



REPORT TO THE HEARING PANEL

AUCKLAND REGIONAL PLAN: COASTAL, PROPOSED PLAN CHANGE 3 (WYNYARD QUARTER)

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TABLE OF CONTENTS

1.	Introduction	4
2.	Outline of Plan Change 3.....	5
2.1	Plan change process.....	5
2.2	Plan change content.....	6
2.3	Auckland Waterfront Vision 2040 and consultation summary.....	6
3.	Statutory framework – The Resource Management Act 1991.....	8
3.1	RMA Part 2 – Purpose and Principles.....	8
3.2	Purpose and Preparation of the Regional Plan: Coastal	9
3.3	NZ Coastal Policy Statement, Hauraki Gulf Marine Park Act and Auckland Regional Policy Statement	10
4.	General submissions and submissions on whole of plan change 3	14
4.1	Support for plan change	14
4.2	Oppose whole plan change.....	15
4.3	Public law principles	17
4.4	General – vision / context / outcome.....	17
4.5	Design competition.....	20
4.6	Development on land	20
4.7	Open space	22
4.8	Tank Farm name	23
4.9	Te Wero Island	23
4.10	Consultation	24
5.	General submissions – development in the coastal marine area	24
5.1	Development on wharves.....	24
5.2	View shafts and amenity	25
5.3	Cruise ship terminal.....	25
5.4	Berth access, water space control, berthage, navigation	26
5.5	Boat landing facilities.....	27
5.6	Reclamations (policy 25.4.4).....	28
6.	Integration with district plan	28
6.1	Integration with Auckland City Council District Plan modifications	28
6.2	Comprehensive Area Structure Plans, travel management and office space	29
7.	Transport.....	33
7.1	Traffic, car parking.....	33
7.2	Objective 28.3.14 (traffic and pedestrian access).....	33
7.3	New Waitemata Harbour crossing	34
7.4	Car parking on wharves	36

8.	Te Wero bridge	41
8.1	Te Wero bridge and policy 28.4.11	41
8.2	Te Wero bridge – pedestrian/cyclists, buses	47
8.3	Te Wero bridge – fishing industry	50
8.4	Issue 28.2.5 (Te Wero bridge)	50
8.5	Specific rule for Te Wero bridge.....	51
9.	Height limits.....	52
9.1	Height limits.....	52
9.2	Height limits – marine events centre	55
9.3	Heights, views (rule 25.5.25.c).....	55
10.	Wynyard Wharf.....	56
10.1	Wynyard Wharf development.....	56
10.2	Wynyard Wharf – office floor space	57
10.3	Wynyard Wharf – public accessway	58
11.	Marine events centre	58
11.1	General submissions.....	58
11.2	Marine events and future America’s Cup events	59
11.3	Marine events and the fishing industry.....	60
11.4	Marine, non-marine, public and private events	63
11.5	Operational hours, noise and disturbance	72
11.6	Temporary events rules.....	75
11.7	Marine event definitions	77
11.8	Floating Pavilion occupation	78
12.	Cultural heritage	79
12.1	General submissions on cultural heritage.....	79
12.2	Cultural heritage and character assessment	80
12.3	America's Cup bases	82
12.4	Specific requests for amendments regarding cultural heritage.....	82
13.	Bulk liquids and risk.....	87
13.1	Continued operation of bulk liquids facilities	87
13.2	Retention of bulk liquids facilities beyond 2025	90
13.3	Relocation and alternative sites	91
13.4	Reverse sensitivity (general).....	93
13.5	Reverse sensitivity (policy 30.4.10).....	94
13.6	Specific amendments regarding bulk liquids facilities.....	96
13.7	Fatality risk provisions	100
14.	Ferry services	106
14.1	Ferry services – general matters.....	106
14.2	Ferry services – requests for specific amendments.....	107
14.3	Ferry services in Port Management Area 2B	118
15.	Marine and fishing industries.....	118
15.1	Support for plan change recognition of fishing industry	118
15.2	General provision for fishing and marine industry.....	119
15.3	General provision for the marine industry	122
15.4	Industry berthage requirements	123
15.5	Marine and fishing industry use of PMA 2B	124
15.6	Strengthen PMA 2B for marine and fishing industry use only.....	126
15.7	Port Management Area 2B and public access.....	128
15.8	Artworks in PMA 2B (policy 25.4.14).....	130
15.9	Port Management Areas 2A and 2B differentiation.....	131
15.10	Marine industry definition.....	132
15.11	Fishing industry – Viaduct Harbour.....	133
15.12	Fishing industry – North Wharf, Wynyard Wharf & around Wynyard Quarter	137
16.	Noise limits	139
16.1	Noise limits	139
17.	Urban design criteria	143
17.1	Appendix J: Urban design criteria for new developments on wharves	143
18.	Port management area boundaries	146
18.1	Port Management Area boundaries (Map Series 2, Schedule 8)	146
	Appendix A – List of submitters and further submitters.....	152

Appendix B – Plan Change 3 with recommended amendments marked.....	153
Appendix C – Urban design assessment	154
Appendix D – Responses to transport related submissions.....	155
Appendix E – Review of noise related submissions.....	156

1. INTRODUCTION

This report considers submissions and further submissions that were received from the public in relation to the Auckland Regional Plan: Coastal (RPC) Proposed Plan Change 3, Wynyard Quarter (referred to in this report as “Plan Change 3”).

This report has been prepared in accordance with section 42A of the Resource Management Act 1991, to assist the RPC Plan Change 3 Hearing Panel (the hearing panel) with its consideration of submissions.

The report is structured around topics and discusses relevant submission points or groups of similar submission points on that topic. It includes the **recommendation** of the officers assessing the submissions. **It is not the decision of the Auckland Regional Council.** Specific recommendations are not made with respect to further submissions, with the recommendation for such submissions being consistent with that in relation to the original submission.

The hearing panel will recommend decisions to the council after consideration of the submissions, further submissions and any supporting evidence presented (or tabled) at the hearing, along with this report and any relevant technical reports.

A list of submitters and further submitters is attached as **Appendix A**.

The recommended amendments to the RPC Plan Change 3 arising from the officers’ assessment of submissions, as discussed throughout this report, **are shown in full in Appendix B**.

In this report, recommended amendments to the plan change are shown in **highlight**. Additions are shown in **underline** and deletions are shown in **strikethrough**. The submission point that the recommended amendment relates to, is shown in brackets eg **[23/4]**. Amendments which are recommended to correct a minor error under RMA schedule 1 clause 16(2) are shown with **[cl 16]**. Where it is recommended that a new provision is added to the plan change it is identified with a letter, rather than requiring the whole plan change to be re-numbered (eg 25.5.9A is to be inserted between 25.5.9 and 25.5.10). The plan change will be re-numbered when it is finalised.

Technical analysis undertaken to address submissions is attached in the following appendices:

- Appendix C – Urban design assessment, Joanna Smith, Chow: Hill Architects Ltd
- Appendix D – Responses to transport related submissions, Ian Clark, Flow Transportation Specialists Ltd
- Appendix E – Review of noise related submissions, Graham Warren, Marshall Day Acoustics

Abbreviations used in this report:

- ACC – Auckland City Council
- ARC – Auckland Regional Council
- ARTA – Auckland Regional Transport Authority
- CASP – Comprehensive Area Structure Plan
- CMA – Coastal Marine Area
- CPA – Coastal Protection Area
- NZCPS – New Zealand Coastal Policy Statement
- PMA – Port Management Area
- POAL – Ports of Auckland Ltd
- RMA – Resource Management Act
- RPC – Auckland Regional Plan: Coastal

2. OUTLINE OF PLAN CHANGE 3

2.1 Plan change process

Auckland Regional Plan: Coastal, Proposed Plan Change 3 was notified for submissions on 9 July 2007 with a closing date of 20 August 2007. A total of 60 submissions were received. Three of the submissions were received after the closing date. The submissions from Land Transport New Zealand (submitter 34) and John Burrett (submitter 46) were one day late and the submission from Southern Spars (submitter 60) was seven days late. The late submissions were reported to the ARC Regional Strategy and Planning Committee in September 2007. The committee resolved to accept the submissions as they were received in time to be included in the summary of decisions requested.

A summary of the submissions was notified on 23 October 2007 with a closing date of 7 December 2007. Fourteen further submissions were received, of which only two were from parties who were not already submitters. One further submission was received late. This was from Mike, Colleen and Sean O'Shea (submitter 62). It was received on 10 December 2007.

Section 37 (2) of the Resource Management Act 1991 (RMA 1991) allows councils to waive any failure to comply with a time period and thus accept this late further submissions. The Act specifies that when considering a waiver of time the council must take into account:

- the interests of any person affected by the waiver,
- the interests of the community in achieving adequate assessment of effects of the proposed plan, and
- council's duty under section 21 of the Act to avoid unreasonable delay.

It is considered that no person or the community would be adversely affected by granting the waiver for further submitter 62. This is because the submission was received only three days after the close of further submissions and did not raise matters not already raised in original submissions. The further submission has been included in this consideration of submissions and further submissions. It is recommended to the hearing panel that the time limit be waived for the late further submission and that it be considered in the hearing process.

Changes to regional plans are a policy issue for the council. In the past, the ARC has appointed three or four councillors to a hearing committee to hear and make decisions on submissions to plan changes. However, the hearing for Plan Change 3 is an unusual circumstance because of the land owned by Auckland Regional Holdings in Wynyard Quarter, its ownership of Wynyard Wharf and other coastal structures, and its role in redeveloping a large part of the area through Sea + City Projects Ltd. ARC is also a joint landowner in the future parkland at the northern end of Wynyard Quarter.

At the Council meeting of 25 February 2008, the ARC resolved:

- a) That Chairman Michael Lee be appointed as an Auckland Regional Council commissioner to hear and recommend decisions on the Auckland Regional Plan: Coastal, Plan Change 3 (Wynyard Quarter).
- b) That Ms Jennie Hoadley, Ms Leigh McGregor, and Ms Byrdie Ayres be appointed as independent commissioners to hear and recommend decisions on the Auckland Regional Plan: Coastal, Plan Change 3 (Wynyard Quarter).

The hearing panel is delegated to hear the submissions and further submissions on Plan Change 3 and to recommend amendments or otherwise to the council. As the plan change relates to a regional coastal plan, it will need to be adopted by the ARC prior to seeking approval from the Minister of Conservation for the plan change to be made operative.

2.2 Plan change content

The proposed plan change makes amendments to the Regional Plan: Coastal (RPC) relating specifically to the coastal marine area (the water space and wharves) around Wynyard Quarter in Auckland city (also known as the Western Reclamation, Wynyard Point or the Tank Farm). The proposed plan change applies to Port Management Areas 2 and 4A. This proposed plan change amends the RPC to describe existing activities and provide for the changes expected in the area, as part of the proposed redevelopment of the entire Wynyard Quarter, which is addressed by the proposed changes to the Auckland City District Plan (Central Area Section) that were notified concurrently with Plan Change 3. The hearing of submissions to the district plan change began on 3 June 2008.

Plan Change 3 includes amendments to the RPC relating to:

- a bridge ('Te Wero bridge') between the eastern Viaduct Harbour and Wynyard Quarter
- a marine events centre on Halsey Street Extension Wharf, Western Viaduct Wharf and the adjacent water space, including an extension to the time limit for temporary events in the Viaduct Harbour
- appropriate use and development of North Wharf (along Jellicoe Street)
- future development and use of Wynyard Wharf for port, commercial, entertainment and public use
- buildings on wharves and public sculptures in Port Management Areas 2 and 4A
- management of future uses and development of the water area around Wynyard Quarter, including for fishing and marine industries
- noise limits for the coastal marine area to permit an increased number of public events each year and clarifying where those noise limits can be measured.

These wharves are identified on Plan Map Series 2 Sheet 7A which is included in the plan change.

Proposed Plan Change 3 amends the text of chapter 25 (Ports: overview and general provisions), chapter 28 (Port Management Area 2), chapter 30 (Port Management Areas 4A, 4B and 4C), chapter 35 (Noise) and the Definitions Chapter. An additional appendix is added which lists urban design criteria for new developments on wharves. Changes are also made to Plan Map Series 2 Sheets 1 and 7A.

2.3 Auckland Waterfront Vision 2040 and consultation summary

Extensive consultation and research has been undertaken in recent years on the future development of the Auckland city waterfront, including the Wynyard Quarter area. The results of this process are set out in the "Auckland Waterfront Vision 2040" document which provides an overarching, guiding framework for future development along the waterfront. Developing "Vision 2040" was a joint project of the ARC and the Auckland City Council. It was adopted by the ARC on 15 November 2005 and the ARC's Statement of Desired Outcomes (adopted on 13 September 2005) are reflected in the 'principles' section of the joint vision.

Development of Vision 2040 included consultation on a draft Vision in February 2005. This included public meetings, open days at the Viaduct Harbour, meetings with stakeholder groups, a mail-out to 2500 residents, and distribution of the City Scene publication to 140,000 Auckland City households. Approximately 850 people gave feedback on the draft vision. Most people responded that 'public access' and 'looking after the environment' were their top priorities. In a second round of consultation in August and September 2005, more than 200

people participated in three interactive workshops which included discussions on the mix of activities throughout the area and the presentation of ideas on maps.

Vision 2040 sets the framework for the future management of the CBD waterfront with the following vision statement:

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

Vision 2040 sets out a strategic direction for the waterfront area and establishes that more detailed planning work will be undertaken for specific precincts or parts of the waterfront to achieve the principles of the vision. With regard to Wynyard Quarter, the Waterfront Vision 2040 includes a concept map which indicates the future uses of Wynyard Quarter as open space, mixed use, marine events and marine industry. The Vision identifies a number of principles relevant to the coastal marine area around Wynyard Quarter including:

- Provision of public access along the waterfront edge and the creation of a variety of new public open spaces
- Re-establishment of the east-west connection from Quay street into Wynyard Quarter by way of a bridge
- The management of private vehicle impacts on existing road infrastructure and the need for fully integrated public transport and opportunities for pedestrians and cyclists
- Provision of a comprehensive transition process for the bulk liquid industry
- Maintaining the viability of the marine and fishing industry including the management of reverse sensitivity impacts
- Recognising the panoramas available at the northern tip of Wynyard Point
- Developing a place for marine events to built on the Viaduct Harbour's ability to host public activities and events
- Urban design of the highest quality, reflecting the outstanding coastal setting of the area and its maritime heritage and marine character.

Following Environment Court agreements with appellants Ports of Auckland Ltd (POAL) and Viaduct Harbour Holdings Ltd (VHHL), Auckland City resolved to notify a plan change for the Wynyard Quarter (ACC District Plan: Central Area Section). As part of the pre-notification work leading up to this plan change, Auckland City published a consultation document entitled "Draft Wynyard Point Concept Vision" in February 2006. A summary of this document was released for public comment through City Scene on 24 February 2006 and attracted extensive media coverage. The concept vision included elements within the coastal marine area such as a bridge between Te Wero Island and Wynyard Quarter, and development on Wynyard Wharf and Halsey Street Extension Wharf.

The responses to the concept vision included 1465 submissions. The Heart of the City organisation also undertook its own feedback process and received over 4000 submissions. The feedback was supportive of many elements of the concept vision. These included the marine industry and fishing use, the transport solutions and the marine events precinct. The proposed Te Wero bridge was either supported or somewhat supported by 72% of respondents. 81% either supported or somewhat supported a marine events precinct. The key concerns raised were regarding the amount of open space and the heights of development proposed on the land area.

Additional consultation which was undertaken with a focus on RPC Plan Change 3, prior to notification, included meetings with officers from Auckland City Council, Ports of Auckland Ltd, Auckland Regional Holdings, Department of Conservation and representatives of the bulk liquids, marine and fishing industries, and other local stakeholders. Meetings with several of these parties have also been held in response to submissions to the plan change. Advice has also been sought from relevant experts regarding urban design, noise controls, transport, heritage and vessel navigation issues.

The Auckland City plan modifications and designations for Wynyard Quarter (collectively referred to as the “district plan change”) were notified concurrently with Plan Change 3. That plan change builds on the Auckland City consultation document and reflects the principles of the Waterfront Vision. It provides for the comprehensive redevelopment of the area and enables a transition from an industrial, marine and bulk liquid storage area to a mixed use commercial, residential and marine industry/fishing locality. Combined with this, it accommodates high quality open space, food and beverage, and retail activities. Aspects of the district plan change, such as the road layout, viewshafts, building heights and noise controls, have a strong interrelationship with the provisions of the coastal plan change.

The Auckland City district plan change includes as a non-statutory annex, an Urban Design Framework for Wynyard Quarter. This framework builds on the Waterfront Vision 2040 and provides an overview of the design approach taken in planning for the area. It defines key urban design principles and includes four key concepts:

1. The waterfront axis – connecting Quay Street to Westhaven, this axis includes the marine events centre, Te Wero bridge, North Wharf, Jellicoe Street and an extension to the western end of North Wharf
2. The Park axis – creating a landscape network between Victoria Park and the headland point park
3. The Wharf axis – connecting land and sea along Wynyard Wharf and Brigham Street, supporting the point park and the use of Jellicoe Harbour for fishing industry activities
4. Waterfront precincts – developing areas of distinct character, including the marine events precinct, point precinct, Jellicoe Precinct, central precinct and marine industries precinct.

The Urban Design Framework is not included within Plan Change 3 but various aspects of it have been incorporated into the RPC provisions. This contributes to achieving strong urban design outcomes as well as integrated management of the coastal marine area and the adjoining land.

3. STATUTORY FRAMEWORK – THE RESOURCE MANAGEMENT ACT 1991

3.1 RMA Part 2 – Purpose and Principles

The purpose of the Resource Management Act (RMA) is to promote the sustainable management of natural and physical resources. As stated in section 5 of the Act, this means:

- 5(2) In this Act, sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –
 - (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Sections 6, 7 and 8 of the RMA outline the matters of national importance, other matters and the principles of the Treaty of Waitangi, which are integral to achieving the purpose of the Act

and must be accorded specified levels of consideration by those exercising powers under the Act. The parts of these sections that are particularly relevant to Plan Change 3 include:

6. ...recognise and provide for the following matters of national importance -
 - (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
 - (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
 - (f) The protection of historic heritage from inappropriate subdivision, use, and development.
7. ...have particular regard to -
 - (b) The efficient use and development of natural and physical resources:
 - (c) The maintenance and enhancement of amenity values:
 - (f) Maintenance and enhancement of the quality of the environment:
8. ...shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

3.2 Purpose and Preparation of the Regional Plan: Coastal

Section 63 of the RMA states the purpose of regional plans (including regional coastal plans), while sections 64 to 70 set out the processes and general content of regional plans. Section 63 states:

- (1) The purpose of the preparation, implementation, and administration of regional plans is to assist a regional council to carry out any of its functions in order to achieve the purpose of this Act.
- (2) Without limiting subsection (1), the purpose of the preparation, implementation, and administration of regional coastal plans is to assist a regional council, in conjunction with the Minister of Conservation, to achieve the purpose of this Act in relation to the coastal marine area of that region.

Under section 30(1) of the Act, the functions of regional councils include:

- (d) In respect of any coastal marine area in the region, the control (in conjunction with the Minister of Conservation) of —
 - (i) Land and associated natural and physical resources:
 - (ii) The occupation of space on land of the Crown or land vested in the regional council, that is foreshore or seabed, and the extraction of sand, shingle, shell, or other natural material from that land:
 - (iii) The taking, use, damming, and diversion of water:
 - (iv) Discharges of contaminants into or onto land, air, or water and discharges of water into water:
 - (iva) The dumping and incineration of waste or other matter and the dumping of ships, aircraft, and offshore installations:
 - (v) Any actual or potential effects of the use, development, or protection of land, including the avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances:

- (vi) The emission of noise and the mitigation of the effects of noise:
- (vii) Activities in relation to the surface of water:

3.3 NZ Coastal Policy Statement, Hauraki Gulf Marine Park Act and Auckland Regional Policy Statement

In achieving the purpose of the Act, the Regional Plan: Coastal must give effect to the New Zealand Coastal Policy Statement 1994 (NZCPS), sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000 (HGMPA) and the Auckland Regional Policy Statement 1999 (RPS) (section 67 RMA).

NZCPS policies that are relevant to Plan Change 3 include:

- Policy 1.1.1 It is a national priority to preserve the natural character of the coastal environment by:
 - (a) encouraging appropriate subdivision, use or development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment; ...
- Policy 3.1.1 Use of the coast by the public should not be allowed to have significant adverse effects on the coastal environment, amenity values, nor on the safety of the public nor on the enjoyment of the coast by the public.
- Policy 3.1.3 Policy statements and plans should recognise the contribution that open space makes to the amenity values found in the coastal environment, and should seek to maintain and enhance those values by giving appropriate protection to areas of open space.
- Policy 3.2.1 Policy statements and plans should define what form of subdivision, use and development would be appropriate in the coastal environment, and where it would be appropriate.
- Policy 3.2.2 Adverse effects of subdivision, use or development in the coastal environment should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.
- Policy 3.5.1 In order to recognise the national importance of maintaining public access to and along the coastal marine area, a restriction depriving the public of such access should only be imposed where such a restriction is necessary:
 - (a) to protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna;
 - (b) to protect Maori cultural values;
 - (c) to protect public health or safety;
 - (d) to ensure a level of security consistent with the purpose of a resource consent; or
 - (e) in other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.

It is noted that a proposed NZCPS was notified for submissions in March 2008. A plan change is not required to give effect to an NZCPS until after the Board of Inquiry process and the new NZCPS is gazetted (RMA section 55). Consideration of the proposed NZCPS indicates that it has policies with similar intent to those noted above.

In preparing a change to the Regional Plan: Coastal, the following sections of the HGMPA must also be treated as a New Zealand Coastal Policy Statement.

7. Recognition of national significance of Hauraki Gulf—

- (1) 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 are matters of national significance.
- (2) The life-supporting capacity of the environment of the Gulf and its islands includes the capacity —
 - (a) to provide for —
 - (i) the historic, traditional, cultural, and spiritual relationship of the tangata whenua of the Gulf with the Gulf and its islands; and
 - (ii) the social, economic, recreational, and cultural well-being of people and communities:
 - (b) to use the resources of the Gulf by the people and communities of the Gulf and New Zealand for economic activities and recreation:
 - (c) to maintain the soil, air, water, and ecosystems of the Gulf.

8. Management of Hauraki Gulf—

To recognise the national significance of the Hauraki Gulf, its islands, and catchments, the objectives of the management of the Hauraki Gulf, its islands, and catchments are—

- (a) the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments:
- (b) the protection and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:
- (c) the protection and, where appropriate, the enhancement of those natural, historic, and physical resources (including kaimoana) of the Hauraki Gulf, its islands, and catchments with which tangata whenua have an historic, traditional, cultural, and spiritual relationship:
- (d) the protection of the cultural and historic associations of people and communities in and around the Hauraki Gulf with its natural, historic, and physical resources:
- (e) the maintenance and, where appropriate, the enhancement of the contribution of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments to the social and economic well-being of the people and communities of the Hauraki Gulf and New Zealand:
- (f) the maintenance and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, which contribute to the recreation and enjoyment of the Hauraki Gulf for the people and communities of the Hauraki Gulf and New Zealand.

The Auckland RPS contains complementary objectives and policies that guide the management of the coastal marine area and support the enhancement of public access and amenity values in developed areas of the coast.

Key policies include:

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:

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

- (b) Buildings, public spaces and road corridors contribute to a vibrant, liveable and attractive environment with a sense of place;
 - (c) Buildings and places with heritage and cultural value are protected;
 - (d) Urban environments have a logical permeable and safe structure of connected routes for all modes of transport, including walking and cycling;
 - (e) Public transport, roading, cycling and walking networks are integrated with each other and the land uses they serve;
 - (f) Roads (including new roads) and road improvements within higher density areas should be designed to provide a pleasant environment for cyclists, pedestrians and residents and minimise adverse effects on urban amenities;
 - (g) There is long term protection of public open space, and improvement in the quality, quantity and distribution of local open space;
 - (h) 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;
 - (i) Natural features and their relationship with built elements are recognised and protected, and, where appropriate, enhanced;
 - (j) A positive contribution is made to the environmental health of urban streams, the harbours, beaches and their catchments, including through improved storm water and waste water management;
 - (k) Public access to and along stream, coastal and foreshore environments is protected and, where possible, enhanced;
 - (l) Conflicts between incompatible land uses are avoided, remedied or mitigated;
 - (m) In areas of high density where new development is exposed, or could potentially be exposed, to high noise levels (internally and externally), and diminished air quality, higher building standards should be required;
 - (n) Urban design acknowledges the importance of energy, water and materials efficiency and conservation to the sustainable management of natural and physical resources;
 - (o) The health and well being of communities is maintained, and where appropriate, enhanced.
- (Note: this policy is subject to Environment Court appeals as part of RPS Proposed Change 6.)

7.4.10 Policies: Subdivision, use and development.

- 1 The diverse range of values of the coastal environment shall be recognised and the need to enable people and communities to provide for their social, economic and cultural wellbeing shall be provided for in appropriate areas of the coastal environment.
- 2 In assessing the appropriateness of subdivision, use and development in the coastal environment particular regard shall be had to the following matters:
 - (i) natural character is preserved and protected in accordance with Policies 7.4.4-1 (i), (ii) and (iii), and 7.4.4-2;
 - (ii) public access is maintained or enhanced in accordance with Policies 7.4.13-1, 2 and 3;
 - (iii) amenity values are maintained or enhanced as far as practicable;
 - (iv) public open space is maintained or enhanced as far as practicable;
 - (v) there is a functional need for use and development within the CMA;

- (vi) efficient use is made of the natural and physical resources of the coastal environment;
- (vii) activities are of a scale, design and location that maintain or enhance landscape values in the area, including seascapes and landforms;
- (viii) there are no significant adverse effects of activities on the CMA, or on adjacent land, including effects across the MHWS boundary;
- (ix) adverse effects are avoided, remedied or mitigated in Areas of Special Value in accordance with policies in 7.4.7;
- (x) activities are designed and located to avoid the need for hazard protection works;
- (xi) provision is made for adequate utility services (including the disposal of waste);
- (xii) effect is given to all other relevant provisions of this policy statement, in particular those stated in Chapter 2 - Regional Overview and Strategic Direction, Chapter 6 - Heritage and Chapter 8 - Water Quality.

7.4.13 Policies: Public access.

1. Public access shall be maintained and enhanced to and along the CMA and to publicly owned land in the coastal environment.
2. Particular regard shall be had to enhancing public access to and along the CMA and to publicly owned land in the coastal environment where:
 - (i) areas are of high amenity or recreational value; or
 - (ii) areas are of importance to Tangata Whenua for carrying out customary activities and in order to exercise kaitiakitanga; or
 - (iii) access would be of particular value or potential value for educational or scientific reasons; or
 - (iv) areas are adjacent to the Areas of Special Value identified in Appendix B and Map Series 2, where this would be consistent with the protection of natural and cultural heritage values; or
 - (v) a number of esplanade reserves or other public open spaces exist in the vicinity, and the enhancement of public access would contribute to the linking together of disconnected reserves.
3. Public access to and along the CMA should only be restricted where it is necessary to:
 - (i) protect significant natural or cultural heritage values; or
 - (ii) protect sites and areas of Maori spiritual and cultural value; or
 - (iii) protect public health and safety; or
 - (iv) ensure a level of security consistent with the purpose of a resource consent; or
 - (v) protect areas of the coast which are sensitive to physical disturbance from the presence of people; or
 - (vi) in other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.

7.4.19 Policies: Ports, Network Utilities and Other Water Related Activities

1. Port and other water related industrial and commercial activities and network utilities which depend upon the use of the natural and physical resources of the coastal environmental shall be provided for in a manner which is consistent with Policy 2.6.7: Regionally Significant Infrastructure or Services and Policies 7.4.10-1 through 10.

Plan Change 3 is considered to give effect to the relevant provisions of the NZCPS, HGMPA and RPS. It provides for appropriate use and development of Port Management Areas 2A, 2B and 4A while protecting public access, amenity and other environmental values.

4. GENERAL SUBMISSIONS AND SUBMISSIONS ON WHOLE OF PLAN CHANGE 3

4.1 Support for plan change

No.	Submitter	Summary of Decision Sought	Further Submitter/s
10/1	Bulk Storage Terminals Ltd	Supports the ARC and ACC attempts to tidy up, improve and open up Wynyard Quarter.	Support/oppose in part by: 53 Auckland Regional Holdings
15/1	Minister of Conservation	The proposed plan change is supported subject to a new or revised wording for identified policies of the plan change.	
16/1	Marstel Terminals Ltd	Marstel supports in principle Proposed Plan Change 3, subject to the matters raised being addressed.	
24/1	Creative Functions Ltd	Supports the ARC plan change insofar as they recognise and provide for: a) the changing character of the Wynyard Quarter from port-related activities to commercial, entertainment and recreational activities; b) the ongoing public use and enjoyment of the Wynyard Quarter; c) a marine events centre on Halsey Street Extension Wharf; d) improved transport and pedestrian access to the Wynyard Quarter, including the provision for a bridge linking the Viaduct to the Wynyard Quarter.	Opposed by: 16 Marstel Terminals Ltd
34/1	Land Transport NZ	Generally supports the plan change.	Supported by: 35 Transit New Zealand Support/oppose in part by: 32 Auckland City Council
31/1	Rohm and Haas Australia Pty Ltd	Conditionally supports the plan change provided the operations of the bulk liquids facilities at Wynyard Wharf are not compromised in any way. Business relies on the continued and uninterrupted supply of product from the bulk liquids facilities.	Supported by: 16 Marstel Terminals Ltd Support/oppose in part by: 53 Auckland Regional Holdings
36/1	Orica Chemnet		Supported by: 16 Marstel Terminals Ltd Support/oppose in part by: 53 Auckland Regional Holdings
37/1	Australasian Solvents & Chemicals Company	Conditionally supports the plan change. Business relies on the continued and uninterrupted supply of product from the bulk liquids facilities.	Supported by: 16 Marstel Terminals Ltd Support/oppose in part by: 53 Auckland Regional Holdings
45/3	Marine Industry Association NZ	Whilst generally supportive of the plan change, the MIA has concerns with the provisions set out in other submission points.	Support/oppose in part by: 32 Auckland City Council
53/1	Auckland Regional Holdings	Subject to modification to Appendix J (see separate submission point), the submitter supports the plan change and seeks that it be upheld as	

		notified.	
56/1	Auckland Regional Transport Authority	Supports Plan Change 3 to ensure consistency between the proposed development in Wynyard Quarter. Seeks that the plan change be approved.	Supported by: 35 Transit New Zealand
58/1	Ports of Auckland Ltd	Supports the Plan Change, subject to an amendment to clause 25.5.25 (c).	Supported by: 16 Marstel Terminals Ltd
58/2	Ports of Auckland Ltd	The Plan change appropriately ensures that the long term needs of port related activities can be satisfactorily provided for.	Opposed by: 16 Marstel Terminals Ltd

Discussion:

The above submitters support the plan change, either as a whole or subject to amendments. It is recommended that this support be noted and that these submissions be accepted. The issues raised in the submissions that give qualified support (subject to amendments to the plan change) are addressed elsewhere in this report.

Recommendation:

It is recommended that the relief sought in submissions 10/1, 15/1, 16/1, 24/1, 31/1, 34/1, 36/1, 37/1, 45/3, 53/1, 56/1, 58/1, 58/2 is accepted to the extent that those submissions support the plan change.

4.2 Oppose whole plan change

No.	Submitter	Summary of Decision Sought	Further Submitter/s
16/26	Marstel Terminals Ltd	Seeks that the Plan Change is withdrawn.	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
45/1	Marine Industry Association NZ	Opposes the plan change. Seeks that the plan change be withdrawn in its entirety.	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
25/1	Sealink Travel Group NZ Ltd	Oppose entire plan change.	Supported by: 1 Great Barrier Community Board 16 Marstel Terminals Ltd 7 Richard B Somerville-Ryan 61 Tourism Industry Association 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
8/10	Electronic Navigation Ltd	Seeks that the Change be withdrawn or disallowed in its entirety.	Supported by: 16 Marstel Terminals Ltd Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
13/21	Westhaven Viaduct Tenants & Ratepayers Assoc Inc		Supported by: 16 Marstel Terminals Ltd Opposed by: 53 Auckland Regional Holdings Support and Opposed by:

			32 Auckland City Council
38/10	General Marine Services Ltd		Supported by: 16 Marstel Terminals Ltd Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings 32 Auckland City Council
39/10	Anda Family Trust		Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings 32 Auckland City Council
40/10	The Kampkes Family Trust		Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings 32 Auckland City Council
41/10	Alex Kerr		Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings 32 Auckland City Council
42/10	Steve Hudgell		Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings 32 Auckland City Council
43/10	Powell Family Trust		Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings 32 Auckland City Council
44/10	E & D Limited, Trading as Topcatch Bait & Tackle		Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings 32 Auckland City Council
47/19	Sanford Ltd		Opposed by: 35 Transit New Zealand 32 Auckland City Council 53 Auckland Regional Holdings
48/23	Simunovich Fisheries Ltd		Opposed by: 35 Transit New Zealand 32 Auckland City Council 53 Auckland Regional Holdings
49/19	Auckland Fishing Port Ltd		Opposed by: 35 Transit New Zealand 32 Auckland City Council 53 Auckland Regional Holdings
60/10	Southern Spars		Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
33/6	Viaduct Harbour Holdings Ltd & Viaduct Harbour Management Ltd	Opposes the Proposed Plan Modifications in their entirety and seeks that the Proposed Plan Modifications be withdrawn in their entirety.	Supported by: 16 Marstel Terminals Ltd Opposed by: 35 Transit New Zealand 32 Auckland City Council 53 Auckland Regional Holdings
33/17	Viaduct Harbour Holdings Ltd &	Such further, consequential or alternative relief as may be required to give effect to their submission	Opposed by: 24 Creative Functions Ltd

	Viaduct Harbour Management Ltd	or which may be appropriate in the circumstances of the case.	53 Auckland Regional Holdings 32 Auckland City Council
55/1	Mr J Carapiet	Generally oppose the plan change but seek amendments as an alternative to its decline.	Opposed by: 53 Auckland Regional Holdings

Discussion:

The above submissions oppose Plan Change 3 and seek that it be withdrawn or declined. Some request that in the alternative, comprehensive amendments be made. The reasons for opposing the plan change include potential effects on the marine, fishing or bulk liquids industries. These matters are addressed in response to other submissions below and various amendments are recommended to the hearing panel.

Overall, subject to the recommendations made in this report having addressed the submissions, it is considered that the approach taken in the plan change is appropriate and adequately provides for the sustainable management of the coastal marine area around Wynyard Quarter. It achieves the purpose and principles of the Resource Management Act and gives effect to the New Zealand Coastal Policy Statement, Hauraki Gulf Marine Park Act and the Regional Policy Statement.

Recommendation:

It is recommended that the relief sought in submissions 8/10, 13/21, 16/26, 25/1, 33/6, 33/17, 38/10, 39/10, 40/10, 41/10, 42/10, 43/10, 44/10, 45/1, 47/19, 48/23, 49/19, 55/1, 60/10 is rejected.

4.3 Public law principles

No.	Submitter	Summary of Decision Sought	Further Submitter/s
33/5	Viaduct Harbour Holdings Ltd & Viaduct Harbour Management Ltd	Opposes the plan change because it will not comply with relevant public law principles, including council having regard to irrelevant considerations and having a conflict of interest as landowner via ARH.	Opposed by: 32 Auckland City Council 53 Auckland Regional Holdings

Discussion:

Viaduct Harbour Holdings Ltd & Viaduct Harbour Management Ltd (VHHL) opposes the plan change because it does not comply with relevant public law principles.

It is recommended that this submission be rejected as it is considered that the plan change has been developed through a proper process in accordance with the requirements of the Resource Management Act. As noted above, the ARC is a landowner of part of the adjacent land (through Auckland Regional Holdings). However, this does not preclude preparation of a plan change in order to undertake the council's functions under the RMA.

The appointment of three independent commissioners to the plan change hearing panel demonstrates that the council has been aware of the possibility of issues such as this being raised, and has taken care to follow an appropriate process in accordance with the RMA.

Recommendation:

It is recommended that the relief sought in submission 33/5 is rejected.

4.4 General – vision / context / outcome

No.	Submitter	Summary of Decision Sought	Further Submitter/s
14/2	Peter Edwin Gill Hosking	Limited vision of Tank Farm concept. The Plan change needs to take into account a wider area	

		including Victoria Park and the motorway.	
54/1	Auckland Regional Chamber of Commerce	The Chamber believes that the singular objective for redeveloping Wynyard Quarter should be to ensure that the outcome is world class and iconic - takes advantage of the prime site and opportunity to reinforce Auckland's status as New Zealand's only city of international scale, while helping the region to continue to thrive and the economy to prosper. Concerned that the plan change gives no indications of a unique or stunning vision or development that will stimulate Auckland's potential to be a magnet world city to live, work and do business. There is nothing in the proposed plan changes that confirms an intention to use the development to benchmark or brand Auckland as a world-class city.	Support/oppose in part by: 32 Auckland City Council
54/12	Auckland Regional Chamber of Commerce	There is nothing backing up the notion of 'iconic' spaces and structures. Each piece-meal development (Wynyard Quarter, Viaduct Harbour, CBD wharves) appears to be similar and lacking a distinctive feature or character.	Support/oppose in part by: 32 Auckland City Council
57/9	Committee for Auckland	Plan change should describe outcome (e.g. residents living in the Quarter, employees living/commuting), total visits include international visits.	Supported by: 32 Auckland City Council
57/10	Committee for Auckland	Plan change should re-examine opportunity to grow Auckland/New Zealand economy.	Supported by: 32 Auckland City Council
57/19	Committee for Auckland	A sound governance model for leading, funding and managing the development of the precinct is fundamental for its success.	Supported by: 32 Auckland City Council

Discussion:

The above submissions request non-specific amendments to the plan change in terms of the general concept or vision for the Wynyard Quarter area. Each of these submissions was made to both the district and coastal plan changes for Wynyard Quarter. Some aspects may be more relevant to the land area.

Submission 14/2 – P Hosking

Submission 14/2 considers that the plan change should take into account a wider area, including Victoria Park and the motorway, for the reason that the Daldy Street linear park should connect with Victoria Park across an under-grounded Fanshawe Street and that the motorway should be under-grounded through Victoria Park.

The transport network, accessibility and amenity of the wider area have been taken into account in the development of Plan Change 3. This is reflected in the scale of development proposed for the wharves, Te Wero bridge, and in the integration with the Auckland City Plan Change 4 shown through the references to Comprehensive Area Structure Plans, parking requirements, and the risk provisions. Matters relating to Fanshawe Street, Victoria Park and the motorway cannot be directly provided for within the Regional Plan: Coastal.

Submissions 54/1, 54/12 – Auckland Regional Chamber of Commerce

The Auckland Regional Chamber of Commerce (submissions 54/1 and 54/12) consider that the Wynyard Quarter plan changes should provide a vision for the area that includes world class and iconic spaces and structures, and differentiates Wynyard Quarter from other areas along the waterfront.

Plan Change 3 is part of the implementation of the “Auckland Waterfront Vision 2040” document which has a vision for the waterfront of “a world-class destination that excites the senses and celebrates our sea-loving Pacific culture and maritime history. It supports

commercially successful and innovative businesses and is a place for all people, an area rich in character and activities that link people to the city and sea”.

In achieving this vision, the plan change provides for the marine events centre, Te Wero bridge and development of Wynyard Wharf, while retaining a working waterfront that includes the marine and fishing industries. In terms of achieving world class and iconic spaces, the plan change introduces an appendix of urban design criteria to ensure that structures built on the wharves are of the highest quality and contribute to the identity of the Auckland waterfront. Policy 28.4.11 establishes that Te Wero bridge should have a “high quality design that enhances the character of the Viaduct Harbour”. Chapters 28 and 30 describe how the different port management areas around Wynyard Quarter are expected to develop over time, and provide a sense of differentiation between areas.

It is considered that additional clarification of the vision for the area could be provided by expanding the new paragraph in section 25.1.1. This introduction applies across all of the port management areas. The recommended amendment is show below.

Submissions 57/9, 57/10 – Committee for Auckland

Committee for Auckland (submissions 57/9, 57/10) seek that the plan change be amended to describe the numbers of visitors, employees and residents, and re-examine the opportunity to grow the economy. Submission 57/19 seeks the inclusion of a sound governance model for leading, funding and managing the development of the Wynyard precinct.

It is considered that overall the plan change appropriately addresses these matters. The numbers of people working, living or visiting the area have been considered in aspects such as the scale of development provided for on the wharves and in the transport analysis provided in Appendix D to this report. It is not considered that these numbers need to be quoted within the plan change. The opportunity for economic growth has been considered in providing for the marine and fishing industries and in new development on the wharves.

It is agreed that a sound governance model is needed for the development. However, the coastal plan change is not the appropriate means of achieving this.

Recommendation:

It is recommended that the relief sought in submissions 14/2, 54/1, 54/12, 57/9, 57/10, 57/19 is accepted in part.

Recommended amendment to Plan Change 3:

25.1.1 The Port Management Areas

... (Three paragraphs not repeated here.)

There has been progressive change in the nature of some port management areas in the Waitemata Harbour. Port Management Areas to the east of Princes Wharf continue to be used for commercial port activities and maritime transport, while areas to the west are progressively changing towards a mix of commercial, public space, recreation and marine events, as well as port activities. The continuing redevelopment of this area will build upon its history of marine activities and will retain a “working waterfront”. It will also become a destination that supports commercially successful and innovative businesses and is a place for all people, an area rich in character and activities that link people to the city and sea. To ensure a “world class” development that reflects its location and contributes to the well being of the region, management of this area needs to include comprehensive design controls and strong integration with development of the adjacent land. [54/1, 54/12]

4.5 Design competition

No.	Submitter	Summary of Decision Sought	Further Submitter/s
51/1	Carol Sanders	Oppose any changes or modifications to the Coastal plan on the grounds that any changes would be premature. Any changes to be made should wait until a Design Competition has been implemented. A world-wide competition should be sponsored by the councils. No changes of plan should be made until the results from such a competition are known.	Opposed by: 53 Auckland Regional Holdings
51/2	Carol Sanders	No resource consents should be issued until a Waterfront Masterplan is established (through a design competition).	
54/13	Auckland Regional Chamber of Commerce	Strongly recommends that before land use changes for Wynyard Point and CBD wharves are locked down, an international design contest to come up with ideas for transforming both areas and which also embraces Viaduct Basin should be undertaken.	Opposed by: 53 Auckland Regional Holdings

Discussion:

These submissions advocate greater use of design competitions and consider that the plan change or resource consent processes should be deferred until such a competition has been held. Design competitions are an appropriate and proven technique for arriving at exciting and innovative development solutions. The benefits of a competition include obtaining a number of different possible solutions to a development proposal, rather than one designed by the applicant, as well as enabling a range of people (experts and the public generally) to have an input. As a recent example Auckland City Council used a design competition for the proposed Te Wero Bridge.

With respect to this plan change (as well as the land use changes proposed by ACC) there is nothing preventing the land owners or the funder of a development proposal to call for a design competition. Given the significance of the Wynyard Quarter and the adjacent CMA, the (mostly) public ownership of the land, and the public nature of the coastal marine area, it is considered appropriate that design competitions are used. However it is not considered appropriate to include this as a requirement in the statutory documents.

The overall concept for the redevelopment of Wynyard Quarter has been the subject of considerable consultation and review by experts with design expertise. These matters are being reviewed through the hearings of submissions to the district plan and RPC. Also most proposals require a resource consent, with a focus on good quality urban design. These processes provide an adequate basis for ensuring good environmental and urban design outcomes.

In terms of design competitions for individual developments within the coastal marine area, Plan Change 3 includes comprehensive design criteria in the policies and in the new Appendix J (urban design criteria for developments on wharves). In preparing resource consent applications that address these criteria, applicants may well decide to use a design competition process.

Recommendation:

It is recommended that the relief sought in submissions 51/1, 51/2 and 54/13 is rejected.

4.6 Development on land

No.	Submitter	Summary of Decision Sought	Further Submitter/s
2/3	Liz Westbrooke	The area of flats/apartments/retail/cafes etc is far too large.	Opposed by: 53 Auckland Regional Holdings

2/4	Liz Westbrooke	Underground Fanshawe St to get "flow" for people.	
2/5	Liz Westbrooke	Look at Wellington for width of harbour edge spaces.	Opposed by: 53 Auckland Regional Holdings
14/11	Peter Edwin Gill Hosking	Support a wide boulevard linking to Victoria Park across an under-grounded Fanshawe St.	Opposed by: 53 Auckland Regional Holdings
19/2	Heart of the City	Concerned regarding various district plan matters (including the headland park, Transit's proposed tunnel alignment, open space, the Urban Design Framework, transport, retail, development form, relationship with CBD, park connections, plazas, cycling, heights, through site lanes).	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
19/3	Heart of the City	Support the inclusion of an Urban Design Framework for the Wynyard Quarter. This provides an opportunity to provide a strong design foundation based on clearly articulated concepts and principles.	
50/2	Audry van Ryn	Would like to see good quality buildings, including somewhere in the Wynyard Quarter an iconic building to house an adjunct to the current Auckland Art Gallery.	Opposed by: 53 Auckland Regional Holdings
52/2	Cathleen Martha Haslett	The four blocks of apartments at south end of Tank Farm should be replaced with a maximum of two blocks and be 5 stories only.	Opposed by: 53 Auckland Regional Holdings
54/10	Auckland Regional Chamber of Commerce	Strongly recommend that Auckland City and its stakeholder partners adopt a precautionary principle in confirming the various land use proposals. This allows for unknown factors including land contamination issues, future proposals for an iconic building or activity, costing and financial detail.	Supported by: 35 Transit New Zealand Opposed by: 53 Auckland Regional Holdings
54/11	Auckland Regional Chamber of Commerce	The plan change should be supported by a schedule setting out information on numbers of additional residents/ businesses/ visitors that the area can support under existing utilities (water, wastewater etc) and/or the scale of service improvements that will be required and the likely cost.	Opposed by: 53 Auckland Regional Holdings
57/1	Committee for Auckland	Urban design framework is robust, including marker buildings for height.	Supported by: 32 Auckland City Council
57/3	Committee for Auckland	Mix of space favours residential - revisit potential for 'landmark' workplaces for a mix of people, vitality, and a vibrant economy.	Supported by: 32 Auckland City Council
57/4	Committee for Auckland	Residential population unlikely to sustain retail uses needed to activate streets - so visit numbers essential - set visit numbers and mix for each stage.	Supported by: 32 Auckland City Council
57/5	Committee for Auckland	Working population is also needed to sustain activities through the day and to grow Auckland's CBD - set targets for working population.	Supported by: 32 Auckland City Council
57/6	Committee for Auckland	Establish benchmark for quality early on in the Te Wero precinct - consider benefit of site specific freeholding.	Supported by: 32 Auckland City Council
57/7	Committee for Auckland	Establish return on investment to mitigate capital constraints of ARC/ACC - recoup costs of Te Wero bridge and apply this approach to catalyst projects.	Supported by: 32 Auckland City Council
57/8	Committee for Auckland	Implement smaller stages to focus on doing the early projects very well and avoid spreading quality too thin eg Jellicoe stage 1a and 1b.	Supported by: 32 Auckland City Council
57/12	Committee for Auckland	Plan change could reassess allocation to commercial uses in light of estimated growth of 20,000 jobs in CBD by 2040.	Supported by: 32 Auckland City Council Opposed by: 53 Auckland Regional Holdings
57/18	Committee for	The size of the precinct and the existing lease	Supported by:

	Auckland	constraints mean that it will take many years to develop fully. In this time ideas will change so there is the need for flexibility in the controls of land use.	32 Auckland City Council Opposed by: 53 Auckland Regional Holdings
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Discussion:

It appears that these submissions largely relate to development on land within Wynyard Quarter rather than activities within the coastal marine area. Further details provided at the hearing may clarify their intent in terms of amendments to the coastal plan change. Several people sent in identical submissions to the Wynyard Quarter district plan change and the coastal plan change. The land-based matters will be addressed at the ACC Plan Change 4 hearing.

