

# MATTHEW CASEY

KING'S COUNSEL

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7 May 2025

Phil Wilson  
Chief Executive  
Auckland Council

CC: Megan Tyler, Director Policy, Planning and Governance  
John Duguid, General Manager Planning and Resource Consents

Dear Mr Wilson,

On behalf of the Independent Hearing Panel appointed by Auckland Council to make recommendations on Plan Change 78: Intensification (**PC78**), I am pleased to present our Recommendation Report for the Business – City Centre Zone of the Auckland Unitary Plan Operative in Part (**AUP**).

On 12 March 2025 the Minister Responsible for Resource Management Reform directed Auckland Council to notify its decisions on the parts of PC78 which are subject to Policy 3(a) of the NPS-UD by 30 May 2025. The Minister for the Environment's previous direction requiring the Council's decisions on the balance of PC78 remains unchanged, as 31 March 2026.

Policy 3(a) applies to city centre zones of tier 1 urban environments which in Auckland's case is the Business – City Centre Zone, including the Precincts within that Zone. The Panel has accordingly separated out for inclusion in this Report only matters relating to the enabling (through PC78) of the building heights and urban form required by Policy 3(a), including as to qualifying matters provided for by Policy 4, in accordance with provisions incorporated into the Resource Management Act 1991 by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

With the Report we are also submitting the PC 78 as notified version of the relevant provisions of the AUP (principally in Chapter H8 Business – City Centre Zone) which has been updated to incorporate the changes recommended in our Report. Against the possibility that we have not carried across all of the recommendations or of other errors, the recommendations in our Report are to take precedence.

If you require any other information or clarification at this stage or to enable the Council to make its decisions on this part of PC78, please contact the Panel through Sam Otter, Senior Hearings Advisor ([sam.otter@aucklandcouncil.govt.nz](mailto:sam.otter@aucklandcouncil.govt.nz)).

Yours sincerely,



Matthew Casey, KC

Chair, Independent Hearing Panel – Plan Change 78

# The National Policy Statement Urban Development

## Independent Hearings Panel

### Auckland

# Recommendation Report Hearing Topics - City Centre, City Centre Precincts and relevant Qualifying Matters

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**Prepared by the Independent Hearing Panel pursuant to clauses 99  
and 100 of Schedule 1 of the RMA and released to Auckland Council  
on 8 May2025**

***Note: Decisions on Plan Changes 79-83 can be found in separate reports.***

This report sets out the Panel's recommendations on the provisions of the IPI covered by the report, including the Panel's recommendations on the matters raised in submissions. The report states the Panel's reasons for accepting or rejecting submissions, identifies any recommendations that are outside the scope of the submissions and where relevant forms a further evaluation in accordance with s32AA.

This report may also include—

(a) matters relating to any alterations necessary to the IPI as a consequence of matters raised in submissions; and

(b) any other matter that the Panel considers relevant to the IPI that arises from submissions or otherwise.

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# 1. Topic Description and Summary

[1] This recommendation report addresses a number of different topics which relate to the City Centre Zone and Precincts.

Hearing topic number	Hearing topic name	Chapter number and name
010F	Qualifying Matters (Other) – City Centre Character Buildings	H8 Business – City Centre Zone
010G	Qualifying Matters (Other) – City Centre Built Form controls	H8 Business – City Centre Zone
016A	Business – City Centre zone provisions	H8 Business – City Centre Zone
020A	Precincts – I201 Britomart	I201 Britomart Precinct
020B	Precincts – I205 Downtown West	I205 Downtown West Precinct
020C	Precincts – I206 Karangāhape Road Precinct	I206 Karangāhape Road Precinct
020D	Precincts - I207 Learning	I207 Learning Precinct
020E	Precincts – I209 Quay Park	I209 Quay Park Precinct
020F	Precincts – I210 Queen Street Valley	I210 Queen Street Valley Precinct
020G	Precincts – I211 Viaduct Harbour	I211 Viaduct Harbour Precinct
020H	Precincts – I212 Victoria Park Market	I212 Victoria Park Market Precinct
020I	Precincts – I214 Wynyard Precinct	I214 Wynyard Precinct

The following hearing topics were heard to the extent that they apply in the City Centre Zone and Precincts (see section 2.1 below for further information).

Hearing topic number	Hearing topic name	Chapter number and name
001G	Plan making and Procedural Plan Interpretation (Chapter A and Chapter C)	Chapter A Introduction
009A	Qualifying Matters A-I Appropriateness of QMs (A-I)	Chapter D 14 Volcanic Viewshafts and Height Sensitive Areas Overlay D21 Sites and Places of Significance to Mana Whenua Overlay  D26 National Grid Corridor Overlay

Hearing topic number	Hearing topic name	Chapter number and name
		H22 Strategic Transport Corridor Zone Chapter K Designations
009G	Qualifying Matters A-I Maunga Viewshafts and Height Sensitive Areas	Chapter D 14 Volcanic Viewshafts and Height Sensitive Areas Overlay
009I	Qualifying Matters A-I Relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga	D21 Sites and Places of Significance to Mana Whenua Overlay
009K	Qualifying Matters A-I National Grid	D26 National Grid Corridor Overlay
009M	Qualifying Matters A-I Strategic Transport Corridors	H22 Strategic Transport Corridor Zone
009Q	Qualifying Matters A-I – Designations	Chapter K Designations
010A	Qualifying Matters (Other) Appropriateness of QMs (Other)	D13 Notable Trees Overlay
010B	Qualifying Matters (Other) Auckland Museum Viewshaft	D19 Auckland War Memorial Museum Viewshaft Overlay
010D	Qualifying Matters (Other) Notable Trees	D13 Notable Trees Overlay
012A	Qualifying Matters (Infrastructure) – Appropriateness of QMs	N/A
012C	Qualifying Matters (Infrastructure) – Combined wastewater network	N/A
013	Qualifying Matters – Additional	N/A
016B	Business - Metropolitan Centre Zone provisions	H9 Business – Metropolitan Centre Zone*
016C	Business – Town Centre Zone provisions	H10 Business – Town Centre Zone*
016D	Business – Local Centre Zone provisions	H11 Business – Local Centre Zone*
016E	Business – Neighbourhood Centre Zone provisions	H12 Business – Neighbourhood Centre Zone*
016F	Business – Mixed Use Zone provisions	H13 Business – Mixed Use Zone*

Hearing topic number	Hearing topic name	Chapter number and name
016G	Business – General Business Zone provisions	H14 Business – General Business*
016H	Business – Business Park Zone provisions	H15 Business – Business Park Zone*
020J	Precincts – General	Chapter I Precincts

*\*Only in relation to the general objectives and policies*

## 2. Introduction

### 2.1. Background and PC78 timeline

- [2] This recommendation is made to Auckland Council (**Council**) by an Independent Hearing Panel (“IHP”) comprising hearing commissioners Matthew Casey, KC (Chairperson), Sarah Shaw, Dr Stephanie Mead, Julianne Chetham and Richard Knott (**Panel**) appointed under clause 96 of the First Schedule to the Resource Management Act 1991 (**RMA**).
- [3] The Panel was appointed by the Council to make a recommendation on Plan Change 78: Intensification (**PC78**) to the Auckland Council Unitary Plan Operative in Part (**AUP**).
- [4] The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**Enabling Act**), now incorporated into the RMA, required the Council to notify an Intensification Planning Instrument (**IPI**) which must incorporate the Medium Density Residential Standards (**MDRS**) into every relevant residential zone, must (for a tier 1 territorial authority like the Council) give effect to Policies 3 and 4 of the National Policy Statement on Urban Development 2022 (**NPS-UD**), and may also contain related provisions (including objectives, policies, rules, standards, and zones) that support or are consequential on the MDRS or Policies 3, 4, and 5 of the NPS-UD, including qualifying matters (**QMs**). PC78 is that IPI.
- [5] PC78 was required to be prepared and notified on or before 20 August 2022 using the Intensification Streamlined Planning Process (**ISPP**) specified in the Schedule 1 to the RMA, and in accordance with any requirements specified by the Minister in a direction made under s 80L<sup>1</sup>. The Council must not notify more than one IPI, must not use the IPI for any purpose other than the specified purposes, and must not withdraw the IPI once notified.
- [6] PC78 was notified on 18 August 2022 together with a suite of companion plan changes (including PC79: Transport, PC 80: RPS, PC81 and PC82: Historic Heritage, and PC83: Notable Trees) and variations.

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<sup>1</sup> References to section numbers in this Report are to sections of the RMA unless otherwise indicated.

- [7] On 11 April 2022 the Minister issued a direction requiring the Council to notify its decisions on the IHP's recommendations on PC78 by **31 March 2024**.
- [8] On 6 April 2023, in response to a request from the Council, the Minister issued a further direction extending the time for the Council to notify decisions on the IHP's recommendations on PC78 by one year to **31 March 2025**. The Minister stated expectations that during the one year extension the Council would:
- a) Investigate impacts arising from the significant flooding and landslides caused by extreme weather during Auckland Anniversary weekend and Cyclone Gabrielle in 2023, and the implications for land-use planning, infrastructure, and other policy settings.
  - b) Determine if a variation is required in order to:
    - i. Apply QMs to recognise and provide for matters of national importance, in particular the management of significant risks from natural hazards.
    - ii. Ensure that through PC78 intensification is enabled in low natural hazard risk areas and ensure new development is avoided in high natural hazard areas unless the level of risk can be reduced to a tolerable level.
- [9] Following the October 2023 general elections the incoming government announced its intention to make significant changes to the resource management system including to MDRS, and the abandonment of Auckland Light Rail, both relevant to PC78.
- [10] On 26 March 2024, in response to a further request from the Council, the Minister issued a further direction extending the time for the Council to notify decisions on the IHP's recommendations on PC78 to **31 March 2026**. The Minister stated expectations that the Council would:
- a) Notify a plan change, or similar, to address the management of significant risks from natural hazards by 30 April 2025.
  - b) Enable intensification within the Auckland Light Rail corridor, and ensure intensification is enabled in appropriate areas by 30 April 2025.
  - c) Continue to progress the parts of PC78 subject to NPS-UD Policy 3 and Policy 4 where practicable given the expectations outlined in (a) and (b).
  - d) Prior to notifying plan changes, or similar, on natural hazards, and to implement the NPS-UD and the MDRS in the Auckland Light Rail corridor, notify the Minister on the impacts on Auckland's development capacity.
  - e) Work closely with Ministry for the Environment officials on workable solutions to implement the expectations.
- [11] The Panel determined that it was practicable to continue with hearings on the Business - City Centre Zone and Precincts and to set down hearings on the Business - Metropolitan Centre Zone and Precincts.

- [12] The Panel had already heard submissions on the City Centre Zone and Precincts from 20 February 2024. A further hearing on outstanding matters relating to the City Centre Zone and Precincts (including QMs) took place from 21 August 2024
- [13] The Panel heard submissions on the Metropolitan Centre Zone and the Syliva Park Precinct from 25 November 2024. A further hearing on outstanding matters relating to the Metropolitan Centre Zone and Precincts (including QMs) is scheduled for June 2025.
- [14] On 12 March 2025, in response to a further request from the Council, the Minister issued a further direction that the Council must notify decisions on the IHP's recommendations on the parts of PC78 subject to NPS-UD Policy 3(a) (that is, the City Centre Zone and Precincts) no later than **30 May 2025**, but not otherwise amending the requirement for the Council notify decisions on all other aspects of PC78 by 31 March 2026. The Minister also revoked the expectations stated in the 25 March 2024 direction, and the Council is therefore no longer expected to notify plan changes or variations with respect to natural hazards and the Light Rail Corridor.
- [15] This background and timeline sets out how the Panel has come to make recommendations on the City Centre Zone and Precincts (and relevant qualifying matters) separately from, and in advance of, hearings and recommendations on the remainder of PC78.
- [16] While significant delays in progressing PC78 have resulted in some changes to the commissioners appointed to the IHP, we record that the current Panel all sat on both hearings related to the City Centre Zone and undertook the relevant site visits and deliberations.

## 2.2. Site visits

- [17] The Panel undertook multiple site visits throughout the hearings process and as part of our deliberations. Our site visits took place on 26 and 27 March, 30 May, 24 and 25 June, and 3 September 2024 and were based on locations throughout the city centre as suggested by the Council and the submitters. These greatly assisted the Panel in understanding the issues put forward by the various witnesses. Where particularly relevant, we have referred to the site visits in some recommendations below. For the avoidance of doubt, our site visits have informed all of the Panel's recommendations.

## 3. Issues in contention at the hearing

- [18] The Council's witnesses provided evidence which addressed a number of submissions, which those submitters did not subsequently challenge. The Panel accepts the Council's uncontested evidence on those matters. We likewise accept the Council's updated wording of the PC 78 provisions produced at the close of the hearing, other than the changes needed to give effect to our recommendations set out below.

### 3.1 The Panel's approach to scope

- [19] This issue does not relate to specific provisions of the AUP. It rather establishes the principles set out by the Enabling Act and the NPS-UD which directs how the IHP must make its recommendations.

#### 3.1.1 Statement of issue

- i. The scope of PC78 as an IPI.
- ii. The scope of relief sought in submissions.

#### 3.1.2 Panel recommendation and reasons

- [20] In April 2023 the initial IHP held a preliminary hearing to consider legal submissions on issues of statutory interpretation of the IPI provisions in the RMA relating to the scope of an IPI as well as issues relating to the scope of relief sought in submissions. The initial IHP issued Interim Guidance on these matters on 12 June 2023 (**Interim Guidance**). We discuss the Interim Guidance further in this section of the report.

##### The scope of PC78 as an IPI and the Waikanae decision

- [21] In June 2024, between the first and second hearings relating to the City Centre Zone, the High Court decision *Kapiti Coast District Council v Waikanae Land Co Ltd* [2014] NZHC 1654 (**Waikanae**) issued. The *Waikanae* decision interprets the IPI provisions in the RMA and several parties addressed the matters raised in *Waikanae* at the second hearing.
- [22] The facts of *Waikanae* were that Waikanae Land Co Ltd owns land that a local iwi asserts is a wāhi tapu. The IPI notified by Kapiti Coast District Council purported to add the land to the schedule of wāhi tapu sites in the district plan. Scheduling would result in some permitted activities on the land becoming restricted discretionary or non-complying activities. The issue for the High Court to determine was whether in these circumstances including the wāhi tapu scheduling in the IPI was valid. The Court undertook a detailed analysis of the residential intensification amendments made to the RMA by the Enabling Act.
- [23] The Court observed that the purpose of the amendments was to rapidly accelerate the supply of housing in urban areas where demand for housing is high, and that the provisions were designed to result “promptly and permanently” in more permissive standards by incorporation of the MDRS in two ways:
- “Promptly” implemented via the compulsory, single-use and time limited ISPP that avoided the usual degree of appellate oversight; and
  - “Permanently” implemented as a matter of ongoing obligation under the more general intensification requirements in the RMA via the standard Schedule 1 process including full inquisitorial appeal.
- [24] The Court observed that while s 80E(1)(b)(ii) provides that an IPI may also amend or include only “related provisions ... that support or are consequential on” the MDRS,

the more general intensification requirements in the RMA (implemented by the standard Schedule 1 process) are not required to be “consequential on” the MDRS.

- [25] It concluded that in s 80E “consequential on” requires IPI provisions strictly to moderate the effect upon the status quo that the MDRS would otherwise have, including to maintain the status quo by declining to apply the MDRS where a qualifying matter is relevant. Section 80E does not empower councils to limit the level of development previously permitted, which would require a plan change following the standard Schedule 1 process.
- [26] While *Waikanae* was determined in the context of the MDRS, no party submitted to us that the decision has limitations for application to the Policy 3(a) intensification applicable to the City Centre Zone. Section 80E applies to an IPI with respect to both the MDRS and NPS-UD Policies 3, 4 and 5. We consider that the decision is of direct relevance to determining the scope of PC78 and the scope of relief sought in submissions, and we have been assisted in our deliberations by the Court’s analysis of the two contrasting processes for implementation of intensification provisions.

#### The scope of relief sought in submissions

- [27] The Interim Guidance addressed the approach to scope of submissions “on” plan changes in *Clearwater*<sup>2</sup> and *Motor Machinists*<sup>3</sup> and in the context of a “full plan” in hearings for the PAUP in *Albany Landowners*.<sup>4</sup>
- [28] The Interim Guidance summarised the *Clearwater* and *Motor Machinists* two “limbs” as:
1. Whether the submission addresses the change to the status quo advanced by the plan change; and
  2. Whether there is a real risk that persons potentially affected by such a change have been denied an effective opportunity to participate in the plan change process.
- [29] The Interim Guidance recorded the initial IHP’s preliminary views:
- With respect to the first limb, that PC78 is not a narrow plan change, given that it encompasses most of the Auckland region and substantially alters the status quo for land use intensification in both residential and commercial areas, and pursuant to s 75(3) it must give effect to the NPS-UD as a whole. The ambit of PC78 is wide and bears a closer resemblance to a full plan review than it does to more discrete plan changes or variations. Whether the subject matter of a submission is specifically discussed in the Council’s s 32 report is not necessarily determinative. Submissions that fairly and reasonably raise matters that go to its broad purpose have a strong likelihood of being “on” the plan change.

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<sup>2</sup> *Clearwater Resorts Ltd v Christchurch City Council*, HC Christchurch AP34/02, 14 March 2003.

<sup>3</sup> *Palmerston North City Council v Motor Machinists* [2013] NZHC 1290.

<sup>4</sup> *Albany North Landowners v Auckland Council* [2017] NZHC 138.



- With respect to the second limb, PC78 is unique in the AUP context because, as it is an IPI, the Council had limited discretion to set its parameters. In the context however of a plan change with broad spatial extent, effecting significant change across the urban environment, landowners should exercise a reasonable level of diligence with respect to reviewing the summary of submissions and making further submissions.

[30] The Interim Guidance was issued prior to the *Waikanae* decision.

[31] The Panel records that while we generally agree with the Interim Guidance with respect to PC78's wide spatial extent and substantial impact on the status quo, *Waikanae* has clarified the nature of PC78 as a particular type of expedited plan change with specific constraints as compared to a comprehensive plan change or a "full plan" review which would have been undertaken in accordance with the standard Schedule 1 process.

[32] As such with respect to the scope of submissions to be "on" PC78 the Panel consider that particular rigour is required to consider whether the relief sought in submissions falls outside the explicit limited statutory purpose of an IP and in particular the s 80E(1)(b)(ii) strict requirement that an IPI may also amend or include only "related provisions ... that support or are consequential on" the MDRS or NPS-UD Policies 3, 4 and 5.

[33] The scope of particular submissions is addressed as they arise in the balance of our Report.

### 3.2 The Panel's approach to NPS-UD Policy 3(a)

[34] This issue does not relate to specific provisions of the AUP. It rather establishes the principles set out by the Enabling Act and the NPS-UD which directs how the IHP must make its recommendations.

#### 3.2.1 Statement of issue

- i. What does NPS-UD Policy 3(a) require in terms of density and height in the City Centre Zone.

[35] Relevant to the Panel's consideration of these policies are NPS-UD Objective 1 and Policy 1 which relate to the concept of a 'well-functioning urban environment' (**WFUE**) for the purposes of the NPS-UD.

[36] Policy 1 provides a non-exhaustive list of factors that contribute to a WFUE, including provisions that support a range of housing types and business sectors, provide good accessibility, support reductions in greenhouse gas emissions and are resilient to the likely current and future effects of climate change.

[37] The New Zealand Coastal Policy Statement 2010 (**NZCPS**) is also relevant to a number of the City Centre hearing topics, including the Viaduct Harbour and Wynyard Precincts (see sections 3.41 and 3.42 of this report).



- [38] During the hearings, it became evident that the interpretation of NPS-UD Policy 3(a) would underpin the structural analysis the Panel must undertake in our recommendations.
- [39] NPS-UD Policy 3(a) requires:
- In relation to tier 1 urban environments, regional policy statements and district plans enable:*
- (a) In city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification.*
- [40] The NPS-UD and the RMA do not define or provide other assistance as to the interpretation of the phrase ‘to maximise benefits of intensification’. Likewise, the use of “realise” introduces a new directive verb which has no prior use in the resource management hierarchy. These factors have resulted in diverging approaches from the parties in determining the starting point from which to consider how strongly the NPS-UD directs the Council to enable height and density in the City Centre Zone.
- [41] The interpretation of Policy 3(a) remained unresolved following expert conferencing held on 23 May 2023 and the Panel requested that legal submissions address this matter of statutory interpretation. The Council and several submitters presented both legal submissions and planning evidence on this issue.

### 3.2.2 Panel recommendation and reasons

- [42] The evidence and legal submissions put forward by submitters can be broadly categorised into two interpretations based on the Policy 3(a) phrase ‘to maximise benefits of intensification’. We describe these as the ‘qualifier’ interpretation and the ‘purposive’ interpretation.
- [43] The ‘qualifier’ interpretation reads ‘to maximise benefits of intensification’ as qualifying (and moderating) the immediately preceding phrase ‘to realise as much development capacity as possible’.
- [44] The ‘purposive’ interpretation reads ‘to maximise the benefits of intensification’ as a statement of purpose, describing that the benefits of intensification will be maximised by realising as much development capacity as possible in the City Centre.
- [45] The Council and submitters such as Stratis Body Corporate, Eke Panuku, Viaduct Harbour Bodies Corporate and the Wynyard Quarter Residents Association generally advanced the qualifier interpretation of Policy 3(a). (During the hearings the Council relied heavily on Policy 3(a), while the s 32 report based its approach on Policy 6(c), but both approaches were expressed in terms of achieving a WFUE). In summary the reasons advanced for a ‘qualifier’ interpretation were:
1. PC78 must give effect to the whole of the NPS-UD. Policy 3(a), read in the context of the NPS-UD in its entirety, must also achieve the overarching concept of a WFUE as set out in Objective 1 and Policy 1. Rather than maximising

intensification or capacity, the clear thrust of the NPS-UD is to achieve the overarching concept of WFUEs.

2. Policy 3(a) would have expressly (and simply) called for unlimited capacity if that was intended. The phrase 'to maximise benefits of intensification' should therefore be seen as a qualifier – that there is a tipping point whereby intensification is no longer maximising benefits. More capacity is not always better, even in the City Centre.
3. PC78 must also give effect to the NZCPS, particularly as it applies to coastal developments as is the case in the City Centre, which the NPSUD directs as being resilient to the effects of climate change.

[46] The submitters Precinct Properties, SkyCity, Viaduct Harbour Holdings Ltd, Sanford and Orams advanced the purposive interpretation of Policy 3(a). This is summarised as:

1. The phrase 'to maximise benefits of intensification' does not qualify the Policy 3(a) direction, but instead simply explains it.
2. Policy 3(a) does not use language that indicates a qualification such as 'while' or 'provided that'.
3. The High Court has found that the word 'possible' is an option that is 'technically feasible ... is possible, whatever the cost'<sup>5</sup>. Therefore 'as much development capacity as possible' is a strong direction which indicates that any restrictions should be very narrow and considered.
4. Policy 4 and s 77O set out the express (and only) exception to that strong direction by the use of qualifying matters, prescribe the particular circumstances in which the exception provisions apply and set a clear evaluative framework for the analysis needed to justify any limits on development capacity. The phrase 'to maximise benefits of intensification' therefore does not need to be a qualifier.
5. The 'qualifier' approach is contrary to the statutory direction that a council 'may modify the requirements set out in Policy 3 to be less enabling of development than provided for by Policy 3 if authorised to do so under s 77O.
6. The structured tests under Policy 4 are the intended pathway for identifying exceptions rather than by resort to an ambiguous qualifier in Policy 3(a) which 'sidesteps' a clear evaluative process.
7. The scaling within Policy 3(a) to 3(d) targets intensification where benefits can be realised.
8. The NPS-UD background documents - while the Panel is not bound by them - also support a purposive reading of 'to maximise benefits of intensification'. Policy 3(a)

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<sup>5</sup> *Tauranga Environmental Protection Society Incorporated v Tauranga City Council* [2021] NZHC 1201, at [149].

was intended to be prescriptive (as compared to Policy 3(d) which is descriptive). The Regulatory Impact Statement records that a prescriptive approach was taken to intensification in city centres because those are the areas with the greatest evidence of benefits.

- [47] The Panel acknowledges the arguments in favour of the ‘qualifier’ interpretation of the phrase ‘*to maximise benefits of intensification*’ within Policy 3(a), including that it must be assigned some meaning. However, we prefer the ‘purposive’ interpretation and the structured analysis of the submitters who supported this. A purposive interpretation is consistent with the understanding of the NPS-UD and the Enabling Act as supply-based instruments with strong, prescriptive interventions. A purposive interpretation allows for a transparent evaluative process by way of Policy 4 and s 77O rather than the potential for an evaluative sidestep enabled by the alternative ‘qualifier’ interpretation.
- [48] This does not preclude giving effect to the entirety of the NPS-UD or other relevant national direction such as the NZCPS. The purposive interpretation instead reinforces that QMs provide the evaluative framework which informs the structured analysis necessary under the RMA. We note that in *Waikanae* the Court observed that for an IPI, Objective 1 confirms that councils may decline to apply intensification where a QM is relevant.
- [49] We emphasise that our findings on this issue are not determinative of our recommendations on the PC78 provisions. Rather, they identify the starting point, acknowledging that the appropriate level of enablement may then be moderated. Put another way, we consider that NPS-UD Policy 3(a) recognises the City Centre as the location best able to support intensification and only limit it where there is a proper reason by way of appropriately tested QMs via Policy 4.
- [50] The extent of those limits will be one of degree and include a consideration of a wide range of matters. In this regard, we note that the inclusion of the words ‘realise’ and ‘as possible’ must be intentional and acknowledge that height and density of form is unlikely to be absolute. Nonetheless, the path for these limits must be through QMs that are predicated on the strength of the evidence and submissions put forward to the Panel and whether those successfully navigate the tests of Policy 4 as directed by ss 77O, 77P, 77Q, and 77R.
- [51] For completeness, the Panel considered the economic and planning evidence put forward by the Council and submitters but did not think it necessary to make a finding on the evidence as it relates to the Policy 3(a) interpretation issue which is primarily a matter of statutory interpretation. The Panel will refer to the appropriate evidence when making its findings on the relevant planning provisions.

### 3.3 The Panel's approach to Qualifying Matters

- [52] This issue does not relate to specific provisions of the AUP. It addresses the principles set out by the Enabling Act and the NPS-UD which direct how the Panel must make its recommendations.

#### 3.3.1 Statement of issue

- i. Application of ss 77O, 77P, 77Q and 77R when determining the appropriateness of a 'qualifying matter'
- ii. Approach taken to evaluating QMs and recommending provisions
- iii. Approach taken to identifying QMs in s 32 evaluation and evidence
- iv. Economic impact of accommodating QMs in the City Centre (ss 77O, 77Q and 77P)

#### 3.3.2 Panel recommendation and reasons

- [53] We preface this section by noting as a matter of procedure that in order to complete our hearings and recommendations on the City Centre Zone we have had to bring forward consideration of the "appropriateness" of qualifying matters relevant to the City Centre Zone. We have not considered the appropriateness of any QMs that are not relevant to the City Centre Zone.
- [54] Our recommendations on the merits of any QMs in this report are only in the context of the City Centre Zone, as that is the only evidence we have considered for this report.

#### Application of sections 77O, 77P, 77Q and 77R

- [55] The appropriate application of the QM statutory 'tests' is a corollary of a purposive interpretation of Policy 3(a). While the evidence and legal submissions presented to the Panel generally related to the merit / application of specific QMs, there remains an overarching issue for us to determine.
- [56] The initial IHP set out the following relevant observations in the Interim Guidance:
- Any party (not just the Council) can propose a new, or extension of an existing, qualifying matter (subject to the additional requirements for the corresponding section 32 evaluation and that it was "on" PC78); and
  - A 'site-specific' analysis does not equate to a 'site-by-site' analysis and can relate to areas.
- [57] The Panel agrees with the position stated in the Interim Guidance (and, we understand, not contested by any party) that the Council and any submitter may seek to introduce QMs, but the issue then becomes what information is required in support of such a request or recommendation. We agree that any recommendation we may make supporting an additional or extended QM needs to be sufficiently comprehensive to satisfy the additional requirements for a s 32 evaluation specified in ss 77P, 77Q and 77R as relevant to the nature of the QM in question.

- [58] We also agree that the onus would be on the party promoting a new QM or seeking to extend a QM to additional sites/areas, to provide sufficiently comprehensive evidence so that the level of information before the Panel is sufficient for us to produce a s 32AA evaluation to support the new or extended QM.
- [59] We likewise agree that a QM would need to be 'on' PC78, and this will depend on the nature of the QM at issue, including whether, as proposed it would have wide application across the Auckland region, and the overall effect of the plan provisions proposed by the submitter to accommodate the QM.
- [60] The Interim Guidance also addressed the requirement for a "site-specific analysis" outlined in ss 77L and 77R with respect to "other" QMs. We agree that these provisions recognise that QMs can relate to areas, and that a "site-specific analysis" does not equate to a 'site-by-site' analysis of the range of appropriate options, as many QMs exist at a broad scale. Accordingly, an individual analysis on a detailed single-site basis would not produce an effective or efficient analysis as the whole QM is greater than the sum of the constituent parts.
- [61] The wide effect of PC78 and the existence of s 77O(j) 'any other matter' indicate that the test of whether a resource management issue *could* be a qualifying matter is a simple one. Its procedurally correct identification under s 77O is sufficient.
- [62] The substantive evaluative matter then becomes one of whether a matter *ought* to be addressed by the planning instrument. The following parts of the RMA are relevant when assessing the corresponding s 32 evaluation:
- Section 77P for a **new** QM identified under s 77O(a)-(i); or
  - Section 77Q for an **existing** QM identified under s 77O(a)-(i); or
  - Section 77R for any **"other"** QM identified under s 77O(j).
- [63] The Panel considers that even if there are no submissions on a particular QM, it is able (subject to the statutory tests) to recommend a new QM or the extension of a QM as – pursuant to clause 99 of Schedule 1 - we are making a recommendation "on the IPI" and are not limited to being within the scope of submissions.
- [64] While the Panel accepts that there are valid criticisms of the Council's s 32 evaluation reports for QMs, we must also be satisfied that there are evidential grounds (and any s 32AA evaluation) for the counterfactual positions. With this in mind, the Panel provides its recommendations on the relevant QMs in the respective sections of this report.
- [65] We have already recorded that *Waikanae* held that qualifying matters serve to moderate the effect upon the status quo that the intensification provisions would otherwise have, including to maintain the status quo where appropriate by declining to apply intensification (but not so as to reduce the level of development previously permitted).

*Approach taken to evaluating QMs and recommending provisions*

- [66] The Panel notes that it is important not to conflate QMs with the proposed standards themselves. We observe that:
- Section 77O (before identifying a list of qualifying matters in sub-s (a)-(j)) refers to ‘qualifying matters that are present’.
  - Section 77P (3) states ‘...in relation to the proposed amendment to accommodate a qualifying matter...’
  - Section 77R(a) states ‘...identify the specific characteristics that makes the level of urban development required...inappropriate’
- [67] Taken together, we consider that the legislation intends for qualifying matters and the provisions to be separate entities, and that QMs are the resource management matter (or ‘characteristic’) which then guide the development of plan provisions. The hierarchy of the requirement of s 77P vs s 77R signals that the intent of s 77O(a)-(i) as being characteristics which the RMA has identified, absolving the need for the territorial authority to identify as such, whereas s 77O(j) any other matters requires the characteristic to be identified by the territorial authority subject to the statutory tests of s 77R.
- [68] Wherever a QM has been identified (by the Council, a submitter or by the Panel) and provisions proposed to accommodate the QM, we have undertaken a two-step analysis to satisfy ourselves:
- First, that the relevant QM has been identified and evaluated in a procedurally correct way under ss 77O, 77P, 77Q and 77R.
  - Secondly, that the requirements of Policy 3(a) are modified to be less enabling of development “only to the extent necessary” to accommodate the identified QM.
- [69] The correct procedure for the first step differs based on whether the relevant QM is existing, new, or “other”.
- [70] Existing QMs are defined in the RMA as a QM listed in s 77O(a) to (i) that is operative in the Plan when the IPI is notified. In each instance we have satisfied ourselves that the identified matter properly falls within the s 77O(a) to (i) listed criteria, was operative in the AUP when PC78 was notified, and that the matters listed in s 77Q(1)(a) have been addressed. These include identifying the location, specifying the alternative density standards proposed, identifying why QMs apply, and describing the difference between development enabled by Policy 3(a) and that enabled by accommodating the QM.
- [71] New QMs are those listed in s 77O(a) to (i) that are not existing QMs. In each instance we have satisfied ourselves that the identified matter properly falls within the s 77O(a) to (i) listed criteria, and that the matters listed in s 77P(3) have been addressed. These include identifying the area, demonstrating why the area is subject to a QM and why the QM is incompatible with the level of development enabled by Policy 3(a), and assessing the impact that limiting development will have on capacity and the costs and broader impacts of imposing limits.

- [72] “Other” QMs are described in s 77O(j) as any other matter - not listed in s 77O(a) – (i)) -that makes the development enabled by Policy 3(a) inappropriate in an area. In each instance we have satisfied ourselves that:
- The pre-conditions listed in s 77R(1)(a) have been met. These include identifying the specific characteristic that makes the level of development enabled by Policy 3(a) inappropriate, justifying that in light of the national significance of urban development and the NPS-UD objectives, and undertaking the required site-specific analysis; and
  - The matters listed in s 77P(3) (described above in relation to new QMs) have been addressed.
- [73] If satisfied that a QM has been identified and evaluated in a procedurally correct way, we have then satisfied ourselves - as required by s 77O - that the provisions we recommend are less enabling of development only to the extent necessary to accommodate the QM. The evidence was not always explicit that provisions supported by witnesses met this requirement. During the hearing we questioned witnesses and sought confirmation on this point. Where we recommended provisions we have been satisfied that those are less enabling of development only to the extent necessary to accommodate the identified QMs.
- [74] In undertaking our two-step analysis we have relied on the Council’s s 32 evaluation, any relevant s 32 evaluation prepared by submitters, the evidence we heard and our site visits. Our report comprises our s 32AA further evaluation.
- [75] To avoid repetition and lengthening our report we record our procedure here and have not repeated these explanations as we evaluate each QM.

*Approach taken to identifying QMs in s 32 evaluation and evidence*

- [76] The Panel makes the following observations about QMs in light of our findings about the preferred approach to the interpretation of Policy 3(a) of the NPS-UD.
- [77] As the result of Council adopting the interpretation of Policy 3(a) as being qualified by the phrase ‘maximising benefits of intensification’ so as to achieve a WFUE, its evidence for the City Centre hearings sometimes focused on the relationship of standards to a WFUE rather than the identification of an appropriate QM to justify restrictions on intensification.
- [78] Evidence for submitters opposing the Council’s approach was generally premised on Policy 3(a) requiring extensive liberalisation of development standards (‘no limits’) unless an identified QM applied. Notwithstanding this, most of those submitters’ experts accepted in the Joint Witness Statement (**JWS**) and in their evidence that some limits on development in the City Centre remain appropriate, without themselves identifying a QM to support that position.
- [79] The Panel has concluded as above that:
1. modification of the effect of Policy 3(a) is only authorised by an appropriate QM; and



2. the Panel can itself identify QMs.

[80] As such, where the evidence indicates that modification of the effect of Policy 3(a) is appropriate but does not identify a relevant QM in order to do so, the Panel has proceeded to consider the appropriateness of a QM.

*Economic impact of accommodating QMs in the City Centre (ss 77O, 77Q and 77P)*

[81] As discussed above, the s 32 evaluation for an IPI must:

- For existing QMs, describe the difference between development enabled by Policy 3(a) and that enabled by accommodating the QM (s 77Q(1)(d)); and
- For new QMs and “other” QMs, assess the impact that limiting development will have on capacity and the costs and broader impacts of imposing limits (s 77P(3)(b) and (c)).

[82] Dr. Fairgray prepared a s 32 Economic Report for PC78 and economic evidence for the City Centre hearings. His evidence compared Policy 3(a) “building heights and density of urban form to realise as much development capacity as possible” (unlimited development) with the level of development proposed in PC78 (accommodating QMs) for the City Centre divided into 44 geographic areas.

[83] Dr. Fairgray’s evidence is germane to the Panel’s consideration as it provides the only assessment of costs for potential limits on development capacity across the whole City Centre arising from the accommodation of QMs.

[84] He stated that the level of development enabled by PC78 as notified would be very unlikely to materially affect the level of development and future economic activity for the City Centre as a whole. His view was that PC78 as notified has nil or negligible opportunity cost in terms of foregone built capacity and economic activity at the whole City Centre level, and at the whole of Auckland level. He concluded that the net benefit of PC78 as notified is larger than an ‘unlimited’ Policy 3(a) outcome because the different provisions accommodating QMs would realise a range of social, environmental, cultural and economic benefits in the City Centre.

[85] Mr. Colegrave was the only economic witness to challenge Dr. Fairgray’s evidence, in the specific context of the Quay Park, Viaduct Harbour and Wynyard precincts. Mr. Colegrave relied on a cost benefit analysis by Price Waterhouse Cooper which found that, for Auckland, intensification benefits exceeded costs by more than five to one. Dr. Fairgray considered that the modelling underlying that cost benefit analysis evaluated a hypothetical city of Auckland’s size rather than Auckland itself, and that general city-wide findings could not be appropriately applied to the City Centre.

[86] The Panel prefers Dr Fairgray’s economic evidence that the overall quantum of development in the City Centre provided for by PC78 as notified (accommodating QMs) would be the same as an unlimited Policy 3(a), even though the pattern of development within the City Centre would be different; and that the identification of QMs results in a net benefit.



### 3.4 The Panel's approach to NPS-UD Policy 6

- [87] This issue does not relate to specific provisions of the AUP. It addresses the principles set out by the Enabling Act and the NPS-UD which direct how the Panel must make its recommendations.

#### 3.4.1 Statement of issue

- i. The relevance of NPS-UD Policy 6(a) and (b) when implementing Policy 3(a) in the City Centre Zone and Precincts through PC78.

#### 3.4.2 Panel recommendation and reasons

- [88] The Panel's view is that Policies 6(a) and 6(b) are relevant when implementing Policy 3(a) in the City Centre Zone and Precincts, but only in respect of planning documents that "have been given effect to", which in the case of PC78 is the RPS as amended following PC 80.

- [89] Policy 6 states:

*When **making planning decisions** that affect urban environments, decision-makers have particular regard to the following matters:*

- (a) the planned urban built form anticipated by those RMA planning documents **that have given effect to this National Policy Statement***
- (b) that the planned urban built form in **those RMA planning documents may involve significant changes** to an area, and those changes:*
  - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
  - (ii) are not, of themselves, an adverse effect*
- (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*
- (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*
- (e) the likely current and future effects of climate change.*

[**Emphasis** added]

- [90] "Planning decision" is defined in the NPS-UD as a decision on (inter alia) a district plan or proposed district plan. "Proposed plan" is defined in s 43AAC of the RMA as a plan change that has been notified but not become operative, including an IPI. PC78 relates to the district plan component of the AUP. There is no dispute that the Panel's recommendations on PC78 relate to a "planning decision" (a decision that the Council will make) on a proposed district plan and that Policy 6 is generally applicable.

- [91] The issue arises because Policy 6(a) refers to “those RMA planning documents *that have given effect to*” the NPS-UD, while Policy 6(b) refers to “those RMA planning documents”. “RMA planning documents” is defined in the NPS-UD as meaning (inter alia) the district plan. The matter for the Panel to determine is whether Policy 6(a) and 6(b) are relevant to the “planning decision” on PC78 which is a plan change (IPI) to give effect to the NPS-UD.
- [92] Some submitters and experts, such as Mr. Roberts for Ngāti Whātua Ōrākei Group (**NWO**), were of the view that Policy 6(b) reinforces the proposition that the NPS-UD is an enabling document by emphasising the ‘planned urban form’ which may include changes which can detract from the amenities of the existing urban built form. Their reasoning is that as PC78 will become a planning document once it has given effect to the NPS-UD, Policy 6(b) means that it should bring about “significant changes” to urban form.
- [93] The Panel agrees with the Council’s position that Policy 6(a) and 6(b) are relevant once the relevant RMA planning document has been made operative. The Panel considers that the words ‘those RMA planning documents’ in Policy 6(b) have the same meaning as ‘those RMA planning documents that have given effect to’ the NPS-UD in Policy 6(a).
- [94] We therefore conclude that Policy 6(a) and 6(b) apply to PC78 only to the extent that (following PC80) the RPS has been amended to give effect to the NPS-UD.

### 3.5 Qualifying matter – Appropriateness of QMs

- [95] This issue relates to and applies to the City Centre Zone and Precincts.

#### 3.5.1 Statement of issue

- i. Appropriateness of the Council’s application of s 77O(a)-(i) qualifying matters
- ii. Appropriateness of the Council’s application of s 77O(j) any other qualifying matters
- iii. Plan methodology to give effect to qualifying matters

#### 3.5.2 Panel recommendation and reasons

- [96] The Panel recommends that the Council identified QMs are appropriate in the sense that they provide for a pathway under which the appropriate merits-based determination must still be undertaken subject to ss 77P, 77Q and 77R. In some instances the Panel recommends an alternative QM where we are not satisfied with the Council’s identification of a QM or where the Council or submitters did not identify a QM. We refer to the respective sections of this report for the detailed findings relating to substance of the various QMs.
- [97] The Panel is particularly mindful that despite the comprehensive evidence heard on the matter of significant natural hazards (being a s 77O(a) QM) the Council has decided to wait until later hearings to present its case with respect to this QM due to

ongoing work on natural hazards. While we acknowledge the importance of the issue, we are only able to recommend acceptance of the appropriateness of identifying a significant natural hazards QM but not its actual provisions. (see also our findings in sections 3.40 and 3.42 below).

*Appropriateness of the Council's application of s 77O(a)-(i) qualifying matters*

- [98] Mr. Shields gave planning evidence on behalf of the Council. He summarised the Council's approach in PC78 whereby it reviewed the AUP in the context of the s 77O(a)-(i) matters and identified parts of the AUP (operative since 2016) that could potentially be identified as QMs. His view was that as the provisions were operative at the time of PC78 notification, they are existing QMs in terms of s 77Q. The Panel accepts this factual description of the process and, without evidence challenging the Council's position, agrees with Mr. Shields on the identification of s 77O(a)-(i) existing QMs as appropriate pathways to assess the provisions which are addressed in the following sections of our report dealing with each QM.

*Appropriateness of the Council's application of s 77O(j) any other qualifying matters*

- [99] Mr Shields explained the Council's approach whereby existing AUP provisions were reviewed and where they did not correspond to a s 77O(a)-(i) matter, a s 77O(j) "other" QM was identified. He noted that while they are not 'existing' in the context of s 77Q, they are matters which are largely operative and were subject to the statutory process leading to the AUP. The Panel accepts Mr Shields' evidence as to the Council's approach. The appropriateness of a s 77O(j) "other" QM and of the corresponding provisions require a merits assessment under the relevant statutory tests which are addressed in the following sections of our report dealing with each QM.

*Plan methodology to give effect to qualifying matters*

- [100] Mr. Shields' evidence explained that the Council has proposed minimal changes to the plan architecture when addressing QMs. PC78 continues to use a mix of plan provisions and methods (zones, overlays, rules, precincts, schedules, designations) depending on the particular QM and the best corresponding AUP structure, as modification of the plan structure through extracting provisions and inserting them into different parts is inefficient and will complicate the implementation of the AUP.
- [101] Some submitters, such as Coalition for More Homes and Kāinga Ora, sought that QMs should be consistently addressed by Overlays which would sit atop zoning.
- [102] The Panel agrees with Mr. Shields that the RMA does not specify methods by which QMs are, or are not, to be implemented and the Council's approach of using the various methods currently utilised by the AUP is the most efficient and effective.
- [103] As identified in *Waikanae*, the Panel considers that PC78 and the ISPP are intended to "promptly" implement the intensification requirements of the NPS-UD and cannot be used for broader purposes. To this end, we accept that PC78 is not the avenue to address all real or perceived shortcomings of the AUP, including whether its planning

methods are consistent. This could require a re-write of the AUP which is well beyond the scope of PC78.

### 3.6 City Centre Zone – general objectives and policies

[104] This issue relates to general business objectives and policies (**the general objectives and policies**) which apply to the Centres, Mixed Use, Business Park, and General Business zones which form the business zones of the AUP. In terms of Chapter H8 Business – City Centre Zone, they are:

- H8.2 (1)(2)(3)(4) and (5)
- H8.3 (1)(2)(3)(4)(5)(6)(7)(8)(9)(10)(11)(12)(12A)(13) and (14)

[105] The Panel notes that this section is confined to the general objectives and policies only. The other objectives and policies of the City Centre Zone are amended to the extent of changes recommended elsewhere in this report.

#### 3.6.1 Statement of issue

- i. Appropriateness of amendments to the general objectives and policies

#### 3.6.2 Panel recommendation and reasons

[106] The AUP contains an overarching framework of objectives and policies which are repeated across all business zones, comprising the Centres, Mixed Use, Business Park, and General Business zones. This structure is intended to ensure a consistent outcome around design matters, distribution of business activities and the role of the centres network.

[107] Mr. Pollard's planning evidence for the Council explained that PC78 proposed to amend the general objectives and policies to:

- a) Recognise and provide for qualifying matters;
- b) Enable building heights of at least six storeys within a walkable catchment;
- c) Support the roles of centres; and
- d) Reinforce that development should contribute towards a WFUE.

[108] Counsel for the Council summarised Mr. Pollard's recommended amendments to the notified PC78 general objectives and policies, in response to submissions as:

- Amendments to general policies H8.3(2), H9.3(2), H10.3(2), H11.3(2), H12.3(2), H13.3(2) H15.3(2), H8.3(13), H9.3(13), H10.3(13), H11.3(13), H12.3(13), H13.3(13), H14.3(13), and H15.3(13) to provide greater recognition of and to accommodate the values of qualifying matters;
- Removing reference to the 21m height metric from Polcie H8.3(12A), H9.3(12A), H10.3(12A), H11.3(12A), H12.3(12A), H13.3(12A), and H15.3(12A); and
- Including the reference to 'mapped' walkable catchments in Policies H8.3(12A), H9.3(12A), H10.3(12A), H11.3(12A), H12.3(12A), H13.3(12A), and H15.4(12A).

- [109] The Panel heard corporate evidence from Mr Ligget, relying on the earlier planning evidence of Mr. Lindenberg and Mr. McCall, expressing the view of Kāinga Ora that general policy 12A is unnecessary in the business zones but rather more appropriately applied in the zone chapter of the land within a walkable catchment and to make reference to the height variation control to enable additional height in the Local Centre, Neighbourhood Centre and Mixed Use zones.
- [110] The Panel prefers the planning evidence of Mr. Pollard. We are satisfied with his explanation of the Council's approach, and by extension that of Ms. Laird and Ms. Wong, that the purpose of proposed policy 12A applies to all business zones hence its removal would fundamentally alter the established structure of the AUP. We are likewise satisfied that Mr. Pollard's explanation that the notified Policy 12A reference to 'at least six storeys' read in conjunction with notified changes to Policy 13 which enables greater building heights within the height variation control sufficiently gives effect to Policy 3(c).
- [111] Other submitters did not provide evidence which challenged the Council's position. We agree with Council's legal submission that the changes sought by the Retirement Villages Association raised scope and jurisdictional issues as their relief does not support, and is not consequential on, Policy 3 of the NPS-UD, and therefore falls outside s 80E(1)(b)(iii). For the reasons above, the Panel adopts the position as outlined by Mr. Pollard for the Council.

### 3.7 Height of development in the City Centre Zone

- [112] This issue relates to the following provisions:

- H8.4.1 (A32)
- H8.6.2 General building height
- Map H8.11.3 General height controls

#### 3.7.1 Statement of issue

- i. Appropriateness of qualifying matter relating to height in the City Centre Zone
- ii. Special Height Area
- iii. Extension of the Special Height Area
- iv. General building height of 72.5m
- v. Specific heights relating to identified qualifying matters

#### 3.7.2 Panel recommendation and reasons

##### Appropriateness of qualifying matter relating to height in the City Centre Zone

- [113] The Panel has considered the Council's s 32 evaluation and the planning evidence of Ms. Laird and Ms. Wong which outlined PC78's approach to building heights in the City Centre Zone. This is summarised as:

1. No building height controls apply in the core part of the City Centre, identified as the 'Special Height Area'. PC78 did not notify any increase in the spatial extent of this area as in the AUP.
2. A 72.5m building height for areas outside the Special Height Area identified as 'general building height'. The height is based on the Business – Metropolitan Centre Zone height and is premised on implementing Policy 3(a) and a s 77O (j) "other" qualifying matter relating to the relationship between the city centre and the Waitematā Harbour but only limited to heights on the north side of Quay Street. No qualifying matters were identified in other areas of the City Centre Zone.
3. Specified lower heights identified in Map H8.11.3 General building height controls to provide for qualifying matter such as historic heritage or special character.
4. Accommodating further qualifying matters through "special height controls" such as standards H.8.6.3 Admission of sunlight to public places, H8.6.4 Aotea Square height control plane, H8.6.5 Harbour edge height control plane and H8.6.7 Railway Station building and gardens view protection plane, Appendix 11, and shown on Map H8.11.4 Special height controls (Council noted that Map H8.11.4 will need to be updated to include the final version of the notified additions to Appendix 11).
5. Specific heights in some Precincts to accommodate identifying matters.

- [114] The Panel's recommendations on special height controls and Precinct heights (4 and 5 above) are addressed in the respective sections of this report. This section focuses on height set by Standard H8.6.2, Map H8.11.3, the 'Special Height Area', 'general building height', and the specified lower heights.
- [115] The evidence on the issue of height across the wider City Centre Zone was relatively focused despite the large number of interested submitters. In broad terms, the criticisms of the Council's position related to its approach to Policy 3(a) which we have addressed above. Evidence opposing the Council's approach to height was generally premised on an interpretation of Policy 3(a) as requiring unlimited building height across the entire City Centre Zone, not just the Special Height Area in the core of the city centre, unless a qualifying matter applied. Notwithstanding this, many submitters' witnesses accepted that heights less than unlimited height were appropriate in parts of the City Centre Zone without themselves identifying a QM.
- [116] The Council's evidence with regard to the specifics of the PC78 'as notified' height of 72.5m in the general building area addressed the appropriateness of 72.5m. However, due to Council's interpretation of Policy 3(a) its evidence tended to focus on the relationship of a lower height to a WFUE rather than identifying an appropriate qualifying matter to justify the particular height restriction.
- [117] Notwithstanding this, the Panel accepts the urban design evidence of Ms. Samsudeen and the landscape evidence of Mr. Brown for the Council who articulated the potential impacts of unlimited height across the entire City Centre Zone. The Panel accordingly recommends a s 77O(j) "other" qualifying matter relating to 'City Centre Urban Form' (adopted from the Council's identified City Centre urban form



QM) which should apply to the entirety of the City Centre Zone and which relates to the following characteristics:

*i. **Built form***

The relationship and effects of the overall form of the city centre on:

- (a) the surrounding neighbourhoods;
- (b) the Waitematā Harbour; and
- (c) the importance of the City Centre's sense of place and visual identity as informed by its natural heritage.

*ii. **Amenity***

Character streets and public open spaces – seeks to avoid adverse dominance, shading and/or visual amenity effects of building height on streets and public open spaces.

*Special Height Area*

- [118] No evidence was provided against application of unlimited height in the City Centre Special Height Area which the Panel accepts as meeting the requirements of Policy 3(a) “building heights ... to realise as much development capacity as possible.”
- [119] We note that no QM is relevant to this aspect of the height issue as all parties accepted that unlimited height gives effect to Policy 3(a) of the NPS-UD.
- [120] The Panel recommends adoption of the notified PC78 Special Height Area on Map H8.11.3 subject to the extension discussed below.

*Extension of the Special Height Area*

- [121] Submitters requesting unlimited height across the City Centre Zone, spatial increases of the Special Height Area and those supporting the as notified PC78 height increases provided high-level arguments, including Part 2 RMA, NPS-UD objectives and policies and their application. Evidence expanded on the Policy 3(a) directive to realise as much capacity as possible in the City Centre along with Policies 1, 4, and 6.
- [122] No submitters provided specialist evidence to support requests for extensions to unlimited height. The Coalition for More Homes did not call planning, heritage, urban design or landscape evidence. Planning evidence was provided by Mr. Campbell (for 777 Investments Ltd and Willis Bond), Mr. Cribbens for NZTA/Waka Kotahi and Mr. Lindenberg and Mr. McCall for Kāinga Ora, however no urban design, landscape or heritage evidence was called by these submitters.
- [123] Consequently, the Panel accepts the expert urban design evidence of Ms. Samsudeen for the Council. We recommend the extension of the Special Height Area to the block bordered by Rutland, Queen, and Wellesley Streets and Mayoral Drive as shown in Figure 1 of Ms Samsudeen's rebuttal evidence as we find this will not adversely affect the City Centre urban form. We accept Ms Samsudeen's

analysis that the extension area exhibits a similar context to the Special Height Area and extends it contiguously along Queen Street.

- [124] The Panel likewise accepts Ms Samsudeen's analysis of Areas A, B and the remainder of Area C (as outlined in the evidence of Mr. Cribbens, and Mr. Lindenberg and Mr. McCall). We do not recommend the extension of the Special Height Area to incorporate those areas for the reasons stated by Ms. Samsudeen. These reasons include the location of those areas, their relationship to the core of high buildings, landform, site characteristics, and transitions along with respecting lower heights imposed by viewshafts and historic heritage; and reflecting the specific character and amenity of different areas, scale and amenity, broader views and the City Centre's sense of place and identity.

#### General building height of 72.5m

- [125] The Council's s 32 evaluation modelled various heights, with the preferred option of 72.5m across the General Height area which results in increased capacity and manages the interface between the City Centre and surrounding suburbs. Adverse amenity effects were identified with increased height beyond 72.5m. Ms Samsudeen's evidence and rebuttal also contributed to the analysis required to meet the s 32 requirements.
- [126] Mr. Brown's s 32 Landscape Report is likewise relevant to the City Centre to the extent it identifies the importance of the lower city/waterfront area and the key precincts within it, and addressing the relationship between the built form of the city and its landscape surrounds. Mr. Brown also highlighted that the 72.5m height will create a development profile across the City Centre and its margins that remains coherent, focused on the Queen Street Valley, and sympathetic to both the city's matrix of maunga features (notably Maungawhau/Mount Eden and Ōhinerau/Mount Hobson) and wider volcanic landforms when viewed from the harbour, Devonport, SH1 and other strategic locations that look towards the city.
- [127] The Panel accepts the evidence of Ms. Samsudeen and Mr. Brown which provide their justifications as to why an unlimited height across the entire City Centre Zone is incompatible with the characteristics relating to the s 77O(j) 'City Centre Urban Form' "other" QM recommended by the Panel. We summarise the key themes of their evidence with respect to this matter as follows:

#### *Landscape*

- Unlimited height is incompatible with the City Centre landscape and values associated with the natural environment and surrounding areas.
- Unlimited height is incompatible with values associated with the city and the relationship with maunga and the coast.
- City Centre relationship to the wider landscape context and its identity;
- Visual links between City Centre and Waitematā harbour - maintenance of connections.



- Volcanic viewshafts - heights, margins, built form, maintenance of cone's visual primacy.

#### *Stepping down*

- Unlimited height is incompatible with the urban form of a tall central core, which steps down, providing a transitioning height to neighbouring suburbs and the harbour.
- Unlimited height does not enable a gradual transition of building height and development intensity from the city centre to the neighbouring areas and the harbour edge.
- 72.5m considers the landform of the City Centre, where this height limit applies from the edges of the Queen Street Valley Precinct and/or special height area to the higher areas along Nelson/Hobson Streets, Symonds Street, and Karangāhape Road.
- 72.5m is compatible with surrounding suburbs, responds to the city centre context and allows for a range of building forms while minimising adverse effects.

#### *Urban design*

- Unlimited height will adversely affect public amenity and good quality spaces by creating overbearing buildings, overshadowing and blocking access to light and sky views.
- City centre urban form, character, heritage values, visual effects, scale related shading, amenity of different areas, amenity for residents, amenity of streets and open spaces, dominance and wind effects and impacts on heritage; maintenance of connections.
- Variations in building height reflect the specific character and amenity of different areas, including heritage places and qualifying matters; respects the lower heights imposed by viewshafts and historic heritage places.
- 72.5m allows for a range of building types and forms that can add to the city's skyline diversity and visual interest, while minimising adverse effects on sunlight access, views and wind conditions.
- Unlimited height will undermine the quality and functionality of the urban environment.

[128] As discussed above, the Panel accepts Dr Fairgray's economic evidence that the net benefit of the as notified PC78 is greater than an 'unlimited' Policy 3(a) outcome (including unlimited height) because the different provisions would realise a range of social, environmental, cultural and economic benefits in the City Centre.

[129] The Panel has also considered the specialist urban design (Ms. Samsudeen), landscape (Mr. Brown), heritage (Ms. Walker) and economic (Dr. Fairgray) evidence called by the Council in support of the notified PC78 height limits shown on map H8.11.3.

[130] The Panel prefers Ms. Samsudeen's and Mr. Brown's evidence that the City Centre has a built form and landscape which contributes to its sense of place, heritage values, visual identity and attractiveness as a WFUE.

- [131] The Council's evidence shows that the City Centre Zone covers a large area and that it has an existing urban form comprising a central core of high-rise buildings within the Queen Street Valley, a transition of building heights towards the edges of the City Centre and harbour, and limited height in elevated areas along Nelson/Hobson Streets, Symonds Street, and Karangāhape Road. The Panel agrees with the assessments by Ms. Samsudeen and Mr. Brown on the distinctive landscape, form and skyline of the City Centre along with the influence of the natural environment (maunga, Waitematā Harbour, landform). We accept that their evidence in tandem with the Council's s 32 evaluation sufficiently provide for the area based site-specific analysis necessary to satisfy the spatial limb of s 77R.
- [132] The Panel also accepts the evidence from Ms. Samsudeen that unlimited height outside the central high-rise core can have negative effects on the City Centre's relationship to the wider landscape context, its relationship to the Waitematā Harbour, maunga and its relationship to adjoining areas. We further accept that the connection between the City Centre and harbour is of visual, physical and cultural importance and reflects Auckland's identity, natural heritage, and sense of place.
- [133] The Panel agrees with evidence from Mr. Brown on managing heights so as not to erode the perception of Auckland's wider volcanic landform, focused on its sequence of cones; and that the intermediate height respects the lower heights imposed by viewshafts and historic heritage places.
- [134] Limiting height outside the central core provides for the specific character and amenity of different areas, including heritage values, visual effects, amenity for residents and visitors, amenity of streets and open spaces, effects of dominance, scale related shading and wind. Reducing height away from the central core also ensures a gradual transition of building height and development intensity from the city centre to the neighbouring areas and the harbour edge.
- [135] The Panel considers that restriction of building height is necessary to manage the urban built form of the city and amenity values. We consider limiting height to 72.5m outside of the Special Height Area is necessary to accommodate a s 77O(j) "other" QM relating to 'City Centre Urban Form'. We note that other QMs may further limit heights to below 72.5m.

#### *Specific heights relating to identified qualifying matters*

##### *Specific heights - 16m, 20m, 30m, 35m Height Controls*

- [136] As noted above, the Panel accepts the s 77(a) qualifying matter relating to historic heritage as a s 6(f) matter. No heritage evidence was provided by submitters opposing the bespoke 16m, 20m, 30m, 35m height controls.

##### *Sites adjacent to Victoria Park Precinct (16m, 20m height limits):*

- [137] The Panel accepts Ms. Walker's specialist heritage evidence for the Council which supports retention of the notified PC78 height limits, to protect the significant historic heritage values of the Victoria Park Market industrial buildings, including its iconic

chimney. Such protection is needed from dominating effects resulting from greater heights, which would have a negative impact on the values of these Category A buildings and chimney. We therefore recommend the retention of the notified PC78 16m and 20m height limits.

*2 and 2A Symonds Street (corner of Symonds Street and Alten Road) 30m height limit*

[138] No heritage evidence was provided by submitters or Council for these sites. Council's s 32 evaluation for the City Centre identifies St Andrews Presbyterian Church (heritage building) height to be limited to 30m to protect heritage values under s 6(f) the protection of historic heritage from inappropriate subdivision, use, and development.

[139] St Andrews Presbyterian Church is located at 2 Symonds Street and is subject to Historic heritage overlays but 2A Symonds Street, located next to the church, is occupied by a carpark and building and is not subject to any overlays.

[140] In the absence of expert evidence challenging the Council position, the Panel recommends the retention of the notified 30m height.

*99 and 131 Quay Street (Map H8.11.3 General building height limit of 35m height limit)*

[141] No heritage evidence was provided by submitters or Council for these sites. Council's s 32 evaluation for the City Centre identifies that the lower heights are necessary to retain the value of the historic Ferry Building as a regional landmark.

[142] The Panel recommends the retention of the notified 35m height.

*Karangāhape Road (Map H8.11.3 General building height limit of 35m)*

[143] Ms. Walker for the Council was the only expert witness in relation to heritage values and height along Karangāhape Road. Her evidence was that a 72.5m height would result in development which will negatively affect Karangāhape Road's historic integrity. We agree with and accept her evidence related to the commercial streetscape and heritage values of Karangāhape Road and accordingly recommend the retention of the notified 35m height.

[144] We recommend height controls for 532 and 528 Karangāhape Road remain at 35m (see our findings in section 3.35 below). We accept Ms. Walker's evidence to the extent their proximity will result in the height of those sites continuing to have an effect on the Karangāhape Road Precinct. .

### 3.8 Site intensity and floor area ratio (FAR)

[145] This issue relates to the following provisions:

- H8.4.1(A32)(A36)(A44)(A45)
- H8.6.10 Basic floor area ratio
- H8.6.11 Bonus floor area ratio
- H8.6.12 Bonus floor area ratio – light and outlook

- H8.6.13 Bonus floor area – use or transfer of historic heritage and special character floor space bonus
- H8.6.14 Bonus floor area – securing historic heritage and special character floor space bonus
- H8.6.15 Bonus floor area – bonus floor space calculation for scheduled heritage buildings
- H8.6.16 Bonus floor area – bonus floor space calculation for identified special character buildings
- H8.6.17 Bonus floor area – public open space
- H8.6.18 Bonus floor area – through site link
- H8.6.19 Bonus floor area – through site links through identified blocks
- H8.6.20 Bonus floor area – works of art
- H8.6.21 Maximum total floor area ratio

### 3.8.1 Statement of issue

- i. Removal of floor area ratio (FAR) provisions
- ii. Implications of the removal of bonus FAR provisions for historic heritage values

### 3.8.2 Panel recommendation and reasons

#### Removal of FAR provisions

- [146] The basic, bonus and maximum FAR provisions were historically included in the AUP to manage scale of development in the city centre and to encourage built outcomes which would deliver public benefits. FAR provisions work in tandem with the height controls to limit the overall floor area which in practice encouraged a tower-podium form of development.
- [147] The Council and submitters noted that PC78 proposes the removal of FAR provisions give effect to NPS-UD Policy 3(a), as they restrict development capacity without accommodating a QM. Similarly, urban design evidence (Ms. Samsudeen for the Council and Mr. Wallace for Precinct Properties) was that FAR is a blunt instrument which may not guarantee desirable design outcomes due to the variety of factors that can influence a development. The Panel heard that a range of other methods can appropriately manage intensive forms of development in a city centre setting.
- [148] Conversely, Heritage New Zealand Pouhere Taonga and the General Trust Board of the Diocese of Auckland raised the potential negative effects on historic heritage and special character arising from the removal of the corresponding bonus FAR provisions. They sought to retain the bonus FAR provisions relating to heritage and special character. Council witnesses were sympathetic to these effects of the loss of bonus FAR but were unable to propose any alternative that would satisfy NPS-UD Policies 3 and 4. The Panel addresses the historic heritage and special character bonus FAR provisions separately below.

- [149] The Panel's approach to Policy 3(a) as outlined in section 3.2 above is consistent with what we heard on the matter of FAR. For this reason, the Panel agrees with the Council and recommends the deletion of FAR provisions.

*Implication for historic heritage value*

- [150] Ms. Covington, Ms. Morris and Ms. Byron gave detailed evidence on the effects of the loss of heritage incentives for historic heritage values in the City Centre. They explained that bonus FAR provisions have historically functioned as a form of Transferable Development Right (**TDR**) whereby foregone development potential, resulting from heritage protection and covenants, could be sold and transferred to other sites in the city centre. This provided a potentially significant source of funding for heritage protection and preservation. We heard that some bonus FAR has already been activated (i.e. the heritage protection already in place) but the resultant "credits" not yet realised (or fully realised) by sale to a developer, leaving unsold credits that heritage entities had expected to be able to sell in future. The removal of the bonus FAR regime was expressed as a breach of expectations in this respect, and more generally as a risk to the protection of heritage in the City Centre.
- [151] The key issue arises due to the construction of QMs under the RMA. It requires a clear causal and spatial connection between the values of a QM and any limits on height or density. Other provisions as proposed under PC78, have been put forward as continuing to protect historic heritage from inappropriate subdivision, use and development (as a matter of national significance), but on the site on which the historic heritage is located. Conversely, bonus FAR is an indirect mechanism which assists the protection and preservation of historic heritage, but by limiting development capacity everywhere in the city centre, to create a viable market for development rights ("unders and overs") to be traded.
- [152] After hearing about these issues the Panel was mindful of the merits of bonus FAR or some alternative approach to TDR in providing for historic heritage buildings in the City Centre Zone, and directed further expert conferencing.
- [153] Broadly, the experts agreed in the JWS that TDRs are a viable resource management tool in promoting positive outcomes, but that an appropriate QM is still required to apply the necessary constraints. They concluded that additional work was necessary – particularly analysis as to whether the provisions could pass the tests for QMs.
- [154] The Panel then directed further evidence from the Council (and submitters if they so wished) on possible options for the use of a height-based TDR regime to enable further consideration of this issue.
- [155] Evidence in support put forward a possible use of a 'basic height' and a 'maximum height' whereby TDRs would be used to achieve heights beyond the 'basic height'.
- [156] However, the issue of TDR necessitating a restriction on development remains. Under Policy 3(a), limits on height or density can only be to accommodate a QM. Mr.

Cook helpfully articulated the Panel's primary concern, namely that if a particular height is deemed appropriate in terms of effect, i.e. as an allowable 'maximum', then it ought to be enabled as of right and not artificially restricted so that it can be enabled by TDR. The theoretical qualifying matter and TDR regime would also have to restrict height across the entire City Centre to allow for the transferability of TDR between sites.

[157] The evidence did not sufficiently demonstrate that funding of off-site historic heritage conservation is a clear enough causal link to satisfy ss 77O -77R for a QM limiting height across the City Centre, considering the strong directive of Policy 3(a). On this basis, although sympathetic to the important role that bonus FAR has played in the management of historic heritage in the City Centre, the Panel cannot see that its retention is in keeping with the requirements of the NPS-UD and recommends the removal of the bonus FAR provisions.

[158] We encourage the Council to continue working on appropriate methods to support the funding of historic heritage conservation in the City Centre.

### 3.9 Bulk and location controls in the City Centre Zone form

[159] This issue relates to the following provisions.

- H8.4.1 (A32)
- H8.6.24
- H8.6.25
- H8.6.25A
- H8.6.32 Outlook Space

#### 3.9.1 Statement of issue

The Panel heard on the above standards which together, shape the form of new building, particularly high-rises towers, in the City Centre.

- i. Appropriateness of qualifying matter relating to bulk and location controls in the City Centre Zone
- ii. Modelling assumptions
- iii. Tower controls Standard H8.6.24 Setback and tower controls and new development control H8.6.25A Setback and tower
- iv. Standard H8.6.25 Building frontage alignment and height,
- v. Standard H8.6.32 Outlook control residential only
- vi. Emergency responder servicing

#### 3.9.2 Panel recommendation and reasons

##### *Appropriateness of qualifying matter relating to bulk and location controls in the City Centre Zone*

[160] The Panel received detailed legal submissions and planning evidence from the Council and submitters (Precinct Properties Ltd and SkyCity Auckland Ltd) on the



appropriate evaluative framework to apply when making its recommendations on bulk and location controls affecting density of form in the City Centre Zone, particularly within the Special Height Area. Consistent with its interpretation of Policy 3(a), Council's submissions and evidence were sometimes premised on the controls being necessary to achieve a WFUE and 'appropriate urban design outcomes' rather than to accommodate an identified QM. Submitters challenged this approach on the basis that PC78 incorrectly applied the NPS-UD. The Panel refers to its earlier conclusions on Policy 3(a), Policy 6 and QMs.

[161] Notwithstanding this, and as discussed with respect to our approach to QMs, the Panel considers it salient that none of the planning, urban design and architecture evidence argued for *no controls*. Rather, the submitters' experts engaged on the metric, whether it was to 'the extent necessary' and whether the provisions 'achieve the greatest heights and densities'. The Panel therefore does not accept the proposition that bulk and location controls should not exist within the city centre. Bulk and location controls can only modify the density of urban form by way of one or more QMs. As the evidence for the Council and submitters sometimes did not identify those QMs, the Panel has reverted to the Council's s 32 evaluation and considers that these controls can come within the rubric of the identified s 77O(j) "other" matter of 'City centre built form controls'. We recommend this as a distinct QM. For the avoidance of doubt, pursuant to s 77R, the Panel considers the city centre built form controls QM relates to managing the effects of building dominance and to ensure human-scaled street environments, and applies to the entirety of the City Centre Zone.

[162] The Panel relies on the Council's s 32 report, and the evidence of Mr. Cook, Mr. Johnston, Mr. Wallace, Ms. Laird and Ms. Wong, and Ms. Samsudeen in its evaluation of the PC78 density development controls against the s 77R statutory tests.

### Modelling assumptions

[163] The Panel heard complex and detailed architectural modelling evidence and generally prefers the evidence of Mr. Johnston for Precinct Properties and SkyCity. Mr. Johnston's evidence was that, notwithstanding Mr. Nicholson's comprehensive architectural modelling, there were limitations in the Council's brief, namely a failure to holistically consider the impacts of the various density development controls, and realistic development assumptions around site size and existing large buildings which are unlikely to be redeveloped. Mr. Johnston's additional assumptions added granularity and therefore his architectural analysis was more comprehensive. The Panel considers that the Council overestimated the potential development capacity under PC78 and did not fully weight the costs of the proposed provisions. Accordingly, the Panel's recommendations below are informed by Mr. Johnston's analysis, although we have considered the competing evidence for each standard both separately and for the standards operating in combination. The Panel also undertook extensive site visits throughout the City Centre to inform our deliberations on the standards.



- [164] H8.6.24 Maximum tower dimension, setback from the street and tower separation in special height area (shown on Map H8.11.3) and H8.6.25A Building setback from boundaries
- [165] Standard H8.6.24 currently exists in the AUP and contains the key controls for development in the Special Height Area (the core of the City Centre).
- [166] Standard H8.6.25A is a new standard notified in PC78 which applies the bulk and location controls in H8.6.24 for areas in the City Centre outside of the Special Height Area.
- [167] The Panel considers the components of the standards thematically below.
- (a) *Tower-podium form:* The Panel prefers the evidence of Ms Samsudeen for the Council and recommends retaining the 28m 'podium' aspect of the standard, noting the Council's comprehensive s 32 evaluation on this metric and that the height was broadly accepted as providing a human-scale development and encouraging a desirable, podium-tower, built form.
  - (b) *Tower dimension:* The Panel prefers the evidence of Mr. Cook, Mr. Johnston and Mr. Wallace for Precinct Properties and SkyCity and recommends a change to an average 55m maximum plan dimension as it will enable intensification while still appropriately limiting development and retaining building separation. The Panel was also assisted by the corporate evidence of Mr. Randall for Precinct Properties which outlined the commercial trends for larger floor plates.
  - (c) *Setbacks above the podium:* The Panel prefers the Council evidence of Ms. Laird and Ms. Wong, and Ms. Samsudeen to the extent that it recommends retaining a 6m setback for part of a building above 28m as necessary to provide a clear distinction between the podium and tower and ensuring an adequate standard of human-scaled street environment. The Panel prefers the submitter evidence of Mr. Cook, Mr. Johnston and Mr. Wallace to the extent that it recommends not introducing the PC78 'variable setback' based on 6m or 6 per cent of the total building height. We are satisfied that the variable component is not necessary given the 6m setback, particularly in light of the likely chilling effect on development capacity as demonstrated by Mr. Johnston.
  - (d) *Tower separation:* The Panel prefers the Council evidence and recommends a 12m tower separation standard as notified in PC78, noting that this aligns with two 6m setbacks, and there was no persuasive evidence to the contrary.
- [168] The Panel also heard evidence from submitters on how the density development controls can potentially make smaller sites unviable. Mr. Johnston said that the 6m setbacks will broadly result in an economically unviable tower floor plate of 600m<sup>2</sup> on sites under 1,200m<sup>2</sup>. Mr. Benjamin for submitter John Pattinson provided analysis of even smaller sites. The Panel heard however that the bulk and location controls (premised on the operative 6m setback) do not restrict development on such sites

more than what is currently enabled by the AUP (and so do not raise *Waikanae* concerns).

[169] While Ms. Samsudeen accepts that reducing setbacks may be appropriate in some instances, she said that a case-by-case consideration through a resource consent process is more appropriate than amending the standard. She drew attention to assessment criterion H8.8.2(6)(c) which considers site specific characteristics when assessing infringement of standards as part of that process. Any new buildings already require resource consent as a restricted discretionary activity.

[170] The Panel prefers the Council's evidence which satisfied us that reducing the 6m setbacks for 'smaller sites' (which the Panel considered would be very difficult to adequately define) will no longer accommodate the QM and recommends no additional changes to provide for smaller sites.

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

[171] This standard contains development controls for frontages in the City Centre Zone to manage effect of buildings on the street environment. PC78 introduced clause (2) which manages building frontage alignment and heights to ensure human-scaled environments in the city centre. Mr. Cook supported its removal to enable additional development capacity consistent with his evidence elsewhere. The Panel continues to prefer Ms. Samsudeen's evidence that the proposed provisions are an appropriate means to ensure a human-scaled environment with reductions appropriately assessed by way of resource consents. In the absence of compelling urban design evidence to the contrary, the Panel adopts the evidence of Ms. Laird and Ms. Wong, and Ms. Saumsudeen on the strength of the latter's urban design evidence which underly the Council's planning analysis, rather than Mr. Cook's evidence which argued for the removal of clause (2) frontage height from a planning perspective predicated on development capacity.

#### H8.6.32 Outlook space

[172] PC78 proposes to retain the operative outlook space standard which requires more outlook space the higher up in a tower development. The Council evidence is premised on the standard providing for visual and acoustic privacy and encouraging habitable rooms along the street facing façade. The Panel is mindful that its recommendation for the bulk and location controls in the city centre, is to accommodate a QM which relates to managing the dominance of buildings to ensure human-scaled street environments.

[173] The Panel prefers the evidence of Mr. Cook and Mr. Wallace. Mr. Wallace identified that the Council evidence attributed additional matters of daylight, ventilation and sky views to the standard, outside of its stated purpose. His evidence satisfied the Panel that the concerns expressed in the Council evidence could be adequately addressed by other provisions, such as maximum tower dimension which will impact the location of a building's core. Likewise, the sufficiency of a 6m outlook space to manage effects at lower levels suggests that this ought to be acceptable at higher levels. The

Panel was not persuaded by the counterfactual put forward by Ms. Samsudeen which justified the necessity for increasing outlook to ensure building separation distance. Council accepted a 12m building separation distance as part of its amendments to standard H8.6.24(3). Furthermore, Mr. Cook directed the Panel to the fact that a 6m outlook space better aligns with building setbacks under standards H8.6.24 and H8.6.25A as well as outlook requirements elsewhere in the AUP.

- [174] Accordingly, the Panel recommends that Standard H8.6.32 be amended to require a minimum of 6m outlook space from all habitable rooms.

#### Emergency responder servicing

- [175] Fire and Emergency New Zealand (FENZ) tabled a letter dated 8 December 2023 for the Panel's consideration. The letter's author, Ms Smart, expressed her view that infringements to standards like height, building in relation to boundary and setback, can impact the ability of fire and emergency responders to appropriately service a site in an emergency (i.e. difficulties of access). While acknowledging it was for a separate process, she referenced the Council's closing legal submission for PC 79 (Amendment to the Transport Provisions) whereby both the Council and FENZ agreed that ongoing emergency access is a critical element of a WFUE.
- [176] Ms. Laird and Ms. Wong concurred with Ms. Smart. They recommended changes to H8.8.1(6) and H8.8.2(6) to introduce a new matter of discretion and assessment criteria to that effect and provided a s 32AA evaluation as attachment 2 of their rebuttal.
- [177] As the experts agree, the Panel accordingly recommends changes to H8.8.1(6) and H8.8.2(6) by inserting a new subclause (d) as outlined in Ms. Laird and Ms. Wong's rebuttal.

### 3.10 Development controls in the City Centre Zone which do not affect height or intensity of urban form

- [178] This issue relates to the following provisions:

- H8.6.1 Retail
- H8.6.8 Measuring building height
- H8.6.9 Roof Tops
- H8.6.26 Verandahs
- H8.6.27 Minimum floor to floor height
- H8.6.28 Wind
- H8.6.29 Glare
- H8.6.33 Minimum dwelling size

#### 3.10.1 Statement of issue

- i. Retention of operative standards which do not affect building heights or density of urban form.

### 3.10.2 Panel recommendation and reasons

- [179] The Panel accepts the Council's position and recommends the retention of standards H8.6.1 Retail, H8.6.8 Measuring building height, H8.6.26 Verandahs, H8.6.27 Minimum floor to floor height, H8.6.28 Wind, H8.6.29 Glare, and H8.6.33 Minimum dwelling size as per the operative standards, and the retention of standard H8.6.9 Roof Tops with minor amendments as notified, as outlined in Ms. Laird and Ms. Wong's evidence.
- [180] The Council's s 32 evaluation identified these development controls as not impacting on building heights or intensity of urban form.
- [181] No changes were notified to six of the standards. Minor consequential amendments were notified to standard H8.6.9 Roof Tops.
- [182] Minor consequential amendments were notified to standard H8.6.8 Measuring building height. Submissions were received opposing the amendments and the evidence of Ms. Laird and Ms. Wong agreed with submitters that the standard should be retained in the operative form (without the notified amendments).
- [183] With the exception of standard H8.6.8 there were either no submissions or submissions were in support, and there was no evidence from submitters with respect to any of the standards. The Panel accepts the Council evidence of Ms. Laird and Ms. Wong and accordingly recommends the retention of (and with respect to standard H8.6.9 Roof Tops, consequential amendments to) these standards.

### 3.11 Special amenity yards

- [184] This issue relates to H8.6.30 Special Amenity Yards

#### 3.11.1 Statement of issue

- i. An appropriate qualifying matter
- ii. Retention of special amenity yard in Freyberg Square, Myers Park and corner of Quay Street / Queen Street

#### 3.11.2 Panel recommendation and reasons

##### An appropriate qualifying matter

- [185] The Panel refers to the Council's s 32 evaluation which considered the provision as accommodating QMs under s 770(f) (open space) and s 770(j) ("other") of 'City centre built form controls'.
- [186] The Council evidence of Ms. Laird and Ms. Wong explains the characteristics of the three sites: a parcel within Myers Park, 1 Courthouse Lane, and the corner of Quay Street and Queen Street. The latter two are privately-owned, zoned Business – City Centre, and comprise parts of Freyberg Square and Te Komititanga respectively. The Myers Park parcel is zoned Open Space - Informal Recreation.

- [187] Planning evidence from Mr. Cook for Precinct Properties stated that Council had not identified an appropriate QM which standard H8.6.30 provides for. The Panel notes that the Council's s 32 evaluation identified qualifying matters under s 77O. The Council evidence of Ms. Laird and Ms. Wong and Ms. Samsudeen was that H8.6.30 is necessary to accommodate open space, and pedestrian and streetscape amenity values as a QM under s 77O(j). Their evidence was that the benefits to pedestrian and/or streetscape amenity outweighs the cost of forgone development capacity, particularly in light of the small areas affected by the standard.

#### Retention of special amenity yards

- [188] Standard H8.6.30 Special Amenity Yards does not allow buildings in identified areas, in order to avoid significant adverse effects on pedestrian and /or streetscape amenity. The Panel has considered the Council's evidence and analysis as part of its s 32 evaluation as well as the JWS for the City Centre provisions. This notes that one appropriate pathway for the retention of H8.6.30 is via s 77O(f) which requires considering whether the sites qualify as open space, and if not will need to satisfy s 77O(j) as an "other" QM.
- [189] Ms. Laird and Ms. Wong were of the view that special amenity yards on privately-owned land not zoned or designated as open space precludes the use of s 77O(f). The Panel having undertaken an analysis of what constitutes "open space" for standard H8.6.3 and H8.6.4 Sunlight admission to public places and Aotea Square height control plane (refer to section 3.16 of this report), takes a different view. We consider that open space can include consideration of functionality and not only to identification by zoning, noting that the language of s 77O(f) refers to 'open space provided for public use, but only in relation to land that is open space'. Based on its site visits as well as the planning evidence of Ms. Laird and Ms. Wong the Panel concludes that the special amenity yards constitute parts of the open space that is Freyberg Square and Te Komititanga and is used as such with no restrictions on the public.
- [190] Finally, the Panel accepts the parks policy evidence of Mr. Barwell which highlights the importance of protecting the existing open spaces in the City Centre Zone for continual use.
- [191] Based on the above, the Panel recommends the retention of standard H8.6.30. For completeness, we are satisfied that Ms. Laird and Ms. Wong, and Ms. Samsudeen, provided a more thorough evaluation under ss 77R and 77P than did Mr. Cook. Based on this, we would have otherwise recommended the retention of H8.6.30 to accommodate open space, pedestrian and streetscape amenity values as a QM under s 77O(j).

#### 3.12 Building in relation to boundary

- [192] This issue relates to Standard H8.6.22 Building in relation to boundary and Map H8.11.7.

### 3.12.1 Statement of issue

- i. Removal of Standard H8.6.22 Building in relation to boundary

### 3.12.2 Panel recommendation and reasons

- [193] PC78 retained Standard H8.6.22 Building in relation to boundary to provide for a s 77O(j) “other” QM relating to retaining the spacious landscaped character and maximising sunlight admission to public open spaces. The standard applies to shared boundaries of identified sites or where the boundary of an identified site adjoins open space zones.
- [194] There was no evidence contrary to that given by the Council witnesses.
- [195] Council’s urban design specialist Ms. Samsudeen considered that similar or better outcomes to standard H8.6.22 Building in relation to boundary can instead be achieved with the alternative standards for outlook space around residential developments (standard H8.6.32), street frontage height (standard H8.6.25), and building setbacks and tower dimensions (standard H8.6.25A). Together those standards provide for a podium and tower form which delivers a human scale at the street edge, and light and air around buildings at higher levels. The sunlight admission protection controls (standard H8.6.3) for the City Centre’s open spaces ensure natural light and amenity of those areas.
- [196] Council’s planning witnesses Ms. Laird and Ms. Wong relied on the evidence of Ms. Samsudeen and supported the deletion of standard H8.6.22 Building in relation to boundary. Their evidence clarifies however that standard H8.6.32 Outlook space as notified in PC78 applies to the area covered by standard H8.6.22 Building in relation to boundary, but there would need to be a spatial expansion of the mapped areas where standards H8.6.25 and H8.6.25A apply to ensure there are no areas where no appropriate controls apply. However no recommendation was made by Ms. Laird and Ms. Wong to increase the spatial extent of standards H8.6.25 and H8.6.25A.
- [197] The Panel accepts the Council’s evidence and recommends the deletion of H8.6.22 Building in relation to boundary, as the QM under s 77O(j) is better accommodated by standards H8.6.3, H8.6.25, H8.6.25A, and H8.6.32, but only where all of those alternative controls spatially apply. The Panel is concerned about potential gaps in the mapped provisions (as identified by Ms. Laird and Ms. Wong) and recommends the Council identify and retain standard H8.6.22 and associated Map H8.11.7 in any areas where standards H8.6.25 and H8.6.25A do not apply. We likewise recommend consequential amendments to the standard to ensure the provisions are not in conflict.

### 3.13 Streetscape Improvement and landscaping

- [198] This issue relates to Standard H8.6.23 Streetscape improvement and landscaping

### 3.13.1 Statement of issue

- i. Appropriate qualifying matter and amendments to standard H8.2.23 Streetscape improvement and landscaping

### 3.13.2 Panel recommendation and reasons

- [199] PC78 proposed to retain the operative standard H8.6.23 to maintain landscape qualities on identified sites as a s 77O(j) QM. PC78 proposed the removal of St Andrew's Presbyterian Church through the deletion of clause (5).
- [200] The Panel did not receive any evidence challenging the Council's position and consequently accepts the planning evidence of Ms. Laird and Ms. Wong. For completeness, we have considered the s 32 evaluation which identified the standard, subject to the deletion of St Andrew's Presbyterian Church, as necessary to accommodate a s 77O(j) QM relating to 'landscape character'. We accept the appropriateness of the QM in the absence of evidence to the contrary.
- [201] However, the Panel is mindful that the Council's option analysis contained in Table 9 of the s 32 report notes that Standard H8.6.23 applies on the same sites as H8.6.22 Building in relation to boundary. The report concludes that H8.6.22 should be removed in the event H8.6.23 is removed as they are complementary and 'to avoid conflict between provisions'. We refer to our findings in 3.12.2 relating to Building in relation to boundary above recommending the removal of Standard H8.6.22 (subject to further assessment by the Council for any areas where it should be retained).
- [202] The evidence of Ms. Laird and Ms. Wong with respect to standard H8.6.23 – which recommended the deletion of standard H8.6.22 – did not address this issue raised in the s 32 report that the two standards are complementary and should be retained or deleted together. The urban design evidence of Ms. Samsudeen did not address standard H8.6.23 and whether it should be deleted or retained given her recommendation to delete standard H8.6.22.
- [203] In the absence of any evidence to the contrary, we accept the evidence of Ms. Laird and Ms. Wong supporting retention of the standard and recommend that standard H8.6.23 is retained.

### 3.14 Through-site links

- [204] This issue relates to H8.6.34 Through-site links.

### 3.14.1 Statement of issue

- i. Whether the proposed standard H8.6.34 Through-site links should be more appropriately dealt with as a matter of discretion and assessment criteria for new buildings.



### 3.14.2 Panel recommendation and reasons

- [205] PC78 notified H8.6.34 Through-site links as a new standard consequential on the deletion of the bonus FAR provisions, so as to retain through-site links as a positive urban design outcome in new developments. The issue was resolved through the course of the hearings with amendments in the rebuttal of Ms. Laird and Ms. Wong concurring with the submitter planning and urban design evidence from Mr. Cook and Mr. Wallace respectively.
- [206] The Panel recommends the amendments to address through-site links as outlined in the rebuttal evidence of Council's planning witnesses Ms. Laird and Ms. Wong.

### 3.15 Qualifying matter - Relationship of the City Centre to the Waitematā Harbour

- [207] This issue relates to the following provisions.

- H8.2(12)
- H8.3(31A)
- H8.4.1(A42)
- H8.6.5 Harbour edge height control plane
- H8.6.6 exemption to the harbour edge height control plane
- H8.6.24A Maximum east-west tower dimension
- H8.8.1, H8.8.2

#### 3.15.1 Statement of issue

- i. The appropriateness of 'Relationship of the City Centre to the Waitematā Harbour' as qualifying matter
- ii. Appropriateness of Harbour Edge Height Control
- iii. Appropriateness of the Maximum East-West tower dimension

#### 3.15.2 Panel recommendation and reasons

- [208] Standards H8.6.5 and H8.6.6 are existing provisions which manage development on the western end of Quay Street to transition building heights down to the water's edge, maximise views and east-west connections along the waterfront. PC78 identifies this as a new s 77O(j) "other" QM. PC78 proposes to amend H8.6.5 so that infringement requires resource consents as a restricted-discretionary activity rather than a discretionary activity, to delete Standard H8.6.6 and introduce H8.6.24A Maximum east-west tower dimension.

#### Appropriateness of the qualifying matter

- [209] The Panel notes that submitter evidence did not challenge the appropriateness of the QM despite criticising the Councils' s 32 evaluation report and its lack of clarity around the specific QM pathway. The Panel has reviewed the s 32 evaluation report and considered the 'Relationship of the City Centre to the Waitematā Harbour' as a QM under s 77O(j). We consider this narrower definition necessary to satisfy the

requirements of s 77R. For completeness, the Panel has taken the area put forward by Mr. Brown for the Council as the area where that QM applies.

#### *Appropriateness of the Harbour Edge Height Control*

- [210] The Panel received planning, urban design and architectural evidence from both the Council and submitters. Ms. Laird and Ms. Wong's view is that the deletion of H8.6.6 Exception to the harbour edge height control plane is appropriate as it creates complexity by requiring the offsetting of effects. Conversely, the combined changes to H8.6.5 and H8.6.6 is more appropriate by allowing greater design flexibility and enablement of development capacity. For standards H8.6.5 Harbour Edge Height Control and H8.6.24A Maximum east-west tower dimension, the key issue remains the specific metric used i.e. Height from which to project the recession plane and the maximum dimension respectively.
- [211] Precinct Properties seeks to increase the starting point of the recession plane from 40m to 60m, premised on existing buildings consented based on the AUP 40m + 20m element, allowed by standard H8.8.6 Exception to the harbour edge height control plane. Mr. Johnston identified three buildings (PWC Tower, 1 Queen St, and 188 Quay St) which exceeded the 40m recession plane, while being generally consistent with a 60m recession plane.
- [212] Ms. Samsudeen and Mr. Brown for the Council explained the contextual element of the provisions in terms of the transition of height from a higher core downwards to the harbour. PC78 proposes to change the activity status for infringing the harbour edge height control plane to restricted discretionary – which is the same as that for a new building, albeit with additional matters of discretion and assessment criteria tied to the effects of infringing beyond the recession plane. This is an important distinction. On this basis, the Panel accepts the Council's position that the PC78 Harbour Edge provisions provide for design flexibility while accommodating the harbour edge relationship between the City Centre and the Waitematā.
- [213] The Parc Bodies Corporate seek to expand the spatial application of the Harbour Edge Height Control westward along the southern edge of Fanshawe Street. The Panel prefers the Council's evidence from Ms. Laird and Ms. Wong, relying on the evidence of Mr. Brown, which notes that the control and corresponding QM is specifically focused on the city centre - harbour interface (to the north) and not the interface between the city centre and the waterfront precincts (to the west). We therefore recommend no extension to the Harbour Edge Height Control.
- [214] The Panel prefers the evidence for the Council and recommend the retention of H8.6.5 Harbour Edge Height Control (and amendments to H8.4(A42) to make infringement of H8.6.5 a restricted discretionary activity) and its spatial extent and the deletion of H8.6.6 Exception to the Harbour Edge Height Control.

#### *Appropriateness of the Maximum east-west tower dimension*

- [215] Ms. Laird and Ms. Wong, relying on the evidence of Ms. Samsudeen and Mr. Brown, put forward the need for standard H8.6.24A Maximum east-west tower dimension to accommodate the city centre's relationship with the Waitematā Harbour. The s 32 report identifies this provision as accommodating the 'visual connections with, and visual permeability' aspects of this relationship. Mr Brown gave landscape and amenity evidence on the need to maintain scarce harbour views and the waterfront character of the city centre. No landscape and amenity evidence was presented to the contrary.
- [216] The Panel accepts the legal submission for Precinct Properties that private views are not a relevant matter under the RMA<sup>6</sup>. Notwithstanding, based on evidence from Ms. Samsudeen and the Panel's site visits, we are satisfied that visual permeability and connection as an expression of the built form is a valid form of 'relationship' between the city centre and the harbour.
- [217] However, the Panel considers that the Council's proposed 30m dimension (supported by the Tūpuna Maunga o Tāmaki Makaurau Authority) is inappropriate to the degree that it placed too much weighting on views from private spaces within existing buildings.
- [218] Mr. Johnston's architectural evidence for Precinct Properties and SkyCity was particularly helpful to the Panel in its consideration of the statutory tests for QMs. The Panel is particularly mindful of:
- a) The cumulative effect on feasible floor plates of both a 30m maximum east-west tower dimension and a 50m maximum tower dimension.
  - b) Only one of 12 Australian benchmark towers would comply with the proposed PC78 provisions and all six international benchmark towers would be non-compliant.
  - c) The effect of the maximum east-west dimension distorting tower developments by forcing wider dimensions on the north-south axis which in turn would affect visual permeability when viewed from an east-west perspective.
  - d) Mr Johnston's opinion that the maximum east-west tower dimension be increased to 45m, which the Auckland commercial benchmarks will be compliant with, and in his view, provides greater flexibility for residential development.
- [219] The Panel prefers an integrated reading of the QM as advanced by the Council experts, that the Harbour Edge Height Control provides the primary accommodation of east-west views and the stepping down towards the Waitematā Harbour while the maximum east-west tower dimension control accommodates the QM as it relates to the north-south connection. With regard to the latter, the Panel prefers the evidence of Mr. Johnston that a 45m maximum east-west tower dimension more appropriately meets the test of 'to the extent necessary'. The Panel notes that this recommendation is made in tandem with those under section 3.9 above. Finally, the

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<sup>6</sup> *Meridian Energy Ltd* [2013] NZEnvC 59

Panel recommends the spatial extent of the control be those in the notified PC78, given Mr. Brown's analysis was the only evidence on this matter.

### 3.16 Maximum parking rates

[220] This issue relates to provisions under Chapter E27 Transport.

#### 3.16.1 Statement of issue

- i. Whether to reconsider the maximum parking rates in the City Centre and amend if necessary, as part of PC78.

#### 3.16.2 Panel recommendation and reasons

[221] PC78 did not propose any changes to maximum parking rates in the City Centre. A submission from NZTA/Waka Kotahi sought to reconsider the maximum parking rates in the City Centre and amend if necessary.

[222] The Panel accepts the Council evidence of Ms. Laird and Ms. Wong and recommends no changes to maximum parking rates.

[223] We heard from Mr. Clark for the Council on whose transport evidence Ms. Laird and Ms. Wong based their planning evidence.

[224] With respect to scope, Ms. Laird and Ms. Wong considered that:

- a) As City Centre maximum parking rates are calculated based on number of dwellings and/or gross floor area, they are directly related to development capacity (although do not limit development capacity) and could therefore be considered "consequential on" intensification. We agree and do not consider the NZTA submission to be out of scope.
- b) Lowering of parking maxima across the whole City Centre through PC78 might unfairly affect landowners who have not had the chance to submit against the proposal. We do not consider that this raises a *Clearwater* 'second limb' issue, as further submissions were able to be made.

[225] The Council's witnesses said that while there is merit in reviewing the parking maxima there are also potential complexities if this were to be done across the City Centre and significant analysis is required for a more targeted approach which may prove premature. On this basis, their view was that there should be no changes as part of PC78. This evidence was not disputed.

### 3.17 Qualifying matter – Sunlight admission to public spaces in the City Centre

[226] This issue relates to the following provisions:

- H8.4.1(A40)(A41)
- H8.6.3 Admission of sunlight to public spaces
- H8.6.4 Aotea Square height control plane

- Appendix 11 Business – City Centre Zone sunlight admission into public spaces

### 3.17.1 Statement of issue

- i. Appropriateness of the qualifying matter.
- ii. The Council's methodology and evidence for including seven additional public open spaces to Appendix 11.

### 3.17.2 Panel recommendation and reasons

- [227] PC78 retained standards H8.6.3 and H8.6.4 without change, while proposing seven additional public open spaces to be included in Appendix 11 (the sunlight admission standards).
- [228] Standards H8.6.3, H8.6.4 and Appendix 11 are existing provisions which provide for the admission of sunlight into identified public places in the City Centre Zone. PC78 proposes to include seven additional public places (as figure 10-16) into Appendix 11 premised on the need to maintain existing levels of sunlight admission in light of the increasing building heights and density of urban form.
- [229] The Panel undertook site visits to each of the seven additional public places to aid our understanding of the evidence and to inform our conclusions.

#### Appropriateness of the qualifying matter

- [230] The notified PC78 and Council's s 32 evaluation identified these as accommodating s 77O(f) open space and s 77O(j) any other matter: City centre built form controls. No expert evidence challenged the appropriateness of the QM; the evidence instead focused on the application of the standard to the seven newly identified public places in Appendix 11.
- [231] Notwithstanding this, we consider it necessary to identify the most appropriate QM to determine the correct evaluation pathway - either pursuant to s 77P or s 77R. Section 77O(f) states that a QM may include '*open space provided for public use, but only in relation to land that is open space*'. The Panel notes:
- the section does not say open space zoned, therefore there must be a functionality component to open spaces to acknowledge that not all open spaces are necessarily zoned as such; and
  - a s 77O(f) matter can only apply to the open space land *itself*.
- [232] Based on the above and the fact that the proposed provisions intend to restrict development on land that is not open space, these provisions cannot meet the requirements to be a s 77O(f) matter, which leaves it as a s 77O(j) "other" matter.
- [233] Mr. Barwell for the Council provided persuasive open space policy evidence. He outlined the Council's position as premised on protecting existing open spaces from avoidable adverse effects due to the essentially fixed provision of open spaces in the City Centre Zone. He told us of the positive health and wellbeing effects of open

spaces with particular focus on the correlation between the quality of open spaces and health benefits. Conversely, he said that undue shading could detrimentally affect vegetation growth, reduce desirability for users, reduce visual amenity of the space and its functionality as open space.

[234] While not challenging the appropriateness of the QM, Mr. Wallace provided urban design evidence which was the key counterfactual to the Council's position. He stated that sunlight access is just one factor affecting the functionality / desirability of public open spaces and put forward that permanent levels of sunlight through the year is unreasonable.

[235] Mr. Barwell explained the importance of the quality of open spaces in creating a WFUE within the City Centre zone. The Panel also prefers Mr. Barwell's evidence in the context of Mr. Wallace's criticism of Council's lack of specific demand information. Mr. Barwell's evidence demonstrated a strategic analysis around likely demand and that the increased capacity enabled by PC78 will increase pressure on existing open spaces. We note particularly the nature of public open spaces as a finite resource to meet increasing demand as the City Centre intensifies.

[236] We therefore endorse Mr. Barwell's evidence and recommend a s 77O(j) "other" matter relating to the functionality of city centre public places.

#### Addition of seven new public places to Appendix 11

[237] The Panel first sets out our findings on the strategic issues before addressing detailed site-specific evidence. While there was no opposition to the appropriateness of a QM relating to sunlight admission to *existing* public places, several submitters through their expert witnesses Mr. Cook, Mr. Wallace, and Mr. Roberts argued that the Council position does not adequately satisfy the requirements of s 77R. A key criticism focuses on the adequacy and robustness of the Council's evaluative process in terms of the extent to which it is necessary for the provisions to constrain development and on the general inadequacy of information provided, particularly in the assessment of costs.

[238] For the Council, Ms. Laird and Ms. Wong outlined the Council's evaluation process. Mr. Nicholson provided architectural and shading models which allowed open space policy analysis from Mr. Barwell, landscape analysis from Mr. Kensington, arboriculture analysis from Mr. Davies, turf agronomy analysis from Mr. Davies, and urban design analysis from Ms. Samsudeen. These experts all directed the Panel's attention to the importance of sunlight admission in the usability of open spaces as well as their amenity and contribution to a WFUE. In particular:

- Ms. Laird and Ms. Wong outlined that the Council has adopted a 'conservative' approach whereby the proposed provisions seek to 'maintain' the current level of sunlight admission as adequate i.e. the proposed extent does not restrict development capacity existing under the operative AUP.
- Ms. Laird and Ms. Wong responded to criticism from Mr. McIndoe by explaining that the temporal measures in figures 10-16 of Appendix 11 were selected to be

consistent with the operative provisions despite a few days difference from summer and winter equinox dates.

- Mr. Kensington highlighted the difference in terms of dappled shade from trees as opposed to the solid shading from buildings in response to Mr. Wallace's assertion that people need shade, as well as the Panel's questioning around the differing characteristics of shading.
- Mr. Cook highlighted the proposed non-complying status for infringing the admission of sunlight into public places standard for the new places but did not challenge the existing provisions.
- Mr. Cook put forward that the Council's modelling overstated the potential shading effects by basing it on massing of buildings and does not represent the nuanced built forms likely to result from the other development provisions.
- Mr. Cook identified that the purpose of the standard, which remained unchanged under PC78, refers to when the spaces are most used, which is relevant in the assessment of provisions which enable the greatest heights and densities while managing the specific characteristic. The purpose states:

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

[239] The Panel questioned Ms. Laird on whether the standard should only apply to zoned open spaces. Her response was that it was not unusual for recreational areas in the city centre to be zoned Business – City Centre rather than Open Space, and that it is a matter of the value of space. The Panel accepts this and it aligns with our own observation of the agnosticism of the RMA around whether an open space needs to be zoned as such. In the context of a QM, the RMA only requires that the land “is” open space, not that it is “zoned” open space.

[240] The Panel has considered the criticisms from submitters in opposition to the Council position and prefers the evidence of the Council. Collectively, it provided a cogent argument supported by structured analysis by a range of experts. Conversely, the Panel was not presented with a persuasive alternate shading framework to that put forward by the Council witnesses. We are satisfied that the Council has undertaken a sufficient analysis to meet the requirements of s 77R(b) in justifying the characteristics in view of the importance of the national significance of urban development and objectives of the NPS-UD. We likewise prefer the shading analysis of the Council and will only return to this issue in our site-specific findings below where there are additional relevant matters.

[241] For completeness, we record that amendments to the factors such as time, dates and spatial extent for sunlight admission used in the provisions were included in the Council's own technical submission on PC78 and that these form the basis of the hearings and, consequently, our findings.

[242] We now turn to the merits of site-specific matters and the test of ‘to the extent necessary’.

*i. Victoria Park*



- [243] Urban design and landscape evidence was received from both the Council and VHHL. The Panel was particularly assisted by the Council's landscape evidence of Mr. Kensington and planning evidence of Ms. Laird and Ms. Wong, and the urban design evidence of Mr. McIndoe for VHHL.
- [244] Mr. McIndoe's view was that Council had put forward a flawed shading analysis and that its position constituted one of *maximising* rather than providing *adequate* sunlight admission. He addressed the temporal assumptions used in the provision and provided an alternative control which he argued is more appropriate to accommodate the QM while providing for the most development capacity. His key observations included that the shading from potential buildings on the north side of Fanshawe Street is largely subsumed by the shade of trees and that most users of the different components of Victoria Park - due to the different sports code and seasons - could be accommodated within a smaller area of sunlight admission.
- [245] Mr. Kensington explained that all parts of Victoria Park are utilised at various times of the day throughout the year and identified the range of activities able to be accommodated. His evidence was that there is no particular area of the park which has a greater landscape or amenity value and therefore as much sunlight as possible should be provided and maintained. Additionally, as noted above, Ms. Laird and Ms. Wong provided an amended timing for measuring the shading effects in their rebuttal, to ensure consistency with the AUP position.
- [246] Ms. Laird and Ms. Wong relied on additional 3D modelling and analysis by Mr. Nicholson which highlighted a potential increase of 7-8m of shading on Victoria Park due to misalignment in Mr. McIndoe's shading assumptions between the modelled geometry and the underlying aerial photo. Ms. Laird and Ms. Wong drew on the evidence of Mr. Glasgow and Mr. Davies which pointed to the north-east corner of Victoria Park for the effects of existing shading on turf. They were of the view that the increased shading based on Mr. McIndoe's alternative provisions will significantly affect turf health, and thus the useability of two of the four winter playing fields.
- [247] Social place-based analysis of Ms. Marti for Wynyard Quarter Residents Association presented the result of observational surveys which showed a diversity in user demographic and activities. She also emphasised Victoria Park as a destination park which serves the wider region. Her and Mr Kensington's evidence on the use of the park aligned with the Panel's observations on our site visits.
- [248] The Panel is satisfied that the Council's witnesses have adequately responded to Mr. McIndoe. We were particularly assisted by the further analysis of Mr. Nicholson as well as the causal link between the impact of grass growth and tree health, as components of the space important to use. The additional evidence of Ms. Marti supported the Council's evidence. We therefore prefer the evidence of the Council and Ms Marti, and accordingly recommend the inclusion of Figure 10 Admission of sunlight to Victoria Park to Appendix 11, inclusive of corrections in Attachment 3 to the rebuttal of Ms. Laird and Ms. Wong.

ii. *Te Taou Reserve*

- [249] Mr. Wallace for NWO challenged the Council position by observing that existing and proposed controls as well as the spatial geography of the open space already ensure a high level of sunlight admission. He considered that this level of sunlight is disproportionate to the low amount of use, based on his observational survey, of the space as “green relief”. Mr. Wallace and Mr. Cook also put forward an alternative proposition that standard H8.6.7 Railway station building and gardens view protection plane will effectively manage the effects of adjacent buildings on the reserve.
- [250] Council’s landscape architect witness Mr. Kensington noted the visual amenity and passive recreation opportunities of the reserve and referred to it as a “hidden gem”. He addressed Mr. Wallace’s criticism of use by observing that the space, particularly its use for passive recreation, will have increased importance as the city intensifies. He countered Mr. Wallace and Mr. Cook’s suggestion to rely on standard H8.6.7 instead, observing that it has a very different purpose.
- [251] The Panel also heard heritage evidence from Ms. Walker on the importance of Te Taou Reserve (the former railway gardens) in maintaining the heritage values of the area. We note that the heritage qualifying matter is addressed in our findings on the Quay Park Precinct. Ms. Laird and Ms. Wong provided a correction to the area of Te Taou Reserve in Appendix 11 of PC78 due to an error during the notification of PC78.
- [252] The Panel prefers the evidence of Mr. Kensington as it better aligns with our observations during our site visits. We also agree that to rely on H8.6.7 is to conflate different effects with the management of sunlight admission to public open spaces. We are satisfied that the Council’s position, with additional reference to Mr. Barwell’s open space policy evidence, has appropriately addressed Mr. Wallace’s criticisms. The Panel recommends the inclusion of Figure 11 Admission of sunlight to Te Taou Reserve to Appendix 11 including the amendments suggested by Ms. Laird and Ms. Wong.

