



MT HOBSON GROUP

Town Planning & Resource Consent Solutions

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT AND STATUTORY ASSESSMENT

NEW COMMERCIAL BUILDING



538 KARANGAHAPE ROAD, CITY CENTRE 1010

JAMES KIRKPATRICK GROUP LIMITED

16 APRIL 2024



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APPENDICES

Appendix	Document	Author	Date
1	Certificate of Title	LINZ	30 October 2023
2	BUN60369382 Decision	Auckland Council	23 April 2021
3	BUN60369382 Plans	Auckland Council	23 April 2021
4	Legal Opinion regarding weighting	Berry Simons Environmental Law	14 November 2023
5	Design Statement	Fearon Hay	3 November 2023
6	Application Plans	Fearon Hay	1 November 2023
7	Urban Design Assessment	Ian Munro Urban Design	21 November 2023
8	Heritage Impact Assessment	Archifact	November 2023
9	Landscape Assessment	Isthmus Group	November 2023
10	Wind Opinion	Wind Engineering Group	18 December 2023
11	Operational Waste Management Plan	Green Gorilla	September 2023
12	Transportation Assessment	Commute Transportation Consultants	13 November 2023
13	Infrastructure Report	Maven Associates	20 November 2023
14	Geotechnical Assessment	Soil and Rock	22 August 2023
15	Groundwater Drawdown and Settlement Assessment	Soil and Rock Consultants	15 November 2023
16	Detailed Site Investigation	Soil and Rock Consultants	29 August 2023
17	Site Management Plan and Remediation Action Plan	Soli and Rock Consultants	30 August 2023
18	AUP Standards Assessment	Mt Hobson Group	15 December 2023
19	Acoustic Assessment	Marshall Day	2 November 2023
20	Archaeological Assessment	Clough and Associates	August 2023

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APPLICATION DETAILS

Site Details and AUP Notations

Address	538 & 582 KARANGAHAPE ROAD NEWTON 1010
Appellation	LOT 1 DP 570848
Titles	N/A
Property Area	538 = 1597m ² , 582 = 1416m ²
Territorial Authority	Auckland
Zones	Business - City Centre Zone
Precincts	Karangahape Road
Overlays	Historic Heritage Overlay Extent of Place [rcp/dp] - 2739, Karangahape Road Historic Heritage Area
Controls	Macroinvertebrate Community Index - Urban
Designations	N/A



1. INTRODUCTION AND BACKGROUND

Introduction

- 1.1. This assessment is provided in accordance with the requirements of section 88 and the Fourth Schedule of the Resource Management Act 1991 (“The Act”). It is in support of an application for land use consent to demolish the existing built form on the site at 538 Karangahape Road and to construct a part-10 part-11 level commercial building on the site (and a wind canopy extending onto 582 K Road). The ground level spaces of the building are proposed to be utilised for a mix of retail and other commercial uses with upper levels used for commercial (office) activities. A two-level basement with parking for 48 vehicles is proposed.
- 1.2. The proposal requires resource consent under the provisions of the Auckland Unitary Plan (Operative in Part) (AUP(OP)). The following assessment describes the subject site, the proposed activity and the likely effects on the environment. As will be outlined in this report, all potential adverse effects associated with the proposed works would be avoided, remedied or mitigated so that they are no more than minor in scale and appropriate in nature, while consistency with Auckland Unitary Plan (Operative in part) provisions as well as emerging Plan Change 78 provisions would also be achieved.
- 1.3. The proposal has been designed in a comprehensive manner to ensure the most efficient use of the land and minimise any adverse environmental effects, while providing a high-quality building which respects and responds to its unique location at the western entry to the City Centre and Karangahape Precinct. The design of the building is the result of a comprehensive pre-application process with the Auckland Urban Design Panel and Auckland Council.
- 1.4. The various assessments prepared acknowledge that the development will inevitably result in a considerable visual change on the site however, this extent of change is considered acceptable, with the scale and form able to be successfully accommodated on the site whilst also maintaining and enhancing the heritage and precinct qualities of the area. The building is of a very high design quality which is commensurate with the location and prominence of the development.

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- 1.5. The consent application for this development is proposed to be publicly notified at the applicant's request pursuant to section 95A(3)(a) of the Act.
- 1.6. Overall, the proposal is considered to be meet the requirements of the RMA and it is assessed that the application can be approved subject to the suite of conditions as offered.

Background

- 1.7. The background to this proposal begins in 2020, when a resource consent application was made for additions to an existing building on the site to add three levels to the top of the building. These alterations were approved in April 2021 and authorised development of a six-level building with a gross floor area of around 5,200m² on the application site. The change in levels across the site from north to south resulted in an essentially three level building on the northern Karangahape Road frontage with a setback fourth level which became a sixth level as the site dropped away to the south (two basement levels). At the rear (Abbey Street) the building was three levels. A copy of the approved decision is contained in **Appendix 2** and the approved plans are contained in **Appendix 3**.
- 1.8. On the 20th August 2020, the National Policy Statement for Urban Development (**NPS-UD**) came into effect and this included, inter alia, a requirement that Auckland Council, by 20th August 2022, notify a plan change to amend the Unitary Plan City Centre Zone provisions to "*enable building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification.*" This aspect of the NPS became relevant to the subject site as, by the end of 2021 two key things had happened.
- 1.9. Firstly, it had become increasingly apparent to the applicant that the development proposed for (and authorised on the site) was, due to a doubling of the likely construction costs, as well as an one year increase in construction time frames, becoming financially marginal and thus an unsustainable development of the site. Secondly the Government had, between October and December 2021 announced, and made law, major changes to the NPS-UD via the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**RMA-EHA**).



- 1.10. Of relevance to the application site, the RMA-EHA introduced the Intensification Streamlined Planning Process which was intended to speed up the implementation of the intensification provisions of the NPS-UD. Indications were that the plan changes to implement the NPS-UD (as amended by the RMA-EHA) would be decided by the start of 2024 and that the plan changes would remove the city centre floor area ratio restrictions from the Unitary Plan (a 3:1 restriction applies to the application site) and the changes would also likely see an increase in height limits from the 15m limit in AUP (other nearby city centre zone height limits were up to 35m with surrounding city fringe areas having limits of up to 27m).
- 1.11. Development on the site was paused whilst the applicant awaited the notification of the relevant plan changes in August 2022.
- 1.12. Plan Change 78 (PC78) which is intended to give effect to the intensification policies and Medium Density Residential Standards sought under the National Policy Statement on Urban Development and RMA-EHA was notified on the 18th of August 2022 and proposes the following key changes to the AUP relevant to the application site:
- The subject site is to remain zoned Business City Centre Zone
 - The current 3:1 maximum floor area ratio is to be deleted (the floor area control is essentially removed from the entire City Centre zone)
 - The current 15m maximum height is proposed to increase to 35m.
 - A new suite of setback requirements are proposed which require a 6m building setback from street frontages above a 1:1 street width ratio and 6m from side boundaries above 32.5m.
 - Surrounding areas and sites had similar changes with some sites having a height limit of 72.5m
- 1.13. Plan Change 78 was notified for submissions in August 2022 with the Summary of Decisions Requested notified on 5 December 2022. The original time frame for hearings and a decision on this plan change was that the Council was required to notify its decisions on Plan Change 78 by 31 March 2024.

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- 1.14. However, following the significant adverse weather events affecting Auckland at the start of 2023, the Council sought, and received approval for, a one-year extension to this timeframe to allow it to review and provide a response to flooding and hazard matters affecting the proposed intensification.
- 1.15. The approval of this extension has resulted in the Independent Hearings Panel pausing almost all hearing topics until the implications of the Council's flooding and hazard work is clearer.
- 1.16. Importantly for this site, the hearing on the City Centre zone provisions has been set down for February 2024.
- 1.17. Despite the delays in PC 78, the clear direction from the NPS Urban Development is that the future city centre context is one where significant intensification is to be enabled, which will almost inevitably include a higher height limit for this site than the current 15m under the AUP, along with the removal of the 3:1 floor area restriction.
- 1.18. As the changes to the city centre zone provisions result in a substantial increase in the development potential of the site, the applicant sought a review of the weight to be given to the proposed amended plan provisions. Berry Simons Environmental Law have reviewed the relevant background and legal position and have provided a detailed memo (**Appendix 4**).
- 1.19. The key conclusions of the memo are that processing officers and decision makers are legally required by section 104(1)(b)(vi) of the RMA to consider the PCZ78 provisions in assessing the application and that in considering the application under section 104 of the RMA, the PC78 provisions are to be accorded significant weight.
- 1.20. Berry Simons consider this approach is well-supported by legal authority, credible and sound. The assessment in this report has been undertaken on that basis.



2. SITE AND LOCALITY DESCRIPTION

The Site

- 2.1. The application site is located on the southern side of Karangahape Road, approximately 37 metres to the east of the intersection of Newton Road, Great South Road, Ponsonby Road and Karangahape Road. The site fronts Gundry Street to the east and Abbey Street to the south and is an irregular shaped site, with a total area of 1,597m². The location of the site is shown in Figure 1 below with the zoning in Figure 2.
- 2.2. The application site previously contained a large, rectangular commercial building, which was double height at the Karangahape Road frontage and three levels at the Abbey Street frontage, which is reflective of the slope of the site which slopes down from Karangahape Road to Abbey Street. That building was partially demolished, and the site is now generally cleared with only the floor slab and foundations of the old building/basement remaining.
- 2.3. The application site is located at the western end of the Auckland Unitary Plan's Karangahape Road Precinct and the Karangahape Road Historic Heritage Area. The portion of Karangahape Road located immediately to the east of the application site is largely characterised by two and three-level heritage buildings, with a commercial car park located on the eastern corner of Gundry Street and Karangahape Road. The site immediately to the west of the application site (582 Karangahape Road) is a 'contributing site' within the Karangahape Road Historic Heritage Area and contains a two level more modern building with an earlier heritage building at the south-western corner. The application site is a non-contributing site. Figures 3-7 below show the general site appearance.
- 2.4. Additional analysis and description of the site can be found within the Design Statement by the project architects Fearon Hay in **Appendix 5**, the Urban Design Assessment by Ian Munro in **Appendix 7**, the Heritage Impact Assessment by Adam Wild in **Appendix 8**, and the Landscape Assessment by Matthew Jones in **Appendix 9**.
- 2.5. **It is noted that the official address for the consent application includes 582 Karangahape Road because a wind mitigation canopy is proposed on that site and so 582 is included in the 'application site' for completeness.**

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Figure 1: Aerial image of locality. Source: GIS



Figure 2: AUP Zones (538 Karangahape Road only highlighted).

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Figure 3 - looking south-west towards the site from Karangahape Road.



Figure 4 - looking north towards the main 538 Karangahape Road site from Abbey Street

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Figure 5 - Looking north-west across the site from corner of Abbey and Gundry.

The Immediate Environment

- 2.6. The immediate environment of the site is varied with land to the immediate east of the site (on the other side of Gundry Street) comprising mainly vacant land used for car parking (520, 526, 536 Karangahape Road as well as 2 and 6 Gundry Street). 4 Gundry Street is occupied by a two-level commercial building. Further to the north-east 478-518 Karangahape Road is a block of four two level buildings with a mix of ground floor retail and commercial uses with upper levels in commercial and residential uses. These building occupy the rest of the frontage of that block to Edinburgh Street.
- 2.7. To the north of the site, on the other side of Karangahape Road, the character is varied with the western end of Karangahape Road occupied by the Mobil Service station comprising the extensive paved forecourt area and the single level retail store building. To the east of this are 531 and 537 Karangahape Road, a series of three x two level buildings with ground floor retail and food and beverage uses. Upper levels appear to be in residential and commercial use.
- 2.8. Further east along Karangahape Road from Hereford to Howe Street is 473-529 Karangahape Road, a recently refurbished and redeveloped two level building with ground floor retail uses and offices above.
- 2.9. Beyond the K Road frontage buildings are larger scale apartment buildings at 9 and 15 Hopetoun Street as well as the much larger apartment building at 8 Hereford Street.

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- 2.10. To the south of the site, the area is characterised by low rise (one and two level) commercial and industrial buildings with a more recent 5 level commercial building located at 4 Newton Street to the south-west.
- 2.11. To the immediate west of the application site is 582 Karangahape Road, which forms the other part of the block and is occupied by a two and three level commercial building with a range of medical, office and hospitality uses. The common boundary with the subject site is occupied by car parking areas at the south and the eastern end of the two-level commercial building at the north.
- 2.12. Additional analysis and description of the surrounding areas can be found within the Design Statement in **Appendix 5**, the Urban Design Assessment in **Appendix 7**, the Heritage Impact Assessment in **Appendix 8**, and the Landscape Assessment in **Appendix 9**.

The Surrounding Environment

- 2.13. The wider environment is characterised by a combination of low, medium and high-rise developments of varying ages, architectural styles and uses. Buildings along Karangahape Road are all predominantly 2-3 levels with more recent larger scale developments also apparent. Other buildings south of Karangahape Road are mainly low rise commercial and industrial style buildings with the Central Motorway Junction a significant feature in the cityscape.
- 2.14. Further to the west of the application site is Great North Road, which is characterised by car yard and commercial activities, largely contained within contemporary buildings, some of significant scale. The wider surrounding area is characterised by a mixture of building styles, ages and of varying scales including several buildings of significant height including apartment buildings on Howe and Hereford Streets. The Auckland North-Western Motorway is located approximately 190 metres to the south of the application site, with the Auckland Southern Motorway located approximately 200 metres to the east of the application site. Western Park is located approximately 185 metres to the north of the application site.



3. PROPOSAL

General

- 3.1. The applicant seeks land use consent to demolish the existing building/structures on the site and to construct a part 10, part 11-level building (plus two-level basement) on the application site at 538 Karangahape Road. The building will contain offices on the upper levels with the ground floors a mix of common circulation spaces along with retail and food and beverage activities. The extent and nature of the works are as set out briefly below and are discussed in more detail within the Design Report (**Appendix 5**) and Application Plans (**Appendix 6**) prepared by Fearon Hay Architects.
- 3.2. In general, the works proposed include the demolition of the existing buildings/structure on the site (already partially demolished), large scale cut earthworks and the construction of a new building, providing:
- A two-level basement accessed via a 6.0m wide vehicle crossing from Gundry Street with parking for a total of 48 cars (32 on B2 and 16 on B1) along with servicing and plant areas.
 - A ground floor with frontage to Karangahape Road, Gundry and to Abbey Street. The Karangahape Road frontage is the main frontage with retail uses, the Gundry frontage contains the main access points to the building (pedestrian and vehicular) and the Abbey frontage is one level lower than the K Road frontage and sleeved with more retail and commercial spaces.
 - Ten levels of office/commercial space above with the floor area progressively reducing from Level 2 to the top of the building.

Building design and massing

- 3.3. The design statement in **Appendix 5** outlines the building massing in terms of how the massing and form of the building was formulated as a result of the site opportunities and constraints, noting that:

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The site has three strong urban edges to the north, east and south faces to address and unify major and minor road networks of the precinct. Massing has been developed to achieve three-dimensionality with an in-ground podium at lower levels, and upper levels composed of floating wintergarden planes, legible landscape terrace edges and a central tower form to respond to its particular site, to the street, and to the surrounding precinct. The wintergardens on Karangahape Road and Gundry Street sit as crystalline structures with faces brought up to the edge to define the street and create urban scale.

A sawtooth roof form articulates the top edge of the glazed tower providing interest to the ridgeline seen from the distance. The western facade is further modulated by apertures and setbacks to offer outlook as well as visibility into the building. This presents an opportunity for a three-dimensional landmark corner to reinforce the 'gateway' role of the building in announcing the Karangahape Road precinct.

The 14m historic podium datum is expressed at terrace level on Karangahape Road with negative setbacks to differentiate podium and upper-level massing, to accentuate focus and establish a relationship with the scale of the existing heritage fabric. Further developed and expressed as primacy with a continuous verandah up to and around the corner, and major / minor rhythm of stays and pilasters that help to ground the building. These finer grain details clearly relate and respond to the various datums and architectural elements of surrounding heritage and contemporary buildings in the precinct.

The podium steps up at the north-eastern Karangahape Road - Gundry corner and massed to the edges to hold and respond to the importance of this corner, defining it as a terminus.

Facade material is composed of finer glass elements sheath over regular mass timber structure. Subtle changes in fritting and facade components give the massing interest and variation without obvious reference to floors, ceilings, balconies."

- 3.4. An Urban Design Assessment has been prepared by Ian Munro and a Landscape Assessment has been prepared by Matthew Jones of Isthmus. These assessments are attached to this application as **Appendix 7** and **Appendix 9** respectively. These reports, read in conjunction with the Design Statement outline the design response for the development, particularly in regard to the arrangement of massing as well as the façade design and ground floor layout.



- 3.5. Full detailed architectural plans of the proposed building have been prepared by Fearon Hay and these are contained within **Appendix 6**.

Façade Design and Materiality

- 3.6. As discussed in the Design Statement, the main building structure is to be mass timber with four key facade types:
- Facade type 01 - body / veiled mass
 - Facade type 02 - apertures
 - Facade type 03 - loggia / wintergarden
 - Facade type 04 - western concrete panels
- 3.7. To the street frontages, the three glazed façade types are the main body or 'veiled mass' type, the 'aperture' type and the loggia/winter-garden type. The western façade is a combination of concrete panels with glazing sleeved over the top at the upper levels.
- 3.8. The street facing building façades are proposed to be constructed of primarily aluminium joinery with glazing and the side wall will be a mix of precast / moulded concrete panels and glazing over at the upper level. The details of the proposed facade materials are outlined in the design statement and drawings.
- 3.9. The facade types are shown in Figure 3 below.



EXTERIOR - LANGUAGE & ARTICULATION

FACADE TYPOLOGIES

- FACADE TYPE 01 - BODY / VEILED MASS
- FACADE TYPE 02 - APERTURES
- FACADE TYPE 03 - LOGGIA / WINTERGARDEN
- FACADE TYPE 04 - WESTERN CONCRETE PANELS

FEARON HAY
538 K ROAD
REV A - 06.10.23 44

Figure 3 - Façade Types

3.10. The Design Statement notes:

- *Facade type 01 - body / veiled mass*
- *Provide a surface treatment to the facade that will promote a massed and veiled building form, and through surface frit form, ensure a visual connection between exterior and interior is maintained.*
- *A ceramic frit treatment applied to the external glass to achieve an exterior matte finish, as well as respond to environmental performance requirements.*
- *Tall & narrow panel modules with frameless edges/flush joints*

3.11. This façade type is the main façade typology as shown in Figure 3 above.

3.12. Façade Type 2 is the 'apertures' - areas of the façade which the Design Statement notes will *'break-down and puncture the mass of the building with visibility into the building to reveal occupation.'* These areas of the facade are coincident with the common areas of the building with the glazing clear and low reflectance.

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- 3.13. Façade Type 3 is used for the loggia on the Gundry street frontage and the winter-garden on the K Road frontage. This façade is a double skin clear glass to allow good transparency into the building.
- 3.14. Façade Type 4 is used on the western boundary (private) which the Design Statement notes is a concrete panelled boundary wall, stepped in at the upper most levels to slip behind a Type 1 style veiled mass glazing which extends to the top edge of the saw tooth roof. This is intended to create a lantern like effect and provide outlook from within the top floors of the building. it also serves to modulate the western facade which is highly visible along Great North Road to the west.
- 3.15. It is noted that following the Wind Environment Study (**Appendix 10**) a wind mitigation canopy has been proposed at the lower level of the western elevation of the proposed building. This is at approximately the same height as the buildings on 582 Karangahape Road and extends over onto 582 Karangahape Road. The specific design of this canopy will be provided as part of the detailed design of the building and provided to Council for certification.

Signage

- 3.16. Comprehensive development signage is shown on the application plan with signage proposed on the K Road, Abbey and Gundry Street sides of the building as well as on the verandahs. The size and location of the signs are known but each of the respective commercial tenancies will have signage as well as naming and information signage for the building. The final text of the signs will depend on the respective tenants and a detailed design condition relating to this element of the building design is proposed.

Façade design and wind

- 3.17. As noted, A Wind Opinion on the proposed development has been prepared and is attached to this report in **Appendix 10**. The report concludes that the wind conditions surrounding the proposed development will comply with the requirements of the AUP(OP) subject to the installation of a canopy along the western face of the building (extending on to the site at 582 Karangahape Road. The specific design of this will be agreed with the owner of 582 and confirmation of legal ability to construct as well as the detailed design will be provided to Council prior to construction commencing.

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Vehicle access, traffic and parking

- 3.18. As outlined above, a two-level basement is proposed for the development on site. The basement will be accessed via a 6.0m wide two way crossing from Gundry Street at the south-eastern corner of the site. The basement will house 48 car parking spaces, bicycle spaces and plant. Waste storage areas are provided at the north-western corner of Basement 1.
- 3.19. The proposed single vehicle entrance represents a significant reduction in the number and width of vehicle crossings serving the site with the original building having three vehicle crossing - two on Gundry Street (one 6.9m and one 7.2m wide) and one 4.3m wide crossing on Abbey Street. The overall crossing widths on the site are reducing from a total of circa 18.4m to 6m.
- 3.20. In terms of loading, it is not proposed to provide a dedicated loading area within the development, with loading to mainly rely on the on-street loading spaces with two spaces on Abbey Street opposite and one which is to be located at the northern end of the Gundry Street frontage.
- 3.21. Rubbish servicing will occur outside normal business hours with the collection truck to park in the vehicle access way and bins to be wheeled out for emptying. A Waste Management and Minimisation Plan has been prepared by Green Gorilla and is contained in **Appendix 11**.
- 3.22. The design and location of the access and car parking spaces are shown on the drawings in **Appendix 6** with parking and access matters addressed in more detail within the traffic report in **Appendix 12**.

Infrastructure and services

- 3.23. An Infrastructure Report has been prepared for the proposed development and is attached to this report as **Appendix 13**.

Water Supply

- 3.24. The existing building on the application site is currently connected to an existing water main in K Road and it is proposed that either the existing connection will be upgraded or a new connection to the water main will be made as part of the site development. The Infrastructure

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Report is in the process of confirming that there is sufficient flow to service the development with more analysis to be undertaken during detailed design.

- 3.25. A hydrant flow test has been undertaken which confirms sufficient fire-fighting supply is available near the site.

Wastewater

- 3.26. There are several public wastewater pipes within the Gundry and Abbey Street road reserves adjacent to the site and the Infrastructure Report indicates that a new connection will likely be made to the public line within Abbey Street. The final arrangements for this aspect are being worked through however the capacity of the local network has been checked and there is sufficient capacity to service the development.

Stormwater

- 3.27. There is an existing 300mm diameter stormwater line located in the Abbey Street road reserve and it is proposed that the site will be serviced by a new connection to this line. The Infrastructure Report confirms that the wider network has sufficient capacity to service the site and the proposed development will not increase the impervious area on the site, the only upgrade to the pipe network may be a short section of new or relaid pipe directly from the site to connect to the 300mm pipe in the street.

Electricity/Gas/Telecommunications

- 3.28. All other services are available to the site and will be upgraded for supply as necessary.

Earthworks and construction

- 3.29. The Infrastructure Report details the extent of bulk earthworks required to give effect to the proposed development. As the development includes a two level basement there are significant earthworks proposed across the site, essentially all of which will be cut to waste.
- 3.30. The cut earthworks are contained within the site with a total volume of some 10,100m³ proposed, over an area of approximately 1600m² with cuts up to 9m deep proposed.



- 3.31. The Infrastructure Report in **Appendix 13** provides additional detail in regards to the proposed earthworks methodology with the proposed construction methodology likely to utilise boundary sheet piling and a top down approach to reduce potential for settlement effects on surrounding land. The infrastructure report details a suggested approach to Sediment and Erosion Control and it is anticipated that these matters will be covered in more detail within a comprehensive Construction Management Plan to be prepared prior to construction.

Geotechnical stability and Groundwater/dewatering

- 3.32. A geotechnical report has been prepared for the site and groundwater monitoring undertaken. This report, contained in **Appendix 14** has confirmed that a groundwater take and diversion consent will be required as the proposal involves the drawdown and diversion of the groundwater under the site. The proposed activity is required for establishing the Finished Floor Level (FFL) of the proposed basement at RL 63.450m and to allow for foundation construction for a further depth of generally 800mm.
- 3.33. The Geotechnical Investigation Report provides further detail of this aspect and Groundwater Drawdown and Settlement Assessment has also been prepared. This is contained in **Appendix 15**. This report details the Groundwater Settlement Monitoring and Contingency Plan with a final version to be provided prior to construction for Council certification. Conditions to this effect are proposed as part of the application.
- 3.34. The geotechnical report outlines a range of foundation design considerations and details the further investigations required, with the Groundwater Drawdown and Settlement Assessment confirming the methods to avoid instability effects to the site and neighbouring. Overall, these reports confirm that the site can be developed safely from a geotechnical perspective.

Hazards

Flooding and Overland Flow

- 3.35. The site is not identified on Auckland Council's GIS as being subject to any overland flow paths or flood plains. The Infrastructure Report details a minor overland flow path in the adjacent Gundry/Abbey Street road reserve but this is downhill from the site and does not affect the development.

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Contamination

3.36. A Detailed Site Investigation has been undertaken on the site and is contained in **Appendix 16**. Soil & Rock Consultants completed a field investigation and prepared a Detailed Site Investigation for the proposed redevelopment with soil samples were collected from across the site and analysed for Contaminants of Concern. Laboratory analytical results reported:

- All Contaminants of Concern concentrations complied with Ministry for the Environment National Environmental Standards and/or Petroleum Hydrocarbon Guidelines Human Health criteria;
- Heavy Metals concentrations in three soil samples exceeded Auckland Unitary Plan Environmental Discharge criteria;
- Asbestos was detected in two soil samples, but at concentrations below Asbestos Human Health Soil Guideline Values; and
- Heavy Metals concentrations were above Background Levels or Total Petroleum Hydrocarbons and Polycyclic Aromatic Hydrocarbons concentrations were above laboratory Method Detection Limits in most soil sample

3.37. Based on these findings Soil and Rock have confirmed that:

- A Site Management Plan / Remediation Action Plan has been prepared for the site (see **Appendix 17**);
- Soil/fill material with Contaminants of Concern concentrations above applicable Environmental Discharge criteria should be remediated (excavated and disposed of off-site or otherwise isolated);
- Any fill material/soil with Heavy Metals concentrations above Background Levels or Total Petroleum Hydrocarbons or Polycyclic Aromatic Hydrocarbons concentrations above laboratory Method Detection Limits is not considered 'Cleanfill' for disposal purposes and must be disposed of at a facility licensed to accept such materials; and
- Any visual/olfactory evidence of contamination discovered during site works must be segregated and analysed prior to disposal

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- 3.38. Conditions of consent requiring the implementation of the measures set out in the **Appendix 17 - Site Management Plan and Remediation Action Plan** are offered as part of the application.

Waste Management

- 3.39. To manage the waste generated by the development, a Waste Management Plan has been prepared and is contained as **Appendix 11**. This outlines that all refuse will be managed by a shared bin solution placed within the shared refuse area in the basement. The refuse will be collected by a private contractor from the property on a weekly basis. They will either park in the vehicle access outside business hours, or utilise on-street loading spaces.



4. RULES ASSESSMENT AND REASONS FOR CONSENT

Zoning Overview

Auckland Unitary Plan (Operative in Part)

4.1. Under the (AUP(OP)), the site is located within the Business - City Centre Zone and is subject to the following overlays and controls.

- Precinct - I206 Karangahape Road, Precinct
- Overlays - Historic Heritage and Special Character: Historic Heritage Overlay Extent of Place [rcp/dp] - 2739, Karangahape Road Historic Heritage Area
- Controls - Macroinvertebrate Community Index - Urban

Plan Changes

4.2. Plan Change 78 (PC 78) gives effect to the intensification provisions of the National Policy Statement on Urban Development and RMA-EHA.

4.3. PC78 results in the following key matters that are relevant to the proposal:

- The subject site is to remain zoned Business City Centre Zone;
- The current 3:1 maximum floor area ratio is to be deleted;
- The current 15m maximum height is proposed to increase to 35m;
- A new suite of setback requirements are proposed which require a 6m building setback above a 1:1 street width ratio.

4.4. As set out in the Berry Simons memo in **Appendix 4**, the PC78 provisions are considered to be highly relevant and applicable to the consideration of the application. Whilst it is acknowledged that consent is not required under any of the PC78 activities, an assessment against the relevant City Centre zone PC78 provisions is included below for information.



D17 Historic Heritage Overlay

Activities

D17.4.3 Activity table – Activities in Historic Heritage Areas [dp]

Development - Demolition or destruction

(A27) Demolition or destruction of 30 per cent or more by volume or footprint (whichever is the greater) of any feature
Note: Demolition or destruction of less than 30%, by volume or footprint (whichever is greater) of any feature; is considered under 'Modifications and Restorations' – Activity (A33), in this table (D17.4.3)
Non-contributing sites/features

C

The remaining structures on this non-contributing site will be demolished and therefore consent is required as a Controlled Activity. Alternatively the demolition could be considered under A33 which is also a Controlled Activity.

Development - New buildings and structures

(A34) New buildings or structures within a Historic Heritage Area
Non-contributing sites/features

RD

The proposal is for a new building within the Karangahape Road Historic Heritage Area (KRHHA) - consent is required.

Development - Signs and temporary buildings, structures and signs

(A37) Signs not otherwise specified
Non-contributing sites/features

RD

The development proposes signage within the KRHHA and therefore consent is required.

E7 Taking, using, damming and diversion of water and drilling

Activities

E7.4.1 Activity Table

Take and use of groundwater

(A20) Dewatering or groundwater level control associated with a groundwater diversion authorised as a restricted discretionary activity under the Unitary Plan, not meeting permitted activity standards or is not otherwise listed
All zones

RD

As set out in the **Appendix 14 - Geotechnical Assessment** the proposal results in groundwater diversion which is not a permitted activity and therefore consent under A20 is required as a Restricted Discretionary Activity.



Diversion of groundwater		
(A28) The diversion of groundwater caused by any excavation, (including trench) or tunnel that does not meet the permitted activity standards or not otherwise listed All zones	RD	As set out in the Appendix 14 - Geotechnical Assessment the proposal results in groundwater diversion which is not a permitted activity and therefore consent under A28 is required as a Restricted Discretionary Activity.

Standards

E7.6 Standards		
E7.6.1 Permitted activities		
E7.6.1.6 Dewatering or groundwater level control associated with a groundwater diversion permitted under Standard E7.6.1.10, all of the following must be met:	Infringes	As noted in Appendix 14 - Geotechnical Assessment , the proposal does not meet permitted activity standards and thus requires consent.
E7.6.1.10 Diversion of groundwater caused by any excavation, (including trench) or tunnel	Infringes	As noted in Appendix 14 - Geotechnical Assessment , the proposal does not meet permitted activity standards and thus requires consent.

