

Before the Auckland Unitary Plan Independent Hearing Panel
Submission 5566 & Further Submission 3168

In the matter of: Submissions on proposed plan under s 123 of the Local Government Act (Auckland Transitional Provisions) Act 2010 and under cl 6 of Schedule 1 of the Resource Management Act 1991 – Proposed Auckland Unitary Plan – 30 September 2013

And: **Auckland Council**

Local Authority

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

Submitters

Memorandum regarding Framework Consents

Dated: 4 May 2016



MEMORANDUM REGARDING FRAMEWORK CONSENTS

Background

- 1 This memorandum is filed on behalf of Tram Lease Ltd, Viaduct Harbour Holdings Ltd and Viaduct Harbour Management Ltd (**Submitters**). The Submitters (in particular, Viaduct Harbour Holdings Ltd) are the freehold owners of the majority of the land in Sub-Precincts A and B (i.e. south of Pakenham Street) in Wynyard Precinct.
- 2 The Submitters made submissions (inter alia) regarding the Framework Plan provisions in the Proposed Auckland Unitary Plan (**PAUP**) pertaining to Wynyard Precinct. These submissions were heard as part of the Topic 050 Hearings regarding the City Centre zones in May 2015. Subsequently, the Submitters have participated in the declaration proceedings before the Environment Court regarding the Framework Plan provisions.
- 3 The final decision from the Court left over three merits based matters for the Panel to make recommendations on in relation to the (renamed) Framework Consent (**FC**) provisions in the PAUP,¹ and Procedural Minute 14 from the Panel has raised an additional matter regarding notification. This memorandum addresses these four matters.
- 4 Some comments are also proffered in Appendix A **attached**, regarding Council's template for the precinct provisions in PAUP Chapter K filed with the Court, and the consequential amendments required to update the Wynyard Precinct FC provisions in light of the template.
- 5 For ease of reference copies of Council's Chapter K template, together with an extract from the PAUP City Centre combined marked up version (22 May 2015), are also **attached** as Appendixes B and C respectively.

Summary and conclusions

- 6 The environmental effects of the increased site intensity and building height **incentives** provided to encourage FC applications in Sub-Precincts B, D, E, F and G of Wynyard Precinct have been thoroughly assessed, and can lawfully be included in the PAUP. Alternatively, the Wynyard Precinct provisions could be streamlined by deleting Precinct Plans 2 and 4 and making consequential amendments to other provisions, while still achieving the anticipated environmental outcomes for the Precinct.

¹ [2016] NZ EnvC 65.

- 7 The list of relevant **activities** that should be included in FC applications regarding sited in Wynyard Precinct should be amended so that the activities in the list are interpreted disjunctively, because it would be inappropriate and impracticable (in the context of this Precinct) to require that subdivision should also be applied for that at that stage.
- 8 It will be appropriate to acknowledge the relevance of existing Integrated Development Plans (**IDPs**) approved under the operative legacy plan by including an assessment criterion in relation to FC applications that requires applicants to have regard to any **existing resource consents** pertaining to the relevant sub-precinct.
- 9 While landowners would prefer to avoid any litigation risk that may result from **notification** of restricted discretionary (**RD**) activity FCs, the Submitters will abide by the Panel's recommendation on this matter.
- 10 Finally, it is relevant to note that a case by case approach will be required to the various precincts where FCs are provided for because the background context for the provisions is not uniform. This memorandum therefore focuses on specific amendments required to make the Wynyard Precinct provisions workable in light of the Court's decision and the Panel's interim guidance.

Incentives

- 11 This matter pertains to the question of whether the PAUP can include incentives to encourage landowners to apply for FCs.
- 12 At the outset it is important to note that in Wynyard Precinct, a FC is only required to provide for uplift regarding site intensity (**FAR**) and building height for sites in Sub-Precincts B, D, E, F and G. The increased FARs and building heights that can be achieved where a FC is approved are shown on Precinct Plans 3 and 5 respectively.
- 13 It is also for note that a FC is **not** required regarding sites in Sub-Precinct A to achieve the FARs and building heights shown on Precinct Plans 3 and 5.
- 14 Notwithstanding the fact that no incentives are provided in Sub-Precinct A, this has not discouraged land owners from applying for FCs in this area (see the plan and table **attached** as Appendixes D and E respectively).²

² Subsequently, land use consents have been granted for the construction of the Fonterra Building, VXV3 Building, and Datacom Building on (respectively) building sites 15, 14, and 12 (see **attached** plan, Appendix

- 15 FCs are generally a valuable method for achieving the integrated management of natural and physical resources. The utility provided by FCs is recognised by landowners regarding the flexibility allowed within a city block to define the location of lanes, to provide opportunities for providing open space, and to allocate office activity GFA and parking to meet specific tenant requirements. For example, the FC provisions for Wynyard Precinct enable landowners to average office activity GFA across a city block (while complying with total office GFA controls) rather than comply with per site ratios.³
- 16 The flexibility provided by these provisions within the context of a larger qualifying FC subject land area should therefore not be under-emphasised.

Sub-Precincts B, D, E, F and G

- 17 The provision for increased FARs building heights in these areas following the grant of a FC reflects the legacy provisions in the operative Central Area Plan.
- 18 These provisions were fully tested under the RMA process provisions by the Plan Modification 4 plan change process. In particular, the provision for increased building heights was fully interrogated by a series of detailed s 32 reports,⁴ and the outcome of this process is reflected in the *Wynyard Precinct Urban Design Background Information (UDBI)* document which is included as a non-statutory urban design guideline in both the operative and proposed plans. The increased building heights that can be achieved following the grant of a FC are consistent with this vision for Wynyard Precinct (see UDBI 4.3 Height, p28, **attached** as Appendix F).
- 19 Similarly, the provision for increased FARs was also fully interrogated by a series of detailed s 32 reports during the Plan Modification 4 process,⁵ and the outcome is reflected in Part A of

D). These buildings are currently under construction, and provide in excess of 43,000m² GFA.

³ Appendix C: Chapter K, Rule 3.14.4.3.1(b).

⁴ Wynyard Quarter Urban Design Framework, Architectus, June 2007; Wynyard Quarter Urban Design Report, Boffa Miskell, July 2007; Wynyard Quarter Visual Analysis, Boffa Miskell, July 2007; Wynyard Quarter Urban Design Recommendations, Barry Rae Transurban & Skidmore Design, April 2006; Wynyard Point Public Realm Strategy, Taylor Cullity Lethlean Pty and Peter Elliott Architecture and Urban Design Pty, February 2006.

⁵ Wynyard Quarter Transport Summary, Auckland City Council/Auckland Regional Holdings, July 2006; Wynyard Quarter Integrated Transport Assessment, Flow, Maunsell, T2, Opus, and ARBD, July 2006; Western Reclamation Transport Working Papers, Traffic Design Group, February 2006; Working Paper 1 – Development Assumptions, Traffic Design Group, July 2007; Working Paper 2 – Approach to Modelling, Traffic Design Group, July 2007; Working Paper 3 – Alternative Modes: Proposed Outline

the *Wynyard Precinct Transport Plan* which is incorporated as a statutory document (by reference) in both the operative and proposed plans. The increased FARs that can be achieved following the grant of a FC are consistent with total GFA and trip generation predicted by the Transport Plan (see Transport Plan, Table 2, p6, **attached** as Appendix G).

- 20 Subsequently, achieving the FARs and building heights shown on Precinct Plans 3 and 5 has been assessed on three further occasions – namely, the environmental effects assessments for the IDPs in Sub-Precincts B, D, E and G under s 88 and sch 4 of the RMA; the environmental effects assessments for individual buildings in Sub-Precincts E and G under s 88 and sch 4 of the RMA; and the strategic environmental effects assessment for the PAUP under s 32 of the RMA.
- 21 Accordingly, the provision for increased building heights and FARs for sites in Sub-Precincts B, D, E, F and G (shown on Precinct Plans 3 and 5) is consistent with the statutory architecture of the RMA – in particular, promoting sustainable management as required by s 5 of the RMA. Due regard has clearly been had to the actual or potential effects of these activities, including any adverse effects, to address the requirements of s 76(3) of the RMA. The incentive provisions can therefore lawfully be included in the PAUP in relation to Wynyard Precinct.
- 22 Beyond that, the FARs and building heights shown on Precinct Plans 3 and 5 are not opposed by any PAUP submitters, and these plans and the related PAUP provisions were agreed via mediation in advance of the PAUP hearings in May 2015.

Counterfactual

- 23 The uptake of IDPs in Sub-Precinct A (absent any “incentivised” requirement for FCs) indicates that the flexibility inherent in the PAUP provisions is of considerable utility.
- 24 Given that IDPs have been approved in all sub-precincts (except for Sub-Precincts C and F) (see Appendix E table **attached**) it is arguable that the urban design vision for Wynyard Precinct will be delivered under the terms of these consents. As a result, there may now be no continuing need for the two step approach regarding FARs and building heights. As a result, Precinct Plans 2 and 4 could safely be deleted and the related provisions

Strategy, Beca, July 2007; Working Paper 4a – Network Improvement Options Report, Beca, July 2007; Working Paper 4b – Network Improvements: Modelling Results, Traffic Design Group, July 2007; Working Paper 5 – Implementation, Beca, July 2007; Working Paper 6 – Internal Rooding and Transportation Issues, Beca, July 2007; Addendum to Transport Working Papers, Beca, July 2007.

amended as a consequence,⁶ without compromising in any way the achievement of an integrated, high quality, urban design environment in Wynyard Precinct.

- 25 These amendments would provide a complete answer to any counterfactual argument that these “incentives” may not be consistent with the statutory architecture of the RMA.

Activities

- 26 This matter pertains to the activities that “must” be included in a FC application under clause 3.1 in Council’s template for Chapter K. From the Submitters perspective this has, in relation to Wynyard Precinct, been reduced to a drafting issue.
- 27 Namely, should the list of activities included in the relevant clause for each precinct be interpreted conjunctively or disjunctively?
- 28 In relation to Wynyard Precinct, the Submitters consider that the list of activities (for which FC must be applied for) should be interpreted disjunctively - because it would be inappropriate and impractical in the context of this precinct, to require that consent for both buildings and subdivision “must” be applied for at the same time.
- 29 For example, all of the land in Wynyard Precinct is reclaimed which can be an issue for excavation when basements are constructed in terms of dealing with site conditions (e.g. proximity of the water table and potentially contaminated land). These conditions can affect decisions about where parking basements and underground access ramps are located. Detailed site investigations are not carried out when FCs are obtained, and excavation matters are dealt with subsequently when separate resource consents for constructing individual buildings are obtained. Thus when the Fonterra building was consented, the decisions about locating the majority of underground parking beneath the adjacent VXV3 building and routing the underground access ramp beneath the Datacom building in the same city block were finally taken. This resulted in a complex strata title subdivision that could not have been predicted at the time when the IDP consent was approved.
- 30 As a result, the list of activities in clause 3.1.d.i-iii relating to the Wynyard Precinct (see: Appendix C, p128) should be amended to be read disjunctively as a menu of the types of activities that

⁶ Appendix C: Rules 3.14.5.1.2 and 3.14.5.2.2 could be amended to read “Buildings must not exceed the heights specified on precinct plan 5” and “Buildings on a site must not exceed the site intensity specified for the site on precinct plan 3, except as specified in clause 3 below” respectively.

can (where appropriate and practicable) be included in FC applications.

Existing consents

- 31 This matter pertains to the issue of whether existing IDPs approved under the operative legacy plan should be deemed to apply to sites in Wynyard Precinct by the PAUP, or if not, how existing IDPs should be addressed by the PAUP.
- 32 In relation to Wynyard Precinct, the Submitters consider that the position regarding the consents already approved under the operative legacy plan is as follows:
 - 32.1 Sub-Precinct A: IDPs or FCs are **not** required to achieve uplift regarding FAR or building height, and the approved IDP has been given effect to by the construction and occupation of the Fonterra building. Arguably, no further FC will be required when the PAUP becomes operative to complete the development in the two city blocks within the approved IDP subject land area.
 - 32.2 Sub-Precincts B and D: the IDPs have not been given effect to. An additional FC consent may therefore be required when the PAUP becomes operative.
 - 32.3 Sub-Precinct C: no provision is made for IDPs or FCs under either plan.
 - 32.4 Sub-Precinct E: the IDP has been given effect to by the construction and occupation of the ASB building. Arguably, no further FC will be required when the PAUP becomes operative to complete the development in the two city blocks within the approved IDP subject land area.
 - 32.5 Sub-Precinct F: the IDP and all relevant land use consents have been granted under the operative legacy plan. Arguably, no further consents will be required when the PAUP becomes operative to complete the hotel development.
 - 32.6 Sub-Precinct G: no IDP has been granted to date under the operative legacy plan, and the grant of consent for a FC under the operative PAUP provisions will be required in the future.
- 33 As a result, the question of how existing IDP consents approved under the legacy plan should be addressed in the PAUP appears to be relevant only in the context of Sub-Precincts B and D where the approved IDPs have not currently been given effect to.

- 34 Here, the revisions suggested in Council's Chapter K template (see: the assessment criterion in 6.2.1.b regarding the relationship with existing consents, Appendix B) will be helpful. Dealing with this matter via an assessment criterion appears to be a viable alternative to the deeming provisions previously proposed.

Notification

- 35 Resource consents for IDPs have now been granted in all Wynyard Precinct sub-precincts, except for Sub-Precincts C and F where no IDPs have been applied for to date.
- 36 Generally, these resource consents have been granted without notification. The two exceptions being the resource consent granted to the Submitters for the IDP pertaining to the Bus Depot city block in Subprecinct B that was given limited notification, and the resource consent granted to Waterfront Auckland for the IDP pertaining to hotel development in Sub-Precinct G that was publicly notified.
- 37 Under the PAUP as notified the general default rule (G.2.4) provides that RD activity resource consent applications will normally be processed without notification, unless special circumstances apply. As a result, the notification provisions applying to FPs are consistent with this general rule.
- 38 However, the Panel issued interim guidance on 9 October 2015 advising that it is of the view that RD activities should be subject to the normal tests for notification.
- 39 While landowners will normally prefer to avoid the litigation risk that sometimes goes with notification, the grant of resource consent for the IDPs in Sub-Precincts B and G following notification demonstrates that appropriately framed FC applications are likely to be consented.

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4 May 2016

APPENDIX A

Comments on Council's Chapter K template

Provision	Comment
1 Activity table	Replaces (in part) relevant aspects of 1.2 and table in May 2015 version.
2 Notification	Replaces 2.2 in May 2015 version. In particular, the new clause 2.4 may satisfy the Panel's concerns regarding RD activities.
3 Framework consents	<p>Replaces the introduction (purpose) and preamble to clause 3.1.d.i-iii in the May 2015 version.</p> <p>The Submitters consider that the listed activities should be amended to be interpreted disjunctively: e.g. "buildings, or subdivision, or public access lanes".</p> <p>Separately, consequential amendments will in any event be required to clauses 3.2-3.8 (May 2015 version) to substitute Framework plans with Framework consents.</p>
4 Development controls	<p>Replaces 5.2 and 5.3 in May 2015 version.</p> <p>On reflection, retaining the current wording in the May 2015 version for Wynyard Precinct may be preferable.</p>
5 Control [X]	<p>Relates to site intensity and building height controls that will need to be retained in some form in any event.</p> <p>Question for the Panel to determine is (a) whether the two step approach to FAR and building height incentives should be retained, or (b) whether Precinct Plans 2 and 4 should be deleted (as discussed in the memorandum).</p>
6.1 Matters of	Replaces clauses 7.1.10 and 7.1.11 in

discretion	May 2015 version
6.2 Assessment criteria	Replaces clauses 7.2.10, 7.2.11 and 7.2.13 in May 2015 version. In particular, new criterion 6.2.1.b satisfactorily addresses how existing IDPs should be had regard to under the new FC regime.
7 Special information requirements	Replaces (in part) clause 9.9 in May 2015 version.

Activity	Activity Status
Commerce/Accommodation/Industry	
[Insert activities relevant to the specific precinct e.g. retail, retirement villages, offices]	[X]
Framework consents	
Applications for framework consents for land use consents for an entire precinct or sub-precinct complying with clause 3.1 below	RD
Development	
Minor cosmetic alterations to a building that does not change its external design and appearance	P
Buildings, and alterations and additions to buildings	RD
<p>[List each activity associated with an application for a framework consent (as set out in Clause 3) as a separate activity, using the same terminology for the activities as appears elsewhere in the PAUP.</p> <p>For example:</p> <p>Earthworks — will incorporate either specific provisions applying to the earthworks activities occurring within the precinct or sub-precinct, or will rely on the underlying Auckland-wide rules for earthworks found in Chapter H, 4.2, where earthworks activities have a number of different activity categorisations.</p> <p>Roads</p> <p>Pedestrian linkages</p> <p>Water, wastewater and stormwater infrastructure</p> <p>Earthworks, landscaping and construction of parks infrastructure for the purpose</p>	<p><u>RD</u></p> <p>RD</p> <p>RD</p> <p>RD</p> <p>RD</p>

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of establishing open space]	
Subdivision	
Subdivision	RD

2. Notification

1. The council will consider applications for framework consents as a restricted discretionary activity without the need for public notification. However, limited notification may be undertaken, including notice being given to any owner of land within a precinct or sub-precinct who has not provided their written approval to the application.
2. The council will consider applications for buildings, alterations and additions to buildings, on sites that are the subject of an approved framework consent as a restricted discretionary activity, without the need for public notification. However, limited notification may be undertaken, including notice being given to any owner of land within a precinct or sub-precinct who has not provided their written approval to the application.
3. The council will consider applications for subdivision on sites that are the subject of an approved framework consent as a restricted discretionary activity, without the need for public notification. However, limited notification may be undertaken, including notice being given to any owner of land within a precinct or sub-precinct who has not provided their written approval to the application.
4. The council will consider applications for buildings, alterations and additions to buildings, on sites that are not the subject of an approved framework consent as a restricted discretionary activity, subject to the normal tests for notification provided by sections 95 to 95H of the Resource Management Act 1991.
5. The council will consider applications for subdivision on sites that are not the subject of an approved framework consent as a restricted discretionary activity, subject to the normal tests for notification provided by sections 95 to 95H of the Resource Management Act 1991.

3. Framework consents

Purpose: to ~~ensure~~ enable the integrated development of land within identified precincts and to authorise the key enabling works necessary for that development to occur.

1. Applications for framework consents must seek land use consents for the following activities:

[Clauses a – e are provided by way of example only. The precinct provisions included in the PAUP will reflect the specific activities that require land use consent for each identified precinct. Those activities will reflect the site

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characteristics and development outcomes and objectives for particular precincts, as will the provisions relevant to framework consents.]

- a. Roads*
- b. Pedestrian linkages*
- c. Earthworks – will incorporate either specific provisions applying to the earthworks activities occurring within the precinct or sub-precinct, or will rely on the underlying Auckland-wide rules for earthworks found in Chapter H, 4.2, where earthworks activities have a number of different activity categorisations*
- d. Water, wastewater and stormwater network infrastructure*
- e. Earthworks, landscaping and construction of parks infrastructure for the purpose of establishing open space*

4. Development Controls

1. The development controls in the [underlying zone] apply in the [precinct name] precinct unless otherwise specified below.

5. Control [X]

[Insert relevant land use and development controls e.g. Building height, site intensity, building coverage etc. For example:

- 1. Buildings must not exceed the heights specified on precinct plan X, prior to the approval of a framework consent.*
- 2. With an approved framework consent, buildings must not exceed the heights specified on precinct plan X.]*

6. Assessment – Restricted discretionary activities

6.1 Matters of discretion

For development that is a restricted discretionary activity in the [precinct name] precinct, the council will restrict its discretion to the following identified matters and the matters specified for the relevant restricted discretionary activities in the underlying zone:

1. Applications for framework consents
 - a. The matters of discretion in clause 2.6.1 of the general provisions apply.
 - b. The overall development layout, being the layout and design of roads, pedestrian linkages, open spaces, earthworks areas and land contours, and infrastructure location.
 - c. *[Specify relevant matters of discretion in addition to clause 2.6.1 for the specific precinct]*
2. Buildings, alterations and additions to buildings

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- a. The matters of discretion in [clause X] of the underlying zone rules for new buildings and/or alterations and additions to buildings apply.
 - b. The location, bulk and scale of buildings relative to overall development, including the layout and design of roads, pedestrian linkages, open spaces, earthworks areas and land contours, and infrastructure location.
 - c. Design, bulk and location of buildings.
 - d. The matters of discretion in clause 2.6.1 of the general provisions apply.
3. Subdivision
- a. The matters of discretion in [clause X] of the underlying zone rules [or clause X of the subdivision rules in H5].
 - b. The proposed subdivision layout relative to the overall development, including the layout and design of roads, pedestrian linkages, open spaces, earthworks areas and land contours, and infrastructure location.

[Insert matters of discretion for other activities that are classified as restricted discretionary activities in the activity table, such as: roads; pedestrian linkages; earthworks; water, wastewater and stormwater network infrastructure; earthworks, landscaping and construction of parks infrastructure for the purpose of establishing open space. The following are provided by way of example

x. Roads

xx. *The location, physical extent and design of the transport network]*

6.2 Assessment criteria

Unless otherwise specified below, for development that is a restricted discretionary activity, the following assessment criteria apply in addition to the criteria specified in the underlying zone rules:

1. Applications for framework consents
 - a. The assessment criteria in clause 2.6.2 of the general provisions apply.
 - b. The relationship of the matters requiring consent to activities authorised by other resource consents granted in respect of the precinct or sub-precinct.
 - c. *[Specify relevant assessment criteria for specific precinct]*
2. Buildings, alterations and additions to buildings
 - a. The assessment criteria in [clause X – include a cross reference to Part 2 of the Unitary Plan which provides the specific provisions] of the underlying zone rules for buildings and/or alterations and additions to buildings apply.
 - b. The proposed building, alteration or addition relative to the location of infrastructure servicing the area and open space should result in an integrated network that is adequate to meet the needs of the overall development area.

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- c. The relationship of the matters requiring consent to activities authorised by other resource consents granted in respect of the precinct or sub-precinct.
- 3. Subdivision
 - a. The assessment criteria in [clause X] of the underlying zone rules [or clause X of the subdivision rules in H5].
 - b. The location of infrastructure servicing the area, and open space, should result in an integrated network that is adequate to meet the needs of the overall development area.
 - c. The relationship of the matters requiring consent to activities authorised by other resource consents granted in respect of the precinct or sub-precinct.

[Insert assessment criteria for other activities that are classified as restricted discretionary activities in the activity table, such as roads; pedestrian linkages; earthworks; water, wastewater and stormwater network infrastructure; earthworks, landscaping and construction of parks infrastructure for the purpose of establishing open space. The following are provided by way of example]

- d. Roads
 - i. The transport network (roads, public transport connections, pedestrian connections and cycle connections) is generally provided for in the location identified in the precinct plan to achieve a legible street network. Where no location is identified, an integrated and efficient street and pedestrian network should be provided, including connections to existing and future streets and networks.
 - ii. The physical extent and design of the transport network should be multimodal, providing for cycle and pedestrian movement.
 - iii. Block layout and design should enable the creation of sites which can meet the development controls of the precinct and relevant underlying zone provisions.]

7. Special information requirements

- 1. Applications for framework consents must be accompanied by the following information:
 - a. [Insert information requirements relevant to the specific precinct.]

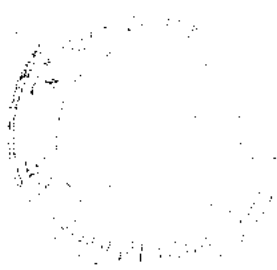
[The following are provided by way of example only]

- b. where changes to site contours are intended, the relationship of those site contours to existing and proposed streets, lanes, any adjacent coastal environment, and, where information is available, public open space
- c. the location, width, design and function of proposed streets, cycle routes and pedestrian routes
- d. the location, dimension, design and function of public open spaces
- e. the location of stormwater, wastewater, and water supply, electricity, gas and telecommunications infrastructure
- f. the landscaping concept for the application area
- g. the location of any historic heritage or natural features

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h. the location and volume of earthworks and intended final contours]

2. Buildings, and alterations and additions to buildings, and subdivision on sites that are not the subject of an approved framework consent must provide the following information:
 - a. A compilation and assessment of approved resource consents relevant to the application site.



3.14 Wynyard

The activities, controls and assessment criteria in the underlying General Coastal marine and City Centre zones and Auckland-wide rules apply in the following precinct and sub-precincts, unless otherwise specified. Refer to the planning maps and precinct plans for the location and extent of the precinct and sub-precincts

Introduction

Vision

The Wynyard precinct is a significant area of transformation within the city centre. The redevelopment of this area is underpinned by seven key interrelated factors:

1. The need to enable growth within the city centre as the area which will contain the highest densities and built form height in the region
2. An integrated and comprehensive approach to redevelopment
3. Quality built form and urban design and the protection and enhancement of identified historic character buildings
4. Potential industry conflicts, including the management of risk associated with hazardous industry
5. Providing for the efficient operation and growth of the marine industry and fishing industry sector, and maritime passenger operations
6. Securing high quality public open space and community facilities for future generations on both a regional and local basis
7. The provision of infrastructure necessary to accommodate future growth.

