

The Downtown Carpark Redevelopment

[FTAA-2512-1158]



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2.	Additional Geotechnical response
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3.	Economics
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13.	Groundwater
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17.	Arboriculture
18.	Built Heritage
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20.	Contaminated Land
21.	Archaeology
22.	Watercare
23.	Hazardous Substances
24.	Traffic Engineering
25.	Environmental Monitoring

IN THE MATTER

of the Fast-track Approvals Act 2024 (“FTAA”)

AND

IN THE MATTER

of an application for approvals by Precinct Properties New Zealand Limited to Demolish the existing Downtown Carpark Building and develop an approximately 170,000-square-metre gross building area mixed-use commercial and residential precinct comprising 2 towers (approximately 55 levels and approximately 45 levels, respectively), 3 podium buildings, and a laneway network, for—

- commercial office space
- residential space (providing apartments and a hotel)
- retail and hospitality
- a new civic space
- a 4-level basement for carpark

Project FTAA-2512-1158 (“**The Downtown Carpark Redevelopment**”)

MEMORANDUM OF PLANNING MATTERS FOR AUCKLAND COUNCIL

Dated: 7 May 2026

SECTION A: INTRODUCTION

1. This Planning Memorandum (**Memorandum**) sets out Auckland Council’s Statutory Planning Assessments of the substantive application for the proposed Downtown Carpark Redevelopment project (**Application**) lodged by Precinct Properties Holdings Limited (**Applicant**) under the FTAA. This includes a summary of assessment outcomes and “proportionality conclusions”. This Memorandum is provided in response to the invitation to comment issued by the Expert Panel (**Panel**) under s53(2) of the FTAA.
2. The Application describes the proposal as redevelopment of the site to provide for a mixed-use precinct providing for commercial, residential, hotel, retail, food and beverage and civic uses. This involves the demolition of the existing carpark building together with the pedestrian bridge over Lower Hobson Street and the vehicle ramp connecting to Fanshawe Street. Make good works to the Auckland Harbour Board building (204 Quay Street) after removal of the pedestrian footbridge and construction of three podium buildings, two towers and four levels of shared basement, including new public spaces and a new laneway network to provide connectivity within the city centre, modifications to the podia of existing adjacent buildings (HSBC and Aon) to facilitate the new laneway network.

3. The **memorandum** has been prepared by Ms Sarah Wilson, Senior Planner at Auckland Council, and includes:
- Section B - Strategic Planning Assessment
 - Section C - Statutory Planning Assessment
 - Section D - Summary of assessment outcomes and “proportionality conclusions”.
4. For process clarity, this assessment is based on the Application material as lodged, together with the and updates received from the Applicant up to 24 April 2026, as agreed between the parties to enable Council family comments to be provided by the 7 May 2026 deadline. The additional material submitted was intended to address information gaps and red flags identified by the Council as part of ongoing engagement with the Applicant, notably:
- a. Updated and additional information received from the Applicant on 7 April 2026, as agreed between the Council and the Applicant to enable Council and CCO comments to be provided by the 7 May 2026 deadline. This includes:
 - Planning Addendum (Appendix 1)
 - Economic Assessment Addendum (Appendix 2)
 - Urban Design Response (Appendix 3)
 - Acoustic Assessment Addendum (Appendix 4)
 - Transport Response (Appendix 5)
 - Architecture and Landscape Response (Appendix 6)
 - Geotechnical and Groundwater Addendum Report (Appendix 7)
 - Coastal and Flood Hazard Response (Appendix 8)
 - Erosion and Sediment Control Management Plan Addendum (Appendix 9)
 - Hazardous substances addendum report (Appendix 10)
 - b. Limited additional material has been provided by the Applicant after 7 April 2026, including the following, as the Applicant and Council sought to engage to clarify and address matters:
 - Downtown Carpark Site Development | Environmental Winds | S67 RFI, Project No: 145828.16 dated 14 April 2026 prepared by Holmes NZ LP (**Annexure 1**)
 - Geotechnical review register – comment summary sheet, including supporting plans by Tonkin+Taylor Ltd, dated 24 April 2026 (**Annexure 2**)
5. In addition, there are 25 accompanying annexures, as follows, which are referred to throughout this memorandum:
- a. Economist (Consultant on behalf of Council) – Rodney Yeoman (**Annexure 3**)
 - b. Auckland Transport (**Annexure 4**) – Nicholas Simpson (Elevate Planning Ltd on behalf of Auckland Transport) attaching consultant reports from:
 - Progressive Transport Solutions (Martin Peake)
 - Weir Consulting (Sejal Sangwai - stormwater review)

- c. Landscape – Stephen Quin (**Annexure 5**)
 - d. Urban Design – Mustafa Demiralp (**Annexure 6**)
 - e. Universal Design – Nidhi Nautiyal (**Annexure 7**)
 - f. Healthy Waters – Hillary Johnston (**Annexure 8**)
 - g. Air Quality Specialist – Louis Boampensem (**Annexure 9**)
 - h. Noise and Vibration – Bin Qiu (**Annexure 10**)
 - i. Development Engineering – Rajesh Jeyaram (**Annexure 11**)
 - j. Geotechnical Engineer – Dave Ouwejan (Consultant on behalf of Council) (**Annexure 12**)
 - k. Groundwater and Dewatering – Mckenzie Carter (Consultant on behalf of Council) (**Annexure 13**)
 - l. Parks Planning – Cas Hannick (**Annexure 14**)
 - m. Waste Solutions – Elizabeth Driver (**Annexure 15**)
 - n. Wind – Neil Jamieson (Consultant on behalf of Council) (**Annexure 16**)
 - o. Arboriculture – Rhys Caldwell (**Annexure 17**)
 - p. Built Heritage – Dan Windwood (**Annexure 18**)
 - q. Regional Earthworks – Zac Woods (Consultant on behalf of Council) (**Annexure 19**)
 - r. Contamination Specialist (Consultant on behalf of Council) – Sarah Pinkerton (**Annexure 20**)
 - s. Archaeology – Mica Plowman (**Annexure 21**)
 - t. Watercare – Oliver MacKinnon (**Annexure 22**)
 - u. Hazardous Substances – Ruben Naidoo (**Annexure 23**)
 - v. Traffic Engineering – Trevor Lee-Joe (Consultant on behalf of Council) (**Annexure 24**)
 - w. Monitoring Officer – Yashika Joshi (**Annexure 25**)
6. The overall Statutory Planning Assessment for Council provided within this memorandum reflects collective specialist review and balanced planning conclusions. For the avoidance of doubt, where the Council has identified potentially significant adverse impacts arising from the proposal, it considers that a proportionality assessment must be undertaken to determine whether those adverse impacts potentially outweigh any regional or national benefits of the proposal (having considered conditions or modifications that may avoid, remedy, mitigate, offset, or compensate effects).
7. The Proposed Consent Conditions have been reviewed and commented on within the respective specialist memos and throughout this planning memo. The Council intends to prepare a compiled set of conditions with Council's recommendations that brings together specialist comments on similar matters and conditions, ideally in collaboration with the Applicant.
8. The Applicant's Planning Addendum anticipates that conditions will be updated as part of the applicant's response to comments under section 55 of the FTAA, which we understand will seek to address potential changes and Council recommendations. To this end, and to the extent that the process may allow for it (e.g. through the Panel's use of its section 67 power), a supplementary review of any updated material including updated proposed consent conditions is considered necessary following the 7 May 2026 deadline to ensure all relevant matters have been properly considered in the Council's assessment of the Application.

9. It is noted that the Applicant and the Council are continually working towards resolving outstanding matters.

Qualifications and Relevant Experience

Sarah Wilson

10. Sarah Wilson is a Senior Planner at Auckland Council, within the City Centre Team, Planning & Resource Consents, having joined in 2023 and holds the qualification of Bachelor of Planning, obtained from the University of Auckland.
11. Sarah has twenty-three years of planning experience across the United Kingdom and New Zealand. She has prepared and given planning evidence and carried out technical assessments for planning applications and appeals within the UK planning system and responsible for reviewing and endorsing major development projects onto Planning Committees. She has dealt with strategic consents within London, working through the Mayor of London referral processes.
12. Sarah's experience that is relevant to this application includes processing resource consent applications within the City Centre (and its Precincts), examples include infrastructure consents, coastal consents, various mixed-use development consents within the adjacent City Centre precincts. Residential development schemes in the Isthmus and hotel development on the city fringe.
13. This includes consents involving land use, contamination, regional earthworks, groundwater diversions and dewatering.

Code of Conduct

14. Sarah Wilson confirms that she has read the Environment Court Practice Note 2023 – Code of Conduct for Expert Witnesses (**Code**) and has complied with it in the preparation of this assessment. She also agrees to follow the Code when participating in any subsequent processes, such as expert conferencing, directed by the Panel. Sarah confirms that the opinions expressed are within her area of expertise and are her own, except where she has stated that she is relying on the work or evidence of others, which she has specified.

REGIONAL / NATIONAL SIGNIFICANCE

15. The relevant provisions of the FTAA (including sections 81 and 85 and schedule 5 for RMA applications) require a Panel to give the greatest weight in evaluating relevant factors to the FTAA purpose in Section 3, namely to facilitate the delivery of infrastructure and development projects with significant regional or national benefits, and being able to decline an application where the Panel is of the view that the adverse impacts are sufficiently significant to be out of proportion to those benefits. We note that simply being inconsistent with a relevant Plan provision would not be enough to decline an application (due to section 85(4)). In undertaking that assessment exercise, we acknowledge the Panel will have discretion as to what weight to place on the evidence/ information before it, including about the extent of the project's regional or national benefits and the

significance of the adverse impacts.

16. As outlined within the accompanying Economic Assessment (**Annexure 3**), the Council's Chief Economist Unit has reviewed the Applicant's Economic Assessment and their memo notes that the economic benefits have been materially overstated, with very limited consideration of the costs associated with the Downtown Carpark Redevelopment. Overall the assessment advises that regionally significant economic benefits have not been demonstrated and neither has it established there to be no material economic costs. The Council's Economic Specialist (**Annexure 3**) suggests that the benefits need to be recalculated on a corrected basis and that if they were they would represent only a small fraction of the values reported. The benefits are concluded to be net beneficial to the community but would not meet the threshold of regional significance.
17. Notwithstanding this, the Council's Economic Specialist (Annexure 3) would support the development on economic grounds on the basis that the project may meet the threshold for regional significance under the FTAA for other noteworthy aspects of the development, including the ongoing benefits to Ngāti Whātua Ōrākei and the scale and strategic role of the substantial office capacity enabled by the project. Importantly, the building would become the tallest occupied structure in New Zealand and would be capable of accommodating a significant share of Auckland CBD economic activity.
18. The Council's Economic Specialist (Annexure 3) considers these benefits, which are not addressed in the Economic Assessment, are material, and potentially significant. Turning to the Applicant's Economic Overview, four points are noted as being critical to the assessment of economic outcomes for the redevelopment and whether the FTAA threshold is met, which are not addressed in the Applicant's Economic Overview Assessment. The Council's Economic Specialist (Annexure 3) recommends that the Panel request further information on these matters which relate to:
 - Iwi benefits
 - Office market assessment;
 - Baseline / counterfactual assessment
 - Cost benefit analysis and externalities assessment
19. The Council believes that without this regional economic justification to support the development, the benefits have not been sufficiently demonstrated. In contrast, the Council's specialists have identified that there are a number of adverse effects associated with the scheme of a sufficient significance, scale and nature, some of which either require additional information from the Applicant or agreed conditions to potentially resolve.

Background

Previously withdrawn consent

20. A similar development was applied for under the Resource Management Act 1991 (the RMA), was publicly notified, and progressed beyond submission stage, but withdrawn prior to finalisation of s42A Reporting under the RMA consenting regime. This involved many of the same Specialists as have considered and commented on this FTAA consent proposal.

Pre-Application Discussion

21. In accordance with s29(1)(a) of the FTAA, the Applicant and their representatives engaged in constructive pre-application discussions with Council since early-2025 following the withdrawal of the RMA consent. This engagement focussed on matters raised by Specialists in their memos with respect of the withdrawn RMA consent (but excluded any specific Landscape Specialist discussion). This was with the view of narrowing the areas of disagreement.
22. A series of meetings and discussions took place prior to lodgement of the FTAA application, which is outlined in the applicant's Consultation Summary document. Whilst the meeting minutes included in the submitted application were not reviewed by Council at that time, the minutes appear to broadly capture the discussion points, and with continued engagement throughout the process the matters have evolved into what is now presented and discussed in this response and Council specialist memos.

Planning History and Relevant Context

23. The AEE sets out the description of the surrounding locality on page 24, section 5.3 and this is generally agreed, with the exception of the final sentence that refers to no changes in the receiving environment being anticipated. This is further commented on below relying on the analysis of Auckland Transport.

Consenting history of relevance to Application

196-200 Quay Street (M-Social Hotel)

24. Resource consent (R_LUC_1967_283) was granted on 2 May 1967 for the development of the 13 storey hotel, which included consent for 128 off-site car parking spaces to be located within the Downtown Car Park development. This is of relevance as the proposal includes the reprovision of these car parking spaces which are off-site spaces for allocation and use of M-Social. Conditions of consent are proposed with respect of securing these car parking spaces for the owner / occupier of 196-200 Quay Street.

Designation 1550 – Car Park

25. The Auckland Unitary Plan was updated on 8 August 2025 confirming the removal of the Designation that previously applied to the Downtown Carpark. The Auckland Transport (**Annexure 4, Appendix 7**) provides a letter confirming its withdrawal¹.
26. It is noted the designation is no longer present on the Council's GIS map viewer relative to this site at the time of writing this memo.

Non-Statutory Documents and Waterfront initiatives

Auckland City Centre Masterplan (2020)

¹ Auckland Transport (Annexure 4), Appendix 7 (s182 Decision Letter)

27. The subject site is located within the Central Waterfront as identified in the City Centre Masterplan 2020. The site has been identified since 2012 for redevelopment to achieve integrated development outcomes between Commercial Bay and the Viaduct Harbour. The removal of the Hobson Street Flyover is also identified in this document. There are aspirations for Quay Street to become a world class harbour edge boulevard that is an *“attractive street space that prioritises pedestrians, cyclists and public space activity and creates new opportunities for businesses and events”*.
28. This is provided for context when considering effects on the waterfront and Quay Street with regards to pedestrian amenity, convenience and safety.

Auckland Downtown Development Program

29. The Downtown Development Program (**DDP**) is being advanced as a joint initiative between Auckland Transport and Auckland Council to integrate and coordinate multiple projects within Auckland’s CBD. The DDP will deliver a package of capital projects, including²:
- i. the on-street bus improvements identified in the City Centre Bus Plan (CCBP);
 - ii. the Hobson Street Flyover Removal;
 - iii. urban realm and streetscape upgrades;
 - iv. adjustments to private vehicle movements; and
 - v. provide for integration with the Downtown Carpark redevelopment.
30. The Sturdee Street Public Space, which will be enabled through the above projects, seeks to provide a green space that will be an integral and defining feature of Downtown West.
31. To facilitate the DDP and to ensure the network has sufficient capacity to accommodate the works identified, an immediate priority is to increase capacity on Fanshawe Street. This is being progressed by Auckland Transport³. Resource consent BUN60462925 lodged in March 2026 seeks consent to enable the relocation of the existing retaining wall between Custom Street West and Fanshawe Street. Further information is included in the Auckland Transport (**Annexure 4**) memo, paragraphs 5.3-5.6.

Mana Whenua Engagement

32. Under the FTAA process, the local planning authority is not the decision maker, and therefore it is noted that the Panel will consider comments directly. It is also recognised that the Panel will carry out their own engagement with iwi.
33. Notably, from the Applicant’s engagement, Ngāti Whātua Ōrākei are a project partner, with their Letter of Support⁴ setting out their position.
34. From the Applicant’s Consultation records, Ngāti Whanaunga expressed an interest in the project and a final Cultural Values and Impact Assessment (CVIA), prepared by Ngaati Whanaunga Incorporated Society was provided as Attachment 2 to the

² Auckland Transport (Annexure 4), Appendix (4) Retaining Wall Relocation Application (BUN60462925)

³ Auckland Transport (Annexure 4) page 6, paragraph 5.6

⁴ Appendix 2 to the AEE

Downtown Carpark Site Development [FTAA-2512-1158] - Planning Addendum, dated 7 April 2026 "S67 Planning Response". The Applicant advises that they are, alongside their project partner Ngāti Whātua Ōrākei working through the CVIA through a tikanga approach and will update the Panel when addressed.

35. The CVIA, at pages 3 and 22, lists six recommendations and from page 18-20 comments with respect of planning framework matters and effects and Ngaati Whanuanaga acknowledge the NZCPS as an important reference⁵ owing to the proximity of the development to Te Waitematā.
36. Waikato – Tainui requests in their response to the Applicant, as set out in the Applicant's Consultation Summary Report⁶ to be informed of the progress of the project.
37. No other iwi are stated to have responded to the Applicant's engagement request.

SECTION B: STRATEGIC PLANNING ASSESSMENT

SECTION B1: Overview of Strategic Planning Assessment

38. This section provides an assessment of the Application against the relevant statutory planning framework and strategic documents relevant to the Application.

SECTION B2: Assessment

Summary of key strategies and policies

39. The following is a summary of the key statutory documents, strategies and policies that are relevant to the Downtown Carpark Redevelopment project. Each of these documents is assessed in further detail in the subsequent sections:
 - a. National Environmental Standards
 - b. National Policy Statements (Urban Development, Natural Hazards)
 - c. New Zealand Coastal Policy Statement (NZCPS)
 - d. Regional Policy Statement (RPS)
 - e. Proposed Plan Change 120 RPS Amendments
 - f. Auckland Unitary Plan: Operative in Part; and
 - g. Auckland Unitary Plan Proposed Plan Change 120 Chapter E36.
 - h. The Auckland Plan (2050)⁷ including the Future Development Strategy (FDS)

National Environmental Standards

40. The assessment in the AEE at page 92, section 10.2 is agreed.

National Policy Statements (NPS)

41. The AEE considers National Policy Statements (NPS) at pages 93 and 94. With respect of the 'other' NPS considered at section 10.4.2 the conclusions are agreed.

⁵ Page 21 of the CVIA

⁶ Appendix 21 to the AEE

⁷ The AEE, prepared by Barker and Associates, page 119, section 10.9.2

National Policy Statement on Urban Development (2020)

42. The AEE considers the proposal against this NPS at page 93, section 10.4.1. The assessment provided is generally agreed with respect of Objective 6 and 8 however the extent of alignment with Objective 1 is not agreed, owing to the height and associated landscape, waterfront amenity and environmental (wind and shade) effects that result.

National Policy Statement for Natural Hazards (2025)

43. It is noted that this National Policy Statement (NPS) was made operative after the lodgement of this substantive Fast Track Application to the EPA. As a result, no assessment against these provisions has been provided by the Applicant in their AEE. This is brought to the attention of the Panel.
44. Notwithstanding the above, the Council's position on this NPS-NH is generally understood to be that an application that generally accords with the provisions of Proposed Plan Change 120, Chapter E36 relating to Natural hazards is likely to be found to accord with the NPS-NH. This is owing to the NPH-NH being released after the public notification of the Proposed Plan Change meaning that the Chapter E36 provisions were not specifically prepared in accordance with the NPS-NH.

New Zealand Coastal Policy Statement (NZCPS) (2025)

45. The purpose of the NZCPS is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. The AEE provides an assessment against the NZCPS at page 94, section 10.5. The assessment provided is agreed with respect of Policies 6 and 18.
46. However, relying on the assessment of the Council's Landscape Architect (**Annexure 5**) and Urban Design Specialist (**Annexure 6**), the assessment with respect of policy 13⁸ in the AEE is not agreed.
47. Whilst the city centre waterfront is agreed to be a highly modified part of the coastal environment, owing to the assessment provided in Section C below the two tower elements height are not agreed to be appropriate to the coastal context. Given the significant infringement to the stated qualifying matter (the Harbour edge height control plane) which has been developed to reflect the existing 'natural' character of the coastal environment of the city centre (as it relates to the waterfront⁹); significant effects have not been demonstrated to be avoided, remedied or mitigated.

⁸ Policy 13: To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development: (2) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by: (3) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and (4) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.

⁹ Policy 13(1)(2)(4) of the NZCPS (2025)

48. In this regard, with reference to the assessment of the Council's Landscape Specialist (**Annexure 5**), this is brought to the attention of the Panel in their decision making.

Future Development Strategy 2023-2053

49. The FDS sets out Auckland Council's vision for how the region will grow and change over the next 30 years. The strategic direction is to provide for a greater degree of intensification in existing urban areas.¹⁰
50. It is agreed that the proposal is generally consistent with and will give effect to the FDS¹¹.

Regional Policy Statement

51. The relevant Regional Policy Statement can be found in Chapter B of the AUP(OP). Within the Applicant's AEE¹² Regional issues B2, B3, B5, B6 and B10 are assessed. The Applicant's assessment of B2, B3 and B10 are generally agreed supplemented by the below. The assessment provided within the AEE, with respect of policy B5 – Historic Heritage and special character is agreed as is B6, although supplementary consideration is provided in relation to B6 below.
52. The provisions at B7 Natural resources and B8 Coastal environment are also considered relevant and have not been assessed within the AEE. These are considered below. Additional assessment is provided with respect of policies B2 and B3, B6 and B10.

B2 – Urban growth and form

53. With the exception of the consistency of the proposed tower heights with the objectives of achieving a well-functioning urban environment and a quality-built environment, the assessment of the proposal against B2 – Urban Growth and Form on page 96 of the AEE is concurred with.
54. However, the Business – City Centre Zone provisions, state that they '*give effect to Policies 3 and 4 of the National Policy Statement on Urban Development 2020 (NPS-UD) in accordance with sections 77N and 77O of the Resource Management Act 1991.*' In this regard, the extent of infringement of the harbour edge height control plane which gives effect to the policies 3 and 4 of the NPS-UD suggests that objective B2.2.1(1)(a) higher-quality urban environment is not fully achieved, with resulting wind, visual dominance and shading effects also contributing to this conclusion. Notwithstanding this, the street environment and podium level aspects of the development certainly achieve this objective in full, relying on conditions to safeguard accessible access outside of business core hours (objective B2.2.1(1)(d)).
55. No assessment against Chapter B2.3 A Quality built environment or B2.4 Residential growth is provided within the AEE, and therefore is considered below:

¹⁰ Future Development Strategy 2023-2025, p. 36

¹¹ The AEE, prepared by Barker and Associates, page 118

¹² From page 96

56. The design of the proposal in most respects represents a very high quality and would for the most part contribute to a well-functioning urban environment and quality-built environment (subject to recommended new and amended conditions) and addressing the hotel pick up and drop off (PUDO) on Custom Street West. This is with the exception of the proposed tower heights and their associated effects. Relying on the assessment of the Council's Landscape Specialist, the tower heights do not (B2.3.1(1)(a)) respond to the intrinsic qualities and physical characteristics of the area including its setting. However, the remaining aspects of this objective are achieved subject to resolution of the flood hazard management matters (B2.3.1(1)(f)). In turn, the proposal, relying on the assessment of the Landscape Architect does not successfully manage the form of the development, nor fully promote the safety of people with respect of wind effects (B2.3.1(3)).
57. Policy B2.3.2(1) supports the above objective and seeks to manage the form and design of development so it contributes to a well-functioning urban environment and is able to achieve all of (a) – (g). Relying on conditions set out in Section C below, the proposal achieves most of this policy including (b), (c), and (e) - (g). However the proposal does not: (a) support the planned future environment, including its shape, location, and relationship to its surroundings including landscape, with reference to the Council's Landscape (**Annexure 5**) and Urban Design Specialists (**Annexure 6**) assessments, and (d) whilst the proposal in terms of the activation and urban design qualities generally will result in a high level of amenity for pedestrians, the resulting wind and shading effects undermine the level of amenity and safety achieved.
58. Residential growth (B2.4) is appropriate and directed to the city centre and this site consistent with the provisions. However, the proposal has not limited residential intensification at this site to the extent necessary to give effect to Harbour edge height control plane which is an identified qualifying matter. This does not achieve objective B2.4.1(1A) and does not provide for lower residential intensity where qualifying matters are identified (B2.4.2(4)(e)). This undermines the scheme's success in achieving the quality compact urban form and well-functioning urban environment.
59. Overall, the proposal provides an appropriate layout and quality of design that has the potential to achieve a well-functioning and quality environment. However the heights of the proposed towers, proximate to the waterfront and natural character of the coastal environment fails to achieve key policies. The resulting wind, shading and visual dominance effects also undermine the achievement of achieving a well-functioning urban environment.

B3 - Infrastructure, transport and energy

60. The Applicant provides an assessment of these provisions at pages 96-97 of AEE and with respect of objectives B3.2.1 and B3.2.2, B3.2.1(6) and policy B3.3.1(1) the assessment is agreed.
61. However it is also noted that infrastructure provision is expected to be enabled, whilst managing adverse effects on the quality of the environment including the coastal

environment, and the health, safety and amenity values of communities. The AEE states, with reference to objective B3.2.(1), that the development and upgrading of infrastructure (as necessary) is enabled, which includes the necessary reticulation system to service the Proposal and achieve the necessary connections to existing bulk infrastructure.

B6 – Mana Whenua

62. The AEE considers these provisions at page 97. The provisions within Chapter B6 relevant to this proposal pertain to the recognition of the principles of the Treaty of Waitangi through Mana Whenua participation in resource management processes; recognition and protection of Mana Whenua culture, landscapes, historic heritage and recognising the interests, values and customary rights including integration of mātauranga and tikanga in resource management processes and increasing opportunities for Mana Whenua to play a role in environmental decision-making, governance and partnerships.
63. It is understood that comprehensive engagement with iwi¹³ has been undertaken via the Auckland Urban Development Office (formerly Eke Panuku) Mana Whenua Governance Forum¹⁴ and that this is to be an ongoing process¹⁵. Ngāti Whātua Ōrākei were not specifically consulted with as they are a project partner/ design partner as addressed below. As identified in Appendix 21 Consultation Summary Report two responses were received¹⁶ from Waikato-Tainui, requesting to be kept informed of the project and from Ngaati Whanaunga advising that a Cultural Values Assessment (CVA) would be prepared.
64. Most applicable in this case are the objectives B6.2.1(1) and (2) and policy B6.2.2 (1). As noted in Appendix 2 Letter of Support from Ngāti Whātua Ōrākei, the proposal is regarded as being consistent with the relevant objectives and policies of this Chapter. Notably, the Applicant has provided a partnership option to Ngāti Whātua Ōrākei for up to 20% of the office component of the development. Whilst no details are provided, Ngāti Whātua Ōrākei advise they intend to make investment available to other iwi and hapu around Aotearoa to provide for potentially wider economic benefit to Mana Whenua. Ngāti Whātua Ōrākei summarise the economic and cultural benefits to them to be of huge significance and confirm that the Project will align with the environmental outcomes sought by their Iwi Management Plan (produced in 2018).
65. In addition to the above, the Ngāti Whātua Ōrākei identify that a framework for employment opportunities, small business and contractor opportunities and career progression will be developed. This is to relate to development and operational stages with the later relating to the joint venture summarised above.

¹³ Assessment of Environmental Effects, prepared by Barker and Associated Limited dated 18 December 2025, page 47 lists the iwi engaged with.

¹⁴ Assessment of Environmental Effects, prepared by Barker and Associated Limited dated 18 December 2025, pages 124 – 125.

¹⁵ Assessment of Environmental Effects, prepared by Barker and Associated Limited dated 18 December 2025, pages 47 - 48.

¹⁶ Appendix 21 Consultation Summary Report, prepared by Barker and Associates Limited dated 18 December 2025, Attachments 4 and 5

66. A Cultural Values and Impact Assessment prepared by Ngaati Whanaunga Incorporated Society, dated 19 December 2025 has been provided that includes recommendations. It is noted that the Applicant and Ngāti Whātua Ōrākei¹⁷ wish to address the recommendations through a tikanga approach and to update the Panel accordingly. This is considered appropriate, and the Panel may wish to incorporate this into any decision.
67. The proposal has the ability to align with the policies in the Chapter.

B7 – Natural resources

68. No assessment against these objectives and policies has been provided by the Applicant within the AEE; objectives B7.4.1(1), (2), (4) - (6) and policies B7.4.2(1), (5) – (10) and (14) are considered relevant to this proposal. These provisions ultimately seek to minimise adverse effects of development on coastal receiving waters and recognise and provide for Mana Whenua values associated with coastal waters. It is considered that subject to recommended conditions of consent as described in Section C the project will align with these provisions.
69. Notably Ngāti Whātua Ōrākei support the proposal and no issues with respect of coastal water quality have been raised by other iwi¹⁸.
70. Stormwater management as noted in the response from Healthy Waters (**Annexure 7**) will be secured via Stormwater Management Plan with a condition to ensure B7.4.2(9) is met. Whilst the wastewater capacity solution has not yet been finalised and is at feasibility stage, under s84(A) conditions may be imposed to ensure capacity is provided for at the appropriate stage to support the project. In this regard, B7.4.2(10) can be met through conditions.

B8 - Coastal environment

71. B8.1 describes Auckland's coastal environment as "*a fundamental part of the region's identity. It has high natural, social and cultural values, and economic uses. It is one of the most desirable places in New Zealand for living and recreation. Subdivision, use and development within the coastal environment*¹⁹ *need to be in an appropriate location and of an appropriate form.*"
72. B8.6 Explanation and principal reasons for adoption sets the context and the following is stated:

"Auckland's richly varied coastal environment is a finite resource with high environmental, social, economic and cultural values. Its coasts and harbours are among its most highly valued natural features...It is a highly desirable location for often

¹⁷ Memorandum: Downtown Carpark Site Development [FTAA-2512-1158] - Planning Addendum, prepared by Karl Cook / Pamela Santos – Barker and Associates Ltd, dated 7 April 2026, page 2

¹⁸ The provisions of B7.4.1(6), B7.4.2(5) and (7)(d) have therefore been addressed.

¹⁹ AUP(OP) B8.6: The importance of the coastal environment is reflected in the statutory resource management framework, particularly as identified in sections 6 and 7 of the Resource Management Act 1991 and as set out in the New Zealand Coastal Policy Statement 2010.

competing residential, commercial, industrial and recreational uses of both land and water. These demands will increase as Auckland grows”.

73. Natural character objective B8.2.1(2) and policy B8.2.2(4) are of relevance and are not met by the proposal. Subdivision, use and development objectives B8.3.1(1) and (2) are relevant and not met and objectives B8.3.1 (6) and (7) are relevant and met by the proposal. Of relevance, policy B8.3.2(7) is not met but policies B8.3.2(1), (2), (8)(c) are met, subject to recommended conditions. These matters are discussed further below.
74. Relying on the assessment of the Council Landscape Architect (**Annexure 5**), objectives B8.2.1(2), B8.3.1(1), (2), and policies B8.2.2(4) B8.3.2(7) are not met by the proposed development as it is not designed (owing to its height) nor located (having regard to its height proximate to the coast) to preserve the characteristics and qualities that contribute to the natural character²⁰ of the coastal environment. The characteristics and qualities include the existing transition of building heights from the core of the city centre down to the adjacent lower scale city centre precincts and the waterfront. Owing to the extent of the infringement of the Harbour edge height control plane, significant adverse effects are not demonstrated to be avoided.
75. B8.3.1(6) and B8.3.2(8)(c) is met as conditions of consent (noise insulation and no-complaint covenant) are proposed to avoid and / or mitigate reverse sensitivity effects with respect of residential activities proximate to the Port of Auckland operations.
76. Objective B8.3.1(7) is applicable as the site is affected by sea level rise and coastal inundation over 100 years and whilst risk of social, environmental and economic harm is not avoided, a comprehensive risk assessment and mitigation is proposed, subject to finalised flood barrier details and Flood Hazard Management Plan being secured. Given the location of the site and its identification as a transformational development opportunity on receipt of the additional design and management measures the scheme on-balance whilst not entirely avoiding risk would be acceptable.
77. B8.3.2(1) the use and development is recognised as making a positive impact on the social, economic and cultural well-being of people including Ngāti Whātua Ōrākei and the development (in accordance with policy B8.3.2(2)(a)) concentrates the development in an area already characterised by development where natural character values are compromised.
78. In summary, whilst the proposed development is located within an existing urban location and provides positive impacts on the social, economic and cultural well-being of people, the location is not, having regard to the natural character and qualities of the coastal receiving environment, capable of accommodating a building of the heights proposed. The height and form does not avoid significant adverse effects on the natural character, relying on the assessment of the Council Landscape Specialist.

²⁰ AUP(OP) B8.6 Natural character: Highly modified areas of the coastal environment still contain elements or features that contribute to their natural character. This may be vegetation, a significant landform, or in areas such as the waterfront, tidal movement and sights and sounds of the sea. Use and development in such areas should avoid significant adverse effects and avoid, remedy or mitigate other effects on the elements or features that contribute to the natural character value of that area.

B10 – Environmental Risk

79. The assessment in the AEE on pages 97 and 98 is agreed, relying on the assessment of the specialists in Section C below and the recommended additional and amended conditions.

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80. From a strategic planning perspective, the critical chapters of the AUP(OP) are H8 – Business City Centre Zone and I205 Downtown West Precinct as well as the interaction of the Business – City Centre Zone provisions to the precincts located adjacent and proximate to the subject site, notably I211 Viaduct Harbour Precinct, I202 Central Wharves Precinct and I201 Britomart Precinct.
81. Relying on the Council's Specialist Assessments, the assessment within the AEE with respect of the objectives and policies relating to Chapters E7, E11, E12, E23, E30, E31, is generally concurred with. This relies on the assessments and conclusions of the Specialists in their recommended amendments to proposed conditions and new recommended conditions as set out in their respective memos and commented on below.
82. With respect of Chapter E36, the assessment on pages 103-104 of the AEE is generally concurred with as it relates to the AUP(OP), subject to the need for further design details of proposed flood barriers to be designed to avoid, remedy or mitigate adverse environmental effects (policy E36.3(12)). Whilst an adaptive management response is appropriate under the operative provisions, they are not appropriate under Proposed Plan Change 120. Those provisions are considered below.
83. With respect of Chapter E14 Air quality, demolition is regarded as a high risk of dust effects owing to the nature of the works, proximity to sensitive receptors and having regard to wind directions. However, relying on the proposed Dust Management Plan (DMP), and the Council's Air Quality Specialist's (**Annexure 8**) recommended continuous instrumental monitoring effects are considered to be acceptable and to meet permitted activity standards. Furthermore, the Community Liaison Group process is considered to identify any visible dust requiring amendment to mitigation methods and to be effective in managing potential effects. The proposal is considered consistent with the relevant objectives and policies.
84. With respect of the Chapter E25 Noise and Vibration objectives and policies assessment, this is generally concurred with, noting that vibration amenity will also not be complied with. Mitigation is proposed to reduce potential effects. The Applicant's Noise Specialist in their S67 Response to update proposed conditions to ensure that certification processes and monitoring requirements are clear and to address vibration effects management and monitoring.
85. Whilst the Council's Noise and Vibration Specialist (**Annexure 9**) supports the proposal, it is noted that mitigation described as 'management of hotel room allocations' by the operator of M-Social (the affected receiver) within the Acoustic Assessment Addendum is outside of the control of the Applicant. Therefore the conclusion on the level of effects

to 196-200 Quay Street is not confirmed, and the mitigation cannot ensure reasonable and acceptable effects.

86. Chapter E27 Transportation objectives and policies as set out in the assessment within the AEE at page 102 is generally agreed, this includes the assessment in relation to the Consent Order Version of PC79. This is with the exception of the conclusions relating to the adverse effects on the safe, effective and efficient operation of the transport network arising from the proposed hotel pick-up and drop-off area/porte-cochère which is not agreed. This conclusion relies on the assessment of effects of Auckland Transport (**Annexure 4**) as set out in Section C.
87. The degree of consistency with the Business – City Centre Zone provisions, and as a result the scope of mitigation necessary to align the proposal with these AUP(OP) provisions, is an area of disagreement with the Applicant.
88. For clarity, the following assessment has been structured as follows:
 - a. A summary of the Business – City Centre Zone provisions and what they seek to achieve;
 - b. Identification of areas of agreement, partial agreement and disagreement with the applicant's assessment of the Business - City Centre Zone objectives and policies;
 - c. Where partial agreement with the applicant's assessment of the Business - City Centre Zone objectives and policies is identified, provision of an explanation of the reasons for disagreement;
 - d. Where the Applicant's assessment of the Business - City Centre Zone objectives and policies is not agreed, an explanation of the reasons for disagreement;
 - e. A summary of the Downtown West Precinct provisions and consideration of the application against the provisions;
 - f. Summary of the zone objectives and policies; and
 - g. Assessment of Proposed Plan Change 120 Chapter E36 Objectives and Policies.

Business – City Centre Zone

89. The Business – City Centre Zone provisions are located at H8. The zone description (H8.1) identifies that *“The city centre plays a pivotal role in Auckland’s present and future success. The Business – City Centre Zone seeks to ensure the city centre is an international centre for business and learning, innovation, entertainment, culture and urban living.”*. In recognising this, it also notes:

“The city centre makes an important contribution to our sense of place and identity... The zone seeks to maintain Auckland’s balanced landscape identity as both a city of harbours and maunga.”
90. Further to the above, the zone both enables building heights and forms which maximise the benefits of intensification, recognising the city's position at the top of the centre's

hierarchy²¹, but also “manages the scale of development in order to protect sunlight admission to parks and public spaces²², the relationship to the Waitematā Harbour,²³ historic heritage, significant views to the maunga and other landmarks including identified views to historic heritage places; and to maintain and enhance the distinctiveness of particular areas including special character areas”

91. Section H8.1 Zone description states that: “The provisions in this zone give effect to Policies 3 and 4 of the National Policy Statement on Urban Development 2020 (NPS-UD) in accordance with sections 77N and 77O of the Resource Management Act 1991”.
92. Having reviewed the Applicant’s ‘City Centre Zone Objectives and Policies’ assessment prepared by Barker and Associates, the assessment with respect of the following objectives is agreed or generally agreed: H8.2(1), (2), (5), (6), (7), H8.2(10) and (11) and the following policies are agreed or generally agreed: H8.3(1), (2), (4), (6) - (10), (12), (12A), (13) - (19), (21), (22), (23), (24) - (28), (31A), (32), (32A), (34), (35), (36) and (37). In this regard, as there is agreement, no further detailed assessment is provided in this regard, except where the conclusion considers the objectives and policies in the round.
93. Referring to the Applicant’s ‘City Centre Zone Objectives and Policies’ assessment prepared by Barker and Associates, the assessment against the following objectives and policies is partially agreed: objectives H8.2(3), (4), (12) and (13) and policies: H8.3(3), (4), H8.3(5), (20), (29A), (31), (31A), (33) and (35).

