

**Section 32 Report**  
**Proposed Plan Change: Plan Modification No. 37**  
**Central Area District Plan**  
**Jellicoe Street, North Wharf & Silo Park**

## **1.0 Purpose and Scope**

The purpose of this report, along with the reports contained in Appendices a-e, is to fulfil Councils statutory obligations under s32 of the Resource Management Act 1991 which requires a “consideration of alternatives, benefits and costs”.

The purpose of Proposed Plan Modification 37 is to make amendments to the planning maps within the Jellicoe Street Precinct in response to recent detailed urban design and transportation investigations within this key part of Wynyard Quarter. Specifically, it is proposed to amend the planning maps to facilitate additional promenade width along North Wharf and to give effect to the narrowing of Jellicoe Street which will be subject to a separate statutory process. The changes to the planning maps under Proposed Plan Modification 37 enable rules and assessment criteria set out in Proposed Plan Change 4 to govern the form of future development within the subject to the plan modification.

The provisions to achieve this purpose flow from detailed research and specialist urban design and transport reporting contained in the Appendices. It is emphasised that for the purposes of section 32, this report and all the reports contained in the Appendices need to be read together and in whole. Consequently, and in order to avoid the unnecessary repetition of technical documents, the following analysis references those documents where necessary within the parameters of section 32, but does not summarise them. If a more detailed description is required of the analysis undertaken, it is recommended that the reader refers to each relevant specialist report.

A separate plan modification (Proposed Plan Modification 40) is being progressed in parallel to plan modification 37 which deals with changes to the designation to increase the amount of land available public open space. The designation process and this Plan Modification process are related and are both carried out under the Resource Management Act, however, for reporting purposes they are considered separately.

## **2.0 Background**

### **2.1 Site Context**

Wynyard Quarter (“the Quarter”) represents the north-western extremity of the Auckland Central Area. The land is bounded on three sides by the sea and is bordered by Fanshawe Street on its southern boundary. The Quarter comprises approximately 35 hectares of land reclaimed between 1920 and 1940 on the foreshore of the Waitemata Harbour and is approximately one twelfth of the size of the entire CBD (433 hectares). Being reclaimed, Wynyard Quarter is predominantly flat without topographical constraint. It sits approximately 1.3 metres above “high tide level” and includes 2.8 kilometres of coastal frontage. Accordingly, its location and size are critically important for the future comprehensive development of the Central Area.

Wynyard Quarter is primarily characterised by industrial, commercial and marine activity on land that has been specifically reclaimed for these purposes. Many existing activities,

including marine services, ship repairs, fish processing, berthage and marine related events will continue to play an important economic and social role for the area. The existing built form includes a collection of character buildings, marine and industrial structures, and features that allude to the areas historic development. Collectively, these elements create an overall industrial aesthetic defined by structures and buildings, robust materials and simple details.

## 2.2 Planning Context

### 2.2.1 Auckland City District Plan 2004 – Central Area Section Proposed Plan Modification 4

Plan Change 4 (Wynyard Quarter) to the Auckland City District Plan 2004 - Central Area Section provides an overall planning framework (zoning, objectives, policies and rules) for the comprehensive redevelopment of the Wynyard Quarter area and enables a transition from an industrial, marine and bulk liquid storage area to a mixed use commercial, residential and marine industry/fishing locality. Combined with this, it is proposed to accommodate high quality open space, food and beverage, and retail activities. Significant infrastructure projects are also envisaged within the locality including the opening Te Wero bridge and the Marine Events Precinct.

Plan Change 4 was notified in July 2007 and a hearing was held in June 2008. The decision was released in November 2008. A number of appeals have since been received raising a range of issues across Wynyard Quarter. Good progress is being made in discussions with the majority of appellants with the aim to have the majority of appeal issues either resolved or substantially agreed before the matter gets to the Environment Court.

### 2.2.2 Auckland City District Plan 2004 – Central Area Section Plan Modifications 16 - 26

Concurrent with Proposed Plan Change 4, eleven notices of requirements were notified to provide for open space and roading improvements throughout Wynyard Quarter. These are summarised in the table below:

*Table 1: Summary of Notices of Requirements for Open Space and Roading Works:*

Plan Mod #	Desig. #	Description	Purpose	Land Area	Current Owner
16	370	North Park	Public Open Space	4.5ha	ACC / ARC
17	371	Daldy St Linear Park	Public Open Space		ACC / VHHL
18	372	Daldy Street link	Road	2837m <sup>2</sup>	ARH
19	373	Te Wero link	Public Open Space / Road	5901m <sup>2</sup>	ARH/ACC
20	374	Wynyard Plaza	Public Open Space	2690m <sup>2</sup>	ARH
21	375	Julian's Wall / Madden St	Public Open Space / Road	86.2m <sup>2</sup>	VHHL
22	376	Beaumont Street widening	Road (BLR)	135m <sup>2</sup>	ARH
23	377	Westhaven Drive widening	Road (BLR)	132m <sup>2</sup>	VHHL
24	378	Jellicoe Street Public Space / Stormwater Feature	Public Open Space	8744m <sup>2</sup>	ARH
24	379	Jellicoe Street Public Space	Public Open Space	1560m <sup>2</sup>	ARH
24	380	Jellicoe Street widening / Madden	Road	2997m <sup>2</sup>	ARH

