



| SHAPING THE LANDSCAPE

Marine Events Centre

Resource Consent Application

and

Assessment of Environmental Effects

March 2009

Form 9 RMA 1991

APPLICATION FOR RESOURCE CONSENT

To: Auckland Regional Council

1.0 Auckland City Council, Private Bag 92 516, Wellesley Street, attention Craig Furlong applies for the following type of resource consent:

A coastal permit to construct, maintain and operate a Marine Events Centre with all associated ancillary activities and structures, on the Halsey Street Extension Wharf, in order to host predominantly marine events but also non-marine events, as described in the attached assessment of environmental effects. A 35 year term is sought for the resource consent.

2.0 The applicant is the owner and occupier of the land to which the application relates.

3.0 The names and addresses of the tenants of the land to which the application relates are as follows:

Emirates Team New Zealand Head Office
141 Halsey Street
Auckland

Global Yacht Finishers
135 Halsey Street
Auckland

Zealandia Marine Group Limited
135 Halsey Street
Auckland

4.0 The location of the proposed activity is as follows:

The Halsey Street Extension Wharf at 99-177 Halsey Street, Auckland City (being the wharf at the northern end of Halsey Street, north of Jellicoe Street). The Halsey Street Extension Wharf is within Port Management Area 2, which applies to the area west of Hobson Wharf to a boundary east of Wynyard Wharf, including the water space within the Viaduct Harbour.

5.0 No additional resource consents are needed for the proposed activity.

6.0 We attach, in accordance with the Fourth Schedule of the Resource Management Act 1991, an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

7.0 We attach any information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act.

Note to applicant

You may apply for 2 or more resource consents that are needed for the same activity on the same form.

You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991 (if any). If the application is for a coastal permit for a restricted coastal activity, you must also pay the application fee stated in Schedule 2 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

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 2. Plans
 3. ACC Strategic Overview
 4. ACC Operational Overview
 5. Marine Events Precinct Report
 6. Marine Events Centre Business Case/Regional Economic Impacts
 7. Urban Design Report
 8. Landscape report
 9. Traffic Report
 10. Acoustic Report
 11. Heritage Report
 12. Environmental Sustainability Report
 13. Consultation Report
 14. Regional Coastal Plan Change 3 Submission Summary
 15. Construction Methodology Report
 16. Infrastructure Report
 17. Lighting Report
 18. Letters of Support
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1 INTRODUCTION

This report is an Assessment of Environmental Effects (AEE) pursuant to Schedule 4 of the Resource Management Act 1991 (RMA). It has been prepared in order to support the resource consent application by Auckland City Council (ACC) made under Section 12 of the RMA to construct a Marine Events Centre (MEC) on the Halsey Street Extension Wharf (HSEW) at 99-177 Halsey Street, Auckland City (being the wharf at the northern end of Halsey Street, north of Jellicoe Street).

The location of the proposed building (on an existing wharf) falls within the regulatory control of the Auckland Regional Council (ARC). Resource consent is required under the Auckland Regional Plan: Coastal and Proposed Plan Change 3 to that document – the Wynyard Quarter Plan Change. ACC proposes to construct a building that is approximately 14.5 metres above the existing wharf deck and within the building platform as prescribed by Proposed Plan Change 3.

The resource consent relates solely to the MEC building, however it is considered prudent to outline within the application how the wider HSEW and the Western Viaduct Wharf will also function once the MEC is developed. This information will also satisfy some of the assessment criteria applicable to the building. Accordingly, supporting technical analysis has been provided on issues such as traffic, and landscape plans have been submitted to clarify how pedestrians, the MEC and the marine and fishing industry can all cohabit the area without creating problematic safety or operational issues.

2.0 PROPOSAL

It is proposed to build a Marine Events Centre with all associated ancillary activities and structures on the HSEW in order to host predominantly marine events but also non-marine events. The proposal has been part of ACC's strategic objectives for a number of years as it envisaged that such a development in this vicinity would be of significant benefit to the region and the local community. The location, on the water's edge, provides significant benefits over other locations in that it can provide the infrastructural support for major marine events (America's Cup regattas, Volvo Ocean Race stopovers, International Boat

Show, Auckland Harbour Festival) and other events in the immediate proximity. The MEC will also enable enhanced public access to and use of this area of the wharf and CBD waterfront. At the same time, the marine and fishing industry will be able to continue to operate from the wharf.

The reports attached to the application describe the various aspects of the proposal in detail including the following:

- ACC's Strategic Objectives for the CBD Waterfront
- Operational Overview for a MEC
- Architectural Design Report
- Public Open Space Design Report
- Traffic Report
- Environmentally Sustainable Design Report

Activities

In terms of activities, the primary activities envisaged for the MEC are major marine events (as outlined above), regional and community marine events (e.g. dragon boats, Coastal Classic, Auckland to Suva, Two Handed Round North Island) and ancillary events (e.g. Air NZ Fashion Week, Arts and Dance events, Auckland Festival). It is also proposed to provide space for public to view events via big screens, eg America's Cup, Louis Vuitton Pacific Series, Rugby World Cup 2011. The major focus is towards marine based events, however there are a number of ancillary events that would be hosted at the MEC in order to make efficient economic use of the facility. In terms of frequency of events, the Strategic Objectives report (para 4.8) sets out a typical calendar year of events. As the table indicates, the events are spread through the year with an obvious focus for marine events during the summer months. In association with the events that will take place within the area, the marine and fishing industry will still be able to operate. The servicing and unloading of fishing vessels as well as the refit and commissioning of marine vessels will be able to continue in combination with events and pedestrians/cyclists within the area. The Operational Overview, Public Open Space and Traffic Reports set out how this can occur in detail. This is also further explained in detail in the following sections of this report.

Building

With regard to the building itself, it has been designed by Moller Architects and has been developed through an iterative process with ACC, stakeholders and the Urban Design Panel, which involved attendance by ARC officers and consultants. The Urban Design Panel has provided positive overall support for the MEC. The design of the building is outlined in detail in the Architectural Design Statement prepared by Moller Architects. The building is described as a “flexible multi-purpose pavilion to cater for a wide variety of activities and provide a functional, workable, affordable and memorable facility for the waterfront” (Moller Design Statement). The building form is a 100 metre by 30 metre parallelogram which follows the structural grid form of the HSEW. The building is approximately 14.5 metres above the wharf deck and incorporates a 12 metre high void space for the northern half of the building. This will enable tall boat structures to be accommodated within the building if necessary. The Moller Design Statement describes the building as an “elegant pavilion on the waterfront – as transparent as possible with a richness of articulation through an expression of this function.”

The various building elements are described below:

- Roof:** The roof form is derived from the need to provide large span, column free spaces within the building and has taken the form of a ‘lyrical wave’, which suits its waterfront setting. The construction material is proposed to be a light weight, fibre reinforced concrete of varying thicknesses. This will enable the opportunity to ‘wash’ light over the roof so it can become a sculptural form when seen from its surrounds. The roof form has also been extended to provide a pedestrian sheltering eave with a colonnade on all four sides. Within the roof form a catwalk is to be provided for lighting and other requirements of event/exhibition spaces.
- Walls:** The exterior walls of the building are to be constructed from a variety of materials including clear glazing, stainless steel panels and structural bracing. Additional features on the elevations are protruding balconies, stairs and the public ramp/viewing platform.
- Entry:** The main public entry is via a double height entry on the southern elevation abutting Gateway Plaza. Horizontal frameless glazed sliding walls are also proposed in this vicinity to provide weather protection.
- Ground:** The northern half of the building comprises a large event space that can be entirely opened up owing to the design incorporating 8 metre high door openings

allowing access to the main activity space. This would be the primary exhibition space area. The operation and utility of the large opening doors will not be affected by the public access viewing ramp, platform or stairs, as they are not attached to the face of the building, instead they are supported from the columns attached to the roof structure. A public café is proposed on the south-eastern corner of the building, in order to activate this edge. Servicing, toilets and administration areas in addition to the kitchen are located in the south-western portion of the ground floor.

2ndFloor: The full height void occupies the northern part of this space. In the southern half, the floor is occupied by meeting/event spaces, toilet facilities, a goods lift and a kitchen. Balconies are also proposed.

3rd Floor: The full height void occupies the northern part of this space. A secondary event space occupies the south-eastern part of this floor and it can overlook the main exhibition area. Flexible size meeting rooms occupy the remainder of the floor combined with toilets and servicing areas. Balconies are also proposed.

Public Viewing Deck

An important public aspect of the proposal is the incorporation of a large upper level public viewing deck which is attached to the northern end of the events centre and is approximately 8 metres above wharf level. The deck will provide expansive public views of the Waitemata Harbour and will have excellent sunlight access. Access to the deck is provided by the ramp that runs along the eastern side of the building or stairs along the western side of the building.

A number of alternatives were considered by Moller Architects, before settling on the current design lodged with the current resource consent application. The UDP has provided overall support for the MEC.

Public Space & Traffic

The proposal includes the space surrounding the building and will accommodate the public space and traffic circulation around the building. Pedestrians can pass around the edge of the wharf via the public promenades set out in the Public Open Space design report. Pedestrians will also have full public access to gateway plaza.

Vehicles will access the precinct via a controlled entry point along the western edge of the gateway plaza, travel up the western side of the wharf and then either pass along the

northern side of the wharf or down the eastern side of the wharf. Fishing industry vehicles can park along the edge of the wharf (alongside the vessel – as they currently do) and put out cones to direct pedestrians around their vehicles. Pedestrians would still have an approximate 5 metre width to pass around the vehicle. Once loading/unloading is completed, the cones will be removed and the vehicle departs.

On the eastern side of the wharf, a similar management regime would operate if vehicles needed to load/unload materials to the vessels. Once completed the vehicles would depart the wharf or park whilst they undertake work on the vessels. To avoid potential effects on the gateway plaza, vehicles would be prevented from crossing the plaza in an east to west direction and instead would need to return around the building – the 5-6 metre wide vehicle accessway is considered sufficient to accommodate this arrangement.

In terms of parking, it is noted that Proposed Plan Change 3 proposes a maximum of 50 spaces for the entire wharf which is approximately 17,000 m² in area. This number is considered acceptable to accommodate the needs of the marine and fishing industry and event centre staff. While the location of the carparks has not yet been finalised apart from the indicative locations proposed within the Traffic and Public Open Space reports, it is considered that the 50 spaces can be accommodated without adversely impacting on the pedestrian areas or the overall amenity of the location

Sustainability

An Environmentally Sustainable Design (ESD) Report for the building has been prepared and submitted with the application to ensure best practice in this area. A number of measures are proposed as follows:

- Promote high quality urban design and public realm;
- Minimise energy consumption and greenhouse emissions (use sea water cooling);
- Conserve water;
- Reduce waste during demolition, construction and operation;
- Adopt environmentally friendly materials;
- Minimise the impact on the urban environment and infrastructure including reduced quantities of water, sewerage, stormwater, power and fossil fuel use and improved air/water quality;
- Re-use of water including harvesting rainwater for toilet flushing; and

- Encourage less reliance on private motor vehicles by promoting alternatives such as walking, cycling and the use of public transport.

The details of these elements are set out in the ESD report accompanying the application.

3.0 BACKGROUND

The following section sets out the background to the development and includes the site description, the development of the Viaduct Harbour area, existing activities and Auckland Waterfront Vision 2040. A number of the supporting reports attached to the application also provide important information on background related matters and should be referred to in detail.

3.1 Historical Development of Viaduct Harbour

The Viaduct Harbour area and the wider CBD waterfront has been developed and redeveloped significantly over the years. Page 2 of the Heritage Report prepared by Salmond Reed Architects outlines the original shoreline and the extent of reclamation thereafter. With particular regard to the Viaduct Harbour area, the locality was utilised by the fishing industry, the log farm and the central city fresh produce markets (fruit, vegetables and flowers). The Western Viaduct Wharf (WVW) also extended from Quay Street to Jellicoe Street.

After the land was divested from the Auckland Harbour Board and with the prospect of hosting an America's Cup regatta, comprehensive plans were made to redevelop and revitalise the area. This involved improving water quality, reclamation, declamation and the introduction of new activities. In addition, the America's Cup bases were developed and the HSEW constructed. In terms of public space, new waterfront promenades were developed, and the public open spaces of Te Wero, the Eastern Viaduct, Waitemata Plaza and Market Square were created. In terms of infrastructure works, significant funds were spent on seawall reconstruction, roading, stormwater and other services.

