

UNDER the Resource Management Act 1991 ("Act")

REGARDING a request by **Newmarket Holdings Development Limited Partnership** for Private Plan Change 44 - George St Precinct under clause 21 of Schedule 1 of the Act

MEMORANDUM OF COUNSEL FOR THE APPLICANT

Introduction

1. This memorandum is filed on behalf of the Applicant:
 - 1.1 In response to the direction dated 22 April 2021 issued by Commissioner Wren ("**Direction**"); and
 - 1.2 With regard to matters addressed in the email from Council to the Applicant's representative, Evita Key, dated 23 April 2021 to which the Direction was attached ("**Covering Email**").
2. The Applicant would be able to attend a procedural conference on short notice if that would assist in clarifying the following matters.

Information sought in the Direction

3. Paragraph 3 of the Direction states, "*Before the hearing timetable is set down, the Chair directs the applicant / plan change requester to file a memorandum outlining what, if any, changes they propose to recommend to the proposed plan change and outline which changes are in response to which submissions.*"
4. **Attachment 1** to this memorandum comprises copies of:
 - 4.1 An email dated 26 January 2021 from the Applicant's planner, Nick Roberts, to the Council officer who was then processing the application, Bruce Young ("**January Email**"); and

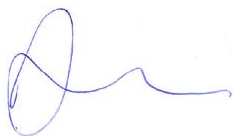
- 4.2 A marked up version of the plan change provisions incorporating amendments proposed by the Applicant ("**Revised Provisions**") that was provided under cover of the January Email.
5. The Revised Provisions include comment boxes specifying the submissions that the proposed changes are responding to. The Revised Provisions focus predominantly on addressing submissions made by Auckland Transport and Tūpuna Maunga Authority following numerous discussions between the Applicant's planners and representatives from these organisations.
6. The Applicant confirms that its position has not changed since the January Email and that it will seek at the hearing of the plan change the relief specified in the Revised Provisions.

Comments on the Covering Email

7. The Covering Email includes the following passages that do not form part of the Direction:
- "Please note that the reporting planner's section 42A report will be based on the notified version of the Private Plan Change request. The Planner is not required to meet with the Private Plan Change applicants or the submitters while preparing the section 42A report, but can seek clarification from submitters if required."*
8. It is unclear to the Applicant whether the advice in the Covering Email represents:
- 8.1 Advice from Commissioner Wren;
- 8.2 The opinion or determination of the hearings adviser; or
- 8.3 The opinion or determination of other officers of Council.
9. The Applicant notes that, while the Covering Email specifies that the "*reporting planner's section 42A report will be based on the notified version*" of the plan change, the Commissioner has directed the Applicant to provide advice on the amendments proposed to the plan change, and the provenance of those amendments. The Applicant considers that the hearing commissioners and submitters would be assisted if the section 42A report assessed the amendments now sought instead of, or at least in addition to, the notified provisions.

10. The statement that the reporting planner, "*is not required to meet with the Private Plan Change applicants or the submitters while preparing the section 42A report*" implies that the planner would have a discretion to meet with parties, if they chose to. The Applicant has requested on a number of occasions to meet with Council's reporting staff to discuss the Revised Provisions and any issues that remain of concern to the offices, but has been told by Council staff that the Council will not allow such meetings to occur. The Applicant remains of the view that such a meeting would be beneficial and worthwhile.
11. The Covering Email goes on to say that the reporting planner, "*can seek clarification from submitters if required.*" Thus, the Covering Email explicitly anticipates clarification being sought from submitters but makes no corresponding statement with respect to clarification being sought from the Applicant.
12. In the circumstances, the Applicant seeks:
 - 12.1 Advice from Council staff as to the status of the comments in the Covering Email quoted in paragraph 7 above.
 - 12.2 A direction that the section 42A report include an assessment of the Revised Provisions instead of, or at least in addition to, the notified provisions.
 - 12.3 Clarification from Council as to whether it will allow the reporting planner to meet with the Applicant's' representatives to discuss the plan change and the Revised Provisions.
 - 12.4 Advice from Council as to whether the reporting planner is to have a discretion to seek clarification only from submitters and not from the Applicant.

Dated this 30th day of April 2021



Douglas Allan
Counsel for the Applicant

Address for service: The offices of Ellis Gould, solicitors; PO Box 1509, Auckland; c/
Douglas Allan (email: dallan@ellisgould.co.nz)

Attachment 1

Douglas Allan

To: Douglas Allan
Subject: FW: George Street Plan Change update
Attachments: George Street mark ups in response to submissions 20201221.docx
Importance: High

From: Nick Roberts <nickr@barker.co.nz>
Sent: Tuesday, 26 January 2021 9:43 AM
To: bruce.young@aucklandcouncil.govt.nz
Cc: Fiona.Sprott@aucklandcouncil.govt.nz; Evita Key <Evitak@barker.co.nz>; Matt Riley <mattr@barker.co.nz>; Michael Hutchings <Michael.Hutchings@rdtpacific.co.nz>; Rebecca Sanders <RebeccaS@barker.co.nz>
Subject: RE: George Street Plan Change update
Importance: High

Hi Bruce,

Thank you for your email update below regarding the process for the George Street Plan Change.

