

PART 14.7 - VIADUCT HARBOUR PRECINCT

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Plan modification annotations - key



Indicates where content is affected by proposed plan modification x.
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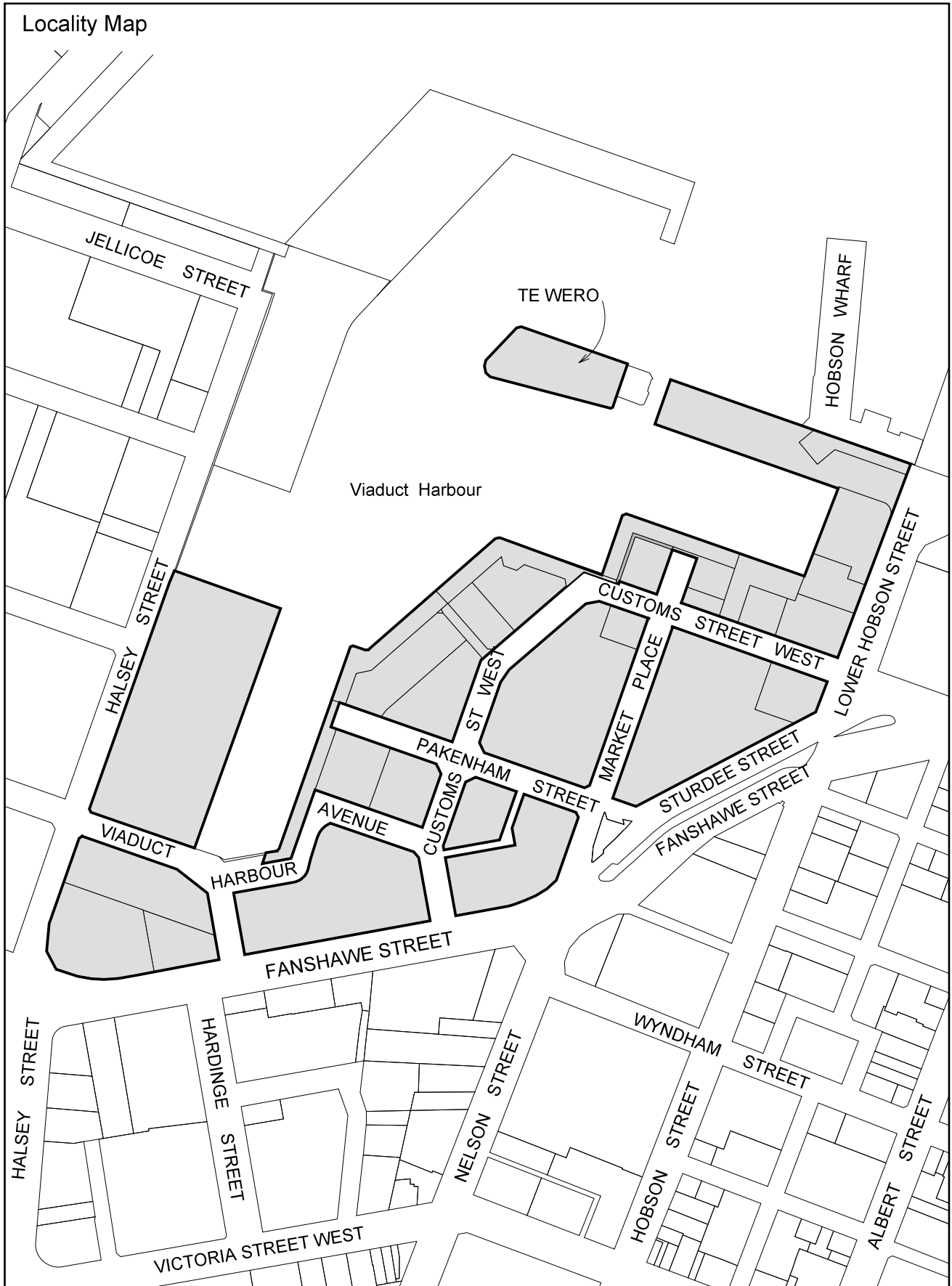
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VIADUCT HARBOUR PRECINCT

14.7.1 BACKGROUND

Throughout its history the Viaduct Harbour has witnessed the development and subsequent demise of a wide range of commercial and industrial uses including timber milling, boat building and port cargo handling. The more recent industrial and commercial activities within the area were fish processing and the city produce markets.

Zoning has been applied to the Viaduct Harbour for a number of years, both to recognise its character and location, and to enable and encourage its comprehensive redevelopment. Since 1990 a number of circumstances have changed. Of particular relevance are:

- proposals for facilities for the defence of the America's Cup
- relocation of the produce markets to the south of the city
- an abandonment of the original proposals by landowners to reconfigure the shape and depth of the Harbour, particularly in its western and southern parts
- the loss of direct linkage (through a development and joint venture) between the freehold and leasehold interests at Viaduct Harbour, and hence the loss of the guaranteed comprehensive development of the Harbour.

The Precinct provisions reinforce the Council's ongoing strategy for encouraging the development of Viaduct Harbour as a lively "people place" while responding to the changed circumstances as outlined.

14.7.2 RESOURCE MANAGEMENT ISSUES

The unique character and location of the Viaduct Harbour gives a unique and critical role in the development of an alive, exciting, accessible waterfront for people, and as a centre for maritime events. In fostering this character the following resource management issues are identified:

- a) The opportunity to provide for a greater diversity of activities for attracting people to the Precinct and to enhance the quality of its existing amenities for pedestrian enjoyment as the use of the land away from berthage areas in the harbour for marine related and industrial activities reduces.

- b) The function of Viaduct Harbour in providing sheltered berthage and support facilities for fishing and charter boat operations and other maritime-related activities.
- c) Constraints on public access through the Precinct and to the harbour edge due to the existing roading and the land ownership patterns.
- d) Potential loss of significant views from the city to the harbour and adjacent landscape features.
- e) The need for different and shared (public and private) approach to funding public work in the basin.

Assessment of Risk

The Viaduct Harbour Precinct is included in the study area examined in the Auckland Western Reclamation Area Land Use Safety Study prepared by the New South Wales Department of Urban Affairs and Planning (DUAP). The study involved reviewing a previous study done by the Department in 1989.

The review was necessary for several reasons. One of the more immediate concerns was the decision to locate the America's Cup bases in the Viaduct Harbour and the consequent need to re-evaluate the safety issues associated with the existing activities in Wynyard Quarter. The land use study was publicly released in April 1998 with a subsequent addendum released in September 1999. The study has found that a significant number of technical and safety management improvements have been made since the 1989 study was carried out and these have had a considerable impact on the cumulative risk results for the study area. Both individual and societal risk have been significantly reduced. The study noted that societal risk is dependent both on the level of individual risk and the size and distribution of the exposed population and that it is important that there should not be a significant intensification of residential development in proximity to the industrial area, beyond that projected in the study. In determining the range of activities allowed in the Viaduct Harbour Precinct regard has been had to the level and nature of the risk arising from existing and permitted industrial activities in adjoining areas to ensure that land use and development in the Viaduct Harbour Precinct does not result in any constraint to existing and permitted industrial activities in proximity to the Precinct.

A further study was undertaken by DUAP in May 2001 to assess the risks of transporting hazardous substances by road into, out of, and within Wynyard Quarter. This study included Halsey Street, which adjoins the Viaduct Harbour Precinct. The study has been used in determining safety considerations that need to be assessed for accommodation/non permanent accommodation located



adjacent to Halsey Street (see clause 14.7.6.1 and Precinct Plan F which recognises and allows for the future forecasted hazardous substances transport levels identified in the DUAP Study May 2001).

14.7.3 RESOURCE MANAGEMENT OBJECTIVES AND POLICIES

14.7.3.1 OBJECTIVES

A. To reflect in the Viaduct Harbour area the Council's vision that the central area should be a people place, exciting, appealing and distinctive offering a wide variety of attractions reflecting its unique mix of peoples.

B. To encourage the development and use of the Viaduct Harbour in a manner which will:

- *establish a clear identity for Viaduct Harbour as a special place of character in the central area*
- *continue to meet needs of the marine related activities*
- *make the harbour edge a better and more attractive place to be*
- *maintain and enhance the overall environmental conditions within the basin area.*
- *provide permanent public open space, including public open space owned by the Council and privately owned open space over which there are conservation covenants, and other facilities in conjunction with international and special maritime events such as yachting regattas.*
- *provide a stimulus for the redevelopment of adjacent waterfront areas in accordance with the planning objectives and proposals for the central area.*

Policies

- a) By providing for building scale and location within the Precinct which allows views of the harbour and adjacent landscape features from the city through viewshafts and height controls.
- b) By encouraging a scale of development which maintains height controls from the core of the Central Area to the harbour edge and which in combination with view corridors within the Precinct achieves a

sense of intimacy along street and other public space frontages.

- c) By allowing for a range of activities including events which will reinforce the area's vitality, excitement and interest for the public.
- d) By providing the opportunity for the Viaduct Harbour area to support an increased, more diverse range of activities, including major international and special maritime events.
- e) By ensuring that significant portions of ground floor frontages adjacent to primary pedestrian areas are made available for activities such as retailing, food, beverage and customer services.
- f) By ensuring that environmental qualities and amenities are maintained and where practicable enhanced.
- g) By ensuring that port and other marine-related activities can operate adjacent to both the Council owned public open spaces and privately owned open space over which there are conservation covenants, without unduly impeding pedestrian accessibility to the water's edge.

Methods

- i) Through applying building height, special frontage height and floor area ratio restrictions.
- ii) Through requiring resource consent applications for new buildings and building alterations and additions to be assessed as restricted controlled activities.
- iii) Through identifying and protecting significant views to, from and within the Viaduct Harbour.
- iv) Through providing a wide range of commercial, entertainment, recreational, tourist and residential activities in order to attract visitors and permanent residents into the area.
- v) Through applying a special character frontage control which gives priority to activities at ground level which contribute to the maintenance of pedestrian interest and activity.
- vi) Through maintaining provision for the needs of maritime-related activities such as the fishing industry, ferry and charter boat operations in the Viaduct Harbour, including recognition of the particular operational needs of the Eastern Viaduct.
- vii) Through restricting the provision for offices to locations which avoid encroachment into special character frontages and the main areas of pedestrian interest and activity.
- viii) Through limiting the scale and nature of industrial activities to those whose operational needs require them to locate in the area.



