
**REPORT – HEARING OF SUBMISSIONS TO AND DETERMINATION ON
PROPOSED PRIVATE PLAN CHANGE 79 (QUEEN ELIZABETH SQUARE,
AUCKLAND CENTRAL) TO THE AUCKLAND COUNCIL DISTRICT PLAN:
CENTRAL AREA SECTION 2005**

TO: Hearing Commissioners

FROM: Ross Cooper, Consultant Senior Planner

HEARING DATE: 3 and 6 November 2015

SUBJECT: Private Plan Change request to the Auckland Council District Plan (Central Area Section) to re-zone Queen Elizabeth Square, Auckland Central

FILE REFERENCE: CAP / PA079

REPORT APPROVAL: Joao Machado, Team Leader Planning
Central & Islands Planning Unit

SUMMARY OF THE PLAN CHANGE

Relevant District Plan	Auckland Council District Plan (Central Area Section) 2005
Plan Change Number	79
Location of Proposal	Queen Elizabeth Square, Lower Queen Street Auckland Central
Parts of the District Plan affected by the Proposed Private Plan Change	Planning Overlay Maps 1 – Precincts and Quarters Planning Overlay Map 2 – Activities Planning Overlay Map 3 General Height

	<p>Controls</p> <p>Planning Overlay Map 4 – Special Height Controls</p> <p>Planning Overlay Map 5 – Site Intensity</p> <p>Planning Overlay Map 6 – Designations, Heritage Items and Additional Limitations</p> <p>Planning Overlay Map 7 – Transportation Controls</p> <p>Part 6 – Development Controls</p> <p>Part 14.2 – Public Open Space</p>
Requester	Precinct Properties Downtown Limited (Precinct)
Date of Approval for Notification	11 June 2015, Resolution AUC/2015/114
Date of Notification	17 June 2015
Date summary of submissions notified	24 July 2015
Legal effect at notification (s 86B)	No legal effect
Submissions received	6 original submissions, 6 further submissions
Main issues emerging from submissions	<ul style="list-style-type: none"> ▪ Replacement public open space ▪ The need for a “Downtown Precinct” or “Quarter-wide” plan change

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LIST OF ATTACHMENTS

Attachment No	Document
A	Council expert reports <ul style="list-style-type: none"> 1. Urban Design Report – Yvonne Weeber, Principal Urban Design, Auckland Design Office (dated 13 October 2015) 2. Heritage review – George Farrant, Principal Heritage Advisor Central, Environmental Strategy and Policy (dated 14 October 2015)
B	Recommended amendments to the plan change (tracked change version)
C	Submissions
D	Part 5 (Activities) of the Auckland Council Operative District Plan: Central Area Section 2005
E	The plan change request (including further information provided prior to public notification)

1.0 DECISION-MAKING CONSIDERATIONS

The hearing commissioners have been delegated full responsibility by the Hearings Committee to make a decision on Private Plan Change 79 and to determine the Auckland Council's decisions on submissions pursuant to Section 34 of the Resource Management Act 1991 (**RMA**). Therefore, the commissioners will not be recommending a decision to the Governing Body of the council, but issuing the decision directly.

In terms of Part 6 of the Local Government Act 2002 (**LGA**), the decisions to be made by the hearing panel of commissioners are:

1. Not considered to be “significant” in terms of the relevant ‘significance policy’ of the council to the extent that it influences decisions under or affects the district plan; and
2. Governed by specific and defined provisions of the RMA, as set out in the report which follows, which do not allow the council (commissioners) scope or opportunity to consider the options or views and preferences other than –
 - a. Those expressed in submissions and further submissions (where applicable) and / or
 - b. Those of the ‘applicant’ (in case of a private plan change, notice of requirement or designation alteration) and / or
 - c. Those expressed at the hearing, provided they do not represent new points of submissions but rather clarification of the proposed change or of points already submitted in writing;

- and will therefore be consistent with taking a ‘sustainable development’ approach to decision-making in terms of Sections 3 and 14 of the LGA.

2.0 INTRODUCTION

2.1 Purpose of Report

This report is prepared under section 42A of the RMA. The purpose of this ‘42A report’ is to consider a private plan change request, being Private Plan Change 79 (“the plan change”) to the Auckland Council District Plan (Central Area Section) 2005 (“the district plan”), and the submissions received. The plan change request is at **Attachment E** to this report. The submissions received on the plan change are at **Attachment C**.

The plan change is to rezone the land which currently forms Queen Elizabeth Square (“Queen Elizabeth Square” or “the site”), from Public Open Space 1 to Pedestrian-Orientated Activity Area in its entirety. The request has been made by Precinct Properties Downtown Limited (“**Precinct**”).

The Proposed Auckland Unitary Plan (“**PAUP**”) was publicly notified in September 2013. The plan change request considers the PAUP only to the extent that Section 74(2)(a) of the RMA requires that regard shall be given to any proposed regional policy statement or proposed regional plan in regard to any matter of regional significance.

Other than these provisions, this report does not address the appropriateness of the PAUP provisions applying to the land that is the subject of this plan change. This is being considered in a separate process¹.

This private plan change request was considered by the Auckland Development Committee on 11 June 2015. This committee has the relevant delegation to consider private plan change requests of this nature on behalf of the Auckland Council ("council"). The Auckland Development Committee agreed to accept the plan change for processing as a private plan change² and it was notified on 17 June 2015 with six submissions received. The further submissions period closed on 20 August 2015, with six received. In accepting the plan change, the council has not adopted the plan change as its own proposed plan change. The provisions sought to be introduced for this site through the private plan change request have no 'legal effect' upon public notification.

Submissions raised matters that fall into the following five broad categories:

- The need for a commensurate public open space to be provided within the Downtown block in close proximity to it as mitigation for the loss of Queen Elizabeth Square
- The need for 'precinct-wide' or 'quarter-wide' plan change that addresses the whole Downtown block rather than just Queen Elizabeth Square (which would provide for the holistic consideration of architectural, urban design, planning, public open space and public transport matters)
- Ensuring adverse effects are appropriately managed
- Ensuring high quality urban outcomes in keeping with the character of Britomart Precinct and the urban regeneration of the waterfront
- Health and safety

I consider submissions seeking that a replacement public open space be provided on or close to the Downtown block, and requests for a broader plan change covering the whole of the Downtown block to be outside the scope of what can be considered in the assessment of this plan change request. These matters are dealt with in more detail later in this report.

Clause 22 of the First Schedule of the RMA sets out the requirements and process to be followed in making a request under clause 21 of the First Schedule and includes:

¹ Precinct made a submission to the PAUP, supporting the City Centre zoning of the site and the general concept of a "Downtown West Precinct" and requesting changes to some of the provisions

² Resolution RDO/2013/101

Clause 22 Form of request

- (1) A request made under clause 21 shall be made to the appropriate local authority in writing and shall explain the purpose of, and reasons for, the proposed plan or change to a policy statement or plan and contain an evaluation under section 32 for any objectives, policies, rules, or other methods proposed.*
- (2) Where environmental effects are anticipated, the request shall describe those effects taking into account the provisions of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy, statement or plan.*

Clause 29 of Part 2, Schedule 1 RMA specifies that except for the changes specified in that clause, the process specified in Part 1 shall apply to the plan change. Of note to this hearing are the following sub-clauses:

- (3) The person who made the request has a right to appear before the local authority under clause 8B (the hearing).*
- (4) After considering a plan or change, the local authority may decline, approve, or approve with modifications, the plan or change, and shall give reasons for its decision.*

Section 32(2)(a) also requires the council, in making a decision under Clause 29 above, to make a further evaluation pursuant to section 32(3) of the RMA. This report undertakes such an evaluation by way of a review of the requester's section 32 report as well as in light of the submissions received.

3.0 THE PLAN CHANGE REQUEST

3.1 Proposed modifications to the district plan

This plan change request is, broadly, to re-zone the land off Lower Queen Street, Auckland Central known as Queen Elizabeth Square being an area of legal road, from Public Open Space 1 to Pedestrian-Orientated Activity Area. This requires changes to Planning Overlay Maps 1-7, Part 6 (Development Controls), Part 14.2 (Public Open Space), and Part 15 (General Provisions). No other changes are proposed.

A full copy of the plan change request is set out in **Attachment E**.

The land concerned is shown in Figure 1 below.



Figure 1: Aerial photograph showing the site subject to the plan change.

3.2 Property details

Queen Elizabeth Square is a public square built within public road space located on the western side of Lower Queen Street in Auckland Central. It is rectangular in shape, comprising a flat paved area of 1,892m², with a north-south dimension of approximately 52m, and an east-west dimension of approximately 36.5m. At the time of writing this report, the site was legal road. A separate 'stop road' process is underway, with the hearing scheduled to take place on 28 October 2015. The road stop application was lodged by Auckland Transport and is being considered by independent planning commissioner.

The site occupies a portion of the block bounded by Lower Queen Street to the east, Quay Street to the north, Lower Albert Street to the west, and Customs Street West to the south. This block is henceforth referred to as the "Downtown block".

The topography of the site is generally flat, although there is a gentle slope down towards the northeast. Queen Elizabeth Square is bounded by buildings on three

sides, and is open to the Lower Queen Street footpath along its eastern side. HSBC Tower, a 20-level office building, stands to the north at a height of approximately 80m, and the Zurich Building, being a 16-level commercial building, sits to the south. The Downtown Shopping Centre (DSC) occupies the western portion of the block to a height of approximately 15m.

In the northern part of the Square is an area grouping of 17 juvenile Kauri trees. The trees are the only vegetation on the site. A sculpture, 'Te Ahi Kaa Roa' by Ngāti Whātua, occupies the southern part of the square. I note that these features are affected by the City Rail Link (CRL) project, and these are managed through the notices of requirement conditions for the CRL project.

A large, free-standing glazed canopy runs the length of the Lower Queen Street frontage to the block, and forms weather protection for pedestrians and passengers waiting for buses along the street. Just inside this western edge to the site is the entrance to an underground pedestrian tunnel which connects the Square with the Britomart Train Station under Lower Queen Street.

3.3 Surrounding land

The Downtown block sits at the heart of the Auckland city centre, at the junction of Auckland's main street (Queen Street), and its east-west axis along the waterfront formed by Quay Street. The block also sits at the heart of Auckland's primary transport interchange, forming a key pedestrian role in the movement of people between the local and regional train, bus and ferry services located in and around this key transport juncture.

The Britomart precinct occupies the land immediately to the east of the site. It is a regenerating area with a significant heritage component, and some larger, modern commercial buildings. A laneway pattern permeates the precinct. The Chief Post Office (CPO), which occupies the land immediately opposite Queen Elizabeth Square, is a significant heritage building and the main entrance to the Britomart Transport Centre. The precinct functions as the city centre's main transport interchange with commuter train lines operating immediately beneath the precinct, and bus services operating on Queen, Tyler and Galway Streets. Britomart Transport Centre is the principal city centre rail station and transport interchange at this point in time and in the long-term future for the city. The land to the north is occupied by finger wharves into the Waitemata Harbour, some of which are occupied by commercial and residential development, and some of which function as Auckland's primary ferry terminal. Quay Street forms the major east-west axis along the Auckland waterfront, and runs along the northern boundary of the Downtown site. The Ferry Building, one of the city's most significant heritage buildings, occupies the

site at 99 Quay Street and sits at the base of Queens Wharf. At around the time of the 2011 Rugby World Cup, Queens Wharf was opened up as a public space to enable the public greater connection to the waterfront. Shed 10 functions as Auckland's main cruise ship terminal. To the west, Princes Wharf is occupied by the Hilton Hotel development, and also functions as a cruise ship terminal during the summer months.

To the south of the site, the Queen Street Valley is the focus of the most intensive retailing activity in the city centre. Queen Street forms the primary north-south access within the city centre, with major commercial development on Queen Street or the streets that connect to and across it.

The block immediately to the west of the Downtown block is occupied by two large commercial towers, the Downtown Car Park building, and the Copthorne Hotel. Viaduct Harbour and Wynyard Quarter sit further to the west.

3.4 Information to support the plan change request

The plan change request includes an assessment of environmental effects (AEE), section 32 assessment and the following additional documentation:

Table 1: Summary of documentation provided by applicant

Appendix	Document	Author
1	Survey Plan	Harrison Grierson
2	Proposed Amendments to Central Area District Plan	Barker & Associates
3	Shading Diagrams	Warren and Mahoney
4	Wind Report	Opus
5	Heritage Report	Clough & Associates
6	Downtown Open Space Evaluation	Reset Urban Design
7	Auckland Development Committee Resolutions	Auckland Council: Auckland Development Committee
8	Communications Schedule	RCP

Pursuant to clause 23 of the First Schedule of the RMA, the council requested further information on planning and traffic matters prior to public notification of the plan change. Following submissions, no further information was sought. The additional information supplied to address these matters included as part of the full application at **Attachment E** to this report.

4.0 BACKGROUND AND CONTEXT

4.1 Site history

The concept for Queen Elizabeth Square was first mooted in the early 1970s at the time the Auckland Harbour Board was undertaking the demolition of buildings as part of their redevelopment of the Downtown block. The area we know today as Queen Elizabeth Square was classified as open space and transferred to Auckland City Council in exchange for the closure of Little Queen Street, being a north-south lane through the middle of the Downtown block.

Lower Queen Street was fully closed in 1980, with the square expanded to include the area between the DSC and the CPO building (now Britomart Train Station). The expanded square included public seating, trees and fountains.

In 2002, the Britomart Transport Centre development commenced, and at this time Lower Queen Street was returned to a transport function, becoming a bus interchange. While the district plan continues to recognise the Lower Queen Street and Downtown block components of Queen Elizabeth Square, the transport function of Lower Queen Street has seen the functional open space reduced to just that part of it contained within the Downtown block.

4.2 Council review of the downtown area, and ownership changes

Auckland Council began investigating the wider 'downtown west' precinct as part of the City Centre Masterplan process, and subsequently, in light of the City Centre Laneways Circuit aspirations and the need for the City Rail Link to cut through this area the development of the Downtown Framework commenced.

Between 2012 and 2013, Precinct purchased the DSC and the HSBC Building (in addition to the Zurich Building which they already owned at the time) in order to facilitate the comprehensive redevelopment of the Downtown block.

These new ownership arrangements provided an opportunity for Precinct and Auckland Council to approach the redevelopment of the Downtown block in a collaborative manner. A review of the public open space qualities and concept design work was undertaken by Auckland Council in late 2013 and early 2014, which

identified the opportunity to include part of Queen Elizabeth Square in Precinct's wider redevelopment scheme, subject to additional design criteria aimed at improving outcomes in the wider area. Precinct and Auckland Council have subsequently agreed licencing arrangements to ensure the necessary rights of access exist so that the City Rail Link tunnels and future development of the Square can take place. This matter is discussed more below.

4.3 Auckland Council resolutions

In May 2014, Auckland Council's Auckland Development Committee resolved to approve in principle the disposal of land on which Queen Elizabeth Square stands. The subject site could then form part of the wider redevelopment of the Downtown block subject to the outcome of associated statutory public processes (road stopping and rezoning of the land). The agreement in principle was contingent on the proceeds from the disposal of Queen Elizabeth Square being reinvested in new or enhanced public civic space(s) that:

- i. is of at least the same quantum and higher quality to the existing space
- ii. is located either within or in reasonable proximity to the Downtown Shopping Centre block
- iii. is capable of being delivered broadly at the same time as the permanent loss of the existing space (accepting that this part of the city centre will be disturbed by the CRL construction and demolition of the DSC in the first instance).

In June 2014, Reset Urban Design were commissioned by Auckland Council to undertake an independent evaluation ("the Reset evaluation") of the current and future public space provision in the downtown area of Auckland Central. The outcomes of the report are discussed in the section below.

On the basis of the Reset Urban Design evaluation, the Committee resolved in September 2014 its approval to sell or lease land on which Queen Elizabeth Square stands to Precinct Properties New Zealand Limited subject to successful commercial negotiations, the outcome of the necessary statutory processes, and the inclusion of design quality requirements for the Downtown block.

4.4 Open Space Evaluation

The site is regarded as a largely unsuccessful public open space, with unfavourable wind conditions and a significant amount of shading throughout the day providing low

amenity for much of the year. This poor environmental performance is exacerbated by poorly activated edges.

The Reset Urban Design evaluation found that while the space has some positive attributes including its size, and location close to the waterfront and adjacent to Lower Queen Street, there are significant negative elements that tend to dominate the space, including:

- Residual space acts as a forecourt to the DSC
- Create gaps in the city harbour link
- Poor environment in terms of wind and shade
- Few facilities

The Reset evaluation ultimately found that Queen Elizabeth Square is a failed public space. The recommendations of the evaluation include:

- Develop a masterplan to direct the design of individual projects in the downtown area that:
 - create an upgraded Lower Queen Street as a civic space, which would form the 'new' Queen Elizabeth Square with a generous pedestrian connection between the city and the water
 - develop a new set of water's edge recreational spaces near to the base of Queen Street that open up the central waterfront to public use and enjoyment. The three landings identified are Lower Albert Street, the base of Queens Wharf and / or Admiralty Steps. The development of Admiralty Steps would create a significant ceremonial arrival space for mana whenua.
- Work with Precinct Properties to ensure that the redevelopment of the Downtown block, including Queen Elizabeth Square:
 - has a main entry off Lower Queen Street
 - creates a sheltered and continuous active edge along Lower Queen Street
 - includes a laneway, open 24/7 between Lower Queen Street and Lower Albert Street
 - accommodates buses on Lower Albert Street
 - retains strong visual connections across the amenity yard in front of 1 Queen Street (HSBC Building)

4.5 City Rail Link

In 2012, Auckland Transport began the process of designating the land required for the construction, operation and maintenance of the City Rail Link (CRL). The land beneath Queen Elizabeth Square has been included, and will accommodate the two rail tunnels which will run from tracks 1 and 5 within the Britomart Station, under Lower Queen Street, curve around beneath Queen Elizabeth Square, beneath the DSC site and Customs Street West, and continue up Albert Street.

The CRL designation process is still at the notices of requirement stage (NoR's 1-6), with the resolution of appeals being considered by the Environment Court. Six appeals were lodged against the CRL NoR's 1-6 (the Notices) decisions by AT following the council hearing and recommendations. Of these appeals, five have been settled by way of consent order and one (Tram Lease) proceeded to a substantive hearing, which the Environment Court dismissed in its preliminary decision subject to resolution of a small number of conditions affecting the Tram Lease site. The parties to the Tram Lease appeal are currently in the process of finalising these outstanding conditions which will be filed shortly for a final decision by the Court. The Court has yet to issue the draft consent orders filed with the Court between August and September 2015 in relation to the other five appeals. Once these are issued and the final Tram Lease decision has been released, the CRL designations will be confirmed.

Through the 'Enabling Works' initiative (or 'Early Works – Britomart to Wyndham' program of works), the CRL construction timeline for works in the vicinity of the Downtown block is:

May 2016 – January 2019 (estimated)

Britomart to Downtown Shopping Centre (DSC)

- *Closing Lower Queen Street completely to vehicle traffic before construction tunnels under Lower Queen Street*
- *Construct temporary facilities at rear of Britomart Station before closing Britomart front entry*
- *Underground walkway removed between Britomart and DSC*
- *Pedestrian and cyclist access always maintained*
- *Buses moved from Tyler Street, Galway and Lower Queen Streets to new locations*
- *No left turn for general traffic from Quay Street into Albert Street.*

Downtown Shopping Centre

- *Precinct Properties develop their site constructing retail centre, commercial tower and CRL tunnels below.*

Albert Street from Customs Street to Wyndham Street

- *Construct tunnels with cut and cover trenching across Custom Street and up Albert Street to the south side of Wyndham Street*
- *Pedestrian and cyclist access always maintained*
- *Essential traffic access maintained*
- *All bus routes moved from this construction area to new locations*
- *Reinstate Albert Street as a boulevard with bus priority lanes and wider footpaths.³*

4.6 Transport changes around the site

The Downtown Framework, published in September 2014, identifies a number of key projects within the Downtown area to be undertaken as part of Auckland Council's 'transformation of the face of the city'. The framework has a 10 year focus, and seeks to provide the comprehensive overview of the planning and delivery of the various projects over that period.

While the majority of the identified projects are immediately adjacent to the Downtown block, two are more relevant than the others in the context of the present private plan change request.

- Key project 2 – Lower Queen Street

The proposed relocation of the bus interchange from Lower Queen Street provides the significant opportunity for Lower Queen Street to become a new public square or “Queens Square”. Queens Square will be able to reflect the location’s significance as a major civic moment outside Britomart Station and a pivotal point where Queen Street and the CBD Engine Room meet the waterfront.

- Key project 5 - Downtown Bus Interchange

A new Downtown Bus Interchange is proposed as part of the roll out of the New Network for public transport which is due to commence from 2016. Bus stops will be divided into two major zones joined by an east-west link through the Downtown Shopping Centre and Britomart Transport Centre. Northern and western services will commence from Lower Albert Street, frontage by

³ Auckland Transport – City Rail Link communication, Early Works – Britomart Station to Wyndham Street (August 2015) <https://at.govt.nz/media/988663/city-rail-link-construction-timeline-map.pdf>

Precinct Properties" new development and south and eastern services will commence from a new facility on the Commerce Street frontage of the Britomart Transport Centre. This configuration enables a potential new civic public space on Lower Queen Street and provides more easily understood bus departure points.

4.7 Approved Precinct tower

On 10 June 2015, Precinct Properties obtained non-notified resource consent (R/LUC/2015/1075) for the development of a 37-level commercial tower on the south-western corner of the Downtown block, which sits above a 3-level retail podium across the majority of the DSC site.

As part of the approved consent, the excavation of Queen Elizabeth Square for the purposes of underground construction works comprising the CRL rail tunnels and basement car parking servicing the new office tower and retail development on the DSC site. In simple terms, the rail tunnels are concrete box structures that will enable the future connection running under the site between the Britomart Train Station and the route underneath Albert Street. The two lower levels of basement parking have been arranged to the north of the tunnels, while the upper basement level sits above them.

For the purpose of the approved consent, the surface of Queen Elizabeth Square is to be reinstated following the above-described works.

Pedestrian laneways are proposed at ground level within the development. A straight east-west connection aligns with the main entrance to the CPO and connects Queen Elizabeth Square with Lower Albert Street. North-south connections are available via connections from the east-west lane to Customs Street, and to Quay Street. These do not align to form a direct link between the two streets however, though these symbolise the former Little Queen Street north-south connection through the block.

5.0 SUMMARY OF DISTRICT PLAN REQUIREMENTS

5.1 Current District Plan Provisions

Queen Elizabeth Square is subject to the provisions of the Auckland Council Operative District Plan: Central Area Section 2005 ("the district plan"). As detailed on the Planning Overlay Maps, the site is subject to the following:

- *Planning overlay map 1 – precincts and quarters*

The site is subject to the “Public Open Space 1 precinct”, as is the area of Lower Queen Street. This reflects the ‘public plaza’ nature of the current square, and the former function of Lower Queen Street.

- *Planning overlay map 2 – activities*

Given the underlying public open space zoning, no ‘activity area’ applies to the site.

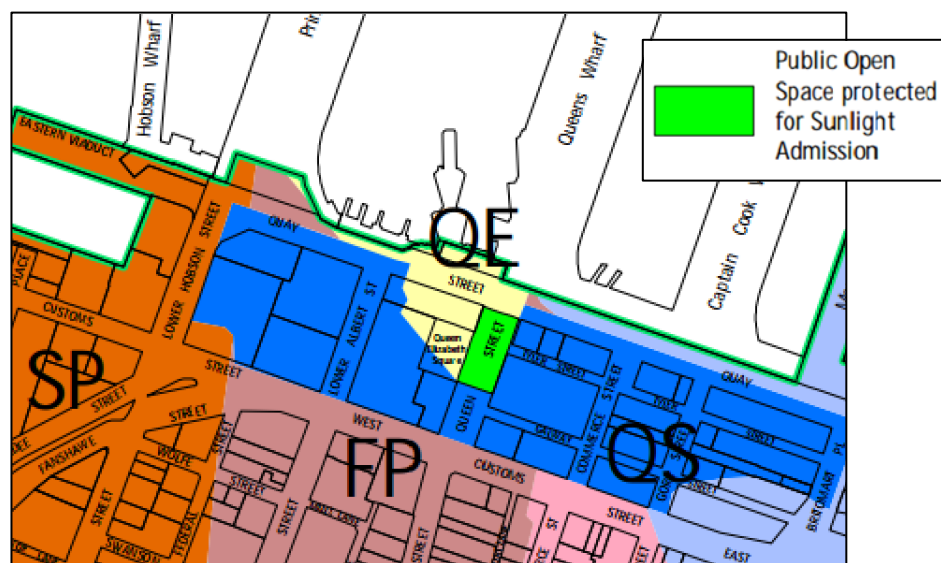
- *Planning overlay map 3 – general height control*

Given the underlying public space zoning, no general height limit applies to the site.

- *Planning overlay map 4 – special height controls*

- The site is subject to the Queen Elizabeth Square Sunlight Admission Control (applies to the ‘yellow’ area in the plan below).

The area of land actually protected by this control is not Queen Elizabeth Square as we currently know it, but rather, that part of Lower Queen Street immediately adjacent to the subject site, as identified by the bright green notation in the plan below:



- The Quay Street Harbour Edge Height Control Plane (blue in the plan above)

While this second special height control applies to the land, the Queen Elizabeth Square sunlight admission control is more restrictive across the majority of the site, hence the yellow notation cover most of the site.

- *Planning overlay map 5 – site intensity*

No site intensity provision applies to the site.

- *Planning overlay map 6 – designations, heritage items and additional limitations*
 - The site is subject to the City Rail Link designation (Auckland Transport is the Requiring Authority)
 - The site, as part of a legal road, is subject to designation (384) covering all roads within the city (Auckland Transport is the Requiring Authority)
 - Heritage item 353 (“Wind Tree” Sculpture). This sculpture has been relocated to Wynyard Quarter and the district plan.
- *Planning overlay map 7 – transportation controls*

Planning overlay map 7 identifies the site as being a ‘Pedestrian Mall’, which has legal status under the Local Government Act 1974. Section 336 of the Act states that a council may restrict the driving, riding or parking of any vehicle, or the riding of any animal, on all or any portion of the pedestrian mall whether generally or during particular hours.

5.2 Public Open Space 1 precinct

The Public Open Space precincts provide for the maintenance and enhancement of the varied network of public open spaces throughout the central area. The precinct introduction at clause 14.2.1 states:

“The Central Area has a rich legacy of open spaces. These include areas of natural, heritage and scenic value. They give form to the development of the City and add to its diversity and interest.

The streets, squares, and parks have become increasingly important as the City grows and develops. The open spaces contrast with the densely built-up nature of the Central Area, providing sunlight, tranquillity and opportunity for various forms of recreation.

The Plan recognises the streets as being part of the key public spaces in the Central Area. The streets serve multi functions which must be provided for in the District Plan.

...

The objectives of the precinct area set out at clause 14.2.3 of the plan, and seek to:

- maintain, protect, and augment the open space public squares and parks of the Central Area and maintain and protect, where appropriate, open spaces in the form of streets
- retain and enhance open spaces, including streets, as places where pedestrians can move safely, easily and comfortably
- provide for appropriately located new areas of public space and to continue to upgrade existing public space
- maintain, protect and enhance the streets in the high pedestrian-orientated area.

Queen Elizabeth Square concept plan (clause 14.2A.8)

The rules applying to Queen Elizabeth Square are contained within a concept plan. The range of activities provided for is generally limited to those associated with maintenance and further enhancement of the space.

The principle development controls limit building height and coverage “to ensure that buildings do not dominate the space”. Maximum height is limited to 4m (using the rolling height method), and Maximum Building Coverage is limited to 5% of the defined building area. It is a restricted discretionary activity to infringe either of these development controls.

5.3 Pedestrian-Orientated Activity Area

The proposed plan change request seeks to replace the operative Public Open Space 1 precinct with the ‘pedestrian-orientated activity area’ notation. The introduction to Part 5 (Activities) states:

“The Plan recognises that the sustainability of the Central Area depends upon it being a mixed use area, able to change over time and for buildings and land to be reused for a variety of purposes. Maintenance of environmental standards and management of the effects of activities will be more important than the activities themselves.

“Accordingly, the rules provide for a wide range of activities throughout the Central Area in a manner which will result in adverse effects being avoided or mitigated.”

Planning Overlay Map 2 shows two activity areas:

- the “pedestrian-orientated” area
- the “less pedestrian-orientated” area

The pedestrian-orientated area covers the heart of the Central Area and allows a range of activities as permitted activities. The focus of this area is the pedestrian users, and activities that may have an adverse effect on these users are excluded. The periphery of the Central Area also contains a range of activities, however it is less pedestrian orientated in nature than the core. A copy of Part 5 (Activities) is included as **Attachment D** to this report.

5.4 Development controls and development control modification

The district plan sets out the development controls that apply broadly across the Central Area in Part 6 (Development Controls) of the plan. It is these development controls that apply within the pedestrian-orientated activity area.

The infringement of development controls is a restricted discretionary activity by default, however, the infringement of some controls triggers assessment as a non-complying activity. These controls are acknowledged within Part 6.

General assessment criteria for the modification of development control is set out at Clause 15.3.1.2(b) of the district plan.

6.0 STATUTORY FRAMEWORK

6.1 Resource Management Act 1991

There are a range of statutory provisions under the RMA that are of relevance to the consideration of requests for private plan changes.

The First Schedule sets the procedure for dealing with private plan change requests. Clause 21 of the First Schedule to the Act recognises that any person may request a change to a district plan. Clauses 22-28 set out the form of the request and other administrative matters including the consideration of the request and decision on how to deal with the request. Clause 29(4) relates to decisions. The hearing commissioners may:

- Decline the plan change; or
- Approve the plan change; or
- Approve the plan change subject to modifications.

Reasons must be given for the decision.

An analysis of the proposal in the context of the statutory framework is addressed in the requester's supporting information. Given that I agree that the relevant provisions have been identified, I do not repeat these in this report, except where it enables the report and assessment to flow and be clearly understood. The requester has also provided a section 32 report. Sub-section 2(a) requires the council to make a further evaluation in making its decision under clause 29(4) of the First Schedule.

The statutory framework that applies when assessing the merits of a plan change were summarised in the interim decision of the Environment Court in *Long Bay-Okura Great Park Society Incorporated and Others v North Shore City Council* (Decision A078/2008), and as updated by the various subsequent amendments to the RMA are set out below.

A. General Requirements

1. *A district plan (change) should be designed to **accord with**, and assist the territorial authority to **carry out** - its functions so as to achieve, the purpose of the Act.*
2. *When preparing its district plan (change) the territorial authority **must give effect to any national policy statement or New Zealand Coastal Policy Statement.***
3. *When preparing its district plan (change) the territorial authority shall:*
 - (a) **have regard to** any proposed regional policy statement;
 - (b) **give effect to** any operative regional policy statement.
4. *In relation to regional plans:*
 - (a) *the district plan (change) **must not be inconsistent with** an operative regional plan for any matter specified in section 30(1) [or a water conservation order]; and*
 - (b) **must have regard to** any proposed regional plan on any matter of regional significance etc;
5. *When preparing its district plan (change) the territorial authority must also:*
 - **have regard to** any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations; and to consistency with plans and proposed plans of adjacent territorial authorities;
 - **take into account** any relevant planning document recognised by an iwi authority; and
 - **not have regard to** trade competition;

6. *The district plan (change) must be prepared **in accordance with any** regulation (there are none at present);*
7. *The formal requirement that a district plan (change) must also state its objectives, policies and the rules (if any) and may state other matters.*

B. Objectives [the Section 32 test for objectives]

8. *Each proposed objective in a district plan (change) is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act.*

C. Provisions (including policies and rules) [the Section 32 test for provisions]

9. *The policies are to implement the objectives, and the rules (if any) are to implement the policies;*
10. *Each provision (including each rule) is to be examined, as to whether it is the most appropriate method for achieving the objectives of the district plan by :*

(a) identifying other reasonably practicable options for achieving the objectives;
(b) assessing the efficiency and effectiveness of the provisions in achieving the objectives, including:

- *identifying and assessing the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment that are anticipated to be provided or reduced; and*
- *quantifying these benefits and costs where practicable; and*
- *assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

D. Rules

11. *In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.*

E. Other statutes

12. *Finally territorial authorities may be required to comply with other statutes. Within the Auckland Region they are subject to:*

- *the Hauraki Gulf Maritime Park Act 2000;*
- *the Local Government (Auckland) Amendment Act 2004.*

As this plan change relates to the re-zoning of land, only those provisions relevant to this matter need consideration.

7.0 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

As set out above, there are particular statutory matters under the RMA that the council must consider before making a decision on private plan change applications. These are discussed in this section of the report.

7.1 Introduction

An assessment of actual and potential effects on the environment (AEE) is included in section 6 of the requester's S32A Analysis and Assessment of Environmental Effects (**Attachment E**). This identifies and evaluates the following actual and potential effects associated with the plan change request.

- Provision of open space in downtown Auckland
- Streetscape character
- Shading
- Wind
- Heritage and archaeology
- Cultural effects.

Council staff also sought comment from council experts and consultants relating to:

- Urban design
- Heritage

The following assessment generally follows the structure set out in the requester's assessment of effects. Consideration is also given to effects which were raised by submitters and any issues raised by council's expert reviews.

7.2 Provision of open space in downtown Auckland

The requester's AEE prepared by Barker & Associates identifies that as the proposed plan change will enable the redevelopment of part of Queen Elizabeth Square for

commercial uses, including retail and office activities, the plan change will result in the loss of an existing public open space.

The requester has relied upon the Reset Urban Design evaluation prepared for Auckland Council as part of their consideration of whether or not to sell the Square to Precinct. They have relied upon this document in determining that any adverse effects on open space arising from the proposed plan change will be “less than minor”. Of particular importance to that conclusion is the recommendation within the Reset evaluation that the proceeds of the sale should be reinvested in alternative spaces along the downtown area. Particular sites reflected in the findings included:

- A new / upgraded civic space on Lower Queen Street, which would provide “a generous pedestrian connection between the city and the water”
- A new set of water’s edge recreational open spaces near to the base of Queen Street, including:
 - Lower Albert Street
 - Around the historic Ferry Building at the base of Queens Wharf
 - Admiralty Steps, to the east of Queens Wharf

As noted in Section 4 above, the general thrust of this recommendation has been carried through to the Auckland Council’s Auckland Development Committee informing the resolution as a condition on the sale of Queen Elizabeth Square.

Ms Yvonne Weeber has prepared an urban design report (refer **Attachment A(1)**) on the proposed plan change. Ms Weeber agrees with the Reset evaluation and considers that Queen Elizabeth Square is a poor performing public open space. To quote:

“Subsequent to the building of No. 1 Queen Street (now HSBC Tower) a twenty storey office block on Quay Street, QE Square has been a compromised public open space. The HSBC Tower blocks any connection between the water and QE Square (except through the Queen Street Special Amenity Yard to the east of the square). QE Square is very shady due to the HSBC Tower with the sun being present in the Square in the lunchtime period only 25% of the year⁴. Conditions are not helped by the prevailing north-east winds in the square making it an unpleasant and windy space⁵”

4 Downtown Public Open Space Evaluation – RESET (2014)

5 Downtown Public Open Space Evaluation – RESET (2014)

Ms Weeber notes the Reset evaluation considers “the site attributes as primarily negative with the environment being windy and shady, making it little more than a forecourt to the Downtown mall and a failed open space⁶.”

A separate review of the Square prepared by Gehl Architects entitled *Urban Design Advice Queen Elizabeth Square Auckland City Centre June 2014*, was also presented to the Auckland Development Committee on 11 September 2014. The report found a number of serious issues with the space, and a number of below average qualities. These included:

- No mitigation against the wind and glare issues with insufficient weather protection
- Transport elements (free-standing glazed canopy, signage, and the entrance to the pedestrian underpass to Britomart Train Station) block views to and from Queen Street
- The square is overshadowed for most of the day.

Further to the above, Ms Weeber has provided an assessment of the façades that front onto Queen Elizabeth Square, acknowledging the two-way relationship of the Square and its setting. Ms Weeber considers that the façades address the Square in a piecemeal way. The two vistas that will remain in the event the Queen Elizabeth Square is built on are the two that are worthy of retention, being to the scheduled CPO building across Lower Queen Street, and the scheduled Ferry Building across Quay Street. Both views are blocked at present by structures, as noted above.

Further to the assessment from Barker & Associates, and consideration of the quality of the Queen Elizabeth Square as a public open space, I consider that the proposed pedestrian laneway and pedestrian linkage through the site should also be considered in the context of a ‘public open space’ conversation.

Whilst not strictly ‘public open space’, the proposed pedestrian laneway between Lower Queen Street and Lower Albert Street will be publicly accessible 24 hour a day, seven days a week, will provide weather protection, and will perform a pedestrian movement function of high value within Auckland’s main transport interchange (train, bus and ferry), and makes a significant contribution to establishing a permeable and easy to understand pedestrian environment in the city centre. Ms Weeber notes:

“I cannot in this report consider alternative public open spaces to replace QE Square in size and relationship to Queen Street. I can however consider the factors required

⁶ Downtown Public Open Space Evaluation – RESET (2014)

for a redevelopment of QE Square to provide positive change, vibrancy and character to the Lower Queen Street Area.

"I consider what happens within the space in relationship to public movement through a redeveloped QE Square and through the existing Downtown buildings in relationship to the transport interchange in this area is extremely important

"...

"In my opinion, specific requirements ... are needed to create vibrant public laneways that support the transport interchange functions and these are:

- a. Open and accessible to the general public 24 hours / and 7 days a week without doors, gates or wind lobbies*
- b. At grade and provide the shortest straight route between the streets and have straight lines of sight*
- c. A minimum pedestrian width of 5m clear for unimpeded flow of public transport users between streets*

"For the legibility and alignment of the laneway connection through the Downtown site to support the transport interchange pedestrian functions of the area, I consider it is important that:

- a. There is a clear alignment between the main entrance of Britomart Transport Centre (the old CPO Building) and the entrance / exit into the redesigned Downtown Shopping Centre*
- b. Entranceways are easily identifiable to pedestrians to allow quick flow of public between public transport modes*
- c. It incorporates Crime Prevention Through Environmental Design (CPTED) such as façade set-back from the principal Laneway frontages at ground level and is visibly open and avoids recessed internal corners.*

"I consider the internal environmental aspects for pedestrians of a laneway to be important. For it to work well the laneway needs to:

- a. Be naturally ventilated*
- b. Be naturally lit during daylight hours*
- c. Be lit at night by artificial light that is bright enough to create a sense of personal safety*
- d. Have full length weather protection."*

I have considered Ms Weeber's comments and agree that the pedestrian laneway and pedestrian linkages have the potential to function as public open space in the same way as streets do, enhancing the pedestrian movement amenity in this very

important transport location. I consider that amendments to the proposed 'Pedestrian Connections' development control and associated assessment criteria are required to ensure that high levels of public amenity, in line with the matters raised by Ms Weeber above, are achieved by any subsequent redevelopment of the site (refer to **Attachment B** – tracked change version of the proposed plan change). In this regard, I consider that the loss of Queen Elizabeth Square will to some extent be mitigated (at the time of any redevelopment of the site).

Whilst not a like-for-like replacement space, the proposed plan change, subject to the above amendments, will provide for the replacement of a poorly performing public open space with an enhanced pedestrian environment through the site (upon redevelopment being undertaken). The issue of replacement public open spaces is for Auckland Council to address as part of their statutory functions, and through their Auckland Development Committee resolutions, and the Downtown Framework (among others), have indicated a significant investment in public amenity projects in close proximity to the site planned over the next 10 years.

Overall, it is my opinion that while a public open space is clearly being lost, it is not of high quality, and the proposed plan change (subject to the recommended amendments discussed above and set out at **Attachment B** to this report) provides for improved pedestrian connectivity and amenity through the Downtown block, both in east-west and north-south directions, and this goes some way to mitigating the effects of the loss. I do not consider that Precinct has to fully mitigate the loss of the public open space through this private plan change request, as the loss is the result of the Auckland Development Committee resolution made in 2014 rather than the proposed plan change. In my view, the issue of replacement open space is outside the scope of this plan change as it is a matter under the full control of Auckland Council through its planning and funding processes.

7.3 Streetscape character

The AEE prepared in support of the proposed plan change identifies that the plan change will enable the redevelopment of the site and the establishment of new built form which will change the existing streetscape of Lower Queen Street. It goes on to suggest that as the proposed provisions are largely the same as the controls that apply to the remainder of the Downtown block that the plan change will ensure that future land use and built form is consistent with existing development on surrounding land.

I generally agree with the intention of that position, but note that the majority of development on the Downtown block was established under rather different sets of planning rules. I note that the Zurich building has recently been refurbished, and that

there are plans to refurbish the HSBC building also. The proposed provisions will ensure that future development of the block reflects the current set of provisions in a more consistent and coherent way, which in turn is more likely to result in positive effects on streetscape character.

With regard to streetscape character, Ms Weeber makes the following comments:

"I consider that the façades around QE Square ... are not of status worthy of protection or are being used in a way that requires them to be retained. A new building built on the QE Square could be of a design that enhances the frontage of Queen Street, compliments the Britomart Transport Centre façade and defines the lower end of Queen Street."

"I consider that the proposed plan change could provide positive urban design improvements in Lower Queen Street."

I have considered Ms Weeber's comments and agree. The requirement for a 19m frontage height, aligned to the street edge, and in combination with a high-quality development and a pedestrian laneway should enhance the form and functions of Queen Street.

Overall I consider that the proposed plan change will result in positive streetscape character effects along lower Queen Street. In particular in conjunction with Council's future intention of returning lower Queen Street to a vehicle free, public space function.

7.4 Shading

The AEE by Barker & Associates undertakes an assessment of the shading effects of the proposed plan change, and relies on the shading studies undertaken by Warren and Mahoney and included in support of the plan change at **Attachment E** to this report.

Ms Weeber makes the following comment in regard to shading effects:

"Shading diagrams of a hypothetical 19 metre building on the QE Square site are provided... These studies show that HSBC is a major negative shade influence not only on the existing QE Square but also on Queen Street. A building of 19 metres would create edge shading on the Queen Street footpath but then be subsumed by the shadow of the HSBC tower in the afternoon."

I have reviewed the shading diagrams by Warren and Mahoney, and considered the comments by Barker & Associates and Ms Weeber. Overall, I consider that any additional shading effects on Queen Street arising from the proposed plan change can be appropriately managed through the provisions contained in the plan change.

7.5 Wind

The AEE by Barker & Associates undertakes an assessment of the wind effects of the proposed plan change. Opus have undertaken a wind report, which is included in support of the plan change request at **Attachment E** to this report. The Opus report is based upon a wind tunnel test using a 1:300 scale model of the hypothetical development. The AEE states:

“The findings of the report indicate that there is a small localised area of lower Queen Street, north of Customs Street, which exhibits some change in wind performance attributable to the built form enabled by the plan change.

“In the worst case instance, the change in wind conditions is a drop from performance category B to C. These conditions are within the standards identified in the District Plan and are considered acceptable for typical footpaths.”

Ms Weeber has reviewed the Opus report, and makes the following comment:

“The model of the building was 16.5m not 19m as in the shading assessment. There are small negative changes resulting in three areas including the entrance to Britomart and lower Queen Street north of Customs Street. While the applicant considers these changes acceptable it is worth noting that the high pedestrian traffic that does occur in this area and how even slight changes in wind intensity could affect the future use of the area.”

I acknowledge the concern raised by Ms Weeber. The district plan ‘wind performance categories’ are included at Appendix 10 to the district plan, as set out below:

Category A :	Areas of pedestrian use containing significant formal elements and features intended to encourage longer term recreational or relaxation use, ie, major and minor public squares, parks and other public open spaces - e.g. Aotea Square, Queen Elizabeth Square, Albert Park, Myers Park, St Patricks Square, Freyberg Place.
Category B:	Areas of pedestrian use containing minor elements and features intended to encourage short term recreation or relaxation, ie, minor pedestrian open spaces, pleasure areas in road reserves, streets with significant groupings of landscaped seating features e.g. Khartoum Place, Mayoral Drive pleasure areas, Queen Street.
Category C:	Areas of formed footpath or open space pedestrian linkages, used primarily for pedestrian transit and devoid of significant or repeated recreational or relaxational features, such as footpaths where not covered in Categories A or B above.
Category D:	Areas of road, carriage way, or vehicular routes, used primarily for vehicular transit and open storage, such as roads generally where devoid of any features or form which would include the spaces in Categories A - C above.
Category E :	Category E represents conditions which are dangerous to the elderly and infants and of considerable cumulative discomfort to others. Category E conditions are unacceptable and are not allocated to any physically defined areas of the city.
Note: All through-site links and other private land given over to public use as bonus features, or subject to public access easements, shall be subject to the Wind Environmental Categories.	