E12 Land disturbance - District

Activities

E12.4.1 Activity table – all zones and roads		
General earthworks not otherwise listed in this table ¹		
(A5) Greater than 1000m ² up to 2500m ² Business zones and City Centre Zone	P	As set out in the Infrastructure Report in Appendix 13 the total area of earthworks is some 1600m ² . This is a permitted activity.
(A10) Greater than 2500m ³ Business zones and City Centre Zone	RD	As set out in the Infrastructure Report in Appendix 13 , the total volume of earthworks is estimated at approximately 10,100m ³ . This is more than 2500m ³ and as such consent is required.



E12.4.2 Activity table – overlays (except Outstanding Natural Features Overlay)

Land disturbance not otherwise listed in this table ³

(A30) Greater than 50m ² Historic Heritage Overlay	RD	As more than 50m ² of earthworks are proposed this is a Restricted Discretionary Activity.
(A33) Greater than 250m ³ Historic Heritage Overlay	RD	As more than 250m ³ of earthworks are proposed consent is required as a Restricted Discretionary Activity.

Standards

E12.6 Standards

E12.6.1 Accidental discovery rule	Complies	Complies, condition to be imposed on any consent approval re Accidental Discovery Protocols.
E12.6.2 General standards	Complies	The proposed earthworks will comply with the general standards as set out in the Standards Assessment in Appendix 18 .

E23 Signs

Activities

E23.4.2 Activity table – Billboards on street furniture in road reserves, existing lawfully established billboards and comprehensive development signage [rcp/dp]

Comprehensive development signage

(A53) Comprehensive development signage, including amendments or additions to existing approved comprehensive development signage Activity status – all zones	RD	Comprehensive development signage is proposed as shown on the application plans. This requires consent as a Restricted Discretionary Activity.
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E25 Noise and vibration

Activities

E25.4.1 Activity table [rcp/dp]

(A2) Activities that do not comply with a permitted activity standard	RD	As detailed within the Acoustic Assessment in Appendix 19 , the proposed constructions works will not comply with AUP limits. The Acoustic Assessment anticipates that the neighbouring site at 582 K Road could experience a worst case scenario noise level of 84db at times over a period of 2-4 weeks during initial demolition and up to 78dB LAeq for 1-2 weeks during piling. This is a maximum of some 9db over the 75db Monday to Friday limit (but only 4db over the Saturday limit). Consent is required as a Restricted Discretionary Activity.
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Standards

E25.6 Standards

E25.6.1 General standards	Complies	These standards are met as set out in the Acoustic Assessment in Appendix 19
E25.6.9 Noise levels between units in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone, Business – Neighbourhood Centre Zone or the Business – Mixed Use Zone	Complies	The development will comply with this standard with compliance to be confirmed at Building Consent stage.
E25.6.28 Construction noise levels in the Business – City Centre Zone and the Business – Metropolitan Centre Zone	Infringes	As set out in the Appendix 19 - Acoustic Assessment the proposed construction works do not comply with the relevant standards with levels of up to 84dB LAeq expected for up to 2-4 weeks during initial demolition works and up to 77db LAeq for 1-2 weeks during piling. This is a maximum of 9db over the normal

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		weekday limit and 4db over the Saturday limit.
E25.6.30 Vibration	Infringes	The Appendix 19 - Acoustic Assessment indicates that compliance can be achieved through management of the works including using smaller machinery within close proximity to neighbours as well as active consultation around timing of the works but considers it prudent to seek consent for an infringement to the amenity levels in Standard E25.60(1)(b). Conditions of consent in this regard (Construction noise and Vibration Management Plan) are proposed.

E27 Transport

Activities

E27.4.1 Activity table		
(A2) Parking, loading and access which is an accessory activity but which does not comply with the standards for parking, loading and access	RD	As set out in the Appendix 12 - Transportation Assessment the proposed access does not provide the 6m long 1 in 20 safety platform at the entry required by Standard E27.6.4.4.(3) (only circa 4.4m is provided) and the internal ramps have a maximum gradient of 1 in 4 which exceeds the AUP maximum of 1 in 6 (as stated in Table E27.6.4.4.1 (T159)). Consent is required as a Restricted Discretionary Activity.
(A5) Construction or use of a vehicle crossing where a Vehicle Access Restriction applies under Standards E27.6.4.1(2) or E27.6.4.1(3)	RD	The proposed vehicle crossing is located 8.4m from the intersection of Gundry and Abbey and therefore within the 10m restriction under E27.6.4.1(3). Consent is required.



Standards

E27.6 Standards		
E27.6.1 Trip generation	Complies	The site is located within the City Centre zone so no trip generation assessment required pursuant to Standard E27.6.1(2) which states: <i>Standard E27.6.1(1) does not apply where: (a) a proposal is located in the Business – City Centre Zone.</i>
E27.6.2 Number of parking and loading spaces	Complies	As set out in the Appendix 12 - Transportation Assessment the proposed building contains 48 car parking spaces which is 10 less than allowed by Standard E27.6.2. The proposal is therefore compliant.
E27.6.3 Design of parking and loading spaces		
E27.6.3.1 Size and location of parking spaces	Complies	As set out in the Traffic Assessment in Appendix 12 the parking spaces are all of a compliant size.
E27.6.3.2 Size and location of loading spaces	Infringes	No on-site loading space is proposed where one (1) is required.
E27.6.3.3 Access and manoeuvring	Complies	As set out in the Traffic Assessment in Appendix 12 the access complies.
E27.6.3.4 Reverse manoeuvring	Complies	As set out in the Traffic Assessment in Appendix 12 no reverse manoeuvring is required.
E27.6.3.5 Vertical clearance	Infringes	There are three spaces which are below the 2.3m clearance required as per the Traffic Assessment.
E27.6.3.6 Formation and gradient	Complies	As set out in the Traffic Assessment in Appendix 12 the access gradient is compliant.
E27.6.3.7 Lighting	Complies	Compliant lighting of the car park will be provided.



E27.6.4 Access		
E27.6.4.1 Vehicle Access Restrictions	Infringes	The proposed vehicle crossing is located 8.4m from the intersection of Gundry and Abbey and therefore within the 10m restriction under E27.6.4.1(3). Consent is required.
E27.6.4.2 Width and number of vehicle crossings	Complies	A single compliant 6.0m wide crossing is proposed. The site is allowed up to 6 crossings based on a 127m long total frontage.
E27.6.4.3 Width of vehicle access and queuing requirements	Complies	A compliant 6m wide vehicle crossing is proposed and access within the site is 5.5m wide at a minimum compliant with AUP standards.
E27.6.4.4 Gradient of vehicle access	Infringes	As set out in the Appendix 12 - Transportation Assessment the proposed access does not provide the 6m long 1 in 20 safety platform at the entry required by Standard E27.6.4.4.(3) (only circa 4.4m is provided) and the internal ramps have a maximum gradient of 1 in 4 which exceed the AUP maximum of 1 in 6 (as stated in Table E27.6.4.4.1 (T159)).

E30 Contaminated land

Activities

E30.4.1 Activity table		
(A6) Discharges of contaminants into air, or into water, or onto or into land not meeting permitted activity Standard E30.6.1.1; E30.6.1.2; E30.6.1.3; E30.6.1.4; or E30.6.1.5	C	As set out in the Detailed Site Investigation in Appendix 16 the proposal does not meet permitted activity standards but does meet Controlled Activity Standards in E30.6.2.1.



Standards

E30.6 Standards		
E30.6.2 Controlled activity standards		
<p>E30.6.2.1 Discharges of contaminants into air, or into water, or onto or into land not meeting permitted activity standards E30.6.1.1; E30.6.1.2; E30.6.1.3; E30.6.1.4; or E30.6.1.5</p>	<p>Complies</p>	<p>As set out in the Appendix 16 - Detailed Site Investigation:</p> <p>(1) A detailed site investigation (contaminated land) has been prepared and is being submitted to Council for consideration as part of this application.</p> <p>(2) A site management plan (contaminated land) has been prepared and is being submitted to Council for consideration as part of this application.</p> <p>(3) A remedial action plan (contaminated land), relevant to the site and the proposed disturbance or remediation has been prepared and is being submitted to Council for consideration as part of this application.</p> <p>(4) The report on the detailed site investigation (contaminated land) confirms that post remediation any discharges from the land are highly unlikely to cause significant adverse effects on the environment (most earth affected by contamination will be removed from the site to develop the basement).</p>

E40 Temporary activities

Activities

E40.4.1 Activity table		
Specific Temporary Activities		
<p>(A20) Temporary activities associated with building or construction, (including structures and buildings that are accessory</p>	<p>P</p>	<p>Construction is estimated to take 18 months. This is permitted.</p>



activities), for the duration of the project, or up to 24 months, whichever is the lesser Land [dp]

H8 Business - City Centre Zone

Activities

H8.4.1 Activity table		
Use - Commerce		
(A7) Commercial services	P	Proposed office/commercial use is permitted.
(A9) Offices	P	Proposed use is permitted.
(A10) Retail	P	Proposed use is permitted.
Development		
(A32) New Buildings	RD	A new building is proposed.
(A36) Additions and alterations	RD	As the proposal may involves additions and alterations to the neighbouring building to install the wind canopy this reason for consent is included.
(A32A) Demolition of buildings	C	Demolition of existing buildings/structures on the site is proposed. Consent is required.
(A44) A building that exceeds the basic floor area ratio specified for the site in Standard H8.6.10 Basic floor area ratio without providing a bonus feature	NC	The proposed building has a gross floor area, calculated in accordance with AUP requirements, of 11,646m ² which equates to a ratio of 7.29:1. This exceeds the Basic 3:1 floor area ratio. No Bonus elements are applicable to the site.
(A45) A building that exceeds the maximum total floor area ratio in Standard H8.6.21 Maximum total floor area ratio	NC	The proposed building has a gross floor area, calculated in accordance with AUP requirements, of 11,646m ² which equates to a ratio of 7.29:1. This exceeds the Maximum Total Floor Area Ratio of 3:1. No Bonus elements are applicable to the site.



C1 General rules		
C1.9(2) Infringed standard	RD	The proposal involves development under rule (A32) that fails to meet the Building Height Standard in H8.6.2 and is therefore a restricted discretionary activity under rule C1.9(2).

Standards

H8.6 Standards		
H8.6.1 Retail	Complies	The ground floor has potential for up to 694m ² of retail floor space. This is below the 1,000m ² permitted activity threshold in Table H8.6.1.1 and therefore no consent is required.
H8.6.2 General building height	Infringes	<p>The proposed building parapet is at 117.07m RL which results in an overall building height of 46.283m as it relates to the 70.787m RL mean street level on the Karangahape Road frontage, and an overall height of 50.366m as it relates to the 66.704m RL mean street level on the Abbey Street frontage.</p> <p>The building therefore exceeds the 15m height limit by 31.283m on the Karangahape Road mean street level and 35.366m on the Abbey Street mean street level.</p>
H8.6.3 Admission of sunlight to public places	Complies	The proposal is sufficiently clear of any public places to which these controls apply. The closest area is Myers Park which is north east of the site.
H8.6.4 Aotea Square height control plane	Complies	The proposal is sufficiently clear of Aotea Square which is north east of the site.
H8.6.5 Harbour edge height control plane	Complies	Not relevant.
H8.6.6 Exception to the harbour edge height control plane	Complies	Not relevant

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H8.6.7 Railway station building and gardens view protection plane	Complies	Not relevant
H8.6.8 Measuring building height	Complies	The building height has been measured using the vertical distance between the relevant mean street levels as per the definition of Mean Street Level in Chapter J1 of the AUP.
H8.6.9 Rooftops	Complies	The building design has enclosed the roof plant area within the integrated design of the buildings roof.
H8.6.10 Basic floor area ratio	Infringes	Total FAR proposed is 7.29:1 therefore exceeding the allowable 3:1 by 4.29:1.
H8.6.11 Bonus floor area ratio	Complies	Not relevant as no bonus is applicable to this site.
H8.6.12 Bonus floor area ratio – light and outlook	Complies	Not relevant as no bonus is applicable to this site.
H8.6.13 Bonus floor area - use or transfer of historic heritage and special character floor space bonus	Complies	Not relevant as no bonus is applicable to this site.
H8.6.14 Bonus floor area - securing historic heritage and special character floor space bonus	Complies	Not relevant as no bonus is applicable to this site.
H8.6.15 Bonus floor area - bonus floor space calculation for scheduled heritage buildings	Complies	Not relevant as no bonus is applicable to this site.
H8.6.16 Bonus floor area - bonus floor space calculation for identified special character buildings	Complies	Not relevant as no bonus is applicable to this site.
H8.6.17 Bonus floor area - public open space	Complies	Not relevant as no bonus is applicable to this site.
H8.6.18 Bonus floor area - through-site link	Complies	Not relevant as no bonus is applicable to this site.
H8.6.19 Bonus floor area - through-site links through identified blocks	Complies	Not relevant as no bonus is applicable to this site.
H8.6.20 Bonus floor area - works of art	Complies	Not relevant as no bonus is applicable to this site.



H8.6.21 Maximum total floor area ratio	Infringes	Total FAR proposed is 7.29:1 therefore the exceeding the allowable 3:1 by 4.29:1.
H8.6.22 Building in relation to boundary	Complies	Not relevant as not applicable to the application site.
H8.6.23 Streetscape improvement and landscaping	Complies	Not relevant as not applicable to the application site.
H8.6.24 Maximum tower dimension, setback from the street and tower separation	Complies	Not relevant as not applicable to the application site.
H8.6.25 Building frontage alignment and height	Complies	Not relevant as not applicable to the application site.
H8.6.26 Verandahs	Infringes	<p>The proposed verandah will not comply with the requirements of this standard as shown on the plans.</p> <p>H8.6.26(5)(a) - the verandah will have a minimum height of 3m and a maximum height of more than 4m above the footpath immediately below (up to 5.298 at the corner due to topography).</p> <p>H8.6.26(5)(b) - it will be no closer than 700mm in plan to the edge of the road carriageway notwithstanding any other requirement of this standard.</p> <p>H8.6.26(5)(c) it will include drainage to control rain run-off;</p> <p>H8.6.26(5)(d) where glazed, it will be opaque or patterned glass; and</p> <p>H8.6.26(5)(e) it will comply with the minimum widths in Table H8.6.26.1 - 4m on K Road and 3m on Gundry.</p> <p>H8.6.26(6) Lighting outside daylight hours will be provided under the verandah to a minimum of 20 lux (light illumination) on the footpath, where the lux level is measured at ground level on a horizontal plane at 2m from the building adjoining the footpath. Lighting of the</p>

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		<p>footpath will have a uniformity ratio of 0.5.</p> <p>H8.6.26(7) The lighting levels required above will be met by one or more of the following methods:</p> <p>(a) providing lighting beneath a street verandah;</p> <p>(b) providing lighting within the shop/office that spills out through windows to the outside footpath;</p> <p>(c) the use of advertising signage of light colour which will spill light out onto the footpath; or</p> <p>(d) providing downwardly directed lighting on the exterior of the building.</p>
H8.6.27 Minimum floor to floor height	Complies	Will comply with ground floor 5m floor to floor and 4m floor to floor for levels above. Shown on application plans.
H8.6.28 Wind	Complies	A Wind Environment Desktop Study has been prepared by Wind Engineering Group (Appendix 10) and this confirms that the requirements of this standard are likely to be met by the proposed building.
H8.6.29 Glare	Complies	The building's façade is designed and will be built so that the reflectivity of all external surfaces does not exceed 20 per cent of white light.
H8.6.30 Special amenity yards	Complies	Not relevant as not applicable to the application site.
H8.6.31 Street sightlines	Complies	Not relevant as not applicable to the application site.
H8.6.32 Outlook space	Complies	Not relevant as not applicable to the application proposal.
H8.6.33 Minimum dwelling size	Complies	Not relevant as not applicable to the application site.



H8 Business – City Centre Zone - PC 78: Intensification

Activities

H8.4.1 Activity table		
Development		
(A32) New buildings	RD	Whilst the PC78 standards are not operative and therefore the development does not require or need to apply for consent under PC78, it would be a restricted discretionary activity for a new building.
C1 General rules		
C1.9(2) Infringed standard	RD	Whilst the PC78 standards are not operative and therefore the development does not require or need to apply for consent under PC78, it would be a restricted discretionary activity under Rule C1.9(2).as the proposal involves development under rule (A32) that fails to meet the Standards in H8.6.2, H8.6.25 and H8.6.25A as noted below.

Standards

H8.6 Standards		
H8.6.2 General building height <i>[amended]</i>	Infringes	<p>The proposed building's roof is at 117.07m RL which results in an overall building height of 46.283m as it relates to the 70.787m RL mean street level on the Karangahape Road frontage, and an overall height of 50.366m as it relates to the 66.704m RL mean street level on the Abbey Street frontage.</p> <p>The building exceeds the 35m PC78 height limit by 11.283m on the Karangahape Road mean street level and 15.366m on the Abbey Street mean street level.</p>
H8.6.25 Building frontage alignment and height <i>[amended]</i>	Infringes	The building is compliant with the proposed 1:1 street width height setback



		as shown on plans to Karangahape Road and Gundry Street but does not comply on the Abbey Street frontage where the building parapet/roof terrace railing has a height of 18.476m where 15.246m is allowed based on the width of Abbey Street. This is an infringement of some 3.23m.
H8.6.25A <u>Building setback from boundaries</u>	Infringes	The building does not meet the 6m setback from the boundary with 582 Karangahape Road to the west. This rule requires a 6m setback above 32.5m in height however no setback is proposed and so the upper 17.866m of the southern part of the western elevation and the upper 13,783m of the northern part of the western elevation infringes this setback by up to 6m depth. The differing infringements are due to the site having three road frontages and therefore two mean street levels to be used to calculate heights.

I206 Karangahape Road Precinct

Activities

I206.4.1 Activity table

Development

(A2) New buildings, and alterations and additions to buildings not otherwise provided for	RD	A new building is proposed and thus requires consent.
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Standards

I206.6 Standards

I206.6.1 Frontage height and setback	Complies	This standard is not relevant as it is not applicable to the application site.
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NES - Contaminants In Soil 2011

Activities

9 Controlled activities		
(1) Removing or replacing fuel storage system, sampling soil, or disturbing soil	C	As noted in the Appendix 16 - Detailed Site Investigation the concentrations of target contaminants complied with the NES Human Health criteria and whilst asbestos was detected it was at concentrations below Human Health SGV. An SMP has been prepared for the site and will be implemented (conditions offered) therefore consent as a Controlled Activity is required.

Standards

9 Controlled activities		
(1) Removing or replacing fuel storage system, sampling soil, or disturbing soil		
(a) a detailed site investigation of the piece of land must exist:	Complies	A DSI is contained in Appendix 16 .
(b) the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7:	Complies	The DSI in Appendix 16 confirms that the soil contamination does not exceed the applicable standard.
(c) the consent authority must have the report:	Complies	A copy of the DSI is included as part of the application.
(d) conditions arising from the application of subclause (2), if there are any, must be complied with.	Complies	The applicant offers conditions of consent that the matters raised in the DSI and the SMP are to be implemented.

Overall Activity Status

4.5. The overall activity status of this application is **Non-Complying**.

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5. RELEVANT ASSESSMENT CRITERIA AND MATTERS OF DISCRETION

- 5.1. While consent is required as a Non-Complying activity, most of the reasons for consent are restricted discretionary activities, with corresponding assessment criteria and matters of discretion. These will inform the assessment of effects below and are set out in the following tables.

C1 General rules

C1.8 Assessment of restricted discretionary, discretionary and non-complying activities

- (1) *When considering an application for resource consent for an activity that is classed as a restricted discretionary, discretionary or non-complying activity, the Council will consider all relevant overlay, zone, Auckland-wide and precinct objectives and policies that apply to the activity or to the site or sites where that activity will occur.*
- (2) *When considering an application for resource consent for an activity that is classed as a discretionary or non-complying activity, the Council will have regard to the standards for permitted activities on the same site as part of the context of the assessment of effects on the environment.*
- (3) *The absence of any specific reference to positive effects in the objectives, policies, matters of discretion or assessment criteria does not mean that any positive effects of allowing an activity are not relevant to the consideration of an application for resource consent for that activity.*

C1.9 Infringements of standards

- (1) *Every activity that is classed as a permitted, controlled and restricted discretionary activity must comply with all the standards applying to that activity.*
- (2) *An activity that is classed as a permitted, controlled or restricted discretionary activity but that does not comply with one or more of the standards applying to that activity is a restricted discretionary activity unless otherwise specified by a rule applying to the particular activity.*
- (3) *When considering an application for a resource consent for a restricted discretionary activity for an infringement of a standard under Rule C1.9(2), the Council will restrict its discretion to all of the following relevant matters:*
- (a) any objective or policy which is relevant to the standard;*
 - (b) the purpose (if stated) of the standard and whether that purpose will still be achieved if consent is granted;*
 - (c) any specific matter identified in the relevant rule or any relevant matter of discretion or assessment criterion associated with that rule;*
 - (d) any special or unusual characteristic of the site which is relevant to the standard;*
 - (e) the effects of the infringement of the standard; and*
 - (f) where more than one standard will be infringed, the effects of all infringements considered together.*



D17 Historic Heritage Overlay

D17.8 Assessment – restricted discretionary activities

D17.8.1 Matters of discretion

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application:

(1) for all restricted discretionary activities in Table D17.4.1 Activity table – Activities affecting Category A, A and B scheduled places, Table D17.4.2 Activity table - Activities subject to additional archaeological rules and Table D17.4.3 Activity table – Activities in Historic Heritage Areas and for activities that do not meet one or more of the standards in D17.6:*

(a) effects on the known heritage values of a historic heritage place from the scale, location, design, (including materials), duration and extent of the proposal, the construction methodology and associated site works;

(b) effects on the inter-relationship between buildings, structures and features within the place;

(c) effects of the proposal on the overall significance of the place;

(d) effects on the inter-relationship between contributing places within a Historic Heritage Area, including the views to, within or from the place or area;

(e) the purpose and necessity for the works and any alternatives considered;

(f) effects of the proposal on the long-term viability and/or the ongoing functional use of the place; and

(g) the provisions of a conservation plan where one has been prepared for the scheduled historic heritage place.

(2) additional matters for signs not provided for as a permitted activity:

(a) the duration of the sign or structure;

(b) the content and visual appearance of the sign; and

(c) the method of constructing or affixing the sign or structure.

D17.8 Assessment – restricted discretionary activities

D17.8.2 Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

(1) for restricted discretionary activities in Table D17.4.1 Activity table – Activities affecting Category A, A and B scheduled places, Table D17.4.2 Activity table - Activities subject to additional archaeological rules and Table D17.4.3 Activity table – Activities in Historic Heritage Areas:*

(a) whether the proposed works will result in adverse effects (including cumulative adverse effects) on the heritage values of the place and the extent to which adverse effects are avoided, remedied or mitigated;

(b) whether the proposed works will maintain or enhance the heritage values of the place, including by:



- (i) *avoiding or minimising the loss of fabric that contributes to the significance of the place;*
- (ii) *removing features that compromise the heritage values of the place;*
- (iii) *avoiding significant adverse effects on the place, having regard to the matters set out in B5 Historic heritage and special character;*
- (iv) *complementing the form and fabric which contributes to, or is associated with, the heritage values of the place; and*
- (v) *recovering or revealing the heritage values of the place.*
- (c) *whether the proposed works will compromise the ability to interpret features within the place and the relationship of the place to other scheduled historic heritage places;*
- (d) *whether the proposed works, including the cumulative effects of proposed works, will result in adverse effects on the overall significance of the place such that it no longer meets the significance thresholds for which it was scheduled;*
- (e) *whether the proposed works will be undertaken in accordance with good practice conservation principles and methods appropriate to the heritage values of the place;*
- (f) *whether the proposal contributes to, or encourages, the long-term viability and/or ongoing functional use of the place;*
- (g) *whether modifications to buildings, structures, or features specifically for seismic strengthening:*
 - (i) *consider any practicable alternative methods available to achieve the necessary seismic standard that will reduce the extent of adverse effects on the significance of the place; and*
 - (ii) *take into account the circumstances relating to the ongoing use and retention of the place that affect the level of seismic resilience that is necessary to be achieved.*
- (h) *whether the proposed relocation of features, within or beyond scheduled extents of place, in addition to the criteria above;*
 - (i) *is necessary in order to provide for significant public benefit that could not otherwise be achieved; and*
 - (ii) *the significant public benefit outweighs the retention of the feature in its existing location within the extent of place.*

E7 Taking, using, damming and diversion of water and drilling

E7.8 Assessment – Restricted discretionary activities

E7.8.1 Matters of discretion

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) *general:*
 - (a) *the effects on Mana Whenua values.*
- (4) *take and use of groundwater for dewatering or groundwater level control associated with groundwater diversion:*
 - (a) *refer to the matters listed in E7.8.1(6)(a)-(f) below.*
- (6) *diversion of groundwater:*



- (a) *how the proposal will avoid, remedy or mitigate adverse effects:*
- (i) *on the base flow of rivers and springs;*
 - (ii) *on levels and flows in wetlands;*
 - (iii) *on lake levels;*
 - (iv) *on existing lawful groundwater takes and diversions;*
 - (v) *on groundwater pressures, levels or flow paths and saline intrusion;*
 - (vi) *from ground settlement on existing buildings, structures and services including roads, pavements, power, gas, electricity, water mains, sewers and fibre optic cables;*
 - (vii) *arising from surface flooding including any increase in frequency or magnitude of flood events;*
 - (viii) *from cumulative effects that may arise from the scale, location and/or number of groundwater diversions in the same general area;*
 - (ix) *from the discharge of groundwater containing sediment or other contaminants;*
 - (x) *on any scheduled historic heritage place; and*
 - (xi) *on terrestrial and freshwater ecosystems and habitats.*
- (b) *the need for mineral extraction within a Special Purpose - Quarry Zone to carry out dewatering or groundwater level control and diversion and taking of groundwater in the context of mineral extraction activity.*
- (c) *monitoring and reporting requirements incorporating, but not limited to:*
- (i) *the measurement and recording of water levels and pressures;*
 - (ii) *the measurement and recording of the settlement of the ground, buildings, structures and services;*
 - (iii) *the measurement and recording of the movement of any retaining walls constructed as part of the excavation or trench; and*
 - (iv) *requiring the repair, as soon as practicable and at the cost of the consent holder, of any distress to buildings, structures or services caused by the groundwater diversion.*
- (d) *the duration of the consent and the timing and nature of reviews of consent conditions;*
- (e) *the requirement for and conditions of a financial contribution and/or bond; and*
- (f) *the requirement for a monitoring and contingency plan or contingency and remedial action plan.*

E7.8 Assessment – Restricted discretionary activities

E7.8.2 Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) *all restricted discretionary activities:*
- (a) *the extent to which any effects on Mana Whenua values are avoided, remedied or mitigated;*
 - (b) *the extent to which the proposal will be consistent with the management of allocation of freshwater within the guidelines provided by Appendix 2 River and stream minimum flow and availability and Appendix 3 Aquifer water availabilities and levels, and give priority to making fresh water available for the following uses (in descending order of priority):*
 - (i) *existing and reasonably foreseeable domestic and municipal water supply and animal drinking water requirements;*



- (ii) existing lawfully established water users;
 - (iii) uses of water for which alternative water sources are unavailable or unsuitable;
 - (iv) all other uses
- (5) Whether the proposal provides mitigation options where there are significant adverse effects on the matters identified in E7.8.2(3) and (4) above, including the following:
- (a) consideration of alternative locations, rates and timing of takes for both surface water and groundwater;
 - (g) consideration of alternative designs for groundwater dewatering proposals.
- (6) Whether the proposal to take and use surface water and groundwater will monitor the effects of the take on the quality and quantity of the freshwater resource to:
- (a) measure and record water use and rate of take;
 - (b) measure and record water flows and levels;
 - (c) sample and assess water quality and freshwater ecology; and
 - (d) measure and record the movement of ground, buildings and other structures.
- (10) Whether the proposal to divert groundwater will ensure that:
- (a) the proposal avoids, remedies or mitigates any adverse effects on:
 - (i) scheduled historic heritage places and scheduled sites; and
 - (ii) people and communities;
 - (b) the groundwater diversion does not cause or exacerbate any flooding;
 - (c) monitoring has been incorporated where appropriate, including:
 - (i) measurement and recording of water levels and pressures; and
 - (ii) measurement and recording of the movement of ground, buildings and other structures;
 - (d) mitigation has been incorporated where appropriate including:
 - (i) minimising the period where the excavation is open/unsealed;
 - (ii) use of low permeability perimeter walls and floors;
 - (iii) use of temporary and permanent systems to retain the excavation; and
 - (iv) re-injection of water to maintain groundwater pressures;

E12 Land disturbance - District

E12.8 Assessment – restricted discretionary activities

E12.8.1 Matters of discretion

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) all restricted discretionary activities:
 - (a) compliance with the standards;
 - (b) effects of noise, vibration, odour, dust, lighting and traffic on the surrounding environment;
 - (c) effects on the stability and safety of surrounding land, buildings and structures;
 - (d) effects on overland flow paths and flooding;
 - (e) protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;



- (f) the treatment of stockpiled materials on the site including requirements to remove material if it is not to be reused on the site;*
 - (g) staging of works and progressive stabilisation;*
 - (h) information and monitoring requirements;*
 - (i) timing and duration of works;*
 - (j) term of consent;*
 - (k) potential effects on significant ecological and indigenous biodiversity values;*
 - (l) risk that may occur as a result of natural hazards;*
 - (m) protection of or provision of network utilities and road networks.*
 - (n) potential effects on the natural character and values of the coastal environment, lakes, rivers and their margins, where works encroach into riparian or coastal yards; and*
 - (o) positive effects enabled through the land disturbance.*
- (2) additional matters of discretion for land disturbance within overlay areas:*
- (b) within the Historic Heritage Overlay:*
 - (i) effects on historic heritage.*

E12.8 Assessment – restricted discretionary activities

E12.8.2 Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) all restricted discretionary activities:*
 - (a) whether applicable standards are complied with;*
 - (b) the extent to which the earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures;*
 - (c) whether the earthworks and any associated retaining structures are designed and located to avoid adverse effects on the stability and safety of surrounding land, buildings, and structures;*
 - (d) whether the earthworks and final ground levels will adversely affect overland flow paths or increase potential volume or frequency of flooding within the site or surrounding sites;*
 - (e) whether a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin has been provided and the effectiveness of the protocol in managing the impact on Mana Whenua cultural heritage if a discovery is made;*
 - (f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works;*
 - (g) the extent to which the area of the land disturbance is minimised, consistent with the scale of development being undertaken;*
 - (h) the extent to which the land disturbance is necessary to provide for the functional or operational requirements of the network utility installation, repair or maintenance;*
 - (i) the extent of risks associated with natural hazards and whether the risks can be reduced or not increased;*
 - (j) whether the land disturbance and final ground levels will adversely affect existing utility services;*



- (k) the extent to which the land disturbance is necessary to accommodate development otherwise provided for by the Plan, or to facilitate the appropriate use of land in the open space environment, including development proposed in a relevant operative reserve management plan or parks management plan;
- (l) for land disturbance near Transpower New Zealand Limited transmission towers:
- (i) the outcome of any consultation with Transpower New Zealand Limited; and
 - (ii) the risk to the structural integrity of transmission lines.
- (m) the extent to which earthworks avoid, minimise, or mitigate adverse effects on any archaeological sites that have been identified in the assessment of effects.
- (2) additional assessment criteria for land disturbance within overlay areas:
- (b) within the Historic Heritage Overlay;
- (i) the extent to which the land disturbance, its design, location and execution provide for the maintenance and protection of heritage sites.