It is disappointing that Council is yet to appoint Commissioners for this Plan Change as further submissions closed on the 24th of September and the lack of commissioners mean the hearing dates cannot yet be locked in. We ask that Commissioners are appointed as soon as possible and we are kept informed of this process so we have a hearing date to work towards with certainty.

We understand the Council's current practice, as advised by John Duguid on another project is to:

- schedule any pre-hearing meetings with all interested parties (applicants and submitters) between the completion of the section 42A report and the date applicants and submitters are required to circulate their evidence
- enable sufficient time for these meeting to occur and for applicants and submitters to prepare their evidence
- enable sufficient time for the council to prepare and circulate an addendum to the section 42A report as a result of any pre-hearing meetings (if necessary).

Are you able to provide us with the date that we will receive the Section 42A report and Council technical reports – noting that time needs to be available for prehearing meetings and the preparation of the Section 42A addendum prior to a hearing tentatively scheduled for the 1st quarter of the year.

While we understand you will not be commenting or discussing any proposed track changes until the release of the Section 42A report we still think it will be helpful to share these. Please find our latest position attached and we looking forward to discussing these with you prior to a hearing.

We have comments on the heritage brief which we will email through separately.

Ngā Mihi | Kind Regards

Nick Roberts
Director

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B&A

B&A

From: Bruce Young <Bruce.Young@aucklandcouncil.govt.nz>
Date: 17 December 2020 at 4:14:56 PM NZDT
To: Rebecca Sanders <RebeccaS@barker.co.nz>
Cc: Fiona Sprott <Fiona.Sprott@aucklandcouncil.govt.nz>
Subject: FW: George Street Plan Change update

Hi Rebecca

Further to your email below I can reply as follows:

1. We will appoint commissioners in the new year, and propose a hearing date in the 1st quarter of the year, likely in March-April. Council officers are still in the process of drafting their specialist and hearing reports
2. Council officers will not be in a position to comment on an updated George Street Precinct provisions, as per email sent by John Duguid to Nick Roberts on 15 December. Once the S42A report has been finalised for circulation, then there is the option for narrowing or addressing the scope of issues.
3. We will draft a brief for the Heritage consultant and get this draft to you for comment. I've attached this.

Regards

Bruce Young
Senior Policy Planner
Plans and Places, Central South
135 Albert Street
Level 24
Auckland
+6421854930

From: Rebecca Sanders <RebeccaS@barker.co.nz>
Sent: Wednesday, 16 December 2020 9:31 AM
To: Bruce Young <Bruce.Young@aucklandcouncil.govt.nz>
Cc: Nick Roberts <nickr@barker.co.nz>; Evita Key <Evitak@barker.co.nz>; Matt Riley <mattr@barker.co.nz>
Subject: George Street Plan Change update

Hi Bruce,

Further to our conversation on Friday we would really appreciate an update this week on the proposed hearing timeframes and appointment of commissioners for the George Street Plan Change.

We previously advised that we would be in a position to circulate updated George Street Precinct Provisions early December. We are still just finalising the updated provisions and should be in a position to circulate next week or early January.

In relation to your request to commission a heritage report we have reviewed the submissions that you have provided which assert an adverse effect on heritage values. We do not agree that the plan

change in fact raises heritage issues that warrant retaining a heritage architect or historian. In our view the issues raised are more to do with potential visual dominance and visual effects more appropriately addressed by urban designers and landscape architects. In order to keep things moving however, we will agree to the report. We request a quote from the Council and also a chance to review the brief so that we understand Council's legal basis for that request.

Ngā Mihi | Kind regards,

Rebecca Sanders
Associate

B&A
Urban & Environmental

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IX. George Street Precinct

IX.1 Precinct Description

The George Street precinct applies to an irregularly shaped 7,873m² site located at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket, within a block bound by George Street to the north, Broadway and Clayton Street to the east, Morgan Street to the west, and Alma Street and Carlton Gore Road to the south. The precinct is located to the north of the Newmarket Metropolitan Centre, within a developing mixed use area.

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

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

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

To encourage public transport and active transport modes **and to manage the traffic effects on the surrounding network**, the precinct includes a maximum limit on the number of carparks.

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

The zoning of land within the precinct is Business - Mixed Use zone.

All relevant overlay, Auckland-wide and zone provisions apply in this precinct unless otherwise specified below.