The future use of lower Queen Street, as indicated by the Council in the Downtown Framework (among other documents), is likely to be a vehicle free, public open space. Such a space falls into the category A or B definitions above. However, the current function of that part of lower Queen Street subject to the increases in probable wind speed is a very busy, formed footpath which forms part of Auckland's busiest transport interchange. The future form of this piece of land aside, its location between train, bus and ferry terminals will mean that the space functions with a significant pedestrian movement element.

Overall, I consider any adverse wind effects arising from the proposed plan change can be appropriately managed through the proposed provisions.

7.6 Heritage and archaeology

The AEE prepared by Barker & Associates includes an assessment of heritage and archaeology effects. Clough and Associates have undertaken a comprehensive heritage assessment in support of the plan change request.

There are several scheduled buildings within the vicinity of Queen Elizabeth Square, the most significant being the Chief Post Office, and the Ferry Building. The AEE identifies the key findings of the Clough and Associates report, as follows:

- The plan change will not result in any physical effects to the surrounding heritage buildings
- Heritage values of the buildings will still be able to be appreciated from the footpath once the site is redeveloped
- The 'Wind Tree' sculpture noted on Planning Overlay Map 6 to the district plan is no longer contained within Queen Elizabeth Square, having been relocated to Wynyard Quarter by Auckland Council
- The protected city centre sightline looking east from the fountain (now removed) will not be affected by the plan change
- Redevelopment of the Square will provide an opportunity to reinstate the historic grid pattern of development
- Redevelopment of the Square will provide the opportunity to remove visual clutter and obstructions which will enhance the aesthetic context of adjacent heritage buildings
- While redevelopment of the site enabled by the plan change has the potential to destroy archaeological remains, these matters can be appropriately dealt with through the resource consent and Archaeological Authority to modify process.

I generally agree with the summary above. With regard to the last point I note that the CRL NoR process addressed archaeological matters within Queen Elizabeth Square, with conditions attached to the notices. I also note that as resource consent for the construction of basement car parking within Queen Elizabeth Square has recently been approved.

Mr George Farrant, Principal Heritage Advisor Central, has provided an assessment of the heritage effects of the proposed plan change (refer **Attachment A(2)** to this report). While it is the direct heritage concerns that are the focal point of Council's Heritage department, Mr Farrant notes that the total effects of the proposed action do have impacts on heritage, but also on closely related issues such as historic urban amenity, and the urban design qualities of a precinct with historic values.

In his assessment, Mr Farrant identifies views from Queen Elizabeth Square to the CPO and Ferry Building as being of particularly high value. To quote:

"The Square also provide in its current form exemplary vistas of the Ferry Building, and particularly (from the western side) an axial view of the grand symmetrical façade of the former Chief Post Office, now fronting the Britomart Station. Both of these key heritage buildings are handsomely served by this circumstance, as is the square itself – the relationship is a classic one of urban synergy. The prospect of the former CPO is a particularly valued one."

Mr Farrant raises the following heritage concerns that the plan change needs to address in order to avoid adverse heritage effects arising:

- The laneway / pedestrian linkages are of adequate widths as they traverse the closed square, and assurance is required that they will not become taken over by retail or similar uses
- The designed urban form of the eastern exit of the offered laneway onto the Queen Street space shall provide a celebratory, expansive (widening) and preferably symmetrical exit, precisely on the key central axis of the former CPO building, so as to heighten a constructive revealing relationship between the Precinct development laneway and the CPO across the reduced residual public space
- The hours of opening of the laneway shall be agreed such as to ensure unconstrained public access at reasonable hours, in comparison to the 24/7 nature of the space to be closed
- Adequate shelter and commuter access shall be provided for the occasionally heavy commuter pedestrian traffic along the west side of Queen Street, provided this does not in itself compromise other conditions as defined therein
- The effect on existing views of the Ferry Building and other harbour side icons are to be specifically addressed in the subsequent design.

I consider that the majority of the above matters are appropriately addressed via the proposed plan change, and offer amendments to the proposed 'Pedestrian Connections' development control and the associated assessment criteria for the infringement of that control (refer Appendix D to this report) to address those matters not provided for in the proposed version.

Overall, I consider that subject to amendments to address the concerns raised by Mr Farrant, any adverse heritage effects arising from the proposed plan change can be appropriately managed by the proposed provisions.

7.7 Cultural effects

This site currently contains the sculpture 'Te Ahi Kaa Roa' which was created by Ngāti Whātua in 2004. The sculpture represents continued tribal occupation, possession and guardian of lands, waterways and Taonga by Ngāti Whātua.

While the sculpture is not scheduled, if the site is redeveloped then it will likely need to be relocated which has the potential to affect cultural values.

The AEE prepared by Barker & Associates notes that:

“As part of the development of their wider development plans, Precinct have been undertaking ongoing engagement with Ngāti Whātua as well as other iwi with interests in the area. The future of the sculpture will be addressed through that ongoing consultation.”

The AEE notes that further at Section 8.2 that Council-led consultation has been undertaken with iwi on strategic and local place-making initiatives within the vicinity of the Downtown block. I consider that the engagement undertaken with Ngāti Whātua (and other iwi) will result in acceptable relocation plans for the sculpture, and on that basis, consider that any adverse cultural effects will be less than minor.

7.8 Traffic

The AEE prepared by Barker & Associates does not provide an assessment of the traffic effects to arise from the proposal. A brief letter from Traffic Design Group (TDG), dated 8 June 2015 and included in support of the request at **Attachment E** to this report.

The TDG letter states:

“Whilst theoretically the plan change would allow for some 25,000sqm of gross floor area (“GFA”), it is understood that in practical terms the realisable GFA would be much less than this. For example, current proposals only envisage approximately 6,000sqm GFA to be developed. Nevertheless, traffic generation of the site will be driven by parking provision, as this is restricted, rather than based on GFA. As the site fronts Queen Street, which is a Type 1 Road in Figure 9.1 of the Auckland Council District Plan Operative Auckland City – Central Area Section 2005, no parking spaces are permitted.

“There will be no access onto Queen Street from the site due to the frontage control, and in practical terms all future vehicle access, parking and loading for the site will be shared with the Downtown development, via a vehicle crossing on Lower Albert Street. The provision of parking for the Downtown development is restricted due to the City Rail Link, and the consent application lodged for that development allowed for provision of only 279 spaces, which is 414 fewer spaces than what is permitted by the District Plan. No additional traffic effects above those assessed for that consent application will be generated.

“In addition, it is noted that the additional 6,000sqm GFA proposed on QE Square, compared to the 22,000sqm of retail and 82,000sqm of office proposed for the Downtown development, will generate minimal additional demand for loading proposed for the Downtown development with no adverse effects.”

I agree with the above assessment, and consider that any adverse transportation effects arising from the plan change can be appropriately managed by the district plan provisions proposed to apply to this site.

7.9 Effects on the environment conclusion

Overall, and for the reasons set out in the preceding assessment, I consider that the adverse effects of re-zoning the subject site for development can be appropriately managed by the district plan's provisions, with recommended amendments contained in **Attachment B** to this report, and which are proposed through the plan change request to apply to this site.

8.0 STATUTORY ASSESSMENT

8.1 Council functions

The Council's functions are set out in section 31(1) of the RMA. These include:

- (a) 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:*
- (b) The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of –*
 - (i) the avoidance or mitigation of natural hazards: and*
 - (ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
 - (iii) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land; and*
 - (iv) the maintenance of indigenous biological diversity.*
- (c) Repealed.*
- (d) The control of the emission of noise and the mitigation of the effects of noise:*
- (e) The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
- (f) Any other functions specified in this Act.*

The plan change itself does not introduce any new objectives or policies, but does introduce amendments to existing development controls and new development controls and related assessment criteria.

On the basis of the assessment of environmental effects under Section 7 above, and the assessment that follows on the appropriateness and effectiveness of the proposed provisions, I consider that the plan change is in accordance with the council's functions under the RMA.

8.2 National Policy Statements

Hauraki Gulf Marine Park Act 2000 ("HGMPA")

The subject site is located within the catchment of the Hauraki Gulf and is subject to the provisions of the HGMPA. The HGMPA outlines broad policy matters relating to the features that contribute to the significance of the Hauraki Gulf and appropriate objectives of the Gulf's management. Section 9 of the HGMPA details the relationship of the Act with the RMA, and prescribes that Council (in both its regional and territorial contexts) must ensure that any part of a regional plan or district plan that applies to the Hauraki Gulf, its islands, and catchments, does not conflict with sections 7 and 8 of the Act.

Section 7 of the HGMPA recognises the national significance of the Hauraki Gulf including the interrelationship between the Hauraki Gulf, its islands and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands.

Section 8 of the HGMPA lists the objectives for the management of the Hauraki Gulf, its islands and catchments.

I have considered the performance of the proposed plan change against sections 7 and 8 of the HGMPA, and consider that the plan change does not conflict with them. I consider that there are no other national policy statements relevant to the consideration of this plan change.

8.3 Auckland Council planning documents

The requester assesses the plan change proposal against relevant statutory and non-statutory documents in Section 4 of their AEE.

8.3.1 Auckland Regional Policy Statement

In accordance with Section 75(3)(c) of the Act, the district plan must give effect to any regional policy statement.

The AEE discusses the Auckland Regional Policy Statement (ARPS) at Section 4.1. It identifies the key features of the strategic direction outlined in Section 2.6 of the ARPS as including promoting quality, compact urban environments (intensification), and providing for most of the growth to be contained within the existing metropolitan area. The ARPS also notes the importance of locating the more intensive types of employment with good access to the public transport network.

I consider that the proposed plan change is aligned to the strategic aims of the ARPS.

8.3.2 Proposed Auckland Unitary Plan

The PAUP was notified in September 2013. The submission period closed in February 2014 and the hearing process is currently underway. The PAUP includes a proposed regional policy statement that the Council must have regard to in changing a district plan (section 74). In addition, any provisions of the proposed regional plan in regard to any matter of regional significance or for which the Council has primary responsibility must be had regard to (Section 74). The plan change request does not address the appropriateness of the PAUP provisions applying to Queen Elizabeth Square. Similarly, the PAUP district plan provisions are not relevant to the assessment of this private plan change request to the operative district plan. However, I note that Precinct has a submission to the PAUP relating to the provisions of the City Centre zone and Downtown West precinct.

Under the PAUP, as legal road, Queen Elizabeth Square is not subject to a zone. It is however included within the Downtown West precinct, and is subject to the objectives and policies of the City Centre zone. As noted in the AEE, the Downtown West precinct includes a framework plan mechanism that recognises the potential for City Centre zone to be applied to Queen Elizabeth Square. Two overlays apply to the site, being "Natural Hazards – Coastal Inundation" and "City Centre Port Noise".

The urban growth objectives of the RPS section of the PAUP are similar to the operative RPS in that a compact urban form with a clear limit for urban expansion is envisaged by the objectives. Given that the subject land is located within the bounds of the Auckland urban environment and at the heart of its commercial core, I consider the plan change request is generally consistent with this direction.

In my assessment the PAUP RPS does not introduce any significant change to my assessment of the plan change in respect of its compliance or otherwise with ARPS objectives and policies.

8.3.3 *Auckland Council Regional Plans*

It is noted that future development on the site will be required to comply with the Auckland Council Regional Plan: Air, Land and Water and the Auckland Council Regional Plan: Sediment. Similar consents will be required under the PAUP.

8.3.4 *Auckland Council District Plan (Central Area Section 2005)*

The plan change request provides a discussion of the consistency of the plan change with those district plan objectives and policies most relevant to this plan change request.

As noted previously, the plan change does not amend the existing objectives and policies of the district plan; rather it seeks to apply an existing district plan zone to the land, and to add existing and provide for new development controls.

I agree with the comments made in Section 4.2 of the AEE, and do not repeat that assessment here. I further note that the objectives and policies of Core Strategic Management Area (SMA 1) are of relevance, and make the following comments:

- The proposed plan change is consistent with the district plan intention to maintain an urban form and scale that focuses the highest intensity of development within the Core Strategic Management Area while mitigating its significant adverse effects
- The proposed plan change, subject to the amendments recommended and as set out in **Attachment B** to this report, ensures that the character elements that exist in the Core SMA are retained and enhanced
- The proposed plan change, subject to minor amendments recommended and as set out in **Attachment B** to this report, maintains and improves pedestrian accessibility through the Core SMA, particularly movement related to public transport facilities.

For the reasons set out above, I consider that the plan change is consistent with the relevant provisions of the district plan.

8.3.5 *Auckland Plan*

The Auckland Plan, adopted in March 2012, was produced by the Council under the requirements of sections 79 and 80 of the Local Government (Auckland Council) Act 2009. It provides a 30-year blueprint for the development of Auckland, and will shape where we live, work, and the transport we use.

I agree with the assessment undertaken at Section 4.4 of the AEE

8.3.6 *City Centre Masterplan*

The City Centre Masterplan is Auckland Council's strategic planning document that sets the direction for the future of the city centre to 2030. It identifies 8 high-level 'transformational moves' aimed at unlocking the potential of the city centre as a place to live, work and relax.

I agree with the assessment undertaken at Section 4.5 of the AEE that Key Moves 1 'Harbour Edge Stitch', and Key Move 2 'The Engine Room' are directly relevant to the proposed plan change. I consider the proposed plan change, subject to the amendments set out in **Attachment B** to this report, to be consistent with the strategic direction for the area as detailed within the City Centre Masterplan.

8.3.7 *The Waterfront Plan*

I agree with the assessment undertaken at Section 4.6 of the AEE, and add no further comment.

8.3.8 *Downtown Framework*

The Downtown Framework outlines projects planned for the downtown precinct at the northern end of Queen Street and aims to guide decision-making for this area. I agree with the comments made at Section 4.7 of the AEE that the plan change will directly support several of the desired outcomes articulated in the district plan, including:

- Enabling Queen Elizabeth Square to be redeveloped in a way that will more strongly define and activate the edge of Queen Street
- Provision for an east-west pedestrian laneway that will connect the Britomart Transport Centre with an intended bus interchange on Lower Albert Street
- Provision for a north-south link that will enhance pedestrian permeability between Queen Street Valley and the waterfront area.

8.3.9 **Auckland Council Long Term Plan 2012**

The Long Term Plan 2012-2022 is a strategic planning and funding document and aligns with the delivery of the priorities contained in the Auckland Plan. I believe that the proposed plan change is consistent with the Long Term Plan as it provides for development within an area that is identified in the Auckland Plan as being suitable for the highest intensity development in Auckland.

9.0 SECTION 32 ASSESSMENT EVALUATION REPORT

An analysis of the proposal in the context of the statutory framework is undertaken in the requester's supporting information, along with details of consultation undertaken and an evaluation under section 32 of the RMA of the appropriateness, costs, benefits, efficiency and effectiveness of the plan change. The comments made in these sections are largely accepted.

As this plan change relates to the rezoning of land, only those section 32 provisions relevant to this matter need consideration.

9.1 Relevant district plan objectives

The request is seeking to change the zoning of Queen Elizabeth Square from Public Open Space 1 to 'Pedestrian-Orientated Activity Area', and impose some site-specific development controls. The objectives and policies have been tested through district plan notification and decision-making. They are operative and it is reasonable to conclude that they achieve the purpose of the RMA. Therefore the focus of the evaluation is on whether the provisions of the plan change are the most appropriate to achieve the existing objectives.

In my opinion the district plan objectives most relevant to this plan change are those relating to the Central Area as a whole, being those set out at Part 3 (Resource Management). These objectives seek:

- *"To manage the use and development of the Central Area's natural, physical and cultural resources to protect heritage features and important viewshafts, maintain or enhance its building and streetscape character and to ensure an attractive, healthy, clean and safe environment.*
- *"To facilitate access throughout the Central Area for passenger and goods transport, private vehicles visiting and servicing the Central Area and for pedestrians and cyclists.*
- *"To promote the Central Area as an exciting, appealing and distinctive centre with a wide variety of attractions reflecting its mix of people.*
- *"To ensure that the Central Area is acknowledged as an outstanding centre in business, culture, arts, accommodation / non-permanent accommodation, entertainment and learning and is responsive to new ideas and change.*

The objectives of Part 4.2 (Core Strategic Management Area) are also of relevance to the site. I have summarised these in Section 8.3.4 and so will not repeat them here.

Given the Public Open Space 1 Precinct applies to the site, the provisions of Part 14.2 (Public Open Space Precinct) are relevant. They seek:

- *“To maintain, protect, and augment the open space public squares and parks of the Central Area and to maintain and protect where appropriate open spaces in the form of public streets.*
- *“To retain and enhance the open spaces, including streets, in the Central Area as places where pedestrians can move safely, easily and comfortably.*
- *“To provide for appropriately located new areas of public space and to continue to upgrade existing public space.*
- *“To maintain, protect and enhance the streets in the high pedestrian-orientated area.”*

It is my opinion that the district plan objective would be best met by rezoning the site as ‘pedestrian-orientated’ activity area. The activities provided for in this ‘zoning’ layer work in tandem with the Planning Overlay Maps and Part 6 (Development Controls), which control the degree of development achievable on a site. There are no infrastructural or environmental constraints that limit this site from being zoned for intensive development, and the district plan promotes that outcome in this location.

The immediately surrounding sites, being the remainder of the Downtown block, are subject to the pedestrian-orientated activity area notation, and the development controls of Part 6, and the Planning Overlay Maps. The proposed plan change seeks to have these same provisions apply to the Queen Elizabeth Square site. These provisions would allow flexibility for site development while the applicable development controls would manage potential adverse effects on the adjacent public environment.

9.2 Section 32(1)(b) Most appropriate way to achieve the objectives

Section 32(1)(b) of the RMA require an evaluation to examine whether the provisions in the proposed plan change are the most appropriate way to achieve its objectives by:

- (i) Identifying other reasonably practicable options for achieving the objectives;*
and
- (ii) Assessing the efficiency and effectiveness of the objectives: and*
- (iii) Summarising the reasons for deciding on the provisions*

Barker & Associates undertake a detailed assessment of the proposed plan change against these requirements at Section 7.2 of their report. I agree with their assessment, and note in particular the section summary at 7.2.2, as follows:

“In summary, it is considered that the provisions of the plan change are the most efficient and effective means for providing for the future development of this strategically located site. In particular:

- Applying substantially the same suite of provisions that currently apply to the surrounding land will ensure that future development is consistent and integrated with the existing environment*
- The additional proposed amendments recognise the specific characteristics and context of the site and provide for improvements that will further enhance the area and its surrounding land uses*
- The simplicity of this plan change request is a reflection that is consistent with the relevant objectives of the Central Area plan and that the existing provisions are robust with little need for change*
- The provisions do not fundamentally differ from those in the Council’s Proposed Auckland Unitary Plan.”*

I agree with the above, and adopt those conclusions here. I do note that when delving into the specifics of the proposed provisions, I have recommended some amendments, as set out in **Attachment B** to this report.

9.3 Benefits and costs of policies, rules or other methods (s32(4)(a))

As set out at s32(4)(a) of the RMA, an assessment under s32(1)(b)(ii) of the RMA must-

- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for :
 - (i) Economic growth that are anticipated to be provided or reduced; and*
 - (ii) Employment that are anticipated to be provided or reduced; and**
- (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

The assessment provided by Barker & Associates at clause 7.2.3 of their report addresses these matters thoroughly. I generally agree with the comments made, however note the following additional comments:

- The proposed pedestrian connections will enhance pedestrian connectivity within Auckland’s key transport interchange, with east-west and north-south linkages*

provided for between train, bus and ferry services, as well as between Queen Street Valley and the waterfront

- The loss of Queen Elizabeth Square as a public open space is a cost, but not one that should be assigned to the proposed plan change so much as the decision of the Auckland Development Committee to dispose of the land. Nevertheless, the loss of this space is mitigated in part through the provision of the pedestrian laneway and linkage through the Downtown block, and can be further mitigated through Council investment in new and upgraded public open spaces in the Downtown area.
- An assessment of the “proposed deletion of the Queen Elizabeth Square Concept Plan” has been undertaken. While this section is written as though the whole concept plan (Part 14.2A.8) is being deleted, I note that it is only the subject land that is being deleted from the concept plan. The concept plan will continue to apply to the area covered by Lower Queen Street.

9.4 Sufficiency of information [risk of acting or not acting] (s32(4)(b))

In undertaking a Section 32 assessment, the council is required to consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or methods. In this case, there are no new policies and the plan change proposes to utilise an existing district plan zone. It is considered that there is sufficient information available with respect to the plan change and there are no outstanding issues.

9.5 Whether proposed rules assist council to carry out its function (s76)

The proposed plan change seeks to utilise the “Frontage alignment and height” development control that applies within the Queen Street Valley Precinct, and proposes a new ‘Pedestrian connections’ development control and associated assessment criteria. I consider that the proposed changes are appropriate and will enable the council to control potential adverse effects from the site on the wider area.

9.6 Necessity in achieving the purpose of the Act (s72)

The plan change does not seek to modify the objectives or policies of the district plan. It applies a zoning layer that provides for a wide range of activities as a permitted activity, and is consistent with the surrounding neighbourhood. Under the existing Public Open Space 1 Precinct, activities other than those related to the use of public open space are non-complying activities, as is the erection of any building not for those purposes. This does not provide an appropriate management framework for the future foreseeable use of the property.

The plan change will therefore enable the (current or future) landowner to provide for their social, cultural and economic wellbeing through the efficient use of land, in a way that will manage the effects on streetscape amenity and heritage, and which may result in enhanced pedestrian connectivity and amenity. This is consistent with the purpose of the Act.

10.0 SUBMISSIONS

10.1 Matters raised in submissions and decisions requested

Six submissions have been received to the public notification of the plan change request, from the following parties:

Submission number	Name
1	Auckland Architecture Association
2	Cooper and Company NZ
3	Charlotte M Fisher
4	New Zealand Institute of Architects, Auckland Branch
5	S Pearce
6	Urban Design Forum NZ

Six further submissions were also received. Copies of the full version of these submissions and further submissions are included at **Attachment C** to this report.

The submission points from the primary submissions fall into the following five broad categories:

- The need for a commensurate public open space to be provided within the Downtown block in close proximity to it as mitigation for the loss of Queen Elizabeth Square
- The need for 'precinct-wide' or 'quarter-wide' plan change that addresses the whole Downtown block rather than just Queen Elizabeth Square (which would provide for the holistic consideration of architectural, urban design, planning, public open space and public transport matters)
- Ensuring adverse effects are appropriately managed
- Ensuring high quality urban outcomes in keeping with the character of Britomart Precinct and the urban regeneration of the waterfront
- Health and safety

The submissions by Auckland Architecture Association, Charlotte M Fisher, New Zealand Institute of Architects (Auckland Branch), S Pearce and Urban Design Forum NZ all follow similar themes, and so I address those as a group below.

10.2 Auckland Architecture Association, Charlotte M Fisher, New Zealand Institute of Architects (Auckland Branch), S Peace and Urban Design Forum NZ

The submissions by the above parties had two very strong themes running through them, namely:

- (a) That the plan change should be undertaken on a 'precinct-wide' basis rather than a site-specific basis, and
- (b) That a replacement public open space needs to be provided on the Downtown block or in close proximity to it.

In addition, Charlotte M Fisher raises the issue of health and safety.

The above submitters do not support the plan change in its notified form.

Comment

I do not support the submitters' view that a 'precinct-wide' plan change is needed. It is my view that Precinct's request to amend the planning provisions applying to Queen Elizabeth Square is a legitimate response in the context of the existing rules applying to the site and the surrounding land, and given the political decision by Auckland Council to sell the land.

I do not support the submitters' view that a replacement public open space needs to be provided on or within the Downtown block either. It is Council's role to provide public open space within the city, not the role of a private developer. The Council's decision to sell Queen Elizabeth Square was made on the basis of an assessment of the quality of the existing space, the ability to provide other public open space in the downtown area. The resolutions of the Auckland Development Committee mean that the land can be re-used or re-purposed from public open space to other appropriate uses. While there may be benefits resulting from having a sole owner of the Downtown block in terms of comprehensive redevelopment, I consider that the proposed provisions are the most appropriate for the land, regardless of future ownership of the land.

With regard to the matter of health and safety, it is my view that adequate assembly points are available in the form of streets in the case of emergencies.

10.3 Cooper and Company New Zealand Limited

The submission by Cooper and Company New Zealand Limited notes their support for the proposed plan change subject to the following relief:

- (a) The plan change will result in urban design and environmental outcomes that are of a high quality and the most appropriate for the site and location;
- (b) Any adverse effects arising from having a building on this site including the loss of public space are able to be appropriately avoided, remedied or mitigated; and
- (c) A high quality building and urban environment which is in keeping with the character of the overall Britomart Precinct and urban regeneration of the waterfront results.

The submission identified a number of provisions to be included within the plan change if not already. These are addressed in the table below:

Submission point	Response
The maximum permitted height be restricted to 19m and the minimum frontage height also be 19m with a requirement to build up to the Queen Street frontage of the site, subject to the provision of an east-west pedestrian laneway and north-south pedestrian link.	<p>The proposed provisions of the plan change meet this relief.</p> <ul style="list-style-type: none"> ▪ Building height on the site would be limited by the sunlight admission control for Queen Elizabeth Square (Clause 6.3 of the district plan). The plan change seeks an exemption to this control (proposed clause (e) to 6.3) to allow a building up to 19m high to be developed. Infringing this control would be a non-complying activity. ▪ Proposed Rule 6.18 (Frontage alignment and height) would require any new building to be built to the Queen Street frontage and have a minimum height of 19m. Infringing this control would be a restricted discretionary activity ▪ Proposed Rule 6.19 (Pedestrian connections) requires the provision of an east-west pedestrian laneway and a north-south pedestrian link. I have recommended some amendments to the wording of this development control and the associated assessment criteria (refer Attachment B). Infringing this control would be a restricted discretionary activity
That a verandah control be applied to the Queen Street frontage of the site.	<p>The proposed provisions of the plan change meet this relief:</p> <ul style="list-style-type: none"> ▪ Figure 6.13 (Verandahs) is proposed to be amended to require a verandah to be provided along the Queen Street frontage of

	the site
<p>That appropriate design criteria / controls are imposed on any new building to ensure the achievement of a high quality building on the site, whilst ensuring a building that is complementary to the heritage Central Post Office ("CPO") building. In this regard, any new development need not imitate the CPO but sit comfortably within this important heritage, commercial and transport based location.</p> <p>Additionally, the Queen Street frontage and the northern frontage of any building(s) should avoid blank solid walls and instead these walls should be active. At ground level, the uses should be restricted to retail or food and beverage and a ground level glazing percentage frontage control should apply.</p>	<p>The existing provisions of the District Plan meet this relief:</p> <ul style="list-style-type: none"> Under Clause 5.5.3 of the plan, the erection of any new building or additions and alterations to an existing building require restricted discretionary activity resource consent to be assessed against urban design criteria provided under 5.6.3.d) Criteria 5.6.3.d.8. a-c provide specific consideration of development in close proximity to heritage buildings Criteria 5.6.3.d.1. a-j provide specific consideration of building frontages and the interface with the public realm, including avoiding blank walls (h), and providing active uses (f) Additionally, I have recommended amendments to the proposed wording of development control 6.19 (Pedestrian connections) which will further enhance the relationship between any new building and the CPO.
<p>The gross floor area of the plan change area be commensurate with the proposed 19m height limit proposed unless it can be demonstrated that a higher intensity will produce higher quality urban design results or other public amenity benefit.</p> <p>It is considered that the allowable height limit would result in a site intensity for the plan change area of approximately 3:1 or 3.5:1. As a site intensity of 13:1 is being sought, the practical effect of the residual approximate 10:1 site intensity could conceivably only be utilised outside the plan change area on the other sites owned by Precinct Properties.</p> <p>Clearly there is an obvious value transfer associated with this approach and it is considered appropriate that high quality design outcomes are mandated through the plan change as a result of this accumulation and</p>	<p>The proposed provisions of the plan change meet this relief:</p> <ul style="list-style-type: none"> The proposed MTFAR for the site is 13:1, which is the same as the surrounding block. In practice however, the achievable site intensity will be limited by the height able to be achieved on the site, with the Frontage Alignment and Height control and the Queen Elizabeth Square sunlight admission control defining this. The Harbour Edge height control plane also traverses the site, limiting development height in the south-western corner of the site. The purpose of the 19m height limit is to sunlight and daylight to lower Queen Street, and because a 19m frontage height responds well to the CPO building. There is no effects based rationale to further limit site intensity Achieve the MTFAR of 13:1 on other sites also owned by Precinct would require the use of additional bonuses, in particular, light and

redistribution of floor area.	outlook. These bonuses have been designed to ensure development achieves a building typology that maintains an appropriate level of amenity to the surrounding environment.
Shading shall not exceed that set out in the plan change.	<p>The proposed provisions of the plan change meet this relief:</p> <ul style="list-style-type: none"> Exceeding the shading created by a 19m building (as identified in the plan change) would be a non-complying activity


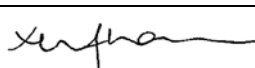

10.4 Officer recommendation on submissions

That submissions 1-6 and further submissions 1-6 be received, and that submission by Cooper and Company New Zealand Limited be accepted to the extent set out in the assessment at Section 10.3 above.

11.0 Preliminary recommendations

My preliminary recommendation having considered all the information supplied by the requester, all submissions received, and having undertaken an analysis of the relevant national, regional and district planning instruments is that:

- A. Pursuant to clause 29(4) of Part 2 to the First Schedule of the RMA proposed Private Plan Change 79 to the Auckland Council District Plan: Central Area Section 2005 **be approved**, subject to modifications contained in **Attachment B** to this report.
- B. That submissions 1-6 and further submissions 1-6 be received, and that submission by Cooper and Company New Zealand Limited be accepted to the extent set out in the assessment at Section 10.3 above.

Name and title of signatories		Signature
Author	Ross Cooper, Senior Planner Tattico Limited 19 October 2015	
Reviewer	Mark Vinall, Director Tattico Limited 19 October 2015	
Approver	Joao Machado Team Leader – Central & Islands 19 October 2015	

Attachments

Attachment No	Document
A	<p>Council expert reports</p> <ol style="list-style-type: none"> 1. Urban Design Report – Yvonne Weeber, Principal Urban Design, Auckland Design Office (dated 13 October 2015) 2. Heritage review – George Farrant, Principal Heritage Advisor Central, Environmental Strategy and Policy (dated 14 October 2015)
B	Recommended amendments to the plan change (tracked change version)
C	Submissions
D	Part 5 (Activities) of the Auckland Council Operative District Plan: Central Area Section 2005
E	The plan change request (including further information provided prior to public notification)

Attachment A

Council expert reports:

- **A(1) – Urban Design Report**
- **A(2) – Heritage review**

Attachment B

Recommended amendments to the proposed plan change (tracked change version)

Attachment C

Submissions and further submissions

Attachment D

**Auckland Council District Plan: Central Area Section 2005, Part 5
(Activities)**

Attachment E

Proposed Plan Change Request (including further information provided prior to public notification)

URBAN DESIGN specialist report

To: Ross Cooper, Senior Planner, Tattico Limited

From: Yvonne Weeber, Principal Urban Designer

Region Wide Urban Design Policy, Auckland Design Office,
Auckland Council

Date: 13 October 2015

Subject: **URBAN DESIGN REPORT**

PLAN CHANGE 79, REZONNING OF QUEEN ELIZABETH SQUARE

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1 Scope

- 1.1 I am providing an urban design assessment of effects of the proposed plan change by Precinct Properties Downtown Limited (PPNZL) of Queen Elizabeth Square (QE Square).
- 1.2 In preparing this report I have read the Plan Change Assessment of Environmental Effects and Section 32 Analysis by the applicant, Submission and Further Submissions.
- 1.3 I know the site well having travelled regularly to the city by bus, train and ferry over the past year. I have visited the site and undertaken a visual and urban design assessment in relationship to this report and evidence given on the Unitary Plan.
- 1.4 I have read all relevant documentation including past reports, assessments, masterplan and redevelopment proposals set out in Appendix B.
- 1.5 I have provided evidence to the Auckland Unitary Plan Independent Hearing Panel on Topic 050 City Centre for Downtown West Precinct which includes the QE2 Square which is the subject of this report.
- 1.6 The matters that will be addressed in this report include the following:
 - Urban design background information and past urban design evaluations
 - Assessment of existing facades facing on to QE Square
 - Assessment of application documents
 - Summary of submitters issues
 - Urban design assessment of the proposed plan change
 - Amendments to the plan change

- Proposed Auckland Unitary Plan (PAUP) and the Downtown West Precinct

2 Introduction

- 2.1 My full name is Yvonne Beth Weeber. I am a Principal Urban Designer in the Region Wide Urban Design Policy team in the Auckland Design Office at Auckland Council. I have been in this position since 28 July 2014. Prior to this I was a Senior Analyst with the Ministry for the Environment principally working on the New Zealand Urban Design Protocol and Canterbury Earthquake Recovery.
- 2.2 I hold a Bachelor of Science Honours first class, Post Graduate Diploma of Landscape Architecture and a Masters of Arts in Urban Design. I have approximately 28 years professional experience as a Landscape Architect and 18 years professional experience as an Urban Designer. Full details of my qualifications and relevant past experience are set out in Appendix A of this report.
- 2.3 I am a National Committee member of the Urban Design Forum (UDF). The UDF have made a submission on the plan change of Queen Elizabeth Square. I was not involved in the UDF submission and will not take part in any of the UDF plan change process for QE Square in the future.

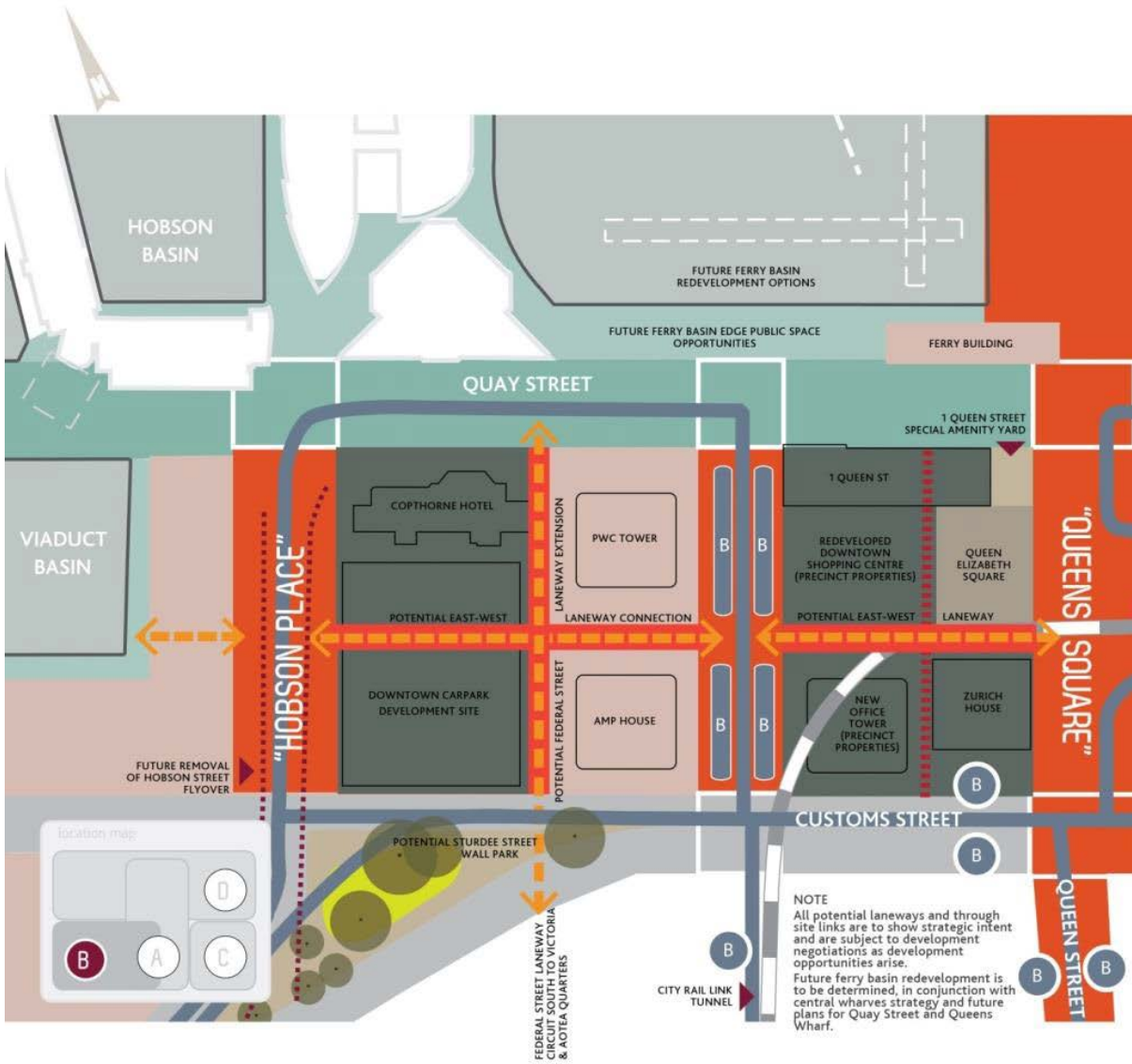
3 Background

- 3.1 Documents, studies, analysis, masterplans and frameworks considered in this report are listed in **Appendix B**.
- 3.2 Precinct Properties Downtown Limited has proposed a private plan change to the Auckland Council District Plan (Operative Auckland City – Centre Areas Section 2005) to the zoning of QE Square. The proposed plan change to the Precinct and planning overlay maps would delete QE Square as a public open space and generally bring the overlay maps of the square to be consistent with the provisions that currently apply to the surrounding block of a pedestrian orientated zone.

- 3.3 At present QE Square is 1892m² rectangular lot bounded by buildings to the north, west and south. The square is open towards Queens Street and the Britomart Transport Centre. The property details are described by the applicant on page 4 of the Barker and Associates Section 32 Report.
- 3.4 On the 15 May 2014 the Auckland Development Committee approved in principle the disposal of QE Square to be part of the Downtown Shopping Centre Block Redevelopment (Resolution number AUC/2014/64).
- 3.5 On 11 September 2014, the Auckland Development Committee confirmed approval to sell or lease QE Square to PPNZL subject to successful commercial negotiations and statutory processes (Resolution number AUC/2014/111). This resolution also noted draft design requirements of the terms of sale in the form of two laneways cutting the block. These laneways being an:
- a) at grade, publicly accessible (24hrs/7 days), open with weather protection, east-west pedestrian laneway connection between Lower Queen Street and Lower Albert Street through the block
 - b) north-south pedestrian link through the block referencing the historic little Queen Street.
- 3.6 At the same time on the 11 September 2014 the Auckland Development Committee (Resolution AUC 2014/110) endorsed the Downtown Framework document and noted that details and costs would be developed progressively.
- 3.7 The Downtown Framework outlines the different future projects planned for Downtown West. The document is a living document that will continue to evolve, however it brings together the vision and thinking of the Council at that time.
- 3.8 The public space, movement network and development potential are set out in **Figure 1**. One of the important proposals is the bus relocation from Lower Queens Street to Lower Albert Street to free up space for pedestrian and event capability in the Lower Queen Street area. The laneway connection through the Downtown site will provide significant functional pedestrian

connections between public transport facilities in a east-west and north-south direction for the transport interchange functions of the area.

Figure 1 Downtown West desired future outcomes including laneways¹.



¹ Downtown Framework page 61

4 Past urban design evaluations of QE Square

- 4.1 Subsequent to the building of No. 1 Queen Street (now HSBC Tower) a twenty storey office block on Quay Street, QE Square has been a compromised public open space. The HSBC tower blocks any connection between the water and QE Square (except through the Queen Street Special Amenity Yard to the east of the square). QE Square is very shady due to the HSBC Tower with the sun being present in the square in the lunchtime period only 25% of the year². Conditions are not helped by the prevailing north-east winds in the square making it an unpleasant and windy space³.
- 4.2 There have been a considerable number of surveys and analysis of QE Square since the construction of the HSBC Tower. The latest the Downtown Public Open Space Evaluation by RESET (September 2014). The RESET study considered the site attributes as primarily negative with the environment being windy and shady, making it little more than a forecourt to the Downtown mall and a failed open space⁴. The RESET study is contained in the application material.
- 4.3 The Gehl Architects report *Urban Design Advice Queen Elizabeth Square Auckland City Centre June 2014* presented on the 11 September 2014 to the Auckland Development Committee undertook an evaluation of QE Square using 12 qualities. They found that four of these qualities were poor and created serious issues for QE Square. The serious issues are:
- a) No mitigation against the wind and glare issues with insufficient weather protection
 - b) The transport elements are blocking views to and from Queen Street
 - c) QE Square is overshadowed for the majority of the day.
- This report is contained at Appendix C.
- 4.4 The QE2 Square also has a number of other below average qualities including:
- a) Perceptions of poor safety

² Downtown Public Open Space Evaluation – RESET (2014)

³ Downtown Public Open Space Evaluation – RESET (2014)

⁴ Downtown Public Open Space Evaluation – RESET (2014)

- b) No interesting frontages on the building facades surrounding QE Square
- c) The edge of the buildings offering no places for people to linger
- d) QE Square materials and elements are uncoordinated creating a poor design profile.

5 Facades and Features fronting on to QE Square

- 5.1 In addition to the Reset and Gehl Architects evaluations I have undertaken a survey of the facades and features that front on to the QE Square to understand not only the role of the open space but the edge of this space. This is important as not only will the QE Square space be removed if the plan change proposal is accepted but also the building facades will ultimately be replaced by a building. I have also used RESET's evaluation of the Spatial Attributes (page 10) which provides cross-sections and information on the widths and heights of the facades.
- 5.2 The southern façade of the square has the most recently refurbished building fronting on to the QE Square that of Zurich House (18 levels at parapet 66.91m high, roof 74.88m high and 36.6 m wide⁵). This has a new green/blue glass façade building that has a colour linkage with its coastal location. The tickertape display of the New Zealand stock market and other financial news indicators provide constant visual interest into the square and along Queen Street. On the ground floor of this southern façade there is a café making good use of the only continual sunny space on the square. The south eastern side of this façade has the main entrance into Zurich House via escalators from the ground floor to the upper lift level creating activity at this point of the Square.
- 5.3 Western façade Downtown complex (51.73 m wide) has over the years improved from an almost blank façade to one of having the upper level food court having views on to the square and a ground floor with one café open onto the square with tables and chairs. On the ground floor there is a main entrance into Downtown at the middle of the eastern façade. This is the main

⁵ Precinct properties – Downtown Resource Consent Application 19 March 2015

pedestrian movement access through QE Square to and from Queen Street. The Downtown Shopping Centre Door counts average daily total is 4,125 (between June 2013 and May 2014)⁶. There are also entrances into individual shops.

- 5.4 The northern façade of the square has the building of 1 Queen Street (20 levels at parapet 80.90m high, roof 85.86 high⁷). The Ground floor of 1 Queen Street has little of interest except a cash point machine and covered glass windows of HSBC. The first and second level of the HSBC have even less visual interest due to the grills of two levels of carparking facing on to the QE Square.
- 5.5 The building facades that surround QE2 Square therefore address the Square in a piecemeal way. While the northerly café gets sun for the longest amount of time and is busy and active, a large amount of the remaining ground floor activities are passive. A large amount of the windows that face the square are no longer open and are only used for advertising.
- 5.6 To the south east next to Queen Street there is the entrance and exit in a glass box building to the Britomart train station. This building though low in height forms a wall to a large proportion of the south eastern space and blocks the public interaction between QE Square and Queen Street. Within the square the features such as the northern Kauri Trees form further barriers to movement within the square.
- 5.7 One of the most active spaces next to the QE Square is formed by the kiosk in the Amenity Square to the north. This space gets sun, has pedestrian traffic from the Ferry passengers and has provided night time activity to this corner of the square. However like the Britomart Train Station this kiosk forms a block to public interaction between from the QE Square and the Ferry Terminal Building.
- 5.8 To the east of QE Square across Lower Queen Street is the Britomart Transport Centre (54.1m long at approximately parapet 25 m high and approximately at top of roof dome 35m high) forming an important

⁶ Downtown Public Open Space Evaluation – RESET (2014)

⁷ Precinct properties – Downtown Resource Consent Application 19 March 2015

Edwardian heritage link with the past and an impressive entry into the Britomart underground rail station. It is this façade that any new building on Lower Queen Street built on to QE Square would face.