Matters such as the width of public accessways and quality buildings have been considered and are reflected in the coastal plan change's requirements for accessways along Wynyard Wharf and Halsey Street Extension Wharf, and in the urban design criteria for new developments on wharves (Appendix J).

The Urban Design Framework (UDF), noted by Heart of the City and Committee for Auckland, was included in the district plan change for Wynyard Quarter. It is not referred to in the coastal plan change although the UDF includes some aspects within the coastal marine area. The UDF can be considered in coastal permit applications as an "other matter" under RMA section 104. The framework will principally be implemented through Comprehensive Area Structure Plans (CASPs) as required by the district plan change. Policies in the coastal plan change refer to CASPs to ensure integration between developments on the land and in the CMA.

The Auckland Regional Chamber of Commerce (submission 54/10) recommends that a precautionary approach be taken to confirming land use proposals. This approach has been adopted in requiring a resource consent before any new development can be undertaken in the port management areas. To this extent it is recommended that the submission be accepted in part.

It is not clear whether submission 57/12 (Committee for Auckland) refers to the allowance for office space on Wynyard Wharf, and to the events centre on Halsey Street Extension Wharf, or to the development of the Quarter as a whole. These matters have been reconsidered, particularly in terms of their impacts on car parking and traffic. This is discussed further below.

Recommendation:

It is recommended that the relief sought in submissions 2/3, 2/4, 2/5, 14/11, 19/2, 19/3, 50/2, 52/2, 54/10, 54/11, 57/1, 57/3, 57/4, 57/5, 57/6, 57/7, 57/8, 57/12 and 57/18 is rejected.

It is recommended that the relief sought in submission 54/10 is accepted in part.

4.7 Open space

No.	Submitter	Summary of Decision Sought	Further Submitter/s
2/1	Liz Westbrooke	The park area is still too small as is the narrow corridor to Victoria Park.	Opposed by: 53 Auckland Regional Holdings
14/10	Peter Edwin Gill Hosking	Support increase size of ARC headland park, ensure it is main destination of Tank Farm and improve access through buildings. Size of ARC headland park should be increased to include the whole peninsula - it rather than the entertainment hub in Jellicoe St should be the main destination. Accessibility of the park from Jellicoe St needs improving from a narrow entrance through tall buildings built to the street edge.	Opposed by: 53 Auckland Regional Holdings

33/1	Viaduct Harbour Holdings Ltd & Viaduct Harbour Management Ltd	Supports a design led approach to redevelopment of Wynyard Quarter, including establishment of the proposed public open space framework.	Opposed by: 53 Auckland Regional Holdings
55/2	Mr J Carapiet	There needs to be a wide open space next to the water for common usage. The apartments are too close and too high. An alternative positioning for any apartment and commercial areas should be found to allow a park-like square with the potential as a focus for Auckland citizens and visitors.	Opposed by: 53 Auckland Regional Holdings
57/17	Committee for Auckland	The street network and public spaces must be agreed early so that the development of the sites in private ownership can continue.	Supported by: 32 Auckland City Council Opposed by: 53 Auckland Regional Holdings

Discussion:

It is not clear if these submissions seek any specific amendments to Plan Change 3 in terms of the open space and accessway provisions for the wharves. The submissions appear to be focused more towards open space matters on the land. These will be addressed in the hearing for ACC Plan Change 4.

Recommendation:

It is recommended that the relief sought in submissions 2/1, 14/10, 33/1, 55/2 and 57/17 is rejected.

4.8 Tank Farm name

No.	Submitter	Summary of Decision Sought	Further Submitter/s
14/1	Peter Edwin Gill Hosking	Oppose changing the name of the precinct from "the Tank Farm" to anything else, including Wynyard Quarter. Wide recognition of the name for the area now.	

Discussion:

Although the Tank Farm name currently has a high level of public recognition, this is likely to decrease over time as fewer tanks remain. "Tank farm" can also cause confusion with the Tuff Crater in North Shore City which is also referred to as "tank farm", a name which stems from the petrochemicals storage tanks located there during World War II. The use of "Wynyard Quarter" signals a significant change for the area while retaining a link to the past in the use of "Wynyard". There is significant recognition of the area as Wynyard Wharf or Wynyard Point.

Recommendation:

It is recommended that the relief sought in submission 14/1 is rejected.

4.9 Te Wero Island

No.	Submitter	Summary of Decision Sought	Further Submitter/s
3/3	Brian McClure	Te Wero Island to be a pedestrian-only precinct.	Opposed by: 32 Auckland City Council 53 Auckland Regional Holdings
14/14	Peter Edwin Gill Hosking		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council

Discussion:

Te Wero Island is an area of land and is subject to the district plan rather than the Regional Plan: Coastal (RPC). The RPC cannot require that the island be a pedestrian only precinct. However, the plan can control effects of activities in the coastal marine area on the pedestrian use and amenity of Te Wero Island. Plan Change 3 includes “pedestrian character and urban amenity” in the outcomes to be achieved by a bridge linking the Eastern Viaduct and Jellicoe Street, and specifically refers to the “use and enjoyment of Te Wero Island as an area of pedestrian oriented public space” (policy 28.4.11). The plan change also protects the views that pedestrians have from the island, by introducing a new viewshaft from Te Wero Island toward the north, restricting buildings on the Western Viaduct Wharf, and including a new policy to protect views (policy 28.4.10).

In terms of addressing these aspects of the pedestrian use of Te Wero Island it is recommended that the submission be accepted in part.

Recommendation:

It is recommended that the relief sought in submissions 3/3 and 14/14 is accepted in part.

4.10 Consultation

No.	Submitter	Summary of Decision Sought	Further Submitter/s
50/4	Audry van Ryn	Keep consulting with the public on details of development.	

Discussion:

The public will be consulted as the development progresses through the notification of resource consent applications in accordance with the RMA. To this extent, it is recommended that the submission be accepted in part.

Recommendation:

It is recommended that the relief sought in submission 50/4 is accepted in part.

5. GENERAL SUBMISSIONS – DEVELOPMENT IN THE COASTAL MARINE AREA

5.1 Development on wharves

No.	Submitter	Summary of Decision Sought	Further Submitter/s
50/1	Audry van Ryn	Supports new buildings and public artworks on the wharves while providing for enhanced public access.	

Discussion:

The support for the aspects of the plan change providing for new buildings, artworks and public access on wharves is noted.

Recommendation:

It is recommended that the relief sought in submission 50/1 is accepted.

5.2 View shafts and amenity

No.	Submitter	Summary of Decision Sought	Further Submitter/s
3/2	Brian McClure	Preserving view shafts - Ensure no permanent structures on Western Viaduct Wharf, Harbour Entrance Wharf or water area to preserve visual amenity.	Opposed by: 32 Auckland City Council 53 Auckland Regional Holdings
5/2	Edwin John Wickham Ikin & Eila Beatrice Ikin	View shafts must be protected. Oppose the erection of all permanent structures higher than present Cup Bases. Preserve visual amenity throughout the whole Tank Farm, Western Viaduct Wharf, Harbour Entrance and Te Wero Wharf.	Opposed by: 32 Auckland City Council 53 Auckland Regional Holdings
12/2	Bowery Holding Ltd	Preserve view shafts. No permanent structures on wharf or water area.	Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
14/12	Peter Edwin Gill Hosking	Support preserving view shafts. Preserve visual amenity from Viaduct Harbour, especially the Point Apartments. Ensure no permanent structures on Western Viaduct Harbour Entrance Wharf or water area to preserve visual amenity.	Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council

Discussion:

Plan Change 3 addresses these matters through the identification of viewshafts shown in Map Series 2 Sheet 7A and referred to in the policies. Plan Change 3 also specifies that buildings on Western Viaduct wharf are a non-complying activity, ie a rigorous 'test' is imposed by the Resource Management Act to determine if a building is appropriate. Visual amenity and retaining the identified view shafts would be a significant factor in any assessment. To the extent that these provisions address the above submissions, it is recommended that they be accepted in part. It is not considered necessary to place stronger controls on development on Harbour Entrance Wharf or on the water area of Viaduct Harbour.

The height of buildings on wharves is discussed in response to other submissions in this report.

Recommendation:

It is recommended that the relief sought in submission 3/2, 5/2, 12/2 and 14/12 is accepted in part.

5.3 Cruise ship terminal

No.	Submitter	Summary of Decision Sought	Further Submitter/s
19/1	Heart of the City	Better alternatives may exist for a cruise terminal - eg central wharves. The cruise industry have not been consulted on the idea of a back-up facility going on Wynyard Wharf. That use would conflict with other uses in Quarter 6 [district plan change, Wynyard Point]. It is not clear that the transport infrastructure required to support cruise ship facilities is provided for.	Opposed by: 53 Auckland Regional Holdings
20/1	Cruise New Zealand	Concerned regarding references made in the plan change for new cruise facilities on Wynyard Point. The issue of a second terminal is a "now" issue. A cruise terminal is an operational area requiring what would appear to be a larger amount of land than indicated in the plans. A terminal building, gantry gangways, security fencing, customs exclusive zones, large bus area, good ingress/egress for transport, container storage (limited) on the wharf for stores, etc. A second Auckland terminal should have a berth length able to accommodate 330-350m vessels.	Opposed by: 53 Auckland Regional Holdings

52/1	Cathleen Martha Haslett	Using Wynyard Wharf to berth cruise ships is short sighted given the height of the vessels. Views from Point Park to N and NE will be obscured by a massive high wall of ships structure. The views will be to the N and W only.	Opposed by: 53 Auckland Regional Holdings
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Discussion:

It is acknowledged that the cruise ship industry is an important one “now” as identified by Cruise New Zealand, and likely to grow in significance over time. The ‘debate’ about the most appropriate site(s) and the type of facilities that would be needed is continuing – and this is very much a land/water interface issue. However, most of the proposed changes in RPC Plan Change 3, and the current RPC provisions for the port management areas (which include the entire downtown waterfront area) would not preclude the cruise ship industry. Details of this are set out below.

Plan Change 3 includes a note in the introduction to chapter 30 that the use of Wynyard Wharf is likely to change over time as the adjacent land use changes and that “it is likely that the wharf will continue to be used for port activities although these may change to include activities such as berthage for fishing boats, cruise ships and charter boats”. Use of the wharf to berth cruise ships and load/unload passengers and equipment would be a “port activity” and a permitted activity under rule 25.5.1.

The plan change does not make any specific provision for cruise ship facilities such as waiting rooms and customs areas. These can be accommodated by the provisions providing for new buildings on Wynyard Wharf. The exact use of such buildings is not prescribed by the plan change. The development of a cruise ship facility would be supported by the policies and assessment criteria which refer to the wharf being used for port activities.

The submitters’ concerns regarding potential conflicts with other activities in Wynyard Quarter and the scale of facilities required would need to be considered in any consent application for a new building to service cruise ships. A full analysis of whether Wynyard Wharf or the central wharves would be the optimal location for a second cruise ship berth was not undertaken as part of the development of Plan Change 3 but the plan change does not preclude such facilities if the current work being undertaken regarding the central wharves should determine that facilities at Wynyard Wharf are needed.

The opposition in submission 52/1 to cruise ships due to their potential to block views from the headland park has some basis as cruise ships are often very large. However, such effects would be temporary and short term, and it is activities such as the coming and going of cruise ships that attract people to the waterfront.

Recommendation:

It is recommended that the relief sought in submission 19/1, 20/1 and 52/1 is rejected.

5.4 Berth access, water space control, berthage, navigation

No.	Submitter	Summary of Decision Sought	Further Submitter/s
33/7	Viaduct Harbour Holdings Ltd & Viaduct Harbour Management Ltd	Include a specific rule in section 25.5 expressly providing for vehicular and pedestrian access to existing berths in the Eastern Viaduct and Te Wero Island for servicing vessels as a permitted activity.	Opposed by: 53 Auckland Regional Holdings
33/15	Viaduct Harbour Holdings Ltd & Viaduct Harbour Management Ltd	Seeks such further, consequential, or alternative relief as may be required to avoid, remedy or mitigate any actual or potential effects on: The control or management of water-space in the Viaduct Harbour and Westhaven Properties Marina (including but not limited to any effects on berthage rights or navigation).	Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings 32 Auckland City Council
33/16	Viaduct Harbour Holdings Ltd &	Seeks such further, consequential, or alternative relief as may be required to avoid, remedy or	Opposed by: 24 Creative Functions Ltd

	Viaduct Harbour Management Ltd	mitigate any actual or potential effects on: the related environment (including but not limited to water-space or land controlled, managed or owned by VHHL within the coastal marine area, Wynyard Quarter or the Viaduct Harbour Precinct).	53 Auckland Regional Holdings 32 Auckland City Council
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Discussion:

Submission 33/7 seeks a new permitted activity rule that provides for vehicular and pedestrian access to existing berths in the Eastern Viaduct and Te Wero Island. Such access would be provided on land through the district plan and it is not clear how it could be addressed through the coastal plan. Subject to further explanation being provided at the hearing, it is recommended that the submission be rejected.

Submissions 33/15 and 33/16 seek non-specific amendments to the plan change to address effects on the control or management of water-space in the Viaduct Harbour and Westhaven Properties Marina, and on the related environment. Further explanation may be provided at the hearing. To the extent that such effects relate to other concerns raised by submitters, they are addressed elsewhere in this report. Overall it is considered that the plan change appropriately addresses the actual and potential effects on the environment of the CMA, Wynyard Quarter and the Viaduct Harbour. At this stage it is recommended that the submissions be rejected.

Recommendation:

It is recommended that the relief sought in submissions 33/7, 33/15 and 33/16 is rejected.

5.5 Boat landing facilities

No.	Submitter	Summary of Decision Sought	Further Submitter/s
17/1	Auckland Yacht & Boating Assoc Inc	Support 25.5 (rules) in part. The proposed plan change should include specific provision for landing facilities for use by the recreational boating public. Landing facilities could be in the form of pontoons and access ramps that float up and down with the tide to cater for small to medium craft. The current form of Wynyard Wharf would be unsuitable for smaller craft. The landing facilities could be placed at any one or more of several points around the Wynyard Quarter, such as: Adjacent to the proposed stormwater feature on the western edge, at the northwest corner or northern edge of Wynyard Point, along Wynyard Wharf at the edge of the area proposed for marine events. Landing facilities could be located within view shafts without adverse effect.	Supported by: 32 Auckland City Council

Discussion:

The development of new landing facilities is provided for by rule 25.5.2 which makes the erection or placement of such structures a permitted activity. To this extent, it is recommended that the submission be accepted.

Recommendation:

It is recommended that the relief sought in submission 17/1 is accepted.

5.6 Reclamations (policy 25.4.4)

No.	Submitter	Summary of Decision Sought	Further Submitter/s
15/2	Minister of Conservation	The intent of the new words in Policy 25.4.4 (reclamation in Port Management Areas) which state "or to facilitate the environmental enhancement of existing seawall conditions" is not clear. Re-word or amend Policy 25.4.4 to ensure the outcome sought and the intention of the policy is clear.	Support/oppose in part by: 53 Auckland Regional Holdings

Discussion:

The amendment to policy 25.4.4 was intended to recognise that minor reclamations may be necessary where an existing seawall is in poor condition and it is necessary to rebuild seaward in the CMA (and so create a narrow reclamation). This is relevant to the Wynyard Quarter area as there are seawalls around the area which will need to be rebuilt to allow redevelopment of the land.

It is accepted that the proposed wording is not entirely clear and alternative wording is recommended below.

Recommendation:

It is recommended that the relief sought in submission 15/2 is accepted.

Recommended amendment to Plan Change 3:

25.4.4 Notwithstanding Policy 25.4.3, reclamation shall be recognised as an option for port development to meet necessary future cargo handling, passenger and other needs within the Port Management Areas, **or to facilitate the environmental restoration and** enhancement of existing seawall edge conditions. Where practicable the fill for any such reclamation should be dredged material from the Port Management Areas. [15/2]

6. INTEGRATION WITH DISTRICT PLAN

6.1 Integration with Auckland City Council District Plan modifications

No.	Submitter	Summary of Decision Sought	Further Submitter/s
11/2	Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Overall the provisions complement the proposed Plan Change 4 to the Central Area Plan (ACC) and this is supported.	Opposed by: 16 Marstel Terminals Ltd
23/4	Auckland Regional Council	Make consequential amendments to the coastal plan change as appropriate to ensure integration between the coastal plan and district plan changes for Wynyard Quarter as they are amended through the hearing process. Provisions of particular relevance include the view shafts and references to Comprehensive Area Structure Plans, Risk Sensitive Areas/Activities and car parking.	Supported by: 35 Transit New Zealand Support/oppose in part by: 53 Auckland Regional Holdings 32 Auckland City Council
32/4	Auckland City Council	Supports Plan Change 3, but considers that refinements can be made to adopted methods to provide for better integration with Auckland City Council Proposed Plan modification No 4 and Proposed Variation No 33 which apply to the adjacent land named Wynyard Quarter.	Supported by: 35 Transit New Zealand Opposed by: 16 Marstel Terminals Ltd Support/oppose in part by: 11 Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd 53 Auckland Regional Holdings

33/14	Viaduct Harbour Holdings Ltd & Viaduct Harbour Management Ltd	Seeks such further, consequential or alternative relief as may be required to ensure that the plan changes are consistent with: Auckland City District Plan - Central Area Section 2004 - Plan Change 4 and Auckland City District Plan - Central Area Section 1997 - Variation 33; As amended by any submissions or further submissions made by VHHL.	<p>Supported by: 35 Transit New Zealand</p> <p>Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings 32 Auckland City Council</p>
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Discussion:

In order to achieve integrated management, Plan Change 3 has been prepared in conjunction with the development of Auckland City Council's Plan Change 4 for the adjacent land. The support for this approach in submission 11/2 is noted.

Auckland City Council and Auckland Regional Council (submissions 23/4 and 32/4) both sought amendments to the plan change to enhance integration between the coastal plan and district plan. Specific amendments in terms of these submissions are recommended elsewhere in this report. Matters of particular relevance, and the section where they are discussed, include:

- Comprehensive area structure plans – section 6.2
- Travel management prerequisites – section 6.2
- Car parking on wharves – section 7.4
- Height limits – section 9.1
- Office space on Wynyard Wharf – section 10.2
- Use of the marine events centre – section 11.4
- Fatality risk provisions – section 13.7
- Noise limits – sections 11.5 and 16.1.

The decisions on the submissions to the district plan change have not yet been released. As a consequence, it is not possible to recommend amendments to ensure consistency with any amendments made in response to submissions to that plan change made by VHHL (submission 33/14). However, it is acknowledged that there is a need for consistency due the inextricably linked nature of the land and wharves over the water. Every endeavour needs to be made to ensure the final outcome of the two plan changes is a 'seamless' transition from land to water and vice versa.

Although separate hearings are being held for the district and coastal plan changes, the hearing panel may seek to ensure integration by not making any final decisions until it has seen the district plan hearing panel's decisions. However, this will be a matter of timing and the evidence it hears in relation to the coastal plan submissions. The inclusion of one of the district plan hearing commissioners on the coastal plan change hearing panel may assist in consideration of this matter.

Recommendation:

It is recommended that the relief sought in submissions 11/2, 23/4 and 32/4 is accepted.

It is recommended that the relief sought in submission 33/14 is accepted in part.

6.2 Comprehensive Area Structure Plans, travel management and office space

No.	Submitter	Summary of Decision Sought	Further Submitter/s
23/2	Auckland Regional Council	Include cross references to the travel management prerequisites in the Wynyard Quarter district plan change, along with the references to Comprehensive Area Structure Plans, to align the matters that must be addressed prior to redevelopment occurring in Wynyard Quarter.	<p>Supported by: 35 Transit New Zealand</p> <p>Support/oppose in part by: 53 Auckland Regional Holdings 32 Auckland City Council</p>

32/5	Auckland City Council	Methods in Plan Change 3 should be amended to reflect the same approach adopted in Auckland City Council District Plan Modification 4 regarding Comprehensive Area Structure Plans and travel management prerequisites. Plan Modification 4 deliberately separates buildings and activities, requiring comprehensive area structure plans to be approved prior to building uplift and travel management prerequisites to be satisfied prior to the introduction of traffic generating activities (i.e. offices and entertainment).	Supported by: 35 Transit New Zealand Opposed by: 16 Marstel Terminals Ltd Support/oppose in part by: 53 Auckland Regional Holdings
32/6	Auckland City Council	Amend Rule 25.5.9 (permitted activities, Wynyard Wharf) to ensure that listed activities a) - d) are permitted only once the travel management prerequisites are satisfied as set out in Auckland City Council District Plan Modification 4, rule 14.9.11.	Supported by: 35 Transit New Zealand Opposed by: 16 Marstel Terminals Ltd Support/oppose in part by: 53 Auckland Regional Holdings
32/7	Auckland City Council	Amend Rules 25.5.9 and 25.5.30 to ensure that buildings are enabled only once a Comprehensive Area Structure Plan is approved on the adjacent land as set out in Auckland City Council District Plan Modification 4, rules 14.9.12.3 and 14.9.12.4.	Supported by: 35 Transit New Zealand
32/8	Auckland City Council	Proposed Plan Change 3 in its current form does not limit the amount of office floor space or car parking able to be established within the identified building platforms (office floor area) or on the wharfs (car parking). Limitations should be placed on office activity and car parking which complements the approach taken in District Plan Modification 4.	Supported by: 35 Transit New Zealand Support/oppose in part by: 53 Auckland Regional Holdings
32/12	Auckland City Council	Submitter seeks such additional, alternative or consequential amendments (including explanatory text) as are appropriate (relating to Comprehensive Area Structure Plans, travel management prerequisites, office floor area, car parking).	Supported by: 35 Transit New Zealand Support/oppose in part by: 24 Creative Functions Ltd 53 Auckland Regional Holdings

Discussion:

The Auckland Regional Council and Auckland City Council submissions both sought amendments to the plan change to enhance the integration between the district plan and RPC with regard to the matters that must be addressed prior to redevelopment occurring. While the two Wynyard Quarter plan changes were developed together, the “triggers” to provide for new activities and buildings were not entirely aligned in the notified versions of the plan changes. The area is unusual in the matters that need to be addressed before redevelopment occurs, particularly the transport constraints and risks associated with locating new activities near hazardous operations. Because of this, the “trigger” mechanisms in each plan change are quite complex. Both the urban design and transportation technical analyses of submissions (appendices C and D) support consistency between the plan changes in terms of controls on new buildings, office space and travel management.

District Plan approach

The ACC Plan Change 4 (Wynyard Quarter) makes a strong distinction between the triggers for new building form and for new activities.

In terms of “buildings”, the district plan change includes extensive provisions relating to Comprehensive Area Structure Plans (CASPs) as a means of achieving integrated planning for the development of parts of the Quarter. Following the approval of a CASP, the district plan provides for greater building height (rule 14.9.12.3) and site intensity with a different floor area ratio (rule 14.9.12.2) within the area of the approved CASP.

With regard to “activities” the district plan change has triggers relating to travel management and levels of risk sensitivity.

For various traffic generating activities (ie offices and entertainment), a new activity status applies once the required travel management prerequisites are satisfied. Prior to that time, the activity status for these activities is generally non-complying (rules 14.9.6.6 and 14.9.11).

The prerequisites set out in clause 14.9.11 of ACC Plan Change 4 include comprehensive requirements relating to public authority obligations to prepare a Wynyard Quarter Transport Plan and establish a Transport Management Body, and landowner/leaseholder obligations to comply with the maximum vehicle trip generation ratio targets and participate in the transport management body.

In addition, various listed activities (eg accommodation, office, retail, food and beverage) are noted as different categories of “risk sensitive activities” and are subject to the development controls in rule 14.9.12.11 which refers to a map with individual fatality risk contours. The relevant activities cannot locate in the identified risk areas without resource consent.

Notified Plan Change 3 approach

The RPC plan change did not include any provision for increased building height in the port management areas. The height limit on Wynyard Wharf is actually lowered from 18m above sea level to 15m above sea level. It was not considered necessary to include an equivalent to the CASP trigger on changes in building height and site intensity. Integration of building form and bulk with the development of the adjacent land was provided by making any building require a consent, specifying building platforms and viewshafts, and by including new design criteria in policies and in Appendix J (urban design criteria for developments on wharves).

Plan Change 3 includes the approval of a CASP for the adjacent land as a “trigger” to allow new permitted activities on Wynyard Wharf (including office, retail, and entertainment). This was in contrast to the district plan which applies the CASPs as a trigger for buildings not activities. The coastal plan change provisions were introduced to ensure that any new developments on the wharf are integrated with planning for the adjacent land, and do not take place before the adjacent land use has changed. It was assumed that approval of a CASP would equate to relocation of the hazardous activities.

The consideration of risk sensitivity was included in policies and in the assessment criteria for new buildings on wharves.

Recommended approach – CASPs and risk

It is recommended that Plan Change 3 be amended to use new risk rules and map (recommended below in section 13.7) as a trigger for allowing new people-focused activities on Wynyard Wharf, rather than approval of a CASP for the adjacent land.

This approach would have a stronger relationship between the trigger and the potential conflict between new activities and existing bulk liquids activities. Integration with CASPs can be encouraged by retaining consideration of CASPs within the policies and by including them in the assessment criteria for new buildings on Wynyard Wharf (restricted discretionary activity 25.5.30).

Recommended approach – travel management prerequisites, office space and car parking

Auckland Regional Council and Auckland City Council submitted that Plan Change 3 should also include travel management prerequisites equivalent to those in the district plan. Auckland City Council also seeks limits on office floor space and car parking to give greater integration with the district plan and its transport provisions.

These submissions have been considered in the Flow Transportation Specialists report (Appendix D). That report recommends that the prerequisites be applied in the coastal plan

to ensure consistency with the district plan, even though the traffic effects of the wharf developments are not expected to be significant.

Having taken this advice into account, it is considered that the complexity involved in requiring all of the district plan travel management prerequisites through the coastal plan is not justified by the predicted effects or the need for integration with the district plan. It is considered that sufficient controls on the traffic generated by wharf developments will be provided through the amendments recommended elsewhere in this report with regard to the car park limits (section 7.4), office space limits on Wynyard Wharf (section 10.2), and requirements for transport/traffic management plans (section 7.4).

These measures partially achieve the district plan's travel management prerequisites. It is considered that vehicle trips generated from wharf development can be adequately managed without requiring compliance with full suite of measures required in the district plan (ie membership of the Wynyard Quarter travel management body and legally binding commitments to comply with trip generation targets for the Quarter). For these reasons, it is recommended that submissions 23/2 and 32/5 be accepted in part, and submission 32/6 be rejected.

Recommendation:

It is recommended that the relief sought in submissions 23/2, 32/5, 32/7, 32/8 and 32/12 is accepted in part.

It is recommended that the relief sought in submission 32/6 is rejected.

Recommended amendments to Plan Change 3:

Permitted activities

25.5.9 On Wynyard Wharf ~~(following the grant and commencement of a resource consent for a Comprehensive Area Structure Plan for the adjacent land)~~ the following activities, not including any associated structures or buildings ~~and subject to compliance with Rule 25.5.14A:~~ [32/5, 32/6]

a restaurants, cafes, take away food and food hall activities; and

b retail activities; and

c office activities; and

d entertainment facilities; and

e information centres; and

f public recreation activities and facilities, such as seating, toilets and information boards.

25.5.12 Temporary events, including associated structures and buildings, on Wynyard Wharf ~~provided they comply with rule 25.5.14A.~~ ~~following the grant and commencement of a resource consent for a Comprehensive Area Structure Plan for the adjacent land.~~

~~(NB: For the purposes of this rule, a "Comprehensive Area Structure Plan" is a structure plan prepared in accordance with the Auckland City District Plan (Central Area Section). This rule applies once the Comprehensive Area Structure Plan has been granted consent by the Auckland City Council and has commenced under the Resource Management Act 1991.)~~ [23/4, 32/5]

Restricted Discretionary Activities

25.5.31 The ARC will restrict the exercise of its discretion under Rules 25.5.29 and 25.5.30 to the following matters:

gA the extent to which the development is integrated with a Comprehensive Area Structure Plan for the adjacent land (where one has been approved); and [32/5, 32/7]

7. TRANSPORT

7.1 Traffic, car parking

No.	Submitter	Summary of Decision Sought	Further Submitter/s
4/2	Cuan Forsyth-King	Traffic and parking are issues. A car free precinct would be desirable.	Opposed by: 53 Auckland Regional Holdings
54/8	Auckland Regional Chamber of Commerce	Strongly recommend that all transport proposals for the development be reappraised from a business perspective. Concerned that significant limitations on the number of motor vehicles that can park on sites or visit during a working day can be adequately policed without causing considerable concern to businesses and residents. The marine industry areas especially require transport access that permits heavy vehicles (rigs) and large loads (super yachts). Unclear from the documents that the specific transport needs of all the various user groups and modes have been given particular attention.	Opposed by: 35 Transit New Zealand

Discussion:

These submissions appear to be principally concerned with traffic and parking issues on the land area of Wynyard Quarter. These matters will be addressed at the hearing for the ACC Plan Change 4.

In terms of the coastal plan change, the effects that new developments on wharves may have on traffic and parking have been considered and are addressed in the report by Flow Transportation Specialists Ltd (Appendix D of this report). That report, and amendments in response to other submissions on car parking, are discussed below in section 7.4.

These submissions are non-specific with regard to the relief they seek, and it is recommended that they be rejected, subject to further explanation being provided at the hearing.

Recommendation:

It is recommended that the relief sought in submissions 54/8 and 4/2 is rejected

7.2 Objective 28.3.14 (traffic and pedestrian access)

No.	Submitter	Summary of Decision Sought	Further Submitter/s
34/3	Land Transport NZ	Generally supports objective 28.3.14 (effects of development on traffic and pedestrian access).	Supported by: 35 Transit New Zealand 24 Creative Functions Ltd Support/oppose in part by: 32 Auckland City Council

Discussion:

The support for objective 28.3.14 is noted.

Recommendation:

It is recommended that the relief sought in submission 34/3 is accepted.

7.3 New Waitemata Harbour crossing

No.	Submitter	Summary of Decision Sought	Further Submitter/s
35/1	Transit New Zealand	Generally supports Plan Change 3. However, Transit considers that further amendments to Plan Change 3 are necessary in order to make provision for the potential construction, operation and maintenance of regionally significant transport infrastructure within the Port Management Area 4A adjacent to Wynyard Quarter.	Opposed by: 53 Auckland Regional Holdings
35/2	Transit New Zealand	Considers it appropriate that recognition is also given in Plan Change 3 of the potential future use of Port Management Area 4A adjacent to Wynyard Quarter for this strategic transportation route (i.e. investigations recently undertaken by Transit that have identified a potential route for an additional Waitemata Harbour crossing that is through Wynyard Point and Wynyard Quarter). Transit has commissioned a study with Auckland Regional Council and others to further consider route options and identify a preferred feasible route.	Opposed by: 16 Marstel Terminals Ltd 47 Sanford Ltd 53 Auckland Regional Holdings
35/3	Transit New Zealand	Seeks that objective 25.3.3 be modified as follows: "To facilitate where appropriate, the use and development of Port Management Areas for non-port related activities including public access, entertainment, commercial, <u>regionally significant transport infrastructure</u> and other marine related purposes."	Opposed by: 16 Marstel Terminals Ltd 53 Auckland Regional Holdings
35/4	Transit New Zealand	Seeks the addition of the following policy for Port Management Areas: " <u>25.4.15 Provision shall be made for the potential future construction, use and maintenance of regionally significant transport infrastructure, such as an additional Waitemata Harbour Crossing, in the Wynyard Point area</u> ".	Opposed by: 53 Auckland Regional Holdings
35/5	Transit New Zealand	Seeks the addition of the following permitted activity rule for Port Management Areas: <u>25.5.16 The construction, use and maintenance of regionally significant transport infrastructure.</u>	Opposed by: 53 Auckland Regional Holdings
35/6	Transit New Zealand	Seeks the addition of the following objective for Port Management Areas: <u>30.3.8 To provide for the potential future development and operation of regionally significant transport infrastructure in Port Management Area 4A adjacent to Wynyard Quarter.</u>	Opposed by: 53 Auckland Regional Holdings
35/7	Transit New Zealand	Seeks that Policy 30.4.14 for Port Management Area 4A be modified to read as follows: "Use and development of Wynyard Wharf shall... <u>k take into account the potential future development and operation of an additional Waitemata Harbour Crossing in the vicinity of Wynyard Point.</u> "	Opposed by: 53 Auckland Regional Holdings
35/8	Transit New Zealand	Seeks that Policy 30.4.16 for Port Management Area 4A be modified to read as follows: "Use and development in Port Management Area 4A, other than on Wynyard Wharf, should: <u>c take into account the potential future development and operation of an additional Waitemata Harbour Crossing in the vicinity of Port Management Area 4A.</u> "	Opposed by: 53 Auckland Regional Holdings

35/9	Transit New Zealand	Seeks such further or other relief considered appropriate to address Transit's concerns.	Opposed by: 53 Auckland Regional Holdings
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Discussion:

When Plan Change 3 and the district plan modifications for Wynyard Quarter were notified in July 2007, Transit New Zealand, ARC, ACC, North Shore City Council and ARTA had just commenced a study to investigate options for a new Waitemata Harbour crossing. The principal route which had been identified at that time was a tunnel that crossed Port Management Area 4A at the north end of Wynyard Point, and ran through Wynyard Quarter beneath Daldy Street.

A non-statutory annex showing this route was included in the district plan change. An introduction section of that plan change included a reference to the annex. The map was not included in the coastal plan change as no works were identified that would affect the use of the coastal marine area, and there were no other works proposed in the port management areas around Wynyard Quarter that were likely to impact on the tunnel route. In addition, there was relatively little certainty about the proposal and a coastal permit would be required for any harbour crossing works. It was considered that a resource consent process would be the most effective means of providing for a new crossing, rather than through Plan Change 3.

Since the Wynyard Quarter plan changes were notified, the joint study has considered a range of potential routes and has recommended option 2C as the preferred option. This route comprises four cross harbour tunnels, which would run underground from the Onewa Road interchange to the western side of Wynyard Quarter, and pass beneath Port Management Area 2B. This option includes two tunnels that would carry rail and two tunnels for general vehicular traffic as a new section of State Highway 1.

Designations for public works cannot be established in the coastal marine area. Under the current Regional Plan: Coastal, construction of the proposed tunnel would be a restricted coastal activity and would require the approval of the Minister of Conservation (although this activity status may change when the proposed New Zealand Coastal Policy Statement 2008 is finalised and new restricted coastal activity rules are included in regional coastal plans).

Other aspects of the tunnel project (such as disturbance and occupation) would require the approval of the ARC. If the tunnel required reclamation relating to the rail tunnel in the CPA1 areas near the Onewa or Esmonde Road interchanges, this would be a prohibited activity (rule 13.5.6). It is unclear whether “disturbance” for the tunnel would be covered by the rules of chapter 16 or whether it would also trigger the “extraction” provisions in chapter 16 of the RPC. Extraction of material from beneath a Coastal Protection Area 1 is a prohibited activity (rule 14.5.8). The prohibited activity rules could only be addressed through another plan change or through the plan review that is required after the plan has been operative for 10 years (2014).

The use of the tunnel by motor vehicles through a CPA1 is currently also a prohibited activity (rule 16.5.22) but Plan Change 4 (mangrove management) proposes to change that activity to a non-complying activity. The hearing for Plan Change 4 is scheduled for later in 2008.

There would be several advantages in preparing a new plan change that clarified the activity status of the different aspects of a tunnelling programme along its entire route. At present, determining the activity status of the tunnel is complex as the route passes through several different coastal plan zones, including the port management areas, a mooring management area, coastal protection areas and the general management area. It is not possible to undertake such amendments through the Plan Change 3 hearing process as they would be outside the scope of the plan change and the submissions.

In their submission, Transit New Zealand seeks that the new Waitemata Harbour Crossing be recognised in Plan Change 3 in objectives, policies and a new permitted activity rule. Several

parts of the submission refer to Port Management Area 4A but the preferred route now runs beneath Port Management Area 2B.

Option 2C is a deep driven tunnel that would be 20 to 30 metres below the seabed. As a result, there is very little likelihood that the tunnel would have adverse effects on any other activities or values of the Port Management Area 2B. This is a different situation to the adjacent land where the tunnel will presumably be rising toward the surface and where building foundations or earthworks could be along the tunnel route.

As a consequence, it is not considered necessary to amend the objectives, policies and rules in the manner suggested by Transit's submission. It would be more appropriate to address such matters in a comprehensive plan change that considered the necessary amendments to all of the RPC chapters relevant to the different zones the route passes through. Given that it is unlikely that the tunnel will be constructed within the next 10 years, there is plenty of time to address a change to the RPC.

The option of including a map of the new route as an information item within chapter 25 or 28 has been considered. This would have a benefit of being "notice to the world" of the possibility of the tunnel in terms of other parties planning their activities in the area, and notice to the ARC with respect to determining whether Transit may be an affected party when deciding whether to notify coastal permit applications in this area.

However, such notice has already been provided by the public announcement of the preferred route and by ARC's inclusion in the harbour crossing study team. There could also be disadvantages in having a map of the route in the coastal plan if the preferred option is amended as its feasibility is investigated further. There appears to be no significant advantage in including the map within the port management area section of the RPC. Subject to further information being provided at the hearing, it is recommended that the submissions be rejected.

Recommendation:

It is recommended that the relief sought in submissions 35/1, 35/2, 35/3, 35/4, 35/5, 35/6, 35/7, 35/8 and 35/9 is rejected.

7.4 Car parking on wharves

No.	Submitter	Summary of Decision Sought	Further Submitter/s
23/3	Auckland Regional Council	Amend the car parking provisions of the proposed plan change to ensure the wharves are not used for large-scale car parking. Concern has been raised that the terms used in the plan change are not sufficiently precise and could allow for parking that is ancillary to activities on the adjacent land rather than only those on the wharves.	Supported by: 35 Transit New Zealand Support/oppose in part by: 24 Creative Functions Ltd 58 Ports of Auckland Ltd 32 Auckland City Council
24/6	Creative Functions Ltd	Provide for parking associated with the Floating Pavilion by: (a) Amending clause 25.5.13 (g) as follows: " Parking shall be ancillary to only for vehicles directly associated with port activities and ancillary services <u>the use of existing buildings or facilities; and generally the wharves shall not be used for public car parking</u> ".	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings 58 Ports of Auckland Ltd 32 Auckland City Council
24/7	Creative Functions Ltd	Provide for parking associated with the Floating Pavilion by: Amending clause 25.5.14 (i) as follows: "Vehicle parking on Halsey St Extension Wharf, Western Viaduct Wharf and North Wharf shall be ancillary to port activities or use of existing buildings or facilities and generally the wharves shall not be used for general public car parking".	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings 32 Auckland City Council
24/16	Creative Functions Ltd	Amend Policy 28.4.21 as follows: "Vehicle parking on Halsey Street Extension Wharf and the Western Viaduct Wharf shall be provided in a	Opposed by: 35 Transit New Zealand 53 Auckland Regional

		manner that does not affect its functioning as a marine events precinct and <u>generally</u> the wharves shall not be used for general public car parking".	Holdings 32 Auckland City Council
25/36	Sealink Travel Group NZ Ltd	Oppose Policy 30.4.14(j) (limits on parking on Wynyard Wharf). Seeks that the provision be deleted. Parking provision and public transport are not mutually exclusive and properly designed provision for cars and vehicular movement does not need to detract from the amenity of the area and other road users.	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 7 Richard B Somerville-Ryan 1 Great Barrier Community Board Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
32/10	Auckland City Council	Amend clause 25.5.14(i) to clarify that parking shall only be ancillary to port activities and activities within buildings undertaken and located on Wynyard Wharf.	Supported by: 35 Transit New Zealand Support/oppose in part by: 24 Creative Functions Ltd
32/11	Auckland City Council	Amend clause 25.5.14(i) to require maximum car parking ratios consistent with those set out in Auckland City Council District Plan, Plan Modification 4, rule 14.9.12.1.	Supported by: 35 Transit New Zealand Support/oppose in part by: 24 Creative Functions Ltd

Discussion:

The operative Regional Plan: Coastal limits car parking on wharves in the port management areas to vehicles directly associated with port activities and ancillary services (25.5.13.g).

Plan Change 3 introduced new policies and rules to clarify how parking was to be addressed for the new developments on Halsey Street Extension Wharf and Wynyard Wharf, and in relation to temporary events. The relevant provisions are rules 25.5.13.g, 25.5.14.i, 25.5.31, and policies 28.4.21 and 30.4.14.

The plan change allowed for limited parking associated with the use of buildings on wharves, but continued the approach of not allowing for general public car parking on the wharves. This position aims to achieve integration with the district plan change for the adjacent land which sets maximum car park limits on developments as part of the suite of measures addressing the transport constraints of the area. The coastal plan limits on car parking also ensure the wharves are able to be used for the vehicle activities associated with port activities (eg vessel unloading and servicing), as well as maintaining the open space, amenity and public access values of the wharves.

The submission from Auckland Regional Council seeks the use of more precise terms in the parking provisions so that the wharves are not used for large-scale car parking. Auckland City Council also seeks greater certainty, through the inclusion of car parking ratios that are consistent with those in the district plan change.

The Flow report (Appendix D to this report) considers these submissions and recommends that car parking ratios be included in the RPC for Wynyard Wharf and that a parking space maximum be included for the events centre wharves. It is recommended that the submissions be accepted and the relevant provisions be amended as shown below.

The recommended amendments include a new restricted discretionary activity rule for traffic generating activities. This is based on rules 14.9.6.6 and 14.9.9.3 of the Wynyard Quarter district plan change. It requires that a travel management plan or traffic management plan is prepared for activities that provide 10 or more car parking spaces on-site or 100 trip movements per day. This would include new developments on Wynyard and Halsey Street Extension Wharf. Major events, that required more parking spaces on the event centre wharves, would be able to be covered by a consent covering multiple events with a condition that each event had a traffic plan approved by ARC.

The rule would also cover activities such as ferry facilities and cruise ship activities where a traffic/travel plan would assist in avoiding transport issues at peak periods.

Wynyard Wharf

The Flow analysis recommends applying the district plan maximum parking ratios to the development on Wynyard Wharf and has determined that the ratios equate to a maximum of 36 spaces for the expected development. The recommended amendments shown below include a requirement for the parking ratios to be applied to Wynyard Wharf development but also requires that the parking be located on the adjacent land.

This approach maintains the open space amenity of the wharf and ensures the space needed for port operations is not used by public car parking. It is recognised that this approach has some issues in terms of monitoring compliance and whether the same spaces would be counted under the coastal plan and district plan provisions. However, it is similar to the RPC approach to Devonport Wharf which requires the car park ratios be met within 400m of the wharf. Parking provision that did not meet the permitted activity conditions would become a non-complying activity under a new rule (25.5.42A).

The principal alternative to this approach is to simply specify that no car parks are to be associated with the development of new activities on Wynyard Wharf (and not include any ratios). This would be one step more stringent than the district plan's approach of specifying "maximum" rather than "minimum" parking spaces.

In terms of the coastal marine area, this would achieve the same benefits in terms of the amenity and pedestrian accessibility of Wynyard Wharf. However, businesses located on the wharf will have some expectation of car parks, and including the ratios gives them clarity in how car parks may be provided and still achieves the transport objectives of the Wynyard Quarter area. It is considered preferable to include the parking ratios but to specify that the parking be provided on the land area of Wynyard Quarter. Submitters may wish to speak to this proposal at the hearing.

Sealink Travel Group submitted that the limits on parking on Wynyard Wharf should be deleted because parking provision and public transport are not mutually exclusive. It is recommended that policy 30.4.14.j be amended to include a reference to port activities to be consistent with the existing rule for parking associated with port activities (25.5.13.g). Parking associated with ferry loading or unloading would fall within "parking associated with port activities". Depending on the number of car park spaces required, ferry services may trigger the new requirement for a transport/traffic management plan.

Halsey Street Extension Wharf and Western Viaduct Wharf (marine events centre)

In accordance with the Flow report's analysis, the amendments recommended below include a maximum number of car park spaces on Halsey Street Extension Wharf and Western Viaduct Wharf, rather than a parking ratio. The parking ratios applied on land are not necessarily applicable to activities such as events and port activities taking place on these wharves.

Rather than develop a new ratio that allows for spaces per berth, it is more certain to use a set maximum of 50 spaces. This number is justified in the Flow reports (Appendix D and the report on the marine events centre attached to that report).

Creative Functions have requested various changes to the parking provisions to allow for parking associated with the Floating Pavilion. These changes are considered to be unnecessary.

Recommendation:

It is recommended that the relief sought in submission 23/3 is accepted.

It is recommended that the relief sought in submissions 25/36, 32/10 and 32/11 is accepted in part.

It is recommended that the relief sought in submissions 24/6, 24/7 and 24/16 is rejected.

Recommended amendments to Plan Change 3:

Policies

28.4.21 Vehicle parking on Halsey Street Extension Wharf and the Western Viaduct Wharf shall be provided in a manner that does not affect its functioning as a marine events precinct, or the operation of port activities, and the wharves shall not be used for general public car parking. [8/9, 13/9, 38/9, 39/9, 40/9, 41/9, 42/9, 43/9, 44/9]

30.4.14 Use and development of Wynyard Wharf shall: ...

- j limit vehicle parking to only that directly associated with port activities and ancillary services, or providing for loading, short-term ancillary and disabled parking, to minimize vehicle movement on the wharf and not detract from the amenity of the area. **[25/36]**

Permitted Activities

25.5.1213 The activities in Rules 25.5.1-25.5.910 are permitted subject to the following further conditions:

- g parking on wharves shall be only for vehicles directly associated with port activities and ancillary services, or short-term servicing, loading and unloading requirements associated with the use of existing buildings on wharves. Wharves shall not be used for general public car parking; and
- gA the following maximum parking ratios apply to activities other than port activities on Wynyard Wharf:

Activity Type	Maximum Parking Ratio
Office	1 space per 150m² of GFA
Retail	1 space per 150m² of GFA
All other activities	1 space per 105m² of GFA

- These car parks shall be provided on the adjacent land (within Wynyard Quarter) and not on Wynyard Wharf; and

- gB the number of car parking spaces on Halsey Street Extension Wharf and Western Viaduct Wharf shall not exceed 50; and [23/3, 32/8, 32/10, 32/11]

25.5.1314 The temporary events, and associated structures and buildings, activities in Rules 25.5.1140 – 25.5.1244 are permitted subject to the following further conditions:

- i vehicle parking on Halsey Street Extension Wharf, Western Viaduct Wharf and North Wharf shall be ancillary to the temporary event, port activities or use of existing buildings and the wharves shall not be used for general public car parking. During an event, the number of car park spaces on Halsey Street Extension Wharf and Western Viaduct Wharf shall not exceed 50; and [23/3, 32/8, 32/10, 32/11]

Restricted Discretionary Activities

25.5.31 The ARC will restrict the exercise of its discretion under Rules 25.5.29 and 25.5.30 to the following matters: ...

- h the provision of vehicle parking and loading bays on wharves and the management of traffic flows; and

(NB: In assessing matters under 25.5.31.h, the ARC will take into consideration the standards for formation of parking and loading areas in the Auckland City District Plan (Central Area Section) section 9.7.2.)

25.5.33A Any activity or change to an existing activity in Port Management Areas 2A, 2B or 4A which either:

- a provides 10 or more car parking spaces on-site; or
- b will result in an average daily traffic generation of 100 movements or more; or
- c is a temporary event that exceeds the car parking limits in rule 25.5.14.