During and after the America's Cup regattas, the Viaduct Harbour area was substantially redeveloped with new buildings occupied by residential, office, bar, café and restaurant activities. Post America's Cup, many of the syndicate bases were removed and

redeveloped with a combination of the above activities. Viaduct Harbour has changed dramatically over the past ten to fifteen years and the proposed MEC is just another step towards an overall transformation. Combined with the redevelopment of Wynyard Quarter and the envisaged creation of the Te Wero Link, Viaduct Harbour, the CBD and Wynyard Quarter will become reconnected and provide a high quality “front door” to Auckland.

3.2 Site Description

The location of the proposed MEC is on the HSEW, which along with the Western Viaduct Wharf defines the western entrance to the Viaduct Harbour. The two wharfs protrude into the Waitemata Harbour north of the Quay Street alignment into a promontory like form. It is noted however that these wharfs do not extend into the harbour to the extent that Wynyard Quarter, Princes Wharf and Queens Wharf do. The eastern entrance to the harbour is defined by Hobson Wharf, which houses the Maritime Museum. The Halsey Street Extension Wharf (HSEW) is a flat concrete structure shaped in an orthogonal parallelogram, with the Western Viaduct Wharf (WVW) forming an “outer tee”. The entry span to Viaduct Harbour is 40 metres and is defined by these two wharf structures. The wharfs also ensure relatively calm waterspace within Viaduct Harbour. The main structure on the HSEW is the former Oracle America’s Cup building. This is now owned and occupied by Auckland City Council for marine related purposes and from time to time has short term occupants.

3.3 Adjoining Uses

Immediately south of the HSEW is the Emirates Team New Zealand building. This building is still utilised by Emirates Team New Zealand and can remain in place while the MEC is developed and operated. It is understood that the building only needs to be cleared in order to develop the gateway plaza (not part of this application) and to operate Te Wero Bridge.

The marine and fishing industry presently berth around the HSEW and WVW. The fishing industry predominantly tie up on the western side of the HSEW, the northern side of the WVW and the southern side of the WVW. The eastern side of the HSEW is occupied by the marine industry (for boat repair, refit and commissioning) and the floating barge operated by Creative Functions Ltd. It is intended that the wharfs continue to be used by marine and fishing industry.

The Floating Pavilion (TFP) is a building on a barge berthed on the east side of the Halsey Street wharf. It was originally built by ACVL and installed during America's Cup 2000 on the west end of Te Wero Island and called the AMEX Yacht Club. It is a temporary structure developed for corporate hosting events during the America's Cup. Following the 2000 America's Cup, it was purchased by Oracle Racing and used by them as part of their America's Cup 2003 facilities. Following America's Cup 2003, Oracle Racing sold the Floating Pavilion to the current owners, Creative Functions Limited. ACC, through the Viaduct Harbour Marine Village (VHMV), provides marina berths to the fishing industry, local vessels and superyachts by means of a contract between both parties. Included under such a contract is TFP.

The current contract ran until 1 November 2008, however ACC have advised TFP that the contract can be extended until 30 June 2009, at which time they must vacate the berth to make way for ongoing marine activities such as berthage for local and international vessels that require work of the nature mentioned above. The marine industry has advised both ACC and the Regional Council that more provision for their industry is required. The usage of this quite significant berthage (in calm water) is required to facilitate marine industry activities in the future. During the peak period, at any one time there will be between 20 – 30 boats being serviced/worked on in the 42 VHMV berths around Viaduct Harbour. In fact last year, International Management Group advised that they were required to turn away 12 boats for refit within Viaduct Harbour due to lack of berthage. The marine and fishing industry have campaigned very hard to both ACC and ARC for more space allocation within the Wynyard and Viaduct areas to enable their significant activities to continue. This accords with the long term strategic direction of ACC – that is to provide for a working waterfront for the marine and fishing industry.

At a recent hearing held by the ARC for a coastal permit for TFP, the ARC granted consent for the facility to remain until June 2010. This is longer than the licence period that ACC have advised TFP of, however both parties are looking for a new location for TFP.

3.4 Wider Locality

Within the locality surrounding the HSEW are a number of distinct character areas including the inner city suburbs of St Mary's Bay, Freeman's Bay and Ponsonby. Also to the west is Westhaven Marina and the Wynyard Quarter Area, which is in a transitory stage of being

converted from a industrial area to a mixed use precinct incorporating public open spaces and the marine and fishing industries. To the south and east is the Viaduct Harbour precinct, which incorporates office and residential activities, bars and cafes and public open spaces. Also, the CBD finger wharves are an important part of the locality, with Hobson Wharf housing the Maritime Museum and the information kiosk, Princes Wharf being occupied by residential apartments, the Hilton Hotel, bars, cafes and office building and public promenades. Further east, Queens Wharf is part occupied by the passenger ferry building and Ports of Auckland Limited.

Overall, there are a wide variety of structures and activities that comprise the locality and it is considered that the MEC adds another interesting element to this mix.

3.5 Waterfront Strategic Goals and 2040 Vision

ACC has developed some key long term objectives for the waterfront, which are:

- To ensure key areas of the waterfront precincts are retained or held in public ownership in perpetuity;
- To achieve high quality development of a world-class waterfront with improved public accessibility, and a rich mix of activities and development; and
- To integrate waterfront development with council-owned land (e.g. the ferry terminals, Westhaven, and the Viaduct Harbour) and potential future public waterfront assets. It is also a goal of the Council to provide better integration and connection between the waterfront and the CBD.

A critical element in achieving the objectives for the waterfront is a partnership approach with the various regional parties involved. Various strategies have been investigated to assist the Council in achieving its objectives. These strategies included using the Council's regulatory capacity, advocacy with the ARC group and other stakeholders, key asset purchases and some form of partnership between ACC, the Auckland Regional Council and Auckland Regional Holdings Limited (ARH).

ACC has also invested strategically in other assets along the waterfront, which assist in providing a journey along the waterfront through a sequence of destinations. These include the Vector Arena, Mahuhu Reserve, the Britomart Precinct and the Transport Interchange, Viaduct Harbour and the Westhaven and Hobson West Marinas.

Auckland Waterfront Vision 2040

More recently, ACC and the ARC undertook significant consultation on developing a vision for Auckland's CBD waterfront. This involved significant consultation and public meetings/workshops with key stakeholders and the general public. The feedback was incorporated in the overall waterfront vision, titled "Auckland Waterfront Vision 2040".

Auckland Waterfront Vision 2040 is a document produced jointly by the ARC and the Council in conjunction with Ports of Auckland Limited (POAL). Following considerable research and extensive consultation, the Councils released the vision in December 2005. The vision document states Auckland's CBD waterfront (stretching from the Harbour Bridge in the west to Teal Park in the east) is one of Auckland's greatest assets and plays a major role in the region's economy. The port and the marine and fishing industries have shaped the economic success of Auckland and will continue to be vital to the region's economy in the future. The area was also recognised as the region's gateway to the Waitemata Harbour and the Hauraki Gulf. To realise the potential of the waterfront, an integrated approach to the future development was needed. To achieve this, a partnership was formed between the Councils, who have worked closely with POAL, and more recently ARH and its specialist management company Sea+City Projects Limited.

Waterfront Vision 2040 provides a framework to guide the future development of the waterfront. The overall approach is to categorise the waterfront into precincts and promote a specific character for each precinct. The precincts are Westhaven, Wynyard Quarter and the Viaduct, the finger wharves and the eastern Port. Wynyard Quarter and the Viaduct are identified for development as mixed use precincts in the future while retaining the marine and fishing industry. The Vision identifies that the most appropriate way to plan for this area is via a precinct planning approach. This has commenced through the amendment of the regulatory controls for Wynyard Quarter in both the regional and district planning documents.

Additionally, an Urban Design Framework has been developed to guide the redevelopment of the locality. A significant aspect of the framework is the entry to Wynyard Quarter from the east, via Te Wero. The sequence of destinations along the waterfront emphasises the importance of a sculptural statement for the Te Wero bridge and combined with the MEC, gateway plaza and the fishing village, an important destination will be created. The Te Wero bridge will be the subject of a separate application and will serve to provide pedestrian, cycle and public transport access to the MEC and Wynyard Quarter.

In addition to the strategic goals for the waterfront set out above, ACC has also developed numerous other strategic documents that support the overall development of the CBD waterfront and in particular the MEC. These are set out in detail in the supplementary report accompanying this application and are summarised below. The documents referred to are also attached to the application.

Draft CBD Waterfront Masterplan

In order to provide more clarity to the Auckland Waterfront Vision 2040, the Council prepared a draft CBD Waterfront Masterplan (August 2007), which outlines the key urban design drivers for the waterfront and identifies options on how various parts of the waterfront could be developed.

The Masterplan visually sets out how the waterfront could look. This includes Harbour Park, Westhaven, Wynyard Quarter, Viaduct Harbour, the finger wharves, Britomart, the Port Precinct, Vector Arena and Teal Park. The important aspect to note from the Waterfront Masterplan is the importance of the waterspace in and around Wynyard Quarter and Viaduct Harbour. The waterspace is significant in creating the "theatre of the water" experience for the waterfront. This includes ongoing marine and fishing industries, linkages to the CBD and beyond, events, vessel berthage, visitors and the various other activities that combine to make the harbour a truly dynamic and attractive place for all. Significantly, the MEC and the Te Wero bridge are important aspects of the masterplan and combine to provide an important gateway entrance to Wynyard Quarter.

CBD Into The Future

In addition to the Auckland Waterfront Vision 2040 and the Waterfront Masterplan the Council has developed the "Auckland CBD Into The Future Strategy". The Strategy sets out a ten year vision for how the CBD will develop in the future. The Strategy sets out five

desired outcomes for the CBD and the methods by which ACC plans to achieve these outcomes. One of the key outcomes of the Strategy is the creation of a high quality urban environment.

Wynyard Quarter Concept Vision and Urban Design Framework

In April 2006, as the first step towards implementing the CBD Into the Future sub-strategies, the Urban Strategy & Governance Committee adopted the Wynyard Quarter Concept Vision and also endorsed that work commence on implementing the Concept Vision. A key action to implement the principles of the Concept Vision was the preparation of a change to the Central Area District Plan in combination with a change to the Regional Coastal Plan.

The resultant Concept Vision sets out the vision for the Quarter as:

“Wynyard Quarter is for the people of Auckland and beyond to celebrate the City's diverse cultural expressions, love of the harbour, and to enjoy a rich choice of opportunities and experiences where the CBD edge meets the sea”.

The Wynyard Quarter Concept Vision outlines regulatory, open space, capital works, community infrastructure and traffic assessments that are required to be undertaken to give effect to the Vision. These include district/regional plan changes, streetscape upgrades, public open space acquisition, establishment of a community focal point and an assessment of the functioning of the local roading network. Connection throughout the Quarter and to the rest of the Central Area/inner city suburbs is also identified as being significantly important.

Combined with this is the Wynyard Quarter Urban Design Framework. This is a comprehensive document that sets out the urban design vision for the area. It contains four key urban design concepts – they are: the waterfront axis; the park axis; the wharf axis; and the waterfront precincts concept.

The MEC is an integral part of these documents and its development is supported within them.

City Events Strategy

Maritime events are one of the four key themes in Auckland City's Events Strategy. The Strategy proposes 10 signature events annually. Signature events make a significant contribution to Auckland's events calendar. They help build a sense of place as a Pacific city. Signature events bring economic benefits and international profile, and contribute to building strong communities and people's connection to the city. As part of the Events Strategy existing maritime events such as the Auckland International Boat Show will be helped to grow while opportunities for new events will be identified and supported. The strategy also contains two venue related actions:

- *Develop a purpose-designed large outdoor event space on the waterfront where events are the priority use; and*
- *Develop and manage a marine events centre on the former America's Cup bases and adjoining water space.*

Accordingly the strategy has a strong supporting relevance for a MEC within this locality.

Auckland's Marine Events Precinct

This document establishes the space and locational requirements for a successful MEC. The proposed location on the HSEW is ideal for such a facility with its relationship to the water, availability of open space and CBD setting. ACC is fortunate to have been able to acquire the HSEW for the purposes of establishing a Marine Events Precinct, whilst also ensuring the continuity of marine and fishing activities in this area.