IX.2 Objectives

- (1) The George Street Precinct is comprehensively developed as an attractive, and vibrant mixed use precinct with a high quality built form and high amenity publicly accessible spaces, that create a community focal point for future residents and the wider neighbourhood.
- (2) A greater scale of height is enabled within a location that is highly accessible to public transport and other amenities, while ensuring buildings **do not dominate the skyline when viewed from around the city, and maintain** the visual prominence of Auckland Museum **and**

Commented [RS1]: Maunga Authority 53, Penelope Hansen 49.2, 48.4 AC, 35.3 Alistair Thompson, 21.3 Jonathan Erikissen, 3.2 Rob Thomas

Commented [RS2]: AT 26.2

respond positively to both their immediate surrounds and their wider built and landscape setting is maintained.

Commented [RS3]: Auckland Council 48.5

(2A) Culturally significant visual connections between Maungawhau, Takarunga and Maungauika, and culturally significant views from Maungawhau to the Waitamata Harbour are maintained.

Commented [RS4]: Maunga Authority 53, Penelope Hansen 49.2, 48.4 AC, 35.3 Alistair Thompson, 21.3 Jonathan Erikissen, 3.2 Rob Thomas

- (3) A range of retail and service activities are anticipated to support residential and worker amenity within the precinct and surrounding area.
- (4) Buildings above the podium level are designed to achieve a form that contributes to a feeling of spaciousness when viewed from the surrounding streets and area, and from within the development.
- (5) The George Street Precinct promotes pedestrian safety and connectivity through the area, particularly between Newmarket, Pukekawa and the Auckland Domain.

(6) Subdivision and development within the George Street Precinct occurs in a manner which avoids, remedies or mitigates adverse effects on the safe and efficient operation of transport infrastructure and services.

Commented [RS5]: AT 26.3

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

IX.3 Policies

- (1) Encourage the location, bulk, outlook, access to, and servicing of buildings to be planned and designed on a comprehensive and integrated basis, rather than on an ad hoc individual building basis.
- (2) Encourage a mixture of building heights within the George Street precinct through providing for lower building height adjacent to the interface with Pukekawa and the Auckland Domain (Height Area B) and providing for taller building heights away from the George Street interface, where potential adverse visual effects can be managed (Height Areas A and C).

(2A) Manage the location, design and scale of buildings to ensure they:

a) do not protrude into or dominate the culturally significant visual connections between:

- i. Maungawhau, Takarunga and Maungauika; and
- ii. Maungawhau and the Waitamata Harbour.

Commented [RS6]: Maunga Authority 53, Penelope Hansen 49.2, 48.4 AC, 35.3 Alistair Thompson, 21.3 Jonathan Erikissen, 3.2 Rob Thomas

b) contribute positively to a visually interesting skyline when seen from around the city.

Commented [RS7]: Auckland Council 48.5

- (3) Promote high-quality architecture and urban design that enhances the relationship of buildings and open space and that responds to the topographical and edge conditions of the precinct through the provision of a podium generally level with George Street.
- (4) Require a publicly accessible space at podium level that creates a legible pedestrian through-route between George Street and Clayton street, that is predominately open to the sky, enhanced by landscaping, and ensures space for a plaza between the adjoining buildings.
- (5) Require a slender building form that creates a sense of spaciousness between buildings above the podium level, maintains sky views from the publicly accessible spaces within

George Street mark ups in response to submissions 20201221 (002)

the precinct, and where upper levels are set back from existing and future development on adjoining sites.

- (6) Require safe and attractive pedestrian connections and a pedestrian plaza to be provided adjoining each stage of development to ensure a high level of amenity and enhance walking links to the surrounding area.
- (7) Require activities and built form which positively contributes to the maintenance of pedestrian interest and vitality at the interface of pedestrian connections and the pedestrian plaza.
- (8) Require vehicle access to the precinct to primarily utilise Morgan Street and be designed to prioritise pedestrian safety and not detract from the amenity of the pedestrian connections through the precinct.
- (9) Limit the supply of on-site parking to recognise the accessibility of the George Street Precinct to public transport and Newmarket Metropolitan Centre **and to manage the traffic effects on the surrounding transport network.**
- (10) Discourage high car trip generating uses such as service stations, large supermarkets or drive through restaurants in order to reinforce the pedestrian focus of the precinct **and to manage the traffic effects on the surrounding transport network.**

Commented [RS8]: 26.7

Commented [RS9]: 26.8

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

IX.4 Activity table [dp]

All relevant rules in the zone, overlay, Auckland-wide provisions and zone overlays apply in this precinct activity tables apply unless the activity is listed in Activity Table IX.4.1 below.

Commented [RS10]: 48.6 AC

Activity Table IX.4.1 specifies the activity status of land use activities in the George Street precinct pursuant to section 9(3) of the Resource Management Act 1991.

