up to 1000m <sup>2</sup> gross floor area per retail tenancy or shop #	P	NC	RD*	RD*	NC*	NC
(A29)	Retail, excluding marine retail, greater than 1000m <sup>2</sup> but not greater than 5000m <sup>2</sup> per retail tenancy or shop #	RD	NC	RD*	RD*	NC*	NC
(A30)	Retail, excluding marine retail, greater than 5000m <sup>2</sup> per retail tenancy or shop #	D	NC	D*	D*	NC*	NC
(A31)	Commercial services #	P	NC	RD*	RD*	NC*	NC
(A32)	Short term car parking (non-accessory)	D	NC	D	D	D	NA
(A33)	Short term parking (accessory) on coastal marine area structures	NA	NA	NA	NA	NA	P
(A34)	Offices, offices accessory to marine retail and marine and port activities, maritime passenger operations, marine retail, retail, food and beverage, entertainment facilities and education facilities greater than 100m <sup>2</sup> gross floor area per site	RD	RD	RD	RD	NC* RD	RD
(A35)	Any activity not listed as a permitted, controlled, restricted discretionary or non-complying activity which has a functional need to locate in the coastal marine area	NA	NA	NA	NA	NA	D

**Table I214.4.2. Activity table – development**

Activity		Land	Coastal marine area [rcp]
<b>Works in the coastal marine area</b>			
(A36)	Reclamation	NA	D
(A37)	Declamation	RD	RD
(A38)	Maintenance dredging	NA	RD
(A39)	Capital works dredging	NA	RD
<b>Buildings and structures including construction in the coastal marine area and occupation of the common marine and coastal area</b>			
(A40)	Marine and port accessory structures and services	P	P
(A41)	Marine and port facilities	RD	RD
(A42)	Maintenance, repair or reconstruction of lawful marine and port facilities	P	P
(A43)	Demolition or removal of marine and port facilities	P	P
(A44)	Structures below the surface of the foreshore and seabed	NA	P
(A45)	Construction of a bridge across the Viaduct Harbour, linking the Eastern Viaduct to Jellicoe Street	RD	RD

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(A46)	Conversion of a buildings or part of buildings to dwellings or visitor accommodation	RD	NC
(A47)	Demolition or removal of any buildings or coastal marine area structures	C	P
(A48)	Substantial demolition or any demolition of the front facade of a special character building within the Wynyard precinct identified on Business – City Centre Zone – Map <a href="#">H8.11.1</a>	RD	RD
(A49)	Coastal marine area structures and buildings, and alterations and additions to coastal marine area structures and buildings	NA	RD
(A50)	Minor cosmetic alterations to a building that does not change its external design and appearance	P	NA
(A51)	New buildings, and alterations and additions to buildings (not otherwise provided for as a permitted activity)	RD	NA
(A52)	Roads or lanes	RD	NA
(A53)	Subdivision	RD	NA
(A54)	<del>[Deleted] The transfer of identified character building floor space</del>	€	NA
(A55)	Development that does not comply with Standard I214.6.1(1) Parking ratios	NC	NC
(A56)	Development that does not comply with Standard I214.6.2(2) Maximum office gross floor area	NC	NC
(A57)	Development that does not comply with Standard I214.6.3(1)-(3) Calculating maximum office gross floor area	NC	NC
(A58)	Development that does not comply with I214.6.7(1) Maximum site intensity	NC	NC
(A59)	<del>[Deleted] Development that does not comply with I214.6.7(2) for the building footprint of an identified special character building</del>	NC	NC
(A60)	A lane that does not meet the requirements of I214.6.12(5) Lanes and view shafts	NC	NC
(A61)	Development that does not comply with I214.6.6. Building height	D	D

### I214.5. Notification

(1) Any application for resource consent for a controlled and restricted discretionary risk-sensitive activity marked with a # in Table I214.4.1. Activity table – Land use will be considered without public notification, except that limited notification may be undertaken to the parties listed for the risk sensitive activities below:

(a) for dwellings or visitor accommodation within Area 1 or Area 3 shown on Precinct plan 10, notice of an application will not be served on any person or party other than any hazardous industry owner or operator within Sub-precinct F who has not provided written approval;

- (b) for dwellings or visitor accommodation within Area 2 shown on Precinct plan 10, notice of an application will not be served on any person or party other than any fish processing plant owner or operator located within Sub-precinct E who has not provided written approval;
  - (c) for events within sub-precincts D and E or Area 1, 2, 3, 4, 5 and 6 shown on Precinct plan 10, notice of an application will not be served on any person or party other than any hazardous industry owner or operator within Sub-precinct F or fish processing plant owner or operator within Sub-precinct E who has not provided written approval.
- (2) Notwithstanding the requirements of I214.5(1)(a) and (b) above, notice of an application need not be served on hazardous industry owners or operators if it can be clearly demonstrated that the land area subject to the application falls outside the hazardous industry toxic injury risk contour caused by the particular hazardous industry owner or operator within Sub-precinct F.
  - (3) Any application for resource consent for a restricted discretionary activity to exceed the maximum office activity gross floor area requirement in Standard I214.6.2(1), and which complies with Standard I214.6.2(2) below, will be considered without public notification or served on any person or party other than the freehold land owner of the subject land and the relevant national and regional statutory roading agency or authority.
  - (4) An application for resource consent for a controlled activity listed in Table I214.4.1. Activity table – Land use and Table I214.4.2. Activity table – development above and which is not listed in I214.5(1)-(3) will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
  - (5) New buildings, and alterations and additions to buildings provided for as a restricted discretionary activity will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
  - (6) Any application for resource consent for an activity listed in Table I214.4.1. Activity table – Land use and Table I214.4.2. Activity table – development and which is not listed in I214.5(1)-(5) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
  - (7) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

## **I214.6. Standards**

All permitted, controlled and restricted discretionary activities listed in Table I214.4.1 and Table I214.4.2 must comply with the following standards.

The land and water use standards in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Wynyard Precinct.

The following standards in the Business – City Centre Zone apply to land in the Wynyard Precinct:

- [H8.6.26](#) Verandahs;
- [H8.6.28](#) Wind;
- [H8.6.29](#) Glare;
- [H8.6.32](#) Outlook space; and
- [H8.6.25](#) Building frontage alignment and height except as specified in I214.6.8 below

All other standards that apply to land in the precinct are specified below.

### I214.6.1. Parking

Purpose: To maintain or enhance both the safety and capacity of the internal and wider road network and to significantly reduce single occupancy vehicle commuter trips to and from the Wynyard precinct.

(1) Parking ratios:

(a) the number of parking spaces on a site on land within the precinct must not exceed the rates specified in Table I214.6.1.1:

**Table I214.6.1.1 Parking ratios**

Activity	Maximum parking ratio
Offices	1 space per 150m <sup>2</sup> of gross floor area
Retail	1 space per 150m <sup>2</sup> of gross floor area
Visitor accommodation	1 space per 200m <sup>2</sup> of gross floor area
Dwellings - excluding gross floor area of servicing and common areas within buildings	1 space per 80m <sup>2</sup> of gross floor area
All other listed activities	1 space per 105m <sup>2</sup> of gross floor area

- (i) on Wynyard wharf, parking accessory to marine and port activities operating from buildings on the wharf must not exceed a ratio of one space per 105m<sup>2</sup> of gross floor area of the building;
- (ii) the combined number of parking spaces on Halsey Street Extension and Western Viaduct wharves must not exceed 50.

**I214.6.2. Maximum office gross floor area**

Purpose: To limit office activity, because of its potential to generate traffic during morning and evening peak travel times and particularly in the direction of peak traffic flow.

- (1) The amount of office gross floor area allowed on a site must not exceed the rates specified in Table I214.6.2.1:

**Table I214.6.2.1. Maximum office gross floor area 1**

Sub-precinct	Maximum permitted office gross floor area per sub-precinct	Maximum permitted office activity ratio per site
A	98,000m <sup>2</sup>	Lot 1 DP 179403 0:1 Lots 2-10 DP9097, Lot 1 DP197609, Lot 2 DP360738, Lot 3 DP8709 and Part Blk V Deeds Plan 226 - 3:1 All other sites - 3.62:1
B	69,300m <sup>2</sup>	2.48:1
C	5000m <sup>2</sup>	Only on Lot 28 DP133386 - 0.41:1
D	34,000m <sup>2</sup>	0.94:1
E	35,000m <sup>2</sup>	1.02:1
F	13,000m <sup>2</sup>	0.86:1
G	0m <sup>2</sup>	0

- (2) It is a restricted discretionary activity to exceed the maximum office gross floor area rates specified in I214.6.2(1), provided the amount of office gross floor area on a site does not exceed the rates specified in Table I214.6.2.2:

**Table I214.6.2.2. Maximum office gross floor area 2**

Sub-precinct	Maximum additional office gross floor area	Maximum restricted discretionary office activity ratio per site	Total office gross floor area - permitted + restricted discretionary
A	12,000m <sup>2</sup>	Only on Lot 1 DP179403 - 3:1	110,000m <sup>2</sup>
B	14,700m <sup>2</sup>	3:1	84,000m <sup>2</sup>
D	14,000m <sup>2</sup>	1.32:1	48,000m <sup>2</sup>
E	8500m <sup>2</sup>	1.27:1	43,500m <sup>2</sup>
F	5000m <sup>2</sup>	1.18:1	18,000m <sup>2</sup>

**I214.6.3. Calculating maximum office gross floor area**

Purpose: To provide a methodology for calculating office gross floor area which meets the purpose of I214.6.2 Maximum office gross floor area above.

- (1) When calculating or allocating office activity in accordance with I214.6.2 above:
  - (a) the maximum permitted office activity ratio and restricted discretionary office activity ratio is to be applied to the site area excluding any area of land shown on Precinct plan 6, as 'public open space inclusive of land subject to public access easement', but including any land shown as 'indicative lane'.
- (2) Office activity may be transferred between sub-precincts A, B, D, E, F and G subject to:
  - (a) the maximum amount of office activity able to be established on the donor land in accordance with I214.6.2(1) above not being increased as a consequence of the transfer;
  - (b) office activity must not be transferred from Lot 1 DP360738 and Lot 1 DP309925 to any other site.
- (3) Offices accessory to marine and port activities and marine retail must not exceed:
  - (a) 15 per cent of the total gross floor area on any site, unless otherwise specified in I214.6.3(3)(b) below;
  - (b) 3000m<sup>2</sup> or 15 per cent total gross floor area on the Sanford site (Lot 1 DP 70740 (NA27B/649), Lot 1 DP 57246 (NA29A/54), Lots 27 & 28 Block VI Deeds 226 (NA29A/56) and Lot 1 DP 89281 (NA46B/682)) in Sub-precinct E, whichever is the greater.

#### **I214.6.4. Noise**

Purpose: to minimise reverse sensitivity effects on existing industrial and maritime land uses by providing a minimum level of internal acoustic amenity for occupants of buildings from external noise sources generated by activities in the Wynyard Precinct and a maximum level of noise that activities other than accommodation may generate.

- (1) Sound insulation of accommodation buildings:
  - (a) All dwellings must be designed and constructed to provide an indoor noise level of 35dBA L10 in every bedroom and 45dBA L10 in any other habitable spaces (as defined in the NZ Building Code), based on both:
    - (i) an external traffic noise level of 65dBA L10 at the boundary of any road between 11pm and 7am;
    - (ii) the noise levels standards in I214.6.4(2) below as applicable to the Noise Area within which the accommodation units are located as shown on Precinct plan 9;

(b) At the same time and under the same physical conditions as the above internal noise levels will be achieved, all bedrooms and other habitable spaces are to be adequately ventilated in accordance with clause G4 of the NZ Building Code.

(2) External noise levels:

(a) Noise from activities in Wynyard Precinct must comply with the following limits in Table I214.6.4.1, measured at 1m from the façade of any building containing habitable spaces (as defined in the NZ Building Code) located in the noise areas shown on Precinct plan 9.

**Table I214.6.4.1. External noise levels**

Noise source location	Noise limit		Noise receiver location
	Day - 7am-11pm	Night - 11pm-7am	
Noise Areas 1,2	L10 60dBA	55dB L <sub>Aeq</sub> (15 min) 66dB L <sub>eq</sub> (15 min) @ 63Hz 62dB L <sub>eq</sub> (15 min) @ 125Hz 90dB L <sub>AFmax</sub>	Noise Area 2
Noise Areas 1,2	L10 70dBA	70dB L <sub>Aeq</sub> (15 min) 76dB L <sub>eq</sub> (15 min) @ 63Hz 73dB L <sub>eq</sub> (15 min) @ 125Hz 90dBA L <sub>AFmax</sub>	Noise Area 1

(3) Internal noise levels for adjacent tenancies:

(a) Where an activity shares a common building element such as floor or wall with a separate tenancy it must not exceed the following noise levels in Table I214.6.4.2 when measured in any habitable spaces (as defined in the NZ Building Code):

**Table I214.6.4.2 Internal noise levels**

Time	Noise limit
7:00am to 11:00pm	L10 45dBA
11:00pm to 7:00am	L10 40dBA L10 55dB @ 63Hz L10 50dB @ 125Hz

(4) Noise levels for events:

(a) events in sub-precincts D, E, F and G and on coastal marine area structures must comply with I214.6.4(2) above, except that for no more than 15 noise events in any calendar year (1 January to 31 December inclusive) those levels may be exceeded subject to:

- (i) the noise level specified in I214.6.4(2) above not exceeding a cumulative duration of more than six hours within any 24 hour period for a noise event, and
  - (ii) the maximum noise levels not exceeding:
    - 75dBA L10 and 80dBA L01 (medium noise level) for at least 12 of the 15 noise events, and
    - 85dBA L10 and 90dBA L01 (high noise level) for a cumulative duration of not more than 3 of the total 6 hours permitted in I214.6.4(4)(a)(i) above exclusive of one sound check of no more than one hour duration prior to each event, and for no more than 3 of the 15 noise events.
  - (iii) the medium and high noise levels must be determined from the logarithmic average of the L10 values for any measurement periods not exceeding 15 minutes during the event. The L01 values must be determined from the logarithmic average of the L01 values for representative periods not exceeding 15 minutes within the timeframe of the event. The noise levels must not be exceeded by more than 5 dBA for medium noise levels and 3dBA for high noise levels in any representative measurement period not exceeding 15 minutes during the noise event.
  - (iv) Noise levels exceeding the standard in I214.6.4(4)(a)(iii), including sound checks, must start no earlier than 10.00am and must finish no later than 10.30 pm Sunday to Thursday inclusive, 11.00pm Friday and Saturday and 1.00am New Year's Day.
- (b) at least 4 weeks prior to the commencement of the noise event, the organiser must notify the council in writing of:
- (i) the names and types of the acts and whether they are anticipated to be within the medium noise level or high noise level as defined in I214.6.4(4)(a)(ii) above;
  - (ii) the person(s) and procedures for monitoring compliance with noise levels; and
  - (iii) the nominated alternative date in the event of postponement due to the weather;
- (c) the council will keep a record of all noise events held and provide this information upon reasonable request.
- (5) Noise measurement and assessment:
- (a) measurement and assessment must be in accordance with the requirements of NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sounds". Noise must be

measured with a sound level meter complying with at least the International Standard IEC 651 (1979): Sound Level Meter, Type 1.

#### **I214.6.5. Financial contributions**

Purpose: to provide for the acquisition and development of public open space in the Wynyard precinct, and/or for enhancing public pedestrian facilities, and/or for enabling public access to and enjoyment of the coastal environment.

(1) Public open space:

- (a) a financial contribution may be taken for development on any site for the specific purposes of providing for the acquisition and development of public open space in the precinct, and/or for enhancing public pedestrian facilities;
- (b) financial contributions must not be levied for subdivisions or refurbishments.

(2) Public access to the coastal environment:

- (a) with the exception of Sub-precinct C, a financial contribution may be taken in the form of either a conservation covenants, or land to be vested in the council for development on any site adjoining the coastal marine area or any site within 20m of the coastal marine area for the specific purpose of enabling public access to and enjoyment of the coastal environment. This rule does not apply to any site where an esplanade reserve or conservation covenant of 20m or greater in width (or such lesser width as provided by I214.6.4(2)(c) below) has been created prior to 13 July 2007.
- (b) within sub-precincts E and F, where the site adjoins the coastal marine area, the land to be vested in the council or otherwise secured shall be of a minimum width of 20m and shall not exceed 30m in width measured perpendicular from the coastal mean high water springs mark, except where specified in I214.6.5(2)(c), below.
- (c) the total width of land over which public access is secured within Sub-precinct G is limited to the area identified as public open space as shown on Precinct plan 6.
- (d) Standard [E38.7.3.2](#) Subdivision establishing an esplanade reserve does not apply to subdivision or development within the Wynyard Precinct.

(3) Interpretation:

- (a) for the purpose of this rule "development" includes site works, building construction and alterations; and
- (b) for the purpose of this rule "refurbishment" means the cosmetic alteration, restoration or redecoration to the interior or exterior of a building or site and includes replacement of services such as lifts or air-conditioning.

"Refurbishment" excludes increases to the gross floor area of a building and changes in activity such as conversion of office premises to retail premises or conversion of offices to residential apartments.

#### **I214.6.6. Building height**

Purpose: To ensure the height of buildings complements and reinforces key public open spaces within Wynyard Precinct and development within the Viaduct Harbour precinct while providing an appropriate scale and transition in relation to the street network, lanes, the harbour and coastal environment and the core central business district. Refer Policy I214.3(3) of the Wynyard Precinct.

- (1) Buildings must not exceed the heights specified on Precinct plan 5.
- (2) For sites on precinct plan 5 with a maximum permitted height of 52m, the maximum cumulative floor plate area per floor must not exceed:
  - (a) sub-precinct B: 1200m<sup>2</sup> GFA and a maximum dimension of 45m by 45m for that part of the building exceeding a height of 31m;
  - (b) sub-precinct E at the corner of Halsey and Jellicoe streets: 1200m<sup>2</sup> GFA and a maximum dimension of 40m by 30m for that part of the building exceeding a height of 27m; and
  - (c) sub-precincts C and E, except for the site at the corner of Halsey and Jellicoe streets: 900m<sup>2</sup> GFA and a maximum dimension of 30m by 30m for that that part of the building exceeding a height of 31m.
- (3) In land areas shown on sub-precinct E with a height limit of 25m, the height limit may be exceeded by no more than 2m for roofs, including any roof top projections, subject to a maximum of 6 building storeys and compliance with clause I214.6.7 below for maximum site intensity.

#### **I214.6.7. Maximum site intensity**

Purpose: manage the scale, form and intensity of development in the Wynyard precinct. Refer Policies I214.3(1)-(4) of the Wynyard Precinct.

- (1) Buildings on a site must not exceed the maximum site intensity specified for the site on Precinct plan 3., ~~except as specified in I214.6.7(2) below~~
- (2) ~~[Delete] The maximum floor area ratio applying to the building footprint of an identified special character building (refer Map [H8.11.1 of the Business – City Centre Zone](#)) may be transferred to another site within the precinct subject to:~~
  - ~~(a) resource consent being obtained as controlled activity;~~
  - ~~(b) the total area of transferable floor space being calculated on the following basis:~~  
$$(A \times B) - (A \times C) = \text{total area of transferable floor space}$$

A = Area of identified special character building floorplate\*

B = Maximum floor area ratio shown on Precinct plan 3

~~C = Floor area ratio of 1:1~~

- ~~(i) the bonus floor space transferred not increasing the floor area ratio on the recipient site by more than 1:1 above the maximum floor area ratio shown on Precinct plan 3~~

~~\*Except that the for the character building located on Lots 9 and 10 DP 9092, A = 1655m<sup>2</sup>.~~

- (3) When calculating gross floor area, where the vertical distance between building storeys exceeds 6m, the gross floor area of the building or part of the building so affected must be calculated as gross floor area as opposed to the volume of that airspace.
- (4) 'Character building floor plate' means that part of the site covered by a special character building identified on Map [H8.11.1 of the Business – City Centre Zone](#) including a curtilage of a depth of 2m contained within the legal boundaries of the site and surrounding the character building to enhance the visual integrity of the character building.
- (5) Where a special character building is incorporated in a development or a new development is proposed on the residual site area and the special character building is subject to an approved character plan, the gross floor area of the special character building is excluded from the floor area ratio calculations.
- (6) For the purpose of calculating maximum site intensity the subject land area of any proposed development may be considered as one site, provided the maximum total cumulative gross floor area across all sites within the subject land area is not exceeded.

#### **I214.6.8. Building frontage alignment and height**

Purpose: ensure streets are well defined by buildings and provide a sense of enclosure to enhance pedestrian amenity, while avoiding buildings dominating public open space.

- (1) [H8.6.25](#) Building frontage alignment and height applies except that:
- (a) where the maximum building height is less than the minimum frontage height requirement in Map [H8.11.5 of the Business – City Centre Zone](#), [H8.6.25 of the Business – City Centre Zone](#) rules does not apply; and
  - (b) in Sub-precinct G, the ground floor along the eastern boundary must be set back from the public open space identified on Precinct plan 6 by a minimum width of 2.5m measured perpendicular from the public open space for a minimum height of 4m.