Summary

In summary, the above documents give an overview of the strategic objectives of ACC as they relate to the waterfront. They demonstrate the commitment to developing a world class waterfront and put in place several overarching high level objectives that complement the outcomes sought for the coastal marine area, as set out in Proposed Plan Change 3. They all support the creation of a MEC.

4.0 MEC CONSENT REQUIREMENTS

4.1 ARPC Provisions

The HSEW is within Port Management Area 2, which applies to the area west of Hobson Wharf to a boundary east of Wynyard Wharf, including the waterspace within the Viaduct Harbour.

Occupation

The occupation of the coastal marine area by the HSEW relies on the existing 'deemed' coastal permit granted to POAL (and administered by ACC under a management agreement) under section 384A of the Resource Management Act 1991. The POAL s384A coastal permit expires on 30 September 2026.

It is not considered that a further coastal occupation permit is required for this development under section 12(2) of the RMA as a current permit already exists and ACC (the applicant) administers this permit on behalf of POAL. In effect, the occupation of the CMA by the MEC relies on the existing permit.

The relevant resource consent requirements of the ARPC that apply to the MEC are outlined below:

- The MEC building and activities are provided for by rules 25.5.27 and 25.5.30 as discretionary activities.
- Service structures are ancillary to the existing HSEW and are considered to be permitted activities by virtue of rule 25.5.2.
- The proposed taking and discharge of seawater for enabling an energy efficient heating and cooling system for the building is a permitted activity by virtue of rules 19.5.3 and 20.5.4. It is noted that the seawater would only pass through a piped system and not contain any contaminants etc. It is also noted that the seawater discharged back into the sea would not change the natural temperature of the receiving water by more than three degrees after reasonable mixing.

4.2 ARPC: Proposed Plan Change 3 Provisions

The ARC released its decisions on Proposed Plan Change 3 on 4 November 2008. The latest provisions are reflected in this assessment. The HSEW is within Port Management Area 2a under Proposed Plan Change 3. The relevant rules that apply to the MEC are outlined below:

- Any building on the HSEW that complies with the permitted activity conditions in rule 25.5.13 (is located within the building platform on Map 2 Sheet 7A and complies with the 60% building coverage control) is provided for by rule 25.5.29 as a restricted discretionary activity.

The external public elements of the building, including the pedestrian shelter roof overhangs (colonnades) and the viewing platform and ramp, result in a building coverage percentage of 71.49%. Without these elements the coverage percentage would only be 52.23%. It is noted that the ARC planning officer preparing the planning report for the Proposed Plan Change 3 hearing recommended that external public elements be excluded from the coverage calculation, however the decisions did not adopt this recommendation.

The development proposes a building coverage of greater than 60% of the identified building platform and is therefore provided for as a discretionary activity by virtue of rule 25.5.34.

- Rule 25.5.33A states that any activity in Port Management Area 2a which provides 10 or more carparking spaces on site or will result in an average daily traffic movement rate of 100 movements or more, or is a temporary event that exceeds the carpark limits of rule 25.5.14 requires a restricted discretionary activity resource consent. As the proposal incorporates 50 permanent carpark spaces and will host temporary events that may exceed this limit, a resource consent is required under these provisions.

4.3 Discretionary Activities

Overall the proposal is to be assessed as a Discretionary Activity. Section 104B states that a consent authority may grant or refuse an application for a discretionary activity. If granted that consent authority may impose conditions under section 108 of the RMA.

Under section 104(1) of the RMA, when considering an application for resource consent and any submissions received, the consent authority must, subject to Part 2 have regard to

- (i) Any actual or potential effects on the environment of allowing the activity;
- (ii) The relevant provisions of a national policy statement;
- (iii) A New Zealand Coastal Policy Statement;
- (iv) A regional policy statement;
- (v) A plan or proposed plan; and
- (vi) Any other matter that the consent authority considers relevant and reasonably necessary to consider the application.

The following assessment considers these relevant matters.

5.0 ENVIRONMENTAL EFFECTS ASSESSMENT

The following assessment is an analysis of both positive and adverse actual and potential effects arising from the MEC.

5.1 Social & Cultural

The proposed MEC will provide a valuable piece of infrastructure for the Auckland Region, in that it will provide a world class events building on the waterfront and will enable the hosting of significant waterfront events. For example, any America's Cup regatta, Around The World Race Stopover or International Boat Show requires a quality building to host administrative functions of syndicates, media, public exhibition areas, ancillary events and servicing support. Such events also require calm sheltered waterspace.

The MEC will also support local marine events such as dragon boat racing, Auckland to Suva races and local yacht club activities.

The marine and fishing industry will be able to continue to operate from the HSEW. As a result the waterfront will become more attractive to the wider community and will attract people from all socio demographic and cultural backgrounds. Visitors will be able to partake in events or simply come to the wharf to walk or cycle around the public promenades, observe the marine and fishing industry at work and enjoy being close to the water's edge.

Overall, the potential to host both local and international marine events will elevate the Auckland Region on the world stage. In addition, the MEC will significantly improve public access to the promenades around the HSEW and become an attractive destination for all Aucklanders and visitors. The quality of these promenades will also be significantly improved. Accordingly, there is the potential to provide significant positive social and cultural effects.

5.2 Amenity

The RMA defines amenity values as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. In this instance the HSEW is a recent man made structure developed for the America's Cup regattas that protrudes into the harbour. The wharf is occupied by the former Oracle Racing building and marine industry activities. The marine and fishing industry tie up to the wharf for loading, unloading, refit, commissioning and repair activities. The Creative Functions floating pavilion is also attached to the wharf. There is also a public promenade running along the eastern edge of the HSEW and the southern edge of the Western Viaduct Wharf. Accordingly there are a variety of activities and structures that make up the current amenity of the HSEW. It could best be described as a semi industrial area within a coastal environment combined with restrained public access and events. The wider area is characterised with a wider mixture of activities including the VHMV, the Viaduct Harbour events locality, commercial offices, residential units, public spaces and entertainment activities. The Maritime Museum is also situated within the locality.

The MEC will facilitate a number of changes to the amenity of the locality including the development of a new high quality architecturally designed building, able to host marine and non-marine events. A ground floor café and upper level balconies will also provide

amenity benefits. Additionally, a large upper level public viewing deck, which is accessed either by ramp or stairs will enable the public to enjoy elevated views of the Waitemata Harbour and the sunny northern aspect. This is considered to be a significant public amenity benefit of the MEC. Associated with this will be improvement to the public promenades including street furniture and better accessibility. As outlined above, provision for the marine and fishing industry will be retained.

Therefore it is considered that the addition of a new high quality events building will improve the physical qualities and characteristics of the locality. The improved public access to the water's edge in this locality will also improve people's appreciation of the pleasantness of the area. Further, the retention of the marine and fishing industry will ensure the working waterfront ethos of the CBD waterfront is maintained. At the same time, the historical association of the coastal environment being utilised for a mixture of public use and industrial activities is retained.

In terms of neighbours, the MEC will attract visitors to the area and will result in increased utilisation of the public spaces and promenades in and around the Viaduct Harbour. This will involve visitors during events and those who patronise the cafes, bars and restaurants around Viaduct Harbour. This is to be expected in a downtown CBD waterfront location such as this and would be a continuation of the type of activity that currently occurs in the Viaduct. Management measures relating to traffic, noise and crowd control will ensure that the amenity of occupants in the vicinity of the MEC will be maintained to an acceptable level for this location. With particular regard to noise from actual events within the MEC, the acoustic report accompanying the application has proposed suitable noise restrictions that will ensure the amenity of neighbours will be preserved.

Overall, it is considered that there will be positive amenity effects resulting from the proposal.

5.3 Public Access

As stated above and as outlined in the attached Public Open Space report, improved public access to the water's edge will be facilitated as a result of this development. In summary, the proposed public promenade areas are as follows:

- 10 metre wide accessway abutting the eastern edge of the HSEW;
- 10 metre wide accessway abutting the western edge of the HSEW;
- 10 metre wide accessway abutting the southern edge of the WVV; and
- 10 metre wide accessway abutting the northern edge of the WVV.

Accordingly, continuous public access will be provided around the water's edge of both the HSEW and WVV. The traffic report, urban design report and public space report all confirm that there is sufficient space to accommodate marine and fishing industry operations and public access around the water's edge without compromising safety or efficiency. The proposed management regime that outlines how this is achievable is assessed in the section on traffic effects below.

The development has also been designed with cognisance to the potential use of gateway plaza and the Te Wero Link, which will enable a linked public access network within the wider locality. This will be fully realised once the redevelopment of the Halsey Street Reclamation is completed and a continuous waterfront promenade is created between the Viaduct Harbour Precinct and the sites on the eastern side of Halsey Street.

In terms of the actual MEC building, the ground floor café and the large upper level public viewing deck, which is accessed either by ramp or stairs will provide substantial public access and will enable the public to enjoy elevated views of the Waitemata Harbour and the sunny northern aspect. This is considered to be a significant public access benefit of the MEC. Overall, it is considered that effects on public access will be positive as a result of this proposal.

5.4 Economic

Considerable background analysis has been undertaken by ACC prior to determining that this location was appropriate for a Marine Events Precinct. The most relevant documents include "Auckland's Marine Events Precinct", which is an ACC document that is attached to the application and the "Business Case/Regional Impact Of Proposed Viaduct Harbour Marine Events Precinct" prepared by Horwarth Asia Pacific, which is also attached to the application. The Horwarth Asia Pacific report undertakes a SWOT analysis of marine event precinct locations within the Auckland Region and analyses them against the critical

success factors. The report also provides regional economic impact scenarios from a marine events precinct.

The locations tested included Viaduct Harbour, alternative Wynyard Quarter locations, Bayswater Marina, Devonport, Gulf Harbour and Whenuapai. The success factors included proximity to a CBD, proximity to marine cluster, availability of space, quality of water (ie calm), depth of draft, and supporting infrastructure. Page 37 of the report analyses the relevant matters and concludes that a location within the Viaduct Harbour, as currently proposed is the most appropriate location

With regard to economic impacts, the results were quite significant. Page 44 of the report states that under a medium event scenario the precinct is predicted to generate an average contribution to the Regional GDP of around \$86m annually, sustaining the equivalent of 2,000 full time equivalent jobs (high scenario \$128m, 2890 FTE's and low scenario \$54m, 1310 FTE's). Table 8.2 on page 47 of the report breaks down the detail of this. Accordingly, the Marine Events Precinct in this location has significant economic benefits for the Region. ACC's main driver to develop this precinct is to provide such a service/facility to Aucklanders for the benefit of the community and to enable the Region to host major international marine events.

Accordingly, it can be concluded that the Marine Events Precinct will be a significant income generator for the wider precinct and without the development, the economic benefits outlined above would not be realised. Overall, it is concluded that there are significant positive economic effects that will result from the MEC.

5.5 Character and Coastal Environment

The character of the locality is comprised of several different aspects as described in section 3 above. Significantly, the coastal location plays an important part in defining the area's character. This area of "blue open space" and the promontory type location of the wharf heighten the attention drawn to any structure on the wharf. The built form of the area is generally comprised of buildings 18 metres above sea level or lower, which are occupied by a variety of uses including marine industry, residential, commercial offices, the maritime museum and food/beverage. The Viaduct Harbour area has also been used as an events base for a number of years including the America's Cup regattas, a stop over for the Volvo

Ocean Race, the International Boat Show and the Auckland Harbour Festival. Previously, during the America's Cup regattas, the HSEW was occupied by syndicate base sheds and the waterspace intensely used by the syndicate vessels and infrastructure. Since that time, some buildings have been removed and parts of the wharf left vacant.

The activities envisaged within the MEC are already undertaken within the area and the mass of building envisaged is similar to the mass of existing buildings or buildings that previously existed on the site. There will however be a significant improvement in the quality of built form resulting from the MEC. The overall design of the building, with its "lyrical wave" form and glazed/modulated elevations will be complementary to its coastal location. Activities such as the marine and fishing industry will continue to operate from the wharf.

The various images and photomontages submitted with the application show several viewpoints from which the MEC will be visible. These are assessed in the urban design and visual assessment report prepared by Boffa Miskell. That reports concludes that the

"proposed design will make a significant contribution to the accessibility, quality and amenity of the public realm of the waterfront while retaining and enhancing the site's maritime character."