6 Applicant's assessment and proposed mitigation

- 6.1 The applicants 2015 *Assessment of Environmental Effects and Section 32 Analysis – Request for Plan Change Percent Properties Downtown Limited Queen Elizabeth Square* report by Barker and Associates Ltd (Applicant's Report) describes the plan request, the strategic framework, statutory considerations, assessment of effects and undertakes a brief Section 32 analysis.
- 6.2 In the Applicants Report section 6.1 *Provisions of Open Space in Downtown Auckland*, past officers reports to and the decisions of the Auckland Development Committee (outlined in section 3 Background of this report) are relied upon to consider the plan change being 'less than minor' in respect to the removal of public open space in the central city.
- 6.3 The reliance on similar controls than those currently applying to the surrounding block are proposed by the applicant to provide a built form that is consistent with existing development of the surrounding land.
- 6.4 Shading diagrams of a hypothetical 19 metre building on the QE Square site are provided by applicant (Appendix 3 of the Applicants Report). These studies show that HSBC is a major negative shade influence not only on the existing QE Square but also Queen Street. A building of 19 metres would create edge shading on the Queen Street footpath but then be subsumed by the shadow of the HSBC tower in the afternoon.
- 6.5 Wind effects (Appendix 4 of the Applicants Report) are assessed. The model of the building assessed was 16.5m not 19m as in the shading assessment. There are small negative changes resulting in three areas including the entrance to Britomart and Lower Queen Street north of Customs Street. While the applicant considers these changes acceptable it is worth noting the high pedestrian traffic that does occur in this area and how even slight changes in wind intensity could affect the future use of this area.

7 Submitter issues

- 7.1 There were six submissions on the QE Square plan change with one submitter supporting the plan change with proposed planning controls and remaining five opposing the plan change.
- 7.2 Cooper and Company NZ supports the proposal subject to a set of planning controls to assist in providing high quality building, urban design and environmental outcomes which would be in character of the overall Britomart Precinct and a regenerated waterfront.
- 7.3 Auckland Architecture Association, Urban Design Forum New Zealand, New Zealand Institutes of Architects Incorporated, S Peace, and Charlotte Mary Fisher all oppose and seek the plan change be declined. These five submitters are seeking the plan change be declined on the basis of the:
- Loss of a Public Open Space
 - Lack of features such as the flame sculpture
 - Inadequate provision of alternative Public Open Space
 - Applicants should be undertaking a precinct wide plan change.
- 7.4 Six further submissions were made with four of these submissions supporting submissions that wished to decline the plan change and two of the further submissions supporting the plan change.
- 7.5 While the majority of submitters seek the plan change being declined the majority also generally agree QE Square is an unsuccessful passive thoroughfare space with the major issue being the shade cast on it for significant portions of the day by HSBC Tower at No.1 Queen Street⁸.

8 Urban design assessment of the proposed plan change

- 8.1 The proposed plan change will result in the loss of an existing large public open space in the central city.

⁸May 2014 Auckland Development Committee report about Queen Elizabeth Square by officers from Auckland Council's Built Environment Unit (now the Auckland Design office).

- 8.2 The proposed plan change will result in building on the 1892m² rectangular lot of QE Square.
- 8.3 I concur with the submitters that a loss of a large public open space such as QE Square within the city centre must be considered to be more than minor. However I also concur with submitters that QE Square is an unsuccessful passive thoroughfare space shaded throughout the day.
- 8.4 I consider that the facades around QE Square (as outlined in section 5 of this report) are not of status that they are worthy of protection or are being used in a way that requires them to be retained. A new building built on the QE Square could be of a design that enhances the frontage of Lower Queen Street, compliments the Britomart Transport Centre façade and defines the lower end of Queen Street.
- 8.5 I consider that the proposed plan change could provide positive urban design improvements in Lower Queen Street.
- 8.6 I cannot in this report consider alternative public open spaces to replace QE Square in size and relationship to Queen Street but note that the Auckland Development Committee (Resolution number AUC/2014/111) resolved to sell QE Square on the basis that at least two of three identified new/improved waterfront public open spaces of commensurate size and improved quality would be delivered with the proceeds of the sale. I can however consider the factors required for a redevelopment of QE Square to provide positive change, vibrancy and character to the Lower Queen Street area.
- 8.7 I consider what happens within the space in relationship to public movement through a redeveloped QE Square and through the existing Downtown buildings in relationship to the transport interchange in this area is extremely important.
- 8.8 Within the *Downtown Framework* document endorsed by the 11 September 2014 Auckland Development Committee, one of the important proposals was the bus relocation from Lower Queen Street to Lower Albert Street. For this to work there needs to be laneway connections between public transport

facilities both in an east-west and north-south direction as envisioned in Figure 1.

8.9 In my opinion specific requirements (as detailed in my Topic 050 Downtown West Precinct Evidence for the PAUP) are needed to create vibrant public laneways that support the transport interchange functions and these are:

- a) Open and accessible to the general public 24 hours/day and 7 days a week without doors, gates or wind lobbies.
- b) At grade and provide the shortest straight route between street and have straight lines of sight.
- c) A minimum pedestrian width of 5 metres clear for unimpeded flow of public transport users between streets.

8.10 For the legibility and alignment of the laneway connection through the Downtown site to support the transport interchange pedestrian functions, of the area, I consider it is important that:

- a) There is a clear alignment between the main entrance of Britomart Transport Centre (old Central Post Office building) and the entrance/exits into the redesigned Downtown Shopping Centre.
- b) Entranceways are easily identifiable to pedestrians to allow quick flow of public between public transport modes.
- c) It incorporates Crime Prevention Through Environmental Design (CPTED) such as façade set-back from the principal Laneway frontages at ground level is visibly open and avoids recessed internal corners.

8.11 I consider the internal environmental aspects for pedestrians of a laneway to be important. For it to work well the laneway needs to:

- a) Be naturally ventilated
- b) Be naturally lit during daylight hours
- c) Be lit at night by artificial light that is bright enough to create a sense of personal safety
- d) Have full length weather protection.

9 Amendments to the plan change

- 9.1 I consider the '6.19 *pedestrian connections*' proposed by the applicant require further amendments to include a number of the factors outlined in paragraph 8.9 to 8.11 of this report. For this reason I consider that 6.19 Pedestrian Connections wording should be amended as follows:

- a) a minimum 5m wide, **straight**, at grade, east-west pedestrian laneway connection between Lower Queen Street and Lower Albert Street that is **with its aligned with the Britomart Transport Centre (old City Post Office building)** that is **internally** protected from the weather, **incorporates natural daylight through glazed canopies or glazed roof structures**, and is publicly accessible 24 hours a day, seven days a week and incorporates active uses at ground level.
- b) a north-south pedestrian ~~link~~ **laneway** between Customs Street West and Quay Street.
- c) **Visibly identifiable open entranceways into the laneways with clear sight lines from the principal street into the laneway at ground level.**

- 9.2 The frontage and alignment of height of the any new building within QESquare that faces Lower Queen Street and the Britomart Transport Centre should:

- a) enhance the form and functions of Queen Street
- b) avoid monotonous built form
- c) Complement and respect the scale of the Britomart Transport Centre and the historic heritage buildings.

- 9.3 In the provisions of the City of Auckland District Plan, Central Area Section Part 5 Activities 5.2.6 provide for a 'designed based' approach with all building development and redevelopment required to be assessed against five key components of design assessment criteria. These being:

- a) *Building design should be of a high quality, showing creativity, and responsiveness to the local context in a way that contributes to the identity of Auckland at every scale*

- b) Attractive, active and safe streets and public open spaces, which create a sense of community;*
- c) Adaptable building form, encouraging the reuse and conversion of building spaces overtime.*
- d) Sustainable building and site design which takes a long term view of energy and storm water efficiency*
- e) Adequate internal and external amenity for building occupants which provides the opportunity for outlook, daylight access and sufficient internal living space for future residents.*

9.4 I consider that this combination of design assessment criteria can provide the Council with methods of assessing the Lower Queen Street façade in combination of the pedestrian laneway and their entrances.

9.5 Modification of development control 6.19 Pedestrian Connections is to be inserted in a new paragraph under Clause 15.3.1.2.b. Considering the factors outlined in paragraph 8.9 to 8.11 of this report I consider the wording should be amended as follows:

- a) The extent to which there is a safe, legible and **straight** direct link through the block.
- b) The extent to which the width of the lane ~~or link~~ is sufficient to provide a functional connection between the adjoining streets and the transport interchange functions of the area.
- c) **Restrictions on** ~~Where public access is restricted, a shall~~ consideration of the following:
 - i. ~~The operational~~ **functional effects of** needs for the restriction
 - ii. ~~Matters relating to s~~ **Safety and security of laneway users**
 - iii. The duration of the restriction
 - iv. Any benefits to **the laneway users** arising from the restriction

10 PAUP and the Downtown West Precinct

- 10.1 The PAUP considers QE Square in the Downtown West precinct in the Central City. The PAUP process will take at the earliest till late 2016 to provide an Operative Auckland Unitary Plan.
- 10.2 I provided evidence to the Auckland Unitary Plan Independent Hearings Panel (AUPIHP) on this precinct in Topic 050.
- 10.3 I agree with the applicant that the provisions of the notified version of the PAUP would help to facilitate the rezoning of the QE Square site. At the hearing the majority of issues from submitters (including Precinct Properties) to the PAUP on the Downtown West precinct were resolved. I therefore consider that the subsequent track changes presented on the Downtown West Precinct in Topic 050 by the Council at the hearing would result in further positive development on QE Square.
- 10.4 It is for those reasons that I have suggested amendments to the proposed plan change as outlined in section 9 of this report.
- 10.5 In my evidence to the AUPIHP Topic 050 I addressed a number of issues including the functional aspects of laneways that are vibrant and support connections between public transport hubs in the Downtown area.

11 Conclusions

- 11.1 I consider the proposed plan change to delete QE Square as a public open space is appropriate due to:
 - a) the poor quality of this public space and
 - b) if suitable planning measures are included in the plan change that create connections between the public transport hubs, building uses, street and public open spaces.
- 11.2 It is my opinion that laneways in a north-west and east-west direction through both blocks are important to the success of the area. I also consider the proportions, design features and activity along the laneway are important in supporting a successful and functional downtown public transport interchange.

- 11.3 It is my opinion the frontage and alignment of height of a quality designed new building within QE Square that faces Lower Queen Street and the Britomart Transport Centre should enhance the form and functions of Queen Street.

Appendix A – Yvonne Weeber’s career summary

Principal Urban Design, Region Wide Urban Design Policy, Auckland Design Office, July 2014 to Present

Senior Analyst Ministry for the Environment, 2003 till July 2014

Urban Designer, Resource Consents, Wellington City Council, 2001 to 2003

Landscape Architecture Lecturer, Lincoln University, 2000-2001

Senior Landscape Architect, City Design, Auckland City Council, 1998—2000

Urban Designer, Stafford Borough Council, England, 1996—1997

Landscape Architect, PTP Landscape, Birmingham, England, 1995—1996

Senior Landscape Architect, Palmerston North City Council, 1991-1995

Landscape Architect—Whakatane District Council, 1989—1991

Landscape Architect—Upper Hutt City Council, 1987-1989

Qualifications

Master of Arts in Urban Design, Oxford Brookes University, Oxford, U.K. 1997

Postgraduate Diploma of Landscape Architecture, Lincoln University, NZ 1987

Bachelor of Science (Hon) First Class, Victoria University, NZ 1984

Affiliations

New Zealand Institute of Landscape Architects (Registered), 1991 to present

Urban Design Forum, N.Z. Inaugural member 2008 to present

Urban Design Group, U.K. 1997 to present

Appendix B - Chronological order of some of the Downtown West precinct studies, analysis, masterplans and frameworks.

2015	<i>Assessment of Environmental Effects and Section 32 Analysis – Request for Plan Change Percent Properties Downtown Limited Queen Elizabeth Square –Barker and Associates Ltd</i>
2014 September	<i>Downtown Framework- Auckland Council</i>
2014 September –	<i>Downtown Public Open Space Evaluation – RESET Urban Design for Auckland Council</i>
2014 June-	<i>Urban Design Advice Queen Elizabeth Square Auckland City Centre- Gehl Architects.</i>
2015	<i>Downtown Public Spaces: Further review following feedback from public spaces survey and lower Queen Street trail – Buzzchannel</i>
2012	<i>City Centre Masterplan- Auckland Council</i>
1977	<i>Walking Around Town, planning for pedestrians in New Zealand – Ministry of Works and Development</i>

Appendix C – Gehl Architects Report



DOWNTOWN PUBLIC OPEN SPACE EVALUATION

FINAL REPORT
4 September 2014



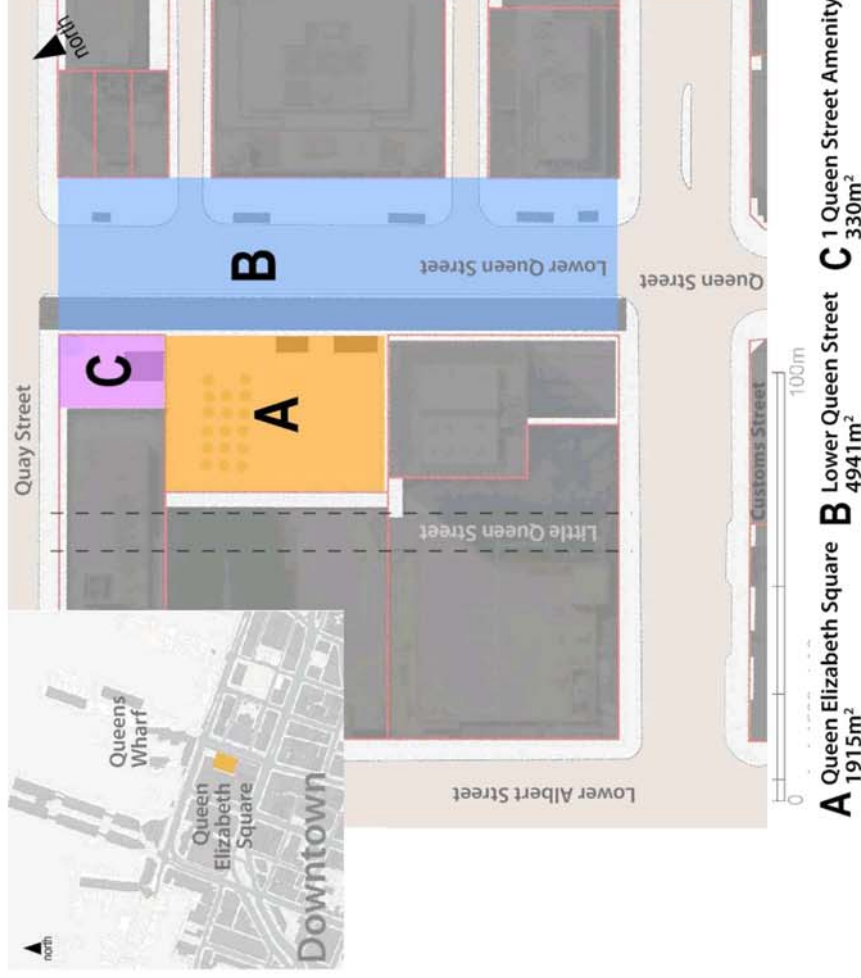
In June 2014 Reset Urban Design were commissioned by Auckland Council to undertake an independent evaluation of current and future public space provision in the downtown area of Auckland City Centre. The work was commissioned as a consequence of an in principle decision by Auckland Council's Auckland Development Committee to dispose of Queen Elizabeth Square. This decision was made on the basis that a better overall public space outcome could potentially be achieved by using the return to deliver new or enhanced 'off site' public space/s.

The key tasks identified in the brief were as follows:

- Identify and understand the needs for public space in the downtown area.
- Understand the historical development of this area from a public space perspective.
- Develop a set of assessment criteria to assess public open space in the downtown area.
- Assess the qualities of both the existing and an enhanced (realistic best case) Queen Elizabeth Square.
- Identify alternative spaces that could be invested in with the potential proceeds from a sale of Queen Elizabeth Square.

The following document, based on a presentation that has evolved through numerous workshops with councillors and stakeholders, responds to these tasks. The contents and final recommendations represent the professional opinion of Garth Falconer, Principal Director, Reset Urban Design. They have been formed through desk-top study, on site observational work, stakeholder consultation feedback and the application of best practice public realm evaluation techniques/criteria.

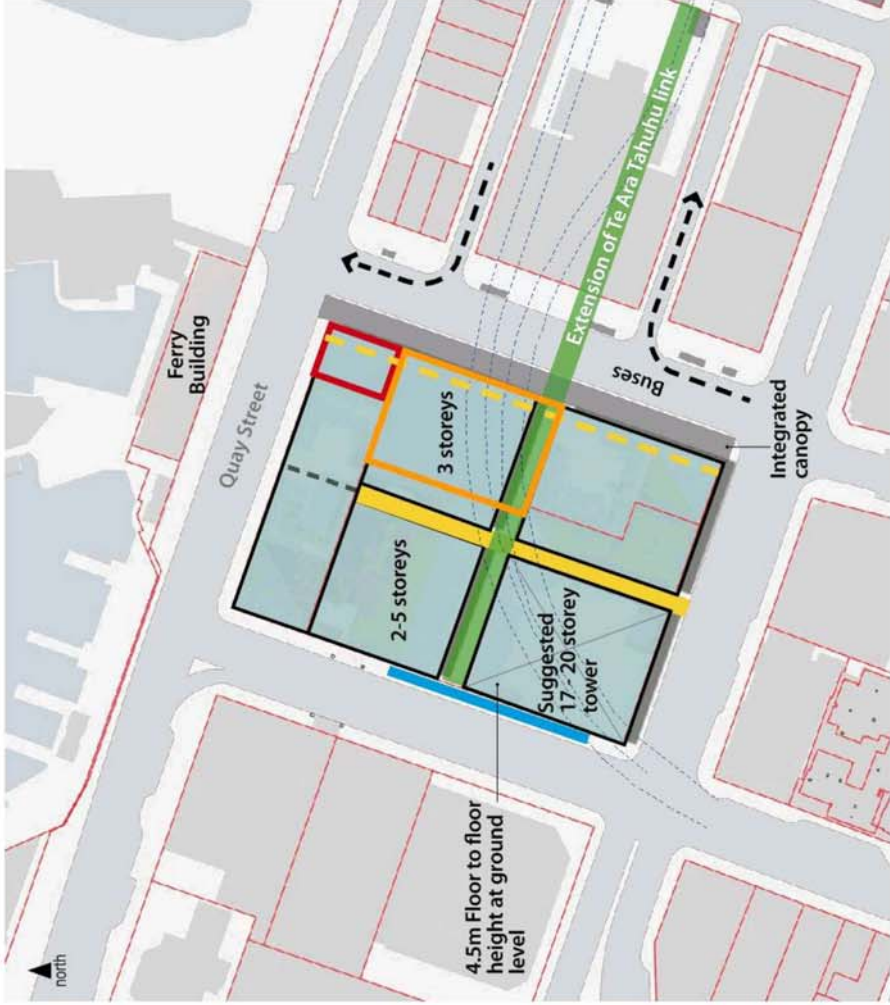
INTRODUCTION



- Queen Elizabeth Square is located in the downtown area adjacent to lower Queen Street and near Quay Street
- There are actually three open spaces, which has created some confusion
- Queen Elizabeth Square is a squarish space of approx. 2000m² located off to the side and is largely enclosed by the adjacent building form

LOCATION

Queen Elizabeth Square



- Precinct Properties ownership
- City Rail Link - Proposed Route
- Queen Elizabeth Square
- 1 Queen Street amenity space
- Bus stop - proposed
- High quality retail edge / principal entrances
- Suggested Little Queen Street



Design and Development brief by BEU - issued October 2013

Produced to assist the master planning process for the Downtown Shopping block, owned by Precinct Properties.

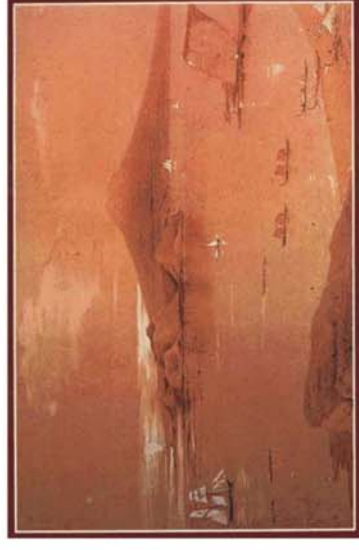
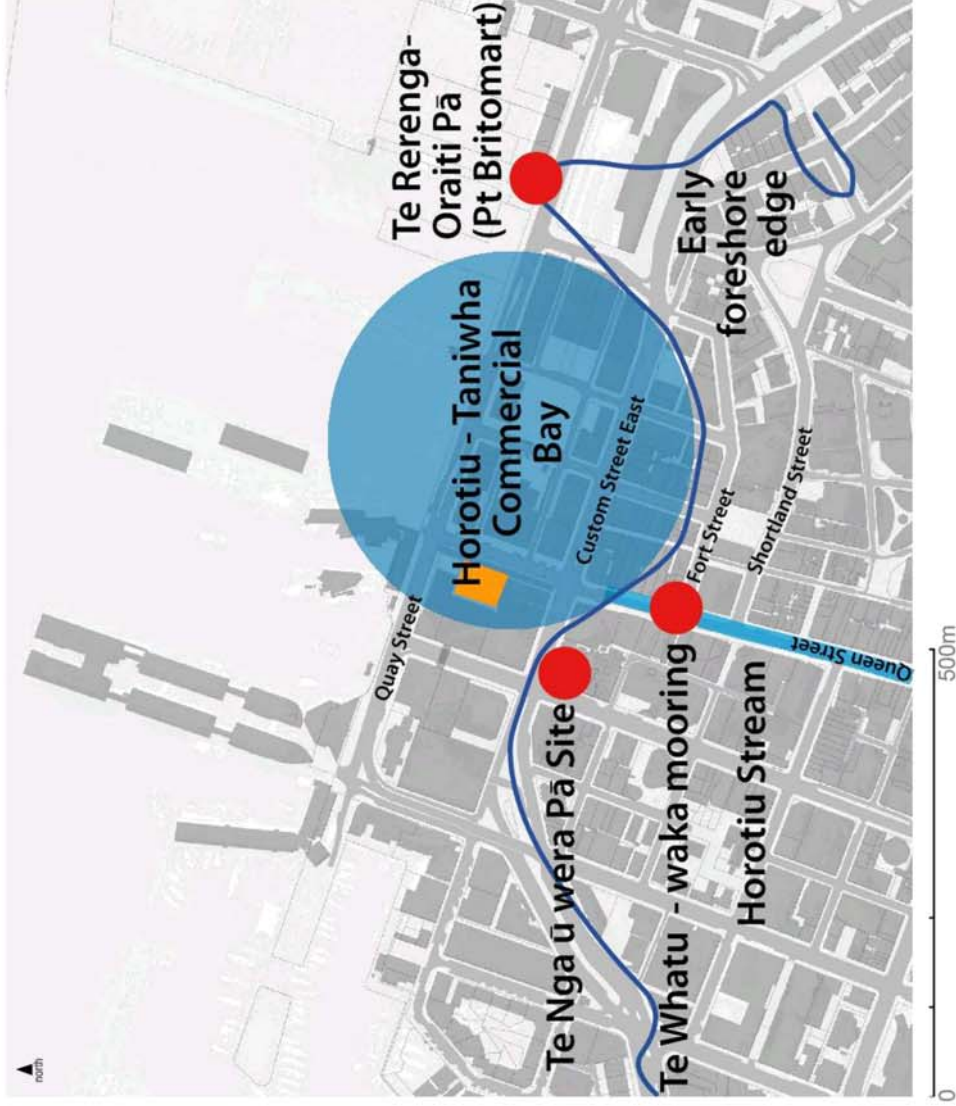
Series of interdependencies:

- Bus interchange
- Te Ara Tahu link
- Lower Queen Street pedestrianisation
- Possible building over special amenity yard
- CRL works and foundations for new Downtown buildings

- Council's Built Environment Unit (BEU) have engaged with the design process being carried out by Precinct Properties
- A brief by BEU highlights public good outcomes and as a result of the under-performing of Queen Elizabeth Square suggests it should be considered in the master planning of the blocks redevelopment
- Early ideas identified a number of crucial co-dependencies with public access lanes, public transport and building heights that require Council involvement

DEVELOPMENT BRIEF

Downtown Shopping Centre Block Redevelopment



Auckland Waterfront 1840's

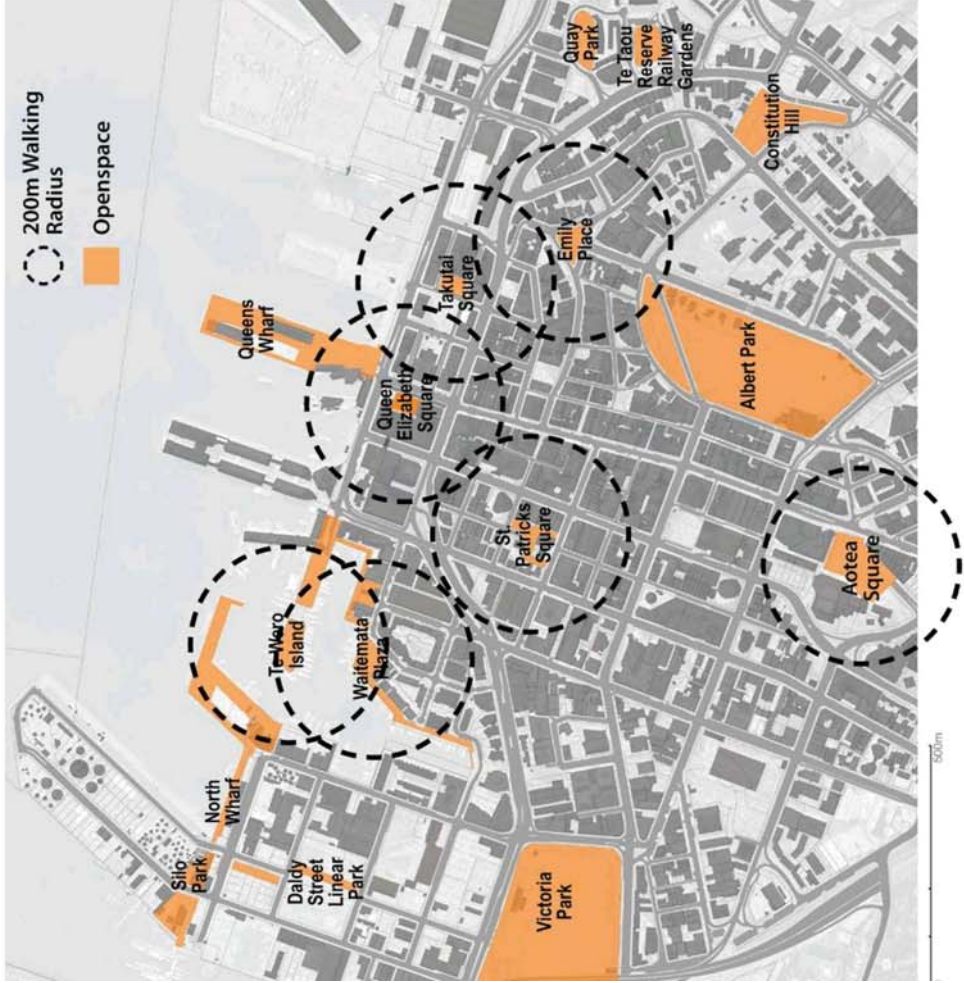
WHAT'S IMPORTANT FOR MANA WHENUA

- Reviving names and cultural narratives from the area
- Remediating land and water quality
- Natural environments - connection to atua tāne and tangaroa
- Artistic / design treatments which bring names and narratives to life
- A living presence - a place where mana whenua can gather, welcome visitors and celebrate their connection to the area

- Historic relationships between mana whenua and the central downtown area have been largely extinguished
- Significant opportunity for re-engagement and to establish mana whenua presence and expression

MANA WHENUA

Values and Aspirations



Increasing Population

	2013	Projected by 2030
Residents in the city	29,000 ^{1.}	42,000
Students in the city	3,000 TBC	TBC
Workers in the city daily	68,562 ^{1.}	128,000
Tourists in the city daily	12,000 TBC	TBC

^{1.} Statistics New Zealand Census 2013
^{2.} Auckland Regional Transport, Model Scenario 18b

RECREATIONAL NEEDS SURVEY 2009*

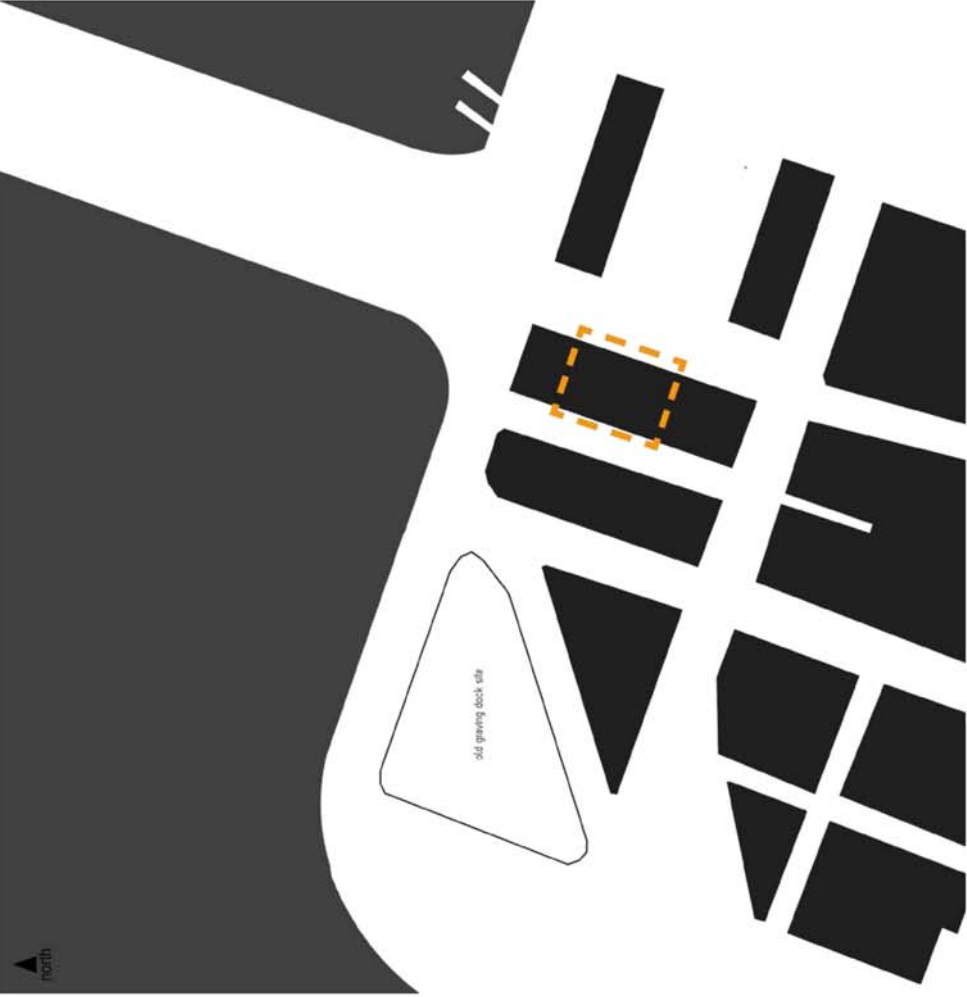
They want...

- More open space
- Playgrounds
- Additional facilities
- Safer access
- Places to gather & enjoy events
- Stronger connections to water

* Sport and Recreation in the City Centre - Understanding Needs and Identifying Barriers and Gaps in Provision, Auckland City Council, November 2009

- Historically the provision of public open space has not been planned and currently it is under provided
- There is an increasing inner city population and tourist numbers
- Surveys reveal strong demand for a range of additional facilities

RECREATION NEEDS



1870: Existing Development and Streets

- Building Footprint
- Public Space
- Location of present day Queen Elizabeth Square

1870 - 1909 Waterfront



Late 1800's - Queens Wharf Promenade



The lower end of Queen Street from the harbour front 1909

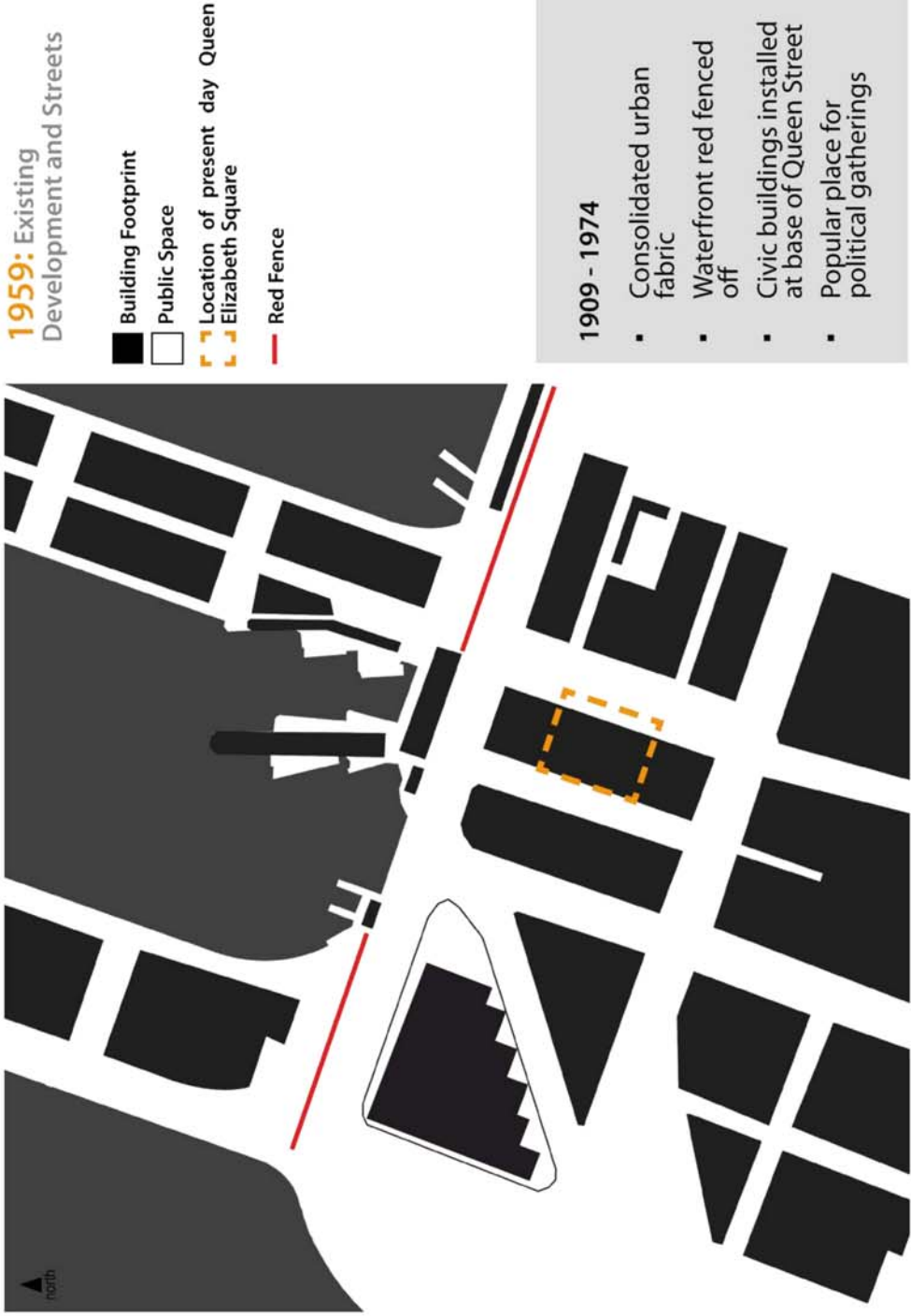
(Source: 1909 Photo AWNS-19090603-7-1; www.aucklandcity.govt.nz, Auckland Council Heritage Images Online)

1870 - 1909

- Open and busy waterfront district
- Interface of Queens Wharf and Queen Street

- This area has been through continual change
- Current situation is a result of dynamic historical development
- Waterfront open for public use as well as maritime activities
- Queen Elizabeth Square site reclaimed land as part of a city block with Queen Street on one side and a public lane (Little Queen Street) on the other

1870 - 1909 Historical Transition of Queen Elizabeth Square



1909 - 1974 Street System



Site of Queen Elizabeth Square
1970's

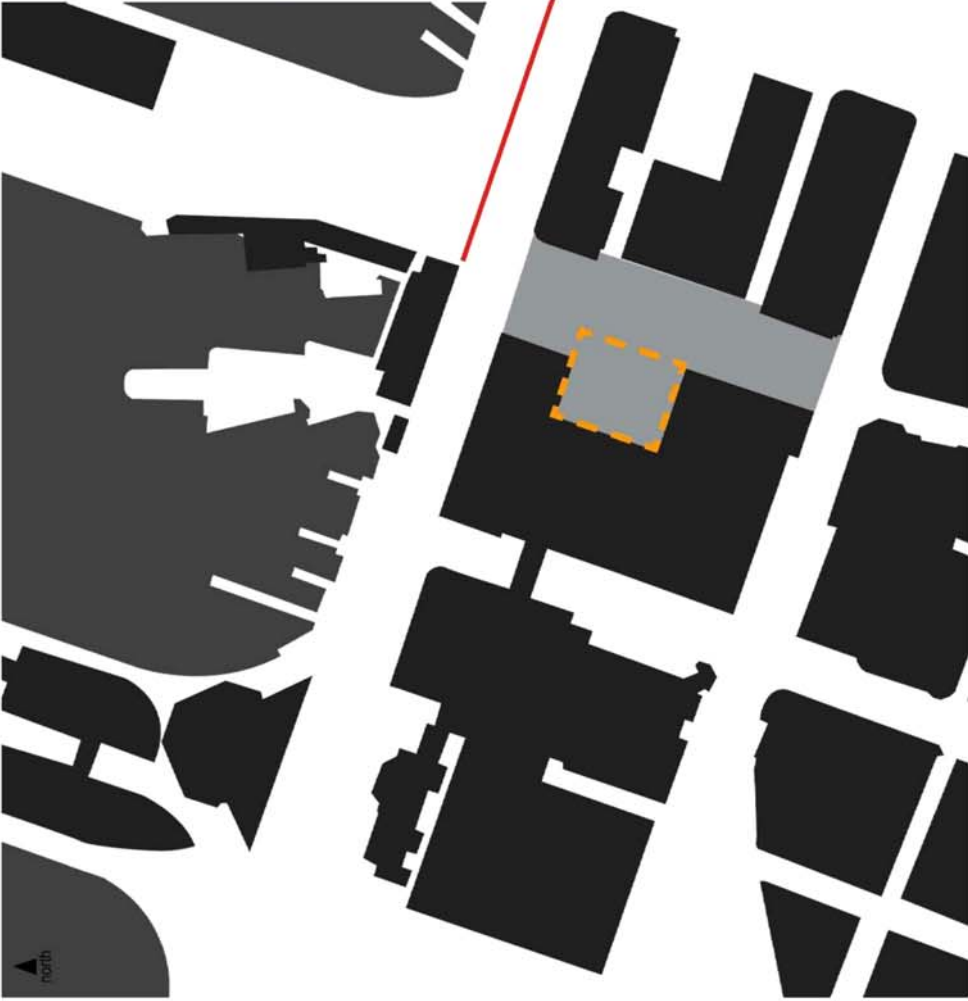


Harbour Edge 1966
(Source: 1966 NZ Map 2055 www.aucklandcity.govt.nz, Auckland Council Heritage Images Online)

- Beginning of twentieth century huge changes with mechanisation and consolidation of Port
- Public excluded for safety and security reasons, red fence constructed
- Several key public buildings built reinforced the civic nature of the precinct

1909 - 1974

Historical Transition of Queen Elizabeth Square



2001: Post 1980 opening of Queen Elizabeth Square, existing surrounding developments and streets

- Building Footprint
- Pedestrian space
- Location of present day Queen Elizabeth Square
- Red Fence

1974 - 2003

- Modernist commercial redevelopment
- Based on a stand alone tower block and plaza model
- Little Queen Street removed and Queen Elizabeth Square created as compensation
- Lower Queen Street amalgamated to form larger pedestrian space
- Limited access to waterfront

1974 - 2003

1965 Tower Block - no controls



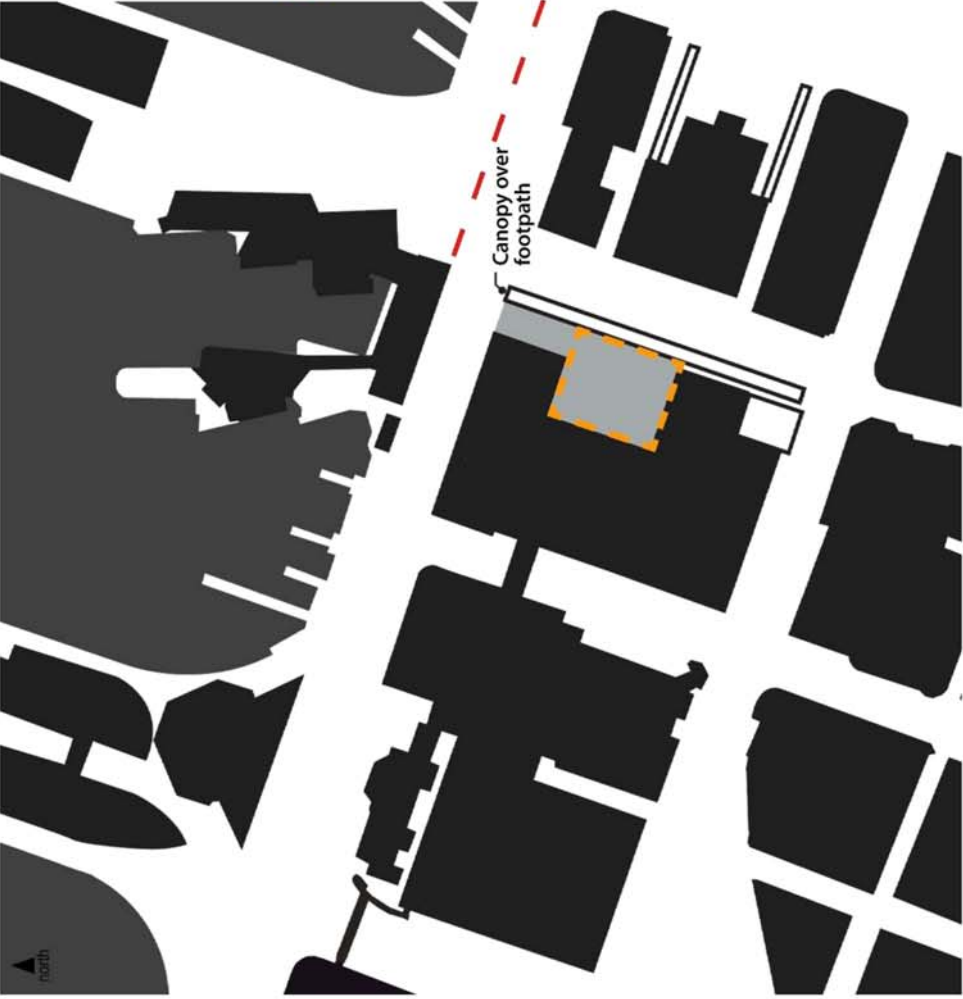
Queen Elizabeth Square 1980's
(Source: Auckland Council Heritage Images Online)



Modernist Conception - Early 1970's
(Source: Auckland Council Archives, Central Library)

- 1960's - 1970's comprehensive redevelopment ended up in tower block
- Removed the fine grain fabric including Little Queen Street and more height provisions allowed a plaza space at the foot of the tower
- 1980's saw the pedestrianisation of larger space a compensation for lack of access to waterfront

1974 - 2003 Historical Transition of Queen Elizabeth Square



2010 Present: Post
2004 Britomart Transport
Centre development

- Building Footprint
- Pedestrian space
- Location of present day Queen Elizabeth Square
- Red Fence