Partially agreed objectives and policies

94. The following objectives and policies assessed within the Applicant’s ‘City Centre Rules Assessment’ are partially agreed:
 - Objective H8.2(3) is agreed in all respects except for the conclusion that the height, scale and massing positively contributes towards planned future form and quality. Relying on the Council’s Landscape Architect and assessment, the tower heights do not respond well to planned future form, and the height adversely affects the waterfront character that is critical to the sense of place of the city centre.
 - The assessment of Objective H8.3(4) is partially agreed. The assessment against (a) and (b) is agreed, and the project can be adequately serviced by infrastructure. However the development is not of a scale and form that (c) manages adverse effects on the environment appropriately nor (d) accommodate qualifying matters. Adverse landscape, wind, shade and visual dominance effects result and whilst the admission of sunlight to St Patrick’s Square qualifying matter has been assessed to result in acceptable effects, the infringement of the harbour edge height control plane has not been adequately accommodated, relying on the Landscape specialist memo.
 - Objective H8.2(12) physical connections with the waterfront as a public space and

²¹ AUP(OP) policy H8.3(29)

²² AUP(OP) policy H8.3(30)(b) and (d)(i),

²³ AUP(OP) policy H8.3(29A), H8.3(30)(a), H8.3(30A) and H8.3(31A)

with the Waitemata Harbour are enhanced, however visual connections are not maintained and are degraded. The height of the proposed development, relying on the Landscape Architect memo results in loss of visual connections between the Waitemata Harbour and the city, owing to the significant loss of 'air space' above the harbour edge height control plane (HEHCP) (qualifying matter);

- Policy H8.3(3) I partly agree with the assessment provided in the Applicant's objectives and policies assessment. I agree that the quality and design of proposals are required to positively respond to the matters listed. I agree that the development is of a generally very high architectural quality and materiality and that its urban contribution at street and podium level is mostly very successful as assessed. However for the reasons and explanation in Section C, I do not consider the Applicant's Landscape Assessment to be appropriately framed in respect of the relationship between the Special Height Area and the HEHCP and therefore I consider its conclusions to be unreliable. Whilst many aspects of the proposal align with the expectations of this policy the overall height and its landscape effects relying on the Council's Landscape Architect (**Annexure 5**) do not positively contribute to planning and design outcomes identified nor fully result in positive pedestrian amenity, movement or safety.
- H8.3(5) the consideration is partially agreed. With the exception of the heights the design is very high quality. Whilst the Technical Advisory Group (TAG) is referred to in the Applicant's documentation, they have not reviewed the (current) scheme as presented to the Panel and the Business - City Centre Zone planning provisions now differ from the time the TAG assessments were made. The towers have become less slender and chamfers reduced in extent.
- H8.3(20) it is agreed that the replacement of the car park building would enhance the waterfront, however for the reasons given relating to height, landscape, waterfront amenity effects including visual dominance, shade and wind this policy is not fully met.
- Policy H8.3(29A) as assessed by the Applicant is partly agreed. However the Council's Landscape Architects memo²⁴ notes it is "not clear if the height, bulk and scale of the proposed development are intrinsic to the cultural design or if a similarly appropriate cultural response could also be achieved in a proposal that was compliant with the HEHCP and the general building height standard". Noting that Auckland's sense of place and identity is closely linked to the Waitemata Harbour and the waterfront it is not agreed this policy is fully achieved.
- Policy H8.3(33) setting aside the building heights, this policy is agreed.

Objectives and policies not agreed

95. Having regard to the above, the following assessment focuses on the objectives and policies where I do not concur with the Applicant's 'City Centre Zone Objectives and

²⁴ Annexure 5, paragraph 29

Policies' assessment. This includes the following objectives H8.2(4), (8) and (9), and the following policies: H8.3(3), (11) (29), (30), (30A), and (38). Policy H8.3(30) is also assessed within the AEE and a summary of the assessment in the 'City Centre Zone Objectives and Policies' document is provided.²⁵

- The assessment of Objective H8.3(8) and (9) is not agreed. Relying on the Council's Landscape Architect and assessment, the tower heights do not respond well to planned future form, and the height adversely affect the waterfront character that is critical to the sense of place of the city centre.
- Objective H8.2(13) building heights are not enabled to realise as much development capacity as possible, because qualifying matters apply which modify the relevant building height.²⁶ Qualifying matters (QM) include both the HEHCP and the sunlight admission to St Patrick's Square. The assessment provided with respect of sunlight to St Patrick's Square, is not relevant to this objective. As much development capacity is enabled as possible unless a QM modifies the relevant height. The proposal clearly does not accord with this objective for this reason.
- Policy H8.3(11) whilst comments on glare are agreed, the remainder of the assessment is not agreed. It is agreed that effects of wind and shading on open spaced land are *required* to be avoided, remedied or mitigated, however it is not agreed that the mitigation proposed has achieved this to an acceptable level. With reference to the receiving environment description of the regional significance and importance of the surrounding street network and waterfront area to provide high levels of amenity, not all wind mitigation has been evidenced as feasible, therefore the resulting wind effects are unclear. Even if feasible wind speeds exceed the levels anticipated for pedestrian movement areas on Lower Hobson Street / Quay Street, Custom Street West and exceeds the wind speeds suitable for recreational spaces within Sturdee Street, wind has not been demonstrated to be mitigated to an acceptable level. With respect of shading, the assessment is not fully agreed. Relying on the Council's Urban Design Specialist, St Patrick's Square shade during the protected times is agreed as acceptable. Shade outside that time is not considered to maintain adequate sunlight to St Patrick's Square or Te Komititanga / Queen Elizabeth Square. This policy is not met for wind or shading effects.
- Policies H8.3(29), (30), (30A) relate specifically to City Centre form:
 - a. H8.3(29) is supported by Objective H8.2(8) which seeks to manage development to accommodate the greatest levels of intensity, while respecting existing and planned built form, character and waterfront setting. For the reasons in the Landscape Architect (**Annexure 5**) Memo, the assessment provided is not supported. Read alongside the objective, this policy is not met.
 - b. When policy H8.3(30) is read in conjunction with objective H8.2(13) that modifies the enabled building height by the QM (HEHCP), the adverse effects of the infringing building height is not managed with an appropriate transition

²⁵ AEE, page 99, section 10.6.1.12 Regional and District Plan Provisions

²⁶ This is relevant to Standard H8.6.2(2) General building height, which as noted in section x the Council considers is infringed by this proposal

to the waterfront or Viaduct Harbour Precinct, relying on the Council's Landscape Architect (**Annexure 5**) and Urban Design Memos (**Annexure 6**). It is agreed there is not stated transition required to the west, however the HEHCP in its purpose has reference to *'reinforce the Quay Street east west connection running from the corner of The Strand and Quay Street to the east and Jellicoe Street in Wynyard Precinct to the west by the alignment of tall buildings'*. In this regard, this is taken to mean the complimentary height provisions of the adjacent waterfront Precincts when considering what an appropriate transition in height from the HEHCP heights in the central waterfront core further to the east and west.

- (b) It is agreed that 'protect' is a strong direction. The Applicant's Urban Design Specialist shading analysis is noted, however the Council's Urban Design Specialist (**Annexure 6**) position is preferred, and sunlight is not protected to Te Komititanga;
 - c) 'requiring' is agreed as a very strong direction. The assessment only considers planned built form to the south. It is not agreed that the waterfront setting is respected relying on the Landscape Architect (**Annexure 5**) for the council. It provides no assessment of the planned built form and character of the precincts. As referenced in (a) above, the precincts planned built form and character is low, reflecting their coastal and maritime positions and residential human-scaled character.
 - (d) (i) 'avoid' is agreed as a very directive component. It is not agreed that the scale, form and design of the towers have been managed to avoid adverse dominance, and amenity (shade and wind) effects on streets and public open space. As requested, the absence of comparative shading diagrams make it difficult to ascertain how well the 'height, scale and form of the towers' have managed to avoid these effects on the streets and open spaces.
- c. Policy H8.3(30A) does not appear to have been assessed by the Applicant. This policy states *'In identified locations, modify building height and/or density of urban form to provide for qualifying matters.'* This advises that on sites affected by a qualifying matter relating to building height, such as the HEHCP that location is no longer enabled to deliver as much development capacity as possible but is modified to provide for qualifying matters. This policy in my reading directly relates to Standard H8.6.2 clause (2). The development and its effects have not been assessed on the basis of this framing of modified building height at this site. The development does not accord with this policy.
- d. Policy H8.3(38) relying on the Council's Urban Design Specialist (**Annexure 6**), the proposed development does not ensure adequate sunlight to St Patrick's Square, Takutai Square or Komititanga Square. (For clarity this does not apply to the 'Admission of sunlight to public places' relating to St Patrick's Square.)

I205 Downtown West Precinct

96. The Downtown West Precinct description at I205.1 describes the precinct as *"located within the heart of the city centre waterfront, between the established Viaduct Harbour Precinct and regenerating Britomart Precinct. The precinct has a mix of commercial and residential land uses including a major hotel and open spaces. The block bounded by lower Queen Street, Customs Street West, lower Albert Street and Quay Street is generally held in single ownership and has significant redevelopment potential."*

97. The Applicant provides an assessment against these provisions within the AEE²⁷ concluding that the development will give effect to the objectives and policies. The assessment provided is agreed generally relying on the assessments of the Specialists in Section C and the recommended new and amended conditions relating to accessibility of connections and safety of the Urban Room.
98. However it is not agreed that *“The proposed built form and scale will be well integrated into the Auckland city centre and adjoining Viaduct Harbour and achieves objective I205.2.(1)...”*
99. It is also considered that the extent of wind effects undermines the extent that the development *“supports the transport facilities within and around the precinct.”* In this regard, objective I205.2(3) is not met. It is recognised that the Applicant has established a construction methodology that does seek to manage the traffic effects of the demolition and construction stages in a manner that recognises the precinct’s location as part of Auckland’s primary transport centre.

Summary of zone objectives and policies

100. In summary, whilst recognising the high-quality architecture, transformational qualities at the street and podium levels, urban vitality and the general high quality resulting appearance; the key issues when considering the Application through the lens of H8 and I205 relate to the height and form of the two towers proximate to the natural coastal environment, inadequate response to qualifying matter (harbour edge height control plane) and resulting loss of visual connections to the harbour and the amenity effects relating to wind, shade and visual dominance of the waterfront. The proposal represents a fundamental conflict with the spatial strategy of the zone. The following summarised points are made:
- a. The absence of an assessment of policy H8.3(30A) in the AEE or City Centre Objectives and Policies Assessment. Objective H8.2(13) is applied incorrectly. Read together these clearly identify that at this site, the zone provisions do not enable building heights to realise as much development capacity as possible as the HEHCP qualifying matter ‘modifies the relevant building height’. This does not ask for qualifying matters to be addressed; it modifies the height.
 - b. With respect of the above, the framing of the Applicant’s Landscape Assessment is incorrectly framed as it does not consider the modification by the qualifying matter to modify ‘realisation of as much development capacity as possible’.
 - c. The above reinforces the assessment of the Council’s Landscape Architect (**Annexure 5**) who identifies that visual connections between the city and the harbour are not maintained or enhanced as a result of reading H8.2(12) alongside (13).

²⁷ AEE, page 99-100, section 10.6.1.12 Regional and District Plan Provisions

- d. The height and scale of the towers and their consistency with the existing and planned character and form of the zone and the Precincts, including with respect of the qualifying matter of the Harbour edge height control plane (HEHCP) and the relationship to planned heights within the adjacent precincts.
- e. The lack of transition of the tower heights between the core of the city centre to the waterfront (HEHCP), with reliance on consented developments that may not be implemented.
- f. The amenity effects of the height and form of the towers with respect of visual dominance, shading and wind effects within the streets and public open spaces.
- g. The lack of surety about the mitigation proposed to mitigate the wind effects on pedestrian amenity and safety within the surrounding streets and public space (Sturdee Street Public Space).

Proposed Plan Change 120

Chapter E36 Natural hazards and flooding

101. The PC120 provisions introduce a risk management approach to natural hazards informed by the sensitivity rating of activities, the risk category informed by sensitivity, and characteristics of the hazard. Where potentially tolerable, a risk assessment will inform if the risk can be reduced to acceptable or a lower tolerable level. The Council's Development Engineer (**Annexure 11**) concurs with the sensitivity ascribed to the activities within the development in accordance with Table E36.3.1B that residential activities and hazardous facilities are 'activities sensitive to natural hazards', commercial, retail and office uses are 'activities potentially sensitive to natural hazards', and that parking and loading areas are 'less sensitive to natural hazards'.
102. The Council's Development Engineer (**Annexure 11**) has concluded that the site is subject to low flood hazard and concurs with the Tonkin + Taylor assessment that the site is subject to coastal inundation hazard area 3. Accordingly, with reference to Table E36.3.1B.1 the default level of risk associated with both flood and coastal inundation hazards is 'Acceptable' for basement parking and loading areas and 'Potentially tolerable' for all other activities. Back of house staff facilities and hazardous substance storage within the basement are 'Potentially tolerable' activities.
103. The relevant objectives include E36.2(3C), (3D), (4), (5), (6), (7) and (8). Through the provision of detailed flood and coastal hazard risk assessments, prepared by suitably qualified and experienced engineers and Proposed Consent Conditions, these objectives have mostly been met with respect of this proposal. Mana Whenua engagement has not identified any cultural heritage or values as being reduced. This conclusion is reached subject to a detailed Flood Hazard Management Plan being secured as a condition of consent, the detailed wording of which is requested to be reviewed and agreed by the Council.

104. Agreement to securing this as a condition of consent rather than upfront is as a result of the detailed flood and coastal hazard risk assessments provided with the application, and subject to resolving flood barrier design details, as addressed below.

Flood Hazards

105. Noting the above, policies E36.3(1A) and (1B) are addressed/met and the following policies are not relevant: E36.3(4C), (4D), (4E), (30B), (30C), (30D) and (30H). There are no applicable 'avoid' policies, but policies that seek to manage natural hazard risk are applicable, owing to the low flood risk. The following policies are therefore relevant: E36.3(3), (4A), (4B), (21), (22), (23), (24), (25), (26), (29), (30A – parking and loading), (30E), (30F) and (30G)
106. The proposal is considered to generally accord with policies E36.3(3), (4A), (30A) (23) and a condition secures compliance with E36.3(21).
107. Policy E36.3(4B) provides details needed to inform existing and future mitigation measures and residual risk. Key sub points not met include (c), (f) and (k) relating to provision for long-term maintenance of areas affected by natural hazards, the lack of enforceability of mitigation measures (as no conditions are proposed to this effect) and inability to monitor changes in risk in current proposed conditions (there are no proposed conditions in this respect). However, given the otherwise detailed assessment of risk, the proposed and summarised mitigation measures and low flood hazard area, in this instance, subject to appropriately worded conditions of consent requiring a detailed Flood Hazard Management Plan (FHMP) this policy could be regarded as met. This would require details of maintenance and repair requirements, providing for review mechanisms and to be recorded on the title to advise potential future purchasers of the need for ongoing adaptive management to risk.
108. The Flood Hazard Management Plan would also secure consistency with policies E36.3(22), (25), (26)(30E), (30F) and (30G) and minimise risk to as low as possible and acceptable.
109. Proposed Consent Condition (112) will secure compliance with policy E36.3(29) maintaining the function and capacity of overland flowpaths and preventing damage to property and the environment.
110. The planting of the Pohutukawa tree in the road reserve would be located within a floodplain. The feasibility of this is not yet demonstrated. Policy E36.3(24) enables planting providing flood risk to other sites is not created or exacerbated. A condition requiring these details would ensure this policy is met.

Coastal hazards

111. Noting the assessment above and default level of risk, policies E36.3(1A) and (1B) have been addressed/met. The following policies relevant to coastal hazards are not applicable to this proposal E36.3(4C), (4D), (4E), (5G), (5H), (5M) and (5N), (10), (10A), (12A), (12B). The following policies are relevant: E36.3(3), (4A), (4B), (5A), (5B), (5C), (5D), (5E), (5F), (5I), (5J), (5K), (5L), (11A) and (12C) and addressed below.

112. The most notable policy is E36.3(5A) which is an 'avoid' policy, whereas the remaining applicable policies require a risk management approach. The proposal includes a coastal protection structure, in the form of the flood barrier in the northern end of the Service Lane to prevent coastal inundation entering the basement. The Coastal inundation risk assessment, by Tonkin + Taylor considers this to be required between 2090 and 2100 (between 64-74 years) from now. Informed by the above, policy E36.3(5A) seeks to avoid this development unless it is demonstrated that there is no practicable alternative, and the purpose of the development and uses is to (a) provide significant regional or national benefit (or other exceptions).
113. The application does not set out that there is no practicable alternative to this proposal. However, in my opinion, an extent of basement would be necessary to enable the development of this site to be appropriately serviced. This includes with loading bays, water tanks, back-up generators and diesel storage, and to avoid adverse effects from locating end of trip facilities (EOT), cycle parking and other features where they would create inactive frontages or undermine design quality on this prominent site. Car parking could be reduced, but would not overcome the previously noted points.
114. In the event that the Panel considers that the proposal delivers significant regional or national benefit then part of this policy is addressed/met.
115. The remaining policies not specifically commented on below are regarded as met as the considerations are addressed in either the Flood or Coastal Hazard risk assessment and are mostly stated to be concurred with by the Council's Development Engineer (**Annexure 11**). Securing the recommended design and mitigation measures within a Flood Hazard Management Plan is considered necessary in order to conclude that these policies have been met.
116. The following policies generally seek a risk management approach and the proposal could be regarded as met against these provisions provided the detail required is provided within a Flood Hazard Management Plan (FHMP):
- Policy E36.3(5I) and E36.3(5K)(e) seeks for development and use that gives rise to potentially tolerable risk to be managed to ensure risk is maintained at a tolerable level for activities potentially sensitive to natural hazards (b) safe refuge and egress can be provided, but details of egress for these activities located within basement levels should be demonstrated within an evacuation plan which should form part of a FHMP which has not been provided. Provision of a FHMP would enable (5K)(c) and (5L) to be regarded as met.
 - E36.3(12C) Coastal protection must be designed to avoid effects as listed. The final design of the proposed flood barriers has not yet been confirmed. As such, it cannot be concluded that this policy is met.

Landslide hazards – general

117. Policies E36.3(33A), (33D), (33F), (33G), (33H), (33I) and (33J) are not applicable.

Policies E36.3(33B) and (33E) are relevant and met. Policy E36.3(33C) seeks to minimise earthworks and vegetation alteration or removal to ensure that resulting risk is reduced to as low as possible. Whilst significant earthworks are proposed, this is not uncommon in the city centre. The Geotechnical details have been subject to detailed design specification by Geotechnical Engineers and assessment by Council Geotechnical (**Annexure 12**) and Groundwater Specialists (**Annexure 13**). Notably, subject to conditions, adverse effects on adjoining properties and infrastructure are able to be mitigated.

Balancing Assessment

118. Careful consideration needs to be given in this balancing assessment to the proposed outcomes and effects of the development on the environment, potential precedent and plan integrity issues of the proposal.
119. There are provisions within the AUP(OP) including in Chapter E36, E40 and H8 that relate to traffic effects and as such if these matters are not resolved this could affect the overall conclusions. This is in the context of the constrained surrounding transport network and the regionally significant public transport infrastructure function the surrounding streets provide for Auckland.
120. The development reflects a significant departure from the planned character and built form outcomes anticipated in the Business – City Centre Zone at this location having regard to the qualifying matter of the Harbour Edge height control plane.
121. This qualifying matter gives effect to the Regional Policy Statement B8 Coastal environment, which in turn supports the New Zealand Coastal Policy Statement (2025) and s6(a) of the RMA.
122. It does, however, represent a very high quality of architecture with the street interfaces and podium scales of the development representing a very high-quality design (with the exception of the Custom Street West pick up and drop off area).
123. Further, the Application achieves a number of public benefits as addressed most notably in securing the pedestrian connections through the site linking Viaduct Harbour Precinct in the west to Britomart in the east through the Commercial Bay development. The transformational outcome for the site and immediate streetscape surrounds, when compared to the existing site, and new publicly accessible civic space are significant positive effects of the proposal.

Precedent

124. The site is subject to Harbour edge height control which is applicable to a small number of sites proximate to the Waitemata Harbour within the City Centre.
125. There is potential for precedent and plan integrity concerns to arise if appropriate weighting and balance is not given to the objectives and policies that make reference to the qualifying matter of the Harbour edge height control. This requires consideration as

to whether it would undermine the AUP(OP). This is raised as a concern by the Landscape Architect in their memo relating to the overall form of the city centre and the important waterfront interface. In terms of effects, this could lead to an undermining of the outcomes provided and sought in the Business – City Centre in terms of scale and visual connections between the city and the harbour including environmental outcomes.

126. For the Panel's attention, the Applicant owns most of the land covered by the HEHCP.
127. Whilst it is noted that the FTAA also provides a different decision-making criteria and framework, notably in respect to the inclusion and weighting to the purpose of the FTAA and absence of s104D of the RMA, in comparison to applications not assessed under the FTAA. This is noted as a point of difference to many applications in the Auckland Region but balanced by noting the number of scheduled listed projects under the FTAA within the region and that may or may not come forward under the 'referral process'.
128. The manner in which this Application is considered is therefore important in ensuring precedent issues and the associated effects that would arise from the Plan being undermined in such a circumstance, are avoided, and it is suggested should be an important consideration for the Panel when assessing the proposal including the weighting to be given to the specific decision-making criteria of the FTAA.

Conclusion

129. Key matters which require in the Council's opinion further information and/or assessment; or separately to be addressed by proposed significant conditions of consent which the Panel and Applicant would need to consider. Details on these matters can be found within **Sections C and D.2** of the memorandum. A supplementary review of any updated material including updated proposed consent conditions is considered necessary following the 7 May 2026 deadline to ensure all relevant matters have been properly considered in the Council's assessment of the Application.
130. The significance of these matters is not to be undermined by the below, however we acknowledge that it would be beneficial to the Panel and the purpose of the FTAA process to understand our view subject to these matters being addressed, reviewed and resolved.

SECTION C: STATUTORY PLANNING ASSESSMENT

131. The Council Specialist Memos and other relevant forms of advice listed in **Section A** above inform the overall Statutory Planning Assessment. These have been provided in annexures in their complete form for the benefit of the Panel and their review and assessment on specialist matters.

Informal S67 Request and Applicant's 7 April 2026 S67 Response

132. The Council provided an informal 'Section 67 Request for Information' directly to the Applicant dated 26 March 2026 with an agreed response date of 7 April 2026 to enable Specialists to review and comment within their Specialist memos. While only the Panel may issue a formal request under section 67, the Council has identified specific matters where additional clarity or further technical information may be beneficial to inform the

Panel's assessment. These matters are raised for the Panel's consideration in determining whether a direction under section 67(1)(a) or (b) should be made.

133. Where there are outstanding issues, the Panel is strongly encouraged to request these under s67. The Council is also open to engaging directly with the Applicant's team to discuss any of the matters raised in this memorandum. Should the Applicant wish to meet to clarify or work through specific issues, Council officers are available to facilitate further discussion.

Additional reasons for consent

134. The consent triggers identified in the Application (the AEE) are for the most part agreed, with the exception of the consent matters set out below:
135. Barker and Associates Limited, in their Memorandum Planning Addendum dated 7 April 2026 sets out their opinion that the General building height (Standard H8.6.2) is not an applicable consent matter, ultimately presenting the view that there are separate standards in the AUP(OP) that address the General building height and HEHCP controls. The response states that in the event the Panel confirms that a consent matter for exceeding the height limit of Standard H8.6.2 clause (2) is triggered, the relevant assessment is provided in the S67 'Urban Design Response to Auckland Council Urban Design Feedback' dated 30 March 2026.
136. It is the Council's view that a consent matter is triggered for infringing the General building height (Standard H8.6.2) and that in clause (2) of this standard, 'the lowest height limit applies as the first level of control', and this captures the HEHCP as the lowest height limit. It is not disputed that there are separate standards in the AUP(OP) that address the controls referred to in clause (2), however that does not change the plain reading.
137. This interpretation and approach is supported by the way the objectives²⁸ and policies²⁹ of the Business – City Centre Zone are drafted. It is therefore considered that the Harbour edge height control plane (a qualifying matter) modifies the enabled development capacity (the 'Special Height Area') at this site.
138. In addition to the consent matters identified within the Applicant's AEE the Applicant has confirmed the following additional reasons for consent within their S67 Response Planning Addendum:
- a) The proposal includes the provision of five wastewater underground storage tanks (total capacity of 500,000 L) within the level 04 basement to pump to the network at off-peak periods, located within a coastal hazard area. This is a restricted discretionary activity pursuant to rule E36.4.1A(A68) under Proposed Plan Change 120.
 - b) The proposal includes the construction and use of two new vehicle crossings on

²⁸ H8.2(13) Building heights are enabled to realise as much development capacity as possible, unless qualifying matters apply which modify the relevant building height and/or density of urban form.

²⁹ H8.3(30A) In identified locations, modify building height and/or density of urban form to provide for qualifying matters.

Customs Street West to serve the proposed hotel Pick Up and Drop Off (PUDO) area. This requires consent pursuant to rule E27.6.4.1(A5) as a Vehicle Access Restriction applies under Standard E27.4.1(2) and (3) (a) as owing to the arterial road classification and the distance to the intersection of Lower Hobson Street and Custom Street West being less than 10m. This is a restricted discretionary activity.

139. Based on the Applicant's S67 Response Acoustic Assessment Addendum, prepared by Marshall Day Acoustics, they refer to an update to proposed condition 67 to require compliance at all receivers except 29 Custom Street West (Aon). In this regard, the following additional consent matter is noted:
- The proposal will not comply with Standard E25.6.30 Construction vibration amenity limits at 29 Custom Street West (Aon Building) during vibratory sheet piling works, which are scheduled to take place for 1.5 weeks.³⁰ This is a restricted discretionary activity pursuant to rule E25.4.1(A2).
140. For clarity, it is considered that the applicant's Flood and coastal hazard assessments sufficiently provide assessment, however an outstanding request remains for a Flood barrier design details and a Flood and Coastal Hazard Management Plan condition.
141. With respect of the Hotel Pick Up and Drop Off (PUDO) that triggers the consent matter identified above, whilst assessments have been provided, Auckland Transport (**Annexure 4**) and the Council's Urban Design Specialist request further details of the design, and management.
142. Auckland Transport (**Annexure 4**) advise that the proposal involves modifications to the existing vehicle crossing along Quay Street providing access from the north of the service lane, where a Vehicle Access Restriction ("VAR") applies under Standard E27.6.4.1(1) that is not provided for within Activity Table E27.4.1. Resource consent is required as a non-complying activity under Rule E27.4.1(A8)³¹. Auckland Transport acknowledge that Applicant has comprehensively assessed any resulting adverse impacts upon the surrounding transport network in relation to this infringement.
143. The following consent matter is assessed in the Applicant's Geotechnical and Groundwater Assessment Report but was not included in the AEE. This is highlighted to the Panel provided for completeness. The proposal involves groundwater diversion (A28) which has been identified in the AEE and also dewatering requiring consent under rule E7.4.1(A20) as Standard E7.6.1.6(2) as groundwater diversion / take will exceed 30 days and (3) as the groundwater take will extend beyond the construction phase owing to the potential adoption of drained basement.
144. Overall, whilst a non-complying consent matter not previously identified by the Applicant is brought to the attention of the Panel, the consent was already non-complying owing to the infringement of rule H8.4.1(A40).

³⁰ This is confirmed in the Acoustic Assessment Addendum, dated 7 April 2026

³¹ Auckland Transport (Annexure 4), page

SECTION C1: ASSESSMENT OF ENVIRONMENTAL EFFECTS

145. The assessment below in general, for proportionality purposes, focusses on areas where there is disagreement between the Applicant and Council Specialists, or where there may be some conflicts between the assessments. This is identified to provide clarity to the Panel in respect of the outstanding issues.

Permitted Baseline

146. The Planning Report does not comment on a permitted baseline or consider that there is a permitted baseline to disregard any adverse effects. This approach is agreed.

Receiving environment

147. The Fanshawe Street Retaining Wall (FSRW) consent, BUN60462925 referred to above is currently being processed by the Council. A decision is anticipated soon. As summarised above and in the Auckland Transport (**Annexure 4**) (Appendix (5), these works are planned to commence in October 2026. Auckland Transport explains how this will affect the receiving environment for the period of the demolition and construction stages of the development and for the initial operational stage of the development³².

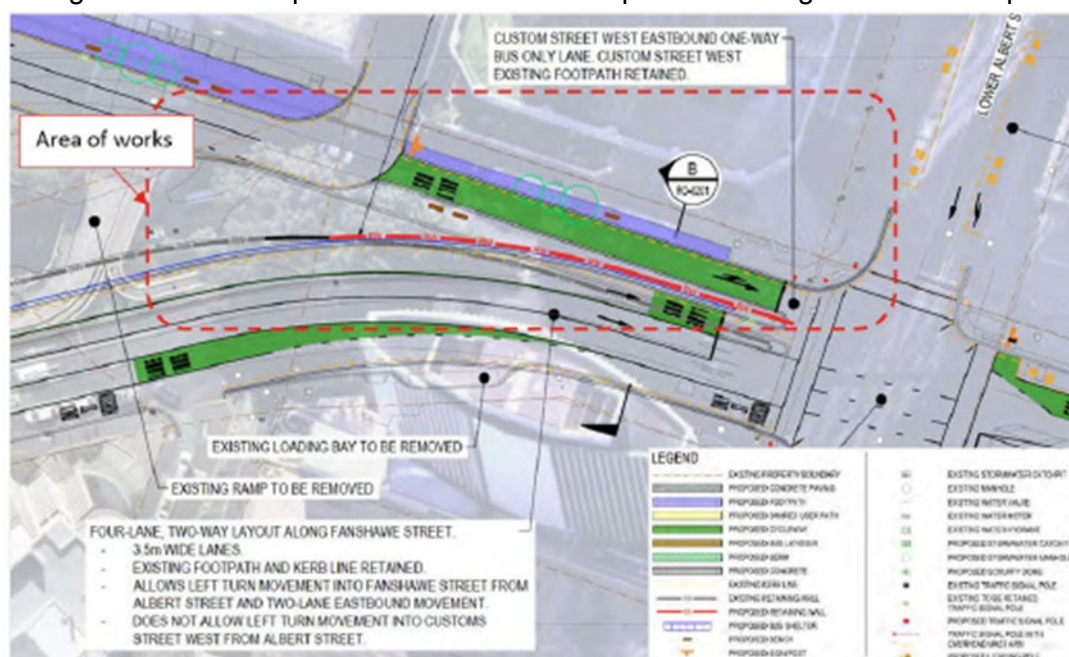


Figure 3-1 Retaining Wall Realignment General Arrangement Plan

148. The FSRW works will remove 15 existing street trees located to the east of the existing Downtown Carpark building exit ramp to Fanshawe Street.

149. The FSRW consent will also have implications for the flood receiving environment as indicated in the image below, Figure 2-2 from the Auckland Transport (Appendix 4 Retaining Wall Relocation Application).

³² Annexure 4 - paragraphs 5.6 to 5.8



Figure 2-2 OLFPs at the Site

150. Auckland Transport advise that the team responsible for delivering the FSRW works have yet to undertake the detailed design and intend to work through, in consultation with the Applicant, as the detailed design is refined. In this regard measures may be implemented to maintain the capacity of the road to the pre-development situation³³.

Adjoining uses

151. It is highlighted to the Panel that the existing 'Kindercare' childcare facility is located within the podium levels (one and two) of the Aon Building directly adjacent to the east of the application site. This use is identified as a particularly sensitive receptor with respect of air quality and noise and vibration effects of construction.
152. The AEE and technical reports including Air Quality Assessment and Noise and Vibration Assessment and Draft Construction Vibration Management Plan state that they have not carried out any assessment owing to the business operator relocating / leaving the premises prior to demolition works commencing.
153. The Panel may wish to satisfy themselves that this assumption is appropriate. For noise effects, owing to the requirement for outdoor play space as required by National Guidance for childcare centres, the effects of a prolonged construction duration at levels even compliant with the zone standards was previously advised by Council Specialists to be unreasonable.

Consents that may be implemented

154. The following paragraphs identify consents that may have bearing on the assessment of this application:

³³ Auckland Transport Memo (Annexure 4), paragraph 7.23

5-15 Albert Street

155. BUN60340930 and associated land use consent LUC60348642 was granted on 6 August 2020. On 3 November 2022, EXT90101616 granted an extension to the lapse period from 8 years to 10 years. In this regard, the consent will lapse on 6 August 2030. This granted a 36-storey commercial tower with lower podium level providing retail spaces and new laneway between 3 Albert Street and the tower.
156. This tower is illustrated in the Urban Design Assessment, page 7, Figure 2.1, positioned behind Kyndryl Tower at 1 Albert Street (directly south of the Aon Tower).
157. There is some uncertainty as to the likelihood of implementation. A temporary (4 year) non-accessory car park was granted for this site, reference LUC60427726 in January 2025. At this point in time, the site is fenced, gravel covered and not in use.

SECTION C2: EFFECTS RELATING TO THE HARBOUR EDGE HEIGHT CONTROL PLANE (HEHCP)

Applicant's Assessment

158. The AEE considers the purpose of the HEHCP at section 10.7.4, page 108 of the AEE. The text provided and upon which the assessment has been framed in the AEE is based on wording of the HEHCP Standard that predated the 6 June 2025 (when Plan Change 78 became Operative in part (as it relates to City Centre)). It is accepted that some of the assessment in the AEE draws from the Applicant's specialists that rely on the correct wording.
159. The Applicant's Urban Design Assessment considers the proposal against the HEHCP from page 26 at section 2.3, and at pages 35-41. The most open and prominent view of the ensemble of towers is from the west (and this is agreed between the Applicant's and Council's Specialists). The Applicant's Urban Design Assessment states that the steeper recession plane angle achieved by the proposed towers, moving between Tower 1 and Tower 2 illustrates 'a' transition and that the first purpose of the standard³⁴ is met.
160. The Applicant's Urban Design Assessment refers to the theoretical form 'enabled by the plan' in the city centre (Figure 2.3 on page 8 of the Urban Design Assessment) including the Special Height Area to conclude that the proposal when considered in the broader context including 'plan enabled form' provides a 'clear height transition from the core of the city centre down to the waterfront'³⁵ in terms of the 'planned' character.
161. The Applicant's Urban Design Assessment considers the stated second purpose of the

³⁴ H8.6.5 Purpose: manage the scale of buildings at the western end of Quay Street to: • provide a city form which transitions in building height from the core of the city centre down towards the waterfront;

³⁵ Page 28 of the Urban Design Assessment.

HEHCP as 'maximise views between the harbour and the city centre'.³⁶

162. The correct and operative wording of Standard H8.6.5 Harbour edge height control plane is provided below:

Purpose: manage the scale of buildings at the western end of Quay Street to:

- provide a city form which transitions in building height from the core of the city centre down towards the waterfront;
- maximise visual connections and visual permeability between the harbour and the city centre; and
- reinforce the Quay Street east west connection running from the corner of The Strand and Quay Street to the east and Jellicoe Street in Wynyard Precinct to the west by the alignment of tall buildings.

Council's Assessment

163. The Council, relying on the Landscape Architect (**Annexure 5**) and Urban Design (**Annexure 6**) Specialists for the Council do not agree that the infringement to the HEHCP accords with the purpose of the standard or the relevant assessment criteria.
164. It is suggested to the Panel that an infringement of Standard H8.6.2 clause (2) should also be assessed within the Applicant's Landscape Assessment. Notwithstanding this, the Council's Landscape Architect (**Annexure 5**) has carried out their own assessment including against infringement of this Standard. This is highlighted to the Panel for their consideration.
165. With regards to the above, the HEHCP standard does not seek a transition, it seeks to provide a city form that transitions in building height from the city core to the waterfront, and so makes it clear the extent of the city over which a transition is sought.
166. The Council's Urban Design Specialist (**Annexure 6**) recognises that the design of the proposal 'adopts a broad stepped approach... providing a degree of transition across the site'. The Specialist is of the opinion that the transition provided is materially steeper than the planned transition with both towers substantially infringing the HEHCP by 88.8m (Tower 1) and 49.2m (Tower 2) along their northern facades. The Council's Urban Design Specialist (**Annexure 6**) notes that this brings the substantial height closer to the waterfront than the planning framework provides for and this aspect of the proposal is not supported for these reasons.
167. The Council's Urban Design Specialist (**Annexure 6**) advises that, taking a form-based approach, Tower 1 as proposed, in terms of its height, would sit below the relevant recession plane if located 180m south of the Quay Street centre-line. The location of Tower 1 is noted to be positioned 97m back from the centre-line. This is described as narrowing the transition by approximately 50%, locating the height that is proposed one

³⁶ This is the pre-PC78 second purpose. The second purpose of the HEHCP is: 'To manage the scale of buildings at the western end of Quay Street to: maximise visual connections and visual permeability between the harbour and the city centre'

block closer to the waterfront than the transition planned by the HEHCP. This is described as resulting in a 'more abrupt escalation of built form toward the harbour'.