		Street extension			
25	382	Central Park (Pakenham St)	Public Open Space	3375m <sup>2</sup>	VHHL
26	383	Halsey Street widening	Road (BLR)	518m <sup>2</sup>	ARH

Of these notices of requirement the three designations proposed under Plan Modification 24 relate to the land that forms the subject of this plan modification.

## 2.3 Non Statutory Documents

Proposed Plan Change 4 builds on the background work undertaken within the following relevant strategic documents:

### 2.3.1 Auckland Waterfront Vision 2040

The Auckland Waterfront Vision 2040 (refer to **Appendix a**), produced jointly by the Auckland Regional Council and the Auckland City Council, sets the overarching framework for the whole Central Area waterfront area with the following vision statement:

*“The vision for the waterfront is of a world class destination that excites the senses and celebrates our sea loving pacific culture and maritime history. It supports commercially successful and innovative businesses and is a place for all people, an area rich in character and activities that link people to the city and the sea.”*

This vision defines a number of key principles relevant to Wynyard Quarter including:

- Provision of public access along the waterfront edge and the creation of a variety of new public open spaces;
- Re-establishment of the east-west connection from Quay Street into Wynyard Quarter by way of a bridge;
- The management of private vehicle impacts on existing road infrastructure and the need for fully integrated public transport;
- Maintaining the viability of the marine industry and fishing industry including the management of reverse sensitivity impacts;
- Developing a place for marine events;
- Urban design of the highest quality, reflecting the outstanding coastal setting of the area and its marine heritage and marine character.

### 2.3.2 The Auckland CBD Into The Future Strategy

The Auckland CBD Into The Future Strategy was developed following extensive research and consultation with the aim of detailing an overall vision and strategy for the Central Area. One of five key outcomes to deliver the Central Area strategy is the creation of a high quality urban environment proposed to be implemented by:

- the development of high-quality international standard public open spaces and streetscapes that meets the needs of users.
- ensuring public access to and public enjoyment of the waterfront.
- improving the ease of moving in and around the Central Area.
- ensuring good urban design throughout the Central Area.
- plan for and encourage new quality residential developments whilst balancing the need for commercial and business growth.
- plan for and facilitate more mixed-use development.
- encourage environmentally responsible and flexible design for developments.
- promote the distinctive character of the quarters of the Central Area.
- encourage greater environmental sustainability in the Central Area.

### 2.3.3 The Wynyard Quarter Concept Vision

The Wynyard Quarter Concept Vision (**Appendix b**) builds on the Auckland Waterfront Vision 2040 and Auckland CBD Into The Future Strategy at a level specific to Wynyard Quarter. This includes the establishment of a Vision for the Quarter forming part of the Resource Management Strategy.

### 2.3.4 Wynyard Quarter: Urban Design Background Information Document

The Wynyard Quarter Urban Design Background Information Document (refer to **Appendix c**) provides an overview of the vision for the future of Wynyard Quarter, a design concept for the public realm and provides background and reasons for the urban design principles for the Quarter.

In summary, it identifies Jellicoe Plaza, North Wharf and the Public Open Space/Water Feature as “part of a sequence of public spaces which reinforce the waterfront condition and maximise access to the waters edge”. The proposed building heights also reinforce Jellicoe Precinct as a key area within the Quarter. The location of open space, the bulk, height and location of built form in Wynyard Quarter set out in the development controls of Plan Modification 4 flow from this urban design work. Proposed Plan Modification 37 seeks to reinforce and augment these concepts.

## 3.0 Proposed Plan Modification 37

The urban design report (prepared by Sea + City | TCL + WA) in **Appendix e** concludes that the North Wharf promenade will be one of the main visitor attractions in the area. Visitors will want to be close to the harbour edge, be close to the boats and engage with authentic fishing experiences. Jellicoe Street by contrast will be an important low speed traffic environment and local connector but not necessarily a principal visitor attraction. In terms of the North Wharf promenade and Jellicoe Street the urban designers propose that the following urban design principles should apply:

- A working wharf for Jellicoe Harbour is maintained;
- A generous and civic scaled promenade is created;
- Establishment of a promenade dimension that reads as a true public space and allows for a range of public realm activities and furnishings;
- There is not a repetition of the existing narrow dimensions found on other Auckland waterfront locations;
- Future built form is aligned to the north face of the existing North Wharf building; and
- Creation of an appropriately scaled street for Jellicoe Street ensuring all functional needs are catered for.

