

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

**Report to Auckland Council
Hearing topic 020**

Viewshafts

July 2016

Report to Auckland Council - Hearing topic 020 Viewshafts July 2016

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1. Hearing topic overview

1.1. Topic description

Topic 020 Viewshafts addresses the regional coastal plan and district plan provisions of the proposed Auckland Unitary Plan relating to:

Topic	Proposed Auckland Unitary Plan reference	Independent hearings Panel reference
Viewshafts	Chapter J: 6.3 Volcanic Viewshafts and Height-sensitive Areas Chapter E: 4.3 Ridgeline Protection AND Chapter J: 4.3 Ridgeline Protection Chapter E: 4.6 Local Public Views Chapter E: 4.6 Local Public Views	D14 Volcanic Viewshafts and Height Sensitive Areas Overlay D15 Ridgeline Protection Overlay D16 Local Public Views Overlay D19 Auckland War Memorial Museum Viewshaft Overlay
Schedules and appendices	Appendix 3.3 Volcanic viewshafts survey coordinates Appendix 3.5 Local public views	L9 Volcanic Viewshafts Schedule L11 Local Public View Schedule Appendix 20 Volcanic Viewshafts and Height Sensitive Areas – Values Assessments

Under the Local Government (Auckland Transitional Provisions) Act 2010, section 144 (8) (c) requires the Panel to set out:

the reasons for accepting or rejecting submissions and, for this purpose, may address the submissions by grouping them according to—

- (i) the provisions of the proposed plan to which they relate; or
- (ii) the matters to which they relate.

This report covers all of the submissions in the Submission Points Pathways report (SPP) for this topic. The Panel has grouped all of the submissions in terms of (c) (i) and (ii) and, while individual submissions and points may not be expressly referred to, all points have nevertheless been taken into account when making the Panel's recommendations.

1.2. Summary of the Panel's recommended changes to the proposed Auckland Unitary Plan

The Panel's main recommendations on this topic are set out below.

D14 Volcanic Viewshafts and Height Sensitive Areas Overlay

- i. The overlay objectives and policies and activity table for viewshafts and height sensitive areas is largely confirmed as agreed between the Council, submitters and the expert working group.
- ii. A new category of locally significant volcanic viewshafts has been created.
- iii. It is a non-complying activity for buildings that penetrate a regional viewshaft and a restricted discretionary activity for buildings that penetrate a local viewshaft.
- iv. The majority of individual viewshafts are confirmed as per the schedule in Appendix 1 to this report.
- v. Viewshafts A13, E06, E19, H07, K01, K02, R01, W03 and W06 are all confirmed as regionally significant.
- vi. Viewshafts O05 and T09 are confirmed as locally significant.
- vii. The height sensitive areas are confirmed in accordance with the position of the Council.
- viii. The contribution that the confirmed viewshafts and height sensitive areas make to the social and cultural well-being of the people and communities of Auckland is considered to be greater than the value of development potential forgone due to the restrictions imposed on the height of buildings.
- ix. Further work is recommended in regard to the identification of Mana Whenua values for viewshafts and maunga, refinement of some existing viewshafts to improve their efficacy and reduce opportunity costs, and the identification and evaluation of potentially new regional and locally significant volcanic viewshafts.

D15 Ridgeline Protection Overlay - Confirmed

D16 Local Public Views Overlay - Confirmed

- i. The modifications proposed by the Council are accepted.
- ii. It is recommended that the number of local views could be increased in the future following further investigations.

D19. Auckland War Memorial Museum Viewshaft Overlay – Confirmed.

The Panel concludes that the provisions and individual viewshafts it has confirmed for Topic 020 satisfy the requirements of section 32 and will promote the purpose of Part 2 of the Resource Management Act 1991.

1.3. Overview

Topic 020: Viewshafts encompasses four sections of the Unitary Plan that are now the following Chapters;

- i. D14 Volcanic Viewshafts and Height Sensitive Areas Overlay
- ii. D15 Ridgeline Protection Overlay
- iii. D16 Local Public Views Overlay
- iv. D19 Auckland War Memorial Museum Viewshaft Overlay

Topic 020 was a challenging topic for the parties and their expert witnesses to prepare for hearing. It became evident to the Panel during the pre-hearing preparations that there were significant divergences of opinion in regard to fundamental issues such as the most appropriate methodologies for the identification and evaluation of viewshafts worthy of protection, whether or not there should be differentiation between 'regionally' and 'locally' significant viewshafts and concern that the section 32 analysis of the Council was inadequate. The last issue was focused on the fact that there had been no empirical work undertaken to determine the opportunity costs of viewshaft protection in terms of development forgone that would otherwise most likely occur.

The Panel in response to requests from the parties and its own concerns, agreed to adjourn the first hearing that was held in June 2015 to allow more technical landscape and economic work to be undertaken. A significant amount of further work was undertaken with the assistance of a Panel mediator/facilitator and the Panel understands that some experts in particular, had a very heavy workload for several months. The Panel appreciates the efforts of the experts that produced new material from this conferencing process that greatly assisted the Panel in deliberations and confirming its recommendations.

The Panel has largely confirmed the position reached by the parties and their experts prior to the second hearing in May 2016. The economic assessment indicated that compared to the total number of existing sections and the total area of land in the existing urban area the 2,300 sections and 200ha of land most affected by viewshafts is relatively modest.

The Panel recognises that because Housing New Zealand Corporation is a major holder of land, that provides affordable housing to the most vulnerable people in the community, its concerns about the impact of the viewshafts were validly raised.

There remained a divergence of expert and submitter opinion in regard to a number of individual viewshafts as to whether they should be classified as regional or locally significant or deleted entirely. The Panel has made a judgement on each of these and overall it has recommended the retention of more viewshafts than in the final position of the expert working group, e.g. K01 and K02 which offer views of Te Tātua a Riukuīta/Big King.

The provisions for D15 Ridgeline Protection Overlay, D16. Local Public Views Overlay and D19, Auckland War Memorial Museum Viewshaft Overlay, were largely agreed and not contested to the same extent as the volcanic viewshafts and height sensitive areas.

1.4. Scope

The Panel considers that the recommendations in 1.2 above and the changes made to the provisions relating to this topic (see 1.1 above) are within scope of submissions.

For an explanation of the Panel's approach to scope see Section 2.1 (Overview) of the Independent Hearings Panel's Report to Auckland Council July 2016.

1.5. Documents relied on

Documents relied on by the Panel in making its recommendations are listed below in section 9 Reference documents.

2. D14 Volcanic viewshafts and height sensitive areas

2.1. Statement of issue

The section that attracted by far the greatest number of submissions and volume of evidence was D14 Volcanic Viewshafts and Height Sensitive Areas Overlay. It became evident to the Panel in the lead up to the first hearing, and was confirmed at the first hearing in June 2015, that further technical landscape and economic analysis was required before the Panel could make robust recommendations on the Chapter D14 Volcanic Viewshafts that satisfied the requirements of section 32 and promoted the purpose of Part 2 of the Resource Management Act 1991. For this reason the process to prepare for the second hearing held in May 2016 is described in detail below.

2.2. Directions, guidance and first hearing

2.2.1. Housing New Zealand memorandum

On 6 May 2015 the Panel received a memorandum from the Housing New Zealand Corporation and this was responded to by the Auckland Council on 7 May. Further memoranda were received and the main issue identified in the memoranda was whether or not the Panel should issue guidance for the parties to assist in the preparation for the Hearings. The need for guidance arose from mediation and expert conferencing when it became clear to the parties that not all matters that needed to be addressed would be ready for hearing on 29 June 2015.