Overall, it is considered that the proposed development is complementary to the character of the locality, particularly the waterfront location and will likely result in positive effects in this regard.

5.6 Urban Design

The urban design and architectural aspect of the proposed development has been a significant consideration in the planning for the MEC. Moller Architects were appointed architects for the development and commenced concept designs some time ago. Initial concepts were presented to the Urban Design Panel on 24 April 2008 and following feedback a revised design was submitted to the Panel on 3 July 2008. The panel concluded, in their 4 July 2008 recommendations

“The panel thanks the applicant for its comprehensive presentation and notes that significant improvements have been made in the scheme since the previous 24 April 2008 review, especially:

- *Public accessibility around the building viz ramp, colonnade and viewing deck;*
- *Tapered colonnade columns;*
- *Relocation of building one bay to the south; and*
- *Double height entry.*

The stepped wave form roof edge is noted to be an improvement on the previous simpler barrel vault scheme.”

The Panel also suggested some other considerations which have since been accommodated by the wider design team. A full record of the Urban Design Panel recommendations and responses are set out in Moller’s Architectural Design report, which is attached to this application. The Design Report additionally sets out the key urban design aspects of the proposal and analyses the design criteria from Proposed Plan Change 3. These are supported by images 11 to 18 in the drawing set, which set out the design study process and design elements of the MEC.

In addition, the Urban Design Report from Boffa Miskell sets out the key urban design principles that any public building on the prime waterfront location of the HSEW should adhere to. These are set out below:

- *“Respect the view shaft along north wharf to / from Te Wero and along the waterfront axis;*
- *Provide active edges at ground and upper floor levels overlooking the Gateway Plaza and at the southern end of the building;*
- *Provide main entry fronting onto and activating Gateway Plaza;*
- *Use the shape of the building to reflect the underlying structure of the wharf and its edges;*

- *Front the pedestrian accessways surrounding the building and reinforce circulation routes;*
- *Create a visually light / permeable building to facilitate views through.”*

An analysis of how the proposal satisfies these urban design aspects is set out in the Boffa Miskell report and is also set out below:

“The proposed Marine Events Centre will occupy a pivotal position on the Auckland waterfront between the Viaduct Harbour and Wynyard Quarter precincts. As such the proposed building, in conjunction with the adjacent Te Wero Island, Bridge and Gateway Plaza, is an important first step in the urban transformation of the Wynyard Quarter and its integration with the Viaduct Harbour and the CBD further to the east.

The proposed building, as the first new publicly accessible, high profile building on the western waterfront, will herald the beginning of redevelopment in the Wynyard Quarter with a new emphasis on public access, use and enjoyment while maintaining the working wharf qualities of the Quarter.

The location, bulk and massing proposed by Moller Architects has been well considered in terms of the relationship with and activation of the adjacent public spaces of the Gateway Plaza and publicly accessible wharf edges.

The location and design of the southern elevation of the proposed building will assist with the built definition and activation of the Gateway Plaza. This is achieved by the location of the main building entry on this frontage, incorporated within a glazed double height void directly accessible from the Plaza, with ground floor café and upper floor balconies overlooking the public space. In particular, the inclusion of a ground floor café will provide a publicly accessible use activating the public space, including at times when no events or activities may be occurring within the Centre itself. In addition, there is potential for the activity and use of the Marine Events Centre to spill out into the public plaza during major events such as the Auckland Festival, Boat Show and Fashion Week. This sporadic further activation of the Gateway Plaza will add to the dynamic qualities of the western waterfront.

While the building is a dedicated events centre likely to cater to a wide range of private and public functions, the architectural design of the building, which is essentially a transparent glazed pavilion, will put the activity occurring within the building on public view.

Members of the public will be able to walk unobstructed around all four sides of the building, out to the outer tee, up the boardwalk to the viewing platform, and make use of the ground floor café fronting the Gateway Plaza. The incorporation of the viewing deck and accessible boardwalk will provide significant public benefit by providing a range of waterfront views not afforded from wharf level.

Shelter is an important aspect of public use and enjoyment, the proposed roof design, with generous overhangs on all sides and columns creating tall colonnades around the building, will provide desirable shade and shelter.

Walking along the waterfront axis the considerable presence of the proposed building, identifiable as a significant publicly accessible facility, will enhance the public amenity of this part of the waterfront, opening up the existing relatively inaccessible wharf for public access, use and enjoyment while providing for the ongoing use by the fishing fleet. This public accessibility is a key principle of both the Auckland Waterfront Vision and Wynyard Quarter Urban Design Framework.

In particular, walking across Te Wero Bridge heading west towards Jellicoe Street, the Marine Events Centre will appear as a significant new facility in an open waterfront setting.

The servicing, vehicle access and circulation requirements for the Events Centre have been carefully considered and designed to avoid intruding on the use of the surrounding wharf space for both the fishing fleet and the public. The restriction of the service dock and limited car parking to the western building façade, away from the wharf edge, and the restriction of general vehicle movements to the western side of the building, will ensure that vehicle movements associated with day to day activities and the drop off and pick up for events will have minimal intrusion on the wharf space.

During the setting up and dismantling of events some vehicle movements and parking will at times be required around the building including on the Gateway Plaza. Given the limited and controlled nature of this activity, and the width of the wharfs, it is not considered that this activity will adversely affect the public amenity and use of the wharf.”

The proposed building and design of public open space surrounding the building satisfy the urban design criteria set out in the Boffa Miskell report in addition to the criteria set out in Proposed Plan Change 3. Furthermore, the matters raised by the Urban Design Panel are also considered to be satisfied. The Boffa Miskell Urban Design Report concludes that the urban amenity effects of the proposal are as follows:

“Overall, it is considered that the proposed building will enhance the urban amenity of the Viaduct Harbour and Wynyard Quarter waterfront precincts, and contribute significantly to the future public space development along the extended waterfront axis.”

In summary, the urban design report and the architectural design report support the design of the building and surrounds and it is therefore considered that overall the urban design effects of the development are positive.

5.7 Visual

The proposed building will be able to be viewed in the round owing to its prominent waterfront location on a protruding wharf. The Boffa Miskell report has analysed the visual effects of the proposal in section 6 of that report “Visual Catchment and Viewing Audiences”. The assessment is based on the Moller photomontages included with the drawing set. The report confirms that the building will be highly visible from immediately adjacent locations including the harbour. The report also states that the building will be visible as a small part of a much greater and more distant visual catchment. A series of viewpoint locations are set out in section 6 of the report and range from the Sky Tower, to Te Wero and include Wynyard Wharf and Princes Wharf.

Section 7.2 of the Boffa Miskell report contains the relevant part of the landscape and visual effects assessment. This is highlighted below:

“The landscape and visual effects generated by any particular proposal may be perceived as:

- *Positive (beneficial), contributing to the visual character and quality of the environment;*
- *Negative (adverse), detracting from the existing character or quality of the environment;*
- *Neutral (benign), with essentially no effect on existing character or quality of the environment.*

The degree to which landscape and visual effects are generated by a proposal depends on a number of factors. These include:

- *The proportion of the proposal that is visible, determined by the observer’s position relative to the objects viewed;*
- *The backdrop and context within which the proposal is viewed;*
- *The degree to which the proposal contrasts, or is consistent, with the qualities of the surrounding landscape;*
- *The number of viewers, their location and situation (static or moving) in relation to the view.*

As already stated, any noticeable visual change/impact generated by the Marine Events Centre will be limited to the immediate waterfront environs of the Viaduct Harbour and Wynyard Quarter, the adjacent water space of the harbour, and, in terms of private views, those taller high rise buildings in the CBD and Viaduct Basin with views of the western part of the waterfront.

The photomontages prepared by Moller Architects illustrate the visual qualities of the proposed building and how it will sit within the existing waterfront context.

In views from central city buildings (as seen in the Sky Tower and West Plaza views) the proposed Events Centre appears as a low horizontal built form strongly aligned with the wharf edges and the profile of the Halsey Street Extension Wharf upon which it sits, back dropped by the tanks and other existing development on Wynyard Point.

The photomontage from The Point Apartments in the Viaduct Harbour clearly illustrates the potential impact from a closer and less elevated private viewing location looking across the water of the Viaduct Harbour. As with the more elevated and distant city views, the proposed building reads as a strongly horizontal built form closely aligned with the wharf. Also apparent is the way in which the transparent nature of the glazed pavilion will allow views into and through the building. While from this and other such elevated locations the Marine Events Centre may obscure part of the water and distant North Shore backdrop, this is not considered to generate more than minor adverse visual effects. The proposed building will fit with the essential urban waterfront character of the view and is consistent with the envisaged built form within Wynyard Quarter. In addition, the strong wave form of the roof creates a distinctive design element that is appropriate to the waterfront location and contributes to the place-based design of the building.

Down on the waterfront, the Te Wero photomontage clearly shows the potential visual impact of the building from the public domain of the waterfront axis. At this closer viewing distance the finer design details and architectural qualities, as well as the relatively transparent nature of the building, are readily apparent. The roof form is particularly distinctive, contrasting with the more recessive building facades and its wavy horizontal profile emphasising the maritime character of the location. The building height and massing appear entirely in scale with the waterfront surrounds, and the architectural detailing and materials relate in form and visual appearance to the essential maritime character of the waterfront.

The North Wharf simulation shows the visual qualities of the western side of the building facing Jellicoe Harbour and the Wynyard Quarter. This view illustrates the minimal presence that the service dock on the western façade will have in views from the Jellicoe Precinct and Wynyard Wharf.

In both the Te Wero and North Wharf views the future context of the building will significantly change from the existing with the expected future development of the Te Wero Bridge, Gateway Plaza and Wynyard Quarter. Collectively the future public domain improvements will restore the historical waterfront axis, severed at the time of the 2000 America's Cup development, and significantly enhance public access between the Viaduct Harbour and Wynyard Quarter. Visually, the Marine Events Centre will complement this future extended/reconnected waterfront axis and viewshaft providing strong built definition to the Gateway Plaza.

The photomontage looking southwest from the 'outer tee' or Western Viaduct illustrates the public amenity qualities that the proposed building will bring to the waterfront. The ramped boardwalk and viewing deck appear as significantly scaled publicly-accessible elements on the eastern facade and northern end of the building with uninhibited public access around all sides of the building. In addition, as in the previous waterfront views, the fine-grain and visually light architectural treatment of the tapered columns, ramp, balconies and balustrade, and the large expanse of glazing, ensure that the building reads as a light and quite recessive waterfront pavilion at home in the surrounding waterfront location.

Collectively, visual analysis of the photomontages indicates that the proposed Events Centre can be readily accommodated in this location without generating adverse landscape or visual effects. The building height and massing result in a low horizontal form set below the expected height limit provided on this defined building site.

The building sits lightly in its context. The tapered columns and predominance of glazing ensuring that it is a relatively transparent and recessive pavilion that does not detract from the character of the waterfront nor compete visually with the array of yacht masts, the fishing fleet and other vessels tied up along the wharf edges.

The exception to this is the deliberately contrasting form of the roofline that will be seen as a distinctive horizontal built element on the harbour side of the extended east-west waterfront axis.

While a building in this location will incur the partial loss of limited harbour views from some locations, the proposed Marine Events Centre minimises this potential impact by keeping below the 18 metre height limit and establishing a low horizontal profile appropriate to this wharf location. Furthermore, the generally transparent nature of the building and careful design and detailing of the elevations 'in the round', ensures the building is relatively recessive and does not detract from the character of the surrounding waterfront environment.

On balance, in the context of the Halsey Street Extension Wharf and nature of the existing and potential future built development of the Wynyard Quarter and Viaduct Harbour the scale of the proposed building is considered entirely appropriate and will not generate adverse landscape or visual effects."

On the basis of the comprehensive analysis within the Boffa Miskell assessment and the photomontages that have been prepared incorporating the MEC, it is considered that, overall, any adverse visual and landscape effects will be minor.

5.8 Dominance, Privacy, Shading

The proposed building will be similar in scale (approximately 2.5 metres higher) to the America's Cup syndicate bases that previously occupied the wharf (only former Oracle Racing building remaining on HSEW). Previously, the Team Prada building was located adjacent to the northern face of the Oracle building, thereby creating a 'solid' wall of buildings roughly in the location of the proposed MEC building platform. It is noted that the America's Cup syndicate base buildings were shed like structures with minimal design merit and performed mainly a functional duty.