- ix) Through implementing rules to reduce, avoid, remedy or mitigate the adverse effects of activities on the amenities of the area.
- x) Through applying floor area restrictions to certain activities in the special character frontage control area.

14.7.3.2 OBJECTIVE

To provide for new public open space, public amenity works and infrastructure required in the Viaduct Harbour.

Policies

- a) By providing a network of different-sized public open spaces in key locations along the water's edge to cater for a range of recreational opportunities and provide vantage points.
- b) By designing and developing Waitemata Plaza in a manner which will cater for a wide variety of activities and special events related to Viaduct Harbour and which will serve the needs of visitors to the city, the wider Auckland community and future residents of the area.
- c) By maintaining and enhancing the quality of public open spaces through appropriate landscaping and paving.
- d) By enhancing the quality and attractiveness of streets and other public open spaces where pedestrians can move safely and easily.
- e) By providing for continued use of all berthage areas adjacent to the public open spaces for small commercial vessel activities and other port and marine related uses.

Methods

- i) Through imposing financial contributions to recover from new development at Viaduct Harbour appropriate contributions towards the cost of providing and upgrading the public facilities and infrastructure in the Viaduct Harbour area or a combination of a contribution towards such costs and the provision of appropriate public amenity works.
- ii) Through providing public open spaces around the perimeter of the Harbour via designation and the setting aside of esplanade reserves
- iii) By applying restrictive covenants to public open spaces along the water's edge to protect public access rights and to enable the efficient operation of maritime-related activities such as the fishing industry, ferry and charter boat operations.

- iv) Through applying a requirement for verandah coverage along key pedestrian thoroughfares.
- v) Through applying Design Against Crime Guidelines for the design and layout of public open spaces.

14.7.4 RESOURCE MANAGEMENT STRATEGY

The Viaduct Harbour Precinct comprises a special character area bounded by Halsey Street, Fanshawe Street, Sturdee Street, Lower Hobson Street and the Western and Eastern Viaducts.

Some of the traditional port-related and industrial activities within the Precinct are declining or have gone elsewhere. The Turners and Growers markets have relocated out of the area and the Ports of Auckland Ltd have declared most of the land surplus to its requirements for the operation of the port. However, as an area of sheltered water, the Viaduct Harbour remains an important area for port and other marine-related activities including maritime events, and berthage for a range of small commercial and pleasure vessels. The harbour has been extensively reconfigured by dredging and reclamation works, increasing its versatility for vessel movements and berthage and maritime events. The harbour's western side has been developed with berthage and buildings which originally provided bases for America's Cup syndicates. Previous agreements between the Council and other bodies in the area to achieve a comprehensive development of the Viaduct Harbour area have ended, making previous planning strategies for appropriate redevelopment unworkable.

While the Viaduct Harbour remains an important area for port and other marine-related activities, the Council has also developed strategies to recognise and enhance the Central Area. The public facilities developed in the eastern end of the Harbour can now better provide for international boating races and other events such as concerts and the remainder of the Harbour offers potential to be redeveloped more as a vital and interesting area. Waitemata Plaza and Market Square reinforce that focus by providing quality open spaces or gathering points and venues for a wide range of public events and activities.

The Precinct recognises the special environment of Viaduct Harbour characterised, in particular, by its enclosed water space, interesting water edge and potential for unrestricted public access, its location close to the central city, and its low rise character buildings.

To build upon and reinforce the Viaduct Harbour's attributes, provision is made for a wide range of activities. In particular, the establishment of a mix of recreation, leisure, retail and entertainment activities is encouraged



along the water's edge, open spaces and certain roads where pedestrian activity is likely to be highest. This approach is implemented through the special character frontage control, by directing office provision away from the likely high-pedestrian areas and by placing a limit on the floor area of individual tenancies. An exception to the floor area limit is permitted where the City Markets building is used for indoor markets. In this case, the provision is aimed at encouraging activities which can add colour and vitality.

Provision for residential activities is included to encourage stable population in the Precinct. Maritime-related activities remain as an important and integral part of the area's interest and character, but to a level which does not compromise the amenities of other activities and public open spaces along the water's edge. The area of the Eastern Viaduct to the west of the Maritime Museum is distinguished from the rest of Precinct Area 2 to recognise particular maritime-related activity needs such as marine related administration and other facilities.

The building bulk controls include height controls, floor area ratios and a building frontage control which adjoins roads and public open space.

In providing for a range of activities within the Precinct, in particular residential accommodation/non permanent accommodation, regard has been had to the level and nature of risk which activities could be exposed to from existing and permitted activities in the Wynyard Quarter and from transportation of hazardous substances along Halsey Street. Accordingly, residential accommodation / non permanent accommodation along Halsey Street within identified transport risk contours (as shown on Precinct Plan "F") shall have regard to safety and traffic considerations. Furthermore, the development of the range of activities currently provided for in the Viaduct Harbour Precinct is considered appropriate from a risk perspective and such development will not result in constraints on industrial activities provided for in the Wynyard Quarter provisions of the Plan.

This building development regime is intended to provide a framework which, while providing flexibility in building design, encourages well-defined edges to public spaces, a sense of enclosure at the built edges of public space and a visual transition in the height of built form extending from the water's edge of Viaduct Harbour to the established central commercial area.

A special building height control applies to that part of the Precinct which adjoins the defined public places and proposed esplanade reserves. By maintaining a minimum base height this control requires the design of new buildings to conform to a scale which is considered appropriate in this location, providing a defined edge to public places.

Design guidelines complement the development controls to maintain and enhance the form and character of a number of the former industrial and commercial buildings.

The importance of maintaining views of the harbour and adjacent landscape from the city is recognised as important in contributing to the character and amenities. This will be achieved by the combination of the height controls and the identified view corridors through the Precinct.

The provision of quality open spaces and the ease and safety of pedestrian movement through the Precinct are fundamental to encouraging greater public interest and presence in the area. Public open space is designated along the water's edge to the east of the Lighter Basin where the existing title configuration makes it unlikely that the land would be set aside through the Esplanade Reserve provisions of the Resource Management Act 1991. To the west of the Harbour where there are a number of potential development sites adjoining the Harbour, a 20 metre wide esplanade reserve was vested in the Council. The vested land has been reclaimed to provide better manoeuvring width for boats within the Lighter Basin and public access protected by a conservation covenant to a width of 10 metres along the new western edge of the Lighter Basin.

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

Revenue levied through financial contributions will contribute towards the creation of public open space infrastructure and provision of public amenity works within the Harbour and necessary roading improvements. All financial contributions collected from Basin developments, will be expended within the Basin.

Resource consents granted to the Auckland Regional Services Trust in October 1996 would still ensure that continuous long-term public access around the perimeter of the Viaduct Harbour is secured, but in a manner which may require appropriate statutory alteration to the Precinct provisions. In particular, the conditions of the consents require pedestrian access to be secured by way of conservation covenants over a reclaimed island accessed from the Eastern Viaduct pedestrian accessways along the seaward boundary of a new Halsey Street reclamation and pedestrian accessways along the seaward boundary of the land formerly known as "Log Farm" on the western side of the Lighter Basin, to the width and configuration required in the conservation covenant and recorded in the deposited plans for each site.



14.7.5 ANTICIPATED ENVIRONMENTAL RESULTS

It is expected that the provisions adopted for the Viaduct Basin Harbour will result in the following.

- Viaduct Harbour will be an outstanding entertainment and tourist centre and a place people want to visit.
- Viaduct Harbour will maintain a role in providing a base for the fishing fleet, charter boats and other maritime-related activities.
- Viaduct Harbour area will be an attractive and safe area, reflecting good design
- Central Auckland will be known and appreciated for the quality of its harbour front developments and associated public places in the Viaduct Harbour area.
- There will be excellent access to and within the Viaduct Harbour area.
- People will be able to walk around the area's edge.

14.7.6 RULES - ACTIVITIES

14.7.6.1 ACTIVITIES IN THE VIADUCT HARBOUR PRECINCT

The activities allowed in the Viaduct Harbour Precinct are as listed in the following table except that

- For those activities marked “*” see clause 14.7.7.2; and
- Those activities marked “#” are permitted activities in the Precinct Area 2 only within the area of the Eastern Viaduct shown on Precinct Plan A

Those activities marked (RD) and (RC) are restricted discretionary and restricted controlled activities and applications may be considered without need for notification or service of notice except as provided for by section 95A(4) or 95A(2)(b) of the Resource Management Act 1991. The Council will restrict the exercise of its discretion to those matters specified in the Plan for each particular activity.

Note 1: Activities proposed to be undertaken within the water area of the Viaduct Harbour may require approval from the Auckland Regional Council under the provisions of the Regional Plan: Coastal.

14.7.6.1.1 Permitted Activities

The permitted activities within the Precinct are those which will contribute to the development of a vibrant and interesting waterfront area. Particular provision is made for activities that are attractive to pedestrians and visitors to the Central Area. Provision is also made for public open space activities and marine-related activities in order to complement activities within the water area of Viaduct Harbour.

14.7.6.1.2 Restricted Controlled Activities

While many activities are permitted, buildings that comply with the development controls for the Precinct are restricted controlled activities.

In addition, accommodation / non permanent accommodation on those sites bounded by the Viaduct Harbour, Halsey Street, Fanshawe Street and Bouzaid Way and shown within the shaded area on Precinct Plan F is a restricted controlled activity.

For demolition of buildings or creation of vacant space the criteria under 5.5.2. shall apply.

14.7.6.1.3 Discretionary Activities

The discretionary activities in the Precinct may be consented to by the Council in accordance with the criteria set out in clause 14.7.6.2 and may be subject to conditions to avoid, remedy or mitigate the prospect of significant adverse effects.

