

Before the Environment Court

In the matter of: Local Government (Auckland Transitional Provisions) Act 2010 (**LGATPA**) and the Resource Management Act 1991 (**RMA**) - Appeal against decision on proposed Auckland combined plan – s 156(1) of the LGATPA – Topic 050 City Centre – Viaduct Harbour Precinct - rezoning Lighter Quay as Sub-Precinct C

And: **Viaduct Harbour Holdings Ltd**

Appellant

And: **Auckland Council**

Local Authority

Notice of appeal to Environment Court against decision on proposed Auckland combined plan

Dated: 16 September 2016



Form 6

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST
DECISION ON PROPOSED AUCKLAND COMBINED PLAN**

*Section 156(1), Local Government (Auckland Transitional Provisions)
Act 2010*

- 1 Viaduct Harbour Holdings Ltd (**VHHL**) appeals against a decision of Auckland Council (**Council**) on the Auckland combined plan (**proposed plan**).
- 2 VHHL has the right to appeal Council's decision:
 - 2.1 Under s 156(3) of the LGATPA because Council accepted a recommendation of the Hearings Panel that the Hearings Panel identified as being beyond the scope of the submissions made on the proposed plan.
 - 2.2 Council's decision resulted in a provision being included in the proposed plan (rezoning Lighter Quay in Viaduct Harbour Precinct as Sub-Precinct C where offices will be discretionary activities), or a matter being excluded from the proposed plan (general provision for offices in (inter alia) Viaduct Harbour as permitted activities).
 - 2.3 VHHL will be unduly prejudiced by the inclusion of the provision or exclusion of the matter.
- 3 Further details of the reasons for this appeal are provided below.
- 4 VHHL is not a trade competitor for the purposes of s 308D of the RMA.
- 5 VHHL received notice of the decision on 19 August 2016.

- 6 The decision was made by Council.
- 7 The decision that VHHL is appealing is as follows:
 - 7.1 Council's decision to rezone Lighter Quay in Viaduct Harbour Precinct as Sub-Precinct C where offices will be discretionary activities.
- 8 The reasons for the appeal are as follows:
 - 8.1 The decision will not promote the sustainable management of natural and physical resources.
 - 8.2 The decision is not the most effective or efficient way of achieving either sustainable management or the objectives included in the proposed plan.
 - 8.3 The decision will not enhance economic growth or employment opportunities.
 - 8.4 The decision is not supported by any evidence of probative value, or has no rational basis.
 - 8.5 In particular, but without limitation:
 - (a) Viaduct Harbour Precinct is the most successful precinct in the Central Area.
 - (b) The Precinct is almost fully developed in accordance with the provisions of the operative Central Area Plan 2003, only one site remains for development (115 Customs Street West), and any other opportunities for development are limited to change of use of existing premises.
 - (c) There is no rational land use basis for re-classifying offices activities from permitted (as notified) to discretionary (as per Council's decision), or for

seeking to include Lighter Quay in the purported residential enclave defined by Sub-Precinct C.

- (d) Lighter Quay comprises a mix of commercial and non-commercial activities including a hotel and serviced apartments (non-permanent accommodation), and apartments (permanent accommodation).
- (e) Any environmental effects arising from the change of use of an apartment to an office suite will be the same or similar in character, intensity and scale to the home occupation of an apartment by professional persons.
- (f) In any event, restrictions on change of use can be addressed appropriately via body corporate rules governing the occupation of apartment buildings.
- (g) More importantly, the submission made by the Body Corporates:
 - (i) Did not seek to include Lighter Quay as part of Sub-Precinct C; and
 - (ii) Was not made on behalf of the relevant Lighter Quay body corporate.
- (h) Seeking to extend the scope of a submission via evidence during the Hearings is an abuse of process.
- (i) No reasons were given for Council's decision (or the Hearing Panel's recommendations).
- (j) Overall, there is no sound resource management justification for treating apartments in Lighter Quay differently (in terms of change of use to offices) from apartments to be developed in the abutting

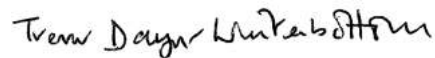
Wynyard Precinct or the remainder of the Central Area where the change of use to offices is a permitted activity.

- 9 VHHL seeks the following relief:
 - 9.1 Delete the Sub-Precinct C zoning from Lighter Quay.
 - 9.2 Substitute and reinstate the Sub-Precinct A zoning for Lighter Quay (as notified) so as to allow (inter alia) the change of use of apartments to offices as a permitted activity.
 - 9.3 Such alternative, consequential or further relief (including any directions concerning the correct appellate pathway) as may be required either to give effect to this appeal, or to promote sustainable management.
 - 9.4 Costs.
- 10 An electronic copy of this notice is being served today by email on the Auckland Council at unitaryplan@aucklandcouncil.govt.nz. Waivers and directions have been made by the Environment Court in relation to the usual requirements of the RMA as to service of this notice on other persons.
- 11 The following documents are **attached** to this notice:
 - 11.1 A copy of the relevant decision.
 - 11.2 A list of names and addresses of persons served with a copy of this notice.
 - 11.3 A copy of VHHL's submission.
- 12 Copies of the submission and decision may be obtained, on request, from VHHL.

13 VHHL is lodging the following related proceedings concerning the proposed plan in the High Court:

13.1 Local Government (Auckland Transitional Provisions) Act 2010 (**LGATPA**) and the Resource Management Act 1991 (**RMA**) - Appeal against decision on proposed Auckland combined plan – s 158 of the LGATPA – Topic 050 City Centre – Viaduct Harbour Precinct - rezoning of certain sites in Viaduct Harbour Precinct as Sub-Precinct C.

14 VHHL agrees to participate in mediation or other alternative dispute resolution.



Trevor Daya-Winterbottom

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16 September 2016

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Advice to recipients of copy notice of appeal

How to become party to proceedings

- 1 You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.
- 2 To become a party to the appeal, you must, within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003) with the Environment Court by email (to unitaryplan.ecappeals@justice.govt.nz) and serve copies of your notice by email on the Auckland Council (to unitaryplan@aucklandcouncil.govt.nz) and the appellant.
- 3 Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.
- 4 You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003).

How to obtain copies of documents relating to appeal

- 5 Copies of VHHL's submission or the decision appealed may be obtained, on request, from VHHL.

Advice

- 6 If you have any questions about this notice, contact the Environment Court in Auckland.

COPY OF THE RELEVANT DECISION

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

**Report to Auckland Council
Hearing topics 050-054**

City Centre and business zones

July 2016

Report to Auckland Council – Hearing topics -050-054 City Centre and business zones

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1. Hearing topic overview

1.1. Topic description

Topics 050 and 051-054 address the district plan provisions of the proposed Auckland Unitary Plan relating to:

Topic	Proposed Auckland Unitary Plan reference	Independent Hearings Panel reference
Hearing Topic 050 City Centre	D3.2 City Centre zone objectives and policies	H8 Business – City Centre Zone
	H3 City Centre zone	
	F3.1 Arts, Civic and Entertainment	I200 Arts, Civic and Entertainment Precinct
	F3.2 Britomart	I201 Britomart Precinct
	F3.3 Central Wharves	I202 Central Wharves Precinct
	F3.4 Cook Street Depot	I203 City Centre Residential Precinct
	F3.5 Downtown West	I204 Cook Street Depot Precinct
	F3.6 Karangahape Road	I205 Downtown West Precinct
	F3.7 Learning	I206 Karangahape Road Precinct
	F3.8 Port	I207 Learning Precinct
	F3.9 Quay Park	I208 Port Precinct
	F3.10 Queen Street Valley	I209 Quay Park Precinct
	F3.11 Residential	I210 Queen Street Valley Precinct
	F3.12 Viaduct Harbour	I211 Viaduct Harbour Precinct
	F3.13 Victoria Park Market	I212 Victoria Park Market Precinct
F3.14 Westhaven	I213 Westhaven - Tamaki Herenga Waka Precinct	
F3.15 Wynyard	I214 Wynyard Precinct	
F2.15 Old Government House precinct objectives and policies	Incorporated into the I207 Learning Precinct	
K2.15 Old Government		

	House precinct	
	Appendix 7 City Centre Zone	Appendix 9 Business – City Centre Zone sight lines Appendix 10 Business – City Centre Zone building in relation to boundary Appendix 11 Business – City Centre Zone sunlight admission into public places
	Non-statutory Documents – Attachment 2.2 Wynyard	Incorporated into the I214 Wynyard Precinct or deleted.
	Non-statutory Documents – Attachment 2 Urban design guidelines	Deleted from the Plan – available on Councils Auckland Design Manual website
Hearing Topics 051 – 054 Business	D3 Business zones objectives and policies I3 Business zones	H9 Business – Metropolitan Centre Zone H10 Business – Town Centre Zone H11 Business – Local Centre Zone H12 Business – Neighbourhood Centre Zone H13 Business – Mixed Use Zone H14 Business – General Business Zone H15 Business – Business Park Zone H16 Business – Heavy Industry Zone H17 Business – Light Industry Zone
	E4.4 City Centre Fringe Office objectives and policies J4.5 City Centre Fringe Office	Incorporated into the H11 Business – Local Centre Zone and H13 Business – Mixed Use Zone
	E4.5 Identified Growth Corridor	D22 Identified Growth Corridor Overlay

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

In the Business - City Centre Zone, the Panel recommends as follows.

- i. Remove Westhaven from the Business - City Centre Zone and rezone it Coastal - Marina Zone, with amendments to the Westhaven Precinct provisions to emphasise its role as a marina.
- ii. Do not add a viewshaft from the end of Queens Wharf.
- iii. Do not add the word 'expansion' to the objective relating to the Port Precinct, but retain the concept of consolidation, intensification, redevelopment and growth within the Port Precinct.
- iv. Delete the framework plan provisions (consequential) from City Works Depot, Downtown West, Quay Park and Wynyard Precincts.
- v. Amend the activity status of non-compliance with the building height standard from non-complying to restricted discretionary in the Wynyard Precinct. This is a consequential change due to the removal of the framework plan provisions. Non-compliance with the site intensity standard remains non-complying, acknowledging the effects on the transport network particularly Fanshawe Street.
- vi. Delete the pre-1940 building demolition control from Queen Street and Karangahape Road precincts – precincts remain, containing frontage standards;
- vii. Delete 83-85 Albert Street from Map 1 identified special character buildings;
- viii. Relocate the point of origin for the Dilworth Terrace Houses view protection plane from Quay Street to The Strand.
- ix. Add drive-through restaurants as a restricted discretionary activity in Sub-precinct A of the Quay Park Precinct.
- x. Add a new sub-precinct C to the Viaduct Harbour Precinct, with offices now a discretionary activity and convenience retail (dairies, hairdressers etc) as restricted discretionary activities.
- xi. Do not include a special height limit of 52m for the land at 115 Customs St West and leave the permitted height limit at 16.5m.

- xii. Delete standards in relation to building work and internal design matters addressed in the Building Code: minimum dwelling sizes, admission of daylight to dwellings, universal access to residential buildings.
- xiii. Delete prescriptive design-based standards and address design by matters of discretion for: ground floor and entrances at street frontage level, glazing and ground floor activities.

In the business zones, and further to amendments agreed between the Council and submitters, the Panel recommends as follows.

- i. Make structural changes so that provisions for each business zone are self-contained to enable users to see all zone provisions in one place.
- ii. Amend the status of drive-through restaurants from discretionary to restricted discretionary in the Business – Neighbourhood Centre Zone.
- iii. Amend the gross floor area limits for offices to be on a per tenancy basis rather than on a per site basis.
- iv. Amend the status of supermarkets exceeding 450m² and up to 2000m² gross floor area per tenancy from non-complying to restricted discretionary in the Business – Neighbourhood Centre Zone.
- v. Amend the status of supermarkets exceeding 2000m² per tenancy and up to 4000m² gross floor area per tenancy from non-complying to discretionary in the Business – Neighbourhood Centre Zone.
- vi. Amend the status of emergency services from discretionary to restricted discretionary in the Business – Neighbourhood Centre Zone.
- vii. Delete the rule which classified existing activities in the Business – Light Industry Zone as permitted.
- viii. Delete the rule restricting retail up to 200m² gross floor area per tenancy in the Business - Mixed Use Zone where more than 200m from a Centre Zone.
- ix. For new buildings classified as restricted discretionary, delete design-based standards and address design by matters of discretion for: buildings fronting the street, minimum floor to floor ceiling height, glazing, roller doors, verandas and building frontage height.
- x. For restricted discretionary activities, clarify the matters of discretion and amend the assessment criteria to refer directly to objectives and policies.
- xi. Amend the outlook space standard to address interface issues better.
- xii. Amend the height in relation to boundary and yard standards in the Business – Light Industry Zone and Business – Heavy Industry Zone.
- xiii. Restrict large-scale community facilities in the Business – Heavy Industry Zone.

- xiv. Provide four integrated growth corridors (at New North Road Kingsland, Ti Rakau Drive Burswood and Wairau Road Glenfield ,as well as at Lincoln Road Henderson).
- xv. Rezone some land zoned Business – Light Industry Zone to Business – General Business Zone to enable the rezoned areas to accommodate large format retail development.

1.3. Overview

The city centre hearing topic addressed a number of different areas with very different functions. The Unitary Plan identifies 16 of these as separate precincts, including:

Arts, Civic and Entertainment, Britomart, Central Wharves, Cook Street Depot, Downtown West, Karangahape Road, Learning, Port, Quay Park, Queen Street Valley, Residential, Viaduct Harbour, Victoria Park Market, Westhaven - Tamaki Herenga Waka Precinct, and Wynyard.

Particular issues arising in the Business – City Centre Zone or its precincts are addressed in the sections that follow.

The provisions for business zones were the subject of productive mediation, resulting in numerous issues being resolved in ways that the Panel considers were appropriate in the context of the objectives and policies and the approach in the Unitary Plan as a whole.

A number of rules imposing restrictions on the design and use of buildings in business zones are recommended to be deleted where they are overly restrictive, where they appear to address internal matters rather than external effects, and where they duplicate controls under the Building Act 2004.

Overall, the Plan's policy framework for the city centre and business zones continues a long-settled approach which the Panel supports. The zoning of centres and corridors and issues relating to the extent of light and heavy industry zones give effect to the business strategy (see the Panel's report to Auckland Council – Changes to the Rural Urban Boundary, rezoning and precincts July 2016).

The Panel's general recommendation to delete the provisions for framework plans/consents in the Unitary Plan results in a number of consequential changes to the Business - City Centre Zone and a number of business precincts.

Reference should be made to the Panel's Report to Auckland Council – Hearing topics 043-044 Transport July 2016, which addresses the changes recommended for accessory or on-site parking controls.

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 the Panel's Report to Auckland Council – Overview of recommendations July 2016.

1.5. Documents relied on

Documents relied on by the Panel in making its recommendations are listed below in section 10 Reference documents.

2. Westhaven

2.1. Statement of issues

- i. The inclusion of Westhaven in the Business - City Centre Zone.
- ii. The appropriate zoning of Westhaven, both on land and in the coastal marine area.
- iii. The provisions of the Westhaven Precinct.

2.1.1. Zoning of Westhaven

The Westhaven Precinct's purpose is "to provide for the use and development of one of the largest marinas in the southern hemisphere."

In the proposed Auckland Unitary Plan, Westhaven forms part of, and the Westhaven Precinct sits under, the Business - City Centre Zone. It is also subject to the Coastal - General Coastal Marine Zone and the Coastal - Marina Zone provisions in that part of the Unitary Plan which forms the regional coastal plan.

The Council's position is that Westhaven forms part of the city centre and therefore the precinct should sit within the Business - City Centre Zone and be subject to the provisions of that zone. The Council also considered that the Coastal - General Coastal Marine Zone was the appropriate underlying zone for the Westhaven Marina as it applies to the coastal marine area.

A number of submitters (Westhaven Marina Users Association (1716), Royal New Zealand Yachting Squadron (6704) and Auckland Yachting and Boating Association (FS 3236)) sought that neither the Business - City Centre Zone nor the Coastal - General Coastal Marine Zone apply to Westhaven. These submitters sought that the Westhaven Precinct be extracted from these zones and that the entire Westhaven Precinct be placed in the Coastal - Marina Zone, which would apply to both the land and the coastal marine area of the marina.

The submitters accept that Westhaven is connected to the city centre but contend it is not part of it. It sits on the edge of it but does not function as part of the city centre. The submitters' main concern about the zoning of Business - City Centre Zone is that this zoning fails to recognise that Westhaven is primarily a marina with a range of other marina-related activities, and that this is a significant and limited resource. They also consider that the Coastal - General Coastal Marine Zone is inappropriate and that the zoning of Coastal - Marina Zone, along with the precinct provisions, would provide the marina with an appropriate level of protection and marina development opportunity.

The objectives of the Business - City Centre Zone are focused on business, residential, educational and entertainment activities in intensive levels of built development with an

associated regional transport hub. They are clearly drafted in the context of the central business district and do not particularly reflect Westhaven Marina.

The Panel agrees with these submitters in relation rezoning Westhaven from Business - City Centre Zone to Coastal - Marina Zone. The Panel accepts that Westhaven is connected to the city centre but is not part of the city centre. Also the city centre objectives and policies have little overall relevance to Westhaven, and do not reflect in any meaningful way the predominant use of this area.

2.1.2. Zoning and precinct provisions

The Council provided, as part of its closing remarks, a marked up set of provisions. These included those matters agreed between the Council and submitters at mediation and changes it accepted as an outcome of the hearings process. The version recommended by the Panel is that version with further marked-up changes as a result of the Panel's findings on the evidence. The main changes stem from the Panel's finding that the Business - City Centre Zone not apply to Westhaven, but that the Coastal - Marina Zone apply as well as the Westhaven Precinct.

In this regard the Panel has amended the Westhaven Precinct provisions, including the precinct description, objectives, policies and the rules. The main thrust of these changes is to reinforce the role and function of the marina, while enabling a limited range of other activities that would not compromise the current or future operation and/or development of the marina.

The submitters also sought some very directive provisions, particularly to limit commercial activities which are not related to marina activities. The Panel's view is that a range of activities, but particularly those related to marine-based/related activities, should be enabled, provided that those activities do not compromise the current and future function and growth of the marina for recreational boating and accessory activities.

2.2. Panel recommendation and reasons

The Panel recommends that Westhaven be removed from the Business – City Centre Zone and rezoned Coastal – Marina Zone. The Panel recommends that the Westhaven - Tamaki Herenga Waka Precinct apply, with amendments as set out in the amended plan provisions. In recommending this the Panel is clearly of the view that with the recommended zoning and modified provisions Westhaven Marina will not undermine the overall strategic management or development of the Business - City Centre Zone.

3. Ports of Auckland

3.1. Statement of issues

- i. The use of the term 'expansion' in the ports objective;
- ii. The appropriate activity status for reclamations;
- iii. The appropriate boundary of the Central Wharves precincts; and
- iv. Whether it was appropriate to introduce a Queens Wharf viewshaft.

3.2. Panel recommendation and reasons

Many of the Plan's objectives, policies and rules relating to the waterfront and the commercial port part of the waterfront were well established and accepted as part of the operative Auckland Council Regional Policy Statement and the operative Auckland Council Regional Plan: Coastal. Ports of Auckland Limited sought to have greater policy recognition of the importance of the ports and its function as part of the proposed regional policy statement. The Panel agreed to this, and it is consistent with Policy 9 of the New Zealand Coastal Policy Statement 2010.

Notwithstanding Ports of Auckland Limited's position in relation to its submissions to the proposed Plan, a number of submitters, including Heart of the City, Urban Auckland, Ngati Whatua Orakei Whai Maia Limited, Ngati Whatua Orakei Whai Rawa Limited, and Parnell Community Committee Incorporated, sought greater public use and access to the waterfront area and/or additional restrictions on how the port could operate.

Many of the issues relating to port provisions were resolved between the Council and a number of submitters through the mediation and hearings process. These were set out in the Council's legal submissions and their closing remarks. Ports of Auckland Limited also set out those matters it was satisfied with in its legal submission and expert evidence as well as the matters that were outstanding.

Those matters agreed have not been addressed in any detail here; the focus being on those matters outstanding and the Panel's reasons and recommendations on those matters. However the Panel notes that the agreed activity statuses for reclamations between the Council and Ports of Auckland Limited, was not agreed to by the Panel. This matter is addressed below.

3.2.1. The word 'expansion'

Ports of Auckland Limited sought to add the word 'expansion' in Objective 1 for the Port Precinct, in addition to the word 'growth'. A number of submitters opposed this addition on the basis that 'expansion' indicated the possibility of the Port of Auckland extending outside of the precinct boundary. Legal counsel for Ports of Auckland Limited submitted that this was not the intent of seeking the use of the term 'expansion'.

While it was generally accepted by most submitters that the Port of Auckland may grow or intensify in terms of the through-put of cargo or the utilisation of existing port areas, this did not necessarily mean 'expand' in terms of making the precinct larger.

Having considered all of the submissions and evidence the Panel agrees with the reasons advanced on behalf of the Council and Ngati Whatua Orakei Whai Rawa Limited that the word 'expansion' should not be included in Policy 1 for the Port Precinct. However consolidation, intensification, redevelopment and growth within the Port Precinct is provided for.

3.2.2. Reclamation– policy and activity status

Associated with the issue of expansion and development addressed above, the issue of reclamation in the Port Precinct was raised. Extensive legal submissions, expert evidence and statements by lay submitters addressed the appropriate policy wording and activity status for reclamation in the Port Precinct.

The focus of the debate was on whether the words 'provide for' or 'avoid unless' should be used to frame Policy 10 (of the proposed unitary plan) for the Port Precinct on reclamation. Ports of Auckland Limited sought 'provide for' to enable the port as significant infrastructure to function and to operate efficiently in terms of policies 6 and 9 of the New Zealand Coastal Policy Statement 2010. Ports of Auckland Limited argued that 'provide for' was appropriate, as the requirement to 'avoid' had already been taken into account in the wider coastal marine area of Auckland, and the 'unless' provisions were met in the Port Precinct where it is expected that there may be reclamation to enable the efficient functioning and operation of the port.

The Council, Parnell Community Committee Incorporated, Heart of the City, Urban Auckland, Ngati Whatua Orakei Whai Maia Limited, Ngati Whatua Orakei Whai Rawa Limited and others sought 'avoid unless' in terms of policy 10 of the New Zealand Coastal Policy Statement and to be more consistent with the provisions as contained in the regional policy statement of the proposed Auckland Unitary Plan as notified. These submitters contended that this wording is necessary to give effect to the New Zealand Coastal Policy Statement and to address the resource management issues arising from the extent of reclamation in the Waitematā harbour.

The Panel recommends that the policy for the Port Precinct use the words 'avoid unless'. This is consistent with the New Zealand Coastal Policy Statement 2010.

In relation to the activity status for reclamation in the Port Precinct there was also considerable debate, with extensive legal submissions, expert evidence and statements from lay submitters. There was agreement among some parties (the Council, Ports of Auckland Limited, Ngati Whatua Orakei Whai Maia Limited and Ngati Whatua Orakei Whai Rawa Limited) that a tiered approach be taken, while others (including Heart of the City, Urban Auckland, and the Parnell Community Committee Incorporated) considered that any further reclamation was inappropriate and should therefore be classified as a non-complying activity.

In terms of the tiered approach, this consisted of:

- i. minor reclamation for the purpose of repairs and maintenance (including remedial or rehabilitation work) in Area A of Precinct map A (to a maximum of 0.6 hectares per year with no greater total area than two hectares over the 10-year period)– restricted discretionary;
- ii. reclamation in area B - discretionary; and
- iii. reclamation in Area C - non-complying.

It is noted that while the Council, Ports of Auckland Limited, Ngati Whatua Orakei Whai Maia Limited and Ngati Whatua Orakei Whai Rawa Limited agreed on the tiered approach, they presented plans showing different areas as A, B and C.

Having heard all of the submissions and evidence, and notwithstanding that there had been some agreement to the tiered approach, the Panel recommends that all reclamation, other than minor reclamation for the purpose of repairs and maintenance (including remedial or rehabilitation work), be a discretionary activity. The reasons for this are:

- i. this is consistent with the activity status in the other port precinct areas;
- ii. The New Zealand Coastal Policy Statement 2010 sets out a policy approach of avoiding further reclamations unless a number of criteria can be satisfied;
- iii. the regional policy statement gives effect to the New Zealand Coastal Policy Statement and similarly seeks to avoid further reclamation, but accepting that this may be appropriate in some circumstance;,
- iv. the areas shown as A, B and C in Precinct 4 are arbitrary regardless of which party was suggesting the area;
- v. that reclamations are a significant activity and can have both positive and adverse effects, such that a full assessment under section 104 of the Resource Management Act 1991 should be able to be carried out for any application;
- vi. that the matters of discretion retained for the restricted discretionary activity reclamation were very broad and of little difference to discretionary activities; and
- vii. the Plan no longer has a general non-notification default for restricted discretionary activities.

The Panel considers that for the reasons set out above, reclamations should be a discretionary activity, where a full assessment of effects, both positive and adverse, can be undertaken.

3.2.3. Boundary of Port Precinct- central wharves

The main issue the Panel needed to address was the eastern boundary of the Central Wharves Precinct adjacent to the Port Precinct.

The Panel agrees with Ports of Auckland Limited for the reasons set out in their legal submissions and expert planning evidence that Captain Cook Wharf should stay in the Central Wharves precinct and recommends that the precinct boundary be set accordingly.

3.2.4. Queens Wharf viewshaft

Heart of the City, Urban Auckland, Ngati Whatua Orakei Whai Maia Limited and Ngati Whatua Orakei Whai Rawa Limited proposed or supported a new viewshaft from the end of Queens Wharf. This was supported by the Council. It was opposed by Ports of Auckland Limited. Extensive legal submissions and expert evidence was presented on this topic.

Ports of Auckland Limited opposed the new viewshaft for a number of reasons. These included that:

- i. it was not introduced as part of a city-wide analysis of all potentially relevant views;
- ii. it would effectively prevent port development north of Bledisloe Wharf; and
- iii. it would be contrary to the objectives and policies of the Plan seeking public activities for the benefit of the people of Auckland, while also enabling the

efficient operation, growth, and intensification of marine and port activities and marine and port facilities within the Port Precinct.

In relation to this matter Heart of the City and Urban Auckland presented expert landscape and urban design evidence from Mr Gibb (evidence in chief and evidence in rebuttal). Ngati Whatua Orakei Whai Maia Limited and Ngati Whatua Orakei Whai Rawa Limited presented expert landscape and urban design evidence from Mr Lister (evidence in chief and evidence in rebuttal).

Ports of Auckland Limited presented expert landscape evidence from Mr Goodwin. The Council presented expert landscape evidence in rebuttal from Ms Gilbert.

In relation to the first point above the Panel notes that the viewshaft was not proposed by the Council in the draft Unitary Plan, nor in the notified version of the proposed Auckland Unitary Plan. The Panel was advised it was not raised at mediation, nor in the Council's primary evidence. It was addressed in the Council's rebuttal evidence - Ms Gilbert's expert landscape evidence in rebuttal and the evidence in rebuttal of Mr Roberts and Ms Coombes (joint planning statement).

The Council set out in its closing remarks that its support for the new viewshaft was in response to specific submissions and evidence lodged by Heart of the City and Urban Auckland. It was also stated that the Council considered it "entirely appropriate to consider such submissions and evidence on their merits" (paragraph 21.8 of the closing remarks).

Mr Arbutnot, expert planner for the Ports of Auckland Limited, set out in his rebuttal evidence that the protection of views from the Central Wharves Precinct to the outer Waitematā Harbour is not an objective of the Unitary Plan. He considered that the imposition of the proposed viewshaft from Queens Wharf would be contrary to the objectives of the Unitary Plan for the central wharves and port precincts, which are to, amongst other things, develop public wharf space within the Central Wharves Precinct predominantly for public activities for the benefit of the people of Auckland, while also enabling marine and port activities, and to enable the efficient operation, growth, and intensification of marine and port activities and marine and port facilities within the Port Precinct.

Ports of Auckland Limited also considered that the imposition of the suggested viewshaft from Queens Wharf would have the effect of restricting marine and port activities and marine and port facilities within the Central Wharves Precinct, and preventing the efficient operation, growth, and intensification of the Port Precinct.

The Panel considers that introducing the viewshaft as proposed would be a significant policy shift in terms of the Plan's approach to the use and development of the port area as set out in the proposed Plan, much of the Council's expert evidence in relation to the port provisions and in Ports of Auckland's legal submissions and expert planning evidence. The viewshaft would also have significant implications for the operation of the port. Moreover the Panel does not consider it appropriate that such a significant issue should be presented to it essentially through rebuttal evidence.

If the Council wishes to pursue the viewshaft, this should be addressed by a plan change, with a robust section 32 analysis setting out the relative costs and benefits. Ports of Auckland, Mana Whenua and other stakeholders should be consulted as part of any

proposal. The Plan Change process would enable the public and all affected persons to be involved through the Schedule 1 process of the Resource Management Act 1991.

4. Framework plans

4.1. Statement of issue

Use of framework plans.

4.2. Panel recommendation and reasons

The Panel recommends deleting provisions for framework plans/consents throughout the Unitary Plan. This issue is discussed in detail in the Panel's Report to Auckland Council – Overview of recommendations July 2016 and repeated in the Report to Auckland Council – Hearing topic 004 – General rules July 2016.

The deletion of framework plans in the Business - City Centre Zone (where they formed part of the provisions for the City Works Depot, Downtown West, Quay Park and Wynyard Precincts) and in the business zones is a consequential amendment resulting from that overall decision.