Wynyard Precinct Urban Design Background Information Document

The Wynyard Precinct Urban Design Background Information Document (refer non-statutory documents - Attachment 2.23) contains the background to and reasons for the basic urban design principles for the entire precinct. Wynyard Precinct Urban Design Background Information Document explains the four key concepts designed to integrate Wynyard precinct into its waterfront and city centre setting:

1. The waterfront axis - 'establishing the waterfront spine'
2. The park axis - 'creating a landscape network'
3. The wharf axis - 'connecting land and sea'
4. Waterfront precincts - developing areas of distinct character.

These concepts also include a series of smaller projects which are envisioned to contribute to a high quality environment in Wynyard precinct including:

- A coastal park of regional significance and status occupying a significant proportion of the northern finger of the precinct, including the opportunity for a signature public building which complements the coastal park.

~~• The events centre occupying the Halsey Street Extension Wharf site as a significant destination for marine/water based activities.~~

~~• The new opening Te Wero bridge to reconnect Wynyard Precinct to the Viaduct Harbour.~~

- A significant central park space between Jellicoe and Fanshawe Streets.
- The Daldy Street Linear Park connecting Victoria Park to the major park spaces within Wynyard Precinct.
- The establishment of a public plaza as a major urban plaza space at the intersection of Daldy, Street, Brigham Street and Jellicoe Streets, providing an important focal point for Wynyard Precinct.

To ensure that this unique redevelopment opportunity is managed in a sustainable and co-ordinated manner, and in recognition of the long-term nature of the redevelopment, Wynyard precinct has been divided into seven separate precinct areas. To encourage comprehensive and integrated development of each precinct area, framework plans are encouraged to be approved prior to the redevelopment of sub-precincts B, D, E, F and G.

Sub-precinct A (Southern)

Sub-precinct A (Southern) is bounded by Fanshawe Street, Westhaven Drive, Gaunt Street and Halsey Street. This comprises a total land area of 3.68ha, contained in three blocks. It has an existing commercial development flavour and is currently being redeveloped for further commercial activity. The existing situation provides unique challenges for implementing future reduction in private travel. The proximity to Fanshawe Street reduces the potential to draw traffic throughout the precinct and provides convenient access to regular/high frequency bus services operating along the street. A maximum limitation on permitted office space of 98,000m² has been imposed to reflect the consented and constructed levels of office activity and the provision of approximately 20,000m² permitted office space within the remaining sites. A further 12,000m² is potentially available as a restricted discretionary activity on the Caltex site (Lot 1 DP179403).

In recognition of the former zoning (under the Operative Auckland City District Plan (Central Area Section) 2004), and the constructed and consented built form within sub-precinct A, the maximum FAR and building height are the same on precinct plans 2, 3, 4 and 5 and therefore apply regardless of whether a framework plan has been approved.

Sub-precinct B (North Gaunt)

Sub-precinct B (North Gaunt) is bounded on the south by Gaunt Street, to the east by Halsey Street and to the north and west by Pakenham Street West and Beaumont Street respectively. The sub-precinct is contained in two blocks and comprises a total land area of 3.36ha. The fact that the precinct area is in single ownership represents a significant opportunity for comprehensive redevelopment.

Development within sub-precinct B will help reduce the potential to draw traffic throughout the precinct and will facilitate convenient use of bus services operating along Fanshawe Street. North Gaunt, like sub-precinct A, is closer to Fanshawe Street than the coastline. These factors,

together with the synergies that can be gained from association with existing commercial activities (sub-precinct A and Viaduct Harbour precinct) and the potential for an underground railway station associated with the additional Waitemata Harbour crossing underground tunnel, means that sub-precinct B is well disposed to commercial development. This is reflected in the commercial office floor area allocations.

Sub-precinct C (marine)

Sub-precinct C (marine) comprises 6.3ha of land lying between the western waterfront edge, and Hamer and Beaumont streets. This area also contains the cement wharf which extends into the coastal environment and is strongly characterised by marine industry activity, including the use of various boat slipways and haul-out areas. This area offers a significant opportunity for the long-term consolidation, growth and efficient operation of the marine industry sector. It also includes the slipways north of Jellicoe Street, currently important for servicing the passenger ferry and fishing fleets. It may be appropriate to extend the waterfront axis along the southern and northern sides of Jellicoe Street through sub-precinct C as part of the framework plan process for sub-precinct E, and in doing so enable a range of complementary activities to be provided for.

On land, provision is made for a limited range of activities within sub-precinct C which may be sensitive to risk associated with existing hazardous industry located within sub-precinct F. For this reason activities marked # located within area C as shown on precinct plan 10 require assessment as a restricted discretionary activity until all hazardous industry located within sub-precinct F discontinues operations.

Sub-precinct D (central)

Precinct area D (central) is approximately 4.16ha and is bounded by Pakenham Street West, Halsey Street, Madden Street and Beaumont Street. Currently comprised of one large block, the reconnection of Daldy Street and its widening to establish the park axis boulevard between Fanshawe and Brigham streets will help facilitate a finer grained development.

The waterfront aspect of sub-precinct D across Viaduct Harbour, and its proximity to Jellicoe and Daldy streets, lends itself to mixed use development. The ground floor frontage on the Beaumont, Pakenham, Madden and Daldy streets extension is suitable for marine industry and fishing industry activities and will help create a marine and fishing character in the western side of Wynyard precinct.

The block bound by Madden, Daldy, Pakenham Street West and Halsey streets is adjacent to the existing ammonia refrigerant-based fish processing plant. Establishing dwellings and visitor accommodation and other activities marked # within this area requires careful consideration as either non-complying or restricted discretionary activities to avoid or mitigate potential effects associated with accidental ammonia release. Within the remainder of sub-precinct D west of Daldy Street, activities marked # in the activity table are managed to avoid or mitigate potential injury risk effects associated with hazardous product stored north of Jellicoe Street either avoided or mitigated until the date when all hazardous industry located within sub-precinct F discontinues operations.

Sub-precinct E (Jellicoe)

Land within sub-precinct E (Jellicoe) is defined by Halsey Street to the east, Jellicoe Street and the coastal edge to the north and Beaumont Street and Madden Streets to the west and south respectively. This comprises 3.39ha contained in three blocks, including a narrow block of approximately 20m wide located between Jellicoe Street and North Wharf. Jellicoe Street and North Wharf form an important part of the waterfront axis and are the focus of pedestrian activity. The land lying between Jellicoe Street and North Wharf requires special attention to ensure future buildings are at an appropriate scale and spacing to provide for public views and access to the water, while activating the street and water's edge. This area is also important for unloading of the fishing fleet. Additionally, an opportunity is available to incorporate activities to activate the extension of the spine along Jellicoe Street into sub-precinct C as part of the framework plan for sub-precinct E via the proposed transitional overlay precinct provisions.

Activity within sub-precinct E includes the marine and fishing sectors and maritime passenger operations which currently use North Wharf. The Sanford fishing operation is of regional significance with specific location and operational requirements and includes an ammonia refrigerant-based fish processing plant. Maritime passenger operations provide an essential public service and together with marine and fishing industry have specific location and operational requirements which are enabled and provided for in this precinct.

To avoid or mitigate risk-related issues associated with the accidental release of ammonia, dwellings or visitor accommodation within the block bound by Madden, Daldy, Jellicoe and Halsey streets, and on land fronting North Wharf, are classified as a non-complying activity while other risk sensitive activities marked # in the activity table are classified as a restricted discretionary activity.

Within the remainder of area 5 west of Daldy Street and within the transitional overlay precinct activities marked # in the activity table, activities are managed to avoid or mitigate potential human injury risk effects associated with hazardous product stored north of Jellicoe Street until the date when all hazardous industry located within sub-precinct F discontinues operations.

Specific limitations are also specified for activities on North, Wynyard, Halsey Street Extension and the Western Viaduct wharves and the adjacent coastal environment to maintain or provide for the public use of these areas and to manage risk associated with hazardous product stored north of Jellicoe Street.

Sub-precinct F (northern)

Sub-precinct F is a 5.5ha peninsula generally extending northwards from Jellicoe Street. It also includes the northern section of Wynyard Wharf coastal environment area defined by the edge of the Westhaven precinct to the west, the Ports of Auckland coastal occupation to the north and the edge of the Viaduct Harbour precinct to the east. The northern section of the Wynyard Wharf structure is also contained within this coastal area.

The unique aspect and size of sub-precinct F, and the opportunity for views across the harbour and back to the city centre offers the ideal setting for a waterfront public open space, activities, and a public building of regional significance. This precinct area provides an opportunity to integrate significant areas of public open space with areas of entertainment (frontage identified as 50 per cent on City Centre zone Map 6 on Jellicoe Street - sub-precinct E) and events (sub-precinct G), together with the future development on Wynyard Wharf with views and aspect relative to Jellicoe Harbour.

Sub-precinct F contains several hazardous industry operations which will continue to operate while Wynyard Precinct is transitioning into a mixed use environment. To address risk issues associated with these industries, potentially sensitive land uses marked # in the activity table are classified as a non-complying activity within sub-precinct F and on the northern part of Wynyard Wharf until all existing hazardous industries within this precinct discontinues operations.

Sub-precinct G (mixed use), Halsey St Extension Wharf and Western Viaduct Wharf

Sub-precinct G is a 1.57ha rectangular area of land to the east of Halsey Street. The deep-water access to Viaduct Harbour, its aspect to the Eastern Viaduct, and future accessibility from the city centre make this precinct area ideal for public open space, events and future mixed use activities. The Western Viaduct and the Halsey Street extension wharves north of Jellicoe Street also provide for events and contain the Viaduct Events Centre.

Sub-precinct G is also located adjacent to the Sanford fishing operation. For the reasons set out in the sub-precinct D strategy above, potentially sensitive activities within this area require specific consideration as a restricted discretionary activity to address potential risk-related effects associated with the ammonia refrigerant-based fish processing plant.

Design-based approach to development

To retain the existing character of the area, a design-based approach has been implemented, with all building development and redevelopment requiring assessment against five design assessment criteria:

1. high-quality and enduring design, particularly where viewed from public open space
2. attractive, active and safe public open spaces which create a sense of community
3. adaptable building form, encouraging the reuse and conversion of buildings over time
4. sustainable building and site design that takes a long-term view of energy efficiency and storm water management
5. adequate internal and external amenity for building occupants which provides the opportunity for outlook, sunlight access and sufficient internal living space.

The building design assessment criteria are supported by a series of development controls.

The scale of development is controlled through site intensity and maximum height controls, with the latter designed to reinforce the headland location of Wynyard Precinct in a manner subservient to the city centre skyline. Specific provision is made for certain sites within sub-precinct areas B, C and E to extend to a maximum height of 52m in recognition of their unique qualities, locational attributes and the contribution the resulting built form will make to the urban landscape. Greater variation in height is also provided as part of a framework plan process.

Industry

Although hazardous industry is likely to relocate progressively from the area, the risk must be managed in the transition period, particularly in relation to areas subject to redevelopment within the northern part of the precinct. Accordingly, to ensure the safe and efficient operation of existing hazardous industry within sub-precinct F, the status of activities marked NC* or RD* applies until the date upon which all hazardous industry located within sub-precinct F

discontinue operations. After that time the activity status of most of those activities is permitted unless an alternative activity status not marked "*" is shown.

In recognition of the risk associated with the ammonia refrigerant based fish processing plant, precinct plan 7, identifies ~~accommodation and non-permanent dwellings and visitor~~ accommodation as a non-complying activity along part of the southern frontage of Madden Street and within the block bound by Madden, Daldy, Jellicoe and Halsey Streets and on land fronting North Wharf. A Special Industrial Frontage control (refer precinct plan 8) also applies along the southern frontage of Madden Street to reduce human injury risk associated with accidental ammonia release.

¶Precinct plan 10 also identifies "Area A", "Area B" and "Area C" where specific controls apply to address risk associated with hazardous industry. Area A represents land potentially subject to human injury effects associated with existing hazardous industry located within sub-precinct F. Where applications are made to establish accommodation or non-permanent accommodation within Area A, hazardous facility owners and operators located within sub-precinct F are deemed to be an affected person under section 95B of the Resource Management Act 1991. The restricted discretionary activity status of all activities marked # within Area A applies until the date upon which all hazardous industry located within sub-precinct F discontinue operations. After that time the activity status of those activities marked # within Area A is permitted.

Area B identifies land where specific consideration is required when establishing ~~accommodation and non-permanent dwellings and visitor~~ accommodation activities due to human injury risk associated with accidental ammonia vapour release. Specific assessment criteria apply to this area to ensure potential health effects associated with ammonia release are avoided. As part of the consideration of an application to establish either accommodation or non-permanent accommodation within Area B, the owner and operator of the adjacent fishing plant is deemed to be an affected person under section 95B of the Resource Management Act 1991.

Area C represents land within sub-precinct C subject to human injury effects associated with hazardous industry located within sub-precinct F. Listed activities marked # located within Area C as shown on precinct plan 10 require assessment as a restricted discretionary activity and assessment against criteria listed at clause 7.2.6 below. The restricted discretionary activity status of all activities marked # within Area C applies until the date upon which all hazardous industry located within sub-precinct F discontinue operations. After that time the activity status of those activities marked # within Area C is permitted.

Specific requirements are also included dealing with events due to the potential risk issues associated with a significant number of people congregating near existing hazardous facilities. Where events will attract over 1000 people at any one time restricted discretionary activity consent is required and the owner and operator of the adjacent hazardous industries are deemed to be an affected person under section 95B of the Resource Management Act 1991. It is anticipated that resource consents lodged will cover a number of events planned for Wynyard precinct. Specific controls also apply to areas D, E and F as shown on precinct plan 10.

There is the possibility of a future reduction in the human injury risk profile due to the redistribution of product or the upgrading of hazardous plant facilities located within sub-precincts E or F. To account for this, the criteria set out in clause 2.1 below specifies that hazardous industry owners and operators within sub-precinct F are no longer deemed to be

affected parties, where it can be demonstrated that the land area subject to the application will fall outside of the hazardous industry toxic injury risk contour.

Access to existing hazardous industry is provided via Beaumont Street which is the primary hazardous substances route in the precinct. Halsey Street is used as a secondary hazardous substances transport route and provides complementary access to and from the precinct. Vehicles using the secondary route should connect to Beaumont Street via Madden Street. While hazardous industries remain it is also important to ensure that two access ways (Brigham and Hamer Streets) are maintained open at all times for emergency vehicles.

The marine and fishing industries cluster within Wynyard Precinct is important to the region both economically and in terms of synergies with marine events activities. Sub-precinct C (marine) has been identified for the continued development and growth of the marine industry sector, while fishing industry operation is also specifically provided for within sub-precinct E (Jellicoe). The provision of fishing vessel berthage is required to enable fishing industry operation within the precinct. In particular, the enclosed waterspace to the east of the Halsey Street Extension Wharf provides sheltered berthage and support facilities for the fishing industry, private vessels and charter boat operators. The western edge of the Harbour to the north of Madden Street has been developed to enable a range of port and temporary activities, including marine and non-marine events.

The precinct has been the longstanding base for part of Auckland's commercial fishing fleet. The location of the fleet's presence and support facilities such as fish processing, bait and ice storage has changed over time. However, the area remains important to fishing industry operations in Auckland. The fishing fleet provides a continuing link with the Harbour's past use and history. Together with the range of other vessels, the fishing fleet maintains the maritime interest and character of the area. It is important that access for the fishing industry to berthage in this area is maintained and ensured into the future. The council will liaise with Ports of Auckland Limited to ensure appropriate berthage facilities are provided in primarily for use by the fishing industry in suitable locations, in recognition of their functional need for access to working berthage.

The water area to the west of Wynyard Precinct from the Hamer Street slipways south to Westhaven Drive and the adjoining land, is used for port and marine related industry. This includes boat building, engineering activities and boat haul out, refit, servicing and maintenance, as well as boat storage. It has a variety of related infrastructure facilities such as jetties, slipways, travel lifts, shiplifts, syncrolifts, haulout yards and boat storage buildings.

This western area has been identified as an important marine industry hub for the region and beyond. The Hamer Street slipways are an important regional facility due to their ability to accommodate mid to large sized vessels, their deep water approaches, sheltered location from prevailing south-westerly winds, and their proximity to other marine industry services.

Wynyard Quarter qualitative risk assessment (QRA)

A QRA has been completed addressing risk associated with hazardous industry within the precinct. The risk categories assessed include individual fatality risk, injury risk, irritation risk and societal risk using internationally accepted methodologies. The QRA is a useful reference for risk-sensitive activities establishing north of Pakenham Street.

Offices

Office activity is a major generator of peak hour traffic. To manage traffic capacity challenges facing redevelopment of the precinct, the permitted amount of office activity in the precinct is limited.

Office space has been distributed in recognition of the desire to achieve a mixed use environment and with regard to the restriction on accommodation activity within precinct areas D, E and F arising as a result of reverse sensitivity and risk issues associated with hazardous industry.

Travel management

The establishment of operational and physical infrastructure to support the travel management approach for the precinct is essential to ensure its future sustainable development. As traffic effects accumulate, activities must subscribe to travel management measures at the outset to help realise the precinct's full potential development. Activities establishing early in the development phase are encouraged to subscribe to a travel management framework and philosophy for the entire precinct.

Redevelopment of the precinct requires an appropriate framework to support and encourage travel reduction measures. For these reasons a Wynyard Precinct Transport Plan has been prepared and a Wynyard Precinct Transport Management Association established to encourage alternatives to car travel to improve accessibility into and around the area.

A key aim is to constrain and manage single occupancy private vehicle trips to and from the precinct, particularly during peak traffic periods, and to increase the proportion of trips using other modes. The aspiration is to achieve a 70/30 split: single occupancy private vehicle trips represent no more than 30 per cent of all trips, while walking, cycling, public transport and private vehicle passenger trips account for 70 per cent of overall trips to and from the precinct. A critical component of the travel management framework is three vehicle trip generation ceiling targets:

1. 3500 (permitted) - 3650 (restricted discretionary) vehicles per hour, two-way
2. 2500 vehicles per hour one way inbound or outbound during the weekday morning peak of 7am-9am
3. 2500 vehicles per hour one way outbound or inbound during the weekday afternoon peak of 4pm-6pm.

This intention is reflected in Part A of the Wynyard Precinct Transport Plan and is to be achieved in part through site travel management plans ([refer Part 6 Attachment 1](#)). In addition to encouraging businesses' and residents' membership in the Wynyard Precinct Transport Management Association, and participation in travel management initiatives, new activities or changes to activities with high traffic generation potential are required to demonstrate how the development will achieve the objectives set out in Part A of the Wynyard Precinct Transport Plan (refer clause [7.2.4 9.5](#) below).

As part of the travel management approach, the Council acknowledges the importance of ongoing monitoring of the traffic effects (both internal and external to Wynyard precinct), and review of that information in assessing the cumulative impact of development within the Wynyard precinct.

In addition to encouraging business and resident membership in the Wynyard Precinct Transport Management Association, and participation in travel management initiatives, new activities or changes to activities with high traffic generation potential are required to demonstrate how the development will achieve the objectives set out in Part A of the Wynyard Precinct Transport Plan by way of preparation of Site Travel Management Plans. A template of a Site Travel Management Plan is attached to Part C of the Wynyard Quarter Transport Plan to assist applicants ([refer Part 6 Attachment 1](#)).

As part of the travel management approach, the council acknowledges the importance of ongoing monitoring of the traffic effects both internal and external to the precinct, and review of that information in assessing the cumulative impact of development within the precinct.

Public open space

The provision of quality public open spaces and the ease, convenience, and safety of pedestrian movement through the precinct is fundamental to achieving a successful community and visitor destination. Wynyard Precinct represents a significant opportunity to provide waterfront public open space within walking distance of the city centre.

A hierarchy of public open space is proposed, including a large regionally significant public space, a linear space linking the waterfront to Victoria Park, smaller local neighbourhood public open spaces, waterfront access, and small pocket parks, linking spaces and plazas designed to complement the public open space network. The hierarchy of public open spaces is necessary to provide for the public open space needs of the occupants of and visitors to the precinct. Open space will be provided by way of financial contributions or subsequent development contributions.

A network of coastal edge public open space for the purpose of enabling access to and along the coast is a fundamental element of the precinct. In recognition of the important operational requirements of marine industry, coastal edge public access within sub-precinct C is not a requirement.

Activities below the MHWS

Although the RMA identifies a separate management regime for activities and structures located below the MHWS, it is recognised that there is often a seamless transition between land and the coastal environment, particularly across existing wharf structures. The environmental effect of activities on wharves is usually similar to the same activities on adjacent land. For this reason, the activity table for the precinct addresses activities both on land and on wharves.

Ports of Auckland Limited (POAL) occupation consent

Occupation of part of the CMA in terms of s. 12(2) of the RMA generally requires a resource consent application. However, a different regime applies in parts of the CMA around working port areas. Under s. 384A of the RMA, Ports of Auckland Limited (POAL) has been granted occupation rights until 30 September 2026 for port-related commercial undertakings it acquired under the Port Companies Act 1988. Where an activity is to be undertaken in that area of the CMA where POAL has been granted an occupation consent, the activity will require a resource consent for occupation unless it has the approval of POAL or any party to whom the company has transferred the water space management under the s. 384A permit.

Additional Waitemata harbour crossing

An additional Waitemata harbour crossing is an important future transport infrastructure project for Auckland. Several options have been explored over a number of years, including both tunnel and bridge options.

A study undertaken in 2008 by Transit NZ (now New Zealand Transport Agency), Auckland City Council, North Shore City Council, Auckland Regional Transport Authority, and Auckland Regional Council recommended a route which passes through the Wynyard precinct/Westhaven area. Non-Statutory Attachment 2.2.1 shows the indicative location. Integration of development within Wynyard precinct with an additional Waitemata harbour crossing is encouraged, as is consultation with the relevant requiring authorities by prospective developers/landowners when construction activities are to be undertaken.

Wynyard Quarter qualitative risk assessment (QRA)

~~A QRA has been completed addressing risk associated with hazardous industry within the precinct. The risk categories assessed include individual fatality risk, injury risk, irritation risk and societal risk using internationally accepted methodologies. The QRA is a useful reference for risk sensitive activities establishing north of Pakenham Street.~~

Approach to redevelopment

Providing for more intensive forms of activity poses a number of challenges for the community, the council, land owners and land occupiers, including:

- the desire for quality built form which responds appropriately to public open space and the coastal environment
- the need to continue to provide for the development and efficient operation of the marine and fishing industries
- management of risk and public safety associated with existing industry, while ensuring those industries are not constrained by reverse sensitivity effects
- the methods by which community, social and economic opportunities are provided for, including the provision of a major public open space on the water's edge in the city centre, the provision of public access both to and along the foreshore, and a hierarchy of public open spaces
- the management of traffic and infrastructural capacity issues associated with more intensive development
- the need for development and the provision of infrastructure and public open space to be integrated and comprehensive rather than sporadic
- maintenance and enhancement of the identified character buildings and elements
- the desire to incorporate and demonstrate sustainability objectives within the redevelopment and built form.

To reflect the progressive manner in which the precinct will be redeveloped, a two-tiered approach is taken to management of development and activities.

The first tier relates to the current development opportunity and essentially maintains the status quo, providing for the use and development of the land in the current manner. The principal exceptions are the requirements for all new buildings to be assessed against design-based assessment criteria, and assessment of all new developments that generate increased traffic movements.

The second tier relates to future development opportunity. A voluntary mechanism using framework plans has been introduced to enable a simplified process for increased building height and floor area. Once a framework plan has been approved, subsequent resource consent applications can be made for buildings of increased height and floor area (as shown on Precinct Plans 2 3 and 3 5) as restricted discretionary activities, subject to compliance with development controls. If an applicant chooses not to apply for a framework plan, an application can be made for a building of height and floor area shown on Precinct Plans 2 and 3 4 as a restricted discretionary activity, or for a building of increased height and floor area as shown on Precinct Plans 2 and 3 4 as a non-complying activity.