This Plan Modification seeks to address the above urban design recommendations by increasing the width of North Wharf and by extending the building platforms south toward Jellicoe Street to reflect that this street is to be narrowed<sup>1</sup>. The following table provides a summary of the changes proposed:

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<sup>1</sup> The narrowing of Jellicoe St itself is to be carried out under a separate process undertaken in accordance with the Local Government Act 1974 with the roading designation to be correspondingly altered under a separate notice of requirement process.

Table 2: Summary of Plan Modification Elements

Element	Description
North Wharf	<ul style="list-style-type: none"> <li>Relocation of the building platform 6m south to reflect the proposed designation to widen the promenade along North Wharf from 10m to 16m.</li> </ul>
Jellicoe Street	<ul style="list-style-type: none"> <li>Relocation of the North Wharf building platform 7.5m to the south to reflect the proposed narrowing of the width of Jellicoe Street from approximately 30.5m to 22.9m</li> <li>Relocation of the building platform located between Hamer Street and Brigham St 7.5m to the south to correspond with the narrowing of Jellicoe Street from approximately 30.5m to 22.9m.</li> <li>Relocation of the building platform located between Beaumont Street and the coastal edge 2.8m north to reflect the proposed designation to widen Jellicoe Street from 20.1m to 22.9m.</li> </ul>
Six Pack Silos	<ul style="list-style-type: none"> <li>Relocation of the building platform located to the south of Silo Park 6m to the south (with the exception of a 30m wide area immediately adjacent to the silos which is to be relocated 3m to the south).</li> </ul>

A further description of the individual elements is provided below:

#### North Wharf

To enable the public realm design to reflect the importance of this waterfront promenade as a priority destination, a suitable and generous dimension for the North Wharf promenade is required that provides for multiple public realm needs such as: working wharf edge, promenading, public seating, public realm infrastructure such as lighting, alfresco dining, etc as outlined in the urban design report at **Appendix e**.

Currently Proposed Plan Change 4 includes a 10m wide promenade and this is proposed to be widened to 16m.

A minimum of 16 metres width of space along North Wharf is considered to be necessary to create a “memorable” waterfront promenade experience. The existing North Wharf building, identified as a character building in Proposed Plan Change 4, is also set back by 16m from the coastal edge. Proposed Plan Modification 37 will relocate the building platforms to ensure that all future buildings align with the north face of the existing wharf building, thereby reinforcing this waterfront edge for public open space and proposed road respectively.

#### Jellicoe Street

The narrowing of Jellicoe Street to 22.9 metres will create a road reserve width more in line with other road widths within Wynyard Quarter. The building platforms are relocated to reflect this narrowing and to ensure that buildings can be built to the street edge. The western end of Jellicoe Street is to be widened so that it aligns with the rest of Jellicoe Street.

#### Six Pack Silos

In the future it is anticipated that the ‘Six Pack Silos’ will be refurbished to provide for future commercial uses within the development site platform (rather than open space). The retention of these built elements will assist in communicating Wynyard Quarter’s character and history. In order to provide a better connection to the silos, Silo Park is proposed to be

extended to the south with development within the silos themselves continuing to be enabled.

### Summary

The proposed changes involve the widening of the North Wharf promenade, narrowing (and some localised widening) of Jellicoe Street and the extension of Silo Park. The existing height, floor area ratios, and frontage requirements as set out in Plan Modification 4 will continue to apply and, where necessary, will be moved or extended to encompass the land subject to this plan modification.

The changes proposed require amendments to Quarter Plans A, B1, B2, C1, C2, D, E, F, G, H & J. The proposed changes to these quarter plans form the plan modification. There are no changes proposed to the objectives, policies or rules as currently set out in Proposed Plan Modification 4.

## **4.0 Part 2, sections 31, 32, 72 and 76 of the Resource Management Act**

### **4.1 Statutory Requirements**

Part 2 of the Act underpins the exercise of functions, duties and powers. Section 5 states that the purpose of the Act is to promote the sustainable management of natural and physical resources. "Sustainable management" means:

*"...managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while-*

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment."*

Section 6 sets out matters of national importance, while Section 7 sets out certain other matters to which persons exercising functions and powers under the Act are required to have particular regard.

Section 8 requires taking into account the principles of the Treaty of Waitangi in relation to managing the use, development and protection of natural and physical resources.

Section 74(1) of the RMA states as follows:

*A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, its duty under section 32, and any regulations.*

Section 31 sets out the council's functions for the purpose of giving effect to the Act. The council's functions include:

*"The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district"*

and

*“the control of any actual or potential effects of the use, development or protection of land”.*

Section 72 states as follows:

*The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.*

The following provisions of section 76 are also relevant:

- (1) *A territorial authority may, for the purpose of –*
  - (a) *Carrying out its functions under this Act; and*
  - (b) *Achieving the objectives and policies of the plan, - include rules in a district plan.*
- ...
- (3) *In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities, including, in particular, any adverse effect.*

In achieving the purpose of the Act, the council must carry out an evaluation under section 32 of the RMA before publicly notifying a plan change. Section 32(3) and (4) state as follows:

- (3) *An evaluation must examine –*
  - (a) *the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and*
  - (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives*
- (4) *For the purposes of this examination, an evaluation must take into account –*
  - (a) *the benefits and costs of policies, rules, or other methods; and*
  - (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*

In addition, section 76 of the Local Government Act 2002 states that every decision of a council must be made in accordance with decision making tests and processes specified.