#### **I214.6.9. Special industrial frontage**

Purpose: avoid unacceptable levels of human injury risk associated with accidental ammonia release from the fish processing plant

- (1) For any building proposed for dwellings or visitor accommodation, facades of buildings fronting the Industrial Frontage identified on Precinct plan 8 must not incorporate opening windows or balconies.

#### **I214.6.10. Marine retail at ground level**

Purpose: Provide for marine and fishing industry and marine and fishing retail activity at ground level on specific sites identified on Precinct plan 7. Some flexibility has also been built into the control to allow specific sites identified as Transitional Ground Level Activity to accommodate other activities in the future.

- (1) Except as specified in I214.6.10(2) below, activities at ground level must be restricted to the extent and in the manner identified on Precinct plan 7.
- (2) Activities at ground level on a site identified on Precinct plan 7 as transitional ground level activity must be limited to marine and port activities and/or marine retail until any of the following occurs on that site:
  - (a) the marine and port activity and/or marine retail at ground level occurring on the site as at 1 November 2009 has either relocated off-site or ceased operating from the site, or
  - (b) the lease (including all rights of renewal) for the site existing as at 1 November 2009 which, as at 1 November 2009, is used for marine and port activities and/or marine retail at ground level expires; or
  - (c) the road widening works along the frontage of the site authorised by a designation are constructed.
- (3) At any time any one of the Standards I214.6.10(2)(a)-(c) above occur on the site, the limitation to marine and port activities and/or marine retail is lifted from that site and those activities listed in the precinct activity table may establish at ground level.

#### **I214.6.11. Vehicle access**

Purpose: To avoid potential adverse traffic safety and efficiency effects on the regional arterial and rapid transit functions of Fanshawe Street, as well as protecting traffic capacity and pedestrian and cyclist amenity along Beaumont Street, Halsey Street, Daldy Street and Jellicoe Street.

- (1) Except from the land legally described as Pt Lot 2 DP179403 (contained in NA110C/761), vehicle entry or exit must not be established directly from Fanshawe Street.
- (2) Vehicle entry or exit from the land legally described as Pt Lot 2 DP179403 (contained in NA110C/761) to Fanshawe Street is limited to one entry and one exit providing left turn manoeuvres only.
- (3) Vehicle entry or exit must not be established directly from Beaumont Street (south of Jellicoe Street), Daldy Street, Jellicoe Street or the western side of Halsey Street where alternative access via another road or service lane is available.

- (4) Notwithstanding I214.6.11(1)-(3), the total crossing width for any front or corner site must not exceed 50 per cent of the frontage to any road in which it adjoins.

#### **I214.6.12. Lanes and view shafts**

Purpose: To build upon the existing grid pattern of streets that characterise the precinct by requiring additional lane connections to serve a finer urban grain. The minimum required widths provide the opportunity for some lanes to be used as service lanes while also contributing to pedestrian permeability within the development blocks. The widths also provide the opportunity to include landscaping features, furniture and artworks.

The viewshafts identified along required lanes are designed to enhance the visual connections of the precinct with the harbour, other features of the surrounding landscape, the CBD and the wider city.

- (1) Lanes must be provided at ground level, generally in the locations shown on Precinct plan 6 and must comprise:
- (a) a minimum width of 10m where provided for pedestrians, cyclists and service vehicles; or
  - (b) a minimum width of:
    - (i) 6m where lanes are 50m or less in length, or
    - (ii) 7m where lanes are up to 100m in length, or
    - (iii) 8m where lanes are over 100m in length
    - (iv) where provided for pedestrians and cyclists only.

For the purpose of this standard, the length of the lane must be measured as the dimension between the lane intersections and/or the lane termination points as shown on Precinct plan 6.

- (2) Where the lanes shown on Precinct plan 6 are also shown as view shafts on land, the minimum width must be 10m.
- (3) Where a view shaft on land is indicated alone, it must have a minimum width of 10m.
- (4) The minimum widths specified in I214.6.12(1)-(3) above, must be clear and unobstructed by buildings or structures from ground level upwards, except that verandahs may be provided where they meet [H8.6.26](#) Verandahs of the Business – City Centre Zone rules.
- (5) The lane must be available for public use at all times unless written approval has been obtained from the council. In all circumstances the lane must be available for public use between the hours of 7am and 11pm.
- (6) The registration of an access easement on the title to which the lane applies is required to ensure preservation of the lane and its ongoing maintenance by the owner(s) of the land concerned.

- (7) Structures and buildings, including marine and port facilities, must not be located within or over those parts of wharves and water space identified as coastal view shafts on Precinct plan 6.

**I214.6.13. Public access ways - wharves**

Purpose: Maintain and enhance public access to the Wynyard Precinct wharves.

- (1) Public access ways on wharves must be provided at ground level in the following locations and to the following dimensions in Table I214.6.13.1:

**Table I214.6.13.1. Public access ways - wharves**

Wharf	Location	Public accessway dimension
Halsey Street Extension	Western, northern and eastern edge	10m
Western Viaduct	Southern edge	10m
Wynyard	Eastern and northern edge	8m

- (2) The access ways must be available to the public at all times unless written approval has been obtained from the council to be temporarily restrict access from time to time for security, safety or operational needs associated with marine and port activities, maritime passenger operations or temporary events.
- (3) Except as allowed by I214.6.13(2) above, the access ways must be clear and unobstructed by structures and buildings, including marine and port facilities from ground level upwards.
- (4) Structures and buildings, including marine and port facilities must not be erected or placed on North Wharf or the Western Viaduct Wharf other than temporary structures or buildings.

**I214.6.14. Buildings and structures on the Halsey Street extension wharf**

Purpose: Limit building and structures on the Halsey Street extension wharf

- (1) Structures and buildings, including marine and port facilities on the Halsey Street extension wharf must be located within the building platform area shown on Precinct plan 1 and must not cover more than 60 per cent of the building platform.

**I214.6.15. Temporary structures or buildings**

Purpose: to enable temporary structures while managing public access and risks associated with hazardous industry.

- (1) Temporary structures or buildings within sub-precinct D, and E, and Areas 1, 3, 4 and 6 as identified on Precinct plan 10 must comply with the following:

- (a) no part of any venue that has been occupied by a building, tent, marquee or air supported canopy may be reoccupied by the same structure within a period of 5 days after the structure's removal.
- (2) Temporary structures or buildings within the Halsey Street extension wharf, and the Western Viaduct wharf as identified on Precinct plan 1:
  - (a) where the temporary structures or buildings wharf and are for the purpose of a major marine event related to an internationally recognised boat race or race series, the associated structures and buildings must not occupy any venue for more than 60 days within any 12 month period, inclusive of the time required for the establishment and removal of all structures and activities associated with the activity. Where the temporary structures or buildings are not for the purpose of a major marine event related to an internationally recognised boat race or race series, I214.6.15(1)(a) above applies;
  - (b) when it is necessary to place vehicles, tents, marquees, seating, canopies and other structures within the 10m wide public accessway around the western, northern and eastern sides of the Halsey Street extension wharf, the southern side of the Western Viaduct wharf, or the 8m wide accessway along Wynyard wharf, alternative public accessways must be provided and be free of charge and clearly marked; and
  - (c) public access around the Viaduct Events Centre shall be available at all time and free of charge except for special events when public access can be restricted provided the restriction is for no more than 60 days in any 12 month period and no more than 20 days consecutively.

## **I214.7. Assessment – controlled activities**

### **I214.7.1. Matters of control**

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application:

- (1) offices accessory to marine and port activities and marine retail specified as a controlled activity in the activity table:
  - (a) transfer of office space.
- (2) events and associated buildings and structures specified as a controlled activity in the activity table:
  - (a) duration, demographic and number of people attending the event;
  - (b) transportation effects and management;
  - (c) visual amenity;
  - (d) emergency response and management processes; and

- (e) risk to the activity from adjacent storage and use of hazardous substances.
- (3) marine and port activities and marine and port facilities specified as a controlled activity in the activity table:
  - (a) construction or works methods, timing and hours of operation;
  - (b) location, extent, design and materials used;
  - (c) effects on coastal processes, ecological values, water quality and natural character;
  - (d) effects on views and visual amenity;
  - (e) effects on public access, navigation and safety;
  - (f) effects on existing uses and activities;
  - (g) consent duration; and
  - (h) traffic and parking.
- (4) ~~[Deleted] the transfer of identified character building floor space:~~
  - ~~(a) recording the use/transfer of floor space on the certificate of title.~~
- (5) building demolition:
  - (a) the matters of control in [H8.8.1\(5\) of the Business – City Centre Zone](#) apply.

#### **I214.7.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for controlled activities:

- (1) offices accessory to marine and port activities and marine retail specified as a controlled activity in the activity table:
  - (a) whether the amount of ancillary office gross floor area constructed on another site within Sub-precinct C or on land fronting Beaumont Street is recorded by covenant on the donor freehold and leasehold title(s) upon which the ancillary office gross floor area is transferred from to ensure the amount transferred does not exceed the limit specified in the definitions of marine and port activities and marine retail;
- (2) events and associated buildings and structures specified as a controlled activity in the activity table:
  - (a) the relevant assessment criteria in [E40.8.2 Temporary activities](#) in addition to the following criteria; and

- (b) whether adverse risk or transport related effects are able to be adequately remedied or mitigated through the preparation and implementation of an emergency evacuation and management plan and event transport plan;
- (3) marine and port activities specified as a controlled activity in the activity table:
  - (a) the relevant assessment criteria in [F2.23.2 Coastal – General Coastal Marine Zone](#) rules apply in addition to the following criteria;
  - (b) the activity should protect and enhance amenity values and public safety at the sub-precinct interface with existing and proposed public open space (as shown on Precinct plan 6);
- (4) ~~[Deleted] the transfer of special character building floor space:~~
  - ~~(a) the assessment criteria in [H8.9.2.2\(5\) of the Business – City Centre Zone](#) rules for the transfer of special character building floor space apply;~~
- (5) building demolition:
  - (a) the relevant assessment criteria in [H8.8.2\(5\) of the Business – City Centre Zone](#) rules for building demolition apply in addition to the following criteria; and
  - (b) whether adverse effects on the marine environment (including water, sediment quality, and ecology) of the coastal marine area are avoided, remedied or mitigated;

## **I214.8. Assessment – Restricted discretionary activities**

### **I214.8.1. Matters of discretion**

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application:

- (1) risk sensitive activities marked # in the activity table identified as a restricted discretionary activity (excluding events):
  - (a) location, extent, design and staging of buildings;
  - (b) design occupancy;
  - (c) risk to the activity from adjacent storage and use of hazardous substances;
  - (d) emergency response processes, including accessibility and the content of evacuation plans; and
  - (e) reverse sensitivity effects;
- (2) an event and associated buildings and structures identified as a restricted discretionary activity in the activity table:
  - (a) duration, demographic and number of people attending the event;

- (b) transportation effects and management;
  - (c) emergency response and management processes;
  - (d) risk to the activity from adjacent storage and use of hazardous substances; and
  - (e) effects on the navigation and safety of commercial vessels operation in these areas;
- (3) marine and port activities and marine and port facilities:
- (a) construction or works methods, timing and hours of operation;
  - (b) location, extent, design and materials used;
  - (c) effects on coastal processes, ecological values, water quality and natural character;
  - (d) the location, bulk and scale of the activities and facilities relative to overall development, including the layout and design of roads, lanes, open spaces, earthworks areas and land contours, and infrastructure location;
  - (e) effects on public access, safety and navigation;
  - (f) effects on existing uses and activities including existing and planned significant infrastructure;
  - (g) consent duration; and
  - (h) traffic, parking and access;
- (4) private use of coastal access areas either vested in the council or areas over which council has a covenant for public access:
- (a) duration and frequency of the activity; and
  - (b) public access and safety.
- (5) offices that exceed the thresholds of I214.6.2(1) above but do not exceed the restricted discretionary thresholds in I214.6.2(2) above:
- (a) travel management;
  - (b) traffic generation; and
  - (c) operational capacity and safety of the adjacent road network;
- (6) offices, offices accessory to marine retail and marine and port activities, maritime passenger operations, marine retail, retail, food and beverage, entertainment facilities and education facilities greater than 100m<sup>2</sup> gross floor area per site:
- (a) travel management; and

(b) traffic generation;

(7) declamation:

(a) construction or works methods, timing and hours of operation;

(b) location, extent, design and materials used;

(c) effects on coastal processes, ecological values, water quality and natural character;

(d) effects on public access, navigation and safety;

(e) effects on existing uses and activities; and

(f) consent duration;

(8) maintenance dredging and capital works dredging:

(a) effects on coastal processes, ecological values, and water quality;

(b) effects on other users of the coastal marine area, navigation and safety; and

(c) consent duration and monitoring;

(9) a bridge across the Viaduct Harbour, linking the Eastern Viaduct to Jellicoe Street:

(a) construction or works methods, timing and hours of operation;

(b) location, extent, design and materials used;

(c) effects on coastal processes, ecological values, water quality and natural character;

(d) effects on public access, navigation and safety;

(e) effects on existing uses and activities;

(f) amenity, effects on views and visual amenity; and

(g) consent duration and monitoring;

(10) new buildings, and alterations and additions to buildings:

(a) the matters of discretion in [H8.8.1\(1\) of the Business – City Centre Zone](#) rules for new buildings and/or alterations and additions to buildings apply;

(b) the location, bulk and scale of buildings relative to overall development, including the layout and design of roads, lanes, open spaces, earthworks areas and land contours, and infrastructure location; and

(c) where one or more buildings infringes the basic site intensity or basic building heights on Precinct plans 2 and 4, but complies with the

maximum site intensity and maximum building heights on Precinct Plans 3 and 5:

- (i) location, physical extent and design of streets, pedestrian connections and open space;
- (ii) location, form and scale of buildings;
- (iii) location and staging of activities;
- (iv) provision of adequate infrastructure.

(11) subdivision:

- (a) the matters of discretion set out in [E38 Subdivision - Urban under E38.12.1](#); and
- (b) the location, bulk and scale of buildings relative to overall development, including the layout and design of roads, lanes, open spaces, earthworks areas and land contours, and infrastructure location;

(12) conversion of a building or part of a building to dwellings or visitor accommodation:

- (a) the matters of discretion in [H8.8.1\(3\) in the Business – City Centre Zone](#) apply;

(13) substantial demolition or any demolition of the front façade of a special character building within the Wynyard precinct identified on Business – City Centre Zone – Map [H8.11.1](#):

- (a) the matters of discretion in of the Business – City Centre Zone apply;

(14) retail specified as a restricted discretionary activity in the activity table:

- (a) the matters of discretion in [H8.8.1\(4\) of the Business – City Centre Zone](#) apply;

(15) roads or lanes:

- (a) scale, form and dominance/ visual amenity effects;
- (b) effects on the transportation network (including safety and efficiency);
- (c) amenity and function of public open space and pedestrian access; and
- (d) the location, physical extent and design of the transport network and any pedestrian linkages;

(16) ~~[Deleted] infringing the building height standard:~~

- ~~(a) building scale, form, dominance and visual amenity effects; and~~
- ~~(b) effects on current or planned future form and character;~~

(17) building frontage alignment and height:

- (a) building scale, form, dominance and visual amenity effects; and
  - (b) amenity and function of public open space and pedestrian access.
- (18) infringing the special industrial frontage standard:
- (a) risk and safety;
- (19) infringing the access to sites with multiple frontages standard:
- (a) effects on the transportation network (including safety and efficiency); and
  - (b) amenity and function of public open space and pedestrian access;
- (20) infringing the vehicle access over footpaths standard:
- (a) effects on the transportation network (including safety and efficiency); and
  - (b) amenity and function of public open space and pedestrian access;
- (21) infringing the lanes and viewshafts standards:
- (a) scale, form, dominance and visual amenity effects;
  - (b) effects on the transportation network (including safety and efficiency); and
  - (c) amenity and function of public open space and pedestrian access;
- (22) infringing the public accessways – wharves standard:
- (a) building scale, form, dominance and visual amenity effects; and
  - (b) amenity and function of public open space and pedestrian access;
- (23) infringing the buildings and structures on the Halsey Street extension wharf standard:
- (a) building scale, form, dominance and visual amenity effects;
  - (b) reverse sensitivity effects;
  - (c) amenity and function of public open space and pedestrian access; and
  - (d) risk and safety;
- (24) infringing the temporary structures or buildings standard:
- (a) building scale, form, dominance and visual amenity effects;
  - (b) reverse sensitivity effects; and
  - (c) amenity and function of public open space and pedestrian access.

#### **I214.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) marine and port activities and marine and port facilities:
  - (a) the assessment criteria in [F2.23.2 of the Coastal – General Coastal Marine Zone](#) rules, including [F2.23.2\(17\)](#) for coastal marine area structures & buildings, apply in addition to the criteria below; and
  - (b) whether the activity protects and enhances amenity values and public safety at the interface with existing and proposed public open space (as shown on Precinct plan 6 and the amenity values of existing or approved residential activity, and, in particular, visual and aural privacy;
- (2) offices that exceed the thresholds in I214.6.2(1) above but do not exceed the restricted discretionary thresholds in I214.6.2(2) above:
  - (a) whether the activity together with existing, permitted and consented activities, will adversely affect the current and future operational capacity and safety of the adjacent road network and specifically the Beaumont Street/Fanshawe Street, Daldy Street /Fanshawe Street and Halsey Street/Fanshawe Street intersections. In determining the extent of any potential transportation effects, the following matters shall be taken into account:
    - (i) the extent to which it is demonstrated that the proposed office activity will result in vehicle trips consistent with a maximum formula of:
      - 0.38 trips per parking space, plus
      - 0.16 trips per 100m<sup>2</sup> proposed office gross floor area;
    - (ii) whether it is demonstrated that:
      - the proposed office activity, together with all other existing, permitted and consented activities, will not exceed the following trip generation ceiling targets for all activities from Wynyard Precinct:
        - 3650 vehicles per hour two way; and
        - 2500 vehicles per hour one way inbound or outbound during the weekday morning peak (7.00am - 9.00 am)
        - 2500 vehicles per hour one way outbound or inbound during the weekday afternoon peak (4.00pm-6.00pm);
      - the proposed office activity, together with all other existing, permitted and consented activities, will not exceed the total allowable gross floor area and the predicted total trips for the relevant sub-precinct set out in Table 2 of Part A of the Wynyard Precinct Transport Plan;
      - the proposed office activity will not exceed the number of trips per hour inbound or outbound during the weekday morning and

afternoon peaks for each sub-precinct set out in the table below:

Sub-precinct	Trips per hour one way in peak direction
A and B	968
C	21
D-F	451
G	0

- (iii) any available information demonstrating the success or otherwise of travel management measures implemented within the precinct;
  - (iv) any planned or constructed transport infrastructure improvements;
  - (v) the proximity of the site to a regular public transport service;
  - (vi) when assessing any application in sub-precincts D, E and F, any agreed reduction in allowable office gross floor area provided in these sub-precincts or sites below that specified in I214.6.2 above;
  - (vii) where the proposed activity does not comply with criteria I214.8.2(2)(a)(i) and (ii) above, the council shall have regard to whether the proposed activity could comply with these criteria if either:
    - less than the maximum permitted parking is proposed in the application for the proposed office activity gross floor area, or
    - no parking is proposed in the application for the proposed office activity gross floor area;
- (b) in granting any resource consent the council may impose resource consent conditions relating to any of the matters listed in these criteria, including a requirement for ongoing morning and afternoon peak vehicle trip generation monitoring results and supporting review condition(s);
- (3) retail specified as a restricted discretionary activity in the activity table:
- (a) The assessment criteria in [H8.8.2\(4\) of the Business – City Centre Zone](#) rules apply;
- (4) offices (including offices accessory to marine and port activities and marine retail), maritime passenger operations, marine and fishing retail, retail, food and beverage, entertainment facilities or education facilities greater than 100m<sup>2</sup> per site:
- (a) whether it can be demonstrated by the measures and commitments outlined in a detailed site travel management plan that the activity or activities will be managed to minimise private vehicle travel to and from precinct to achieve Policies I214.3(34)-(37) of the Wynyard Precinct using

methods outlined in Part A of the Wynyard Precinct Transport Plan (19 August 2010) refer I214.11.1 Appendix 1;

(5) private use of coastal access areas either vested in the Council or areas over which council has a covenant for public access:

(a) whether:

- (i) the requirement for the use of coastal access areas is based on the operational nature of the activity, including any available alternatives to avoid the use of coastal access areas;
- (ii) the proposed duration and frequency of the use of the coastal access area is minimised, including the level of certainty provided (through conditions offered by the applicant, site management plans and monitoring) that usage will be appropriately managed and the conditions of use adhered to;
- (iii) the existing and future potential public use of the subject coastal access area could be compromised, including the timing of the proposed use in relation to peak pedestrian activity;
- (iv) alternative access along the coastline is available during any periods of closure;
- (v) the level of public safety risk posed will be avoided, remedied or mitigated, including the provision of a site management plan;

(6) risk sensitive activities marked # in the activity table identified as a restricted discretionary activity (excluding events):

(a) whether any unacceptable levels of risk can be avoided or mitigated based on the following:

- (i) the location of the development, including service areas, parking and outdoor areas, with respect to industrial hazard sources;
- (ii) the design occupancy of the development, including anticipated design occupation numbers, the predominant and most vulnerable age demographic, hours of operation, estimated mean and maximum occupancy times for individual site dwellers in hours/days and any other pertinent occupancy information;
- (iii) a description of alternative layout plans considered in order to mitigate risk arising from offsite hazard sources;
- (iv) methods for advising occupiers of the development of potential safety risks including methods of risk mitigation and control;
- (v) building design methods for avoiding or mitigating occupant risk resulting from exposure to toxic vapour, thermal radiation and explosion debris from offsite hazard sources;

- (vi) details of any proposed development staging and any voluntary site occupancy controls to be implemented during the transition period leading up to hazardous industry relocation;
  - (b) for open markets that attract more than 1000 people at any one time, the criteria in I214.8.2(7) below also apply;
- (7) an event and associated buildings and structures identified as a restricted discretionary activity in the activity table:
- (a) whether measures outlined in an emergency, evacuation and management plan and event transport plan avoid or mitigate any unacceptable level of risk or adverse transport related effects associated with the type and duration of event and expected demographic and number of people attending the event including for events within Areas 4 and 6, whether the activity will adversely affect marine and port activities and the navigation, safety or commercial vessels operating in these areas;
- (8) substantial demolition or any demolition of the front façade of a special character building within the Wynyard precinct identified on Business – City Centre Zone Map [H8.11.1](#);
- (a) the assessment criteria in [H8.8.2\(5\) of the Business – City Centre Zone](#) rules for the demolition of special character buildings apply in addition to the criteria below; and
  - (b) the contribution the identified special character building (including its association with any nearby identified character buildings) makes to the character or streetscape quality of the precinct and whether its removal or partial demolition adversely impacts upon those qualities. In assessing proposals against this criterion particular regard should be had to retaining a link to the past marine industrial aesthetic of the precinct;
- (9) new buildings, and alterations and additions to buildings:
- (a) the relevant assessment criteria in [H8.8.2\(1\) of the Business – City Centre Zone](#) rules for buildings or alterations and additions to buildings apply in addition to the criteria below; and
  - (b) the proposed building, or alteration or addition to buildings, relative to the location of infrastructure servicing the area and open space should result in an integrated network that is adequate to meet the needs of the overall development area;
  - (c) whether internal space at all levels within the building are designed to maximise outlook onto existing public open space and proposed public open space, streets and lanes shown on Precinct plan 6;

- (d) the extent to which activities which engage and activate existing public open space and proposed public open space, streets and lanes shown on Precinct plan 6 at ground level are encouraged;
- (e) at grade private parking areas and parking areas located within buildings which are visible from existing public open space and proposed public open space, streets and lanes shown on Precinct plan 6 are strongly discouraged. It is expected that activated building space will be provided between parking areas within buildings and existing and proposed street and public open space frontages;
- (f) whether vehicle access to sites are designed and located to complement the road function and hierarchy, while avoiding conflict with the function of existing public open space and proposed public open space, streets and lanes shown on Precinct plan 6 and public transport priority lanes, balancing the requirements of access and through-movement;
- (g) where alternative vehicle access is available, the creation of new vehicle crossings across frontages along Jellicoe, Beaumont, Halsey and Daldy Streets is discouraged;
- (h) Precinct plan 6 illustrates the locations of publicly accessible lanes which should be provided to create alternative, shorter, or more convenient pedestrian routes at ground level;
- (i) whether a safe and practical 24hr east-west public pedestrian walkway is provided through the block bound by Daldy, Jellicoe, Beaumont and Madden Streets to provide connectivity between Beaumont and Daldy Streets;
- (j) where a building accommodates greater than 100m<sup>2</sup> gross floor area of office, marine and fishing retail, retail, food and beverage, entertainment/gathering or education activity, the criteria listed in I214.8.2(4) above, also apply;
- (k) the design of building frontages and elevations facing streets and/or other public open spaces should have regard to the setback, form and character of any identified character building(s) adjoining or adjacent to the site. This requires consideration of important character elements and qualities through building design on frontages and elevations visible from streets and other public open spaces;
- (l) a new building abutting, or adjacent to, an identified character building which is set back from the street frontage, may not be required to be constructed predominantly to the street boundary, where a better urban design outcome could be achieved by respecting the spatial location of the character building;

- (m) building elevation, design and materials should respect (rather than replicate) the architectural design composition of the identified special character building(s), and new and contemporary interpretations in form, elevational composition, material and detail may be used;
- (n) where the building works are undertaken within the coastal marine area, the assessment criteria for buildings/structures in the Coastal - General Coastal Marine Zone apply in addition to the following:
  - (i) whether adverse effects associated with the methods of construction on water quality and coastal processes can be avoided, remedied or mitigated;
  - (ii) whether adverse effects on navigation and safety can be avoided, remedied or mitigated; and
  - (iii) whether the buildings or structures are of an appropriate scale, design, colour and location to complement its waterfront setting, maintain or enhance amenity values, and where practicable, maintain views from the land to the coastal marine area, particularly the viewshafts shown on Precinct plan 6; and
  - (iv) with the exception of Wynyard wharf and Halsey Street extension wharf, demonstrate that the purpose for which the structure is required cannot reasonably or practicably be accommodated on the land or by existing structures in the coastal marine area; and
  - (v) where practicable, enhance public access to the coastal marine area; and
  - (vi) whether the building or structure is required for significant infrastructure;
- (o) where one or more buildings infringes the basic site intensity or basic building heights on Precinct plans 2 and 4, but complies with the maximum site intensity and maximum building heights on Precinct plans 3 and 5:
  - (i) Refer to Policies 1, 2, 3, 39 and 40;
  - (ii) Whether building footprints, profile and height (as opposed to detailed building design) establishes an integrated and legible built form and also:
    1. Integrates with other approved development (including approved Integrated Development Plans);
    2. Enhances the form and function of existing and proposed streets, lanes and public open space, including complementing and enhancing the function of Daldy Street as a major tree-lined boulevard linking Victoria Park to the public open space in sub-precinct F as shown on precinct plan 6;

3. Avoids monotonous built form when viewed from public open space through variation in building footprints, height and form;
  4. Maintains the ability for marker buildings within sub-precincts B, C and E to be established to the maximum height provided for on Precinct plan 5;
  5. Within sub-precincts D, E, F and G, the extent to which the location or orientation of buildings, and the type and location of any known prospective activities marked # in the activity table, including the use of public open space areas:
    - a. Avoids or mitigates reverse sensitivity issues associated with existing industry, marine industry, fishing industry and maritime passenger operations;
    - b. Avoids unacceptable levels of risk associated with existing hazardous industry, including the adjacent ammonia refrigerant based fish processing plant;
  6. Enables or maintains efficient vehicle access to existing industry, marine industry, fishing industry and maritime passenger operations;
  7. Supports the role of Jellicoe Street as the major community and visitor focal point of the precinct;
- (iii) The extent to which the building footprints, height, floor to floor heights and profile of buildings enable them to accommodate a wide range of activities and to be adapted to accommodate differing uses in the future;
- (iv) Whether the location and staging of anticipated activity types and/or the location, orientation or layout of buildings avoids or mitigates potential conflicts between activities within the subject land area and adjacent land areas;
- (v) Whether buildings may provide opportunities for the establishment of community facilities, such as health, educational and care facilities, for future people in the area;
- (vi) Whether the layout and design of public open space within the subject land area will ensure well-connected, legible and safe vehicular and pedestrian routes with appropriate provision for footpaths, servicing, infrastructure services and landscape treatment;
- (vii) Whether the layout and design of public open space and lanes within the subject land area will integrate with and complement the form and function of existing and proposed public open space and lanes network;
- (viii) Whether stormwater, wastewater, water supply, electricity and telecommunication infrastructure will be provided to adequately

service the nature and staging of anticipated development within the subject land area;

- (ix) Whether consideration has been given to integration of parking, loading and servicing areas within the subject land area taking account of location and staging of anticipated activity types;

(10) a bridge across the Viaduct Harbour:

(a) the bridge should contribute to a high quality maritime and urban environment and meets the following outcomes:

- (i) the bridge design avoids significant visual intrusion into views from public areas across the harbour, or from the harbour out to the wider Waitemata Harbour, particularly within the viewshafts identified on Precinct plan 6.

(ii) the bridge contributes to the pedestrian character and amenity of the Viaduct Harbour and Wynyard precinct by:

- providing safe and pleasant pedestrian and cycle access east and west across the Viaduct Harbour;
- having a landscape design, character and quality which integrates with existing pedestrian priority areas and other accessways around the Viaduct Harbour;
- not causing significant adverse effects on the use and enjoyment of Te Wero Island as an area of pedestrian-oriented public space; and
- ensuring the operation or use of the bridge, or lighting will not cause significant adverse effects on the operation of nearby activities or on the amenity values of surrounding land or water uses;

(iii) the bridge is designed and operated to provide for:

- vessel access to and from the inner Viaduct Harbour without undue delay;
- navigation and berthage by the existing range of vessels in the inner Viaduct Harbour; and
- any reduction in berthage area to be minimised as far as practicable;

(iv) convenient and easily accessible systems for communicating with vessel users regarding scheduled and unscheduled bridge opening/closing;

(v) appropriate lighting, navigation aids, safety systems and fail-safe mechanisms; and

- (vi) a minimum clearance height of 3m above mean high water springs for a 10m wide navigable channel;
  - (b) the ongoing viable use of the Viaduct Harbour (particularly the Wynyard Precinct mixed use Sub-precinct G) to accommodate marine and port activities and marine events, such as boat shows and internationally recognised boating events such as the America's Cup event, is maintained;
  - (c) the bridge has a high quality design that:
    - (i) enhances the character of the Viaduct Harbour;
    - (ii) is simple and elegant;
    - (iii) is appropriate within the context of the Viaduct Harbour locality and Auckland's coastal setting;
    - (iv) has an appropriate relationship with the Viaduct Lifting Bridge identified in the Historic Heritage overlay; and
    - (v) utilises high quality and low maintenance materials and detailing;
  - (d) the bridge is designed in a manner which may provide in the future for enhanced connectivity for the public between the precinct and the city centre; and
  - (e) the bridge has no more than minor adverse effects on coastal processes including sedimentation within the Viaduct Harbour;
- (11) declamation:
- (a) whether the adverse effects of declamation are avoided, remedied or mitigated in respect of the effects of the final land/water configuration on:
    - (i) the marine environment (including coastal processes, water quality, sediment quality and ecology) of the coastal marine area;
    - (ii) hydrogeology (ground water) and hydrology; and
    - (iii) sediment accumulation and the need for ongoing maintenance dredging of the coastal marine area;
  - (b) whether declamation works, including the construction of seawalls avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated soils and groundwater, and other contaminants;
  - (c) whether declamation is located and designed so that the adjacent land area can provide adequate public open space adjacent to, and public access along the water's edge whether on land or on the adjacent water space;
- (12) maintenance dredging and capital works dredging:

- (a) the assessment criteria in [F2.23.2\(1\) and F2.23.2\(11\) of the Coastal - General Coastal Marine Zone](#) rules apply in addition to the criteria below;
  - (b) whether the dredging is necessary to achieve the outcomes sought by the objectives and policies for the Wynyard precinct.
- (13) conversion of a building or part of a building to dwellings or visitor accommodation:
- (a) the assessment criteria in [H8.8.2\(3\) in the Business – City Centre Zone](#) apply; and
- (14) subdivision:
- (a) the assessment criteria set out in [E38 Subdivision - Urban under E38.12.2](#); and
  - (b) the location of infrastructure servicing the area and open space should result in an integrated network that is adequate to meet the needs of the overall development area;
- (15) roads and lanes:
- (a) the extent to which pedestrian permeability is maintained and enhanced through the site layout;
  - (b) whether pedestrian access to the water's edge is maintained;
  - (c) the integration of the site with the wider Wynyard Precinct; and
  - (d) whether intrusion of public views into and through Wynyard Precinct are avoided;
- (16) ~~[Delete] infringing the building height standard:~~
- ~~(a) where building height is exceeded, Policies I214.3(3) of the Wynyard Precinct and Policy [H8.3\(30\) of the Business – City Centre Zone](#) should be considered.~~
- (17) infringing the building frontage alignment and height standards:
- (a) the extent to which buildings are of a scale and form appropriate to the setting; and
  - (b) the extent to which pedestrian access and amenity is enhanced through the design of the building;
- (18) infringing the special industrial frontage standard:
- (a) whether the design avoid, remedy or mitigate human injury risks associated with accidental ammonia release associated with the ammonia refrigerant based fish processing plant;
- (19) infringing the access to sites with multiple frontages standard:

- (a) the extent to which access to sites are located to allow safe and efficient access to and from the site;
  - (b) whether the access location and traffic generation from the site compromise the safe and efficient operation of the transportation network; and
  - (c) whether pedestrian function, and safety of pedestrians on footpaths is compromised;
- (20) infringing the vehicle access over footpaths standard:
- (a) whether the pedestrian function, and safety of pedestrians on footpaths is compromised; and
  - (b) whether an alternative access location would better maintain pedestrian and cyclist safety and amenity.
- (21) infringing the lanes and view shafts standard:
- (a) the extent to which pedestrian permeability is maintained and enhanced through the site layout;
  - (b) whether pedestrian access to the water's edge is maintained;
  - (c) the integration of the site with the wider Wynyard precinct; and
  - (d) avoid intrusion of public views into and through Wynyard Precinct.
- (22) infringing the public access ways – wharves:
- (a) the extent of public access to the water's edge; and
  - (b) whether the development control infringement is required to enable marine and fishing industry, maritime passenger operations and events to operate;
- (23) infringing the buildings and structures on the Halsey Street extension wharf standard:
- (a) Whether pedestrian access is maintained.
  - (b) the extent to which the building design is consistent with the character and amenity of Halsey Street extension wharf.
  - (c) whether buildings and structures adversely affect the current and future operation and growth of the marine and fishing industries and maritime passenger operations.
- (24) infringing the temporary structures or buildings standard:
- (a) the extent to which buildings are of a scale appropriate to the waterfront setting; and

- (b) whether building location compromises the function of the Wynyard Precinct.

### **I214.9. Special information requirements**

In addition to the general information that must be submitted with a resource consent application (refer [C1.2\(1\)](#) Information requirements for resource consent applications), applications for the activities listed below must be accompanied by the additional information specified.

- (1) Events specified as a controlled activity in the activity table:
  - (a) an emergency evacuation and management plan and event transport plan.
- (2) Marine and port activities:
  - (a) a site management plan that details operational procedures and physical measures to be put in place to avoid, remedy or mitigate public safety effects.
- (3) ~~[Deleted] The transfer of special character building floor space:~~
  - ~~(a) the special information required in [H8.6.13 of the Business – City Centre zone](#) rules for the transfer of special character building floor space apply.~~
- (4) Offices that exceed the permitted thresholds in I214.6.2(1) above but do not exceed the restricted discretionary thresholds in I214.6.2(2) above:
  - (a) the Council will require independently verified actual morning and afternoon peak vehicle trip generation monitoring results from existing office activity within and, if appropriate, adjacent to the precinct with similar operational characteristics to the office activity proposed. The trip generation formula set out in the assessment criteria for the activity must be used to predict trips from the proposed, permitted and consented office activities.
- (5) Offices (including offices accessory to marine and port activities and marine retail), marine and fishing retail, retail, food and beverage, entertainment facilities or education facilities greater than 100m<sup>2</sup> per site:
  - (a) a site travel management plan must be provided corresponding to the scale and significance of the activity and containing the following information as a minimum to demonstrate how the development will achieve the objectives of the Wynyard Precinct Transport Plan including:
    - (i) the physical infrastructure to be established or currently established on-site to support the use of alternative forms of transport, such as adequate covered facilities for cyclists, showering, locker and changing facilities; carpool parking areas, travel reduction information boards in foyer areas, such as timetables and route maps; internet service to enhance awareness of alternative transportation services;

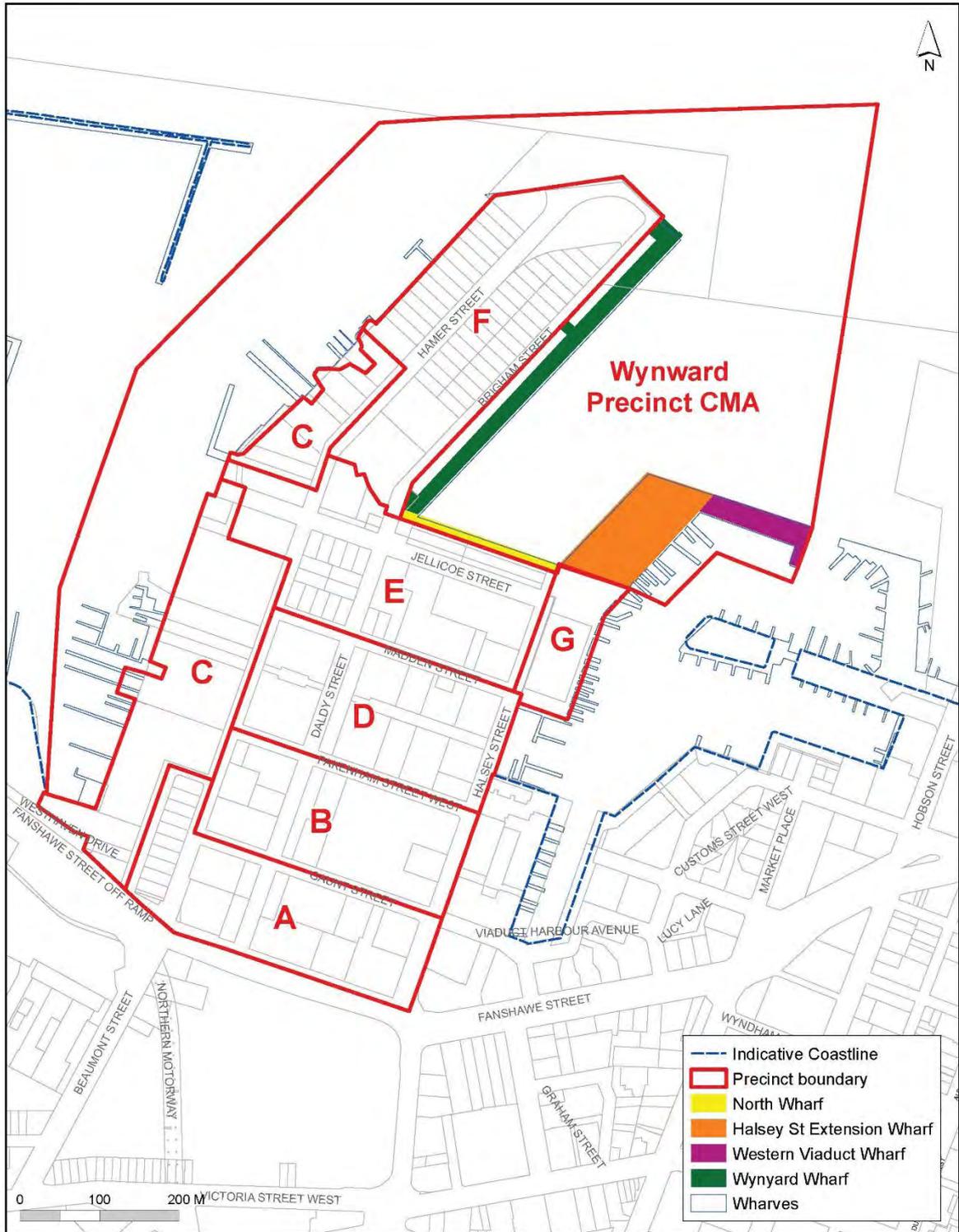
- (ii) the physical linkages to be provided on the site to link with surrounding pedestrian and cycle networks and existing public transport resources;
  - (iii) operational measures to be established or currently implemented on-site to encourage reduced vehicle trips to Wynyard precinct, including car sharing schemes, public transport use incentives, flexitime, staggered working hours;
  - (iv) operational measures to be established to restrict the use of any short term parking area(s) during peak periods;
  - (v) details of the management structure within the building or site in which the activity is to be located which has overall responsibility to oversee the implementation and monitoring of travel management measures;
  - (vi) the methods by which the effectiveness of the proposed measures outlined in the site travel management plan can be independently measured/monitored and reviewed, including a commitment to undertake travel surveys at the time of building occupation or as otherwise required to provide on-going information regarding travel behaviour; and
  - (vii) the methods by which the travel management measures complement the Precinct wide travel management measures outlined in part B of the Wynyard Precinct Transport Plan (refer I214.11.1 Appendix 1) and use the travel demand management measures outlined in part C of that plan, or other appropriate initiatives.
- (6) private use of the coast access areas either vested in the council or areas over which council has a covenant for public access:
- (a) a site management plan corresponding to the scale and significance of the activity detailing the operational measures to be establish to address the matters listed in assessment criteria for the activity.
- (7) risk sensitive activities marked # in the activity table located in sub-precinct D, E, F, G or areas 1-6 shown on Precinct plan 10 (excluding events):
- (a) an emergency and evacuation plan prepared by an independent authority or competent safety professional, which clearly indicates communication roles and responsibilities, location of egress points and assembly areas.
- (8) events within sub-precinct D and E and areas 1, 3, 4 and 6 shown on Precinct plan 10:
- (a) an emergency, evacuation and management plan, prepared by an independent authority or competent safety professional, which clearly indicates communication roles and responsibilities, location and management

of access and egress points, assembly areas and people movement for the event;

