

# Report for an application for resource consent under the Resource Management Act 1991



Discretionary activity

## 1. Application description

Application number(s):	BUN60435935 (Council reference) LUC60435936 (s9 land use consent) WAT60435937 (s14 water permit) DIS60435938 (s15 discharge permit)
Applicant:	Precinct Properties New Zealand Limited
Site address:	2 Lower Hobson Street (73-83 Customs Street West) Auckland Central 1010 188 Quay Street, Auckland Central, 1010 (HSBC Tower) 29 Custom Street West, Auckland Central, 1010 (AON Tower) 204 Quay Street, Auckland Central (pedestrian foot bridge works) ("Site") Road – Lower Hobson Street, Fanshawe Street, Sturdee Street (removal of car park ramp and pedestrian foot bridge works)
Legal description:	Lot 9 DP 60151 (73-83 Custom Street West / 2 Lower Hobson Street) Lot 5 DP 63972, Lot 1 DP 78340 (188 Quay Street) Lot 7 DP 77037 (29 Custom Street West) Lot 1 DP 1983125 (204 Quay Street)
Site areas:	2 Lower Hobson Street: 6,442m <sup>2</sup> 188 Quay Street: 4,730m <sup>2</sup> 29 Custom Street West: 3,704m <sup>2</sup>
Total site area:	14,876m <sup>2</sup>

### Auckland Unitary Plan (Operative in part)

Zoning:	Business – City Centre Zone
Precinct:	<i>2 Lower Hobson Street:</i> Downtown West Precinct, sub-precinct B <i>188 Quay Street and 29 Custom Street West:</i> Downtown West Precinct, sub-precinct A

*204 Quay Street:*

Viaduct Harbour sub-precinct A

Overlays, controls, special features,  
designations, etc:

Overlays:

*2 Lower Hobson Street and 188 Quay Street:*

City Centre Port Noise Overlay - 60db

*2 Lower Hobson Street, 188 Quay Street and 29 Custom Street West:*

City Centre Port Noise Overlay - 58db

*204 Quay Street:*

Historic Heritage Overlay Extent of Place - 1969  
Auckland Harbour Board Workshops (former)

Controls:

Coastal Inundation 1 per cent AEP Plus 1m Control - 1m  
sea level rise

Macroinvertebrate Community Index - Urban

Designations:

*2 Lower Hobson Street:*

1550, Car Park - Custom Street West, Designations,  
Auckland Transport

Special Features:

Overland Flow Path

Flood Plain

Coastal Inundation

Contaminated Site

**Proposed plan change(s):**

Plan Change 78

Zoning and precinct:

Business - City Centre Zone

Downtown West Precinct

Management Layers:

Walkable Catchment

Qualifying Matters:

Designation

Coastal Inundation

Precinct

Flood Plains

City Centre - Qualifying Matters apply

## 2. Locality Plan



Source: Auckland Council GIS

## 3. The proposal, site and locality description

### Proposal

The Assessment of Environmental Effects jointly prepared by Alvin Jung and Pamela Santos of Barker & Associates Limited, dated 13 December 2024 (hereon referred to as the AEE) within Section 5.0 and on pages 18-36 provides a detailed outline of the proposal.

#### *Land use consent:*

Key aspects are summarised below:

- The proposal includes the demolition of the existing Downtown Car Park building (together with the Lower Hobson Street pedestrian bridge and Customs Street West vehicle ramp located within part of the road reserve). The demolition has been broken down into 5 stages. The Draft Site Clearance and Demolition Management Plan sets out the proposed arrangements.
- Associated make good works are proposed to the heritage building at 204 Quay Street (Former Auckland Workshops) and the Fanshawe Street retaining wall, as well as landscaping and pavements within the streetscape.

- The demolition, enabling works and construction is estimated to take 7 years. Hours of construction are proposed to generally be Monday to Friday 7am – 6pm and Saturdays 8am – 5pm. Construction hours may be extended to Monday to Friday 6.30am – 10.30pm and Saturdays 7am – 11pm to enable high noise works to occur outside sensitive hours of neighbouring buildings.
- Large scale earthworks are proposed to form the basement levels and foundations. The earthworks are predominantly cut to waste. Earthworks of a volume of 120,000m<sup>3</sup> over an area of 6,442m<sup>2</sup> and cuts of up to 21m deep are proposed and anticipated to take 15 months. Erosion and sediment control plans are proposed as well as Contamination Site Management Plan.
- Groundwater dewatering during construction will be required.
- The proposed development involves modifications to the podia of existing adjacent buildings (HSBC and AON) to facilitate the new laneway network, including replacement shopfronts (Lower Albert Street) and shopfronts internal to the podium and laneway network, new plaza access stairs to Lower Albert Street and Custom Street West and at the corner of these streets and new framed and glazed canopies over the AON building pedestrian plaza.

#### Tower 1 (T1) and Podium 1 (P1)

- T1 will be 56 floors including the podium at a height of approximately 227m. This will consist of 2 levels of retail, 5 floors of office in P1, 39 floors of office space in T1, and one floor of office amenity (level 51). All remaining levels that do not have assigned uses will be plant rooms.

#### Tower 2 (T2) and Podium 2 (P2)

- T2 will be 45 floors including the podium at a height of approximately 162m. T2 will consist of 2 levels of retail, 5 floors of office in P2 and 34 floors of residential apartments and a residential amenity level on floor 7. All remaining levels that do not have assigned use will be plant rooms.