2003 Transport Scheme



Lower Queen Street 2014

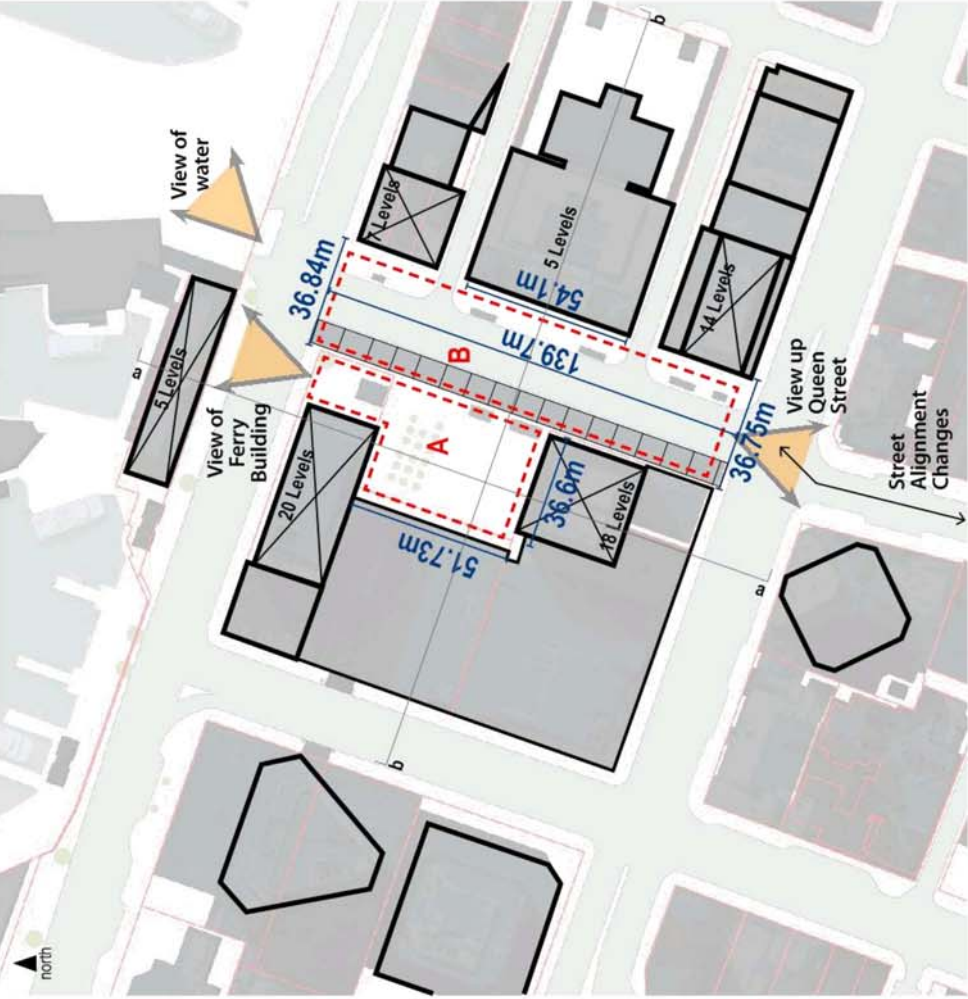


2003 - present

- Lower Queen Street lost to busway
- Long tall canopy divides space
- Queen Elizabeth Square a residual space empty except for a small kauri grove and a flaming rock
- Increased access to the waterfront and the Queens Wharf red fence is down

2003 - Historical Transition of Queen Elizabeth Square

- The last ten years brought more changes
- More access to waterfront but Queen Elizabeth Square and Lower Queen Street Spaces have been separated by a long high canopy



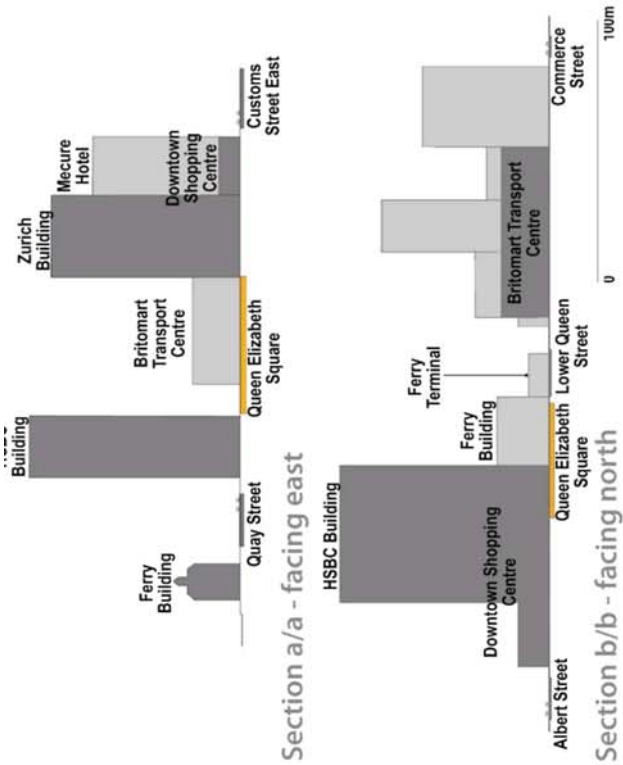
- Queen Elizabeth Square is dominated by imposing tower blocks
- Queen Elizabeth Square is largely cut off from lower Queen Street and the nearby waterfront

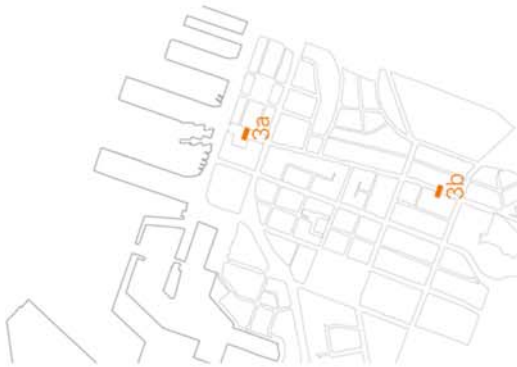
SPATIAL ATTRIBUTES

Queen Elizabeth Square

SUMMARY

- Straddles two blocks
- Two main spaces divided by canopy, A and B
- Linear Lower Queen Street
- Queen Elizabeth Square forecourt
- Highly enclosed by taller buildings
- Opening to Quay Street - some clutter

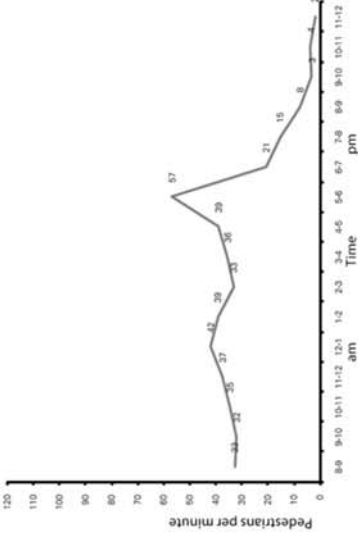
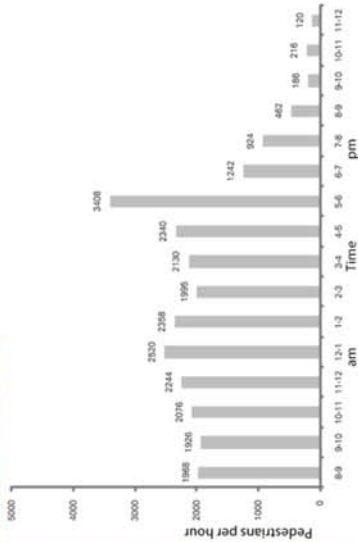




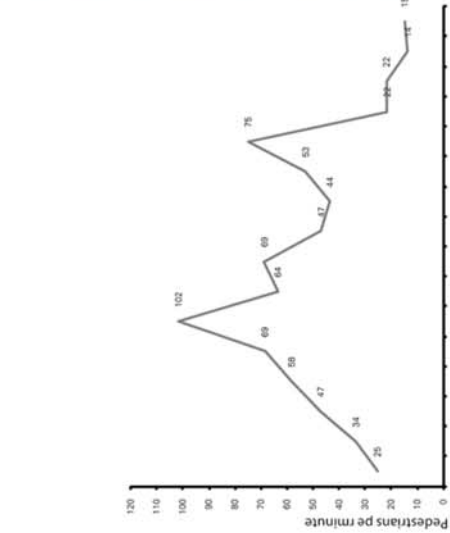
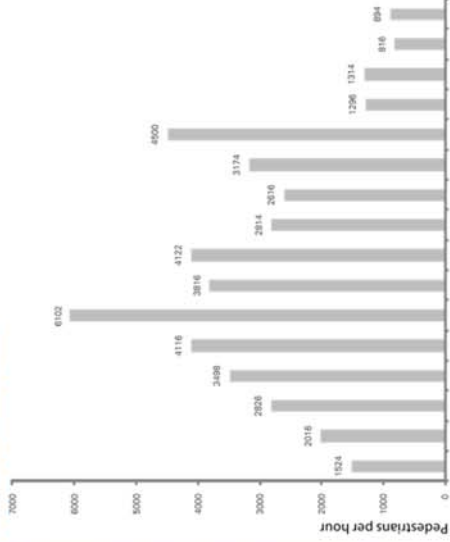
Pedestrian Traffic - Weekday undertaken by Gehl Architects

Pedestrian traffic counted on Thursday the 4th of March and Wednesday the 19th of May. Weather: mild 17-22°C

3a. Queen Street (a)



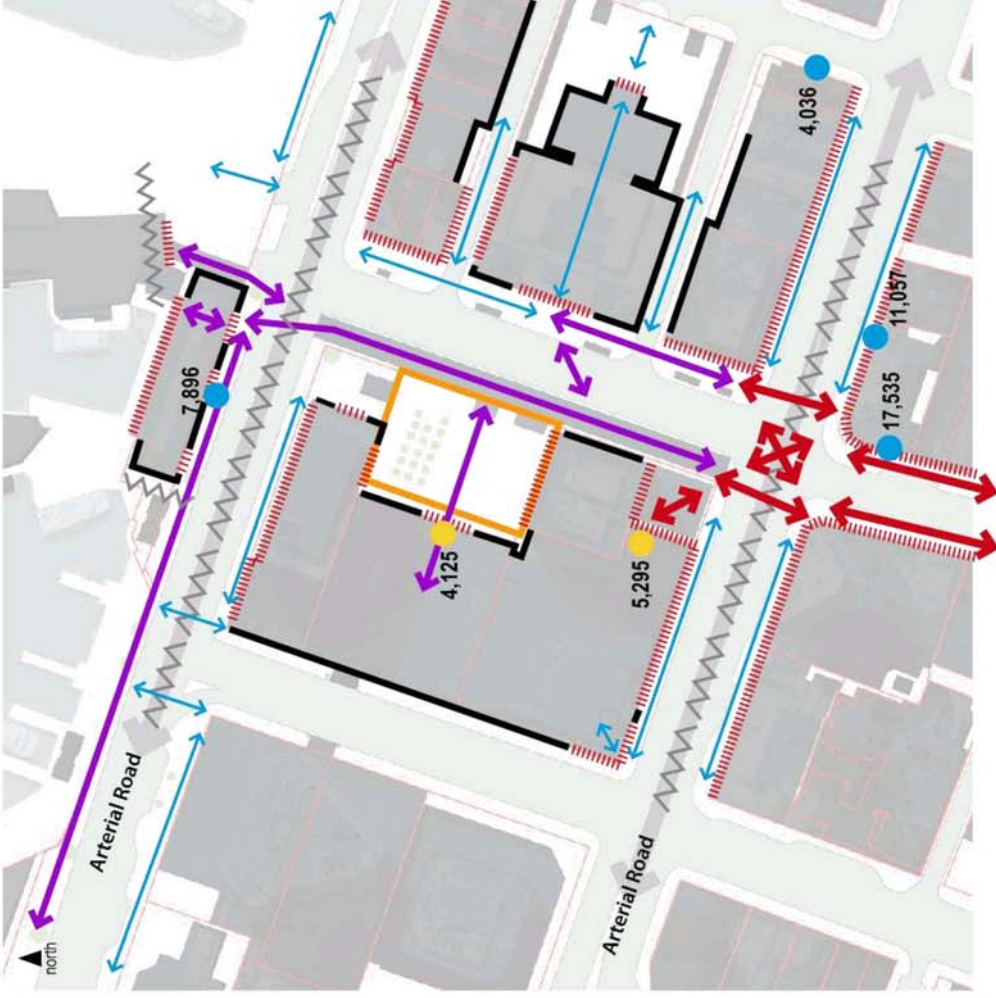
3b. Queen Street (b)



- Survey shows slow build up during day with peak at 5 to 6 pm - exiting work time
- Very little traffic after hours
- Compared with mid Queen Street the characteristics are of a thoroughfare for commuters

PEDESTRIAN STUDY 2010

Gehl Architects



- ➔ Pedestrians - High
15,000 - 20,000 (average per day)
- ➔ Pedestrians - Medium
11,000 - 15,000 (average per day)
- ➔ Pedestrians - Low
5 - 10,000 (average per day)
- Solid Wall
- ⋯ Entries
- ⋈ Barriers

● Pedestrian count - average daily pedestrian activity over 24 hours (July to August 2014)*
*Heart of the City, Pedestrians in the City, Pedestrian Count System

● Downtown Shopping Centre Door Count - average daily totals, June 2013 to May 2014

□ Queen Elizabeth Square

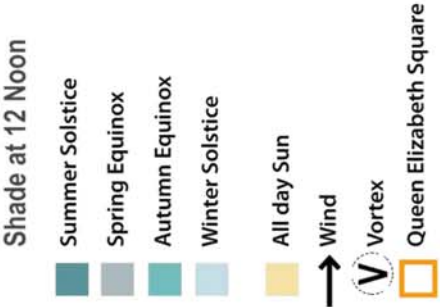
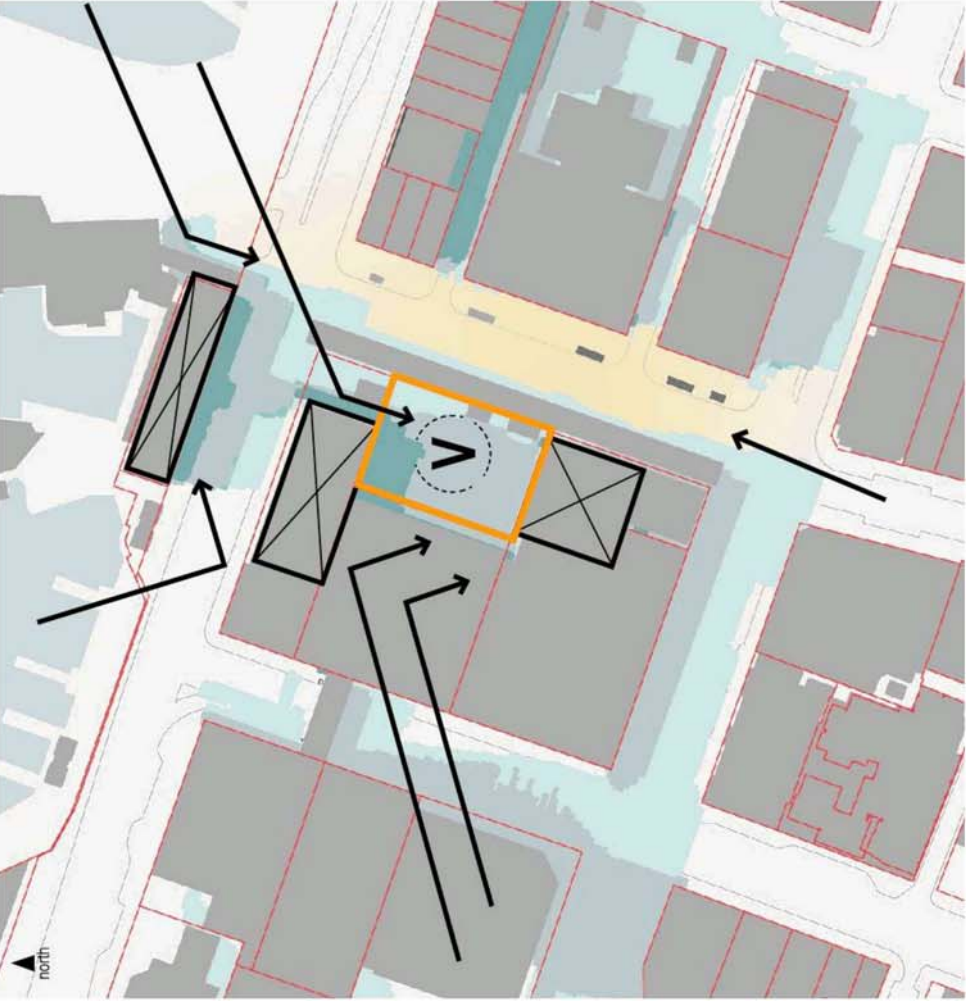
SUMMARY

- Few records and monitoring points for pedestrian numbers in the area
- Big numbers drop dramatically going north
- Desire line to ferry
- Mall corner entry takes large numbers
- Limited entries around
- Space is isolated by arterial roads and subdivided by busway

MOVEMENT AND ACCESS ATTRIBUTES

Queen Elizabeth Square

- Queen Elizabeth Square is not as well used as adjacent Queen Street
- Main pedestrian movement is linear from city to the ferry terminal
- There are several breaks as the movement pattern becomes dispersed



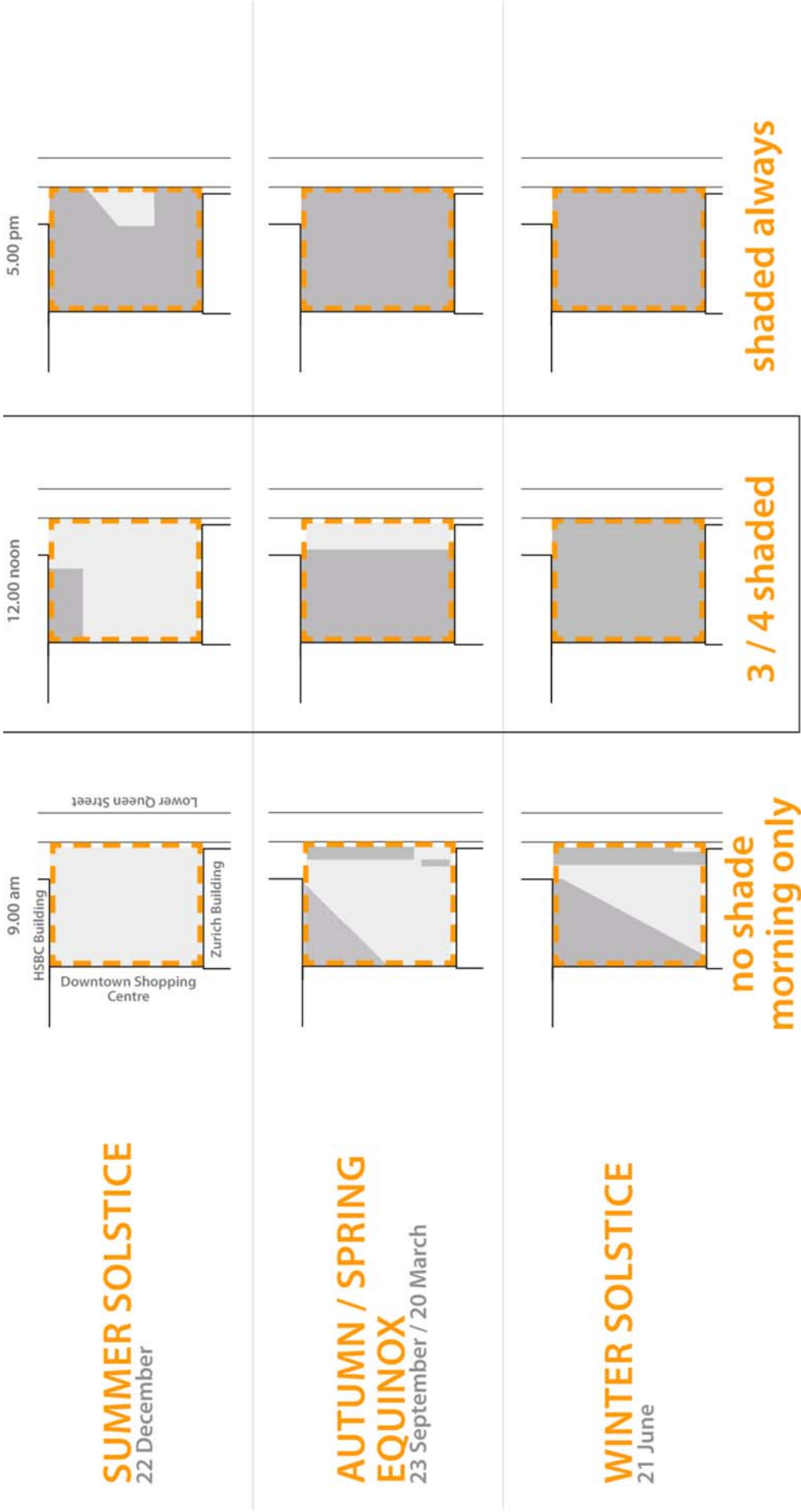
SUMMARY

- Queen Elizabeth Square is in shade most of the year and is subject to strong localised winds.
- Queen Elizabeth Square is an uncomfortable space

- Queen Elizabeth Square is not climatically comfortable, there is sun in the early morning but at the crucial lunchtime and evening times most of the year the space is in shade
- In addition there is localised wind turbulence caused by wind shear of adjacent buildings
- Lower Queen Street enjoys all day sun and less wind

ENVIRONMENT ATTRIBUTES

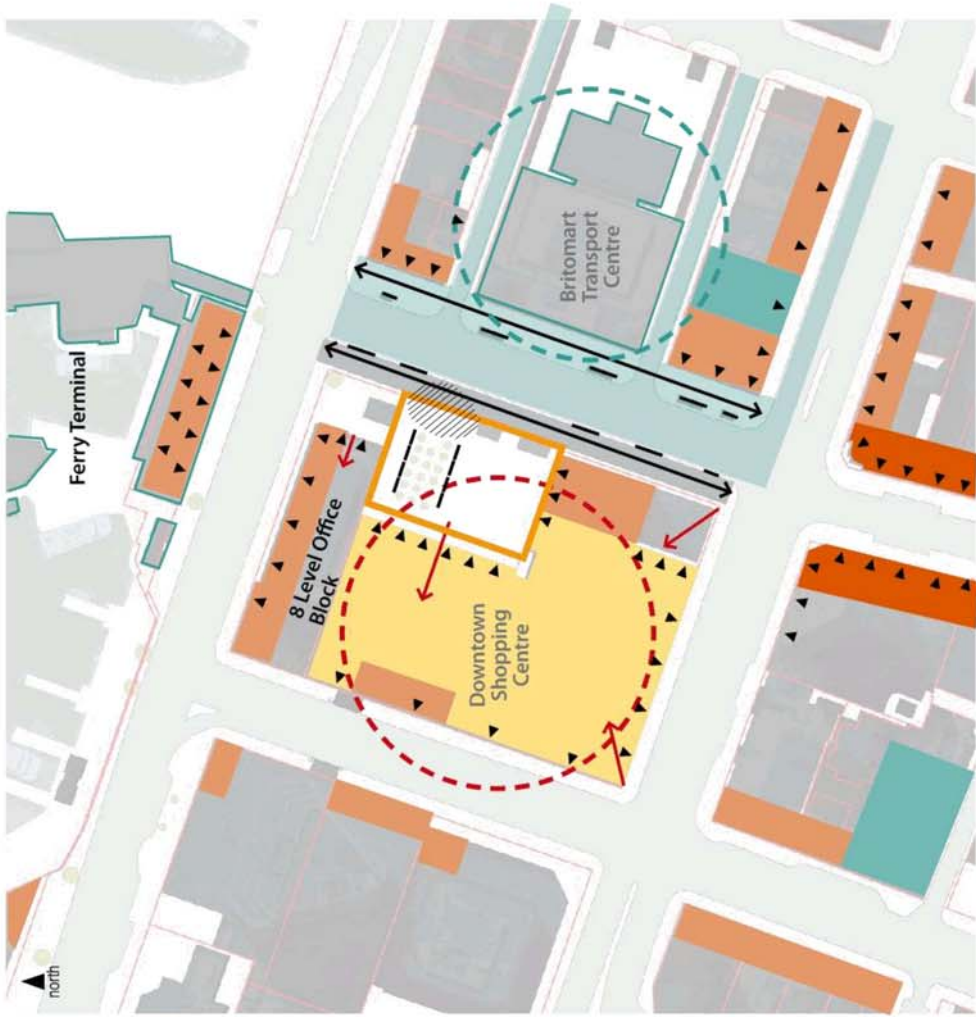
Queen Elizabeth Square



- Only 25% of the year the space is sunny during the important lunchtime period
- The north facing wall of the Zurich building receives sun during the year round
- Overall the space is very shady

SHADE

Queen Elizabeth Square



High end Retail (\$2500 - \$3000/m²)
Mid to low level retail (\$500 - \$700/m²)
Convenience / food and beverage

Shopping Centre

Hotel

Office

Queen Elizabeth Square

Public Demonstration Gathering Area

Entry Point

Transport

Bus Movement Zone

Anchors

Thoroughfare

Seating

Active Edge

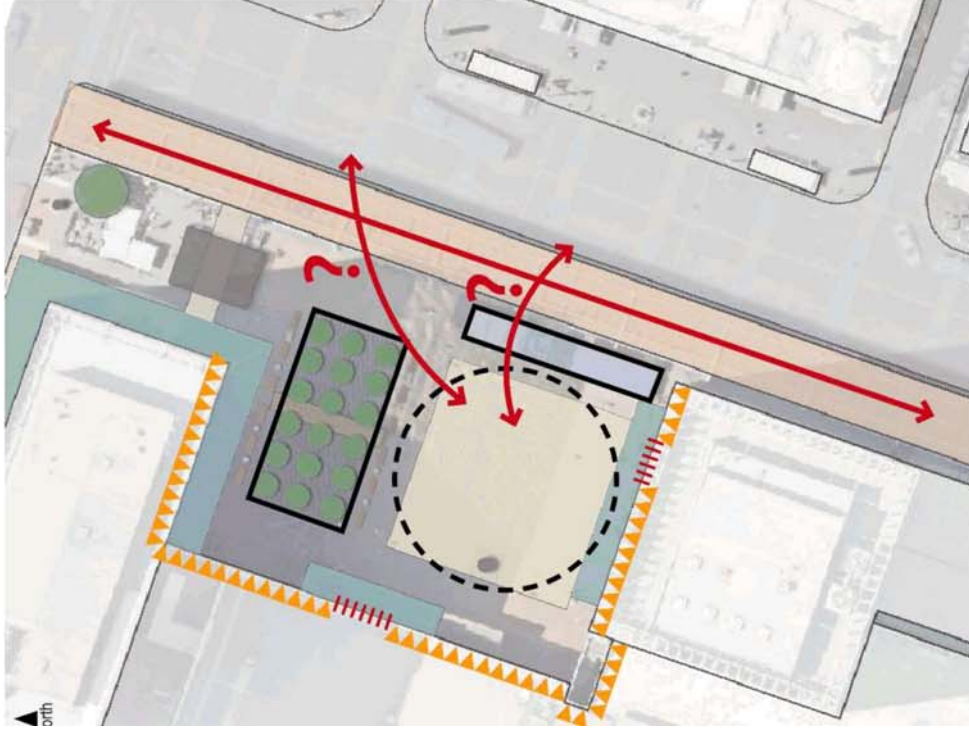
SUMMARY

- There are two adjacent anchors, one retail and the other transport
- Mainly functions as a thoroughfare
- Mall gathering area
- Weak retail around edges
- Little after hours activity
- Big drop off from activity and retail in Queen Street

- Activity wise the Queen Elizabeth Square space shows potential but is not currently performing well in relation to adjacent areas such as Queen Street and Britomart
- Poor and non-continuous active edges
- Poor fragmented gathering spaces

ACTIVITY ATTRIBUTES

Queen Elizabeth Square / Lower Queen Street



- There is some value to Queen Elizabeth Square but it is not of high quality in terms of use or public regard
- Suffers from fundamental flaws - spatially enclosed and uncomfortable

ANALYSIS CONCLUSION

Queen Elizabeth Square

SITE ATTRIBUTES

Positive elements

- Adjacent to Lower Queen Street
- En-route between city and waterfront
- 1900m² Sizeable space
- Opposite CPO / Britomart Transport Centre
- Close to waterfront

Negative elements

- Residual space acts as a forecourt to the Mall
- Creates a gap in the city harbour link
- Few facilities
- Poor environment - windy and shady
- Cut off and subdivided
- Poor link to Waterfront
- Not good gathering civic space
- Currently a failed space
- More a retail forecourt than a civic or recreational space
- Related to varying public access to the waterfront



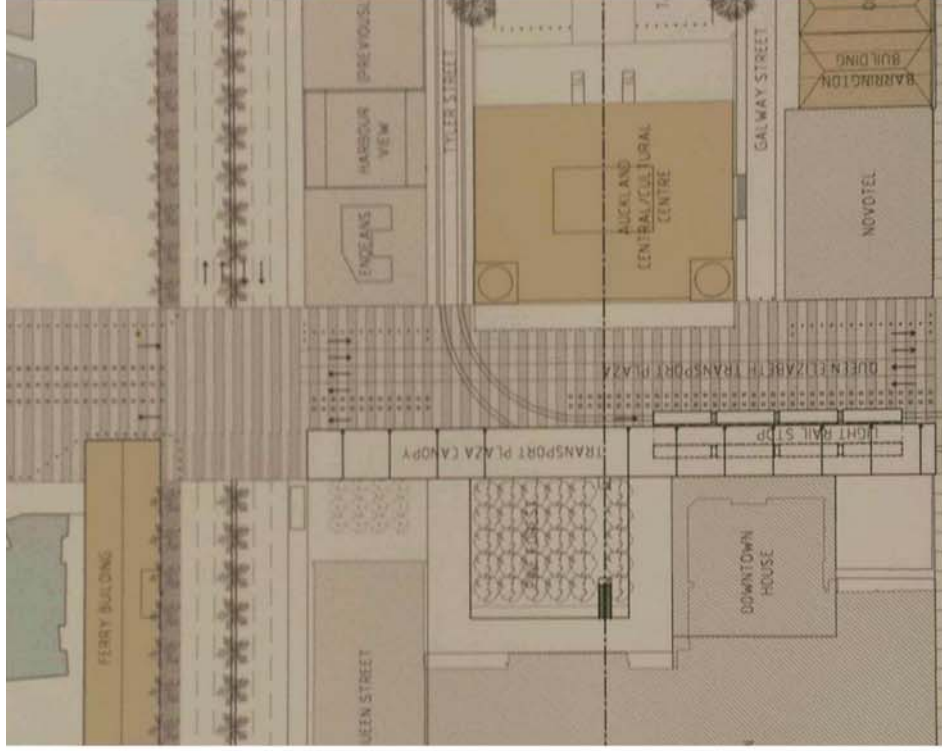
Only used as a thoroughfare



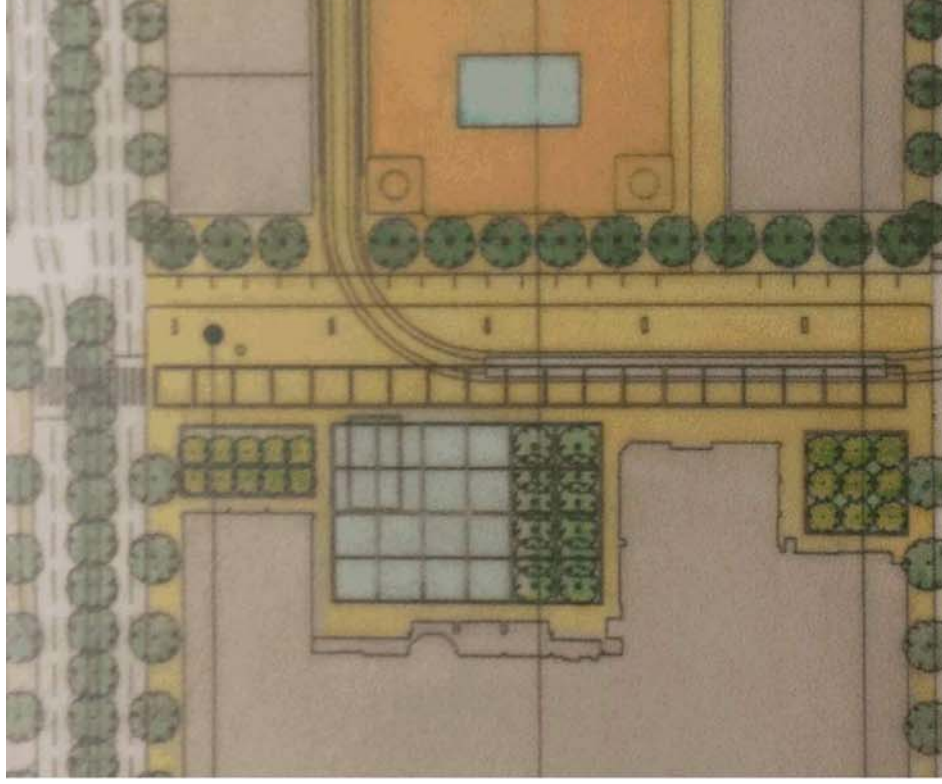
Lack of edge activation with mall side entrance and busway



Unfriendly and shared space



Courtyard

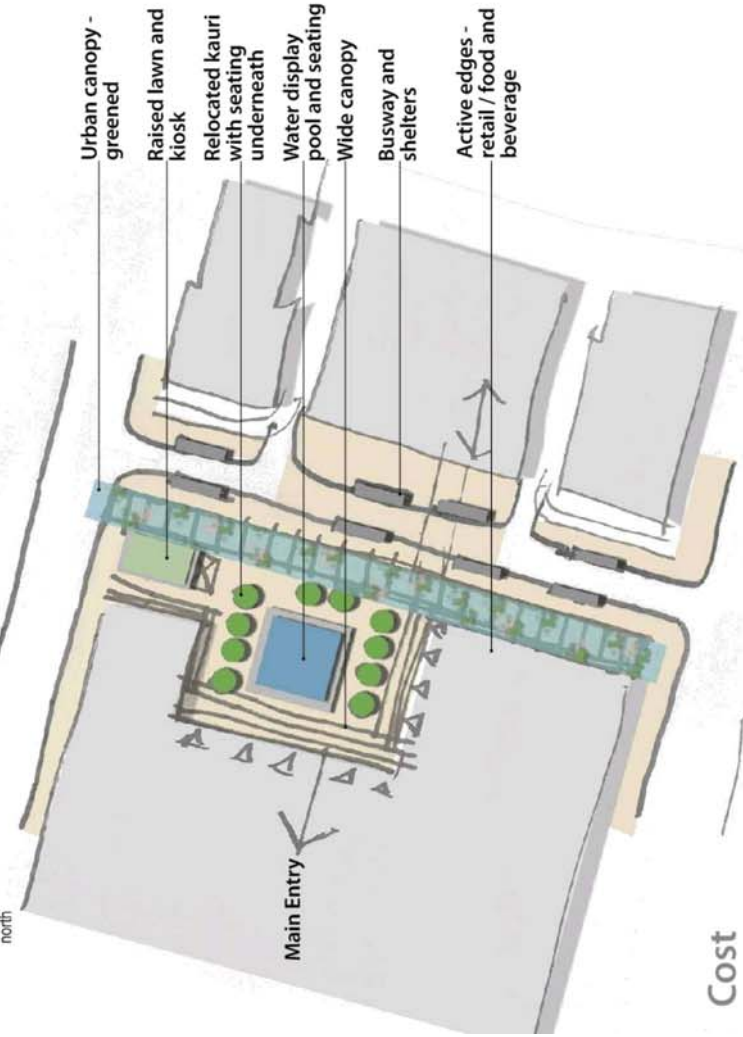


Canopy

- Major international design competition held for Britomart and Queen Elizabeth Square areas held in 2000
- Of the seven finalists there were two dominant approaches for Queen Elizabeth Square, one creating a courtyard and the other in filling with a canopy

DESIGN IDEAS

Entries from 2000 Design Competition



Cost	
Courtyard Pool	1m
Paving	1m
Retrofit Canopy	200k
Lighting	500k
<hr/>	
	3.5m

PROS

- Provides internal interest
 - More seating
 - Minimal cost
- ## CONS
- Little additional use or activity
 - Buses left in Lower Queen Street
 - Still a retail forecourt
 - Two separate spaces
 - Not a space that mana whenua can welcome visitors

OPTION A - Courtyard

- Internal courtyard
- Waterplay central feature - kinetic and colourful
- Activated edges
- Kauri trees relocated to frame space
- Retained urban canopy - add hanging plants and climbers

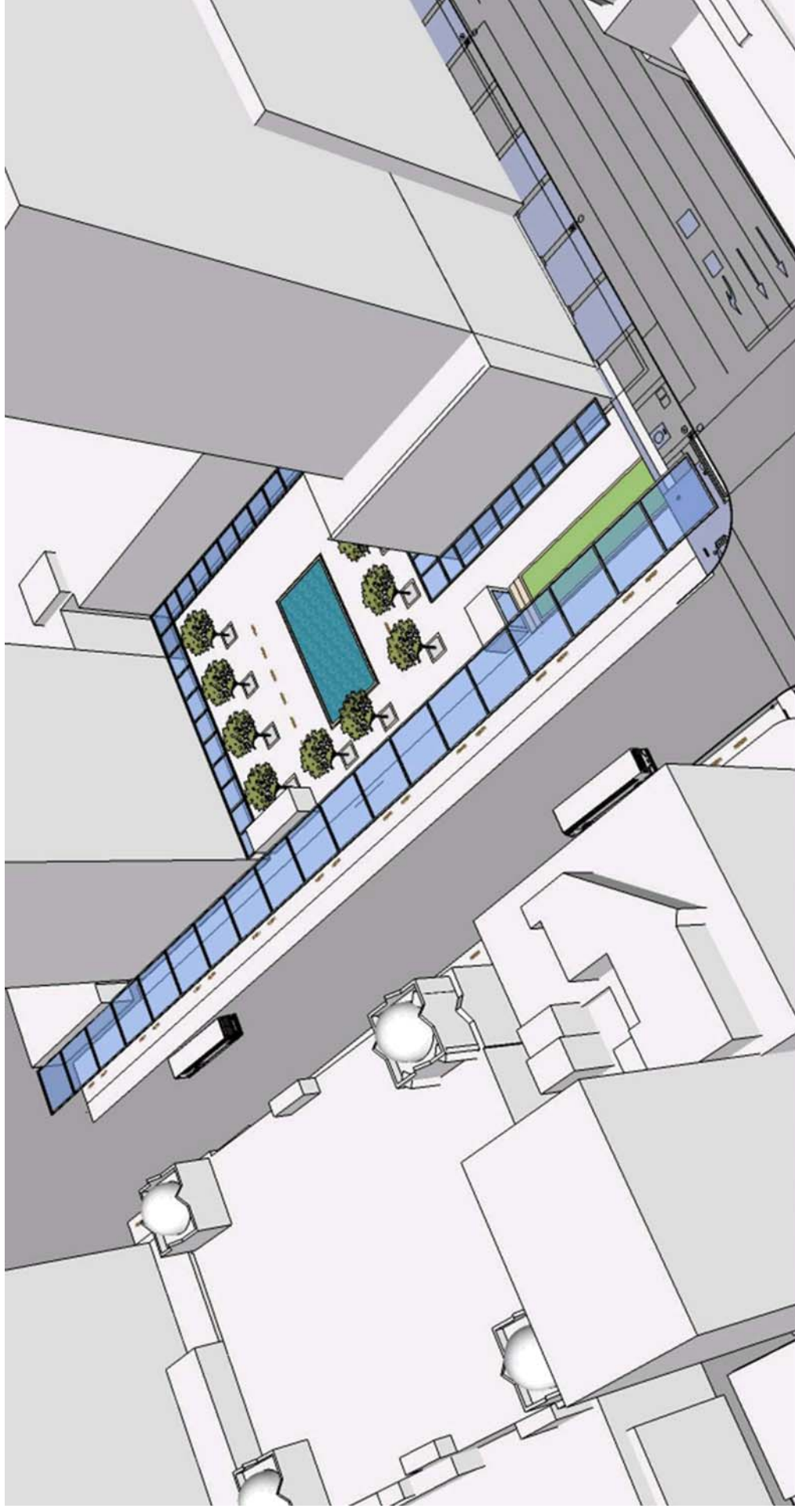


- There are some improvements that could lift current absence of use
- Re-arrange layout to create central interest and provide continuous shelter and activity around the edge
- Results would not be a dramatic improvement

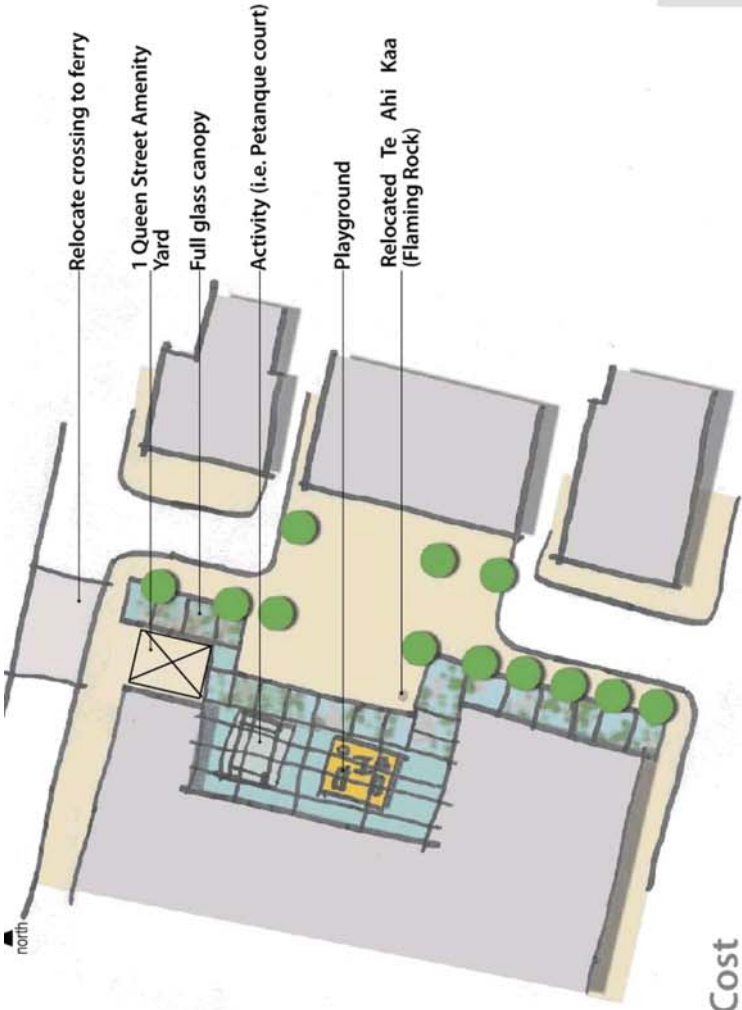
QUEEN ELIZABETH SQUARE

ENHANCED

Option A Courtyard



QUEEN ELIZABETH SQUARE ENHANCED Option A Courtyard



Cost	
Canopy	5m
Terraces	500k
Paving	1m
Features	500k
Lighting	500k
7.5m	

PROS

- Larger gathering space
- Full canopy provides shelter
- Greater foot traffic through space
- Activity generators
- Bus movement restricted to Tyler Street and Galway Street

CONS

- Not a direct route - weaker link
- Canopy area part of Mall, not true open space
- Sizeable expense
- Not an appropriate space for mana whenua to welcome visitors

OPTION B - ATRIUM

- Connecting canopy realigned
- Frames central paved square
- Entry garden edges square
- Activity generators Queen Elizabeth Square eg playground