Table IX.4.1 Activity table

Activity		Activity status
Use		
Commerce		
(A1)	Drive-through restaurants	D
(A2)	Service stations	D
Industry		
(A3)	Industrial laboratories	D
(A4)	Light manufacturing and servicing	D
(A5)	Repair and maintenance services	D
(A6)	Warehousing and storage	D
Development		
(A7)	New buildings	RD
(A8)	Additions and alterations to buildings not otherwise provided for	RD

(A9)	Development or subdivision that does not comply with Standard IX.6.2 Plaza or Standard IX.6.3 Pedestrian Connections	NC
(A10)	Development that does not comply with Standard IX.6.4 Staged Delivery of Plaza and Pedestrian Connections	RD
(A11)	Development that does not comply with Standard IX.6.1, IX.6.4, IX.6.5, IX.6.6, IX.6.7, IX.6.8 & IX.6.9.	RDD
(A11A)	Development that does not comply with Standard IX.6.4, IX.6.5, IX.6.6, IX.6.7, IX.6.8 & IX.6.9.	RD
Transport		
(A12)	Parking which is an accessory activity and complies with Standard IX.6.9	P
(A13)	Parking which is an accessory activity and does not comply with Standard IX.6.9	RD
(A14)	Vehicle access	RD

Commented [RS11]: 26.9 AT, 7.2 Cleveland Properties, 31.4 Domain Apartments, 42.4 Downtown House no.2m 43.7 FourClayton Properties Ltd, 44.9 Two Morgan Properties, 45.8 Aclay Ltd, 48.7 AC

IX.5 Notification

- (1) Any application for resource consent for any of the following activities that infringe the following standard(s) will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist under either sections 95A(9) or 95B(10) of the Resource Management Act:

- (a) a restricted discretionary activity listed in Table IX.4.1 (A7), (A8) and (A10); and/or
- (b) IX.6.4 Staged delivery of plaza and pedestrian connections
- (c) IX.6.5 Residential along active edges
- (d) ~~H13.6.9 Outlook space~~
- (e) H13.6.10 Minimum dwelling size

Commented [RS12]: Amendments to A11 will address 16.3 Parkwood BC, 26.9 AT, 30.3 Domain Terrace, 31.5 Domain Apartments, 36.3 A Garland & L Horrocks, 39.5 R & J France, 42.3 Downtown House No 2 Ltd, 43.6 FourClayton Properties Ltd, 44.8 TwoMorgan Properties Ltd, 45.7 Aclay Ltd, 48.13 AC

Commented [RS13]: 22.2 Zamin Investment, 23.2 Core City.

IX.6 Standards

- (1) Unless specified in Standard IX.6(2) below, all relevant overlay, Auckland-wide and zone standards apply to all activities listed in Activity Table IX.4.1 above.
- (2) The following Auckland-wide and zone standards do not apply to activities listed in Activity Table IX.4.1 above:
- (a) H13.6.1. Building height;
 - (b) H13.6.4. Maximum tower dimension and tower separation; and
 - (c) Table E27.6.2.3 Parking rates – area 1.
- (3) Activities listed in Activity Table IX.4.1 must comply with Standards IX.6.1 - IX.6.9.

IX.6.1 Building height

- (1) Buildings must not exceed the heights specified in the table below:

Table IX.6.1.1 Building height

Height Area on George Street Precinct Plan 1	Maximum Height (Measured from George Street Datum)
A	55m
B	29m
C	35m
D	0m

- (2) Buildings within Height Area D on George Street Precinct plan 1 must not exceed the height specified in Table IX.6.1.1, provided that this height limit does not apply to the following buildings and structures:
- (a) canopies, balustrades, fencing, light poles, signs, planter boxes and seating, sculptures and works of art;
 - (b) buildings and structures associated with temporary activities; and
 - (c) occupiable buildings of a maximum 5m height above the George Street Datum, provided that their total gross floor area is no more than 250m².

- (3) The height limit within Height Areas A, B and C shall not be exceeded by any roof top projections.

IX.6.2 Plaza

- (1) A pedestrian plaza shall be provided within Height Area D and will incorporate the intersection of the pedestrian connections required by IX.6.3. as shown indicatively on George Street Precinct plan 2.
- (2) The pedestrian plaza required by IX.6.2(1) shall have a minimum area of 700m² and no dimension less than 20m.

- (3) For clarity Standard H13.6.8 Wind applies.

Commented [RS14]: 48.11 AC

IX.6.3 Pedestrian connections

- (1) A pedestrian connection between Clayton Street and George Street shall be provided in the indicative location shown on George Street Precinct plan 2.
- (2) A pedestrian connection between Morgan Street and the pedestrian plaza shall be provided in the indicative location shown on George Street Precinct plan 2.
- (3) The pedestrian connections required by IX.6.3(1) and (2) shall be publicly accessible seven days per week (including public holidays) between the hours of 7am and 11pm.

