

BEFORE THE ENVIRONMENT COURT

IN THE MATTER of the Local Government Act (Auckland Transitional Provisions) Act 2010 ("LGATPA") and the Resource Management Act 1991 ("RMA")

AND of an appeal under section 156(1) of the LGAPTA

BETWEEN VIADUCT HARBOUR HOLDINGS LIMITED (ENV-2016-AKL-000186)

Appellant

AND AUCKLAND COUNCIL

Respondent

Principal Environment Judge Newhook sitting alone pursuant to section 279 of the Act

In CHAMBERS at Auckland

CONSENT ORDER

- A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:
- (1) the appeal is allowed subject to **Annexure A** to this order;
 - (2) the appeal is otherwise dismissed.
- B: Under section 285 of the Resource Management Act 1991, there is no order as to costs (unless stated otherwise).



REASONS

Introduction

[1] This appeal relates to the Proposed Auckland Unitary Plan. The Appellant appealed part of the Council's decision that rejected the part of the Hearings Panel's recommendation on Transport imposing, under Rule E27.6.2.1, a maximum parking rate of 1 car park per 125m² of gross floor area for all non-residential activities within the "Outer core" parking area in the Business – City Centre Zone in the Central Area (including the Viaduct Harbour Precinct). The Council's decision amended this ratio to 1 car park per 200m² of gross floor area.

[2] VHHL lodged a notice of appeal against the Council's decision seeking a maximum parking ratio for non-residential activities within the Viaduct Harbour Precinct of either 1 car park per 1:105m² (its preferred option) or 1 car park per 1:125m².

[3] The parties have now reached an agreement amending the maximum parking ratio to 1 car park per 150m² of gross floor area for all non-residential activities in the Business-City Centre Zone, within the Viaduct Harbour Precinct (the same as the parking ratio for office and retail activities in the adjacent Wynyard Precinct). The maximum parking ratio would remain unchanged in other parts of the Central Area outside of the Viaduct Harbour Precinct. This amendment would be given effect through an amendment to the development standards for parking of the Viaduct Harbour Precinct (I211.6.2). The agreement reached between the parties resolves this appeal in its entirety

[4] The court has now read and considered the consent memorandum of the parties dated 16 February 2017 which proposes to resolve the appeal.

[5] Keith Vernon had given notice of an intention to become a party under section 274 of the Resource Management Act ("the RMA" or "the Act") and has signed the memorandum setting out the relief sought.

Order

[6] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

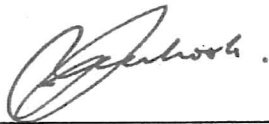


- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.
- (c) Rule 1211.6.2 of the Viaduct Harbour Precinct of the Auckland Unitary Plan Operative in part is amended in the manner shown in **Annexure A** to the draft consent order.

[7] The appeal by Viaduct Harbour Holdings Limited is now resolved.

[8] There is no order as to costs.

DATED at Auckland this 3rd day of March 2017



LJ Newhook
Principal Environment Judge



Annexure A

Additions to the Auckland Unitary Plan Operative in part shown as underlined

I211. Viaduct Harbour Precinct

...

I211.6. Standards

The standards in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Viaduct Harbour Precinct and the standards in the Business – City Centre Zone apply to land in the Viaduct Harbour Precinct unless otherwise specified below

...

I211.6.2. Parking

(1) There must be no parking on Hobson Wharf except for parking accessory to marine and port activities, including any short-term servicing requirements.

(2)

| <u>Activity/site</u> | | <u>Maximum rate</u> |
|----------------------|-----------------------------|---|
| (T1) | <u>Dwellings</u> | <u>Dwellings</u> <u><75m² GFA</u> |
| (T2) | | <u>Dwellings</u> <u>≥75 and < 90m² GFA</u> |
| (T3) | | <u>Dwellings</u> <u>≥90m² GFA</u> |
| (T4) | | <u>Visitor spaces</u> |
| (T5) | <u>All other activities</u> | <u>1:150m² GFA</u> |