#### Podium 3

- Podium 3 is a standalone building located in the northern portion of the Site directly adjacent to the M Social Hotel. This will contain 2 levels, of which the ground floor will consist of retail units, and food and beverage use (food marketplace) on the upper level.
- The buildings will have a gross floor area (GFA) of 120,000m<sup>2</sup>. The approximate gross floor area (GFA) split between the various uses is outlined below:
  - 2,200m<sup>2</sup> - Retail and food and beverage
  - 82,100m<sup>2</sup> - Commercial office space
  - 32,800m<sup>2</sup> - Residential (247 residential units)
  - 3,300m<sup>2</sup> - Civic space

#### Ground floor / public realm

- Te Urunga Hau / the Urban Room will be accessible to the public 24/7 with the exception of the existing through-site link within the HSBC building, which will only be open during business hours.
- Landscaping at ground level and within Te Urunga Hau / the Urban Room includes a mixture of garden beds, planters and native specimen trees proposed throughout the space. A green wall is provided alongside the eastern façade of P2 while an eroded wall feature is provided alongside the southern façade of the existing HSBC carpark.

#### Basement

- Six levels of basement are proposed.
- Basement level 6 (lowest level) accommodates the grey water plant, rainwater tank, pump room, sprinkler tanks and lift pits.
- Levels 1 to 5 of the basement will contain:
  - 540 private car parking spaces (121 spaces – off-site parking for M-Social hotel, 247 spaces for residents, 150 spaces for office, 1 carwash space for residential use, 10 facility management spaces, 11 drop off spaces). These numbers include 23 stacked parking spaces and 24 accessible parking spaces.
  - 1,165 secure bicycle parking spaces and 64 visitor bicycle parking spaces and 25 scooter storage spaces.
  - End of trip showers (51) and lockers (622) are proposed at basement level 01. A total of 69 lockers and 3 showers are proposed at ground floor level for office uses.
  - Storage areas (255) for the residential units on basement levels 03, 04 and 05, and diesel tanks (basement levels 04 and 05).
  - All levels accommodate lift lobbies, plant rooms and office lobbies.
  - Basement levels 01 and 02 accommodate a total of 5 loading spaces in a dedicated, separate loading area. Basement level 02 accommodates an adjacent furniture storage area to the loading bays.
- In terms of building design, podiums 1 and 2 are to have a glazed curtain wall with expressed terracotta fins or equivalent. The lower two retail levels are to be structural glass facades. Towers 1 and 2 are to have a glazed curtain wall façade with expressed aluminium fins. Exposed concrete structural columns will be clad with aluminium panels above the podiums to support each of the towers. Podium 3 is to be of brick construction. Brick is proposed to the AON Plaza Laneway to tie into the brick façade proposed for Podium 3 and amendments through to Lower Albert Street and Custom Street West.
- Glazed and framed canopy roof structures are proposed at two levels; a roof above podium level 3 above the public open space and Urban Room and a further canopy roof at a height of level 3 connecting to Custom Street West. Replacement roof canopies are also proposed to existing AON and HSBC building podium levels.
- A verandah is proposed along the Podium 2 western elevation fronting Lower Hobson Street at 3.5m above ground level for a width of 1.8m. Accessible ramps are proposed to shopfront entries along Lower Hobson Street.

## Vehicle access, loading and servicing

- The main new pedestrian access points to the development will be from Lower Hobson Street and Custom Street West with connections provided through the site to the existing through site connections at the AON building and HSBC building podiums.
- The existing Quay Street vehicle crossing will remain unchanged from its existing design.
- The existing vehicle crossings serving the Downtown Carpark onto Custom Street West and Fanshawe Street will be removed.
- The architectural design, proposed to tie into the existing podium levels of the AON and HSBC buildings, results in a vertical restriction to the proposed service lane from Custom Street West. As a result, all truck access to the Development is required to be via the existing Quay Street vehicle crossing. This vertical restriction will result in the AON and HSBC buildings being serviced by trucks accessing the site from Quay Street. As such the use of the Quay Street vehicle crossing will increase.
- The Custom Street West vehicle crossing will be modified and will be in a similar location as existing and a width of 6.0m at the property boundary.
- Waste collection will be undertaken by a private company for both the commercial and residential components utilising the loading spaces described above. A Waste Management Plan and Servicing Management Plan are proposed.
- Regarding infrastructure and servicing, existing water, wastewater and stormwater services are located within close proximity of the site and the Infrastructure Report by Tonkin & Taylor Limited dated December 2024 proposes two new stormwater, wastewater and water supply connections to the existing services.
- Street tree removal is proposed on the corner of Quay Street and Lower Hobson Street (Group 1a) including two Lancewood trees. Other tree pruning works (Trees 3 and 4) and works within the Root Protection Zone (Trees 3 and 4) meet permitted activity standards. Tree Protection fencing is proposed to Tree 1.
- Street tree planting is proposed including a minimum of four trees on the corner of Quay Street and Lower Hobson Street of between 6m and 8m height at time of planting. Specimen trees are proposed within the Urban Room between 400L and 1000L. Planters, hard and soft landscaping and play trails are also proposed within the Urban Room. Green walls are proposed
- Comprehensive development signage is proposed to podiums 1, 2 and 3, Tower 1 and replacement signage to the AON building including to the ground floor shopfront fronting Custom Street West and tenancies facing onto podium levels. For the HSBC Building there will be replacement tenancy signage at L00 and L01.
- Mitigation measures are proposed as described on page 35 and 36 of the AEE.