Activities	Precinct Area 1	Precinct Area 2
Accommodation/non permanent accommodation, except on those sites bounded by the Viaduct Harbour, Halsey Street, Fanshawe Street and Bouzaid Way and which are within the shaded area defined on Precinct Plan F.*	P	NC
Accommodation/non permanent accommodation, on those sites bounded by the Viaduct Harbour, Halsey Street, Fanshawe Street and Bouzaid Way and which are within the shaded area defined on Precinct Plan F	RC	NC
Ancillary car parking in accordance with the maximum permitted standards under 9.7.1 or which is ancillary to activities in the Coastal Marine Area #	P	P



Activities	Precinct Area 1	Precinct Area 2
Artworks, open air markets, kiosks, stalls, displays, tables and seating, including those used in association with food and beverage activities located on adjacent sites, with the exception of tables and seating used in association with food and beverage activities located on adjacent sites in Waitemata Plaza. See clause 14.7.7.6 for coverage control in Waitemata Plaza, Market Square and the promenade area of Precinct Area 2 (excluding Te Wero and the Eastern Viaduct).	P	P
Auctioning, of fish, shellfish, fish by-products, fruit, vegetables and flowers	P	NC
Bridges and associated buildings and machinery#	NC	P
Buildings and additions or alterations to buildings that comply with the development controls for the precinct in which they are located.	RC	RC
Charter boat and ferry and marina operations*#	P	P
Community care facilities	P	NC
Construction, maintenance, upgrading and use of landings for jetties, pontoons and such other structures, including mooring bollards, fenders, gangways and ladders, required for the access, loading, unloading and berthage of vessels.	P	P
Demolition of buildings or creation of vacant space	RC	RC
Education	P	NC
Entertainment/gathering *	P	NC
Excavation works associated with the creation of new water space	RC	RC
Fish processing and coolstores (including bait freezers)	D	NC
Food and beverage*	P	NC
Ice tower (one only) not exceeding 15m in height	NC	RD
Indoor markets within the existing City Markets building located on the site described as Part Block XVIII contained in C.T. 78D/76	P	NC
Maintenance and upgrading of the Viaduct Harbour seawall	RC	RC
Museums*#	P	P
Offices located within the area defined on Precinct Plan A	P	NC
Permanent refuelling facilities for boats	RD	NC
Quick Vehicle Service and Facilities where the site is located between Halsey Street and Customs Street West and has direct frontage to Fanshawe Street	D	NC
Refuelling (from mobile refuelling facilities), resupply, loading and unloading of boats	P	P
Refuelling of boats where the permanent refuelling facilities are located in Precinct Area 1	RD	P
Restrooms	P	P
Retail where the gross floor area of any individual tenancy does not exceed 400m ² , except that on sites where Clause 14.7.7.2 applies the gross floor area of any individual tenancy does not exceed 300m ² *	P	P



Activities	Precinct Area 1	Precinct Area 2
Retail where the gross floor area of any individual tenancy exceeds 400m ² but does not exceed 750m ² for the area defined on Precinct Plan A	D	NC
Services*	P	NC
Short-term public visitor car parking	D	RD
Temporary activities - refer clause 14.7.6.3		
Workrooms for light manufacturing service or repair activities with a gross floor area of less than 300m ²	P	NC
Yachting, boating and harbour administration and ticketing facilities*#	P	P

P = Permitted Activity

DR = Restricted Discretionary Activity

RC = Restricted Controlled

NC = Non-complying Activity

D = Discretionary Activity

14.7.6.2 ASSESSMENT CRITERIA

14.7.6.2.1 Particular Matters to be Addressed

Controlled and Restricted Controlled Activities

- a) For applications for buildings or alterations and additions to buildings including accessory buildings, the Council will need to be satisfied that building and site design are appropriate and sensitive in respect of:
 - i) the design and scale of adjoining public streets, places and pathways where the emphasis upon the visual linkages between these elements is not compromised. Where the open space is predominantly for the use of pedestrians then the character of building and site design will be expected to reflect this theme;
 - ii) the design and character of the buildings presenting a varied but harmonious facade to the public. Depth to building facades will be expected. This relates, for example, to the manner in which windows and doors are treated
 - iii) use of exterior building materials and elements which provide a varied but harmonious urban character throughout the Precinct. Such elements among other things include glazing, paving, lighting, pedestrian shelter.
 - iv) signage
 - v) treatment of the landscape surrounding the buildings which is robust and harbour-related. Trees may be used to emphasise such things as

street axes, public spaces and in some places to give shade. Landscape treatment within the site should be consistent with the landscape theme of the public places. In general the landscape treatment should reflect the inner city/urban/marine-related quality of the development;

- vi) the manner in which developments are integrated with adjacent public spaces
- vii) landscaping of all parking areas and loading spaces not located in a building. These shall be landscaped in a manner consistent with the overall landscape theme for the surrounding sites and public places;
- viii) the location of access points to individual sites; and
- ix) the provision of open space and the provision of pedestrian and vehicular linkages through and around Viaduct Harbour

Note: Compliance with the Auckland City Design Guidelines - Viaduct Basin will be deemed to satisfy the above assessment.

Explanation

All building development in the Precinct is a restricted controlled activity. This is intended to provide a framework which, while providing flexibility in building design, encourages well defined edges to public spaces, a sense of enclosure at the built edges of public space and a transition in height of the built form extending from the water's edge to the Central Area core.

- b) Any proposal for accommodation/non permanent accommodation on those parts of the sites in the Viaduct Harbour Precinct that are within a defined radius measured from the centre point of each of the intersections of Halsey Street and Pakenham Street West, and Halsey Street and Viaduct Harbour Avenue/Gaunt Street and Halsey Street and Fanshawe Street (as shown on Precinct Plan "F") will be considered against the following additional criteria.
 - i) Safety considerations, in particular:



Applications must demonstrate that adequate measures have been taken to protect any accommodation/non permanent accommodation activity from the possible risks from fire, following accidental spillage of bulk flammable liquids on Halsey Street, (such means may take the form of a buffer or separation distances or the construction of block walls). In addition, fire evacuation plans for occupants of accommodation/non permanent accommodation activities shall take into account any such emergency which may arise in Halsey Street.

ii) Traffic consideration, in particular:

Halsey Street is identified as a secondary hazardous substance transport route on Wynyard Quarter. Beaumont Street is identified as the primary hazardous substances route on Wynyard Quarter. However, Halsey Street is also used as a hazardous substances transport route and it provides complementary access to and from Wynyard Quarter.

Explanation

Hasley Street is identified as a secondary hazardous substance transport route on Wynyard Quarter. Beaumont Street is identified as the primary hazardous substances route on Wynyard Quarter. However, Halsey Street is also used as a hazardous substances transport route and it provides complementary access to and from Wynyard Quarter. While accommodation / non permanent accommodation is provided for on these sites, special consideration is required for the possible effects of fire, following the accidental spillage of bulk flammable liquids on Halsey Street and of the effects of traffic movements from the sites.

- c) Any proposal for accommodation/non permanent accommodation on sites bounded by the Viaduct Harbour, Halsey Street, Fanshawe Street and Bouzaid Way and shown within the shaded area on Precinct Plan F should be designed so that the internal noise levels in the accommodation / non permanent accommodation units do not exceed 35dBA L10 in bedrooms and 45dBA L10 in other habitable rooms, based on an external noise level of 60 dBAL10 measured at all the site boundaries. A ventilation system should be installed which does not exceed 35dBA L10 in bedrooms and which enables the units to be lived in without the need to open windows or external doors for ventilation purposes.

The Council may impose conditions requiring suitable standards of design, construction, insulation and ventilation to comply with the above standards and may require that compliance with the standards should be certified by an experienced acoustic engineer prior to commencement of construction.

Explanation

The criterion recognises the close proximity of the sites bounded by the Viaduct Harbour, Halsey Street and Bouzaid Way (and shown within the shaded area on Precinct Plan F) to the Wynyard Quarter within which there are established industrial and marine related activities and where the establishment of new such activities is a permitted activity. It is desirable that accommodation/non permanent accommodation on the sites bounded by the Viaduct Harbour, Halsey Street and Bouzaid Way (and shown within the shaded area on Precinct Plan F) should be constructed to a standard that ensures appropriate mitigation of adverse noise effects generated by those industrial type activities and therefore promotes a tolerant co-existence of activities.

- d) In assessing a restricted controlled activity application for excavation works associated with the creation of new water space or maintenance and upgrading of the Viaduct Harbour Seawall the Council shall have regard to the following:
- (i) The effect of the finished land/water configuration on;
 - The marine environment (including water, sediment quality, and ecology) of the Viaduct Harbour;
 - Hydrogeology (ground water) and hydrology;
 - Sediment accumulation and the need for ongoing maintenance dredging of the Viaduct Harbour.
 - (ii) The effect of construction work including the management of silt, contaminated soils and groundwater, and other contaminants;
 - (iii) The ability of the residual land area to provide for development in accordance with the Viaduct Harbour Precinct objectives and policies and to provide adequate public open space adjacent to, and public access around, the waters edge;
 - (iv) The effect on navigation within the Viaduct Harbour;
 - (v) The effect of the design and construction of seawalls (in accordance with commonly accepted construction practice and methodology) does not lead to the standard of any berthage being reduced when compared to the facility prior to the upgrading or maintenance.

Explanation

The criterion recognises that seawalls in the Viaduct Harbour represent a scarce and valuable resource. The seawalls provide a sheltered haven for a range of leisure and commercial vessels. In particular, the criteria recognise that, when upgrading and maintaining seawalls, the adverse effects on any berthage in the Viaduct Harbour



for use by leisure and commercial vessels is minimised so as to ensure the sustainable management of these resources is provided for.

In addition, the adverse effects of excavation and seawall maintenance may be significant. Special consideration will be required to ensure adverse effects on the environment are avoided or mitigated.

Excavation works may also require consent from the Auckland Regional Council where they involve discharge of contaminants, stormwater, groundwater, surface water or significant earthworks. A consent may also be required if the creation of water space involves the impoundment of coastal water, discharges, or structures within the coastal marine area. See also clause 14.7.12 for references to other Parts of this Plan.

By virtue of clause 14.7.8(a) subdivision and development of the land known as the former Log Farm site is exempt from esplanade reserve, conservation covenant, and financial contributions requirements until 1 July 2010.

Discretionary Activities

Discretionary activities will be assessed in terms of the following.

Note: For restricted discretionary activities (a) of the following does not apply:

- a) The general criteria contained in Part 5.
- b) For car parking the additional criteria (where relevant) for the assessment of car parking as contained in Clause 5.6.3.1(c) and whether any underground car park structure is designed to ensure adequate soil depth and drainage for plant growth at ground level.

Explanation

Car parking areas or buildings can have adverse effects in terms of traffic generation as well as visual. Particular consideration is required to ensure these effects are avoided or mitigated.