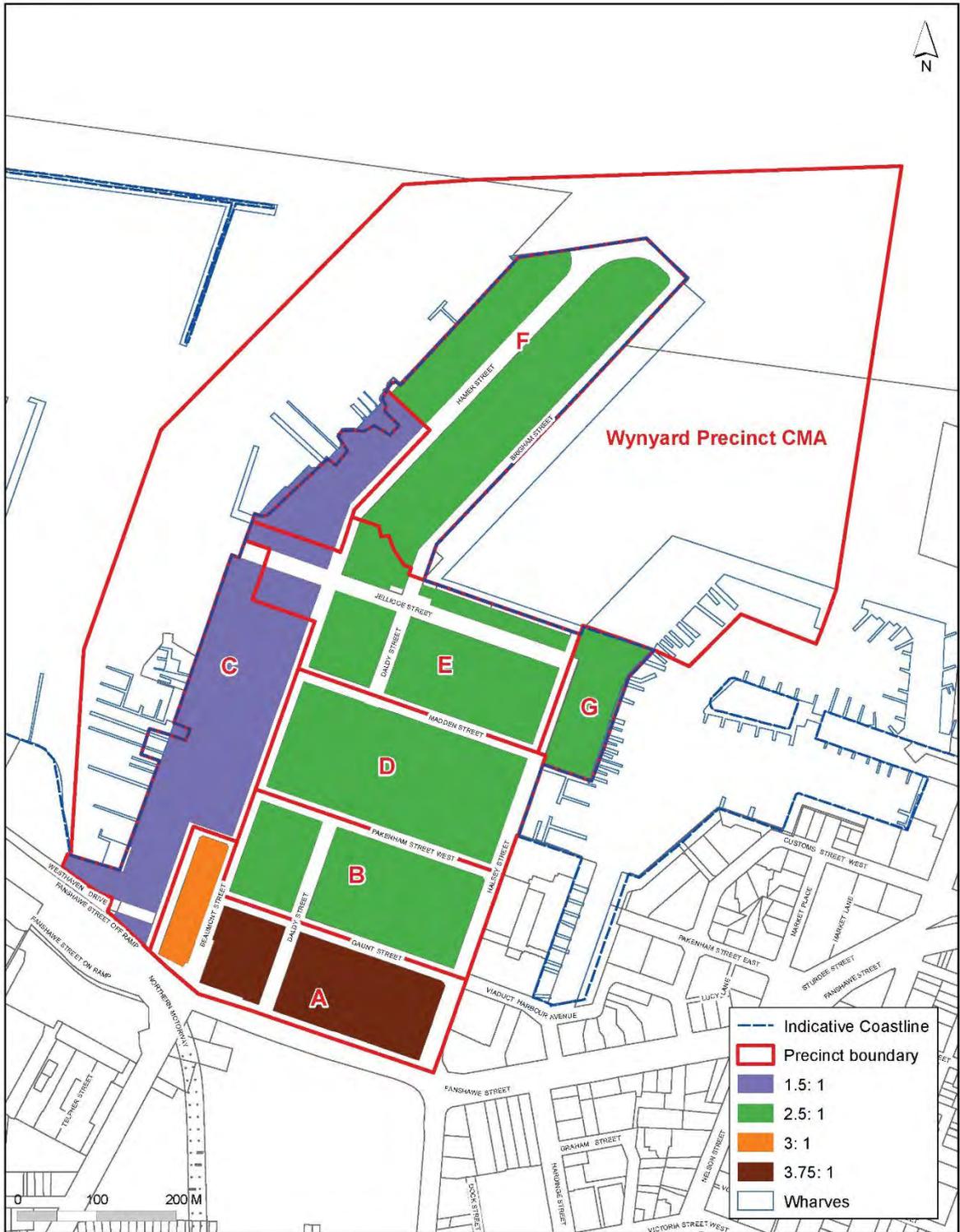
- (b) an event transport plan, developed in consultation with adjacent hazardous industry, marine industry and maritime passenger operators, which addresses the following matters:
  - (i) measures to ensure the maintenance of safe and efficient access (including at least two access points for emergency service vehicles) to existing hazardous industry, marine industry and maritime passenger operations for the full duration of the event;
  - (ii) measures to prevent event attendees entering into, or parking within Sub-precinct F or Wynyard wharf for the full duration of the event;
  - (iii) communication channels and methods to respond to and remedy traffic issues as they may arise with existing hazardous industry, marine industry and maritime passenger operations; and
  - (iv) where multiple events are planned, review procedures with hazardous industry, marine industry and maritime passenger operators to ensure that issues identified are avoided, remedied or mitigated for future planned events.

I214.10. Precinct plans

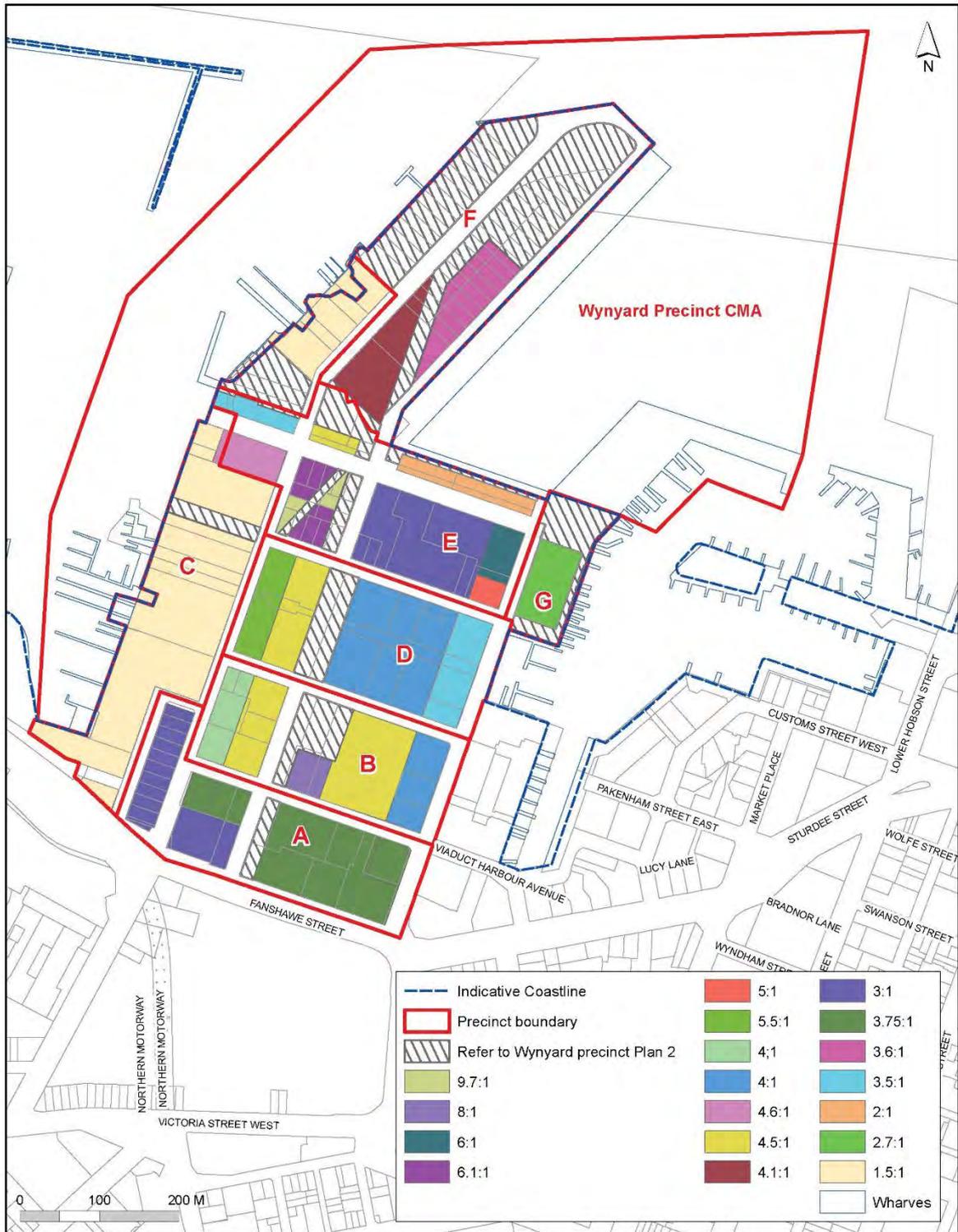
I214.10.1 Wynyard: Precinct plan 1 - Sub-precincts



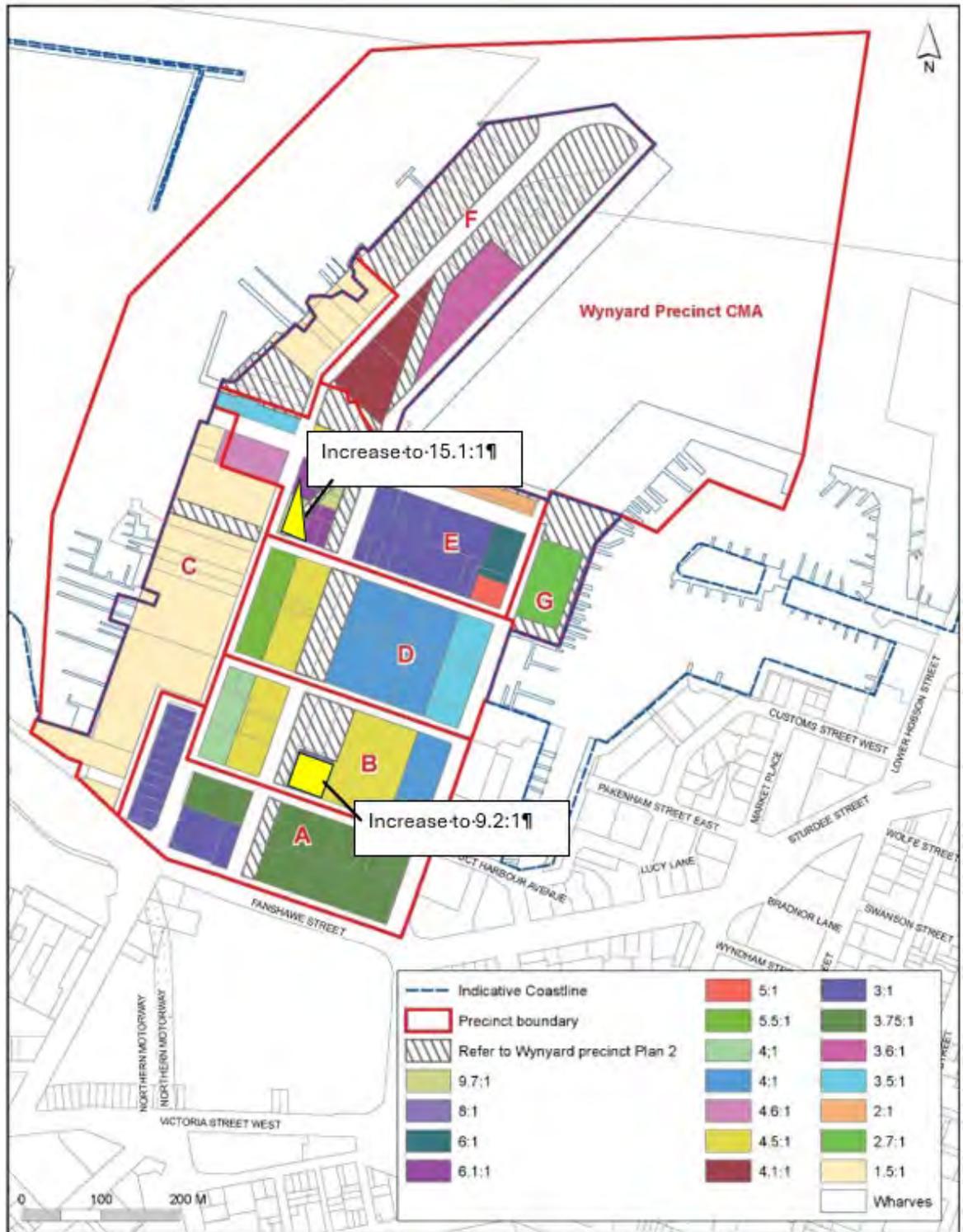
I214.10.2 Wynyard: Precinct plan 2 - Basic floor area ratio



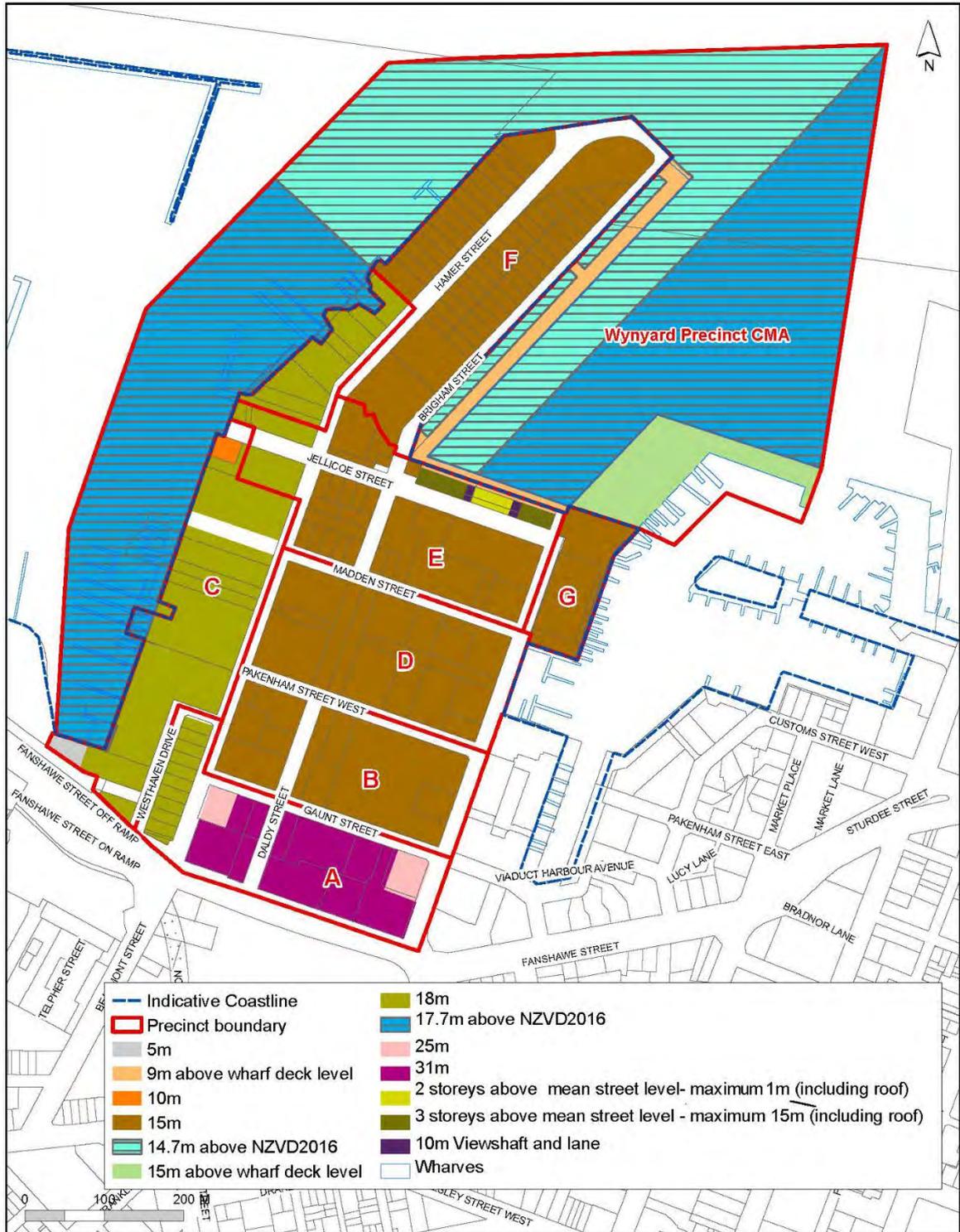
I214.10.3 Wynyard: Precinct plan 3 - Maximum floor area ratio



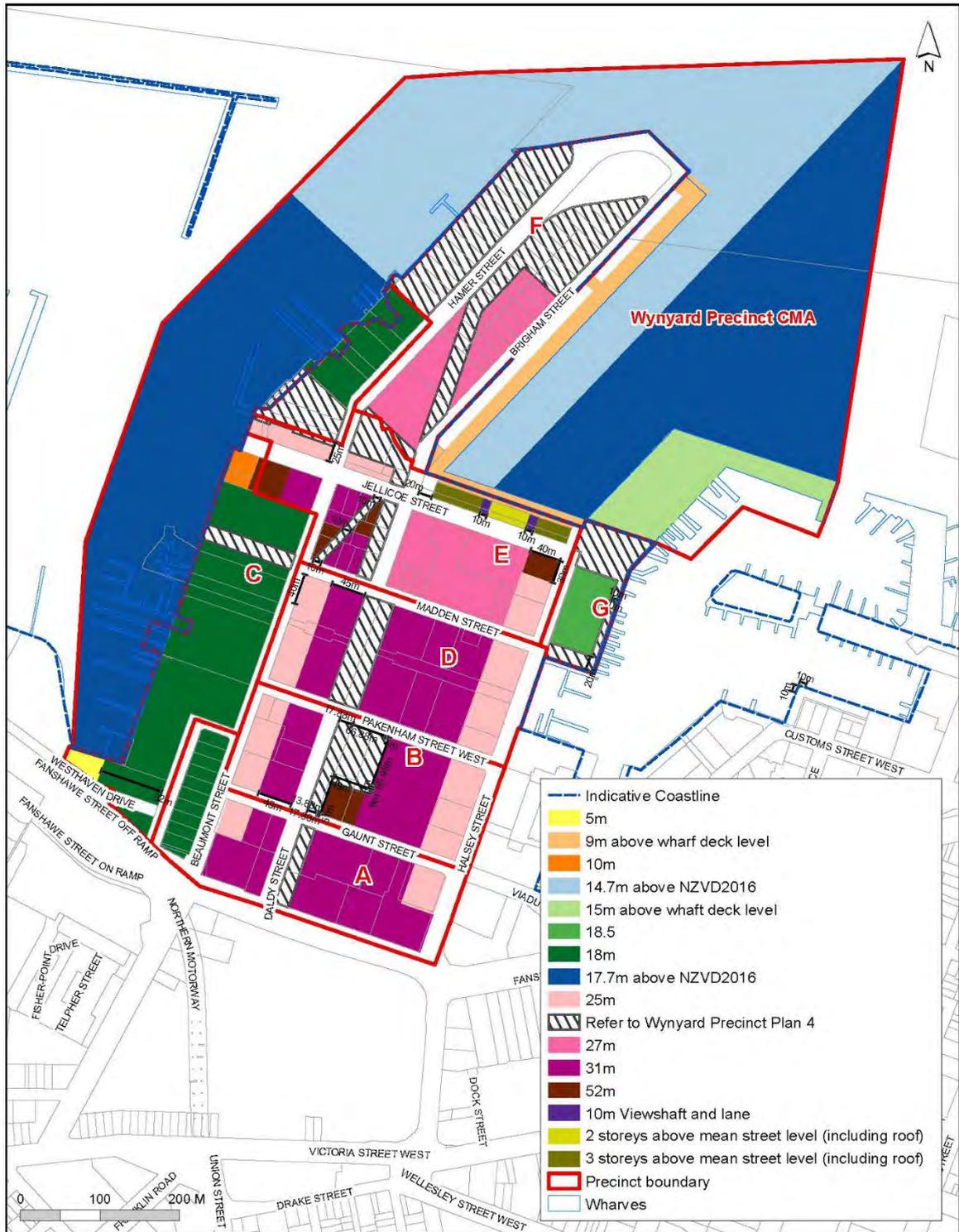
[Advice note do not include – amend FAR as below]