*iii. Māhuhu ki-te-Rangi Park*

- [253] Mr. Wallace for NWO provided shading analysis and observed that Māhuhu ki-te-Rangi Park is well endowed with sunlight under the existing baseline and enabled under the AUP. He provided an observation survey and found 72 users over a 2 hour period with 16 users during a weekend survey. He provided an amended Figure 12 Sunlight admission to Māhuhu ki-te-Rangi Park.
- [254] Mr. Kensington’s rebuttal countered Mr. Wallace’s alternative spatial extent. He noted that the alternative extent excluded key areas for passive recreation. His description of the level of use of the park from a subsequent site visit better aligned with the Panel’s observations during our site visit. Ms. Laird and Ms. Wong’s rebuttal provided additional explanation, reliant on Mr. Nicholson’s rebuttal 3D modelling, that PC78 is not more restrictive on development capacity than the AUP provisions. They also provided an amended spatial extent to reflect the new shading studies which now take into consideration standard I209.6.2 Building frontage height and setback in the Quay Park Precinct.

[255] The Panel does not consider Mr. Wallace's suggested provisions protecting sunlight admission from 12-1.30pm as adequate. We prefer the Council's evidence and recommend the inclusion of Figure 12 Admission of sunlight to Māhuhu ki-te-Rangi Park to Appendix 11 including the amendments suggested by Ms. Laird and Ms. Wong.

iv. *Grafton Cemetery East*

[256] Mr. Wallace's urban design evidence for Auckland University criticised Mr. Kensington's initial analysis as generic. He also focused on the Council's modelling omitting shading from Grafton Bridge and the 17-storey expansion of the Cordis Hotel. Also, he considered that there are essentially no existing users of the space.

[257] Mr. Kensington responded to the evidence of Mr Wallace. He acknowledged the shady nature of Grafton Cemetery East, while noting that additional shading from buildings is different from the overlapping shade from trees. He observed that the northern part of the open space is used for passive recreation and that the path through the historic cemetery is used for heritage tours.

[258] The Panel undertook its own site visit and while there are merits in the evidence of both these witnesses, Mr Kensington's evidence taken together with that of Mr. Barwell and other witnesses, has led us to prefer the Council's position at the site-specific level.

[259] We therefore recommend the inclusion of Figure 13 Admission of sunlight to Grafton Cemetery East in Appendix 11.

v. *Grafton Cemetery West*

[260] The Panel did not hear evidence contesting the Council's position. We therefore accept Mr. Kensington's evidence that the provisions are necessary to maintain the functionality of Grafton Cemetery West based on its quality landscape and visual amenity values, confirmed after undertaking our own site visit.

[261] The Panel recommends the inclusion of Figure 14 Admission of sunlight to Grafton Cemetery West in Appendix 11.

vi. *Constitution Hill*

[262] Mr. Wallace's urban design evidence for Auckland University criticised Mr. Kensington's initial analysis as generic. In response, Mr. Kensington explained that Constitution Hill provides pleasant spaces for seating and a mix of open spaces with dappled shade, in addition to being a thoroughfare. His view is that the controls are necessary to avoid the 'hard' shading of buildings and to avoid completely compromising the values which make the spaces desirable for people.

[263] The Panel prefers the evidence of Mr. Kensington and the Council. It more accurately reflects our observations during our site visits. We accordingly

recommend the inclusion of Figure 15 Admission of sunlight to Constitution Hill in Appendix 11.

vii. *Auckland Domain*

[264] Mr. Wallace's urban design evidence for Auckland University focused on the lack of user data or demand assessment, and that the provision protects the admission of sunlight on privately owned places such as the ASB Tennis Centre, and on parts of the Domain which are largely used as a thoroughfare.

[265] Ms. Laird and Ms. Wong provided a correction to Figure 16 Admission of sunlight to Auckland Domain to include the Auckland Bowling Club site citing an error during the notification process.

[266] The ASB Tennis Centre is zoned Special Purpose - Major Recreational Facility. The Panel refers to its discussion above and in principle accepts that the zoning of a space does not determine its use or status as open space. On the matter of ownership, the Panel referred to Chapter J – Definitions of the AUP. Table J1.3.2 Community identifies public open spaces as being nested within the definition of public place, namely:

*any place that, at any material time, is owned, managed, maintained or controlled by the council or council controlled organisation and is open to or, being used by the public, whether free or on payment of a charge. It includes any ... recreational grounds and sports fields.*

[267] The Panel understands that the ASB Tennis Centre land is owned by Auckland Council. The fact that it may be run as a commercial operation does not take it outside the definition.

[268] Mr. Kensington's evidence was that the western portion of the Domain provides for both active and passive recreation, including walking through and sitting within the spaces. This accords with the Panel's observations on its site visit.

[269] The Panel has considered Mr. Wallace's concerns but is satisfied that the Domain, as per proposed Figure 16 in Appendix 11, is a public open space. We prefer the evidence of Mr. Kensington and Ms. Laird and Ms. Wong, and agree that the importance of the Domain and its use require limitations on development to ensure its functionality as a city centre public space. The Panel accordingly recommends the inclusion of Figure 16 Admission of sunlight to Auckland Domain in Appendix 11.

[270] In summary, the Panel accepts the evidence of the Council and recommends the retention of Standards H8.6.3 Admission of sunlight to public spaces and H8.6.4 Aotea Square height control. We further recommend the inclusion of 7 new public open spaces, being figures 10-16, in Appendix 11, as shown in Council's reply submissions dated 27 March 2024.

### 3.18 Qualifying Matter – Special character buildings and historic heritage

[271] This issue relates to the following provisions:

- Rule 8.4.1 (A35) and (A38)
- Map H8.11.1 Special character buildings
- H8.10.,1 Special Information Requirement

#### 3.18.1 Statement of issue

- i. Appropriateness of qualifying matter for special character buildings
- ii. Removal of special character buildings from Map H8.11.1 Special character buildings
- iii. Introduction of new special information requirement.

#### 3.18.2 Panel recommendation and reasons

[272] PC78 proposes to retain the provisions managing special character buildings in the City Centre Zone which seek to maintain and enhance the values of pre-1940 buildings to accommodate a s 77O(j) “other” matter relating to Character buildings in City Centre zone and Queen St Valley Precinct (see section 3.39 below).

##### Appropriateness of the qualifying matter

[273] The Council’s s 32 evaluation identifies the city centre special character building (**SCB**) provisions as necessary to accommodate a s 77O(j) “other” matter relating to special character buildings in the City Centre Zone. Submitters sought to either remove all the special character building provisions (VHHL) or the deletion of specific buildings (Sanford) from the provisions. The evidence by Sanford relating to the relief sought is addressed by our findings contained in section 3.42 Precinct – Wynyard below.

[274] The submitter evidence did not challenge the appropriateness of the QM despite criticising the Councils’ s 32 report and accordingly we accept the appropriateness of the s 77O(j) “other” QM as outlined in the s 32 report.

##### Removal of special character buildings from Map H8.11.1 Special character buildings

[275] Ms. Walker was the only heritage expert in relation to this issue. She stated that the SCB values are still present in the City Centre Zone and are integral to the context and historic character of Auckland. She further expressed her views that the pre-1940 SCB in the Queen Street Valley have maintained their presence and that SCBs more generally are now a finite resource which contribute to a WFUE.

[276] Ms. Walker said she undertook further assessment of SCBs following the notification of PC78 and in response to VHHL’s submission. Her assessment considered:

- Is the building part of a cohesive group?
- Does it contribute to historic context, character or cohesiveness of the area?
- Is it a remnant example of a building type that reflects the history of the area?

- Does it contribute to any adjoining or nearby scheduled place?

[277] She concluded that fourteen of the 77 SCBs (outside the Queen Street Valley) identified on Map H8.11.1 should be removed owing to them either no longer having the special character values which make a strong or significant contribution and one which had no value and may have been included in error in the legacy district plan. These are set out in Attachment 1 of her evidence in chief.

[278] The Panel accepts Ms. Walker's evidence and is satisfied that the statutory tests under s 77R have been met. We refer particularly to her site-by-site analysis as providing a strong basis for the provisions addressing this QM. We therefore recommend the retention of the SCB provisions subject to the amendments in Attachment 1 to Ms. Walker's evidence.

*Introduction of new special information requirements for historic heritage and special character.*

[279] Ms. Laird and Ms. Wong explained that PC78 introduced the new H8.10 Special information requirements for works relating to buildings identified as historic heritage and special character as consequential to the deletion of bonus FAR provisions.

[280] Submitters criticised the s 32 evaluation's justification for the special information requirements, noting they duplicate other requirements in D17.9 and are therefore 'inefficient and ineffective'. The planning evidence of Mr Lindenberg and Mr McCall for Kāinga Ora stated that the special information requirements are not necessary as Chapter D17 Historic Heritage Overlay does not require a Conservation Plan for Historic Heritage places, unless one has already been prepared. They noted that the AUP Special Character Area Overlay Chapter D18 does not make reference to a character plan either. They further expressed the view that overlays were the more appropriate location for the special information requirements.

[281] Ms. Walker's evidence was that SCB in the City Centre are a distinct planning framework addressed by the Chapter H8 City Centre zone provisions and some precinct provisions e.g. Wynyard Quarter. She clarified that the proposed H8.10 requirements do not duplicate the requirements in D17 historic heritage overlay. As to the requirements being onerous, Ms. Walker highlighted that historic heritage and SCB are at increased risk in the City Centre associated with the increased intensification enabled by PC78, and that H8.10.1(2) qualifies that the plan for SCB will be commensurate with the effects on special character values.

[282] The Panel prefers Ms. Walker's detailed evidence and accepts her responses to the criticisms of the Council's position and the need for the requirements, particularly in light of the removal of the bonus FAR provisions. We recommend the introduction of Special information requirement H8.10.1 - Alterations and additions to buildings identified as historic heritage and special character.



### 3.19 Qualifying matter – Auckland War Memorial Viewshaft

[283] This issue relates to Chapter D19 Auckland War Memorial Museum Viewshaft Overlay.

#### 3.19.1 Statement of issue

- i. Appropriateness of qualifying matter
- ii. Appropriateness of the provisions

#### 3.19.2 Panel recommendation and reasons

##### Appropriateness of qualifying matter

[284] No evidence was received challenging the identification of the Auckland War Memorial Museum Viewshaft (**AWMMV**) as an existing qualifying matter under s 77O(a) as a s 6(f) matter of national significance. We therefore accept the Council's s 32 evaluation which emphasised the national significance of the Auckland War Memorial Museum's (**Museum**) historic values and unique visual quality resulting from the operative visual protections.

[285] We note that as this is an existing qualifying matter the alternative process in s 77Q apply.

##### Appropriateness of the provisions

[286] Mr. Elder's planning evidence outlined the Council's position of retaining the operative D19 AWMMV Overlay, save for minor amendments to D19.1 Background, which clarifies that the overlay takes precedence over provisions of the underlying zone with respect to 'new buildings and subdivision'. The AWMMV triggers the need for a non-complying resource consent when a proposed building or structure or element exceeds the height limits.

[287] Ms. Absolum provided landscape evidence in support of the QM and the D19 AWMMV Overlay provisions. She explained a unique feature of the viewshaft, being that it intends to protect views both to and from the Museum. In response to questions, Ms. Absolum also said that the non-complying activity was justifiable as the extent necessary given the significance and public importance of the views.

[288] There was no evidence challenging the provisions or the QMs and Mr. Elder and Ms. Absolum clarified technical matters raised in submissions. We therefore accept their evidence and recommend the retention of Chapter D19 Auckland War Memorial Viewshaft Overlay provisions as notified in PC78.

[289] As a matter of procedure, we note that this recommendation is only in relation to the provisions as they apply to the City Centre Zone and Precincts.



### 3.20 Qualifying matter – Maunga Viewshafts

[290] This issue relates to the following provisions to the extent that the issue relates and applies to the City Centre Zone and Precincts.:

- Chapter D14. Volcanic Viewshafts and Height Sensitive Areas Overlay
- Standard D14.6.4. Temporary construction and safety structures
- Schedule 9 Volcanic Viewshafts

#### 3.20.1 Statement of issue

- i. Change of name
- ii. Appropriateness of qualifying matter
- iii. Appropriateness of provisions to address the qualifying matter
- iv. Standard D14.6.4 – construction cranes

#### 3.20.2 Panel recommendation and reasons

[291] The purpose of the Volcanic Viewshafts and Height Sensitive Areas Overlay (proposed to be renamed the Maunga Viewshafts and Height and Building Sensitive Areas overlay by PC78) is to appropriately protect significant views of Auckland's volcanic cones through the use of viewshafts and height sensitive areas. The viewshafts and areas are identified on the planning maps and provisions are contained in Chapter D14.

[292] There are no height sensitive areas in the City Centre so the Panel does not consider those matters in this report.

[293] There are five Volcanic Viewshafts affecting the City Centre – E10, E16, E8, E 20, and T1. E10 extends from the Northern Motorway to Maungawhau / Mount Eden. E16 extends from the southern side of the harbour bridge to Maungawhau / Mount Eden. The latter three affect only small areas at the edges of the City Centre Zone.

[294] Other than the name change, PC78 did not notify any amendments to chapter D14 or the scheduled and mapped viewshafts. The overlay was identified as an existing QM in accordance with s 77O(a) (s6 matters of national importance) and s 77O(h) (matters necessary to implement, or to ensure consistency with, iwi participation legislation).

##### Change of name

[295] No submissions opposed the change of name from “Volcanic Viewshafts” to “Maunga Viewshafts”. The Panel accepts Mr. Reaburn's planning evidence for the Council supporting the name change.

##### Appropriateness of qualifying matter

[296] No evidence challenged the identification of the overlay as an existing QM and we accept its identification under ss 77O(a) (s6 matters of national importance) and s77O(h) (iwi participation legislation).

[297] Mr. Reaburn noted that the Council's s 32 report identified the relevant s 6 matters under s 77O(a) as s 6(b) (outstanding natural features), s 6(e) (the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga) and s 6(f) (historic heritage), and the s 77O(h) matter as the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014. The planning and landscape evidence respectively of Mr. Reaburn and Mr. Brown for the Council and Ms. Richmond and Mr. Kensington for the Tūpuna Maunga o Tāmaki Makaurau Authority (Tūpuna Maunga Authority) supported identification of those QMs. The overlay was also accepted as an appropriate QM by all experts in a JWS on 17 April 2023.

*Appropriateness of the provisions to address the qualifying matter*

[298] Mr. Reaburn and Mr. Brown set out an extensive history of the identification of the Maunga Viewshafts and their protection by planning provisions since 1976.

[299] Many submissions support the overlay as a QM. One submitter (Mr. Aaron Grey) seeks to delete viewshaft E10, but did not present evidence. The Coalition for More Homes provided evidence from Mr. Caldwell supporting viewshafts as an appropriate QM (primary submission) but seeking deletion of viewshaft E10, supporting Mr. Grey's submission. It also called economic evidence from Dr. Martin raising issues about the economic effects of viewshaft E10 and its effects on development capacity.

[300] Dr. Martin relied on a 2018 journal article evaluating the effect of the E10 viewshaft on property values and the theoretical benefits accruing to the viewing audience of southbound vehicles crossing the Auckland Harbour Bridge.

[301] Ms. Richmond and Mr. Reaburn considered that Dr. Martin had adopted a narrow perspective on the costs and benefits of viewshaft E10, for example not addressing the unique relationship iwi and hapū have with the Tūpuna Maunga that extends beyond a visual connection and from a single viewpoint.

[302] Mr. Reaburn addressed the Council's s 32 evaluation of the QM for PC78, and also a detailed s 32 cost benefit analysis of the overlay that was commissioned by the Proposed Auckland Unitary Plan Independent Hearings Panel (**PAUP IHP**) (noting that a major issue raised in submissions on the PAUP was whether viewshafts remained appropriate given the greater intensification introduced by the PAUP). The PAUP IHP concluded that the significant contribution that viewshafts make to the identity of the region and the social and cultural well-being of its people outweigh the opportunity costs of development foregone. We have also considered Dr. Fairgray's economic evidence assessing development capacity and the costs and benefits of PC78 compared with "unlimited" development in the City Centre.

[303] We accept the uncontested planning evidence of Ms. Richmond and Mr. Reaburn and prefer the economic evidence of Dr. Fairgray, and recommend the retention of Maunga Viewshafts in the City Centre Zone - including viewshaft E10 and E16.

- [304] The Panel notes that this recommendation is only in relation to the Maunga Viewshaft provisions and only as they apply to the City Centre.

#### Standard D14.6.4 – construction cranes

- [305] Scentre NZ Ltd seeks amendments to standard D14.6.4 which requires temporary construction and safety structures to be removed within 30 days. Exceeding the standard is a non-complying activity requiring public notification. The JWS recorded general consensus that a change to the standard may be appropriate and tentative wording, which was then refined through evidence and agreed to a duration of 24 months. The issues remaining relate to scope, activity status and final wording relating to signage on cranes.
- [306] Mr. Reaburn raised scope issues as no changes were proposed to the relevant standard in PC78 as notified, whether the amendments sought are “consequential on” intensification, and *Clearwater* second limb concerns. Ms. Richmond was satisfied that construction cranes in the City Centre are a necessary and generally accepted part of construction and for which there are no practical alternatives. The Panel is satisfied that provisions regulating construction cranes in the City Centre are “consequential on” intensification and further submissions were able to be made.
- [307] Mr. McGarr for Scentre sought restricted discretionary activity status for construction cranes. Ms. Richmond supported the activity status change only in respect of the 24 month duration standard, not for breach of any visual standards. Mr. Reaburn supported retaining non-complying status as rigorous consideration was required for a crane to infringe the viewshaft for a time longer than 24 months. The Panel prefer Mr. Reaburn’s evidence and recommend retaining non-complying activity status post 24 months.
- [308] Amendments to the standard were agreed other than whether signage should be allowed on the crane identifying the crane operator. Mr. McGarr supported this, Ms. Richmond and Mr. Reaburn did not, and Mr. Brown did not support it on the basis of effects on Tūpuna Maunga. The Panel prefer the evidence of Ms. Richmond and for the Council and recommend that the signage amendments do not include any provision for crane operator signage.

### 3.21 New Qualifying matter – Maunga to Maunga viewshafts

- [309] This issue relates to anew qualifying matters not identified in PC78, or extension of proposed QMs as notified in PC78. It only addresses matters to the extent that it relates and applies to the City Centre Zone and Precincts.

#### 3.21.1 Statement of issue

- i. Appropriateness of qualifying matter
- ii. Appropriateness of the provisions to address the qualifying matter
- iii. New provision
- iv. Evaluation outside PC78

### 3.21.2 Panel recommendation and reasons

- [310] RPS objective D14.2(1) and policy B4.3.2.(3) provide that regionally significant views to and between Auckland's maunga should be protected. The existing Maunga Viewshafts only protect views to maunga.
- [311] The Tūpuna Maunga Authority submission seeks an analysis of the effects of additional building height on Maunga to Maunga views and to make any consequential amendments to Schedule 9 and the planning maps to protect those.

#### Appropriateness of qualifying matter

- [312] The QM for Maunga Viewshafts was identified and s 32 evaluated as an existing QM as the scheduled and mapped overlay is operative. A separate QM would be required for protection of Maunga to Maunga views.
- [313] The Panel accepts Mr. Kensington's evidence and considers that Maunga to Maunga views are an appropriate QM under s 77O(a) (ss 6(b), 6(e) and 6(f)) and s 77O(h) (Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014). Our finding is also based on the evidence on the Maunga Viewshafts QMs, and the Panel's own understanding and the evidence heard on other topics about the importance in Te Ao Māori of maunga being able to see each other as an intrinsic part of the tūpuna familial relationship.

#### Appropriateness to address the qualifying matter

- [314] Mr. Reaburn and Mr. Brown for the Council and Ms. Richmond and Mr. Kensington for the Tūpuna Maunga Authority agreed that extensive further analysis is required (including consultation with mana whenua) to identify and evaluate Maunga to Maunga viewshafts, both in the City Centre and across Auckland. Ms. Richmond acknowledged that the evidence prepared for the Tūpuna Maunga Authority is insufficient alone to satisfy the QM and s 32AA statutory tests. She said the extensive analysis required is beyond the capability of the Tūpuna Maunga Authority (as the submitter) and is the responsibility of the Council.
- [315] The Panel asked Council whether there was a process similar to s 293 (which provides the Environment Court with powers to direct a Council to consult about changes to a plan to address matters identified by the Court) available to an IHP on an IPI. The Council advised that there was not.
- [316] The Panel accepts the evidence that the identification of new Maunga to Maunga viewshafts requires extensive analysis and consultation (in particular with mana whenua).
- [317] The Panel has however accepted that Maunga to Maunga views are an appropriate QM. Mr. Kensington's evidence identified that there are existing views between Takarunga / Mount Victoria and Maungawhau / Mount Eden which are required by the RPS to be protected, they are not currently protected, and there is a danger that they will be lost if greater building height is enabled through PC78. The Panel

confirmed these views, and the proximity of existing City Centre development below those views, through our site visits.

- [318] Mr. Kensington also identified that building height in the City Centre may affect views between Ōwairaka / Te Ahi-kā-a-Rakataura / Mount Albert and Rangitoto, although he did not assess this further in his evidence. He also investigated views between Takarunga and/or Maungauika/ North Head and Ōwairaka, but concluded that the existing intervening built form within the City Centre interferes with such views to the extent that the visual connections between these maunga are no longer apparent.
- [319] Mr. Kensington identified the existing views between Takarunga and Maungawhau across the City Centre in photographs and prepared a plan depicting the visual connection overlaid on a plan of the City Centre Zone. The area overlain by the visual connection is in the east of the City Centre within the port reclamation and Quay Park Precinct, and coincides with the existing AWMMV which the Panel has also recommended as a QM. He anticipates these views sit above the existing AWMMV. With respect to s 77P(3)(a)(i), and in advance of analysing and consulting on the horizontal extent of Maunga to Maunga viewshafts, the area of the City Centre sitting below the AWMMV is the “area” which the Panel considers is subject to a QM.
- [320] Mr. Kensington’s evidence about existing loss of views between maunga across the City Centre reinforced to the Panel the risk of loss of Maunga to Maunga views through further intensification enabled by PC78. With respect to s 77P(3)(a)(ii) we consider that maintenance of views between Takarunga and Maungawhau is incompatible with the level of development provided for by Policy 3(a) in the City Centre. Until the necessary analysis and consultation is undertaken to identify and protect Maunga to Maunga viewshafts, the Panel considers that the views are required to be protected on an interim basis.
- [321] Although the visual connection is anticipated to sit above the AWMMV, Mr. Kensington and Ms. Richmond did not consider that relying on alternative overlay provisions such as the AWMMV alone to protect Maunga to Maunga views is appropriate because those overlays are for a different purpose. The Panel agrees. While infringing the AWMMV is a non-complying activity, there are no assessment criteria or special information requirements in Chapter D19 that would direct assessment to the effects on Maunga to Maunga views. A new plan provision is required to accommodate the QM.
- [322] With respect to s 77P(3)(b) and (c), as discussed above in relation to existing Maunga Viewshafts, Dr. Fairgray’s economic evidence for the Council assessed development capacity and the costs and benefits of PC78 compared with “unlimited” development in the City Centre. The Panel considers that a new plan provision accommodating the visual connection between Takarunga and Maungawhau above the AWMMV would not disable any development capacity not already disabled by the AWMMV. For development below the AWMMV there would be no additional compliance cost. For development above the AWMMV a non-complying resource consent addressing visual and landscape matters is already required, and the Panel

consider that any additional cost to also assess effects on the visual connection between Takarunga and Maungawhau is reasonable given the RPS requires the protection of these views.

- [323] The Panel considers that the introduction of a new plan provision to accommodate the visual connection between Takarunga and Maungawhau above the AWMMV would not offend *Waikanae*. The provision is “consequential on” (modifying the effect of) intensification, and (notwithstanding that all building in the City Centre is a restricted discretionary activity) would only apply where a non-complying resource consent was already required for height exceeding the AWMMV. The provision would therefore not affect the permitted activity status quo.
- [324] The Council raised scope issues with the relief sought by the Tūpuna Maunga Authority as its evidence did not satisfy s 77P, and it was not clear that new viewshafts are “consequential on” intensification, and *Clearwater* second limb concerns. The Panel has addressed our own identification of a new QM, s 77P and “consequential on” matters above. With respect to the *Clearwater* second limb concerns we are satisfied that the Tūpuna Maunga Authority submission clearly raised insufficient protection of Maunga to Maunga views and a request to amend the AUP to accommodate them. Further submissions could therefore have been made.

#### New provision

- [325] The Panel consider it necessary to accommodate the visual connection between Takarunga and Maungawhau above the AWMMV.
- [326] In terms of s 32AA we have considered options including:
1. Not introducing a plan provision and waiting for a later plan change
  2. Relying on the AWMMV alone to ‘de facto’ protect the Maunga to Maunga views
  3. Recommending that the Council consult on identifying a new Maunga to Maunga viewshaft
  4. Recommending that the Council obtain surveyed levels for a new Maunga to Maunga viewshaft identified by the Panel with an associated new non-complying activity standard in Chapter D14
  5. Introducing a new special information requirement
- [327] We have addressed above our reasons for not preferring the first three options. We do not consider the fourth option to be appropriate given the experts’ agreement that extensive analysis and consultation with mana whenua is necessary before identifying new viewshafts.
- [328] The Panel has concluded that – in advance of the Council undertaking a full evaluation and consultation on Maunga to Maunga viewshafts, as an interim solution - option 5 is the most efficient and effective method. We are satisfied that a provision that only applies where a non-complying resource consent for infringing the AWMMV as already required is the minimum necessary to accommodate the QM.



- [329] Given that we intend the new provision to apply where the AWMMV is infringed it would be clearer to Plan users if the new provision was included in Chapter D19 Auckland War Memorial Museum Viewshaft Overlay rather than Chapter D14 Volcanic Viewshafts and Height Sensitive Areas Overlay.
- [330] Evidence for Port of Auckland Ltd (**POAL**) also drew our attention to differences between the way that the AWMMV and the existing Maunga Viewshafts apply, with POAL cranes exempt from the AWMMV but subject to the Maunga Viewshafts due to differences in definitions. POAL expressed concern at the impact on the regionally significant port operations if POAL cranes were subject to a new Maunga to Maunga viewshaft. This has reinforced our view that it is most appropriate for the new interim provision to sit within Chapter D19 rather than D14.
- [331] We note that Chapter D19 does not currently contain any special information requirements but has a structure for them. We further note that D19.5 provides that any application for resource consent is subject to the normal RMA tests for notification but that when deciding who is an affected person the Council will give specific consideration to those persons listed in Rule C1.13(4) which includes the Tūpuna Maunga Authority.
- [332] The Panel recommends that the Council prepare one or more special information requirements in Chapter D19 stipulating that any application for resource consent to infringe the AWMMV must assess effects on views between Takarunga / Mount Victoria and Maungawhau / Mount Eden, cross-referring to appropriate RPS objectives and policies in Chapter D14 and any other appropriate material in the AUP. We note that the appropriate language may reflect matter of discretion D14.8.1(1) and/or assessment criteria D14.8.2 but we leave it to the Council to draft.

### Evaluation outside PC78

- [333] The Panel endorses Mr. Brown's statement that "it is well past time" that protection of Maunga to Maunga viewshafts was investigated by the Council to give effect to the RPS objectives and policies and given the significant cultural and visual values of the Maunga. We therefore encourage the Council to advance this work (anticipated since the decisions on the PAUP) without further delay.

### 3.22 Qualifying matter – Street sightlines

- [334] This issue relates to the following provisions:
- H8.2(9)
  - H8.3.3(36)
  - H8.6.31 Street sightlines
  - H8.8.1(14)
  - H8.8.2(14)



### 3.22.1 Statement of issue

- i. Appropriateness of the qualifying matter
- ii. Retention of Standard H8.6.31 Street sightlines

### 3.22.2 Panel recommendation and reasons

#### Appropriateness of qualifying matter

- [335] Mr Brown gave landscape and amenity evidence for the Council and anticipates the “existing City Centre Zone Sightlines (Standard H8.6.3.1 Street Sightlines and Appendix 9) will remain important for a city population that continues to grow, but they will also become increasingly secondary in terms of how many Aucklanders (and visitors to the city) view the city’s relationship with the harbour on a day-to-day basis.”
- [336] The Panel accepts Mr. Brown’s evidence on the importance (albeit becoming secondary) of the street sightlines to protect views, in the absence of expert evidence challenging his position.
- [337] We also accept that the Council’s planning evidence and s 32 evaluation have satisfied the statutory tests as set out in ss 77P and 77R.

#### Retention of H8.6.31 Street sightlines.

- [338] The planning evidence from Ms. Laird and Ms. Wong explains that the standard H8.6.31 Street Sightlines, to retain views from key locations in the city centre to significant landmarks and the harbour, is limited to part of one privately-owned site, and their support for its retention is on the basis that the amenity values provided by the standard outweigh the loss of development capacity.
- [339] The Panel acknowledges Council’s s 32 evaluation, including identification of the minor restriction on development capacity with the standard not applying beyond the streets affected, except for the eastern ray of Street Line No. 23 (which affects part of the Maritime Square site being Lot 1A DP 198984
- [340] We consider that retention of the standard is justified as, while not affecting height, it protects views to significant landmarks and the Waitematā Harbour, and has the potential to restrict capacity, due to controls on the location of buildings within a sightline.
- [341] The Panel recommends retention of H8.2(9), H8.3.3(36), H8.6.31 Street sightlines, H8.8.1(14) and H8.8.2(14) as notified.

### 3.23 Qualifying matter – Railway station building and gardens view protection plane

- [342] The provisions that relate to this issue in PC 78 are:

- i. Table H8.4.1 Activity table (A43) A building that does not comply with Standard H8.6.7 Railway station building and gardens view protection plane
- ii. Standard H8.6.7 Railway station building and gardens view protection plane

### 3.23.1 Statement of issue

- i. Appropriateness of qualifying matter

### 3.23.2 Panel recommendation and reasons

#### Appropriateness of the qualifying matter

- [343] Standard H8.6.7 Railway building and gardens view protection plane is an existing QM identified as a s 77O(a) matter of national importance (historic heritage). Council's s 32 report details the area where the QM applies, how it limits intensification, what effects it is seeking to manage and why it is incompatible with Policy 3 intensification. Consequences arising from removing, retaining and/or amending the standard are analysed in the report (associated impact (cost) and benefits). The s 32 report notes most of the control applies over roads and a park, not over development sites, and that enabling additional height would lead to a loss of heritage values while enabling very little development capacity due to its location.
- [344] No evidence was provided against retention of standard H8.6.7 Railway building and gardens view protection plane. NWO evidence relies on the standard for protection of the heritage values of the station (Nick Roberts, planning and Ms Lutz, heritage specialist).
- [345] The Panel finds standard H8.6.7 Railway building and gardens view protection plane impacts height and density of form. Relying on Council's s 32 report and in the absence of any contrary evidence, the Panel finds the QM is appropriate.
- [346] The panel recommends standard H8.6.7 and Rule (Table H8.4.1 Activity table (A43)) comprise an existing qualifying matter through s 77O(a) a matter of national importance that decision makers are required to recognise and provide for under s 6(f) historic heritage.

### 3.24 Qualifying matter – Relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga

- [347] This issue relates to Chapter D21 Sites and Places of Significance to Mana Whenua and Schedule 12 Sites and Places of Significance to Mana Whenua Schedule, to the extent that the issue relates and applies to the City Centre Zone and Precincts.

### 3.24.1 Statement of issue

- i. Appropriateness of qualifying matter

### 3.24.2 Panel recommendation and reasons

- [348] The Panel accepts Mr. Gouge's planning evidence on behalf of the Council, and as no contrary evidence was presented on this issue. We accordingly recommend the retention of the Sites and Places of Significance to Mana Whenua as per the notified PC78 as necessary to accommodate an existing s 77O(a) matter of national importance QM, to the extent that it applies to the City Centre Zone and Precincts.
- [349] Mr. Gouge referred to the s 32 evaluation which identified Sites and Places of Significance to Mana Whenua overlay (**SSMW**) as accommodating a QM under s 77O(a) as a matter of national importance. The provisions manage development and subdivision on identified sites and allows the Council to retain full discretion to consider the appropriateness of new building and building additions on the scheduled sites inclusive of impervious surfaces and its impact on water quality outcomes. Mr. Gouge noted that there are 22 SSMW within the City Centre that cover a range of environments.
- [350] He clarified that PC78 notified two additional rules under D21.4.1 Activity table but these relate to sites outside of the City Centre Zone and Precincts and will be addressed in subsequent hearings.

### 3.25 Qualifying matter – Notable Trees

- [351] The provisions that relate to this issue in PC 78 are Chapter D13 and Schedule 10 to the extent that the issue relates and applies to the City Centre Zone and Precincts.

#### 3.25.1 Statement of issue

- i. Appropriateness of qualifying matter

#### 3.25.2 Panel recommendation and reasons

- [352] The Panel considers that the notable trees overlay chapter D13 and Schedule 10 meet the tests for application of a s 77O(j) "other" QM as all notable trees exhibit s 7 amenity values as the 'specific characteristics' and s 6 values where they are notified for other reasons.
- [353] We accept Mr. Patience's planning evidence for the Council which noted that there were 9 properties in the City Centre Zone which contain notable trees (31 trees in total) and that the effects of these on development potential will be minor.

### 3.26 Qualifying matter – Infrastructure

- [354] This issue relates to the proposed Infrastructure – Combined Wastewater Network Control to the extent that the issue relates and applies to the City Centre Zone and Precincts.

### 3.26.1 Statement of issue

- i. Deletion of the Infrastructure – Combined Wastewater Network Control qualifying matter from the City Centre Zone

### 3.26.2 Panel recommendation and reasons

- [355] The Panel recommends the Infrastructure – Combined Wastewater Network Control QM be removed from all sites within the City Centre and that PC78 GIS Maps be updated to remove the Infrastructure Combined wastewater network Qualifying Matter Overlay from sites within the City Centre due to mapping error.
- [356] The Panel defers making a recommendation on the appropriateness of Council's approach to, and application of, infrastructure QMs in PC78.
- [357] The University of Auckland did not provide any evidence to support its request to delete the Infrastructure – Combined Wastewater Network Control within the Learning Precinct from the planning maps. However the Panel relies on the evidence of Ms. Bell for the Council that the 3 sites within the City Centre Zone which show the Combined Wastewater Qualifying Matter (24 Princes Street, 30-38 Princes Street, Section 11 SO 486563 Stanley Street and 1-3 Winchester Street) were mapped in error. Neither Mr Liggett for Kāinga Ora nor Mr Calwell for The Coalition for More Homes opposed removal of the Combined Wastewater QM from sites in the City Centre.
- [358] The Panel notes that further evidence will be heard during hearings for Topics 012A, 012C and 012E, including those which relates to the appropriateness of the qualifying matter.

## 3.27 Qualifying matter – Strategic transport corridor

- [359] This issue relates to Chapter H22 Strategic Transport Corridor Zone to the extent that the issue relates and applies to the City Centre Zone and Precincts.

### 3.27.1 Statement of issue

- i. Retention of the Strategic Transport Corridor Zone and the appropriateness the qualifying matter

### 3.27.2 Panel recommendation and reasons

- [360] The Panel recommends the retention of the Strategic Transport Corridor Zone as necessary to accommodate a s 77O(e) (nationally significant infrastructure) QM to the extent that it relates to the City Centre Zone and Precincts.
- [361] Ms Hart's planning evidence on behalf of the Council referred to the s 32 evaluation which identified the Strategic Transport Corridor Zone as accommodating an existing s 77O(e) QM –a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure. Ms. Hart noted that the NPS-UD

defines 'nationally significant infrastructure' as including state highways and the New Zealand rail network – the latter of which is relevant to a small section of rail corridor in the Quay Park area of the City Centre.

[362] The Council's position was not challenged, and the Panel accepts Ms Hart's evidence and the s 32 evaluation.

[363] We address the substance of the KiwiRail's submission regarding the extension of provisions to manage the rail corridor in section 3.30 Qualifying matter – new qualifying matter below.

### 3.28 Qualifying matter – National Grid

[364] This issue relates to Chapter D26 National Grid Corridor Overlay to the extent that the issue relates and applies to the City Centre Zone and Precincts.

#### 3.28.1 Statement of issue

- i. The appropriateness to retention of the National Grid Corridor Overlay as a qualifying matter
- ii. Spatial extent of the National Grid Corridor Overlay
- iii. Amendments to Chapter D26 National Grid Corridor Overlay
- iv. Amendments to Chapter A Introduction

#### 3.28.2 Panel recommendation and reasons

[365] Ms. Hart's planning evidence on behalf of the Council was the only evidence heard on the National Grid Corridor Overlay (**NGCO**). Transpower New Zealand Ltd (as a key submitter in relation to this topic) tabled a letter dated 7 August 2024 indicating their agreement with her evidence and conclusions. We therefore accept the conclusions and recommended the changes outlined in Ms. Hart's planning evidence.

##### *The appropriateness to retention of the National Grid Corridor Overlay as a qualifying matter*

[366] The Panel heard from Ms. Hart that a small portion of the NGCO applies in the City Centre (an area bordered by Bradnor Lane, Fanshawe Street and Hobson Street) and that it was assessed as an existing s 77O(b) (national policy statement) and s 77O(e) (nationally significant infrastructure) QM through the s 77Q alternative process for existing QMs. Referring to the s 32 evaluation, Ms Hart noted that the Council is required to recognise and provide for the national significance of the National Grid in accordance with the National Policy Statement on Electricity Transmission (**NPSET**). Ms. Hart further explained that alternative density standards have not been specified, given that use and development can still occur, dependent on what part of the overlay applies to a site, due to the differing degree of safety and security needed.

##### *Spatial extent of the National Grid Corridor Overlay*

[367] In response to Transpower's submission, Ms. Hart expressed her view that the spatial extent of the NGCO as it relates to the City Centre Zone and Precincts is an existing QM mapped in the AUP. She added that expansion of the NGCO may be beyond the scope of PC78 as it would be less enabling of development and may not be "consequential on" Policy 3 of the NPS-UD as required by s 80E. She noted that the Council is required to include provisions and identify buffer corridors for the National Grid under the NPSET, and the spatial extent of the NGCO as shown in the AUP maps achieves this.

#### Amendments to Chapter D26 National Grid Corridor Overlay

[368] Ms. Hart supported amending Rule D26.4.1 (A7) and standard D26.6.1.5(1)(a) (which require accessory buildings to be at least 12m from a National Grid support structure) to identify these provisions as QMs. She noted that Rule D26.4.1(A7), and therefore compliance with New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001), is necessary where PC78 enablement allowed for increased heights, and that Rule D26.4.1(A12) which provides for standard D26.6.1.5 is already identified as an existing QM in PC78. The Panel refers to Ms Hart's s 32AA evaluation report (Attachment D to her evidence dated 16 July 2024) and accepts it in the absence of evidence challenging her conclusions.

#### Amendments to Chapter A Introduction

[369] Ms Hart likewise supported amendments to Chapter A Introduction whereby Chapter K Designations is identified in Table A1.4.8.1 to recognise these designations as QMs under s 77O(b) gives effect to the NPSET and nationally significant infrastructure.

[370] In summary, the Panel recommends, to the extent relevant to the City Centre Zone and Precincts, retention of Chapter D26 NGCO as an appropriate provision to accommodate s 77O(b) (national policy statement) and s 77O(e) (nationally significant infrastructure) QMs.

### 3.29 Qualifying matter – designations

[371] This issue relates to the Chapter K Designations and Chapter A Introduction to the extent that the issue relates and applies to the City Centre Zone and Precincts.

#### 3.29.1 Statement of issue

- i. Retention of designations as a qualifying matter
- ii. Clarifications to Chapter K Designations
- iii. Review / removal of designations

#### 3.29.2 Panel recommendation and reasons

[372] Ms. Hart's planning evidence for the Council was the only evidence on this issue.

#### Retention of designations as a qualifying matter

[373] Ms. Hart outlined PC78's approach to designations by identifying them as existing QMs in Chapter K Designations and recording in Chapter A Introduction that some designations are QMs. She explained that no changes were made to the provisions as they are existing provisions rolled over from legacy plans into the AUP and regularly updated to reflect new designations. Ms. Hart noted that designations, by their nature, are spatially identified and take precedence over district plan provisions unless the works are not for the purpose of the designation. The latter point is relevant in that any development capacity provided by Policy 3(a) cannot be realised until a requiring authority seeks a designation's removal.

[374] With regard to the QM statutory tests, Ms. Hart noted that s 77O(g) identifies designations as a QM, and that, being existing provisions, the s 77Q alternative process for existing QMs applies. She also referred to the mediation agreement dated 9 May 2023 whereby attending parties agreed to:

- a) retention of designations as a QM; and
- b) designations do not need to be reviewed to be aligned with the NPS-UD.

[375] We endorse this approach and adopt the Council's s 32 evaluation of designations as an existing QM. For clarification, we note that matters recorded in the mediation statement relating to Topic 009R Qualifying matters A-I – Aircraft Noise is not included as part of this recommendation and will be addressed in later hearings / recommendations.

#### Clarifications to Chapter K Designations

[376] Ms. Hart noted that parties to the mediation agreement agreed in principle with proposed additions to Chapter K Designations to clarify:

- a) the use of the wording 'some designations'; and
- b) that Ministry of Education designations are exempted under ss 77M(5) and (6)

[377] With regard to a), Ms. Hart did not support the amendments sought by Transpower. Her view was that while clarification was needed, the words 'some designations' remains relevant and she considers it to mean those in relevant residential zones and urban non-residential zones. Put another way, there may be designations in the urban environment which are in a zone that does not require it to be a QM.

[378] In the absence of evidence challenging the Council's position we accept the proposed wording in Ms. Hart's planning evidence.

#### Review / removal of designations

[379] Ms. Hart's evidence addressed submitters seeking the review of designations or the removal of specific designations from properties. Her view is that designations are an important mechanism for a range of necessary public works and infrastructure and are recognised as such by the RMA given that s 77O(g) specifically lists designations as a QM that temper the intensification requirements of the NPS-UD. The Panel accepts Ms Hart's conclusion on this matter and with reference to *Waikanae*



considers that PC78 is not the appropriate process for reviewing designations as such reviews are not “consequential on” intensification and would modify the status quo.

- [380] In summary, the Panel recommends, to the extent relevant to the City Centre Zone and Precincts, retention of designations as necessary to accommodate an existing s 77O(g) (designations) QM.

### 3.30 Qualifying matter – new qualifying matter

- [381] This issue relates to inserting new QMs not identified in PC78 or extension of proposed qualifying matters as notified in PC78. The Panel notes that this issue only addresses matters to the extent that it relates and applies to the City Centre Zone and Precincts.

#### 3.30.1 Statement of issue

- i. New qualifying matter for land adjacent to the rail corridor relating to the safe or efficient operation of the rail network
  - a. Appropriateness of qualifying matter
  - b. Scope
  - c. Appropriateness of noise and vibration standards
  - d. Appropriateness of a 5m setback
- ii. New qualifying matter for land adjacent to the port relating to the operation of Golden Bay Cement within the Port Precinct

- [382] The coastal hazards qualifying matter addressed by the witnesses on behalf of Stratis and VHHL is addressed in section 3.41 below and the new Maunga to Maunga views qualifying matter sought by the Tūpuna Maunga Authority is addressed in section 3.21 above.

#### 3.30.2 Panel recommendation and reasons

##### *New qualifying matter for land adjacent to the rail corridor relating to the safe or efficient operation of the rail network*

- [383] KiwiRail Holdings Ltd presented their position that the notified PC78 City Centre Zone provisions do not sufficiently address the noise and vibrations effects arising from the rail corridor, or safety matters arising from buildings developed near the corridor. KiwiRail’s concerns are the potential health and amenity effects, on sensitive uses (including residential) near the rail corridor, as well as reverse sensitivity effects which may constrain the operation of the existing rail network. The amendments KiwiRail sought at the hearing were:

- a) A standard requiring acoustic insulation and ventilation for all new and altered activities sensitive to noise within 100m of the boundary of the Strategic Transport Corridor Zone for the City Centre Zone and Precincts.

- b) A vibration 'alert layer' for all new and altered activities sensitive to noise within 100m of the railway designation boundary. This is an information-only process to signal to property owners with no associated rule or other provision.
- c) A 5m building setback from the Strategic Transport Corridor Zone for the City Centre Zone and Precincts.

[384] The vibration alert layer is an amendment from KiwiRail's initial submission seeking vibration controls for new and altered buildings within 60m of the rail corridor. Mr. Paetz's corporate evidence explained this as a reflection of the practicalities of implementing vibration control, and noted that an alert layer does provide some management, by prompting landowners to consider incorporating vibration attenuation measures rather than by requiring them. KiwiRail's expert witnesses Ms. Heppelthwaite (planning) and Dr. Chiles (noise and vibration) continued to prefer a vibration control as the primary relief, though Ms. Heppelthwaite was open to the alternate proposed vibration alert layer provisions (and included proposed wording in her evidence).

#### Appropriateness of qualifying matter

[385] Both the Council and KiwiRail accepted that the provisions sought by KiwiRail represent a 'new' QM as they introduce new provisions extending spatially beyond the Strategic Transport Corridor or the KiwiRail designation.

[386] The Panel accepts Ms. Heppelthwaite's identification under s 77O(e) of a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure (as the NPS-UD definition of 'nationally significant infrastructure' includes the New Zealand rail network). All expert witnesses agreed that the issue of the proposed provisions relate to effects associated with the operation of the rail corridor, and identification of this qualifying matter is consistent with the Council's s 32 evaluation for the Strategic Transport Corridor zone (see section 3.27 above).

#### Scope

[387] The Council raised the issue of scope with respect to whether the provisions are "consequential on" PC78 and *Clearwater* second limb concerns.

[388] We disagree with the Council on this. KiwiRail's relief was clearly summarised in the Summary of Decision Requested and further submissions could have been made.

[389] Tram Lease also submitted that KiwiRail's relief is out of scope through the application of *Waikanae*, noting that:

- a) the provisions reduce existing development opportunities by introducing new restrictions on development and activities that are currently permitted within the 5m setback; and
- b) the link between PC78 and KiwiRail's relief is insufficient to satisfy the threshold of 'consequential on'.

- [390] Tram Lease drew on the example of its holdings in Mount Albert to illustrate how KiwiRail's relief would restrict Tram Lease's ability to develop its land despite PC78 not increasing development capacity by maintaining the 18m – 24m height limit currently operative under the AUP.
- [391] We consider that KiwiRail's relief does not fall outside of s 80E(1)(iii) in the City Centre Zone. While we accept Tram Lease's example as a factual description, the context of the City Centre is significantly different from Mount Albert. This is because the recommended increases to heights in the City Centre Zone would be more enabling than the operative provisions and all building in the City Centre requires restricted discretionary activity consent under the AUP. On the evidence presented we do not consider that an additional 5m setback permitted activity standard (in the context of a requirement for restricted discretionary activity consent) would be disabling in the *Waikanae* sense because that decision related to changing the permitted activity status quo.
- [392] On the matter of 'consequential on', we refer to the expert planning and noise and vibration witnesses of both the Council and KiwiRail. While they disagreed on the appropriate planning response, they agreed that there must be appropriate controls to manage sensitive development near transport corridors. PC78 is increasing development capacity in the City Centre which can result in more sensitive activities occurring near the rail corridor – in short there is an impact arising from enabling intensification directed by Policy 3(a) of the NPS-UD.
- [393] We therefore conclude that in the context of the City Centre Zone and Precincts the relief sought by KiwiRail falls within the scope of PC78. We do not comment on whether it would fall within s 80E(1)(iii) outside of the City Centre, which is a matter for later hearings.

#### *Appropriateness of noise and vibration standards*

- [394] As noted above, all experts accept noise and vibration have adverse health and amenity effects. We summarise the points of disagreement between experts with respect to noise and vibration as:
- a) Mr. Styles' view that freight train movements do not occur in the City Centre, and that provisions sought by KiwiRail are generic and have been inadequately assessed in terms of cost. Noting that KiwiRail now accepts a vibration alert layer option in lieu of the internal design vibration level of 0.3mm/s Vw95; Mr. Styles considered that there is merit to this but disagreed with the distance. We note that Mr. Styles and Dr. Chiles were largely in agreement on the effects.
  - b) Mr. Shields, relying on Mr. Style's evidence, considers that there is insufficient information to justify KiwiRail's proposed noise and vibration provisions from a planning perspective, and noted the noise controls proposed may not align with the policies of the Quay Park Precinct.
  - c) Mr. Shields' view was that KiwiRail's s 32 evaluation, in Ms. Heppelthwaite's evidence, failed to address the City Centre context and did not assess all costs associated with compliance.

- [395] The Panel has considered whether KiwiRail's s 32 evaluation meets the statutory tests under s 77P. As a general matter, the Panel is mindful to be consistent in its consideration of s 32 evaluations, in that there is no obligation to provide a detailed economic analysis on the dollar value of proposed provisions, provided the broader costs have been appropriately considered. We did not receive additional economic evidence from the Council for the City Centre Outstanding Matters hearing (including on KiwiRail's proposed new QM) and therefore consider that Dr. Fairgray's overall conclusion around the City Centre remains applicable to KiwiRail's proposed amendments – that being there are nil opportunity costs given the Council's modelling suggesting PC78 enabled capacity far exceeds demand.
- [396] Ms. Heppelthwaite's s 32 evaluation of rail noise and vibration controls included specialist economic assessment of options to manage rail noise (assessed at a national, not Auckland or City Centre, level).
- [397] Mr. Paetz's corporate evidence addressed freight train movements in the City Centre. He said that city shunts with diesel locomotives use the area several times a day and that this section of the line can be used more heavily for freight when works are being undertaken in other parts of the network. Mr. Paetz said that KiwiRail data showed that there were 254 freight movements through the city centre area from 1 August 2023 – 13 January 2024.
- [398] Dr. Chiles, in response to Mr. Styles' criticism of his evidence as predicated on the effects of freight trains, confirmed the applicability of the data outlined in Appendix A of his evidence, noting Mr. Paetz's information regarding freight movement and further clarifying that multiple passenger train movements equate to that of a freight train in effect – a relevant consideration given the operational increases likely to result from the opening of the City Rail Link.
- [399] The Panel heard that the purpose of the noise controls and the vibration alert layer is to manage reverse sensitivity effects and to mitigate the potential for complaints placing significant constraints on the operation of the established rail network.
- [400] KiwiRail's legal submissions addressed the concern raised by Ms. Hart and Mr. Shields:
- The fact that the PAUP IHP heard similar matters is immaterial to the PC78 process as the issues remain;
  - It is inappropriate for KiwiRail to seek a private plan change when the need for the controls arises from increased intensification because of PC78;
  - KiwiRail designating the adjacent areas is an excessive solution and targeted planning standards are a pragmatic approach to managing adverse effects; and
  - KiwiRail is agnostic as to the location of provisions and notes that the matters heard were only in the context of the City Centre Zone.
- [401] The Panel relies on the evidence of Ms. Heppelthwaite, Dr. Chiles and Mr. Paetz and the s 32 evaluation attached to Ms. Heppelthwaite's evidence. We have considered them and assess KiwiRail's position with regard to the requirements of s 77P as:

- The standard has a clearly defined spatial extent, being land within 100m of the Strategic Transport Corridor Zone, satisfying the area requirements of s 77P(3)(a)(i);
- Increased intensification enabled by PC78 will bring more people into areas adjacent to the rail corridor, with Dr. Chiles of the view that existing standards in the AUP do not manage the characteristics of rail noise and vibration well, satisfying the incompatibility test of s 77P(3)(a)(ii);
- KiwiRail have assessed the cost and broader impacts of the proposed noise and vibration standards, satisfying the requirements of s 77P(3)(b) and (c).

[402] With regard to the specific merits of the proposed noise and vibration provisions in light of s 77P(3)(b) and (c) (the impact on development capacity and the cost of imposing the limits respectively) we note:

- That the noise controls do not impact on development capacity, insofar as they require internal design considerations for acoustic insulation and ventilation, while the vibration alert layer does not have corresponding controls restricting development but instead aims to inform and shape behaviour similar to the operation of the Auckland Airport noise alert area.
- Both Dr. Chiles and Mr. Styles agree that there is a need for acoustic treatment, but Mr. Styles considers that 100m is too great as Dr. Chiles' assumption is premised on freight train movement. In light of Mr. Paetz and Dr. Chiles' evidence discussed above, the Panel prefers the analysis of Dr. Chiles who confirmed that his recommended 100m distance for the noise controls had been appropriately modelled.
- With regard to the spatial extent of the vibration alert layer, the Panel is mindful that KiwiRail's original submission sought a 60m distance. In this regard, we conclude that a spatial extent of 100m for the vibration alert layer will not satisfy the second limb of *Clearwater* as potential submitters would not have been aware of the possibility of rail vibration provisions being applied to 100m.

#### Appropriateness of 5m setback

[403] Ms. Heppelthwaite identified the health and safety risks associated with building construction and maintenance in proximity to the rail corridor. We summarise the points of disagreement between experts with respect to noise and vibration as:

- Mr. Shields and Ms. Hart considered that alternative options are more appropriate, such as KiwiRail altering its designation, submitting a private plan change request or waiting for a full plan review.
- Mr. Shields' view was that KiwiRail's s 32 evaluation failed to address the City Centre context and did not assess all costs associated with compliance.

[404] KiwiRail's s 32 assessment noted that KiwiRail's proposed setback control may potentially affect approximately 0.6 percent (3,409) of properties in the Auckland region i.e. those identified as being adjacent to the rail corridor and that the setback may not materially affect yields. Ms. Heppelthwaite stated that she had also undertaken a high-level assessment of the sites within the relevant part of the City

Centre Zone and concluded that the development potential is already reasonably limited primarily due to the extent of recent development, and therefore the impact of the 5m setback is very limited in terms of overall development capacity within the Zone.

[405] Ms. Heppelthwaite's s 32 evaluation of rail safety setbacks included specialist health and safety and high level economic assessments (all assessed at a national, not Auckland or City Centre, level).

[406] The Panel heard that the purpose of the proposed 5m building setback, adjacent to the strategic transport corridor, is to ensure the safe and effective operation of the rail corridor by avoiding potential human encroachment onto the rail corridor.

[407] We have already addressed KiwiRail's response to concerns raised by Ms. Hart and Mr. Shields above:

[408] We accept the evidence of Ms. Heppelthwaite and the s 32 evaluations she provided. We have considered them and assessed KiwiRail's position with regards to the requirements of s 77P as:

- The standard has a clearly defined spatial extent, being land within 5m of the Strategic Transport Corridor Zone, satisfying the area requirements of s 77P(3)(a)(i);
- Increased intensification enabled by PC78 will bring more people and corresponding safety issues into areas adjacent to the rail corridor, satisfying the incompatibility test of s 77P(3)(a)(ii);
- KiwiRail have assessed the cost and broader impacts of the limits, satisfying the requirements of s 77P(3)(b) and (c).

[409] With regard to the specific merits of the provision in light of s 77P(3)(b) and (c) (the impact on development capacity and the cost of imposing the limits respectively) we note that new buildings in the City Centre Zone already require resource consent as a restricted discretionary activity, and the Council in its own s 32 evaluation accepted that additional reasons for consents is not inherently disenabling. On this basis, and in light of the increased heights and Dr. Fairgray's strategic economic evidence, the Panel agrees with KiwiRail and considers that the impact of the 5m setback control will be limited and not dis-enabling.

### *Recommendation*

[410] Considering the above, the Panel recommends that the following provisions are necessary, to the extent to accommodate a s 77O(e) QM, to ensure the safe or efficient operation of nationally significant infrastructure being the rail network as outlined in Attachment A of Ms. Heppelthwaite's evidence:

- a 5m building setback from the boundary of a site adjoining the Strategic Transport Corridor Zone;
- a noise control applied to land within 100m of the Strategic Transport Corridor Zone; and



- a rail vibration alert overlay to land within 60m of the railway designation boundary.

[411] The Panel's recommendation is made only in the context of the City Centre Zone and Precincts, and therefore recommends the Council make the necessary amendments to reconcile the recommended text to be located within Chapter H8 Business – City Centre Zone and E25 Noise and Vibration. We note that:

- The Strategic Transport Corridor Zone applies to both state highway and railway corridors, and amendments will be required to confine the effect of the provisions to the rail corridor only.
- We consider that KiwiRail's proposed amendments to assessment criteria E25.8.2(3) "whether the activity or infringement proposed will ~~unduly~~ constrain the operation, maintenance and upgrading of existing activities (excluding construction or demolition activities)" are beyond the scope of an IPI and should not be included.

[412] We again stress that we are not deciding whether it is appropriate to apply these provisions throughout other Zones affected by PC78, as different considerations are likely to apply.

*New qualifying matter for land adjacent to the port relating to the operation of Golden Bay Cement within the Port Precinct*

[413] Ms. Hewson, planner, tabled a memorandum on behalf of Golden Bay, a division of Fletcher Concrete & Infrastructure Ltd which advised that Golden Bay is no longer pursuing the introduction of a new QM within the Port Precinct. Ms. Hewson accepted the views of Ms. Wong that the change sought by Golden Bay does not support or is consequential on, Policy 3 of the NPS-UD in terms of s 80E(1)(b)(iii) and that a separate Schedule 1 process is the more appropriate method to make the changes it seeks.

[414] Golden Bay continues to pursue the balance of its relief by seeking the amendments to H8.3(25) to identify '*lawfully established industrial activities within the Port Precinct*' and to include '*lawfully established industrial activities*' in the definition for 'Marine and port activities'. Ms. Hewson was also of the view that the Panel should direct the Council to initiate a schedule 1 planning process to give effect to Golden Bay's submission.

[415] Ms. Wong's planning evidence responded to this by noting that Golden Bay's relief remains related to activities, rather than height and density of urban form, and therefore falls outside the scope of PC78 in terms of s 80E(1)(b)(iii). Ms. Wong's view was that the tabled memo did not provide additional information to satisfy the s 32 evaluation and the relevant s 77P or s 77R tests for a new QM.

*Recommendation*

[416] The Panel agrees with Ms. Wong that Golden Bay has not provided sufficient evidence to support the changes it is seeking. We also agree that it would be



inappropriate to make recommendations in an IPI purporting to direct the Council to initiate a schedule 1 process.

### 3.31 Precincts – general

[417] This issue relates to precincts as a generic method in the AUP rather than a specific provision or precinct.

#### 3.31.1 Statement of issue

- i. Precincts as a valid planning mechanism

#### 3.31.2 Panel recommendation and reasons

[418] Various planning witnesses including Ms. Laird, Ms. Wong and Mr. Shields for the Council explained the historic development of the AUP and that precincts were one of several mechanisms used to manage specific environmental effects within the City Centre Zone. Submitters challenging the AUP's approach and its use of precincts, generally criticised the process and / or the substantive matter related to a specific precinct, rather than a wholesale repudiation of precincts per se.

[419] A precinct, by its nature, is not of itself a qualifying matter – QMs must be a characteristic considered based on relative evidence and the merits of the substantive matter. Ms. Laird explained in her planning evidence on Topic 020J that PC78 did not identify precincts as QMs, but that due to their context-specific provisions, may include or respond to QMs which are specific to a precinct's context.

[420] We refer also to our findings on the methodologically agnostic nature of the NPS-UD in section 3.5 above. The Panel prefers the evidence for the Council and accepts that precincts are a valid planning mechanism in that precincts are a tool to potentially *accommodate* a QM or spatially manage areas of the City Centre that may be subject to QMs. The merits of each will need to be determined individually.

### 3.32 Precincts – Britomart

[421] This issue relates to I201.1 Britomart Precinct, particularly the following provisions:

- Rule I208.4.1(A28)(A31)(A32) and (A39)
- I208.6.1.8 Building height

#### 3.32.1 Statement of issue

- i. Appropriateness of the qualifying matters
- ii. Increasing building heights to 72.5m and the relevance of an approved resource consent in considering effects

### 3.32.2 Panel recommendation and reasons

- [422] PC78 proposed to amend Standard I201.6.6 Site intensity to remove basic FAR and make the Maximum Total Floor Area into the 'maximum permitted FAR' as a result of the removal of the bonus FAR provisions (refer to section 3.8 above).

#### Appropriateness of the qualifying matters

- [423] No evidence challenged the Council's identification of QMs which apply across the Britomart Precinct. The Panel refers to the s 32 evaluation and while we accept the identification of s 77O(a) (matters of national importance) and s 77O(j) "other" matters as appropriate QMs, we note as per our finding in section 3.16 Qualifying matter – Sunlight admission to public spaces in the City Centre, that s 77O(f) as a QM can only apply to the land that is open space.

#### Building height

- [424] The evidence presented on the Britomart Precinct essentially focused on increasing the height of the western half of the Central Building site at 25-39 Tyler Street and 26-40 Galway Street (**Central Building Site**) from PC78's unchanged height taken from the AUP to 72m.
- [425] During the hearing, the relevance of Cooper and Company's resource consent for a 10-storey commercial development on the Central Building Site in forming part of the existing environment became a matter of contention. We address this issue first as it colours the assessments undertaken by Mr. Lala for Cooper and Company as well as the Council's expert witnesses.
- [426] Counsel for Cooper and Company submitted that the resource consent forms part of the existing environment for PC78, directing the Panel to *Queenstown Lakes District Council v Hawthorn Estate Limited*<sup>7</sup>. She and Mr. Lala, planning witness, advised the Panel that the resource consent was likely to be implemented but that it will be varied should the increased height of 72m be recommended.
- [427] The Panel agrees with the submission for the Council that the likelihood of a party giving effect to a consent is not germane in determining what is appropriate for plan making. The Council's closing submissions referred to *Shotover Park Ltd v Queenstown Lakes Council*<sup>8</sup> which found that there is no obligation to consider a resource consent as part of the environment during a plan change process, observing that *Hawthorn* involved a resource consent under s104 and not ss 31 and 32 which apply to plan changes. It also observed that there is nothing in the RMA which constrains forward-looking thinking when deciding the plan for the future, and there is no need to confine "environment" to the "existing environment".

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<sup>7</sup> *Queenstown Lakes District Council v Hawthorn* (2006) 12 ELRNZ 299; [2006] NZRMA 424

<sup>8</sup> *Shotover Park Ltd v Queenstown Lakes District Council* [2013] NZHC 1712.

- [428] Council's submissions also noted the High Court's decision in *Keir v Auckland Council*<sup>9</sup> that it was inappropriate to rely on a 2016 subdivision consent as forming part of the existing environment, when a 2021 subdivision consent applied to the same land and was clearly intended to replace the earlier consent. The Court noted that it is a question of fact as to whether a resource consent is likely to be implemented. Council submitted that it would be inappropriate to treat Cooper and Company's resource consent as part of the existing environment, given the similarities with *Keir* and the intention to vary the consent if additional height is secured through the PC78 process.
- [429] Mr. Lala's planning evidence was that the 72m height sought for the Central Building Site is consistent with and visually coherent with nearby buildings such as the 17-storey Movenpick Hotel, the 74m Jarden House and the operative heights of 50m along the Quay Street frontage and 75m along the Tyler Street frontage under the current AUP provisions. Cooper and Company however did not present technical expert evidence (urban design, landscape or heritage).
- [430] Council called urban design evidence from Ms. Blagrove, landscape and amenity evidence from Mr. Brown and historic heritage evidence from Ms. Walker. While Ms. Blagrove and Mr. Brown provided helpful and detailed evidence, the Panel found the evidence of Ms. Walker particularly helpful in light of the Policy 4 and s 77Q framework and Britomart's heritage setting. The Panel is satisfied that historic heritage in the context of Britomart Precinct is an existing QM under s 77Q noting it is a s 77O(a) matter, being a matter of national importance under s 6 and relates to operative Standard I206.6.2 Building Height.
- [431] Ms. Walker's view is that a 72m height for the Central Building Site will detract from the historic values of protected buildings, and importantly the central western portion of the precinct sits adjacent to or diagonally across from some of the most significant historic heritage buildings along Customs Street East and Quay Street, as well as the former Chief Post Office on the western side facing Queen Street. Ms Walker was likewise of the view that the increased height would be in conflict with and distract from the fine-grained character of the scheduled heritage buildings which form the perimeter of Britomart.
- [432] She concluded that design considerations refined through a resource consent was the most appropriate process to accommodate increased height rather than through a blanket height standard of 72m.
- [433] There was no alternative historic heritage evidence to challenge the Council position and the Panel accepts the evidence of Ms. Walker that the notified PC78 heights for the Central Building Site are necessary to the extent to accommodate a s 77O(a) QM. We likewise accept the uncontested urban design evidence of Ms. Blagrove and landscape and amenity evidence of Mr. Brown.

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<sup>9</sup> *Keir v Auckland Council* [2023] NZHC 1658, (2023) 24 ELRNZ 886.

[434] The planning witnesses for both Cooper and Company and the Council agreed that the height and site intensity standards are connected. Given the Panel's conclusions on height, we likewise consider that the precinct's notified site intensity provisions are appropriate.

[435] For the reasons above, the Panel recommends the retention of the notified PC78 provisions for I201 Britomart Precinct.

### 3.33 Precinct – Central Wharves

[436] This issue relates to the Central Wharves Precinct, particularly the following provisions:

- Rule I202.4.1(A38)
- I202.6.1.7 Building Height
- I202.6.1.8 Site Intensity
- I202.6.1.10 Viewshafts

#### 3.33.1 Statement of issue

- i. Retention of the Central Wharves Precinct provisions and appropriateness of identified qualifying matters.

#### 3.33.2 Panel recommendation and reasons

[437] There was no evidence challenging the provisions for the Central Wharves Precinct as notified in PC78, and no submitters sought relief in relation to that Precinct.

[438] We concur with the Council's position outlined in its s 32 evaluation, namely that the scope of s 80E(1) precludes regional plan matters such as those within the coastal marine area. PC78 was notified with changes only to parts of the Central Wharves Precinct which are outside the coastal marine area.

[439] Accordingly, we accept the Council's s 32 evaluation and recommend that the notified PC78 provisions remain unchanged, as they are necessary to accommodate existing QMs under s 77O(a) relating to section s 6(d) and s 6(f) matters (the maintenance and enhancement of public access to and along the coastal marine areas, lakes, and rivers, and the protection of historic heritage from inappropriate subdivision, use, and development respectively).

### 3.34 Precinct – Downtown West

[440] This issue relates to I205 Downtown West Precinct, particularly the following provisions:

- Rule I205.4.1(A2)(A7)
- I205.6.2 Pedestrian connections

### 3.34.1 Statement of issue

- i. Appropriateness of qualifying matters
- ii. Amendments to Standard I205.6.2 Pedestrian connections

### 3.34.2 Panel recommendation and reasons

[441] Standard I205.6.2 Pedestrian connections requires an at-grade pedestrian connection for all new buildings on either of the blocks between Lower Queen Street and Lower Hobson Street.

#### Appropriateness of the qualifying matters

[442] There was no evidence which challenged the Council's identification of QMs being accommodated by the Downtown West Precinct. With reference to the s 32 evaluation the Panel accepts the identification of s 77O(j) "other" matters relating to the connection with the Waitematā Harbour, and pedestrian amenity (identified by the Council as 'general streetscape, character, sense of enclosure and human scale) as appropriate QMs.

#### Amendments to Standard I202.6.2 Pedestrian connections

[443] The evidence focused on the specifics of Standard I206.6.2 Pedestrian connections.

[444] The urban design evidence from Ms. Samsudeen for the Council was that due to the existing site constraints and building layout within the precinct, any new pedestrian connections developed within the precinct are likely to be provided over multiple levels.

[445] The urban design evidence from Mr. Wallace for the submitter Precinct Properties considered references to "direct" and "unobstructed" transitions between levels are subjective matters of design and should be included in assessment criteria rather than a standard.

[446] There was expert opinion that an "at grade" connection could be difficult to provide due to the topography of that area and there was agreement between submitters and Council that reference to "at grade" could be removed.

[447] With respect to whether the connection requirement should be retained as a standard or become an assessment criterion, the Panel accepts the Council's evidence that retaining it as a standard will maintain the strength of the provisions (with departure from the standard resulting in a restricted discretionary activity with very specific matters of discretion and assessment criteria) which the Panel considers to be more certain than if it was an assessment criterion.

[448] The Panel agrees with the Council on replacing "at grade" with the wording "accessible, direct and unobstructed" as providing for the positive outcomes appropriate to replace a requirement for an "at grade" connection. These words are clear and able to be objectively determined.

- [449] The Panel does not agree with Mr. Cook that a new assessment criterion I205.8.2(2)(d) Open spaces or through-site links is an appropriate replacement for a standard, as an applicant could simply choose not to provide any open space or through-site links as part of its proposal. There is also no matter of discretion associated with the proposed assessment criterion.
- [450] The Panel prefers the Council's provisions in Attachment 6 to Ms Laird and Ms Wong's evidence, given the proposed deletion of "at grade" in Standard I205.6.2(1) for outcomes relating to level changes for the accessible pedestrian connection to be explicitly clear within Standard I205.6.2(1).
- [451] The Council raised an issue with the scope of the submission on the "at grade" amendment and whether it is consequential on intensification. We are satisfied that the pedestrian connection provision in the context of the Downtown West Precinct is fundamentally related to the anticipated comprehensive redevelopment of the precinct and relates to the density of urban form and is therefore "consequential on" intensification.
- [452] The Panel recommends the retention of I205 Downtown West Precinct and the amendment of standard I205.6.2 Pedestrian connections as outlined by Ms. Laird and Ms. Wong, as they are appropriate to accommodate s 77O(j) "other" QMs.

### 3.35 Precinct – Karangāhape Road

- [453] This issue relates to the Karangāhape Road Precinct, particularly the following provisions:
- Rule I206.4 (A2) and (A3)
  - I206.6.1 Frontage height and setback.
  - I206.10.1 Karangāhape Road: Precinct plan 1 – Frontage height and setback.

#### 3.35.1 Statement of issue

- i. Appropriateness of the qualifying matters
- ii. Request to extend the boundary to include the buildings on both sides of Poynton Terrace, Auckland Central.
- iii. Request to remove 538 and 582 Karangāhape Road from the precinct.

#### 3.35.2 Panel recommendation and reasons

##### Appropriateness of the qualifying matters

- [454] As notified PC78 did not identify Table I206.4(A2) New buildings, and alterations and additions to buildings not otherwise provided for (RD) or I206.10.1 Karangāhape Road: Precinct plan 1 – Frontage height and setback subject as provisions subject to a qualifying matter.
- [455] The s 32 report for Karangāhape Road Precinct identified I206.4(A2) along with frontage height and setback provisions to be subject to QMs. While acknowledging

Mr Caldwell's evidence challenging the height metric of the area, no planning or heritage evidence from submitters challenged the appropriateness of the QMs. In reliance of the s 32 report and heritage evidence from Ms. Walker for the Council, the Panel considers historic heritage, special character and streetscape, character, sense of enclosure, human scale are relevant QMs for I206 Karangāhape Road Precinct.

- [456] The Panel recommends that historic heritage (s 77O(a) (s6 (f))), special character (s 77O(j)) and Streetscape, character, sense of enclosure, human scale (s 77O(j)) be applied as qualifying matters within the Karangāhape Road Precinct.

#### Poynton Terrace

- [457] The buildings on both sides of Poynton Terrace are within the historic heritage overlay, the flats themselves are heritage listed, and there is already sufficient protection through D17 to protect the area.
- [458] The Panel disagrees with submitters that this area is more connected to Karangāhape Road than to Myers Park and (including from our observations on our site visit) consider that to the contrary Poynton Terrace is more directly connected to Myers Park. We consider that Poynton Terrace does not have the same street cohesiveness as Karangāhape Road, on which the Precinct rules are based. Furthermore we accept the evidence of Ms. Walker that Poynton Terrace is adequately protected as the historic relationship is already recognised through chapter D17, and therefore does not need the protection of the Precinct rules. In response to submitter concerns about any further new apartments at Poynton Terrace, the evidence of Ms. Walker was that the D17 overlay now applies to Poynton Terrace and will provide adequate protection (the previous new apartments raised by submitters during the hearing were built before the D17 overlay applied to the area).
- [459] The Council raised an issue with respect to the scope of the Poynton Terrace submission and whether amendment of the precinct boundary is "consequential on" intensification. Ms. Laird and Ms. Wong's tentative view was that, as the concern related to the effects of intensification on Poynton Terrace, the requested amendment may be "consequential on" intensification. The Panel considers that to be the case such that the submission is within scope, but we have concluded on the merits not to recommend amending the precinct boundary.

#### 582 and 538 Karangāhape Road

- [460] The specialist heritage evidence of Ms. Walker for the Council describes the submission as seeking to amend the boundary of the Karangāhape Road Precinct to remove the properties at 538 and 582 Karangāhape Road that make up the block between Karangāhape Road, Newton Road, Gundry Street and Abbey Street. The Panel notes that this block "protrudes" from the mapped precinct at its western end.



[461] Ms. Walker's evidence was that the block should remain in the precinct for the following reasons:

- a) The block includes two significant historic buildings that face Newton Road. These have an important relationship with Karangāhape Road and form the gateway entrance to the precinct as you approach from Newton Road.
- b) The block forms part of the ridge top location, orientation and aspect of the Karangāhape Road Precinct.
- c) While the building at 538 Karangāhape Road has been demolished and that site is currently vacant, and the service station located opposite (at 565 Karangāhape Road) does not contribute to the precinct's built form or streetscape character, buildings on 582 Karangāhape Road do contribute to the character of Karangāhape Road.

[462] Conversely the James Kirkpatrick Group Ltd (**James Kirkpatrick**) submission was that some of the spatial area proposed to be removed is already demolished, which leaves The Dog's Bollix building (facing Newton Road) as quite detached from the overall character of Karangāhape Road

[463] The planning evidence of Ms. Laird and Ms. Wong for the Council identified that the block subject to the submission, while within the precinct, is not subject to standard I206.6.1 Frontage height and setback. This block (protruding at the western end of the precinct) is the only part of the precinct not subject to that standard.

[464] The Panel, following their site visit, is not satisfied that the "distinctive built form and streetscape character" of the Karangāhape Road Precinct extends to the block in question and we do not consider that the block aligns well with the precinct description especially when considering the requirements of the NPS-UD and Policy 3(a).

[465] Accordingly we recommend that the submitter James Kirkpatrick's relief be granted, allowing for the removal of the block between Karangāhape Road, Newton Road, Gundry Street and Abbey Street from the precinct. The removal of this block will allow the boundary of the precinct to be better aligned, providing for the NPS-UD while maintaining the coherent character of Karangāhape Road and the precinct to the East. In regard to The Dog's Bollix building, the Panel notes that this contributes to heritage within the wider historic heritage area, and considers that this provides appropriate protection, even if removed from the precinct.

[466] The Council raised an issue with respect to the scope of James Kirkpatrick's submission and whether amendment of the precinct boundary is "consequential on" intensification, particularly as the block is not subject to standard I206.6.1 Frontage height and setback. The Panel is satisfied that while that particular standard does not apply to the block, the precinct contains "related provisions, including objectives and policies that support or are consequential on" intensification as the precinct and the streetscape character it protects have been identified by the Council and accepted by the Panel as a QM justifying modification of intensification. The Panel considers in

this instance that the location of the boundary of that QM precinct is directly “consequential on” intensification of land within and surrounding the precinct.

### 3.36 Precinct – Learning

[467] This issue relates to the Learning Precinct, particularly the following provisions.

- Rule I207.4.1 (A23) and (A24)
- I207.6.3. Building height
- I207.6.4. Frontage Height and Setback
- I207.6.5. Wynyard Street Coverage and Pedestrian Link
- I207.6.6. Sub-precinct B: Old Government House
- Map I207.10.1 Learning: Precinct plan 1 - Building height controls

#### 3.36.1 Statement of issue

- i. Appropriateness of the qualifying matters
- ii. Appropriateness of the provisions.

#### 3.36.2 Panel recommendation and reasons

##### Appropriateness of the qualifying matter

[468] Historic heritage, streetscape, pedestrian-oriented character and amenity values and open spaces and pedestrian connections contribute to the physical characteristics of the Learning Precinct and are identified in objectives of the precinct.

[469] The s 32 report analyses the application of the following QMs:

- Section 77 (a) Historic Heritage s 6(f) the protection of historic heritage from inappropriate subdivision, use, and development.
- Section 77O (f): open space provided for public use, but only in relation to land that is open space.
- Section 77O(j) Streetscape, pedestrian-oriented character, amenity.

[470] The s 32 report includes analysis of the sites to which the QM relates, effects which need to be managed and characteristics which make the level of development provided by Policy 3 inappropriate. A range of options, costs and benefits and the proposed outcome are detailed in the s 32 report.

[471] The Panel supports application of these QMs to limit height within the Learning Precinct.

[472] We accept that the physical characteristics of the precinct include parks and gardens around the campuses and that the purpose of sub-precinct B is to ensure they remain predominantly in open space for passive recreation. We support the notified s 77O(f) open space QM.

- [473] Application of these qualifying matters and the amendments to standards recommended below accord with the Panel's impressions of the precinct from our site visit.

### Appropriateness of the provisions

#### *Height and No Build Areas*

- [474] The Panel received planning, urban design and heritage evidence from the Council. No heritage or urban design evidence was provided by submitters seeking unlimited height or by the University of Auckland with respect to these matters.
- [475] The Panel finds that height is required to be modified to recognise, protect and enhance heritage values, respect the built character of the precinct and incorporate high-quality urban design, which are all objectives of the Learning Precinct. Council's urban design and heritage specialist evidence supporting the proposed changes in height to reflect the heritage and urban design values of the Learning Precinct is accepted by the Panel.
- [476] The Panel also considers that as a QM height should continue to be managed via standards I207.6.3 Building Height, I207.6.6 Sub-precinct B: Old Government House and Map I207.10.1 Learning: Precinct Plan 1 – Building height controls.
- [477] The Panel supports the Council's amended heights within the precinct compared to the notified PC78 and recommends Map I207.10.1 Learning: Precinct Plan 1 – Building height controls in Appendix 7 of Ms. Laird and Ms. Wong's evidence. This includes, following the expert assessments by Ms. Walker and Mr. Riley, increases from 15m to 18m on Building 113, a slight increase in extent of building area for Building 114, increased height along the western side of Wellesley St East; 72.5m on the northern side of Symonds Street including the corner of Symonds Street / Alfred Street, 72.5m on the corner of Symonds Street and Grafton Road; and 30m on the Maidment theatre site (corner of Alfred and Princes Streets).
- [478] Ms. Walker gave evidence on heritage values and heritage objectives within the precinct, the exceptional historic importance of the no-build area, and that a height standard should be used to manage these values. Her evidence proposed some small height increases compared to the notified PC78 provisions, and a slight extension within the no-build area, which she supported from a heritage perspective. We accept her evidence on this.
- [479] We also accept the evidence of urban design specialist Mr. Riley that unlimited building height would undermine the precinct's established and valued character, formed in part by its legible groupings of buildings of various heights along its streetscapes. Mr Riley's evidence supports areas of increased height where he considers these will positively contribute to an overall visual coherency, while leaving intact areas of lower height which are integral to the precinct's valued character. We accept his evidence for removal of the no-build area from the western side of Grafton Road and extension of the 72.5m height which, along with the proposed 72.5m on

Grafton Road, will result in a consistent built form. We accept that this support for increased height is dependent on the building frontage controls supported by Mr. Riley.

[480] With respect to the corner of Princes and Alfred Street, the Panel accepts Ms. Walker's evidence supporting an increase in height from 20m to 30m. She considers it important that the height standard of the corner site remains commensurate with the Student Union Building to avoid development of a bulk and height that adversely affects the historic heritage values of that building.

[481] Amending assessment criterion I207.8.2(1)(c) is a consequential change to the increase in height from 50m to 72.5m.

[482] The Panel supports application of QMs as per ss 77O(a), 77O(f) and 77O(j) to standard I207.6.3 Building Height; and the application of a QM as per ss 77O(a), 77O(f) and 77O(j) to standard I207.6.6 Sub-precinct B: Old Government House.

*Retention of Rule I207.4(A23) and associated Matters of discretion and assessment criteria.*

[483] The evidence from Ms. Walker, on the heritage values of the former Victorian shop at 9 Grafton Road (listed with NZHPT as a category 2 historic place) was that this place is unique to the University. There was no other heritage evidence to challenge her assessment. The Panel supports retention of Rule A23 (restricted discretionary for entry canopy and associated steps in area marked by "#") and associated matters of discretion I207.8.1(2) and assessment criteria I207.8.2(2).

[484] We also support the application of historic heritage, Streetscape, pedestrian-oriented character and amenity values as QMs under ss 77O(a), 77O(j) and 77O(f).

*Deletion of Rule I207.4(A24) and associated matter of discretion and assessment criteria.*

[485] The Council evidence from Ms. Laird and Ms. Wong sought deletion of rule I207.4.1(A24) (restricted discretionary for fire egress marked with "@") in Table I207.4.1), matter of discretion I207.8.1(3), and assessment criteria I207.8.2(3) as a consequential change to the height increases. The provisions applied to the "no building" area on Grafton Road which is proposed to be changed to 72.5m and will no longer be applicable. No other planning evidence challenged their evidence. The Panel recommends removal of this rule and associated matters of discretion and assessment criteria as consequential amendments arising from the recommended height amendments.

*Standard I207.6.5 Wynyard Street Coverage and Pedestrian Link*

[486] Council's s 32 report evaluates the application of the QM s 77O(j) Streetscape, pedestrian-oriented character, amenity to standard I207.6.5. Wynyard Street Coverage and Pedestrian Link, and identifies the sites and effects managed. It identifies that increased height may adversely affect the character and streetscape of the precinct which is fundamentally linked to the precinct purpose. PC78 as notified

included standard I207.6.5 Wynyard Street Coverage and Pedestrian Link as subject to a s 77O(j) QM. No evidence challenged this standard.

- [487] The Panel supports application of the Streetscape, pedestrian-oriented character, amenity qualifying matter (s 77O(j)) in reliance of the s 32 report.

*Standard I207.6.4 Frontage Height and Setback, I207.8.2 (1)(c) Assessment criteria and I207.10.4 Learning: Precinct plan 4 - Frontage type.*

- [488] The Panel received planning, urban design and heritage evidence from the Council. The University of Auckland did not provide evidence.
- [489] We accept the evidence from urban design specialist Mr. Riley that the frontage types are an important method to achieve built form of a visually consistent scale along street frontages, well-proportioned edges to streets; and provide for an appropriate contextual response to the streetscape condition of lower-scale frontages in parts of the precinct. Mr. Riley's evidence was that a 20m setback will protect the valued character of the area including its heritage buildings and the proposed standard will avoid excessive stepping (the 'wedding cake' form) which can result in a weak, poorly defined street edge. He supports the maximum 20m depth which ensures buildings are not visually dominant (including street frontage heritage buildings), and considers that characteristics of the precinct such as extensive and mature tree canopy along most streets will mean clear views to higher parts of buildings may be filtered or blocked.
- [490] Frontage Type C is proposed along the southern side of Princes Street to the corner of Alfred Street, but no frontage type is proposed along the eastern side of the corner where height is proposed to increase from 20m to 30m. This was formerly occupied by the Maidment Theatre (now demolished) as part of the Student Union Building. There is no frontage height control on the opposite side of Alfred Street, which is subject to 40m height limit which is not changed from the AUP.
- [491] Additional sites within the Learning Precinct without a frontage control are existing (40m on northern side of Alfred Street, 25m pink area on eastern side of Princes Street, 30m on northern side of Symonds Street (between Mount Street and St Pauls Street)).
- [492] The Panel recommends acceptance of the proposed amendments to standard I207.6.4 Frontage Height and Setback; I207.8.2 (1)(c) Assessment criteria and Map I207.10.4 Learning: Precinct plan 4 - Frontage types as proposed in Appendix 7 of Ms. Laird and Ms. Wong's Evidence in Chief.

*Relationship with standards H8.6.25 and H8.6.25A*

- [493] The validity of standards H8.6.25 and H8.6.25A as a QM is discussed in the bulk and location controls in the City Centre form section of this report. The Panel supports application of these standards to all areas where height has been increased to 72.5m and for the associated amendments of Maps H8.11.5A and H8.11.11.

- [494] Standard H8.6.25 Building frontage alignment and height provides minimum frontage heights as shown in Map H8.11.5 Minimum frontage height. This map is in the AUP and is not proposed to be changed. Some sites within the precinct are shown on this map. PC78 as notified proposed adding maximum frontage heights to standard H8.6.25 for sites identified in Map H8.11.5A Maximum frontage height. Map H8.11.5A is a new map proposed by PC78 and maps some sites within the Learning precinct.
- [495] Standard H8.6.25A is a new standard proposed by PC78 which provides setbacks from boundaries, maximum plan dimensions and tower separation distances for all sites identified on Map H8.11.11, which is a new map proposed by PC78.
- [496] Planning evidence from Ms. Laird and Ms. Wong identified the application of City Centre Zone standards H8.6.25 and H8.6.25A to all areas where height has been proposed to increase to 72.5m, and associated amendments of Map H8.11.5A and Map H8.11.11 as a consequential change, with discussion within the built form policies and standards section.
- [497] Mr. Riley's evidence supports the increase in height from 30m to 72.5m on the corner of Symonds Street and Alfred Street and the removal of a frontage control which currently applies to this area.
- [498] Mr. Riley refers to the 1:1 ratio of street width to frontage height, or maximum of 32.5m to frontages directly to the south along Symonds Street which have a maximum height of 72.5m. He considers it desirable that Standard H8.6.25(2) be applied to this frontage to avoid a significant jump in scale to a building frontage directly from the footpath on the street boundary to a height of 72.5m, and to provide consistency with the planned streetscape of frontage heights along this part of Symonds Street.
- [499] The Panel notes that the application of H8.6.25 and H8.6.25A to all areas where height is proposed to increase to 72.5m may result in more than one frontage setback control where frontage on 72.5m sites are also subject to I207.6.4 Frontage Height and Setback (southern side of Princes street, corner of Symonds and Grafton Road, southern side of Princess street (to the east of Grafton Road), eastern side of Grafton Road).
- [500] Consequently, the Panel recommends consequential amendments to H8.11.5A and H8.11.11 only to the extent to ensure there are appropriate controls applied to sites increased to 72.5m in height which are not identified by I207.6.4 Frontage Height and Setback. The Panel accepts the expert opinion of Mr Riley and Ms Walker which supports the building height and frontage outcomes of the precinct and therefore wishes to ensure that the consequential changes necessary to the H8 Business – City Centre Zone does not preclude the outcomes the Panel recommended in the Learning Precinct.

### 3.37 Precinct – Port

[501] This issue relates to the Ports Precinct, particularly the following provisions:

- Rule I208.4.1(A28), (A31), (A32), and (A39)
- I208.6.1.8 Building Height
- Precinct Plan 1

#### 3.37.1 Statement of issue

- i. Appropriateness of the qualifying matters and the provisions

#### 3.37.2 Panel recommendation and reasons

[502] There was no evidence challenging the provisions for the Central Wharves Precinct as notified in PC78 and no submitters sought relief in relation to this precinct.

[503] We therefore recommend adopting the Council's position outlined in its s 32 evaluation. Relevantly, PC78 was notified with no changes to those parts of the Ports Precinct which lie within the coastal marine area, as the scope of s 80E(1) precludes regional plan matters such as those within the coastal marine area.

[504] Accordingly, we accept the Council's s 32 evaluation and recommend that the notified PC78 Ports Precinct provisions remain unchanged as they are necessary to accommodate existing QMs under s 77O(e) (nationally significant infrastructure) and s 77O(a) relating to section s 6(d) and (h) matters (the maintenance and enhancement of public access to and along the coastal marine areas, lakes, and rivers, and the management of significant risk from natural hazards, respectively).

### 3.38 Precinct – Quay Park

[505] This issue relates to the Quay Park precinct, particularly the following provisions:

- I209.1. Precinct description
- I209.2. Objectives
- I209.3. Policies
- I209.4. Activity table – Rules I209.4.1(A3), (A7)
- Standard I209.6.1. Building height
- Standard I209.6.2. Building frontage height
- Standard I209.6.3. Site Intensity.
- I209.8.1 Matters of Discretion - I209.8.1(1), (6), (7)
- I209.8.2. Assessment criteria - I209.8.2(1), (6), (7).
- Precinct Plans 1, 2 and 3

#### 3.38.1 Statement of issue

- i. Appropriateness of qualifying matters
- ii. Precinct boundaries
- iii. Building heights



iv. Special amenity yard

Ngāti Whātua Ōrākei Group (**NWO**) opposes inclusion of the Quay Park Precinct and is seeking that this is removed and that the area subject to the precinct is managed by the underlying City Centre Zone and the Auckland War Museum Viewshaft Overlay which apply to this area.

### 3.38.2 Panel recommendation and reasons

[506] NWO originally opposed inclusion of the Quay Park Precinct and sought its removal, and that the area subject to the precinct is managed by the underlying City Centre Zone and the Auckland War Museum Viewshaft Overlay as it applies to this area.

[507] Evidence from Mr. Roberts, planner for NWO clarified the revised relief sought as:

- Deletion of the western portion of the precinct (noting the change in the boundary of sub-precinct A provided in the amended maps)
- Removal of I209 Quay Park provisions for the railway station building and related heritage provisions (with reliance on city centre zone, Historic heritage overlay D17 and Auckland War Museum Viewshaft Overlay D19).
- Removal of provisions for public open spaces, height and form (with reliance on underlying zone and City Centre Zone height controls and Museum viewshaft overlay along with specific frontage and setback controls, requested to be in Chapter H8).
- Addition of a new special amenity yard to ensure views to the Railway Station from Mahuhu Crescent.
- Deletion of land use policies limiting retail and requiring apartment blocks to be designed to protect occupants from adverse noise effects from the port and transport network.
- Addition of a land use policy to enable drive-through activities in sub-precinct A.
- Addition of a built form policy to ensure development and subdivision provides an integrated public open space and street network.

#### Appropriateness of qualifying matters

[508] The Panel refers to the s 32 evaluation report which identifies several QMs within the Quay Park Precinct area. Relevantly they include:

- Section 77O(a) (s 6(f)) protection of historic heritage from inappropriate subdivision, use, and development
- Section 77O(f) open space provided for public use, but only to land that is open space
- Section 77O(j) any other matter relating to 'amenity and human scale of streets', 'relationship to and connections with the Waitematā Harbour' and 'Protecting local and regionally significant views, in particular – the AWMMV and Railway Station and Gardens'

[509] The legal submission and the planning evidence of Mr. Roberts on behalf of NWO did not challenge the appropriateness of the QMs themselves, instead challenging Council's approach in terms of implementation and whether sufficient enablement has been afforded to meet the requirements of Policy 3(a). NWO's legal submissions particularly focused on the adequacy of the Council's s 77R assessments for the identified s 77O(j) "other" matters. We have considered the qualifying matters identified by the Council's s 32 report, and record that we:

- Concur with the identification of s 77O(a) QM relating to historic heritage.
- Concur with the identification of a s77O(f) QM, but only to the extent that it is applied to the land that is open space (refer to 3.16 above).
- Recommend a new s 77O(j) "other" QM for Quay Park Open space to moderate development on land that is not open space in terms of standard I209.8.2 Building Frontage Height
- Concur with the identification of a s 77O(j) "other" QM 'amenity and human scale of streets' noting that while the metrics were not agreed, amenity values were recognised by both Mr. Wallace for NWO and Ms. Samsudeen for the Council.
- Concur with the identification of a s 77O(j) "other" QM relationship with the Waitematā Harbour. We note that although the purpose of the height standard is protection of views to significant heritage places and to maintain and enhance sunlight access and amenity to identified open spaces and there are no I209 policies or objectives which refer to the harbour, this QM is required to restrict height within the precinct due to adverse effects from height on the relationship between the Precinct and the harbour, through the dominance of built form over harbour edges and reduction in gaps between built form that enable visual connections to the sea.
- Concur with the identification of a s 77O(j) "other" QM protecting local and regionally significant views, in particular – the AWMMV and Railway Station and Gardens"

[510] The Panel recommends an additional s 77O(j) "other" QM relating to 'Quay Park urban built form and street network' which relates to the establishment of new roads, lanes and pedestrian connections in light of the development anticipated in the area. We consider this necessary given the opposing positions in the evidence on the issue of the extent of the precinct which is discussed below.

#### Precinct boundaries

[511] The issue of scope was raised by Ms. Laird and Ms. Wong for the Council. Their evidence was that the precinct relates to more than height and density of urban form, and for example includes precinct-specific provisions relating to land use and development activities, transport networks and public open space. They therefore considered that the request is not "consequential on" intensification. They also raised second limb concerns as to whether the public could have reasonably anticipated changes to the Precinct boundaries.

- [512] *Waikanae* confirms that the scope of an IPI is to promptly implement intensification through a truncated process. We have regard to the broad nature of the precinct provisions, addressed by Ms. Laird and Ms. Wong, dealing with comprehensive land use planning beyond simple height and density of urban form. In our view the request to delete the precinct in its entirety, or alternatively to radically amend its boundaries, is beyond the scope of PC78 as an IPI, because it seeks to fundamentally alter the status quo. However, we have also assessed the merits of the request.
- [513] The Panel heard evidence from planning, heritage, urban design and economic specialists for NWO and for the Council.
- [514] On the merits, we do not support removal of the western portion of the precinct. NWO witnesses premised the removal on the 'set' nature of the urban form and structure in the western portion no longer requiring management by the precinct provisions. Both Mr. Roberts and Mr. Colegrave for NWO provided evidence demonstrating additional changes to the urban form in the western portion was possible and /or likely, including a new laneway in place of part of Mahuhu Crescent and new pedestrian links on the City Centre Masterplan.
- [515] In light of the above, the Panel does not accept Mr Robert's views that the maturity of development in the precinct (i.e. the urban form and road pattern is already established) mean there is no longer a need for the precinct specific provisions. We consider that redevelopment in the western portion may alter the urban structure, and that the precinct objectives (requiring development to be of a scale and form to enhance and define street networks, provide variation in building form and to provide for 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) remain relevant.
- [516] The Panel prefers the urban design evidence from Ms. Samsudeen for the Council as supported by planners, Ms. Laird and Ms. Wong "*that the precinct provides a clear framework for specific activities (including drive-through activities and subdivision), pedestrian movements, transport functions, whilst considering area specific matters such as heritage and open spaces.*" The Council's evidence also referred to the relationship of the precinct with other City Centre waterfront precincts, continuity and consistency with those waterfront precincts, connectivity, legibility of pedestrian movements and transport function, and the enhancement of amenity in public open spaces and to streets. The Panel agrees with this evidence and therefore recommends the retaining the boundaries of the Quay Park Precinct as notified by PC78.

### Building Heights

- [517] NWO requested changes to I209 Quay Park provisions to seek removal of 'transitions' as a consequential amendment to reflect the proposal to delete the western portion of the precinct.
- [518] At a precinct-wide level, there was no specific evidence for the removal of transitions to surrounding neighbourhoods from standard I209.2 nor the removal of Built form

policy I209.3(2) to provide for development that responds to the topography and precinct and surrounds and achieves a transition in height.

- [519] Ms. Samsudeen's urban design evidence on transitions focused on the city-wide level and did not include specific reference to Quay Park. Her evidence was that the Quay Park strategy is to maintain connections between the city and the harbour and beyond, reinforcing Waitematā Harbour as an important identity and sense of place, and maximising sharing of sea views /extending grandstand views more widely among the City Centre's existing and future high-rise towers.
- [520] Reference to transitions was made by specialists in relation to transitions of height and setbacks within the precinct. Ms. Samsudeen's rebuttal evidence on setbacks referred to the need to ensure a gradual transition in height of adjacent sites along Te Taou Crescent and to avoid dominance, shading and human scale issues. She also referred to the transitioning to the waterfront and fringe suburbs in relation to the significant redevelopment potential and City Centre Masterplan. Mr. Brown's landscape evidence for the Council referred to 'transitions into taller development west of Beach Road and around Anzac Avenue.' Ms. Laird and Ms. Wong's rebuttal evidence, in reliance on Mr. Brown's rebuttal evidence, considered the 72.5m height limit inappropriate between Beach Road and a line that bisects Te Taou Reserve and Mahuhu-ki-te-Rangi Park, and a 'cliff face' of rising development on the edge of the viewshaft.
- [521] Mr. Wallace's evidence for NWO referred to transitions in relation to height and proposed frontage controls as it relates to the Railway Building.
- [522] The Panel preferred the evidence of Ms. Samsudeen and Mr. Brown, which referred to the need for transitions to the suburbs. For the avoidance of doubt, the Panel accepted a building height of 72.5m as a starting point is appropriate due to the city wide s 77O(j) 'other' matter as discussed in our findings in section 3.7 above.
- [523] The presence of other qualifying matters in Quay Park in turn may justifying a further reduction in height or density of urban form. We now turn our minds to these and recommends Map I209.10.2 Quay Park: Precinct plan 2 - Building height controls with the following height limits:

*Two western blocks*

- [524] The height can be increased to 72.5m on the basis of planning, urban design, landscape and heritage evidence for both NWO and Council agreeing that the two western most blocks, increased to 72.5m in the notified PC78, are an appropriate height (JWS- Hearing Topic 020E Precincts – I209 Quay Park Precinct dated 12 February 2024).

*30m height area shown on Precinct Plan 2 (notified)*

- [525] The 30m height area (as shown on precinct plan 2) can increase up to the AWMMV. The Panel recommends Map I209.10.2 Quay Park: Precinct plan 2 - Building height controls be amended to 72.5m and allow the AWMMV controls to manage the QM accordingly. This was agreed in the JWS dated 1 March 2024.

[526] In reliance on the expert evidence and the JWS, the Panel considers that reliance on chapter D19 AWMMV Overlay will manage height. Development will also be assessed through the precinct controls which also contain other QMs such as heritage, sunlight access and amenity).

*North and south of Te Taou Reserve – (notified purple 18m height limit)*

[527] The 18m height limit on notified Map I209.10.2 Quay Park: Precinct plan 2 - Building height controls (coloured purple) should remain at 18m with the exception of the eastern portion of Lot 25 DP 189961, directly behind the Railway Station which forms a carparking area / accessway for Spark Arena (shown below). We note that PC78 notified a reduced height on this portion of land from 30m in the AUP to 18m in PC78 which the Panel considers is contrary to *Waikanae*. We therefore recommend an out of submission change for this portion of land only to remain at the operative 30m height.



[528] Ms. Lutz for NWO and Ms. Walker for the Council both agree that the Railway Station is a familiar and significant place of heritage value. They did not however agree on the 18m height, setbacks, interpretation of the word 'adjoining' in H8 provision and the need for management within the precinct provision.

[529] Ms. Lutz's evidence included examples of stations where intensive development has occurred in close proximity, the extent of place and City Centre Zone provisions, and discussion of 'adjoining'. She considered the extent of place, buffer, additional controls and requirement for resource consent along with matters of discretion and limited visibility. Along with her questioning of the landmark status these matters informed her view that Chapter H8 of the AUP, in combination with Standard H8.6.7

Railway station building and gardens view protection plane, the EOP and the Museum Viewshaft Overlay are sufficient to protect the heritage values of the Railway Station.

- [530] Ms Walker's expert view was that the former railway station was historically designed to be viewed from all elevations, concluding that some space is required to appreciate the overall view of the building and in understanding the aesthetic values of the place. Her view was that management of the surrounds of a building of this scale, set so far back from the road, is essential to protect and enhance its heritage values and avoid distracting from its outstanding features. An 18m height limit is more appropriate to protect the heritage values associated with the design and significance of the building.
- [531] Mr. Brown's landscape evidence referred to the jarring 'up-lift' of development between Beach Road and a line that bisects the Te Taou and Māhuhu ki te Rangi Reserves, and in particular its significant impact on the Beach Road 'gateway' to the historic railway building. His view was that significant increases in heights have the potential to completely dominate the gateway, enveloping and greatly diminishing the open space in front of the Railway Station and the Category 1 building itself. Mr Brown's opinion was that both would be subsumed by development even close to 72.5m.
- [532] Ms Samsudeen supported lower height around Mahuhu Crescent and Te Taou Reserve to maintain and enhance the quality of the public open space and the pedestrian experience in the Precinct.
- [533] The Panel prefers the evidence of Ms. Walker, Mr. Brown and Ms. Samsudeen which accords with the Panel's observations during our site visit. The Panel therefore recommends retaining the 18m height limit.

#### *Open spaces*

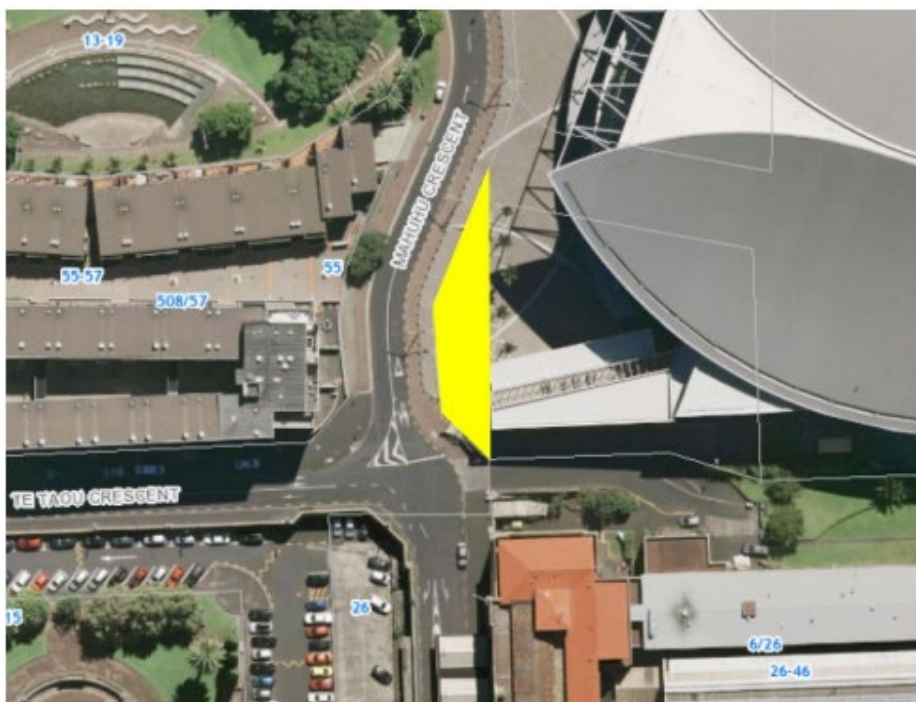
- [534] The Panel recommends the open space height limit be 4m on the basis of agreement from the planning, urban design, landscape, and heritage experts for both parties in the JWS dated 14 February 2024.

#### *Special amenity yard*

- [535] The Panel recommends a special amenity yard (Standard H8.6.30 and consequential amendments to matters of discretion and assessment criteria as outlined by Ms. Laird and Ms. Wong) be applied to protect views through to the Railway Station building from Mahuhu Crescent (as shown below) as necessary to accommodate a s 77O(a) (s 6(f)) QM "Quay Park Protection of historic heritage". The Panel adopts the expert views in the JWS dated 1 March 2024 and is satisfied that there is sufficient assessment to meet the requirements of s 77P.



*Special amenity yard subject to standard H8.6.30.*



### *Building frontage heights*

[536] The Panel recommends the retention of the notified PC78 standard I209.6.2 Building frontage height and setback as necessary to accommodate s 77O(j) any other qualifying matter relating to 'Quay Park Open Space' and 'amenity and human scale of streets'. We prefer the Council's evidence for the management of frontage height and setbacks to Te Taou Gardens and the former Railway Station Building. We refer to the s 32 report for standard I209.6.2. Building frontage height and setback and relies on this and the evidence of Ms. Samsudeen and Ms. Laird and Ms. Wong in the application of the QMs.

[537] The Panel endorses the agreed position of the experts in the JWS dated 1 March 2024 and recommend:

- frontages to Te Ngaoho Reserve and Te Uringutu Reserve be managed through the City Centre Zone assessment criteria (in particular H8.8.2(1)(a)(ii)) for new buildings and external alterations and additions to buildings not otherwise provided for in PC78 as notified, instead of by precinct Standard I209.6.2 Building frontage height and setback.
- the yellow line shown below (8 Mahuhu Crescent) be managed by City Centre Standard H8.6.25 Building frontage alignment and height, rather than by Precinct Standard I209.6.2.
- purple frontages along Mahuhu Crescent and Taporu Street should be amended as below.
- the purple line be managed by Precinct Standard I209.6.2.





**Key:**  
 Purple = 18m plus 45° setback  
 Yellow = standard H8.6.25  
 Red = Precinct boundary

### 3.39 Precinct – Queen Street Valley

[538] This issue relates to the Queen Street Valley Precinct, particularly the following provisions:

- Table I210.4.1. Activity table (A3)
- Table I210.4.1. Activity table (A3)
- I210.6.1. Frontage height and setback

#### 3.39.1 Statement of issue

- i. Appropriateness of the qualifying matters

#### 3.39.2 Panel recommendation and reasons

[539] The panel recommends the retention of the notified PC78 Queen Street Valley precinct provisions as necessary to accommodate an existing s 77O(j) “other” QM relating to ‘Character buildings in City Centre zone and Queen St Valley Precinct’.

[540] No evidence was presented in relation to this topic challenging the Council’s position as notified in PC78. Consequently, we accept the Council’s s 32 evaluation on the Queen Street Valley precinct and are satisfied that the provisions meet the statutory tests pursuant to s 77R.

### 3.40 Precinct – Victoria Park Market

[541] This issue relates to the Victoria Park Market Precinct, particularly the following provisions:

- I212.4 (A2), (A3), (A4)
- I212.6.2 Building height
- I212.6.3 Courtyard
- I212.6.4 Adelaide Street Viewshaft
- I212.6.5 Building setback – Building platform 4

#### 3.40.1 Statement of issue

- i. Appropriateness of the qualifying matters

### 3.40.2 Panel recommendation and reasons

[542] The Panel recommends the retention of the notified PC78 Victoria Park Market precinct provisions as necessary to accommodate an existing s 77O(a) QM relating to the protection of historic heritage as a matter of national significance. We note that the QM is an existing one and is therefore to be evaluated against the s 77Q alternative process for existing QMs.