25.5.33B The ARC will restrict the exercise of its discretion under Rule 25.5.33A to the following matters:

- a the matters listed as conditions for permitted activities in Rule 25.5.13 and 25.5.14; and
- b the extent to which the development achieves or does not achieve the objectives and policies for Port Management Areas 2A, 2B and 4A; and
- c for 25.5.33A.a to c, the provision of a detailed Site Travel Management Plan containing the following information as a minimum:
 - i the physical infrastructure to be established or currently established on-site to support use of alternative forms of transport such as adequate covered facilities for cyclists, showering facilities, carpool parking areas, travel reduction information boards in foyer areas, internet service to enhance awareness of alternative transportation services;
 - ii the physical linkages to be provided on the site to link to surrounding pedestrian and cycle networks and existing public transport resources;
 - iii operational measures to be established or currently implemented on-site to encourage reduced vehicle trips to Wynyard Quarter including car sharing schemes, public transport use incentives, flexitime, staggered working hours;
 - iv details of the management structure within the building or site in which the activity is to be located which has overall responsibility to oversee the implementation and monitoring of travel management measures;
 - v a commitment to undertake travel surveys at the time of building occupation or as otherwise required to provide on-going information regarding travel behaviour.
- d for 25.5.33A.c, the provision of a detailed Event Traffic Management Plan containing the following information as a minimum:

i. measures to be implemented to minimise traffic congestion and protect traffic and pedestrian safety; and

ii. vehicle and pedestrian management and circulation plan, including parking and taxi areas/drop offs

e. the extent to which the use of any short term visitor parking areas is to be restricted during the peak periods.

f. the extent to which conditions offered (or imposed) can provide levels of certainty that travel demand management measures will be implemented. [23/3, 32/8, 32/10, 32/11]

Non-complying activities

25.5.42A Any activity that exceeds the car parking limits in Rule 25.5.13. [23/3, 32/8, 32/10, 32/11]

8. TE WERO BRIDGE

8.1 Te Wero bridge and policy 28.4.11

No.	Submitter	Summary of Decision Sought	Further Submitter/s
9/3	Bruce Cox	Oppose policy 28.4.11 (Te Wero bridge). Provide wider streets with angle parking to suit Aucklanders visiting the area. A good example of public car parking is Jellicoe St.	Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
12/1	Bowery Holding Ltd	Oppose the bridge.	Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings 32 Auckland City Council
13/17	Westhaven Viaduct Tenants & Ratepayers Assoc Inc	Vessel access into the inner Viaduct Basin must not be compromised by the proposed Te Wero Bridge.	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
14/3	Peter Edwin Gill Hosking	The need and desire to develop the Tank Farm should not undermine the success and viability of the Viaduct Harbour which has achieved a balance between marine use, residential use and entertainment. That balance will be destroyed by developing the America's Cup bases (essentially the area to the south of the proposed bridge) and by the bridge.	Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings 32 Auckland City Council
14/4	Peter Edwin Gill Hosking	Do not install the bridge. There may be other options to the bridge. The gap could be narrowed considerably and pedestrian access to the Tank Farm achieved via a tunnel with escalators. Also a combination of Fanshawe St and Viaduct Harbour Drive could be for public transport. There can be temporary pedestrian options of crossing the harbour from Te Wero (floating bridge etc) when something is on at the events centre.	Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings 32 Auckland City Council
19/6	Heart of the City	Concerns regarding the bridge - What is the proposed width of the bridge? How will architectural imperatives be prioritised above engineering aspects? Would it be better to build an architecturally uncompromised fixed bridge, with some height in it to let many smaller boats under and then reinstate the older bridge for larger vessels?	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council

33/4	Viaduct Harbour Holdings Ltd & Viaduct Harbour Management Ltd	Oppose plan change because it will give rise to adverse environmental effects (e.g. the Te Wero link will give rise to adverse effects on the environment, i.e. by virtue of the proposed bridge and reconnection of Jellicoe St with the waterfront (east west) axis along Quay St alignment which are more than minor and cannot be satisfactorily avoided, remedied or mitigated.)	Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings 32 Auckland City Council
33/9	Viaduct Harbour Holdings Ltd & Viaduct Harbour Management Ltd	Seeks that Policy 28.4.11 regarding the Te Wero link be deleted.	Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
34/4	Land Transport NZ	Generally supports Policy 28.4.11 (Te Wero Bridge).	Supported by: 35 Transit New Zealand 24 Creative Functions Ltd Support/oppose in part by: 32 Auckland City Council
34/5	Land Transport NZ	Requests that the technical implications associated with an opening bridge between Wynyard Quarter and the Eastern Viaduct Harbour, as well as its impact on boat access to the Viaduct Harbour are fully investigated before any final decision is made regarding this structure.	Supported by: 35 Transit New Zealand Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
34/7	Land Transport NZ	Requests such consequential relief as is necessary to satisfy the interests of the submitter (relating to Te Wero bridge).	Supported by: 35 Transit New Zealand Support/oppose in part by: 32 Auckland City Council
45/14	Marine Industry Association NZ	Any bridge linking Viaduct Harbour (Te Wero) and Jellicoe St must not impede vessel access to and from the inner Viaduct Harbour.	Opposed by: 53 Auckland Regional Holdings Support and Opposed By: 32 Auckland City Council
46/1	John Stephen Burrett	Seeks that the council declines the application to install a bridge from Te Wero Island to Halsey St. With the last bridge, skippers would not wait for the bridge so did not use the area and the Viaduct Harbour silted up.	Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
46/2	John Stephen Burrett	Concern that large vessels will not be able to gain access through the narrow channel.	Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
46/4	John Stephen Burrett	Concerned about the burden of maintenance and repair costs on ratepayers.	Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
57/15	Committee for Auckland	The Te Wero bridge will facilitate high quality development on the sites around its western abutment. This will complete the Viaduct Basin development.	Supported by: 24 Creative Functions Ltd 32 Auckland City Council

Discussion:

It was recognised in the Auckland Waterfront Vision 2040 that a bridge between Wynyard Quarter and Quay Street would be an important element in the redevelopment of the waterfront. The Waterfront Vision included:

“East-west connection – Te Wero bridge

In the past, the historic Viaduct lifting bridge provided continuous access from Quay Street through to the rest of the Western Reclamation. Re-establishing this connection and improving direct access from the CBD is important because it would continue the axis that runs from east to west along the waterfront. An iconic bridge would provide an opportunity for a unique design that signals the gateway to Auckland’s waterfront.

It is important any new connection is designed and operated to allow boats to move in and out of the Viaduct Harbour. The bridge will need to open and shut quickly and smoothly with little disruption to boat access to the inner harbour and traffic flows. To support the objective of improving linkages and accessibility, only pedestrians, cyclists and passenger transport will use this connection.” (Page 19)

A connection is considered necessary to enable an area that is easily accessible, people orientated, activated and vibrant. However, any bridge needs to ensure that its impact on the Viaduct Harbour, and on the surrounding area, can be avoided, remedied or mitigated. In Plan Change 3, policy 28.4.11 establishes that a bridge is appropriate subject to achieving the outcomes set out in the policy. Accordingly, it is considered more appropriate to ensure the policy contains all the elements that need to be assessed, rather than removing the policy.

Committee for Auckland (57/15) and Land Transport New Zealand (34/4) support the bridge and it is recommended that these submissions be accepted.

Several submitters oppose the proposal for an opening bridge in the Viaduct Harbour in general, or specifically oppose policy 28.4.11. Concerns are raised regarding the effects of the bridge on vessel access, the amenity of the Viaduct Harbour, public access around Te Wero Island, potential silting-up of the harbour, and the cost of the bridge.

Heart of the City (submission 19/6) question whether a fixed bridge could be used and the existing lifting bridge reinstated. At the Auckland City district plan change hearing, John White¹ presented evidence for Viaduct Harbour Holdings Ltd and proposed an alternative approach which involved reinstating the historic lifting bridge, and increasing its width from 13m to 20m, and having a fixed bridge between Te Wero Island and Wynyard Quarter.

This is an option that could be considered further by Auckland City Council. However, at this stage, the most feasible option appears to be an opening bridge between Te Wero Island and Jellicoe Street.

Deputy harbour master Jim Dilley has advised that the width of the existing bridge is now inadequate for many of the larger vessels which berth in the Viaduct Harbour. The largest vessel to regularly berth in the Viaduct Harbour has a width of 11 metres and the current bridge has a span of 14.3m. Generally for the safe passage of boats, a clear waterway width of 3.5 times the vessel beam is required. It is not clear if it would be possible to extend the existing bridge without adversely affecting its heritage values. The outer entrance to the Viaduct Harbour is 40m wide. There may also be issues for larger vessels in terms of passing through the outer entrance and the heritage bridge entrance, and then needing to turn past berthed vessels.

Auckland City Council will be considering the state of the historic bridge, and related issues, as they prepare to lodge consent applications for a new bridge. It is more appropriate that such work be considered through a consent process than through this plan change hearing. The same rules and policies of the RPC would apply to the bridge whether it is between Te Wero Island and Wynyard Quarter or at the site of the existing heritage bridge. The operative RPC includes provisions that protect the values of the heritage bridge.

For these reasons, this report focuses on two areas: 1. the reasons for the bridge, and 2. the potential effects of the bridge on vessel movements. Consideration of whether the bridge needs to provide for public transport, as well as pedestrians and cyclists, is considered below in section 8.2 with reference to submissions specifically relating to that matter.

¹ Statement of evidence of John White for Viaduct Harbour Holdings Ltd, presented to the hearing for Auckland City Council Plan Change 4 (Wynyard Quarter), June 2008.

Reasons for Te Wero bridge

One of the major issues in planning for the redevelopment of Wynyard Quarter has been the transport capacity constraints of access to Fanshawe Street. The district plan change includes a comprehensive suite of measures that aim to achieve a mode shift from private vehicle usage to alternative modes (public transport, cycling, walking, ride sharing). There is a goal to have a 70/30 mode split (ie only 30% of trips are by single occupancy private vehicle), in the morning peak period and after full redevelopment.

The modelling undertaken has identified that in achieving this mode split, around 3,650 pedestrian trips and 650 cyclist trips associated with the Wynyard Quarter development are predicted to be attracted to the bridge on a weekday². There would be additional walking and cycling trips associated with recreational and tourist visits to the Quarter.

The need for the proposed bridge in terms of access to Wynyard Quarter has been considered in report by Flow Transportation Specialists Ltd in response to the submissions to the Plan Change 3 (Appendix D to this report) as well as in the May 2008 report focused on the bridge.

The Flow reports identify the transport effects of the bridge as:

- The Bridge will bring a greater proportion of the Wynyard Quarter within reach of the rest of the Auckland CBD by walking and cycling, thereby increasing accessibility;
- It will facilitate excellent penetration of bus services through the Quarter;
- It will allow some bus services to be extended from Britomart right into the Quarter and will bring the Britomart Transport Centre within a reasonable walking distance of a greater proportion of the Quarter;
- It will offer an alternative transport route to/from the Quarter which will reduce the dependence of the area on Fanshawe Street. As a result, the provision of an alternative route which reduces the dependence of the area on access via Fanshawe Street is considered to be a major benefit in terms of the resilience of the network;
- The Bridge will have some minor positive and negative effects for general traffic, but the modelling assessment has demonstrated that the net effects are positive. (Appendix D, page 4)

The Flow report also sets out further details on the benefits for pedestrians and cyclists, including savings in walking distances to Britomart and to bus stops.

The attached Chow Hill report on urban design matters (Appendix C) also considers the submissions on the bridge and states:

Connecting the CBD to the redeveloped Wynyard Quarter is critical to the success of the commercial, entertainment and recreation activities of the precinct, requiring a direct pedestrian link along the Quay Street axis and beyond the downtown waterfront to Tamaki Drive. This main "waterfront axis" is a key organising element, with a continuous urban promenade from downtown to Jellicoe Street. Improving the connectivity of street networks is a core principle in creating urban environments that provide a choice of routes and encourage pedestrian movement. Encouraging pedestrian access and reducing dependence on motor vehicles into and around the Wynyard Quarter is part of the underlying ethos of both the District Plan and Coastal Plan changes. (Appendix C, page 6)

Potential effects of the bridge on vessel movements

Four boat surveys have been carried out at the site of the proposed bridge and have illustrated the extent of vessel movements that the bridge could potentially affect. The

² Te Wero Bridge Transport Assessment, Flow Transportation Specialists Ltd, May 2008 (page 18).

surveys were carried out in January/February 2005 (by Beca for Ports of Auckland Ltd³), May 2006⁴ and December 2006⁵ (by Viaduct Harbour Ltd), and in January / February 2007 (by Resolve Group for Auckland City Council⁶). Together these surveys provide a significant volume of information on the types, numbers and frequency of vessels passing through the bridge site.

Characteristics of the vessel movements demonstrated by the surveys include:

- Vessel movements are significantly higher in the weekends and public holidays than on weekdays. The Resolve survey had an average of 140 vessel movements per weekday and 169 per day on weekends and public holidays. The highest number of vessels per hour in the Resolve survey was late on a Sunday afternoon with 34 per hour.
- There are fewer vessel movements during the winter than the summer. The VHL winter survey had an average of 70 vessel movements per day, whereas the VHL summer survey had an average of 187 vessel movements per day (162 on weekdays, 248 on weekends).
- The majority of movements are after 9am.
- In summer, the peak of vessel movements lasts until 9pm or 10pm whereas in the winter, there are few movements after 6pm.
- The vessel movements are relatively high during the afternoon traffic peak period but lower during the morning peak period.
- The average vessel movements per hour that require the bridge to be open have a maximum of 10 on a weekday and 17 per hour in the weekend (VHL summer survey).
- A high proportion of vessel movements are by tourism operators.
- The majority of vessels are private vessels (as opposed to tourism, fishing, police, Team NZ etc).
- The majority of vessels would require the bridge to open (Beca – “all vessels”, VHL – around 70%, Resolve – about half the movements are by medium or large boats.)
- Boat movements are heavily weather dependant.
- Vessel movements continue throughout the night in low numbers (often fishing boats).
- Significant numbers of vessels enter the Viaduct Harbour on sightseeing trips that enter and leave again without berthing in the harbour. The Resolve survey considered that about 5% of boats turned around in the harbour, whereas the VHL reports found that over 60% of the movements were not Viaduct Harbour resident vessels. They were commercial tourism vessels and private boats on short trips into the Viaduct Harbour.
- Vessels take between 40 and 65 seconds to pass through the site of the proposed bridge (Beca survey). The Beca report estimated that the bridge would need to be open 7-26 minutes per hour on weekdays and 13-31 minutes per hour in weekends. In the weekday morning peak this was 2-4 minutes per hour and in the afternoon peak it was 9-19 minutes per hour.

Issues that operation of a bridge would need to resolve include:

- Demands for bridge opening during the peak traffic periods, particularly the afternoon peak.
- Changing vessel movement demand at different times of the day and night.
- The volume of vessel movements on public holidays and during special events may require a tailored operating regime.
- Some vessels such as tourism operators work to a schedule of movements but many others operate randomly or “on demand”.

³ Viaduct Harbour Vessel Survey, prepared for Ports of Auckland Ltd by Beca Infrastructure Ltd, 18 April 2006.

⁴ Viaduct Harbour Marine Traffic Survey, Viaduct Harbour Ltd, April/May 2006.

⁵ Viaduct Harbour Marine Traffic Survey, Viaduct Harbour Ltd, December 2006.

⁶ Te Wero Island Vessel Survey 2007, prepared by Resolve Group Ltd for Auckland City Council, March 2008.

- The need of resident vessels (tourism operators, yachts/launches, fishing boats) may be different to sightseeing vessels who wish to enter and exit in a small timeframe.

It is considered that the concerns regarding potential effects of the bridge on vessel access to the Viaduct Harbour are valid, and policy 28.4.11 as drafted clearly attempted to address this. However, it is recommended that additional clarification is provided by amending the policy as shown below. To this extent, it is recommended that various submissions are accepted in part.

The resource consent process will allow for a detailed consideration of appropriate bridge operating procedures, including how often and how long the bridge opens, whether openings are scheduled or on demand at different times of the day, and how vessel operators are notified. It is noted that such matters have been considered by Captain Jim Varney for Auckland City Council⁷.

Captain Varney's report notes that a traffic control system would need to be manned 24 hours per day and may need a control base on Te Wero Island or in the marine events centre (page 11). The operating regime proposed by Captain Varney includes opening the bridge on the hour and half hour from 6am to 9am and 4pm to 7pm, and opening "on demand" during the remainder of the day and night (page 12).

In contrast, the Flow report on coastal plan submissions (Appendix D) recommends that the bridge should be available for buses and pedestrians during the morning peak (7 – 9am) with openings perhaps at 6.50am – 7am and 9am – 9.10am. It is noted that an opening may be required during the evening peak, and it is recommended that during the interpeak, the bridge could open for marine users at fixed times, maybe on the hour, every hour for about 10 minutes (Appendix D, page 12).

It is considered that these analyses demonstrate that it should be possible to develop a bridge operating regime that balances the needs of vessel and pedestrian or road traffic. However, such systems need to be considered in detail through a consent process, rather than defined within the Regional Plan: Coastal. Resource consents can include adaptive monitoring conditions and are more suited to responding to changing circumstances than RPC conditions.

Recommendations:

It is recommended that the relief sought in submissions 34/4 and 57/15 is accepted.

It is recommended that the relief sought in submissions 13/17, 33/4, 34/5, 34/7 and 45/14 is accepted in part.

It is recommended that the relief sought in submissions 9/3, 12/1, 14/3, 14/4, 19/6, 33/9, 46/1, 46/2 and 46/4 is rejected.

Recommended amendments to Plan Change 3:

(Note this includes an amendment recommended in section 8.2.)

28.4.11 A bridge to link the Eastern Viaduct to Jellicoe Street shall be considered appropriate where it contributes to a high quality urban environment and meets the following outcomes:

- a the bridge contributes to the pedestrian character and urban amenity of the Viaduct Harbour and Wynyard Quarter by:

⁷ Te Wero bridge - operating protocols, prepared for Auckland City Council by Captain Jim Varney, December 2007.

- i providing safe pedestrian and cycle access east and west across the Viaduct Harbour; and
- ii creating linkages to other accessways around the Viaduct Harbour; and
- iii not causing significant adverse effects on the use and enjoyment of Te Wero Island as an area of pedestrian oriented public space, and
- b the bridge is designed and operated to provide for:
 - i vessel access to and from the inner Viaduct Harbour without undue delay; and
 - ii navigation and berthage by the existing range of vessels in the inner Viaduct Harbour; and
 - iii any reduction in berthage area to be minimised as far as practicable; and
 - iv convenient and easily accessible systems for communicating with vessel users regarding scheduled and unscheduled bridge opening/closing; and
 - v appropriate lighting, navigation aids, safety systems and fail-safe mechanisms; and [13/17, 33/4, 34/5, 34/7, 45/14, 47/6, 48/7, 48/14, 48/28, 49/6]
- c the ongoing viable use of the Viaduct Harbour (particularly the marine events precinct) to accommodate port activities and marine events such as boat shows and the America’s Cup event is maintained; and
- d the bridge has a high quality design that enhances the character of the Viaduct Harbour.
- e the bridge enables design allows for future use for local passenger transport services to and from the Wynyard Quarter; and [6/1, 14/6, 19/5, 34/6, 54/9]
- f the bridge does not provide for private vehicle access, other than for emergency services; and
- g the bridge has no more than minor adverse effects on coastal processes including sedimentation within the Viaduct Harbour.

8.2 Te Wero bridge – pedestrian/cyclists, buses

No.	Submitter	Summary of Decision Sought	Further Submitter/s
3/1	Brian McClure	There should be no permanent bridge structure in Viaduct Harbour. If there is a bridge it should be limited to pedestrian only traffic, to offer a smaller imprint on the Harbour environment and amenity.	Opposed by: 32 Auckland City Council 24 Creative Functions Ltd 53 Auckland Regional Holdings
5/1	Edwin John Wickham Ikin & Eila Beatrice Ikin	Oppose the bridge. It is not required but if it is installed, it should be for pedestrians and cyclists only.	Opposed by: 32 Auckland City Council 24 Creative Functions Ltd 53 Auckland Regional Holdings
6/1	Graham William Arthur Bush	Modify section (Policy 28.4.11(e)) so as either to make provision for a tourist/heritage tramway or not to preclude the construction of a tourist/heritage tramway across the bridge. After the words 'Wynyard Quarter' add 'in a manner that does not preclude its use as part of a harbourfront tourist/heritage tramway'.	Opposed by: 32 Auckland City Council 53 Auckland Regional Holdings
14/5	Peter Edwin Gill Hosking	Oppose buses using the bridge. If there is to be a bridge, it should be pedestrian/cyclists only.	Opposed by: 53 Auckland Regional

			Holdings 32 Auckland City Council
14/6	Peter Edwin Gill Hosking	Oppose non-tank farm buses using the bridge. If the bridge is to accommodate buses, these should be limited solely to these travelling to and from the Tank Farm, with no through access to or from other suburbs.	Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
19/5	Heart of the City	Regional diesel buses should be excluded from using Te Wero Bridge and should remain on Fanshawe Street.	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
34/6	Land Transport NZ	Requests that a final decision on whether Te Wero bridge will need to accommodate public transport as well as cycling and walking should only be made when a detailed analysis of the transport requirements are completed.	Supported by: 35 Transit New Zealand Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
46/3	John Stephen Burrett	Concerned that there will be a great deal of noise as buses accelerate across the bridge.	Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
54/9	Auckland Regional Chamber of Commerce	Strongly recommend that a creative and innovative approach be taken in addressing transport solutions for access to and within the precinct. For example, an idea for tourists and residents is to include a circular tram track and service that connects to the CBD and Queen St.	Supported by: 35 Transit New Zealand

Discussion:

Most of the above submissions request either that Te Wero bridge be restricted to pedestrians and cyclists only or that regional diesel/through route buses be excluded from using the bridge. There are concerns that buses will impact upon the amenity of the Viaduct Harbour and Wynyard Quarter areas, and that through-route buses will require the bridge to be closed much of the time. Land Transport NZ (34/6) request that a final decision on whether the bridge should accommodate public transport should only be made following a detailed analysis of the transport requirements.

In terms of whether the bridge could be a pedestrian and cyclist only bridge, the Flow report (Appendix D) notes that there are significant benefits in getting buses “right to the front door” of developments within the Wynyard Quarter and in improving the resilience of the transport network.

It is important to recognise that while the modelling in Flow’s Te Wero Bridge report was based on a scheduled bus flow of 18 vehicles per direction per hour across the bridge in peak periods (and 12 buses per direction per hour during the interpeak), the frequency of service will be determined by the Auckland Regional Transport Authority (ARTA). The bus numbers used were based on assumptions for modelling purposes. The Flow report notes that the intended protocols regarding the opening of the bridge should be clarified as a matter of urgency so that the effects of the bridge can be more reasonably estimated. The report also emphasises that the “aim is that any buses using the bridge should be serving people living and working in the Wynyard Quarter. It is not the intention to provide a rapid transit route through the Quarter.” (Appendix D, pages 9 and 10).

It is noted that in evidence presented for Auckland Regional Holdings to the ACC district plan hearing, Tracey Haszard of Beca stated that “as a minimum, Te Wero bridge should cater for lower frequency passenger transport services, providing for tourists visiting Wynyard Quarter ,

Victoria Park Market and the Viaduct and local connection services to the ferry terminal and Britomart Transport Centre”⁸.

In evidence presented to the ACC district plan hearing, Peter Clark of the Auckland Regional Transport Authority (ARTA) described ARTA’s involvement in the development of the Integrated Transport Assessment for Wynyard Quarter, and ARTA’s MoU with Auckland City Council and Auckland Regional Holdings regarding developing a “passenger transport business case” for the area. Mr Clark noted that while not yet fully complete, the business case analysis has confirmed:

“Car parking supply will be critical in influencing the number of private vehicle trips in the peak hour.

Te Wero Bridge will be critical for increased walking and cycling trips to and from Wynyard Quarter.

Due to the requirement for Te Wero Bridge to be an opening bridge it is unlikely to be used initially by scheduled passenger transport services, however it is important that the bridge should be future proofed to accommodate some form of future passenger transport.” (page 10)⁹

ARTA submitted in support of the whole of Plan Change 3 (submission 56/1) and may wish to expand on the above comments at the hearing.

After considering these points, it is considered that it would be inappropriate to amend the plan change to allow only pedestrians and cyclists on Te Wero bridge. It is recommended that submissions 6/1, 14/6, 19/5, 34/6 and 54/9 be accepted in part, and the policy be amended to refer to the “future use” of the bridge for local passenger transport services, as shown above in section 8.1.

This amendment allows for further consideration of the timing and form of any provision for passenger transport but also gives a clear direction to future consent processes that bus services across the bridge should be local rather than regional.

Submission 54/9 promotes a tram track into Wynyard Quarter and submission 6/1 requests that policy 28.4.11.e be amended to include “in a manner that does not preclude its use as part of a harbourfront tourist/heritage tramway”. It is considered that these submissions are achieved in part by the recommended wording of the policy. The bridge could be used by buses in the short-term and then accommodate trams in the longer-term. It is not considered necessary to specify the type of public transport within the policy.

Recommendation:

It is recommended that the relief sought in submissions 6/1, 14/6, 19/5, 34/6 and 54/9 is accepted in part.

It is recommended that the relief sought in submissions 3/1, 5/1, 14/5 and 46/3 is rejected.

Recommended amendments to Plan Change 3

See section 8.1.

⁸ Statement of Evidence of Tracey Jane Haszard, Beca, on behalf of Auckland Regional Holdings, 3 June 2008, presented to the ACC Plan Change 4 (Wynyard Quarter) hearing, page 10.

⁹ Statement of Evidence by Peter Clark, General Manager of Strategy and Planning, Auckland Regional Transport Authority, presented to the ACC Plan Change 4 (Wynyard Quarter) hearing, 16 June 2008.

8.3 Te Wero bridge – fishing industry

No.	Submitter	Summary of Decision Sought	Further Submitter/s
47/6	Sanford Ltd	Opposes the parts of the Plan Change that potentially compromise the ability of the fishing industry to remain in and around the Western Reclamation, including a new policy relating to a bridge between the Eastern Viaduct/Te Wero Island and Wynyard Quarter.	Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
48/7	Simunovich Fisheries Ltd		Opposed by: 35 Transit New Zealand 32 Auckland City Council 53 Auckland Regional Holdings
49/6	Auckland Fishing Port Ltd		Opposed by: 32 Auckland City Council 53 Auckland Regional Holdings
48/14	Simunovich Fisheries Ltd	The proposed provisions regarding provision of a bridge between the Western Reclamation and Te Wero give inadequate consideration to the operational requirements of the submitter and other maritime activities that operate within the Viaduct Harbour.	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
48/28	Simunovich Fisheries Ltd	Seeks that the change be amended to: ensure that any bridge between the Western Reclamation and Te Wero is designed and operated so as to avoid any adverse effects on the operations of the submitter and other maritime activities that operate within the Viaduct Harbour.	Opposed by: 35 Transit New Zealand 32 Auckland City Council 53 Auckland Regional Holdings

Discussion:

These submissions raise concerns regarding the potential effects of a bridge across the Viaduct Harbour on the operations of the fishing industry. Other submissions that raised similar matters, with regard to general vessel access potentially affected by the bridge, are discussed above in section 8.1.

To the extent that such submissions are addressed by the recommended amendments in section 8.1, it is recommended that these submissions be accepted in part.

Recommendation:

It is recommended that the relief sought in submissions 47/6, 48/7, 48/14, 48/28 and 49/6 is accepted in part.

Recommended amendments to Plan Change 3

See section 8.1.

8.4 Issue 28.2.5 (Te Wero bridge)

No.	Submitter	Summary of Decision Sought	Further Submitter/s
9/1	Bruce Cox	Oppose Issue 28.2.5. Should be no bridge over Viaduct Basin. A walkway has been provided round Viaduct Basin for the public.	Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings 32 Auckland City Council
34/2	Land Transport NZ	Generally supports Issue 28.2.5 (Te Wero Bridge).	Supported by: 35 Transit New Zealand 24 Creative Functions Ltd Support/oppose in part by: 32 Auckland City Council
45/11	Marine Industry Association NZ	Any new bridge link from Te Wero Island to Wynyard Quarter must be designed so that boat	Opposed by: 53 Auckland Regional

		access is not compromised. The wording of this provision (Issue 28.2.5) should be stronger in this respect. Vessel access to and from Viaduct Harbour should be reviewed in close consultation with the Marine and Fishing Industries.	Holdings Support/oppose in part by: 32 Auckland City Council
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Discussion:

The discussion set out in section 8.1 above is also relevant to this set of submissions.

Issue 28.2.5 recognises that a new bridge may be needed to improve public transport and pedestrian access to Wynyard Quarter and also that such a bridge would need to be designed to mitigate effects on boat access, pedestrian use of Te Wero island, and existing marine activity facilities. The support for issue 28.2.5 in submission 34/2 is noted.

Submission 9/1 opposes the issue because walking access is already provided around the Viaduct Basin. As discussed above, the bridge will have significant advantages in terms of achieving the desired levels of pedestrian access to Wynyard Quarter. The issue recognises that the potential effects of the bridge will need to be addressed.

Submission 45/11 seeks that this issue be strengthened to ensure that boat access to the Viaduct Harbour is not compromised by the bridge. It is recommended that the submission be accepted and the issue amended as shown below.

Recommendations:

It is recommended that the relief sought in submission 9/1 is rejected.

It is recommended that the relief sought in submissions 34/2 and 45/11 is accepted.

Recommended amendment to Plan Change 3:

28.2.5 Successful sustainable development of residential, commercial and recreational activities in Wynyard Quarter requires improved public transport and pedestrian access. This may include the construction of a new bridge to link Te Wero Island to the Western Reclamation. While a bridge will ensure east-west access, it will also impact on boat access to the Viaduct Harbour, the open space and pedestrian use of Te Wero Island and existing marine activity facilities along Halsey Street. Such a bridge will need to be designed and operated to avoid, remedy or mitigate these adverse effects on such matters. [45/11]

8.5 Specific rule for Te Wero bridge

No.	Submitter	Summary of Decision Sought	Further Submitter/s
33/8	Viaduct Harbour Holdings Ltd & Viaduct Harbour Management Ltd	Include a specific rule in section 25.5 providing for establishment of the Te Wero link as a discretionary activity.	Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings 32 Auckland City Council
33/10	Viaduct Harbour Holdings Ltd & Viaduct Harbour Management Ltd	Seeks that specific standards, terms and conditions be specified in the new discretionary activity rule regarding the Te Wero link to guide Council in the exercise of discretion when deciding resource consent applications, including without limitation: (i) The matters currently listed in Policy 28.4.11.	Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings 32 Auckland City Council

Discussion:

VHHL request that a new discretionary activity rule be introduced with standards, terms and conditions based upon the matters currently listed in policy 28.4.11. The bridge currently falls within rule 25.5.34 as a structure in PMA 2A which is not provided for in another rule.

It would be appropriate to include a specific rule providing for the proposed bridge as a discretionary activity. This would give consistency with the specific regard given to such a structure in issue 28.2.5, objective 28.3.10, policy 28.4.11, and principal reasons for adopting 28.7.1 and 28.7.2. To this extent is recommended that submission 33/8 be accepted.

The proposed rule shown below specifies the bridge as being from the Eastern Viaduct to Jellicoe Street to be clear that it would apply to any new bridge that may be required, whether it is alongside the existing lifting bridge or between Te Wero Island and Jellicoe Street. The matters listed in policy 28.4.11 are relevant to both situations.

The Regional Plan: Coastal does not include assessment criteria on discretionary activities in the way that many district plans do, and instead, includes such criteria within policies. To include matters of discretion on a new rule within the RPC framework would create a controlled or restricted discretionary activity rather than a discretionary activity. It is not clear what benefit would be gained by having the matters listed in policy 28.4.11 included as matters of discretion rather than as a policy.

The matters in policy 28.4.11 are considered to be too subjective to be included as limits on the scope of a discretionary activity (ie as standards, terms or conditions under RMA section 77B(4)). To provide sufficient certainty, the matters would need to be reframed as specific criteria such as time limits on boat delays, numbers of berths affected, and frequency of buses permitted to use the bridge. It is considered that at this stage, there is insufficient basis for specifying such limits and they are more appropriately applied through a resource consent process. The submitter may be able to suggest appropriate limits or criteria at the hearing. At this stage it is recommended that submission 33/10 be rejected.

Recommendation:

It is recommended that the relief sought in submission 33/8 is accepted.

It is recommended that the relief sought in submission 33/10 is rejected.

Recommended amendment to Plan Change 3:

Insert the following new rule after rule 25.5.40 in the discretionary activities section of chapter 25:

25.5.40A The erection or placement of a bridge across the Viaduct Harbour, linking the Eastern Viaduct to Jellicoe Street. [33/8]

9. HEIGHT LIMITS

9.1 Height limits

No.	Submitter	Summary of Decision Sought	Further Submitter/s
2/2	Liz Westbrooke	Height should scale down from the current 5 stories to open space.	Opposed by: 53 Auckland Regional Holdings
4/1	Cuan Forsyth-King	Oppose the scale and form of the proposed buildings. Height is a significant issue. 4 or 5 stories would be appropriate.	Opposed by: 53 Auckland Regional Holdings
18/1	Oasis Body Therapy	Oppose plan change. Concerned that the current plan would create a large eyesore on Auckland's waterfront. Building heights will impact on views of the harbour and Harbour Bridge from various points in the city. Building heights need to be drastically reduced. No buildings on the Tank Farm should be more than 20m or 5 stories high,	Opposed by: 53 Auckland Regional Holdings

		gradually reducing to 3 stories at Jellicoe St and further out to the Point.	
13/12	Westhaven Viaduct Tenants & Ratepayers Assoc Inc	Concern that the maximum height restrictions should exclude vessel's masts and superstructures.	Supported by: 24 Creative Functions Ltd Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
25/12	Sealink Travel Group NZ Ltd	Conditional support for Rule 25.5.13.d (permitted activity - height limits). Support to the extent that passenger, vehicular and freight terminals can be provided within the height limits proposed.	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 1 Great Barrier Community Board 24 Creative Functions Ltd 7 Richard B Somerville-Ryan Opposed by: 35 Transit New Zealand Support/oppose in part by: 32 Auckland City Council
45/7	Marine Industry Association NZ	The maximum height should also exclude masts and aerials.	Supported by: 24 Creative Functions Ltd Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
51/3	Carol Sanders	Limit building height to no more than 3 storeys especially in any projected buildings in the Tank Farm Area.	Opposed by: 53 Auckland Regional Holdings

Discussion:

Submissions 2/2, 4/1, 18/1 and 51/3 refer to building heights in general and may relate to the ACC Plan Change 4 more than to the coastal plan change. The height limits for new developments on wharves which are set in Plan Change 3 were developed with regard to the heights proposed for the adjacent land. They are lower than the height limits for much of the land area and do contribute to a general approach of stepping heights down from the centre of the Quarter toward the CMA. The analysis in the attached urban design report by Joanna Smith of Chow Hill Architects (Appendix C) describes the building heights on the adjacent land and their relationship to development on the wharves.

Submissions 13/12 and 45/7 request that the height limits exclude vessel masts, superstructures and aerials. It is noted within rule 25.5.13.d with regard to maximum heights that “no account shall be taken of chimneys, aerials, lift towers, lighting poles, cranes, derricks, and cargo stacking and lifting devices”. The rule has also been amended to be clear that it applies to permanent buildings or temporary buildings or structures. This rule would generally not be applied to vessels, as they would not fall within the RPC definitions of a building or structure unless they were “fixed to land”. To this extent, it is recommended that these submissions be accepted.

The support in submission 25/12 for the height limit in rule 25.5.13.d is noted.

It is recommended that the height limit for new developments on the wharves be amended so that it is measured from wharf deck level rather than mean sea level. This will give greater certainty for applicants and the council when processing consent applications, and will give consistency with the district plan which sets heights from ground level. This amendment is recommended under submissions 23/4 and 32/4 which seek greater integration between the district and coastal plan changes for Wynyard Quarter. This also gives consistency with the RPC chapters for Devonport Wharf and Princes Wharf which have heights measured from wharf deck level.

It could also be argued that the amendment is a minor change which could be undertaken under RMA schedule 1 clause 16 which includes:

(2) A local authority may make an amendment, without further formality, to its proposed policy statement or plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.

The existing height of the wharves is understood to be 3 – 3.5 metres above mean sea level. It is recommended that the height limit be amended from 18m above sea level to 15m above wharf deck level for PMA 2A and from 15m above sea level to 12m above wharf deck level for PMA 4A.

Recommendation:

It is recommended that the relief sought in submissions 2/2, 4/1, 18/1 and 51/3 is rejected.

It is recommended that the relief sought in submissions 13/12, 25/12 and 45/7 is accepted.

Recommended amendments to Plan Change 3:

25.5.4213 The activities in Rules 25.5.1-25.5.910 are permitted subject to the following further conditions:

- d the maximum height of any permanent buildings permitted by Rule 25.5.7 or any temporary building or structure shall be no greater than the heights indicated below (no account shall be taken of chimneys, aerials, lift towers, lighting poles, cranes, derricks, and cargo stacking and lifting devices):
 - i ~~Port Management Areas 1A, 1B, 2 and 4A: 18 metres above mean sea level except in the Viaduct Harbour as identified on Plan Map Series 2 Sheet 7A (excluding the Halsey Street Extension Wharf, the new Western Viaduct Wharf, the Harbour Entrance Wharf and the western side of Hobson Wharf) where the height limit is 8 metres above mean sea level;~~
 - ii Port Management Areas 1A, 1B and 1C: 18 metres above mean sea level, except in the areas identified on Plan Map Series 2, Sheet 4A View Protection Areas; and
 - ii Port Management Areas 2A and 2B except in the Viaduct Harbour as identified on Plan Map Series 2, Sheet 7A: 18 metres above mean sea level; and
 - iii Port Management Area 2A within the Viaduct Harbour as identified on Plan Map Series 2, Sheet 7A: 18 15 metres above existing wharf deck level mean sea level on the Halsey Street Extension Wharf, the Western Viaduct Wharf, the Harbour Entrance Wharf and the western side of Hobson Wharf; and 8 metres above mean sea level for all other areas; and
 - iv Port Management Area 4A: 12 metres above existing wharf deck level on Wynyard Wharf and 15 metres above mean sea level in other areas; and [23/4, 32/4]
 - viii Port Management Area 4B: 8 metres above mean sea level; and
 - ivvi Port Management Area 4C: 10 metres above mean sea level; and

9.2 Height limits – marine events centre

No.	Submitter	Summary of Decision Sought	Further Submitter/s
3/4	Brian McClure	Marine events centre buildings to be no higher than present America's Cup bases.	Opposed by: 32 Auckland City Council 53 Auckland Regional Holdings
14/13	Peter Edwin Gill Hosking		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council

Discussion:

The height limit on Halsey Street Extension Wharf is 18 metres above mean sea level (rule 25.5.13.d.iii). The wharf is understood to be 3 – 3.5 metres above mean sea level and the present America's Cup bases to have a height of 12 metres above the wharf level. The 18 metre height limit has not been amended from the operative Regional Plan: Coastal.

These submissions are considered in the attached urban design report (Appendix C). It is concluded that the 3m additional height over the existing America's Cup bases will not have a significant effect in the context of the Viaduct Harbour, particularly given that the buildings will be well set back from the wharf edge. Any new building will also need to comply with the new urban design criteria in the policies and Appendix J of Plan Change 3.

Recommendation:

It is recommended that the relief sought in submissions 3/4 and 14/13 is rejected.

9.3 Heights, views (rule 25.5.25.c)

No.	Submitter	Summary of Decision Sought	Further Submitter/s
58/3	Ports of Auckland Ltd	Amend/reinstate clause 25.5.25(c) as follows: " <u>Where height is a condition not complied with</u> , the effect of any building or structure on views to and from the coastal marine area".	Supported by: 53 Auckland Regional Holdings

Discussion:

Rule 25.5.25 lists the matters of discretion the ARC can consider in terms of the restricted discretionary activity rules (25.5.22 – 25.5.24) for activities which would be a permitted or controlled activity but fail to comply with one or more of the relevant conditions or standards and terms.

Plan Change 3 proposed that point (c) be amended so that the effects of buildings and structures on views to and from the CMA could be taken into account where any condition was not complied with, rather than only the height condition. Ports of Auckland Ltd oppose the proposed amendment because it applies throughout the Port Management Areas and gives undue weight to the consideration of views from the CMA without qualification. The submission considers this to be unnecessary and inefficient as the heights of buildings have been considered and agreed through the zoning process already.

It is recommended that this submission be accepted. The principal reason that a new structure would adversely affect views would be non-compliance with the height condition. Other relevant situations include structures that do not meet rule 25.5.18.c (ie the development is within the View Protection Area along Quay Street). This would not fall within rule 25.5.25 as a more specific rule applies to that area (rules 25.5.26 and 25.5.27).

Recommendation:

It is recommended that the relief sought in submission 58/3 is accepted.

Recommended amendment to Plan Change 3:

Rule 25.5.25.c **where height is a condition not complied with**, the effect of any building or structure on views to and from the coastal marine area. [58/3]

10. WYNYARD WHARF**10.1 Wynyard Wharf development**

No.	Submitter	Summary of Decision Sought	Further Submitter/s
9/4	Bruce Cox	Oppose 25.5.9 a, b, c, d, e. Let Wynyard Wharf be an area for relaxation. No commercialisation, e.g. Viaduct Basin.	Opposed by: 53 Auckland Regional Holdings
19/4	Heart of the City	Opposed to the development of commercial buildings on Wynyard Wharf. Should be no development north of Jellicoe St and east of Hamer St.	Opposed by: 53 Auckland Regional Holdings
19/9	Heart of the City	Oppose the large structures on Wynyard Wharf.	Opposed by: 53 Auckland Regional Holdings
19/10	Heart of the City	Do not oppose smaller structures on Wynyard wharf as they may be required to support the fishing fleet and ferry services.	Opposed by: 53 Auckland Regional Holdings

Discussion:

The provision for buildings and commercial activities on Wynyard Wharf is in accordance with the urban design concept for Wynyard Quarter. It is considered desirable and necessary from an urban design/people activation perspective that development is provided for on the wharf. As noted in the attached urban design report (Appendix C), occupied ground floor frontages with office or retail uses, help to activate streets or promenades and support pedestrian activity.

However, any development on the wharf needs to be at an appropriate scale. There are limits placed on the bulk and location of the new buildings to ensure they integrate with their surroundings and the adjacent developments. With a maximum height of 15 metres above mean sea level (12 metres above wharf level) and a building width of 12 metres, these will not be overly large buildings in the context of the area and on a wharf which is 500m by 20m. Buildings are restricted to the southern end of the wharf which leaves the northern end for activities that are compatible with the adjacent future parkland.

The plan change also requires significant public accessways on Wynyard Wharf. Rule 25.5.13.h requires a minimum of 8 metres wide public accessway along the eastern and northern sides of the wharf. These are to be available to the public at all times and at no cost.

The activities provided for in rule 25.5.9 will encourage a mix of activities along the wharf and encourage pedestrian access along the wharf to the northern park. This will provide a different range of experiences to those elsewhere around the CBD waterfront. There is also scope for the buildings to be used for port activities, including ferry services or fishing industry operations.

Recommendation:

It is recommended that the relief sought in submissions 9/4, 19/4, 19/9 and 19/10 is rejected.

10.2 Wynyard Wharf – office floor space

No.	Submitter	Summary of Decision Sought	Further Submitter/s
32/9	Auckland City Council	Amend clause 25.5.13 (i) to incorporate a maximum total office floor area limitation on Wynyard Wharf to provide consistency with Plan Modification 4 and the supporting traffic modelling forming part of the section 32 analysis.	Supported by: 35 Transit New Zealand Support/oppose in part by: 53 Auckland Regional Holdings
33/11	Viaduct Harbour Holdings Ltd & Viaduct Harbour Management Ltd	Seeks that Rule 25.5.13(i) providing for offices on Wynyard Wharf as a permitted activity be deleted.	Opposed by: 53 Auckland Regional Holdings
33/12	Viaduct Harbour Holdings Ltd & Viaduct Harbour Management Ltd	Seeks that all provision for offices on Wynyard Wharf (whether as permitted, controlled, restricted discretionary, discretionary, or non-complying activities) be deleted.	Opposed by: 53 Auckland Regional Holdings

Discussion:

Plan Change 3 provides for office activity on Wynyard Wharf as a permitted activity (rule 25.5.9) with a limit on the amount of space of 50% of the ground floor of buildings (rule 25.5.13.i). Auckland City Council seek the inclusion of a total office floor area limit whereas VHHL seek the removal of any provision for offices on the wharf.

It is considered that the provision of office space on the wharf is consistent with the development concept proposed for the Wynyard Quarter and with the intent of the district plan change. Office activity will assist in activating the wharf during the day and in drawing pedestrian activity along the wharf. The 50% ground floor limit has been included to encourage “active uses” at wharf level and encourages the office activities to locate at upper levels.

In their submission, VHHL state that provision for office activities on Wynyard Wharf is not consistent with the Resource Management Strategy of the district plan which seeks to focus higher traffic generating activity near Fanshawe Street to reduce the potential to draw traffic throughout the Quarter. Auckland City Council also link their concern regarding office space to the transport modelling for Wynyard Quarter. These concerns been considered by Flow Transportation Specialists Ltd (appendix D to this report). The Flow report notes that the potential office space on Wynyard Wharf was taken into account in the transport modelling for the Quarter. It is predicted that a maximum of 45 trips per hour may be generated by the wharf development. This is considered to be a minor component of the total trips generated within the Quarter.

It is recommended that submission 32/9 be accepted and that a limit on the total area of office space on the wharf be included in accordance with the analysis referred to in the Flow report.

Recommendation:

It is recommended that the relief sought in submissions 32/9 is accepted.

It is recommended that the relief sought in submissions 33/11 and 33/12 is rejected.

Recommended amendments to Plan Change 3:

25.5.4~~2~~13 The activities in Rules 25.5.1-25.5.9~~10~~ are permitted subject to the following further conditions: ...

- i the maximum area that the office activities **permitted by Rule 25.5.9** can occupy at wharf (ground floor) level on Wynyard Wharf is 50% of any individual building. There is no limitation on other levels, **subject to the total office activity on Wynyard Wharf not exceeding 4200 m²** [32/8, 32/9]

10.3 Wynyard Wharf – public accessway

No.	Submitter	Summary of Decision Sought	Further Submitter/s
9/5	Bruce Cox	Oppose in part Rule 25.5.13(h) [8m wide public accessway along Wynyard Wharf]. Provide a road to the end of Wynyard Wharf as at present with angle parking both sides at the end of Wynyard Wharf for Aucklanders. At present all visitors viewing the harbour from the end of Wynyard Wharf arrive in a vehicle. Very few will walk 100 metres.	Opposed by: 53 Auckland Regional Holdings

Discussion:

Vehicle access to the headland park at the north end of Wynyard Quarter will be provided on the land. It is not considered necessary to also provide vehicle access on Wynyard Wharf.

Recommendation:

It is recommended that the relief sought in submission 9/5 is rejected.