I214.10.4 Wynyard: Precinct plan 4 – Basic height

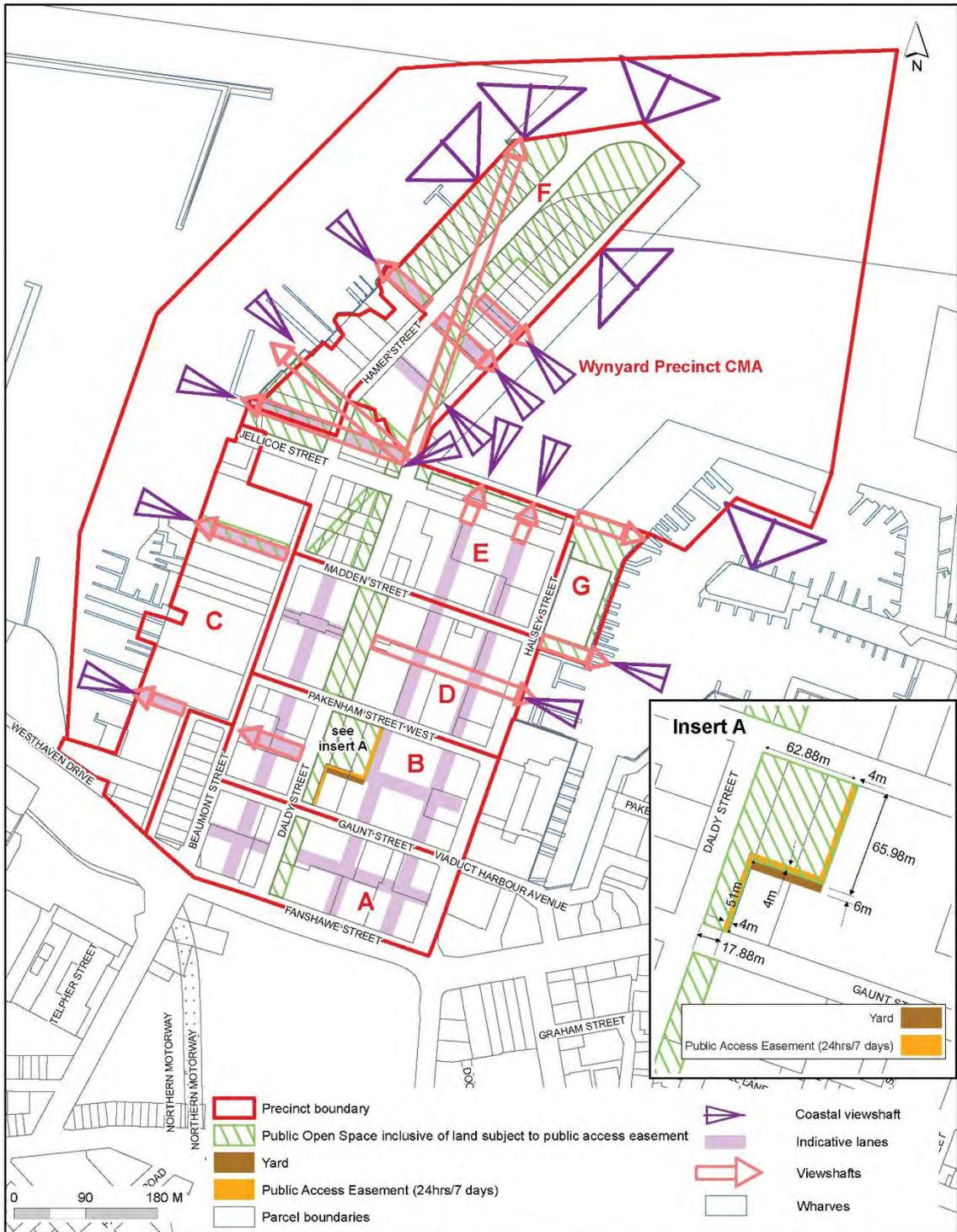


I214.10.5 Wynyard: Precinct plan 5 – Maximum height

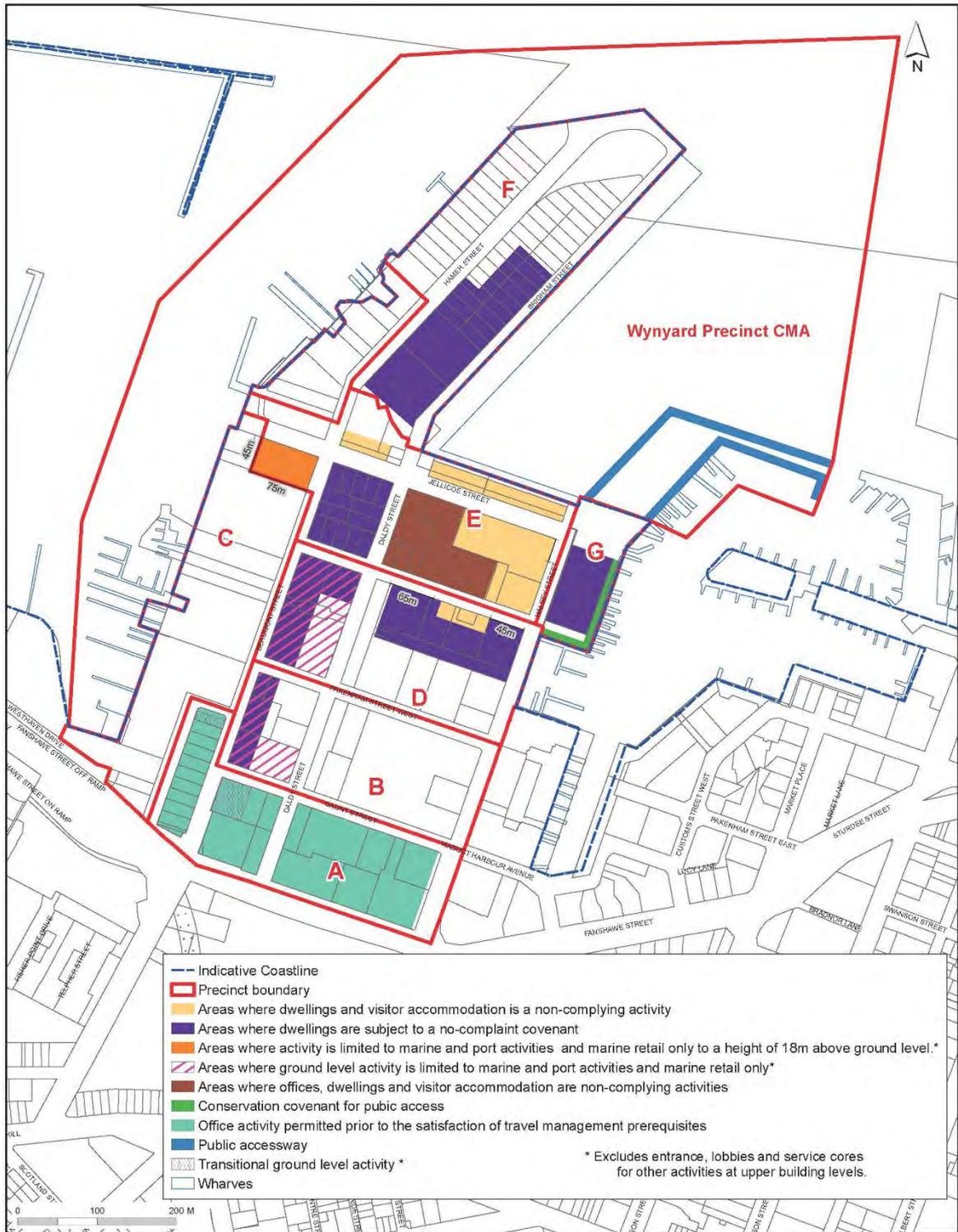




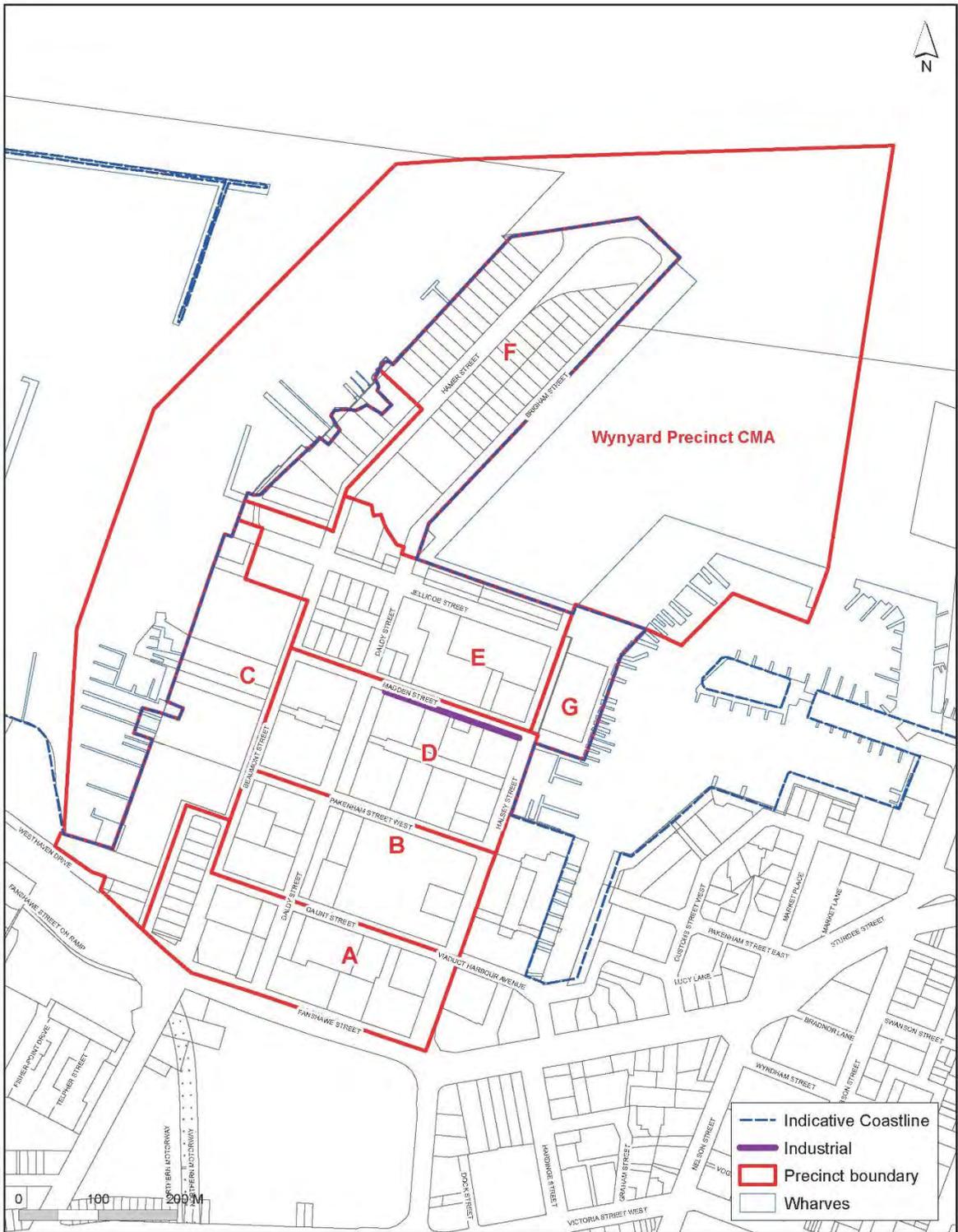
I214.10.6 Wynyard: Precinct plan 6 - Indicative lanes and viewshafts



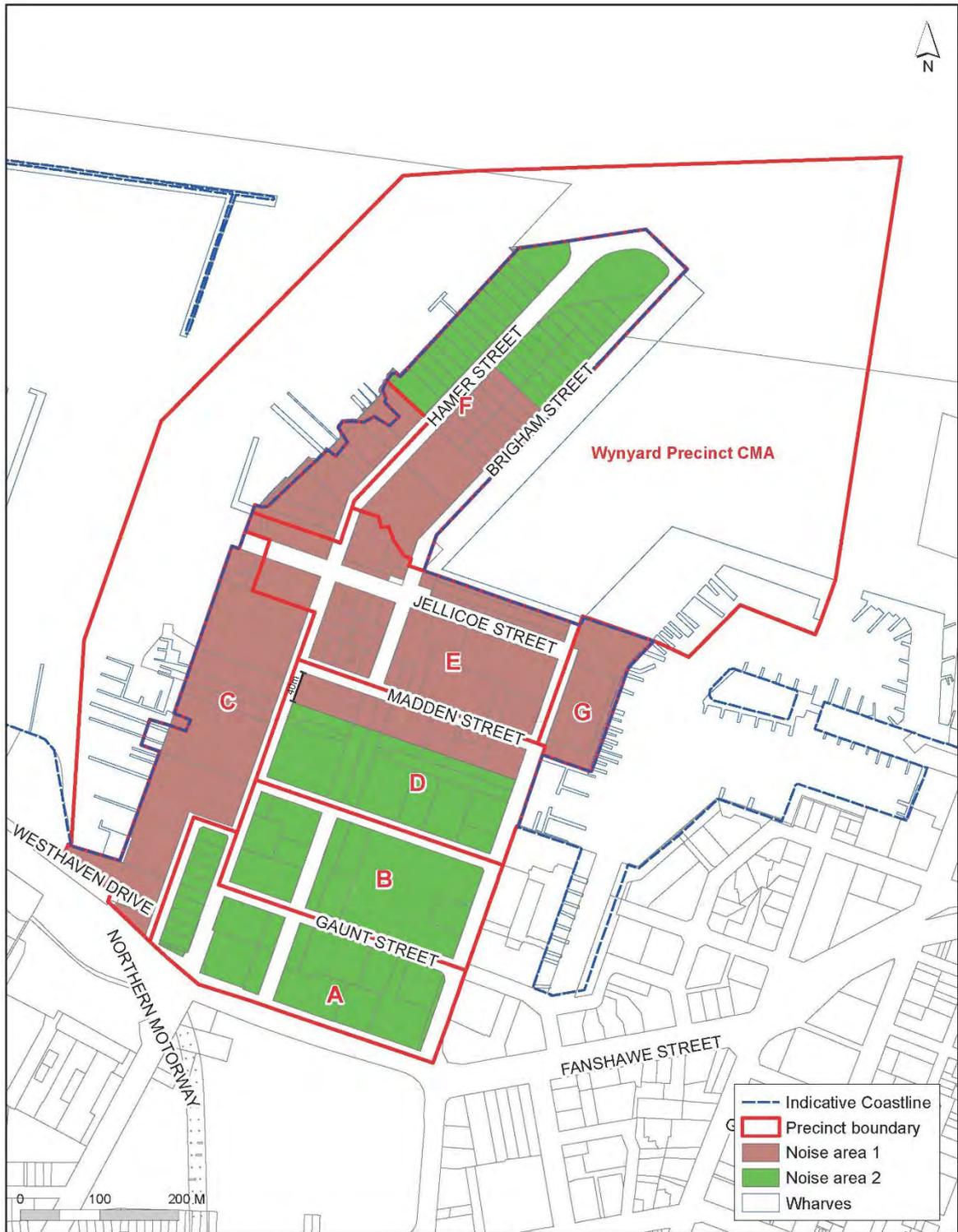
I214.10.7 Wynyard: Precinct plan 7 – Additional activity restrictions



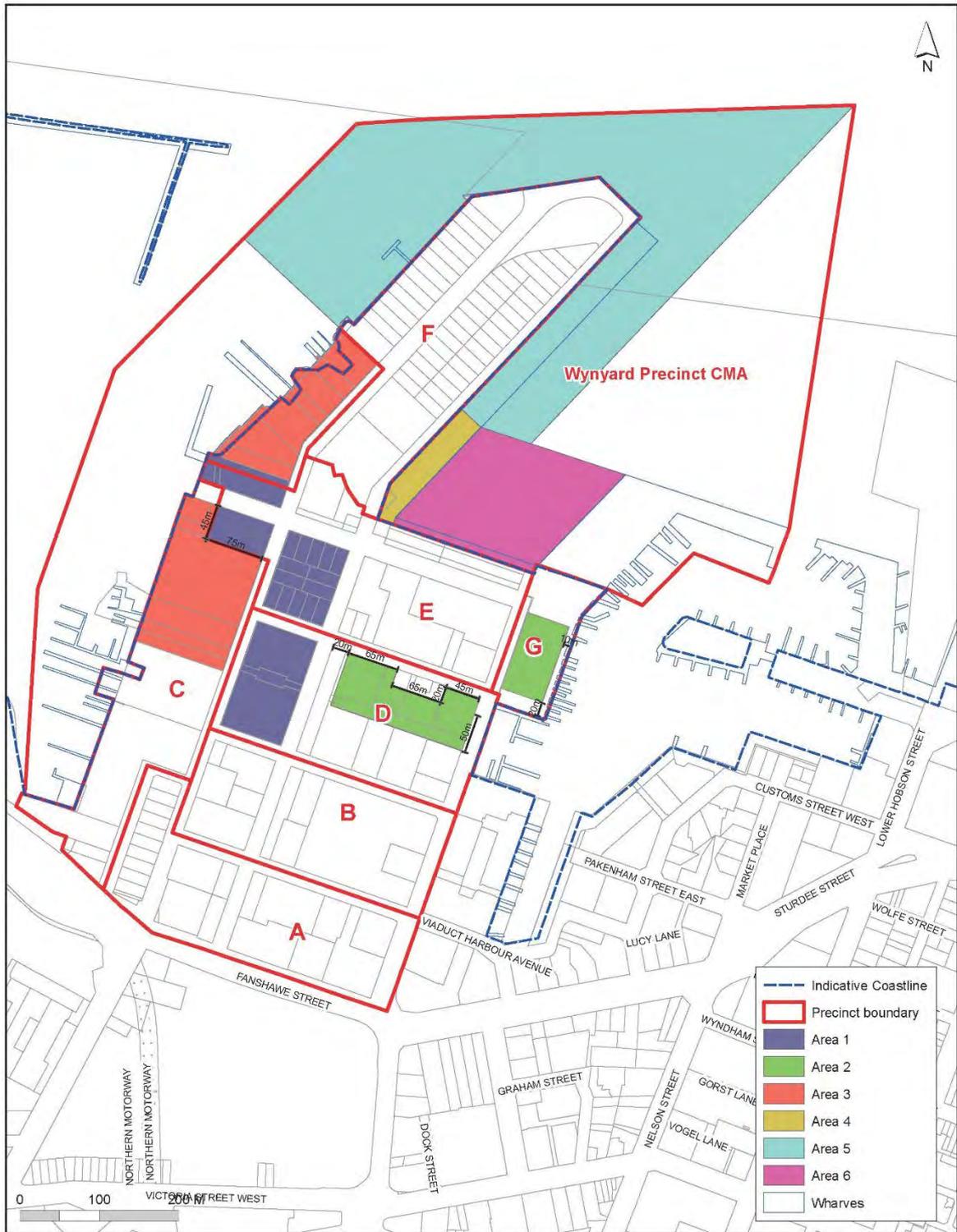
I214.10.8 Wynyard: Precinct plan 8 - Industrial frontages



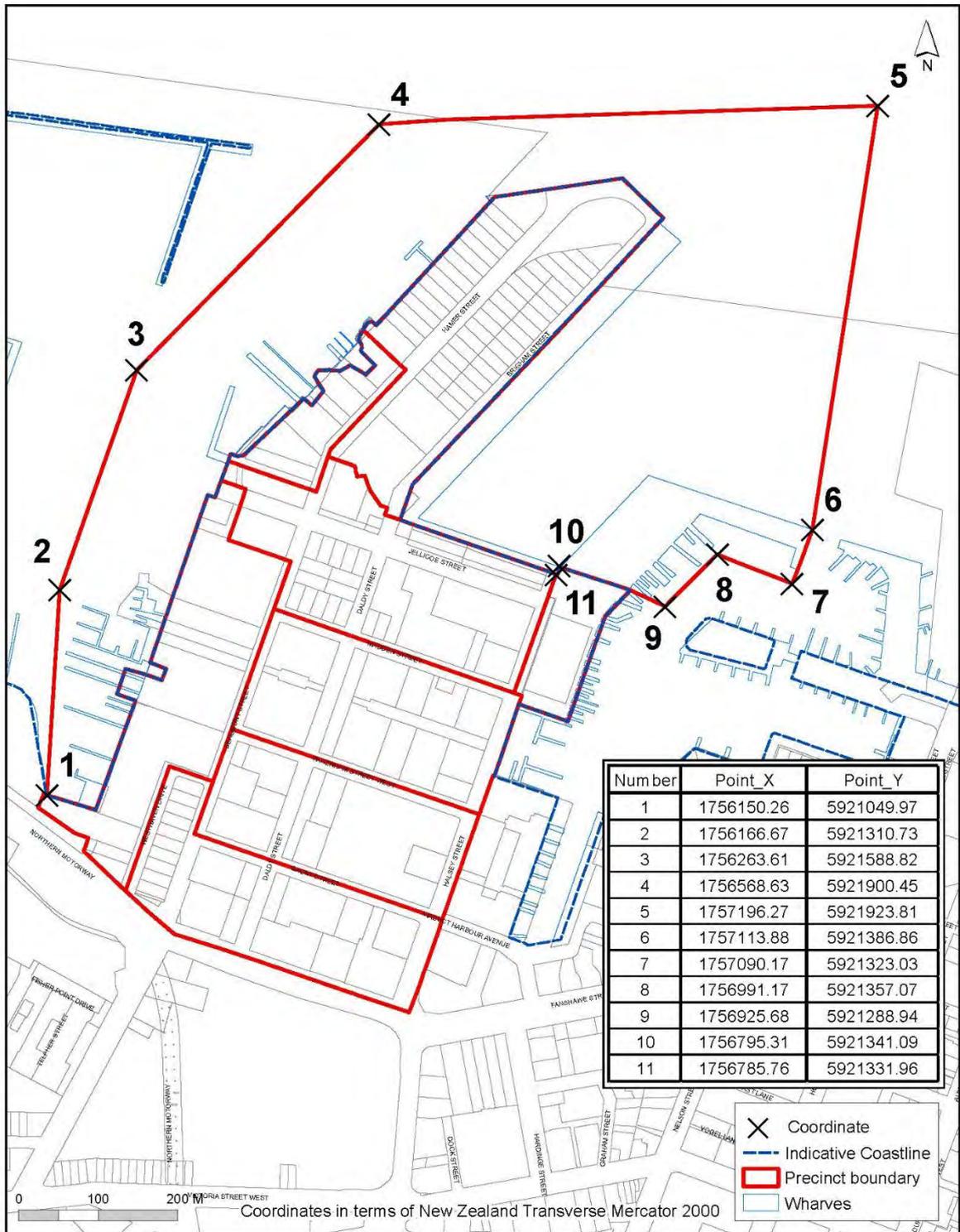
I214.10.9 Wynyard: Precinct plan 9 - Noise areas



I214.10.10 Wynyard: Precinct plan 10 – Risk areas



**I214.10.11 Wynyard: Precinct plan 11 – Precinct boundary coordinates in the coastal marine area**



**I214.11. Appendices**

**I214.11.1 Appendix 1 - Methodology for undertaking traffic generation surveys in Wynyard Quarter (non-statutory)**

## **.Appendix 11 Business – City Centre Zone sunlight admission into public places**

Notes 1:

- (1) Defined time periods are expressed in terms of New Zealand Standard time and New Zealand Daylight time (NZDT). When NZDT applies, this will be stated on the figure.
- (2) Origin of coordinates in terms of Geodetic Datum 2000.
- (3) Coordinates in terms of New Zealand Transverse Mercator 2000.
- (4) Bearings in terms of Grid North.
- (5) Levels in terms of New Zealand Vertical Datum 2016.
- (6) Property base is approximate only.

