

28 February 2014

SUBMISSION ON THE PROPOSED AUCKLAND UNITARY PLAN

Sections 123 and 125, Local Government (Auckland Transitional Provisions) Act 2010
Clause 6 of Schedule One, Resource Management Act 1991
FORM 2



To: Unitary Plan Submission Team
Auckland Council
By email: unitaryplan@aucklandcouncil.govt.nz

Submitter details

Organisation: Precinct Properties New Zealand Limited (*Precinct*)
Address for service: Precinct Properties New Zealand Limited
c/o Paula Brosnahan
Chapman Tripp
23-29 Albert Street, Auckland
PO Box 2206, Auckland 1140
Telephone: 09 357 9000
Email: paula.brosnahan@chapmantripp.com

SUBJECT: Precinct Submission No. 1 – Objectives and Policies relating to the City Centre zone and Downtown West precinct

- 1 This is a submission on the Proposed Auckland Unitary Plan (PAUP), on behalf of Precinct.
- 2 Precinct is a property investor with significant business interests in Auckland and the PAUP will be critical to Precinct's future business decisions.
- 3 Precinct is making submissions on a number of aspects of the PAUP. For ease of processing, Precinct is providing submissions on different sections of the PAUP in separate submissions.
- 4 Precinct could not gain an advantage in trade competition through this submission.

SCOPE OF SUBMISSION

- 5 The specific provisions that this submission relates to are:
 - 5.1 D.3.2 City Centre zone: Objectives and Policies; and
 - 5.2 F.3.5 Downtown West Precinct: Objectives and Policies.

BACKGROUND

- 6 Precinct is New Zealand's only specialist listed investor in prime and A grade commercial office property. Totalling 322,000m² of floor area across 17 buildings, Precinct's portfolio is home to more than 300 businesses and government organisations, more than 13,000 workers, and is worth \$1.65 billion. Precinct has more than 8,000 shareholders, 98% of whom are New Zealanders and more than 2,500 are from Auckland.
- 7 Precinct provides environments that add to the life of Auckland city centre and provides space for tenants to thrive. Precinct's properties within the Auckland central business district currently comprise a mix of commercial office, retail, childcare, gymnasium, and cafés. These properties are occupied by more than 8,000 workers and are worth more than \$970 million.
- 8 Precinct has a huge investment in the success and growth of Auckland's city centre, and Precinct's business will be significantly impacted by the Unitary Plan. As Precinct's properties in Auckland are located in the city centre, Precinct is particularly interested in the objectives, policies and rules relating to the City Centre Zone, and the Auckland-wide rules.

SUBMISSION

City Centre zone

- 9 Precinct supports the existence of the City Centre zone.
- 10 Precinct considers that the City Centre has unique characteristics and resource management issues that necessitate a specific zone and separate objectives and policies in the PAUP.
- 11 Precinct seeks that the City Centre zone be retained, including the zone's objectives and policies.

Downtown West precinct

Overall

- 12 Precinct supports the existence of the Downtown West precinct.
- 13 Precinct considers that the Downtown West area has particular characteristics and resource management issues that necessitate a specific zone and separate objectives and policies in the PAUP.
- 14 Precinct seeks that the Downtown West precinct be retained, subject to the amendments described below.

F.3.5 Downtown West Objective 1

- 15 Objective 1 reads:

The precinct contains a mix of uses and the form and scale of development is integrated, providing a transition between the core central business district and the waterfront.

- 16 It is unclear what type of "transition" is intended in Objective 1. It is inappropriate and unnecessary for a transition of development in form and scale to be provided from the core CBD to the waterfront. The reference to "integrated" in the Objective is also unclear.
- 17 Precinct seeks that Objective 1 be amended to remove the reference to transition between the core and waterfront and to clarify the intent of the reference to the word "integrated" as follows:

The precinct contains a mix of uses and the form and scale of development is carried out in an integrated manner, providing a transition between the core central business district and the waterfront.

F.3.5 Downtown West Objective 3

- 18 The Downtown West precinct is within the core of the central business district (CBD), and is recognised as the "Engine Room" in the City Centre Master Plan and Auckland Plan. Precinct considers that the PAUP needs to appropriately recognise the importance of the Downtown West precinct as an integral part of the core CBD.
- 19 Precinct seeks a new objective to be added to F.3.5 Downtown West as follows:

The precinct contains a range of uses and development, and is recognised as playing an integral part of the core central business district.

F.3.5 Downtown West Policy 2

- 20 Policy 2 is to:
- Require buildings to transition in height from the core central business district to the waterfront and neighbouring, lower-scale precincts.
- 21 Policy 2 is inappropriate because:
- 21.1 Provisions relating to the height of buildings are contained in the City Centre zone and not the Downtown West precinct; and
- 21.2 Neighbouring precincts are separated by roads that provide a buffer, so no integration is required between Downtown West and neighbouring precincts. In addition, it is unclear why a transition between precincts is necessary. Precinct considers that mechanisms other than height can achieve an appropriate relationship between precincts.
- 22 Precinct seeks that Policy 2 be deleted.

F.3.5 Downtown West Policy 4

- 23 Policy 4 states:
- Provide for an interconnected network of high quality public open spaces which vary in form and function in highly accessible locations within the precinct that are activated by [sic]
- 24 Policy 4 ends abruptly and appears to be incomplete. In completing the policy, flexibility should be maintained for development and there should not be a requirement for activation of the entire periphery of public spaces.

- 25 Precinct seeks that Policy 4 be amended in a way that maintains flexibility for development and does not require the activation of the entire periphery of public spaces as follows:

Provide for an interconnected network of high quality public open spaces which vary in form and function in highly accessible locations within the precinct that are activated as far as practicable by uses around their periphery.

Decision sought

- 26 Precinct seeks the following decision in relation to the objectives and policies of the City Centre zone and the Downtown West precinct:

- 26.1 D.3.2 City Centre zone be retained, including the zone's objectives and policies;
- 26.2 F.3.5 Downtown West precinct be retained, with the following amendments to the objectives and policies:
- (a) Downtown West Objective 1 be amended to remove the reference to transition between the core CBD and waterfront;
 - (b) A new Downtown West Objective 3 be inserted to better reflect the role of the Downtown West precinct as an integral part of the core CBD;
 - (c) Downtown West Policy 2 be deleted; and
 - (d) Downtown West Policy 4 be completed in a way that maintains flexibility for development and does not require the activation of the entire periphery of public spaces.
- 26.3 Any other further or consequential amendments required to address Precinct's concerns with the PAUP, particularly in respect to D.3.2 and F.3.5.

Summary of submission

- 27 In summary, Precinct's submission is:

PAUP provision	Precinct's position	Decision sought
D.3.2 City Centre	Support	Retain the City Centre zone, including the zone's objectives and policies.
F.3.5 Downtown West	Support with amendments	Retain the Downtown West precinct including objectives and policies, except where changes sought are below.
F.3.5 Downtown West Objective 1	Amend	"The precinct contains a mix of uses and the form and scale of development <u>has been is carried out in an integrated manner,</u> providing a transition between the core central business district and the waterfront. "

PAUP provision	Precinct's position	Decision sought
F.3.5 Downtown West Objective 3	Insert	" <u>The precinct contains a range of uses and development, and is recognised as playing an integral part of the core central business district.</u> "
F.3.5 Downtown West Policy 2	Delete	Require buildings to transition in height from the core central business district to the waterfront and neighbouring, lower-scale precincts.
F.3.5 Downtown West Policy 4	Amend	"Provide for an interconnected network of high quality public open spaces which vary in form and function in highly accessible locations within the precinct that are activated <u>as far as practicable by uses around their periphery.</u> "

Hearing

- 28 Precinct wishes to be heard in support of its submission.
- 29 If others make a similar submission, Precinct will consider presenting a joint case.

Precinct Properties New Zealand Limited



Trevor Wairepo
General Counsel

28 February 2014



SUBMISSION ON THE PROPOSED AUCKLAND UNITARY PLAN

Sections 123 and 125, Local Government (Auckland Transitional Provisions) Act 2010
Clause 6 of Schedule One, Resource Management Act 1991
FORM 2

To: Unitary Plan Submission Team
Auckland Council
By email: unitaryplan@aucklandcouncil.govt.nz

Submitter details

Organisation: Precinct Properties New Zealand Limited (*Precinct*)
Address for service: Precinct Properties New Zealand Limited
c/o Paula Brosnahan
Chapman Tripp
23-29 Albert Street, Auckland
PO Box 2206, Auckland 1140
Telephone: 09 357 9000
Email: paula.brosnahan@chapmantripp.com

SUBJECT: Precinct Submission No. 2 – General Provisions

- 1 This is a submission on the Proposed Auckland Unitary Plan (PAUP), on behalf of Precinct.
- 2 Precinct is a property investor with significant business interests in Auckland. The PAUP will be critical to Precinct's future business decisions.
- 3 Precinct is making submissions on a number of aspects of the PAUP. For ease of processing, Precinct is providing submissions on different sections of the PAUP in separate submissions.
- 4 Precinct could not gain an advantage in trade competition through this submission.