The requirements of section 32 are set out and addressed below:

#### **4.2 The extent to which each objective is the most appropriate way to achieve the purpose of the Act: s32(3)(a)**

There are no new objectives proposed under Proposed Plan Modification 37.

### 4.3 Whether having regard to their efficient and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives: s32(3)(b)

In this case, the objectives relevant to Proposed Plan Modification 37 are contained within Plan Modification 4<sup>2</sup>. These objectives were established from the identified resource management constraints and opportunities within Wynyard Quarter. In this case the relevant objectives are as follows:

- Built Form (14.9.3.1)
- Buildings (14.9.3.2)
- Character (14.9.3.3)
- Social and Economic (14.9.3.4)
- Open Space (14.9.3.5)
- Pedestrian Access, Street Quality, Safety (14.9.3.6)
- Risk and Public Safety (14.9.3.7)
- Reserve Sensitivity and Amenity (14.9.3.8)
- Remediation (14.9.3.9)
- Transport (14.9.3.10)
- Natural Environment (14.9.3.11)
- Efficient and Integrated Development (14.9.3.12)

No new policies are proposed under Proposed Plan Modification 37. It is proposed that where existing proposed building platforms are to be extended that the height, floor area ratio, and frontage controls currently applying to the immediately adjacent land will also apply to that land.

Where land is proposed to be designated for road or open space purposes (under the separate notice of requirement process being undertaken in parallel to this plan modification process), future development in accordance with that purpose will be authorised by way of an outline plan of works (i.e. the district plan provisions will not apply).

The following table sets out the relevant objectives and assesses the extent to which the proposed provisions are the most appropriate method, having regard to their efficiency and effectiveness, for achieving those objectives:

Table 3: Extent to which the rules and other methods are the most appropriate for achieving the objectives:

Objectives (Plan Modification 4)	Extent to which the rules and other methods are the most appropriate for achieving the objectives
<p><b>Built Form (14.9.3.1)</b>  <i>An integrated urban environment exhibiting high quality built form, high quality urban design and appropriate building heights to enhance the prominent waterfront location of Wynyard Quarter, and to complement the Central Area</i></p>	<ul style="list-style-type: none"> <li>• The widening of North Wharf and the relocation of the building platform 6m south to create a 16m wide promenade will establish a promenade dimension that reads as a true public space and allows for a range of public realm activities and furnishings.</li> </ul>

<sup>2</sup> It is noted that there are also a set of objectives contained within the operative provisions of the Auckland City District Plan 2004 – Central Area Section. The provisions proposed under this plan modification, however, are complementary to those contained within Plan Modification 4 and anticipate that the rezoning of the land is to take place. In the event that this were not to occur (i.e. if Plan Change 4 did not become operative), there would be no need for this plan modification. For this reason, it is considered that a detailed analysis of the operative district plan objectives is not necessary.