The Panel appreciates that the provisions for framework plans were a significant element in the City Centre precincts, especially in the Wynyard Precinct. However, for the reasons set out in the Panel's Overview of recommendations and report on Topic 004 (as referenced above), the Panel does not consider such provisions to be appropriate in the Unitary Plan. In particular, the Panel cannot see any basis on which to apply different standards to the same activity on the basis of whether a resource consent exists or not.

5. Pre-1940 building demolition control

5.1. Statement of issue

Application of the pre-1940 building demolition control.

5.2. Panel recommendation and reasons

The Panel recommends deleting the pre-1940 building demolition control from the Queen Street and Karangahape Road precincts. While the cut-off year is different, the reasons for this recommendation are the same as for the deletion of the pre-1944 building demolition control elsewhere in Auckland. This is discussed in the Panel's Overview of recommendations and in the report to Auckland Council – Hearing topics 010, 029,030,079 Heritage, special character, pre-1944.

There is now a Karangahape Road Historic Area (see Schedule 14.2 Historic Heritage Areas – Maps and statements of significance, and the Panel's Report to Auckland Council – hearing topic 032 Historic heritage schedules July 2016).

6. Dilworth Terrace houses view protection plane

6.1. Statement of issue

Location of the origin point of the viewshaft to the Dilworth Terrace houses.

6.2. Panel recommendation and reasons

The Dilworth Terrace houses are a row of heritage buildings located at the top of an escarpment above The Strand, with access from Augustus Terrace. The protection of a viewshaft to the Dilworth Terrace houses was confirmed by the Planning Tribunal in its decision in *Body Corporate 97010 v Auckland City Council* (1992) 2 NZRMA 257 (PT). The location of the origin point of that viewshaft is on Quay Street just west of the intersection of The Strand and Tamaki Drive. The viewshaft has formed a part of the relevant district plan provisions since then. The viewshaft provision was included as part of the proposed Auckland Unitary Plan.

In the intervening years, development of the land between Quay Street and The Strand has reduced the extent to which people on Quay Street can obtain a view of the houses.

Ngati Whatua Whai Rawa Limited, which owns most of the land under the viewshaft, lodged a submission seeking that the viewshaft be reviewed, and that an alternative origin location on The Strand be explored. A number of other submitters, including the Dilworth Body Corporate and Heritage New Zealand Pouhere Taonga, sought retention of the existing viewshaft.

Detailed evidence was presented on this issue, both reviewing the existing viewshaft and exploring alternative locations.

Having considered all of the evidence and the submissions of the parties, the Panel considers that the existing viewshaft no longer serves its original purpose of providing a view of the historic Dilworth Terrace houses from Quay Street. Given the nature and extent of development along Quay Street, the Panel does not consider that moving the viewshaft along Quay Street would improve it. Instead, the Panel prefers the evidence presented by Ngati Whatua Whai Rawa Ltd's witness, Mr Gavin Lister, showing how a viewshaft with its origin relocated to The Strand would better serve the purpose of enabling people to see the frontages of the houses from a public place.

The Panel therefore recommends that the origin point of the viewshaft be relocated on The Strand, as shown in the revised viewshaft diagram accompanying the text of the Unitary Plan.

7. Management of effects and control of building work

7.1. Statement of issue

Control of building work and interior design by Unitary Plan provisions.

7.2. Panel recommendation and reasons

The Panel's approach to the management of effects, including the control of internal matters or matters affecting building work that are directly controlled under the Building Code and the Building Act 2004, are addressed in detail in the Panel's Overview of recommendations (as referenced above). The same approach is applied to this issue.

The Unitary Plan as notified included controls on minimum dwelling size, daylight to dwellings and universal access for residential buildings. These controls overlap, to a greater or lesser extent, with controls in the Building Code and cover the same aspects of building work. They are not limited to matters affecting the location of buildings or activities which might otherwise establish a purposive difference on which the relevant case law depends. To the extent that they require the achievement of performance criteria that are additional to or more restrictive than the Building Code, they appear to be contrary to section 18 of the Building Act 2004.

Even without any consideration of that jurisdictional point, the Panel does not consider that these matters should be the subject of rules in the Unitary Plan when other methods are available. The inconsistency between the proposed Plan provisions and those in the Building Code should be addressed directly by the Council as the largest resource consent and building consent authority in New Zealand. The existence of two different sets of controls is inefficient for developers and applicants for consents.

With regard to minimum dwelling size, the Council's website includes a practice note ([AC2219](#)) setting out general guidelines for minimum dwelling size. This makes specific reference to the Building Code.

It is notable that the Council withdrew its proposed provisions for sustainable development for commercial buildings in Topic 077 Sustainable design on the basis that there was no need for regulation given widespread implementation of the principles of sustainable design by the market. This evidence is important and should inform decisions about the appropriate scope and extent of using Unitary Plan rules for matters of design that may be better and more sustainably achieved by other methods.

For these reasons the Panel recommends the deletion of the rules relating to building work and internal design.

8. Identified growth corridors

8.1. Statement of issue

Identification of additional identified growth corridors.

8.2. Panel recommendation and reasons

In the proposed Auckland Unitary Plan as notified, the Council provided for identified growth corridors by way of a Built Environment Overlay. The objectives for this were:

- i. a mix of compatible commercial activities that may not be appropriate for, or are not able to locate in centres, is provided for that will not have a significant adverse effect on the vitality and viability of centres;
- ii. an improved amenity and street environment that integrates with the transport network;
- iii. a range of commercial activities that minimises adverse effects on existing development in the surrounding area.

The policies required that the overlay only be applied to sites with a direct frontage to the corridor (i.e. be a front site) and that applications for consent for commercial activities be assessed against Policy 7 for commercial and industrial growth in the regional policy statement. That policy, as notified, read:

- 7. New commercial activities are, where appropriate, to be enabled on identified growth corridors:
 - a. in business and mixed use zones, having regard to:
 - i. any strategic or significant adverse effects, including cumulative effects, of non-centre commercial activities on the functions and roles of the city centre, metropolitan and town centres
 - ii. community social and economic well-being and accessibility
 - iii. the efficient use and provision of land and infrastructure so that the effects of commercial development do not undermine the infrastructural capacity for other development provided for in the area
 - iv. impacts on transport efficiency, including public transport and the road network
 - v. the impacts of the development on the efficient use of any scarce industrial land, in particular opportunities for employment for land extensive industrial activities
 - vi. avoiding conflicts between incompatible activities
 - vii. the effects on residential activity.
 - b. in residential zones, having regard to:
 - i. those matters listed in (a)
 - ii. the need to be of a form and scale compatible with residential character.

The only such corridor identified in the Unitary Plan was Lincoln Road Henderson.

At the hearing, the Council explained that these identified growth corridors were a work in progress and that discussions and mediation had led to a number of others being identified at Wairau Road Glenfield, New North Road Kingsland and Stoddard Road Mt Roskill, which were agreed by all parties. There was disagreement over Lincoln Road Henderson and Ti Rakau Drive Burswood. A number of further corridors were advanced by the Key Retailers

Group at Constellation Drive Albany, Great North Road Arch Hill, Lunn Avenue Mt Wellington, Eilerslie-Panmure Highway Mt Wellington and two at Great South Road Takanini (one west of Walters Road and one east of that road).

The larger issues behind this are that large format retail is not provided for in the Business – Light Industry Zone, both to protect that zone for light industry and be a buffer for heavy industry, and also to protect centres from large-scale out-of-centre retail development. In this context an identified growth corridor is intended to provide some additional capacity in a limited range of locations.

What became apparent in the hearing was that in some areas the issue might be better addressed by rezoning some land notified as Business – Light Industry Zone to a more flexible business zone, usually Business – General Business Zone or, where the amenity values were suitable for residential activity, Business – Mixed Use Zone. As noted in the overview in relation to commercial capacity, this must be done in a way that does not exacerbate the potential for a shortage of industrial land.

A further method to address issues of supply and demand for large format sites is to enable supermarkets to a greater extent in the Business – Neighbourhood Centre zone.

Bringing these strands together, the Panel recommends that the following areas are presently appropriate for identified growth corridors:

- i. Lincoln Road Henderson;
- ii. New North Road Kingsland;
- iii. Ti Rakau Drive Burswood;
- iv. Wairau Road Glenfield.

The area at Stoddard Road Mt Roskill is recommended to be rezoned to enable large format retail, which should meet the concerns of the Council and submitters. The Panel agrees with the Council that further corridors would not be appropriate at this stage.

9. Consequential changes

9.1. Changes to other parts of the plan

There are no consequential changes to other parts of the Plan as a result of the Panel's recommendations on this topic.

9.2. Changes to provisions in this topic

As a result of the Panel's recommendations on other topics, there are consequential changes to the provisions in this part of the Plan as set out below.

- i. The deletion of framework plans generally throughout the Unitary Plan results in consequential changes to these topics.

- ii. The deletion of the pre-1944 building demolition overlay in the Unitary Plan results in a consequential change to delete the pre-1940 building demolition overlay in the Queen Street and Karangahape Road precincts.

10. 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.)

10.1. General topic documents

Panel documents

[050 Submission Point Pathway Report \(19 March 2015\)](#)

[051 - Submission Point Pathway - Centre Zones - 13 August 2015](#)

[052 - Submission Point Pathway - Business park and industries zones - 19 March 2015](#)

[053 - Submission Point Pathway - Business Activities - 19 March 2015](#)

[054 - Submission Point Pathway - Business Controls - 12 August 2015](#)

[050 Parties and Issues Report \(19 March 2015\)](#)

[051 - 054 - Parties and Issues Report - 19 March 2015](#)

Mediation statements

[050 - Joint Mediation Statement - Central Wharves Precinct - 3 March 2015 \(3 March 2015\)](#)

[050 Joint Mediation Statement - Arts, Civic and Entertainment - 27 February 2015 \(3 March 2015\)](#)

[050 Joint Mediation Statement - Britomart - 26 February 2015 \(3 March 2015\)](#)

[050 Joint Mediation Statement - City Centre Zone and Maps - 9 March 2015 \(10 March 2015\)](#)

[050 Joint Mediation Statement - Cook Street Depot - 26 February 2015 \(3 March 2015\)](#)

[050 Joint Mediation Statement - Downtown West - 26 February 2015 \(27 February 2015\)](#)

[050 Joint Mediation Statement - Karangahape Road - 27 February 2015 \(3 March 2015\)](#)

[050 Joint Mediation Statement - Learning and Old Government House - 26 February 2015](#) (27 February 2015)

[050 Joint Mediation Statement - Port Precinct - 2 March 2015](#) (4 March 2015)

[050 Joint Mediation Statement - Quay Park - 27 February 2015](#) (3 March 2015)

[050 Joint Mediation Statement - Queen Street Valley - 26 February 2015](#) (26 February 2015)

[050 Joint Mediation Statement - Viaduct Harbour - 26 February 2015](#) (3 March 2015)

[050 Joint Mediation Statement - Westhaven Precinct - 27 February 2015](#) (4 March 2015)

[050 Joint Mediation Statement - Wynyard Precinct - 27 February 2015](#) (4 March 2015)

[Joint Mediation Statement - City Centre Zone \(5 February 2015\)](#) (9 February 2015)

[051-054 - Mediation Joint Statement \(Activity Tables\) - 17 July 2015](#) (17 July 2015)

[051-054 - Mediation Joint Statement \(Identified Growth Corridors\) - 17 July 2015](#) (17 July 2015)

[051-054 - Mediation Joint Statement \(Objectives and Policies\) - 17 July 2015](#) (17 July 2015)

[051-054 - Mediation Joint Statement \(Rules\) - 17 July 2015](#) (17 July 2015)

Auckland Council closing remarks

[050 Closing comments](#) (25 May 2015)

[050 Closing comments - Annexure A](#) (25 May 2015)

[050 Closing comments - Annexure B](#) (25 May 2015)

[051-054 Hrg - Auckland Council - CLOSING REMARKS](#) (29 September 2015)

[051-054 Hrg - Auckland Council - CLOSING REMARKS - Annexure A](#) (29 September 2015)

[051-054 Hrg - Auckland Council - CLOSING REMARKS - Annexure B](#) (29 September 2015)

[051-054 Hrg - Auckland Council - CLOSING REMARKS - Supplementary joint memo between Ak Cncl and Samson Corporation](#) (29 September 2015)

Panel additional documents

[022, 50, 59-63, 64 and 77 - Panel direction on the Resource Management Act 1991 and the Building Act 2004 in the PAUP](#) (8 October 2015)

[013, 051-054, 059-063 - Panel Further Request for Demand and Supply Estimates](#) (19 November 2015)

10.2. Specific evidence

Auckland Council

[050 - Hearing Evidence - legal submissions \(updated\)](#) (7 May 2015)

050 - Hearing Evidence - legal submissions - Attachment (updated) (7 May 2015)

051-054 Hrg - Auckland Council - Legal submissions (7 September 2015)

050 - Rebuttal Evidence - Bridget Gilbert (Landscape and Visual Effects) (30 April 2015)

050 - Rebuttal Evidence - Joint Statement of Kathryn Coombes and Nicholas Roberts (Planning - Waterfront Precincts) - LATE (30 April 2015)

050 - Rebuttal Evidence - Joint Statement of Kathryn Coombes and Nicholas Roberts (Attachment 1) 30 April 2015 - LATE (30 Aril 2015)

Rebuttal Evidence - Joint Statement of Kathryn Coombes and Nicholas Roberts (Attachment 2) - LATE (30 April 2015)

Ports of Auckland Limited

050 Hearing evidence - legal submissions (12 May 2015)

050 Hearing evidence - legal submissions (Attachment 1) (12 May 2015)

050 Hearing evidence - Mark Arbuthnot (17 April 2015)

050 Hearing evidence - Mark Arbuthnot (Annexure A) (17 April 2015)

050 Hearing evidence - Mark Arbuthnot (Annexure B) (17 April 2015)

050 Hearing evidence - John Goodwin (17 April 2015)

050 Rebuttal evidence (Mark Arbuthnot) - Planning (30 April 2015)

051-054 Hrg - POAL - Tabled statement (28 August 2015)

I211. Viaduct Harbour Precinct

I211.1. Precinct description

The Viaduct Harbour precinct incorporates Viaduct Harbour and the land fronting the harbour (including Hobson Wharf), and the adjacent coastal marine area. The precinct is characterised by its enclosed water space, interesting water edge, proximity to the city core, and areas of low-rise character buildings. Refer to Viaduct Harbour Precinct plan 1 for the location and extent of the precinct. Coordinates for the precinct boundary in the coastal marine area are shown on Precinct plan 6.

The purpose of the Viaduct Harbour precinct is to provide for a scale of development and a range of uses which reflect and complement the Viaduct Harbour as a special place of character within the city centre. Building height, bulk and design controls are intended to provide a framework which, while providing flexibility in building design, encourages well-defined edges to public spaces, a sense of enclosure at the built edges of public space and a visual transition in the height of built form extending from the water's edge of Viaduct Harbour to the established central commercial area.

To build upon and reinforce the Viaduct Harbour's attributes, provision is made for a wide range of activities. In particular, the establishment of a mix of recreation, leisure, retail, entertainment and community/cultural activities is encouraged along the water's edge, open spaces and certain roads where pedestrian activity is likely to be highest.

The open space network, identified as sub-precinct B, incorporates a range of different sizes, widths and shapes to cater for varying recreational needs. The width of space around the Basin perimeter is also sufficient for the coexistence of maritime-related activities, pedestrian promenades, open air cafe seating and similar activities.

The residential area, identified as Sub-precinct C, recognises the established high quality residential environment and the benefits that a permanent residential population provides to the character, vitality, safety and amenity of the precinct.

The zoning in the Viaduct Harbour Precinct is Business – City Centre Zone and Coastal – General Coastal Marine Zone.

I211.2. Objectives [rcp/dp]

- (1) An attractive public waterfront and world-class visitor destination that is recognised for its distinctive character, quality buildings, public open spaces, recreational opportunities, community and cultural facilities and events.
- (2) Maintain and enhance the Viaduct Harbour land and adjacent water space as a special place of character in the City Centre and retain significant views of the water and areas within and adjacent to the precinct.
- (3) A safe, convenient and interesting environment, which optimises pedestrian and cycling use and improves connectivity within the precinct and to adjacent areas of the City.

- (4) An attractive place for business and investment is provided for marine and port activity, maritime passenger operations and commercial business activity which benefit from a high amenity waterfront location.
- (5) Adverse effects arising from activities and development are avoided, remedied or mitigated, in an integrated manner across mean high water springs.
- (6) A mix of activities is encouraged including residential, business, tourism and events that create a vibrant environment.
- (7) Maintain the residential character and amenity in Sub-precinct C as an attractive place for permanent residents.

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

I211.3. Policies [rcp/dp]

- (1) Enable the efficient operation and development of the precinct by providing for activities which have a functional need to locate in or adjacent to the coastal marine area.
- (2) Enable a diverse range of activities while:
 - (a) avoiding, mitigating or remedying potential adverse effects in an integrated manner across mean high water springs, including reverse sensitivity effects on marine and port activities; and
 - (b) maintaining and enhancing public access to the waters edge.
- (3) Provide for continued use of all berthage areas adjacent to public open spaces for commercial vessel activities and other marine and port activities and marina-activities.
- (4) Manage building height and bulk to:
 - (a) achieve an appropriate scale in relation to the street network and the precinct's prominent waterfront location;
 - (b) complement and maintain the distinctive low-medium rise character established by development in Viaduct Harbour, including a sense of intimacy along streets and other public space frontages;
 - (c) complement the height enabled in the adjacent Downtown West, Central Wharves and Wynyard precincts; and
 - (d) provide a transition in height between the core city centre and the harbour.
- (5) Encourage the development of a diverse range of high-quality visitor experiences including promenading, coastal recreation, community and cultural activities and temporary activities.

- (6) Encourage the construction of a bridge for pedestrians, cyclists and local public transport connecting the Eastern Viaduct with Jellicoe Street to improve public connectivity between Wynyard precinct and the city centre.
- (7) Encourage an integrated network of attractive streets and lanes to increase pedestrian and cycling permeability and accessibility through the precinct.
- (8) Enable and maintain a network of different-sized public open spaces in key locations along the water's edge to cater for a range of recreational opportunities and provide vantage points.
- (9) Manage the land and coastal marine area to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on the water quality and ecology of the city centre coastal environment.
- (10) Limit the loss of significant public views from the city to the harbour and adjacent landscape features.
- (11) Maintain the residential character and amenity values in Sub-precinct C by avoiding activities that adversely affect the residential character and its related amenity values.
- (12) Provide for permanent residents in Sub-precinct C to:
 - (a) maintain and enhance the character and vitality of the precinct; and
 - (b) promote the safety and amenity for pedestrians through passive surveillance.

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

I211.4. Activity table

Table I211.4.1 Activity table specifies the activity status for land use and development activities pursuant to section 9(3) of the Resource Management Act 1991 and the activity status for works, occupation and use in the coastal marine area pursuant to sections 12(1), 12(2), and 12(3) of the Resource Management Act 1991, or any combination of all of the above sections where relevant.

- Within sub-precinct B, activities marked # in the activity table are limited to the area of the Eastern Viaduct shown on Precinct plan 1.
- Those activities marked with * have the listed activity status only when that activity is located on a coastal marine area structure (e.g. a new building on an existing wharf). If that activity is located directly in the coastal marine area (e.g. a new wharf) a different activity status will apply.
- The activities in the Coastal – General Coastal Marine Zone and Business – City Centre Zone apply in the Viaduct Harbour Precinct unless otherwise specified in the activity table below.

- For parking on land refer to E27 Transport, except where a more specific activity status applies in the table below.

Table I211.4.1. Activity table

Activity		CMA [rcp]	Land [dp]
Works in the coastal marine area pursuant to section 12(1) of the Resource Management Act 1991			
(A1)	Maintenance or repair of existing seawalls, reclamations or drainage systems	P	NA
(A2)	Minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation	RD	NA
(A3)	Reclamation or drainage not otherwise provided for	D	NA
(A4)	Declamation#	RD	RD
(A5)	Maintenance dredging	RD	NA
(A6)	Capital works dredging	RD	NA
Use and activities pursuant to sections 9(3) and 12(3) of the Resource Management Act 1991 and associated occupation of the common marine and coastal area pursuant to section 12(2) of the Resource Management Act 1991			
Residential			
(A7)	Dwellings and visitor accommodation within Sub-precinct C	NA	P
Commerce			
(A8)	Dairies, restaurants and cafes, hairdressers, drycleaning agents, retail and healthcare facilities on the ground floor of an existing building within Area A of Sub-precinct C	NA	RD
(A9)	Office activities within Sub-precinct C	NA	D
(A10)	Maritime passenger operations, excluding freight movement and storage#	P*	P
(A11)	Parking accessory to marine and port activities, maritime passenger operations and events within Te Wero Island and the Eastern Viaduct in sub-precinct B	P*	NA
(A12)	Parking that is not accessory to marine and port activities and maritime passenger operations and events on coastal marine area structures	NC*	NA
(A13)	Short-term parking (non accessory) within sub-precinct B	NA	RD
(A14)	Aquaculture activities	Pr	NA
Industry			
(A15)	Permanent refuelling facilities for boats	RD	RD

I211 Viaduct Harbour Precinct

(A16)	Marine and port activities except for permanent refuelling facilities for boats	P	P
(A17)	Industrial activities not specified as a permitted or restricted activity	D*	D
Community			
(A18)	Artworks, open air markets, kiosks, stalls, displays, tables and seating within Waitemata Plaza and Market Square, including those used in association with food and beverage activities located on adjacent sites	NA	P
(A19)	Marinas	P	P
(A20)	Marina berths	P	N/A
(A21)	Community facilities#	P	P
(A22)	Public amenities	P*	P
(A23)	Activities within sub-precinct B and C listed in the City Centre zone activity table and not specified in this activity table	NC	NC
Development			
(A24)	Marine and port facilities within sub-precinct A or B	NA	RD
(A25)	Marine and port facilities located outside of sub-precinct A and B	P*	P
(A26)	Marine and port accessory structures and services, excluding new pile moorings	P	P
(A27)	Wave attenuation devices	RD	RD
(A28)	Observation areas, viewing platforms and boardwalks	RD	RD
(A29)	Pile moorings existing at 30 September 2013 including occupation and use by the vessel to be moored	P	NA
(A30)	New pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored	RD	NA
(A31)	Maimai	NC	NC
(A32)	A bridge across the Viaduct Harbour	RD	RD
(A33)	Minor cosmetic alterations to a building that does not change its external design or appearance	P*	P
(A34)	New buildings, and alterations and additions to buildings not otherwise provided for	RD*	RD
(A35)	Coastal marine area structures or buildings not otherwise provided for	D	NA
(A36)	Development that does not comply with Standard I211.6.10(1)-(3) or I211.6.11(1)-(2)	NC	NC

I211.5. Notification

- (1) Any application for resource consent for an activity listed in Table I211.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

I211.6. Standards

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

I211.6.1. Temporary activities Events

- (1) Temporary activities within the Viaduct Harbour precinct must comply with the general noise limit in E25 Noise and Vibration. Temporary activities may exceed the general noise limit (deemed to be a noise event) no more than 15 times in total within the Viaduct Harbour Precinct (regardless of venue) in any calendar year (1 January to 31 December inclusive).
- (2) The general noise levels in E25 Noise and Vibration may be exceeded for a cumulative duration of not more than 6 hours within any 24 hour period for a noise event.
- (3) For the purpose of this rule and except where otherwise stated, the Eastern Viaduct, Te Wero, Waitemata Plaza and Market Square as defined on Precinct plan 1, are all separate venues.
- (4) For the 15 noise events, the maximum noise levels must not exceed:
 - (a) For no more than 3 of the 15 noise events and for a cumulative duration of not more than 3 of the total 6 hours permitted in I211.6.1(1) above (exclusive of one sound check of no more than one hour duration prior to each event):

82dB $L_{Aeq(15min)}$

90dB $L_{A1(15min)}$

76dB $L_{eq(15min)}$ at 63Hz 1/1 Octave Band

76dB $L_{eq(15min)}$ at 125Hz 1/1 Octave Band

(high noise event)

At all other times during the 15 noise events:

72dB $L_{Aeq(15min)}$

80dB $L_{A1(15min)}$

76dB $L_{eq(15min)}$ at 63Hz 1/1 Octave Band

76dB $L_{eq(15min)}$ at 125Hz 1/1 Octave Band

(medium noise event)

- (5) Except as provided elsewhere in this rule, noise levels must be measured in accordance with the requirements of NZS6801:2008 Acoustics – Measurement of environmental sound and must be assessed in accordance with NZS6802:2008 Acoustics – Environmental Noise except that clause 6.3 must not be used.
- (6) Within Waitemata Plaza and Market Square as shown on Precinct plan 2 the following additional restrictions apply:
 - (a) there must be no high noise events;
 - (b) there must be no more than two noise events in any four week period;
 - (c) of the total 15 noise events there must be no more than six in any one calendar year and the general noise level in in E25 Noise and Vibration of the Auckland-wide rules must not be exceeded for a cumulative duration of more than three hours for any one noise event.
- (7) For the purpose of the restrictions in I211.6.1(6) above, Waitemata Plaza and Market Square are counted as a single venue.
- (8) Noise levels exceeding the standard in E25 Noise and Vibration of the Auckland-wide rules including sound checks, must start no earlier than 9am and must finish no later than 10:30 pm Sunday to Thursday inclusive, 11pm Friday and Saturday and 1am New Year's Day.
- (9) The noise limits applying to noise events must be met when measured as the incident level 1m from any adjacent building outside the venue that is occupied during the event.
- (10) Not less than four weeks prior to the commencement of the noise event, the organiser must notify the council in writing of:
 - (a) the names and types of the acts and whether they are anticipated to be within the medium noise level or high noise level as defined in clause 4 above;
 - (b) the person(s) and procedures for monitoring of compliance with noise levels; and
 - (c) the nominated alternative date in the event of postponement due to the weather.
- (11) The council will keep a record of all noise events held and provide this information upon reasonable request.
- (12) Consultation must be undertaken with the majority freehold land owner within the Viaduct Harbour Precinct.

I211.6.2. Parking

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

I211.6.3. Public access

- (1) Standard E38.7.3.2 Subdivision establishing an esplanade reserve does not apply to subdivision within the Viaduct Harbour Precinct.

I211.6.4. Building height

Purpose: manage the height of buildings to achieve Policy I211.3(4) of the Viaduct Harbour precinct and respect the heritage values of specifically identified buildings.

- (1) Buildings must not exceed the heights specified on Precinct plan 2.
- (2) The height of buildings and structures on land will be measured in accordance with H8.6.8 of the Business – City Centre Zone rules.
- (3) The height limit in Sub-precinct A may be exceeded by no more than 2m for roofs, including any roof top projections, subject to the building complying with I211.6.5 below (site intensity).
- (4) Buildings must not exceed a height of 24m on the site legally described as LOT 1 DP 183125, except that buildings must be setback at least 3m from the northern and eastern facades of the former Auckland Harbour Board Workshops building, referenced as 01969 in Schedule 14.1 Schedule of Historic Heritage, above 16.5m, measured above mean street level.

I211.6.5. Site intensity

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

- (1) Buildings must not exceed the floor area ratios shown on Precinct plan 3.

I211.6.6. Building coverage

Purpose: manage the scale of development within Waitemata Plaza and Market Square to maintain their open space character.

- (1) Buildings, temporary tents, marquees, air supported canopies, structures and tables and seating must not occupy more than 20 per cent in area of Waitemata Plaza or Market Square as shown on Precinct plan 2.

I211.6.7. Vehicle access restriction

Purpose: ensure safe and efficient access from and to Sturdee Street and Fanshawe Street.

- (1) Vehicular access from and to Sturdee Street and Fanshawe Street (except 7-9 Fanshawe Street, being the land in Certificate of Title 7B/1437), must be for left turn manoeuvres only, provided that nothing in this clause will limit the Council's powers in relation to roads under the Local Government Act 1974 and, in particular, its powers to construct median strips in roads where it considers that such works are necessary for traffic safety reasons.

I211.6.8. Special yard A

Purpose: ensure that buildings do not restrict public access along the water's edge.

- (1) Buildings must not locate within special yard A shown on Precinct plan 4.
- (2) The yard applies from average ground level of the land affected to a height of 3m.
- (3) The yard must have a minimum width of 7m.

I211.6.9. Special yard B

Purpose: maintain unobstructed pedestrian access between Customs Street West and the water's edge in Waitemata Plaza.

- (1) Buildings, tents, marquees, air supported canopies, tables, seating and structures must not located within 10m of special yard B shown on Precinct plan 4.

I211.6.10. Public spaces and accessways

Purpose: manage public spaces and accessways to achieve Policies I211.3(2), (3), (7) and (8) of the Viaduct Harbour Precinct.

- (1) The pedestrian accessway on the southern side of the eastern viaduct shown on Precinct plan 4 must be not less than 10m wide.
- (2) All public accessways within sub-precinct B must be available to the public at all times except when written approval has been obtained from the council to temporarily restrict access for security, safety or operational needs associated with port activities or events or where restricted for operational or safety reasons specified in the conservation covenants applying to the area.
- (3) Buildings or structures must not locate within the accessways. This standard does not apply to verandahs or lawful temporary buildings or structures.

I211.6.11. Viewshafts

Purpose: manage development to maintain significant views of the water and adjacent areas within, and to, the Viaduct Harbour precinct.

- (1) Buildings or structures must not locate within those areas of land identified as landward viewshafts on Precinct plan 4. This standards does not apply to the following:
 - (a) verandahs;
 - (b) lawful temporary buildings or structures;
 - (c) road lighting and support structures;
 - (d) traffic and direction signs and road name signs;
 - (e) traffic control devices, traffic signals and support structures, cabinets and other equipment accessory to traffic signals;
 - (f) parking meters, pay and display kiosks and traffic cameras; or
 - (g) cycle facilities.