SCOPE OF SUBMISSION

- 5 The specific provisions that this submission relates to are:
 - 5.1 References to the Auckland Design Manual throughout the PAUP;
 - 5.2 G.1.4 Applying for Resource Consent; and
 - 5.3 G.2 General Rules and Special Information.

BACKGROUND

- 6 Precinct is New Zealand's only specialist listed investor in prime and A grade commercial office property. Totalling 322,000m² of floor area across 17 buildings, Precinct's portfolio is home to more than 300 businesses and government organisations, more than 13,000 workers, and is worth \$1.65 billion. Precinct has more than 8,000 shareholders, 98% of whom are New Zealanders and more than 2,500 are from Auckland.
- 7 Precinct provides environments that add to the life of Auckland city centre and provides space for tenants to thrive. Precinct's properties within the Auckland central business district currently comprise a mix of commercial office, retail, childcare, gymnasium, and cafés. These properties are occupied by more than 8,000 workers and are worth more than \$970 million.
- 8 Precinct has a huge investment in the success and growth of Auckland's city centre, and Precinct's business will be significantly impacted by the Unitary Plan. As Precinct's properties in Auckland are located in the city centre, Precinct is particularly interested in the objectives, policies and rules relating to the City Centre Zone, and the Auckland-wide rules.

SUBMISSION

References to the Auckland Design Manual

- 9 Throughout the PAUP, the Auckland Design Manual (ADM) is referred to in relation to providing guidance on various matters. Although the ADM is intended by the Council to be a guidance document only, there is a real risk to developers that resource consent processing officers (particularly front of house officers) will require developments to be designed in strict accordance with the manual.
- 10 The ADM has not yet been completed, and Precinct considers that reference in the PAUP to a non-statutory document that has not yet been completed, or created through a public participatory process, is inappropriate.
- 11 Precinct seeks that all references to the Auckland Design Manual in the PAUP are deleted.

G.1.4 Applying for Resource Consent

- 12 The third paragraph under the heading "Assessment Criteria" in G.1.4 Applying for Resource Consent states that assessment criteria are not exhaustive. The paragraph seeks to broaden the assessment that applicant's may need to carry out in an assessment of environmental effects to any relevant, but unspecified, policy or criteria in the PAUP.
- 13 The matters of control/discretion detailed in the PAUP are typically brief and thus broad in scope. The extent of discretion associated with each activity is informed by the associated assessment criteria to provide certainty over the matters of control/discretion. The certainty provided by assessment criteria would be undermined by the third paragraph in G.1.4 Applying for Resource Consent.

- 14 Precinct seeks that the third paragraph under the heading "Assessment Criteria" in G.1.4 Applying for Resource Consent be deleted.

G.2 General Rules and Special Information

G.2.2 Activities Not Provided For

- 15 G.2.2 Activities Not Provided For states that the default status of activities not otherwise specified in the PAUP is non-complying.
- 16 Precinct considers that this is likely to cover a range of relatively innocuous activities, which may fall outside of the standard but which do not generate the level of effects necessary for consideration under the gateway tests of s 104D of the Resource Management Act 1991 (RMA).
- 17 In addition, s 87B(1) of the RMA states that any activity not provided for in a plan is a discretionary activity. The PAUP should be amended so that it is consistent with the RMA, and so that activities not provided for in the plan are discretionary activities.
- 18 Precinct seeks that G.2.2 Activities Not Provided For be deleted, or otherwise amended so that activities not provided for in the PAUP are discretionary.

G.2.6 Framework Plans

- 19 Framework plans are described in the Introduction to Section G.2.6 Framework Plans as a "voluntary" resource consent that enables landowners to demonstrate and achieve integrated development as an enabling provision. However the Introduction further states that:
- ... a land owner may apply for resource consent for development or subdivision prior to the approval of a framework plan, however a more onerous activity status will apply to allow the full consideration of potential effects and notification subject to the standard RMA tests.
- 20 The status that applies to development prior to the approval of a framework plan is provided for in the specific precinct rules. The more onerous status means that framework plans are effectively a requirement and a mandatory provision, particularly when that status is as a non-complying activity.
- 21 Precinct considers that, in many instances, development can take place without compromising integrated development and without a framework plan. In any event, framework plans are not the only technique by which integrated development can be achieved. Other methods include the provision of details with a resource consent application about how integration will be achieved, or through incentives such as bonus floor area provisions.
- 22 Framework plans can also be problematic for precincts held in multiple ownership. Managing different landowner requirements, expectations and timing can lead to significant delays in progressing development. Managing other landowners as a prerequisite to obtaining consent is unreasonable and should not be imposed on applicants.
- 23 Precinct requests that Section 2.6 Framework Plans be amended to remove the de facto mandatory requirement for framework plans and to better achieve the intent

of incentivising the use of the technique. Precinct has lodged a submission (submission 7) relating to its specific concerns with framework plans and the Downtown West precinct.

G.2.7 Information Requirements for Resource Consent Applications

- 24 G.2.7 Information Requirements for Resource Consent Applications contains significant detail in relation to the information required with consent applications. This includes provisions relating to design statements (G.2.7.2), framework plans (G.2.7.3) cultural impact assessments (G.2.7.4), historic heritage (G.2.7.8) and integrated transport assessments (G.2.7.9).
- 25 G.2.7 does not adequately reflect the extent to which it is necessary or relevant to include the comprehensive details set out in the provision with every resource consent application. G.2.7 also does not appropriately acknowledge the range of different types, scales, contexts and significance of development, environmental effects, the status of activities and matters such as the restriction of discretion, which might affect the level of information that would appropriately be provided with any resource consent application.
- 26 Section 88(2)(b) of the RMA requires that an application for resource consent must include "an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment".¹ The PAUP should be consistent with the RMA and not impose onerous information requirements on applicants where there is no appropriate justification.
- 27 Precinct seeks that Section G.2.7 be amended to appropriately acknowledge and provide for the provision of information with applications that corresponds to the range of different types, scales, contexts and significance of development, environmental effects, the status of activities and matters such as the restriction of discretion.
- 28 Precinct requests that:
 - 28.1 A new statement (clause (2)) is included in G.2.7 as follows:
 2. This section is a guide to applicants and may not apply to all applications. Information provided with applications in accordance with this section must correspond to the nature, scale, context and significance of the activity or development, its environmental effects, the consent status of activities and matters such as the restriction of discretion.
 - 28.2 Consequential changes are made to the contents of the sections in G.2.7 to replace the use of mandatory terms (for example "must") with words that indicate guidance (for example "may").

¹ Section 88(2)(b) will be replaced by an equivalent provision in clause 2(3)(c) of Schedule 4 of the RMA when the amendments in Part 3 of the Resource Management Amendment Act 2013 come into force.

Decision sought

- 29 Precinct seeks the following decision in relation to the PAUP:
- 29.1 All references to the Auckland Design Manual be deleted from the PAUP;
 - 29.2 The third paragraph under the heading "Assessment Criteria" in Section G.1.4 Applying for Resource Consent be deleted;
 - 29.3 G.2.2 Activities Not Provided For be deleted, or otherwise amended so that activities not provided for in the PAUP are discretionary activities;
 - 29.4 G.2.6 Framework Plans be amended to remove the de facto requirement for framework plans;
 - 29.5 G.2.7 be amended to appropriately acknowledge and provide for the provision of information with applications that corresponds to the range of different types, scales, contexts and significance of development, environmental effects, the status of activities and matters such as the restriction of discretion; and
 - 29.6 Any other further or consequential amendments required to address Precinct's concerns with the PAUP.

Summary of submission

- 30 In summary, Precinct's submission is:

PAUP provision	Precinct's position	Decision sought
References to the ADM	Delete	Delete all references to the ADM in the PAUP.
G.1.4 Applying for Resource Consent	Amend	Delete the third paragraph under the heading "Assessment criteria": However, the assessment criteria are not an exhaustive list and the council may consider any relevant policy or criteria within the Unitary Plan if it is within the scope of the matter of control/discretion for the particular activity.
G.2.2 Activities Not Provided For	Delete or amend	[Delete] or otherwise amend as follows: Any activity that is not specifically listed in the Unitary Plan as a permitted, controlled, restricted discretionary, discretionary or prohibited activity is a non-complying discretionary activity.
G.2.6 Framework Plans	Amend	Amend to remove the de facto requirement for framework plans.
G.2.7 Information Requirements for Resource Consent	Amend	Add a new clause 2 to G.2.7: <u>This section is a guide to applicants and may not apply to all applications. Information provided</u>

Applications		<p><u>with applications in accordance with this section must correspond to the nature, scale, context and significance of the activity or development, its environmental effects, the consent status of activities and matters such as the restriction of discretion.</u></p> <p>Amend the contents of the sections in G.2.7 to replace the use of mandatory terms (for example "<u>must</u>") with words that indicate guidance (for example "may").</p>
--------------	--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

13

Hearing

- 31 Precinct wishes to be heard in support of its submission.
- 32 If others make a similar submission, Precinct will consider presenting a joint case.