168. The Council's Landscape Architect (**Annexure 5**) considers the Harbour edge height control plane at paragraphs 13- 23 of his memo. The Landscape Specialist is of the view that the "*need to manage built form at the interface of Auckland's waterfront is required to prevent future development from dominating the city-harbour interface. The slope of the recession plane and the height at which development starts to slope back are critical in achieving the control's purpose.*"
169. Whilst the Council's Landscape Architect (**Annexure 5**) has reviewed the Applicant's Landscape Assessment, it is clear from their assessment of the appropriate recession plane angle of the HEHCP, which starkly contrasts to the assessment and conclusions of recession plane angle by the Applicant's Urban Design Specialist that there is disagreement.
170. The Council Specialists are aligned in their disagreement with the Applicant's Specialists.
171. The Council's Landscape Architect (**Annexure 5**) advises at paragraph 23 of their memo that the HEHCP acknowledges the importance of Te Waitematā as being central to Auckland's identity and natural heritage, the important role that Quay Street and the waterfront's public spaces have at this interface. The height control plane is also considered to acknowledge the contribution to the waterfront's character of the heritage buildings. Both the starting point for the HEHCP and its angle of recline are noted by the Specialist as important in terms of managing the level of visual permeability and air space near the waterfront, together with the degree to which built form dominates that key interface.³⁷
172. Having regard to the assessments of the Council's Landscape Architect and Urban Design Specialist (**Annexures 5 and 6**) there is agreement between them that the proposed heights of the Towers do not appropriately transition to the waters edge, having regard to the existing and planned heights.
173. The Council's Landscape Architect (**Annexure 6**) provides a considered assessment of the proposed development against the purpose of the HEHCP and the matters of discretion and assessment criteria at paragraphs 13-17 and the below is generally referenced from that memo:
 - a. There is a difference in opinion between the Council and Applicant's Specialists regarding the transition provided. Council's Specialists³⁸ do not agree that an appropriate transition across the existing or planned city form (having regard to the HEHCP that is a qualifying matter that modifies the otherwise enabled development capacity) has been achieved.

³⁷ Council's Landscape Architect Memo Annexure 2, paragraph 23.

³⁸ Noting the Urban Design Specialist considers the height proposed is brought a city block closer to the harbour than planned.

- b. relying on gaps between towers is not agreed to maximise visual connections and visual permeability. Significant loss of these connections as a result of the extent of HEHCP results. Both the starting point for the HEHCP and its angle of recline are important in terms of managing the level of visual permeability and air space near the waterfront, together with the degree to which built form dominates that key interface.
- c. The design of the upper parts of the towers and the overall the extent of infringements to the HEHCP are unresponsive to the waterfront's sense of place. I note the heights do not successfully cluster to reinforce a transition to lower density waterfront setting, including the Viaduct Precinct. The chamfer on the northwest corner of Tower 2 to responds to the Harbour by leaning back and giving it reverence; however the feature and its responsiveness is negated by the extent of infringement and the vertical edge of the north-west corner of Tower 1 that stands upright, providing a verticality in opposition to the Harbour.
- d. Shading effects are noted to result in loss of sunlight at 5pm (a busy hour) in mid-summer from Komititanga Square, St Patrick's Square in mid-winter between 11.00 am and 12.00 pm and Takutai Square at 5.00 pm during the equinox, all of which are last remaining sun lit spaces. This loss is considered an adverse effect and not minimal relying on the Council's Urban Design (**Annexure 6**) Assessment.
- e. Streetscape responsiveness is generally agreed between the Specialists.

174. The Council does not agree with the Applicant's assessment or the conclusion that the infringement to the HEHCP accords with the purpose of the Standard or the relevant assessment criteria.

SECTION C3: LANDSCAPE AND VISUAL EFFECTS

175. Warren and Mahoney have prepared an Architecture & Landscape Report, Detailed Architectural and Landscape Drawings Master Plan, Cultural Masterplan, Landscape Concepts, Elements, and Design Guidelines for the overall Downtown Carpark Redevelopment Project. Haumi have prepared a Cultural Design Report in partnership with Ngāti Whātua Ōrākei. Isthmus have provided a Landscape Visual Effects Assessment and McIndoe Urban have prepared an Urban Design Assessment. These are supported by a CPTED Assessment prepared by Barker & Associates.
176. The Landscape Assessment, prepared by Isthmus has been summarised in the AEE prepared by Barker & Associates Limited. The extensive visual catchment owing to the scale of the development, its height and proximity to the harbour is stated. At the streetscape level, effects are concluded to be moderate-high positive through enhanced design and activation.
177. At the broader cityscape level, the assessment concludes that the development will provide a significant and positive contribution to the cityscape and skyline of Auckland from near and broader locations.
178. The planning context summarised in the Isthmus Landscape Assessment is described at pages 14-20 paragraphs 26-42. This is stated as framing the Landscape Visual

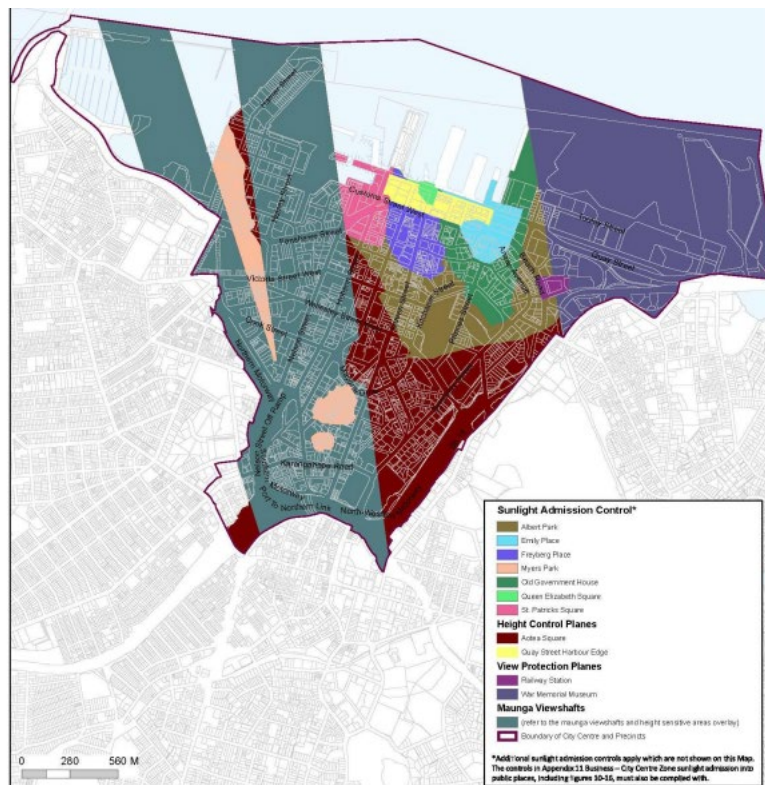
Effects Assessment. Paragraph 30 lists the standards of the Business – City Centre Zone and Downtown West Precinct that are infringed. This list does not include the infringement of Standard H8.6.2 General building height. Paragraph 31 lists a summary of the objectives of the Zone and Precinct with emphasis added. Of note, emphasis is added to '*achieving building heights that realise as much development capacity as possible*', however this policy also includes the text '*unless qualifying matters apply which modify the relevant building height and/or density of built form*'³⁹ which is not emphasised. As addressed in the section above, the HEHCP is a qualifying matter and 'modifies the relevant building height'. In this regard this policy to be accurately applied must have equal emphasis.

179. Further to the above, policy H8.3(30)(c) is summarised in the Landscape Assessment by Isthmus as requiring building heights to be complementary to existing or planned built form and character. The policy wording requires building heights to be complementary to both existing and planned character. The framing of the assessment does not include any reference to policy H8.3(30A) '*In identified locations, modify building height and/or density of urban form to provide for qualifying matters*'. As noted above, the HEHCP is a qualifying matter.
180. The effects on the broader cityscape (scale, appearance and context of the towers on the skyline) are assessed from page 36 of the Isthmus Landscape Assessment.⁴⁰ This refers only to the Special Height Area⁴¹ and does not apply the 'General building height' standard. As addressed above, with reference to clause (2) the lower of the height limits that are shown on Maps H8.11.3 and H8.11.4 apply as the first level of control. As shown in Map H8.11.4 below, the lower height limit is set by the Quay Street Harbour Edge (the 'Harbour edge height control plane').

³⁹ Business – City Centre Zone, objective H8.2(13)

⁴⁰ Page 36

⁴¹ As illustrated on Map H8.11.3 General height controls



Map H8.11.4 Special height controls

181. Paragraphs 65 and 66 of the Isthmus Assessment states:

“A key matter related to this proposal is the scale of the towers in this location when assessed against the AUP provisions and standards, and the urban form context. This includes the HEHCP standard which this proposal breaches. However, the site is in the special (unlimited) height area where the tallest buildings are anticipated within the city centre. The assessment below takes this into account.

It is also key to outline that change itself is not an adverse effect. The city’s planned urban form envisages change, and the key matter is whether the building will contribute to the city’s planned urban form.”

182. These matters are drawn to the attention of the Panel as it is the Council’s position that the approach to framing the effects assessment within the Applicant’s Landscape Assessment does not accurately reflect how the AUP provisions and standards are applied at this site. This site, whilst located within the Special Height Area⁴²; owing to the qualifying matter that is the Harbour edge height control plane (as well as the Admission of sunlight into public places standard), has its ‘unlimited’ height modified. Objectives H8.2(4)(d) and H8.2(13) and policies H8.3(2), (30A) either seek to modify building height to provide for qualifying matters; ensure heights are compatible with qualifying matters or accommodate qualifying matters. Therefore ‘unlimited’ height is not provided for at this site.

⁴² Business City Centre Zone, Map H8.11.3 General height controls

183. With reference to the above assessment, the incorrect framing of the landscape effects assessment, with heaviest emphasis given to the Special Height Area or 'enabling as much development capacity as possible' without sufficiently recognising that the qualifying matter modifies that height, my view, undermines the conclusions reached that 'a significant and positive contribution to the cityscape and skyline of Auckland from near and broader locations' is achieved.
184. The Landscape Assessment by Isthmus has been reviewed by Council's Landscape Architect (**Annexure 5**), where Council's Landscape Architect has carried out their own assessment of the infringement to 'General building height'.
185. The Council's Landscape Architect summarises the policy context including the Harbour edge height control plane that establishes the adverse effects assessment framework for the height of the proposed towers. As noted in the Landscape Architect's memo, the recession plane both reflects the existing city form and defines the planned city form with respect of the relationship to the Waitemata Harbour. Notably The Landscape Architect⁴³ states:
- "The HEHCP acknowledges the importance of Te Waitematā as being central to Auckland's identity and natural heritage; it acknowledges the important role that Quay Street [and the waterfront's public spaces] have at this interface – including as a major conduit and point of arrival for visitors to the city; and it acknowledges the contribution to the waterfront's character of the heritage buildings also found at this interface. The positive interaction of these influences at the waterfront's interface are provided for by the breathing space enabled by the HEHCP without the presence of very tall towers looming over. Both the starting point for the HEHCP and its angle of recline are important in terms of managing the level of visual permeability and air space near the waterfront, together with the degree to which built form dominates that key interface."*
186. The Council's Landscape Architect is not in agreement with the Isthmus Landscape Assessment and does not support the Application from a broader landscape and visual effects perspective nor with respect of waterfront amenity effects. This is set out in paragraphs 30 – 33 and 57-58 of the Memorandum. This lack of support relates to the height and bulk of the towers, and the broader landscape and visual amenity effects, including the visual amenity effects arising from the abrupt drop in height between the proposal and the adjacent existing and planned Viaduct Harbour Precinct heights.
187. The Council's Urban Design Specialist (**Annexure 6**) generally supports the interfaces of the development to the immediate south and east. This is not agreed by the Council's Landscape Architect (**Annexure 5**) who assesses the effects of the infringement of the HEHCP and General building height standard in reaching this view, and on the basis of his visual landscape assessment. However, relying on the assessments of all Specialists, it is considered that the northern and western interfaces are the most sensitive and result in the most significant effects and therefore are addressed below.

⁴³ Paragraph 23 of the Landscape Architect Memorandum (Annexure 4)

Relationship to Quay Street (Northern / Waterfront interface) - Applicant's assessment

188. The Applicant's Landscape Assessment describes the waterfront character at paragraphs 45 and 58 and the relationship of the proposal to Quay Street at paragraphs 91-95. A key aspect of the assessment relates to the corner of Quay Street and Lower Hobson Street at paragraphs 93-95. The Applicant's Landscape Architect describes the buildings as 'tall in this localised context' but reference is made to a compliant building appearing so also. There is reliance on the step between the towers, and design as mitigating potential dominance effects including the position behind the M-Social building. The design is stated not to 'loom over' the streetscape, with the podium and tower differentiation avoiding inappropriate bulk. Low-moderate dominance effects are noted to Quay Street. No specific reference to 'waterfront' effects are stated.
189. The Applicants' Urban Design Specialist considers the relationship to Quay Street and the waterfront at pages 32 and also relies on the existing HSBC and M-Social buildings as providing screening, with upper levels not '*aligned in the cone of vision for pedestrians at street level*'.

Relationship to Quay Street and the Waterfront – Council's Assessment

190. There is disagreement between the Council's Landscape Architect and the Applicant's Landscape Architect with regards to these effects. Council's Urban Design Specialist generally defers assessment of waterfront effects to the Landscape Architect.
191. The Council's Landscape Architect (**Annexure 5**) has focussed his streetscape assessment to the adjacent waterfront (Quay Street) and the corner of Quay Street and Lower Hobson Street and then considers the broader landscape beyond these positions. Waterfront amenity effects are considered at paragraphs 36-42. The existing waterfront character and the planned character are described as being responsive to the Harbour and ensuring a distinct waterfront amenity. At paragraph 37 it is noted:
- "Throughout the waterfront, and including the precincts of Britomart, the Viaduct Harbour and Wynyard Quarter, as well as on the wharves, and in combination with the HEHCP there is a purposeful plan to transition built form down to a lower height from further back into the core of the city centre."*
192. I refer to the Council's Landscape Architect Memo at paragraphs 38 and 39 that describes the waterfront amenity and character including the significance of the maritime and heritage buildings along Quay Street as contributing a significant character and amenity to Auckland's Waterfront. The Landscape Architect describes the waterfront as unique and the relationship to the Harbour as being highly valued by residents and visitors; Te Waitemata strongly contributes to the identity of the city centre as a 'Harbour City'. This is reflected and supported by the objectives and policies of the Auckland Regional Policy Statement B8 Coastal environment.
193. I refer back to the Background section, and reference to the Auckland City Centre Masterplan (2020) that plans for Quay Street to develop into a 'world-class harbour edge boulevard'.

194. With respect of the waterfront amenity and character, which is applicable to the Viaduct Harbour, Quay Street and *Te Wānanga* Council's Landscape Architect in paragraph 41 states his opinion that the towers will be incompatible with the existing and planned character of the waterfront and will adversely impact on the existing amenity values. The following concluding statement is given:

"The height of the towers will exert a visual and physical over-dominance over the waterfront's streets and public space, including the Viaduct Harbour, Quay Street and Te Wānanga and will not integrate with the scale of heritage buildings that contribute to the distinctive Precinct character and waterfront amenity. The towers will provide a monolithic presence that will detract from the planned lower scale of buildings, comparative to the city centre's core, that are situated along the waterfront."

195. The Council's Urban Design Specialist⁴⁴ recognises that there is some transition between the two towers, but highlights that it brings *"substantial height and associated bulk closer to the waterfront than envisaged by the AUP, introducing a tower of this scale approximately one block closer to the harbour edge"*.
196. In this, the Urban Design Specialist notes that the location and height of the towers result in a departure from the planned built form transition. Further to this, the Specialist notes that the *"podium levels define the immediate street experience, the upper-level massing remains relevant in terms of the proposal's relationship to the waterfront edge and the wider transition in urban form."*
197. Having regard to the above, the proposal is considered to result in adverse effects with respect of visual and physical dominance to the Quay Street, waterfront edge consisting of lower scaled buildings that contribute to the maritime and waterfront character and sense of place that helps to define the identity of the city centre. The proposal results in adverse effects on the existing and planned character of the city's-built form and the existing and planned relationship of the city to the Waitemata.

Relationship to the Viaduct Harbour Precinct (west) – Applicant Assessment



198. The Applicant's Landscape Assessment considers Viaduct landscape relationship at paragraphs 146-160, with the view from Karanga Plaza steps illustrating the relationship.⁴⁵ The towers as they relate to the adjacent city form to the west is then also described by the Applicant's Landscape Architect as providing *'something of a 'bookend' form for the western part of the city'*.⁴⁶ The steep transition is stated not to present a

⁴⁴ Section 5.4.1 Transition and Integration with the Surrounding Urban Form – North – Waterfront and H8.6.5 Harbour edge height control plane

⁴⁵ Applicant's Landscape Assessment, page 53

⁴⁶ Applicant's Landscape Assessment, paragraph 105

'radical departure from the planned built form' and to be complementary to existing and planned built form and character⁴⁷.

Relationship to the Viaduct Harbour Precinct (West) – Council Assessment

199. The Council's Urban Design Specialist (**Annexure 6**) generally considers the interface of the development to its more immediate settings. The interface with the Viaduct Harbour Precinct, to the west, described⁴⁸ as a *"more sensitive edge given the lower-scale waterfront character of the precinct and the lower permitted height on the opposite side of the street. In this context, Tower 2, rising to approximately 162m, introduces a substantial change in scale across Lower Hobson Street, and the transition is not gradual"*.
200. Further to the above however, the Urban Design Specialist considers that the successful podium-tower configuration including the tower setback from the podium and street edge help to visually separate the taller built form from the immediate public realm. In this regard the street-level experience on Lower Hobson Street is regarded as mitigating the immediate dominance of the tower form.
201. This conclusion is generally agreed by Council's Landscape Architect (**Annexure 6**) from immediate streetscape views⁴⁹.
202. The Urban Design Specialist (**Annexure 6**) considers the broader transition to the west to be sharper than ideal, but describes the podium and tower configuration, with tower set-back to provide mitigation, and to visually separate the taller built form from the immediate public realm. The Specialist advises that the Podium 2 height of approximately 30m is noted to be closer to the scale of planned building heights on the western side of Lower Hobson Street. The immediate street interface to the west is therefore considered appropriate by the Urban Design Specialist.
203. Further to the comments above, it is noted that the AUP(OP) with respect of the Viaduct Harbour Precinct includes objectives and policies that seek to:
- maintain and enhance the Viaduct Harbour land and adjacent water space as a special place of character in the City Centre and retain significant views of the water and areas within and adjacent to the precinct⁵⁰.
 - Maintain the residential character and amenity in Sub-precinct C as an attractive place for permanent residents⁵¹.
 - Manage building height and bulk to achieve an appropriate scale in relation to the street network and the precinct's prominent waterfront location; complement and maintain the distinctive low-medium rise character to achieve a sense of intimacy along streets and other public space frontages; and provide a transition in height between the core city centre and the harbour⁵².
- Provide for permanent residents in Sub-precinct C to maintain and enhance the

⁴⁷ Applicant's Landscape Assessment, paragraph 213

⁴⁸ Council's Urban Design Specialist Memo, Annexure 5, section 5.4.1

⁴⁹ Council's Landscape Architect Memo Annexure 4, paragraph 34 c).

⁵⁰ AUP(OP) Viaduct Harbour Precinct - Objective I211.2(2)

⁵¹ AUP(OP) Viaduct Harbour Precinct - Objective I211.2(7)

⁵² AUP(OP) Viaduct Harbour Precinct – Policy I211.3(4)

character and vitality of the precinct.⁵³

204. Referring to paragraph 105 of the ILA that states: “The buildings provide something of a ‘bookend’ form for the city” and clarifies in footnote that the “‘bookend’ is not a concept anticipated by the AUP, however it provides a clear description of the how the proposal will sit within the city”,
205. The Council’s Specialist considers this is not what is sought by the AUP(OP) in seeking to manage effects of building height by transitioning down to the harbour edge and adjacent neighbourhoods looks for a gradual change, not an instantaneous or abrupt change.⁵⁴ The Councils Specialist considers that rather than transitioning down, the proposal will create an abrupt and dramatic height drop between the proposed towers and the neighbouring Viaduct Harbour Precinct representing a change to the planned character of the city centre and create over-dominance effects”.

Broader Landscape effects

206. The Applicant summarises their viewpoint summary at paragraphs 212 to 219. The conclusion, relying on all the assessment is that moderate positive effects would result to the cityscape and skyline of Auckland. The steeper transition than planned by the HEHCP is stated not to present a radical departure from the planned built form. The tower height and form is concluded to be complementary to existing and the planned built form and character. Any adverse effects from the wider landscape are assessed to be low-moderate, at most, and these effects are assessed to have been sufficiently mitigated and managed through the design.
207. The Council’s Landscape Architect (**Annexure 5**) does not agree with the assessment or conclusions of the Applicant’s Specialist. The conclusion is summarised at paragraphs 34 and 35 of the Council’s Landscape memo. Paragraph 41 provides a conclusion on waterfront effects, and paragraph 42 concludes the proposal does not align with the NZCPS owing to its lack of set back relative to its height.

Landscaping Design proposals

208. The Council’s Landscape Architect (**Annexure 5**) broadly supports the landscape design with respect of layout and plant species and agrees that an appropriate ecological response to the coastal context will be achieved. The site and location of planting are noted to present many challenges for plants and trees to thrive. However, the recommendations of the Council’s Urban Design Specialist (**Annexure 6**) to achieve a better pedestrian environment at the hotel vehicle drop off area on Customs Street West are supported.
209. Furthermore, the constraints present in this proposal for plants to thrive are noted to include adequacy of light (in the Urban Room), wind conditions and available soil. Amendments to the conditions proposed by the applicant are recommended to mitigate these constraints.

⁵³ AUP(OP) Viaduct Harbour Precinct – Policy I211.3(12)(a)

⁵⁴ Council’s Landscape Architect Memo Annexure 4, paragraph 32

210. The Universal Design Specialist (**Annexure 7**) in her assessment below raises concerns with the interface of the Lower Hobson Street egress and the hard landscaping, and stair and planter locations. Amendments to the proposed landscape condition are recommended to ensure pedestrian movement and safety is provided along this street edge.

Conclusions on Landscape and Visual Effects

211. There is significant disagreement between the Applicant's and Council's Landscape Architects with respect of the extent of landscape and visual effects that arise from the proposal.
212. The Council is of the opinion that whilst (as considered below) the proposal does represent a high standard of architectural quality, from a broader landscape effects perspective, and with respect of waterfront amenity effects there are significant adverse effects that arise from this proposal which cannot be mitigated by conditions and will require proportionality assessment.
213. Whilst the Council's Landscape Architect (**Annexure 5**) does not identify any mitigation of the degree of adverse landscape effects as a result of the high-quality architecture, the quality is recognised. However, the scale of the development in views from the west reduces the effect of the mitigation achieved by the high-quality architecture and materiality. Having regard to the Council's Landscape Architect's assessment, the proposal is considered to result in adverse landscape effects relating to the height and abrupt drop in height proximate to the waterfront and adjacent lower scale character of the Viaduct Harbour Precinct, visual dominance to streets and public spaces; the loss of visual connections between the harbour and the city, the oppositional relationship qualities of the development to the maunga and harbour including the lack of slenderness in views from the west.
214. Owing to the significant infringement of the Harbour edge height control plane and the assessment and conclusion of the Council's Landscape Architect summarised above, significant adverse landscape effects are concluded and will require a proportionality assessment.
215. The Council generally supports the landscaping with respect of the hard landscape features and soft planting proposed, subject to amendments to the proposed landscape conditions to ensure safe egress along the Lower Hobson Street edge (Universal Design Specialist (**Annexure 7**) is provided for and that the planting details will sufficiently accommodate the demands of trees and plants in some challenging locations such as wind and sunlight receipt (Landscape Architect – (**Annexure 5**), with appropriate maintenance provision.
216. The condition amendments recommended will ensure that there are no residual landscape planting effects that require a proportionality assessment (with the exception of tree planting for wind mitigation) which is considered separately.

SECTION C4: BUILT FORM, APPEARANCE AND STREETSCAPE CHARACTER EFFECTS

Applicant's Assessment

217. Barker and Associates Limited have produced an Assessment of Environmental Effects 'AEE' that summarises the policy direction as it informs the assessment of built form effects⁵⁵. The key design features of the development and Specialist assessments are summarised on behalf of the Applicant.
218. McIndoe Urban provide an Urban Design Assessment that considers the urban and built form, relationship to the harbour edge height control plane (considered above), built form as it relates to infringement of tower dimensions and setback controls within the AUP(OP), shading effects, urban structure and public realm design and signage.
219. The Council has been involved in pre-application discussions on variations of this proposal for a long period of time. Noting the comprehensive AEE and Urban Design Assessment and where there is overlap, Landscape Visual Assessment on behalf of the Applicant, in the interests of proportionality this section focusses on areas where there is disagreement between Specialists, unresolved matters or to draw to the attention of the Panel a request for conditions or amendments to manage effects.
220. Notwithstanding the above, there is agreement between the Applicant's and Council's Specialists on a number of urban design matters and the quality of the architectural design. The quality public realm interfaces are identified by the Council's Urban Design Specialist (**Annexure 6**) and the following is supported:
- the substantial regeneration of a prominent and underperforming city centre site;
 - a strong podium-tower built form with generally slender tower outcomes;
 - highly activated street edges and a strong reduction in vehicular dominance;
 - a permeable laneway network and a high-quality Urban Room;
 - generally good CPTED outcomes, passive surveillance, and street/public realm visibility;
 - a high standard of architectural design, façade variation, and material differentiation; and
 - generally positive residential amenity outcomes within Tower 2.
221. Without seeking to minimise or diminish the quality of the design of the scheme relating to the above matters, the below focusses on remaining concerns.
222. The Universal Design Specialist (**Annexure 7**) raises some concerns with the safety of the Urban Room and accessibility of the pedestrian connections and the safety for egress purposes of the Lower Hobson Street frontage. These matters are considered in the next sections below.
223. The Urban Design Specialist (**Annexure 6**) identifies that the most significant urban design concerns that remain, are not supported and that have not already been

⁵⁵ Page 69, Section 9.2.1 of the AEE

addressed above as follows:

- a. the lack of continuous verandah cover and less successful public realm outcome and pedestrian amenity along Customs Street West; and
- b. the shading effects on the most valued public open spaces at certain times; and
- c. the outstanding wind impacts in some pedestrian areas.

224. The section below considers a. and b. of the above list. Point c. is addressed in its own section below. Whilst the lack of sculptural refinement of the tower expression is raised as a design concern, it is not requested as a specific detail to be resolved. So far as this reduced refinement also contributes to shade and wind effects further consideration is encouraged.

Custom Street West

225. The Council's Urban Design Specialist requests further refinement of the design relating to the Custom Street West interface: The lack of verandah cover (or excessive heights of the cover that is provided) is regarded by the Council's Urban Design Specialist (**Annexure 6**) not to provide an acceptable level of pedestrian amenity or shelter particularly for wind driven rain and is stated to be further undermined by the proposed pick-up drop off arrangement. Furthermore concerns are raised with respect of wind conditions along this interface. Updated designs are requested. A condition is also sought, however given that Auckland Transport (**Annexure 4**) also hold pedestrian safety and amenity concerns and have requested updated designs prior to a decision. This is also requested. The effect here is that there are adverse pedestrian amenity and safety effects owing to unresolved design concerns.

226. If seeking further information is not supported by the Panel, conditions are recommended to secure:

- a. Updated design details of the pick -up drop off facility and its relationship with the pedestrian areas (footpath and hotel entrance zone) including delineation of pedestrian and vehicle areas;
- b. Revised details to consider additional and / or altered canopy and weather protection along the Custom Street West frontage, supported by additional wind tunnel testing.

Effects on Amenity

Shading and sunlight access

227. The Applicant has provided a Shading Analysis prepared by Warren and Mahoney that provides the shading diagrams at the summer and winter solstices and the spring equinox from sunrise to sunset. The total extent of shade generated by the development is provided. The Urban Design Assessment, prepared by McIndoe Urban considers shading effects⁵⁶ and sets out a rating scale⁵⁷ to inform the significance of shading effects. A St Patrick's Square Public Space Audit, prepared by Barker & Associates

⁵⁶ Urban Design Assessment, prepared by McIndoe Urban, Section 3.0 Shading Effects, from page 63

⁵⁷ Urban Design Assessment, prepared by McIndoe Urban. Section 3.0, page 64

Limited considers shade to St Patrick's Square and the effects of that shade with respect of shade relating to the 'Admission of sunlight to public places' standard and shade generally to be considered in the city centre and with respect of infringement to standards.

228. The Council's Urban Design Specialist (**Annexure 6**) provides an assessment of the shading effects to public open spaces as a result of the proposal at section 5.4.4. The Council's Specialist has considered the additional S67 Addendum dated 30 March 2026 and having reviewed the Applicant's Urban Design Specialist shading effects assessment methodology and acknowledges the focus on 'shading duration, extent, recurrence and relevant AUP sunlight control'. However, the Council's specialist considers that these factors *"should be balanced against the qualitative public realm value of the affected space, the timing of use, and whether the shading removes the last remaining sunlight. In my view, some of these occurrences remain relevant in public realm terms of use, particularly because they affect valued public spaces at times when they are used and where sunlight in the city centre environment is a premium."*
229. I agree with the more considered and site / space specific consideration of the Council's Urban Design Specialist (**Annexure 6**) and consider it highlights the importance of sunlight to the few valued and constrained public spaces.

Admission of sunlight to public places (St Patrick's Square)

230. Sunlight receipt to St Patrick's Square is protected between the hours of 12:00 noon and 2pm by Standard H8.6.3. Infringing this is a non-complying activity. Shade to St Patrick's Square is illustrated and quantified within the Shading Analysis prepared by Warren and Mahoney. The St Patrick's Square Public Space Audit, prepared by Barker & Associates Limited considers the use of St Patricks Square, and the Urban Design Assessment, prepared by McIndoe Urban.
231. The Applicant's Shading Analysis (Part 3) identifies that between the protected hours of 12 noon to 2pm (applicable for the full year), both Tower 1 and Tower 2 would cast shade to the Square as follows:
- For Tower 1 shade would be cast to the northeastern corner of the Square between July and August (winter months) for a total of 41 days. Three minutes would be the maximum time with shade present (on affected days), the maximum shade area would be experienced on 29 July with a total area of 21.3m².
 - For Tower 2 shade would be cast to the north-western corner of the Square in June (winter) for a total of eight days. Three minutes would be the maximum time with shade present (on affected days), the maximum shade area would be experienced on 22 June with a total area of 0.6m².
232. The Public Space Audit identifies that the locations where shade is cast during these times were sparsely used.
233. Council's Urban Design Specialist does not consider these effects to be significant, given

the very limited duration, extent, and edge-location of the additional shade. This conclusion is also reached by the Council's Parks Planning Specialist (**Annexure 14**).

Shade to streets and public open spaces

234. The Council's Urban Design Specialist (**Annexure 6**) advises that broader public open space sensitivities remain relevant with respect of shade effects for the public space listed below. The Specialists advises that a common feature of these shading occurrences is that they affect the last remaining sunlit portions of those spaces at the relevant time. These effects remain part of important urban amenity considerations.

- St Patrick's Square in mid-winter between 11.00 am and 12.00 pm;
- Takutai Square at 5.00 pm during the equinox; and
- Te Komititanga in mid-summer at 5.00 pm.

235. The Council's Urban Design Specialist advises, having considered the Applicant's Urban Design Specialist shading effect assessment methodology that the application of a more balanced understanding of the space that is affected is needed in a city centre context where sunlight to public spaces is a premium:

"This is particularly relevant in relation to Te Komititanga, which the recent City Centre Public Life Survey⁵⁸ identifies as the most intensively used public space in the city centre, with peak weekday movement occurring between 5 pm and 6 pm."

236. As set out in the S67 Information Gaps section of this report, comparative shading analysis is requested to inform full assessment against the Business – City Centre Zone objectives and policies that require the management of the 'scale, form and design of buildings to avoid adverse amenity effects on streets and public open space'. The Council's Urban Design Specialist (**Annexure 6**) is of the view that '*a clear comparative assessment demonstrating the shading generated by the additional upper-level bulk still limits a full understanding of the effects of the infringing elements of built form*'. Owing to the difference in approach to assessing the effects of shading, these effects are not agreed to be of low or negligible significance.

237.

238. The significance attributed to the identified shading effects on these three public spaces understates their city centre context and urban amenity relevance.

239. The Council's Urban Design Specialist (**Annexure 6**) acknowledges the applicant's clarification in the S67 Urban Design Response⁵⁹ that some of the identified shading effects arise from parts of the proposal not above the HEHCP, while in one instance, the source is less clear. Provision of these comparative plans would clarify this matter. Overall, the Council's Specialist considers that these effects are important urban amenity considerations because they affect valued public spaces at times when they are used and where sunlight in the City Centre environment is a premium.

Conclusion on Shade effects

⁵⁸ Urban Good, Auckland Council Urban Design Unit. Tāmaki Makaurau City Centre Public Life Survey, Summer Edition 2024. Knowledge Auckland, 2024.

⁵⁹ S67 Response Memo dated 30 March 2026 (Appendix 3_MUL UrbanDesignMemo#15)

240. Shade to St Patrick's Square during the hours specifically protected by the AUP(OP) is considered to be acceptable noting their fleeting and edge locations of low public use.
241. Having regard to the importance of sunlight to city centre public spaces which are finite resources, in the context of a growing population, the shade effects to the three public places identified in the assessment above are considered to result in adverse effects. The loss of sun occurs during periods of high use and affects the last remaining sun. This has implications for waterfront character and sense of place. These shade effects are therefore considered to be adverse and significant collectively.

Conclusion on Built form

242. With the exception of the overall height of the two towers and remaining concerns over their less elegant and reduced sculptural forms through the minimal chamfers; the Custom Street West interface (weather protection and pick up drop off) and the significant shade effects to three public places, the built form of the development is considered to be of high quality design bringing otherwise positive urban realm effects to this redevelopment site.
243. Whilst preference is to address the remaining design matters prior to a decision, conditions summarised above could be attached to address the effects identified. With these conditions, no residual adverse impacts on Custom Street West would remain (from a public amenity perspective) that would require proportionality assessment.
244. The adverse shade effects cannot be mitigated unless the design of the scheme is altered. Reduced shade effects are preferred by the Council to the three public places identified. However if these effects are not reduced, the effects considered collectively are significant (excluding shade attributed to St Patrick's Square Admission of sunlight to public places) and these residual adverse impacts to public spaces as a result of shade would require a proportionality assessment.

SECTION C5: DESIGN AND LAYOUT OF DWELLINGS AND VISITOR ACCOMMODATION

245. The AEE considers these elements of the scheme from pages 78-79. The Urban Design Assessment considers the residential amenity (including hotel amenity) of the scheme at pages 132-136. There are 30 one-bedroom apartments that do not achieve 50m² net internal area by either 2m² or 5m². The Acoustic Assessment prepared by MDA considers the design requirements for achieving the internal noise levels relative to the zone requirements and with respect of the Port Noise Overlay.
246. Generally the Council having reviewed the Applicant's assessments summarised above, agree that the design and layout of dwellings and visitor accommodation is appropriate. The exception is with respect of accessible dwelling provision within the scheme which is commented on below only.
247. Whilst not specifically relevant to the quality of the units, the Proposed Consent Conditions include a no-complaints covenant to be registered against the title of each apartment and the hotel rooms / operation with respect of noise associated with the Port

of Auckland Limited operations. Some amendments are recommended to better reflect the requirements of the Standard and make clear what the no-complaints covenant relates to (the lawful operations of the Port of Auckland).

248. The Universal Design Specialist (**Annexure 7**) raises concern with the lack of accessible or universally designed apartment units. This is noted to undermine the range and choice of housing types provided. As a result, 5% of the residential units or a minimum of five units of varying size / type are recommended to be modified to suit universal design parameters, informed by an accessibility consultant or universal design specialist. It is noted that this number (five) would align with the number of accessible car parking spaces identified for the residential units. Noting the Applicant's S67 Response by Warren and Mahoney, dated 2 April, this could be addressed by condition as recommended in the Universal Design Specialist memo.

Quality of Residential Accommodation Conclusion

249. Relying on the recommended condition of consents, the design of the dwellings will provide for appropriate amenity, including internal noise levels, protected from Port Noise, appropriately functional and accessible providing a range of housing types. There are no residual adverse impacts that require a proportionality assessment.

Servicing – Waste Management

250. An Operational Waste Management Plan, prepared by WSP is provided in support of the proposal. Waste management includes private collection, on-site from the basement loading bay. A total of six separate waste rooms are provided, with bins moved to the loading dock for collection. Residential apartments are to be fitted with twin waste chutes discharging directly to collection containers.
251. The proposed Operational Waste Management Plan was assessed by the Council's Waste Planning Advisor (**Annexure 15**) who has confirmed the proposal is acceptable, subject to minor amendments to the proposed conditions 117 – 119 and advice notes.
252. There are no residual operational waste management impacts that require a proportionality assessment.