QUEEN ELIZABETH SQUARE ENHANCED

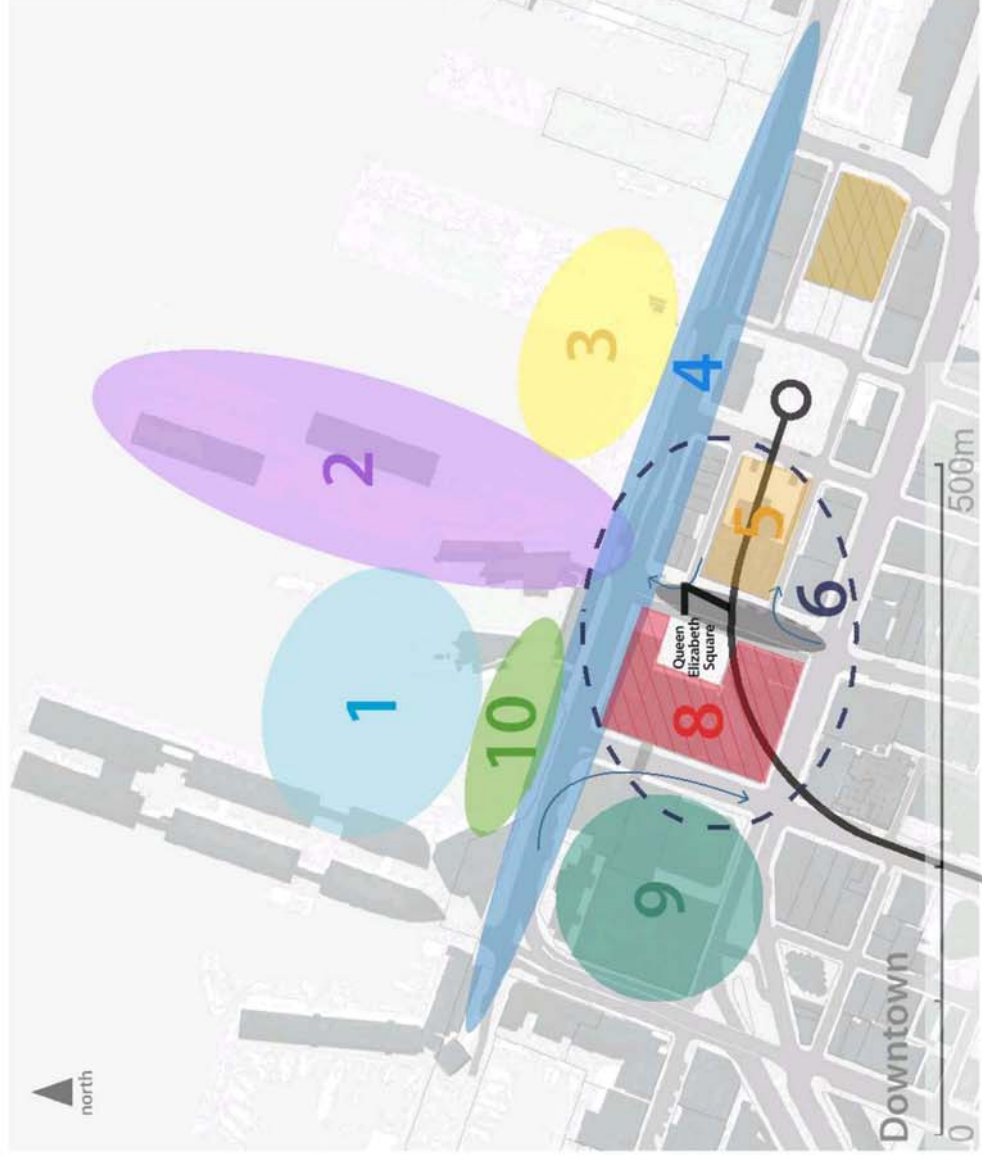
Option B Atrium and Civic Space

- With more expense a covered glazed roof could address the wind issue and added activity generators could introduce greater length of stay of recreational use
- Atrium space would become more of a retail forecourt
- Weak link along Lower Queen Street



QUEEN ELIZABETH SQUARE ENHANCED

Option B Atrium and Civic Space



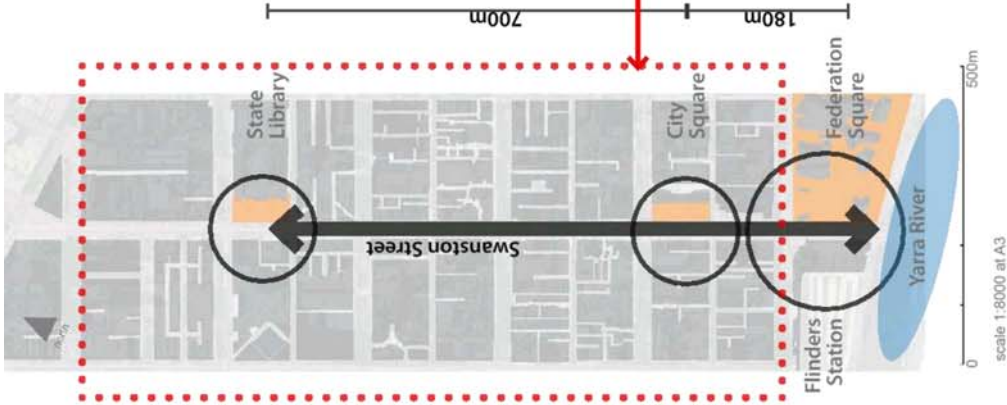
- 1 Ferry Basin
- 2 Queens Wharf
- 3 Admiralty Steps
- 4 Quay Street
- 5 Britomart
- 6 Public Transport Hub
- 7 CRL & Lower Queen Street
- 8 Downtown Shopping Mall
- 9 Lower Hobson Street
- 10 Lower Albert Street

- Currently in the downtown area there is massive amount of comprehensive redevelopment
- Nothing specifically considered for Queen Elizabeth Square which is in the centre of the downtown area?
- Strategic relationships and fit should be a major focus for best joined up outcomes

DOWNTOWN CONTEXT Opportunity & Change in Vicinity

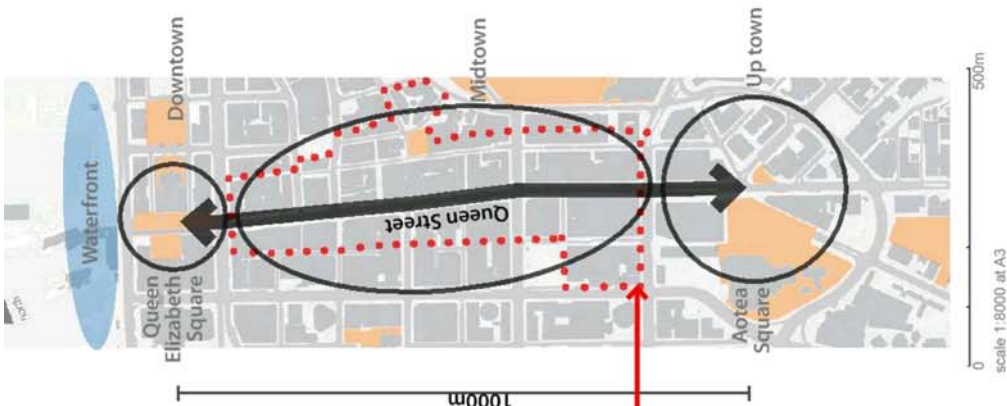
MELBOURNE CITY

- Series of linear parks along Swanston Street
- Flinders Station addresses street
- Recent creation Federal Square
- Wider premium retail
- Open spaces on the sunny side (i.e. eastern afternoon sun)



AUCKLAND CITY

- The linear Queen Street Gully (north/south)
- Very narrow intensity - 1 block deep
- Three parts - up town / downtown / waterfront
- Two civic space ends - Aotea and Queen Elizabeth Square
- Tall enclosure much shade
- Major water body



- High quality open space is a critical part of a successful urban fabric
- Auckland's fabric is strongly structured along the Queen Street axis which runs out to the Waitemata
- Historically the spine/axis is anchored by civic open space both ends

OPEN SPACE AND URBAN FABRIC

International Comparisons



Based on Gehl Architects, Urban Quality Consultants. Auckland Public Life Survey, July 2010. Pg 40

- The picture of open space currently is not one of a strongly coherent element
- Huge potential for more varied, greater volume and more coherence and connectivity
- Since 2000 there has been more open space added e.g. Wynyard Quarter and Britomart
- More to come in areas such as Queens Wharf



The open spaces are mostly used for sitting
55%
of recorded activities between 12 pm and 4 pm on a weekday involve sitting

Gehl Architects, Urban Quality Consultants.
Auckland Public Life Survey, July 2010. Pg 41

SNAPSHOT

1. Lack of diversity & hierarchy - very little variation in use
2. Poor provision of open spaces, particularly urban spaces - quality and quantity
3. Fragmented public space network - poorly connected

WHAT WE HAVE

Downtown Public Space



arks - Auckland Design Manual, 2013

Open Space Relevant to Downtown:

CIVIC SPACE



Aotea Square, Auckland

Public squares and plazas typical found in urban areas or town centres, which support a variety of activities, gatherings and events.

INFORMAL RECREATIONAL SPACE



Judges Bay, Auckland

Flexible spaces enjoyed for informal recreation, typical features include: flat grassy open spaces, beaches, play spaces or picnic areas.

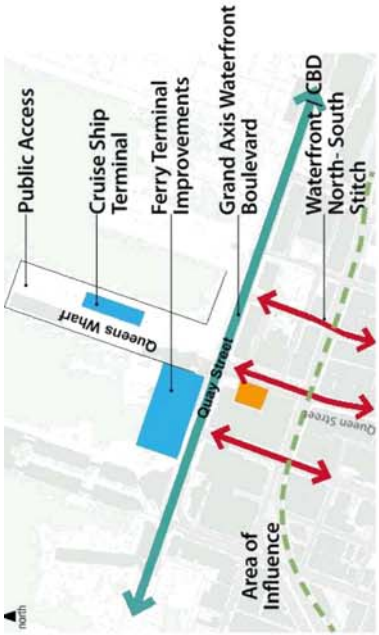
- Auckland Council has begun creating methods to deliver quality spaces
- Using the Auckland Design Manual (ADM) open space guidance, two types are the most relevant in the downtown area: civic gathering and informal recreational spaces

AUCKLAND DESIGN MANUAL

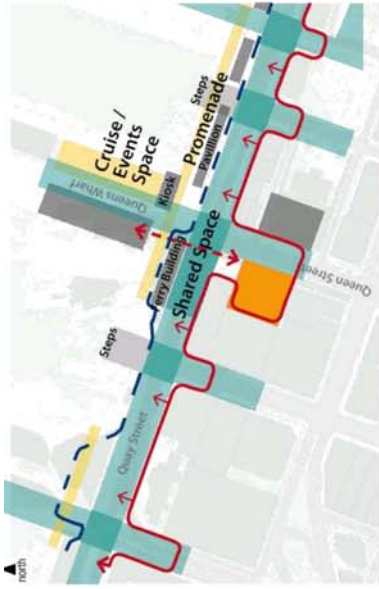
Open Space Guidelines 2013

Downtown Public Space Options Evaluation

Page 76

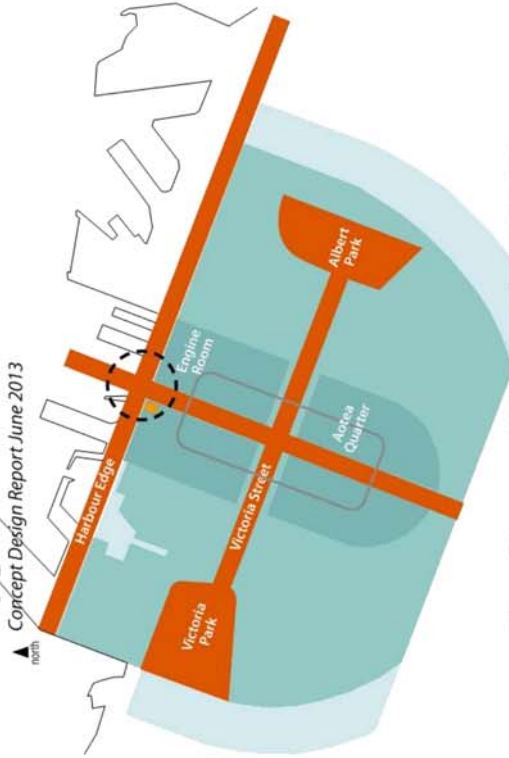


Auckland Waterfront Plan 2011

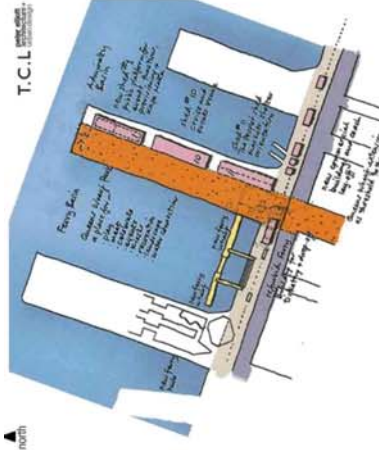


Harbour Edge: Quay Street Upgrade

Concept Design Report June 2013



City Centre Masterplan 2012



Queens Wharf Upgrade





Queens Wharf - Peter Elliott Architecture and Urban Design 2014

- Council strategies all underline the importance of the north-south stitch, Queen Street the most dominant
- Currently Queen Elizabeth Square does not reinforce this junction
- The east west harbour edge axis is a critical component

Open Space Types

CIVIC

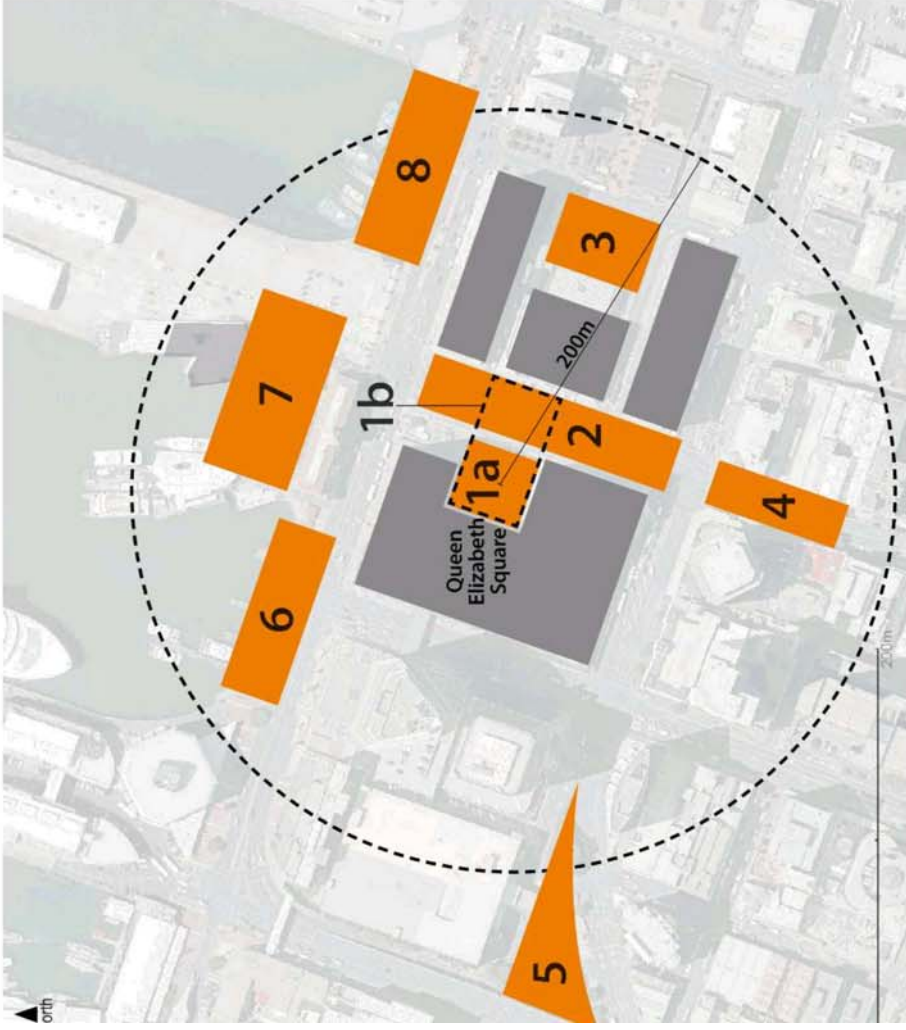
INFORMAL
RECREATION

connect	<ul style="list-style-type: none">On busy routes and at significant sites	<ul style="list-style-type: none">Very accessible	
enjoy	<ul style="list-style-type: none">Large space for events, gathering and ceremoniesComfortable and safe	<ul style="list-style-type: none">Multi functional from play to walkingGood views	
treasure	<ul style="list-style-type: none">Strong identity and heritageCommunity facilities	<ul style="list-style-type: none">Sheltered and sunnyLocate near amenities especially water	
utilise	<ul style="list-style-type: none">Cater for pedestriansActive edges and extended hours	<ul style="list-style-type: none">Cater for range of users	

ADM Principals

- From the ADM there are several basic design principles that should be the considered in the planning of open space in the downtown area

EVALUATION CRITERIA



POSSIBLE OPEN SPACES WITHIN A BLOCK OF QUEEN ELIZABETH SQUARE:

- 1a Queen Elizabeth Square (enhanced)
- 1b Queen Elizabeth Square (enhanced) and Civic Space in front of CPO Building
- 2 Lower Queen Street
- 3 Extension to Takutai Square and Te Ara Tahuhu Walkway
- 4 Queen Street - pedestrian space (Customs Street to Fort Street)
- 5 Lower Hobson Street (re configured)
- 6 Lower Albert Street Landing
- 7 Queens Landing
- 8 Admiralty Steps Landing

- Difficult to create new space in the densely developed area
- Looked at all viable possibilities within a couple of blocks from the site - there are eight possible sites

ALTERNATIVE SPACES to Queen Elizabeth Square

Possible open spaces within a block of Queen Elizabeth Square

ADM Principles - Evaluation Criteria		1a	1b	2	3	4	5	6	7	8
Civic	On busy routes and at significant sites	2	2	3	1	3	2	3	3	3
	Large space for events, gathering and ceremonies	1	3	3	1	1	1	2	2	3
	Comfortable and safe	2	3	3	2	2	1	3	3	3
	Strong identity and heritage	1	3	3	1	3	1	3	3	3
	Community facilities	1	3	3	1	2	1	2	2	3
	Cater for pedestrians	2	3	3	2	3	2	2	2	2
	Active edges and extended hours	1	2	3	1	3	1	2	2	2
	Subtotal	10	19	21	9	17	9	17	17	19
Informal Recreation	Very accessible	2	2	3	2	3	2	3	3	3
	Multi functional from play to walking	1	1	1	1	1	1	2	2	3
	Good views	1	1	2	1	1	1	3	3	3
	Sheltered and sunny	1	1	3	2	2	1	3	3	3
	Locate near amenities especially water	2	2	1	1	1	1	3	3	3
	Cater for range of users	2	2	2	1	1	1	2	2	3
	Subtotal	9	9	12	8	9	7	16	16	18
GRAND TOTAL		19	28	33	17	26	16	33	33	37

1 Low
2 Medium
3 High

- Applying the ADM planning principles to the 8 spaces
- Even in the enhanced Queen Elizabeth Square version the space only rates half of total possible score
- Lower Queen Street clearly rates the highest as a civic gathering space
- The nearby waterfront space rates highly as informal recreational space

ATTRIBUTE ASSESSMENT

ANALYSIS OF QE SQUARE AND WATERFRONT PUBLIC SPACE OPTIONS

Mana / Rangatiratanga:

The existing Queen Elizabeth Square space lacks the capacity for Mana whenua to exercise their kaitiaki and manaakitanga roles and responsibilities while a waterfront space (in particular the Admiralty basin) is well suited to welcoming and hosting visitors at the maritime gateway to the city. A waterfront space also enables local Iwi to enhance their waka culture activities as mana whenua and mana manā.

Whakapapa / Names and Naming:

The development of a new public space on the waterfront offers the opportunity for mana whenua ancestral names and cultural narratives associated with the area to be celebrated in the names of the new spaces.

Tohu:

As a largely enclosed public space Queen Elizabeth Square lacks connections to critical natural features and landmarks whereas the Admiralty basin in particular links strongly to the Waitematā, Takarunga (Mt Victoria) Maunga a Uika (North Head), Rangitoto and to many other significant mana whenua landmarks.

Mauri tā:

A new public space on the downtown waterfront and a renewed physical connection to the Waitematā allows for a stronger mana whenua focus on water quality. As kaitiaki with a physical base at the downtown waterfront area, mana whenua will be more readily able to monitor, support and encourage efforts to enhance the water quality of the inner harbour.

Taiao:

A new public space on the Downtown Waterfront offers significant opportunities for mana whenua to be involved in naturalising both the harbour edge and wharf areas with locally significant materials and plantings which will encourage native bird and marine life and enhance the attractiveness of this public space for all users.

Toi:

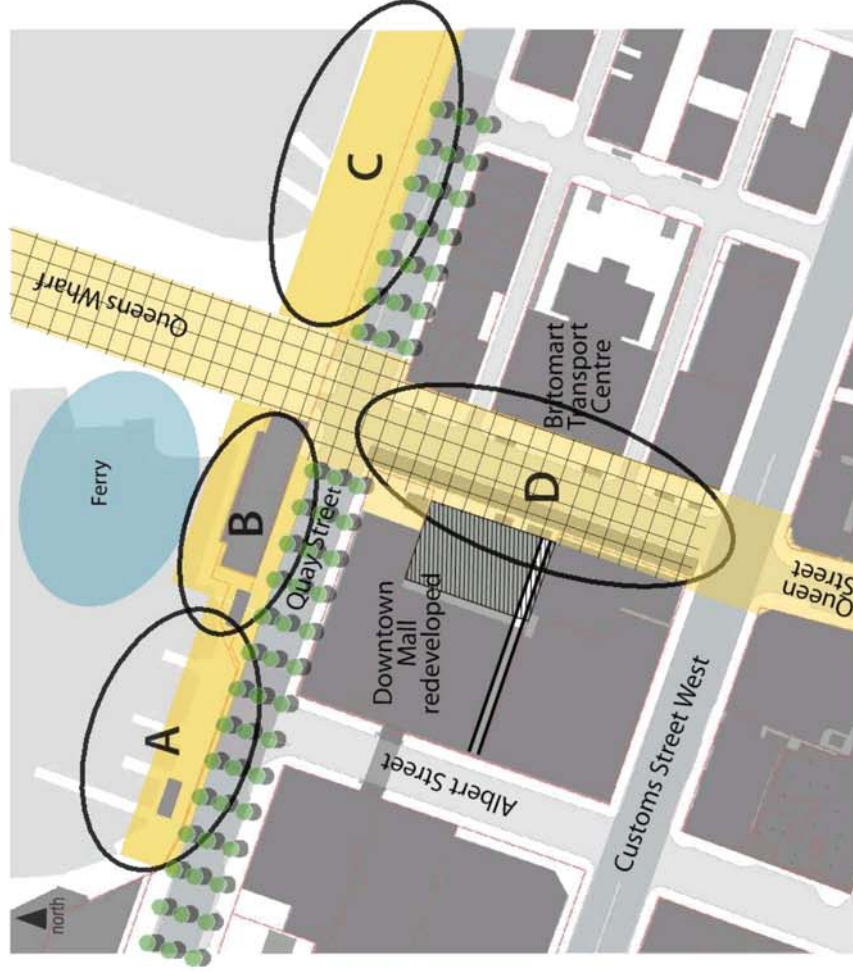
The development of a new high profile public space offers the opportunity for mana whenua creative engagement at all levels ensuring that appropriate historical and contemporary cultural narratives can find creative expression within the physical realm.

Ahi kā:

A waka culture centre and or a whare manaaki based in the Admiralty Basin with appropriate land and water based facilities will enable mana whenua to exercise their kaitiaki and manaakitanga responsibilities while providing a unique Māori and Pacific presence as part of the maritime gateway to the city.

- Applying the Te Aranga design principles from the ADM reinforces the urban design analysis
- Queen Elizabeth Square lacks meaningful connections for mana whenua
- Great opportunity seen for potential waterfront spaces for Maori ceremony and expressions

TE ARANGA MĀORI DESIGN PRINCIPLES

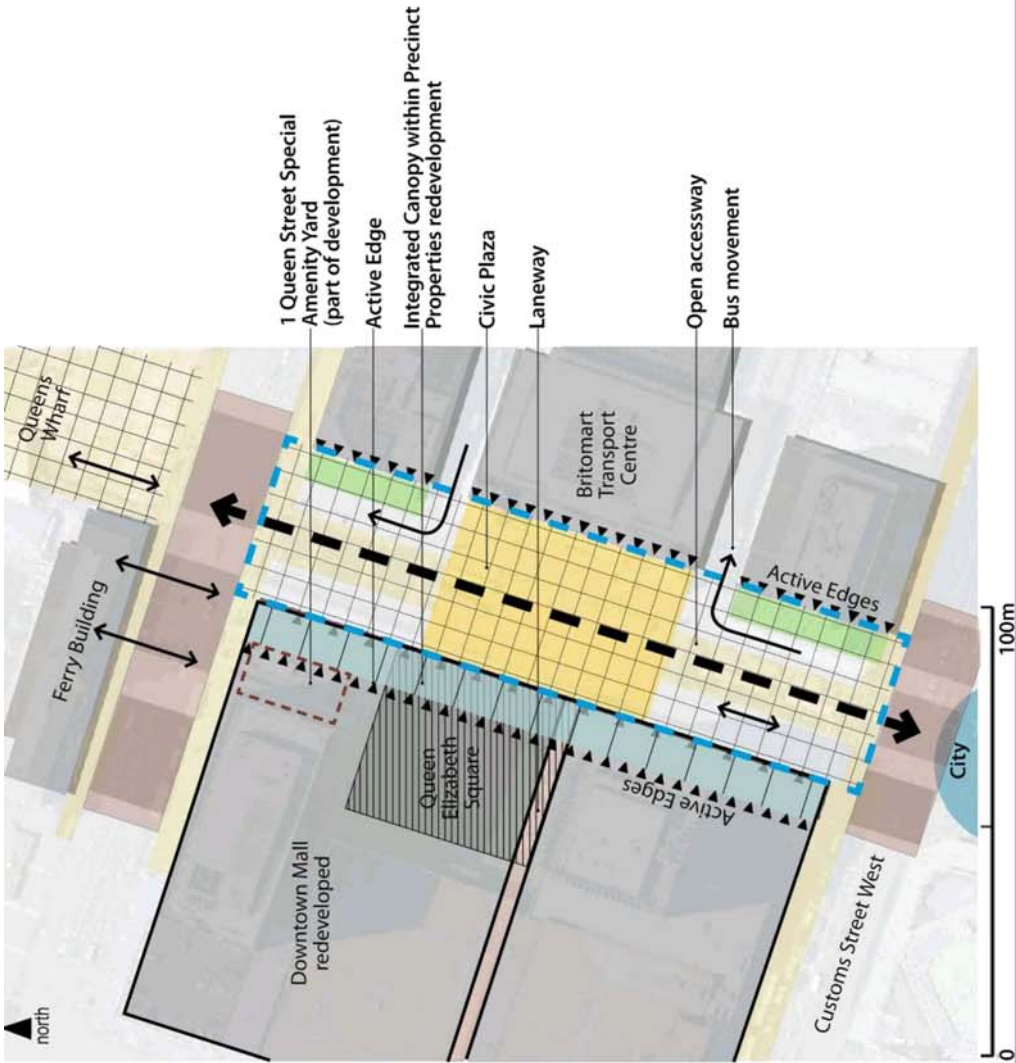


- A Lower Albert Street
- B Base of Queens Wharf
- C Admiralty Steps
- D Lower Queen Street Pedestrianised

1. Dedicated civic and recreational space
2. More and better public open space
3. Connected and integrated

- Suggested provision allows a legible network of closely connected spaces dedicated to specific uses
- Downtown block is an integrated part of the open space network with internal cross block public lane and low scale continuous active edge reinforcing Lower Queen Street
- Cross block public laneway provides greater permeability of large city block

POSSIBLE NETWORK OF DOWNTOWN PUBLIC OPEN SPACE



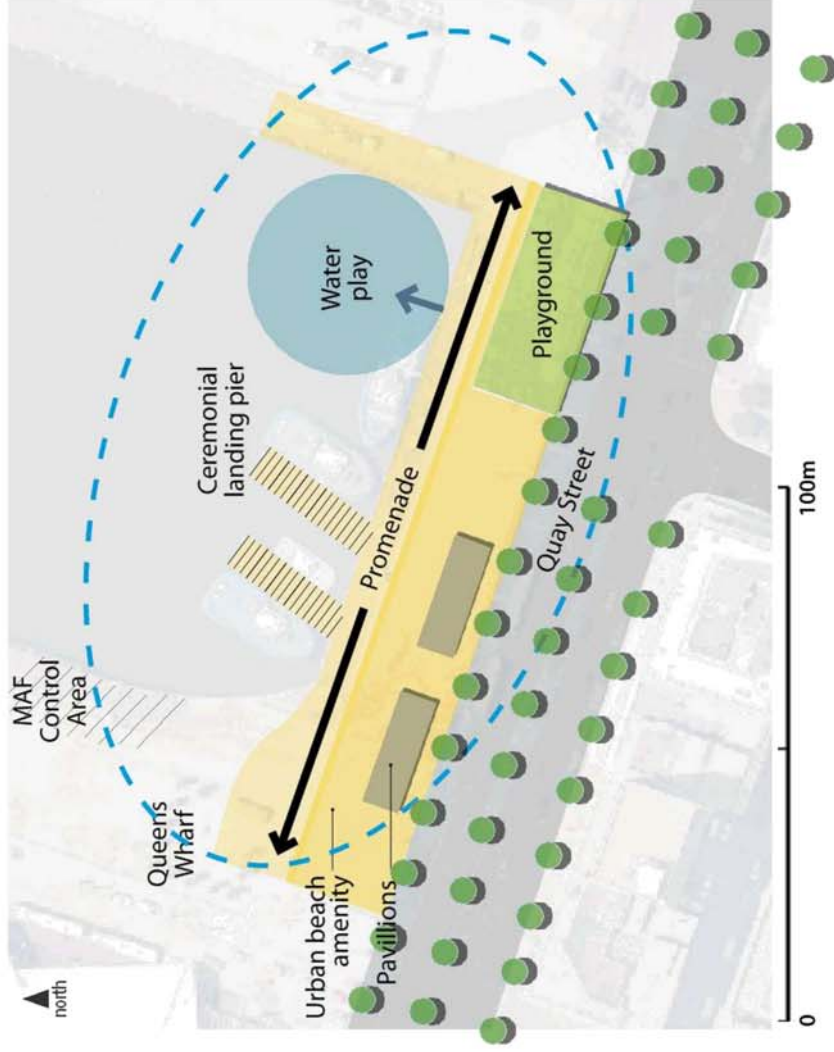
Visualisation of Lower Queen Street, City Rail Link Project Report

- Upgraded lower Queen Street featuring large central pedestrian plaza for gathering and events with a long active edge.
- Lower Queen Street will function as a strong link between the city and the waterfront.
- Gateways will define the entry to the open space.
- The main entry to the precinct development will be mid block opposite the transport centre and link to Albert Street via internal laneway.
- Size 4941m²

- Providing more dedicated pedestrian space especially centrally, reinforcing the active edge on both sides of lower Queen Street
- Providing a major entrance to the Downtown Shopping Centre along lower Queen Street and connecting with a 24/7 public lane to Albert Street
- Keeping any new building in the existing Queen Elizabeth Square space to a maximum of three storeys

POSSIBLE OPTION LOWER QUEEN STREET

Civic Space

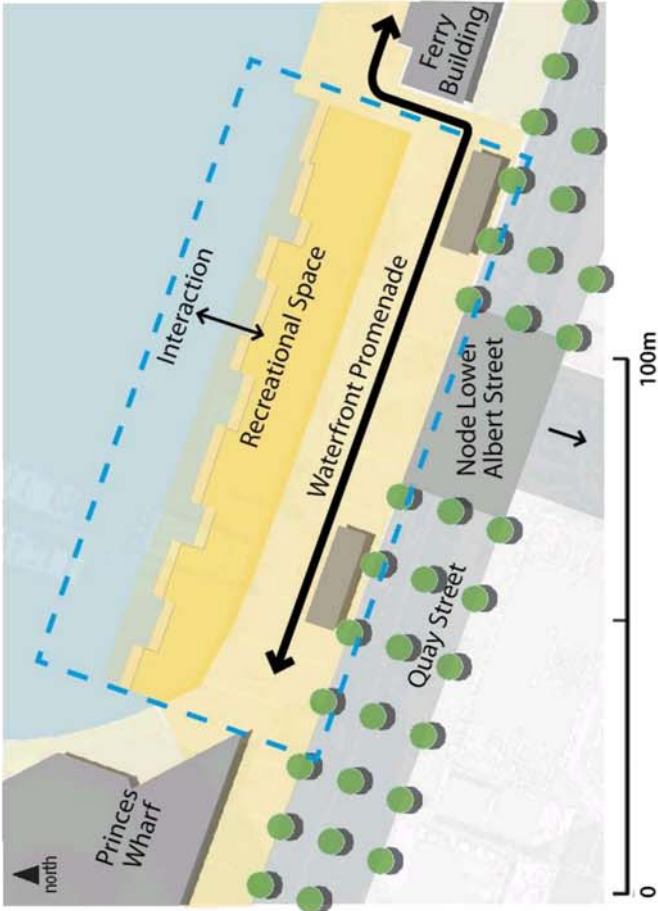


Visualisation of Admiralty Steps: Harbour Edge: Quay Street Upgrade Concept Design Report

- The eastern side of Queens Wharf offers a sunny quiet 'urban beach'
- A gateway and ceremonial water edge area which is supported by mana whenua
- Space for playground and water play
- Opportunity to support waka culture

- A valuable addition to the waterfront public space necklace
- Dependant on negotiations with Ports of Auckland to acquire
- Develop as a wide and generous open space for recreation
- Minimal built form allowed

POSSIBLE OPTION ADMIRALTY STEPS Recreation Space

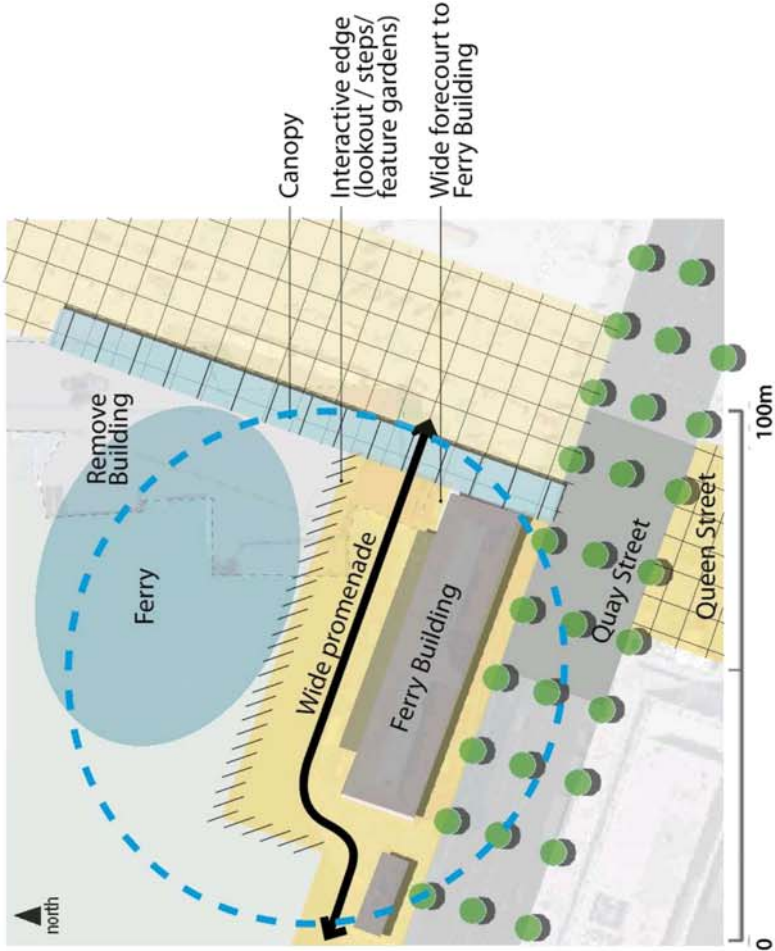


Visualisation of Lower Albert Street - Grand Harbour Stairs: Quay Street Upgrade Concept Design Report

- In addition to the transformation of Quay Street, the waterfront edge of Lower Albert Street is opened and connected to the water for informal public recreation and relaxation.
- A wide promenade separate from Quay Street will link Princes Wharf to Queens Wharf.

POSSIBLE OPTION LOWER ALBERT STREET Recreation Space

- Provide a larger space into the harbour for greater promenading and events
- Keep area open preferably with the relocation of ferry's away towards Queens wharf



Visualisation of Queens Wharf showing ferry kiosk removed - Queens Wharf- January 2014, T.L.C

- A new public open space is proposed where currently there is a construction and separation with the removal of the ferry terminal building.
- A clear and wide pedestrian promenade links across the base of Queens Wharf - this centre piece in the coastal necklace will connect the city directly with the Waitematā.

- Removes clutter at base of Queens wharf and makes more of a central feature of the Ferry terminal
- Potential for informal gathering and promenading
- Requires synergy with re developed ferry facilities up Queens wharf

POSSIBLE OPTION BASE OF QUEENS WHARF Recreation Space

RECOMMENDATIONS

Divest Queen Elizabeth Square:

- Develop a masterplan to direct the design of individual projects in this downtown area:
- Create an upgraded Lower Queen Street as a civic space –the new Queen Elizabeth Square with a generous pedestrian connection between the city and the water
- Develop a new set of water's edge recreational open spaces near to the base of Queen Street that open up the central waterfront to public use and enjoyment - the three landings identified; Lower Albert, base of Queens Wharf and/or Admiralty Steps
- The development of Admiralty Steps would provide a significant ceremonial arrival space for many whenua.

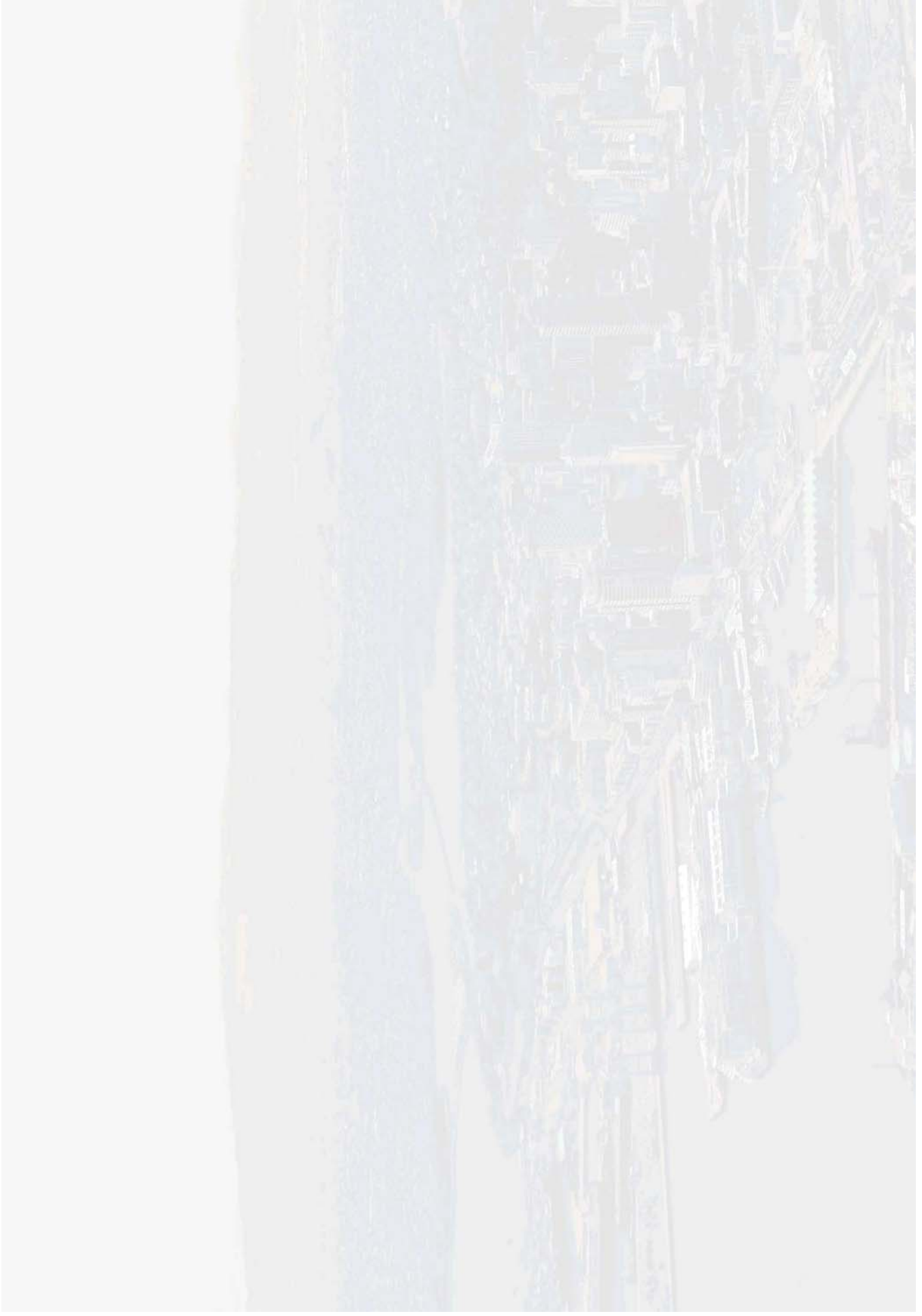
Work with Precinct Properties
to ensure:

- Proposed development to have main entry off Lower Queen Street
- Create a sheltered and continuous active edges along Lower Queen Street
- Provide a laneway , open 24/7 between Lower Queen and Albert Streets
- Accommodate buses on Lower Albert Street
- Retain strong visual connections across amenity yard in front of 1 Queen Street

RECOMMENDATIONS

Item 12

Attachment A



Memo

14 October 2015

To: Hannah Thompson – Planner, Central and Islands Planning

From: George Farrant – Principal Heritage Advisor

**Subject: Plan Modification79 – Queen Elizabeth II Square
Heritage Unit Comments**

1. Introduction

1.1 The following outlines reactions from council's Heritage Unit to this proposed plan change application that seeks to rezone Queen Elizabeth Square in Lower Queen Street from Public Open Space to City Centre zone.

1.2 It will be appreciated that while direct heritage concerns are focal to this unit's area of concerns, the total effects of the proposed action do have impacts on heritage, but also on closely related issues such as historic urban amenity, and the urban design qualities of a precinct with historic values.

1.3 It is also axiomatic that while the Plan Change proposal relates to the square only, it is inevitable that some discussion needs to occur about the current square's origins in the earlier territorial developmental absorption of the former Little Queen Street that ran from Customs Street to Quay Street into the current 'Downtown' development, with a compensatory area-for-area grant of the western bay of the current square into the public realm; and whether the totality of the new proposal maintains this sense of urban space equity.

2. The Current Queen Elizabeth Square

2.1 As a key part of a very limited (and inadequate) sequence of downtown public spaces, QE Square has evolved since its creation in the early 1980s into a moderately well-tailored public space, distinct from street-spaces and from nearby shared spaces, largely because of its reasonably expansive area, and its designed nature following the Britomart-era changes.

2.2 The square in this form acts as a relief from the linear and relatively confined channels of lower Queen Street and Quay Street. In this way it forms a larger urban 'breathing-space' at the foot of town, immediately before the harbour edge is encountered. Functionally this is a valuable urban asset, particularly in relation to the the very busy pedestrian commuter traffic flows to and from the harbour ferries at peak hours.

2.3 Although (as predicted prior to the creation of the square and the 1 Queen Street tower) it has a notably unfortunate circumstance in south-westerly winds in the northwest corner, the remainder of the space is a comfortable and well-used space, especially in the period up to early afternoon when it remains sunny on a good day. This access to sunlight is protected in the district plan(s).

2.4 The Square also provides in its current form exemplary vistas of the Ferry Building, and particularly (from the western side) an axial view of the grand symmetrical façade of the former Chief Post Office, now fronting the Britomart Station. Both of these key heritage buildings are handsomely served by this circumstance, as is the square itself – the relationship is a classic one of urban synergy. The prospect of the former CPO is a particularly valued one.

2.5 In this form it has been possible to create a genuine sense of public open space distinct from the co-opted street nature of most shared spaces. This effect has been a result of a rare opportunity to constructively expand existing public space.

3. The disposal, rezoning, closure, and re-use proposal for the western bay of QE Square

3.1 It is understood that the disposal and proposed return of the western part of the current functional square to the Precinct development will see its resumption of building coverage, in return for sheltered public laneways within the development, providing through-site-links to an equivalent level of urban pedestrian and spatial amenity to the replaced area of the square.

3.2 It is not clearly evident from the documentation comprising this application – at least as available to the writer – that the effects of construction over the west bay of the square is compensated in urban amenity terms by the scale, width, and nature of the Precinct Laneways.