Precinct Properties New Zealand Limited



Trevor Wairepo
General Counsel



28 February 2014

SUBMISSION ON THE PROPOSED AUCKLAND UNITARY PLAN

Sections 123 and 125, Local Government (Auckland Transitional Provisions) Act 2010
Clause 6 of Schedule One, Resource Management Act 1991
FORM 2

To: Unitary Plan Submission Team
Auckland Council
By email: unitaryplan@aucklandcouncil.govt.nz

Submitter details

Organisation: Precinct Properties New Zealand Limited (*Precinct*)
Address for service: Precinct Properties New Zealand Limited
c/o Paula Brosnahan
Chapman Tripp
23-29 Albert Street, Auckland
PO Box 2206, Auckland 1140
Telephone: 09 357 9000
Email: paula.brosnahan@chapmantripp.com

SUBJECT: Precinct Submission No. 3 – Infrastructure

- 1 This is a submission on the Proposed Auckland Unitary Plan (PAUP), on behalf of Precinct.
- 2 Precinct is a property investor with significant business interests in Auckland. The PAUP will be critical to Precinct's future business decisions.
- 3 Precinct is making submissions on a number of aspects of the PAUP. For ease of processing, Precinct is providing submissions on different sections of the PAUP in separate submissions.
- 4 Precinct could not gain an advantage in trade competition through this submission.

SCOPE OF SUBMISSION

- 5 The specific provisions that this submission relates to are:
 - 5.1 H.1.1 Network Utilities and Energy; and
 - 5.2 H.1.2 Transport.

BACKGROUND

- 6 Precinct is New Zealand's only specialist listed investor in prime and A grade commercial office property. Totalling 322,000m² of floor area across 17 buildings, Precinct's portfolio is home to more than 300 businesses and government organisations, more than 13,000 workers, and is worth \$1.65 billion. Precinct has more than 8,000 shareholders, 98% of whom are New Zealanders and more than 2,500 are from Auckland.
- 7 Precinct provides environments that add to the life of Auckland city centre and provides space for tenants to thrive. Precinct's properties within the Auckland central business district currently comprise a mix of commercial office, retail, childcare, gymnasium, and cafés. These properties are occupied by more than 8,000 workers and are worth more than \$970 million.
- 8 Precinct has a huge investment in the success and growth of Auckland's city centre, and Precinct's business will be significantly impacted by the Unitary Plan. As Precinct's properties in Auckland are located in the city centre, Precinct is particularly interested in the objectives, policies and rules relating to the City Centre Zone, and the Auckland-wide rules.

SUBMISSION

Pedestrian overpasses and underpasses

H.1.1 Network Utilities and Energy 1.2 - Restricted discretionary activity status

- 9 Precinct supports the inclusion of pedestrian overpasses and underpasses as a restricted discretionary activity (H.1.1 Network Utilities and Energy 1.2).
- 10 Precinct considers that pedestrian overpasses and underpasses can, in certain circumstances, provide a valuable contribution to the pedestrian network and meet the operational or infrastructural needs of development.
- 11 Precinct seeks that the provision for pedestrian and overpasses and underpasses as a restricted discretionary activity be retained.

H.1.1 Network Utilities and Energy 5.2 (9) - Assessment criteria

- 12 The assessment criteria for pedestrian overpasses and underpasses are set out in H.1.1 Network Utilities and Energy 5.2 (9). These include provisions that:
 - 12.1 "the proposal should not have an adverse effect upon street level activities and a centre's on-going ability to provide an active and vibrant public realm" ((9)(a)(i));
 - 12.2 "... a pedestrian overpass should ... not obstruct views of visually prominent features such as historic buildings and landmarks, or significant natural and cultural features" ((9)(b)(i); and
 - 12.3 "the structure should be available for public use at all times..." ((9)(c)(i).
- 13 In relation to pedestrian overpasses and underpasses, there may be instances where:

- 13.1 An overpass or underpass may have an adverse effect on street level activities, but that effect can be avoided, remedied or mitigated or where it would make a positive contribution in other respects;
- 13.2 Some views of prominent features will be obstructed, but in a manner that does not compromise their integrity and is therefore appropriate; and
- 13.3 For public safety and other reasons, it would be inappropriate for the structure to be available for public use at all times.
- 14 Precinct considers that the criteria relating to centre vitality, design and pedestrian connectivity should be amended as follows:
- a. centre vitality, The extent to which:
 - i. the proposal ~~should not have~~ has an significant adverse effect upon street level activities and a centre's on-going ability to provide an active and vibrant public realm.
 - ii. the proposal would result in a positive contribution by reducing vehicle trips, providing integration opportunities or enhancing pedestrian connectivity, convenience and safety.
 - iii. the proposal may contribute to the operational efficiency and success of the development that it is connecting and thereby contribute to the overall vibrancy of the centre
 - b. design, location, scale and appearance
 - ...
 - In addition to the above, a pedestrian overpass should:
 - minimise its visual intrusion on the streetscape.
 - ~~not obstruct views~~ avoid compromising the integrity of visually prominent features such as historic buildings and landmarks, or significant natural and cultural features
 - ...
 - c. pedestrian connectivity
 - i. the structure should be available for public use at all times and provide convenient physical access for people of all ages and abilities except where this would be inappropriate due to public safety or other reasons.
 - ...

Parking

H.1.2 Transport 1 - Activity status of off-site parking

- 15 Precinct considers that the activity status of "off-site parking" (H.1.2 Transport 1) should be amended from discretionary to restricted discretionary.
- 16 The provision of off-site parking can have significant benefits, including consolidation of vehicle entrances and efficient use of land. Any adverse effects of off-site parking can be readily determined and accordingly the matters over which Council would need to exercise control can also be readily determined. Furthermore, off-site parking is similar to parking that does not comply with the development controls, which has restricted discretionary activity status.

- 17 Precinct seeks that the activity status of "off-site parking" be amended to restricted discretionary, and matters of discretion and assessment criteria that address the relevant considerations be included in H.1.2 Transport 4 Assessment – restricted discretionary activities. These could be similar to the requirements in H.1.2 Transport 6 (3).

H.1.2 Transport 2 (1)(a) - Notification of applications to exceed the parking maximums in Table 2 for the City Centre zone

- 18 H.1.2 Transport 2 (1)(a) provides for a notification regime for the City Centre zone whereby excess parking in the city centre would be subject to the normal RMA tests for notification. The PAUP states that applications for the same consent in other zones are to be processed on a non-notified basis.
- 19 Precinct submits that it is inequitable and inconsistent to apply a specific and onerous notification regime solely to the City Centre zone when the same parking supply objectives and policies apply to the City Centre, city centre fringe area and in and around Metropolitan, Town, and Local Centres. There is no reason to treat these areas differently in respect of notification.
- 20 Precinct seeks that H.1.2 Transport 2 (1)(a) be deleted.

Parking ratios in City Centre zone- H.1.2 Transport 3.2 Table 2

- 21 While a greater choice and frequency of travel modes other than the private motor vehicle are available in the City Centre, cars are, and will remain, an important transportation option for activities in the City Centre zone. This includes development on sites subject to the Vehicle Access Restriction – General control, which have the ability to provide parking in off-site locations.
- 22 The PAUP applies a 1:200m² (parking space: gross floor area (GFA)) ratio in the City Centre zone. The Operative Auckland District Plan: Central Area Section (*Operative District Plan*) applies a parking ratio range of 1:105m² to 1:200m², depending on road type, to the Central Area. Precinct considers that the Operative District Plan parking ratios appropriately reflect car parking availability and requirements in the city centre, and should be included in the PAUP City Centre rules.
- 23 Precinct considers that where pedestrian safety and amenity, and other reasons, justify the restriction of vehicle access to sites, the parking needs of activities should be able to be provided on other sites.
- 24 Precinct seeks that H.1.2 Transport 3.2 Table 2 be amended, to restore the parking ratios that apply to the Central Area in the Operative District Plan.

DECISION SOUGHT

- 25 Precinct seeks the following decision in relation to Chapter H.1 Infrastructure:
- 25.1 the provision for pedestrian and overpasses and underpasses as a restricted discretionary activity be retained;
- 25.2 the assessment criteria applying to the consideration of pedestrian overpasses and underpasses be amended to provide for situations where:

- (a) an overpass or underpass will have an adverse effect on street level activities, but that effect can be avoided, remedied or mitigated;
 - (b) some views of prominent features will be obstructed, but in a manner that does not compromise their integrity and is therefore appropriate; and
 - (c) for public safety and other reasons, it would be inappropriate for the structure to be available for public use at all times;
- 25.3 the activity status of off-site parking be amended from discretionary to restricted discretionary, and appropriate matters of discretion and assessment criteria be added;
- 25.4 H.1.2 Transport 2 (1)(a) be deleted, to remove the special notification procedure for applications that exceed the relevant parking maxima in the City Centre zone;
- 25.5 H.1.2 Transport 3.2 Table 2 be deleted and the parking ratios in the Operative District Plan for the Central Area be restored; and
- 25.6 Any other further or consequential amendments required to address Precinct's concerns with the PAUP.