- (2) Buildings and structures must not locate within or over those parts of coastal marine area structures and waterspace identified as viewshafts coastal marine area and viewshaft horizontal plane 5m above existing wharf deck level on Precinct plan 4. This control does not apply to lawful temporary buildings or structures.

I211.7. Assessment – controlled activities

There are no controlled activities in this precinct.

I211.8. Assessment – restricted discretionary activities

I211.8.1. Matters of discretion

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

- (1) declamation:
- (a) construction or works methods, timing and hours of construction works;
 - (b) location, extent, design and materials used;
 - (c) effects on coastal processes, ecological values, water quality and natural character;
 - (d) effects on public access, navigation and safety;
 - (e) effects on existing uses and activities;
 - (f) consent duration and monitoring; and
 - (g) effects on Mana Whenua values.
- (2) maintenance dredging and capital works dredging:
- (a) effects on coastal processes, ecological values, and water quality;
 - (b) effects on other users of the coastal marine area, navigation and safety; and
 - (c) consent duration and monitoring;
- (3) wave attenuation devices:
- (a) location and design of the wave attenuation device;
 - (b) effects on navigation, safety, and existing activities;
 - (c) effects on wave hydraulics;
 - (d) construction or works methods, timing and hours of operation; and
 - (e) consent duration and monitoring;

- (4) marine and port facilities within sub-precinct A or B:
 - (a) The matters of discretion in F2.23.1 of the Coastal - General Coastal Marine Zone apply.
- (5) minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation:
 - (a) form and design of the reclamation;
 - (b) contaminated material;
 - (c) the safe and efficient operation of marine and port activities;
 - (d) effects on Mana Whenua values;
 - (e) construction or works methods, timing and hours of operation; and
 - (f) effects on natural hazards, coastal processes, ecological values and water quality.
- (6) short-term parking (non-accessory) within Sub-precinct B:
 - (a) location, extent, design and materials used;
 - (b) effects on existing uses and activities; and
 - (c) amenity, effects on views and visual amenity;
- (7) observation areas, viewing platforms and boardwalks
 - (a) The matters of discretion in F2.23.1(1) of the Coastal – General Coastal Marine Zone rules apply.
- (8) a bridge across the Viaduct Harbour:
 - (a) construction or works methods, timing and hours of operation;
 - (b) location, extent, design and materials used;
 - (c) effects on coastal processes, ecological values, water quality and natural character;
 - (d) effects on public access, navigation and safety;
 - (e) effects on existing uses and activities;
 - (f) amenity, effects on views and visual amenity; and
 - (g) consent duration and monitoring;
- (9) new buildings, and alterations and additions to buildings not otherwise provided for

- (a) the matters of discretion in clause H8.8.1(1) of the Business – City Centre Zone rules apply; and
 - (b) effects on public access, navigation and safety.
- (10) new pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored:
- (a) the matters of discretion in F2.23.1(1) of the Coastal - General Coastal Marine Zone rules apply.
- (11) permanent refuelling facilities for boats:
- (a) the matters of discretion in F2.23.1(1) of the Coastal - General Coastal Marine Zone apply;
- (12) infringing the building height standard:
- (a) building scale, dominance and visual effects;
 - (b) effects on current or planned future form and character; and
 - (c) pedestrian amenity and function;
- (13) infringing the site intensity standard:
- (a) building scale, dominance and visual effects;
 - (b) effects on current or planned future form and character; and
 - (c) effects on the transportation network including safety and efficiency;
- (14) infringing the building coverage standard:
- (a) building scale, dominance and visual effects; and
 - (b) public use amenity and function of the Waitemata Plaza;
- (15) infringing the vehicle access restriction standard:
- (a) effects on the transportation network (including safety and efficiency); and
 - (b) pedestrian amenity and function;
- (16) infringing the special yards A and B standard:
- (a) effects on public open space and pedestrian access.
- (17) activities on the ground floor within Area A of sub-precinct C:
- (a) effects on the residential character and amenity values; and
 - (b) noise, lighting and hours of operation.

I211.8.2. Assessment criteria

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

(1) declamation:

- (a) whether the adverse effects of declamation are avoided, remedied or mitigated in respect of the effects of the final land/water configuration on:
 - (i) the marine environment including coastal processes, water quality, sediment quality and ecology of the coastal marine area
 - (ii) hydrogeology (ground water) and hydrology; and
 - (iii) sediment accumulation and the need for on-going maintenance dredging of the coastal marine area;
- (b) whether declamation works, including the construction of seawalls, avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated soils and groundwater, and other contaminants;
- (c) whether declamation is located and designed so that the adjacent land area can provide adequate public open space adjacent to, and public access along the water's edge whether on land or on the adjacent water space; and
- (d) The extent to which declamation will affect Mana Whenua values;

(2) maintenance dredging and capital works dredging:

- (a) whether measures are taken to avoid, remedy or mitigate adverse effects on coastal processes, ecological values, and water quality;
- (b) whether effects on other users of the coastal marine area during the dredging are avoided, remedied or mitigated;
- (c) whether consent duration is limited to the minimum duration reasonably necessary for the functional or operational needs of the activity;
- (d) whether monitoring may be required in order to demonstrate the extent and type of effects of the dredging, and the degree to which the effects are remedied or mitigated during and after the activity;

(3) wave attenuation devices:

- (a) whether the location and design of the wave attenuation device consider existing activities including marine related industries, other marine activities and/or adjoining coastal activities;
- (b) whether the location and design of the wave attenuation device consider the effects of wave hydraulics on other users of the coastal marine area;

- (c) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants;
- (4) marine and port facilities within sub-precinct A or B:
 - (a) the assessment criteria in F2.23.2 of the Coastal – General Coastal Marine Zone rules apply;
- (5) minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation:
 - (a) whether reclamation, as far as practicable, mitigate adverse effects through their form and design, taking into account:
 - (i) the compatibility of the design with the location;
 - (ii) the degree to which the materials used are visually compatible with the adjoining coast;
 - (iii) the ability to avoid consequential erosion and accretion, and other natural hazards;
 - (iv) the effects on coastal processes; and
 - (v) the effects on hydrology;
 - (b) whether the use of contaminated material in a reclamation is avoided unless it is contained in a way that avoids, remedies or mitigates adverse effects on water quality, aquatic ecosystems and biodiversity;
 - (c) the extent to which the reclamation will affect Mana Whenua values; and
 - (d) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants;
- (6) short-term parking (non-accessory) within sub-precinct B:
 - (a) the extent to which the short-term parking is located and designed to:
 - (i) maintain safe public access to and along the edge of the coastal marine area and the perimeter of existing wharves;
 - (ii) avoid or mitigate and adverse amenity effects on public access areas and residents; and
 - (iii) avoid or mitigate effects on existing marine and port facilities;
- (7) observation areas, viewing platforms and boardwalks:
 - (a) the assessment criteria in F2.23.2(1) and F2.23.2(17) for coastal marine area structures and buildings in the Coastal - General Coastal Marine Zone rules apply in addition to the criteria below; and

(b) the extent to which the design and finish complement and enhance the coastal environment, open spaces and pedestrian linkages;

(8) a bridge across the Viaduct Harbour:

(a) whether the bridge contributes to a high quality maritime and urban environment and meet the following outcomes:

(i) the bridge design avoids significant visual intrusion into views from public areas across the harbour, or from the harbour out to the wider Waitemata Harbour;

(ii) the bridge contributes to the pedestrian character and amenity of the Viaduct Harbour and Wynyard precincts by:

- providing safe and pleasant pedestrian and cycle access east and west across the Viaduct Harbour;
- having a landscape design, character and quality which integrates with existing pedestrian priority areas and other accessways around the Viaduct Harbour;
- not causing significant adverse effects on the use and enjoyment of Te Wero Island as an area of pedestrian-oriented public space; and
- ensuring the operation or use of the bridge, or lighting will not cause significant adverse effects on the operation of nearby activities or on the amenity values of surrounding land or water uses;

(iii) the bridge is designed and operated to provide for:

- vessel access to and from the inner Viaduct Harbour without undue delay;
- navigation and berthage by the existing range of vessels in the inner Viaduct Harbour;
- any reduction in berthage area to be minimised as far as practicable;
- convenient and easily accessible systems for communicating with vessel users regarding scheduled and unscheduled bridge opening/closing;
- appropriate lighting, navigation aids, safety systems and fail-safe mechanisms; and
- a minimum clearance height of 3m above mean high water springs for a 10m wide navigable channel;

(iv) the ongoing viable use of the Viaduct Harbour (particularly the Wynyard Precinct mixed use sub-precinct) to accommodate marine

and port activities and marine events, such as boat shows and internationally recognised boating events such as the America's Cup event, is maintained;

(v) the bridge has a high quality design that:

- enhances the character of the Viaduct Harbour;
- is simple and elegant;
- is appropriate within the context of the Viaduct Harbour locality and Auckland's coastal setting;
- has an appropriate relationship with the Viaduct Lifting Bridge identified in the Historic Heritage Overlay; and
- utilises high quality and low maintenance materials and detailing;

(vi) the bridge is designed in a manner which may provide in the future for enhanced connectivity for the public between the Wynyard Precinct and the city centre; and

(vii) the bridge has no more than minor adverse effects on coastal processes including sedimentation within the Viaduct Harbour;

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

(a) the assessment criteria in clause H8.8.2(1) of the Business – City Centre Zone rules apply in addition to the criteria below; and

(b) the building should avoid or mitigate effects on public access, navigation and safety;

(10) new pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored:

(a) the assessment criteria in F2.23.2 of the Coastal – General Coastal Marine Zone apply in addition to the criteria below; and

(b) whether the new pile moorings avoid or mitigate effects on public access, navigation and safety;

(11) permanent refuelling facilities for boats:

(a) refer to the assessment criteria in F2.23.2(1) of the Coastal - General Coastal Marine Zone;

(12) infringing the building height standard:

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

- (b) where building height is exceeded, Policy I211.3(4) of the Viaduct Harbour Precinct and Policy H8.3(30) of the Business – City Centre Zone should be considered;

(13) infringing the site intensity standard:

- (a) the extent to which development is of a scale and form appropriate to the setting;
- (b) the extent to which the scale of the development is consistent with the current and future character of Viaduct Harbour as established through the objectives and policies for the Viaduct Harbour Precinct;
- (c) whether adverse effects on the transportation network are avoided, minimised or mitigated; and
- (d) whether development compromises marine and port activities;

(14) infringing the building coverage standard:

- (a) the extent to which the scale and form of development within Waitemata Plaza and Market Square maintains their open space character;

(15) infringing the vehicle access restriction standard:

- (a) whether access from and to Sturdee Street and Fanshawe Street is safe and efficient; and
- (b) unobstructed operation of the transportation network should be safe and efficient;

(16) infringing the Special Yards A and B standard:

- (a) whether unobstructed public access to and along the water's edge is maintained;

(17) activities on the ground floor within Area A of sub-precinct C:

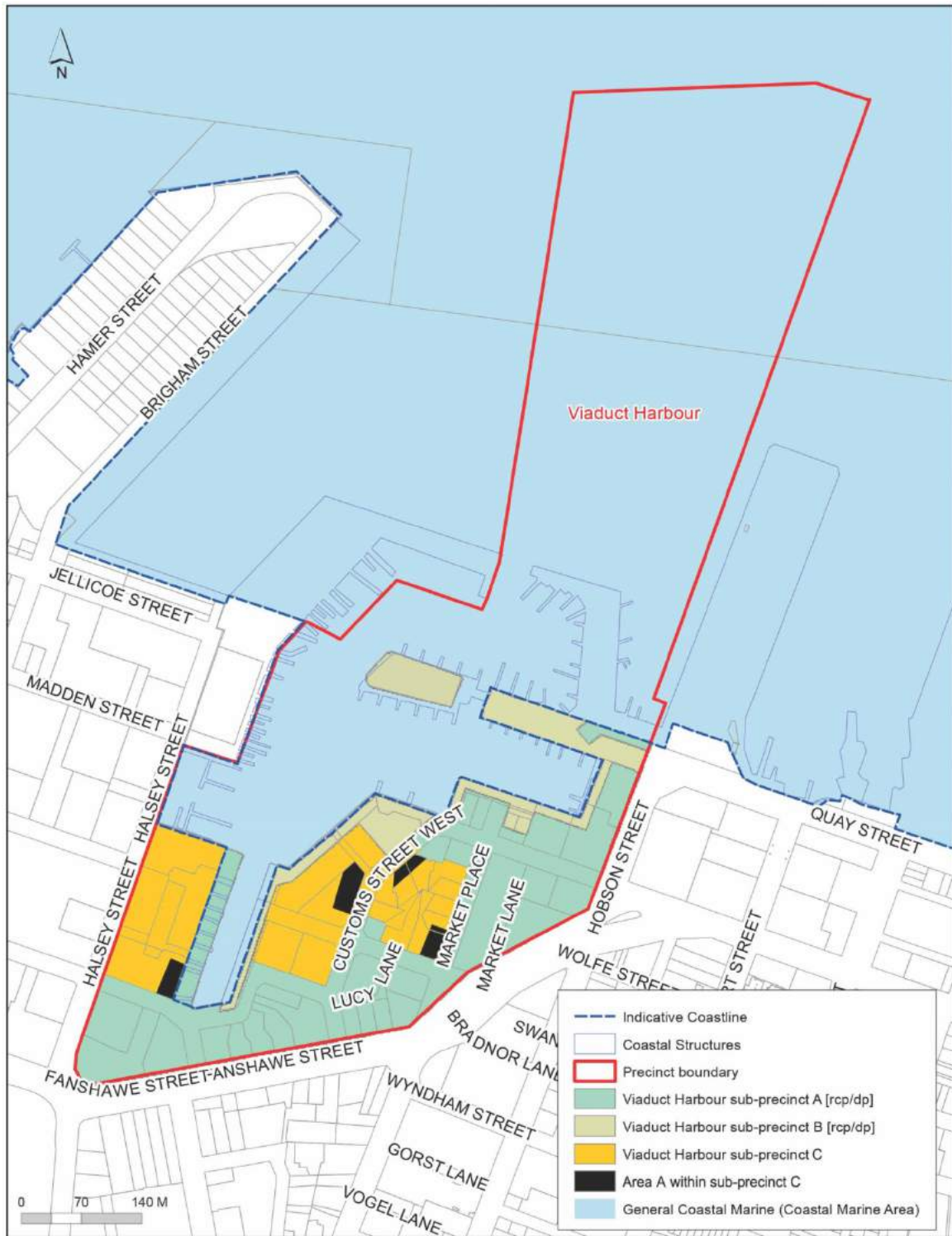
- (a) the extent to which activities are compatible with and do not detract from the residential character and amenity values of sub-precinct C; and
- (b) whether activities generate noise levels that would adversely affect residential amenity. The Council may impose conditions on the activity's hours of operation and/or permitted levels of low frequency noise.

I211.9. Special information requirements

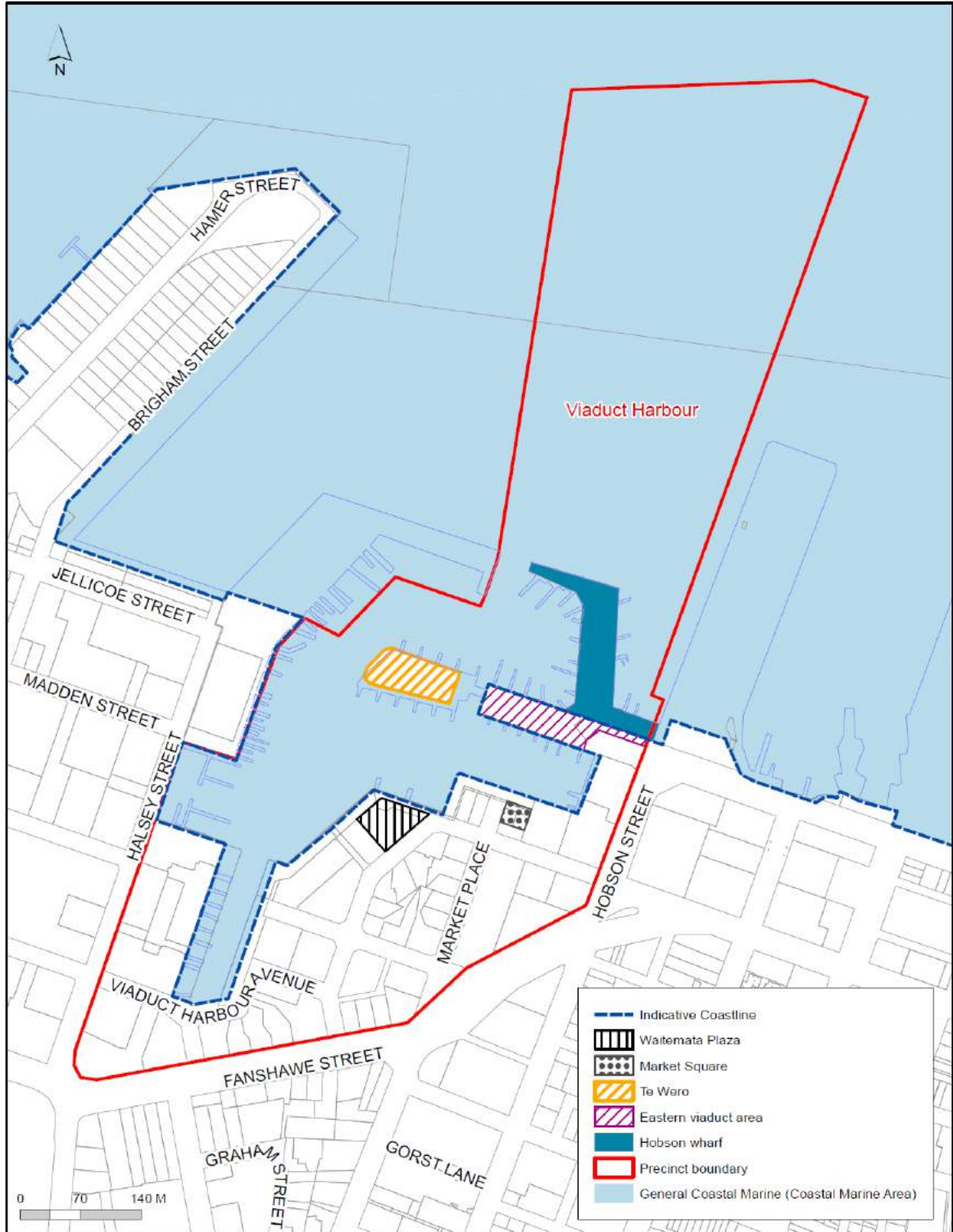
- (1) An application for marine and port facilities on land within the Viaduct Harbour area shown on Precinct plan 1 must be accompanied by a site management plan detailing operational procedures and physical measures to be put in place to avoid, remedy or mitigate public safety effects.

I211.10. Precinct plans

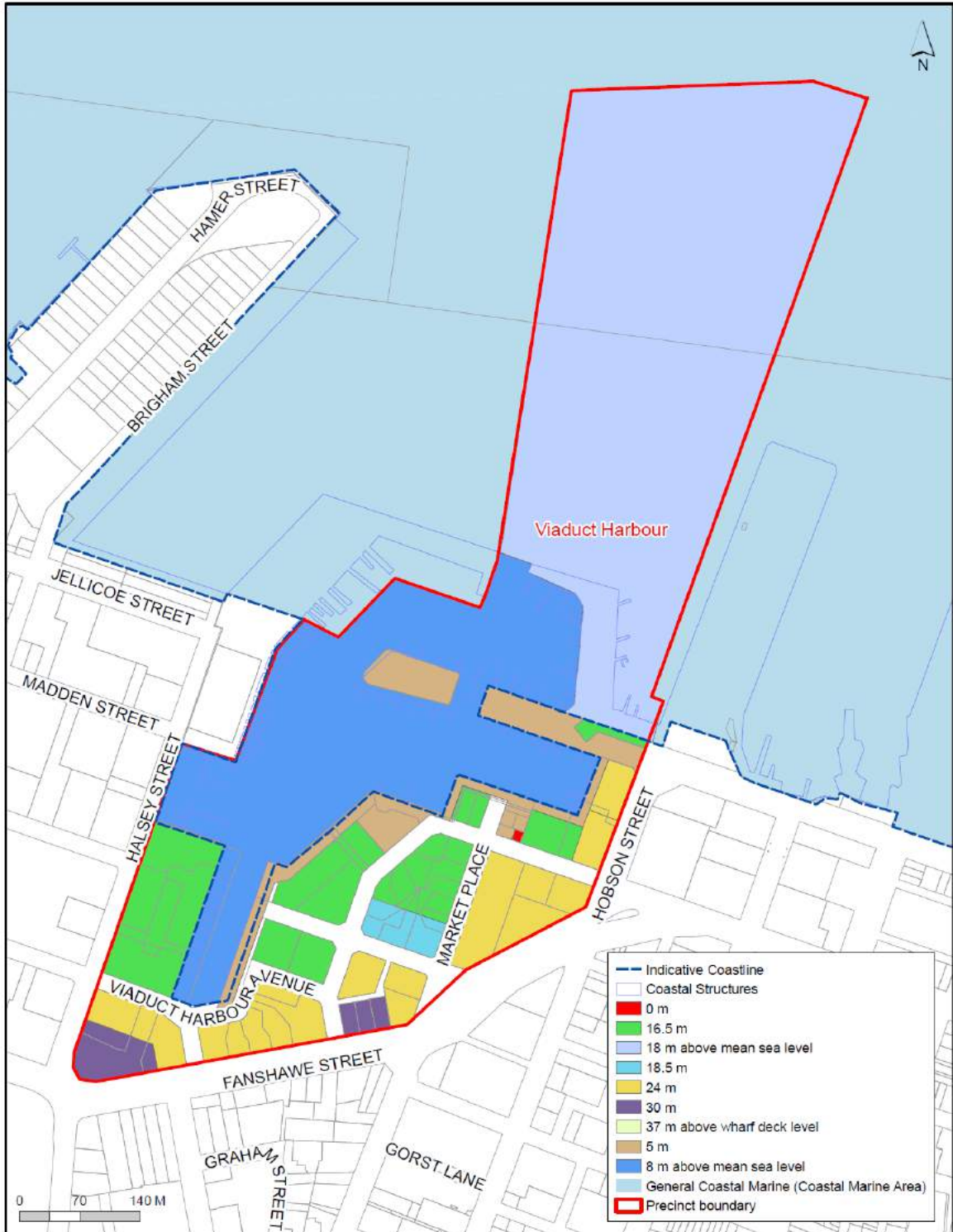
I211.10.1 Viaduct Harbour: Precinct plan 1 – Precinct and sub-precincts



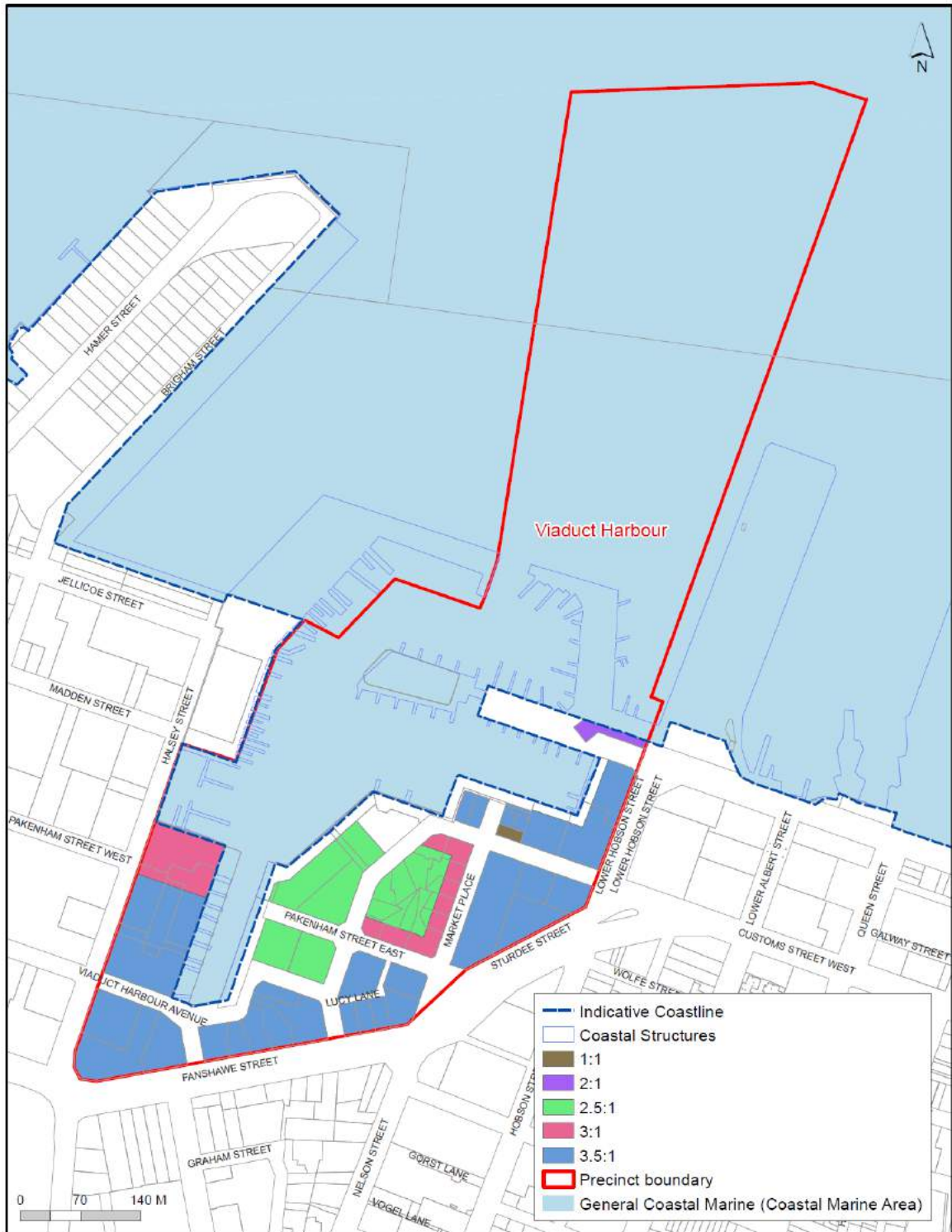
I211.10.2 Viaduct Harbour: Precinct plan 2 - Wharves and open spaces



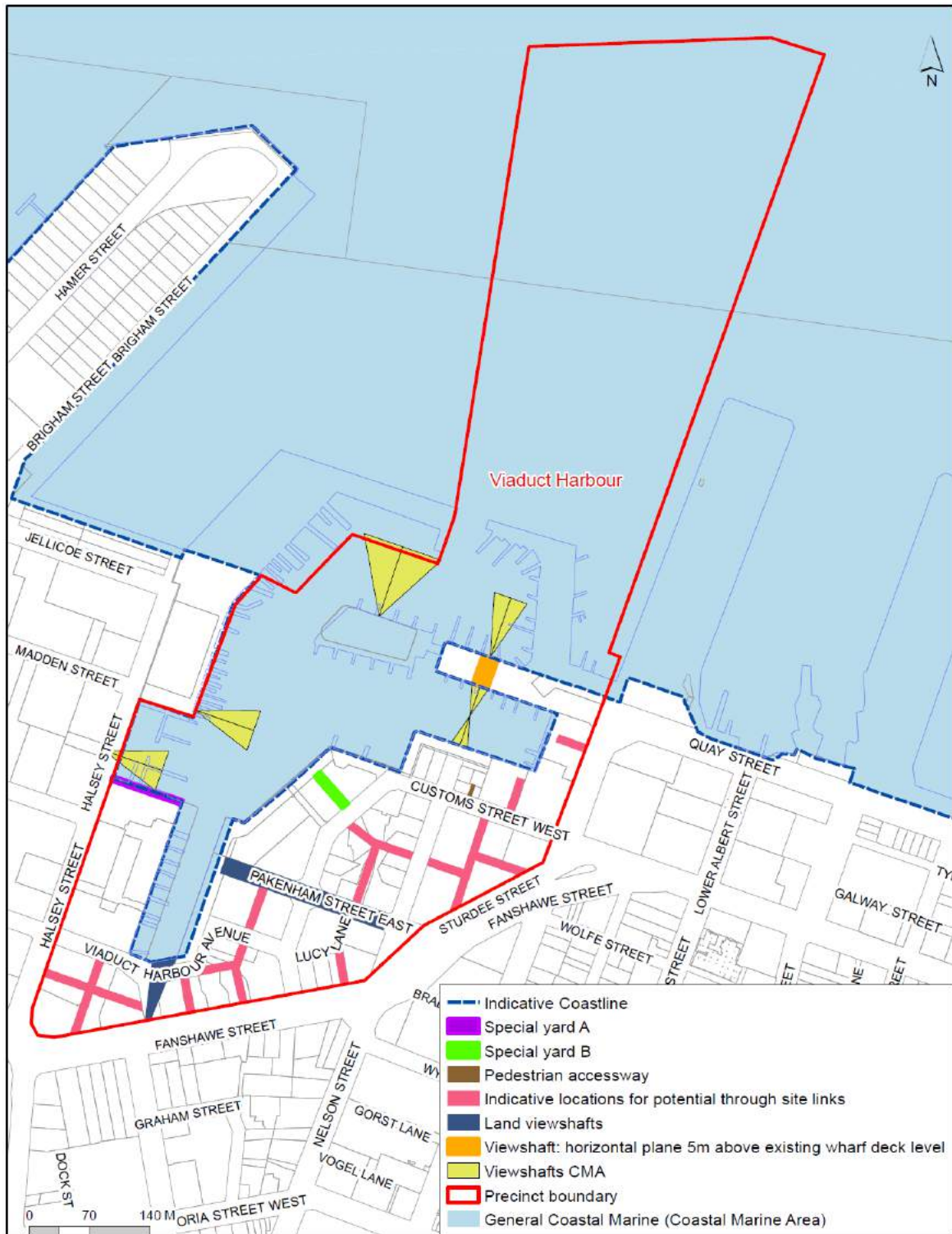
I211.10.3 Viaduct Harbour: Precinct plan 3 - Building height controls