[543] No evidence was presented in relation to this topic challenging the Council's position as notified in PC78. Consequently, we accept the Council's s 32 evaluation on the Victoria Park Market Precinct and are satisfied that the provisions meet the statutory tests pursuant to s 77Q.

### 3.41 Precinct – Viaduct Harbour

[544] This issue relates to the Viaduct Harbour Precinct, particularly the following provisions:

- Rule I211.4.1(A34) and (A36)
- I211.6.4 Building height
- I211.6.5 Site intensity
- I211.6.6 Building coverage
- I211.6.8 Special Yard A
- I211.6.9 Special Yard B
- I211.6.10 Public spaces and accessways
- I211.6.11 Viewshafts

#### 3.41.1 Statement of issue

- i. Appropriateness of qualifying matters
- ii. The appropriate height to accommodate qualifying matters
- iii. 'identified' views
- iv. Effects on tenure
- v. Visual simulations
- vi. Reliance on resource consents process in the Viaduct Harbour Precinct
- vii. Additional qualifying matter – coastal inundation

### 3.41.2 Panel recommendation and reasons

#### 3.41.2.1 Appropriateness of qualifying matters

[545] These were described in the Joint Witness Statement for the Viaduct Harbour Precinct (**JWS-VHP**) as follows:

1. *Regional Maunga viewshafts (and height in building sensitive areas)*
2. *Coastal inundation*
3. *Flood plains*

4. *Section 77O(a) (s 6(d) - the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers)*
5. *Section 77O(a) (s 6(f) - the protection of historic heritage from inappropriate subdivision, use, and development)*
6. *Section 77O(f) open space provided for public use*
7. *Section 77O(j) any other matter – City centre built form (City Centre Zone section 32, page 19, lists the principles that informed this qualifying matter including the following two that are most relevant to the Viaduct Harbour Precinct)*
  - *Protecting the relationship between the city centre and the Waitematā Harbour*
  - *Protecting amenity and retaining the “human scale” of streets*

[546] Alongside the above ‘generally agreed’ QMs were other matters that could have a further moderating effect on Policy 3(a) outcomes, being those related to transport and traffic effects on Fanshawe Street and the associated Rapid Transit Network, and infrastructure (primarily in terms of wastewater capacity).

[547] The Panel observes that the QMs encompass a range of considerations, with some applying absolute limits to any potential height and density outcomes for the precincts (e.g., Regional Maunga viewshafts, and potentially coastal inundation and flood plains), while others would require a more evaluative approach – e.g., the extent to which additional building height would impact on open space, amenity and the relationship between buildings and the harbour.

[548] The JWS-VHP noted that some witnesses sought confirmation from the Council as to the status of the mapping of QM 2 (coastal inundation) as the coastal inundation information layer included in PC78 is ‘information only’ and not part of PC78. Witnesses for VHHL considered that QM 7 (City centre built form) could be a QM subject to further assessment and information being available to justify their inclusion, and that a further s 32 analysis is required on this matter.

[549] The Panel accepts the appropriateness of the identified existing QMs on the basis of the VHP-JWS, and as we are satisfied that the existing QMs meet the statutory tests and with respect to the City centre built form QM for the reasons stated elsewhere in our report.

### 3.41.2.2 The appropriate height to accommodate qualifying matters

[550] The height standards for the Viaduct Harbour Precinct are set out in the notified version of PC78 at I211.6.4 and I211.10.3 (Precinct plan 3 – Building height controls). The Precinct is described (at I211.1 of the AUP) as including the harbour, waterfront land (including Hobson Wharf), and adjacent coastal marine area. It is characterised by its enclosed water space, interesting water edge, proximity to the city centre, and low-rise buildings. It is made up of three Sub-precincts A, B and C which in summary relate to pedestrian activity areas (e.g. water’s edge and open spaces, public open space and promenades, and residential areas).

- [551] The evidence for VHHL<sup>10</sup> sought site-specific maximum height standards increase to 52m for 204 Quay Street (**Auckland Harbour Board Building**), including a 14m setback from Quay Street and a 5m setback from Lower Hobson Street to recognise the historic heritage façade, and for 115 Customs Street West (**Bivacco site**), to allow for taller marker buildings on these sites<sup>11</sup>. Additional height was also sought within Sub-precinct A (from 24-30m to 50m) and within Sub-precincts B and C (from 16.5-18.5m to 24-25m).
- [552] Mr. Roberts' planning evidence for VHHL considered that the provision of additional development opportunities in the Viaduct Harbour Precinct will enhance its role within the City Centre Zone and that enabling additional height as sought by VHHL would not compromise the most attractive aspects of the Precinct when considered together with the proposed suite of development standards and assessment criteria.
- [553] Mr. Roberts preferred the comprehensive overview of the character of the Viaduct Harbour Precinct described in the evidence of Ms. Skidmore (for VHHL). In his view, the design-based planning framework is largely responsible for development achieving these key drivers of built character. He also agreed with Ms. Skidmore that the taller buildings provided through the relief sought by VHHL would create more visual interest consistent with a city centre environment.
- [554] The Council's position, as described in the evidence of Ms. Laird and Ms. Wong, was that the existing height standards for the Viaduct Harbour Precinct remained generally appropriate and would address the recommended QMs, save for some changes to the heights for the sites at 4, 10 and 12 Viaduct Harbour Avenue, 1 Fanshawe Street and 15-17 Sturdee Street (all from 24m to 30m) as discussed below.
- [555] Submitters for Wynyard Quarter Residents Association (**WQRA**) and the planning evidence of Mr. Haines for the Viaduct Harbour Bodies Corporate (**VHBC**) sought retention of the status quo. In particular, Mr. Scott for WQRA (referring to the evidence of Mr. Carter and Mr. Ryan) did not consider that additional height for the sites at 4-16 Viaduct Harbour Avenue (Property 151) would be realisable, citing the newness of the building, the large number of single tenants (low turnover) and engineering reasons.
- [556] Council's planning witnesses, Ms. Laird and Ms. Wong, considered the heights proposed by Mr. Roberts as inappropriate:
1. Reliant on Ms. Lee Sang (Urban Design, Council) who considered appropriate height at any water's edge is typically related to context and continued to support the notified height of 16.5m;
  2. Reliant on Ms. Walker (Heritage, Council), who remained of the view that alternative greater heights surrounding the Tepid Baths and Auckland Harbour

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<sup>10</sup> VHHL advised it was no longer pursuing a height standard of 72m across both the Viaduct Harbour and Wynyard Precincts, although it did not formally withdraw that relief.

<sup>11</sup> As amended by VHHL memorandum of counsel, 8 December 2023

Board buildings would affect their heritage values (as discussed further below); and

3. Through the cumulative local transportation effects of additional height sought by submitters discussed in the evidence of Mr. Clark is also relevant to the appropriate permitted heights within the Viaduct Harbour Precinct.

[557] Ms. Lee Sang also noted that the Precinct utilised a design and development approach of perimeter blocks, defined public space and human scale through a set of design guidelines and does not envision marker buildings. She considered that introducing a height standard of 52m at the Bivacco site would be inconsistent with the intention of lower building heights near the water's edge to ensure a stepping down of building heights from the City Centre core.

[558] The Council's evidence proposed that the notified permitted heights in PC78 be retained, with the exception – consistent with the heights Council's witnesses had agreed in the VHP-JWS - of three sites at 4, 10 and 12 Viaduct Harbour Avenue, 1 Fanshawe Street and 15-17 Sturdee Street (all from 24m to 30m), with consequential adjustment to FAR.

#### Auckland Harbour Board Building

[559] With regard to the Auckland Harbour Board Building, Mr. Wild on behalf of VHHL noted that the operative 24m height standard is higher than the existing building, and the same AUP historic heritage provisions would apply to the consideration of any building on this site. He also considered that the assessment of effects on historic heritage is not purely a function of height and his view was that an assessment cannot be adequately undertaken in the absence of an analysis of a particular design scheme.

[560] Ms. Walker's heritage evidence for the Council agreed with the proposed setbacks as in her opinion these will retain the original fabric of the northern and eastern street fronts, but she did not consider that the proposed height standard of 52m to be appropriate. She noted the importance of the building as a landmark and gateway to the Viaduct Harbour Precinct and the level of bulk will detract from these values and can visually impact on the physical attributes and other aesthetic values of the place. She remained of the view that any development involving an increase of height would need to be carefully assessed. This view was shared by Ms. Lee Sang.

#### Tepid Baths

[561] With regard to the Tepid Baths, Mr. Wild noted that the operative 24m height standard is significantly higher than the existing building, and the same AUP historic heritage provisions would apply to the assessment of any building on this site. He therefore considered that any new development on neighbouring sites would need to be respectful of the historic heritage in line with the restricted discretionary activity assessment required of any new building in the Viaduct Harbour Precinct in accordance with H8.8.1(1)(b).

[562] Ms. Walker's evidence noted that if development occurred in accordance with the current height standard it would be of a scale of the building to the north of the Baths (at 85-89 Customs Street West) which is more appropriate in terms of scale.

[563] She further explained that the small scale of the Tepid Baths requires a more bespoke approach to its immediate context to avoid visual dominance of its heritage values. She had agreed in the VHP-JWS to an increase in height to 30m at 15-17 Sturdee Street, an adjacent site that currently contains a multi-level carpark. She considered that an increase of 6m there would have little impact on the values of the Tepid Baths.

#### *Precinct description and policy*

[564] The Panel also heard from Mr. Roberts, Mr. Haines and Ms. Laird and Ms. Wong about the appropriate precinct description and policy. Mr. Roberts sought that references to "low-rise character buildings" be deleted from the Viaduct Harbour Precinct description (I211.1) and "low-medium rise" from VHP Policy I211.3(4), for the following reasons:

1. To more accurately reflect the character of the Precinct. He noted that while there are two sites that have historic heritage notations, it is not accurate to refer to areas of low-rise character buildings.
2. To acknowledge and accurately reflect the changes that have occurred within the Precinct since the provisions were initially introduced, noting that development over the past 15-20 years has changed the height profile of the area markedly.

[565] Mr. Haines for VHBC sought the retention of the deleted words in the notified Policy I211.3(4)(b) as in his view it is the existing development that already provides the 'distinctive low-medium rise character', while the 'sense of intimacy' is an additional, separate quality. He also considered that Policy I211.3(4)(c) should be reinstated in an amended form in order to recognise the Precinct's 'juxtaposition' with higher rise neighbouring precincts, and to emphasise the Viaduct Harbour's role as a complementary low-medium rise waterfront environment. The amended wording proposed by Mr. Haines was as follows:

*(c) emphasise the juxtaposition between low to medium rise buildings within the precinct and taller buildings enabled in the adjacent Downtown West, Central Wharves and Wynyard Precincts.*

[566] Ms. Laird and Ms. Wong disagreed with Mr. Roberts and Mr. Haines, as the terms used in the provisions are considered in their view to more accurately describe the Viaduct Harbour Precinct's existing low-rise and medium-rise buildings and will preserve its distinct character. Their recommended version of Policy I211.3(4)(b) reinstated the wording that was previously deleted.

#### *Recommendations:*



- [567] The Panel prefers the evidence of Ms. Lee Sang, Mr. Kensington and Ms. Walker (other than for Bouzaid Way and the Auckland Harbour Board Building outlined below).
- [568] The Panel agrees that the maximum height standards for the properties at 4, 10 and 12 Viaduct Harbour Avenue, 1 Fanshawe Street and 15-17 Sturdee Street should be amended to 30m (from 24m) with consequential adjustment to FAR.
- [569] For two locations around Bouzaid Way where Eke Panuku and Stratis supported 31m and Ms. Lee Sang supported retaining 24m, The Panel prefers the evidence of Eke Panuku and Stratis, given that the adjacent viewshaft location already protects this link to the coastal marine area and provides a connection to the harbour, but recommends 30m (from 24m) consistent with Ms. Lee Sang's recommendations for the adjacent land (with consequential adjustment to FAR).
- [570] With respect to the **Auckland Harbour Board Building**, the Panel prefers the evidence of Ms. de Lambert and Mr. Wild as the approach they have set out is appropriately aligned with the waterfront axis and forms part of the Viaduct Harbour Precinct that is closest to the core of the city centre. We are satisfied that the proposed set-back standards and the existing design-related criteria within Chapter H8 will be sufficient to ensure that the design outcome of any new building or redevelopment will be appropriately integrated to, and not unduly compete with, the existing Auckland Harbour Board Building. We therefore recommend amending the height standard for this site to 52m, in combination with a 15m setback from Quay Street and a 5m setback from Lower Hobson Street. We recommend a consequential amendment to I211.6.4 to incorporate the set-backs, likewise the Council will need to determine an appropriate consequential adjustment to FAR to enable additional development capacity which reflects the increased height.
- [571] With respect to the **Tepid Baths** the Panel prefers the evidence of Ms. Walker to maintain the operative 24m height for the Tepid Baths building, but supporting a 30m height standard for the adjacent multi-level carpark at 15-17 Sturdee Street (also supported by Ms Lee Sang). We agree that there is a different context in this location because the triangular multi-level carpark site is more related to the heights at Sturdee Street and Fanshawe Street and is not as directly connected to Viaduct Harbour Precinct as the balance of the block.
- [572] With respect to the **Bivacco Site** at 115 Customs Street West, the Panel prefers the evidence for the Council. A 52m 'marker' building would undermine other marker buildings and the waterfront axis of the City Centre Masterplan. We prefer the evidence of Ms. Lee Sang in this regard that a marker building in this location lacks any obvious connection with existing marker building sites within Wynyard Precinct (or with the additional height that we have recommended for the Auckland Harbour Board Building).
- [573] With respect to the former Auckland Municipal Markets building at 104 and 106 Customs Street West, the Panel prefers the evidence of Ms. Walker that an increase in height has the potential to adversely affect the Tepid Baths.



[574] With respect to the precinct description and policy, in light of our recommendations above, the Panel considers that 'low rise' better describes the current character of the Viaduct Harbour Precinct for the purposes of the precinct description at I211.1; while 'low to medium rise' in terms of Policy I211.3(4) captures the range of heights found to be acceptable in the Precinct and those that we have determined to be appropriate in the preceding discussion. We acknowledge that the 52m recommended for the Auckland Harbour Board Building may be at the outer bounds of 'medium rise' but equally would not be construed as 'high rise' and the building is on the edge of the Precinct. It also performs the additional role as a marker building on the waterfront axis. We prefer Ms. Laird and Ms. Wong's assessment and conclude that the notified wording accurately conveys the character of the Viaduct Harbour Precinct and intended level of development to be enabled through the Panel's recommendations.

### 3.41.2.3 Identified views

[575] Mr. Falconer and Mr. Haines on behalf of VHBC supported the deletion of the text "identified" in notified Objective I211.2(2), on the basis that the objective should continue to apply to all significant views and they were concerned at the potential omission of viewshafts over Hobson Wharf Extension.

[576] In reliance on Peter Kensington's rebuttal evidence, Ms. Laird and Ms. Wong supported the removal of "identified" from the objective and considered that this approach continues to ensure the conservation and enhancement of key views of Waitematā Harbour and the surrounding areas within the Viaduct Harbour Precinct contributing towards a WFUE.

#### *Recommendation*

[577] The Panel agrees that the word 'identified' unduly confines the potential views that may be considered in terms of Objective I211.2(2) and considers that the reference to "significant" views is appropriate. We recommend the deletion of "identified".

### 3.41.2.4 Effect on tenure

[578] The Panel heard the concerns of the owners of apartments in the Precinct as to the likely increase in ground rents on the land underlying their apartments due to higher land values resulting from increased height limits. They pointed out that there is no realistic likelihood of additional development capacity being 'realised' in terms of Policy 3(a) within the lifetime of any change brought about by PC78, either through complete redevelopment or additional floors. Counsel for VHHL submitted that this is not a RMA matter, and the situation is no different to any 'upzoning' of property anywhere else.

[579] While the impact on property values of any plan change is not normally a matter to be considered, it has the potential in this case to undermine the WFUE test if it was to result in a significant loss in the value of improvements, and apartment owners no longer being able to afford the ground rents or to maintain their apartments.

[580] The Panel agrees that redevelopment of the recently master planned and completed apartments to realise additional enabled height is unlikely, and considers that the identified issue could constitute an “effect” due to the consequential amenity effects if apartments were run-down or abandoned due to excessive ground rent increases, as this has the potential to undermine the Precinct as a WFUE.

[581] While acknowledging these concerns, we have reached our conclusions as to the appropriate heights based on the evidence as to building scale effects (i.e., character, landscape, planning and urban design and the relevant QMs). We have generally agreed with the appropriateness of existing heights for those apartment complexes already developed, while recommending increased allowances for specific (typically non-residential) sites where additional height is appropriate.

### 3.41.2.5 Visual Simulations

[582] An issue was raised as to the usefulness of the visual simulations and modelling, undertaken in the first instance by the Council and supplemented by submitter evidence. The Panel appreciates the shortcomings inherent in all visualisations but has adopted a balanced view of their use (together with our site visits) to inform our findings.

### 3.41.2.6 Reliance on resource consents process in the Viaduct Harbour Precinct

[583] An issue was raised as to the extent to which developers should rely on resource consents to seek further height, rather than by increased height standards under PC78.

[584] Evidence, including from the Council, considered that the resource consent process is a more appropriate way to address the acceptability of height increases beyond the limits proposed. Setting a height standard can often be seen as establishing a height 'baseline', or minimum, with resource consent applications assessing only the adverse effects arising from any departure from those standards (such as in terms of views, shading or general visibility etc).

[585] Height exceedances in the Viaduct Harbour Precinct are treated as restricted discretionary, and so we are conscious that greater potential exists for resource consent applications of this nature (or that the consent process is less of an impediment to such proposals).

[586] Nevertheless, the Panel notes that such infringements remain subject to the same considerations inherent in our findings on establishing the height limits for the Viaduct Harbour Precinct via I211.8.1(12) - i.e.: (a) building scale, dominance and visual effects; (b) effects on current or planned future form and character; and (c) pedestrian amenity and function, and that Policy I211.3(4) is specifically engaged, via I211.8.2(12). Together, the Panel considers that these establish a broad framework on which any infringements would be assessed, notwithstanding the technical 'restriction' to a decision-maker's discretion.

[587] The Panel is satisfied that the height standards it has recommended provide for a logical height framework for the Viaduct Harbour Precinct that reflect its existing and planned character and relevant QMs. In the context of an IPI, rather than focus on whether a resource consent is preferable to an amendment to the height standard, we have approached our recommendations through the direction of Policy 3(a) and the application of QMs as directed by the relevant statutory tests.

### 3.41.2.7 Additional qualifying matter – coastal inundation

[588] PC78 as notified identified the management of significant risks from natural hazards as an existing QM relating to AUP provisions. Stratis sought the inclusion of an additional QM in the Viaduct Harbour Precinct "the threat of future coastal inundation" to justify retaining the current precinct provisions, or down-zoning.

[589] The issues in contention associated with the additional QM sought by Stratis was the extent to which this is a relevant consideration having regard to the NPS-UD policy prescriptions (including that of the NZCPS) described in section 3.2 above, and the extent to which they should influence or determine the height standards for the Viaduct Harbour Precinct.

[590] We note that the JWS-VHP identified that the corresponding layer in PC78 was for information only and would need to be included as a specific map if to be relied on as a QM.

[591] While there was discussion as to whether the Panel should set aside the issue of coastal inundation, being a matter for future hearings, we heard submitter evidence on this matter specific to the Viaduct Harbour and Wynyard Precincts.

[592] The Council signalled that it would provide its evidence on this issue at later hearings and so we therefore did not receive full evidence on the issue. That said, we note that the existence of a Council-identified coastal inundation QM did not form the basis of any absolute position with respect to the Council's recommendations as to building heights, having regard to their support for some height increases in some locations. Ms. Laird and Ms. Wong considered that the heights and density provided for in the Viaduct Harbour Precinct are only made less enabling to the extent necessary to accommodate the precinct's QMs which include 'sea level rise'.

[593] The Panel notes that the NZCPS and the NPS-UD must both be given effect to. With respect to s 77O(b), the QMs that may modify the requirements of Policy 3 include giving effect to the NZCPS. It is therefore evident that the NZCPS can constrain the NPS-UD 'to the extent necessary'.

[594] While submissions on this matter only related to the Viaduct Harbour Precinct, and no corresponding submission point was made with respect to the Wynyard Precinct, the evidence of Dr. Bell for Stratis and Mr. Reinen-Hamill for VHHL covered both precincts. Given the similarity of issues for both areas and their similar ground levels and that they are both on reclaimed land, we have considered the evidence in the

context of both precincts, noting that our power to make recommendations is not limited by submissions.

- [595] With respect to s 77P(3)(a)(i) the “area” subject to the QM was identified in the submission as within the 1% + 1.5m AEP for the Viaduct Harbour Precinct (and by extension of the evidence also for the Wynyard Precinct). As VHHL pointed out however, the same sea level rise is mapped over extensive areas of the lower City Centre and potentially much wider across Auckland. It is unclear to the Panel, in advance of hearing evidence from the Council, where a sea level rise QM would appropriately be applied beyond the Viaduct Harbour (and Wynyard) Precinct.
- [596] With respect to s 77P(3)(a)(ii), Dr. Bell’s evidence was that intensification was incompatible with sea level rise, but the evidence for VHHL was that solutions could and would be found to protect development from sea level rise.
- [597] With respect to s 77P(3)(b) and (c), Dr. Fairgray’s economic evidence concluded that there were nil opportunity costs associated with accommodating the Council’s identified QMs given the Council’s modelling suggesting PC78 enabled capacity far exceeding demand. Mr Colegrave’s economic evidence for VHHL concluded that planning provisions for the low-lying parts of the City Centre Zone should seek to enable development opportunities and capacity that will encourage the implementation of engineering and management methods to respond to and manage sea level rise, funded through that additional capacity.

*Recommendation:*

- [598] The Panel is satisfied that the evidence for Stratis meets some components of s 77P(3) and therefore we have concerns about the effects of potential flooding and coastal inundation within the Viaduct Harbour Precinct. However, we are somewhat hamstrung by procedural complications arising from pauses in the PC78 process and cannot pre-empt any outcomes arising from the Council’s later evidence and/or a separate plan change addressing natural hazards.
- [599] The Minister has directed that the Council must make its decision on the City Centre Zone by 31 May 2025 which necessitates that the Panel make its recommendations based on the evidence we currently have. We consider that we cannot recommend modifications to Policy 3 intensification in the Viaduct Harbour Precinct (and the Wynyard Precinct) on the basis of a new ‘sea level rise’ QM in the absence of full evidence on the spatial application of such a QM more broadly across the City Centre and the remainder of Auckland. We therefore do not need to make an out of scope recommendation with respect to the Wynyard Precinct.
- [600] Overall, our findings on the substantive matters arising from the submissions relating to building heights have been made with respect to the impact of other QMs, although those recommendations do result in limited intensification in the Viaduct Harbour Precinct.

### 3.42 Precinct – Wynyard

[601] This issue relates to the Wynyard Precinct, particularly the following provisions:

- I214.4(A48)(A51)(A53)(A58)(A59)(A60) and (A61)
- I214.6.6 Building height
- I214.6.7 Maximum site intensity
- I214.6.8 Building frontage alignment and height
- I214.6.12 Lanes and view shafts

#### 3.42.1 Statement of issue

- i. Appropriateness of qualifying matters
- ii. The appropriate height to accommodate qualifying matters
- iii. Special character
- iv. Floor area ratio and site intensity
- v. Reliance on resource consents process as the appropriate alternative
- vi. Changes to activity status and a new sub-precinct H
- vii. Wynyard Point 'park flip', Open Space zoning and 'stopped roads'
- viii. Masterplanning
- ix. Transport

#### 3.42.2 Panel recommendation and reasons

##### 3.42.1 Appropriateness of qualifying matters

[602] These were described in the Joint Witness Statement for the Wynyard Precinct (**JWS-WP**) as follows:

1. *Regional Maunga viewshafts (and height in building sensitive areas)*
2. *Coastal inundation*
3. *Flood plains*
4. *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers) s 77O (s 6(d) – [sic]*
5. *any other matter - city centre character buildings*
6. *open space provided for public use s 77O(f)*
7. *any other matter – City centre built form (City Centre Zone section 32, page 19, lists the principles that informed this qualifying matter) s 77O(j)<sup>12</sup>*

[603] The JWS-WP included similar comments as those in the JWS-VHP regarding the coastal inundation layer, while witnesses for VHHL and others considered that QMs 5 (character buildings) and 7 (City centre built form) required further assessment.

[604] The Panel makes the same observations as we did for the Viaduct Harbour qualifying matters (see 3.41.2 above). We will not repeat them in full other than to summarise:

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<sup>12</sup> The Panel understands that this would relate to the two additional bullet points noted as part of point 7 in the JWS-VHP

- Other matters such as transport on Fanshawe St and infrastructure constraints may further moderate Policy 3(a) outcomes.
- Some QMs apply absolute height limits (e.g., Regional Maunga viewshafts), and potentially coastal inundation and flood plains, while others such as impacts on open space and relationship with the harbour, involve an evaluative approach
- The Panel heard evidence on coastal inundation specific to the Viaduct Harbour Precinct and considers it to be relevant to its deliberations for the Wynyard Precinct as well. We note that it was a generally agreed QM.
- The existence of a coastal inundation QM did not form the basis of any absolute position with respect to our recommendations as to building heights, having regard to our support for certain increases within the Precinct.

[605] The Panel accepts the appropriateness of the identified existing QMs on the basis of the JWS-WP. We are satisfied that the existing QMs meet the statutory tests, and with respect to the city centre built form QM, we refer to our recommendations elsewhere in our report.

### 3.42.2 The appropriate height to accommodate qualifying matters

[606] The height standards for the Wynyard Precinct are set out in the notified version of PC78 at 1214.6.6, 1214.10.4 (Precinct plan 4 – Basic height) and 1214.10.5 (Precinct plan 5 – Maximum height).

[607] The Precinct is described (at 1214.1 of the AUP) as representing the north-western end of the city centre. The land is bounded on three sides by the sea and by Fanshawe Street on its southern boundary. It is the largest brownfields area within the city centre. The precinct also includes an area of the coastal marine area to the north and west. The purpose of the 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.

[608] The existing built form of the Precinct is described as including 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 are described as creating an overall industrial aesthetic of structures and buildings, with robust materials and simple details.

[609] The Wynyard Precinct provisions establish a range of heights, established with reference to the Wynyard Quarter Urban Design Framework (**UDF**), although in a number of instances these have been exceeded by individual development projects through resource consents.

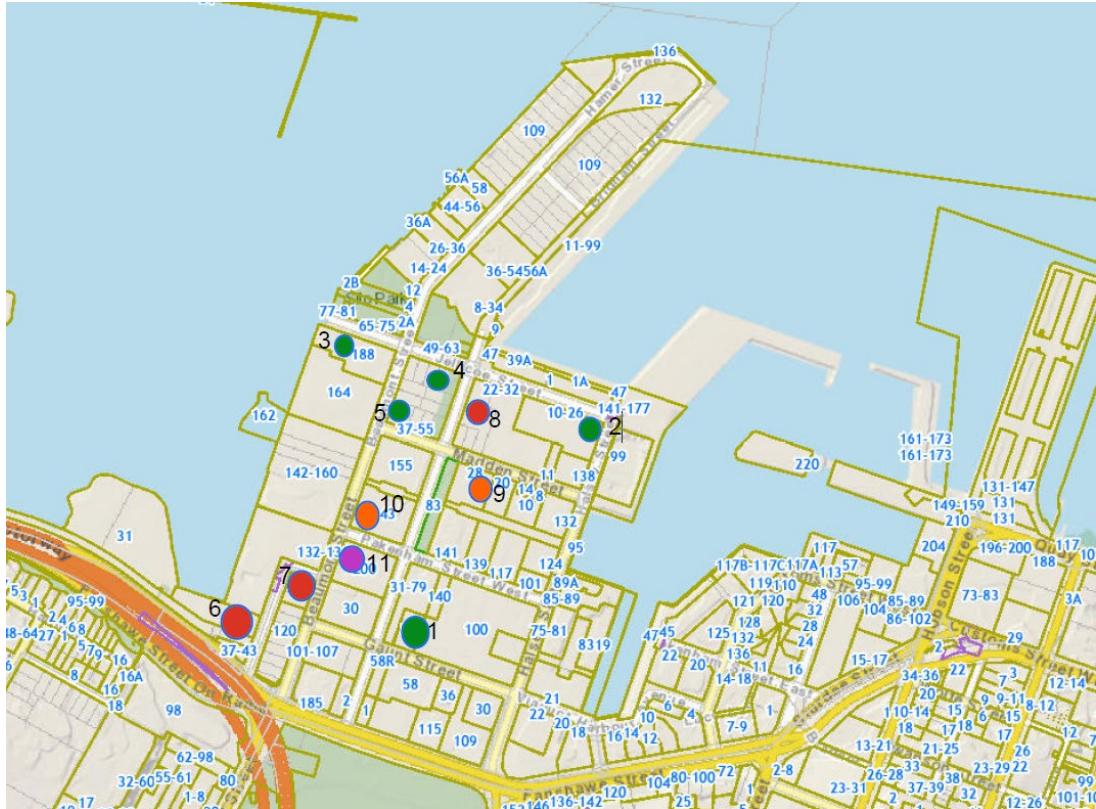
[610] The submissions and evidence from the various parties with interests in the Precinct sought relief covering a range of matters summarised as follows:

- Height standards generally;
- Fanshawe Street frontage and shading of Victoria Park;

- Increased height for existing marker building site at 55 Gaunt Street (including part of 100 Halsey Street) (**VHHL marker building site**);
- New marker building at 23 Westhaven Drive (**Swashbucklers site**);
- New marker building at 2 Westhaven Drive and part of 120 Beaumont Street (**Sailor's Corner**);
- Removal of special character overlay from the building at Sailor's Corner;
- Increased height for existing marker building site and adjacent sites at 188 Beaumont Street and part of 164 Beaumont Street (**Orams' site**);
- New marker building at the block bounded by Jellicoe, Daldy, Madden and Halsey Streets (**Sanford's site**);
- New Sub-precinct "F" to convert from marine to mixed-use;
- Increased height and re-orientation for one of a pair of existing marker building sites at the corner of Beaumont and Madden Streets (**western Eke Panuku marker building site**).
- Increased height and "park flip" at Wynyard Point headland (Wynyard Point);
- Deletion of FAR and site intensity controls;
- The extent to which the consideration of building heights should be left to the resource consent process;
- Amendments to activity status;
- Rezoning of stopped roads to Open Space and Business zones; and
- Transport considerations and whether parking restrictions (maximum standards) should be retained.

[611] As the various parties and witnesses referred to sites in the precinct by a variety of street addresses and UDF development site numbering, the Panel has numbered relevant sites on the map below:





[612] Sites 1 – 5 (green) are existing marker building sites identified in the operative Wynyard Precinct provisions and UDF:

1. VHHL marker building site
2. Corner of Jellicoe and Halsey Streets (referred to as site 23 in the UDF, referred to in evidence as the ASB marker building)
3. Orams site (including the existing marker building site referred to as site 18 in the UDF)
4. and 5. Eke Panuku existing marker building sites (providing for a pair of marker buildings, sometimes collectively referred to in the evidence as “the triangles”; referred to as sites 19 and 20 in the UDF)

[613] Sites 6 – 8 (red) are new marker building sites proposed by submitters:

6. Swashbucklers site
7. Sailor’s Corner
8. Sanford’s site

[614] Sites 9 and 10 (orange) and 11 (purple) have additional heights proposed by submitters:

9. 28 Madden Street (**East 1**)
10. 143 Beaumont St (mistakenly referred to as 143 Packerham Street in some evidence) (**West 2**)

## 11. 200 Pakenham Street West<sup>13</sup>

[615] Not numbered on the map but also relevant to our report is Wynyard Point to the north of the precinct.

[616] A useful map outlining existing built heights and consented heights overlaid on an aerial photograph was provided by Ms. Bull for VHHL, which was of particular assistance to the Panel on our site visits.

### (a) Height standards overall

[617] The height standards as proposed in PC78 for the Wynard Precinct are set out at I211.10.4 (Basic height) and I211.10.5 (Maximum height) and shown on Precinct plan 4 - Basic height and Precinct plan 5 - Maximum height (**height map**).

- In general, the basic height standard is 15m in Sub-precincts B, D E, F and G, and 31m in (most of) Sub-precinct A in the southern part of the precinct which has frontage to Fanshawe Street. Basic height for the Swashbucklers site is 5m, for the western end of the Orams site is 10m, and for two sites at either end of Precinct A fronting Gaunt Street is 25m.
- The maximum heights range from 27-31m (18m to the west of Beaumont Street). Maximum height for the Swashbucklers site is 5m, and for the western end of the Orams site is 10m. Five 'marker buildings' of up to 52m are provided for:
  - The existing ASB Building shown as site 2 on our plan above (the only marker building that has been built to date);
  - The pair of marker buildings shown as sites 4 and 5 on our plan above (with 5 being the western Eke Panuku marker building);
  - Within the Oram's site; and
  - The VHHL marker building site.

[618] VHHL was the only submitter to present evidence who had sought increased heights across Wynyard Precinct as a whole.<sup>14</sup>

[619] VHHL's submission sought 72.5m height across the entire precinct (and 110m height for the VHHL marker building site) or alternatively nuanced site-specific height standards in those parts of the Wynyard Precinct south of Pakenham Street. (VHHL also sought deletion of the FAR controls from the precinct and replacement with alternative standards, addressed later in our report).

[620] VHHL's relief was refined (although the 72.5m height submission point was not withdrawn) at the hearing to the heights set out in Mr. Roberts' planning evidence.

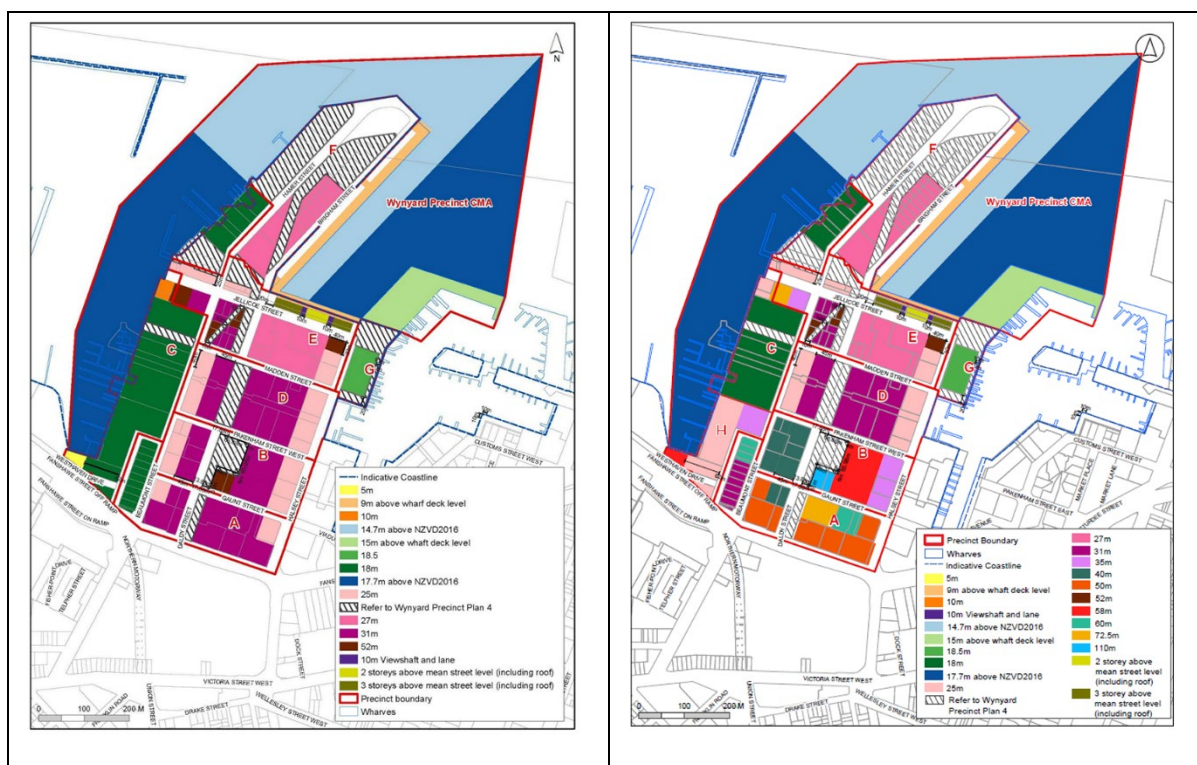
[621] The operative height map (left) and proposed height map supported by Mr. Roberts (right) are included below as a general comparative overview. (It is not intended that

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<sup>13</sup> Winton's further submission supported the submission from Eke Panuku and requested 46m at 200 Pakenham Street West but Winton did not pursue this in evidence.

<sup>14</sup> Mansons sought an increase in maximum height to 52m across the precinct. Willis Bond sought a precinct-wide increase of no more than 15m, but evidence focused on FAR.

the heights are legible at this scale - specific heights are discussed later in our report).



[622] Mr. Roberts, relying on Mr. McIndoe (urban design) and Ms. de Lambert (Landscape) for VHHL, supported alternative heights throughout the Precinct. He described the overall approach to the proposed height map as representing a more nuanced approach than VHHL's original request for 72.5m across the whole Precinct, for the reasons that VHHL's height proposal:

- retains the overall reduction in height from the city centre core towards the harbour edge;
- retains lower heights within the southern part of the Precinct for the coastal edges and greater height in the centre of the Precinct;
- provides for a general increase in heights enabled throughout the southern part of the Precinct while retaining a careful gradation in height between and within blocks;
- recognises and respects the AUP viewshafts that cross the Precinct;
- retains the use of marker buildings but increases their height so as to ensure that they provide a genuine marker function in the context of the height of structures that have been approved and constructed in the Precinct since the operative provisions were developed, and the increases proposed generally across the Precinct within VHHL's submission; and
- provides for a new marker building site at the western end of the Precinct, adjacent to Westhaven Drive, to function as a gateway to the City Centre.

- [623] Ms. de Lambert considered that the VHHL height proposal will reinforce the Precinct's desired urban form of carefully considered height variation.
- [624] The evidence for other submitters seeking height increases on specific sites is addressed later in our report.
- [625] The heights sought by VHHL across the precinct were supported in the JWS-WP by Orams, in some locations by Willis Bond / Mansons, and in some locations by Eke Panuku.
- [626] Ms. Laird and Ms. Wong for the Council, relying on Mr. Soder (urban Design) and Mr. Kensington (landscape), did not support the heights proposed by Mr. Roberts (except for limited increases to specific sites addressed below).
- [627] Mr. Soder disagreed with Mr. McIndoe that the height and density in the Precinct needs to "catch up" with height and density in the city centre. Mr. Soder considered that this approach ignores place-specific conditions and would downgrade the Precinct's urban form and amenity value. Mr Soder expressed significant concerns with the change of character, impact on laneways, streets and squares, and visual dominance that would result from VHHL's height proposal.
- [628] Mr. Kensington considered that (with limited exceptions) the operative building height should be left primarily unchanged so that the landscape and visual amenity values are maintained.
- [629] Mr. Lala (planning witness for Winton) did not support any change, saying that the area reflects a historic master-planned and integrated approach and that any change should be undertaken via a separate comprehensive process. Mr. Lala highlighted that VHHL's requests for height increases had not included any change to the relevant objectives and policies against which such increases would be assessed, and the flow-on effect of this is that any subsequent changes to height standards should be minimal. He noted that Winton had been through the resource consent process to infringe height for 200 Pakenham Street and at 15 Westhaven Drive.

*Recommendation:*

- [630] The Panel notes that none of the evidence for submitters sought an unlimited height standard in reliance on a more enabling interpretation of Policy 3(a) and there was an acknowledged self-limiting factor in their respective approaches. That is, even where QMs were not specifically referred to in their evidence, all witnesses implicitly accepted that extensive modifications to Policy 3(a) were necessary in the Precinct.
- [631] We note that the *Waikanae* decision was issued after the first City Centre hearing and as a consequence none of the JWS-WP, evidence or legal submissions for the Wynyard Precinct addressed *Waikanae* (although they did address s 80E).
- [632] With respect to height standards overall in the Precinct, the Panel prefers the evidence for the Council and Winton.



- [633] We consider that the extensive height increases sought by VHHL - in the context of the existing master-planned approach for the emerging Precinct as developed through the UDF - are not “consequential on” PC78. The relief does not address Policy 3(a) intensification but instead seeks a comprehensive review of the operative Precinct which is not envisaged by the expedited IPI process. We reach the same view with respect to the collective effect of the several site-specific height increases sought by submitters and addressed below.
- [634] We agree with Mr. Lala that the fundamental reimagining of the existing masterplan for the Precinct to address the height standards overall (or the specific height increases sought by submitters in combination) does not satisfy *Waikanae* and would need to be subject to its own specific plan change process under the Schedule 1 processes.
- [635] If the Panel is incorrect in its approach to *Waikanae*, we record that on the merits we would not recommend the overall height standards sought by VHHL.
- [636] We agree with Mr. Lala and Mr. Kensington that the proposed heights do not implement the (unchanged) Precinct objectives and policies. We agree with Mr. Kensington that the proposed heights will not achieve a transition between the city centre core and the water’s edge and will be visually dominant. Comparing the operative and proposed height maps we consider that VHHL’s proposed height map is overly fragmented and site-specific in the context of the Precinct.
- [637] Finally, we are not satisfied that the proposed heights would accommodate the identified QMs including for the reasons addressed below.
- [638] We have nevertheless considered the relief sought by submitters (including VHHL) with respect to specific sites in the context of the Precinct in the following sections of our Report and with reference to the JWS-WP.

#### **(b) Fanshawe Street frontage and shading of Victoria Park**

- [639] VHHL’s evidence supported increasing heights along Fanshawe Street from 31m to 50m. This increase was supported in the JWS-WP by Orams and Willis Bond / Mansons.
- [640] The proposed height increase along the Fanshawe Street frontage was addressed by the witnesses in terms of both urban design and landscape outcomes, as well as potential shading effects on Victoria Park.
- [641] As described in the evidence of Mr. Roberts, the change in proposed height in this area reflected an approach to provide for a general increase in heights throughout the southern part of the Precinct while retaining a careful gradation in height between and within blocks.
- [642] Mr. McIndoe recommended the increase to 50m to respond to the width of Fanshawe Street, the openness of the street and Victoria Park, and the potential for 62m-high development across Halsey Street to the east of Victoria Park. He noted that heights

along the northern face of Fanshawe Street were also limited by shading study findings, to achieve a balance between avoiding undue mid-winter shading while providing as much development potential as possible and enabling an appropriate urban form outcome along the street. He highlighted that only one of the sites along this edge might rise to 50m in the foreseeable future. This is because of the recent and good quality development that has occurred along this area (to the current 31m maximum).

[643] Mr. Soder considered that the scale of the proposed height limits along Fanshawe Street would be inappropriate to effectively transition from the City Centre to the Wynyard Precinct, while noting that the Fanshawe Street block has been developed over the last ten years and that these buildings would be unlikely to be replaced in the near future. Mr. Soder noted that shading effects were only one of his concerns with VHHL's height proposal in this area (with his overall response on the VHHL height proposal recorded above).

[644] With regards to the issue of the extent of shading on Victoria Park, we refer to our findings in section 3.17 above.

#### *Recommendation*

[645] If the Panel is incorrect in its approach to *Waikanae*, then on the merits of additional height along Fanshawe Street the Panel prefers the evidence for the Council. We would maintain the operative 31m height along the Fanshawe Street frontage.

#### **3.41.4 Marker buildings and site specific height increases**

[646] The evidence on behalf of a number of submitters supported a variety of heights for particular sites in the Wynyard Precinct. The issues associated with the height standards in the Precinct relate to:

- Increased height for existing marker building sites; and
- New marker building sites.

[647] We address the site-specific height increases sought thematically by submitters.

#### *Height increases sought by VHHL*

[648] VHHL sought increased building heights for an existing marker building site and for two new marker building sites. These are summarised as height increases:

- From 52m to 110m for the existing VHHL marker building site
- From 18m to 60m for a new marker building site at Sailor's Corner
- From 5m to 58m for a new marker building site at the Swashbucklers site

[649] Mr. McIndoe supported increased height for the VHHL marker building site and the two new marker buildings at Sailors Corner and the Swashbucklers site. In his view the increased heights would provide variation to the skyline, mark key points in the Wynyard area, and be consistent with the principle of 'a varied and legible skyline' as agreed in expert witness conferencing. His position was that they needed to be

conspicuously taller than nearby buildings to function as effective markers and thereby contribute to the intended skyline variation and legibility.

- [650] With respect to the apparent proximity of the existing and proposed marker building sites Mr. McIndoe considered that they all have different functions, and that the marker buildings would contribute to the interest and complexity of what is currently a relatively flat skyline.
- [651] The Council witnesses were generally opposed to VHHL's proposed height increases and opposed the additional marker buildings because they will not be located along one of the three axes identified in the UDF, so as to strengthen these axes or add legibility.

#### *VHHL marker building site*

- [652] VHHL sought an increase from 52m to 110m for the VHHL marker building site.
- [653] The JWS-WP records that Orams supported 110m, Eke Panuku supported 58m and the Council supported 60m.
- [654] Mr. McIndoe provided architectural testing for the VHHL marker building site and expressed his view that a taller marker building in this location would establish a strong centre for the Precinct at a location not impacted by Regional Maunga viewshafts, while shading considerations for Victoria Park limited the height to 110m.
- [655] Ms. de Lambert considered that additional height is desirable for this existing marker building site given the number of consents granted for additional height for development in its vicinity and in the context of the additional height sought for other sites as part of the VHHL relief.
- [656] The Council supported a limited increase from 52m to 60m.

#### *Swashbucklers site*

- [657] VHHL sought an increase from 5m to 58m to enable a new marker building at the Swashbucklers site.
- [658] The JWS-WP records that Orams supported 58m, the Council supported 18m and Eke Panuku supported 25m.
- [659] Mr. McIndoe provided architectural modelling for the Swashbucklers site. In response to questions about whether a lesser scaled building could create the gateway status sought by VHHL he said that he saw the site as marking the entry to the city as one moves off the Harbour Bridge and enters the city.
- [660] Ms. de Lambert considered that a 'gateway' scaled building at the Swashbucklers site has a clear logic as the westernmost site in the City Centre located adjacent to the only vehicular route into the city centre from the north.



[661] Mr. Soder considered that a marker building is not needed at the Swashbucklers site for a person to realise they are in the city centre and that too many marker buildings dilute their purpose as 'markers'.

[662] The Council supported a limited increase from 5m to 18m.

#### *Sailor's Corner*

[663] VHHL sought an increase from 18m to 60m to enable a new marker building at Sailor's Corner.

[664] The JWS-WP records that Orams supported 60m and Eke Panuku supported 25m.

[665] Mr. McIndoe described the proposed marker building as varying the skyline, marking the point of street entry to Westhaven Drive, and providing an opportunity to contribute to the intensity and diversity of use in the south-western part of the precinct where marine-related activities are anticipated to continue to occupy most of the ground plane.

[666] Ms. de Lambert considered that a new marker building at Sailor's Corner will support the original intent of marker buildings within the Wynyard Quarter, in supporting the legibility of the waterfront precinct as part of the City Centre.

[667] With respect to special character (separately discussed below) as relevant to height, Mr. Wild for VHHL supported the height proposed. Ms. Walker for the Council supported retaining the 18m height standard.

[668] Mr. Burgess for Winton was opposed to further height increases for Sailor's Corner. He noted that Winton had proceeded through a resource consent process to achieve approval for their proposed development on the adjacent site at 132 Beaumont Street and considered that this was a more appropriate way for VHHL to progress its objectives for Sailor's Corner.

[669] Mr. Soder noted that Sailor's Corner is not located on any of the Precinct's axes and considered that 58m is not in keeping with the concept of heights stepping down towards the waters' edge.

[670] The Council did not support any additional height at Sailor's Corner.

#### *Recommendations on VHHL relief*

[671] If the Panel is incorrect in its approach to *Waikanae*, on the merits of site-specific relief sought by VHHL:

- For the VHHL marker building site we prefer the evidence for the Council. We would recommend a height of 60m to maintain the marker function for this site in the context of increases that have been enabled on other sites beyond the original UDF.
- For Sailor's Corner we prefer the evidence for the Council and conclude that it is not appropriate in the context of the precinct to provide for a further marker

building at this location. Sailor's Corner is not located along one of the three axes for the Wynyard Precinct and so would not strengthen these axes nor provide legibility to the Precinct's overall urban structure. Further, we do not consider that it is appropriate to provide for a 'gateway' site or marker for the entrance to Westhaven Drive when that function has already been achieved elsewhere in the precinct (to the south). We would not recommend any increase in height.

- For the Swashbucklers site we prefer the evidence for the Council. We do not consider that an additional marker building is appropriate at this location to define the entry to the city centre. We do not consider that the alternative of 25m supported by Mr. McKay for Eke Panuku would maintain an appropriate transition to the water's edge. We would recommend 18m on the basis that the 18m height standard is largely consistent along the harbour edge through Sub-precinct C and reinforces the approach of building heights stepping down to the harbour edge.

#### *Height increases sought by Orams*

[672] Orams sought to increase height standards for the Orams' site from 10m/52m/31m (52m being an existing marker building site) to 25m/72.5m/35m and incorporating a 10m setback from the harbour edge.

[673] Orams' position was that PC78 fails to properly recognise the unique location, vibrancy, and existing and planned development of the Precinct. Orams sought specific heights to maintain a 'sleeving' of the existing marker building site by two adjacent lower heights, and proposed a 10m harbour edge setback, so that increases to height will achieve an appropriate level of variation and interest in built form within the precinct. During the hearing Orams confirmed that the 10m setback was contingent on the proposed heights.

[674] The JWS-WP records that:

- for the western portion, experts for VHHL, Eke Panuku and Winton agreed to 25m, and experts for the Council agreed to 18m
- for the central (marker building) portion, experts for VHHL and Winton agreed to 72.5m, and experts for the Council agreed to 62m
- for the eastern portion, experts for VHHL and Winton agreed to 35m

[675] Orams' experts Mr. Roberts, Mr. Wallace and Ms. de Lambert considered that:

- the Precinct is a key brownfield urban regeneration at the edge of the city centre
- the landscape character of the Precinct is evolving
- the large number of consented and existing buildings that exceed building height standards demonstrate the appropriateness of design-led increased height within the Precinct
- undeveloped brownfield land has fewer constraints for development potential
- enabling increased height will provide certainty consistent with the NPS-UD while resulting in an appropriate level of effects.

[676] Mr. Wallace considered that:

- The 25m height proposed to the west is consistent with the adjacent siloes and development sites, and coupled with a 10m setback enables coastal open space and an overall GFA position similar to that enabled by the 18m supported by Council.
- The 72.5m height for the central marker building portion will not have problematic additional shading effects, will better maintain landmark qualities of the site, and reflects that this portion of the site is not beneath any viewshafts.
- The 35m height proposed to the east is consistent with the height of other consented projects across the precinct, will not have problematic additional shading effects, and an increase of building height by 4m from a starting point of 31m would be largely imperceptible.

[677] Ms. de Lambert considered that the proposed heights will not detract from the future urban form or amenity of the Precinct and will reinforce and enhance its landscape character and amenity.

[678] For the Council, Mr. Soder supported a height increase for the marker building site from 52m to 62m to match the height on Eke Panuku's western marker building site (as amended by the Eke Panuku submission). He did not support a height increase for the eastern site from 31m to 35m, which would be greater than the height of the adjacent site to the east. Mr Soder considered the 10m building setback at the western water edge a positive proposal.

[679] Mr. Kensington did not consider that the proposed heights would maintain landscape and visual amenity values and achieve the relevant Precinct objectives and policies.

[680] Mr. Brown for Eke Panuku considered that accommodating both the Orams and Sanford relief would create a sequence of tall buildings cutting east-west across the Precinct inconsistent with the identified QMs.

[681] Notwithstanding its open space merits, Ms. Laird and Ms. Wong queried the scope for and appropriateness of the proposed 10m coastal setback in Sub-Precinct C which provides for active marine industry purposes.

#### *Recommendations on Orams relief*

[682] If the Panel is incorrect in its approach to *Waikanae*, on the merits of the site-specific relief sought by Orams the Panel prefers the evidence of Mr. Soder and Mr. Kensington. We would recommend an increase to 18m for the western portion which is largely consistent along the harbours edge through Sub-precinct C and reinforces the approach of building heights stepping down to the harbours edge, and 62m for the central marker building to uphold its primacy in the hierarchy of visual legibility. We would not recommend an increase for the eastern portion to maintain Precinct height consistency with the adjacent site to the east.

#### *Height increases sought by Sanford*

[683] Sanford's submission sought a height increase to 50m for their site. In evidence the proposal was refined to a concept masterplan for the site and associated revised

provisions. as The concept masterplan proposed a new marker building site comprising a lozenge-shaped 52m tall tower elevated above the ground to the south of the gabled brick smokehouse paired with a 45m tall tower above the Sanford building. Sanford's proposal for additional height would also involve specific provisions and changes to yard setbacks, attached to the evidence of Mr. Arbuthnot, to accommodate the conceptual building design described in the evidence of Mr. Francis-Jones.

- [684] Sanford's position was that provision for an additional marker building on the Sanford site will not undermine the broader concept given the small footprint of the proposed building, its location on or close to the three axes prescribed in the UDF, the additional design assessment that will be required by the provisions, and the ASB building not delivering a marker function to the extent intended. Mr Hudson considered the proposed buildings would still be subservient to the taller buildings in the City Centre.
- [685] The JWS-WP does not record expert views on the Sanford submission or proposal.
- [686] Mr. Soder considered the relief sought by Sanford to be a set of bespoke rules written for a specific design and open space proposal better suited to a resource consent process. He noted that the UDF and Precinct provisions step heights down towards North Wharf (from 31m to 27m to 15m), whereas the Sanford proposal would see the heights stepping up. Mr. Soder considered that the proposed pair of towers could result in an undesirable cluster of tall buildings across from the Eke Panuku marker building sites. He considered that the five marker buildings in the UDF are reference points within the Precinct and their role is to contrast in height from the urban fabric surrounding them, rather than relating to the City Centre.
- [687] Ms. Laird and Ms. Wong considered that there was no certainty that the design now being proposed in Sanford's evidence would eventuate, and raised a potential scope issue regarding the requested provisions including lanes and setbacks as this may result in built form provisions which are more restrictive than the operative provisions.
- [688] Ms. Walker considered that the operative height standard for the site should be retained as without the tailored approach provided by the concept masterplan the height and bulk enabled could have a negative impact on the special character buildings on the site
- [689] Mr. Kensington considered that buildings at the heights proposed have the potential to erode the effectiveness of existing marker buildings in the Precinct.
- [690] Mr. Brown for Eke Panuku did not agree that concentrating the greater bulk of building development next to the Park Axis is appropriate and considered that this would restrict, rather than enhance, engagement between the Precinct and its waterfront. Mr. Brown considered that accommodating both the Orams and Sanford relief would create a sequence of tall buildings cutting east-west across the Precinct inconsistent with the identified QMs.

### *Recommendations on Sanford's relief*

[691] If the Panel is incorrect in its approach to *Waikanae*, on the merits of the site-specific relief sought by Sanford the Panel prefers the evidence for the Council and Eke Panuku. The detailed visual proposal prepared by Mr. Francis-Jones represents one possible design response to the site, and the necessary amendments to the Precinct to provide for that specific design do not take a sufficiently wide view of the Precinct context. We would not recommend amendments to the operative provisions for Sanford's site.

### *Height increases sought by Eke Panuku*

[692] Eke Panuku sought to increase height standards:

- For the western Eke Panuku marker building site, from 31m-52m to 62m and to re-orient the marker building to reflect a specific concept
- For Wynyard Point, from 27m to 39m to reflect a specific concept
- For East 1 from 31m to 41m and for West 2 from 25m to 31m

### *Western Eke Panuku marker building site – height & re-orientation*

[693] Eke Panuku sought increased height from 52m to 62m and a re-orientation of the southwestern “triangle” on the western Eke Panuku marker building site, to build across the laneway. The re-orientation is aligned to the Regional viewshafts.

[694] The JWS-WP records that experts for VHHL and Orams supported 72.5m and experts for Winton, Willis Bond / Mansons and the Council supported 62m.





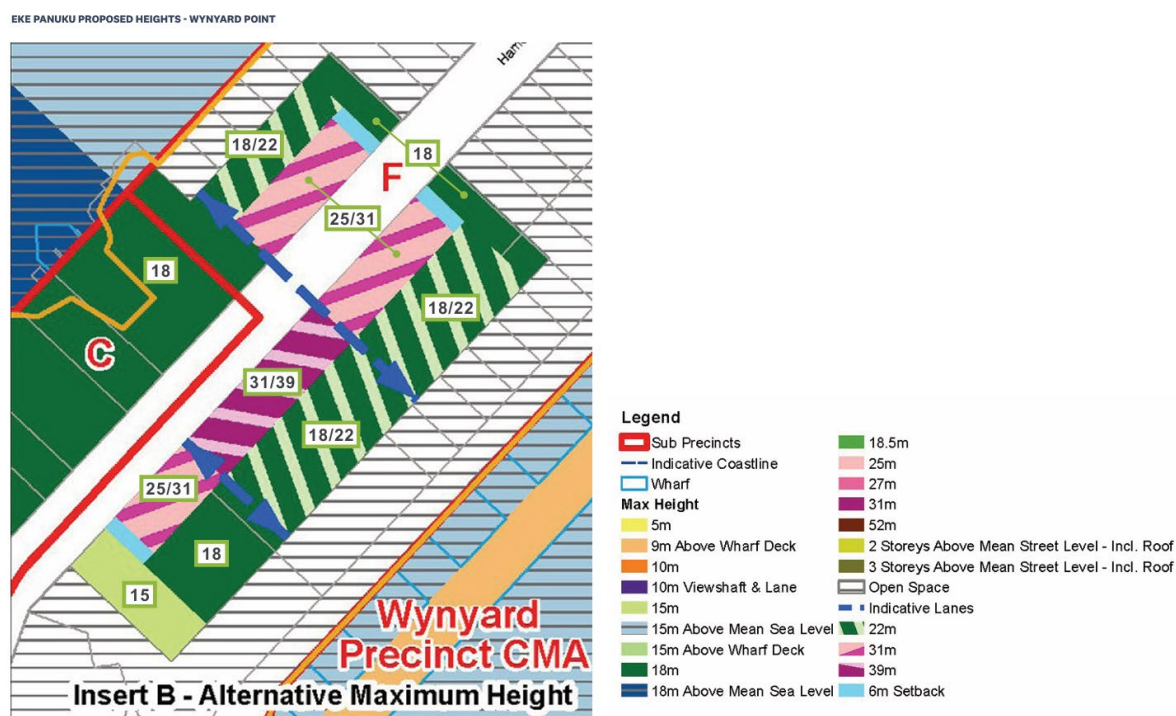
[695] Mr. Brown explained that the re-aligned marker building site would become the visual terminus for the Wharf Axis, close to the point of intersection with the Park Axis and the Waterfront Axis. The proposed 62m height limit would only apply to the southwestern corner of the site, with height limits of 31m and 52m adjoining (closer to Westhaven) stepping up to the 62m visual peak. Mr. Brown also supported a covered laneway to and through a building on this site as the concluding section of the Wharf Axis.

[696] Mr. Soder supported a height increase to 62m on the southwestern corner but considered that replacing the requirement for an open-air lane with an internal (built over) lane should be tested through a resource consent process.

### Wynyard Point

[697] The operative basic and maximum heights applying to Wynyard Point are 18m/18m for Sub-Precinct C and 15m/27m for part of Sub-Precinct F.

[698] Eke Panuku sought a comprehensive height plan with a range of heights to a maximum height of 39m, linked to a proposal by Eke Panuku to “flip” the park on Wynyard Point (discussed below).



[699] The JWS-WP records that the Council experts reserved their position on 39m and all other experts agreed with the Wynyard Point height proposal.

[700] Mr. Brown and Mr. McKay for Eke Panuku considered that the height proposal had been thoroughly tested and will not result in visual dominance and shading effects on open space and public places.

- [701] Mr. Kensington supported the height proposal from a landscape effects perspective but acknowledged Mr. Soder's concerns regarding urban design effects.
- [702] Mr. Soder supported a 31m maximum height but considered that 39m should be tested by resource consent. He considered that the height proposal was too nuanced and particular for an AUP precinct plan map and should be advanced by resource consent.
- [703] Ms. Laird and Ms. Wong did not support the 39m height (nor the related development standards) due to Mr. Soder's urban design concerns.

#### *East 1 and West 2*

- [704] Eke Panuku sought a height increase from 31m to 41m on the eastern side of East 1 and an increase from 25m to 31m for East 2, supported by Mr. Brown and Mr. McKay.
- [705] The JWS-WP records that experts for VHHL, Willis Bond / Mansons and Orams supported the proposed heights.
- [706] Mr. Soder noted that the height proposal for East 1 was intended to "mirror" the existing East 2 built form profile but considered that the 41m proposed height did not reflect that stepped down profile. Mr. Soder considered that both East 1 and West 2 specific height proposals should be advanced by resource consent.

#### *Recommendations on Eke Panuku's relief*

- [707] With respect to Wynyard Point we reiterate our finding with respect to general height that the comprehensive reimagining of the Precinct masterplan sought is not "consequential on" intensification but seeks to fundamentally alter the status quo Precinct provisions which is not the role of an IPI. The Wynyard Point height proposal is inextricably linked with the "park flip" proposal (discussed below), and the height proposal cannot be integrated into the operative Precinct height map unless the "park flip" is also implemented.
- [708] If the Panel is incorrect in its approach to *Waikanae*, on the merits we prefer the evidence of Mr. Soder for the Council. We would not recommend any increase at Wynyard Point unless the "park flip" was also implemented (discussed below) and would then limit height to 31m (not 39m).
- [709] With respect to the Eke Panuku marker building site we prefer the evidence of Eke Panuku and the Council and recommend an increase of maximum height to 62m, discussed further below with respect to the targeted heights supported by the Council.
- [710] With respect to East 1 and West 2 we prefer the evidence for the Council and do not recommend any increase.

#### *Overall recommendations on site-specific height*



- [711] Certain targeted height increases were supported by the Council's experts.
- [712] Increases from 10m to 18m at the west of Oram's site and from 5m to 18m at the Swashbucklers site were supported because it will make these sites consistent with the rest of Sub-precinct C.
- [713] Increases to three existing marker building sites (VHHL, Orams and Eke Panuku) were supported to retain marker building function in light of consented development.
- [714] Mr. Scott (for the **WQRA**) did not support the height increases for the five sites that were supported in the Council's evidence,
- [715] We have considered whether the targeted height increases supported by the Council are "consequential on" PC78. We consider that four of the five are because the increased heights can be accommodated within the existing Precinct structure rather than seeking to fundamentally alter the operative Precinct.
- [716] Ms. Laird and Ms. Wong confirmed that the effects of the targeted height increases would continue to be managed by the notified Precinct provisions (and consequential amendments to site intensity and development standards discussed below) and respond to the relevant QMs.
- [717] We recommend the following changes to Precinct plan 5 (Maximum height):
1. VHHL marker building site: 52m increased to 60m
  2. Swashbucklers site: 5m increased to 18m
  3. Orams' site: 10m/52m/31m increased to 18m/62m/31m (that is, no change to the 31m portion)
  4. Western Eke Panuku marker building sites: 31m-52m increased to 62m (south western corner)
- [718] The height increase supported by the Council but not recommended by us is an increase at Wynyard Point from 27m to 31m. As discussed above we do not consider that the height proposal for Wynyard Point is consistent with *Waikanae*, nor can it be implemented in the operative Precinct height map independently of the "park flip".

### 3.42.3 Special character

- [719] Ms. Walker's evidence records that the Sanford submission sought to remove the two special character notations on the Sanford site but at the hearing Sanford elected to retain these.
- [720] VHHL sought to remove the special character notation from the former British Imperial Oil Company Building at Sailor's Corner.
- [721] Mr. Wild for VHHL was comfortable with its removal contending that it is a hybrid building developed over time and is isolated from other buildings, lessening its contribution to the area's special character. He considered it important not to conflate character with heritage, noting the building is not a listed heritage building. Mr. Wild concluded that its unique location with roads on three sides provides a particular

opportunity to identify the entrance to Westhaven and associated movements in this area.

[722] Ms. Walker for the Council disagreed with Mr. Wild noting that the architectural character of the building has a distinctive style that reflects the industrial history of the Precinct, the building still forms part of a group within the Precinct, and the building has maintained its legible form indicating its original use.

[723] Ms. Walker supported the retention of the special character notation.

### *Recommendations*

[724] The Panel prefers the evidence of Ms. Walker as to the role of the building at Sailor's Corner. It is one of the last traces of marine heritage in the Sub-precinct, and we find that it provides special character value in this location as recognised by its existing special character notation.

[725] We recommend retention of the existing special character.

[726] In light of the existing special character overlay applicable to this site and the JWS-WP acceptance of identified QMs we do not consider it necessary to specifically identify the building as a QM, although we record that we would have done so if necessary, as we consider that intensification via Policy 3(a) is required to be modified to accommodate its values.

## **3.42.4 Floor area ratio and site intensity**

[727] Submissions and evidence sought a variety of relief for site intensity and FAR provisions in the Precinct. These included:

- VHHL and Orams sought deletion of the FAR control and site intensity FAR provisions in the Wynyard Precinct and replacement with the city centre tower and podium built form controls.
- Willis Bond sought deletion of I214.6.7 – the Maximum Site Intensity Control within the Wynyard Precinct.

[728] Mr Soder expressed significant concerns with the change of character, impact on laneways, streets and squares, and visual dominance associated with the bulk of built form supported by VHHL. Mr. Soder and Mr. McIndoe disagreed about the extent to which VHHL's proposed provisions provided for "human scale".

[729] Mr. Kensington considered that the FAR standards should be left primarily unchanged to achieve the relevant Precinct objectives and policies.

[730] Ms. Laird and Ms. Wong considered that the FAR and site intensity provisions are necessary to successfully achieve the desired urban design outcomes and manage scale and intensity of development in the Precinct. They considered that replacement standards supported by Mr. Roberts to manage proposed increased heights were also inappropriate.

- [731] Mr. Scott (for WQRA) stated that the erosion of the originally planned built form through previous resource consent approvals would be likely to be compounded by changes to the standards. He noted that the objectives and policies had not been amended, and that the changes sought to the controls would create a disconnect between the outcomes enabled by the rules and the higher order provisions. Mr Scott considered that the retention of the existing provisions is justified under Policy 3(a) and through the QMs for the Precinct.
- [732] Sanford sought a new suite of provisions to implement the Sanford's site height proposal. The Panel have recommended against those height increases.
- [733] Eke Panuku sought increased FAR for East 1 and West 2 associated with the site-specific height increases proposed. The Panel have recommended against those height increases.
- [734] Eke Panuku sought an increase in FAR on the western Eke Panuku marker building site associated with the site-specific height increases proposed. Ms. Laird and Ms. Wong, support an increase in FAR consequential on their support of increased height at this site.
- [735] Eke Panuku also sought amendments to the provisions relating to building over the lane on the western Eke Panuku marker building site. Mr. Soder and Ms. Laird and Ms. Wong did not support those amendments.
- [736] The Council otherwise supports consequential increases to FAR to implement the height increases that it supports, set out in the provisions recommended by Ms. Laird and Ms. Wong. We have recommended these height increases, other than for Wynyard Point.
- [737] The Panel prefers the evidence for the Council.
- [738] We agree that the City Centre tower and podium built form is not envisaged by the Wynyard Precinct. We consider that such a fundamental reimagining of the existing masterplan for the Precinct does not satisfy *Waikanae* and would need to be subject to its own specific plan change process under Schedule 1. If the Panel is incorrect in its approach to *Waikanae*, we record that we would not have recommended these amendments on the merits.
- [739] We recommend the retention of the precinct FAR and site intensity standards and consequential increases to FAR supported by Ms. Laird and Ms. Wong (other than for Wynyard Point).
- [740] We do not recommend the amendments supported by Eke Panuku for building over the lane at the western Eke Panuku marker building site.

### 3.42.5 Reliance on resource consents process as the appropriate alternative

- [741] Some evidence, including from the Council, considered that the resource consent process was a more appropriate way in which to address the acceptability of height increases sought for several sites within the Wynyard Precinct.
- [742] The Panel is aware that in the Wynyard Precinct height increases have been achieved through the resource consent process which has had the effect of 're-setting' to some extent the UDF, and in part leading to requests for higher height limits for existing marker building sites to enable them to retain their marker function. Setting a height standard can establish a height 'baseline' which developers will rely on in resource consent applications in defining the adverse effects arising from any difference to those standards (whether in terms of views, shading or general visibility etc).
- [743] Mr. Roberts considered that consented increases against the existing standards are necessary to provide for development to be economically viable but emphasised that it was not an easy process. Ms. de Lambert highlighted that infringements are a discretionary activity (per rule 1214.4.2(A61)) and require careful consideration through the consent and associated urban design (Urban Design Panel or Technical Advisory Group) analysis.
- [744] Conversely, Mr. Soder considered that additional height can be achieved through resource consent applications, and a review of consented and realised buildings shows that several have used an 'unders and overs' approach to height. Buildings have been designed with parts below and parts above the height limit, keeping the average height close to the maximum height limit.
- [745] The Panel is satisfied that the height standards we have recommended (that is, the limited increases supported by the Council) provide for a logical height framework for the Wynyard Precinct that reflects its existing and planned character and relevant QMs. In the context of an IPI, rather than focus on whether a resource consent is preferable to an amendment to the height standard, we have approached our recommendations through the direction of Policy 3(a) and the application of QMs as directed by the relevant statutory tests.

### 3.42.6 Changes to activity status and a new sub-precinct H

- [746] A number of submitters sought changes to the status of various activities in the Wynyard Precinct.
- [747] Sanford sought to make offices, dwellings and visitor accommodation permitted activities (once the Sanford ammonia plant is disestablished).
- [748] VHHL sought that the southern part of Sub-precinct C become a new Sub-precinct H. This included amendments to policies, the activity table, standards and assessment criteria to support this new sub-precinct, and which would add a new column in Activity table I214.4.1 for the sub-precinct and change the activity status for a number

of activities in that location (i.e., dwellings or visitor accommodation or workers' accommodation would become a permitted activity).

- [749] Eke Panuku sought to remove restrictions on, and change the activities status of, various activities sensitive to hazardous risks in Sub-precinct F, to make changes to the Precinct provisions relating to the duration of events in the Wynyard Precinct, and to modify the Precinct's noise provisions. Ms. Ampanthong acknowledged that the current precinct provisions allow residential activities as a permitted activity once the hazardous industries are no longer in operation. However, she considered that updating the Activity Table would make it clearer that hazardous risks restrictions are no longer relevant and would provide applicants with additional certainty that resource consents are not required for future development within these areas.
- [750] The Council considered that none of the proposed amendments fall within the scope of amendments able to be made to PC78 under s 80E(1)(b)(iii) because they do not support, and are not consequential on, Policy 3(a).
- [751] Conversely, VHHL considered that its proposed amendments to enable greater height will only generate more development if the relevant activity table enables activities that are likely to be established above ground level.
- [752] With respect to the merits of VHHL's relief, the evidence of Ms. Laird and Ms. Wong was that Sub-precinct C provides for marine industry, and that enabling activities such as dwellings, visitor accommodation, offices, retail and commercial services as permitted activities would undermine the intended purpose of this sub-precinct. In particular, they were concerned that VHHL's proposed Sub-precinct H could result in the marine industry activities being pushed out in favour of residential or commercial activities, which would be contrary to a primary outcome for the Wynyard Precinct.
- [753] Eke Panuku also did not support VHHL's proposal for a new sub-precinct to enable commercial and residential activities in an area currently reserved for marine industry activities. Eke Panuku considered that this would reduce the (already limited) land available for marine industry and observed that the requested change would create reverse sensitivity issues.

*Recommendation:*

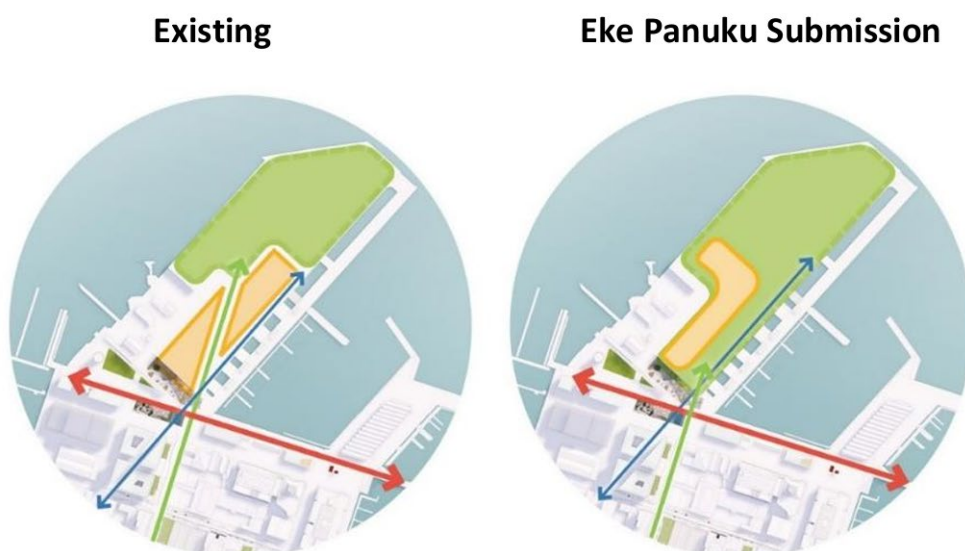
- [754] The Panel considers that proposals seeking changes to activity statuses within Wynyard Precinct are not "consequential on" intensification and are not within scope of an IPI.
- [755] The proposed amendments would represent a substantive change to zoning provisions and be counter to the emphasis of enabling maritime industrial activities to continue to use their land as they currently can. In the Panel's view, increased provision for residential activities will impact the ability for maritime activities to maintain a presence within the precinct, and at the same time, intensification elsewhere also leaves few opportunities for maritime activities to establish in or move

to other locations. The provisions sought to be amended do not relate to height and density and rather relate to the underlying purposes of the Precinct.

- [756] If the Panel is incorrect in its approach to *Waikanae*, we record that we would not recommend the various amendments on their merits for the same reasons of fundamental change to the underlying purposes of the Precinct.

### 3.42.7 Wynyard Point ‘park flip’, Open Space zoning and ‘stopped roads’

- [757] Eke Panuku sought to re-align the existing diagonal 10m-wide lane that connects the top end of Jellicoe Street to Hamer Street on Wynyard Point. Eke Panuku evidence referred to this as the “park flip”:



- [758] Mr. McKay considered that the current diagonal access is not adequate in meeting the operational demands for both passive recreation and for larger events on the waterfront park, and that this impacts on pedestrian connectivity linking the green open space. The proposed realignment would increase the size of the waterfront park along with a 38m-wide park access on the eastern edge.
- [759] Ms. Ampanthong highlighted that the combination of all open spaces in Sub-precinct F including the waterfront park, Silo Park, Jellicoe playground and Plaza would have an overall area of approximately 6.3ha, larger than that the existing 4.4ha. Further, the realignment would provide better opportunities to create a functional size quality open space that meets the recreational needs of people and communities.
- [760] Eke Panuku also sought that stopped portions of Jellicoe Street, in the blocks between Beaumont Street and Brigham Street (49-63 Jellicoe Street), and between Brigham Street and Halsey Street (1-17 and 39-47 Jellicoe Street), be re-zoned as Open Space and Business - City Centre respectively.
- [761] Eke Panuku further requested that the Panel recommend that the Council initiate a process under ss 181 and 182 to alter designation boundaries to align with the zoning requested by Eke Panuku or remove designations that have either been secured by zoning change or have already been delivered.
- [762] The JWS-WP recorded that all experts supported the re-zoning and re-alignment of open space on Wynyard Point ("park flip").
- [763] Mr. Soder considered that the proposed re-alignment is supportable from an urban design perspective (and introduces a change in direction in the green axis of Wynyard Precinct, but does so in a suitable location).
- [764] Ms. Laird and Ms. Wong considered that the proposed re-alignment would support the Te Ara Tukutuku (Wynyard Point headland park) project.
- [765] Ms. Laird and Ms. Wong supported the realignment of open spaces and the rezoning of stopped roads sought by Eke Panuku on the merits, if the Panel considered that the requests are within the scope of PC78.
- [766] The Council considered that the rezoning of stopped roads could be recommended by the Panel in reliance on its powers under cl 99(2) of Schedule 1 of the RMA, if it considered there is merit. The Council confirmed that the stopped roads are Council-owned, and there are no landowners or occupiers who are likely to be affected by the stopped road re-zoning requests who are not already participants in the City Centre hearings.
- [767] The Council did not accept that PC78 provides the appropriate process within which recommendations should be sought from the Panel about any processes that the Council may choose to initiate in respect of designations and their boundaries.

*Recommendation:*



- [768] The Panel considers that the extensive realignment of open space and rezoning of stopped roads are not “consequential on” intensification and fall outside the IPI.
- [769] If the Panel is incorrect in its approach to *Waikanae*, we record that we would recommend the Wynyard Point “park flip” amendments on their merits in accordance with the evidence and the JWS-WP.
- [770] The Panel agrees with the Council that recommendations relating to designations and road stoppings do not fall within the IPI. We do not recommend either through PC78.

### 3.42.8 Masterplanning

- [771] Winton considered that a comprehensive review of the precinct provisions would be needed as a separate process from the narrow requirements of the NPS-UD and that the IPI process is not the appropriate tool by which to make the significant changes sought by some submitters.
- [772] The Council’s witnesses agreed with Mr. Lala that there would need to be a comprehensive plan change for Wynyard Precinct to determine the wide-ranging and substantial changes that submitters have proposed for the Precinct. Mr. Lala noted that no changes to the objectives and policies for the precinct were notified so in that respect there are limited opportunities for amendments and additional height.
- [773] The Panel agrees with the evidence of Mr. Lala as to the importance and relevance of master-planning for the Wynyard Precinct. This is particularly so given that there is still significant development to occur to give effect to the UDF. As we have outlined above with respect to height, we do not accept that the fundamental changes sought to the Precinct by the combination of the submissions are “consequential on” intensification so as to come within the IPI.
- [774] We agree that a private plan change process is potentially a more appropriate way in which to give effect to the relief sought by the developer submitters for the reasons set out in the evidence of Mr. Lala.

### 3.42.9 Transport

- [775] The issue in respect of transport was whether additional intensity within the Wynyard Precinct associated with increased height would be appropriate having regard to the transport limitations for the precinct.
- [776] The Precinct is essentially an ‘island’, whereby Beaumont, Daldy and Halsey Streets all connect to Fanshawe Street (primarily via Beaumont and Halsey Streets), which is also required to function as a rapid transit network (**RTN**) (noting that a local road connection to the Viaduct Harbour Precinct is also provided to the east via Gaunt Street and Viaduct Harbour Avenue).
- [777] Part of the issue to be determined was whether traffic effects on the RTN would appropriately form the basis of a further QM.

[778] The Panel heard from transportation witnesses Mr. Clark (for the Council), Mr. Langwell (for Eke Panuku), Mr. Parlane (for VHHL & Sanford), Mr. Hills (for VHHL) and Mr. McKenzie (for WQRA).

[779] VHHL advised that they were no longer pursuing the deletion of the GFA limits for offices within the precinct, nor the removal of maximum carparking standards. The submission relief was not formally withdrawn, but VHHL did not present evidence in support of it.

[780] The relevant objectives and policies are:

*Objectives I214.2*

*(11) The safety and capacity of the transport network is maintained and, where appropriate, enhanced.*

*Policies I214.3*

*(34) Constrain and manage private vehicle travel in and out of Wynyard Precinct, particularly during peak travel periods.*

*(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.*

[781] Office development in excess of the maxima in I214.6.2(1) require assessment variously as restricted discretionary or non-complying activities.

[782] Mr. Clark and Mr. McKenzie referenced the policies of the Wynyard Precinct in protecting Fanshawe Street's role for rapid transit, and that increased traffic demand associated with more intensity would impact on this role. They also said that traffic has been observed to back-up during the evening peak within the Precinct itself.

[783] Mr. Clark was concerned about any locations where extra traffic (associated with extra development enabled by PC78) may impede the reliability of public transport on the RTN.

[784] Conversely, Mr. Hills and Mr. Parlane considered that the Precinct was within a walkable catchment to the rapid transit (bus) services on Fanshawe Street and so was an ideal location for intensification, noting also that no other city centre locations limit intensification due to traffic concerns.

[785] Mr. Clark accepted the premise that intensification within the city centre offers transportation advantages at this macro level. However, he considered that they need to be weighed against the disadvantages, being effects on the RTN. He agreed with Mr. McKenzie's evidence that there has not been sufficient assessment of the traffic effects associated with the additional height sought by submitters.

[786] Mr. McKenzie considered that there needs to be a precinct-wide assessment of cumulative effects as these are unique brownfield development sites. The precinct has been master-planned and that masterplan is still being implemented, and implementation of the UDF has only been underway for approximately 15 years. Accordingly, existing levels of traffic within the Precinct, and onto Fanshawe Street, do not yet represent the extent of traffic generated by the existing caps.

[787] We heard that the relief sought by Eke Panuku would result in approximately 10,800m<sup>2</sup> additional floor space, and Sanford and Willis Bond would provide for an additional 240 apartments and 14,000m<sup>2</sup> of office space. VHHL did not quantify the increases it sought.

#### Recommendation:

[788] The Panel prefers the evidence of Mr. Clark and Mr. McKenzie. We agree that traffic considerations are a further matter to take into account in determining appropriate height increases for the Wynyard Precinct. While not a QM, our finding aligns with the relevant objectives and policies for the Precinct, and the existing caps for commercial and residential activities (removal of which was no longer pursued by VHHL). Traffic considerations are a further 'layer' as to why we do not recommend widespread increases in height for the precinct, but not the sole determinant.

[789] We record that had VHHL pursued its submission relief we would have considered the amendments sought were not "consequential on" intensification, as they relate to the operative precinct provisions rather than responding to intensification.

### 3.43 Chapter A Introduction

[790] This issue relates to Chapter A Introduction.

#### 3.43.1 Statement of issue

- i. Appropriateness of the Council proposed changes to Chapter A Introduction

#### 3.43.2 Panel recommendation and reasons

[791] Chapter A Introduction provides explanatory information about the AUP. PC78 proposes amendments which explain the intensification requirements as well as the role and identification of QMs.

[792] Ms. Greaves' evidence on Chapter A Introduction had a narrow scope responding only to submissions relevant to the City Centre and noted that the balance of the changes to Chapter A will be addressed in a later hearing. The Panel accepts her minor amendments (excluding changes reflecting our recommendations on provisions accommodating the new nationally significant infrastructure QM sought by KiwiRail) which we also addressed as part of our discussion in sections 3.28 and 3.29 above.

[793] We recommend consequential changes to Chapter A to reflect our recommendations on the appropriateness of the various QMs covered by this report, as they relate to the City Centre Zone and Precincts.

## 4. Summary of the Panel's recommended changes to the Auckland Unitary Plan

The following is a summary of the recommended changes to the AUP contained in this Report.

### 1. Plan mechanisms to give effect to qualifying matters

The Panel accepts that PC78 is not intended to address potential inconsistencies with the AUP, and that the accommodation of qualifying matters is methodologically agnostic as to how they are addressed within the AUP.

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### 2. City Centre Zone – general objectives and policies

The Panel recommends amendments to the general business objectives and policies to:

- i. Provide for qualifying matters
- ii. Provide for Policy 3 inclusive of all centres hierarchy as the general business objective and policies apply to all business zones
- iii. With regards to Policy 12A, remove reference to the '21m' metric and replaced with reference to 'mapped' walkable catchments

### 3. Height in the City Centre Zone

The Panel recommends:

- i. Unlimited height in the Special Height Area
- ii. A small expansion of the Special Height Area from that of the notified PC78 by including the block bordered by Rutland, Queen, and Wellesley Streets and Mayoral Drive
- iii. A height of 72.5m across the General Height area
- iv. Retention of lower operative AUP site-specific heights around Karangāhape Road, Victoria Park, 2 and 2A Symonds St, and 99 and 131 Quay St.

### 4. Site intensity and Floor Area Ratio (FAR)

The Panel recommends the removal of FAR and bonus FAR provisions

### 5. Bulk and location controls in the City Centre Zone form

The Panel recommends:

- i. the retention of H8.6.24 Maximum tower dimension, setback from the street and tower separation in the special height area. Changes include:
  - a. a maximum plan dimension of an average of 55m above 28m
  - b. 6m setbacks from all boundaries for parts of buildings above 28m
  - c. Where there is more than one tower on a site, a 12m separation for parts of buildings above 28m
- ii. the retention of H8.6.25 Building frontage alignment and height. Changes include
  - a. requiring maximum frontage heights in identified areas

- iii. a new standard H8.6.25A Building setback from boundaries which apply outside of the special height area which include:
  - a. a maximum plan dimension of an average of 55m above 32.5m
  - b. 6m setbacks from all boundaries for parts of buildings above 32.5m
  - c. Where there is more than one tower on a site, a 12m separation for parts of buildings above 32.5m
- iv. The retention of H8.6.32 Outlook space but changed to require 6m regardless of height of the floor above ground level
- v. A new matter of discretion and assessment criteria to provide for emergency responder servicing

## **6. Development controls in the City Centre Zone which do not affect height or intensity of urban form**

The Panel recommends the retention of:

- i. H8.6.1 Retail,
- ii. H8.6.8 Measuring building height,
- iii. H8.6.26 Verandahs,
- iv. H8.6.27 Minimum floor to floor height,
- v. H8.6.28 Wind, H8.6.29 Glare, and
- vi. H8.6.33 Minimum dwelling size as per the operative standards, and
- vii. H8.6.9 Roof Tops with minor amendments

## **7. Special Amenity Yards**

The Panel recommends the retention of standard H8.6.30

## **8. Building in relation to boundary**

The Panel recommends the deletion of H8.6.22 Building in relation to boundary but only where all of H8.6.3, H8.6.25, H8.6.25A, and H8.6.32 apply.

## **9. Streetscape Improvement and landscaping**

The Panel recommends the retention of standard H8.6.23

## **10. Through-site links**

The Panel recommends new matters of discretion and assessment criteria to provide for through site links.

## **11. Qualifying matter - Relationship of the City Centre to the Waitematā Harbour**

The Panel recommends:

- i. the retention of standard H8.6.5 Harbour edge height control. Changes include making infringement a restricted discretionary activity rather than a discretionary activity
- ii. Deletion of H8.6.6 Exception to the harbour edge height control
- iii. A new standard H8.6.24A Maximum east-west tower dimension of 45m for areas as notified in PC78

## **12. Qualifying matter – Sunlight admission to public spaces in the City Centre**

The Panel recommends:

- i. The retention of H8.6.3 Admission of sunlight to public spaces. Changes include the inclusion of seven additional public spaces, which are:
  - a. Victoria Park
  - b. Te Taou Reserve
  - c. Māhuhu ki-te-Rangi Park
  - d. Grafton Cemetery East
  - e. Grafton Cemetery West
  - f. Constitution Hill
  - g. Auckland Domain
- ii. The retention of H8.6.4 Aotea Square height control plane

### **13. Qualifying Matter – Special character buildings and historic heritage**

The Panel recommends:

- i. the introduction of Special information requirement H8.10.1 - Alterations and additions to buildings identified as historic heritage and special character.
- ii. The removal of some Special Character Building from Map H8.11.1 as identified by Council experts

### **14. Qualifying matter – Auckland War Memorial Viewshaft**

The Panel recommends the retention of Chapter D19 Auckland War Memorial Viewshaft Overlay provisions as they apply to the City Centre Zone.

### **15. Qualifying matter – Maunga Viewshafts**

The Panel recommends:

- i. the name change from “Volcanic Viewshafts” to “Maunga Viewshafts”.
- ii. The retention of all Maunga viewshafts in as they apply to the City Centre Zone including E10 and E16
- iii. Changes to D14.6.4 to allow for construction cranes to infringe Maunga viewshafts for up to 24 months

### **16. New Qualifying matter – Maunga to Maunga viewshafts**

The Panel recommends that the Council prepare one or more special information requirements in Chapter D19 stipulating that any application for resource consent to infringe the Auckland War Memorial Viewshaft must assess effects on views between Takarunga / Mount Victoria and Maungawhau / Mount Eden.

### **17. Qualifying matter – Street sightlines**

The Panel recommends the retention of H8.6.31 Street sightlines

### **18. Qualifying matter – Railway station building and gardens view protection plane**

The Panel recommends the retention of standard H8.6.7 Railway building and gardens view protection plane

### **19. Qualifying matter – Relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga**

The Panel recommends the retention of the 22 Sites and Places of Significance to Mana Whenua within the City Centre Zone.



**20. Qualifying matter – Notable Trees**

The Panel recommends the retention of the scheduling of 31 notable trees within the City Centre Zone.

**21. Qualifying matter – Infrastructure**

The Panel recommends the removal of the Infrastructure – Combined Wastewater Network Control from the City Centre due to a mapping error.

**22. Qualifying matter – Strategic transport corridor**

The Panel recommends the retention of the Strategic Transport Corridor Zone as it applies to the City Centre Zone.

**23. Qualifying matter – National Grid**

The Panel recommends the retention of D26 National Grid Corridor Overlay as it applies to the City Centre Zone.

**24. Qualifying matter – designations**

The Panel recommends the retention of designations as they apply to the City Centre Zone and minor technical amendments to assist in plan interpretation.

**25. Qualifying matter – new qualifying matter**

The Panel recommends a new qualifying matter for the safe or efficient operation of nationally significant infrastructure being, the railway corridor as it applies to the city centre. Changes include:

- i. a 5m building setback from the boundary of a site adjoining the Strategic Transport Corridor Zone with a railway corridor;
- ii. a noise control applied to land within 100m of the Strategic Transport Corridor Zone with a railway corridor; and
- iii. a rail vibration alert overlay to land within 60m of the railway designation boundary.

**26. Precincts – general**

The Panel accepts that precincts are a valid planning mechanism which may be appropriate to address a qualifying matter.

**27. Precincts – Britomart**

the Panel recommends the retention of the notified PC78 provisions for the Britomart Precinct.

**28. Precinct – Central Wharves**

The Panel recommends the retention of the notified PC78 provisions for the Central Wharves Precinct

**29. Precinct – Downtown West**

The Panel recommends the retention of I205 Downtown West Precinct and the changes to standard I205.6.2 Pedestrian connections to no longer require it be 'at-grade'.

### **30. Precinct – Karangāhape Road**

The Panel recommends the retention of the notified PC78 provisions for the Karangāhape Road except the block bounded by Karangāhape Road, Newton Road, Gundry Street and Abbey Street is removed from the Precinct.

### **31. Precinct – Learning**

The Panel recommends the retention of the Learning Precinct with changes including:

- i. Increases to 72.5m in height mainly along Symonds, Mount, St Pauls St and Wellesley St East
- ii. Amending standard I207.6.4 Frontage Height and Setback to limit the recession plane for a horizontal distance of 20m
- iii. Any consequential work to integrate changes in the Precinct with the underlying City Centre Zone provision

### **32. Precinct – Quay Park**

The Panel recommends the retention of the Quay Park Precinct with:

- i. the boundaries as notified in PC78
- ii. Increases in height of some areas notified in PC78 as 30m to 72.5m but still subject to the Auckland War Memorial Viewshaft
- iii. An out of submission change to ensure a small portion of land is returned to the operative 30m
- iv. a new special amenity yard (implemented via standard H8.6.30)
- v. reduction of building frontage height controls to areas along Mahuhu Cres and Taporā St

### **33. Precinct – Queen Street Valley**

The Panel recommends the retention of the notified PC78 provisions for the Queen Street Valley Precinct.

### **34. Precinct – Victoria Park Market**

The Panel recommends the retention of the notified PC78 provisions for the Victoria Park Market Precinct.

### **35. Precinct – Viaduct Harbour**

The Panel recommends the retention of the notified PC78 provisions for the Precinct except for:

- i. A 52m height for the Auckland Harbour Board Building site subject to 15m setback to the northern façade and a 5m setback to the eastern façade of the historic heritage building and consequential changes to increase FAR to accommodate the increased height.
- ii. A 30m height and increased FAR for properties generally along Fanshawe St and the carpark building at Sturdee St.

### **36. Precinct – Wynyard**

The Panel recommends the retention of the notified PC78 provisions for the Precinct except for:

- i. VHHL marker building site: 52m increased to 60m and consequential increase in FAR
- ii. Swashbucklers site: 5m increased to 18m
- iii. Orams' site: 10m/52m/31m increased to 18m/62m/31m
- iv. Western Eke Panuku marker building sites: 31m-52m increased to 62m (south western corner) and consequential increase in FAR

**37. Chapter A Introduction**

The Panel recommends minor amendments to Chapter A Introduction and consequential changes to reflect the findings on QMs included in this Report.

## 5. Scope

[794] The recommendations contained in this Report were made pursuant to s 99(2)(a) of the RMA other than the following made outside the scope of submissions:

1. Changes to height for the portion of Lot 25 DP 189961, directly behind the Railway Station which forms a carparking area / accessway for Spark Arena, from the notified PC78 height of 18m to the AUP height of 30m .

## 6. Panel recommendation on submissions

[795] Appendix 1 of the Report contain a list of submissions and further submissions considered in this recommendation report to the extent that those submissions relate to the City Centre Zone, Precincts and relevant qualifying matters.

[796] Those submissions seeking the provisions relating to the City Centre Zone, Precincts and relevant qualifying matters be retained are accepted or rejected in part to the extent of changes recommended above.

[797] Those submissions opposing the plan provisions and seeking amendments are accepted in part to the extent that the plan has been modified.

[798] Those submissions seeking additions or changes to QMs are accepted or rejected in part to the extent of changes recommended above.

## 7. Recommended changes

### 7.1 Changes to the text

Appendix 2 of the Report includes the Panel recommended set of plan provisions where practical. Deletions to the operative provisions are shown in strike through and new text is identified by underlining.

### 7.2 Changes to the planning maps

This Report does not recommend any changes in the extent of the City Centre Zone.

Appendix 3 shows the spatial application of QMs recommended to be retained in the City Centre Zone and Precincts. Where possible all changes have been carried across, in cases where there is uncertainty the recommendations in the Report take precedence.

Changes to spatial application of controls in precincts are reflected where practical in the recommended set of provisions.

## 8. Reference documents/documents relied on

The Panel have relied on submissions and further submissions (identified in Appendix 1), the evidence presented identified in Appendix 4 and documents below in making its recommendations.

Joint Witness Statements on the following topics:

- 009G QMS A- I, Maunga Viewshafts and Building Sensitive Areas, dated 17 April 2023
- 009Q QMs A-I, Designations, dated 9 May 2023
- 016A City Centre Zone provisions, dated 24 and 25 May 2023
- 020E Precincts – I209 Quay Park Precinct, dated 12 February 2024
- 020E Precincts – I209 Quay Park Precinct, dated 1 March 2024
- Bonus provisions relating to Historic Heritage and Special Character, dated 30 April 2024
- 020G Viaduct Harbour Precinct, dated 3 July 2023
- 020G Viaduct Harbour Precinct and I214 Wynyard Quarter Precinct – Transport, dated 2 August 2023
- 020I Wynyard Precinct, dated 4 July

Mediation Statements on the following topics:

- 020A I201 Britomart Precinct, dated 6 June 2023
- 020G I211 Viaduct Harbour Precinct, dated 7 June 2023
- 020I I213 Wynyard Precinct, dated 8 June 2023

The documents can be located on the IHP website ([www.IntensificationHearingsaki.co.nz](http://www.IntensificationHearingsaki.co.nz)) on the hearings page under the relevant hearing topic number and name.

You can use the links provided below to locate the documents, or you can go to the website and search for the document by name or date loaded.