11. MARINE EVENTS CENTRE

11.1 General submissions

No.	Submitter	Summary of Decision Sought	Further Submitter/s
12/5	Bowery Holding Ltd	Protect area for future boating events.	Opposed by: 24 Creative Functions Ltd 32 Auckland City Council
17/2	Auckland Yacht & Boating Assoc Inc	Suitable facilities for launching and retrieval of boats may be required for the running of marine events in the area out from Wynyard Wharf.	Supported by: 32 Auckland City Council
19/12	Heart of the City	Support the development of the Marine Events Precinct but question if the descriptive text should include the North Wharf and Wynyard Wharf as boundaries.	Opposed by: 53 Auckland Regional Holdings
57/2	Committee for Auckland	Visit destination reinforced by both visitor 'jewels', and activities and events - marine events centre, cultural facility on Jellicoe, icon facility on Point Park.	Supported by: 32 Auckland City Council
57/13	Committee for Auckland	Waterfront axis - Support the concept of 6 (or more) magnet points to draw visitors to the west - this is a challenge - visit numbers will be essential to animate very generous spaces with a small resident population. Remember that events attract people as well as buildings and parks.	Supported by: 32 Auckland City Council
57/16	Committee for Auckland	The establishment of "jewels" (including the marine events centre, a cultural facility on Jellicoe and a Wynyard Point major international icon) that attract people is fundamental to the success of the precinct and for establishing its cultural uniqueness.	Supported by: 32 Auckland City Council
59/24	New Zealand Historic Places Trust	Supports most of the proposed policies for the Marine Events Precinct and seeks the retention of Policies 28.4.15 - 28.4.21. Also seeks the inclusion of an additional policy (if required following the assessment of the Original Team New Zealand Syndicate Building as part of this proposed Plan Change): " <u>The original Team New Zealand Syndicate Building in Halsey Street shall be retained and any new development affecting it shall avoid, as far as practicable, remedy or</u>	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council

		mitigate adverse effects on the character, heritage values and views of this building."	
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Discussion:

It is recommended that submissions 12/5, 57/2, 57/13 and 57/16 be accepted in part to the extent that Plan Change 3 provides for marine events and the marine events centre.

Submission 17/2 seeks provision for facilities for the launching and retrieval of boats for marine events out from Wynyard Wharf. Such facilities are provided for in the plan change to the extent that they are a permitted activity under rule 25.5.2 and so do not require a resource consent. Actual provision of launching facilities will be dependent on the owners of the wharves and their development proposals. As a result, it is recommended that the submission is accepted in part.

Submission 19/12 supports the marine events precinct but questions whether the boundaries should include North Wharf and Wynyard Wharf. Some temporary events may extend to these wharves but they are not part of the core events area. Encouraging events to expand regularly to these wharves could impact on the fishing industry operations and other port activities. Events on these wharves are provided for as a permitted activity to allow for small scale events that may be compatible with port activities. This interaction can be managed by the wharf owner and holder of the occupation permit.

It is noted that submission 59/24 supports the marine events precinct policies, and to this extent, it is recommended that the submission be accepted in part. However, the remainder of the submission point relates to the original Team New Zealand building which is on land and so cannot be included within the Regional Plan: Coastal. The Team New Zealand building will be considered further at the hearing for the district plan change for Wynyard Quarter.

Recommendation:

It is recommended that the relief sought in submissions 12/5, 17/2, 19/12, 57/2, 57/13, 57/16 and 59/24 is accepted in part.

11.2 Marine events and future America's Cup events

No.	Submitter	Summary of Decision Sought	Further Submitter/s
3/6	Brian McClure	Protect options for future America's Cup or other international boating/maritime events.	Opposed by: 24 Creative Functions Ltd Support/oppose in part by: 53 Auckland Regional Holdings
5/4	Edwin John Wickham Ikin & Eila Beatrice Ikin	Oppose anything that would jeopardise future America's Cup or international boating events. Make sure the area retains its maritime nature.	Opposed by: 32 Auckland City Council 24 Creative Functions Ltd Support/oppose in part by: 53 Auckland Regional Holdings
9/2	Bruce Cox	Oppose Issue 28.2.11 regarding the marine events centre area. No development including Halsey St extension wharf. Retain this area for any future America's Cup events (up to 50 years).	Opposed by: 24 Creative Functions Ltd 32 Auckland City Council
14/7	Peter Edwin Gill Hosking	Oppose situating the marine events centre on the Halsey St Wharf Extension. Site the marine events centre on the America's Cup bases to South of line of proposed bridge to retain the successful balance achieved in the Viaduct. The public interest should predominate. Siting the marine events centre on the Cup bases will better preserve the balance of the mix between residential, office, entertainment and maritime uses.	Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council

14/8	Peter Edwin Gill Hosking	Oppose hotel or other commercial development on the Team NZ site. Site the Marine Events Centre there, not a (third) hotel for Viaduct Harbour. Protect options for future America's Cup or other international boating events.	Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings
54/5	Auckland Regional Chamber of Commerce	The submitter seeks assurance that the proposal will protect sufficient space for hosting international yacht events such as future America's Cup.	Opposed by: 24 Creative Functions Ltd

Discussion:

The proposed marine events centre protects opportunities for future America's Cup events to some degree as the centre would be a key facility for hosting an America's Cup event. The centre could become a team base or be the focus for event administration, media activities and on-land screening of race activities. It is recognised in the introduction to chapter 28 that there may need to be another extension to the Halsey Street Extension Wharf to provide for future America Cup events (28.1.3, paragraph 4). Rule 25.5.14.b also provides a longer time limit (60 days rather than 20 days) for temporary events to be a permitted activity during international boating events. To this extent it is recommended that the submissions seeking protection of options for boating events be accepted in part.

It is recommended that submissions 9/2 and 14/7 be rejected as they oppose development of the Halsey St wharf. The events centre has been determined to be an appropriate means of retaining options for future boating events in a way that is compatible with surrounding land uses.

It is recommended that submission 14/8 be rejected as it principally relates to use of the adjacent land for a hotel. This will be considered at the hearing for ACC's Plan Change 4.

Recommendations:

It is recommended that the relief sought in submissions 3/6, 5/4 and 54/5 is accepted in part.

It is recommended that the relief sought in submissions 9/2, 14/7 and 14/8 is rejected.

11.3 Marine events and the fishing industry

No.	Submitter	Summary of Decision Sought	Further Submitter/s
8/7	Electronic Navigation Ltd	Concern that the provisions inappropriately seek to reverse the onus on incoming land activities to be compatible with marine activities and give events priority over the fishing industry and other port activities in the Viaduct Harbour.	Supported by: 16 Marstel Terminals Ltd Opposed by: 53 Auckland Regional Holdings
13/7	Westhaven Viaduct Tenants & Ratepayers Assoc Inc		Supported by: 16 Marstel Terminals Ltd 45 Marine Industry Association NZ Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
38/7	General Marine Services Ltd		Supported by: 16 Marstel Terminals Ltd Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
39/7	Anda Family Trust		Opposed by: 53 Auckland Regional Holdings

			32 Auckland City Council
40/7	The Kampkes Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
41/7	Alex Kerr		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
42/7	Steve Hudgell		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
43/7	Powell Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
44/7	E & D Limited, Trading as Topcatch Bait & Tackle		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
48/17	Simunovich Fisheries Ltd		Opposed by: 35 Transit New Zealand 32 Auckland City Council 53 Auckland Regional Holdings
49/13	Auckland Fishing Port Ltd		Opposed by: 32 Auckland City Council 53 Auckland Regional Holdings
60/7	Southern Spars		Opposed by: 53 Auckland Regional Holdings
47/13	Sanford Ltd		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
8/9	Electronic Navigation Ltd	Concern that the proposed provisions may have the effect of restricting the fishing and marine industries to berthage areas that are not needed for events and may gradually push those industries out of the area as the Western Reclamation and Halsey Street Reclamation are developed.	Opposed by: 53 Auckland Regional Holdings
13/9	Westhaven Viaduct Tenants & Ratepayers Assoc Inc		Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
38/9	General Marine Services Ltd		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
39/9	Anda Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
40/9	The Kampkes Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
41/9	Alex Kerr		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
42/9	Steve Hudgell		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council

43/9	Powell Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
44/9	E & D Limited, Trading as Topcatch Bait & Tackle		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
47/18	Sanford Ltd		Opposed by: 53 Auckland Regional Holdings
48/22	Simunovich Fisheries Ltd		Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
49/18	Auckland Fishing Port Ltd		Opposed by: 53 Auckland Regional Holdings
60/9	Southern Spars		Opposed by: 53 Auckland Regional Holdings
47/15	Sanford Ltd	Concerned that the proposed provisions envisage an events centre and character around the Halsey Street Extension Wharf and Western Viaduct Replacement Wharf within which priority is given to events and related activities and "any use or development that adversely affects the use of this area for marine events shall be avoided" (Part 28.4.15). The fishing industry would be a competitor for the relevant berthage and wharf space and could conceivably be precluded from using the area in terms of that wording.	Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
48/19	Simunovich Fisheries Ltd		Opposed by: 35 Transit New Zealand 32 Auckland City Council 53 Auckland Regional Holdings
49/15	Auckland Fishing Port Ltd		Opposed by: 32 Auckland City Council 53 Auckland Regional Holdings
47/16	Sanford Ltd	Concerned that while the proposed provisions regarding the Western Viaduct Replacement Wharf give some comfort to the fishing industry, the relationship between those statements and the provisions that expressly give events priority over fishing activities is unclear.	Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
48/20	Simunovich Fisheries Ltd		Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings 32 Auckland City Council
49/16	Auckland Fishing Port Ltd		Opposed by: 32 Auckland City Council 53 Auckland Regional Holdings
48/26	Simunovich Fisheries Ltd	Seeks that the change be amended to: provide for marine related activities including the fishing industry to be given priority throughout the Viaduct Basin over water based events.	Opposed by: 35 Transit New Zealand 32 Auckland City Council 53 Auckland Regional Holdings

Discussion:

The above submissions raise concerns regarding the marine events centre in terms of its effect on fishing industry operations. There are concerns that the events centre will result in loss of berthage around the Halsey Street Extension Wharf and the Western Viaduct Wharf.

The availability of such berthage will depend upon the management of the space under the Ports of Auckland Ltd section 384A occupation permit and any management agreements issued under that permit. The efficiency and use of the berthage may also depend upon the operation of the events centre, for example whether pedestrian and traffic access is managed to allow access to fishing boats for loading/unloading and servicing.

The extent of the building platform on Halsey Street Extension Wharf (see Map Series 2 Sheet 7A) was developed with regard to the location of current buildings on the wharf and the space needed to undertake port activities (including fishing boat unloading and servicing). It is considered that sufficient space is available on the wharf for such activities to occur around a marine events centre.

However, it is recommended that the plan change be amended to more clearly establish that the berthage around the wharves should provide for port activities as well as for events. In order to retain a “working waterfront” character to this area and to maintain the fishing industry operations, it is important that unnecessary barriers are not placed on their continued use of these wharves. The use of the wharves for events and port activities are compatible uses, and both purposes can be referred to in the relevant policies. It is recognised that some larger events may require the relocation of berthage from the events centre wharves to other wharves, but it is considered that this can be managed in a way that does not have significant adverse effects on the fishing industry.

Management undertaken under the occupation consent will play a major role in coordinating the different activities on and around these wharves. It is considered that management of activities under that consent will be more effective in responding to changing circumstances, and the needs of different users, than to require additional resource consents for activities.

The recommended amendments to address the concerns of the fishing industry are shown below in section 11.4 together with other changes recommended for related provisions. For clarity, rather than listing all of the above submission point numbers, only the following are listed next to the recommended amendments: “8/9, 13/9, 38/9, 39/9, 40/9, 41/9, 42/9, 43/9, 44/9”.

Recommendation:

It is recommended that the relief sought in submissions 8/7, 8/9, 13/7, 13/9, 38/7, 38/9, 39/7, 39/9, 40/7, 40/9, 41/7, 41/9, 42/7, 42/9, 43/7, 43/9, 44/7, 44/9, 47/13, 47/15, 47/16, 47/18, 48/17, 48/19, 48/20, 48/22, 48/26, 49/13, 49/15, 49/16, 49/18, 60/7 and 60/9 is accepted in part.

Recommended amendments to Plan Change 3:

See section 11.4 of this report.

11.4 Marine, non-marine, public and private events

No.	Submitter	Summary of Decision Sought	Further Submitter/s
23/5	Auckland Regional Council	Amend Policy 28.4.17 (marine events precinct) to refer to non-marine activities that are not events, along with non-marine events. This would give greater clarity regarding non-marine activities that are not events and would be consistent with Policy 28.4.15.	Opposed by: 24 Creative Functions Ltd Support/oppose in part by: 32 Auckland City Council
26/1	Lighter Quay Residence Society Incorporated BC3000	Submitter is fully supportive of the objective to create a dedicated marine centre to reflect and enhance the maritime heritage of this area but is concerned about the potential for development of an all purpose events centre rather than a marine centre.	Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings
27/1	Halsey at Lighter Quay BC358939		Opposed by: 53 Auckland Regional Holdings 24 Creative Functions Ltd 32 Auckland City Council
28/1	North at Lighter Quay BC326496		Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings

29/1	Stratis at Lighter Quay BC343562		Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings
30/1	Melview Hotel Management BC368911		Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings
21/1	Wei-Ling Lim	Opposed to entire plan change 3. Submitter is fully supportive of the objective to create a dedicated marine centre to reflect and enhance the maritime heritage of this area but is concerned about the potential for development of an all purpose events centre rather than a marine centre.	Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings 32 Auckland City Council
22/1	Melview Developments Ltd		Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings 32 Auckland City Council
21/2	Wei-Ling Lim	Seeks the amendment of existing plan provisions and/or inclusion of additional plan provisions to: i) properly and adequately distinguish between marine-related activities and event related activities and to prioritise the former over the latter; ii) properly and adequately recognise existing residential and visitor accommodation activities situated on land adjacent to the Wharf; iii) properly and adequately integrate regional plan provisions with district plan provisions relevant to the protection and enhancement of residential and visitor accommodation amenity values on land adjacent to the wharf.	Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings 32 Auckland City Council
22/2	Melview Developments Ltd		Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings 32 Auckland City Council
26/2	Lighter Quay Residence Society Incorporated BC3000		Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings
27/2	Halsey at Lighter Quay BC358939		Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings
28/2	North at Lighter Quay BC326496		Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings
29/2	Stratis at Lighter Quay BC343562		Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings
30/2	Melview Hotel Management BC368911		Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings
21/4	Wei-Ling Lim		Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings 32 Auckland City Council
22/4	Melview Developments Ltd		Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings 32 Auckland City Council
26/4	Lighter Quay	activity used or carried out as a general social or	Opposed by:

	Residence Society Incorporated BC3000	entertainment centre or venue (as opposed to a venue which may only be used for marine related activities).	32 Auckland City Council 24 Creative Functions Ltd 53 Auckland Regional Holdings
27/4	Halsey at Lighter Quay BC358939		Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings
28/4	North at Lighter Quay BC326496		Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings
29/4	Stratis at Lighter Quay BC343562		Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings
30/4	Melview Hotel Management BC368911		Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings
24/2	Creative Functions Ltd	Amend the Plan Change to make it clear that not only water-based activities and activities which have a functional need to be located in the CMA are recognised and provided for, but also that suitable provision be made for general activities (such as functions, concerts etc already referred to in the Plan Change) which derive a benefit from the amenity afforded by proximity to the CMA, in the Marine Events Precinct and the Port Management Area 2A.	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
24/5	Creative Functions Ltd	Provide for events and functions undertaken on the Floating Pavilion within Port Management Area 2A as permitted activities by inserting a new rule as follows after clause 25.5.10 and renumber the subsequent clauses accordingly: <u>"Marine Events (and associated offices) within Port Management Area 2A, including the Halsey St Extension Wharf and on/within lawfully established buildings, structures, vessels and facilities subject to compliance with the performance standards specified in Rule 25.5.13".</u>	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings 32 Auckland City Council
24/10	Creative Functions Ltd	Amend paragraph 1 of clause 28.1.3 to include the words "including private function venues" after the words "used for a range of port or temporary activities".	Opposed by: 35 Transit New Zealand 32 Auckland City Council
24/11	Creative Functions Ltd	Make amendments wherever necessary to replace references to "water-based" activities or events with a reference to the defined term "marine event". For example: (a) Amend paragraph 5 of clause 28.1.3 by: (i) Substituting the words "water-based events such as" with "marine events, including", and (ii) Including the words " <u>or other events which derive a benefit from a location adjacent to or within the CMA</u> " after "Auckland Boat Show"; (b) Amend clause 28.2.11 to substitute the words "water based events" with "marine events".	Opposed by: 35 Transit New Zealand 32 Auckland City Council Support/oppose in part by: 53 Auckland Regional Holdings
24/12	Creative Functions Ltd	Provide for a wider range of activities, provided they do not prevent the use of the Marine Events Precinct for events such as the America's Cup.	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings

			32 Auckland City Council
24/13	Creative Functions Ltd	Amend Policy 28.4.15 (marine events precinct) as follows: (i) Include the words " <u>and private</u> " after "public"; and (ii) Deleting the words "Priority shall be given.....shall be avoided".	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings 32 Auckland City Council
24/14	Creative Functions Ltd	Amend Policy 28.4.17 by: (i) Deleting the words "shall be subsidiary to marine events and" and "be of a scale and frequency that would adversely affect the ongoing" and "prevent its use"; and (ii) Inserting the words " <u>prevent the</u> " after the words "shall not".	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings 32 Auckland City Council
24/15	Creative Functions Ltd	Amend Policy 28.4.19 by deleting the word "primarily".	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings 32 Auckland City Council

Discussion:

Marine and non-marine events

The majority of the above submissions seek that the events centre be limited to marine events and not become an "all purpose events centre". In contrast, Creative Functions Ltd seeks various amendments to provide for a wider range of events, for private events as well as public events, and for activities that derive a benefit from the amenity afforded by proximity to the CMA.

The primary purpose of the events centre should be to provide for activities that are directly related to an urban coastal location (such as the Auckland International Boat Show, classic boats regattas, harbour crossing swim event and dragon boating events), and to provide facilities that would be needed to host major international boating events (such as the America's Cup, round the world ocean races, or the Auckland offshore powerboat race). Other events, such as the Auckland Seafood Festival, Fashion Week and Auckland Festival, benefit greatly from a location with appropriate facilities within the CBD waterfront.

However, in order for such a facility to be developed to a standard that is effective and functional, complements its setting, and is viable in the longer-term, it is necessary that it also provide for other non-marine events. This could include corporate events, art displays and concerts. The proposed plan change establishes that such events should be subsidiary to marine events and not be of a scale that would adversely affect the on-going use of the area for marine events or prevent its use as an America's Cup facility (policy 28.4.17). These events will also help to attract people to the area and to activate the surrounding spaces.

As noted in the attached urban design report (Appendix C), the events centre will be important for water-based events, but that its use for other events will generate more life and activity around the waterfront. It is considered that the effects of events can be managed through the rules in the plan change.

It is accepted that there is a lack of clarity in Plan Change 3 regarding the use of the terms "marine event", "non-marine event", "water-based event" and "temporary event". It is recommended that amendments are made to address any uncertainty, while retaining the policy position that the centre should have a focus on events that require a coastal location but also allow for a wide range of other events. These amendments are shown below.

Clarifying the distinction between marine and non-marine events is relevant for policies and assessment criteria. However, the permitted activity rule for events in the marine events precinct relates to "temporary events" which can be marine or non-marine. Temporary events are generally events that take place outdoors on the water or on wharves and pontoons.

They may include events in marquees or involve structures such as display stands and market stalls.

Use of the events centre

The recommended amendments include a new permitted activity rule for the use of a building on Halsey Street Extension Wharf for entertainment facilities and events. At present the “erection” of a building for an events centre is a restricted discretionary activity under rule 25.5.29.

The activity of “using” such a building for events, is a restricted discretionary activity under rule 25.5.22 because it does not meet the conditions for temporary events in rule 25.5.14 (as the building would be occupying the site for more than 20 days). However, it could also be argued that having repeated events in the same building could be considered under rule 25.5.37 as a non-port activity which is not otherwise provided for.

Ancillary activities in an events centre, such as offices, cafes, public toilets or information centres, would be considered under rule 25.5.37. The inclusion of a new rule clarifies this situation and makes it clear that the ancillary activities fall within the same rule as the use of the events centre. The new permitted activity is subject to the conditions in rule 25.5.13 which include lighting, noise and parking provisions.

Providing for the use of the event centre as a permitted activity implements the policies which recognise this as an appropriate space for redevelopment as an events facility. It provides flexibility for holding events, and changing the nature of any ancillary activities, without the need for repeated resource consent applications. This change is made under submission 24/12 which seeks provision for a wider range of activities, and submissions 23/4 and 32/4 (see section 6.1 of this report) which seek amendments to provide better integration with the district plan provisions for Wynyard Quarter.

ACC Plan Change 4 establishes that “entertainment/gathering” is a permitted activity in all areas except Quarter Area 3 (marine industry area) provided it meets the requirements for risk sensitive activities and the travel management prerequisites. Entertainment/gathering is defined in the district plan as meaning activities that draw people to specific events, shows or recreational activities.

The Regional Plan: Coastal already includes a definition for “entertainment facilities” and this is used in the proposed rule. Providing for the events centre enhances integration with the district plan as that plan provides for a plaza and fishing village on Jellicoe Street. Together these provide centres for activity and a series of public experiences along the “waterfront axis” linking Quay Street to Westhaven as referred to in the urban design concept for Wynyard Quarter. The traffic implications of the events centre are considered elsewhere in this report (section 7.4).

The principal alternative to this approach would be to include a new rule that clarifies the activity status of the events centre as a restricted discretionary activity. This would allow the use of the building to be considered when processing a resource consent for erection of the building. Such a consent would need to cover long term use of the building for events and would be expected to impose conditions equivalent to those placed on the permitted activity. This approach is not recommended as there do not appear to be significant advantages compared to a permitted activity rule with appropriate conditions.

The recommended rule is restricted to event facilities within buildings on the wharf rather than within buildings, structures and vessels in Port Management Area 2A, as was proposed by Creative Functions Ltd (submission 24/5). The effects of holding events repeatedly and frequently in a vessel, or other facility in the CMA, are different to the effects of simply mooring that vessel and occupying space. It is considered appropriate that event facilities, other than on the wharf, require a resource consent.

Private and public events

With respect to the distinction between private and public events, it is recognised that private events are a more exclusive use of public space and that generally this would be considered inappropriate within the coastal marine area. However, in the context of considering the most appropriate use of this particular part of the CMA in terms of sustainable management, it is considered that private uses will be appropriate where they comply with the policies and rules of the plan change. This is an urban waterfront and there has been a long held expectation that the area is a focus for events and entertainment, as well as port activities. The events held in the old Alinghi base have demonstrated that private events can enhance the vitality of the area while maintaining its amenity and character.

It is considered that the effects of an event generally do not relate to whether it is private or public. It is more appropriate for the rules to apply to matters such as the duration and frequency of events, noise limits, traffic management, lighting and hours of operation. It is recommended that the distinction between private and public events is removed from the rules and definitions.

However, it is appropriate for the policies retain a reference to public events (policy 28.4.15) as this recognises the social and economic benefit to the region of hosting marine and public events within the CBD waterfront.

It should be noted that a facility such as the Floating Pavilion currently requires a consent because it holds private functions. It would still require a consent under the recommended provisions but it would be due to non-compliance with the 20 day limit on structures associated with events.

Responses to submissions

It is recommended that submissions 21/1, 22/1, 26/1, 27/1, 28/1, 29/1 and 30/1 be accepted in part to recognise the support they give to a marine events centre, but not accepting the part of those submission points seeking that the centre not be an all purpose events centre.

Submissions 21/2, 22/2, 26/2, 27/2, 28/2, 29/2 and 30/2 seek amendments that distinguish marine related and event related activities. It is recommended that this part of the submission be addressed by amending the definition of marine event; by including a specific reference to the plan's policies in the event centre matters of discretion (25.5.31); and by amending the introduction to chapter 28.

The submissions also request non-specific relief in terms of recognising existing accommodation activities on land and integrating with the district plan in terms of accommodation amenity values. Subject to further explanation of these points at the hearing, no amendments are recommended in response to these points.

Submissions 21/4, 22/4, 24/15, 26/4, 27/4, 28/4, 29/4 and 30/4 seek a non-complying activity status for social or entertainment activities not related to marine events. It is recommended that these requests be rejected as such activities will be appropriate in this area provided they meet the terms and conditions required by the plan.

Submission 23/5 requests amendment to clarify policy 28.4.17 in terms of activities that are not events. It is recommended that this change be made.

It is recommended that submissions 24/2 and 24/12 be accepted and that various amendments be made to clarify that the events centre precinct provides for a wide range of activities and not only water-based events.

It is recommended that submissions 24/10, 24/11, 24/13 and 24/14 be accepted in part and amendments related to those requests be made to clarify the use of the marine events precinct.

It is recommended that submission 24/15 be rejected. Removing “primarily” from policy 28.4.19 could imply that no other uses are possible and so preclude minor developments such as artworks or public toilets that are not part of the events centre but may be appropriate in this area.

Recommendation:

It is recommended that the relief sought in submissions 23/5, 24/2 and 24/12 is accepted.

It is recommended that the relief sought in submissions 21/1, 21/2, 22/1, 22/2, 24/10, 24/11, 24/13, 24/14, 26/1, 26/2, 27/1, 27/2, 28/1, 28/2, 29/1, 29/2, 30/1 and 30/2 is accepted in part.

It is recommended that the relief sought in submissions 21/4, 22/4, 24/5, 24/15, 26/4, 27/4, 28/4, 29/4 and 30/4 is rejected.

Recommended amendments to Plan Change 3:

28.1 Introduction

28.1.3 Viaduct Harbour

The Viaduct Harbour is the only area of largely enclosed water which penetrates into the central city. It provides sheltered berthing and support facilities for the fishing industry, private vessels and charter boat operators. ~~Besides continuing to provide sheltered berthing and support facilities for port activities, particularly fishing and charter boat operations and other vessels,~~ † The Harbour’s configuration enables public access to, and use of, the waterfront and has been developed as a venue for water-based cultural, entertainment and recreation events. Adjacent land has been developed for a range of mixed uses including commercial, recreational, tourist and residential activities. The western edge of the Harbour to the north of Madden Street has been developed to enable America’s Cup activities and between Cup events has been used for a range of port and temporary activities, including marine and non-marine events. [24/10]

... (Two paragraphs not repeated here.)

The America’s Cup bases were located on the western side of the Viaduct Harbour, north of Gaunt Street and included buildings on the Halsey Street Extension Wharf, and used the water area on the eastern side of the wharf. A significant factor in the success of the America’s Cup development was the close proximity of the syndicate bases to each other, creating a ‘village’ environment. Subsequent redevelopment of the base sites between Gaunt Street and Madden Street has reduced the space available for the accommodation of future bases. The remaining facilities are important regional infrastructure. There is a need to ensure that provision is made to enable these or equivalent facilities to remain available and to provide for the possible extension of the Halsey Street Extension Wharf for future America’s Cup or other international boating events. This means that use and development on or near Halsey Street Extension Wharf that compromises the use of this facility for this purpose should be avoided.

While recognising the principal use of that the Halsey Street Extension Wharf buildings were established for America’s Cup bases, it should be noted that they were designed and consented for a short timeframe, with the consents expiring in 2008. It is important that the redevelopment of the Halsey Street Extension Wharf retains the boating event hosting role of these facilities, but also takes on the role that the former Alinghi base on Halsey Street has developed, recognised as an events centre that is to be used for both public and private events, marine and non-marine events, with primacy being given to their use for water-based events. Priority is to be given to the use of a redeveloped facility for marine events such as international boat races or and the Auckland Boat Show. The Plan encourages the comprehensive and

integrated redevelopment of buildings on the Halsey Street Extension Wharf to ensure that the limited wharf space is developed efficiently and with well designed buildings that reflect their maritime location and purpose. The redevelopment of the wharf should also enhance public access and provide for the continued use of the wharf for port activities, including fishing boat berthage and unloading. [21/2, 22/2, 24/2, 24/12, 26/2, 27/2, 28/2, 29/2, 30/2, 8/9, 13/9, 38/9, 39/9, 40/9, 41/9, 42/9, 43/9, 44/9]

28.2 Issues

28.2.11 The coastal marine area to the east of Halsey Street and north of Madden Street (including the Halsey Street Extension Wharf, Western Viaduct Wharf and the water space adjacent to the wharves) forms a regionally significant area for public and private marine and non-marine events. Future use and development of this area should not compromise its use for water-based marine events or associated vessel servicing, or have adverse effects on the visual amenity of the Viaduct Harbour. Any redevelopment should also allow for the continued operation of port activities around these wharves. [8/9, 13/9, 38/9, 39/9, 40/9, 41/9, 42/9, 43/9, 44/9]

28.3 Objectives

28.3.11 To provide for the continued use of the coastal marine area to the east of Halsey Street and north of Madden Street (including the Halsey Street Extension Wharf and Western Viaduct Wharf and water space adjacent to the wharves) as a marine events precinct, while maintaining the use of the berthage around the wharves for port activities. [8/9, 13/9, 38/9, 39/9, 40/9, 41/9, 42/9, 43/9, 44/9]

28.3.12 To ensure that buildings and other structures on the Halsey Street Extension Wharf are designed and located to contribute to the wharf's key role in a marine events precinct and in particular are suitable to use for marine events and associated vessel servicing, are of a design that reflects their maritime use and location, and maintain the visual amenity of the Viaduct Harbour, and do not compromise the use of the wharf for port activities. [8/9, 13/9, 38/9, 39/9, 40/9, 41/9, 42/9, 43/9, 44/9]

28.3.13 To retain the Western Viaduct Wharf as open space to provide public access, maintain space for temporary events and port activities, and to protect views from the Viaduct Harbour to the Waitemata Harbour. [8/9, 13/9, 38/9, 39/9, 40/9, 41/9, 42/9, 43/9, 44/9]

28.4 Policies

28.4.15 The Halsey Street Extension Wharf, Western Viaduct Wharf and the coastal marine area to the east of Halsey Street and north of Madden Street shall be recognised as a marine events precinct focused on public entertainment and events, while also providing for the continued operation of port activities. Priority shall be given to the operation of the wharves and berthage facilities for major boating events such as the America's Cup event. Any use or development that adversely affects the use of this area for marine events or port activities shall be avoided. [8/9, 13/9, 38/9, 39/9, 40/9, 41/9, 42/9, 43/9, 44/9, 47/15, 48/19, 49/15]

28.4.17 The use of buildings or berthage and water space in the marine events precinct for non-marine events or other non-port related activities shall be subsidiary to not preclude marine events and shall not be of a scale or frequency that would adversely affect the on-going use of this area for marine events or prevent its use as an America's Cup facility, or compromise its use for port activities. [8/9, 13/9, 38/9, 39/9, 40/9, 41/9, 42/9, 43/9, 44/9, 23/5, 24/14]

28.4.19 The Halsey Street Extension Wharf and associated buildings and structures, shall be used primarily for marine and non-marine events or and port activities such as vessel

servicing and fishing industry operations that do not compromise the long term use of the wharf for marine events. [8/9, 13/9, 38/9, 39/9, 40/9, 41/9, 42/9, 43/9, 44/9, 24/2]

28.4.21 Vehicle parking on Halsey Street Extension Wharf and the Western Viaduct Wharf shall be provided in a manner that does not affect its functioning as a marine events precinct, or the operation of port activities, and the wharves shall not be used for general public car parking. [8/9, 13/9, 38/9, 39/9, 40/9, 41/9, 42/9, 43/9, 44/9]

25.5 Rules

Permitted Activities

25.5.9A On Halsey Street Extension Wharf the use of lawfully established buildings for entertainment facilities that provide for marine and non-marine events, and ancillary activities including restaurant, café, food hall and retail premises, office activities, information centres, public recreation activities and facilities. [24/12, 23/4, 32/4]

Restricted Discretionary Activities

25.5.31 The ARC will restrict the exercise of its discretion under Rules 25.5.29 and 25.5.30 to the following matters:

a the matters listed as conditions for permitted activities in Rule 25.5.13; and

a2 the extent to which the development achieves, or does not achieve, the objectives and policies for Port Management Areas 2A and 4A; and [21/2, 22/2, 26/2, 27/2, 28/2, 29/2, 30/2, 8/9, 13/9, 38/9, 39/9, 40/9, 41/9, 42/9, 43/9, 44/9]

b on Halsey Street Extension Wharf, the extent to which the structure or building provides for or affects the operation and development of marine events on Halsey Street Extension Wharf, Western Viaduct Wharf, and in the water area surrounding these wharves; and

c the extent to which the structure or building enables or affects the operation or development of port activities, (including the fishing industry) and marine events on Halsey Street Extension Wharf, Western Viaduct Wharf, North Wharf, Wynyard Wharf and in the water area surrounding these wharves; and [8/9, 13/9, 38/9, 39/9, 40/9, 41/9, 42/9, 43/9, 44/9]

Definitions

Maritime Event ~~Marine event~~ A maritime related or water-based cultural, entertainment or recreational event, which may include a public performance including boat races, regattas, boat shows or exhibitions, swimming events, triathlons, and events on wharves or pontoons such as public performances, concerts, festivals, exhibitions and entertainment/hospitality and activities of a similar character.

Public Performance — Concerts, festivals, carnivals, exhibitions, boat shows and sporting events and the use of buildings or structures associated with these activities.

Non-marine event Events in the coastal marine area (which do not meet the definition of marine event) including events on wharves, barges or pontoons, such as public performances, concerts, festivals, exhibitions, film-shoots, entertainment/hospitality, markets, parades, private functions, and activities of a similar character. [21/2, 22/2, 26/2, 27/2, 28/2, 29/2, 30/2]

Temporary events Temporary marine or non-marine events that include public performances, meetings, concerts, festivals, boat shows, parades, sporting events,

exhibitions, film shoots, entertainment/hospitality, markets, **parades, private functions,** and activities of a similar character, including the sale of goods associated with any of the above activities, and associated parking and buildings, pontoons, tents, marquees and air supported canopies, hospitality facilities, tables, seating and structures associated with the activity, and public toilets. [21/2, 22/2, 26/2, 27/2, 28/2, 29/2, 30/2]

11.5 Operational hours, noise and disturbance

No.	Submitter	Summary of Decision Sought	Further Submitter/s
24/8	Creative Functions Ltd	Extend the time limits set out in 25.5.14 to enable hospitality activities to occur until midnight on Sundays to Thursday inclusive.	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings 32 Auckland City Council
21/3	Wei-Ling Lim	Seeks the inclusion of rules which would result in non-complying activity status applying to entertainment or social-type events on the Wharf (involving the gathering of people with, or without the supply of liquor to those people) after 11pm on Monday to Thursday (inclusive) of each week and after 12 midnight on Friday and Saturday of each week.	Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings 32 Auckland City Council
22/3	Melview Developments Ltd		Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings 32 Auckland City Council
26/3	Lighter Quay Residence Society Incorporated BC3000		Opposed by: 32 Auckland City Council 24 Creative Functions Ltd 53 Auckland Regional Holdings
27/3	Halsey at Lighter Quay BC358939		Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings
28/3	North at Lighter Quay BC326496		Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings
29/3	Stratis at Lighter Quay BC343562		Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings
30/3	Melview Hotel Management BC368911		Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings
21/5	Wei-Ling Lim	Seeks the removal, amendment or insertion of plan change provisions necessary or desirable to achieve any or all of the objectives listed above (regarding marine events centre).	Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
22/5	Melview Developments Ltd		Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings 32 Auckland City Council
26/5	Lighter Quay Residence Society Incorporated BC3000		Opposed by: 32 Auckland City Council 24 Creative Functions Ltd 53 Auckland Regional Holdings
27/5	Halsey at Lighter		Opposed by:

	Quay BC358939		24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings
28/5	North at Lighter Quay BC326496		Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings
29/5	Stratis at Lighter Quay BC343562		Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings
30/5	Melview Hotel Management BC368911		Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings
21/6	Wei-Ling Lim	Seeks consequential relief in terms of changes to the plan change provisions as may be necessary or desirable to address the concerns described by the submitter and the objectives sought by the submitter. (Concerns relate to noise and disturbance effects from evening events on the wharf, traffic, people leaving the wharf and walking along Halsey St).	Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings 32 Auckland City Council
22/6	Melview Developments Ltd		Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings 32 Auckland City Council
26/6	Lighter Quay Residence Society Incorporated BC3000		Opposed by: 32 Auckland City Council 24 Creative Functions Ltd 53 Auckland Regional Holdings
27/6	Halsey at Lighter Quay BC358939		Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings
28/6	North at Lighter Quay BC326496		Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings
29/6	Stratis at Lighter Quay BC343562		Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings
30/6	Melview Hotel Management BC368911		Opposed by: 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings

Discussion:

Rule 25.5.14.j establishes that the sale of goods from stalls and hospitality activities associated with temporary events shall occur only between the hours of 7 am and 11 pm Sunday to Thursday inclusive, midnight on Fridays and Saturdays and 1 am on New Year's Day. Outside of these hours, such activities would be a restricted discretionary activity under rule 25.5.22.

Submission 24/8 requests that these hours be extended to enable hospitality activities to occur until midnight on Sundays to Thursday inclusive. In contrast, submissions 21/3, 22/3,

26/3, 27/3, 28/3, 29/3 and 30/3 ask for a non-complying activity status for entertainment or social-type events on the wharf (involving the gathering of people with, or without the supply of liquor to those people) after 11pm on Monday to Thursday of each week and after 12 midnight on Friday and Saturday of each week.

As well as the above rule placing time limits on the sale of goods and hospitality activities associated with events, the noise provisions in rule 35.5.3 of the RPC set a lower noise level between 11 pm and 7 am than during the day. Noise events (those events exceeding the standard noise limits) are permitted to start no earlier than 10 am and finish no later than 10.30pm Sunday to Thursday inclusive, 11.00pm Friday, Saturday and 1.00am New Years Day (rule 25.5.3.c.iii).

It is considered that the proposed rule places appropriate limits on the sale of goods and hospitality activities associated with temporary events. These events would generally be outside on the open wharf or in marquees, rather than within a building, and could adversely affect the amenity of the surrounding area if the time limits were extended. Longer time limits for events should be set as part of a resource consent process. Consequently, it is recommended that the submissions seeking changes to the time limits be rejected.

Submissions 21/5, 22/5, 26/5, 27/5, 28/5, 29/5, 30/5, 21/6, 22/6, 26/6, 27/6, 28/6, 29/6 and 30/6 seek non-specific amendments to address concerns relating to disturbance and amenity effects of events occurring on Halsey St Wharf late in the evening or at night. These submissions are considered in the report by Marshall Day Acoustics which is Appendix E to this report. Marshall Day note that the proposed noise limits are the same as those in the operative plan, but the character of the noise source is likely to be different with amplified music from entertainment facilities containing significant low frequency components. They recommend that to ensure appropriate controls, and give consistency with the district plan, the noise rule be amended to include low frequency controls applying at night (Appendix E, page 5).

It is recommended these submissions be accepted in part and that the low frequency controls be included in the noise rule.

Recommendation:

It is recommended that the relief sought in submissions 21/5, 21/6, 22/5, 22/6, 26/5, 26/6, 27/5, 27/6, 28/5, 28/6, 29/5, 29/6, 30/5 and 30/6 is accepted in part.

It is recommended that the relief sought in submissions 21/3, 22/3, 24/8, 26/3, 27/3, 28/3, 29/3 and 30/3 is rejected.

Recommended amendments to Plan Change 3:

35.5.3 Noise generated within the Port Management Areas:

- b Within Port Management Areas 1C, 2A, 2B, 3 and 4A, the noise level when measured ~~1m~~ one metre from the façade of an occupied buildings on the southern side of Quay Street, or ~~Jellicoe Street~~, or ~~on the western side of Brigham Street or Halsey Street (as appropriate)~~ or within the Wynyard Quarter, or when measured 1m from the façade of an occupied building within the Viaduct Harbour Precinct as defined in the Auckland City ~~Proposed~~ District Plan (Central Area Section) shall not exceed:

On all days between
7.00am and 11.00 pm L_{10} 65 dBA

On all days between
11.00pm and 7.00am L_{10} 60 dBA
 L_{10} 70 dB at 63 Hz
 L_{10} 65 dB at 125 Hz

L_{max} 75 dBA [21/5, 21/6, 22/5, 22/6,
26/5, 26/6, 27/5, 27/6, 28/5, 28/6, 29/5, 29/6, 30/5, 30/6]

11.6 Temporary events rules

No.	Submitter	Summary of Decision Sought	Further Submitter/s
25/11	Sealink Travel Group NZ Ltd	Oppose Rule 25.5.12 (permitted activities - temporary events on Wynyard Wharf). Temporary events should be made a limited discretionary or discretionary activity, rather than a Permitted Activity, to ensure that those events are compatible with other activities. The activity status could potentially be a function of the size of the event and its likely effects.	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan Opposed by: 35 Transit New Zealand 24 Creative Functions Ltd 32 Auckland City Council 53 Auckland Regional Holdings Support/oppose in part by: 16 Marstel Terminals Ltd
25/13	Sealink Travel Group NZ Ltd	Conditional support for Rule 25.5.14 (permitted activities - temporary events conditions). Review and revise the proposed conditions to ensure that Temporary Events are compatible with ferry terminal operations.	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
25/14	Sealink Travel Group NZ Ltd	Conditional support for the Restricted Discretionary Activities. Review and revise the rules to ensure that Temporary Events are compatible with ferry terminal operations.	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
47/7	Sanford Ltd	Opposes the parts of the Plan Change that potentially compromise the ability of the fishing industry to remain in and around the Western Reclamation, including provision for a marine events centre on Halsey Street Extension Wharf, Western Viaduct Replacement Wharf and the adjacent water space, including an extension to the time limit for temporary events in the Viaduct Harbour.	Opposed by: 32 Auckland City Council 53 Auckland Regional Holdings
48/8	Simunovich Fisheries Ltd		Opposed by: 35 Transit New Zealand 32 Auckland City Council 53 Auckland Regional Holdings
49/7	Auckland Fishing Port Ltd		Opposed by: 32 Auckland City Council 53 Auckland Regional Holdings

Discussion:

Temporary events activity status

Submissions 25/11, 25/13 and 25/14 raise concerns relating to the temporary events provisions in relation to the operation of ferry services. It is requested that the permitted activity for temporary events on Wynyard Wharf (25.5.12) be amended to a restricted discretionary or discretionary activity.

Plan Change 3 establishes that temporary events within the water area between Halsey Street Extension Wharf and Wynyard Wharf are a restricted discretionary activity (25.5.32). It is considered that temporary events in this water area require a higher activity status than on the surrounding wharves as they would be likely to have greater effect on navigation and safety and the efficient operation of port activities. The area is also more exposed to adverse weather conditions than the Viaduct Harbour.

Temporary events on Wynyard Wharf and North Wharf are appropriate as permitted activities as they are likely to be of limited scale. Events will also require the approval of the wharf owner and/or holder of the occupation consent for the area. These agencies can ensure such events do not adversely affect port activities.

It is recommended that submissions 25/13 and 25/14 be accepted in part to the extent that they support the plan change and the provisions have been reviewed in terms of compatibility with ferry operations.

Temporary events time limits

Submissions 47/7, 48/8 and 49/7 oppose the extension to the time limit for temporary events in the Viaduct Harbour because of their potential impact on fishing operations. Plan Change 3 introduced a time limit for temporary events to take place as a permitted activity of 20 days (and 60 days for events associated with internationally recognised boat races) (rule 25.5.14.a and b).

The RPC previously had a limit of 5 days on the “sale of goods from stalls and hospitality activities within the Viaduct Harbour associated with a public performance or maritime event”. It was unclear whether this time limit applied to events such as private functions, film shoots, or exhibitions without hospitality activities. Temporary structures and buildings were permitted for a maximum of 14 days within any six month period. (Plan Change 3 limited this rule to structures other than those associated with temporary events (rule 25.5.10). It was rule 25.5.12.h under the old numbering.)

The proposed definitions of marine event and temporary event in Plan Change 3 addressed this confusion and gave greater consistency with the district plan provisions for temporary events. This will be further enhanced by the amendments to the definitions of marine event and temporary event that are recommended above (section 11.4).

It is understood that Auckland City Council is currently reviewing its temporary activity controls in line with its events strategy. Currently, in the Viaduct Harbour precinct section of the district plan, temporary events of up to 5 days (and meeting various other conditions) are a permitted activity and events over 5 days but less than 20 days are a controlled activity (rule 14.7.6.3). One of the matters being taken into account in the ACC review is that events such as the Auckland Boat Show, fashion week and Auckland Festival have been required to undertake repeated resource consent processes because they do not meet the 5 day limit on permitted activities. It takes three weeks to set up and take down the facilities for a 5 day boat show. It is considered that events on the wharves are sufficiently removed from surrounding residential activities that they do not need to be limited to a 5 day period as a permitted activity.

It should be noted that temporary events also need the approval of holder of the occupation permit (or water space management agreement under that permit) for the relevant area, irrespective of whether the event is in the water space or on a structure.

Events in the water area also require the approval of the ARC harbour master under the Navigation Safety Bylaw (2008). The bylaw applies to “all navigable waters within the Auckland region” (section 1.2 of the bylaw). The Viaduct Harbour and the water space around Wynyard Quarter are included within the Waitemata Harbour area of navigational significance described in schedule 7.2.17 of the bylaw. Section 3.9 of the bylaw states:

3.9 Reserved areas for temporary events

1. Any person intending to conduct a race, speed trial, competition or other organised activity within any area described in Schedule 7.2.17 as areas of navigational significance, must obtain the prior written approval of the Harbourmaster, and apply to the Harbourmaster at least 31 days prior to the event.
2. Any person intending to conduct a race, speed trial, competition or other organised water activity in any area to which this bylaw applies may apply to the Harbourmaster to:
 - (a) temporarily suspend the application of clause 3.2 [speed of vessels] in part or in total in that area for the purposes of facilitating the event; and
 - (b) temporarily reserve the area for the purpose of that activity.
3. Where the Harbourmaster is satisfied that the application may be granted without endangering the public, he or she may grant the application accordingly, for a period not exceeding 10 days and on such conditions as he or she may specify.
4. No grant of an application shall have effect unless, not less than 7 days nor more than 14 days before the commencement of the activity, a public notice is given specifying the period of the activity and details of the suspension or reserved area.
5. The council may recover, from the applicant, all actual and reasonable costs associated with the application, including any monitoring and advertising. No costs will be recovered where the Harbourmaster deems that a reserved area is not required.

It is recommended that a note referring to this bylaw be included in the Regional Plan: Coastal after the conditions to the temporary events permitted activity. This is a RMA schedule 1 clause 16 amendment as it is of “minor effect”.

Recommendation:

It is recommended that the relief sought in submission 25/11, 47/7, 48/8 and 49/7 is rejected.

It is recommended that the relief sought in submission 25/13 and 25/14 is accepted in part.

Recommended amendment to Plan change 3:

NB: Temporary events may also require the approval of the harbour master under the Auckland Regional Council Navigation Safety Bylaw. [cl 16]

11.7 Marine event definitions

No.	Submitter	Summary of Decision Sought	Further Submitter/s
24/4	Creative Functions Ltd	Provide for activities on the Floating Pavilion and for other activities which derive a benefit from being located close to the water as marine events by amending the definition of "Marine Event" as follows: "(a) Water-based cultural, entertainment or recreational event, including boat races, regattas, boat shows or exhibitions, swimming event, triathlons: <u>or</u> (b) And o Events on wharves or pontoons <u>or barges</u> such as public performances, concerts, festivals, exhibitions, <u>functions</u> and entertainment/hospitality and activities of a similar	Opposed by: 35 Transit New Zealand 32 Auckland City Council Support/oppose in part by: 53 Auckland Regional Holdings

		character; <u>or</u> (c) <u>Other events which derive a benefit from a locality adjacent to or within the CMA</u> ".	
25/2	Sealink Travel Group NZ Ltd	Conditional opposition to the new definitions for marine event, public space, temporary events. The new definitions should be either deleted or modified to recognise passenger, freight and vehicular ferry operations/services.	Supported by: 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council

Discussion:

Changes to the definition for marine events are recommended in section 11.4 of this report. It is not considered that any additional changes are necessary in response to these submissions. Rather than expand the definition of marine events to include events which derive a benefit from a locality adjacent to the CMA, it is considered more effective to specify the difference between marine and non-marine events and to more clearly provide for each type of event within the policies of chapter 28. Ferry operations are more effectively provided for through amendments to objectives, policies and rules recommended elsewhere in the report.

It is recommended that these submissions be accepted in part to the extent that the definitions have been changed in response to other submissions.