## Site and surrounding environment description

The AEE has provided a description of the subject site and surrounding environment on pages 12-17.

Having undertaken a site visit on 4/09/2024, which included walking to the roof and viewing the surrounding environment from the roof I concur with that description of the site and surroundings and make the following comments:

- Kindercare occupies multiple levels of the lower podia of the AON building podium at 29 Custom Street West. It has outdoor play areas at the upper ground level and second floor levels facing west. This directly faces the existing and proposed service lane that connects Custom Street West through to Quay Street.
- Quay Street and Custom Street West are classified as arterial roads in the Auckland Unitary Plan.
- The Quay Street vehicle crossing is subject to a Vehicle Access Restriction – General Control under the Unitary Plan.
- Lower Albert Street and the surrounding road network including Quay Street, Lower Hobson Street, Custom Street West and Fanshawe Street form a key part of the bus public transport network with Lower Albert Street being a bus interchange. The following bus routes travel on the roads surrounding the site:
  - The Quay Street bus stops serve the 95 and 97 routes to the North Shore. Buses on this route turn left onto the Lower Hobson Street flyover and then right onto Fanshawe Street
  - The northbound bus stops on Lower Albert Street serves the NX1 route. Buses on this route turn left onto Quay Street, then left onto the Lower Hobson Street flyover and then right onto Fanshawe Street
  - The southbound bus stops on Lower Albert Street serve the 11, 105, 106, WX1, 18, 195 and 209 routes. These all travel directly south onto Albert Street
  - A number of bus routes travel across the Site frontage on Customs Street West, including the City Link, Inner Link, 95, 97, 931, 933, and 939 routes.
- The Downtown Car Park provides 1,944 parking spaces generally available to the public.
- There is an existing vehicle access into the existing Downtown Car Park building from the M Social hotel site. This provides direct access to 121 existing car parking spaces allocated to the hotel within the car parking building.
- The existing service lane located between the Downtown Car Park and the AON building serves the adjacent activities, including the M Social hotel and the HSBC and AON buildings. The following additional features are relevant:
  - The service lane is wide enough to accommodate two-way vehicle movement at some locations, but there are pinch points at other locations where it is narrower and can only accommodate one-way vehicle movement.
  - On the eastern side of the service lane, there are multiple vehicle entrances into the AON and HSBC parking areas, and 2 areas for truck loading.

- A painted pedestrian pathway is provided on the west side of the service lane.
- There are vertical height restrictions of 3.6 m at the north end of the service lane due to existing overhead structures.
- Quay Street has four traffic lanes, one general traffic in each direction and one bus lane in each direction. Dedicated cycle lanes are provided on the northern side of Quay Street. An existing vehicle crossing serves AON and HSBC buildings service lane. Bus lanes are provided on the southern side of Quay Street east of the service lane vehicle crossing.
- Lower Hobson Street is split into three distinct sections including the flyover (south bound only), northbound and southbound sections. The flyover starts as two lanes become four at the Fanshawe Street intersection. The north bound section has one general traffic and one bus lane and also accommodates on-street servicing bays. The southbound lane directly adjoins the site and provides one to two lanes and a footpath.
- Custom Street West as it fronts the site operates in a one-way eastbound direction and includes two general traffic lanes and a bus lane. A footpath is on the north side only. The Downtown Car Park has two primary access and egress points. At grade to Custom Street West is a separate inbound and outbound vehicle crossing. A ramp above Custom Street West connects to Fanshawe Street for outbound vehicles only. An existing vehicle crossing and service lane serves the AON and HSBC buildings. To the east of this, vehicle crossing bus stops are accommodated on Custom Street West.

## 4. Background

### Specialist Input

The proposal has been reviewed and assessed by the following specialists in terms of the adequacy of information and further information needed to understand the proposal and its effects for notification purposes

- Bin Qiu, Senior Specialist, Contamination, Air & Noise Team
- Louis Boamponsem, Senior Specialist – Contamination, Air & Noise Team
- Dan Windwood, Senior Built Heritage Specialist
- Rhys Caldwell, Arborist – Specialist Unit (Earth, Streams and Trees)
- Michael Kwok, Traffic Engineer
- Richard Simonds, Consultant Principal Engineering Geologist, Fraser Thomas, (on behalf of Auckland Council)
- Jin Lee, Senior Development Engineer
- Sarah Pinkerton, Consultant Contaminated Land Specialist, SM Pinkerton Ltd (on behalf of Auckland Council)
- Stephen Quin, Principal Landscape Architect
- Mustafa Demiralp, Principal Urban Designer
- Nidhi Nautiyal, Principal Specialist Universal Design
- Zac Woods, Consultant Regional Earthworks Specialist, Southern Skys (on behalf of Auckland Council)
- Mica Plowman, Archaeology Specialist



## **Revised Proposal**

In response to S92 Requests but mostly owing to a change in approach / composition of uses within the proposal, the applicant amended the proposal. This largely involved making Tower 1 fully commercial (office) and Tower 2 a mix of commercial and residential.

The S92 Response Letter and Table<sup>1</sup> provides a high-level summary and Attachment 1 to that Letter provided a more detailed explanation.

The revised proposal and information received on 13 December 2024 included replacement AEE and supporting documentation (where they required replacement).

This is noted for completeness owing to the changes to the consent being described in s92 Responses. For the purpose of public notification and to avoid confusion, only the replacement proposal AEE, architectural drawings, landscape assessments and other supporting reports and documents are to be made publicly available.