SECTION C6: LAYOUT AND DESIGN OF THROUGH SITE LINKS /PUBLICLY ACCESSIBLE SPACE

253. The Urban Design Assessment provides an assessment of the proposed lanes and circulation structure at pages 99-104, Section 4.4 and the Urban Room at pages 105-116, Section 4.5. The Figure 4.23 below is taken from page 102 of that assessment. The Landscape Assessment by Isthmus assesses street activation and circulation from page 29 paragraph 73-80, and the Urban Room in paragraphs 81-87.
254. The Application proposes 'Te Urunga Hau - The Urban Room' as a publicly accessible open space, available 24 hours per day and seven days per week. It is designed with elements of play, landscaping, seating, and shelter, the ability to accommodate informal gatherings and small events and provides pedestrian connections as required by the

Downtown West precinct provisions. The design of the space has been described as informed by the cultural narrative “*Whakairo I te wai – formed by the tidal waters of the Waitematā*”. It is to be roofed with a glass canopy that provides shelter including for wind effects mitigation.

255. The connection to the north identified in yellow and blue in Figure 4.23 below, is to be available during business hours only beyond the line of the HSBC car park. Other pedestrian connections would be available 24/7. The direct east-west connection utilising the main stairs is indicated in the Figure 4.29 extract⁶⁰ below and provides an indication of the special qualities of the spaces and east-west connection.



Figure 4.23 Primary east-west (in orange) and north-south (blue and yellow) connections through the proposal from surrounding streets. Connection to Quay Street is through the base of the HSBC tower via existing external stairs and/or escalators.

⁶⁰ The Urban Design Assessment, prepared by McIndoe Urban, page 106



256. Overall, the cross site east-west and north-south public accessways are concluded to be clear, legible and convenient. The lanes are stated to be sufficiently wide, with generous vertical proportions and suitable shelter. The lanes are stated to have edge activation that are fit for purpose.

Council's Assessment

257. It is accepted that at-grade pedestrian connections cannot be achieved, owing to the requirement to link into the adjacent levels of the Aon and HSBC podiums. However, to mitigate the lack of at-grade connection, universal access through publicly accessible lift/s should be available at all times for all users of the Te Urunga Hau - Urban Room and the associated pedestrian connections. The Urban Design Specialist (**Annexure 6**) does not raise any particular concerns with the design of the Te Urunga Hau - Urban Room or the pedestrian connections.
258. Auckland Transport⁶¹ has considered the lack of direct north-south pedestrian connection between Custom Street West and Quay Street and the assessment by the Applicant's Urban Design Specialist⁶². It is agreed a pedestrian route through the proposed Service Lane is not appropriate and that, having regard to the constraints in providing an alternative direct route, the circulation for pedestrians is acceptable.
259. Council's Parks Planning Specialist (**Annexure 14**) has noted that The Urban Room space will be maintained in private ownership and that the Appendix 1 Addendum Planning Response (7 April 2026) confirms that public access will be provided and secured by relevant easements. The Parks Planning Specialist (**Annexure 14**) also considers that any mechanism encumbrance / easement to allow public access will need to bind an appropriate entity to manage and maintain the space. Parks does not wish to be a party to any instrument. The Parks Specialist (**Annexure 14**) defers design

⁶¹ Auckland Transport (Annexure 1) Appendix 2 Progressive Transport Solutions, page 38, paragraph 8.41 – 8.43

⁶² Urban Design Assessment, prepared by McIndoe Urban, section 4.5

assessment to the relevant Urban Design and other Specialists.

260. The Applicant's Appendix 24: Proposed Consent Conditions do not include any public access easement conditions. These are considered necessary to secure the stated public benefits of public connectivity through the site to the adjacent Aon and HSBC podium pedestrian linkages, to Lower Albert Street and on through the pedestrian overbridge above Lower Albert Street into Commercial Bay and Te Komititanga Square/ Britomart Station beyond.
261. The Universal Design Specialist (**Annexure 7**) provided informal s67 requests to the applicant prior to formal request for comments from the EPA. The Applicant's S67 Response was generally accepted with the exception of the following matters that are addressed below:
- accessible lift location and provisions;
 - emergency egress and movement at Lower Hobson Street; and
 - CPTED

Publicly Accessible Lift

262. The Universal Design Specialist (**Annexure 7**) considers the proposed publicly accessible lift not to be adequately co-located with the primary circulation, with its proposed location described as unintuitive. The Specialist identifies it will require excessive way-finding signage.
263. Further to this, the Universal Design Specialist (**Annexure 7**) considers the accessible lift provision to be limited and does not provide accessible pedestrian routes at all times to accommodate the needs of diverse users, including people with mobility impairments⁶³. This is owing to the single public lift, available 24/7 and the implications for mobility access in the event of lift breakdown and unavailability outside of the normal office hours (when the Podium 1 office lifts are available for use).
264. In the event of accessible lift breakdown and as the Podium 1 commercial lobby access is not available during weekends, public holidays and after business hours, the Universal Design Specialist (**Annexure 7**) considers it may result in mild to moderate connectivity issues. Also, the accessible route maintaining the east-west connection to Commercial Bay will be compromised. It is accepted that lift maintenance could be scheduled to align with Podium 1 lift availability⁶⁴.
265. Having regard to the comments of the Universal Design Specialist, I consider that the accessible lift access limitations would not provide for sufficiently accessible pedestrian connections through the site as envisaged by the zone and precinct planning frameworks⁶⁵. A five-star hotel is proposed and substantial residential population that on weekends and outside of business hours would rely on the public lift for access to the upper laneway network and connections to Commercial Bay.

⁶³ Business – City Centre Zone, assessment criteria H8.8.2(1)(f)(v)

⁶⁴ S67 Response by Warren and Mahoney dated 2 April 2026

⁶⁵ Business – City Centre Zone policies H8.3(3)(c), H8.3(4), H8.3(24) and H8.3(37) and Downtown West Precinct policies I205.3(2) and I205.3(3)

266. This is highlighted to the Panel for further consideration and it is recommended either an updated design response be provided to address the above prior to a decision being made, or for a condition of consent to either secure an additional public lift to provide for sufficient accessibility should one lift breakdown; or a management plan to secure procedures for providing immediate access to the office lift outside of business hours (including weekends / public holidays and after business hours) in the event of public lift breakdown.

Emergency egress at Lower Hobson Street

267. The Universal Design Specialist (**Annexure 7**) considers that pinch points are created between building exit points, the tops of stairs and planter-beds along the Lower Hobson Street street-interface. Movement conflicts are identified between able bodied people and their direct (straight) movement down stairs, and wheelchair or pram users moving laterally. Particular safety concerns during an emergency evacuation situation have been raised. The Universal Design Specialist (**Annexure 7**) strongly recommends a review of Continuous Accessible Path of Travel (CAPT) by an accessibility specialist with input from a fire consultant.
268. The Applicant's S67 Response by Warren and Mahoney advises that multiple exits are available, including internal to the Te Urunga Hau - Urban Room that would distribute peak pedestrian requirements and balance flows including during an emergency evacuation. They advise they are open to design refinements.
269. Noting the above, the Council's Universal Design Specialist considers this revised and updated design detail, with endorsement from fire and accessibility consultants could be secured via condition.

Crime Prevention Through Environmental Design (CPTED)

270. The Universal Design Specialist (**Annexure 7**), having reviewed the S67 Response⁶⁶ supports the proposed Lighting Plan condition, subject to some amendments. The Specialist considers that the design of the Te Urunga Hau - Urban Room with seating / bleachers, planters' accessible stairs and tiered seating could attract rough sleepers and anti-social behaviour. Further, after hours, the reduced activity due to closed businesses around the Urban Room edges, and reduced movement through the public space, in combination with these design elements will likely result in a loss in the sense of safety. The Universal Design Specialist (**Annexure 7**) considers that these safety concerns could be addressed through further design development and active security and surveillance.
271. An additional condition to secure an Active Surveillance / Management Plan is recommended.

Conclusion on publicly accessible open space and pedestrian connections

⁶⁶ Appendix 1_Downtown Carpark Site Development FTAA - Planning Addendum, dated 7 April 2026

272. Overall the publicly accessible open space and pedestrian connections are considered to be well designed and provide for enhanced connectivity in both east-west and north-south directions when considering the constraints of the podium levels of the adjacent HSBC and AON buildings and need to retain the servicing access to HSBC and AON House.
273. Remaining concerns relating to safety and accessibility are able to be addressed by variation to proposed landscape, architectural and lighting conditions and new conditions relating to active surveillance and public lift provision. Conditions to secure easements for legally securing public access through the Te Urunga Hau - Urban Room and public connections are also recommended and required for the success of a legible, safe and publicly accessible development.
274. Relying on the conditions summarised above There are no residual adverse impacts relating to the quality, accessibility, public access or safety that remain, that would require proportionality assessment.

SECTION C7: WIND EFFECTS

Applicant's Assessment

275. Holmes NZ LP have prepared an Environmental Winds Report and a 'S67 Environmental Winds Response' dated 14 April 2026⁶⁷ for the Downtown Carpark redevelopment. RWDI have produced a 'Pedestrian Wind Study' that includes Wind Tunnel Testing that is included as Appendix B to the Environmental Winds Report.
276. To supplement the above, the S67 Response (Appendix 6_FN0001_FTA) prepared on behalf of Warren and Mahoney Architects New Zealand Ltd provides further information relating to the planting of four proposed Pohutukawa trees and Tree Pit Locations and details. These trees are materially relevant to the mitigation of wind effects, noting they are located outside of the application site, and therefore beyond the applicant's control.
277. The Environmental Winds Report describes testing of a range of building configurations with different suites of mitigation measures and model changes. These configurations consist primarily of the inclusion of existing and additional trees and vegetation, an extension of the free roof between the podium elements, a canopy along part of Lower Hobson Street, and various short porous or solid 2.5m high vertical screens. The image below⁶⁸, illustrates the mitigation measures included in the final / proposed configuration that was wind tunnel tested with results presented in the Pedestrian Wind Study.

⁶⁷ This S67 Environmental Wind response was not formally lodged to the EPA, but is appended to the back of the Council's Specialist Wind Memo for completeness.

⁶⁸ Environmental Winds Report, prepared by Holmes / RWDI on page 4, Figure 2 Mitigation Measures (Summary)



278. The Environmental Winds S67 Response provides the following statement regarding category D wind conditions:

“The wind categories are a useful description of windiness but are in fact based on full statistical distributions. As such, Category D conditions do not mean that conditions will always be windy and uncomfortable. It means during a year there will be more days when conditions would feel windy for walking than for an area of Category C conditions, noting also that Category D conditions are not considered a safety issue.”

114. The Council’s Wind Specialist agrees with this position.

Council’s Assessment

279. The Application including the Environmental Winds Report and s67 Response have been reviewed by Council’s Consultant Wind Specialist (**Annexure 16**). The S67 Response dated 2 April has been considered by the Council’s Arborist (**Annexure 17**) and the Council’s Parks Department (informed by the Urban Forest Team) (**Annexure 7**). Furthermore, Auckland Transport (**Annexure 4**) comment on the ability to rely on wind mitigation including the proposed street tree planting and the canopy to podium 1 fronting Lower Hobson Street. The Urban Design Specialist (**Annexure 6**)⁶⁹ identifies wind impacts as being a principle urban design issue. At section 5.4.3 the Urban Design Specialist, with reference to resulting Category D wind conditions advises⁷⁰ *“residual outcomes indicate that further refinement may still be warranted in some locations from a pedestrian experience and public amenity perspective”*.

⁶⁹ Council’s Wind Specialist Report , Annexure 17, Section 3.0

⁷⁰ Council’s Wind Specialist Report ,Annexure 17, Section 5.4.3 Wind conditions

280. Council's Wind Specialist (**Annexure 16**) has confirmed that the wind tunnel testing is generally consistent with accepted wind engineering practice, but noted that the wind tunnel testing of the 'existing baseline' did not include existing vegetation. Paragraph 6.13 of the Council's Wind Specialist memo advises *'If the existing vegetation was included in the testing, then calmer "existing" wind conditions would be expected in certain areas.'*

281. At paragraph 6.7 of the Council's Wind Specialist Report (**Annexure 16**) the resulting wind conditions from the development without existing vegetation or mitigation are summarized as shown in the table below. This demonstrates a shift from lower categories (less windy) to higher (more windy) categories. Wind conditions at some locations are increased to Category D, or Category E, and at some locations gust speeds are increased above the 25m/s AUP(OP) Safety threshold. Category E conditions are considered unacceptable and potentially dangerous under the AUP wind rules. A simple comparison of the number of occurrences of the different AUP wind categories in pedestrian areas external to the site itself illustrates the overall deterioration in wind conditions:

AUP Wind Category	Existing Situation	Proposed Development	Change in number of locations
A	6	3	-3
B	23	15	-8
C	13	13	0
D	5	11	+6
E	1	6	+5

282. The identified locations where these unacceptable wind conditions would result are at the corner of Quay Street and Lower Hobson Street, a location at pavement level on Custom Street West adjacent Aon building and the corner of Lower Albert Street / Custom Street West. These result in unacceptable wind conditions and significant adverse pedestrian amenity and safety effects.

283. In terms of the Business – City Centre Zone and requirements under the FTAA to achieve a well-functioning urban environment, development is:

- Required to be of a quality and design that positively contributes to pedestrian amenity, movement, safety and convenience for people of all ages and abilities⁷¹;
- to positively contribute towards planned future form and quality, creating a well-functioning urban environment and a sense of place⁷²;
- to manage building height, form and design to avoid... adverse amenity effects on streets and public open space⁷³; and
- enhance the waterfront as a major gateway to the city centre and Auckland⁷⁴.

284. Given the significant importance of the waterfront to the sense of place, character and identity of Auckland, unacceptable and potentially unsafe pedestrian conditions should be regarded as significant adverse effects. In my opinion pedestrian amenity and safety effects could potentially be a significant adverse effect given the context above and

⁷¹ Business – City Centre Zone policy H8.3(3)(c)

⁷² Business – City Centre Zone objective H8.2(3)

⁷³ Business – City Centre Zone policy H8.3(30)(d)(i)

⁷⁴ Business – City Centre Zone policy H8.3(20)

having regard to:

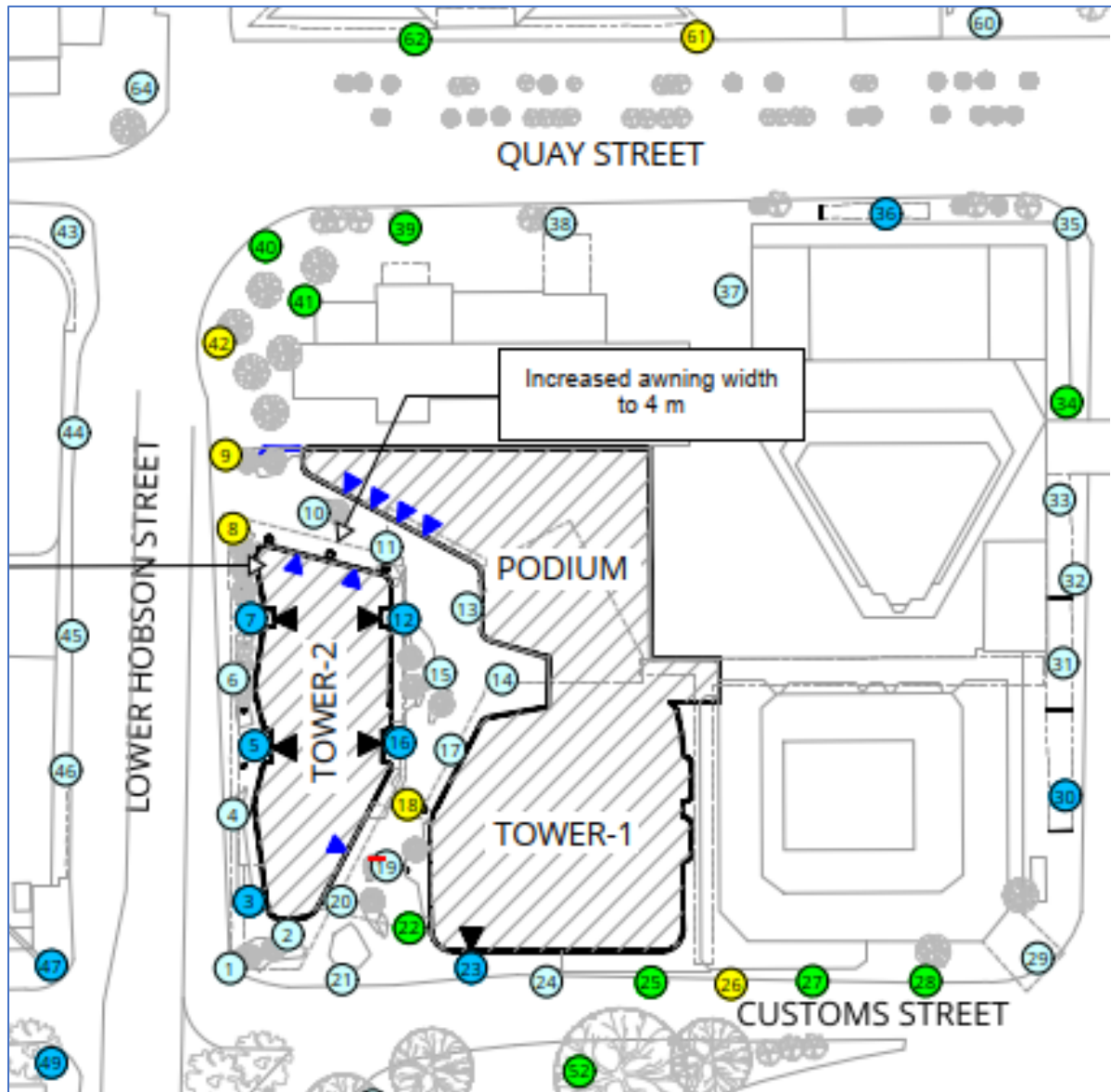
- a. the existing high numbers of pedestrians that use the surrounding public realm;
- b. the substantial increase in pedestrian numbers at times when cruise ships are in port; and
- c. the anticipated increase in pedestrian numbers and movement in the area as a result of the development.

285. With the above context in mind, the Council's Wind Specialist (**Annexure 16**) advises with respect to the wind testing results of the development that includes mitigation and existing vegetation:

"With existing vegetation and a suite of proposed mitigation measures included, the testing identifies residual Category D conditions at several locations where Category C or better is anticipated under the AUP for the expected pedestrian activity. These locations include around the northwest and southwest corners of the development, and within the Urban Room. A localized deterioration in wind conditions is also identified in Sturdee St Park, where Category C is reported where Category B is anticipated".

286. There are six locations outside of the site where wind exceeds the anticipated conditions under the AUP(OP) being, 8, 9, 26, 42, 52 and 61. Wind categories in the above noted locations are shown below, taken from the Applicant's Environmental Winds Report⁷⁵ and assessment for each location provided.

⁷⁵ Appendix 28 Environmental Winds Report, prepared by Holmes / RWDI, page 4



LEGEND:

COMFORT CATEGORIES:

Category A	
Category B	
Category C	
Category D	
Category E	

SENSOR LOCATION:

	Grade Level
	Upper Grade Level
	Main Entrance Location
	Secondary Entrance
	Building Above Removed For Clarity

Location 42

287. This location in the image above results in Category D Wind Comfort Conditions. Accepting the limitation of the existing wind tunnel testing (that did not include any existing vegetation), meaning existing conditions are likely presented as windier in the tables than they are in reality, overall this location improves from Category E (at the high end of the range) to Category D (mid-point to the range). To aid the Panel's

understanding of this point, the table below⁷⁶ is provided from the Applicant's Assessment that describes the range of wind speeds within each Wind Comfort Category.

Table 1: Pedestrian Wind Comfort and Safety Conditions

Location	Season	Configuration	Wind Comfort		Wind Safety	
			Speed	Rating	Speed	Rating
42	Annual	Existing	6.2	Category E	29	Exceeded
		Proposed	5.2	Category D	23	Pass
		Final Mitigation	4.7	Category D	23	Pass
Seasons	Months	Hours	Wind Comfort (m/s)		Wind Safety (m/s)	
Annual	January - December	0:00 - 23:00	≤ 2.1	Category A	≤ 25	Pass
			≤ 3.3	Category B	> 25	Exceeded
			≤ 4.1	Category C		
			≤ 5.2	Category D		
			> 5.2	Category E		
Configurations						
Existing	Existing site and surroundings					
Proposed	Project with existing surroundings					
Final Mitigation	Post-Workshop Mitigation Test - Sept 2025					

Location 26

288. The Council's Wind Specialist (**Annexure 16**) at paragraph 6.15 advises it is for the consenting authority to determine if the exceedance is acceptable, but notes that it is a localized effect, and advises that a category D condition will not occur at all times and does not represent an unsafe condition. The Applicant's Wind Specialist⁷⁷ does not consider this to be a significant effect, noting locations either side (25 and 27) are in Category C where a wind speed of 4.1 is the maximum in Category C⁷⁸. The development is likely to have significant pedestrian numbers moving from the Lower Albert Street bus interchange along Custom Street West to the development site. It is currently described by Auckland Transport⁷⁹ as "a high use east-west pedestrian route" and that the development "will likely further increase pedestrian activity in the area". Whilst localized, this location also adjoins the Service Lane entrance to the development that will on completion of the development accommodate approximately 900 car parking spaces and provide access to service vehicles servicing the block (with the exception of M-Social hotel). In the context of this, it is not considered to provide for sufficient pedestrian amenity.

289. It is suggested to the Panel that this be regarded as an adverse impact.

⁷⁶ Environmental Winds Report, Appendix B, page 7 of 7

⁷⁷ S67 Response dated 14 April 2026

⁷⁸ Environmental Winds Report, Appendix B, page 7 of 7

⁷⁹ Annexure 1, Auckland Transport (Appendix 2) Progressive Transport Solutions, page 42, paragraph 8.49

Table 1: Pedestrian Wind Comfort and Safety Conditions

Location	Season	Configuration	Wind Comfort		Wind Safety	
			Speed	Rating	Speed	Rating
25	Annual	Existing	2.3	Category B	14	Pass
		Proposed	4.0	Category C	19	Pass
		Final Mitigation	3.6	Category C	18	Pass
26	Annual	Existing	3.0	Category B	16	Pass
		Proposed	4.1	Category C	20	Pass
		Final Mitigation	4.4	Category D	20	Pass
27	Annual	Existing	3.8	Category C	20	Pass
		Proposed	4.0	Category C	18	Pass
		Final Mitigation	3.9	Category C	17	Pass

Locations 8 and 9

290. The Applicant's Wind Specialist in their S67 Response, advised that these locations (8 and 9) result in Category D wind speeds as a result of shifting existing Category D conditions south and improving wind conditions (at locations 41 and 42) at the corner of Quay Street and Lower Hobson Street.
291. Having regard to the excerpts below, and noting existing wind conditions cannot be accurately relied upon due to wind tunnel testing not including existing vegetation, this is considered to exchange marginal improvements for significant reductions in wind comfort. This is illustrated in the table below that illustrates the existing and final mitigation configurations for locations 8, 9, 41 and 42. The Applicant's S67 Response also refers to the 'Alternative mitigation testing' set out in Appendix A of the Applicant's Environmental Winds Assessment. It appears that mitigation testing was limited to various configurations of free roof cover, different canopy configurations, tree planting, wind barriers and differing Aon canopy configurations. Given the unacceptable resulting wind conditions at an important location at the entrance of the development where high pedestrian numbers are anticipated this is considered an adverse pedestrian amenity and safety effect.

Table 1: Pedestrian Wind Comfort and Safety Conditions

Location	Season	Configuration	Wind Comfort		Wind Safety	
			Speed	Rating	Speed	Rating
8	Annual	Existing	2.1	Category A	14	Pass
		Proposed	6.9	Category E	31	Exceeded
		Final Mitigation	4.9	Category D	25	Pass
9	Annual	Existing	3.6	Category C	22	Pass
		Proposed	5.3	Category E	28	Exceeded
		Final Mitigation	5.2	Category D	26	Exceeded
41	Annual	Existing	4.3	Category D	20	Pass
		Proposed	5.7	Category E	28	Exceeded
		Final Mitigation	3.5	Category C	19	Pass
42	Annual	Existing	6.2	Category E	29	Exceeded
		Proposed	5.2	Category D	23	Pass
		Final Mitigation	4.7	Category D	23	Pass

Location 61

292. The Council's Wind Specialist (**Annexure 16**) does not specifically comment on this location and the Applicant's Wind Specialist does not refer to this as representing a potential infringement. Again, whilst existing wind speeds are to be treated with caution (as conditions may be less windy than stated) this is noted by the Applicant's Wind Specialist not to affect their conclusions. Category C is the suitable category for this location and referring to the Table 1 Pedestrian Wind Comfort and Safety Conditions (page 7 of 7 of the RWDI Report), the maximum wind speed in Category is 4.1. Standard H8.6.28(1)(c) requires new buildings not to cause an increase to an existing wind speed which exceeds the intended wind category for its intended purpose. Notably, this is a busy pedestrian location on the waterfront edge⁸⁰ and it is inconclusive if wind conditions are worsened from the testing.

Table 1: Pedestrian Wind Comfort and Safety Conditions

Location	Season	Configuration	Wind Comfort		Wind Safety	
			Speed	Rating	Speed	Rating
61	Annual	Existing	4.9	Category D	23	Pass
		Proposed	5.1	Category D	27	Exceeded
		Final Mitigation	4.6	Category D	22	Pass

Location 52

293. This location is within Sturdee Street Public Space. With the Fanshawe Street Retaining Wall (FSRW) consent, reference BUN60462925, once granted, the position of the Fanshawe Street Retaining wall, from the point opposite the sites service lane entrance on Custom Street West will move northwards. This will narrow Custom Street West from this point and require the removal of the 15 trees located in the area east of the vehicle exit ramp from the existing Downtown carpark building onto Fanshawe Street. In this regard the wind testing carried out has not had the ability to include this change in its testing given it has only just become part of the receiving environment. Furthermore, as set out in Section A, DDP projects are not fully designed or where needed consented.

⁸⁰ I refer to the strategic place-making goals in the City Centre Masterplan summarized in the Background section of this report that seek to create a world-class boulevard along Quay Street.

This includes the future Sturdee Street Public Space and road layouts⁸¹.

294. The current Sturdee Street Public Space does not encourage long stays and is used as a movement area not an area for recreation. Category C in my opinion would be reasonable. However, for the future arrangement, noting the DDP projects and public space enhancement to be provided within this park, Category B wind speeds should be the intended outcome. As shown below, Location 52 would result in a 3.8m/s wind speed sitting in category C. In this regard, the resulting wind speed is beyond the mid-point between categories C and D (closer to a Category D than the intended highest point of Category B).
295. In this regard, referring to the considerations above that refer to the tables below, the Panel may consider the resulting wind speed to represent an adverse impact.

Table 1: Pedestrian Wind Comfort and Safety Conditions

Location	Season	Configuration	Wind Comfort		Wind Safety	
			Speed	Rating	Speed	Rating
52	Annual	Existing	3.2	Category B	19	Pass
		Proposed	5.0	Category D	21	Pass
		Final Mitigation	3.8	Category C	16	Pass
Seasons	Months	Hours	Wind Comfort (m/s)		Wind Safety (m/s)	
Annual	January - December	0:00 - 23:00	≤ 2.1	Category A	≤ 25	Pass
			≤ 3.3	Category B	> 25	Exceeded
			≤ 4.1	Category C		
			≤ 5.2	Category D		
			> 5.2	Category E		
Configurations						
Existing	Existing site and surroundings					
Proposed	Project with existing surroundings					
Final Mitigation	Post-Workshop Mitigation Test - Sept 2025					

Location 18

296. Finally, this location of Category D wind condition is positioned at the 'throat' of the Te Urunga Hau - Urban Room entrance between Podium 1 and Podium 2, at the narrowest point. The Council's Wind Specialist⁸² advises *'the AUP(OP) anticipates Category C or B conditions if a pedestrian transit route or a space that encourages recreational activities.'*
297. The Applicant's Wind Specialist⁸³ advises that the intended use is primarily for pedestrian transit making Category C suitable. I note that wind speeds of 4.1 m/s are the maximum within Category C (refer to the table immediately above). In this regard, I note that location 18 will result in a wind speed of 4.2m/s which is the lowest measured wind speed for Category D conditions, as illustrated below. The applicant's Wind Specialist advises this to be acceptable *"as conditions improve significantly either side of the throat."* With respect of this statement of the Applicant's Wind Specialist, the table

⁸¹ The Auckland Transport (**Annexure 4**) Appendix (4) and (5) provide details of this consent.

⁸² Wind (Annexure 16) Paragraph 6.14

⁸³ S67 Response dated 14 April 2026

below provides location 18 and locations 17 and 19. These latter two locations are the ‘locations either side of the throat’ referred to. Both of these latter locations achieve wind speeds within Category B and are entirely appropriate.

298. The Applicant’s Wind Specialist advised that “*additional mitigation on the north or south side of the throat would not improve the local conditions unless positioned exactly under the bridge and impeding pedestrian movement, which was not considered feasible*”.
299. Considering all of the matters above, it is suggested to the Panel that this localized Wind condition could be accepted.

Table 1: Pedestrian Wind Comfort and Safety Conditions

Location	Season	Configuration	Wind Comfort		Wind Safety	
			Speed	Rating	Speed	Rating
17	Annual	Existing	-	-	-	-
		Proposed	4.0	Category C	21	Pass
		Final Mitigation	3.0	Category B	15	Pass
18	Annual	Existing	-	-	-	-
		Proposed	6.1	Category E	28	Exceeded
		Final Mitigation	4.2	Category D	20	Pass
19	Annual	Existing	-	-	-	-
		Proposed	3.4	Category C	16	Pass
		Final Mitigation	3.2	Category B	16	Pass

300. It is clear that all wind mitigation that was wind-tested is critical in ensuring that the wind conditions that would result in the surroundings do not achieve significant and unacceptable wind conditions as a result of the development. The Council’s Wind Specialist advises:

“The mitigated wind conditions rely materially on the delivery of specific wind-mitigation elements (substantial planting, mature evergreen trees, and built elements). If these measures are reduced, delayed, or not achievable at the sizes assumed in testing, then greater non-compliance (larger Category D extents, possible Category E conditions) and additional exceedances of the 25 m/s Safety Criteria are likely.”

301. In this regard the practical, technical and legal ability to rely on the stated wind mitigation (that is, the proposed three Pohutukawa trees within the site at 196-200 Quay Street (M-Social Hotel), the one Pohutukawa tree located within the road reserve on the corner of Quay Street and Lower Hobson Street and additionally the canopy along the podium 1 frontage to Lower Hobson Street that is subject to encroachment licence) is of paramount importance. Through pre-application discussions this wind mitigation was identified as critical mitigation and potentially unfeasible for the reasons above.

Wind Mitigation - Proposed Four 2000L Pōhutukawa Trees

302. Three of the proposed Pōhutukawa Trees are located within the adjacent site at 196-200 Quay Street (M-Social). These are identified as critical to mitigating adverse wind conditions at the entrance to the site and the corner of Quay Street and Lower Hobson Street intersection by the Council’s Wind Specialist⁸⁴. The applicant has not confirmed that there is an agreement in place with the owners of 196-200 Quay Street to deliver

⁸⁴ Council’s Wind Specialist, Annexure 13, paragraph 6.16

these critical wind mitigation measures. Until suitably robust evidence has been provided to the Council / the Panel that landowner agreement to plant these trees is secured, the Panel is recommended not to give any weight to the critical wind mitigation function they perform.

303. One of the proposed Pōhutukawa trees would be located within the road reserve and it is noted that some partial root zone of one of the three adjacent trees may encroach beneath the road reserve. In this regard, comments have been provided from the Council's Parks Planner (**Annexure 14**) and Auckland Transport (**Annexure 4**). The Council's Parks Planner has advised that:

“the proposed 15–20m³ tree pit does not align with the Auckland CoP (Chapter 7) for a large canopy species such as pōhutukawa, and is unlikely to support full maturity or long-term performance. In a constrained, wind-exposed environment with ongoing pruning pressures, this increases the risk of decline, higher maintenance, and reduced functional value.

Given the reduced soil volume, the proposal does not adequately acknowledge the associated limitations, including reduced longevity and the need for a defined replacement strategy.”

304. Acknowledging the importance of these trees to wind mitigation, the Council's Parks Planner recommends that further information be provided in support of the proposed street tree planting including:
- Tree design parameters (species selection, form, and soil volume justification). This information is needed to inform an assessment and conclusion on the risk of premature decline, reduced structural stability, and failure to deliver intended amenity and environmental function.
 - Insufficient details have been provided on how tree pits will be constructed in proximity to underground services, including whether utility relocation or protection measures have been confirmed with relevant service utilities. This information is needed to avoid risk of service clashes, design rework, increased costs for asset owner, or inability to implement proposed tree locations as designed.
305. Auckland Transport (**Annexure 4**) have similarly considered the proposed Pōhutukawa street tree planting and consider there may be scope to plant in the location proposed, but that this is subject to i) the size of trees at the time of planting; ii) proximity to underground services; and iii) future upgrades to the area (noting the planned removal of the flyover and associated surrounding transport network upgrades.
306. In addition, Auckland Transport (**Annexure 4**) have recommended that the canopies along Lower Hobson Street to Podium 2 should not be relied upon for wind mitigation as they are subject to encroachment licence that can be revoked to enable Auckland Transport to carry out their obligations as network operator. This is brought to the attention of the Panel in their decision making.
307. Whilst the remaining three trees are not subject to Parks approval, similar information gaps are relevant to confirm that they can be feasibly established and successfully

maintained.

308. Additional to the above, it is recommended that the following information also be sought. This is because all of the wind tunnel tested mitigation must be in place to achieve the results reported. As noted, The Council's Wind Specialist (**Annexure 16**) identifies achieving the already category D wind conditions at locations 8, 9 and 42 as reliant on the 6-8m tall Pohutukawa trees. In this regard The Council's Wind Specialist (**Annexure 16**) identifies that if "the size or number of additional trees are reduced, then an increase in the wind speeds in this area is anticipated, with a larger extent of Category D conditions, or possibly Category E. In addition, gust speeds are also likely to increase, with the possibility they would exceed the 25m/s Safety Criteria"⁸⁵.

- d. A detailed management, maintenance and replacement strategy for the four Pohutukawa trees to be provided by the Applicant and for ongoing responsibility and cost to lie with the applicant. If replacement is required, they must always be mature 6-8m tall trees.
- e. Confirmation that the above bullet will be registered as a covenant on the title;
- f. Information on the timing or staged delivery of the various wind mitigation measures be provided, to prevent significant wind effects occurring for a long period of time prior to practical completion of the development and to inform condition drafting.
- g. Given the significant reliance on these trees for wind mitigation, the Panel is suggested to secure evidence that these trees can be planted and that there is a mechanism that the applicant can evidence to rely on the trees in perpetuity or if removed to require equal or better wind mitigation to be certified by the Council as replacement. It is recommended that this be secured as well as evidence of agreement to have this registered as a covenant on their title.
- h. Details of the wind conditions if the trees and / or the canopy along Podium 2 frontage cannot be relied upon (Having regard to the comments of Auckland Transport);
- i. Alternative wind mitigation in the event that some or all of the above information confirms that some / all tree planting and canopy is not feasible to achieve at least the same wind conditions as the 'Final mitigation' outcome.

Conclusions on Wind Effects

309. The Council's Wind Specialist (**Annexure 16**) has advised that it is for the consenting authority to determine if the infringements to the wind standard are acceptable.

310. The Council's Urban Design Specialist⁸⁶ is of the opinion that the residual wind conditions indicate that further refinement may be warranted in some locations from a pedestrian experience and public amenity perspective.

311. With mitigation the proposal is suggested to the Panel to result in wind conditions that result in adverse effects on pedestrian amenity and Category D conditions where category C is anticipated/acceptable. These include the entrance to the development

⁸⁵ Annexure 17, paragraph 6.17

⁸⁶ Annexure 3, section 5.4.3

from Lower Hobson Street in the north at locations 8, 9 (including wind safety gust speed exceedance) and location 26 (Custom Street West). Location 52 in Sturdee Street Public Space would be appropriate for the current configuration and use but not appropriate for the future planned function of the space with the removal of the Flyover and public realm enhancements as summarized in Section C1. of this report. However, the exact configuration of the Sturdee Street Public Space around location 52 is not certain at this time and may change during the detailed design phase.

312. The resulting wind conditions with mitigation result in adverse pedestrian amenity effects. The Urban Design Specialist (**Annexure 6**) has requested that additional design responses be provided that provide additional mitigation of residual wind effects. Having regard to the public realm investments planned for Lower Hobson Street, the vision to create a 'world class edge boulevard' along Quay Street, I support this request of the Urban Design Specialist.
313. Without mitigation, or if some mitigation cannot be delivered, this will worsen the wind speeds, potentially resulting in unsafe, category E conditions, as well as likely resulting in more locations of unsafe gust speeds greater than 25 m/s. This would result in more significant adverse pedestrian amenity and safety effects and increase their significance when weighed against the benefits of the proposal. There remain significant information gaps as to whether the four mature Pohutukawa trees can be provided as wind mitigation within the road reserve and the M-Social site.
314. The Panel is recommended to resolve this uncertainty prior to making a decision as this will affect the significance of the adverse wind effects weighting against the proposal in the proportionality assessment.
315. Notwithstanding the above, the Council's Wind Specialist (**Annexure 16**) recommends additional conditions to that proposed including:
- That all wind mitigation measures shown in the proposed 'final mitigation' configuration be provided in the development and any removal or reduction will require measures that perform equally or better.
 - If the proposal is consented as presented (with the four Pohutukawa trees and canopy to Lower Hobson Street confirmed as feasible as discussed above), the existing proposed condition 107 is appropriate.
 - If changes or additional mitigation is requested, then a revised condition referring to the consented wind conditions being certified is recommended.

SECTION C8: EFFECTS ON EXISTING TREES

316. An Arboricultural Assessment, prepared by Peers Brown Miller, is provided in support of the application. This report addresses the effects on trees during the demolition and construction activities.
317. The Arboricultural Assessment concludes that the removal of two lancewood street trees and vegetation alterations to facilitate the development are permitted under the AUP(OP). Tree protection measures are proposed to protect retained street trees. Asset Owner Approval is noted to be sought prior to works commencing.