The Panel issued a Procedural Minute (No 12) which set out the matters that would be heard on 29 June and those matters which would be heard in a subsequent hearing. The main issue around which guidance was sought was in regard to those volcanic viewshafts that were of particular concern to Housing New Zealand because they limited the ability to redevelop and intensify the areas affected. The Panel recommended that it would be of assistance for the amount of floor area foregone, as a result of viewshaft protections, to be quantified.

2.2.2. First hearing June 2015

The first hearing on Topic 020 Viewshafts took place on 26, 29 and 30 June 2015. A large number of submitters attended and some were concerned with the provisions as a whole and others were concerned with the impacts of a relatively small number of viewshafts in restricting development opportunities.

As it listened to submissions and evidence during the first hearing the Panel became aware of a number of concerns including:

- i. that a section 32 analysis of the viewshaft provisions had not been undertaken and the Council was relying on the fact that they were operative provisions to satisfy section 32 of the Resource Management Act 1991;
- ii. that no detailed assessment of the particular values that contributed to the 87 notified Unitary Plan viewshafts that were considered to be regionally significant in the operative Auckland Council Regional Policy Statement had been undertaken. Therefore Housing New Zealand and other parties

- considered that it would difficult to assess applications to see if they had an adverse impact on the key values and attributes of any particular viewshaft;
- iii. witnesses for Housing New Zealand, including Mr Bray and Ms Linzey, considered that it was an appropriate methodology to split the identified viewshafts into “regional volcanic viewshafts” and “local volcanic viewshafts”;
 - iv. no sensitivity analysis had been undertaken about how, for example, slight changes to the origin point or alignment of viewshafts could potentially significantly reduce their impact on development opportunities while retaining views to the maunga;
 - v. GIS was now available that could assist with refining the viewshafts but had not been fully utilised; and
 - vi. no analysis had been undertaken of the economic impacts of the viewshafts in regard to whether or not, for example, any loss in floor area able to be built was an appropriate trade-off for the values of any particular viewshaft.

2.2.3. Section 32 issues

The Panel was assisted by the experts for both the Council and Housing New Zealand, and in particular, the landscape and economic witnesses. During questioning of the economist for the Council, Mr Nunns, accepted the preliminary view of the Panel that the section 32 analysis could be greatly improved and that there were economic tools available to undertake analysis to address the deficiencies in the evidence identified above. He considered, as was certainly the position for Housing New Zealand and many other submitters, that such work was required to satisfy the requirements of section 32 of the Resource Management Act 1991.

The Panel considers that section 32 is clear in that it requires empirical analysis to be undertaken where it is possible to be undertaken to better inform the selection of appropriate policies to achieve the purpose of Part 2 of the Resource Management Act 1991. This is particularly the case following the amendments to the Act in 2013 that require the Panel to take into account economic and employment opportunities either created or lost, due to the implementation of any planning policy in the Unitary Plan.

On 3 July 2015 the Panel received a Memorandum from the Council in response to Procedural Minute 12. In that response the Council reiterated that Mr Brown’s opinion was that all 78 viewshafts identified by the Council were regionally significant (paragraph 7). The Memorandum discussed when it was appropriate for the economists to assess the output of the proposed landscape architect’s values assessments. The Memorandum acknowledged that no section 32 evaluation had been specifically undertaken for the viewshafts provisions.

2.2.4. Panel interim guidance

In response to the hearing and the positions of the submitters, the Panel issued interim guidance for Topic 020 Viewshafts on 17 July 2015. That guidance outlined the general interim approach of the Panel to viewshafts. It also contained the Panel’s preliminary view with regard to the inadequacy of the Council’s section 32 analysis, including a reference to the decision of the Environment Court in *Leith v Auckland City Council* [1995] NZRMA 400.

At the end of the guidance the Panel provided directions as to the methodology and process it considered was necessary to prepare the topic for a resumed hearing. In response to the work programme in the guidance, the Panel received a joint memorandum from Housing New Zealand and other parties on 30 July 2015 and from the Council on 31 July 2015. After considering the memoranda, the Panel issued on 21 August 2015 a “Procedure for Further Assessment of viewshafts and Height Sensitive Areas”

2.3. Expert conferencing

2.3.1. Process and general conclusions

Following issuance of the Panel work programme, and under the guidance of a Panel mediator, experts undertook significant further analysis on a largely collaborative basis. The Panel has been greatly assisted by this further work and understands that there was a particularly heavy workload for some expert witnesses in order to achieve the necessary deadlines. The Panel does note that this pressure could have been avoided if the Council and to a lesser extent some other parties, had better understood the requirements of section 32 earlier in the development of the notified Unitary Plan so that the topic was better prepared for hearing.

In regard to the substantive outputs of the additional work and further qualitative analysis, the Panel benefited from reports and revised provisions including the following;

- i. Volcanic Viewshafts – Combined Analysis, 24 March 2016. This report helpfully set out the positions of the parties for each viewshaft in terms of a landscape, economic and planning position and noted where there was agreement and disagreement and the reasons why.
- ii. MRCagney Report – Topic 020 Viewshafts Expert Conferencing – Economic Costs of Viewshafts and Height Sensitive Areas, 10 February 2016. (020 – Joint Statement by Expert Witnesses 29 March 2016 Attachment C)
- iii. An accepted methodology to differentiate between regional and locally significant volcanic viewshafts.
- iv. Comprehensive value statements for each of the regionally significant viewshafts by which future resource consent applications can be assessed. These will be included Appendix 20 Volcanic Viewshafts and Height Sensitive Areas – Values Assessments.
- v. A revised schedule of volcanic viewshafts with:
 - a. 50 agreed as regionally significant;
 - b. three agreed local;
 - c. 14 agreed deletions; and
 - d. 18 that Mr Brown considered to be regionally significant but of those 16 that other experts considered to be locally significant and two that they considered should be deleted altogether.

2.3.2. Landscape expert conference

The landscape experts devised a volcanic view identification and evaluation table that had columns for the cone attributes, the view, the origin point and a summary. The overall evaluation determined whether or not they were locally or regionally significant. As will be discussed later in this report, while most of the viewshafts were agreed, there was divergence among the experts in regard to the categorisation of particular views as regional or local.

The Panel refers to the final assessments in the individual viewshaft identification table and the sample table, which sets out a very comprehensive range of attributes that the landscape architects considered. This material, which has never before been so comprehensively assembled, will be of significant benefit to the long term management of the respective viewshafts. Because the values have now been so carefully analysed, this material will also make a significant contribution to the assessment of any future resource consents that may potentially affect the viewshafts.

Therefore, the Panel commends the work undertaken by the landscape expert working group and the outputs from that group directly addressed concerns about the absence of detailed valuation statements that emerged during the first hearing in June 2015.

2.3.3. Economists expert conference

In accordance with the procedural minute and interim guidance of the Panel (referred to above) arising from the first hearing in June 2015, a conference of expert economists set about the task of quantifying the total floor area foregone due to the volcanic viewshafts as notified. This work culminated in the production of a report by MRCagney for the Auckland Council, which was completed in February 2016.

This report quantified the number of square metres of floor area that would otherwise be able to be constructed but for the viewshafts. Viewshafts and height sensitive areas were then able to be ranked according to the respective opportunity costs of built development foregone.

As was noted in the report and by some submitters, empirical analysis of the values of the views themselves was not undertaken. The Panel is aware of methods such as 'hedonic pricing' and 'willingness to pay' to assess how much views are 'valued', but this work was not undertaken at this stage. The Panel acknowledges that some submitters consider that the values of the maunga, particularly 'intrinsic values' are not able to be quantified by economic analysis that attributes a monetary value. Because no work was undertaken the Panel makes no further comment on this matter.