1. Activity tables

1. The activities on land in the precinct are as specified in the table below and are also subject to compliance with precinct plan 7.
2. The activities in the General Coastal Marine and City centre zones apply in the Wynyard precinct unless otherwise specified in the activity table below.
3. Activities marked # in the activity table are deemed to be risk-sensitive activities and are subject to additional assessment.
4. Within Sub-precinct F and Area A 1 and Area G 3 shown on precinct plan 10, the activity status of activities marked * in the activity table applies until the date when all hazardous industry located within sub-precinct F discontinue operation. After that time, those activities are permitted unless an alternative activity status not marked * is shown.
5. Within the Transitional Overlay precinct, the activity status of activities marked ** in the activity table applies until the date when an approved framework plan applies. After that time, those activities have the same activity status as activities in sub-precinct E.
6. The requirements in clause 6.5 of the Auckland-wide rules for temporary activities apply to:
 - a. all temporary activities within Sub-precincts A, B, C (south of area G 3 as shown on precinct plan 10), G, Halsey Street Extension Wharf and Western Viaduct Wharf;
 - b. all sports events provided that the event only passes through, and is not based in, Sub-precincts D, E, F or areas A, ~~C~~, ~~D~~, ~~E~~ 1, 3, 4, 5, and F 6 as shown on Precinct Plan 10: Risk areas, and the event does not involve motor racing
 - c. All temporary activities occurring within Sub-precincts D, E, F and areas A, ~~C~~, ~~D~~, ~~E~~ 1, 3, 4, 5, and F 6 as shown on Precinct Plan 10: Risk areas, except an event.
7. Events located within Sub-precincts D, E and F and areas A, ~~C~~, ~~D~~, ~~E~~ 1, 3, 4, 5, and F 6 as identified on precinct plan 10, will be subject to the requirements set out in Wynyard Precinct. From the date on which all hazardous industry located within Sub-

precinct F and Area D discontinue operations, the requirements set out in clause 6.5 of the Auckland-wide rules for temporary activities apply to events within Precinct Area F and Areas A, C, D, E 1, 3, 4, 5, and F 6 as identified on Precinct Plan 10: Risk areas.

1.1 Land use activity table

Land use activity table – Wynyard precinct

Land use activity table – Wynyard precinct						
Activity	SPA, SPB	SPC	SPD	SPE, SPG	SPF	CMA [rcp]
Dwellings or visitor accommodation #	P	NC	RD*	RD*	NC*	NA
Dwellings in the areas identified on precinct plan 7, as being subject to a no-complaint covenant where no such covenant has been entered into #	SP4 <u>A</u> NA SP2 <u>B</u> D	D	D	D	NC* D	NA
Workers accommodation #	P	Areas A & <u>C 1 & 3</u> - RD* South of Area <u>C 3</u> - P	RD*	RD*	RD*	Areas D <u>F 4 – 6</u> RD* Outside of Areas D <u>F 4 – 6</u> P
Offices accessory to marine and port activities and marine retail located on another site within sub-precinct C or on land fronting Beaumont Street identified on precinct plan 7, as 'areas where ground level activity is limited to marine and port industry and marine retail only' #	NA	C	C	C	NA	NA
Artworks	P	P	P	P	P	P
Community facilities #	P	NC	RD*	RD*	NC*	NC* D
Education facilities #	P	NC	RD*	RD*	NC*	NC* D
Entertainment facilities, except within lawfully established buildings on Halsey Street extension wharf #	P	NC**	RD*	RD*	NC*	NC* D

Land use activity table – Wynyard precinct						
Activity	SPA, SPB	SPC	SPD	SPE, SPG	SPF	CMA [rcp]
Entertainment facilities, food and beverage up to 100m ² GFA and ancillary office activities on the Halsey Street extension wharf within lawfully established buildings	NA	NA	NA	NA	NA	P
An event and associated buildings and structures that: i. attracts no more than 1000 people at any one time, and ii. occupies a venue for a maximum cumulative duration of not more than 5 days inclusive of the time required for the establishment and removal of structures	NA	Areas A and C <u>1 & 3</u> - P South of Area C <u>3</u> - NA	P	P	NC	Area E <u>5</u> - NC Area F <u>6</u> - P Area D <u>4</u> - RD Outside of Areas D, E & F <u>4, 5 & 6</u> - n/a
An event and associated buildings and structures that: i. attracts no more than 1000 people at any one time, and ii. occupies a venue for a maximum cumulative duration of more than 5 days but not more than 21 days inclusive of the time required for the establishment and removal of structures	NA	Areas A and C <u>1 and 3</u> - C South of Area C <u>3</u> - NA	C	C	NC	Area E <u>5</u> - NC Area D <u>4</u> - RD Area F <u>6</u> - C Outside of Areas D, E & F <u>4, 5 & 6</u> - n/a
An event and associated buildings and structures that either: i. attracts more than 1000 people at any one time, or ii. occupies a venue for a maximum cumulative duration of more than 21 days inclusive of the time required for the establishment and removal of structures	NA	Areas A and C <u>1 and 3</u> - RD South of Area C <u>3</u> - NA	RD	RD	NC	Area E <u>5</u> - NC Areas D & F <u>4 & 6</u> - RD Outside of Areas D, E & F <u>4, 5 & 6</u> - n/a

Land use activity table – Wynyard precinct						
Activity	SPA, SPB	SPC	SPD	SPE, SPG	SPF	CMA [rcp]
A major marine event up to 60 consecutive days	NA	NA	NA	NA	NA	P – Halsey St extension wharf and the Western Viaduct wharf
Food and beverage up to 100m2 GFA per site #	P	Areas-A and C-1 and 3 - RD* South of Area G 3 - P	RD*	RD*	NC*	Area E 5 – NC* - D Outside of Area E 5 - D
Food and beverage greater than 100m2 GFA per site #	P	D**	RD*	RD*	NC*	Area E 5 – NC* - D Outside of Area E 5 - D
Industrial activities	D	D	D	D	D	D
Information facilities	P	P	P	P	NC*	NC*
Marine retail #	P	Areas-A and C-1 and 3 - RD* South of Area G 3 - P	RD*	RD*	RD*	NC
Marine and port activities	RD	C	RD	RD	RD	P

Land use activity table – Wynyard precinct						
Activity	SPA, SPB	SPC	SPD	SPE, SPG	SPF	CMA [rcp]
Maritime passenger operations #	P	Areas A and C <u>1</u> and <u>3</u> - RD* South of Area G <u>3</u> - P	RD*	RD*	NC*	Area E <u>5</u> - NC* - P Outside of Area E <u>5</u> - P
Offices located within the area identified on precinct plan 7	P	NA	NA	NA	NA	NA
Offices located outside of the area identified for offices on precinct plan 7 #	P	NC**	RD*	RD*	NC*	NC
Office activity that exceeds the maximum office activity gross floor area in clause 4.2.1 below, subject to compliance with the maximum office activity gross floor area in clause 4.2.2 below #	A1 – N/C A2 - RD	NC	RD	RD	NC* RD	NA
Private use of coastal access areas either vested in the council or areas over which council has a covenant for public access	NA	RD	RD	RD	RD	NA
Public amenities, excluding Wynyard Wharf #	P	P	P	P	NC*	P
Public amenities on Wynyard Wharf #	NA	NA	NA	NA	NA	NC*
Drive-through facilities on sites fronting onto Fanshawe Street	D	NA	NA	NA	NA	NA
Retail, excluding marine retail, up to 1000m ² GFA per retail tenancy or shop #	P	NC**	RD*	RD*	NC*	NC
Retail, excluding marine retail, greater than 1000m ² but not greater than 5000m ² per retail tenancy or shop #	RD	NC**	RD*	RD*	NC*	NC

Land use activity table – Wynyard precinct						
Activity	SPA, SPB	SPC	SPD	SPE, SPG	SPF	CMA [rcp]
Retail, excluding marine retail, greater than 5000m2 per retail tenancy or shop #	D	NC**	D*	D*	NC*	NC
Commercial services #	P	NC**	RD*	RD*	NC*	NC
Short term car parking (non-accessory)	D	NC	D	D	D	NA
Short term parking (non-accessory) on CMA structures	NA	NA	NA	NA	NA	P
Offices, offices accessory to marine retail and marine and port activities, <u>maritime passenger operations</u> , marine retail, retail, food and beverage, entertainment facilities and education facilities greater than 100m2 GFA per site	RD	RD	RD	RD	NC* RD	RD
Any activity not listed as a permitted, controlled, restricted discretionary or non-complying activity which has a functional need to locate in the CMA	NA	NA	NA	NA	NA	D

1.2 Development activity table

Development activity table – Wynyard precinct		
Development (<u>RMA s.9 and 12(1)</u>), occupation of the CMCA (<u>s.12(2)</u>), and their use (<u>s.12(3)</u>)	Land	CMA [rcp]
Works in the CMA (<u>RMA s.12(1)</u>)		
Reclamation for marine and port activities	NA	D
Declamation	RD	RD
Maintenance dredging	NA	RD
Capital works dredging	NA	RD

Development activity table – Wynyard precinct		
Development (RMA s.9 and 12(1)), occupation of the CMCA (s.12(2)), and their use (s.12(3))	Land	CMA [rcp]
Framework plans		
<u>A framework plan, amendments to an approved framework plan, or a replacement framework plan complying with clause 3 below</u>	<u>RD</u>	<u>NA</u>
<u>A framework plan, amendments to an approved framework plan or a replacement framework plan not complying with clause 3 below</u>	<u>NC</u>	<u>NA</u>
Buildings and structures (including construction in the CMA and occupation of the CMCA)		
Marine and port ancillary structures and services	P	P
Marine and port facilities	RD	RD
Maintenance, repair or reconstruction of lawful marine and port facilities	P	P
Demolition or removal of marine and port facilities	P	P
Structures below the surface of the foreshore and seabed	NA	P
Construction of a bridge across the Viaduct Harbour, linking the Eastern Viaduct to Jellicoe Street	RD	RD
Conversion of a buildings or part of buildings to dwellings or visitor accommodation	RD	NC
Demolition <u>or removal</u> of <u>any</u> buildings <u>or CMA structures</u>	<u>RD</u>	P
Substantial demolition or any demolition of the front facade of a special character building within the Wynyard precinct identified on City Centre zone – <u>Map 1 Figure 20 – Special character buildings</u>	RD	RD
<u>CMA structures and New</u> buildings, and alterations and additions to <u>CMA structures and</u> buildings <u>in the CMA</u>	NA	RD
<u>Minor cosmetic alterations to a building that does not change its external design and appearance</u>	P	NA
<u>New buildings, and alterations and additions to buildings on sites that are the subject of an approved framework plan (not otherwise provided for as a permitted activity)</u>	<u>RD</u>	<u>NA</u>

Development activity table – Wynyard precinct		
Development (RMA s.9 and 12(1)), occupation of the CMCA (s.12(2)), and their use (s.12(3))	Land	CMA [rcp]
Alterations and additions to buildings established before 30 September 2013 the date of notification of this Unitary Plan on sites that are not the subject of an approved framework plan that do not comply with an approved framework plan (excluding minor cosmetic alterations that do not change the design and appearance of the building) provided the height or gross floor area of the building established before 30 September 2013 is not increased by more than 10 per cent	RD	NA
New buildings, and alterations and additions to buildings, that do not comply with an approved framework plan on sites that are not the subject of an approved framework plan, except for alterations and additions provided for as a restricted discretionary activity.	NC	NA
New buildings, and alterations and additions to buildings, on sites that are the subject of a concurrent application for a framework plan, except for alterations and additions provided for as a restricted discretionary activity	RD	NA
New buildings, and alterations and additions to buildings, that do not comply with an approved framework plan or prior to the approval of a framework plan, except for alterations and additions provided for as a restricted discretionary activity	NC	NA
A framework plan, amendments to an approved framework plan, or a replacement framework plan complying with clause 3.1 below, and clause 2.6 of the General Provisions rules	RD	NA
A framework plan, amendments to a framework plan or a replacement framework plan not complying with clause 3.1 below, and clause 2.6 of the General Provisions rules	NC	NA
Subdivision on sites that are the subject of an approved framework plan	RD	NA
Subdivision on sites that are not the subject of any approved framework plan	NC	NA
Subdivision with a concurrent application for a framework plan	RD	NA

Development activity table – Wynyard precinct		
<u>Development (RMA s.9 and 12(1)), occupation of the CMCA (s.12(2)), and their use (s.12(3))</u>	Land	CMA [rcp]
The transfer of identified character building floor space	C	NA

2. Notification

1. Risk sensitive activities marked

a. The controlled and restricted discretionary risk-sensitive activities marked # in the activity table will not be publicly notified or served on any party, except that limited notification may be undertaken to other than the parties listed for the risk sensitive activities below:

- i. for dwellings or visitor accommodation within area ~~A 1~~ or area ~~C 3~~ shown on precinct plan 10, notice of an application will not be served on any person or party other than any hazardous industry owner or operator within sub-precinct F who has not provided written approval
- ii. for dwellings or visitor accommodation within area ~~B 2~~ shown on precinct plan 10, notice of an application will not be served on any person or party other than any fish processing plant owner or operator located within sub-precinct E who has not provided written approval
- iii. for events within sub-precincts D and E or area ~~A, B, C, D, E and F 1, 2, 3, 4, 5 and 6~~ shown on precinct plan 10, notice of an application will not be served on any person or party other than any hazardous industry owner or operator within sub-precinct F or fish processing plant owner or operator within sub-precinct E who has not provided written approval.

b. Notwithstanding the requirements of clauses a(i) and a(iii) above, notice of an application need not be served on hazardous industry owners or operators if it can be clearly demonstrated that the land area subject to the application falls outside the hazardous industry toxic injury risk contour caused by the particular hazardous industry owner or operator within sub-precinct F.

2. Framework plan

- a. ~~Any restricted discretionary application for a framework plan will not be publicly notified or served on any person or party~~ The council will consider restricted discretionary activity resource consent applications for framework plans (including amendments to an approved framework plan or a replacement framework plan) without the need for public notification, however limited notification may be undertaken, including notice being given to other than any freehold land owner or ground lessee with a minimum remaining term of 15 years (including any rights of renewal) within the application area who has not provided written approval.
- b. The council will consider restricted discretionary activity resource consent application for new buildings, and alterations and additions to buildings, on sites that are the subject of a concurrent application for a framework plan, except for alterations and additions provided for as a restricted discretionary activity, without the need for public notification, however limited notification may be undertaken,

including notice being given to any freehold land owner or ground lessee with a minimum remaining term of 15 years (including any rights of renewal) within the application area who has not provided written approval.

3. Maximum restricted discretionary office activity

- a. Any restricted discretionary activity application to exceed the maximum office activity gross floor area requirement in clause 4.2.1 below, and which complies with land and water use control 4.2.2 below, will not be publicly notified or served on any person or party other than the freehold land owner of the subject land and the relevant national and regional statutory roading agency or authority.

4. A bridge across the Viaduct Harbour will be subject to the normal tests for notification under the relevant sections of the RMA.

3. Framework plans

Purpose: provide a sound framework for an integrated, well-designed and high-quality environment in the Wynyard precinct.

1. A resource consent application for a framework plan, amendments to an approved framework plan or a replacement framework plan must:
 - a. Comprise land forming one contiguous land area, and
 - b. Either comprise one city block or a minimum land area of 2ha. The framework plan may contain more than one sub-precinct area. For the purpose of this rule, “city block” means land bound on four sides by existing roads (Beaumont Street, Hamer Street, Brigham Street, Jellicoe Street, Halsey Street, Daldy Street, Madden Street, Pakenham Street, Gaunt Street and Fanshawe Street), or in some cases bounded by 3 such existing roads and the Coastal Marine Area.
 - c. Comply with the ~~special information requirements specified at clause 9.9 below. provisions applying to framework plans specified in clause 2.6 and 2.7.3 of the general provisions.~~
 - d. ~~Contain the one of the following~~ Seek consent for the following land ~~or development~~ uses:
 - i. buildings
 - ii. subdivision
 - iii. roads or lanes

2. Any application for a framework plan, and any subsequent application to amend an approved framework plan, must be made by the freehold landowner(s) of the subject land area or ground lessees of the subject land area with a minimum remaining term of 15 years, including any rights of renewal). An application for a framework plan by any other party requires consent as a non-complying activity.

3. Any Integrated Development Framework Plan (including any concurrently approved development control modifications or infringements) approved under the Auckland Council District Plan: Central Area section shall be deemed to be an approved Framework Plan for the purpose of the provisions in the Wynyard Precinct.

- 3.4. An approved framework plan is deemed to have been given effect to in accordance with section 125 of the RMA once the first building exceeding the maximum

total GFA and height shown on precinct plan 3 and 5 has been constructed in accordance with the approved framework plan.

~~4.5.~~ An approved framework plan must specify the consent lapses in 15 years unless given effect to within this timeframe.

~~5.6.~~ ~~Where a framework plan infringes a land use or development control, a concurrent land use/development control infringement application must be made.~~ Except where it is a discretionary or non-complying activity to infringe a land use or development control, a concurrent land use/development control infringement application does not alter the restricted discretionary activity status of framework plan.

~~6.~~ ~~In circumstances where concurrent applications are made, the council will consider and determine those applications together.~~

~~7.~~ ~~Where a framework plan involves land use or development control infringements and no concurrent land use/development control infringement application has been made, the determination of the framework plan application will be deferred in accordance with s. 91 of the RMA until either an application is made for the required land use/development control infringement(s) or the framework plan is amended to comply with the relevant land use or development controls.~~

~~8.7~~ Where a concurrent application is made to infringe building height applying to an approved framework plan (refer clause 5.1 below) the framework plan application is a discretionary activity.

~~9.8~~ The framework plan application is a non-complying activity where a concurrent application is made to infringe:

- a. parking and peak traffic generation (refer clauses 4.1 and 4.2 below)
- b. site intensity (refer clause 5.2 below)
- c. lanes and view shafts - hours of operation (refer clause 5.8 below)

~~In circumstances where an approved framework plan applies, any subsequent application to infringe the land use and development controls referred to in clause 5 above will require an application either to amend the framework plan or an application for a new framework plan. The activity status that applies to the infringement of the land use or development control will apply.~~

~~10.~~ ~~In circumstances where an approved framework plan applies, any subsequent applications for new buildings inconsistent with that plan should be accompanied by an application either to amend the framework plan or an application for a new framework plan.~~

~~11.~~ ~~Where consent has been granted to a concurrent application to infringe a land use or development control, and provided the subsequent resource consent application for the building is in accordance with the approved framework plan, no further consent is required to infringe that land use or development control.~~

~~12.~~ ~~A concurrent application can be made for a building, and the activities within the building, located within the framework plan area.~~

4. Land and water use controls

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

4.1 Parking

Purpose: To maintain or enhance both the safety and capacity of the internal and wider road network and to significantly reduce single occupancy vehicle commuter trips to and from the Wynyard precinct.

1. Parking ratios

- a. The number of parking spaces on a site on land within the precinct must not exceed the rates specified below:

Activity	Maximum parking ratio
Offices	1 space per 150m ² of GFA
Retail	1 space per 150m ² of GFA
Visitor accommodation	1 space per 200m ² of GFA
Dwellings - excluding GFA of servicing and common areas within buildings	1 space per 80m ² of GFA
All other listed activities	1 space per 105m ² of GFA

- ii. On Wynyard wharf, parking accessory to marine and port activities operating from buildings on the wharf must not exceed a ratio of one space per 105m² of GFA of the building.
- iii. The combined number of parking spaces on Halsey Street Extension and Western Viaduct wharves must not exceed 50.

2. Development that does not comply with clause 1 above is a non-complying activity.

4.2 Maximum office GFA

Purpose: To limit office activity, because of its potential to generate traffic during morning and evening peak travel times and particularly in the direction of peak traffic flow.

1. The amount of office GFA allowed on a site must not exceed the rates specified below:

Sub-precinct	Maximum permitted office GFA per sub-precinct	Maximum permitted office activity ratio per site

A	98,000m ²	Lot 1 DP 179403 0:1 Lots 2-10 DP9097, Lot 1 DP197609, Lot 2 DP360738, Lot 3 DP8709 and Part Blk V Deeds Plan 226 - 3:1 All other sites - 3.62:1
B	69,300m ²	2.48:1
C	5000m ²	Only on Lot 28 DP133386 - 0.41:1
D	34,000m ²	0.94:1
E	35,000m ² (including the transitional overlay precinct)	1.02:1
F	13,000m ²	0.86:1
G	0m ²	0

2. It is a restricted discretionary activity to exceed the maximum office GFA rates specified in clause 1 above, provided the amount of office GFA on a site does not exceed the rates specified below:

Sub-precinct	Maximum additional office GFA	Maximum restricted discretionary office activity ratio per site	Total office GFA - permitted + restricted discretionary
A	12,000m ²	Only on Lot 1 DP179403 - 3:1	110,000m ²
B	14,700m ²	3:1	84,000m ²
C	14,000m ²	1.32:1	48,000m ²
D	8500m ² (including the transitional overlay precinct)	1.27:1	45,500m ²
E	5000m ²	1.18:1	18,000m ²

3. An activity that does not comply with clause 2 above is a non-complying activity.

4.3 Calculating maximum office GFA

Purpose: To provide a methodology for calculating office GFA which meets the purpose of clause 4.2 above.

1. When calculating or allocating office activity in accordance with clause 4.2 above:
 - a. the maximum permitted office activity ratio and restricted discretionary office activity ratio is to be applied to the site area excluding any area of land shown

on precinct plan 6, as 'public open space inclusive of land subject to public access easement', but including any land shown as 'indicative lane'.

b. subject to clause 2c) below, the subject land area of any approved framework plan may be considered as one site.

2. Office activity may be transferred between sub-precincts A, B, D, E, F and G and the transitional overlay precinct subject to:

a. the donor land and receiver land forming part of the same approved framework plan

b. the maximum amount of office activity able to be established on the donor land in accordance with clause 4.2.1 above not being increased as a consequence of the transfer

c. office activity must not be transferred from Lot 1 DP360738 and Lot 1 DP309925 to any other site.

3. Offices accessory to marine and port activities and marine retail must not exceed:

a. 15 per cent of the total GFA on any site, unless otherwise specified in clause b below

b. 3000m² or 15 per cent total GFA on the Sanford site (Lot 1 DP 70740 (NA27B/649), Lot 1 DP 57246 (NA29A/54), Lots 27 & 28 Block VI Deeds 226 (NA29A/56) and Lot 1 DP 89281 (NA46B/682)) in sub-precinct E, whichever is the greater.

4. An activity that does not comply with clause 1-3 above is a non-complying activity.

4.4 Noise

Purpose: to minimise reverse sensitivity effects on existing industrial and maritime land uses by provide providing a minimum level of internal acoustic amenity for occupants of buildings from external noise sources generated by activities in the Wynyard precinct and a maximum level of noise that activities other than accommodation may generate.

1. Sound insulation of accommodation buildings

a. All dwellings must be designed and constructed to provide an indoor noise level of 35dBA L10 in every bedroom and 45dBA L10 in any other habitable spaces (as defined in the NZ Building Code), based on both:

i. an external traffic noise level of 65dBA L10 at the boundary of any road between 11pm and 7am

ii. the noise levels standards in clause 2 below as applicable to the Noise Area within which the accommodation units are located as shown on precinct plan 9.

b. At the same time and under the same physical conditions as the above internal noise levels will be achieved, all bedrooms and other habitable spaces are to be adequately ventilated in accordance with clause G4 of the NZ Building Code.

2. External noise levels

a. Noise from activities in Wynyard precinct must comply with the following limits, measured at 1m from the façade of any building containing habitable spaces

(as defined in the NZ Building Code) located in the noise areas shown on precinct plan 9.