3.3 Although as noted in 1.3 above the Plan Change issue is statutorily separate to the Precinct intentions bordering the current square on its west edge, in a practical urban view the design of what may subsequently occupy the closed square is particularly important.

3.4 The relevant concerns, not answered in the proposal, are these:

3.4.1 The offered precinct public walkways/laneways require a permanent open space nature as they traverse the area of the closed square, and have a plan geometry and transitional expanded space as they exit onto Queen Street space on their east end to celebrate and provide for a retained expansive axial vista of the former CPO facade;

3.4.2 Assurances (subject to ongoing consultation) that these walkways/laneways are of adequate widths as they traverse the closed square, and assurances that they will not become taken over by retail of similar uses;

3.4.3 The designed urban form of the eastern exit of the offered laneways onto the Queen Street space shall provide a celebratory, expansive (widening) and preferably symmetrical exit, precisely on the key central axis of the former CPO, so as to heighten a constructive revealing relationship between the Precinct development walkways/laneway and the CPO across the reduced residual public space.

3.4.4 The hours of opening of the walkways/laneways shall be agreed such as to ensure unconstrained public access at reasonable hours – in comparison to the 24/7 nature of the public space to be closed;

3.4.5 Adequate shelter and commuter access shall be provided for the occasionally heavy commuter pedestrian traffic along the west side of Queen Street, provided this does not in itself compromise other conditions as defined herein;

3.4.6 The effect on existing views of the Ferry Building and other harbourside icons are to be specifically addressed in the subsequent design.

4. Conclusions

4.1 The application deals appropriately with potential archaeological matters.

4.2 If the concerns noted above were to be ignored, there would inevitably be a palpable sense of public loss and disenfranchisement in the exercise of the proposed Plan Change/Modification.

4.3 The heritage matters would be appropriately addressed if the outcomes and issues outlined above were applied through the provisions of the proposed plan change.



**George Farrant | Principal Heritage
Advisor Central | Cultural Heritage Implementation | Heritage Unit | Environmental
Strategy and Policy**

Mobile 027 532 7726 Auckland Council, Level 23, 135 Albert Street, Auckland

Attachment B

Recommended amendments to the proposed plan change (tracked changes version)

All additions are shown as underline and all deletions are shown as ~~strike through~~. The proposed plan change version, as notified, is the starting point for further changes.

Black text changes record amendments proposed in proposed plan change.

Yellow highlighted text will need to be updated once the site has a legal address.

Red text record amendments that are recommended by Auckland Council

Part B: Amendments to text

Amendments to Part 6 – Development Controls

Insert new Rule 6.19 as follows:

6.19 PEDESTRIAN CONNECTIONS

Unless already provided, upon the erection of any new building on **XX** Queen Street (Lot **XXXX**, DP **XXXX**), the following shall be provided through the block bounded by Customs Street West, Lower Queen Street, Quay Street and Lower Albert Street:

- a) a minimum 5m wide, **straight**, at-grade, east-west pedestrian laneway connection between Lower Queen Street and Lower Albert Street that:
 - a. **is aligned precisely on the key central axis of the former Chief Post Office Building (12 Queen Street)**
 - b. **contains visibly identifiable, open entranceways with clear sightlines from Lower Queen Street and Lower Albert Street into the laneway at ground level**
 - c. **increases in width, preferably symmetrically, at the Queen Street end so as to heighten a constructive revealing relationship between the laneway and the Chief Post Office Building across Queen Street**
 - d. **incorporates natural daylight through glazed canopies or glazed roof structures**
 - e. **is protected from the weather; and**
 - f. **is publicly accessible 24-hours a day, seven days a week.**
- b) a north-south pedestrian link between Customs Street West and Quay Street.

Insert new paragraph under Clause 15.3.1.2(b) as follows:

j) Applications to modify development control rule 6.19 Pedestrian Connections

Any application to modify rule 6.19 must be considered as a restricted discretionary application. Applications to modify rule 6.19 shall be assessed against the following criteria:

- a) The extent to which there is a safe, legible and ~~direct-straight~~ link through the block.
- b) The extent to which the width of the lane or link is sufficient to provide a functional connection between the adjoining streets ~~and the transport interchange functions of the area.~~
- c) ~~Restrictions on Where~~ public access ~~is restricted, a consideration of~~ shall consider the following:
 - I. ~~The operational functional effects of need for~~ the restriction
 - II. ~~Matters relating to s~~Safety and security of laneway users
 - III. The duration of the restriction
 - IV. Any benefits ~~to the laneway users~~ arising from the restriction

Submission No 1

From: justine.harvey@agm.co.nz
To: [central-areaplan](#)
Cc: justine.harvey@agm.co.nz
Subject: District Plan online submission
Date: Wednesday, 15 July 2015 3:07:21 p.m.
Attachments: [AAA Submission to Plan Change 79 15 July 2015.pdf](#)

Thank you for your submission.

Once submissions close, a summary of submission will be prepared. At a later date, Auckland Council will hold hearings to consider all submissions.

If you selected to be heard at a hearing then we will be in touch when hearings are scheduled.

If you have any questions, please contact us on 09 301 0101.



Contact details

Full name: Bill McKay and Justine Harvey
Organisation: Auckland Architecture Association
Agent:
Phone (daytime): +64 21 410 036
Phone (evening):
Mobile:
Email address: justine.harvey@agm.co.nz
Postal address: AGM Publishing,, Level 2, 409 New North Road Kingsland 1021,
AUCKLAND
Post code:
Date of submission: 15-Jul-2015

Submission details

This is a submission on the following plan change/modification (state plan change/modification name and number):
Plan Change 79

Please select the district plan your submission relates to:
Auckland Central Area

The specific provision of the plan change/modification that my submission relates to:
The whole Plan Change

I/We:
Generally oppose, but seek amendments as an alternative

The reason for my/our views is:
Please see attached submission

Submission No 1

I/We seek the following decision from the council:

Decline the plan change/modification

I/We wish to be heard at the council planning hearing:

Yes

I/We would be prepared to present a joint case at the hearing with any others making a similar submission:

Yes

Attach a supporting document:

AAA Submission to Plan Change 79 15 July 2015.pdf

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public:

Accept

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act:

I could not gain an advantage in trade competition through this submission

Submission No 1

SUBMISSION ON PUBLICLY NOTIFIED PRIVATE PLAN CHANGE NO. 79

Re: Operative Auckland City – Central Area Section 2005 – Queen Elizabeth Square
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO
THE RESOURCE MANAGEMENT ACT 1991

TO: Auckland Council (“Council”)

SUBMISSION ON: Proposed Private Plan Change 79 (“Plan Change”) to the Central Area Section of the Auckland Operative District Plan (“District Plan”)

NAME: Auckland Architecture Association (“AAA”)

CONTACT: Bill McKay (b.mckay@auckland.ac.nz)

CONTACT: Justine Harvey (justine.harvey@agm.co.nz)

Scope of submission

1. This submission relates to the whole of the Plan Change and, more specifically, to the protection of public spaces in Central Auckland.

Nature of submission

2. AAA has a long history of involvement in Central Auckland urban planning and architecture matters. It welcomes the opportunity that notification of this Plan Change provides to make submissions relating to proposals and plans to redevelop an area of Downtown Auckland. However AAA is concerned that the scope of submissions that relate specifically to the notified Plan Change is necessarily limited just to the area of Queen Elizabeth Square (“QESQ”) and specific matters, despite the fact that the development of QESQ clearly overlaps with, is integrated with, and is part of development proposals affecting a much wider area of Downtown Auckland, and which are of enormous public interest. AAA submits that the purpose of the Resource Management Act would be best served through promulgating and notifying a Downtown Precinct or Quarter wide Plan Change. Such an integrated approach would avoid issues associated with incrementalism and allow for a holistic consideration of the architecture, urban design and planning matters that arise from this redevelopment including public space and public transport. Furthermore, AAA notes with considerable concern that while the s.32 analysis supporting the Plan Change references the matter of public space provision to replace QESQ – neither it, nor any other process that AAA is aware of, ensures that provision to a commensurate standard. AAA cannot support an incremental measure that relegates compensating public space provision to some unspecified time in the future, particularly when the paucity and scarcity of available opportunities is considered.
3. The Plan Change request relates to land currently owned and managed by Council that is subject to a conditional sale agreement pending road closure and the change of zone to city centre zone to provide development potential on QESQ land. According to Item13 of the Auckland Development Committee agenda for the meeting held 11 June 2015, to achieve this purpose the Plan Change proposes to change the District Plan for the Central Area as follows:
 - Amend Planning Overlay Maps 1-7

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- Amend the text of Part 6 – Development Controls (multiple additions to the text)
 - Amend Figure 14.2 (Central Area open space facilities and locations) by removing the ‘Existing Public Open Space’, ‘Pedestrian Routes / Open Spaces to be enhanced’ and ‘Queen Elizabeth Square’ text from the subject land.
 - Amend Figure 14.2A.6 (Concept Plan – Queen Elizabeth Square) by removing the concept plan from the subject land.
 - Amend the text of Part 14.2A.8.7
4. AAA understands that the land that is the subject of the Plan Change (QESQ), is part of a substantial redevelopment under the control of Precinct Properties of an area of downtown Auckland that is bounded by Lower Queen Street, Quay Street, Lower Albert Street and Custom Street, and which is located at ground level above a section of the planned Central Rail Link (CRL) project.
 5. AAA notes that this Plan Change presents the first opportunity for public submissions relating to any aspect of the proposed redevelopment (public submissions were sought in relation to the designation and route protection of the CRL).
 6. While AAA supports the CRL project and could support the level of development of QESQ that is envisaged by the Plan Change, AAA’s support is conditional upon the provision of commensurate public space, and the protection of public spaces and streetscapes from effects arising from the provision of bus and other public transport infrastructure in the area after the planned removal of the Lower Queen Street bus terminal and the planned introduction of at-grade light rail infrastructure on Lower Queen Street.
 7. AAA notes that District Plan Section 3.6 recognises such issues: “Council intends the Central Area to be a safe and attractive environment that exhibits excellence in urban design. The impact of private development on public spaces, and built and streetscape character is of prime concern to the Council as this directly affects the quality of the environment. The design and appearance of new development will be influenced by the Plan controls in order to ensure that new buildings do not adversely affect public spaces.” And notes District Plan policy 3.6.3 to address these issues “Certain parts of the Central Area have a definite character or specialist role. The Plan applies specific provisions to these areas, termed ‘Precincts’ or ‘Quarters’. In some cases the Plan ensures that special characteristics that make areas distinctive are retained. In other areas the Plan allows specific buildings or activities and seeks to manage any adverse environmental effects associated with those buildings or activities.”
 8. Several Central Area “Precincts” exist in close proximity to the subject land at QESQ and the Downtown redevelopment area. These include Britomart, Quay Park, Viaduct Harbour and Wynyard Quarter. AAA submits that precinct wide plan change processes that were carried out for those precincts – in accordance with the District Plan – identified public spaces and places, and ensured their protection and those using them from the adverse effects of buildings and

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other activities within those precincts. AAA submits that the whole of the Downtown redevelopment, including the provision of public space, and proposed changes for public transport service provision should be the subject of a Precinct Plan Change for the whole area – not just QESQ. This would be consistent with the District Plan, give effect to the RMA and the Auckland Regional Policy Statement (ARPS), and be consistent with provisions contained in the Proposed Auckland Unitary Plan (“PAUP”).

Background to Submission

9. AAA involves itself from time to time in the planning of downtown Auckland in pursuit of architectural excellence and the production and protection of great pieces of city. AAA’s experience in regard to QESQ is not recorded in the background provided in the s.32 analysis supporting the Plan Change which does not cover the planning period which gave Auckland the HSBC Tower and led to design outcomes which have contributed to Queen Elizabeth Square’s poor performance as a civic square. This early history, which also includes an account of AAA’s involvement at the time, can be read at: *A Short History of Downtown Auckland* (Published in Architecture NZ). This account describes Auckland Harbour Board’s focus on a level of development density that would not support the public space provision envisaged by urban planners of the day, and which led to the construction in 1973 of what was then known as the Air New Zealand Tower, despite submissions by the Auckland Branch of the Institute for Architects, and AAA submissions about shading and a wind tunnel model demonstrating the predictable winds that would arise on Queen Elizabeth Square.
10. Little changed until the past decade when Westfields – the owner of much of the site before Precinct Properties – sought non-notified consent for a 41 storey tower at the corner of Lower Albert and Custom Street West which was granted in 2008. Restrictions were tight because of the Harbour Edge Height Control Plane. The proposed tower exceeded the height control by some twenty metres, but such a penetration was permitted by the District Plan provided equivalent open space was provided. The non-notified processing of this consent by Auckland City Council at the time meant there were no public submissions, or public awareness of this project. It was also a factor in Auckland Regional Transport Authority being largely ignored despite its need to protect the Central Rail Link route before any potential tower foundations took planning precedence.
11. That five year resource consent was renewed before expiry in 2013 by Auckland Council in April 2011, again on a non-notified basis. Shortly thereafter Precinct Properties purchased Westfield’s interests in the downtown site and negotiations between Council and Precinct Properties proceeded in relation to the CRL project and Precinct Properties plans to redevelop the site. AAA notes that until now, despite numerous newspaper reports and conjecture about what might happen, there has been no opportunity for public submissions regarding redevelopment proposals for the downtown precinct.

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12. The supporting s.32 for the Plan Change provides an account of the Downtown Framework (“Framework”) which was released in September 2014. Council’s website describes it: “Led by Auckland Council’s City Centre Integration Team it brings the City Centre Masterplan, Waterfront Plan, Regional Land Transport Programme, Economic Development Strategy and Auckland Unitary Plan to life.” In AAA’s view the Framework is vulnerable to criticism in that its purpose is primarily to enable CRL enabling works, to facilitate Downtown development, and to justify the sale of QE Square land – without providing any certainty as to commensurate replacement public space, or how dislocated public transport interchange facilities would be provided. The Framework text, direction and themes all prioritise CRL enabling works and downtown development. Public spaces, parks and squares are mentioned but not taken seriously, despite the advice given by Reset Urban Design in its assessment of public space in central Auckland. No public submissions have been sought by Council in regard to the Downtown Framework.
13. Despite the significance of public space as an issue in downtown Auckland, and the public controversy there has been over the proposed sale of QESQ, the present Plan Change is the first opportunity to make submissions on its future.

Assessment of Effects

14. AAA generally agrees with the supporting s.32 assessment of effects to be considered as part of this Plan Change. These being:
- Provision of open space in downtown Auckland
 - Streetscape character
 - Shading
 - Wind
 - Heritage and archaeology
 - Cultural effects
15. And AAA generally agrees with the May 2014 Auckland Development Cttee report about QESQ by officers from Auckland Council’s Built Environment Unit (now the Auckland Design Office) which states:
- Queen Elizabeth Square functions primarily as a passive space, a thoroughfare to pass through rather than a space to linger. It is generally regarded as an unsuccessful space. This can be attributed in part to the lack of active built frontage onto it and the visual and physical severance to lower Queen Street created by the entrance to the underground rail platforms and glazed canopy that defines its eastern perimeter. Perhaps more critically, it is the orientation of Queen Elizabeth Square that is its greatest drawback being cast in shadow by 1 Queen Street for significant portions of the day.
16. AAA notes that the Plan Change in part responds to Auckland Council decisions that when QESQ is developed then the eastern edge of Lower Queen Street should be built to a minimum height with verandahs and suchlike, and that the shade controls that presently protect QESQ shall be removed thus permitting the shading that is likely to be cast from the tower proposed at the corner of Lower Albert and Custom Street West. However AAA finds itself

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unable to respond meaningfully to these proposals because they are essentially presented in a vacuum. For example, no information is provided about how Lower Queen Street will be used by public transport or by other modes of transport which will affect the way pedestrians interact with buildings on either side of Lower Queen Street, and how the public space that is left will be used. AAA submits that meaningful submissions could be prepared should a Precinct wide plan change be promulgated and notified which would allow an integrated assessment and consideration of effects and outcomes.

17. AAA understands that a sum of some \$27.2 million is projected from the sale of QESQ, which will be available to reinvest in public space, though the options that have been canvassed are all already in public ownership (sections of Queens Wharf, Port of Auckland Admiralty Steps, sections of Quay Street or/and Lower Albert Street). AAA submits that more appropriate options for providing downtown public space exist - given that the whole of downtown west area is to be redeveloped. A more successful public space than the present QESQ could be provided within the existing downtown west footprint. It could, for example, front onto Lower Albert Street. Or it could front onto the corner of Lower Albert and Quay Streets. Such locations would be away from the shading effects of both 1 Queen Street and the proposed tower, and would benefit from and be of benefit to the kinds of activated frontages that could be built as part of the redevelopment. These alternatives should be considered as part of this downtown Auckland redevelopment. They are the kinds of alternatives that AAA would expect to see canvassed in a framework plan or structure plan that should be produced within or as part of a Precinct wide plan change.
18. AAA submits that significant adverse effects of allowing and proceeding with the Plan Change that is under consideration now include: that integrated planning for the area will be impeded; that integrated consideration of transport effects and land uses will be avoided; and that giving effect to the RMA in regard to the provision of scarce public space will be impossible.
19. AAA considers that the present approach is reminiscent of Ports of Auckland's failed attempt to expand Bledisloe Wharf where public access to Captain Cook Wharf was suggested in exchange. Here the possibility of some yet to be identified public space (nothing remotely similar in character to QESQ has been mentioned) is being offered in exchange for the loss of QESQ.

Statutory Planning Analysis

20. The following sections summarise relevant provisions in the District Plan, Auckland Regional Policy Statement ("RPS"), the Proposed Auckland Unitary Plan ("PAUP") and the Resource Management Act ("RMA") relating to the importance of urban public space and which support the need for a downtown precinct plan change.
21. The strategic objectives of the ARPS that are set out at section 2.6.1 include:

2.6.1 Strategic Objectives

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2. To maintain and enhance the overall quality of the environment of the Auckland Region, within and outside the urban area, including its unique maritime setting, volcanic features, significant landscapes, cultural and natural heritage values, and public open space.

22. ARPS policies to deliver that objective include the following (underlined emphasis added):

2.6.8 Strategic Policies - Urban Design

1. The design of Future Urban Areas and the management and promotion of change in existing urban areas is to occur so that:

(i) There is a diversity of urban environments (including building types and densities) and living choices for individuals and communities;

(ii) Buildings, public spaces and road corridors contribute to a vibrant, liveable and attractive environment with a sense of place;

.....

(vii) There is long term protection of public open space, and improvement in the quality, quantity and distribution of local open space;

(viii) Iconic and outstanding Auckland landscapes are protected; and in existing urban areas other urban landscapes that contribute to local character and identity are managed to ensure critical values remain;

23. Further ARPS policies that are relevant to urban design in areas to be redeveloped include:

2.6.9 Urban Design:

Significant new areas proposed for urban development and existing urban areas proposed for significant redevelopment (such as areas identified in Schedule 1 or where the redevelopment requires a district plan change) are to be provided through the structure planning process that as a minimum meets the requirements of Appendix A Structure Planning.

24. Reasons for these policies are also set out:

2.6.10 reasons for urban design:

...As the intensity of High Density Centres and Intensive Corridors increases through redevelopment, design becomes increasingly important to the maintenance and enhancement of built character, civic spaces, streetscape and pedestrian amenity.

With the prospect of more mixed, intensive urban environments, high standards of urban design are essential to ensure that centres develop as integrated attractive residential, employment and community hubs. Poorly designed development may detract from the character of these centres and adversely affect their vitality and vibrancy, in turn affecting their ability to attract further activities and development. Mixed use activities where appropriate should be located in association with passenger transport stations and terminals....

25. Section 2.6.11 emphasises the need to integrate transport and land use planning.

26. AAA submits that the Plan Change is inconsistent with ARPS provisions because it does not provide for the long term protection of public open space, and because it directly conflicts with its policy to “improve the quantity and distribution of local open space” by removing a public space from within the Central Auckland area, and suggesting that it be replaced with a different type of open space on the waterfront. AAA also submits that the piecemeal planning approach embodied in the Plan Change is inconsistent with the

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structure planning process required by Section 2.6.9, and with the need to integrate the planning of transport and land use required by Section 2.6.11.

27. Section 3.5 of the District Plan for the Auckland Central Area provides broad objectives and policies for the area, beginning with RMA issues:

Issues a) Recognising that people will continue to come to the area only if they can readily find attractive places to conduct business, live, shop, visit, learn or meet other people.

Objective: To manage the use and development of the Central Area's natural, physical and cultural resources to protect heritage features and important viewshafts, maintain or enhance its built and streetscape character and to ensure an attractive, healthy, clean and safe environment.

Policy a) By protecting, retaining and enhancing those elements of the environment, particularly the waterfront, parks and ridges, that contribute to the unique character.

Policy j) 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 having regard to the significant heritage elements and built form of existing scheduled heritage buildings.

28. Section 3.6 explains the resource management strategy for the Central Area:

3.6.1 Quality Environment. The quality of the physical and natural environment in the Central Area needs to be addressed. The harbour, (especially where it adjoins the City), public spaces, streets and parks, all provide pleasant places for people to enjoy. Many of these spaces are publicly owned and it is important to retain community ownership and control of these areas to maintain their value and provide unrestricted access. The qualities of these spaces merit protection and enhancement. However the highly modified environment of the other parts of the Central Area is also special and the attributes of these areas need to be addressed in the Plan. This includes the standard of design of new buildings, and the control of their effects on the environment...

The Council intends the Central Area to be a safe and attractive environment that exhibits excellence in urban design. The impact of private development on public spaces, and built and streetscape character is of prime concern to the Council as this directly affects the quality of the environment. The design and appearance of new development will be influenced by the Plan controls in order to ensure that new buildings do not adversely affect public spaces.

3.6.2 An Accessible Centre: The Central Area is an attractive and suitable location for the holding of events, public performances and other temporary activities. The various locations through out the central area, such as the waterfront, Britomart and Aotea Square offer ideal places to encourage diverse activities that will appeal to and be accessible to Auckland's multicultural society.

3.6.2 An Alive People Place: The vitality of the Central Area depends on people. The provisions of the Plan aim to provide safe, comfortable and interesting places for people to meet, live, carry out business or simply to enjoy. The Plan encourages diversity to make the Central Area an exciting and attractive place for many people. The Central Area is becoming a place where more people are choosing to live principally because the inner City area offers a unique residential environment. The higher densities achievable in the Central Area complement the low and medium density opportunities available elsewhere in the City. Certain parts of the Central Area have a definite character or specialist role. The Plan applies specific provisions

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to these areas, termed “Precincts” or “Quarters”. In some cases the Plan ensures that special characteristics that make areas distinctive are retained. In other areas the Plan allows specific buildings or activities and seeks to manage any adverse environmental effects associated with those buildings or activities.

29. Section 3.7 describes the resource management methods required by the District Plan to implement the strategy summarised above:

3.7 **Resource Management Methods.** In order to ensure that the desired environmental outcomes of the primary objectives are achieved, the Central Area is divided into Strategic Management Areas (SMAs). This method permits the identification of significant physical, social and development characteristics within the Central Area. It also provides the basis for the implementation of the resource management strategy applied in the Plan. In addition lower level objectives, policies and rules are imposed where a particular combination of physical and environmental characteristics distinguish an individual Precinct or Quarter area.

30. Planning Overlay Map 1 shows the Precincts and Quarters that are provided for in the District Plan. As mentioned these include: Quay Park, Britomart, Viaduct Harbour, Wynyard Quarter. AAA submits that the areas of Central Auckland where problems currently exist in terms of defining public spaces and protecting them for public purposes share one thing in common: they have not been protected by plan changes that have established those areas as Precincts or Quarters. Places with public space problems are: Princes Wharf (public space provision is poor and ambiguous), Queens Wharf (public space provision is frequently challenged by transport, parking and cruise ship operations) and Downtown (the present emphasis on private development and public transport services is at the expense of public space). AAA submits that the District Plan provides the rationale for the promulgation of a Downtown Precinct wide Plan Change in order to satisfy the Central Area policies contained in the District Plan and to deliver the RMA objectives, whereas the proposed Plan Change does not.
31. The PAUP is presently before Planning Commissioners. And while it is not the purpose of these submissions to affect their deliberations, it is important that various matters relating to the PAUP and its provisions for QESQ are included in the current hearing. The PAUP includes the following assessment criteria that are particularly relevant to QESQ:

4.2 Assessment Criteria For development that is a restricted discretionary activity in the Downtown West precinct, the following assessment criteria apply in addition to the criteria specified for the relevant restricted discretionary activities in the City Centre zone.

1. Framework Plan, amendments to a framework plan and a replacement framework plan

a. The location, physical extent and design of streets and pedestrian connections and open space

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

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v. Where a dedicated public open space is proposed it must be located and designed to integrate and complement the existing or proposed street network, through site links, pedestrian connections and buildings. Fundamental attributes of this space are:

•a minimum area of 1000m²

•maximum sunlight access

•convenient and open access for the public, residents, workers and visitors 24hrs/7days.

32. AAA strongly supports the thrust of these PAUP provisions which envisage a Framework Plan being prepared as part of the planning for development of the Downtown West precinct, and which clearly require “another public open space, new or upgraded squares... within or immediately adjoining the precinct” and requires that such open spaces have a minimum area of 1000m², maximum sunlight access, and 24/7 public access.

33. AAA notes that Precinct Properties has made submissions on these and other PAUP provisions, which indicate the challenges that lie ahead for Auckland Council - and for the public - in ensuring and protecting the provision of public space. Precinct Properties submissions on the PAUP have included:

- delete assessment criteria 4.2.1.a.i (above). Precinct Properties submit that there are other ways to achieve a better street and open space network, but do not provide detail.
- delete the policy: "require buildings to transition in height from the core central business district to the waterfront and neighbouring, lower scale precincts".
- relax the graduated Harbour Edge Height Control Plane between CBD and waterfront for Downtown West
- remove the requirement for a formal Framework Plan for Downtown West
- remove the requirement that new laneways have no or limited vehicle access to qualify for development bonus
- remove the requirement that new laneways be publicly accessible 7 days a week, 24 hours day
- remove requirement for a Design Statement for new development in accordance with the Auckland Design Manual

34. AAA submits that while the PAUP envisages that QESQ might be relocated, it is clear that it should be replaced by something that offers a better street and open space network than is currently offered. The s.32 analysis that accompanies the Plan Change notes that the PAUP provisions “contemplate that QESQ might be closed and relocated elsewhere”, and that the Plan Change seeks “to rezone the site to provide for similar scale of development and the same mixture of retail, commercial and entertainment uses that currently apply to the surrounding land...”. Nothing that accompanies this Plan Change or its s.32 justification provides any certainty that the assessment criteria set out in the PAUP will be, or even can be, satisfied – given the scarcity of land opportunities that exist in Central Auckland.

35. The final section of these statutory analysis submissions relate to the RMA itself and examine whether this Plan Change is the most appropriate way of

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achieving the purpose of the Act. The s.32 analysis supporting the Plan Change helpfully lists various “other matters” contained in section 7 of the RMA that must be given particular regard by Council. Among these is (g) *Any finite characteristics of natural and physical resources*. The s.32 analysis argues: “the plan change will enable the redevelopment of a scarce (sic) and finite area of central city land”. AAA can agree with the statement, which also draws attention to the fact that Central Auckland land is a finite resource. It is also a particularly scarce resource. So much so that AAA is not satisfied that enough has been done to ensure that public space lost through QESQ sales can be replaced. The s.32 analysis responds to the “other matter” (b) *the efficient use of and development of natural and physical resources* with the comment: “The sale of this part of QESQ will also allow the redeployment of scarce (sic) open space resources to areas where they will provide greater social wellbeing”. AAA submits that in the absence of any certainty that equivalent open spaces actually exist – these statements are gratuitous and baseless.

36. AAA notes that the s.32 supporting the Plan Change states consideration was given to three alternative options: do nothing; insert other provisions in the District Plan; wait for PAUP. The middle of these did include the option of a Precinct plan change for the whole area, but this was dismissed because it “did not achieve the purpose of the Plan Change”. AAA submits that while that statement may be true, the test here is whether a Private Plan Change in this case delivers the purpose of the RMA. AAA submits that while the Plan Change may deliver to Precinct Properties what it wants, it does not deliver the purpose of the RMA, and nor does it satisfy the objectives and policies that are set out in the ARPS, the District Plan and the PAUP.

Conclusion

37. AAA does not support the Plan Change in its present form for the reasons set out in these submissions.
38. AAA would welcome a Precinct wide plan change for the downtown west precinct that would include provisions set out in the Plan Change that is the subject of these submissions. This Precinct wide plan change should include provisions relating to transport planning, particularly provisions for bus stops and bus interchange services. It should also incorporate commensurate public space provision that replaces any of QESQ that is lost consistent with the statutory planning framework that relates to central Auckland generally and to downtown west in particular.
39. AAA seeks to be heard in support of these submissions.

Submission Dated 16 July 2015

Submission No 2

From: donotreply@aucklandcouncil.govt.nz
To: [central-areaplan](#)
Subject: District Plan online submission
Date: Wednesday, 15 July 2015 12:33:14 p.m.
Attachments: [Submission of Cooper and Company on PPC79 - 15 July 2015 - final.pdf](#)

Thank you for your submission.

Once submissions close, a summary of submission will be prepared. At a later date, Auckland Council will hold hearings to consider all submissions.

If you selected to be heard at a hearing then we will be in touch when hearings are scheduled.

If you have any questions, please contact us on 09 301 0101.



Contact details

Full name: Cooper and Company NZ
Organisation: Cooper and Company NZ
Agent: Vicki Morrison-Shaw
Phone (daytime): 09 3040422
Phone (evening):
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Postal address: C/o Vicki Morrison-Shaw, Atkins Holm Majurey , PO Box 1585 ,
AUCKLAND
Post code: 1140
Date of submission: 15-Jul-2015

Submission details

This is a submission on the following plan change/modification (state plan change/modification name and number):

Proposed private plan modification 79 - Queen Elizabeth Square

Please select the district plan your submission relates to:
Auckland Central Area

The specific provision of the plan change/modification that my submission relates to:
The entire plan change

I/We:
Generally support, but seek amendments

The reason for my/our views is:
See attached submission

I/We seek the following decision from the council:

Submission No 2

Accept the plan change/modification with amendments as outlined below

Proposed amendments:

See attached submission

I/We wish to be heard at the council planning hearing:

Yes

I/We would be prepared to present a joint case at the hearing with any others making a similar submission:

Yes

Attach a supporting document:

Submission of Cooper and Company on PPC79 - 15 July 2015 - final.pdf

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public:

Accept

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act:

I could not gain an advantage in trade competition through this submission

Submission No 2

SUBMISSION ON A PUBLICLY NOTIFIED PROPOSAL FOR PLAN VARIATION

Clause 6 of First Schedule, Resource Management Act 1991

TO: AUCKLAND COUNCIL

SUBMITTER: COOPER AND COMPANY NZ

1. This is a submission on a change proposed to the following plan ("**the plan change**");

Private Plan Change 79 to Auckland Council District Plan Operative Auckland City – Central Area Section 2005.
2. Cooper and Company could not gain an advantage in trade competition through this submission.
3. Cooper and Company's submission relates to the entire plan change.
4. Cooper and Company's submission is that it supports the Proposal, subject to the relief sought below, but wish to ensure that appropriate planning controls are imposed so that:
 - (a) The plan change will result in urban design and environmental outcomes that are of high quality and the most appropriate for the site and location;
 - (b) Any adverse effects arising from having a building on this site including the loss of public space are able to be appropriately avoided, remedied or mitigated; and
 - (c) A high quality building and urban environment which is in keeping with the character of the overall Britomart Precinct and urban regeneration of the waterfront, results.
5. In particular, and without limiting the above, Cooper and Company considers that the following provisions are appropriate and should be included within the plan change if not already proposed:
 - (a) The maximum permitted height be restricted to 19m and the minimum frontage height also be 19m with a requirement to build up to the Queen Street frontage of the site, subject to the provision of an east-west pedestrian laneway and north-south pedestrian link.
 - (b) That a verandah control be applied to the Queen Street frontage of the site.

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- (c) That appropriate design criteria/controls are imposed on any new building to ensure the achievement of a high quality building on the site, whilst ensuring a building that is complementary to the heritage Central Post Office ("CPO") building. In this regard, any new development need not imitate the CPO but sit comfortably within this important heritage, commercial and transport based location. Additionally, the Queen Street frontage and the northern frontage of any building(s) should avoid blank solid walls and instead these walls should be active. At ground level, the uses should be restricted to retail or food and beverage and a ground level glazing percentage frontage control should apply.
 - (d) The gross floor area of the plan change area be commensurate with the proposed 19m height limit proposed unless it can be demonstrated that a higher intensity will produce higher quality urban design results or other public amenity benefit. It is considered that the allowable height limit would result in a site intensity for the plan change area of approximately 3:1 or 3.5:1. As a site intensity of 13:1 is being sought, the practical effect of the residual approximate 10:1 site intensity could conceivably only be utilised outside the plan change area on the other sites owned by Precinct Properties. Clearly there is an obvious value transfer associated with this approach and it is considered appropriate that high quality design outcomes are mandated through the plan change as a result of this accumulation and redistribution of floor area.
 - (e) Shading shall not exceed that set out in the plan change.
6. Cooper and Company seek the following decision from the local authority:
- (a) That the plan change be approved subject to the changes set out above which are considered to be necessary to address the concerns raised in this submission.
7. Cooper and company wish to be heard in support of our submission.
8. If others make a similar submission, we will consider presenting a joint case with them at a hearing.



DATE: 15 July 2015

Mike Holm / Vicki Morrison-Shaw

Submission No 2

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On behalf of **Cooper and Company**

Address for service of submitter:

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vicki.morrison-shaw@ahmlaw.nz

Contact person:

Vicki Morrison-Shaw
Solicitor

Submission No 3

Submission on a publicly notified proposal for policy statement or plan change or variation

Clause 6 of First Schedule, Resource Management Act 1991
FORM 5



Correspondence to:

CENTRAL R/C PS ADMIN

15 JUL 2015

LODGEMENTS RECEIVED

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Submission No. **AUCKLAND COUNCIL**

Receipt Date: **15 JUL 2015**

CENTRAL-GRAHAM ST

Submitter details

Full Name of Submitter or Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

CHARLOTTE MARY FISHER

Organisation Name (if submission is on behalf of Organisation)

Address for service of the Submitter

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1022

Telephone:

(09) 3786012

Email:

seefish@slingshot.co.nz

Contact Person: (Name and designation if applicable)

Scope of submission

This is a submission to:

Plan Change/Variation Number

Proposed Plan modification 79

Plan Change/Variation Name

Plan Change to Rezone Queen Elizabeth
II Square.

To the (indicate which plan below)

Relevant District Plan:

☒ Auckland Central

☐ Auckland Gulf Islands

☐ Auckland Isthmus

☐ Franklin

☐ Manukau

☐ North Shore

☐ Papakura

☐ Rodney

☐ Waitakere

Relevant Regional Plan/ Policy Statement:

☐ Coastal

☐ Sediment Control

☐ Proposed Air Land Water

☐ Farm Dairy Discharges

☐ Transitional Regional Plan

☐ Auckland Regional Policy Statement

The specific provisions that my submission relates to are:

Please identify the specific parts of the Proposed Plan Change/Variation

Rule(s)

Or

Property Address

Or

Map

Or

Other (specify)

The whole proposed plan change.

Submission

Submission No 3

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I **support** the specific provisions identified above ☐

I **oppose** the specific provisions identified above ☒

I wish to have the provisions identified above amended Yes ☐ No ☐

The reasons for my views are: I object to the re-zoning of this

space on the grounds of
1. Loss of Public Open Space.

2. Health and Safety

3. Amenities to assemble in celebration (continue on a separate sheet if necessary)
and/or in protest cont'd. on p. 2.

I seek the following decision by Council:

Accept the Plan Change/Variation ☐

Accept the Plan Change/Variation with amendments as outlined below ☐

Decline the Plan Change/Variation ☒

If the Plan Change/Variation is not declined, then amend it as outlined below. ☐

I wish to be heard in support of my submission ☒

If others make a similar submission, I will consider presenting a joint case with them at a hearing ☐



Signature of Submitter
(or person authorised to sign on behalf of submitter)

14.7.2015
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

I could ☐ could not ☒ gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission please complete the following:

I am ☐ am not ☐ directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

1.

Auckland Council has an obligation to provide Public Open Space for its citizens. The proposed trade off to 'design' other existing public space will not increase nor ameliorate the loss of Queen Elizabeth 11 Square.

2.

Health and Safety: This re-zoning, rather than acting to enhance the health and safety of 'future generations', will do exactly the opposite. At the same time as intensifying the population of the inner city occupying high-rise offices, hotels and apartments, it is bizarre to decrease Public Open Space available to assemble safely in case of earthquake, fire or other catastrophe.

3.

Amenity to assemble in celebration and/or protest:

The provision of Public Open Space as an amenity is the responsibility of Auckland Council.

The only way to compensate for the loss of Queen Elizabeth 11 Square is to replace like with like. That is for Auckland Council to buy the HSBC building and demolish it and provide parkland on that site. Thus the lost Public Open Space would be replicated with a comparable, usable site.

Summary:

Auckland Council, Waterfront Auckland and Auckland Council Properties (the latter two to be coalesced in to a new entity, Development Auckland Ltd.) need to recognize the zoning 'Public Open Space' is just that-

Public – open to all, not those 'allowed' by security guards

Open – not compromised by 'landscape architecture', a road is a road not a 'linear park' and

Space – for people, not cafes and/or skate rinks.

All of the public space in Auckland could be leased for income but it is Auckland Councils' role to hold it open for all citizens.

Submission No 3

CHANGE THE 'DOWNTOWN SCHEME'

"public squalor"

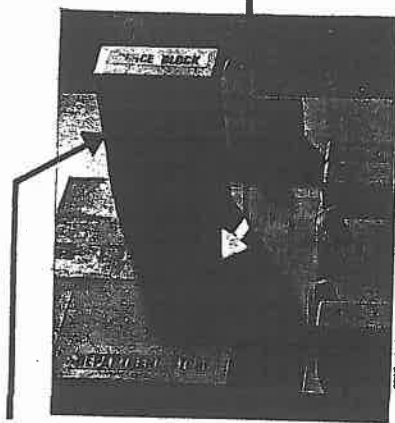
THIS IS YOUR SQUARE.

This square will be **SUNLESS** half the year.

This square will be **WINDY**.

This square will have **NO HARBOUR VIEW**.

This square will **COST THE PUBLIC \$588,000.**



THIS PRIVATE BUILDING SHADES YOUR SQUARE FOR HALF THE YEAR

This building will make the square windy.

This building gets the sun all day.

This building has magnificent views.

This building can be moved to the south side of the square. Then the square would be sunny, windless, delightful.

private affluence"

this building must be shifted

A poster prepared as part of the campaign to change the Downtown proposal. Auckland Downtown File, Group Box 1, UoA Architecture Archive.

its lengthy campaign to pressure the Wellington City Council into introducing more extensive town planning. Similarly, Wilson imagined the AAA as an informal, social forum through which architects and students could 'jointly contribute by discussion and exhibitions to the planning and development of the city; and which can speak freely on architectural and planning matters as they arise'.⁷ Space was rented in Symonds Street, enabling punters to continue conversations started

just down the road at the Kiwi Tavern, where o'clock closing forced them out the door.⁸

Juriss was less active than Wilson in speaking publicly about the city, but he certainly letters to the editor of the *Auckland Star* with issues angered him. He referred to the new housing proposed for Otara in 1960 as 'inhuman and malignant sprawl... an evil in the guise of housing',⁹ and on the 1964 decision to proceed with the Beehive to the design of British architect Sir Basil Spence, he wrote 'should be a wholly New Zealand building is to be deplored that... the responsible party that be resort to imported consultants who are already in this country capable men with necessary qualifications.'¹⁰

In the mid to late 1960s, Juriss and Wilson were also among the main objectors to the Auckland Harbour Board's Downtown redevelopment proposal for the Lower Queen Street opposite the Ferry Buildings – Wilson on behalf of the AAA and Juriss under the auspices of a company in which he was a shareholder, the Constitution Hill Development Co. The proposal included a high-rise building on the northern side of Queen Elizabeth II Square. It was reclaimed Harbour Board land that was opened up for private development. Juriss, Wilson and others believed the new building would make the square 'almost unusable' because of shade and wind. They outlined their concerns in the AAA Bulletin and objected as far as the Town and Country Planning Appeal Board, which found in favour of the Harbour Board. The high-rise, soon known as the Air New Zealand Building, was built on the northern side of the square and the square itself failed to become the vibrant public space that they presumably

Group Architecture: towards a N.Z. Architecture

(ed) Julia Gattley 2010

Submission No 3

Submission No 4

From: david@konstrukt.co.nz
To: [central-areaplan](#)
Cc: david@konstrukt.co.nz
Subject: District Plan online submission
Date: Thursday, 16 July 2015 9:32:30 a.m.
Attachments: [3Submission on Plan Change 79 QE Square.pdf](#)

Thank you for your submission.

Once submissions close, a summary of submission will be prepared. At a later date, Auckland Council will hold hearings to consider all submissions.

If you selected to be heard at a hearing then we will be in touch when hearings are scheduled.

If you have any questions, please contact us on 09 301 0101.



Contact details

Full name: David Gibbs
Organisation: New Zealand Institute of Architects Ackland Branch
Agent:
Phone (daytime): (09) 373 4900
Phone (evening): (09) 410 5792
Mobile: (021) 818 412
Email address: david@konstrukt.co.nz
Postal address: P O Box 90451, Victoria St West, Auckland
Post code: 1142
Date of submission: 16-Jul-2015

Submission details

This is a submission on the following plan change/modification (state plan change/modification name and number):
Plan Change 79 Queen Elizabeth Square

Please select the district plan your submission relates to:
Auckland Central Area

The specific provision of the plan change/modification that my submission relates to:
Refer written submission attached
Please note that I lodged a submission within the deadline at approximately 3pm on 15th July. As of 8.30am 16th July I have yet to receive emailed confirmation . This is sent as backup.

I/We:
Oppose

The reason for my/our views is:

Submission No 4

Refer written submission attached

I/We seek the following decision from the council:

If the plan change/modification is not declined, then amend it as outlined below

Proposed amendments:

Refer written submission attached

I/We wish to be heard at the council planning hearing:

Yes

I/We would be prepared to present a joint case at the hearing with any others making a similar submission:

No

Attach a supporting document:

Submission on Plan Change 79 QE Square.pdf

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public:

Accept

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act:

I could not gain an advantage in trade competition through this submission

Submission No 4

90SUBMISSION ON PUBLICLY NOTIFIED PRIVATE PLAN CHANGE NO. 79

Re: Operative Auckland City – Central Area Section 2005 – Queen Elizabeth Square
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO
THE RESOURCE MANAGEMENT ACT 1991

TO: Auckland Council (“Council”)

SUBMISSION ON: Proposed Private Plan Change 79 (“Plan Change”) to the Central Area Section of the Auckland Operative District Plan (“District Plan”)

NAME: New Zealand Institute of Architects Incorporated (“NZIA”)

Scope of submission

1. This submission relates to the whole of the Plan Change and, more specifically, to the protection of public spaces in Central Auckland.

Nature of submission

2. The Institute of Architects (NZIA) welcomes the opportunity that notification of this Plan Change provides to make submissions relating to proposals and plans to redevelop an area of Downtown Auckland.

However NZIA is concerned that the scope of submissions that relate specifically to the notified Plan Change is necessarily limited just to the area of Queen Elizabeth Square (QESq) and specific matters, despite the fact that the development of QESq clearly overlaps with, is integrated with, and is part of development proposals affecting a much wider area of Downtown Auckland, and which are of enormous public interest. NZIA submits that the purpose of the Resource Management Act would be best served through promulgating and notifying a Downtown Precinct or Quarter wide Plan Change. Such an integrated approach would avoid issues associated with incrementalism and allow for a holistic consideration of architecture, urban design and planning matters that arise from this redevelopment including public space and public transport. Furthermore, NZIA notes with considerable concern that while the s.32 analysis supporting the Plan Change references the matter of public space provision to replace the loss of QESq – neither it, nor any other process that NZIA is aware of, ensures that provision to a commensurate standard. NZIA cannot support an incremental measure that relegates compensating public space provision to sometime in the future, particularly when the paucity and scarcity of available opportunities is considered.