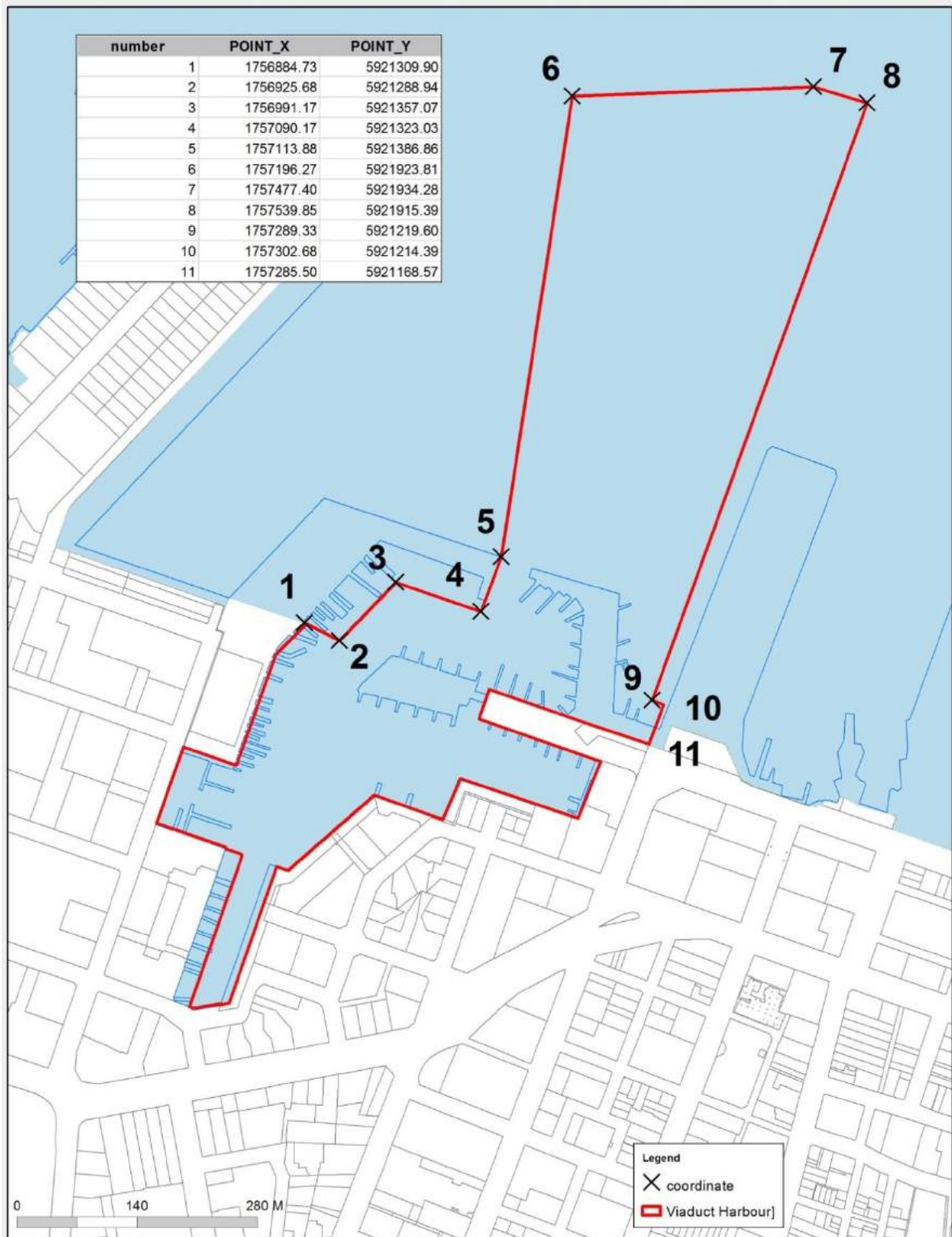
I211.10.4 Viaduct Harbour: Precinct plan 4 - Site intensity controls



I211.10.5 Viaduct Harbour: Precinct plan 5 - Pedestrian accessways and viewshafts



I211.10.6 Viaduct Harbour: Precinct plan 6 - Precinct boundary coordinates in the coastal marine area





**Decisions of the Auckland Council on
recommendations by the Auckland Unitary
Plan Independent Hearings Panel on
submissions and further submissions to the
Proposed Auckland Unitary Plan**

Decisions Report

19 August 2016

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1. Introduction

- 1.1 This “**Decisions Report**” sets out the decisions made by the Auckland Council (**Council**) on the recommendations for the Proposed Auckland Unitary Plan (**PAUP**) that were provided to the Council on 18 May 2016¹ and 22 July 2016² by the Auckland Unitary Plan Independent Hearings Panel (**Panel**).
- 1.2 This Decisions Report has been prepared in accordance with section 148 of the Local Government (Auckland Transitional Provisions) Act 2010 (**LGATPA**). Section 148 sets out how the Council is to consider the “**Panel’s Recommendations**” and make and notify its decisions on them. In summary, the Council must decide whether to accept or reject each of the Panel’s Recommendations, and must publicly notify those decisions no later than 20 working days after it is provided with the reports containing the Panel’s Recommendations (or, if there is more than one report, the last of the reports). Where any of the Panel’s Recommendations are proposed for rejection, the Council must provide reasons supporting the rejection and an alternative solution to the Panel’s Recommendation that has been rejected.
- 1.3 The Council made its decisions on the Panel’s Recommendations during a series of Governing Body (**GB**) meetings held between 10 and 15 August 2016, at which the Panel’s Recommendations were considered alongside several reports which set out the proposed staff response to the Panel’s recommendations.
- 1.4 In accordance with section 148(4) of the LGATPA, the Council is required to:
 - a) publicly notify its decisions no later than 20 working days after it is provided with the reports containing the Panel’s Recommendations (or, if there is more than one report, the last of the reports).
 - b) electronically notify its decisions on designations to requiring authorities.

2. Statutory Context

- 2.1 The statutory context within which the Panel was required to provide recommendations on the PAUP to the Council, and which then requires the Council to make its decisions on the Panel’s Recommendations, is found in Part 4 of the LGATPA.
- 2.2 As outlined in earlier reports to the Council³, Part 4 of the LGATPA was enacted by the Government to provide a streamlined, unique process for the preparation of the PAUP. It is the Part 4 process which requires the Council to make and publicly notify its decisions on the Panel’s Recommendations, and notify requiring authorities of decisions on their designations, by way of this Decisions Report.

¹ In relation to a majority of designations, except for Auckland International Airport, Kiwirail designations heard on 2 May 2016, and NZ Transport Agency designation 6727 (Newmarket Viaduct) heard on 2 May 2016.

² In relation to the remaining designations and the balance of the PAUP.

³ Reports 1, 2 and 3 dated 10 August 2016. Report 1 provided information about the process used to develop the PAUP and the statutory framework around the PAUP process and the decision-making requirements placed on the Council by the LGATPA.

- 2.3 The Panel was required to provide its recommendation report(s) to the Council by no later than 22 July 2016.
- 2.4 After receiving the Panel's Recommendations the LGATPA requires the Council to make decisions, specifically deciding whether to accept or reject each recommendation made by the Panel⁴. Where the Council decides to reject any recommendation, there are additional requirements for the Council, including preparing an "alternative solution" which, in accordance with section 148(1)(b):
- a) may or may not include elements of both the PAUP as notified and the Panel's Recommendation in respect of that part of the PAUP; but
 - b) must be within the scope of the submissions.
- 2.5 After making its decisions, the Council must, by no later than 19 August 2016, publicly notify its decisions in a way that sets out the following information⁵:
- a) each Panel recommendation that it accepts; and
 - b) each Panel recommendation that it rejects and the reasons for doing so; and
 - c) the alternative solution for each rejected recommendation.
- 2.6 In relation to designations (discussed further below), the Council must, again by no later than 19 August 2016, electronically notify each requiring authority affected by the decisions of the Council of the information referred to in paragraph (2.5) above that specifically relates to the decision recommending that the authority confirm, modify, impose conditions on, or withdraw the designation concerned⁶.

Decision-making by the Council

- 2.7 In making its decisions the Council must either accept or reject the Panel's Recommendations.
- 2.8 For the Panel's Recommendations that it decides to **accept**, the Council will be able to fulfil its decision-making obligations by considering the Panel's Recommendations and reasons only. This is because the Panel, in making its recommendations, was required to comply with all the requirements of section 145 of the LGATPA, including obligations on the Panel to:
- a) ensure that if the Council accepts each/any/all of the Panel's Recommendations, all relevant requirements (and legal tests) of the RMA,

⁴ See section 148, LGATPA.

⁵ See section 148(4), LGATPA.

⁶ See section 148(4)(b), LGATPA. While this requirement also applies to heritage orders, all heritage orders in the PAUP 'rolled over' without modification or submissions, meaning that section 144(6) of the LGATPA applies (pursuant to that provision, the Panel must not make a recommendation on any existing designation or heritage order that is included in the PAUP without modification and on which no submissions were received).

and other enactments which apply to the Council's preparation of the PAUP, are complied with⁷; and

- b) prepare, and include with its recommendations, a further evaluation in accordance with section 32AA of the RMA⁸.

2.9 Where however, the Council decides to **reject** any of the Panel's Recommendations, there are additional requirements that must be satisfied before that decision can be publicly notified. If the Council decides to **reject** a recommendation, it must provide reasons supporting that rejection and also prepare an **alternative solution** for that rejected Panel recommendation⁹ (which, given the way in which the Panel's Recommendations have been formulated, could be any matter or provision recommended by the Panel), together with a **section 32AA assessment** supporting the rejection, where necessary. No new section 32AA assessment has been undertaken by the Council, where section 32 / 32AA assessment relating to all alternative solution has already been prepared as part of development of the PAUP¹⁰ and / or the Council's case team evidence for the hearings before the Panel.

2.10 There are specific requirements relating to the preparation of alternative solutions, which are set out in subsections (1) and (2) of section 148 of the LGATPA. In short, the Council must decide an alternative solution which:

- a) **May or may not** include elements of both the PAUP as notified and the Panel's Recommendations in respect of that part of the PAUP (and which therefore may be a combination of the two); **but**
- b) **Must** be within the scope of the submissions.

3. The Panel's Recommendations

3.1 As outlined in the background information report prepared by staff for the GB decision-making meetings¹¹, the Panel's Recommendations were provided to the Council in three parts:

- a) **Part 1** - The Panel's Recommendation Reports: these comprise an overview report dated July 2016, which generally addresses all of the Panel's Recommendations, and 58 separate recommendation reports, relevant to the topics that were heard before the Panel (albeit with some of those hearing topics being combined together in one Panel recommendation report). In addition, the Panel provided a series of designation reports, including a similar introductory / overview report on designations;
- b) **Part 2** - The Recommended Plan: which comprises a "clean" version of the Panel's recommended text for the PAUP; and

⁷ See section 145(1)(f), LGATPA.

⁸ See section 145(1)(d) and (f)(i) and (ii), LGATPA.

⁹ See section 148(1)(b), LGATPA.

¹⁰ E.g. in the Auckland Unitary Plan Evaluation Report prepared by the Council under section 32.

¹¹ Report 1.

- c) **Part 3** - The Recommended Maps / GIS Viewer: which comprises the Panel's recommended version of the PAUP planning maps, created in the Panel's GIS viewer.

Collectively, the above reports have been referred to by the Council as the "**Panel's Recommendations**".

- 3.2 The Panel's Recommendations (including on designations), Recommended Plan, and Recommended Maps / GIS Viewer can all be viewed on the Council's website: www.aucklandcouncil.govt.nz/unitaryplan.
- 3.3 It is noted that the Panel's Recommendations contain a number of separate hearing topic reports, and that recommendations are often provided throughout the body of each report (including the overview reports referred to at paragraph 3.1(a) above). As a result, where the Council has made a decision which accepts all of the Panel's Recommendations in relation to a specific hearing topic / designation, this Decisions Report will need to be read in conjunction with the related hearing topic report provided to the Council as part of the Panel's Recommendations as well as the decisions (and recommended) version of the PAUP text and maps.

4. 'Out of scope' recommendations / decisions

- 4.1 The Part 4 process for the preparation of the PAUP allowed the Panel to make recommendations that are beyond the scope of submissions made on the PAUP¹² ("out of scope recommendations"). Where the Council accepts any out of scope recommendations made by the Panel in relation to provisions / matters in the PAUP, there is a specific right of appeal to the Environment Court for any person that "is, was, or will be unduly prejudiced by the inclusion of the provision or exclusion of the matter"¹³.
- 4.2 The overview report dated July 2016 included with the Panel's Recommendations contained a detailed section that addressed "scope" and, as required by section 144(8) of the LGATPA, the Panel identified recommendations that the Panel considered to be beyond the scope of submissions on the PAUP.
- 4.3 The identification of the Panel's out of scope recommendations was set out in Appendix 3 to the overview report dated July 2016 – "*Summary of recommendations out of scope*" – which listed the hearing topics where the Panel had provided out of scope recommendations to the Council, and identified the out of scope recommendations in question. The Panel's Appendix 3 is reproduced as **Attachment C** to this Decisions Report.
- 4.4 While the Panel's Appendix 3, as reproduced at Attachment C, should be referred to, in summary, the Panel has identified out of scope recommendations in relation to the following topics: *006 – Natural Resources*, *027 – Artworks, signs and temporary activities*, *028 – Future Urban*, *032 – Historic heritage schedules*, *080 – Rezoning and precincts (general)* and *081 – Rezoning and precincts (geographical areas)*, with numerous individual precincts containing out of scope recommendations.

¹² Section 144(5), LGATPA.

¹³ Section 156(3), LGATPA.

- 4.5 In order to identify out of scope recommendations as they relate to the GIS Viewer (the PAUP spatial component, e.g. zoning) the Panel outlined the properties associated with out of scope recommendations with a bold black line on the GIS Viewer. This outline can be seen on the Panel's recommended version of the GIS Viewer.
- 4.6 In order to identify the Panel's out of scope spatial (zoning) recommendations that have been accepted, the Council has retained the same bold black line on its decisions version of the GIS Viewer.
- 4.7 For ease of reference for users of this Decisions Report the Council has also printed and **attached** ten separate maps showing the accepted Panel out of scope recommendations as they relate to the GIS Viewer. These maps, which are included as **Attachment C**, show out of scope decisions made in the following areas: Albany; Glen Eden, Greenlane, Mangere Bridge, Milford, Newmarket, Otahuhu, Te Atatu South, Warkworth and Whangaparoa. The address details of the properties associated with those decisions have not been provided by the Council.

5. Designations

- 5.1 Under the RMA (and the special legislation applying to the PAUP), while designations included as part of a plan review are subject to submissions and a hearing, there is a different process for who makes the decisions on the recommendations from the Panel.
- 5.2 For the Council's own designations, the Council must make a decision on the recommendations provided by the Panel. For designations owned by other requiring authorities however, the Council's decisions are treated as recommendations to those requiring authorities on their designations¹⁴. The requiring authorities themselves will make the final decisions (subject to appeal) on whether they will accept or reject the Council's recommendations.
- 5.3 In relation to designations included in the PAUP, the Council's GB made decisions on the following aspects:
- a) decisions relating to Chapter G1.3 and Part 7 Designations of the PAUP;
 - b) decisions relating to the Council's own designations included in the PAUP; and
 - c) decisions relating to the recommendations it will make to other requiring authorities in respect of their designations included in the PAUP.
- 5.4 The Council did not oppose any designations included in the PAUP, and did not have an active role in the assessment of third party submissions on designations; other

¹⁴ See section 151(1), LGATPA. As noted at paragraph 2.3(i) above, the Council is required to electronically notify each requiring authority affected by the decisions of the Council of the information that specifically relates to the decision recommending that the authority confirm, modify, impose conditions on, or withdraw the designation.

than where the Council's own designations were involved, or where the Council was also a submitter. In addition, the LGATPA did not allow the Panel to make recommendations on designations (or heritage orders) that were 'rolled over' without modification that did not attract any submissions and the Council does not have a decision making role in relation to those 'rolled over' designations (and heritage orders¹⁵). These 'rolled over' designations will be included in the Council's decisions version of the PAUP and are deemed to have been approved by the Council¹⁶.

- 5.5 Council staff recommended that the GB, in making its decision on the Panel's Recommendations as they relate to designations, accept all the Panel's Recommendations on designations. Those designations were identified in an attachment to a report entitled "Proposed Auckland Unitary Plan Report 3 - Response to Recommendations from the Auckland Unitary Plan Independent Hearings Panel Relating to Designations" which was prepared for committee meetings on 10 August 2016. That same attachment has been included as Attachment E to this Decisions Report as it contains the Council's decisions in relation to designations.

¹⁵ As noted earlier, all heritage orders rolled over without modification / submissions.

¹⁶ Under clause 17(1) of Schedule 1 to the RMA. See s152(5) of the LGATPA.

6. Attachments to Decisions Report

6.1 A number of attachments have been included as part of this Decisions Report, as follows:

- a) **Attachment A** - The alternative solutions prepared by the Council for any rejected recommendations (which includes: text, diagram and map alternative solutions).
- b) **Attachment B** - The section 32AA assessment reports prepared, where necessary, as part of any rejection.
- c) **Attachment C** - A list of the Panel's out of scope recommendations that have been accepted by the Council, including maps which show the out of scope recommendations within the GIS Viewer.
- d) **Attachment D** - A list of the Panel's Recommendations that have been rejected by the Council.
- e) **Attachment E** - Designations (Parts 1, 2 and 3).

Approved for release:

John Duguid - General Manager - Plans and Places



Penny Pirrit - Director Regulatory Services



7. Decisions of Auckland Council

- 7.1 The Council's decisions on the Panel's Recommendations are set out below, addressed in relation to each hearing topic report provided by the Panel in numerical order.
- 7.2 The Council's Decisions Report addresses those Panel Recommendations which have been accepted by the Council first, with the Panel Recommendations that have been rejected following.
- 7.3 A full list of the Panel's Recommendations that have been rejected by the Council is attached to this Decisions Report as **Attachment D**.

1. Council decisions relating to Panel report entitled "Report to Auckland Council Hearing Topic 001 (Auckland-wide), July 2016"

Panel recommendations accepted:

- 1.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 001 (Auckland-wide), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

2. Council decisions relating to Panel report entitled "Report to Auckland Council Hearing Topic 002 (ePlan and miscellaneous), July 2016"

Panel recommendations accepted:

- 2.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 002 (ePlan and miscellaneous), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

3. Council decisions relating to Panel report entitled "Report to Auckland Council Hearing Topic 003 (Chapter A Introduction), July 2016"

Panel recommendations accepted:

- 3.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 003 (Chapter A Introduction), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

4. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 004 (General Rules), July 2016”

Panel recommendations accepted:

- 4.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 004 (General Rules), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

5. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 005 (Issues of Regional Significance), July 2016”

Panel recommendations accepted:

- 5.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 005 (Issues of regional significance), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

6. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 006 and 035 (Air quality), July 2016”

Panel recommendations accepted:

- 6.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topics 006 and 035 (Air quality), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 6.2.

Panel recommendations rejected:

- 6.2 The Council has rejected the Panel recommendations in relation to Hearing Topics 006 and 035 (Air quality) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) **Deletion of the Auckland Ambient Air Quality Standards**

Reasons	
(i) The limits and criteria for a number of pollutants which may adversely affect air quality will not exist.	
(ii) Outcomes outlined in the Regional Policy Statement Objectives B7.5.1(1) and B7.5.1(3) and the Auckland wide objectives E14.2(1) and E14.2(3) will not be achieved.	
(iii) There will be uncertainty and inefficiency in the processing of resource consent applications	
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B

7. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topics 006 (Natural resources) and 010 (Biodiversity), July 2016”

Panel recommendations accepted:

- 7.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 006 (Natural resources) and Hearing Topic 010 (Biodiversity), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

8. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 007 (RPS climate change), July 2016”

Panel recommendations accepted:

- 8.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topics 007 (RPS climate change), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

9. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 008 (Coastal Environment), July 2016”

Panel recommendations accepted:

- 9.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 008 (Coastal environment), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

10. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 009 (Mana Whenua) and Topic 036/037 (Maori land and treaty and Mana Whenua sites), July 2016”

Panel recommendations accepted:

- 10.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 009 (Mana Whenua) and Hearing Topic 036/037 (Maori land and treaty and Mana Whenua sites), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

11. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 010 (Historic Heritage), July 2016”

Panel recommendations accepted:

- 11.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topics 010 (Historic heritage), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

12. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 010/029/030/079 (Special character and pre 1944), July 2016”

Panel recommendations accepted:

- 12.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 010/029/030/079 (Special character and

pre 1944), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 12.2.

Panel recommendations rejected:

12.2 The Council has rejected the Panel’s recommendations in relation to Hearing Topic 010/029/030/079 (Special character and pre 1944), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **The deletion of the objective that provides for management of heritage values in the Regional Policy Statement**

Reasons	
<p>(i) The Special Character Areas overlay – Residential and Business District Plan provisions and character statements recommended by the Panel identify the amenity and heritage values of the areas that are to be addressed in the District Plan provisions. However the cascade down from the RPS to District Plan is not evident, with no corresponding RPS objective, resulting in a disconnect between the RPS and District Plan.</p>	
Alternative solution	See Attachment A

13. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 011 (Rural environment), July 2016”

Panel recommendations accepted:

13.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topics 011 (Rural environment), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 13.2.

Panel recommendations rejected:

13.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 011 (Rural environment) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **The deletion of objectives and policies for rural subdivision that:**
 - (i) Prevent inappropriate subdivision
 - (ii) Promote the significant enhancement of indigenous biodiversity

(iii) Facilitate transfer of titles only into the Countryside living zone.

Reasons	
The Panel's recommended approach would:	
(i) Enable inappropriate subdivision of the rural area through a proliferation of rural-residential lots across the production focussed rural zones (resulting in loss of rural production, reverse sensitivity, rural character and amenity and potential additional demands on infrastructure in remote locations).	
(ii) Undermine the Auckland Plan's strategic direction for rural areas.	
(iii) Does not support the concept of the compact city that inherently has as a benefit the retention and protection of rural areas (rather than their subdivision for rural-residential uses).	
(iv) Undermine focus of rural lifestyle living in the Countryside Living zone	
Alternative solution	See Attachment A

14. Council decisions relating to Panel report entitled "Report to Auckland Council Hearing Topic 012 (Infrastructure, energy and transport), July 2016"

Panel recommendations accepted:

14.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 012 (Infrastructure, energy and transport), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 14.2.

Panel recommendations rejected:

14.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 012 (Infrastructure, energy and transport) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **The deletion of policies which encourage land use and transport integration and in particular, the location of higher intensity activities where those activities are served by key public transport services and routes.**

Reasons	
(i) The Panel's recommended policy framework does not adequately address land use and transport integration which is a key consideration in the management of growth and the efficient use of the transport network.	
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B (under 043-044 Transport)

15. Council decisions relating to Panel report entitled "Report to Auckland Council Hearing Topic 013 (Urban growth), July 2016"

Panel recommendations accepted:

- 15.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 013 (Urban growth), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 15.2.

Panel recommendations rejected:

- 15.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 013 (Urban growth) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **The deletion of objectives and policies that seek to focus growth within the existing metropolitan area**

Reasons
(i) The lack of a specific objective and policy that indicates the primary location for growth is within the existing metropolitan area means there is little or no guidance for where future growth should be enabled and encouraged

(ii) The Panel's recommendation does not have sufficient regard to the Auckland Plan's Development Strategy resulting in a misalignment with the Council's strategic directions.	
(iii) Focusing intensification within the existing urban area delivers the benefits of a quality compact urban form, which include better public transport, proximity to amenity and services, efficient infrastructure servicing, environmental protection and a reduced carbon footprint.	
Alternative solution	See Attachment A

(b) **Amendments to the policy that guides the location of the Rural Urban Boundary**

Reasons	
(i) To support the Rural Urban Boundary at the District Plan level the policy framework needs to be sufficiently clear and certain of the outcomes to enable inappropriate proposals to be turned down	
(ii) The recommended policy does not include either providing a quality compact urban form or the importance of land use and transport integration	
(iii) Reliance on the structure plan guidelines in Appendix 1 to achieve these outcomes is inadequate because the guideline is not a policy	
(iv) The Panel's recommended policy does not reflect the Panel's position in its report that the policy applies to requests to amend the Rural Urban Boundary and must follow the structure plan guidelines in Appendix 1.	
Alternative solution	See Attachment A

(c) **The enablement of commercial activities within centres and corridors**

Reasons	
<p>(i) The 'centres-plus' commercial growth strategy has been removed. The strategy is considered to be an appropriate method to achieve land use, transport and infrastructure integration in centres, and provides a release valve that enables commercial activities in out-of-centre areas where this is appropriate.</p>	
<p>(ii) The District Plan provisions have some objectives and policies that recognise the importance of centres but there is no vertical alignment to any objective or policies in the Regional Policy Statement provisions.</p>	
<p>(iii) The absence of a Regional Policy Statement objective and related policies greatly weakens the ability to assess the effects of dispersed commercial activity (for example, land use and transport integration, effects on centres and community social and economic wellbeing).</p>	
<p>(iv) The Panel has not provided reasons why the centres-plus strategy has been deleted.</p>	
<p>(v) The centres-plus commercial strategy reflects the PAUP mediation, where the commercial and industrial growth provisions were agreed to by all parties present, except for one. The parties agreeing to the mediated position included the 'Key Retail Group' which has been heavily involved in the centres-plus strategy formation since the notification of Change 6 to the legacy Regional Policy Statement in 2005.</p>	
Alternative solution	See Attachment A

16. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 018 (Monitoring and environmental results anticipated), July 2016”

Panel recommendations accepted:

- 16.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 018 (Monitoring and environmental results anticipated), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

17. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 019 (Natural features, landscapes and character), July 2016”

Panel recommendations accepted:

- 17.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 019 (Natural features, landscapes and character), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

18. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 020 (Viewshafts), July 2016”

Panel recommendations accepted:

- 18.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 020 (Viewshafts), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

19. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 022 (Natural hazards and flooding and 026 – General others), July 2016”

Panel recommendations accepted:

- 19.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 022 (Natural hazards) and flooding and

Hearing Topic 026 (General others), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps, except as listed below at paragraph 19.2.

Panel recommendations rejected:

19.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 022 – Natural hazards and flooding and Hearing Topic 026 – General others as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) Replacing the 1 per cent annual exceedance probability (AEP) flood hazard with the 2 per cent annual exceedance probability (AEP) flood hazard in urban areas

Reasons	
(i) The 1 per cent annual exceedance probability (AEP) flood hazard is identified as posing a level of risk warranting management in the Auckland region. This was supported by the majority of relevant experts during the hearing process.	
(ii) Off-site effects - the displacement of flood waters onto adjoining properties from buildings in floodplains, and changes to flood depths and velocities experienced by upstream and downstream properties. These are matters that go beyond the Building Code.	
Alternative solution	See Attachment A

(b) No controls for buildings within floodplains to prevent the exacerbation of flood hazards

Reasons	
(i) The Panel's recommended text provides for the management of fences, storage of goods, above ground parking and hazardous substances within the 1 per cent annual exceedance probability (AEP) floodplain area but does not provide a management response for buildings or structures within these areas.	
Alternative solution	See Attachment A

(c) No controls to manage a change of use to more vulnerable activities in existing buildings within floodplains

Reasons	
(i) The Panel's recommended rule remains silent on the change of use within existing buildings. It is unclear from the report that this is an intentional omission or otherwise but the result is the creation of a Plan workability issue.	
(ii) Amending these provisions will ensure that the control applies to both new buildings and structures as well as to a change of use in an existing building to accommodate a more vulnerable activity and not be in conflict with the Building Act in respect of controlling specific aspects of building works.	
Alternative solution	See Attachment A

(d) Amending the definition of coastal storm inundation 1 per cent annual exceedance probability plus 1 metre of sea level rise to not include reference to maps

Reasons	
(i) The definitions for coastal storm inundation area 1per cent annual exceedance probability (AEP) and Coastal storm inundation area 1per cent annual exceedance probability (AEP) plus 1m sea level rise should be amended to ensure that they align with the Panel's recommended inclusion of the Coastal storm inundation area 1per cent annual exceedance probability (AEP) plus 1m sea level rise maps	
Alternative solution	See Attachment A

(e) No consent requirements for new buildings in the activity table for the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre of sea level rise area

Reasons	
(i) The Panel's recommended rule requires Discretionary Activity consent for additions and alterations to existing buildings. However, no consent	

requirements are included for new buildings within the same area (of any size). This is inconsistent with the Policy (9) which refers to both new buildings and substantive alterations to existing buildings.	
(ii) The application of the rule to only additions and alterations to existing buildings and not new buildings will pose problems for implementing the policy and rule framework. No explanation of this is given in the Panel's report. Given the issues that the rule in its current form will cause when applied to development within this area, an amendment is proposed to ensure it applies consistently	
Alternative solution	See Attachment A

20. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 023 (Significant ecological areas and vegetation management), July 2016”

Panel recommendations accepted:

- 20.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 023 (Significant ecological areas), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

21. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 024 (Genetically Modified organisms), July 2016”

Panel recommendations accepted:

- 21.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 024 (Genetically modified organisms), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

22. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 025 (Trees), July 2016”

Panel recommendations accepted:

22.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topics 025 (Trees), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps, except as listed below at paragraph 22.2.