Commented [RS15]: 26.11 AT

IX.6.4 Staged delivery of plaza and pedestrian connections

- (1) The pedestrian plaza required by IX.6.2 shall be completed before:

- (a) any building in Height Area A greater than 5m in height above the George Street Datum is occupied; or
 - (b) any buildings in both Height Areas B and C greater than 5m in height above the George Street Datum are occupied.
- (2) The pedestrian connection between Clayton Street and George Street required by IX6.3(1) shall be completed before:
- (a) any building in Height Area A greater than 5m in height above the George Street Datum is occupied; or
 - (b) any buildings in both Height Areas B and C greater than 5m in height above the George Street Datum are occupied.
- (3) The pedestrian connection between the pedestrian plaza and Morgan Street required by IX6.3(2) shall be completed before any building in Height Area C greater than 5m in height above the George Street Datum is occupied.

IX.6.5 Residential along active edges

- (1) Dwellings including units within an integrated residential development must not locate at ground floor within the frontages to streets and internal open spaces marked as 'active edges' on George Street Precinct plan 2.

IX.6.6 Yards

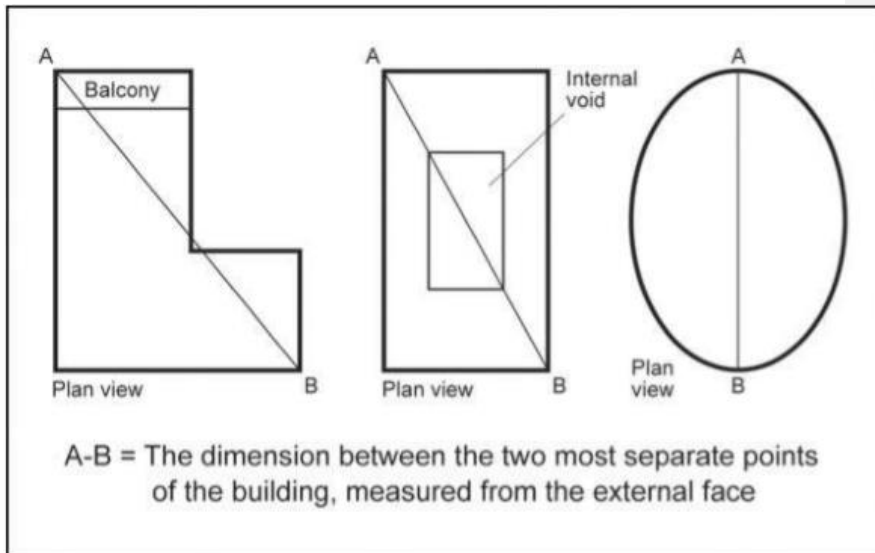
- (1) Buildings must be set back a minimum depth of 4m from the George Street boundary, as measured above the George Street Datum.

IX.6.7 Maximum tower dimension and tower separation

- (1) The maximum plan dimension of that part of a building greater than 5m in height above the George Street Datum must not exceed 55.50m.
- (2) The maximum plan dimension is the horizontal dimension between the exterior faces of the two most separate points of the building as shown in Figure H13.6.4.1.
- (3) The minimum separation distance between buildings in Height Area B and Height Area C at a height greater than 5m above the George Street Datum is 10m.

Commented [RS16]: Ian and Catrina Fair 28.1, Alan Herbert Burton and Wendy Alyson Burton 33.2,

Figure H13.6.4.1 Maximum tower dimension plan view



IX.6.8 Setback from neighbouring sites

- (1) In Height Area A, the part of a building greater in height than 5m above the George Street Datum must be located at least 6m from the precinct boundaries.
- (2) The part of a building greater in height than 4m below the George Street Datum must be located at least 4m from the precinct boundary with 8 Clayton Street.
- (3) The part of a building greater in height than 27m above ground level when measured using the rolling height method must be located at least 6m from any side or rear precinct boundary, except as required by IX.6.8(1) and (2) above.
- (4) The building heights in IX.6.8(1) and IX.6.8(2) are measured from the George Street Datum. The building height in IX.6.8 (3) is as per the definition of height measured using the rolling height method.

IX.6.9 Number of car parking spaces

- (1) The number of car parking spaces in the George Street Precinct must not exceed 500 carparks.
- (2) For the purposes of meeting the requirements of the vehicle parking rules, a car parking space includes those provided for in a garage or car port or any paved area provided for the sole purpose of parking a motor vehicle, excluding loading spaces.

IX.7 Assessment – controlled activities

There are no controlled activities in this precinct.

IX.8 Assessment – restricted discretionary activities

IX.8.1 Matters of discretion

Unless specified in IX.8.1 below, the Council will reserve 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 overlays, Auckland-wide or zones provisions:

- (1) new buildings and additions and alterations to buildings not otherwise provided for:
 - (a) building design and external appearance;
 - (b) design of the pedestrian connections and the plaza;
 - (c) active edges;
 - (d) design of parking; and
 - (e) matters of discretion IX.8.1 (1)(a) -(d) replace the matters of discretion in H13.8.1(3).
- (2) vehicle access:
 - (a) location of vehicle access;
 - (b) effects on pedestrian safety on Morgan Street; and
 - (c) effects on pedestrian safety and amenity on Clayton Street and George Street.
- ~~(3) infringement to Standard IX.6.1 Building height:
 - (a) matters of discretion in H13.8.1(7) apply in addition to the matters of discretion below; and
 - (b) building scale, dominance, landscape character and visual amenity effects.~~
- (4) infringement to Standard IX.6.2 Plaza:
 - (a) effects on pedestrian amenity.
- (5) infringement to Standard IX.6.3 Pedestrian connections:
 - (a) effects on pedestrian amenity, accessibility and connectivity.
- (6) Infringement to Standard IX.6.4 Staged delivery of plaza and pedestrian connections
 - (a) effects on pedestrian health and safety, accessibility and connectivity.
- (7) infringement to Standard IX.6.5 Residential along active edges:
 - (a) effects on activity levels of active frontages.
- (8) infringement to Standard IX.6.6 Yards:
 - (a) precinct legibility and visual amenity.
- (9) infringements to Standard IX.6.7 Maximum tower dimension and tower separation:

- (a) matters of discretion in H13.8.1(7) apply in addition to the matters of discretion below; and
- (b) visual amenity effects on the immediate streetscape, neighbourhood and wider city landscape.

(10) infringements to Standard IX.6.8 Setback from neighbouring sites

- (a) matters of discretion in H13.8.1(7) apply in addition to the matters of discretion below;
- (b) visual amenity effects on the apartment building at 8 Clayton Street, Newmarket; and
- (c) visual amenity effects on the established development at 47 George Street, 2 Alma Street and 33 Broadway, Newmarket.

(11) infringements to Standard IX.6.9 Number of car parking spaces:

- (a) matters of discretion in E27.8.1(5) apply in addition to the matters of discretion below; and
- (b) effects on pedestrian amenity.

IX.8.2 Assessment criteria

Unless specified in IX.8.2 below, 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 overlays, Auckland-wide or zones provisions:

(1) new buildings and additions and alterations to buildings not otherwise provided for:

- (a) building design and external appearance:
 - (i) buildings, including alterations and additions, are of a high design quality and express an architecturally coherent design concept that positively:
 - responds to their surrounding context, including their landscape setting beside Pukekawa and the Auckland Domain; and
 - contributes to the visual interest and quality of the development **and manages visual amenity effects of building bulk and scale**, when viewed from the surrounding streets and area and from within the precinct, by techniques including façade modulation and articulation and **visually breaking up mass into distinct visual elements**;
 - (ii) buildings maximise doors, windows and balconies overlooking the street and publicly accessible spaces within the precinct;
 - (iii) buildings, particularly a tall building in Height Area A, make a positive contribution to the collective skyline of the precinct **as seen when viewed from the street, and surrounding areas and within the wider cityscape**, including through the architectural expression of their roof profiles and upper levels, **with rooftop plant and equipment being integrated into the building design**;

Commented [RS17]: Ian and Catrina Fair 28.1, Alan Herbert Burton and Wendy Alyson Burton 33.2,

Commented [RS18]: Auckland Council 48.5

(iii)(a) buildings, including their design, materiality, reflectivity and colour do not dominate the built and landscape environment when seen from Maungawhau, Takarunga and Maungauika.

Commented [RS19]: Maunga Authority 53, Penelope Hansen 49.2, 48.4 AC, 35.3 Alistair Thompson, 21.3 Jonathan Erikissen, 3.2 Rob Thomas

- (iv) buildings use quality, durable and easily maintained materials and finishes on the façade, particularly at lower levels along street frontages and along the pedestrian connections and plaza shown on George Street Precinct plan 2;
 - (v) the extent to which development integrates mātauranga and tikanga into the design of new buildings and publicly accessible spaces;
 - (vi) buildings incorporate crime prevention through environmental design principles;
 - (vii) landscaping is incorporated within the development, particularly along the pedestrian connections and within the plaza shown on George Street: Precinct plan 2 and in the required yard along George Street, in a manner that contributes to overall character, visual and pedestrian amenity and legibility, in particular for the connection from Newmarket to Pukekawa and the Auckland Domain.
 - (viii) buildings provide convenient and direct access between the street, pedestrian connections and publicly accessible spaces for people of all ages and abilities;
 - (ix) the adverse effects of any blank walls along the frontage of the street, pedestrian connections and publicly accessible spaces on pedestrian amenity are minimised;
 - (x) floor to floor heights offer the flexibility for the space to be adaptable to a wide variety of use over time;
 - (xi) for residential development, balconies are designed as an integral part of the building, avoiding a predominance of cantilevered balconies, and external walkways/breezeways for apartments above ground level are generally avoided.
 - (xii) building design recognises the functional and operational requirements of activities.
- (b) design of the pedestrian connections and the plaza:
- (i) the pedestrian connections and plaza shown on George Street Precinct plan 2 are designed as high amenity spaces with a public realm quality, and that provides clear wayfinding through the precinct by methods including the following:
 - pedestrian connection type A and the plaza are not enclosed within buildings, while allowing for canopy cover and building projection where this provides weather protection and visual interest;
 - pedestrian connection type B may pass through a building;