- c) In general, retail where the gross floor area of any individual shop or tenancy exceed 400m² but does not exceed 750m² should comply with the Plan's permitted parking standards. However, additional parking may be required where it is considered in the view of the Council that the specific nature of a proposal is likely to generate a need for parking beyond the permitted parking standards.
- d) In assessing a discretionary activity application for fish processing and associated cool stores in order to control the likely effects generated of odour, noise, vibration, attraction of flies and vermin, storage of product/waste, discharge of waste and storage of hazardous substances, the Council shall have regard to the following:

- i) fish processing shall be limited to primary operations such as filleting and packing to avoid odour produced by secondary processes of cooking, drying and rendering
- ii) consideration shall be given to generated noise and vibration from the fish processing plant and its associated cooling and refrigeration equipment
- iii) discharges from the processing operation, including all work areas washed down, to go to the sewerage system. More specifically, no action shall cause the unauthorised discharge of any potential contaminant to the ground or natural waters without the granting of a discharge permit from the Auckland Regional Council and areas for the storage, handling, and processing of fish shall be drained to an approved sanitary sewerage or trade waste disposal system only. Adequately designed and well maintained oil/grill traps shall be installed in the drainage system on any wash down facility;
- iv) the need for refrigerated storage of putrescible waste and by products under fly-, vermin- and animal-proof conditions and for their daily collection. Such storage to be either within the building or in a facility outside the building which provides a bunded enclosed area discharging to an approved disposal system;
- v) the combination of types and amounts of hazardous substances stored on site and method of storage. Storage of some chemicals shall be in bunded, covered areas so that fumes and leaks can be easily detected and contained; and
- vi) the design, location and scale of any buildings and associated facilities such as cool stores. These should be in accordance with the development and landscape design and appearance criteria in Clause 14.7.6.2.1 and the associated guidelines

Explanation

The Precinct provisions have a commitment to retain some maritime-related activities. If these activities are to remain they must be made compatible with the provision of public open space and other people-centred activities as well as avoiding or mitigating adverse environmental effects on the Harbour itself.

- e) For the assessment of applications for the refuelling of boats from permanent facilities the Council will need to be satisfied that:
 - i) any associated buildings and site design are appropriate in respect of the criteria of Clause 14.7.6.2.1;
 - ii) that the relevant criteria set out in Clause 5.6.3.1(b) are met; and



- iii) that the activity does not hinder or restrict public access to the water's edge except as may be permitted from time to time within the terms of conservation covenants.

Explanation

These activities are necessary for the operation of marine activities but they should not unduly restrict public access to the waters edge. They are also capable of generating adverse effects and hazards and these need to be controlled.

- f) For the assessment of applications for quick vehicle servicing the Council will need to be satisfied that the activity meets the criteria set out in Clause 5.6.3.1(b).

Explanation

Quick vehicle service facilities may have adverse effects on traffic generation, noise and visual amenity. The extent and nature of these effects is often site specific but it is considered that there is room for a single quick vehicle service facility within the Precinct on Fanshawe Street. The Council does not wish to specify the exact site but will consider the extent and nature of the effects of any proposal in the specified area together with the development controls and the means by which any effect may be avoided or mitigated.

14.7.6.3 TEMPORARY ACTIVITIES

Temporary activities permitted in the Viaduct Harbour Precinct are those listed in Part 15 clause 15.5.1.3 of this Plan, with the exception of clauses 15.5.1.3A.1 (b) and (e), clause 15.5.1.3A.2 and clauses 15.5.1.3B and 15.5.1.3A.3.

The following additional temporary activities apply in the Viaduct Harbour Precinct.

Note 1: For the purpose of this rule, except where otherwise stated, Waitemata Plaza and Market Place as defined on Precinct Plan D, the promenade area of Precinct Area 2 (excluding Te Wero and the Eastern Viaduct) and Te Wero and the Eastern Viaduct are all separate venues.

Note 2: For the purpose of this rule the development controls in section 14.7.7 or Part 6 of the district plan do not apply unless otherwise stated in rule 14.7.6.3 below.

A. Permitted Activities

- Events including associated parking and buildings, tents, marquees and air supported canopies, tables and seating and structures where the activities do not occupy any venue for more than 5 days, inclusive of time required for the establishment and removal of all buildings, tents, marquees and air supported canopies,

tables, seating and structures associated with the activity subject to the following standards:

- a) The activities shall comply with the general noise level under clause 7.6 of the Plan, except that for no more than 15 noise events in total within the Viaduct Harbour Precinct (regardless of venue) in any calendar year (1 January to 31 December inclusive) those levels may be exceeded subject to the following:

- i) The general noise level under clause 7.6 may be exceeded for a cumulative duration of not more than 6 hours within any 24 hour period for a noise event; and

- ii) The maximum noise levels:

- For no more than 3 of the 15 noise events and for a cumulative duration of not more than 3 of the total 6 hours permitted in paragraph i) above (exclusive of one sound check of no more than one hour duration prior to each event) shall be:

85dBA L_{10}
 90dBA L_{01}
 80dB L_{10} at 63 Hz
 80dB L_{10} at 125Hz

(high noise level)

- At all other times during the 15 noise events shall be:

75dBA L_{10}
 80dBA L_{01}
 80dB L_{10} at 63 Hz
 80dB L_{10} at 125Hz

(medium noise level)

Except as provided elsewhere in this clause, noise levels shall be measured in accordance with the requirements of NZS6801:1991 "Measurement of Sound" and shall be assessed in accordance with NZS6802:1991 "Assessment of Environmental Sound" except that Clause 4.4 shall not be used.

- iii) Within Waitemata Plaza and Market Square as shown on Precinct Plan D the following additional restrictions apply:

- there shall be no high noise level events; and
- there shall be no more than 2 noise events in any 4 week period; and
- of the total 15 noise events there shall be no more than 6 in any one calendar year and the general noise level under clause 7.6 shall not be exceeded for a cumulative duration



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of more than 3 hours for any one noise event.

For the purpose of the restrictions above Waitemata Plaza and Market Square are counted as a single venue.

- iv) Noise levels exceeding the standard in clause 7.6, including sound checks, shall start no earlier than 9.00am and shall finish no later than 10.30 pm Sunday to Thursday inclusive, 11.00pm Friday and Saturday and 1.00am New Year's Day; and
 - v) Not less than 4 weeks prior to the commencement of the noise event, the organiser shall notify the Council in writing:
 - 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 (i) above.
 - the person(s) and procedures for monitoring of compliance with noise levels
 - the nominated alternative date in the event of postponement due to the weather
 - vi) The Council will keep a record of all Noise Events held and provide this information upon reasonable request.
 - b) No toilets shall be located in Market Square or Waitemata Plaza except in the area shown on Precinct Plan E.
2. Events, including associated parking and buildings, tents, marquees and air supported canopies, tables, seating and structures are permitted activities where the activities occupy any venue for more than 5 days but not more than 21 days, inclusive of time required for the establishment and removal of all buildings, tents, marquees and air supported canopies, tables, seating and structures associated with the activity, subject to the following standards:
- a) An Event Permit has been obtained for the particular activity;
 - b) No buildings, tents, marquees, air supported canopies, tables, seating and structures associated with the activity shall be permitted within the 10 metre special yard shown on Precinct Plan D (Waitemata Plaza).
 - c) The activities shall comply with the noise controls set out in 14.7.6.3A.1a) above.
 - d) No toilets shall be located in Market Square or Waitemata Plaza except in the area shown on Precinct Plan E.

- e) No associated parking shall be located in Market Square or Waitemata Plaza as shown on Precinct Plan D.
- f) No part of any venue in Precinct Area 2 that has been occupied by an event may be reoccupied by another event within a period of five days after the end of the event.
- g) Consultation must be undertaken with the majority freehold land owner within the Viaduct Harbour Precinct.

For the purpose of this rule "noise event" means a temporary activity that exceeds the general noise levels under clause 7.6 of the Plan for a cumulative duration of not more than 6 hours within any 24 hour period.

- 3. Any activity or structure associated with a "Major Event" for which an Event Permit has been obtained subject to compliance with rule 14.7.6.3.A.1(a).
- 4. Offices, storage sheds, scaffolding and falsework, storage yards, builders' workshops and buildings or activities of a similar character where such buildings or activities are:
 - i) incidental to a building or construction project; and
 - ii) limited to the duration of the project or for a period not exceeding:
 - a) 24 months on Te Wero; or
 - b) 6 months anywhere else in the Precinct.
- 5. Any temporary storage, stack of goods or materials on Te Wero for a period not exceeding six months.

B. Restricted Controlled Activities

The following restricted controlled activities will be considered without notification or the need to obtain the written approval of or serve notice on affected persons, except as provided for by section 95A(4) of the Act.

- a) Events, including associated parking and buildings, tents, marquees, air supported canopies, tables, seating and structures, where the activities occupy any venue for more than 5 days but not more than 21 days (inclusive of time required for the establishment and removal of all structures and activities associated with the activity) where compliance with the performance standards set out in 14.7.6.3A.2b) - f) is achieved.
- b) Any activity or structure associated with a "Major Event", for which an Event Permit has not been obtained, except as otherwise provided for in the district plan, subject to compliance with rule 14.7.6.3A.1a).



Assessment Criteria

The Council will have regard to the assessment criteria set out below when considering an application under section 104 and 104A of the Act:

- a) The visual impact of the activity on the amenities of the public space and the adjacent land uses and, in particular, the extent to which the external appearance of any buildings, tents, marquees, air supported canopies, tables, seating and structures associated with the activity are mitigated by design elements, screening or other remedial measures.
- b) The extent to which the activity may give rise to adverse effects, including noise, traffic and lighting, on adjacent land uses and sites in the vicinity and the extent to which any of those effects are avoided, remedied or mitigated, including in relation to residential amenity.
- c) The extent to which the location, scale and intensity of the activity itself and any proposed associated parking, including provision for public transportation, affects the efficiency of traffic movements and the safety of pedestrians.
- d) The extent to which prior consultation has been undertaken with the majority freehold land owner within the Viaduct Harbour Precinct.

Consent Conditions

In granting consent to an application for a restricted controlled activity the Council may impose conditions relating to the following:

- a) The location, size and external appearance of any buildings, tents, marquees, air supported canopies, tables, seating and structures associated with the activity.
- b) The hours of operation and the duration for which consent is given.
- c) Control of noise and lighting levels.
- d) Measures to be implemented to minimise traffic congestion and protect traffic and pedestrian safety.