Key findings from the 2016 MRCagney report include;

- i. in the majority of cases viewshafts and height sensitive areas are not the binding constraint on developing taller buildings but the main constraint is the underlying zones, precincts and other overlays;
- ii. over 40 per cent of foregone development arises on sites that are affected by multiple viewshafts so changes to one viewshaft may not result in any increase in development capacity (refer also to comments in the rebuttal of Mr Heath and Mr Osborne dated 18 April 2016 for Housing New Zealand on this point);

- iii. the economic costs of viewshafts is highly concentrated and of the 86 proposed viewshafts, 39 had little or no marginal impact on development and 31 had a low to moderate marginal cost;
- iv. 16 viewshafts accounted for roughly 39 per cent of the overall development capacity foregone within viewshafts and height sensitive areas;
- v. the viewshafts with the most impact in descending order of opportunity cost were: E10, E11, W24, E16, O12, W9, O06, W26, E14, W12, E13, O11, T08, V01, E20 and A07;
- vi. height sensitive areas account for roughly 15 per cent of the overall foregone development capacity;
- vii. 2,311 sites, with a total area of two million square metres were assessed as having a measurable reduction in development capacity as a result of viewshafts/height sensitive areas;
- viii. this equated to a loss of 4,000-5,700 storeys, which may contain approximately 2.4 million square metres of floor space.

Mr Nunns provided a statement of rebuttal evidence for the Council on 23 June 2015 and for the reconvened hearing provided a further statement of rebuttal evidence on 28 April 2016. In that most recent evidence he addressed the evidence of Housing New Zealand, the RSCJ Trust (Religious of the Society of the Sacred Heart) and Baradene College of the Sacred Heart, Tram Lease Limited and Viaduct Harbour Holdings Limited and Viaduct Harbour Management Limited, Devonport Heritage Incorporated and the Friends of Maungawhau.

For Housing New Zealand Mr Osborne and Mr Heath provided a second joint statement of evidence dated 18 April 2016. At paragraph 3.8 they highlight some of the potential consequences from the loss of residential capacity due to viewshaft protection, including increased greenfield development and decreased land efficiency. At paragraph 4.6 they agree that there are some 2,300 sites or 2 million square metres of land, where residential development height was restricted by viewshafts of height sensitive areas.

2.4. Panel recommendations and reasons

2.4.1. Landscape and economic evidence

Having carefully considered and weighed all of landscape, economic and commercial/property evidence, including from submitters not specifically discussed above who commented on the economic costs of viewshafts (including Tram Lease et al and RSCJ Trust) the Panel draws the following general conclusions:

- i. considering there are well in excess of 400,000 residential sites currently within the existing metropolitan area, if 2,300 sites are affected by viewshafts by not being able to be developed to their full height according to the zone provisions, that is arguably a modest total number of sites;
- ii. calculated another way, two million square metres of land is 200 hectares of land, and considering there are 58,000 hectares of land in the existing metropolitan area (calculated from GIS polygon), the total area of land impacted by viewshafts is also arguably modest. It represents only 0.34 per

cent of the total existing metropolitan land area. The Panel does recognise that the land impacted by viewshafts is some of the more centrally located land in the region that would often otherwise be appropriate for more intensive development.

The Panel also notes that notwithstanding that viewshaft E10, which crosses the CBD, has by far the largest impact on foregone floor space of 293,327m², there was universal agreement among the landscape and economic experts that this viewshaft should remain.

Therefore, the Panel concludes that, in general terms, 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. The Panel considers that the provisions it is recommending satisfy the requirements of section 32 of the Act and promote the purpose of Part 2 of the Resource Management Act 1991.

In reaching this conclusion the Panel notes that when it requested this exercise be undertaken some submitters feared that by quantifying the impact of the viewshafts it would automatically lead to their removal. Based on the findings of the detailed examination that has been undertaken the converse position is in fact what the Panel has concluded. The economic analysis of the viewshafts has shown that the impacts in terms of development opportunities foregone are a lot less than many parties may have previously thought.

2.4.2. Impacts of viewshaft protection on Housing New Zealand

The Panel does acknowledge that as a significant landowner in the region Housing New Zealand is impacted by viewshafts to a much greater extent than any other individual land owner. Housing New Zealand has a mandate to provide housing for the most disadvantaged and vulnerable people in society and its concerns were legitimately raised. For those without a home, or living in poor quality housing, the aesthetic values associated with volcanic viewshafts are likely to be very remote from their daily experience. As in other topics the Panel understands that Housing New Zealand has not only been representing their own interests but are a 'proxy' for the broader housing affordability issue that is a significant strategic concern and direction in the Auckland Plan (Chapter 8).

During the hearing in 2015 the Panel heard about potential opportunities for 'sensitivity analysis' testing and the refinement of viewshafts to try and see if they could be adjusted to retain the views while also reducing opportunity costs. At this stage this work does not appear to have been undertaken other than on a few viewshafts as a trial. The Panel encourages the Council to work with other parties, particularly Housing New Zealand, in the future to further refine the dimensions of viewshafts so that public values can be maintained and enhanced while also minimising adverse impacts on development opportunities as the existing urban area continues to intensify.

2.4.3. New viewshafts

The focus of the Topic and the hearings was on viewshafts that were identified in the proposed Auckland Unitary Plan. Many submitters suggested that the Council had omitted to adequately consider new viewshafts. Areas that the Panel considers have potential merit that warrant further investigation in the future include:

- i. views between maunga;

- ii. views from marae to maunga;
- iii. new regional and locally significant volcanic view shafts; and
- iv. new local public views.

The Panel heard from the Tūpuna Maunga Authority that the assessments undertaken to-date had not sufficiently taken into account the values of Mana Whenua and this submission appeared to be accepted by the Council.

The Panel heard that the identification of local views was not comprehensive on a region wide basis and the Council had largely just rolled into the proposed Auckland Unitary Plan local views that were already identified in particular legacy district plans, particularly in Manukau City Council. There may be opportunities in the future for plan changes to recognise more local views following further investigations.

Also in regard to local views and potentially new regional viewshafts, the Panel was impressed by the evidence of Mr Howden for the Friends of Maungawhau and his highlighting of the importance of the sequence of views from the Coast-to-Coast Auckland Walkway and the Te Araroa National Walkway. He submitted that active tourism including walking is a rapidly growing economic opportunity and that views from regionally and nationally significant walkways could also be included in any future work programme by the Council to identify new regional and local public views.

Notwithstanding the above apparent omissions, the Panel considers that the recommended Unitary Plan framework of planning instruments, from the regional policy statement through to the Volcanic Viewshafts and Height Sensitive Areas Overlay and Local Public View Overlay provisions, provides a robust foundation for the addition of new views in the future. The Panel also considers that the methodological framework and the background material that has been provided for Topic 020, provides a sound basis for the assessment of future resource consent applications.

3. D14 Volcanic viewshaft and height sensitive areas provisions

3.1. Statement of issue

As in Chapter D14 the overlay description is set out below:

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

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

This overlay incorporates three elements:

- (1) Regionally significant volcanic viewshafts which protect regionally significant views to the Auckland maunga. Buildings that intrude into a regionally significant

volcanic viewshaft require Restricted Discretionary activity consent up to 9m in height, beyond which they are a non-complying activity.

(2) Locally significant viewshafts manage development to maintain locally significant views to the Auckland maunga. Buildings that intrude into a locally volcanic viewshaft are a permitted activity up to 9m in height, beyond which they are a restricted discretionary activity.