Panel recommendations rejected:

22.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 025 (Trees) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) The deletion of scheduled items from the Schedule of Notable Trees which do not comply with section 76(4A) – (4D) of the Resource Management Act 1991

Reasons	
(i) 85 of the trees recommended to be deleted have the required information which was inadvertently left out of the PAUP	
Alternative solution	See Attachment A

(b) The deletion of 18 scheduled items from the Schedule of Notable Trees with no explanation or reasoning.

Reasons	
(i) This appears to be an error as the deletion of these trees is not supported by evidence and no reasons have been given by the Panel.	
Alternative solution	See Attachment A

- (c) **The trimming of up to 20 per cent of a notable tree’s live growth as a permitted activity, subject to complying with specific standards.**

Reasons	
(i) Increasing as a permitted activity, the trimming of up to 20 percent of a notable tree’s live growth may have adverse effects on the health and viability of notable trees.	
Alternative solution	See Attachment A

23. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 027 (Artworks, signs and temporary activities), July 2016”

Panel recommendations accepted:

- 23.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 027 (Artworks, signs and temporary activities), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

24. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 028 (Future urban zone), July 2016”

Panel recommendations accepted:

24.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 028 (Future urban zone), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 24.2.

Panel recommendations rejected:

24.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 028 (Future urban zone) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) Changing the activity status of subdivision in the Future Urban zone from a Prohibited activity to a Discretionary activity.

Reasons	
(i) It is an important that the PAUP does not facilitate the fragmentation of land within the Future Urban zone, which might prevent or hinder efficient and well planned urbanisation with good urban form and efficient and orderly provision of infrastructure.	
(ii) By allowing discretion, the recommended wording of the subdivision provisions in the Future Urban zone is unclear about the types of subdivision that could be promoted.	
Alternative solution	See Attachment A

- (b) **Changing the activity status of landfills in the Future Urban zone from a Non-complying activity to a Discretionary activity.**

Reasons	
(i) Landfills create significant long term adverse effects over a wide area, potentially irreversible changes and require detailed and careful management and should be assessed as a Non-complying activity.	
(ii) Changing the recommended Discretionary activity status to Non-complying activity status is consistent with the relevant objectives and the consistent management of this activity across the PAUP.	
Alternative solution	See Attachment A

25. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 031 (Historic heritage), July 2016”

Panel recommendations accepted:

- 25.1 The Council has accepted all the recommendations of the Panel as contained in the Panel report for Hearing Topic 031 (Historic heritage), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

26. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 032 (Schedule of historic heritage), July 2016”

Panel recommendations accepted:

26.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 032 (Schedule of historic heritage), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 26.2.

Panel recommendations rejected:

26.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 032 (Schedule of historic heritage) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) The deletion of the Symonds Street flats, 44 Symonds Street, City Centre from the schedule

Reasons	
(i) Heritage experts agree that the Symonds Street flats have outstanding national value and warrant remaining scheduled as a Category A place.	
(ii) Inclusion of the Symonds Street flats in the Schedule of Historic Heritage as a Category A place will not place undue burden on the ability to use and develop the site, particularly given its national heritage significance.	
(iii) Transferable development rights may be utilised to transfer ‘lost’ development capacity to other landholdings in the CBD, and future development of this site can be appropriately considered through the resource consent process.	
(iv) Structural reports concluded ‘...that much of the concrete was sound and did not display cracking or spalling of sufficient magnitude to compromise the structural integrity or potential longevity of the building.’	
Alternative solution	See Attachment A

27. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 033/034 (General coastal marine zone), July 2016”

Panel recommendations accepted:

27.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 033/034 (General coastal marine zone), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 27.2.

Panel recommendations rejected:

27.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 033/034 (General coastal marine zone) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) Amendments to the activity table for identifying which standards apply to the discharges of hull bio-fouling organisms.

Reasons	
(i) All of the listed bio-fouling Permitted activities must now meet every standard. This does not recognise that different combinations of controls should be applied to different risk-based scenarios.	
(ii) This creates an unworkable situation that fails to meet the purposes the PAUP is trying to achieve (i.e. “encouraging” low-risk in-water cleaning, but imposing increasingly onerous standards as the level of cleaning risk increases).	
(iii) Overly onerous requirements (i.e. capture all material to 50 microns) are now applied to low risk hull cleaning.	
(iv) The controls are unworkable for higher risk bio-fouling as they are required to use gentle, non-abrasive methods.	
Alternative solution	See Attachment A

(b) **Including in the definition of marine and port facilities the reference to ‘sea walls’**

Reasons	
(i) It creates confusion and uncertainty to include seawalls in two terms which are used in different rows of activities tables.	
(ii) In the Minor Port zone, Port precinct and Gabador Place precinct these have a different activity status (Permitted and Restricted Discretionary).	
(iii) The Panel accepted other proposals to explicitly include hard protection structures in these areas but also included seawalls in the definition of marine and port facilities. They should be only within the definition of hard protection structures.	
Alternative solution	See Attachment A

28. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 038 (Contaminated land), July 2016”

Panel recommendations accepted:

28.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 038 (Contaminated land), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps, except as listed below at paragraph 28.2.

Panel recommendations rejected:

28.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 038 (Contaminated land), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) The inclusion of contaminated land in accidental discovery control provisions

Reasons	
(i) Contaminated land is not sensitive material that requires inspection from Heritage New Zealand and/or Mana Whenua representatives.	
(ii) Inclusion of contaminated land in the accidental discovery control has created an overlap between responses to the discovery of human remains and kōiwi, archaeological sites, Māori cultural artefacts/taonga, protected New Zealand objects as defined in the Protected Objects Act 1975, and lava caves, and the management of discharges from contaminated land.	
Alternative solution	See Attachment A

(b) Changes to rules for discharges of contaminants from disturbing soil on land containing elevated levels of contaminants

Reasons	
(i) The Panel's recommended Permitted activity standard will allow very large amounts of contaminated soil disturbance on large sites with no contaminant discharge controls. This may lead to significant adverse effects from discharges to the environment and ineffective management of contaminated land.	
(ii) It will also mean small amounts of soil disturbance on small sites that are very unlikely to have more than minor adverse effects will require discharge consents.	
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B

(c) The deletion of the definition of land containing elevated levels of contaminants

Reasons	
(i) Land containing elevated levels of contaminants is a unique definition that is necessary for the use and interpretation of the rules.	
(ii) The definition recognises that discharges from land with low levels of contamination above background levels do not need to be subject to expert assessment and oversight through regulations in the PAUP.	
Alternative solution	See Attachment A

29. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 039 (Hazardous substances and industrial and trade activities), July 2016”

Panel recommendations accepted:

29.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 039 (Hazardous substances and industrial and trade activities), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps, except as listed below at paragraph 29.2.

Panel recommendations rejected:

29.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 039 (Hazardous substances and industrial and trade activities), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) Amendments to the definition of clean fill material which removes differentiation between clean fill and managed fills

Reasons	
(i) The changes recommended by the Panel significantly undermine the effectiveness and differentiation between ‘cleanfill’ and ‘managed fill’ material which may result in issues and ambiguity in the determining human health and environmental risks.	
Alternative solution	See Attachment A

30. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 040 (Lighting, noise and vibration), July 2016”

Panel recommendations accepted:

30.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 040 (Lightening, noise and vibration), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

31. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing topic 041 (Earthworks and minerals), July 2016”

Panel recommendations accepted:

31.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 041 (Earthworks and minerals), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps, except as listed below at paragraph 31.2.

Panel recommendations rejected:

31.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 041 (Earthworks and minerals), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) The deletion of kauri dieback provisions

Reasons	
(i) It is internationally recognised that pathogens responsible for kauri dieback are spread by movement of soil. It is important that there are clear standards for development and earthworks around kauri trees, and a mechanism for the Council to manage the spread of the disease.	
Alternative solution	See Attachment A

32. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 042 (Infrastructure), July 2016”

Panel recommendations accepted:

32.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 042 (Infrastructure), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the Plan and the maps, except as listed below at paragraph 32.2.

Panel recommendations rejected:

32.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 042 (Infrastructure), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) Increase the extent of the National Grid Corridor overlay, as it relates to the area 32m each side of 110kv lines and 37m each side of the centerline of 220kv lines

Reasons	
(i) The appropriate corridor width to give effect to Policy 11 of the National Policy Statement on Electricity Transmission 2008 (NPSET) is as notified in the PAUP, being 24m (12m either side of the transmission lines centreline), which enables control of activities sensitive to the lines, access to the national grid infrastructure for operation, maintenance and upgrade purposes and compliance with the relevant clearances required under the NZECP 34:2001.	
(ii) There is insufficient evidential basis to identify and assess the potential development implications associated with the broader corridor.	
Alternative solution	See Attachment A

(b) No objective to manage the adverse effects of infrastructure in the District Plan provisions for infrastructure

Reasons	
(i) An objective seeking to manage the adverse effects of infrastructure at a District Plan level is necessary to give effect to the Regional Policy Statement.	
Alternative solution	See Attachment A

(c) The tagging of the infrastructure objectives and policies as regional coastal provisions

Reasons	
(i) The Auckland-wide infrastructure objectives and policies are not Regional Coastal Plan provisions.	
Alternative solution	See Attachment A

(d) Electric vehicle charging stations should be Permitted activities in roads

Reasons	
(i) Allowing electric vehicle charging stations as a Permitted activity on arterial roads would remove the ability to manage their location and ensure the efficient use of arterial roads provision.	
Alternative solution	See Attachment A

(e) Deletion of the standards for minor infrastructure upgrading in the standards for activities in roads

Reasons	
(i) There are no recommended standards for minor infrastructure upgrading within roads and unformed roads. This results in an unworkable provision.	
Alternative solution	See Attachment A

- (f) **No default activity status for minor infrastructure upgrading where an upgrade to an existing network utility exceeds the specified standard**

Reasons	
(i) Any upgrade works or activities beyond the specified standards for minor infrastructure upgrading should be treated as equivalent to a new application for the same activity.	
Alternative solution	See Attachment A

- (g) **Increasing the permitted threshold for the trimming and alteration of trees in streets and public open spaces subject to meeting specific standards including an agreed tree management plan**

Reasons	
(i) While the increase in the permitted threshold is accepted, the requirement for an agreed tree management plan introduces an element of discretion and should be deleted.	
Alternative solution	See Attachment A

- (h) **Extending standards on vegetation removal within a Significant Ecological Area to roads**

Reasons	
(i) The Panel recommendations do not sufficiently recognise that roads run through many Significant Ecological Areas and the works required to maintain, repair and renew those roads	
Alternative solution	See Attachment A

(i) The inclusion of standards relating to earthworks (filling) within a floodplain associated with road works

Reasons	
<p>(i) The Panel recommendations do not sufficiently recognise the function roads perform as drainage systems for stormwater management and flood management. Standards for earthworks (including filling) within a 100 year AEP flood plain should exclude road network activities, as roads are also stormwater management systems.</p>	
Alternative solution	See Attachment A

(j) The inclusion of standards relating to earthworks (filling) within overland flow paths associated with road work

Reasons	
<p>(i) The Panel's recommendations do not sufficiently recognise the function roads perform as drainage systems for stormwater management and flood management.</p>	
<p>(ii) Standards for earthworks (including filling) within overland flow paths should exclude road network activities, as roads are also stormwater management systems and overland flow paths. This would not prevent a network discharge consent being required for alternative stormwater discharges.</p>	
Alternative solution	See Attachment A

(k) Specific limitations on earthworks within overlays for road network activities

Reasons	
(i) The Panel's recommendations do not sufficiently recognise the overall area that roads cover	
(ii) Earthworks area and volume limits are insufficient for routine road network activities within the road, including maintenance of water tables, renewal of road and resealing.	
Alternative solution	See Attachment A

33. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 043/044 (Transport), July 2016”

Panel recommendations accepted:

33.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 043/044 (Transport), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps, except as listed below at paragraph 33.2.

Panel recommendations rejected:

33.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 043/044 (Transport), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **Amendment of the parking rates for the Metropolitan Centre, Town Centre, Local Centre, Mixed Use and Terrace Housing and Apartment Buildings zones to remove maximum and minimum parking rates for all activities within these zones with the exception of retail and commercial service activities.**

Reasons	
(i) Not including minimum parking rates for retail and commercial service activities would result in a more efficient use of land, better urban design outcomes and greater support for the public transport network.	
(ii) Including maximum parking rates would result in better management of oversupply of parking and associated adverse effects on the transport network (e.g. congestion).	
(iii) Including maximum parking rates would result in better urban design and amenity outcomes.	
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B

- (b) **Parking rates for residential and non-residential activities in the City Centre zone of 1:125m² for non-residential activities within a proposed ‘Outer core’ parking area while applying a rate of 1:200m² within a proposed ‘Inner core’ parking area. A maximum rate of 1.5 car parks per dwelling (regardless of dwelling size) is proposed for residential activities.**

Reasons	
(i) The Panel’s recommendations will provide more accessory parking and residential parking in the City Centre zone, which is an already congested road network with high levels of public transport accessibility.	
(ii) The Panel’s recommendations are higher than the rates currently applied and are considered to be less efficient and effective in achieving transport objectives around managing travel demand in the City Centre.	
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B

34. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 045 (Airports), July 2016”

Panel recommendations accepted:

- 34.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 045 (Airports), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

35. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 046/047/048/049 (Water quality and quantity, lakes, rivers and streams, aquifers and ground water and discharges of stormwater and wastewater), July 2016”

Panel recommendations accepted:

35.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 046/047/048/049 (Water quality and quantity, lakes, rivers and streams, aquifers and ground water and discharges of stormwater and wastewater), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps, except as listed below at paragraph 35.2.

Panel recommendations rejected:

35.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 046/047/048/049 (Water quality and quantity, lakes, rivers and streams, aquifers and ground water and discharges of stormwater and wastewater), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) Inserting a permitted activity land use rule for stormwater runoff into the stormwater network and combined sewer network.

Reasons	
(i)	The recommended rule allows stormwater to be discharged to the combined sewer without control. The policy position that has been recommended by the Panel (consistent with council’s case position) is that land use should be required to avoid increasing discharges to the combined network unless they are minor and there is no practicable alternative.
(ii)	Diverting more stormwater to the combined sewer network will reduce the capacity of the combined sewer network and the Mangere Wastewater Treatment Plant. It may lead to an increase in combined sewer overflows, despite current initiatives undertaken by Watercare Services, with resulting adverse effects on the community and the environment.
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B

- (b) **Amending to a Permitted activity status for sites that do not discharge to a stream or discharge below RL 2m in a Stormwater Management Areas Flow (SMAF).**

Reasons	
(i) This blanket reclassification has resulted in a situation where a Restricted Discretionary consent would still need to be obtained, but due to site or discharge circumstances, no stormwater management or mitigation would be required.	
(ii) This situation is not considered to be efficient or effective and will require consents to be obtained when there is no mitigation or environmental benefit.	
Alternative solution	See Attachment A

- (c) **Amending the activity status for roads within a Stormwater Management Areas Flow (SMAF).**

Reasons	
(i) It is not efficient to require a Discretionary Activity resource consent where the required standard of mitigation is met.	
Alternative solution	See Attachment A

- (d) **Deleting the default activity status for roads/motorways within a Stormwater Management Areas Flow (SMAF).**

Reasons	
(i) It is more appropriate to include a default activity status for roads/motorways that is consistent with other activities.	
Alternative solution	See Attachment A

- (e) **Amending the general standards in E10.6.11 and associated rules in E10.6.3.1 to refer to “site” which, as defined, does not include a road.**

Reasons	
(i) A minor change is required to clarify the intention of the rules in respect of a road/motorway to reduce confusion regarding the application of the rules to roads and motorways.	
Alternative solution	See Attachment A

- (f) **Amending the hydrology mitigation requirements for some roading projects.**

Reasons	
(i) To recognise the Panel’s recommendation that certain roading projects may have difficulty in meeting hydrology mitigation requirements, the hydrology mitigation requirement in Rule E8.6.4.1 specifying volume reduction and temporary storage should be removed and replaced with a reference to Table E10.6.3.1.1 Hydrology mitigation requirements.	
Alternative solution	See Attachment A

- (g) **Deleting the definition of “redevelopment of a road”.**

Reasons	
(i) Reinserting the definition of “redevelopment of a road” in line with the amended rules provides for the ongoing routine maintenance, repair and resurfacing of roads.	
Alternative solution	See Attachment A

36. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 050-054 (City centre and business zones), July 2016”

Panel recommendations accepted:

36.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 050-054 (City centre and business zones), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 36.2.

Panel recommendations rejected:

36.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 050-054 (City centre and business zones) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **Wynyard Precinct – the deletion of framework plans has resulted in a consequential amendment to the height and gross floor area controls in the Wynyard Precinct.**

Reasons	
(i) The recommended deletion of the post-framework plan height and site intensity provisions significantly reduces the development potential of Wynyard Precinct expressly enabled in the notified PAUP and may potentially result in the inefficient use of this City Centre land and public infrastructure	
(ii) The recommended deletion of all assessment criteria previously relating to framework plans results in a disconnect between the objectives and policies, and the rules of the Precinct	
(iii) The recommendation will prevent the development of sites fronting Jellicoe Street for non-marine uses (i.e. apartments and retail) contrary to the Wynyard Quarter Urban Design Strategy and the objectives and policies for Wynyard Precinct.	
(iv) The recommended changes to provisions were not sought by any submitter to the Wynyard Precinct.	
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B

(b) **Queen Street Valley Precinct – the deletion of the pre – 1940 building demolition control from the Queen Street Valley Precinct.**

Reasons	
(i) The maintenance and enhancement of the pre-1940 buildings in the Queen Street Valley Precinct is integral to maintaining its special character	
(ii) The retention and protection of special character buildings constructed prior to 1940 maintains the integrity and coherence of the built form and architecture, and the streetscape within this area.	
(iii) The pre-1940 trigger and its application was determined as a result of survey work.	
Alternative solution	See Attachment A

(c) **The deletion of the minimum dwelling size standard in the City Centre and business zones.**

Reasons	
(i) The Building Act does not address social or design quality effects associated with small dwellings. It is therefore necessary to manage these through the District Plan	
(ii) Intensive living environments require internal living spaces which are functional and which provide for amenity to meet the day- to-day needs of residents.	
(iii) This will assist to maintain the social wellbeing of the community, support social cohesion and thereby support further intensification within urban environments as these areas become desirable places to live.	
Alternative solution	See Attachment A

- (d) **The application of a Height in Relation to Boundary control within the Mixed Use Zone and between the Mixed Use Zone and the General Business Zone.**

Reasons	
<p>(i) an internal Height in Relation to Boundary control in the Mixed Use zone is not considered appropriate as:</p> <ul style="list-style-type: none"> • it could unduly constrain development on Mixed Use zone sites; • other controls protect the amenity of adjoining Mixed Use zoned sites; and • no other business zones have an internal height in relation to boundary control. 	
<p>(ii) In addition, it is considered unnecessary to provide a Height in Relation to Boundary control on sites in the Mixed Use zone in favour of adjacent General Business zone sites. The anticipated amenity in the Mixed Use zone is higher than that anticipated in the General Business zone so it is unnecessary to 'protect' General Business zoned sites from the potential effects of sites zoned Mixed Use.</p>	
Alternative solution	See Attachment A

- (e) **A recession plane indicator diagram which is inconsistent with the Height in Relation to Boundary controls in all business zones**

Reasons	
<p>(i) This appears to be a technical error. While the diagrams are similar, the Panel's recommended diagram shows a 55 degree and 35 degree notation shown for the north and south boundaries respectively. These recession planes are not reflected in the Panel's recommended provisions, as shown in Table H.6.2.1 in each business zone. Consequently, the diagram and tables are inconsistent, which will lead to confusion and potential error.</p>	
<p>(ii) In addition, the diagram has been included in the General Business zone, which does not contain an orientation-based rule. It should therefore be deleted from the General Business zone.</p>	
Alternative solution	See Attachment A

- (f) **The deletion of specific standards to manage development within natural hazards areas within the Port Precinct.**

Reasons	
(i) The lack of bespoke port provisions result in them being unworkable in relation to enabling the port activities to take place within natural hazard areas in the Port precinct.	
Alternative solution	See Attachment A

37. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 055 (Social facilities), July 2016”

Panel recommendations accepted:

- 37.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 055 (Social facilities), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

38. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 056,057 (Rural zones), July 2016”

Panel recommendations accepted:

- 38.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topics 056, 057 (Rural zones), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

39. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 058 (Open space), July 2016”

Panel recommendations accepted:

39.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 058 (Open space), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 39.2.

Panel recommendations rejected:

39.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 058 (Open space) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) Amending the activity status for new buildings and additions, and the height and gross floor area standards for the Open Space zones

Reasons	
(i) The recommendation does not appropriately balance the need to use public open space effectively (and manage pressure to use open spaces as population increases), with the need to manage impacts on neighbours.	
(ii) The recommendation imposes a single approach across all Open Space zones and does not appropriately recognise the values and purpose of each zone.	
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B

40. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 059 to 063 (Residential zones), July 2016”

Panel recommendations accepted:

40.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 059 - 063 (Residential zones), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 40.2.

Panel recommendations rejected:

40.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 059 to 063 (Residential zones) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) That Integrated Residential Developments are provided for as a Restricted Discretionary activity within the Single House Zone

Reasons	
(i) The assessment of this intensity of development in the Single House zone as a Restricted Discretionary activity is contrary to the stated purpose and associated objectives and policies of the zone.	
(ii) A full assessment as a Discretionary Activity is a more appropriate approach for the assessment of Integrated Residential Developments in the Single House zone.	
Alternative solution	See Attachment A

(b) **Amending the threshold for requiring resource consent from three or more dwellings to five or more dwellings in the Mixed Housing Suburban and Mixed Housing Urban zones**

Reasons	
<p>(i) The Panel’s recommended controls manage the bulk and location of buildings to provide for privacy, daylight access, and ratio of buildings to open space. However, the recommended development controls do not manage quality residential outcomes such as:</p> <ul style="list-style-type: none"> • amenity and safety of the street or public open spaces • the quality of building appearance, including modulation and articulation (e.g. the avoidance of large blank walls facing the street, parks or neighbouring properties) • the interrelationship between a number of amenity attributes including safety, daylight, sunlight, privacy, functionality, and visual amenity associated with multi-unit development 	
<p>(ii) Submitters who presented evidence at the hearing supported the two dwelling permitted threshold (i.e. resource consent required for three or more dwellings). These submitters included a broad cross-section of community groups and developers (Auckland 2040, Housing NZ, Property Council, Fletcher Residential, Herne Bay Residents Association, Todd Property and Ockham developments).</p>	
<p>(iii) No evidence was provided at the hearing stating that requiring a resource consent for three or four dwellings would be a disincentive to development.</p>	
<p>(iv) There is a high risk that permitting four dwellings without resource consent will result in poor design outcomes, particularly at the street interface.</p>	
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B

(c) **The deletion of the minimum dwelling size standard.**

Reasons	
(i) In the Residential zones it is considered that the minimum dwelling size standard should still be applied to developments of three or more dwelling units	
(ii) The Building Act does not address social or design quality effects associated with small dwellings. It is therefore necessary to manage these through the District Plan	
(iii) Living environments associated with three or more dwelling units require internal living spaces which are functional and which provide for amenity to meet the day- to-day needs of residents	
(iv) This will assist to maintain the social wellbeing of the community, support social cohesion and thereby support further intensification within urban environments as these areas become desirable places to live	
Alternative solution	See Attachment A

(d) **Amending the Height in Relation to Boundary Controls in the Mixed Housing Suburban, Mixed Housing Urban and Terrace Housing and Apartment Building zones.**

Reasons	
(i) The Alternative Height in Relation to Boundary Rule is more enabling than the Height in Relation to Boundary control and should be assessed as a Restricted Discretionary Activity.	
Alternative solution	See Attachment A

- (e) **Amendments to apply the Height in Relation to Boundary Control and the Alternative Height in Relation to Boundary Control to the front boundary within the Terrace Housing and Apartment Building zone. The Height in Relation to Boundary adjoining lower intensity zones is recommended to apply to the front boundary within the Mixed Housing Urban and Terrace Housing and Apartment Building zones.**

Reasons	
(i) Applying the Height in Relation to Boundary Control and the Alternative Height and Relation to Boundary Control to the road boundary will result in the upper floors of buildings being set back from the street, which is the part of the site most able to absorb the effects of additional building bulk and where outlook is available.	
Alternative solution	See Attachment A

- (f) **The deletion of a standard relating to reticulated water supply and wastewater network capacity and moving the matter to assessment criteria.**

Reasons	
(i) The recommended assessment criteria relating to on site wastewater systems appears to be a drafting error, as this is applied to zones that do not rely on on-site wastewater systems.	
(ii) The criteria as drafted could create issues for Watercare as some applicants may think they can build septic tank systems within serviced urban areas, contrary to legislation.	
(iii) It is important to allow for an assessment of wastewater network capacity for multi-unit developments.	
Alternative solution	See Attachment A

(g) **The deletion of the definition of building coverage.**

Reasons	
(i) The definition of building coverage in the PAUP clarified that eaves of buildings are not included in the calculation of building coverage. The deletion of the definition would result in the inclusion of eaves in the coverage calculation which may discourage the provision of eaves.	
Alternative solution	See Attachment A

(h) **The deletion of the front fence rule and deleting policies relating to streetscape from the Single House, Mixed Housing Suburban, Mixed Housing Urban and Terrace House and Apartment Building zones.**

Reasons	
(i) Permitting front fences up to 2.5m will result in poor streetscape outcomes.	
(ii) This matter is not addressed in the Panel report and may be a drafting error given that the amenity of the street is still included in the residential zone objectives.	
Alternative solution	See Attachment A

41. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 064 (Subdivision – urban), July 2016”

Panel recommendations accepted:

- 41.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 064 (Subdivision - urban), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

42. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 064 (Subdivision – rural), July 2016”

Panel recommendations accepted:

- 42.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 064 (Subdivision - rural), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 42.2.

Panel recommendations rejected:

- 42.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 064 (Subdivision – rural) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) **The inclusion of objectives, policies and rules that enable sporadic and scattered rural subdivision**

Reasons	
(i) The Panel's recommended provisions will enable inappropriate subdivision of the rural area through a proliferation of rural-residential lots across the production focussed rural zones (resulting in loss of rural production, reverse sensitivity, rural character and amenity and potential additional demands on infrastructure in remote locations).	
(ii) The provisions undermine the Auckland Plan's strategic direction for the rural areas.	
(iii) The provisions do not support the concept of the compact city that inherently has as a benefit the retention and protection of rural areas (rather than their subdivision for rural-residential uses).	
(iv) The provisions do not make it clear that the focus of rural lifestyle living is the Countryside Living zone.	
Alternative solution	See Attachment A

(b) **The inclusion of provisions that allow for minimal environmental benefits to be accepted in exchange for rural-residential subdivision**

Reasons	
(i) The provisions would enable potentially inappropriate subdivision of the rural area with the minimal environmental gains.	
(ii) The provisions enable subdivision of sites with Significant Ecological Area (SEA) factors as opposed to identified SEAs. The SEA factors are not suitable to be used for rural subdivision assessment as they: <ul style="list-style-type: none"> • Were made for a different purpose (assessing significance for vegetation protection – not for assessing whether the ecological value of an area would mitigate rural subdivision). • Were designed to be applied in a single, comprehensive manner across the region, not in isolation on a case by case basis. Site by site assessment in isolation will result in over-estimation of the significance of sites. 	

(iii) The provisions will enable a potentially significant increase in the number of rural-residential lots that can be generated (particularly in relation to wetland and revegetation planting subdivision).	
Alternative solution	See Attachment A

(c) **Absence in recommending specific site sizes for Countryside Living subdivision in the Caldwell's Road area in Whitford.**

Reasons	
(i) The minimum site size for the Caldwell's Road area was agreed with the submitter (Camperdown Holdings Limited) during the hearings process as an appropriate alternative mechanism to a Precinct.	
(ii) The Panel's report is silent on this matter and it may be an omission.	
Alternative solution	See Attachment A

43. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 065 (Definitions), July 2016”

Panel recommendations accepted:

43.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 065 (Definitions), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps, except as listed below at paragraph 43.2.

Panel recommendations rejected:

43.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 065 (Definitions), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **Amendment to the definition of ‘Height’ makes the structures exempted from the definition subject to width and height limits that are unworkable for some structures.**

Reasons	
(i) The Panel’s recommended amendment to the definition of Height makes the structures exempted from the definition subject to width and height limits that are unworkable for some structures.	
Alternative solution	See Attachment A

44. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 074 (Designations), July 2016”

Panel recommendations accepted:

44.1 The Council has accepted all the recommendations of the Panel on designations contained in the Panel reports for Hearing Topic 045 – Airports and Hearing Topic 074 – Designations (dated May and July 2016), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

The specific decisions made by the Council on designations are set out below. These must be read in conjunction with Attachment E Part 1, Part 2 and Part 3 to this decisions report. The Council:

- (a) accepts the Panel’s recommendations in the Introductory Designations Report set out in Attachment E Part 1, including the Independent Hearings Panel’s recommended amendments to the explanatory text in the PAUP relating to designations, together with the further amendment to the explanatory text set out in Attachment E Part 1 (to ensure the correct map colours are referred to).
- (b) accepts the Independent Hearings Panel’s recommendations on Auckland Council designations set out in the Specific Designation Reports listed in Attachment E Part 2.
- (c) accepts the Independent Hearings Panel’s recommendations on the designations of other requiring authorities set out in the Specific Designation Reports listed in Attachment E Part 3, with the minor typographical corrections to the Independent Hearings Panel’s recommendation on Counties Power designation R3008 noted in Attachment E Part 3, and adopts them as the Council’s recommendations to those requiring authorities.