The proposed MEC building has undergone considerable design scrutiny and the combination of the glazed elevations, modulation in elevation and the "lyrical wave" roof form all combine to reduce the dominance of the development. Furthermore, there is considerable separation distance between the MEC and the nearest adjacent sites. Such sites are separated from the MEC by open space (e.g. the gateway plaza, Te Wero Island) or waterspace (Viaduct Harbour, east of Wynyard Wharf).

In terms of the public promenades, the new building will cast some shade on the eastern and western edge promenades and as a result, the users of the promenades. Also, the new buildings will create some dominance effects on these portions of the promenade. As the promenade users are likely to be on foot or cycle, such effects will be limited in duration as passers-by will predominantly travel along these portions of the promenade rather than stop for a long period of time in any one place. Promenade users are more likely to stop and rest on the promenades at the northern end of the wharf where good sunlight access is available and a generous separation distance from the MEC building exists. Overall, in terms of promenade users any shading and dominance effects are considered to be minor.

With regard to the marine and fishing industry, these activities will receive some reduction in sunlight in either the morning or afternoon depending on which side of the wharf they are located. However, since these activities are commercial, are temporary and are separated

from the MEC building by 15 metres (western edge) or 20 metres (eastern edge), it is considered that any adverse shading and dominance effects will be minor.

Therefore, as a result of the building design and the separation distances to the nearest adjoining sites, it is considered that any adverse dominance, privacy and shading effects are minor.

5.9 Landscaping

An integral aspect of this proposal is how the MEC building is integrated with and interacts with the surrounding areas of the HSEW and WVV. The Urban Design Panel also sought further clarification of this matter. Architectus have accordingly prepared a series of landscape plans that set out the important landscape design themes and opportunities for the area surrounding the building.

As part of this assessment, Architectus have considered the wider environment including the CBD wharves, the gateway plaza and the Te Wero link. Importantly, the open space strategy seeks to differentiate landscaping between three waterfront zones as outlined below (refer section 3 of the Public open Space report).

- *“The CBD wharves, which will have landscape elements that reflect the wharf and maritime working aesthetic. Note that trees and planting are not feasible on the wharfs.*
- *The waterfront axis which is a key organising and connecting element of the CBD waterfront.*
- *Wynyard Quarter and Viaduct Harbour, which sit behind the waterfront axis and have their own landscape and urban character.”*

Following on from this, the report (refer section 6) sets out the landscape design themes for the HSEW and WVV as follows:

- *“Provide opportunities to interact with the water’s edge;*
- *Marine and Industrial character;*
- *Flexibility and adaptability;*
- *Programmable surfaces;*

- *Lighting;*
- *Sustainable design; and*
- *Integrated artwork.”*

Taking these aspects into consideration, a series of landscape plans are attached as Appendix A to the Public Open Space Report. The landscape plans set out how the area will operate under a number of scenarios as set out below:

- On a normal working day with some small events within the MEC;
- Landscape elements only highlighted;
- Traffic circulation (typical day);
- Open space and pedestrian circulation;
- Large marine event taking place; and
- Pedestrian and vehicular traffic and circulation during a large marine event.

The landscape plans demonstrate that the MEC, the marine and fishing industry and public use of the area can all cohabit the locality without creating safety or operational efficiency issues for each other (refer cross section in Appendix A to the Public open Space Report). In terms of surface finishing materials some form of hard wearing surface is required to accommodate the needs of the working waterfront. Some form of concrete is required for this, it may be textured or coloured – a detail that could be provided as a condition of any consent granted. Additionally, moveable landscape furniture elements are proposed, which are complementary to the waterfront setting (refer section 8 of the Public open Space report). A potential artwork location is also proposed at the end of the WVV.

Overall, it is considered that the proposed landscaping will significantly improve the overall appearance, use and organisation of the HSEW and WVV around the building and therefore the landscape effects will be positive.

5.10 Navigation & Safety

The proposed development is not proposing any alteration to existing navigation and safety measures currently operating within the coastal marine area. Currently, when large events take place within the locality, the fishing industry is temporarily relocated to either North

Wharf or other wharfs in the vicinity. This temporary relocation process currently exists and will not be changed as a result of the development of the MEC.

Accordingly, there are considered to be no adverse effects in this regard.

5.11 Traffic

As with any significant public building, the issue of traffic needs to be carefully considered. It is a particularly important issue in the sensitive Wynyard Quarter environment, where reduction in private vehicle trips is a prime objective. Additionally, in this coastal setting, it is not desirable to provide large unattractive carpark areas on such an important and valuable location. It is fortunate therefore that the proposed location of the MEC is within Auckland's CBD and is in proximity to a wide variety of alternative transport modes and large CBD carparks. The proposed transport approach for the MEC is similar to the approach used for the Vector Arena, where parking in the immediate vicinity is limited and a transport plan prepared to outline how visitors to the centre may come to the facility using a variety of other transport options.

Flow Transportation Specialists have prepared an integrated transport assessment for the MEC, which considers all relevant transport related matters and is attached to the application. There are a number of types of activities that have been considered in assessing the potential traffic effects. These include the existing marine and fishing activities, the day to day running of the MEC, a small to medium event within the MEC (up to 2,000 persons at a time) and a large weekend event such as the International Boat Show (21,200 over four days in 2007). Flow have also undertaken traffic counts and monitoring at various events in order to determine how the events currently operate from a transport perspective. The main conclusions of that report are as follows:

Accessibility: There are numerous alternative modes by which visitors can access the MEC for events. These include visitors using train or buses to reach the Britomart Transport Interchange and then traveling by foot across a bridge or pontoon between Te Wero Island and Wynyard Quarter. A shuttle passenger transport service may also be available to transport visitors across a link from Te Wero or by an alternative public transport route along Fanshawe Street. Other alternatives include ferry transport to the Britomart Transport Interchange and then travel by foot or public transport using the above options to access

the MEC. There are also approximately 3,500 CBD carparks in close proximity where visitors can park and then walk to the centre (Fanshawe Street, Sturdee Street, Victoria Park, Downtown Carpark, Pakenham Street East, Wyndham Street (Former Farmers Carpark), Princes Wharf). Visitors could also access the location on cycle, although such visitors are less likely to be attending an event and more likely to be visiting the wharf to experience the public promenades and open space areas. There will also be some on-street carparking which could be utilised by visitors or event related staff. The maximum 50 spaces on site would likely be used by MEC staff and/or marine and fishing industry persons. Temporary event parking for exhibitors and event related staff would be in excess of this and controlled by a parking permit system. Also, as shown on the major event plans, there is some provision for temporary overflow exhibitor on the 'outer tee'. Overall, it is considered that a suitable variety of modes by which visitors can access the facility exist.

On Site Manoeuvring: In terms of on site manoeuvring for vehicles and pedestrian movement, the traffic circulation plans attached to the traffic, public open space and operational overview reports indicate how traffic may be managed within the precinct. Effectively, vehicles will access the precinct, via a controlled entry point along the western edge of the gateway plaza, travel up the western side of the wharf and then either along the northern side of the wharf or down the eastern side of the wharf. Fishing industry vehicles can park along the edge of the wharf (alongside the vessel – as they currently do) and put out cones to direct pedestrians around their vehicles. Pedestrians would still have an approximate 5 metre width to pass around the vehicle. Once loading/unloading is completed, the cones will be removed and the vehicle departs. On the eastern side of the wharf, a similar management regime would operate if vehicles needed to load/unload materials to the vessels. Once loading/unloading is completed the vehicles would depart the wharf or park whilst they undertake work on the vessels. To avoid potential effects on the gateway plaza, vehicles would be prevented from crossing the plaza in an east to west direction and instead would need to return around the building – the 5-6 metre wide vehicle accessway is considered sufficiently appropriate to accommodate this arrangement. It is envisaged that the HSEW would only be available for marine and fishing industry and MEC facility related staff parking. Accordingly, no general public parking would be available on the wharf. It is considered that the above operational regime would ensure vehicle and pedestrian safety within the precinct.

Parking: As stated above 50 on site carparks are permitted by the coastal plan. These will be utilised by the MEC staff and the marine and fishing industry. The proposed locations of the carparks are set out on figure 6 of the Transport Assessment and are generally located adjacent to the MEC building plus temporary overflow parking to the north of the building platform. It is considered there is sufficient space on the wharf (17,000m² total area) to accommodate the proposed 50 spaces.

Loading: The servicing part of the MEC is proposed to be located on the western elevation in proximity to the southern end. 3 servicing bays are proposed and these will be screened by moveable fences. There is sufficient manoeuvring space to accommodate the bays, with one bay designed to hold a vehicle lift. It is considered that the servicing of the centre can be accommodated without compromising the overall on site manoeuvring arrangements and pedestrian promenades.

Traffic Management Plans: Traffic Management Plans (TMP's) are attached to the Transport Assessment outlining proposed management arrangements for a typical small event and a typical large event. The TMP's include measures such as vehicle access restriction areas, on street parking restrictions, taxi areas, VIP pick up/drop off areas, pedestrian routes, coach routes, PT routes/stops and indicative water taxi/ferry stops. The TMP's propose route diversions away from Viaduct Harbour residential areas where there is the potential to create nuisance effects from certain events. Overall, it is considered that the TMP's will ensure traffic and pedestrians are managed in such a way to ensure the smooth operation of the event and avoid potentially adverse effects on the surrounding locality.

Summary: Overall it is considered that the potentially adverse traffic effects arising from the MEC will be minor.

5.12 Acoustic

Marshall Day acoustics have prepared an acoustic design report for the proposed MEC. The design report has considered the following elements:

- Exhibition acoustics/Sound transmission;
- Services noise;

- Ceiling and wall absorption;
- Sound insulation;
- Ventilation noise; and
- Regional Plan noise compliance.

The report recommends certain measures be undertaken to minimise noise output from the venue. These have been incorporated into the design and include:

- Ceiling absorption either by perforated plywood or corrugated metal with acoustic batts or porous plaster;
- Wall absorption, also by the above methods and glazing no less than 7mm thick laminated with a PVB interlayer; and
- Sound insulation between rooms.

The report also calculates maximum noise levels within the MEC that would need to be adhered to in order to meet the regional plan noise controls and is sufficient to ensure compliance with section 16 of the RMA "...does not exceed a reasonable level of noise". Noise is measured at two controlling points including the Point Apartments and Jellicoe Street and various scenarios have been calculated – doors closed, north doors open and all doors open. The report concludes that varying levels of noise within the MEC can be readily achieved. The table in the Acoustic Report states that noise within the MEC could reach 115dBA with all doors closed and would comply with the relevant noise limits if measured from in front of the Point Apartments. Or, if all doors were open, noise within the MEC could reach 90dBA and comply with the relevant noise limits if measured from the nearest building on Jellicoe Street.

With regard to the majority of events envisaged at the MEC, it is considered that they would be well within the suggested noise limits and would therefore not create any noticeable effects on neighbours. The nearest potentially affected persons are those residents of the Viaduct Harbour Precinct. Adherence to the noise restrictions suggested will ensure any adverse effects on these occupants will be minor. In terms of events patrons exiting the MEC venue, the traffic management plan sets out pedestrian routes that are directed away from these residential units, ie Daldy Street and across the Te Wero link. Additional restrictions of outdoor PA systems will further reduce effects on residential unit occupants.

The MEC building will utilise high quality noise reduction materials and construction methodologies, which will ensure noise is absorbed within the building and not transmitted across the water to the nearby apartment occupants.

Overall, it is concluded that relatively high internal noise levels can be emitted without creating unreasonable noise effects on the surrounding environment. Adherence to the table within the noise report and the various construction measures proposed will ensure that any adverse noise effects are minor.

5.13 Heritage/Cultural

Jeremy Salmond from Salmond Reed Heritage Architects has prepared a heritage assessment of the locality and the wider waterfront and have reviewed any heritage implications of the proposed MEC. The report notes that the Auckland CBD Waterfront has been in a state of continual change since the early 1900's where reclamation commenced with the end of Hobson Street being opened up as the town tip with filling deposited from excavation works around the city. Various other reclamations resulted in the Eastern Port and Wynyard Quarter. More recently, Viaduct Harbour was completely redeveloped for the America's Cup and resulted in the creation of Te Wero Island, the Halsey Street Reclamation and the HSEW.