**Matthew Casey, KC**  
**On behalf of the Independent**

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**Submissions**

<b>Sub#/ Point</b>	<b>Submitter Name</b>
<b>001G Plan Making and Procedural - Plan Interpretation (Chapter A and Chapter C)</b>	
940.3	Transpower New Zealand Limited
940.4	Transpower New Zealand Limited
2069.15	KiwiRail
<b>009A Qualifying Matters A-I Appropriateness of QMs (A-I)</b>	
471.3	Barry Wood
839.2	Russell Property Group
839.4	Russell Property Group
839.133	Russell Property Group
839.134	Russell Property Group
841.3	Villages of New Zealand Limited
841.5	Villages of New Zealand Limited
841.113	Villages of New Zealand Limited
841.114	Villages of New Zealand Limited
873.28	Kāinga Ora
894.2	Independent Māori Statutory Board
894.9	Independent Māori Statutory Board
940.2	Transpower New Zealand Limited:
940.6	Transpower New Zealand Limited:
949.2	Piper Properties Consultants Limited
949.4	Piper Properties Consultants Limited
949.148	Piper Properties Consultants Limited
949.149	Piper Properties Consultants Limited
1086.2	Sonn Group
1086.4	Sonn Group
1086.125	Sonn Group
1359.6	Hugh Green Limited
1406.4	Campbell Doerr
1429.2	Grant Wackrow
1543.192	Winton Land Limited
1543.193	Winton Land Limited
1543.228	Winton Land Limited
1584.6	30 Hospital Road Limited Partnership
1585.3	Gibbonsco Management Limited
1585.4	Gibbonsco Management Limited
1585.6	Gibbonsco Management Limited
1586.4	Shundi Tamaki Village Limited
1586.5	Shundi Tamaki Village Limited
1586.13	Shundi Tamaki Village Limited
1814.3	Ian Peter Cassidy
1950.1	Herne Bay Residents' Association Incorporated
1951.2	Marian Kohler
1982.3	Dalkara GP Limited
2034.1	Craigieburn Range Trust
2035.1	Euroclass Limited
2036.2	Evans Randall Investors Ltd
2038.1	Highbrook Living Limited
2042.1	NZ Storage Holdings Limited
2049.19	Waka Kotahi
2056.1	Stonehill Trustee Limited
2062.2	Claire Teirney
2064.2	Pest Free Kaipatiki

2187.1	Matthew Brajkovich
2215.9	Rebecca Macky
2248.2	Stuart P.C. Ltd
2248.3	Stuart P.C. Ltd
2248.84	Stuart P.C. Ltd
2248.129	Stuart P.C. Ltd
2272.1	CivilPlan Consultants Limited
2272.4	CivilPlan Consultants Limited
2272.20	CivilPlan Consultants Limited
2273.1	Aaron Grey
2273.7	Aaron Grey
2273.8	Aaron Grey
2273.9	Aaron Grey
2273.17	Aaron Grey
2297.9	Squirrel Trust
2300.2	Charles and Nancy Liu
2303.2	Templeton Group
2303.4	Templeton Group
2303.190	Templeton Group
2303.191	Templeton Group
2356.9	Matthew Olsen
<b>009G Qualifying Matters A-I - Maunga Viewshafts and Height Sensitive Areas (D14)</b>	
471.3	Barry Wood
839.2	Russell Property Group
839.4	Russell Property Group
839.133	Russell Property Group
839.134	Russell Property Group
841.3	Villages of New Zealand Limited
841.5	Villages of New Zealand Limited
841.113	Villages of New Zealand Limited
841.114	Villages of New Zealand Limited
873.28	Kāinga Ora
894.2	Independent Māori Statutory Board
894.9	Independent Māori Statutory Board
940.2	Transpower New Zealand Limited:
940.6	Transpower New Zealand Limited:
949.2	Piper Properties Consultants Limited
949.4	Piper Properties Consultants Limited
949.148	Piper Properties Consultants Limited
949.149	Piper Properties Consultants Limited
1086.2	Sonn Group
1086.4	Sonn Group
1086.125	Sonn Group
1359.6	Hugh Green Limited
1406.4	Campbell Doerr
1429.2	Grant Wackrow
1543.192	Winton Land Limited
1543.193	Winton Land Limited
1543.228	Winton Land Limited
1584.6	30 Hospital Road Limited Partnership
1585.3	Gibbonsco Management Limited
1585.4	Gibbonsco Management Limited
1585.6	Gibbonsco Management Limited
1586.4	Shundi Tamaki Village Limited

1586.5	Shundi Tamaki Village Limited
1586.13	Shundi Tamaki Village Limited
1814.3	Ian Peter Cassidy
1950.1	Herne Bay Residents' Association Incorporated
1951.2	Marian Kohler
1982.3	Dalkara GP Limited
2034.1	Craigieburn Range Trust
2035.1	Euroclass Limited
2036.2	Evans Randall Investors Ltd
2038.1	Highbrook Living Limited
2042.1	NZ Storage Holdings Limited
2049.19	Waka Kotahi
2056.1	Stonehill Trustee Limited
2062.2	Claire Teirney
2064.2	Pest Free Kaipatiki
2187.1	Matthew Brajkovich
2215.9	Rebecca Macky
2248.2	Stuart P.C. Ltd
2248.3	Stuart P.C. Ltd
2248.84	Stuart P.C. Ltd
2248.129	Stuart P.C. Ltd
2272.1	CivilPlan Consultants Limited
2272.4	CivilPlan Consultants Limited
2272.20	CivilPlan Consultants Limited
2273.1	Aaron Grey
2273.7	Aaron Grey
2273.8	Aaron Grey
2273.9	Aaron Grey
2273.17	Aaron Grey
2297.9	Squirrel Trust
2300.2	Charles and Nancy Liu
2303.2	Templeton Group
2303.4	Templeton Group
2303.190	Templeton Group
2303.191	Templeton Group
2356.9	Matthew Olsen
<b>009I Qualifying Matters A-I - Relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga (D21)</b>	
239.1	SNPshot Technologies
872.2	Heritage New Zealand Pouhere Taonga
873.58	Kāinga Ora
894.4	Independent Māori Statutory Board
894.6	Independent Māori Statutory Board
895.16	Ngāti Whātua Ōrākei Group
1079.79	The Coalition for More Homes
1084.27	Te Ākitai Waiohua Waka Taua Incorporated Society(Te Ākitai Waiohua)
1575.1	Auckland Branch Committee, Te Kāhui Whaihanga New Zealand Institute of Architects
1905.9	Ngati Tamaoho Te Tai Ao Unit
1962.10	Aedifice Property Group
2392.7	Ngāti Te Ata Waiohua
<b>009K - Qualifying Matters A-I - National Grid (D26)</b>	
940.10	Transpower New Zealand Limited:
940.11	Transpower New Zealand Limited:
940.12	Transpower New Zealand Limited:

940.13	Transpower New Zealand Limited:
940.14	Transpower New Zealand Limited:
940.46	Transpower New Zealand Limited:
940.47	Transpower New Zealand Limited:
940.48	Transpower New Zealand Limited:
940.49	Transpower New Zealand Limited:
<b>009M Qualifying Matters A-I - Strategic Transport Corridors</b>	
2069.1	KiwiRail
2069.2	KiwiRail
2069.3	KiwiRail
2069.4	KiwiRail
2069.5	KiwiRail
2069.6	KiwiRail
2069.9	KiwiRail
2069.11	KiwiRail
2069.12	KiwiRail
2069.13	KiwiRail
<b>009Q Qualifying Matters A-I - Designations</b>	
836.3	North Eastern Investments Limited
873.82	Kāinga Ora
892.1	Ministry of Education Te Tāhuhu o Te Mātauranga
940.44	Transpower New Zealand Limited:
1401.15	Angela Joy Goodwin
1643.5	Deborah Chambers
1962.15	Aedifice Property Group
2069.1	KiwiRail
<b>010A Qualifying Matters Other - Appropriateness of QMs (Other)</b>	
753.1	Lynda Murphy
898.7	Cornwall Park Trust Board
939.40	Auckland Council
1085.1	The Tree Council
1115.1	Fluker Surveying Limited
1245	Geoffrey John Beresford
1814.2	Ian Peter Cassidy
2034.2	Craigieburn Range Trust
2042.2	NZ Storage Holdings Limited
2215.8	Rebecca Macky
2248.85	Stuart P.C. Ltd
2248.128	Stuart P.C. Ltd
2284.1	Rock Solid Holdings Limited
2286.4	Civic Trust Auckland
<b>010B Qualifying Matters Other - Auckland Museum Viewshaft (D19)</b>	
872.8	Heritage New Zealand Pouhere Taonga
872.22	Heritage New Zealand Pouhere Taonga
1079.82	The Coalition for More Homes
1962.1	Aedifice Property Group
1984.4	The Surveying Company Ltd
<b>010D Qualifying Matters Other - Notable Trees (D13)</b>	
131.2	Ronald Philip Tappl
872.7	Heritage New Zealand Pouhere Taonga
873.42	Kāinga Ora
954.10	Grey Lynn Residents Association
1066.5	Avant Group Limited ('Avant') and Ngā Maunga Whakahii o Kaipara Whenua Hoko Holdings Limited ('NMWoK')
1079.84	The Coalition for More Homes

1084.20	Te Ākitai Waiohua Waka Taua Incorporated Society(Te Ākitai Waiohua)
1085.2	The Tree Council
1090.8	Steven Wang and Shirley Wang
1465.4	Maheeka Ariyapperuma
1543.7	Winton Land Limited
1585.12	Gibbonsco Management Limited
1736.6	Henry Patrick James Ibbertson
1738.10	John Dymond Projects
1862.6	Mingo Alexander Innes
1893.5	South Epsom Planning Group
1962.23	Aedifice Property Group
1984.2	The Surveying Company Ltd
2024.8	Tania Fleur Mace
2064.1	Pest Free Kaipatiki
2064.9	Pest Free Kaipatiki
2158.4	Piscita Investment Trust
<b>010F Qualifying Matters Other - Character Buildings: City Centre</b>	
872.5	Heritage New Zealand Pouhere Taonga
872.25	Heritage New Zealand Pouhere Taonga
872.26	Heritage New Zealand Pouhere Taonga
1079.81	The Coalition for More Homes
1088.17	Viaduct Harbour Holdings Limited
1088.18	Viaduct Harbour Holdings Limited
1088.22	Viaduct Harbour Holdings Limited
2160.5	Sanford Limited
<b>010G Qualifying Matters Other - Built Form Controls: City Centre - sunlight admission to open space, harbour edge, and other matters</b>	
872.6	Heritage New Zealand Pouhere Taonga
873.21	Kāinga Ora
895.8	Ngāti Whātua Ōrākei Group
895.29	Ngāti Whātua Ōrākei Group
946.7	SKYCITY Auckland Limited ('SKYCITY')
946.8	SKYCITY Auckland Limited ('SKYCITY')
1585.166	Gibbonsco Management Limited
2286.5	Civic Trust Auckland
2291.15	The Parc Bodies Corporate Et al
<b>012A Qualifying Matters - Infrastructure - Appropriateness of QM (Infrastructure)</b>	
4.2	James Bruce Jacobi
15.1	Stephen Bellamy
19.1	Julia Coles
33.2	Oliver Moss
34.2	Julia Neville
38.2	Jeffrey Robertson
44.1	Sara Stythe
47.2	Jessica Ward
79.2	Drew Adams
95.1	Chian Chong
154.1	Graeme McInnes
162.1	James Parkinson
164.1	Omer Maqsood
200.4	Philip Malcom Granger
251.1	Mrs Frances Robyn Bridgman
276.4	Paul Ralston Bethune
305.2	Kathryn E Davies
323.9	Jennifer Goldsack

351.3	iSolutions
367.1	Kevin Kevany
512.3	Geoff Evans
519.1	Sheryl Low
521.3	Tatiana Nazarova
584.1	Darren Grbic
590.2	Diana Mary Littler
662.3	Jennifer Clements
667.1	Evonne Geluk
717.3	Cockle Bay Residents and Ratepayers Association Inc.
724.3	Graham Pearce
871.9	Property Council New Zealand
954.9	Grey Lynn Residents Association
971.7	RTJ Property Professionals Limited
976.7	Judith Gayleen Mackereth
976.13	Judith Gayleen Mackereth
1040.1	Judy Day
1084.21	Te Ākitai Waiohua Waka Taua Incorporated Society(Te Ākitai Waiohua)
1096.1	Susan Lesley Parker
1115.4	Fluker Surveying Limited
1156.1	Ross Stevenson
1202.6	Brad Allen
1228.9	Anna Jones
1246.1	John Beaumont
1260.2	Howick Ratepayers and Residents Association
1263.2	Kathryn Langstone
1295.4	John & Jocelyn Woodhall
1399.3	Alex Price
1406.6	Campbell Doerr
1441.4	Jeffrey Lane Fearon
1554.3	Su Thon
1574.1	Marion Phyllis O'Kane
1736.7	Henry Patrick James Ibbertson
1738.11	John Dymond Projects
1744.2	Fiona Moran
1769.3	Anne Perratt
1851.2	Jennifer Scott
1862.7	Mingo Alexander Innes
1865.8	Nicola Spencer
1880.1	Virginia Gaye Bunker
1890.2	Bill O'Brien
1898.2	Daniel Patrick Molloy
1954.4	Michael Pearson
2024.7	Tania Fleur Mace
2034.4	Craigieburn Range Trust
2042.4	NZ Storage Holdings Limited
2082.1	Te Waihangā, New Zealand Infrastructure Commission
2082.2	Te Waihangā, New Zealand Infrastructure Commission
2187.6	Matthew Brajkovich
2215.10	Rebecca Macky
2247.2	St John
2248.87	Stuart P.C. Ltd
2248.130	Stuart P.C. Ltd
2272.7	CivilPlan Consultants Limited

2273.11	Aaron Grey
2286.6	Civic Trust Auckland
2305.2	Keith Vernon
2364.3	Rubin Levin and Peta Levin
<b>012C Qualifying Matters - Infrastructure - Infrastructure - Combined wastewater network</b>	
1980.9	University of Auckland
1980.11	University of Auckland
2049.19	Waka Kotahi
<b>013 Qualifying Matters Additional</b>	
90.2	Linda Knox
96.2	Grant Knox
100.1	Christine Ann and Trevor Ross Johnson
389.3	Stephen Curham
471.1	Barry Wood
471.2	Barry Wood
486.1	Stuart Webb
572.3	Sabrina Joy Davies
648.1	Chimene Del La Varis
717.2	Cockle Bay Residents and Ratepayers Association Inc.
717.4	Cockle Bay Residents and Ratepayers Association Inc.
765.1	Shane Wood
765.3	Shane Wood
780.3	Reydon Place Residents Society Incorporated
780.6	Reydon Place Residents Society Incorporated
780.9	Reydon Place Residents Society Incorporated
801.1	Golden Bay Cement, a division of Fletcher Concrete & Infrastructure Ltd (GBC)
872.3	Heritage New Zealand Pouhere Taonga
873.29	Kāinga Ora
903.11	Franco Belgiorno-Nettis
903.12	Franco Belgiorno-Nettis
903.16	Franco Belgiorno-Nettis
976.12	Judith Gayleen Mackereth
1114.3	Diane Dorothy Maloney
1295.3	John & Jocelyn Woodhall
1324.3	Sarah Jane Langstone-Ross
1329.1	Varun Pushp Shandil
1396.1	Adam Muncey
1396.3	Adam Muncey
1396.4	Adam Muncey
1433.1	Hinepawhero Afeaki
1450.1	Julie Mitchell
1450.3	Julie Mitchell
1452.3	Kathleen I Kennedy
1621.5	Maureen Forrester
1708.1	Bucklands and Eastern Beaches Ratepayers and Residents Association
1708.2	Bucklands and Eastern Beaches Ratepayers and Residents Association
1708.3	Bucklands and Eastern Beaches Ratepayers and Residents Association
1745.7	Motu Design
1745.8	Motu Design
1745.9	Motu Design
1748.5	Andries Popping
1751.3	Kaaren Rosser
1769.2	Anne Perratt
1769.4	Anne Perratt



1819.2	Michelle Hull
1819.6	Michelle Hull
1819.7	Michelle Hull
1893.13	South Epsom Planning Group
1893.24	South Epsom Planning Group
1905.16	Ngati Tamaoho Te Tai Ao Unit
1905.17	Ngati Tamaoho Te Tai Ao Unit
1905.18	Ngati Tamaoho Te Tai Ao Unit
1933.2	Joanna Bason and Brad Bason
1933.4	Joanna Bason and Brad Bason
1949.2	Manu Alan Beetham Donald
1996.5	Gregory John McKeown
2009.1	Ronald Francois
2009.3	Ronald Francois
2013.1	Solange Francois
2013.3	Solange Francois
2020.1	Counties Energy Limited
2021.28	Character Coalition Incorporated
2150.2	Raquel Francois
2150.7	Raquel Francois
2159.2	Ms Paula Vidovich
2181.4	Sean Molloy
2240.11	Stratis Body Corporate
2298.3	Mr Richard Brabant
2298.11	Mr Richard Brabant
2372.3	Alicia Bullock and Chris Bullock
<b>016A Business Zones provisions - City Centre Zone - height provisions</b>	
711.8	Jessica de Heij
711.9	Jessica de Heij
711.10	Jessica de Heij
801.2	Golden Bay Cement, a division of Fletcher Concrete & Infrastructure Ltd (GBC)
837.42	Fire and Emergency New Zealand
837.43	Fire and Emergency New Zealand
840.2	Auckland City Centre Residents Group
840.3	Auckland City Centre Residents Group
840.4	Auckland City Centre Residents Group
840.5	Auckland City Centre Residents Group
840.6	Auckland City Centre Residents Group
840.7	Auckland City Centre Residents Group
840.8	Auckland City Centre Residents Group
840.9	Auckland City Centre Residents Group
840.10	Auckland City Centre Residents Group
840.11	Auckland City Centre Residents Group
871.16	Property Council New Zealand
871.17	Property Council New Zealand
871.18	Property Council New Zealand
872.21	Heritage New Zealand Pouhere Taonga
873.20	Kāinga Ora
886.1	Nicholas James McKay
895.5	Ngāti Whātua Ōrākei Group
895.6	Ngāti Whātua Ōrākei Group
895.18	Ngāti Whātua Ōrākei Group
895.19	Ngāti Whātua Ōrākei Group
895.20	Ngāti Whātua Ōrākei Group

895.21	Ngāti Whātua Ōrākei Group
895.22	Ngāti Whātua Ōrākei Group
895.23	Ngāti Whātua Ōrākei Group
895.24	Ngāti Whātua Ōrākei Group
895.25	Ngāti Whātua Ōrākei Group
895.26	Ngāti Whātua Ōrākei Group
895.27	Ngāti Whātua Ōrākei Group
895.28	Ngāti Whātua Ōrākei Group
897.1	Catholic Diocese of Auckland
897.2	Catholic Diocese of Auckland
897.3	Catholic Diocese of Auckland
897.4	Catholic Diocese of Auckland
938.124	New Zealand Housing Foundation
938.125	New Zealand Housing Foundation
938.126	New Zealand Housing Foundation
938.127	New Zealand Housing Foundation
938.128	New Zealand Housing Foundation
938.129	New Zealand Housing Foundation
938.130	New Zealand Housing Foundation
938.131	New Zealand Housing Foundation
938.132	New Zealand Housing Foundation
938.133	New Zealand Housing Foundation
938.134	New Zealand Housing Foundation
938.135	New Zealand Housing Foundation
938.136	New Zealand Housing Foundation
939.33	Auckland Council
939.42	Auckland Council
945.1	Ports of Auckland Limited (“POAL”)
946.1	SKYCITY Auckland Limited (‘SKYCITY’)
946.2	SKYCITY Auckland Limited (‘SKYCITY’)
946.3	SKYCITY Auckland Limited (‘SKYCITY’)
946.4	SKYCITY Auckland Limited (‘SKYCITY’)
946.5	SKYCITY Auckland Limited (‘SKYCITY’)
946.6	SKYCITY Auckland Limited (‘SKYCITY’)
947.110	Retirement Villages Association of New Zealand Incorporated (RVA)
947.111	Retirement Villages Association of New Zealand Incorporated (RVA)
947.112	Retirement Villages Association of New Zealand Incorporated (RVA)
947.114	Retirement Villages Association of New Zealand Incorporated (RVA)
947.115	Retirement Villages Association of New Zealand Incorporated (RVA)
947.116	Retirement Villages Association of New Zealand Incorporated (RVA)
947.117	Retirement Villages Association of New Zealand Incorporated (RVA)
947.118	Retirement Villages Association of New Zealand Incorporated (RVA)
947.120	Retirement Villages Association of New Zealand Incorporated (RVA)
947.121	Retirement Villages Association of New Zealand Incorporated (RVA)
947.122	Retirement Villages Association of New Zealand Incorporated (RVA)
947.123	Retirement Villages Association of New Zealand Incorporated (RVA)
947.124	Retirement Villages Association of New Zealand Incorporated (RVA)
947.125	Retirement Villages Association of New Zealand Incorporated (RVA)
947.126	Retirement Villages Association of New Zealand Incorporated (RVA)
947.127	Retirement Villages Association of New Zealand Incorporated (RVA)
947.128	Retirement Villages Association of New Zealand Incorporated (RVA)
947.129	Retirement Villages Association of New Zealand Incorporated (RVA)
947.130	Retirement Villages Association of New Zealand Incorporated (RVA)
947.131	Retirement Villages Association of New Zealand Incorporated (RVA)

[illegible]

1068.14	Precinct Properties New Zealand Limited
1068.15	Precinct Properties New Zealand Limited
1068.16	Precinct Properties New Zealand Limited
1068.17	Precinct Properties New Zealand Limited
1079.88	The Coalition for More Homes
1079.90	The Coalition for More Homes
1079.91	The Coalition for More Homes
1079.92	The Coalition for More Homes
1079.93	The Coalition for More Homes
1079.94	The Coalition for More Homes
1088.12	Viaduct Harbour Holdings Limited
1088.15	Viaduct Harbour Holdings Limited
1088.16	Viaduct Harbour Holdings Limited
1089.1	The General Trust Board of the Diocese of Auckland
1089.2	The General Trust Board of the Diocese of Auckland
1089.3	The General Trust Board of the Diocese of Auckland
1089.4	The General Trust Board of the Diocese of Auckland
1089.5	The General Trust Board of the Diocese of Auckland
1089.6	The General Trust Board of the Diocese of Auckland
1089.7	The General Trust Board of the Diocese of Auckland
1089.8	The General Trust Board of the Diocese of Auckland
1089.9	The General Trust Board of the Diocese of Auckland
1089.10	The General Trust Board of the Diocese of Auckland
1089.11	The General Trust Board of the Diocese of Auckland
1089.12	The General Trust Board of the Diocese of Auckland
1089.13	The General Trust Board of the Diocese of Auckland
1089.14	The General Trust Board of the Diocese of Auckland
1089.15	The General Trust Board of the Diocese of Auckland
1089.16	The General Trust Board of the Diocese of Auckland
1089.17	The General Trust Board of the Diocese of Auckland
1089.18	The General Trust Board of the Diocese of Auckland
1100.15	Z Energy Limited
1100.16	Z Energy Limited
1100.17	Z Energy Limited
1100.18	Z Energy Limited
1100.19	Z Energy Limited
1100.20	Z Energy Limited
1100.21	Z Energy Limited
1100.22	Z Energy Limited
1100.23	Z Energy Limited
1110.11	Wyborn Capital Limited
1196.1	National Mini Storage Ltd
1196.2	National Mini Storage Ltd
1196.3	National Mini Storage Ltd
1206.10	Daniel Graham Maier-Gant
1206.12	Daniel Graham Maier-Gant
1206.13	Daniel Graham Maier-Gant
1333.3	Edinburgh Trustees Limited
1361.15	The Fuel Companies
1361.16	The Fuel Companies
1361.17	The Fuel Companies
1361.18	The Fuel Companies
1361.19	The Fuel Companies
1361.20	The Fuel Companies

1361.21	The Fuel Companies
1361.22	The Fuel Companies
1361.23	The Fuel Companies
1543.149	Winton Land Limited
1543.150	Winton Land Limited
1543.151	Winton Land Limited
1543.152	Winton Land Limited
1543.153	Winton Land Limited
1543.154	Winton Land Limited
1543.155	Winton Land Limited
1543.156	Winton Land Limited
1543.157	Winton Land Limited
1543.158	Winton Land Limited
1543.159	Winton Land Limited
1543.160	Winton Land Limited
1543.161	Winton Land Limited
1543.162	Winton Land Limited
1543.163	Winton Land Limited
1543.164	Winton Land Limited
1543.165	Winton Land Limited
1543.166	Winton Land Limited
1543.167	Winton Land Limited
1543.168	Winton Land Limited
1543.169	Winton Land Limited
1543.170	Winton Land Limited
1543.171	Winton Land Limited
1543.172	Winton Land Limited
1543.173	Winton Land Limited
1543.174	Winton Land Limited
1543.175	Winton Land Limited
1543.176	Winton Land Limited
1543.177	Winton Land Limited
1543.178	Winton Land Limited
1543.179	Winton Land Limited
1543.180	Winton Land Limited
1543.181	Winton Land Limited
1543.182	Winton Land Limited
1543.183	Winton Land Limited
1543.184	Winton Land Limited
1585.163	Gibbonsco Management Limited
1585.164	Gibbonsco Management Limited
1585.165	Gibbonsco Management Limited
1585.167	Gibbonsco Management Limited
1585.168	Gibbonsco Management Limited
1585.169	Gibbonsco Management Limited
1585.170	Gibbonsco Management Limited
1585.171	Gibbonsco Management Limited
1585.172	Gibbonsco Management Limited
1585.173	Gibbonsco Management Limited
1585.174	Gibbonsco Management Limited
1585.175	Gibbonsco Management Limited
1585.176	Gibbonsco Management Limited
1585.177	Gibbonsco Management Limited
1585.178	Gibbonsco Management Limited

1585.179	Gibbonsco Management Limited
1585.180	Gibbonsco Management Limited
1585.181	Gibbonsco Management Limited
1585.182	Gibbonsco Management Limited
1585.183	Gibbonsco Management Limited
1585.184	Gibbonsco Management Limited
1585.185	Gibbonsco Management Limited
1585.186	Gibbonsco Management Limited
1585.187	Gibbonsco Management Limited
1585.188	Gibbonsco Management Limited
1585.189	Gibbonsco Management Limited
1585.190	Gibbonsco Management Limited
1585.191	Gibbonsco Management Limited
1585.192	Gibbonsco Management Limited
1585.193	Gibbonsco Management Limited
1585.194	Gibbonsco Management Limited
1585.195	Gibbonsco Management Limited
1585.196	Gibbonsco Management Limited
1585.197	Gibbonsco Management Limited
1585.198	Gibbonsco Management Limited
1585.199	Gibbonsco Management Limited
1585.200	Gibbonsco Management Limited
1585.201	Gibbonsco Management Limited
1656.1	777 Investments Limited
1656.2	777 Investments Limited
1656.3	777 Investments Limited
1656.4	777 Investments Limited
1656.6	777 Investments Limited
1782.1	Mansons TCLM
1782.2	Mansons TCLM
1782.3	Mansons TCLM
1782.4	Mansons TCLM
1782.5	Mansons TCLM
1782.6	Mansons TCLM
1886.3	Angela Lin
1953.64	Matthew Wansbone
1961.1	Oscar Sims
1961.2	Oscar Sims
1975.5	Willis Bond and Company Limited
1975.6	Willis Bond and Company Limited
1980.1	University of Auckland
1980.2	University of Auckland
1980.3	University of Auckland
1980.4	University of Auckland
1980.5	University of Auckland
1980.6	University of Auckland
1991.22	Tūpuna Maunga o Tāmaki Makaurau Authority
1991.23	Tūpuna Maunga o Tāmaki Makaurau Authority
2025.4	Greater Auckland
2033.136	Classic Group
2033.137	Classic Group
2033.138	Classic Group
2033.139	Classic Group
2033.140	Classic Group

2033.141	Classic Group
2033.142	Classic Group
2033.143	Classic Group
2033.144	Classic Group
2033.145	Classic Group
2033.146	Classic Group
2033.147	Classic Group
2033.148	Classic Group
2036.136	Evans Randall Investors Ltd
2036.137	Evans Randall Investors Ltd
2036.138	Evans Randall Investors Ltd
2036.139	Evans Randall Investors Ltd
2036.140	Evans Randall Investors Ltd
2036.141	Evans Randall Investors Ltd
2036.142	Evans Randall Investors Ltd
2036.143	Evans Randall Investors Ltd
2036.144	Evans Randall Investors Ltd
2036.145	Evans Randall Investors Ltd
2036.146	Evans Randall Investors Ltd
2036.147	Evans Randall Investors Ltd
2036.148	Evans Randall Investors Ltd
2040.132	Mike Greer Developments
2040.133	Mike Greer Developments
2040.134	Mike Greer Developments
2040.135	Mike Greer Developments
2040.136	Mike Greer Developments
2040.137	Mike Greer Developments
2040.138	Mike Greer Developments
2040.139	Mike Greer Developments
2040.140	Mike Greer Developments
2040.141	Mike Greer Developments
2040.142	Mike Greer Developments
2040.143	Mike Greer Developments
2040.144	Mike Greer Developments
2041.135	Neilston Homes
2041.136	Neilston Homes
2041.137	Neilston Homes
2041.138	Neilston Homes
2041.139	Neilston Homes
2041.140	Neilston Homes
2041.141	Neilston Homes
2041.142	Neilston Homes
2041.143	Neilston Homes
2041.144	Neilston Homes
2041.145	Neilston Homes
2041.146	Neilston Homes
2041.147	Neilston Homes
2049.2	Waka Kotahi
2049.3	Waka Kotahi
2049.4	Waka Kotahi
2049.5	Waka Kotahi
2065.3	Fabric Property Limited
2065.4	Fabric Property Limited
2083.124	Universal Homes



2083.125	Universal Homes
2083.126	Universal Homes
2084.10	Urban Auckland
2084.11	Urban Auckland
2084.12	Urban Auckland
2273.141	Aaron Grey
2291.2	The Parc Bodies Corporate Et al
2291.13	The Parc Bodies Corporate Et al
2291.14	The Parc Bodies Corporate Et al
2291.16	The Parc Bodies Corporate Et al
2291.17	The Parc Bodies Corporate Et al
2291.18	The Parc Bodies Corporate Et al
2291.19	The Parc Bodies Corporate Et al
2303.117	Templeton Group
2303.118	Templeton Group
2303.119	Templeton Group
2303.120	Templeton Group
2303.121	Templeton Group
2303.122	Templeton Group
2303.123	Templeton Group
2303.124	Templeton Group
2303.125	Templeton Group
2303.126	Templeton Group
2303.127	Templeton Group
2303.128	Templeton Group
2303.129	Templeton Group
2303.130	Templeton Group
2303.131	Templeton Group
2303.132	Templeton Group
2303.133	Templeton Group
2303.134	Templeton Group
2303.135	Templeton Group
2303.136	Templeton Group
2303.137	Templeton Group
2303.138	Templeton Group
2303.139	Templeton Group
2303.140	Templeton Group
2303.141	Templeton Group
2303.142	Templeton Group
2303.143	Templeton Group
2303.144	Templeton Group
2303.199	Templeton Group
2303.200	Templeton Group
2303.201	Templeton Group
2303.202	Templeton Group
2303.203	Templeton Group
2303.204	Templeton Group
2303.205	Templeton Group
2303.206	Templeton Group
2303.207	Templeton Group
2303.208	Templeton Group
2303.209	Templeton Group
2334.1	John Abel-Pattinson
2334.2	John Abel-Pattinson

<b>016B Business Zone Provisions - Metropolitan Centre Zone - provisions</b>	
870.21	Auckland International Airport Limited ("Auckland Airport")
947.133	Retirement Villages Association of New Zealand Incorporated (RVA)
947.135	Retirement Villages Association of New Zealand Incorporated (RVA)
947.136	Retirement Villages Association of New Zealand Incorporated (RVA)
947.137	Retirement Villages Association of New Zealand Incorporated (RVA)
1083.21	Board of Airline Representatives New Zealand Inc
1991.33	Tūpuna Maunga o Tāmaki Makaurau Authority
<b>016C Business Zone Provisions - Town Centre Zone - provisions</b>	
947.145	Retirement Villages Association of New Zealand Incorporated (RVA)
947.147	Retirement Villages Association of New Zealand Incorporated (RVA)
947.148	Retirement Villages Association of New Zealand Incorporated (RVA)
947.149	Retirement Villages Association of New Zealand Incorporated (RVA)
1093.6	Philip Eaton
1991.34	Tūpuna Maunga o Tāmaki Makaurau Authority
<b>016D Business Zone provisions - Local Centre Zone - provisions</b>	
870.23	Auckland International Airport Limited ("Auckland Airport")
870.24	Auckland International Airport Limited ("Auckland Airport")
947.158	Retirement Villages Association of New Zealand Incorporated (RVA)
947.160	Retirement Villages Association of New Zealand Incorporated (RVA)
947.161	Retirement Villages Association of New Zealand Incorporated (RVA)
947.162	Retirement Villages Association of New Zealand Incorporated (RVA)
1083.23	Board of Airline Representatives New Zealand Inc
1083.24	Board of Airline Representatives New Zealand Inc
1991.35	Tūpuna Maunga o Tāmaki Makaurau Authority
<b>016E Business Zone provisions - Neighbourhood Centre Zone - provisions</b>	
870.26	Auckland International Airport Limited ("Auckland Airport")
870.27	Auckland International Airport Limited ("Auckland Airport")
947.171	Retirement Villages Association of New Zealand Incorporated (RVA)
947.173	Retirement Villages Association of New Zealand Incorporated (RVA)
947.174	Retirement Villages Association of New Zealand Incorporated (RVA)
947.175	Retirement Villages Association of New Zealand Incorporated (RVA)
1083.26	Board of Airline Representatives New Zealand Inc
1083.27	Board of Airline Representatives New Zealand Inc
1991.36	Tūpuna Maunga o Tāmaki Makaurau Authority
<b>016F Business Zone Provisions - Mixed Use Zone</b>	
703.1	Rutherford Rede Limited
839.122	Russell Property Group
839.124	Russell Property Group
839.125	Russell Property Group
841.98	Villages of New Zealand Limited
841.100	Villages of New Zealand Limited
841.101	Villages of New Zealand Limited
870.29	Auckland International Airport Limited ("Auckland Airport")
870.30	Auckland International Airport Limited ("Auckland Airport")
902.1	Oyster Management Limited
947.184	Retirement Villages Association of New Zealand Incorporated (RVA)
947.186	Retirement Villages Association of New Zealand Incorporated (RVA)
947.187	Retirement Villages Association of New Zealand Incorporated (RVA)
947.188	Retirement Villages Association of New Zealand Incorporated (RVA)
1066.171	Avant Group Limited ('Avant') and Ngā Maunga Whakahii o Kaipara Whenua Hoko Holdings Limited ('NMWoK')
1066.173	Avant Group Limited ('Avant') and Ngā Maunga Whakahii o Kaipara Whenua Hoko Holdings Limited ('NMWoK')
1083.29	Board of Airline Representatives New Zealand Inc
1083.30	Board of Airline Representatives New Zealand Inc

1543.186	Winton Land Limited
1543.187	Winton Land Limited
1543.224	Winton Land Limited
1585.204	Gibbonsco Management Limited
1585.206	Gibbonsco Management Limited
1585.207	Gibbonsco Management Limited
1586.37	Shundi Tamaki Village Limited
1586.39	Shundi Tamaki Village Limited
1586.40	Shundi Tamaki Village Limited
1991.37	Tūpuna Maunga o Tāmaki Makaurau Authority
2303.149	Templeton Group
2303.150	Templeton Group
<b>016G Business Zone Provisions - General Business Zone</b>	
1991.38	Tūpuna Maunga o Tāmaki Makaurau Authority
<b>016H Business Zone provisions - Business Park Zone</b>	
902.5	Oyster Management Limited
1991.38	Tūpuna Maunga o Tāmaki Makaurau Authority
<b>020A Precincts - I201 Britomart Precinct</b>	
2156.1	Cooper and Company
2156.2	Cooper and Company
2156.3	Cooper and Company
2156.4	Cooper and Company
<b>020B Precincts - I205 Downtown West Precinct</b>	
1068.18	Precinct Properties New Zealand Limited
<b>020C Precincts - I206 Karangahape Precinct</b>	
914.3	James Kirkpatrick Group Limited
1600.2	Espano, 20 Poynton Terrace Body Corporate Committee
<b>020D Precincts - I207 Learning Precinct</b>	
1067.3	Auckland University of Technology
1980.7	University of Auckland
1980.8	University of Auckland
<b>020E Precincts - I209 Quay Park Precinct</b>	
895.7	Ngāti Whātua Ōrākei Group
939.43	Auckland Council
<b>020F Precincts - I210 Queen Street Valley Precinct</b>	
1206.11	Daniel Graham Maier-Gant
<b>020G Precincts - I211 Viaduct Harbour Precinct</b>	
196.1	Latitude 37 Bodies Corporate
196.2	Latitude 37 Bodies Corporate
1088.1	Viaduct Harbour Holdings Limited
1088.4	Viaduct Harbour Holdings Limited
1088.7	Viaduct Harbour Holdings Limited
1088.10	Viaduct Harbour Holdings Limited
1088.13	Viaduct Harbour Holdings Limited
2240.1	Stratis Body Corporate
2240.2	Stratis Body Corporate
2240.5	Stratis Body Corporate
2240.6	Stratis Body Corporate
2240.7	Stratis Body Corporate
2240.8	Stratis Body Corporate
2240.9	Stratis Body Corporate
2240.10	Stratis Body Corporate
2240.12	Stratis Body Corporate
2291.1	The Parc Bodies Corporate Et al

2291.3	The Parc Bodies Corporate Et al
2291.4	The Parc Bodies Corporate Et al
2291.5	The Parc Bodies Corporate Et al
2291.6	The Parc Bodies Corporate Et al
2291.7	The Parc Bodies Corporate Et al
2291.8	The Parc Bodies Corporate Et al
2291.9	The Parc Bodies Corporate Et al
2291.10	The Parc Bodies Corporate Et al
2291.11	The Parc Bodies Corporate Et al
2291.12	The Parc Bodies Corporate Et al
<b>020I Precincts - I211 Viaduct Harbour Precinct</b>	
950.1	Eke Panuku Development Auckland
950.2	Eke Panuku Development Auckland
950.3	Eke Panuku Development Auckland
950.4	Eke Panuku Development Auckland
950.5	Eke Panuku Development Auckland
950.6	Eke Panuku Development Auckland
950.7	Eke Panuku Development Auckland
950.8	Eke Panuku Development Auckland
950.9	Eke Panuku Development Auckland
950.10	Eke Panuku Development Auckland
950.11	Eke Panuku Development Auckland
950.12	Eke Panuku Development Auckland
950.13	Eke Panuku Development Auckland
950.14	Eke Panuku Development Auckland
950.15	Eke Panuku Development Auckland
950.16	Eke Panuku Development Auckland
950.17	Eke Panuku Development Auckland
950.18	Eke Panuku Development Auckland
950.19	Eke Panuku Development Auckland
1088.3	Viaduct Harbour Holdings Limited
1088.6	Viaduct Harbour Holdings Limited
1088.8	Viaduct Harbour Holdings Limited
1088.9	Viaduct Harbour Holdings Limited
1088.11	Viaduct Harbour Holdings Limited
1088.14	Viaduct Harbour Holdings Limited
1782.9	Mansons TCLM
1975.1	Willis Bond and Company Limited
1975.2	Willis Bond and Company Limited
1975.3	Willis Bond and Company Limited
2160.1	Sanford Limited
2160.2	Sanford Limited
2160.3	Sanford Limited
2160.4	Sanford Limited
<b>020J Precincts - Chapter I Precincts - General</b>	
840.12	Auckland City Centre Residents Group
947.106	Retirement Villages Association of New Zealand Incorporated (RVA)
1088.2	Viaduct Harbour Holdings Limited
1088.5	Viaduct Harbour Holdings Limited
1586.9	Shundi Tamaki Village Limited
1803.4	The One Longhorn Limited
1814.5	Ian Peter Cassidy
1905.2	Ngati Tamaoho Te Tai Ao Unit
2392.1	Ngāti Te Ata Waiohua

2392.2	Ngāti Te Ata Waiohua
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### Further Submissions

Sub#/ Point	Submitter Name
<b>001G Plan Making and Procedural - Plan Interpretation (Chapter A and Chapter C)</b>	
FS184	Kiwi Property Group Limited
FS281	Kāinga Ora – Homes and Communities
FS313	Dilworth Trust Board
FS342	Tram Lease Limited
FS347	Scentre (New Zealand) Limited
FS348	Summerset Villages (Parnell) Limited
FS362	125-139 West Coast Road Limited
FS362	125-139 West Coast Road Limited
FS383	Ports of Auckland Limited
FS454	1 Manui Limited
FS461	Hugh Green Limited
<b>009A Qualifying Matters A-I - Appropriateness of QMs (A-I)</b>	
FS100	Michele Clare Maddison
FS102	Francis Ryan Close Neighbourhood Group
FS109	Sean Molloy
FS110	Stephen Victor Donoghue-Cox
FS112	Sara Bruce
FS113	Sarah Allen
FS114	Barbara Joan Chapman
FS119	Victoria Lowe and Phillip Lowe
FS120	Waipu Trust
FS13	Keith Law
FS132	David Southcombe Trust
FS135	Cameron Loader
FS138	Eden Epsom Residential Protection Society Incorporated
FS139	Oscar Fransman
FS143	Patrick Richard Forrester
FS151	Seaview Road Residents Group
FS152	Toka Tū Ake EQC
FS153	Lawrie Knight
FS155	Donald James Lyon and Catherine Elizabeth Lyon and the Donald and Catherine Lyon Trust
FS156	Pieter Lionel Holl
FS157	3 Park Avenue Ltd and Michael Knight
FS158	Arkcon Ltd
FS16	Robert Hay
FS160	Jeremy Adams
FS161	Domain Gardens Development Limited
FS164	Parnell East Community Group
FS169	CH Ventures Ltd
FS17	Greg Jones
FS171	BA Trustees Ltd
FS177	John Colebrook
FS181	Jenny Granville
FS184	Kiwi Property Group Limited

FS186	Sheila McCabe
FS195	Felicity Jane Cains
FS196	Katie Isabel Holl
FS197	Richard John Dunbar
FS198	Kenny Desmond Brennan
FS199	Dawn Irene MacLean
FS20	Dennis Michael Simpson
FS200	Darryl Roots
FS201	Robert Butler
FS202	Donald Gendall
FS203	Jillian Gendall
FS204	Satvinder Sembhi
FS206	Auckland Thoroughbred Racing Incorporated
FS207	Pamela Ingram
FS208	Carolyn Walker
FS209	Tanya Newman
FS21	Sarah Anne Kerr
FS225	Gerard Robert Murphy
FS23	Malcolm MacDonald
FS239	Michael David Brockway Rogers
FS24	Christopher DH. Ross
FS241	Peter Watts and Stephanie Lees
FS242	Sarah Louise Edmondson
FS250	Citylife Investments Eight Ltd
FS253	Bill Endean and Christine Endean
FS256	Anne Bollard, Tony Eede and Carolyn Eede, Tony Garnier, Wayne Hughes and Jane Hughes, Judith Newhook, Peter Sargisson and Hannah Sargisson
FS26	Anita Jackson
FS263	Herne Bay Residents Association Inc.
FS266	Judith Gayleen Mackereth
FS267	Philip Mayo
FS269	Parnell Community Committee
FS27	Hugo Jackson
FS270	Pioneer Investments Trust
FS271	Thomas Purkis
FS272	Trevor Purkis
FS279	Laurence Newhook, Judith Newhook, Tony Eede, Carolyn Eede, Anne Bollard, Tony Garnier, Peter Sargisson, Hannah Sargisson, Wayne Hughes and Jane Hughes
FS285	Viaduct Harbour Holdings Limited
FS286	William Peake
FS287	Ivan Tottle
FS296	Character Coalition Incorporated
FS305	Garry Downs
FS306	Fi Groves
FS308	Mount St John Residents Group Incorporated
FS309	Carolyn Reid



FS312	Auckland International Airport Limited
FS318	David Alison
FS320	Larry Small
FS321	Sarah Redfern & David Deavoll
FS322	Douglas Sierra Trust
FS323	Sally Gunn and Nick Gunn
FS324	Teri Yang and Moore Yang
FS325	Myron Zhu and Amy Yan
FS326	Rebecca McRobie and Reid McRobie
FS327	Emma Douglas and George Grant
FS332	Alan Clive Stokes
FS333	Mark Dolling Andrews
FS340	Foodstuffs North Island Limited
FS351	Drive Holdings Limited
FS353	Christopher Lynch
FS355	Wendy Ann Moffett
FS356	Tina Louise Lynch
FS357	Boezo Limited
FS358	James Hu
FS363	Lynne Diane Butler
FS365	Civic Trust Auckland
FS366	Craigieburn Range Trust
FS368	Euroclass Limited
FS370	Highbrook Living Limited
FS374	Charles and Nancy Liu
FS377	Metlifecare Limited
FS379	Mission Bay Kohimarama Residents Association Incorporated
FS381	NZ Storage Holdings Limited
FS385	Rock Solid Holdings Limited
FS388	Pam Shearer
FS390	Stonehill Trustee Limited
FS394	Aedifice Property Group
FS395	Dawn Bertasius
FS396	Roma Bertasius
FS398	Citizens Against The Housing Act
FS402	Graham Dick
FS404	South Auckland Branch, Royal Forest and Bird Protection Society of New Zealand
FS409	Janet Grant
FS41	Simon Birkenhead
FS410	Grey Lynn Residents Association
FS411	Grey Power Howick and Pakuranga and Districts Association Inc
FS415	Howick Ratepayers and Residents Association [HRRRA].
FS42	Bruce Lloyd Gilbert
FS421	Tania Fleur Mace
FS424	Motu Design Limited
FS425	Holly Purkis

FS428	The Rosanne Trust
FS429	Freemans Bay Residents Association
FS43	Waka Kotahi NZ Transport Agency
FS430	Red Rhino Limited and Airport Rent A Car Limited
FS436	D and AP and J Bow and others
FS437	St Mary's Bay Association
FS438	Chris Cherry
FS439	Helen Cherry
FS44	Michael Gordon Hillyer
FS440	Darryl Gregory
FS441	Radio New Zealand
FS442	South Epsom Planning Group (Inc)
FS45	Gaynor Steel
FS455	Bobby Gong
FS456	Tom Birdsall
FS457	Pinewoods Motor Park Ltd
FS46	Mark Hardie
FS460	Fletcher Residential Limited
FS47	Sara Hardie
FS470	Brent McCarty, Philip Moller, Terence Pullen, Doug Walsh, Sir Peter Maire, Eric Faesen Kloet, Graig Heatley
FS472	North Eastern Investments Limited
FS478	Yang Yang
FS48	Richard Rolfe
FS480	Niall McLaren Robertson
FS487	John Gordon Hunt
FS49	William Akel and Robyn Hughes
FS492	Paul Willetts and Laurence Nash
FS50	Martin Dobson
FS503	Erica Hellier
FS504	Brett Hellier
FS505	Gregory John McKeown
FS506	Charlotte Adams-Drury
FS507	Arthur Murray
FS51	Frederick Ball and Josephine Ball
FS511	Angelique Ward
FS515	Jessica Ward
FS524	69 Roberta Avenue Limited
FS525	Andrew Brown
FS526	Lydia Hewitt
FS529	Wayne E R Russell
FS530	Allan Tyler
FS531	Cushla & Cameron Wallace
FS532	John Francis Mather
FS55	Gregory Edward Jones
FS57	Alison Hunter
FS62	Deborah Cox

FS63	James Thompson Hudson
FS64	Margo Jacqueline Hudson
FS65	Matthew Philip Dickinson
FS72	Sarah Hamilton Kember
FS73	Simon Jeremy Kember
FS75	Elliot McCullough
FS77	Keith Maddison
FS79	Brendan Drury
FS80	Elizabeth Westbrooke
FS81	Mark Grenville Gascoigne
FS82	Marc Barron
FS83	Heidi Baker
FS84	Julien Leys
FS85	Raynor McMahon
FS86	Liz Adams
FS87	Anthony Duncan
FS88	Michael Gordon Croft
FS94	Remuera Heritage Inc
FS95	Dominique Bonn
FS96	Irene Bonn
FS97	Amoze Bonn
FS98	Tony Skelton
FS99	Jock Schoeller
<b>009G Qualifying Matters A-I - Maunga Viewshafts and Height Sensitive Areas (D14)</b>	
FS100	Michele Clare Maddison
FS102	Francis Ryan Close Neighbourhood Group
FS109	Sean Molloy
FS110	Stephen Victor Donoghue-Cox
FS112	Sara Bruce
FS113	Sarah Allen
FS114	Barbara Joan Chapman
FS120	Waipu Trust
FS13	Keith Law
FS132	David Southcombe Trust
FS135	Cameron Loader
FS139	Oscar Fransman
FS142	Independent Māori Statutory Board
FS143	Patrick Richard Forrester
FS155	Donald James Lyon and Catherine Elizabeth Lyon and the Donald and Catherine Lyon Trust
FS156	Pieter Lionel Holl
FS16	Robert Hay
FS164	Parnell East Community Group
FS17	Greg Jones
FS171	BA Trustees Ltd
FS177	John Colebrook
FS181	Jenny Granville
FS186	Sheila McCabe

FS195	Felicity Jane Cains
FS196	Katie Isabel Holl
FS197	Richard John Dunbar
FS198	Kenny Desmond Brennan
FS199	Dawn Irene MacLean
FS20	Dennis Michael Simpson
FS200	Darryl Roots
FS201	Robert Butler
FS202	Donald Gendall
FS203	Jillian Gendall
FS204	Satvinder Sembhi
FS206	Auckland Thoroughbred Racing Incorporated
FS207	Pamela Ingram
FS208	Carolyn Walker
FS209	Tanya Newman
FS21	Sarah Anne Kerr
FS22	Oyster Management Limited
FS225	Gerard Robert Murphy
FS228	JGUO Developments Limited
FS23	Malcolm MacDonald
FS239	Michael David Brockway Rogers
FS24	Christopher DH. Ross
FS241	Peter Watts and Stephanie Lees
FS242	Sarah Louise Edmondson
FS256	Anne Bollard, Tony Eede and Carolyn Eede, Tony Garnier, Wayne Hughes and Jane Hughes, Judith Newhook, Peter Sargisson and Hannah Sargisson
FS26	Anita Jackson
FS263	Herne Bay Residents Association Inc.
FS266	Judith Gayleen Mackereth
FS267	Philip Mayo
FS269	Parnell Community Committee
FS27	Hugo Jackson
FS270	Pioneer Investments Trust
FS271	Thomas Purkis
FS272	Trevor Purkis
FS277	Steven and Shirley Wang
FS279	Laurence Newhook, Judith Newhook, Tony Eede, Carolyn Eede, Anne Bollard, Tony Garnier, Peter Sargisson, Hannah Sargisson, Wayne Hughes and Jane Hughes
FS286	William Peake
FS287	Ivan Tottle
FS296	Character Coalition Incorporated
FS305	Garry Downs
FS306	Fi Groves
FS308	Mount St John Residents Group Incorporated
FS309	Carolyn Reid
FS313	Dilworth Trust Board

FS317	The Ascot Hospital and Clinics Limited
FS318	David Alison
FS320	Larry Small
FS321	Sarah Redfern & David Deavoll
FS322	Douglas Sierra Trust
FS323	Sally Gunn and Nick Gunn
FS324	Teri Yang and Moore Yang
FS325	Myron Zhu and Amy Yan
FS326	Rebecca McRobie and Reid McRobie
FS327	Emma Douglas and George Grant
FS332	Alan Clive Stokes
FS333	Mark Dolling Andrews
FS353	Christopher Lynch
FS355	Wendy Ann Moffett
FS356	Tina Louise Lynch
FS357	Boezo Limited
FS358	James Hu
FS363	Lynne Diane Butler
FS365	Civic Trust Auckland
FS372	JL Trust
FS377	Metlifecare Limited
FS388	Pam Shearer
FS391	Tūpuna Maunga o Tāmaki Makaurau Authority
FS393	Zanj Ltd
FS395	Dawn Bertasius
FS396	Roma Bertasius
FS398	Citizens Against The Housing Act
FS399	Coalition for More Homes
FS402	Graham Dick
FS404	South Auckland Branch, Royal Forest and Bird Protection Society of New Zealand
FS409	Janet Grant
FS41	Simon Birkenhead
FS410	Grey Lynn Residents Association
FS411	Grey Power Howick and Pakuranga and Districts Association Inc
FS415	Howick Ratepayers and Residents Association [HRRA].
FS419	Marian Kohler and Graham Kohler
FS42	Bruce Lloyd Gilbert
FS421	Tania Fleur Mace
FS425	Holly Purkis
FS429	Freemans Bay Residents Association
FS433	The Seaview Road Residents Group
FS435	Susan & Abe King
FS437	St Mary's Bay Association
FS438	Chris Cherry
FS439	Helen Cherry
FS44	Michael Gordon Hillyer

FS440	Darryl Gregory
FS45	Gaynor Steel
FS456	Tom Birdsall
FS46	Mark Hardie
FS469	Masfen Group
FS47	Sara Hardie
FS470	Brent McCarty, Philip Moller, Terence Pullen, Doug Walsh, Sir Peter Maire, Eric Faesen Kloet, Graig Heatley
FS472	North Eastern Investments Limited
FS478	Yang Yang
FS48	Richard Rolfe
FS487	John Gordon Hunt
FS488	HDW Enterprises Limited
FS49	William Akel and Robyn Hughes
FS490	Southside Group
FS491	Neville Simmons
FS492	Paul Willetts and Laurence Nash
FS50	Martin Dobson
FS502	Scrumptious Fruit Trust
FS503	Erica Hellier
FS504	Brett Hellier
FS506	Charlotte Adams-Drury
FS51	Frederick Ball and Josephine Ball
FS524	69 Roberta Avenue Limited
FS525	Andrew Brown
FS526	Lydia Hewitt
FS529	Wayne E R Russell
FS530	Allan Tyler
FS531	Cushla & Cameron Wallace
FS532	John Francis Mather
FS55	Gregory Edward Jones
FS57	Alison Hunter
FS62	Deborah Cox
FS63	James Thompson Hudson
FS64	Margo Jacqueline Hudson
FS65	Matthew Philip Dickinson
FS72	Sarah Hamilton Kember
FS73	Simon Jeremy Kember
FS75	Elliot McCullough
FS77	Keith Maddison
FS79	Brendan Drury
FS80	Elizabeth Westbrooke
FS81	Mark Grenville Gascoigne
FS82	Marc Barron
FS83	Heidi Baker
FS84	Julien Leys
FS85	Raynor McMahon

FS86	Liz Adams
FS87	Anthony Duncan
FS88	Michael Gordon Croft
FS95	Dominique Bonn
FS96	Irene Bonn
FS97	Amoze Bonn
FS98	Tony Skelton
FS99	Jock Schoeller

**009I Qualifying Matters A-I - Relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga (D21)**

FS100	Michele Clare Maddison
FS102	Francis Ryan Close Neighbourhood Group
FS109	Sean Molloy
FS110	Stephen Victor Donoghue-Cox
FS112	Sara Bruce
FS113	Sarah Allen
FS114	Barbara Joan Chapman
FS120	Waipu Trust
FS13	Keith Law
FS132	David Southcombe Trust
FS135	Cameron Loader
FS139	Oscar Fransman
FS142	Independent Māori Statutory Board
FS143	Patrick Richard Forrester
FS155	Donald James Lyon and Catherine Elizabeth Lyon and the Donald and Catherine Lyon Trust
FS156	Pieter Lionel Holl
FS16	Robert Hay
FS164	Parnell East Community Group
FS17	Greg Jones
FS171	BA Trustees Ltd
FS177	John Colebrook
FS181	Jenny Granville
FS186	Sheila McCabe
FS195	Felicity Jane Cains
FS196	Katie Isabel Holl
FS197	Richard John Dunbar
FS198	Kenny Desmond Brennan
FS199	Dawn Irene MacLean
FS20	Dennis Michael Simpson
FS200	Darryl Roots
FS201	Robert Butler
FS202	Donald Gendall
FS203	Jillian Gendall
FS204	Satvinder Sembhi
FS206	Auckland Thoroughbred Racing Incorporated
FS207	Pamela Ingram
FS208	Carolyn Walker



FS209	Tanya Newman
FS21	Sarah Anne Kerr
FS225	Gerard Robert Murphy
FS23	Malcolm MacDonald
FS239	Michael David Brockway Rogers
FS24	Christopher DH. Ross
FS241	Peter Watts and Stephanie Lees
FS242	Sarah Louise Edmondson
FS256	Anne Bollard, Tony Eede and Carolyn Eede, Tony Garnier, Wayne Hughes and Jane Hughes, Judith Newhook, Peter Sargisson and Hannah Sargisson
FS26	Anita Jackson
FS263	Herne Bay Residents Association Inc.
FS266	Judith Gayleen Mackereth
FS267	Philip Mayo
FS269	Parnell Community Committee
FS27	Hugo Jackson
FS270	Pioneer Investments Trust
FS271	Thomas Purkis
FS272	Trevor Purkis
FS279	Laurence Newhook, Judith Newhook, Tony Eede, Carolyn Eede, Anne Bollard, Tony Garnier, Peter Sargisson, Hannah Sargisson, Wayne Hughes and Jane Hughes
FS286	William Peake
FS287	Ivan Tottle
FS288	Andrea Frances Duncan
FS296	Character Coalition Incorporated
FS305	Garry Downs
FS306	Fi Groves
FS308	Mount St John Residents Group Incorporated
FS309	Carolyn Reid
FS318	David Alison
FS320	Larry Small
FS321	Sarah Redfern & David Deavoll
FS322	Douglas Sierra Trust
FS323	Sally Gunn and Nick Gunn
FS324	Teri Yang and Moore Yang
FS325	Myron Zhu and Amy Yan
FS326	Rebecca McRobie and Reid McRobie
FS327	Emma Douglas and George Grant
FS332	Alan Clive Stokes
FS333	Mark Dolling Andrews
FS353	Christopher Lynch
FS355	Wendy Ann Moffett
FS356	Tina Louise Lynch
FS357	Boezo Limited
FS358	James Hu
FS363	Lynne Diane Butler

FS365	Civic Trust Auckland
FS372	JL Trust
FS388	Pam Shearer
FS393	Zanj Ltd
FS395	Dawn Bertasius
FS396	Roma Bertasius
FS402	Graham Dick
FS404	South Auckland Branch, Royal Forest and Bird Protection Society of New Zealand
FS409	Janet Grant
FS41	Simon Birkenhead
FS410	Grey Lynn Residents Association
FS411	Grey Power Howick and Pakuranga and Districts Association Inc
FS415	Howick Ratepayers and Residents Association [HRRA].
FS42	Bruce Lloyd Gilbert
FS421	Tania Fleur Mace
FS425	Holly Purkis
FS429	Freemans Bay Residents Association
FS433	The Seaview Road Residents Group
FS437	St Mary's Bay Association
FS438	Chris Cherry
FS439	Helen Cherry
FS44	Michael Gordon Hillyer
FS440	Darryl Gregory
FS45	Gaynor Steel
FS456	Tom Birdsall
FS46	Mark Hardie
FS47	Sara Hardie
FS470	Brent McCarty, Philip Moller, Terence Pullen, Doug Walsh, Sir Peter Maire, Eric Faesen Kloet, Graig Heatley
FS472	North Eastern Investments Limited
FS478	Yang Yang
FS48	Richard Rolfe
FS487	John Gordon Hunt
FS49	William Akel and Robyn Hughes
FS492	Paul Willetts and Laurence Nash
FS50	Martin Dobson
FS502	Scrumptious Fruit Trust
FS503	Erica Hellier
FS504	Brett Hellier
FS506	Charlotte Adams-Drury
FS51	Frederick Ball and Josephine Ball
FS524	69 Roberta Avenue Limited
FS525	Andrew Brown
FS526	Lydia Hewitt
FS529	Wayne E R Russell
FS530	Allan Tyler
FS531	Cushla & Cameron Wallace

FS532	John Francis Mather
FS55	Gregory Edward Jones
FS57	Alison Hunter
FS62	Deborah Cox
FS63	James Thompson Hudson
FS64	Margo Jacqueline Hudson
FS65	Matthew Philip Dickinson
FS72	Sarah Hamilton Kember
FS73	Simon Jeremy Kember
FS75	Elliot McCullough
FS77	Keith Maddison
FS79	Brendan Drury
FS80	Elizabeth Westbrooke
FS81	Mark Grenville Gascoigne
FS82	Marc Barron
FS83	Heidi Baker
FS84	Julien Leys
FS85	Raynor McMahon
FS86	Liz Adams
FS87	Anthony Duncan
FS88	Michael Gordon Croft
FS95	Dominique Bonn
FS96	Irene Bonn
FS97	Amoze Bonn
FS98	Tony Skelton
FS99	Jock Schoeller
<b>009K - Qualifying Matters A-I - National Grid (D26)</b>	
FS462	Industre Property Tahī Limited
FS462	Industre Property Tahī Limited
<b>009M Qualifying Matters A-I - Strategic Transport Corridors</b>	
FS15	Fulton Hogan Land Development
FS184	Kiwi Property Group Limited
FS281	Kāinga Ora – Homes and Communities
FS313	Dilworth Trust Board
FS342	Tram Lease Limited
FS347	Scentre (New Zealand) Limited
FS348	Summerset Villages (Parnell) Limited
FS362	125-139 West Coast Road Limited
FS383	Ports of Auckland Limited
FS384	Retirement Villages Association of New Zealand Incorporated
FS386	Ryman Healthcare Limited
FS43	Waka Kotahi NZ Transport Agency
FS454	1 Manui Limited
FS460	Fletcher Residential Limited
FS461	Hugh Green Limited
<b>009Q Qualifying Matters A-I - Designations</b>	
FS10	Channel Terminal Services Limited

FS100	Michele Clare Maddison
FS102	Francis Ryan Close Neighbourhood Group
FS109	Sean Molloy
FS110	Stephen Victor Donoghue-Cox
FS113	Sarah Allen
FS114	Barbara Joan Chapman
FS120	Waipu Trust
FS13	Keith Law
FS132	David Southcombe Trust
FS135	Cameron Loader
FS139	Oscar Fransman
FS143	Patrick Richard Forrester
FS156	Pieter Lionel Holl
FS16	Robert Hay
FS164	Parnell East Community Group
FS17	Greg Jones
FS171	BA Trustees Ltd
FS177	John Colebrook
FS181	Jenny Granville
FS186	Sheila McCabe
FS195	Felicity Jane Cains
FS196	Katie Isabel Holl
FS197	Richard John Dunbar
FS198	Kenny Desmond Brennan
FS199	Dawn Irene MacLean
FS20	Dennis Michael Simpson
FS200	Darryl Roots
FS201	Robert Butler
FS202	Donald Gendall
FS203	Jillian Gendall
FS204	Satvinder Sembhi
FS206	Auckland Thoroughbred Racing Incorporated
FS207	Pamela Ingram
FS208	Carolyn Walker
FS209	Tanya Newman
FS21	Sarah Anne Kerr
FS225	Gerard Robert Murphy
FS23	Malcolm MacDonald
FS239	Michael David Brockway Rogers
FS24	Christopher DH. Ross
FS241	Peter Watts and Stephanie Lees
FS242	Sarah Louise Edmondson
FS256	Anne Bollard, Tony Eede and Carolyn Eede, Tony Garnier, Wayne Hughes and Jane Hughes, Judith Newhook, Peter Sargisson and Hannah Sargisson
FS26	Anita Jackson
FS266	Judith Gayleen Mackereth
FS267	Philip Mayo

FS269	Parnell Community Committee
FS27	Hugo Jackson
FS270	Pioneer Investments Trust
FS271	Thomas Purkis
FS272	Trevor Purkis
FS279	Laurence Newhook, Judith Newhook, Tony Eede, Carolyn Eede, Anne Bollard, Tony Garnier, Peter Sargisson, Hannah Sargisson, Wayne Hughes and Jane Hughes
FS286	William Peake
FS287	Ivan Tottle
FS305	Garry Downs
FS306	Fi Groves
FS309	Carolyn Reid
FS312	Auckland International Airport Limited
FS320	Larry Small
FS321	Sarah Redfern & David Deavoll
FS322	Douglas Sierra Trust
FS323	Sally Gunn and Nick Gunn
FS324	Teri Yang and Moore Yang
FS325	Myron Zhu and Amy Yan
FS326	Rebecca McRobie and Reid McRobie
FS327	Emma Douglas and George Grant
FS332	Alan Clive Stokes
FS333	Mark Dolling Andrews
FS353	Christopher Lynch
FS355	Wendy Ann Moffett
FS356	Tina Louise Lynch
FS357	Boezo Limited
FS358	James Hu
FS363	Lynne Diane Butler
FS365	Civic Trust Auckland
FS388	Pam Shearer
FS395	Dawn Bertasius
FS396	Roma Bertasius
FS402	Graham Dick
FS404	South Auckland Branch, Royal Forest and Bird Protection Society of New Zealand
FS409	Janet Grant
FS41	Simon Birkenhead
FS410	Grey Lynn Residents Association
FS411	Grey Power Howick and Pakuranga and Districts Association Inc
FS415	Howick Ratepayers and Residents Association [HRRA].
FS42	Bruce Lloyd Gilbert
FS421	Tania Fleur Mace
FS425	Holly Purkis
FS429	Freemans Bay Residents Association
FS437	St Mary's Bay Association
FS438	Chris Cherry

FS439	Helen Cherry
FS44	Michael Gordon Hillyer
FS440	Darryl Gregory
FS441	Radio New Zealand
FS45	Gaynor Steel
FS456	Tom Birdsall
FS46	Mark Hardie
FS47	Sara Hardie
FS470	Brent McCarty, Philip Moller, Terence Pullen, Doug Walsh, Sir Peter Maire, Eric Faesen Kloet, Graig Heatley
FS472	North Eastern Investments Limited
FS478	Yang Yang
FS48	Richard Rolfe
FS487	John Gordon Hunt
FS49	William Akel and Robyn Hughes
FS492	Paul Willetts and Laurence Nash
FS50	Martin Dobson
FS503	Erica Hellier
FS504	Brett Hellier
FS506	Charlotte Adams-Drury
FS51	Frederick Ball and Josephine Ball
FS524	69 Roberta Avenue Limited
FS525	Andrew Brown
FS526	Lydia Hewitt
FS529	Wayne E R Russell
FS530	Allan Tyler
FS531	Cushla & Cameron Wallace
FS532	John Francis Mather
FS55	Gregory Edward Jones
FS57	Alison Hunter
FS62	Deborah Cox
FS63	James Thompson Hudson
FS64	Margo Jacqueline Hudson
FS65	Matthew Philip Dickinson
FS72	Sarah Hamilton Kember
FS73	Simon Jeremy Kember
FS75	Elliot McCullough
FS77	Keith Maddison
FS79	Brendan Drury
FS80	Elizabeth Westbrooke
FS81	Mark Grenville Gascoigne
FS83	Heidi Baker
FS84	Julien Leys
FS85	Raynor McMahon
FS86	Liz Adams
FS87	Anthony Duncan
FS88	Michael Gordon Croft

FS94	Remuera Heritage Inc
FS95	Dominique Bonn
FS96	Irene Bonn
FS97	Amoze Bonn
FS98	Tony Skelton
FS99	Jock Schoeller
<b>010A Qualifying Matters Other - Appropriateness of QMs (Other)</b>	
FS100	Michele Clare Maddison
FS109	Sean Molloy
FS110	Stephen Victor Donoghue-Cox
FS113	Sarah Allen
FS114	Barbara Joan Chapman
FS13	Keith Law
FS135	Cameron Loader
FS139	Oscar Fransman
FS143	Patrick Richard Forrester
FS151	Seaview Road Residents Group
FS152	Toka Tū Ake EQC
FS153	Lawrie Knight
FS156	Pieter Lionel Holl
FS157	3 Park Avenue Ltd and Michael Knight
FS158	Arkcon Ltd
FS16	Robert Hay
FS160	Jeremy Adams
FS161	Domain Gardens Development Limited
FS162	The Subdivision Company Ltd
FS164	Parnell East Community Group
FS17	Greg Jones
FS177	John Colebrook
FS186	Sheila McCabe
FS195	Felicity Jane Cains
FS196	Katie Isabel Holl
FS198	Kenny Desmond Brennan
FS199	Dawn Irene MacLean
FS20	Dennis Michael Simpson
FS200	Darryl Roots
FS201	Robert Butler
FS202	Donald Gendall
FS203	Jillian Gendall
FS204	Satvinder Sembhi
FS207	Pamela Ingram
FS208	Carolyn Walker
FS209	Tanya Newman
FS21	Sarah Anne Kerr
FS225	Gerard Robert Murphy
FS23	Malcolm MacDonald
FS24	Christopher DH. Ross



FS241	Peter Watts and Stephanie Lees
FS242	Sarah Louise Edmondson
FS26	Anita Jackson
FS263	Herne Bay Residents Association Inc.
FS27	Hugo Jackson
FS271	Thomas Purkis
FS272	Trevor Purkis
FS277	Steven and Shirley Wang
FS279	Laurence Newhook, Judith Newhook, Tony Eede, Carolyn Eede, Anne Bollard, Tony Garnier, Peter Sargisson, Hannah Sargisson, Wayne Hughes and Jane Hughes
FS286	William Peake
FS287	Ivan Tottle
FS296	Character Coalition Incorporated
FS305	Garry Downs
FS306	Fi Groves
FS309	Carolyn Reid
FS332	Alan Clive Stokes
FS333	Mark Dolling Andrews
FS353	Christopher Lynch
FS355	Wendy Ann Moffett
FS356	Tina Louise Lynch
FS363	Lynne Diane Butler
FS365	Civic Trust Auckland
FS388	Pam Shearer
FS395	Dawn Bertasius
FS396	Roma Bertasius
FS402	Graham Dick
FS409	Janet Grant
FS41	Simon Birkenhead
FS42	Bruce Lloyd Gilbert
FS425	Holly Purkis
FS429	Freemans Bay Residents Association
FS437	St Mary's Bay Association
FS438	Chris Cherry
FS439	Helen Cherry
FS44	Michael Gordon Hillyer
FS440	Darryl Gregory
FS442	South Epsom Planning Group (Inc)
FS45	Gaynor Steel
FS456	Tom Birdsall
FS457	Pinewoods Motor Park Ltd
FS46	Mark Hardie
FS47	Sara Hardie
FS472	North Eastern Investments Limited
FS48	Richard Rolfe
FS49	William Akel and Robyn Hughes
FS492	Paul Willetts and Laurence Nash

FS50	Martin Dobson
FS503	Erica Hellier
FS504	Brett Hellier
FS505	Gregory John McKeown
FS506	Charlotte Adams-Drury
FS51	Frederick Ball and Josephine Ball
FS511	Angelique Ward
FS515	Jessica Ward
FS526	Lydia Hewitt
FS529	Wayne E R Russell
FS530	Allan Tyler
FS532	John Francis Mather
FS55	Gregory Edward Jones
FS57	Alison Hunter
FS62	Deborah Cox
FS63	James Thompson Hudson
FS64	Margo Jacqueline Hudson
FS65	Matthew Philip Dickinson
FS72	Sarah Hamilton Kember
FS73	Simon Jeremy Kember
FS77	Keith Maddison
FS79	Brendan Drury
FS80	Elizabeth Westbrooke
FS81	Mark Grenville Gascoigne
FS83	Heidi Baker
FS84	Julien Leys
FS85	Raynor McMahon
FS86	Liz Adams
FS87	Anthony Duncan
FS88	Michael Gordon Croft
FS94	Remuera Heritage Inc
FS95	Dominique Bonn
FS96	Irene Bonn
FS97	Amoze Bonn
FS98	Tony Skelton
FS99	Jock Schoeller
<b>010B Qualifying Matters Other - Auckland Museum Viewshaft (D19)</b>	
FS100	Michele Clare Maddison
FS109	Sean Molloy
FS110	Stephen Victor Donoghue-Cox
FS112	Sara Bruce
FS113	Sarah Allen
FS114	Barbara Joan Chapman
FS13	Keith Law
FS135	Cameron Loader
FS139	Oscar Fransman
FS143	Patrick Richard Forrester

FS155	Donald James Lyon and Catherine Elizabeth Lyon and the Donald and Catherine Lyon Trust
FS156	Pieter Lionel Holl
FS16	Robert Hay
FS164	Parnell East Community Group
FS17	Greg Jones
FS177	John Colebrook
FS186	Sheila McCabe
FS195	Felicity Jane Cains
FS196	Katie Isabel Holl
FS198	Kenny Desmond Brennan
FS199	Dawn Irene MacLean
FS20	Dennis Michael Simpson
FS200	Darryl Roots
FS201	Robert Butler
FS202	Donald Gendall
FS203	Jillian Gendall
FS204	Satvinder Sembhi
FS207	Pamela Ingram
FS208	Carolyn Walker
FS209	Tanya Newman
FS21	Sarah Anne Kerr
FS225	Gerard Robert Murphy
FS23	Malcolm MacDonald
FS24	Christopher DH. Ross
FS241	Peter Watts and Stephanie Lees
FS242	Sarah Louise Edmondson
FS26	Anita Jackson
FS263	Herne Bay Residents Association Inc.
FS27	Hugo Jackson
FS271	Thomas Purkis
FS272	Trevor Purkis
FS279	Laurence Newhook, Judith Newhook, Tony Eede, Carolyn Eede, Anne Bollard, Tony Garnier, Peter Sargisson, Hannah Sargisson, Wayne Hughes and Jane Hughes
FS286	William Peake
FS287	Ivan Tottle
FS296	Character Coalition Incorporated
FS305	Garry Downs
FS306	Fi Groves
FS308	Mount St John Residents Group Incorporated
FS309	Carolyn Reid
FS318	David Alison
FS353	Christopher Lynch
FS355	Wendy Ann Moffett
FS356	Tina Louise Lynch
FS363	Lynne Diane Butler
FS365	Civic Trust Auckland
FS372	JL Trust

FS388	Pam Shearer
FS393	Zanj Ltd
FS395	Dawn Bertasius
FS396	Roma Bertasius
FS398	Citizens Against The Housing Act
FS402	Graham Dick
FS409	Janet Grant
FS41	Simon Birkenhead
FS410	Grey Lynn Residents Association
FS42	Bruce Lloyd Gilbert
FS421	Tania Fleur Mace
FS425	Holly Purkis
FS429	Freemans Bay Residents Association
FS433	The Seaview Road Residents Group
FS437	St Mary's Bay Association
FS438	Chris Cherry
FS439	Helen Cherry
FS44	Michael Gordon Hillyer
FS440	Darryl Gregory
FS45	Gaynor Steel
FS456	Tom Birdsall
FS46	Mark Hardie
FS47	Sara Hardie
FS48	Richard Rolfe
FS49	William Akel and Robyn Hughes
FS492	Paul Willetts and Laurence Nash
FS50	Martin Dobson
FS502	Scrumptious Fruit Trust
FS503	Erica Hellier
FS504	Brett Hellier
FS506	Charlotte Adams-Drury
FS51	Frederick Ball and Josephine Ball
FS511	Angelique Ward
FS515	Jessica Ward
FS526	Lydia Hewitt
FS529	Wayne E R Russell
FS530	Allan Tyler
FS532	John Francis Mather
FS55	Gregory Edward Jones
FS57	Alison Hunter
FS62	Deborah Cox
FS63	James Thompson Hudson
FS64	Margo Jacqueline Hudson
FS65	Matthew Philip Dickinson
FS72	Sarah Hamilton Kember
FS73	Simon Jeremy Kember
FS75	Elliot McCullough

FS77	Keith Maddison
FS79	Brendan Drury
FS80	Elizabeth Westbrooke
FS81	Mark Grenville Gascoigne
FS82	Marc Barron
FS83	Heidi Baker
FS84	Julien Leys
FS85	Raynor McMahon
FS86	Liz Adams
FS87	Anthony Duncan
FS88	Michael Gordon Croft
FS95	Dominique Bonn
FS96	Irene Bonn
FS97	Amoze Bonn
FS98	Tony Skelton
FS99	Jock Schoeller
<b>010D Qualifying Matters Other - Notable Trees (D13)</b>	
FS100	Michele Clare Maddison
FS102	Francis Ryan Close Neighbourhood Group
FS109	Sean Molloy
FS110	Stephen Victor Donoghue-Cox
FS112	Sara Bruce
FS113	Sarah Allen
FS114	Barbara Joan Chapman
FS120	Waipu Trust
FS13	Keith Law
FS132	David Southcombe Trust
FS135	Cameron Loader
FS139	Oscar Fransman
FS143	Patrick Richard Forrester
FS155	Donald James Lyon and Catherine Elizabeth Lyon and the Donald and Catherine Lyon Trust
FS156	Pieter Lionel Holl
FS16	Robert Hay
FS164	Parnell East Community Group
FS17	Greg Jones
FS171	BA Trustees Ltd
FS177	John Colebrook
FS181	Jenny Granville
FS186	Sheila McCabe
FS195	Felicity Jane Cains
FS196	Katie Isabel Holl
FS197	Richard John Dunbar
FS198	Kenny Desmond Brennan
FS199	Dawn Irene MacLean
FS20	Dennis Michael Simpson
FS200	Darryl Roots
FS201	Robert Butler

FS202	Donald Gendall
FS203	Jillian Gendall
FS204	Satvinder Sembhi
FS206	Auckland Thoroughbred Racing Incorporated
FS207	Pamela Ingram
FS208	Carolyn Walker
FS209	Tanya Newman
FS21	Sarah Anne Kerr
FS225	Gerard Robert Murphy
FS23	Malcolm MacDonald
FS239	Michael David Brockway Rogers
FS24	Christopher DH. Ross
FS241	Peter Watts and Stephanie Lees
FS242	Sarah Louise Edmondson
FS256	Anne Bollard, Tony Eede and Carolyn Eede, Tony Garnier, Wayne Hughes and Jane Hughes, Judith Newhook, Peter Sargisson and Hannah Sargisson
FS26	Anita Jackson
FS263	Herne Bay Residents Association Inc.
FS266	Judith Gayleen Mackereth
FS267	Philip Mayo
FS269	Parnell Community Committee
FS27	Hugo Jackson
FS270	Pioneer Investments Trust
FS271	Thomas Purkis
FS272	Trevor Purkis
FS277	Steven and Shirley Wang
FS279	Laurence Newhook, Judith Newhook, Tony Eede, Carolyn Eede, Anne Bollard, Tony Garnier, Peter Sargisson, Hannah Sargisson, Wayne Hughes and Jane Hughes
FS286	William Peake
FS287	Ivan Tottle
FS296	Character Coalition Incorporated
FS299	Mariposa Ltd
FS305	Garry Downs
FS306	Fi Groves
FS308	Mount St John Residents Group Incorporated
FS309	Carolyn Reid
FS310	Shildon Ltd
FS318	David Alison
FS320	Larry Small
FS321	Sarah Redfern & David Deavoll
FS322	Douglas Sierra Trust
FS323	Sally Gunn and Nick Gunn
FS324	Teri Yang and Moore Yang
FS325	Myron Zhu and Amy Yan
FS326	Rebecca McRobie and Reid McRobie
FS327	Emma Douglas and George Grant

FS332	Alan Clive Stokes
FS333	Mark Dolling Andrews
FS353	Christopher Lynch
FS355	Wendy Ann Moffett
FS356	Tina Louise Lynch
FS357	Boezo Limited
FS358	James Hu
FS363	Lynne Diane Butler
FS365	Civic Trust Auckland
FS372	JL Trust
FS388	Pam Shearer
FS393	Zanj Ltd
FS395	Dawn Bertasius
FS396	Roma Bertasius
FS402	Graham Dick
FS404	South Auckland Branch, Royal Forest and Bird Protection Society of New Zealand
FS409	Janet Grant
FS41	Simon Birkenhead
FS410	Grey Lynn Residents Association
FS411	Grey Power Howick and Pakuranga and Districts Association Inc
FS415	Howick Ratepayers and Residents Association [HRRA].
FS42	Bruce Lloyd Gilbert
FS421	Tania Fleur Mace
FS425	Holly Purkis
FS429	Freemans Bay Residents Association
FS433	The Seaview Road Residents Group
FS437	St Mary's Bay Association
FS438	Chris Cherry
FS439	Helen Cherry
FS44	Michael Gordon Hillyer
FS440	Darryl Gregory
FS45	Gaynor Steel
FS456	Tom Birdsall
FS457	Pinewoods Motor Park Ltd
FS46	Mark Hardie
FS47	Sara Hardie
FS470	Brent McCarty, Philip Moller, Terence Pullen, Doug Walsh, Sir Peter Maire, Eric Faesen Kloet, Graig Heatley
FS472	North Eastern Investments Limited
FS478	Yang Yang
FS48	Richard Rolfe
FS487	John Gordon Hunt
FS49	William Akel and Robyn Hughes
FS492	Paul Willetts and Laurence Nash
FS50	Martin Dobson
FS502	Scrumptious Fruit Trust
FS503	Erica Hellier



FS504	Brett Hellier
FS506	Charlotte Adams-Drury
FS51	Frederick Ball and Josephine Ball
FS524	69 Roberta Avenue Limited
FS525	Andrew Brown
FS526	Lydia Hewitt
FS529	Wayne E R Russell
FS530	Allan Tyler
FS531	Cushla & Cameron Wallace
FS532	John Francis Mather
FS55	Gregory Edward Jones
FS57	Alison Hunter
FS62	Deborah Cox
FS63	James Thompson Hudson
FS64	Margo Jacqueline Hudson
FS65	Matthew Philip Dickinson
FS72	Sarah Hamilton Kember
FS73	Simon Jeremy Kember
FS75	Elliot McCullough
FS77	Keith Maddison
FS79	Brendan Drury
FS80	Elizabeth Westbrooke
FS81	Mark Grenville Gascoigne
FS82	Marc Barron
FS83	Heidi Baker
FS84	Julien Leys
FS85	Raynor McMahon
FS86	Liz Adams
FS87	Anthony Duncan
FS88	Michael Gordon Croft
FS94	Remuera Heritage Inc
FS95	Dominique Bonn
FS96	Irene Bonn
FS97	Amoze Bonn
FS98	Tony Skelton
FS99	Jock Schoeller
<b>010F Qualifing Matters Other - Character Buildings: City Centre</b>	
FS13	Keith Law
FS16	Robert Hay
FS17	Greg Jones
FS20	Dennis Michael Simpson
FS21	Sarah Anne Kerr
FS23	Malcolm MacDonald
FS24	Christopher DH. Ross
FS26	Anita Jackson
FS27	Hugo Jackson

FS41	Simon Birkenhead
FS42	Bruce Lloyd Gilbert
FS44	Michael Gordon Hillyer
FS45	Gaynor Steel
FS46	Mark Hardie
FS47	Sara Hardie
FS48	Richard Rolfe
FS49	William Akel and Robyn Hughes
FS50	Martin Dobson
FS51	Frederick Ball and Josephine Ball
FS55	Gregory Edward Jones
FS57	Alison Hunter
FS58	Latitude 37 Bodies Corporate
FS62	Deborah Cox
FS63	James Thompson Hudson
FS64	Margo Jacqueline Hudson
FS65	Matthew Philip Dickinson
FS72	Sarah Hamilton Kember
FS73	Simon Jeremy Kember
FS75	Elliot McCullough
FS77	Keith Maddison
FS79	Brendan Drury
FS80	Elizabeth Westbrooke
FS81	Mark Grenville Gascoigne
FS82	Marc Barron
FS83	Heidi Baker
FS84	Julien Leys
FS85	Raynor McMahon
FS86	Liz Adams
FS87	Anthony Duncan
FS88	Michael Gordon Croft
FS95	Dominique Bonn
FS96	Irene Bonn
FS97	Amoze Bonn
FS98	Tony Skelton
FS99	Jock Schoeller
FS100	Michele Clare Maddison
FS109	Sean Molloy
FS110	Stephen Victor Donoghue-Cox
FS112	Sara Bruce
FS113	Sarah Allen
FS114	Barbara Joan Chapman
FS135	Cameron Loader
FS139	Oscar Fransman
FS143	Patrick Richard Forrester
FS155	Donald James Lyon and Catherine Elizabeth Lyon and the Donald and Catherine Lyon Trust
FS156	Pieter Lionel Holl

FS177	John Colebrook
FS180	Gold Star Corporation Limited
FS186	Sheila McCabe
FS191	The Gold House
FS195	Felicity Jane Cains
FS196	Katie Isabel Holl
FS198	Kenny Desmond Brennan
FS199	Dawn Irene MacLean
FS200	Darryl Roots
FS201	Robert Butler
FS202	Donald Gendall
FS203	Jillian Gendall
FS204	Satvinder Sembhi
FS207	Pamela Ingram
FS208	Carolyn Walker
FS209	Tanya Newman
FS225	Gerard Robert Murphy
FS241	Peter Watts and Stephanie Lees
FS242	Sarah Louise Edmondson
FS243	SKYCITY Auckland Limited
FS252	Eke Panuku Development Auckland
FS263	Herne Bay Residents Association Inc.
FS271	Thomas Purkis
FS272	Trevor Purkis
FS274	Sanford Limited
FS285	Viaduct Harbour Holdings Limited
FS286	William Peake
FS287	Ivan Tottle
FS296	Character Coalition Incorporated
FS305	Garry Downs
FS306	Fi Groves
FS308	Mount St John Residents Group Incorporated
FS309	Carolyn Reid
FS318	David Alison
FS353	Christopher Lynch
FS355	Wendy Ann Moffett
FS356	Tina Louise Lynch
FS363	Lynne Diane Butler
FS365	Civic Trust Auckland
FS380	JL Trust
FS388	Pam Shearer
FS392	Viaduct Harbour Bodies Corporate
FS393	Zanj Ltd
FS395	Dawn Bertasius
FS396	Roma Bertasius
FS402	Graham Dick
FS409	Janet Grant

FS410	Grey Lynn Residents Association
FS421	Tania Fleur Mace
FS425	Holly Purkis
FS429	Freemans Bay Residents Association
FS433	The Seaview Road Residents Group
FS437	St Mary's Bay Association
FS438	Chris Cherry
FS439	Helen Cherry
FS440	Darryl Gregory
FS456	Tom Birdsall
FS492	Paul Willetts and Laurence Nash
FS493	Stratis Body Corporate
FS502	Scrumptious Fruit Trust
FS503	Erica Hellier
FS504	Brett Hellier
FS506	Charlotte Adams-Drury
FS511	Angelique Ward
FS515	Jessica Ward
FS526	Lydia Hewitt
FS529	Wayne E R Russell
FS530	Allan Tyler
FS532	John Francis Mather
<b>010G Qualifying Matters Other - Built Form Controls: City Centre - sunlight admission to open space, harbour edge, and other matters</b>	
FS13	Keith Law
FS16	Robert Hay
FS17	Greg Jones
FS20	Dennis Michael Simpson
FS21	Sarah Anne Kerr
FS23	Malcolm MacDonald
FS24	Christopher DH. Ross
FS26	Anita Jackson
FS27	Hugo Jackson
FS41	Simon Birkenhead
FS42	Bruce Lloyd Gilbert
FS44	Michael Gordon Hillyer
FS45	Gaynor Steel
FS46	Mark Hardie
FS47	Sara Hardie
FS48	Richard Rolfe
FS49	William Akel and Robyn Hughes
FS50	Martin Dobson
FS51	Frederick Ball and Josephine Ball
FS55	Gregory Edward Jones
FS57	Alison Hunter
FS58	Latitude 37 Bodies Corporate
FS62	Deborah Cox

FS63	James Thompson Hudson
FS64	Margo Jacqueline Hudson
FS65	Matthew Philip Dickinson
FS72	Sarah Hamilton Kember
FS73	Simon Jeremy Kember
FS75	Elliot McCullough
FS77	Keith Maddison
FS79	Brendan Drury
FS80	Elizabeth Westbrooke
FS81	Mark Grenville Gascoigne
FS82	Marc Barron
FS83	Heidi Baker
FS84	Julien Leys
FS85	Raynor McMahon
FS86	Liz Adams
FS87	Anthony Duncan
FS88	Michael Gordon Croft
FS95	Dominique Bonn
FS96	Irene Bonn
FS97	Amoze Bonn
FS98	Tony Skelton
FS99	Jock Schoeller
FS100	Michele Clare Maddison
FS102	Francis Ryan Close Neighbourhood Group
FS109	Sean Molloy
FS110	Stephen Victor Donoghue-Cox
FS112	Sara Bruce
FS113	Sarah Allen
FS114	Barbara Joan Chapman
FS119	Victoria Lowe and Phillip Lowe
FS120	Waipu Trust
FS132	David Southcombe Trust
FS135	Cameron Loader
FS139	Oscar Fransman
FS143	Patrick Richard Forrester
FS152	Toka Tū Ake EQC
FS155	Donald James Lyon and Catherine Elizabeth Lyon and the Donald and Catherine Lyon Trust
FS156	Pieter Lionel Holl
FS164	Parnell East Community Group
FS171	BA Trustees Ltd
FS177	John Colebrook
FS181	Jenny Granville
FS186	Sheila McCabe
FS195	Felicity Jane Cains
FS196	Katie Isabel Holl
FS197	Richard John Dunbar
FS198	Kenny Desmond Brennan

FS199	Dawn Irene MacLean
FS200	Darryl Roots
FS201	Robert Butler
FS202	Donald Gendall
FS203	Jillian Gendall
FS204	Satvinder Sembhi
FS206	Auckland Thoroughbred Racing Incorporated
FS207	Pamela Ingram
FS208	Carolyn Walker
FS209	Tanya Newman
FS225	Gerard Robert Murphy
FS239	Michael David Brockway Rogers
FS241	Peter Watts and Stephanie Lees
FS242	Sarah Louise Edmondson
FS252	Eke Panuku Development Auckland
FS256	Anne Bollard, Tony Eede and Carolyn Eede, Tony Garnier, Wayne Hughes and Jane Hughes, Judith Newhook, Peter Sargisson and Hannah Sargisson
FS263	Herne Bay Residents Association Inc.
FS267	Philip Mayo
FS269	Parnell Community Committee
FS270	Pioneer Investments Trust
FS271	Thomas Purkis
FS272	Trevor Purkis
FS279	Laurence Newhook, Judith Newhook, Tony Eede, Carolyn Eede, Anne Bollard, Tony Garnier, Peter Sargisson, Hannah Sargisson, Wayne Hughes and Jane Hughes
FS285	Viaduct Harbour Holdings Limited
FS286	William Peake
FS287	Ivan Tottle
FS296	Character Coalition Incorporated
FS305	Garry Downs
FS306	Fi Groves
FS308	Mount St John Residents Group Incorporated
FS309	Carolyn Reid
FS318	David Alison
FS320	Larry Small
FS321	Sarah Redfern & David Deavoll
FS322	Douglas Sierra Trust
FS323	Sally Gunn and Nick Gunn
FS324	Teri Yang and Moore Yang
FS325	Myron Zhu and Amy Yan
FS326	Rebecca McRobie and Reid McRobie
FS327	Emma Douglas and George Grant
FS332	Alan Clive Stokes
FS333	Mark Dolling Andrews
FS353	Christopher Lynch
FS355	Wendy Ann Moffett

FS356	Tina Louise Lynch
FS357	Boezo Limited
FS358	James Hu
FS363	Lynne Diane Butler
FS365	Civic Trust Auckland
FS380	JL Trust
FS383	Ports of Auckland Limited
FS388	Pam Shearer
FS393	Zanj Ltd
FS395	Dawn Bertasius
FS396	Roma Bertasius
FS402	Graham Dick
FS404	South Auckland Branch, Royal Forest and Bird Protection Society of New Zealand
FS409	Janet Grant
FS410	Grey Lynn Residents Association
FS411	Grey Power Howick and Pakuranga and Districts Association Inc
FS415	Howick Ratepayers and Residents Association [HRRRA].
FS421	Tania Fleur Mace
FS424	Motu Design Limited
FS425	Holly Purkis
FS429	Freemans Bay Residents Association
FS433	The Seaview Road Residents Group
FS437	St Mary's Bay Association
FS438	Chris Cherry
FS439	Helen Cherry
FS440	Darryl Gregory
FS456	Tom Birdsall
FS470	Brent McCarty, Philip Moller, Terence Pullen, Doug Walsh, Sir Peter Maire, Eric Faesen Kloet, Graig Heatley
FS472	North Eastern Investments Limited
FS478	Yang Yang
FS480	Niall McLaren Robertson
FS487	John Gordon Hunt
FS492	Paul Willetts and Laurence Nash
FS493	Stratis Body Corporate
FS503	Erica Hellier
FS504	Brett Hellier
FS506	Charlotte Adams-Drury
FS524	69 Roberta Avenue Limited
FS525	Andrew Brown
FS526	Lydia Hewitt
FS529	Wayne E R Russell
FS530	Allan Tyler
FS531	Cushla & Cameron Wallace
FS532	John Francis Mather
<b>012A Qualifying Matters - Infrastructure - Appropriateness of QM (Infrastructure)</b>	
FS06	Balmoral Residents Association Incorporated

FS100	Michele Clare Maddison
FS109	Sean Molloy
FS110	Stephen Victor Donoghue-Cox
FS112	Sara Bruce
FS113	Sarah Allen
FS114	Barbara Joan Chapman
FS13	Keith Law
FS135	Cameron Loader
FS139	Oscar Fransman
FS143	Patrick Richard Forrester
FS152	Toka Tū Ake EQC
FS156	Pieter Lionel Holl
FS16	Robert Hay
FS164	Parnell East Community Group
FS168	Tatiana Nazarova
FS17	Greg Jones
FS171	BA Trustees Ltd
FS177	John Colebrook
FS184	Kiwi Property Group Limited
FS186	Sheila McCabe
FS195	Felicity Jane Cains
FS196	Katie Isabel Holl
FS198	Kenny Desmond Brennan
FS199	Dawn Irene MacLean
FS20	Dennis Michael Simpson
FS200	Darryl Roots
FS201	Robert Butler
FS202	Donald Gendall
FS203	Jillian Gendall
FS204	Satvinder Sembhi
FS207	Pamela Ingram
FS208	Carolyn Walker
FS209	Tanya Newman
FS21	Sarah Anne Kerr
FS225	Gerard Robert Murphy
FS23	Malcolm MacDonald
FS24	Christopher DH. Ross
FS241	Peter Watts and Stephanie Lees
FS242	Sarah Louise Edmondson
FS26	Anita Jackson
FS263	Herne Bay Residents Association Inc.
FS266	Judith Gayleen Mackereth
FS27	Hugo Jackson
FS271	Thomas Purkis
FS272	Trevor Purkis
FS281	Kāinga Ora – Homes and Communities
FS285	Viaduct Harbour Holdings Limited



FS286	William Peake
FS287	Ivan Tottle
FS288	Andrea Frances Duncan
FS289	Andries Popping
FS305	Garry Downs
FS306	Fi Groves
FS308	Mount St John Residents Group Incorporated
FS309	Carolyn Reid
FS318	David Alison
FS340	Foodstuffs North Island Limited
FS351	Drive Holdings Limited
FS353	Christopher Lynch
FS355	Wendy Ann Moffett
FS356	Tina Louise Lynch
FS363	Lynne Diane Butler
FS365	Civic Trust Auckland
FS372	JL Trust
FS388	Pam Shearer
FS393	Zanj Ltd
FS395	Dawn Bertasius
FS396	Roma Bertasius
FS398	Citizens Against The Housing Act
FS402	Graham Dick
FS409	Janet Grant
FS41	Simon Birkenhead
FS410	Grey Lynn Residents Association
FS42	Bruce Lloyd Gilbert
FS421	Tania Fleur Mace
FS425	Holly Purkis
FS429	Freemans Bay Residents Association
FS437	St Mary's Bay Association
FS438	Chris Cherry
FS439	Helen Cherry
FS44	Michael Gordon Hillyer
FS440	Darryl Gregory
FS446	Box Property Investments Ltd
FS45	Gaynor Steel
FS456	Tom Birdsall
FS46	Mark Hardie
FS460	Fletcher Residential Limited
FS47	Sara Hardie
FS472	North Eastern Investments Limited
FS473	Paul Culley and Annette Kann
FS48	Richard Rolfe
FS486	Diane Dorothy Maloney
FS49	William Akel and Robyn Hughes
FS492	Paul Willetts and Laurence Nash

FS50	Martin Dobson
FS503	Erica Hellier
FS504	Brett Hellier
FS506	Charlotte Adams-Drury
FS51	Frederick Ball and Josephine Ball
FS526	Lydia Hewitt
FS529	Wayne E R Russell
FS530	Allan Tyler
FS532	John Francis Mather
FS55	Gregory Edward Jones
FS57	Alison Hunter
FS62	Deborah Cox
FS63	James Thompson Hudson
FS64	Margo Jacqueline Hudson
FS65	Matthew Philip Dickinson
FS72	Sarah Hamilton Kember
FS73	Simon Jeremy Kember
FS77	Keith Maddison
FS79	Brendan Drury
FS80	Elizabeth Westbrooke
FS81	Mark Grenville Gascoigne
FS82	Marc Barron
FS83	Heidi Baker
FS84	Julien Leys
FS85	Raynor McMahon
FS86	Liz Adams
FS87	Anthony Duncan
FS88	Michael Gordon Croft
FS95	Dominique Bonn
FS96	Irene Bonn
FS97	Amoze Bonn
FS98	Tony Skelton
FS99	Jock Schoeller
<b>012C Qualifying Matters - Infrastructure - Infrastructure - Combined wastewater network</b>	
FS277	Steven and Shirley Wang
<b>013 Qualifying Matters Additional</b>	
FS100	Michele Clare Maddison
FS102	Francis Ryan Close Neighbourhood Group
FS109	Sean Molloy
FS110	Stephen Victor Donoghue-Cox
FS112	Sara Bruce
FS113	Sarah Allen
FS114	Barbara Joan Chapman
FS119	Victoria Lowe and Phillip Lowe
FS12	Southpark
FS120	Waipu Trust
FS13	Keith Law

FS132	David Southcombe Trust
FS135	Cameron Loader
FS138	Eden Epsom Residential Protection Society Incorporated
FS139	Oscar Fransman
FS142	Independent Māori Statutory Board
FS143	Patrick Richard Forrester
FS153	Lawrie Knight
FS155	Donald James Lyon and Catherine Elizabeth Lyon and the Donald and Catherine Lyon Trust
FS156	Pieter Lionel Holl
FS157	3 Park Avenue Ltd and Michael Knight
FS158	Arkcon Ltd
FS16	Robert Hay
FS160	Jeremy Adams
FS161	Domain Gardens Development Limited
FS164	Parnell East Community Group
FS169	CH Ventures Ltd
FS17	Greg Jones
FS171	BA Trustees Ltd
FS177	John Colebrook
FS181	Jenny Granville
FS186	Sheila McCabe
FS195	Felicity Jane Cains
FS196	Katie Isabel Holl
FS197	Richard John Dunbar
FS198	Kenny Desmond Brennan
FS199	Dawn Irene MacLean
FS20	Dennis Michael Simpson
FS200	Darryl Roots
FS201	Robert Butler
FS202	Donald Gendall
FS203	Jillian Gendall
FS204	Satvinder Sembhi
FS206	Auckland Thoroughbred Racing Incorporated
FS207	Pamela Ingram
FS208	Carolyn Walker
FS209	Tanya Newman
FS21	Sarah Anne Kerr
FS217	MD Family Trust
FS225	Gerard Robert Murphy
FS23	Malcolm MacDonald
FS239	Michael David Brockway Rogers
FS24	Christopher DH. Ross
FS241	Peter Watts and Stephanie Lees
FS242	Sarah Louise Edmondson
FS250	Citylife Investments Eight Ltd
FS256	Anne Bollard, Tony Eede and Carolyn Eede, Tony Garnier, Wayne Hughes and Jane Hughes, Judith Newhook, Peter Sargisson and Hannah Sargisson

FS26	Anita Jackson
FS263	Herne Bay Residents Association Inc.
FS266	Judith Gayleen Mackereth
FS267	Philip Mayo
FS269	Parnell Community Committee
FS27	Hugo Jackson
FS270	Pioneer Investments Trust
FS271	Thomas Purkis
FS272	Trevor Purkis
FS279	Laurence Newhook, Judith Newhook, Tony Eede, Carolyn Eede, Anne Bollard, Tony Garnier, Peter Sargisson, Hannah Sargisson, Wayne Hughes and Jane Hughes
FS281	Kāinga Ora – Homes and Communities
FS283	Heritage New Zealand Pouhere Taonga
FS285	Viaduct Harbour Holdings Limited
FS286	William Peake
FS287	Ivan Tottle
FS288	Andrea Frances Duncan
FS289	Andries Popping
FS296	Character Coalition Incorporated
FS305	Garry Downs
FS306	Fi Groves
FS309	Carolyn Reid
FS312	Auckland International Airport Limited
FS318	David Alison
FS320	Larry Small
FS321	Sarah Redfern & David Deavoll
FS322	Douglas Sierra Trust
FS323	Sally Gunn and Nick Gunn
FS324	Teri Yang and Moore Yang
FS325	Myron Zhu and Amy Yan
FS326	Rebecca McRobie and Reid McRobie
FS327	Emma Douglas and George Grant
FS332	Alan Clive Stokes
FS333	Mark Dolling Andrews
FS353	Christopher Lynch
FS355	Wendy Ann Moffett
FS356	Tina Louise Lynch
FS357	Boezo Limited
FS358	James Hu
FS363	Lynne Diane Butler
FS365	Civic Trust Auckland
FS366	Craigieburn Range Trust
FS368	Euroclass Limited
FS370	Highbrook Living Limited
FS372	JL Trust
FS377	Metlifecare Limited

FS381	NZ Storage Holdings Limited
FS383	Ports of Auckland Limited
FS384	Retirement Villages Association of New Zealand Incorporated
FS385	Rock Solid Holdings Limited
FS386	Ryman Healthcare Limited
FS388	Pam Shearer
FS39	Sabrina Joy Davies
FS390	Stonehill Trustee Limited
FS392	Viaduct Harbour Bodies Corporate
FS393	Zanj Ltd
FS394	Aedifice Property Group
FS395	Dawn Bertasius
FS396	Roma Bertasius
FS399	Coalition for More Homes
FS402	Graham Dick
FS404	South Auckland Branch, Royal Forest and Bird Protection Society of New Zealand
FS405	Raquel Francois
FS409	Janet Grant
FS41	Simon Birkenhead
FS410	Grey Lynn Residents Association
FS411	Grey Power Howick and Pakuranga and Districts Association Inc
FS415	Howick Ratepayers and Residents Association [HRRRA].
FS42	Bruce Lloyd Gilbert
FS421	Tania Fleur Mace
FS424	Motu Design Limited
FS425	Holly Purkis
FS429	Freemans Bay Residents Association
FS433	The Seaview Road Residents Group
FS437	St Mary's Bay Association
FS438	Chris Cherry
FS439	Helen Cherry
FS44	Michael Gordon Hillyer
FS440	Darryl Gregory
FS443	The Fuel Companies
FS444	Z Energy Limited
FS446	Box Property Investments Ltd
FS45	Gaynor Steel
FS456	Tom Birdsall
FS46	Mark Hardie
FS460	Fletcher Residential Limited
FS461	Hugh Green Limited
FS47	Sara Hardie
FS470	Brent McCarty, Philip Moller, Terence Pullen, Doug Walsh, Sir Peter Maire, Eric Faesen Kloet, Graig Heatley
FS472	North Eastern Investments Limited
FS478	Yang Yang
FS48	Richard Rolfe

FS480	Niall McLaren Robertson
FS486	Diane Dorothy Maloney
FS487	John Gordon Hunt
FS49	William Akel and Robyn Hughes
FS492	Paul Willetts and Laurence Nash
FS50	Martin Dobson
FS503	Erica Hellier
FS504	Brett Hellier
FS506	Charlotte Adams-Drury
FS508	Eden Park Neighbours' Assoc. Inc
FS51	Frederick Ball and Josephine Ball
FS524	69 Roberta Avenue Limited
FS525	Andrew Brown
FS526	Lydia Hewitt
FS529	Wayne E R Russell
FS530	Allan Tyler
FS531	Cushla & Cameron Wallace
FS532	John Francis Mather
FS55	Gregory Edward Jones
FS57	Alison Hunter
FS58	Latitude 37 Bodies Corporate
FS62	Deborah Cox
FS63	James Thompson Hudson
FS64	Margo Jacqueline Hudson
FS65	Matthew Philip Dickinson
FS72	Sarah Hamilton Kember
FS73	Simon Jeremy Kember
FS75	Elliot McCullough
FS77	Keith Maddison
FS79	Brendan Drury
FS80	Elizabeth Westbrooke
FS81	Mark Grenville Gascoigne
FS82	Marc Barron
FS83	Heidi Baker
FS84	Julien Leys
FS85	Raynor McMahon
FS86	Liz Adams
FS87	Anthony Duncan
FS88	Michael Gordon Croft
FS94	Remuera Heritage Inc
FS95	Dominique Bonn
FS96	Irene Bonn
FS97	Amoze Bonn
FS98	Tony Skelton
FS99	Jock Schoeller
<b>016A Business Zones provisions - City Centre Zone - height provisions</b>	
FS09	Bledisloe Property Group Limited

FS10	Channel Terminal Services Limited
FS11	Ngāti Whātua Ōrākei Group
FS13	Keith Law
FS16	Robert Hay
FS17	Greg Jones
FS20	Dennis Michael Simpson
FS21	Sarah Anne Kerr
FS23	Malcolm MacDonald
FS24	Christopher DH. Ross
FS26	Anita Jackson
FS27	Hugo Jackson
FS41	Simon Birkenhead
FS42	Bruce Lloyd Gilbert
FS44	Michael Gordon Hillyer
FS45	Gaynor Steel
FS46	Mark Hardie
FS47	Sara Hardie
FS48	Richard Rolfe
FS49	William Akel and Robyn Hughes
FS50	Martin Dobson
FS51	Frederick Ball and Josephine Ball
FS55	Gregory Edward Jones
FS57	Alison Hunter
FS58	Latitude 37 Bodies Corporate
FS62	Deborah Cox
FS63	James Thompson Hudson
FS64	Margo Jacqueline Hudson
FS65	Matthew Philip Dickinson
FS67	Michael John Graham Goodger
FS72	Sarah Hamilton Kember
FS73	Simon Jeremy Kember
FS75	Elliot McCullough
FS77	Keith Maddison
FS79	Brendan Drury
FS80	Elizabeth Westbrooke
FS81	Mark Grenville Gascoigne
FS82	Marc Barron
FS83	Heidi Baker
FS84	Julien Leys
FS85	Raynor McMahon
FS86	Liz Adams
FS87	Anthony Duncan
FS88	Michael Gordon Croft
FS95	Dominique Bonn
FS96	Irene Bonn
FS97	Amoze Bonn
FS98	Tony Skelton

FS99	Jock Schoeller
FS100	Michele Clare Maddison
FS102	Francis Ryan Close Neighbourhood Group
FS109	Sean Molloy
FS110	Stephen Victor Donoghue-Cox
FS112	Sara Bruce
FS113	Sarah Allen
FS114	Barbara Joan Chapman
FS119	Victoria Lowe and Phillip Lowe
FS120	Waipu Trust
FS132	David Southcombe Trust
FS135	Cameron Loader
FS139	Oscar Fransman
FS143	Patrick Richard Forrester
FS153	Lawrie Knight
FS155	Donald James Lyon and Catherine Elizabeth Lyon and the Donald and Catherine Lyon Trust
FS156	Pieter Lionel Holl
FS157	3 Park Avenue Ltd and Michael Knight
FS158	Arkcon Ltd
FS160	Jeremy Adams
FS161	Domain Gardens Development Limited
FS162	The Subdivision Company Ltd
FS164	Parnell East Community Group
FS171	BA Trustees Ltd
FS177	John Colebrook
FS181	Jenny Granville
FS184	Kiwi Property Group Limited
FS186	Sheila McCabe
FS189	Precinct Properties New Zealand Limited
FS195	Felicity Jane Cains
FS196	Katie Isabel Holl
FS197	Richard John Dunbar
FS198	Kenny Desmond Brennan
FS199	Dawn Irene MacLean
FS200	Darryl Roots
FS201	Robert Butler
FS202	Donald Gendall
FS203	Jillian Gendall
FS204	Satvinder Sembhi
FS206	Auckland Thoroughbred Racing Incorporated
FS207	Pamela Ingram
FS208	Carolyn Walker
FS209	Tanya Newman
FS225	Gerard Robert Murphy
FS239	Michael David Brockway Rogers
FS240	The University of Auckland
FS241	Peter Watts and Stephanie Lees



FS242	Sarah Louise Edmondson
FS243	SKYCITY Auckland Limited
FS256	Anne Bollard, Tony Eede and Carolyn Eede, Tony Garnier, Wayne Hughes and Jane Hughes, Judith Newhook, Peter Sargisson and Hannah Sargisson
FS263	Herne Bay Residents Association Inc.
FS266	Judith Gayleen Mackereth
FS267	Philip Mayo
FS269	Parnell Community Committee
FS270	Pioneer Investments Trust
FS271	Thomas Purkis
FS272	Trevor Purkis
FS274	Sanford Limited
FS275	Charissa Snijders
FS279	Laurence Newhook, Judith Newhook, Tony Eede, Carolyn Eede, Anne Bollard, Tony Garnier, Peter Sargisson, Hannah Sargisson, Wayne Hughes and Jane Hughes
FS281	Kāinga Ora – Homes and Communities
FS283	Heritage New Zealand Pouhere Taonga
FS285	Viaduct Harbour Holdings Limited
FS286	William Peake
FS287	Ivan Tottle
FS296	Character Coalition Incorporated
FS305	Garry Downs
FS306	Fi Groves
FS308	Mount St John Residents Group Incorporated
FS309	Carolyn Reid
FS318	David Alison
FS320	Larry Small
FS321	Sarah Redfern & David Deavoll
FS322	Douglas Sierra Trust
FS323	Sally Gunn and Nick Gunn
FS324	Teri Yang and Moore Yang
FS325	Myron Zhu and Amy Yan
FS326	Rebecca McRobie and Reid McRobie
FS327	Emma Douglas and George Grant
FS332	Alan Clive Stokes
FS333	Mark Dolling Andrews
FS340	Foodstuffs North Island Limited
FS351	Drive Holdings Limited
FS353	Christopher Lynch
FS354	The General Trust Board of the Diocese of Auckland
FS355	Wendy Ann Moffett
FS356	Tina Louise Lynch
FS357	Boezo Limited
FS358	James Hu
FS363	Lynne Diane Butler
FS365	Civic Trust Auckland

FS380	JL Trust
FS377	Metlifecare Limited
FS379	Mission Bay Kohimarama Residents Association Incorporated
FS383	Ports of Auckland Limited
FS388	Pam Shearer
FS392	Viaduct Harbour Bodies Corporate
FS393	Zanj Ltd
FS395	Dawn Bertasius
FS396	Roma Bertasius
FS398	Citizens Against The Housing Act
FS402	Graham Dick
FS404	South Auckland Branch, Royal Forest and Bird Protection Society of New Zealand
FS409	Janet Grant
FS410	Grey Lynn Residents Association
FS411	Grey Power Howick and Pakuranga and Districts Association Inc
FS415	Howick Ratepayers and Residents Association [HRRRA].
FS421	Tania Fleur Mace
FS424	Motu Design Limited
FS425	Holly Purkis
FS427	St Heliers and Glendowie Residents Association
FS429	Freemans Bay Residents Association
FS433	The Seaview Road Residents Group
FS437	St Mary's Bay Association
FS438	Chris Cherry
FS439	Helen Cherry
FS440	Darryl Gregory
FS445	Ashcroft Homes Auckland Limited
FS456	Tom Birdsall
FS459	Fabric Property Limited
FS470	Brent McCarty, Philip Moller, Terence Pullen, Doug Walsh, Sir Peter Maire, Eric Faesen Kloet, Graig Heatley
FS472	North Eastern Investments Limited
FS478	Yang Yang
FS480	Niall McLaren Robertson
FS487	John Gordon Hunt
FS489	Neil Group
FS492	Paul Willetts and Laurence Nash
FS493	Stratis Body Corporate
FS502	Scrumptious Fruit Trust
FS503	Erica Hellier
FS504	Brett Hellier
FS506	Charlotte Adams-Drury
FS511	Angelique Ward
FS515	Jessica Ward
FS524	69 Roberta Avenue Limited
FS525	Andrew Brown

FS526	Lydia Hewitt
FS529	Wayne E R Russell
FS530	Allan Tyler
FS531	Cushla & Cameron Wallace
FS532	John Francis Mather
<b>016B Business Zone Provisions - Metropolitan Centre Zone - provisions</b>	
FS281	Kāinga Ora – Homes and Communities
FS377	Metlifecare Limited
<b>016C Business Zone Provisions - Town Centre Zone - provisions</b>	
FS185	Charles H Levin
FS377	Metlifecare Limited
FS420	Trevor Lund
<b>016D Business Zone provisions - Local Centre Zone - provisions</b>	
FS377	Metlifecare Limited
<b>016E Business Zone provisions - Neighbourhood Centre Zone - provisions</b>	
FS377	Metlifecare Limited
<b>016F Business Zone Provisions - Mixed Use Zone</b>	
FS100	Michele Clare Maddison
FS109	Sean Molloy
FS110	Stephen Victor Donoghue-Cox
FS113	Sarah Allen
FS114	Barbara Joan Chapman
FS13	Keith Law
FS135	Cameron Loader
FS139	Oscar Fransman
FS143	Patrick Richard Forrester
FS156	Pieter Lionel Holl
FS16	Robert Hay
FS17	Greg Jones
FS177	John Colebrook
FS186	Sheila McCabe
FS195	Felicity Jane Cains
FS196	Katie Isabel Holl
FS198	Kenny Desmond Brennan
FS199	Dawn Irene MacLean
FS20	Dennis Michael Simpson
FS200	Darryl Roots
FS201	Robert Butler
FS202	Donald Gendall
FS203	Jillian Gendall
FS204	Satvinder Sembhi
FS207	Pamela Ingram
FS208	Carolyn Walker
FS209	Tanya Newman
FS21	Sarah Anne Kerr
FS225	Gerard Robert Murphy
FS23	Malcolm MacDonald

FS24	Christopher DH. Ross
FS241	Peter Watts and Stephanie Lees
FS242	Sarah Louise Edmondson
FS26	Anita Jackson
FS266	Judith Gayleen Mackereth
FS27	Hugo Jackson
FS271	Thomas Purkis
FS272	Trevor Purkis
FS286	William Peake
FS287	Ivan Tottle
FS305	Garry Downs
FS306	Fi Groves
FS308	Mount St John Residents Group Incorporated
FS309	Carolyn Reid
FS353	Christopher Lynch
FS355	Wendy Ann Moffett
FS356	Tina Louise Lynch
FS363	Lynne Diane Butler
FS377	Metlifecare Limited
FS388	Pam Shearer
FS395	Dawn Bertasius
FS396	Roma Bertasius
FS398	Citizens Against The Housing Act
FS402	Graham Dick
FS409	Janet Grant
FS41	Simon Birkenhead
FS410	Grey Lynn Residents Association
FS42	Bruce Lloyd Gilbert
FS421	Tania Fleur Mace
FS425	Holly Purkis
FS429	Freemans Bay Residents Association
FS437	St Mary's Bay Association
FS438	Chris Cherry
FS439	Helen Cherry
FS44	Michael Gordon Hillyer
FS440	Darryl Gregory
FS45	Gaynor Steel
FS456	Tom Birdsall
FS46	Mark Hardie
FS47	Sara Hardie
FS48	Richard Rolfe
FS49	William Akel and Robyn Hughes
FS492	Paul Willetts and Laurence Nash
FS50	Martin Dobson
FS503	Erica Hellier
FS504	Brett Hellier
FS506	Charlotte Adams-Drury

FS51	Frederick Ball and Josephine Ball
FS511	Angelique Ward
FS515	Jessica Ward
FS526	Lydia Hewitt
FS529	Wayne E R Russell
FS530	Allan Tyler
FS532	John Francis Mather
FS55	Gregory Edward Jones
FS57	Alison Hunter
FS62	Deborah Cox
FS63	James Thompson Hudson
FS64	Margo Jacqueline Hudson
FS65	Matthew Philip Dickinson
FS72	Sarah Hamilton Kember
FS73	Simon Jeremy Kember
FS77	Keith Maddison
FS79	Brendan Drury
FS80	Elizabeth Westbrooke
FS81	Mark Grenville Gascoigne
FS83	Heidi Baker
FS84	Julien Leys
FS85	Raynor McMahon
FS86	Liz Adams
FS87	Anthony Duncan
FS88	Michael Gordon Croft
FS95	Dominique Bonn
FS96	Irene Bonn
FS97	Amoze Bonn
FS98	Tony Skelton
FS99	Jock Schoeller
<b>016H Business Zone provisions - Business Park Zone</b>	
FS410	Grey Lynn Residents Association
FS421	Tania Fleur Mace
<b>020A Precincts - I201 Britomart Precinct</b>	
FS09	Bledisloe Property Group Limited
<b>020D Precincts - I207 Learning Precinct</b>	
FS77	Keith Maddison
FS79	Brendan Drury
FS80	Elizabeth Westbrooke
FS81	Mark Grenville Gascoigne
FS83	Heidi Baker
FS84	Julien Leys
FS85	Raynor McMahon
FS86	Liz Adams
FS87	Anthony Duncan
FS88	Michael Gordon Croft
FS95	Dominique Bonn

FS96	Irene Bonn
FS97	Amoze Bonn
FS98	Tony Skelton
FS99	Jock Schoeller
FS100	Michele Clare Maddison
FS109	Sean Molloy
FS110	Stephen Victor Donoghue-Cox
FS113	Sarah Allen
FS114	Barbara Joan Chapman
<b>020E Precincts - I209 Quay Park Precinct</b>	
FS153	Lawrie Knight
FS157	3 Park Avenue Ltd and Michael Knight
FS158	Arkcon Ltd
FS160	Jeremy Adams
FS161	Domain Gardens Development Limited
FS162	The Subdivision Company Ltd
FS164	Parnell East Community Group
FS177	John Colebrook
FS279	Laurence Newhook, Judith Newhook, Tony Eede, Carolyn Eede, Anne Bollard, Tony Garnier, Peter Sargisson, Hannah Sargisson, Wayne Hughes and Jane Hughes
FS457	Pinewoods Motor Park Ltd
FS472	North Eastern Investments Limited
<b>020G Precincts - I211 Viaduct Harbour Precinct</b>	
FS43	Waka Kotahi NZ Transport Agency
FS58	Latitude 37 Bodies Corporate
FS134	Orams Group Limited
FS189	Precinct Properties New Zealand Limited
FS252	Eke Panuku Development Auckland
FS274	Sanford Limited
FS285	Viaduct Harbour Holdings Limited
FS392	Viaduct Harbour Bodies Corporate
FS398	Citizens Against The Housing Act
FS493	Stratis Body Corporate
<b>020I Precincts - I211 Viaduct Harbour Precinct</b>	
FS43	Waka Kotahi NZ Transport Agency
FS58	Latitude 37 Bodies Corporate
FS134	Orams Group Limited
FS194	Winton Land Limited
FS252	Eke Panuku Development Auckland
FS266	Judith Gayleen Mackereth
FS274	Sanford Limited
FS285	Viaduct Harbour Holdings Limited
FS311	NZ Marine Industry Association
FS392	Viaduct Harbour Bodies Corporate
FS398	Citizens Against The Housing Act
FS493	Stratis Body Corporate

## 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

## H8 Business – City Centre Zone

(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	<del>DRD</del>
(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)	A building that does not comply with Standard H8.6.33 H8.1.1. Strategic Transport Corridor Zone – Railway corridor setback	RD

### 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**

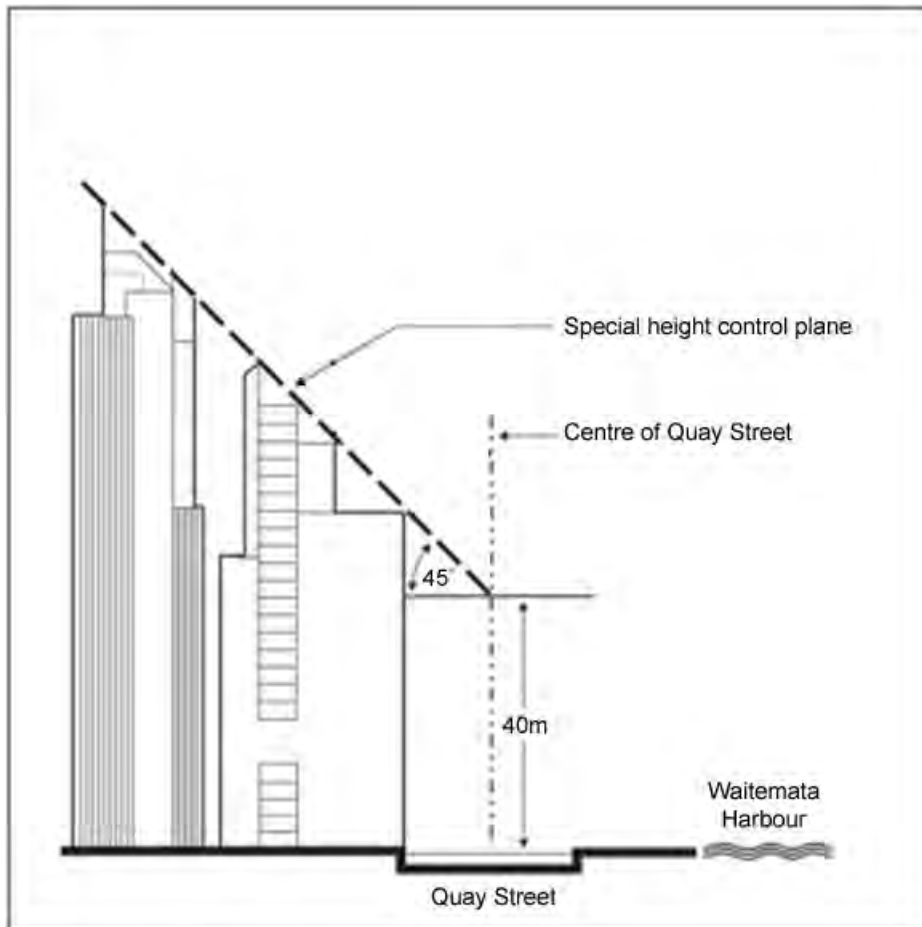
Purpose: manage the scale of buildings at the western end of Quay Street to:

- 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.