Noise source location	Noise limit		Noise receiver location
	Day - 7am-11pm	Night - 11pm-7am	
Noise Areas 1,2	L10 60dBA	55dB LA _{eq} (15 min) 66dB L _{eq} (15 min) @ 63Hz 62dB L _{eq} (15 min) @ 125Hz 90dB LAFmax 70dB LA _{eq} (15 min)	Noise Area 2
Noise Areas 1,2	L10 70dBA	76dB L _{eq} (15 min) @ 63Hz 73dB L _{eq} (15 min) @ 125Hz 90dBA LAFmaxs	Noise Area 1

Noise source location	Noise limit		Noise receiver location
	Day - 7am-11pm	Night - 11pm-7am	
Noise Areas 1,2	L10 60dBA	55dB LA _{eq} (15 min) 66dB L _{eq} (15 min) @ 63Hz 62dB L _{eq} (15 min) @ 125Hz 90dB LAFmax 70dB LA_{eq} (15 min)	Noise Area 2
Noise Areas 1,2	L10 70dBA	<u>70dB LA_{eq} (15min)</u> 76dB L _{eq} (15 min) @ 63Hz 73dB L _{eq} (15 min) @ 125Hz 90dBA LAFmaxs	Noise Area 1

3. Internal noise levels for adjacent tenancies

- a. Where an activity shares a common building element such as floor or wall with a separate tenancy it must not exceed the following noise levels when measured in any habitable spaces (as defined in the NZ Building Code):

7:00am to 11:00pm	L10 45dBA
11:00pm to 7:00am	L10 40dBA L10 55dB @ 63Hz L10 50dB @ 125Hz

4. Noise levels for events

- a. Events in sub-precincts D, E, F and G and on CMA structures must comply with clause 2 above, except that for no more than 15 noise events in any calendar year (1 January to 31 December inclusive) those levels may be exceeded subject to:
 - i. the noise level specified in clause 2 above not exceeding a cumulative duration of more than six hours within any 24 hour period for a noise event, and
 - ii. the maximum noise levels not exceeding:
 - 75dBA L10 and 80dBA L01 (medium noise level) for at least 12 of the 15 noise events, and
 - 85dBA L10 and 90dBA L01 (high noise level) for a cumulative duration of not more than 3 of the total 6 hours permitted in clause i. above exclusive of one sound check of no more than one hour duration prior to each event, and for no more than 3 of the 15 noise events.
 - iii. the medium and high noise levels must be determined from the logarithmic average of the L10 values for any measurement periods not exceeding 15 minutes during the event. The L01 values must be determined from the logarithmic average of the L01 values for representative periods not exceeding 15 minutes within the timeframe of the event. The noise levels must not be exceeded by more than 5 dBA for medium noise levels and 3dBA for high noise levels in any representative measurement period not exceeding 15 minutes during the noise event.
 - iv. Noise levels exceeding the standard in clause iii., including sound checks, must start no earlier than 10.00am and must finish no later than 10.30 pm Sunday to Thursday inclusive, 11.00pm Friday and Saturday and 1.00am New Year's Day.
- b. At least 4 weeks prior to the commencement of the noise event, the organiser must notify the council in writing of:
 - i. the names and types of the acts and whether they are anticipated to be within the medium noise level or high noise level as defined in clause 4.a.ii above.
 - ii. the person(s) and procedures for monitoring compliance with noise levels
 - iii. the nominated alternative date in the event of postponement due to the weather
- c. The council will keep a record of all noise events held and provide this information upon reasonable request.

5. Noise measurement and assessment

- a. Measurement and assessment must be in accordance with the requirements of NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sounds". Noise must be measured with a sound

level meter complying with at least the International Standard IEC 651 (1979):
Sound Level Meter, Type 1.

4.5 Financial contributions

Purpose: to provide for the acquisition and development of public open space in the Wynyard precinct, and/or for enhancing public pedestrian facilities, and/or for enabling public access to and enjoyment of the coastal environment.

1. Public open space

- a. A financial contribution may be taken for development on any site for the specific purposes of providing for the acquisition and development of public open space in the precinct, and/or for enhancing public pedestrian facilities.
- b. Financial contributions must not be levied for subdivisions or refurbishments.

2. Public access to the coastal environment

- a. With the exception of sub-precinct C, a financial contribution may be taken in the form of either a conservation covenants, or land to be vested in the council for development on any site adjoining the CMA or any site within 20m of the CMA for the specific purpose of enabling public access to and enjoyment of the coastal environment. This rule does not apply to any site where an esplanade reserve or conservation covenant of 20m or greater in width (or such lesser width as provided by clause c below) has been created prior to 13 July 2007.
- b. Within sub-precincts E and F, where the site adjoins the CMA, the land to be vested in the council or otherwise secured shall be of a minimum width of 20m and shall not exceed 30m in width measured perpendicular from the coastal mean high water springs mark, except where specified in clause c. below.
- c. The total width of land over which public access is secured within sub-precinct G is limited to the area identified as public open space as shown on precinct plan 6.
- d. Clause 5.2.1.6 of the Auckland-wide subdivision rules does not apply to subdivision or development within the Wynyard precinct.

3. Interpretation

- a. For the purpose of this rule "development" includes site works, building construction and alterations.
- b. For the purpose of this rule "refurbishment" means the cosmetic alteration, restoration or redecoration to the interior or exterior of a building or site and includes replacement of services such as lifts or air-conditioning. "Refurbishment" excludes increases to the gross floor area of a building and changes in activity such as conversion of office premises to retail premises or conversion of offices to residential apartments.

5. Development controls

1. The development controls in the General Coastal Marine zone apply in the precinct unless otherwise specified below.

2. The following development controls from the City Centre zone apply in the precinct:
 - a. verandahs (refer clause 4.28 of the City Centre zone rules)
 - b. wind (refer clause 4.30 of the City Centre zone rules)
 - c. glare (refer clause 4.31 of the City Centre zone rules)
 - d. outlook space (refer clause 4.34 of the City Centre zone rules)
 - e. building frontage alignment and height (refer clause 4.24 of the City Centre zone rules) except as specified in clause 5.3 below
 - f. glazing (refer clause 4.26 of the City Centre zone rules)
3. All other development controls that apply to land in the precinct are specified below.

5.1 Building height

Purpose: To ensure the height of buildings complements and reinforces key public open spaces within Wynyard precinct and development within the Viaduct Harbour precinct while providing an appropriate scale and transition in relation to the street network, the harbour and coastal environment and the core central business district. Refer policy 3 of the Wynyard precinct.

1. Buildings must not exceed the heights specified on precinct plan 4, prior to the approval of a framework plan.
2. With an approved framework plan, buildings must not exceed the heights specified on precinct plan 5.
3. For sites on precinct plan 5 with a maximum permitted height of 52m, the maximum cumulative floor plate area per floor must not exceed:
 - a. sub-precinct B: 1200m² GFA and a maximum dimension of 45m by 45m for that part of the building exceeding a height of 31m
 - b. sub-precinct E at the corner of Halsey and Jellicoe streets: 1200m² GFA and a maximum dimension of 40m by 30m for that part of the building exceeding a height of 27m
 - c. sub-precincts C and E, except for the site at the corner of Halsey and Jellicoe streets: 900m² GFA and a maximum dimension of 30m by 30m for that part of the building exceeding a height of 31m.
4. On land areas shown on sub-precinct C with a height limit of 25m, the height limit may be exceeded by no more than 2m for roofs, including any roof top projections, subject to a maximum of 6 building storeys and compliance with clause 5.2 below for maximum site intensity.
5. Development that does not comply with clauses 1 above prior to the approval of a framework plan is a non-complying activity.
6. Development that does not comply with clauses 2-3 above with no approved framework plan is a non-complying activity.

5.2 Maximum site intensity

Purpose: manage the scale, form and intensity of development in the Wynyard precinct and to incentivise comprehensive and integrated development and the protection of special character buildings. Refer policies 1 - 4 of the Wynyard precinct.

1. Buildings on a site must not exceed the site intensity specified for the site on precinct plan 2, prior to the approval of a framework plan.
2. With an approved framework plan, buildings on a site must not exceed the site intensity specified for the site on precinct plan 3, except as specified in clause 3 below.
3. The maximum floor area ratio applying to the building footprint of an identified special character building (refer Map 71 of the City Centre zone) may be transferred to another site within the precinct subject to:
 - a. resource consent being obtained as controlled activity
 - b. the total area of transferable floor space being calculated on the following basis:

(A x B) - (A x C) = total area of transferable floor space
A = Area of identified special character building floorplate*
B = Maximum floor area ratio shown on precinct plan 3
C = Floor area ratio of 1:1

 - iii. the bonus floor space transferred not increasing the floor area ratio on the recipient site by more than 1:1 above the maximum floor area ratio shown on precinct plan 3
 - iv. an approved framework plan applying on the recipient site incorporating the transferred bonus floor space.
- *Except that the for the character building located on Lots 9 and 10 DP 9092, A = 1655m2.
4. When calculating gross floor area, where the vertical distance between building storeys exceeds 6m, the gross floor area of the building or part of the building so affected must be calculated as gross floor area as opposed to the volume of that airspace.
5. 'Character building floor plate' means that part of the site covered by a special character building identified on Map 71 of the City Centre zone including a curtilage of a depth of 2m contained within the legal boundaries of the site and surrounding the character building to enhance the visual integrity of the character building.
6. Where a special character building is incorporated in a development or a new development is proposed on the residual site area and the special character building is subject to an approved conservation character plan, the gross floor area of the special character building is excluded from the floor area ratio calculations.
7. For the purposes of this rule calculating maximum site intensity the subject land area of any approved framework plan may be considered as one site, provided the maximum total cumulative gross floor area across all sites within the framework plan area is not exceeded.
8. Development that does not comply with clause 1 above prior to the approval of a framework plan is a non-complying activity.
9. Development that does not comply with clause 2 above with no approved framework plan is a non-complying activity.
10. Development that does not comply with clause 3 above for the building footprint of an identified special character building is a non-complying activity.

5.3 Building frontage alignment and height

Purpose: ensure streets are well defined by buildings and provide a sense of enclosure to enhance pedestrian amenity, while avoiding buildings dominating public open space.

1. Clause 4.24 of the City Centre zone rules for building frontage and alignment applies except that:
 - a. Where the maximum building height is less than the minimum frontage height requirement in Map 5 of the City Centre zone, clause 4.24 of the City Centre zone rules does not apply.
 - b. In sub-precinct G, the ground floor along the eastern boundary must be set back from the public open space identified on precinct plan 6 by a minimum width of 2.5m measured perpendicular from the public open space for a minimum height of 4m.
 - c. Any building within the building platform areas identified on precinct plan 5 as "3 storeys above mean street level" must be set back from the northern site boundary at ground floor level by a minimum of 2.5m for a minimum height of 4m.
 - d. The entire northern frontage of any building located on the 52m maximum height area within sub-precinct B must be set back by 6m from the northern public open space boundary as shown on precinct plan 6 in order to provide for outdoor food and beverage and retail activities associated with ground floor tenancies.

5.4 Special industrial frontage

Purpose: avoid unacceptable levels of human injury risk associated with accidental ammonia release from the fish processing plant

1. For any building proposed for dwellings or visitor accommodation, facades of buildings fronting the Special Industrial Frontage identified on precinct plan 8 must not incorporate opening windows or balconies.

5.5 Ground floor activities

Purpose: Provide a built environment that will encourage active street and public frontages through the Wynyard Precinct.

1. On every frontage within the precinct identified as 50 per cent on City Centre zone Map 6, any of the following activities must occupy at least 50 per cent of the length of the ground floor of the building for a depth of at least 8m (excluding vehicle and pedestrian access):
 - a. retail
 - b. maritime passenger operations
 - c. food and beverage
 - d. entertainment facilities
 - e. commercial services (excluding all nested definitions)
2. The total width of pedestrian entrances or lobbies along the site frontage of any one site must not exceed 10m.

3. The maximum area that offices accessory to marine and port activities can occupy at wharf (ground floor) level on Wynyard Wharf is 50 per cent of any individual ground floor building floorplate. There is no limitation on other levels.

5.6 Marine retail at ground level

Purpose: Provide for marine and fishing industry and marine and fishing retail activity at ground level on specific sites identified on Precinct Plan 7. Some flexibility has also been built into the control to allow specific sites identified as Transitional Ground Level Activity to accommodate other activities in the future.

1. Except as specified in clause 2 below, activities at ground level must be restricted to the extent and in the manner identified on Precinct Plan 7.
2. Activities at ground level on a site identified on precinct plan 7 as transitional ground level activity must be limited to marine and port activities and/or marine retail until any of the following occurs on that site:
 - a. The marine and port activity and/or marine retail at ground level occurring on the site as at 1 November 2009 has either relocated off-site or ceased operating from the site, or
 - b. The lease (including all rights of renewal) for the site existing as at 1 November 2009 which, as at 1 November 2009, is used for marine and port activities and/or marine retail at ground level expires, or
 - c. The road widening works along the frontage of the site authorised by a designation are constructed.
3. At any time any one of the clauses 2(a) - 2(c) above occur on the site, the limitation to marine and port activities and/or marine retail is lifted from that site and those activities listed in the precinct activity table may establish at ground level.

5.7 Vehicle access

Purpose: To avoid potential adverse traffic safety and efficiency effects on the regional arterial and rapid transit functions of Fanshawe Street, as well as protecting traffic capacity and pedestrian [and cyclist](#) amenity along Beaumont Street, Halsey Street, Daldy Street and Jellicoe Street, and also to promote the pedestrian function of frontage areas within the precinct identified as 50 per cent on City Centre zone Map 6.

1. Except from the land legally described as Pt Lot 2 DP179403 (contained in NA110C/761), vehicle entry or exit must not be established directly from Fanshawe Street.
2. Vehicle entry or exit from the land legally described as Pt Lot 2 DP179403 (contained in NA110C/761) to Fanshawe Street is limited to one entry and one exit providing left turn manoeuvres only.
3. Vehicle entry or exit must not be established directly from Beaumont Street (south of Jellicoe Street), Daldy Street, Jellicoe Street or the western side of Halsey Street where alternative access via another road or service lane is available.
4. Notwithstanding clause 3 above, with the exception of sub-precinct G, vehicle entry or exit must not be established through any frontage within the precinct identified as 50 per cent on City Centre zone Map 6.

5. Notwithstanding clauses 1-4 above, the total crossing width for any front or corner site must not exceed 50 per cent of the frontage to any road in which it adjoins.

5.8 Lanes and view shafts

Purpose: To build upon the existing grid pattern of streets that characterise the precinct by requiring additional lane connections to serve a finer urban grain. The minimum required widths provide the opportunity for some lanes to be used as service lanes while also contributing to pedestrian permeability within the development blocks. The widths also provide the opportunity to include landscaping features, furniture and artworks.

The viewshafts identified along required lanes are designed to enhance the visual connections of the precinct with the harbour, other features of the surrounding landscape, the CBD and the wider city.

1. Lanes must be provided at ground level, generally in the locations shown on precinct plan 6 and must comprise:
 - a. a minimum width of 10m where provided for pedestrians, cyclists and service vehicles, or
 - b. a minimum width of:
 - i. 6m where lanes are 50m or less in length, or
 - ii. 7m where lanes are up to 100m in length, or
 - iii. 8m where lanes are over 100m in length
 - iv. where provided for pedestrians and cyclists only.

For the purpose of this rule, the length of the lane must be measured as the dimension between the lane intersections and/or the lane termination points as shown on precinct plan 6.

2. Where the lanes shown on precinct plan 6 are also shown as view shafts on land, the minimum width must be 10m.
3. Where a view shaft on land is indicated alone, it must have a minimum width of 10m.
4. The minimum widths specified in clauses 1-3 above, must be clear and unobstructed by buildings or structures from ground level upwards, except that verandahs may be provided where they meet clause 4.28 of the City Centre zone rules.
5. The lane must be available for public use at all times unless written approval has been obtained from the council. In all circumstances the lane must be available for public use between the hours of 7am and 11pm.
6. The registration of an access easement on the title to which the lane applies is required to ensure preservation of the lane and its ongoing maintenance by the owner(s) of the land concerned.
7. Structures and buildings, including marine and port facilities, must not be located within or over those parts of wharves and water space identified as coastal view shafts on precinct plan 6.
8. A lane that does not meet the requirements of clause 5 above is a non-complying activity.

5.9 Public access ways - wharves

Purpose: Maintain and enhance public access to the Wynyard Precinct wharves.

1. Public access ways on wharves must be provided at ground level in the following locations and to the following dimensions:

Wharf	Location	Public accessway dimension
Halsey Street Extension	Western, northern and eastern edge	10m
Western Viaduct	Southern edge	10m
Wynyard	Eastern and northern edge	8m

2. The access ways must be available to the public at all times unless written approval has been obtained from the council to be temporarily restrict access from time to time for security, safety or operational needs associated with [marine and port activities](#), [maritime passenger operations](#) or temporary events.
3. Except as allowed by clause 2 above, the access ways must be clear and unobstructed by structures and buildings, including marine and port facilities from ground level upwards.
4. Structures and buildings, including marine and port facilities must not be erected or placed on North Wharf or the Western Viaduct Wharf other than temporary structures or buildings.

5.10 Buildings and structures on the Halsey Street extension wharf

Purpose: Limit building and structures on the Halsey Street extension wharf

1. Structures and buildings, including marine and port facilities on the Halsey Street extension wharf must be located within the building platform area shown on precinct plan 3 and must not cover more than 60 per cent of the building platform.

5.11 Temporary structures or buildings

Purpose: to enable temporary structures while managing public access and risks associated with hazardous industry.

1. Temporary structures or buildings within sub-precinct D, ~~and E, the Halsey Street extension wharf, and the Western Viaduct wharf as identified on precinct plan 1,~~ and Areas 1, 3, 4 and 6 as identified on precinct plan 10 must comply with the following:
 - a. No part of any venue that has been occupied by a building, tent, marquee or air supported canopy may be reoccupied by the same structure within a period of 5 days after the structure's removal.

2. Temporary structures or buildings within the Halsey Street extension wharf, and the Western Viaduct wharf as identified on precinct plan 1:

~~b.a.~~ Where the temporary structures or buildings ~~activities are on the Halsey Street extension wharf or the Western Viaduct wharf and~~ are for the purpose of a major marine event related to an internationally recognised boat race or race series, the associated structures and buildings must not occupy any venue for more than 60 days within any 12 month period, inclusive of the time required for the establishment and removal of all structures and activities associated with the activity. Where the temporary structures or buildings are not for the purpose of a major marine event related to an internationally recognised boat race or race series, clause 1(a) above applies.

~~c.b.~~ When it is necessary to place vehicles, tents, marquees, seating, canopies and other structures within the 10m wide public accessway around the western, northern and eastern sides of the Halsey Street extension wharf, the southern side of the Western Viaduct wharf, or the 8m wide accessway along Wynyard wharf, alternative public accessways must be provided and be free of charge and clearly marked.

~~d.c.~~ Public access around the Viaduct Events Centre shall be available at all time and free of charge except for special events when public access can be restricted provided the restriction is for no more than 60 days in any 12 month period and no more than 20 days consecutively.

6. Assessment - Controlled activities

6.1 Matters of control

The council will reserve its control to the matters below for the activities listed as controlled in the activity table.

1. Offices accessory to marine and port activities and marine retail specified as a controlled activity in the activity table

a. Transfer of office space

2. Events and associated buildings and structures specified as a controlled activity in the activity table

a. noise lighting and hours of operation

b. traffic and access

a. duration, demographic and number of people attending the event

b. transportation effects and management

c. visual amenity.

d. emergency response and management processes

e. risk to the activity from adjacent storage and use of hazardous substances

2- 3. Marine and port activities and Marine and port facilities specified as a controlled activity in the activity table

a. construction or works methods, timing and hours of operation

- b. location, extent, design and materials used
- c. effects on coastal processes, ecological values, water quality and natural character
- d. effects on views and visual amenity
- e. effects on public access, navigation and safety
- f. effects on existing uses and activities
- g. consent duration
- h. traffic and parking.

~~3.~~ 4. The transfer of identified character building floor space

- a. recording the use/transfer of floor space on the certificate of title.

5. Building demolition

- a. The matters of control in clause 6.1.5 of the City Centre zone apply.

6.2 Assessment criteria

The council will consider the relevant assessment criteria below for the controlled activities listed above.

1. Offices accessory to marine and port activities and marine retail specified as a controlled activity in the activity table
 - a. The amount of ancillary office gross floor area constructed on another site within sub-precinct C or on land fronting Beaumont Street should be recorded by covenant on the donor freehold and leasehold title(s) upon which the ancillary office gross floor area is transferred from to ensure the amount transferred does not exceed the limit specified in the definitions of marine and port activities and marine retail.
2. Events and associated buildings and structures specified as a controlled activity in the activity table
 - a. The relevant assessment criteria in clause 6.5.3 of the Auckland-wide rules - temporary activities apply in addition to the following criteria.
 - b. Whether adverse risk or transport related effects are able to be adequately remedied or mitigated through the preparation and implementation of an emergency evacuation and management plan and event transport plan.
3. Marine and port activities specified as a controlled activity in the activity table
 - a. The relevant assessment criteria in clause 5.2 of the General Coastal Marine zone rules apply in addition to the following criteria
 - b. The activity should protect and enhance amenity values and public safety at the sub-precinct interface with existing and proposed public open space (as shown on Precinct Plan 6).
 - c. For the purpose of this criterion, the Transitional Overlay precinct identified on Precinct Plan 7 will be considered as sub-precinct E from the date on which an approved framework plan applies to this area.

~~4. Conversion of a building or part of a building to dwellings or visitor accommodation~~

~~a. The relevant assessment criteria in clauses 5.2.1 and 5.2.16 of the General Coastal Marine zone rules apply.~~

~~5.~~ 4. Building demolition

- a. The relevant assessment criteria in clause 6.2.5 of the City Centre zone rules for building demolition apply in addition to the following criteria.
- b. Adverse effects on the marine environment (including water, sediment quality, and ecology) of the CMA should be avoided, remedied or mitigated.

~~6.~~ Declamation

- ~~a. Whether adverse effects can be avoided, remedied or mitigated in respect of finished land/water configuration impacts on:
 - i. the marine environment (including water, sediment quality and ecology), of the coastal marine area
 - ii. hydrogeology (ground water) and hydrology
 - iii. sediment accumulation and the need for ongoing maintenance dredging of the coastal marine area.~~
- ~~b. Construction effects including the management of silt, contaminated soils and groundwater, and other contaminants.~~
- ~~c. The ability of the adjacent land area to provide for public access and/or development and to provide adequate public open space adjacent to, and public access around, the water's edge.~~
- ~~d. The design and construction of seawalls (in accordance with commonly accepted construction practice and methodology).~~

~~7.~~ 5. The transfer of special character building floor space

- a. The assessment criteria in clause 8.2.4 of the City Centre zone rules for the transfer of special character building floor space apply.

7. Assessment - Restricted discretionary activities

7.1 Matters of discretion

The council will restrict its discretion to the matters below for the activities listed as restricted discretionary in the activity table.

- 1. Risk sensitive activities marked # in the activity table identified as a restricted discretionary activity (excluding events)
 - a. location, extent, design and staging of buildings
 - b. design occupancy
 - c. risk to the activity from adjacent storage and use of hazardous substances
 - d. emergency response processes including accessibility and the content of evacuation plans
 - e. reverse sensitivity effects.

2. An event and associated buildings and structures identified as a restricted discretionary activity in the activity table
 - a. duration, demographic and number of people attending the event
 - b. transportation effects and management
 - c. emergency response and management processes
 - d. risk to the activity from adjacent storage and use of hazardous substances
 - e. effects on the navigation and safety of commercial vessels operation in these areas.
3. Marine and port activities and Marine and port facilities
 - a. construction or works methods, timing and hours of operation
 - b. location, extent, design and materials used
 - c. effects on coastal processes, ecological values, water quality and natural character
 - d. framework plans
 - e. effects on public access, safety and navigation
 - f. effects on existing uses and activities including existing and planned significant infrastructure
 - g. consent duration
 - h. traffic, parking and access.
4. Private use of coastal access areas either vested in the council or areas over which council has a covenant for public access
 - a. duration and frequency of the activity
 - b. public access and safety.
5. Offices that exceed the thresholds of clause 4.2.1 above but do not exceed the restricted discretionary thresholds in clause 4.2.2 above
 - a. travel management
 - b. traffic generation
 - c. operational capacity and safety of the adjacent road network.
6. Offices, offices accessory to marine retail and marine and port activities, maritime passenger operations, marine retail, retail, food and beverage, entertainment facilities and education facilities greater than 100m² GFA per site
 - a. travel management
 - b. traffic generation.
7. Declamation
 - a. construction or works methods, timing and hours of operation
 - b. location, extent, design and materials used
 - c. effects on coastal processes, ecological values, water quality and natural character
 - d. effects on public access, navigation and safety
 - e. effects on existing uses and activities
 - f. consent duration.

8. Maintenance dredging and capital works dredging
 - ~~a. The relevant matters of discretion in clause 5.1 of the General Coastal Marine zone rules apply.~~
 - a. effects on coastal processes, ecological values, and water quality
 - b. effects on other users of the CMA, navigation and safety
 - c. consent duration and monitoring.
9. A bridge across the Viaduct Harbour, linking the Eastern Viaduct to Jellicoe Street
 - a. construction or works methods, timing and hours of operation
 - b. location, extent, design and materials used
 - c. effects on coastal processes, ecological values, water quality and natural character
 - d. effects on public access, navigation and safety
 - e. effects on existing uses and activities
 - f. amenity, effects on views and visual amenity.
 - g. consent duration and monitoring
10. New buildings, and alterations and additions to buildings that are the subject of an approved framework plan, except for alterations and additions provided for as a restricted discretionary activity provided for as a restricted discretionary activity
 - ~~a. integrated and comprehensive development (framework plan)~~
 - ~~b. building design and external appearance~~
 - ~~c. effects on public access, navigation and safety.~~
 - a. The matters of discretion in clause 6.2.1 of the City Centre zone rules for new buildings and/or alterations and additions to buildings apply.
 - b. Consistency with the approved or proposed framework plan.
 - c. The matters of discretion in clause 2.6.2 of the general provisions apply.
- 10A. Alterations and additions to buildings established before the date of notification of this Unitary Plan on sites that are not the subject of an approved framework plan that do not comply with an approved framework plan (excluding minor cosmetic alterations that do not change the design and appearance of the building) provided the height or gross floor area of the building is not increased by more than 10 per cent
 - a. The matters of discretion in clause 6.2.1 of the City Centre zone rules for new buildings and/or alterations and additions to buildings apply.
 - c. The matters of discretion in clause 2.6.2 of the general provisions apply.
11. A Framework plans, amendments to ~~a~~ approved framework plans, and a replacement framework plans ~~and subsequent variations~~
 - a. location, physical extent and design of streets, pedestrian connections and open space
 - b. location, physical extent and design of open space

- c. location, form and scale of buildings
- d. location and staging of activities
- e. provision of adequate infrastructure
- f. contamination.