Recommendation:

It is recommended that the relief sought in submissions 24/4 and 25/2 is accepted in part.

11.8 Floating Pavilion occupation

No.	Submitter	Summary of Decision Sought	Further Submitter/s
24/3	Creative Functions Ltd	Specific provision to be made for the mooring of, and activities undertaken on, the dumb barge known as the "Floating Pavilion" within a Port Management Area, preferably Port Management Area 2A (but alternatively Port Management Areas 3 or 4A or 2B).	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings 32 Auckland City Council
24/9	Creative Functions Ltd	Provide for occupation of the CMA by the Floating Pavilion as a controlled activity by inserting a new clause after clause 25.5.17 and renumber accordingly: " <u>The mooring of the dumb barge registered as "Messenge" within Port Management Area 2A. Note as a Controlled Activity the barge would be required to comply with the standards and terms of clause 25.5.18 and be subject to the Matters for Control in clause 25.5.19</u> ".	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings 32 Auckland City Council
24/17	Creative Functions Ltd	Seeks such further or other relief in respect of ARC's Plan Change 3 as may be necessary to address the issues or concerns outlined above (regarding marine events centre).	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings 32 Auckland City Council

Discussion:

The Floating Pavilion is an events facility on a barge which is currently located on the eastern side of the Halsey Street Extension Wharf. The barge has previously been used during

America's Cup events as a media centre and a team base. It is now used for a variety of events such as school balls, corporate events, weddings, seminars and private functions. The functions generally cater for a maximum of 200 – 300 people depending on the type of event.

A coastal permit was issued to Creative Functions Ltd in June 2004 (resource consent 29495) to use part of the coastal marine area for the purpose of private functions within the barge, through to December 2004. Another consent was issued in February 2005 and that consent has an expiry date of 30 June 2007 (resource consent 30181). However, an application was made in 21 December 2006, (accepted 16 January 2007) for a new consent to use the barge to undertake private functions. This consent was notified and 16 submissions were received. The decision on the consent application has not yet been issued.

It would be inappropriate to include provisions in the Regional Plan: Coastal that provide exclusively for such a business within the port management areas. The objectives and policies establish a planning framework for the area so that individual applications can be considered.

Recommendation:

It is recommended that the relief sought in submissions 24/3, 24/9 and 24/17 is rejected.

12. CULTURAL HERITAGE

12.1 General submissions on cultural heritage

No.	Submitter	Summary of Decision Sought	Further Submitter/s
3/5	Brian McClure	Support preservation of marine character of Tank Farm and heritage features.	
5/3	Edwin John Wickham Ikin & Eila Beatrice Ikin	Should preserve the maritime character of Tank Farm and heritage features.	
12/3	Bowery Holding Ltd	Preserve maritime character.	
14/9	Peter Edwin Gill Hosking	Support increased protection for heritage character buildings, sites and features, as per ARC submission to ACC on this issue.	
50/3	Audry van Ryn	Keep the aesthetics and heritage of the area as a priority.	
59/3	New Zealand Historic Places Trust	Seeks the retention of 25.4.11 and 25.4.12 regarding the preservation or protection of items in the Cultural Heritage Schedules.	
59/17	New Zealand Historic Places Trust	Seeks that Rule 25.5.40 to be retained (Discretionary Activities - Activities which would modify or damage sites, buildings or places in Cultural Heritage Schedule 2).	
59/18	New Zealand Historic Places Trust	Seeks that Rule 25.5.46 to be retained (Prohibited Activities - Activities which would modify or damage sites, buildings or places in Cultural Heritage Schedule 1).	

Discussion:

Several of the above submissions give general support for preservation of marine or maritime character and heritage features, or of making heritage a priority. Such matters are addressed in Plan Change 3 by policy 25.4.13.f and Appendix J item 19 which refer to the retention of character features and structures that demonstrate the history and heritage of the working waterfront.

No amendments are made to the existing RPC provisions which protect items that have been scheduled in the RPC cultural heritage schedules. The only item in the Wynyard Quarter area which has been scheduled is the Viaduct Harbour lifting bridge. To the extent that these provisions address the submissions, it is recommended that they be accepted.

The support in submissions 59/3, 59/17 and 59/18 for provisions which protect items on the cultural heritage schedules is noted.

Recommendation:

It is recommended that the relief sought in submissions 3/5, 5/3, 12/3, 14/9, 50/3, 59/3, 59/17 and 59/18 is accepted.

12.2 Cultural heritage and character assessment

No.	Submitter	Summary of Decision Sought	Further Submitter/s
59/4	New Zealand Historic Places Trust	That wharves, landing facilities, associated features, such as bridges, and other port-related structures within the Port Management Areas (especially in the Wynyard Quarter) are assessed for inclusion in Cultural Heritage Schedule 1 or 2 and for protection, as part of this proposed plan change.	Opposed by: 53 Auckland Regional Holdings 58 Ports of Auckland Ltd
59/5	New Zealand Historic Places Trust	That consideration be given to creating a list or schedule to the Auckland Regional Plan: Coastal of character buildings, structures and features within the Port Management Areas in order to identify and protect those items that do not have significant cultural values but make an important contribution to the character of the streetscape and waterfront, as part of this proposed plan change.	Opposed by: 47 Sanford Ltd 53 Auckland Regional Holdings 58 Ports of Auckland Ltd
59/6	New Zealand Historic Places Trust	Include appropriate criteria for assessing character buildings, structures or features so that there are clear criteria for compiling and adding to this list or schedule (of character buildings, structures and features) in the future.	Opposed by: 47 Sanford Ltd 53 Auckland Regional Holdings 58 Ports of Auckland Ltd

Discussion:

Submission 59/4 seeks an assessment of wharves, landing facilities, associated features, such as bridges, and other port-related structures within the port management areas for inclusion in RPC Cultural Heritage Schedule 1 or 2. However, it is considered that to include such sites, from areas other than the CMA around Wynyard Quarter, would be outside the scope of the plan change.

The public notice for the notification of Plan Change 3 referred to the land area of Wynyard Quarter and described the proposed changes for the CMA around that area. Potential submitters or further submitters would not have considered the possibility of the plan change affecting features at the eastern end of the port or in other port management areas such as PMA 4B at Gabador Place in the Tamaki Estuary.

The cultural heritage values of the Wynyard Quarter area were assessed by Salmond Reed Ltd in 2006 as part of the preparation of the district plan change for the area. The following features within the coastal marine area are noted in that report:

- Capstans on North Wharf and Wynyard Wharf, and rail tracks on North Wharf (page 5).
- Pieces of equipment and railings on wharf edges which support the maritime character. “Whether working or redundant, these are important character elements” (page 5).

- Fencing on boardwalk facing Westhaven marina (may have been relocated from elsewhere) (page 9).

These features were taken into account in preparing the RPC plan change and new provisions were introduced regarding the retention of “character features that demonstrate the heritage and history of the working waterfront”. It was not considered necessary to schedule the items individually.

This approach is supported by the assessment of submissions to the district plan change regarding cultural heritage in Wynyard Quarter undertaken by AC Barnes (Appendix 8 to the hearing report for ACC Plan Change 4). That report considered submissions requesting the scheduling of Julian’s Wall and other maritime fixtures and fittings, and stated: “Small fixtures and fittings, or remnant structures such as Julian’s wall, add to the historic character of Wynyard Quarter, but do not lend themselves to scheduling, and are not major character-defining elements. It is considered that these items are best considered within a comprehensive streetscapes policy, rather than the mechanisms available within the Plan” (AC Barnes report, page 10).

The cultural heritage values of structures in the coastal marine area around Wynyard Quarter have been reviewed by ARC historic heritage advisor Robert Brassey in response to submission 59/4. Mr Brassey has advised the following:

“There are two sites recorded within the Cultural Heritage Inventory (CHI)¹⁰, that appear to include components which extend into the CMA. These sites were recorded in 1993 and were part of the 1,053 sites included in a comprehensive study of cultural heritage sites in the region (Taylor 1994¹¹) which was undertaken prior to the preparation of the Auckland Regional Plan: Coastal. All sites included in the study were considered for inclusion within the cultural heritage schedules of the ARP:C when the plan was drawn up. Those considered to potentially meet the criteria for scheduling were formally assessed in accordance with the criteria identified in Chapter 10 of the report. The sites referred to below were amongst those excluded after preliminary assessment (see Appendix 10 of the report).

CHI records for these sites can best be described as minimal. However the submitter has not provided additional information regarding the significance of these or any other items that lie within, or extend into the CMA, which would indicate that re-evaluation is necessary. Neither item was identified as being of heritage value in the Wynyard Point Character Building Study (although particular elements associated with Wynyard wharf such as bollards were noted as contributing to the maritime character of the area). In my opinion, formal assessment of these heritage items would not result in them meeting the threshold for inclusion in the schedules of the ARP:C. I recommend that the submission be declined.” (Robert Brassey, 10 June 2008.)

To the extent that an assessment of cultural heritage around Wynyard Quarter has been undertaken, it is recommended that submission 59/4 be accepted in part. An assessment of the remainder of the port management areas has not been undertaken as this is considered to be outside the scope of the plan change.

Submission 59/5 asks that consideration be given to creating a list or schedule of character buildings, structures and features within the port management areas. Such an approach has been considered. However, the features in the coastal marine area that add to the character of Wynyard Quarter are generally elements such as bollards, railings and seawall or slipway remnants that are not individually notable. Together such features are important as links to the working waterfront heritage of the area. It is considered appropriate to encourage the

¹⁰ CHI 537 Slipway/seawall – “western end Freemans bay reclamation”. The grid reference indicates this site is on the western side of Wynyard Quarter, south of Jellicoe Street. Likely that little remains in original form of the seawall/slipway alongside the Freemans Bay reclamation as the seawall was timber piled and the slipways have been in constant use since.

CHI 541 Wharf – Wynyard / Western Wharf. The Western Wharf was a concrete wharf built 1922 – quite possibly the one that still exists along the eastern side of the Wynyard Point and therefore the same item as ‘Wynyard wharf’.

¹¹ Taylor, M.J. 1994 *Cultural Heritage Inventory: A Maritime Inventory for the Auckland Region*. Auckland Regional Council Technical Publication No. 35.

preservation and restoration of such features through the plan change policies and the urban design criteria appendix, rather than through a new schedule.

Submission 59/6 seeks the inclusion of appropriate criteria for assessing character buildings, structures or features so that there are clear criteria for compiling and adding to a list of such items in the future. It is not clear why such a list should be included if an assessment of the Wynyard Quarter has been undertaken. If the list was to apply to a wider area than Wynyard Quarter, it would be outside the scope of the plan change. For these reasons, it is recommended that submission 59/6 be rejected.

Recommendation:

It is recommended that the relief sought in submission 59/4 is accepted in part.

It is recommended that the relief sought in submissions 59/5 and 59/6 is rejected.

12.3 America's Cup bases

No.	Submitter	Summary of Decision Sought	Further Submitter/s
59/20	New Zealand Historic Places Trust	Strongly supports the additional text in Introduction 28.1.3 regarding the recognition of the America's Cup bases on or near Halsey Street as important regional infrastructure, and seeks that this be retained.	Support/oppose in part by: 32 Auckland City Council
59/21	New Zealand Historic Places Trust	Additional text should be added regarding the need to assess the original Team New Zealand Syndicate Building for protection as an identified character building, structure or feature and/or for inclusion in the Cultural Heritage Schedule 1 or 2. The building has national symbolic significance for yachting and has landmark qualities.	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council

Discussion:

The support for the new text in 28.1.3 is noted.

The original Team New Zealand building is on the reclamation to the south of Halsey Street Extension Wharf. It would not be possible to schedule the building in the Regional Plan: Coastal cultural heritage schedules unless it was in the coastal marine area.

Recommendation:

It is recommended that the relief sought in submission 59/21 is accepted.

It is recommended that the relief sought in submission 59/20 is rejected.

12.4 Specific requests for amendments regarding cultural heritage

No.	Submitter	Summary of Decision Sought	Further Submitter/s
23/1	Auckland Regional Council	Amend Policy 25.4.13(f) (character features and structures) and Appendix J (Urban Design Criteria) to include a reference to "character elements".	Support/oppose in part by: 32 Auckland City Council
33/13	Viaduct Harbour Holdings Ltd & Viaduct Harbour Management	Seeks that clauses 25.4.13, 28.3.7, 28.4.12 and 28.7.5 of the plan change which provide protection for the heritage values of the existing bascule bridge be retained.	Opposed by: 32 Auckland City Council
59/2	New Zealand Historic Places Trust	Seeks that a new matter to have regard to be added to Policy 25.4.6 as follows: " <u>c. maintaining or enhancing views of heritage and/or character buildings, structures or features as identified in Cultural Heritage Schedule or character schedule; in the Auckland City District Plan - Central Area</u> ".	Opposed by: 53 Auckland Regional Holdings 58 Ports of Auckland Ltd

		<u>Section in Appendix 1 or Quarter Plan G; and/or by the NZHPT's Register of Historic Places, Historic Areas, Wahi Tapu or Wahi Tapu Areas".</u>	
59/7	New Zealand Historic Places Trust	Retain Policy 25.4.13(f) with the following amendment: "The use or development will, where appropriate, retain and reflect <u>the character and heritage values of features and structures that demonstrate the heritage and history of the working waterfront, as identified in Cultural Heritage Schedule 1 or 2 or any list or new schedule of character buildings, structures and features: and"</u> .	Opposed by: 53 Auckland Regional Holdings
59/8	New Zealand Historic Places Trust	Supports 25.7.8 (Principal Reason for Adopting). Seeks that 25.7.8 be retained but with the addition of the following new sentence: " <u>Some buildings, structures or features arising from the subdivision, use and development of the Port Management Areas contribute to the character of streetscapes and waterfronts, and should be protected from modification, damage or destruction"</u> .	Opposed by: 53 Auckland Regional Holdings 58 Ports of Auckland Ltd
59/9	New Zealand Historic Places Trust	Seeks that Permitted Activity Rule 25.5.2 be retained but with the following amendment: " <u>25.5.2 The erection or placement of structures and services ancillary to existing structures provided that they are not identified for preservation or protection in Cultural Heritage Schedule 1 or 2, or as an identified character building, structure or feature, or protected under the Historic Places Act 1993"</u> .	Opposed by: 53 Auckland Regional Holdings 58 Ports of Auckland Ltd
59/10	New Zealand Historic Places Trust	Seeks that Permitted Activity Rule 25.5.5 be retained but with the following amendment: " <u>25.5.5 The maintenance, repair and reconstruction of any lawful structure or building in a Port Management Area, including demolition of internal walls, partitions and features, provided for reconstruction activities that the structure or building is not identified for preservation or protection in Cultural Heritage Schedule 1 or 2, or is an identified character building, structure or feature, or protected under the Historic Places Act 1993"</u> .	Opposed by: 53 Auckland Regional Holdings
59/11	New Zealand Historic Places Trust	Seeks that Permitted Activity Rule 25.5.6 be retained but with the following amendment: " <u>25.5.6 The demolition or removal of any structure or building provided that it is not identified for preservation or protection in Cultural Heritage Schedule 1 or 2, or is an identified character building, structure or feature, or protected under the Historic Places Act 1993"</u> .	Opposed by: 53 Auckland Regional Holdings 58 Ports of Auckland Ltd
59/12	New Zealand Historic Places Trust	Seeks that Controlled Activity Rule 25.5.18 be retained but with the following amendment to standard and term b: " <u>25.5.18b the proposed work shall not modify, damage, or destroy any site, building, place or area identified in Cultural Heritage Schedule 1 or 2, or an identified character building, feature or structure, or protected under the Historic Places Act 1993"</u> .	Opposed by: 53 Auckland Regional Holdings 58 Ports of Auckland Ltd
59/13	New Zealand Historic Places Trust	Seeks that Restricted Discretionary Activity Rule 25.5.25 be retained but the following amendments and additional matter of discretion: " <u>25.5.25(c) the effect of any building or structure on views to and from the coastal marine area, including on buildings, structures and features identified in Cultural Heritage Schedule 1 or 2 or identified as a character building, structure or feature.</u> <u>25.5.25(h) the adverse effects on the heritage values or contribution to the character of the</u>	Opposed by: 53 Auckland Regional Holdings 58 Ports of Auckland Ltd

		<u>streetscape or waterfront of any new building, structure or features identified in Cultural Heritage Schedule 1 or 2 or identified as a character building, structure or feature".</u>	
59/14	New Zealand Historic Places Trust	Seeks that the matters of discretion in Restricted Discretionary Activity Rule 25.5.31 (relating to new structures or buildings on Halsey Street Extension Wharf or Wynyard Wharf) be retained with the exception of point (d). Rule 25.5.31(d) should be amended as follows, if after assessment, either Halsey Street Extension Wharf or Wynyard is identified in Cultural Heritage Schedule 1 or 2 or is an identified character building, structure or feature: "25.5.31(d) the location, design and visual appearance of the structure or building and the extent to which it achieves the urban design criteria in Appendix J <u>and protects the character and heritage values of any buildings, structures or features identified in Cultural Heritage Schedule 1 or 2 or identified as character buildings, structures or features".</u>	Opposed by: 53 Auckland Regional Holdings
59/15	New Zealand Historic Places Trust	An additional matter of discretion should be added to Restricted Discretionary Activity Rule 25.5.31 as follows: " <u>25.5.31(l) the effects on views of heritage and/or character buildings, structures or features as identified in Cultural Heritage Schedule 1 or 2 or as identified character buildings, structures or features".</u>	Opposed by: 53 Auckland Regional Holdings 58 Ports of Auckland Ltd
59/16	New Zealand Historic Places Trust	Seeks that a new rule and associated matters for discretion be introduced into Restricted Discretionary Activities for the erection or placement of new structures or buildings and the alteration, extension or reconstruction of any lawful structure or building on wharves (other than Halsey Street Extension Wharf and Wynyard Wharf) that have been identified as character structures or features. This should include the same matters for discretion as requested for Wynyard Wharf and Halsey Street Extension Wharf (protection of character and heritage values, and views of heritage or character buildings etc) and the need to be assessed against the urban design criteria in Appendix J.	Opposed by: 53 Auckland Regional Holdings 58 Ports of Auckland Ltd
59/19	New Zealand Historic Places Trust	Seeks that Anticipated Environmental Results at 25.8 be retained but with the following amendment and addition: "25.8.6 - An integrated change in use...that provides for an appropriate range of port activities, the development of appropriate commercial, <u>industrial and entertainment activities...</u> <u>25.8.7 - The maintenance and enhancement of cultural heritage values and character of any items identified in the Cultural Heritage Schedule 1 or 2 or identified character buildings, structures or features, and of important views of them".</u>	Opposed by: 53 Auckland Regional Holdings
59/22	New Zealand Historic Places Trust	Seeks that the Objectives at 28.3 be retained but with the following additional objective: " <u>To maintain and enhance the heritage values and character of these Port Management Areas, as identified in Cultural Heritage Schedule 1 or 2 or in any list or additional schedule of character buildings, structures or features as well as of important views of them".</u>	Opposed by: 53 Auckland Regional Holdings 58 Ports of Auckland Ltd Support/oppose in part by: 32 Auckland City Council
59/23	New Zealand Historic Places Trust	Supports most of the proposed policies for the Viaduct Harbour and in particular supports Policy 28.4.13. Seeks that Policy 28.4.13 be retained but with the following amendment: "28.4.13 Buildings	Opposed by: 53 Auckland Regional Holdings 58 Ports of Auckland Ltd

		on wharves in Port Management Areas 2A and 2B (other than on the Western Viaduct Wharf) shall reflect <u>respect</u> their maritime context and the <u>character and heritage values of the wharves</u> , and shall be designed and located in accordance with the urban design criteria in Appendix J".	Support/oppose in part by: 32 Auckland City Council
59/25	New Zealand Historic Places Trust	Seeks that the Objectives in 30.3 regarding Port Management Areas 4A, 4B and 4C be retained but with the following additional objective added: " <u>30.3.8 - To maintain and enhance the heritage values and character of these Port Management Areas, as identified in Cultural Heritage Schedule 1 or 2 or in any list or schedule of character buildings, structures or features, as well as of important views of them</u> ".	Opposed by: 53 Auckland Regional Holdings
59/26	New Zealand Historic Places Trust	Seeks that Policy 30.4.12 be retained but with the following amendment: "30.4.12 - Building on wharves in Port Management Areas 4A shall <u>respect the character and heritage values of the wharves, and shall</u> be designed and located in accordance with the urban design criteria in Appendix J".	Opposed by: 53 Auckland Regional Holdings
59/27	New Zealand Historic Places Trust	Seeks that Policy 30.4.14 regarding use and development of Wynyard Wharf be retained but with the following additional policy criterion: " <u>30.4.14(k) avoid, as far as practicable, remedy or mitigate adverse effects on the character and heritage values of Wynyard Wharf</u> ".	Opposed by: 53 Auckland Regional Holdings
59/28	New Zealand Historic Places Trust	Seeks the retention of Policy 30.4.16 regarding use and development in Port Management Area 4A, other than on Wynyard Wharf, (in particular criterion (a)). Seeks the following additional policy criterion: " <u>30.4.16(f) avoid, as far as practicable, remedy or mitigate adverse effects on the character and heritage values of the wharves</u> ".	Opposed by: 53 Auckland Regional Holdings

Discussion:

Auckland Regional Council (submission 23/1) seeks that policy 25.4.13.f be amended to include a reference to character "elements". It is recommended that this change be made as it strengthens the need to consider relatively minor items (such as capstans and bollards) as well as larger features.

Viaduct Harbour Holdings Ltd (submission 33/13) support the existing provisions which provide protection for the historic lifting bridge in the Viaduct Harbour. It is recommended that this submission be accepted.

The NZ Historic Places Trust has requested various specific amendments relating to the recognition or protection of cultural heritage or character items.

Submissions 59/2, 59/13 and 59/15 relate to the protection of views of scheduled heritage or character items in port management areas. As there are no scheduled items around Wynyard Quarter other than the Viaduct Harbour lifting bridge, this amendment is not considered necessary. Views around the lifting bridge area are given adequate consideration in the policies of chapter 28.

It is also recommended that submissions 59/7, 59/11, 59/12, 59/13, 59/14, 59/16 and 59/25 be rejected as they relate to scheduled heritage or character items. Items which are already scheduled have existing provisions within the plan. It is recommended above that a new schedule of character items not be included in the plan.

It is recommended that submission 59/7 be rejected as it requests changes relating to section 25.7.8 (principal reasons for adopting) relating to general protection of features that contribute

to the character of streetscapes and waterfronts. This section relates to provisions that protect items scheduled in the RPC cultural heritage schedules. It is not appropriate to expand the section to more general matters.

Submissions 59/9 and 59/10 seek amendments to the permitted activity rules in chapter 25 so that the rules for ancillary structures, and reconstruction of lawful structures, do not include activities that modify structures or buildings that are identified in the cultural heritage schedules. This matter is currently addressed to some degree by rule 25.5.6 which limits the demolition or removal of structures to those that are not scheduled. There is a relatively low likelihood that ancillary structures or reconstruction activities will cause significant damage to scheduled structures.

However, to ensure the protection of these structures, it is recommended that these submissions be accepted in part and that the condition on controlled activities relating to the cultural heritage schedules (rule 25.5.18.b), be included in 25.5.13 as a condition on the permitted activities. This amendment would apply across the port management areas but is considered to be within the scope of Plan Change 3 as the amendment has a relatively minor effect and is consistent with the approach to the cultural heritage schedules already present in chapter 25 of the RPC.

The principal party this amendment may affect is the Ports of Auckland Ltd. POAL and Auckland Regional Holdings opposed submission 59/9 in their further submissions because the operative plan was considered to be sufficient and the request was thought to be beyond the scope of the plan change. POAL and ARH may wish to comment further at the hearing regarding the recommended amendment.

Submission 59/19 seeks amendments to the Anticipated Environmental Results section of chapter 25. It is recommended that the first amendment be made as “marine industry” rather than “industrial” to be more closely aligned with the plan change provisions. It is recommended that the second request, for an additional point regarding cultural heritage, to be made but in a modified form as the suggested wording refers to a schedule of character items.

It is recommended that submission 59/22 be rejected as the only item in port management areas 2A or 2B that is included in the RPC cultural heritage schedules is the Viaduct lifting bridge. This already has specific objectives and policies (28.3.7, 28.4.12).

It is recommended that submission 59/23, 59/26, 59/27 and 59/28 be rejected as the relevant matters are already addressed by the matters within the policies or Appendix J.

Recommendation:

It is recommended that the relief sought in submissions 23/1 and 33/13 is accepted.

It is recommended that the relief sought in submissions 59/2, 59/7, 59/8, 59/11, 59/12, 59/13, 59/14, 59/15, 59/16, 59/22, 59/23, 59/25, 59/26, 59/27 and 59/28 is rejected.

It is recommended that the relief sought in submissions 59/9, 59/10 and 59/19 is accepted in part.

Recommended amendments to Plan Change 3:

25.4 Policies

25.4.13 Any ~~future~~ use or development in the Port Management Areas, other than for port activities, may be considered appropriate where: ...

f the use or development will, where appropriate, retain and reflect character features, and structures and elements that demonstrate the heritage and history of the working waterfront; and [23/1]

Permitted activities

25.5.4-213 The activities in Rules 25.5.1-25.5.910 are permitted subject to the following further conditions:

the proposed work shall not modify, damage, or destroy any site, building, place or area identified in Cultural Heritage Schedule 1 or 2 or protected under the Historic Places Act 1993. [59/9, 59/10]

25.8 Anticipated Environmental Results

25.8.6 An integrated change in use of the coastal marine area at Wynyard Quarter that provides for an appropriate range of marine industry and port activities, the development of appropriate commercial and entertainment activities, and for increased public use and access to Wynyard Wharf. [59/19]

25.8.7 The maintenance and enhancement of any items identified in the Cultural Heritage Schedule 1 or 2 and, where practicable, the retention of character features, structures and elements that demonstrate the history and heritage of the working waterfront. [59/19]

13. BULK LIQUIDS AND RISK

13.1 Continued operation of bulk liquids facilities

No.	Submitter	Summary of Decision Sought	Further Submitter/s
10/5	Bulk Storage Terminals Ltd	Supports that in the proposed controls for Port Management Area 4A, while the wharf user bulk liquid operators remain in situ, the wharf face, appropriate depths, pipeline access and the handling facilities to and from the wharves, will not be disturbed nor frustrated.	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 16 Marstel Terminals Ltd
10/6	Bulk Storage Terminals Ltd	Supports that in the proposed Coastal Plan Change, Wynyard Wharf, while being intermittently used as an on-land recreational and people-enjoyment area, will also be maintained as a deep draft wharf supporting appropriate cargo carrying vessels and involved with marine activities of an enjoyment nature. And that the public would be kept at a distance during cargo handling operations.	Opposed by: 16 Marstel Terminals Ltd 53 Auckland Regional Holdings
10/12	Bulk Storage Terminals Ltd	Wish to make it clear that they do not oppose the general desire to open up the Wynyard Quarter to the public of Auckland and visitors providing that ship/cargo handling facilities are not impeded. Rather they seek an amenable solution to enable the company to maintain an operation in Auckland and to continue to service the large degree of downstream socio-economic benefit that the region gains from BST's Auckland regional presence.	Opposed by: 16 Marstel Terminals Ltd 53 Auckland Regional Holdings
11/1	Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	The companies generally support the main thrust and intent of the issues, objectives, policies and rules of Proposed Plan Change No 3. However the companies consider it imperative that the provisions recognise and consistently provide for the ongoing operation of the bulk storage facilities, at least until such time as the Companies withdraw and/or relocate from the Western Reclamation.	Supported by: 16 Marstel Terminals Ltd Opposed by: 53 Auckland Regional Holdings
11/3	Shell NZ Ltd, BP	The Companies wish to ensure that Wynyard	Supported by:

	Oil NZ Ltd, Mobil Oil NZ Ltd	Wharf can continue to operate unfettered as a facility delivering bulk hazardous substances so long as the hazardous substances storage facilities remain in operation.	16 Marstel Terminals Ltd Opposed by: 53 Auckland Regional Holdings
11/23	Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Seek any additions, deletions or consequential amendments made necessary as a result of the matters raised in the submissions or any other such relief as to give effect to the submissions.	Opposed by: 53 Auckland Regional Holdings
16/2	Marstel Terminals Ltd	Considers that the Plan Change does not adequately provide for the continued safe and efficient operation of the bulk liquids industry, which is vital to the economic wellbeing of the Auckland region.	Opposed by: 53 Auckland Regional Holdings
16/4	Marstel Terminals Ltd	Concern that this Plan Change is inconsistent with Proposed Plan Change 6 to the Regional Policy Statement in that it does not adequately protect this regionally significant infrastructure and instead puts the future of the infrastructure and the bulk liquids industry in jeopardy.	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
16/6	Marstel Terminals Ltd	Concern that the Plan Change is inconsistent with Part II of the Resource Management Act 1991 because it does not provide for the safe and efficient operation of the existing bulk liquids industry, which is important regional infrastructure that is necessary for the economic wellbeing of the region, as it fails to ensure that a relocation strategy for the bulk liquids industry is finalised prior to redevelopment of the Western Reclamation, and there are no measures to manage the potential for disruption to regional economic activity.	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
16/7	Marstel Terminals Ltd	Concern that while the Section 32 report acknowledges the importance of the bulk liquids industry to the region, it does not fully address the costs and benefits of the potential loss of the industry to Auckland should the Western Reclamation redevelopment occur. Rather it is based on a gradual transition of the industry to another, as yet undefined site. While parts of the Section 32 report suggest that redevelopment will not occur until the bulk liquids industry has been relocated, the plan provisions are not drafted in a way that implements that strategy.	Opposed by: 53 Auckland Regional Holdings 35 Transit New Zealand
16/28	Marstel Terminals Ltd	Seeks such further relief as would satisfy the points raised by Marstel in the submission.	Opposed by: 53 Auckland Regional Holdings
31/2	Rohm and Haas Australia Pty Ltd	Provide for better protection of existing bulk liquids facilities to enable uninterrupted supply.	Supported by: 16 Marstel Terminals Ltd Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
36/2	Orica Chemnet		Supported by: 16 Marstel Terminals Ltd Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
37/2	Australasian Solvents & Chemicals Company		Supported by: 16 Marstel Terminals Ltd Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings

Discussion:

Wynyard Quarter and Wynyard Wharf currently accommodate a range of bulk liquids and hazardous substances operations. These include vegetable oils, bunker fuels, solvents, bitumen, industrial chemicals (eg kerosene and caustic soda), tallow and molasses. The land the storage facilities are based on is owned by Auckland Regional Holdings (acquired from Ports of Auckland Ltd in 2007). The leases for the land have expiry dates ranging from 2012 to 2025.

The above submissions seek non-specific amendments to provide for the continued operation of the bulk liquids and hazardous substances facilities at Wynyard Wharf. Plan Change 3 provides for the continuation of such operations in chapters 25 and 30 and restricts the development of new activities on the wharf until Comprehensive Area Structure Plans for the adjacent land have been approved.

It is recommended elsewhere in this report (section 6.2) that the limit on new activities on Wynyard Wharf be changed from the approval of a CASP for the adjacent land to compliance with fatality risk provisions equivalent to those in the district plan change. This change is intended to ensure that new people-oriented activities cannot establish on Wynyard Wharf while the storage of hazardous substances on the adjacent land and their transfer across the wharf occurs.

Other amendments recommended elsewhere in this report (section 14.2) more explicitly refer to the future use of Wynyard Wharf for port activities as well as new activities. These changes address concerns relating to the transfer of non-hazardous materials at the wharf, as well as the concerns of the fishing industry and ferry operators.

This approach recognises the following principle adopted in the Auckland Waterfront Vision 2040:

- Recognise the significance of the bulk liquid industry to the regional economy by ensuring the following criteria are addressed before any redevelopment of Wynyard Point for alternative uses:
 - Mixed use development cannot occur until a process, timetable and viable alternative site/s for relocation are finalised.
 - The transition process must be seamless and well managed, avoiding any adverse effects or disruption to regional economic activity.
 - Issues associated with alternative sites and options must be addressed before any closure of Wynyard Point facilities. (page 9)

The development of new buildings on Wynyard Wharf is a key activity where the impact on bulk liquids operations should be considered. In light of the above submissions, it is recommended that this be specified more explicitly in rule 25.5.31 as shown below. To this extent, it is recommended that various submissions be accepted in part.

Marstel Terminals Ltd (submissions 16/2, 16/4, 16/6, 16/7) raise concerns regarding whether the plan change adequately provides for safe and efficient operation of the bulk liquids industry in terms of its role as regional infrastructure and the potential for disruption to regional economic activity. Both the Marstel and Bulk Storage Terminals submissions refer to work by Phillip Donnelly and Associates (2004) titled “Wynyard Wharf Bulk Liquid Economic Study”. That report found that: 250,000 tonnes of liquid worth \$463M annually passes through the terminal; that the value added component of downstream uses facilitated activity estimated to have increased gross domestic product of the regional economy by \$266M to \$337M, and sustained 3100 to 4000 full time equivalent jobs in the region. That study also identified a potential increase of \$10M per year in additional costs, and an extra 10,000 return truck trips, if all bulk liquids were to use land transport from Tauranga to Auckland instead of being imported directly to Wynyard Wharf.

The Market Economics Ltd report (2008)¹², prepared in response to similar submissions to the district plan change, questions the economic analysis used in the Donnelly report. For example, whether the stated downstream economic activity is “generated”, “facilitated” or “associated” with the Wynyard Wharf bulk liquids. It is noted that it is unreasonable to state that the production of a superyacht was fully associated with the provision of a particular sealant manufactured locally from raw materials that come through the Wynyard Wharf bulk liquid terminals (page 44). The Market Economics report also suggests that: “an increase in \$10M in transportation costs represents an overall price increase of between 0.95% and 1.3%. This is unlikely to be sufficient for businesses in general to relocate. For some it might, and the extent to which it does cause any relocation would depend on the distribution of these additional expenses” (page 45).

Irrespective of this analysis, it is considered that the bulk liquids operations on Wynyard Wharf are appropriately addressed in Plan Change 3 as it is recommended to be amended.

Recommendation:

It is recommended that the relief sought in submissions 10/5, 10/6, 10/12, 11/1, 11/3, 11/23, 16/2, 16/4, 16/6, 16/7, 16/28, 31/2, 36/2 and 37/2 is accepted in part.

Recommended amendments to Plan Change 3:

25.5.31 The ARC will restrict the exercise of its discretion under Rules 25.5.29 and 25.5.30 to the following matters:

c the extent to which the structure or building enables or affects the operation or development of port activities, (including the fishing industry and bulk liquids industry operations) and marine events on Halsey Street Extension Wharf, Western Viaduct Wharf, North Wharf, Wynyard Wharf and in the water area surrounding these wharves; and [11/1, 11/3, 16/2, 31/2, 36/2, 37/2]

13.2 Retention of bulk liquids facilities beyond 2025

No.	Submitter	Summary of Decision Sought	Further Submitter/s
10/8	Bulk Storage Terminals Ltd	Seeks consideration of the submitter's bulk liquids operations staying at Wynyard Quarter after 2025. Removal of all hazardous operations and the visual softening of the appearance of the tanks would appear to have far greater gain for Greater Auckland than alternative options of paying a huge amount of money to shift elsewhere in a wharf-served area within Auckland.	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 16 Marstel Terminals Ltd
10/9	Bulk Storage Terminals Ltd	Seeks meaningful discussion on how the link to deep water at Wynyard Wharf and associated piping can be embraced beyond the end of the company's lease (June 2025).	Supported by: 16 Marstel Terminals Ltd Opposed by: 53 Auckland Regional Holdings

Discussion:

Bulk Storage Terminals Ltd (submissions 10/8 and 10/9) seek consideration of the continuation of bulk liquid operations continuing at Wynyard Wharf after 2025. Their submission notes that the proportion of hazardous substances stored at the BST site has gradually reduced over time and that by 2016, when other hazardous leases expire, BST will be concentrating on more benign products like vegetable oils and tallow.

¹² Wynyard Quarter Proposed Plan Change 4 Economic submissions review, prepared for Auckland City Council, May 2008, Greg Akehurst and Natalie Hapson, Market Economics Ltd. Note this is appendix 3 to the hearing report for the district plan change.

Plan Change 3 does not impose a time limit on bulk liquids operations and includes provisions that ensure incompatible activities are avoided while any hazardous substances operations remain. The timeframe for ending any bulk liquids operations is dependent on the management decisions of the landowner and on the district plan provisions for the adjacent land.

To the extent that Plan Change 3 allows for continuation of BST's operations after 2025, by providing for port activities and by including provisions relating to levels of risk, it is recommended that these submissions be accepted in part.

Recommendation:

It is recommended that the relief sought in submissions 10/8 and 10/9 is accepted in part.

13.3 Relocation and alternative sites

No.	Submitter	Summary of Decision Sought	Further Submitter/s
10/10	Bulk Storage Terminals Ltd	Seeks assistance in identifying a suitable wharf-handly alternative site / waterside facility.	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 16 Marstel Terminals Ltd
10/11	Bulk Storage Terminals Ltd	If an alternative site is found, then the company would expect a high degree of compensation for costs incurred to move to and build an appropriate structure(s) at such an Auckland based position.	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 16 Marstel Terminals Ltd
16/5	Marstel Terminals Ltd	Concern that none of the provisions of this Plan Change, or the other provisions of the relevant regional or district planning instruments, contain provisions that identify suitable locations or would facilitate the relocation of the bulk liquids industry to a commercially viable and unconditional alternative location (or locations).	Opposed by: 53 Auckland Regional Holdings
16/22	Marstel Terminals Ltd	Opposes Policy 30.4 because it explicitly excludes Marstel's future operations in PMA 4A. It could support this change if a commercially viable and unconditional site (or sites) was identified in PMA 4B or 4C that enabled it to relocate on terms acceptable to it.	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
16/25	Marstel Terminals Ltd	Supports new method 30.6.1(c), however seeks stronger provisions in this Plan and other regional and district planning instruments that would assist to identify suitable locations or would facilitate the relocation of the bulk liquids industry to a commercially viable and unconditional alternative location (or locations), on terms that are acceptable to Marstel and do not compromise its ongoing business or those of its customers.	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
16/27	Marstel Terminals Ltd	Alternative to withdrawing the Plan change, seeks that the Plan change is put on hold until such time as the Council has undertaken and completed urgent work in locating a commercially viable and unconditional site to enable the relocation of Marstel Terminals' business, including the completion of all consenting requirements for that relocation site in terms acceptable to Marstel.	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
31/3	Rohm and Haas Australia Pty Ltd	Provide for efficient and cost effective relocation of bulk liquids facilities from Wynyard Wharf prior to any redevelopment occurring.	Supported by: 16 Marstel Terminals Ltd Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
36/3	Orica Chemnet		Supported by: 16 Marstel Terminals Ltd

			Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
37/3	Australasian Solvents & Chemicals Company		Supported by: 16 Marstel Terminals Ltd Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
31/4	Rohm and Haas Australia Pty Ltd	Seeks that the plan change is not implemented and no redevelopment occurs until there is a commercially viable and unconditional alternative site available for the bulk liquid industry.	Supported by: 16 Marstel Terminals Ltd Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
36/4	Orica Chemnet		Supported by: 16 Marstel Terminals Ltd Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
37/4	Australasian Solvents & Chemicals Company		Supported by: 16 Marstel Terminals Ltd Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings

Discussion:

The above submissions raise concerns with the plan change relating to the need for an alternative location for bulk liquids industry operations in Auckland. As noted elsewhere, the plan change provides for the bulk liquids operations to continue to use Wynyard Wharf while their operations on the adjacent land continue. A requirement for relocation is determined by lease agreements with the landowner rather than through the plan change.

Both Auckland City Council and Auckland Regional Council have recognised that an efficient relocation process is important to the region, and that the councils may have some role in assisting such a process. Officers of both councils have been undertaking further consideration of relocation options, and plan to report to their respective committees within the next few months. A relocation strategy developed from that work will be finalised in conjunction with the bulk liquids operators.

Alternative locations for such operations have been considered by various parties in recent years. Relevant reports include a report from Phillip Donnelly and Associates (2004) titled “Wynyard Wharf Bulk Liquid Economic Study” and a subsequent report from Capital Strategy Limited (2006) titled “Relocation of Wynyard Wharf Bulk Liquid Industry: Preliminary Assessment of Alternative Location Options including Regulatory and Timing Issues”. The reports include consideration of potential locations for different aspects of the bulk liquids industry. These include Gabador Place (Tamaki Estuary), Wiri, Chelsea Sugar (Birkenhead), the East Port (Auckland CBD) and Port Tauranga.

It is noted that since the Capital Strategy report was produced, progress has been made in terms of relocating some of the operations which currently take place in Wynyard Quarter. Mobil and BP have removed the tanks from their sites. POAL have announced proposals to accommodate part of the Golden Bay Cement operation and supply of bunkering fuels within the eastern port area. At the hearing for the Wynyard Quarter district plan change, Ben Chrystall, who appeared for Auckland Regional Holdings and POAL¹³, noted that in 2005 an

¹³ Statement of evidence of Ben Chrystall on behalf of Auckland Regional Holdings and Ports of Auckland Limited, 6 June 2008, presented to the hearing for submissions to Auckland City Council Plan Change 4 (Wynyard Quarter).

“agreement to lease” was signed with Marstel for an area adjacent to the existing Marstel operations at Gabador Place. That site requires the bulk liquids to be unloaded from a ship to a barge at the Port of Auckland before being transported up the Tamaki Estuary. POAL have agreed to make a berth available for the ship to barge transfer when Wynyard Wharf is not available. Mr Chrystall also noted that BST and Pacific Terminals are expected to transfer some of their operations to the Port of Tauranga and that leases had been acquired in Tauranga, presumably for that purpose.

The process of determining appropriate relocation sites for different companies or types of bulk liquids, and ensuring a smooth transition in service provision, will be multi-faceted and is likely to require a series of actions by different parties and at different times. This would be best addressed through discussion and coordination between all stakeholders, rather than through amendments to the plan change.

It is expected that final decisions on relocation options will largely be dependent on business decisions of different operators. It would not be appropriate to prescribe alternative sites or selection criteria within Plan Change 3 as suggested by submissions 16/5, 16/22 and 16/25.

Recommendation:

It is recommended that the relief sought in submissions 10/10, 10/11, 16/5, 16/22, 16/25, 16/27, 31/3, 31/4, 36/3, 36/4, 37/3 and 37/4 is rejected.

13.4 Reverse sensitivity (general)

No.	Submitter	Summary of Decision Sought	Further Submitter/s
11/4	Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	If there are any activities or changes proposed in the area by any party they should not lead to any reverse sensitivity effects on the existing facilities.	Supported by: 16 Marstel Terminals Ltd 47 Sanford Ltd Opposed by: 53 Auckland Regional Holdings
11/6	Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Ensure that there is adequate provision and protection of existing hazardous facilities, and in particular those facilities that rely on Wynyard Wharf for the supply of hazardous substances, from reverse sensitivity effects arising from changing use and associated activities over time facilitated by this Plan Change, such that the existing hazardous substances facilities can continue to operate unfettered until such time as they decommission and/or relocate.	Supported by: 16 Marstel Terminals Ltd Opposed by: 53 Auckland Regional Holdings
16/3	Marstel Terminals Ltd	Marstel seeks the rejection of the Plan in its entirety until such time as the Plan Change provides for: a. A commercially viable and unconditional alternative site to secure the relocation of the bulk liquids industry. b. No development of the Western Reclamation until an alternative site is secured and consented on terms acceptable to Marstel. c. Stronger recognition in the plan change that the principle of reverse sensitivity does not require Marstel to compromise or change its operations, at its cost, to take account of new activities proposed to occur at the Western Reclamation. Rather, reverse sensitivity should recognise Marstel as the sensitive activity and the Plan Change provisions should protect all of its operations.	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
16/17	Marstel Terminals Ltd	Concern that the rules make it more difficult for Marstel to proceed with aspects of its business within Port Management Area 4A, by making new buildings and structures discretionary activities when previously they were controlled activities,	Opposed by: 53 Auckland Regional Holdings

		and encouraging entirely new residential activities in that area. This does not assist Marstel to maintain a commercially viable operation at Wynyard Wharf and when read alongside other parts of the rules in 25.5 misapplies the principle of reverse sensitivity.	
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Discussion:

Reverse sensitivity is addressed within Plan Change 3 in objectives 30.3.4, 30.3.6 and policy 30.4.10.d.

These submissions do not specify the amendments they are seeking to these provisions. Subject to further explanation being provided at the hearing, it is recommended the submissions be rejected.

Recommendation:

It is recommended that the relief sought in submissions 11/4, 11/6, 16/3 and 16/17 is rejected.

13.5 Reverse sensitivity (policy 30.4.10)

No.	Submitter	Summary of Decision Sought	Further Submitter/s
16/15	Marstel Terminals Ltd	Marstel opposes new Policy 30.4.10 and the rules in 25.5 as the matters listed in Policy 30.4.10 and the permitted activity criteria set out in the rules are not sufficiently robust to ensure that they will be protected against the adverse effects of the new activities, so that the principle of reverse sensitivity is in fact achieved. By providing for these activities as permitted activities, Marstel will not have the opportunity to be consulted with and to make submissions on proposed activities to ensure that its own interests are protected. They may also have a limited right of participation, if any in controlled, restricted discretionary, discretionary and non-complying activities.	Opposed by: 53 Auckland Regional Holdings
32/1	Auckland City Council	Support for the overall direction of Plan Change 3 but refinements can be made to Policy 30.4.10 which addresses the issue of potential adverse effects (including reverse sensitivity effects) on existing bulk liquid storage and hazardous substances activities which could arise from the development of new activities in proximity to these existing activities. The policy effectively requires any effect, however small, to be considered inappropriate. This does not appropriately allow for acceptable or reasonable adverse effects (including reverse sensitivity effects) to be consented where the particular proposal will meet the purpose of the Act.	Opposed by: 16 Marstel Terminals Ltd Support/oppose in part by: 11 Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd
32/2	Auckland City Council	Seeks that Policy 30.4.10 be amended as follows: "Activities in Port Management Area 4A other than those involving the transfer of bulk liquids and hazardous substances, shall be considered appropriate where it can be demonstrated that: (a) the proposed activity will avoid adverse effects or not unduly compromise the efficient operation of any existing activities relating to the transfer of bulk liquids or hazardous substances; and (d) the activity is designed and located to avoid creating unreasonable reverse sensitivity issues for any bulk liquid or hazardous operations that remain nearby on land or within Port Management Area 4A."	Supported by: 53 Auckland Regional Holdings Opposed by: 16 Marstel Terminals Ltd Support/oppose in part by: 11 Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd

32/3	Auckland City Council	Submitter seeks any other relevant amendments (including additions/deletions to/from any other relevant provisions) to enable this relief to be granted (relating to allowing acceptable or reasonable adverse effects on bulk liquids and hazardous substances operations).	Opposed by: 16 Marstel Terminals Ltd Support/oppose in part by: 11 Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd
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Discussion:

Marstel Terminals Ltd (submission 16/15) opposes policy 30.4.10, and the rules in section 25.5, as they are not sufficiently robust to ensure the principle of reserve sensitivity is achieved. In contrast, Auckland City Council (submissions 32/1, 32/2, 32/3) consider that policy 30.4.10 should be amended as it does not allow for acceptable or reasonable adverse effects (including reverse sensitivity effects) to be consented where the particular proposal will meet the purpose of the Act.

The new wording proposed by Auckland City is supported by Auckland Regional Holdings as being more appropriate than the “more absolute or rigid language” used at present. However, in their further submission, Shell, BP and Mobil consider that the revised wording is unclear with regard to what constitutes creating “unreasonable” issues or will “unduly compromise” operations.

It is considered that the policy should be amended as it may be appropriate to permit minor adverse effects where there are suitable management protocols and development designs. The wording proposed below reflects the wording of the Resource Management Act rather than that proposed by the submitter. For this reason it is recommended that the Auckland City Council submission points be accepted in part.