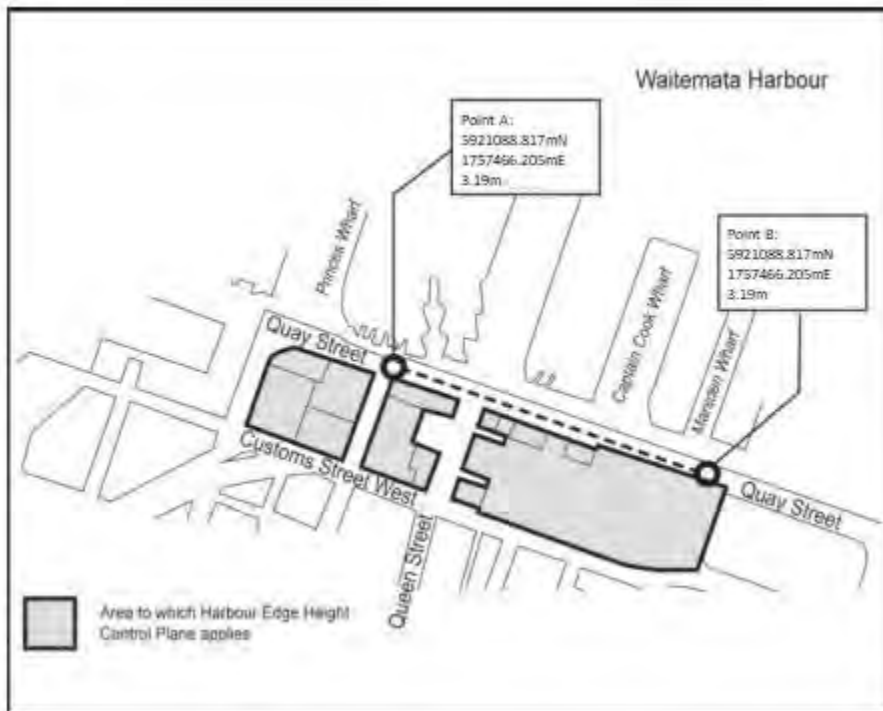
- (1) The height of a building subject to this standard must not exceed the height plane shown in Figure ~~H8.6.6.4~~ H8.6.5.1 Harbour edge height control plane. The height plane starts at a line 40m above the centre line of Quay Street and continues as a tilted plane at 45 degrees to the horizontal 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:~~

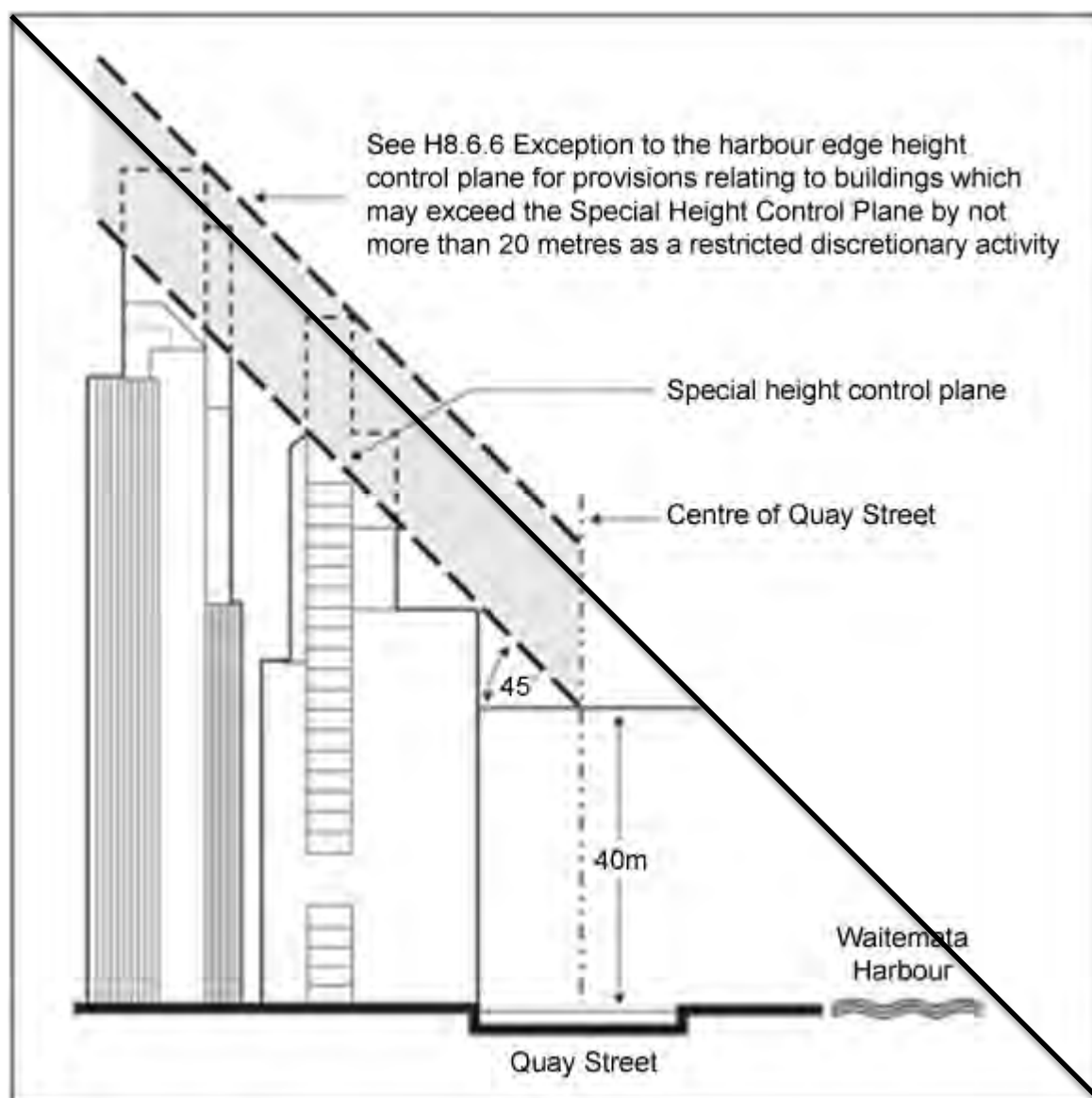
~~(a) any penetration of building bulk through the Harbour Edge Height Control Plane must be compensated for by equivalent open space “corridors” which are situated below the plane and which must:~~

- ~~(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.~~

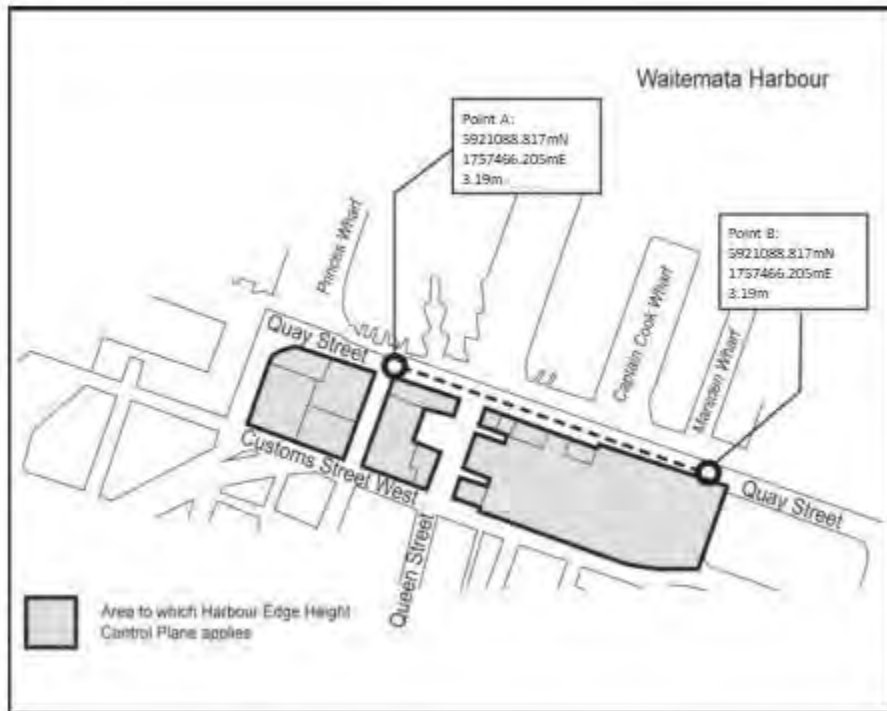
~~(a) the method of calculating the compensatory open space for Standard H8.6.6.1(a) above is as follows:~~

- ~~(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]

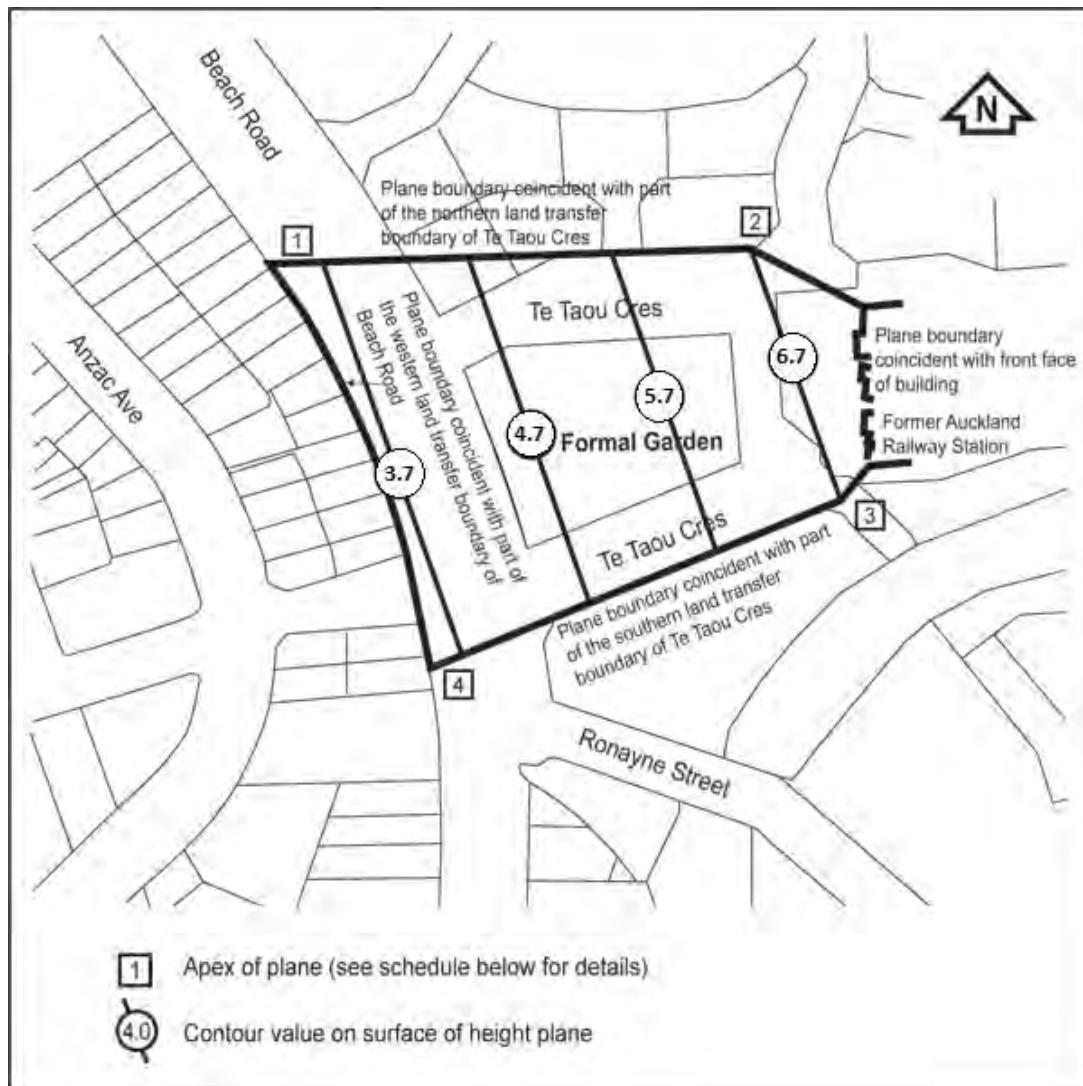


#### H8.6.7. Railway station building and gardens view protection plane

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	G	Refer to Standard H8.6.13							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

## H8 Business – City Centre Zone

building floor space																
Activities																
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
Public amenities																
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
Light and outlook																
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*

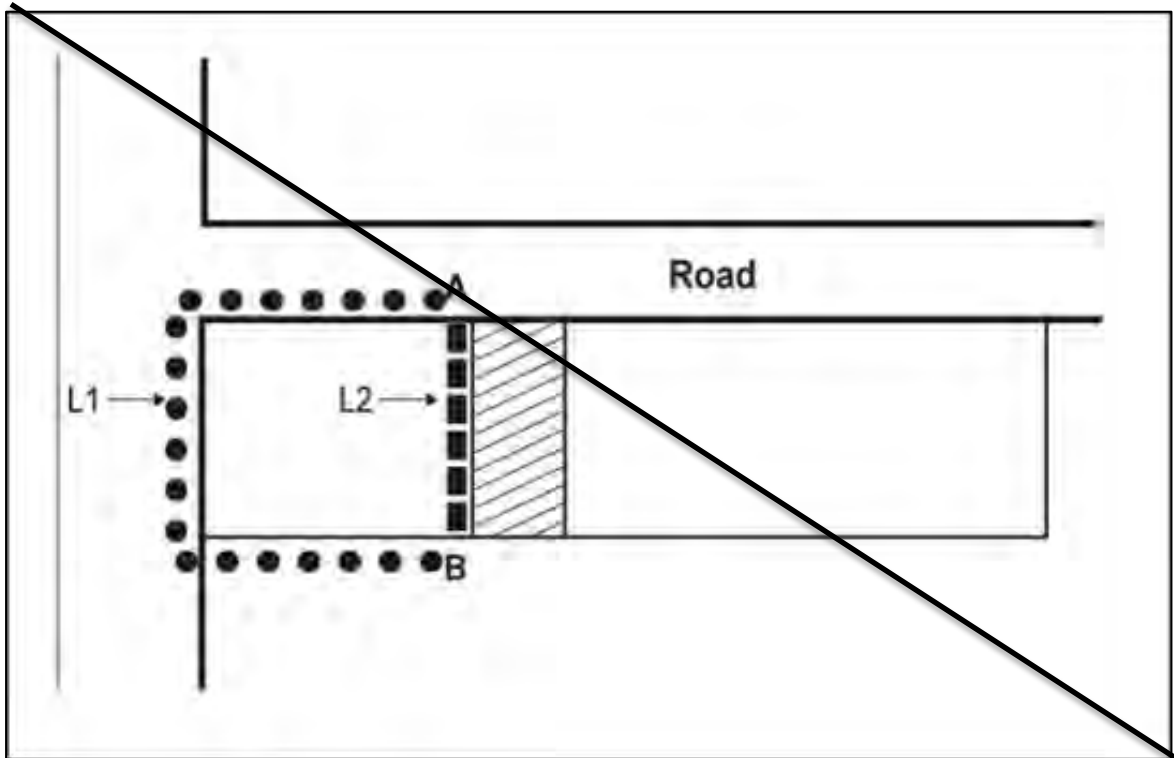
- ~~(13) Covered links must be pedestrian-only and covered.~~
- ~~(14) Covered links must be publicly accessible, the minimum hours of operation being 7.30am to 6pm Monday to Friday, excluding public holidays, and such other times when the site is open for business or for its principal purpose.~~
- ~~(15) 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*

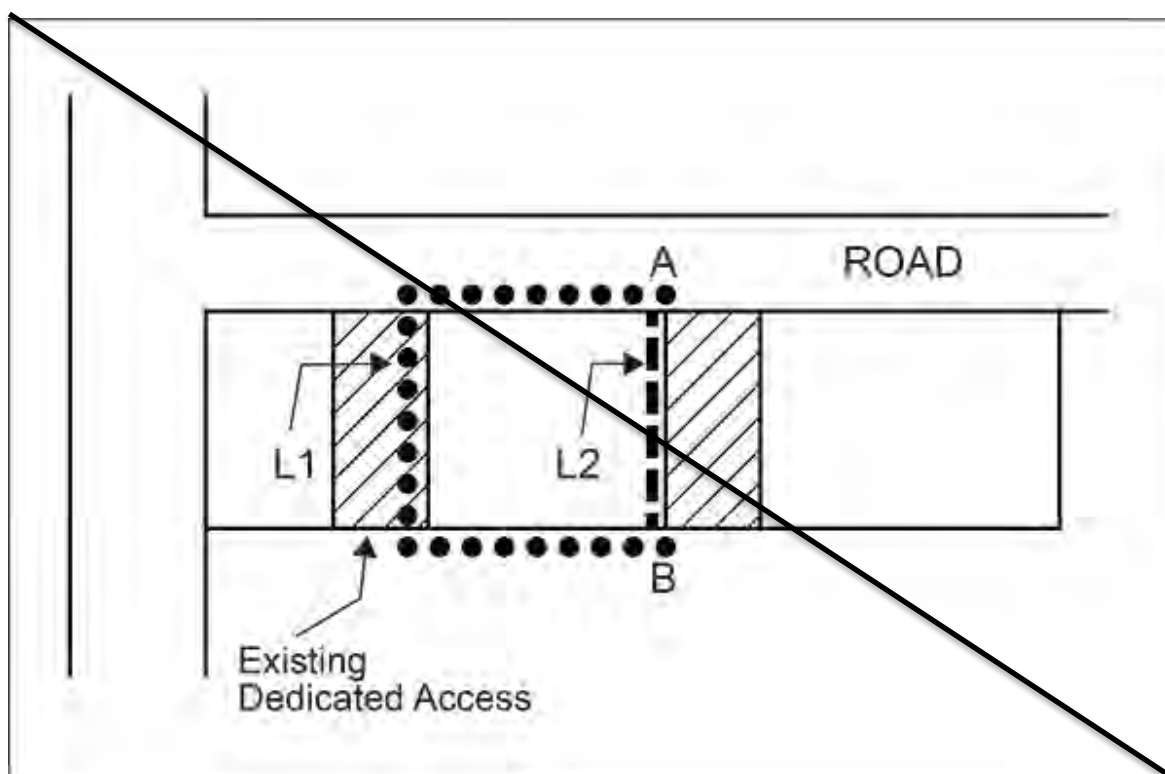
- ~~(16) The through-site link bonus, be it a lane, arcade or covered link, or those in combination is calculated in accordance with the formula below:~~
- ~~(a) The bonus floor area achievable per square metre of through-site link provided is expressed by the ratio  $L1:L2$  where:~~
- ~~(i)  $L1$  = 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.

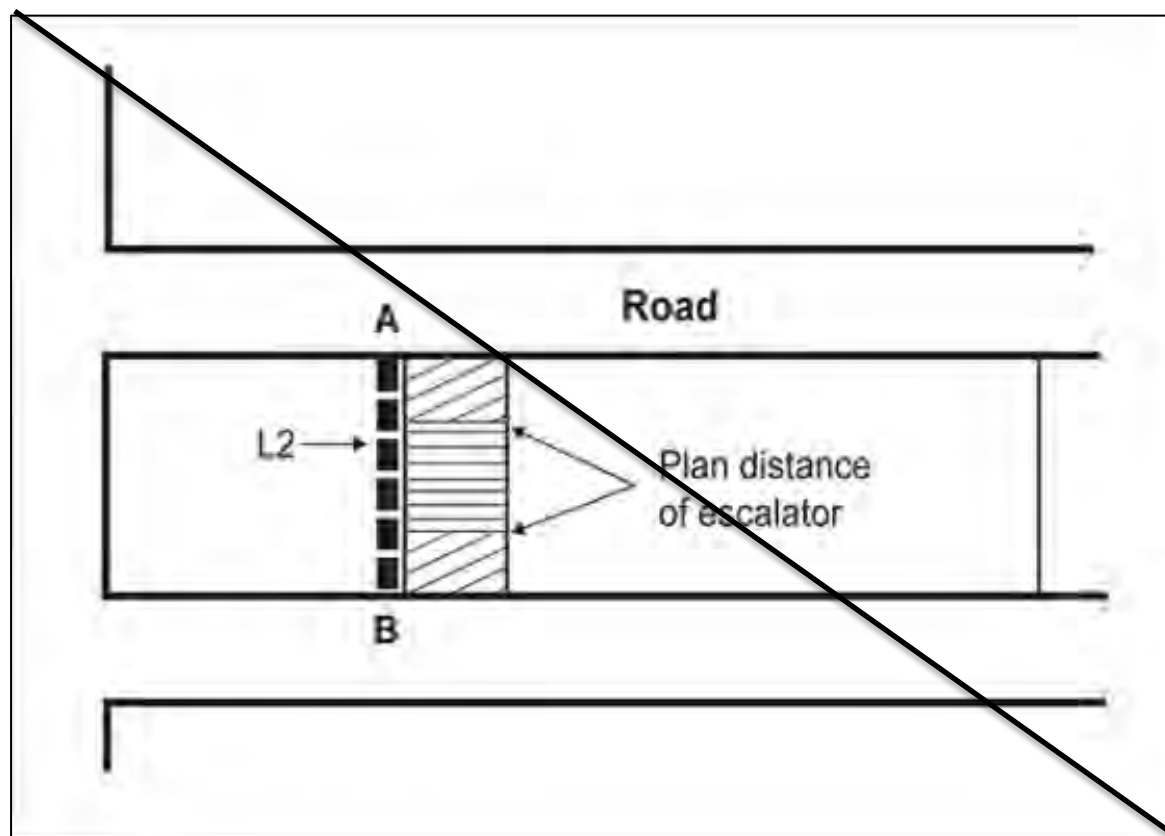
**Figure H8.6.18.1 Calculating through-site link bonus Deleted**



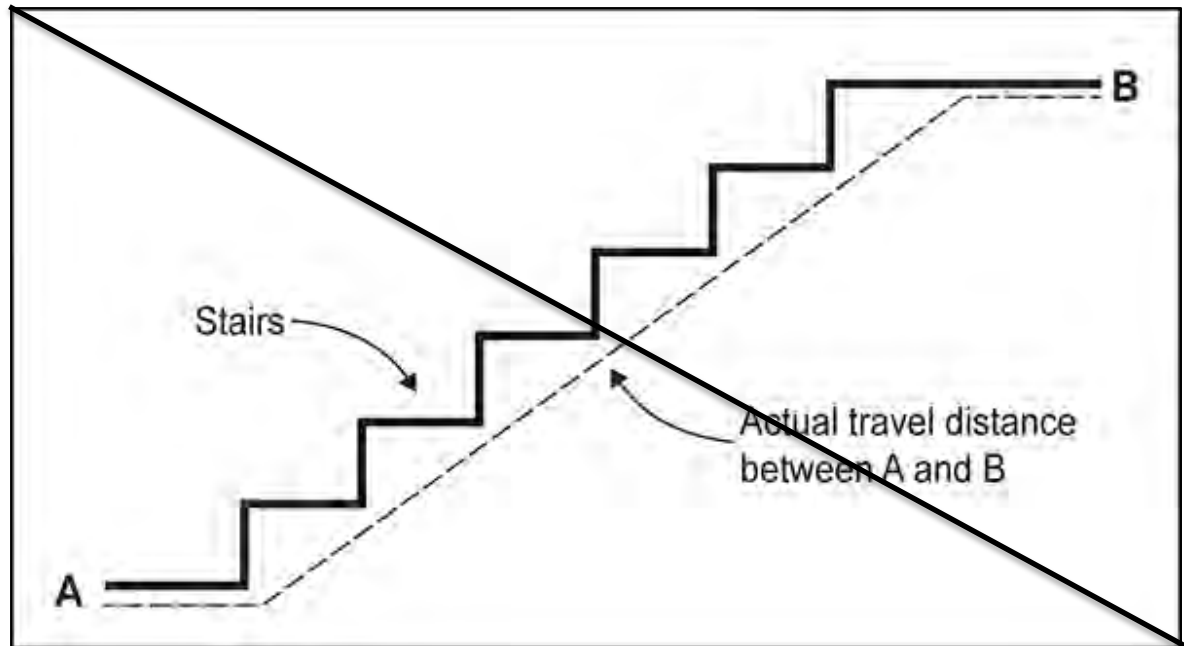
**Figure H8.6.18.2 Calculating through-site link bonus 2**



**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**

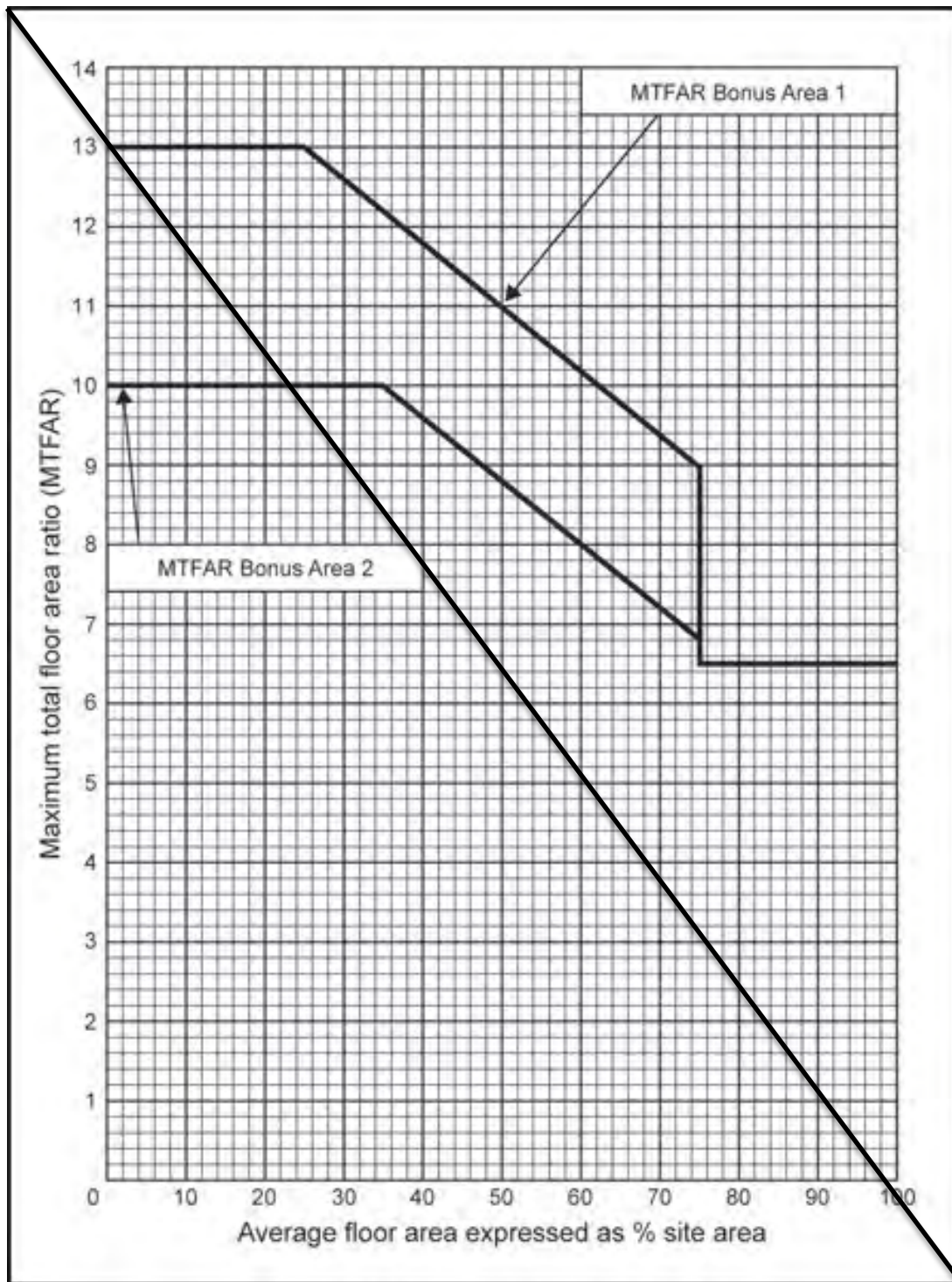
Purpose: manage the overall scale of development in the city centre.

- ~~(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**

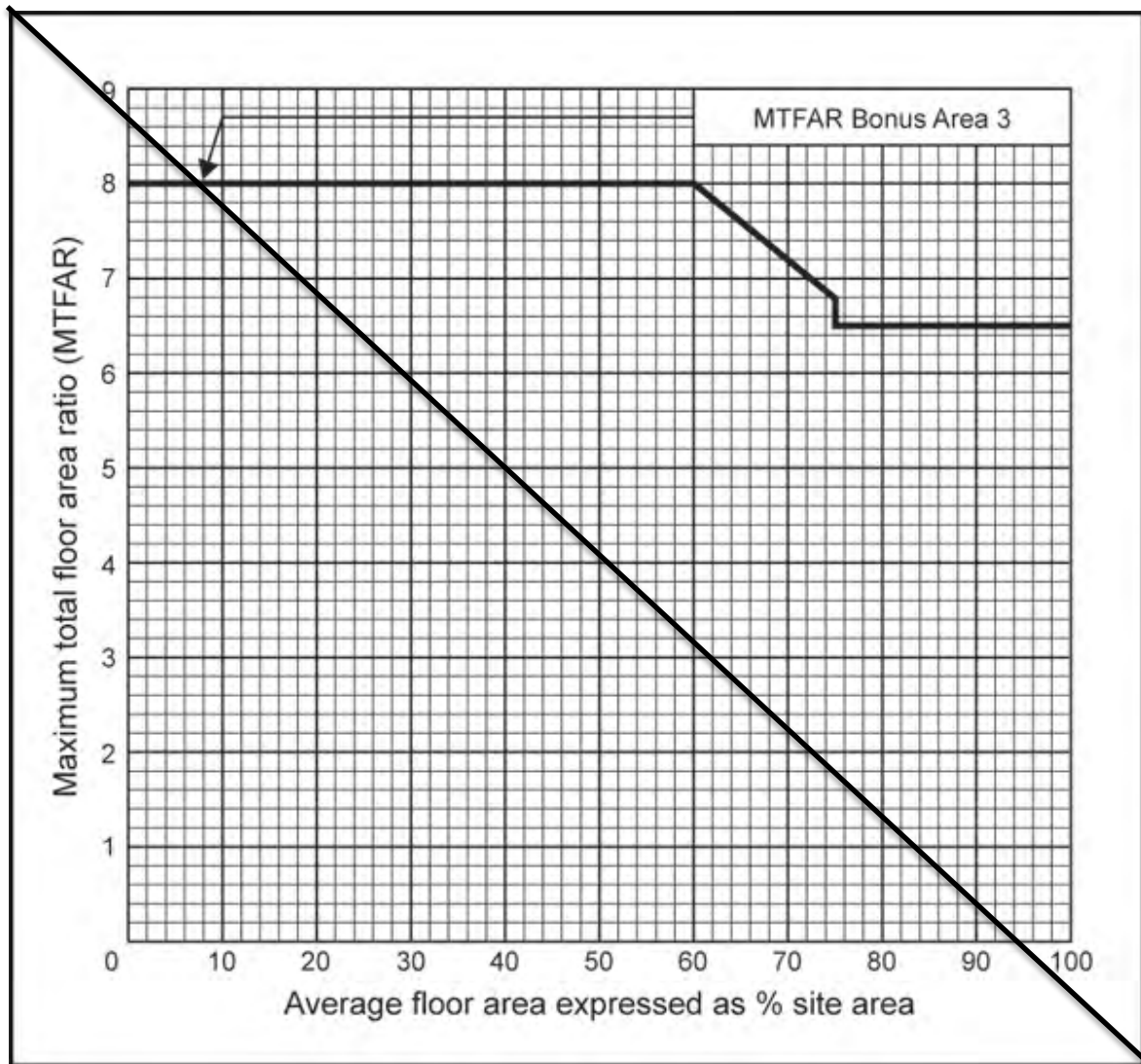
<b>Bonus area 1a</b>		
Where:		MTFAR equals
(A52)	$\frac{AFA}{SA} < 0.25$	13:1
(A53)	$0.25 < \frac{AFA}{SA} \leq 0.75$	$15 - \frac{(8 \times AFA)}{SA} : 1$
(A54)	$\frac{AFA}{SA} > 0.75$	6.5:1
<b>Bonus area 2</b>		
(A55)	$\frac{AFA}{SA} < 0.35$	10:1
(A56)	$0.35 \leq \frac{AFA}{SA} \leq 0.8$	$12.8 - \frac{(8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



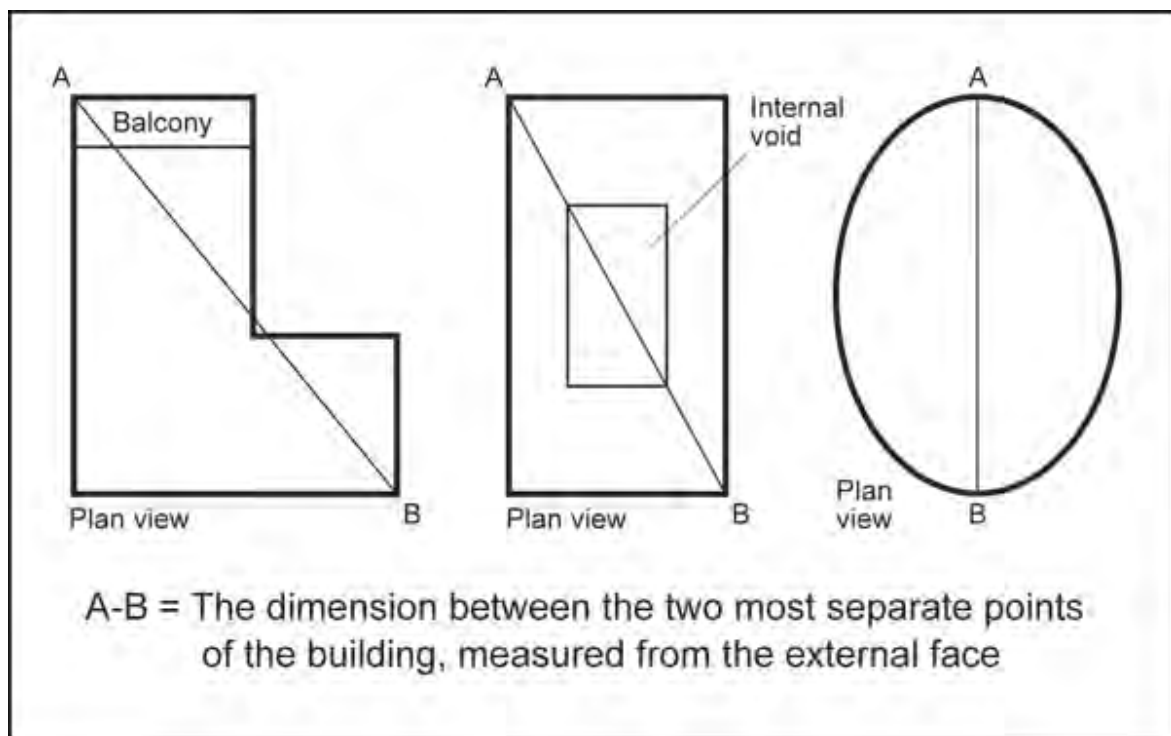
**H8.6.24. Maximum tower dimension, setback from the street and tower separation in special height area (shown on Map H8.11.3)**

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.

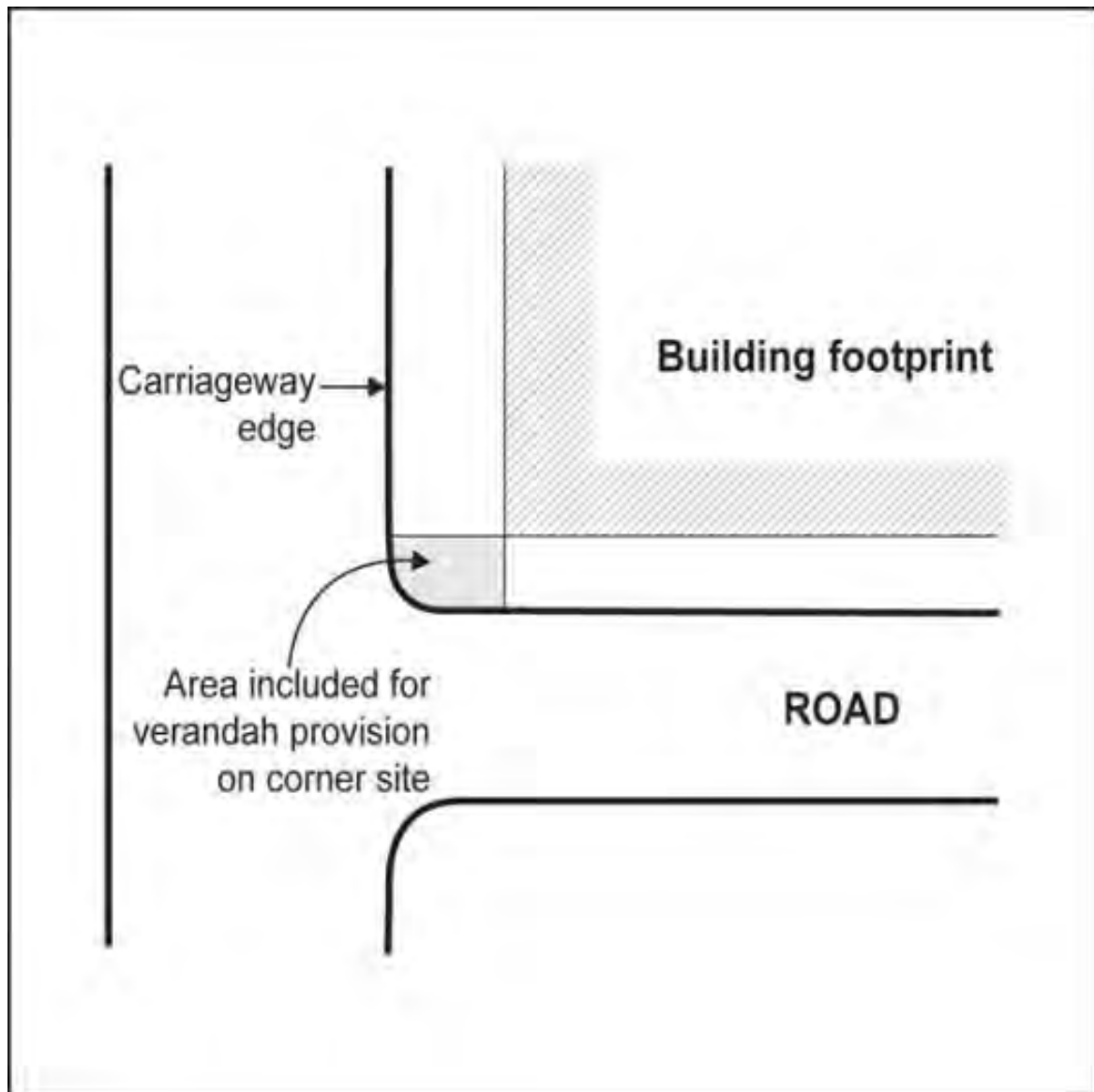
(d) If there is more than one tower on a site, a tower separation distance of at least 12m must be provided between the parts of the buildings above 32.5m.

#### **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**

Location	Minimum width
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.

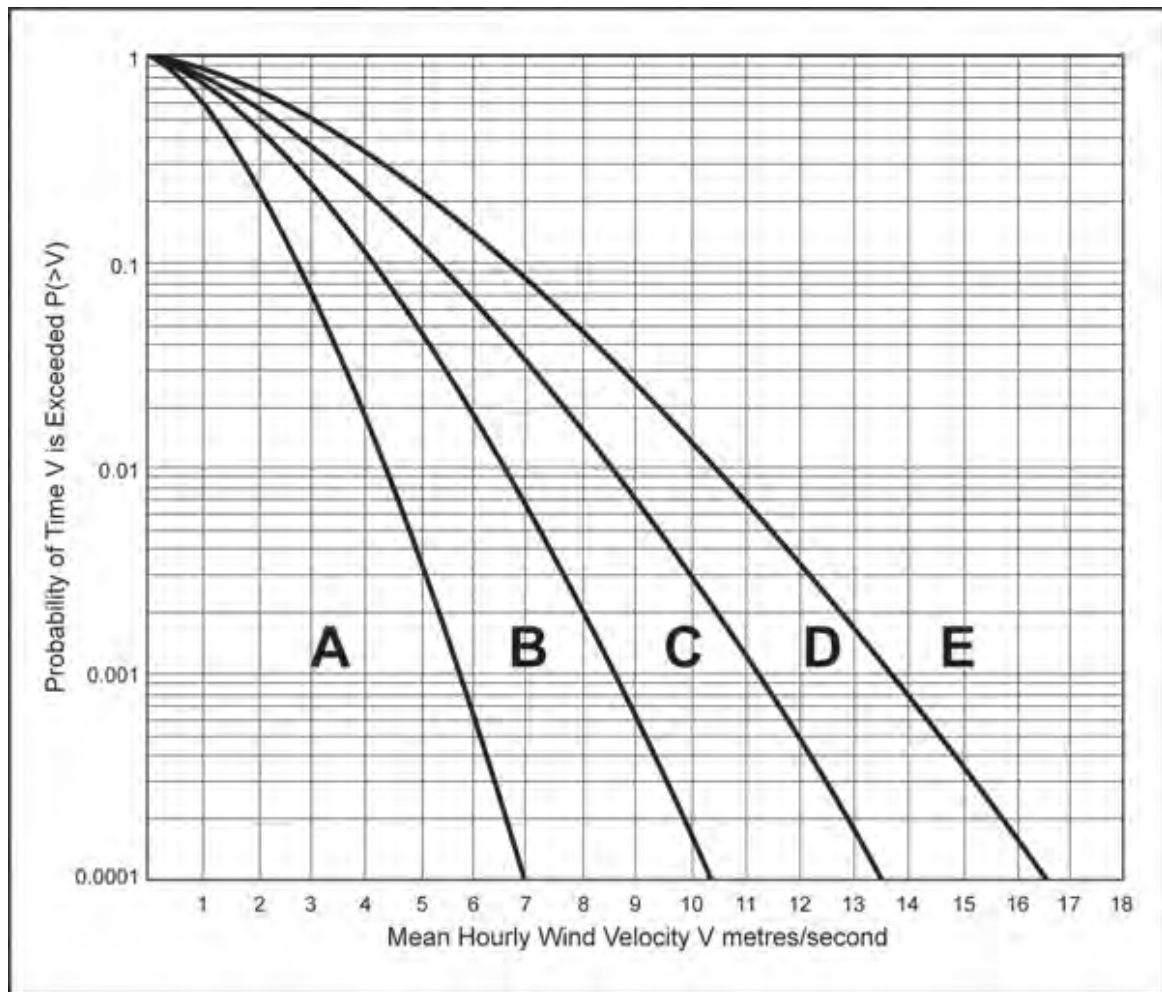
#### H8.6.28. Wind

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.

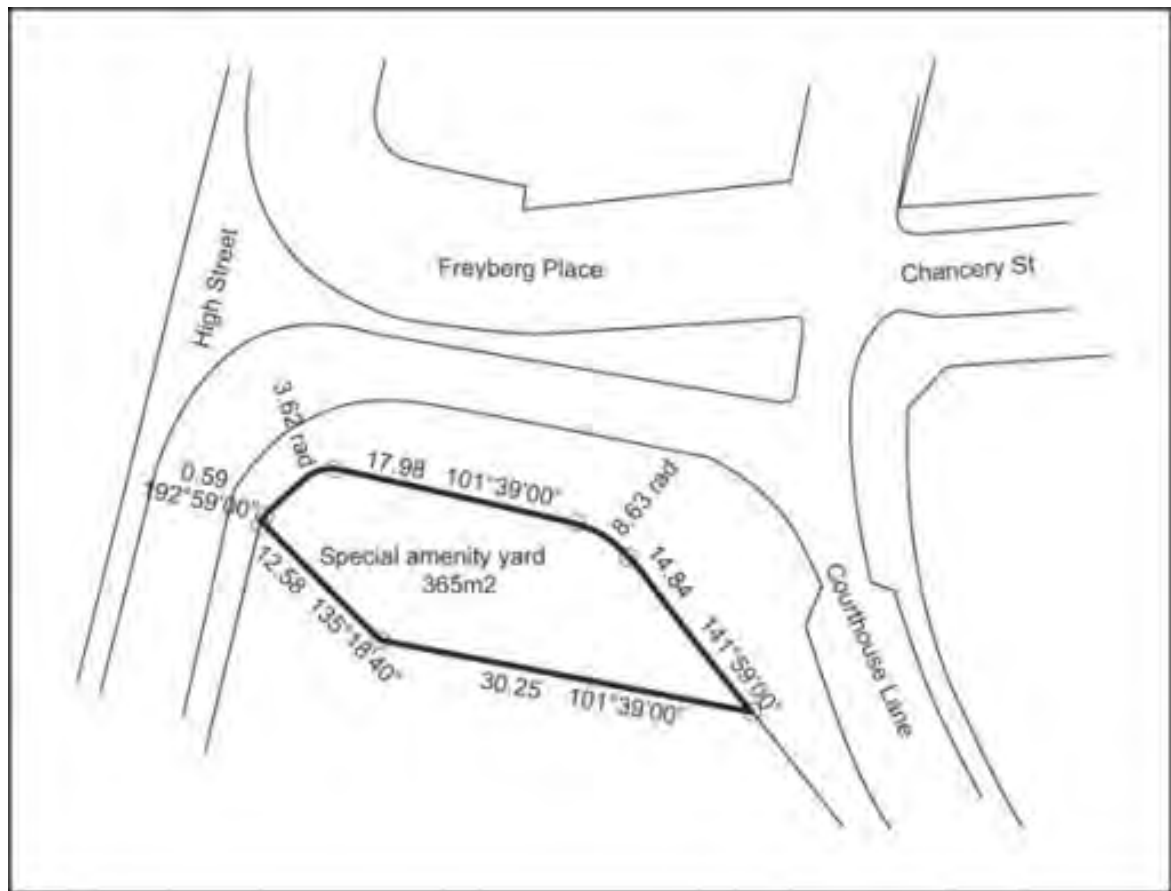
- (1) Buildings must be designed and built so that the reflectivity of all external surfaces does not exceed 20 per cent of white light. This means that glass and other materials with reflectivity values that exceed 20 per cent may only be used provided they are covered or screened in such a way that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

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

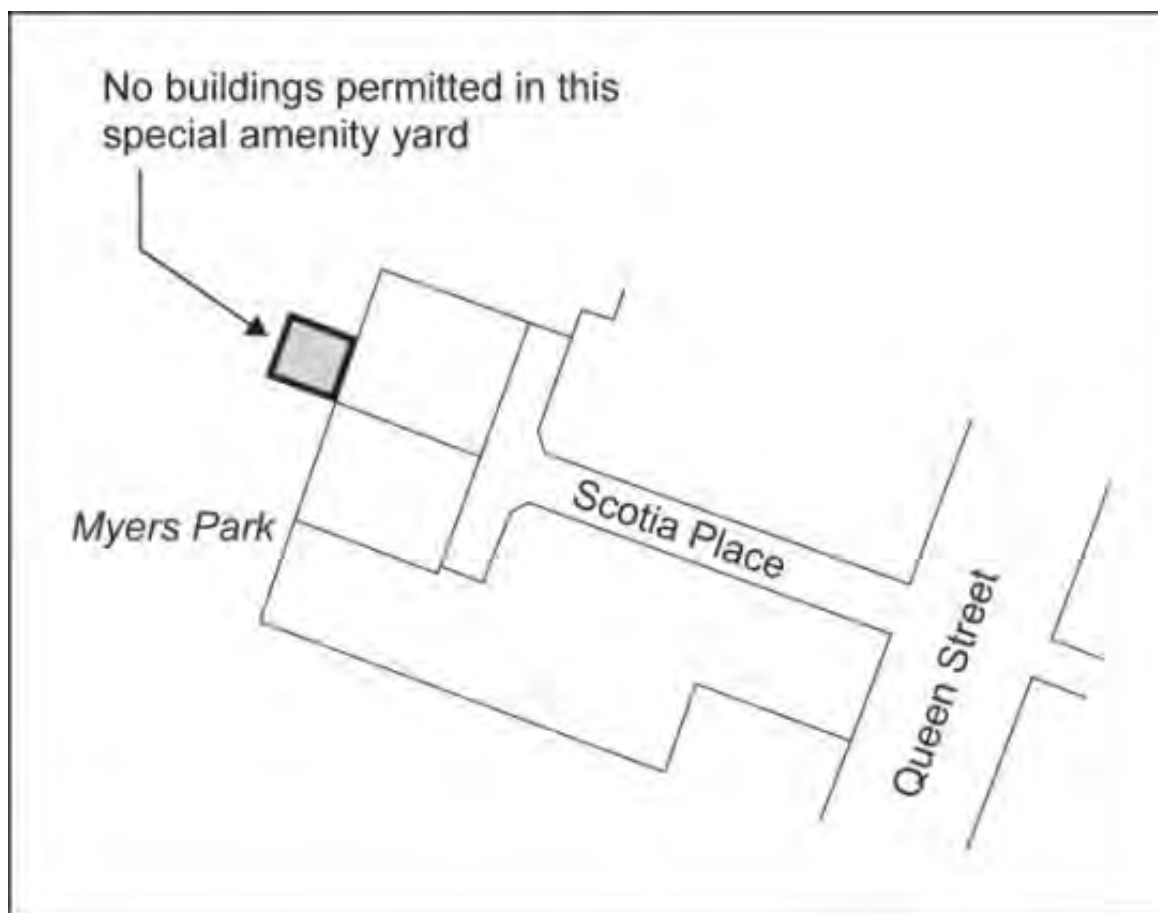
Purpose: avoid buildings locating in areas that would have a significant adverse effect on pedestrian and/or streetscape amenity.

- (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.

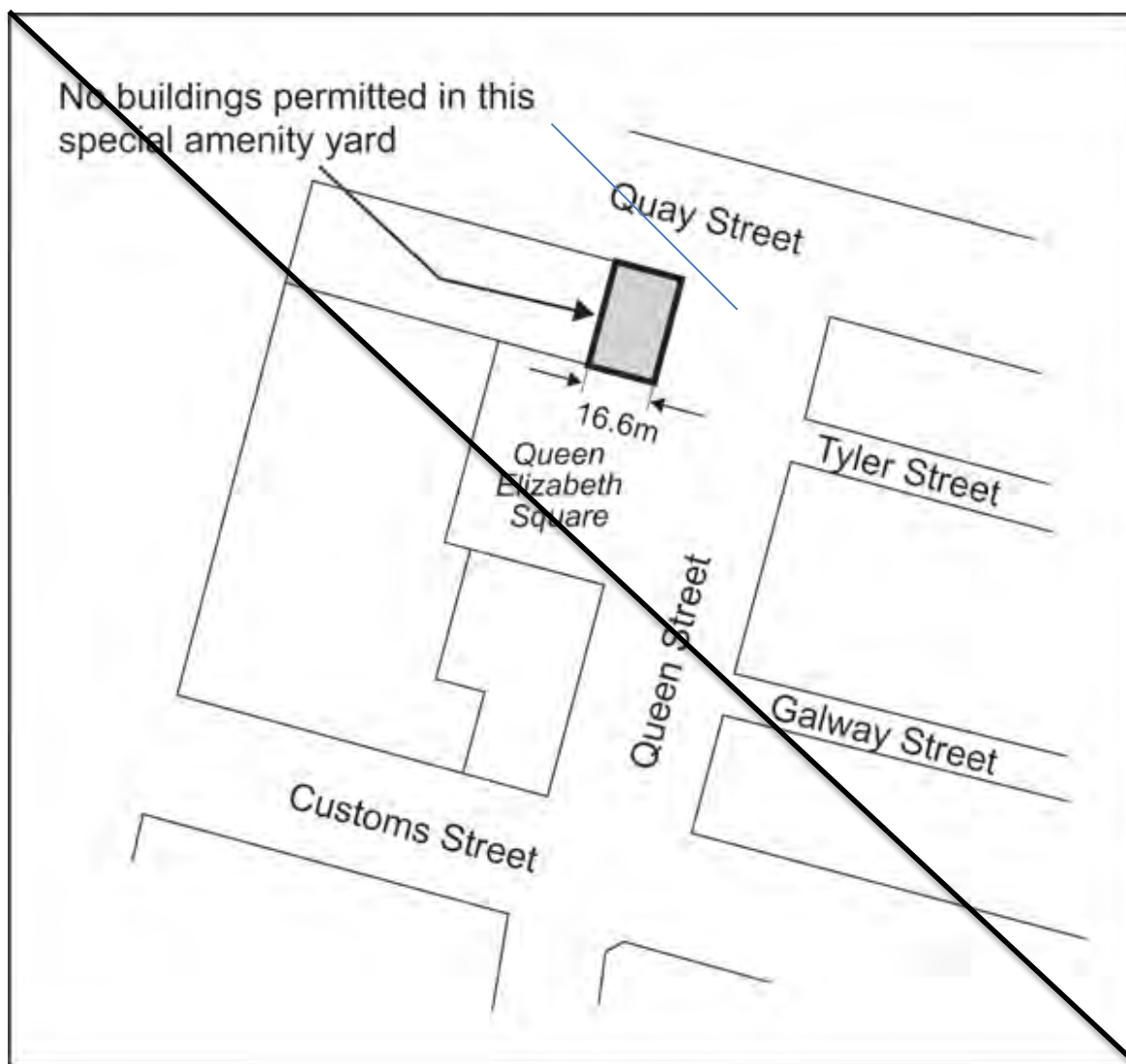
**Figure H8.6.30.1 Freyberg Place special amenity yard**

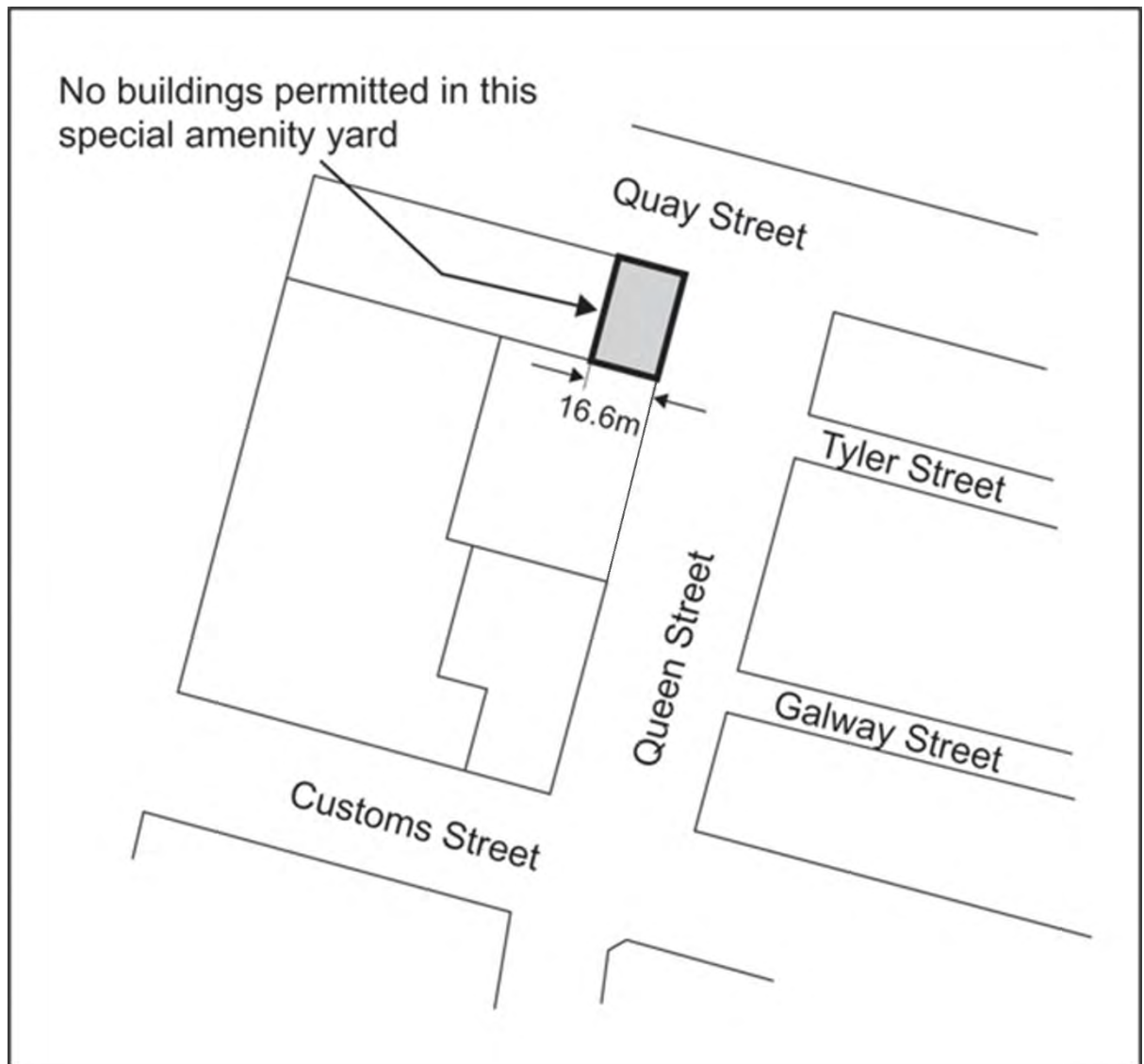


**Figure H8.6.30.2 Myers Park special amenity yard**



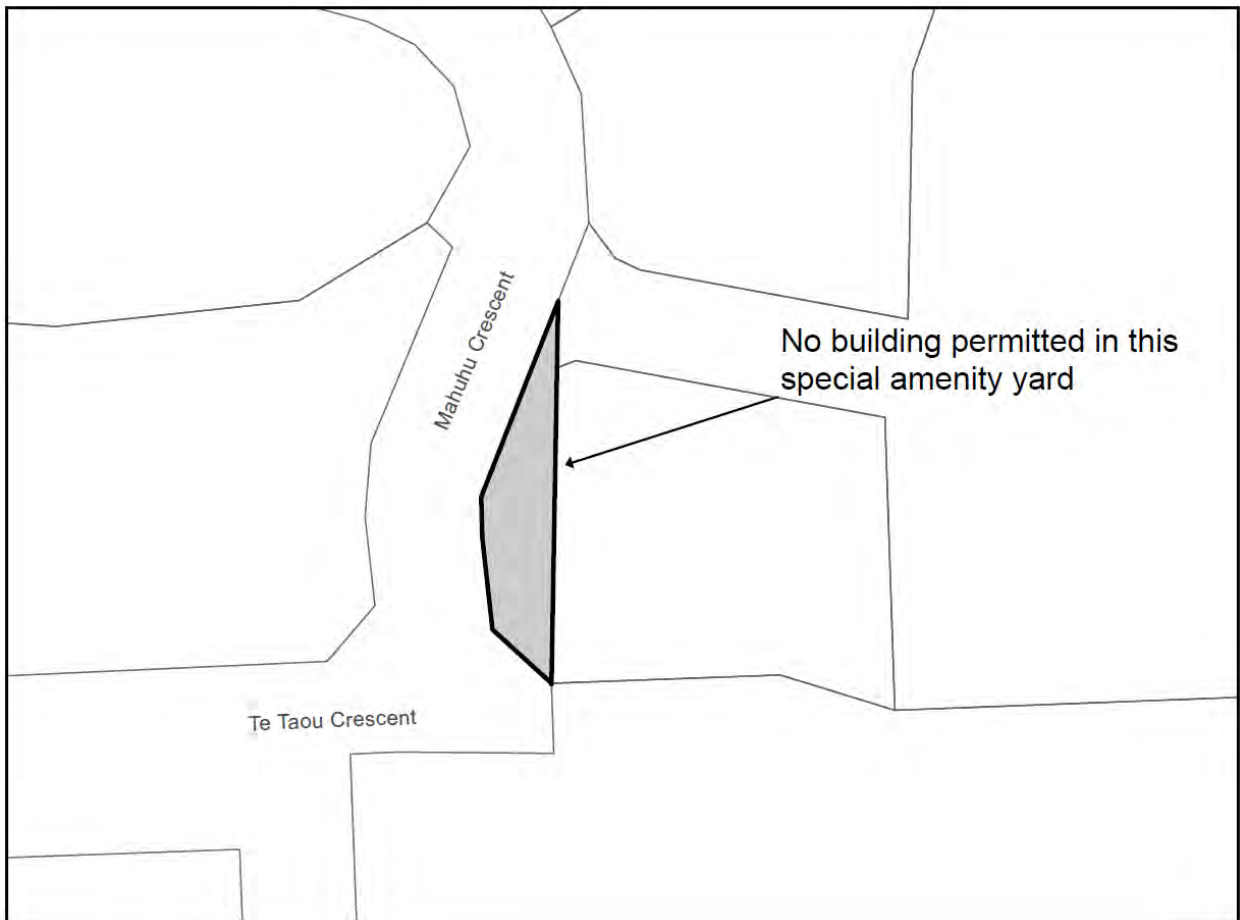
**Figure H8.6.30.3 Queen Street special amenity yard**







**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.

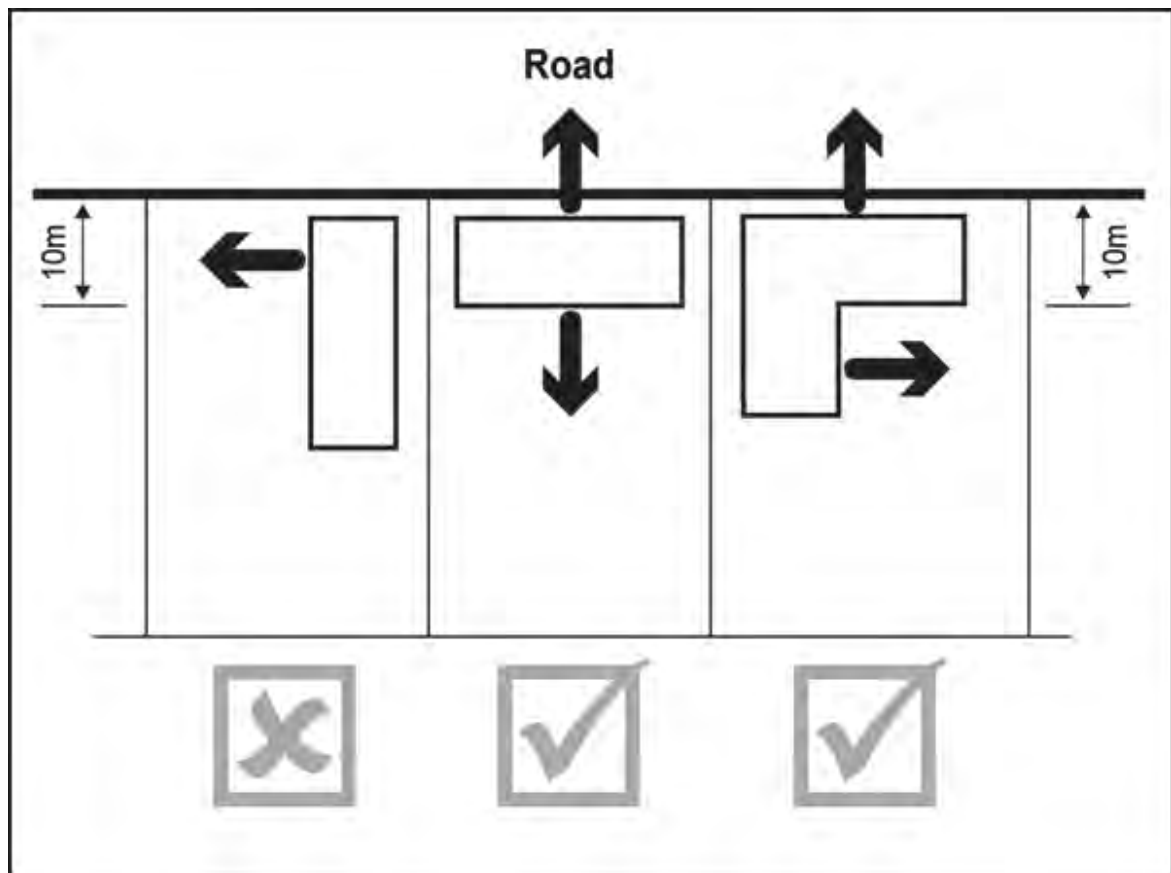
### H8.6.32. Outlook space

Purpose:

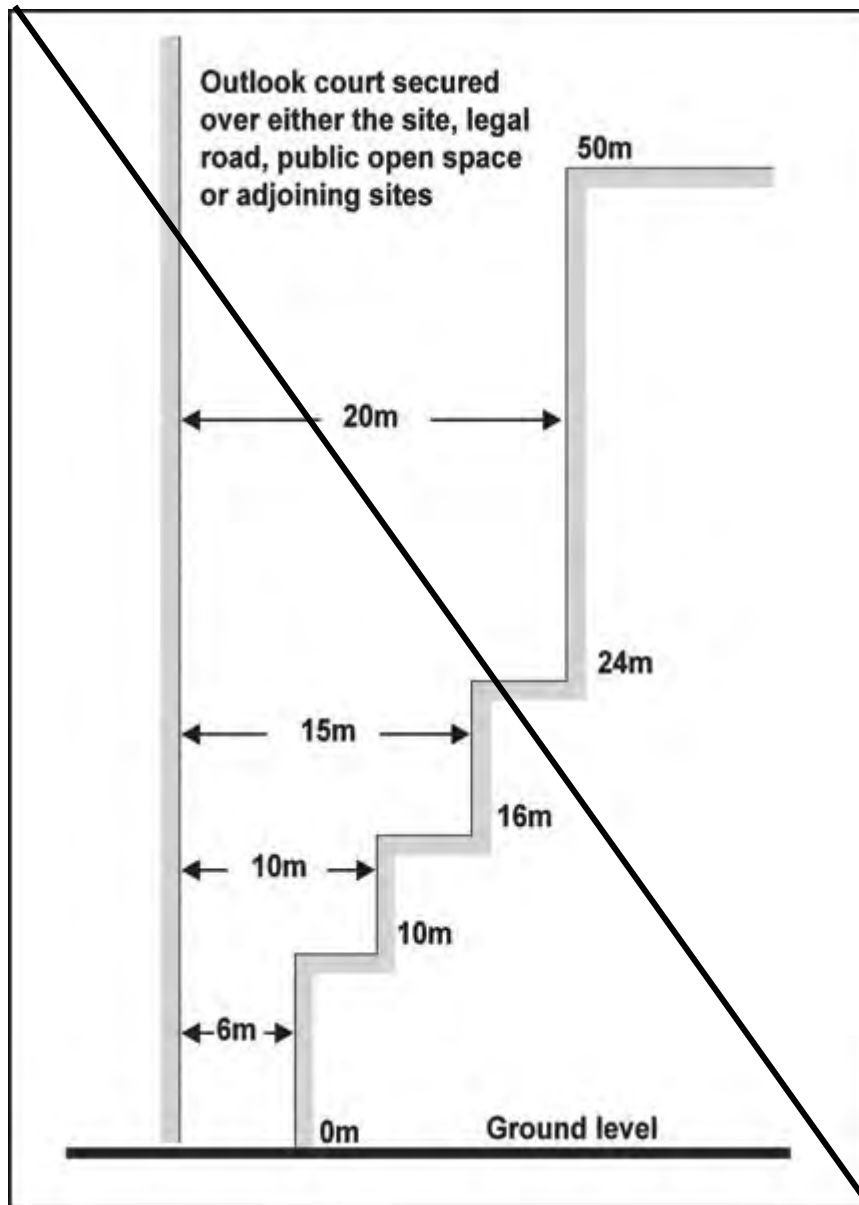
- ensure a reasonable standard of visual and acoustic privacy between different dwellings, including their outdoor living space, on the same or adjacent sites; and
  - encourage the placement of habitable room windows to the site frontage or to the rear of the site in preference to side boundaries, to 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:

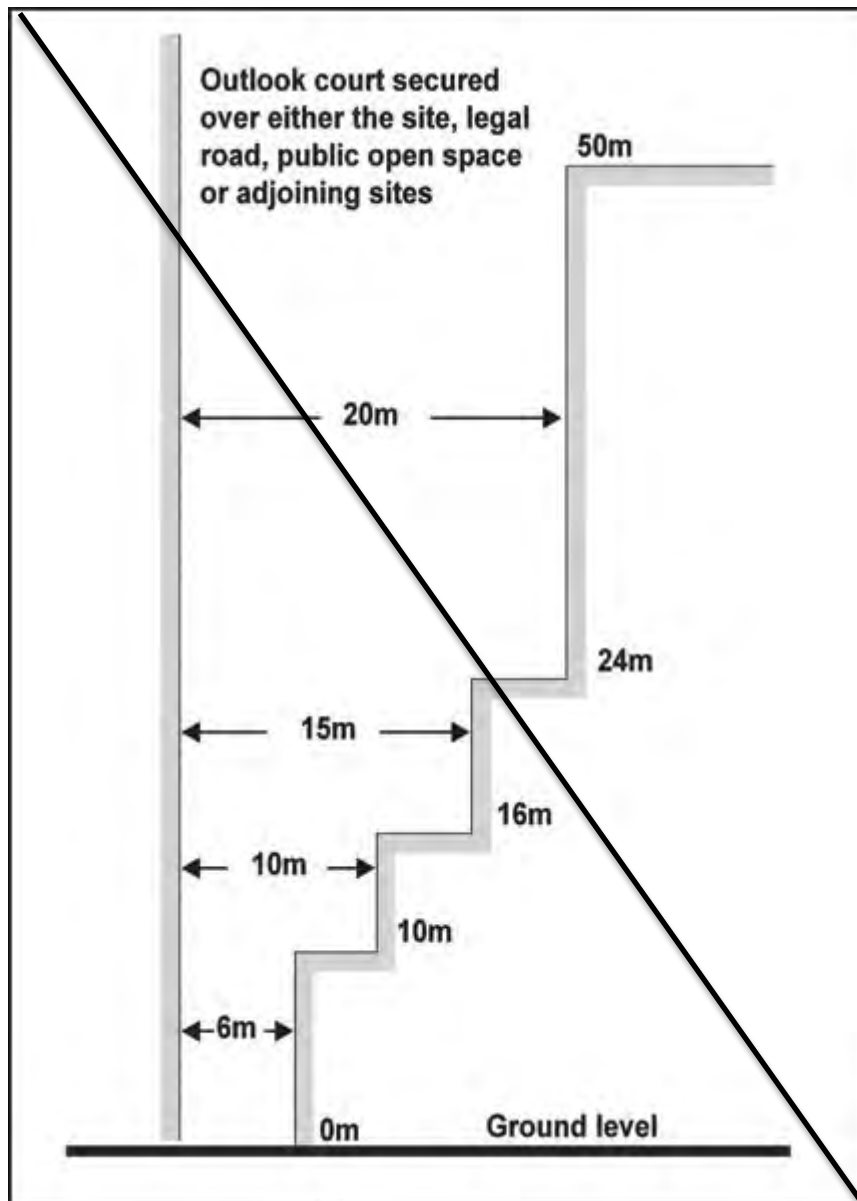
- (i) is for the exclusive use of the dwelling occupants;
- (ii) has a minimum depth of 1.2m for studios;
- (iii) has a minimum depth of 1.8m for one or more bedroom dwellings; and
- (iv) balconies and ground floor terraces shall be directly accessible from the principal living room space.

**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 arials 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 5000m<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**

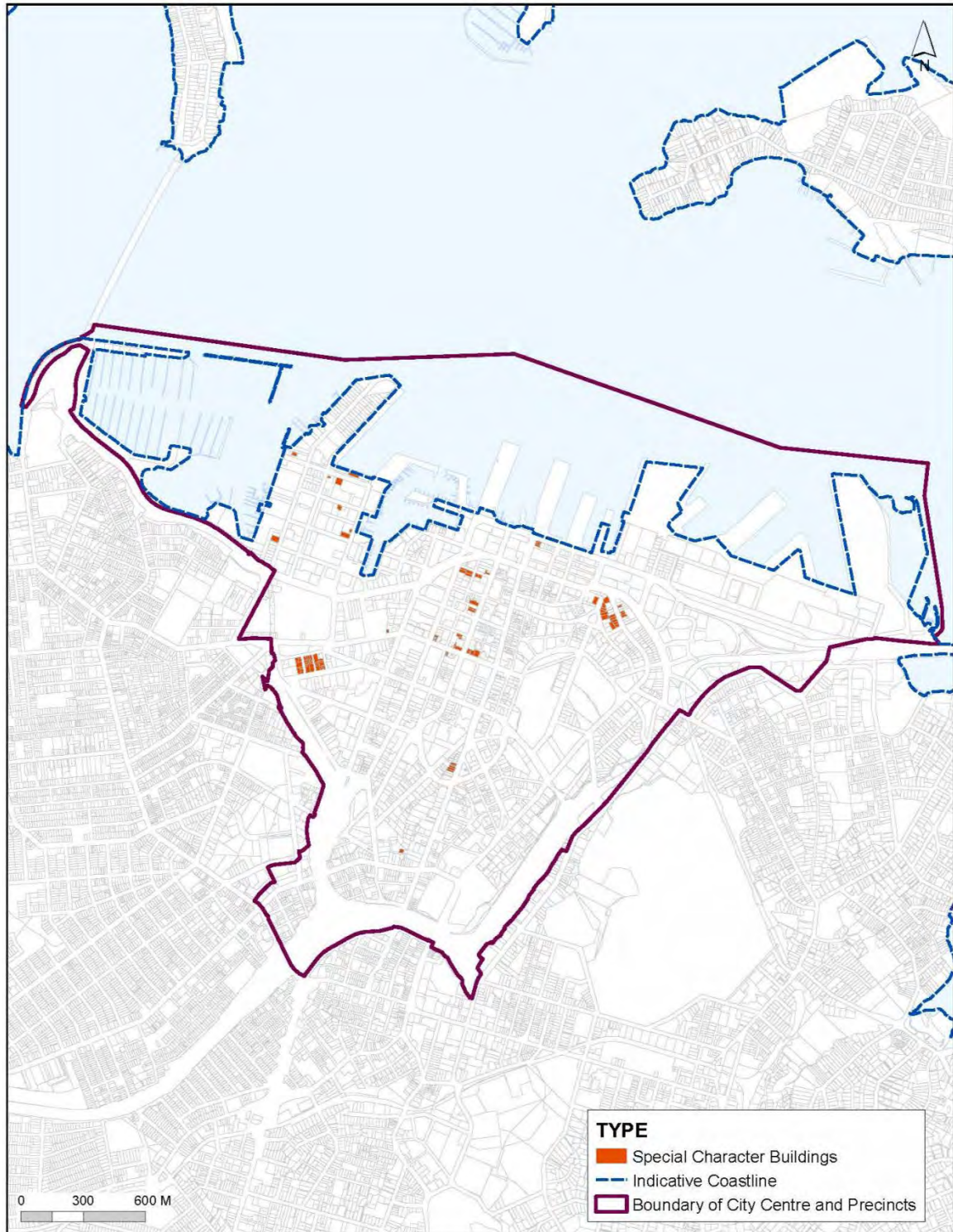
(1) For scheduled historic heritage buildings, the applicant must prepare a conservation plan (or update an existing conservation plan where one already exists) and demonstrate that a programme of works will be undertaken including a maintenance plan to guide ongoing regular maintenance and cleaning.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

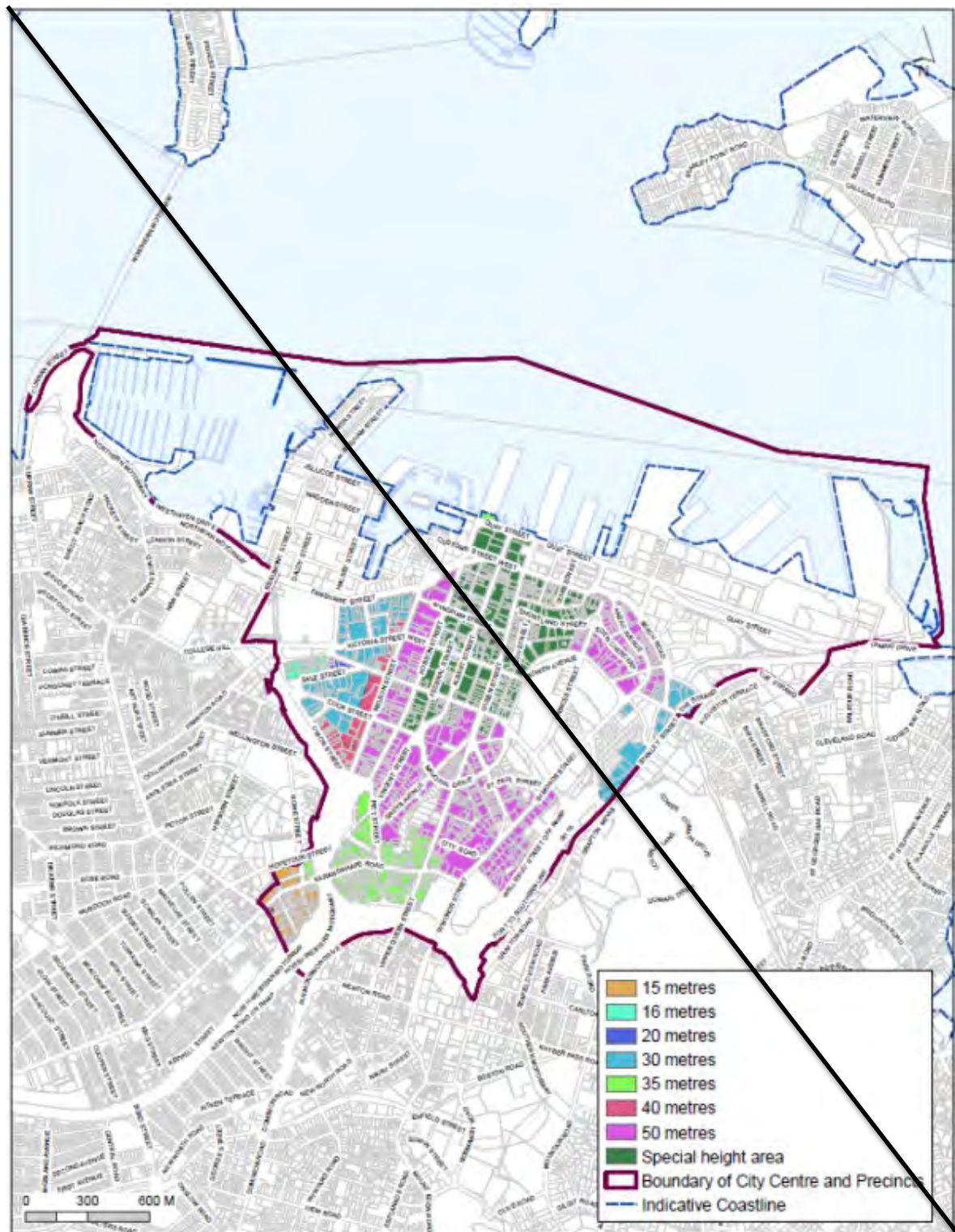




**Map H8.11.2 Core retail areas**



Map H8.11.3 General height controls





This map illustrates the City of Christchurch, highlighting the Special Height Area and various height zones. The Special Height Area is shown in dark green, while other height zones are indicated by different colors: 16 metres (light green), 20 metres (medium green), 30 metres (light blue), 35 metres (yellow-green), and 72.5 metres (yellow). The map also shows the Indicative Coastline (dashed blue line) and the Boundary of City Centre and Precincts (solid purple line). A legend in the bottom right corner provides the key for these symbols and colors. A scale bar at the bottom left indicates distances up to 1,000 metres, and a north arrow is located in the top left corner.

**Legend:**

- Indicative Coastline
- 16 metres
- 20 metres
- 30 metres
- 35 metres
- 72.5 metres
- Special Height Area
- Boundary of City Centre and Precincts
- Property Parcel

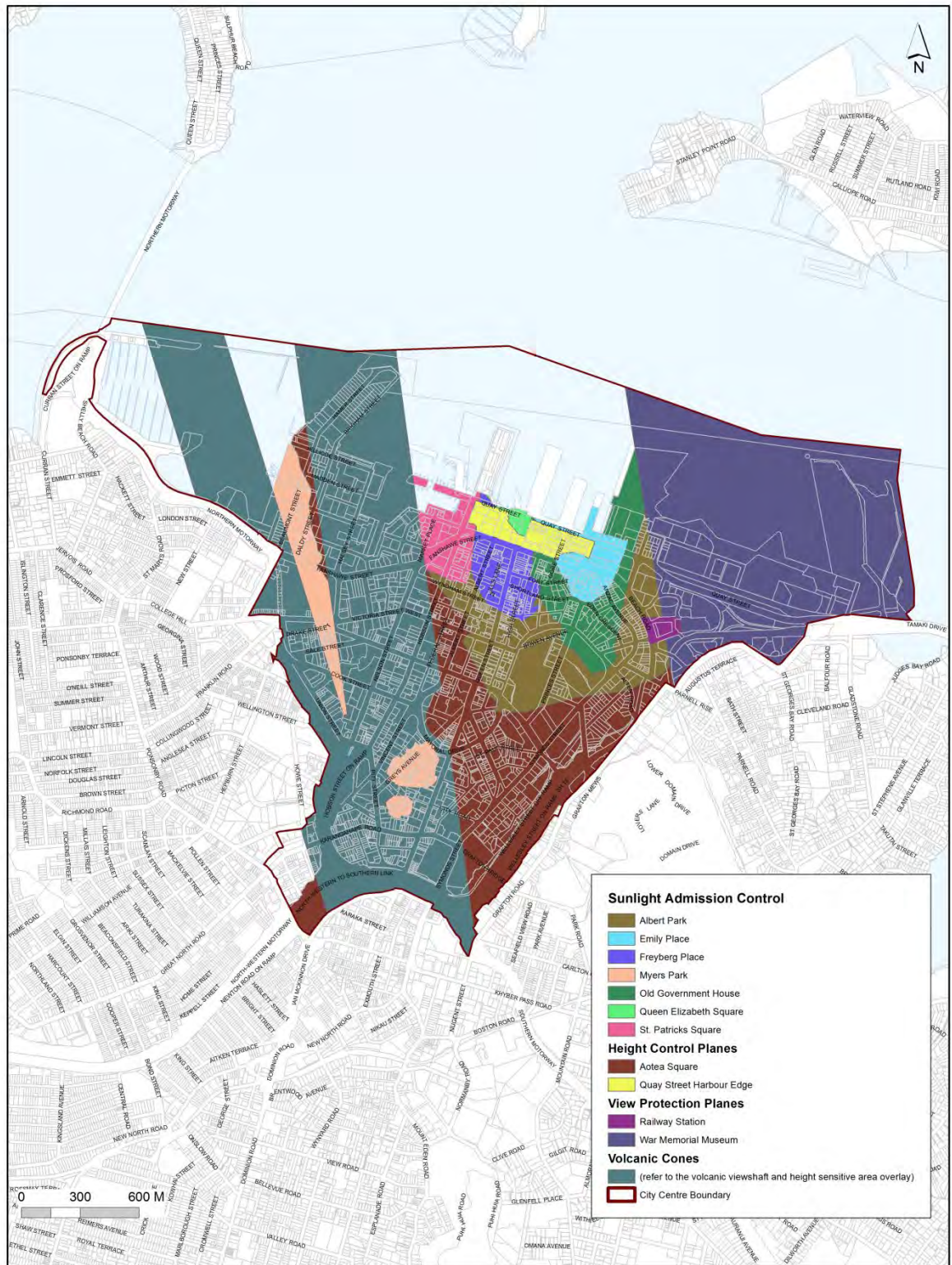
## Plan Change 78 Intensification

**City Centre: Special Height Area Inclusion**

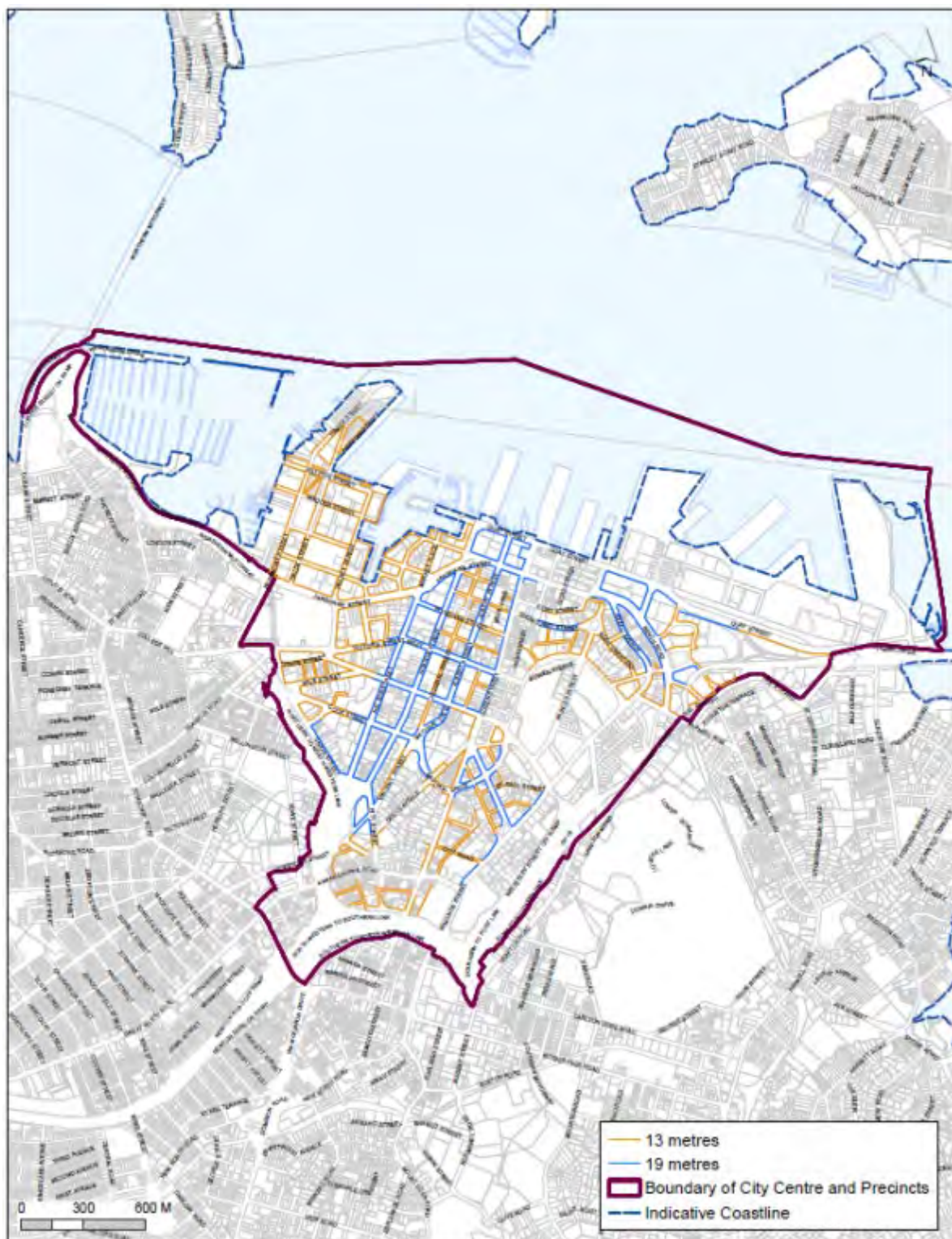




**Map H8.11.4 Special height controls [Advice note not to be included - consequential changes necessary to reflect recommendations for the seven additions to Appendix 11]**

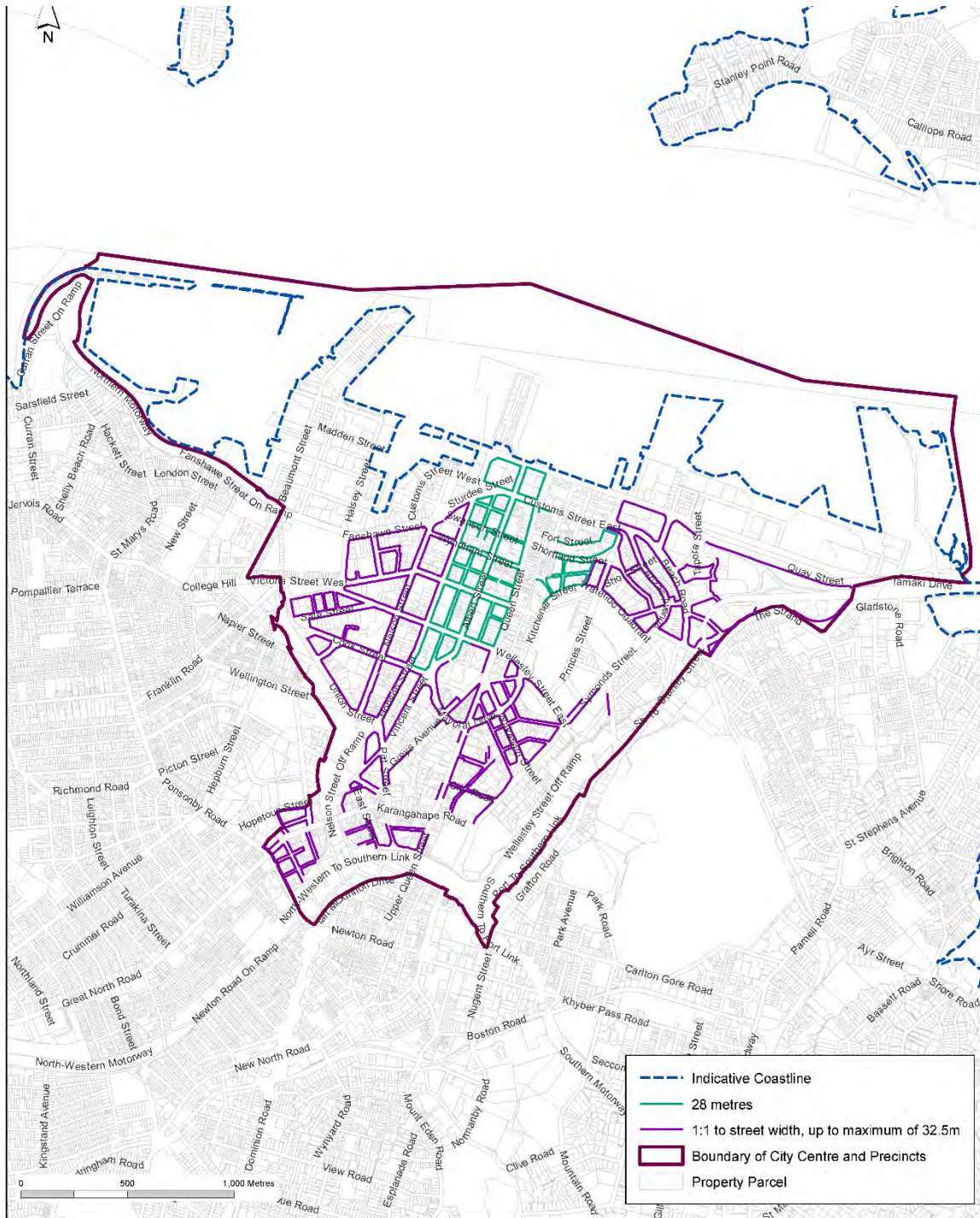


**Map H8.11.5 Minimum frontage height [Advice note not to be included - consequential changes may be necessary to reflect recommendations]**

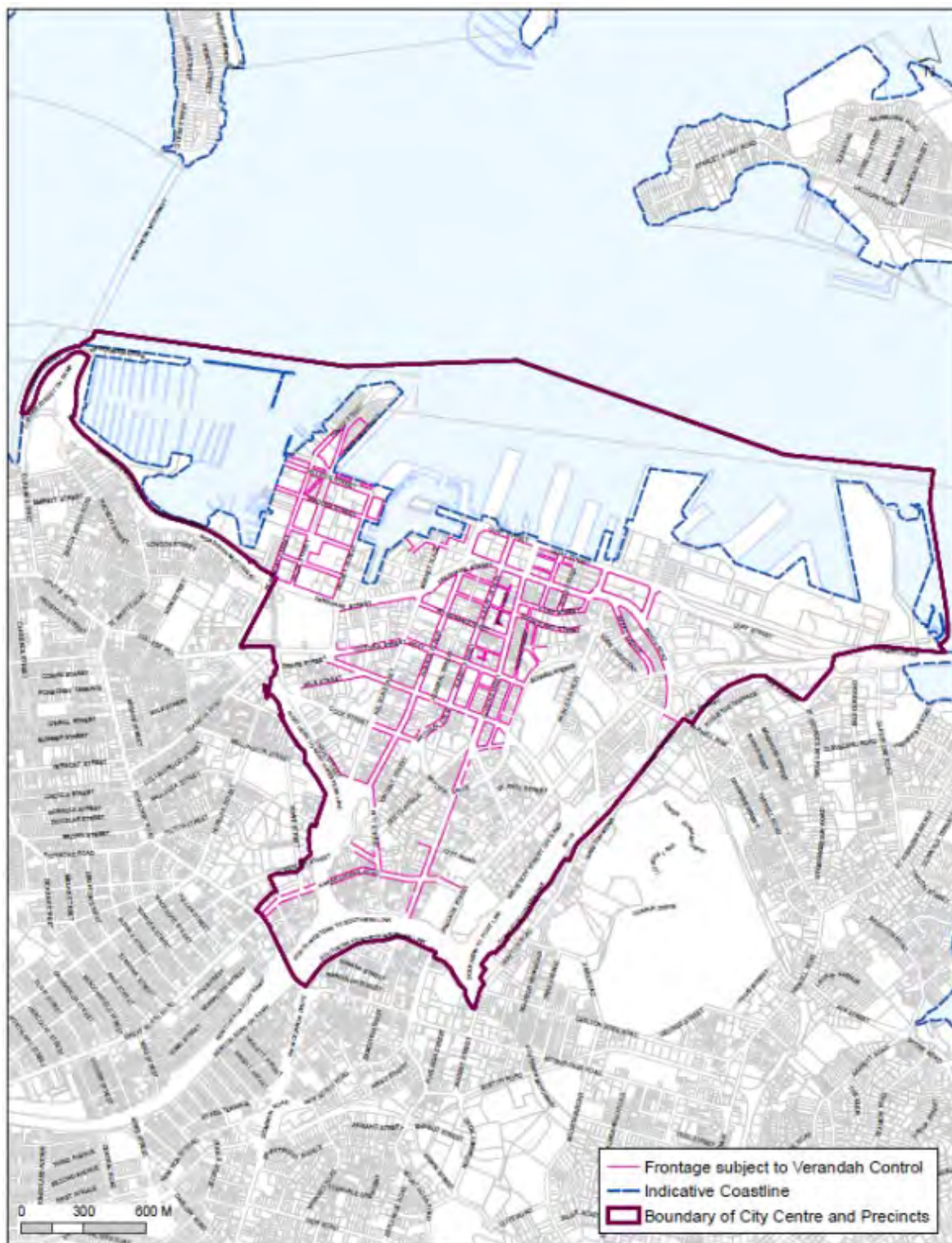




**Map H8.11.5A Maximum frontage height [Advice note not to be included - consequential changes may be necessary to reflect recommendations for the seven additions to Appendix 11]**