12. Subdivision on sites that are the subject of an approved framework plan or a concurrent application for a framework plan

a. The matters of discretion in clause 4.1.6 of the Auckland-wide subdivision rules

b. Consistency with the approved or proposed framework plan

c. The matters of discretion in clause 2.6.2 of the general provisions apply

13. Conversion of a building or part of a building to dwellings or visitor accommodation

a. The matters of discretion in clause 6.1.3 in the City Centre zone apply.

14. Substantial demolition or any demolition of the front façade of a special character building within the Wynyard precinct identified on City Centre zone – Map 1

a. The matters of discretion in clause 6.1.6 of the City Centre zone apply.

15. Retail specified as a restricted discretionary activity in the activity table

a. The matters of discretion in clause 6.1.4 of the City Centre zone apply.

7.2 Assessment criteria

43. Marine and port activities and Marine and port facilities

- a. The assessment criteria in clause 5.2 of the General Coastal Marine zone rules, including clause 5.2.16 for CMA structures & buildings, apply in addition to the criteria below.
- b. Whether the activity protects and enhances amenity values and public safety at the interface with existing and proposed public open space (as shown on precinct plan 6) and the amenity values of existing or approved residential activity, and, in particular, visual and aural privacy.

25. Offices that exceed the thresholds in clause 4.2.1 above but do not exceed the restricted discretionary thresholds in clause 4.2.2 above

- a. Whether the activity together with existing, permitted and consented activities, will adversely affect the current and future operational capacity and safety of the adjacent road network and specifically the Beaumont Street/Fanshawe Street, Daldy Street /Fanshawe Street and Halsey Street/Fanshawe Street intersections. In determining the extent of any potential transportation effects, the following matters shall be taken into account:
 - i. The extent to which it is demonstrated that the proposed office activity will result in vehicle trips consistent with a maximum formula of:
 - 0.38 trips per parking space, plus
 - 0.16 trips per 100m² proposed office GFA.
 - ii. Whether it is demonstrated that:

- the proposed office activity, together with all other existing, permitted and consented activities, will not exceed the following trip generation ceiling targets for all activities from Wynyard precinct
 - 3650 vehicles per hour two way; and
 - 2500 vehicles per hour one way inbound or outbound during the weekday morning peak (7.00am - 9.00 am)
 - 2500 vehicles per hour one way outbound or inbound during the weekday afternoon peak (4.00pm-6.00pm)
- the proposed office activity, together with all other existing, permitted and consented activities, will not exceed the total allowable gross floor area and the predicted total trips for the relevant sub-precinct set out in Table 2 of Part A of the Wynyard Precinct Transport Plan
- the proposed office activity will not exceed the number of trips per hour inbound or outbound during the weekday morning and afternoon peaks for each sub-precinct set out in the table below:

Sub-precinct Trips per hour one way in peak direction

1 & 2 622968

~~2~~ 346

3 21

4-6 451

7 0

- iii. any available information demonstrating the success or otherwise of travel management measures implemented within the precinct
 - iv. any planned or constructed transport infrastructure improvements
 - v. the proximity of the site to a regular public transport service
 - vi. when assessing any application in sub-precincts D, E and F and in the Transitional Overlay precinct, any agreed reduction in allowable office gross floor area provided in these sub-precincts or sites below that specified in clause 4.2 above
 - vii. where the proposed activity does not comply with criteria (i) and (ii) above, the council shall have regard to whether the proposed activity could comply with these criteria if either:
 - less than the maximum permitted parking is proposed in the application for the proposed office activity gross floor area, or
 - no parking is proposed in the application for the proposed office activity gross floor area.
- b. In granting any resource consent the council may impose resource consent conditions relating to any of the matters listed in these criteria, including a requirement for ongoing morning and afternoon peak vehicle trip generation monitoring results and supporting review condition(s).

314. Retail specified as a restricted discretionary activity in the activity table

- a. The assessment criteria in clause 6.2.4 of the City Centre zone rules apply.

46. Offices (including offices accessory to marine and port activities and marine retail), maritime passenger operations, marine and fishing retail, retail, food and beverage, entertainment facilities or education facilities greater than 100m² per site

- a. Whether it can be demonstrated by the measures and commitments outlined in a detailed site travel management plan that the activity or activities will be managed to minimise private vehicle travel to and from precinct to achieve objectives 33-36 policies 34-37 of the Wynyard precinct using methods outlined in Part A of the Wynyard Precinct Transport Plan (19 August 2010) (refer Part 6 Attachment 1).

54. Private use of ~~the coastal~~ access areas either vested in the Council or areas over which council has a covenant for public access

- a. Whether:
- i. the requirement for the use of coastal access areas is based on the operational nature of the activity, including any available alternatives to avoid the use of coastal access areas
 - ii. the proposed duration and frequency of the use of the coastal access area is minimised, including the level of certainty provided (through conditions offered by the applicant, site management plans and monitoring) that usage will be appropriately managed and the conditions of use adhered to
 - iii. the existing and future potential public use of the subject coastal access area could be compromised, including the timing of the proposed use in relation to peak pedestrian activity
 - iv. alternative access along the coastline is available during any periods of closure
 - v. the level of public safety risk posed will be avoided, remedied or mitigated, including the provision of a site management plan.

61. Risk sensitive activities marked # in the activity table ~~located in sub-precinct D, E, F, G or areas 1-7 A-F shown on precinct plan 10~~ identified as a restricted discretionary activity (excluding events)

- a. Whether any unacceptable levels of risk can be avoided or mitigated based on the following:
- i. the location of the development, including service areas, parking and outdoor areas, with respect to industrial hazard sources
 - ii. the design occupancy of the development, including anticipated design occupation numbers, the predominant and most vulnerable age demographic, hours of operation, estimated mean and maximum occupancy times for individual site dwellers in hours/days and any other pertinent occupancy information
 - iii. a description of alternative layout plans considered in order to mitigate risk arising from offsite hazard sources
 - iv. methods for advising occupiers of the development of potential safety risks including methods of risk mitigation and control
 - v. building design methods for avoiding or mitigating occupant risk resulting from exposure to toxic vapour, thermal radiation and explosion debris from offsite hazard sources
 - vi. details of any proposed development staging and any voluntary site occupancy controls to be implemented during the transition period leading up to hazardous industry relocation.

- b. For open markets that attract more than 1000 people at any one time, the criteria in clause 8 below also apply.

~~72. An Eevents within sub-precinct D and E and areas 1, 3, 4 and 6 shown on precinct plan 10 and associated buildings and structures identified as a restricted discretionary activity in the activity table~~

Events within sub-precinct D and E and areas 1, 3, 4 and 6 shown on precinct plan 10

- a. Whether measures outlined in an emergency, evacuation and management plan and event transport plan avoid, ~~remedy~~ or mitigate any unacceptable level of risk or adverse transport related effects associated with the type and duration of event and expected demographic and number of people attending the event including:
- b. For events within Areas 4 and 6, whether the activity will adversely affect marine and port activities and the navigation, safety or commercial vessels operating in these areas.

~~811. Framework plans~~ A framework plan, amendments to a framework plan and a replacement framework plan

General considerations

- i. Whether the framework plan integrates with any other approved framework plans and the relevant conditions of consents granted.

Ground contours and contamination

- ii. Whether the proposed finished contour levels across the subject land area will avoid variations between the ground floor level of future buildings and adjoining existing and proposed public open space, where information is available. Where ground floor dwellings or visitor accommodation use is proposed, some minor variation between the ground floor level and the level of adjoining public open space may be acceptable to provide for the privacy of residents.
- iii. Whether the intended standard or method of remediation of the contaminated land is suitable for the proposed development and future occupants/users.

Buildings

- iv. Whether building footprints, profile and height (as opposed to detailed building design), establish an integrated and legible built form and spatial framework across the subject land area while also:
 - enabling future individual buildings to satisfy the assessment criteria for buildings in the City Centre zone and Wynyard precinct, in so far as these criteria relate to building mass, form and scale as opposed to detailed building design
 - retaining, reusing and enhancing special character buildings identified on Map 1 of the City Centre zone rules
 - enhancing the form and function of existing and proposed streets, lanes and public open space as shown on precinct plan 6 and any other public open space provided as part of any approved framework plan

- avoiding monotonous built form when viewed from public open space through variation in building footprints, height and form.

v. Where maximum site gross floor area is calculated in accordance with clause 5.2.7 of this precinct:

- the establishment of the marker buildings within sub-precincts B, C and E should not be precluded;
- the maximum floor area for development within sub-precinct C should not be reduced.

Activities

- v. Whether the floor to floor heights of the ground floor levels of buildings enable them to accommodate a wide range of activities and to be adapted to accommodate differing uses in the future.
- vi. Whether the location and staging of anticipated activity types and/or the location, orientation or layout of buildings avoids or mitigates potential conflicts between activities within the subject land area and adjacent land areas.
- vii. Whether buildings may provide opportunities for the establishment of community facilities, such as health, educational and care facilities, for future people in the area.

Public open space network

- viii. Whether development can be staged to correspond with the implementation of the proposed public open space network shown on Precinct Plan 6 where such information in respect of staging is available.
- ix. Whether the layout and design of public open space within the subject land area will ensure well-connected, legible and safe vehicular and pedestrian routes with appropriate provision for footpaths, servicing, infrastructure services and landscape treatment.
- x. Whether the layout and design of public open space and lanes within the subject land area will integrate with and complement the form and function of existing and proposed public open space and lanes network shown on precinct plan 6.

Services

- xi. Whether stormwater, wastewater, water supply, electricity and telecommunication infrastructure will be provided to adequately service the nature and staging of anticipated development within the subject land area.
- xii. Whether proposed location of built form, public open space and stormwater management infrastructure provides for the establishment of future stormwater management features which incorporate low impact stormwater design principles and improved water quality systems.

Traffic and parking

- xiii. Whether consideration has been given to integration of parking, loading and servicing areas within the subject land area taking account of location and staging of anticipated activity types.

Sub-precinct A (southern) specific considerations

- xiv. The methods by which any prospective activities along Beaumont Street that interface with Sub-precinct C (marine) can be managed to avoid or mitigate reverse sensitivity effects.
- xv. Whether building footprints, height, and profile complement and enhance the function of Daldy Street as a major tree-lined boulevard linking Victoria Park to the public open space in Sub-precinct F as shown on precinct plan 6.
- xvi. Whether future building footprints, height and profile and public open space will complement and enhance existing and approved commercial development and encourage a mix of activities.

Sub-precinct B (north Gaunt) specific considerations

- xvii. The specific considerations listed in clauses ~~n)xiv~~ and ~~o)xv~~ above as they apply to the Beaumont Street and Daldy Street frontages within sub-precinct B (north Gaunt).
- xviii. Whether the proposed building footprints, height and profile and public open space will encourage an appropriate mix of commercial, residential and other activities.

Sub-precinct D (Central) specific considerations

- xix. The specific considerations listed in clause ~~n)xiv~~ and ~~o)xv~~ above as they apply to the Beaumont Street and Daldy Street frontages within sub-precinct D (Central).
- xx. The methods by which the location or orientation of buildings (as opposed to detailed building design) and the type and location of any known prospective activities marked # in the activity table, including the use of public open space areas:
 - avoid or mitigate reverse sensitivity issues associated with existing industry, marine industry and fishing industry; and
 - avoid unacceptable levels of risk associated with existing hazardous industry, including the adjacent ammonia refrigerant based fish processing plant.

Sub-precinct E (Jellicoe) specific considerations

- u. The specific considerations listed in n) and o) above as they apply to the Beaumont Street and Daldy Street frontages within sub-precinct E (Jellicoe).
- v. The methods by which any prospective activities interface with marine and fishing industries (areas where dwellings and visitor accommodation is a non-complying activity as identified on precinct plan 7) can be managed to avoid or mitigate reverse sensitivity effects.
- w. The methods by which the design and location of buildings and the type and location of prospective activities (including public open space areas) avoid, or mitigate risk and reverse sensitivity issues associated with the adjacent marine and fishing industry, industry and maritime passenger operations.
- x. Whether a safe and practical 24hr east-west public pedestrian walkway can be provided through the block bound by Daldy, Jellicoe, Beaumont and Madden Streets to provide connectivity between Beaumont and Daldy Streets.
- y. The methods by which efficient vehicle access to adjacent marine and fishing industry, industry and maritime passenger operations will be enabled or maintained.

z. The specific considerations listed in clause t) above as they apply to adjacent, industry and marine industry, maritime passenger operations and existing hazardous industry.

aa. Whether the layout and profile of buildings and their relationship with adjacent public open space along the frontage within the precinct identified as 50 per cent on City Centre zone ~~Figure 25~~ Map 6 will facilitate the establishment of activities that will support the role of Jellicoe Street as the major community and visitor focal point of the precinct.

ab. Within that area located between Jellicoe Street and the coastal edge shown on precinct plan 6, information will be required to demonstrate the manner in which:

i. a seamless integration of the private and public realm through building frontages and activity that will activate the identified public open space and avoid privatisation of that space, and

ii. unobstructed street-level pedestrian visibility from Jellicoe Street to the coastal environment can be achieved between identified building footprints shown on precinct plan 6.

xix. Whether the development of sub-precinct E may provide opportunities for the provision of public transport facilities serving the precinct's residents, visitors and workers in a location convenient to both bus and ferry transport users.

xxx. Within the area identified as the Transitional Overlay Precinct on precinct plan 7, the methods by which building footprints, height and profile, public space and the type and location of prospective activities will:

- integrate with that frontage area identified as 50 per cent on City Centre zone ~~Figure 25~~ Map 6 on either side of Jellicoe Street, and
- enable the interface with industry and fishing industry within Sub-precinct C to be managed to avoid or to mitigate potential reverse sensitivity effects and unacceptable levels of risk associated with existing hazardous industry, having regard to other methods available at the detailed building design stage.

xxxi. Whether proposed development will integrate with existing and future development on neighbouring wharves.

Sub-precinct F (North) specific considerations

xxxii. Whether building footprints, height and profile, public open space and the type and location of prospective activities will be designed to enable the interface with industry and marine industry within sub-precinct C to be managed to avoid or to mitigate potential reverse sensitivity effects, having regard to other methods available at the detailed building design stage.

xxxiii. Whether the layout and profile of buildings complement and enhance the area of public open space shown on precinct plan 6, relative to its function and significance for people in the area.

xxxiv. The specific considerations listed at clause o) above as they apply to the Daldy Street linear park extension within sub-precinct F.

xxxv. Whether proposed development will integrate with existing and future development on neighbouring wharves.

xxxvi. The specific considerations listed in clauses w) and y) above as they apply to adjacent industry, marine industry and maritime passenger operations.

Sub-precinct G (Events) specific considerations

xxxvii. Whether the layout, profile and use of buildings is demonstrated to enable the interface with events activity on the Halsey Street extension wharf and fishing activity in the Viaduct Harbour to be managed to avoid or to mitigate potential reverse sensitivity effects, having regard to other methods available at the detailed building design stage.

xxxviii. The specific considerations listed in clause v) above as they apply to the Halsey Street frontage and land shown as 'Designated Road' on precinct plan 6.

xxxix. The specific considerations listed in clause t) above as they apply to the adjacent ammonia refrigerant based fish processing plant and any adjacent maritime passenger operations.

9. Substantial demolition or any demolition of the front façade of a special character building within the Wynyard precinct identified on City Centre zone [Figure 20 Map 1 – Special character buildings](#)

- a. The assessment criteria in clause 6.2.6 of the City Centre zone rules for the demolition of special character buildings apply in addition to the criteria below.
- b. The contribution the identified special character building (including its association with any nearby identified character buildings) makes to the character or streetscape quality of the precinct and whether its removal or partial demolition adversely impacts upon those qualities. In assessing proposals against this criterion particular regard should be had to retaining a link to the past marine industrial aesthetic of the precinct.

10. New buildings, and alterations and additions to buildings ~~not otherwise~~ provided for [as a restricted discretionary activity](#)

- a. The relevant assessment criteria in clause 6.2.1 of the City Centre zone rules for buildings or alterations and additions to buildings apply in addition to the criteria below.
- b. ~~Buildings should be located and designed to be consistent with any approved framework plan and the conditions imposed on that consent. The new buildings or alterations and additions to buildings are consistent with the elements of any approved framework plan or concurrent application for a framework plan, including the location of the transport network, open spaces and infrastructure~~
ba. On sites subject to an approved framework plan, or on sites that are the subject of a concurrent application for a framework plan, the assessment criteria in clause 2.6.3 of the general provisions apply.
- c. Internal space at all levels within the building should be designed to maximise outlook onto existing public open space and proposed public open space, streets and lanes shown on precinct plan 6.
- d. Activities which engage and activate existing public open space and proposed public open space, streets and lanes shown on precinct plan 6 at ground level are encouraged.

- e. At grade private parking areas and parking areas located within buildings which are visible from existing public open space and proposed public open space, streets and lanes shown on precinct plan 6 are strongly discouraged. It is expected that activated building space will be provided between parking areas within buildings and existing and proposed street and public open space frontages.
- f. Vehicle access to sites must be designed and located to complement the road function and hierarchy, while avoiding conflict with the function of existing public open space and proposed public open space, streets and lanes shown on precinct plan 6 and public transport priority lanes, balancing the requirements of access and through-movement.
- g. Where alternative vehicle access is available, the creation of new vehicle crossings across frontages along Jellicoe, Beaumont, Halsey and Daldy Streets is discouraged.
- h. Precinct plan 6 illustrates the locations of publicly accessible lanes which should be provided to create alternative, shorter, or more convenient pedestrian routes at ground level.
- i. A safe and practical 24hr east-west public pedestrian walkway should be provided through the block bound by Daldy, Jellicoe, Beaumont and Madden Streets to provide connectivity between Beaumont and Daldy Streets
- j. Where a building accommodates greater than 100m² gross floor area of office, marine and fishing retail, retail, food and beverage, entertainment/gathering or education activity, the criteria listed in clause ~~5.2.2.4~~ 7.2.4 above, also apply.
- k. The design of building frontages and elevations facing streets and/or other public open spaces should have regard to the setback, form and character of any identified character building(s) adjoining or adjacent to the site. This requires consideration of important character elements and qualities through building design on frontages and elevations visible from streets and other public open spaces.
- l. A new building abutting, or adjacent to, an identified character building which is set back from the street frontage, may not be required to be constructed predominantly to the street boundary, where a better urban design outcome could be achieved by respecting the spatial location of the character building.
- m. Building elevation, design and materials should respect (rather than replicate) the architectural design composition of the identified special character building(s), and new and contemporary interpretations in form, elevational composition, material and detail may be used.
- n. Whether activities, buildings and areas of public open space within the control of the landowner or leaseholder within sub-precincts A, B, D, E, F or G are consistent with the built form and spatial framework across the sub-precinct as contained within any approved framework plan and the conditions imposed on that consent.
- o. Where the building works are undertaken within the CMA, the assessment criteria for buildings/structures in the General Coastal Marine zone apply in addition to the following:
 - i. whether adverse effects associated with the methods of construction on water quality and coastal processes can be avoided, remedied or mitigated
 - ii. whether adverse effects on navigation and safety can be avoided, remedied or mitigated, and
 - iii. whether the buildings or structures are of an appropriate scale, design, colour and location to complement its waterfront setting, maintain or enhance

- amenity values, and where practicable, maintain views from the land to the coastal marine area, particularly the viewshafts shown on precinct plan 6, and
- iv. with the exception of Wynyard wharf and Halsey Street extension wharf, demonstrate that the purpose for which the structure is required cannot reasonably or practicably be accommodated on the land or by existing structures in the CMA, and
- v. where practicable, enhance public access to the coastal marine area.

vi. whether the building or structure is required for significant infrastructure.

~~419. Construction of a~~ A bridge across the Viaduct Harbour, ~~linking the Eastern Viaduct to Jellicoe Street~~

a. ~~The extent to which the~~ bridge should contribute to a high quality maritime and urban environment and meets the following outcomes:

a.(i) The bridge design avoids significant visual intrusion into views from public areas across the harbour, or from the harbour out to the wider Waitemata Harbour, particularly within the viewshafts identified on precinct plan 6.

~~b.~~ (ii) The bridge contributes to the pedestrian character and amenity of the Viaduct Harbour and Wynyard precinct by:

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

~~e-iii~~ The bridge is designed and operated to provide for:

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

d. The ongoing viable use of the Viaduct Harbour (particularly the ~~marine events precinct~~ Wynyard Precinct mixed use sub-precinct G) to accommodate marine and port activities and marine events, such as boat shows and internationally recognised boating events such as the America's Cup event, is maintained

- e. The bridge has a high quality design that:
 - i. enhances the character of the Viaduct Harbour
 - ii. is simple and elegant
 - iii. is appropriate within the context of the Viaduct Harbour locality and Auckland's coastal setting
 - iv. has an appropriate relationship with the Viaduct Lifting Bridge identified in the Historic Heritage overlay
 - v. utilises high quality and low maintenance materials and detailing.
- f. The bridge is designed in a manner which may provide in the future for enhanced connectivity for the public between the precinct and the city centre
- g. The bridge has no more than minor adverse effects on coastal processes including sedimentation within the Viaduct Harbour.

427. Declamation

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

438. Maintenance ~~D~~dredging and capital works dredging

- a. The assessment criteria in clauses 5.2.1 and 5.2.11 of the General Coastal Marine zone rules apply in addition to the criteria below.
- b. The dredging should be necessary to achieve the outcomes sought by the objectives and policies for the Wynyard precinct.

12. Conversion of a building or part of a building to dwellings or visitor accommodation

- a. The assessment criteria in clause 6.2.3 in the City Centre zone apply.

13. Subdivision on sites that are the subject of an approved framework plan or a concurrent application for a framework plan

- a. The assessment criteria in clause 4.2.6 of the Auckland-wide subdivision rules apply.
- b. Consistency with the approved or proposed framework plan.
- c. The assessment criteria in clause 2.6.3 of the general provisions apply.

8. Assessment - Development control infringements

8.1 Matters of discretion

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

1. Building height
 - a. building scale, form and dominance/ visual amenity effects
 - b. effects on current or planned future form and character (including on an approved framework plan).
2. Site intensity
 - a. building scale, form and dominance/ visual amenity effects
 - b. effects on current or planned future form and character (including on an approved framework plan).
3. Building frontage alignment and height
 - a. building scale, form and dominance/ visual amenity effects
 - b. amenity and function of public open space and pedestrian access.
4. Special industrial frontage
 - a. risk and safety.
5. Access to sites with multiple frontages
 - a. effects on the transportation network (including safety and efficiency)
 - b. amenity and function of public open space and pedestrian access.
6. Vehicle access over footpaths
 - a. effects on the transportation network (including safety and efficiency)
 - b. amenity and function of public open space and pedestrian access.
7. Lanes and viewshafts
 - a. scale, form and dominance/ visual amenity effects
 - b. effects on the transportation network (including safety and efficiency)
 - c. amenity and function of public open space and pedestrian access.
8. Public accessways - wharves
 - a. building scale, form and dominance/ visual amenity effects
 - b. amenity and function of public open space and pedestrian access.
9. Buildings and structures on the Halsey Street extension wharf
 - a. building scale, form and dominance/ visual amenity effects
 - b. reverse sensitivity effects
 - c. amenity and function of public open space and pedestrian access

- d. risk and safety.
- 10. Temporary structures or buildings
 - a. Building scale, form and dominance/ visual amenity effects
 - b. reverse sensitivity effects
 - c. amenity and function of public open space and pedestrian access.

8.2 Assessment criteria

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

- 1. Building frontage alignment and height
 - a. Buildings should be of a scale and form appropriate to the setting.
 - b. Pedestrian access and amenity should be enhanced through the design of the building.
- 2. Special industrial frontage
 - a. The design should avoid, remedy or mitigate human injury risk associated with accidental ammonia release associated with the ammonia refrigerant based fish processing plant.
- 3. Access to sites with multiple frontages
 - a. Access to sites should be located to allow safe and efficient access to and from the site.
 - b. The access location and traffic generation from the site should not compromise the safe and efficient operation of the transportation network.
 - c. The pedestrian function, and safety of pedestrians on footpaths should not be compromised.
- 4. Vehicle access over footpaths
 - a. The pedestrian function, and safety of pedestrians on footpaths should not be compromised.
 - b. Whether an alternative access location would better maintain pedestrian and cyclist safety and amenity.
- 5. Lanes and view shafts
 - a. The extent to which pedestrian permeability is maintained and enhanced through the site layout.
 - b. Pedestrian access to the water's edge should be maintained.
 - c. The integration of the site with the wider Wynyard precinct.
 - d. Avoid intrusion of public views into and through Wynyard precinct.
- 6. Public access ways - wharves
 - a. The extent of public access to the water's edge.