## **Designation 1550**

Part of the subject site (2 Lower Hobson Street / 93 Custom Street West) is subject to Designation 1550 which is held by Auckland Transport. The stated purpose is: Car park. Conditions of the designation include:

1. Development of the site shall comply with the underlying development controls including the special height control plane for the site.
2. All activities, works and buildings not fully described in the Notice of Requirement shall be the subject of either:
  - a. A new notice of requirement, which shall be publicly notified pursuant section 168 of the Resource Management Act 1991; or
  - b. A notice to alter the designation pursuant to section 181 of the Act, which notice shall be publicly notified unless the alteration is minor, and the affected persons agree in accordance with the provisions of section 181(3) of the Act.

The AEE<sup>2</sup> notes that (should consent be obtained for these proposals) the designation would no longer be relevant to the Site. If the designation remains in place when consents are to be implemented, approval under s176 of the RMA will be required by Auckland Transport.

## **Technical Advisory Group (TAG)**

A decision was made that the Technical Advisory Group (TAG) would also be serving as the Auckland Urban Design Panel (AUDP) for the project. This is noted in the minutes of the first meeting. The TAG considered the project on the following dates:

(2) 14 April 2023

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<sup>1</sup> Prepared by Barker & Associates Limited, dated 13 December 2024

<sup>2</sup> Page 91 of the Assessment of Environmental Effects prepared by Barker & Associates Limited dated 13 December 2024

(3) 19 May 2023

(4) 28 July 2023

(5) 10 May 2024

TAG participated in informal design workshops with the applicant's consultant team on 26 January and 15 March 2024.

#### *Council Specialists (Urban Design and Landscape Architect) Statement*

The Council's Tamaki Makaurau Design Ope provided a response to the TAG (3) recommendations from the 28 July 2023 meeting dated 15 August 2023. The Specialist response was provided at the pre-application stage by the council Urban Design and Landscape Architect Specialists in the context of the relevant provisions of the Auckland Unitary Plan – Operative in Part (AUP(OP)). They were intended to provide clarity to the applicant as to where the council specialists agree and disagree with TAG recommendations [at that time].

#### *TAG (4) Conclusion (10 May 2024)*

The TAG panel concluded in their final recommendation dated 10 May 2024 that “TAG members consider that the design process had reached a point where all of the major urban design issues have been convincingly addressed by the consultants, and that the design proposals now demonstrate a high level of urban design quality and resolution. A single Panel member considered that Tower T1 would be too high, and a statement provided by this panel member has been included below<sup>3</sup>. In all other regards panel members were in general agreement.”

#### **Relevant Consents**

A concurrent land use resource consent application reference: LUC60435285 for: “The demolition of the Downtown Car Park building and associated noise and traffic movements” is also under consideration by the council. This application (LUC60435285) proposes demolition down to the ground floor concrete slab, which is not proposed to be removed or altered, to retain contaminated soil beneath. Reasons for consent include construction noise, building demolition in the city centre and modifications to a Category B scheduled building. This is noted for completeness and at this point in time no decision has been made with respect of notification of LUC60435285.

#### **Additional / Subsequent Information Requests**

As referenced in the email dated 31 January 2025 from Barker & Associates Limited, further information with respect of demolition traffic during the demolition phase have been provided on the separate demolition application.

It has been accepted that this further information relating to the demolition traffic can be provided as part of the subsequent process of this notified consent.

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<sup>3</sup> The statement by the single Panel member referred to can be found on page 9 (Section A1.5) of the TAG Review (04) Recommendations that are contained as Appendix 3 to the AEE.

## Existing Heritage Bonus Floorspace

The proposal relies on existing Heritage Bonus Floorspace of 28,215m<sup>2</sup> that is secured by:

- Covenant D617734.1 that transferred 3,215m<sup>2</sup> to 186-194 Quay Street (Record of Title 128C/787 (North Auckland Registry)).
- Covenant 6461509.2 secures a total of 25,000m<sup>2</sup> Heritage Bonus Floorspace is secured against the title of 73-83 Custom Street West (Record of Title 15A/424 North Auckland Registry).

## 5. Reasons applied for by the applicant are:

Resource consents are required for the following reasons:

### Land use consent (s9) – LUC60435936

#### Auckland Unitary Plan (Operative in part)

##### **District land use (operative plan provisions)**

###### *D17 Historic Heritage Overlay*

- The proposal involves modifications to the existing Auckland Harbour Board Workshops (former) (Category B) at 204 Quay Street, including demolishing the existing pedestrian bridge over Lower Hobson Street and fixings related to the existing façade. This is a restricted discretionary activity pursuant to rule D17.4.1(A9).

###### *E11 Land disturbance – Regional*

- The proposal involves earthworks over an area of 6,442m<sup>2</sup> where part of the earthworks area is within a Sediment Control Protection Area. Earthworks greater than 2,500m<sup>2</sup> within the Sediment Control Protection area is a restricted discretionary activity under rule E11.4.1(A9).

###### *E12 Land disturbance – District*

- The proposal requires earthworks of approximately 120,000m<sup>3</sup> across an area of 6,442m<sup>2</sup> to facilitate the proposed development. Earthworks greater than 2,500m<sup>2</sup> and 2,500m<sup>3</sup> within the Business – City Centre Zone are a restricted discretionary activity under rules E12.4.1(A6) and (A10).