(3) Height sensitive areas are areas of land located on the slopes and surrounds of the volcanic cones. These areas are mapped and are identified as a layer on the planning maps (GIS viewer) and are marked.

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

The Council's final position on the provisions for the Volcanic Viewshafts and Height Sensitive Areas Overlay is as set out in the provisions provided to the Panel by Mr Reaburn dated 4 May 2016. On page 18 of those provisions are the overlay objectives, policies and rules as they were previously described as Chapter E.6.2. It can be seen that in general terms the Panel has adopted these provisions that were agreed between the Council and submitters as a result of expert conferencing and mediation.

The main changes from the proposed Auckland Unitary Plan provisions have been to insert a new provision for locally significant volcanic viewshafts (refer (2) above) in accordance with the new methodology developed from expert conferencing, which distinguishes regionally significant volcanic viewshafts from locally significant volcanic viewshafts.

The other main change is to change the eight metre height to nine metres, to be consistent with the rest of the Unitary Plan.

3.2. Panel recommendation and reasons

3.2.1. Overview

The Panel heard evidence about and is aware of the history of viewshaft protection in Auckland. Mr Brown, the landscape architect for the Council has been intimately involved in the identification and protection of regionally significant viewshafts to volcanic maunga over past decades. Mr Roy Turner, a regional planning officer, was also a key figure in developing the schedule of regional viewshafts that are in the operative Auckland Council Regional Policy Statement.

The Panel notes that while there were substantial submissions and evidence received in regard to the merits of particular viewshafts and the extent of development controls for penetration into a viewshaft, overall submitters were very supportive of some viewshaft protection. The network of volcanic maunga are a unique and defining feature of Auckland.

They are also a significant taonga for Mana Whenua and the Panel is required to provide for the relationships of Mana Whenua with their maunga.

The development of Auckland has unfortunately compromised the maunga that remain by development on their fringes and, in a number of cases, maunga have been removed entirely through quarrying activity. For example, Te Tātua a Riukuīta/Big King is the only remaining cone of the three that once existed.

The Panel notes that the position of the Council in regard to which viewshafts it supported did change throughout the hearing. As noted in paragraph 3.1 of the Council's legal submissions dated 3 May 2016, in the first round of hearings the Council's position was that:

- i. 78 of the notified volcanic viewshafts and all of the notified height sensitive areas were of regional significance; and
- ii. nine volcanic viewshafts were not identified as regionally significant and proposed for deletion.

There were a total of 87 viewshafts in the proposed Auckland Unitary Plan.

Following expert conferencing the Council's landscape witness, Mr Brown, did modify his position on the 78 viewshafts that were previously considered to all be of regional significance as set out in his summary of evidence dated 3 May 2016. He considered that:

- i. three viewshafts were locally significant (O10, T08, W13) and
- ii. another 14 (A05, A06, A11, E04, E05, E06, E15, E19, K01, R01, T07, W06, W07) were identified as being no longer significant.

As Mr Brown noted, there remained substantial differences between himself and other landscape experts in relation to 20 viewshafts as summarised in Attachment D to the Joint Statement. Those 20 viewshafts were set out in paragraph 3 of his evidence of 3 May 2016 at page 3.

The legal submissions of the Council for the final hearing stated at paragraph 3.7 that, notwithstanding the technical position of Mr Brown as indicated above, the Council's position remained that all of the 78 viewshafts were regionally significant and should be protected as such. The Panel understands that this was the position of the Council Governing Body.

Mr Raeburn provided planning evidence for the Council on the provisions, but he deferred to Mr Brown in regard to the categorisation of individual viewshafts. Mr Brown also provided evidence on height sensitive areas and provided rebuttal in regard to sites where modifications had been sought to the height sensitive areas, including at Te Tātua a Riukuīta/Big King and Māngere Mountain. Mr Brown did agree to a modification of the height sensitive areas for the Elizabeth Knox site where work by Ms de Lambert had shown that the height sensitive areas could be reduced without compromising views to Mt Eden.

3.2.2. Height sensitive area breaches where topography means no adverse effects

As indicated above Mr Brown accepted that the modelling for the Elizabeth Knox site would allow taller buildings without compromising the protections of the height sensitive areas due to depressions in the topography. This particular scenario showed that non-compliance with

the strict height sensitive areas rules would not compromise views of the maunga. The Panel had tried to develop an exception in a standard to provide for this situation, but this proved to be problematic.

In regard to the Elizabeth Knox Home situation, the Panel also considered modifications to the height sensitive areas on a site specific basis as was requested in the relief sought. However, the Panel does not recommend this approach because it is more than likely there will be other sites that will be similarly affected and therefore the Unitary Plan provisions should be applicable on a more universal basis within every height sensitive area.

The Panel finally concluded that the existing Policy 5 can be relied upon to provide for situations like at Elizabeth Knox Home through the resource consenting process. Policy 5 states:

(5) Avoid new buildings or structures that exceed two storeys in height in a height sensitive area, except where they would have no adverse effect on the visual integrity of any volcanic maunga to which that height sensitive area relates, as seen from any public place.

Where due to the topography of a site, a building over two storeys does not affect the visual integrity of a maunga, it is contemplated within this policy. Zone provisions will still be applicable.

The Panel accepts that it is not ideal for applicants in such situations to have to apply for a non-complying resource consent. However, if such applications, on the evidence, are able to show that the effects are no more than minor, the new policy should mean that such situations should not be contrary to the objectives and policies in the Unitary Plan. Therefore this would allow for such applications to pass through both section 104D gateway tests of the Resource Management Act 1991 and be assessed on their merits.

3.2.3. Council position generally confirmed

The Council provided closing remarks on the second round of hearing dated 17 May 2016. As set out in paragraph 1.2 the statement responded to the following submitters:

- i. Housing New Zealand Corporation;
- ii. Coronation Gardens Limited;
- iii. Fletcher Construction Developments Limited;
- iv. The Ascot Hospitals and Clinics Limited;
- v. Auckland Utility Operators Group.

The Panel agrees with the Council's responses to all of the above submitters' requests for the reasons the Council has provided in submissions and evidence.

As discussed elsewhere in this report, the position of the Panel and the Council in regard to particular viewshafts does vary as per the Panel's schedule and the sections below that address particular viewshafts and submitters' relief in more detail.

The Panel has made recommendations consistent with its style and templating conventions.

A significant change to this section is the removal of the infrastructure provisions to the new Infrastructure Chapter of the Plan (E26).

3.2.4. Height sensitive areas recommendations

A number of submitters raised issues in regard to height sensitive areas and some of these are discussed in more detail below.

Mr Michael Harris raised an issue in regard to the introduction of a height sensitive areas over Buckland's Beach that is affected by viewshaft B6 which is below ground level for parts of its floor. The new policy 4(c) is intended to allow for development to be undertaken in these situations as recommended by the Council in section 7 of its closing remarks.

The relief sought by Coronation Gardens Limited and Fletcher Construction Developments Limited for modifications of the height sensitive areas to allow higher buildings on land affected by the height sensitive areas is not recommended by the Panel for the reasons set out by the Council in its closing remarks and expert evidence.

The Panel heard submissions and evidence in regard to the height sensitive areas at Devonport and it confirms the position of the Council in regard to the same. A map of the Devonport height sensitive areas is attached to the overlay as Figure D14.10.1.

3.2.5. Trees in viewshafts

The Panel heard submissions and evidence in regard to the adverse impact of the planting of trees, very often on public land including road reserves, on viewshafts of maunga. A notable example was in Greenlane West where pin oaks largely obscure the viewshaft O05 of One Tree Hill. The Panel agrees with Housing New Zealand Corporation that this view should be re-categorised as a locally significant view.