- b. Whether the development control infringement is required to enable marine and fishing industry, maritime passenger operations and events to operate.
- 7. Buildings and structures on the Halsey Street extension wharf
 - a. Pedestrian access should be maintained.
 - b. The building design should be consistent with the character and amenity of Halsey Street extension wharf.
 - c. Buildings and structures should not adversely affect the current and future operation and growth of the marine and fishing industries and maritime passenger operations.
- 8. Temporary structures or buildings
 - a. Buildings should be of a scale appropriate to the waterfront setting.
 - b. Building location should not compromise the function of the Wynyard precinct.

9. Special information requirements

In addition to the general information that must be submitted with a resource consent application (refer clause 2.7.1 of the general provisions), applications for the activities listed below must be accompanied by the additional information specified.

- 1. Events specified as a controlled activity in the activity table
 - a. An emergency evacuation and management plan and event transport plan.
- 2. Marine and port activities
 - a. A site management plan that details operational procedures and physical measures to be put in place to avoid, remedy or mitigate public safety effects.
- 3. The transfer of special character building floor space
 - a. The special information required in clause 4.13.4 of the City Centre zone rules for the transfer of special character building floor space apply.
- 4. Offices that exceed the permitted thresholds in clause 4.1 above but do not exceed the restricted discretionary thresholds in clause 4.2 above
 - a. The council will require independently verified actual morning and afternoon peak vehicle trip generation monitoring results from existing office activity within and, if appropriate, adjacent to the precinct with similar operational characteristics to the office activity proposed. The trip generation formula set out in the assessment criteria for the activity must be used to predict trips from the proposed, permitted and consented office activities.
- 5. Offices (including offices accessory to marine and port activities and marine retail), marine and fishing retail, retail, food and beverage, entertainment facilities or education facilities greater than 100m² per site
 - a. A site travel management plan must be provided corresponding to the scale and significance of the activity and containing the following information as a minimum to demonstrate how the development will achieve the objectives of the Wynyard Precinct Transport Plan including:

- i. the physical infrastructure to be established or currently established on-site to support the use of alternative forms of transport, such as adequate covered facilities for cyclists, showering, locker and changing facilities; carpool parking areas, travel reduction information boards in foyer areas, such as timetables and route maps; internet service to enhance awareness of alternative transportation services
 - ii. the physical linkages to be provided on the site to link with surrounding pedestrian and cycle networks and existing public transport resources
 - iii. operational measures to be established or currently implemented on-site to encourage reduced vehicle trips to Wynyard precinct, including car sharing schemes, public transport use incentives, flexitime, staggered working hours
 - iv. operational measures to be established to restrict the use of any short term parking area(s) during peak periods
 - v. details of the management structure within the building or site in which the activity is to be located which has overall responsibility to oversee the implementation and monitoring of travel management measures
 - vi. the methods by which the effectiveness of the proposed measures outlined in the site travel management plan can be independently measured/monitored and reviewed, including a commitment to undertake travel surveys at the time of building occupation or as otherwise required to provide on-going information regarding travel behaviour
 - vii. the methods by which the travel management measures complement the Precinct wide travel management measures outlined in part B of the Wynyard Precinct Transport Plan (refer Part 6 Attachment 1) and use the travel demand management measures outlined in part C of that plan, or other appropriate initiatives.
6. Private use of the coast access areas either vested in the council or areas over which council has a covenant for public access
 - a. A site management plan corresponding to the scale and significance of the activity detailing the operational measures to be establish to address the matters listed in assessment criteria for the activity.
7. Risk sensitive activities marked # in the activity table located in sub-precinct D, E, F, G or areas 1-6 shown on precinct plan 10 (excluding events)
 - a. An emergency and evacuation plan prepared by an independent authority or competent safety professional, which clearly indicates communication roles and responsibilities, location of egress points and assembly areas.
8. Events within sub-precinct D and E and areas 1, 3, 4 and 6 shown on precinct plan 10
 - a. An emergency, evacuation and management plan, prepared by an independent authority or competent safety professional, which clearly indicates communication roles and responsibilities, location and management of access and egress points, assembly areas and people movement for the event.
 - b. An event transport plan, developed in consultation with adjacent hazardous industry, marine industry and maritime passenger operators, which addresses the following matters:

- i. measures to ensure the maintenance of safe and efficient access (including at least two access points for emergency service vehicles) to existing hazardous industry, marine industry and maritime passenger operations for the full duration of the event
- ii. measures to prevent event attendees entering into, or parking within sub-precinct F or Wynyard wharf for the full duration of the event
- iii. communication channels and methods to respond to and remedy traffic issues as they may arise with existing hazardous industry, marine industry and maritime passenger operations, and
- iv. where multiple events are planned, review procedures with hazardous industry, marine industry and maritime passenger operators to ensure that issues identified are avoided, remedied or mitigated for future planned events.

9. Framework plans

- a. An application for a framework plan, amendments to an approved framework plan or a replacement framework plan must comply with the The relevant special information requirements in clause 2.7.3 of the general provisions, and provide the following information: ~~for framework plans apply in addition to the requirements below.~~

b. ~~_____~~ A framework plan must show:

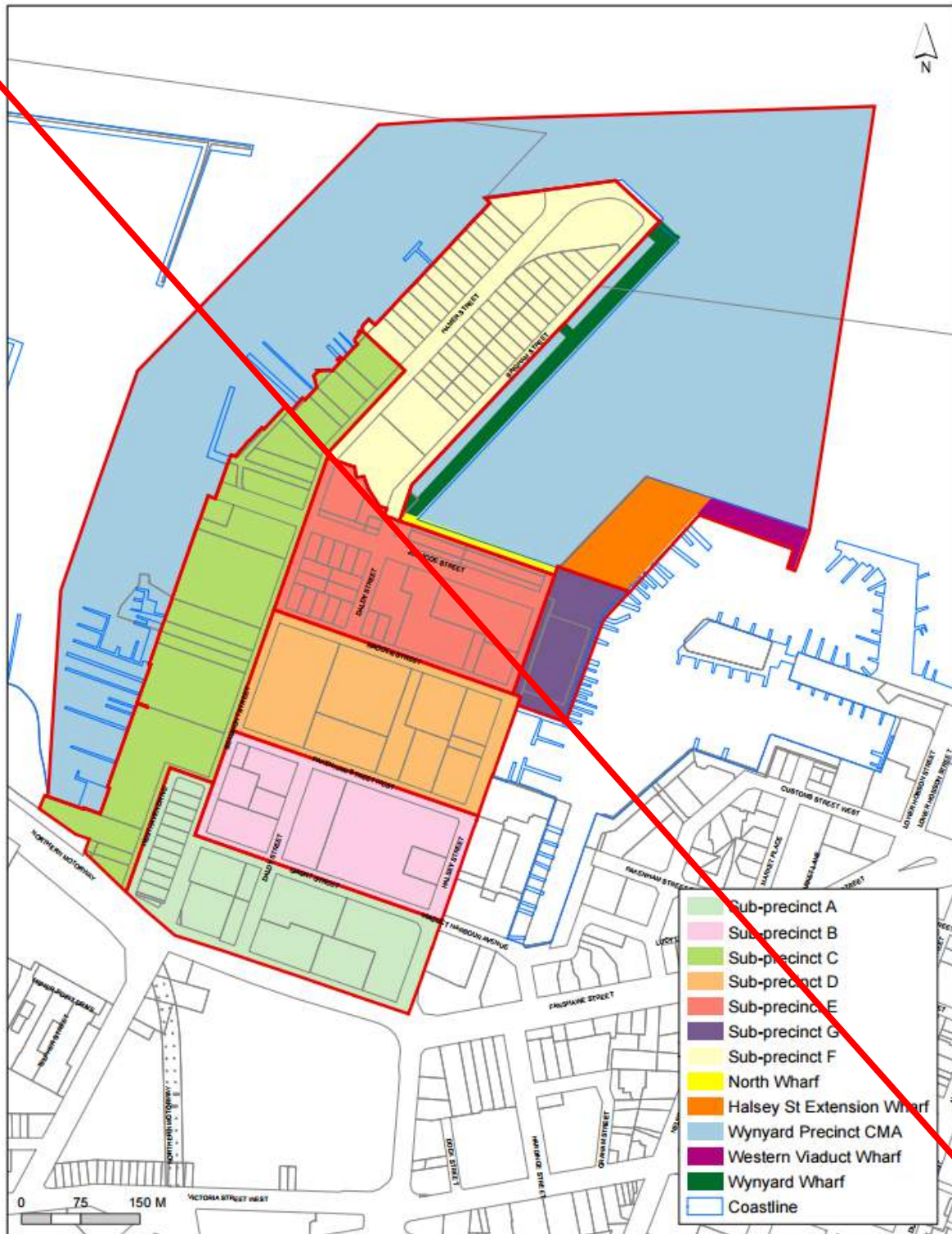
- i. The overall context of the subject land area relative to existing buildings, public open space identified on Precinct Plan 6 and any approved buildings and approved framework plans generally, and to the extent possible, the context shall consist of a minimum of two full city blocks surrounding all edges of the subject land area.
- ii. Where changes are intended, the relationship of site contours to existing and proposed streets, lanes, any adjacent coastal environment, and, where information is available, public open space shown on precinct plan 6.
- iii. Building footprints relative to existing and proposed streets, lanes identified on precinct plan 6, special character buildings identified on City Centre zone - ~~Figure 20~~ Map 1, any adjacent coastal environment and, where information is available, public open space shown on precinct plan 6.
- iv. The location and layout of public open space areas (within the control of the landowner or leaseholder), including the general location of soft and hard landscaping areas, such as pocket parks, plazas and linking spaces that complement the public open space network shown on precinct plan 6.
- v. The general location of vehicle access, parking areas and loading areas.
- vi. The location and function of pedestrian, cycling and vehicle routes to and within the sub-precinct, and their relationship to other sub-precincts. This must include representative street and lane cross sections showing the width of footpaths, cycle paths and traffic lanes.
- vii. Where information is available, the general location and function of existing and proposed streets and lanes shown on precinct plan 6, including cross-sections where applicable.
- viii. The location of existing character elements within or directly adjacent to the subject land area, including items and features listed in Non-Statutory Attachment 2.2.2.

- c. Proposed building profile and height as viewed from all existing and proposed street frontages, existing and proposed public open spaces, and any adjacent coastal margin. For the purpose of this requirement, 'building profile' means two-dimensional and three-dimensional building block elevations and building cross sections showing:
- i. overall building form and height, as opposed to detailed design
 - ii. indicative proposed floor to ceiling heights of each building storey
 - iii. areas at ground level adjoining public open space intended to be available for active uses
 - iv. areas of walls likely to contain windows for principal living areas of dwelling units to demonstrate how the outlook space development control will be met.
- d. The general location of activity types which have potential to influence the staging and design of development across the subject land area including:
- i. general proposed activity types at activity interfaces, including activity types to be established adjacent to existing lawful activities, including marine and fishing activities
 - ii. where a framework plan is proposed within sub-precincts C, D, E, F or G the identification of areas within buildings or on-site which may accommodate identified risk sensitive activities marked # in the activity table relative to the known risk profile of existing hazardous industry.
- e. The standard to which contaminated land is to be remediated in relation to the proposed use (activity) of the land, and the strategy or method proposed for contaminated site investigation and remediation including the proposed approach to obtaining necessary resource consents either on a site by site basis, or across the subject land area.
- f. Proposed staging of demolition, earthworks and building development and, where information is available, the staging of public open space shown on precinct plan 6.

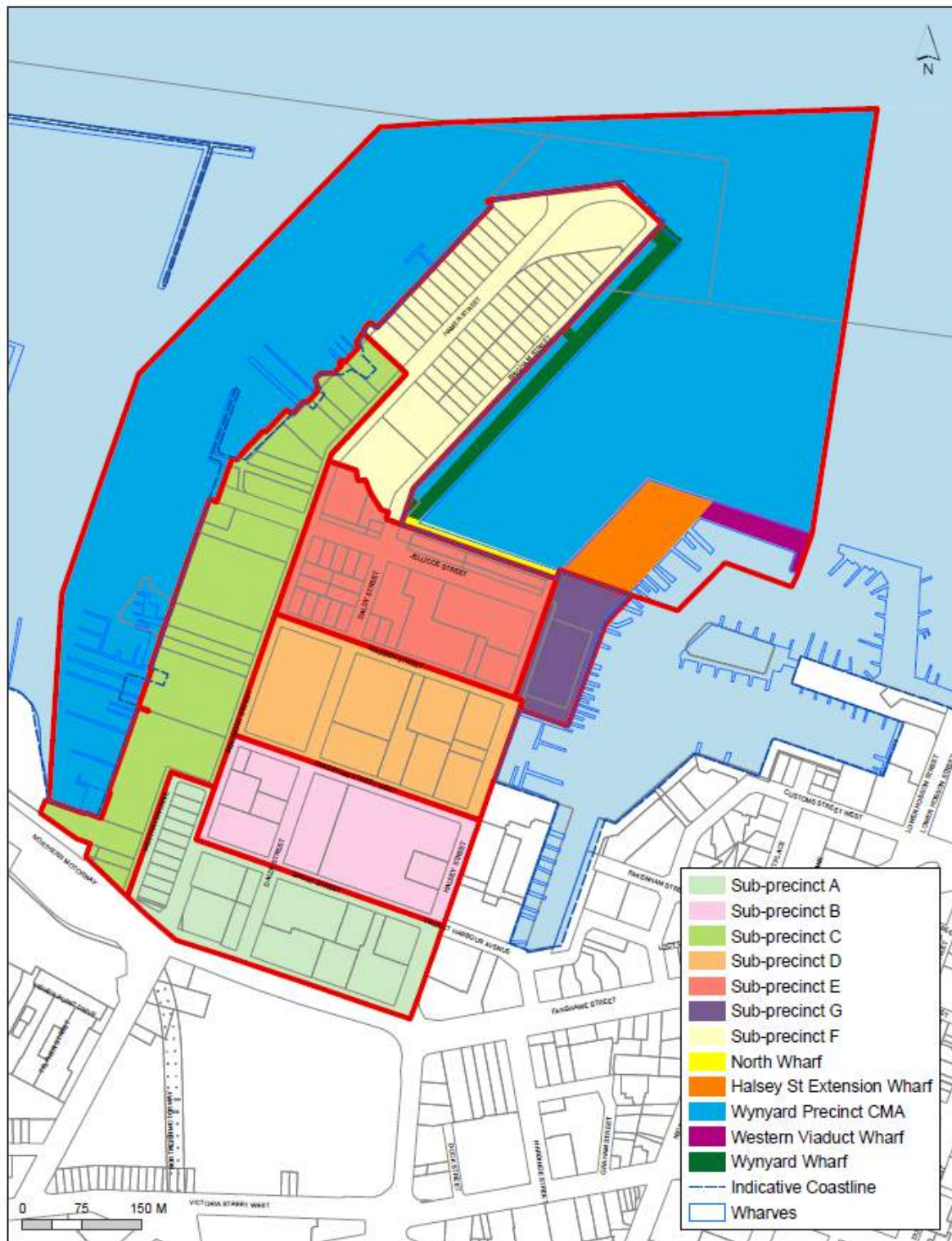
10 A design statement is not required for resource consent applications within the Wynyard precinct.

10. Precinct plans

Precinct plan 1: Sub-precincts



[Delete this precinct plan 1]



[Replace with this precinct plan 1.

Eastern boundary shifted to incorporate waterspace adjacent to Halsey St Extension Wharf and Western Viaduct Wharf]

Precinct plan 2: Maximum permitted floor area ratio prior to the approval of a framework plan

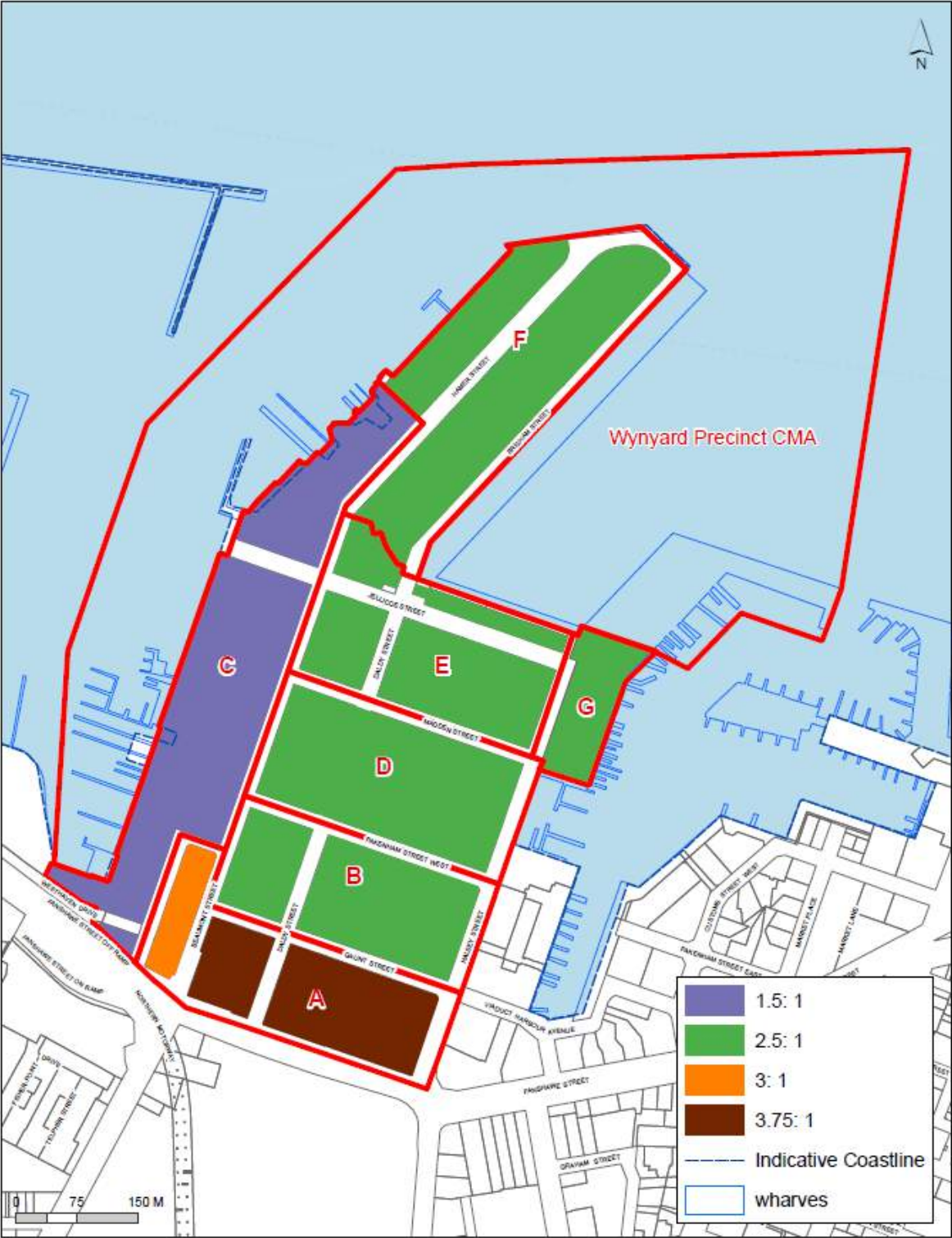


Wynyard Precinct Plan 2: Maximum permitted floor area ratio prior to the approval of a framework plan



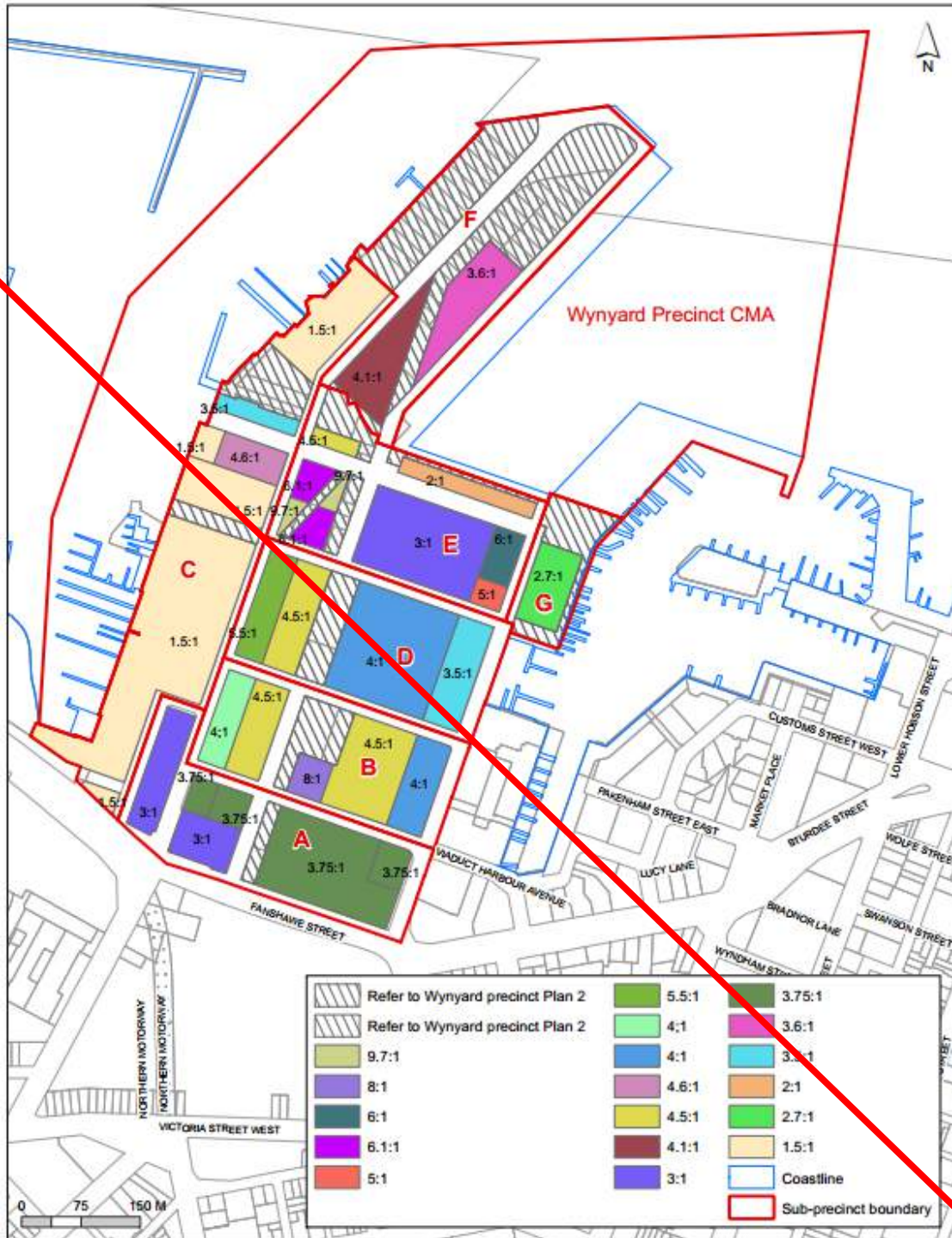
CONFIDENTIAL Auckland Council

[Delete this precinct plan 2]



[Replace with this precinct plan 2 showing boundary consistent with precinct plan 1]