###### *E23 Signs*

- The proposal involves comprehensive development signage in association with the proposed development and is a restricted discretionary activity under rule E23.4.2(A53). Signage will either involve backlit individual lettering, logos, or backlit box signs. The proposed signage will be affixed to the façades of Tower 1, to the three proposed podiums. Signage to the AON and HSBC shopfronts at ground and upper ground (podium) levels will be replaced. Tenant naming signage is also proposed and includes the following:

- Podium 1: South, West and East Elevations: One sign on each elevation at level 7 measuring 4.8m in height and 9.0m in length. Ground floor shopfront signage at fascia levels.
- Tower 1: North and South Elevations: Two signs, one at level 50 measuring 4.8m in height and 12.6m in length and one at level 21 measuring 4.8m in height and 5.3m in length
- Podium 2: West elevation (Lower Hobson Street): One sign measuring 4.8m high and 9.0m in length. Fascia signage to ground floor retail tenancies fronting Lower Hobson Street.
- Podium 3: Signage at Level 3 fronting Lower Hobson Street and signage zones facing internal to the site into the 'Urban Room' civic space
- AON Building: Signage to the ground floor shopfront fronting Custom Street West and tenancies facing onto podium levels.
- HSBC Building: proposed replacement tenancy signage at L00 and L01.

#### *E25 Noise and vibration*

- The proposal involves demolition, enabling works (slab removal), earthworks and construction activities that may exceed the maximum 75 dB LAeq and 90 dB LAFmax long-term construction noise limits (Monday to Friday 6.30am – 10.30pm) under E25.6.28.2 as follows:
  - With respect to demolition activities associated with concrete cutting:
    - Up to 81dBA<sup>4</sup> at 196-200 Quay Street (M Social hotel) for a duration of up to 6 months.
    - Up to 82dBA at the tower façade at 29 Custom Street West (AON building) for a duration of up to 3 months.
    - Up to 82dBA at the tower façade at 188 Quay Street (HSBC building) for a duration of 6 months.
  - With respect of the enabling phase activities (ground floor slab removal) and construction activities:
    - Up to 80dBA at 196-200 Quay Street (M Social hotel) for a duration of 2.5 months
  - With respect to construction activities (D-wall/ bored piling) which are predicted to exceed the limits for a duration of 3 weeks:
    - Up to 79 dBA at 196-200 Quay Street (M Social Hotel)
    - Up to 76 dBA at the tower façade at 29 Custom Street West (AON building)
    - Up to 79 dBA at the podium at 29 Custom Street West (AON building)
  - With respect of construction activities during vibratory sheet piling which would be undertaken outside of typical business hours (between Monday to Friday 5.30pm to 10.30pm and Saturdays 7am to 11pm) with an anticipated duration of exceedance of 3 weeks:
    - Up to 77 dBA at 196-200 Quay Street (M Social Hotel);
    - Up to 88 dBA at the tower façade at 29 Custom Street West (AON building);
    - Up to 94 dBA at the podium at 29 Custom Street West (AON building);
    - Up to 80 dBA at the tower façade at 188 Quay Street (HSBC building);

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<sup>4</sup> This includes 15dB of shielding from a concrete cutting enclosure

- Up to 80 dBA at the 85 Custom Street West (Sebel hotel/apartments).

The demolition, enabling, earthworks and construction activities will not comply with permitted activity standard E25.6.28 (Table E25.6.28.2) and is a restricted discretionary activity under rule E25.4.1(A2).

- During vibratory sheet piling, a 4mm/s peak particle velocity limit would occur at the AON building which exceeds the 2mm/s vibration limit as specified in Standard E25.6.30(1)(b) and Table E25.6.30.1. Activities that do not comply with the permitted activity standards are a restricted discretionary activity under rule E25.4.1(A2).
- The living areas within the apartments will have mechanical ventilation systems that control noise to achieve an internal noise level of 40dB LAeq. This does not comply with Standard E25.6.10(3)(f) which requires the mechanical systems to be controlled to a level of 35 dB LAeq. This would equate to a 5dB LAeq infringement of the standard. As this activity does not comply with the permitted activity standard, it is a restricted discretionary activity under rule E25.4.1(A2).

### *E27 Transport*

- The proposal involves accessory parking and access that does not meet the following parking and access standards and is a restricted discretionary activity under rule E27.4.1(A2):
  - Standard E27.6.3.1(1)(d) requires that every parking space be kept clear and available at all times the activity is in operation. A total of 23 stacked parking spaces (46 spaces in total) are proposed including 8 on Basement Level 05, 6 on Basement Level 04, 6 on Basement Level 3 and 3 on Basement Level 02. These spaces could be allocated to office or residential uses.
  - The proposed minimum vertical clearance for accessible parking spaces located on Basement Level B03 is between 2.3-2.4m. This does not meet the 2.5m required by Standard E27.6.3.5(1)(c). The infringement is between 0.1m and 0.2m.
  - The vertical clearance of the service lane between the entrance to the basement car parking and Quay Street is 3.6m. Standard E27.6.3.5(1)(d) requires a minimum vertical clearance of 3.8m where loading is required. This is an infringement of 0.2m.
- The Quay Street service lane vehicle crossing is subject to a Vehicle Access Restriction – General Control (as shown on the planning maps in the Business – City Centre Zone). The Quay Street vehicle crossing is existing
- Quay Street and Custom Street West are arterial roads and therefore Vehicle Access Restrictions apply in accordance with Standards E27.6.4.1(2) and (3). Having regard to Standard E27.6.4.1(2) the proposal includes (a) a new vehicle crossing to Custom Street West, (c) a change in activity type and (b) new residential, retail and office activities that will use the existing Quay Street vehicle access and the modified vehicle access to Custom Street West. This is a restricted discretionary activity under rule E27.4.1(A5).
- The proposal includes the use of an existing vehicle crossing (Quay Street) where a Vehicle Access Restriction applies under Standard E27.6.4.1(1) to service the establishment of a

new activity or a building is constructed that is not permitted in Table H8.4.1. This is a restricted discretionary activity under rule E27.4.1(A6).