Notes 1 above relate to the following figures:

- Figure 2: Admission of Sunlight to St Patrick's Square (SP);
- Figure 3: Admission of Sunlight to Emily Place (EP);
- Figure 5: Admission of Sunlight to Aotea and Aotea Height Control Plane (AS);
- Figure 6: Admission of Sunlight to Albert Park (AP);
- Figure 7: Admission of Sunlight to Myers Park (MP);
- Figure 8: Admission of Sunlight to Old Government House (OG); and
- Figure 9: Admission of Sunlight to Queen Elizabeth Square (QE);
- Figure 10: Admission of Sunlight to Victoria Park (VP);
- Figure 11: Admission of Sunlight to Te Taou Reserve (TT);
- Figure 12: Admission of Sunlight to Mahuhu ki-te-Rangi Park (MR) ;
- Figure 13: Admission of Sunlight to Grafton Cemetery East (GE);
- Figure 14: Admission of Sunlight to Grafton Cemetery West (GW);
- Figure 15: Admission of Sunlight to Constitution Hill (CH);
- Figure 16: Admission of sunlight to Auckland Domain (AD).

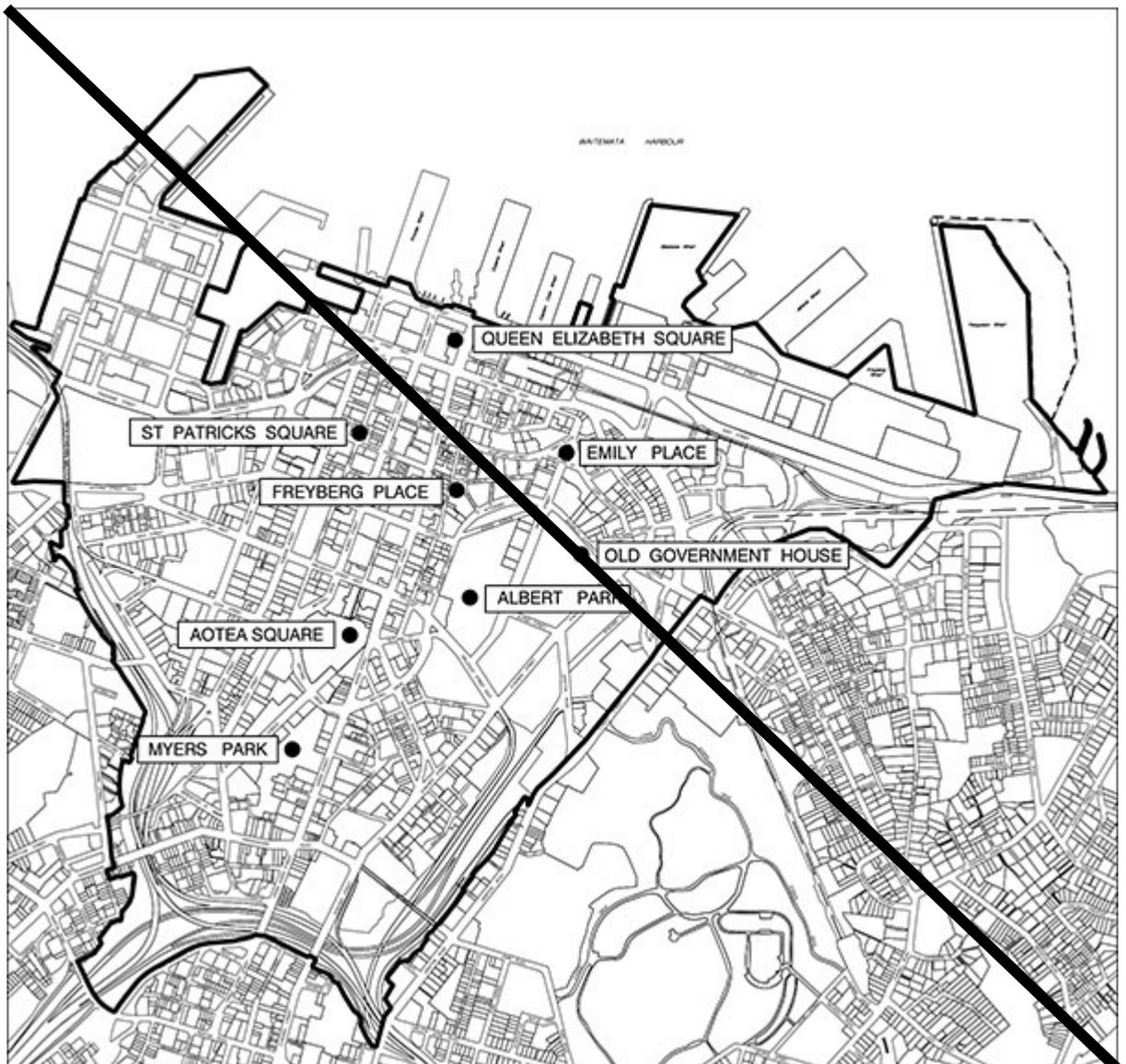
Notes 2:

- (1) Defined time periods are expressed in terms of New Zealand Standard time.
- (2) Origin of coordinates in terms of Geodetic Datum 2000.
- (3) Coordinates in terms of New Zealand Transverse Mercator 2000.

- (4) Bearings in terms of Grid North.
- (5) Levels in terms of New Zealand Vertical Datum 2016.
- (6) Property base is approximate only.
- (7) RL12.7 for Baselines A, B and C.

Notes 2 above relate to the following figure – Figure 4: Admission of Sunlight to Freyberg Place (FP).