SUMMARY OF SUBMISSION

26 In summary, Precinct's submission is:

PAUP provision	Precinct's position	Decision sought
H.1.1 Network Utilities and Energy 1.2	Support	Retain provision for pedestrian overpasses and underpasses as a restricted discretionary activity.
H.1.1 Network Utilities and Energy 5.2 (9)	Amend.	Amend the assessment criteria applying to the consideration of pedestrian overpasses and underpasses be amended as follows: a. centre vitality. <u>The extent to which:</u> i. the proposal should not have <u>has</u> an <u>significant</u> adverse effect upon street level activities and a centre's on-going ability to provide an active and vibrant public realm. ii. <u>the proposal would result in a positive contribution by reducing vehicle trips, providing integration opportunities or enhancing pedestrian connectivity, convenience and safety.</u> iii. <u>the proposal may contribute to the operational efficiency and success of the development that it is connecting and thereby contribute to the overall vibrancy of the centre</u>

PAUP provision	Precinct's position	Decision sought
		<p>b. design, location, scale and appearance</p> <p>...</p> <p>In addition to the above, a pedestrian overpass should:</p> <ul style="list-style-type: none"> - minimise its visual intrusion on the streetscape. - not obstruct views avoid compromising the <u>integrity</u> of visually prominent features such as historic buildings and landmarks, or significant natural and cultural features <p>...</p> <p>c. pedestrian connectivity</p> <p>i. the structure should be available for public use at all times and provide convenient physical access for people of all ages and abilities <u>except where this would be inappropriate due to public safety or other reasons.</u></p> <p>...</p>
H.1.2 Transport 1	Amend	<p>[Change the activity status of off-site parking from discretionary to restricted discretionary] and [add appropriate matters of discretion and assessment criteria, based on the requirements in H.1.2 Transport 6 (3).]</p>
H.1.2 Transport 2 (1)(a)	Delete	<p>Amend as follows:</p> <p>The following activities will be subject to the normal tests for notification under the relevant sections of the RMA:</p> <p>a. applications to exceed the parking maximums specified in Table 2 for the City Centre zone</p> <p>eg. public transport facilities</p> <p>eg. park-and-ride exceeding 200 parking spaces</p>
H.1.2 Transport 3.2 Table 2	Amend	<p>Amend H.1.2 Transport 3.2 Table 2 to restore the parking ratios in the Operative District Plan for the Central Area.</p>

HEARING

- 27 Precinct wishes to be heard in support of its submission.
- 28 If others make a similar submission, Precinct will consider presenting a joint case.

Precinct Properties New Zealand Limited



Trevor Wairepo
General Counsel

28 February 2014

SUBMISSION ON THE PROPOSED AUCKLAND UNITARY PLAN

Sections 123 and 125, Local Government (Auckland Transitional Provisions) Act 2010
Clause 6 of Schedule One, Resource Management Act 1991
FORM 2

To: Unitary Plan Submission Team
Auckland Council
By email: unitaryplan@aucklandcouncil.govt.nz

Submitter details

Organisation: Precinct Properties New Zealand Limited (*Precinct*)
Address for service: Precinct Properties New Zealand Limited
c/o Paula Brosnahan
Chapman Tripp
23-29 Albert Street, Auckland
PO Box 2206, Auckland 1140
Telephone: 09 357 9000
Email: paula.brosnahan@chapmantripp.com

SUBJECT: Precinct Submission No. 4 – H.4 Earthworks

- 1 This is a submission on the Proposed Auckland Unitary Plan (PAUP), on behalf of Precinct.
- 2 Precinct is a property investor with significant business interests in Auckland and the PAUP will be critical to Precinct's future business decisions.
- 3 Precinct is making submissions on a number of aspects of the PAUP. For ease of processing, Precinct is providing submissions on different sections of the PAUP in separate submissions.
- 4 Precinct could not gain an advantage in trade competition through this submission.

SCOPE OF SUBMISSION

- 5 The specific provision that this submission relates to is Chapter H.4.2 Earthworks 1.1.

BACKGROUND

- 6 Precinct is New Zealand's only specialist listed investor in prime and A grade commercial office property. Totalling 322,000m² of floor area across 17 buildings, Precinct's portfolio is home to more than 300 businesses and government organisations, more than 13,000 workers, and is worth \$1.65 billion. Precinct has

more than 8,000 shareholders, 98% of whom are New Zealanders and more than 2,500 are from Auckland.

- 7 Precinct provides environments that add to the life of Auckland city centre and provides space for tenants to thrive. Precinct's properties within the Auckland central business district currently comprise a mix of commercial office, retail, childcare, gymnasium, and cafés. These properties are occupied by more than 8,000 workers and are worth more than \$970 million.
- 8 Precinct has a huge investment in the success and growth of Auckland's city centre, and Precinct's business will be significantly impacted by the Unitary Plan. As Precinct's properties in Auckland are located in the city centre, Precinct is particularly interested in the objectives, policies and rules relating to the City Centre Zone, and the Auckland-wide rules.

SUBMISSION

- 9 H.4.2 Earthworks 1.1 sets out the activity table for earthworks for all zones. It is unclear whether the City Centre Zone is intended to be provided for in the "Business zones" or the "All other zones and roads" columns in the activity table.
- 10 Precinct considers that the City Centre zone should be provided for in the Business zones category of H.4.2 Earthworks 1.1, given the similarities between the City Centre zone and the Business zones.
- 11 Precinct seeks that the heading of the third column of H.4.2 Earthworks 1.1 be amended as follows:
 - 11.1 "Business zones including the City Centre zone".

DECISION SOUGHT

- 12 Precinct seeks the following decision in relation to H.4.2 Earthworks 1.1:
 - 12.1 The heading of the third column of H.4.2 Earthworks 1.1 be amended as follows:
 - (a) "Business zones including the City Centre zone".
 - 12.2 Any other further or consequential amendments required to address Precinct's concerns with the PAUP.

44

HEARING

- 13 Precinct wishes to be heard in support of its submission.
- 14 If others make a similar submission, Precinct will consider presenting a joint case.

Precinct Properties New Zealand Limited



Trevor Wairepo
General Counsel

28 February 2014



SUBMISSION ON THE PROPOSED AUCKLAND UNITARY PLAN

Sections 123 and 125, Local Government (Auckland Transitional Provisions) Act 2010
Clause 6 of Schedule One, Resource Management Act 1991
FORM 2

To: Unitary Plan Submission Team
Auckland Council
By email: unitaryplan@aucklandcouncil.govt.nz

Submitter details

Organisation: Precinct Properties New Zealand Limited (*Precinct*)
Address for service: Precinct Properties New Zealand Limited
c/o Paula Brosnahan
Chapman Tripp
23-29 Albert Street, Auckland
PO Box 2206, Auckland 1140
Telephone: 09 357 9000
Email: paula.brosnahan@chapmantripp.com

Subject: Precinct Submission No. **5** – H.6.4 Sustainable development

- 1 This is a submission on the Proposed Auckland Unitary Plan (*PAUP*), on behalf of Precinct.
- 2 Precinct is a property investor with significant business interests in Auckland and the *PAUP* will be critical to Precinct's future business decisions.
- 3 Precinct is making submissions on a number of aspects of the *PAUP*. For ease of processing, Precinct is providing submissions on different sections of the *PAUP* in separate submissions.
- 4 Precinct could not gain an advantage in trade competition through this submission.

Scope of submission

- 5 The specific provision that this submission relates to is H.6.4 Sustainable Development.

Background

- 6 Precinct is New Zealand's only specialist listed investor in prime and A grade commercial office property. Totalling 322,000m² of floor area across 17 buildings, Precinct's portfolio is home to more than 300 businesses and government organisations, more than 13,000 workers, and is worth \$1.65 billion. Precinct has

more than 8,000 shareholders, 98% of whom are New Zealanders and more than 2,500 are from Auckland.

- 7 Precinct provides environments that add to the life of Auckland city centre and provides space for tenants to thrive. Precinct's properties within the Auckland central business district currently comprise a mix of commercial office, retail, childcare, gymnasium, and cafés. These properties are occupied by more than 8,000 workers and are worth more than \$970 million.
- 8 Precinct has a huge investment in the success and growth of Auckland's city centre, and Precinct's business will be significantly impacted by the Unitary Plan. As Precinct's properties in Auckland are located in the city centre, Precinct is particularly interested in the objectives, policies and rules relating to the City Centre Zone, and the Auckland-wide rules.

Submission

- 9 Section H.6.4 Sustainable Development sets out rules in relation to sustainable development.
- 10 Precinct supports initiatives for sustainable development. However, Precinct considers that the PAUP rule requiring sustainable development for new offices (H.6.4 Sustainable Development 2.2) is inappropriate and should be deleted because:
 - 10.1 The Green Star Office Tools and the Living Building Challenge certification are not intended for statutory or mandatory application;
 - 10.2 The application of H.6.4 Sustainable Development 2.2 to only new office development with a floor area over 5,000m² is arbitrary; and
 - 10.3 There are other means of achieving sustainable office development than by requiring strict compliance with an onerous rule (for example through design innovation).