- The proposal involves 121 off-site parking spaces associated with M Social hotel located immediately to the north of the subject site. This is a discretionary activity under rule E27.4.1(A16).

#### *E30 Contaminated Land*

- The proposal seeks to undertake soil disturbance of 120,000m<sup>3</sup> over an area of 6,442m<sup>2</sup> up to 21m below ground level. This exceeds 200m<sup>3</sup> and is likely to disturb more than 25m<sup>3</sup> of soil containing elevated levels of contaminants and be carried out for longer than a two-month duration. This would not meet Permitted activity standards E30.6.1.2(1)(a) and (2)(a) and (4) making it a Controlled activity. As a Detailed Site Investigation has not been prepared and submitted to the council, Controlled activity Standard E30.6.2.1(1) is not met. As a result, resource consent is required as a Discretionary activity under rule E30.4.1(A7) Discharges of contaminants into air, or into water, or onto or into land not meeting controlled activity Standard E30.6.2.1.

#### *E36 Natural hazards and flooding*

- The proposal involves the establishment of basement parking (6 levels) in part of the site affected by 1 per cent annual exceedance probability (AEP) floodplain. This is a restricted discretionary activity under rule E36.4.1(A26).
- The proposal involves flood mitigation works including flood barriers located within the 1 per cent annual exceedance probability (AEP) floodplain. This is a restricted discretionary activity under rule E36.4.1(A33).
- The proposal involves new buildings within the 1 per cent AEP floodplain and use of new buildings to accommodate more vulnerable activities (residential). These are restricted discretionary activities under rules E36.4.1(A37) and (A38).

#### *E40 Temporary activities*

- The proposal involves temporary activities associated with building and construction, including demolition (10-12 months), enabling works (6 months), excavation (9 months) and basement construction (14 months) with above ground construction estimated to last 40 months. In total demolition and construction is anticipated to last approximately 7 years. As these activities would exceed 24 months duration it is a construction related activity not provided for as permitted and therefore is a restricted discretionary activity under rule E40.4.1(A24).

#### *Business – City Centre Zone*

- The proposal involves the demolition of the existing Downtown Car Park Building which is a controlled activity pursuant to rule H8.4.1(A32A).
- The proposal involves the construction of new buildings comprising of three podiums and two towers. This is a restricted discretionary activity under rule H8.4.1(A32).
- The proposal involves alterations and additions to buildings not otherwise provided for associated with alterations to the existing podia of the AON and HSBC building, alterations to existing shopfronts at ground and upper ground levels, new access stairs and ramps, and glazed canopies. This is a restricted discretionary activity under rule H8.4.1(A36).

- The proposal involves construction of buildings comprised of two towers that do not comply with Standard H8.6.5 Harbour edge height control plane or Standard H8.6.6 Exception to the harbour edge height control as follows:
  - Standard H8.6.5 Harbour edge height control plane is infringed by:
    - Tower 1 (T1): 89m along the northern façade reducing to 44m along the southern façade over a depth of 44.1m; and
    - Tower 2 (T2): maximum 49m along the northern façade reducing to nothing along the southern façade over a depth of 47.8m.
  - Standard H8.6.6 Exception to the harbour edge height control:
    - T1: maximum 69m along the northern façade reducing to 24m along the southern façade over a depth of 44.1m; and
    - T2: maximum 28m along the northern façade reducing to nothing along the southern façade over a depth of 27.8m.

This is a discretionary activity under rule H8.4.1(A42).

- The proposed development relies on bonus floor area with respect of Standard H8.6.13 (Use or transfer of historic heritage floor space) and Standard H8.6.17 (Public open space) as provided for by Standard H8.6.11(1) and Table H8.6.11.1. The details include:
  - The proposal relies on Heritage Floor Space Bonus<sup>5</sup> of 10,188m<sup>2</sup> to be purchased and transferred from a donor site (yet to be confirmed) and used in accordance with Standard H.8.6.13 and is a controlled activity as stipulated in Standard H8.6.11.(6), Table H8.6.11.1 and Map H8.11.8.
  - The proposal seeks to utilise 1,352m<sup>2</sup> of bonus area as a result of the provision of approximately 169m<sup>2</sup> of public open space in accordance<sup>6</sup> with Standard H.8.6.17 and H8.6.11(5). This is a restricted discretionary activity as stipulated in Standard H8.6.11.(6).
  - The proposal utilises a Dwellings Bonus of 29,752m<sup>2</sup> which equates to a 2:1 maximum floor area ratio limit applicable under Table H8.6.11. This is a restricted discretionary activity as stipulated in Standard H8.6.11.(6).
- The development fails to meet the following Standards of H8 Business – City Centre and is a restricted discretionary activity under rule C1.9(2):

*H8.6.17 Bonus floor area – public open space:*

- No verandah is provided along the full length of the public open space fronting Lower Hobson Street.