Council's Assessment

318. It is noted that subsequent to the Applicant's assessment provided, only one Lancewood tree exists that would require removal.
319. The Council's Arborist has reviewed the documentation and concurs that the works are permitted. The proposed conditions are generally supported, subject to some minor adjustments plus a pre-start meeting that must also include the project works arborist at the beginning of each new construction stage.
320. The Fanshawe Street Retaining Wall (FSRW) works once consented will allow for the removal of 15 trees located to the east of the existing Downtown Carpark building vehicle exit ramp to Fanshawe Street. The removal of these 15 trees associated with the FSRW consent will significantly reduce the extent of tree protection required by the Applicant in this location and will not materially alter the conclusions of the Specialist.
321. There are no residual tree impacts that require a proportionality assessment.

SECTION C9: HISTORIC HERITAGE EFFECTS

322. The proposal includes the demolition of the pedestrian footbridge that connects the Downtown Carpark building to 204 Quay Street, the former Auckland Harbour Board building. The AEE prepared by Barker and Associates provides a heritage effects assessment, and Existing and Demolition drawings, prepared by Warren and Mahoney also provides a Quay Street Façade Remediation methodology.
323. The AEE describes the remediation works as maintaining the building's heritage values and fabric. Non-original fabric will be replaced with windows to match the existing windows. The effects are noted to be positive.

Council's Assessment

324. Council's Built Heritage Specialist (**Annexure 18**) confirms that the pedestrian footbridge altered the original 1944 fabric when it was added and concurs that the proposal will enhance the scheduled historic heritage place. These works are supported subject to conditions of consent to ensure demolition works are managed to minimise effects during the works, and to secure the final details of the replacement windows to ensure appropriate design and quality.

Conclusion on Heritage effects

325. Effects on Heritage Extent of Place are concluded to be acceptable, subject to additional conditions of consent. Relying on the recommended conditions, there are no residual adverse heritage impacts to consider in the proportionality assessment.

SECTION C10: CONSTRUCTION TRAFFIC EFFECTS

Construction traffic effects (including demolition and excavation)

326. The Applicant's AEE concludes that construction traffic effects will be temporary in nature and can be appropriately avoided, remedied, or mitigated through the implementation of management plans, including:

- a Construction Traffic Management Plan (CTMP)
- Draft Managed Access Service Management Plan (MASAP)
- Draft Construction Management Plan

327. Technical assessments, including traffic modelling prepared by Flow Transportation Specialists, support this conclusion. The assessment assumes that the surrounding transport network has sufficient capacity to accommodate construction traffic demand across all stages of the works.

328. The Applicant's Transport Addendum provides further assessment and cites no notable transport concerns being raised by M-Social's Transport advisors, Commute⁸⁷.

Key elements of the proposal

329. The demolition and construction will have a total estimated duration of 56 to 64 months and involve four key stages. The Applicant's Demolition and Construction Transport Assessment (Appendix 40), provides the Construction works transport access methodology, assessment and mitigation. For the various construction stages access, tracking and loading zones are shown indicatively as below:

- a. Demolition stage (12 months): Sheets 1 and 2 of Appendix B provide 12.6m rigid truck tracking diagrams;
- b. Excavation and retention stage (10 - 12 months): Sheets 3 to 5 of Appendix C provide excavation phase tracking diagrams and loading areas;
- c. Basement construction (LB4 to L00) (10.5 - 12 months): Sheets 6 to 9 (noting additional capacity owing to relocated pedestrian crossing) includes 17.9m and 19.45m Semi-Trailer tracking;
- d. Construction (L00 and above) (24 to 27 months): Sheets 10 to 15 (Sheet 14 and 15 indicating on-site 12.6 rigid truck and 19.45m semi-trailer movement through the site).

330. The demolition stage involves key stages relevant to traffic impacts as well as amenity considerations such as noise and vibration. These include:

- a. Removal of the Lower Hobson Street pedestrian overbridge, requiring a full closure of Lower Hobson Street (x1 full weekend, 48 hours)
- b. Demolition of the of the Downtown Carpark building, utilising a top-down methodology (11.5 to 12 months, inclusive of 3 months of enabling works)
- c. Removal of Downtown Carpark ramp over Customs Street West onto Fanshawe Street, requiring a full closure of Customs Street West (x2 full

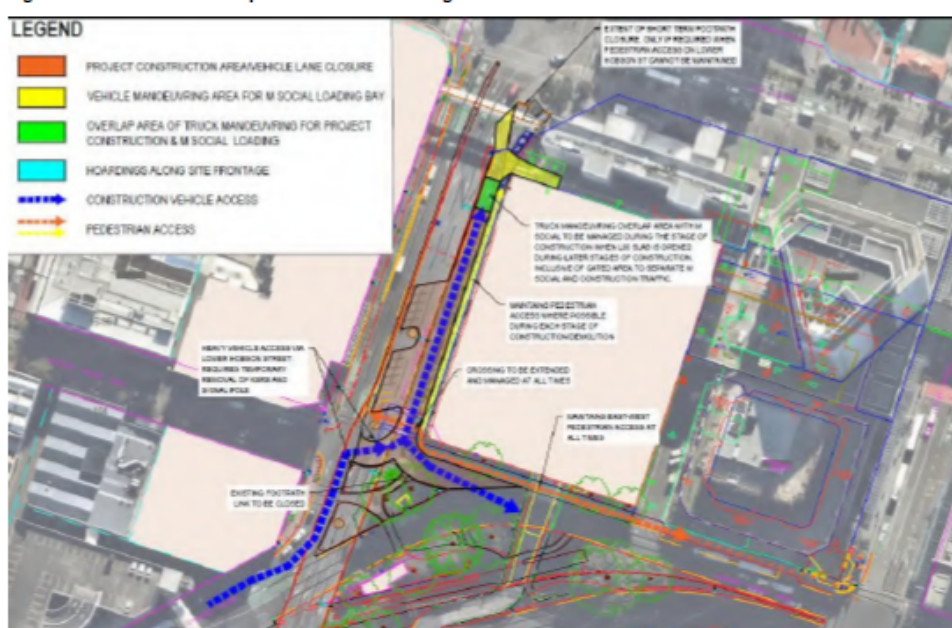
⁸⁷ Commute Transport Assessments have not been provided to the Council or Auckland Transport. It is anticipated that those assessments are concerned with transport matters or effects of direct relevance to the operation of M-Social rather than the broader operation of the transport network.

weekends, 48 hours each).

331. Generally standard construction hours are proposed with the exception of demolition stages (a. and c. noted above) requiring full road closures to minimize weekday effects on the transport network. This approach is supported by Auckland Transport (**Annexure 4**).

The Demolition and Construction Transport Assessment, includes a plan of road closures and pedestrian routes during demolition and construction provided below, for ease of context to the Panel.

Figure 11: Road closures and pedestrian routes during demolition and construction



The following road closures are proposed

- The entire Lower Hobson Street slip lane (southbound direction)
- The 60-degree car parking spaces that are under the flyover, which are, accessed off the slip lane
- At the southern end of the slip lane, both the left turn (up to the intersection with Custom Street West/Sturdee Street) and right turn (up to the intersection with northbound Lower Hobson Street) towards Custom Street West will be closed.

Within the road closures, there will primarily be 3 work zone types as outlined in Figure 11

- Light orange – Work zone during demolition and construction to provide for vehicle access/circulation around the Site perimeter, as well as an opportunity to load or unload material
- Green – Overlap zone of M Social and construction truck manoeuvring
- Yellow – Manoeuvring area for M Social trucks only.

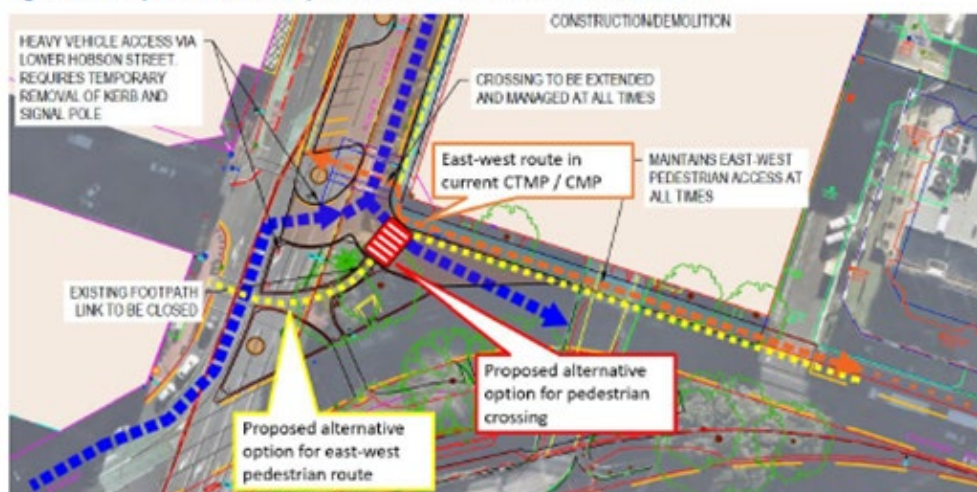
These road closures are expected to be in place for the entire demolition and construction phase.

The east-west pedestrian route will be maintained at all times through the construction zone, while the north-south pedestrian route will be maintained for the majority of the time. We provide a detailed overview of pedestrian provision in Section 8.

332. Further to the above, a refined approach to the road closures and pedestrian routes was provided in the Transport Addendum, provided below for comparison. This is noted to reduce potential pedestrian / construction vehicle conflicts, improving management

efficiency for vehicle access from beneath the Flyover efficiently and is supported by Auckland Transport⁸⁸.

Figure 1: New option for east-west pedestrian connection on Customs Street West



Transport Receiving Environment

333. As addressed in the Auckland Transport memo (**Annexure 4**), the receiving environment will change as a result of the Fanshawe Street Retaining Wall (FSRW) works (BUN60462925).
334. At the date of this memorandum, the Fanshawe Street Retaining Wall (FSRW) consent BUN60462925 has not yet been determined by the Council. The Panel is advised this is to be determined shortly. Auckland Transport (**Annexure 4**), advise⁸⁹ that this consent (BUN60462925) has implications for the road layout and capacity of Custom Street West, relative to the assessment of construction effects for this proposal:
- j. Stage (1) restricts capacity east of the Application site's service lane from one lane to two lanes;
 - k. Stage (2) is an interim layout and Auckland Transport agree⁹⁰ with the Applicant that would effectively operate similarly as the existing layout in terms of capacity.
335. Auckland Transport (**Annexure 4**) describe the transport network that surrounds the subject site and located near the site as *"reasonably constrained and serves as a critical piece of infrastructure to maintain Auckland's bus network."*
336. Auckland Transport advise: The number of bus services provided by the adjoining and circulating road network to this site and details of the passenger numbers accommodated for the 2024 year illustrates that some 4.25 million peak period trips are supported (split roughly 50% to the AM and 50% to the PM)⁹¹. The number of public transport trips is significant and highlights the significant regional importance of this part

⁸⁸ Paragraph 7.13a)

⁸⁹ at paragraphs 5.6

⁹⁰ Auckland Transport (Annexure 4), paragraph 5.6 b)

⁹¹ Auckland Transport (Annexure 4) paragraphs 7.9 – 7.11.

of the transport network to the effective operation of the regional transport network. Any disruption to the bus network has the potential to affect thousands of passengers and the reliability of key services⁹². Auckland Transport advise:

“Because of this sensitivity, the demolition and construction phases require controls, clear staging, and certainty in how vehicle movements and road space are managed.”

337. Effects assessment context: Within the AUP(OP) The Business – City Centre Zone policy H8.3(35) *“requires the demolition of buildings and structures to avoid, remedy or mitigate significant adverse effects on the pedestrian amenity of the city centre and the safety and efficiency of the road network”*. Temporary activities, chapter E40, policy E40.4.1(3) provides for *“traffic generated by a temporary activity, including heavy traffic to be controlled so that it does not detract from (a) the capacity of the road to safely and efficiently cater for motor vehicles, pedestrians and cyclists; and (b) the well-being of residents and reasonable functioning of businesses on surrounding sites”*.
338. In the context of the constrained, yet regionally significant public transport function of the immediate road network and owing to the regionally significant passenger numbers accommodated, the proposed demolition and construction of the development has the potential to result in significant adverse effects on the effective and efficient operation of the localised transport network having regard to the number of bus passengers provided for in the surrounding streets.

Matters of Support or Agreement subject to conditions

339. Where there is agreement between Auckland Transport and the Applicant these are not commented on below unless they require updates to the Applicant's Proposed Consent Conditions to secure support. These are addressed as follows:
- l. Removal of the Lower Hobson Street footbridge, and the Downtown Car Park exit ramp over Customs Street West over weekend period(s) is supported⁹³ as the weekend timing would minimise adverse effects on the network. For the removal of the Lower Hobson Street footbridge, an additional condition is recommended to avoid carrying out these works over any weekend when cruise ships are using Princes Wharf⁹⁴.
 - m. The Draft Managed Access Service Arrangement Plan (“**MASAP**”) is supported, subject to condition wording amendments to better reflect the applicant's assessment⁹⁵. This includes an additional objective and mitigation that has been identified by the Applicant in their supporting transport statement⁹⁶. Auckland Transport consider residual concerns⁹⁷ are able to be addressed by recommended condition amendments.

In the event that these amendments were not agreed by the Applicant, Auckland

⁹² Auckland Transport (Annexure 4) Progressive Transport Solutions, page 3, paragraph 2.2

⁹³ Progressive Transport Solutions, page 5, paragraph 2.14

⁹⁴ Progressive Transport Solutions, page 17, paragraph 4.62 and 4.63

⁹⁵ Auckland Transport, page 12, paragraph 7.13 f) and Section 10, page 28 and tracked changes to conditions 53 and 54 (Appendix 10) to the Auckland Transport memo

⁹⁶ S67 Response, Appendix 5, Addendum Transport Response, dated 7 April 2026, page 13, paragraph 3.5

⁹⁷ Progressive Transport Solutions, page 29, paragraphs 7.4 – 7.10

Transport would retain concerns that effects on the transport network would remain relating to the managed access.

- n. Crane operation and potential distraction to drivers using the Flyover: remaining concerns over the potential high severity of a crash could be mitigated by condition to secure the installation of screening to the whole eastern edge of the Flyover to a height of 1.0m to prevent distraction and minimise crash likelihood.

Matters of disagreement

- 340. Remaining matters of disagreement between the Applicant and Auckland Transport are summarised at paragraph 3.7 of the Auckland Transport memo. These are not replicated here but are considered in order as they have stated them.

Left-hand turn entry for Heavy Construction Vehicles (HCVs) from Sturdee Street

- 341. The Applicant's Transport Addendum describes this secondary access as a backup access if absolutely needed and is not to operate simultaneously with the primary access⁹⁸. The response also states that it likely will not be needed.
- 342. Auckland Transport (**Annexure 4**) summarise why they consider this secondary HCV access to the construction staging area would have unacceptable effects on the safety and effectiveness of the transport network.⁹⁹ This includes, as a result of the existing road network layout, the requirement for significant slowing of HCVs to carry out the manoeuvre against normal traffic direction. This results in vehicles travelling behind having to slow and change lanes (including the buses that rely on Custom Street West). Further, the entrance to the construction compound would be over a pedestrian crossing with resultant site management and pedestrian safety issues. Auckland Transport do not support this movement.
- 343. Auckland Transport¹⁰⁰ propose amendments to the CTMP condition wording to prohibit this manoeuvre.

Capacity of the Construction Staging Area to accommodate 24 HCV per hour

- 344. The Applicant in their Transport Addendum¹⁰¹ refer to modelled outputs confirming that the level of service at the assessed intersections, relative to the baseline network operation model (with Downtown Carpark operational) accommodating 48 construction truck movements (24 inbound and 24 outbound) improves or maintains the level of service. They state that effects on buses were assessed as negligible.
- 345. The Applicant's Demolition and Construction Transport Assessment¹⁰²; "*Truck movements during excavation are usually coordinated to limit conflict and waiting times*

⁹⁸ Transport Addendum Report, page 13, section 4.1.1

⁹⁹ at paragraph 7.14 a).

¹⁰⁰ Annexure 1, Appendix 10 'Comments on Applicant's conditions

¹⁰¹ section 3.4.1. This refers to the

¹⁰² Demolition and Construction Transport Assessment, prepared by Flow Transportation Specialists, page 24, section 7

on the Site to be detailed in the final CTMP once a contractor has been appointed. The final CTMP will involve detailed planning and preconstruction coordination, radio communication devices and GPS tracking of trucks requirements. This will ensure that the designated truck holding areas will be unlikely to overflow and potentially result in conflicts with the general traffic and bus lanes”.

346. The Applicant in their Transport Addendum consider HCV access on pages 8-10. They summarise that they consider HCV movements can be accommodated within the network capacity of peak periods. Monitoring is not agreed as citing operation of construction vehicles could be influenced by matters outside the control of the applicant such as
347. Auckland Transport acknowledge that modelling results show HCVs using the bus lane to access the site will unlikely result in delays to the buses and the modelling is accepted with a cap of 24 HCV per hour (subject to monitoring). However Auckland Transport (Appendix 2)¹⁰³ remain of the view that given the limited onsite space available it remains to be demonstrated as part of the application that the number of trucks forecast can be serviced and parked on site¹⁰⁴. This is addressed at paragraphs 4.89 – 4.91.
348. Auckland Transport consider that it has not been suitably evidenced or confirmed that sufficient construction staging space is provided at certain stages of construction. This includes during times of demolition, the enabling works, and likely the entirety of basement construction¹⁰⁵ where Lower Hobson Street will be the sole loading / unloading area as there will be no ability to access the site. Auckland Transport consider this undermines conclusions that the site can accommodate a maximum of 24 trucks per hour and to manage their entry, unloading and / or loading and exit from the site across a pedestrian crossing (that will also require management), without resulting in delays to the transport network and particularly buses. It is acknowledged that HCV numbers will fluctuate at different stages of development, however the site capacity to accommodate vehicles will be particularly constrained during demolition, enabling earthworks and basement construction.
349. Monitoring of heavy construction vehicle movements is recommended within one month of commencement of each construction stage to monitor the success of the access, its management and the area of construction compound relative to truck numbers. This information is then held and should a review of the CTMP be requested under a review condition (which is also recommended by Auckland Transport) this can inform potential amendments to the CTMP.

HCV restrictions during Fanshawe Street Retaining Wall Works (FSRWW)

350. Auckland Transport consider that there should be HCV restrictions during the Fanshawe Street Retaining Wall relocation works when there is only one eastbound Custom Street West lane in operation and no additional eastbound lane established on Fanshawe

¹⁰³ Auckland Transport, (Annexure 4) paragraphs 4.84 and 4.85

¹⁰⁴ Auckland Transport, (Annexure 4) Appendix 2, paragraphs 4.89-4.91

¹⁰⁵ These construction stages collectively amount to three years of the construction programme

Street¹⁰⁶. AT advise¹⁰⁷ that the duration of this intended works is not known at this stage, but that the potential cumulative impacts of enabling HCVs to mix with buses and other local access vehicles through this pinch point may reasonably delay bus operations.

351. The Applicant in their Transport Addendum do not agree to peak period restrictions. Auckland Transport seek a full ban for HCV movements during these works when only one eastbound lane is available. The Applicant refers to securing updated modelling of this scenario from the Auckland Forecast Centre. In this regard, it would be helpful to the Panel to have that modelling (as stated in the Auckland Transport Appendix 2 memo).
352. Auckland Transport request this to mitigate adverse cumulative effects associated with implementation of the FSRWW and this development.

Light vehicles reliance on managed access via Sturdee Street

353. The Applicant in their Transport Addendum consider this matter at section 3.4.5 and confirm no contractor parking is provided on-site and refer to numerous other options to access the site. However the Applicant requests flexibility for occasional use and consider, based on their conservative modelling that there will be times when HCV arrival will be low.
354. Auckland Transport consider the addition of light vehicles using this access is likely to cause adverse impacts on the network through increased queuing and consider that these effects have not been quantified.
355. As noted, below the managed site access is of concern with respect of multiple trucks arriving simultaneously. The addition of light vehicles to also require management and accommodation in the limited construction staging areas without compromising HCVs movement, adjacent pedestrian safety nor impacting on queueing and the bus network operations is not supported by Auckland Transport.
356. Auckland Transport (**Annexure 4**) identify alternative access from Custom Street West and Quay Street for contractors and light vehicles along the shared service lane. This is identified as a more appropriate access point to support the effective and efficient function of the managed construction access for HCVs. Amendments to the CTMP condition are recommended to address this matter by restricting light vehicles from using this access.
357. Further to this owing to constrained work zones, light vehicle access during demolition and earthworks although not within my expertise it may be appropriate to exclude light vehicles for safety reasons; and to manage spread of dirt and debris beyond the site as well as traffic management.

Closure of the Custom Street West Service Lane Access

358. The Applicant in their Transport Addendum confirmed that it is possible that the southern

¹⁰⁶ Paragraph 7.14 f)

¹⁰⁷ Annexure 4, page 27

portion of the existing service lane may need to be closed throughout some periods of demolition and construction and advise details can be addressed in the CTMP. The Applicant owns both Aon and HSBC and can coordinate disruptions.

359. There is disagreement regarding the need for traffic modelling. The Applicant considers the operational phase modelling of Quay Street is sufficient.¹⁰⁸
360. This relates to the redistribution of private vehicle trips (some 500 car parking spaces access this service lane) and all servicing associated with Aon and HSBC. Auckland Transport advise that an increase in right hand turns from the Quay Street bus lane into the development would arise and has the potential to adversely affect the bus lane and bus services. Further detail is provided in the Specialist Memos and at Section D2 of this report.

Adequacy of the CTMP Condition wording to manage adverse effects on the network

361. Auckland Transport do not support the proposed wording of construction traffic management plan and consider it to be inadequate to appropriately avoid significant adverse effects on the network. Amendments recommended include:
- Provide more objectives linked to maintaining site accesses, performance of intersections and function of bus lanes and services;
 - Strengthened language to avoid network impacts identified as unacceptable to public transport network operation by Auckland Transport;
 - Secure additional information where currently lacking;
 - Limit maximum HCV movements per hour as per the proposal;
 - Additional management requirements;
 - HCV restrictions to avoid cumulative network effects;
 - Restrictions to light vehicle access;
 - Avoid left turn from Sturdee Street into Custom Street West
362. Amendments are recommended to the Managed Access and Service Management Plan.
363. Additional conditions are recommended in respect of monitoring of the main site access and the ability to accommodate the maximum HCV numbers. This information is intended to inform a review of the CTMP that is recommended to occur within one month of each construction phase commencing to inform any revisions to the CTMP. Other recommendations are set out at section 10.0 of the Auckland Transport Memo.
364. Having regard to the above paragraphs, some matters of disagreement relating are able to be addressed through amendments to the CTMP and DMASMP. The recommended condition amendments would avoid some adverse effects and ensure already constrained management processes are not put under further capacity constraint.

Construction Traffic Effects Conclusion

365. There remain information gaps with respect of evidenced capacity of the construction

¹⁰⁸ This modelling assumed that both the northern and southern accesses to the Service Lane were available and therefore is not comparable to the construction phase traffic implications.

staging areas at different stages of construction to accommodate the number of trucks that are forecast, that underpins the construction programme. Loading spaces, crane and safety zones space and location requirements, particularly during constrained construction stages have not been provided. In the context of the constrained and regionally significant transport network that surrounds the site, evidencing the assumptions is critical for informed decision making.

366. In this regard, owing to somewhat localised traffic effects having the ability to result in significant cumulative effects on the public transport operations due to the regional level capacity the surrounding streets provide, further information is required to fully understand the effects, including:
- modelling of the traffic effects of the closure of the Custom Street West vehicle access to the service lane, on bus lanes and bus operations on Quay Street;
 - Construction staging capacity evidence in particular for the basement construction stage;
 - Updated assessment owing to the new access arrangement of the management of the Lower Hobson Street access ;
 - Further information in particular regarding the construction traffic effects of the stormwater infrastructure installation works;
 - Transport comments with respect of the wastewater feasibility options and their transport effects.
367. In the absence of the above information collectively, there remain particular gaps in the ability to conclude on the significance of the construction traffic effects arising from the proposal. Owing to the constrained transport network significant adverse effects may arise which cannot be avoided, remedied or mitigated, despite the requirement to in the city centre¹⁰⁹.
368. The above information gaps result in uncertainty with respect of the extent of adverse traffic impacts and would weigh in the proportionality assessment.
369. Furthermore, Auckland Transport recommend relatively extensive amendments to proposed conditions and new conditions in order to secure support on a number of matters. Some recommendations (based on previous discussions) may not be agreed by the Applicant. At this stage, as the current proposed conditions relating to CTMP are not considered to adequately manage adverse transport effects, there remain residual impacts that weigh in the proportionality assessment, these would be within a range, depending on the extent of recommendations that are adopted by the Applicant.
370. In the event proposed condition amendments are agreed, that would reduce the residual impacts.
371. It is suggested to the Panel that further discussion between the Applicant and Auckland Transport might be beneficial to work through conditions and further information requests summarised above.

¹⁰⁹ H8.3(35)

Construction Noise and Vibration (including demolition and excavation)

372. The AEE considers these effects on page 82. That assessment is generally concurred with. The zone could be regarded as anticipating the level of works that would result in the noisiest operations (demolition, excavation and basement piling). However, the extent of the development is not anticipated by the zone, owing to the extent of Harbour edge height control plane and height infringements.
373. The AEE summarises the best practicable measures to be adopted and makes reference to all sensitive receptors being identified. Reference in this regard is made to Kindercare, addressed at the beginning of this memo.
374. The application includes an Acoustic Assessment of Effects, prepared by Marshall Day Acoustics Limited (MDA) supported by a Draft Construction Noise and Vibration Management Plan also prepared by MDA. As part of the S67 Response dated 7 April 2026, an Acoustic Assessment Addendum, dated 1 April 2026 was provided. This is stated to respond to discussions with the Council and with representatives of M-Social. This addendum summarises intended changes to the Applicant's Proposed Consent Conditions 30, 67, 72, 73, 75 and 114, outlines intentions to make amendments to the CNVMP to include a section to address drop shaft noise and vibration management, to update the construction and vibration monitoring proposals and to confirm that Schedules will require certification by the Council.
375. Further to the above, it was advised¹¹⁰ that discrepancies between the stated duration of infringements between the Applicant's Acoustic Assessment and the Draft Construction Noise and Vibration Management Plan (CNVMP) would be updated. The Acoustic Assessment is stated to provide the correct duration of exceedances. This has not yet been updated.
376. The Council's Noise and Vibration Specialist (**Annexure 10**) has reviewed the applicant's documents as noted above and attended meetings with the Applicant and their acoustic consultant. The Council's Specialist notes that while the project's total construction duration is estimated to be 5.5 years, the stages of demolition, retention, excavation, and basement construction and building foundation construction are those activities of highest noise intensity and would occur over a period of approximately three of the total 5.5 years.
377. The Acoustic Assessment and the AEE conclude that construction vibration is predicted to comply with the cosmetic damage and amenity limits at all neighbouring buildings. This includes management proposals to secure compliance. The CNVMP advises that sheet piling within 40m of 29 Customs Street West will be undertaken between 5:00pm and 10:30pm or on Saturdays. This is to enable those buildings to be vacated, as unoccupied buildings avoid the effect. Updated conditions are referred to in the Acoustic Assessment Addendum in this regard.
378. The Council would normally anticipate the extent of infringement and the duration of the

¹¹⁰ S67 Response dated 7 April 2026, an Acoustic Assessment Addendum, dated 1 April 2026

likely noise infringement to be outlined within the wording of the consent matter/trigger and incorporated into consent conditions. This is the standard approach as it makes it clear to potentially affected parties and ensures monitoring requirements are clear for when noisy and vibratory work is to take place, its noise and vibration levels and duration. The Applicant's Acoustic Consultant is not in agreement to this approach. In this case, as a Community Liaison Group is to be established by the Applicant to enable ongoing communication and engagement, this helps to address this difference in approach in this instance. For clarity, the Council will have a representative (Monitoring Officer) on the CLG.

379. The Acoustic Assessment sets out the following noise infringements:

- Demolition and D-wall piling noise is predicted to infringe the noise limits by 5 decibels for up to 3.5 months, at 196-200 Quay Street (M-Social Hotel);
- Sheet piling is predicted to infringe the noise limits at four neighbouring buildings as identified below, by either 5, 10 or up to 15 decibels for up to two weeks;
- D-wall / bored piling is predicted to infringe the noise limits at Aon Building (Tower and Podium) by up to 4 decibels for up to two weeks.

380. This is illustrated in Table 7 of the MDA report:

Table 7: Highest representative noise levels

Building Address	Predicted Noise Level, dB LAeq			Duration of infringement
	D wall / Bored Piling	Sheet Piling	Concrete saw (slab removal)	
M Social – 196 – 200 Quay Street	79	< 75	80 ¹ – 75	3.5 months
Aon Building – 29 Customs Street West – Tower	76	85	< 75 ¹	1.5 weeks
Aon Building – 29 Customs Street West – Podium	79	90	< 75 ¹	2 weeks
HSBC – 188 Quay Street – Tower	< 75	80	< 75 ¹	1 week
The Sebel - 85 Customs Street West	< 75	80	< 75 ¹	1 week

¹ includes 15 dB of shielding from a concrete cutting enclosure

381. The Applicant's Noise and Vibration Specialist¹¹¹ within the S67 Response:

- o. considers that M Social can manage rooms that are allocated to day sleepers such as air crew; and
- p. clarifies that noise levels that comply with the permitted activity construction noise limit:

“Compliance with the NZS 6803 limits is the accepted benchmark for reasonable construction noise. The AUP adopts these limits as the permitted activity standard. This does not mean effects are absent, but it represents the level at which effects are accepted as reasonable within the regulatory framework. For clarity, noise levels of 75 dB LAeq at the (southern) façade of the M Social building is predicted to generate noise levels of 35 dB LAeq or less within hotel rooms. This is unlikely to impact occupants use of their hotel room.”

¹¹¹ S67 Response, Appendix 4 Acoustic Assessment Addendum, page 2 paragraph 6

382. The policy¹¹² framework for considering the effects of temporary activities, which includes construction activities that exceed two years duration, enables temporary activities provided that any adverse effects on amenity values are avoided, remedied or mitigated including by ensuring (a) noise associated with the activity meets the specified standards, (b) activities on adjacent sites that are sensitive to noise are protected from unreasonable or unnecessary noise.
383. The Council's Noise and Vibration Specialist (**Annexure 10**) has reviewed the assessments and further information provided by the Applicant and supports the proposal subject to conditions of consent. Notably, the Council's Noise and Vibration Specialist (**Annexure 6**) considers:
- Whilst sheet piling noise is high, its exceedance is short compared to the total construction duration;
 - All night works are stated to be managed to comply with AUP noise standards (which are lower at night);
 - Schedules for all noisy and night works are to be provided to the council for certification prior to those works commencing and is supported;
 - The proposed noise mitigation measures are agreed between the Specialists as being practicable and to effectively reduce noise levels.
384. The Council's Noise and Vibration Specialist (**Annexure 10**) generally concurs with the assessment and conclusions within the Acoustic Assessment and CNVMP associated with 29 Custom Street West (Aon Building), 188 Quay Street (HSBC Building) and 196-200 Quay Street (M-Social) and 85 Custom Street West.

196-200 Quay Street (M-Social Hotel)

385. The Council's Noise Specialist concurs with the Applicant's Acoustic Assessment and additional information summarised above. The MDA assessment concludes that internal noise levels will at most be less than 45 decibels within the most exposed hotel rooms and the conference room and less than 40 decibels for less exposed rooms and within the centre of the building.
386. The Council's Noise and Vibration Specialist (**Annexure 10**) agrees that this can be managed by the hotel operator through allocating potential day sleepers to the most appropriate rooms and concludes a reasonable level of mitigation has been adopted with respect of this sensitive receiver. However, I note that this conclusion relies on management and mitigation outside of the Applicant's control (i.e. the affected receiver (hotel operator) allocating rooms according to customer requirements for day sleep). The level of noise exceedances of up to 5 decibels during the daytime are identified for a 3.5 month period during concrete saw (slab / demolition) and during D wall / Bored piling Construction hours are proposed as between 7.00am and 6.00pm Mondays to Fridays and 8am – 5pm on Saturdays).
387. As this approach is outside of the Applicant's control, may rely on the hotel not being at capacity to accommodate the mitigation strategy, and is likely to impact on the

¹¹² Chapter E40 Temporary activities, policy E40.3(1)

management operation of the hotel, in my opinion this is an adverse effect. The Panel may wish to understand from the affected party if the identified mitigation is achievable in the context of the operation of their hotel over a 3.5 month period. Additional to this, the Council could not secure this as mitigation as it would require third party agreement.

388. Having regard to the Acoustic Assessment Addendum, paragraph 6, I consider this to be a residual adverse noise effect that should weigh against the proposal within the proportionality assessment.

85 Custom Street West (The Sebel)

389. Noise is generally noted to comply with the standard for construction noise in the zone and be less than 40 decibels internally which is stated to be reasonable. During closest vibratory sheet piling, noise is predicted to be 80 decibels with internal noise at 50 decibels or less for a period of approximately one week. These works are to be carried out between 5.30pm and 10.30pm weekdays and on a Saturday (with Saturday permitted noise levels being higher). The mitigation identified in the CNVMP, including pre-drilled method, and Schedule to be produced is accepted by the Council's Noise and Vibration Specialist (**Annexure 10**) to represent the best practicable mitigation, with reasonable effects, having regard to the exceedances applying for a period of one week.
390. The inclusion of the Body Corporate of 'The Sebel' as part of the Community Liaison Group (CLG) proposed by the Applicant to provide a means for parties identified to give and receive regular updates on progress, updates on upcoming high noise and vibration works, enable sharing of concerns and issues and to input into Management Plan content. The objective of this group is outlined in Appendix 24: Proposed Consent Conditions 4- 9 and is referred to by the Council's Noise Specialist as providing for further enhancement of communication and opportunity to discuss noise and mitigation measures.
391. These CLG conditions do not require the Schedules to be produced to set out the mitigation approach to noisy and nighttime works to be discussed as part of the CLG. However, the CNVMP and associated Schedules require the affected receiver to be directly consulted. Some amendments to the conditions relating to the production of Schedules are recommended for greater clarity of information requirements for reporting to the Council, and presentation of consultation and feedback from affected receivers.

Aon Building

392. Internal noise levels in this building, from all activities except vibratory sheet piling, are predicted to be 50 dB LAeq or less in the offices facing the Site which the Council's Noise and Vibration Specialist (**Annexure 10**) considers reasonable in an office environment.
393. The Council's Noise and Vibration Specialist (**Annexure 10**) concurs that the resulting internal noise from sheet piling (to take place over 1.5 weeks) may not be suitable for the office environment. As a result the Specialist supports the proposal to undertake sheet piling within 40m of the Aon building between 5pm and 10:30pm Monday to Friday

or on Saturdays when occupancy will be lower. It is noted that the Applicant's Noise Consultant advises that these works are likely to also infringe vibration amenity limits for this building. Additional conditions are proposed to mitigate these effects, including building condition surveys.

394. The Council's Noise and Vibration Specialist (**Annexure 10**) has suggested that noise effects on Kindercare, should they still be in occupation at the commencement of works, could be addressed through additional mitigation being secured within an updated CNVMP. For the reasons given in the background section of this report, the Panel is recommended to be satisfied that Kindercare will not be in their current tenancy prior to making a decision.
395. This is owing to the absence of assessment of effects on their business operation, and the specific requirements for outdoor play space for childcare operations.

HSBC Building (188 Quay Street)

396. Owing to the distance between the works and this building being further than Aon, the effects of noise on the occupants of the HSBC Building are concluded to also be reasonably managed.

Infrastructure works

397. Infrastructure upgrade works are proposed within the adjacent streets for stormwater (Lower Hobson Street and Custom Street West) and feasibility options are under consideration to upgrade wastewater infrastructure network. No details of construction methodology, equipment type, duration or noise and vibration effects have been provided. Whilst wastewater upgrade effects could vary wildly, recognising that infrastructure works are to be enabled, it is recommended that for stormwater upgrades a Schedule be added to address those works and a condition be imposed that requires a CNVMP to be certified to address any wastewater network upgrade works prior to those works commencing.

Conclusion on Noise and Vibration Effects

398. The absence of assessment of effects on Kindercare, within the Aon Building podium is brought to the attention of the Panel. The Panel is recommended to be satisfied that Kindercare will not be located within the adjacent Aon building at the time demolition works commence prior to accepting the noise and vibration assessments as complete
399. Subject to the identified revisions and updates to the CNVMP and the Applicant's summarised amendments to the Proposed Consent Conditions, including updates to when Schedules are to be required, and for all schedules to be certified by the Council, the proposal is supported by the Council's Noise and Vibration Specialist (**Annexure 10**).
400. The recommended mitigation relating to M-Social Hotel noise effects relies on management by the affected hotel operator to achieve reasonable internal noise levels

in order to accommodate daytime sleeping at an unspecified number of hotel rooms within the M-Social hotel. The mitigation is outside of the Applicant's control and if vacancy levels are low within the hotel, this may not be achievable. This mitigation, even if achievable is likely to have an adverse effect on the M-Social business operations for a period of 3.5 months and could not be relied on owing to reliance on third party approval. It is recommended the Panel consider the responses of M-Social in this regard.