Decision sought

- 11 Precinct seeks the following decision:
 - 11.1 Deletion all of Section H.6.4 Sustainable Development; or
 - 11.2 Amendment of Section H.6.4 Sustainable Development to remove those provisions relating to office development; and
 - 11.3 Any other further or consequential amendments required to address Precinct's concerns with the PAUP, particularly in relation to Section H.6.4.

| 20
| 21

Hearing

- 12 Precinct wishes to be heard in support of its submission.
- 13 If others make a similar submission, Precinct will consider presenting a joint case.

Precinct Properties New Zealand Limited

Trevor Wairepo
General Counsel

28 February 2014

SUBMISSION ON THE PROPOSED AUCKLAND UNITARY PLAN

Sections 123 and 125, Local Government (Auckland Transitional Provisions) Act 2010
Clause 6 of Schedule One, Resource Management Act 1991
FORM 2

To: Unitary Plan Submission Team
Auckland Council
By email: unitaryplan@aucklandcouncil.govt.nz

Submitter details

Organisation: Precinct Properties New Zealand Limited (*Precinct*)
Address for service: Precinct Properties New Zealand Limited
c/o Paula Brosnahan
Chapman Tripp
23-29 Albert Street, Auckland
PO Box 2206, Auckland 1140
Telephone: 09 357 9000
Email: paula.brosnahan@chapmantripp.com

SUBJECT: Precinct Submission No. 6 – City Centre zone rules

- 1 This is a submission on the Proposed Auckland Unitary Plan (PAUP), on behalf of Precinct.
- 2 Precinct is a property investor with significant business interests in Auckland. The PAUP will be critical to Precinct's future business decisions.
- 3 Precinct is making submissions on a number of aspects of the PAUP. For ease of processing, Precinct is providing submissions on different sections of the PAUP in separate submissions.
- 4 Precinct could not gain an advantage in trade competition through this submission.

SCOPE OF SUBMISSION

- 5 The specific provisions that this submission relates to are:
 - 5.1 I.4 City Centre 1 – Activity table;
 - 5.2 I.4 City Centre 4.4 – Harbour Edge Control Plane;
 - 5.3 I.4 City Centre 4.9 – Basic floor area ratio (FAR);
 - 5.4 I.4 City Centre 4.10 – 4.19 – Bonus floor area regime;

- 5.5 1.4 City Centre 4.20 – Maximum total floor area ratio (FAR);
- 5.6 1.4 City Centre 4.23 – Maximum tower dimension, setback from the street and tower separation;
- 5.7 1.4 City Centre 4.32 – Special amenity yards;
- 5.8 1.4 City Centre 6.1 – Matters of discretion;
- 5.9 1.4 City Centre 9 – Special information requirements; and
- 5.10 1.4 City Centre 10 – Maps.

BACKGROUND

- 6 Precinct is New Zealand's only specialist listed investor in prime and A grade commercial office property. Totalling 322,000m² of floor area across 17 buildings, Precinct's portfolio is home to more than 300 businesses and government organisations, more than 13,000 workers, and is worth \$1.65 billion. Precinct has more than 8,000 shareholders, 98% of whom are New Zealanders and more than 2,500 are from Auckland.
- 7 Precinct provides environments that add to the life of Auckland city centre and provides space for tenants to thrive. Precinct's properties within the Auckland central business district currently comprise a mix of commercial office, retail, childcare, gymnasium, and cafés. These properties are occupied by more than 8,000 workers and are worth more than \$970 million.
- 8 Precinct has a huge investment in the success and growth of Auckland's city centre, and Precinct's business will be significantly impacted by the Unitary Plan. As Precinct's properties in Auckland are located in the city centre, Precinct is particularly interested in the objectives, policies and rules relating to the City Centre Zone, and the Auckland-wide rules.

SUBMISSION

Activity status of the demolition of buildings - 1.4 City Centre 1

- 9 1.4 City Centre 1 classifies the "demolition of buildings" as a restricted discretionary activity. Precinct considers that this restricted discretionary activity status is inappropriate and unnecessary because:
 - 9.1 It introduces uncertainty of outcome for developers and investors, as resource consent may be declined; and
 - 9.2 All of the criteria and matters over which Council has restricted its discretion relate to matters on which conditions might be imposed. None of these criteria or matters appropriately relate to whether or not consent would be granted.
- 10 Precinct seeks that the activity status of the "demolition of buildings" be amended to be a controlled activity.

Activity status of buildings that do not comply with the Harbour Edge Height Control Plane - I.4 City Centre 4.4 (3)

- 11 I.4 City Centre 4.4 (3) specifies that a building that does not comply with the Harbour Edge Height Control Plane is a discretionary activity.
- 12 Precinct considers that a building that does not comply with the Harbour Edge Height Control Plane should be a restricted discretionary activity because:
 - 12.1 In the City Centre zone, subject to some minor exceptions, other infringements of development controls require restricted discretionary activity consent and such status should be applied to a breach of this development control for consistency;
 - 12.2 Restricted discretionary activity consent is required in the Operative Auckland District Plan: Central Area Section (*Operative District Plan*) for exceeding the same height control plane and Council has provided no reasons for changing the status of any exceedance; and
 - 12.3 Consents have been issued for both built and unimplemented development in this area which exceed the Harbour Edge Height Control Plane. The Operative District Plan appropriately manages the effects of these breaches through matters of discretion and assessment criteria. The PAUP includes matters of discretion and assessment criteria relating to this development control (4.3.4 City Centre 5.2 Table 4 and Section 4.3.4 City Centre 5.2.2). These provisions would appropriately manage any breaches of this development control as a restricted discretionary activity.
- 13 Precinct seeks that I.4 City Centre 4.4 (3) be amended as follows:

A building that does not comply with this control is a restricted discretionary activity

Basic floor area ratio (FAR) - I.4 City Centre 4.9 and I.4 City Centre 10 Map 9

- 14 Precinct supports the basic floor area ratio (FAR) of 8:1 in the core of the CBD, as set out in I.4 City Centre 4.9 and I.4 City Centre 10 Map 9.
- 15 As recognised in the Auckland Plan and City Centre Master Plan, the core of the CBD is appropriate for the greatest intensity of development, including building heights limited only by protection of sunlight access to identified public open spaces and view shafts. To achieve this intensity of development (given the proposed changes to the bonus FAR regime, as amended in the PAUP from that in the Operative District Plan), an increase in the basic FAR in the core CBD to 8:1 is required.
- 16 Precinct seeks that the basic FAR of 8:1 in the core of the CBD be retained.

Bonus floor area regime - I.4 City Centre 4.10 – 4.19

- 17 Precinct seeks amendments to the bonus floor area regime, which is set out in I.4 City Centre 4.10 – 4.19 of the PAUP.

1.4 City Centre 4.10: Bonus floor area ratio (FAR)

- 18 The bonus floor area regime in the PAUP makes significant changes to that in the Operative District Plan, which was recently reviewed and modified (through Plan Change 42 which was made operative in April 2012).
- 19 The regime proposed in the PAUP is inappropriate as it:
 - 19.1 Applies discretionary activity status in 1.4 City Centre 4.10 (4) to bonus features that do not comply with the bonus rules, when development control infringements are typically restricted discretionary;
 - 19.2 Removes the bonus for accommodation (rather than only dwellings);
 - 19.3 Removes accommodation and dwellings altogether from Bonus Area 1a; and
 - 19.4 Applies restricted discretionary activity status to dwellings (1.4 City Centre 4.10 Table 4).
- 20 The regime is also confusing and unclear as it does not provide for the use of heritage floor space or nominate a maximum ratio limit for this activity.
- 21 Precinct seeks amendments to the bonus floor area regime in sections 4.10 to 4.19 to address the matters above.

1.4 City Centre 4.17: Bonus floor area – through-site link

- 22 Precinct considers that the controls imposed on the through-site link bonus are overly prescriptive and are more appropriately included as assessment matters.
- 23 These overly-prescriptive provisions include the requirements for through-site links to:
 - 23.1 Be universally accessible along the entirety of their length (1.4 City Centre (4) (c)). This requirement is sometimes not possible, given that the topography of much of the CBD leads to stairs or escalators often being required.
 - 23.2 Have no or only limited vehicle access (1.4 City Centre 4.17 (7)). This requirement is inappropriate given that shared spaces have been successfully established in streets throughout the CBD.
 - 23.3 Be publicly accessible 24 hours a day, seven days a week (1.4 City Centre 4.17 (8)) or from 7am to 7pm Monday to Friday (1.4 City Centre 4.17 (11) and (14)). For safety, security and operational reasons more limited hours are appropriate.
- 24 Precinct seeks that 1.4 City Centre 4.17 be amended to address the matters above.

1.4 City Centre 10 Map 11: Additional through-site link bonus

- 25 1.4 City Centre 10 Map 11 shows the areas to which the additional through-site bonus (specified in 1.4 City Centre 4.18) applies.
- 26 Two important sites – No.1 Queen Street and 21 Queen Street – in the downtown CBD in the block between Quay Street, Hobson Street, Customs Street and Queen Street are not included in Map 11. These properties are part of the wider block

identified as being appropriate for additional through-site link bonus and there is an opportunity to provide through-site links through these sites.