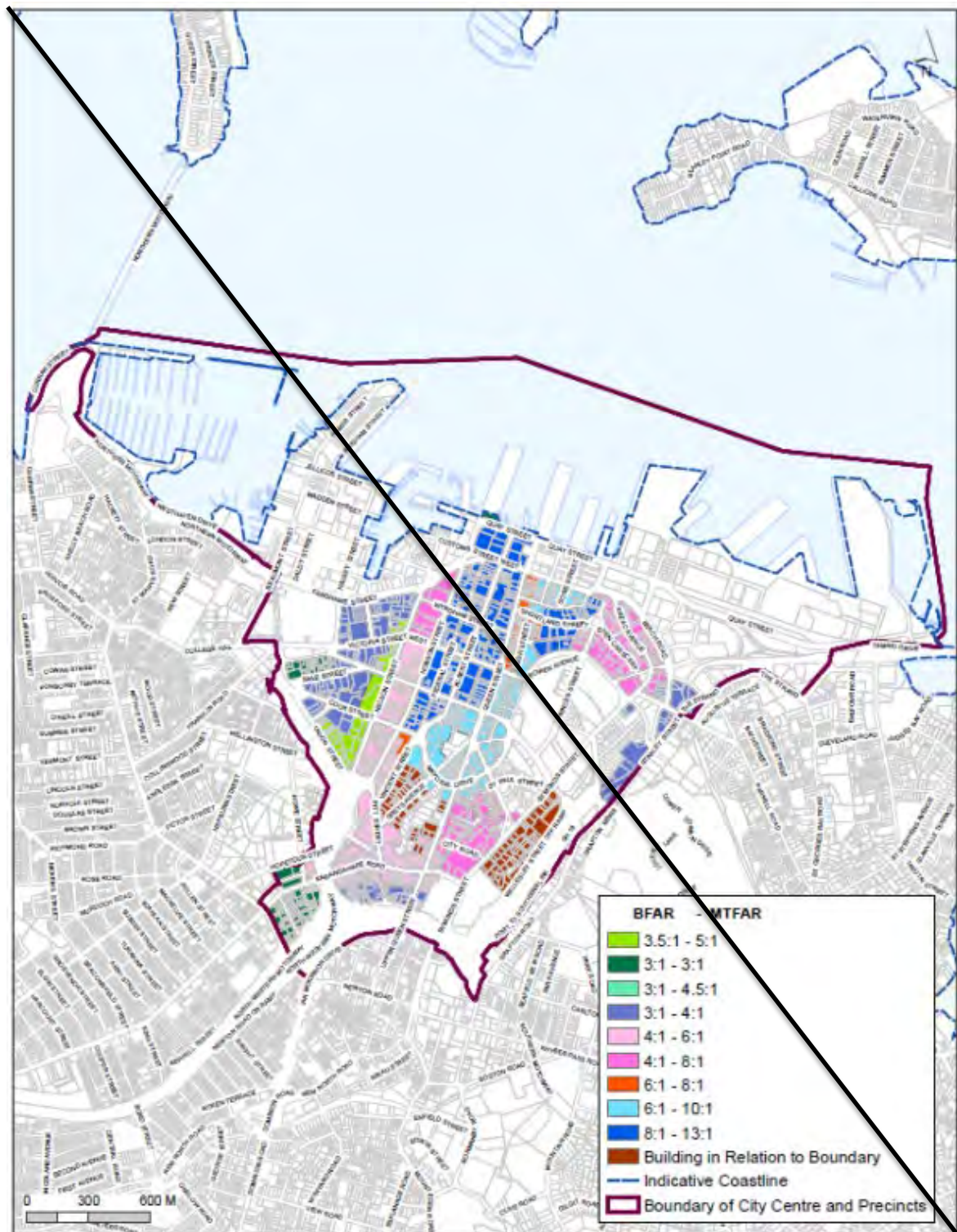


Map H8.11.6 Verandahs

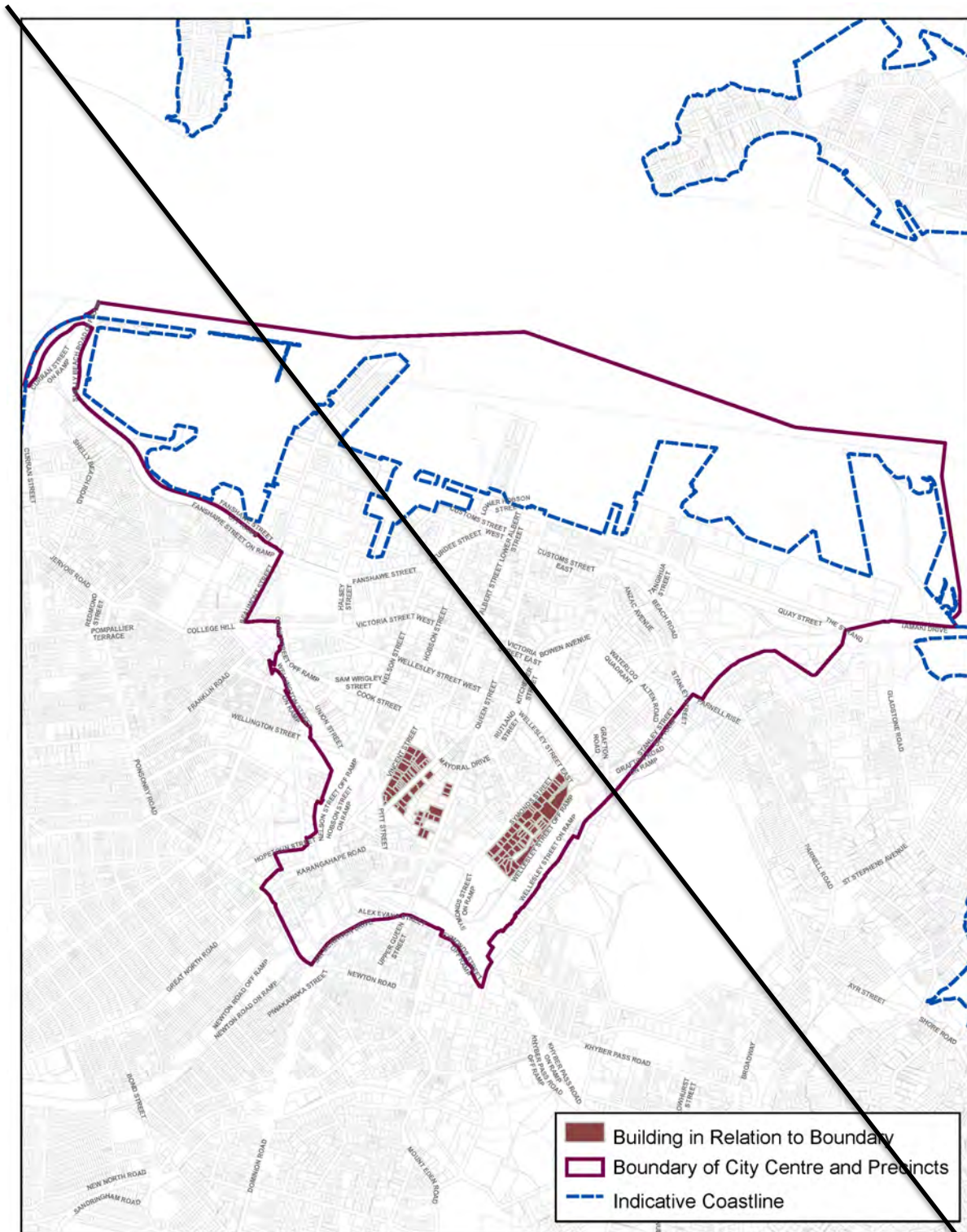




Map H8.11.7 [Deleted] Site intensity

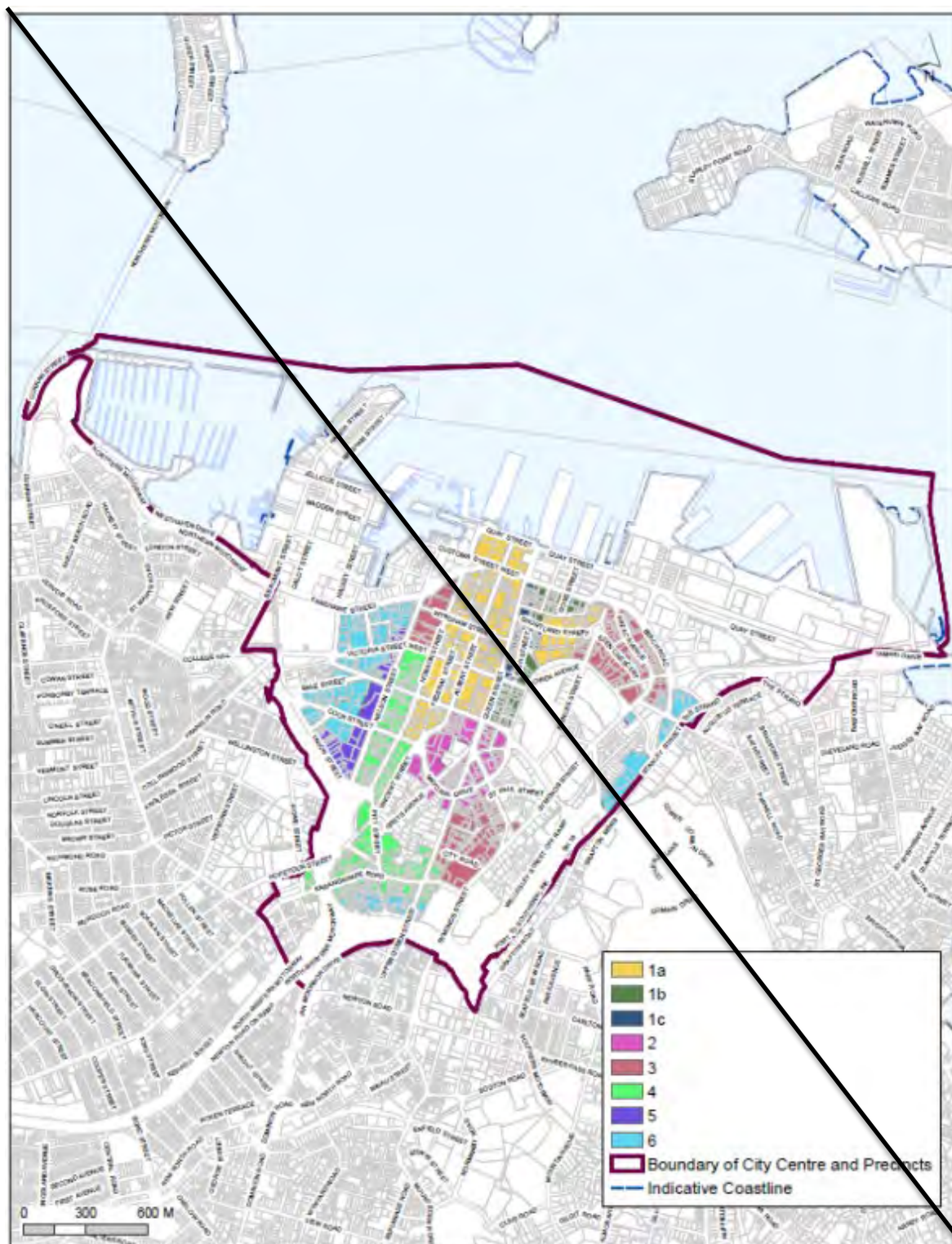


**Map H8.11.7A Building in relation to boundary [Advice note not to be included – deletion subject to further analysis as per recommendations]**

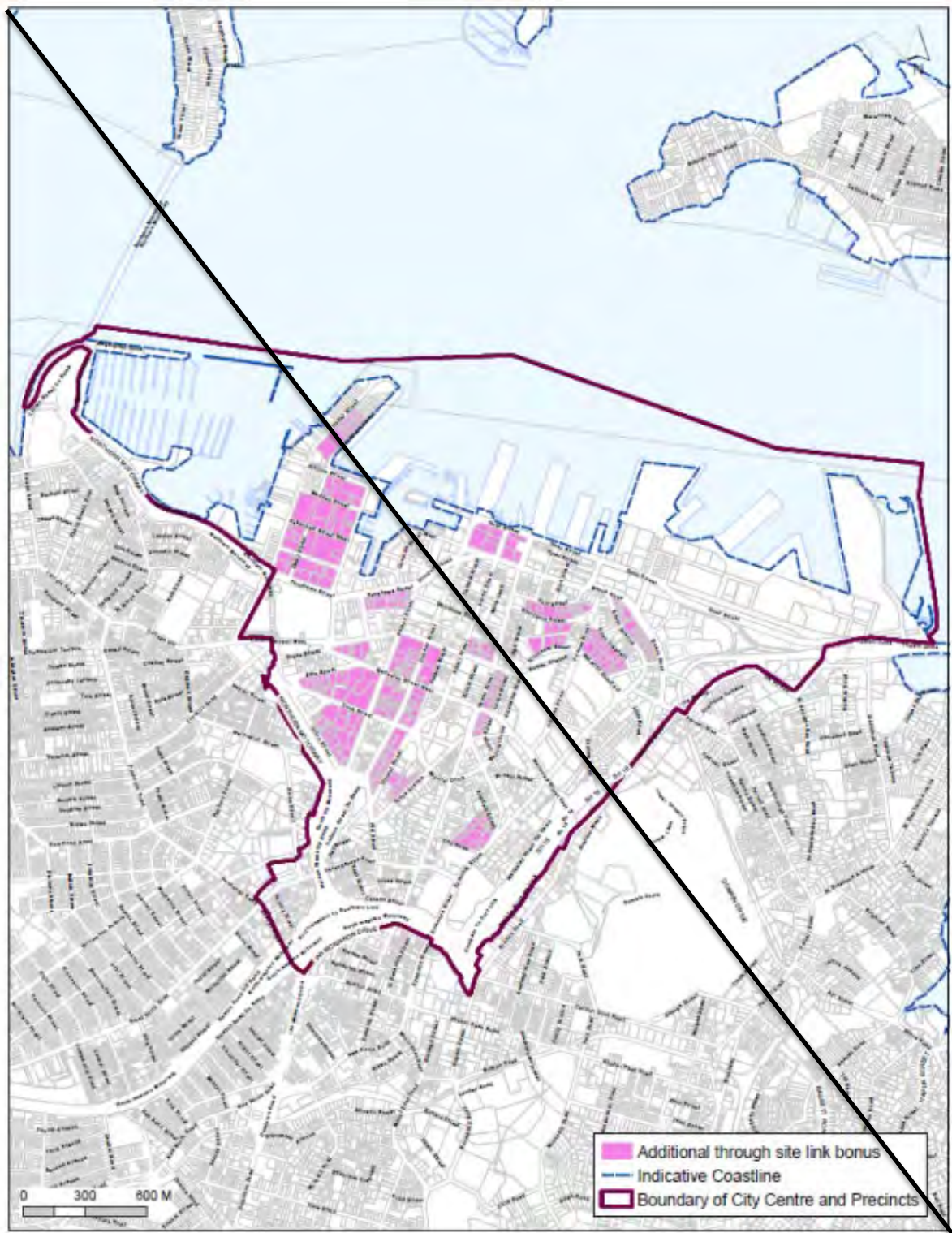




Map H8.11.8 ~~[Deleted]~~ Bonus areas

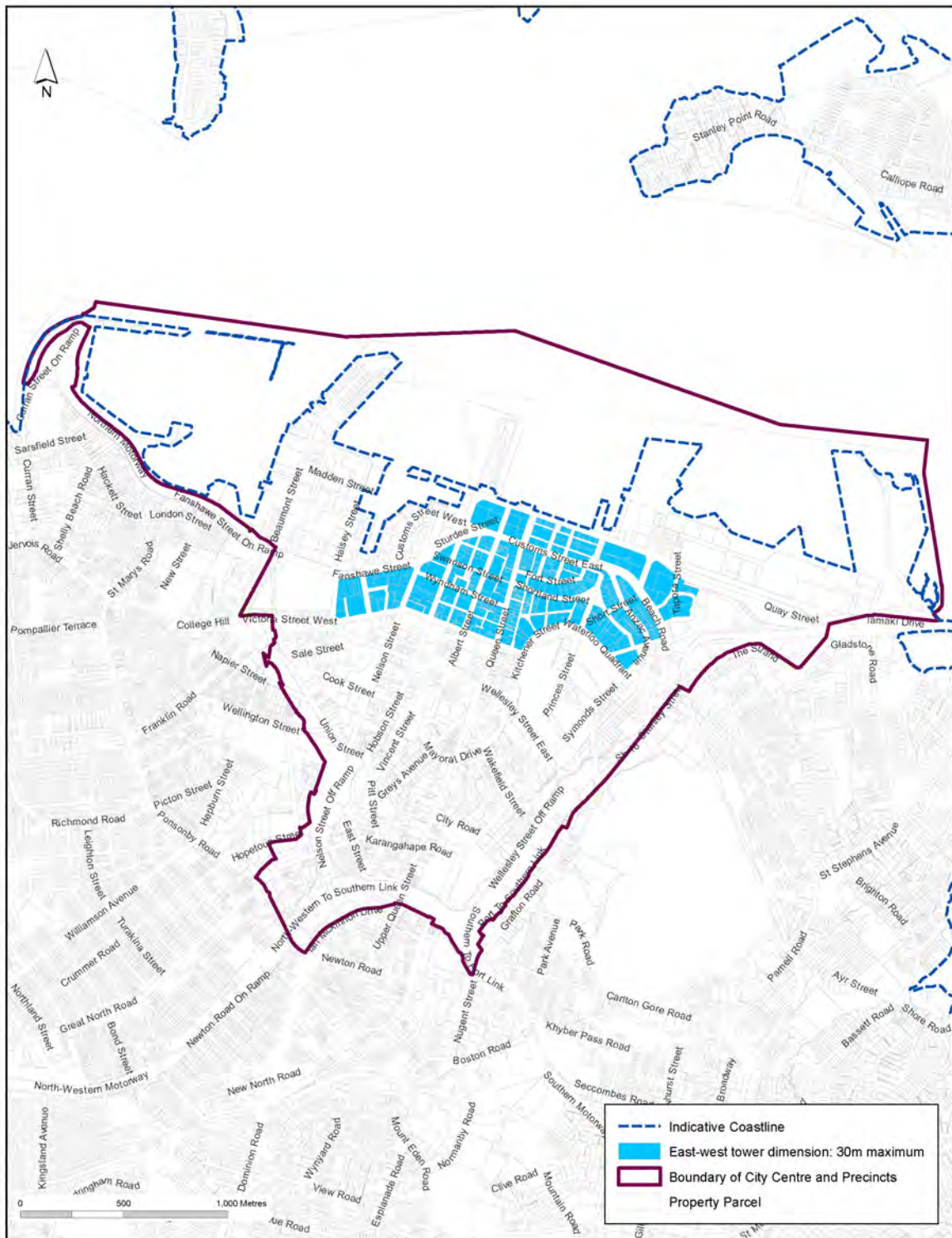


**Map H8.11.9 ~~[Deleted]~~ Additional through-site link bonus**



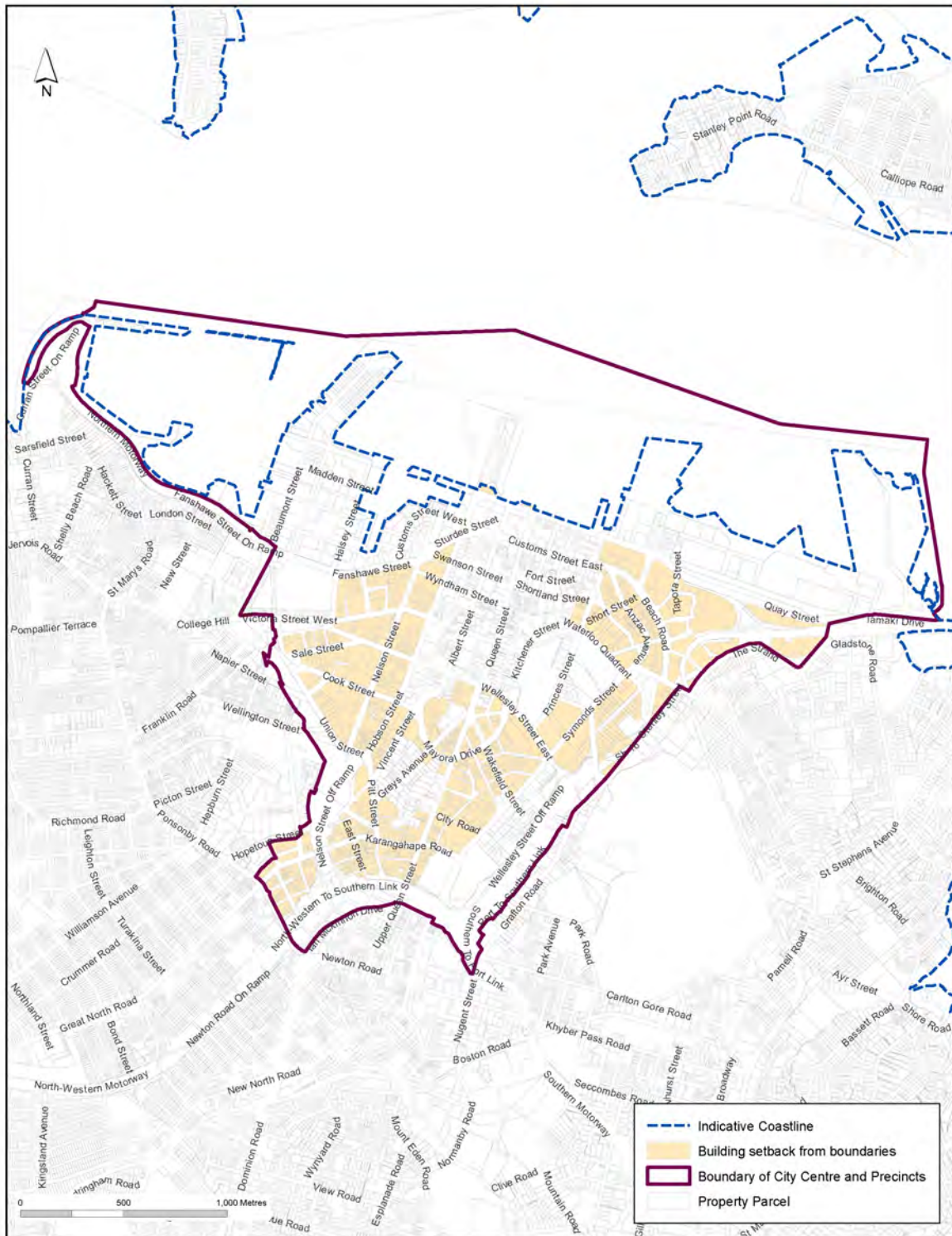


**Map H8.11.10 East-west tower dimension**



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

**Map H8.11.11 Building setback from boundaries [Advice note not to be included - consequential changes as a result of recommendations]**



## **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 Tahuu ("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:

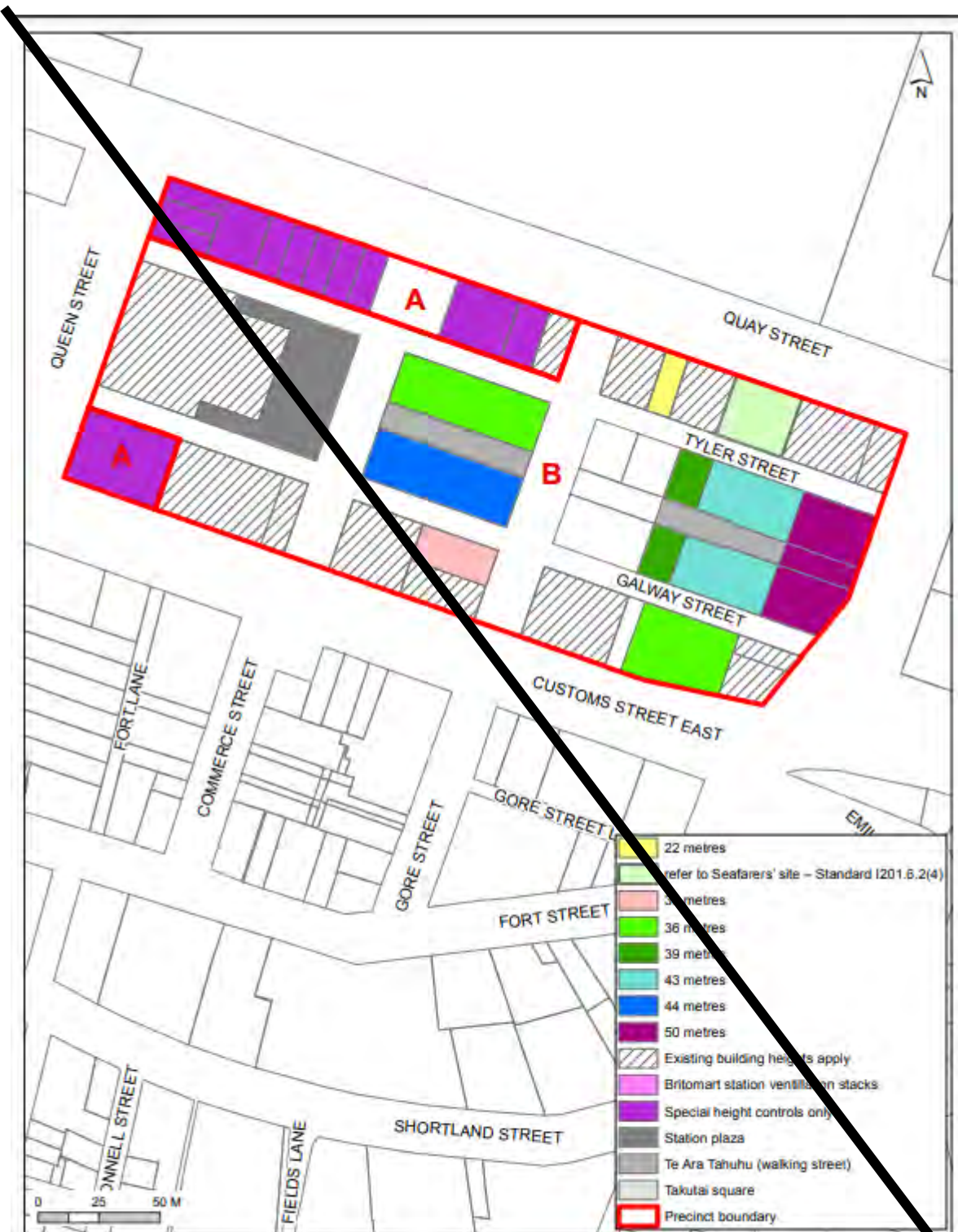
(a) whether public open space is maintained and is functional.

**I201.9. Special information requirements**

There are no special information requirements in this precinct.

**I201.10. Precinct plans**

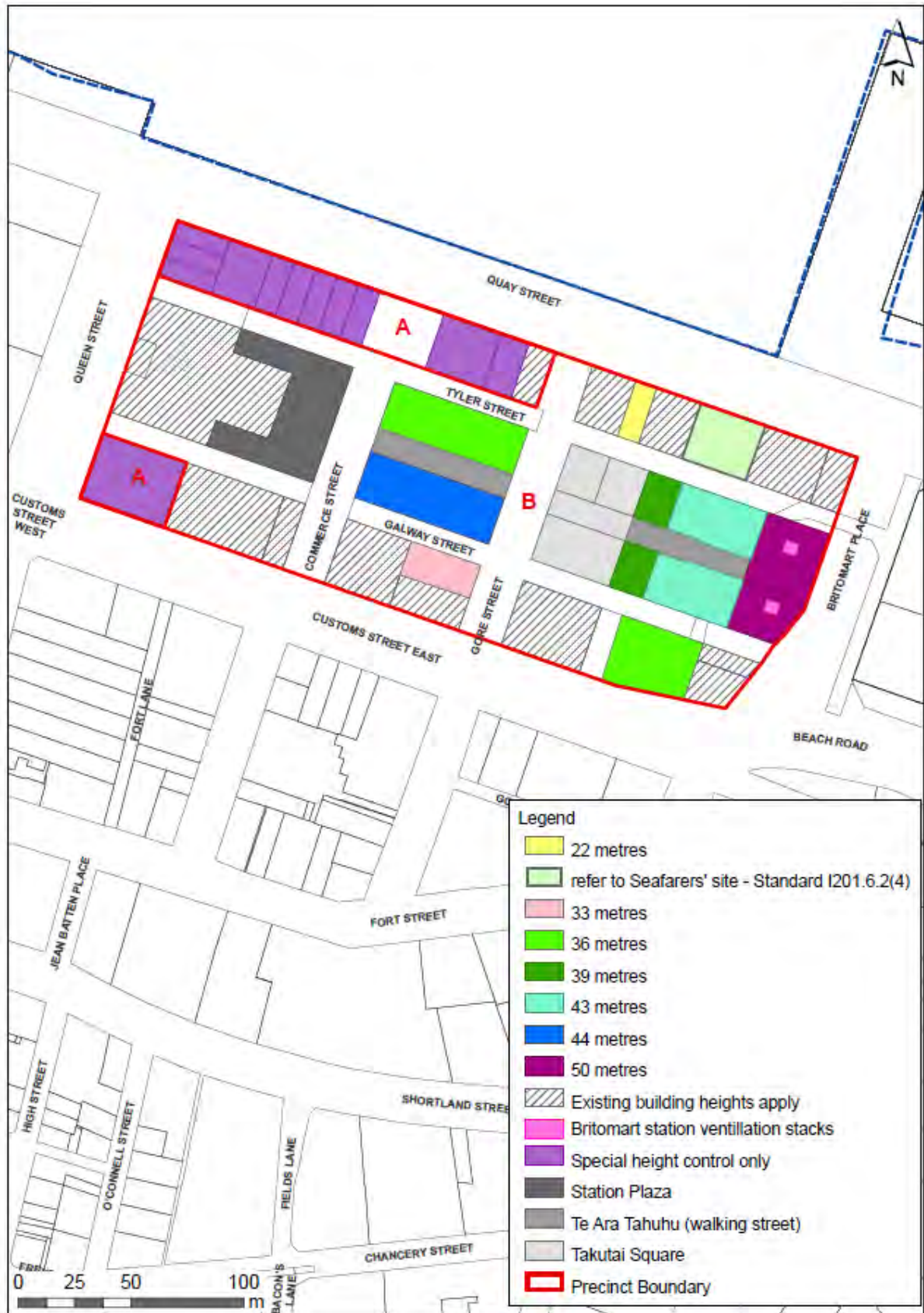
**I201.10.1 Britomart Precinct: Precinct plan 1 - Building height**



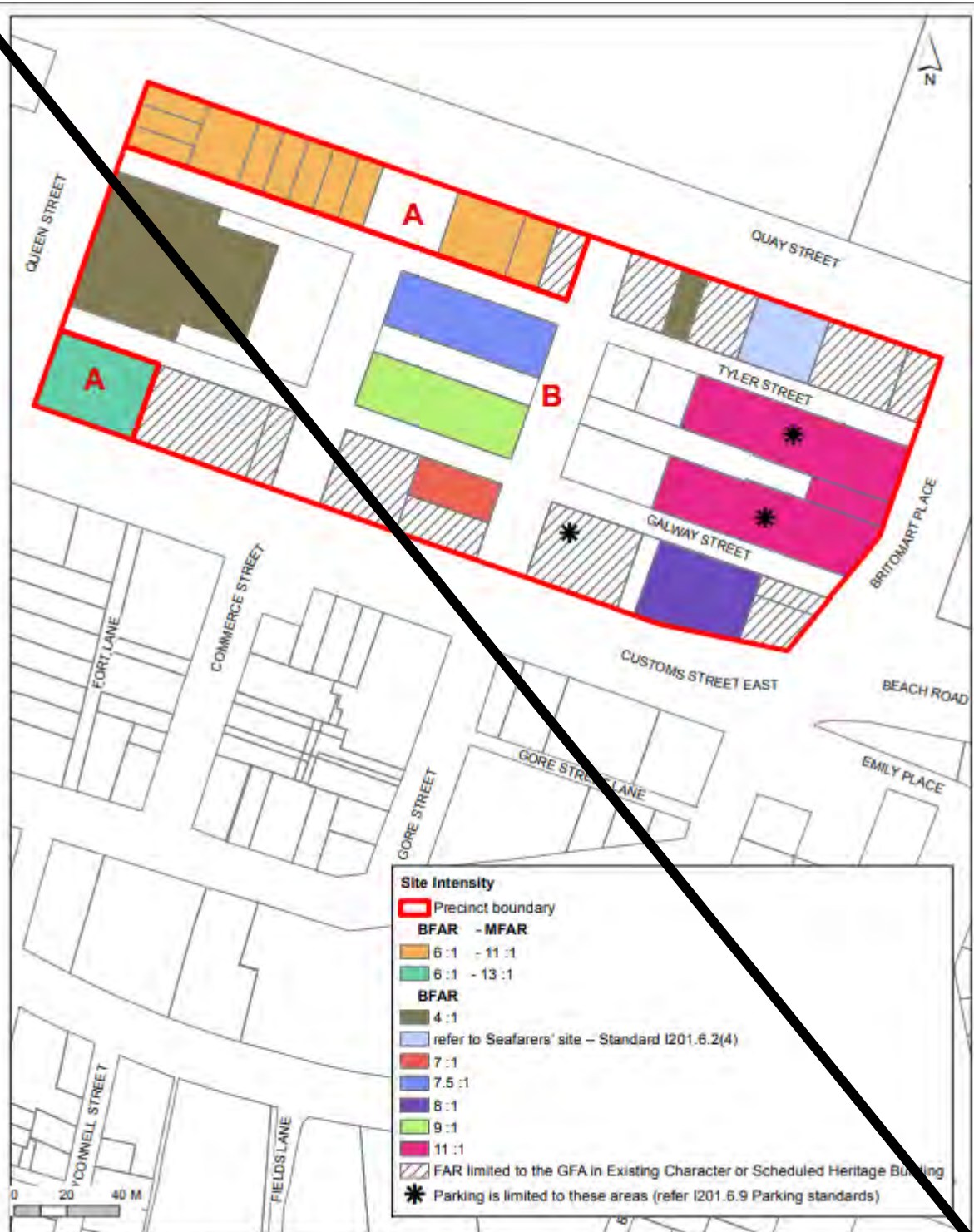
**Britomart: Precinct plan 1 - Building height controls**







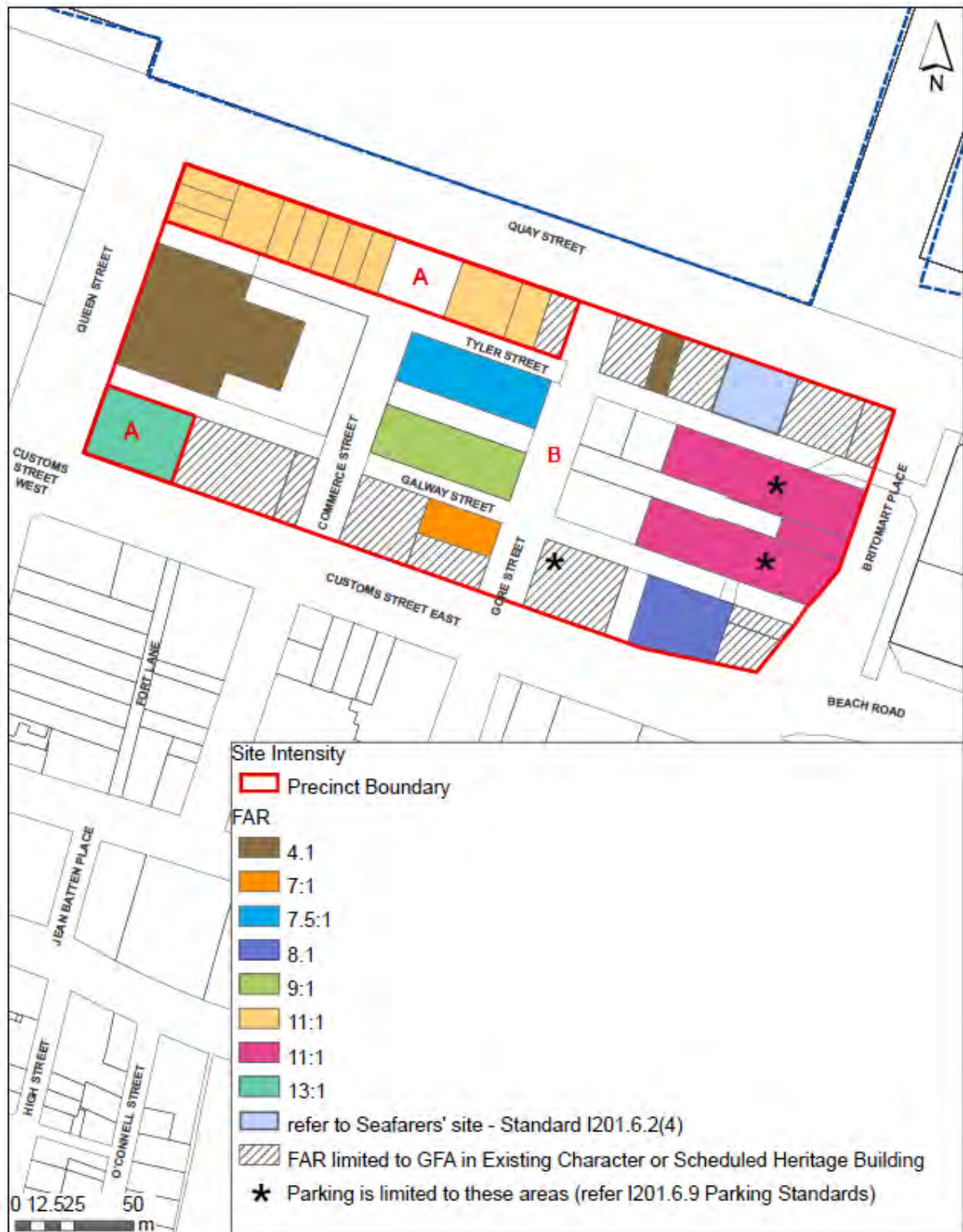
**I201.10.2 Britomart Precinct: Precinct plan 2 - Site intensity**



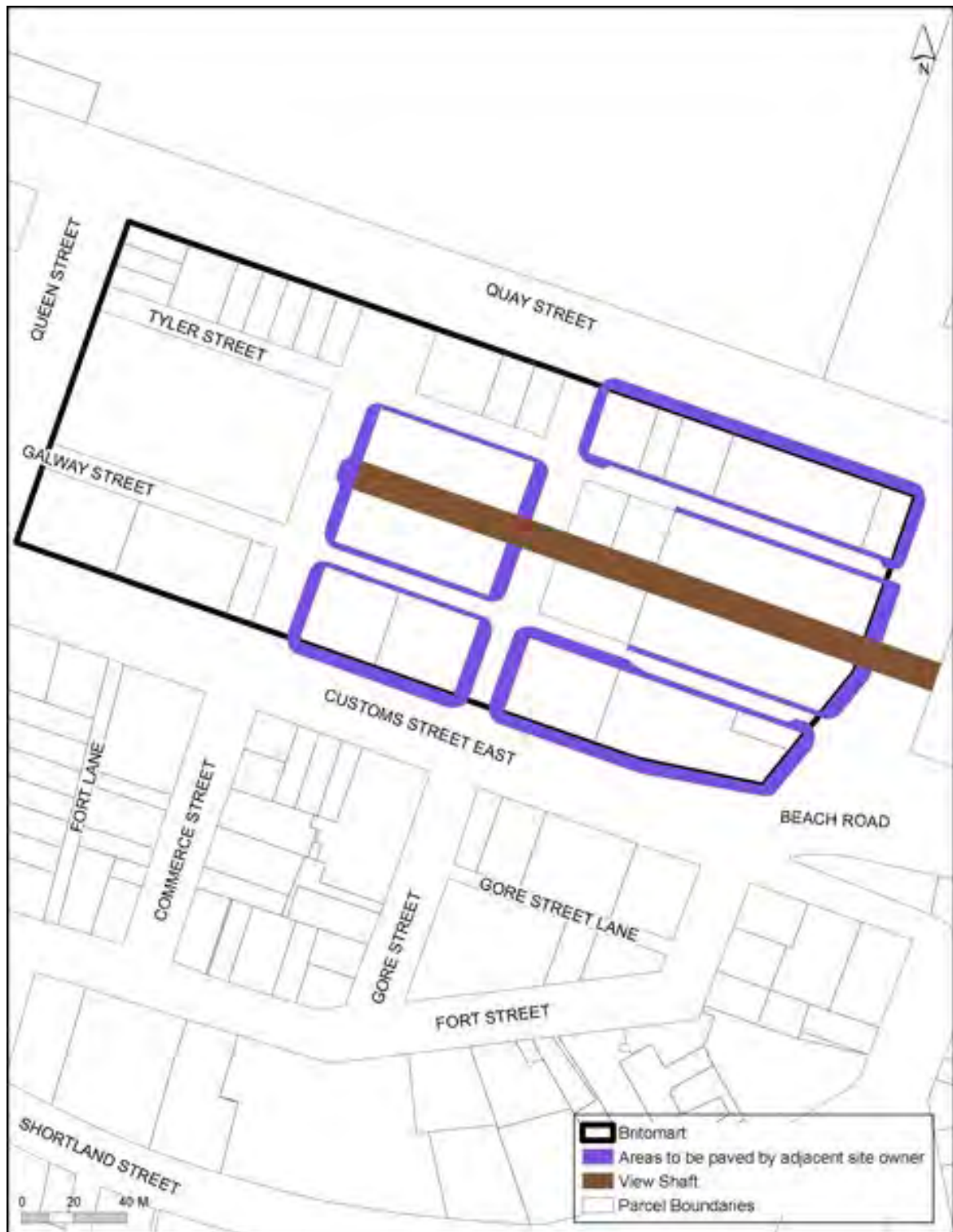
**Britomart : Precinct plan 2 - Site intensity controls**







**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>			

(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**

<b>Activity</b>	<b>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</b>
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**

<b>Time</b>	<b>Noise level</b>
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;

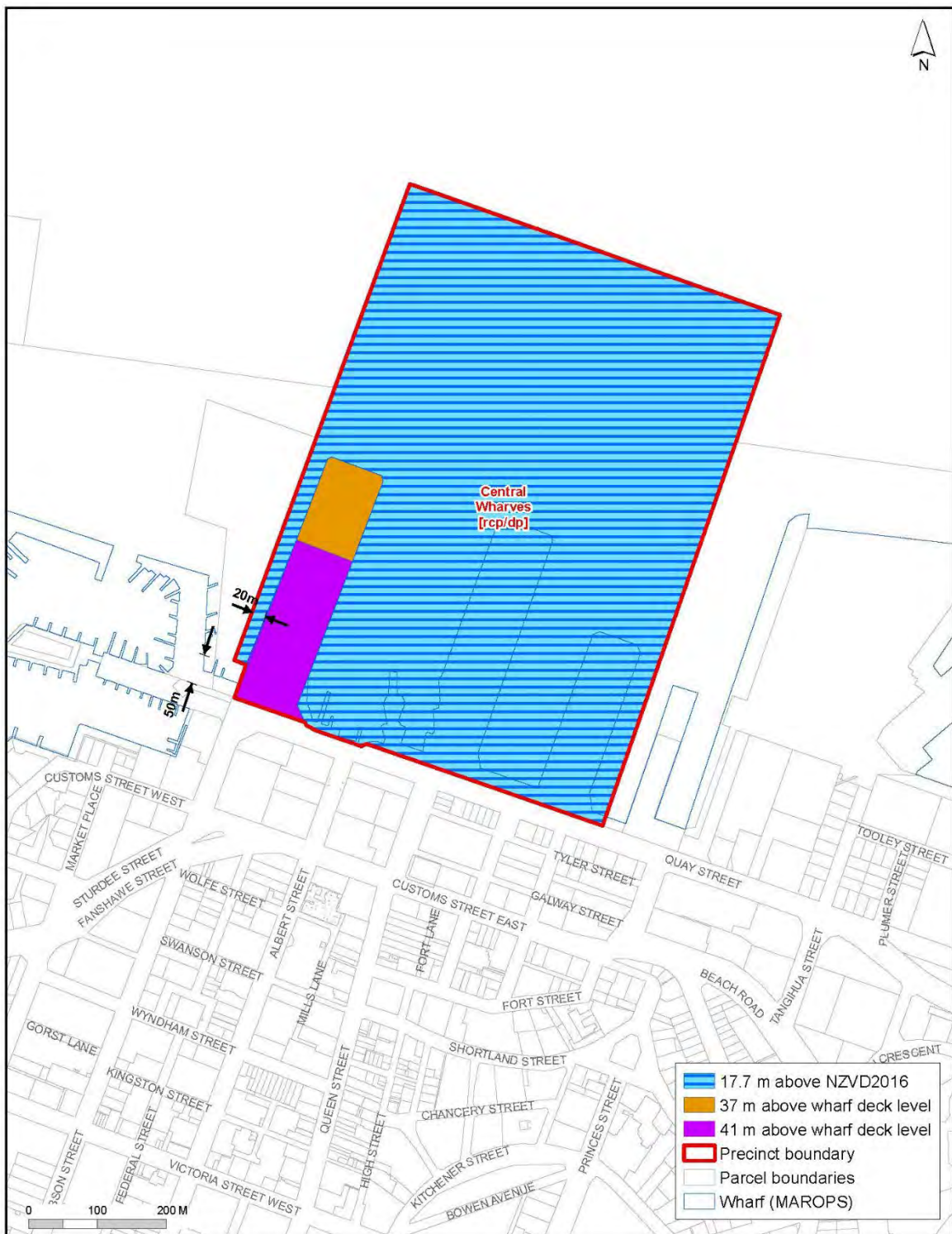
(b) the operational requirements of the Port of Auckland.

#### **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**



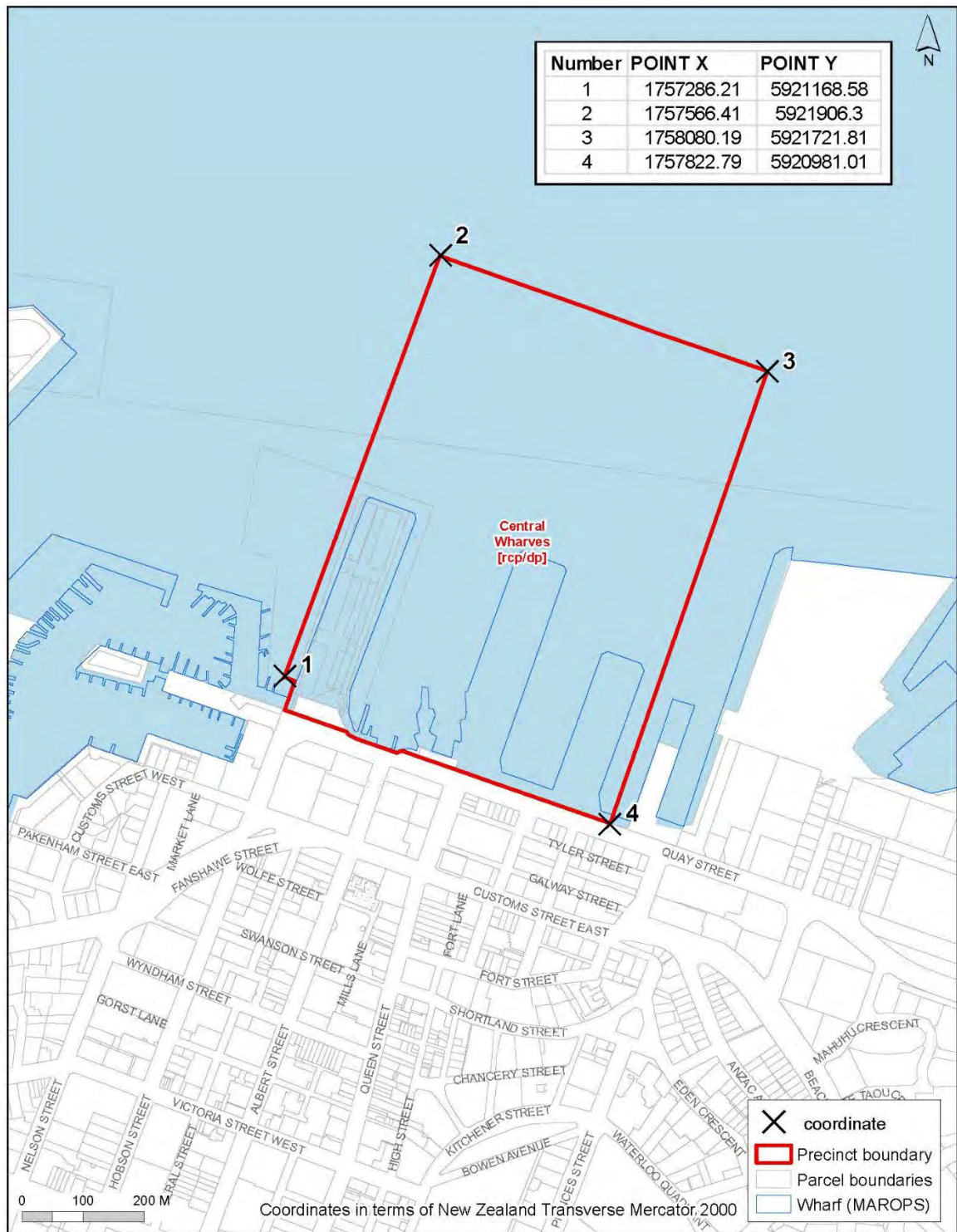


I202.10.2 Central Wharves: Precinct plan 2 - Viewshafts





**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**

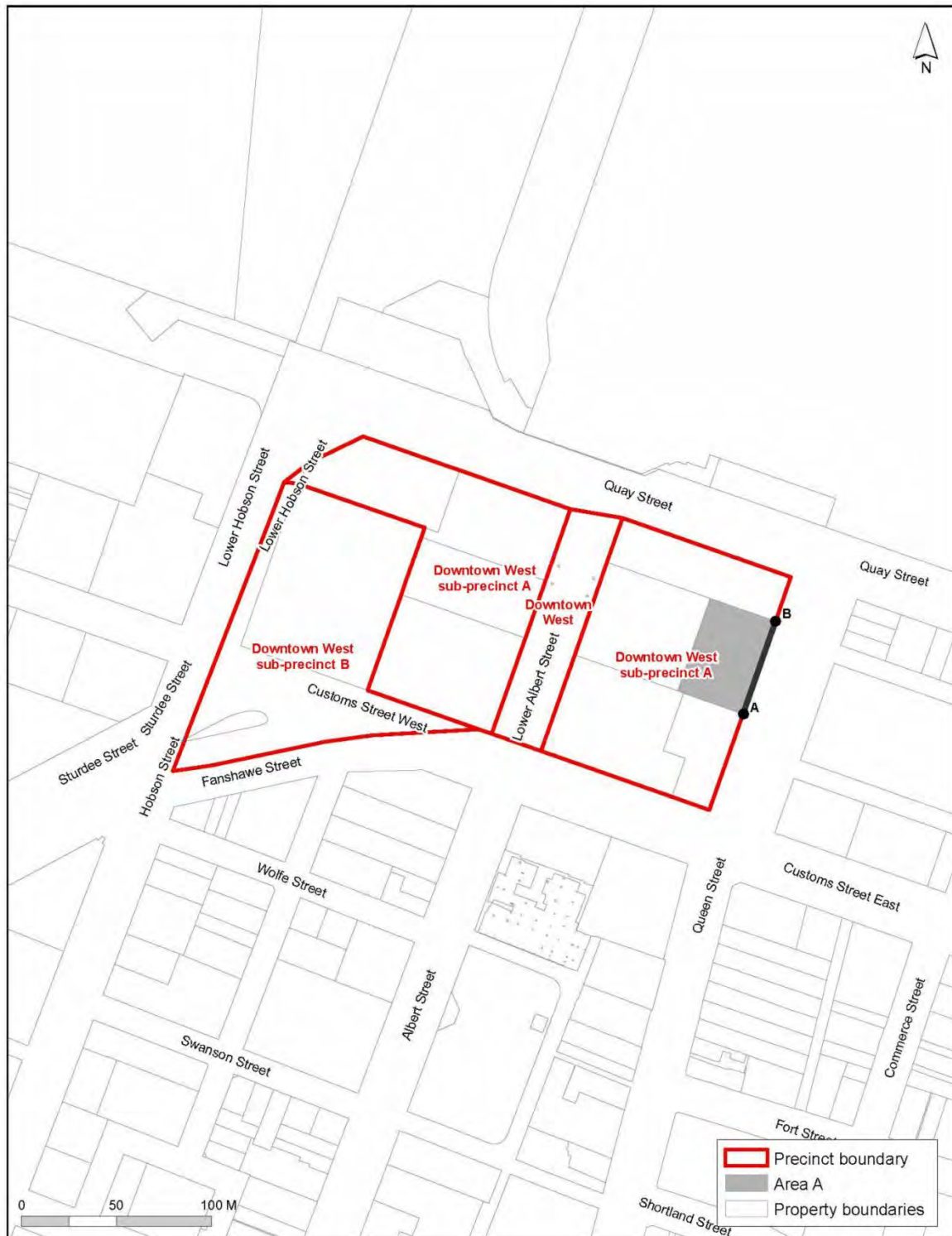
There are no special information requirements in this precinct.

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





**I205.10.1 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**

<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)	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.

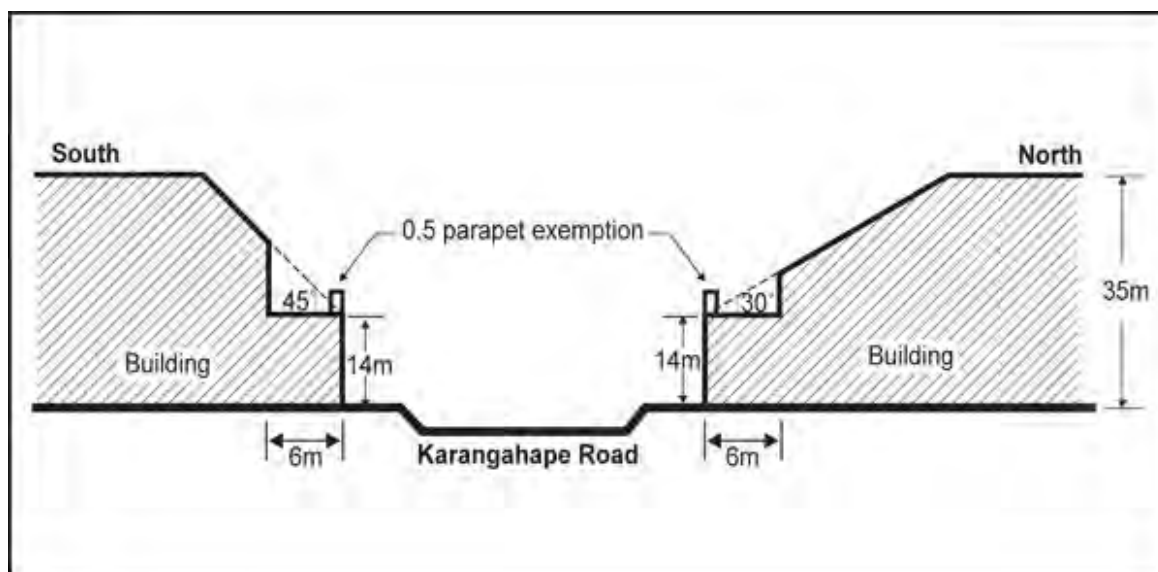
All permitted and restricted discretionary activities listed in Table I206.4.1 Activity table must comply with the following standards.

### **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.

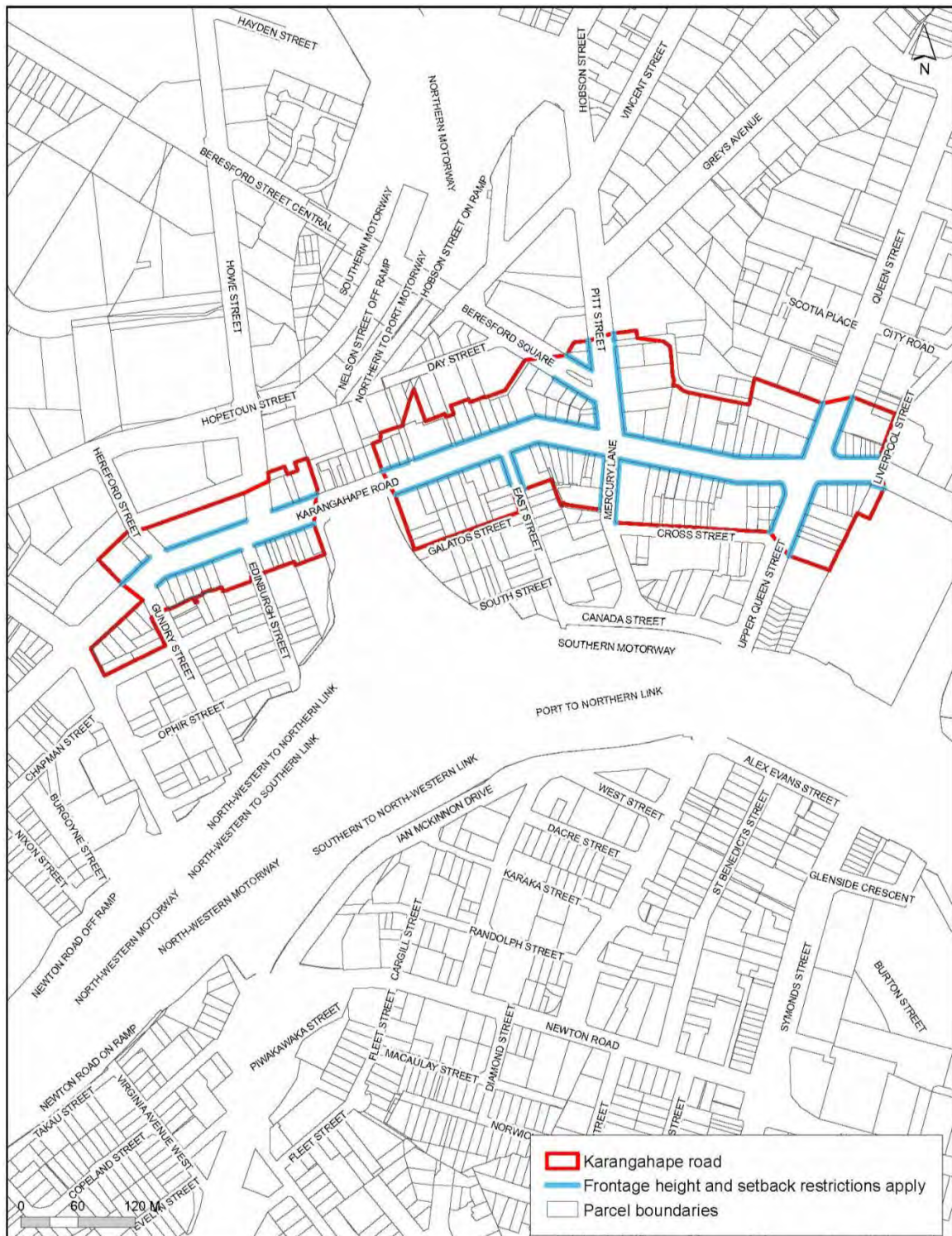
#### **I206.9. Special information requirements**

There are no special information requirements in this precinct.

#### **I206.10. Precinct plans**



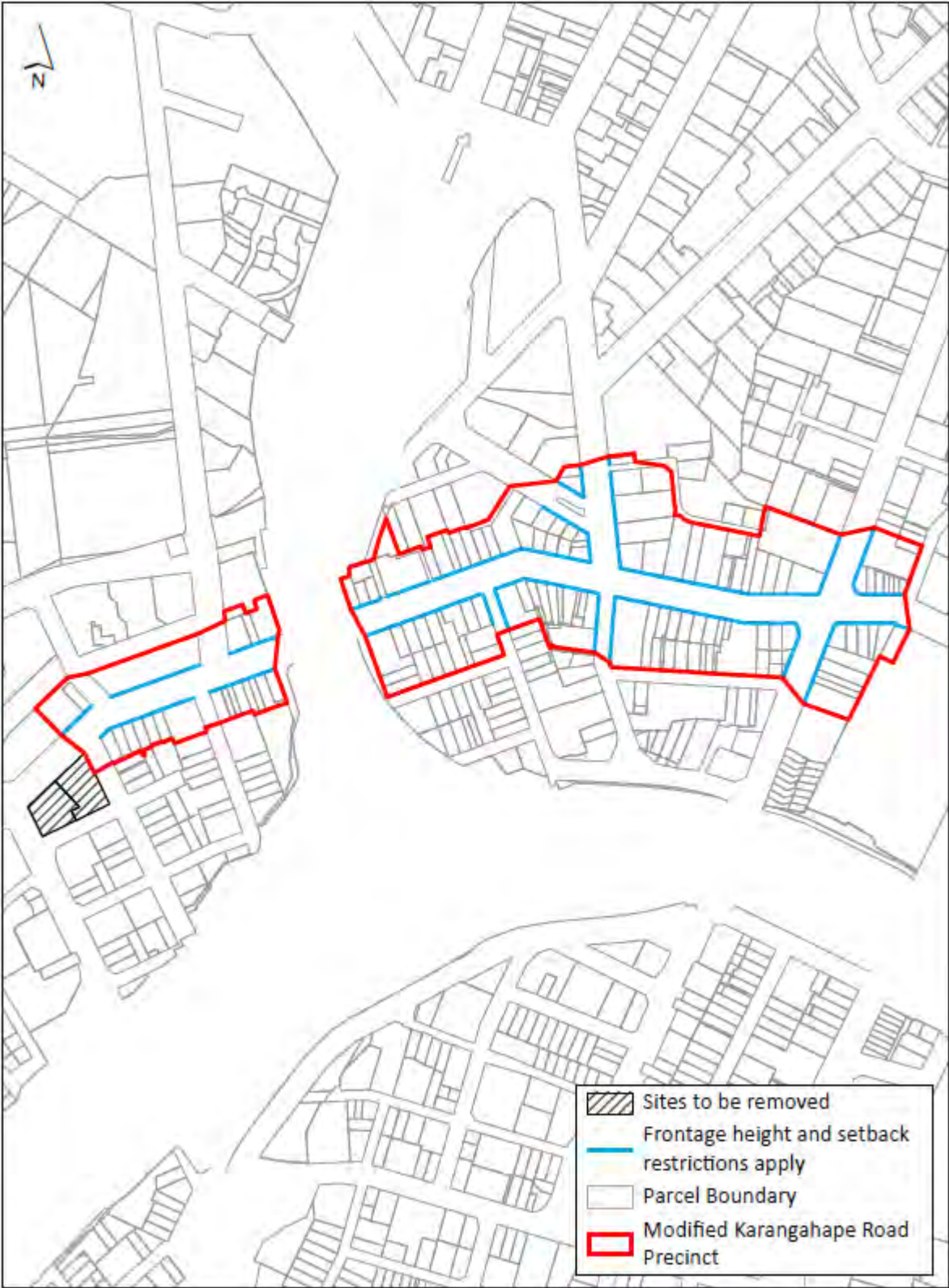
**I206.10.1 Karangahape Road: Precinct plan 1 - Frontage height and setback**



**[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**

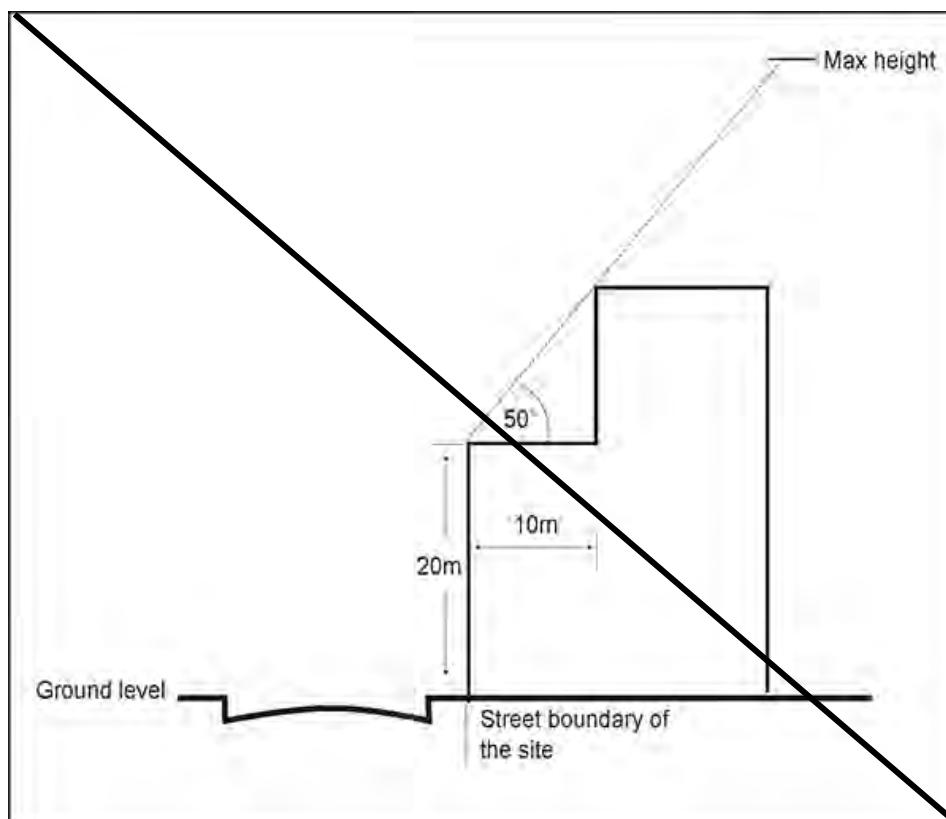
Purpose: manage the scale of development to maintain and enhance pedestrian amenity, and to avoid buildings dominating public open space.

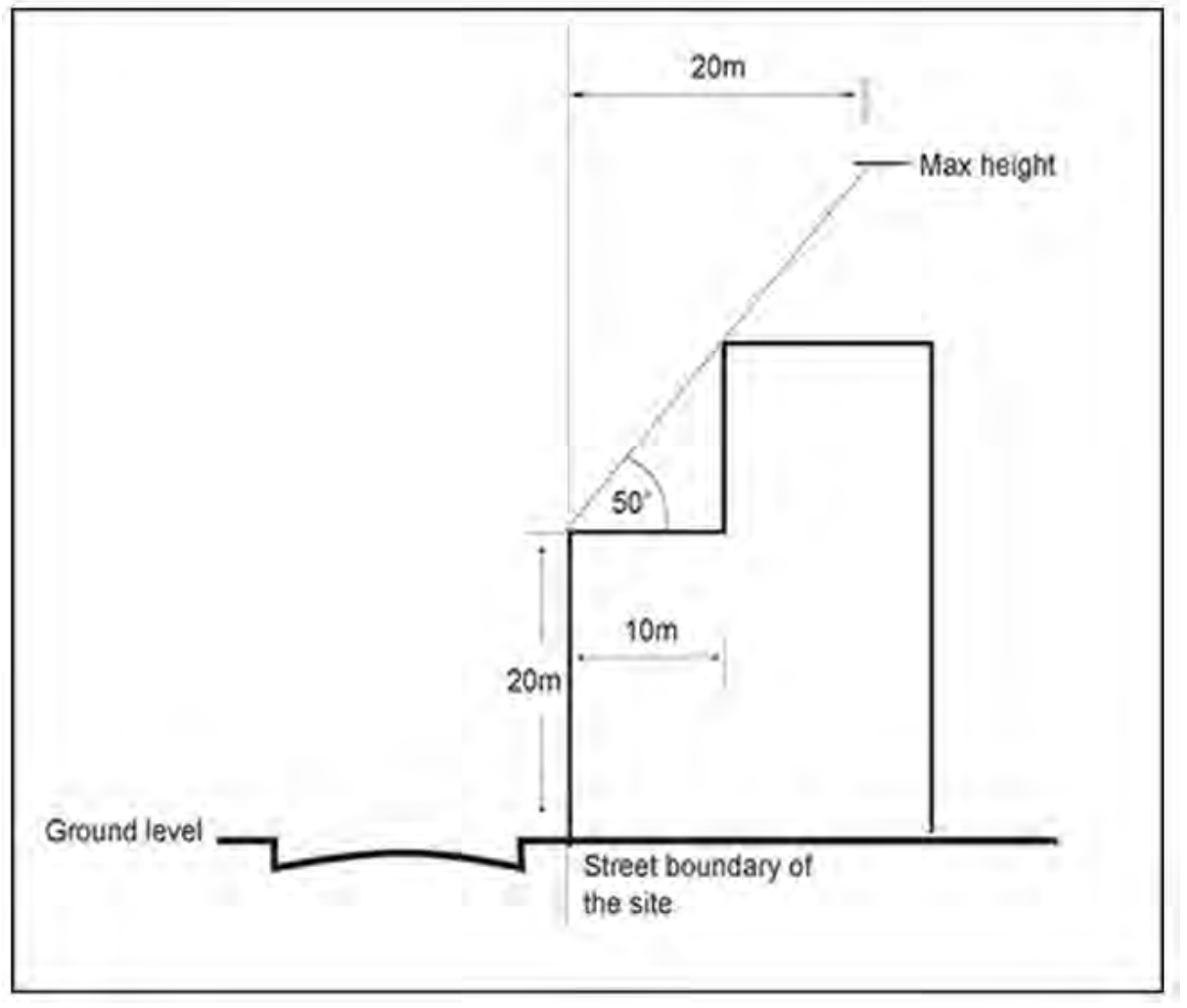
- (1) On every frontage shown as “A” on Precinct plan 4:
  - (a) the building frontage must not exceed a height of 20m for a minimum depth of 10m from the site frontage;
  - (b) the building must not project beyond a 50 degree recession plane measured at all points along the site frontage from 20m above 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:



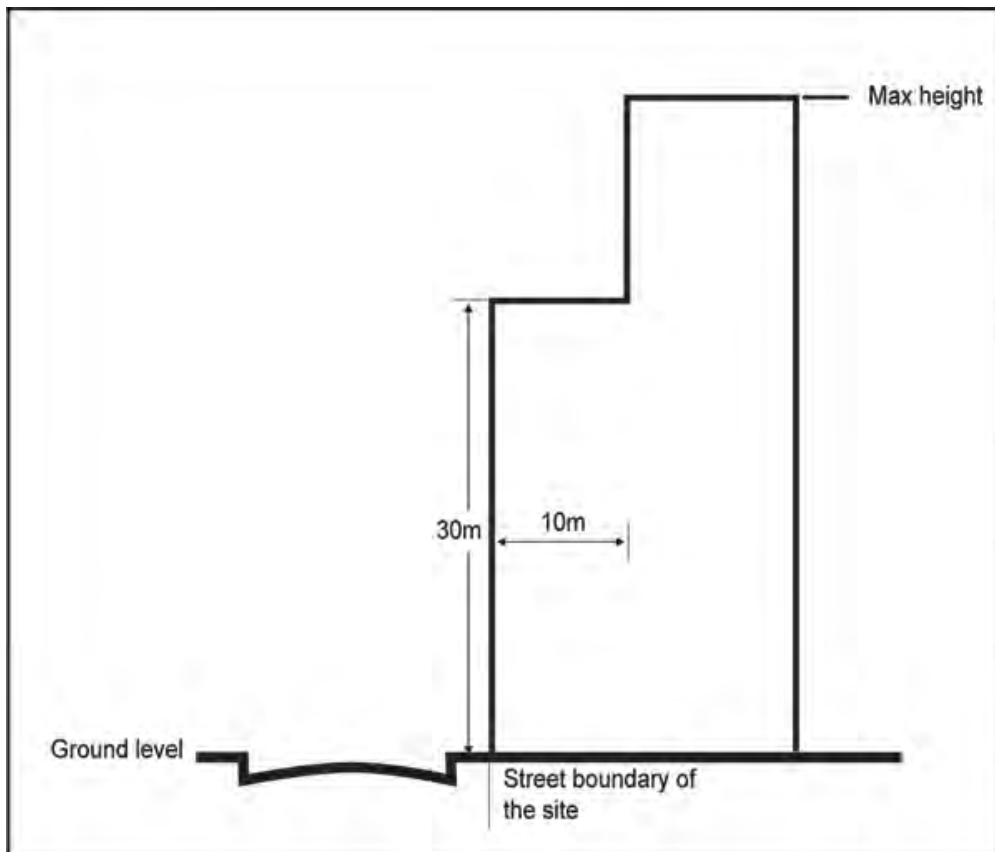
- (a) the building frontage must not exceed a height of 15m for a minimum depth of 15m from the site frontage;
  - (b) the building must not project beyond a 45 degree recession plane measured at all points along the site frontage of the site from 15m above street level. This recession plane applies 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**

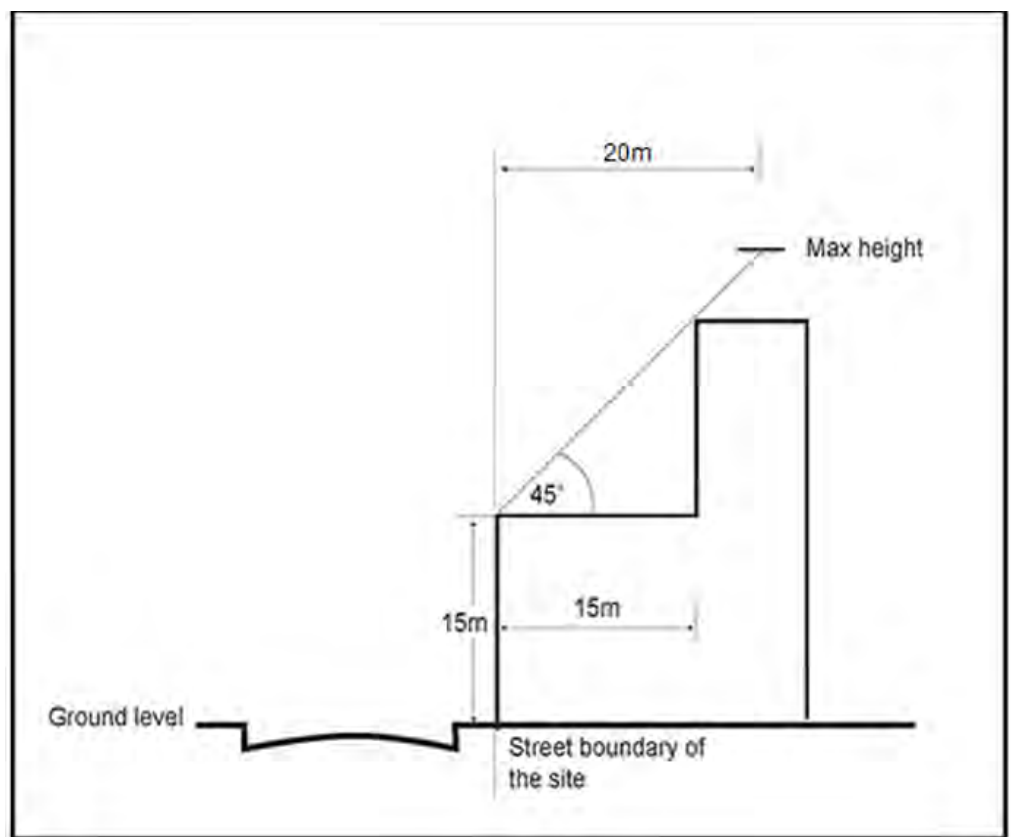
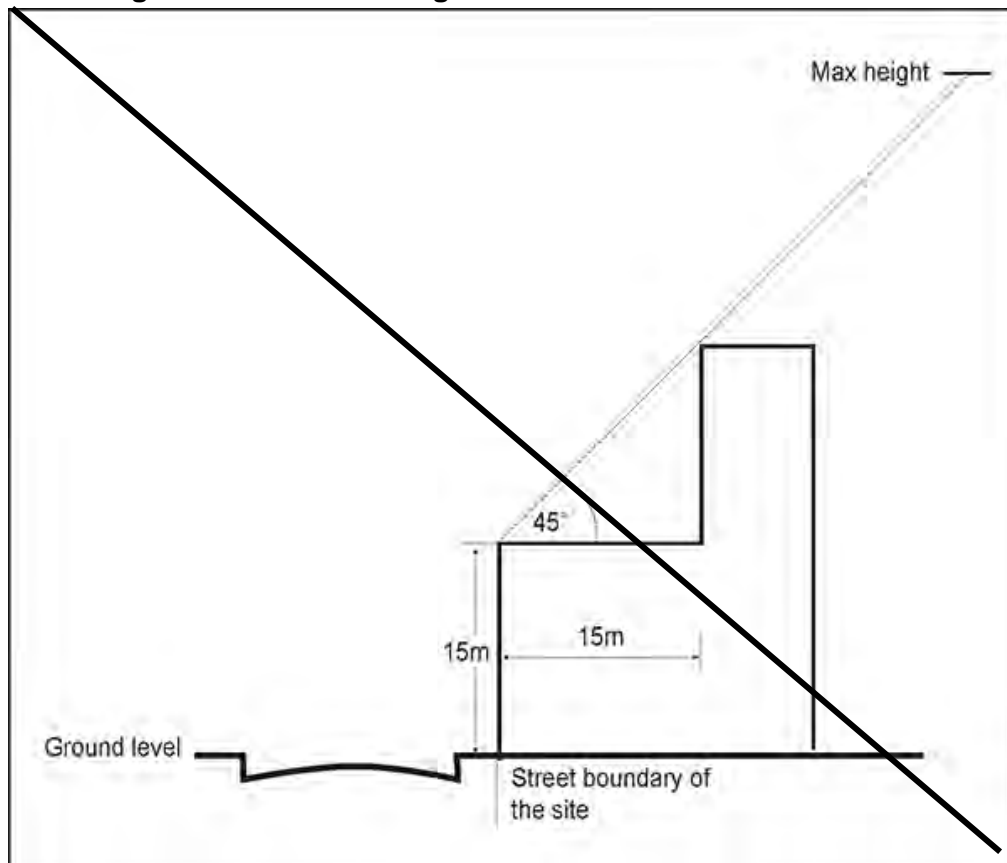




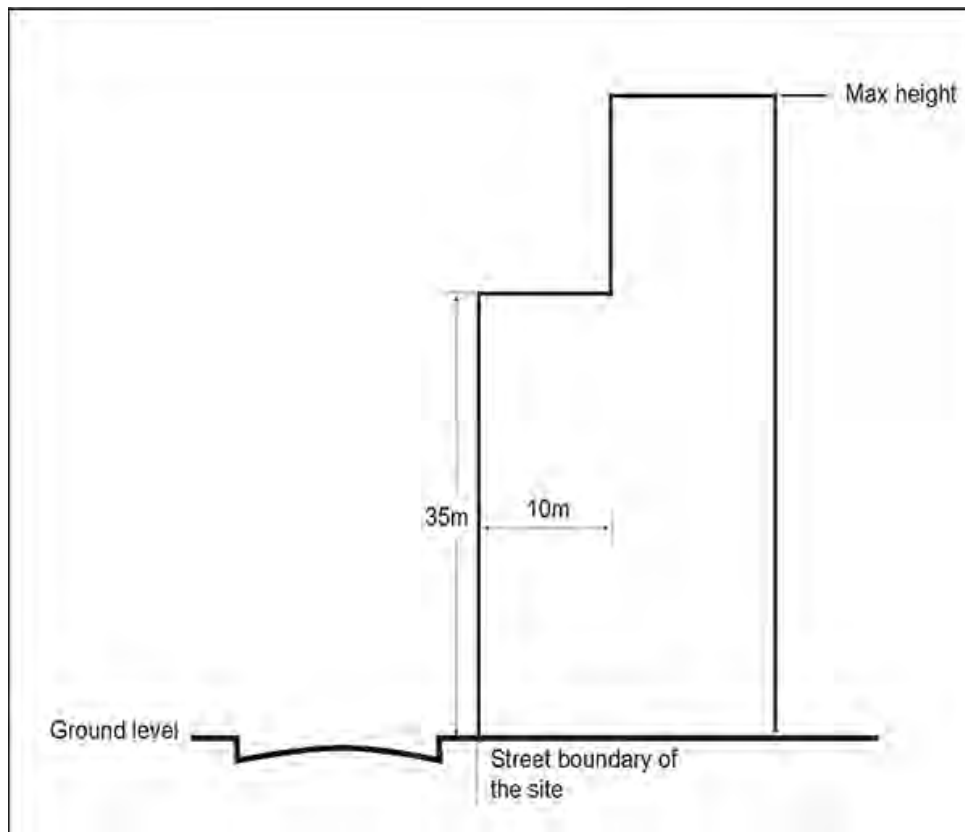
**Figure I207.6.4.2 Frontage control B**



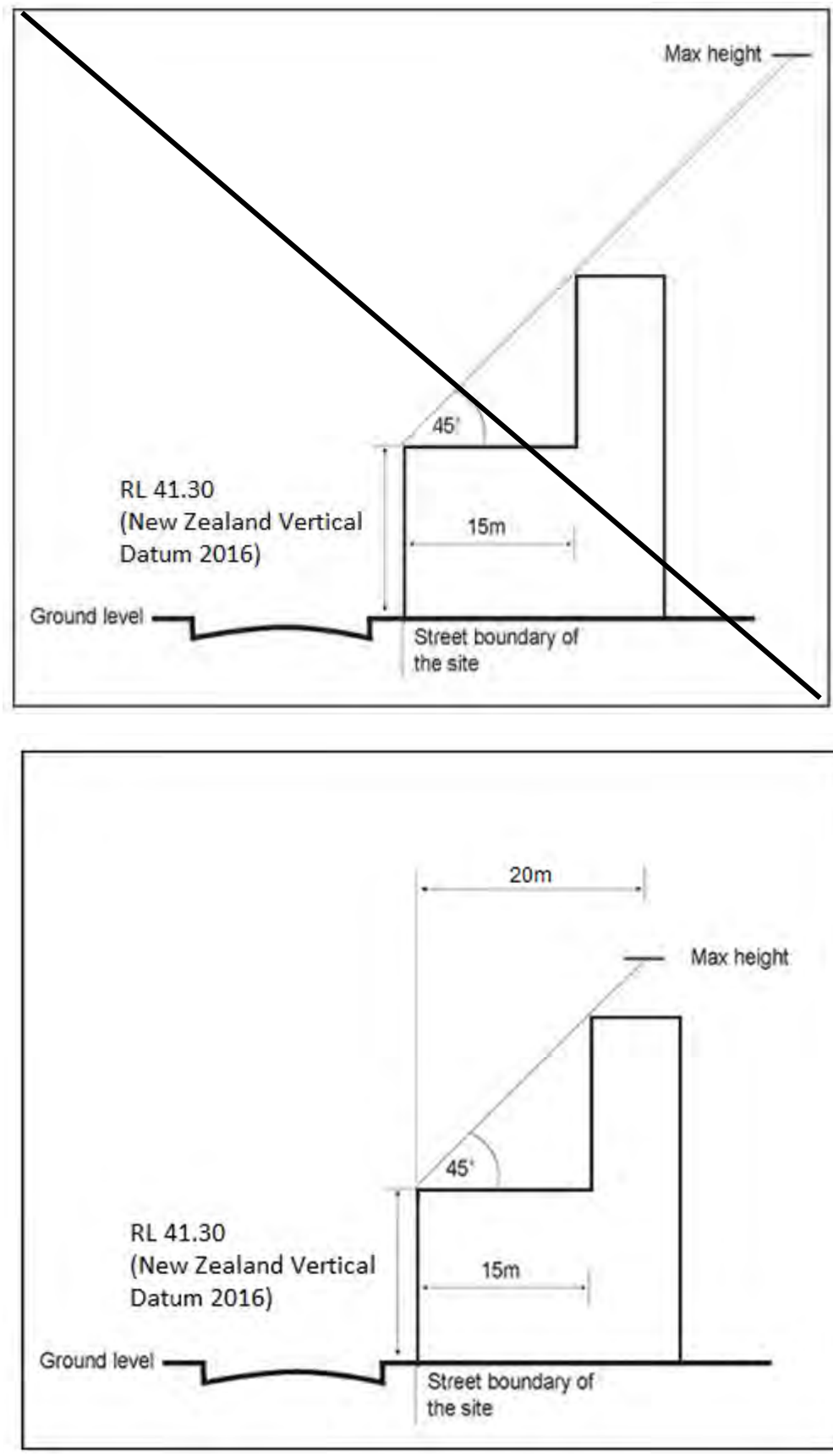
**Figure I207.6.4.3 Frontage control C**



**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**

<b>Yard</b>	<b>Sub-precinct B</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:

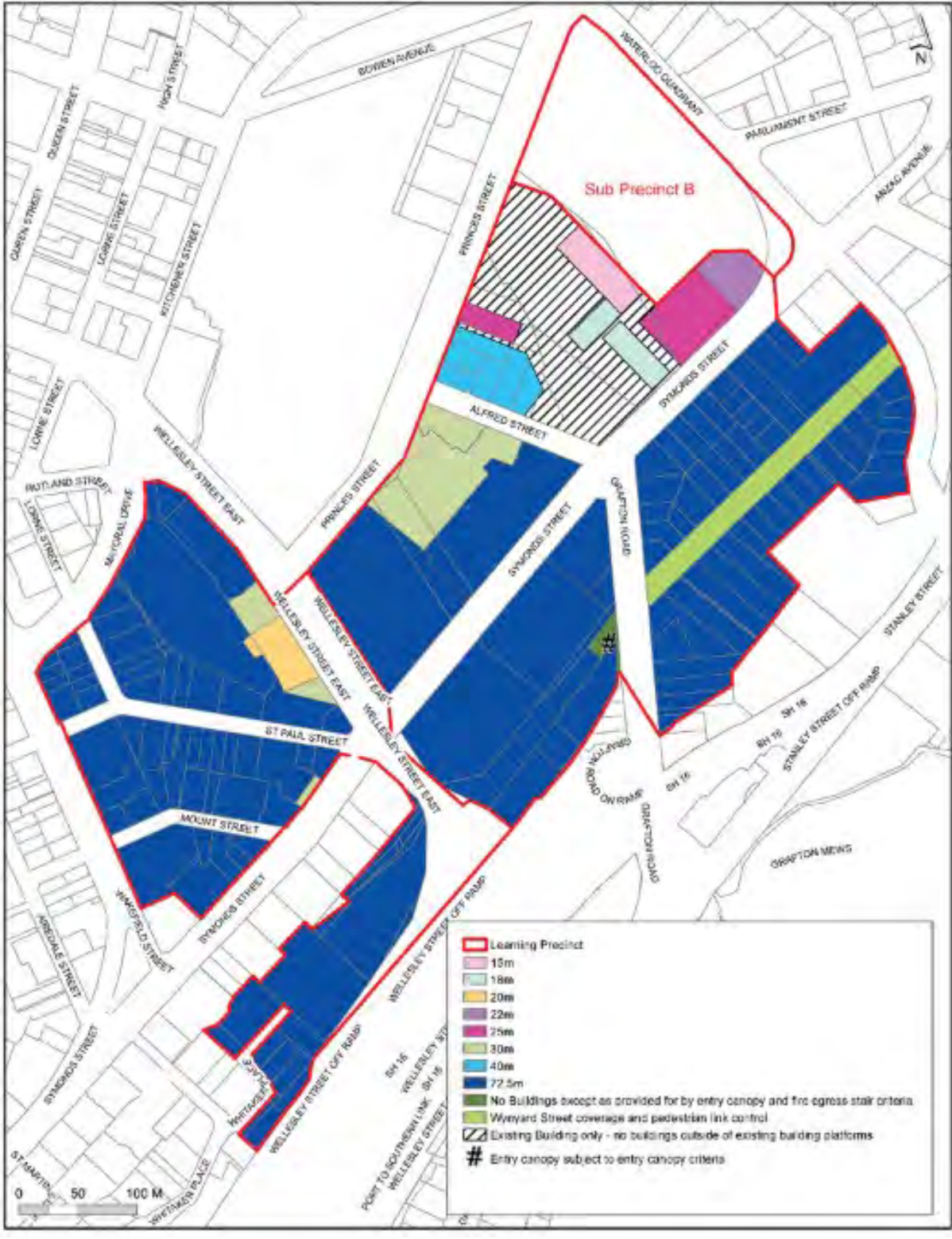
- (i) whether adequate public open space for visual amenity and recreations is maintained; and
- (ii) the extent to which the design of buildings and structures maintains the character of the open space and should be sympathetic to the existing development and open space in the Sub-precinct B.

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

There are no special information requirements in this precinct.

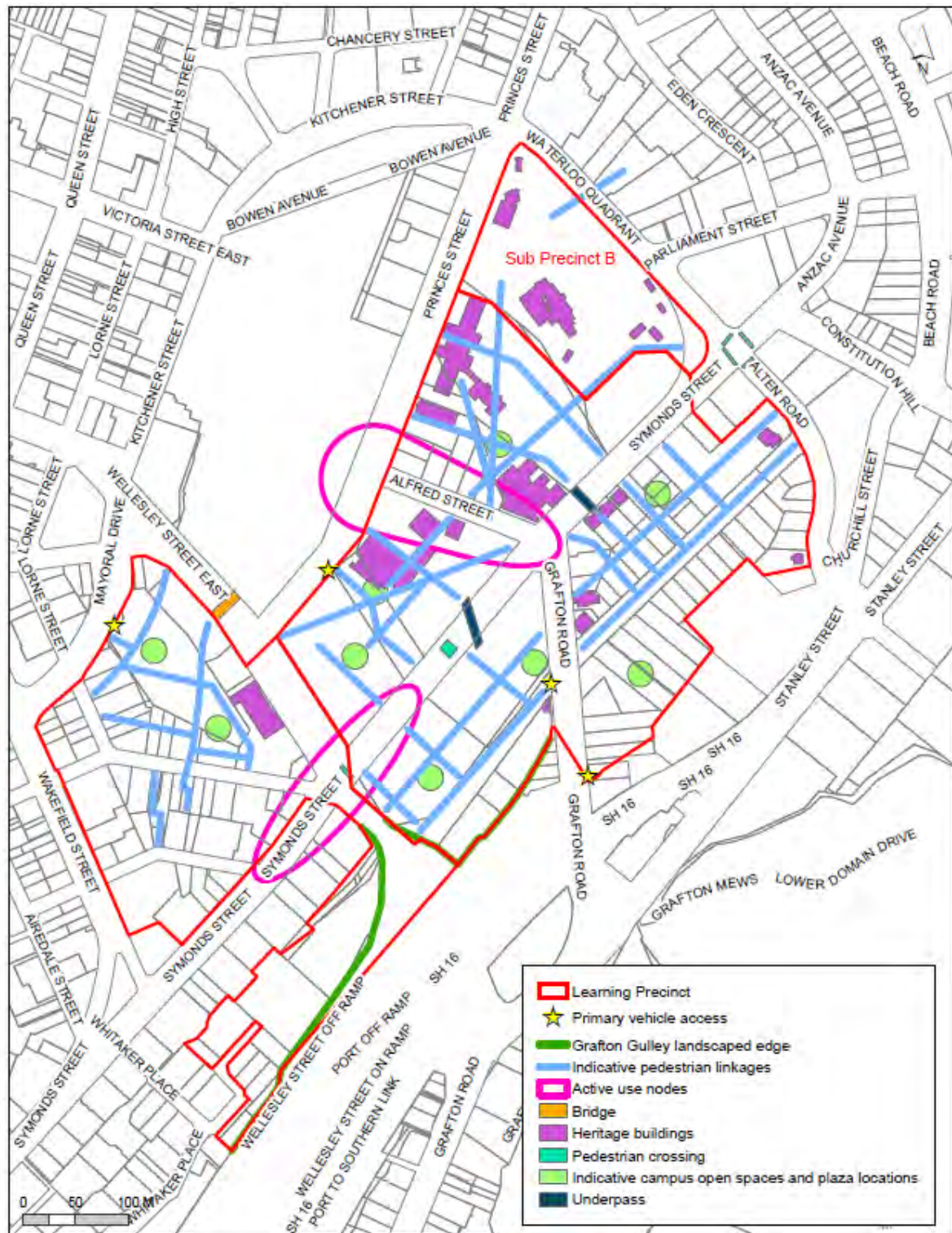
#### **I207.10. Precinct plans**







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

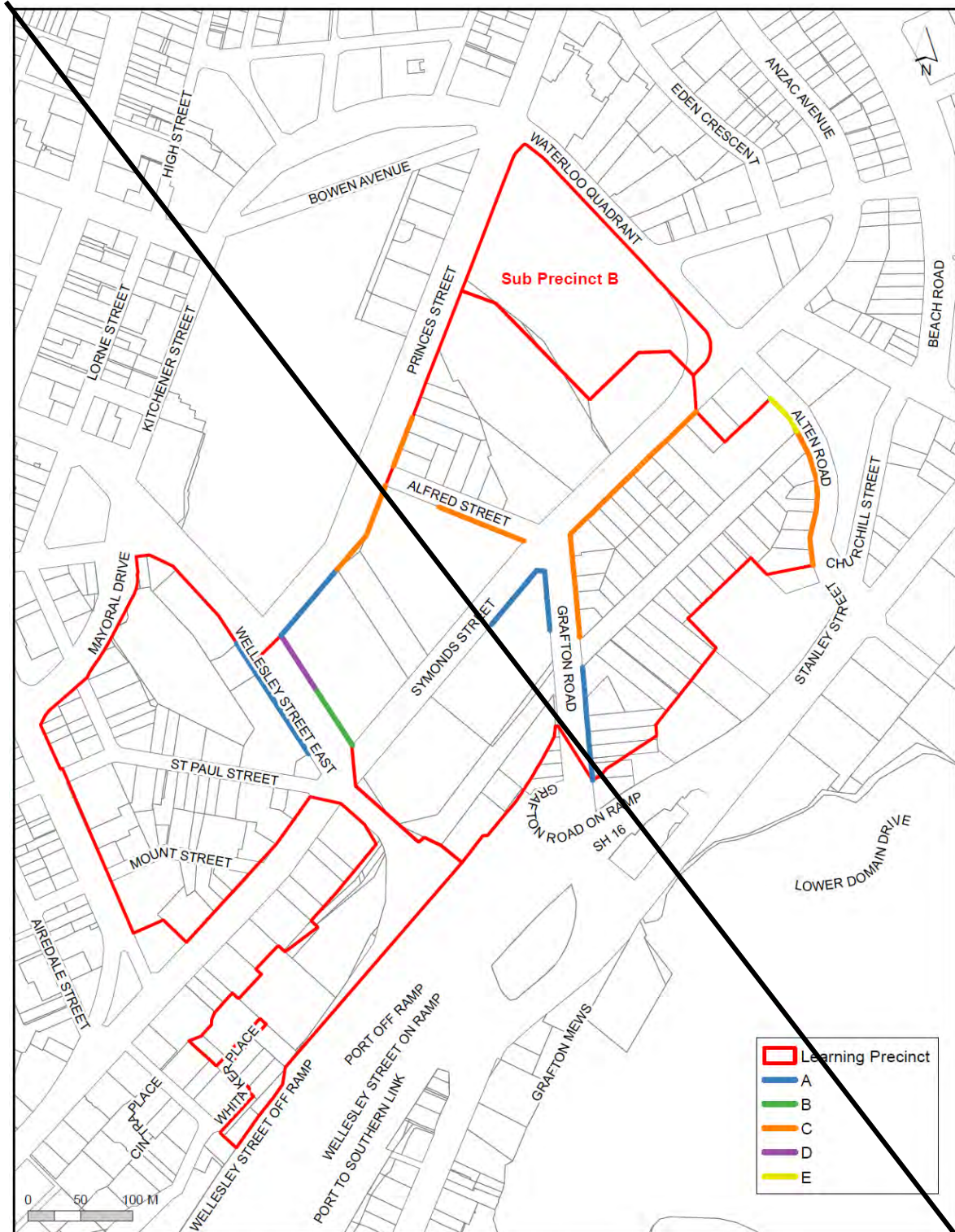


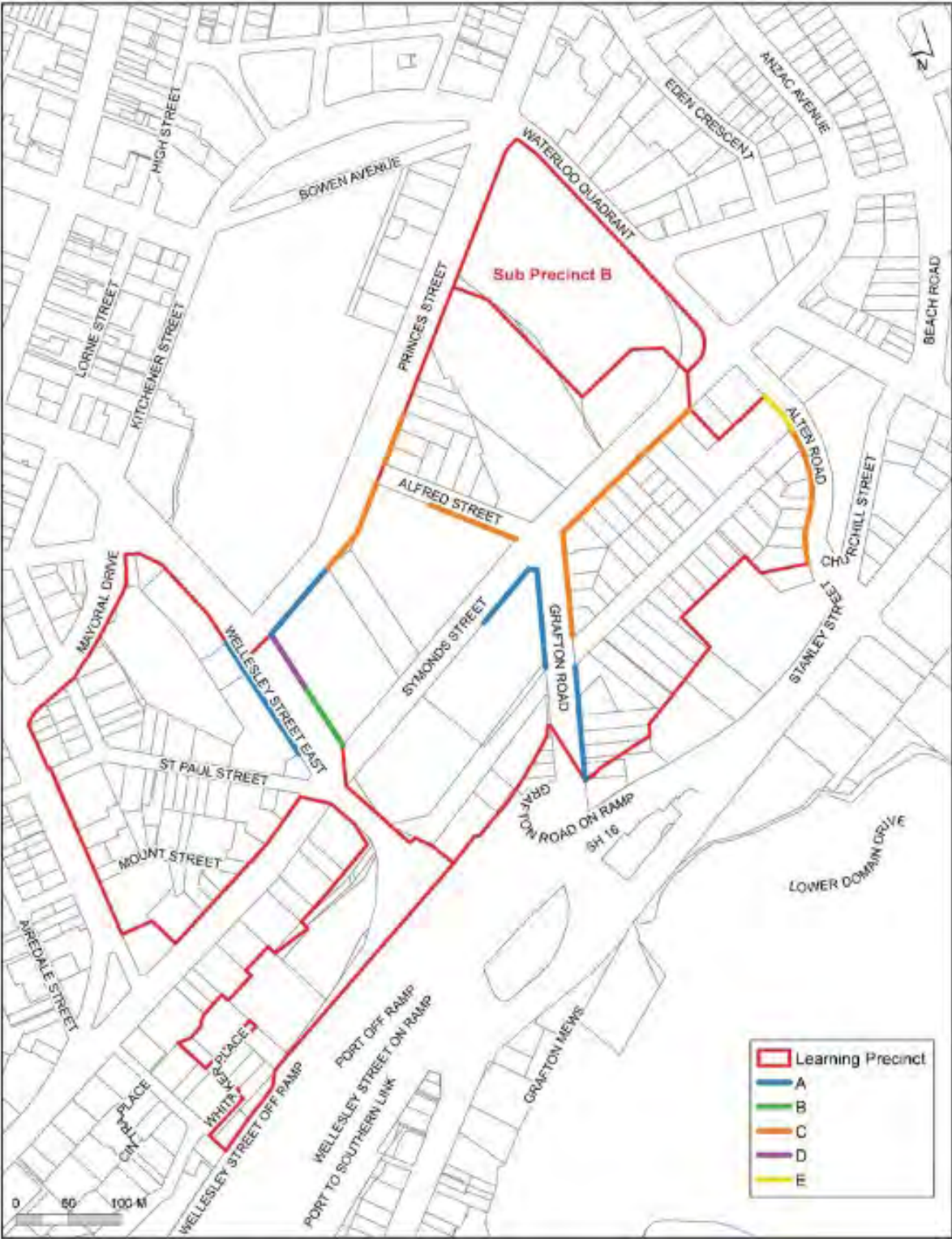
I207.10.3 Learning: Precinct plan 3 - Contours





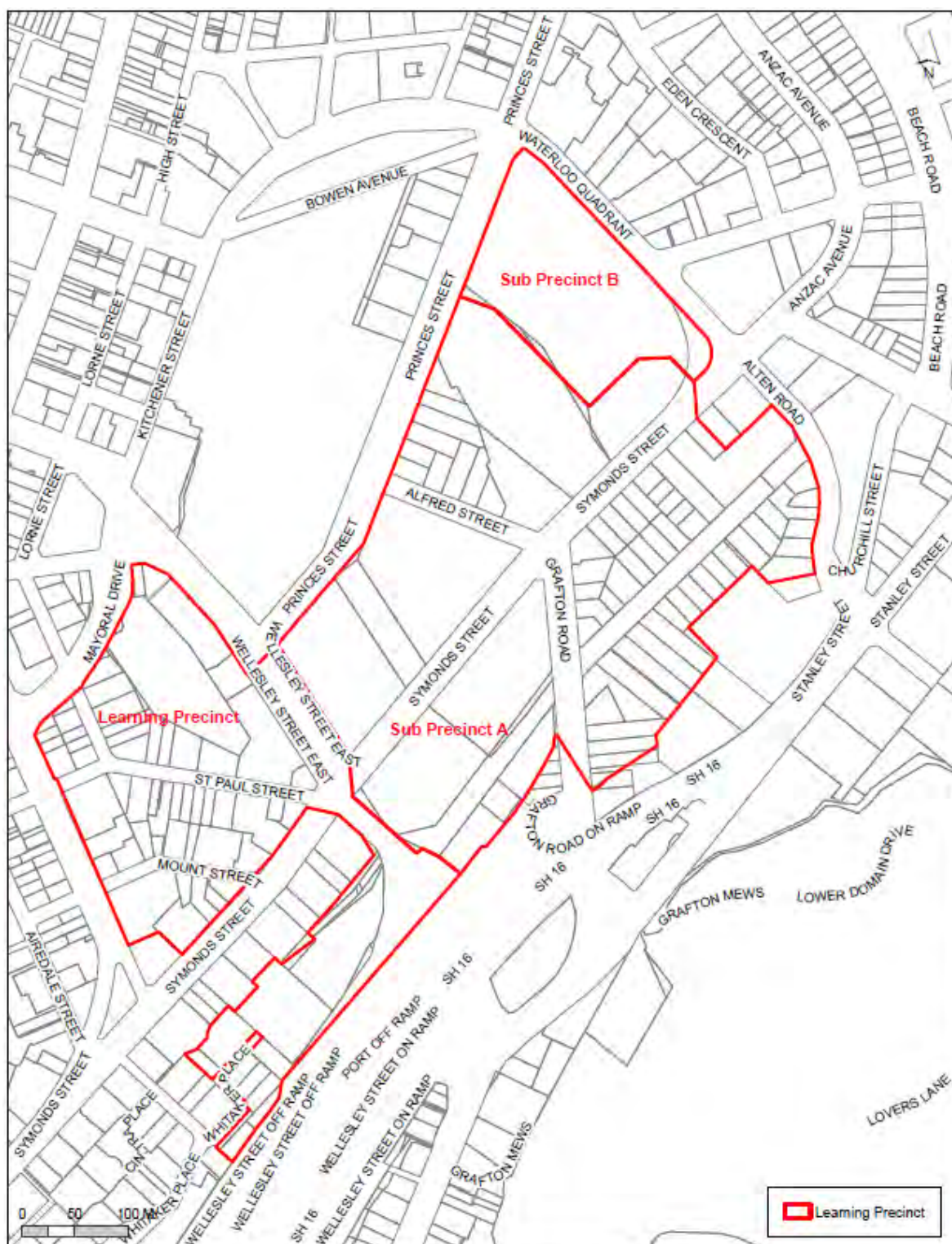
I207.10.4 Learning: Precinct plan 4 - Frontage types







**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

(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

(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.

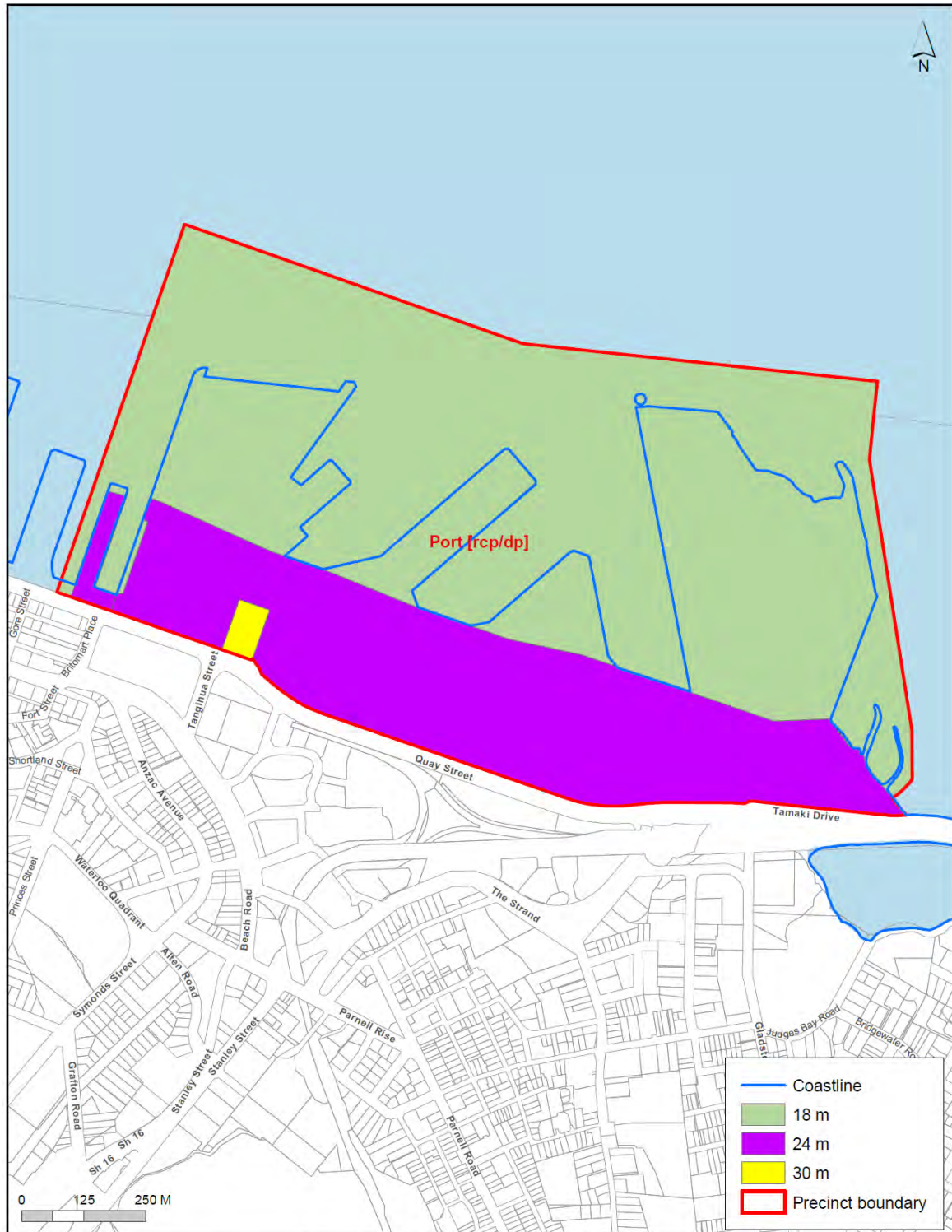
#### **I208.9. Special information requirements**

- (1) The special information requirements of the Coastal – General Coastal Marine Zone do not apply in the Port Precinct.