401. Stormwater infrastructure is proposed within Lower Hobson Street and Custom Street West and feasibility options are under consideration to upgrade the wastewater infrastructure network. No details of construction methodology, equipment type, duration or noise and vibration effects have been provided. Whilst wastewater upgrade effects could vary owing to options stage; recognising that infrastructure works are to be enabled, it is recommended that for stormwater upgrades a Schedule be added to address those works and a new condition be imposed that requires a CNVMP to be certified to address any wastewater network upgrade works prior to those works commencing.
402. Relying on the Applicant's intended updates to conditions of consent, Council's recommended updates to and new conditions there are considered to be no residual impacts requiring a proportionality assessment, except with regards to M-Social Hotel and Kindercare.
403. Alternative noise mitigation should be considered for M-Social hotel and evidence that Kindercare will not be occupying the Aon building should be obtained prior to a decision being made. Alternatively, an assessment of effects on Kindercare should be carried out. At this stage, these residual noise impacts require a proportionality assessment.

Land disturbance and Sedimentation

404. The AEE considers sedimentation effects at page 84. The Applicant has provided a draft Erosion and Sediment Control Management Plan, prepared by Tonkin + Taylor. The S67 Response, Appendix 9 dated 7 April 2026 including an updated Erosion and Sediment Control Plan to locate treatment devices structures within the basement as it is excavated.
405. The Erosion and Sediment Control Management Plan notes that the construction methodologies will be further defined and developed once a contractor has been appointed and the erosion and sediment control plans to be finalised. Sheet pile walls and diaphragm walls have been considered to retain the proposed basement excavation for concept design. A fully drained site is expected to be used for construction. Works are noted to take 10-12 months to complete. No winter works limitation is proposed to ensure flexibility. Section 3.2 of the ESCMP provides the details of the works.

Council's Assessment

406. Given the extent of area (6,442m²) and volume (100,000m³) of earthworks and the proximity of the site to the coastal receiving environment of the Waitemata Harbour, the

adverse effects (sedimentation) have been assessed by the Council's Regional Earthworks Specialist (**Annexure 19**). The Council's Regional Earthworks notes that discharge of stormwater to the network during works will be subject to storage and testing. These are assessed below under 'Contamination', by the Council's Contaminated Land Specialist (**Annexure 20**).

407. The indicative ESCP is generally appropriate and that the preparation of final ESCP for certification by the council is acceptable subject to the following requirements being made clear in the ESCMP condition: i) stabilised construction entrances; ii) wheelwash facilities; iii) dewatering and treatment details; iv) monitoring and maintenance of water treatment devices; v) details of the finalised wastewater system to be built, construction methodology and required erosion and sediment control measures; and vi) a requirement to review the ESCMP prior to 1 May to consider for winter works (if needed).
408. New conditions are recommended relating to: i) minimum visual clarity and pH of stormwater discharges from the site; ii) Chemical Treatment Management Plan for the site's dewatering system(s); and iii) containment and disposal of water used during concrete cutting to prevent it entering the stormwater system.

Conclusions on Sedimentation Effects

409. Overall, the proposed works can be suitably managed by the proposed sediment and erosion control measures, subject to adherence to the proposed (as amended) and recommended additional consent conditions.
410. No residual impacts remain that would require a proportionality assessment.

Geotechnical and Land Stability

411. The Applicant has provided a Geotechnical and Groundwater Assessment Report, and a Draft Groundwater and Settlement Monitoring and Contingency Plan both prepared by Tonkin + Taylor Limited. A Landslide Hazard Risk Assessment, also prepared by Tonkin + Taylor considers the risk of shallow and large-scale landslides. The Applicant provided a S67 Response, dated 7 April 2026, Appendix 7 Geotechnical Addendum Report, prepared by Tonkin + Taylor "Geotechnical S67 Response".
412. Council's Consultant Geotechnical Engineer 'Geotechnical Engineer' (**Annexure 12**) has reviewed the above information and Council's Development Engineer (**Annexure 11**) has considered the Landslide Hazard Risk Assessment.
413. The Council's Geotechnical Engineer (**Annexure 12**) considers that with regards to the provisions of E12 and E36 'sufficient geotechnical assessment has been completed at this stage of the consenting process' and at Section 8.0 states:

"The proposed works involve significant ground disturbance with the potential for significant geotechnical effects. The application is reliant on specifically engineered retaining and support structures to mitigate the potential effects and at the time of this application further detailed design is required. A number of additional proposed

consent conditions are provided below.”

414. Notwithstanding, the Council's Geotechnical Engineer (**Annexure 12**) supports the proposal, subject to the additional conditions they recommend, works being carried out in accordance with the GSMCP and conclude that on this basis adverse geotechnical and land instability effects would be avoided or mitigated to achieve an acceptable level of risk. This conclusion is also applicable to geotechnical natural hazards and geotechnical effects on neighbouring properties. The Council's Geotechnical Engineer refers to negligible effect on neighbouring properties subject to detailed design and monitoring and contingency plan.
415. The Council's Geotechnical Engineer (**Annexure 12**)¹¹³ has recommended additional conditions to i) identify and locate existing services, basements and foundations to inform detailed design and anchor geometry; ii) destressing and decommissioning ground anchors; iii) detailed basement retaining wall design, based on final construction methodology and sequence; iv) provide a detailed construction methodology to include the updated designs and investigations required by these conditions; and v) to undertake pre and post construction condition surveys.
416. The GSMCP to monitoring of the settlement effects of the proposed activity as set out in the GSMCP during construction is supported.

Landslide Hazard Risk

417. The Council's Development Engineer (**Annexure 11**) has reviewed the Landslide hazard risk assessment, Ref: 1016043.2000 dated 11th December 2026 prepared by Tonkin + Taylor Ltd and concurs with the assessment.

Conclusions on Geotechnical and Land Stability Effects

418. The Council's Geotechnical Engineer (**Annexure 12**) advises that significant ground disturbance is proposed with the potential for significant geotechnical effects. The application is reliant on specifically engineered retaining and support structures to mitigate the potential effects and at the time of this application further detailed design is required.
419. Having regard to the above, the conditions recommended by the Geotechnical Engineer (**Annexure 12**) are critical to the conclusion that potential adverse effects will be acceptable. Subject to the conditions of consent recommended by the Geotechnical Engineer¹¹⁴ being proposed by the Applicant, there are no significant residual Geotechnical impacts that require proportionality assessment.

Groundwater Dewatering and Diversion Effects

Applicant's Assessment

420. The Applicant is seeking consent to divert groundwater for dewatering purposes during

¹¹³ Annexure 8 - Section 6.0 Specialist Assessment

¹¹⁴ Noting some updates to reflect standard Council drafting conventions will be recommended

earthworks and in the long-term for ground dewatering after earthworks with associated drainage at the subject site. The Application is supported by a Geotechnical and Groundwater Assessment Report and a Draft Groundwater and settlement monitoring and contingency plan. These assessments are prepared by Tonkin + Taylor.

421. Tonkin + Taylor, in their S67 Response dated 7 April 2026, confirms that the recommended amendments to conditions shared with the applicant during pre-application discussions will form part of a revised set of planning conditions (not received at the time of writing this response).

Council's Assessment

422. Council's Groundwater Specialist (**Annexure 13**) has reviewed the application documentation and confirmed that subject to the proposed amendments to consent conditions, the proposed monitoring requirements and the Draft GSCMP the proposal is commensurate with the predicted settlement. The Specialist supports the proposal subject to strict adherence to the amended conditions, which are concluded to ensure that settlement effects of the proposed activity on the receiving environment will be less than minor.

Conclusions on Groundwater Effects

423. There is broad agreement between the Applicant and Council in respect to groundwater-related effects with respect of settlement on all nearby structures, services and pavements, with overall effects concluded to be less than minor subject to strict adherence to revised conditions.
424. Amendments to consent conditions are recommended to ensure that adverse groundwater-related effects (settlement) are mitigated. These relate to conditions 155-156, 158, 161 and 166. Condition 161 is critical, updating the alarm and alert thresholds for settlement or movement relating to adjacent land, sites / buildings, retaining walls. These are understood to have been accepted by the Applicant and expected to form part of a revised set of conditions.
425. There are no significant residual groundwater impacts that require a proportionality assessment.

Contaminated Land

426. Tonkin & Taylor have undertaken a Preliminary Detailed Site Investigation to understand if the site/ land is subject to contamination. This provides details on the HAIL activities that have occurred on the site, and the potential contaminants of concern that may be present within soil/fill on the site. Due to the potential of contaminated reclamation fill being present on the site, there is the potential for groundwater on the site to be contaminated, which may require appropriate management/removal and disposal during the proposed works on the site.
427. Tonkin & Taylor have also prepared a Contamination Site Management Plan (CSMP)

that outlines the proposed Detailed Site Investigation (DSI) to be undertaken following the demolition of the carpark and removal of impervious surfaces. The CSMP also includes the management/mitigation measures to be implemented on the site during the proposed soil disturbance to ensure any potential effects to human health and the environment are no more than minor. The DSI will indicate the extent of contamination present on site, which will confirm if the measures proposed in the CSMP are suitable or additional measures are required to be included with the CSMP prior to soil disturbance occurring.

Council's Assessment

428. The contamination matters have been reviewed by Council's Contamination Specialist (**Annexure 20**) who concurs with the Preliminary Detailed Site Investigation conclusions, as prepared by Tonkin & Taylor.
429. Council's Contamination Specialist (**Annexure 20**) has confirmed that the recommended conditions of consent which include the requirement for a Detailed Site Investigation (DSI) to be undertaken prior to soil disturbance, and implementation of the mitigation measures detailed in the finalised CSMP (which will be informed by the results of the DSI) will ensure that the potential contamination within soil and groundwater, as part of the soil disturbance works, will have appropriate management, and mitigation measures to avoid, remedy, and mitigate potential adverse effects to human health and the environment.
430. The above conclusion is subject to minor amendments to Proposed Consent Conditions 141 and 142 to ensure that the council has sufficient time to review the DSI prior to any soil disturbance occurring on the site.

Conclusions on Contamination

431. Adverse contamination effects on human health and the environment can be appropriately addressed through the proposed conditions, subject to minor changes to the proposed conditions ensure sufficient time for the council to review the DSI and direct any changes to the CSMP should they be necessary.
432. There are no significant residual contamination impacts that require a proportionality assessment.

Air Quality and Dust Effects

433. Tonkin + Taylor have produced an Air Quality Assessment and a Dust Management Plan. Proposed Consent Conditions include dust and air quality conditions. In addition to the above, an Asbestos Management Plan, prepared by Aecom is provided in support of the demolition of the Downtown Carpark building.
434. The Panel is advised that a childcare facility is identified as a particularly sensitive receptor. The report assumes that the Kindercare facility at Aon Building, 29 Custom Street West will be relocated off-site prior to demolition works commencing.

435. The Air Quality Assessment identifies that the site's demolition phase qualifies as a "High-Risk" site under IAQM guidance due to scale, height, surrounding receptor sensitivity, and meteorology (frequent winds >5 m/s capable of transporting emissions toward sensitive receptors). It concludes that with adoption of the mitigation measures as identified and the updated Dust Management Plan, dust effects can be appropriately managed to comply with the permitted activity standards of the Auckland Unitary Plan, Chapter E14 (Air quality).
436. The immediate proximity is noted to have high-sensitivity receptors to dust effects under the IAQM methodology used in the Air Quality Assessment Report. This includes the M Social Hotel (≤10 m from the northern boundary), the Sebel Hotel (≤30 m east), and the HSBC/Aon podium ventilation intakes adjoining the eastern boundary.

Council's Assessment

437. The Council's Air Quality Specialist (**Annexure 9**) has reviewed the Air Quality Assessment and Dust Management Plan and generally concurs with the assessment, recommendations and conclusions, that the activity can be managed to meet the permitted air quality standards under the AUP. The Council's Contamination Specialist (**Annexure 20**) has reviewed the Asbestos Management Plan and suggests that the recommendations within it be adhered to and has suggested a condition to this effect be included, having regard to the sensitivity and closeness of receptors and the busy city centre location with high pedestrian numbers.
438. However, under such ("High") risk categorisation, the Council's Air Quality Specialist, advises that IAQM "Highly Recommended" measures include continuous particulate monitoring (PM₁₀/TSP). As a result, given the exceptionally close proximity of sensitive receivers to demolition and excavation activities, (which includes but is not limited to the Kindercare occupier that is currently operating from the Aon podium), the Council's Air Quality Specialist (**Annexure 9**) is of the technical opinion that continuous real-time PM₁₀/TSP monitoring is warranted to provide an early-warning system, enable rapid intervention, and provide objective verification that dust effects are avoided beyond the boundary. A condition to this effect is recommended.
439. This level of monitoring is considered necessary, reasonable, and proportionate to the potential scale of impact and aligns with the risk profile identified by the applicant's own assessment. Minor corrections to conditions 36 and 146 (that relates to management of dust during earthworks) are also recommended. There is no conflict with other Specialists in this regard (Council's Contamination (**Annexure 20**) and Regional Earthworks Specialists (**Annexure 19**).
440. Relying on the new and amended conditions, there are no residual adverse impacts that require proportionality assessment.

Air Quality and Dust Management Conclusion

441. Subject to the additional continuous real-time monitoring during demolition and

earthworks, the proposal is concluded as capable of meeting the permitted activity standards of Chapter 14 (Air quality) of the AUP(OP). With the inclusion of this condition, a new condition to secure adherence to the lodged Asbestos Management Plan during demolition works and minor alterations to conditions 36 and 146 the effects will be acceptable.

442. There are no significant residual impacts on archaeological heritage values that require proportionality assessment.

SECTION C11: ARCHAEOLOGICAL HERITAGE

443. An Archaeological Assessment prepared by Clough & Associates Limited has been provided in support of the application. This confirms that the proposed works will affect archaeological site R11/3458 (the Auckland Graving Dock) and will also require the removal of a small area of 19th century reclamation fill and also a larger area of 1915 reclamation fill. The areas of reclamation have the potential to contain historic artefacts and early maritime structures and features and possibly early 20th century building foundations.
115. Due to the depth of the excavation, the proposed works will effectively destroy the recorded archaeological site R11/3458 and any other unrecorded archaeological / historic heritage remains present. The Auckland Graving Dock has been evaluated as having moderate archaeological value although its significance lowered as the site was at least partially demolished.
444. The Archaeological Assessment recommends monitoring of earthworks by an archaeologist, any archaeological remains discovered to be investigated and recorded and these details produced into a site interpretation regarding the Auckland Graving Dock within the new development. The AEE (Appendix 24 Proposed Consent Conditions) proposed conditions 45 (pre-construction meeting) and 57 (Archaeological recording) to address archaeological heritage.

Council's Assessment

445. It is noted that a separate Archaeological Authority (under s42(4)(i)) is applied for.
446. The Council's Archaeological Specialist (**Annexure 21**) agrees with and supports the Applicant's Archaeological assessment and the proposed mitigation.
447. I note that the Proposed Consent Conditions do not propose a condition to secure a site interpretation of the Auckland Graving Dock within the new development, and it is suggested this be added to the proposed conditions. This records and represents the historic records relevant to the site and provides for public enjoyment of heritage. Additionally, condition 45 would benefit from replacing reference to 'project historic heritage expert' with 'project archaeologist'.

Conclusions on Archaeological Heritage Values

448. It is considered that adverse effects on archaeological heritage values including both recorded and unrecorded archaeological features can be appropriately managed through the implementation of the proposed conditions of consent.
449. There are no residual impacts on archaeological heritage values that require proportionality assessment.

SECTION C12: INFRASTRUCTURE EFFECTS

Water Supply Effects

450. The Applicant has provided a water supply capacity assessment within the Infrastructure Concept Design Report, prepared by Tonkin + Taylor. The proposal includes break tanks to the domestic water supply which is noted to significantly reduce peak water flow rates. Whilst no fire hydrant testing was carried out, the assessment states that testing will take place prior to detailed design.
451. The Application proposes two water supply connections, one with sufficient capacity to Lower Hobson Street servicing the residential use (connection 1), and the second to Custom Street West servicing both commercial and fire protection use (connection 2). A priority valve system is presented as an option to shut off domestic water top-up in case of fire to assist flow to fire protection.
452. The proposed water supply system has been reviewed by Watercare Services (**Annexure 22**). Connection 1 is supported and capacity confirmed. For connection 2, owing to the cast iron and historic nature of the main (over 100 years) and potential for reduced performance, Watercare recommend a cautious approach. Watercare support the use of break tanks to assist in managing peak demands and reducing reliance on the ageing asset during a fire(s).
453. Watercare recommend an additional condition in support of proposed condition 56 that requires a fire hydrant test and certification of adequate water pressure for firefighting. That condition requires installation of break tanks designed in conjunction with fire protection requirements.

Wastewater Effects

454. Wastewater capacity effects have been assessed within the Applicant's Appendix 19 'Infrastructure Concept Design Report', Version 1, prepared by Tonkin + Taylor dated November 2025. The AEE notes that a substantial increase in wastewater discharge from the site would result from the Project. Capacity assessments of the downstream network identify several pipe sections likely to exceed capacity, with Watercare's modelling confirming increased surcharging along Lower Hobson Street and Quay Street, exacerbated by tidal ingress during high tides.
455. Watercare Services Limited have confirmed that they cannot service the site with public

wastewater supply (**Annexure 22**).

456. Five options were developed to address wastewater discharge capacity constraints summarised in the table below and reviewed by Watercare (**Annexure 22**) and Auckland Transport (**Annexure 4**) as summarised below. No agreed option is identified.

	Applicant comment	Watercare	Auckland Transport
Option 1: Market Place / Fanshawe Street Pump Station (a) option for a pipe along Market Place to connect to the Fanshawe Street pump station	Not proposed	Preferred Option	Impacts on local access along the western end of Customs Street West, including for servicing, which is already affected by the traffic management measures proposed for the demolition and construction of the Downtown Car Park.
(b) is for a 310m long 7m deep pipe along Sturdee Street to connect to a manhole at the Fanshawe Street / Market Place intersection.			Option 1(b) would likely affect traffic along Sturdee Street and could impact on bus operations.
Option 2: Quay Street Duplication	Not proposed	Not supported	Not Supported – recent street upgrades and would impact key bus operations including the NX1 and WX1 routes.
Option 3: On-site Storage / Off- Peak Pumping	Proposed and designed	Not supported	Preferred Option
Option 4: a) New PS to Nelson Street / Orakei Truck / Main Sewer	Noted as involving high capital costs but potential for cost-sharing for a collective, long-term solution for future growth.	Preferred option	Not Supported Relies on flyover removal, the timing of which is uncertain. Potential for significant transport effects ¹¹⁵ . Urban realm effects on the planned Sturdee Street Park ¹¹⁶
b) New Pump Station to Wellesley Street West / Orakei Truck / Main Sewer			Not supported. The option would require significant works within the road corridor, potential to affect bus operations along the busy Sturdee Street corridor and across the Nelson Street/ Fanshawe Street / Sturdee Street intersection, without effects assessment.

¹¹⁵ Auckland Transport Memo (Annexure 4, Appendix 2) Page 26 paragraphs 6.3-6.11

¹¹⁶ Auckland Transport Memo (Annexure 4) page 19, paragraph 7.29

Option 5: Private line through PCT Land Noted to include a 27m crossing beneath Lower Albert Street	An option to direct pipework beneath the pedestrian footbridge to cross Lower Albert Street is included.	Not commented on	Not supported. Potential for significant transport effects (works within the road) and concerns the pipe below the pedestrian overbridge would not maintain sufficient vertical clearance for buses.
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457. Watercare (**Annexure 22**) confirm that the finalised upgrade option(s) can be resolved at the EPA stage, subject to the written approval of Watercare.
458. At this stage, between Watercare and Auckland Transport, there are no agreed feasible options proposed by the Applicant to address wastewater capacity constraints while managing transport effects on the network. It is not clear from the documentation if option 4(a) the pump station is proposed to be above ground or below.
459. Auckland Transport advise that they do not support option 4(a) as *“the construction, and use, of an above-ground pump station located within Sturdee Park, which is a similar outcome that was used at the corner of Pakenham Street West and Daldy Street”*. AT advise that this option is not supported *“when viewed in the context of the outcomes that are anticipated through the CCMP involving the broader public realm and streetscape upgrades that are identified for the locality. The inclusion of such a structure would materially influence the ability to deliver, and potentially reduce, the level of amenities that are identified as a priority for the area in line with the CCMP.”* In addition to this, Auckland Transport advise that relying on the Hobson Street Flyover removal to coincide with installation of this option is of high risk as there is no consent for those works, nor a timeframe for delivery.
460. Auckland Transport (**Annexure 4**) do not support, in the absence of any transport effects assessment or mitigation proposals, any of the wastewater network upgrade options except Option 3 as it does not affect the road network. Whilst Option 3 could provide a feasible interim or back-up solution to account for complex negotiations with utility providers and asset owners Watercare does not support this option as a viable solution.
461. Auckland Transport have requested confirmation of the final or preferred wastewater network including any construction management measures. An assessment of the preferred wastewater option by the Applicant's Transport Engineer is requested reflecting the constrained and regional public transport function the immediate streets provide. Significant adverse effects on the transport network are considered likely from some of the options.
462. It is understood that the Applicant has been engaging directly with Watercare. It is apparent from the feedback that a meeting with both Auckland Transport, Watercare and the Applicant may be useful now that Specialists for both organisations are across the options.
463. The Council is willing to meet with the Applicant, Watercare and Auckland Transport to

advance discussions.

Stormwater Effects

Applicant's Assessment

464. The Applicant has provided a Stormwater assessment within the Infrastructure Concept Design Report, prepared by Tonkin + Taylor. This assesses existing runoff from the site and the capacity of the network. As pre-and post-development would remain at 100% impermeable area, the report notes that the only increase from the proposed development is from the impact of future climate change.
465. Section 2.5 of the Infrastructure Report outlines that four stormwater discharge locations are proposed; three on Lower Hobson Street and one on Custom Street West and a new 300/375mm diameter stormwater line running from Custom Street West to Lower Hobson Street before connecting into an existing stormwater line (900mm).
466. The AEE (page 63) refers to stormwater management being addressed in the NDC requirements.

Council's Assessment

467. Healthy Waters and Flood Resilience (HWFR) (**Annexure 8**) has undertaken a review of the proposal. They advise that the redevelopment of the site will trigger the need for authorisation under HWFR Regionwide Network Discharge Consent (RWNDC) as a Brownfield's Large Development. As a SMP has not been submitted with the application, HW support the proposal subject to a condition securing a Stormwater Management Plan (SMP) that meets the demonstrating compliance with Schedule 4 of the RWNDC SMP be prepared and adopted prior to lodgement of Engineering Plan Approval.
468. Auckland Transport consider that there is insufficient information regarding the proposed stormwater pipe locations, the phasing of when they will be delivered, their construction methodology and duration. Installation of infrastructure whilst still utilising construction routes is of concern, noting that pipework is proposed to Custom Street West (key bus route) and Lower Hobson Street (the main construction compound).
469. This information gap combined with existing construction traffic effects increase the uncertainty of the extent of impact, in particular on bus network operations. The above information and high-level statement of how these works can be accommodated in the context of the site compound arrangements during that / those stages would be helpful. This information is requested by Auckland Transport prior to a decision being made by the Panel. This is addressed further in section D of this report.
470. In the event the Panel does not consider this information is necessary under S67, it is recommended that updates be made to the CTMP condition to secure the necessary information prior to those works commencing.

Conclusions on Infrastructure Effects

471. Stormwater management can be addressed by condition to Healthy Waters satisfaction. There are no residual stormwater capacity effects to weigh in the proportionality assessment. Transport effects are addressed under construction traffic effects.
472. Wastewater network options are unresolved. Differing priorities of Auckland Transport and Watercare have resulted in no agreed options. At this stage there remain residual wastewater capacity constraints to service this development. There are residual impacts to weigh in the proportionality assessment at this stage.
473. Water supply and pressure can be provided for subject to additional and amended conditions. Relying on these conditions there are no residual water supply or pressure impacts to weigh in the proportionality assessment.

SECTION C13: USE AND STORAGE OF HAZARDOUS SUBSTANCES

474. The Applicant has provided a Hazardous Substances Assessment and a Hazardous Substances Management Plan, both prepared by Tonkin + Taylor Limited. The Applicant has also provided a Coastal hazard risk assessment and a Flood hazard risk assessment, also prepared by Tonkin + Taylor, that considers the risks of flooding and coastal inundation on the storage of hazardous substances. The AEE sets out a summary of effects at section 9.11 on pages 87-88.
475. The use and storage of hazardous substances is primarily associated with the back-up power generation system. The development proposes a total diesel storage capacity of approximately 20,300 litres, comprising two bulk storage tanks located on Basement Level 4 and five smaller day tanks on Basement Level 1 and Level 1. The tanks will be double-skinned, four-hour fire-rated units equipped with leak detection systems and secondary containment. Minor quantities of hazardous substances such as biocides, scale inhibitors, corrosion inhibitors, and anti-foaming agents will also be stored for building maintenance purposes.
476. The AEE summarises potential hazards identified as risks of fire or explosion, spillage or leakage during refuelling or transfer, contamination of stormwater or marine environments, and cumulative risks from nearby facilities. Each of these hazards has been comprehensively assessed, with mitigation measures incorporated into the design and operation of the facility. Designs are noted to include 100% secondary containment capacity in case of spill or leak. The bunded containment, indoor storage, and comprehensive stormwater protection measures are concluded to ensure that the potential for contaminants entering the Waitematā Harbour is negligible.
477. The Hazardous Substances Management Plan is relied upon to ensure storage, response procedures, staff training, maintenance and signage requirements will be provided for and a coordinated approach to incident management. The measures summarised are concluded to avoid, mitigate and manage adverse effects on the environment including risks to people and property.

Council's Assessment

478. The Council's Hazardous Substances Specialist (**Annexure 23**) has considered the proposal and the assessments provided by the Applicant and supports the proposal. This is subject to flood / coastal protection barrier details and securing a Flood Hazard Management Plan that will in particular secure specific design, maintenance and management of the flood barrier device to manage the risk to fuel storage on B4 from coastal inundation.
479. Relying on the condition and receiving the additional details relating to the flood barrier design, there are no residual impacts that require a proportionality assessment.

SECTION C14: OPERATIONAL TRAFFIC, ACCESS AND PARKING EFFECTS

Operational Traffic Effects

Applicant's Assessment

480. The AEE considers these effects from page 81. The proposal is supported by an Operational Integrated Transport Assessment, prepared by Flow Transportation Specialists. This is supported by the following draft operational management plans:
- a. Draft Servicing and Loading Management Plan; and
 - b. Draft Hotel Pick Up and Drop off Management Plan.
481. Discussions between the Applicant and Auckland Transport continued through post-lodgment stage of this FTAA application. The Applicant's S67 Response, Appendix 5 – Addendum Transport Report, prepared by Flow Transportation Specialists dated 7 April 2026 (**S67 Transport Response**) provided further assessment.
482. The S67 Transport Response cited no notable transport concerns being raised by M-Social's Transport advisors, Commute. For clarity, for the Panel, the M-Social assessments have not been provided to the Council or Auckland Transport. It is anticipated that those assessments are concerned with transport matters or effects of direct relevance to the operation of M-Social rather than the broader operation of the transport network and localised areas of concern that are not immediately close to the M-Social operations, such as along Custom Street West.
483. The S67 Transport Response focused on the key transport matters raised by Auckland Transport including (with respect to operational matters) the hotel pick up and drop off (PUDO) design and management and also the applicable receiving environment (Fanshawe Street Retaining Wall) for assessment¹¹⁷. The S67 Transport Response (with respect of the operational phase of the development) states that the Fanshawe Street Retaining wall Interim layout (Stage 2) remains the same road network layout as existing in terms of capacity and that therefore their existing assessment remains applicable.
484. The S67 Transport Response states that the Retaining Wall Stage 3 permanent layout

¹¹⁷ S67 Response (Appendix 5 – Addendum Transport Response prepared by Flow Transportation Specialists dated 7 April 2026, page 16, section 6 'Summary of updates'.

is complex, requires additional consenting and the final layout is unknown and that no further assessment is provided in this regard. For clarity, Auckland Transport (**Annexure 4**) agrees¹¹⁸ with this approach taken by the Applicant with respect of their assessment of operational transport effects, informed by the Retaining Wall Stage 2 interim layout and network capacity.

485. Auckland Transport advise that whilst the road network designs are not yet finalized, the changes (up until the interim Stage 2 position) are applicable to the part of Custom Street West - east of the Service Lane to this development, with two lanes eastward only.¹¹⁹ Auckland Transport acknowledge that the road network layout will change again in order to deliver the planned City Centre Masterplan 2020 (CCMP) City Centre and waterfront strategic outcomes¹²⁰. This is provided for context to the Panel and does not inform the assessment below.
486. For clarity to the Panel, at the time of writing this memo, no decision has been made in respect of the Fanshawe Street Retaining Wall consent BUN60462925.

Council's Assessment

487. For ease of review, the Panel is advised that the Council's Traffic Engineer (**Annexure 24**) focused their assessment on the on-site arrangements, leaving the operational effects on the network to Auckland Transport to consider. The detailed wording of the operational servicing conditions was deferred to Auckland Transport (**Annexure 4**). The Council's Traffic Engineer (**Annexure 24**) supports the proposal, subject to conditions as addressed below. Auckland Transport consider, with respect of operational traffic effects that most remaining matters of disagreement, where adverse impacts are identified, can be addressed by suggested condition amendments¹²¹. The exception to this relates to the design, location and management of the hotel pick up drop of proposed on Custom Street West, and the likely effectiveness of the measures contained within the Hotel PUDO Management Plan ("HPUDOMP"). These matters are considered after the matters that can be resolved through conditions in the assessment below.
488. The following operational transport matters addressed in the S67 Transport Response, or raised in the Auckland Transport (**Annexure 4**) and Council's Traffic Engineering (**Annexure 24**) memos are able to be supported with or without conditions and are addressed below:
- c. Update to accessible car parking provision and allocation;
 - d. Internal Casual car parking response;
 - e. Traffic modelling (residential servicing rates);
 - f. Electric vehicle charging;
 - g. Four small car parking spaces;
 - h. Quay Street service lane vehicle crossing; and
 - i. Loading and Servicing Management Plan.

¹¹⁸ As addressed at paragraphs 5.6 b) and 7.4 of the Auckland Transport Memo.

¹¹⁹ Auckland Transport (Annexure 1) page 7 paragraph 5.6 b) and pages 9 and 10, paragraphs 7.1-7.6

¹²⁰ Auckland Transport (Annexure 1) paragraphs 5.1-5.6, pages 6-7

¹²¹ Auckland Transport (Annexure 1), Section 10.0 and Appendix (10) 'Comments on Applicant's Proposed Conditions

489. The matters listed above that are accepted by the Council or are accepted subject to new or amended conditions are addressed below:

- j. Accessible Car Parking: It is agreed that the proposed amendments accord with PC79 Consent Order with respect of the residential provision and the amendments to the office provision are accepted. A condition is recommended to secure a minimum of five accessible parking spaces for allocation to an owner/occupier of the 160 residential units and the allocation of a minimum of 13 accessible car parking spaces to owner/ occupiers of the office floorspace within the development. Notably the plans currently identify 21 accessible car parking spaces.
- k. Casual car parking: Auckland Transport raised concern over the management of nine car parking spaces described as pick up and drop off within the development. The S67 Transport Response advises these will be managed internally by a concierge. Auckland Transport maintain their concern and recommend a management plan for this to be addressed. The Council's Traffic Engineer (**Annexure 24**) has not identified any concerns and it is considered that the Applicant's response to be reasonable. It is noted that Auckland Transport have recommended addition to the Servicing and Loading Management Plan to address this.
- l. Traffic modelling (Residential Servicing Trip Rates) Auckland Transport (**Annexure 4**) confirm¹²² that whilst disagreement remains on the residential trip rate used, this has no material effect on the operation of the network. The response is accepted.
- m. Electric vehicle charging (residential): the Council's Traffic Engineer (**Annexure 24**) considers that the outstanding information to confirm electric vehicle charging capability for the residential car parking can be addressed by condition securing plans that confirm that electric charging capability is enabled;
- n. Four small car parking spaces: these are supported by the Council's Traffic Engineer (**Annexure 24**) subject to signage to identify them as such and for use by small vehicles.

490. The following paragraphs address the final two items, being the Quay Street Service Lane vehicle crossing and the Servicing and Loading Management Plan that are supported subject to conditions or amendments to conditions of consent, relying on the Auckland Transport (**Annexure 4**) memo.

Quay Street service lane vehicle crossing

491. The S67 Transport Response provides further explanation of the design of this service lane and crossing at page 16, section 4.5, and Appendix A, sheet 7. The crossing entry and exit widths would be increased and existing bollards removed. The Auckland Transport Memo (**Annexure 4**) confirms¹²³ that the layout is accepted in principle as a concept design, subject to further detailed design development.

¹²² Auckland Transport (Annexure 1), page 16, paragraph 7.17 a)

¹²³ Auckland Transport (Annexure 1) Appendix 2 Progressive Transport Solutions Memo at paragraphs 8.31 and 8.77

492. Auckland Transport accept that a no-right turn requirement is not feasible due to limited carriageway widths and therefore relies on signage being incorporated into the service lane, to discourage motorists using Quay Street and amendments to the proposed Servicing and Loading Management Plan to assist in mitigating remaining the effects of the service lane operation in the context of inability to restrict right turns¹²⁴.

Loading and Servicing Management Plan responses.

493. Clarifications provided in the Applicant's S67 Transport Response have been reviewed by Auckland Transport (**Annexure 4**)¹²⁵ Auckland Transport recommend that the proposed Loading and Servicing Management Plan condition (121 and 122) wording be updated to better reflect the mechanisms proposed in the Applicants Operational Integrated Transport Assessment and the S67 Transport Response. Additionally, owing to the very high morning peak pedestrian numbers now and in the future, additional restrictions relating to morning peak servicing are recommended¹²⁶ to reduce potential vehicle and pedestrian conflict and maintain pedestrian safety and priority at this peak time.

Hotel pick-up and drop-off (PUDO)

Applicant's Assessment

494. The operation of the PUDO is outlined in Appendix 13 – Operational Integrated Transport Assessment and Appendix 30 – Draft Hotel Pick Up and Drop Off Management Plan, with supporting evidence of the need for the PUDO to support a Five Star hotel included in Appendix 41 – THSA Hotel Advisors Report. The S67 Response (Appendix 5) FTAA Addendum Transport Report, prepared by Flow Transportation Specialists, considers the matters raised by Auckland Transport in their informal S67 Information Request / Red Flags memo dated 25 March 2026“Red Flags”

Council's Assessment

495. Auckland Transport, having reviewed the information summarised above, consider that further design development, and additional management measures should be outlined to determine if the “*dimensions and location of the facility is appropriate based on the anticipated demand for its intended use, prior to a decision being made on this application*”¹²⁷: The reason this is requested is there is the potential to give rise to adverse effects upon the adjacent transport network, including the safety of pedestrians traversing this section of Customs Street West and other vehicles alongside the effective function of the adjacent bus lane and potential impacts upon journey times.
496. Auckland Transport provide details of their concerns relating to the PUDO at paragraph 7.19 of their memo and at paragraphs 8.44 – 8.67 of Appendix (2) to the Auckland

¹²⁴ Auckland Transport (Annexure 4) page 16, paragraph 7.17 c) and the Appendix 2 Progressive Transport Solutions Memo (Annexure 14 page 37, paragraphs 8.30 – 8.35.

¹²⁵ Auckland Transport (Annexure 4) Appendix 2 Progressive Transport Solutions Memo

¹²⁶ Auckland Transport (Annexure 4) Substantive Memo page 29 and Appendix 10 (Comments on Applicant's Proposed Conditions, pages 37-38

¹²⁷ Auckland Transport (Annexure 4), paragraph 3.5, page 3

Transport memo. Notably, the facility provides only two car parking spaces, which with certain vehicles arriving, would take up both spaces. This is a constrained capacity and management cannot alleviate issues of insufficient capacity, except to keep vehicles circling the block. The ability to access the two spaces are also of concern to Auckland Transport. The Panel is referred to the Auckland Transport Memo, as referenced in the foot notes and this paragraph.

497. The Applicants Proposed Consent Conditions include provision to secure a final HPUDOMP Management Plan. The S67 Transport Response confirms agreement¹²⁸ and partial agreement to making changes to the condition wording as requested by Auckland Transport in their Red Flags request as follows:
- o. agreement to an additional objective to prevent queuing across the public footpath on Custom Street West;
 - p. a review of the management plan be carried out within the first 3 months of operation in addition to annual reviews.
 - q. partial agreement to include an objective to avoid safety and operational effects of the PUDO on the adjacent road network; and
 - r. Agreement that the monitoring of the PUDO management plan should include crash records in the vicinity but should be focused on what can be reasonably attributed to the PUDO.
498. The above additions to the PUDOMP proposed by the Applicant are noted by Auckland Transport (**Annexure 4**) however reliance on management without first resolving design shortcomings is not supported and not agreed to suitably mitigate resulting impacts on the safety and efficient functioning of the adjacent transport network¹²⁹.
499. Auckland Transport (**Annexure 4**) paragraph 7.19 identifies that *'owing to the relatively constrained design; location; frequency of use; and proposed management measures for the Hotel Pick up and Drop Off cannot be concluded to function safely and efficiently without giving rise to adverse impacts upon the surrounding transport network.'*
500. The key characteristics of the PUDO are stated at paragraph 8.45 and the principles of the proposed HPUDOMP are stated at 8.46 of the Auckland Transport Memo (**Annexure 4**) Appendix 2. Notably:
- s. The two parking spaces provided are only large enough to accommodate two cars; or vans such as mini-buses or the Airport Shuttle would occupy both of the car parking spaces;
 - t. Maneuvering into the parking spaces is likely to involve pulling onto the footpath before reversing back, increasing pedestrian-vehicular conflict risk.
 - u. Active management of the two spaces are required at all times and the ability to effectively manage the use of such a small facility is unlikely¹³⁰.
 - v. Whilst safe sightlines are noted in the S67 Response by Flow, it is the complex design arrangement between Sturdee Street, Custom Street West and the

¹²⁸ Page 7 of the Applicants S67 Transport Response

¹²⁹ Auckland Transport, Annexure 4, Paragraph 7.19a)

¹³⁰ The Progressive Transport Solutions (Appendix 2, **Annexure 4**) paragraph 8.51 provides context for this opinion, giving evidence of Sofitel (5 spaces) and Park Hyatt (7 spaces), examples of non-compliance at other hotel PUDOs and challenges for effective management

intervening island that makes it unintuitive and difficult to clearly recognize the entry vehicle crossing as opposed to the exit¹³¹.