**Figure 1: Locations**



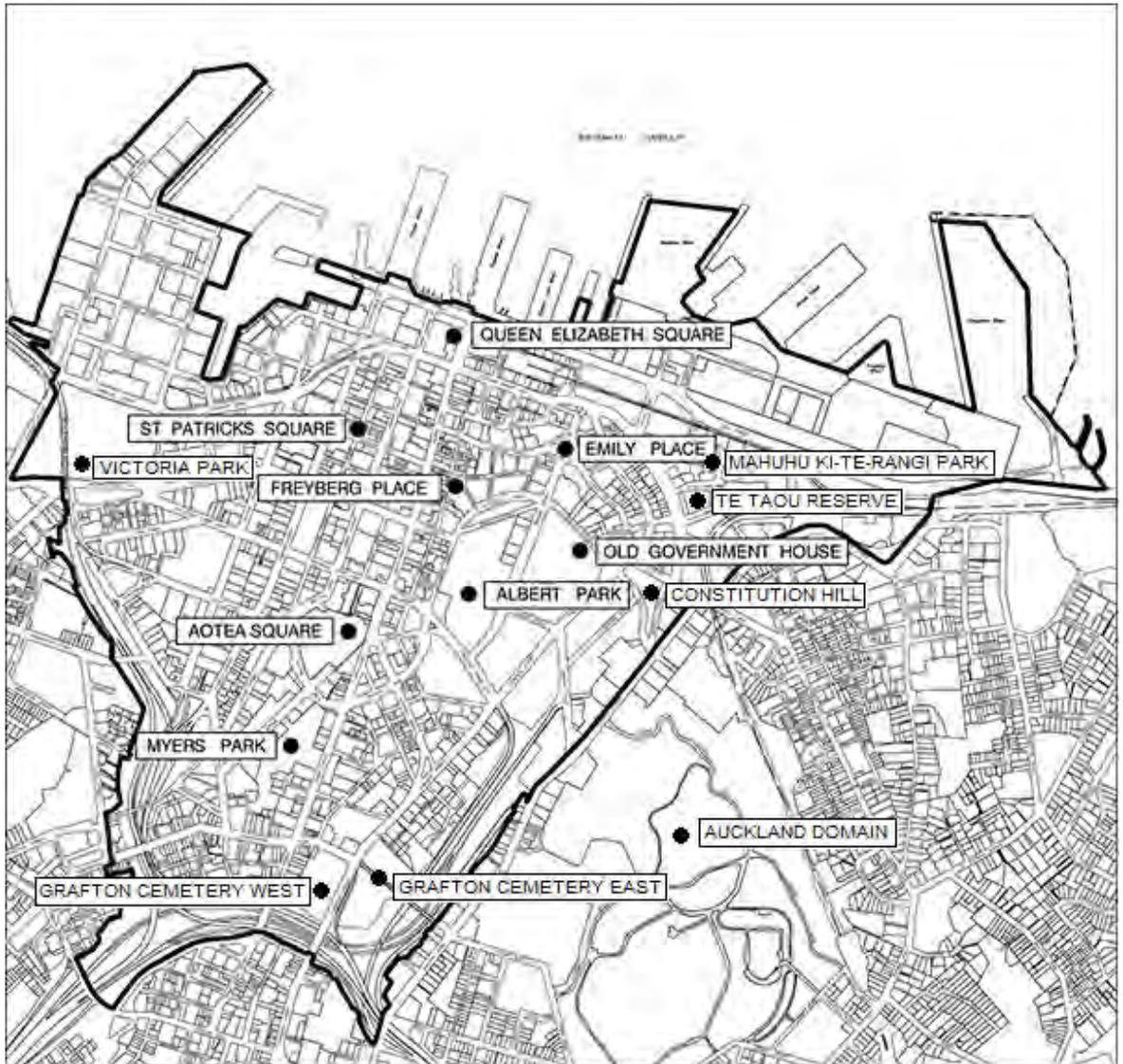


Figure 2: Admission of sunlight to St Patrick's Square

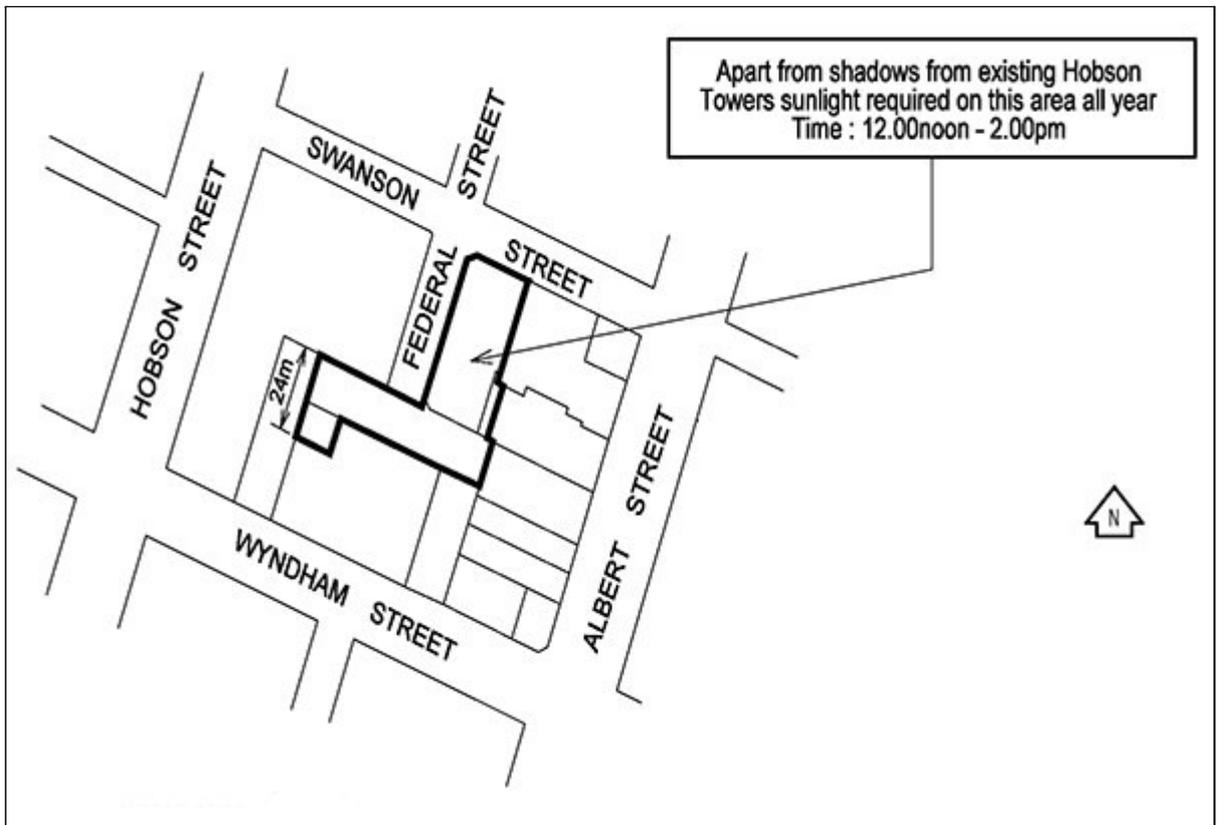


Figure 3: Admission of sunlight to Emily Place

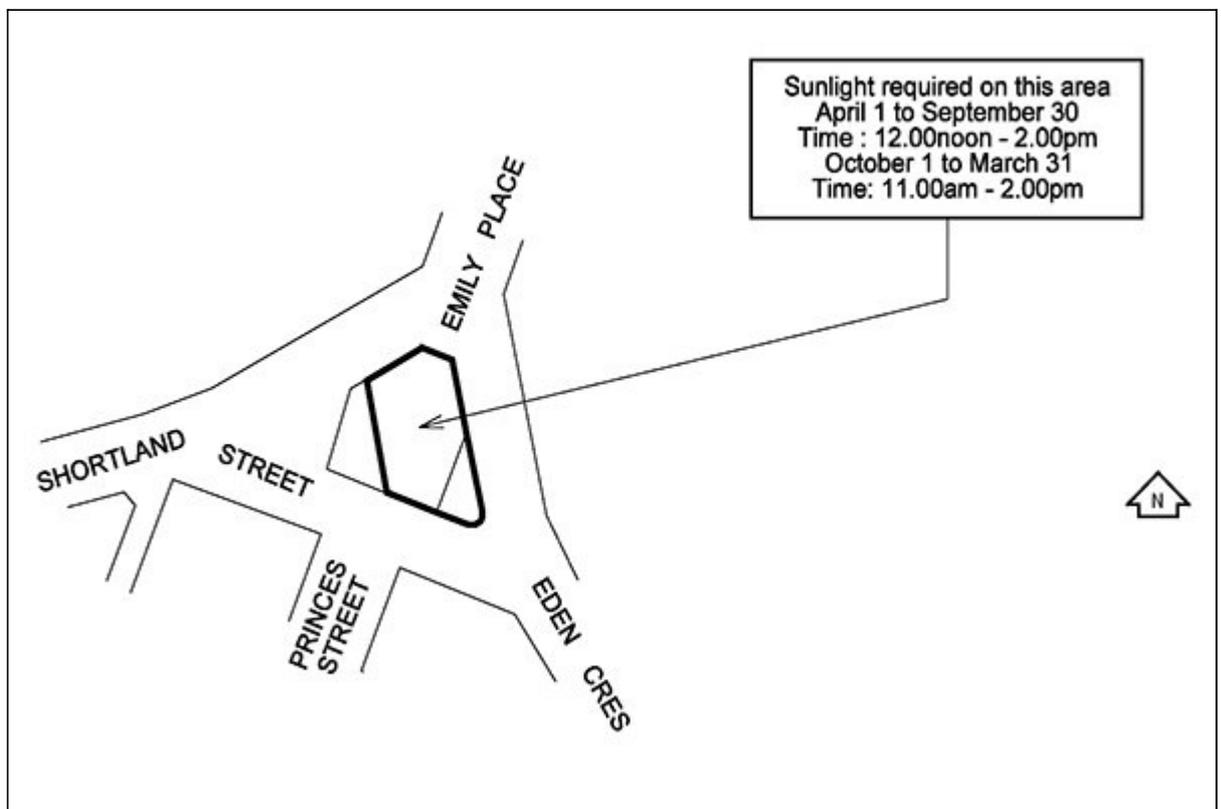


Figure 4: Admission of sunlight to Freyberg Place

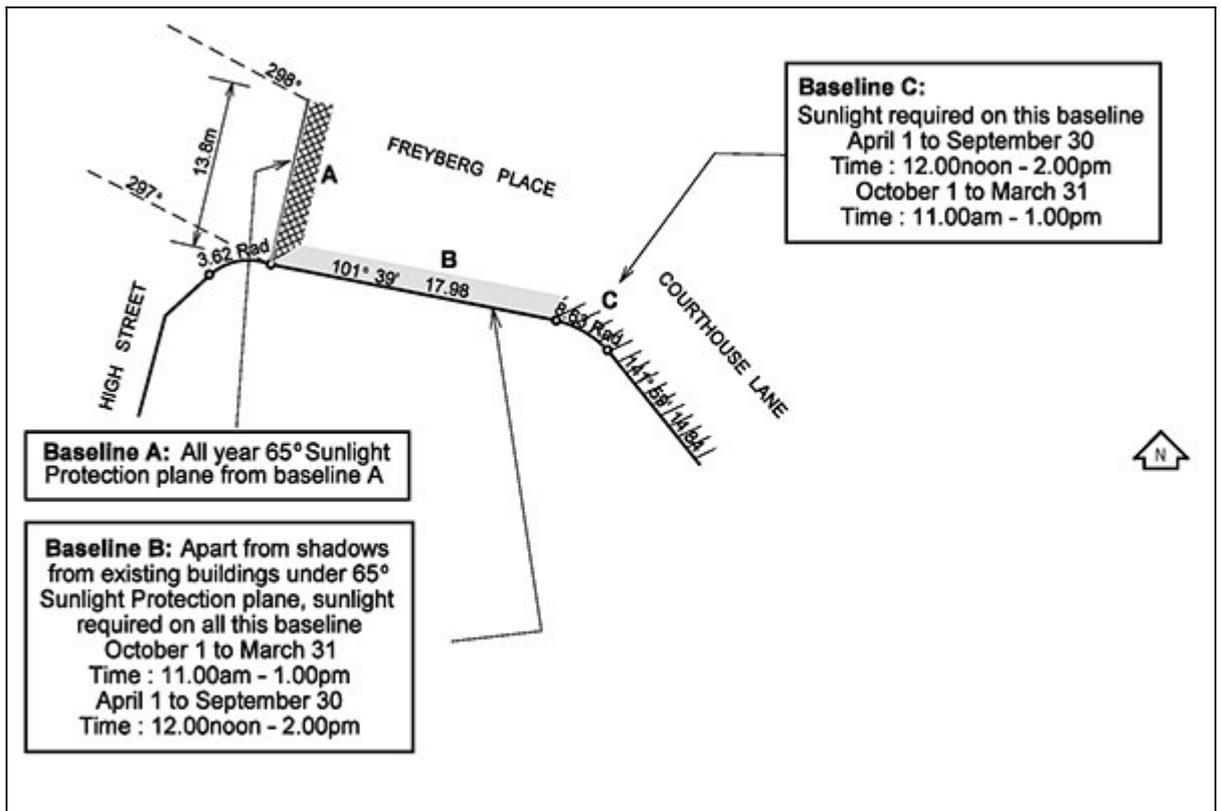


Figure 5: Admission of sunlight to Aotea and Aotea height control plane

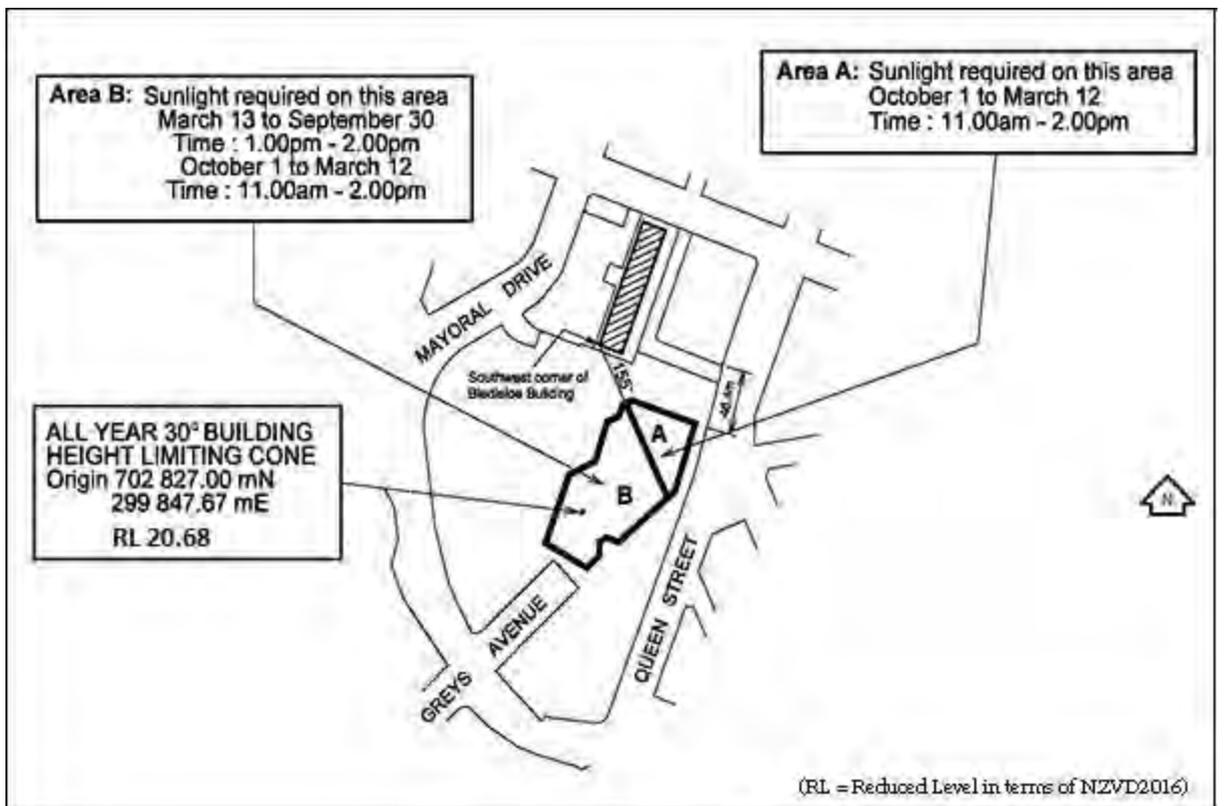


Figure 6: Admission of sunlight to Albert Park

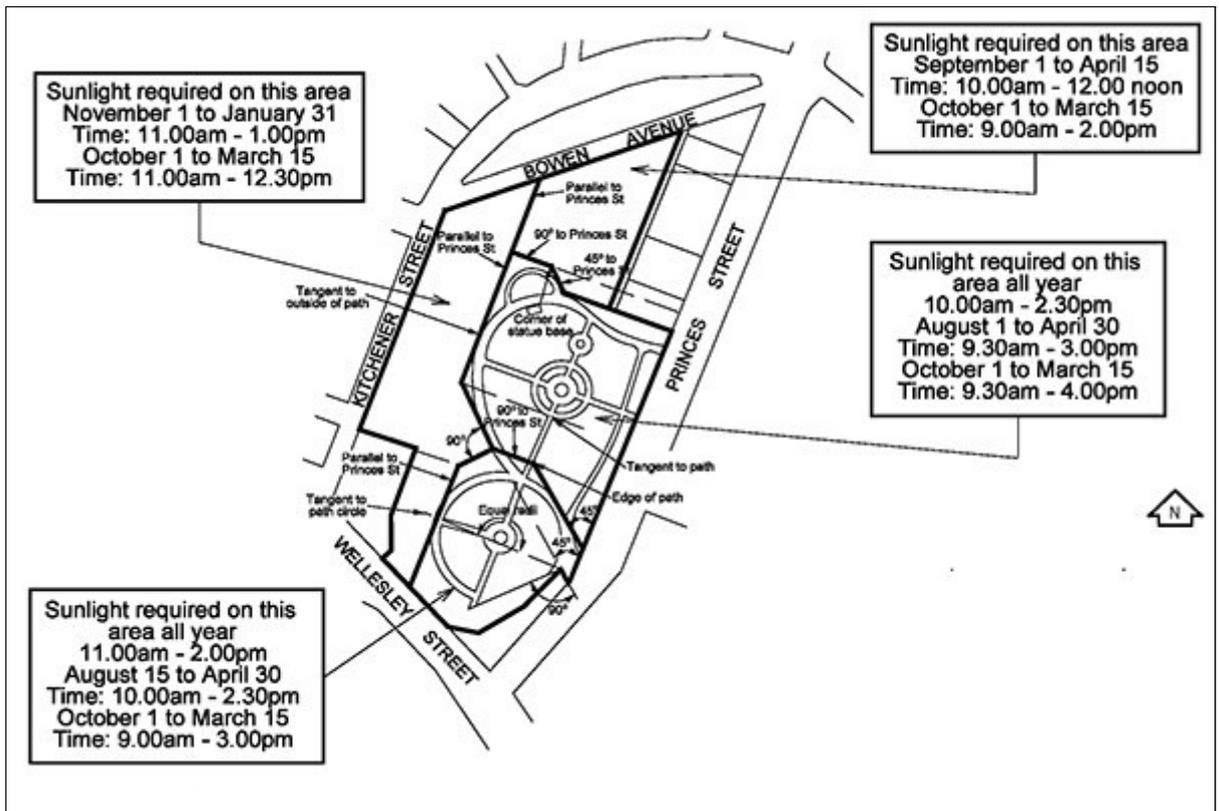


Figure 7: Admission of sunlight to Myers Park

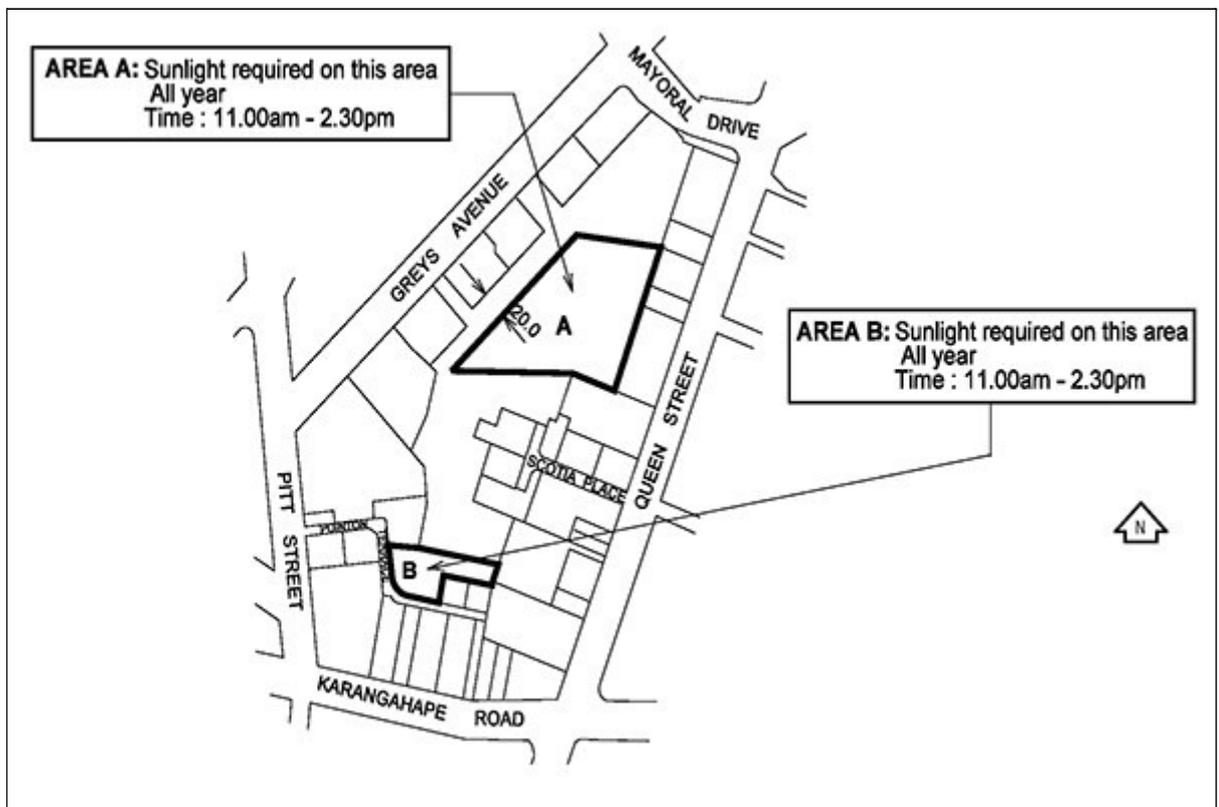


Figure 8: Admission of sunlight to Old Government House

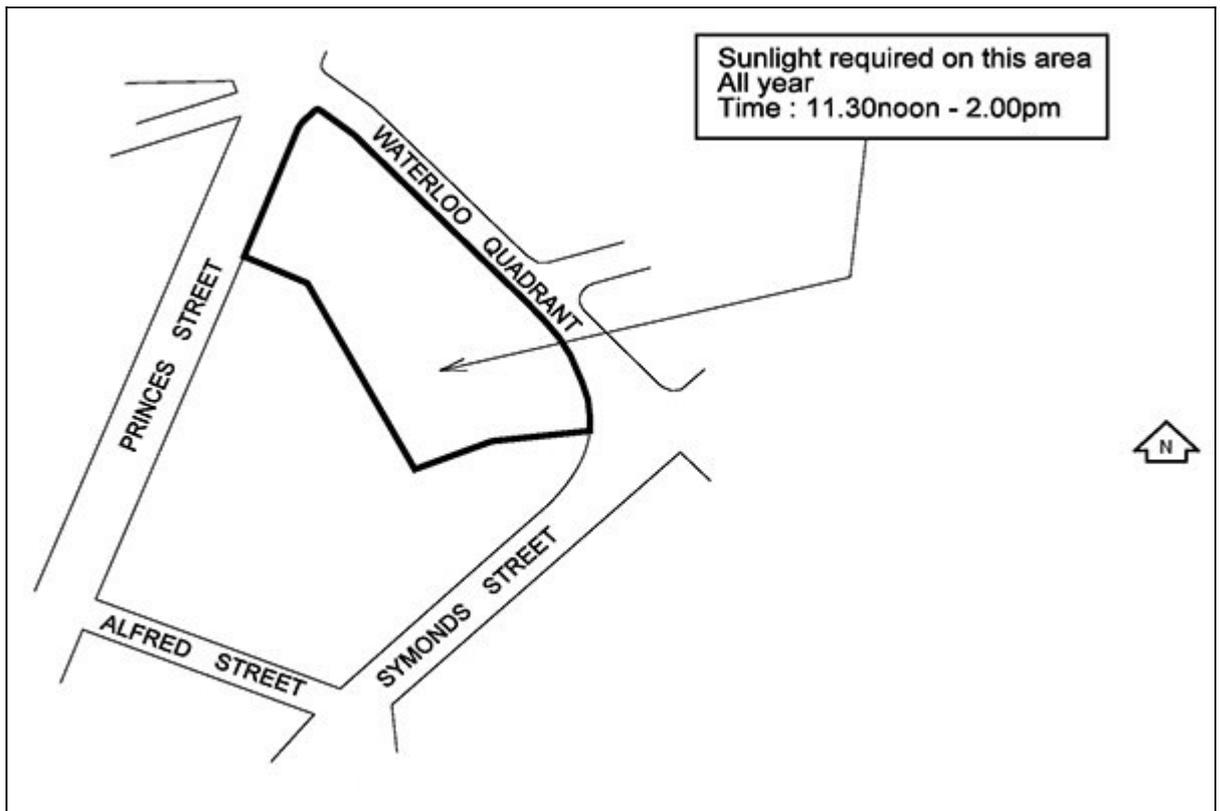
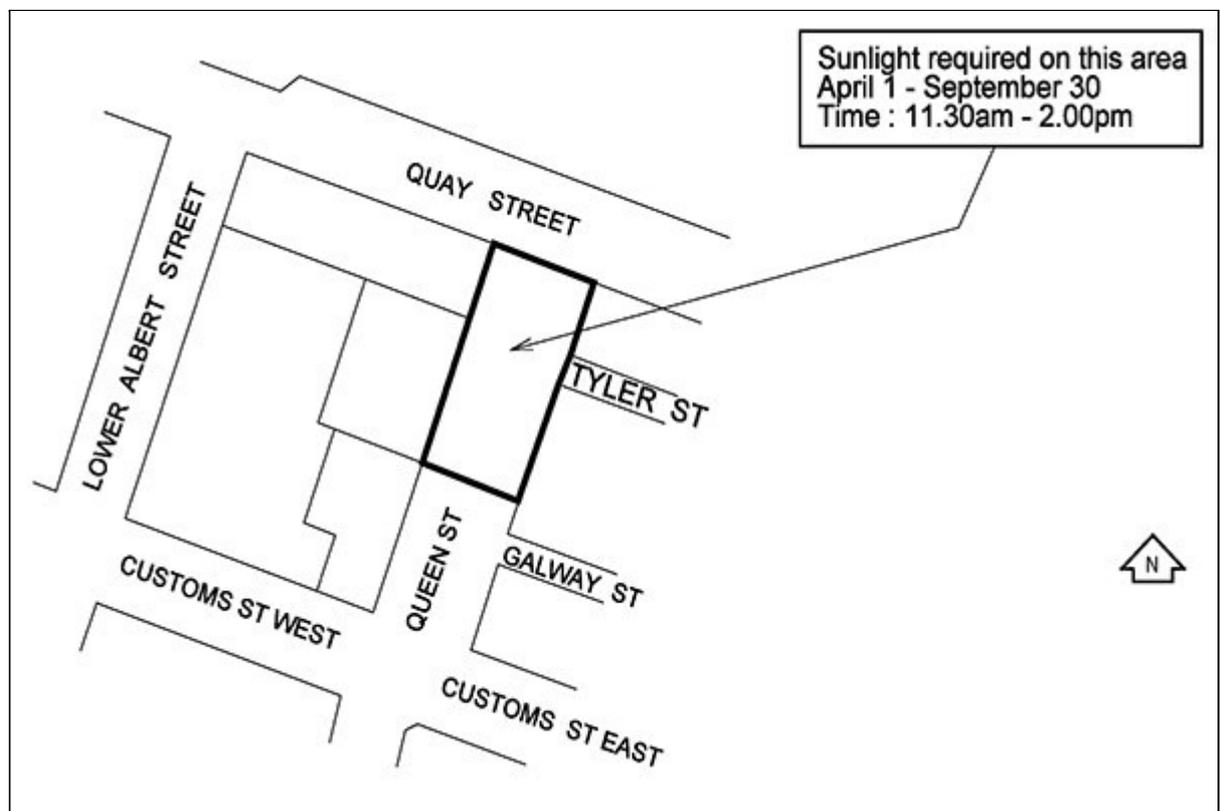
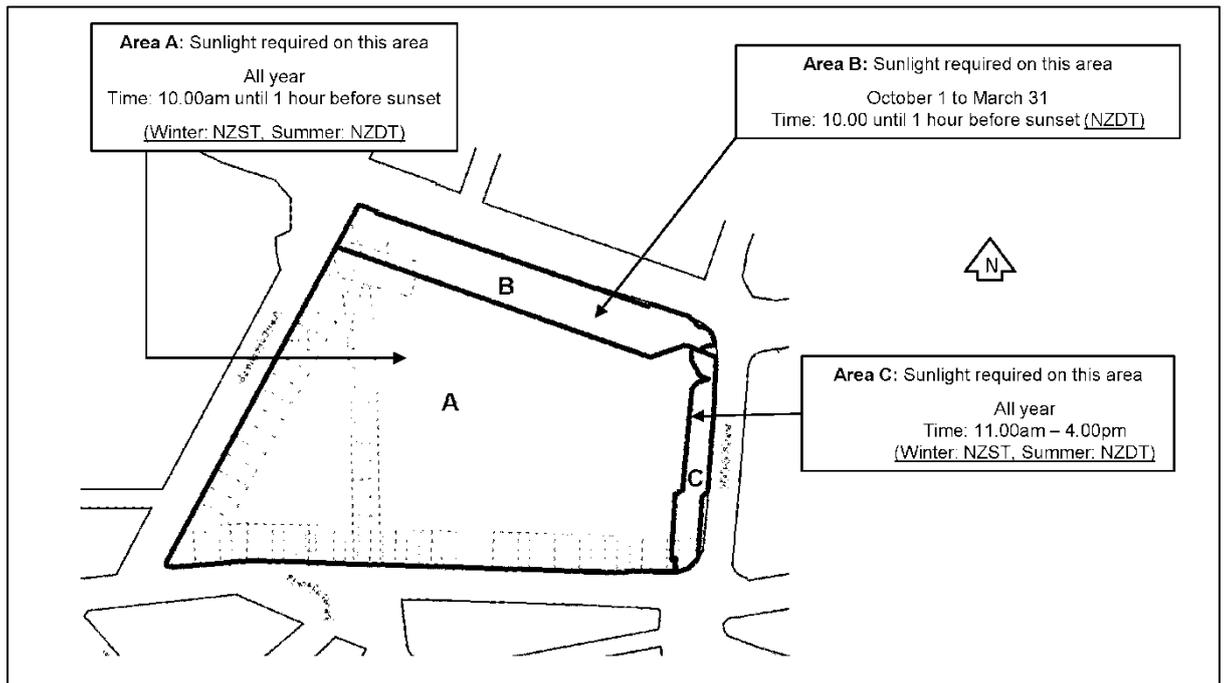


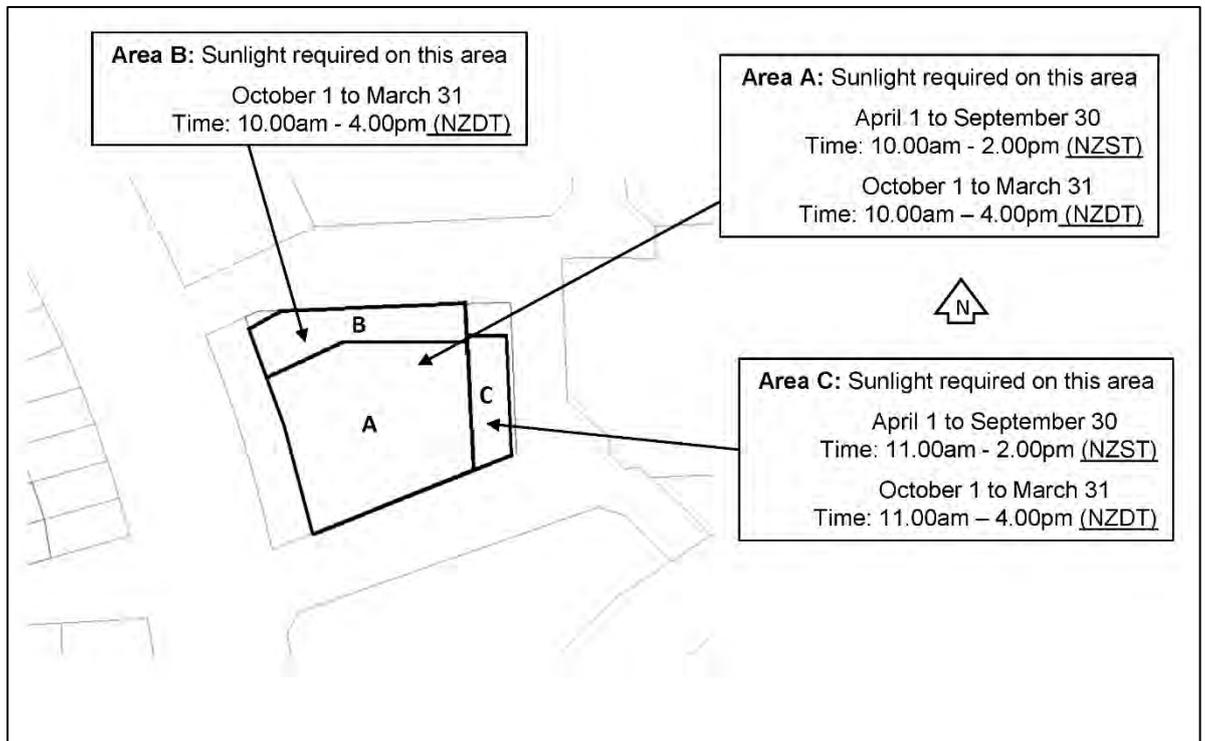
Figure 9: Admission of sunlight to Queen Elizabeth Square