- 27 Precinct seeks that I.4 City Centre 10 Map 11 be amended by adding the properties at 1 and 21 Queen Street (as shown in blue in **Figure 1** below).

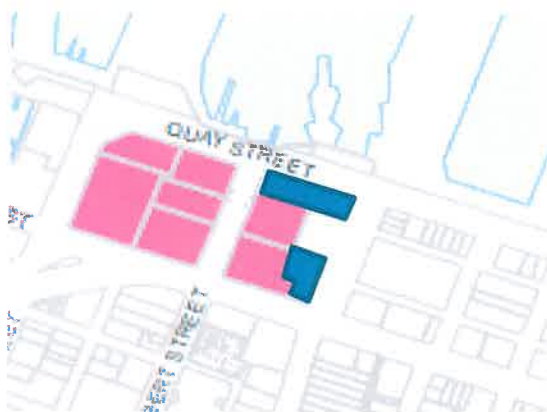


Figure 1: Sites to be added I.4 City Centre 10 Map 11.

Maximum total floor area ratio (FAR) - I.4 City Centre 4.20 Table 6

- 28 I.4 City Centre 4.20 Table 6 is the same as I.4 City Centre 4.11 Table 5. The table relates to calculating the light and outlook bonus, not the maximum FAR.
- 29 Precinct seeks that I.4 City Centre 4.20 Table 6 be deleted and replaced with the maximum FAR table that applies in the Operative District Plan for the Central Area (Figure 6.10 as duplicated below), with consequential changes required to reference the different Bonus Areas in the PAUP.

Figure 6.10

Bonus Area 1 (see Clause 6.7.3(a)(i) for exceptions)	
Where:	MTFAR equals
(a) $AEF < 0.25$ SA	13:1
(b) $0.25 \leq AEF \leq 0.75$ SA	$15 - (3 \times AEF) : 1$
(c) $AEF > 0.75$ SA	6.5:1
Bonus Area 2	
Where:	MTFAR equals
(a) $AEF < 0.35$ SA	10:1
(b) $0.35 \leq AEF \leq 0.75$ SA	$12.8 - (3 \times AEF) : 1$
(c) $AEF > 0.75$ SA	6.5:1
Bonus Area 3	
Where:	MTFAR equals
(a) $AEF < 0.6$ SA	8:1
(b) $0.6 \leq AEF \leq 0.75$ SA	$10.8 - (3 \times AEF) : 1$
(c) $AEF > 0.75$ SA	4.5:1

Maximum tower dimension - I.4 City Centre 4.23 (1)(a)

- 30 I.4 City Centre 4.23 (1)(a) specifies that a maximum plan dimension of 50m applies to those parts of towers above 28m on every site identified as special height area in I.4 City Centre 10 Map 3.
- 31 Precinct considers that a 50m maximum plan dimension is inappropriate as it allows only a small floor plate (for example 40m by 30m, or 1,200m² gross floor area).
- 32 Precinct considers that a 75m maximum plan dimension would be more appropriate and would provide more flexibility and development potential for applicable properties, while allowing the criteria in I.4 City Centre 6 to appropriately address the matters specified for control in I.4 City Centre 4.23.
- 33 Precinct seeks that I.4 City Centre 4.23 (1)(a) be amended as follows:

The maximum plan dimension of that part of the building 28m above mean street level must not exceed ~~50m~~75m.

Special amenity yards - I.4 City Centre 4.32 Figure 17

- 34 A special amenity yard applies to land at the eastern end of the property at No. 1 Queen Street (I.4 City Centre 4.32 Figure 17).
- 35 This amenity yard is unduly restrictive, unreasonable and unnecessary, and should be removed from No. 1 Queen Street.
- 36 Since the application of the amenity yard to No. 1 Queen Street in the Operative District Plan, the Plan has been amended to apply a restricted discretionary activity status to all new buildings in the City Centre. Under the PAUP, development within the amenity yard area is also proposed to be a restricted discretionary activity. The matters of discretion and assessment criteria that would apply to any future development under the PAUP include matters relating to the contribution of buildings to local streetscape and the interface of buildings with the public realm. Therefore, amenity would now need to be considered for any development at No.1 Queen Street regardless of the application of the amenity yard. The yard is therefore unnecessary.
- 37 Precinct seeks that:
- 37.1 I.4 City Centre 4.32 Figure 17 be deleted; and
- 37.2 I.4 City Centre 4.32 (1) be amended as follows:

A building must not be at or above ground level within the yards shown on Figures 15-~~17~~16.

Matters of discretion – scale of buildings adjoining heritage places - I.4 City Centre 6.1 (1)(b)

- 38 I.4 City Centre 6.1 (1)(b) seeks to retain discretion over the scale of buildings adjoining historic heritage places.
- 39 The retained discretion would place inappropriate uncertainty over the extent of development otherwise permitted by the floor area and height rules. This is

recognised in the restricted discretionary assessment criteria in I.4 City Centre 6.2 (1)(b)(i) which provides (emphasis added):

Buildings adjoining or in close proximity to a scheduled historic heritage place:

- should be located and designed to have regard to the significant historic heritage elements and built form of the place. This does not mean a rigid adherence to the height of the place, nor does it reduce the development potential of the site, but it does require careful consideration in terms of the form and design of the building to minimise the effects of dominance

40 Retaining discretion over building scale is unnecessary because the PAUP applies a Historic Heritage Extent of Place Overlay to protect their surrounds. Any other issues can be addressed via design.

41 Precinct seeks that I.4 City Centre 6.1 (1)(b) be amended as follows:

Form and dDesign and scale of buildings adjoining historic heritage places.

Special information requirements – design statements - I.4 City Centre 9

42 I.4 City Centre 9 specifies that a design statement is required for certain activities in the City Centre zone. The section refers applicants to the Auckland Design Manual (ADM) for guidance on the preparation of design statements.

43 Precinct considers that I.4 City Centre 9 should be deleted because:

43.1 Applicants are already required to provide a complete package of supporting documentation with any resource consent application in the form of an assessment of environmental effects (AEE). Applicants usually provide a significant amount of material in respect of proposals which relate to built form, including contextual analysis, concept design, site plans and elevations. It would be unnecessarily onerous to require design statements as an additional discrete package of information within an AEE.

43.2 In relation to the ADM, it is inappropriate to recommend a seven-step design development process – including more than one pre-application meeting with the Council to discuss detailed concept designs – for every application proposal. Applicants are entitled to prepare their own design concepts and promote these in any subsequent hearing, without fear that a design that is not in accordance with the Council's ideal design response will receive an unfavourable recommendation. In addition, although the ADM is intended by the Council to be a guidance document only, there is a real risk to developers that resource consent processing officers (particularly front of house officers) will require developments to be designed in strict accordance with the manual. The ADM has not yet been completed, and Precinct considers that reference in the PAUP to a non-statutory document that has not yet been completed, or created through a public participatory process, is inappropriate.

- 43.3 The design statement process is not the only method by which quality design can be achieved throughout Auckland. The Council should not seek to rely on this at the expense of other methods.

DECISION SOUGHT

- 44 Precinct seeks the following decision in relation to Chapter 1.4 City Centre:
- 44.1 1.4 City Centre 1 be amended to alter the activity status of the "Demolition of buildings" from restricted discretionary to controlled;
- 44.2 1.4 City Centre 4.4 (3) be amended so that non-compliance with the Height Control Plane requirement is a restricted discretionary activity;
- 44.3 The basic FAR of 8:1 in the core of the CBD be retained (1.4 City Centre 4.9 and 1.4 City Centre 10 Map 9);
- 44.4 In relation to the bonus floor area regime:
- (a) 1.4 City Centre 4.10 (4) be amended to alter the activity status of bonus features that do not comply with the bonus rules from a discretionary activity to a restricted discretionary activity;
 - (b) 1.4 City Centre 4.10 Table 4 be amended to restore the bonus to accommodation (rather than only dwellings);
 - (c) 1.4 City Centre 4.10 Table 4 be amended to restore the bonus to accommodation (including dwellings) in Bonus Area 1a;
 - (d) The addition of assessment and matters of discretion to apply to the restricted discretionary activities specified in 1.4 City Centre 4.10 Table 4;
 - (e) The bonus floor area regime be amended to address the confusion resulting from the lack of provision for the use of heritage floor space or nomination of a maximum ratio limit for this activity;
 - (f) 1.4 City Centre 4.17 be amended to remove the following requirements for through-site links to qualify for a bonus:
 - (i) Be universally accessible along the entirety of their length (1.4 City Centre (4)(c));
 - (ii) Have no or only limited vehicle access (1.4 City Centre 4.17 (7)); and
 - (iii) Be publicly accessible 24 hours a day, seven days a week (1.4 City Centre 4.17 (8)) or from 7am to 7pm Monday to Friday (1.4 City Centre 4.17 (11) and (14)); and
 - (g) 1.4 City Centre 10 Map 11 be amended to add the properties at 1 and 21 Queen Street (shown in blue in Figure 1 above).
- 44.5 1.4 City Centre 4.20 Table 6 be deleted and replaced with the maximum FAR table that applies in Figure 6.10 of the Operative District Plan for the Central Area.