3. The Plan Change request relates to land currently owned and managed by Council that is subject to a conditional sale agreement pending road closure

Submission No 4

and the change of zone to city centre zone to provide development potential on QESq land. According to Item 13 of the Auckland Development Committee agenda for the meeting held 11 June 2015, to achieve this purpose the Plan Change proposes to change the District Plan as follows:

- Amend Planning Overlay Maps 1-7
 - Amend the text of Part 6 – Development Controls (multiple additions to the text)
 - Amend Figure 14.2 (Central Area open space facilities and locations) by removing the ‘Existing Public Open Space’, ‘Pedestrian Routes / Open Spaces to be enhanced’ and ‘Queen Elizabeth Square’ text from the subject land.
 - Amend Figure 14.2A.6 (Concept Plan – Queen Elizabeth Square) by removing the concept plan from the subject land.
 - Amend the text of Part 14.2A.8.7
4. NZIA understands that the land that is the subject of the Plan Change is part of a substantial redevelopment under the control of Precinct Properties of an area of downtown Auckland that is bounded by Lower Queen Street, Quay Street, Lower Albert Street and Custom Street, and which is located at ground level above a section of the planned Central Rail Link (CRL) project.
 5. NZIA notes that this Plan Change presents the first opportunity for public submissions relating to any aspect of the proposed redevelopment.
 6. While NZIA supports the CRL project and could support the level of development of QESq that is envisaged by the Plan Change, NZIA’s support is conditional upon the provision of commensurate public space elsewhere, and the protection of other public spaces from effects arising from the provision of bus and other public transport infrastructure in the area with the planned removal of the Lower Queen Street bus terminal and the planned introduction of at-grade light rail infrastructure on Lower Queen Street.
 7. NZIA supports District Plan explanations in Section 3.6 about such issues: “Council intends the Central Area to be a safe and attractive environment that exhibits excellence in urban design. The impact of private development on public spaces, and built and streetscape character is of prime concern to the Council as this directly affects the quality of the environment. The design and appearance of new development will be influenced by the Plan controls in order to ensure that new buildings do not adversely affect public spaces.”
 8. NZIA notes the existence of Central Area “Precincts” in close proximity to the subject land at QESq and the Downtown redevelopment area, including Britomart, Quayside, Viaduct and Wynyard Quarter. NZIA submits that precinct wide plan change processes that were carried out for those precincts – in accordance with the District Plan – identified public spaces and places, and ensured their protection and those using them from the adverse effects

Submission No 4

of buildings and other activities within those precincts. NZIA submits that the whole of the Downtown redevelopment, including the provision of public space, and including proposals for public transport should be the subject of a Precinct Plan Change for the whole area. This would be consistent with the District Plan, give effect to the RMA and the Auckland Regional Policy Statement (ARPS), and be consistent with provisions contained in the Proposed Auckland Unitary Plan ("PAUP").

9. NZIA generally agrees with the supporting s.32 assessment of effects to be considered as part of this Plan Change. These being:
 - Provision of open space in downtown Auckland
 - Streetscape character
 - Shading
 - Wind
 - Heritage and archaeology
 - Cultural effects
10. NZIA generally agrees with the May 2014 Auckland Development Committee report about QESq by officers from Auckland Council's Built Environment Unit (now the Auckland Design Office) which states:

Queen Elizabeth Square functions primarily as a passive space, a thoroughfare to pass through rather than a space to linger. It is generally regarded as an unsuccessful space. This can be attributed in part to the lack of active built frontage onto it and the visual and physical severance to lower Queen Street created by the entrance to the underground rail platforms and glazed canopy that defines its eastern perimeter. Perhaps more critically, it is the orientation of Queen Elizabeth Square that is its greatest drawback being cast in shadow by 1 Queen Street for significant portions of the day.
11. NZIA notes that the Plan Change in part responds to Auckland Council decisions that when QESq is developed then the eastern edge of Lower Queen Street should be built to a minimum height with verandahs and suchlike, and that the shade controls that presently protect QESq shall be removed allowing for the shading that is likely to be cast from the tower proposed at the corner of Lower Albert and Custom Street West. However NZIA finds itself unable to respond meaningfully to these proposals because they are essentially presented in a vacuum. No information is provided about how Lower Queen Street will be used by public transport or by other modes of transport which will affect the way pedestrians interact with buildings on either side of Lower Queen Street, and how the public space that is left will be used. NZIA submits that meaningful submissions could be prepared if a Precinct wide plan change was promulgated and notified, which would allow an integrated assessment and consideration of effects and outcomes.

Submission No 4

12. NZIA submits that a significant adverse effect of allowing and proceeding with the Plan Change is that integrated planning for the area will be impeded, that integrated consideration of transport effects and land uses will be avoided, and that giving effect to the RMA in regard to the provision of scarce public space will be impossible.

Conclusion

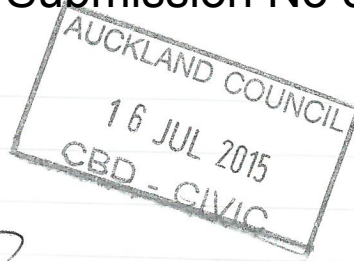
13. NZIA does not support the Plan Change in its present form for the reasons set out in these submissions.
14. NZIA would welcome a Precinct wide plan change for the downtown west precinct, that would include provisions set out in the Plan Change that is the subject of these submissions. This Precinct wide plan change should include provisions relating to transport planning, particularly provisions for bus stops and bus interchange services. It should also incorporate commensurate public space provision that replaces any of QESq that is lost consistent with the statutory planning framework that relates to central Auckland generally and to downtown west in particular.

15 July 2015

Address for service:

David Gibbs
Chair, NZIA Urban Issues Group, Auckland
c/o Construkt Architects
P O Box 90 451
Victoria Street West
Auckland 1142

Email: david@construkt.co.nz



25 NIKK R
MILFORD
AUCKLAND 0620

Plan to reduce Queen Elizabeth
Square.

I do not wish to see the size of
Queen Elizabeth Square reduced.

I am also concerned about Te Ari Karu-
the Living Flame. which would be
lost. If the flame dies, does Auckland
also die?

See.

CARRIED BY NEW ZEALAND POST

14 JUL 15

110-05

PLANNING TECHNICIAN
PLANS AND PLACES

AUCKLAND COUNCIL.

PRIVATE BAG 92300

AUCKLAND 1142.



Submission No 6

From: graeme.scott@ascarchitects.co.nz
To: [central-areaplan](#)
Cc: graeme.scott@ascarchitects.co.nz
Subject: District Plan online submission
Date: Wednesday, 15 July 2015 3:52:47 p.m.
Attachments: [UDF Submission on Plan Change 79 QE Square.pdf](#)

Thank you for your submission.

Once submissions close, a summary of submission will be prepared. At a later date, Auckland Council will hold hearings to consider all submissions.

If you selected to be heard at a hearing then we will be in touch when hearings are scheduled.

If you have any questions, please contact us on 09 301 0101.



Contact details

Full name: Graeme Scott
Organisation: Urban Design Forum NZ
Agent:
Phone (daytime): 09 377 5332
Phone (evening):
Mobile: 029 285 3449
Email address: graeme.scott@ascarchitects.co.nz
Postal address: c/o ASC Architects, Box 5736, Auckland
Post code: 1141
Date of submission: 15-Jul-2015

Submission details

This is a submission on the following plan change/modification (state plan change/modification name and number):

Private Plan Change 79 - Queen Elizabeth Square

Please select the district plan your submission relates to:
Auckland Central Area

The specific provision of the plan change/modification that my submission relates to:
The whole Plan Change

I/We:
Oppose

The reason for my/our views is:
As attached

I/We seek the following decision from the council:

Submission No 6

SUBMISSION ON PUBLICLY NOTIFIED PRIVATE PLAN CHANGE NO. 79

Re: Operative Auckland City – Central Area Section 2005 – Queen Elizabeth Square
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO
THE RESOURCE MANAGEMENT ACT 1991

TO: Auckland Council (“Council”)

SUBMISSION ON: Proposed Private Plan Change 79 (“Plan Change”) to the Central Area Section of the Auckland Operative District Plan (“District Plan”)

NAME: Urban Design Forum New Zealand (“UDF”)

Scope of submission

1. This submission relates to the whole of the Plan Change and, more specifically, to the protection of public spaces in Central Auckland.

Nature of submission

2. The Urban Design Forum (UDF) welcomes the opportunity that notification of this Plan Change provides to make submissions relating to proposals and plans to redevelop an area of Downtown Auckland.

However UDF is concerned that the scope of submissions that relate specifically to the notified Plan Change is necessarily limited just to the area of Queen Elizabeth Square (QESq) and specific matters, despite the fact that the development of QESq clearly overlaps with, is integrated with, and is part of development proposals affecting a much wider area of Downtown Auckland, and which are of enormous public interest. UDF submits that the purpose of the Resource Management Act would be best served through promulgating and notifying a Downtown Precinct or Quarter wide Plan Change. Such an integrated approach would avoid issues associated with incrementalism and allow for a holistic consideration of architecture, urban design and planning matters that arise from this redevelopment including public space and public transport. Furthermore, UDF notes with considerable concern that while the s.32 analysis supporting the Plan Change references the matter of public space provision to replace the loss of QESq – neither it, nor any other process that UDF is aware of, ensures that provision to a commensurate standard. UDF cannot support an incremental measure that relegates compensating public space provision to sometime in the future, particularly when the paucity and scarcity of available opportunities is considered.

3. The Plan Change request relates to land currently owned and managed by Council that is subject to a conditional sale agreement pending road closure

Submission No 6

and the change of zone to city centre zone to provide development potential on QESq land. According to Item13 of the Auckland Development Committee agenda for the meeting held 11 June 2015, to achieve this purpose the Plan Change proposes to change the District Plan as follows:

- Amend Planning Overlay Maps 1-7
 - Amend the text of Part 6 – Development Controls (multiple additions to the text)
 - Amend Figure 14.2 (Central Area open space facilities and locations) by removing the ‘Existing Public Open Space’, ‘Pedestrian Routes / Open Spaces to be enhanced’ and ‘Queen Elizabeth Square’ text from the subject land.
 - Amend Figure 14.2A.6 (Concept Plan – Queen Elizabeth Square) by removing the concept plan from the subject land.
 - Amend the text of Part 14.2A.8.7
4. UDF understands that the land that is the subject of the Plan Change is part of a substantial redevelopment under the control of Precinct Properties of an area of downtown Auckland that is bounded by Lower Queen Street, Quay Street, Lower Albert Street and Custom Street, and which is located at ground level above a section of the planned Central Rail Link (CRL) project.
 5. UDF notes that this Plan Change presents the first opportunity for public submissions relating to any aspect of the proposed redevelopment.
 6. While UDF supports the CRL project and could support the level of development of QESq that is envisaged by the Plan Change, UDF’s support is conditional upon the provision of commensurate public space elsewhere, and the protection of other public spaces from effects arising from the provision of bus and other public transport infrastructure in the area with the planned removal of the Lower Queen Street bus terminal and the planned introduction of at-grade light rail infrastructure on Lower Queen Street.
 7. UDF supports District Plan explanations in Section 3.6 about such issues: “Council intends the Central Area to be a safe and attractive environment that exhibits excellence in urban design. The impact of private development on public spaces, and built and streetscape character is of prime concern to the Council as this directly affects the quality of the environment. The design and appearance of new development will be influenced by the Plan controls in order to ensure that new buildings do not adversely affect public spaces.”
 8. UDF notes the existence of Central Area “Precincts” in close proximity to the subject land at QESq and the Downtown redevelopment area, including Britomart, Quayside, Viaduct and Wynyard Quarter. UDF submits that precinct wide plan change processes that were carried out for those precincts – in accordance with the District Plan – identified public spaces and places, and ensured their protection and those using them from the adverse effects

Submission No 6

of buildings and other activities within those precincts. UDF submits that the whole of the Downtown redevelopment, including the provision of public space, and including proposals for public transport should be the subject of a Precinct Plan Change for the whole area. This would be consistent with the District Plan, give effect to the RMA and the Auckland Regional Policy Statement (ARPS), and be consistent with provisions contained in the Proposed Auckland Unitary Plan ("PAUP").

9. UDF generally agrees with the supporting s.32 assessment of effects to be considered as part of this Plan Change. These being:
 - Provision of open space in downtown Auckland
 - Streetscape character
 - Shading
 - Wind
 - Heritage and archaeology
 - Cultural effects
10. UDF generally agrees with the May 2014 Auckland Development Committee report about QESq by officers from Auckland Council's Built Environment Unit (now the Auckland Design Office) which states:

Queen Elizabeth Square functions primarily as a passive space, a thoroughfare to pass through rather than a space to linger. It is generally regarded as an unsuccessful space. This can be attributed in part to the lack of active built frontage onto it and the visual and physical severance to lower Queen Street created by the entrance to the underground rail platforms and glazed canopy that defines its eastern perimeter. Perhaps more critically, it is the orientation of Queen Elizabeth Square that is its greatest drawback being cast in shadow by 1 Queen Street for significant portions of the day.
11. UDF notes that the Plan Change in part responds to Auckland Council decisions that when QESq is developed then the eastern edge of Lower Queen Street should be built to a minimum height with verandahs and suchlike, and that the shade controls that presently protect QESq shall be removed allowing for the shading that is likely to be cast from the tower proposed at the corner of Lower Albert and Custom Street West. However UDF finds itself unable to respond meaningfully to these proposals because they are essentially presented in a vacuum. No information is provided about how Lower Queen Street will be used by public transport or by other modes of transport which will affect the way pedestrians interact with buildings on either side of Lower Queen Street, and how the public space that is left will be used. UDF submits that meaningful submissions could be prepared if a Precinct wide plan change was promulgated and notified, which would allow an integrated assessment and consideration of effects and outcomes.

Submission No 6

12. UDF submits that a significant adverse effect of allowing and proceeding with the Plan Change is that integrated planning for the area will be impeded, that integrated consideration of transport effects and land uses will be avoided, and that giving effect to the RMA in regard to the provision of scarce public space will be impossible.

Conclusion

13. UDF does not support the Plan Change in its present form for the reasons set out in these submissions.
14. UDF would welcome a Precinct wide plan change for the downtown west precinct, that would include provisions set out in the Plan Change that is the subject of these submissions. This Precinct wide plan change should include provisions relating to transport planning, particularly provisions for bus stops and bus interchange services. It should also incorporate commensurate public space provision that replaces any of QESq that is lost consistent with the statutory planning framework that relates to central Auckland generally and to downtown west in particular.

15 July 2015

Address for service:

Graeme Scott
Chair, Urban Design Forum New Zealand
c/o ASC Architects
Box 5736
Auckland.

Graeme.Scott@ascarchitects.co.nz

Submission No 6

Decline the plan change/modification

Proposed amendments:

As attached

I/We wish to be heard at the council planning hearing:

Yes

I/We would be prepared to present a joint case at the hearing with any others making a similar submission:

Yes

Attach a supporting document:

UDF Submission on Plan Change 79 QE Square.pdf

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public:

Accept

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act:

I could not gain an advantage in trade competition through this submission

Further submission No 2

From: nomadsathome@xtra.co.nz
To: [central-areaplan](#)
Cc: nomadsathome@xtra.co.nz
Subject: District Plan online further submission
Date: Tuesday, 4 August 2015 12:17:52 a.m.

Thank you for your further submission.

Once further submissions close, a summary of submissions and further submissions will be prepared. At a later date, Auckland Council will hold hearings to consider all submissions.

If you selected to be heard at a hearing then we will be in touch when hearings are scheduled.

If you have any questions, please contact us on 09 301 0101.



Contact details

Full name: Jennifer Goldsack
Organisation:
Agent:
Phone (daytime): 095266777
Phone (evening): 092703742
Mobile: 021757292
Email address: nomadsathome@xtra.co.nz
Postal address: 31 Sturges Avenue, Otahuhu, Auckland
Post code: 1062
Date of further submission: 3-Aug-2015

Further submission details

This is a further submission on the following plan change/modification (state plan change/modification name and number):

Plan modification 79

Please select the district plan your further submission relates to:
Auckland Central Area

I/We: Support the submission of:
Submission number 1 Submitter name Auckland Architecture Association

I/We: Support these particular parts of the above submission:
Points 1. to 38.

The reason for my /our support or opposition to the above submission is:
The Auckland Development Committee Meeting 11th September 2014
Item 12 h) "...staff to consider the easterly extent of land to be sold based on a future building line to Lower Queen Street ... ". Not only has the Auckland Development

Further submission No 2

Committee slipped through a zoning change (road stopping and rezoning of the land) that nobody realised the reason for so there were no submissions, they also intend to use this continuation of a bad planning precedent to sell further land owned by the people of Auckland to obscure the view to the Harbour and shade the Historic Precinct.

I/We seek that:

The whole submission be allowed

I/We wish to be heard at the council planning hearing:

No

I/We would be prepared to present a joint case at the hearing with any others making a similar submission:

No

I accept by taking part in this public submission process that my further submission (including personal details, names and addresses) will be made public:

Further submission No 1

From: nomadsathome@xtra.co.nz
To: [central-areaplan](#)
Cc: nomadsathome@xtra.co.nz
Subject: District Plan online further submission
Date: Tuesday, 4 August 2015 12:49:19 a.m.

Thank you for your further submission.

Once further submissions close, a summary of submissions and further submissions will be prepared. At a later date, Auckland Council will hold hearings to consider all submissions.

If you selected to be heard at a hearing then we will be in touch when hearings are scheduled.

If you have any questions, please contact us on 09 301 0101.



Contact details

Full name: Jennifer Goldsack
Organisation:
Agent:
Phone (daytime): 095266777
Phone (evening): 92703742
Mobile: 021757292
Email address: nomadsathome@xtra.co.nz
Postal address: 31 Sturges Avenue, Otahuhu, Auckland
Post code: 1062
Date of further submission: 3-Aug-2015

Further submission details

This is a further submission on the following plan change/modification (state plan change/modification name and number):

Plan Modification 79

Please select the district plan your further submission relates to:
Auckland Central Area

I/We: Support the submission of:
Submission number 2 Submitter name Cooper and Company NZ

I/We: Support these particular parts of the above submission:

4 b) Any adverse effects arising from having a building on this site including the loss of public space are able to be appropriately avoided, remedied or mitigated.

5 a) Maximum Height 19M

5 c) Complementary to the Heritage Precinct and Britomart

5 d) Floor area commensurate to height

Further submission No 1

The reason for my /our support or opposition to the above submission is:

Many of the City Towers have not been completed at the height approved, but have extracted secret height extensions from the Council so that 36 becomes 38 (Residences on Gore Street) and others.

If all the points raised are met then the Plan Change can not be approved as there is no other nearby public space to remedy this loss. Queen Elizabeth Square is the only area in Queen Street for the public to sit down. That the Council has removed fountains and sculptures is not favourable to the environment. The trees were a great addition. With a bit more creative thinking this would be a haven for all including those waiting for transport.

I/We seek that:

The whole submission be allowed

I/We wish to be heard at the council planning hearing:

No

I/We would be prepared to present a joint case at the hearing with any others making a similar submission:

No

I accept by taking part in this public submission process that my further submission (including personal details, names and addresses) will be made public:

Further submission No 3

From: julie@mitchellstout.co.nz
To: [central-areaplan](#)
Cc: julie@mitchellstout.co.nz
Subject: District Plan online further submission
Date: Saturday, 8 August 2015 12:25:01 a.m.

Thank you for your further submission.

Once further submissions close, a summary of submissions and further submissions will be prepared. At a later date, Auckland Council will hold hearings to consider all submissions.

If you selected to be heard at a hearing then we will be in touch when hearings are scheduled.

If you have any questions, please contact us on 09 301 0101.



Contact details

Full name: Julie Stout
Organisation: Urban Auckland Inc, THE SOCIETY FOR THE PROTECTION OF AUCKLAND CITY AND WATERFRONT INCORPORATED
Agent:
Phone (daytime): 02749994436
Phone (evening):
Mobile: 02749994436
Email address: julie@mitchellstout.co.nz
Postal address: Julie Stout,, Mitchell Stout Architects, 35 High Street, Auckland 1010
Post code: 1010
Date of further submission: 7-Aug-2015

Further submission details

This is a further submission on the following plan change/modification (state plan change/modification name and number):
Plan Change/Modification 79

Please select the district plan your further submission relates to:
Auckland Central Area

I/We: Support the submission of:
Submission number 6 Submitter name Urban Design Forum of NZ

I/We: Support these particular parts of the above submission:
UA supports all of the submissions made by UDF in its submission to Plan Change 79, because UA considers that Plan Change 79 in its present form should be declined.

UA strongly agrees with UDF's concluding submission point. UA would welcome a Precinct wide plan change for the downtown west precinct, that would include

Further submission No 3

provisions set out in the Plan Change that is the subject of these submissions. This Precinct wide plan change should include provisions relating to transport planning, particularly provisions for bus stops and bus interchange services. It should also incorporate commensurate public space provision that replaces any of Queen Elizabeth Square (QESQ) that is lost consistent with the statutory planning framework that relates to central Auckland generally and to downtown west in particular.

The reason for my /our support or opposition to the above submission is:
Summary of Further Submission

1. UA involves itself from time to time in the planning of downtown Auckland in pursuit of its objectives. UA welcomes the opportunity that the UDF submission to Plan Change 79 provides to make a further submission in support of the UDF submission. UA understands that Plan Change 79 relates to proposals and plans to redevelop a significant area of Downtown Auckland. However UA, like UDF, is concerned that the scope of Plan Change 79 is limited just to the area of Queen Elizabeth Square ("QESQ"), despite the fact that the development of QESQ clearly overlaps with, is integrated with, and is part of development proposals affecting a wider area of Downtown Auckland. UA, like UDF, considers that the purpose of the Resource Management Act would be best served through promulgating and notifying a Downtown Precinct or Quarter wide Plan Change. Such an integrated approach would avoid issues associated with incrementalism and allow for a holistic consideration of the architecture, urban design and planning matters that arise from this redevelopment including the provision of public space and of public transport service infrastructure.

Parts of UDF Submission that are supported

2. UA supports all of the submissions made by UDF in its submission to Plan Change 79, because UA considers that Plan Change 79 in its present form should be declined.

3. UA is concerned that the planning process undertaken so far for this important city centre redevelopment has largely occurred behind closed doors and public input has not been sought. Plan Change 79 has been the first opportunity for public input. But – as UDF submits – this is incremental, and – like UDF – UA cannot support an incremental measure that relegates compensating public space provision to sometime in the future. UA considers that the present approach is reminiscent of Ports of Auckland's failed attempt to expand Bledisloe Wharf where public access to Captain Cook Wharf was suggested in exchange. Here the possibility of some yet to be identified public space (nothing remotely similar in character to QESQ has been mentioned) is being offered in exchange for the loss of QESQ.

4. UA strongly agrees with UDF's concluding submission point. UA would welcome a Precinct wide plan change for the downtown west precinct, that would include provisions set out in the Plan Change that is the subject of these submissions. This Precinct wide plan change should include provisions relating to transport planning, particularly provisions for bus stops and bus interchange services. It should also incorporate commensurate public space provision that replaces any of QESQ that is lost consistent with the statutory planning framework that relates to central Auckland generally and to downtown west in particular.

5. UA seeks to be heard in support of its further submission and is prepared to work with submitters which share its concerns.

Further submission No 3

I/We seek that:

The whole submission be allowed

I/We wish to be heard at the council planning hearing:

Yes

I/We would be prepared to present a joint case at the hearing with any others making a similar submission:

Yes

I accept by taking part in this public submission process that my further submission (including personal details, names and addresses) will be made public:

Further submission No 4

From: jbriscoe@tomwake.co.nz
To: [central-areaplan](#)
Cc: jbriscoe@tomwake.co.nz
Subject: District Plan online further submission
Date: Friday, 7 August 2015 11:07:48 a.m.

Thank you for your further submission.

Once further submissions close, a summary of submissions and further submissions will be prepared. At a later date, Auckland Council will hold hearings to consider all submissions.

If you selected to be heard at a hearing then we will be in touch when hearings are scheduled.

If you have any questions, please contact us on 09 301 0101.



Contact details

Full name: Jonothan Norris Briscoe and Patricia Anne Briscoe
Organisation:
Agent:
Phone (daytime): 07 3479 466
Phone (evening): 07 3470 040
Mobile: 0274 830 361
Email address: jbriscoe@tomwake.co.nz
Postal address: 1 Kowhai Street, Rotorua
Post code: 3010
Date of further submission: 7-Aug-2015

Further submission details

This is a further submission on the following plan change/modification (state plan change/modification name and number):

In respect of Plan Modification 79

Please select the district plan your further submission relates to:
Auckland Central Area

I/We: Support the submission of:

Submission number 1 and 4 Submitter name Auckland Architecture Association and New Zealand Institute of Architects Incorporated

I/We: Support these particular parts of the above submission:

Submission 1

1. There should be promulgated and notified a Downtown Precinct or Quarter wide Plan change.
2. The need for a considered approach to the replacement of public land (Queen Elizabeth Square) ("QESQ") with comparable public land/public space.

Further submission No 4

3. The whole of the Downtown development, including the provision of public space, and proposed changes for public transport service provision should be the subject of a Precinct Plan change - not just QESQ.

Submission 4

1. The Downtown redevelopment, including the provisions of public space, and including proposals for public transport should be the subject of a Precinct Plan change for the whole area.

The reason for my /our support or opposition to the above submission is:

Background

1. We tried to file a submission against the plan change on 14 July before submissions closed on 15 July 2015. The submission was filed on line but it appears it was not received by the Council.

2. We own Apartment 3F, Endeans Building, 2 Queen Street, Auckland, which is directly opposite QESQ. As a result, we will be directly affected by the plan modification and the subsequent building to be constructed on the Square.

3. When acquiring our apartment in February 1999, we did so on the basis the Auckland City Council was developing an underground bus station. At this stage QESQ included lower Queen Street. The representations at the time indicated QESQ was to remain and be enhanced.

4. Subsequently the development of Britomart and the railway station changed and the current scheme was put into effect.

5. When proposing the current arrangement with buses using lower Queen Street, various conditions were to be imposed, namely it was a bus only route. Restrictions were to be imposed on the buses and in particular the parking of the buses with engines running. The remaining portion of QESQ was to be enhanced. The conditions are not actively enforced by the Council and the upgrading of QESQ has been of limited impact.

Consequence of allowing the Plan Change

6. The proposed plan modification will have the following effects:

i) an open area of public land will be lost without any guarantee of a replacement area. Despite its limitations it still provides a venue for public activity.

ii) currently we overlook QESQ and are therefore able to observe the utilisation of the square, which is greater than has been suggested. It adds to our enjoyment of the area.

iii) by allowing the change and the construction of a building our privacy will be effected. The proposed height of the building and its construction to the roadside will result in a loss of privacy as currently we are essentially looking down on an empty space. It may also increase the shading of our apartment.

iv) the sale of QESQ and the development on the land as a consequence may impact on the value of our apartment.

Further submission No 4

v) Section 3.6 of the District Plan for the Auckland Central Area provides:

"3.6.2 An Alive People Place: the vitality of the Central Area depends on people. The provisions of the Plan aim to provide safe, comfortable and interesting places for people to meet, live, carry out business or simply to enjoy. The plan encourages diversity to make the Central Area an exciting and attractive place for many people. The Central Area is becoming a place where more people are choosing to live principally because the inner-City area offers a unique residential environment. The higher densities achievable in the Central Area compliment the low and medium density opportunities available elsewhere in the City. Certain parts of the Central Area have a definite character or specialist role. The Plan applies specific provisions to these areas, turned "Precincts" or "Quarters". In some cases the Plan ensures that special characteristics that make areas distinctive are retained. In other areas the Plan allows specific building or activities and seeks to manage any adverse environmental effect associated with those buildings or activities."

The Plan modification in terms of our enjoyment of our property will impact on our enjoyment. It is noted that the reports prepared do not refer to people actually living adjacent to the Square and the impact upon them. It is not just about what may be achieved but also what has been achieved and the adverse consequences of the proposed modification.

vi) We acquired our property in the knowledge QESQ was public land with no suggestion it may be sold in the future. Although it may be argued that the sale is for the greater public good and individuals can be ignored, the actual "public good" has not been identified.

vii) While the Plan change may give Precinct Properties what they want (and a cash windfall to ACC) it does not give those directly affected any compensation whether monetary or otherwise.

I/We seek that:

The whole submission be allowed

I/We wish to be heard at the council planning hearing:

Yes

I/We would be prepared to present a joint case at the hearing with any others making a similar submission:

Yes

I accept by taking part in this public submission process that my further submission (including personal details, names and addresses) will be made public:

Further submission No 5



Further Submission of Civic Trust Auckland

PUBLICLY NOTIFIED PRIVATE PLAN CHANGE NO. 79, IN RESPECT OF SUBMISSION 6 BY THE URBAN DESIGN FORUM OF NEW ZEALAND AND SUBMISSION 1 BY THE AUCKLAND ARCHITECTURE ASSOCIATION

Re: Operative Auckland City – Central Area Section 2005 – Queen Elizabeth Square
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO
THE RESOURCE MANAGEMENT ACT 1991

We would welcome the opportunity to speak in support of our submission at a public hearing and are prepared to work with other submitters who share our concerns.

Full Name: Mrs Audrey van Ryn (Secretary)
Organisation: Civic Trust Auckland
Phone (daytime): 379 4008
Phone (evening): 368 1516
Mobile: 021 035 4431
Email: cta@civictrustauckland.org.nz
Postal address: PO Box 74 049 Greenlane

Civic Trust Auckland

Civic Trust Auckland is a non-profit public interest group, incorporated in 1968, with activities and interests throughout the greater Auckland region.

The aims of the Trust include:

- Protection of natural landforms
- Preservation of heritage, in all its aspects
- Encouragement of good planning for the city and region.

CTA has made numerous submissions to Auckland Council with regard to planning matters.

Further submission No 5

1. CTA is concerned that Plan Change 79, which relates to the area of Queen Elizabeth Square (QESq), does not adequately provide for integration with other significant waterfront planning initiatives currently occurring in the wider area of downtown Auckland. To this extent we support the submissions of the Urban Design Forum (UDF), and the Auckland Architectural Association (AAA), which make similar submissions.
2. CTA supports the submissions of both the UDF and the AAA in relation to the provision of open space generally and proposed provisions in particular.
3. CTA sees merit in *“promulgating and notifying a Downtown Precinct or Quarter-wide Plan Change”*. To that end CTA supports the submissions of UDF and AAA which seek a broader planning in the downtown area which provides for the integration of: open space, streetscape character, heritage and cultural effect, and optimal wind and shading conditions.
4. The wisdom of the UDF's and the AAA's submissions is recognised by Auckland Council in its “Downtown Framework”, Sept 2014, page 47, which states that: *“Significant scope exists to take an integrated approach to public space and development opportunities that can maximise the value of investment”*.
5. The precinct-wide plan change should also incorporate commensurate public space provision that replaces any of QESq that is lost, consistent with the statutory planning framework that relates to central Auckland generally and to downtown west in particular.
6. The heritage assessment accompanying the plan change (undertaken by Clough & Associates Ltd) notes on page 84 the significance of views of various heritage buildings in the locality, and, furthermore, that, *“With the redevelopment of the Britomart Train Station, adaptation of the CPO, and introduction of the bus terminal, views from within the Square have been obscured”*. The submission of AAA which notes the relevant objectives and policies in relation to the protection of heritage features and important viewshafts (at submission points 21 and 27) is strongly supported by CTA.
7. CTA strongly agrees with UDF's concluding submission point. CTA would also welcome a precinct-wide plan change for the downtown west precinct that would include provisions set out in the plan change that is the subject of these submissions.
8. CTA is concerned that the planning for redevelopment for this important part of the city has largely occurred without the benefit of public input, and Plan Change 79 has been the first opportunity for the public to have a say.
9. In line with the submissions of the UDF and the AAA generally in this matter, and the particular points made above, CTA seeks that Plan Change 79 in its current form be declined.

Further submission No 5

Date of submission: 7 August 2015

Signature:



A handwritten signature in black ink, reading "Audrey van Ryn". The signature is written in a cursive, flowing style.

Audrey van Ryn
Secretary, Civic Trust Auckland

Further submission No 6

From: viv@hotcity.co.nz
Sent: Monday, 10 August 2015 3:07 p.m.
To: central-areaplan
Cc: viv@hotcity.co.nz
Subject: District Plan online further submission

Thank you for your further submission.

Once further submissions close, a summary of submissions and further submissions will be prepared. At a later date, Auckland Council will hold hearings to consider all submissions.

If you selected to be heard at a hearing then we will be in touch when hearings are scheduled.

If you have any questions, please contact us on 09 301 0101.



Contact details

Full name: Viv Beck
Organisation: Heart of the City Incorporated
Agent:
Phone (daytime): 09 379 8000
Phone (evening):
Mobile:
Email address: viv@hotcity.co.nz
Postal address: PO BOX 105 3031
Post code: 1143
Date of further submission: 10-Aug-2015

Further submission details

This is a further submission on the following plan change/modification (state plan change/modification name and number):

Private Plan Change 79

Please select the district plan your further submission relates to:
Auckland Central Area

I/We: Oppose the submission of:
Submission number No 1 Submitter name S Peace

I/We: Oppose these particular parts of the above submission:
Decline Plan Change on Basis of
- loss of Public Open Space

The reason for my /our support or opposition to the above submission is:

Further submission No 6

Any loss of Public Open Space is a consideration for Auckland Council not Precinct Properties.

FURTHER SUBMISSION ON PRIVATE PLAN CHANGE 79 UNDER CLAUSE 8 OF THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991

To: Auckland Council ("Council")

Name: Heart of the City

Scope of further submission

1. This is a further submission in opposition to a number of original submissions on Private Plan Change 79.

2. Heart of the City is downtown Auckland's business association which delivers the Business Improvement District (BID) programme. Heart of the City represents key stakeholders and business groups in Auckland's downtown business area. This business area is a significant contributor to the regional economy.

Submissions opposed

3. The submissions opposed are set out in the table attached as Annexure 1 to this further submission.

Reasons for further submission

4. The submissions raise a number of issues with respect to the provision of open space in Downtown Auckland and the desirability of masterplanning to be carried out on a comprehensive and precinct-wide basis. Concern is also raised with respect to the process by which the Council's Downtown Framework (September 2014) has been developed.

5. Heart of the City agrees with some of the concerns raised in submissions, particularly with respect to the need for comprehensive masterplanning of the waterfront and the desirability for Council to work collaboratively with parties to develop an open space strategy for the public realm along the Downtown waterfront.

6. Heart of the City, however, does not consider that these concerns warrant declining the Plan Change.

Council has resolved to sell QE Square – a space that is generally accepted as not being particularly successful as public open space. In Heart of the City's view, Precinct's plan to purchase this land and incorporate it into their comprehensive development of the block (which includes east-west and north-south linkages and facilitates the Central Rail Link) is a positive for Downtown Auckland and should be facilitated through this Plan Change process.

7. For these reasons, the submissions set out in Annexure 1 should be disallowed.

Decision sought

8. Heart of the City seeks that Private Plan Change 79 be granted.

9. Heart of the City wishes to be heard in support of this further submission.

I/We seek that:

The whole submission be allowed

I/We wish to be heard at the council planning hearing:

Yes

I/We would be prepared to present a joint case at the hearing with any others making a similar submission:

No

I accept by taking part in this public submission process that my further submission (including personal details, names and addresses) will be made public:

**FURTHER SUBMISSION ON PRIVATE PLAN CHANGE 79 UNDER
CLAUSE 8 OF THE FIRST SCHEDULE
TO THE RESOURCE MANAGEMENT ACT 1991**

To: Auckland Council ("Council")

Name: Heart of the City

Scope of further submission

1. This is a further submission in opposition to a number of original submissions on Private Plan Change 79.
2. Heart of the City is downtown Auckland's business association which delivers the Business Improvement District (BID) programme. Heart of the City represents key stakeholders and business groups in Auckland's downtown business area. This business area is a significant contributor to the regional economy.

Submissions opposed

3. The submissions opposed are set out in the table **attached** as **Annexure 1** to this further submission.

Reasons for further submission

4. The submissions raise a number of issues with respect to the provision of open space in Downtown Auckland and the desirability of masterplanning to be carried out on a comprehensive and precinct-wide basis. Concern is also raised with respect to the process by which the Council's Downtown Framework (September 2014) has been developed.
5. Heart of the City agrees with some of the concerns raised in submissions, particularly with respect to the need for comprehensive masterplanning of the waterfront and the desirability for Council to work collaboratively with parties to develop an open space strategy for the public realm along the Downtown waterfront.
6. Heart of the City, however, does not consider that these concerns warrant declining the Plan Change. Council has resolved to sell QE Square – a space that is generally accepted as not being particularly successful as public open space. In Heart of the City's view, Precinct's plan to purchase this land and incorporate it into their comprehensive development of the block (which includes east-west and north-south linkages and facilitates the Central Rail Link) is a positive for Downtown Auckland and should be facilitated through this Plan Change process.
7. For these reasons, the submissions set out in **Annexure 1** should be disallowed.

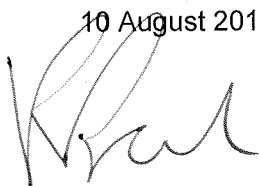
Decision sought

8. Heart of the City seeks that Private Plan Change 79 be granted.
9. Heart of the City wishes to be heard in support of this further submission.

HEART OF THE CITY:

Date: 10 August 2014

Signature:



Contact details: Viv Beck, Chief Executive

Address Level 2, 26 Lorne Street, Auckland

Email: viv@hotcity.co.nz

Telephone: 09 379 8000

ITEM	SUBMITTER	DECISION SOUGHT BY SUBMITTER	OPPOSE / SUPPORT	REASONS	DECISION SOUGHT
1.	S Peace (25 Nile Rd, Milford, Auckland 0620)	Decline Plan Change on basis of: <ul style="list-style-type: none"> loss of Public Open Space; and loss of flame sculpture. 	Oppose	Any loss of Public Open Space is a consideration for Auckland Council not Precinct Properties.	Heart of the City seeks that the Plan Change be granted.
2.	Auckland Architecture Association (b.mckay@auckland.ac.nz justine.harvey@agm.co.nz)	Decline Plan Change on basis of: <ul style="list-style-type: none"> loss of Public Open Space; inadequate provision of alternative Public Open Space; applicant should be required to undertake a precinct-wide plan change rather than this site specific plan change. 	Oppose	Any loss of Public Open Space or alternatives for Public Open Space are considerations for Auckland Council not Precinct Properties. A precinct-wide plan change is not appropriate in these circumstances.	Heart of the City seeks that the Plan Change be granted.
3.	Urban Design Forum New Zealand (Graeme.Scott@ascarchitects.co.nz)	Decline Plan Change on basis of: <ul style="list-style-type: none"> loss of Public Open Space; inadequate provision of alternative Public Open Space; applicant should be required to undertake a precinct-wide plan change rather than this site specific plan change. 	Oppose	Any loss of Public Open Space or alternatives for Public Open Space are considerations for Auckland Council not Precinct Properties. A precinct-wide plan change is not appropriate in these circumstances.	Heart of the City seeks that the Plan Change be granted.
4.	New Zealand Institute of Architects Incorporated (david@construkt.co.nz)	Decline Plan Change on basis of: <ul style="list-style-type: none"> loss of Public Open Space; inadequate provision of alternative Public Open Space; applicant should be required to undertake a precinct-wide plan change rather than this site specific plan change. 	Oppose	Any loss of Public Open Space or alternatives for Public Open Space are considerations for Auckland Council not Precinct Properties. A precinct-wide plan change is not appropriate in these circumstances.	Heart of the City seeks that the Plan Change be granted.
5.	Charlotte Mary Fisher (seefish@slingshot.co.nz)	Decline Plan Change on basis of: <ul style="list-style-type: none"> loss of Public Open Space; inadequate provision of alternative Public Open Space; health and safety; and amenity. 	Oppose	Any loss of Public Open Space or alternatives for Public Open Space are considerations for Auckland Council not Precinct Properties.	Heart of the City seeks that the Plan Change be granted.

Further submission No 6

Further submission No 6

PART 5 - ACTIVITIES

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Plan modification annotations - key



Indicates where content is affected by proposed plan modification x.
Refer to plan modification folder or website for details.



Indicates where the content is part of plan modification x, which is
subject to appeal.

Underlined content to be inserted.

~~Struck through~~ content to be deleted.





ACTIVITIES

5.1 INTRODUCTION

The Plan recognises that the sustainability of the Central Area depends upon it being a mixed use area, able to change over time and for buildings and land to be reused for a variety of purposes. Maintenance of environmental standards and management of the effects of activities will be more important than the activities themselves.

Accordingly, the rules provide for a wide range of activities throughout the Central Area in a manner which will result in adverse effects being avoided or mitigated. However, the Plan also recognises that there are precincts or quarters within which the mix of a full range of activities is not appropriate.

The issues, objectives and policies that give rise to the activity rules are contained in Parts 3, 4 and 15 of this Plan.

5.2 GENERAL EXPLANATION

5.2.1 ACTIVITIES MIX

The Central Area is a centre of business, art, culture, entertainment, recreation, education, tourism and residential living and a distinct and unique area within Auckland City. The sustainability of the Central Area as a unique part of Auckland depends upon the mix of activities continuing to provide vitality and attraction for residents and visitors alike.

The mix of activities in the Central Area will continue to change over time as new trends in business, shopping and living evolve. It is therefore necessary to include flexible activity provisions in the Plan. Such provisions lessen the likelihood of having empty buildings and unused space which produce less vital and less interesting places.

The strategy adopted allows for a wide range of activities to be established throughout the Central Area.

Other parts of the Plan contain rules imposing performance standards and development controls on the way activities are carried out.

It is also recognised in the Central Area that there is a less definite relationship between an activity and the building it may occupy compared to other parts of the City. For this reason rules are generally applied to the effects of buildings and the effects of activities in separate overlays.

5.2.2 PLANNING OVERLAY

Planning Overlay Map 2 shows two activity areas:

- the “pedestrian-orientated” area
- the “less pedestrian-orientated” area.

The pedestrian-orientated area covers the heart of the Central Area and allows a range of activities as permitted activities. The focus of this area is the pedestrian and activities that may have an adverse effect on this are excluded. The periphery of the Central Area also contains a range of activities, however it is less pedestrian orientated than the core. Within precincts or quarters, additional rules relating to activities may be applied.

5.2.3 PRECINCTS OR QUARTERS

While it is general strategy to allow a wide mix of activities throughout the Central Area, it is also recognised that there are a number of precincts or quarters where such a mix is not appropriate.

In these precincts or quarters more specific activity controls are imposed in line with the characteristics of the areas concerned and the specific resource management issues and objectives which apply. These rules are applied through the relevant precinct and quarter provisions under Part 14.

5.2.4 RETAIL

Within the Central Area, the Queen Street corridor and Karangahape Road ridge provide the most intensive amount of retail floor space. Around the periphery of the Central Area, Parnell, Newmarket and Ponsonby also contain concentrated retail areas. Although all of them serve broader functions than simply retailing, it is the health of this component which is integral to their individual character and continued vitality. Significant investment in infrastructure, buildings and amenities by both the private and public sectors is also a feature of these areas. It would be costly in terms of the investment in infrastructure and services to replicate or allow under-utilisation of the resources of existing concentrated retail areas.

The aim of the Plan, to provide flexible activity provisions to enable a wide range of activities to establish in the Central Area, including retail activity could serve to



undermine the character and continued vitality of existing concentrated retail areas. While it is acknowledged in the Plan that the mix of activities in the Central Area will continue to change over time, the retail strategy seeks to allow for such evolution to occur while avoiding the loss of amenity and positive cumulative effects generated by existing concentrated retail areas.

Within the Central Area, the Queen Street Valley Precinct in particular is characterised by relatively small retail tenancies which conform to the “fine grained” nature of the historic subdivision pattern. The concentration of small tenancies is attractive for comparison shopping while the associated concentrations of people encourages a range of positive cumulative effects such as enhanced pedestrian amenities, improved safety and security and a focus for and use of passenger transport in preference to reliance on private vehicles. Conversely, unrestricted dispersal of shopping throughout the Central Area could lead to the dilution of the vitality of those key established retail areas, greater reliance upon private vehicles for movements between shops and greater difficulty in providing for a safe and attractive pedestrian environment.

The retail strategy in the Plan seeks to maintain the vitality and character of existing concentrated retail areas and ensure that efficient use is made of existing infrastructure and community facilities by providing for retail as a permitted activity in the pedestrian-orientated area.