<p><i>and wider City landform, skyline and views.</i></p>	<ul style="list-style-type: none"> <li>• The alignment of the development sites with the north face of the existing wharf building reinforces the grid pattern of the precinct.</li> <li>• The extension of the building platforms south toward Jellicoe Street will ensure that buildings directly front the proposed new alignment of the street and will ensure that future buildings provide an appropriate edge and sense of containment to the street.</li> <li>• No changes are proposed to the rules as already proposed under Plan Modification 4. The application of the existing proposed development controls (i.e. FAR, height, character frontage) to the extended building platforms will ensure an integrated urban environment is achieved.</li> </ul> <p>It is considered that the proposed plan modification will effectively and efficiently achieve objective 14.9.3.1.</p>
<p><b>Buildings (14.9.3.2)</b></p> <p><i>Individual buildings or collections of buildings designed to:</i></p> <p>(a) <i>Achieve an appropriate form and scale in relation to:</i></p> <p style="padding-left: 40px;">(i) <i>any approved Comprehensive Area Structure Plan applying to the subject site or any adjacent site;</i></p> <p style="padding-left: 40px;">(ii) <i>existing and proposed public open space;</i></p> <p style="padding-left: 40px;">(iii) <i>identified view shafts;</i></p> <p>(b) <i>Achieve a diversity of high quality architecture and urban design which reflects the attributes of the Quarter;</i></p> <p>(c) <i>Provide a high standard of amenity for occupants of buildings;</i></p> <p>(d) <i>Provide a sense of intimacy, character and enclosure at street level and passive surveillance of the street;</i></p> <p>(e) <i>Provide flexible and adaptive floor space capable of accommodating different uses over time, particularly at ground floor level;</i></p> <p>(f) <i>Achieve a subdivision and street pattern which enhances the permeability and legibility of the urban environment;</i></p> <p>(g) <i>Achieve a safe pedestrian environment, and provide weather protection for pedestrians.</i></p>	<ul style="list-style-type: none"> <li>• Plan Modification 37 involves the realignment of the building platforms within the Jellicoe Street precinct. It is proposed to apply the same site intensity, height and frontage controls to the additional land subject to this plan modification with the existing development sites within which they adjoin. This will achieve consistency in the built form. Furthermore new buildings will continue to be subject to design assessment under Proposed Plan Change 4.</li> <li>• The proposed building platforms and realignment of Jellicoe Street reinforces the existing grid street pattern which will enhance the legibility and permeability of the urban environment.</li> <li>• As discussed in the Open Space Urban Design: Proposed Jellicoe Street/Promenade Dimension report (prepared by TCL + WA) the narrowing of Jellicoe Street will assist in creating a 'shared space' where shared parking, traffic and pedestrian circulation requirements can be met. Combined with future high quality landscaping, the Jellicoe Street improvements will provide a sense of intimacy, character and enclosure at the street level.</li> </ul> <p>It is considered that the proposed plan modification will effectively and efficiently achieve objective 14.9.3.2.</p>
<p><b>Character (14.9.3.3)</b></p> <p><i>The protection and enhancement of identified character buildings and the retention of a unique character within Wynyard Quarter that is reflective of its maritime use and location.</i></p>	<ul style="list-style-type: none"> <li>• No changes are proposed to the locations of Character Buildings &amp; Features on Quarter Plan G or the provisions in Proposed Plan Change 4 which relate to character buildings/features.</li> </ul> <p>It is considered that the proposed plan modification will effectively and efficiently</p>

<p><b>Social and economic (14.9.3.4)</b></p> <p><i>To enable redevelopment of Wynyard Quarter while at the same time managing potential conflicts between different uses to achieve:</i></p> <p>(a) <i>A visitor destination which showcases the City's diverse communities and the importance of the harbour;</i></p> <p>(b) <i>The maintenance and enhancement of the regionally significant economic function of the marine, fishing and other industries;</i></p> <p>(c) <i>A vibrant community providing a mix of activities and experiences for all people, including a community focal point, high quality public open space and community facilities;</i></p> <p>(d) <i>Public open space on the waterfront, and an area for marine events activity for the social and economic benefit of the wider Auckland Region;</i></p> <p>(e) <i>A network of coastal edge public open space for the purposes of enabling access to and along the coast and enjoyment of the coastal environment, while recognizing the need to manage access relative to competing commercial activities;</i></p> <p>(f) <i>A complementary, rather than competing, role with the function of the Queen Street Valley and Karangahape Road Precincts as the primary retail areas of the Central Area and other centres on the fringe of the Central Area such as Parnell, Newmarket and Ponsonby beyond the Central Area; and</i></p> <p>(g) <i>A mix of living opportunities providing a high standard of amenity for occupants.</i></p>	<p>achieve objective 14.9.3.3.</p> <ul style="list-style-type: none"> <li>• The existing proposed controls as set out in Proposed Plan Change 4 will continue to apply to the land subject to this plan modification. These controls currently provide a range of controls and assessment criteria to avoid and mitigate adverse effects and manage conflict between different uses (i.e. reverse sensitivity controls).</li> <li>• The proposed provisions seek to allow a range of public activities to occur on the North Wharf promenade, within the expanded Silo Park and within the extended building platform areas. It is anticipated that these activities will assist in achieving a good quality and attractive urban environment.</li> <li>• In addition to providing for improved public access, the proposed widening of North Wharf will facilitate the continued operation of existing wharf activities. It will also provide increased separation distance between the wharf and future buildings to the south thereby reducing the potential for reverse sensitivity effects.</li> <li>• The existing proposed Special Character Frontage which currently extends along both sides of Jellicoe Street will be amended to reflect the proposed reconfiguration of Jellicoe Street. This will continue to provide a defined edge to streets and public places and assist in creating “a pedestrian oriented environment and entertainment spine” for the Jellicoe Street precinct.</li> <li>• The proposed amendment to the dimensions of Jellicoe Street is intended to facilitate a feature waterfront boulevard for Auckland City that is civic in scale and pedestrian focused. The function of the street will be flexible to not only enable circulation and movement, but to also facilitate markets, events and activities.</li> <li>• The proposed provisions further contribute to an existing proposed network of open space and access to the coast in keeping with the open space strategies undertaken for the area.</li> </ul> <p>It is considered that the proposed plan modification will effectively and efficiently achieve objective 14.9.3.4.</p>
<p><b>Open space (14.9.3.5)</b></p> <p><i>A significant area of waterfront public park space for the benefit of the Auckland Region and a complementary hierarchy of interconnected, high quality, public open space for current and future residential and commercial occupants and visitors.</i></p>	<ul style="list-style-type: none"> <li>• The proposed provisions further contribute to an existing proposed network of open space and access to the coast in keeping with the open space strategies undertaken for the area.</li> <li>• The widening of North Wharf to 16m provides a more appropriate dimension for this significant public open space.</li> </ul>