The report notes heritage items of merit including the North Wharf structure to the south of the MEC and wharf furniture. The report concludes that

“given the history of constant change on the waterfront in general and the Viaduct basin in particular, the design for this building can readily be absorbed into the robust setting precisely because of the scale of the surrounding development and the manner of its siting. The new building will be located on the comparatively recent reclamation of the Halsey Street Extension Wharf and consequently will not have any effects on any existing historic feature.

I do not, therefore perceive any potential adverse effects on heritage values arising out of the proposal.”

In summary therefore, it is considered that there will be no adverse heritage effects from the MEC.

With regard to iwi values, the proposed MEC development will occur in a highly modified part of the coastal marine area and be constructed on a man-made concrete wharf. To the south is a large area of reclaimed land that has progressively been developed over the last century. Accordingly, it is considered that any adverse cultural effects will be minor in this highly modified part of the coastal marine area.

5.14 Construction

The envisaged construction time for the MEC will be approximately 15 months and will only create potential effects during that period. This is reasonably standard for a development of this scale. Usual construction techniques will be employed such as the development of the site and construction management plan, in addition to a construction traffic management plan. Other measures such as protective fencing around the development and safety methods will be utilised. It is noted that the marine and fishing industry will still be able to conduct their activities on the perimeter of the wharf at that time.

A Construction Methodology report has been submitted with the application, which sets out the basic construction process that will be utilised to build the MEC. It is proposed to temporarily utilise the WVV (excluding the public promenades) as a temporary construction area during the construction of the MEC. The Construction Methodology report outlines the load bearing capacity of the wharf and the structural integrity of the wharf. The design philosophy for the MEC is to utilise the existing structural grid of the pile foundations of the wharf and place the MEC structure above the existing piles. It is considered that the existing wharf structure is of sufficient structural strength to accommodate the structural pressure of the MEC building. The roof will be constructed via a gantry and slide system whereby the roof vaults are hoisted up on the gantry and slid into position on the roof. All construction will take place on the wharf deck.

Overall, it is considered that due to the temporary nature of the effect and the management measures that are put in place during the construction period, any adverse construction effects will be minor.

5.15 Infrastructure

Jawa Structures Limited have undertaken an infrastructure assessment and their report is attached to this application. The report investigates the capacity of the following services; water supply (including fire assessment), wastewater, stormwater, electricity, telecommunications and gas. The report confirms that the requirements for the MEC can be accommodated by existing capacity or by existing processes.

Correspondence has also been included in the report confirming that the MEC meets the fire risk standards for a building of this nature. The hydrant flow test has also been satisfied.

In terms of stormwater, the wharf is totally impervious and the stormwater from the wharf buildings is currently collected by scupper drains around the perimeter of the wharf. From the drains the stormwater is piped to cesspits beneath the wharf. The cesspits allow grease and oil to float to the top before discharging clean water to the coastal marine area. The cesspits are regularly cleaned out by VHMV staff. As there will be no increase in stormwater runoff resulting from the MEC development, no change to the manner in which stormwater is dealt with is proposed. The existing wharf and the method by which stormwater is disposed is consented to by the ARC and no change is proposed to that aspect.

Overall any adverse effects are considered to be nil.

5.16 Lighting

Lighting has been considered as part of the overall design of the MEC. Owing to the focal location of the building and its dynamic form, an opportunity exists to celebrate the design features with appropriately designed lighting. The 'lyrical wave' roof feature constructed from concrete enables the opportunity to 'wash' light over the roof so it can become a sculptural form when seen from its surrounds.

The Architectural Design Statement confirms that lighting design will focus on energy efficiency, personal safety, amenity as well as creativity. The lighting design will ensure

that light spill is minimised with respect to the night sky and surrounding residents and will be in accordance with Auckland City Council's lighting policy and AS 4282:1997 "Control of obtrusive effects of outdoor lighting".

E3 have prepared a lighting report and assessment of effects. This report is attached to the application. The following has been extracted from the lighting report.

"Clearly, the most potentially affected persons are those residents in the Point Apartments and other apartments within the Viaduct Harbour. There are other activities in the vicinity, however as they are commercial, industrial or otherwise it is considered that lighting effects on these activities will be minor or nil. However, in terms of the residents, there are a number of factors to consider in determining potential adverse effects on them.

The method of lighting proposed, being simple and discrete LED lighting illuminating features of the building only will in itself minimise effects on surrounding occupants. The drawings indicate a silhouette type image will result as opposed to a fully illuminated building from flood lights surrounding the building. In ground luminaries will also ensure minimal light glare and spill onto surrounding neighbours. In terms of the use of colour change lighting – as the lighting will not be continually changing and will only change for specific events or occasions, it is considered acceptable.

In terms of the amenity of the locality, it is considered that the subdued lighting proposal, illuminance of less than 150 lux and separation distance to the nearest occupied buildings, all combine to ensure that the amenity values of the locality will not be eroded to an extent that would be obtrusive to such occupants. It is also considered that the cumulative effects will not create adverse lighting effects on neighbours.

There will also be positive effects resulting from the lighting of the building and these include the public benefit arising from highlighting the architectural features of the building, highlighting access to an upper level public viewing deck and improving public safety at night.

Careful consideration has been applied to the placement and aiming of the luminaries to minimise the amount of night sky glow such that there shall be no adverse effect on traffic safety whilst maintaining visual comfort within the surrounding neighbourhood.

No light from the Marine Events Centre shall fall onto any adjacent residential property.”

Overall, it is considered that any adverse lighting effects will be minor.

5.17 Signage

Signage is proposed to be located on the southern elevation in the vicinity of the entry. Two signage panels are proposed, one for the main entry and one for the café. The South Elevation drawing (page 29 of the drawing set) indicates the location of the two panels. The main entry sign is located on the lower western corner of the elevation adjacent the main entry door and has dimensions of 8 metres long by 4 metres high. The café sign is located on the lower eastern corner of the southern elevation and has dimensions of 4 metres wide by 4 metres high.

The signs are setback from the roof overhang and fit within the structural panels of the building. They are also significantly separated from adjoining properties by the gateway plaza. Therefore any potential adverse effects are considered to be minor. It should be noted that the signs also have positive effects in that they enable visitors and patrons to readily identify the main entry point of the building and avoid confusion and potential safety issues outside the MEC.

5.18 Marine and Fishing Industry

The marine and fishing industry currently operate off the wharf and in the waterspace immediately adjacent the wharf. The fishing industry utilise 20 metres of waterspace to the north and west of the wharf and 30 metres of waterspace to the south of the wharf. Additionally, 30 metres of waterspace to the east of the wharf is utilised by the marine industry. Also within this waterspace, the Floating Pavilion barge is moored. The existing licences for the fishing industry extend to between 2010 and 2011. The Floating Pavilion has a licence until November 2008, however Council have verbally agreed to extend this until March 2009.

Typical marine industry work includes the commissioning of superyachts and locally purchased vessels, general maintenance including cleaning, anti-fouling and painting of vessels, re-fuelling, mast installation and removal and provisioning of food and water.

Typical fishing industry work includes the loading, unloading, re-fuelling, general maintenance and provisioning of vessels.

ACC is committed to the ongoing facilitation of the marine and fishing industry off the wharf. Also, in response to repeated demands for more berthage from the marine industry, ACC is committed to making the wharf space where the Floating Pavilion is moored available for marine industry berthage. Approximately 2-3 additional vessels could be serviced/berthed in this location. During the peak period at any one time there will be between 20 – 30 boats being serviced/worked on in the 42 ACC managed berths around Viaduct Harbour. Last year, International Management Group advised that they were required to turn away 12 boats for refit within Viaduct Harbour due to lack of berthage. The marine and fishing industry have campaigned very hard to both ACC and ARC for more space allocation within the Wynyard and Viaduct areas to enable their significant activities to continue. It is therefore considered appropriate to provide for a working waterfront for the marine and fishing industry. This also accords with the long term strategic direction of ACC.

In terms of traffic control, the traffic circulation plans attached to the traffic, public open space and operational overview reports indicates how traffic may be managed within the precinct. Effectively, vehicles will access the precinct, via a controlled entry point along the western edge of the gateway plaza, travel up the western side of the wharf and then either along the northern side of the wharf or down the eastern side of the wharf. Fishing industry vehicles can park along the edge of the wharf (alongside the vessel – as they currently do) and put out cones to direct pedestrians around their vehicles. Pedestrians would still have an approximate 5 metre width to pass around the vehicle. Once loading/unloading is completed, the cones will be removed and the vehicle departs. On the eastern side of the wharf, a similar management regime would operate if vehicles needed to load/unload materials to the vessels. Once loading/unloading is completed the vehicles would depart the wharf or park whilst they undertake work on the vessels. To avoid potential effects on the gateway plaza, vehicles would be prevented from crossing the plaza in an east to west direction and instead would need to return around the building – the 5-6 metre wide vehicle accessway is considered sufficiently appropriate to accommodate this arrangement.

ACC is currently in discussion with Sanfords regarding securing ongoing berthage from the HSEW. It is hoped that this will be resolved in the near future. Overall, on the basis of the

above information, it is considered that any potentially adverse effects on marine and fishing industries will be minor.

5.19 Sustainability

As stated above, an Environmentally Sustainable Design (ESD) Report for the building has been prepared and submitted with the application to ensure best practice in this area. A number of measures are proposed as follows:

- Promote high quality urban design and public realm;
- Minimise energy consumption and greenhouse emissions (use sea water cooling);
- Conserve water;
- Reduce waste during demolition, construction and operation;
- Adopt environmentally friendly materials;
- Minimise the impact on the urban environment and infrastructure including reduced quantities of water, sewerage, stormwater, power and fossil fuel use and improved air/water quality; and
- Encourage less reliance on private motor vehicles by promoting alternatives such as walking, cycling and the use of public transport.

The measures proposed will ensure a reduction in the quantity of resources utilised to construct and operate the facility (e.g. energy efficiency). There will also be a reduction in off site effects such as waste minimisation. Overall, it is considered that there are significant positive environmental sustainability effects that will result from the MEC.

5.20 Integrated and Comprehensive Development

The MEC will result in an integrated and comprehensive approach to redevelopment, in that the building has been designed in cognisance of the surrounding ground and water plane. In other words, the public and service edges of the building have been designed to complement and support the marine and fishing industry and public access requirements. Furthermore the proposal has been integrated with the potential future development of gateway plaza and the Te Wero link (refer Public Open Space report). Also, the traffic movements and circulation has been designed bearing in mind the future Wynyard Quarter redevelopment, use of gateway plaza and the potential development sites on the Halsey Street reclamation (to the south).

Overall, it is considered that the integrated and comprehensive manner in which the proposal has been developed has resulted in significant positive effects.

6.0 STATUTORY ASSESSMENT

The following section analyses the relevant statutory provisions that apply to the application and the locality. Significantly, these are the Resource Management 1991 and the Hauraki Gulf Marine Park Act 2000.

Overall the proposal is to be assessed as a Discretionary Activity. Section 104B states that a consent authority may grant or refuse an application for a discretionary activity. If granted that consent authority may impose conditions under section 108 of the RMA.

Under section 104(1) of the RMA, when considering an application for resource consent and any submissions received, the consent authority must, subject to Part 2 have regard to:

- (i) Any actual or potential effects on the environment of allowing the activity;
- (ii) The relevant provisions of a national policy statement;
- (iii) A New Zealand Coastal Policy Statement;
- (iv) A regional policy statement;
- (v) A plan or proposed plan; and
- (vi) Any other matter that the consent authority considers relevant and reasonably necessary to consider the application.

The RMA sets out the statutory framework, within which resources are managed in New Zealand. The framework sets out a hierarchy of tests that must be passed in order for resources to be utilised, either on a temporary or permanent basis. Broadly speaking, regional councils manage and administer use of the coastal marine area, while district and city councils manage the use of land. One of the most important criteria is that of sustainable management. The Hauraki Gulf Marine Park Act recognises the quality and diversity of biology and landscape that make the Hauraki Gulf outstanding within New Zealand.

The following assessment sets out the relevant regional provisions that have been prepared by the ARC, the New Zealand Coastal Policy Statement, Part 2 of the RMA and the HGMPA.