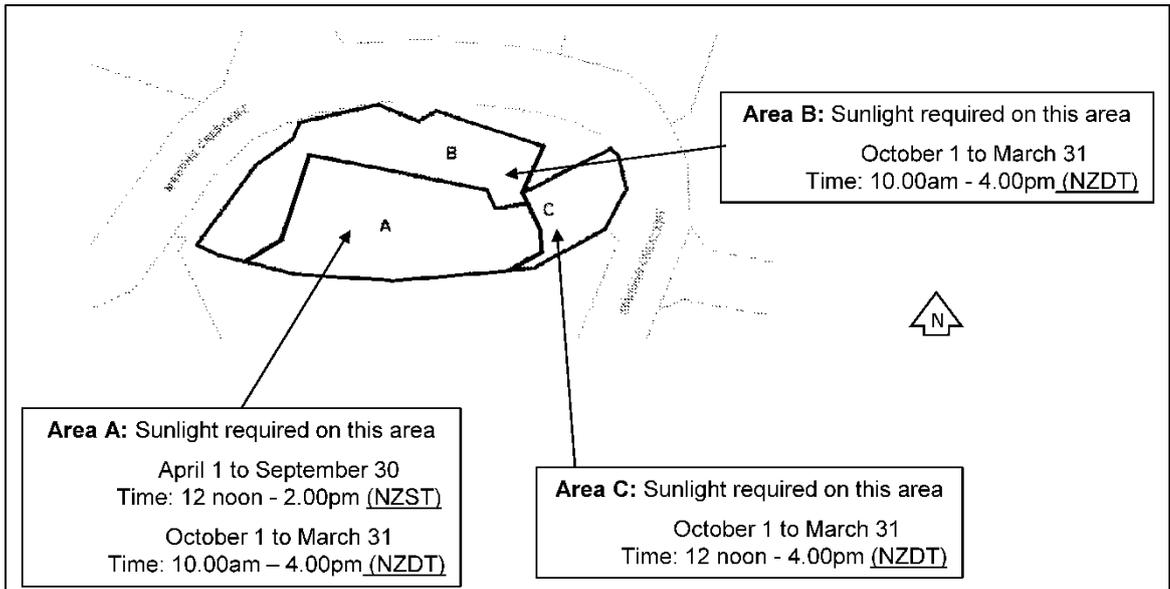
**Figure 10: Admission of sunlight to Victoria Park**



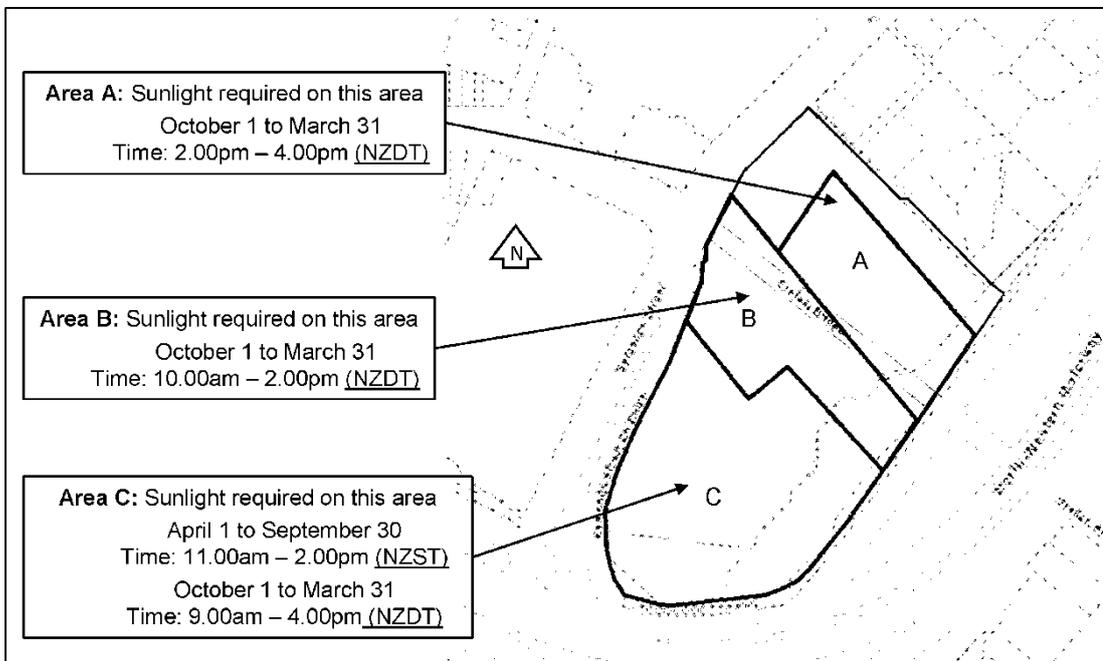
**Figure 11: Admission of sunlight to Te Taou Reserve**



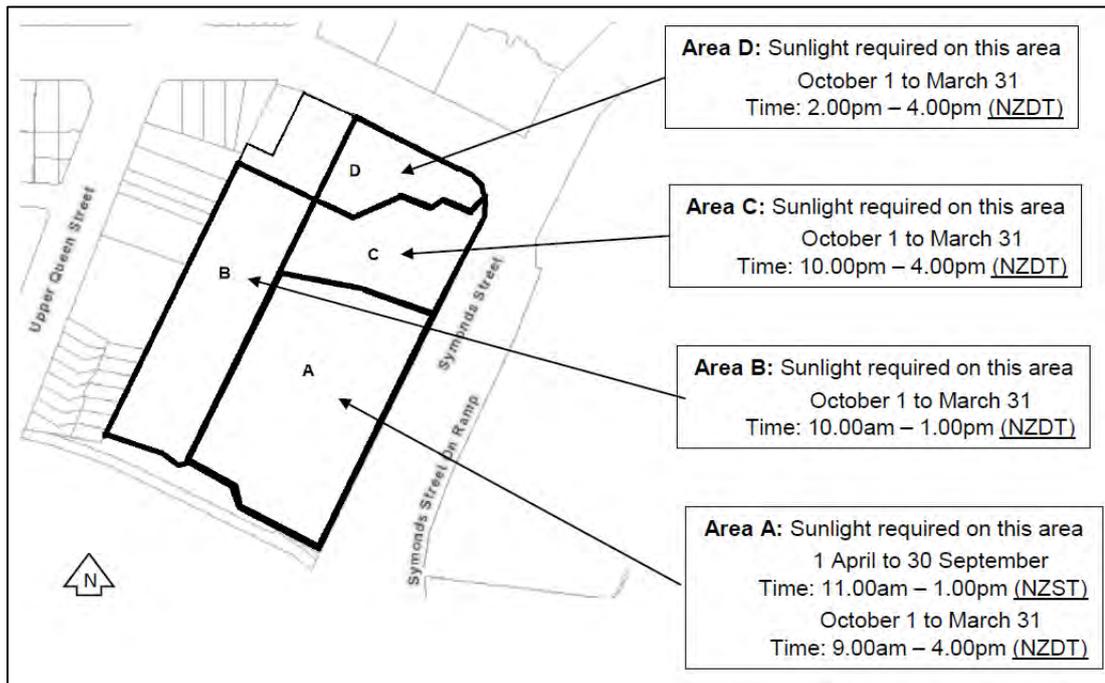
**Figure 12: Admission of sunlight to Mahuhu ki-te-Rangi Park**



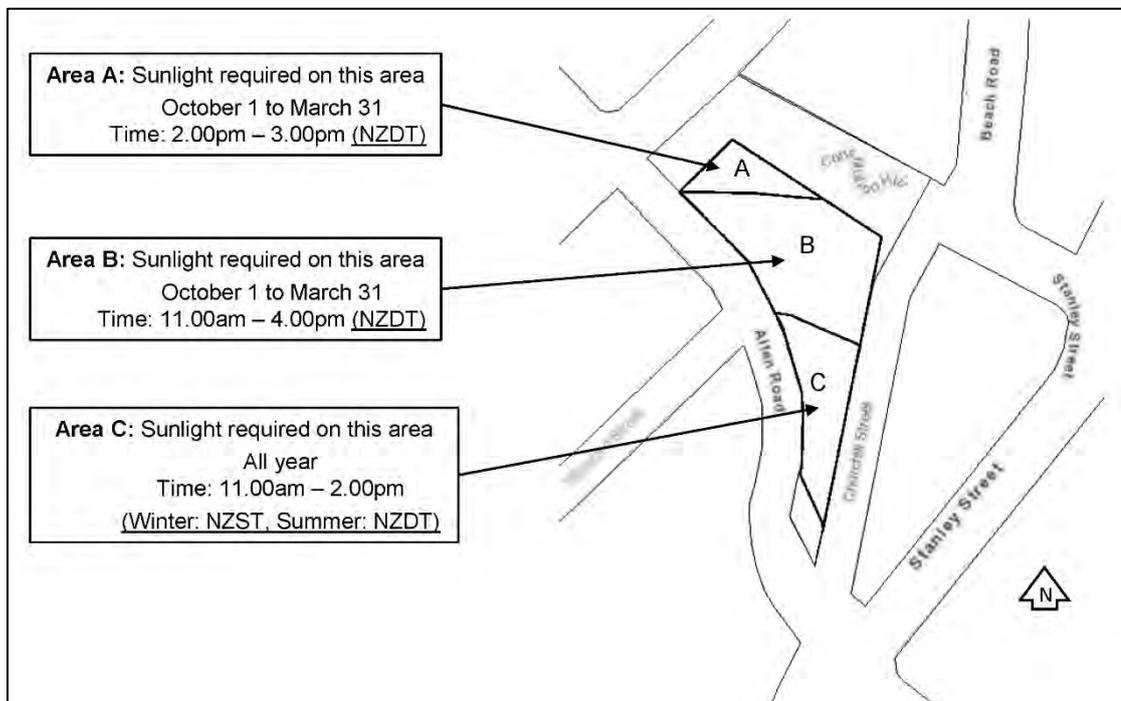
**Figure 13: Admission of sunlight to Grafton Cemetery East**



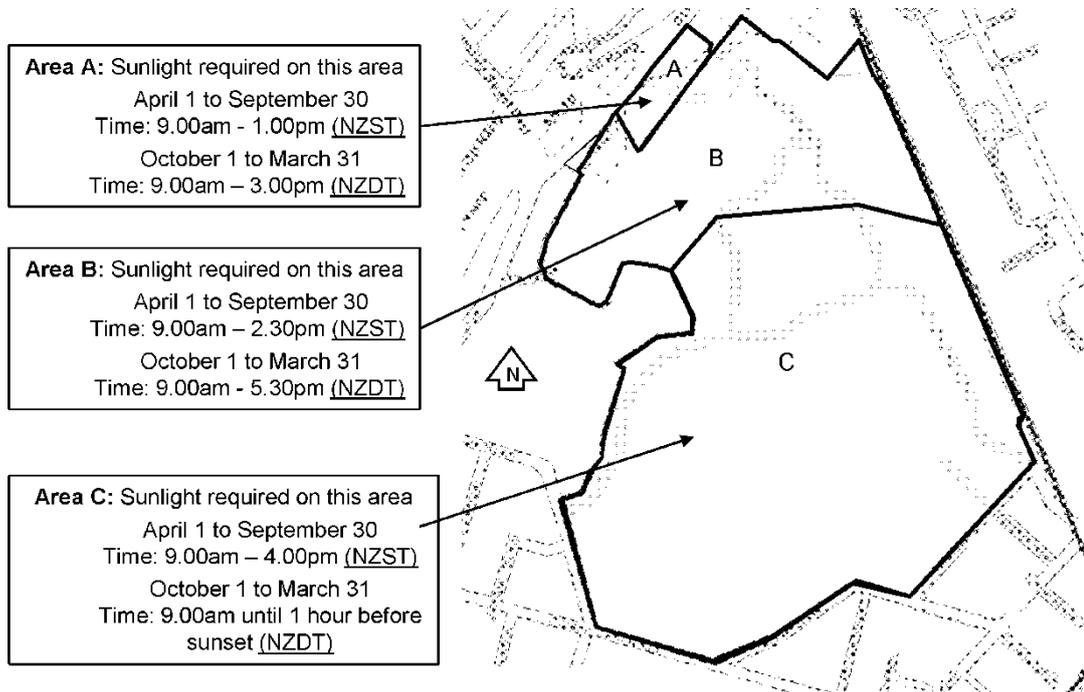
**Figure 14: Admission of sunlight to Grafton Cemetery West**



**Figure 15: Admission of sunlight to Constitution Hill**



**Figure 16: Admission of sunlight to Auckland Domain**



## Other recommended amendments to the AUP

Note to readers: New text inserted is underlined and deleted text is shown as ~~strikethrough~~

### Chapter A Introduction

Insert the following to A1.4.5 Identification of the Designations in the Plan

The provisions in Chapter K Designations and the related maps are district plan provisions. Some designations in the urban environment are qualifying matters.

Insert the following table

**Table A1.4.8.1 Qualifying matters in zones, overlays and Auckland-wide provisions**

<u>Qualifying matters</u>	<u>Zones, overlays and Auckland-wide qualifying matter provisions:</u>	<u>Qualifying matter provisions related to zones', overlays', or Auckland-wide qualifying matter provisions</u>
<u>Matters required for ensuring the safe or efficient operation of nationally significant infrastructure</u>	<u>Land adjacent to the rail corridor in the City Centre Zone</u> <u>E25 Noise and Vibration</u>	<u>Chapter H Zones Chapter K Designations including 1100, 1101, 1102, 6500, 6501, 9100, 9101, 9102 and 9104</u>
<u>Matters for giving effect to designations</u>	<u>Chapter K Designations</u>	<u>Chapter K Designations including airspace restriction designations</u>
<u>Matters required to give effect to any other National Policy Statement or NZCPS</u>	<u>Chapter D9 Significant Ecological Areas Chapter D10 Outstanding Natural Features and Outstanding Natural Character Chapter D26 National Grid Corridor Overlay</u>	<u>Chapter H Zones Chapter K Designations Chapter L Schedules: Schedule 3 Schedule 2</u>

Insert the following table

**Table A1.4.8.2 Qualifying matters in precincts**

<u>Qualifying matters</u>	<u>Precincts – Chapter I</u>
<u>Matters of national importance that decision-makers are required to recognise and provide for</u>	<u>Areas within precincts that protect matters of national importance including: Historic heritage - I201 Britomart Precinct, I202 Central Wharves Precinct, I206 Karangahape Road Precinct...</u>

### Chapter D14 Volcanic Viewshafts and Height Sensitive Areas Overlay

**Amend all references to “volcanic viewshaft(s)” to “maunga viewshaft(s)” and any consequential changes to reference “maunga” instead of “volcanic”**

Insert a new standard as follows:

**D14.6.4A Temporary construction and safety structures (Business - City Centre Zone Only)**

- (1) Temporary construction and safety structures must be removed within 24 months or upon completion of the construction works, whichever is the lesser.
- (2) Temporary construction and safety structures that are in place for greater than 30 days must:
  - (a) Not display any sign except signs required for health, safety or operational requirements;
  - (b) Only display lighting that is limited to that necessary to comply with safety or civil aviation requirements; and
  - (c) Be non-reflective and have a matte finish.

**Chapter D26 National Grid Corridor Overlay**

Insert the following annotation to Table D26.4.1 Activity Table

Qualifying Matter as per sections s77I(b) and s77I(e) and s77O(b) and s77O(e) of the RMA

(A5)	<i>[deleted]</i>	
(A6)	Any permitted activity that does not meet the permitted activity standards	RD
(A7)	Any activity, building or structure that fails to comply with the requirements of NZECP 34:2001	NC
<b>Development</b>		

Insert the following annotation to standard D26.6.1.5 Accessory buildings

Qualifying Matter as per sections s77I(b) and s77I(e) and s77O(b) and s77O(e) of the RMA

<b>D26.6.1.5. Accessory buildings</b>
(1) Accessory buildings must:
(a) be located at least 12m from a National Grid support structure;

**Chapter E25 Noise and vibration**

Insert a new standard following E25.6.10 and preceding E25.6.11, as follows:

**E25.6.10A Noise levels for noise sensitive spaces in the Business – City Centre Zone Quay within 100 metres of the Strategic Transport Corridor Zone subject to a KiwiRail designation**

- (1) Noise sensitive spaces, within 100 metres of the Strategic Transport Corridor Zone subject to a KiwiRail designation, must be designed and/or insulated so that the internal noise levels do not exceed the levels in Table E25.6.10A.1 below; or
- (2) Is at least 50 metres from any railway network and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows, to all points 3.8 metres above railway tracks.

(3) The levels in Table E25.6.10A.1 must be met based on an assumed level of 70 dB LAeq(1h) at a distance of 12 metres from the track and reduce at a rate of 3 dB per doubling of distance of up to 40m and 6 dB per doubling of distance beyond 40m.

(4) Where a new room is constructed that is subject to Standard E25.6.10A(1) (internal acoustic insulation requirement) and the noise levels in Table E25.6.10A.1 can only be complied with when doors or windows to those rooms are closed, those rooms must, as a minimum:

(a) be constructed to ensure compliance with the noise limits in Table E25.6.10A.1; and

(b) meet the ventilation and heating/cooling requirements provided at Standard E25.6.10(3)(b)-(f) above.

**Table E25.6.10A.1 Noise levels for noise sensitive spaces in the Business – City Centre Zone adjoining parts of the Strategic Transport Corridor Zone subject to a KiwiRail designation**

<u>Building Type</u>	<u>Occupancy/activity</u>	<u>Maximum internal noise level L<sub>Aeq</sub>(1h)</u>
<u>Residential</u>	<u>Sleeping spaces</u>	<u>35 dB</u>
	<u>All other habitable rooms</u>	<u>40 dB</u>
<u>Education</u>	<u>Lecture rooms/theatres, music studios, assembly halls</u>	<u>35 dB</u>
	<u>Teaching areas, conference rooms, drama studios, sleeping areas</u>	<u>40 dB</u>
	<u>Library</u>	<u>45 dB</u>
<u>Health</u>	<u>Overnight medical care, wards</u>	<u>40 dB</u>
	<u>Clinics, consulting rooms, theatres, nurses' stations</u>	<u>45 dB</u>
<u>Cultural</u>	<u>Places of worship, marae</u>	<u>35 dB</u>

*Amend matter of discretion E25.8.1(2) as follows:*

(2) for internal noise levels of noise sensitive spaces in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone, Business – Neighbourhood Centre Zone or the Business – Mixed Use Zone, or the Business – City Centre Zone adjoining parts of the Strategic Transport Corridor subject to a KiwiRail designation:

(a) reverse sensitivity effects; and

(b) alternative temperature control solutions; and

(c) mitigating environmental conditions

*Amend assessment criteria E25.8.2(3) as follows:*

(3) for reverse sensitivity effects:

(a) whether the activity or infringement proposed will constrain the operation, of existing activities (excluding construction or demolition activities; and

(b) for land in the Business - City Centre Zone within 100m of the Strategic Transport Corridor Zone subject to a KiwiRail designation, the outcome of any consultation with KiwiRail

### **Chapter H Business Zones**

*Amend Policies H9.3(2), H10.3(2), H11.3(2), H12.3(2), H13.3(2) and H15.3(2) as follows:*

(2) Enable an increase in the density, diversity and quality of housing in the centres zones and Business – Mixed Use Zone, where it is compatible with any qualifying matters and while managing any reverse sensitivity effects including from the higher levels of ambient noise and reduced privacy that may result from non-residential activities.

*Insert new Policies H9.3(12A), H10.3(12A), H11.3(12A), H12.3(12A), H13.3(12A), H15.3(12A) as follows:*

(12A) Enable building height of at least six storeys within mapped walkable catchments unless a qualifying matter applies that reduces height.

*Amend Policies H9.3(13), H10.3(13), H11.3(13), H12.3(13), H13.3(13), H14.3(13), H15.3(13) as follows:*

(1) Enable greater building height than the standard height in identified locations identified within the Height Variation Control centres zones, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone ~~enable greater building height than the standard zone height,~~ having regard to whether the greater height:

(za) is commensurate with the level of commercial activities and community services;

(zaa) is compatible with a qualifying matter that requires reduced height and/or density;

(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-; and

(e) support the role of centres.

### **Chapter K Designations**

*Insert the following text before K1.1 Background*

Some designations in the urban environment within relevant residential zones or urban non-residential zones are qualifying matters in accordance with sections 77I(g) and 77O(g) of the RMA.

### **Schedule 9 Volcanic Maunga Viewshafts Schedule**

*Amend reference to “volcanic viewshaft” to “maunga viewshaft”*

### **Appendix 20 Volcanic Viewshafts and Height Sensitive Areas – Values Assessments**

*Amend to “~~Volcanic~~ Maunga Viewshafts and Height Sensitive Areas – Values Assessments”*

### **Mapping updates**

- 1. Tag the TVNZ air space restriction designation 8302 as a qualifying matter in the decisions version of PC78 map viewer following recommendations on submissions. A new spatial layer will be required beneath the ‘Destination’ layer in the map viewer’s Spatially identified qualifying matters section. A consequential update to the legend will also be required.*
- 2. Removal of the Infrastructure – Combined Wastewater Network Control QM from all sites within the City Centre and that PC78 GIS Maps be updated to reflect as such*