The Marstel concerns regarding the rules may be addressed by the recommendations below regarding new risk provisions, or by other recommended amendments to the plan change. Otherwise, it is considered that Plan Change 3 (as recommended to be amended), appropriately addresses reverse sensitivity issues. As a consequence, it is recommended that submission 16/15 be rejected.

Recommendation:

It is recommended that the relief sought in submissions 32/1, 32/2 and 32/3 is accepted in part.

It is recommended that the relief sought in submissions 16/15 is rejected.

Recommended amendments to Plan Change 3:

30.4.10 Activities in Port Management Area 4A other than those involving the transfer of bulk liquids and hazardous substances, shall be considered appropriate where it can be demonstrated that:

- a the proposed activity will avoid, remedy or mitigate adverse effects on the efficient operation of any existing activities relating to the transfer of bulk liquids or hazardous substances; and [32/1, 32/2, 32/3]
- b the proposed activities do not conflict with the existing or future planned use of the adjoining land, particularly while the land is used for the storage of bulk liquids or hazardous substances; and
- c the activity is designed and located to avoid levels of risk to health and safety that are incompatible with any existing hazardous industry; and
- d the activity is designed and located to avoid, remedy or mitigate creating reverse sensitivity issues for any bulk liquid or hazardous substances

operations that remain nearby on land or within Port Management Area 4A; and [32/1, 32/2, 32/3]

- e the area to be used has no pipes or other infrastructure relating to the transfer of hazardous substances that could be a health and safety hazard to people accessing the area, or discharge contaminants to the coastal marine area; and
- f public amenity and public access will be maintained and where practicable enhanced; and
- g the activity does not unduly compromise the future opportunity for port activities, particularly relating to the fishing industry and water transport connections.

13.6 Specific amendments regarding bulk liquids facilities

No.	Submitter	Summary of Decision Sought	Further Submitter/s
10/2	Bulk Storage Terminals Ltd	Concern that there is an expectation is the bulk tank operators will just 'go away' over time and will be a very unwelcome future guest at the Wynyard Quarter. Seeks amendment of clause 25.7.10 (Principal Reasons for Adopting) which states: "Activities in Port Management Area 4A will change as the bulk liquid storage facilities on the adjacent land are vacated or provided elsewhere in the region".	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 16 Marstel Terminals Ltd
10/3	Bulk Storage Terminals Ltd	Concern that there is an expectation is the bulk tank operators will just 'go away' over time and will be a very unwelcome future guest at the Wynyard Quarter. Seeks amendment of clause 30.1.1 (Introduction, Port Management Area 4A) which states: "...In the medium to longer term it is expected that the bulk liquid storage facilities located on the land in Wynyard Quarter ... will vacate ...".	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 16 Marstel Terminals Ltd
10/4	Bulk Storage Terminals Ltd	Concern that there is an expectation is the bulk tank operators will just 'go away' over time and will be a very unwelcome future guest at the Wynyard Quarter. Seeks amendment to clause 30.7.3 (Principal Reasons for Adopting, Port Management Area 4A) which states: "The use of Port Management Area 4A is expected to change over time as the bulk liquid operations currently located in the Wynyard Quarter vacate".	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 16 Marstel Terminals Ltd
11/7	Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Retain Issue 25.2.4 without further modification.	Support/oppose in part by: 16 Marstel Terminals Ltd
11/8	Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Retain Rules 25.5.2, 25.5.5, 25.5.19(c), 25.5.25(e), 25.5.30, 25.5.31(c), 25.5.42 without further modification.	
11/9	Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Retain Principal Reasons for Adopting 25.7.10 without further modification.	Support/oppose in part by: 16 Marstel Terminals Ltd
11/10	Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Retain Anticipated Environmental Results 25.8.6 without further modification.	Opposed by: 16 Marstel Terminals Ltd
11/11	Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Retain Introduction in 30.1 without further modification.	Supported by: 16 Marstel Terminals Ltd
11/12	Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Retain Port Management Area 4A Introduction 30.1.1 without further modification.	Opposed by: 16 Marstel Terminals Ltd
11/13	Shell NZ Ltd, BP	Retain Issues 30.2.2, 30.2.3, 30.2.4, 30.2.5 without	Opposed by:

	Oil NZ Ltd, Mobil Oil NZ Ltd	further modification.	16 Marstel Terminals Ltd
11/14	Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Retain Objectives 30.3.1 to 30.3.7 without further modification.	Support/oppose in part by: 16 Marstel Terminals Ltd
11/15	Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Retain Policy 30.4.8, 30.4.10 to 30.4.16 without further modification.	Support/oppose in part by: 16 Marstel Terminals Ltd
11/16	Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Retain Other Method 30.6.1(c) without further modification.	Support/oppose in part by: 16 Marstel Terminals Ltd
11/17	Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Retain Principal Reasons for Adopting 30.7.3 without further modification.	Opposed by: 16 Marstel Terminals Ltd
11/18	Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Retain Anticipated Environmental Results 30.8.4 & 30.8.5 without further modification.	
11/19	Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Retain Rule 25.5.9 (permitted activities - Wynyard Wharf) without further modification except for the addition of the following text after the words "following activities": <u>"and once the hazardous substances facilities no longer require the use of the wharf"</u> .	Opposed by: 16 Marstel Terminals Ltd 53 Auckland Regional Holdings
11/20	Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Retain Rule 25.5.12 (permitted activities - temporary events, Wynyard Wharf) without further modification except for the addition of the following text after the words "for the adjacent land": <u>"and once the hazardous substances facilities no longer require the use of the wharf"</u> .	Opposed by: 16 Marstel Terminals Ltd 53 Auckland Regional Holdings
11/22	Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Retain Anticipated Environmental Results 30.8.3 without further modification except for the addition of the text "over time" as follows: The enhancement <u>over time</u> of public access ... in Port Management Area 4A, particularly along Wynyard Wharf.	Opposed by: 16 Marstel Terminals Ltd
16/8	Marstel Terminals Ltd	Supports in principle new Issue 25.2.4 and Objectives 25.3.1 and 25.3.2 as they recognise the potential for conflict between Marstel's water based activities, namely loading and unloading of bulk liquids, and proposed new land uses as part of the redevelopment of Wynyard Quarter.	
16/9	Marstel Terminals Ltd	Opposes the proposed change to Objective 25.3.3 because of the strongly positive connotation of the word "facilitating" in relation to non-port related activities. Concerned that in facilitating these activities, there is insufficient weight given to their potential incompatibility with the bulk liquids industry. In particular, concerned that the Plan Change will enable the redevelopment of the Western Reclamation in advance of the process of identifying, consenting and implementing the relocation of the bulk liquids industry.	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
16/10	Marstel Terminals Ltd	Supports in principle Policies 25.4.2, 25.4.3 and 25.4.4 as they could assist in identifying suitable relocation sites for Marstel's operations, provided stronger provisions are included in the Plan and other regional and district planning instruments that would assist with that process and on terms acceptable to Marstel.	Opposed by: 53 Auckland Regional Holdings
16/11	Marstel Terminals Ltd	Opposes the proposed change to Policies 25.4.13 and 25.4.14 as they represent a significant departure from the present situation. In Port Management Area 4A, activities that have no functional need to be in the coastal marine area are now considered appropriate (generally permitted activities) where previously they were	Opposed by: 53 Auckland Regional Holdings

		non-complying activities. This change has consequently adverse effects on Marstel's ongoing operations and is prejudicial to its position.	
16/12	Marstel Terminals Ltd	Supports the changes to Objective 30.3.2 and new Objectives 30.3.3 and 30.3.6, along with part of Objective 30.3.4 insofar as they provide for the ongoing safe and efficient operation of the bulk liquids industry.	
16/13	Marstel Terminals Ltd	Opposes new Objective 30.3.5 in that it makes no provision for the possibility that a commercially viable and unconditional alternative site for the bulk liquids industry is unable to be established and the effect this outcome has on the staging of the proposed development.	Opposed by: 53 Auckland Regional Holdings
16/14	Marstel Terminals Ltd	Conditionally supports new Policy 30.4.8 provided that a note is included to clarify that these restrictions relate to new developments and not changes to the nature and/or quantity of bulk liquids stored at existing facilities.	Opposed by: 53 Auckland Regional Holdings
16/18	Marstel Terminals Ltd	Opposes Section 25.6 (Other Methods) as it does not recognise that the ARC and other territorial local authorities will need to take proactive steps to assist Marstel to move to a commercially viable and unconditional alternative site.	Opposed by: 53 Auckland Regional Holdings
16/19	Marstel Terminals Ltd	Opposes Section 25.7 Principal Reasons for Adopting because it misinterprets the principle of reverse sensitivity and encourages planning provisions which will adversely affect Marstel's ongoing operations.	Opposed by: 53 Auckland Regional Holdings
16/20	Marstel Terminals Ltd	Opposes Section 25.8 Anticipated Environmental Results because it does not take account of the possibility of Marstel remaining on the site or the economic impact of the proposed redevelopment of Marstel's operations and that of its customers.	Opposed by: 53 Auckland Regional Holdings
16/21	Marstel Terminals Ltd	Supports those parts of Objective 30.3 that provide for Marstel's ongoing operations at Wynyard Wharf, but opposes those parts of Objective 30.3 that encourage a conflict in land use between Marstel's ongoing operations at Wynyard Wharf and new activities.	Opposed by: 53 Auckland Regional Holdings
16/23	Marstel Terminals Ltd	Supports new Policies 30.4.8 - 30.4.11 (Port Management Area 4A) insofar as those policies provide protection for Marstel's ongoing operations at Wynyard Wharf.	
16/24	Marstel Terminals Ltd	Opposes new policies 30.4.12 - 30.4.16 (Wynyard Wharf) as they will restrict Marstel's ability to undertake development, or to continue with its existing use, on its site. No mention is made in these policies of the possibility of the bulk liquids industry remaining and continuing operations there. Furthermore these policies are inconsistent with Objective 30.3.3.	Opposed by: 53 Auckland Regional Holdings

Discussion:

Bulk Storage Terminals (submissions 10/2, 10/3, 10/4) seek changes to 25.7.10, 30.1.1 and 30.7.3 to address an apparent expectation that bulk tank operators will 'go away' over time.

It is accepted that the plan change could more accurately reflect that the nature of bulk liquids operations at Wynyard Wharf is likely to change over time and that non-hazardous operations may remain as hazardous operations decrease. The recommended amendments are shown below in section 14.2 together with other recommended changes to related provisions.

The support of Shell, BP and Mobil and Marstel Terminals Ltd for various provisions relating to Port Management Area 4A is noted. It is recommended that these submissions be accepted.

It is recommended that submissions 11/19 and 11/20 be accepted in part. Their intent to not allow incompatible activities while the hazardous substances operations continue, is addressed by the recommendation in section 13.7 of this report to include references to a fatality risk map in rules 25.5.9 and 25.5.12.

It is recommended that the amendment sought in submission 11/22 be made, to recognise that public access in Port Management Area 4A will be enhanced over time.

Marstel Terminals Ltd oppose various provisions due to concerns regarding its ongoing operations at Wynyard Wharf. It is recommended that submissions 16/10, 16/14, 16/21 and 16/23 be accepted in part to the extent that they support the provisions of Plan Change 3.

It is recommended that submissions 16/9 and 16/13 be accepted in part and that objective 25.3.3 be amended as shown in section 14.2, and objective 30.3.5 be amended as shown below.

It is recommended that submission 16/11 be rejected as the changes to policies 25.4.13 and 25.4.14, regarding a functional need to be in the coastal marine area, are considered to be appropriate given the expected changes in the use of Wynyard Wharf and the adjoining land. Other provisions of the plan change address Marstel's concerns regarding its ongoing operations.

It is recommended that submissions 16/18, 16/19, 16/20 and 16/24 be rejected. It is considered that submission 16/18 is addressed in part by other method 30.6.1.c in Plan Change 3 and that no further amendments are warranted. The plan change is not the appropriate means of resolving issues such as support to individual companies for relocation. It is not clear which aspect of section 25.7 and 25.8 that submissions 16/19 and 16/20 seek amendment to. Submission 16/24 opposes policies 30.4.12 to 30.4.16 as they do not mention bulk liquids industry remaining at Wynyard Quarter. These policies need to be read in conjunction with policies 30.4.8 and 30.4.10 which address such matters.

Recommendation:

It is recommended that the relief sought in submissions 11/7, 11/8, 11/9, 11/10, 11/11, 11/12, 11/13, 11/14, 11/15, 11/16, 11/17, 11/18, 11/22, 16/8 and 16/12 is accepted.

It is recommended that the relief sought in submissions 10/2, 10/3, 10/4, 11/19, 11/20, 16/9, 16/10, 16/13, 16/14, 16/21 and 16/23 is accepted in part.

It is recommended that the relief sought in submissions 16/11, 16/18, 16/19, 16/20 and 16/24 is rejected.

Recommended amendments to Plan Change 3:

30.3.5 To recognise and provide for future changes in the use of Port Management Area 4A, from the transfer of hazardous substances and bulk liquids to other port activities, commercial and entertainment activities, public space, use and enjoyment. [16/13]

30.8.3 The enhancement over time of public access to, and use and enjoyment of the harbour edge, in Port Management Area 4A, particularly along Wynyard Wharf. [11/22]

See also section 14.2 of this report.

13.7 Fatality risk provisions

No.	Submitter	Summary of Decision Sought	Further Submitter/s
10/7	Bulk Storage Terminals Ltd	Concerns with the Auckland City Council's District Plan Change approach to Risk Sensitive Activities as it assume Bulk Storage Terminals has a major involvement with hazardous products. Relevant for the coastal plan change as wind-drift borne 'risks' on the drawn plan encroach on the maritime area. [The District Plan Risk Sensitive Activities provisions are referred to in the coastal plan change in Rule 25.5.31 and Policy 30.4.10.]	Opposed by: 16 Marstel Terminals Ltd 53 Auckland Regional Holdings
11/5	Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	It is important to clarify in Rule 25.5.31 that any new development should not be established where it might be subject to an inappropriate level of fatality risk from any existing facilities.	Support/oppose in part by: 16 Marstel Terminals Ltd
11/21	Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Delete Rule 25.5.31 (i) and replace with the following text: <u>"The extent to which any new development is subject to an appropriate level of fatality risk and/or the extent to which any new development increase the level of fatality risk relative to existing and future planned activities on the adjacent land or in the coastal marine area"</u> .	Supported by: 47 Sanford Ltd Support/oppose in part by: 16 Marstel Terminals Ltd 53 Auckland Regional Holdings
16/16	Marstel Terminals Ltd	Concerned about the reference (in 30.4.10) to Risk Sensitive Activities in the Auckland City District Plan proposed plan change. Concerned that the adopted fatality risk standards include an assumption that acceptable risk levels can be relaxed because it is anticipated that Marstel and others will relocate and therefore the exposure will be for a limited duration. No risk assessment has been undertaken that considers the possibility of Marstel not being able to be relocated, or its operations being relocated at a later stage.	Opposed by: 53 Auckland Regional Holdings

Discussion:

A key issue for any development adjacent to hazardous facilities (such as some of the bulk liquids operations), is the potential to create inappropriate levels of risk in the event of an emergency or accident. In Plan Change 3, policies 30.4.8, 30.4.10 and rule 25.5.31 include provisions that aim to avoid increases in levels of fatality risk, and include notes that state that when assessing levels of risk, the ARC will take into consideration the district plan provisions relating to risk sensitive activities in Wynyard Quarter.

Submissions 10/7 and 16/16 raise concerns with the references to the district plan provisions. These matters will be considered in the hearing for ACC Plan Change 4. However, in reviewing the coastal plan provisions, regard has been had to the risk reports attached to the section 32 report for the district plan change (AMEC 2006¹⁴, URS 2007¹⁵), the submissions to that plan change, the risk report that is appendix 6 to the hearing report for the district plan change (URS 2008¹⁶), and the evidence presented for Auckland City Council by Richard Langley of URS¹⁷ and for Auckland Regional Holdings by Douglas Smith of AMEC¹⁸.

¹⁴ Report on hazardous facilities issues, Western Reclamation area redevelopment, Auckland, New Zealand, Submitted to Ports of Auckland Ltd by AMEC Earth and Environmental Inc, Portland, Oregon, USA, October 2006.

¹⁵ Review of Report on hazardous facilities issues: Western Reclamation area re-development, prepared for Auckland City Council, 14 May 2007, Helen Anderson and Richard Langley, URS New Zealand Ltd, Wellington.

¹⁶ Appendix 6 to the ACC Plan Change 4 hearing report "Proposed Plan Change No 4 (Wynyard Quarter) – Response to submitters" Richard Langley, URS New Zealand Ltd, 17 April 2008.

¹⁷ Summary statement of evidence of Richard Paul Langley, Senior Risk Consultant and Associate, URS New Zealand, presented for Auckland City Council and presented to the ACC Plan Change 4 hearing 6 June 2008.

¹⁸ Statement of Evidence of Douglas Adam Smith, AMEC Earth & Environmental Inc, Portland, Oregon, USA, prepared for Auckland Regional Holdings as a submitter to ACC Plan Change 4, presented 6 June 2008.

It is important that the fatality risk provisions in the coastal plan are consistent with those for the adjacent land, to give certainty and clarity to plan users and to people who use the Wynyard Quarter area. The risk map included in the district plan change has contours that extend over Wynyard Wharf and so is of direct relevance to the coastal plan change. Because of this, it was not considered that a separate risk analysis focused on the coastal marine area was necessary.

After reviewing the above submissions and reports, it is considered that there is some uncertainty in the relevant provisions of Plan Change 3 that could be improved through more explicit rules. It is recommended that submissions 23/4 and 32/4 (noted above in section 6.1) be accepted and that equivalent provisions to those in the district plan be included within Plan Change 3. If those provisions are amended through the ACC Plan Change 4 hearing process, that can be taken into account by the hearing panel for the coastal plan change.

The inclusion of ACC Plan Change 4 Quarter Plan L, which shows contours of estimated individual fatality risk, in the coastal plan change will give greater clarity that the relevant risk area covers much of Wynyard Wharf, and will defer incompatible activities from developing on the wharf prior to the removal of the risk sources. Flexibility to recognise changing circumstances will be provided by including provisions similar to rule 14.9.12.11 in the district plan change, to provide for the development of alternative risk contours based on an assessment of current risks.

It is recommended that the fatality risk map be referred to in a new permitted activity rule that applies to all permitted activities, including temporary activities. Activities that do not meet the permitted activity requirements would be a non-complying activity under a new rule 25.5.42B. It is not considered necessary to provide for specified activities with a higher level of risk as a restricted discretionary activity (equivalent to district plan rule 14.9.12.11.b). The coastal plan applies to a smaller area of risk (around Wynyard Wharf) and to a more limited range of activities. It is recommended that the new rule include “establishment of public space” with a maximum level of fatality risk of 10 per million per year. This was recommended to the district plan hearing panel in the hearing report and by URS (2008). The policies in chapter 30 should retain their risk provisions but would no longer need the note that refers to the district plan provisions.

In terms of Bulk Storage Terminal Ltd’s (submission 10/7) concern that the district plan change approach assumes Bulk Storage Terminals has a major involvement with hazardous products, it is noted that Mr Smith’s evidence considers this matter and states:

“It (Quarter Plan L) is inherently conservative in that it assumes the BST facility stores hazardous substances rather than the edible oils that fill most of its tanks currently.” (AMEC 2008, page 9).

“BST currently is in negotiations with Sea + City Projects Ltd regarding a commitment to reduce future storage of hazardous materials at its Wynyard Quarter tank farm starting in 2010. While BST currently only stores 15% hazardous materials by volume, its lease permits higher amounts and past risk modelling has been performed using the assumption of maximum permitted quantities. Under the proposed agreement, BST would store no more than 20% hazardous material between now and the time when its lease expires. ... The results of the quantitative risk assessment (by GHD for BST) indicate that fatality risk to off-site areas is limited ... with a 1 pmpy contour extending a relatively short distance off the property in all directions.” (AMEC 2008, page 10)

“BST is almost certainly correct in believing that Quarter Plan L overestimates the fatality risk associated with its operation. The reason it appears as high as it does is because the modelling is based upon maximum amounts of hazardous substances that would be permitted under BST’s lease and consents. The fact that BST stores substantially less hazardous chemicals than it is permitted to means that the hazard footprint associated with its operations as illustrated in Quarter Plan L is unquestionably conservative and overstated relative to current (and probably future) conditions. Fatality risk modelling is inherently conservative and the adoption of Quarter Plan L coupled with the reality of BST’s progressive decrease in the storage of hazardous substances and increased storage of non-hazardous tallow and edible oils drives home this point.” (AMEC 2008, page 25)

As noted above, Marstel (submission 16/16) opposes the district plan risk sensitive activity provisions and the coastal plan references to those provisions. This opposition is because the provisions include “an assumption that acceptable risk levels can be relaxed because it is anticipated that Marstel and others will relocate and therefore the exposure will be for a limited duration. No risk assessment has been undertaken that considers the possibility of Marstel not being able to be relocated, or its operations being relocated at a later stage.” In his evidence, Mr Smith explains that the risk contours have been amended because various facilities that stored or used hazardous substances have been decommissioned since earlier studies; transportation risk is no longer considered to be an issue that should restrict development; and it was previously assumed that Wynyard Quarter would remain a heavy industrial area for the foreseeable future. It is noted that the Marstel lease will expire in 2016 and will not be renewed (AMEC 2008, pages 19 and 20). The Marstel operations are taken into account in the risk contour map that is Quarter Plan L of the district plan change.

Taking into account the above analysis, it is considered appropriate to include Quarter Plan L within the coastal plan change. It is noted that Mr Smith identified in his evidence that Quarter Plan L has some very slight differences to figure 3 of the AMEC 2006 report (eg the 10-50 pmpy contour has been lost from the Pacific Terminals facility on Halsey Street). These differences do not affect the contours crossing the coastal marine area but the corrected version of the district plan map should also be used in the regional coastal plan.

The recommended amendments to the plan change will address the intent of submission 11/5 which seeks that any new development should not be established where it might be subject to an inappropriate level of fatality risk.

Submission 11/21 seeks that rule 25.5.31.i be removed and replaced with alternative text. The proposed wording actually amends the current criterion as follows:

“i The extent to which any new development is subject to an appropriate level of fatality risk and/or the extent to which any new development increases the level of fatality risk relative to existing ~~or~~ and future planned activities on the adjacent land or in the coastal marine area”.

It is recommended that this change be made to 25.5.31.i as it gives greater clarity and certainty to the provision. It is important that risk levels are considered in assessing an application for a new building or structure on Wynyard Wharf as building design and materials can be used to mitigate risk, for example through the type and thickness of wall cladding and the location of doors and accessways.

Recommendation:

It is recommended that the relief sought in submissions 10/7 and 16/16 is rejected.

It is recommended that the relief sought in submissions 11/5 and 11/21 is accepted.

Recommended amendments to Plan Change 3:

30.4 Policies

30.4.8 Provision shall be made for activities involving the transfer of bulk liquids and hazardous substances within Port Management Area 4A while related land based activities continue to operate in Wynyard Quarter. Any new development in Port Management Area 4A relating to bulk liquids and hazardous substances should be located and designed to avoid increasing levels of fatality risk to existing or future planned activities on the adjacent land or in Port Management Area 4A.

30.4.10 Activities in Port Management Area 4A other than those involving the transfer of bulk liquids and hazardous substances, shall be considered appropriate where it can be demonstrated that: ...

c the activity is designed and located to avoid levels of risk to health and safety that are incompatible with any existing hazardous industry; and

(NB: In assessing levels of risk with regard to 30.4.8 and 30.4.10.c the ARC will take into consideration the Auckland City District Plan (Central Area Section) provisions which relate to Risk Sensitive Activities in the Wynyard Quarter). [23/4]

25.5 Rules

Permitted activities

25.5.9 On Wynyard Wharf (following the grant and commencement of a resource consent for a Comprehensive Area Structure Plan for the adjacent land) the following activities, not including any associated structures or buildings and subject to compliance with Rule 25.5.14A. [23/4]

- a restaurants, cafes, take away food and food hall activities; and
- b retail activities; and
- c office activities; and
- d entertainment facilities; and
- e information centres; and
- f public recreation activities and facilities, such as seating, toilets and information boards.

25.5.12 Temporary events, including associated structures and buildings, on Wynyard Wharf provided they comply with rule 25.5.14A, following the grant and commencement of a resource consent for a Comprehensive Area Structure Plan for the adjacent land.

(NB: For the purposes of this rule, a “Comprehensive Area Structure Plan” is a structure plan prepared in accordance with the Auckland City District Plan (Central Area Section). This rule applies once the Comprehensive Area Structure Plan has been granted consent by the Auckland City Council and has commenced under the Resource Management Act 1991.) [23/4]

25.5.14A All activities in Port Management Areas 2A, 2B and 4A shall be located to comply with the following:

a maximum level of fatality risk standards:

Activity Type	Maximum Level of Fatality Risk
Office, retail, charter boat and ferry operations, indoor entertainment facilities, restaurant, cafe, take away food and food hall activities	5 per million per year
Temporary events, marine and non-marine events, outdoor entertainment facilities and public recreation facilities, establishment of public space	10 per million per year

b the individual fatality risk and consequence contours based on the maximum level of fatality risk standards set out in Rule 25.5.14A.a shall be determined by the lesser of either:

i Figure 25.1; or

ii the methodology for determining compliance with the maximum fatality risk standards set out in rule 25.5.14A.c.

c the methodology for determining compliance with the maximum fatality risk standards shall be as follows:

i establish the location of the development with regard to any existing or consented hazardous facility; and

ii categorise development and sensitivity type in accordance with the table above; and

iii assess individual fatality risk zones for the development. Fatality assessment shall be based on maximum permitted or consented inventories of hazardous substances held at hazard source; and

iv compare land use activity sensitivity type against individual fatality risk standards.

d for activities that straddle two fatality risk zones, that zone with the higher level of risk shall apply. [11/19, 11/20, 23/4, 32/4]

Restricted discretionary activities

25.5.31 The ARC will restrict the exercise of its discretion under Rules 25.5.29 and 25.5.30 to the following matters: ...

i the extent to which any new development is subject to an appropriate level of fatality risk and/or increases the levels of fatality risk relative to existing and or future planned activities on the adjacent land or in the coastal marine area; and [11/5, 11/21]

(NB: In assessing matters under 25.5.31.h, the ARC will take into consideration the standards for formation of parking and loading areas in the Auckland City District Plan (Central Area Section) section 9.7.2.) In assessing levels of risk under 25.5.31.i the ARC will take into consideration the Auckland City District Plan (Central Area Section) provisions which relate to Risk Sensitive Activities in the Wynyard Quarter. [11/5, 11/19, 11/20, 11/21, 23/4, 32/4]

25.5.32 Temporary events, including associated structures and buildings, within the water area of Port Management Areas 4A and 2A between Wynyard Wharf and Halsey Street Extension Wharf, following the grant and commencement of a resource consent for a Comprehensive Area Structure Plan for the adjacent land.

(NB: For the purposes of this rule, a “Comprehensive Area Structure Plan” is a structure plan prepared in accordance with the Auckland City District Plan (Central Area Section). This rule applies once the Comprehensive Area Structure Plan has been granted consent by the Auckland City Council and has commenced under the Resource Management Act 1991.)

25.5.33 The ARC will restrict the exercise of its discretion under Rule 25.5.32 to the following matters:

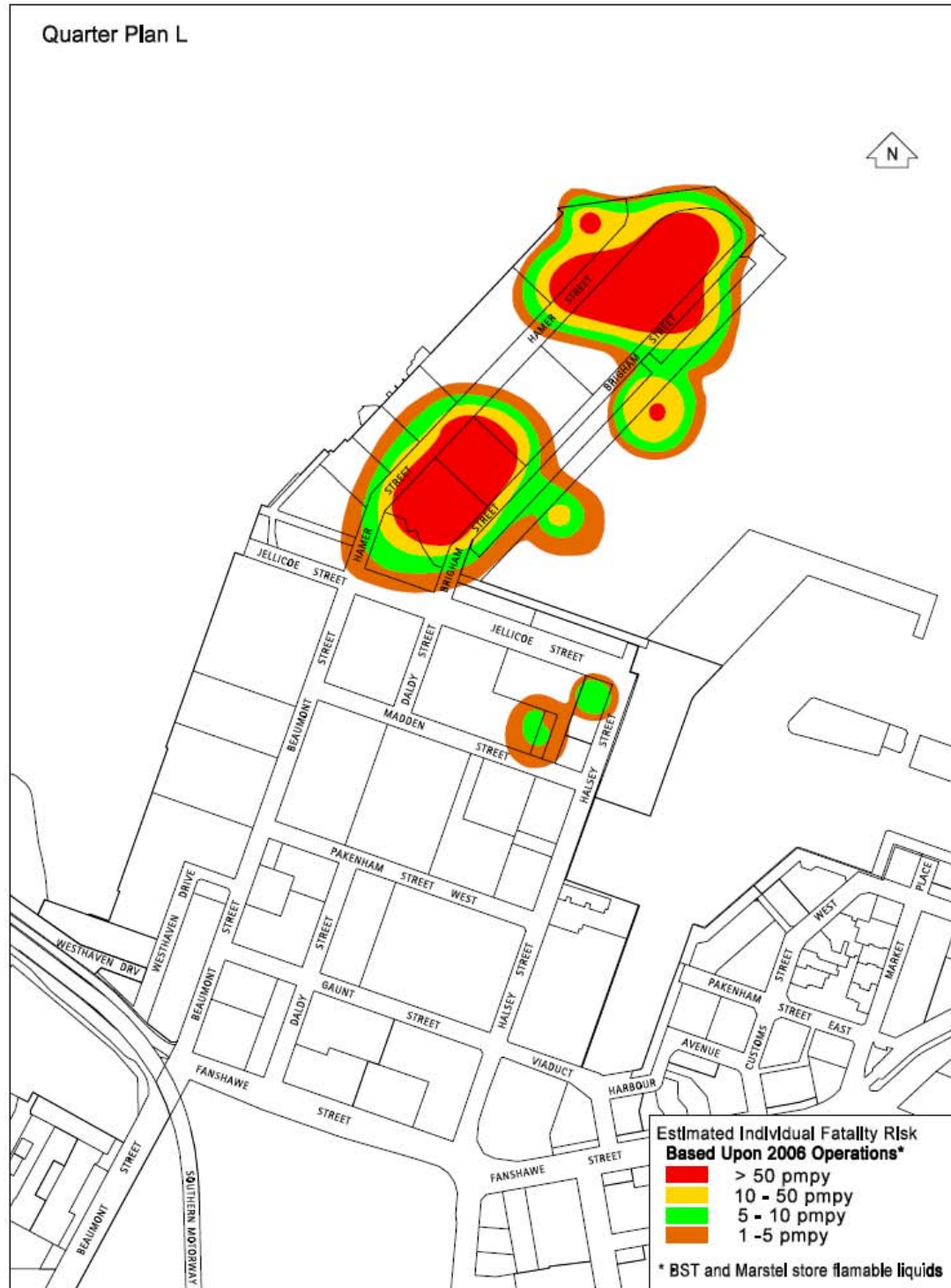
a matters listed as conditions for permitted activities in Rule 25.5.14 and 25.14A; and [23/4, 32/5]

Non-complying activities

25.5.42B Any activity that does not comply with the fatality risk standards in Rule 25.5.14A. [11/5, 11/19, 11/20, 11/21, 23/4, 32/4]

Insert the following map as Figure 25.1 of the Regional Plan: Coastal. (Noting that the map will be amended to address the slight differences with figure 3 of the AMEC 2006 report).

Figure 25.1 [11/5, 11/19, 11/20, 23/4, 32/4]



14. FERRY SERVICES

14.1 Ferry services – general matters

No.	Submitter	Summary of Decision Sought	Further Submitter/s
1/1	Great Barrier Community Board	That Great Barrier Island Wynyard Wharf ferry terminal and services be maintained and provided for at its current site in this plan change.	Supported by: 7 Richard B Somerville-Ryan 25 Sealink Travel Group NZ Ltd Opposed by: 53 Auckland Regional Holdings 35 Transit New Zealand
1/2	Great Barrier Community Board	The Section 32 evaluation does not address the matters of benefits and costs that could be relevant to Gt Barrier Island's economy and economic wellbeing should the Island lose their Wynyard Wharf ferry location and regular ferry service.	Supported by: 7 Richard B Somerville-Ryan 25 Sealink Travel Group NZ Ltd Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
1/3	Great Barrier Community Board	The plan change should recognise the value of the investment that Sealink have in their Wynyard Wharf location.	Supported by: 7 Richard B Somerville-Ryan 25 Sealink Travel Group NZ Ltd Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
6/2	Graham William Arthur Bush	Endorse the prominent role envisaged for ferries and water taxis in providing connecting transport.	Supported by: 32 Auckland City Council
7/1	Richard B Somerville-Ryan	The current Wynyard wharf terminal should be retained and enhanced under any revised plan or that an equivalent which fully meets the needs of the island community be incorporated into the city's plans for the waterfront.	Supported by: 25 Sealink Travel Group NZ Ltd 1 Great Barrier Community Board 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
7/2	Richard B Somerville-Ryan	The Section 32 analysis should at least include such factors as ease of access, freight and storage capacity, potential travel time and inclusion of upgraded tourist and transport facilities within the city specifically meeting the needs of residents and visitors to the island.	Supported by: 25 Sealink Travel Group NZ Ltd 1 Great Barrier Community Board 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
19/11	Heart of the City	Strongly support the incorporation of an appropriate ferry terminal near the intersection North and Wynyard Wharves.	
25/44	Sealink Travel Group NZ Ltd	Seeks that the plan change be revised to provide for the integrated management of the natural and physical resources of the region, and passenger, vehicular and freight ferry services/operations in the Wynyard Quarter in particular, and such further or other relief as is considered appropriate to give effect to the relief sought in Sealink's submission.	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 7 Richard B Somerville-Ryan 1 Great Barrier Community Board Opposed by:

			35 Transit New Zealand 53 Auckland Regional Holdings
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Discussion:

Submission 6/2 endorses the prominent role envisaged for ferries and water taxis in providing connecting transport. The other submissions listed above raise general concerns regarding the future of the Great Barrier Island ferry terminal which is currently located at the western end of North Wharf, by the southern end of Wynyard Wharf. The lease for this site expires in 2009.

The Great Barrier Island ferry service is provided for in Plan Change 3 to the extent that their operations are a “port activity” and are provided for as a permitted activity under rule 25.5.1. Various provisions in the plan change recognise ferry services as a part of existing and future activities in this area. To this extent, and to the extent that amendments are recommended to specific provisions in section 14.2, it is recommended that these submissions are accepted in part.

There is potential for the ferry terminal to be relocated on Wynyard Wharf within one of the building platforms indicated on Map Series 2 Sheet 7A. The erection of a building would require a resource consent as a restricted discretionary activity (provided the proposed building meets the height and location conditions on rule 25.5.30). The use of the building for activities relating to a ferry service would fall within the permitted activity for port activities. The policies in chapter 30 also support such a facility.

The establishment of a ferry terminal facility will be dependent on lease arrangements with wharf owners and with opportunities to address the adjacent land-based requirements of such a facility. The RPC provides a planning framework to guide development of the wharf but it is not the role of the RPC to prescribe the best place for ferry terminal. Such matters are also being considered by ARTA in their development of a ferry strategy for the region.

Submissions 1/2 and 7/2 raise concerns regarding the section 32 analysis for Plan Change 3, and consider that it should have considered the costs and benefits to Great Barrier Island should the ferry service be lost. The plan change does not require that the ferry terminal be moved or require a consent for ferry operations. As a result, it was not necessary to carry out the requested cost/benefit analysis for the section 32 report.

Recommendation:

It is recommended that the relief sought in submission 6/2 is accepted.

It is recommended that the relief sought in submissions 1/1, 1/3, 7/1, 19/11 and 25/44 is accepted in part.

It is recommended that the relief sought in submissions 1/2 and 7/2 is rejected.

14.2 Ferry services – requests for specific amendments

No.	Submitter	Summary of Decision Sought	Further Submitter/s
25/3	Sealink Travel Group NZ Ltd	Oppose 25.1.1 (Introduction) and Map Series 2 - The northern side of Jellicoe Street (North Wharf) and Wynyard Wharf should be identified as a Port Management Area and shown on Plan Map Series 2. The western edge of Wynyard Quarter is not considered adequate to cater for existing and future passenger, vehicle and freight ferry operations/services.	Supported by: 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea Opposed by: 35 Transit New Zealand 53 Auckland Regional

			Holdings Support/oppose in part by: 32 Auckland City Council
25/4	Sealink Travel Group NZ Ltd	Oppose 25.1.1 (Introduction - Port Management Areas description). Add the following new sentence to the end of the new paragraph beginning "There has been progressive change...": <u>"There is a need to maintain working port activities, including passenger, freight and vehicular ferry services in the Wynyard Quarter in close proximity to the CBD"</u> .	Supported by: 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/5	Sealink Travel Group NZ Ltd	Support 25.1.2 (Introduction - Other Port Facilities) with addition. Amend the second paragraph as follows: "Specific provision is made in Chapter 25A of this Plan for Birkenhead, Northcote, Victoria and Orakei Wharves and the Half Moon Bay <u>Jellicoe Street Wharf Vehicular Landing</u> " (with corresponding amendment to chapter 25A). It is necessary to make specific continued provision for passenger, vehicular, and freight services in the Wynyard Quarter at a suitable location.	Supported by: 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/6	Sealink Travel Group NZ Ltd	Support Issue 25.2.4 with addition. Add the following new paragraph: <u>"This plan recognises that unlike many activities in the Wynyard Quarter for example residential, commercial and public open space, ferry facilities for passengers, vehicles and freight are functionally and locationally dependent on a wharf maritime location. Therefore in planning for activities priority needs to be given to ferry berthing facilities that are used by the public and cannot locate in inland areas or parts of the Central Area that are remote from the CBD"</u> . It is important that activities that are functionally dependent on specific natural and physical resources e.g. ferry activities are given priority over other activities that are not locationally dependant.	Supported by: 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/7	Sealink Travel Group NZ Ltd	Oppose Objective 25.3.3. Delete the addition of "...non-port related activities including public access, entertainment, commercial and". If the objective is adopted it will lead to the displacement of legitimate maritime activities that are dependent on a maritime location. Other activities should only be provided for once the needs of locationally dependant activities have been provided for.	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/9	Sealink Travel Group NZ Ltd	Support Policy 25.4.14. Seek that the policy be adopted as proposed. Important that point (e) is adopted because such creative initiatives should not compromise port activities unnecessarily.	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan Opposed by: 35 Transit New Zealand
25/10	Sealink Travel Group NZ Ltd	Support Rule 25.5.9 (permitted activities on Wynyard Wharf) with addition. Add a new item "g.	Supported by: 62 Mike O'Shea, Colleen

		<u>Ferry facilities/operations to cater for passengers, vehicles and freight to the Gulf Islands".</u>	O'Shea, Sean O'Shea 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/15	Sealink Travel Group NZ Ltd	Support 25.7.1(Principal Reasons for Adopting). Adopt the proposed change as it recognises that public transport services is an activity taking place in Port Management Areas.	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan Opposed by: 35 Transit New Zealand
25/16	Sealink Travel Group NZ Ltd	Support 25.7.9 (Principal Reasons for Adopting - PMA 2A) with addition. Amend as follows: "The functions of Port Management Area 2A are ...the continuation of port activities <u>including passenger, vehicle and freight ferry services/operations.</u> "	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/17	Sealink Travel Group NZ Ltd	Oppose 25.7.10 (Principal Reasons for Adopting - PMA 4A). The construction of ferry terminal facilities on Wynyard Wharf should be provided for. Wynyard Wharf is a suitable location for ferry services and this reason needs to reflect that.	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/18	Sealink Travel Group NZ Ltd	Conditional support for 25.8.4 (Anticipated Environmental Results - Viaduct Harbour). Amend as follows: "...Viaduct Harbour that is ... and a viable marine events and marine servicing centre <u>marine events servicing and transport centre.</u> "	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/19	Sealink Travel Group NZ Ltd	Support 25.8.6 (Anticipated Environmental Results - Wynyard Quarter) with addition. Add a new sentence after "...wharf" or provide a new environmental result (25.8.7): " <u>Maritime transportation services for passengers, vehicles and freight is maintained and enhanced.</u> "	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan Opposed by: 35 Transit New Zealand 53 Auckland Regional

			Holdings
25/20	Sealink Travel Group NZ Ltd	Conditional support for 28.1 (Introduction - Port Management Area 2A). Revise proposed new wording to properly account for passenger, vehicle and freight maritime transport operations. Maritime transport is essential for those on the Gulf Islands and these activities should not be prevented from taking place in this Port Management Area.	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/21	Sealink Travel Group NZ Ltd	Conditional opposition to 28.1.4 (Introduction - Port Management Area 2B). Revise the proposed wordings so that it specifically recognises the need for maritime transport linkages. Maritime transport is essential for those on the Gulf Islands and these activities should not be prevented from taking place in this Port Management Area.	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/22	Sealink Travel Group NZ Ltd	Conditional opposition to 28.2 (Issues). The issues need to be substantially revised to properly account for the importance of passenger, vehicle and freight maritime transportation and reverse sensitivity effects of marine activities and other activities.	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/23	Sealink Travel Group NZ Ltd	Conditional support for 28.3 (Objectives) with addition. Amend proposed objectives or provide a new objective: " <u>To maintain and enhance public passenger, vehicle and freight linkages between the Wynyard Quarter and the Gulf Islands at a location that is in close proximity to the CBD.</u> "	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/24	Sealink Travel Group NZ Ltd	Support 28.4 (Policy - North Wharf) with addition. Add the following to Policy 24.4.22: "...use by the fishing industry <u>and the public passenger, vehicle and freight ferry transport services/operations.</u> "	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 7 Richard B Somerville-Ryan 1 Great Barrier Community Board Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/25	Sealink Travel Group NZ Ltd	Support 28.4.24 (Policy - North Wharf) with addition. Add new (b) and making existing (b) into (c): " <u>(b) the passenger, vehicle and freight ferry service activity can continue to operate on the wharf.</u> " Replace current (b) with: " <u>Public access along the Wharf is maintained or enhanced</u> "	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 7 Richard B Somerville-Ryan

		<u>providing it does not conflict with ferry terminal activities" to become (c).</u>	1 Great Barrier Community Board Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/26	Sealink Travel Group NZ Ltd	Conditional opposition to 28.7.1 (Principal Reasons for Adopting). Reinstatement of the word "port activities" and include reference to maritime transport.	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 7 Richard B Somerville-Ryan 1 Great Barrier Community Board Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/27	Sealink Travel Group NZ Ltd	Support 28.7.2 (Principal Reasons for Adopting) with addition. In 28.7.2 after "...important linkage between the city and the water" add new sentence: " <u>maritime public transportation of passengers, vehicles and freight is an essential service that connects people of the city to the sea and to the Hauraki Gulf Islands.</u> "	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 7 Richard B Somerville-Ryan 1 Great Barrier Community Board Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/28	Sealink Travel Group NZ Ltd	Support 28.8.1 (Anticipated Environmental Results) with addition. After "...passenger transport" add: " <u>and vehicle and freight ferry services to the Gulf Islands</u> ".	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 7 Richard B Somerville-Ryan 1 Great Barrier Community Board Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/29	Sealink Travel Group NZ Ltd	Support 30.1.1 (Introduction - Port Management Area 4A) with addition. After "...charter boats" add: " <u>and ferry services catering for passengers, vehicles and freight</u> ". A passenger/vehicle/freight/ferry terminal facility is compatible with recreational, entertainment, residential and commercial activities providing appropriate planning is undertaken. A ferry terminal could be constructed on Wynyard Wharf in a manner that would not adversely compromise views and amenity for the public and any future residents.	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 7 Richard B Somerville-Ryan 1 Great Barrier Community Board Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/30	Sealink Travel Group NZ Ltd	Support 30.1.1 (Introduction - Port Management Area 4A) with addition. Add the following new paragraph to this section: " <u>It is essential that a viable and continuous passenger, vehicle and freight ferry service is maintained to the Hauraki Gulf Islands. Therefore the timing and sequencing of redevelopment and any Comprehensive Area Structure Plans must provide certainty (short, medium and long-term) about the location of ferry terminal facilities</u> ". Due to the costs of establishing ferry terminal infrastructure in order to provide these services efficiently terminal provision needs to be given a high priority in future planning	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 7 Richard B Somerville-Ryan 1 Great Barrier Community Board Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings

		for Port Management Area 4A.	
25/31	Sealink Travel Group NZ Ltd	Support Issue 30.2.5 (Wynyard Wharf) with the addition. Add new sentence after "...on the wharf". <u>"In particular, provision needs to be made for the continued passenger, freight and vehicular ferry service to the Gulf Islands either in the current location on Jellicoe St (North Wharf) or on the southern end of Wynyard Wharf"</u> . With some improvements to existing ferry terminal facilities these can be compatible with activities planned for this area. Alternatively a suitable location for the Gulf Islands service could be on the southern end of Wynyard Wharf.	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 7 Richard B Somerville-Ryan 1 Great Barrier Community Board Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/32	Sealink Travel Group NZ Ltd	Support Objective 30.3.2 with addition. Amend as follows: "... <u>port activities including passenger, freight and vehicular ferry facilities in Port Management Areas 4A, 4B and 4C</u> ".	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 7 Richard B Somerville-Ryan 1 Great Barrier Community Board Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/33	Sealink Travel Group NZ Ltd	Support Policy 30.4.10(g). Retain provision in its entirety as it acknowledges water transport connections are an existing feature of the area and should not be compromised.	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 7 Richard B Somerville-Ryan 1 Great Barrier Community Board Opposed by: 35 Transit New Zealand
25/34	Sealink Travel Group NZ Ltd	Support Policy 30.4.13 with addition. Amend as follows: "Wynyard Wharf shall be recognised as a future area of port, fishing industry, <u>passenger, vehicle and freight ferry facilities</u> , commercial and entertainment activities ...".	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 7 Richard B Somerville-Ryan 1 Great Barrier Community Board Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/35	Sealink Travel Group NZ Ltd	Support Policy 30.4.14(i) with the addition. Amend as follows: "Use and development of Wynyard Wharf shall: ... i. Ensure there is sufficient space to accommodate water transport connections, <u>including passenger, vehicle and freight ferry operations and services</u> ".	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 7 Richard B Somerville-Ryan 1 Great Barrier Community Board Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/37	Sealink Travel Group NZ Ltd	Support Policy 30.4.15 with addition. Amend as follows: "Development in the open water space between Wynyard Wharf and Brigham Street is generally appropriate where it provides vehicle or pedestrian accessways from the land to the wharf, <u>passenger, vehicle and freight ferry facilities</u> , or along the edge of the Wharf".	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 7 Richard B Somerville-Ryan 1 Great Barrier Community Board

			Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/38	Sealink Travel Group NZ Ltd	Support Policy 30.4.16(c). Retain proposed provision in its entirety as it recognises the functional dependence of certain activities on the coastal marine area.	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 7 Richard B Somerville-Ryan 1 Great Barrier Community Board Opposed by: 35 Transit New Zealand
25/39	Sealink Travel Group NZ Ltd	Support 30.7.3 (Principal Reasons for Adopting - PMA 4A). Amend as follows: "...while providing for the operation of port activities along the wharf <u>including passenger, vehicle and freight ferry operations and services</u> ".	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 7 Richard B Somerville-Ryan 1 Great Barrier Community Board Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/40	Sealink Travel Group NZ Ltd	Seeks a new provision (Anticipated Environmental Results): " <u>30.8.6 Public Passenger, Vehicle and Freight Ferry Services are Maintained and Enhanced on North Wharf and Wynyard Wharf</u> ". Provision for ferry services on North Wharf or Wynyard Wharf is necessary to integrate these public passenger facilities to the CBD through the proposed "Waterfront access" over Te Wero Island and the proposed Te Wero Bridge.	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 7 Richard B Somerville-Ryan 1 Great Barrier Community Board Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings

Discussion:

These Sealink Travel Group NZ Ltd submissions seek amendments to various provisions to more explicitly provide for the development and operation of ferry services to the Gulf Islands. They are all supported by the Great Barrier Community Board, Richard Somerville-Ryan, Tourism Industry Association and Mike, Colleen and Sean O'Shea, and generally opposed by Transit New Zealand and Auckland Regional Holdings.