44.6 I.4 City Centre 4.23 (1)(a) be amended as follows:

- (h) the maximum plan dimension of that part of the building 28m above mean street level must not exceed ~~50m~~ 75m;

44.7 In relation to I.4 City Centre 4.32:

- (i) I.4 City Centre 4.32 Figure 17 be deleted; and
(j) I.4 City Centre 4.32 (1) be amended as follows:
(i) "A building must not be at or above ground level within the yards shown on Figures 15-~~17~~ 16";

44.8 I.4 City Centre 6.1 (1)(b) be amended as follows:

- (k) ~~Form and dDesign and scale~~ of buildings adjoining historic heritage places; and

44.9 I.4 City Centre 9 be deleted.

44.10 Any other further or consequential amendments required to address Precinct's concerns with the PAUP, particularly in relation to I.4 City Centre.

SUMMARY OF SUBMISSION

45 In summary, Precinct's submission is:

PAUP provision	Precinct's position	Decision sought
I.4 City Centre 1	Amend	Alter the activity status of the "Demolition of buildings" from restricted discretionary to controlled.
I.4 City Centre 4.4 (3)	Amend	"A building that does not comply with this control is a <u>restricted</u> discretionary activity."
I.4 City Centre 4.9 and I.4 City Centre 10 Map 9	Support	Retain the basic FAR of 8:1 in the core of the CBD.
I.4 City Centre 4.10 (4)	Amend	Alter the activity status of bonus features that do not comply with the bonus rules from discretionary to restricted discretionary.
I.4 City Centre 4.10 Table 4	Amend	Restore the bonus FAR to accommodation (rather than only dwellings). Restore the bonus to accommodation (including dwellings) in Bonus Area 1a.

PAUP provision	Precinct's position	Decision sought
I.4 City Centre 4.10-4.19 generally	Amend	Add assessment criteria and matters for discretion for the restricted discretionary activities specified in I.4 City Centre 4.10 Table 4. Amend to address the confusion resulting from the lack of provision for the use of heritage floor space or nomination of a maximum ratio limit for this activity.
I.4 City Centre 4.17	Amend	Remove the following requirements for through-site links to qualify for a bonus: (a) Be universally accessible along the entirety of their length (I.4 City Centre (4)(c)); (b) Have no or only limited vehicle access (I.4 City Centre 4.17 (7)); and (c) Be publicly accessible 24 hours a day, seven days a week (I.4 City Centre 4.17 (8)) or from 7am to 7pm Monday to Friday (I.4 City Centre 4.17 (11) and (14)).
I.4 City Centre 10 Map 11	Amend	Amended to add the properties at 1 and 21 Queen Street (shown in blue in Figure 1 above).
I.4 City Centre 4.20 Table 6	Delete and replace	Delete and replace with the maximum FAR table that applies in the Operative District Plan for the Central Area (Figure 6.10).
I.4 City Centre 4.23 (1)(a)	Amend	"the maximum plan dimension of that part of the building 28m above mean street level must not exceed 50m 75m".
I.4 City Centre 4.32.	Amend	Delete I.4 City Centre 4.32 Figure 17. --- Amend I.4 City Centre 4.32 (1) as follows: "A building must not be at or above ground level within the yards shown on Figures 15- 17 16".
I.4 City Centre 6.1 (1)(b)	Amend	" Form and design and scale of buildings adjoining historic heritage places".
I.4 City Centre 9	Delete	Delete whole section. ---

HEARING

- 46 Precinct wishes to be heard in support of its submission.
- 47 If others make a similar submission, Precinct will consider presenting a joint case.

Precinct Properties New Zealand Limited



Trevor Wairepo
General Counsel



28 February 2014

SUBMISSION ON THE PROPOSED AUCKLAND UNITARY PLAN

Sections 123 and 125, Local Government (Auckland Transitional Provisions) Act 2010
Clause 6 of Schedule One, Resource Management Act 1991
FORM 2

To: Unitary Plan Submission Team
Auckland Council
By email: unitaryplan@aucklandcouncil.govt.nz

Submitter details

Organisation: Precinct Properties New Zealand Limited (*Precinct*)
Address for service: Precinct Properties New Zealand Limited
c/o Paula Brosnahan
Chapman Tripp
23-29 Albert Street, Auckland
PO Box 2206, Auckland 1140
Telephone: 09 357 9000
Email: paula.brosnahan@chapmantripp.com

SUBJECT: Precinct Submission No. 7 – Downtown West precinct activity table

- 1 This is a submission on the Proposed Auckland Unitary Plan (*PAUP*), on behalf of Precinct.
- 2 Precinct is a property investor with significant business interests in Auckland. The *PAUP* will be critical to Precinct's future business decisions.
- 3 Precinct is making submissions on a number of aspects of the *PAUP*. For ease of processing, Precinct is providing submissions on different sections of the *PAUP* in separate submissions.
- 4 Precinct could not gain an advantage in trade competition through this submission.

SCOPE OF SUBMISSION

- 5 The specific provision that this submission relates to is K.3.4 Downtown West 1.

BACKGROUND

- 6 Precinct is New Zealand's only specialist listed investor in prime and A grade commercial office property. Totalling 322,000m² of floor area across 17 buildings, Precinct's portfolio is home to more than 300 businesses and government

organisations, more than 13,000 workers, and is worth \$1.65 billion. Precinct has more than 8,000 shareholders, 98% of whom are New Zealanders and more than 2,500 are from Auckland.

- 7 Precinct provides environments that add to the life of Auckland city centre and provides space for tenants to thrive. Precinct's properties within the Auckland central business district currently comprise a mix of commercial office, retail, childcare, gymnasium, and cafés. These properties are occupied by more than 8,000 workers and are worth more than \$970 million.
- 8 Precinct has a huge investment in the success and growth of Auckland's city centre, and Precinct's business will be significantly impacted by the Unitary Plan. As Precinct's properties in Auckland are located in the city centre, Precinct is particularly interested in the objectives, policies and rules relating to the City Centre Zone, and the Auckland-wide rules.

SUBMISSION

Framework plan - K.3.4 Downtown West 1

- 9 Precinct has a number of concerns in relation to the framework plan provisions applying to the Downtown West precinct.
- 10 Framework plans are described in the Introduction to Section G.2.6 Framework Plans as "voluntary" resource consents that enable landowners to demonstrate and achieve integrated development. Despite the "voluntary" status of framework plans, the provisions in the Downtown West precinct effectively make it a mandatory requirement to obtain a framework plan.
- 11 In the Downtown West precinct (under K.3.4 Downtown West 1), it is a:
 - 11.1 A restricted-discretionary activity to undertake development in accordance with an approved framework plan; and
 - 11.2 A non-complying activity to undertake development prior to the approval of a framework plan.
- 12 There is currently no framework plan in place for the Downtown West precinct. Accordingly, any new development within the precinct would be a non-complying activity. A non-complying activity status indicates that the activity is not appropriate or desired by the Council in that area. It seems unlikely that it is Council's intention to send a message to developers and investors that development is not appropriate within the Downtown West precinct, particularly given that the precinct covers a prime piece of New Zealand real estate.
- 13 Framework plans can also be problematic for precincts held in multiple ownership, such as the Downtown West precinct. Managing different landowner requirements, expectations and timing can lead to significant delays in progressing development. Given the importance of the Downtown West precinct to Auckland's CBD, it is important to avoid unnecessary delay of investment and development.

- 14 Limiting development within a core part of Auckland's CBD is also contrary to the Auckland Plan, which seeks to increase development and provide for Auckland's economic growth and investment.
- 15 Precinct understands that the Council wants more integrated development in Auckland. However, Precinct considers that, in many instances, development can take place without compromising integrated development and without a framework plan. For example, through bonus floor area provisions, or the provision of details within a resource consent application about how integration will be achieved.
- 16 Precinct considers that there should be an incentive to obtain a framework plan, but also a realistic option to carry out development without one, as is the case throughout the majority of the CBD.

DECISION SOUGHT

- 17 Precinct seeks the following decision:
- 17.1 K.3.4 Downtown West 1 be amended to address the matters in this submission.
- 17.2 In particular, amend the activity table as follows:

Activity table – Downtown West precinct	
Activity	Activity status
Framework plans	
A framework plan, amendments to a framework plan or a replacement framework plan complying with clause 3.1 below	RD
A framework plan, amendments to a framework plan or a replacement framework plan not complying with clause 3.1 below	NCRD
Development	
New buildings, and alterations and additions to buildings, or development (including roads, lanes and public open spaces) that comply with an approved framework plan	RDC
Minor cosmetic alterations to a building that does not change its external design and appearance	P
Alterations and additions to buildings established before the date of notification of this Unitary Plan, prior to the approval of a framework plan, or 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	RD

| 37

| 38

increased by more than 10 per cent	
New buildings, and alterations and additions to buildings or, and development (including roads, lanes and public open spaces), 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	NGRD

139

- 18 Any other further or consequential amendments required to address Precinct's concerns with the PAUP.

HEARING

- 19 Precinct wishes to be heard in support of its submission.
- 20 If others make a similar submission, Precinct will consider presenting a joint case.