6.1 New Zealand Coastal Policy Statement (NZCPS)

The NZCPS sets out the relevant issues that are applicable to the coastal environment of New Zealand. In terms of the MEC, the NZCPS policies that are relevant to the proposal 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.*

Overall, it is considered that the proposal is complementary to the spirit and intention of the New Zealand Coastal Policy Statement and does not affect any of the national issues as set out in the policy statement. In particular, the use of the HSEW for the MEC will not have significant adverse effects on the coastal environment or amenity values.

6.2 Hauraki Gulf Marine Park Act 2000 (HGPMA)

The purpose of the HGPMA is to integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments and establish objectives. The HGPMA also has as a purpose the recognition of the historic, traditional, cultural, and spiritual relationship of the tangata whenua with the Hauraki Gulf and its islands.

The following sections of the HGMPA in relation to this application are as follows:

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.*

Overall, it is considered that the proposed development does not offend against the provisions of the HGPMA 2000 and in particular the development of the MEC on the HSEW will not affect the life supporting capacity of the Hauraki Gulf and will not offend against iwi values in this modified area of the coastal marine area.

6.3 The Auckland Regional Policy Statement

The Auckland Regional Policy Statement (ARPS) is a statement about managing the use, development and protection of the natural and physical resources of the region. The aim of the document is to achieve integrated, consistent and co-ordinated management of the region's resources. It also provides greater certainty over the way natural and physical resources are to be managed and creates awareness of the constraints and opportunities in the Auckland region.

The ARPS 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. The key relevant section of the ARPS that relates to this application is Chapter 7: Coastal Environment. The main thrust of the ARPS objectives and policies are to protect the coastal environment from inappropriate use, subdivision and development, to protect outstanding natural features and landscapes and to enable appropriate subdivision, use and development. The ARPS however recognises that this is particularly relevant for unmodified areas but in area that are highly modified, such as HSEW that the modified nature of the environment needs to be taken into account when preserving the natural quality of the coastal environment.

The objectives also provide for maintenance and enhancement of public access to and along the CMA and to enable an appropriate range of recreational opportunities.

The relevant policies relating to subdivision, use and development of the coastal environment and public access include:

“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.”*

Additional policies relate to the coastal environment in general (7.4.1), the natural character of the coastal environment (7.4.4), areas of special value (7.4.7), recreation (7.4.16), and ports/network utilities (7.4.19). It is considered that the MEC development that is proposed on the HSEW can be accommodated within the policy framework of the ARPS. This document recognises that not all of the region's coastal environment is in a pristine unmodified form and that appropriate development can be accommodated in modified areas. The MEC is considered to be an appropriate addition to the Viaduct Harbour/Wynyard Wharf coastal marine area. The bulk and location of the building is considered to be acceptable and the associated enhancement of the public promenades around the edge of the HSEW and the WVW are considered beneficial. These enhancements will provide improved public access to the coastal edge and will improve the public experience of the coast in this location. Furthermore, the generous upper level public viewing deck at the northern end of the building will provide a valuable public asset with magnificent coastal views of the Waitemata Harbour.

Other relevant parts of the ARPS include Chapter 3 – Matters of Significance to Iwi, Chapter 4 – Transport, Chapter 6 – Heritage and Chapter 8 – Water Quality. Within these chapters there are issues, objectives and policies of varying relevance. It is considered that the majority of the matters raised have been addressed above in this report throughout the various sections of the effects assessment and the ARPC assessment below. It is considered that the proposed development is in accordance with these provisions.

Overall, it is considered that on balance the proposed development is consistent with the relevant provisions of the ARPS.

6.4 The Auckland Regional Plan: Coastal

Section 63 of the RMA sets out the purpose of regional plans (including regional coastal plans) and 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.

The proposal falls within the regulatory control of the ARC and specifically the provisions set out in the ARPC. This plan provides separate controls for various parts of the region according to different types of activities, such as marina management areas, aquaculture management areas and port management areas. The HSEW is located within Port Management Area 2, which includes Viaduct Harbour, Hobson Wharf, Princes Wharf and the waterspace west of Queens Wharf. The HSEW is also within the POAL s384a occupation permit area. The HSEW is also included in the Viaduct Harbour area, as shown on Map Series 2, Sheet 7A. The restrictions from this map that apply to the HSEW is a pedestrian accessway on the eastern edge of the HSEW and the southern edge of the WWV. The proposed development complies with this provision.

6.4.1 Objectives & Policies

Section 2.2 of the ARPC sets out the various Port Management Areas within the Auckland Region, while section 10 establishes the broad objectives and policies for use and development of the coastal marine area. These include the following:

- 10.3.1 *To provide for appropriate subdivision, use and development in the coastal marine area, and to protect the coastal marine area from inappropriate subdivision, use and development.*
- 10.3.2 *To ensure that efficient use is made of the coastal marine area.*
- 10.3.3 *To maintain where appropriate, the open space nature of the coastal environment.*

More focussed objectives and policies for Port Management Areas are outlined in section 25.3 and 25.4 of the ARPC. These include the following:

- 25.3.1 *To facilitate the efficient subdivision, use and development of the Port Management Areas for port activities.*
- 25.3.2 *To avoid, remedy, or mitigate adverse environmental effects arising from subdivision, use and development within the Port Management Areas.*

25.3.3 *To facilitate, where appropriate, the use and development of Port Management Areas for other marine-related purposes.*

Relevant associated policies state:

25.4.5 *Buildings and other significant structures in Port Management Areas shall be designed and located as far as practicable, so as to avoid, remedy or mitigate significant adverse effects on views from and to the adjoining land and water.*

25.4.6 *When assessing the visual effect of buildings and other significant structures in Port Management Areas, regard shall be had to:*

- a maintaining or enhancing the visual environment of the port; and*
- b maintaining or enhancing the landscape and amenity links between the harbour, the port and adjacent commercial areas, including the Central Business District.*

The specific objectives and policies for Port Management Area 2 are located within Chapter 28 of the ARPC. Viaduct Harbour is recognised as an area of largely enclosed water which penetrates into the central city. The variety of activities that take place within the harbour are also recognised in this section. The plan also specifically states that the “*co-existence of diverse activities in this area, subject to appropriate environmental standards, adds to its vibrancy and interest. Accordingly, future use in the Viaduct Harbour needs to provide for the appropriate mix of commercial, recreational, tourist and residential activities.*” It is considered that the proposed development is consistent with this.

Section 28.3 sets out the objectives that apply to Port Management Area 2, while the policies are set out in section 28.4. The relevant provisions are outlined below:

Objectives

28.3.1 *To recognise the importance of this area 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.*

28.3.4 *To recognise that the Viaduct Harbour provides a unique attraction for the general public and visitors to Auckland.*

28.3.5 *To ensure the Viaduct Harbour provides a range of activities which continue to attract people to the harbour's edge whilst taking into account effects on nearby*

land-based commercial, entertainment, recreational, tourist and residential activities.

28.3.6 *To encourage the use of the Viaduct Harbour water space in a manner which, in combination with the surrounding commercial, entertainment, recreational, tourist and residential activities, will establish a clear identity for the Viaduct Harbour as a place of special character in Auckland and make the harbour edge a better and more attractive place to be whilst continuing to meet the needs of the marine related activities.*

Policies

28.4.1 *Use and development shall not adversely affect the use of this area for port activities, including maritime passenger transport activities on the Ferry Tee and the south western edge of Queens Wharf.*

28.4.4 *Use and development in the Viaduct Harbour should enhance, rather than adversely affect navigation or berthage while also providing the opportunity to stage water-based entertainment and recreation events whilst taking into account effects on nearby land-based commercial, entertainment, recreational, tourist and residential activities.*

28.4.5 *Use or development is generally considered appropriate where it attracts the public to this part of the coastal marine area and maintains or enhances public access.*

The design considerations of the building combined with the careful consideration given to the management of the surrounding activities (including the marine and fishing industry) will ensure the objectives and policies for this locality are met. The enhancement of public promenades around the perimeter of this wharf and the development of a “public attractor” building on the site will ensure the proposal results in significant public amenity benefits, whilst ensuring that the operational requirements are met and environmental effects on nearby occupants are minimal. Overall, on balance it is considered that the proposed development is complementary to the relevant objectives and policies

6.4.2 Rules

As stated in section 5 above, the proposed building and activities are provided for as discretionary activities by virtue of rules 25.5.7 and 25.5.30. Other aspects of the proposal are considered to be permitted activities, including service structures, taking and discharge

of seawater and building height (less than 18m above mean sea level – 17.5m proposed) and location. It is also noted that the building will not intrude on any view shafts or public accessways.

Although the proposal is considered as a discretionary activity within the operative plan, it is considered to fit comfortably within the provisions set out in that plan. The effects on the environment are considered to be minor and the proposal is consistent with a number of objectives and policies, as set out above. Importantly, the proposal will result in the enhancement of public promenades around the perimeter of the HSEW and the continued operation of the marine and fishing industry. Significantly also, is the addition of an upper level public viewing deck at the northern end of the MEC. This will provide valuable and high quality views of the Waitemata Harbour for the general public and with its northerly aspect will also enable maximum advantage of sunlight.

6.4.3 Assessment Criteria

There are no specific criteria relating to discretionary activities within the operative ARPC, however there are certain performance standards/conditions for permitted, controlled and restricted discretionary activities that can serve as a useful guide to the types of issues that are of concern in the locality. These are listed below:

- Lighting;
- Noise,
- Signage;
- 18m above mean sea level height limit;
- No deposit of materials into the coastal marine area;
- Hazardous substances;
- Parking;
- Temporary structures;
- Heritage Issues;
- View protection areas;
- Stormwater control (it is noted that all stormwater will be pumped into the existing reticulation system and not discharged direct to sea);
- Adverse construction effects;
- Public access;

- Efficient use and development of natural and physical resources;
- Views of the coastal marine area, geographical features and port activities from Quay Street are maintained,
- Visual appearance of the building

Overall, it is considered that the proposal satisfies these various aspects, as explained in the above assessment of effects section of this report and the reports/plans accompanying the application. The building has been carefully designed to be a high quality development that is cognisant of and complementary to its waterfront setting. All relevant criteria including those listed above have been taken into account in reaching this conclusion.

In summary, it is considered that the proposal is consistent with the provisions set out in the operative ARPC.

6.5 Proposed Plan Change 3 to the Auckland Regional Plan: Coastal

The Auckland Regional Plan: Coastal, Proposed Plan Change 3 was notified for submissions on 9 July 2007 (closing date of 20 August 2007) and a summary of the submissions was notified on 23 October 2007 (closing date of 7 December 2007). The hearing of submissions to the district plan change began on 3 June 2008. Decisions were released 27 November 2008.

Proposed Plan Change 3 makes amendments to the Regional Plan: Coastal 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). Proposed Plan Change 3 applies to Port Management Areas 2 and 4A and amends the ARPC 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 Proposed Plan Change 3.

Proposed Plan Change 3 included amendments to the ARPC 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.

Proposed Plan Change 3 amends the text of Chapters 25 (Ports: overview and general provisions), Chapter 28 (Port Management Area 2), 30 (Port Management Areas 4A, 4B and 4C), 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. There are direct changes proposed to the abovementioned operative plan provisions and these are set out in the following sections. Noticeably a new Port Management Area 2A is introduced for this area. Greater recognition of the America's Cup bases (including the HSEW) is provided for within the revised section.

Importantly, Proposed Plan Change 3 provides for the MEC as a restricted discretionary activity subject to compliance with various conditions, controls and criteria. The notified version of the restricted discretionary activity rule also stated that the application will be processed on a non-notified basis unless special circumstances exist. The decision version removed this statement.

6.5.1 Objectives & Policies

The objectives and policies set out above remain applicable, except as commented upon in the following paragraphs.

Objective 25.3.3 has been amended to recognise non-port related activities including public access, entertainment and commercial purposes. Policy 25.4.5 has been amended to reflect the new urban design criteria listed in Appendix J, which apply to new buildings on the HSEW.