E23 Signs

E23.8 Assessment – restricted discretionary activities

E23.8.1 Matters of discretion

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary resource consent application:

- (1) visual amenity;
- (2) scale and location;
- (3) lighting and traffic and pedestrian safety;
- (4) duration of consent; and
- (5) cumulative effects.

E23.8 Assessment – restricted discretionary activities

E23.8.2 Assessment criteria

The Council will consider the relevant assessment criteria for restricted discretionary activities in Activity Table E23.4.1 Billboards in zones and Activity Table E23.4.2 Billboards on street furniture in road reserves, existing lawfully established billboards and comprehensive development signage from the list below:

- (1) visual amenity, scale and location:
 - (a) the extent to which comprehensive development signage, free-standing billboards, or billboards on a side, rear or street facing building façade are appropriate in terms of the zone they are located in taking into account all of the following:
 - (i) the scale, form and type of signs or billboard;
 - (ii) the location of the signs or billboard in relation to other signs and billboards and adjacent structures and buildings;
 - (iii) the size of the site in which the signs or billboard will be located;



- (iv) *the relationship with the streetscape, landscape and open space areas in the vicinity of the proposed signs or billboard; and*
 - (v) *the length of time the signs or billboard will be in place.*
 - (b) *the extent to which the signs or billboard, when attached to a building, will appear to be an integrated element of the building and positively relate to structural bays, structural elements, architectural features, building proportions and the overall design of the building;*
 - (c) *the extent to which the signs or billboard structure are visually integrated with the existing built and/or natural environment;*
 - (d) *whether the signs or billboard structures are simple and visually recessive in terms of form and colour, and are designed to discourage access for graffiti on the image displayed;*
 - (e) *whether the signs or billboard detracts from the visual amenity of any public open space from which it can be seen, including the characteristics of the streetscape, natural environment, landscaping and open space;*
 - (f) *whether the signs or billboard, if located in close proximity to a scheduled historic heritage place, adversely affects the visual amenity or detracts from the visual qualities that are fundamental to the historic heritage values of the scheduled historic heritage place;*
 - (g) *whether a sign or billboard that will replace an existing sign or billboard on a building integrates with the building's form, shape and architectural features; and*
 - (h) *whether the sign or billboard will dominate the outlook from any dwelling or public open space.*
 - (2) *lighting and traffic and pedestrian safety:*
 - (a) *the extent to which lighting associated with a sign or billboard is controlled to minimise adverse effects on the visual amenity of the surrounding environment during both day and night time (and the transition times between) having regard to:*
 - (i) *the location of the signs or billboard;*
 - (ii) *the sign's orientation to the sun; and*
 - (iii) *the variance of ambient light levels within the area.*
 - (b) *the degree of compliance with Standards E23.6.1(2)(a),(b),(c) or E23.6.1(3)(a), (b), (c) and whether lighting levels, light spill or glare from illuminated or, changeable message signs or billboards that do not meet these standards will cause unreasonable levels of glare and discomfort to any person or to traffic safety (the controls of Tables 2.1 and 2.2 of Australian Standards AS 4282 - 1997 (Control of the Obtrusive Effects of Outdoor Lighting) may be used to determine glare and discomfort);*
 - (c) *whether there will be adverse effects on the amenity values of the surrounding area and traffic or pedestrian safety from signs or billboards that are capable of displaying variable images more than once every eight seconds, taking into account:*
 - (i) *the proposed transition time between images;*
 - (ii) *the dwell time of each image;*
 - (iii) *the number of image changes per hour; and*
 - (iv) *the number of consecutive related images.*
 - (d) *the extent to which the location, operation, lighting or design of the signs or billboard will have adverse effects on traffic or pedestrian safety.*
 - (3) *duration of consent:*
 - (a) *whether the duration of a resource consent should be limited, taking into account the future land use and/or transport network changes that are likely to affect the site or location and result in the signs or billboard being inappropriate from a site development or traffic safety perspective.*



- (4) *cumulative effects:*
- (a) *whether the signs or billboard, in conjunction with existing signs nearby, will create visual clutter or other adverse cumulative effects.*

E25 Noise and vibration

E25.8 Assessment – restricted discretionary activities

E25.8.1 Matters of discretion

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) *for noise and vibration:*
- (a) *the effects on adjacent land uses particularly activities sensitive to noise; and*
- (b) *measures to avoid, remedy or mitigate the adverse effects of noise.*

E25.8 Assessment – restricted discretionary activities

E25.8.2 Assessment criteria

- (1) *for noise and vibration:*
- (a) *whether activities can be managed so that they do not generate unreasonable noise and vibration levels on adjacent land uses particularly activities sensitive to noise;*
- (b) *the extent to which the noise or vibration generated by the activity:*
- (i) *will occur at times when disturbance to sleep can be avoided or minimised; and*
- (ii) *will be compatible with activities occurring or allowed to occur in the surrounding area; and*
- (iii) *will be limited in duration, or frequency or by hours of operation; and*
- (iv) *will exceed the existing background noise and vibration levels in that environment and the reasonableness of the cumulative levels; and*
- (v) *can be carried out during daylight hours, such as road works and works on public footpaths.*
- (c) *the extent to which the effects on amenity generated by vibration from construction activity:*
- (i) *will be mitigated by written advice of the activity to adjacent land uses prior to the activity commencing; and*
- (ii) *can be mitigated by monitoring of structures to determine risk of damage to reduce occupant concern; and*
- (iii) *can be shown to have been minimised by the appropriate assessment of alternative options; and*
- (iv) *are reasonable taking into account the level of vibration and the duration of the activity (where levels of 10mm/s peak particle velocity may be tolerated only for very brief periods).*



(d) whether the measures to minimise the noise or vibration generated by the activity represent the best practicable option.

(3) for reverse sensitivity effects:

(a) whether the activity or infringement proposed will unduly constrain the operation of existing activities (excluding construction or demolition activities).

(4) for noise in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone, Business – Neighbourhood Centre Zone or the Business – Mixed Use Zone:

(a) in addition to the assessment criteria in E25.8.2(1) above, all of the following will be considered:

(i) the background noise at the affected receivers and the extent to which this is proposed to be exceeded;

(ii) the level of existing sound insulation (where that information is available) and ventilation options for affected receivers existing as at the date of notification of the Plan; and

(iii) the frequency and duration of the exceedance.

E27 Transport

E27.8 Assessment – restricted discretionary activities

E27.8.1 Matters of discretion

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application.

(8) any activity or development which provides fewer than the minimum number of loading spaces under Standard E27.6.2(8):

(a) adequacy for the site and the proposal; and

(b) effects on the transport network.

(12) construction or use of a vehicle crossing where a Vehicle Access Restriction applies under Standard E27.6.4.1(2) and Standard E27.6.4.1(3):

(a) adequacy for the site and the proposal;

(b) design and location of access;

(c) effects on pedestrian and streetscape amenity; and

(d) effects on the transport network.

E27.8 Assessment – restricted discretionary activities

E27.8.2 Assessment criteria

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below:

(7) any activity or development which provides fewer than the minimum number of loading spaces under Standard E27.6.2(8):



- (a) effects of the loading arrangements proposed for the site on the safe and efficient operation of adjacent transport network;
- (b) the specific business practice, operation or type of customer associated with the proposed activities;
- (c) the extent to which an accessible and adequate on-street loading space is available nearby or can be created while having regard to other demands for kerbside use of the road;
- (d) the extent to which loading can be provided informally on site or on another site in the immediate vicinity; or
- (e) the extent to which the reduction in loading spaces will contribute to the efficient use of land and the growth and intensification provided for in this Plan.
- (8) any activity or development which infringes the standards for design of parking and loading areas or access under Standard E27.6.3, E27.6.4.2, E27.6.4.3 and E26.6.4.4:
- (a) effects on the safe and efficient operation of the adjacent transport network having regard to:
- (i) the effect of the modification on visibility and safe sight distances;
- (ii) existing and future traffic conditions including speed, volume, type, current accident rate and the need for safe manoeuvring;
- (iii) existing pedestrian numbers, and estimated future pedestrian numbers having regard to the level of development provided for in this Plan; or
- (iv) existing community or public infrastructure located in the adjoining road, such as bus stops, bus lanes, footpaths and cycleways.
- (b) effects on pedestrian amenity or the amenity of the streetscape, having regard to:
- (i) the effect of additional crossings or crossings which exceed the maximum width; or
- (ii) effects on pedestrian amenity and the continuity of activities and pedestrian movement at street level in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone and Business – Local Centre Zone.
- (c) the practicality and adequacy of parking, loading and access arrangements having regard to:
- (i) site limitations, configuration of buildings and activities, user requirements and operational requirements;
- (ii) the ability of the access to accommodate the nature and volume of traffic and vehicle types expected to use the access. This may include considering whether a wider vehicle crossing is required to:
- comply with the tracking curve applicable to the largest vehicle anticipated to use the site regularly;
 - accommodate the traffic volumes anticipated to use the crossing, especially where it is desirable to separate left and right turn exit lanes;
 - the desirability of separating truck movements accessing a site from customer vehicle movements;
 - the extent to which reduced manoeuvring and parking space dimensions can be accommodated because the parking will be used by regular users familiar with the layout, rather than by casual users, including the number of manoeuvres required to enter and exit parking spaces;
- Note: Parking spaces for regular users can be designed to undertake more than one manoeuvre to enter and exit parking spaces in accordance with AS/NZS 2890.1: 2004 Off-Street Parking.



- (iii) any use of mechanical parking installation such as car stackers or turntables does not result in queuing beyond the site boundary; or
- (iv) any stacked parking is allocated and managed in such a way that it does not compromise the operation and use of the parking area.
- (11) construction or use of a vehicle crossing where a Vehicle Access Restriction applies:
- (a) this applies where a Vehicle Access Restriction is identified in Standard E27.6.4.1(2) and Standard E27.6.4.1(3), other than a Vehicle Access Restriction Level Crossing or a Vehicle Access Restriction Motorway Interchange:
- (i) effects of the location and design of the access on the safe and efficient operation of the adjacent transport network having regard to:
- visibility and safe sight distances;
 - existing and future traffic conditions including speed, volume, type, current accident rate, and the need for safe manoeuvring;
 - proximity to and operation of intersections;
 - existing pedestrian numbers, and estimated future pedestrian numbers having regard to the level of development provided for in this Plan;
 - existing community or public infrastructure located in the adjoining road, such as bus stops, bus lanes and cycleways;
- (ii) the effects on the continuity of activities and pedestrian movement at street level in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone and Business – Local Centre Zone; or
- (iii) the practicability and adequacy of the access arrangements considering site limitations, arrangement of buildings and activities, user requirements and operational requirements, proximity to and operation of intersections, having regard to:
- the extent to which the site can reasonably be served by different access arrangements including:
 - access from another road;
 - shared or amalgamated access with another site or sites;
 - via a frontage road, such as a slip lane or service road; or
 - the extent to which the need for access can reasonably be avoided by entering into a shared parking and/or loading arrangement with another site or sites in the immediate vicinity.

E30 Contaminated land

E30.7 Assessment – controlled activities

E30.7.1 Matters of control

The Council will reserve its control to all of the following matters when assessing a controlled activity resource consent application:

- (1) the adequacy of the detailed site investigation report including:
- (a) site sampling;
- (b) laboratory analysis; and
- (c) risk assessment.



- (2) *the need for and adequacy of a site management plan (contaminated land);*
- (3) *the need for and adequacy of a remedial action plan (contaminated land);*
- (4) *how the discharge is to be:*
 - (a) *managed;*
 - (b) *monitored, including frequency and location of monitoring; and*
 - (c) *reported on.*
- (5) *the physical constraints of the site and operational practicalities;*
- (6) *the transport, disposal and tracking of soil and other materials taken away in the course of the activity;*
- (7) *the effect on potable water supplies;*
- (8) *methods to identify contaminant risks prior to works commencing such as qualitative assessments of risk;*
- (9) *protocols around notifying the Council of contaminant risks;*
- (10) *how stormwater is to be managed;*
- (11) *soil management during work and at the completion of the works;*
- (12) *odour control;*
- (13) *vapour control;*
- (14) *groundwater management;*
- (15) *contingency plans;*
- (16) *remediation or ongoing management of the site, its timing and standard;*
- (17) *the nature and type of close out criteria if proposed;*
- (18) *the need for a financial bond;*
- (19) *the need for any review conditions in the event that standards to be achieved are not achieved;*
- (20) *the timing and nature of the review conditions; and*
- (21) *the duration of resource consent.*

E30.7 Assessment – controlled activities

E30.7.2 Assessment criteria

The Council will consider the relevant assessment criteria for controlled activities from the list below:

- (1) *whether the reports and information provided adequately address the effects of discharges into air, or into water, or onto or into water from contaminated land.*

H8 Business - City Centre Zone

H8.7 Assessment – controlled activities

H8.7.1 Matters of control

The Council will reserve its control to all of the following matters when assessing a controlled activity resource consent application:

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- (1) *demolition of buildings:*
- (a) *pedestrian amenity and safety;*
 - (b) *reuse of building materials;*
 - (c) *site condition post-demolition; and*
 - (d) *traffic generation.*

H8.7 Assessment – controlled activities

H8.7.2 Assessment criteria

The Council will consider the relevant assessment criteria below for controlled activities:

- (1) *demolition of buildings:*
- (a) *pedestrian amenity and safety:*
 - (i) *whether sites containing buildings that are proposed to be demolished have significant adverse effects on the quality and amenity of the public realm and the safety and efficiency of the surrounding transport network. In particular:*
 - *whether a high-quality and safe temporary hard or landscaped edge is provided along the site boundaries so that a defined boundary to streets and public open spaces is maintained. Including the provision and maintenance of continuous pedestrian cover within areas subject to the verandah standard; and*
 - *whether an edge treatment designed to reduce its vulnerability to graffiti and vandalism is maintained;*
 - (b) *reuse of building materials:*
 - (i) *the extent to which demolished materials are reused and recycled as much as possible;*
 - (c) *site condition post-demolition:*
 - (i) *if the site is not developed following demolition, the extent to which the site is landscaped to provide a good standard of visual amenity and whether the site will not be used for temporary or permanent parking.*
 - (d) *traffic generation:*
 - (i) *with regard to the effects of building demolition on the transport network:*
 - *proposed hours of operation;*
 - *the frequency and timing of truck movements to and from the site; and*
 - *the location of vehicle access.*

H8.8 Assessment – restricted discretionary activities

H8.8.1 Matters of discretion

The Council will reserve its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) *new buildings and external alterations and additions to buildings not otherwise provided for:*
- (a) *building design and external appearance;*
 - (b) *form and design of buildings adjoining historic heritage places;*
 - (c) *design of parking, access and servicing;*



- (d) design and layout of dwellings, visitor accommodation and boarding houses; and
- (e) functional requirements;
- (6) infringement of building height, building in relation to boundary, streetscape improvement and landscaping, maximum tower dimension and tower separation standards:
 - (a) effects of additional building scale on neighbouring sites, streets and public open spaces (sunlight access, dominance, visual amenity, and landscape character);
 - (b) consistency with the planned future form and character of the area/zone; and
 - (c) site specific characteristics;
- (9) infringement of minimum floor to floor height, building frontage alignment and height and verandahs standards:
 - (a) effects on the vitality and amenity of streets and public open spaces;
 - (b) effects on historic heritage and special character buildings; and
 - (c) effects on the potential of the building to accommodate other uses over time;

H8.8 Assessment – restricted discretionary activities

H8.8.2 Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) new buildings and external alterations and additions to buildings not otherwise provided for:
 - (a) building design and external appearance:
 - Contributing to a sense of place
 - (i) the extent to which the design of buildings contribute to the local streetscape and sense of place by responding positively to the existing and planned form and character of the surrounding area and significant natural landforms and landscape features;
 - (ii) the extent to which the silhouette of the building as viewed from areas surrounding the city centre positively contributes to the city centre's skyline;
 - Creating a positive frontage
 - (iii) the extent to which buildings have clearly defined public frontages that address the street and public open spaces to positively contribute to the public realm and pedestrian safety;
 - (iv) whether the ground floor of a new building is at the same level as the adjoining street;
 - (v) the extent to which pedestrian entrances are located on the street frontage and are clearly identifiable and level with the adjoining frontage;
 - (vi) [deleted]
 - (vii) for mixed use buildings, whether separate pedestrian entrances are provided for residential uses;
 - (viii) where not required by a standard, activities that engage and activate streets and public spaces are encouraged at ground and first floor levels;
 - (ix) the extent to which internal space at all levels within buildings is designed to maximise outlook onto street and public open spaces;
 - (x) the extent to which dwellings located on the ground floor of buildings fronting streets and public open spaces adversely affect:



- amenity values and the vitality of the street or public open space, such as on frontages that are subject to the verandah standard; and
- amenity values in terms of noise and air quality effects, such as on streets that carry high volumes of vehicle traffic.

(xi) where dwellings are considered to be appropriate at ground floor, the extent to which they are designed to enable passive surveillance of the street/public open space and provide privacy for residents. This could be achieved by:

- providing balconies over-looking the street or public open space;
- providing a planted and/or fenced setback where the site adjoins streets or public open space. Fences or landscaping should be low enough to allow direct sight lines from a pedestrian in the public realm to the front of a balcony; or
- raising the balcony and floor plate of the ground floor dwellings above the level of the adjoining street or public open space to a height sufficient to provide privacy for residents and enable them to overlook the public realm;

Variation in building form/visual interest

(xii) the extent to which buildings, including alterations and additions, are designed as a coherent scheme and demonstrate an overall design strategy that contributes positively to the visual quality of the development;

(xiii) where the proposed development is an addition or alteration to an existing building, the extent to which it is designed with consideration to the architecture to the original building and respond positively to the visual amenity of the surrounding area;

(xiv) the extent to which buildings are designed to:

- avoid long, unrelieved frontages and excessive bulk and scale when viewed from streets and public open spaces;
- visually break up their mass into distinct elements to reflect a human scale and the typical pattern of development in the area; and
- differentiate ground, middle and upper level;

techniques to achieve this include the use of recesses, variation in building height and roof form, horizontal and vertical rhythms and facade modulation and articulation;

(xv) whether blank walls are avoided on all levels of building frontages to streets and public open spaces;

(xvi) whether side or rear walls without windows or access points are used as an opportunity to introduce creative architectural solutions that provide interest in the facade including modulation, relief or surface detailing;

(xvii) the extent to which buildings provide a variety of architectural detail at ground and middle levels including maximising doors, windows and balconies overlooking the streets and public open spaces;

(xviii) the extent to which roof profiles are designed as part of the overall building form and contribute to the architectural quality of the skyline as viewed from both ground level and the surrounding area. This includes integrating plant, exhaust and intake units and other mechanical and electrical equipment into the overall rooftop design;

(xix) the extent to which colour variation and landscaping are used. Noting they should not be used to mitigate a lack of building articulation or design quality;

(xixa) the extent to which glazing is provided on street and public open space frontages and the benefits it provides in terms of:



- *the attractiveness and pleasantness of the street and public open space and the amenity for people using or passing through that street or space;*
- *the degree of visibility that it provides between the street and public open space and the building interior; and*
- *the opportunities for passive surveillance of the street and public open space from the ground floor of buildings.*

(xx) for residential development:

- *the extent to which the mechanical repetition of unit types is avoided;*
- *the extent to which balconies are designed as an integral part of the building. A predominance of cantilevered balconies should be avoided;*
- *whether apartments above ground floor can be accessed from internal corridors or entrance way. External walkways/breezeways should generally be avoided;*

Materials and finishes

(xxi) the extent to which buildings use quality, durable and easily maintained materials and finishes on the façade, particularly at street level;

(xxii) where provided, the extent to which signs are designed as an integrated part of the building façade;

Cultural identity

(xxiii) the extent to which development integrates mātauranga and tikanga into the design of new buildings and public open spaces; and

Functional requirements

(xxiv) whether the design recognises the functional requirements of the intended use of the building;

(b) form and design of buildings adjoining historic heritage places:

(i) buildings adjoining a scheduled historic heritage place:

- *whether the proposed building is located and designed to have regard to the significant historic heritage elements and built form of the place. This does not mean a rigid adherence to the height of the place, nor does it reduce the development potential of the site, but it does require careful consideration in terms of the form and design of the building to minimise the effects of dominance;*
- *may not be required to adjoin the site frontage if a better design outcome could be achieved by respecting the setback and/or spatial location of the place; or*
- *whether the proposed building uses materials and/or design detail that respect rather than replicate any patterns or elements existing in the place, however new and contemporary interpretations in form and detail may be used;*

(c) design of parking, access and servicing:

(i) whether parking is located, in order of preference, underground, to the rear of building or separated from the street frontage by uses that activate the street;

(ii) where parking is provided at lower building levels, the extent to which it is fully sleeved with active uses or activities that provide passive surveillance of the street and contribute to pedestrian interest and vitality. Above this, the extent to which car parking is fully screened on all sides of the building using design methods that present facades that are visually attractive and avoid night time light spill, noise and air quality effects on nearby sites and streets and public open spaces;



- (iii) whether vehicle crossings and accessways are designed to reduce vehicle speed, be visually attractive and clearly signal to pedestrians the presence of a vehicle crossing or accessway;
- (iv) whether pedestrian access between parking areas, building entrances/lobbies and the street provide equal access for people of all ages and physical abilities, a high level of pedestrian safety and be visually attractive;
- (v) whether separate vehicle and pedestrian access are provided within parking areas. Shared pedestrian and vehicle access may be appropriate where a lane or street is proposed within a development site. The shared space should prioritise pedestrian movement;
- (vi) whether ramps visible from the street are avoided, however, where necessary, whether they are minimal in length and integrated into the design of the building;
- (vii) for commercial activities, whether suitable provision is made for on-site rubbish storage and sorting of recyclable materials that:
- is a sufficient size to accommodate the rubbish generated by the proposed activity;
 - is accessible for rubbish collection; and
 - for new buildings, is located within the building
- (viii) where appropriate, whether a waste management plan is provided and:
- includes details of the vehicles to be used for rubbish collection to ensure any rubbish truck can satisfactorily enter and exit the site; and
 - provides clear management policies to cater for different waste management requirements of the commercial tenancy and residential activities.
- (ix) for alterations or additions to existing buildings where it is not possible to locate the storage area within the building, whether they are located in an area not visible from the street or public open spaces;
- (x) whether the development is able to be adequately served by wastewater and transport infrastructure; and
- (xi) whether servicing elements (including venting and air-conditioning units) are located on the roof of the building or internal to the site and not on street-facing facades. Where this is not possible (e.g. alterations to a shop front), the extent to which servicing:
- forms an integrated element of the building façade; and
 - is located so that it minimises adverse effects such as noise/odour on neighbouring sites and the public realm;
- (d) design and layout of dwellings, visitor accommodation and boarding houses:
- (i) the extent to which dwellings are located, proportioned and orientated within a site to maximise the amenity of future residents by:
- clearly defining communal, semi-communal and private areas within a development;
 - maximising passive solar access while balancing the need for buildings to front the street; and
 - providing for natural cross-ventilation by window openings facing different direction.
- (ii) the extent to which visitor accommodation and boarding houses are designed to achieve a reasonable standard of internal amenity. Taking into account:
- any specific internal design elements that facilitate the more efficient use of internal space;
 - the relationship of windows or balconies to principal living rooms; and



- *the provision of larger indoor or outdoor living spaces whether communal or exclusive to the visitor accommodation and boarding houses is more important for units that are not self-contained.*
- (iii) *whether suitable provision is made for on-site rubbish storage and sorting of recyclable materials that:*
 - *is a sufficient size to accommodate the rubbish generated by the proposed activity;*
 - *is accessible for rubbish collection;*
 - *for new buildings, is located within the building; and*
 - *for alterations or additions to existing buildings where it is not possible to locate the storage area within the building, whether the storage area is enclosed and not visible from the street or public open spaces.*
- (iv) *whether a waste management plan:*
 - *includes details of the vehicles to be used for rubbish collection to ensure any rubbish truck can satisfactorily enter and exit the site; and*
 - *provides clear management policies to cater for different waste management requirements of the commercial tenancy and residential activities;*
- (6) *infringement of building height, building in relation to boundary, streetscape improvement and landscaping, maximum tower dimension and tower separation standards:*
 - (a) *effects of additional building scale on neighbouring sites and streets and public open spaces (sunlight access, dominance, visual amenity and landscape character):*
 - (i) *whether minor height infringements may be appropriate where it would provide an attractive and integrated roof form that also meets the purpose of the standard;*
 - (ii) *whether height infringements may be appropriate on corner sites to reinforce the prominence of the corner where it meets the relevant standard infringement criteria and makes a positive contribution to the streetscape; and*
 - (iii) *whether minor infringements to the building in relation to boundary standard or the streetscape improvement and landscaping standard may be appropriate where the spacious landscaped character of the area is retained.*
 - (b) *consistency with the planned future form and character of the zone/area:*
 - (i) *where building height or maximum tower dimension and tower separation is infringed whether the proposal demonstrates that Policies H8.3(30) and H8.3(31) of the Business – City Centre Zone are met.*
 - (c) *site specific characteristics:*
 - (i) *whether there are particular site specific characteristics in terms of unusual site size, shape or orientation, or the location and nature of existing buildings which have constrained the form of the development proposed;*

H8 Business – City Centre Zone - PC 78: Intensification

H8.8 Assessment – restricted discretionary activities

H8.8.1 Matters of discretion

The Council will reserve its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

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(6) *infringement of general building height, building in relation to boundary, streetscape improvement and landscaping, maximum tower dimension, setback from the street and tower separation in special height area, and building setback from boundaries standards:*

- (a) *effects of additional building bulk and scale on neighbouring sites, streets and public open spaces (sunlight and daylight access, dominance, visual amenity, and landscape character);*
- (b) *consistency with the existing and planned built future form and character of the area/zone; including enabling well-designed buildings which have a human scale podium and slender towers above to maximise sunlight, daylight and outlook, or where towers are not possible, buildings should be well-designed and complement the streetscape and skyline; and*
- (c) *site specific characteristics;*

H8.8 Assessment – restricted discretionary activities

H8.8.2 Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

(6) *infringement of general building height, building in relation to boundary, streetscape improvement and landscaping, maximum tower dimension, setback from the street and tower separation in special height area, and building setback from boundaries standards:*

(a) *effects of additional building bulk and scale on neighbouring sites and streets and public open spaces (sunlight and daylight access, dominance, streetscape amenity, visual amenity and landscape character):*

- (i) *whether minor height infringements may be appropriate where it would provide an attractive and integrated roof form that also meets the purpose of the standard;*
- (ii) *whether height or setback infringements may be appropriate on corner sites to reinforce the prominence of the corner where it meets the relevant standard infringement criteria and makes a positive contribution to the streetscape; and*
- (iii) *whether ~~minor~~ infringements to the building in relation to boundary standard or the streetscape improvement and landscaping standard may be appropriate where the spacious landscaped character of the area is retained.*

(b) *consistency with the existing and planned future built form and character of the zone/area:*

- (i) *where building height or maximum tower dimension, setback from the street and tower separation in special height area, and building setback from boundaries standards is infringed whether the proposal demonstrates that Policies H8.3(29), H8.3(29A), H8.3(30), ~~and~~ H8.3(31) and H8.3(38) of the Business – City Centre Zone are met.*

(c) *site specific characteristics:*

- (i) *whether there are particular site specific characteristics in terms of narrow site size, unusual site size, shape or orientation, or the location and nature of existing buildings which have constrained the form of the development proposed;*
- (ii) *where towers are not possible, the extent to which buildings are well-designed and complement the streetscape and skyline;*



I206 Karangahape Road Precinct

I206.8 Assessment – restricted discretionary activities

I206.8.1 Matters of discretion

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

- (1) *new buildings, and alterations and additions to buildings not otherwise provided for:*
 - (a) *building design and external appearance.*

I206.8 Assessment – restricted discretionary activities

I206.8.2 Assessment criteria

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

- (1) *new buildings, and alterations and additions to buildings not otherwise provided for:*
 - (a) *building design and external appearance - creating a positive frontage:*
 - (i) *whether buildings are designed to address and align to the street boundary. Minor modulation and variance of the frontage such as recessed pedestrian entrances is encouraged to avoid architectural monotony;*
 - (b) *building design and external appearance - variation in building form/visual interest:*
 - (i) *whether building levels incorporate design elements which acknowledge the existing human scale and character of the precinct. In particular:*
 - *whether frontage height and design have regard to existing buildings in the vicinity and to maintain a consistent scale. This does not mean a rigid adherence to a single height but it does mean a respect for the general scale of the surrounding buildings to avoid dominance;*
 - *whether the design of building frontages include vertical and horizontal details that avoid dominance of frontage design elements larger than historically present. Where existing sites are amalgamated, whether the frontage design has regard to the existing grain of development and convey a residual sense of the original subdivision pattern;*
 - *whether the consistency of the existing character in a cohesive streetscape is maintained with the design of new buildings acknowledging the scale, sense of proportion and level of intricacy of detail on neighbouring buildings in the precinct;*
 - *whether the design of the ground level contributes to the continuity of pedestrian interest and vitality. However, frontages entirely of glass (curtain walling or continuous shopfront glazing) or of solid materials (including roller shutter doors of any size), should not be used at street level as they detract from the streetscape. Where feasible, restoration of original ground level detail should be included in plans for buildings adjoining historic heritage buildings or for alterations to historic heritage buildings;*



- *at upper levels, whether large expanses of glass or blank walls are avoided. This will tend to favour solid walls penetrated by a pattern of windows above verandah level, articulation of floor levels and an appropriate treatment of the parapet level;*
- (ii) *whether the design of upper setback levels relate naturally to the lower frontage height levels in an acceptable architectural manner such as continuation of an elevational rhythm or recognisable visual theme or proportions;*
- (iii) *whether the design of buildings on corner sites and at the terminus of significant axial views use special features to accentuate focus and should have a landmark quality which can be easily identified from many directions, creating a sense of place;*
- (iv) *whether signs and logos on frontages and fasciae are carefully integrated and visually clear so that they are unobtrusive and sympathetic with the architectural pattern of the buildings;*
- (c) *building design and external appearance - materials and finishes:*
 - (i) *whether materials, decoration and colour used for the exterior of new buildings or for alterations to the frontage of existing buildings have regard to existing buildings. New and contemporary interpretations in form and details may be used; and*
 - (ii) *whether frontage colour integrates with the existing vibrant streetscape, with colour considered as a whole, integrating under-verandah shop fronts with the frontage above. A frontage may be unified through the use of subdued colours or be given a sense of individuality by emphasising architectural features in contrasting colour.*

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9 Controlled activities

- (2) *The matters over which control is reserved are as follows:*
 - (a) *the adequacy of the detailed site investigation, including—*
 - (i) *site sampling:*
 - (ii) *laboratory analysis:*
 - (iii) *risk assessment:*
 - (b) *how the activity must be—*
 - (i) *managed, which may include the requirement of a site management plan:*
 - (ii) *monitored:*
 - (iii) *reported on:*
 - (c) *the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:*
 - (d) *the timing and nature of the review of the conditions in the resource consent:*
 - (e) *the duration of the resource consent.*
- (4) *The matter over which control is reserved is the adequacy of the detailed site investigation, including—*
 - (a) *site sampling:*
 - (b) *laboratory analysis:*
 - (c) *risk assessment.*



6. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

Statutory Matters

Non-complying activities

6.1. The proposal requires consent overall as a non-complying activity. Non-complying activities are addressed under section 104B of the Resource Management Act 1991 (the Act) as follows:

- **104B Determination of applications for discretionary or non-complying activities**

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

(a) may grant or refuse the application; and

(b) if it grants the application, may impose conditions under section 108.