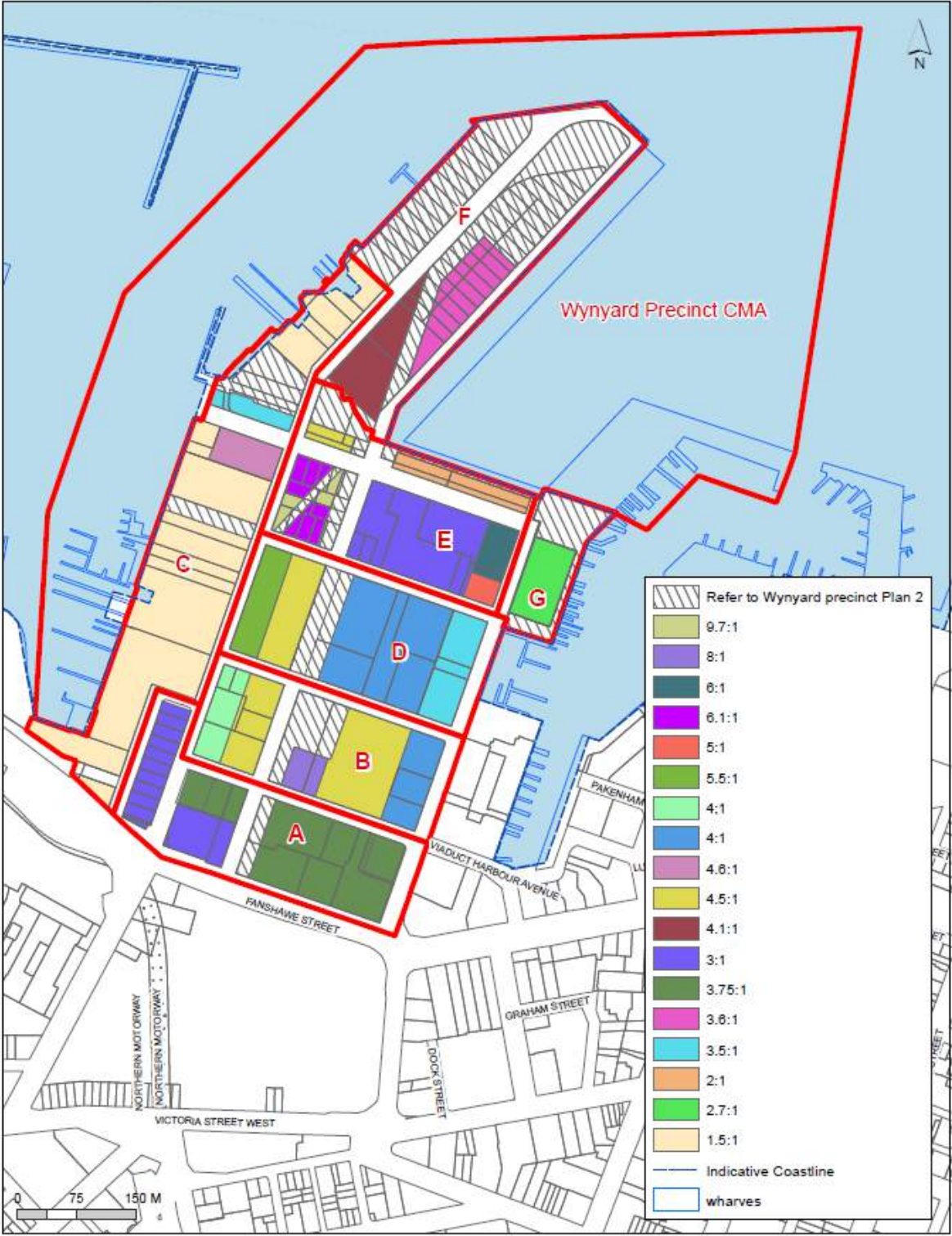
Precinct plan 3: Maximum permitted floor area ratio following the approval of a framework plan



Wynyard Precinct Plan 3: Maximum permitted floor area ratio following the approval of a framework plan

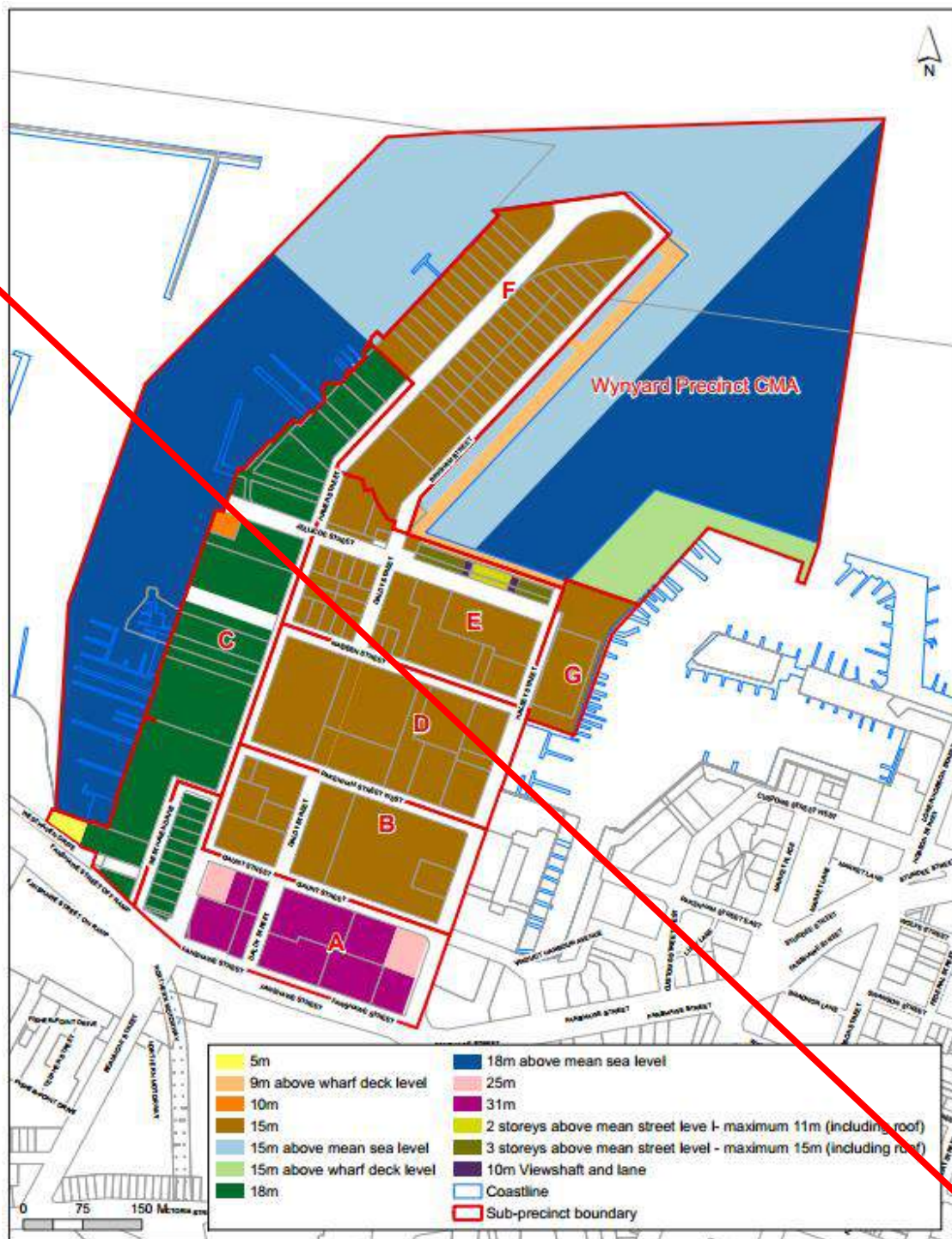


[Delete this precinct plan 3]



[Replace with this precinct plan 3, to match boundary with precinct plan 1.]

Precinct plan 4: Maximum permitted height prior to the approval of a framework plan

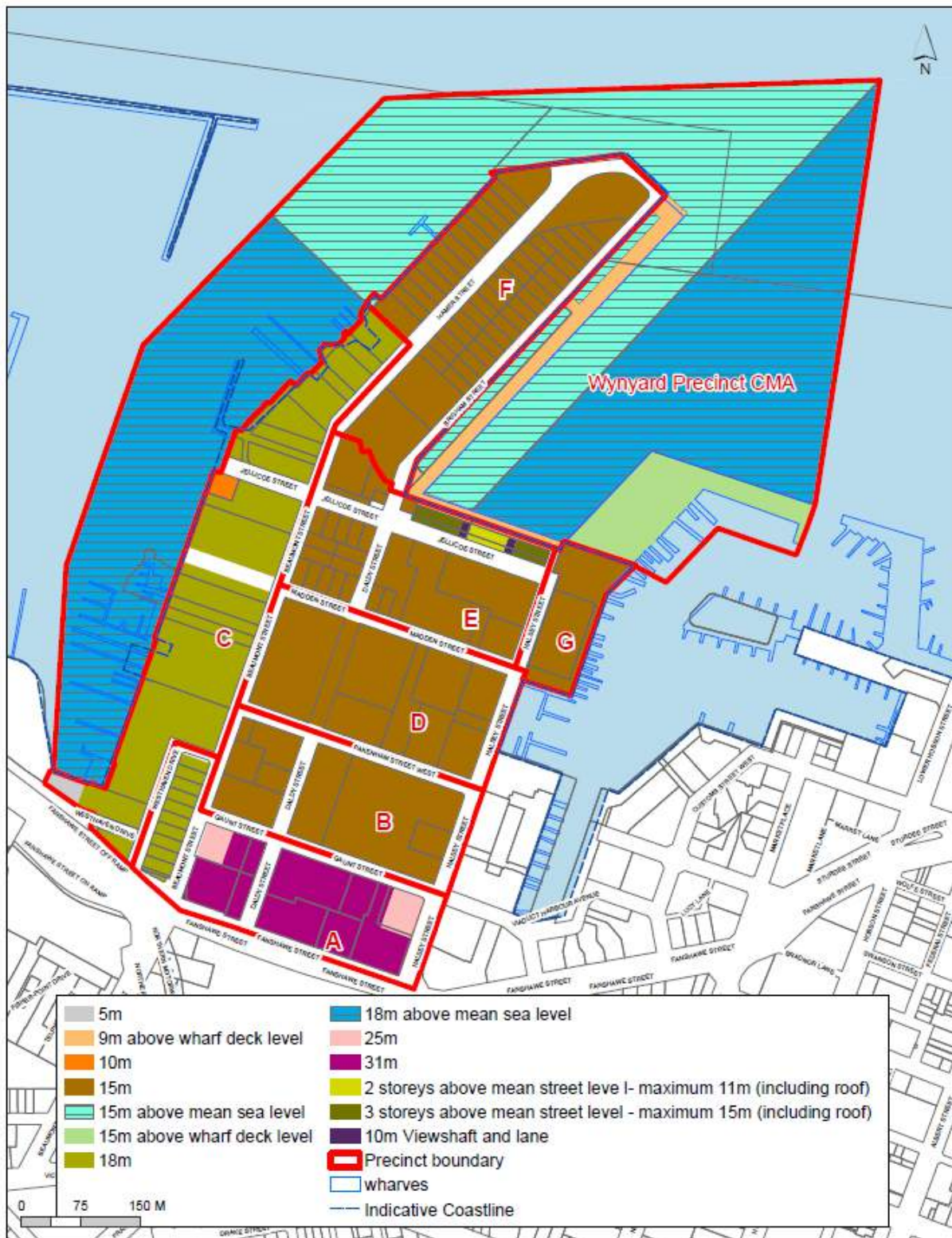


Wynyard Precinct Plan 4: Maximum permitted height prior to the approval of a framework plan



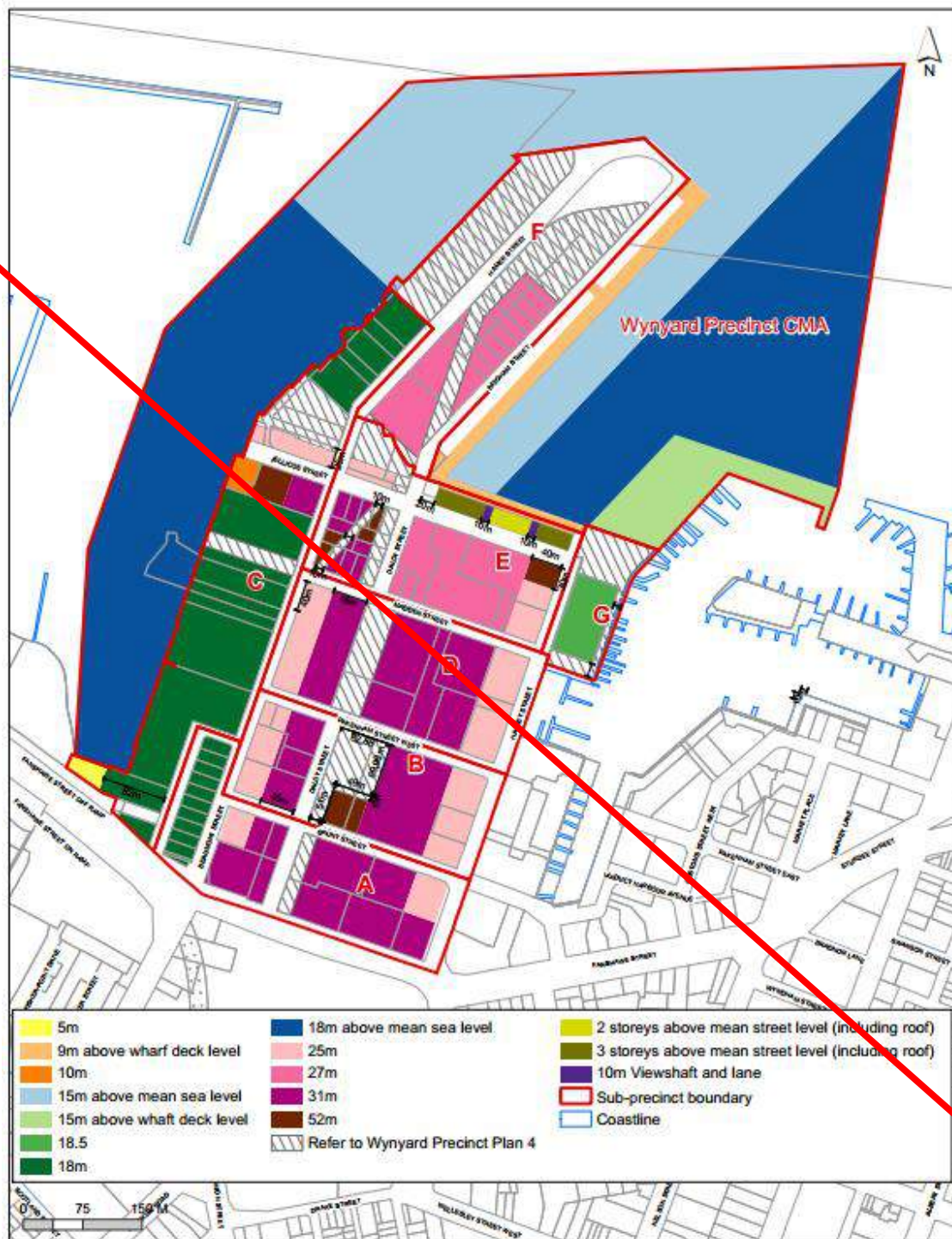
COPYRIGHT Auckland Council

[Delete this precinct plan 4]



[Replace with this precinct plan 4 to reflect boundary in precinct plan 1]

Precinct plan 5: Maximum permitted height following the approval of a framework plan

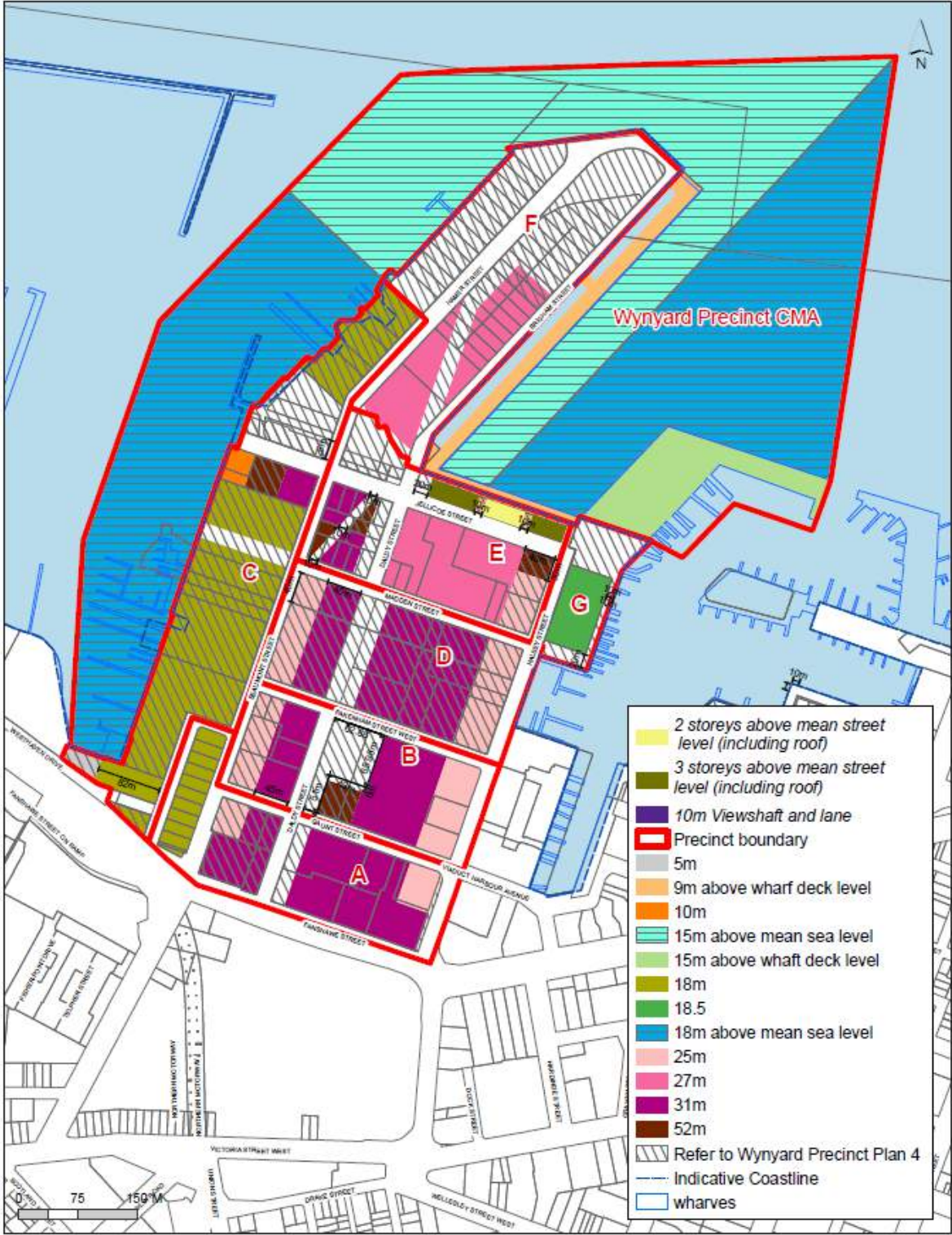


Wynyard Precinct Plan 5: Maximum permitted height following the approval of a framework plan



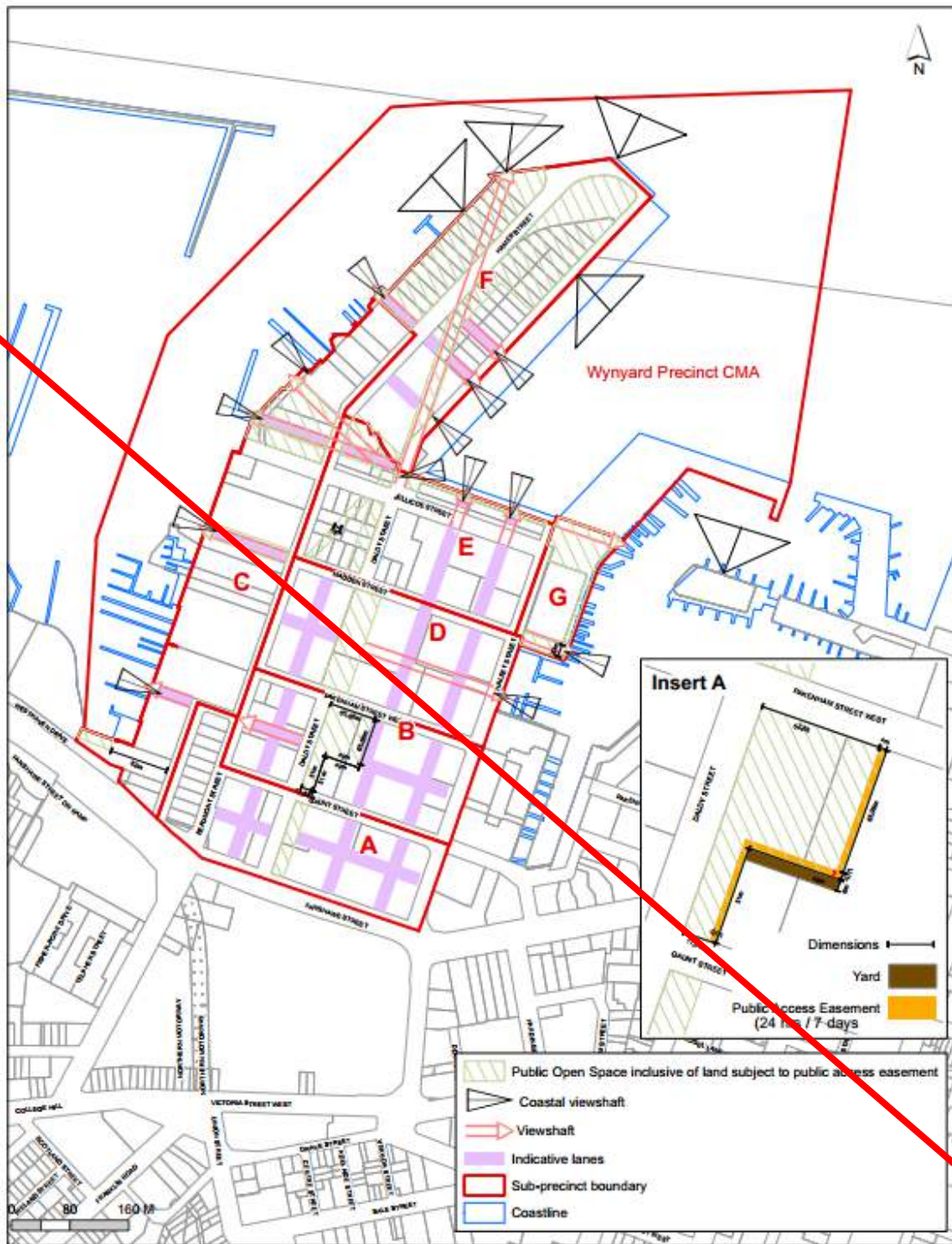
COPYRIGHT Auckland Council

[Delete this precinct plan 5]



[Replace with this precinct plan 5 to match boundary of precinct plan 1]

Precinct plan 6: Indicative lanes and viewshafts



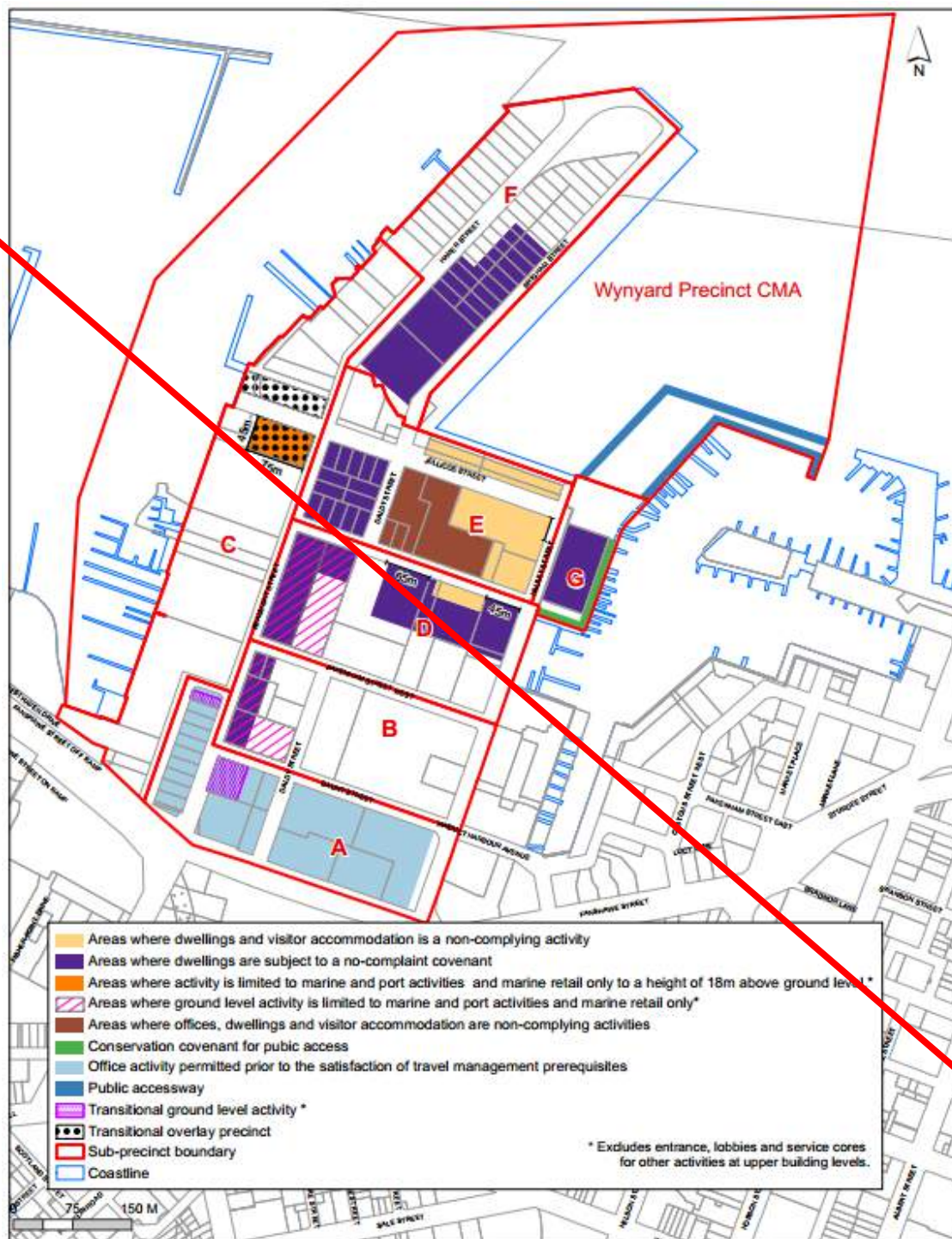
Wynyard precinct plan 6: Indicative lanes and viewshafts