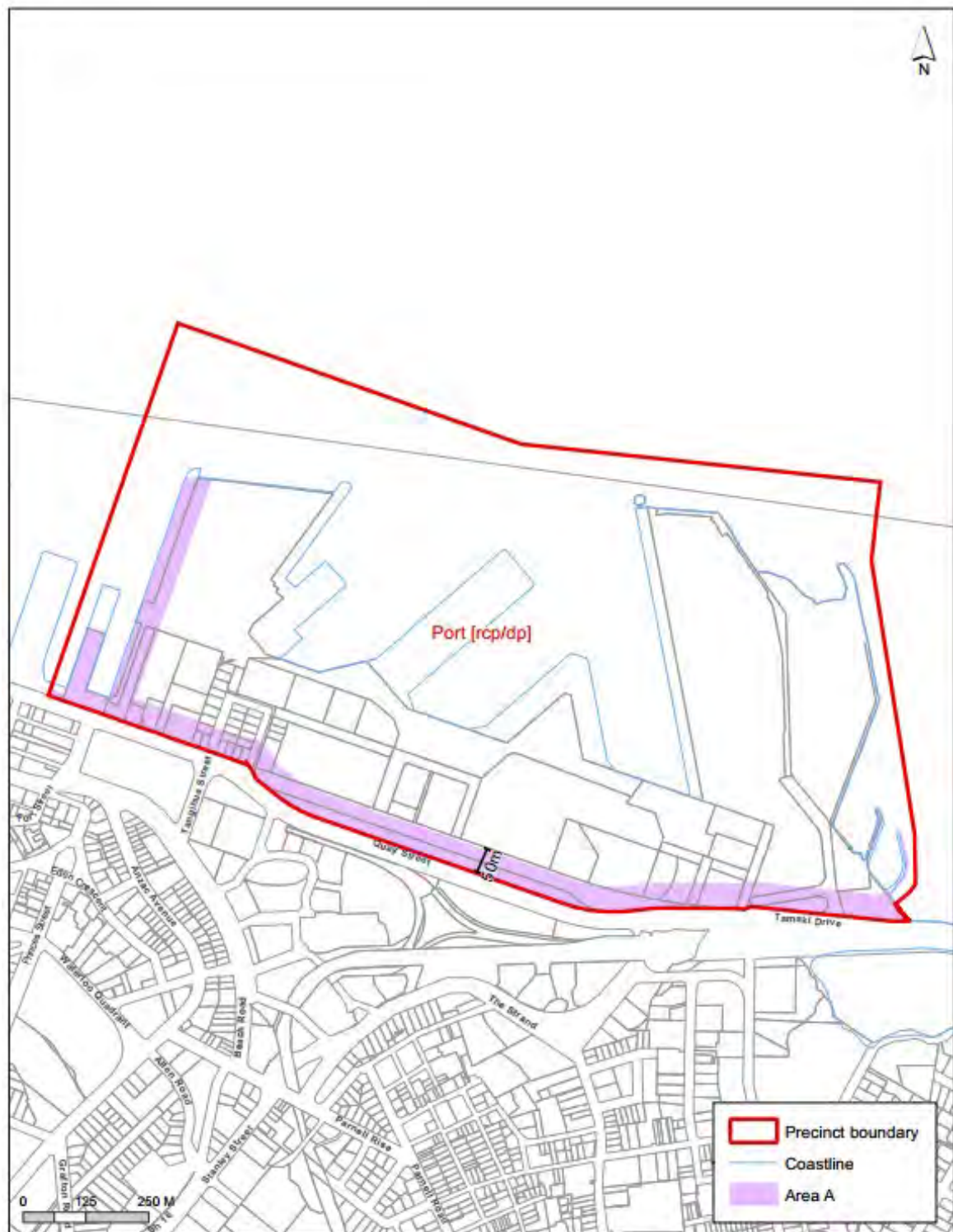
#### **I208.10. Precinct plans**

##### **I208.10.1 Port: Precinct plan 1 - Building height**

# I208 Port Precinct

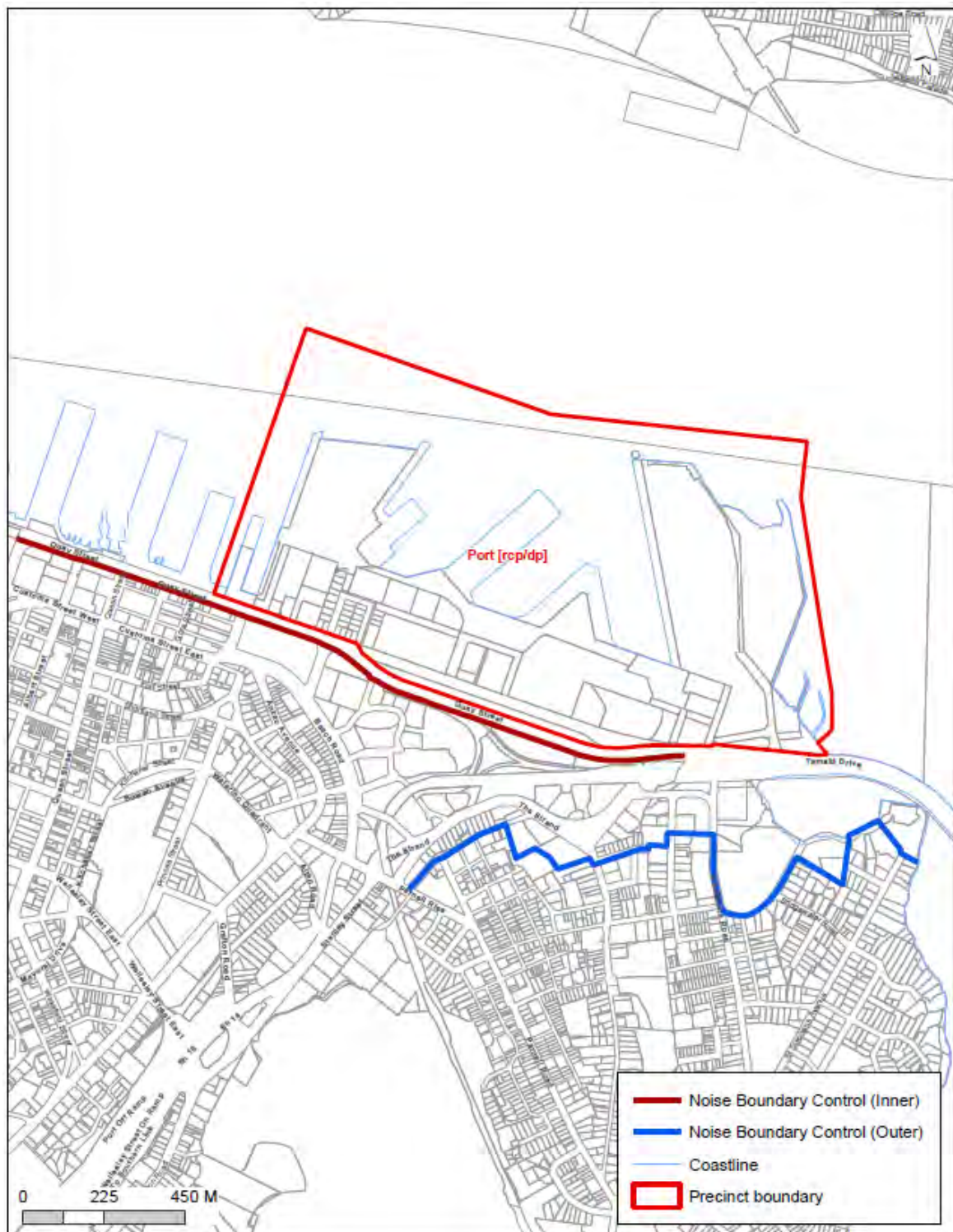


### I208.10.2 Port: Precinct plan 2 - Extent of Area A

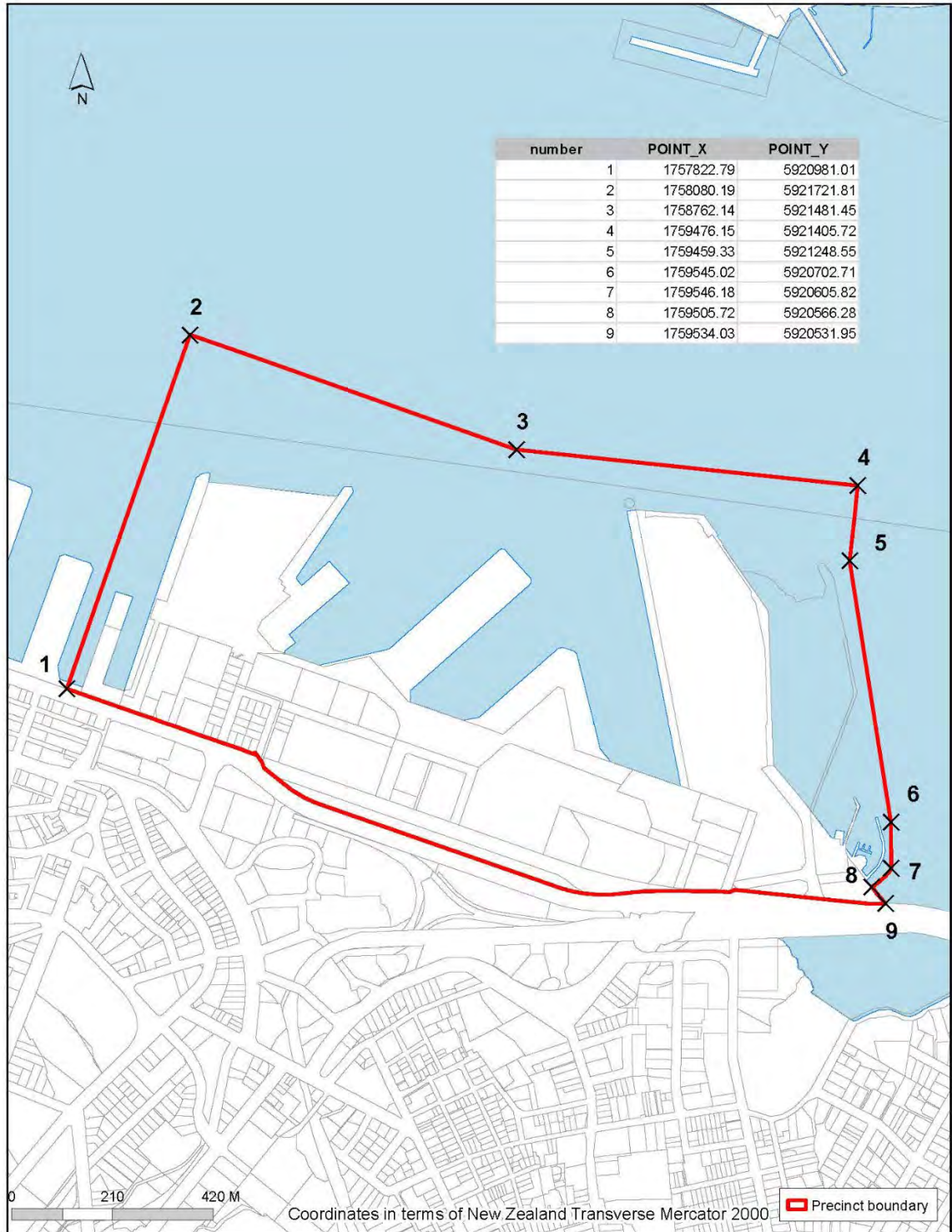




**I208.10.3 Port: Precinct plan 3 - Noise boundaries**



**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~~ ing 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

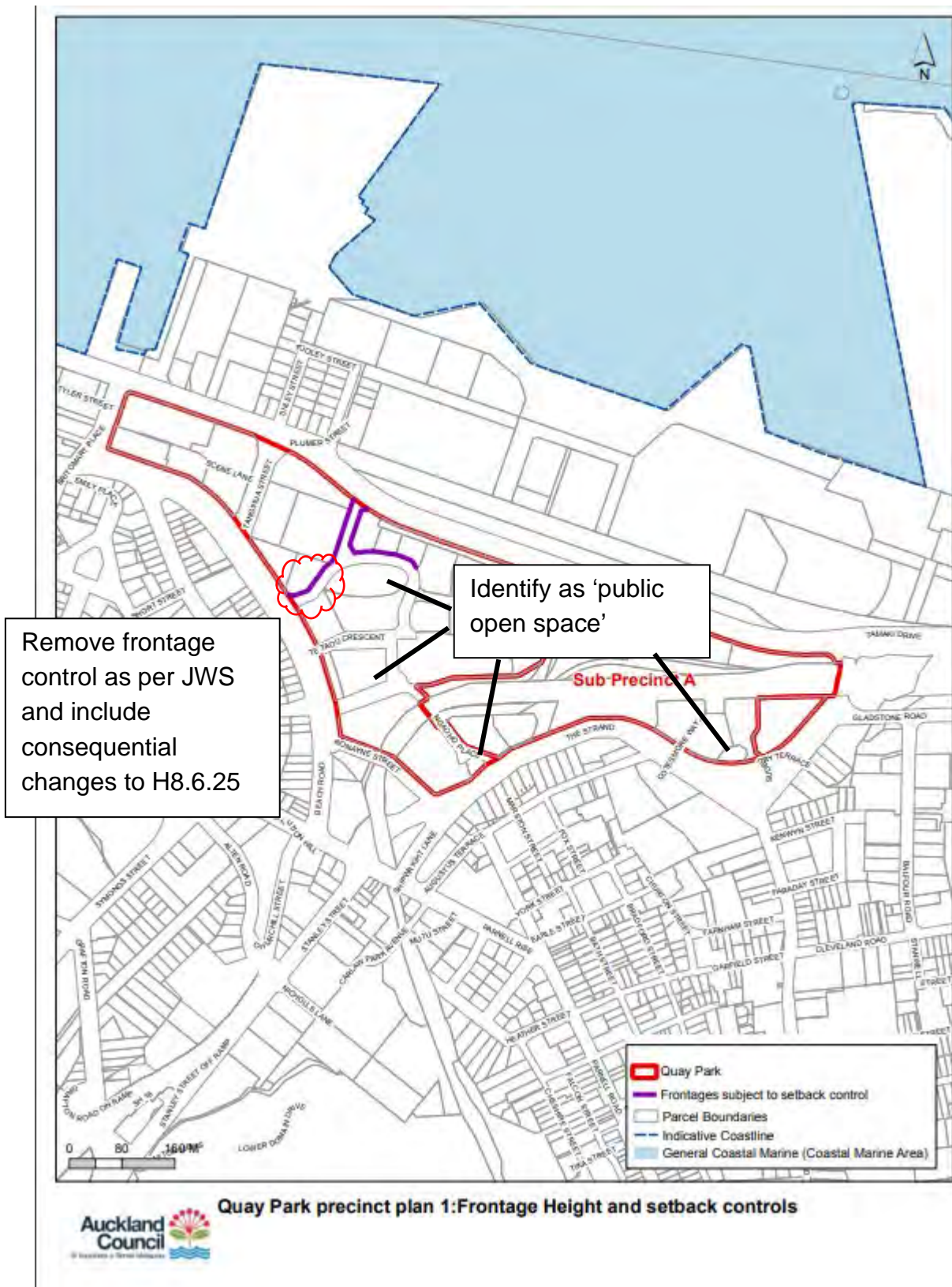
(c) the extent to which buildings have clearly defined human scale frontages that address the street and public open spaces, to positively contribute to the public realm and pedestrian safety.

#### **I209.9. Special information requirements**

There are no special information requirements in this section.

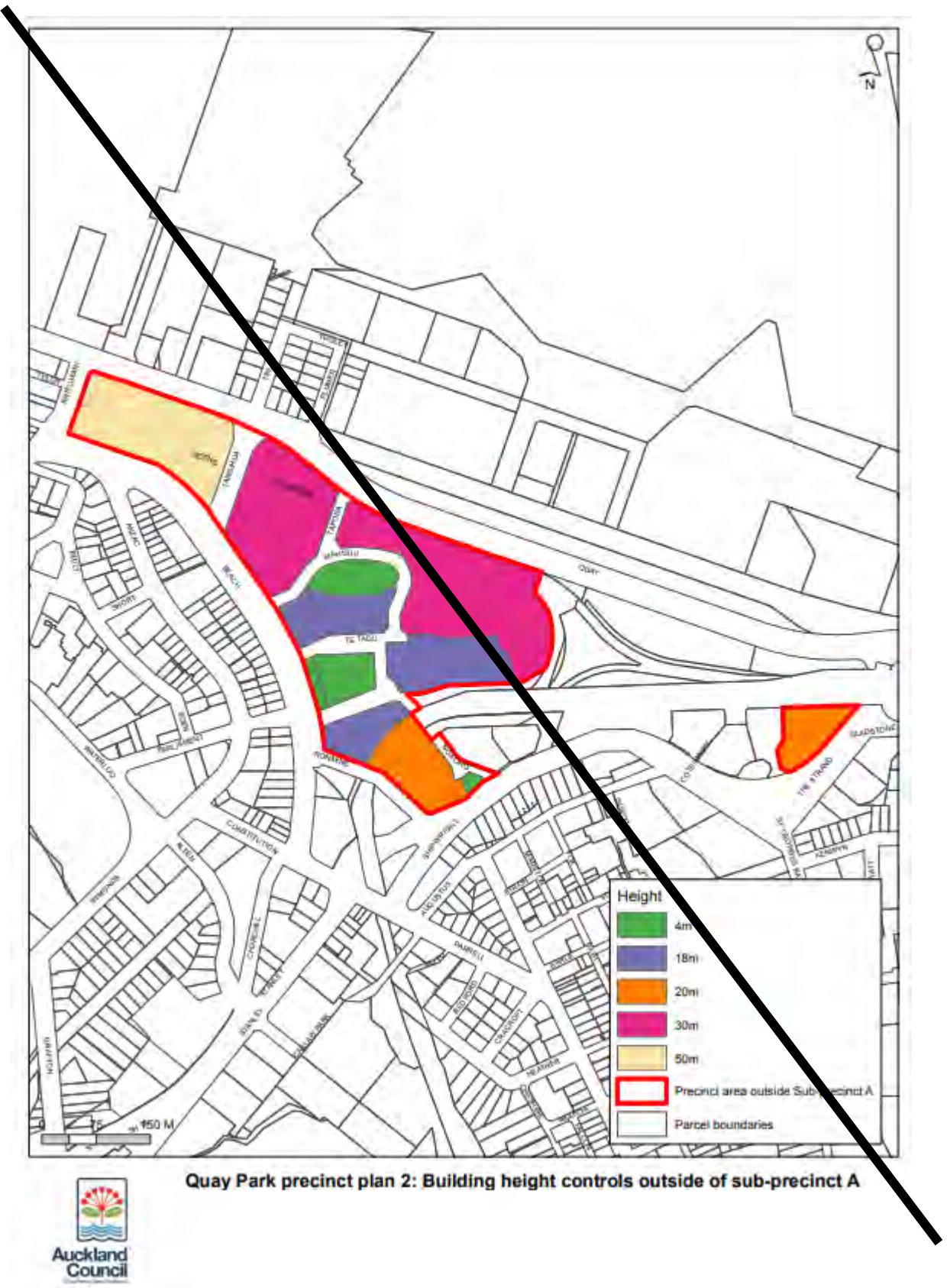
#### **I209.10. Precinct plans**

**I209.10.1 Quay Park: Precinct plan 1 - Frontage height and setback and identified public open spaces**

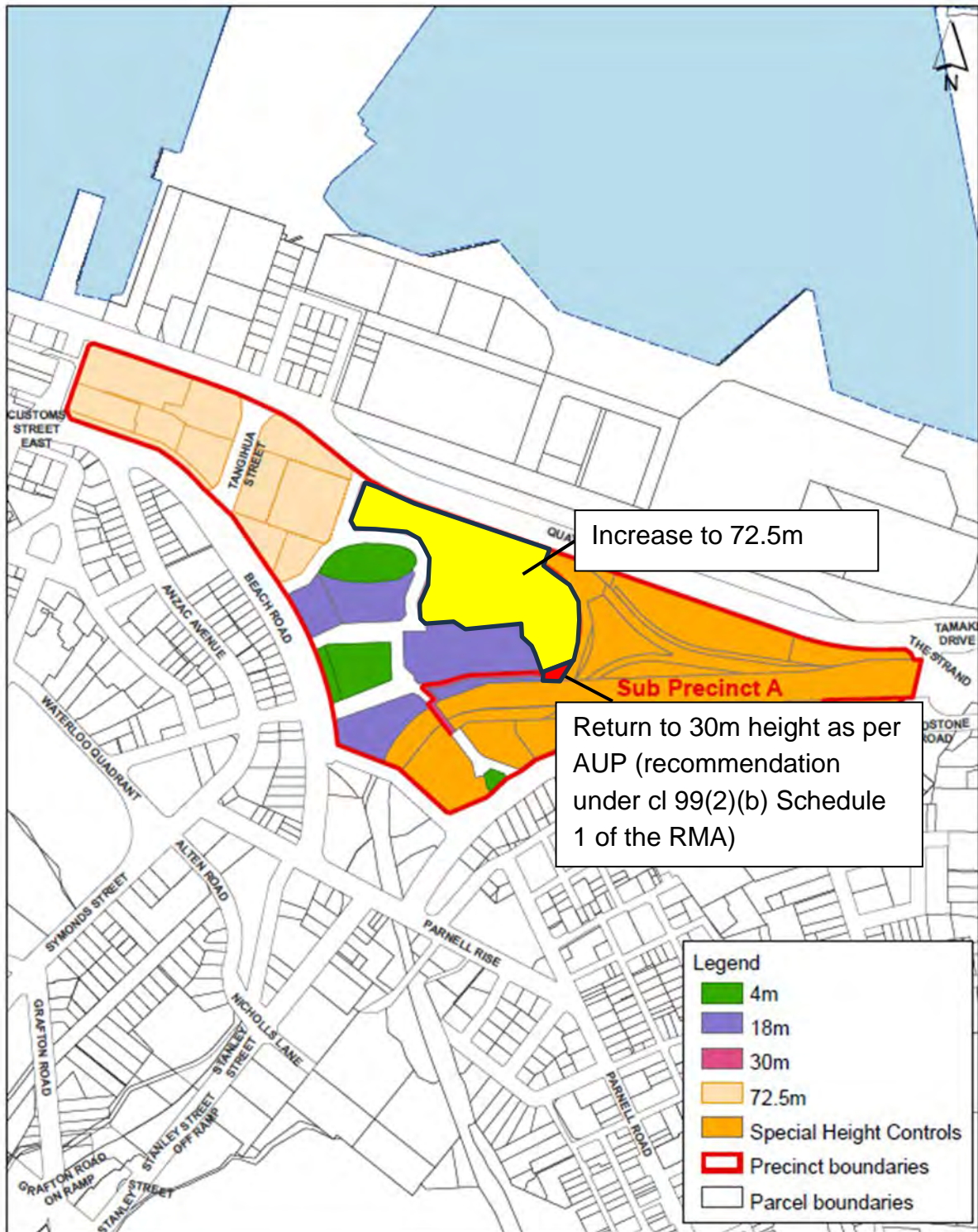




**I209.10.2 Quay Park: Precinct plan 2 - Building height controls outside of sub-precinct A**







**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

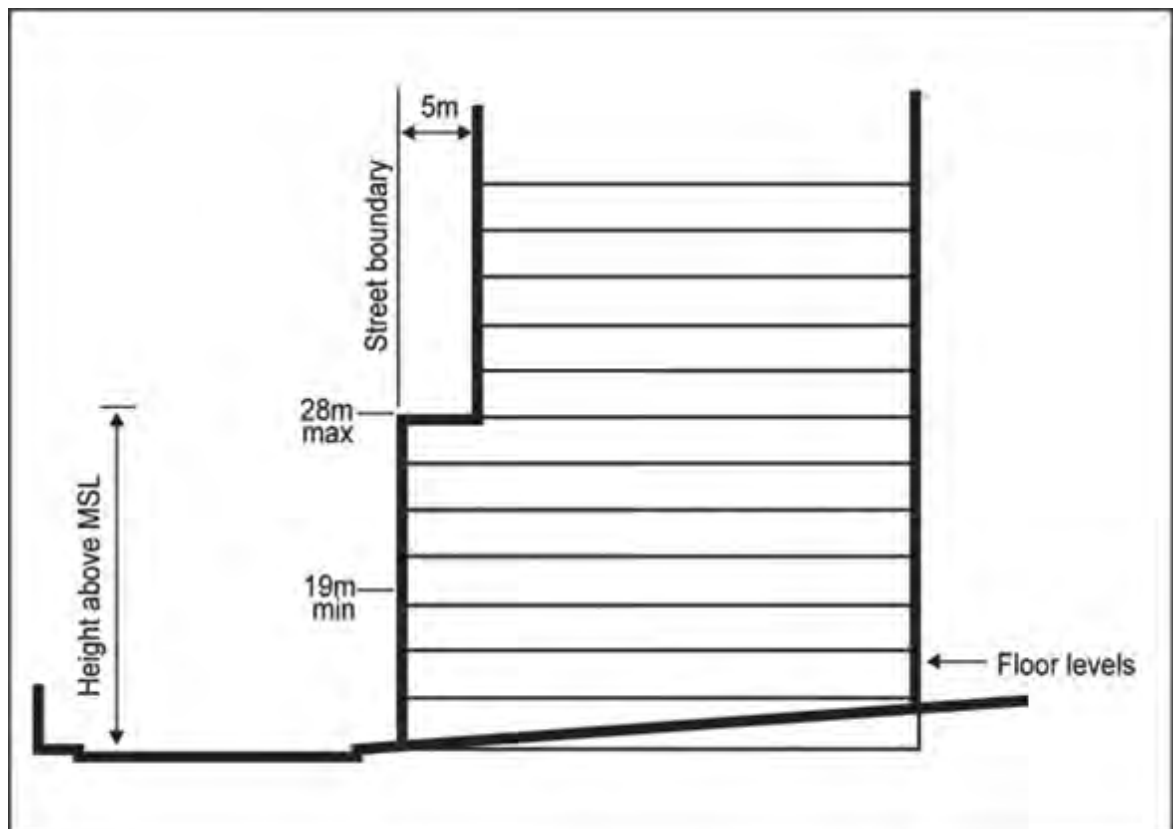
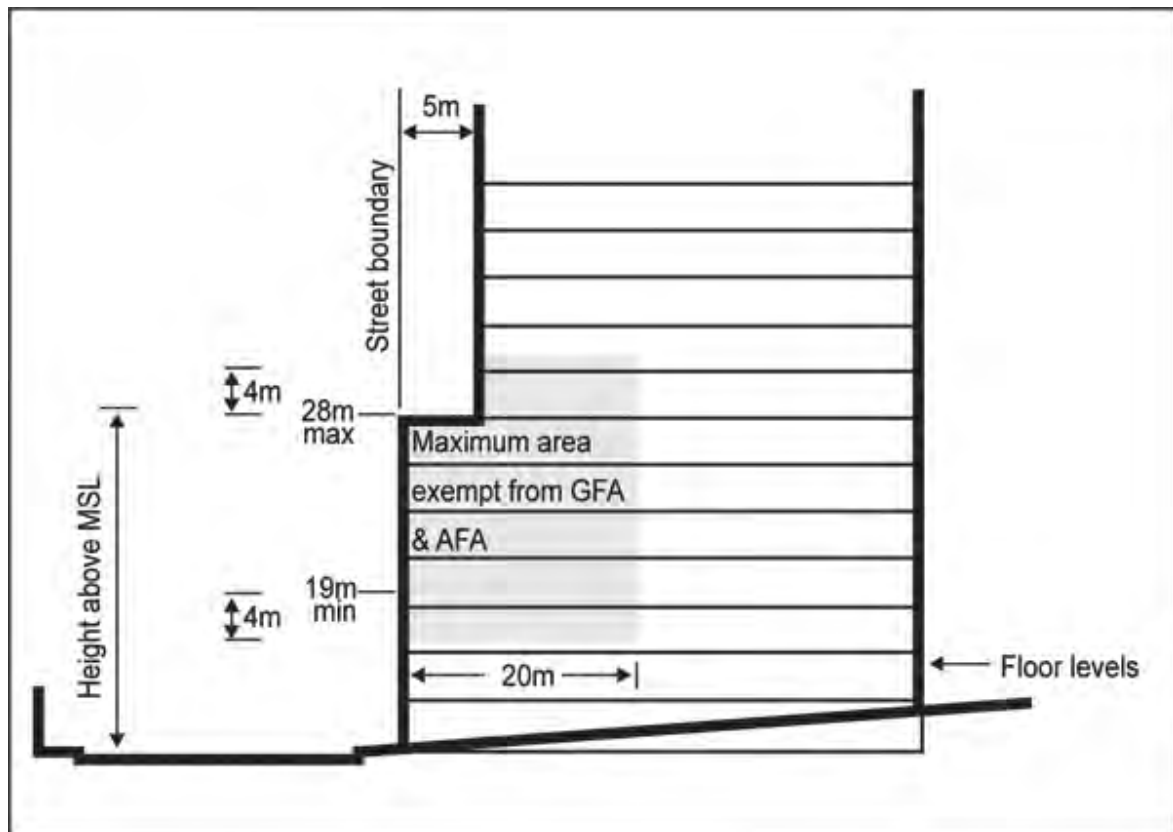
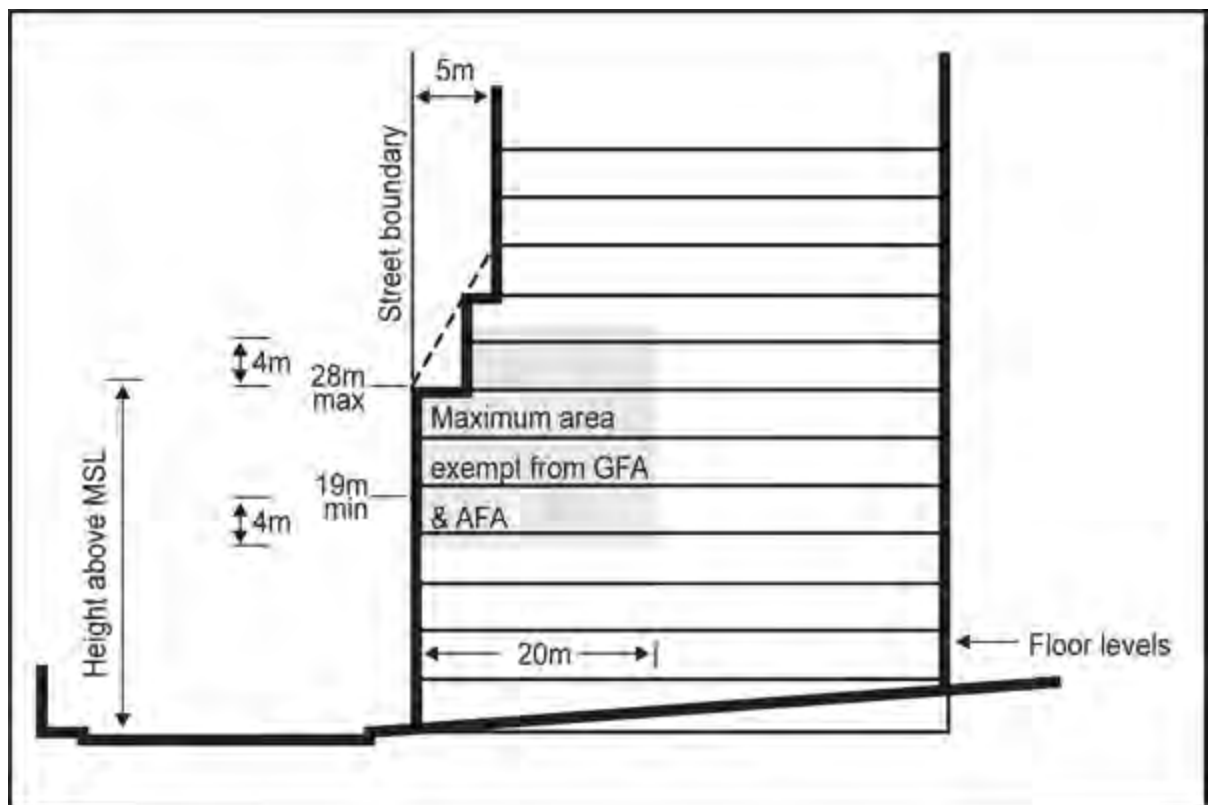


Figure I210.6.1.2 Frontage height and setback - type B





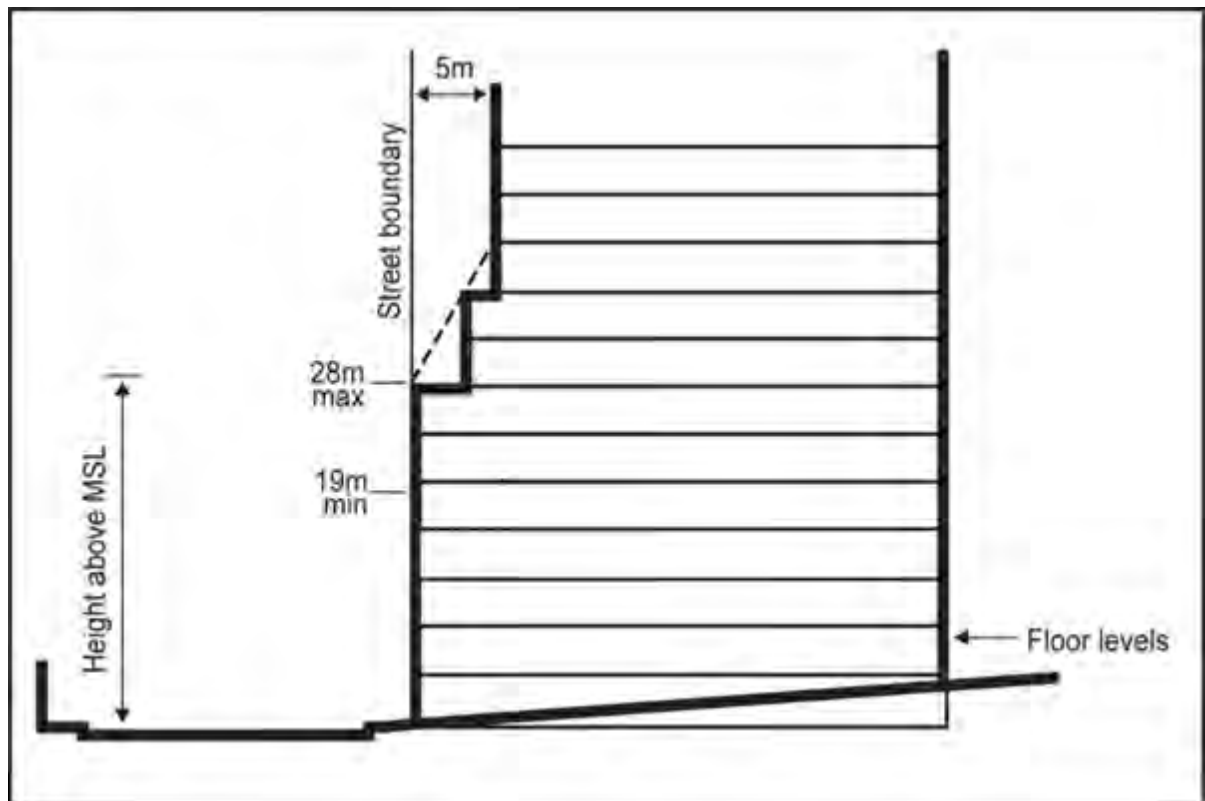
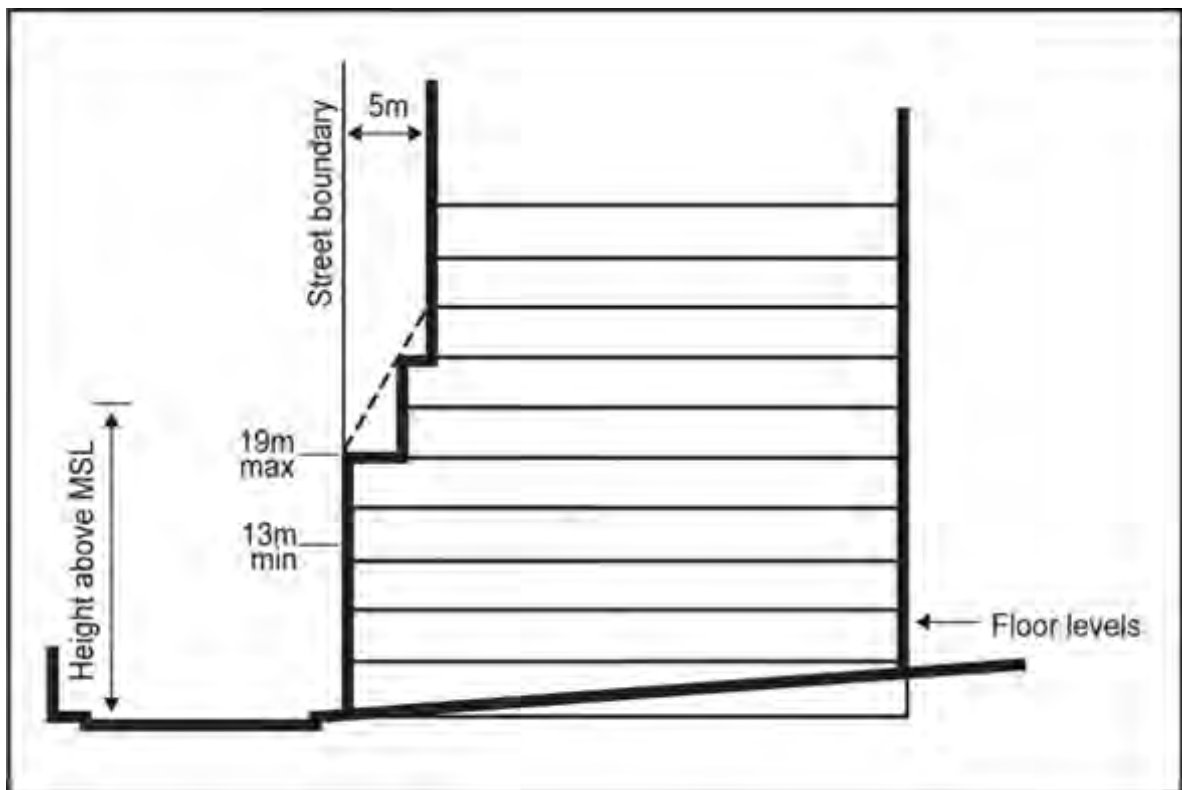
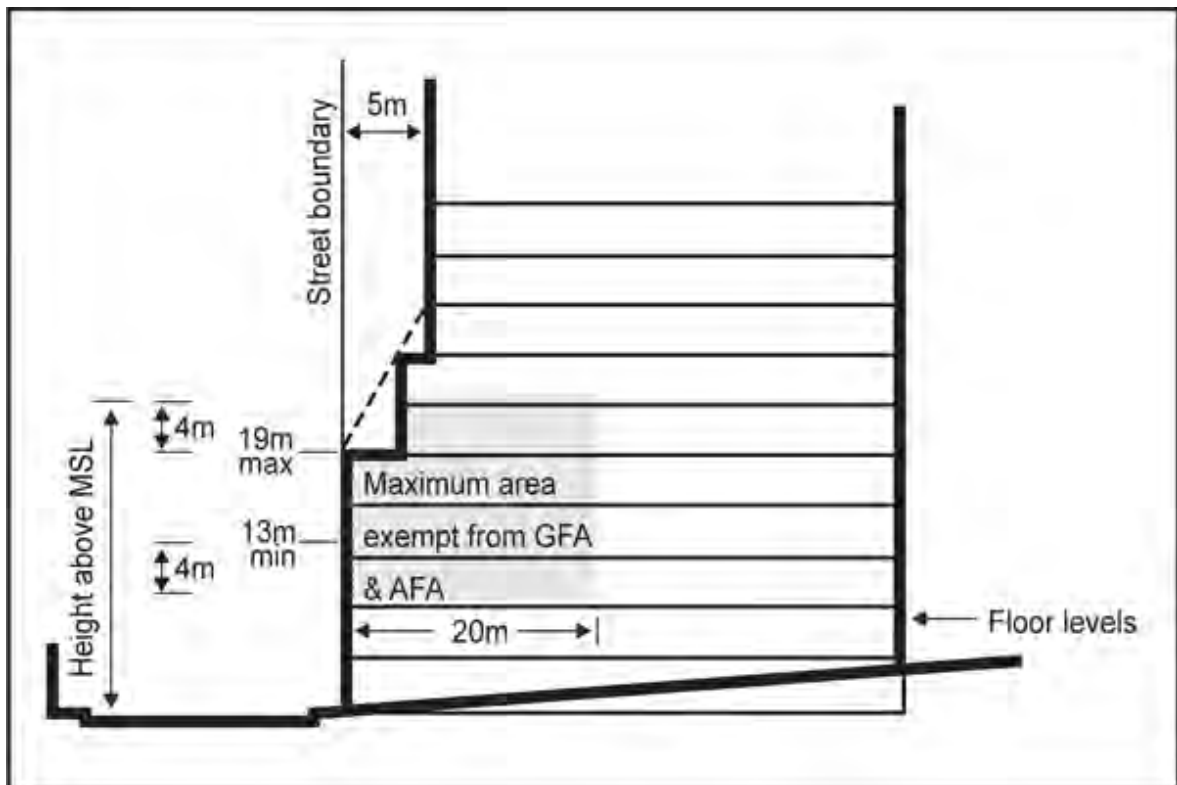
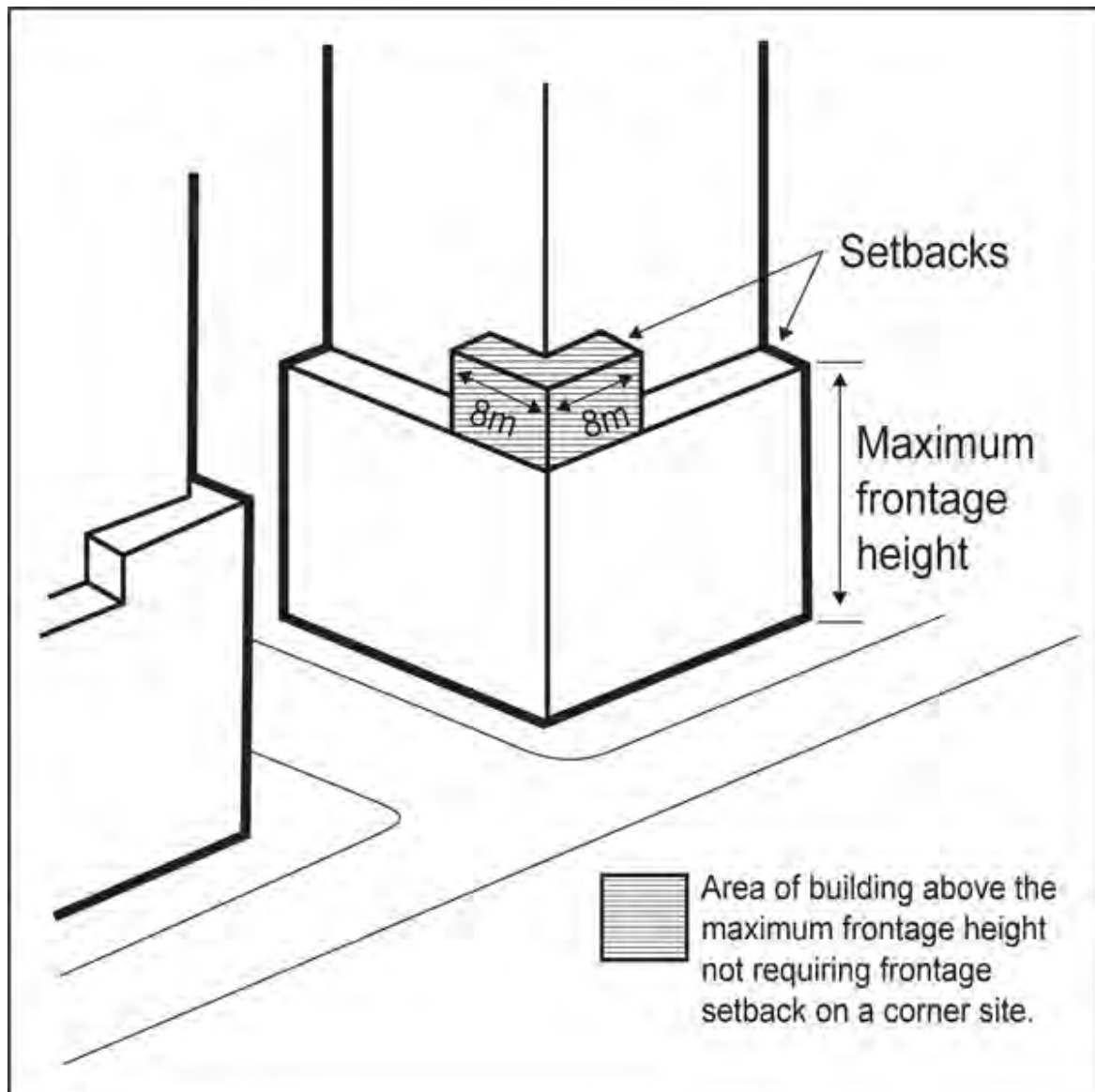


Figure I210.6.1.3 Frontage height and setback - type C



**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.

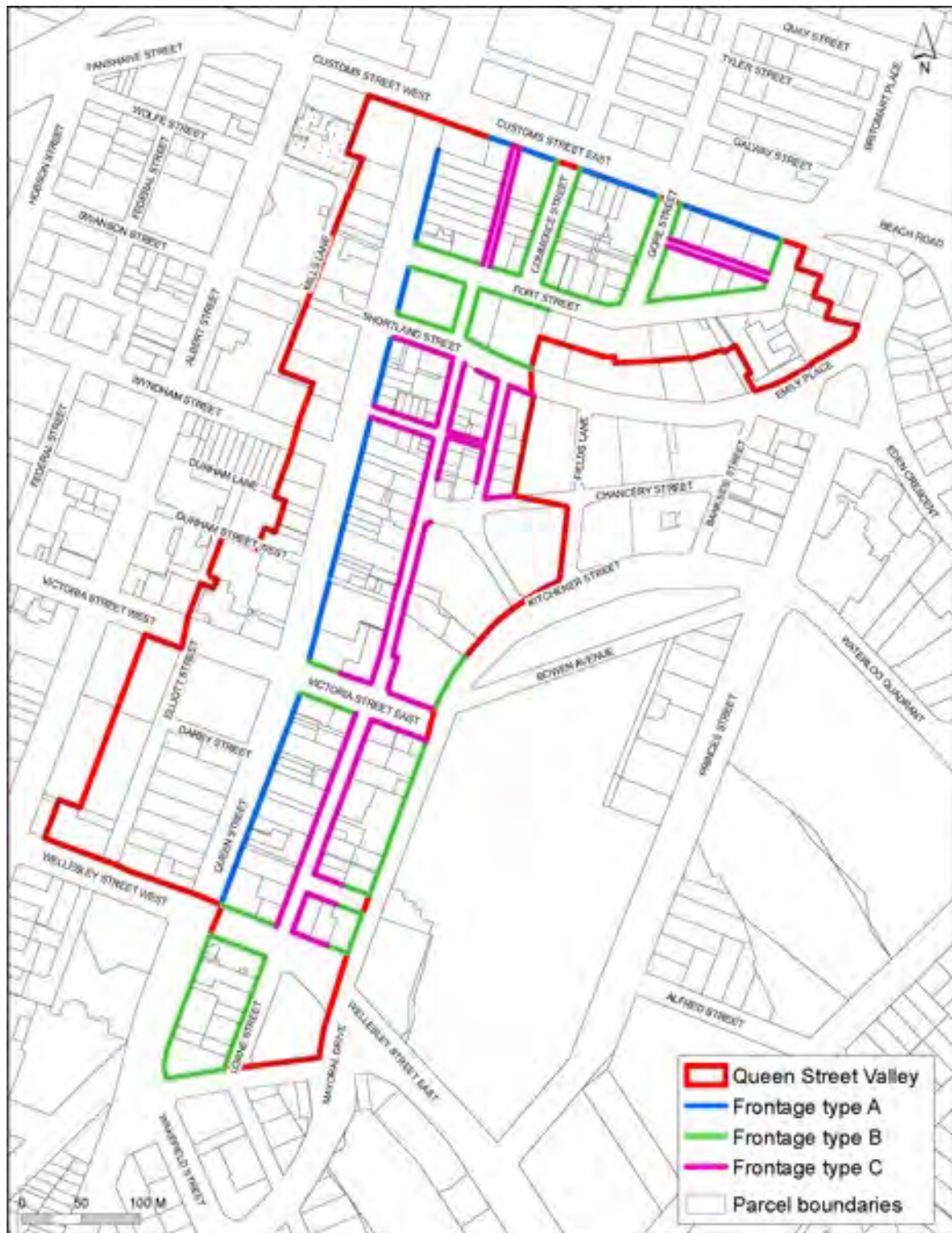
- whether reasonable use of the site can be achieved through adaptive re-use of the building rather than through its demolition and replacement.
- (ii) Notwithstanding the above, whether the building is beyond rehabilitation in terms of poor structural or physical condition, and the costs of the repair 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**

Activity		CMA [rcp]	Land [dp]
<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

(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 [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



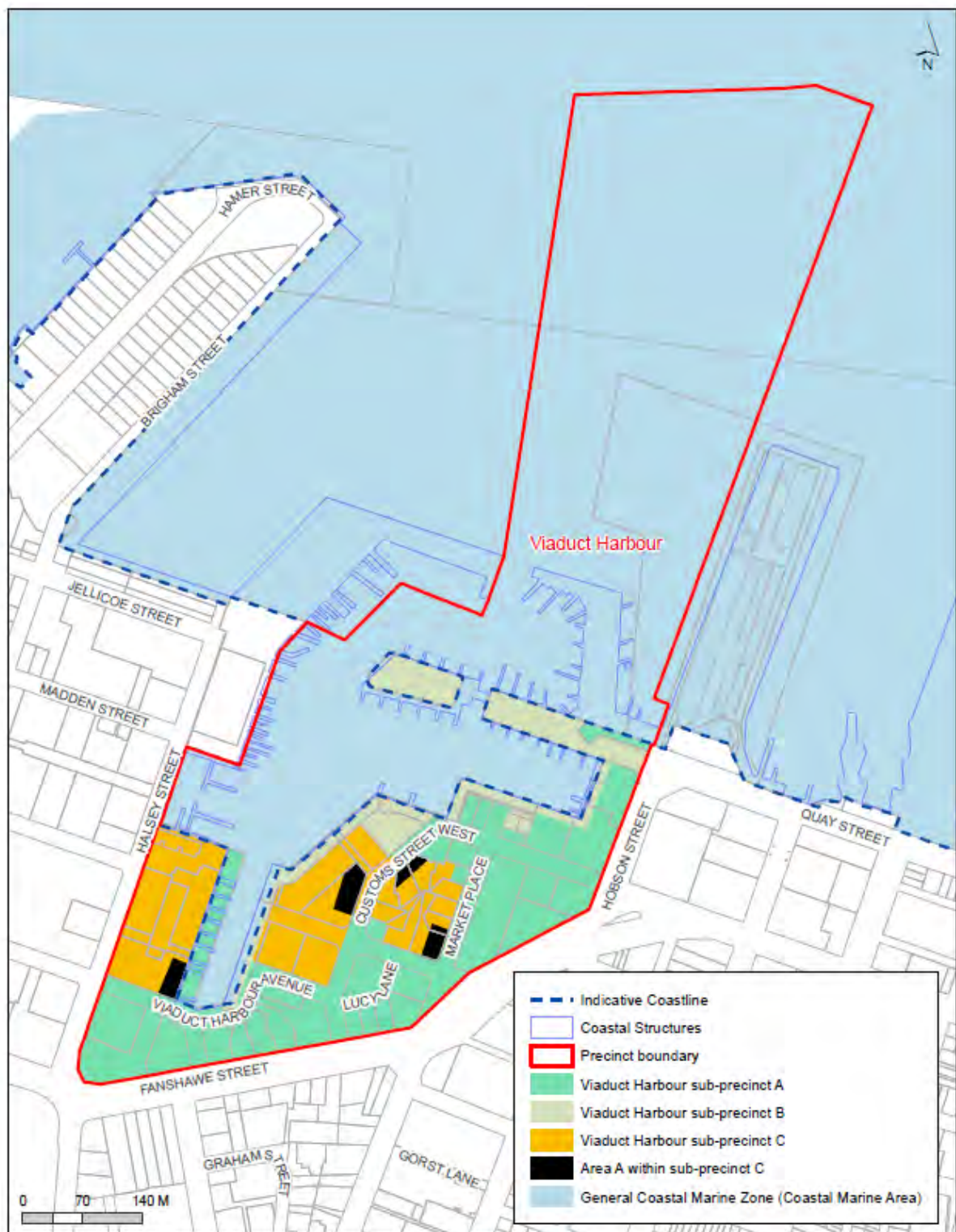
- (b) where building height is exceeded, Policy I211.3(4) of the Viaduct Harbour Precinct and Policy [H8.3\(30\)](#) of the Business – City Centre Zone should be considered;
- (13) infringing the site intensity standard:
  - (a) the extent to which development is of a scale and form appropriate to the 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**

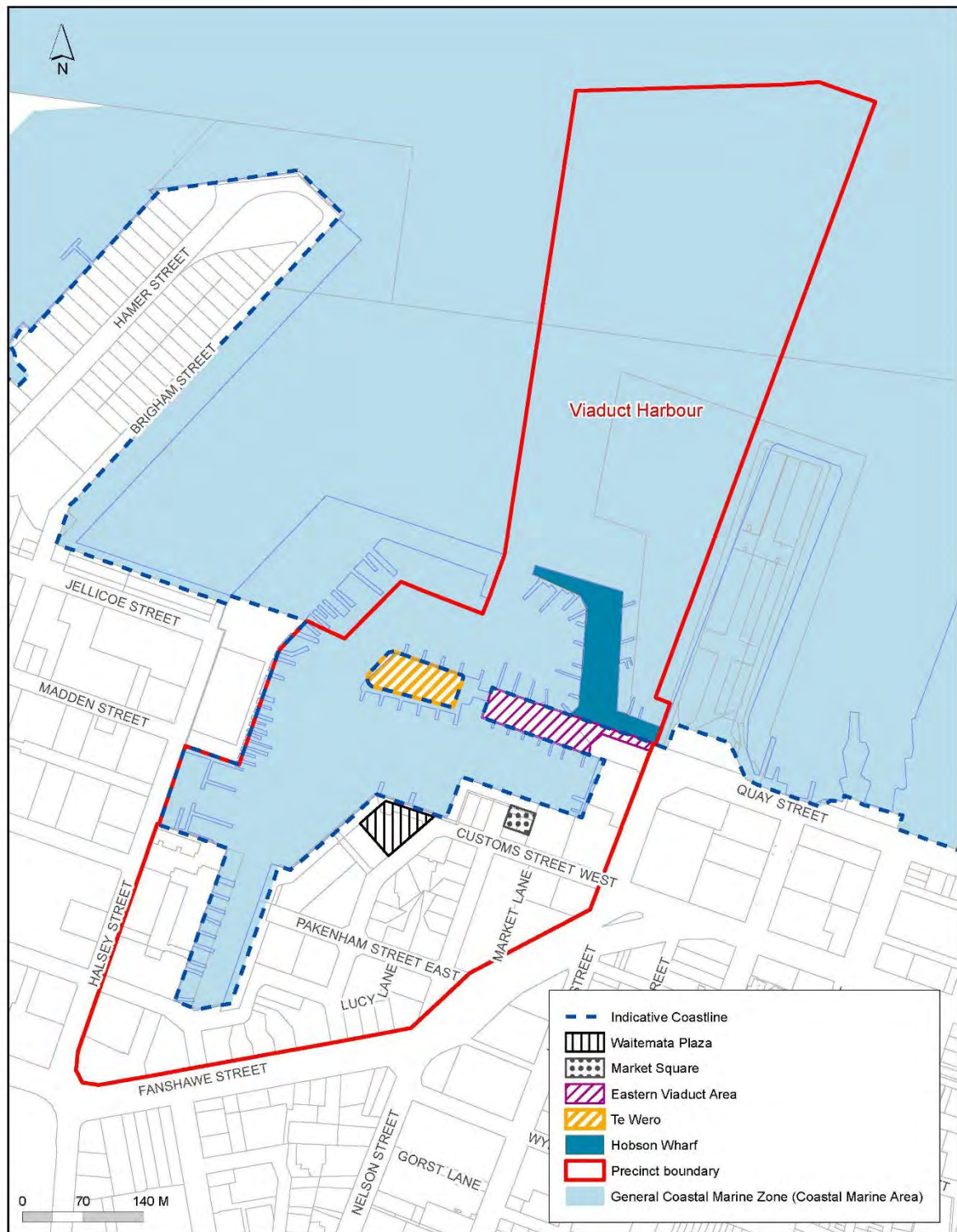
- (1) An application for marine and port facilities on land within the Viaduct Harbour area shown on Precinct plan 1 must be accompanied by a site management plan detailing operational procedures and physical measures to be put in place to avoid, remedy or mitigate public safety effects.

## I211.10. Precinct plans

### I211.10.1 Viaduct Harbour: Precinct plan 1 – Precinct and sub-precincts

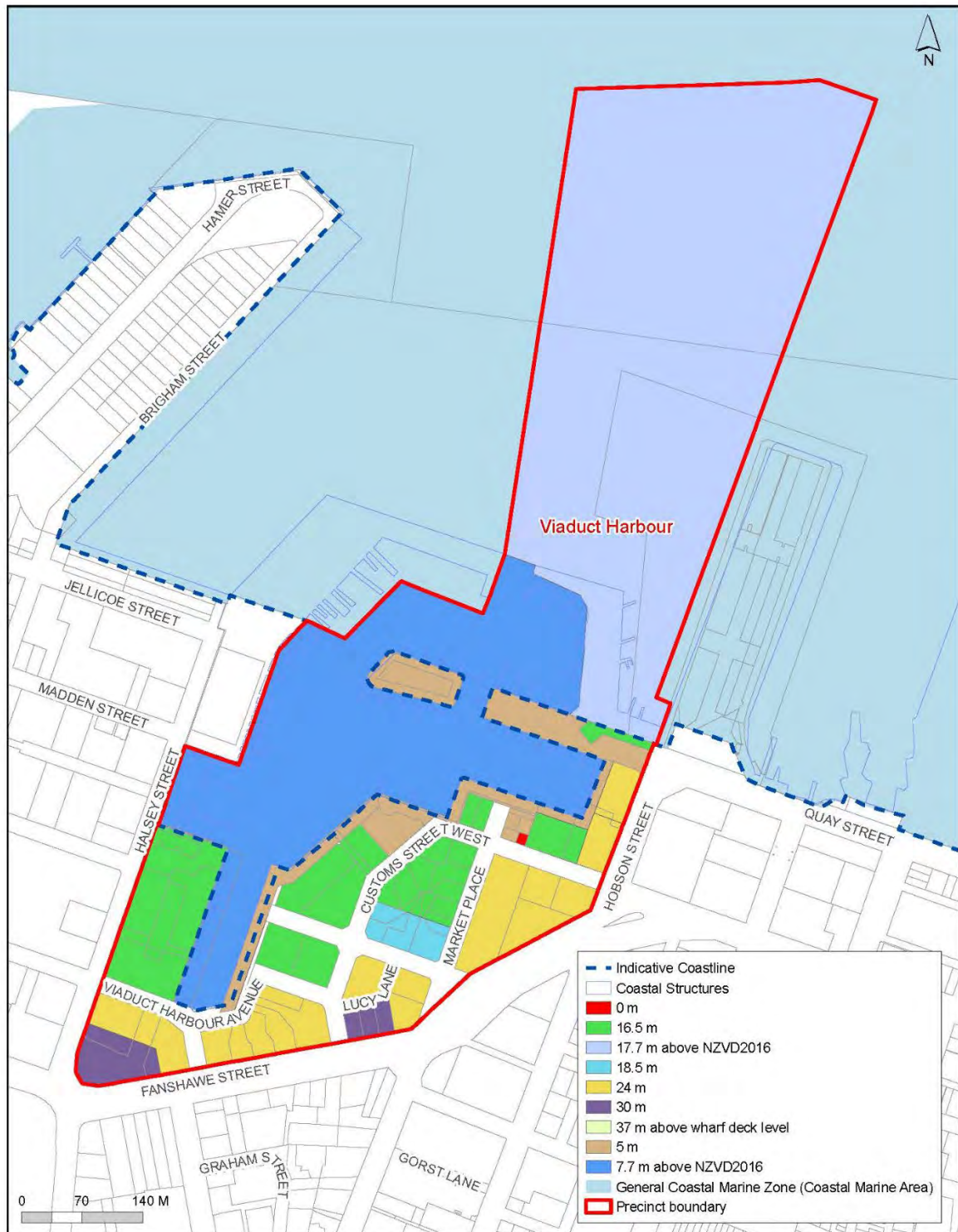


**I211.10.2 Viaduct Harbour: Precinct plan 2 - Wharves and open spaces**

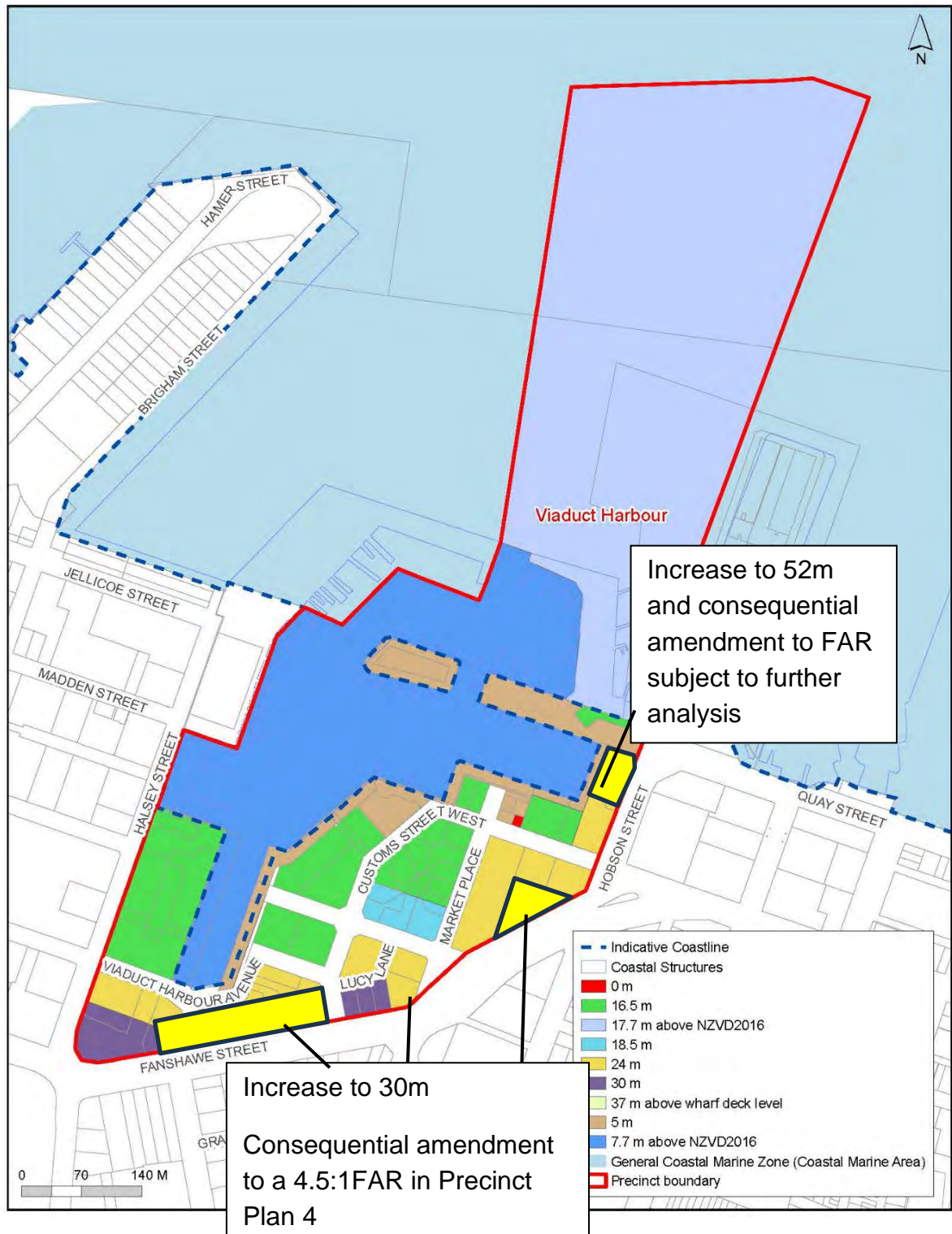




### I211.10.3 Viaduct Harbour: Precinct plan 3 - Building height controls

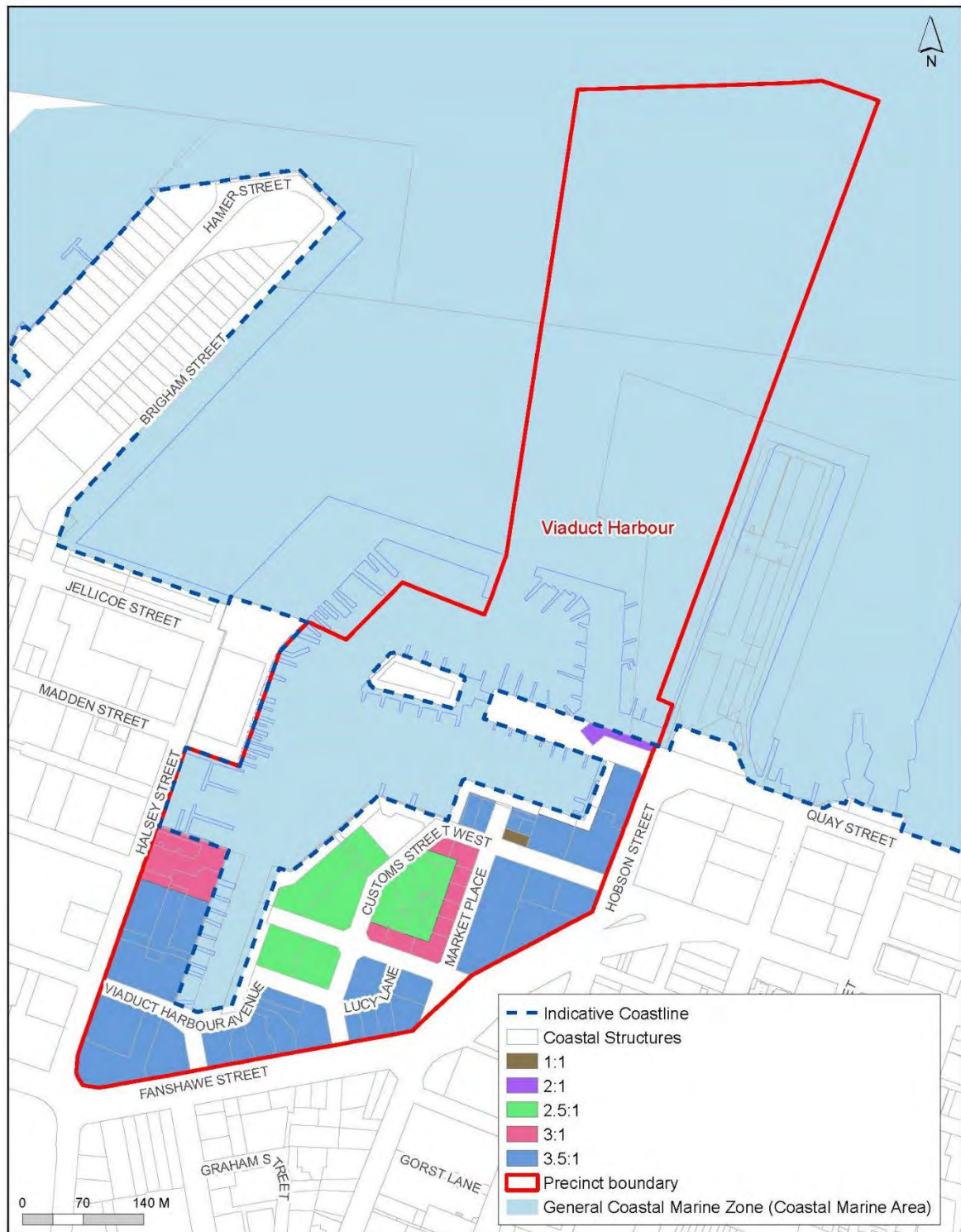


[Advise note not to be included – amend Plan 3 as below]

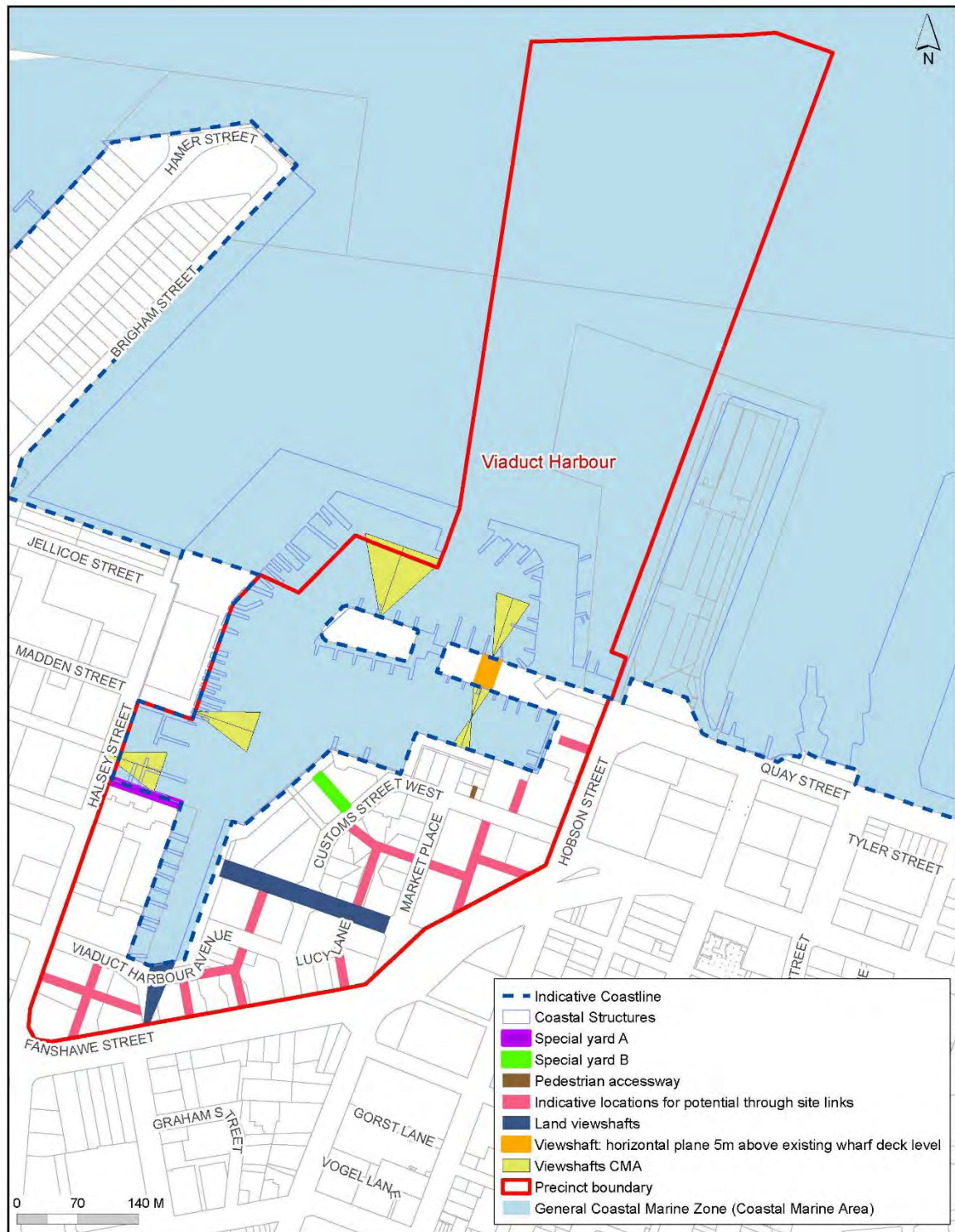




**I211.10.4 Viaduct Harbour: Precinct plan 4 - Site intensity controls** **[Advise note not to be included – amend Plan 4 to reflect FAR increases as per diagram above]**

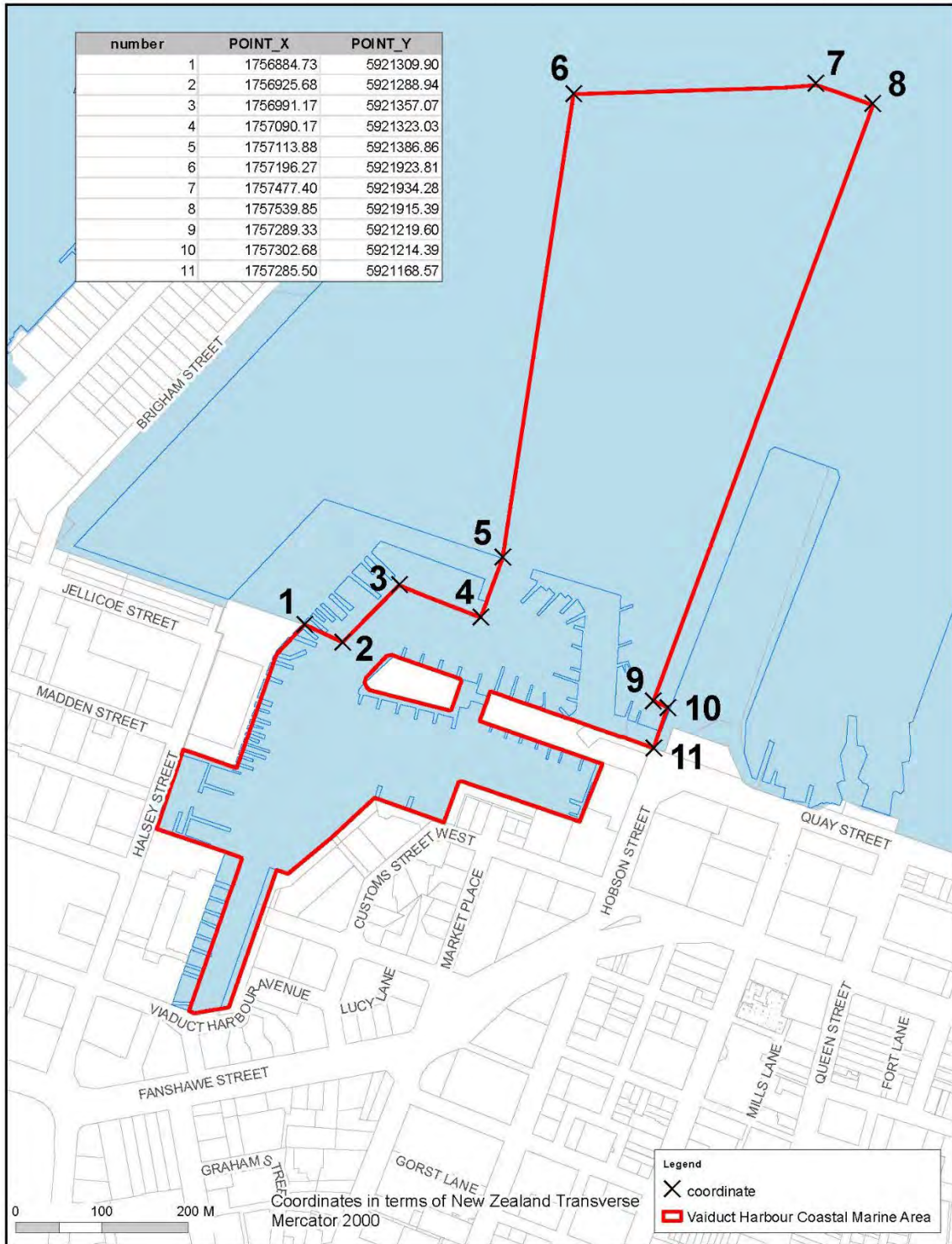


# I211.10.5 Viaduct Harbour: Precinct plan 5 - Pedestrian accessways and viewshafts





**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**

<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)	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

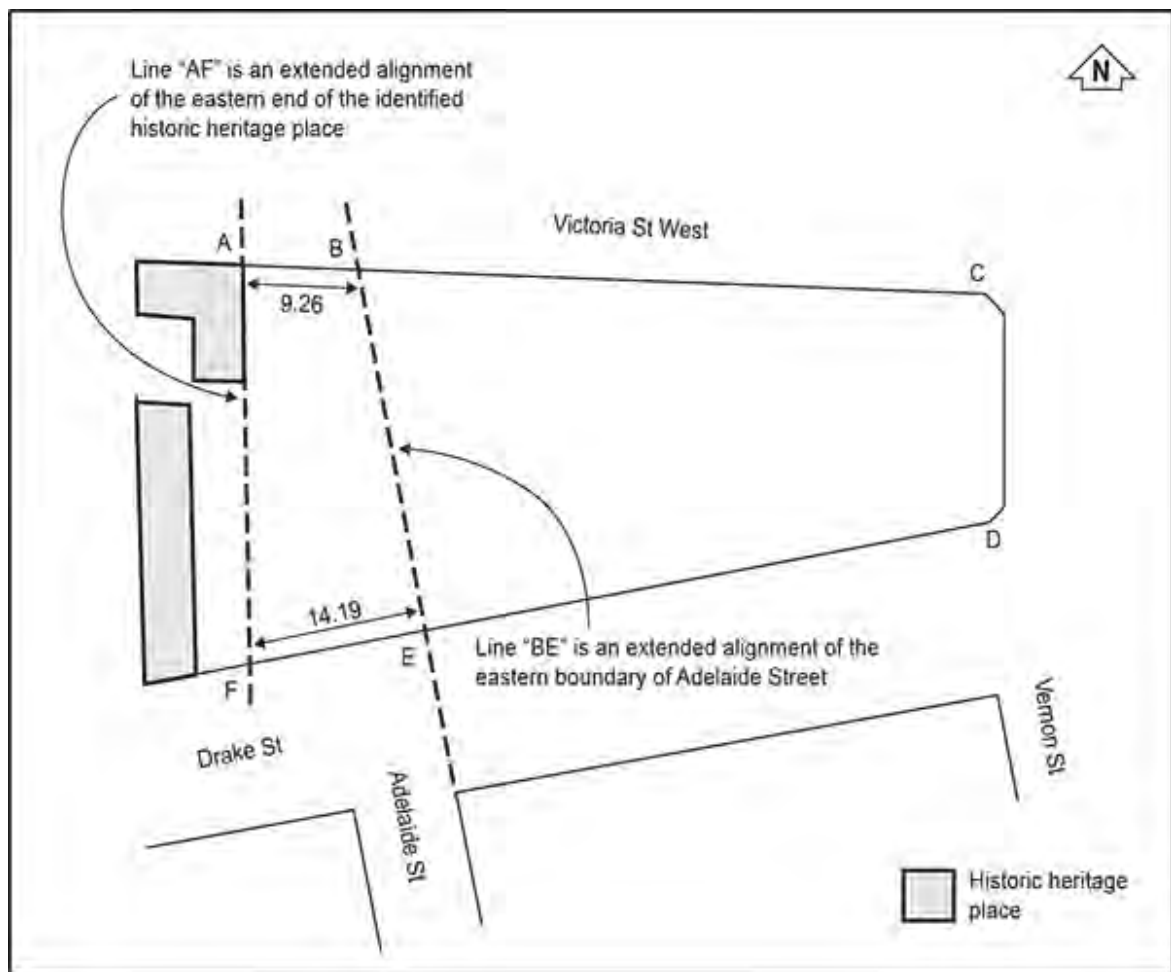
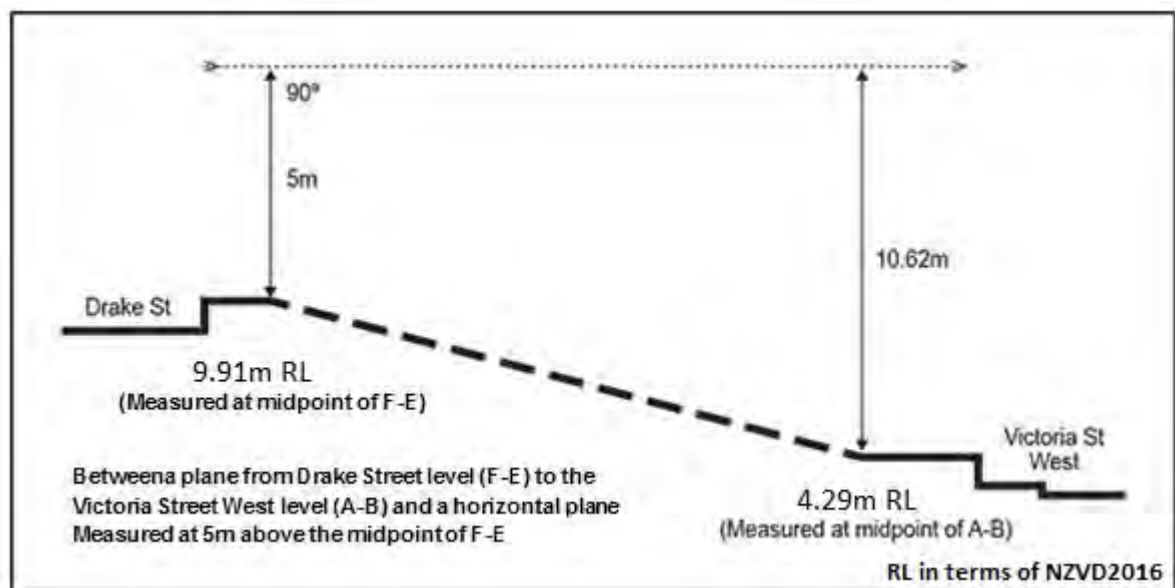


Figure I212.6.4.2 Adelaide Street viewshaft elevation



#### **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;

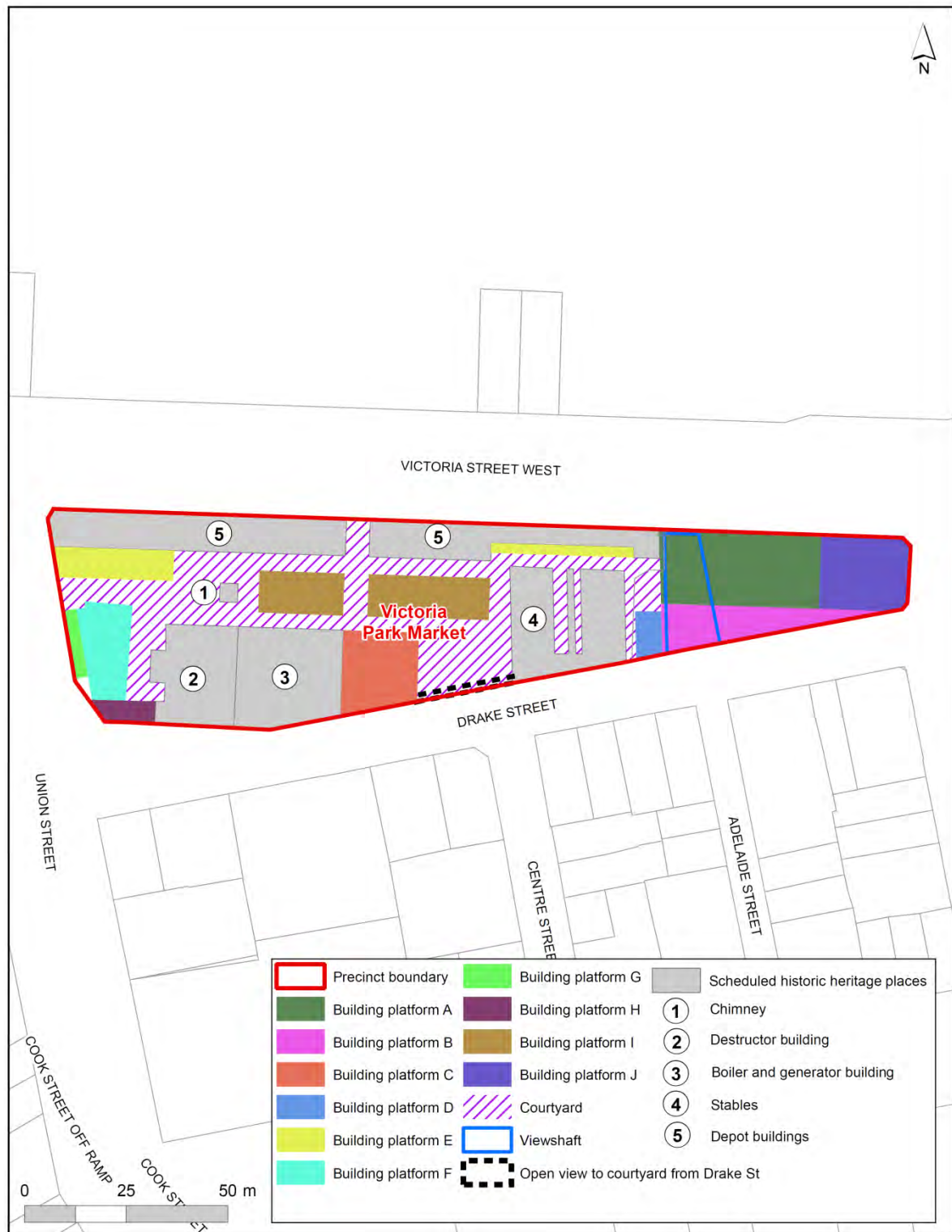
- (xxxi) where possible, whether development of sites along the original shoreline cliff near the northern edge of Drake Street avoids the destruction of, and should identify and enhance that natural and historic feature.

#### **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 100m <sup>2</sup> 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 100m <sup>2</sup> 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>	<del>C</del>	<del>NA</del>
(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>	<del>NC</del>	<del>NC</del>
(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**

<b>Activity</b>	<b>Maximum parking ratio</b>
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**

<b>Wharf</b>	<b>Location</b>	<b>Public accessway dimension</b>
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:

<b>Sub-precinct</b>	<b>Trips per hour one way in peak direction</b>
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;



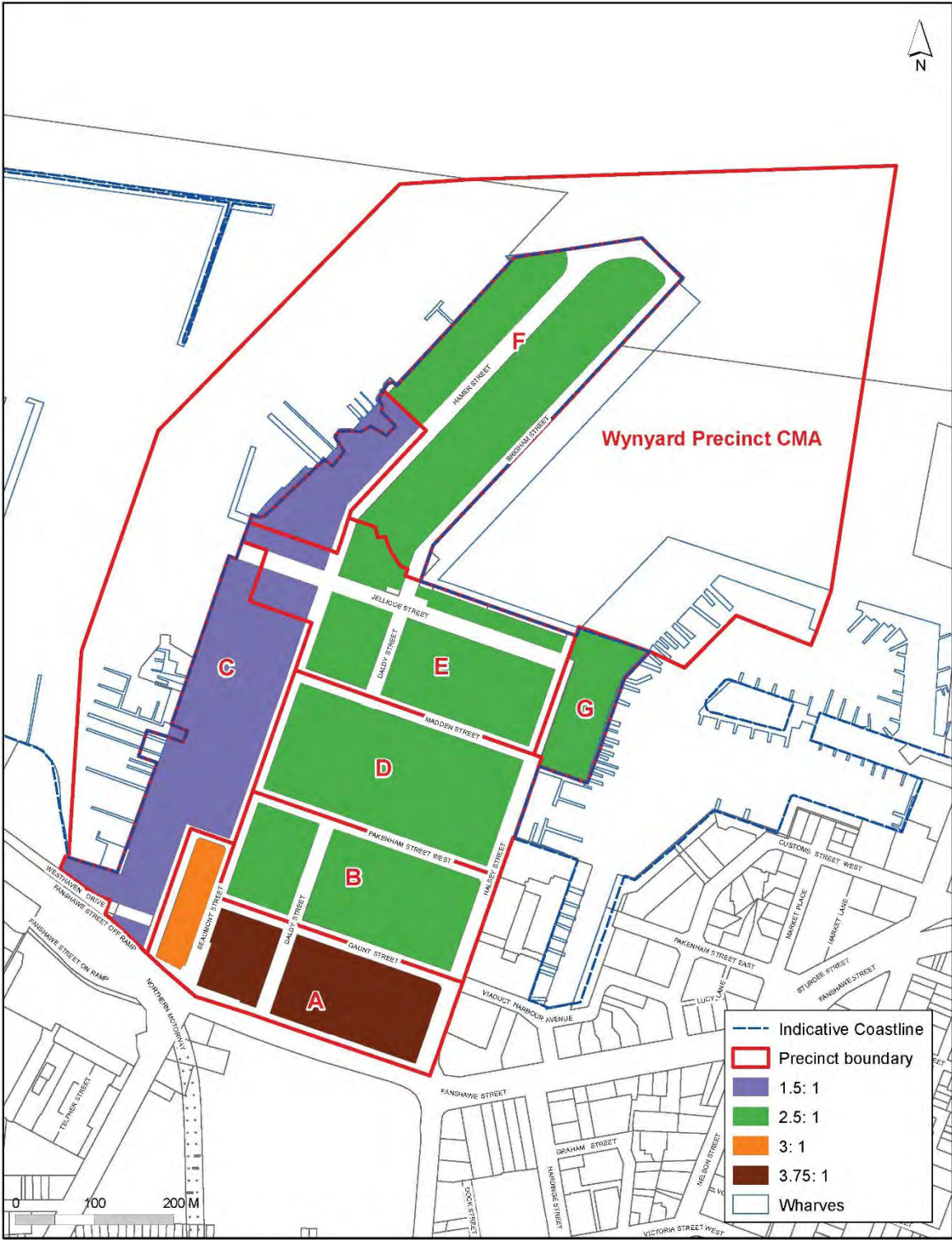
- (ii) the physical linkages to be provided on the site to link with surrounding pedestrian and cycle networks and existing public transport resources;
  - (iii) operational measures to be established or currently implemented on-site to encourage reduced vehicle trips to Wynyard precinct, including car 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.

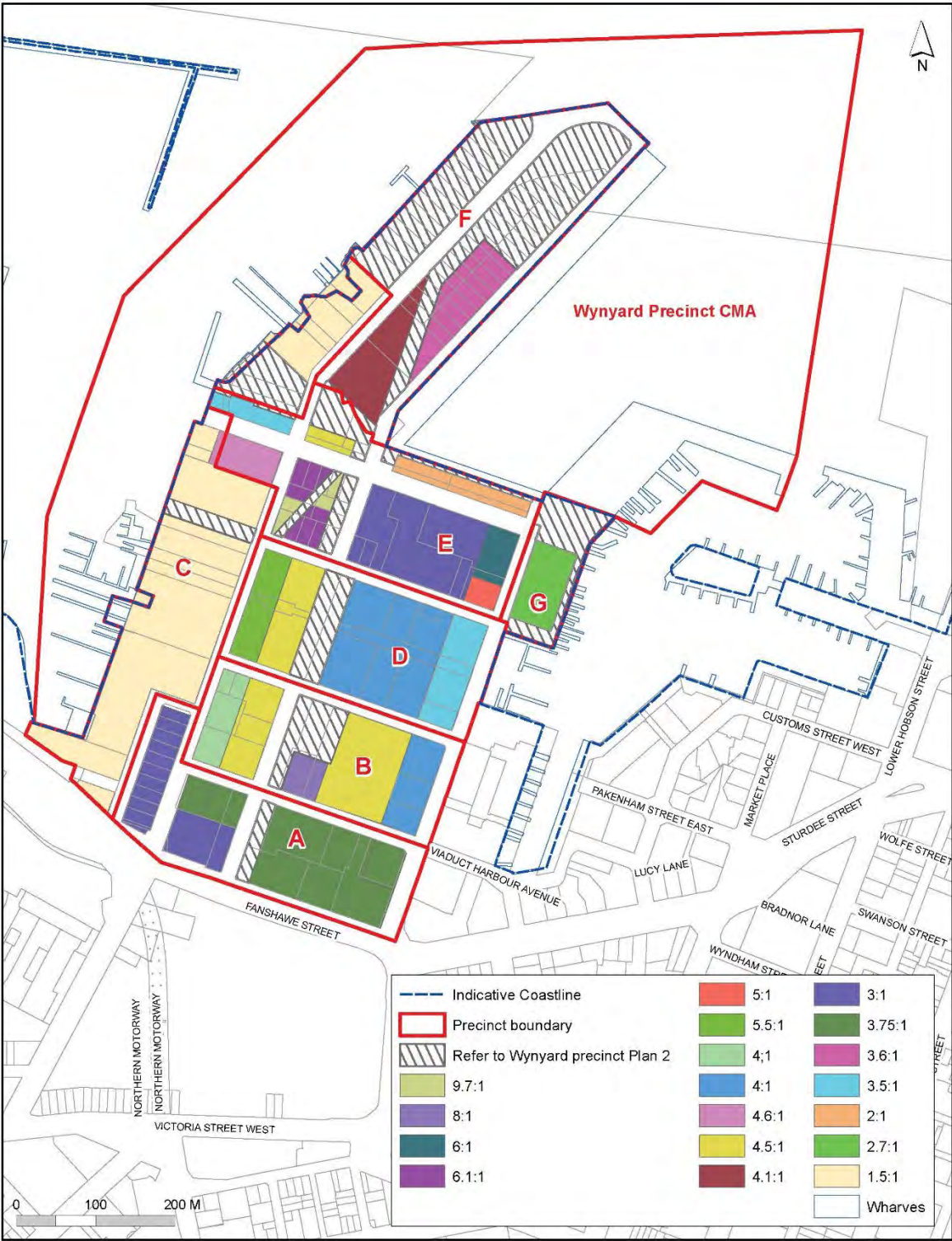


I214.10.2 Wynyard: Precinct plan 2 - Basic floor area ratio

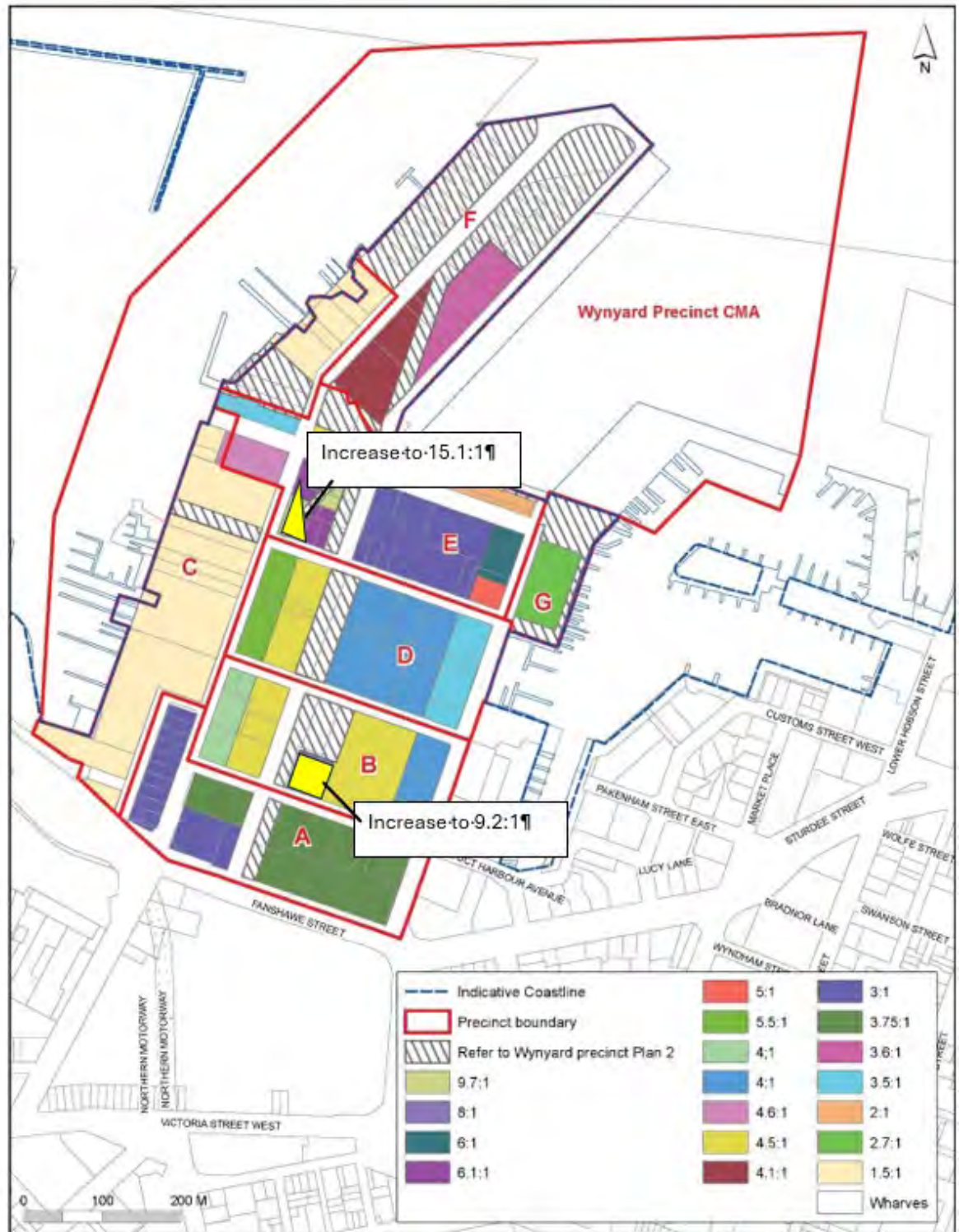




I214.10.3 Wynyard: Precinct plan 3 - Maximum floor area ratio

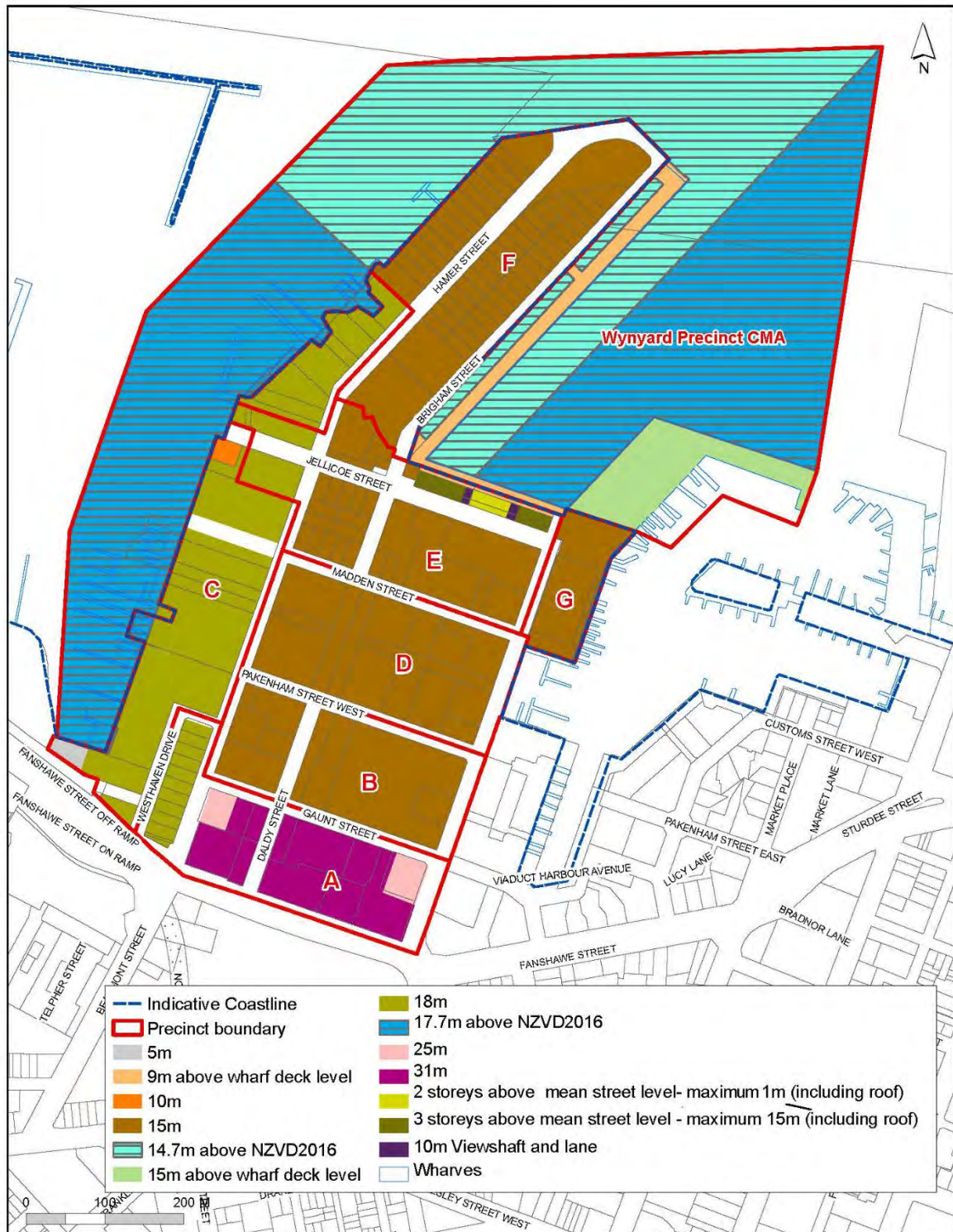


[Advice note do not include – amend FAR as below]

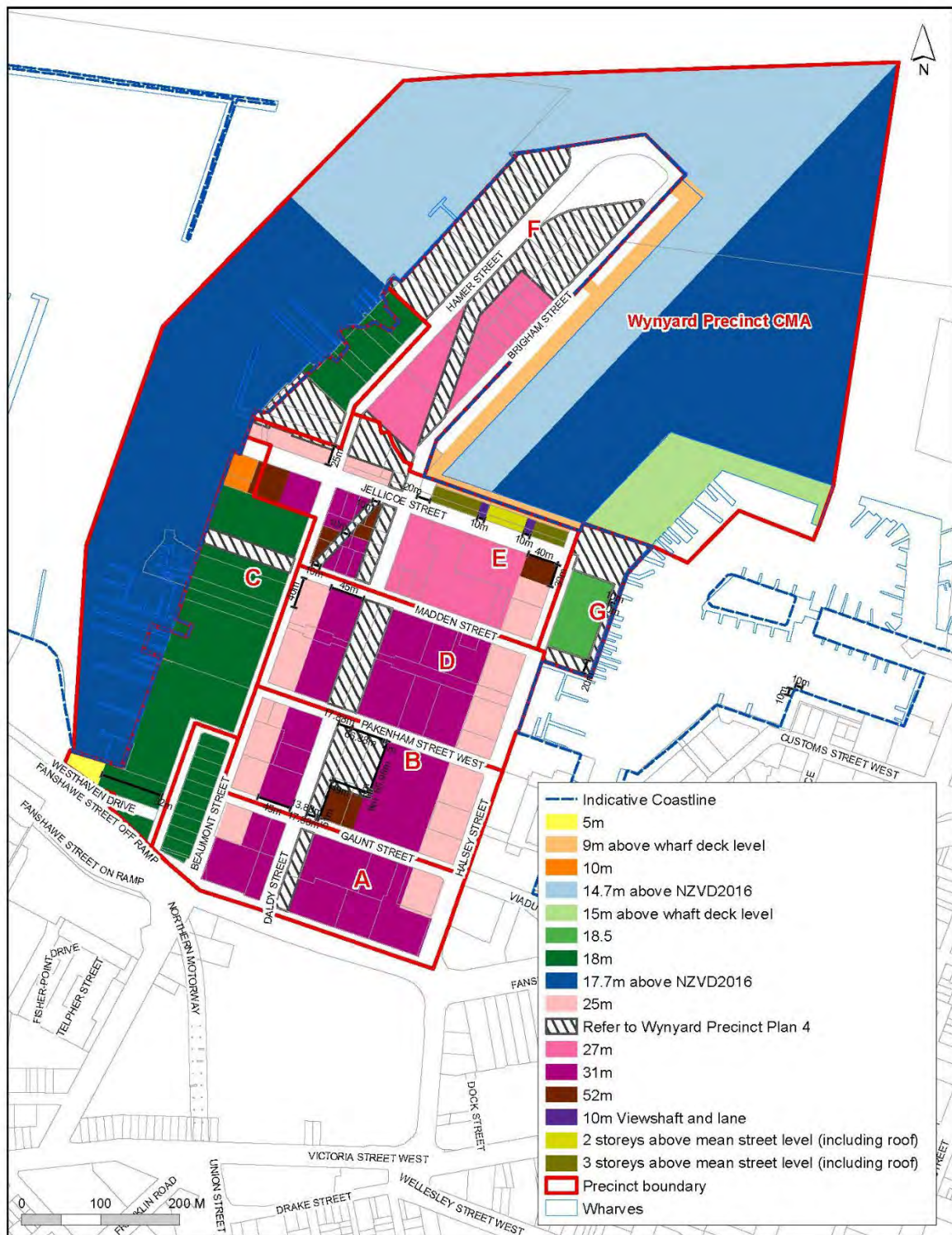




I214.10.4 Wynyard: Precinct plan 4 – Basic height

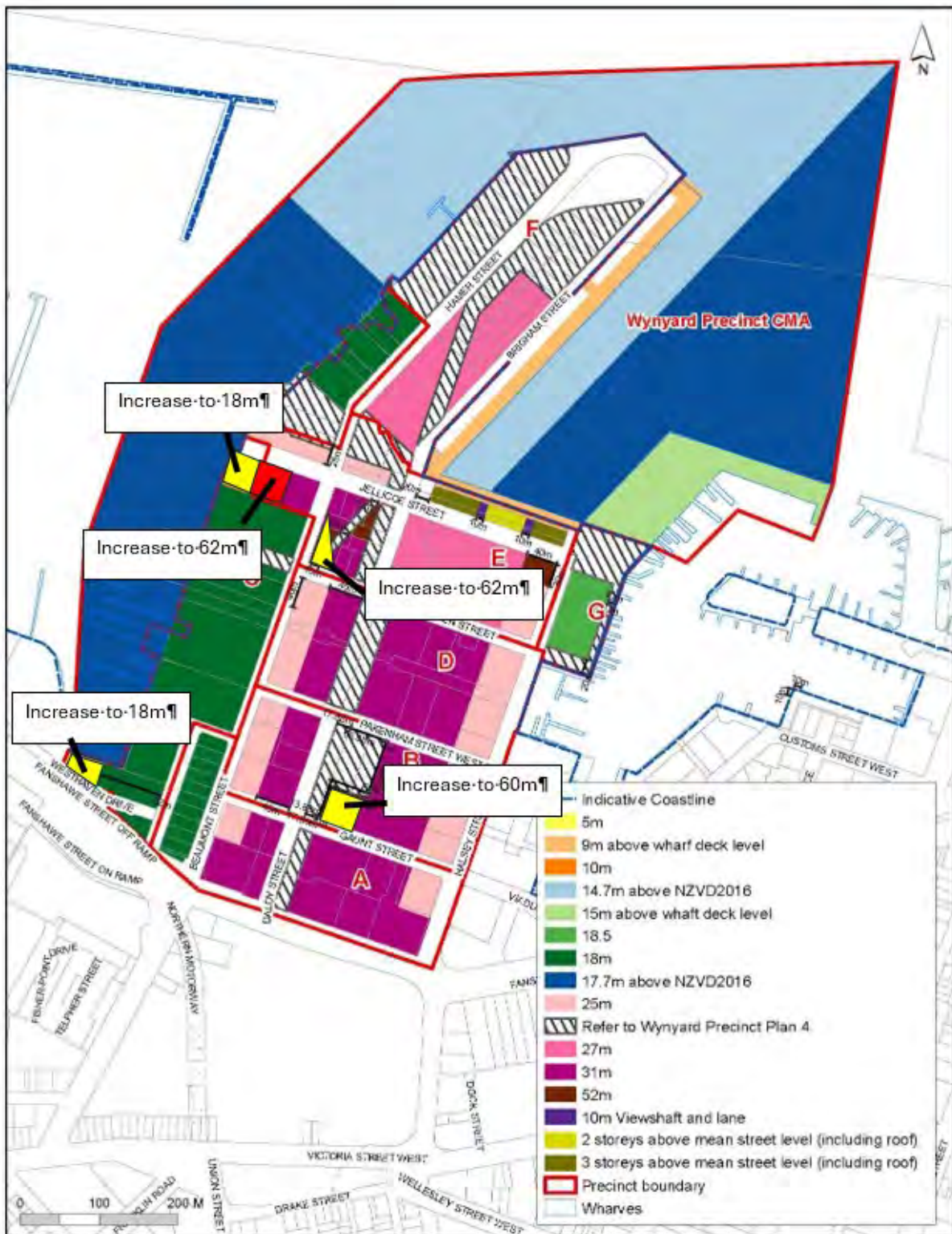


I214.10.5 Wynyard: Precinct plan 5 – Maximum height

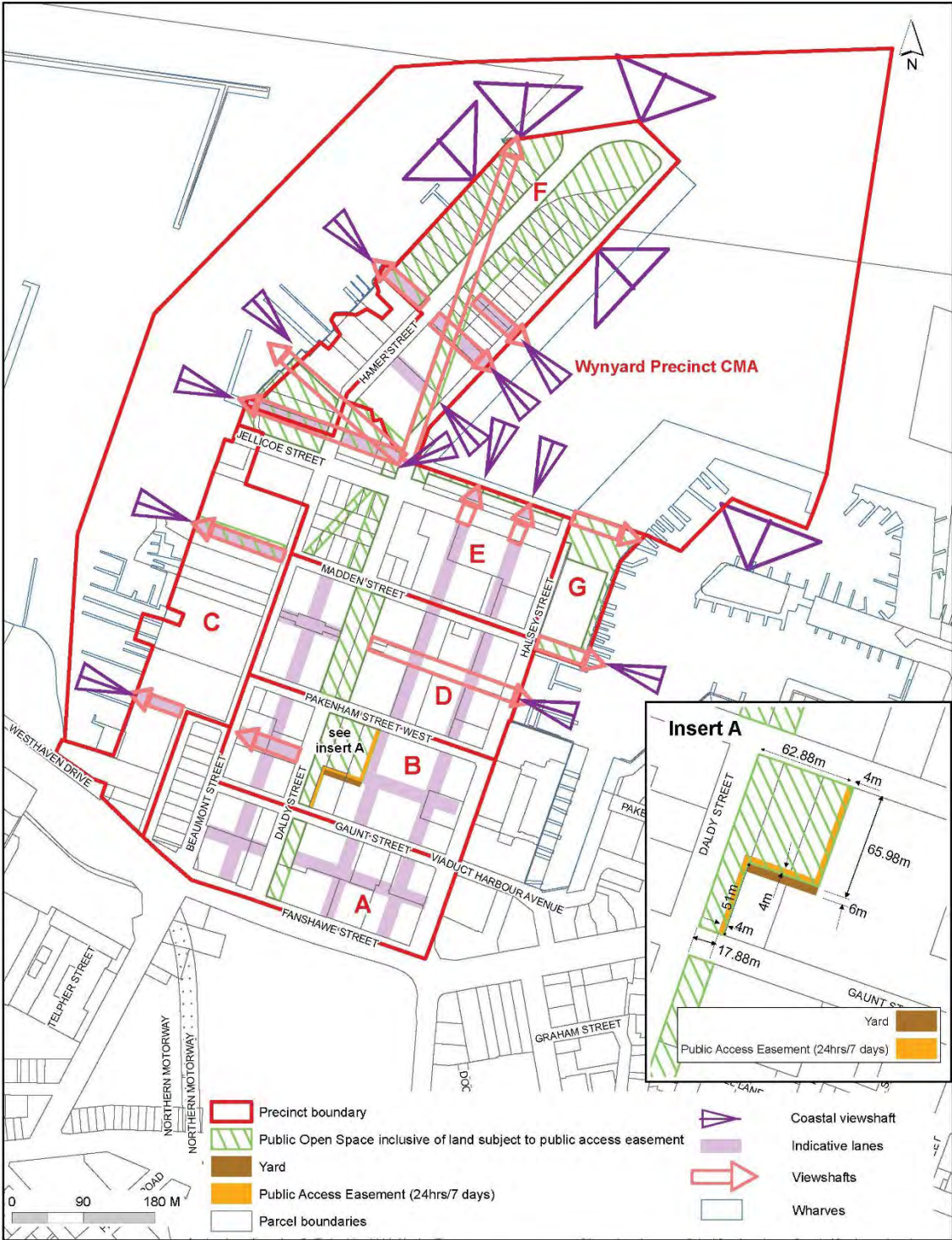




[Advice note not to be included – amend heights as below]