- **104D Particular restrictions for non-complying activities**

(1) Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or

(b) the application is for an activity that will not be contrary to the objectives and policies of—

(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or

(ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or

(iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.

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(2) To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.

Permitted Baseline

- 6.2. Pursuant to section 104(2), when forming an opinion for the purposes of section 104(1)(a) a council may disregard an adverse effect of the activity on the environment if the plan or a NES permits an activity with that effect (i.e. a Council may consider the 'permitted baseline').
- 6.3. In terms of this site and the AUP (OP), any new building on this site requires consent and thus there is no relevant permitted baseline.

Receiving Environment

- 6.4. The receiving environment is made up of:
- o the existing environment and associated effects from lawfully established activities;
 - o effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
 - o the existing environment as modified by any resource consents granted and likely to be implemented; and
 - o the environment as likely to be modified by activities permitted in the plan.
- 6.5. This is the reasonably foreseeable environment within which the adverse effects of the proposal are considered and, in this case, includes the consented environment for the application site including the existing building on the site and the surrounding built form, particularly the height of the adjacent buildings within the surrounding area.

Plan context

- 6.6. Notwithstanding there is no permitted baseline, the relevant standards of the Auckland Unitary Plan (Operative in Part) (AUP(OP)) as amended by PC 78, provide a useful guide for

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what scale of development that is likely to be enabled on the site and surrounding land now and, more importantly, in the future.

- 6.7. For example, whilst the AUP (OP) existing height limit is 15m for the site, the emerging PC78 planning provisions will provide for heights on the application site and next door on 582 of 35m with adjacent sites to the north, south and east being enabled for building heights up to 72.5m.
- 6.8. Based on legal advice regarding the provisions of PC78, it is considered relevant to give the building height and mass enabled by these new standards consideration in the assessment of the effects of the proposal. The removal of the gross floor area limits is also essentially a certainty, and the proposal is assessed on that basis.

Assessment of Effects

- 6.9. The application is for a non-complying activity, which means Council's discretion is not restricted and any matter can be assessed as part of the application. While technically not applicable, the matters of discretion and assessment criteria identified in Section 5 above have informed for the assessment of the following effects:
- Positive effects / principle of development;
 - Landscape and visual effects including visual amenity, design, appearance and streetscape character;
 - Effects on Historic Heritage;
 - Transportation effects;
 - Effects on infrastructure;
 - Hazards (contamination); and:
 - Construction effects.



Positive effects of the principle of development

- 6.10. The City Centre Zone under the AUP(OP) is the top of the centres hierarchy and is pivotal to the success of Auckland. The purpose of the zone is to enhance the vibrancy of the city centre by permitting a wide range of activities. The zone enables the greatest intensity of development in terms of height and floor area, enabling tall buildings to be visible, contributing to the sense of identity.
- 6.11. The proposed development is consistent with the purpose of the zone and is appropriate for the setting. While the development breaches the MTFAR and height limit for the site, the proposal is of a high-quality design, addressing the streetscape and surrounding area in a positive manner as assessed below. The proposal provides high quality commercial floorspace and has been designed 'in the round' for a comprehensive design response to the site and context, recognising its unique location. This was noted during the Urban Design Panel reviews where the panel acknowledged that the development would make a successful contribution to this significant location.
- 6.12. The layout of the development is efficient and responds appropriately to the site's opportunities and its constraints and the intensity proposed is intentionally in line with the locational strategy in the AUP(OP) for the zone and will positively contribute to the vibrancy of the city centre zone.
- 6.13. An experienced urban designer (Mr Ian Munro) has been involved in the formulation of the project and his Urban Design Assessment report is contained in **Appendix 7**.
- 6.14. In terms of the use and proposed activities Mr Munro notes that the site is an excellent candidate for a high-density office development.
- 6.15. In terms of positive effects, the development is considered to generate significant positive effects in terms of the provision of a range of appropriate activities in a well-designed building and promoting a significant enhancement to the amenity of the area. This development will provide for the creation of a vibrant high amenity area which will go a long way to enhancing this part of the City Centre and repairing the relationship of the site with its surroundings.



- 6.16. Overall, the principle of the proposed development is acceptable with positive impacts on city centre vitality from the proposed scale and intensity of the activity making efficient use of this key city centre site. The specific effects are assessed in more detail below.

Landscape and visual effects including visual amenity, design, appearance and street scape character

Design and appearance

- 6.17. The proposal will result in a significant and comprehensive redevelopment of this large site, which due to its overall height and scale has the potential to result in adverse visual amenity and streetscape/character effects. The proposed development has therefore been subject to a robust and comprehensive design review process including pre-application meetings with Auckland Council specialists and three reviews by the Auckland Urban Design Panel.
- 6.18. In addition to being designed by an experienced architectural team, the design and appearance of the proposal has been informed, reviewed, and influenced by experienced urban design, heritage and landscape specialists.
- 6.19. The building has been designed with consideration given to the constraints of the application site in terms of the surrounding context but also in light of the opportunity afforded by the application site's size and location as well as the emerging planning framework for the site (PC78). The details of how the design of the building has been developed and refined are outlined in the Fearon Hay Design Report attached to this application in **Appendix 5**.
- 6.20. As noted above, as the development proposals represent a significant new building on the application site, the applicant engaged an experienced urban designer (Mr Ian Munro), an experienced heritage specialist (Mr Adam Wild) and an experienced landscape and visual effects specialist (Mr Matthew Jones). Their assessments are contained in **Appendix 7, Appendix 8, and Appendix 9** respectively and should be read in conjunction with the assessment and commentary set out below.



- 6.21. Mr Jones's assessment includes a number of visual simulations of the proposed building from a range of representative viewpoints which were agreed with Council specialists. These simulations provide a robust basis for the assessment of the visual effects of the proposal.

Building height, scale and mass

- 6.22. The assessments of Mr Munro and Mr Jones primarily address the visual impact of the proposed building height scale and mass with Mr Munro providing the following comments/assessment:

"I understand that the proposal exceeds the PC78 height standard, the upper level setback to the neighbouring site at 582 K Road standard, and slightly infringes the building frontage and alignment standards requirements on Abbey Street; but complies with the building frontage and alignment standards to Karangahape Road and to Gundry Street. Although this does warrant a careful consideration of the proposal's environmental effects, a Plan infringement is of itself not a relevant indicator of problematic adverse effects being likely. As I read the Unitary Plan, its language is quite neutral on the question of whether a specific scale and height of building is directed or sought, with the key tests relating to achieving a suitably compatible response incorporating increasing visual and design quality commensurate to each proposal's prominence. This is particularly set out by H8.2(13); H8.3(5); H8.3(30); and H8.6.2. In summary, there is no urban design basis to presume that only a 'compliant' building can be appropriate or justifiable.

The proposal will sit in a very mixed, even jumbled, built form context and from all viewpoints, the Site will sit in view of a number of 1-4 storey 'low rise' buildings and a number of 8+ storey medium rise buildings. In general, the lower-height parts of buildings are close to streets, blend into one another, and do the 'heavy lifting' of street interfaces, activation, and visual engagement with pedestrians. The taller tower forms are visually quite separated from one another and where visible do not generally connect directly to the ground plane.

- 6.23. Mr Munro confirm that he is 'supportive of the proposal's height, scale and mass.' He notes that the building is located along a ridge that already accommodates regularly-spaced taller buildings and from all 'wider' viewpoints shown within the visual simulations, that the proposal will sit comfortably amongst the other medium-rise buildings that can be seen. I

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agree with Mr Munro that the buildings combination of height, bulk and mass will not be out of place nor seem dominant in the context of other existing buildings around the site (some of which are larger or taller than the proposal).

- 6.24. Mr Munro confirms that, within the visual simulations, the proposal presents a varied form, and a compatible contribution to the more solid, wider expression of 2-4-storey 'base' or 'lower' building sections coupled with more slender upper tower sections.
- 6.25. Mr Jones considers that the building provides a positive response to intensification and the urban form of the city centre. He states that "*the design is of high-quality and will assist in ensuring the city centre is an attractive place to work and visit. It will also provide a positive contribution to the Auckland skyline through its interesting building form that is commensurate with its setting, from both the immediate streets and from the wider cityscape context.*"
- 6.26. Mr Jones concludes that the proposed design, including the infringements of the planning provisions will result in an appropriate outcome (from a landscape and visual perspective) for the site and urban context with adverse effects which are sufficiently mitigated. He considers that the proposal will replace a vacant lot with an architecturally coherent and attractive commercial building with visual interest and articulation which is consistent yet varied to provide subtlety to the design. He states that this is "*achieved through the form, colours and materials (including façade typologies). This will break up the perceived massing of the building and reduce any potential dominance effects. The built form and character within the Precinct will be maintained and enhanced.*"
- 6.27. I agree with Mr Jones where he states that the building will be an integrated element for the city centre which will provide a positive contribution to the evolving skyline and the cityscape environment through its height, form and architectural features and that although the proposal will introduce a new building and a change to views in the area, the building is appropriate in this location. I agree with Mr Jones' comment that Auckland's planned urban form is predicated on change, but in a developing city there will always be buildings that are larger than the others.

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- 6.28. Mr Munro notes that "*although the proposal will be obvious and prominent when it is newly constructed, within a short time it will come to sit as a 'natural' part of the mixed / varied, and quite eclectic built form character of the Great North Road / Karangahape Road / Symonds Street city-fringe ridge system that will 'blend' into the many other existing similarly-scaled buildings that can be frequently seen. The serrated roof form will be particularly appropriate when viewed from Ponsonby Road given the building scales and pitched roof forms present in the Ponsonby Road foreground.*
- 6.29. I agree with the assessment of Mr Munro that the building has, from a scale and massing perspective, successfully "*resolved the geometric proportions of the façade to provide a progression of 'mediations' between scales and contexts, frequent vertical and horizontal divisions, and in particular separate the lower 'base' from the 'upper' sections all in a way that will break down the scale of the building and avoid substantial expanses of uniform or flat wall*"
- 6.30. I concur with Mr Munro that the visual quality of the building is in the 'superior' category and the aforementioned design elements will mitigate potential adverse visual scale and bulk effects to the point where they are acceptable and no more than minor.
- 6.31. Overall, I am of the opinion that the overall scale and massing of the building is acceptable when viewed in the context of the city centre location where buildings of significant scale are expected to be developed. I agree with the assessments of Mr Munro and Mr Jones that the building will overall not appear unduly prominent or unacceptably visually dominant.

Streetscape effects

- 6.32. In terms of the 'closer in' effects of the proposal on the immediately surrounding streets and spaces, the design of the building has been carefully considered against the planning outcomes sought by the zone, the precinct and in terms of the historic heritage area qualities. These specific qualities have been informed by the assessment undertaken by Mr Adam Wild of Archifact who has prepared a Heritage Impact Assessment of the proposal (**Appendix 8**)
- 6.33. The arrangement of the building mass and the elevation design of the lower levels of the building has been a collaborative design process balancing the need to ensure that the heritage qualities of the area (expressed via the Historic Heritage Area), the streetscape

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character qualities as set out in the Precinct provisions and the more general urban design quality considerations have all been considered.

6.34. In that regard, Mr Wild's analysis of the proposal considers effects arising from that development with respect to both historic heritage area values and the Karangahape Road Precinct values (as there is some significant overlap). Mr Wild notes that the subject scheduled historic heritage place in this application is the Karangahape Road Historic Heritage Area (KRHHA) and that while the KRHHA includes a number of individually listed historic heritage places, the subject site is not one of them and accordingly the lens to be considered in assessing effects focusses on the KRHHA as a whole. Mr Wild considers that the proposed development has been informed by an understanding of the general historic heritage values of the area and a more specific independent analysis of those values to guide and inform the appropriateness of the proposed development within the area. He considers that the development is conscious of, and responds appropriately to, the maintenance and conservation of the values of the KRHHA.

6.35. Mr Wild states that:

The proposed building has been composed 'in the round' offering a cohesive design strategy that responds to the existing grain and pattern of development within the K'Rd Precinct. A thorough study of the features, scale, and modules of buildings in the precinct has informed the composition of the proposed development. It becomes apparent through this study that heritage buildings typically express their construction modules and spans through decorative features, decorative horizontal bands, regular rhythms, and the arrangement of apertures and penetrations. The result of this study is a composition that utilises a distinct symmetry and repeats the horizontal datum to reflect the patterns and features of other buildings in the precinct.

6.36. He goes on further to note that:

The principal elevation on K Rd reflects the symmetry and rhythm of other buildings in the KRP. The elevation on Gundry Street is notable for how it deals with a steep incline. Both elevations are related through form and material, however the junction is signalled with a separate, taller element which reflects typical corner treatments in the precinct. The proposed building has

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been composed 'in the round' offering a cohesive design strategy that responds to the existing grain and pattern of development within the K'Rd Precinct. A thorough study of the features, scale, and modules of buildings in the precinct has informed the composition of the proposed development.

"The proposed building offers clear hierarchies of built form and access which are appreciable from various parts of the K' Rd precinct and consider the desire lines of pedestrians moving under the canopy. The K'Rd frontage has been carefully designed to respond appropriately to the precinct's special character and grain. The use of the canopy at street level ensures the contiguity of the pedestrian realm on the K' Rd frontage. A consistent proportion and scale are defined in relation to other buildings in the precinct"

6.37. And that:

The arrangement of the K'Rd frontage is carefully considered with respect to the existing modules of existing shopfronts in the precinct. The building height and mass is carefully articulated to avoid dominance or a monolithic appearance. The architectural language of lightness and veiling explores visual permeability and makes a dynamic contribution to the area through changing light play and shadow casting.

The proposed building offers clear hierarchies of built form. The arrangement of the K'Rd frontage is carefully considered with respect to the existing modules of existing shopfronts in the precinct. The principal module on K' Rd. reflects the common 14m height datum that is reflected in most buildings in the KRP. This datum, while not the only horizontal built form reference found within the precinct, is expressed through detailing above the canopy level.

6.38. Mr Munro's assessment of the streetscape effects of the proposal notes that:

The proposal fronts Abbey Street, Gundry Street and Karangahape Road. Each street has a different character and the proposal presents something different to each.

All streets will be well-overlooked and activated. The facades present frequent variations and will avoid the effects of horizontally long blank walls. Building entrances are obvious and thoughtfully distributed around the three frontages. On all frontages a well-expressed base



section, between 3-4 storeys will front the streets continuously, with the upper section recessed and expressed as a tower form. This is well-illustrated on viewpoint 04.

6.39. In Mr Munro's opinion the Gundry and Abbey Street elevations are appropriate and do not warrant further comment but the Karangahape Road warrants particular consideration because of the additional mass proposed by way of the winter garden feature.

6.40. He notes that:

Karangahape Road's frontage is proposed via a 6-storey form (3-storeys base following a 14m datum line), and a 3-storey wintergarden feature separated by a subtle negative detail and change in elevation / cladding detail. In my opinion the only urban design adverse effect of potential concern is the massing and potential dominance of this building scale on the street; I have no concerns as to visual quality and interest, the depth and articulation of the façade, passive surveillance or activation, shadowing (the Site is on the south side of the street), or issues pertaining to the weather protection canopy.

6.41. Mr Munro notes that the site sits on a curve in Karangahape Road and that this is relevant to the proposal's impacts on the street. Mr Munro notes that when viewed from the east the winter garden feature makes what a positive mediating contribution between the 'base' and 'tower' as part of the proposal's overall massing approach. He goes on to state that a key characteristic that he is supportive of is the transparency of the feature and ensuring this in an ongoing sense (during occupation and use) will be a relevant matter to consider. A condition of consent regarding this aspect of the design is in my view appropriate to ensure this outcome.

6.42. In assessing the building's design in terms of the built form character of the K Road Precinct, Mr Munro confirms that whilst Mr Wild's assessment addresses historic heritage matters, his assessment is in terms of whether and the extent to which the proposal can sit compatibly within the context of the Precinct and its values (real-world and stated). In this regard Mr Munro finds that:

My assessment of the Precinct is that it does not possess a coherent or uniform set of built form values. It has a number of historic heritage buildings (and amongst those there is substantial variation), and a greater-number of non-heritage buildings, some of which are

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quite large. There is a generally coherent street-edge (i.e., buildings built with continuous frontages and to the street boundary), with windows frequently facing streets. Some modern buildings seem particularly insensitive to what I have interpreted the Unitary Plan seeks, including 445 (City of Sails), 295, and 75 Karangahape Road. Also of some note is the recent 7-8 storey "Ironbank" building at 150-154 Karangahape Road, a very distinctive and architecturally unique building. Another more-recent addition is at 442 Karangahape Road, a 7-storey new building set behind a smaller 4-to-5-storey 'front' building.

The building stock is characteristically non-residential or mixed-use. Many buildings have a functional appearance and there is an obvious 'grunge' in many of the 'back streets' behind Karangahape Road – by that I mean aged, weathered and otherwise run-down buildings and sites. Several taller-scale towers crowd around the fringe or edge of the Precinct and, although often not formally within it, nonetheless and in real-world terms contribute to the look and feel of the Precinct.

The immediate setting of the Site is a vacant site that contributes nothing to the quality or amenity of the Precinct; adjacent to another vacant site (520-536 Karangahape Road) that similarly offers nothing positive to the environment; a forecourt-dominated service station (565 Karangahape Road), which is the lowest-quality, least amenity contributing part of the area; and a contemporary 1-2 storey development (582 Karangahape Road). Historic heritage 2-storey buildings at 1-9 Great North Road and 531-537 Karangahape Road, and a yard-based car dealership at 2-38 Great North Road round this out.

Karangahape Road itself is the focal point of the Precinct although it accommodates a wide-range of building types and qualities. Key values identified within the Unitary Plan are explained briefly at I206.1 and by way of the policies at I206.3. A coherence of built form character, quality of street frontage, and ground floor activity are amongst the various matters identified.

- 6.43. Mr Munro finds that in the above context, *the proposal will "stand out as a high-quality, large scale destination or 'marker' at the western end of the Precinct and that will contrast with its adjacent sites as much for its positive attributes and visual quality as its scale."*



- 6.44. Mr Munro considers that *"the following elements ... in my opinion give it a convincing providence within the Precinct, including a 3-storey 'base' datum and scale, incorporating canopy stays, columnar features, and the rhythm and detailing of the façade. The proposal's design cues in favour of the historic heritage qualities of the Precinct will be obvious and although plainly not a mimic or faux-heritage building, will by the same token not seem to be a random tower that could sit anywhere in Auckland. Noting also that viewers within the Precinct will see a variety of authentic heritage buildings but also more-recent and less sympathetic buildings, the proposal will in my opinion present one a successful example of a new building that will directly relate with that historic heritage context. In these respects the proposal is a successful urban design outcome and demonstrates a thoughtful response to its context (keeping in mind that the urban design goal of a context response is in terms of a direct, easily discernible acknowledgement rather than a strict subordination or recessiveness.*
- 6.45. I agree with this assessment and note that Mr Wild expresses a similar opinion in the HIA finding that:

"The proposed development has been conceived as a building 'in the round' and addresses three street fronts of differing scales and significance within the KRP. The K'Rd frontage has been carefully designed to respond appropriately to the precinct's special character and grain. The arrangement of the K'Rd frontage is carefully considered with respect to the existing modules of existing shopfronts in the precinct. The principal module on K' Rd. reflects the common 14m height datum that is reflected in most buildings in the KRP. This datum, while not the only horizontal built form reference found within the precinct, is expressed through detailing above the canopy level. The building height and mass is carefully articulated to avoid dominance or a monolithic appearance.

The proposed building offers clear hierarchies of built form and access which are appreciable from various parts of the K' Rd precinct. The arrangement of the K'Rd frontage is carefully considered with respect to the existing modules of existing shopfronts in the precinct. The principal module on K' Rd. reflects the common 14m height datum that is reflected in most buildings in the KRP. This datum, while not the only horizontal built form reference found within the precinct, is expressed through detailing above the canopy level.



The principal elevation on K Rd reflects the symmetry and rhythm of other buildings in the KRP. The elevation on Gundry Street is notable for how it deals with a steep incline. Both elevations are related through form and material, however the junction is signalled with a separate, taller element which reflects typical corner treatments in the precinct. The proposed building has been composed 'in the round' offering a cohesive design strategy that responds to the existing grain and pattern of development within the K'Rd Precinct. A thorough study of the features, scale, and modules of buildings in the precinct has informed the composition of the proposed development.

The design approach complements the nearby patterns and features of Victorian and Edwardian shopfronts through interpretation in contemporary materials and details. The scale and articulation of the proposed development draws on analysis of the area to inform an appropriate response to those scheduled historic heritage places or special character buildings while providing a contemporary and high-quality design which enhances the precinct's built form and streetscape character.

The use of the canopy at street level ensures the contiguity of the pedestrian realm on the K' Rd frontage. A consistent proportion and scale are defined in relation to other buildings in the precinct

6.46. In terms of the K Road streetscape Mr Jones states that:

The building will provide positive street frontages at a human scale, increased activity and vitality in a location which is currently a vacant lot. This is achieved through the:

a) location of the entrances, particularly the pronounced primary pedestrian entrance on Gundry Street with the recessed aperture on this façade,

b) scale and the architectural response of the lower portions of the building. This is in reference to the fritted glass treatment of the lower 3 storeys along the Karangahape Road frontage and its differentiation to the wintergarden feature above. Similarly, the glazing treatment along the lower 3-4 storeys along Gundry Street and Abbey Street, and



c) the verandah which extends along the Karangahape Road frontage and only for a short portion along Gundry Street. This provides a focus to the importance of Karangahape Road in this context, but acknowledges the other frontages of the building.

- 6.47. Mr Jones concludes "*that the proposed design provides enhancement and activation of the streetscape environment. It will positively contribute to Karangahape Road and will respect its character. Any adverse dominance effects are minimised through the building setbacks, façade treatment and the building's scale to the street. Potential adverse effects on the streetscape environment are assessed to be low.*"
- 6.48. Relying on the expertise of Messrs Jones, Munro and Mr Wild, I am overall in agreement with their analysis of the proposals adverse effects being generally no more than minor and acceptable in terms of built form, character and visual amenity including relevant historic heritage aspects.
- 6.49. Whilst the development is a significant change to the site, it is of an exemplary design quality that is commensurate with its location at this key gateway into the western side of the City Centre. Whilst the building is substantially larger than its neighbours, this combination of varying scales is unremarkable in the city centre and the proposal is generally consistent with the larger overall scale and massing of the other larger buildings within proximity.
- 6.50. The detailed architectural design of the proposal, specifically at the lower levels on the K Road and Gundry Street frontages has been undertaken with a comprehensive understanding of the site's context, to ensure that the distinctive built form and streetscape character of the area and Karangahape Road Precinct is maintained and enhanced.
- 6.51. Overall, it is considered that the building design suitably respects the form, scale and architecture of scheduled historic heritage places in the Karangahape Road Precinct, and will maintain the precinct's character by providing a contemporary and high-quality design which enhances the precinct's built form and streetscape character, including by creating a sense of place. The building is built to the street and has managed height and building setbacks above street frontages in a manner that respects the general scale and form of existing buildings and avoids adverse unacceptable dominance effects.



- 6.52. In light of the above, any adverse design related, character or visual amenity / landscape effects would be at worst minor and acceptable. The building is considered to generate overall positive impacts in terms of the built character of the area.

Historic Heritage

- 6.53. The site is located at the western end of the Karangahape Road Historic Heritage Area so it is important to ensure that any new building, especially of the scale proposed, does not reduce or detract from the heritage values for which the area has been scheduled. This aspect of the proposal's effects has significant crossover with the wider visual and built character assessment set out above.
- 6.54. As noted, to assess and address potential impacts on historic heritage, Mr Adam Wild of Archifact was engaged early in the design process and has prepared a detailed Heritage Impact Assessment - this is attached as **Appendix 8**.
- 6.55. In terms of the KRHHA values, Mr Wild's assessment notes that:

"The HHA statement of significance reflects the predominance of Victorian and Edwardian buildings which were established as a retail and commercial precinct along one of the most prominent natural ridges in the city centre. In other parts of the HHA, the aesthetic and physical attribute values of the Victorian and Edwardian building stock are evident in the building line, decorative details, traditional awnings, building heights, and patterns of fenestration.

Post-1960, the Auckland Council heritage evaluation of the KRHHA noted a period of decline. Our analysis of the historic heritage values of the area has recognised that there has been a clear evolution of the area through adaptive reuse and comprehensive redevelopment which does not conform to the Victorian and Edwardian condition; a phenomenon also acknowledged in the Auckland Council KRHHA statement of significance, with significant contributors including Samoa House, the Artspace Aotearoa Building (former Newton Post Office), and Iron Bank. Which individually and collectively are of no less a contribution to the values of the KRHHA.

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The AUP HHA evaluation was completed in 2014, prior to demolition of the former building on the site, and is not fully consistent with the operative maps. The Auckland Council's current assessment policy for empty sites is applied on a case-by-case basis, however unless there is an adjacent contributing building or contiguous title, it is unlikely that an empty site could be considered to contribute to the historic heritage significance of an area. The Council's KRHHA evaluation recognises that further study of the area is required to understand the broader cultural values and how the area has successfully evolved into a vibrant multicultural area with a diverse population after 1960.

6.56. The relevant assessment criteria are set out in detail within the Heritage Impact Assessment along with a comprehensive assessment, with the overall conclusion being that the new building is sufficiently respectful of the KRHHA and will result in overall positive impacts on the heritage area. Particularly salient points made in Mr Wild's assessment include:

- *The subject scheduled historic heritage place in this application is the KRHHA. While the KRHHA includes a number of individually listed historic heritage places, the subject site is not one of them and accordingly the lens to be considered in assessing effects focusses on the KRHHA as a whole. The proposed development is conscious of, and responds appropriately to, the maintenance and conservation of the values of the KRHHA.*
- *The proposed development within the KRHHA will not alter any opportunities to appreciate and experience the values for which the KRHHA is recognised as significant. The subject site and proposed development upon it will not result in the demolition or destruction of any scheduled historic heritage places.*
- *The subject site is identified in the KRHHA planning map as a "non-contributing site". The proposed development has been informed by an understanding of the general historic heritage values of the area and a more specific independent analysis of those values to guide and inform the appropriateness of the proposed development within the area.*
- *While the development will be appreciable from a range of places (aligning, as it will, with distinguishing qualities also recognised in the KRP), the subject site is sufficiently*



separated from nearby historic heritage sites to have no adverse (or cumulative) impact on their significance through changes within the setting of those buildings.

- *The proposed development will not result in any of the existing historic features or collective values of the KRHHA being obscured, decontextualised, or reduced in significance.*
- *The proposed building has been composed ‘in the round’ offering a cohesive design strategy that responds to the existing grain and pattern of development within the K’Rd Precinct. A thorough study of the features, scale, and modules of buildings in the precinct has informed the composition of the proposed development. It becomes apparent through this study that heritage buildings typically express their construction modules and spans through decorative features, decorative horizontal bands, regular rhythms, and the arrangement of apertures and penetrations. The result of this study is a composition that utilises a distinct symmetry and repeats the horizontal datum to reflect the patterns and features of other buildings in the precinct.*
- *The proposed building offers clear hierarchies of built form and access which are appreciable from various parts of the K’ Rd precinct. The arrangement of the K’Rd frontage is carefully considered with respect to the existing modules of existing shopfronts in the precinct. The principal module on K’ Rd. reflects the common 14m height datum that is reflected in most buildings in the KRP. This datum, while not the only horizontal built form reference found within the precinct, is expressed through detailing above the canopy level*
- *The principal elevation on K Rd reflects the symmetry and rhythm of other buildings in the KRP. The elevation on Gundry Street is notable for how it deals with a steep incline. Both elevations are related through form and material, however the junction is signalled with a separate, taller element which reflects typical corner treatments in the precinct. The proposed building has been composed ‘in the round’ offering a cohesive design strategy that responds to the existing grain and pattern of development within the K’Rd Precinct. A thorough study of the features, scale, and modules of buildings in the precinct has informed the composition of the proposed development.*

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- *The design approach complements the nearby patterns and features of Victorian and Edwardian shopfronts through interpretation in contemporary materials and details. The scale and articulation of the proposed development draws on analysis of the area to inform an appropriate response to those scheduled historic heritage places or special character buildings while providing a contemporary and high-quality design which enhances the precinct's built form and streetscape character.*
- *The use of the canopy at street level ensures the contiguity of the pedestrian realm on the K' Rd frontage. A consistent proportion and scale are defined in relation to other buildings in the precinct*

6.57. Mr Wild's assessment concludes that:

The proposed scheme on the site at 538 Karangahape Road represent an appropriate and supportable development that respects historic heritage values and the distinctive character of the precinct and minimises adverse effects on the identified historic heritage area and precinct values.