It is recommended that various amendments be made to give greater recognition to the role of ferry services in the Wynyard Quarter area. These are shown in highlight below. Several of the recommended amendments refer to "port activities" rather than only ferry services. This reflects the concerns discussed in sections 13 and 15 of this report.

Minor amendments to introduction 25.1.3 and the statement at the beginning of the rules in 25.5 are also recommended. These changes clarify how the Ports of Auckland Ltd section 384A occupation permit applies, and that approvals for "occupation" are required as well as consents for the activities specified in chapter 25. Management under the section 384A can play a significant role in ensuring that new activities are compatible with port activities. These amendments are recommended as RMA schedule 1 clause 16 changes (rather than under a particular submission) as they are of "minor effect or correct minor errors".

Submission 25/3 sought that North Wharf and Wynyard Wharf be identified as a port management area and shown on Plan Map Series 2. It is considered that this change is not necessary and that adequate provision for ferry services can be provided through the provisions for Port Management Areas 2A and 4A (as recommended to be amended).

The requested amendment to section 25.1.2 (submission 25/5) is not recommended as that section relates to specified wharves which are not within the Port Management Areas and are provided for in chapter 25A. It would not be appropriate to include the wharves around Wynyard Quarter in that chapter as they are within Port Management Areas and should be addressed in chapter 25.

The support for policy 25.4.14 (submission 25/9), principal reasons for adopting 25.7.1 (25/15), policy 30.4.10.g (25/33) and policy 30.4.16.c (25/38) is noted.

It is recommended that the amendment to rule 25.5.9 sought in submission 25/10 is accepted in part. The suggested wording referring to ferry operations is already provided for as a permitted activity by rule 25.5.1.

No amendments are recommended in response to submission 25/20 as introduction 28.1.1 already describes the use of the Queens Wharf to Princes Wharf area as being used for ferry services.

It is recommended that submission 25/21 be rejected as introduction 28.1.4 relating to PMA 2B does not preclude maritime transport.

It is recommended that submissions 25/23, 25/27, 25/28, 25/32 be accepted in part as ferry operations are already provided for by the relevant provisions.

It is recommended that submission 25/30 be rejected as Comprehensive Area Structure Plans are a district plan requirement. The circumstances in which they are needed, will be addressed at the ACC Plan Change 4 hearing.

It is recommended that submission 25/37 be rejected as policy 30.4.15 is currently limited to accessways between Wynyard Wharf and Brigham Street. To extend this policy to include ferry facilities could encourage significant removal of the open water space landward of the wharf. This space is a notable feature of this part of the Wynyard Quarter area which should largely be retained.

Recommendations:

It is recommended that the relief sought in submissions 25/9, 25/15, 25/33 and 25/38, is accepted.

It is recommended that the relief sought in submissions 25/4, 25/6, 25/7, 25/10, 25/16, 25/17, 25/18, 25/19, 25/20, 25/22, 25/23, 25/24, 25/25, 25/26, 25/27, 25/28, 25/29, 25/31, 25/32, 25/34, 25/35, 25/39 and 25/40 is accepted in part.

It is recommended that the relief sought in submissions 25/3, 25/5, 25/21, 25/30 and 25/37 is rejected.

Recommended amendments to Plan Change 3:

(Note that several amendments shown in this section relate to matters discussed in sections 13.6 and 15 of this report).

25.1 Introduction

25.1.1 ... There has been progressive change in the nature of some port management areas in the Waitemata Harbour. Port Management Areas to the east of Princes Wharf continue to be used for commercial port activities and maritime transport, while areas to the west are progressively changing towards a mix of commercial, public space, recreation and marine events, as well as port activities. There is a need to ensure the ongoing viability and efficiency of port activities such as ferry services, fishing and

marine industry operations in these areas, while also providing for the new activities. [25/4, 8/1, 13/1, 38/1, 39/1, 40/1, 41/1, 42/1, 43/1, 44/1, 47/1, 48/1, 49/1, 60/1]

25.1.3 Ports of Auckland Occupation Consent

Occupation of part of the coastal marine area in terms of Sections 12(2) and 12(4) of the RMA generally requires a resource consent application. However, a different regime applies in parts of the coastal marine area around working port areas. Under Section 384A of the RMA, Ports of Auckland Ltd have been granted occupation rights until 30 September 2026 to those parts of the coastal marine area shown on Plan Map Series 2. This is for the purpose of operating port related commercial undertakings that it acquired under the Port Companies Act 1988. Where an activity is to be undertaken in that area of the coastal marine area where Ports of Auckland Limited has been granted any occupation consent, the activity applicant will be subject to Rule 10.5 and a resource consent will be required for occupation unless the activity is undertaken with the approval of Ports of Auckland Ltd or of any party to whom POAL have transferred the water space management under the section 384A permit. In areas where Ports of Auckland Limited have not been granted an occupation consent, activities are also subject to the rules in Chapter 10. [cl 16]

25.2 Issues

25.2.4 The use of some Port Management Areas is changing from traditional port uses towards more varied commercial use, as well as providing for public use and enjoyment. The transition in uses in some Port Management Areas is linked to corresponding changes to adjacent land uses. This transition needs to be managed to ensure coordination between changes on the land and in the coastal marine area, and to avoid conflicts between different activities in the coastal marine area and between land uses and water based activities. The introduction of new activities also places pressure upon port activities which have a functional need to be adjacent to the coastal marine area and cannot relocate inland. [25/6, 8/1, 13/1, 38/1, 39/1, 40/1, 41/1, 42/1, 43/1, 44/1, 47/1, 48/1, 49/1, 60/1]

25.3 Objectives

25.3.3 To facilitate, where appropriate, provide for the use and development of Port Management Areas for appropriate non-port related activities, including public access, entertainment, commercial uses and other marine related purposes, where these uses do not compromise the on-going retention and efficient operation of port activities. [16/9, 25/7, 8/1, 13/1, 38/1, 39/1, 40/1, 41/1, 42/1, 43/1, 44/1, 47/1, 48/1, 49/1, 60/1]

25.5 Rules

The written consent of Ports of Auckland Limited for of any party to whom they have delegated such approval is required for the occupation of the coastal marine area by any of the following structures activities where they are located within the area of the occupation consent granted to Ports of Auckland Limited pursuant to Section 384A of the Act (shown on Plan Map Series 2). [cl 16]

25.7 Principal reasons for adopting

25.7.9 Policy 25.4.14, Rules 25.5.11, 25.5.13, 25.5.14, 25.5.29, 25.5.31 to 25.5.33, 25.5.37, 25.5.41, 25.5.42 and Appendix J

The functions of Port Management Area 2A are different from the areas to the east, with greater focus on public entertainment and recreation activities, as well as the continuation of port activities such as ferry services and fishing industry operations. The emphasis on public use and enjoyment of this area and its purpose as a base for important marine related events is recognised in the rules. In the longer term there is

the potential for the development of a marine events centre. Given the prominent location of this future marine events centre, there is a need to consider its visual effects and impacts on the operation of other uses in the area. [25/16, 8/1, 13/1, 38/1, 39/1, 40/1, 41/1, 42/1, 43/1, 44/1, 47/1, 48/1, 49/1, 60/1]

25.7.10 Policy 25.4.14, Rules 25.5.9, 25.5.12, 25.5.13, 25.5.14, 25.5.30 – 25.5.33, 25.5.37, 25.5.42 and Appendix J

Activities in Port Management Area 4A will change as the bulk liquid storage facilities on the adjacent land are vacated or provided elsewhere in the region. While these facilities continue to operate, Wynyard Wharf and the adjacent water space will be used for the transfer of bulk hazardous substances. The wharf will continue to provide for port activities but their nature is likely to change to more of a focus on activities such as fishing industry operations and ferry services, as well as providing for the transfer of non-hazardous goods. The rules also recognise and provide for the redevelopment of the wharf area for commercial, entertainment, recreational and public access purposes in order to integrate with the changes in land use at Wynyard Quarter. The emphasis on future uses in the coastal marine area is enabling public access and enjoyment of the area. Limits are placed on the scale and bulk of buildings on Wynyard Wharf in order to provide for public access, amenity values and views, and the continued operation of port activities. limits are placed on the scale and bulk of buildings on Wynyard Wharf. [10/2, 25/17, 8/1, 13/1, 38/1, 39/1, 40/1, 41/1, 42/1, 43/1, 44/1, 47/1, 48/1, 49/1, 60/1]

25.8 Anticipated environmental results

25.8.4 A people oriented and accessible Viaduct Harbour that is a focus for public recreation and entertainment activities, and a viable marine events and marine servicing centre, while maintaining the use of the harbour for port activities. [25/18, 8/1, 13/1, 38/1, 39/1, 40/1, 41/1, 42/1, 43/1, 44/1, 47/1, 48/1, 49/1, 60/1]

25.8.6 An integrated change in use of the coastal marine area at Wynyard Quarter that provides for an appropriate range of port activities, and where appropriate, the development of appropriate commercial and entertainment activities, and for increased public use and access to Wynyard Wharf. [25/19, 8/1, 13/1, 38/1, 39/1, 40/1, 41/1, 42/1, 43/1, 44/1, 47/1, 48/1, 49/1, 60/1]

28.2 Issues

28.2.11A Any use or development of North Wharf, and the coastal marine area between Halsey Street Extension Wharf and Wynyard Wharf, needs to ensure it does not adversely affect the use of this area for port activities such as fishing industry operations and maritime transport, and maintains or enhances public access. [25/22, 8/1, 13/1, 38/1, 39/1, 40/1, 41/1, 42/1, 43/1, 44/1, 47/1, 48/1, 49/1, 60/1]

28.4 Policies

28.4.22 Use and development of North Wharf shall ensure that the wharf and the associated coastal marine area continues to provide for efficient use of the area for port activities, including its use by the fishing industry, and for maritime passenger and freight transport operations. [25/24]

28.4.24 Use and development of North Wharf that may compete or conflict with its use for port activities, including fishing industry activities, shall ensure that:

a fishing industry activities can continue to operate on the wharf; and

b maritime passenger and freight transport operations can continue to operate efficiently; and

be public access along the wharf is maintained or enhanced where it is compatible with port activities. [25/25, 8/1, 13/1, 38/1, 39/1, 40/1, 41/1, 42/1, 43/1, 44/1, 47/1, 48/1, 49/1, 60/1]

28.7 Principal Reasons for Adopting

28.7.1 Objectives 28.3.1, 28.3.4-3, 28.3.6, 28.3.8, 28.3.11, 28.3.12 to 28.3.8, and 28.3.10-15, Policies 28.4.1 to 28.4.4, 28.4.9-2, 28.4.5, 28.4.7, 28.4.8, 28.4.14, 28.4.16 to 28.4.19, 28.4.21 to 28.4.29 and 28.4.11 and Other Method 28.6.1

Port Management Areas 2A and 2B provide is used for a range of port activities to complement the adjacent land uses, including marine servicing activities on the south western side of Wynyard Quarter the Western Reclamation. The Queens Wharves and the Ferry Tee area are strategically located for maritime passenger transport. Future use and development should not adversely affect the use of this area for these purposes. Development which enhances the use of this area for these port activities is considered appropriate. [25/26, 8/1, 13/1, 38/1, 39/1, 40/1, 41/1, 42/1, 43/1, 44/1, 47/1, 48/1, 49/1, 60/1]

30.1.1 Port Management Area 4A: Wynyard Point

It is likely that the wharf will continue to be used for port activities although these may change from predominantly hazardous to non-hazardous goods, and include activities such as berthage for fishing boats, ferries, cruise ships and charter boats. [10/3, 25/29, 8/1, 13/1, 38/1, 39/1, 40/1, 41/1, 42/1, 43/1, 44/1, 47/1, 48/1, 49/1, 60/1]

30.2 Issues

30.2.5 Development on Wynyard Wharf will need to allow ensure port activities are not compromised to operate while providing for public access, use and enjoyment on the wharf. [25/31, 8/1, 13/1, 38/1, 39/1, 40/1, 41/1, 42/1, 43/1, 44/1, 47/1, 48/1, 49/1, 60/1]

30.4 Policies – Port Management Area 4A

30.4.13 Wynyard Wharf shall be recognised as a future area of port, fishing industry, maritime transport, commercial and entertainment activities that shall operate in a manner that enables and enhances public use and enjoyment of the wharf. [25/34]

30.4.14 Use and development of Wynyard Wharf shall:

h ensure sufficient space is available for port activities, including fishing industry operations when there is a lack of capacity on North Wharf, Halsey Street Extension Wharf or Western Viaduct Wharf; and [8/1, 13/1, 38/1, 39/1, 40/1, 41/1, 42/1, 43/1, 44/1, 47/1, 48/1, 49/1, 60/1]

i ensure there is sufficient space to accommodate water transport connections including ferries and water taxis; and [25/35]

30.7 Principal reasons for adopting

30.7.3 Objectives 30.3.5 to 30.3.7, Policies 30.4.11 to 30.4.17

The use of Port Management Area 4A is expected to change over time as the bulk liquid operations currently located in the Wynyard Quarter vacate. Activities in the coastal marine area will need to complement the change in land use to include commercial, recreation and entertainment activities as well as port activities. The transition in uses in the Port Management Area needs to be coordinated with the changes in adjacent land uses. The development of buildings and structures in this area will need to be appropriately located and designed to enhance the amenity.

character and accessibility of the waterfront, while ensuring that providing for the operation of port activities along the wharf is not compromised. [10/4, 25/39, 8/1, 13/1, 38/1, 39/1, 40/1, 41/1, 42/1, 43/1, 44/1, 47/1, 48/1, 49/1, 60/1]

30.8 Anticipated environmental results

30.8.6 The efficient use of Port Management Area 4A for port activities, including the operations of the fishing industry and maritime transport activities. [25/40, 8/1, 13/1, 38/1, 39/1, 40/1, 41/1, 42/1, 43/1, 44/1, 47/1, 48/1, 49/1, 60/1]

14.3 Ferry services in Port Management Area 2B

No.	Submitter	Summary of Decision Sought	Further Submitter/s
13/18	Westhaven Viaduct Tenants & Ratepayers Assoc Inc	Port Management Area 2B provisions should exclude maritime transport functions.	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
45/17	Marine Industry Association NZ	It is unlikely that Port Management Area 2B will be used for maritime passenger transport. This provision (28.8.1) should be amended.	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council

Discussion:

Submissions 13/18 and 45/17 request that maritime transport be excluded from PMA 2B or that 28.8.1 be amended to remove the reference to maritime passenger transport as an anticipated environmental result for PMA 2B.

At present, maritime transport is provided for in PMA 2B as a permitted activity as it falls within the definition of port activity (rule 25.5.1). Although PMA 2B is principally focused on marine industry activities, maritime transport activities may be compatible in some areas. Such operations require water access and are important for the region's transportation network. To exclude ferry operations from PMA 2B would also create an inconsistency with the other port management areas. New facilities and buildings for a ferry terminal will require a resource consent. Such facilities are provided for in the district plan change in Quarter Area 3 and it would be inconsistent to exclude them from the coastal marine area.

Recommendation:

It is recommended that the relief sought in submissions 13/18 and 45/17 is rejected.

15. MARINE AND FISHING INDUSTRIES

15.1 Support for plan change recognition of fishing industry

No.	Submitter	Summary of Decision Sought	Further Submitter/s
19/7	Heart of the City	Concern that Jellicoe St's "additional mix of commercial activity" raises a question about the dedication to things fishing. Need 100% support for the fishing industry, the fish market and themes that evolve from that. Recommend fewer general offices on the Jellicoe St spine.	Opposed by: 53 Auckland Regional Holdings
19/13	Heart of the City	Jellicoe precinct - strongly support the fishing village concept and recommend addressing the needs of that industry to survive and flourish. Would support forming breakwaters or new wharf structures in Jellicoe Harbour to give appropriate shelter to the fishing fleet.	

33/3	Viaduct Harbour Holdings Ltd & Viaduct Harbour Management Ltd	Supports the retention and sustained growth of the fishing industry and fishing retail activities hub in Area 5 of Wynyard Quarter [along Jellicoe Street].	Support/oppose in part by: 53 Auckland Regional Holdings 35 Transit New Zealand
47/5	Sanford Ltd	Supports the parts of the Plan Change that potentially safeguard the fishing industry role within the Viaduct Harbour and around the Western Reclamation, including changes which update the descriptions of existing and expected activities in the vicinity of Wynyard Quarter.	Opposed by: 35 Transit New Zealand
48/6	Simunovich Fisheries Ltd		
49/5	Auckland Fishing Port Ltd		
47/10	Sanford Ltd	Supports the parts of the Plan Change that potentially safeguard the fishing industry role within the Viaduct Harbour and around the Western Reclamation, including changes relating to managing future use and development of the water area surrounding Wynyard Quarter, including for fishing and marine industries.	Opposed by: 35 Transit New Zealand
48/11	Simunovich Fisheries Ltd		
49/10	Auckland Fishing Port Ltd		

Discussion:

The support for the fishing industry being retained around the Jellicoe Street (North Wharf) area in submissions 19/13 and 33/3 is noted.

Submission 19/7 raises concerns regarding commercial activity and offices along Jellicoe Street. This is largely related to activities on the land and will be addressed at the hearing for the ACC Plan Change 4. Subject to clarification at the coastal plan hearing of how this concern relates to the wharves, it is recommended that this submission be rejected.

The support for the parts of the plan change that potentially safeguard the fishing industry role within the Viaduct Harbour and Wynyard Quarter in submissions 47/5, 47/10, 48/6, 48/11, 49/5 and 49/10 is noted.

Recommendations:

It is recommended that the relief sought in submissions 19/13, 33/3, 47/5, 47/10, 48/6, 48/11, 49/5 and 49/10 is accepted.

It is recommended that the relief sought in submission 19/7 is rejected.

15.2 General provision for fishing and marine industry

No.	Submitter	Summary of Decision Sought	Further Submitter/s
8/1	Electronic Navigation Ltd	Particularly concerned with the failure of the Change appropriately and adequately to respond to and provide for existing fishing and marine industry activities and opportunities for growth and development of those activities. Submitter's company relies on their customer base having access to their service by way of allocated berthage free of any restriction by way of reverse sensitivity.	Opposed by: 53 Auckland Regional Holdings
13/1	Westhaven Viaduct Tenants & Ratepayers Assoc Inc	Particularly concerned with the failure of the Change appropriately and adequately to respond to and provide for existing fishing and marine industry activities and opportunities for growth and development of those activities.	Supported by: 45 Marine Industry Association NZ Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
38/1	General Marine Services Ltd		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
39/1	Anda Family		Opposed by:

	Trust		53 Auckland Regional Holdings 32 Auckland City Council
40/1	The Kampkes Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
41/1	Alex Kerr		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
42/1	Steve Hudgell		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
43/1	Powell Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
44/1	E & D Limited, Trading as Topcatch Bait & Tackle		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
47/1	Sanford Ltd		Opposed by: 53 Auckland Regional Holdings
48/1	Simunovich Fisheries Ltd		Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
49/1	Auckland Fishing Port Ltd		Opposed by: 53 Auckland Regional Holdings
60/1	Southern Spars		Opposed by: 53 Auckland Regional Holdings
8/5	Electronic Navigation Ltd	Concern that the Change does little to safeguard the place of the fishing and marine industries within the Viaduct Harbour and around the Western Reclamation.	Opposed by: 53 Auckland Regional Holdings
13/5	Westhaven Viaduct Tenants & Ratepayers Assoc Inc		Supported by: 45 Marine Industry Association NZ Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
38/5	General Marine Services Ltd		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
39/5	Anda Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
40/5	The Kampkes Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
41/5	Alex Kerr		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
42/5	Steve Hudgell		Opposed by: 53 Auckland Regional

			Holdings 32 Auckland City Council
43/5	Powell Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
44/5	E & D Limited, Trading as Topcatch Bait & Tackle		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
60/5	Southern Spars		Opposed by: 53 Auckland Regional Holdings
13/20	Westhaven Viaduct Tenants & Ratepayers Assoc Inc	Marine and fishing industry descriptions should be strengthened to allow existing activities and contemporary activities associated with developing international best practice (e.g. syncrolift and refit hall).	Supported by: 45 Marine Industry Association NZ Support/oppose in part by: 53 Auckland Regional Holdings 32 Auckland City Council
57/14	Committee for Auckland	Wharf axis - Support the creation of a working waterfront with cruise ships, fishing fleet and marine uses and events - these need to be reinforced by targets for people working, visiting and for those who might both live and work.	Supported by: 32 Auckland City Council

Discussion:

The above submissions raise concerns regarding whether the plan change adequately provides for existing fishing and marine industry activities and opportunities for growth and development of those activities. No specific relief is sought in these submission points.

In general, it is considered that Plan Change 3 does adequately provide for fishing and marine industry activities. Port activities are retained as a permitted activity and various objectives and policies specifically provide for the marine and fishing industries.

The key constraint on industry growth appears to be availability of land rather than water access. The appropriate provision of land was reviewed comprehensively in preparing the district plan change for Wynyard Quarter and will be considered at the hearing for that plan change. It is noted that the Market Economics Limited (MEL) report¹⁹ prepared for the district plan hearing report confirmed that there will be sufficient land supply for the future growth and development of the marine and fishing industries.

Various amendments which are recommended above in section 14.2, emphasise the role of port activities in the port management areas around Wynyard Quarter. It is considered that the amendments address the above submissions in part.

Submission 13/20 is non-specific regarding which plan change provisions should be strengthened to allow for existing and contemporary activities associated with developing international best practice. The use of syncrolifts and refit operations would be permitted activities in all port management areas under rule 25.5.1. It is recommended in section 15.10 of this report that a definition of marine industry be included and that it refer to such activities to be consistent with the district plan. As a consequence, it is recommended that this submission be accepted in part.

Submission 57/14 supports the “working waterfront” and the inclusion of fishing and marine industries along with cruise ships and events. This support is noted. It is not clear specifically

¹⁹ Wynyard Quarter Proposed Plan Change 4 Economic submissions review, prepared for Auckland City Council, May 2008, Greg Akehurst and Natalie Hapson, Market Economics Ltd. Note this is appendix 3 to the hearing report for the district plan change.

which parts of the plan change are sought to be amended in terms of “targets for people working, visiting and for those who might both live and work”. As a result, it is recommended that the submission be accepted in part.

Recommendation:

It is recommended that the relief sought in submissions 8/1, 8/5, 13/1, 13/5, 13/20, 38/1, 38/5, 39/1, 39/5, 40/1, 40/5, 41/1, 41/5, 42/1, 42/5, 43/1, 43/5, 44/1, 44/5, 47/1, 48/1, 49/1, 57/14, 60/1 and 60/5 is accepted in part.

Recommended amendments to Plan Change 3:

See section 14.2.

For clarity, rather than listing all of the above submission point numbers, only the following are listed next to the recommended amendments: “8/1, 13/1, 38/1, 39/1, 40/1, 41/1, 42/1, 43/1, 44/1, 47/1, 48/1, 49/1, 60/1”.

15.3 General provision for the marine industry

No.	Submitter	Summary of Decision Sought	Further Submitter/s
19/14	Heart of the City	Strongly support a focus on the marine industry in Area 3 [district plan area adjacent to PMA 2B]. Marine industries should take precedence west of Beaumont Street.	Opposed by: 53 Auckland Regional Holdings
33/2	Viaduct Harbour Holdings Ltd & Viaduct Harbour Management Ltd	Supports the establishment of a centre of excellence for marine related activities in Area 3 of Wynyard Quarter and along the eastern frontage of Beaumont St (north of Gaunt St) [adjacent to Port Management Area 2B].	Support/oppose in part by: 53 Auckland Regional Holdings
45/20	Marine Industry Association NZ	The plan change should recognise and reflect: "...maintain the area's character while balancing local businesses' needs for commercial return" (Dick Hubbard, Auckland waterfront Vision 2040 Dec 2005); "...the waterfront is one of the Auckland region's much loved treasures, and is of vital economic importance to the city, the region and to New Zealand." (Mike Lee, Chairman ARC, Auckland Waterfront Vision 2040 Dec 2005); "...The important role the marine cluster plays in the waterfront is recognised and supported." (Auckland Waterfront Vision 2040 Dec 2005).	Support/oppose in part by: 32 Auckland City Council
54/2	Auckland Regional Chamber of Commerce	The cluster of innovative and creative marine businesses located in the Wynyard precinct need to be encouraged and supported. The notional zoning of Wynyard provides 7 to 8.5 hectares for the growth of the marine industry over the next 20 years. This is about 1 hectare more than now and compares with the 12 hectares the industry has publicly indicated will be required to meet anticipated growth to 2020.	Supported by: 45 Marine Industry Association NZ
54/3	Auckland Regional Chamber of Commerce	Access to deep water for launching super yachts needs to be protected and the precinct branded and marketed to attract tourists to the area using Auckland's marine industry 'world capital' status as a magnet.	
54/4	Auckland Regional Chamber of Commerce	Need to clearly establish that sufficient land and deep-water access to meet the growth requirements of the marine industry long-term is provided for in the plan changes, even if it means trimming other aspects, such as residential and commercial areas.	Opposed by: 24 Creative Functions Ltd
54/6	Auckland Regional	Seeks assurance that the proposed marine industry precinct (Area 3) [district plan Quarter	

	Chamber of Commerce	Area 3] is aligned and integrated with both Area 7 (America's Cup bases) and the marine industry activities currently and/or potentially located at Western Marina.	
54/7	Auckland Regional Chamber of Commerce	The allocation of space for a world-class working marine industry on Auckland's waterfront, together with branding and marketing of this activity to attract international tourists and local visitors to the waterfront, needs to be integrated and considered as a single package in close consultation with the industry and its key stakeholders.	
57/11	Committee for Auckland	Support space allocation to marine sector.	Supported by: 32 Auckland City Council

Discussion:

Several of these submissions support the allocation of space to the marine industry. This has been provided through the provisions for Port Management Area 2B. It is recommended that these submissions be accepted.

Other submissions raise concerns regarding the provision of land for the marine industry. While this is acknowledged as an issue, land-based matters are the subject of the district plan. Accordingly, these matters will be addressed at the hearing for ACC Plan Change 4. Plan Change 3 has made provision in the water for this industry. It is recommended that these submissions be rejected.

It is recommended that the submissions which may be referring to provision of water access as well as land space are accepted in part.

Submission 45/20 seeks non-specific relief to achieve statements from Waterfront Vision 2040 (ACC and ARC 2005). Plan Change 3 directly addresses these statements by providing for the marine industry, particularly in PMA 2B, but also to a lesser extent in PMA 2A and 4A. To this extent, it is recommended that the submission be accepted in part.

Recommendations:

It is recommended that the relief sought in submissions 19/14, 33/2, 45/20, 54/3 and 54/7 is accepted in part.

It is recommended that the relief sought in submissions 54/2, 54/4 and 54/6 is rejected.

It is recommended that the relief sought in submission 57/11 is accepted.

15.4 Industry berthage requirements

No.	Submitter	Summary of Decision Sought	Further Submitter/s
13/2	Westhaven Viaduct Tenants & Ratepayers Assoc Inc	The fishing and marine related industries require access to coastal berthage for lay up berthing, loading, servicing, maintenance and refit operations. The fishing industry in particular is based in and around the Western Reclamation and Viaduct Harbour. Concern that there is currently no suitable alternative location in the Auckland Region for the Auckland based fishing industry.	Supported by: 45 Marine Industry Association NZ Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
47/2	Sanford Ltd	Concern that the fishing and marine related industries necessarily require access to coastal berthage for lay up berthing, servicing and maintenance operations. There is currently no suitable alternative location in the Auckland Region for the Auckland based fishing industry.	Opposed by: 53 Auckland Regional Holdings
48/3	Simunovich Fisheries Ltd		Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
49/2	Auckland Fishing Port Ltd		Opposed by: 53 Auckland Regional

			Holdings
8/2	Electronic Navigation Ltd	Concern that the fishing and marine related industries require access to coastal berthage for lay up berthing, servicing and maintenance operations. There is currently no suitable alternative location in the Auckland Region for the Auckland based fishing industry.	Opposed by: 53 Auckland Regional Holdings
38/2	General Marine Services Ltd		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
39/2	Anda Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
40/2	The Kampkes Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
41/2	Alex Kerr		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
43/2	Powell Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
44/2	E & D Limited, Trading as Topcatch Bait & Tackle		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
42/2	Steve Hudgell		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
60/2	Southern Spars		Opposed by: 53 Auckland Regional Holdings

Discussion:

These submissions seek non-specific relief in relation to the berthage, servicing and maintenance requirements of the fishing and marine industries.

Plan Change 3 retains the permitted activity rule for port activities in port management areas (including berthage, servicing and maintenance) and includes a range of other provisions that provide for the use of PMA 2A, 2B and 4A for such activities. Whether the berthage areas are available to the fishing industry will depend on the management arrangements with Ports of Auckland Ltd (or with other parties who hold water space management agreements with POAL) under the port company's section 384A occupation permit.

It is not considered that any amendments to the plan change are required in response to these submissions.

Recommendation:

It is recommended that the relief sought in submissions 8/2, 13/2, 38/2, 39/2, 40/2, 41/2, 42/2, 43/2, 44/2, 47/2, 48/3, 49/2 and 60/2 is rejected.

15.5 Marine and fishing industry use of PMA 2B

No.	Submitter	Summary of Decision Sought	Further Submitter/s
8/6	Electronic Navigation Ltd	Concern that the proposed provisions envisage the relegation of the marine industry (but without mentioning the fishing fleet) to a new Port Management Area 2B. No mechanisms are provided to ensure that the fishing industry will	Opposed by: 53 Auckland Regional Holdings
13/6	Westhaven Viaduct Tenants		Opposed by: 53 Auckland Regional

	& Ratepayers Assoc Inc	have access to that area or will physically be able to use it.	Holdings Support/oppose in part by: 32 Auckland City Council
38/6	General Marine Services Ltd		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
39/6	Anda Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
40/6	The Kampkes Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
41/6	Alex Kerr		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
42/6	Steve Hudgell		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
43/6	Powell Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
44/6	E & D Limited, Trading as Topcatch Bait & Tackle		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
47/12	Sanford Ltd		Opposed by: 53 Auckland Regional Holdings
48/15	Simunovich Fisheries Ltd		Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
49/12	Auckland Fishing Port Ltd		Opposed by: 53 Auckland Regional Holdings
60/6	Southern Spars		Opposed by: 53 Auckland Regional Holdings

Discussion:

The above submissions raise concerns regarding Port Management Area 2B and whether the fishing industry will be able to use the area. It is understood that fishing boats do not currently use PMA 2B for regular loading and unloading but do undergo maintenance and servicing within the area, particularly at the northern slipways.

The new provisions relating to PMA 2B are focused on activities such as boat servicing, maintenance, storage and refits. This includes maintenance of fishing boats. The loading and unloading of fishing boats is not referred to but is not precluded by the new provisions. Such activities are a port activity and are included in rule 25.5.1 as a permitted activity.

However, it is recognised that the ACC District Plan Change 4 provides for “marine and fishing industry” activities together in Quarter Area 3 (the land adjacent to PMA 2B). It is recommended in section 15.10 of this report that a definition of “marine industry” be included in the coastal plan and that this include fishing industry activities. That change may address these submissions in part.

Recommendation:

It is recommended that the relief sought in submissions 8/6, 13/6, 38/6, 39/6, 40/6, 41/6, 42/6, 43/6, 44/6, 47/12, 48/15, 49/12 and 60/6 is rejected.

15.6 Strengthen PMA 2B for marine and fishing industry use only

No.	Submitter	Summary of Decision Sought	Further Submitter/s
13/10	Westhaven Viaduct Tenants & Ratepayers Assoc Inc	Concern that the descriptions and controls regarding Port Management Area 2B (PMA 2B) should be strengthened to provide for the marine and fishing industries first and foremost. Only those activities related to the marine and fishing industries should be permitted in PMA 2B.	Supported by: 45 Marine Industry Association NZ Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
13/13	Westhaven Viaduct Tenants & Ratepayers Assoc Inc	Concern that the extent to which marine, fishing and port industry activity is compromised should be an assessment criteria for any activity in Port Management Area 2B.	Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
13/15	Westhaven Viaduct Tenants & Ratepayers Assoc Inc	In Port Management Area 2B, any activity that may weaken the core marine and fishing industry activities should be non-complying and disallowed.	Supported by: 45 Marine Industry Association NZ Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
19/8	Heart of the City	Concern regarding the proposal for a cultural destination at the western end of the waterfront axis. This would be better located in the park and leave this site for marine industry.	Opposed by: 53 Auckland Regional Holdings
45/4	Marine Industry Association NZ	Port Management Area 2B must be kept for marine industrial and related uses. Therefore it should not be an exception to the rule that requires a use or development to have a functional need to locate in the coastal marine area (Policy 25.4.13). Only those activities related to marine industry should be permitted.	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
45/6	Marine Industry Association NZ	Port Management Area 2B should not be an exception to the permitted activity rule providing for the erection or placement of any building for port activities (Rule 25.5.7).	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
45/8	Marine Industry Association NZ	For any activity in Port Management Area 2B the extent to which port activities and marine industry are compromised should be a relevant assessment criteria.	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
45/21	Marine Industry Association NZ	Seeks such further, consequential or other relief as may be required to give effect to their submission, as is appropriate.	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council

Discussion:

Activities other than marine and fishing industries in PMA 2B

Submissions 13/10 and 13/15 seek that the provisions for PMA 2B be strengthened so that activities other than those associated with the marine and fishing industries are not allowed.

The objectives and policies in chapter 28 establish a clear purpose for this area and discourage activities other than those related to marine industry. In particular, policy 28.4.26 states that “use and development of the water area in Port Management Area 2B should not adversely affect the use of this area for marine industry or port activities”. To clarify that this policy is to be applied to any future developments on existing wharves or pontoons, as well as those in “water space” it is recommended that the policy be amended to refer to “coastal marine area”.

Submissions 13/13 and 45/8 request that the extent to which port activities and marine industry are compromised be included as an assessment criteria for activities in PMA 2B.

The Regional Plan: Coastal (RPC) does not include assessment criteria in rules the way many district plans do. The policies are used in the same function. All new structures and developments in PMA 2B would be a discretionary activity under rule 25.5.34 and policy 28.4.26 would be taken into account. It is not considered that any additional criteria are necessary.

Cultural destination

Submission 19/8 raises concerns regarding a cultural destination at the western end of the waterfront axis, and states the site should be left for marine industry. This point may relate to the site shown in the Urban Design Framework attached to the district plan change for Wynyard Quarter which shows a site extending over the water off the western end of Jellicoe Street as “potential public/cultural building” (District Plan Change 4, urban design framework annex, pages 11, 28).

This site is not provided for in the coastal plan change. Its development would be a discretionary activity under rules 25.5.34 and 25.5.37, and the objectives and policies in chapter 28 for PMA 2B would be applied. It is recommended that this submission be accepted in part as the plan change does not encourage such an activity. To be established, a resource consent applicant would need to establish that there would be no adverse effects on marine industry or port activities.

Non-port activities in PMA 2B

Submission 45/4 opposes the inclusion of PMA 2B as an exception to policy 25.4.13.

In the operative RPC, policy 25.4.13 establishes that use and development in the PMAs, other than for port activities, may be considered appropriate where certain criteria are met, including that other than in PMA 2, the use or development has a functional need to locate in the coastal marine area (or is ancillary to a structure or activity which has a functional need to locate in the coastal marine area). Plan Change 3 renamed the two parts of PMA 2 as “2A and 2B” and a corresponding amendment was made to this policy. If PMA 2B was removed from policy 25.4.13.b.i, it could be difficult to establish mixed-use developments such as land-based boat storage or maintenance buildings which also have a café or retail centre that overhangs the CMA.

These non-port activities would need to establish that they were “ancillary” to an activity with a functional need to be in the CMA. This could create uncertainty for developments which are appropriate in the area. It is recommended that PMA 2B be retained in the policy exception. However, to complement policy 28.4.26, it is recommended that an additional point be added to the policy as shown below.

Submission 45/6 opposes the inclusion of PMA 2B as an exception in rule 25.5.7. The operative rule provides for new buildings for port activities, other than in PMA 2, as permitted activities.

Plan Change 3 did not introduce an exception for PMA 2B but did name the two parts of PMA 2 as 2A and 2B. It is recommended that this exception be retained. Given the surrounding

land uses, amenity of the area, and multiple users of PMA 2B, it is appropriate that new buildings on wharves require a resource consent.

Recommendation:

It is recommended that the relief sought in submission 13/10, 13/15, 19/8 and 45/4 is accepted in part.

It is recommended that the relief sought in submissions 13/13, 45/6, 45/8 and 45/21 is rejected.

Recommended amendments to Plan Change 3:

25.4.13 Any future use or development in the Port Management Areas, other than for port activities, may be considered appropriate where:

- b the use or development:
 - i other than in Port Management Areas 2A, 2B or 4A, has a functional need to locate in the coastal marine area; or
 - ii is ancillary to a structure or activity which has a functional need to locate in the coastal marine area; and ...

k in the case of Port Management Area 2B, the use or development does not adversely affect the use of the area for marine industry or port activities. [45/4]

28.4.26 Use and development of the **water area coastal marine area** in Port Management Area 2B south of the Cement Wharf and adjacent to the western reclamation should not adversely affect the use of this area for marine industry or port activities ~~port servicing activities~~. [13/10, 13/15]

15.7 Port Management Area 2B and public access

No.	Submitter	Summary of Decision Sought	Further Submitter/s
13/16	Westhaven Viaduct Tenants & Ratepayers Assoc Inc	In Port Management Area 2B, the priority should be assigned to core marine and fishing industry activities in preference to public access. The industry should have the absolute right to manage, control, limit and exclude for safety and risk management reasons.	Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
45/10	Marine Industry Association NZ	Issue 28.2.3 - "Public access, use and enjoyment of the water's edge" is a "desirable amenity value" for PMA 2B only if it is subject to the operational and safety requirements of the port and marine activities located there. The "default" for PMA 2B must be "public excluded" but able to be given access where this is possible, either occasionally, or for specific areas.	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
45/12	Marine Industry Association NZ	Issue 28.2.12 - Public access to and along the coastal edge should be "available" (subject to operational and safety requirements) rather than "enhanced".	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
45/15	Marine Industry Association NZ	Add the following words to Policy 28.4.28: " <u>Such public access will have to be managed or controlled to deal with operational and safety requirements.</u> "	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council

Discussion:

Plan Change 3 introduced various new provisions to establish that the primary role of PMA 2B is for marine industry activities. These submissions raise concerns regarding the provision of public access through the area.

Public access to and along the CMA is a matter of national importance under section 6 of the RMA. The New Zealand Coastal Policy Statement (1994) establishes that public access should only be restricted where certain criteria are met, including to protect public health or safety, or to ensure a level of security consistent with the purpose of a resource consent (NZCPS policy 3.5.1). This approach is reinforced by policies in the Regional Policy Statement and Regional Plan: Coastal such as RPC policy 7.4.1.

It is considered that there are good opportunities for improving public access within PMA 2B and giving people opportunities to view the activities taking place. This would add to the amenity and range of experiences around the Wynyard Quarter. However, given the nature of the activities taking place, it is likely that any access enhancements will be through structures such as lookout points, steps or boat ramps at the ends of streets, rather than a continuous walkway along the coast. Such access will also need to be managed with regard to public safety and operational requirements. The officer's report for the Wynyard Quarter district plan change has recognised such constraints and recommended to the hearing panel for that plan change, the removal of provisions relating to acquiring a 10m wide esplanade reserve along this coast.

Submission 45/10 seeks amendments to issue 28.2.3 to make public access subject to operational and safety requirements. It is considered that this point is more effectively made within issue 28.2.12. It is recommended that issue 28.2.3 be limited to PMA 2A.

Submission 45/12 requests that issue 28.2.12 be amended so that public access is “available” rather than “enhanced”. It is recognised that the proviso regarding compatibility with the operation of the marine industry should be applied to existing access points and to on-going operation as well as one-off enhancements. It is recommended that the submission be accepted in part and the issue be amended as shown below.

Submission 45/15 requests an addition to policy 28.4.28 to recognise that public access will have to be managed or controlled to deal with operational and safety requirements. At present the policy refers to public health and safety. It is considered appropriate to also include operational requirements. It is recommended that the submission be accepted in part.

To the extent that the above recommendations address the concerns raised regarding public access, it is recommended that submission 13/16 be accepted in part.

Recommendation:

It is recommended that the relief sought in submissions 13/16, 45/10, 45/12 and 45/15 is accepted in part.

Recommended amendments to Plan Change 3:

28.2.3 Public access, use and enjoyment of the water's edge is a key amenity value in most parts of Port Management Area 2A and a desirable amenity value for Port Management Area 2B. [45/10]

28.2.12 Future use and development in Port Management Area 2B should support its function as an area for marine industry, including the operation of the Hamer Street slipways, as consistent with the adjacent land uses. Public access to and along the coastal edge should be maintained or enhanced where this is compatible with public safety and the operation of the marine industry. Enhancing public views and access to the coastal marine area through this area from streets, wharves and public space is also important. [45/12]

28.4.28 The development or redevelopment of facilities for marine industry activities should provide for public access to and along the coastal marine area where this is practicable and consistent with maintenance of public health and safety. Such public access will have to be managed so that it is compatible with operational and safety requirements. [45/15]

15.8 Artworks in PMA 2B (policy 25.4.14)

No.	Submitter	Summary of Decision Sought	Further Submitter/s
13/11	Westhaven Viaduct Tenants & Ratepayers Assoc Inc	Concern that Port Management Area 2B is not a suitable location for artworks or sculptures. These activities should be non-complying.	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
45/5	Marine Industry Association NZ	PMA 2B is not an appropriate area for public artworks or sculpture as it is a marine industrial area. Inappropriate elements such as these should be excluded.	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council

Discussion:

Policy 25.4.14 encourages public artworks, sculptures and other similar structures in Port Management Areas 2A, 2B and 4A where it is demonstrated that the listed criteria are met.

Submissions 13/11 and 45/5 raise concerns regarding artworks in PMA 2B. They are considered to be incompatible with the primary role of that area which is to provide for marine industry. It is requested that such structures become a non-complying activity, or be excluded, in this area. Auckland Regional Holdings have opposed these submissions because PMA 2B “corresponds to a range of land use opportunities where public access to the CMA should be made available”, and correspondingly, it is appropriate that artworks be provided for.

PMA 2B is the coastal marine area adjacent to Quarter Area 3 which is characterised by marine industry activity. It also includes the western end of the “waterfront axis” along Jellicoe Street which is provided for by provisions relating to the “Transitional Overlay Precinct” which allows for non-marine industry related development following the approval of a Comprehensive Area Structure Plan. This is the principal part of PMA 2B in which artworks in the CMA may be appropriate.

PMA 2B has quite a different character to PMA 2A and 4A which are more publicly accessible and have fewer industrial activities. The encouragement of artworks should be focused on PMAs 2A and 4A rather than in the marine industry area. To recognise this, it is recommended that PMA 2B be removed from policy 25.4.14. To this extent, it is recommended the submissions be accepted in part.

It is not considered appropriate to make artworks a non-complying activity as this would be inconsistent with the other, more industrial, port management areas. It may be appropriate to incorporate artworks into structures such as walkway handrails or buildings which over-hang the CMA. A non-complying activity status could discourage minor artworks which would be appropriate in the area. Artworks fall within rule 25.5.2 (permitted activity rule for ancillary structures) or rule 25.5.34 (discretionary activity for structures not otherwise provided for).

Recommendation:

It is recommended that the relief sought in submissions 13/11 and 45/5 is accepted in part.

Recommended amendment to Plan Change 3:

25.4.14 The amenity of the waterfront area shall be enhanced by encouraging public artworks, sculptures and other similar structures in Port Management Areas 2A, 2B and 4A where it is demonstrated that: ... [13/11, 45/5]

15.9 Port Management Areas 2A and 2B differentiation

No.	Submitter	Summary of Decision Sought	Further Submitter/s
13/14	Westhaven Viaduct Tenants & Ratepayers Assoc Inc	Port Management Area 2A and 2B are often described in the same terms, but each has different characteristics. Definitions and descriptions should be more robust to ensure PMA 2B is available for core marine and fishing industry activities.	Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
45/2	Marine Industry Association NZ	Given the requirements of the marine industry and its related activities, Port Management Area 2B should be differentiated from Port Management Area 2A which, while also of vital importance for the provision of berthage and other marine interests, is more suited for public access.	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
45/9	Marine Industry Association NZ	It is not appropriate to combine PMA 2A and 2B in the Issues (28.2) as they are distinctly different. They should not be described in the same terms. PMA 2B should be retained for marine industrial and related activities.	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
45/13	Marine Industry Association NZ	Objectives 28.3.1, 28.3.2 and 28.3.3 should be separated out so that there are Objectives for Port Management Area 2A and separate Objectives for PMA 2B. The areas have distinct characters and adjoining land uses and to lump them together could have the result of watering down the distinct "working" character and operational needs of PMA 2B.	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
45/16	Marine Industry Association NZ	28.7.2 (Principal Reasons for Adopting) is another example of the inappropriate linking of PMAs 2A and 2B. They should be addressed separately.	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council

Discussion:

As noted above, Plan Change 3 renamed the two parts of Port Management Area 2 as "2A and 2B". This recognises the different character and range of activities taking place in the two areas. Both areas are however, quite different to the more bulk-cargo focused port areas such as the eastern port and the LPG terminal. PMA 2A and 2B are publicly accessible and have a range of operators undertaking port activities, rather than being intensively managed by the Ports of Auckland Ltd as an operating port. It is appropriate in some cases that PMA 2A and 2B are described together or included within the same policies.

Submission 45/9 seeks that the issues in chapter 28 be reconsidered in terms of differentiating PMA 2A and 2B. It is recommended in section 15.7 of this report that PMA 2B be removed from issue 28.2.3. To this extent, it is recommended that the submission be accepted in part. The only other issue that applies to both areas is 28.2.1. It is considered that this is appropriate to PMA 2B, as well as 2A, as both areas have a mix of uses and potential for conflict between activities on the land and water.

Submission 45/13 makes a similar request with regard to objectives 28.3.1, 28.3.2 and 28.3.3. It is accepted that objective 28.3.1 could be limited to PMA 2A as PMA 2B is considered more specifically in objective 28.3.15. It is recommended that objective 28.3.2 be amended to recognise that public access needs to be compatible with public safety and marine industry operations, as discussed above. It is recommended that objective 28.3.3 is not amended as it applies well to both areas.

In response to submission 45/16, it is considered that both PMA 2A and 2B should be addressed within 28.7.2. However, it would be appropriate to add a note recognising that public access in PMA 2B will only be enhanced where it is compatible with public safety and marine industry operational requirements.

It is recommended that submissions 13/14 and 45/2 be accepted in part, to the extent that they are addressed by the above recommendations.

Recommendation:

It is recommended that the relief sought in submissions 13/14, 45/2, 45/9, 45/13 and 45/16 is accepted in part.