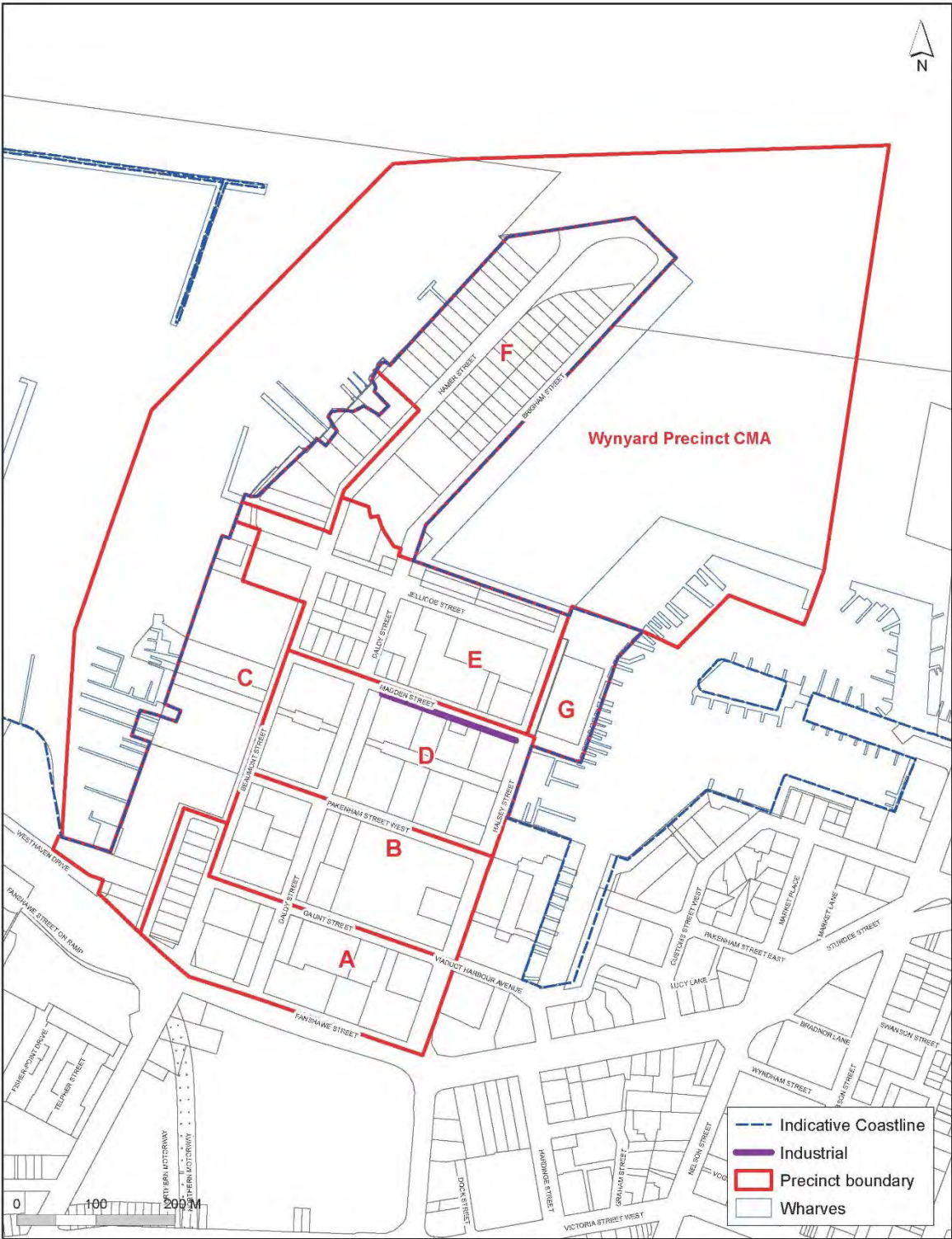
I214.10.6 Wynyard: Precinct plan 6 - Indicative lanes and viewshafts





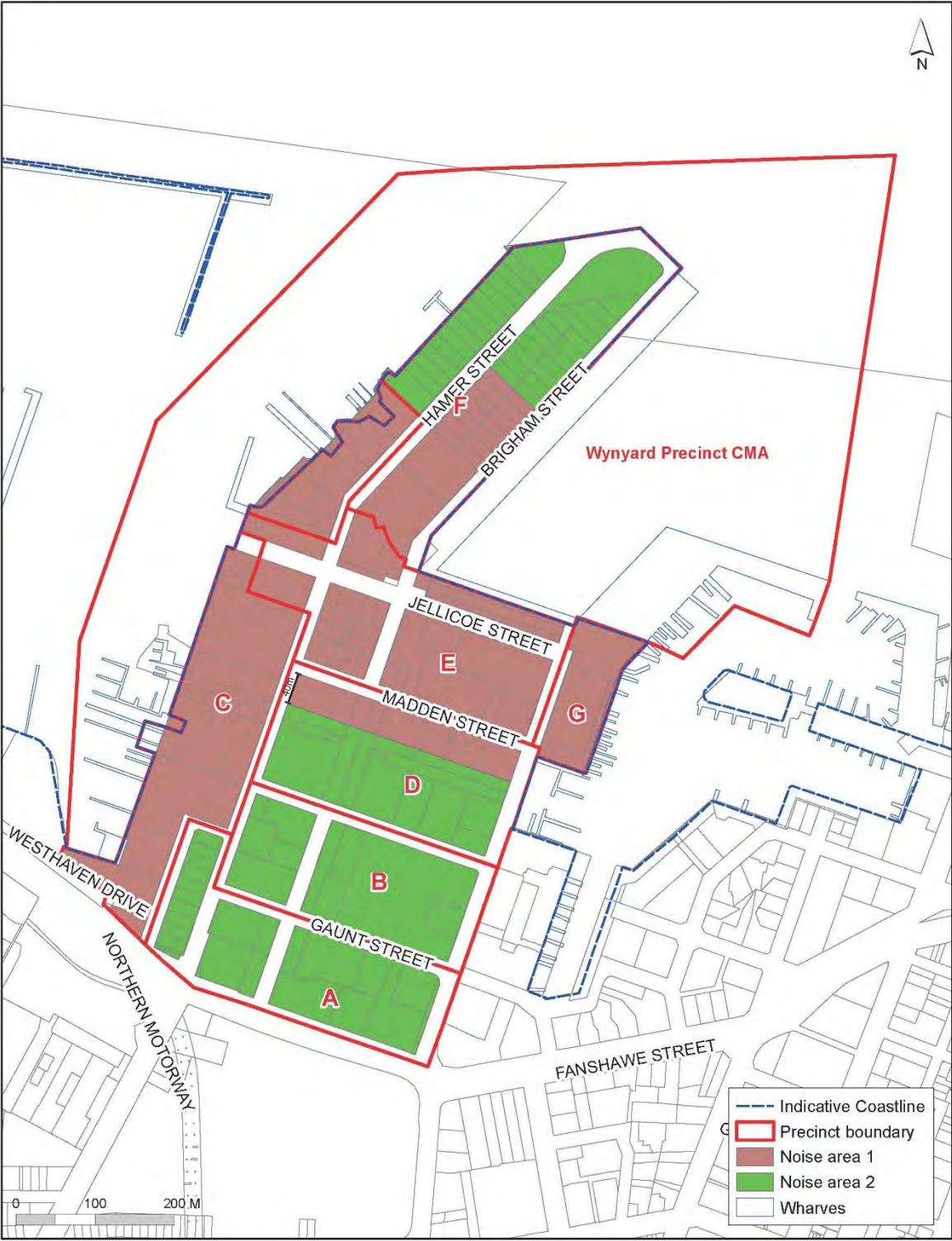


I214.10.8 Wynyard: Precinct plan 8 - Industrial frontages

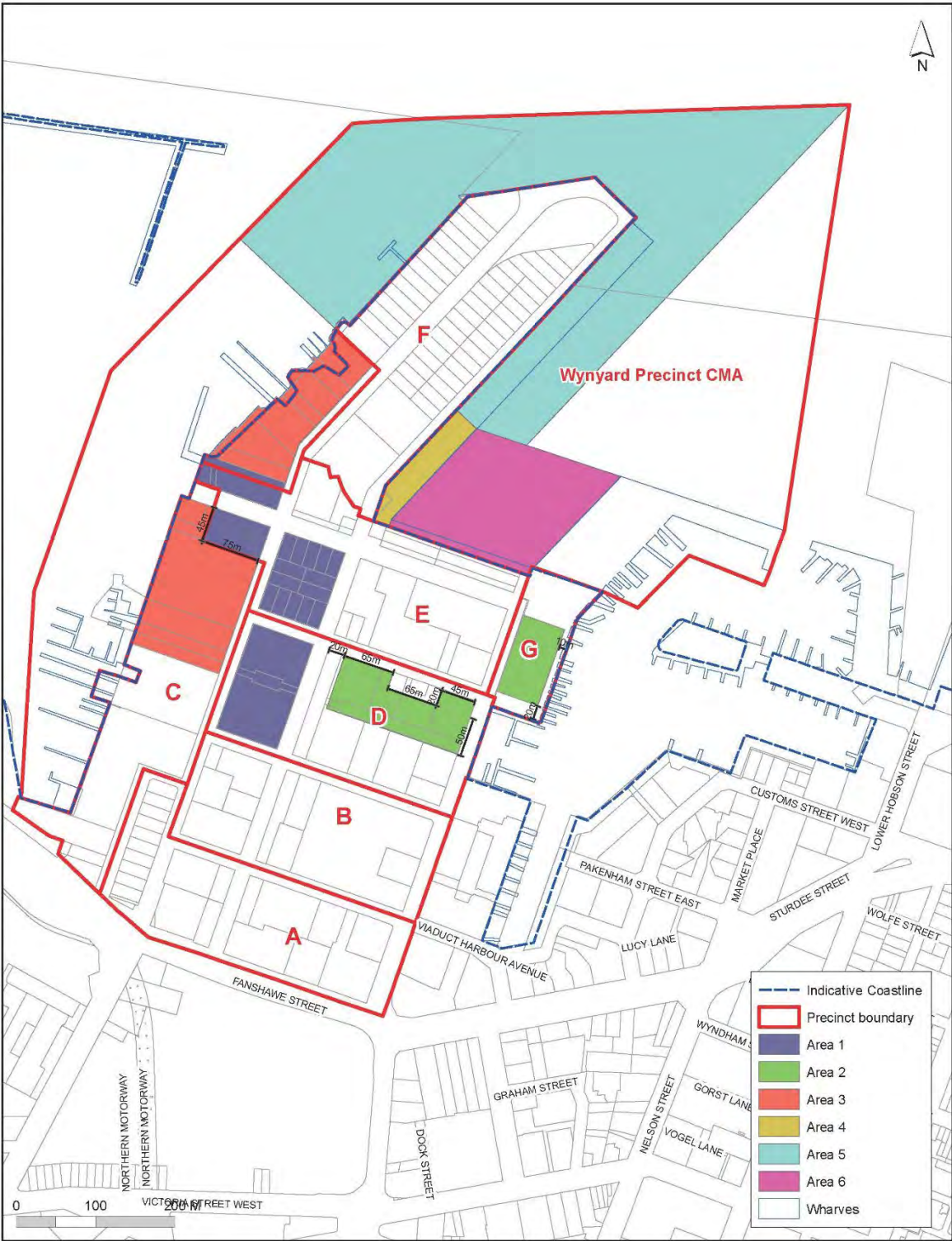




I214.10.9 Wynyard: Precinct plan 9 - Noise areas



I214.10.10 Wynyard: Precinct plan 10 – Risk areas







**I214.11. 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).

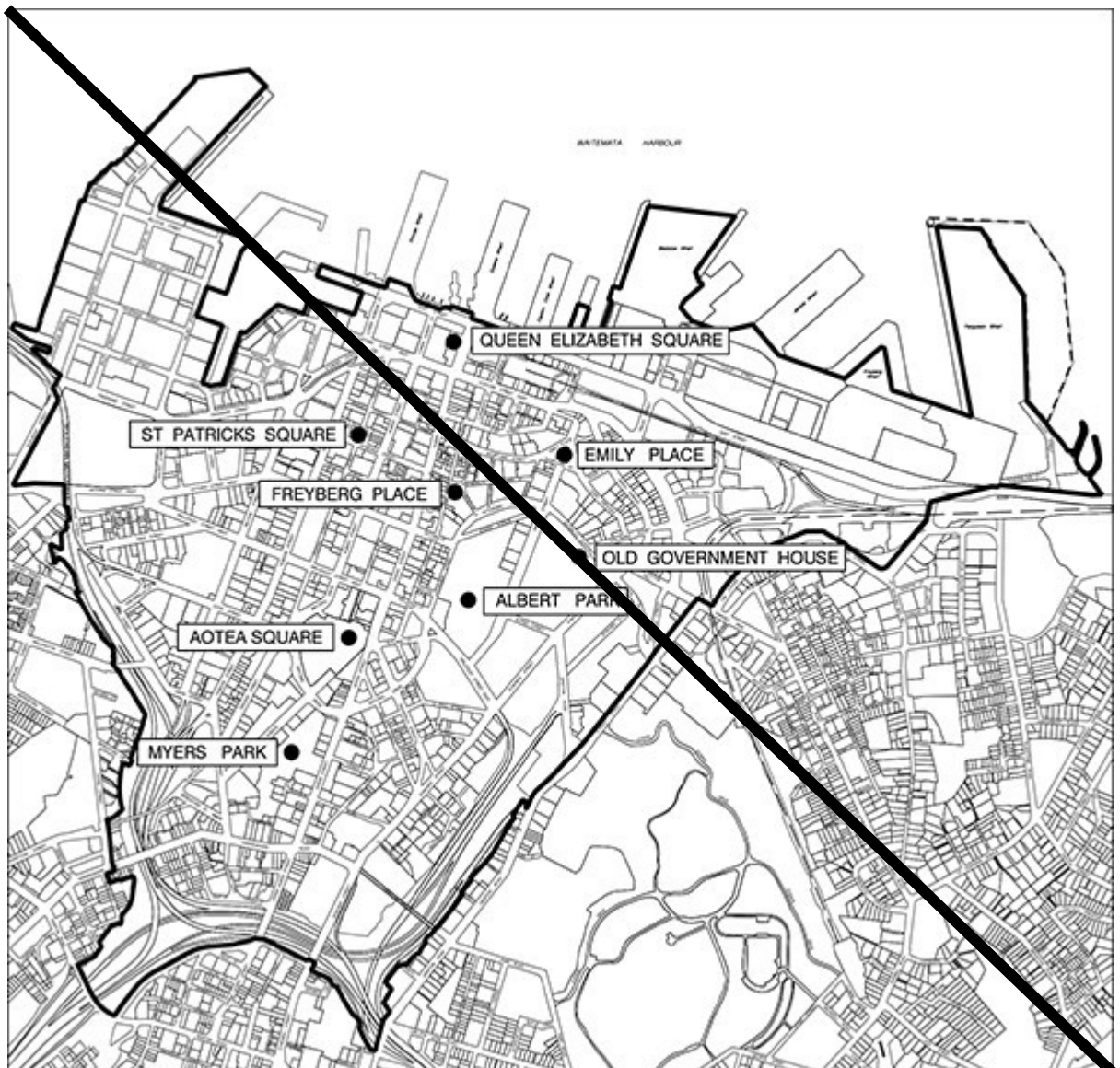
Notes 2:

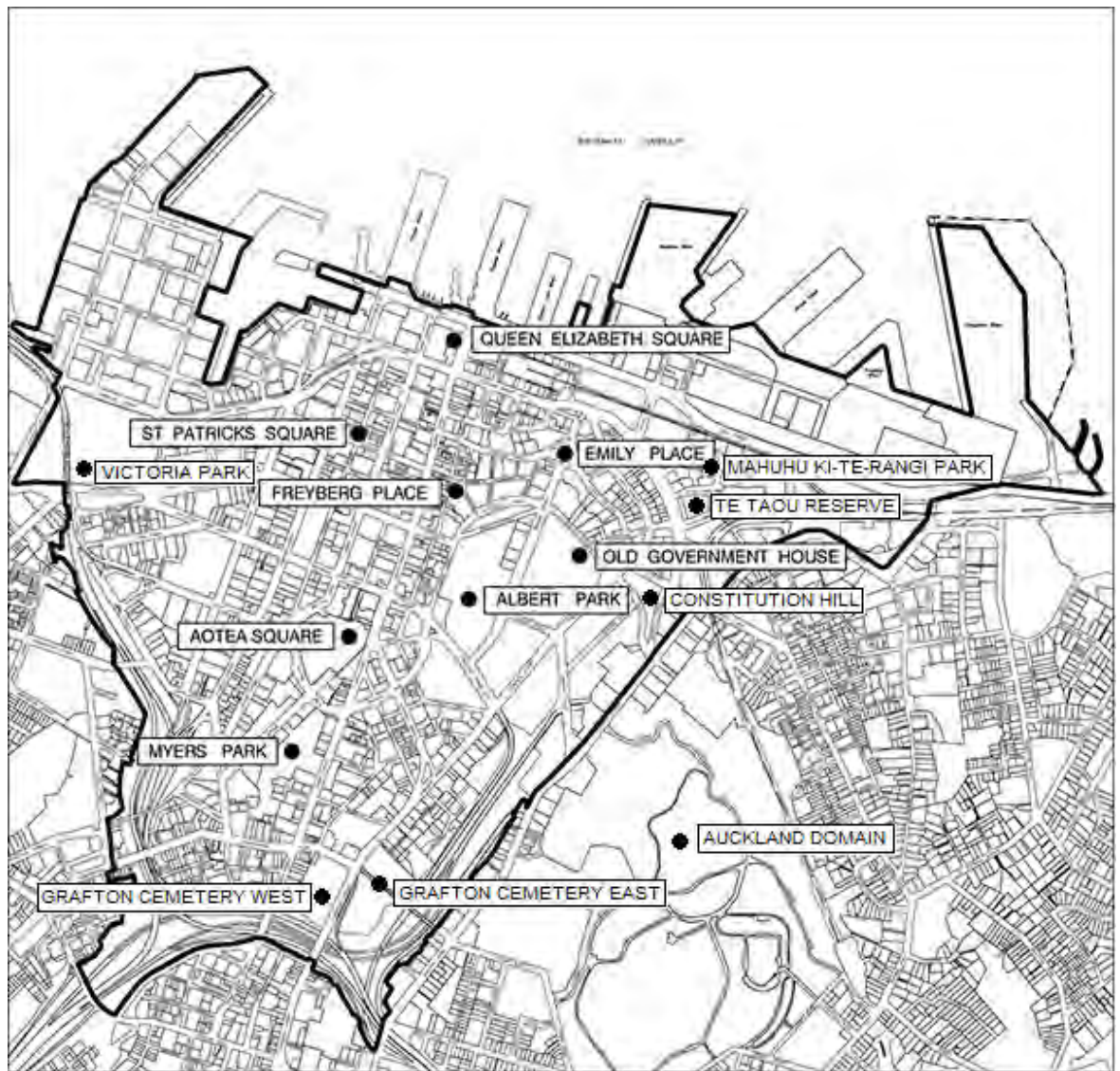
- (1) Defined time periods are expressed in terms of New Zealand Standard time.
- (2) Origin of coordinates in terms of Geodetic Datum 2000.
- (3) Coordinates in terms of New Zealand Transverse Mercator 2000.

- (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.

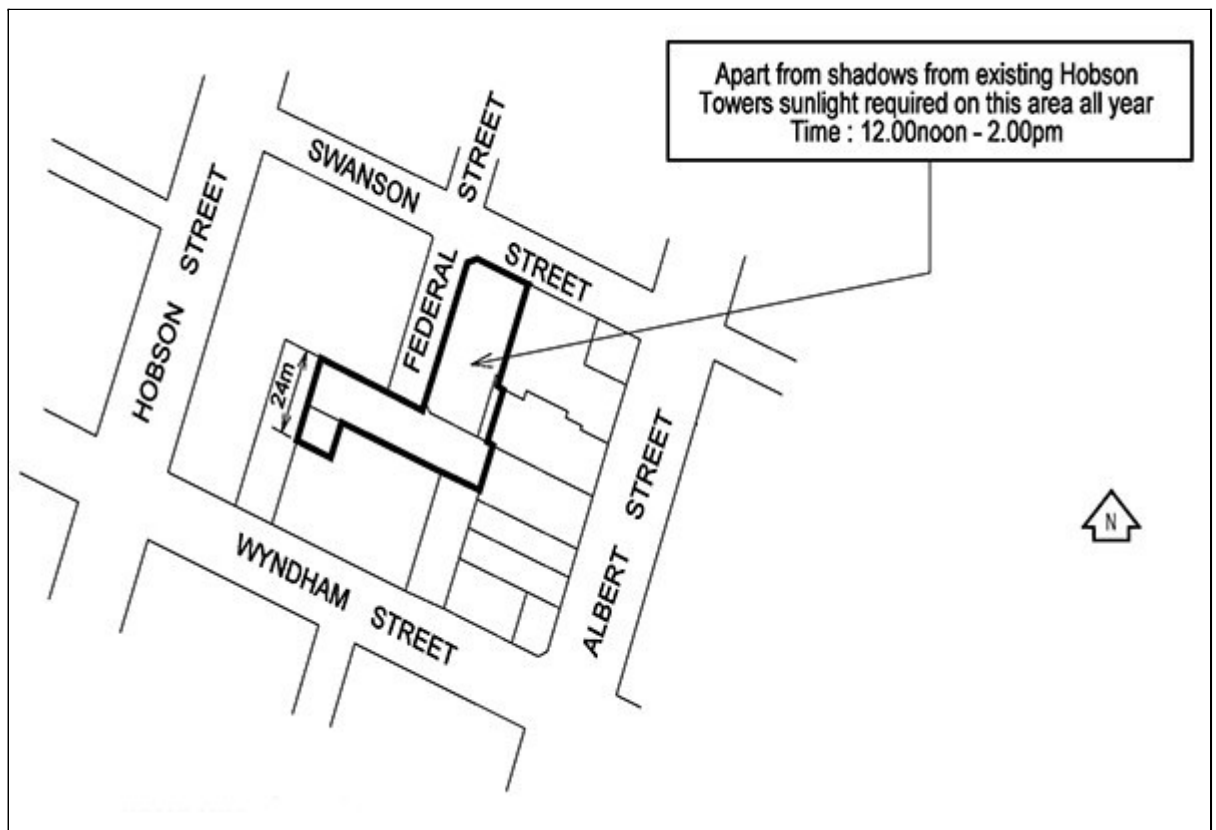
Notes 2 above relate to the following figure – Figure 4: Admission of Sunlight to Freyberg Place (FP).

**Figure 1: Locations**





**Figure 2: Admission of sunlight to St Patrick's Square**



**Figure 3: Admission of sunlight to Emily Place**

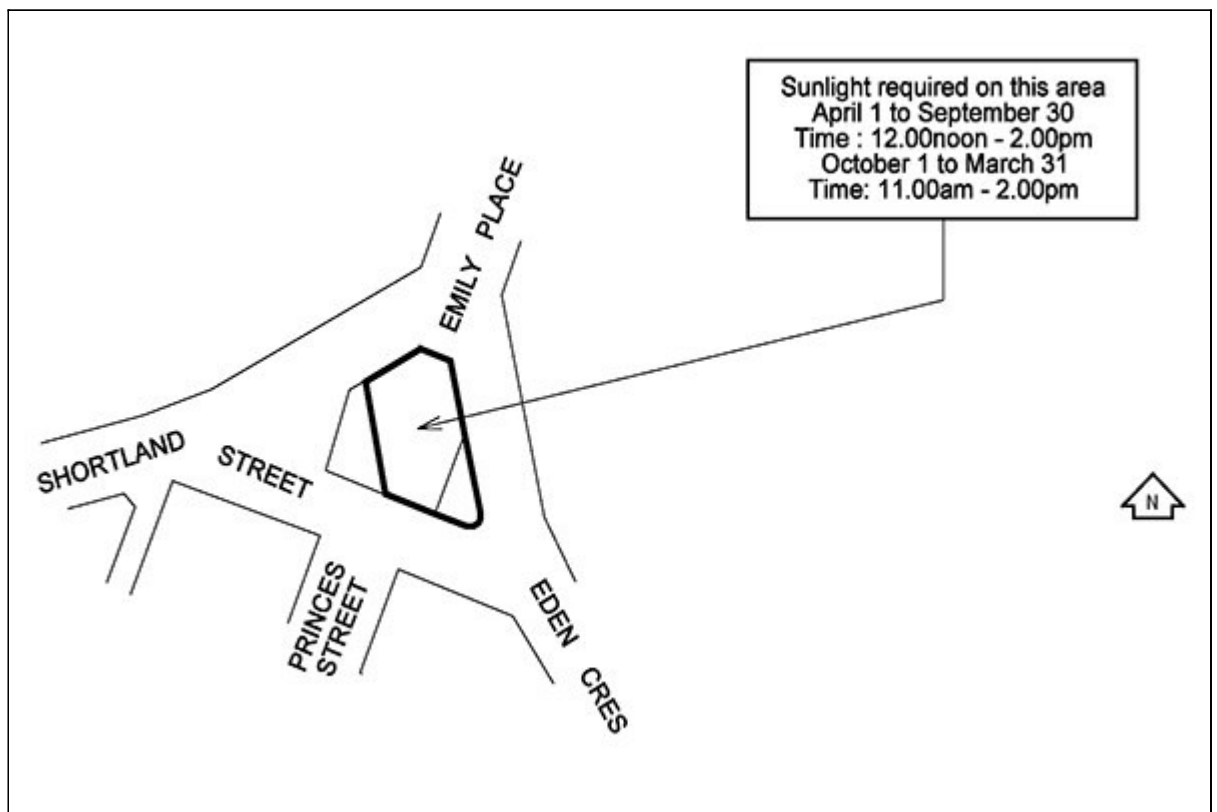


Figure 4: Admission of sunlight to Freyberg Place

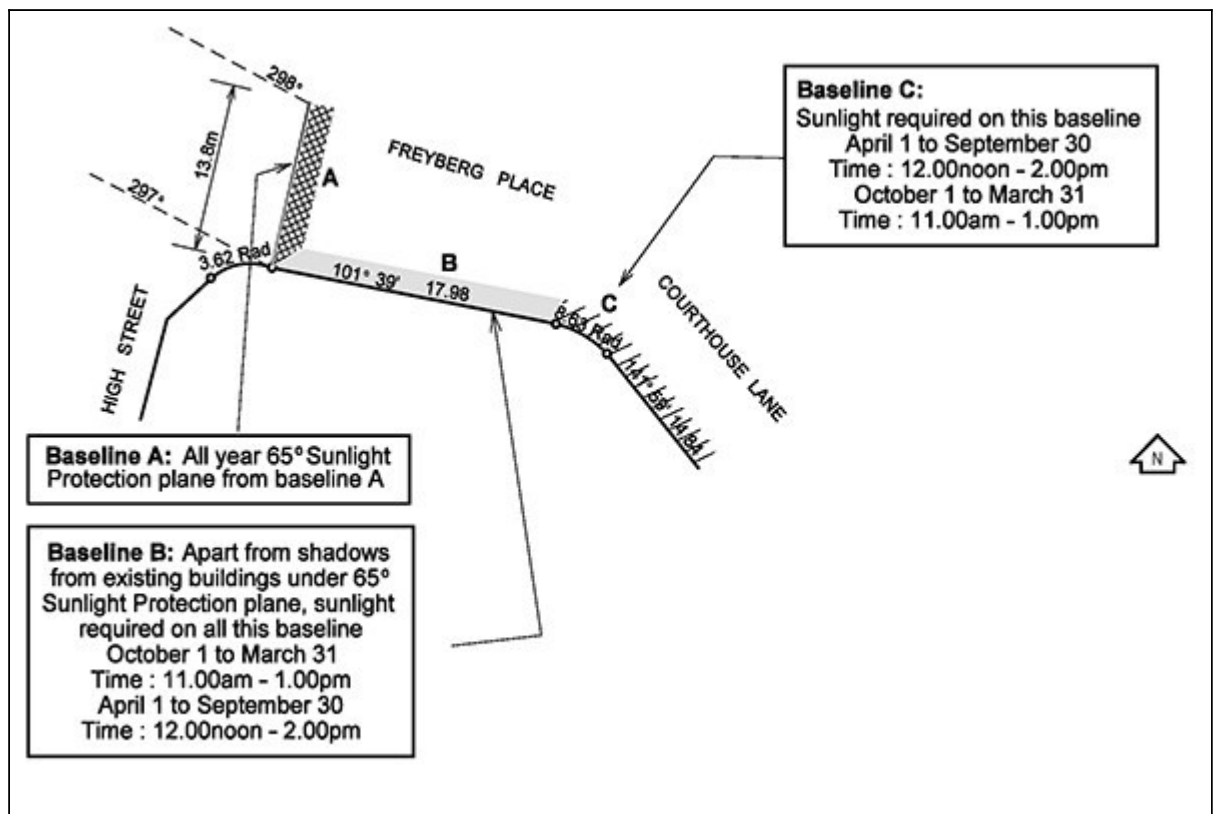


Figure 5: Admission of sunlight to Aotea and Aotea height control plane

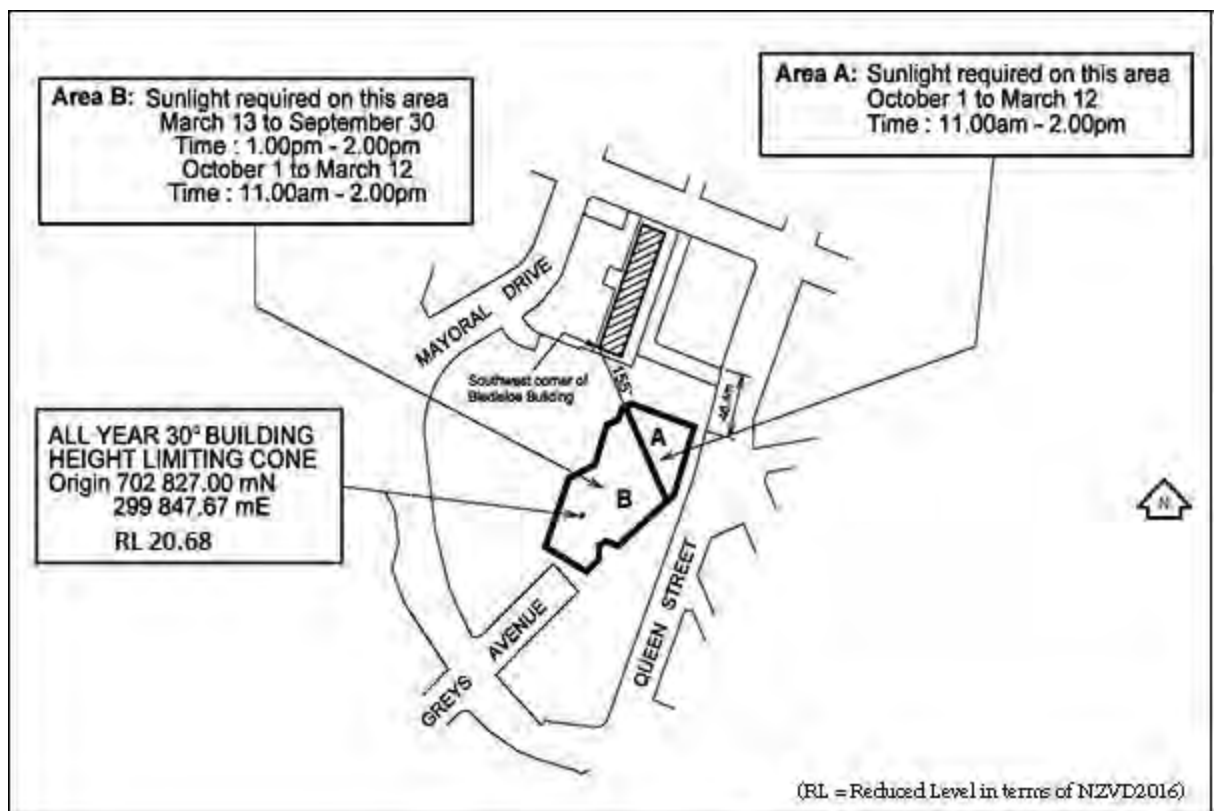


Figure 6: Admission of sunlight to Albert Park

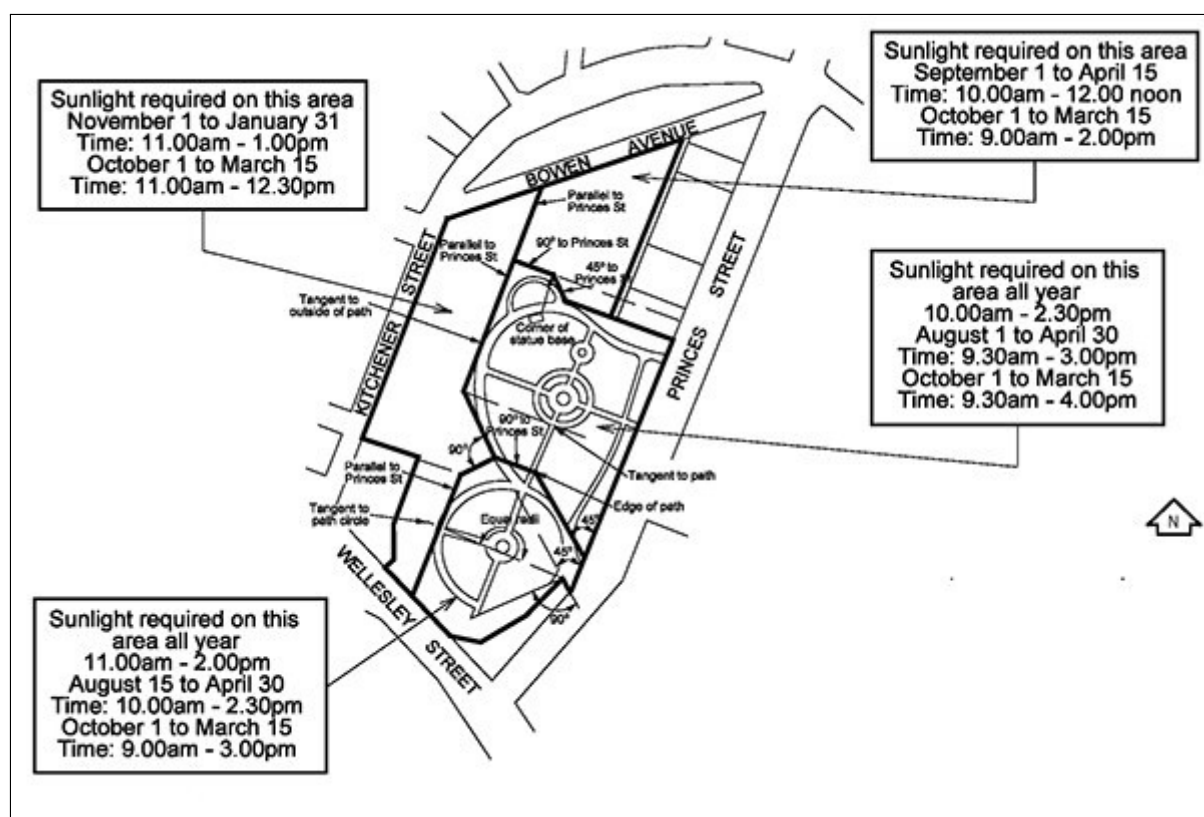


Figure 7: Admission of sunlight to Myers Park

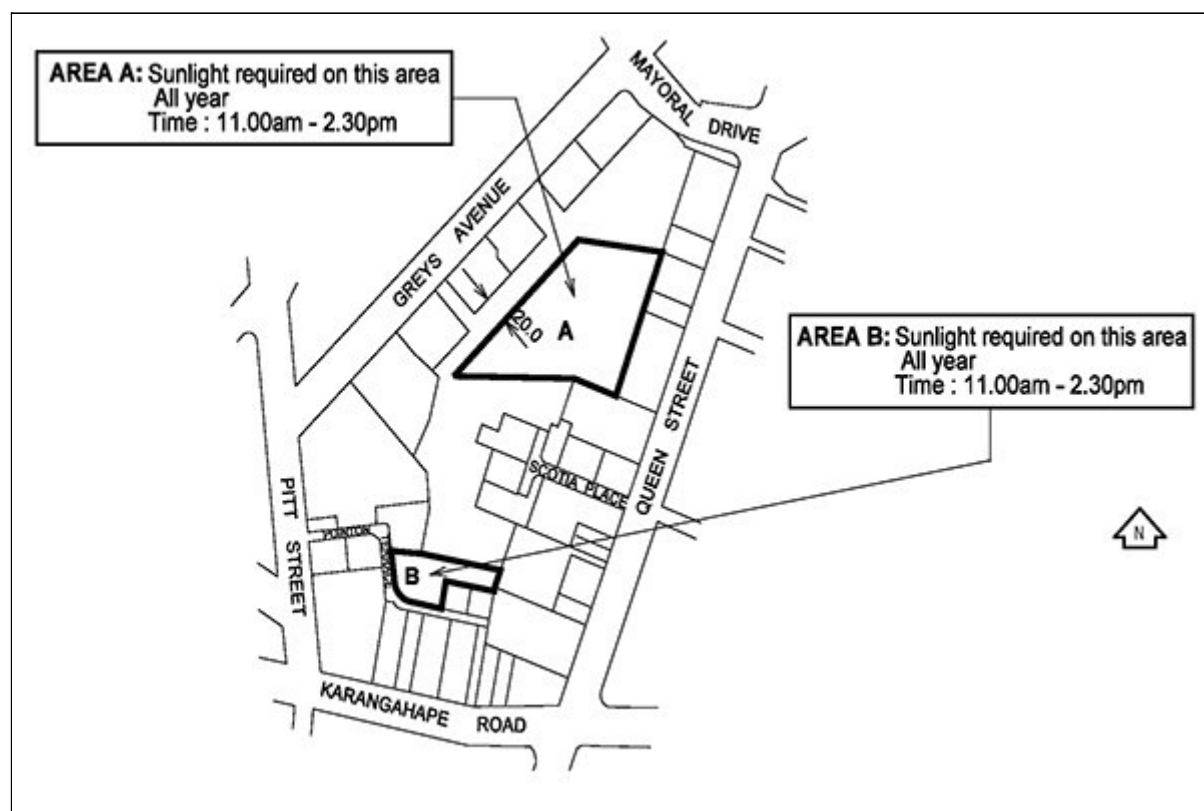


Figure 8: Admission of sunlight to Old Government House

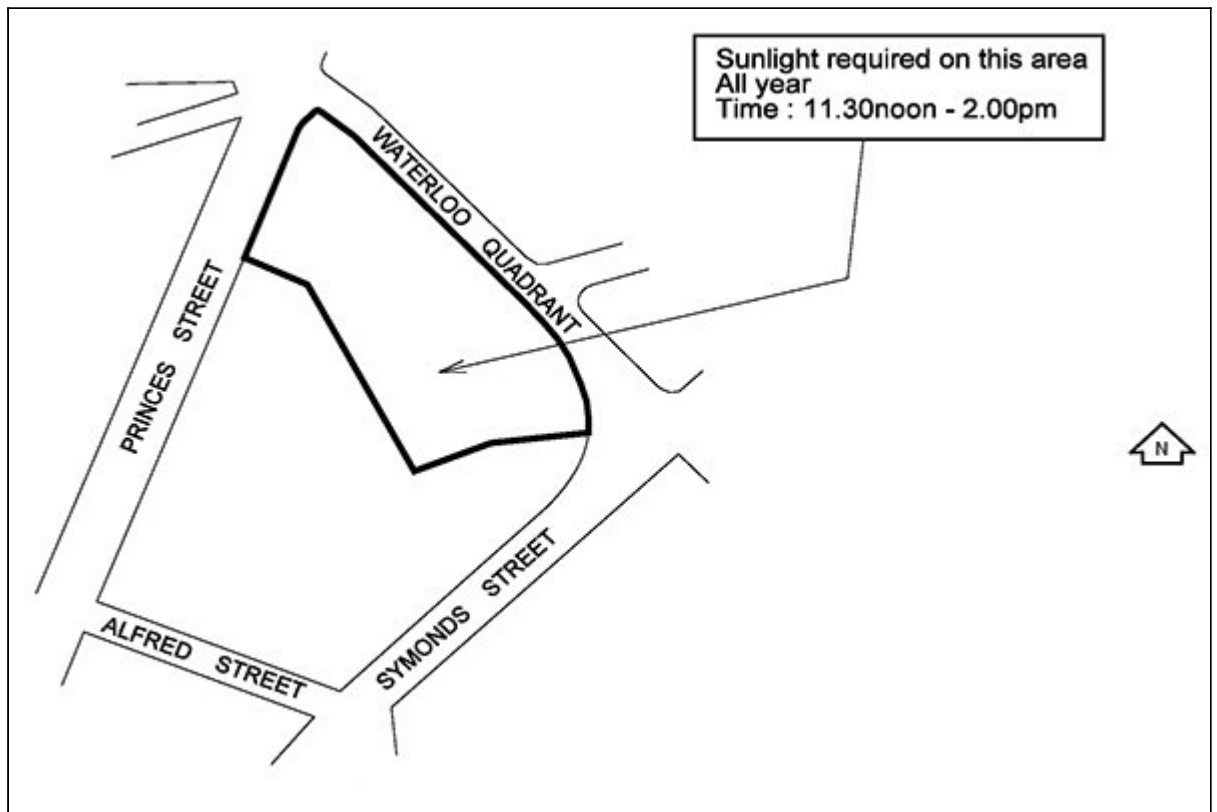
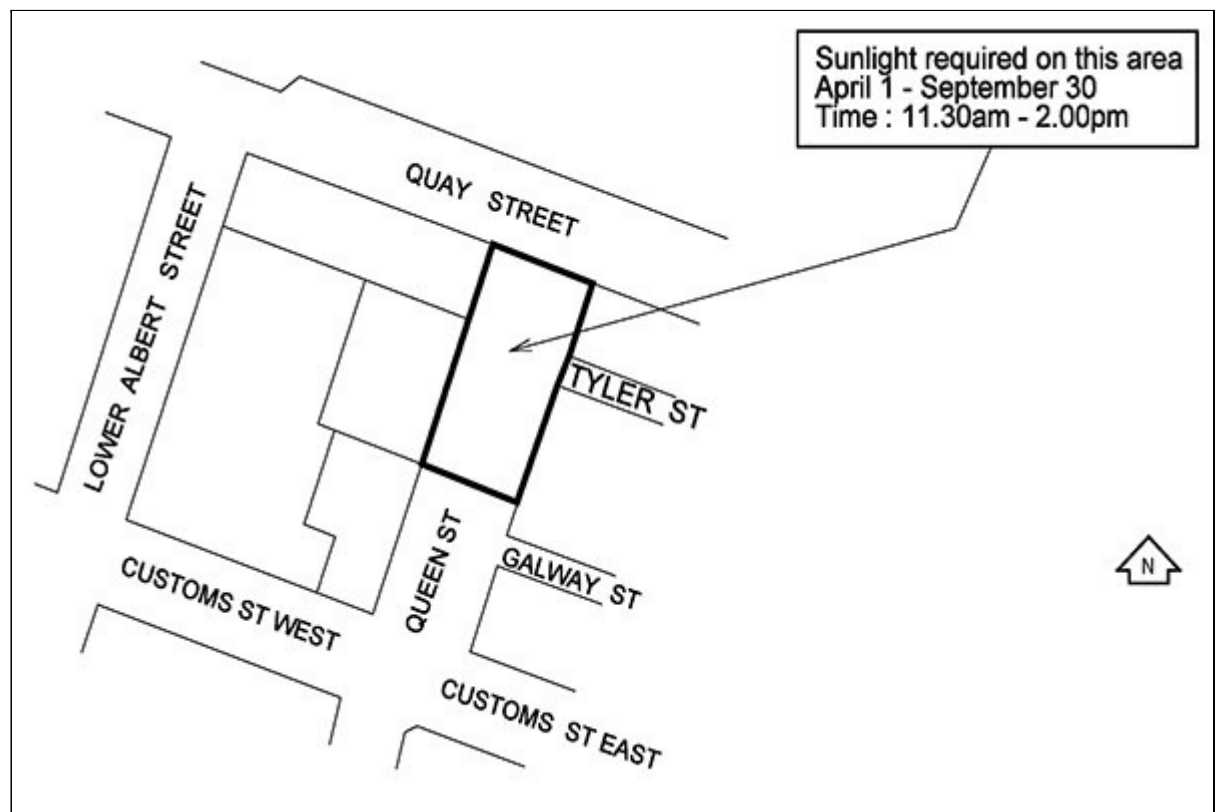
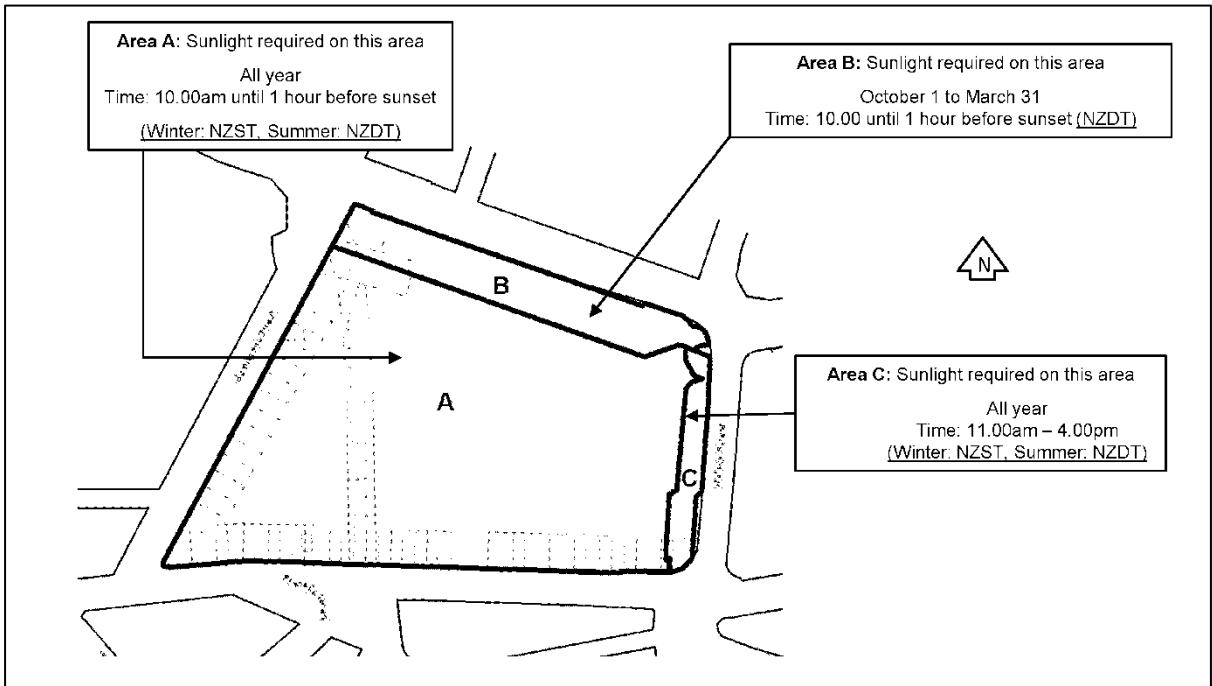


Figure 9: Admission of sunlight to Queen Elizabeth Square

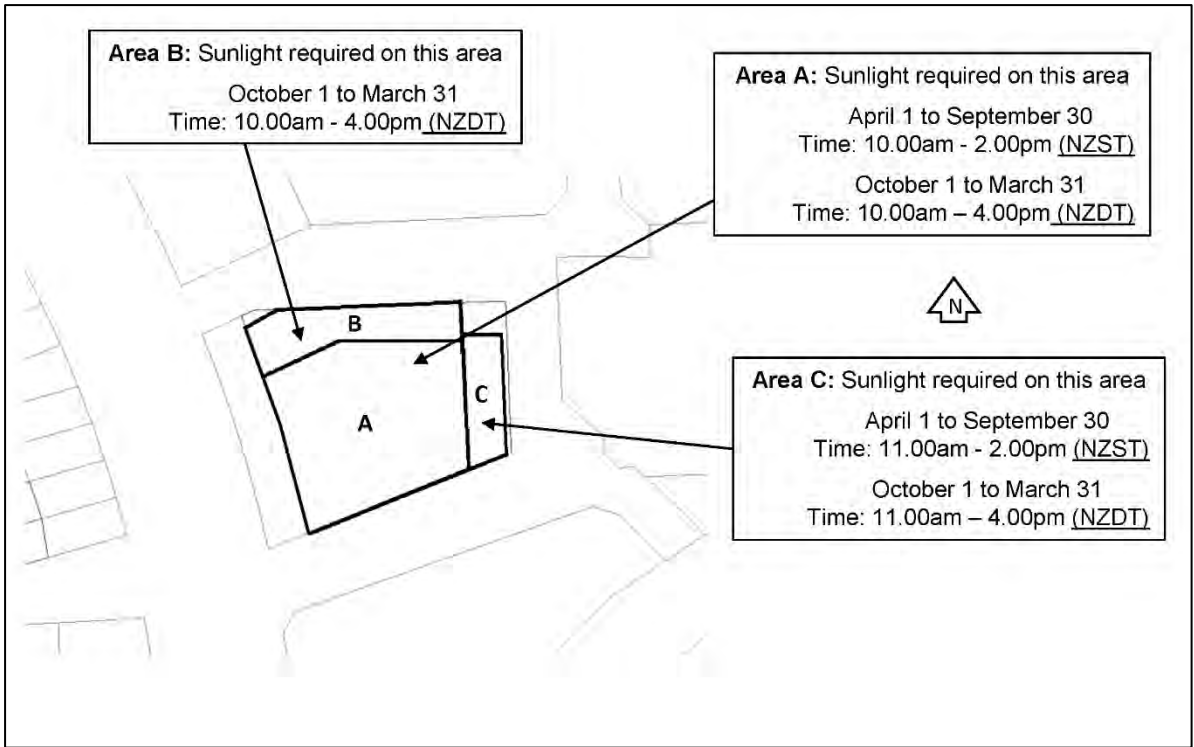




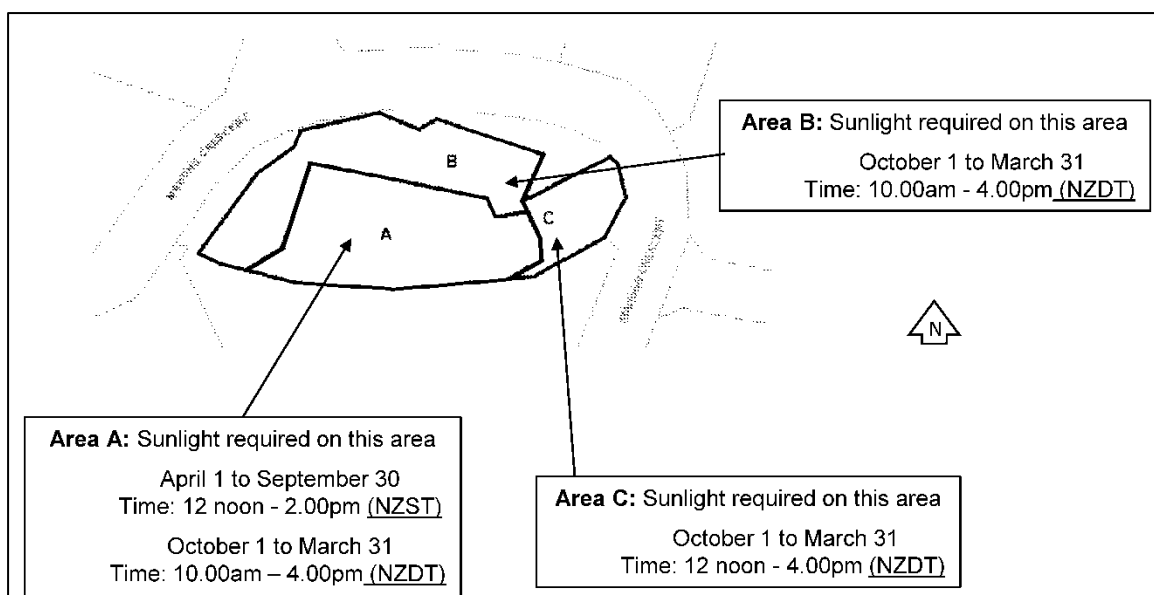
**Figure 10: Admission of sunlight to Victoria Park**



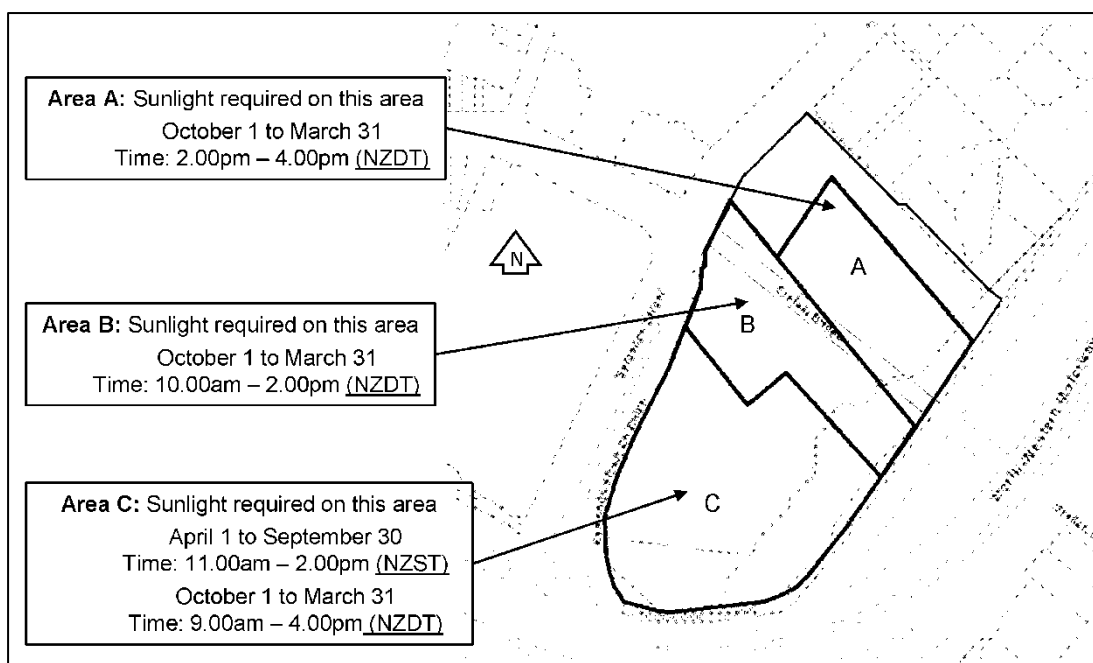
**Figure 11: Admission of sunlight to Te Taou Reserve**



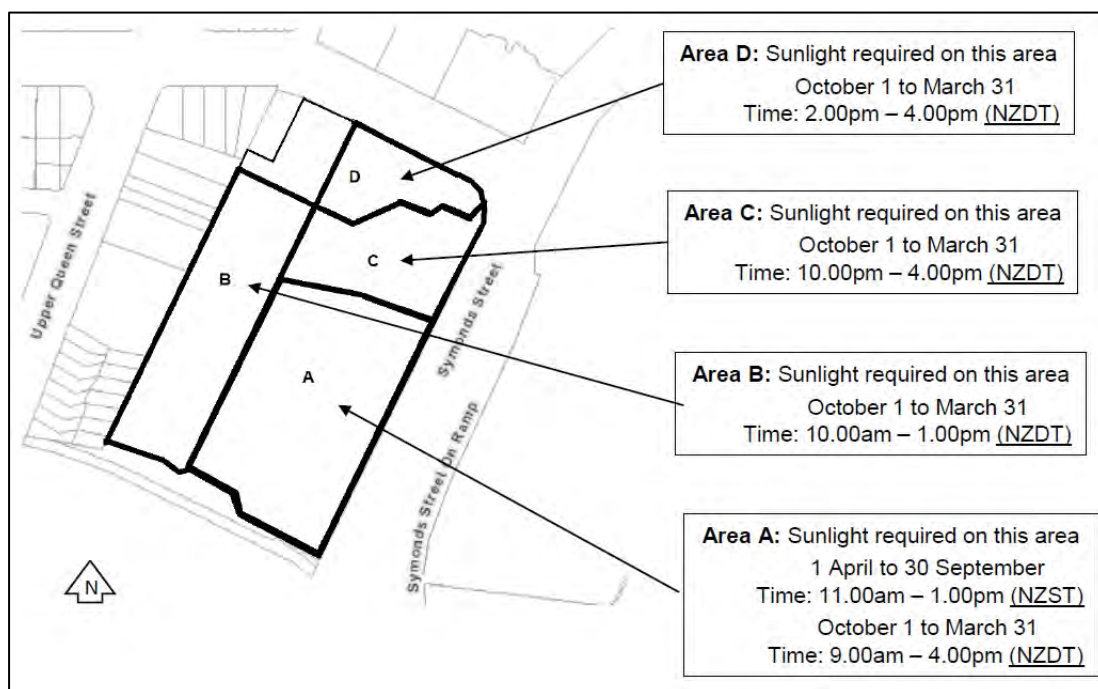
**Figure 12: Admission of sunlight to Mahuhu ki-te-Rangi Park**



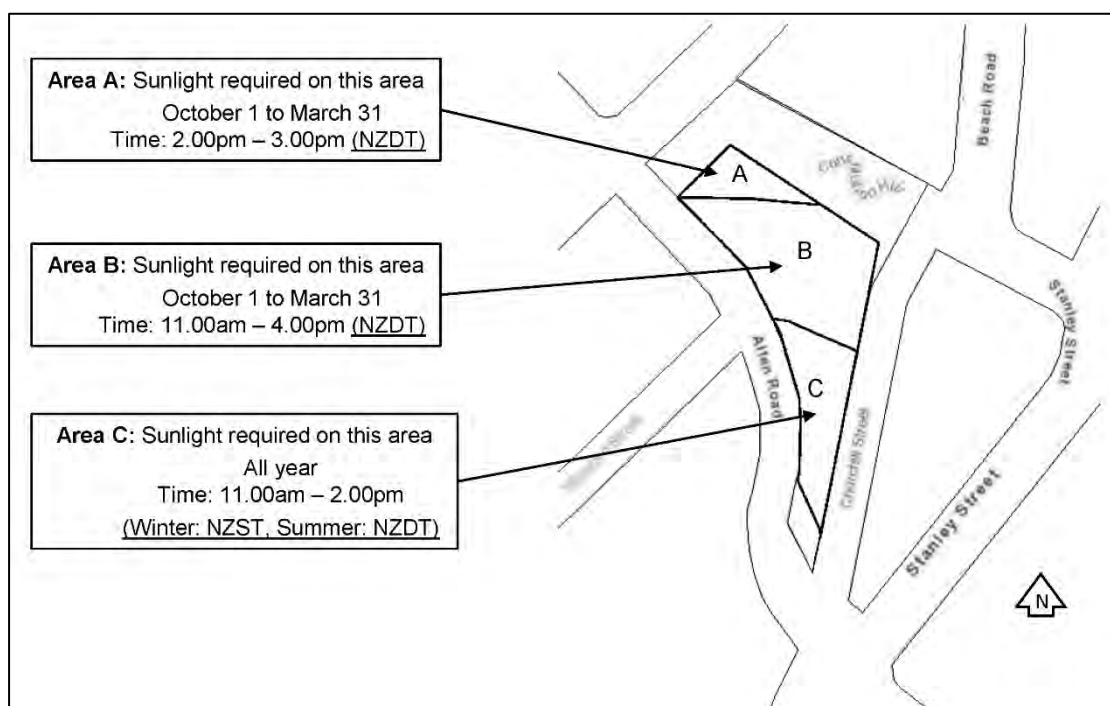
**Figure 13: Admission of sunlight to Grafton Cemetery East**



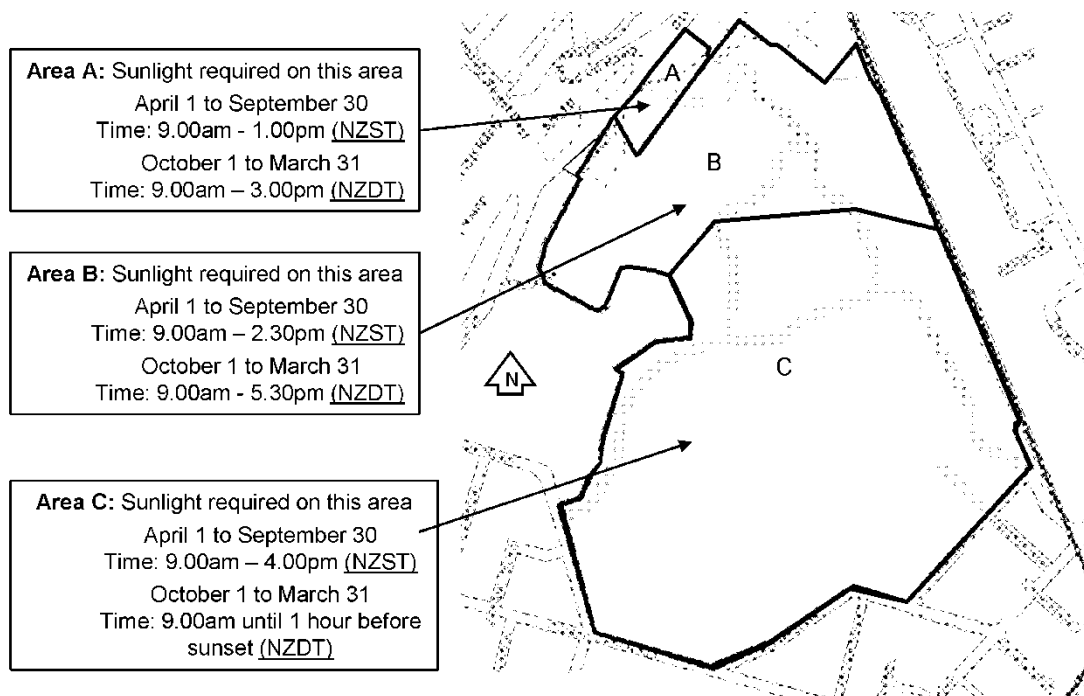
**Figure 14: Admission of sunlight to Grafton Cemetery West**



**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
	Development		

*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>
	<b>(1) Accessory buildings must:</b> <ol style="list-style-type: none"><li>(a) be located at least 12m from a National Grid support structure;</li></ol>

#### **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**

<b><u>Building Type</u></b>	<b><u>Occupancy/activity</u></b>	<b><u>Maximum internal noise level L<sub>Aeq</sub>(1h)</u></b>
<b><u>Residential</u></b>	<b><u>Sleeping spaces</u></b>	<b><u>35 dB</u></b>
	<b><u>All other habitable rooms</u></b>	<b><u>40 dB</u></b>
<b><u>Education</u></b>	<b><u>Lecture rooms/theatres, music studios, assembly halls</u></b>	<b><u>35 dB</u></b>
	<b><u>Teaching areas, conference rooms, drama studios, sleeping areas</u></b>	<b><u>40 dB</u></b>
	<b><u>Library</u></b>	<b><u>45 dB</u></b>
<b><u>Health</u></b>	<b><u>Overnight medical care, wards</u></b>	<b><u>40 dB</u></b>
	<b><u>Clinics, consulting rooms, theatres, nurses' stations</u></b>	<b><u>45 dB</u></b>
<b><u>Cultural</u></b>	<b><u>Places of worship, marae</u></b>	<b><u>35 dB</u></b>

*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”*

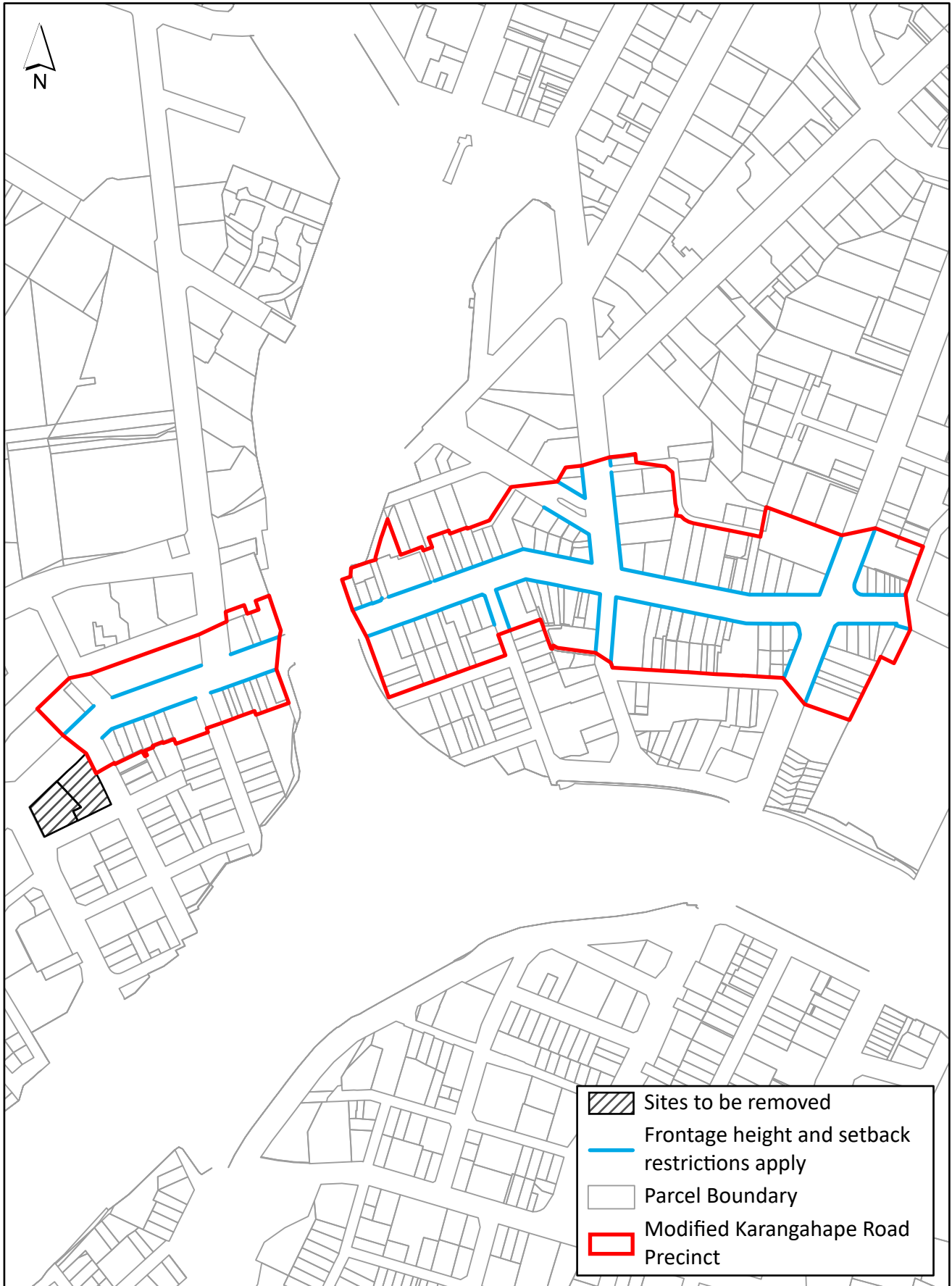
## **Appendix 20 Volcanic Viewshafts and Height Sensitive Areas – Values Assessments**

*Amend to “~~Volcanic~~ Maunga Viewshafts and Height Sensitive Areas – Values Assessments”*

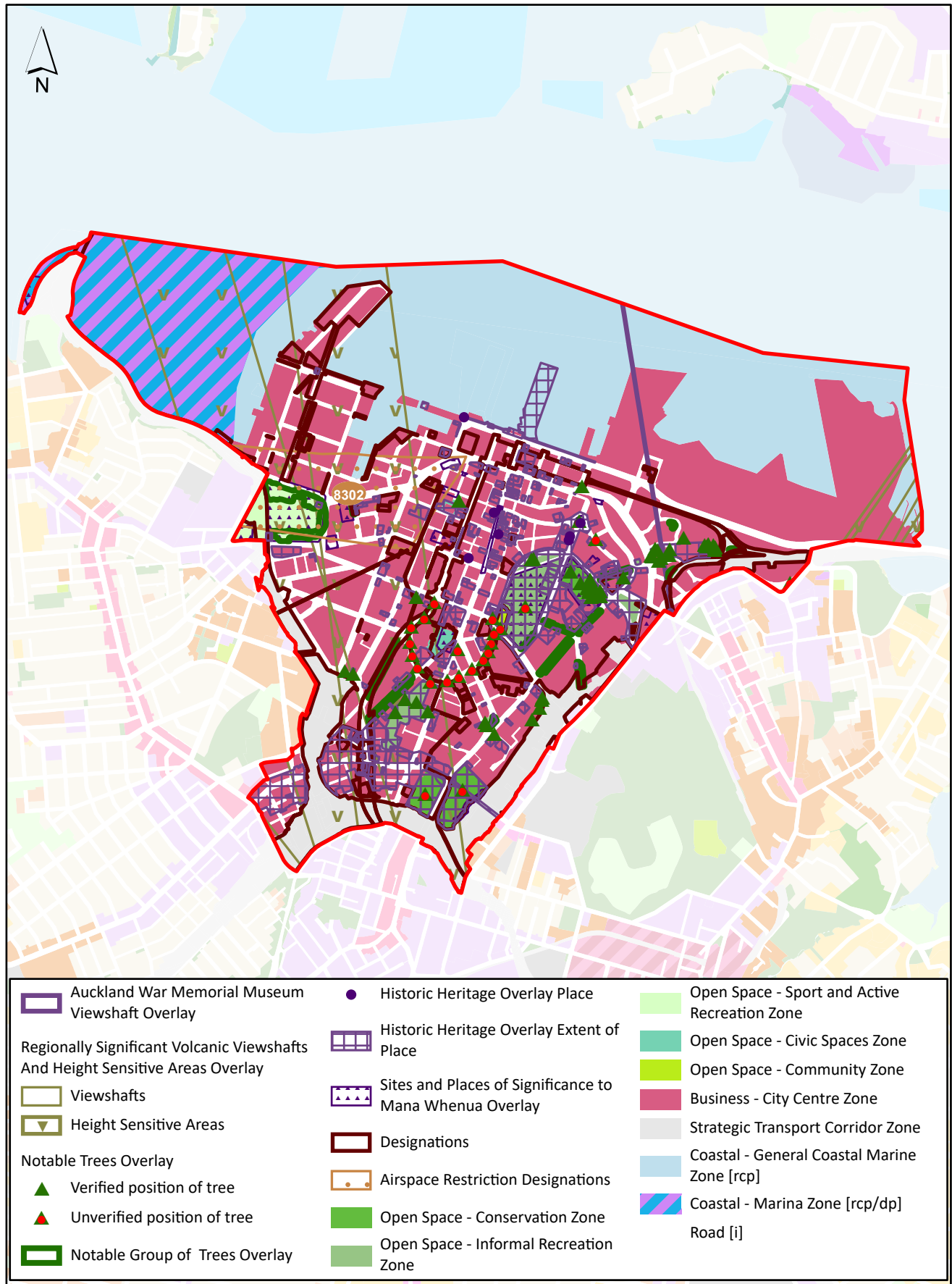
### **Mapping updates**

- 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*

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



**Spatial extent of relevant qualifying matters in the City Centre Zone**  
**(Combined Wastewater Network Control recommended to be removed from all sites)**



## Appendix 4: Plan Change 78 – City Centre, City Centre Precincts and relevant QMs Evidence List

City Centre (CC) evidence is located <https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/Hearing-documents.aspx?HearingId=724>

City Centre Outstanding Matters (CCOM) is located <https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/Hearing-documents.aspx?HearingId=804>

Submitter	Expertise	Evidence Type	Name
777 Investments Limited	Planning	Evidence in Chief	M Campbell
777 Investments Limited	Planning	Rebuttal Evidence	M Campbell
The General Trust Board of the Anglican Diocese of Auckland	Legal	Road Map of Oral Submissions	A Cameron
The General Trust Board of the Anglican Diocese of Auckland	Legal	Legal Submissions	A Cameron
The General Trust Board of the Anglican Diocese of Auckland	Legal	Document: 74-80 Wellesley Street West Decision	A Cameron
The General Trust Board of the Anglican Diocese of Auckland	Legal	Memorandum	A Cameron
The General Trust Board of the Anglican Diocese of Auckland	Corporate	Evidence	I Pallas
The General Trust Board of the Anglican Diocese of Auckland	Corporate	Evidence	J Cairns
The General Trust Board of the Anglican Diocese of Auckland	Heritage	Evidence	D Pearson
The General Trust Board of the Anglican Diocese of Auckland	Planning	Evidence	C Covington
The General Trust Board of the Anglican Diocese of Auckland	Planning	Summary	C Covington
The General Trust Board of the Anglican Diocese of Auckland	Planning	Rebuttal	C Covington

## Appendix 4: Plan Change 78 – City Centre, City Centre Precincts and relevant QMs Evidence List

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City Centre Outstanding Matters (CCOM) is located <https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/Hearing-documents.aspx?HearingId=804>

Submitter	Expertise	Evidence Type	Name
The General Trust Board of the Anglican Diocese of Auckland	Planning	Supplementary Evidence	C Covington
Auckland Council	Economic	Evidence	D Fairgray
Auckland Council	Economic	Rebuttal (016A, 010F, 010G, 020B, 020C, 020F)	D Fairgray
Auckland Council	Economic	Rebuttal (020E)	D Fairgray
Auckland Council	Economic	Summary	D Fairgray
Auckland Council	Legal	Legal Submissions (CC)	D Hartley / A Buchannan
Auckland Council	Legal	Legal Submissions outline (CCOM)	D Hartley / A Buchannan
Auckland Council	Legal	Reply Submissions (CC)	D Hartley / A Buchannan
Auckland Council	Legal	Reply Submissions (CCOM)	D Hartley / A Buchannan
Auckland Council	Legal	Reply Submissions (CC – Transferable Development Rights and Special Character in CC)	D Hartley / A Buchannan
Auckland Council	Legal	Memorandum confirming Council position on Quay Park and Provisions	D Hartley / A Buchannan
Auckland Council	Legal	Memorandum in response to Scentre 3 Sept crane memo	D Hartley / A Buchannan
Auckland Council	Planning	Evidence (016A, 010F, 010G, 020A, 020B, 020C, 020D, 020E, 020F)	E Laird / S Wong
Auckland Council	Planning	Evidence (020G, 020I)	E Laird / S Wong

## Appendix 4: Plan Change 78 – City Centre, City Centre Precincts and relevant QMs Evidence List

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City Centre Outstanding Matters (CCOM) is located <https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/Hearing-documents.aspx?HearingId=804>

Submitter	Expertise	Evidence Type	Name
Auckland Council	Planning	Evidence (Maximum Parking Rates)	E Laird / S Wong
Auckland Council	Planning	Rebuttal (010F, 010G, 016A, 020B, 020C)	E Laird / S Wong
Auckland Council	Planning	Rebuttal (016A and 020E)	E Laird / S Wong
Auckland Council	Planning	Rebuttal (020G and 020I)	E Laird / S Wong
Auckland Council	Historic Heritage and Special Character	Evidence (010F, 016A, 020A, 020C, 020D, 020E)	M Walker
Auckland Council	Historic Heritage and Special Character	Evidence (020G, 020I)	M Walker
Auckland Council	Historic Heritage and Special Character	Evidence (020A)	M Walker
Auckland Council	Historic Heritage and Special Character	Rebuttal (010F, 016A, 020C, 020G, 020I)	M Walker
Auckland Council	Historic Heritage and Special Character	Rebuttal(020A)	M Walker
Auckland Council	Historic Heritage and Special Character	Rebuttal (020E)	M Walker
Auckland Council	Historic Heritage and Special Character	Summary	M Walker
Auckland Council	3D Visualisation	Evidence	W Nicholson
Auckland Council	3D Visualisation	Rebuttal (010G, 016A, 020G, 020I, 022)	W Nicholson



## Appendix 4: Plan Change 78 – City Centre, City Centre Precincts and relevant QMs Evidence List

City Centre (CC) evidence is located <https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/Hearing-documents.aspx?HearingId=724>

City Centre Outstanding Matters (CCOM) is located <https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/Hearing-documents.aspx?HearingId=804>

Submitter	Expertise	Evidence Type	Name
Auckland Council	3D Visualisation	Rebuttal (020A)	W Nicholson
Auckland Council	3D Visualisation	Rebuttal (020E)	W Nicholson
Auckland Council	3D Visualisation	Summary	W Nicholson
Auckland Council	Landscape and Amenity Effects	Evidence (016A, 010G, 020A, 020E)	S Brown
Auckland Council	Landscape and Amenity	Evidence (009G)	S Brown
Auckland Council	Landscape and Amenity	Rebuttal (016A, 010G)	S Brown
Auckland Council	Landscape and Amenity	Rebuttal (020A)	S Brown
Auckland Council	Landscape and Amenity	Rebuttal (020E)	S Brown
Auckland Council	Landscape and Amenity	Rebuttal (009G)	S Brown
Auckland Council	Landscape and Amenity Effects	Summary (010G, 016A, 020A, 020E, 020G)	S Brown
Auckland Council	Landscape and Amenity	Summary (009G)	S Brown
Auckland Council	Urban Design	Evidence	S Samsudeen
Auckland Council	Urban Design	Rebuttal (016A, 020B)	S Samsudeen
Auckland Council	Urban Design	Rebuttal (020E)	S Samsudeen

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Submitter	Expertise	Evidence Type	Name
Auckland Council	Urban Design	Summary	S Samsudeen
Auckland Council	Landscape Architecture	Evidence	P Kensington
Auckland Council	Landscape Architecture	Rebuttal (016A, 010G, 022, 020G, 020I)	P Kensington
Auckland Council	Landscape Architecture	Rebuttal (020E)	P Kensington
Auckland Council	Landscape Architecture	Summary	P Kensington
Auckland Council	Planning	Evidence (013 Golden Bay)	S Wong
Auckland Council	Planning	Rebuttal (020A)	S Wong
Auckland Council	Planning	Rebuttal (013 Golden Bay)	S Wong
Auckland Council	Planning	Summary (016A, 020A, 020B, 020E, 020G)	S Wong
Auckland Council	Planning	Summary (013 Golden Bay, Maximum Parking Rates)	S Wong
Auckland Council	Geospatial Modelling	Evidence	D Torres
Auckland Council	Geospatial Modelling	Rebuttal	D Torres
Auckland Council	Geospatial Modelling	Summary	D Torres
Auckland Council	Arboriculture	Evidence	H Davies
Auckland Council	Arboriculture	Summary	H Davies
Auckland Council	Open Space Policy	Evidence	E Barwell

## Appendix 4: Plan Change 78 – City Centre, City Centre Precincts and relevant QMs Evidence List

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Submitter	Expertise	Evidence Type	Name
Auckland Council	Open Space Policy	Summary	E Barwell
Auckland Council	Turf Agronomy	Evidence	A Glasgow
Auckland Council	Turf Agronomy	Rebuttal	A Glasgow
Auckland Council	Turf Agronomy	Summary	A Glasgow
Auckland Council	Urban Design	Evidence	K Blagrove
Auckland Council	Urban Design	Rebuttal	K Blagrove
Auckland Council	Urban Design	Summary	K Blagrove
Auckland Council	Urban Design	Evidence	M Riley
Auckland Council	Urban Design	Summary	M Riley
Auckland Council	Transport	Evidence	I Clark
Auckland Council	Transport	Rebuttal	I Clark
Auckland Council	Transport	Summary	I Clark
Auckland Council	Urban Design	Evidence	D Lee Sang
Auckland Council	Urban Design	Rebuttal	D Lee Sang
Auckland Council	Urban Design	Viaduct Harbour precinct plan 3: Building Height Control	D Lee Sang
Auckland Council	Urban Design	Summary	D Lee Sang
Auckland Council	Urban Design	Evidence	S Soder
Auckland Council	Urban Design	Rebuttal	S Soder
Auckland Council	Urban Design	Evidence	S Soder
Auckland Council	Planning	City Centre Presentation	E Laird / S Wong

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Submitter	Expertise	Evidence Type	Name
Auckland Council	Planning	Evidence (Transferable Development Rights)	E Laird
Auckland Council	Planning	Evidence (020J)	E Laird
Auckland Council	Planning	Rebuttal (Transferable Development Rights)	E Laird
Auckland Council	Planning	Summary (CC)	E Laird
Auckland Council	Planning	Summary (020J)	E Laird
Auckland Council	Planning	Evidence	R Greaves
Auckland Council	Planning	Summary	R Greaves
Auckland Council	Planning	Evidence (009K)	J Hart
Auckland Council	Planning	Evidence (009M, 010G, 020J)	J Hart
Auckland Council	Planning	Evidence (009Q)	J Hart
Auckland Council	Planning	Summary (011G, 009K, 009M, 009Q, 020J)	J Hart
Auckland Council	Planning	Evidence (009A)	E Shields
Auckland Council	Planning	Evidence (010A)	E Shields
Auckland Council	Planning	Evidence (012A)	E Shields
Auckland Council	Planning	Evidence (013)	E Shields
Auckland Council	Planning	Rebuttal	E Shields
Auckland Council	Planning	Summary	E Shields
Auckland Council	Planning	Evidence	P Reaburn
Auckland Council	Planning	Rebuttal	P Reaburn

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Submitter	Expertise	Evidence Type	Name
Auckland Council	Planning	Summary	P Reaburn
Auckland Council	Planning	Evidence	M Gouge
Auckland Council	Planning	Summary	M Gouge
Auckland Council	Landscape	Evidence	M Absolum
Auckland Council	Planning	Evidence	T Elder
Auckland Council	Planning	Summary	T Elder
Auckland Council	Planning	Evidence	E Patience
Auckland Council	Planning	Summary	E Patience
Auckland Council	Planning	Evidence	K Bell
Auckland Council	Planning	Rebuttal	K Bell
Auckland Council	Noise and Vibration	Rebuttal	J Styles
Auckland Council	Planning	Evidence	N Pollard
Auckland Council	Planning	Rebuttal	N Pollard
Auckland Council	Planning	Summary	N Pollard
Auckland Council	Transport	Evidence	I Clark
Auckland Council	Transport	Summary	I Clark
Coalition for More Homes	Corporate	Evidence (CC)	S Caldwell
Coalition for More Homes	Corporate	Evidence (CC – Transferable Development Rights)	S Caldwell
Coalition for More Homes	Corporate	Evidence (CCOM)	St Caldwell
Coalition for More Homes	Economic	Evidence	S Martin
Cooper and Company	Legal	Legal Submissions	M Holm / N Buxeda

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Submitter	Expertise	Evidence Type	Name
Cooper and Company	Planning	Evidence	V Lala
Cooper and Company	Planning	Summary	V Lala
Drive Holdings	Legal	Legal Submissions	D Allan / A Devine
Eke Panuku	Legal	Legal Submissions	B Loutit
Eke Panuku	Legal	Counsel Notes	B Loutit
Eke Panuku	Legal	Stopped Road and Rezoning Request	B Loutit
Eke Panuku	Infrastructure	Evidence	J Ring
Eke Panuku	Infrastructure	Summary	J Ring
Eke Panuku	Landscape and Amenity	Evidence	S Brown
Eke Panuku	Landscape and Amenity	Rebuttal	S Brown
Eke Panuku	Landscape and Amenity	Summary	S Brown
Eke Panuku	Planning	Evidence	P Ampanthong
Eke Panuku	Planning	Rebuttal	P Ampanthong
Eke Panuku	Planning	Summary	P Ampanthong
Eke Panuku	Urban Design	Evidence	N McKay
Eke Panuku	Urban Design	Evidence	N McKay
Eke Panuku	Urban Design	Summary	N McKay
Eke Panuku	Urban Design	Annotated Map	N McKay

## Appendix 4: Plan Change 78 – City Centre, City Centre Precincts and relevant QMs Evidence List

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Submitter	Expertise	Evidence Type	Name
Eke Panuku	Noise	Evidence	S King
Eke Panuku	Traffic	Evidence	T Langwell
Eke Panuku	Traffic	Summary	T Langwell
Espano Body Corporate Flats BC 112278	Corporate	Evidence	S Baxter
Espano Body Corporate Flats BC 112278	Corporate	Video 1	S Baxter
Espano Body Corporate Flats BC 112278	Corporate	Video 2	S Baxter
Espano Body Corporate Flats BC 112278	Corporate	Video 3	S Baxter
Espano Body Corporate Flats BC 112278	Heritage Architect	Evidence	G Burgess
Espano Body Corporate Flats BC 112278	Heritage Architect	Plan of Properties to Include	G Burgess
Fire and Emergency New Zealand	Planning	Tabled Letter	N Smart
Foodstuffs North Island	Legal	Legal Submissions	D Allan / A Devine
Golden Bay	Planning	Hearing Statement – Tabled	J Hewson
Golden Bay	Planning	Hearing Statement – Submission Point 801.1	J Hewson
Heritage New Zealand Pouhere Taonga	Planning	Evidence	A Morris
Heritage New Zealand Pouhere Taonga	Planning	Summary	A Morris
Heritage New Zealand Pouhere Taonga	Heritage Architect	Evidence	R Byron
Heritage New Zealand Pouhere Taonga	Heritage Architect	Summary	R Byron
Heritage New Zealand Pouhere Taonga	Planning	Evidence (Transferable Development Rights)	M Butler
John Pattinson	Planning	Evidence	M Benjamin
Kāinga Ora	Legal	Legal Submissions	J Caldwell



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Submitter	Expertise	Evidence Type	Name
Kāinga Ora	Planning	Evidence	M Lindenberg / J McCall
Kāinga Ora	Planning	Rebuttal	M Lindenberg / J McCall
Kāinga Ora	Corporate	Evidence	B Liggett
Kāinga Ora	Corporate	Presentation	B Liggett
Kiwi Property Group Limited	Legal	Legal Submissions	D Allan / A Devine
KiwiRail	Corporate	Evidence	M Paetz
KiwiRail	Legal	Legal Submissions	A Arthur Young / K Gunnell
KiwiRail	Noise and Vibration	Evidence	S Chiles
KiwiRail	Planning	Evidence	C Heppelthwaite
KiwiRail	Planning	Amended Attachment A	
Latitude Bodies Corporate	Corporate	Evidence	D Hill
Latitude Bodies Corporate	Corporate	Rebuttal	D Hill
Latitude Bodies Corporate	Corporate	Presentation	D Hill
Ngāti Whātua Ōrākei Group	Heritage	Evidence	H Lutz
Ngāti Whātua Ōrākei Group	Heritage	Summary	H Lutz
Ngāti Whātua Ōrākei Group	Legal	Legal Submissions	F Lupis
Ngāti Whātua Ōrākei Group	Legal	Legal Summary	F Lupis
Ngāti Whātua Ōrākei Group	Planning	Evidence	N Roberts
Ngāti Whātua Ōrākei Group	Planning	Summary	N Roberts
Ngāti Whātua Ōrākei Group	Planning	Presentation	N Roberts
Ngāti Whātua Ōrākei Group	Planning	Amended Assessment criteria 25 March 2024	N Roberts

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Submitter	Expertise	Evidence Type	Name
Ngāti Whātua Ōrākei Group	Planning	Evidence (Transferable Development Rights)	N Roberts
Ngāti Whātua Ōrākei Group	Urban Design	Evidence	C Wallace
Ngāti Whātua Ōrākei Group	Urban Design	Summary	C Wallace
Ngāti Whātua Ōrākei Group	Urban Design	Presentation	C Wallace
Ngāti Whātua Ōrākei Group	Economic	Evidence	F Colegrave
Ngāti Whātua Ōrākei Group	Economic	Summary	F Colegrave
New Zealand Transport Agency	Planning	Evidence	A Cribbens
Orams Group Limited	Urban Design	Evidence	C Wallace
Orams Group Limited	Urban Design	Rebuttal	C Wallace
Orams Group Limited	Urban Design	Summary	C Wallace
Orams Group Limited	Urban Design	Summary Map	C Wallace
Orams Group Limited	Landscape and Visual	Evidence Attachment A	R De Lambert
Orams Group Limited	Landscape and Visual	Evidence Attachment B	R De Lambert
Orams Group Limited	Landscape and Visual	Evidence	R De Lambert
Orams Group Limited	Landscape and Visual	Rebuttal	R De Lambert
Orams Group Limited	Landscape and Visual	Summary	R De Lambert
Orams Group Limited	Landscape and Visual	Presentation	R De Lambert
Orams Group Limited	Legal	Legal Submission	J Brabant
Orams Group Limited	Planning	Evidence	N Roberts
Orams Group Limited	Planning	Rebuttal	N Roberts
Orams Group Limited	Planning	Summary	N Roberts

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Submitter	Expertise	Evidence Type	Name
Orams Group Limited	Planning	Presentation	N Roberts
Port of Auckland	Corporate	Rebuttal	A Kirk
Port of Auckland	Planning	Rebuttal	M Arbuthnot
Port of Auckland	Legal	Legal Submission	D Minhinnick
Port of Auckland	Legal	Legal Speaking Notes	D Minhinnick
Precinct Properties	Corporate	Evidence	A Randel
Precinct Properties	Corporate	Summary	A Randel
Precinct Properties	Architecture	Evidence	B Johnston
Precinct Properties	Architecture	Evidence – Appendix C	B Johnston
Precinct Properties	Architecture	Summary	B Johnston
Precinct Properties	Architecture	Presentation	B Johnston
Precinct Properties	Heritage	Evidence	C O'Neil
Precinct Properties	Heritage	Rebuttal	C O'Neil
Precinct Properties	Urban Design	Evidence	C Wallace
Precinct Properties	Urban Design	Summary	C Wallace
Precinct Properties	Planning	Evidence	K Cook
Precinct Properties	Planning	Evidence – Transferable Development Rights	K Cook
Precinct Properties	Planning	Evidence – Appendix 1 – Amendments to the CCZ	K Cook
Precinct Properties	Planning	Summary	K Cook

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Submitter	Expertise	Evidence Type	Name
Precinct Properties	Planning	Evidence – Appendix 1 – Amendments to Downtown West Precinct – Post Hearing	K Cook
Precinct Properties	Legal	Legal Submission	P Brosnahan / N de Wit
Precinct Properties	Legal	Supplementary Legal Submission	P Brosnahan / N de Wit
Ryman Healthcare Ltd and Retirement Villages Ass.	Legal	Memorandum	L Hinchey
Sanford Ltd	Legal	Legal Submission	D Sadlier
Sanford Ltd	Legal	Memorandum on Alston Comments	D Sadlier
Sanford Ltd	Landscape	Evidence	J Hudson
Sanford Ltd	Landscape	Summary	J Hudson
Sanford Ltd	Traffic	Evidence	J Parlane
Sanford Ltd	Traffic	Summary	J Parlane
Sanford Ltd	Planning	Evidence	M Arbuthnot
Sanford Ltd	Planning	Rebuttal	M Arbuthnot
Sanford Ltd	Planning	Summary	M Arbuthnot
Sanford Ltd	Corporate	Evidence	P Alston
Sanford Ltd	Urban Design	Evidence	R Francis-Jones
Sanford Ltd	Urban Design	Presentation	R Francis-Jones
Sanford Ltd	Corporate	Evidence	W Ellison
Sanford Ltd	Corporate	Summary	W Ellison
Scentre NZ	Planning	Evidence	C McGarr

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Submitter	Expertise	Evidence Type	Name
Scentre NZ	Planning	Summary	C McGarr
Scentre NZ	Planning	Alternate Wording on Crane Signage	C McGarr
Scentre NZ	Legal	Legal Submissions	D Minhinnick
SkyCity	Corporate	Evidence	A Money
SkyCity	Corporate	Summary	A Money
SkyCity	Architecture	Evidence	B Johnston
SkyCity	Architecture	Evidence – Attachment C	B Johnston
SkyCity	Architecture	Summary	B Johnston
SkyCity	Architecture	Presentation	B Johnston
SkyCity	Urban Design	Evidence	C Wallace
SkyCity	Urban Design	Summary	C Wallace
SkyCity	Planning	Evidence	K Cook
SkyCity	Planning	Summary	K Cook
SkyCity	Planning	Evidence – Appendix 1 – Amendments to Downtown West Precinct – post hearing	K Cook
SkyCity	Planning	Evidence – Appendix 1 – Amendments to CCZ - post hearing	K Cook
SkyCity	Planning	Evidence – Transferable Development Rights	K Cook
SkyCity	Legal	Legal Submission	S H Pilkinton / J W Burton
Stratis Body Corporate	Planning	Evidence	B Putt

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Submitter	Expertise	Evidence Type	Name
Stratis Body Corporate	Planning	Rebuttal	B Putt
Stratis Body Corporate	Coastal Hazard	Evidence (CC)	Dr R Bell
Stratis Body Corporate	Coastal Hazard	Evidence (CCOM)	Dr R Bell
Stratis Body Corporate	Coastal Hazard	Rebuttal (CCOM)	Dr R Bell
Stratis Body Corporate	Coastal Hazard	Presentation (CC)	Dr R Bell
Stratis Body Corporate	Coastal Hazard	Presentation (CCOM)	Dr R Bell
Stratis Body Corporate	Coastal Hazard	MfE Coastal Hazard and Climate Change Guidance (CC)	Dr R Bell
Stratis Body Corporate	Urban Design	Evidence	G Falconer
Stratis Body Corporate	Urban Design	Rebuttal	G Falconer
Stratis Body Corporate	Corporate	Evidence	M Peryman
Stratis Body Corporate	Corporate	Images	M Peryman
Stratis Body Corporate	Corporate	Video	M Peryman
Stratis Body Corporate	Legal	Legal Submission (CC)	P Fuller
Stratis Body Corporate	Legal	Legal Submission (CCOM)	P Fuller
Stratis Body Corporate	Legal	Legal Speaking Notes (CC)	P Fuller
Stratis Body Corporate	Legal	Supporting Information (CCOM)	P Fuller
The Tree Council	Corporate	Hearing Speaking Notes	Dr M Barton
Tram Lease Ltd	Legal	Legal Submissions	D Allan / A Devine
Transpower	Corporate	Tabled Letter	R Eng
Tūpuna Maunga Authority	Landscape Architect	Evidence	P Kensington
Tūpuna Maunga Authority	Landscape Architect	Summary	P Kensington

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Submitter	Expertise	Evidence Type	Name
Tūpuna Maunga Authority	Landscape Architect	Supplementary	P Kensington
Tūpuna Maunga Authority	Planning	Evidence	T Richmond
Tūpuna Maunga Authority	Planning	Rebuttal	T Richmond
Tūpuna Maunga Authority	Planning	Summary	T Richmond
Tūpuna Maunga Authority	Legal	Legal Submissions	T Ryan
University of Auckland	Urban Design	Evidence	C Wallace
University of Auckland	Urban Design	Summary	C Wallace
University of Auckland	Planning	Evidence	K Cook
University of Auckland	Planning	Summary	K Cook
Viaduct Harbour Bodies Corporate	Legal	Legal Submission (CC)	B Tree / V Tata
Viaduct Harbour Bodies Corporate	Legal	Legal Submission (CCOM)	B Tree / V Tata
Viaduct Harbour Bodies Corporate	Legal	Case Law (CCOM)	B Tree / V Tata
Viaduct Harbour Bodies Corporate	Planning	Evidence	D Haines
Viaduct Harbour Bodies Corporate	Planning	Summary	D Haines
Viaduct Harbour Bodies Corporate	Place-Based Analysis	Evidence	J Healy
Viaduct Harbour Bodies Corporate	Place-Based Analysis	Summary	J Healy
Viaduct Harbour Bodies Corporate	Resident Statement	Statement	J Hounsell
Viaduct Harbour Bodies Corporate	Resident Statement	Summary	J Hounsell
Viaduct Harbour Bodies Corporate	Resident Statement	Statement	K Hansen
Viaduct Harbour Bodies Corporate	Resident Statement	Summary	K Hansen
Viaduct Harbour Bodies Corporate	Corporate	Evidence – 151 Property NZ	R Carter
Viaduct Harbour Bodies Corporate	Corporate	Summary – 151 Property NZ	R Carter



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Submitter	Expertise	Evidence Type	Name
Viaduct Harbour Bodies Corporate	Corporate	Evidence – Argosy Property No.1	W Cate
Viaduct Harbour Bodies Corporate	Corporate	Summary – Argosy Property No.1	W Cate
Viaduct Harbour Bodies Corporate	Structural Engineer	Evidence	S Mitchell
Viaduct Harbour Bodies Corporate	Structural Engineer	Summary	S Mitchell
Viaduct Harbour Holdings Ltd	Architecture and Urban Design	Evidence	A Tzannes
Viaduct Harbour Holdings Ltd	Architecture and Urban Design	Summary	A Tzannes
Viaduct Harbour Holdings Ltd	Legal	Legal Submissions (CC)	D Allan / A K Devine
Viaduct Harbour Holdings Ltd	Legal	Legal Submissions (CCOM)	D Allan / A K Devine
Viaduct Harbour Holdings Ltd	Legal	Memorandum	D Allan / A K Devine
Viaduct Harbour Holdings Ltd	Legal	Bundle of Documents	D Allan / A K Devine
Viaduct Harbour Holdings Ltd	Memorandum Site Visit and Supplementary Shading Diagram	Memorandum	D Allan / A K Devine
Viaduct Harbour Holdings Ltd	Legal	Memorandum – Transferable Development Rights	D Allan / A K Devine
Viaduct Harbour Holdings Ltd	Legal	Legal Submissions on Coastal Inundation and Flooding	D Allan / A K Devine
Viaduct Harbour Holdings Ltd	Corporate	Evidence	A Bull
Viaduct Harbour Holdings Ltd	Corporate	Summary	A Bull
Viaduct Harbour Holdings Ltd	Economics	Evidence (CC)	F Colegrave

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Submitter	Expertise	Evidence Type	Name
Viaduct Harbour Holdings Ltd	Economics	Evidence (CCOM)	F Colegrave
Viaduct Harbour Holdings Ltd	Economics	Summary	F Colegrave
Viaduct Harbour Holdings Ltd	Heritage	Evidence	A Wild
Viaduct Harbour Holdings Ltd	Heritage	Summary	A Wild
Viaduct Harbour Holdings Ltd	Landscape	Evidence	R De Lambert
Viaduct Harbour Holdings Ltd	Landscape	Rebuttal	R De Lambert
Viaduct Harbour Holdings Ltd	Landscape	Summary	R De Lambert
Viaduct Harbour Holdings Ltd	Landscape	Presentation	R De Lambert
Viaduct Harbour Holdings Ltd	Planning	Evidence (CC)	N Roberts
Viaduct Harbour Holdings Ltd	Planning	Evidence (CCOM)	N Roberts
Viaduct Harbour Holdings Ltd	Planning	Rebuttal	N Roberts
Viaduct Harbour Holdings Ltd	Planning	Summary	N Roberts
Viaduct Harbour Holdings Ltd	Planning	Evidence – Transferable Development Rights	N Roberts
Viaduct Harbour Holdings Ltd	Planning	Presentation (CCOM)	N Roberts
Viaduct Harbour Holdings Ltd	Traffic and Transportation	Evidence	J Parlane
Viaduct Harbour Holdings Ltd	Traffic and Transportation	Rebuttal	J Parlane
Viaduct Harbour Holdings Ltd	Traffic and Transportation	Summary	J Parlane
Viaduct Harbour Holdings Ltd	Traffic	Evidence	L Hills

## Appendix 4: Plan Change 78 – City Centre, City Centre Precincts and relevant QMs Evidence List

City Centre (CC) evidence is located <https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/Hearing-documents.aspx?HearingId=724>

City Centre Outstanding Matters (CCOM) is located <https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/Hearing-documents.aspx?HearingId=804>

Submitter	Expertise	Evidence Type	Name
Viaduct Harbour Holdings Ltd	Traffic	Summary	L Hills
Viaduct Harbour Holdings Ltd	Urban Design	Evidence	R Skidmore
Viaduct Harbour Holdings Ltd	Urban Design	Rebuttal	R Skidmore
Viaduct Harbour Holdings Ltd	Urban Design	Summary	R Skidmore
Viaduct Harbour Holdings Ltd	Urban Design	Evidence	G McIndoe
Viaduct Harbour Holdings Ltd	Urban Design	Rebuttal	G McIndoe
Viaduct Harbour Holdings Ltd	Urban Design	Summary	G McIndoe
Viaduct Harbour Holdings Ltd	Urban Design	Presentation	G McIndoe
Viaduct Harbour Holdings Ltd	Coastal Adaption and Risk	Evidence	R Reinen-Hamill
Viaduct Harbour Holdings Ltd	Coastal Adaption and Risk	Presentation	R Reinen-Hamill
Willis Bond	Traffic	Evidence	J Parlane
Willis Bond	Legal	Legal Submission	L Hinchey / T Gorman
Willis Bond	Planning	Evidence	M Campbell
Willis Bond	Urban Design	Evidence	R Francis-Jones
Willis Bond	Corporate	Evidence	W Ellison
Winton Land Ltd	Legal	Legal Submission (CC)	A A Arthur-Young / P R Mitchell-Anyon
Winton Land Ltd	Legal	Legal Submission (CCOM)	A A Arthur-Young / P R Mitchell-Anyon
Winton Land Ltd	Corporate	Evidence	J Burgess

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Submitter	Expertise	Evidence Type	Name
Winton Land Ltd	Planning	Evidence (CC)	V Lala
Winton Land Ltd	Planning	Evidence (CCOM)	V Lala
Wynyard Quarter Residents Association	Legal	Legal Submission	B Tree / V Tatum
Wynyard Quarter Residents Association	Resident Statement	Statement	M Potter / R Greissman
Wynyard Quarter Residents Association	Resident Statement	Summary	M Potter / R Greissman
Wynyard Quarter Residents Association	Corporate	Evidence – 151 Property NZ	R Carter
Wynyard Quarter Residents Association	Corporate	Summary – 151 Property NZ	R Carter
Wynyard Quarter Residents Association	Place-Based Analysis	Evidence	C Marti
Wynyard Quarter Residents Association	Place-Based Analysis	Summary	C Marti
Wynyard Quarter Residents Association	Structural Engineer	Evidence	L Cooper
Wynyard Quarter Residents Association	Structural Engineer	Summary	L Cooper
Wynyard Quarter Residents Association	Traffic	Evidence	D McKenzie
Wynyard Quarter Residents Association	Traffic	Rebuttal	D McKenzie
Wynyard Quarter Residents Association	Traffic	Summary	D McKenzie
Wynyard Quarter Residents Association	Planning	Evidence	R Scott
Wynyard Quarter Residents Association	Planning	Summary	R Scott
Wynyard Quarter Residents Association	Resident Statement	Statement	P Duffy
Wynyard Quarter Residents Association	Resident Statement	Summary	P Duffy