Panel recommendations rejected: none.

45. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 075 (Waitakere ranges), July 2016”

Panel recommendations accepted:

45.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 075 (Waitakere Ranges), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 45.2.

Panel recommendations rejected:

45.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 075 (Waitakere Ranges) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **Double-tagging [rp/dp] the activity tables in the Rural – Waitakere Ranges Foothills zone and the Rural – Waitakere Ranges zone sites.**

Reasons	
(i) As a result of the Panel’s recommendations, the activity tables for both of the recommended new zones is now a Regional Plan rule or an unspecific part of the activity table is a Regional Plan rule, which leads to uncertain interpretation.	
(ii) Activities tagged as “rp” but which do not relate to functions of a regional council are arguably ultra vires	
(iii) Tagging the entire activity table will result in significant consequences for landowners generally and requiring authorities in particular.	
Alternative solution	See Attachment A

46. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 076 (Major recreation facility zone and precincts), July 2016”

Panel recommendations accepted:

- 46.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 076 (Major recreation facility zone and precincts), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

47. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 077 (Sustainable design), July 2016”

Panel recommendations accepted:

- 47.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 077 (Sustainable design), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

48. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 080 (Rezoning and precincts (general) and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the SOUTH)”

Panel recommendations accepted:

- 48.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 080 (Rezoning and precincts (general) and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the SOUTH), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 48.2.

Panel recommendations rejected:

- 48.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 080 (Rezoning and precincts (general) and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the SOUTH) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) **Removal of the Rural Urban Boundary at Crater Hill and Pukaki Peninsula, Puhinui**

Reasons	
<p>(i) The Crater Hill area is not suitable for urban development because it lies within the Outstanding Natural Feature (ONF) overlay, it is a significant geological feature and has significant cultural heritage and landscape value to Mana Whenua. It also contains prime soils.</p>	
<p>(ii) The Pukaki Peninsula is not suitable for urban development because it has significant cultural heritage and landscape value to Mana Whenua, lies partly within the ONF overlay for Pukaki Crater, and contains significant areas of elite soils, all of which would be extensively compromised by urban development.</p>	
<p>(iii) Part of the Pukaki Peninsula is under the proposed High Aircraft Noise Area (HANA) and Moderate Aircraft Noise Area (MANA) for the future northern runway as proposed by Auckland International Airport. These noise areas restrict the establishment of urban activities sensitive to aircraft noise such as dwellings.</p>	
Alternative solution	See Attachment A

49. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the WEST)”

Panel recommendations accepted:

49.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the WEST), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 49.2.

Panel recommendations rejected:

49.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the WEST) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) No mechanisms within the Redhills precinct relating to the provision of transport infrastructure

Reasons	
(i) While the urban zoning and the creation of a precinct is accepted, the specific provisions relating to transport infrastructure provision need to be revised, and associated text amended to clarify the transport requirements for Redhills, both within the area and in the context of the wider transport networks	
Alternative solution	See Attachment A

(b) No indicative roading pattern required to achieve an effective transport network in the Westgate Precinct.

Reasons	
(i) While the Council supports the removal of sub-precinct F, its removal has had the effect of deleting the indicative roading pattern for this part of Westgate.	
(ii) The indicative roading pattern is vital to achieve an efficient and effective transport network, and should therefore be re-included in the precinct.	
(iii) As a consequence, text in the precinct requires amendment to correctly reference the re-instated indicative roads.	
Alternative solution	See Attachment A

50. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in RODNEY)”

Panel recommendations accepted:

50.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in RODNEY), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 50.2.

Panel recommendations rejected:

50.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in RODNEY) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) No mechanisms within the new Wainui precinct for the provision of transport infrastructure.

Reasons	
<p>(i) The specific provisions should be amended to clarify that wider transport network upgrades and staged development may be necessary. The principal reason that these amendments are required is that the evidence presented by the Council to the Panel demonstrates the Wainui precinct has transport infrastructure constraints including the need to connect to an already at or very near capacity transport network. A range of significant projects, including upgrades to State Highway 1 that are currently unplanned and unfunded, may be required to service development within the precinct.</p>	
Alternative solution	See Attachment A

(b) **The rezoning of the Kumeu Showgrounds from Mixed Rural to Countryside Living.**

Reasons	
(i) The resulting change in underlying zoning has resulted in many activities provided for under the Kumeu District Agricultural and Horticultural Society Act, which align with the objectives of the Society, being given a more restrictive activity status. This undermines the objectives of both the precinct and the Society.	
(ii) The Society was the only submitter on the precinct. The Society sought inclusion of the precinct to provide for the activities enabled by the Act.	
Alternative solution	See Attachment A

(c) **The application of the Large Lot zone at 47-61 Dawson Road, Snells Beach**

Reasons	
(i) The land at 47-61 Dawson Road has very recently been rezoned to Medium Intensity Residential in the Operative Auckland Council District Plan (Rodney Section) as part of Private Plan Change 179.	
(ii) The Medium Intensity Residential in the Operative Auckland Council District Plan (Rodney Section) is most directly equivalent to the Single House zone.	
(iii) Any wastewater and stormwater management issues and urban design and landscaping matters can be adequately addressed by the Single House zone and Auckland-wide standards.	
Alternative solution	See Attachment A

51. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the NORTH)”

Panel recommendations accepted:

51.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the NORTH), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 51.2.

Panel recommendations rejected:

51.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 (recommendations in the NORTH) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) The deletion of the Akoranga precinct and reliance upon the Auckland University of Technology (AUT) designation (Designation 6010)

Reasons
(i) The removal of the precinct removes important enabling aspects and controls that were important to the ongoing use of the site.
(ii) The inclusion of the precinct will ensure integrated development of the precinct, particularly in the instance that the land is not needed by Auckland University of Technology.
(iii) The precinct provides for a range of activities within the site, including complementary tertiary activities which are not accessory to tertiary education and, therefore, are not provided for by the designation. It also enables additional building height which is important to support the development within the precinct.
(iv) The provisions proposed to be included in the precinct will enable potential adverse effects on the amenity and function of nearby town centres of Northcote and Takapuna and on the local road network to be

considered through more directive assessment enabled by the inclusion of the precinct.	
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B

- (b) **The deletion of the Takapuna 2 precinct and reliance upon the provisions of the underlying zones (Terraced House and Apartment Buildings and Business – Metropolitan)**

Reasons	
(i) Deletion of the precinct means that less intensive development is provided for, contrary to the intent of the Panel's recommendation to provide for intensification around the Takapuna metropolitan centre.	
(ii) It is also contrary to the recommended provisions of the RPS, and is inconsistent with the application of Height Variation Controls across the rest of the Terrace Housing and Apartment Building zone surrounding the Takapuna Metropolitan Centre.	
Alternative solution	See Attachment A

(c) **The extension of the Rural Urban Boundary north of the Vaughans Road ridgeline into the Okura catchment at a location east of Okura village**

Reasons	
	(i) The Okura catchment drains into the Okura Estuary which forms part of the Long Bay-Okura Marine Reserve. Stormwater contaminants from urbanisation are likely to result in adverse effects on indigenous biological diversity within the Long Bay-Okura Marine Reserve.
	(ii) Policy 11 of the New Zealand Coastal Policy Statement 2010 (NZCPS) requires adverse effects of activities on areas set aside for full or partial protection of indigenous biological diversity under other legislation, such as the Long Bay-Okura Marine Reserve, to be avoided. Moving the Rural Urban Boundary from its notified position into the Okura catchment and the proposed urban development will not give effect to the NZCPS.
	(iii) Including the Okura Holdings Limited land within the Rural Urban Boundary and the proposed urban development is likely to result in adverse effects on the water quality, ecology and hydrology of the streams and rivers on the Okura Holdings Limited land. This is unlikely to give effect to the provisions of the National Policy Statement for Freshwater Management 2014.
	(iv) The Vaughans Road ridgeline is a strong landscape feature and is the boundary between two catchments. Retaining the Rural Urban Boundary in this location therefore gives better effect to the PAUP regional policy statement than relocating the Rural Urban Boundary into the Okura catchment as recommended by the Independent Hearings Panel.
	(v) Substantial upgrades to wider transport network would be required to service urban development within the Okura precinct. The recommended Okura Precinct does not include appropriate provisions to address transportation infrastructure requirements, the provisions of open space and the extent of sub-precincts.
Alternative solution	See Attachment A

- (d) **The application of a new precinct to the land north of Vaughans Road, Okura and rezoning of approximately 130ha of land from Countryside Living to Mixed Housing Suburban, Large Lot, Open Space Conservation and Open Space Informal Recreation zones for the reasons outlined in c) above.**
- (e) **The rezoning of approximately 30ha of land from Countryside Living to Future Urban zone on land to the north of Vaughans Road/east of Okura Village for the reasons outlined in c) above.**

Consequential Amendments

- (f) **As a consequential change amend Table E39.6.5.2.1 Minimum and minimum average net site areas, to include a minimum net site area and average net site area without transferable rural site subdivision, of 4ha to land known as Okura East**

Reasons	
(i) For amending Table E39.6.5.2.1 Minimum and minimum average net site areas, and adding the Control: Subdivision Variation Control - Rural, Okura East Countryside Living – if the Countryside Living zone is to be applied instead of Independent Hearings Panel recommended "live" zoning and Future Urban zoning, the minimum 4ha site control for Okura East needs to be included in the plan to carry over the Operative Auckland Council District Plan: North Shore Section Countryside Living minimum site sizes. This is in line with the approach the Independent Hearings Panel has taken for other Countryside Living zoned areas.	
Alternative solution	See Attachment A

- (g) **As a consequential change add the Control: Subdivision Variation Control - Rural, Okura East Countryside Living to the land know as Okura East for the reason outlined in f) above.**

52. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in CENTRAL)”

Panel recommendations accepted:

- 52.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in CENTRAL), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 52.2.

Panel recommendations rejected:

- 52.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 (recommendations in CENTRAL) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) **Deletion of the Sylvia Park precinct and reliance on the underlying Metropolitan Centre zone**

Reasons	
(i) Sylvia Park has undergone a recent plan change which incorporates the most up to date provisions that provide for the ongoing development and operation of the site as well as site-specific development and land-use standards. A number of provisions in the precinct are more enabling and cannot be controlled by overlays.	
(ii) Removing the precinct provisions removes the delivery of three separate height areas that provide a more granular approach to bulk on the site.	
(iii) Removing the precinct provisions also removes specific information requirements.	
(iv) In removing the precinct, Appendix 11.2.2 Sylvia Park is also deleted and this contains statutory provisions that form an interrelated and fundamental part of the precinct.	
(v) Retaining the precinct will ensure a better overall outcome for the long-term development of Sylvia Park.	
Alternative solution	See Attachment A

**LIST OF NAMES AND ADDRESSES OF PERSONS SERVED
WITH A COPY OF THIS NOTICE**

Auckland Council at unitaryplan@aucklandcouncil.govt.nz.

COPY OF THE RELEVANT SUBMISSION

11-2-2
AUCKLAND COUNCIL
28 FEB 2014

Under sections 123 and 125 of the Local Government (Auckland
Transition Provisions) Act 2010
And under clause 6 of the First Schedule of the Resource Management Act
1991

SUBMISSION ON THE PROPOSED AUCKLAND UNITARY PLAN
BY THE BODY CORPORATES OF THE POINT, VIADUCT POINT,
THE PARC AND LATITUDE 37

Dated 26 February 2014

HEIMSATH ALEXANDER

— Barristers and Solicitors —

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1/11/14

To: Unitary Plan Submission Team
Auckland Council

Name of submitter: The Body Corporates of The Point, Viaduct Point, The Parc and Latitude 37, on a jointly and severally basis.

This is a submission on the Proposed Auckland Unitary Plan (the **Proposed Unitary Plan**) by the Body Corporates of The Point, Viaduct Point, The Parc and Latitude 37, on a jointly and severally basis (**Body Corporates**).

Introduction

1. The Body Corporates represent the owners of the apartments at The Point at 121 Customs Street West, Viaduct Point at 125 Customs Street West, The Parc at 120 Customs Street West, and Latitude 37 at 20 Pakenham Street East (**Residential Apartments**), located in the Viaduct Harbour.
2. The Residential Apartments are a cluster of high quality apartment buildings located adjacent to the Lighter Basin and Waitemata Plaza marinas.
3. The predominance of residential activities in this area provides a distinct residential character and amenity compared to other areas of the viaduct. The Residential Apartments have the desirable benefits of proximity to the City Centre, restaurant and entertainment areas, the waterfront and public open spaces, while providing a relatively quiet inner city living environment. The high amenity values of this area has attracted many permanent residents, forming a stable community.
4. The Viaduct area clearly benefits from a permanent residential population. The residential use in these apartments has been appropriately provided for in the Auckland Council District Plan – Central Area Section (**Operative Plan**), however in the Proposed Unitary Plan the simplification of the Viaduct Harbour Precinct provides for a wider range of activities, including office use, as permitted activities in this area.

- 5. The Body Corporates are concerned that providing for unconstrained non-residential activities will displace residential use, change the character of the area, and make it less desirable for long term permanent residents.
- 6. The Body Corporates seek that the Proposed Unitary Plan be amended to provide for the existing residential cluster as sub-precinct C on Precinct Plan 1 and controls included in the Viaduct Harbour Precinct provisions to ensure that the residential character and amenity values of this area are maintained.

Key submission points

- 7. The Viaduct Harbour Precinct is a successful mixed use area, with distinct clusters of office, residential, and entertainment activities. The location of the particular activities is reinforced and provided for in the Operative Plan.
- 8. In the Operative Plan this area is located in the Viaduct Harbour Precinct (Chapter 14.7). On Precinct Plan A, Precinct Area 1 is clearly divided into an area for office activity (in the blocks adjacent to Fanshawe and Sturdee Streets), and an area for residential use (which includes the Residential Apartments), while restaurants, cafes and bars have established around Market Square. The Operative Plan provisions include the desire to attract permanent residents into the area (Method (iv) and Resource Management Strategy 14.7.4), and restricting offices to locations which avoid encroachment into special character frontages and the main areas of pedestrian interest and activity (Method (vii)). Pursuant to Rule 15.2.1 office activity in the residential area is a non complying activity.
- 9. The Operative Plan provisions recognise the benefits of permanent residential activities in the Viaduct Harbour, and pursuant to these provisions significant investment has been made to develop high quality living environments.

10. In the Proposed Unitary Plan, the Residential Apartments are located in the City Centre zone, Viaduct Harbour Precinct.
11. The Viaduct Harbour, Precinct Plan 1, identifies the sub-precincts within the wider precinct area. In particular, it identifies all of the Viaduct Harbour, except for the areas of public open space, as sub-precinct A. The Activity Table for the Viaduct Harbour precinct does not restrict the activities in sub-precinct A (subject to a few exceptions). The activities listed in the City Centre zone also apply to sub-precinct A.
12. The City Centre zone Activity Table has a broad list of permitted activities, including: dwellings; visitor accommodation; commercial services (including commercial sexual services); entertainment facilities (including bars and night clubs); offices; retail; care centres; educational facilities; healthcare services; hospitals; industrial laboratories; and manufacturing. Clearly many of these activities are incompatible with residential use, and not suitable in the established residential area of the Viaduct Harbour Precinct.
13. The existing residential activity plays an important role in the character, vitality, safety and amenity of the wider Viaduct Harbour area. It is necessary and appropriate to provide controls in the Unitary Plan to recognise and maintain the residential use in this area. It is also important to impose controls and restrictions on other non-residential uses that will give rise to reverse sensitivity effects, may displace residential activities, fragment the residential community, and make the residential area a less desirable place to live.
14. The Body Corporates seek that the Proposed Unitary Plan be amended as set out in Appendix A attached, which includes:
 - a. provide a new "Sub-precinct C" that encompasses the location of the established Residential Apartments;

- b. identify a new “Area A” to provide appropriate controls on the types of commercial activities that may establish within sub-precinct C;
- c. amend the objectives and policies of the City Centre zone and Viaduct Harbour precinct to recognise and provide for the residential character and amenity values in sub-precinct C; and
- d. amend the rules in the Viaduct Harbour precinct to provide appropriate controls on non-residential activities in sub-precinct C.

Specific amendments sought and reasons for relief

15. The specific amendments sought by the Body Corporates, together with reasons for relief, are detailed in **Appendix A** to this submission.
16. The amendment sought to the Viaduct Harbour Precinct Plan 1 to identify Sub-precinct C and Area A is attached as **Appendix B**.
17. The amendments sought to: Chapter D, Zone Objectives and Policies, 3 Business zones, 3.2 City Centre zone; Chapter F, Precinct Objectives and Policies, 3 City Centre, 3.12 Viaduct Harbour; Chapter K, Precinct Rule, 3 City centre, 3.11 Viaduct Harbour, are also shown in mark up to the Proposed Unitary Plan provisions in **Appendix C**.

General reasons for relief

18. In addition to the specific reasons for relief detailed in Appendix A, the relief sought in this submission:
 - a. will promote the sustainable management of natural and physical resources;
 - b. will enable people and communities to provide for their social, economic and cultural well-being;

- c. is the most appropriate to achieve the purpose of the Resource Management Act 1991 (RMA);
- d. will result in increased benefits and reduced costs of environmental, economic, social and cultural effects from the implementation of the Unitary Plan;
- e. will provide a more robust and certain planning framework that will encourage the maintenance of residential activities in the Viaduct Harbour with beneficial effects on the vitality, safety and amenity of the area;
- f. will provide appropriate opportunity for economic growth and employment;
- g. is consistent with and will promote the vision, strategic directions and priorities of the Auckland Plan.

Further additional and/or consequential relief

- 19. In addition to the specific relief set out in Appendix A to this submission, the Body Corporates seek such further additional and/or consequential relief as required to give effect to and address the issues raised in this submission.

Trade competition

- 20. The Body Corporates could not gain an advantage in trade competition through this submission.

Request to be heard

21. The Body Corporates (jointly and/or severally if required) wish to be heard in support of this submission.



Bianca Tree
Counsel for the Body Corporates of
Viaduct Point, The Point, The Parc and
Latitude 37

Date 26 February 2014

Address for service of submitter:

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Appendix A
Specific Amendments Sought and Reasons for Relief
Viaduct Harbour – Body Corporates – Submission Table

APPENDIX A
Viaduct Harbour – Body Corporates - Submission Table

Submission Point / Number	Plan / Site Reference	Support / Oppose / Support with amendments	Submission and Reasons	Decision Sought
Chapter D: Zone Objectives and Policies				
1.	Chapter D, 3.2 City Centre zone Policies, Land Use Activities, Policy 2	Support with amendment	<p>A permanent residential population in the City Centre is important to provide a vibrant and attractive city.</p> <p>It should be recognised in the policy framework that a residential population should be maintained, not just enabled.</p>	<p>Amend policy, land use activities 2, to read as follows (or words to similar effect):</p> <p>"2. Enable and maintain a significant and diverse residential population to establish within a range of living environments and housing sizes."</p>
2.	Chapter D, 3.2 City Centre zone Policies, Land Use Activities, Policy 5	Support with amendment	Residential activities are also appropriate along the waterfront, where they can benefit from the amenity values and outlook that the harbour provides, and add to the vitality and safety of the waterfront areas.	<p>Amend policy, land use activities 5, to read as follows (or words to similar effect):</p> <p>"5. Provide for a wide range of activities along the waterfront, with particular emphasis on maritime, entertainment, culture, recreation, residential, retail and tourism, while continuing to provide for those activities requiring a harbour location."</p>
3.	Chapter D, 3.2 City Centre zone Policies, Precincts, Policy 9	Support with amendment	It is appropriate to identify areas in the City centre with a particular built character, concentration of activities, or functional requirements.	<p>Amend policy, precincts 9, to read as follows (or words to similar effect):</p> <p>"9. Identify, and maintain and</p>

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Submission Point / Number	Plan / Site Reference	Support / Oppose / Support with amendments	Submission and Reasons	Decision Sought
Chapter F: Precinct Objectives and Policies				
4.	Chapter F, Precinct Objectives and Policies 3. City Centre, 3.12 Viaduct Harbour Precinct Description	Support with amendment	This policy should also be amended to recognise that these areas should be maintained, and to include areas with a particular functional character.	encourage specific outcomes in areas of the city centre that relate to: ... b. <u>areas with a particular functional character; and/or ...</u>
5.	Chapter f, Precinct Objectives and Policies 3. City Centre, 3.12 Viaduct Harbour Objectives	Support with amendment	The Body Corporates seek that a new sub-precinct C be identified in the Viaduct Harbour precinct. Sub-precinct C covers the group of residential apartments known as The Point, Viaduct Point, The Parc and Latitude 37. It is appropriate to recognise and maintain the distinct residential character of this area. The precinct description requires amendment to describe sub-precinct C. An objective is also required for sub-precinct C. It is necessary and appropriate for the objective to maintain the character and amenity values of the sub-precinct to retain a permanent resident base.	Amend the Precinct description to add a new paragraph as follows (or words to similar effect): <u>"The residential area, identified as sub-precinct C, recognises the established high quality residential environment and the benefits that a permanent residential population provides to the character, vitality, safety and amenity of the precinct."</u> Amend the Objectives to add a new objective 7 as follows (or words to similar effect): <u>"7. Maintain the residential character and amenity in sub-precinct C as</u>

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5.

Submission Point / Number	Plan / Site Reference	Support / Oppose / Support with amendments	Submission and Reasons	Decision Sought
6.	Chapter F, Precinct Objectives and Policies 3. City Centre, 3.12 Viaduct Harbour Objectives	Support with amendment	Policies are also required for sub-precinct C to give effect to the objective. The policies need to address that activities that adversely affect the residential character need to be avoided, and the benefits of a permanent residential population to the character and vitality of the Viaduct Harbour precinct, and to promote safety in the area by passive surveillance.	an attractive place for permanent residents." Amend the Policies to add two new policies 11 and 12 as follows (or words to similar effect): "11. <u>Maintain the residential character and amenity values of sub-precinct C by avoiding activities that adversely affect the residential character and its related amenity values.</u> 12. <u>Provide for permanent residents in sub-precinct C to:</u> a) <u>maintain and enhance the character and vitality of the precinct; and</u> b) <u>promote the safety and amenity for pedestrians through passive surveillance.</u> "
Chapter I: Zone Rules				
7.	Chapter I, Zone Rules, 4. City Centre zone 10. Maps Map 7 – Ground floor	Support with amendment	Map 7 – Ground floor activities identifies the eastern side of Customs Street West as subject to the 70% ground floor activity rule. The extent of the area shown on map 7 appears to extend further	Amend Map 7 – Ground floor activities to only apply the 70% control to the location of the existing ground floor commercial activities on the eastern side of Customs Street West.

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Submission Point / Number	Plan / Site Reference	Support / Oppose / Support with amendments	Submission and Reasons	Decision Sought
	activities		<p>than the location of the existing ground floor commercial activities on the eastern side of Customs Street West.</p> <p>It is appropriate to ensure that the map only covers the existing commercial activities.</p>	
8.	<p>Chapter I, Zone Rules, 4. City Centre zone</p> <p>10. Maps</p> <p>Map 8 – Verandahs</p>	Support with amendment	<p>Map 8 – Verandahs, shows that frontages subject to the verandah control applies to the The Point apartments, and appears to extend further than the location of the existing ground floor commercial activities on the eastern side of Customs Street West.</p> <p>The verandah control should not apply to The Point apartments, and should be limited to the existing commercial area on the eastern side of Customs Street West.</p>	<p>Amend Map 8 – Verandah to delete the control along the frontage of The Point apartments, and to limit the control to the location of the existing ground floor commercial activities on the eastern side of Customs Street West.</p>
Chapter K: Precinct Rules				
9.	<p>Chapter K, Precinct Rules, 3. City Centre</p> <p>3.11 Viaduct Harbour, Activity Table</p>	Support with amendment	<p>It is necessary and appropriate to control the activities within sub-precinct C to maintain its residential character and amenity values. Amendments are required to the Activity Table to provide that residential and visitor accommodation in sub-precinct C are permitted activities</p>	<p>Amend the Activity Table to add a new activity class in the Commerce section as follows (or words to similar effect):</p> <p><u>"Dwellings and visitor accommodation within sub-precinct C</u> CMA (rcp) <u>NA</u> Land (dp) <u>P"</u></p>

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Submission Point / Number	Plan / Site Reference	Support / Oppose / Support with amendments	Submission and Reasons	Decision Sought
	Chapter K, Precinct Rules, 3. City Centre 3.11 Viaduct Harbour, Activity Table	Support with amendment	<p>It is necessary and appropriate to provide for the existing commercial activities that are located in the ground floor of The Parc and Viaduct Point apartments within sub-precinct C.</p> <p>It is also important to control the activities that locate in this area to maintain the residential character and amenity values.</p> <p>The provisions of the Proposed Unitary Plan would allow a range of permitted activities within this area that would detract from and adversely affect the residential character and amenity.</p> <p>It is appropriate to provide for specific activities in this area.</p>	<p>Amend the Activity Table to add a new activity class in the Commerce section as follows (or words to similar effect):</p> <p><u>"Dairies, restaurants and cafes, hairdressers, dry cleaning agents, retail, and healthcare facilities on the ground floor of an existing building within Area A of sub-precinct C</u> CMA (rcp) <u>NA</u> Land (dp) <u>RD"</u></p>
10.	Chapter K, Precinct Rules, 3. City Centre 3.11 Viaduct Harbour, Activity Table	Support with amendment	<p>Office use is provided for within the Viaduct Harbour precinct, but it is important that office use is discouraged in sub-precinct C to maintain this residential cluster.</p> <p>If office activities were to displace all or part of the residential use in this area it would adversely impact on the residential character, amenity values, community, and safety of the area.</p>	<p>Amend the Activity Table to add a new activity class in the Commerce section as follows (or words to similar effect):</p> <p><u>"Office activities within sub-precinct C</u> CMA (rcp) <u>NA</u> Land (dp) <u>NC"</u></p>

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Submission Point / Number	Plan / Site Reference	Support / Oppose / Support with amendments	Submission and Reasons	Decision Sought
11.	Chapter K, Precinct Rules, 3. City Centre 3.11 Viaduct Harbour, Activity Table	Support with amendment	The Operative District Plan has enabled a successful mixed use area to establish by defining areas within the precinct for specific activities. This should be maintained through the provisions of the Proposed Unitary Plan. The underlying City Centre zone allows for a wide range of permitted activities. It is also necessary and appropriate to amend the Activity Table to provide that activities in City Centre activity table that are not otherwise specified as applying to sub-precinct C, are non-complying activities.	Amend the Activity Table to read as follows (for words to similar effect): "Activities within sub-precinct B and C listed in the City Centre zone activity table and not specified in this activity table CMA (rcp) NC Land (dp) NC"
12.	Chapter K, Precinct Rules, 3. City Centre 3.11 Viaduct Harbour, 2. Land and Water Use Controls 2.1 Ground floor activities	Support with amendment	The land use control for ground floor activities applies to all frontages identified on Map 7 of the City Centre zone rules. Map 7 applies a frontage control to the eastern side of Customs Street West, within the area sought to be identified as Area A of sub-precinct C. It is not appropriate to apply the ground floor control to sub-precinct C as it provides for activities,	Amend the land use control, 2.1 Ground floor activities to read as follows (for words to similar effect): "1. On every frontage within the precinct identified as 70 per cent on Map 7 of the City Centre zone rules, <u>except in sub-precinct C</u> , any of the following activities must occupy at least 70 per cent of the length of the ground floor of the building for a depth of at least 10m, excluding vehicle and pedestrian access:

Submission Point / Number	Plan / Site Reference	Support / Oppose / Support with amendments	Submission and Reasons	Decision Sought
			<p>including entertainment facilities, which are not compatible with the residential character and amenity.</p> <p>The list of activities also does not include food and beverage activities, which are typical activities in the ground floor of the Viaduct Harbour precinct. These activities should be added to the list.</p>	<p>.....</p> <p>e. <u>food and beverage activities.</u></p>
13.	<p>Chapter K, Precinct Rules, 3. City Centre</p> <p>3.11 Viaduct Harbour, 2. Land and Water Use Controls</p> <p>2.2 Events</p>	<p>Support with amendment</p>	<p>It is understood that the intention of the Proposed Unitary Plan land use control relating to events was to roll over the provisions in the Operative District Plan.</p> <p>Critical parts of the provisions of the Operative District Plan have been omitted in the Proposed Unitary Plan. As a result, the event provisions are unclear.</p> <p>The event provisions require amendment to be consistent with the Operative District Plan controls.</p>	<p>Amend the land use control, 2.2 Events to read as follows (or words to similar effect):</p> <p>"1. <u>Events including associated parking and structures, tables and seating where the activities do not occupy any venue for more than 5 days, inclusive of time required for the establishment and removal of all structures, tables and seating are subject to the following controls.</u></p> <p>2. <u>For the purpose of this rule, except where otherwise stated, the Eastern Viaduct, Te Wero, Waitemata Plaza and Market Square as defined on Precinct Plan 1 are all separate venues.</u></p>

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Submission Point / Number	Plan / Site Reference	Support / Oppose / Support with amendments	Submission and Reasons	Decision Sought
				<p>3. <u>The activities shall comply with the general noise level under clause 6.5 of the Auckland-wide - Temporary activities rules, except that for no more than 15 noise events in total within the Viaduct Harbour precinct (regardless of venue) in any calendar year (1 January to 31 December inclusive) those noise levels may be exceeded for a cumulative duration of not more than 6 hours within any 24 hour period for a noise event.</u></p> <p>4. <u>The maximum noise levels permitted for the 15 noise events must not exceed:</u></p> <p>a. For no more than 3 of the 15 noise events and for a cumulative duration of not more than 3 of the total 6 hours permitted in clause 4 above (exclusive of one sound check of no more than one hour duration prior to each event):</p> <p>.....</p> <p>6. Within Waitemata Plaza and Market Square as shown on</p>