C. Restricted Discretionary Activities

Clause 15.3.2.6 does not apply to rules a) and b) below. The tests of notification of an application under section 93 and 94 of the Act shall apply.

- a) Events, including associated parking and buildings, tents, marquees, air supported canopies, tables, seating and structures where the activities occupy any venue for more than 21 days, inclusive of time required for the establishment and removal of all buildings, tents, marquees, air supported canopies, tables, seating and structures associated with the activity shall be a

restricted discretionary activity (except as otherwise provided for above).

- b) Events, including any activity associated with a Major Event, where the relevant noise rule is not met shall be a restricted discretionary activity.

Assessment Criteria

An application for a restricted discretionary activity shall be accompanied by an assessment of the environmental effects of the proposed activity in terms of the following assessment criteria:

- a) The visual impact of the activity on the amenities of the public space and the adjacent land uses and, in particular the extent to which the external appearance of any buildings, tents, marquees, air supported canopies, tables, seating and structures associated with the activity are mitigated by design elements, screening or other remedial measures.
- b) The extent to which the activity may give rise to adverse effects, including noise, traffic, heritage matters, lighting and overshadowing on adjacent land uses and sites in the vicinity and the extent to which any of those effects are avoided, remedied or mitigated, including in relation to residential amenity.
- c) The extent to which the location, scale and intensity of the activity itself and any proposed associated parking, including provision for public transportation, affects the efficiency of traffic movements, public access and the safety of pedestrians.
- d) The effects on scheduled buildings, objects, heritage properties, places of special value, conservation areas, trees, archaeological features and Maori heritage sites, and the extent to which any adverse effects are avoided, remedied or mitigated.
- e) The extent to which prior consultation has been undertaken with the majority freehold land owner within the Viaduct Harbour Precinct.

Consent Conditions:

In granting consent to an application for a restricted discretionary activity the Council may impose conditions relating to the following:

- a) The location and external appearance of any buildings associated with the activity.
- b) The hours of operation and the duration for which consent is given.
- c) Control of noise.
- d) Control of lighting levels.
- e) Measures to be implemented to minimise traffic congestion, protect traffic and pedestrian safety, and maintain public access.



- f) Scheduled buildings, objects, heritage properties, places of special value, conservation areas, trees, archaeological features and Maori heritage sites.

Explanation

The purpose of the rule is to provide for a range of common temporary entertainment activities that otherwise might not be allowed by the Plan rules. The rule provides flexibility for a range of temporary entertainment activities recognising the Viaduct Harbour Precinct's attraction for a range of entertainment and celebratory activities. The rule recognises that there are potential adverse effects from such activities which need to be avoided, remedied or mitigated depending upon their scale and duration. Such effects are adequately addressed through the resource consent or event permit process - an open and transparent process regulated through the Auckland City Council Bylaw, which is constituted under the Local Government Act. The event permit process will enable effects such as traffic, public and pedestrian safety and public access to be appropriately addressed. Additionally the rule will enable events associated with Major Events such as the Rugby World Cup 2011, which have an event permit, to occur without further assessment. The rule will also enable temporary activities that have not obtained an event permit or are of a longer duration or do not comply with the noise controls to be assessed in terms of potentially adverse environmental effects through the resource consent process. A number of such events will be permitted activities by virtue of other rules in the district plan and such events will not require a resource consent under this rule.

14.7.7 RULES - DEVELOPMENT CONTROLS

In addition to the development control rules of this section, all development within the Precinct is subject to the following rules of Part 6 - Development Controls:

Clause 6.2.1(a)(iii) Mt Eden View Protection Planes

Clause 6.3 Admission of Sunlight to Public Places

Clause 6.7.2.5 Heritage Floor Space Bonus

Clause 6.9 Verandahs

Clause 6.11 Screening

Clause 6.12 Wind Environment Control

Clause 6.13 Glare Control

An application to modify the special character frontage control or exceed the maximum permitted height rule may

be considered under Clause 15.3.1.2(b) as a restricted discretionary activity.

An application for a non-complying activity will be required to modify:

- the site intensity control
- special yard
- view shafts.

14.7.7.1 MAXIMUM HEIGHT

- (a) Subject to the bonus roof height provisions under clause 14.7.7.1(b) the height of any building shall not exceed the specified maximums shown on Precinct Plan B.

- (b) Bonus Roof Height

This control applies in Precinct Area 1 only, except that there shall be no bonus roof height on the site described as Lot 1 DP 200465 and shown with a maximum height of 5m on Precinct Plan B.

The maximum heights under clause 14.7.7.1(a) may be exceeded for roofs, including rooftop projections, where consent is granted to an application for a restricted controlled activity. Consent will be granted where the Council is satisfied that the form and design of the roof and rooftop projections meet the following standards and assessment criteria:

Standards:

The height bonus will apply where the roof, including any rooftop projections:

- exceeds the maximum heights under Clause 14.7.7.1(a) by no more than 2 metres; and
- does not result in the maximum floor area ratio for the development being exceeded.

Assessment criteria

- The roof profile design and composition should be considered as part of, and contribute to the overall architectural form of the building. Emphasis should be on avoiding any adverse effects on the design and appearance of the building when viewed from streets and other public spaces and from over looking buildings.
- Rooftop projections including towers, turrets, chimneys, lift towers, machinery rooms, water towers or finials should be screened or incorporated in an architecturally attractive manner as part of the overall design of the building.

Note 1: The bonus will be considered for separate parts of a roof where they extend above the maximum height limits.



Note 2: Compliance with the "Roofs" section of the Auckland City Design Guidelines - Viaduct Harbour will be deemed to satisfy the above assessment criteria.

Explanation

The height limits imposed on buildings at Viaduct Harbour reflect the lower scale of development and character existing in the area, the effects that tall buildings would have on public open space and the policy of height controls from the core of the Central Area to the harbour edge. The height bonus encourages roofs and rooftop projections to be designed in a way that makes a positive contribution to the overall appearance of the building while at the same time providing for some design flexibility for the form of the roof.

14.7.7.2 SPECIAL CHARACTER FRONTAGE

Any building on a site identified in Precinct Plan D as having a special character frontage shall generally comply with the following rules:

- a) The facade of the building should generally follow the site boundary or boundaries identified as a special character frontage.
- b) The facade height along that site boundary or those boundaries identified as having a special character frontage should be not less than 8m above the ground level, provided that building height may extend to not greater than that specified in Clause 14.7.7.1.
- c) Activities occupying the ground floor frontage of a site identified as having a special character frontage shall be limited to those identified with an asterix in the activity table in Clause 14.7.6.1 except that :
 - i) such activities shall occupy not less than 70% of the length and not less than 10m width of the ground floor frontage, and
 - ii) this rule does not apply to the sites subject to the special character frontage located to the west of Customs Street West.
 - iii) The gross floor area of any individual tenancy does not exceed 400m².
 - iv) The provision for accommodation/non permanent accommodation only applies to that part of the site described as Lot 2 DP 205351 fronting Customs Street West which is identified on Precinct Plan D as being subject to a special character frontage.
- d) Verandahs or equivalent shelter (eg colonades) should be provided along the boundaries identified on Precinct Plan D as Special Character Frontages in accordance with the requirements of 6.9, provided that this clause

shall only apply to Waitemata Plaza, Customs Street, Market Place and sites to the east of Market Place.

Explanation

The provision of safe and attractive public places often depends upon the nature of activities and building adjoining those public places. The character frontage control is designed to provide a defined edge to public places and to provide activities that complement activities on the public space. The scale of buildings adjoining public open spaces is also an important component in the quality of those spaces. While it is expected that the building should be designed to address the adjoining public open space, strict alignment of the building frontage with the boundary will not be required where active amenities such as outdoor food and beverage areas are incorporated in the design (e.g. to allow the setting back of dining/drinking areas).

14.7.7.3 SITE INTENSITY

The maximum floor area ratios for the Precinct shall be as shown on Precinct Plan C.

Explanation

This site intensity control limits gross total floor area achievable on a site. This controls the bulk of buildings in conjunction with the height control. The current scale of development in the area contributes significantly to the character of Viaduct Harbour and this rule is designed to ensure that new buildings are of a similar scale

14.7.7.4 SPECIAL YARD

A special yard as defined on Precinct Plan D shall apply as follows:

- a) Minimum shall be width 7m.
- b) The yard shall apply from average ground level of the land affected to a height of 3m.
- c) No building shall be permitted within the yard.

Explanation

The yard is applied to the northern end of the Lighter Basin to ensure that buildings do not restrict public access along the water's edge. The 7m wide Special Yard comprises a 5m wide area of land at the northern end of the Lighter Basin (being Lot 1 DP 212 152) and a 2m wide area of land on which the seawall has been constructed. It is proposed that ultimately both of these areas will separately be the subject of conservation covenants.



14.7.7.5 VIEW SHAFTS

No buildings shall be erected within the areas of the view shafts shown on Precinct Plan D, except that:

- a) In Precinct Area 2 this rule does not apply to temporary buildings which are permitted activities or for which resource consent has been granted, and
- b) In Precinct Area 1 this rule does not apply to verandahs permitted in 6.9 or for which resource consent has been granted.

Explanation

There are a number of significant views of the water and adjacent areas in and to the Viaduct Harbour area. These are protected from building and this will assist in integrating Viaduct Harbour with other parts of the Central Area and providing visual guides for people moving into and through the Harbour area.

14.7.7.6 COVERAGE

The total coverage of buildings, temporary tents, marquees, air supported canopies, structures, tables and seating shall not exceed 20% for Waitemata Plaza as defined on Precinct Plan D and 20% for Market Square as defined on Precinct Plan D and 20% for the promenade area of Precinct Area 2 (excluding Te Wero and the Eastern Viaduct).

Explanation

The purpose of the rule is to ensure that Waitemata Plaza and Market Square and the promenade area of Precinct Area 2 (excluding Te Wero and the Eastern Viaduct) maintain appropriate areas of unobstructed open space at all times for visual amenity and ease of pedestrian movement.

14.7.8 FINANCIAL CONTRIBUTIONS

- a) Financial contributions for the purposes of providing public amenities, infrastructure and new roading will be required for all development undertaken in Precinct Area 1, except that in respect of Lots 1,2,3,4 and 5 DP 186033 this rule shall not apply until 1 July 2010, prior to which date all financial contributions shall be deemed to be satisfied for those lots by the vesting in the Council of a 20 metre wide esplanade reserve and a conservation covenant on the eastern and northern side

of such lots to the width and configuration specified in the deposited plan for each such lot.