The subject scheduled historic heritage place in this application is the Karangahape Road Historic Heritage Area. While the Karangahape Road Historic Heritage Area includes a number of individually listed historic heritage places, the subject site is not one of them and accordingly the lens to be considered in assessing effects focusses on the Karangahape Road Historic Heritage Area as a whole. While the development will be appreciable from a range of places (aligning, as it will, with distinguishing qualities also recognised in the Karangahape Road Precinct), the subject site is sufficiently separated from nearby historic heritage sites to have no adverse (or cumulative) impact on their significance through changes within the setting of those buildings.

A thorough study of the features, scale, and modules of buildings in the precinct has informed the composition of the proposed development. It becomes apparent through this study that heritage buildings typically express their construction modules and spans through decorative features, decorative horizontal bands, regular rhythms, and the arrangement of apertures and penetrations. The result of this study is a composition that utilises a distinct symmetry and

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repeats the horizontal datum to reflect the patterns and features of other buildings in the precinct.

The arrangement of the K'Rd frontage is carefully considered with respect to the existing modules of existing shopfronts in the precinct. The principal module on K' Rd. reflects the common 14m height datum that is reflected in most buildings in the KRP. This datum, while not the only horizontal built form reference found within the precinct, is expressed through detailing above the canopy level. The building height and mass is carefully articulated to avoid dominance or a monolithic appearance.

It will be, as the Urban Design Panel has noted, a meaningful contribution to the city scape and a good outcome for the city being an architecturally sophisticated and subtle project which invites the completion of the currently incomplete precinct.

- 6.58. I agree with Mr Wild's assessment above and also note that because of the curve of the road, the Karangahape Road streetscape is only partially appreciable when first entering the HHA from the west. The proposal will provide a landmark at the western gateway to the precinct but it will generally not compromise or conceal the heritage buildings towards the city centre.
- 6.59. Overall, relying of the expertise of Mr Wild, it is my opinion that the proposal represents an appropriate and supportable development that respects historic heritage values and the distinctive character of the precinct and minimises adverse effects on the identified historic heritage area and precinct values.
- 6.60. Provided the proposal is carried out in accordance with the submitted plans and the proposed conditions, it is considered that any adverse heritage effects will be suitably avoided, remedied or mitigated to the point where they are acceptable and no more than minor.

Transportation effects

- 6.61. The proposal represents a significant redevelopment of the site, and an experienced traffic engineer has assisted with the formulation of the vehicle access, parking and servicing arrangements. Tom Guernier from Commute Transportation Consultants has reviewed the



arrangements and provided a detailed assessment of the transportation related impacts of the proposed development. His report is contained in **Appendix 12**

- 6.62. Regarding vehicle access, the site has existing vehicle crossings onto both Gundry Street (two) and Abbey Street (one) as discussed in the traffic report in **Appendix 12**. It is proposed to remove these existing vehicle crossings and to access the basement of the proposed building via a new 6.0m wide crossing at the southern end of the Gundry Street frontage.
- 6.63. This access, whilst being slightly within the 10m restriction at the corner of Gundry and Abbey Street, is considered the most appropriate location to access the site.
- 6.64. Overall, the reduction in the number and width of vehicle crossings on the site will have a positive effect on the street environment with the streetscape appearance and pedestrian amenity being enhanced.
- 6.65. The traffic report concludes the following:
- *The surrounding road network in the vicinity of the site has no reported crashes relating to the vehicle movements into or out of driveways in the most recent five years of available data;*
 - *The proposed development is expected to generate in the order of 204 and 207 vehicles per hour during the AM and PM peak hours respectively, and 2,112 vehicles per day according to the RTA Guide to Traffic Generating Developments. As the site has a maximum car parking requirement resulting in 58 parking spaces being permitted on the site (and 48 spaces proposed), it is expected that the trip generation for the development will be lower than calculated. As the site is located within a 'Business – City Centre Zone', no detailed traffic assessment is required to be undertaken;*
 - *The proposed vehicle crossing complies with the Unitary Plan requirements in regard to width, location, number of crossings, and the sight distance at the crossing location is considered to be satisfactory. The proposed access is located 8.4 metres from the nearest intersection, and an assessment against the criteria in the Unitary Plan has determined that the location of the access is appropriate to serve the development;*



- *The length of the 1:20 platform at the site boundary is proposed to be 4.4 metres long, which is 1.6 metres short of the required 6.0 metres length. The gradient of the internal B1 to B2 ramp is also*
- *There is a maximum car parking requirement for the proposed development at a rate of 1 space per 200m² GFA on the site (no minimum requirement), resulting in a maximum car parking provision of 58 parking spaces. The proposed parking provision of 48 car parking spaces is considered to be satisfactory to serve the proposed development;*
- *The car parking spaces are proposed to be provided across two levels (Basement 1 and Basement 2), and will provide accessible parking as well as some electric vehicle (EV) parking. All proposed spaces comply with the Unitary Plan in regard to dimensions and manoeuvring width;*
- *52 bicycle parking spaces and 4 showers and changing rooms are required to be provided, and 76 secure bicycle parking spaces are proposed to be provided in the Basement 1 level along with 4 showers and changing rooms, thereby complying with the Unitary Plan;*
- *Two loading spaces are required to be provided on the site, and while no official loading spaces are proposed to be provided, there is one existing and understood to be one more proposed on-street loading spaces on Abbey Street and Gundry Street respectively. The Gundry Street loading space is on the western side of Gundry Street directly in front of the site, while the Abbey Street loading space is approximately 30 metres from the Abbey Street pedestrian access. An assessment has been undertaken against the assessment criteria outlined in the Unitary Plan, and it is considered that the loading demands of the proposed development can be comfortably and safely accommodated without the provision of a dedicated on-site loading zone; and*
- *Waste collection is proposed to be undertaken by a private waste collection service, with the contractor loading from the street in front of the access outside of operating hours (i.e. late at night).*



- 6.66. The primary safety issue relating to site access arises from the location within 10m of the Gundry/Abbey intersection this is analysed in the traffic report, and it is considered that the potential for adverse effects are limited considering the location and design with good sightlines for vehicles, cyclists and pedestrians.
- 6.67. In regard to servicing and loading, the proposal does not include a dedicated on-site loading bay but will instead rely on the on street loading spaces located opposite the site on Abbey Street (x2) as well as directly in front of the site on the western side of Gundry near K Road (x1). The traffic assessment as noted above finds that this is sufficient and appropriate to cater for the development.
- 6.68. Rubbish collection will be via private collections with an Operational Waste Management Plan prepared by Green Gorilla included as **Appendix 11**. This report confirms that the site can be suitably serviced in terms of waste with the property serviced outside peak times (overnight) with the collection truck parking in the vehicle access and bins being loaded directly by the contractor.
- 6.69. For the reasons outlined above and relying on the assessment provided within the traffic report, and on the expertise of the traffic engineer, it is concluded that the access to the site would operate safely and efficiently with respect to vehicular movements, which ensures that traffic and pedestrian safety is provided for. On that basis any adverse effects are considered to be less than minor.
- 6.70. In summary, it is considered that the additional level of traffic generated by the development would be acceptable while the access, parking and loading arrangements are of an acceptable design, location and number.
- 6.71. Accordingly, any subsequent adverse effects on the safe and efficient operation of the local road network are considered to be less than minor in nature.

Effects on infrastructure

- 6.72. An Infrastructure Report has been prepared for this application and is attached to this report in **Appendix 13**. The report analyses the existing infrastructure and servicing capabilities of

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the site and determines that with some limited new or upgraded connections, the proposed development can be adequately served by wastewater, water and stormwater infrastructure. It is noted that the total impervious area on the site will not increase from between pre and post development and as such, there will be no increase in the discharge to the stormwater network.

- 6.73. On this basis there are considered to be no adverse effects in terms of infrastructure.

Hazards

Contamination

- 6.74. As outlined within this report, the application site has been previously assessed as having been subject to a HAIL activity and a Detailed Site Investigation has therefore been undertaken (**Appendix 16**).
- 6.75. All Contaminants of Concern concentrations complied with Ministry for the Environment National Environmental Standards and/or Petroleum Hydrocarbon Guidelines Human Health criteria but on the basis of the DSI findings, a Remediation Action Plan (RAP) with Site Management Plan is necessary and has been prepared (refer to **Appendix 17**).
- 6.76. The DSI and SMP, have been prepared by a Suitably Qualified and Experienced Professional (SQEP) and clearly outline measures to be implemented during the construction phase of the development to minimise the potential adverse effects on the environment and to human health. These measures include the management of dust during excavation, the avoidance of stockpiling of contaminated material and the safe disposal of contaminated material off the site. The SMP also addresses contingency measures for the discovery of unexpected contamination and any necessary remedial works.
- 6.77. The implementation of the SMP/RAP prior to and during the works will ensure that the risk to human health and the environment from the proposed land disturbance will be suitably managed low and therefore, acceptable. It is noted that the primary earthwork activity is cut to waste with significant cuts which means that most if not all of any contaminated soils will be removed from the site. Suitable management of the earthworks to remove, as well as any remediation, will ensure that human health is protected.



- 6.78. The SMP/RAP ensures that soil/fill material with Heavy Metals concentrations above applicable Environmental Discharge criteria will be remediated (excavated and disposed of off-site or otherwise isolated).
- 6.79. With the implementation of the SMP and further input from a SQEP during the redevelopment of the site, it is considered that the potential adverse effects associated with the disturbance of contaminated land on site can be avoided and mitigated so that the effects are less than minor.

Construction effects

- 6.80. The development will result in a range of construction works which will need to be managed to ensure that adverse effects in terms of stability, truck movements, noise and vibration are suitably controlled so as to avoid adverse effects on surrounding property owners/owners and the general public. Conditions of consent are proposed which will ensure that the construction works are undertaken in such a way that adverse effects are suitably avoided, remedied or mitigated.

Geotechnical stability / Ground Settlement

- 6.81. A Geotechnical Investigation has been undertaken on the site and is included as **Appendix 14**. The report concluded that the underlying geology of the site was appropriate to support development and that there are no risks of instability that could not be managed via a range of construction methodologies that are common for projects of this scale.
- 6.82. As the development proposes a circa 9m deep basement, which will result in the need for groundwater take and diversion, adverse effects relating to the stability of adjacent sites/buildings from ground consolidation both during and post construction are possible and have been analysed by Soil and Rock in Groundwater Drawdown and Settlement Assessment Report (**Appendix 15**). Their report details the construction methodologies to be employed in the proposal to limit potential for both groundwater drawdown and retaining wall deflection induced settlement effects on surrounding properties.



- 6.83. The design of the retaining and earthwork proposals / construction methodology will be formulated so that the scale and nature of likely settlement (mechanical and consolidation) is low to mitigate the risk to surrounding properties/services of damage either during or post construction. On this basis it is considered that the potential adverse effects in terms of the stability of neighbouring sites is able to be managed to a point where it will be acceptable.
- 6.84. A suite of groundwater monitoring conditions is proposed including:
- Inspection of adjacent buildings, services and structures prior to commencement of construction;
 - On-going monitoring of groundwater levels before and during construction;
 - Monitoring of ground movement during construction with alarm and alert levels set as part of the monitoring plan;
 - Preparation of contingency plans should monitoring indicate drawdown or ground settlement in excess of expected parameters;
 - Post construction inspection of adjacent services and structures along with remediation of any damage caused during construction.
- 6.85. In light of and relying on the analysis carried out by Soil and Rock, as well as the range of conditions proposed, it is considered that any adverse stability effects are able to be suitably avoided, remedied or mitigated such that they will be less than minor and acceptable.

Construction Traffic

- 6.86. As the construction timing and methodology is yet to be completely finalised, details regarding the potential closure of footpaths or traffic generation to and from the site is unknown. However, by way of a condition of consent, a Construction Management Plan (CMP) will be prepared and submitted to Council for approval. The CMP will include A Construction Traffic Management Plan (CTMP) confirm the loading of construction trucks to and from the site, how the demolition and earthwork material will be handled and transported off site as well as hours of construction and how the site will be contained to enable continued safe pedestrian movement along the surrounding streets.

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- 6.87. This will ensure that any adverse effects in terms of construction and construction traffic are suitably managed to a point where they are less than minor.
- 6.88. In terms of construction traffic, the site has good access to the motorway network and the project team will work with the contractor to ascertain the most efficient and effective construction traffic access arrangements. As noted above a CTMP will need to be prepared and this will include comprehensive discussions with Council officers and Auckland Transport to minimise disruption in surrounding streets.
- 6.89. Construction of this nature is common, particularly in the city centre zone, and with the implementation of the CMP, the effects of the circa 18 month construction period will be suitably avoided, remedied or mitigated to a point where they are less than minor.

Construction noise and vibration

- 6.90. While the construction methodology for the site has not finalised due to the need for detailed design and appointment of a contractor, the Acoustic Assessment in **Appendix 19** outlines the potential for the construction noise limits to be breached to the adjacent property at 582 Karangahape Road during the noisiest demolition works and then also during the initial piling stage of the project.
- 6.91. Specifically, during the noisiest demolition (concrete cutting) and piling works near the boundary, the weekday construction limits may be breached by up to 9 dB at the neighbouring property during concrete cutting and by up to 2db during the piling. These effects will be temporary in nature (generally 2-4 weeks and 1-2 weeks respectively).
- 6.92. There is also a chance that the amenity vibration levels will be exceeded to the adjacent property at 582 K Road when works are occurring close to this boundary (within 12m).
- 6.93. The nature, frequency and duration of any exceedances to the noise and vibration limits are able to be managed on site via the construction process and these effects will be mitigated through the provision of best practicable option measures installed and undertaken on site during construction. These measures are detailed in the Acoustic Assessment with conditions regarding the content of the Construction Noise and Vibration Management Plan (CVNMP) included.



- 6.94. These conditions form part of the application proposal and, based on compliance with these conditions, ensures that any adverse noise and vibration effects are suitably avoided, remedied or mitigated to a point where they are acceptable.

Archaeology

- 6.95. As significant cut earthworks are proposed on a site that is associated with pre 1900 occupation, an Archaeological Assessment has been undertaken by Clough and Associates and is contained in **Appendix 20**. This assessment finds that:

There will be no effects on any known archaeological sites and the presence of unidentified subsurface remains is considered low based on the previous modifications to the Project Area. However, the possibility that features at deeper levels (such as wells) maybe exposed during the proposed works in areas not included within the footprint of the former commercial building cannot be completely excluded. The extent of any surviving subsurface remains cannot be confirmed prior to the proposed works being undertaken, although they would likely have been modified by 20th century development. Any effects on archaeological remains exposed during the works can be appropriately mitigated through investigation and recording to recover information relating to the history of the area, under an Authority from Heritage NZ.

- 6.96. Conditions regarding accidental discovery protocols are proposed on any consent approval.
- 6.97. In light of the range of proposed management measures to be adhered to in the construction of the building it is considered that any effects as a result of the construction period are able to be suitably avoided, remedied or mitigated to a point where they are acceptable and less than minor.

Summary of adverse effects

- 6.98. Based on the foregoing assessment, it is considered that, subject to compliance with conditions and the detailed ongoing supervision of the proposed works, any adverse urban

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design, character and amenity, historic heritage, transportation, hazard and construction effects arising from the proposed development would be overall acceptable and no more than minor.

Overall conclusion on effects

- 6.99. When balanced against the adverse effects evaluated above, the actual and potential effects are considered to be overall of a positive nature subject to compliance with conditions which form part of the application.



7. SECTION 104 ASSESSMENT

Actual and Potential Effects on the Environment (Section 104(1)(A))

7.1. Matters to be considered by the Council when assessing an application for resource consent under s104 of the Act, subject to Part 2, include:

- any actual and potential effects on the environment (s104(1)(a),
- any relevant provisions of:
 - a national environmental standard national policy statement (s104(1)(b)(i))
 - other regulations (s104(1)(b)(ii))
 - a National Policy Statement (s104(1)(b)(iii))
 - New Zealand coastal policy statement (s104(1)(b)(iv));
 - a regional policy statement or proposed regional policy statement (s104(1)(b)(v));
 - a Plan or Proposed Plan (s104(1)(b)(vi)).
- Any other matter the consent authority considers relevant and reasonable necessary to determine the application (s104(1)(c)).

Actual and potential effects on the environment (Section 104(1)(A))

7.2. The potential adverse effects of the proposal on the environment have been evaluated in Section 6 above and were found to be acceptable, subject to compliance with recommended conditions of consent. In terms of positive effects, the development is considered to generate significant positive effects in terms of appropriate development within a Historic Heritage Area resulting in the redevelopment of a current non-contributing site as well as economic benefits of the provision of appropriate commercial floor space in a well-designed building. This development will provide for the creation of a vibrant high amenity area which will go a long way to enhancing this part of the City Centre. When balanced against the adverse effects

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evaluated above, the actual and potential effects are overall of a positive nature subject to compliance with conditions which form part of the application.

7.3. Key matters are that:

- The design and appearance of the proposed building is sufficiently consistent with the overall Unitary Plan's outcomes for the site in terms of a well-designed building which suitably responds to its K Road historic heritage area and precinct context.
- The design acknowledges the prominence and visibility associated with the proposed height and seeks to contribute positively to place-making with a high quality of design and appearance commensurate with its potential perception as a landmark.
- The design and layout of the development has taken into account the environmental characteristics of the land and its surroundings.
- The proposed earthworks are necessary to provide for the foundations for the proposed building and will not appreciably alter the existing landform once complete;
- Erosion and sediment control measures will be installed, including silt fencing and a stabilised construction entrance. These measures are considered to be appropriate given the scale of earthworks proposed and the topography of the site and will minimise the effects of earthworks required to construct the building and will present less than minor effects upon the environment.
- The proposed vehicle access and basement parking can operate safely and efficiently with no unacceptable adverse effects on the road network or pedestrian and driver safety.
- Public infrastructure services including stormwater and wastewater lines are available and have sufficient capacity to cater for the activity.

7.4. The actual and potential effects are overall of a positive nature subject to compliance with conditions which form part of the application.

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Relevant Statutory Documents (Section 104(1)(b))

National Environmental Standards and other regulations (Section 104(1)(b)(i) and (ii))

- 7.5. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES Soil) applies to the application site due to the history of HAIL activities and the proposed land disturbance. A Detailed Site Investigation (DSI) has been prepared for the site (see **Appendix 16**) and on the basis of the findings, a Site Management Plan (SMP) and Remediation Action Plan (RAP) has been prepared (**Appendix 17**) and will be implemented prior to works commencing on the development as well as during the works. The implementation of the SMP and RAP will ensure that the risk to human health and the environment from the proposed land disturbance will be low and therefore, acceptable.

National Policy Statements (Section 104(1)(b)(iii))

National Policy Statement on Urban Development (2020) (NPS-UD)

- 7.6. The National Policy Statement on Urban Development (2020) (NPS-UD) came into force on 20 August 2020, replacing the previous National Policy Statement on Urban Development Capacity released in 2016. Many elements of the NPS-UD are similar to the previous version, with the NPS-UD recognising the national significance of having well-functioning urban environments that enable all people and communities to provide for their social, economic and cultural wellbeing, as well as providing sufficient development capacity to meet this wellbeing.
- 7.7. The NPS-UD sets out a series of comprehensive and prescriptive objectives and policies that apply to all decision-makers when making planning decisions that affect an urban environment. These objectives and policies seek to enable a variety of commercial uses with good accessibility to the community, open spaces, and public transport, recognise that significant changes to urban areas will be needed while being resilient to the current and future effects of climate change.



- 7.8. Under the NPS-UD, Auckland is identified as a Tier 1 urban environment. In relation to Tier 1 urban environments, additional objectives and policies outline that sufficient development capacity is provided for housing and business over both short and long terms, minimum car parking requirements are removed and development in city and metropolitan centres and adjacent to transit routes is increased and intensified.
- 7.9. Objectives 2.1 (1)-(8) of the NPS UDC aims to have well-functioning urban environments, while requiring planning decisions to improve housing affordability. The objectives also require district and regional plans to enable more intensity in locations that are appropriate, such as near arterial routes and centres. The objectives also recognise the change within the urban environment based on the changes in the community, requiring the recognition of the principles of the Treaty of Waitangi, integrated and strategic with infrastructure. The objectives also require responsiveness to developments which provide and supply significant development capacity. Policies 2.2 (1)-(11) support these objectives by requiring planning decisions to enable greater intensity, variety, and accessibility. In general terms, greater intensity (in terms of height and density of the built form), capacity, choice, accessibility, and expression of the values of Maori are all enabled through these policies.
- 7.10. Of most relevant to this current proposal is Policy 3(a) which states:
- 7.11. *Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:*
- 7.12. *(a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification;*
- 7.13. As noted, the NPS-UD requires the Council to enable as much development capacity as possible in the city centre in order to maximise the benefits of intensification. This is being progressed via Plan Change 78 which was notified for submissions in August 2022 with the Summary of Decisions Requested notified on 5 December 2022. There are some key matters arising in terms of how this Policy is being implemented in the Auckland context and specific to this site and the consideration of this consent application.
- 7.14. PC78 was notified on the 18th August 2022 and proposes the following key changes to the AUP relevant to the application site:

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- The subject site is to remain zoned Business City Centre Zone
- The current 3:1 maximum floor area ratio is to be deleted (the floor area control is essentially removed from the entire City Centre zone)
- The current 15m maximum height is proposed to increase to 35m.
- A new suite of setback requirements are proposed which require a 6m building setback from street frontages above a 1:1 street width ratio and 6m from side boundaries above 32.5m.
- Surrounding areas and sites have similar changes with sites to the south having a height limit of 72.5m.

7.15. As noted, Plan Change 78 was notified for submissions in August 2022 with the Summary of Decisions Requested notified on 5 December 2022. The original time frame for hearings and a decision on this plan change was that the Council was required to notify its decisions on Plan Change 78 by 31 March 2024.

7.16. However, following the significant adverse weather events affecting Auckland at the start of 2023, the Council sought, and received approval for, a one-year extension to this timeframe to allow it to review and provide a response to flooding and hazard matters affecting the proposed intensification.

7.17. The approval of this extension has resulted in the Independent Hearings Panel pausing almost all hearing topics until the implications of the Council's flooding and hazard work is clearer. However, importantly for this site, the hearing on the City Centre zone provisions has been set down for February 2024.

7.18. Despite the delays in PC 78, the clear direction from the NPS Urban Development is that the future city centre context is one where significant intensification is to be enabled, which will almost inevitably include a higher height limit for this site than the current 15m under the AUP along with the removal of the 3:1 floor area restriction.

7.19. As the changes to the city centre zone provisions result in a substantial increase in the development potential of the site, the applicant sought a review of the weight to be given to

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the proposed amended plan provisions. Berry Simons Environmental Law have reviewed the relevant background and legal position and have provided a detailed memo (**Appendix 4**).

- 7.20. The key conclusions of the memo are that processing officers are legally required by section 104(1)(b)(vi) of the RMA to consider the PCZ78 provisions in assessing the application and that in considering the application under section 104 of the RMA, the PC78 provisions are to be accorded significant weight.
- 7.21. Berry Simons consider this approach is well-supported by legal authority, credible and sound. The assessment in this report has been undertaken on that basis.
- 7.22. In terms of this proposal, whilst exceeding the MTFAR controls and the existing 15m height limit, has been designed to take into account the emerging planning context for the site in terms of bulk and massing allowances and has done so in an acceptable way in terms of design and appearance. Overall the proposal is supported by the strategic policies of the NPS-UD is it will provide for an increased intensity of commercial development on the site in a well designed building that is suitably cognisant of the particular characteristics of the K Road Precinct and Historic Heritage Area. It will assist in the achievement of Objective 1 in terms of creating a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
- 7.23. The proposed development is overall consistent with the objectives and policies of the NPS-UD as it increases the intensity of use on this city centre site in an area which is close to public transport links and open space. The proposed design will drastically change the character of the area but this change in character is anticipated under the AUP(OP) as well as enabled under the NPS-UD and emerging planning documents.
- 7.24. Overall, the proposed development is consistent with the NPS-UD.



Relevant provisions of the Auckland Unitary Plan (Operative in Part) Regional Policy Statement (Section 104(1)(b)(v))

- 7.25. The Regional Policy Statement sets out the strategic RMA framework for managing use, development and protection of the natural and physical resources of the Auckland region in an integrated and coordinated manner. Chapter B of the AUP(OP) sets out the strategic framework for the identified issues of significance, and resultant priorities and outcomes sought. These align with the direction contained in the Auckland Plan.
- 7.26. I consider the proposal is generally consistent with the following relevant objectives and policies of the RPS for the following reasons:
- the proposal provides a high quality intensive commercial development that achieves a quality compact urban form, optimising an existing and underutilised urban city centre site;
 - effects on Historic Heritage have been suitably addressed
 - it is in general keeping with the planned future environment of the area and provides for the safety and amenity of pedestrians and cyclists;
 - adverse effects from the discharge of contaminants will be appropriately controlled;
 - commercial activities are proposed that will cater for the proposed residents and those within the surrounding area as well as visitors: and
 - the proposal will not affect the natural character of the coastal environment, nor any other natural or physical resources specifically identified in the AUP(OP).
- 7.27. The proposal is consistent with the relevant provisions as set out in more detail below,



B2 Tāhuhu whakaruruhau ā-taone - Urban growth and form

Objectives and Policies

B2.2 Urban growth and form	
<p>B2.2.1 Objectives</p> <p>(1) <i>A quality compact urban form that enables all of the following:</i></p> <ul style="list-style-type: none"> (a) <i>a higher-quality urban environment;</i> (b) <i>greater productivity and economic growth;</i> (c) <i>better use of existing infrastructure and efficient provision of new infrastructure;</i> (d) <i>improved and more effective public transport;</i> (e) <i>greater social and cultural vitality;</i> (f) <i>better maintenance of rural character and rural productivity; and</i> (g) <i>reduced adverse environmental effects.</i> <p>(2) <i>Urban growth is primarily accommodated within the urban area 2016 (as identified in Appendix 1A).</i></p> <p>(3) <i>Sufficient development capacity and land supply is provided to accommodate residential, commercial, industrial growth and social facilities to support growth.</i></p>	<p>The development is consistent with these objectives as the proposed building is located within the City Centre and represents significant intensification of an existing underutilised land resource . The site will be developed with a high quality building form enhancing the urban environment and making better use of existing infrastructure. The site is well located for access by public transport including being a short walk (<600m) from the new Karanga-a-hape Station.</p>

B2.2 Urban growth and form	
B2.2.2 Policies	
<p><i>Quality compact urban form</i></p> <p>(4) <i>Promote urban growth and intensification within the urban area 2016 (as identified in Appendix 1A), enable urban growth and intensification within the Rural Urban Boundary, towns, and rural and coastal towns and villages, and avoid urbanisation outside these areas.</i></p> <p>(6) <i>Identify a hierarchy of centres that supports a quality compact urban form:</i></p> <ul style="list-style-type: none"> (a) <i>at a regional level through the city centre, metropolitan centres and town centres which function as</i> 	<p>The development is consistent with these policies which support urban intensification with a focus on the development of the City Centre as a focal point for the region.</p>



commercial, cultural and social focal points for the region or sub-regions; and

B2.3 A quality built environment

B2.3.1 Objectives

(1) *A quality built environment where subdivision, use and development do all of the following:*

- (a) respond to the intrinsic qualities and physical characteristics of the site and area, including its setting;*
- (b) reinforce the hierarchy of centres and corridors;*
- (c) contribute to a diverse mix of choice and opportunity for people and communities;*
- (d) maximise resource and infrastructure efficiency;*
- (e) are capable of adapting to changing needs; and*
- (f) respond and adapt to the effects of climate change.*

(2) *Innovative design to address environmental effects is encouraged.*

(3) *The health and safety of people and communities are promoted.*

The development achieves these objectives as the design of the proposal has responded to the intrinsic qualities of the site and area, including its setting within the K Road Precinct and Historic Heritage Area. The development will reinforce the city centre as the key location for commercial/office development whilst also contributing to the mix of choices and opportunities for the K Road community.

The building is to be constructed from Mass Timber structure with biophilic design and targeting a Six star Greenstar rating with whole of life sustainability front of mind and use of low carbon materials encouraged.

B2.3 A quality built environment

B2.3.2 Policies

(1) *Manage the form and design of subdivision, use and development so that it does all of the following:*

- (a) supports the planned future environment, including its shape, landform, outlook, location and relationship to its surroundings, including landscape and heritage;*
- (b) contributes to the safety of the site, street and neighbourhood;*
- (c) develops street networks and block patterns that provide good access and enable a range of travel options;*

The proposal is consistent with this policy as the design and form has been managed specifically to support the planned future environment as is being set out in emerging planning documents for the site. The development has been moulded by a range of experienced architectural, heritage, urban design, landscape and planning specialists to ensure that the design has a good relationship with its surroundings and will contribute to the safety of the site, streets and neighbourhood as well as providing good access for a range of travel options.



<p><i>(d) achieves a high level of amenity and safety for pedestrians and cyclists;</i></p> <p><i>(e) meets the functional, and operational needs of the intended use; and</i></p> <p><i>(f) allows for change and enables innovative design and adaptive re-use.</i></p>	<p>The street frontage design includes a high level of amenity and safety for pedestrians and cyclists with only one vehicle crossing proposed which is well separated from pedestrian and cyclist access points to the building.</p>
<p><i>(2) Encourage subdivision, use and development to be designed to promote the health, safety and well-being of people and communities by all of the following:</i></p> <p><i>(a) providing access for people of all ages and abilities;</i></p> <p><i>(b) enabling walking, cycling and public transport and minimising vehicle movements; and</i></p> <p><i>(c) minimising the adverse effects of discharges of contaminants from land use activities (including transport effects) and subdivision.</i></p>	<p>The development includes full access for people of all ages and abilities with step free access available to all levels of the building and accessible parking provided in the basement.</p> <p>Cycle parking is proposed within the basement and directly outside the building which promote this method of access whilst the city centre location gives excellent public transport access including the new Karanga-a-hape Station which is a seven minute walk away.</p> <p>As noted, any site contamination will be addressed during construction to ensure that there is no discharge which could affect human health.</p>
<p><i>(3) Enable a range of built forms to support choice and meet the needs of Auckland's diverse population.</i></p>	<p>The built form supports the choices and needs of Auckland's population.</p>
<p><i>(4) Balance the main functions of streets as places for people and as routes for the movement of vehicles.</i></p>	<p>The proposal strikes the appropriate balance, seeking to give pedestrians the primacy in terms of the street with only one vehicle access.</p>
<p><i>(5) Mitigate the adverse environmental effects of subdivision, use and development through appropriate design including energy and water efficiency and waste minimisation.</i></p>	<p>As noted, the building / development includes a range of sustainability measures including mass timber construction. The Green Star 6-star rating that is being target is essentially world class net zero sustainability.</p>



B2.5 Commercial and industrial growth

B2.5.1 Objectives

- (1) *Employment and commercial and industrial opportunities meet current and future demands.*
- (2) *Commercial growth and activities are primarily focussed within a hierarchy of centres and identified growth corridors that supports a compact urban form.*

The development meets these objectives as it will provide a significant amount of additional commercial floor space in this part of the City Centre which support the role and function of the city centre as well as a quality compact urban form design response.