Recommended amendments to Plan Change 3:

- 28.3.1 To recognise the importance of ~~this area~~ Port Management Areas 2A and 2B for a wide range of port activities, including its strategic location to the Central Business District for maritime passenger transport, and to facilitate the use of this area for these activities. [45/13]
- 28.3.2 To maintain and where practicable enhance public access, use and enjoyment of the coastal marine area in Port Management Area 2A and 2B, recognising that any enhancement in 2B needs to be compatible with public safety and marine industry operational requirements. [45/13]
- 28.7.2 Objectives 28.3.2, 28.3.10, 28.3.14 and Policies 28.4.5, 28.4.8, 28.4.9, 28.4.11, 28.4.15, 28.4.18, 28.4.20, 28.4.24 and 28.4.28

Port Management Areas 2A and 2B adjoins the Central Business District and provides ~~one of the more~~ a significant opportunity for important points of public access to the coastal marine area. The public have the opportunity to use this area to gain access to the harbour and gulf ferry services. It is an important linkage between the city and the water. This access needs to be maintained or enhanced. Provision for a bridge linking Te Wero Island and the Wynyard Quarter recognises the benefits to public access around the waterfront that such a linkage could provide. It is recognised that maintenance and enhancement of public access in Port Management Area 2B will be limited by the public safety and operational requirements of marine industry activities. [45/16]

15.10 Marine industry definition

No.	Submitter	Summary of Decision Sought	Further Submitter/s
45/19	Marine Industry Association NZ	Consider a new definition for "marine industry and service activities" given the use of the term "marine industry" throughout the plan change and the number of activities associated with this sector of the economy. This is a sector with a considerable number of related activities, all which must be provided for. Having a definition which incorporates these activities even though a number of them will be land-based and not part of the PMA provides a degree of clarity, certainty and security for both the industry and the public.	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council

Discussion:

The Marine Industry Association NZ requests that the plan change include a new definition for "marine industry and service activities" to give greater clarity regarding the provisions relating to the marine industry. It is recommended that a definition be included and that the wording complement that used in the ACC district plan change for Wynyard Quarter.

The definition in the district plan change (as recommended to be amended in the officer's report) is:

14.9.15 Marine and Fishing Industry

Marine and Fishing Industry means industry primarily associated with marine, fishing and port activities.

It includes fish processing and coolstores, boat building, storage and repair, drydocks, slipways, travel lifts, shiplifts and syncrolifts, refit halls for superyachts and ancillary offices.

For the purpose of this definition "ancillary offices" means office activity occupying a maximum of ~~40~~15% of total gross floor area on any site.

It is not appropriate that offices be encouraged within the coastal marine area. Otherwise, this definition is appropriate in terms of describing the activities envisaged for Port Management 2B and the adjacent land.

Recommendation:

It is recommended that the relief sought in submission 45/19 is accepted.

Recommended amendment to Plan Change 3:

Marine Industry

Industry primarily associated with marine, fishing and port activities. It includes fish processing and coolstores, boat building, storage and repair, drydocks, slipways, travel lifts, shiplifts and syncrolifts, refit halls for superyachts and ancillary activities related to the primary marine activities. [45/19]

15.11 Fishing industry – Viaduct Harbour

No.	Submitter	Summary of Decision Sought	Further Submitter/s
8/3	Electronic Navigation Ltd	The Change, in conjunction with the contemporaneous planning initiatives notified by the Auckland City Council continues the process of the Auckland fishing industry being compressed into a relatively small and constrained area within and around Viaduct Harbour, but does not provide appropriately for the industry to remain let alone for key participants to expand operations.	Opposed by: 53 Auckland Regional Holdings
13/3	Westhaven Viaduct Tenants & Ratepayers Assoc Inc		Supported by: 45 Marine Industry Association NZ Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
38/3	General Marine Services Ltd		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
39/3	Anda Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
40/3	The Kampkes Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
41/3	Alex Kerr		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
42/3	Steve Hudgell		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council

43/3	Powell Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
44/3	E & D Limited, Trading as Topcatch Bait & Tackle		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
47/3	Sanford Ltd		Opposed by: 53 Auckland Regional Holdings
48/4	Simunovich Fisheries Ltd		Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
49/3	Auckland Fishing Port Ltd		Opposed by: 53 Auckland Regional Holdings
60/3	Southern Spars		Opposed by: 53 Auckland Regional Holdings
8/4	Electronic Navigation Ltd	Concerned that the proposed provisions weaken or seek to delete the statements in the Coastal Plan regarding the role of the fishing industry in the Viaduct Harbour area and the importance of the area to the fishing industry.	Opposed by: 53 Auckland Regional Holdings
13/4	Westhaven Viaduct Tenants & Ratepayers Assoc Inc		Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
38/4	General Marine Services Ltd		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
39/4	Anda Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
40/4	The Kampkes Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
41/4	Alex Kerr		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
42/4	Steve Hudgell		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
43/4	Powell Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
44/4	E & D Limited, Trading as Topcatch Bait & Tackle		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
47/4	Sanford Ltd		Opposed by: 53 Auckland Regional Holdings
48/16	Simunovich Fisheries Ltd		Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
49/4	Auckland Fishing		Opposed by:

	Port Ltd		53 Auckland Regional Holdings	
60/4	Southern Spars		Opposed by: 53 Auckland Regional Holdings	
8/8	Electronic Navigation Ltd	Concern that the provisions inappropriately seek to promote and provide for activities compatible with residential, commercial, tourist and event activities around and within the Viaduct Harbour instead of ensuring that incoming activities are compatible and respect the requirements of the fishing industry and other marine activities.	Supported by: 16 Marstel Terminals Ltd Opposed by: 53 Auckland Regional Holdings	
13/8	Westhaven Viaduct Tenants & Ratepayers Assoc Inc		Supported by: 16 Marstel Terminals Ltd 45 Marine Industry Association NZ Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council	
38/8	General Marine Services Ltd		Supported by: 16 Marstel Terminals Ltd Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council	
39/8	Anda Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council	
40/8	The Kampkes Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council	
41/8	Alex Kerr		Opposed by: 32 Auckland City Council 53 Auckland Regional Holdings	
42/8	Steve Hudgell		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council	
43/8	Powell Family Trust		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council	
44/8	E & D Limited, Trading as Topcatch Bait & Tackle		Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council	
48/18	Simunovich Fisheries Ltd		Opposed by: 35 Transit New Zealand 32 Auckland City Council 53 Auckland Regional Holdings	
49/14	Auckland Fishing Port Ltd		Opposed by: 32 Auckland City Council 53 Auckland Regional Holdings	
60/8	Southern Spars		Opposed by: 53 Auckland Regional Holdings	
48/2	Simunovich Fisheries Ltd		Concerned with the failure of the Change to recognise the continued presence of the submitter's operations on the eastern side of the Viaduct Harbour.	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings

48/5	Simunovich Fisheries Ltd	Concerned that the Change effectively removes the operative provisions in the Coastal Plan that provide some limited degree of assurance to the Auckland based fishing industry with regard to its ongoing presence.	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
48/13	Simunovich Fisheries Ltd	Proposed provisions disregard and provide no recognition of the submitter's fisheries operation at and adjacent to its premises at 1 Market Place. In particular the Change assumes incorrectly that the fishing industry has now vacated the eastern side of Viaduct Harbour and as a result proposes provisions that take no account of the submitter's operations.	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
48/24	Simunovich Fisheries Ltd	Seeks that the change be amended to: recognise and provide for the submitter's operations and premises at 1 Market Place.	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
48/25	Simunovich Fisheries Ltd	Seeks that the change be amended to: restore the operative provisions that recognise and provide for the fishing industry in and around Viaduct Basin.	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
48/29	Simunovich Fisheries Ltd	Seeks any other changes to issues, objectives, policies and methods necessary to respond to the submitter's concerns and provide them with the relief which they have sought, any necessary or desirable consequential changes, and such other changes as are considered appropriate to respond to the submitter's concerns.	Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
47/14	Sanford Ltd	Concern that the proposed provisions inappropriately seek to promote and provide for activities compatible with residential, commercial, tourist and event activities around and within the Viaduct Harbour instead of ensuring that incoming activities are compatible and respect the requirements of the fishing industry and other marine activities.	Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
48/27	Simunovich Fisheries Ltd	Seeks that the change be amended to: acknowledge that land based activities that establish around the Viaduct Harbour ought to respond to and be compatible with the existing marine related activities including the fishing industry, rather than the reverse.	Opposed by: 35 Transit New Zealand 32 Auckland City Council 53 Auckland Regional Holdings

Discussion:

This group of submissions consider the Auckland fishing industry is being compressed into a small area around the Viaduct Harbour, and that the plan change does not provide appropriately for the industry to remain or to expand operations. Concerns are also raised regarding the plan change encouraging activities that are compatible with residential, commercial, tourist and event activities, rather than fishing industry activities.

The submissions are not specific regarding which plan change provisions are of concern. In section 14.2 of this report, various amendments are recommended that emphasise that the primary purpose of the port management areas is to provide for port activities and that new developments need to ensure they do not compromise port activities. These may address the above submissions in part.

Additional amendments are recommended in sections 11.3 and 11.4 of this report regarding the marine events centre and other activities in the same area. Those amendments address in part such submissions as 8/8, 13/8 and 48/14 which request amendments to ensure incoming activities are compatible with the fishing industry and other marine activities.

Submission 48/27 seeks that the plan change be amended to acknowledge that land based activities that establish around the Viaduct Harbour ought to respond to and be compatible

with the existing marine related activities including the fishing industry, rather than the reverse. This is a matter that will be addressed in the hearing for the Wynyard Quarter district plan change. As a result, it is recommended that the submission be rejected.

It is recommended that the introduction to chapter 28 (section 28.1.3) is amended as shown below to address the submitters' concerns regarding the removal of the operative plan's recognition of the Viaduct Harbour area as being of importance to the fishing industry. The paragraph is expanded to include the North Wharf area to recognise the fishing operations in that area and their role in the future redevelopment of Wynyard Quarter.

Apart from these amendments, it is considered that Plan Change 3 appropriately provides for fishing industry operations and growth. As a result it is recommended that submissions 8/3, 13/3, 38/3, 39/3, 40/3, 40/4, 40/8, 41/3, 42/3, 43/3, 44/3, 47/3, 48/4, 49/3 and 60/3 be rejected.

Recommendation:

It is recommended that the relief sought in submissions 8/4, 8/8, 13/4, 13/8, 38/4, 38/8, 39/8, 39/4, 40/4, 40/8, 41/4, 41/8, 42/4, 42/8, 43/4, 43/8, 44/4, 44/8, 47/4, 47/14, 48/2, 48/5, 48/13, 48/16, 48/18, 48/24, 48/25, 48/29, 49/4, 49/14, 60/4 and 60/8 is accepted in part.

It is recommended that the relief sought in submissions 8/3, 13/3, 38/3, 39/3, 40/3, 40/4, 40/8, 41/3, 42/3, 43/3, 44/3, 47/3, 48/4, 48/27, 49/3 and 60/3 is rejected.

Recommended amendments to Plan Change 3:

28.1.3 Viaduct Harbour **to North Wharf**

...

The Viaduct Harbour **has been was** the longstanding base for part of Auckland's commercial fishing fleet. The extent of the fleet's presence and support facilities such as fish processing, bait and ice storage has reduced as the role of the Viaduct Harbour has changed. **Some of the commercial fishing berthage that was previously located within the inner Viaduct Harbour is has progressively relocating relocated** to the Western Viaduct Wharf, Halsey Street Extension Wharf and to berths outside the Viaduct Harbour, including North Wharf. **Some fish processing facilities remain within the Viaduct Harbour, although the main concentration is now on the land to the west of the Viaduct. However, some fish processing and commercial fishing berthage remains within and around the Viaduct Harbour and the area remains important to fishing operations in Auckland.** The fishing fleet provides a continuing link with the Harbour's past use and history. Together with the range of other vessels, the fishing fleet maintains the maritime interest and character of the area. **Fishing industry operations are also a key element of the proposed redevelopment of the Wynyard Quarter with development of a fishing focused area around North Wharf and the fish market on Jellicoe Street.** [8/4, 13/4, 38/4, 39/4, 40/4, 41/4, 42/4, 43/4, 44/4, 47/4, 48/16, 60/4, 48/2, 48/13, 48/24, 48/25]

Also see amendments in section 14.2.

15.12 Fishing industry – North Wharf, Wynyard Wharf & around Wynyard Quarter

No.	Submitter	Summary of Decision Sought	Further Submitter/s
23/6	Auckland Regional Council	Amend the plan change to ensure appropriate policy guidance for the future use of the North Wharf area, particularly for port activities (including those related to the fishing industry and water transport connections). One means of achieving this is for Chapter 30 (Port Management Area 4A) to cross reference to the new policies for North Wharf in Chapter 28 (Port Management 2A).	Support/oppose in part by: 53 Auckland Regional Holdings 32 Auckland City Council
47/8	Sanford Ltd	Opposes the parts of the Plan Change that potentially compromise the ability of the fishing	Opposed by: 32 Auckland City Council

		industry to remain in and around the Western Reclamation, including provision for appropriate use and development of North Wharf (along Jellicoe St).	53 Auckland Regional Holdings
48/9	Simunovich Fisheries Ltd		Opposed by: 35 Transit New Zealand 32 Auckland City Council 53 Auckland Regional Holdings
49/8	Auckland Fishing Port Ltd		Opposed by: 32 Auckland City Council 53 Auckland Regional Holdings
47/9	Sanford Ltd	Opposes the parts of the Plan Change that potentially compromise the ability of the fishing industry to remain in and around the Western Reclamation, including provisions to manage the future use and development of the water area surrounding Wynyard Wharf for port, commercial, entertainment activities and public use.	Opposed by: 32 Auckland City Council 53 Auckland Regional Holdings
48/10	Simunovich Fisheries Ltd		Opposed by: 35 Transit New Zealand 32 Auckland City Council 53 Auckland Regional Holdings
49/9	Auckland Fishing Port Ltd		Opposed by: 32 Auckland City Council 53 Auckland Regional Holdings
47/17	Sanford Ltd	Concerned that the proposed provisions provide for the North Wharf (along Jellicoe Street) to be used by the fishing industry but the ability of the fishing industry to access and use that area is compromised by the Auckland City Council's proposed provisions for the adjacent land. In the circumstances, these provisions are not adequately explicit with respect to the priority of fishing industry activities in the coastal marine area between the North Wharf, Wynyard Wharf and the Halsey Street Extension Wharf.	Opposed by: 53 Auckland Regional Holdings
48/21	Simunovich Fisheries Ltd		Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
49/17	Auckland Fishing Port Ltd		Opposed by: 53 Auckland Regional Holdings

Discussion:

Submission 23/6 notes that North Wharf is split between Port Management Areas 2A and 4A. Plan Change 3 inserted new policies for North Wharf into chapter 28 but the corresponding change was not made to chapter 30. It is recommended that the submission be accepted and a cross reference between the chapters be inserted into the plan change as shown below.

Submissions 47/8, 47/9, 48/9, 48/10, 49/8 and 49/9 relate to fishing industry use of North Wharf, Wynyard Wharf and other areas around Wynyard Quarter. In Plan Change 3 this is addressed specifically in policies 28.4.22 – 24 (North Wharf), policies 30.4.10.g and 30.4.14.h (Wynyard Wharf) and more generally in terms of “navigation and safety” for PMA 4A other than on Wynyard Wharf (policy 30.4.16.d). It is recommended that policy 30.4.16 be amended to give more explicit protection to port activities. As a result, it is recommended that these submissions be accepted in part.

Submissions 47/17, 48/21 and 49/17 raise concerns regarding fishing industry access to North Wharf being compromised by the district plan provisions for the adjacent land. Such matters will be addressed at the hearing for ACC Plan Change 4. In terms of giving priority to fishing industry in the area between North Wharf, Wynyard Wharf and the Halsey Street Extension Wharf, stronger controls are placed on temporary events in this area in order to minimise effects on fishing industry activities (policies 28.4.22 – 28.4.24 and rules 25.5.32, 25.5.33). As a result, it is recommended that these submissions be rejected.

Recommendation:

It is recommended that the relief sought in submission 23/6 is accepted.

It is recommended that the relief sought in submissions 47/8, 47/9, 48/9, 48/10, 49/8 and 49/9 is accepted in part.

It is recommended that the relief sought in submissions 47/17, 48/21 and 49/17 is rejected.

Recommended amendments to Plan Change 3:

30.4.16 Use and development in Port Management Area 4A, other than on Wynyard Wharf, should:

a be of an appropriate scale, design, colour and location to complement its waterfront setting, maintain or enhance amenity values, and where practicable, maintain views from the land to the coastal marine area; and

b complement the adjoining land uses; and

c demonstrate that the purpose for which the structure is required cannot reasonably or practicably be accommodated on the land or by existing structures in the coastal marine area; and

d not adversely affect navigation and safety or port activities; and [47/9, 48/10, 49/9]

e where practicable, enhance public access to the coastal marine area.

30.4.17 The policies for North Wharf in chapter 28 also apply to that part of North Wharf within Port Management Area 4A. [23/6]

16. NOISE LIMITS

16.1 Noise limits

No.	Submitter	Summary of Decision Sought	Further Submitter/s
3/7	Brian McClure	Limiting noise levels - object to notified noise levels on wharves given the proximity to residential apartments.	Opposed by: 32 Auckland City Council 24 Creative Functions Ltd 53 Auckland Regional Holdings
5/5	Edwin John Wickham Ikin & Eila Beatrice Ikin	Object to notified noise level on wharves, given proximity to residential apartments. Ensure noise is minimised.	Opposed by: 32 Auckland City Council 24 Creative Functions Ltd 53 Auckland Regional Holdings
12/4	Bowery Holding Ltd	Object to notified noise levels on wharves - proximate to residential apartments.	Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings 32 Auckland City Council
13/19	Westhaven Viaduct Tenants & Ratepayers Assoc Inc	Noise limits (L10 and LMax) should be increased in PMA 2B to allow core marine and fishing industry functions associated with the working waterfront. The increases to L10 and LMax are required to avoid reverse sensitivity issues arising. No complaints covenants must be applied via the District Plan to all areas receiving noise from PMA 2B.	Opposed by: 53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
14/15	Peter Edwin Gill Hosking	Oppose noise provisions. Seeking considerably lower noise levels on wharf areas given proximity to residential apartments, including The Point Apartments across the water.	Opposed by: 24 Creative Functions Ltd 53 Auckland Regional Holdings 32 Auckland City Council
45/18	Marine Industry	Within Port Management Area 2B, provide for a	Opposed by:

	Association NZ	higher L10 and Lmax in recognition of sometimes noisy port and marine industrial activities and the reverse sensitivity provisions in the District Plan. Make explicit reference to the requirement for non-complaints covenants.	53 Auckland Regional Holdings Support/oppose in part by: 32 Auckland City Council
47/11	Sanford Ltd	Opposes the parts of the Plan Change that potentially compromise the ability of the fishing industry to remain in and around the Western Reclamation, including modification of the noise limits for noise generated in the coastal marine area around Wynyard Quarter to clarify where the noise limits are to be measured and to permit an increased number of high noise events each year.	Opposed by: 53 Auckland Regional Holdings 32 Auckland City Council
48/12	Simunovich Fisheries Ltd		Opposed by: 35 Transit New Zealand 32 Auckland City Council 53 Auckland Regional Holdings
49/11	Auckland Fishing Port Ltd		Opposed by: 32 Auckland City Council 53 Auckland Regional Holdings

Discussion:

The above submissions raise concerns with the noise provisions of Plan Change 3. The submissions either seek lower noise limits to maintain the amenity of nearby apartments, or seek higher noise limits to provide for the operation of fishing and marine industries. These submissions have been considered by Graham Warren of Marshall Day Acoustics (Appendix E to this report).

With regard to those submissions objecting to the noise levels because of proximity to residential apartments (submissions 3/7, 5/5, 12/4, 14/15), the Marshall Day report states:

The proposed external noise limits of Rule 35.5.3 reflect the need to provide for continuation of the existing maritime and industrial activities in the Wynyard Quarter. It is not considered reasonable, at this early stage of the Wynyard Quarter redevelopment to introduce more stringent noise limits which would have the effect of making existing activities rely on 'existing use rights' and potentially prevent change to those existing activities, many of which have a lengthy history of occupation. Further, it is observed that the noise limits of PC 3 are the same as those currently applying in the Regional Plan Coastal in Rule 35.5.3 (b) for noise generated in Port Management Area 4A which includes Wynyard Wharf, the nearest wharf to the property at 121 Customs Street occupied by the submitters.

Therefore, in terms of the potential for received noise levels and the controlling limits, the status quo effectively remains. (Appendix E, page 3)

In response to various submissions relating to the potential adverse effects of late evening entertainment on the Halsey Street Wharf on residential accommodation (see section 11.5 of this report), the Marshall Day report recommends adding low frequency noise controls to the noise event provisions. This gives greater consistency with the district plan provisions and addresses the issues with the low frequency components of amplified music. It is recommended that this change be made to Plan Change 3. This may address in part the submissions noted in this section as well as those noted in section 11.5.

The Westhaven Viaduct Tenants & Ratepayers Assoc Inc and Marine Industry Association submissions (13/19 and 45/18) seek higher noise limits to provide for fishing and marine industry and to avoid reverse sensitivity issues. They also seek explicit reference to no-complaints covenants. In response, the Marshall Day report states:

The general activity noise limits of Rule 35.5.3 of 65 dBA L₁₀ daytime and 60 dBA L₁₀ and 75 dBA L_{max} night-time are considered to be appropriate for industrial activities in the context of the circumstances under consideration. These limits align with those of the ACC in PM 4 for the Wynyard Quarter except for the qualification referred to in the comment to submission No. 26, (Section 2.2) which relates to low frequency noise.

The matter of reverse sensitivity is addressed in the provisions of ACC PM 4 in Rule 14.9.12.8.1 where all accommodation units are required to be designed and constructed

to achieve appropriate internal noise criteria (35 dBA L_{10} in bedrooms and 45 dBA L_{10} in other habitable spaces), together with sufficient ventilation. The achievement of these internal criteria is to be based on external noise levels equal to those of the external noise limits (65 /60 dBA L_{10}) and an external traffic noise level of 65 dBA L_{10} .

It is considered that these provisions are suitable for the purpose of addressing the reverse sensitivity for internal noise environments. In relation to the external noise environment there must be an acceptance by residents and other noise-sensitive activities that the Port activity is at times relatively noisy and that some noise impacts are inevitable up to the limits applying at building facades.

The relief sought by the submitter in relation to 'non-complaint covenants' is addressed in ACC PM 4 Rule 14.9.6.6 where "permanent accommodation" is a permitted use only where a no-complaints covenant has been entered into. In circumstances where no such covenant exists, permanent accommodation is a discretionary activity providing opportunity for the imposition of conditions addressing the issue of reverse sensitivity. (Appendix E, page 6)

Sanford Ltd, Simunovich Fisheries Ltd and Auckland Fishing Port Ltd opposed various matters that were listed in the notification summary of Plan Change 3, because they would "potentially compromise the ability of the fishing industry to remain in and around the Western Reclamation". Submission points 47/11, 48/12 and 49/11 relate to the summary bullet point stating that the plan change modified the noise limits to clarify where they were measured and to permit an increased number of high noise events per year. The relief sought was not clarified further and the Marshall Day report interprets these submissions as seeking further clarification and additional high noise events. They submissions may actually seek a reduction in high noise events. The impact of the events centre on the fishing industry is considered above in section 11.3 of this report. Subject to further clarification being provided at the hearing, it is recommended that these submissions be rejected.

The Marshall Day report also makes several recommendations to rectify common drafting defects (Appendix E, page 7). It is considered that these changes can be made under RMA Schedule 1 clause 16 which includes:

(2) A local authority may make an amendment, without further formality, to its proposed policy statement or plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.

The recommended changes are of minor effect as they clarify the wording of the rule but do not change the content of the rule.

Recommendation:

It is recommended that the relief sought in submissions 3/7, 5/5, 12/4, 13/19, 14/15, 45/18, 47/11, 48/12 and 49/11 is rejected.

Recommended amendments to Plan Change 3:

35.5.3 Noise generated within the Port Management Areas:

- b Within Port Management Areas 1C, 2A, 2B, 3 and 4A, the noise level when measured ~~1m~~ one metre from the façade of an occupied buildings on the southern side of Quay Street, ~~or Jellicoe Street, or on the western side of Brigham Street or Halsey Street (as appropriate)~~ or within the Wynyard Quarter, or when measured 1m from the façade of an occupied building within the Viaduct Harbour Precinct as defined in the Auckland City ~~Proposed~~ District Plan (Central Area Section) shall not exceed:

On all days between
7.00am and 11.00 pm L_{10} 65 dBA

On all days between
11.00pm and 7.00am L_{10} 60 dBA

L_{10} 70 dB at 63 Hz
 L_{10} 65 dB at 125 Hz
 L_{max} 75 dBA [21/5, 21/6, 22/5, 22/6,
 26/5, 26/6, 27/5, 27/6, 28/5, 28/6, 29/5, 29/6, 30/5, 30/6]

- c In respect of activities under Rules 25.5.40~~11~~ and 25.5.44~~12~~ there shall be no more than 15 ~~3~~ noise events in any calendar year (1 January to 31 December inclusive) where the noise limits under Rule 35.5.3b are exceeded. Any exceedance shall be subject to the following:
- i The general noise ~~level limit~~ under Rule 35.5.3b may be exceeded for not be for more than a cumulative duration of 6 hours within any 24 hour period for a noise event; and
 - ii ~~†~~The maximum noise ~~limits levels~~ shall be not exceed the following limits:
 - ▲ 75 dBA L_{10} and 80 dBA L_{01} (medium noise level), ~~for at least 9 of the 15 noise events;~~
and except that the levels shall not exceed:
 - 85 dBA L_{10} and 90 dBA L_{01} (high noise level) except that for a cumulative duration of not more than 3 of the total of 6 hours permitted by this rule exclusive of one sound check of not more than one hour duration prior to each event, and for no more than 6 of the 15 noise events. The medium noise level may be exceeded to a maximum level of 85 dBA L_{10} and 90 dBA L_{01} (high noise level).
 - iii Noise levels exceeding Rule 35.5.3b, including sound checks, shall start no earlier than 10.00am and shall finish no later than 10.30pm Sunday to Thursday inclusive, 11.00pm Friday, Saturday and 1.00am New Years Day.
 - iv The medium and high noise levels shall be determined from the energy logarithmic average of the L_{10} and L_{01} values for any measurement periods not exceeding 15 minutes during the event. The L_{10} values shall be determined from the logarithmic average of the L_{01} values for representative periods not exceeding 15 minutes within the timeframe of during the event. Levels Limits shall not be exceeded by more than 5 dBA for medium noise levels and 3 dBA for high noise levels in any representative measurement period not exceeding 15 minutes during the noise event.
 - v Not less than 4 weeks prior to commencement of the noise event, the organiser shall notify the ARC in writing of:
 - a The names and types of the acts and whether they are anticipated to be within the medium level or high level noise as defined above; and
 - b The person(s) and procedures for monitoring of compliance with noise limits levels; and
 - c The nominated alternative date in the event of postponement due to weather.
 - vi The ARC will keep a record of all noise events held and provide the information upon reasonable request. [cl 16]

17. URBAN DESIGN CRITERIA

17.1 Appendix J: Urban design criteria for new developments on wharves

No.	Submitter	Summary of Decision Sought	Further Submitter/s
23/1	Auckland Regional Council	Amend Policy 25.4.13(f) (character features and structures) and Appendix J (Urban Design Criteria) to include a reference to "character elements".	Support/oppose in part by: 32 Auckland City Council
25/8	Sealink Travel Group NZ Ltd	Oppose the general application of the reference to "Urban Design Criteria in Appendix J" in Policy 25.4.5. Policy 25.4.5 and Appendix J are inappropriate to apply to all maritime activities and need to be revised to cater for passenger, vehicular and freight ferry operations.	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/41	Sealink Travel Group NZ Ltd	Conditional support for Appendix J section 'building design'. Retain the building design criteria in general terms with some revisions. The general maritime thematic intent of the building design guidelines is supported but not if they could be used against ferry terminal facilities.	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
25/42	Sealink Travel Group NZ Ltd	Conditional support for Appendix J section 'Accessways and vehicle access'. Provisions are generally supported on the basis that an appropriate amount of vehicular access is provided. Provision 15 in particular is supported as it recognises the need for built form and open space to support access to water based transport.	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan Opposed by: 35 Transit New Zealand
25/43	Sealink Travel Group NZ Ltd	Conditional support for Appendix J section 'Site amenity and interface with surroundings'. The provisions are generally supported but may need to be reviews to ensure that they are not adverse to new ferry terminal facilities for passengers, vehicles and freight. Submitter agrees with design criteria aimed at maintaining pedestrian vitality and public safety.	Supported by: 62 Mike O'Shea, Colleen O'Shea, Sean O'Shea 61 Tourism Industry Association 1 Great Barrier Community Board 7 Richard B Somerville-Ryan Opposed by: 35 Transit New Zealand 53 Auckland Regional Holdings
53/2	Auckland Regional Holdings	ARH opposes Appendix J.	
53/3	Auckland Regional Holdings	ARH requests that Appendix J, item 1, be amended to ARH's satisfaction to remove any imprecision, subjectivity or unquantifiability. While ARH supports the intention of this clause (i.e. ensuring that well designed buildings are constructed in the Wynyard Quarter), the phrasing is not appropriate for inclusion in a Plan Change which will partially govern the development of a	

		large part of Wynyard Quarter, which is an area of mixed use including marine industrial, port-related and similar activities.	
59/1	New Zealand Historic Places Trust	Supports the proposed addition to Policy 25.4.5 of the reference to urban design criteria in Appendix J. Seeks that the proposed amendment to 25.4.5 be retained.	
59/29	New Zealand Historic Places Trust	Seeks that Appendix J (urban design criteria for new developments on wharves) be retained, especially point 16 regarding supporting the integrity of the wharf structure and ecological environment, and point 19 regarding retaining character features and structures.	
59/30	New Zealand Historic Places Trust	Seeks that an additional criterion be added to Appendix J (urban design criteria for new developments on wharves) as follows: " <u>Buildings and bridges and access structures should respect the heritage values and character of wharves that are identified in Cultural Heritage Schedule 1 or 2 or as identified character structures or features and not compromise their structural safety</u> ".	Opposed by: 53 Auckland Regional Holdings 58 Ports of Auckland Ltd
59/31	New Zealand Historic Places Trust	Amend text in Appendix J (urban design criteria for new developments on wharves), point 19 as follows: " Where practicable , designs should retain and reflect <u>character features and structures of character and/or heritage value</u> , such as ... <u>Removal of such structures, features or design details will need to be justified</u> ; and"	Opposed by: 53 Auckland Regional Holdings
59/32	New Zealand Historic Places Trust	Seeks that a new section be added to Appendix J (urban design criteria for new developments on wharves) as follows: " <u>Wharves identified in Cultural Heritage Schedule 1 or 2</u> <u>24. Wharves identified in Cultural Heritage Schedule 1 or 2 are subject to the provisions in Chapter 8 - Cultural Heritage</u> ".	Opposed by: 53 Auckland Regional Holdings 58 Ports of Auckland Ltd

Discussion:

These submissions are considered in the attached urban design report by Joanna Smith of Chow Hill Architects (Appendix C) where it is noted that:

Throughout New Zealand, and particularly in recent plan changes in Auckland City, urban design criteria have become a key tool in outlining expectations for building design and performance beyond a simple rules-based approach. In general the proposed criteria relate to the impact of the building on the public realm, both streets and public spaces, and the provision of pedestrian amenity and safety. Additional sustainability requirements are noted as "where appropriate" in recognition of the sensitive marine environment and the importance of this precinct as a waterfront destination. (Appendix C, page 5.)

Sealink Travel Group (submission 25/8) opposes policy 25.4.5 and Appendix J on the basis that they need to be revised to cater for passenger, vehicular and freight ferry operations. In submissions 25/41, 25/42 and 25/43, Sealink gives conditional support for Appendix J, but notes that it may need to be revised if it could be used against ferry terminal facilities.

Subject to clarification of how the appendix should be amended being provided at the hearing, it is recommended that submission 25/8 be rejected and that submissions 25/41, 25/42 and 25/43 be accepted in part. The current wording of the appendix has sufficient scope to be applied to a range of developments that could occur on wharves. The relatively recent redevelopment of various ferry terminals around the region have demonstrated how such buildings can be designed to achieve good urban design outcomes as well as meeting operational requirements.

Auckland Regional Holdings (ARH) (submission 53/3) seeks that item 1 of Appendix J be reworded to remove any imprecision, subjectivity or unquantifiability. Item 1 states:

1. Building design should be of the highest quality, showing creativity and responsiveness to the marine context in a way that contributes to the identity of the Auckland waterfront; and.

As ARH note, the intent of this criterion is to ensure that well designed buildings are constructed in Wynyard Quarter. The wording of this criterion is based on the following assessment criterion in ACC Plan Change 4:

- 14.9.9.1.1.b Building design should be of the highest quality, showing creativity, innovation and responsiveness to the local context at every scale including streets, neighbourhoods and Quarters.

The role of such assessment criteria requires that they have a degree of imprecision and subjectivity. They are designed to guide decision making and do not require the certainty of a rule that sets an activity status.

The coastal marine area of Auckland's waterfront is a very visible and significant area for the region. It is important that new buildings in the area are designed with this context in mind. This has been recognised recently in the eastern downtown port area by the Golden Bay Cement Ltd plans for an architecturally designed cement store with a low profile, horizontal design to minimise disruption of views for those living and working in downtown Auckland.

The attached report by Joanna Smith of Chow Hill Architects considers that "the proposed design criteria are not arduous in terms of current architectural practice and provide sufficient flexibility for customised design solutions for any given site or use".

Subject to alternative wording being presented at the hearing, it is recommended that submission 53/3 be rejected and that Appendix J item 1 be retained.

The support of the NZ Historic Places Trust for Appendix J (submissions 59/1, 59/29) is noted. It is recommended that the hearing panel reject the Trust's requests (submissions 59/30, 59/32) relating to protection of the heritage values of wharves that have been included in the heritage schedules. It is recommended above in section 12.2 that no additional structures be included in the RPC cultural heritage schedules and that the request for a new character item schedule be rejected.

Submission 59/31 requests that point 19 of Appendix J be amended as follows:

"Where practicable, designs should retain and reflect character features and structures of character and/or heritage value, such as ... Removal of such structures, features or design details will need to be justified; and".

It is recommended that this submission be rejected. It will not always be feasible to retain features such as bollards and rail tracks on wharves. The criterion is considered to be sufficiently clear without removing "where practicable" and adding the suggested phrase at the end. It would not be appropriate to refer to "heritage value" as none of the relevant features are considered to be of sufficient significance to be included in the cultural heritage schedules.

Auckland Regional Council (submission 23/1) seeks that point 19 be amended to include a reference to character "elements". It is recommended that this change be made as it strengthens the need to consider relatively minor items (such as capstans and bollards) as well as larger features.

Recommendation:

It is recommended that the relief sought in submissions 25/8, 53/2, 53/3, 59/30, 59/31 and 59/32 is rejected.

It is recommended that the relief sought in submissions 23/1, 59/1 and 59/29 is accepted.

It is recommended that the relief sought in submissions 25/41, 25/42 and 25/43 is accepted in part.

Recommended amendments to Plan Change 3:

- 19 Where practicable, designs should retain and reflect character features, and structures and elements, such as existing bollards, rail tracks, piles and pipes, that demonstrate the history and heritage of the working waterfront; and [23/1]

18. PORT MANAGEMENT AREA BOUNDARIES

18.1 Port Management Area boundaries (Map Series 2, Schedule 8)

No.	Submitter	Summary of Decision Sought	Further Submitter/s
23/7	Auckland Regional Council	Amend Regional Plan: Coastal Schedule 8 "Boundaries of Port Management Areas" to include grid references corresponding to the changes in the boundaries of Port Management Areas 2 and 4A that are shown on Map Series 2 Sheet 1 in the proposed plan change.	

Discussion:

When Plan Change 3 (Wynyard Quarter) was notified, it included a proposal to move the boundary between Port Management Area 2B and 4A to the north so that it was at the northern edge of the Wynyard Point slipways rather than going through the Cement Wharf. This change was shown on Plan Map Series 2 Sheet 1 and was noted in the public notice summary of the plan change. However, the plan change did not include the corresponding amendments to Schedule 8 of the plan which gives grid references for the corners of the port management areas.

Submission 23/7 requests that the schedule be updated to correspond to the changes shown on the map. It is recommended that this submission be accepted and the schedule updated as shown below. In the "point sequence" column, the new boundary between PMA 2B and 4A is shown as "0" points.

When the grid references for the new boundary were being sourced in GIS, it was found that several of the other points in the existing schedule were inaccurate or incorrect. Every point is slightly out of alignment with the PMA corners as shown on the maps. This is a consequence of the scale at which the map was first developed and the greater accuracy that is now available in GIS. Errors are present in PMA 1B which uses "1668986E" instead of "2668986E" and has "2669142" with no northing reference. In PMA 1A the first grid reference has a capital "I" instead of a "1" in "64225IN".

The ARC GIS team have also advised that most mapping applications now use the NZTM map projection rather than the NZ map grid. The table below shows the relevant points according to both projections. Defining the points with a table is clearer and easier to follow than the current descriptive text. The "point sequence" column gives the sequence of points as described in the text of the current schedule.

It is recommended that these changes be made as a RMA schedule 1 clause 16 amendment. As noted above, clause 16 includes:

(2) A local authority may make an amendment, without further formality, to its proposed policy statement or plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.

The recommended changes correct minor errors and are considered to be within the scope of clause 16.

Recommendations:

It is recommended that the relief sought in submission 23/7 is accepted.

Recommended amendments to Plan Change 3:

Replace the current RPC Schedule 8 with the following (note: the table is not underlined but replaces the existing schedule):

Schedule 8: Boundaries of Port Management Areas

The Port Management Areas include all of the coastal marine area between Mean High Water Springs and the map references listed below. These areas are shown in Plan Map Series 2.

Note: Port Management Area 4C is all that part of the coastal marine area of the Manukau Harbour bounded by a complete circular line having a radius of 65 metres from a centre point at the grid reference noted below.

Port Management Area	Point sequence	X NZTM	Y NZTM	Easting	Northing	Hectares
1A	7	1757926	5920973	2668384	6482870	69.68
	6	1758170	5921690	2668630	6483586	
	5	1758762	5921481	2669221	6483376	
	4	1759476	5921406	2669935	6483299	
	3	1759459	5921249	2669918	6483142	
	2	1759545	5920703	2670002	6482596	
	1	1759506	5920566	2669963	6482459	
1B	3	1758571	5911229	2669009	6473123	6.23
	2	1758725	5911228	2669163	6473122	
	1	1758761	5911273	2669199	6473167	
	6	1759082	5911107	2669520	6473000	
	5	1759079	5911023	2669517	6472916	
	4	1758592	5911025	2669030	6472919	
1C	5	1757575	5921084	2668033	6482981	31.25
	4	1757572	5921233	2668030	6483130	
	3	1757784	5921826	2668243	6483723	
	2	1758170	5921690	2668630	6483586	
	1	1757926	5920973	2668384	6482870	
2A	1	1756679	5921379	2667138	6483277	60.51
	2	1757196	5921924	2667656	6483821	
	3	1757477	5921934	2667937	6483831	
	4	1757784	5921826	2668243	6483723	
	5	1757572	5921233	2668030	6483130	
	6	1757575	5921085	2668033	6482981	

2B	1	1756188	5921032	2666646	6482932	5.47
	2	1756167	5921311	2666625	6483210	
	3	1756245	5921536	2666704	6483435	
	0	1756264	5921589	2666722	6483488	
	0	1756430	5921759	2666889	6483658	
	0	1756553	5921635	2667012	6483534	
	4	1756384	5921491	2666843	6483391	
3	1	1757285	5921168	2667744	6483066	3.03
	2	1757404	5921512	2667863	6483410	
	3	1757414	5921517	2667873	6483415	
	4	1757484	5921496	2667942	6483393	
	5	1757487	5921487	2667945	6483384	
	6	1757377	5921164	2667835	6483061	
4A	0	1756553	5921635	2667012	6483534	16.91
	0	1756430	5921759	2666889	6483658	
	4	1756569	5921900	2667028	6483799	
	5	1757196	5921924	2667656	6483821	
	6	1756679	5921379	2667138	6483277	
4B	4	1765623	5912227	2676064	6474107	1.86
	1	1765422	5912607	2675864	6474487	
	2	1765446	5912620	2675888	6474501	
	3	1765647	5912243	2676088	6474123	
4C	1	1762371	5899345	2672786	6461231	2.29
5	9	1760235	5922196	2670696	6484088	0.68
	8	1760189	5922104	2670649	6483996	
	7	1760117	5922103	2670577	6483995	
	6	1760079	5922116	2670539	6484008	
	5	1760080	5922121	2670540	6484013	
	4	1760136	5922122	2670596	6484014	
	3	1760136	5922147	2670597	6484039	
	2	1760166	5922147	2670626	6484038	
	1	1760166	5922209	2670626	6484100	

[23/7, cl 16]

Remove the existing schedule 8 as follows:

Schedule 8: Boundaries of Port Management Areas

Port Management Area 1A

All that of the Coastal Marine Area bound by a line commencing at the point of Mean High Water Springs of the Waitemata at map reference 2669929E, 6482251N, then commencing north and north-west in a curved line around the edge of the Marine Rescue Centre eastern breakwater for 164 metres to a point at grid reference 2669981E, 6482395N, thence northerly at 351° for a distance of 553 metres to grid reference 2669896E, 6482941N, thence northerly at 6° for a distance of 158 metres to a point at grid reference 2669913E, 6483098N. Thence west at 278° along and beyond the northern berth of the Fergusson container Terminal for

718 metres to a point at grid reference 2669199E, 6483176N, thence north-west at 290° for 598 metres to grid reference 2668608E, 6483385N, thence south-west at 200° for 750 metres to the line of Mean High Water Springs between Marsden and Bledisloe Wharves at grid reference 2668357E, 6482678N. Thence generally north, east and south along the line of Mean High Water Springs to the point of commencement.

Port Management Area 1B

All that part of the Coastal Marine Area bound by a line commencing at the point of Mean High Water Springs of the Manukau Harbour at map reference 2669177E, 6472966N, thence heading in a south-westerly direction at 219° for 57 metres to grid reference 2669142, thence west at 269° for a distance of 155 metres to grid reference 1668986E, 6472922N, thence in a southwards direction at 174° for 203 metres to grid reference 2669009E, 6472720N, thence east at 88° for 472 metres to grid reference 2669481E, 6472715N, thence north at 359° for a distance of 87 metres to the line of Mean High Water Springs at grid reference 2669482E, 6472802N. Thence generally east and north along the line of Mean High Water Springs to the point of commencement.

Port Management Area 1C

All that part of the Coastal Marine Area bound by a line commencing at the point of Mean High Water Springs of the Waitemata Harbour between Marsden and Bledisloe wharves at grid reference 2668357E, 6482678N. Thence north at 19° for a distance of 750 metres to a point at grid reference 2668608E, 6483385N, thence north-west at 290° for 410 metres to grid reference 2668221E, 6483523N, thence south-west at 201° for 630 metres to grid reference 2668008E, 6482930N, thence in a curved line under the eastern Ferry Tee for 103 metres to the point of Mean High Water Springs beneath Queen's Wharf and the line of Mean High Water Springs at grid reference 2668019E, 6482784N. Thence generally eastwards along the line of Mean High Water Springs to the point of commencement.

Port Management Area 2

This area is divided into two sections, one being between (a) Queens Wharf and Wynyard Wharf, and the other being (b) the south-western corner of the Western Reclamation.

- a.— All that part of the Coastal Marine Area bounded by a line commencing at the point of Mean High Water Springs of the Waitemata Harbour east of the southern limit of Wynyard Wharf at grid reference 2667121E, 6483084N, thence in a north-westerly direction at 44° for a distance of 743 metres to grid reference 2667634E, 6483621N, thence generally in an easterly direction at 89° for 281 metres to grid reference 2667915E, 6483631N, then in a south-eastern direction at 110° for 325 metres to grid reference 2668221E, 6483523N, thence in a south-westerly direction at 201° for 630 metres to grid reference 2668008E, 6482930N, thence in a curved line under the eastern Ferry Tee for 103 metres to the point of Mean High Water Springs beneath Queens Wharf at grid reference 2668019E, 6482784N. Thence in a generally westerly direction along the line of Mean High Water Springs to the point of commencement except for the area described as Port Management Area 3 and set out below.
- b.— All that part of the Coastal Marine Area bounded by a line commencing at the point of Mean High Water Springs of the Waitemata Harbour at grid reference 2666624E, 6482736N. Thence in a north-westerly direction at 357° for 275 metres to grid reference 2666603E, 6483010N, thence in a northerly direction at 20° for 238 metres to grid reference 2666682E, 6483235N, thence in a south-easterly direction at 110° for 146

metres to the point of Mean High Water Springs at grid reference 2666819E, 6483183N. Thence in a generally southerly direction along the line of Mean High Water Springs to the point of commencement.

Port Management Area 3

All that part of the coastal marine area bounded by a line commencing at the point of Mean High Water Springs of the Waitemata Harbour at grid reference 2667731E, 6482875N. Thence in a northerly direction at 19° for 380 metres to grid reference 2667855E, 6483223N, thence in a south-easterly direction at 109° for 91 metres to grid reference 2667937E, 6483189N, thence in a south-westerly direction generally at 198° for 338 metres to grid reference 2667828E, 6482869N. Thence generally easterly along the line of Mean High Water Springs to the point of commencement.

Port Management Area 4A

All that part of the Coastal Marine Area bounded by a line commencing at the point of Mean High Water Springs at grid reference 2666819E, 6483183N, thence in an easterly direction at 291° for 146 metres to grid reference 2666682E, 6483235N, thence in a northerly direction at 20° for 56 metres to grid reference 2666701E, 6483288N, thence in a north-easterly direction at 44° for 436 metres to grid reference 2667006E, 6483599N, thence in a north-easterly direction at 88° for 628 metres to grid reference 2667634E, 6483621N, thence in a southerly direction at 224° for 743 metres to the point of Mean High Water Springs near the eastern side of Wynyard Wharf at grid reference 2667121E, 6483084N, Thence generally west, north and south to the point of commencement.

Port Management Area 4B

All that part of the Coastal Marine Area bounded by a line of commencing at the point of Mean High Water Springs of the Tamaki River at grid reference 2675835E, 6474282N. Thence heading in a north-east direction at 57° for 24 metres to grid reference 2675854E, 6474295N, thence in a south-east direction at 151° for 431 metres to grid reference 2676063E, 6473918N, thence in a south-west direction at 235° for 32 metres to the point of Mean High Water Springs at grid reference 2676035E, 6473900N. Thence in a generally north-west direction along the line of Mean High-water Springs to the Point of commencement.

Port Management Area 4C

All that part of the Coastal Marine Area of the Manukau Harbour bounded by a complete circular line having a radius of 65 metres from a centre point at grid reference 2672502E, 6461072N.

Port Management Area 5

All that part of the Coastal Marine Area bounded by a line commencing at the point of Mean High Water Springs of the Waitemata Harbour at grid reference 2670595E, 6483907N. Thence extending in a southerly direction at 176° for 73 metres to grid reference 2670599E, 6483825N, thence in an westerly direction at 274° for 27 metres to grid reference 2670571E, 6483836N, thence in a southerly direction at 183° for 24 metres to grid reference 2670570E, 6483812N, thence in a westerly direction at 274° for 62 metres to grid reference 2670508E, 6483815N, thence southwards at 176° for 4 metres to grid reference 2670508E, 6483811N. Thence in a south-easterly direction at 126° for 36 metres to grid reference 2670537E, 6483791N. Thence in an easterly direction at 93° for 81 metres to grid reference 2670619E,

~~6483788N, thence in a northerly direction at 26° for 114 metres to the point of Mean High Water Springs at grid reference 2670667E, 6483890N. Thence generally westerly along the line of Mean High Water Springs to the point of commencement. [23/7, cl 16]~~

Appendix A – List of submitters and further submitters

Appendix B – Plan Change 3 with recommended amendments marked

Appendix C – Urban design assessment,

Joanna Smith, Chow: Hill Architects Ltd

Appendix D – Responses to transport related submissions,

Ian Clark, Flow Transportation Specialists Ltd

Appendix E – Review of noise related submissions,

Graham Warren, Marshall Day Acoustics