- b) For the purpose of this rule "development" means site works and building construction and alterations.
- c) A single contribution shall be imposed in respect of each development and no separate contribution will be imposed in respect of any subsequent subdivision associated with a development, provided that any subdivision associated with a development for which consent was obtained prior to this rule becoming operative may be subject to a financial contribution in respect of that subdivision pursuant to section 407 of the Resource Management Act 1991.
- d) For sites in Precinct Area 1 maximum financial contributions shall be assessed as follows:

Value of Development x 7.5% where either:

- (i) the 7.5% is paid in cash, or
- (ii) up to 2.5% of the 7.5% may be provided in public amenity works and the balance 5% paid in cash. The Council must be satisfied that any public amenity works provided as part of the contribution will have a direct benefit for the public including but not limited to amenities such as:
 - pedestrian footbridge
 - public open space
 - Public rest rooms and toilets
 - Through site links in the indicative locations shown on Precinct Plan D and in accordance with the standards and criteria set out in clause 14.7.8.1. The value of the through-site link shall be the sum of the following:
 - the value of works for the formation of the through-site; and either
 - the freehold value of the land for an at grade through-site link which is kept clear and unobstructed of buildings from grade upwards with the exception of canopies, verandahs, clear translucent covers or similar forms of weather protection; or
 - the easement value of any through-site link which does not meet the criteria of (ii) above.

- e) Financial contributions will not be levied for refurbishments. 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 airconditioning. "Refurbishment" excludes increases to the gross floor area of a building and changes in activity such as conversion of office



premises to retail premises and conversion of offices to residential apartments. In these cases, financial contributions will be assessed on a case by case basis taking into account financial contributions previously paid and the extent to which the proposed work or change in activity contributes to a need to provide further public amenities or services in Viaduct Harbour.

Explanation

The quality and treatment of public spaces will be a major factor in creating a waterfront environment to which people will be attracted

14.7.8.1 Standards and criteria for through - site links

Any through-site link proposed under 14.7.8(d)(ii) will normally be expected to meet the following standards and criteria:

Standards:

- a) A through site link should have a minimum unobstructed width of 3 metres except that
 - i) for the calculation of value of the work, the maximum width of any through site link is regarded as 6 metres.
- b) Clearly visible signage should be provided at all ends of the link identifying the link's presence and the times that it is available for public thoroughfare except that the minimum hours of operation shall be 8 am. to 6 pm. seven days a week.
- c) The registration of an access easement on the title(s) to which the link applies is required to ensure preservation of the link and its ongoing maintenance by the owner(s) of the title(s).
- d) A through site link should comply with the design specifications for walkways contained in Appendix 8.

Assessment Criteria

A proposal for a through site link shall be assessed having regard to the Auckland City Design Guidelines - Viaduct Harbour and the Auckland City Guidelines for Design Against Crime in the Central Area and the following criteria:

Activities within and adjoining through-site links. In order to encourage public use of through site links and to provide surveillance of them at night the following factors should be provided for:

- a) Provision should be made for activities to locate within the through site links or spread into them from adjacent private space.
- b) Buildings adjoining the through site links should be designed to provide for or facilitate the establishment

of those activities which attract people, especially at night. For example:

- i) Upper level residential accommodation / non permanent accommodation with windows or balconies overlooking the through site link would be appropriate, as would cafes, restaurants or small shops directly adjoining it.
- ii) Blank facades and activities with very large frontages, especially those which are closed outside normal office hours and at weekends, are inappropriate.

Lighting

Lighting should comply with the following:

- a) There should be a high vertical luminance so that shadows of people and indications of movement are easily seen, even at a distance.
- b) Lighting should achieve the following recommended standards:
 - In open spaces the lighting level should be between 10-20 lux at a uniformity ratio better than 0.3.
 - For internal through-site links without stairs, the appropriate horizontal lighting level, at floor level, is 100 lux at a minimum uniformity of 0.6.
 - For internal through-site links with stairs and escalators the appropriate horizontal lighting level, at stair level, is 150 lux at a minimum uniformity of 0.6.

Visibility

Through site links should be designed to enable good visibility into them from adjoining private and public areas, and within all parts of the through site links. In order to achieve this there should be:

- a) Avoidance of concealed entrances and exits to reduce the potential for unseen threats.
- b) Clear sight lines provided from the beginning to the end of the through site link, or to and from a suitably safe and open intermediate junction, or change of direction or grade. Where a junction or change of direction or grade occurs, the design of the junction or change of direction or grade should allow for clear lines of sight on approach to it. Maximum visibility of the route from either direction of travel should be provided.
- c) The extent and placement of stairs within through site links should be designed so that visibility to the main part of the amenity from its entrance is unobstructed.
- d) Areas that are set back from the through site link should have a clear two-way view to and from the



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through site link and the surrounding area to eliminate hiding places and avoid the possibility of entrapment.

- e) Entrances and exits should be designed to provide good visibility into areas reached or approached.
- f) Where practical, maximum visibility should be provided between the through site link and adjacent private and public spaces.
- g) Seating areas should be situated where they will be clearly visible from other parts of the through site link and, wherever practical, be visible from adjoining public or private spaces.

14.7.9 RESTRICTED VEHICLE ACCESS

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

Explanation

The quantity and nature of traffic on Fanshawe Street is such that right turns into it should be avoided.

14.7.10 EASTERN VIADUCT PEDESTRIAN ACCESSWAY

External public pedestrian access around the perimeter of the Eastern Viaduct and public access to the water's edge is to be provided for consistent with the operational or safety requirements of the use of the area. The pedestrian accessway on the southern side of the Eastern Viaduct shall not be less than 10m wide. All public accessways shall be freely available for use by pedestrians at all reasonable times, except where restricted for operational, security or safety reasons specified in the conservation covenants applying to the area.

14.7.11 REFERENCES

Reference should also be made to the following Parts.