The position of Mr Brown for the Council was that trees and vegetation should not be a reason to allow buildings within a viewshaft and this is reflected in standard D14.6.2(1).

However, when questioned by the Panel, it was evident that Mr Brown was concerned about the negative adverse effects that trees can have on a viewshaft which, depending on the species, may compromise the views for over 100 years. The Panel shares this concern and invited the Council to suggest provisions that would address this matter and, while not fully supported by the Council, Mr Reaburn did provide some suggested wording.

Having considered the matter further and debated it at some length, the Panel finally recommends not to include provisions to manage trees in viewshafts at this time. Such provisions are something that the Council and parties could consider in the future. At this stage the Panel considers that the planting of trees on public land that may compromise views is primarily a management issue for the Council itself, and also between it and Council Controlled Organisations, particularly Auckland Transport. Management plans for open space public reserves are also another tool that could specifically exclude the planting of trees where they could compromise viewshafts.

The Panel considers that this is an important policy consistency issue because, for example, notwithstanding Mr Brown accepting Mr Scott's evidence that existing trees could screen new school buildings at Baradene College, the Panel is still retaining the viewshaft as

notified and is confirming non-complying activity for intrusions into the viewshaft. This will affect how that site can be developed.

The overall position of the Panel in regard to trees in viewshafts is to take a very long-term view that accepts that the viewshafts should be retained regardless of the presence or not of trees as per the natural lifecycle of trees. However, the Council itself planting trees that obscure protected views is arguably inconsistent with the general intent of the viewshaft protection policies that the Council enforces against landowners to protect views from the intrusion of buildings.

3.2.6. Existing buildings in viewshafts

The Panel heard evidence from various submitters, including the Council, in regard to whether or not if there is an existing building that penetrates a viewshaft there should be a concession for a new building either behind or in front of that building, providing that it does not extend outside the profile of the existing building.

The Panel recommends that there should be no concession in the rules for such a situation. It has adopted a very long term planning horizon for viewshaft protection that extends beyond the 50 year lifespan of buildings provided for in the Building Act 2004. The Panel considers that this scenario is best managed through the resource consenting process.

4. Individual viewshaft recommendations

A summary of the Panel's recommendations on individual viewshafts is attached as Appendix 1. The Panel has generally concurred with the outcome of expert conferencing but has made different recommendations in regard to the following viewshafts as set out below.

- i. K01; one of 14 agreed deletions, but the Panel recommends retaining this viewshaft as a regional viewshaft for the reasons provided by Mr Greg Smith on behalf of the Auckland Volcanic Cones Society Incorporated in paragraph 3 of his evidence in chief for the reconvened hearing.
- ii. K02; one of 14 agreed deletions, but the Panel recommends this viewshaft be retained as a regional viewshaft for the reasons provided by Mr Greg Smith as referenced above.
- iii. R01; an agreed deletion, but the Panel recommends it be retained as a regional viewshaft. It appears that there may have been some misunderstanding about its origin point, which has been now clarified by Mr Brown, who has also provided an updated value statement which is located in Appendix 20 of the Plan.
- iv. E06; an agreed deletion, but the Panel recommends retaining as a regional viewshaft because it lends itself to maunga to maunga views.
- v. E19; an agreed deletion, but the Panel recommends retaining as a regional viewshaft because it is part of a sequence of views. However the Panel recommends to the Council that the origin points be revised.
- vi. W06; an agreed deletion, but the Panel recommends retaining as a regional viewshaft. The Panel was persuaded by the evidence of Mr Duthie for the

Tamaki Redevelopment Company Limited that with the redevelopment of the transport interchange at Mt Wellington the origin point for the viewshaft could be revised from its current location, but it is recommended to be retained in the interim.

There are 18 viewshafts that Mr Brown differed from others in the expert conferencing and the Panel has concurred with the position of Mr Brown that the viewshafts are regionally significant, except as set out below.

- i. O05; Mr Brown considered this view to be regionally significant but the Panel agrees with the other experts and recommends that this be classified as locally significant.
- ii. T09; Mr Brown considered this view to be regionally significant but the Panel agrees with the other experts and recommends that this be classified as locally significant.
- iii. A13; Mr Brown considers this view to be regionally significant and the Panel concurs, whereas other experts considered it should be deleted. This view is an important gateway approach to Auckland and the viewshaft is enjoyed by users who drive along it towards the Mt Albert (see below).
- iv. W03; Mr Brown considers this view to be regionally significant and the Panel concurs, whereas other experts considered it should be deleted. This view of Mt Wellington is part of a sequence of views.

The Panel relies on the evidence of Mr Brown and the other experts as set out in the Volcanic Viewshafts Combined Analysis dated 24 March 2016, to the extent that it is consistent with the Panel's recommendations in the attached schedule and as summarised above. The Panel addresses particular views on which parties provided more substantial evidence as set out below.

4.1. A13 – Mt Albert from the Te Atatu motorway interchange

Tram Lease Limited is the owner of land at Mt Albert which is in the path of viewshaft A13 and it presented expert evidence from various witnesses, including Mr Pryor, a landscape architect, seeking the removal of this viewshaft. As noted above, this position was supported by other expert landscape architects, but was opposed by Mr Brown. Mr Brown set out the basis for his opposition in paragraphs 10 and 11 of his summary of evidence dated 3 May 2016.

The parties made the Panel aware that this viewshaft was the subject of a recent decision of the Environment Court: *Tram Lease Limited v Auckland Council* [2015] NZEnvC 113. That decision upheld the status of viewshaft A13 as being regionally significant and therefore it confirmed Plan Change 339 to the Operative Auckland Council District Plan - Isthmus Section.

The Panel has carefully considered the decision of the Environment Court and also the evidence of Mr Brown and of Tram Lease Limited. The Panel recognises that this viewshaft does have an opportunity cost for Tram Lease Limited in terms of development foregone at Mt Albert. The Panel also recognises that, but for the viewshaft, the Tram Lease land would otherwise be suitable for intensification and this would be consistent with the overall strategy of achieving a quality compact city.

However, the Panel prefers the evidence of Mr Brown and, with respect, the conclusions of the Environment Court that this view of Mt Albert is of regional significance. The view from the West is an important gateway and Mt Albert can be seen as part of a sequence of volcanic maunga and therefore the Panel considers that the value of the view to the social and cultural well-being of the people of Auckland outweighs the opportunity costs of development foregone.

4.2. H07 – Mt Hobson from Ngapipi Road

Viewshaft H07 is of Mt Hobson from Ngapipi Road and has three points of origin. The RSCJ Trust and Baradene College provided legal submissions and evidence about this viewshaft, including expert landscape evidence from Mr Scott. The relief that they sought was to re-categorise the viewshaft from regionally significant to locally significant or, in the alternative, a change to the height limit for buildings in school zones. Other relief sought is set out in the legal submissions dated 9 May 2016, including amendments to the provisions to provide for buildings over 8 metres and up to 12.5 metres, as a restricted discretionary activity.

Mr Scott provided helpful exhibits which demonstrated the impact of the viewshaft on potential building heights of Baradene College. He suggested that existing vegetation would assist in screening any buildings from being perceived as penetrating the floor of the viewshaft. Baradene College also provided expert evidence on how the viewshaft compromises the potential for new school building development on the site due to the particular nature of the typography.