B2.5 Commercial and industrial growth

B2.5.2 Policies

- (1) *Encourage commercial growth and development in the city centre, metropolitan and town centres, and enable retail activities on identified growth corridors, to provide the primary focus for Auckland’s commercial growth.*

This policy is met by the quality redevelopment of this city centre site for high intensity office use along with retail and food and beverage.

- (2) *Support the function, role and amenity of centres by encouraging commercial and residential activities within centres, ensuring development that locates within centres contributes to the following:*
 - (a) *an attractive and efficient urban environment with a distinctive sense of place and quality public places;*
 - (b) *a diverse range of activities, with the greatest mix and concentration of activities in the city centre;*
 - (c) *a distribution of centres that provide for the needs of people and communities;*
 - (d) *employment and commercial opportunities;*
 - (e) *a character and form that supports the role of centres as focal points for communities and compact mixed-use environments;*
 - (f) *the efficient use of land, buildings and infrastructure;*
 - (g) *high-quality street environments including pedestrian and cycle networks and facilities; and*

This policy is met as the development supports the function, role and amenity of the city centre contributing to an attractive and efficient urban environment with a distinctive sense of place. The development has a suitable range of activities and aids in the concentration of activities in the city centre. This will provide for the needs of people and communities in terms of employment and commercial opportunities. The proposal is of a character and form that supports the role of the city centre as a focal point for the community and the location makes efficient use of land, buildings and infrastructure.

The design of the building will result in a high-quality street environments including enhancing the pedestrian and cycle networks and facilities available.



<i>(h) development does not compromise the ability for mixed use developments, or commercial activities to locate and expand within centres.</i>	
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Comment

7.28. Overall the proposal is considered to be consistent with the relevant Objectives and Policies of Chapter B2 of the Regional Policy Statement.

B5 Ngā rawa tuku iho me te āhua - Historic heritage and special character

Objectives and Policies

B5.2 Historic heritage	
B5.2.1 Objectives	
<i>(1) Significant historic heritage places are identified and protected from inappropriate subdivision, use and development.</i>	As set out in the Heritage Impact Assessment in Appendix 8 the proposal is considered to be an appropriate development within the Karangahape Road Historic Heritage Area with the building design, scale and massing sufficiently cognizant and respectful of the heritage qualities of the area.
<i>(2) Significant historic heritage places are used appropriately and their protection, management and conservation are encouraged, including retention, maintenance and adaptation.</i>	As noted above the proposal is considered to be an appropriate development within the Karangahape Road Historic Heritage Area.

B5.2 Historic heritage	
B5.2.2 Policies	
<i>Protection of scheduled significant historic heritage places</i>	
<i>(8) Encourage new development to have regard to the protection and conservation of the historic heritage values of any adjacent significant historic heritage places.</i>	As set out in the Heritage Impact Assessment in Appendix 8 the proposal is considered to be an appropriate development within the Karangahape Road Historic Heritage Area with the building design, scale and massing having



	had suitable regard to the protection and conservation of the heritage values of the area.
<i>Use of significant historic heritage places</i>	
<i>(9) Provide for the occupation, use, seismic strengthening, development, restoration and adaptation of significant historic heritage places, where this will support the retention of, and will not detract from, the historic heritage values of the place.</i>	As set out in the Heritage Impact Assessment in Appendix 8 the proposal is considered to be an appropriate development within the KRHHA and which will support the retention of, and will not detract from, the historic heritage values of the place.

Comment

7.29. Overall the proposal is considered to be consistent with the relevant Objectives and Policies of Chapter B5 of the Regional Policy Statement.

D17 Historic Heritage Overlay

Objectives and Policies

D17.2 Objectives [rcp/dp]	
<i>(1) The protection, maintenance, restoration and conservation of scheduled historic heritage places is supported and enabled.</i>	Mr Adam Wild in the Appendix 8 - Heritage Impact Assessment notes that: " <i>The subject scheduled historic heritage place in this application is the KRHHA. While the KRHHA includes a number of individually listed historic heritage places, the subject site is not one of them and accordingly the lens to be considered in assessing effects focusses on the KRHHA as a whole. The proposed development is conscious of, and responds appropriately to, the maintenance and conservation of the values of the KRHHA</i> "
<i>(2) Scheduled historic heritage places are protected from inappropriate subdivision, use and development, including inappropriate modification, relocation, demolition or destruction.</i>	Mr Wild confirms that " <i>The proposed development within the KRHHA will not alter any opportunities to appreciate and experience the values for which the KRHHA is recognised as significant. The subject site and proposed development upon it will not result in the demolition or destruction of any scheduled historic heritage places.</i> "

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<p>(3) <i>Appropriate subdivision, use and development, including adaptation of scheduled historic heritage places, is enabled.</i></p>	<p>Mr Wild confirms that <i>"The subject site is identified in the KRHHA planning map as a "non-contributing site". The proposed development has been informed by an understanding of the general historic heritage vales of the area and a more specific independent analysis of those values to guide and inform the appropriateness of the proposed development within the area."</i></p> <p>I agree with this statement, relying on Mr Wild's assessment that the proposal is an appropriate development for the site.</p>
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D17.3 Policies [rcp/dp]	
<i>Use and development, including adaptation</i>	
<p>(3) <i>Enable the use, development and adaptation of scheduled historic heritage places where:</i></p>	
<p>(a) <i>it will not result in adverse effects on the significance of the place;</i></p>	<p>Mr Wild has confirmed that the proposed development within the KRHHA will not alter any opportunities to appreciate and experience the values for which the KRHHA is recognised as significant.</p>
<p>(b) <i>it will contribute to the ongoing maintenance and enhancement of the historic heritage values of the place;</i></p>	<p>Mr Wild's assessment is that <i>"The proposed development has been informed by an understanding of the general historic heritage vales of the area and a more specific independent analysis of those values to guide and inform the appropriateness of the proposed development within the area."</i></p>
<p>(c) <i>it is in accordance with good practice conservation principles and methods;</i></p>	<p>Mr Wild has confirmed that the proposed works will be implemented in accordance with recognised conservation principles set out in the ICOMOS New Zealand Charter (2010) and best practice methods appropriate to the heritage values of the area where these are relevant.</p>
<p>(d) <i>it will not result in cumulative adverse effects on the historic heritage values of the place;</i></p>	<p>Mr Wild confirms that the change within the KRP and KHAA will be noticeable, but not to the degree that any of the existing historic features or collective values will be obscured, decontextualised, or reduced in significance.</p>



<p><i>(e) it will support the long-term viability, retention or ongoing use of the place; and</i></p>	<p>I agree with Mr Wild's Assessment in the HIA that the proposed development has been robustly tested for long term economic viability and functional feasibility. Its capacity for a range of uses will complement the existing retail and hospitality offering on K'Rd and provide space for new businesses and economic development, all of which support the qualities of place recognised as significant to the KRHHA.</p>
<p><i>(f) it will not lead to significant adverse effects on the surrounding area.</i></p>	<p>The HIA confirms that while the development will be appreciable from a range of places (aligning, as it will, with distinguishing qualities also recognised in the Karangahape Road Precinct), the subject site is sufficiently separated from nearby historic heritage sites to have no adverse (or cumulative) impact on their significance through changes within the setting of those buildings.</p>
<p><i>(4) Enable the use of scheduled historic heritage places, whether or not the use is otherwise provided for in the zone, where it does not detract from the heritage values of the place and will not otherwise have significant adverse effects.</i></p>	<p>This Policy anticipates appropriate use and development with the KRHHA and the "non-contributing" status of the subject site recognises greater development potential the site affords within the KRHHA</p>
<p><i>(6) Enable use and development of contributing and non-contributing sites or features within a Historic Heritage Area where it is compatible with the historic heritage values of the area.</i></p>	<p>The subject site is identified in the KRHHA planning map as a "non-contributing site". The proposed development has been informed by an understanding of the general historic heritage values of the area and a more specific independent analysis of those values to guide and inform the appropriateness of the proposed development within the area.</p>
<p><i>(7) Require the assessment of the effects for proposed works to scheduled historic heritage places, including where one or more places are affected, to address all the effects on:</i></p>	
<p><i>(a) the heritage values of the place/s;</i></p>	<p>While the development will be appreciable from a range of places (aligning, as it will, with distinguishing qualities also recognised in the KRP), the subject site is sufficiently separated from nearby historic heritage sites to have no adverse (or cumulative) impact on their</p>



	<p>significance through changes within the setting of those buildings.</p> <p>The proposed development within the KRHHA will not alter any opportunities to appreciate and experience the values for which the KRHHA is recognised as significant.</p> <p>No heritage fabric will be affected by the proposed development.</p> <p>The proposed works will be implemented in accordance with recognised conservation principals set out in the ICOMOS New Zealand Charter (2010) and best practice methods appropriate to the heritage values of the area where these are relevant.</p> <p>The primary guiding principle for the proposed works has been to respect, protect, conserve, and enhance the historic heritage values of the area guided by a detailed understanding of those values derived from careful analysis. The project has been a highly collaborative process from the very early stages, with multiple disciplines involved to ensure that heritage consideration has been at the forefront of all decisions.</p>
<p>(b) <i>the significance of the place;</i> <i>and</i></p>	<p>The AUP D17 Historic Heritage Overlay includes provisions that apply to historic heritage places that have been evaluated and meet the heritage significance criteria and thresholds set out in the Regional Policy Statement (Chapter B5.2). The provisions within this chapter manage the protection, conservation, maintenance, modification, relocation, use and development of scheduled historic heritage places (including areas). The setting of a historic heritage place includes elements of the surrounding context beyond the identified extent of place within which a historic heritage place is experienced. The setting of a historic heritage place includes the sea, sky, land, structures, features, backdrop, skyline, and views to and from the place. It can also include landscapes, townscape, streetscapes, and relationships with other historic heritage places which contribute to the value of the place. Chapter</p>



	D17 includes Objectives and Policies against which the proposed developed has been considered.
<i>(c) the setting and the relationship between places.</i>	<p>Verified views demonstrate very limited potential for the proposed works on the subject site to adversely affect the interpretation of features of both the KRHHA and the nearby scheduled historic places.</p> <p>The proposed development, on the Karangahape Road ridge line echoes the lost visual connection between historical landmarks, namely the Church of the Epiphany and its mothership, the Church of the Holy Sepulchre in Grafton, which slightly improves the opportunity for interpretation of the historic landscape at a local area scale.</p>
<i>Modifications, restoration and new buildings within historic heritage places</i>	
<i>(8) Maintain or enhance historic heritage values by ensuring that modifications to, or restoration of, scheduled historic heritage places, and new buildings within scheduled historic heritage places:</i>	
<i>(a) minimise the loss of fabric that contributes to the heritage values and level of significance of the place;</i>	The proposed development does not result in the loss of any fabric that contributes to the heritage values and level of significance of the KRHHA.
<i>(b) do not compromise the ability to interpret the place and the relationship to other heritage places;</i>	Mr Wild has confirmed that the proposed development will not result in any of the existing historic features or collective values of the KRHHA being obscured, decontextualised, or reduced in significance.
<i>(c) complement the form, fabric and setting which contributes to, or is associated with, the heritage values of the place;</i>	As set out in the HIA, the proposed development complements and draws from the form and fabric associated to heritage values of the KRHHA by distinguishing itself with hi-quality and sustainable materials. The architectural language expresses its highly sustainable construction technology as a contemporary cultural value.



<p><i>(d) retain and integrate with the heritage values of the place;</i></p>	<p>The HIA confirms that the subject site is identified in the KRHHA planning map as a “non-contributing site”. The proposed development has been informed by an understanding of the general historic heritage values of the area and a more specific independent analysis of those values to guide and inform the appropriateness of the proposed development within the area.</p>
<p><i>(e) avoid significant adverse effects, including from loss, destruction or subdivision that would reduce or destroy the heritage values of the place; and</i></p>	<p>The HIA confirms that the proposed development within the KRHHA will not alter any opportunities to appreciate and experience the values for which the KRHHA is recognised as significant. The subject site and proposed development upon it will not result in the demolition or destruction of any scheduled historic heritage places.</p>
<p><i>(f) avoid, remedy or mitigate adverse effects on the heritage values of the place.</i></p>	<p>The HIA confirms the proposed development will not result in any of the existing historic features or collective values of the KRHHA being obscured, decontextualised, or reduced in significance.</p>
<p><i>(9) Enable modifications to, or restoration of, scheduled historic heritage places, and new buildings within scheduled historic heritage places where the proposal:</i></p>	
<p><i>(a) will not result in adverse effects on the significance of the place;</i></p>	<p>The HIA confirms that the proposed development will not result in any of the existing historic features or collective values of the KRHHA being obscured, decontextualised, or reduced in significance.</p>
<p><i>(b) will contribute to the ongoing maintenance and enhancement of the historic heritage values of the place;</i></p>	<p>The HIA confirms that the proposed development complements and draws from the form and fabric associated with the heritage values of the KRHHA and distinguishing itself with high quality design and sustainable materials. The architectural language expresses a highly sustainable construction technology as a contemporary cultural value.</p>
<p><i>(c) is in accordance with good practice conservation principles and methods;</i></p>	<p>The HIA confirms that the proposed works will be implemented in accordance with recognised conservation principles set out in the ICOMOS New Zealand Charter (2010) and best practice</p>



	methods appropriate to the heritage values of the area where these are relevant. The applicant has engaged the recognised historic heritage expertise of Archifact – Architecture & Conservation Ltd.
<i>(d) will not result in cumulative adverse effects on the historic heritage values of the place; and</i>	Change within the KRP and KHAA will be noticeable, but not to the degree that any of the existing historic features or collective values will be obscured, decontextualised, or reduced in significance.
<i>(e) will contribute to the long-term viability, retention or ongoing functional use of the place.</i>	The proposed development has been robustly tested for long term economic viability and functional feasibility. Its capacity for a range of uses will complement the existing retail and hospitality offering on K’Rd and provide space for new businesses and economic development, all of which support the qualities of place recognised as significant to the KRHHA.
<i>(10) Support modifications to, or restoration of, scheduled historic heritage places that will do any of the following:</i>	
<i>(a) recover or reveal heritage values of the place;</i>	The subject site does not contribute to the significance of KRHHA and was highly modified in the 1960s. It is described in the AUP as a non-contributing site within the KRHHA
<i>(b) remove features or additions that compromise the heritage values of the place; or</i>	Not applicable. The subject site is an undeveloped non-contributing site within the KRHHA.
<i>(c) secure the long-term viability and retention of the place.</i>	The proposed development has been robustly tested for long term economic viability and functional feasibility. Its capacity for a range of uses will complement the existing retail and hospitality offering on K’Rd and provide space for new businesses and economic development, all of which support the qualities of place recognised as significant to the KRHHA



Comment

- 7.30. As set out above, the objectives and policies of D17 – Historic Heritage Overlay seek to ensure the protection (from inappropriate use and development) of historic heritage values, whilst supporting and enabling maintenance, restoration and conservation of scheduled historic heritage places and encouraging use, development and adaptation of heritage places where it achieves this (D17.2(1)-(3) & (D17.3(1) - (3) & (8) – (11). The proposed redevelopment of this non-contributing site within the Karangahape Road Historic Heritage Area will maintain the heritage values of the place, while contributing to the sites long-term viability and ongoing use. The proposal does not affect any fabric that contributes to the heritage values and will not adversely affect the level of significance of the place. The development ensures the ability to interpret the place and the relationship to other heritage places is also not compromised.
- 7.31. As such, the proposal is consistent with these objectives and policies.

E1 Water quality and integrated management

Objectives and Policies

E1.2 Objectives [rp/rcp]

- (1) *Freshwater and sediment quality is maintained where it is excellent or good and progressively improved over time in degraded areas.*
- (2) *The mauri of freshwater is maintained or progressively improved over time to enable traditional and cultural use of this resource by Mana Whenua.*

E1.3 Policies [rp/rcp/dp]

National Policy Statement on Freshwater Management

- (4) *When considering any application for a discharge, the Council must have regard to the following matters:*
- (a) *the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of freshwater including on any ecosystem associated with freshwater; and*
 - (b) *the extent to which it is feasible and dependable that any more than a minor adverse effect on freshwater, and on any ecosystem associated with freshwater, resulting from the discharge would be avoided.*
- (5) *When considering any application for a discharge the Council must have regard to the following matters:*



(a) the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their secondary contact with fresh water; and

(b) the extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their secondary contact with fresh water resulting from the discharge would be avoided.

(6) Policies E1.3(4) and (5) apply to the following discharges (including a diffuse discharge by any person or animal):

(b) a change or increase in any discharge of any contaminant into freshwater, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering freshwater.

Note 1

Policies E1.3(4) – (6) are policy A4 of the National Policy Statement for Freshwater Management which are required by the National Policy Statement for Freshwater Management to be incorporated in regional plan provisions under section 55 of the Resource Management Act 1991 without using the process in schedule 1. They apply until full effect has been given to the National Policy Statement for Freshwater Management. Policy E1.3(4) does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011. Policy E1.3(5) does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2014 takes effect.

Comment

- 7.32. The relevant objectives and policies for E7 - Taking, using, damming and diversion of water and drilling are located in E1 Water quality and integrated management and E2 Water quantity, allocation and use. These relate to maintaining or improving freshwater and sediment quality, and the mauri of freshwater.
- 7.33. The proposal will not adversely affect freshwater and sediment quality due to its location, nor affect any existing uses of groundwater.
- 7.34. In terms of the mauri of freshwater, any water which is taken from the site will be released to the stormwater system which should ensure the mauri is unaffected. However, the application will be publicly notified, and this will allow any mana whenua / iwi groups to make submissions on groundwater issues. As such, whilst the effects from the groundwater dewatering and diversion are not anticipated to adversely affect mana whenua values this will need to be confirmed by mana whenua groups as relevant.



- 7.35. As addressed in the assessment of effects above, the proposed Groundwater Settlement Monitoring and Contingency Plan will ensure that appropriate measures are in place, including monitoring, alerts and alarms so that adverse effects can be avoided, remedied or mitigated. Temporary and permanent retaining walls are proposed which are considered appropriate for the site, and expected level of groundwater, with the level of deflection and settlement anticipated to be at an acceptable level. The proposed diversion of groundwater for up to 35 years is necessary due to the permanent nature of the basement.
- 7.36. Overall, the proposal, subject to the recommended conditions of consent, is consistent with the objectives and policies in relation to take and diversion of groundwater.

E7 Taking, using, damming and diversion of water and drilling

Objectives and Policies

E7.2 Objectives [rp]

Objectives are located in E1 Water quality and integrated management, E2 Water quantity, allocation and use, D3 High-use Stream Management Areas Overlay and D8 Wetland Management Areas Overlay.

E7.3 Policies [rp]

Policies are located in E1 Water quality and integrated management, E2 Water quantity, allocation and use, D3 High-use Stream Management Areas Overlay and D8 Wetland Management Areas Overlay.

Comment

- 7.37. See above regarding E1 assessment.



E12 Land disturbance - District

Objectives and Policies

E12.2 Objectives

(1) *Land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies or mitigates adverse effects on the environment.*

E12.3 Policies

(1) *Avoid where practicable, and otherwise, mitigate, or where appropriate, remedy adverse effects of land disturbance on areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character.*

(2) *Manage the amount of land being disturbed at any one time, to:*

(a) *avoid, remedy or mitigate adverse construction noise, vibration, odour, dust, lighting and traffic effects;*

(b) *avoid, remedy or mitigate adverse effects on accidentally discovered sensitive material; and*

(c) *maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering.*

(3) *Enable land disturbance necessary for a range of activities undertaken to provide for people and communities social, economic and cultural well-being, and their health and safety.*

(4) *Manage the impact on Mana Whenua cultural heritage that is discovered undertaking land disturbance by:*

(a) *requiring a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;*

(b) *undertaking appropriate actions in accordance with mātauranga and tikanga Māori; and*

(c) *undertaking appropriate measures to avoid adverse effects, or where adverse effects cannot be avoided, effects are remedied or mitigated.*

(5) *Design and implement earthworks with recognition of existing environmental site constraints and opportunities, specific engineering requirements, and implementation of integrated water principles.*

(6) *Require that earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings and structures.*

Comment

7.38. The relevant objectives and policies for Land disturbance (E12.2 and E12.3) seek to ensure that earthworks are carried out in a manner that protects people and the environment.



- 7.39. As addressed in the assessment of effects above, the proposal requires excavation across the entire site to provide the basement. The applicant confirms works will be undertaken in accordance with Auckland Council Guidance Document 05 (GD05) and include measures that will ensure the control of dust. Construction noise (further addressed below) will be managed by a CNVMP. While there will be a significant level of construction traffic associated with the earthworks, the applicants traffic engineer advises that this can be suitably controlled through a finalised construction traffic management plan that will ensure the continued operation and safety of the surrounding road network. The geotechnical assessments prepared confirm that while the excavation is extensive no other properties are likely to be affected by soil instability and the site can be safely developed providing works are undertaken in accordance with the recommended conditions of consent.
- 7.40. As addressed below suitable measures will be in place due to the potentially contaminated nature of the soil to avoid adverse discharge to receiving environments. The site is not located on, or in close proximity to, any identified natural or physical resource.
- 7.41. Undertaking works in accordance with GD05 will suitably control discharges so they do not enter the coastal waters of the Harbour.
- 7.42. An archaeological assessment (**Appendix 20**) has not indicated any mana whenua matters and as the site has been subject to previous earthworks including excavation for the existing basement, the potential for presence of archaeology material is considered to be very low.
- 7.43. Overall, the proposal, subject to the recommended conditions of consent, is consistent with the objectives and policies in relation to land disturbance - district.

E23 Signs

Objectives and Policies

E23.2 Objectives [rcp/dp]

(1) Appropriate billboards and comprehensive development signage contribute to the social and economic well-being of communities through identifying places, providing information including for convenience and safety purposes, and advertising goods and services.



(2) *Billboards and comprehensive development signage are managed to maintain traffic and pedestrian safety, historic heritage values and the visual amenity values of buildings and the surrounding environment.*

E23.3 Policies [rcp/dp]

(1) *Require billboards and comprehensive development signage to meet the relevant permitted activity standards (for example building height) that apply in the zone in which they are located.*

(2) *Require the placement, location and size of billboards and comprehensive development signage on buildings to not significantly detract from the profile or appearance of a building, or cover any significant architectural features on the façade of a building.*

(3) *Enable billboards and comprehensive development signage while avoiding signs creating clutter or dominating the building or environment by controlling the size, number and location of signs.*

(4) *Require traffic and pedestrian safety standards to apply to billboards and comprehensive development signage, particularly to the wording, lighting and location of signs, and changeable message, illuminated, flashing or revolving signs.*

(5) *Manage the effects of billboards and comprehensive development signage to maintain the values of scheduled historic heritage places and visual amenity values.*

(6) *Limit the duration of consents for billboards where future land use and/or transport network changes are likely to result in the billboard being inappropriate from a site development or traffic safety perspective.*

Comment

7.44. The number, type, location and size of signs are managed overall to maintain traffic and pedestrian safety and the visual amenity values of the building, the surrounding environment, and historic heritage. No signs are proposed under this application that would be above the ground floor of the building and all signs will be well-integrated into the design of the building and will not be placed ad hoc such that they would significantly detract from the profile or appearance of the building or cover any significant architectural features.

7.45. Any lighting required for signage will be designed so that it will not result in adverse effects through glare.

7.46. These Objectives and Policies are met.



E25 Noise and vibration

Objectives and Policies

E25.2 Objectives [rcp/dp]

- (1) *People are protected from unreasonable levels of noise and vibration.*
- (4) *Construction activities that cannot meet noise and vibration standards are enabled while controlling duration, frequency and timing to manage adverse effects.*

E25.3 Policies [rcp/dp]

- (1) *Set appropriate noise and vibration standards to reflect each zone's function and permitted activities, while ensuring that the potential adverse effects of noise and vibration are avoided, remedied or mitigated.*
- (2) *Minimise, where practicable, noise and vibration at its source or on the site from which it is generated to mitigate adverse effects on adjacent sites.*
- (4) *Use area or activity specific rules where the particular functional or operational needs of the area or activity make such rules appropriate.*
- (7) *Require activities to be appropriately located and/or designed to avoid where practicable or otherwise remedy or mitigate reverse sensitivity effects on:*
 - (a) *existing or authorised infrastructure;*
 - (b) *adjacent Business – Light Industry Zone and Business – Heavy Industry Zone;*
 - (c) *existing lawfully established rural production activities;*
 - (d) *major recreation facilities;*
 - (e) *existing lawfully established commercial activities within Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone, Business – Neighbourhood Centre Zone, Business – Mixed Use Zone; or*
 - (f) *regionally significant mineral extraction activities.*
- Construction, demolition and maintenance activities*
- (10) *Avoid, remedy or mitigate the adverse effects of noise and vibration from construction, maintenance and demolition activities while having regard to:*
 - (a) *the sensitivity of the receiving environment; and*
 - (b) *the proposed duration and hours of operation of the activity; and*
 - (c) *the practicability of complying with permitted noise and vibration standards.*

Comment

- 7.47. The objectives and policies for noise and vibration (E25.2 -E25.3), seek to control noise and vibration to limit the adverse effects on amenity values, human health and protect existing noisy activities from reverse sensitivity. In addition, they seek to protect people from construction noise while enabling such activities, that cannot meet the noise and vibration



standards, by controlling duration, frequency and timing of the works to manage the adverse effects.

- 7.48. As addressed in the effects assessment above, the construction works are anticipated to comply with the relevant noise standards for the main construction period, apart from during limited remaining demolition works required and the initial piling works. The applicant proposes to manage construction noise and vibration through a CNVMP that will ensure noise is appropriately managed so that adverse effects on the surrounding environment, including nearby properties are minimised. It is noted that the exceedances are limited to the one adjacent property.
- 7.49. The operational noise levels of the activity will comply with the relevant noise standards.
- 7.50. Overall, the proposal, subject to the recommended conditions of consent, is consistent with the objectives and policies in relation to noise and vibration.

E27 Transport

Objectives and Policies

E27.2 Objectives	
<p>(1) <i>Land use and all modes of transport are integrated in a manner that enables:</i> <i>(a) the benefits of an integrated transport network to be realised; and</i> <i>(b) the adverse effects of traffic generation on the transport network to be managed.</i></p>	<p>The site's City Centre location ensures that access via a wide range of modes is available including walking, cycling, cars, buses and trains. this enables the benefits of an integrated transport network to be realised. The network is able to cater for the likely traffic generation from the site.</p>
<p>(2) <i>An integrated transport network including public transport, walking, cycling, private vehicles and freight, is provided for.</i></p>	<p>As above, the site's City Centre location ensures that access via a wide range of modes is available including walking, cycling, cars, buses and trains. this enables the benefits of an integrated transport network to be realised. End of trip facilities are proposed and on site cycle parking is provided in excess of AUP minimums.</p>
<p>(3) <i>Parking and loading supports urban growth and the quality compact urban form.</i></p>	<p>The on-site vehicle parking is proposed within basements, which ensures that there is no above</p>



	ground parking which could detract from a quality urban form.
(4) <i>The provision of safe and efficient parking, loading and access is commensurate with the character, scale and intensity of the zone.</i>	The parking design and access has been assessed as being able to operate safely despite some limited non-compliances with access gradient requirements. Loading is available on the street which supports the efficient use of the site's land resource.
(5) <i>Pedestrian safety and amenity along public footpaths is prioritised.</i>	The proposal results in a substantial decrease in the number and width of vehicle crossings accessing the site which will enhance pedestrian safety and amenity along the footpath.

E27.3 Policies

Parking

(3) <i>Manage the number, location and type of parking and loading spaces, including bicycle parking and associated end-of-trip facilities to support all of the following:</i> (a) <i>the safe, efficient and effective operation of the transport network;</i> (b) <i>the use of more sustainable transport options including public transport, cycling and walking;</i> (c) <i>the functional and operational requirements of activities;</i> (d) <i>the efficient use of land;</i> (e) <i>the recognition of different activities having different trip characteristics; and</i> (f) <i>the efficient use of on-street parking.</i>	A limited number of car parks are provided on the site (below AUP standards) to encourage alternative forms of transport and to take advantage of the site's highly accessible city centre location. This is reinforced through the provision of bicycle parking for staff/visitors. An on-site loading bay is not provided as there are sufficient spaces on adjacent streets to allow servicing whilst avoiding adverse effects on the surrounding transport environment.
(4) <i>Limit the supply of on-site parking in the Business – City Centre Zone to support the planned growth and intensification and recognise the existing and future accessibility of this location to public transport, and support walking and cycling.</i>	The number of spaces is limited in line with plan requirements to promote the alternative transport options.
(5) <i>Limit the supply of on-site parking for office development in all locations to:</i>	The number of parking spaces proposed is compliant with the plan allowances.