Part 4Strategic Management Areas

Part 5Activities

Part 6Development Controls

Part 7Noise, Signs and Lighting

Part 8Financial Contributions

Part 9Transportation

Part 10Heritage

Part 11Hazardous Facilities and Contaminated sites

Part 12Network Utility Services

Part 13Subdivision

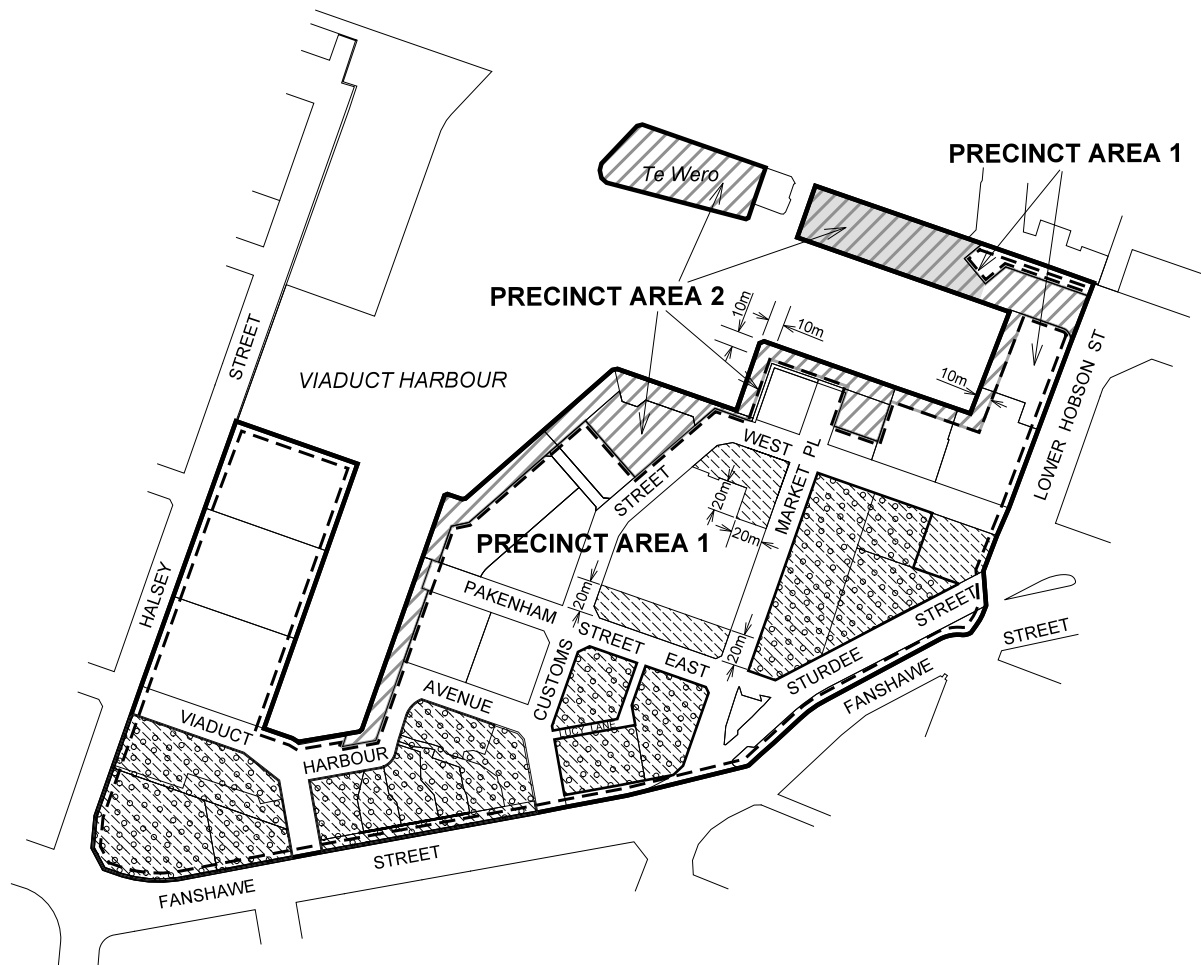
Part 14Precincts and Quarters







Part 15General Rules/Designations

Part 16Definitions and Interpretations



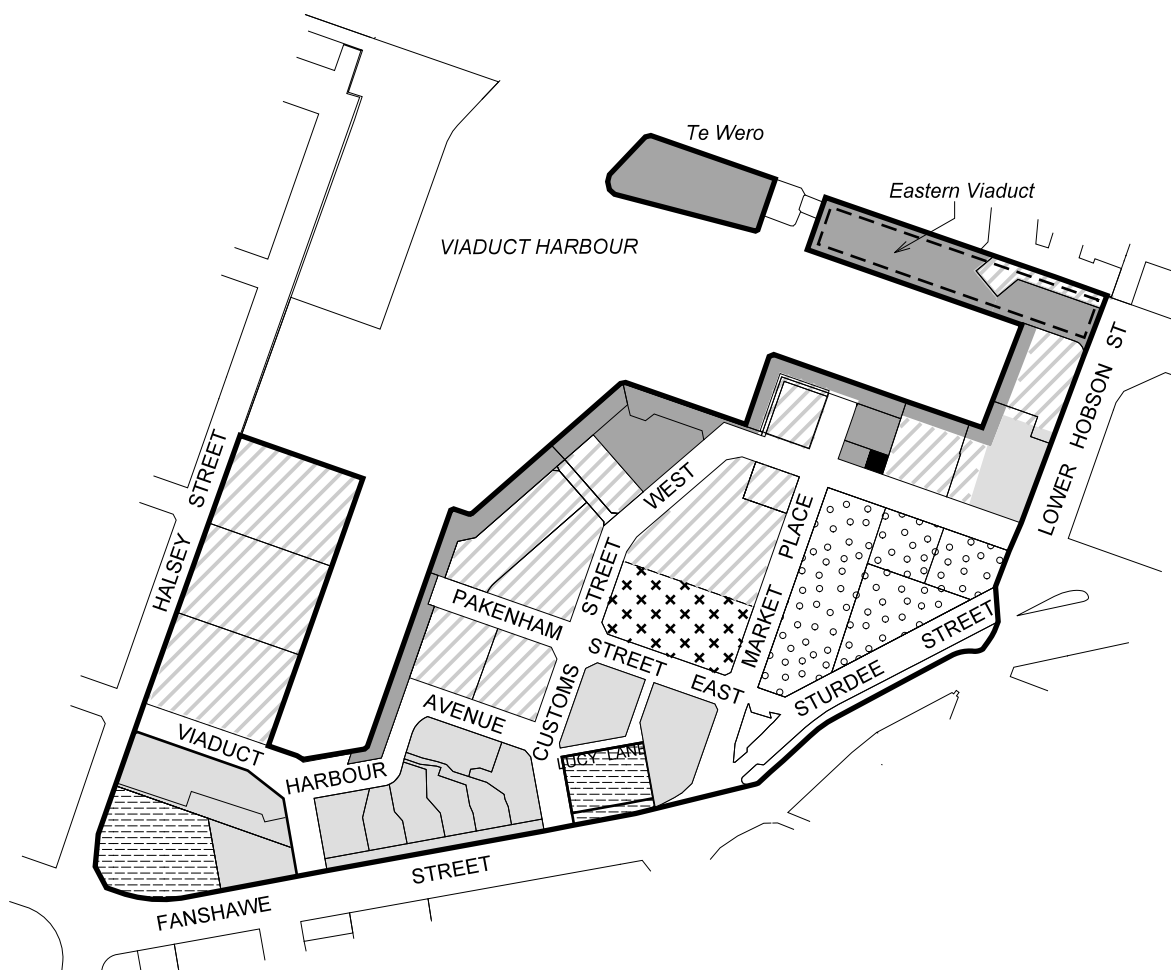
Precinct Plan A


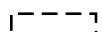



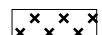
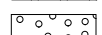
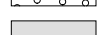



-  Boundary of Precinct
-  Offices
-  Retail where the Gross Floor Area of any individual tenancy exceeds 400m² but does not exceed 750 m² (See Clause 14.7.6.1)
-  Precinct Area 1
-  Precinct Area 2
-  Area within Precinct Area 2 where activities marked # in clause 14.7.6.1 are permitted



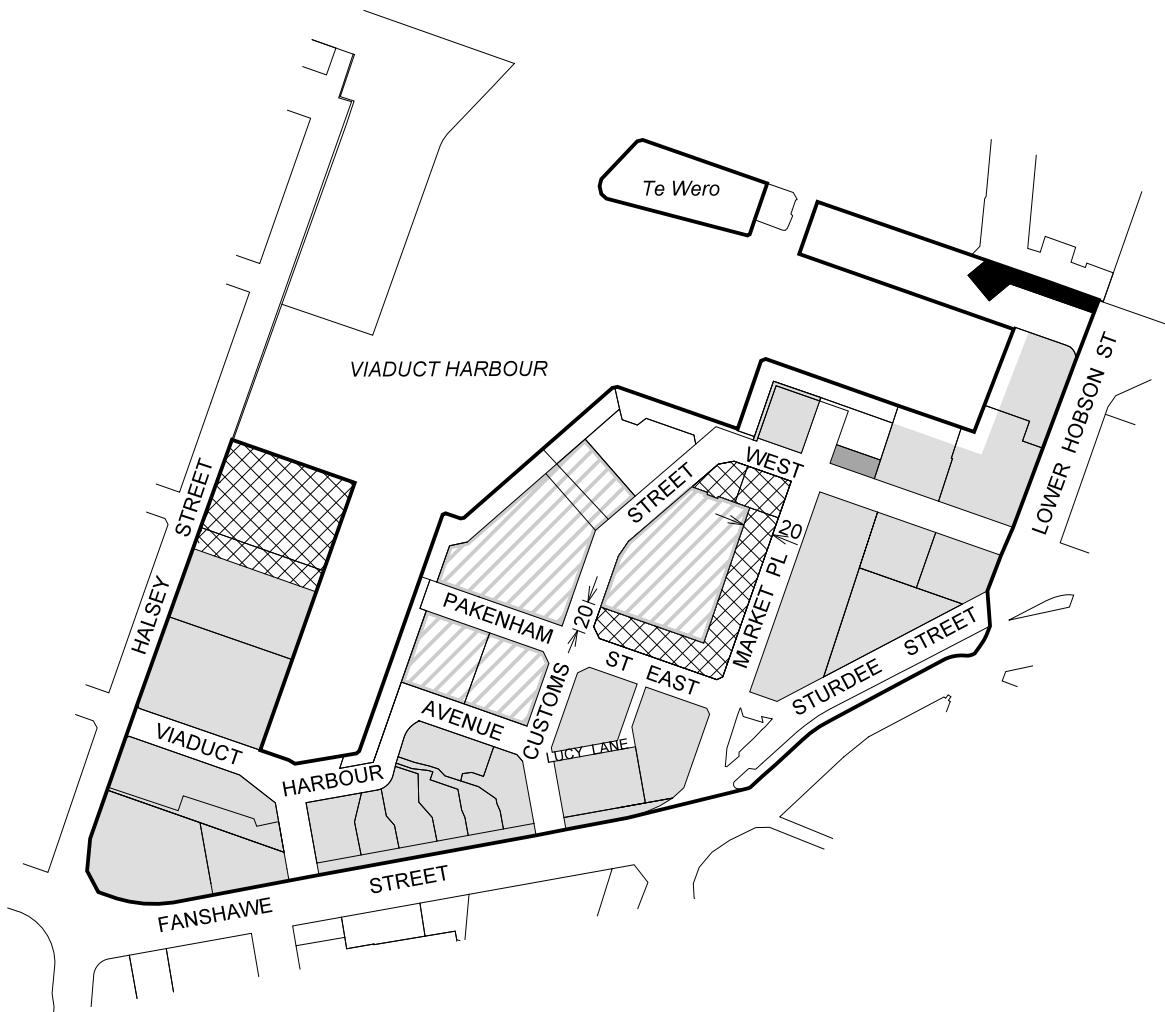
Precinct Plan B



-  Boundary of Precinct
-  Eastern Viaduct
-  0 metres except for verandahs / awnings with a depth not exceeding 2.5 metres
-  5 metres above mean street level except that for :
 - (i) a single ice tower in Precinct Area 2 the maximum height shall be 15 metres above mean street level; and
 - (ii) artworks on the Eastern Viaduct the maximum height shall be 8 metres above mean street level
-  16.5 metres above mean street level
-  18.5 metres above mean street level
-  20 metres above mean street level
-  24 metres above mean street level
-  30 metres above mean street level