Having considered the evidence presented by Baradene College and also the evidence of Mr Brown for the Council, the Panel recommends that viewshaft H07 be retained as a regional viewshaft. The reasons for this conclusion are as per the evidence of Mr Brown. The Panel considers that if Baradene College wishes to develop the land to penetrate the viewshaft a resource consent can be applied for and be tested on its merits. The Panel does not support a site specific rule for the College site in the Unitary Plan.

4.3. E11 – Mt Eden from Tamaki Drive

The Warehouse Limited provided legal submissions and evidence opposing non-complying activity status for penetrating viewshaft E11 in business-zoned land. The Warehouse Limited sought discretionary activity status for penetrations of the viewshaft and Mr Warren provided a brief of evidence for the company and visual simulations were attached to the legal submissions which were prepared on 17 April 2014.

Having considered the evidence of The Warehouse Ltd the Panel recommends that viewshaft E11 remain a regional viewshaft and that penetrations within the viewshaft remain a non-complying activity.

4.4. E19 – Mt Eden from the Motorway

As noted in the combined analysis this viewshaft has been compromised by recent developments on the Mt Eden Prison site which is designated so does not have to ultimately comply with the overlay. The landscape conference experts, including Mr Brown agreed to its deletion. Other submitters, including the Tūpuna Maunga Authority, sought its retention.

Having considered the evidence and viewed the viewshaft itself, the Panel recommends the retention of the viewshaft. The Tūpuna Maunga Authority submitted that the viewshaft analysis to date has not adequately assessed the relationship of Mana Whenua to the maunga. The Council accepted this proposition generally, and the Panel considers that until more detailed analysis is undertaken it is appropriate to retain the viewshaft. Also, even though it is not bound by the viewshaft rules the Panel heard evidence from the Department of Corrections that it did take the viewshaft into account in the recent developments. Finally, there may be an opportunity to change the origin point of the viewshaft in the future.

5. D15 Ridgeline Protection Overlay

5.1. Statement of issue

Auckland contains a number of prominent ridgelines that contribute to the diverse scenic character and amenity of the region. Often vegetated, ridgelines provide a backdrop to urban and rural areas and form major parts of the coastline. To ensure the integrity of ridgelines is protected and maintained in accordance with their context, appropriate site sizes, placement and scale of buildings, and the retention of existing vegetation is important.

The identified ridgelines include those of the Waitākere Ranges and their foothills, and the ridgelines that delineate the Whitford rural area from the adjoining urban environment.

5.2. Panel recommendation and reasons

The ridgeline protection overlay provisions are intended to protect significant ridgelines in the region from the adverse effects of building and development. The provisions distinguish between natural and modified ridgelines which is appropriate to differentiate the management of ridgelines in areas such as the Waitākere Ranges from less pristine areas, such as Point View Drive, which are already impacted by development.

For the Council, Ms Absolum provided landscape evidence on ridgeline protection dated 25 May 2015. In that evidence she addressed all of the submissions on ridgeline protection in section 5 and provided her recommendations, which largely endorsed the provisions as notified. Various submitters had sought to remove, amend or extend ridgeline protection areas.

The Panel agrees with the conclusions of Ms Absolum and recommends the provisions as agreed by the Council with minor modifications from the Panel in regard to style and formatting.

6. D16 Local Public Views Overlay

6.1. Statement of issue

In addition to the distinctive volcanic landscape and regionally significant outstanding natural landscapes and outstanding natural features, Auckland's wider landscape and maritime setting provides a sense of identity at the local level. Individual viewing points, and their locally significant viewshafts from public places, contribute to the unique character of many of Auckland's neighbourhoods and coastal areas. Although many significant local views are

naturally self-preserved by topography or proximity to the coast and require no specific protective restrictions, some are in prominent public locations but could be obstructed by buildings occurring in the foreground. These viewing points and the views from them have been scheduled in the Local Public Views Overlay to ensure the benefits they provide are retained for future generations.

6.2. Panel recommendations and reasons

For the Council, Ms Absolum provided landscape evidence in regard to local public views dated 25 May 2015 and section 6 of that evidence outlines the history of local public views. In her evidence Ms Absolum addressed submitters who sought modification or removal of local views, including the removal of a local view over the port of Ōnehunga, with which the Council agrees. Ms Absolum undertook an analysis of viewpoints in section 7 of her evidence and confirmed all views in the proposed Auckland Unitary Plan, apart from viewpoint 2 for the Cook Street Reserve Howick. The Panel agrees with the conclusion of Ms Absolum to delete this viewpoint.

The Panel heard compelling submissions from individuals and residents including the Howick Ratepayers and Residents Association Incorporated supporting the provisions in the proposed Auckland Unitary Plan for local public views. Many of these views were established in the operative plans of particular councils and most are located in the area once covered by Manukau City Council.

The Panel agrees that local public views are important for the social and cultural well-being of people and communities. While the predominant focus of the Unitary Plan as a whole is on views and values of volcanic maunga, the Panel recognises the important amenity and often historical, values of local views such as those located in the Howick area.

Due to a lack of detailed assessment of the values, GIS mapping and economic impact assessment, the Panel did not have sufficient evidence before it to include viewshaft protection for areas such as Stockade Hill in Howick. There are also natural justice considerations associated with the imposition of such restrictions when they were not in the notified version of the Unitary Plan. However, the Panel does encourage the Council to work in the future with resident groups and other parties to identify new local public views for incorporation into the Unitary Plan.

7. D19. Auckland War Memorial Museum Viewshaft Overlay

7.1. Statement of issue

Auckland War Memorial Museum is located in a prominent location within Auckland Domain. The museum is a landmark building with historic, community and architectural significance and is one of Auckland's most popular vantage points. Sited on relatively low grounds in relation to the surrounding ridges, the view to and from the museum could be easily compromised or lost through the erection of tall buildings. The combination of landform, dominant building presence and setting contribute to the museum's unique visual quality. Special visual protection measures are applied to secure the highly appreciated views and aspect qualities associated with this historic heritage place. The overlay rules limit building

height and include provision for parapets, chimneys communications antennae, support structures, housing, building services components and advertising signs.

7.2. Panel recommendation and reasons

The provisions for viewshaft protection for the Auckland War Memorial Museum have been in operative planning documents for a considerable period of time. Mr Mackie provided planning evidence for the Council in regard to the provisions. Also for the Council, Ms Absolum provided expert landscape evidence in her primary evidence dated 25 May 2015. In her evidence she discusses the Auckland War Memorial Museum viewshaft protection, including submissions from The Warehouse Limited and Ports of Auckland Limited.

Ms Absolum does not recommend any changes to the viewshaft in response to those submissions and the Panel agrees with her conclusions.

Mr Mackie did suggest some changes in response to points raised by the Auckland Utility Operators Group and Housing New Zealand which were largely to ensure there was consistency across the Unitary Plan in terms of the activity tables and status for different activities.

The Panel agrees with the changes made by the Council and recommends the provisions as templated and amended for style and wording consistency by the Panel.

8. Consequential changes

8.1. Changes to other parts of the plan

As a result of the Panel's recommendations on this topic, there are consequential changes to other parts of the Plan as listed below.

- i. The provisions for infrastructure have been relocated to E26 Infrastructure.

8.2. Changes to provisions in this topic

There are no changes to provisions in this topic as a result of recommendations on other hearing topics.

9. Reference documents

The documents listed below, as well as the submissions and evidence presented to the Panel on this topic, have been relied upon by the Panel in making its recommendations.

The documents can be located on the aupihp website (www.aupihp.govt.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.

(The date in brackets after the document link refers to the date the document was loaded onto the aupihp website. Note this may not be the same as the date of the document referred to in the report.)