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<sup>5</sup> Note the comment below that the area of Heritage Floorspace Bonus sought may be increased.

<sup>6</sup> With reference to the email dated 31 January 2025 from Karl Cook, Barker & Associates Limited, if the public open space floor area bonus cannot be claimed (based on a formal interpretation opinion as to correct application of Standard H8.6.17(2)(g)) this will be remedied either by revising the drawings or using another qualifying bonus such as heritage. In this regard it is agreed that the overall activity status would not be affected.

*H8.6.24 Maximum tower dimension, setback from the street and tower separation.<sup>7</sup>:*

- The site is identified as a special height area on Map H8.11.3.
- The proposed Tower 1 (T1) maximum plan dimension is 56m diagonally across the floorplate for those parts of the building 28m above mean street level. This is a 6.0m infringement.
- Podium 1 (P1) and Tower 1 (T1) Setback (refer to sheet RC32-0001):
  - Podium 1 has no 6m setback provided above 28m to a height of 34m fronting Custom Street West. This is a 6.0m infringement of the required setback over a height of 6m (above 28m).
  - Tower 1 has a 5.5m setback from a height 34m and above fronting Custom Street West. This is a 0.5m infringement of the required 6.0m setback over a height of 196m (above 34m).
- The proposed Tower 2 (T2) maximum plan dimension is 51m along its western elevation and diagonally across its floorplate for those parts of the tower 28m and above mean street level. This is a 1.0m infringement.
- Podium 2 and Tower 2 (T2) Setback (refer to sheet RC32-0001):
  - Podium 2 has no 6m setback provided above 28m to a height of 31.0m<sup>8</sup> fronting Lower Hobson Street. This is a 6.0m infringement over a height of 3.0m.
  - Tower 2 has a 4.5m setback from a height 31.0m and above fronting Lower Hobson Street. This is a 1.5m infringement of the required setback over a height of 131.0m.

*H8.6.26 Verandahs:*

- The proposal includes no verandah along the Customs Street West frontage which fails to meet H8.6.26(1) as the site is identified on Map H8.11.6 as requiring a continuous verandah along the full width of its building frontage.
- No verandah is proposed on the corner site to Custom Street West and Lower Hobson Street and fails to comply with Figure H8.6.26.1 of Standard H8.6.26(4).
- The proposed 1.8m wide verandah to the Lower Hobson Street frontage of Podium 2 is set back more than 700mm from the edge of the road carriageway (up to 800mm setback). This results in an infringement of up to 950mm in verandah width in accordance with Standard H8.6.26(5)(e) (refer to sheet RC32-0002).

*H8.6.27 Minimum floor to floor height:*

- The ground floor podium levels have a minimum floor to floor height of 4.2m adjoining Custom Street West and Lower Hobson Street and the public open space that is proposed which is an infringement of 300mm given the required height is 4.5m under standard H8.6.27(1).

*H8.6.28 Wind:*

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<sup>7</sup> Note these measurements have been rounded up or down in accordance with rule C1.12

<sup>8</sup> Note these measurements have been rounded up or down in accordance with rule C1.12



- The development results in the following infringements as per the locations outlined in the Wind Report prepared by Holmes (refer to Appendix 17) based on the annual outputs of the Wind Tunnel testing by RWDI:
  - Location 1 and 31: The area to be claimed as public open space bonus will result in a Category C wind condition where Category B condition is required.
  - Locations 33 and 34 are located on the south-east corner of Quay Street and Lower Hobson Street with Location 34 close to the base of the M Social hotel building. The proposal will result in these existing Category C (upper limit) conditions being increased to Category D condition. Being public footpaths, Category C is required.
  - Location 39 and 78: are located on Lower Albert Street (39 on the western side of the road to the north of the air bridge and 78 on the eastern side of the street, south of the air bridge). These existing Category B conditions increase to Category D conditions. Category C is required.
  - Location 93 (is at the western (central) position of Tower 1 at the first floor podium level), Location 94 (at the south east corner of tower 1 at the first floor podium level) and 98 (at the south east corner of the AON building at first floor level): The proposal will result in Category D conditions where Category C conditions are required. No existing condition exists owing to site configuration.
  - Location 160 is located at the southern entrance to the AON building fronting Custom Street West: The proposal would result in the existing Category C wind condition increasing to Category D condition. Category C condition is required.

*H8.6.32 Outlook space:*

- The proposal infringes the minimum 20m outlook space depth for the principal living areas for 75 apartments proposed within Tower 2. The following infringements ranging from 0.7m to 4.9m are applied for:
  - Apartment 8.01 – 19.3m (0.7m infringement)
  - Apartment 9.01 – 19.1m (0.9m infringement)
  - Apartment 10.01 – 18.6m (1.4m infringement)
  - Apartment 11.01 – 18.2m (1.8m infringement)
  - Apartment 12.01 – 17.9m (2.1m infringement)
  - Apartment 8.02 – 17.6m (2.4m infringement)
  - Apartment 9.02-28.02, 13.01-40.1 – 17.1m (2.9m infringement)
  - Apartment 8.06-9.06, 10.07-27.07, 28.06 – 15.1m (4.9m infringement)

*H8.6.33 Minimum dwelling size:*

- The proposal includes a total of 42 one-bedroom apartments within Tower 2 that are designed with a net internal area of 46m<sup>2</sup> where a minimum of 50m<sup>2</sup> of net internal area is required, resulting in a 4m<sup>2</sup> infringement. The apartments that infringe include:
  - Apartments 8.01-28.01 and 8.08-28.08 (inclusive).