<p>(a) minimise the growth of private vehicle trips by commuters travelling during peak periods; and</p> <p>(b) support larger-scale office developments in the Business – City Centre Zone, Centre Fringe Office Control area, Business – Metropolitan Centre Zone, Business – Town Centre Zone and Business – Business Park Zone.</p>	
<p>(14) Support increased cycling and walking by:</p> <p>(a) requiring larger developments to provide bicycle parking;</p> <p>(b) requiring end-of-trip facilities, such as showers and changing facilities, to be included in office, educational and hospital developments with high employee or student numbers; and</p> <p>(c) providing for off-road pedestrian and bicycle facilities to complement facilities located within the road network.</p>	<p>End of trip facilities and more than the minimum on-site cycle parking is provided to encourage access to the site via bike.</p>
<p><i>Loading</i></p>	
<p>(15) Require access to loading facilities to support activities and minimise disruption on the adjacent transport network.</p>	<p>There is a double loading space opposite the site on Abbey Street, as well as one proposed outside the main entrance to the building. This provides suitable on street loading space to service the development.</p>
<p>(16) Provide for on-site or alternative loading arrangements, including on-street loading or shared loading areas, particularly in locations where it is desirable to limit access points for reasons of safety, amenity and road operation.</p>	<p>As noted there is a double loading space opposite the site on Abbey Street as well as one proposed outside the main entrance to the building which is the alternative arrangements that this policy envisages. This arrangement enhanced the safety and amenity of the footpath around the site by limiting good vehicle access points.</p>
<p><i>Design of parking and loading</i></p>	
<p>(17) Require parking and loading areas to be designed and located to:</p> <p>(a) avoid or mitigate adverse effects on the amenity of the streetscape and adjacent sites;</p>	<p>The development has one 6m wide access point which is a decrease from the three which currently serve the site. The design of the access has been assessed as being able to safely operate and will, due to its width and location,</p>



<p>(b) provide safe access and egress for vehicles, pedestrians and cyclists;</p> <p>(c) avoid or mitigate potential conflicts between vehicles, pedestrians and cyclists; and</p> <p>(d) in loading areas, provide for the separation of service and other vehicles where practicable having regard to the functional and operational requirements of activities.</p>	<p>avoid unacceptable adverse effects on the streetscape.</p> <p>The main pedestrian and cyclist entry points are well separated from the vehicle access which also avoids the potential for interactions between different road users.</p>
<p>(18) Require parking and loading areas to be designed so that reverse manoeuvring of vehicles onto or off the road does not occur in situations which will compromise:</p> <p>(a) the effective, efficient and safe operation of roads, in particular arterial roads;</p> <p>(b) pedestrian safety and amenity, particularly within the centre zones and Business – Mixed Use Zone; and</p> <p>(c) safe and functional access taking into consideration the number of parking spaces served by the access, the length of the driveway and whether the access is subject to a vehicle access restriction.</p>	<p>The basement design allows all vehicles to turn on site and exit in a forward manner. Whilst the rubbish truck will back into the access to allow rubbish collection, this will be done outside business hours to avoid interactions with pedestrians and cyclists.</p>
<p>Access</p>	
<p>(20) Require vehicle crossings and associated access to be designed and located to provide for safe, effective and efficient movement to and from sites and minimise potential conflicts between vehicles, pedestrians, and cyclists on the adjacent road network.</p>	<p>The width of the crossing is compliant with AUP standards and is assessed as being safe. Whilst the 6m safety platform is not provided (4.4m only) this length is assessed as being sufficient due to the smaller vehicles that the basement is designed to accommodate.</p>
<p>(21) Restrict or manage vehicle access to and from sites adjacent to intersections, adjacent motorway interchanges, and on arterial roads, so that:</p> <p>(a) the location, number, and design of vehicle crossings and associated access provides for the efficient movement of people and goods on the road network; and</p>	<p>Whilst the crossing is slightly within the 10m control from the intersection, this has been assessed as being able to operate safely.</p>



(b) any adverse effect on the effective, efficient and safe operation of the motorway interchange and adjacent arterial roads arising from vehicle access adjacent to a motorway interchange is avoided, remedied or mitigated.

Comment

- 7.51. Overall, the proposal enables the efficient use of the site which has excellent access to public transport, cycling and walking networks.
- 7.52. The proposal supports an integrated transport network, with some provision for cars, as well as provision for access by a range of other transport modes including bicycles and pedestrians. The intensity of use will support public transport patronage (City Rail Link especially) which assists a more efficient public transport network.
- 7.53. Parking and access arrangements have been designed to ensure safety of pedestrians and vehicles, avoid adverse visual effects on the street and provide for safe access and exit for vehicles, pedestrians and cyclists. The proposal does not compromise the safe and efficient functioning of the transport network.
- 7.54. It is considered that the proposal aligns with the relevant objectives and policies of E27.

E30 Contaminated land

Objectives and Policies

E30.2 Objective [rp]

(1) The discharge of contaminants from contaminated land into air, or into water, or onto or into land are managed to protect the environment and human health and to enable land to be used for suitable activities now and in the future.



E30.3 Policies [rp]

(2) *Require any use or development of land containing elevated levels of contaminants resulting in discharges to air, land or water to manage or remediate the contamination to a level that:*

(a) allows contaminants to remain in the ground/groundwater, where it can be demonstrated that the level of residual contamination is not reasonably likely to pose a significant adverse effect on human health or the environment; and

(b) avoids adverse effects on potable water supplies; and

(c) avoids, remedies or mitigates significant adverse effects on ecological values, water quality, human health and amenity values;

while taking into account all of the following:

(d) the physical constraints of the site and operational practicalities;

(e) the financial implications of the investigation, remediation, management and monitoring options;

(f) the use of best practice contaminated land management, including the preparation and consideration of preliminary and detailed site investigations, remedial action plans, site validation reports and site management plans for the identification, monitoring and remediation of contaminated land; and

(g) whether adequate measures are in place for the transport, disposal and tracking of contaminated soil and other contaminated material removed from a site to prevent adverse effects on the environment.

Comment

7.55. All Contaminants of Concern concentrations complied with Ministry for the Environment National Environmental Standards and/or Petroleum Hydrocarbon Guidelines Human Health criteria but on the basis of the DSI findings, a Remediation Action Plan (RAP) with Site Management Plan is necessary and has been prepared (refer to **Appendix 17**).

7.56. The DSI and SMP, have been prepared by a Suitably Qualified and Experienced Professional (SQEP) and clearly outline measures to be implemented during the construction phase of the development to minimise the potential adverse effects on the environment and to human health. These measures include the management of dust during excavation, the avoidance of stockpiling of contaminated material and the safe disposal of contaminated material off the site. The SMP also addresses contingency measures for the discovery of unexpected contamination and any necessary remedial works.

7.57. The implementation of the SMP/RAP prior to and during the works will ensure that the risk to human health and the environment from the proposed land disturbance will be suitably

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managed low and therefore, acceptable. It is noted that the primary earthwork activity is cut to waste with significant cuts which means that most if not all of any contaminated soils will be removed from the site. Suitable management of the earthworks to remove, as well as any remediation, will ensure that human health is protected.

7.58. The SMP/RAP ensures that soil/fill material with Heavy Metals concentrations above applicable Environmental Discharge criteria will be remediated (excavated and disposed of off-site or otherwise isolated).

7.59. With the implementation of the SMP and further input from a SQEP during the redevelopment of the site, it is considered that the proposal is consistent with the above Objectives and Policies.

H8 Business - City Centre Zone

Objectives and Policies

H8.2 Objectives	
<i>General objectives for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone</i>	
<i>(1) A strong network of centres that are attractive environments and attract ongoing investment, promote commercial activity, and provide employment, housing and goods and services, all at a variety of scales.</i>	The development provides high quality commercial space as well as ground floor retail and food and beverage uses which will be part of an attractive building which will promote commercial activity in the city centre.
<i>(2) Development is of a form, scale and design quality so that centres are reinforced as focal points for the community.</i>	The height and intensive use of the site reinforces the outcome of the zone to be an area for growth and housing. The quality of the design is high, with a design that responds to the surrounding existing environment achieved as per the specialist assessments undertaken.
<i>(3) Development positively contributes towards planned future form and quality, creating a sense of place.</i>	The development will positively contribute to the form and quality of the city centre. The design of the building meets the desired outcome of the zone while mitigating potential adverse effects on neighbouring properties.



<p><i>(4) Business activity is distributed in locations, and is of a scale and form, that:</i></p> <p><i>(a) provides for the community's social and economic needs;</i></p> <p><i>(b) improves community access to goods, services, community facilities and opportunities for social interaction; and</i></p> <p><i>(c) manages adverse effects on the environment, including effects on infrastructure and residential amenity.</i></p>	<p>The development will introduce a large scale commercial activity to the site which will provide for the community's social and economic needs as well as improving community access to goods, services and opportunities for social interaction. As assessed the development manages adverse effects on the environment, including effects on infrastructure.</p>
<p><i>Business – City Centre Zone objectives</i></p>	
<p><i>(6) The city centre is an internationally significant centre for business.</i></p>	<p>The development is proposed to bring a world class sustainably developed office building to this part of the City Centre which will assist in making the city centre an internationally significant centre for business.</p>
<p><i>(7) The city centre is an attractive place to live, learn, work and visit with 24-hour vibrant and vital business, education, entertainment and retail areas.</i></p>	<p>The development provides a place to work, but also a place for people to visit and its location enables interaction with the central city's entertainment and retail areas along Karangahape and Ponsonby Roads and surrounds.</p>
<p><i>(8) Development in the city centre is managed to accommodate growth and the greatest intensity of development in Auckland and New Zealand while respecting its valley and ridgeline form and waterfront setting.</i></p>	<p>The proposed development seeks to maximise the intensity of the use of the site and celebrates its ridgeline location. NB - this objective has been modified by PC 78 as set out below.</p>
<p><i>(9) The distinctive built form, identified special character and functions of particular areas within and adjoining the city centre are maintained and enhanced.</i></p>	<p>As set out in the Heritage Impact Assessment, the AUP describes the distinctive character of the K Road Precinct as being derived from its:</p> <ul style="list-style-type: none">• ridge top location, orientation and aspect;• concentration of historic heritage and special character buildings and features; and,• diverse and multi-cultural mix of activities. <p>Built form and the street frontages of buildings are significant components of the precinct's character. While there is disparity in the age and detail of the frontages, there is an overall coherence.</p>



The HIA notes that the principal module on K' Rd. reflects the common 14m height datum that is reflected in most buildings in the KRP. This datum, while not the only horizontal built form reference found within the precinct, is expressed through detailing above the canopy level.

The HIA goes on to note that the proposed building "has been composed 'in the round' offering a cohesive design strategy that responds to the existing grain and pattern of development within the K'Rd Precinct. A thorough study of the features, scale, and modules of buildings in the precinct has informed the composition of the proposed development. It becomes apparent through this study that heritage buildings typically express their construction modules and spans through decorative features, decorative horizontal bands, regular rhythms, and the arrangement of apertures and penetrations. The result of this study is a composition that utilises a distinct symmetry and repeats the horizontal datum to reflect the patterns and features of other buildings in the precinct."

Mr Munro states that "*the proposal will stand out as a high-quality, large scale destination or 'marker' at the western end of the Precinct and that will contrast with its adjacent sites as much for its positive attributes and visual quality as its scale.*"

Mr Jones confirms his view that the building is an "architecturally coherent and attractive commercial building ...with visual interest and articulation which is consistent, yet varied to provide subtlety to the design." He notes that this is achieved through "the form, colours and materials (including façade typologies) which will "break up the perceived massing of the building and reduce any potential dominance effects." He confirms that the built form and character within the Precinct will be maintained and enhanced.



	I agree with the assessments and commentary above and consider that the proposal will ensure that the distinctive built form and particular character of the area will be maintained by the proposal and that this Objective is met.
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H8.3 Policies

General policies for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone

<p><i>(1) Reinforce the function of the city centre, metropolitan centres and town centres as the primary location for commercial activity, according to their role in the hierarchy of centres.</i></p>	<p>The scale and nature of the development will assist in reinforcing the function and role of the City Centre at the top of the centre's hierarchy.</p>
<p><i>(3) Require development to be of a quality and design that positively contributes to:</i></p> <ul style="list-style-type: none"><i>(a) planning and design outcomes identified in this Plan for the relevant zone;</i><i>(b) the visual quality and interest of streets and other public open spaces; and</i><i>(c) pedestrian amenity, movement, safety and convenience for people of all ages and abilities.</i>	<p>The design of the building has been formulated with the input of the Auckland Urban Design Panel and with consideration given to the site's context and constraints by experienced heritage, urban design and landscape experts. Their reports provide a detailed and comprehensive assessment of the design quality of the building and confirm that the building will positively contribute to the planning and design outcomes identified in the Plan for the City Centre Zone and the K Road Precinct. The assessments conclude that the building will positively contribute to the visual quality and interest of the surrounding streets as well as pedestrian amenity, movement, safety and convenience for people of all ages and abilities.</p> <p>This Policy has been met.</p>
<p><i>(4) Encourage universal access for all development, particularly medium to large scale development.</i></p>	<p>The proposed development provides an at grade access into the lobby and an unobstructed path through to the lifts. Sufficient circulation within each floor allows for safe manoeuvring and universal access for all.</p>
<p><i>(5) Require large-scale development to be of a design quality that is commensurate with the prominence and visual effects of the development.</i></p>	<p>The urban design, landscape and heritage assessments considered that the building is of a high quality design that is appropriate for the site and commensurate with the prominence</p>



	and visual effects of the development. This policy is met.
<i>(6) Encourage buildings at the ground floor to be adaptable to a range of uses to allow activities to change over time.</i>	The ground floor is adaptable to a wide range of commercial activities.
<i>(7) Require at grade parking to be located and designed in such a manner as to avoid or mitigate adverse impact on pedestrian amenity and the streetscape.</i>	The basement parking is sleeved behind active uses on the Abbey Street frontage which ensures that adverse pedestrian amenity or streetscape impacts are avoided.
<i>(9) Discourage activities, which have noxious, offensive, or undesirable qualities from locating within the centres and mixed use zones, while recognising the need to retain employment opportunities.</i>	No noxious, offensive or undesirable activities are proposed.
<i>(11) Require development to avoid, remedy or mitigate adverse wind and glare effects on public open spaces, including streets, and shading effects on open space zoned land.</i>	The Wind Report in Appendix 10 confirms that the proposal will ensure that the wind environment will comply with AUP requirements. The facade design has been formulated to comply with the relevant glare standards and a condition of consent confirming compliance is proposed. This policy has been met.
<i>(13) In identified locations within the centres zones, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone enable greater building height than the standard zone height, having regard to whether the greater height:</i> <i>(a) is an efficient use of land;</i> <i>(b) supports public transport, community infrastructure and contributes to centre vitality and vibrancy;</i> <i>(c) considering the size and depth of the area, can be accommodated without significant adverse effects on adjacent residential zones; and</i> <i>(d) is supported by the status of the centre in the centres hierarchy, or is adjacent to such a centre.</i>	Whilst the proposal will exceed the zone height by some margin, this policy indicates that greater height can be supported where it can be demonstrated that the additional height is: <ul style="list-style-type: none">● an efficient use of land which supports public transport, community infrastructure and contributes to centre vitality and vibrancy● can be accommodated without significant adverse effect on adjacent residential zones; and● is supported by the centre's hierarchy. I consider that the extra height proposed here does meet the above requirements with the intensity of use enabled by the increased height being an efficient use which supports public transport and will contribute to the vitality and vibrancy of the area. there are no residential areas affected.



	This policy is met.
<i>(14) In identified locations within the centre zones, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone, reduce building height below the standard zone height, where the standard zone height would have significant adverse effects on identified special character, identified landscape features, or amenity.</i>	This policy is relevant as it provides a foil to Policy 13 above in terms of situations where the zone height has been reduced due to concerns around 'significant adverse effects' on a range of matters such as special character, landscape features or amenity. In this case the height of the building has been assessed as not resulting in any significant adverse effects to the environment and as such this policy can be considered to be met.
<i>Business – City Centre Zone policies Land use activities</i>	
<i>(15) Provide for a wide range and diverse mix of activities that enhance the vitality, vibrancy and amenity of the city centre including: (a) commercial and residential activities; (b) arts, entertainment, events, civic and community functions; (c) high-quality visitor experiences, visitor accommodation and associated services; and (d) learning, teaching and research activities, with a particular concentration in the learning precinct.</i>	The proposed development will provide high quality retail, commercial and food and beverage space, in close proximity on Karangahape Road and in close proximity to Ponsonby Road.
<i>(17) Enable the most significant concentration of office activity in Auckland to locate in the city centre by providing an environment attractive to office workers, with a focus on the core central business district.</i>	The building will be a significant office activity in the city centre.
<i>(18) Provide for a wide range of retail activities throughout the city centre while maintaining and enhancing the vitality, vibrancy and amenity of core retail areas within the city centre and centres outside of the city centre. In particular:</i>	The proposal provides for a size and intensity of retail use that is commensurate with the location on what was once Auckland's premier shopping street.



<p><i>(a) enable smaller scale retail activities to occur throughout the city centre;</i></p> <p><i>(b) encourage large department stores and integrated retail developments to locate within the core retail area; and</i></p> <p><i>(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.</i></p>	
<p><i>Precincts</i></p>	
<p><i>(23) Identify and encourage specific outcomes in areas of the city centre that relate to:</i></p> <p><i>(a) a distinctive built character; and/or</i></p> <p><i>(b) a concentration of particular activities; and/or</i></p> <p><i>(c) activities that have specific functional requirements; and/or</i></p> <p><i>(d) significant transformational development opportunities.</i></p>	<p>As earlier outlined in the HIA - The proposed building has been composed 'in the round' offering a cohesive design strategy that responds to the existing grain and pattern of development within the K'Rd Precinct. A thorough study of the features, scale, and modules of buildings in the precinct has informed the composition of the proposed development. It becomes apparent through this study that heritage buildings typically express their construction modules and spans through decorative features, decorative horizontal bands, regular rhythms, and the arrangement of apertures and penetrations. The result of this study is a composition that utilises a distinct symmetry and repeats the horizontal datum to reflect the patterns and features of other buildings in the precinct.</p> <p>AUP describes the distinctive character of the Precinct as being derived from its:</p> <ul style="list-style-type: none">• ridge top location, orientation and aspect;• concentration of historic heritage and special character buildings and features; and,• diverse and multi-cultural mix of activities. <p>As noted the built form and the street frontages of buildings are significant components of the precinct's character and while there is disparity</p>



	<p>in the age and detail of the frontages, there is an overall coherence. The principal module on K' Rd. reflects the common 14m height datum that is reflected in most buildings in the KRP. This datum, while not the only horizontal built form reference found within the precinct, is expressed through detailing above the canopy level.</p> <p>The proposed building offers clear hierarchies of built form and access which are appreciable from various parts of the K' Rd precinct and consider the desire lines of pedestrians moving under the canopy.</p> <p>The K'Rd frontage has been carefully designed to respond appropriately to the precinct's special character and grain. The use of the canopy at street level ensures the contiguity of the pedestrian realm on the K' Rd frontage. A consistent proportion and scale are defined in relation to other buildings in the precinct.</p> <p>This policy is met.</p>
<p><i>(24) Encourage comprehensive and integrated development of key development sites or precincts in the city centre.</i></p>	<p>The development represents a comprehensive and integrated development on a key site in this part of the city centre.</p>
<p><i>Historic heritage and special character</i></p>	
<p><i>(27) Encourage the retention and conservation of the city centre's historic heritage through scheduling and through development incentives.</i></p>	<p>This policy is not relevant.</p>
<p><i>City form</i></p>	
<p><i>(29) Enable the tallest buildings and the greatest density of development to occur in the core central business district.</i></p>	<p>This policy supports the proposed high intensity use of the site and scale of building proposed.</p>
<p><i>(30) Manage adverse effects associated with building height and form by:</i> <i>(a) transitioning building height and development densities down to</i></p>	<p>The building provides a positive response to intensification of the site and the urban form of the city centre. The design is assessed as being of high-quality and will assist in ensuring the city centre is an attractive place to work and visit. It</p>



<p><i>neighbourhoods adjoining the city centre and to the harbour edge;</i> <i>(b) protecting sunlight to identified public open spaces and view shafts;</i> <i>(c) requiring the height and form of new buildings to respect the valley and ridgeline form of the city centre and building design to be complementary to existing or planned character of precincts; and</i> <i>(d) managing the scale, form and design of buildings to:</i></p> <p><i>(i) avoid adverse dominance and/or amenity effects on streets and public open space; and</i> <i>(ii) encourage well-designed, slender towers on sites identified within the special height area on Map H8.11.3.</i></p>	<p>will also provide a positive contribution to the Auckland skyline through its interesting building form that is commensurate with its setting, from both the immediate streets and from the wider cityscape context.</p> <p>The building height is commensurate with other taller buildings in the area ensuring that the proposal is not contrary to the policy of transitioning the building height down to adjacent neighbourhoods (noting that this policy has essentially been superseded by the PC78 version assessed below) as well as the range of heights already enable in surrounding areas outside the City Centre (e.g. the 27m height limit on Mixed Use land to the west).</p> <p>The development will result in additional shading due to its height, however the location and orientation of the site ensures that this additional height does not completely shade the key public streets. The adjacent Karangahape Road is to the north and so essentially unaffected by an increased shading except for early morning and late evening in the winter.</p> <p>As assessed by Mr Munro and Mr Jones the design does not result in any unacceptable adverse dominance of visual amenity effects to streets. No public open spaces are affected.</p>
<p><i>(31) Maximise light and outlook around buildings.</i></p>	<p>As noted above the building will retain sufficient light and outlook around the building via the setbacks and steps proposed.</p>
<p><i>(32) Encourage public amenities to be provided within developments, including publicly accessible open space, works of art and through site links.</i></p>	<p>This policy is related to the use of floor area bonus provisions, but these are not applicable to this site and therefore this policy is not relevant.</p>
<p><i>Public realm</i></p>	
<p><i>(33) Require building and development of the highest quality that contributes to the city centre's role as an international centre for business, learning, innovation, entertainment, culture and urban living.</i></p>	<p>The proposal will repair the public realm in this location through the development of a high quality building which will contribute to the city centre's role. the ground level frontages all address the street positively, especially the Abbey Street frontage.</p>



<p><i>(34) Require building frontages along identified public open spaces and streets to be designed in a way that provides a sense of intimacy, character, interest and variation, and enclosure at street level.</i></p>	<p>The urban design, heritage and landscape assessments have all addressed this in detail and accordingly the design is considered to demonstrate the right level of intimacy, character interest and variation as well as enclosure at street level.</p>
<p><i>(35) Require the demolition of buildings and structures to avoid, remedy or mitigate significant adverse effects on the pedestrian amenity of the city centre and the safety and efficiency of the road network.</i></p>	<p>The (limited) demolition work will be managed to avoid, remedy and mitigate any effects on pedestrian amenity. The site's three frontages allow flexible access avoiding the main K Road footpath.</p>
<p><i>(36) Protect identified sightlines along streets and public open spaces from the city centre to the harbour, Rangitoto Island, the North Shore and identified sightlines along roads and public open spaces within the city centre to natural features and landmarks.</i></p>	<p>This policy is not relevant as no identified sightlines are affected.</p>
<p><i>(37) Enable high-quality public open spaces along the waterfront that are accessible and provide spaces for recreational opportunities, facilities and events.</i></p>	<p>Not relevant.</p>

Comment

- 7.60. Overall, the development is a high-intensity office proposal that aims to make the best and most efficient use of this key City Centre site. The activity will support the use of active modes of transport, such as cycling and public transport. The development provides for less car parking than the maximums that apply for the zone, and a large number of cycle parks. In addition to its location within the City Centre, the development is designed to be accessible and convenient for staff and visitors who choose to walk or bike to work.
- 7.61. The design of the building and its height have been carefully considered to avoid or mitigate adverse effects on streets, and the overall design quality of the development is commensurate with its scale. The building will contribute to the city centre's status as a vibrant and vital hub for business, education, entertainment, and retail.

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H8 Business – City Centre Zone - PC 78: Intensification

Objectives and Policies

H8.2 Objectives	
<i>General objectives for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone</i>	
<i>(3) Development positively contributes towards planned future form and quality, <u>creating a well-functioning urban environment and a sense of place</u></i>	The development will positively contribute to the planned future form and quality of the city centre and aid in the creation of a well functioning urban environment. The design will also enable the creation of a sense of place for this part of the City Centre.
<i>(4) Business activity is distributed in locations, and is of a scale and form, that: (a) provides for the community's social and economic needs; (b) improves community access to goods, services, community facilities and opportunities for social interaction; and (c) manages adverse effects on the environment, including effects on infrastructure and residential amenity-; <u>and</u> (d) <u>accommodates qualifying matters.</u></i>	The proposal has suitably accommodated the Council identified qualifying matters (historic heritage, precinct) as set out in the effects assessment.
<i>Business – City Centre Zone objectives</i>	
<i>(8) Development in the city centre is managed to accommodate growth and the greatest intensity of development in Auckland and New Zealand while respecting its <u>existing and planned built form and character</u> valley and ridgeline form and waterfront setting.</i>	<p>The scale and nature of the development will assist in enhancing the intensity of the city centre while respecting the existing and planned built form and character as assessed.</p> <p>The design of the building has been formulated with the input of the Auckland Urban Design Panel and with consideration given to the site's context and constraints by experienced heritage, urban design and landscape experts. Their reports provide a detailed and comprehensive assessment of the design quality of the building and confirm that the building will positively contribute to the planning and design outcomes</p>



	<p>identified in the Plan for the City Centre Zone, the K Road HHA and the K Road Precinct. The assessments conclude that the building will positively contribute to the visual quality and interest of the surrounding streets as well as pedestrian amenity, movement, safety and convenience for people of all ages and abilities. This Objective has been met.</p>
<p><u>(12) Development maintains and enhances the city's physical, cultural and visual connections with the waterfront as a public space and with the Waitematā Harbour and maunga.</u></p>	<p>The development will not affect the city's physical, cultural and visual connections with the waterfront as a public space and with the Waitematā Harbour and maunga. No maunga view shafts are affected and the site is distant from the waterfront.</p>
<p><u>(13) Building heights are enabled to realise as much development capacity as possible, unless qualifying matters apply which modify the relevant building height and/or density of urban form.</u></p>	<p>This objective supports the proposal as whilst the proposal will exceed the PC 78 zone height, the additional height is:</p> <ul style="list-style-type: none">● an efficient use of land which supports public transport, community infrastructure and contributes to centre vitality and vibrancy● can be accommodated without significant adverse effect on adjacent residential zones; and● is supported by the centre's hierarchy. <p>The proposal is considered to meet the objective of as much development capacity as possible.</p>

H8.3 Policies

General policies for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone

<p><u>(12A) Enable building height of at least six storeys (21m) within walkable catchments unless a qualifying matter applies that reduces height.</u></p>	<p>This Policy indicates that generally within the City Centre fringe 21m will be the new standard building height. This reflects a greater verticality to the future built form context of Auckland.</p>
<p><u>(13) Enable greater building height than the standard height in identified locations identified within the Height Variation Control centres zones, Business – Mixed Use Zone, Business – General Business Zone and</u></p>	<p>The Policy is being amended to only refer to Height Variation Control overlay areas and in the case of this site and PC78, the height limit is being increased to the same as the rest of the precinct.</p>



<p>Business – Business Park Zone enable greater building height than the standard zone height, having regard to whether the greater height:</p> <p><u>(za) is commensurate with the level of commercial activities and community services;</u></p> <p>(a) is an efficient use of land;</p> <p>(b) supports public transport, community infrastructure and contributes to centre vitality and vibrancy;</p> <p>(c) considering the size and depth of the area, can be accommodated without significant adverse effects on adjacent residential zones; and</p> <p>(d) is supported by the status of the centre in the centres hierarchy, or is adjacent to such a centre-; and</p> <p>(e) support the role of centres.</p>	
<p>(14) Reduce building height below the standard zone height in identified locations identified within the Height Variation Control centre zones, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone, reduce building height below the standard zone height, where the standard zone height would have significant adverse effects on identified special character, identified landscape features, or amenity or other qualifying matters.</p>	<p>The Policy is being amended to only refer to Height Variation Control overlay areas and is not relevant to this site. Essentially the height limit for this site is being increased via PC 78 to reflect the wider K Road height already allowed.</p>
<p><i>Business – City Centre Zone policies</i> <i>Land use activities</i></p>	
<p>(17) Enable the most significant concentration of office activity in Auckland to locate in the city centre by providing an environment attractive to office workers, with a focus on the core central business district <u>of the city centre.</u></p>	<p>This is just a typographical change.</p>
<p><i>Historic heritage and special character</i></p>	



<p>(27) <i>Encourage the retention and conservation of the city centre’s historic heritage through scheduling and through development incentives.</i></p>	<p>Typographical change, not relevant.</p>
<p>(28) <i>Maintain and enhance the special character values of pre 1940 buildings in the Queen Street Valley precinct and buildings outside this precinct identified on Map H8.11.1 of the Business – City Centre Zone as making a strong or significant contribution to the special character of the surrounding area, in particular by:</i></p> <p><i>(a) [Deleted] awarding transferable development rights where an identified special character building is protected in perpetuity and restored in accordance with an approved character plan;</i></p> <p><i>(b) requiring all development proposals for identified special character buildings to have considered adaptive re-use;</i></p> <p><i>(c) avoiding the demolition of identified special character buildings where it would adversely affect the built character of the surrounding area; and</i></p> <p><i>(d) requiring alterations and additions to existing buildings and new buildings to give consideration to, and be sympathetic to the existing and planned character of the area.</i></p>	<p>Noted the element relating to bonus / transferrable rights is deleted.</p>
<p>City form</p>	
<p>(29) <i>Enable the tallest buildings and the greatest density of development to occur in the core <u>of the city centre</u>central business district.</i></p>	<p>Slight wording change, policy is met as noted above - high intensity use of the site. Height comparable to others nearby.</p>
<p>(29A) <i><u>Ensure high quality building design which recognises the city centre’s role in reinforcing Auckland’s sense of place and identity, including a thriving and authentic mana whenua</u></i></p>	<p>As earlier outlined in the HIA - The proposed building has been composed ‘in the round’ offering a cohesive design strategy that responds to the existing grain and pattern of development within the K’Rd Precinct. A</p>



<p><u>identity that is genuinely visible throughout the city centre.</u></p>	<p>thorough study of the features, scale, and modules of buildings in the precinct has informed the composition of the proposed development. It becomes apparent through this study that heritage buildings typically express their construction modules and spans through decorative features, decorative horizontal bands, regular rhythms, and the arrangement of apertures and penetrations. The result of this study is a composition that utilises a distinct symmetry and repeats the horizontal datum to reflect the patterns and features of other buildings in the precinct.</p> <p>The detailed design of the building presents an opportunity to include mana whenua identity and design.</p>
<p>(30) <i>Manage adverse effects associated with building height and form by:</i></p> <ul style="list-style-type: none">(a) <i>transitioning building height and development densities down to neighbourhoods adjoining the city centre and to the harbour edge;</i>(b) <i>protecting sunlight to identified public open spaces and view shafts;</i>(c) <i>requiring the height, and form, <u>and design of new buildings to respect the valley and ridgeline form of the city centre and building design to be complementary to existing or and planned built form and character of the zone and precincts;</u> and</i>(d) <i>managing the scale, form and design of buildings to:</i><ul style="list-style-type: none">(i) <i>avoid adverse dominance and/or amenity effects on streets and public open space; and</i>(ii) <i>encourage well-designed, <u>human scale podiums with slender towers above with adequate separation between towers; or on sites where towers are not possible,</u></i>	<p>As noted above, the building provides a positive response to intensification of the site and the urban form of the city centre. The design is assessed as being of high-quality and will assist in ensuring the city centre is an attractive place to work and visit. It will also provide a positive contribution to the Auckland skyline through its interesting building form that is commensurate with its setting, from both the immediate streets and from the wider cityscape context.</p> <p>The building height is commensurate with other taller buildings in the area but lower than core city centre buildings, ensuring that the proposal is not contrary to the policy of transitioning the building height down to adjacent neighbourhoods (noting that the AUP already enables mid-rise buildings in surrounding areas outside the City Centre (e.g. the 27m height limit on Mixed Use land to the west) and PC 78 will enable buildings up to 72.5m on land immediately south of the site including directly opposite the site on Gundry and Abbey.</p> <p>The development will result in additional shading due to its height, however the location and orientation of the site ensures that this additional height does not completely shade the key public streets. The adjacent Karangahape</p>



<p><u>encourage well-designed buildings which complement the streetscape and skyline on sites identified within the special height area on Map H8.11.3.</u></p>	<p>Road is to the north and so essentially unaffected by an increased shading except for early morning and late evening in the winter.</p> <p>As assessed by Mr Munro and Mr Jones, the design does not result in any unacceptable adverse dominance of visual amenity effects to streets and the building will present a high-quality human scale podium with a well-designed building form above which complement the streetscape and skyline.</p> <p>No public open spaces zoned areas are affected.</p>
<p><u>(30A) In identified locations, modify building height and/or density of urban form to provide for qualifying matters.</u></p>	<p>As noted above, the revised plan provisions increase the height from the current 15m to 35m which is half the new 72.5m 'standard' city centre height. The heritage, urban design and landscape assessments agree the height is appropriate and provides for qualifying matters.</p>
<p><u>(31) Maximise Ensure adequate sunlight, daylight, and outlook around buildings.</u></p>	<p>As above for the operative provisions, the building will allow adequate daylight and sunlight as well as outlook around the building.</p>
<p><u>(31A) Ensure adequate separation between buildings to avoid adverse effects on the physical, cultural and visual connections between the city centre and the Waitematā Harbour and maunga.</u></p>	<p>This is not relevant as it relates to the 30m maximum east west standard which is not relevant to this site. As noted earlier the site does not affect maunga viewshafts.</p>
<p><u>(32) Encourage public amenities to be provided within developments, including publicly accessible open space, artworks of art and through site links.</u></p>	<p>Typographical / not relevant.</p>
<p><u>(32A) Require that existing public amenities within developments be retained, including publicly accessible open space, artworks and through site links.</u></p>	<p>Not relevant.</p>
<p>Public realm <u>(34) Require building frontages along identified public open spaces and streets to be designed in a way that provides a sense of intimacy, character,</u></p>	<p>The assessment of effects confirms that the building suitable includes a human scale to the street frontages with the massing and orientation of the site ensuring that surrounding</p>



<p><i>interest and variation, <u>human scale</u> and enclosure at street level.</i></p> <p><i>(36) Protect identified sightlines along streets and public open spaces from the city centre to the <u>Waitematā Harbour</u>, Rangitoto Island, the North Shore and identified sightlines along roads and public open spaces within the city centre to natural features and landmarks.</i></p> <p><i>(38) <u>Ensure adequate sunlight and daylight to public open spaces and streets.</u></i></p>	<p>streets continue to receive adequate sunlight and daylight.</p>
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I206 Karangahape Road Precinct

Objectives and Policies

I206.2 Objectives

- (1) *The distinctive built form and streetscape character of the Karangahape Road Precinct is maintained and enhanced.*

I206.3 Policies

- (1) Require building design to respect the form, scale and architecture of scheduled historic heritage places and special character buildings in the Karangahape Road Precinct.
- (2) Maintain the precinct’s character and architectural style by requiring new buildings to be compatible in style, including scale, material, colour and detailing.
- (3) Require proposals for new buildings or additions to existing buildings adjoining or adjacent to scheduled historic heritage places or special character buildings to be sympathetic and provide contemporary and high-quality design which enhances the precinct’s built form and streetscape character.
- (4) *Require new buildings to be built to the street and manage height and building setbacks above street frontages in a manner that:*
- (a) respects the general scale and form of existing buildings and avoids adverse dominance effects;*
 - (b) enhances the street environment for pedestrians by reducing down-drafts and wind tunnel effects, and maintains sunlight and daylight access to the street; and*
 - (c) contributes to the continuity of pedestrian interest and vitality.



