

# Submission No 1

**From:** [justine.harvey@agm.co.nz](mailto:justine.harvey@agm.co.nz)  
**To:** [central-areaplan](#)  
**Cc:** [justine.harvey@agm.co.nz](mailto: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](#)

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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.



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Date of submission: 15-Jul-2015

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## 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

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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](mailto:b.mckay@auckland.ac.nz))

**CONTACT:** Justine Harvey ([justine.harvey@agm.co.nz](mailto: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 1000m<sup>2</sup>

•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 1000m<sup>2</sup>, 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](mailto: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](#)

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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.



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## Contact details

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AUCKLAND  
Post code: 1140  
Date of submission: 15-Jul-2015

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## 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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2

- (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

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**Mike Holm / Vicki Morrison-Shaw**



# Submission No 2

3

On behalf of **Cooper and Company**

Address for service of submitter:

C/-Mike Holm / Vicki Morrison-Shaw  
Atkins Holm Majurey Ltd  
Level 19, 48 Emily Place  
PO Box 1585, Shortland Street  
Auckland 1140

Telephone:

(09) 304 0294

Facsimile:

(09) 309 1821

Email:

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

For office use only

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

17 LIVINGSTONE ST WESTMERE AUCKLAND  
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"

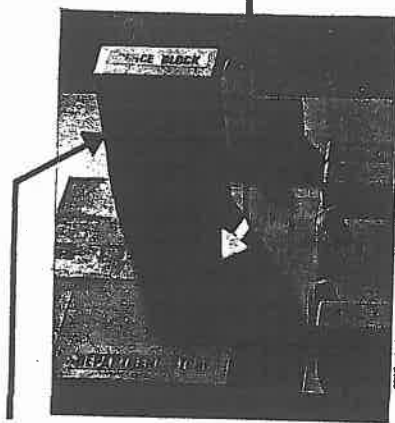
THIS IS YOUR SQUARE.

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'.<sup>7</sup> 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.<sup>8</sup>

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',<sup>9</sup> 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.'<sup>10</sup>

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](mailto:david@konstrukt.co.nz)  
**To:** [central-areaplan](#)  
**Cc:** [david@konstrukt.co.nz](mailto: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](#)

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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.



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## 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](mailto:david@konstrukt.co.nz)  
Postal address: P O Box 90451, Victoria St West, Auckland  
Post code: 1142  
Date of submission: 16-Jul-2015

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## 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

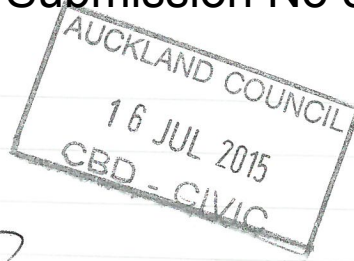
13. NZIA does not support the Plan Change in its present form for the reasons set out in these submissions.
14. NZIA would welcome a Precinct wide plan change for the downtown west precinct, that would include provisions set out in the Plan Change that is the subject of these submissions. This Precinct 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](mailto: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 Kaiti-  
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.