*I205 Downtown West Precinct (Sub-precinct B)*

- The proposal involves the construction of new buildings comprising of three podiums and two towers. This is a restricted discretionary activity under rule I205.4.2(A4).
- The proposal involves new open space (169m<sup>2</sup> of the Urban Room is to be claimed as public open space bonus). This is a restricted discretionary activity under rule I205.4.2(A5).
- The proposal involves new vehicle, cycle and pedestrian access. This is a restricted discretionary activity under rule I205.4.2(A6).
- The proposed pedestrian connections within the development do not comply with Standard I205.6.2 as follows which is a restricted discretionary activity under rule I205.4.2(A7):
  - I205.6.2(1): The proposed east-west connection is not at-grade and not (a) a straight pedestrian route between streets.
  - I205.6.2(3): The proposed north-south pedestrian laneway connection between Custom Street West and Quay Street is not at-grade and not generally aligned with Federal Street.

### National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES:CS)

- The proposal seeks to undertake soil disturbance of 120,000m<sup>3</sup> over an area of 6,442m<sup>2</sup> up to 21m below ground level. This exceeds 25m<sup>3</sup> per 500m<sup>2</sup>, the volume of soil to require off-site disposal will exceed the site-specific threshold and the duration of the works will exceed two months. A preliminary site investigation report does not state that it is unlikely that there will be a risk to human health. The proposal does not meet permitted activity conditions of Regulation 8(3)(c), (d) and (f) and (4)(b). As a Detailed Site Investigation does not exist, the proposal cannot be considered as a controlled or a restricted discretionary activity (Regulation 9(1)(a) and Regulation 10(2)(a)). Under Regulation 11 of the NES: CS the proposal is a discretionary activity.

### Water permit (s14) – WAT60435937

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

- To undertake dewatering and diversion of groundwater which does not meet the permitted activity standards is a restricted discretionary activity under rules E7.4.1(A20) and (A28):

#### *Standard E7.6.1.6. Dewatering or groundwater level control associated with a groundwater diversion permitted under Standard E7.6.1.10.*

- The proposed dewatering will take longer than 30 days, failing to meet E7.6.1.6(2).
- The water take may extend beyond construction if a drained basement is adopted, failing to meet E7.6.1.6(3).
- The excavation will extend below natural groundwater by more than 6m below the natural ground level, failing E7.6.1.10(2).
- The proposed basement will be in place for more than 30 days and will impede the flow of groundwater over a length of more than 20m and extend more than 2m below the natural groundwater level, failing to meet E7.6.1.10 (4).

- Adjacent structures will be closer to the excavation than the depth of the excavation below groundwater level, failing to meet E7.6.1.6(5).
- The proposed basement is considered likely to be less than 10m from a lawful groundwater take associated with the construction of the HSBC building (188 Quay Street) and West Plaza (3-15 Albert Street). In this regard, the proposal fails to meet E7.6.1.10 (6c).

## Discharge permit (s15) – DIS60435938

### *E30 Contaminated land*

- To discharge contaminants into air, or into water, or onto or into land not meeting permitted controlled activity Standard E30.6.2.1 is a discretionary activity under rule E30.4.1(A7). A detailed site investigation (contaminated land) has not been prepared and submitted with this application which does not meet Standard E30.6.2.1.

### **Proposed Plan Change 79 Decision Version**

The Proposed Plan Change 79 Decision Version (PC79 DV) was notified on 9 August 2024. This replaces the Proposed Plan 79 notified version. Resource consent(s) are required under PC79 DV for the following reasons:

- The proposal involves accessory parking and access that does not meet the following parking and access standards and is a restricted discretionary activity under rule E27.4.1(A2):
  - Standard E27.6.3.2(A) requires accessible parking to be provided because car parking is provided on site in this Business – City Centre Zone site. Based on the theoretical parking demand a total of 51 accessible parking spaces are required consisting of: 37 (office), 3 (retail) and 11 (residential) parking spaces. A total of 24 accessible parking spaces are proposed and allocated: 13 (office), 0 (retail) and 11 (residential). This is a shortfall of 27 accessible parking spaces relating to retail and office activities.

The reasons for consent are considered together as a discretionary activity overall.

## **6. Status of the resource consents**

Where a proposal:

- consists of more than one activity specified in the plan(s); and
- involves more than one type of resource consent or requires more than one resource consent; and
- the effects of the activities overlap;

the activities may be considered together.

Where different activities within a proposal have effects which do not overlap, the activities will be considered separately.

In the instance, the effects of the proposed resource consents will overlap and thus they are considered together as a discretionary activity overall.

## **7. Public notification assessment (sections 95A, 95C-95D)**

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

### **Step 1: mandatory public notification in certain circumstances**

Mandatory notification is required as the applicant has requested that the application is publicly notified (s95A(3)(a)) as confirmed on the submitted application form. The \$20,000 notification deposit was paid when the application was lodged.

### **Public notification conclusion**

Having undertaken the s95A public notification tests, under step 1, public notification is required.

## **8. Notification recommendation**

### **Public notification**

For the above reasons under section 95A, this application must proceed on a publicly notified basis.



Sarah Wilson  
Senior Planner  
Resource Consents

Date: 3/02/2025

## 9. Notification determination

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, under section 95A of the RMA this application must be processed on a publicly notified basis.



Karen Long

Date: 3/02/2025

Team Leader

Resource Consents