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

Comment

- 7.62. As set out in the assessment of effects above, the building has been designed to ensure that the above Objectives and Policies are met and that overall the distinctive built form and streetscape character of the K Road precinct is maintained and enhanced.
- 7.63. The specific qualities of the Precinct and how the building design responds to these, have been informed by the assessment undertaken within the HIA (**Appendix 8**) and as previously stated, the arrangement of the building mass and the elevation design of the building has been a collaborative design process balancing the need to ensure that the heritage qualities of the area (expressed via the Historic Heritage Area but with significant overlap to the precinct), the streetscape character qualities as set out in the Precinct provisions and the more general urban design quality considerations have all been considered.
- 7.64. In that regard, Mr Wild's analysis of the proposal considers effects arising from that development with respect to both historic heritage area values and the Karangahape Road Precinct values (due to this significant overlap).
- 7.65. Mr Wild states that: *The proposed building has been composed 'in the round' offering a cohesive design strategy that responds to the existing grain and pattern of development within the K'Rd Precinct. A thorough study of the features, scale, and modules of buildings in the precinct has informed the composition of the proposed development. It becomes apparent through this study that heritage buildings typically express their construction modules and spans through decorative features, decorative horizontal bands, regular rhythms, and the arrangement of apertures and penetrations. The result of this study is a composition that utilises a distinct symmetry and repeats the horizontal datum to reflect the patterns and features of other buildings in the precinct.*
- 7.66. He goes on further to note that: *The principal elevation on K Rd reflects the symmetry and rhythm of other buildings in the KRP. The elevation on Gundry Street is notable for how it deals with a steep incline. Both elevations are related through form and material, however the*

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junction is signalled with a separate, taller element which reflects typical corner treatments in the precinct. The proposed building has been composed 'in the round' offering a cohesive design strategy that responds to the existing grain and pattern of development within the K'Rd Precinct. A thorough study of the features, scale, and modules of buildings in the precinct has informed the composition of the proposed development.

"The proposed building offers clear hierarchies of built form and access which are appreciable from various parts of the K' Rd precinct and consider the desire lines of pedestrians moving under the canopy. The K'Rd frontage has been carefully designed to respond appropriately to the precinct's special character and grain. The use of the canopy at street level ensures the contiguity of the pedestrian realm on the K' Rd frontage. A consistent proportion and scale are defined in relation to other buildings in the precinct"

7.67. And that

The arrangement of the K'Rd frontage is carefully considered with respect to the existing modules of existing shopfronts in the precinct. The building height and mass is carefully articulated to avoid dominance or a monolithic appearance. The architectural language of lightness and veiling explores visual permeability and makes a dynamic contribution to the area through changing light play and shadow casting.

7.68. Importantly, Mr Wild confirms that the principal module on K' Rd. reflects the common 14m height datum that is reflected in most buildings in the KRP. This datum, while not the only horizontal built form reference found within the precinct, is expressed through detailing above the canopy level. Through this detail design and massing arrangement, the

7.69. The assessment of Mr Munro also finds that the proposal is acceptable with regards the Precinct Objective and Policies. His report notes that:

Karangahape Road itself is the focal point of the Precinct although it accommodates a wide-range of building types and qualities. Key values identified within the Unitary Plan are explained briefly at I206.1 and by way of the policies at I206.3. A coherence of built form character, quality of street frontage, and ground floor activity are amongst the various matters identified.

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These values are not always obvious as one moves along Karangahape Road and seem in some instances within the Precinct – especially back from Karangahape Road – to be misrepresentative or overstated (i.e., the Precinct’s stated values at times seem to present a very idealised or even cherry-picked editorial of the totality of the environment).

In the above context the proposal will stand out as a high-quality, large scale destination or ‘marker’ at the western end of the Precinct and that will contrast with its adjacent sites as much for its positive attributes and visual quality as its scale. The proposal incorporates the following elements that in my opinion give it a convincing providence within the Precinct, including a 3-storey ‘base’ datum and scale, incorporating canopy stays, columnar features, and the rhythm and detailing of the façade.

The proposal’s design cues in favour of the historic heritage qualities of the Precinct will be obvious and although plainly not a mimic or faux-heritage building, will by the same token not seem to be a random tower that could sit anywhere in Auckland. Noting also that viewers within the Precinct will see a variety of authentic heritage buildings but also more-recent and less sympathetic buildings, the proposal will in my opinion present one a successful example of a new building that will directly relate with that historic heritage context. In these respects the proposal is a successful urban design outcome and demonstrates a thoughtful response to its context (keeping in mind that the urban design goal of a context response is in terms of a direct, easily discernible acknowledgement rather than a strict subordination or recessiveness).

- 7.70. In terms of the K Road streetscape, Mr Jones' assessment makes a number of salient points in terms of how the building design reflects and respects the scale and form of existing buildings, as well as providing positive street frontages at a human scale and a contemporary and high-quality design which enhances the precinct’s built form and streetscape character. He notes that this is achieved through the location of the entrances, particularly the pronounced primary pedestrian entrance on Gundry Street with the recessed aperture on this façade, the scale and the architectural response of the lower portions of the building. This is in reference to the fritted glass treatment of the lower 3 storeys along the Karangahape Road frontage and its differentiation to the wintergarden feature above. Similarly, the glazing treatment along the lower 3-4 storeys along Gundry Street and Abbey Street, and 1.5. c) *the verandah*



which extends along the Karangahape Road frontage and only for a short portion along Gundry Street. This provides a focus to the importance of Karangahape Road in this context, but acknowledges the other frontages of the building.

- 7.71. Mr Jones concludes "*that the proposed design provides enhancement and activation of the streetscape environment. It will positively contribute to Karangahape Road and will respect its character. Any adverse dominance effects are minimised through the building setbacks, façade treatment and the building's scale to the street. Potential adverse effects on the streetscape environment are assessed to be low.*"
- 7.72. Relying on the assessment and expertise of Messers Jones, Munro and Mr Wild, I am overall in agreement with their analysis of the proposal and consider that the development will be suitably consistent with the Objective and Policies of the K Road Precinct.
- 7.73. Whilst the development is a significant change to the site and the building is of substantial scale and height, it is of an exemplary design quality that is commensurate with its location at this key gateway into the western side of the City Centre. Whilst the building is substantially larger than its neighbours, this combination of varying scales is unremarkable in the city centre and the proposal is generally consistent with the larger overall scale and massing of the other larger buildings within proximity.
- 7.74. The detailed architectural design of the proposal, specifically at the lower levels on the K Road and Gundry Street frontages has been undertaken with a comprehensive understanding of the site's context, to ensure that the building design respects the form, scale and architecture of scheduled historic heritage places and special character buildings in the Precinct and that overall the distinctive built form and streetscape character of the area and Karangahape Road Precinct is maintained and enhanced (Policies 1 and 2).
- 7.75. Consistent with Policy 3, the building is suitably sympathetic to the HHA and will provide a contemporary and high-quality design which enhances the precinct's built form and streetscape character.
- 7.76. Policy 4 is met as the buildings will be built to the street and will, through design, setbacks and the arrangement of building mass. manage height and building setbacks above the street frontages in a manner that respects the general scale and form of existing buildings and avoids

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adverse dominance effects. The building frontage design contributes to the continuity of pedestrian interest and vitality will ensure that the street environment for pedestrians is enhanced. Wind effects on surrounding streets are acceptable with canopies and building design reducing down-drafts and wind tunnel effects (the relevant AUP standards will be met), and the building maintains acceptable sunlight and daylight access to the surrounding streets, particularly K Road due to the sites position.

- 7.77. Overall, it is considered that the relevant provisions are met with the building design suitably respecting the form, scale and architecture of scheduled historic heritage places and special character buildings in the Karangahape Road Precinct, by providing a contemporary and high-quality design which enhances the precinct's built form and streetscape character, including by creating a sense of place. The building is built to the street and has managed height and building setbacks above street frontages in a manner that respects the general scale and form of existing buildings and avoids adverse unacceptable dominance effects.

NES - Contaminants In Soil 2011

Comment

- 7.78. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES Soil) applies to the application given the contaminants present on site. Detailed site investigation have been undertaken and appropriate site management plans and remediation action plans have been prepared and will be adhered to in the development. Accordingly, the risks to human health are considered to be low and the Site Management Plan is sufficiently comprehensive to ensure that the risks to human health are minimized.

Assessment Criteria

- 7.79. The relevant assessment criteria have been outlined in Section 5 and has informed the assessment undertaken in Section 6 above.
- 7.80. Overall, the proposal is considered to meet the relevant assessment criteria.



Other Matters (Section 104(1)(c))

- 7.81. Section 104(1)(c) requires that any other matter the consent authority considers relevant and reasonably necessary to determine the application be considered. In this case the following matter is considered relevant.

Auckland Plan

- 7.82. Auckland Plan 2050 is the Auckland Councils long-term spatial plan which seeks to ensure that Auckland grows in a way that will meet the opportunities and challenges of the future This Plan sets out a vision for the long-term growth of Auckland. Adopted by Auckland Council in March 2018 the Plan sets out six key outcomes and includes a Development Strategy for the city. This Development strategy has recently been updated and adopted by Council but the final version has yet to be published. The Auckland Plan and the new Future Development Strategy are high level documents which this proposal is entirely in line with as the City Centre continues to be one of the key areas that growth, development and investment are targeted to.
- 7.83. The development is seeking to construct a well-designed sustainable building on an un(der)utilised piece of land at the western edge of the City Centre, within easy walking distance to the soon to be completed Karanga-a-hape City Rail Link Station in Mercury Lane. This supports the homes and places outcome, the transport and access outcome as well as the environment and cultural heritage outcome. The significant economic boost that the construction and then use of the building will generate supports the opportunity and prosperity outcome.
- 7.84. The proposal is assessed as being suitably consistent with the Auckland Plan and Future Development Strategy.

City Centre Master Plan 2020 (CCMP)

- 7.85. The CCMP presents a 20-year vision that sets the direction for Auckland's city centre as its cultural, civic, retail and economic heart.



- 7.86. The CCMP is the key guiding document for the Auckland Council whānau, setting the strategic direction for the city centre over the next 20 years.
- 7.87. It applies the Auckland Plan to the city centre through ten outcomes, to be delivered through eight transformational moves and Access for Everyone (A4E).
- 7.88. The ten outcomes, paraphrased from the CCMP Website are:
- Outcome 1: Tāmaki Makaurau - Our place in the world: Council vision is for a city centre that actively recognises and celebrates Auckland's historic heritage as a driver of positive change and placemaking.
 - Outcome 2: Connected city centre - The CCMP aims to enable safe, healthy and sustainable travel options to improve people's access and choice of transport modes into and around the city centre.
 - Outcome 3: Accessible and inclusive city centre - The CCMP wants to achieve a city centre that is inclusive and welcoming to all in Tāmaki Makaurau.
 - Outcome 4: Green city centre - by restoring biodiversity and ecological systems (Mauri Tu) Council will deliver a healthy and happy city centre.
 - Outcome 5: Public life - CCMP sees public space or realm as the glue that holds the city centre together, 'the canvas for public life.' CCMP needs it to work well for all Aucklanders and visitors to Tāmaki Makaurau.
 - Outcome 6: Residential city centre neighbourhoods - recognises Auckland's city centre is an increasingly popular place to live. As the city centre population grows and matures, this outcome shapes the city centre's public realm, housing supply and social infrastructure to deliver a highly liveable city centre.
 - Outcome 7: Quality built form - the CCMP wants to deliver a well-designed and planned city centre.
 - Outcome 8: Heritage defined city centre - CCMP vision is for a city centre that actively recognises and celebrates Auckland's historic heritage as a driver of positive change and place-making.

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- Outcome 9: Sustainable city centre - Auckland city centre will address the challenges of global climate change and urban growth via urban design. This part of the CCMP is shaped by targets and direction from the Auckland Climate Action Framework.
- Outcome 10: Prosperous city centre - set out practical ways to develop the city centre so it can continue to thrive as an economic centre and cater for the needs of our diverse population.

7.89. The above 10 outcomes are to be delivered by the eight transformational moves below:

- Transformational move 1: Māori outcomes - This transformational move anticipates a range of interventions and systemic changes to bring mana whenua presence, Māori identity and life into the city centre and waterfront.
- Transformational move 2: The east and west stitch - Land at both the east and west edges of the city centre is under-used and under-valued, and cut off by major roads. This move proposes to stitch the city centre together.
- Transformational move 3: Waihorotiu / Queen Street Valley - This move proposes to make the area more accessible, more attractive and more prosperous, with better connections to the rest of the city centre.
- Transformational move 4: The Learning Quarter - This move will integrate Auckland's city centre universities into city centre life.
- Transformational move 5: Transit oriented development - This move will shape planning and development in the best connected areas of Auckland, maximising the benefits of investment in public transport.
- Transformational move 6: The Green Link - We want to unite some of our most important and historic parks and open spaces through a network of tree-lined linear park spaces along the Victoria Street corridor.
- Transformational move 7: City to the villages - Transformational move 7 improves connections between the city centre and the city fringe.

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- Transformational move 8: Harbour edge stitch - This move provides a consistent vision for the continued development of Auckland's city centre waterfront.

7.90. Access for Everyone is stated on the Council website as "*a coordinated response that manages Auckland's city centre transport needs by:*

- *limiting motorised through-traffic*
- *prioritising access to city centre destinations*
- *creating new spaces*
- *improving access for servicing, freight and delivery*
- *favouring public transport, walking and cycling.*

7.91. *A4E integrates long term planning, city management and investment and provides an opportunity to transform how people and freight move in the city centre. By enabling a decisive mode shift away from private vehicles, it aims to make better use of finite city centre space and improve the quality of the environment"*

7.92. In regard to this proposal and the K Road area, the most relevant outcomes of the CCMP are those relating to historic heritage, sustainability, accessibility, quality built form and prosperity. Relevant transformational moves are around transit-oriented (re)development supporting the use of public transport.

7.93. The development is considered to be in line with the CCMP as it will support the outcomes outlined above, with the building making sustainable and efficient use of the currently underutilised land resource. The development is of a high design quality and can act as a catalyst for the revitalisation of this part of the City Centre, leveraging off the CRL and streetscape enhancement projects along K Road.

Karangahape Road Plan 2014-2044

7.94. The Auckland Council states that the Waitemata Local Board *developed the Karangahape Road Plan after receiving feedback from iwi, business associations, community groups,*

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residents and other key stakeholders. The plan set out the desired outcomes for investment and growth in the area.

7.95. It notes that since the Karangahape Road was adopted in 2014:

- *funding has been committed to upgrade and maintain the Symonds St Cemetery while work on the Symonds Street Cemetery Development Plan continues.*
- *Myers Park playground was developed and connections to the park continue to be improved.*
- *The stairs to Queen Street and Mayoral Drive are now in the renewals budget for 2019-2020.*
- *Renovation of the caretakers cottage is planned and partly funded.*
- *Te Ara i Whiti/the Lightpath opened in December 2015. It is a shared path operating along the disused Nelson Street motorway offramp.*

7.96. *Work has started on the Karangahape Road enhancements project, which aims to preserve the road's unique character while creating a street environment that supports the local community and meets the needs of a growing population. With the imminent construction of the City Rail Link Project many of the actions of the Karangahape Road Plan will be started.*

The K Road Plan has a vision and six key moves along with a number of actions and projects.

7.97. The Plan states: *The Vision for Auckland becoming the world's most liveable city is achieved at a local level in Karangahape Road by developing Karangahape Road as a safe and well-connected place that offers a range of housing and employment generating activities connected to a resilient public transport network, celebrates and protects its distinctive historical and cultural heritage and reinforces its role as the colourful entertainment and creative fringe of the city centre.*

7.98. The following six key moves are identified in terms of achieving the vision.

1. Showcase the Karangahape Road area as the creative, edgy fringe of the city centre.



2. Protect, enhance and celebrate Karangahape Road's historic and cultural heritage, biodiversity and vibrancy.
 3. Provide safe and convenient connections in and through the Karangahape Road area.
 4. Improve and develop an integrated network of civic and public open spaces in the Karangahape Road area.
 5. Create a safe and enjoyable environment to live, work and play in Karangahape Road.
 6. Promote the City Rail Link station at Karangahape Road as the catalyst for new investment and growth in the area
- 7.99. In regard to the application site and the proposed development, this will support the outcomes sought by creating a high quality built form on the site utilising and bringing additional vibrancy to this part of K Road.

Section 104 Conclusion

- 7.100. In summary, the development is considered to be consistent with, and will give effect to, the relevant provisions of the NPD-UD, the NPS Contaminated Land and the Auckland Unitary Plan (Operative in part).
- 7.101. The proposal seeks to establish a new high quality office building on this underutilised city centre site. The proposal has been reviewed by a range of architectural, heritage, urban design, landscape, traffic and civil engineering experts who have found that the building design is appropriate for the site and heritage area context, provides satisfactory parking and access arrangements and can be suitably serviced.
- 7.102. Overall, the development is consistent with the relevant statutory provisions for the following reasons:
- the works to construct the development can be suitably managed via conditions of consent such that any potential adverse effects can be suitably mitigated.



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- the development will aid in the creation of an attractive environment through a high-quality development that positively responds to and enhances the street and neighbourhood.
- the development contributes to safety and a positive sense of place through a well-designed building which interacts suitably with the street;
- the development is located in an appropriate location and will ensure that city centre land is efficiently used to provide employment, retail and other spaces.
- the development is of a height, bulk, form, and appearance that positively responds to the site and the area's existing and planned character.

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8. SECTION 104D

- 8.1. Under s104D a non-complying activity must pass at least one of the tests of either s104D(1)(a) or s104D(1)(b) before a decision can be made to grant a resource consent application under s104B.
- 8.2. If an application fails both tests of s104D then it must be declined.
- 8.3. As concluded in Section 7, the proposed development would not result in any adverse effects that are more than minor in scale, such that it is considered to satisfy section 104D(1)(a).
- 8.4. As concluded in Section 8, the development is generally consistent with the relevant objectives and policies within the Auckland Unitary Plan (Operative in Part) as they relate to the City Centre Zone, Heritage, Transport, Contaminated Land, Land Disturbance and Precincts.
- 8.5. As such, I am of the opinion that the development can satisfy section 104D(1)(b).

Section 104D conclusion

- 8.6. From the assessment above the proposal meets both of the threshold tests of section 104D and therefore it can be assessed against the provisions of section 104B of the RMA and a substantive decision can be made.



9. NOTIFICATION

9.1. Notwithstanding the substantially more enabling provisions required by the NPS (and being introduced by PC78), along with the legal advice from Berry Simon's in terms of the consideration of the application, the applicant acknowledges the significant departure from the existing operative AUP standards relating to height and gross floor area.

9.2. The applicant therefore requests that, pursuant to section 95A(3)(a) of the RMA, this application be processed on a publicly notified basis.

9.3. The process steps are set out in detail below.

Public Notification Assessment (Sections 95A, 95C-95D)

Step 1 - Mandatory in certain circumstances

9.4. The application meets one or more of the criteria under s95A(3), therefore **public notification is required by Step 1.**

9.5. The applicant has requested that the application be publicly notified.

Step 2 - Precluded in certain circumstances

9.6. Step 2 does not apply as public notification is required by step 1.

Step 3 (Part 1) - Required by rule

9.7. Step 3 does not apply as public notification is required by step 1.

Step 3 (Part 2) - Effects on wider environment assessment (s95D)

9.8. Step 3 does not apply as public notification is required by step 1.

Step 4 - Special circumstances

9.9. Step 4 does not apply as public notification is required by step 1.

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Limited Notification Assessment (Section 95B, 95E-95G)

- 9.10. The application is to be publicly notified under s95A, therefore a limited notification assessment is not required (under s95B(1)).

Notification Conclusion

- 9.11. As noted above, the steps set out in s95A of the RMA were followed and in accordance with S95A(2)(a) public notification is required for this application as the applicant has requested it.
- 9.12. Therefore, **the application is to be publicly notified.**



10. PART 2 ASSESSMENT

- 10.1. Section 104 is expressly subject to Part 2 of the RMA. Part 2 sets out the purpose and principles of the RMA, with a focus on:
- promoting sustainable management of natural and physical resources (section 5);
 - recognising and providing for matters of national importance (section 6);
 - having regard to other significant resource management matters (section 7); and
 - taking into account the principles of the Treaty of Waitangi (Te Tiriti O Waitangi) (section 8).
- 10.2. In *RJ Davidson Family Trust v Marlborough District Council* ([2018] NZCA 316), the Court of Appeal confirmed that Part 2 is applicable to resource consent applications, however, whether and to what extent it will be appropriate for a decision maker to resort to Part 2 will depend on the planning instruments engaged. This is a departure from the High Court's decision which required recourse to Part 2 in the context of resource consent applications only where the planning instrument was invalid, incomplete, or uncertain. The Court of Appeal's key finding was that in circumstances where it is clear that a plan has been prepared having regard to Part 2, with a coherent set of policies designed to achieve clear environmental outcomes, although it is permissible to refer to Part 2, such reference is unlikely to add anything.
- 10.3. In my view, whilst the operative Auckland Unitary Plan is the most recent planning document for Auckland and is relatively 'new' and was clearly prepared having regard to Part 2 of the RMA, the emerging PC 78 are relevant (by virtue of being 'the latest word' and therefore more consistent with the NPS-UD) and are considered in the preceding assessment under s104.
- 10.4. For completeness a brief assessment is provided below which concludes that the application will be consistent with the purpose of the RMA.
- 10.5. It is considered that the proposal will promote sustainable management of natural and physical resources. The proposal will deliver a significant new commercial building in the city centre and is a sustainable and efficient use of this existing brownfield land, especially considering the investment in the City Rail Link. The development will enable positive social,

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economic and cultural outcomes during and following construction. The proposal will maintain and enhance amenity values in the context of what is expected by the AUP (and PC 78) and the NPS-UD. Adverse effects of the proposal have been adequately avoided, remedied and mitigated.

- 10.6. The proposal is not considered to offend any of the matters of national importance contained within section 6 with comprehensive assessment provided in terms of ensuring that historic heritage is protected from inappropriate subdivision, use, and development and the application would be consistent with the 'other matters' contained in section 7.
- 10.7. Likewise, the proposal would not offend any section 8 requirements in terms of taking into account the principles of the Treaty of Waitangi.
- 10.8. Overall, it is considered that the proposed development is in consistent with the purpose and principles of the RMA.



11. OTHER RELEVANT MATTERS

Proposed Conditions

11.1. There are a number of recommended conditions contained within this report and the expert reports attached. These conditions form a part of the application proposals and are variously necessary to avoid, remedy or provide mitigation for potential adverse effects. A non-exhaustive list of the proposed conditions of consent (many of which are standard Council consent conditions) is set out below and it is intended that these conditions can be further refined during the processing of the application.

- Application in accordance with plans;
- Construction Management Plan/s including construction traffic, hours, complaints process and noise/vibration;
- Finalised erosion and sediment control plan;
- Detailed finalised architectural plans and drawings including final materials palette and facade design details (details of glass frit patterns, addition of building elements as noted in Wind Report etc);
- Confirmation of legal agreement with owner of 582 Karangahape Road re access and authorisation of construction of wind canopy;
- Finalised Groundwater drawdown monitoring and settlement contingency plan;
- Supervision of works by suitably qualified geotechnical engineer familiar with the submitted report;
- Standard engineering detail conditions including vehicle crossing design.



12. CONCLUSION

- 12.1. James Kirkpatrick Group Limited is seeking resource consent for the redevelopment of the site at 538 Karangahape Road in Auckland Central, including the demolition of the existing building/structure on site and the construction of an 11-level mixed use development providing commercial floor area as well as retail and food and beverage activities. Resource consent is required under the Auckland Unitary Plan (Operative in Part) as a non-complying activity and under the NES Contaminated Land as a Controlled Activity.
- 12.2. The proposed development has been assessed by a range of specialist and considered to have an impact on the environment that is no more than minor, with any adverse effect suitably avoided remedied or mitigated through the inherent application proposals or through proposed consent conditions. The development will result in the significant positive effects through the construction of a new high-quality building with a range of suitable uses that will contribute to the attractiveness of the city centre as a place to live and work.
- 12.3. While the development will result in a considerable change in character and scale at the site, given the site's context, it is considered that the scale and form can be successfully accommodated. The proposed design quality is commensurate with the prominence and visual effects of the development and will contribute positively to the urban environment and will contribute to a well-functioning urban environment.
- 12.4. The development would be consistent with the relevant provisions of the Auckland Unitary Plan and the development is consistent with Part 2 of the RMA and the purpose specifically as it would allow for the use, development and protection of physical resources and enable people and communities to provide for their social, economic and cultural wellbeing. The proposal is also supported by the National Policy Statement on Urban Development.
- 12.5. An assessment against section 104D has concluded the application meets the necessary 'gateway tests' for non-complying activities.
- 12.6. Accordingly, the proposal is considered appropriate for approval, subject to conditions.



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16 April 2024

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APPENDIX 1: CERTIFICATE OF TITLE

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APPENDIX 2: BUN60369382 DECISION

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APPENDIX 3: BUN60369382 PLANS

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APPENDIX 4: LEGAL OPINION REGARDING WEIGHTING

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APPENDIX 5: DESIGN STATEMENT

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APPENDIX 6: APPLICATION PLANS

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APPENDIX 7: URBAN DESIGN ASSESSMENT

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APPENDIX 8: HERITAGE IMPACT ASSESSMENT

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APPENDIX 9: LANDSCAPE ASSESSMENT

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APPENDIX 10: WIND OPINION

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APPENDIX 11: OPERATIONAL WASTE MANAGEMENT PLAN

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APPENDIX 12: TRANSPORTATION ASSESSMENT

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APPENDIX 13: INFRASTRUCTURE REPORT

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APPENDIX 14: GEOTECHNICAL ASSESSMENT

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APPENDIX 15: GROUNDWATER DRAWDOWN AND SETTLEMENT ASSESSMENT

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APPENDIX 16: DETAILED SITE INVESTIGATION

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APPENDIX 17: SITE MANAGEMENT PLAN AND REMEDIATION ACTION PLAN

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APPENDIX 18: AUP STANDARDS ASSESSMENT

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APPENDIX 19: ACOUSTIC ASSESSMENT

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APPENDIX 20: ARCHAEOLOGICAL ASSESSMENT

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