9.1. General topic documents

Panel documents

[020 - Submission Point Pathway - 20 March 2015](#) (20 March 2015)

[020 - Parties and Issues Report - 25 June 2015](#) (25 June 2015)

Mediation statements

[020 - Mediation Joint Statement - Local Public Views - Addendum](#) (25 May 2015)

[020 - Mediation Joint Statement - Local Public Views and Auckland War Memorial Museum Viewshaft](#) (14 May 2015)

[020 - Mediation Joint Statement - Ridgelines](#) (14 May 2015)

[020 - Mediation Joint Statement - Volcanic Viewshafts](#) (21 May 2015)

[020 - Mediation Joint Statement - Volcanic Viewshafts - Addendum](#) (5 June 2015)

[020 Mediation - 5 April 2016](#) (5 April 2016)

Expert Conference Statements

[020 - Joint Statement by Expert Witnesses 29 March 2016](#) (30 March 2016)

[020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment A](#) (29 March 2016)

[020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment B Volcanic Viewshafts Assessment - Mt Wellington](#) (29 March 2016)

[020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment B - Devonport Town Centre height sensitive areas Review](#) (29 March 2016)

[020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment B - Mangere Mountain height sensitive areas Assessment](#) (29 March 2016)

[020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment B - Mt Albert height sensitive areas Assessment](#) (29 March 2016)

[020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment B - Mt Eden height sensitive areas Assessment](#) (29 March 2016)

[020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment B - Mt Hobson height sensitive areas Assessment](#) (29 March 2016)

[020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment B - Mt Roskill height sensitive areas Assessment](#) (29 March 2016)

[020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment B - Mt Saint John height sensitive areas Assessment](#) (29 March 2016)

[020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment B - Mt Wellington height sensitive areas Assessment](#) (29 March 2016)

020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment B - One Tree Hill height sensitive areas Assessment (29 March 2016)

020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment B - Volcanic Viewshafts Assessment - Mt Albert (29 March 2016)

020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment B Big King height sensitive areas Assessment 2016 (29 March 2016)

020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment B Mt Victoria & North Head height sensitive areas Assessment (29 March 2016)

020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment B Volcanic Viewshafts Assessment - Browns Island (29 March 2016)

020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment B Volcanic Viewshafts Assessment - Mangere Mountain (29 March 2016)

020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment B Volcanic Viewshafts Assessment - Mt Eden (29 March 2016)

020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment B Volcanic Viewshafts Assessment - Mt Hobson (29 March 2016)

020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment B Volcanic Viewshafts Assessment - Mt Roskill (29 March 2016)

020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment B Volcanic Viewshafts Assessment - Mt Victoria (29 March 2016)

020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment B Volcanic Viewshafts Assessment - One Tree Hill (29 March 2016)

020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment B Volcanic Viewshafts Assessment - Rangitoto (29 March 2016)

020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment C Economic costs of viewshafts and height sensitive areas (29 March 2016)

020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment C1 Summary - Economic costs of viewshafts and height sensitive areas (29 March 2016)

020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment D Volcanic Viewshaft Combined Analysis (29 March 2016)

020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment E (29 March 2016)

020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment F PAUP Viewshafts height sensitive areas Caucusing Version 24 March 2016 (29 March 2016)

020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment G Patina Diagram (29 March 2016)

020 - Joint Statement by Expert Witnesses 29 March 2016 - Attachment H (29 March 2016)

Auckland Council closing statement

020 - Hrg - Auckland Council - Post hearing closing remarks (10 July 2015)

[020 - Hrg - Auckland Council - Post hearing closing remarks - Reply Version Attachment A](#) (10 July 2015)

[020 - Hrg - Auckland Council - Post hearing closing remarks - Reply Version Attachment B](#) (10 July 2015)

[020 - Hrg - Auckland Council - Closing remarks - reconvened hearing](#) (18 May 2016)

Panel Interim Guidance

[020 Viewshafts \(PDF 59KB\)](#) (17 July 2015)

[020 - Procedural Minute 12: Changes to Hearing Process](#) (20 May 2015)

[020 - Procedure for further assessment of viewshafts and Height Sensitive Areas - Updated 16 October 2015](#) (16 October 2015)

9.2. Specific evidence

Auckland Council

[020 - Auckland Council - Memorandum in response to Housing New Zealand Memo](#) (7 May 2015)

[020 - Hrg - Auckland Council - Memorandum of counsel in response to procedural minute 12](#) (6 July 2015)

[020 - Hrg - Auckland Council - Memorandum of Counsel in response to interim guidance](#) (31 July 2015)

[020 - Hrg - Auckland Council - Legal Submissions \(reconvened hearing\)](#) (4 May 2016)

[020 - Hrg - Auckland Council - Legal Submissions \(reconvened hearing\) - Appendix A](#) (4 May 2016)

[020 - Hrg - Auckland Council - Legal Submissions \(reconvened hearing\) - Appendix B](#) (4 May 2016)

[020 - Hrg - Auckland Council - Legal Submissions \(reconvened hearing\) - Appendix C](#) (4 May 2016)

[020 - Hrg - Auckland Council \(Peter Nunns\) - Volcanic Viewshafts - REBUTTAL](#) (23 June 2015)

[020 - Hrg - Auckland Council - \(Peter Nunns\) - Reconvened Hearing - REBUTTAL](#) (28 April 2016)

[020 - Hrg - Auckland Council \(Stephen Brown\) Reconvened Hearing - Hearing summary - Attachment 1](#) (4 May 2016)

[020 - Hrg - Auckland Council \(S Brown\) - Landscape \(Reconvened hearing\)](#) (17 April 2016)

[020 - Hrg - Auckland Council \(Stephen Brown\) - Landscape Architect - Viewshafts and Height Sensitive Areas](#) (26 May 2015)

[020 - Hrg - Auckland Council \(Trevor Mackie\) - Planning - Auckland War Memorial Viewshaft](#) (25 May 2015)

[020 - Hrg - Auckland Council \(Melean Absolum\) - Landscape - Ridgelines, Public Views and Auckland War Memorial Museum](#) (dated 25 May; loaded to website 26 May 2015)

Auckland Volcanic Cones Society

[020 - Hrg - Auckland Volcanic Cones Society \(Greg Smith\) - Reconvened hearing \(18 April 2016\)](#)

Friends of Maungawhau

[020 - Hrg - Friends of Maungawhau \(Kit Howden\) \(18 April 2016\)](#)

Housing New Zealand Corporation

[020 - Housing New Zealand - Memorandum regarding scheduling for 020 Viewshafts \(7 May 2015\)](#)

[020 - Hrg - Housing New Zealand Corporation - Memorandum of Counsel in response to interim guidance \(31 July 2015\)](#)

[020 - Hrg - Housing New Zealand Corporation \(Amelia Linzey\) - Planning \(10 June 2015\)](#)

[020 - Hrg - Housing New Zealand \(Amelia Linzey\) Attachment A - Proposed PAUP Provisions \(10 June 2015\)](#)

[020 - Hrg - Housing New Zealand Corporation \(Shannon Bray\) \(10 June 2015\)](#)

[020 - Hrg - Housing New Zealand Corporation \(Shannon Bray\) - Appendix 3 and 4 \(10 June 2015\)](#)

[020 - Hrg - Housing New Zealand \(Philip Osborne\) - Economic evidence - reconvened hearing - LATE \(20 April 2016\)](#)

[020 - Hrg - Housing New Zealand Corporation - \(Phil Osborne and Timothy Heath\) - REBUTTAL \(22 June 2015\)](#)

Michael Harris

[020 - Hrg - Michael Harris \(18 April 2016\)](#)