Precinct Properties New Zealand Limited



Trevor Wairepo
General Counsel

28 February 2014

SUBMISSION ON THE PROPOSED AUCKLAND UNITARY PLAN

Sections 123 and 125, Local Government (Auckland Transitional Provisions) Act 2010

Clause 6 of Schedule One, Resource Management Act 1991

FORM 2

To: Unitary Plan Submission Team

Auckland Council

By email: unitaryplan@aucklandcouncil.govt.nz

Submitter details

Organisation: Precinct Properties New Zealand Limited (*Precinct*)

Address for service: Precinct Properties New Zealand Limited
c/o Paula Brosnahan
Chapman Tripp
23-29 Albert Street, Auckland
PO Box 2206, Auckland 1140
Telephone: 09 357 9000
Email: paula.brosnahan@chapmantripp.com

SUBJECT: Precinct Submission No. 8 – Definition of "Gross floor area"

- 1 This is a submission on the Proposed Auckland Unitary Plan (PAUP), on behalf of Precinct.
- 2 Precinct is a property investor with significant business interests in Auckland and the PAUP will be critical to Precinct's future business decisions.
- 3 Precinct is making submissions on a number of aspects of the PAUP. For ease of processing, Precinct is providing submissions on different sections of the PAUP in separate submissions.
- 4 Precinct could not gain an advantage in trade competition through this submission.

SCOPE OF SUBMISSION

- 5 The specific provision that this submission relates to is the definition of "Gross floor area" in Part 4, Definitions, of the PAUP.

BACKGROUND

- 6 Precinct is New Zealand's only specialist listed investor in prime and A grade commercial office property. Totalling 322,000m² of floor area across 17 buildings, Precinct's portfolio is home to more than 300 businesses and government

organisations, more than 13,000 workers, and is worth \$1.65 billion. Precinct has more than 8,000 shareholders, 98% of whom are New Zealanders and more than 2,500 are from Auckland.

- 7 Precinct provides environments that add to the life of Auckland city centre and provides space for tenants to thrive. Precinct's properties within the Auckland central business district currently comprise a mix of commercial office, retail, childcare, gymnasium, and cafés. These properties are occupied by more than 8,000 workers and are worth more than \$970 million.
- 8 Precinct has a huge investment in the success and growth of Auckland's city centre, and Precinct's business will be significantly impacted by the Unitary Plan. As Precinct's properties in Auckland are located in the city centre, Precinct is particularly interested in the objectives, policies and rules relating to the City Centre Zone, and the Auckland-wide rules.

SUBMISSION

- 9 The definition of "Gross floor area" in Part 4 of the PAUP includes basement space, with the exception of basement space used for parking, plant areas, and stairs, escalators and elevators essential to the operation of a through-site link or servicing a floor used primarily for parking and loading.
- 10 Precinct considers that the provision of basement spaces with activities other than car-parking and loading is appropriate in the core CBD. These uses include food and beverage, retail and services and can activate below-ground functions in the city such as transport centres. However, this type of development should not be included as GFA as it takes place without contributing to the above-ground bulk and mass of buildings. This is recognised by the exclusion of other basement space in the GFA definition in the Operative District Plan.

DECISION SOUGHT

- 11 Precinct seeks the following decision to Part 4, Definitions:
 - 11.1 Amend the definition of "Gross floor area" by adding the following to the list of matters excluded:

other basement space to an equivalent maximum FAR of 1 in Bonus Areas 1a, 1b and 1c only except that the space excluded shall not be used in the calculation of permitted parking
- 12 Any other further or consequential amendments required to address Precinct's concerns with the PAUP, particularly in relation to definitions.

40

Hearing

- 13 Precinct wishes to be heard in support of its submission.
- 14 If others make a similar submission, Precinct will consider presenting a joint case.

Precinct Properties New Zealand Limited

Trevor Wairepo
General Counsel



28 February 2014

SUBMISSION ON THE PROPOSED AUCKLAND UNITARY PLAN

Sections 123 and 125, Local Government (Auckland Transitional Provisions) Act 2010
Clause 6 of Schedule One, Resource Management Act 1991
FORM 2

To: Unitary Plan Submission Team
Auckland Council
By email: unitaryplan@aucklandcouncil.govt.nz

Submitter details

Organisation: Precinct Properties New Zealand Limited (*Precinct*)
Address for service: Precinct Properties New Zealand Limited
c/o Paula Brosnahan
Chapman Tripp
23-29 Albert Street, Auckland
PO Box 2206, Auckland 1140
Telephone: 09 357 9000
Email: paula.brosnahan@chapmantripp.com

SUBJECT: Precinct Submission No. 9 – Downtown West precinct Area A

- 1 This is a submission on the Proposed Auckland Unitary Plan (PAUP), on behalf of Precinct.
- 2 Precinct is a property investor with significant business interests in Auckland. The PAUP will be critical to Precinct's future business decisions.
- 3 Precinct is making submissions on a number of aspects of the PAUP. For ease of processing, Precinct is providing submissions on different sections of the PAUP in separate submissions.
- 4 Precinct could not gain an advantage in trade competition through this submission.

SCOPE OF SUBMISSION

- 5 The specific provisions that this submission relates to are K.3.4 Downtown West 3 Framework Plans (2); and K.3.4 Downtown West 4.2 Assessment Criteria (1)(a)(i).

BACKGROUND

- 6 Precinct is New Zealand's only specialist listed investor in prime and A grade commercial office property. Totalling 322,000m² of floor area across 17 buildings, Precinct's portfolio is home to more than 300 businesses and government

organisations, more than 13,000 workers, and is worth \$1.65 billion. Precinct has more than 8,000 shareholders, 98% of whom are New Zealanders and more than 2,500 are from Auckland.

- 7 Precinct provides environments that add to the life of Auckland city centre and provides space for tenants to thrive. Precinct's properties within the Auckland central business district currently comprise a mix of commercial office, retail, childcare, gymnasium, and cafés. These properties are occupied by more than 8,000 workers and are worth more than \$970 million.
- 8 Precinct has a huge investment in the success and growth of Auckland's city centre, and Precinct's business will be significantly impacted by the Unitary Plan. As Precinct's properties in Auckland are located in the city centre, Precinct is particularly interested in the objectives, policies and rules relating to the City Centre Zone, and the Auckland-wide rules.

SUBMISSION

K.3.4 Downtown West 3 Framework Plans (2); and K.3.4 Downtown West 4.2 Assessment Criteria (1)(a)(i)

- 9 K.3.4 Downtown West 3 Framework Plans (2) provides that "When the legal road within Area A on precinct plan 1 is closed, the development controls applying to the adjoining land to the north, south and west of the area will apply..."
- 10 K.3.4 Downtown West 4.2 Assessment Criteria (1)(a)(i) provides that "Where a framework plan involves the relocation and/or reconfiguration of Queen Elizabeth Square, an equivalent size open space must be provided in the form of another public open space, new or upgraded squares, streets, lanes, through-site links or a combination thereof. Collectively, these alternative spaces should achieve a better street and open space network than is presently offered within or immediately adjoining the precinct."
- 11 Precinct is unclear about the legal or statutory basis for the proposed mechanism in K.3.4 Downtown West 3 Framework Plans (2) which purportedly requires that the City Centre zone development controls apply to an identified area of land that is legal road and is not zoned.
- 12 Precinct is concerned that if Queen Elizabeth Square is sold to a person who does not control the surrounding land there is no appropriate mechanism for the integrated development of the Queen Elizabeth Square and with the rest of the Downtown West precinct or protection of the amenity of its adjoining properties.
- 13 Precinct considers that there are other ways to achieve a "better street and open space network" (K.3.4 Downtown West 4.2 Assessment Criteria (1)(a)(i)) than through the provision of an equivalent size of open space. Precinct considers that a qualitative approach should be taken.

DECISION SOUGHT

- 14 Precinct seeks the following decision:

- 14.1 Delete K.3.4 Downtown West 3 Framework Plans (2):

~~When the legal road within Area A on precinct plan 1 is closed, the development controls applying to the adjoining land to the north, south and west of the area will apply. The minimum frontage height (19m) and 75 per cent glazing control will apply between points A and B as shown on precinct plan.~~

- 14.2 [Amend K.3.4 Downtown West 4.2 Assessment Criteria (1)(a)(i) to address the concerns set out in this submission,] ~~or Delete K.3.4 Downtown West 4.2 Assessment Criteria (1)(a)(i):~~

~~Where a framework plan involves the relocation and/or reconfiguration of Queen Elizabeth Square, an equivalent size open space must be provided in the form of another public open space, new or upgraded squares, streets, lanes, throughsite links or a combination thereof. Collectively, these alternative spaces should achieve a better street and open space network than is presently offered within or immediately adjoining the precinct.~~

- 15 Any other further or consequential amendments required to address Precinct's concerns with the PAUP, particularly in relation to K.3.4 Downtown West.

HEARING

- 16 Precinct wishes to be heard in support of its submission.
- 17 If others make a similar submission, Precinct will consider presenting a joint case.

Precinct Properties New Zealand Limited


Trevor Wairepo
General Counsel