- w. The traffic network safety concerns over the western vehicle crossing point, proximity to
- x. Lack of safe separation of vehicles and pedestrians moving along Custom Street West and those moving through the site into the Urban Room in the PUDO design.

501. Auckland Transport with reference to the critical reliance on a PUDO to the operation of a hotel facility (Appendix 41 TSHA), its proposed small and constrained size, its location, width of crossings and impact on pedestrian movement and safety along this very busy east-west pedestrian route, do not consider the current design or management measures mitigate adverse impacts on the safe and effective functioning of the transport network.

Operational Transport Effects Conclusion

502. Whilst most remaining operational transport impacts are, in the opinion of the Council's Traffic Engineer and Auckland Transport able to be resolved through additional and amended conditions, this does not include traffic impacts relating to the design, operation and management of the proposed hotel pick-up and drop-off (PUDO) facility.

503. The Panel is recommended to request condition amendments as recommended by the Specialists (Auckland Transport and Urban Design Specialist).

504. The ability of the PUDO facility's design and capacity to accommodate safely and efficiently the demands of the hotel is not yet resolved. The ability to accommodate the hotel demands, including through management, will determine the level of adverse impact on the efficient and safe operation of the transport network. The concerns raised are not able to be addressed by management plan update alone and require further design resolution. The Council's Urban Design Specialist (**Annexure 6**)¹³² also considers the design of the PUDO to be unresolved with respect to pedestrian and vehicular delineation on the grounds of pedestrian safety and amenity.

505. The Panel is recommended to seek additional information to address the matter of design, capacity and operational constraints of the pick-up and drop-off facility including additional management measures within the Proposed Hotel Pick Up Drop Off Management Plan (HPUDOMP)¹³³.

506. Should the Panel not wish to secure this additional information, then the residual adverse impacts would require proportionality assessment.

507. All other operational traffic matters are acceptable, or can be acceptable subject to the recommended conditions. Relying on the conditions no other operational traffic impacts would require proportionality assessment.

¹³¹ Auckland Transport, Appendix (2) **Annexure 4**, paragraph 8.47(b)

¹³² Addressed at various points in the memo, but in particular, at section 7.0 and paragraph 5.4.3

¹³³ Auckland Transport (Annexure 4) memo, paragraph 7.19 and Section 8.0, Information Gaps: 2, 3 and 5

Natural Hazards (Flood and Coastal hazards)

Coastal hazards (inundation)

508. The site is subject to future coastal inundation as a result of sea level rise (as identified on the Council GIS mapping system).
509. The Applicant has provided a Coastal hazard and risk assessment (CHRA) prepared by Tonkin + Taylor and a “Downtown Carpark Redevelopment - Section 67 request Coastal and flood hazard response” also prepared by Tonkin + Taylor dated 7 April 2026 “S67 Coastal and flood hazard response”. The CHRA notes that it has been developed in accordance with Chapter E36 of Proposed Plan Change 120 and relevant guidance. The site is concluded, with respect of PC120 provisions, to be within Coastal Hazard Area 3¹³⁴. In accordance with Table E36.3.1B.1 development in Coastal Hazard Area 3 within existing urban areas is potentially tolerable for sensitive activities (such as residential (including hotel) activities and storage of hazardous substances) and acceptable for less-sensitive activities such as parking and loading. This as also identified in the consent matters, is agreed by the Council.
510. The Applicant’s Coastal hazard and risk assessment considers onset of basement flooding concludes risk to be insignificant or low for all activities over a 100-year period with reliance on the flood barrier¹³⁵. Residual risks arising in the future, in the event of potential failure of the flood barrier and outlines secondary mitigation to address those residual risks. Noting that for certain activities failure of flood barriers results in between medium (car parking) to very high risk (infrastructure services and fuel storage)¹³⁶.
511. The Council’s Development Engineer (**Annexure 11**) has reviewed the Applicant’s CHRA and concurs with the resulting risk to the potentially sensitive and sensitive activities in the basement being low to negligible until 2030, and that safe egress and safe refuge is provided by the development. Safe egress is agreed to be at Custom Street West until beyond the 100-year assessment timeframe.
512. With regard to the residual risks, Council’s Development Engineer (**Annexure 11**) agrees that these have been identified and quantified and relate to the potential failure of the flood barrier and the need for maintenance and management to reduce this risk to as low as reasonably / practicably possible. With this in mind, the Development Engineer requests:
- y. The design of the flood barrier requires resolution and details of regular maintenance; and
 - z. A flood management plan with emergency response protocol¹³⁷,
513. Having regard to the Development Engineer’s request that final flood barrier details be

¹³⁴ Coastal inundation hazard areas (Chapter J PC120): Area 3: Coastal inundation hazard areas taking into account a relative sea level rise of between 1m and 1.5m.

¹³⁵ Tonkin + Taylor Coastal Hazard and Risk Assessment, dated November 2025, Section 4.4.5 Flood barrier failure, pages 8 and 9

¹³⁶ Tonkin + Taylor Coastal Hazard and Risk Assessment, dated November 2025, Section 4.4.5 Flood barrier failure, page 10

¹³⁷ This is to include building evacuation procedures as noted in the S67 Coastal and Flood Hazard Response

provided, I note that, framed by (proposed plan change 120) policy E36.3(12C)¹³⁸, the proposed flood barrier must be designed to avoid (of relevance to this proposal): i) undermining; ii) erosion; iii) settlement; iv) movement or dislodgement; v) failure; vi) piping or hydraulic pumping of fine material or backfill. Additionally, the Flood hazard risk assessment states¹³⁹:

514. The Flood hazard risk assessment also considers an event that exceeds the design parameters of the proposed flood barriers, or in the event that the flood barriers fail and recommends the following:

- i) Removing assets (such as vehicles).
- ii) Waterproofing of structural components.
- iii) Raising the ground level approaching the Service Lane above the flood level at both entrances.
- iv) Designing the basement to convey any inflow towards a sump at the lowest level, with a flood management plan/emergency response protocol implemented and pumps designed to reduce risks to any assets and services in that area.
- v) Placing essential services on a suitable plinth above the floor to reduce exposure to inundation that could pond.
- vi) Having essential services in rooms with flood proof doors and walls.
- vii) Raising transportable hazardous substances to higher levels.

515. In this regard, the Panel is recommended to secure the flood barrier design detail prior to a decision, for reasons given previously. Specific conditions requiring:

- item iv) in the paragraph above to be developed into a final basement design for certification prior to lodgement of structural building consent for implemented as part of the construction of the development. Associated management may be addressed in a Flood / hazard management plan;
- items ii), v) and vi) to be subject to conditions requiring the development to be constructed in accordance with these recommendations;
- items i), iii) and vii) forming part of a necessary Flood /hazard management plan to include consideration of future mitigation measures, ensuring appropriate wording.

516. Any other residual mitigation measures may be addressed within a Flood /Hazard Management Plan, however the concern to the Council lies with the appropriate trigger points in the wording of the Flood / Hazard Management Plan (FHMP) condition to ensure risk is reviewed in a timely manner and mitigation identified as necessary to be implemented in good time ahead of a hazard occurring. The FHMP must be certified prior to structural building consents being lodged to ensure construction mitigation is included and provided for. Updates to maintenance, management and evacuation protocol and procedures as needed.

517. The above approach appears to align with the position set out in the Applicant's S67 Coastal and flood hazard response and the S67 Response Planning Addendum¹⁴⁰. The

¹³⁸ This policy is applicable to assessing the effects of coastal protection structures.

¹³⁹ Page 14, section 4.4 Residual risk

¹⁴⁰ Downtown Carpark Site Development [FTAA-2512-1158] - Planning Addendum, prepared by Barker & Associates, pparagraph 6.2

one aspect that may differ is the need to resolve the flood barrier design and the assessment of the effects of its design prior to a decision.

Flood hazards

518. A Flood Hazard and risk assessment (FHRA) prepared by Tonkin + Taylor and S67 Coastal and flood hazard response is provided in support of the application. The FHRA notes that it has been developed in accordance with Chapter E36 of Proposed Plan Change 120. The default risk levels of 'potentially tolerable' for the three risk elements identified as outlined in the Flood hazard risk assessment. The flood risk levels are agreed to be low and medium and assessment is in relation to the adjacent 1% AEP floodplain within the road and overland flowpath within Custom Street West.
519. The Flood hazard risk assessment notes that there is low likelihood of flood flows entering the Service Lane from Customs Street West, particularly after detailed design, where opportunities to divert overland flows away from the Service Lane can be considered. In this regard the southern flood barrier may not be necessary. Furthermore, non-return valves are noted to be included in the private stormwater drainage to prevent backflow from flooding on Quay Street.
520. The Flood hazard and risk assessment and S67 Coastal and flood hazard response have been reviewed by Healthy Waters (**Annexure 8**). They have confirmed that they have no major concerns with this development noting it is not within a floodplain and the flood prone area will change with this development.
521. Auckland Transport (**Annexure 4, Appendix 3**) have advised that in both the 2.1 degree and 3.8 degree temperature increase scenarios, the very minor increase in flood depths would not materially increase flood hazard to the Auckland Transport road network. The S67 Planning Addendum Response refers to the existing overland flow path within Custom Street West being maintained by Auckland Transport as they progress their detailed designs of the FSRW project. This is generally agreed by Auckland Transport.
522. The Council's Development Engineer (**Annexure 11**) having reviewed the Flood hazard risk assessment and S67 Response agrees that the subject property itself is within a low flood hazard risk area. The Development Engineer considers, that a Flood Management Plan is necessary to suitably address the residual risk of flood waters on people, materials, vehicles and activity within the site. This includes the:
- installation of flood barriers;
 - walls to come into contact with floodwaters to be tanked;
 - for recommendations within the Flood hazard and risk assessment by Tonkin + Taylor (reference: 1016043 v7, dated: November 2025) to be completed on site and for certification from an engineer confirming this to be the case.
 - Flood Management Plan to be provided to include emergency response protocol for the property with alignment with advice to be obtained from the Auckland Emergency Management/Civil Defence departments.
523. It is noted that the Council's Hazardous Substances Specialist (**Annexure 23**) also concurs that a Flood Management Plan is needed and for emergency response protocol

as outlined above to be necessary.

524. The Development Engineer supports the proposed conditions of consent requiring the maintenance of overland flow path alignment and entry and exit points, but also recommends that a Covenant be registered on the title of the property to ensure future property purchasers or should the development be subject to unit title subdivision in the future and different parts of the development purchased by others, to be aware of their obligation relating to ongoing maintenance requirements with respect of:
- i) the overland flowpath; and
 - ii) Flood / Hazard Management Plan /emergency response protocol for the property as required by the Council.

525. Having regard to the assessment provided, subject to the finalised design of the flood barrier(s), being secured to in order inform final wording of a Flood / Hazard Management Plan, and ensuring the final basement design is secured prior structural building consent and implemented, the provision of a Flood / Hazard Management Plan prior to commencement of development would be considered acceptable for this proposal. This is having regard to the detailed assessments that identify residual risk and the primary and secondary mitigation identified. This includes the additional conditions recommended above.

526. This is subject to final wording of the Flood/ Hazard Management Plan condition. The Council would welcome the opportunity to consider this should the panel agree that final flood barrier design is needed to inform the noted condition including its operation, maintenance and management.

Conclusions on Natural Hazards Effects

527. The Council considers that subject to finalised flood barrier design being provided and an assessment of its effects¹⁴¹ and to inform the wording of the required Flood Hazard Management Plan (FHMP), the residual natural hazard risks at the site are able to be mitigated subject to conditions of consent.
528. The Council recognises that the Applicant has assessed the natural hazard risk applicable to this proposal against proposed plan change 120 provisions and has approached risk management and mitigation robustly. In this instance, and as a result of this, it is agreed that the FHMP may be secured by condition, subject to the above paragraph.
529. The wording of the FHMP is of particular interest and concern to the Council, to ensure that it is robust and has clear triggers for when additional review is required, use of updated climate change guidelines, and mechanisms to secure the implementation or installation of any new or revised mitigation identified to be necessary. This is to ensure appropriate risk to people, property and infrastructure into the future should the estimated climate change projections change.
530. Secondary mitigation to address residual risk that has implications for the building

¹⁴¹ Proposed Plan Change 120, policy E36.3(12C)

design are recommended to be secured by separate conditions. This includes:

- a) final basement design to address the recommendations in the Flood hazard risk assessment report to be certified prior to structural building consent being lodged. The development should be constructed in accordance with the certified design.
- b) A condition to require the waterproofing of structural components and rooms designed to accommodate essential services to be constructed with flood proof doors and walls. Certification by an engineer that the development has been constructed in accordance with this condition should be provided at completion of the development.
- c) Remaining mitigation measures to form part of a Flood / hazard management plan.

531. Lastly, for a covenant requiring the maintenance of overland flow paths and the Flood hazard management plan to be registered on the title including any emergency evacuation measures, safe egress routes and alignment with advice to be obtained from the Auckland Emergency Management/Civil Defence departments.

532. At this point in time, there are no finalised details of flood barrier design, operation or maintenance and the effects of the chosen structure cannot be assessed. Additionally, there is no proposed Flood Management Plan and no proposed condition offering a Flood Hazard Management Plan. This results in residual impacts that the development's resilience to the effects of climate change has not been properly resolved. Residual risk to property, people and future site infrastructure cannot be ruled out. This requires a proportionality assessment.

Demolition and Construction Waste Management

533. The Applicant's Draft Construction Management Plan refers to a 'Site-Specific Waste Plan' being developed in alignment with waste minimisation objectives.

534. The Council's Waste Planning Advisor (**Annexure 15**), has, having regard to the scale of the carpark building to be demolished and the scale of the redevelopment project, requested that a 'Site-Specific Construction Waste Management Plan' (SSCWMP) be provided. This is requested to be developed once a contractor has been appointed to minimise waste to landfill. A condition is recommended in this regard.

535. There are no significant residual construction waste management impacts that require a proportionality assessment.

SECTION C15: REVERSE SENSITIVITY

Port of Auckland Operations

536. The Acoustic Assessment prepared by MDA considers the design requirements for achieving the internal noise levels relative to the zone requirements and with respect of

the Port Noise Overlay.

537. The Proposed Consent Conditions include a no-complaints covenant to be registered against the title of each apartment and the hotel rooms / operation with respect of noise associated with the Port of Auckland Limited operations. Some amendments are recommended to better reflect the requirements of the Standard and make clear what the no-complaints covenant relates to (the lawful operations of the Port of Auckland).
538. Relying on the condition amendments there are no remaining reverse sensitivity effects that require proportionality assessment.

SECTION D: SUMMARY OF ASSESSMENT OUTCOMES AND PROPORTIONALITY CONCLUSIONS

Overview

539. This concluding section provides a brief overview of the outcome of the overall Council assessment of the application.

540. The section is structured as follows:

- **D1: Section 85 adverse impacts / proportionality assessment:** Analysis under section 85(3) of the Fast Track Approvals Act, examining whether adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits.
- **D2: Key information gaps:** Identification of residual information deficiencies and their implications for decision-making by the Panel.
- **D3: Key findings:** Again, as at the date of providing these comments (7 May 2026), with our joint recommendation to the Panel.

SECTION D1: Section 85 adverse impacts / proportionality assessment

541. Under section 85(3) of the FTAA, the Panel **may** decline an approval where adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits.

542. This assessment requires consideration of:

- The nature and significance of adverse impacts identified through the section 81(2) process;
- The extent of the project's regional or national benefits as assessed under section 81(4);
- Whether proposed conditions or Applicant modifications could adequately address

adverse impacts;

- Whether the proportionality threshold is met even after accounting for mitigation measures, compensation etc and giving the greatest weight to the purpose of the Act.

543. For the avoidance of doubt, the Council's assessment has not identified any reasons why the application **must** be declined in terms of section 85(1) of the FTAA.

Adverse impacts identified

544. Based on the detailed analysis in **Sections B and C** above, the following adverse impacts have been identified, individually and collectively, as potentially meeting the section 85(3) threshold:

- **Issue 1: Landscape and Waterfront Amenity Effects** The proposed height of the two towers at 162m and 227m in height, exceeding the harbour edge height control plane by a maximum of 49.2m and 88.8m along the northern facades respectively are assessed by the Council to result in significant adverse landscape effects on the broader cityscape, particularly in views from the west. These impacts are significant as the qualifying matter of the Harbour edge height control plane is of relevance to the Regional Policy Statement: Coastal environment and also to the New Zealand Coastal Policy Statement. These effects are not able to be mitigated by conditions of consent. This level of effect is summarised¹⁴² as being as a result of:
 - The proposed towers are not designed (owing to their height) nor located (having regard to their height proximate to the coast) to preserve the characteristics and qualities that contribute to the natural character of the coastal environment;
 - A visually prominent landmark tower that, as a result of its height does not complement existing or planned form of the city centre and does not integrate with the harbour and wider landscape setting;
 - reduced visual permeability between the harbour and the city through contribution of a wall effect;
 - loss of visual connections from the city centre to the harbour (notably with respect of the loss of 'air space' above the planned transition;
 - the strong verticality of Tower 1 and the absence of positive response to the significant natural landforms of the maunga and Waitemata Harbour (recognising that the city waterfront is highly modified 'natural' coastal environment);¹⁴³
 - The apparent combined width of the two Towers in viewpoints from the west and lack of slenderness in these views; and
 - The significant drop in height from the proposed Towers to the adjoining Viaduct Harbour precinct, far exceeding the planned drop in height provided for, resulting in adverse dominance effects, visible on the broader cityscape.

¹⁴² Landscape Architect (**Annexure 5**) paragraph 34

¹⁴³ AUP(OP) Assessment criteria H8.8.2(1)(a)(i)

- **Issue 2: Shading effects:** The development results in loss of last remaining areas of sun to public open spaces listed below in the city that are well used during the time of sunlight loss. This affects St Patrick's Square in mid-winter between 11.00 am and 12.00 pm; Takutai Square at 5.00 pm during the equinox; and Te Komititanga in mid-summer at 5.00 pm. Having regard to the importance of sunlight to city centre public spaces which are finite resources, in the context of a growing population, the shade effects to the three public places are considered to result in adverse effects. This has implications for waterfront character and sense of place. These shade effects are therefore considered to be adverse impacts and significant collectively.
- **Issue 3: Wind Effects with mitigation:** The proposed design with all mitigation and existing planting results in wind conditions generally considered appropriate for areas of road carriageway¹⁴⁴ (not pedestrians) and inappropriate for areas of footpaths¹⁴⁵ or open space pedestrian linkages. Adverse pedestrian amenity effects result at key locations including two locations at the entrance of the site / Urban Room on Lower Hobson Street, at a location on Custom Street West and within the Sturdee Street Public Space. There is a lack of clarity of potential worsening of unacceptable wind conditions on the northern side of Quay Street. Owing to the importance of the waterfront to the identity, character and sense of place for Auckland City, the very high pedestrian numbers both existing and forecast to increase as a result of the development, and the public transport interchange function that it carries out, these are adverse effects that are unresolved and potentially significant.
- **Issue 4: Wind Effects if Mitigation is not feasible or deliverable:** There are technical feasibility questions currently unresolved with respect of the planting of four 2000L, 6-8m Pohutukawa trees in locations outside of the control of the applicant.

These feasibility questions also prevent asset owner support at this stage. Additionally three of these trees are proposed on private land, not in the control of the applicant. It is recommended given the significant reliance on these trees to achieve critical wind mitigation around the Quay Street / Lower Hobson Street corner where conditions are inappropriate with mitigation (Category D), that the written agreement to plant and maintain in perpetuity these trees be obtained from the site owners (196-200 Quay Street – M-Social hotel). If written agreement cannot be secured, then it is recommended that alternative at least equivalent wind mitigation be proposed by the applicant prior to determination.

Furthermore Auckland Transport advise that as the Lower Hobson Street canopies rely on encroachment licences that can be revoked at any time, mitigation as a result of those parts of the canopy that extends over the road reserve should not be relied upon.

¹⁴⁴ The AUP(OP) Standard H8.6.28, Table H8.6.28.1 Performance categories describes Category D as: Areas of road, carriage way, or vehicular routes, used primarily for vehicular transit and open storage, such as roads generally where devoid of any features or form which would include the spaces in categories A - C above

¹⁴⁵ The AUP(OP) Standard H8.6.28, Table H8.6.28.1 Performance categories describes Category C as Areas of formed footpath or open space pedestrian linkages, used primarily for pedestrian transit and devoid of significant or repeated recreational or relaxational features, such as footpaths where not covered in categories A or B above

Without these trees and reduced canopy there is the possibility for Category E¹⁴⁶ conditions at these locations which are unsafe for the elderly and infants, and potential for unsafe gust speeds to result. Without confirmation mitigation is achievable, the significance of the impacts cannot be concluded to weigh in the proportionality assessment.

- **Issue 5: Construction Traffic Effects:** Information gaps have been identified that do not enable an informed conclusion on the scale of adverse effects that would occur to the transport network as a result of construction works. Owing to the regional significance of the public transport function that the surrounding streets of the development site provide for, effects that may seem local can be significant due to the significant number of buses and bus passengers accommodated. This makes the surrounding network a critical piece of regional city infrastructure. To ensure that the transport network continues to operate effectively to serve the thousands of bus passengers it caters for each month, understanding the effectiveness and capacity of construction staging areas to accommodate equipment, cranes, trucks and their manoeuvring to confirm that further road closures or bus lane closures are not required. Without this information either the construction duration will potentially lengthen, altering the effects assessment or the construction will have to spill into the network to result in significant and unacceptable impacts on the regional bus services.

The information gaps require closing in the context of the above and includes evidence as to how the construction process will maintain network efficiency. This includes updated management details for the Lower Hobson Street site access evidence of construction staging capacity evidence (basement in particular), understanding the bus network effects of closure of the service lane, and infrastructure construction traffic effects.

In addition to the information gaps considerable amendments to proposed conditions are recommended by Auckland Transport to address adverse effects and avoid significant effects on the network. At this time the extent of acceptance of those recommendations is not clear from the Applicant. Acceptance of none of the recommendations would be concluded to result in significant adverse effects on the transport network. If the recommended condition amendments were accepted and some or all of the information gaps addressed, then there may be no residual impacts.

- **Issue 6: Public Realm Design and Operational Road Safety and Network efficiency effects** – The proposed constrained and challenging design and location of the Hotel Pick Up and Drop Off and the heavy reliance on an effective Hotel Pick Up and Drop Off Management Plan (HPUDOMP) as currently proposed is likely result in road safety risks and transport network efficiency effects that are unresolved and potentially significant within the context of the regional significance of the immediate road network to regionally very significant public transport services (bus routes). This relates to potential inability to accommodate the size of vehicles likely to attend,

¹⁴⁶ The AUP(OP) Standard H8.6.28, Table H8.6.28.1 Performance categories describes Category E as:
“Represents conditions which are dangerous to the elderly and infants and of considerable cumulative discomfort to others. Category E conditions are unacceptable and are not allocated to any physically defined areas of the city

constrained space to manoeuvre into spaces, insufficient space to enable passing of some vehicles, poor delineation of pedestrian and vehicular zones. Reliance on management with limited management options of address capacity deficiencies. This is likely to result in queuing into Custom Street West obstruction of vehicles and queueing to get in, pedestrian – vehicular conflicts.

- **Issue 7: Noise effects** mitigation described to mitigate noise effects to M-Social for a duration of 3.5 months rely on third party approval and are outside of the control of the applicant to deliver. In this regard, effective deliverable mitigation has not been demonstrated to address the noise effects to the hotel operations. Additionally, no evidence has been provided that Kindercare are set to vacate their premises prior to planned construction commencing. At this stage there is no assessment to Kindercare for noise and adverse impacts to them and M-Social arise. These would weigh in the proportionality assessment.
- **Issue 8: Flood Natural Hazard Resilience:** No finalised flood barrier details have been provided for the development. Future effects of climate change result in flood barriers being needed within 50-70 years. The basement design requires protection including activities sensitive to and potentially sensitive to hazards. Without this detail effects of the barrier cannot be assessed, and the detail is necessary to inform a Flood Hazard Management Plan which also has not been provided. Other mechanisms have not been proposed to secure ongoing operation and maintenance of measures identified. This results in adverse future impacts that weigh in the proportionality assessment.
- **Issue 9: Infrastructure Delivery:** Wastewater capacity is insufficient to cater for the development.

Project benefits summary

545. The Applicant contends that the project will deliver significant benefits. The AEE at section 9.1, page 67-69 summarises the benefits as *“a significant improvement to the public realm and enhance the visual amenity and urban quality of the Auckland city centre. The Project will make a substantial contribution to the economic and social well-being of local communities through increased employment, investment, and urban activation. In addition, the development is expected to achieve notable transport efficiencies and greenhouse gas emissions given the proximity to key public transport hubs including the major Waitematā station, supporting Auckland’s transition to a more sustainable and connected city.”*
546. Of note key benefits (social and economic) are listed at section 9.1 of the Assessment of Environmental Effects. Setting aside economic matters considered elsewhere, with respect of the design and amenity considerations listed from page 67-69, all of these benefits as listed are generally agreed, however with the caveat that the heights of the two towers and relationship to the waterfront and harbour edge and the city form as well as the amenity effects are negative aspects that weigh against (in the proportionality assessment). In this regard the extent of benefit attributed to ‘city-making’ is not agreed (owing to the height). These are listed as benefits not as regional benefits which is

agreed. Notably some matters are localised such as heritage improvements, supporting the site activities with active modes.

547. It is agreed that the development will deliver significant improvement to the public realm and enhance the visual amenity and urban quality of the Auckland city-centre. However it is the council's position that this relates to podium level to street interface (with caveats).

Social Effects / Benefits

548. This is therefore the case for local social benefit also where local communities must also experience the negative social externalities of shade, wind and visual dominance as well as a medium-term noise and traffic disruption owing to construction. It is noted that these effects are stated to be mitigated (Section 9.13 of the AEE), however some effects will remain throughout the duration however effects will have been managed to an extent reasonable so as to enable the development.
549. The AEE further summarises the economic benefits at section 9.14 with reference to the Economic Impact Assessment. These are listed as
550. Section 12.3 of the AEE on pages 122 and 123 considers the proposal against the purpose of the Fast Track Approvals Act and considers section 22(2)(a) as a reference point for the purpose of the analysis. It is noted that s22(2)(a) are applicable nationally and therefore developing a centrally located city centre site will automatically support climate change mitigation through locating development in the most publicly accessible part of the country. Those matters not mentioned have been agreed. Those benefits not agreed are comment on as follows. However it is considered that economic benefits should be left to the Specialists to advise on, noting economic benefits are explained as assessed with a particular methodology. These are not listed below.
- Bullet point 3: partly agreed, with respect of 'The development establishes human-scale frontages, active edges, and enhanced street interfaces, creating a high-quality urban design outcome.' However benefit to the skyline and overall urban environment is not agreed.
 - Bullet point 4: partly agreed. The Council's Economic Specialist (**Annexure 3**) does not consider these would amount to regional benefit however and does not agree that retail spend would be net significant, resulting from redistribution from elsewhere. Construction benefits are also noted to be minimal and not generate a regional net impact, but supports other benefits stated.
 - Bullet point 6: is partially agreed. The transit-oriented development is agreed to support sustainable growth, reduce reliance on private car use and support transport infrastructure through land use and transport integration. Whilst this is not disputed, this describes development that is enabled across the city centre under the plan provisions. In this regard, any development within the city centre could be argued as delivering a regional benefit. This is countered by the adverse construction traffic effects on transport infrastructure. Development of a centrally located city centre site is agreed to reinforce infrastructure resilience in general terms.

551. The assessment of claimed regional benefits has been considered holistically across all adverse impact assessments and informs the tabular proportionality assessment below.

Economic Effects / Benefits

552. The AEE refers to the Applicant's Economic Impact Assessment in suggesting positive economic effect and benefit. Whilst it is agreed that a positive economic effect will result, it is understood from the Council's Economic Specialist (**Annexure 3**) that economic benefit are to be established through agreed assessment that based on the assessment provided has not been evidenced in a balance way. At this stage, with reference to the Applicant's Economic Specialist (**Annexure 3**), regional economic benefit has not been established by the Applicant.
553. The Council's Economic Specialist (**Annexure 3**) advises that the Applicant's Economic Assessment provides a brief conclusion, finding that the Downtown Carpark Redevelopment will generate significant regional economic benefits and contribute to well-functioning urban environment but advises that no conclusion is drawn in relation to the magnitude of the costs relative to the benefits.
554. The Specialist considers that the economic benefits have been materially overstated, with very limited consideration of the costs associated with the Downtown Carpark Redevelopment. Overall the assessment advises that regionally significant economic benefits have not been demonstrated and neither has it established there to be no material economic costs. The Council's Economic Specialist (**Annexure 3**) suggests that the benefits need to be recalculated on a corrected basis and that if they were t they would represent only a small fraction of the values reported. The benefits are concluded to be net beneficial to the community but would not meet the threshold of regional significance.
555. Notwithstanding the above, the Council's Economic Specialist (**Annexure 3**) would support the development on economic grounds on the basis that the project:
- “may meet the threshold for regional significance under the FTAA because there are several other noteworthy aspects of the development, including the ongoing benefits to Ngāti Whātua Ōrākei and the scale and strategic role of the substantial office capacity enabled by the project. Importantly, the building would become the tallest occupied structure in New Zealand and would be capable of accommodating a significant share of Auckland CBD economic activity. In my opinion those benefits, which are not addressed in the Economic Assessment, are material, and potentially significant.”*
556. However, given that adverse impacts are identified under Section 85(3)(a) that, under the FTAA require a proportionality assessment under section 85(3)(b), the Panel is recommended to seek greater clarity on the extent of economic benefits from the Applicant to inform a robust proportionality assessment.
557. The Council's Economic Specialist (**Annexure 3**) identifies substantial gaps in the Applicant's Economic Overview. Four points are noted as being critical to the

assessment of economic outcomes for the redevelopment and whether the FTAA threshold is met, which are not addressed in the Applicant's Economic Overview Assessment. The Panel is recommended to request further information on these matters which relate to:

- Iwi benefits
- Office market assessment;
- Baseline / counterfactual assessment
- Cost benefit analysis and externalities assessment

558. Further to this, the Council's Economic Specialist (**Annexure 3**) agrees that there will be some wider economic benefits, but that most benefits are marginal. The Applicant's Economic Assessment has not evidenced them being important or significant.

559. The AEE at section 12.3 references these 'wider economic benefits' in their benefits assessment. At this stage, the Council considers limited regional weight can be attributed to these benefits at this time, having regard the Council's Economic Specialists (**Annexure 3**) advice.

560. In this regard, the Council's Economic Specialist¹⁴⁷ (**Annexure 3**) and the Council recommends that the Panel request additional information under S67 of the Act, as set out in Section D2 Key information gaps below.

561. Having noted the above matters, even if the Panel were to accept the Applicant's assessment of regional benefits, the Council's assessment is that there remain a number of adverse impacts and potential adverse impacts that could be sufficiently significant to be out of proportion to the currently evidenced benefits.

562. Some of the potential adverse impacts of concern, relate to areas where information gaps have been identified with the Application in its current form, but could potentially be adequately avoided or mitigated subject to the further information being requested and/or conditions of consent, or the significance of the adverse impact reduced, when considered collectively with other adverse impacts.

563. If these matters can be adequately resolved, then this lessens the adverse impacts to weigh against the regional benefits. However, in the Council's opinion, a proportionality assessment will be required with respect of Landscape and visual effects and waterfront amenity effects unless changes to the design are made.

Assessment

564. A detailed assessment is provided below in tabular form.

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¹⁴⁷ Section 7.0 of the Council's Economic Assessment (**Annexure 3**). Additional construction cost estimates are not requested by the Council given the overall lack of impact on findings that would result and the identified low-risk of the matter.

Adverse impacts	Section 85 assessment
Landscape, visual and waterfront amenity effects	Significance Assessment: As noted in Council's Landscape Architect Specialist memo (Annexure 5) and Council's Urban Design Memo (Annexure 6) there is the potential for the proposed application to generate significant adverse effects associated with landscape and visual effects on the 'natural character' of the coastal environment. The architectural quality and materiality of the development as a whole is acknowledged. The podium forms and street interfaces (with the exception of the PUDO) are acknowledged to be high quality and to create a vibrant, vital piece of city and to transform a site identified for significant redevelopment opportunity. However, with reference to the Landscape Architect's memo (Annexure 5), the tower forms are concluded to be visually incompatible with existing and planned form of the city centre and not to integrate with the harbour and wider landscape setting, to reduce visual permeability between the harbour and the city through contribution of a wall effect and resulting loss of visual connections from the city centre to the harbour (notably with respect of the loss of 'air space' above the planned transition; the strong verticality of Tower 1 and the absence of positive response to the significant natural landforms of the maunga and Waitemata Harbour (recognising that the city waterfront is highly modified coastal environment)¹⁴⁸ and finally the apparent combined width of the two Towers in viewpoints from the west and lack of slenderness in these views. With regard to the Regional Policy Statement on the Coastal environment, the location of the site is not suitable in proximity to the harbour to accommodate towers of this scale. Proposal is also, with reference to the Landscape Architect not aligned with policy 13 of the NZCPS. Regional/National Benefits Considered: See Project Benefits Summary above. Proposed Conditions/Mitigation/Compensation: There is no proposed mitigation or compensation Proportionality Conclusion: Whilst there are some positive aspects of the design of the towers, having regard to the assessment of the Council's Landscape Specialist, and the significance of the departure from the existing and planned future form of the city centre, landscape and waterfront effects are a significant adverse impact. The effects could be out of proportion with the benefits of the proposal, depending on the resolution of the Economic benefits as requested by the Council's Economist
Shading of Public Spaces	Significance Assessment: As noted in Council's Urban Design Memo (Annexure 3) The development results in loss of last remaining areas of sun to public open spaces listed below in the city that are well used during the time of sunlight loss. This affects St Patrick's Square in mid-winter between 11.00 am and 12.00 pm; Takutai Square at 5.00 pm during the equinox; and Te Komititanga in mid-summer at 5.00 pm. Regional/National Benefits Considered: See Project Benefits Summary above. Proposed Conditions/Mitigation/Compensation: There is no proposed mitigation or compensation Proportionality Conclusion: Having regard to the importance of sunlight to city centre public spaces which are valuable, valued and finite resources, in the context of a growing population, the shade effects to the three public places are considered to result in significant adverse effects. This has implications for waterfront character and sense of place. The city centre and its waterfront sits at the top of the centre's hierarchy and is planned to be an international centre for business. High quality amenity in our civic spaces are needed to

¹⁴⁸ Assessment criteria H8.8.2(1)(a)(i)

	achieve these goals. These shade impacts are considered to be adverse and significant collectively.
Wind effects with mitigation	Significance Assessment: As noted in Council's Urban Design Memo (Annexure 3) the resulting wind conditions remain of concern where pedestrian amenity and public realm experience is affected. As described in Section C, the waterfront streets are busy and accommodate significant pedestrian numbers. The City Centre Masterplan (2020) seeks to establish Quay Street as a 'world class edge boulevard'. Pedestrian experience with respect of wind has the ability to undermine this goal. The waterfront is described as critical to the identity and character of Auckland and the City Centre. The Quay Street / Lower Hobson Street corner is described by the Council's Landscape Architect (Annexure 5) as being of maritime character significance. A reasonably high level of pedestrian amenity is anticipated in the context of the regional importance of these spaces to Auckland's sense of place. Furthermore, the streets surrounding the proposed development provide pedestrian connection between the Viaduct Harbour and Britomart and the city core. In this context, wind effects that exceed the generally anticipated levels for the intended function of pedestrian movement have significance. The extent of wind effects to the entrance of the development near the intersection of Quay Street and Lower Hobson Street, within Sturdee Street Park and along Custom Street West result in adverse impact. Regional/National Benefits Considered: See Project Benefits Summary above. Proposed Conditions/Mitigation/Compensation: The proposed mitigation achieves the level of wind effects that remain of concern. Proportionality Conclusion: These adverse impacts individually potentially would not be out of proportion to the benefits of the proposal (noting economic benefit is still to be evidenced). However, would be considered together with the other adverse impacts resulting and considered against the benefits of the proposal.
Wind effects without mitigation or reduced mitigation	Significance Assessment: As noted in Council's Urban Design Memo (Annexure 6) the resulting wind conditions remain of concern where pedestrian amenity and public realm experience is affected. The significance of the surrounding streets is described above. In summary pedestrian amenity and quality is of regional importance. In this context, wind effects that exceed the generally anticipated levels for the intended function of pedestrian movement have significance. The extent of wind effects to the entrance of the development near the intersection of Quay Street and Lower Hobson Street, within Sturdee Street Park and along Custom Street West result in adverse impact. As noted in the 'Information gaps' section below, there is doubt as to the feasibility of critical wind effect mitigation relative to the Quay Street / Lower Hobson Street corner location. Without this being resolved, there is the possibility that the intersection described above, and the entrance to the development to the north of Lower Hobson Street would result in wind conditions regarded as unacceptable and unsafe. Safety gust speeds could also be exceeded in these locations. In the context of the regional significance of the development, the Applications reliance on pedestrian connectivity enhancements as a significant benefit and the degradation that would result, this is considered a potentially significant impact. Regional/National Benefits Considered: See Project Benefits Summary above.