	<ul style="list-style-type: none"> <li>The extension of Silo Park to better connect with the “Six Pack Silos” will provide increased opportunities for the development of this area for recreational purposes.</li> </ul> <p>It is considered that the proposed plan modification will effectively and efficiently achieve objective 14.9.3.5.</p>
<p><b>Pedestrian access, street quality, safety (14.9.3.6)</b></p> <p><i>A safe, convenient and interesting environment which maximises pedestrian use and amenity and improves connectivity within the Quarter and to adjacent areas.</i></p>	<ul style="list-style-type: none"> <li>This increase in width of North Wharf will further facilitate public access to this part of the waterfront.</li> <li>The narrowing of Jellicoe Street and continued use of height and building frontage controls will ensure that an appropriately scaled and interesting street environment is created.</li> <li>The reconfiguration of public space (roads and open space) will promote pedestrian use of the Jellicoe Street Precinct by creating additional public space (North Wharf and Silo Park) and a more pedestrian-friendly street environment (Jellicoe Street).</li> </ul> <p>It is considered that the proposed plan modification will effectively and efficiently achieve objective 14.9.3.6.</p>
<p><b>Risk and public safety (14.9.3.7)</b></p> <p><i>To avoid, remedy or mitigate adverse environmental effects and risk presented by hazardous or dangerous activities or facilities in Wynyard Quarter.</i></p>	<ul style="list-style-type: none"> <li>The existing reverse sensitivity provisions proposed under Plan Change 4 (restrictions on the establishment of residential activities and the requirement to comply with development control 14.9.12.11- Risk Sensitive Activities and assessment criteria relevant to new developments) avoiding risk and public safety effects on the existing working Jellicoe Harbour wharf.</li> <li>It is considered that the proposed plan modification will effectively and efficiently achieve objective 14.9.3.7.</li> </ul>
<p><b>Reserve sensitivity and amenity (14.9.3.8)</b></p> <p><i>Management of conflicts between different uses to ensure the efficient operation of marine industry and fishing industry and other industry and enabling the marine events centre and public spaces to be used for a range of public events.</i></p>	<ul style="list-style-type: none"> <li>The existing reverse sensitivity provisions proposed under Plan Change 4 (e.g. setback controls, noise covenant requirements and other controls restricting the establishment of sensitive activities near hazardous operations) will assist in avoiding reverse sensitivity effects on the existing working Jellicoe Harbour wharf.</li> <li>The extended North Wharf promenade will increase the space between the wharf operations area and activities establishing adjacent to the south. This will provide an increased buffer between potentially incompatible activities.</li> </ul> <p>It is considered that the proposed plan modification will effectively and efficiently achieve objective 14.9.3.8.</p>
<p><b>Remediation (14.9.3.9)</b></p> <p><i>To minimise the adverse effects of contamination in an integrated and</i></p>	<ul style="list-style-type: none"> <li>It is not considered that this plan modification gives rise to any particular issues requiring consideration with respect to this objective.</li> </ul>

<i>comprehensive manner.</i>	
<p><b>Transport (14.9.3.10)</b>  <i>Maintain or enhance the safety and capacity of the internal and wider transport network.</i></p>	<ul style="list-style-type: none"> <li>Flow Transportation Specialists have undertaken a review of the proposed plan modification and their letter is attached as <b>Appendix f</b>. In terms of the reconfiguration of Jellicoe Street, they conclude that:  <i>“In general it is concluded that the above cross section [width of Jellicoe Street] should be sufficient to cater for the anticipated needs of Jellicoe Street as well as ensuring high public amenity is provided in terms of footpath width and landscaping. The proposed cross section will include sufficient carriageway width to permit trams or light rail in the future, while on street cycle lanes could be provided, if required, by reducing the wide footpaths proposed in the long term.”</i></li> <li>Based on the advice received from Flow, it is considered that the plan modification will maintain the safety and capacity of the transport network.</li> </ul> <p>It is considered that the proposed plan modification will effectively and efficiently achieve objective 14.9.3.10.</p>
<p><b>Natural environment (14.9.3.11)</b>  <i>Urban development incorporating sustainable design principles to enhance the natural environment.</i></p>	<ul style="list-style-type: none"> <li>It is not considered that this plan modification gives rise to any particular issues requiring consideration with respect to this objective.</li> </ul>
<p><b>Efficient and integrated development (14.9.3.12)</b>  <i>The development of buildings and activities and the provision of infrastructure within Wynyard Quarter in a comprehensive and integrated manner which achieves high quality urban design outcomes and which avoids, remedies or mitigates adverse effects on infrastructure.</i></p>	<ul style="list-style-type: none"> <li>With the exception of roading infrastructure which has already been discussed above (under objectives 14.9.3.2, 14.9.3.6 and 14.9.3.10), it is not considered that this plan modification gives rise to any particular issues requiring consideration with respect to this objective. The requirement for a Comprehensive Area Structure Plan will continue to apply to land within Quarter Area 5.</li> </ul>

Based on the foregoing analysis, it is considered that the proposed plan modification will effectively and efficiently achieve the objectives for Wynyard Quarter as set out in proposed Plan Modification 4.