- pedestrian connection type A and the plaza retain a good awareness of the sky with, in particular, views to the sky being maximised looking north along the Clayton Street entrance to the pedestrian connection;
 - the pedestrian connections and plaza have an overall design, including through the use of materials and finishes, that reinforces a sense of openness and public accessibility;
 - the pedestrian connections, in particular the Clayton Street to George Street link, are designed as strongly legible walking routes through the precinct by techniques including building alignments reinforcing clear sightlines, spatial volumes of the entries to the connections, and use of landscaping;
 - pedestrian connections are direct, safe, accessible, convenient, and subject to good levels of passive surveillance from ground and upper floor levels;
- (ii) a podium constructed across the Precinct, generally level with George Street, is the preferred means to traverse the north-south level difference across the Precinct and the preferred level at which the plaza is provided. Alternative options should demonstrate that:
- they are generally consistent with the criteria in IX.8.2(b)(i); and
 - they are generally consistent with policies IX.3(3), IX.3(4) and IX.3(7)
- (iii) the pedestrian connection between Clayton Street and the podium is in the form of an accessible lift and escalator; and
- (iv) the pedestrian connection between Morgan Street and the podium is in the form of accessible steps.
- (c) active edges:
- (i) along those areas marked as 'active edges' in George Street Precinct plan 2:
- buildings contain activities that have an interaction with and contribute to the vitality of the adjoining publicly accessible space or street;
 - the active edge is at the same level as that publicly accessible space or street;
 - active edges can include foyers to building lifts;
 - buildings align with and provide a defined edge to the space; and
 - glazing is maximised.
- (d) design of parking areas:
- (i) in order of preference, parking is located in basement levels, separated from the street and areas marked as 'active edges' in George Street Precinct plan 2 by active uses, or screened from view from publicly accessible locations.
- (e) assessment criteria IX.8.2(1)(a)-(d) replace assessment criteria in H13.8.2(3), except that Policies H13.3(3), H13.3(4) and H13.3(12) continue to apply.

- (2) vehicle access:
- (a) location of vehicle access:
- (i) vehicle access points are located and limited in number to those shown on George Street Precinct plan 2;
 - (ii) the precinct's primary vehicle access point is from the Morgan Street frontage; and
 - (iii) large service vehicles access the precinct from the Morgan Street frontage.
- (b) effects on pedestrian safety on Morgan Street:
- (i) the Morgan Street vehicle access point is designed in a manner to prioritise pedestrian safety and legibility, through reducing vehicle speed and positively responding to the adjoining pedestrian connections for example by minimising the overall width of the vehicle crossing.
- (c) effects on pedestrian safety and amenity on Clayton Street and George Street:
- (i) the George Street vehicle access and Clayton Street vehicle access, are designed in a manner to prioritise pedestrians, reduce vehicle speed, be visually attractive, and positively respond to the adjoining pedestrian connections;
 - (ii) the pedestrian emphasis along the George Street vehicle access may take a variety of forms such as minimising the carriageway where possible;
 - (iii) if the Clayton Street vehicle access is required the pedestrian emphasis may take a variety of forms such as designing access to the precinct to limit the desirability of vehicles to use this entrance, for example through only enabling one way vehicle movements.

~~(3) infringing Standard IX.6.1 Building height:~~

~~(a) building scale, dominance and visual amenity effects:~~

- ~~(i) whether the building creates adverse dominance and visual amenity effects on the surrounding area, particularly in relationship to the Auckland Domain and Auckland War Memorial Museum.~~

~~(b) assessment criteria IX.8.2(3)(a) replace assessment criteria in H13.8.2(7)(a), except that Policies H13.3(3)(a), H13.3(3)(b) and H13.3(13) continue to apply.~~

(4) infringing Standard IX.6.2 Plaza:

(a) effects on pedestrian amenity:

- (i) whether a plaza is able to fulfil a role as a focus of activity for the precinct and assists in reinforcing wayfinding along the pedestrian routes.

(5) infringing Standard IX.6.3 Pedestrian connections:

Commented [RS20]: 26.9 AT, 7.2 Cleveland Properties, 31.4 Domain Apartments, 42.4 Downtown House no.2m 43.7 FourClayton Properties Ltd, 44.9 Two Morgan Properties, 45.8 Aclay Ltd, 48.7 AC

