

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an appeal under clause 14 of
Schedule 1 to the Act

BETWEEN

**OFFICIAL BAY HERITAGE
PROTECTION SOCIETY
INCORPORATED**

ENV-2007-AKL-000404

Appellant

AND

AUCKLAND CITY COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge L J Newhook sitting alone under section 279 of the Act

IN CHAMBERS at Auckland.

CONSENT ORDER

Introduction

1. The Court has read and considered the appeal, and the memorandum of the parties dated 22 December 2008.
2. Perron Developments Limited gave notice of an intention to become a party under section 274, however that interest was withdrawn as confirmed by correspondence from the Court dated 17 July 2008.
3. No other person has given notice of an intention to become a party under section 274.

The Court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the



merits pursuant to section 297. The Court understands for present purposes that:

- (a) All parties to the proceedings have executed the memorandum requesting this order;
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

Order

5. Therefore, the Court orders, by consent, that Auckland City Council is to amend three of the provisions as introduced by Proposed Plan Change 2 to the Auckland City Operative District Plan – Central Area Section 2004, shown below:

- (a) Amend Policy 5:3.1 (j) as follows:

By promoting excellence and diversity in architecture and encouraging high quality urban design directed at enhancing the relationship of buildings with public open space and reflecting the specific topographical and historical attributes of the Central Area having regard to the significant heritage elements and built form of existing scheduled heritage buildings.

- (b) Amend Additional Assessment criteria 5.6.3.1(d) 8 as follows:

8. Development Abutting or Adjacent In Close Proximity to Scheduled Heritage Items

- a) *The scale, form and design of new development building frontages and elevations facing streets and/or other public open spaces should have regard to the setback, form and character significant heritage elements and built form of any scheduled heritage items building(s) abutting or adjacent in close proximity to the site. This does not mean a rigid adherence to the height of the scheduled heritage item, nor does it reduce the development potential of the site, but it does require careful consideration to minimise the effects of dominance on the scheduled heritage item. The requires consideration of important heritage elements and qualities*



~~through building design on frontages and elevations visible from streets and other public open spaces.~~

- b) A new building abutting or adjacent in close proximity to a set back scheduled heritage building that is set back from the street boundary may not be required to be constructed predominantly to the street boundary, where a better urban design outcome could be achieved by respecting the spatial location of the heritage building.
 - c) Building elevation design and materials should respect (rather than replicate) any patterns of elements existing in scheduled heritage buildings items, but new and contemporary interpretations in form and detail may be used.
6. The appeal is otherwise dismissed.
7. There is no order as to costs.

DATED at Auckland this

19th

day of

January

2009



L J Newhook
Environment Judge