In terms of addressing the issue of whether the provisions are the most appropriate for achieving the objectives, it is useful to consider the extent to which other alternatives might also meet the objectives. In this regard, it is considered that the principal practicable alternative is to maintain the status quo (i.e. retain the Proposed Plan Modification 4 provisions).

In this respect, the alternative of not providing the amended public open space and road alignments would mean compromising one of the most significant urban design principles of the project, whereby the urban design experience along the coastal axis of Wynyard Quarter would not be fully realised. It is considered that the proposed plan change provisions will make the most of the potential urban design and transport benefits of reinforcing a strong coastal edge and coherent, permeable grid pattern and central east-west axis on Jellicoe Street.

Overall, it is considered that the proposed provisions will assist in achieving the urban design and concept vision for Wynyard Quarter. The proposed building platforms, public open space and road alignments will enable this area to be developed as a vibrant outdoor recreation environment whilst improving public transport, cycling and pedestrian movement opportunities within the Wynyard Quarter.

#### 4.4 Benefits and Costs of policies, rules or other methods: s32(4)(a)

Section 32(4)(a) of the RMA requires that an assessment of the benefits and costs of proposed policies, rules or other methods be taken into account. These are set out and discussed in the table below:

*Table 3: Benefits and costs of rules and other methods:*

Method	Costs	Benefits
<p><b>Extending existing building platforms and applying the same development controls to them as already exist for adjacent building platforms.</b></p>	<ul style="list-style-type: none"> <li>The expense associated with carrying out a plan change process.</li> </ul>	<ul style="list-style-type: none"> <li>The extension of the building platforms south toward Jellicoe Street will ensure that buildings directly front the proposed new alignment of the street and will ensure that future buildings provide an appropriate edge and sense of containment to the street.</li> <li>The proposed building platforms and realignment of Jellicoe Street reinforces the existing grid street pattern which will enhance the legibility and permeability of the urban environment.</li> </ul>
<p><b>Extending the North Wharf and Silo Park open space areas.</b></p>	<ul style="list-style-type: none"> <li>The expense associated with carrying out a plan change process.</li> <li>Loss of development land</li> </ul>	<ul style="list-style-type: none"> <li>The extended North Wharf promenade will increase the space between the wharf operations area and activities establishing adjacent to the south. This will provide an increased buffer between potentially incompatible activities.</li> <li>This increase in width of North Wharf will further facilitate public access to this part of the waterfront.</li> <li>The widening of North Wharf to 16m provides a more appropriate dimension for this significant public open space.</li> <li>The proposed provisions further contribute to an existing proposed network of open space and access to the coast in keeping with the open space strategies undertaken for the area.</li> <li>The extension of Silo Park to</li> </ul>

		better connect with the “Six Pack Silos” will provide increased opportunities for the development of this area for recreational purposes.
<b>Narrowing (and some localised widening) of Jellicoe Street.</b>	<ul style="list-style-type: none"> <li>• The expense associated with carrying out a plan change process.</li> <li>• Loss of future car parking and ability to add additional traffic lanes.</li> </ul>	<ul style="list-style-type: none"> <li>• This increase in width of North Wharf will further facilitate public access to this part of the waterfront.</li> <li>• The narrowing of Jellicoe Street and continued use of height and building frontage controls will ensure that an appropriately scaled and interesting street environment is created.</li> <li>• The reconfiguration of public space (roads and open space) will promote pedestrian use of the Jellicoe Street Precinct by creating additional public space (North Wharf and Silo Park) and a more pedestrian-friendly street environment (Jellicoe Street).</li> <li>• The narrowing of Jellicoe Street will assist in creating a ‘shared space’ where shared parking, traffic and pedestrian circulation requirements can be met. Combined with future high quality landscaping, the Jellicoe Street improvements will provide a sense of intimacy, character and enclosure at the street level.</li> </ul>

When taking into account the benefits and costs of Plan Modification 37 provisions, it is considered that an appropriate balance has been achieved between providing for the full design potential of the precinct to be realised whilst ensuring that the adverse effects of development on existing industry can be managed.

#### **4.5 Matters to be considered by territorial authority: s74**

Section 74 of the Act requires that a “territorial authority shall prepare and change its district plan in accordance with its functions under section 31”.