Submission Point / Number	Plan / Site Reference	Support / Oppose / Support with amendments	Submission and Reasons	Decision Sought
				<p>level events <u>provided for in 4a above</u>, and</p> <p>7. For the purpose of the restrictions in clause 4-6 above, Waitemata Plaza and Market Square are counted as a single venue.</p> <p>..</p>
14.	Chapter K, Precinct Rules, 3. City Centre 3.11 Viaduct Harbour, 3. Development Controls 3.2 Site Intensity	Support with amendment	The development control for site intensity simply provides to maintain the character of the precinct. This requires amendment to better describe the character sought to be retained.	Amend the development control, 3.2 Site intensity to read as follows (or words to similar effect): "Purpose: manage the scale, form and intensity of development to maintain the high quality character and amenity values of the precinct."
15.	Chapter K, Precinct Rules, 3. City Centre 3.11 Viaduct Harbour, 3. Development Controls 3.3 Building coverage	Support with amendment	The location of Waitemata Plaza or Market Square is shown on precinct plan 1, not 4.	Amend the development control, 3.3 Building coverage to read as follows (or words to similar effect): "1. of Waitemata Plaza or Market Square as shown on precinct plan 4 J."
16.	Chapter K, Precinct Rules, 3. City Centre 3.11 Viaduct Harbour, 4. Assessment - Restricted discretionary	Support with amendment	The matters of discretion for new buildings and alterations to buildings provide that discretion is restricted to effects on public access, navigation and safety (in addition to matters in the City	Amend 4.1 Matters of discretion to add a new matter as follows (or words to similar effect): "8. New buildings, and alterations

Submission Point / Number	Plan / Site Reference	Support / Oppose / Support with amendments	Submission and Reasons	Decision Sought
	activities 4.1 Matters of discretion		Centre zone. Notwithstanding the broader range of matters in the City Centre zone, the precinct control should address the existing character and amenity values of the area.	and additions to buildings not otherwise provided for: ... b. <u>effects on the existing character and amenity values.</u>
17.	Chapter K, Precinct Rules, 3. City Centre 3.11 Viaduct Harbour, 4. Assessment - Restricted discretionary activities 4.1 Matters of discretion	Support with amendment	The matters of discretion for the restricted discretionary activities in Area A of sub-precinct C should be limited to effects on the residential character and amenity values, and noise, lighting and hours of operation. A new matter of discretion is required to address the new restricted discretionary activity class.	Amend 4.1 Matters of discretion to add a new matter as follows (or words to similar effect): "10. <u>Activities on the ground floor within Area A of sub-precinct C</u> a. <u>effects on the residential character and amenity values</u> b. <u>noise, lighting and hours of operation</u>
18.	Chapter K, Precinct Rules, 3. City Centre 3.11 Viaduct Harbour, 4. Assessment - Restricted discretionary activities 4.2 Assessment criteria	Support with amendment	As above, new buildings and alterations to buildings need to be assessed against the existing high quality character and amenity values of the precinct.	Amend 4.2 Assessment criteria to add a new criterion as follows (or words to similar effect): "8. ... e. <u>The building should be compatible with the existing high quality character and amenity values of the precinct.</u> "
19.	Chapter K, Precinct Rules, 3. City Centre	Support with amendment	As above, activities within Area A need to be assessed against the residential character and amenity	Amend 4.2 Assessment criteria to add a new criterion as follows (or words to similar effect):

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Submission Point / Number	Plan / Site Reference	Support / Oppose / Support with amendments	Submission and Reasons	Decision Sought
	3.11 Viaduct Harbour, 4. Assessment - Restricted discretionary activities 4.2 Assessment criteria		values of sub-precinct C.	"10. <u>Activities on the ground floor within Area A of sub-precinct C</u> a. <u>Activities should be compatible with and not detract from the residential character and amenity values of Sub-precinct C.</u> b. <u>Activities should not generate noise levels that would adversely affect residential amenity and prevent residents from sleeping at night. The Council may impose conditions on the activity's hours of operation and/or permitted levels of low frequency noise."</u>
20.	Chapter K, Precinct Rules, 3. City Centre 3.11 Viaduct Harbour 7. Precinct plans, Precinct plan 1: Location of sub-precincts	Support with amendment	It is necessary and appropriate to provide for a new sub-precinct area C that encompasses the existing residential area of The Point, Viaduct Point, The Parc and the Latitude 37 apartments.	Amend Precinct plan 1 to identify a new sub-precinct C to encompass the existing residential area of The Point, Viaduct Point, The Parc and the Latitude 37 apartments, as shown in Appendix B to this submission.
21.	Chapter K, Precinct Rules, 3. City Centre 3.11 Viaduct Harbour	Support with amendment	It is necessary and appropriate to identify Area A within sub-precinct C to confirm the area of existing ground floor commercial activities.	Amend Precinct plan 1 to identify a new Area A within sub-precinct C to encompass the existing commercial activities on the ground floor of the

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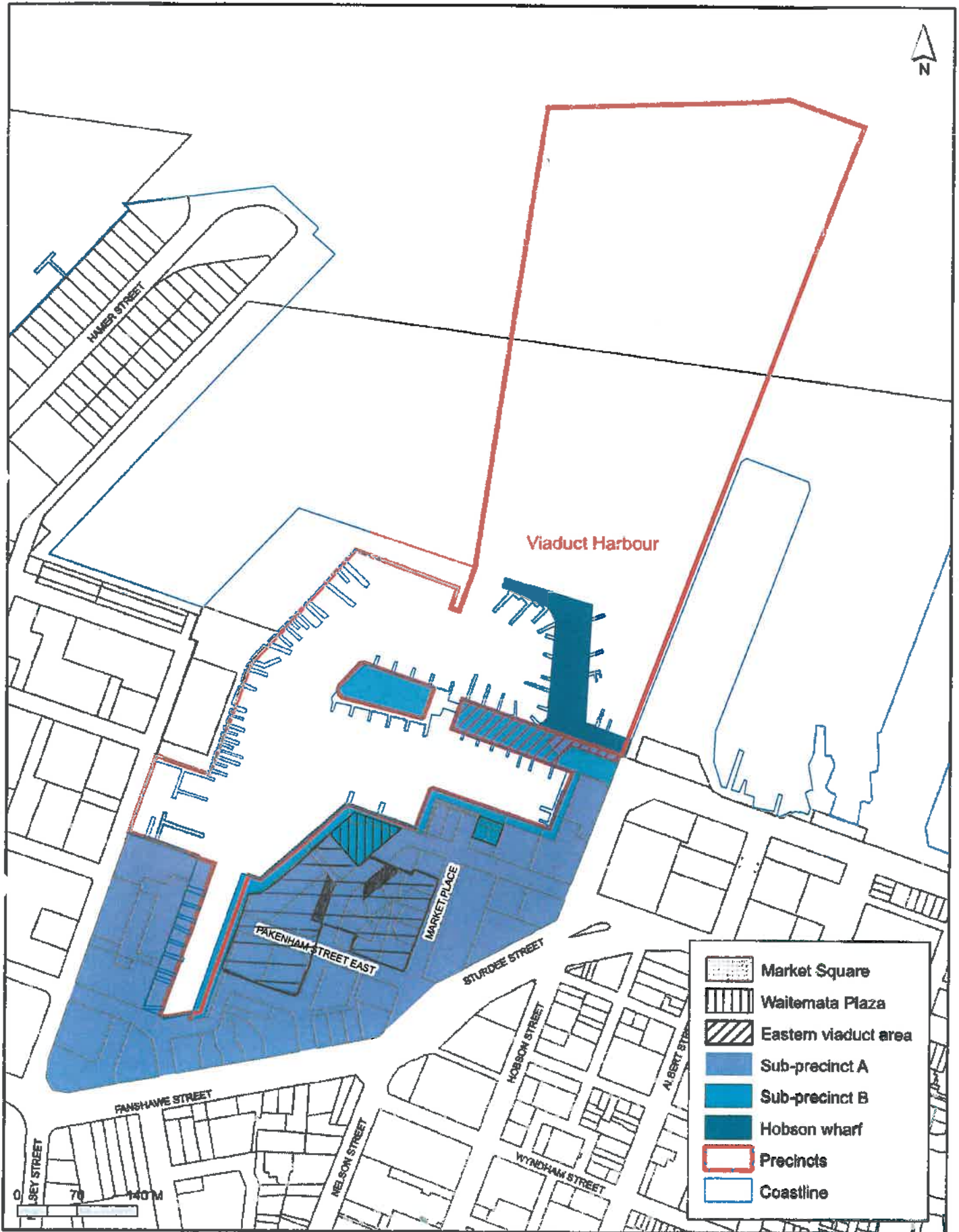
Submission Point / Number	Plan / Site Reference	Support / Oppose / Support with amendments	Submission and Reasons	Decision Sought
	7. Precinct plans.			Viaduct Point and The Parc apartments, as shown in Appendix B to this

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Appendix B

**Amendments Sought to Viaduct Harbour Precinct Plan 1
to Identify Sub-precinct C and Area A**



Viaduct Harbour precinct plan 1

-  Sub-precinct C
-  Area A within sub-precinct C



3.2 City Centre zone

Zone description

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

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

The Unitary Plan enables the greatest intensity of development in terms of height and floor area to occur in the city centre. Within the city centre itself, development potential is concentrated in the core central business district. Development potential reduces towards the ridgelines and transitions to lower heights on the waterfront and landward periphery. The zone manages the scale of development in order to protect important historic heritage places, sunlight admission to parks and public spaces, significant views to the volcanic cones and other landmarks and to maintain and enhance the distinctiveness of particular areas.

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

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

Objectives

1. The city centre is a globally significant centre for business.
2. The city centre is an attractive place to live, work and visit with a 24-hour vibrant and vital business, entertainment and retail areas.
3. Development in the city centre is managed to accommodate growth and the greatest intensity of development in Auckland and New Zealand while respecting its valley and ridgeline form and waterfront setting.
4. The distinctive built form, scale, identified historic character and functions of particular areas within and adjoining the city centre are maintained and enhanced.
5. A hub of an integrated regional transport system is located within the city centre and the city centre is accessible by a range of transport modes.

Policies

Land use activities

1. Provide for a wide range and diverse mix of activities that enhance the vitality, vibrancy and amenity of the city centre including:
 - a. commercial and residential activities

- b. arts, entertainment, events, civic and community functions
 - c. high-quality visitor experiences, visitor accommodation and associated services
 - d. learning, teaching and research activities, with a particular concentration in the learning precinct.
2. Enable and maintain a significant and diverse residential population to establish within a range of living environments and housing sizes.
 3. Enable the most significant concentration of office activity in Auckland to locate in the city centre by providing an environment attractive to office workers, with a particular focus on the core central business district.
 4. Provide for a wide range of retail activities throughout the city centre while maintaining and enhancing the vitality, vibrancy and amenity of core retail areas within the city centre and centres outside of the city centre. In particular:
 - a. enable small-scale, niche retail to occur throughout the city centre
 - b. encourage large department stores and integrated retail developments to locate within the core retail area
 - c. avoid large department stores and integrated retail developments locating outside the core retail area where they would adversely affect the amenity, vitality and viability of core retail areas within the city centre and/or centres outside of the city centre.
 5. Provide for a wide range of activities along the waterfront, with particular emphasis on maritime, entertainment, culture, recreation, residential, retail and tourism, while continuing to provide for those activities requiring a harbour location.
 6. Enhance the waterfront as a major gateway to the city centre and Auckland.
 7. Enable the efficient use and development of the Port of Auckland and identified marine and port activity areas.
 8. Support the development of public transport, pedestrian and cycle networks and the ability to change transport modes.

Precincts

9. Identify, and maintain and encourage specific outcomes in areas of the city centre that relate to:
 - a. a distinctive built character; and/or
 - b. areas with a particular functional character; and/or
 - b. concentration of particular activities; and/or
 - c. activities that have specific functional requirements; and/or
 - d. significant transformational development opportunities.

10. Use framework plans to encourage comprehensive and integrated development of key development sites or precincts in the city centre.
11. Limit activities within the waterfront precincts that would have reverse sensitivity effects on established and future marine and port activities.
12. Limit activities within the residential and learning precincts that would adversely affect the amenity and character of those precincts.

Historic heritage and special character

13. Encourage the retention and conservation of the city centre's historic heritage and special character through development incentives.
14. Maintain and enhance the special character values of pre-1940 buildings in the Queen Street Valley and Karangahape Road precincts and buildings outside those precincts identified as making a strong or significant contribution to the special character of the surrounding area, in particular by:
 - a. awarding transferable development rights where a special character building is protected in perpetuity and restored in accordance with an approved character plan
 - b. requiring all development proposals for special character buildings to have considered adaptive re-use
 - c. avoiding the demolition of special character buildings where it would adversely affect the built character of the surrounding area
 - d. requiring alterations and additions to existing buildings and new buildings to give full consideration to, and be sympathetic to the context of the area and its development over time.

City form

15. Enable the tallest buildings and the greatest density of development to occur in the core central business district.
16. Manage adverse effects associated with building height by:
 - a. requiring building height and development densities to transition down to neighbourhoods adjoining the city centre and to the harbour edge
 - b. protecting sunlight to identified public open spaces and view shafts
 - c. requiring the height and form of new buildings to respect its valley and ridgeline form of the city centre and the existing established or proposed character of precincts
 - d. managing the scale and form of buildings to avoid adverse dominance and/or amenity effects on streets and public open space.
17. Maximise light and outlook around buildings.
18. Encourage public amenities to be provided within developments where possible, including publicly accessible open space, works of art and through-site links.

Public realm

- 19. Require building and development of the highest quality that contributes to the city centre's role as an international centre for business, learning, innovation, entertainment, culture and urban living.
- 20. Require building frontages along identified public open spaces and streets to be designed in a way that provides a sense of intimacy, character and enclosure at street level.
- 21. Require the demolition of buildings and structures to avoid, remedy or mitigate significant adverse effects on the pedestrian amenity of the city centre and the safety and efficiency of the road network.
- 22. Protect identified sightlines along streets and public open spaces from the city centre to the harbour, Rangitoto, the North Shore and identified sightlines along roads and public open spaces within the city centre to natural features and landmarks.
- 23. Enable high quality public open spaces along the waterfront that are accessible and provide spaces for recreational opportunities, facilities and events.

Appendix C

The amendments sought to:

Chapter D, Zone Objectives and Policies, 3 Business zones, 3.2 City Centre zone;

Chapter F, Precinct Objectives and Policies, 3 City Centre, 3.12 Viaduct Harbour;

Chapter K, Precinct Rule, 3 City centre, 3.11 Viaduct Harbour;

shown in mark up to the Proposed Unitary Plan provisions

3.12 Viaduct Harbour

The underlying zoning of land in the Viaduct Harbour precinct is the City Centre zone and the underlying zoning of the part of the Viaduct Harbour precinct within the CMA is the General Coastal Marine zone. Refer to planning maps for the location and extent of the precinct.

Precinct description

The Viaduct Harbour precinct incorporates Viaduct Harbour and the land fronting the harbour (including Hobson Wharf), and the adjacent CMA. The precinct is characterised by its enclosed water space, interesting water edge, proximity to the city core, and areas of low-rise character buildings. Refer to Viaduct Harbour precinct plan 1 for the location and extent of the precinct.

The purpose of the Viaduct Harbour precinct is to provide for a scale of development and a range of uses which reflect and complement the Viaduct Harbour as a special place of character within the city centre. Building height, bulk and design controls are intended to provide a framework which, while providing flexibility in building design, encourages well-defined edges to public spaces, a sense of enclosure at the built edges of public space and a visual transition in the height of built form extending from the water's edge of Viaduct Harbour to the established central commercial area.

To build upon and reinforce the Viaduct Harbour's attributes, provision is made for a wide range of activities. In particular, the establishment of a mix of recreation, leisure, retail and entertainment activities is encouraged along the water's edge, open spaces and certain roads where pedestrian activity is likely to be highest.

The open space network, identified as sub-precinct B, incorporates a range of different sizes, widths and shapes to cater for varying recreational needs. The width of space around the Basin perimeter is also sufficient for the coexistence of maritime-related activities, pedestrian promenades, open air cafe seating and similar activities.

The residential area, identified as sub-precinct C, recognises the established high quality residential environment and the benefits that a permanent residential population provides to the character, vitality, safety and amenity of the precinct.

Objectives

[rcp/dp]

The objectives are as listed in the City Centre zone and the General Coastal Marine zone in addition to those specified below

1. An attractive public waterfront and world-class visitor destination that is recognised for its distinctive character, quality buildings, public open spaces, recreational opportunities, facilities and events.
2. Maintain and enhance the Viaduct Harbour land and adjacent water space as a special place of character in the City Centre and retain significant views of the water and areas within and adjacent to the precinct.
3. A safe, convenient and interesting environment, which optimises pedestrian and cycling use and improves connectivity within the precinct and to adjacent areas of the City.
4. An attractive place for business and investment is provided for marine and port activity, maritime passenger operations and commercial business activity which benefit from a high amenity waterfront location.
5. Adverse effects arising from activities and development are avoided, remedied or mitigated, in an integrated manner across mean high water springs.
6. A mix of activities is encouraged including residential, business, tourism and events that create a vibrant environment.

7. Maintain the residential character and amenity in sub-precinct C as an attractive place for permanent residents.

Policies

[rcp/dp]

The policies are as listed in the City Centre zone and the General Coastal Marine zone in addition to those specified below.

1. 1. Enable the efficient operation and development of the precinct by providing for activities which have a functional need to locate in or adjacent to the CMA.
2. Enable a diverse range of activities while:
 - a. avoiding, mitigating or remedying potential adverse effects in an integrated manner across mean high water springs, including reverse sensitivity effects on marine and port activities
 - b. maintaining and enhancing public access to the waters edge.
3. Provide for continued use of all berthage areas adjacent to public open spaces for commercial vessel activities and other marine and port activities and marina-activities.
4. Manage building height and bulk to:
 - a. achieve an appropriate scale in relation to the street network and the precinct's prominent waterfront location
 - b. complement and maintain the distinctive low-medium rise character established by development in Viaduct Harbour, including a sense of intimacy along streets and other public space frontages.
 - c. complement the height enabled in the adjacent Britomart West, Central Wharves and Wynyard precincts
 - d. provide a transition in height between the core city centre and the harbour.
5. Encourage the development of a diverse range of high-quality visitor experiences including promenading, coastal recreation and temporary activities.
6. Encourage the construction of a bridge for pedestrians, cyclists and local public transport connecting the Eastern Viaduct with Jellicoe Street to improve public connectivity between Wynyard precinct and the city centre.
7. Encourage an integrated network of attractive streets and lanes to increase pedestrian permeability and accessibility through the precinct.
8. A network of different-sized public open spaces in key locations are enabled and maintained along the water's edge to cater for a range of recreational opportunities and provide vantage points.
9. Manage the land and CMA to maintain and enhance the ecology of the city centre coastal environment.
10. Limit the loss of significant public views from the city to the harbour and adjacent landscape features.
11. Maintain the residential character and amenity values in sub-precinct C by avoiding activities that adversely affect the residential character and its related amenity values.
12. Provide for permanent residents in sub-precinct C to:

- a) maintain and enhance the character and vitality of the precinct; and
- b) promote the safety and amenity for pedestrians through passive surveillance.

3.11 Viaduct Harbour

The activities, controls and assessment criteria in the underlying General Coastal Marine and City Centre zones and Auckland -wide rules apply in the following precinct and sub-precincts, unless otherwise specified.

Refer to the planning maps and precinct plans for the location and extent of the precinct and sub-precincts.

1. Activity table

1. Within sub-precinct B, activities marked # in the activity table are limited to the area of the Eastern Viaduct shown on precinct plan 1.
2. Those activities in the CMA marked with * apply when the activity is on a CMA structure.
3. The activities in the General Coastal Marine and City Centre zones apply in the Viaduct Harbour precinct unless otherwise specified in the activity table below.

Activity table – Viaduct Harbour precinct		
Activity	CMA (rcp)	Land (dp)
Works in the CMA		
Reclamation or drainage	D	NA
Declamation#	RD	RD
Maintenance dredging	RD	NA
Capital works dredging	RD	NA
General activities		
Commerce		
Maritime passenger operations, excluding freight movement and storage#	P*	P
Parking accessory to marine and port activities, maritime passenger operations and events on CMA structures	P*	NA
Parking that is not accessory to marine and port activities and maritime passenger operations and events on CMA structures	NC*	NA
Short-term parking (non accessory) within sub-precinct B	NA	RD
Aquaculture activities	Pr	NA
<u>Dwellings and visitor accommodation within sub-precinct C</u>	<u>NA</u>	<u>P</u>
<u>Dairies, restaurants and cafes, hairdressers, dry cleaning agents, retail, and healthcare facilities on the ground floor of an existing building within Area A of sub-precinct C</u>	<u>NA</u>	<u>RD</u>
<u>Office activities within sub-precinct C</u>	<u>NA</u>	<u>NC</u>

Industry		
Marine and port activities except as otherwise specified	RD	RD
Industrial activities not specified as a permitted or restricted activity	D*	D
Community		
Marinas	P	P
Community facilities#	P*	P
Public amenities	P*	P
Activities within sub-precinct B and C listed in the City Centre zone activity table and not specified in this activity table	NC	NC
Development		
Marine and port facilities within sub-precinct A or B	NA	RD
Marine and port facilities located outside of sub-precinct A and B	P	P
Marine and port accessory structures and services, excluding new pile moorings	P	P
Demolition	P*	NA
Wave attenuation devices	RD	RD
Observation areas, viewing platforms, boardwalks and boat launching facilities	RD	RD
Pile moorings existing at the date of notification of this Unitary Plan including occupation and use by the vessel to be moored	P	NA
New pile moorings established after the date of notification of this Unitary Plan including occupation and use by the vessel to be moored	RD	NA
Maimai	NC	NC
A bridge across the Viaduct Harbour	RD	RD
Minor cosmetic alterations to a building that does not change its external design or appearance	P*	P
New buildings, and alterations and additions to buildings not otherwise provided for	RD*	RD
Buildings within the CMA not listed as a permitted, restricted discretionary or non-complying activity	D	NA

2. Land and water use controls

The land and water use controls in the General Coastal marine zone apply to the CMA in the Viaduct Harbour precinct and the land use controls in the City Centre zone apply to land in the Viaduct Harbour precinct unless otherwise specified below.

2.1 Ground floor activities

1. On every frontage within the precinct identified as 70 per cent on Map 7 of the City Centre zone rules, except in sub-precinct C, any of the following activities must occupy at least 70 per cent of the length of the ground floor of the building for a depth of at least 10m, excluding vehicle and pedestrian access:
 - a. retail (excluding show homes, trade suppliers, service stations and motor vehicle sales)
 - b. maritime passenger operations
 - c. entertainment facilities
 - d. commercial services (excluding all nested definitions)
 - e. food and beverage activities.
2. The total width of pedestrian entrances or lobbies along the site frontage of any one site must not exceed 10m.

2.2 Events

1. Events including associated parking and structures, tables and seating where the activities do not occupy any venue for more than 5 days, inclusive of time required for the establishment and removal of all structures, tables and seating are subject to the following controls.
2. For the purpose of this rule, except where otherwise stated, the Eastern Viaduct, Te Wero, Waitemata Plaza and Market Square as defined on Precinct Plan 1 are all separate venues.
3. The activities shall comply with the general noise level under clause 6.5 of the Auckland-wide - Temporary activities rules, except that for no more than 15 noise events in total within the Viaduct Harbour precinct (regardless of venue) in any calendar year (1 January to 31 December inclusive) those noise levels may be exceeded for a cumulative duration of not more than 6 hours within any 24 hour period for a noise event.
4. The maximum noise levels permitted for the 15 noise events must not exceed:
 - a. For no more than 3 of the 15 noise events and for a cumulative duration of not more than 3 of the total 6 hours permitted ~~in clause 1 above~~ (exclusive of one sound check of no more than one hour duration prior to each event):
 - 85dBA L10
 - 90dBA L01
 - 80dB L10 at 63 Hz
 - 80dB L10 at 125Hz
 - (high noise level)
 - b. At all other times during the 15 noise events:
 - 75dBA L10
 - 80dBA L01
 - 80dB L10 at 63 Hz
 - 80dB L10 at 125Hz
 - (medium noise level)
5. Except as provided elsewhere in this clause, noise levels must be measured in accordance with the requirements of NZS6801:1991 "Measurement of Sound" and must be assessed in accordance with NZS6802:1991 "Assessment of Environmental Sound" except that Clause 4.4 must not be used.

6. Within Waitemata Plaza and Market Square as shown on precinct plan 4 the following additional restrictions apply:
 - a. there must be no high noise level events provided for in 4a above, and
 - b. there must be no more than 2 noise events in any 4 week period, and
 - c. of the total 15 noise events there must be no more than 6 in any one calendar year and the general noise level under clause 6.5 of the Auckland-wide - Temporary activities rules must not be exceeded for a cumulative duration of more than 3 hours for any one noise event.
7. For the purpose of the restrictions in clause 4-6 above, Waitemata Plaza and Market Square are counted as a single venue.
8. Noise levels exceeding the standard in clause 6.5 of the Auckland-wide - Temporary activities rules including sound checks, must start no earlier than 9am and must finish no later than 10:30 pm Sunday to Thursday inclusive, 11pm Friday and Saturday and 1am New Year's Day.
9. Not less than 4 weeks prior to the commencement of the noise event, the organiser must notify the council in writing of:
 - a. the names and types of the acts and whether they are anticipated to be within the medium noise level or high noise level as defined in clause 2 above.
 - b. the person(s) and procedures for monitoring of compliance with noise levels
 - c. the nominated alternative date in the event of postponement due to the weather.
10. The council will keep a record of all noise events held and provide this information upon reasonable request.
11. Consultation must be undertaken with the majority freehold land owner within the Viaduct Harbour precinct.

2.3 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.

3. Development controls

The development controls in the City Centre and General Coastal Marine zone apply in the Viaduct Harbour precinct unless otherwise specified below.

3.1 Building height

Purpose: manage the height of buildings to achieve policy 4 of the Viaduct Harbour precinct.

1. Buildings must not exceed the heights specified on precinct plan 2.
2. The height of buildings and structures on land will be measured in accordance with clause 4.7 of the City Centre zone rules.

3.2 Site intensity

Purpose: manage the scale, form and intensity of development to maintain the high quality character and amenity values of the precinct.

1. Buildings must not exceed the floor area ratios shown on precinct plan 3.

3.3 Building coverage

Purpose: manage the scale of development within Waitemata Plaza and Market Square to maintain their open space character.

1. Buildings, temporary tents, marquees, air supported canopies, structures and tables and seating must not occupy more than 20 per cent in area of Waitemata Plaza or Market Square as shown on precinct plan 1 4.

3.4 Vehicle access restriction

Purpose: ensure safe and efficient access from and to Sturdee Street and Fanshawe Street.

1. Vehicular access from and to Sturdee Street and Fanshawe Street (except 7-9 Fanshawe Street, being the land in Certificate of Title 7B/1437), must be for left turn manoeuvres only, provided that nothing in this clause will limit the Council's powers in relation to roads under the Local Government Act 1974 and, in particular, its powers to construct median strips in roads where it considers that such works are necessary for traffic safety reasons.

3.5 Special yard A

Purpose: ensure that buildings do not restrict public access along the water's edge.

1. Buildings must not locate within the special yard shown on precinct plan 4.
2. The yard applies from average ground level of the land affected to a height of 3m.
3. The yard must have a minimum width of 7m.

3.6 Special yard B

Purpose: maintain unobstructed pedestrian access between Customs Street West and the waters edge in Waitemata Plaza.

1. Buildings, tents, marquees, air supported canopies, tables, seating and structures must not located within 10m of special yard B shown on precinct plan 4.

3.7 Public spaces and accessways

Purpose: manage public spaces and accessways to achieve policies 2, 3, 7 and 8 of the Viaduct Harbour precinct.

1. The pedestrian accessway on the southern side of the eastern viaduct shown on precinct plan 4 must be not less than 10m wide.
2. All public accessways within sub-precinct B must be available to the public at all times except when written approval has been obtained from the council to temporarily restrict access for security, safety or operational needs associated with port activities or events or where

restricted for operational or safety reasons specified in the conservation covenants applying to the area.

3. Buildings or structures must not locate within the accessways. This control does not apply to verandahs or lawful temporary buildings or structures.
4. Development that does not comply with clauses 1-3 above is a non-complying activity.

3.8 Viewshafts

Purpose: manage development to maintain significant views of the water and adjacent areas within, and to, the Viaduct Harbour precinct.

1. Buildings or structures must not locate within those areas of land identified as landward viewshafts on precinct plan 4. This control does not apply to verandahs or lawful temporary buildings or structures.
2. Buildings and structures must not locate within or over those parts of CMA structures and waterspace identified as viewshafts CMA and viewshaft horizontal plane 5m above existing wharf deck level on precinct plan 4. This control does not apply to lawful temporary buildings or structures.
3. Development that does not comply with clauses 1-2 above is a non-complying activity.

4. Assessment - Restricted discretionary activities

4.1 Matters of discretion

For the activities and development listed below that are restricted discretionary activities in the Viaduct Harbour precinct, the council will restrict its discretion to the following matters, in addition to the matters specified for the relevant restricted discretionary activities in the General Coastal Marine and City Centre zones.