[020 - Hrg - Michael Harris - Photographs referred to in hearing \(9 May 2016\)](#)

RSCJ Trust (Religious of the Society of the Sacred Heart) and Baradene College of the Sacred Heart

[020 - Hrg - RSCJ Trust - Legal submissions \(reconvened hearing\) \(6 May 2016\)](#)

[020 - Hrg - RSCJ Trust - \(D Scott\) - landscape \(18 April 2016\)](#)

[020 - Hrg - RSCJ Trust - \(D Scott\) - landscape - annexures \(18 April 2016\)](#)

The Warehouse Limited

[020 - Hrg - The Warehouse Limited - Legal submissions \(30 June 2015\)](#)

[020 - Hrg - The Warehouse Limited - Reconvened Hearing - Legal submissions \(9 May 2016\)](#)

[020 - Hrg - The Warehouse Limited \(Vern Warren\) \(9 June 2015\)](#)

Tamaki Redevelopment Company Limited

[020 - Hrg - Tamaki Redevelopment Company \(J Duthie\) - Planning \(Reconvened hearing\) \(15 April 2016\)](#)

Tram Lease Limited and Viaduct Harbour Holdings Limited and Viaduct Harbour Management Limited

[020 - Hrg - Tram Lease Ltd, Viaduct Harbour Holdings Ltd - \(Robert Pryor\) - Reconvened hearing \(18 April 2016\)](#)

Appendix 1 Expert conclusions and Panel responses

View shaft	Recommended category	50 Agreed by experts	Panel recommendation/notes
A01	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
A02	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
A03	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
A09	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
A10	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
B01	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
B02	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
B03	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
B05	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
B06	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
E01	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
E02	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
E03	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
E08	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
E10	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
E11	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
E13	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts

E14	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
E16	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
E18	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
H01	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
H02	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
H03	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
H04	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
H05	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
H06	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
M04	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
M05	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
O03	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
O04	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
O07	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
O08	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
O11	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
R02	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
T01	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
T02	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
T04	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts

T10	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
V01	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
V02	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
V03	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
W01	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
W02	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
W04	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
W08	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
W12	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
W18	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
W19	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
W25	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
W26	Regional	50 agreed (by experts) regionally significant viewshafts	Panel agree with experts
View shaft	Recommended category	3 Local Agreed	Panel recommendation/notes
O10	Local	3 agreed (by experts) locally significant viewshafts	Panel agree with experts
T08	Local	3 agreed (by experts) locally significant viewshafts	Panel agree with experts
W13	Local	3 agreed (by experts) locally significant viewshafts	Panel agree with experts
View shaft	Recommended category	14 Agreed deletions by experts	Panel recommendation/notes
A05	DELETE	14 agreed deletions (agreed by the Council as being appropriate for deletion in the first round hearing)	Panel agree with experts
A06	DELETE	14 agreed deletions (agreed by the Council as being appropriate for deletion in the first round hearing)	Panel agree with experts
E05	DELETE	14 agreed deletions (agreed by the Council as being appropriate for deletion in the	Panel agree with experts

		first round hearing)	
E15	DELETE	14 agreed deletions (agreed by the Council as being appropriate for deletion in the first round hearing)	Panel agree with experts
K01	Regional	14 agreed deletions (agreed by the Council as being appropriate for deletion in the first round hearing)	Retain as regional, (Greg Smith para 3 of EiC reconvened hearing)
K02	Regional	14 agreed deletions (agreed by the Council as being appropriate for deletion in the first round hearing)	Retain as regional (Greg Smith para 3 of EiC reconvened hearing)
R01	Regional	14 agreed deletions (agreed by the Council as being appropriate for deletion in the first round hearing)	Retain as regional
T07	DELETE	14 agreed deletions (agreed by the Council as being appropriate for deletion in the first round hearing)	Panel agree with experts
W07	DELETE	14 agreed deletions (agreed by the Council as being appropriate for deletion in the first round hearing)	Panel agree with experts
A11	DELETE	14 agreed deletions	Panel agree with deletion
E04	DELETE	14 agreed deletions	Panel agree with deletion
E06	Regional	14 agreed deletions	Retain as regional. Almost a maunga to maunga view.
E19	Regional	14 agreed deletions	Retain as regional, part of a sequence, recommend to Council that the origin points be revised.
W06	Regional	14 agreed deletions	Retain as regional, recommend to Council that the origin points be revised – it provides a view of both the maunga and the lagoon.
View shaft	Recommended category	18 Not Agreed as regional or local by experts	Panel recommendation/notes
A07	Regional	18 that Mr Brown considers to be regionally significant and other experts consider to be locally significant	Retain as regional
A08	Regional	18 that Mr Brown considers to be regionally significant and other experts consider to be locally significant	Retain as regional, part of a sequence of views along Mt Albert Road with A7 – A9, no dispute about A9 being regional; limited development impact.
E09	Regional	18 that Mr Brown considers to be regionally significant and other experts consider to be locally significant	Retain as regional, significant regional open space and a large number of potential viewers from this location. Maunga to maunga and importance of pukekawa. Not a transition space – passive recreation.
E12	Regional	18 that Mr Brown considers to be regionally significant and other experts consider to be locally significant	Retain as regional, audience, common view of the volcanic field.
E20	Regional	18 that Mr Brown considers to	Retain as regional, but could be

		be regionally significant and other experts consider to be locally significant	reviewed in the future.
H07	Regional	18 that Mr Brown considers to be regionally significant and other experts consider to be locally significant	Retain as regional, regional, audience, common view of the volcanic field.
M06	Regional	18 that Mr Brown considers to be regionally significant and other experts consider to be locally significant	Retain as regional.
O01	Regional	18 that Mr Brown considers to be regionally significant and other experts consider to be locally significant	Retain as regional. Common view of the volcanic field and Orakei Basin.
O02	Regional	18 that Mr Brown considers to be regionally significant and other experts consider to be locally significant	Retain as regional. Recommend to Council to consider moving the origin point to intersection of Remuera Road and Green Lane East in any future review.
O05	Local	18 that Mr Brown considers to be regionally significant and other experts consider to be locally significant	Panel agrees with local significance.
O06	Regional	18 that Mr Brown considers to be regionally significant and other experts consider to be locally significant	Retain as regional.
O09	Regional	18 that Mr Brown considers to be regionally significant and other experts consider to be locally significant	Retain as regional. Progressive and part of a sequence.
O12	Regional	18 that Mr Brown considers to be regionally significant and other experts consider to be locally significant	Retain as regional.
T03	Regional	18 that Mr Brown considers to be regionally significant and other experts consider to be locally significant	Retain as regional.
T09	Local	18 that Mr Brown considers to be regionally significant and other experts consider to be locally significant	Panel agrees with local significance.
W05	Regional	18 that Mr Brown considers to be regionally significant and other experts consider to be locally significant	Retain as regional.
W09	Regional	18 that Mr Brown considers to be regionally significant and other experts consider to be locally significant	Retain as regional. Recommend to Council to move origin to the north west (Pilkington)
W24	Regional	18 that Mr Brown considers to be regionally significant and other experts consider to be locally significant	Retain as regional.
View shaft	Recommended category	2 Not agreed as regional	Panel recommendation/notes
A13	Regional	2 that Mr Brown considers to be regionally significant and	Retain as regional – gateway/approach to Auckland,

		other experts consider should be deleted	driving along the viewshaft there is a progressive view of the maunga.
W03	Regional	2 that Mr Brown considers to be regionally significant and other experts consider should be deleted	Retain as regional – part of a sequence.