Section 31 of the Act states that a function of council is to control any actual or potential effects of the use, development, or protection of land and associated natural and physical resources of the district. Section 2 of the Act defines “natural and physical resources” as *“land, air, water, soil, minerals, and energy... and all structures”*.

Consideration of the actual and potential effects are summarised below:

- Urban design: the proposed provisions will result in positive urban design effects in that the widening of North Wharf, narrowing of Jellicoe Street, and extension of Silo Park will all contribute to the vitality of the environment. It is considered that the additional opportunity for connectivity and more appropriate scaling of public spaces will result in a better quality urban environment.

- Marine and Fishing Industry: the proposed plan change will facilitate increased space along the North Wharf for the operation of the fishing industry.
- Transportation: it is considered that a more appropriately scaled street environment will be achieved without unreasonably comprising the future ability to provide for multi-modal access along Jellicoe Street. The reduced width of the street may result in some future loss of parking, however, this is considered to be neutral in terms of potential effects.
- Access to open space: it is considered that increasing the width of North Wharf and extending Silo Park will improve access to open space.

In summary, it is considered the proposed plan modification will result in positive effects in terms of urban design, transportation, and access to open space. In this regard, it is considered that the plan modification assists council in achieving its functions as set out in s31 of the Act.

Section 74(2) further sets out that when preparing or changing a district plan, a territorial authority shall have regard to any proposed regional policy statement or plan. Section 75(3) requires that a district plan must give effect to any regional policy statement.

This plan modification involves only changes to the planning maps and otherwise relies on the relevant objectives, policies, rules and other methods as already proposed under Proposed Plan Modification 4. Those provisions have been subject to assessment against the relevant national and regional planning documents as part of that process whereby it was concluded overall, that the modifications give effect to the Auckland Regional Policy Statement and Regional Growth Strategy. Further, it was considered that the plan modification would accord with the objectives of the Auckland Regional Land Transport Strategy and other local level documents such as the Waterfront Vision 2040, Wynyard Quarter Concept Vision and the Wynyard Quarter Urban Design Background Information.

## 5.0 Consultation

The Council has undertaken public consultation to obtain feedback on its proposed concept vision for Wynyard Quarter and the more recently, the specific works subject to this notice of requirement. Consultation will be ongoing, however the following sections provide a summary of consultation undertaken to date:

**The General Public:** A report outlining the consultation undertaken is contained in the document 'Wynyard Point – Consultation Results' reported to the Urban Strategy and Governance Committee April 2006. As part of this consultation exercise there was considerable concerns raised about the provision of open space and the need to create a broad network of public spaces throughout the Wynyard Quarter area. This plan modification seeks to facilitate the provision of public open space in a key area of the Wynyard Quarter.

**Wynyard Quarter Landowners:** Discussions are ongoing with the Ports of Auckland, now Auckland Regional Holdings (ARH), Viaduct Harbour Holdings, and Sanfords.

**The Auckland Regional Council:** The Auckland Regional Council (Transport and Urban Development Committee) has endorsed the plan for Precinct 1 (see **Appendix d**) which shows the narrowing of Jellicoe Street and changes to North Wharf.

**Other Stakeholders:** Numerous stakeholders and interest groups have been consulted in addition to the wider public via the Waterfront Vision and Wynyard Quarter Concept Vision consultation processes. In particular, the Marine and Fishing Industry Group, Committee for Auckland, New Zealand Institute of Architects and the Property Council have been

consulted. Consultation with key stakeholders and interest groups in respect of the proposed works is currently underway.

## **6.0 Conclusions**

The foregoing report has assessed the proposed provisions of Plan Modification 37 against the requirements as set out in the Act.

The plan modification does not seek to introduce any new objectives into the district plan, rather, it proposed to extend existing proposed areas of open space, reconfigure existing platforms, and to narrow the width of Jellicoe Street. The existing policies and rules already set out in Plan Modification 4 are proposed to apply to land subject to this plan modification. No new policies or rules are proposed.

It is considered that the plan modification will assist council in achieving its functions under the Act and in particular to better provide for open space and mitigate potential adverse effects that might otherwise arise from a less-than-optimal open space and street layout.

It is considered that the plan modification will contribute to giving effect to the Auckland Regional Policy Statement by facilitating better open space and urban design outcomes in this part of the City.

**APPENDICES**  
**Proposed Plan Change: Plan Modification No. 37**

<b>Appendix a</b>	Auckland Waterfront Vision 2040
<b>Appendix b</b>	Wynyard Quarter Concept Vision (February 2006)
<b>Appendix c</b>	Wynyard Quarter: Urban Design Background Information (November 2008)
<b>Appendix d</b>	Wynyard Quarter Precinct Plan 1 (May 2009)
<b>Appendix e</b>	Open Space Urban Design: Proposed Jellicoe Street/Promenade Dimension
<b>Appendix f</b>	Flow Transportation Specialist Letter (11 August 2009)