In terms of the chapter 28 provisions, some consequential changes are proposed to the existing objectives and policies listed above. In addition, new objectives 28.3.9 to 28.3.15 are proposed. These objectives address issues relating to view protection, passenger transport, providing for a marine events precinct, design of buildings reflecting maritime use and location, marine and fishing use, traffic and pedestrian management. Similarly, specific policies are introduced for the HSEW that reflect the matters listed above and the design criteria in appendix J. Overall, for the reasons stated above and below in this report, it is considered that the proposal meets the relevant objectives and policies of the Proposed Plan Change 3 and is in fact supported by the additional specific MEC provisions. Of particular note is that the MEC will enable the marine and fishing industry to continue around the water's edge, whilst at the same time providing for public access to the wharf edge. The design and location of the building are also considered to be supported by Proposed Plan Change 3.

6.5.2 Rules

Proposed Plan Change 3 provides for the MEC building as a restricted discretionary activity – subject to compliance with the controls listed below (rule 25.5.9) while the events within are a permitted activity. As the proposal does not comply with the building coverage control it requires a discretionary activity consent. Other relevant provisions are listed below:

Height: 18 metres above mean sea level on the Halsey Street Extension Wharf

Public Promenade: A minimum 10 metre wide public accessway shall be provided around the western, northern and eastern sides of the Halsey Street Extension Wharf and southern side of the Western Viaduct Wharf.

Building Platform

- South – by the north wharf alignment.
- West – 15 metres from the wharf edge.
- North – 20 metres from the wharf edge
- East – 20 Metres from the wharf edge.

Building Coverage: No more than 60% of the Building Platform area is to be covered by structures or buildings.

Parking: More than 10 carparks, 100 vehicle movements or temporary events require a restricted discretionary activity resource consent pursuant to rule 25.5.33A.

The proposal will also comply with the relevant noise and lighting provisions. The applicant would be happy to accept a condition that required such compliance.

The proposal complies with the abovementioned controls except for the coverage control (rule 25.5.29c.). Accordingly a discretionary activity resource consent is required pursuant to rule 25.5.34. It is noted that the public elements of the building including the pedestrian shelter roof overhangs (colonnades) and the viewing platform and ramp result in a coverage percentage of 71.49% (60% permitted). Without these elements the coverage percentage becomes 52.23%.

It is noted that the ARC planning officer preparing the planning report for the plan change hearings recommended that public elements be excluded from coverage calculations, however decisions to the plan change did not include this amendment. Nevertheless, as the building is sufficiently separated from its nearest neighbours (Point apartments and Lighter Quay apartments) and contains design elements that reduce its visual bulk (modulation, significant areas of glazing, lyrical wave roof form, variety of materials), it is considered that modification of this rule is appropriate.

6.5.3 Assessment Criteria

The plan change sets out numerous criteria that any proposal should be assessed against. These include the criteria listed in the operative plan, plus the following:

- Limits on numbers of events and duration;
- No public parking;
- Compliance with bulk and location controls;

- The provision for the ongoing operation of the marine and fishing industry;
- Design and visual appearance of structures and buildings (Appendix J);
- Effects on public accessways;
- Location and extent of public space and its usability and amenity value;
- Vehicle loading;
- Traffic related matters for providing more than 10 carparks, including traffic management plans;
- Increase in risk levels;
- Consent duration and monitoring.

Overall, it is considered that the proposal satisfies these various aspects, as explained in the above assessment of effects and the reports/plans accompanying the application. In particular the design statement has assessed the criteria in Appendix J and it is considered that the criteria are relevantly satisfied. The design of the building and the surrounding wharf has been carefully considered and peer reviewed by the urban design panel. The buildings, its activities, traffic and marine and fishing industries can all safely cohabit in the precinct and maintain its operational efficiency.

Specifically turning to Appendix J, these criteria are commented upon as follows and are addressed in detail in the Architectural Design Statement:

Building Design

The building is considered to be an elegant pavilion on the waterfront – as transparent as possible with a richness of articulation and responsive to its wharf context. There is an existing precedent for large buildings on wharfs and this building continues that. The rhythm and scale of architectural features such as roof overhangs, colonnades, viewing platform and decks address the waterside location by enabling building users and the public to engage with waterside activities as spectators. The lyrical wave roof form, stepped as it progresses along the building provides a clear visually interesting building profile.

Accessways and Vehicle Access

Details regarding accessways and vehicle access is set out in the assessment of effects section above. Of note, is that access to the waters edge is available for pedestrians and an appropriate management regime has been developed to enable vessel access and pedestrian access to cohabit the area together without creating safety or efficiency

concerns. The main entry to the building is on the south elevation through a double height space that exits directly on the gateway plaza.

Site Amenity and Interface with Surrounds

The building maximises public and pedestrian vitality through the provision of a north facing viewing deck, a café and projecting balconies. This enables interaction of activities between the inside and outside of the building. Additionally, at ground level, the northern part of the building is able to open over much of its length through the operation of large sliding doors. Pedestrians will be able to engage with exhibitions and events at these times. The building also provides passive surveillance opportunities.

Sustainability

The sustainability aspects of the building are outlined in the Proposal section of the report above. They are also set out in detail in the ESD report accompanying the application. They include:

- Minimise energy consumption and greenhouse emissions (use sea water cooling);
- Conserve water;
- Reduce waste during demolition, construction and operation;
- Adopt environmentally friendly materials;
- Minimise the impact on the urban environment and infrastructure including reduced quantities of water, sewerage, stormwater, power and fossil fuel use and improved air/water quality; and
- Encourage less reliance on private motor vehicles by promoting alternatives such as walking, cycling and the use of public transport.

The building has been designed to achieve an equivalent 5 Green Star rating. The exterior cladding with concrete roof and glass curtain walling is inert. The glass curtain wall maximises solar access with heat gain controlled by the large roof overhangs plus some solar louvers. The use of sea water to cool the building is also proposed. The building is targeted to achieve a reduction in energy use of 40% to 50% of a conventional building. Rainwater harvesting is included in the building services design. This is targeted to achieve a reduction in water use of 50% to 60% compared to a conventional building.

The overall sustainability initiatives are considered to be most impressive.

6.5.4 Submissions Hearing Report, Evidence and Decision

A number of submissions to plan change 3 related to the marine events precinct development. A number of submitters sought retention of the wharf for potential future America's Cup races, more amenity protection for nearby occupants, protection for the marine and fishing industry. These submissions (amongst other matters) were addressed in evidence presented by ACC at the hearing. Furthermore, a number of these issues have been addressed in this application, particularly by the technical reports. Provision for the marine and fishing industry has been made, sufficient protection of neighbours has been made and the building will serve as an important part of the infrastructure needs (media base, race hq base, exhibition/display space and corporate host space) of any future America's Cup regattas.

The officer's report for the hearing retained support for the MEC and suggested changes to various rules (including the coverage control) to better facilitate the development. The decisions version of the plan change did not accept all of the recommendations and made some further changes to the MEC provisions as outlined in this report. The appeal period for Proposed Plan Change 3 closed on 20 March 2009 and a number of appeals have been lodged relating to the notification rule, the building coverage rule, the parking rule and various associated issues, objectives, policies rules and criteria.

In summary however, it is considered that the proposed development sits comfortably with the Proposed Plan Change 3.

7.0 PART 2 RMA

Applications for discretionary activities are all subject to Part 2 of the RMA and this section is an important aspect of any resource consent application. Part 2 sets out the purpose of the RMA, which 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 this application 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).

The MEC is considered to align well with the purposes and principles of the RMA. The proposal will result in the sustainable management of resources in that it will utilise an existing wharf structure as its base thereby making efficient use of an existing resource. Furthermore, sustainability measures are proposed that will reduce future demand on resources. The MEC will provide a venue that is of social and economic benefit to the community and will promote community well being through its use.

The MEC will not affect the life-supporting capacity of air, water, soil, and ecosystems and will avoid, remedy or mitigate its adverse environmental effects. In terms of the Treaty of Waitangi and Iwi issues, it is considered that these cultural values will not be eroded by the development of the MEC in this modified coastal location. The matters of national importance such as public access to the coast will be enhanced by this development without resulting in inappropriate use and development of the coast. Lastly, as stated above in this report, the proposal will result in the efficient use and development of the coastal marine area and with the imposition of appropriate conditions on any consent granted will maintain amenity values and the quality of the environment.

Overall, the proposed development is considered to be complementary to the purposes and principles of the RMA and can be granted consent pursuant to section 104.

8.0 OTHER MATTERS

8.1 Wynyard Quarter District Plan Change and Urban Design Framework

As part of the suite of regulatory changes applying to Wynyard Quarter, ACC notified a district plan change for the land abutting the coastal marine area. Both the district and regional plan changes were prepared in tandem to ensure a comprehensive and integrated approach to the redevelopment of the area. The associated urban design framework also supported the plan changes and set the overall urban design outcomes for the locality.

Both plan changes and the urban design framework support the proposed MEC development and confirm that it is an important piece of infrastructure that will provide a high quality destination within the locality.

8.2 Non Statutory Documents

There are a number of non-statutory documents that have been prepared in support of the project or the wider waterfront redevelopment. These have been referred to variously in this report and the other reports accompanying the application and include:

- Auckland Waterfront Vision 2040
- Draft Waterfront Masterplan
- CBD Into The Future
- Wynyard Quarter Concept Vision
- Auckland's Marine Events Precinct
- Business Case/Regional Economic Impacts – Marine Events Centre

The proposed MEC is supported by these documents and is an important part of ensuring the wider waterfront vision within these documents is achieved.

9.0 CONSENT DURATION PERIOD

The applicant requests a ten year period within which to give effect to the consent. This is due to uncertainties that may arise during the political cycles and the fact the proposal is part of the long term vision for the region. Additionally, as capital projects are often

reviewed by local government, it is considered appropriate to have a longer consent duration period. Accordingly, with such a significant piece of infrastructure as this, it makes economic sense to ensure there is sufficiently long consent period within which to complete the development.

10.0 CONSULTATION

The consultation report attached to this application sets out the significant consultation undertaken as part of the proposal. As referenced in the report, all neighbouring Viaduct occupants had the opportunity to attend a presentation session or had one on one sessions with the applicant. Of note, meetings were held with Auckland Regional Holdings Limited, Viaduct Harbour Holdings Limited, Sanfords, Marine Industry Association, Point Apartments and Melview Hotel management. Team New Zealand were also appraised of the proposal. Additionally, significant publicity and knowledge of the proposal was enabled through the plan change processes and prior consultation. A summary of the submissions relating to the MEC are attached to this application. Issues such as retention of the land for America's Cups, environmental effects (noise, public amenity, traffic) and provision for the marine and fishing industry were raised. All these matters have been adequately addressed by the proposed development. Additionally, the wharf will become available for public access, which is considered to be a significant benefit.

Iwi consultation is taking place through the Tangata Whenua Consultative Committee. Comments from that committee will be forwarded in due course.

Overall a high level of consultation has been undertaken. A number of letters of support for the MEC development have been received and are attached to this application.

11.0 CONCLUSION

In summary, the application has carefully outlined the proposal, its effects and then analysed the relevant statutory provisions that apply. A number of technical assessments have been provided that consider the relevant effects and assessment criteria. It is concluded that the proposed development has been carefully designed and will make a

positive contribution to the environment in this locality. The enhancement of public access promenades, the provision of an events centre and the ongoing operation of the marine and fishing industry are considered to be huge success factors of the development.

In terms of the RMA, all appropriate matters in section 104 are considered to have been addressed including the:

- Actual and potential effects;
- The relevant provisions of the New Zealand Coastal Policy Statement, Auckland Regional Policy Statement, Auckland Regional Coastal Plan and Proposed Plan Change 3; and
- Any other matters

It is concluded that the proposal satisfies these criteria and on balance is complementary to the relevant provisions of the statutory documents. The proposal is also supported by the large number of strategic non-statutory documents attached to the application. Therefore, in accordance with section 104B, this application for a discretionary activity can be granted.

Vijay Lala
Planning Consultant
25 March 2009

1 Architectural Design Statement

2 Plans

3 ACC Strategic Overview

4 ACC Operational Overview

5 Marine Events Precinct Report

**6 Marine Events Centre Business
Case/Regional Economic Impacts**

7 Urban Design Report

8 Landscape report

9 Traffic Report

10 Acoustic Report

11 Heritage Report

13 Consultation Report

**14 Regional Coastal Plan Change 3
Submission Summary**

15 Construction Methodology Report

16 Infrastructure Report

17 Lighting Report

18 Letters of Support