[Delete this precinct plan 6]

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Precinct plan 7: Additional activity restrictions

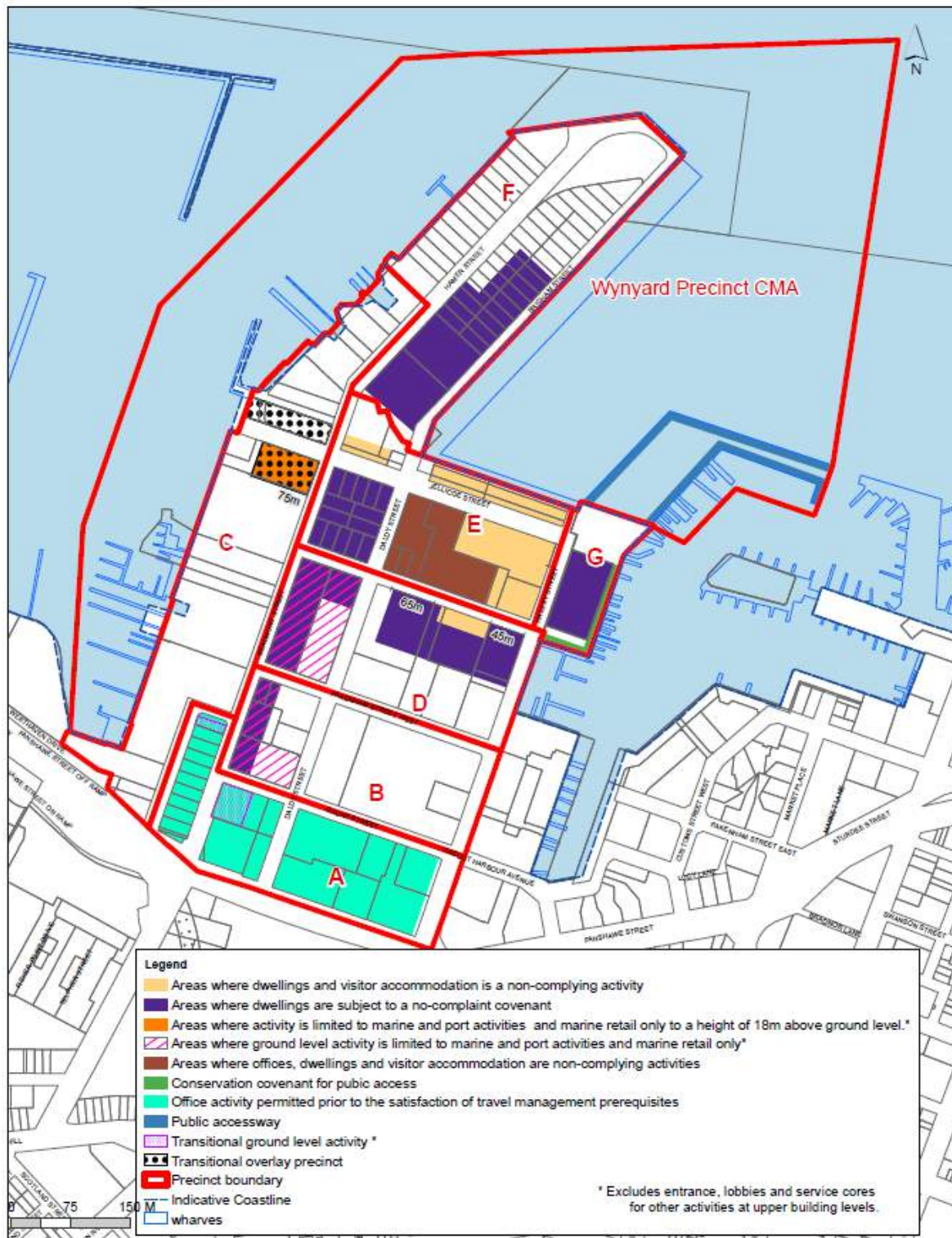


Wynyard precinct plan 7: Additional activity restrictions



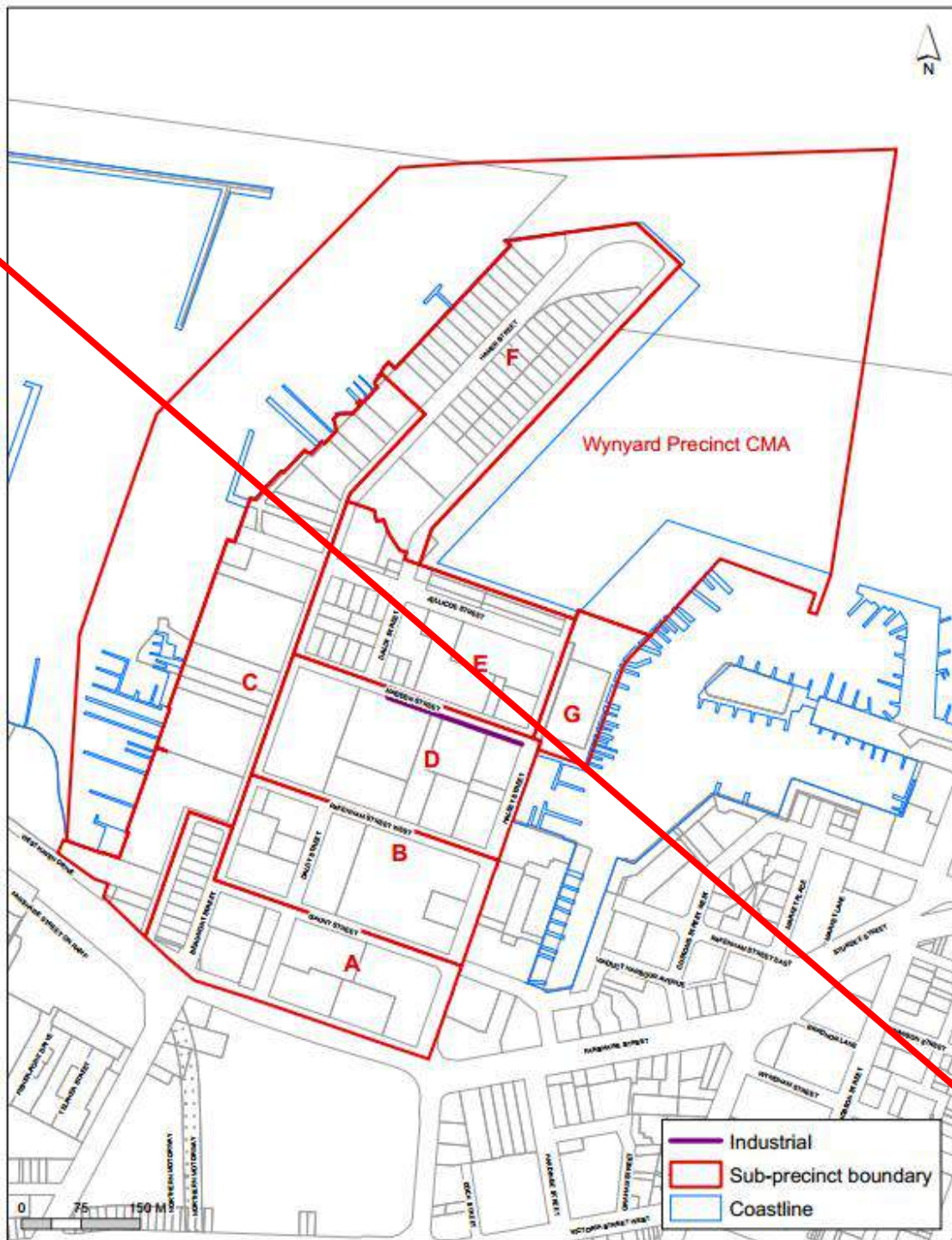
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[Delete this precinct plan 7]



[Replace with this precinct plan 7 to match boundary in precinct plan 1.]

Precinct plan 8: Industrial frontages



Wynyard precinct plan 8: Industrial frontage controls



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[Delete this precinct plan 8]

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Precinct plan 9: Noise areas



Wynyard precinct plan 9: Noise areas

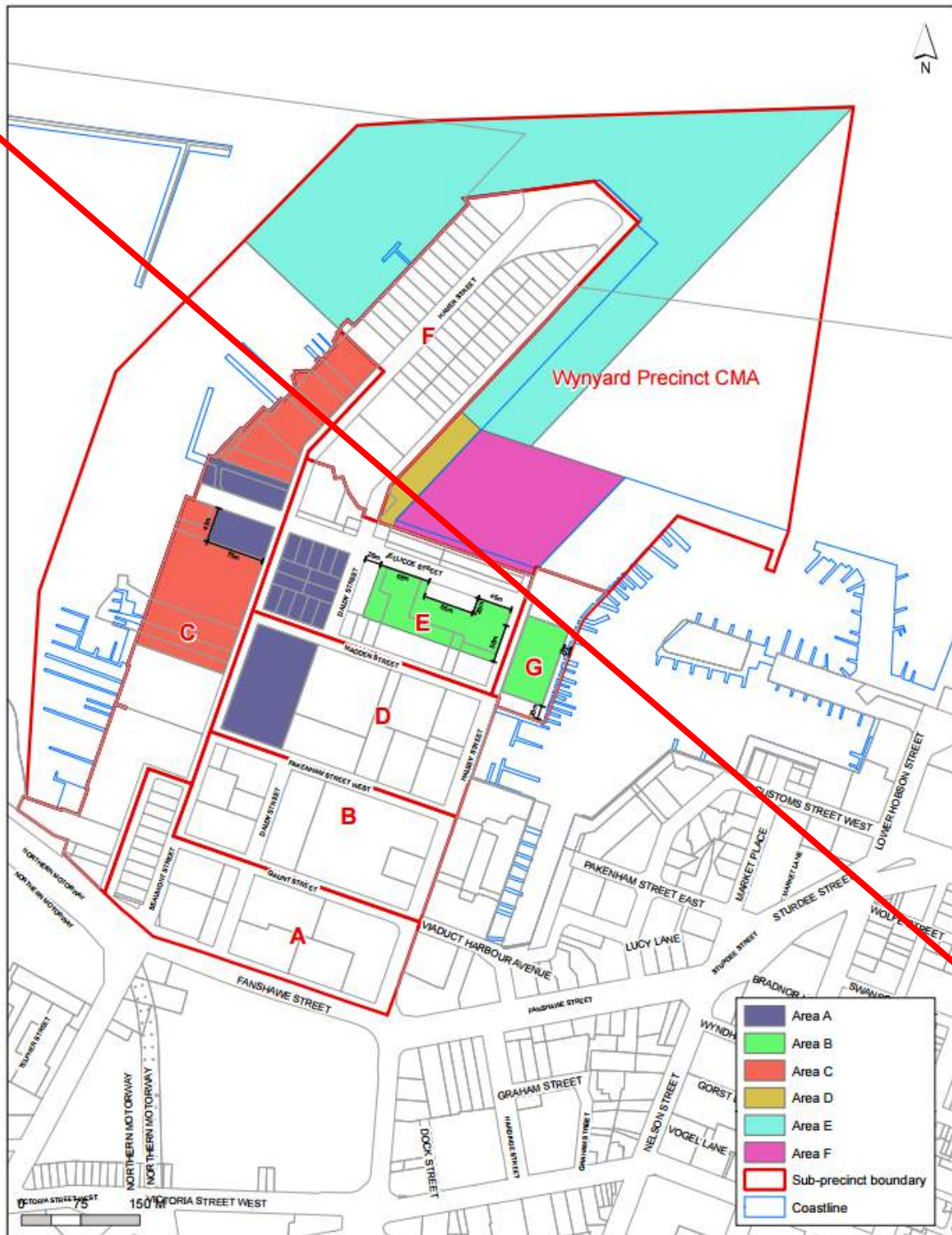


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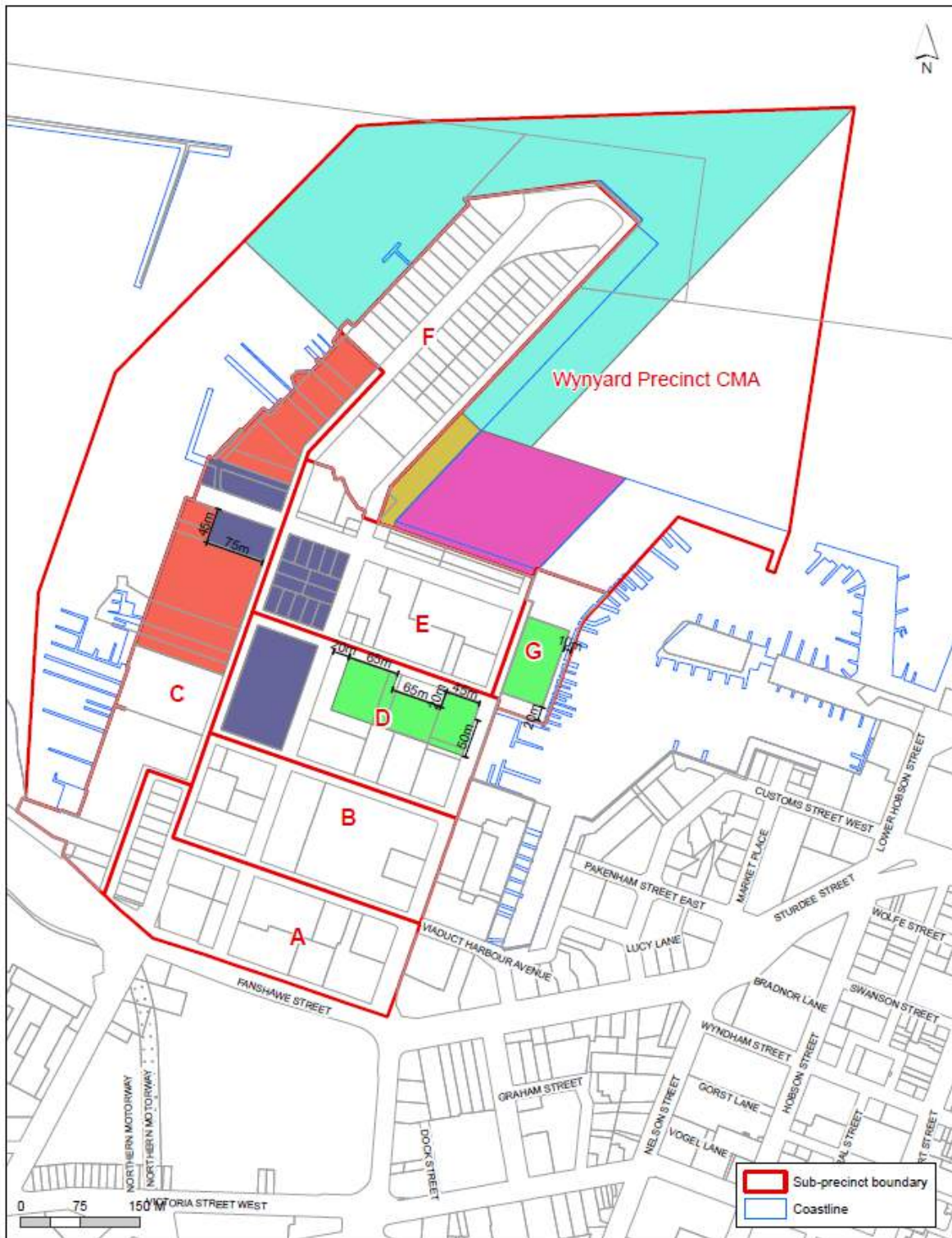
[Delete this precinct plan 9]

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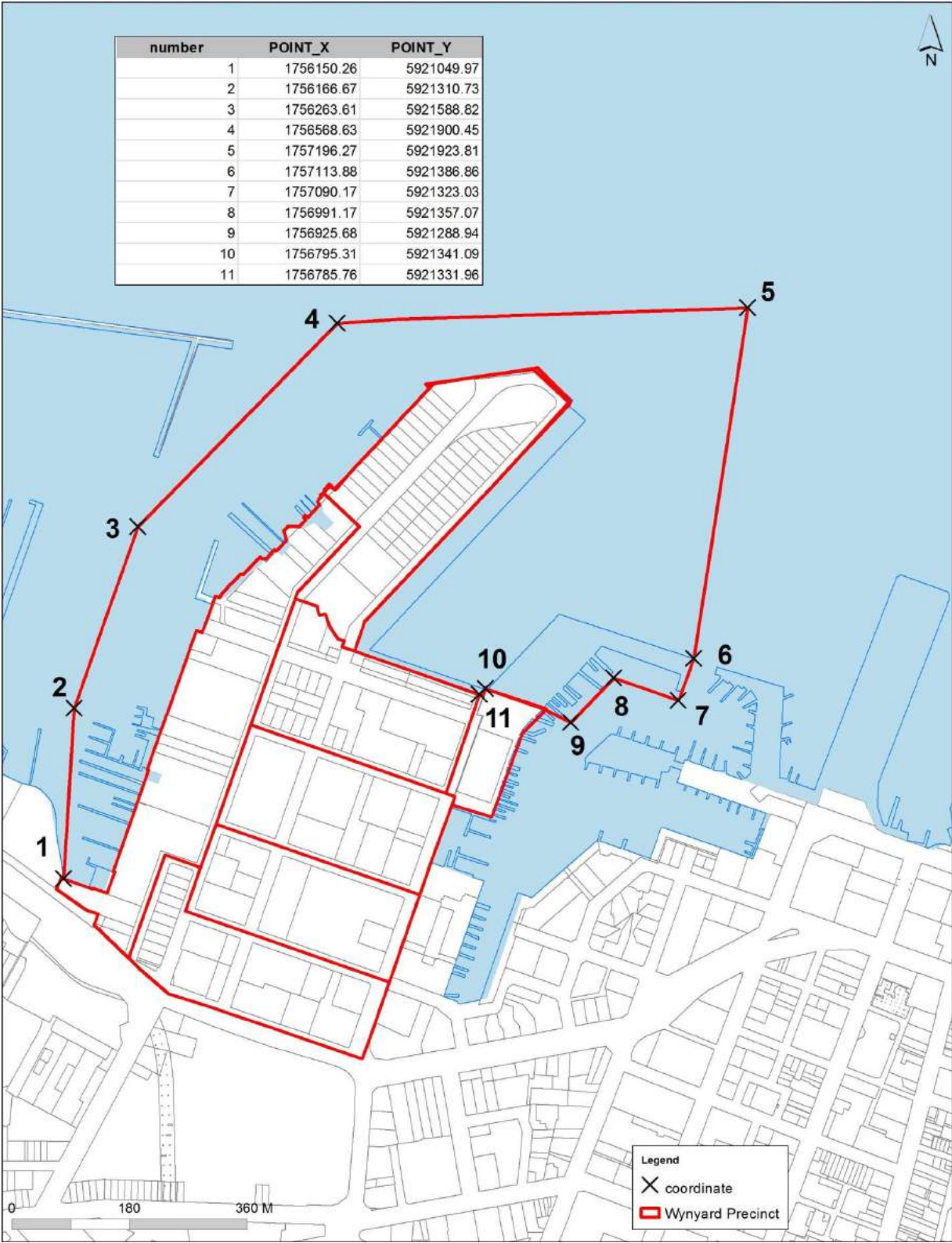
Precinct Plan 10: Risk areas



[Delete this precinct plan 10]



[Replace with this precinct plan 10 showing the risk Area B moved south a block (NB: Legend and revised boundary need to be added)]



Wynyard Precinct Plan 11: Precinct boundary coordinates in the CMA

[Insert a new precinct plan]



WYNARD QUARTER IDP
VIADUCT HARBOUR HOLDINGS LIMITED

QUARTER AREA 1 - GROUND LEVEL

SK-311
SCALE @ A3=
15.12.2014

REV H
1 : 1000
2143

Jagmax

Date of Decision
R/ucc/2011/4605/14
- 23 JAN 2015 -
AUCKLAND COUNCIL
APPROVED PLANS

Appendix E

Consent Reference Number	Applicant / Consent Holder	Description	Date granted	Concurrent land use consent
Quarter Area 1				
R/LUC/2011/4605	Viaduct Harbour Holdings Limited	IDP to enable (inter alia) 7 new building sites with a total GFA of 73,309m ² .	19/12/2012	No
Quarter Area 2				
R/LUC/2015/2098	Goodman (Paihia) Limited	IDP to enable 10 new building sites with a total GFA of 45,263m ² .	10/10/2015	No
R/LUC/2013/42	Viaduct Harbour Holdings Limited	IDP to enable five new building sites with a total GFA of 85,708m ² (Bus Depot).	15/5/2013	No
R/LUC/2015/3554 R/LUC/5015/4358	Infratil Infrastructure Property Limited	IDP to enable 6 new building sites with a total GFA of 87,294m ² (Bus Depot).	Application being processed	Yes (same reference number)
Quarter Area 3				
No consents				
Quarter Area 4				
R/LUC/2013/4343	Auckland Waterfront Development Agency	IDP (for QA 4 and 7) to enable 45,465m ² GFA in QA 4.	6/4/2014	No
Quarter Area 5				
R/LUC/2010/3795	Sea + City Projects Limited	IDP for 'Jellicoe Blocks' to contain seven new buildings with a total GFA of 84,625.80m ² .	20/10/2010	Yes (R/LUC/2010/4042)
Quarter Area 6				
No consents				
Quarter Area 7				
R/LUC/2015/1429	Waterfront Auckland	IDP to enable 29,000m ² GFA of hotel activity	3/9/2015	Yes (same reference number)

- achieve an appropriate scale on context and the proposed networks.

γ developed in order to:

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 $\text{rm};$

een the Wynyard Quarter and

Appendix G



6

Table 2: Private Vehicle Trip Allocations (Indicative only)

	Total GFA	Trips AM in	Trips AM out	Trips PM in	Trips PM out
Quarter Area 1	121,900	634	236	249	649
Quarter Area 2	127,600	374	229	231	403
Quarter Area 3	105,750	265	98	123	303
Quarter Area 4	147,750	266	262	249	321
Quarter Area 5	106,400	316	134	160	348
Quarter Area 6	62,700	92	112	112	123
Quarter Area 7	14,800	6	26	26	16
Total	686,900	1,952	1,097	1,150	2,163

Note: For the purpose of assessment, the number of trips generated by Quarter Areas 4, 5 (including the Transitional Overlay Precinct), and 6 may need to be combined, consistent with the mechanism in 14.9.12.1(f).

Maximum Office Space and Car Parking Restrictions

The primary methods to avoid the exceedance of the trip generation ceilings and achieving mode split targets, are to limit the supply of office space and the number of car parking spaces within Wynyard Quarter and to require the implementation of TDM measures. Office activity can be a significant generator of private vehicle trips at peak times. Unrestrained office activity would lead to private vehicle trips beyond the capacity of Wynyard Quarter's Fanshawe Street intersections, creating adverse effects on the local road network and beyond.

Rule 14.9.12.1c) and d) of the Central Area Plan sets out specific permitted and restricted discretionary activity thresholds for office activity within Wynyard Quarter. As a permitted activity, the total gross floor area for office activity on any site shall not exceed the following total gross floor areas within each of Quarter Areas 1, 2, 4, 5, 6 and 7.

Table 3: Maximum Permitted Office Gross Floor Area (rule 14.9.12.1c))

Quarter Area	Maximum Permitted Office GFA	Maximum Permitted Office Activity Ratio per site
1	98,000m ²	Lot 1 DP 179403 – 0:1 Lots 2-10 DP 9097, Lot 1 DP 197609, Lot 2 DP 360738, Lot 3 DP 8709 and Part Blk V Deeds Plan 226 – 3:1 All other sites – 3.62:1
2	69,300 m ²	2.48:1
3	5000 m ²	Only on Lot 28 DP 133386
4	34,000 m ²	0.94:1

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5	35,000 m ²	1.02:1
6	13,000 m ²	0.86:1
7	0m ²	0