In the less pedestrian-orientated area, the retail strategy seeks to provide for retail activity, to facilitate and manage new retail development in a way that is flexible and which provides for innovation in response to community needs and new technology, while avoiding or mitigating significant adverse effects. A floor area threshold per site is utilised.

To ensure that significant adverse effects are avoided or mitigated, the Plan lists retail development over a floor area threshold of 1000m² as a restricted discretionary activity to determine its potential impact on the environment and on the amenity of the surrounding area. In particular traffic, parking, access, infrastructure, site amenity and cumulative effects of a proposed retail development will be assessed.

In addition, new retail development in excess of a floor area threshold of 5000m² will be assessed as a discretionary activity to ensure that the scale of retailing activity does not adversely effect the character and continued vitality of existing concentrated retail areas and the positive benefits that they generate. The purpose of setting an upper threshold is to ensure that new developments with a significant amount of retail floor space complement the predominantly small scale, concentrated speciality shops of the existing concentrated retail areas.

Depending on the particular nature of the new retail development, a range of effects may arise and these may be positive, negative, or both. The controls for retail activity

in the less pedestrian-orientated area are included so that an assessment of the effects of any new development above a specified threshold can be carried out. The assessment process includes the consideration of positive benefits and negative impacts and any mitigation measures that may be available in order to ensure that sustainable management of resources, in terms of Section 5 of the Act will be achieved.

5.2.5 PARKING

The Plan makes provision for car parking where it is the primary activity on a site. This type of parking is classified as short-term public visitor parking and leased or commuter parking and is defined in Part 16. The requirements for short-term public visitor parking and leased or commuter parking are set out in clause 5.5.1 of the Plan.

Short-term public visitor and leased or commuter parking are distinct from ancillary parking, that is parking provided in association with a permitted activity on a site. Ancillary parking is also defined in Part 16 and the requirements for ancillary parking are set out in clause 9.6 of the Plan.

The activity table in clause 5.5.1 of the Plan sets out the classification of activities in the pedestrian and less pedestrian-orientated areas. The provision of short-term public visitor parking areas or buildings is only provided as a discretionary activity on sites with access to Type 2, 3 and 4 roads in both the pedestrian and less pedestrian-orientated areas.

Leased or commuter parking areas or buildings are provided as a discretionary activity only on sites that have access to Type 3 and 4 roads and are located in the less pedestrian-orientated area.

The Plan contains specific criteria for the assessment of both short-term and leased or commuter car parking areas or buildings which are set out in clause 5.6.3.1(c) of the Plan. The criteria include matters for consideration when assessing a resource consent application such as accessibility, traffic generation, visual appearance and internal layout.

5.2.6 URBAN DESIGN AND RESIDENTIAL AMENITY

The Plan makes provision for buildings to be developed throughout the Central Area subject to compliance with development controls. To ensure that the most is made of building opportunity within the Central Area, a 'designed based' approach has been taken with all building development and redevelopment required to be assessed against design assessment criteria. There are five key components to these criteria being:



- i) Building design should be of high quality, showing creativity, and responsiveness to the local context in a way that contributes to the identity of Auckland at every scale including the appearance of the CBD from outside the Central Area, the CBD skyline, streets, neighbourhoods and Quarters/Precincts;
- ii) Attractive, active and safe streets and public open spaces, which create a sense of community;
- iii) Adaptable building form, encouraging the reuse and conversion of building spaces overtime;
- iv) Sustainable building and site design which takes a long term view of energy and storm water efficiency.
- v) Adequate internal and external amenity for building occupants, which provides the opportunity for outlook, daylight access and sufficient internal living space for future residents.

5.2.7 CHARACTER OVERLAY

The Plan recognises the built form and character of certain precincts in the Central Area and seeks to maintain or enhance this character through the implementation of design controls on new buildings and modifications to buildings. The Plan also recognises, protects and enhances the heritage values of the City through scheduling of buildings, objects and places of special value and through the identification of conservation areas.

It is recognised that outside of these precincts and conservation areas, notable older buildings or groups of older buildings exist which are not scheduled but which make a positive contribution to the built and streetscape character of the Central Area.

The Character Overlay is applied to existing un-scheduled buildings generally outside of the precincts and conservation areas, which either as individuals or as groups, make a particular contribution to the City's built character. The Character Overlay control recognises the contribution that such buildings make to the amenity of the Central Area and the need to maintain or enhance this contribution through the preservation of these buildings or by otherwise promoting well-designed replacement buildings. Older buildings are the main focus of the Character Overlay because of the contribution they make to streetscape, either as a group or as individuals, and because they are a scarce finite resource that evoke the City's past and provide a link with cultural heritage. Character buildings have also been identified that otherwise make a particular contribution streetscape, adjoin or are nearby scheduled buildings, or relate to public open space of historic value in such a way that its scale and form defines or helps to define the space.

In order to ensure this character is maintained and enhanced, the demolition of character buildings shown on the Character Overlay maps at Appendix 13 is a restricted discretionary activity, with building demolition and replacement buildings assessed against criteria. The intent of this control is not necessarily about the preservation of all buildings identified in the Character Overlay. Rather it seeks to encourage protection and enhancement of the character values of these buildings or groups of buildings and to ensure that new replacement buildings do not adversely affect the built and streetscape character values or adjoining or nearby heritage buildings. Accordingly, the ability for well-designed replacement buildings to maintain or enhance character values is recognised in the assessment criteria.

5.3 ANTICIPATED ENVIRONMENTAL RESULTS

It is expected that the resource management strategy adopted for activities in this Plan will lead over time to a high level of urban design, quality residential development and to a wide range of activities being established and re-established within the Central Area. This will assist in maintaining the Central Area as an area of vitality and diversity, enabling it to change and adapt and remain an economically viable and attractive City Centre in the future.

5.4 INTERPRETATION AND DEFINITIONS

Refer to Part 16 for definitions and common terms employed in this Part.

5.5 RULES - ACTIVITIES

5.5.1 ACTIVITIES IN THE CENTRAL AREA

- a) With the exception of the Precincts and Quarters in Part 14 of the Plan and the site at 35 Grafton Road (as shown in Figure 6.15A), the following table specifies the activities allowed in the Central Area. The permitted activities listed in the table are permitted without a resource consent where they comply in all respects with



PART 5 - ACTIVITIES

the relevant development controls and other relevant rules of this plan.

Note: Any site may contain more than one of the listed activity categories.

Activities	Pedestrian-Orientated Area	Less Pedestrian-Orientated Area
Accommodation	P	P
Short term public visitor car parking areas or buildings (only on sites with access to Type 2, 3 and 4 roads)	D	D
Non-ancillary commuter parking areas and/or buildings (only on sites with access to Type 2 and 3 roads)	D	D
Non-ancillary commuter parking areas and/or buildings (only on sites with access to Type 4 roads)	NC	D
Community care facilities and emergency services	P	P
Dairies not greater than 200m ² in area	P	P
Demolition of buildings or creation of vacant space, except on sites identified on the Character Overlay in Appendix 13	RC	RC

Activities	Pedestrian-Orientated Area	Less Pedestrian-Orientated Area
Demolition or removal of any building, or part of a building, on a site identified on the Character Overlay in Appendix 13, except for the demolition of internal walls, partitions and fixtures and internal and external redecoration, maintenance or repair.	RD	RD
Drive through facilities	D	D
Food & beverage	P	P
Education	P	P
Entertainment / gathering	P	P
Industrial storage	P (Where the activity is located not less than 6m above MSL or is below MSL.)	P
Industry	P (Where the activity is located not less than 6m above MSL or is below MSL.)	P
Motor Vehicle Sales	NC	D
Offices	P	P
Passenger transport stations	D	D
Quick vehicle service and facilities	NC	D



Activities	Pedestrian-Orientated Area	Less Pedestrian-Orientated Area
Retail	P	P(<1,000m ² gfa per site) RD(1,000m ² -5,000m ² gfa per site) D(>5,000m ² gfa per site)
Services	P	P

P = Permitted Activity
 RC = Restricted Controlled Activity
 RD = Restricted Discretionary Activity
 D = Discretionary Activity
 NC = Non Complying Activity

MSL = Mean Street Level

- b) The following table specifies the activities allowed at 35 Grafton Road. The permitted activities listed in the table are permitted without a resource consent where they comply in all aspects with the relevant development controls and other relevant rules of this plan.

Activities Less Pedestrian-Orientated Area	
Offices	P
Education	P
Demolition or removal of any building, or part of a building, on a site identified on the Character Overlay in Appendix 13, except for the demolition of internal walls, partitions and fixtures and internal and external redecoration, maintenance or repair	RC

Note: Any change of activity or the erection of any new building on this site is also subject to Clause 9.7.3.6 Interchange Controls
 P = Permitted Activity
 RC = Restricted Controlled Activity

5.5.2 STANDARDS FOR NON-ANCILLARY COMMUTER CAR PARKING AREAS OR BUILDINGS AND SHORT-TERM PUBLIC VISITOR CAR PARKING AREAS OR BUILDINGS

- i) Non-ancillary commuter parking areas and buildings shall comply with all activity rules and development controls for the site, except for the parking standards set out in rule 9.7.1.1 of the Plan.
- ii) Short-term public visitor car parking areas or buildings shall comply with all activity rules and development controls for the site, except for the parking standards set out in rule 9.7.1.1 of the Plan.
- iii) The design of vehicular access to the car parking area or building shall comply with the development controls of the Plan. Vehicle crossings shall be constructed flush, and at the same level of the footpath at either side of the proposed crossing. All transition grades for vehicle ramps within the parking building shall be accommodated on the site and must not encroach onto the footpath. Vehicle crossings shall be constructed in the same material and design as the surrounding footpath. Vehicle crossings shall be designed to give priority to pedestrian traffic. Particular regard will also be had to the type of signage and traffic control devices to achieve this.
- iv) The layout and internal circulation of parking areas and buildings shall be designed to comply with the parking space and manoeuvring area dimensions for casual users specified in the Plan to ensure safe and efficient vehicle circulation on the site.
- v) Car parking areas or buildings shall include appropriate screening or landscaping on the site to prevent glare from headlights and spill from operational lights on surrounding sites.
- vi) Any proposal shall demonstrate that it will comply with the general noise standards of Part 7 of the Plan.
- vii) The surface of car parking areas or buildings shall be graded, drained and sealed to prevent dust, nuisance, uncontrolled run-off of water and audible tyre squeal.
- viii) The design of the car parking area or building shall be in accordance with the Design Against Crime Guidelines contained in Annex 6 of the Plan.



5.5.3 URBAN DESIGN CONTROL

In addition to the activities provided for under 5.5.1, the following activities shall apply to the Central Area with the exception of the Public Open Space Precincts (Part 14.2), Transport Corridor Precinct (Part 14.3), Queen Street Valley Precinct (Part 14.4), Aotea Precinct (Part 14.5), Britomart Precinct (Part 14.6), Viaduct Harbour Precinct (Part 14.7), Port Precinct (Part 14.8), Wynyard Quarter (Part 14.9), Victoria Quarter (Part 14.10), Karangahape Road Precinct (Part 14.11), Learning Quarter: Area 1. (Part 14.12) and Quay Park Precinct (Part 14.13):

Activity	Consent Required
i) The erection of any new building; and ii) The external alteration or addition to any existing building (other than a heritage building scheduled under Part 10 of the Plan), excluding minor cosmetic alterations or repairs which do not change the design and appearance of the existing building and signs and billboards regulated by the Auckland City Consolidated Bylaw 1998 or its successor.	Restricted Discretionary

Note: Scheduled Heritage Buildings

Alterations or additions to any buildings which are listed on the Heritage Schedule are subject to the obtaining of any necessary resource consents under Part 10-Heritage. Consultation with, or consent from the NZHPT may also be required.

5.5.4 ADDITIONAL ACTIVITIES - ACCOMMODATION

In addition to the activities provided for under 5.5.1, the following activities shall apply to the Central Area with the exception of the Public Open Space Precincts (Part 14.2), Transport Corridor Precinct (Part 14.3), Britomart Precinct (Part 14.6), Viaduct Harbour Precinct (Part 14.7), Port Precinct (Part 14.8), Wynyard Quarter (Part 14.9), and Victoria Quarter (Part 14.10):

Activity	Consent Required
Conversion* of existing buildings to accommodation (excluding non permanent accommodation)	Restricted Controlled

* For the purpose of this rule, "conversion" means alterations to an existing building that add new rooms, units, or floor space, or alter the use of existing rooms, units, or floor space, to allow the building or altered part of the building to be used as accommodation.

5.5.5 ADDITIONAL ACTIVITIES - NON PERMANENT ACCOMMODATION

In addition to the activities provided for under 5.5.1, the following activities shall apply to the Central Area with the exception of the Public Open Space Precincts (Part 14.2), Transport Corridor Precinct (Part 14.3), Britomart Precinct (Part 14.6), Viaduct Harbour Precinct (Part 14.7), Port Precinct (Part 14.8), Wynyard Quarter (Part 14.9), and Victoria Quarter (Part 14.10):

Activity	Consent Required
Non Permanent Accommodation, including the conversion* of existing buildings to Non Permanent Accommodation (except where located in the Tertiary Education Precinct)	Restricted Discretionary
Non Permanent Accommodation, including the conversion* of existing buildings to Non Permanent Accommodation located in the Learning quarter: Area 1	Restricted Controlled

* For the purpose of this rule, "conversion" means alterations to an existing building that add new rooms, units, or floor space, or alter the use of existing rooms, units, or floor space, to allow the building or altered part of the building to be used as non permanent accommodation.

5.6 ASSESSMENT CRITERIA

5.6.1 RESTRICTED CONTROLLED ACTIVITY

5.6.1.1 General Assessment Criteria

An application for a restricted controlled activity for demolition of buildings or creation of open space shall be accompanied by an assessment of the environmental effects of the proposed activity in terms of the relevant criteria contained in Part 15 and the following matters.



a) Site management

The Council must be satisfied that the demolition operation will not have any significant adverse effects on the amenities of public open spaces and sites in the vicinity of the subject site and on the safety and efficiency of the roading network. In this respect the following information shall be provided with any application:

- i) hours of demolition;
- ii) demolition truck movements in terms of numbers, frequency and timing and their routes to and from the site;
- iii) location of ingress and egress points to and from the site for demolition trucks;
- iv) procedures for controlling stormwater run-off from the site, the removal of soil debris and demolition materials from public roads or places and the control of dust emissions from the site.

b) Edge treatment

In general a temporary edge should be provided along the site boundaries so that a defined boundary to public space is maintained. Assessments under this criterion will give weight to the enclosure the edge gives to the footpath, safety considerations and the likely vulnerability of the edge for graffiti and vandalism.

On sites located within the pedestrian orientated area either landscaping or a suitable edge and the maintenance of continuous pedestrian cover, is required along the boundary of the site, and that the required landscaping or edge treatment and verandah, be retained on the site until construction of a new development commences.

On sites located within the less pedestrian orientated area a suitable edge treatment shall be provided along the boundary of the site until construction of a new development commences.

c) Site amenity

Sites must be provided with a suitable edge treatment, or alternatively if located in a pedestrian orientated area, be landscaped within six months of the commencement of demolition of buildings.

d) Effects on partially scheduled buildings

Demolition should be managed in such a way that the structural and physical integrity and the heritage values of the scheduled part of the building are maintained.

5.6.1.2 Conditions

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

- a) The nature of the edge treatment of any vacant site.
- b) The length of time a site may be used for a temporary purpose.
- c) The standard of amenity required on the site including the provision of a landscape plan.
- d) The lodging of a bond with the Council to ensure that landscaping or other work is carried out and maintained.
- e) The conservation of original building fabric of the scheduled part of a building. To achieve this, limitations and/or restrictions may be placed on some or all of the following:
 - i) The demolition methods and techniques
 - ii) The protection of specific items during the work.

Explanation

The demolition of buildings which results in a vacant site can have a significant adverse effect on the pedestrian amenity in the Central Area. Where such demolition occurs the Council may impose conditions that limit the adverse effects of the vacant site on public amenities.

5.6.2 DISCRETIONARY ACTIVITIES
5.6.2.1 General Assessment Criteria

An application for a restricted discretionary and discretionary activity shall be accompanied by an assessment of the environmental effects of the proposed activity in terms of the relevant criteria contained in Part 15 and the following matters.

Without restricting the exercise of its discretion to grant or refuse consent, or impose conditions, the Council will have regard to the assessment criteria set out below when considering an application under Sections 104 and 104B of the Act.

a) Traffic generation

Any adverse effect on the capacity of the adjacent roading network which is more than minor, caused by expected traffic generation of a proposal, may require an upgrade of the road or intersection design.

b) Parking

In general, a proposal should comply with the parking and access controls for the site. However, the Council may impose particular conditions or standards in respect of applications for resource consent, including requirements for a specific number of parking spaces to be provided in the Central Parking District.



With activities that generate a significant parking demand the Council wishes to encourage the provision of off-street bus parking spaces. This is particularly the case with large-scale entertainment, recreation and visitor facilities. Where such activities require a resource consent, consideration of parking demand and traffic generation will take into account whether or not the provision of bus parking spaces would avoid or mitigate any adverse effects. Conditions requiring bus parking spaces may be imposed. Factors such as the number of people likely to be attracted to the activity using bus transport, access and on-site manoeuvrability will be important considerations.

In addition, where it can be satisfactorily demonstrated that a substantial number of clientele use bus transport, (eg, visitor facilities catering for coach tours), the Council may consent to the provision of bus parking spaces.

c) Access

Sites need to be accessible from the major roading network to avoid heavy traffic on access roads. Of particular concern will be the location of entry and exit points to the site and their interrelationship with existing intersections, bus stops and major pedestrian paths. Adverse effects may be mitigated by controlling access to the road, by redesign of the roadway or by traffic signals and the like. The protection of the pedestrian environment and public space will be an important consideration.

d) Natural environment

Activities may be subject to conditions relating to the gaining of discharge permits for water discharges and air emissions in order to prevent or reduce to an acceptable level any adverse effect the development may have on the environment. Discharge permits are the responsibility of the Auckland Regional Council.

e) Infrastructural constraints

The site must be able to sustain the infrastructural servicing needs of the development (eg drainage and roading) where the existing infrastructure cannot sustain the development, the proposal must demonstrate that it is feasible that it will meet its own servicing needs. A condition may be imposed requiring this to be achieved through the physical provision of infrastructure, or, through the payment of a financial contribution in accordance with Part 8 if physical provision of infrastructure is found not to be possible at the building consent stage.

f) Safety

Proposals should be designed in accordance with the "Guidelines for Design Against Crime in the Central Area".

g) Site amenity

A high standard of visual amenity is required on the site. Proposals should provide a quality frontage to the street so as maintain and improve the pedestrian environment on the footpath. Where the entire site is not covered in buildings, landscaping in addition to that required in the development controls for the site will be required particularly around open areas such as carparks and loading areas.

Explanation

The traffic capacity of the Central Area roading system is limited. Any activity generating or attracting large numbers of cars will be assessed on the ability of the roading network to accommodate the traffic generated. In addition any activity should not adversely affect the general or pedestrian amenity or overload service infrastructure.

5.6.3 Specific Activities

5.6.3.1 Additional Assessment Criteria

a) Retail

Additional assessment criteria for retail activity that is identified in clause 5.5.1 as a restricted discretionary and discretionary activity

- i) The applicant must demonstrate that the establishment of the activity will not have more than a minor effect on the capacity of the adjacent road and network in relation to its ability to deal with the cumulative effect of traffic generated from the concentration of like activities. The adverse effects of access to car parking on the pedestrian environment both on site and off site should only be minor.
- ii) The applicant must demonstrate that the activity will not result in an accumulation of retail activity in the area to the extent of creating significant adverse effects including, but not limited to, amenity values, traffic and car parking. Where an adverse cumulative effect is identified the Council may decline consent to the application or impose conditions designed to control such effects.

Additional assessment criteria for retail activity that is identified in clause 5.5.1 as a discretionary activity (excluding restricted discretionary activity)

- i) Any development proposal containing retail activity will be assessed to determine the extent of its effects on the character and viability of existing concentrated retail areas within the Queen Street Valley and along the Karangahape Road ridge (and other centres such as Parnell,



Newmarket and Ponsonby beyond the Central Area) having regard to the matters contained in clause 5.2.4 of the Plan.

- ii) The effects on the street life, vitality and viability of existing concentrated retail areas. Particular regard is to be given to the activity control for frontages within the Queen Street Valley and Karangahape Road Precincts and to whether the proposal would be likely to result in more than minor decline in the vitality and continuity of retail frontages at street level and, if so, whether alternative activities could realistically be expected to maintain street level vitality.
- iii) The effect on the infrastructure supporting the existing concentrated retail areas and the impact of the proposal on the efficiency, safety and operational aspects of the local and wider road network.
- iv) The effect on private and public transport patterns. In particular the extent to which the proposal will result in increased traffic flows and congestion on the street network in the Central Area and whether the proposal encourages the use of the public transportation network.
- v) How the proposal gives effect to the resource management strategy and the objectives and policies of the Strategic Management Area of the Plan.

Explanation

Retail activities typically attract a high number of vehicles and their grouping can place significant stress on the road network. This should be avoided; any retail activity or accumulation of retail activity located outside the Queen Street Valley and Karangahape Road Precincts should not dilute the concentration of retail activity within them.

b) Quick vehicle service and drive-through facilities.

Any proposal for quick vehicle service and drive-through facilities must meet the following criteria where relevant:

- i) The site must be of adequate size and frontage to accommodate the use, plus off-street parking and landscaping.
- ii) The location of vehicular and pedestrian access to and from the site must ensure adequate sight distances and prevent on-street congestion caused by vehicles travelling to and from the site.
- iii) Service station developments must generally observe the underlying principles of the published recommendations of the Ministry of Transport for both typical and innovative service

station layouts, with respect to sight distances, minimum depth of forecourt, width of frontage, location and width of footpath crossings and pedestrian refuges.

- iv) The site must be landscaped and adequately fenced and screened from adjacent land particularly when that land is adjacent to a Public Open Space 1 or 2 precinct, or a residential precinct.
- v) The site must have safe and appropriate areas set aside for the separation of pedestrian areas from vehicle lanes, and adequate manoeuvring space for tankers and service vehicles.
- vi) Restrictions may be imposed on the hours of operation of quick vehicle service facilities adjacent to or within residential precincts where noise is likely to be a problem.
- vii) Any compressor or machinery must have adequate sound insulation. In particular, any development must comply with the noise standards set out in Part 7.
- viii) The location of any LPG storage tank must be at an appropriate distance from site boundaries consistent with safety requirements.
- ix) The applicant must demonstrate that where the proposal is to be located in an established retail centre it will not break up or isolate parts of the retail frontage.

Explanation

Quick vehicle service and drive-through facilities provide an important service to the community. However depending on their location and scale they may have adverse effects on traffic, noise and visual amenity. The extent and nature of these effects is often site specific and thus it is difficult to predetermine both development controls, and the means by which any effect may be avoided or reduced. For that reason quick vehicle service and drive-through facilities are discretionary activities to enable the potential effects to be assessed taking into account the specific location of a proposal and the amenity of the surrounding area.

c) Non-ancillary commuter car parking areas or buildings and short-term public visitor car parking areas or buildings

Matters to be considered by the Council in an assessment of any application will include the following:

- i) The type of parking to be provided and whether it accords with the Plan's definitions of short-term public visitor parking and non-ancillary commuter parking.



- ii) How the proposal gives effect to the resource management and transportation objectives and policies of the Plan.
- iii) The compatibility of the parking activity with surrounding activities, particularly where the parking activity is located within a pedestrian orientated area or abutting a Residential Precinct.
- iv) The accessibility of the site to the principal roading system of the Central Area and the extent to which parking spaces provided within the parking area or building results in increased traffic flows and congestion causing adverse effects on the surrounding street network. In particular, regard will be had to potential traffic congestion and vehicle conflict at the access points to the parking area or building.
- v) The impact of the proposal on peak traffic flows on the road network within the Central Area and the principal road network feeding the Central Area.
- vi) The cumulative effect of granting the proposal on the transport network feeding into the Central Area.
- vii) The existing and probable future traffic volumes on adjoining roads. In assessing probable future traffic volumes, particular regard will be had to development proposals approved by the Council in the surrounding street network and the cumulative traffic effects that may result.
- viii) The location of short-term public visitor parking spaces within a parking area or building. In particular, regard will be had to the location of short-term public visitor parking spaces and whether they are located within close proximity to the ground floor and within easy access to pedestrian access to and from the facility or building.
- ix) The physical and visual extent to which the proposal affects the streetscape, pedestrian, retail and/or commercial nature of the road to which the site has frontage. In the pedestrian-orientated areas, car parking areas and buildings are to be located away from the main retail frontages with access from back roads.
- x) In terms of the visual treatment of the parking areas, particular attention will be paid to landscaping, fencing or screening and the form of surfacing of the parking area. In terms of the visual treatment of parking buildings, particular attention will be paid to the design of buildings. The external appearance of such buildings should be appropriate to adjacent forms of development and avoid the traditional stark forms and

unsightliness of vehicles within traditional parking buildings.

- xi) Where the proposal is located within or abutting a Residential Precinct, particular consideration will be given to whether the proposal will cause undue noise disturbance to residents within the Precinct. The Council may impose conditions to avoid or mitigate the effects of noise, such as, conditions on the hours of operation and the extent of enclosure or other design features.
- xii) Where car valet services are provided within a parking area or building, particular regard will be had to the type of sediment control measures provided.
- xiii) The hours of operation of the parking area or building. In particular, regard will be had to the operating hours of short-term visitor parking to avoid peak traffic flows and the operating hours of non-ancillary commuter parking abutting residential precincts.

Explanation

Parking facilities can be an asset to the city provided the level of parking provided is commensurate with the capacity of the road network to accommodate the traffic generated and provided the activities and buildings are not in conflict with other planning policies and environmental considerations of the Plan.

In its endeavour to create a more liveable city, the Plan provisions seek to balance two potentially opposing transport dynamics. The Council wishes to make the Central Area accessible to its users, therefore it is desirable to provide parking facilities. However the congestion attributed to peak hour commuters significantly affects accessibility. To address this the Plan adopts provisions which control the availability of parking.

In order to encourage users to frequent the Central Area it is preferable to consider short-term public visitor car parking buildings and areas as discretionary activities on Type 2, 3 and 4 roads only.

As non-ancillary commuter parking areas and buildings are considered to have a significant adverse effect on certain parts of the Central Area's transportation system, these will be non-complying activities in the pedestrian-orientated areas. However they are considered as discretionary activities on Type 3 roads in the less pedestrian-orientated areas.

- d) The erection of any new building or external alteration or addition to any existing building requiring restricted discretionary activity consent under rule 5.5.3.**



Any proposal for the erection of any new building or external alteration or addition to any existing building shall be assessed against the following criteria where relevant:

Note: For the avoidance of doubt, the following criteria are not "design guidelines" in terms of clause 27B.1.2(h)(ii) of the Auckland City Consolidated Bylaw 1998 or its successor.

1. CBD Wide Context, Street and Public Open Space Frontages

General Design Principles

- a) Building design should be of high quality, showing creativity and responsiveness to the local context in a way that contributes to the identity of the Central Area at every scale including the appearance of the CBD from outside the Central Area, the CBD skyline, streets, neighbourhoods and Quarters/Precincts.
- b) Buildings shall address and align to the street boundary to a height appropriate to define and enclose the street. However, minor modulation and variance of the frontage layout, such as recessed pedestrian entrances and windows, is acceptable to avoid architectural monotony provided that the overall continuity of the frontage is not compromised.
- c) The rhythm and scale of architectural features, fenestration, finishes and colour should harmonise with and complement the streetscape, particularly where this would assist or strengthen the overall effect of the street frontage.
- d) Sound building design precedents should be introduced to provide visual clues to the building's overall scale and size and to avoid flat planes or blank facades devoid of modulation, relief or surface detail where visible from streets and public open space.
- e) Where site amalgamation occurs, or large sites enable the development of an extensive street building frontage, that frontage should be visually broken up through building separation and/or variation in building height, form and/or design to avoid monotonous building façades as viewed from streets and public open space.

Street Level

- f) Building frontages at street level must contribute to pedestrian vitality, interest and public safety. This includes a variety of architectural detail and maximising doors, window openings and balconies fronting streets and other public open spaces.

- g) Building entrances should be visible and easily identifiable from the street and directly accessible from street level.

Middle Levels

- h) Building facades at middle levels should provide richness, interest and depth. This includes architectural detail and balconies fronting streets and other public open spaces. Blank walls are strongly discouraged on street and public open space frontages.

Upper Levels

- i) Large expanses of blank walls must be avoided at upper levels on street and public open space frontages. Servicing elements should not be placed on these facades unless integrated into the façade design.
- j) Architectural design is encouraged which differentiates upper building levels from lower and ground levels is encouraged.

2. Rooftops

- a) Roof profiles should be designed as part of the overall building form and contribute to the architectural quality of the skyline as viewed from both ground level and higher surrounding buildings. This includes the integration of plant, exhaust and intake units and other mechanical and electrical equipment into the overall rooftop design so that they are not visible from outside the site.

3. Corner Sites

- a) Where streets of a similar scale intersect or terminate a vista, or are visually prominent, the design of buildings on corner sites should emphasise the corner and ensure a vertical transition between the two adjoining street frontages. In particular, designs should recognise the importance of corner sites in linking the narrow street spaces to the wider, more expansive intersections and public open spaces.
- b) The top of the building at the street corner should be designed to distinguish it from the remainder of the building and be an integral part of the corner element.
- c) Generally, the main building entrance should be located on the corner at street level and designed as an integral part of the corner element.

4. Materials

- a) The use of durable, high quality and easily maintained materials on the exterior of buildings is encouraged, particularly at ground and first floor levels.



- b) Side or rear walls should be used as an opportunity to introduce creative architectural solutions that provide interest in the façade including modulation, relief or surface detailing.

5. Activity Relationship to Public Open Space

- a) Internal space at all levels within the building should be designed to maximise outlook for occupants onto streets and public open spaces.
- b) Activities which engage and activate streets, through site links and public open space at ground level are encouraged.
- c) Parking areas that are located within buildings and are visible from streets or public open spaces are strongly discouraged. It is expected that building space with active uses will be provided between car parking areas within buildings and street and public open space frontages.
- d) Ventilation and fumes from parking structures or other uses should not be exhausted into the adjacent pedestrian environment.
- e) Particular attention should be paid to residential building design at or near ground level to avoid 'privatising' adjacent streets or public open space.

6. Adaptable Buildings

- a) Buildings should be designed to be highly adaptable to a variety of uses. For example, open structural frames and more than minimum floor-to-floor heights should be considered.
- b) Re-use and renovation/restoration of buildings that contribute positively to the character of an area is encouraged.

7. Accessways, Links and Vehicle Access

- a) Buildings should be designed to provide strong architectural cues to accessways and through-site links, with portal or clearly indicative entrance imagery, to enhance the visible sense of pedestrian access to the area. The criteria under Clause 6.7.6.6, 6.7.6.7 and 6.7.6.8 should be referred to for the incorporation of appropriate design features, which contribute to a safe and comfortable pedestrian environment, including for the mobility impaired.
- b) The design of vehicle ingress and egress to sites should be primarily considered from the perspective of pedestrians and cyclists, particularly in terms of visibility and the use of paving materials.
- c) Frontages should be designed as far as possible to avoid multiple service and access interruptions to frontage continuity.

- d) Separate pedestrian entrances should be provided for mixed use developments which incorporate residential activity.
- e) Where alternative vehicle access is available, the creation of new vehicle crossings across frontages within the Pedestrian Orientated Areas is discouraged.
- f) Through-site links should be provided where these provide a shorter more convenient pedestrian route. Clauses 6.7.2.3, 6.7.6.6, 6.7.6.7 and 6.7.6.8 should be referred to before determining the design and location of the through-site link.

8. Development abutting or in close proximity to Scheduled Heritage Items

- a) The scale, form and design of new development should have regard to the significant heritage elements and built form of any scheduled heritage items abutting or 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.
- b) A new building abutting or in close proximity to a 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 items, but new and contemporary interpretations in form and detail may be used.

9. Crime Prevention

- a) New development should be designed in accordance with the Crime Prevention Through Environmental Design guidelines in Annexure 6 of the Plan.

10. Accommodation

- a) The extent to which the design of every accommodation unit complies with Appendix 12, Minimum Residential Apartment Guidelines. In particular, accommodation should be designed to provide a good standard of amenity with regard to the size, purpose and design of residential units and accommodation.
- b) Accommodation should have natural through ventilation by window openings facing different



directions. Notwithstanding any requirements to achieve internal acoustic amenity, ventilation provided solely by mechanical means is discouraged.

- c) Internal design of every accommodation unit within a development should maximise outlook, as distinct from views.
- d) Where practical, rooftop areas should be accessible, landscaped and designed for use as residential amenity or recreation areas.
- e) Plans submitted for consideration by Council either as part of a resource consent application or before, must include a scaled floor plan showing the living arrangement and configuration within each residential or accommodation unit, including scaled furniture.

11. Outlook Space

- a) In addition to the minimum requirements in rule 6.16, all required outlook space shall be designed to achieve a high level of amenity through design and landscaping.
- b) Outlook space provided for in the form of Typologies 1, 2 and 3 in Annexure 12 Section A is strongly discouraged.

12. Site Amenity

- a) Screening and/or landscaping will be required of all parking, loading and servicing areas visible from streets or public open spaces.
- b) Site Services such as mechanical, electrical and communications equipment shall generally be concealed from streets or public open spaces.

13. Sustainability

- a) Buildings should be designed to be sustainable through the use of durable low maintenance materials, inert exterior cladding (avoiding the use of materials containing copper or zinc), maximising solar access and natural ventilation and the incorporation of mechanical and electrical systems that optimise energy efficiency.
- b) Where appropriate, on-site landscaping should consist of indigenous vegetation.
- c) On-site stormwater conservation measures should be incorporated where appropriate including rainwater harvesting devices, green roofs, site landscaping, rain gardens and wetland treatment systems and stormwater planter boxes (subject to soil contamination considerations).
- d) Separate infrastructure reports should be submitted with resource consent applications assessing infrastructure effects from proposed developments.

- e) Adequate storage space and containers must be provided for rubbish and recyclable material, in a location which is clearly visible within the site and easily accessible to occupants and collection vehicles.

- f) Building and demolition should be undertaken in such a way that maximises the use of waste materials for reuse and recycling.

Explanation

Resource consent is required for a range of development and activities in the central area including new buildings and external alterations and additions to existing buildings and creating accommodation in existing buildings. The assessment criteria for buildings are intended to provide a framework that contributes to the identity of Auckland at every scale including the appearance of the CBD from outside the Central Area, the CBD skyline including the Sky Tower, streets, neighbourhoods and Quarters/Precincts. The criteria encourage excellent urban design such as sensitivity to scheduled heritage items, treatment of corners, well-defined edges to streets and other public spaces and a sense of enclosure at the built edges of public space. Buildings should also be developed in a sustainable and adaptable way to ensure natural and physical resources are appropriately managed.

Development of accommodation requires careful attention to a range of matters to provide amenity for occupants including those in future generations.

14. 35 Grafton Road (as shown in Figure 6.15A)

In addition, the erection of any new building or external alterations or additions to any existing building on this site shall:

- a) Be designed to incorporate a varied building form that responds to the landscape context of this area and does not present the appearance of a solid wall. Particular attention is required to the view of proposed buildings from Grafton Bridge, along Grafton Gully, from within the Domain, and from Auckland Hospital. The landscape context is the valley with the green open space of the Domain; and the steep slopes, mature trees and vertical towers of the CBD. Building podiums and parking levels developed on this site shall exhibit a high quality of architectural design befitting their prominent location and be planted at their base. Building design shall complement the surrounding built form patterns and, in particular, the vertical towers and buildings of the Learning Quarter and CBD. An emphasis on enhancing the vertical characteristics of buildings and limiting the appearance of dominant horizontal elements is encouraged. Buildings should front the adjacent streets (Grafton, Wellesley and Stanley Streets)



and, where practical, maintain views in between buildings on-site of the surrounding vegetation, open space, University campus, and enhance Grafton Gully's role as a gateway to the central area.

- b) Some relaxation of the required landscaping provisions on site may be appropriate along the road frontages where building entrances front onto and address the street.

e) The Conversion of existing buildings to accommodation (excluding non permanent accommodation).

Any proposal for the conversion of floor space within existing buildings to accommodation (excluding non permanent accommodation), shall be assessed against the criteria listed in clause 5.6.3.1(d).5 Activities, 5.6.3.1(d).10 Accommodation and 5.6.3.1(d).13(a) Sustainability.

Explanation

The purpose of this control is to achieve a good standard of amenity to reflect the size, purpose and design of residential units for occupants of accommodation buildings. A variety of apartment sizes within buildings is also encouraged to provide a range of living opportunities while natural ventilation, acoustic amenity and outlook is also encouraged.

f) Non Permanent Accommodation including the conversion of existing buildings to Non Permanent Accommodation.

Any proposal for new buildings or the conversion of existing buildings for non permanent accommodation shall be assessed against the criteria listed in clause 5.6.3.1(d).5 Activities, 5.6.3.1(d).13(a)-(f) Sustainability and the following criteria:

- i) The extent to which the design of self contained* non permanent accommodation units comply with the Minimum Residential Apartment Guidelines set out in parts A, B, C, D, and E of Appendix 12. In situations where self-contained units do not comply with the relevant guidelines set out in Appendix 12, the extent to which any reduction in internal amenity will be mitigated by the layout and design of the units. In particular, consideration shall be given to any specific internal design elements which facilitate more efficient use of internal space, the relationship of windows or balconies to principle living areas and the provision of larger living spaces (indoor or outdoor) whether communal or exclusive to the unit.
- ii) Where non permanent accommodation is not self-contained*, the extent to which it complies with the Minimum Residential Apartment Guidelines set out in parts A (where relevant), B, C, D (where relevant) and

E of Appendix 12. In situations where it does not comply with the relevant guidelines set out in Appendix 12 the extent to which any reduction in internal amenity will be mitigated by the layout and design of the non permanent accommodation. In particular, consideration shall be given to any specific internal design elements which facilitate more efficient use of internal space, the relationship of windows or balconies to living areas and bedrooms and the provision of larger indoor or outdoor communal living spaces.

* For the purpose of this criterion self-contained means any non permanent accommodation unit that contains an exclusive kitchen and bathroom.

Explanation

The provision of non permanent accommodation supports the core function of the Central Area as the principal business, commercial, entertainment and events centre of the Auckland region. The short stay nature of occupation permits a lesser standard of amenity in terms of unit size and mix than that required by the Central Area's permanent residents.

14.35 Grafton Road (as shown in Figure 6.15A)

In addition, the erection of any new building or external alterations or additions to any existing building on this site shall:

- a) Be designed to incorporate a varied building form that responds to the landscape context of this area and does not present the appearance of a solid wall. Particular attention is required to the view of proposed buildings from Grafton Bridge, along Grafton Gully, from within the Domain, and from Auckland Hospital. The landscape context is the valley with the green open space of the Domain; and the steep slopes, mature trees and vertical towers of the CBD. Building podiums and parking levels developed on this site shall exhibit a high quality of architectural design befitting their prominent location and be planted at their base. Building design shall complement the surrounding built form patterns and, in particular, the vertical towers and buildings of the Learning Quarter and CBD. An emphasis on enhancing the vertical characteristics of buildings and limiting the appearance of dominant horizontal elements is encouraged. Buildings should front the adjacent streets (Grafton, Wellesley and Stanley Streets) and, where practical, maintain views in between buildings on-site of the surrounding vegetation, open space, University campus, and enhance Grafton Gully's role as a gateway to the central area.
- b) Some relaxation of the required landscaping provisions on site may be appropriate along the road



frontages where building entrances front onto and address the street.

g) Demolition, removal or partial demolition of buildings identified on the Character Overlay in Appendix 13

Criteria for demolition, removal or partial demolition

Any proposal for the demolition, removal or partial demolition of buildings identified on the Character Overlay in Appendix 13 shall be assessed against the following criteria:

- 1) The extent to which demolition or removal of the building, or a part of the building, will adversely affect the built character of the area. This includes regard to the following as appropriate:
 - i) Whether the existing building forms part of a cohesive group of buildings in terms of similarity of age, scale, proportion or design and the extent to which the building's demolition would detract from the shared contribution that group makes to streetscape.
 - ii) The contribution the individual building makes to the cohesiveness of the streetscape through its landmark qualities (particularly on prominent or gateway sites).
 - iii) The contribution the building makes to adjoining or nearby scheduled buildings, either through the context and the relationship of the building to the scheduled building or through the building's mass, height or rhythm of facades, and whether its demolition would adversely impact on the heritage values of the scheduled building.
- 2) The extent to which the applicant has considered development options incorporating the adaptive re-use of the character building and in particular, whether reasonable use of the site can be achieved through adaptive re-use of the building rather than through its demolition and replacement.
- 3) The extent to which the building is beyond restoration in terms of demonstrated poor structural or physical condition and whether retention of the building would, in these circumstances, put an unreasonable financial burden on its owner.
- 4) The extent to which any replacement building, maintains or enhances the contribution to character or streetscape made by the existing building (either as an individual or as part of a cohesive group) and the extent to which that contribution is recognised and provided for in the design of the new building. This may include, but is not limited to, reference to or

inclusion of elements of the existing building in the new building. For consideration under this criterion, an application for the building's replacement shall be lodged concurrently with the application for the removal or demolition.

- 5) The matters set out in 5.6.1.1.

Explanation

Resource consent is required for the demolition, removal or partial demolition of buildings identified on the Character Overlay and applications will be assessed against criteria which consider the effects of demolition or removal on character values and streetscape. This includes where appropriate, the impact on streetscape, group cohesiveness of buildings and whether character buildings are beyond restoration. Opportunities for appropriate adaptive re-use of the character building are also considered. Well-designed replacement buildings may be appropriate on sites identified on the Character Overlay. Such replacement buildings are assessed in terms of their ability to maintain or enhance the contribution to the built and streetscape character made by the existing building.

5.7 REFERENCES

Reference should also be made to the following parts of the Plan:

Part 4	Strategic Management Areas
Part 6	Development Controls
Part 7	Noise, Signs and Lighting
Part 8	Financial Contributions
Part 9	Transportation
Part 10	Heritage
Part 11	Hazardous Facilities and Contaminated sites
Part 12	Network Utility Services
Part 13	Subdivision
Part 14	Precincts and Quarters
Part 15	General Rules/Designations
Part 16	Definitions and Interpretations



Mr Gerard Thompson
Barker & Associates
PO Box 1986
Shortland Street
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TDG Ref: 12713/6
8 June 2015

Issued via email: GerardT@barker.co.nz

Dear Gerard

**Queen Elizabeth Square Private Plan Change
Traffic Response to Request for Clarification**

We are pleased to provide this response to item 3 of the letter from Auckland Council dated 7 May 2015 on the private plan change request for Queen Elizabeth ("QE") Square.

1. Traffic Response

Item 3 of the aforementioned letter is as follows:

"I note that through the provision of development potential on the subject site with a basic floor area ratio of 6:1 and a maximum floor area ratio of 13:1, additional development potential of up to 24,596m² is being provided for. Have you considered the traffic implications of this additional floor area, and whether specialist traffic comments are necessary?"

Whilst theoretically the plan change would allow for some 25,000sqm of gross floor area ("GFA"), it is understood that in practical terms the realisable GFA would be much less than this. For example, current proposals only envisage approximately 6,000sqm GFA to be developed. Nevertheless, traffic generation of the site will be driven by parking provision, as this is restricted, rather than based on GFA. As the site fronts Queen Street, which is a Type 1 Road in Figure 9.1 of the Auckland Council District Plan Operative Auckland City – Central Area Section 2005, no parking spaces are permitted.

There will be no access onto Queen Street from the site due to the frontage control, and in practical terms all future vehicle access, parking and loading for the site will be shared with the Downtown development, via a vehicle crossing on Lower Albert Street. The provision of parking for the Downtown development is restricted due to the City Rail Link, and the consent application lodged for that development allowed for provision of only 279 spaces, which is 414 fewer spaces than what is permitted by the District Plan. No additional traffic effects above those assessed for that consent application will be generated.

In addition, it is noted that the additional 6,000sqm GFA proposed on QE Square, compared to the 22,000sqm of retail and 82,000sqm of office proposed for the Downtown development, will generate minimal additional demand for loading. Loading for the site can therefore readily be shared with the loading proposed for the Downtown development with no adverse effects.



We trust this response meets your requirements, however please do not hesitate to contact us if you have any queries.

Yours sincerely
Traffic Design Group Ltd

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