	Proposed Conditions/Mitigation/Compensation: Further information is recommended to evidence that all mitigation tree planting (as wind tunnel tested) is feasible in accordance with the Information gaps requested below). Proportionality Conclusion: These adverse impacts have the potential to be significant and could be out of proportion to the benefits of the proposal (noting the lack of evidenced economic benefit as described by the Council's Economic Specialist (Annexure 3). However any adverse impact would be considered together with the other adverse impacts resulting and considered against the benefits of the proposal.
Noise effects	Significance Assessment: Mitigation described to reduce noise effects to M-Social hotel for a duration of 3.5months rely on third party approval and are outside of the control of the applicant to deliver. In this regard, effective deliverable mitigation has not been demonstrated to address the noise effects to the hotel operations. Additionally, no evidence has been provided that Kindercare are formally set to vacate their premises prior to planned construction commencing. At this stage there is no assessment of Kindercare operations for noise. No details of construction methodology or mitigation with respect of infrastructure works. Wastewater options would likely require significant additional sensitive receptors to be identified and assessed. Scale of properties / level of sensitivity / duration / timing extent of potential exceedances not known. Regional/National Benefits Considered: See Project Benefits Summary above. Proposed Conditions/Mitigation/Compensation: There is mitigation proposed generally for the development to manage noise effects to sensitive receivers. However as noted above, some mitigation cannot be relied on. No conditions or mitigation relating to infrastructure provision. Would need to make clear no options are being consented. However this puts risk to delivery. Proportionality Conclusion: Adverse impacts to both properties arise. Both business operations would be affected. Owing to lack of resolved wastewater design – the extent of potential effect varies considerably. Insufficient information to consent a variety of feasibility options. These impacts weigh collectively in the proportionality assessment.
Flood Natural Hazard Resilience	Significance Assessment: The proposed development is designed with a basement to accommodate within its basement approximately 463 cars. It is designed to accommodate diesel storage tanks, restaurant back of house and back up infrastructure to support the development which would be at risk in a climate event within the next 50-70 years. The building must be designed to accommodate the necessary flood barrier infrastructure to support its resilience to climate change. No finalised flood barrier details support this application. Flood / coastal barriers must be assessed to ensure they do not cause adverse effects. Additionally, the operational needs and maintenance requirements are needed to inform appropriate Flood Hazard Management Plan. The Hazardous Substances Specialist (Annexure 20) and Development Engineer (Annexure 11) have requested FHMP to mitigate and manage natural hazard risk. Whilst this can be secured by condition, the flood barrier details are needed to inform an appropriate condition. Given the scale of development, the number of vehicles it can contain, the future risk of diesel leak and risk to building functionality this is needed to reach a conclusion on the residual risk.

	Regional/National Benefits Considered: See Project Benefits Summary above. Proposed Conditions/Mitigation/Compensation: Whilst an appropriately worded FHMP would be acceptable, flood barrier details are needed to understand its potential effects, its functionality, maintenance and operational requirements to inform condition drafting. Proportionality Conclusion: Owing to the scale of the development, the number of vehicles accommodated, risk to diesel spill and the environment and less than 100 year timeframe for its need, the adverse impact are high in the proportionality assessment. Without properly drafted conditions informed by this information residual risk is very high and anticipated in 50-70 years.
Demolition and Construction effects	Significance Assessment: The regional significance of the public transport function that the surrounding streets of the development site are explained in the Auckland Transport memo (Annexure 1). The significant number of bus routes, in and out of service circulation and bus passengers carried in the surrounding streets, makes the network a critical piece of regional city infrastructure. Whilst the information gaps and disagreement have reduced, there remain some significant differences between the Applicant and Auckland Transport. - modelling of the traffic effects of the closure of the Custom Street West vehicle access to the service lane, on bus lanes and bus operations on Quay Street; - Construction staging capacity evidence in particular for the basement construction stage; - Updated assessment owing to the new access arrangement of the management of the Lower Hobson Street access ; - Further information in particular regarding the construction traffic effects of the stormwater infrastructure installation works; - Transport comments with respect of the wastewater feasibility options and their transport effects. As such, the proposal in its current form presents a risk of significant adverse impacts. Regional/National Benefits Considered: See Project Benefits Summary above. Proposed Conditions/Mitigation/Compensation: The current wording of the proposed CTMP is considered to be inadequate for the complexity of the construction site arrangements and the adjacent road and public transport network. A significant number of amendments are recommended by Auckland Transport to: i. Provide more objectives linked to maintaining site accesses, performance of intersections and function of bus lanes and services; ii. Strengthened language to avoid network impacts identified as unacceptable to public transport network operation by Auckland Transport iii. Secure additional information where currently lacking iv. Limit maximum HCV movements per hour as per the proposal; v. Additional management requirements; vi. HCV restrictions to avoid cumulative network effects vii. Restrictions to light vehicle access viii. Avoid left turn from Sturdee Street into Custom Street West The summarised amendments reflect the current lack of detail and certainty of mitigation in the current CTMP wording. The current CTMP wording is not effective in managing adverse construction impacts sufficiently in this constrained part of the network. There is inadequate information to allow an assessment of effects or determination of necessary management/mitigation measures to be undertaken. This coupled with /in the absence of the Applicant's response on recommended condition amendments means a clear

	conclusion cannot be reached. Proportionality Conclusion: The scale of adverse impacts presents a risk of significant adverse effects, and if unresolved, in combination with other adverse impacts could be out of proportion with the benefits of the proposal.
Operational traffic effects of the PUDO design and management on the safe and efficient operation of the transport network	Significance Assessment: The regional significance of the public transport function that the surrounding streets of the development site are set out in the Auckland Transport memo (Annexure 4). The significant number of bus passengers carried in the surrounding streets, makes the network a critical piece of regional city infrastructure. As assessed in the Auckland Transport memo (Annexure 4), the proposal has the potential to generate adverse impacts on the safety and efficiency of the surrounding roading network. The potential safety impacts pertain to the constrained design of the proposed hotel pick up and drop off facility on Custom Street West being too small for its intended purpose or to accommodate the demand; its design encouraging reverse manoeuvres over the footpath in an extremely busy location where defined pedestrian and vehicular zones are unclear; congestion causing queuing into the road and the vehicle crossing geometry and proximity to intersection adversely influencing driver behaviour. Pedestrian safety owing to potential conflict with vehicles is considered an impact resulting from the current design. Auckland Transport consider the management measures proposed to have limited ability to resolve design limitations of the designated drop off bay and that management of driver behaviour using an under-capacity facility is potentially challenging. Adequacy of the design of the PUDO to delineate between pedestrian and vehicle areas is also raised as a pedestrian amenity concern by Council's Urban Design Specialist (Annexure 6). If unresolved, these design and operational impacts have the potential to be significant in terms of the safety and efficiency of both the local and wider roading networks and the safe, effective and efficient operation of the regionally significant bus network. Regional/National Benefits Considered: See Project Benefits Summary above. Proposed Conditions/Mitigation/Compensation: The outstanding concerns relating to traffic safety and network efficiency, function and performance in the immediate vicinity of the site would be best resolved through design modifications prior to a decision to enable the resolved design to inform the Hotel Pick Up Drop Off Management Plan (PUDOMP) requirements. Proportionality Conclusion: Adverse impact could be out of proportion to benefits, owing the regional importance of the immediate network to accommodate the bus interchange function effectively. The scale of adverse impact would be reduced through updated design and further measures to manage the operation of the PUDO.
Infrastructure capacity and provision	Significance Assessment: Regional/National Benefits Considered: See Project Benefits Summary above. Proposed Conditions/Mitigation/Compensation: Proportionality Conclusion: Adverse impact could be out of proportion to benefits, owing the regional importance of the immediate network to accommodate the bus interchange function effectively. The scale of adverse impact would be reduced through updated design and further measures to manage the operation of the PUDO.

SECTION D2: Key information gaps

565. The following table identifies residual information gaps that remain. The Council considers that this information is necessary prior to determination and recommends that the Panel request responses to these matters below from the Applicant.
566. The Panel is advised that this table collates comments by topic or issue rather than provide individual comments from each specialist. This does not include all requests made by the Specialists and CCOs within their memos but focusses on the key information gaps in my overall assessment.
567. The Panel is advised that the information gaps below also reflect the fact that Auckland Transport have recommended condition amendments that address information gaps identified in Section 8.0 of their memo (**Annexure 4**).
568. In addition, the Council's Economic Specialist (**Annexure 3**) requested further information regarding construction cost data and an assessment of the externalities associated with the proposed development. However for both, decision making risk was identified as low and that improved construction cost data would improve the quality of the assessment but would be unlikely to change the findings. In the interest of proportionality, noting the low risk and lack of material impact on decision making I have not included this in the table below. Whilst the absence of a Cost Benefit Analysis is identified as low risk, this is an exception and for the reasons given by the Specialist, this is requested.

Information gap	Nature of deficiency	Decision-making impact	Risk / uncertainty created
Economic Assessment Information Gaps			
Economics: Quantification of the Benefits for Ngāti Whātua Ōrākei	Potentially Ngāti Whātua Ōrākei will derive a significant benefit from the proposed development, which will in turn support its ability to meet the needs of its members. In past FTAA applications, approval has in part been influenced by findings that significant benefits to iwi are an important factor in assessing whether a project is of regional or national significance. While the precise financial value of this benefit may be commercially sensitive, it may strengthen the application if the Applicant's Economist could provide an estimate of the rough order of magnitude via an indicative	Providing this context would help the Panel understand the significance of the development for Ngāti Whātua Ōrākei and its members, and potentially the region.	High It is clear that considerable economic benefit will be delivered to Ngāti Whātua Ōrākei. This is a key economic benefit being relied upon by the Council's Economic Specialist (Annexure 3) in providing their support under the FTAA and in concluding that regionally significant economic benefit is likely. As a proportionality assessment will be required to be undertaken against the impacts of the proposal, provision of the

Information gap	Nature of deficiency	Decision-making impact	Risk / uncertainty created
	assessment, without breaching confidentiality.		additional assessment would helpfully inform the extent of significance for Ngāti Whātua Ōrākei and the region forming part of the Applicant's case.
Consideration of the baseline and/or the counterfactual to establish net economic benefits	The Economic Assessment only provides gross economic benefits, which does not account for the fact that the site can accommodate most of the development (Plan Enabled) even without FTAA approval, and also that some of the proposed capacity could be accommodated elsewhere in Auckland without FTAA approval. That is, regardless of the FTAA approval, it is likely that most of the activity measured in the Applicant's Economic Assessment will occur anyway, although under most other development options would not result in benefits accruing to Ngāti Whātua Ōrākei and its members. It would be beneficial to provide an estimate of the net benefits, as the gross benefits are not helpful for assessing either whether the activity is regionally significant or if the benefits outweigh the costs.	The gross benefits are not helpful for assessing either whether the activity is regionally significant or if the benefits outweigh the costs. The Council's Economic Specialist (Annexure 3) advises at section 6.3 point 2, that the Economic Assessment assumes that 'all demand accommodated within the Downtown Carpark Redevelopment represents net new activity to the Auckland and New Zealand economies'. This assumption is stated to be unrealistic. The Council's Economic Specialist (Annexure 3) advises that 'it is highly probable that, in the absence of Downtown Carpark Redevelopment, a substantial proportion of this demand would be met through alternative developments elsewhere in Auckland or even within the large amount of existing vacant space within the CBD'. It is noted by the Economic Specialist that this was a key concern for the Panel for the Sunfield FTAA.	High <i>"By presenting the proposal in isolation, without properly accounting for the likely counterfactual scenario, the Economic Assessment overstates the economic impact. A credible evaluation of regional significance requires consideration of displacement and substitution effects, not simply the gross level of activity associated with the project."</i> <i>The counterfactual assessment ensures a robust economic assessment informs the regional economic benefits conclusions and ensures a robust proportionality assessment.</i>
Office Market Assessment	The Economic Assessment has not provided sufficient detail on the market in the local area or considered the nature of supply proposed in the development. An assessment of the demand and supply should provide an understanding of the nature of the proposal and the potential outcomes.	This information would provide an understanding of the implications for the market is required, both in terms of scale of office activity accommodated on the site and potential impacts for the rest of the CBD.	High The strategic role of the substantial office capacity enabled by the project is noted by the Council's Specialist as potentially meeting the FTAA

Information gap	Nature of deficiency	Decision-making impact	Risk / uncertainty created
		Refer to comments in the righthand column also.	threshold for significant economic benefit¹⁴⁹. At present, this is not presented in the Applicants assessment and therefore undermines the Applicant's Economic benefits case. This could in combination with Mana Whenua benefits secure the 'regional economic benefit'
Cost Benefit Analysis (CBA)	The Economic Assessment adopts an economic analysis methodology based on input-output multipliers, which does not account for the relevant costs, including opportunity costs and externalities. Applying a CBA framework would materially reduce the estimated benefits, as future economic activity is discounted relative to activity occurring today.	A cost-benefit analysis (CBA) provides a formal structure that explicitly incorporates both costs and benefits, thereby reducing the risk of omitting costs or overestimating benefits. In national and regional evaluations of large or significant policies and investments, it is also common practice for economists to incorporate externalities in order to provide decision - makers with a comprehensive understanding of whether the costs outweigh the benefits. This is typically undertaken using a Cost –Benefit analysis (CBA) framework. Applying such an approach would assist in assessing, under the FTAA , whether the costs of a proposal are disproportionate to its benefits (s 85(3) "out of proportion" assessment).¹⁵⁰	Low Whilst risk is identified as low, for the reasons given by the Specialist, and as advised, to inform the proportionality assessment, this is requested.
Amenity Assessment Matter			
Shading assessment that does not identify shade attributable to specific infringed built form standards	The shading assessment does not provide a comparative assessment identifying the incremental shading effects generated by the additional upper-level bulk of the proposal.	This information is required to fully demonstrate the extent to which the additional upper-level massing contributes to shading effects.	Low Whilst this information would enable proper conclusions to be drawn regarding Policy H8.3(30), it has already

¹⁴⁹ Section 6.7 of the Council's Economic Assessment (**Annexure x**)

¹⁵⁰ Section 6.2 of the Economic Assessment (**Annexure x**)

Information gap	Nature of deficiency	Decision-making impact	Risk / uncertainty created
	While the applicant has noted that some of the identified shading effects on nearby public spaces arise from parts of the building not above the HEHCP, the material provided still does not fully demonstrate the extent to which the additional upper-level massing contributes to shading effects.	It is generally considered that this information is necessary to enable a proper assessment of the effects of an infringement, to ensure the effects of the development are known. The absence of the information makes it difficult to identify what infringing parts of the development cause the shade, undermining the ability to clearly apply policy H8.3(30)(d) which seeks to: <i>"Manage adverse effects associated with building height and form by managing the scale, form and design of buildings to avoid adverse and / or amenity effects on streets and public open space."</i>	been concluded by the Council Specialist that shading effects have an adverse effect. As noted in the left-hand column, the lack of this comparative shading analysis undermines the ability to inform how successfully the building height and form has been designed to 'manage' adverse effects of shading on streets and public open space.
Infrastructure Servicing			
Adverse construction traffic effects relating to infrastructure extensions	No information is provided to confirm what the final or preferred solutions are for the installation of the public wastewater network in order to service the subject site, including how this relates to the management of any construction related impacts and associated management measures upon the transport network. Auckland Transport consider that a preferred solution should be assessed by the Applicant's Transport expert to confirm whether the undertaking of any infrastructure works would result in any additional impact(s) upon the surrounding transport network, including potential delays to buses and ability to maintain pedestrian access along the site's frontage. Auckland Transport (Annexure 4) advise that their preferred option is option 3 owing to the	No ability to consider whether the proposed management mechanisms are suitable for the intended works to be undertaken or whether this may materially impact delays to buses, noting that some of the options involve proximity to the Lower Albert Street bus interchange accommodating the NX1 and western shore buses. Ultimately, Auckland Transport (Annexure 4) consider it to be unclear whether additional principles and measures are required within the CTMP to avoid, remedy, or mitigate adverse impacts. The extent of adverse effects on the road network owing to extended construction duration, and the potential for additional road closures is not quantified. Would night time works be proposed reducing traffic effects but worsening	Medium Given (for stormwater) the indicative pipe locations this has implications for key bus routes (Custom Street West) and construction programing for the development (Lower Hobson Street). Wastewater options are not resolved but involve extensive works within critical bus service corridors. The uncertainty of information has implications for various adverse effects assessments (such as noise) / contamination / earthworks.

Information gap	Nature of deficiency	Decision-making impact	Risk / uncertainty created
	least impact on the transport network. There is no resolved wastewater servicing solution agreed by the relevant asset owners.	noise effects – this will influence the overall construction impacts of the development. No construction hours	
Wastewater: Watercare considers the proposal raises important wastewater servicing matters that require resolution to ensure the ongoing performance, resilience and protection of the public network.	Watercare consider that a feasible wastewater upgrade option can be secured prior to engineering approval. Continued collaboration with Watercare to confirm appropriate servicing solutions and associated conditions is stated to be necessary to achieve the outcomes required to enable the redevelopment of the Downtown Carpark. Watercare have advised that they do not support Options 2 and 3 as detailed in Appendix 19 of the application.	Watercare recommends that any decision made by the expert panel protects the public water and wastewater networks from adverse effects arising from increased demand and constrained downstream capacity. To achieve an agreed option that is feasible further information will be needed to address Auckland Transport concerns, consider other consenting matters that may be triggered (contamination). Meetings are recommended including to understand Watercare's position that Option 3 is not viable.	Refer to above regarding Auckland Transport concerns. Without serviceable wastewater network the development cannot be supported. There is an option 3 proposed (on-site waste water tanks) that could act as an interim solution in the event that a resolved solution is delayed. This could reduce risk however Watercare do not support this option.
Noise and Vibration Assessment and Schedules not provided with respect of the infrastructure works	Further to the above, no information is provided relating to the construction noise and vibration effects of works within the road corridor to install infrastructure services. The stormwater network is known and construction approach to inform traffic assessment) would enable this assessment to be made also. No Schedule relating to infrastructure works in the road is included in the CNVMP.	No assessment of the potential noise and vibration effects, duration or specific equipment use to inform possible mitigation measures. Could result in additional noise and vibration infringements relating to finalised options not considered and impact on different sensitive receptors to those identified. Additional unquantified noise effects potential for some receivers depending on the option chosen.	Medium Increased and unmitigated noise and vibration effects that cannot be quantified to consider in the proportionality assessment.
Wind Mitigation Tree design parameters (species selection, form, and soil volume justification) not resolved. Feasibility of proposed street tree planting the three	The proposal does not clearly justify the suitability of the proposed species and form (including single vs multi-stem) in relation to the constrained 15–20 m³ soil volume or demonstrate alignment with Auckland CoP for Land	The inability to conclude on the matters identified as deficient, prevents confirmation that the design is achievable / whether one or more trees can or cannot be planted.	High Risk of service clashes, design rework, increased costs for asset owner / Applicant, or inability to implement proposed tree locations as designed.

Information gap	Nature of deficiency	Decision-making impact	Risk / uncertainty created
proposed adjacent mature trees proposed to be planted on the corner of Lower Hobson Street and Quay Street (road reserve) and within the site at 196-200 Quay Street. Asset owner support not clear – planned future public realm improvements (Auckland Transport) cited as a potential risk. Further, with reference to Auckland Transport memo, the ability to rely on the canopies along the Hobson Street frontage are advised by Auckland Transport to rely on third party approval (encroachment license). In this regard, there is no ability to rely on that mitigation	Development and Subdivision Chapter 7 expectations for large canopy trees. The applicant's S67 Response¹⁵¹ has confirmed that only a desktop review was undertaken regarding the planting of the four Pohutukawa trees. The response has confirmed that the potential tree pit volume will be between 15m³ and 20m³. The total volume of soil or growing medium that a tree has, will ultimately determine a tree's final size and life span. If the volume is restricted, this will also restrict a tree's potential size and the benefits it provides. Determining if the volume being allocated is sufficient is dependent on what the purpose of the planting is and what is trying to be achieved. The ability to plant trees of this size in this location is dependent on whether there are any underground obstructions or existing or proposed services. At present there are both stormwater and wastewater connections in the vicinity of these trees. It is not clear from the information provided if there is a conflict, whether utility relocation or protection measures have been confirmed with relevant service providers. There is no evidence that three 6-8m Pohutukawa trees are able to be planted on private land outside of the control of the Applicant. Owing to the requirement for these trees to deliver ongoing wind mitigation, there is a need for details of the on-going	The information gaps prevent confirmation that tree installation is feasible without conflict with existing or future service infrastructure. The confirmed tree pit / planter capacity will directly inform the ability to achieve the intended canopy performance, longevity, and functional outcomes (within the road reserve, in accordance with the Urban Ngahere Strategy – but this is applicable to the three proposed private trees). The absence of this detail reduces the ability to rely on the proposed wind mitigation without evidence that they can physically reach the size wind tunnel tested, they can legally be planted, and if they can be relied upon to remain and be replaced over the life of the development. Based upon the current volume of the planting pits, the trees are unlikely to attain a natural full mature canopy spread and size, compared to a tree with an unrestricted growing environment. The inability to rely on proposed and tested wind mitigation results in the 'with mitigation' wind results unable to be fully relied upon.	Risk of premature decline, reduced structural stability, and failure to deliver intended amenity and environmental function. Risk of ongoing maintenance and replacement. Risk that the wind tunnel tested mitigation is not achievable at all, or significantly less than reported. Undermines the ability to rely on the 'with mitigation' wind effect results and risks 'unacceptable and unsafe' wind categories resulting. There are numerous examples in the city centre where proposed tree planting has been found to be unfeasible at the detailed design stage and mitigation or replacement planting elsewhere has been required. If constraints are not clearly identified prior to a decision being made, the extent of adverse wind effects could be considerably greater than the tested wind results (which are already not appropriate in places for their intended purpose). That consent be granted and mitigation cannot be achieved – uncertainty that alternative mitigation can be achieved. That would result in

¹⁵¹ Section 67 Request for Information, prepared on behalf of Warren and Mahoney Architects, dated 2 April 2026 (Item 23)

Information gap	Nature of deficiency	Decision-making impact	Risk / uncertainty created
	maintenance and replacement strategy. No details of what legal or other mechanism is proposed to ensure the ongoing legal protection of the proposed private trees, owing to the reliance on these as significant wind mitigation. No information as to the resulting wind effects if tree planting and the canopy to Lower Hobson Street cannot be achieved.		unacceptable comfort and safety effects for pedestrians.
Flood barrier design details and maintenance strategy	The Development is subject to future coastal inundation that will require a flood barrier to prevent basement flooding within the next 100 years. Activities potentially sensitive to natural hazard are accommodated in the basement. In the event of flood barrier failure or an exceedance event, water will enter the basement. Final designs of coastal protection structures must have their potential effects assessed. Without a final design, that assessment cannot be completed. Proposed plan change 120 provisions seek for all remaining ad	Coastal protection must be designed (E36.3(12C)) to avoid: (a) undermining; (b) erosion; (c) settlement; (d) movement or dislodgement; (e) failure; (f) piping or hydraulic pumping of fine material or backfill. Without the finalized flood barrier details this cannot be concluded upon.	Medium The finalized barrier design and assessment needed to resolve the matters listed in the left column, would inform the wording of suitably worded conditions associated with ongoing maintenance and operation of the barrier, linked to a Flood Hazard Management Plan.
Transport Matters			
Hotel pick up and drop off design (and location) and how its design coupled with its location will affect the safe operation of the adjacent transport network	The proposed design of the crossings and the constrained capacity of the PUDO and associated effects this would have on the operation of the network, given the anticipated demand on the PUDO and its very limited capacity. It has not been satisfactorily resolved how all possible movements of vans have been tracked (e.g. the Sprinter and	The design is unresolved with respect of pedestrian and vehicular safety and whether the Hotel PUDO provides for sufficient delineation between pedestrian and vehicular priority measures. Unable to confirm whether all vehicle / van types that service airport transfers can operate efficiently without the vehicle	High risk. The design of the PUDO and its ability to accommodate the necessary vehicles numbers will impact its effective operation, which in turn will impact on the effectiveness of any management proposals.

Information gap	Nature of deficiency	Decision-making impact	Risk / uncertainty created
	trailer, which is typically used by Airport shuttles) when turning left into the Hotel PUDO. Additionally, whilst a partial response was provided, there remains a lack of information to understand pedestrian / vehicular delineation and how vehicle movements would be separated from pedestrian movements from the proposed "Urban Room" and footpath along Customs Street West at the Hotel PUDO (Section 4.11). It is further noted that this pedestrian safety detail has also been requested from the Council's Urban Design Specialist (Annexure x) and is supported by the Council's Landscape Architect (Annexure x).	remaining stuck within the PUDO and creating a queue. As a result the extent of adverse impacts on the safe and efficient operation of the transport network is unclear.	If misused or ineffective this is likely to increase the extent of misuse and potential for pedestrian and vehicular conflicts.
Hotel Pick Up and Drop Off Management Plan (HPUDOMP) - adequacy	Design and operational concerns remain that the HPUDOMP will be ineffective. Details have been requested in relation to what additional mitigation measures could be implemented on-site, outside of those already put forward by the Applicant, to suitably avoid, remedy, or mitigate adverse impacts upon the surrounding transport network associated with the proposed Hotel PUDO. The Applicant has agreed¹⁵² to additional objectives being added to the Management Plan as set out in the S67 Transport Response which is welcome. Additional information relating to what additional 'Measures to encourage high turnover of the pick-up and drop-off area' are available is requested.	The part of the proposed condition as noted in the left column as 'measures to encourage high turnover' are the key measures to ensure effective operation. These should be listed from the Draft PUDOMP and additional measures should be identified.	There is a high risk that the adverse impacts associated with the use of the Hotel PUDO cannot be suitably managed through the implementation of the HPUDOMP. This is particularly taking into account the constrained 2 car park PUDO is small in dimensions and space for vehicles in comparison to PUDOs at other hotels in Auckland. The assessment at paragraphs 8.58 – 8.59 of the Auckland Transport (Annexure 1), Appendix 2 Report are referred to in this regard. Notably moving vehicles on is potentially difficult for staff to manage, circulating around the block may be required multiple times owing to

¹⁵² S67 Response, Addendum Transport Response prepared by Flow Transportation Specialists, page 7

Information gap	Nature of deficiency	Decision-making impact	Risk / uncertainty created
			frustration and increased likelihood of illegal drop off elsewhere and obstruction of the safe operation of the transport network (including pedestrian movements).
Closure of access to the existing service lane to Aon and HSBC buildings from Custom Street West. No effects assessment has been provided nor details of the closure duration. The existing servicing and loading demands for these properties is not presented. Detail of how access to these properties is to be managed during construction and demolition. An assessment of the effects of the closure on the operation of the transport network has not been provided.	The S67 Transport Response considered that an assessment was not required of the effects of traffic diverted to the Quay Street access as this has already been assessed for the operation of the site, which has larger traffic volumes. Auckland Transport¹⁵³ agree that an assessment has been undertaken of the Quay Street access for the <u>operation of the project</u>, but that assessment is based on a traffic distribution that allows access from both Customs Street West and Quay Street. The closure of the Customs Street West access will mean that vehicles that turn left into Customs Street West would have to turn right from the Quay Street bus lane into the service lane. This would significantly increase the number of right turning vehicles from the Quay Street bus lane from that assessed for the project operation as summarised as follows: a) Right turn movement from Quay Street into the service lane in the operational modelling is 1 and 2 vehicles in the AM and PM peaks respectively. b) Left turn into the service lane from Customs Street West is	Having regard to the comments regarding the deficiency, Auckland Transport note¹⁵⁴ the significant increase in traffic flows that will be turning right from the Quay Street bus lane. Auckland Transport consider that an assessment of the effects of the closure of the Customs Street West service lane access is required to understand the potential effect on the bus lane and buses. Details of the duration of a closure of the Customs Street West access are also required to understand the scale of effect that could occur on the buses using the bus lane.	Medium risk The duration of the closure of the Custom Street West service lane access will influence the level of risk. The lack of assessment means that the effect on the operation of in service and out of service bus operations is not known. It is understood that there are approximately 500 car parking spaces within the Aon and HSBC buildings that would all also enter from Quay Street adding to the right turn movement from bus lanes. The effect of this on bus operations is not known. Given the regional significance of the bus network operations circulating the site it is recommended that the effect of this is necessary to understand the overall adverse construction effects on the bus network.

¹⁵³ Auckland Transport (Annexure 1), Appendix 2 (Progressive Transport Solutions) Memo, paragraph 4.87

¹⁵⁴ Auckland Transport (Annexure 1), Appendix 2 (Progressive Transport Solutions) Memo, paragraph 4.88

Information gap	Nature of deficiency	Decision-making impact	Risk / uncertainty created
	forecast to be 165 and 86 vehicles in the AM and PM peaks respectively during the construction phase, which would be diverted to the right turn in from Quay Street during the closure of the Customs Street West service lane access.		
Construction Staging Capacity Evidence missing No information has been provided to validate that the safety zones / indicative plant locations, including crane positions, are not going to result in need for additional space, and resulting road closure(s), to enable the required construction.	Particular concern was identified in the scenario where basement construction was to be undertaken, where it was unclear whether the crane could be positioned within the basement or would have to be located elsewhere	Extent of impacts associated with the surrounding transport network in terms of impacts to buses and pedestrians has not been suitably established. Not evidenced that sufficient loading and construction staging space is provided to accommodate this development with its limited staging areas.	Medium It is not clearly evidenced, given the concerns over the limited construction staging space available, to accommodate cranes as well as the forecast number of heavy vehicle movements without requiring additional road closures. Additional road closure could lead to significant adverse transport network effects and the operation of the regionally significant bus network.
Insufficient information to understand how the access beneath the Flyover to Lower Hobson Street will be managed. This includes trucks that need to reverse into Lower Hobson Street from Custom Street West and how they will be managed in regards to the revised pedestrian crossing location Further to the above, it is unclear whether the loss of the originally proposed loading space along Customs Street West will result in any material impact to the proposed loading programme.	In the context of constrained construction staging area and as a result of the revised pedestrian crossing location, Auckland Transport have requested details relating to the extent to which this pedestrian access arrangement will affect the potential queuing of HCV back into the Sturdee Street bus lane should semi-trailers require entry into the constructions staging area where they have to wait to be clear of any pedestrians in order to reverse into any identified loading space(s). This would require a considerable increase in the management of this space to ensure that pedestrian safety is maintained alongside avoiding potential queuing of trucks back	The extent or degree of significance of adverse impacts associated with this stage of the construction scenario, when there is no space contained within the subject site for HCV to turn around and manoeuvre has not being clearly addressed and therefore it is not possible to confirm if the approach to managing impacts on the safe and effective operation of the bus network and pedestrian safety is suitable¹⁵⁵. In this regard, an understanding of the operational and space requirements, implications of the loading strategy is needed to understand if the proposed management will be effective.	High The updated assessment is necessary when there is no access to the Downtown Car Park site from the Lower Hobson Street frontage as trucks and semi-trailers would not be able to turn around within Lower Hobson Street without first turning onto the pedestrian crossing and reversing into the site. When there is no ability to turn around trucks within the site, the revised pedestrian crossing location would require a greater level of coordination with truck arrivals and the operation

¹⁵⁵ Annexure 4 Para 7.13(a)(i) of Auckland Transport memorandum

Information gap	Nature of deficiency	Decision-making impact	Risk / uncertainty created
	into the adjacent network to mitigate impacts on the adjacent bus network; If the flexibility for the use of the lefthand movement from Customs Street West is still sought or required (an amendment to the CTMP condition is recommended to prohibit this movement) it is unclear how the interface with the pedestrian accessway and operation of the loading area is to operate in a way that would not inadvertently give rise to increased impacts upon the operation of the adjacent bus lane and other pedestrians. This may result in inefficiencies through the management of the construction staging area, noting increased times would likely result from the larger trucks having to reverse into the space along Lower Hobson Street.		of the pedestrian crossing, This increases the risk that trucks could impact buses in the Lower Hobson Street bus lane, and there is likely to be greater impact on pedestrians¹⁵⁶

SECTION D3: Key Findings

569. A number of adverse impacts have been identified in the Council's reporting, which either will be weighed against the project benefits, can be addressed adequately through conditions of consent, or which may be reduced through provision of additional information and conditions of consent. These measures would reduce the cumulative adverse impacts to weigh against the benefits in the proportionality assessment.

570. The Council's assessment has identified the adverse impacts that potentially may meet the section 85(3) threshold, individually and collectively (i.e. where the adverse impacts could be significant to be out of proportion to the regional benefits, even after taking into account mitigation etc). Those are listed in Section D1 above.

1. Landscape and Waterfront Amenity Effects
2. Shading effects
3. Wind Effects with mitigation

¹⁵⁶ Auckland Transport (Annexure 4), Appendix 2 (Progressive Transport Solutions) Memo, paragraph 4.24, page 12

4. Wind Effects if Mitigation is not feasible or deliverable
5. Construction Traffic Effects
6. Public Realm Design and Operational Road Safety and Network efficiency effects
7. Noise effects
8. Flood Natural Hazard Resilience

Section 85(4) consideration

571. The assessment has considered that the identified adverse impacts cannot be found to meet the section 85(3)(b) threshold solely because they are inconsistent with provisions of specified Acts or other documents. The proportionality assessment is based on the substantive significance of impacts relative to benefits, not (for instance) mere policy inconsistency.

Relevance of information gaps to assessment

572. The identified information gaps (detailed above) create uncertainty in the assessment.
573. Some of the adverse impacts identified above may not meet the section 85(3) threshold should the information gaps identified be addressed and adequate information provided in response. As such, the information gaps are fundamental to reaching a conclusion that regional economic benefits are provided and also fundamental to reach a clear conclusion as to the overall significance of the adverse impacts when considered together. It is suggested that these matters require resolution to ensure a clearly informed proportionality assessment between the benefits and the adverse impacts.

Recommendation and Conclusion

574. Based the Council's assessment, a recommendation for the proposed Application cannot be made at this stage, on the grounds that there is insufficient information to reach a final position.
575. The Application is concluded to generate significant adverse impacts in respect of the matters listed above that collectively could be out of proportion to the project's benefits (of which the regional economic benefits are currently not sufficiently evidenced by the Applicant¹⁵⁷). This is accounting for proposed conditions and mitigation. The identified information gaps are, however, such that a conclusion cannot yet be reached on whether this would be the case.
576. Other identified potential adverse effects could be adequately resolved through additional conditions of consent.

¹⁵⁷ Council's Economic Assessment (Annexure 3)

577. The assessment has been made in accordance with the FTAA. In particular, the assessment has had regard to all matters identified through the section 81(2) process and has been guided by the statutory purpose of the FTAA to facilitate infrastructure and development projects with significant regional or national benefits. While that purpose directs decision-makers to place greatest weight on enabling such projects, it does not override the requirement to assess whether adverse impacts are sufficiently significant to outweigh those benefits.
578. The Council's position at this stage is considered to be consistent with the purpose of the FTAA, which is to enable significantly beneficial projects, not those where adverse impacts are so significant as to outweigh the benefits.
579. Consideration has been given to the purpose and principles in sections 5 (Purpose), 6 (Matters of national importance) and 7 (Other matters) of Part 2 of the RMA. In doing so, we have taken into account that the RMA's purpose is afforded lesser weight than the FTAA's purpose (in section 3, FTAA).
580. It is the Council's assessment that the proposal has not yet demonstrated that it can meet the purpose of the RMA which is to promote the management of natural and physical resources.
581. Having regard to the preferred framing of the Council's Landscape Architect's (**Annexure 5**) assessment and conclusions, the proposed tower heights represent inappropriate development and does not preserve the 'natural character' of the coastal environment and protect it from inappropriate development and could be considered inconsistent with Section 6(a) of the RMA.
582. In relation to section 7 of the RMA:
- a. It is questionable whether the proposal achieves the efficient use and development of natural and physical resources in terms of 7(b) given the issues with height and urban form;
 - b. The development is of high-quality architectural design quality and materiality. It would transform an underutilised and poor-quality building that offers no positive visual contribution to the vitality of the city centre. The podium level designs are high quality, actively engage with the street (particularly Lower Hobson Street) and provide pedestrian connections east-west through from Viaduct Harbour Precinct through to Komititanga Square (Britomart Place). A high quality publicly accessible space is provided and the activation and revitalisation of the two street frontages is very positive. These positives are reduced by the pick-up drop-off to the hotel and its interface with Custom Street West.
 - c. However, notwithstanding these positive design aspects, the tower heights do not result in maintenance and enhancement of amenity values, due to undermining the aesthetic coherence of the city centre's built form and the resulting wind effects that reduce pedestrian amenity and safety in streets and public spaces, the extent of shade cast to well used and finite city centre public open spaces and visual

dominance to the waterfront and adjacent Viaduct Harbour Precinct. The proposal could reduce the extent of misalignment (section 7(c)), again subject to further wind mitigation and / or clarity of mitigation feasibility of wind effects; and reduced shading effects.

- d. The proposal has been designed to be resilient to the effects of climate change, subject to securing the design of flood barriers and Flood and Coastal Hazard Management Plan to manage the development relative to those effects (section 7(i));

583. The proposal takes into account the principles of the Treaty of Waitangi, specifically representing a partnership with Ngāti Whātua Ōrākei and displaying engagement with Mana Whenua through the FTAA process. The proposal would be consistent with Section 8.

584. Overall, the application is not considered to have the potential to meet the relevant provisions of Part 2 of the RMA or achieve the purpose of the RMA being sustainable management of natural and physical resources. However, the extent to which the proposal does not meet the provisions of Part 2 or the purpose of the RMA could be reduced through further information and mitigation. While we acknowledge that Part 2 of the RMA is afforded lesser weight than the FTAA's purpose, the proposal fails in the Council's, owing to the proposed tower heights representing inappropriate development that does not preserve the natural character of the coastal environment to meet the RMA's purpose.

DATED the 7th day of May 2026



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