- (a) effects on pedestrian connectivity:
 - (i) whether the infringement is consistent with Policy IX.3(4).
- (6) Infringing Standard IX.6.4 Staged delivery of plaza and pedestrian connections
 - (a) effects on pedestrian health and safety, accessibility and connectivity.
 - (i) The extent to which the health and safety of pedestrians using the pedestrian connections or plaza is compromised by the wider construction within the George Street Precinct;
 - (ii) The extent to which an alternative temporary pedestrian connection can be provided to maintain pedestrian connectivity between George Street and Clayton Street for the duration of construction.
- (7) infringing Standard IX.6.5 Residential along active edges:
 - (a) effects on activity levels of active edges:
 - (i) whether residential use at ground level along those areas marked as 'active edges' in George Street Precinct plan 2 adversely effects the vitality and levels of pedestrian activity in the adjoining publicly accessible space.
- (8) infringing Standard IX.6.6 Yards:
 - (a) precinct legibility and visual amenity:
 - (i) the extent to which a George Street yard of reduced depth adversely affects the sense of entry and legibility of the precinct from George Street;
 - (b) assessment criteria IX.8.2(8)(a) replace assessment criteria in H13.8.2(7)(b), except that Policies H13.3(3)(b), H13.3(3)(c) and H13.3(7) continue to apply.
- (9) infringing Standard IX.6.7 Maximum tower dimension and tower separation:
 - (a) the relevant assessment criteria in H13.8.2(7) for buildings that do not comply with the standards apply in addition to those below;
 - (b) visual amenity effects on the immediate streetscape, neighbourhood and wider city landscape:
 - (i) whether the building creates adverse dominance and visual amenity effects on the surrounding area, particularly in relationship to the Auckland Domain and Auckland War Memorial Museum;
 - (c) assessment criteria IX.8.2(9)(a)-(b) replace assessment criteria in H13.8.2(7)(a), except that Policies H13.3(3)(a), H13.3(3)(b) and H13.3(13) continue to apply.
- (10) Infringing Standard IX.6.8 Setback from neighbouring sites
 - (a) the relevant assessment criteria in H13.8.2(7) for buildings that do not comply with the standards apply in addition to those below;
 - (b) visual amenity effects on the apartment building at 8 Clayton Street, Newmarket:

- (i) whether a reduced building setback along the precinct boundary with 8 Clayton Street or an infringement to the tower dimension, results in visual amenity effects on the apartment building at 8 Clayton Street; and
 - (c) visual amenity effects on the established development at 47 George Street, 2 Alma Street and 33 Broadway, Newmarket:
 - (i) whether a reduced building setback along the precinct boundaries with 47 George Street, 2 Alma Street and 33 Broadway, Newmarket or an infringement to the tower dimension, results in visual amenity effects on the established development on these sites.
 - (d) assessment criteria IX.8.2(10)(a)-(c) replace assessment criteria in H13.8.2(7)(a), except that Policies H13.3(3)(a), H13.3(3)(b) and H13.3(13) continue to apply.
- (11) infringing Standard IX.6.9 Number of car parking spaces:
- (a) effects on the transport network:
 - (i) the extent to which vehicle movements associated with any additional parking spaces affect the safe and efficient operation of the adjacent transport network, including public transport and the movements of pedestrians, cyclists and general traffic. This includes considering the effect of additional parking on trip generation from the site during peak commuter times;
 - (ii) the trip characteristics of the proposed activities on the site requiring additional parking spaces;
 - (iii) the availability of alternative parking in the surrounding area, including on street and public parking, to provide the additional parking sought for the proposal;
 - (iv) the availability of parking provision in the immediate vicinity to accommodate parking demands from surrounding activities;
 - (v) the adequacy and accessibility of public transport and its ability to serve the proposed activity;
 - (vi) mitigation measures to provide the additional parking which may include measures such as by entering into a shared parking arrangement with another site or sites in the immediate vicinity; and
 - (vii) the extent to which the demand for the additional parking can be adequately addressed by management of existing or permitted parking. Depending on number of additional parking spaces proposed, the number of employees, and the location of the site, this may be supported by a travel plan outlining measures and commitments for the activity or activities on-site to minimise the need for private vehicle use and make efficient use of any parking provided; and
 - (b) effects on pedestrian amenity:
 - (i) the extent to which vehicle movements associated with any additional parking spaces affect pedestrian amenity, particularly along the pedestrian connections required by George Street Precinct plan 2.

- (c) assessment criteria IX.8.2(9)(a)-(b) replace assessment criteria in E27.8.2(4).

IX.9 Special information requirements

An application for (A10) in IX.4.1 Activity table must be accompanied by:

- (a) the provision of development staging plans.
- (b) if only a portion of the precinct is to be developed, the provision of a high level masterplan for the whole precinct, with associated indicative staging plans to illustrate how integration with future development within the precinct will be accommodated. In particular, to ensure the delivery of the elements within the George Street Precinct plan 2.

IX.10 Precinct plans

IX.10.1 George Street: Precinct plan 1 – Building heights

IX.10.2 George Street: Precinct plan 2 – Urban design framework

IX.11 Definitions

George Street Datum: The George Street Datum is the reference point for measuring height within the George Street Precinct unless otherwise stated in a rule. The George Street Datum point is located along the precinct's George Street frontage **as indicated on Precinct Plan 1**. The George Street Datum is approximately 66 Reduced Level above Mean Sea Level.

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