1. **Declamation**
 - a. construction or works methods, timing and hours of operation
 - b. location, extent, design and materials used
 - c. effects on coastal processes, ecological values, water quality and natural character
 - d. effects on public access, navigation and safety
 - e. effects on existing uses and activities
 - f. consent duration and monitoring.
2. **Maintenance dredging and capital works dredging**
 - a. Refer to the matters of discretion in clause 5.1 of the General Coastal Marine zone.
3. **Wave attenuation devices**
 - a. Refer to the matters of discretion in clause 5.1 of the General Coastal Marine zone.
4. **Marine and port activities and Marine and port facilities**
 - a. Refer to the matters of discretion in clause 5.1 of the General Coastal Marine zone.
5. **Short-term parking (non-accessory)**
 - a. location, extent, design and materials used
 - b. effects on existing uses and activities

- c. amenity, effects on views and visual amenity.
- 6. Observation areas, viewing platforms, boardwalks and boat launching facilities
 - a. Refer to the matters of discretion in clause 5.1 of the General Coastal Marine zone.
- 7. A bridge across the Viaduct Harbour
 - a. construction or works methods, timing and hours of operation
 - b. location, extent, design and materials used
 - c. effects on coastal processes, ecological values, water quality and natural character
 - d. effects on public access, navigation and safety
 - e. effects on existing uses and activities
 - f. amenity, effects on views and visual amenity
 - g. consent duration and monitoring.
- 8. New buildings, and alterations and additions to buildings not otherwise provided for
 - a. effects on public access, navigation and safety.
 - b. effects on the existing character and amenity values.
- 9. New pile moorings established after the date of notification of this Unitary Plan including occupation and use by the vessel to be moored
 - a. Refer to the matters of discretion in clause 5.1 of the General Coastal Marine zone.
- 10. Activities on the ground floor within Area A of sub-precinct C.
 - a. effects on the residential character and amenity values
 - b. noise, lighting and hours of operation

4.2 Assessment criteria

For development that is a restricted discretionary activity in the Viaduct Harbour precinct, the following assessment criteria apply in addition to the criteria specified for the relevant restricted discretionary activities in the General Coastal Marine and City Centre zones.

- 1. **Declamation**
 - a. The adverse effects of declamation should be avoided, remedied or mitigated in respect of the effects of the final land/water configuration on:
 - i. the marine environment (including coastal processes, water quality, sediment quality and ecology) of the coastal marine area
 - ii. hydrogeology (ground water) and hydrology
 - iii. sediment accumulation and the need for ongoing maintenance dredging of the coastal marine area.

- b. **Declamation works, including the construction of seawalls, should avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated soils and groundwater, and other contaminants**
 - c. **Declamation should be located and designed so that the adjacent land area can provide adequate public open space adjacent to, and public access along the water's edge whether on land or on the adjacent water space.**
2. **Maintenance dredging and capital works dredging**
- a. **The assessment criteria in clauses 5.2.1 and 5.2.11 of the General Coastal Marine zone rules apply in addition to the criteria below.**
 - b. **The dredging should be necessary to achieve the outcomes sought by the objectives and policies for the Viaduct Harbour precinct.**
3. **Wave attenuation devices**
- a. **The assessment criteria in clauses 5.2.1 and 5.2.16 for CMA structures & buildings in the General Coastal Marine zone rules apply in addition to the criteria below.**
 - b. **The location and design of the wave attenuation device should consider existing activities including marine related industries, other marina activities and/or adjoining residential/coastal activities.**
4. **Marine and port activities and marine and port facilities**
- a. **The assessment criteria in clause 5.2 of the General Coastal Marine zone rules apply.**
5. **Short-term parking (non accessory) within sub-precinct B shown on precinct plan 1**
- a. **The short-term parking should be located and designed to:**
 - i. **maintain safe public access to and along the edge of the CMA and the perimeter of existing wharves**
 - ii. **avoid or mitigate and adverse amenity effects on public access areas and residents**
 - iii. **avoid or mitigate effects on existing marine and port facilities.**
6. **Observation areas, viewing platforms, boardwalks and boat launching facilities**
- a. **The assessment criteria in clauses 5.2.1 and 5.2.16 for CMA structures and buildings in the General Coastal Marine zone rules apply in addition to the criteria below.**
 - b. **The design and finish should complement and enhance the coastal environment, open spaces and pedestrian linkages.**
7. **A bridge across the Viaduct Harbour**
- a. **The bridge should contribute to a high quality maritime and urban environment and meet the following outcomes:**
 - i. **The bridge design avoids significant visual intrusion into views from public areas across the harbour, or from the harbour out to the wider Waitemata harbour.**
 - ii. **The bridge contributes to the pedestrian character and amenity of the Viaduct Harbour and Wynyard precincts by:**

- b. providing safe and pleasant pedestrian and cycle access east and west across the Viaduct Harbour
 - c. having a landscape design, character and quality which integrates with existing pedestrian priority areas and other accessways around the Viaduct Harbour
 - d. not causing significant adverse effects on the use and enjoyment of Te Wero Island as an area of pedestrian-oriented public space
 - e. ensuring the operation or use of the bridge, or lighting will not cause significant adverse effects on the operation of nearby activities or on the amenity values of surrounding land or water uses.
 - iii. The bridge is designed and operated to provide for:
 - f. vessel access to and from the inner Viaduct Harbour without undue delay
 - g. navigation and berthage by the existing range of vessels in the inner Viaduct Harbour
 - h. any reduction in berthage area to be minimised as far as practicable
 - i. convenient and easily accessible systems for communicating with vessel users regarding scheduled and unscheduled bridge opening/closing
 - j. appropriate lighting, navigation aids, safety systems and fail-safe mechanisms
 - k. a minimum clearance height of 3m above mean high water springs for a 10m wide navigable channel.
 - iv. The ongoing viable use of the Viaduct Harbour (particularly the Wynyard Precinct mixed use sub-precinct) to accommodate marine and port activities and marine events, such as boat shows and internationally recognised boating events such as the America's Cup event, is maintained.
 - v. The bridge has a high quality design that:
 - l. enhances the character of the Viaduct Harbour
 - m. is simple and elegant
 - n. is appropriate within the context of the Viaduct Harbour locality and Auckland's coastal setting
 - o. has an appropriate relationship with the Viaduct Lifting Bridge identified in the Historic Heritage overlay
 - p. utilises high quality and low maintenance materials and detailing.
 - vi. The bridge is designed in a manner which may provide in the future for enhanced connectivity for the public between the Wynyard precinct and the city centre.
 - vii. The bridge has no more than minor adverse effects on coastal processes including sedimentation within the Viaduct Harbour.
8. New buildings, and alterations and additions to buildings not otherwise provided for
- a. The assessment criteria in clause 6.2.1 of the City Centre zone rules apply in addition to the criteria below.

- b. The building should avoid or mitigate effects on public access, navigation and safety.
 - c. The building should be compatible with the existing high quality character and amenity values of the precinct.
9. New pile moorings established after the date of notification of this Unitary Plan including occupation and use by the vessel to be moored
- a. The assessment criteria in clause 5.2 of the General Coastal Marine zone apply in addition to the criteria below.
 - b. The new pile moorings should avoid or mitigate effects on public access, navigation and safety.
10. Activities on the ground floor within Area A of sub-precinct C
- a. Activities should be compatible with and not detract from the residential character and amenity values of Sub-precinct C.
 - b. Activities should not generate noise levels that would adversely affect residential amenity and prevent residents from sleeping at night. The Council may impose conditions on the activity's hours of operation and/or permitted levels of low frequency noise.

5. Assessment - Development control infringements

5.1 Matters of discretion

In addition to the general matters set out in clause 2.3 of the general provisions, and the specific matters set out for the infringement in the City Centre and the General Coastal Marine zones, the council will restrict its discretion to the matters below for the relevant development control infringement.

- 1. Building height
 - a. building scale and dominance/ visual effects
 - b. effects on current or planned future form and character
 - c. pedestrian amenity and function.
- 2. Site intensity
 - a. building scale and dominance/ visual effects
 - b. effects on current or planned future form and character
 - c. effects on the transportation network (including safety and efficiency).
- 3. Building coverage
 - a. building scale and dominance/ visual effects
 - b. public use amenity and function of the Waitemata Plaza.
- 4. Vehicle access restriction
 - a. effects on the transportation network (including safety and efficiency)

- b. pedestrian amenity and function.
5. Special yards A and B
- a. effects on public open space and pedestrian access.

5.2 Assessment criteria

In addition to the assessment criteria in clause 2.3 of the general provisions, and the specific assessment criteria for the infringement in the City Centre and the General Coastal Marine zones, the council will consider the relevant assessment criteria below for the infringement listed.

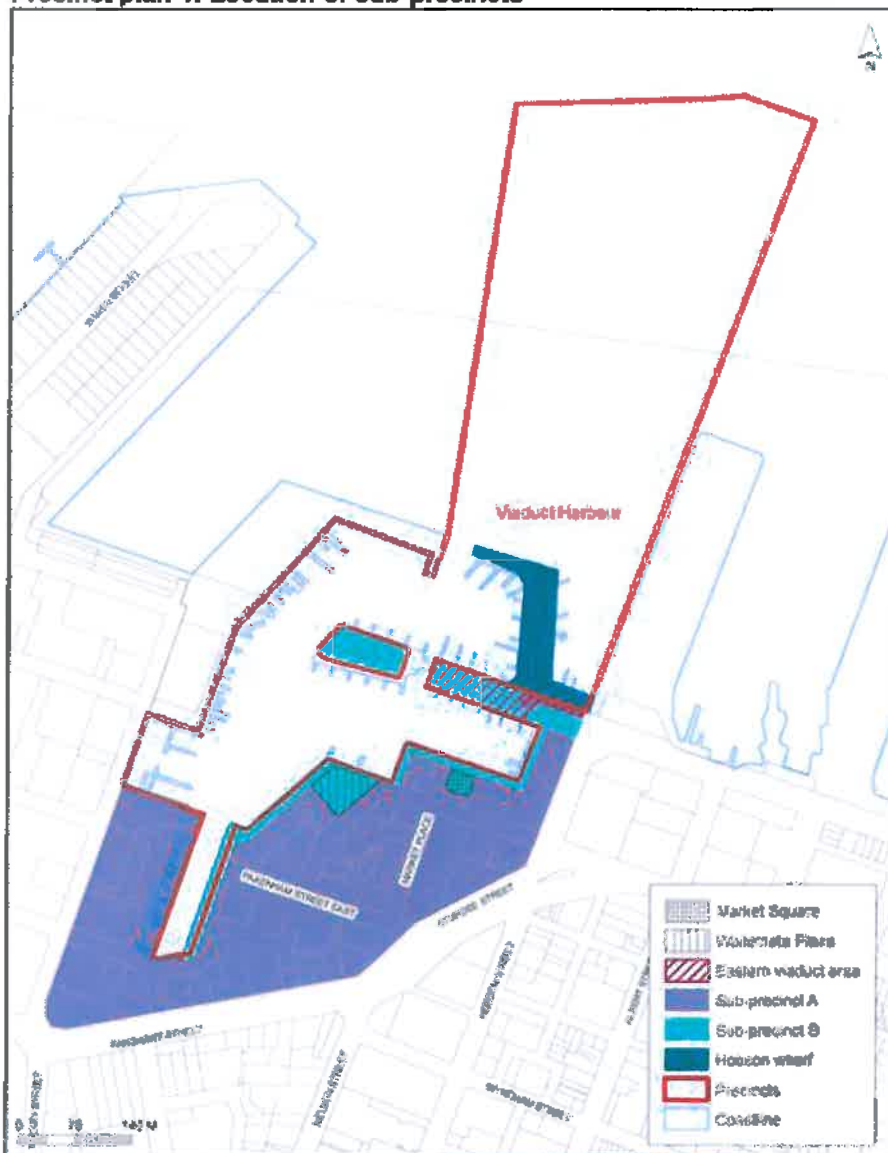
- 1. Building height
 - a. Building height may be exceeded where it would provide an attractive and integrated roof form that also meets the purpose of the control.
 - b. Where building height is exceeded, policy 4 of the Viaduct Harbour precinct and policy 17 of the City Centre zone should be considered.
- 2. Site intensity
 - a. Development should be of a scale and form appropriate to the setting.
 - b. The scale of the development should be consistent with the current and future character of Viaduct Harbour as established through the objectives and policies for the Viaduct Harbour precinct.
 - c. Adverse effects on the transportation network should be avoided, minimised or mitigated.
 - d. Development should not compromise marine and port activities.
- 3. Building coverage
 - a. The scale and form of development within Waitemata Plaza and Market Square should maintain their open space character.
- 4. Vehicle access restriction
 - a. Access from and to Sturdee Street and Fanshawe Street should be safe and efficient.
 - b. Unobstructed operation of the transportation network should be safe and efficient.
- 5. Special Yards A and B
 - a. Unobstructed public access to and along the water's edge should be maintained.

6. Special information requirements

- 1. An application for marine and port facilities on land within the Viaduct Harbour area shown on precinct plan 1 must be accompanied by a site management plan detailing operational procedures and physical measures to be put in place to avoid, remedy or mitigate public safety effects.

7. Precinct plans

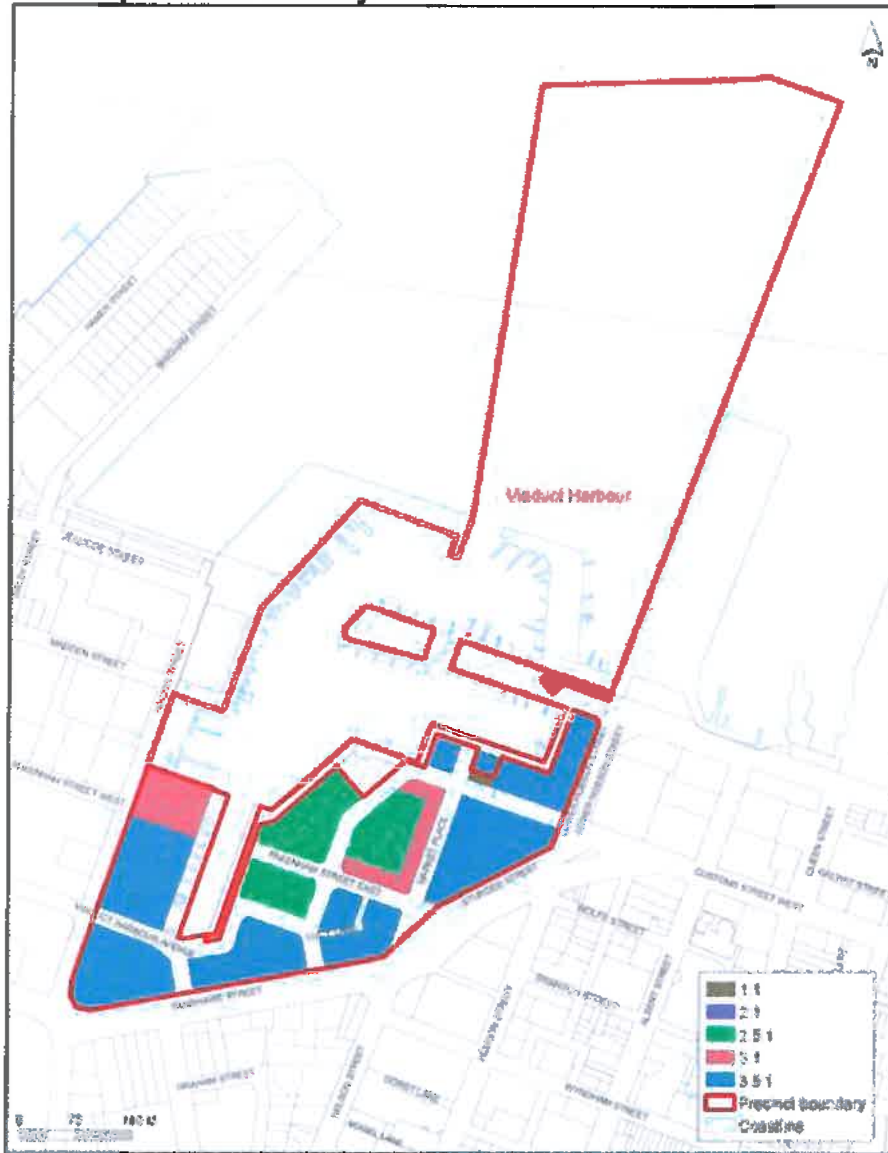
Precinct plan 1: Location of sub-precincts



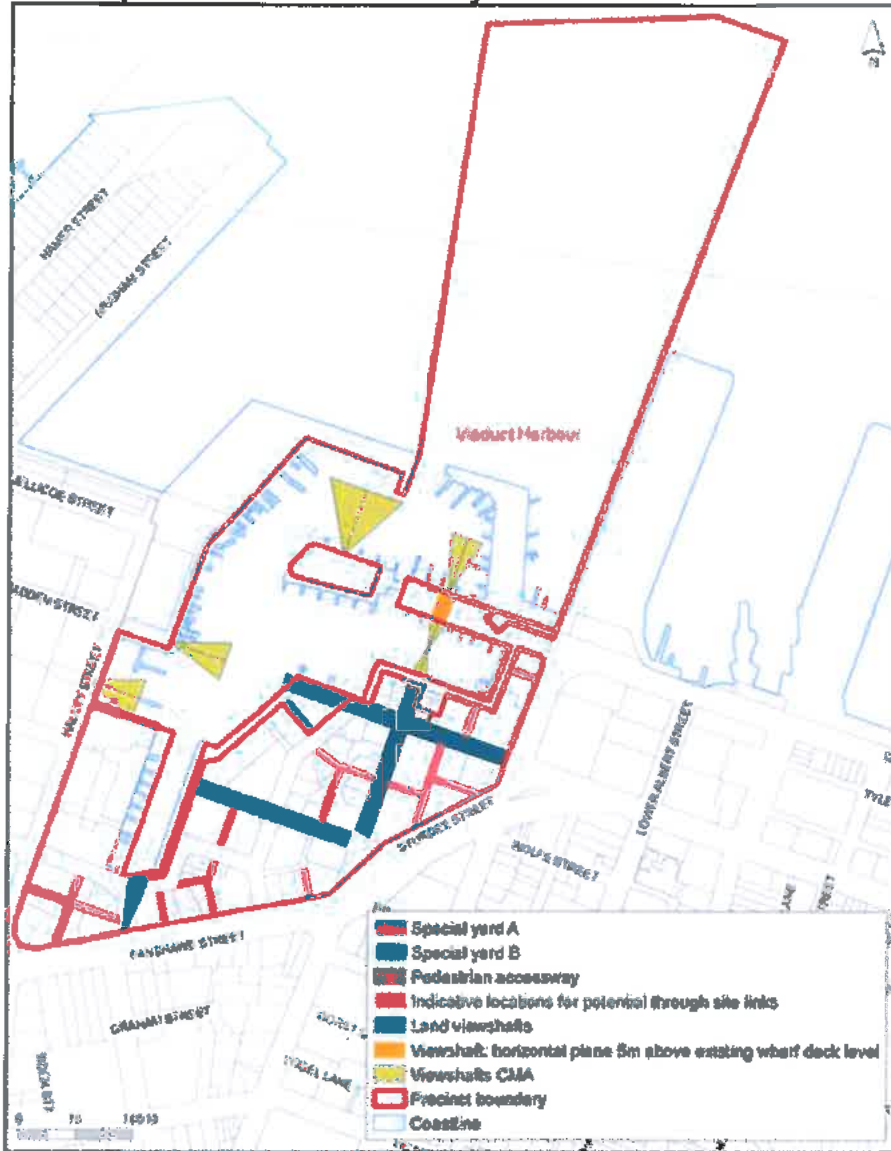
Amend precinct plan 1 to identify:

- Te Wero
- Sub-precinct C (as shown in Appendix B)
- Area A within sub-precinct C (as shown in Appendix B)

Precinct plan 3: Site intensity



Precinct plan 4: Pedestrian accessways and viewshafts



In the matter of: Further submission on proposed plan under s 123 of the Local Government Act (Auckland Transitional Provisions) Act 2010 and under cl 8 of Schedule 1 of the Resource Management Act 1991 – Proposed Auckland Unitary Plan – 30 September 2013

And: **Auckland Council**

Local Authority

And: **Tram Lease Ltd, Viaduct Harbour Holdings Ltd & Viaduct Harbour Management Ltd**

Further Submitters

Further submission on proposal for unitary plan

Dated: 22 July 2014



Form 6

**FURTHER SUBMISSION IN SUPPORT OF, OR IN
OPPOSITION TO, SUBMISSION ON PUBLICLY NOTIFIED
PROPOSED PLAN**

*Local Government Act (Auckland Transitional Provisions) Act
2010, Section 123; and Clause 8 of Schedule 1, Resource
Management Act 1991*

To: Auckland Council (**local authority**)

Name of persons making further submissions: Tram Lease Ltd,
Viaduct Harbour Holdings Ltd & Viaduct Harbour Management
Ltd (**further submitters**)

- 1 These further submissions support in relevant part, and oppose in relevant part, the original submissions on the following proposed plan: Auckland Unitary Plan (**proposal**).
- 2 The further submitters (together) made comprehensive original submissions (Sub#/Points 5566-1 to 5566-153) on the proposal in its entirety.
- 3 The further submitters support in relevant part, and oppose in relevant part, the submissions made by the original submitters listed in the **appendix** to these further submissions, which also includes details of their address for service and submission number as notified by the local authority in the summary of submissions.
- 4 The particular parts of the original submissions supported in relevant part, or opposed in relevant part, by the further submitters are: The submission points listed in the appendix.
- 5 The reasons for the further submitters support or opposition are:
 - 5.1 The reasons given, and the decisions sought, by the further submitters in their original submissions on the proposal.
 - 5.2 The original submissions supported in relevant part by the further submitters are generally supported, in so far as the decisions sought by the original submissions listed in the appendix are not inconsistent with the decisions sought by the further submitters in their original submissions. In particular, but without limitation:
 - (a) Sanford Ltd: Sub#/Points: 3416-25 to 3416-29 (inclusive), and 3416-33: The submission points appear to be consistent with activities provided for

in Sub-precincts C and F, Wynyard Wharf, North Wharf, and Western Viaduct Wharf in Wynyard Quarter; but would not be consistent with activities provided for in other parts of Viaduct Harbour Precinct or Wynyard Quarter.

- (b) Sealink Travel Group: Sub#/Points: 5469-50 to 5469-66 (inclusive): The submission points appear to be consistent with activities provided for in Sub-precincts C and F, Wynyard Wharf, North Wharf, and Western Viaduct Wharf in Wynyard Quarter; but would not be consistent with activities provided for in other parts of Viaduct Harbour Precinct or Wynyard Quarter.

5.3 The original submissions opposed in relevant part by the further submitters are generally opposed, in so far as the decisions sought by the original submissions listed in the appendix are not consistent with the decisions sought by the further submitters in their original submissions. In particular, but without limitation:

- (a) New Zealand Transport Agency: Sub#/Points: 1725-205, 1725-206, 1725-207, 1725-368, 1725-369, 1725-370, 1725-371, 1725-372: The points made in the submission are not consistent with the operative planning framework or strategic objectives for Viaduct Harbour Precinct or Wynyard Quarter as a leading Pacific-rim commercial hub.
- (b) Body Corporates of the Point, Viaduct Point, The Parc, and Latitude 37: Sub#/Points: 3033-1 to 3033-24 (inclusive): The points made in the submission are not consistent with the operative planning framework or strategic objectives for Viaduct Harbour Precinct or Wynyard Quarter as a leading Pacific-rim commercial hub.
- (c) Auckland Volcanic Cones Society Inc: Sub#/Points: 4485-1 to 4485-3 (inclusive), 4485-16, 4485-22: The points made in the submission are not consistent with the strategic objectives for either Newmarket as a Metropolitan Centre and as a growth area, or for Mixed Use zones elsewhere.
- (d) Weaver Hind Ltd: Sub#/Points: 5036-7: The points made in the submission are not consistent with the strategic objectives for Mixed Use zones.
- (e) Regional Facilities Auckland: Sub#/Points: 5473-79 to 5473-86 (inclusive): The points made in the submission are not consistent with the operative

planning framework for Viaduct Harbour Precinct or Wynyard Quarter, or ancillary agreements pertaining to these zones.

- (f) Auckland Council: Sub#/Points: 5716-1383, 5716-1384, 5716-1449, 5716-1451, 5716-3371, 5716-3372, 5716-3385, 5716-3393, 5716-3394: The points made in the submission are not consistent with the operative planning framework for Viaduct Harbour Precinct or Wynyard Quarter, or ancillary agreements pertaining to these zones, for example:
- (i) Providing for public transport is a local authority function that should not be delegated to landowners when preparing framework plans;
 - (ii) References to any relevant codes of practice or engineering standards should be expressly referenced in the proposal, as generic references to such documents will be void for uncertainty;
 - (iii) The Waterfront Building Height and Form Strategy is not a relevant consideration, as it has not yet been commissioned or notified as a plan change or variation;
 - (iv) Demolition of buildings and structures should be expressly provided for as a controlled activity;
 - (v) The location of structures in the CMA requires careful assessment (as a discretionary activity) to avoid any adverse effects on amenity values or environmental quality in Viaduct Harbour and the surrounding precincts.
- (g) Civic Trust Auckland: Sub#/Points: 6444-31 to 6444-33 (inclusive): the points made in the submission are not consistent with the strategic objectives for Newmarket as a Metropolitan Centre and as a growth area.
- (h) Newmarket Community Association: Sub#/Points: 6551-3 to 6551-26 (inclusive): the points made in the submission are not consistent with the strategic objectives for Newmarket as a Metropolitan Centre and as a growth area.

- 6 The further submitters seek that the original submissions supported in relevant part be allowed, and seek that the original submissions opposed in relevant part be disallowed.
- 7 The further submitters could not gain an advantage in trade competition through these further submissions.
- 8 The further submitters agree to participate in mediation or other alternative dispute resolution of these further submissions.

Trevor Daya-Winterbottom

Trevor Daya-Winterbottom

Counsel for Tram Lease Ltd, Viaduct Harbour Holdings Ltd & Viaduct Harbour Management Ltd

22 July 2014

Address for service: PO Box 75-945 Manurewa 2243

Telephone: 0275 182 196

Email: daya.winterbottom@xtra.co.nz

Contact person: Trevor Daya-Winterbottom

Appendix

Original submissions

		Sub# / Point	
		Support	Oppose
Viaduct Quay Holdings Ltd	john.childs@xtra.co.nz	267-1, 267-2	
New Zealand Transport Agency	nita.chhagan@nzta.govt.nz		1725-205, 1725-206, 1725-207, 1725-368, 1725-369, 1725-370, 1725-371, 1725-372
Parnell Business Association (Parnell Inc)	rose@mhg.co.nz	2016-14	
Gary Russell	gary@worldhistorytravel.com		2422-62
AMP Capital Property Portfolio Ltd	bianca@halaw.co.nz	2575-37, 2575-38	
Westfield (New Zealand) Ltd	francelle.lupis@russellmcveagh.com	2968-373, 2968-374, 2968-383	
Body Corporates of the Point, Viaduct Point, The Parc, and Latitude 37	bianca@halaw.co.nz		3033-1 to 3033-24 (inclusive)
Gadol Corporation Ltd	rebecca@positiveplanning.co.nz	3067-2	
Mansons TCLM Ltd	chris.simmons@chancerygreen.com	3194-12, 3194-14	
Sanford Ltd	aundorflay@sanford.co.nz	3416-25 to 3416-29 (inclusive), 3416-33	
88 Broadway	s.ballantyne@dasl.co.nz	3449-30 to 3449-33	

Ltd		(inclusive)	
Teed Street Properties	rebecca@positiveplanning.co.nz	3817-1 to 3817-7 (inclusive)	
Geffen Holdings	rebecca@positiveplanning.co.nz	3910-1 to 3910-2 (inclusive)	
F Hayes and Company Ltd	rebecca@positiveplanning.co.nz	4211-2, 4211-3	
Zelig Corporation	rebecca@positiveplanning.co.nz	4281-3	
Westir Properties	rebecca@positiveplanning.co.nz	4327-5 to 4327-6 (inclusive)	
BHV Properties (2013) Ltd	daniel.minhinnick@russellmcveagh.com	4368-2	
Auckland Volcanic Cones Society Inc	lindavink@xtra.co.nz		4485-1 to 4485-3 (inclusive), 4485-16, 4485-22
Weaver Hind Ltd	craig.hind@aecom.com		5036-7
Sealink Travel Group	littlejohn@quaychambers.co.nz	5469-50 to 5469-66 (inclusive)	
Regional Facilities Auckland	Mark.vinall@tattico.co.nz		5473-79 to 5473-86 (inclusive)
Generation Zero	luke@generationzero.org.nz	5478-38	
Auckland Council	stephen.town@aucklandcouncil.govt.nz	5716-544, 5716-3326 to 5716-3335 (inclusive), 5716-3342 to 5716-3369 (inclusive), 5716-3381	5716-1383, 5716-1384, 5716-1449, 5716-1451, 5716-3371, 5716-3372, 5716-3385, 5716-3393, 5716-3394
TransportBlog	lowrie.matt@gmail.com	6210-10	
Westhaven Investments	lovett.j@woosh.co.nz	6394-1 to 6394-3	

Ltd		(inclusive)	
Abhishek Reddy	mail@abhishek.geek.nz	6419-28	
Civic Trust Auckland	cta@civictrustauckland.org.nz		6444-31 to 6444-33 (inclusive)
Newmarket Community Association	jon.eriksen@orcon.net.nz		6551-3 to 6551-26 (inclusive)
Allan and Madge Kirk	akirk@vodafone.co.nz		6610-3 to 6610-11 (inclusive)
The McAuley Trust (Congregation of the Sisters of Mercy New Zealand)	matt@rms.co.nz	6749-30 to 6749-31 (inclusive)	