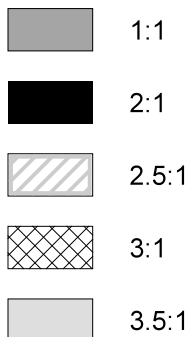


Precinct Plan C

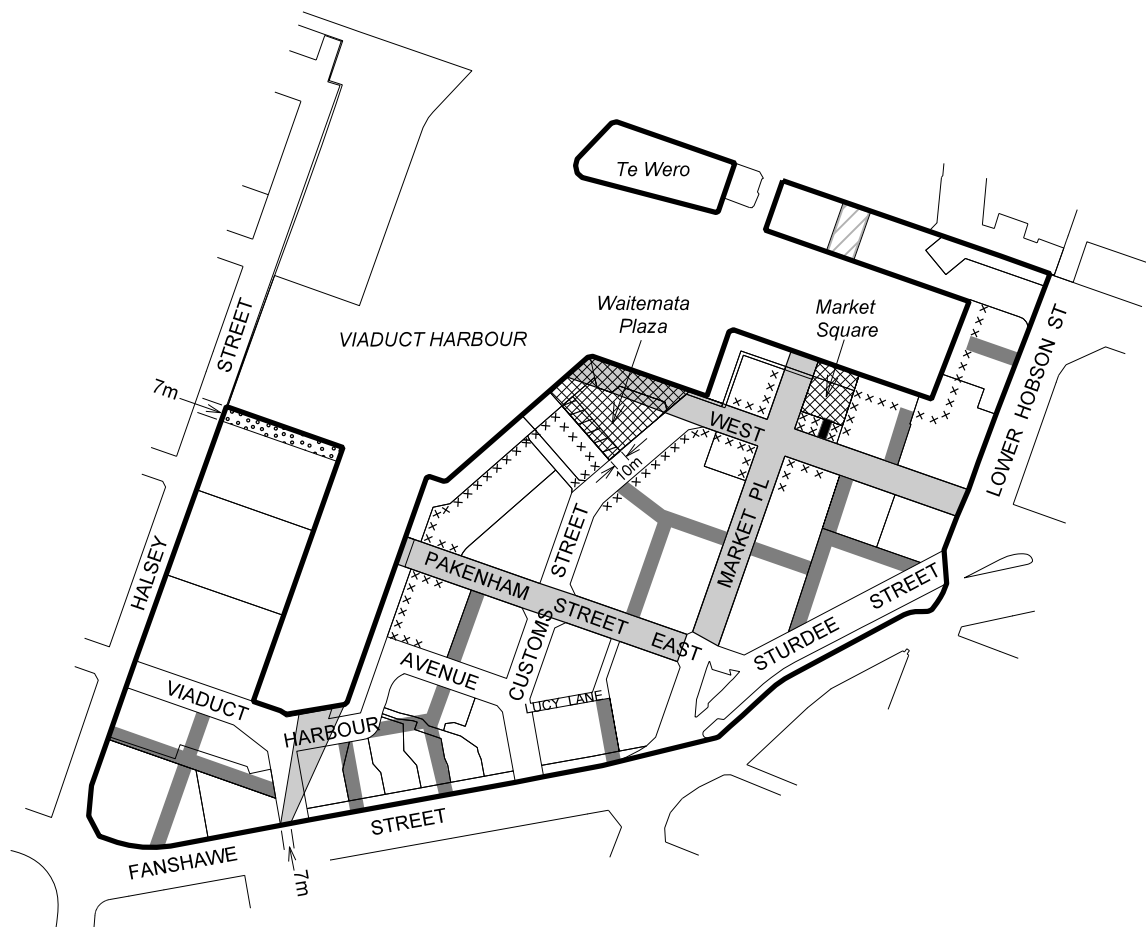











— Boundary of Precinct

Maximum Floor Area Ratios



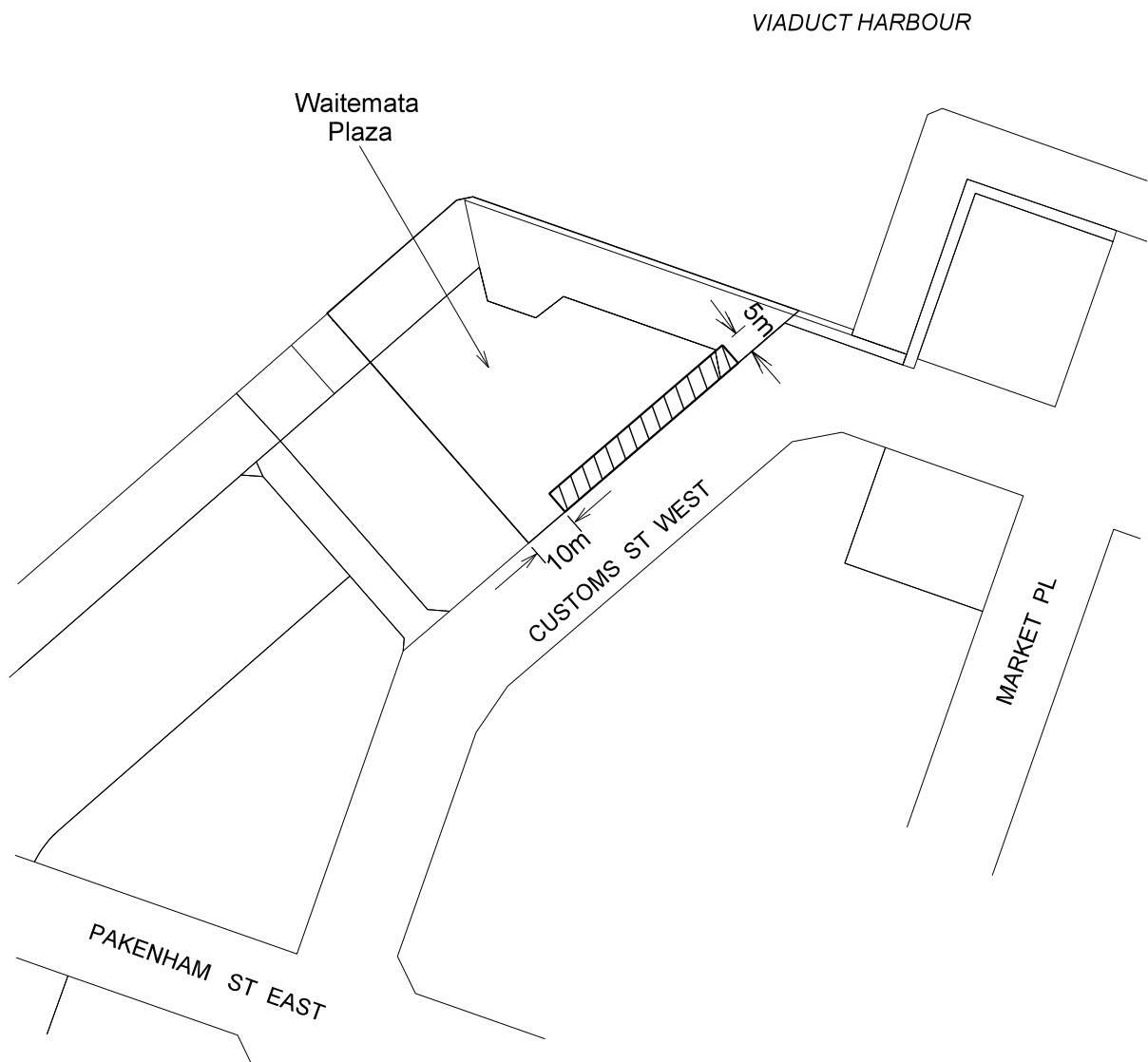
Precinct Plan D



-  Boundary of Precinct
-  View Shafts (See Clause 14.7.7.5)
-  Special Character Frontages (See Clause 14.7.7.2)
-  Special Yard (See Clause 14.7.7.4)
-  Special Yard (See Clause 14.7.6.3A2(b))
-  Indicative locations for potential through site links provided as financial contributions in accordance with Clause 14.7.8
-  Pedestrian Accessway : 5 metres wide pedestrian accessway to be preserved and available for public use
-  View Shaft : this view shaft applies a horizontal plane measured 5 metres above existing wharf deck level
-  Areas subject to coverage control (see clause 14.7.7.6) and noise event control (see clause 14.7.6.3A.1(a)(iii))



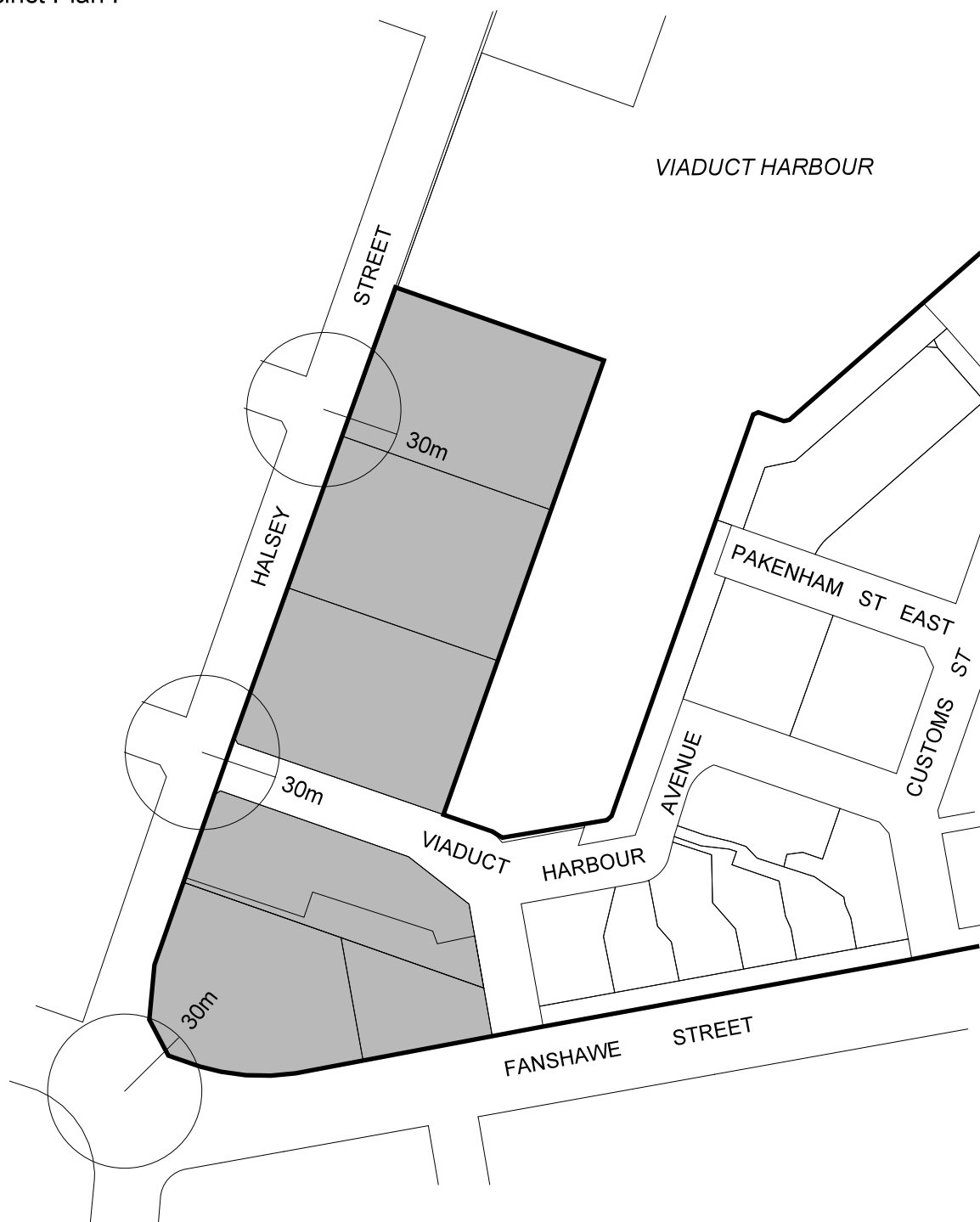
Precinct Plan E


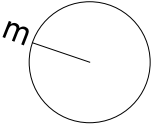



Area within which toilets associated with temporary activities may be located (see clause 14.7.6.3A1(b) and 14.7.6.3A.2(d))



Precinct Plan F



-  Boundary of Precinct
-  Radius measured in metres from intersection centre points within which accommodation in the Viaduct Harbour Precinct is subject to clause 14.7.6.2.1 (b)
-  Sites within which accommodation is a restricted controlled activity under clause 14.7.6.1.2

