

MUL Urban Design Memo #17

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From Graeme McIndoe, McIndoe Urban

Date 19 May 2026

Subject: **Downtown Carpark Redevelopment Project**
Urban Design Response to EPA Fast Track Process s53 comments

SCOPE

This memo responds to urban design matters raised in the following comments from Auckland Council:

- Memorandum of Planning Matters for Auckland Council (7 May 2026, Sarah Wilson)
- Auckland Council Annexure 5: Technical Specialist Memo - Landscape Architecture (23 April 2026, Stephen Quin)
- Auckland Council Annexure 6: Technical Specialist Memo - Urban Design (29 April 2026, Mustafa Demiralp)

The following matters are addressed in response:

- A. Harbour Edge Height Control Plane (HEHCP)
- B. Relationship to the Viaduct Harbour Precinct
- C. Potential visual dominance of streets and “monolithic presence”
- D. Detailed design at ground level in relation to wind, canopies and hotel drop-off area
- E. Shading to public open spaces

A. HARBOUR EDGE HEIGHT CONTROL PLANE (HEHCP)

1. Council’s urban design specialist identifies a concern in relation to the HEHCP:
“The most significant urban design concerns remain the extent of departure from the planned waterfront transition under the Harbour Edge Height Control Plan [HEHCP], ...”¹
2. There is crossover on the issue of the HEHCP between urban design and landscape specialists and Matthew Jones is responding from a landscape perspective. Having read all feedback from Council, I reconfirm my urban design opinion that while there is a clear departure from the HEHCP standard, the proposal continues to provide an overt height transition to the harbour but to a lesser degree than described by the standard. The proposal also achieves the three purposes of the standard and

¹ Annexure 6 Urban Design Specialist, Section 3.0 Executive Summary / Principal Issues

satisfies the H8.8.2 Assessment criteria (8A) for infringement of the harbour edge height control plane standard.²

Version of the second purpose of the HEHCP used in urban design assessment

3. Council's planner writes that the UDA "*considers the stated second purpose of the HEHCP*" [remains as] "*the pre-PC78 second purpose*".³ That implication is incorrect.
4. The superseded pre-PC78 definition as identified by Ms Wilson indeed remains at page 29 of the UDA which refers to the superseded word "*views*" rather than the now Operative replacement wording of "*visual connections and visual permeability*". However, the UDA assessment has been carried out with reference to the Operative (post PC78) version of the second purpose of the HEHCP:
 - a. The Operative purposes of the HEHCP including the modified second purpose are correctly stated at page 26 of the UDA, at the beginning of the HEHCP section; and
 - b. The assessment at page 29 explicitly references the now Operative version of the purpose, with the phrase "*visual connections and visual permeability*" being used twice.
5. Retention of the superseded pre-PC78 wording at UDA at page 29 is a proofreading oversight that has no bearing on the assessment in relation to the Operative plan.

B. RELATIONSHIP TO THE VIADUCT HARBOUR PRECINCT

6. Council's Landscape Architect (at paragraph 34 c) considers "*that there will not be an appropriate transition to the adjoining Viaduct Harbour Precinct due to the significant drop in height from the proposed towers.*"
7. Council's urban design specialist (Annexure 6 at Section 5.4.1) considers transition to the west and the Viaduct Harbour Precinct is "*not gradual*"; is "*pronounced*"; notes that there is not a prescribed "*transition control in this location beyond the HEHCP*"; and also identifies further mitigating factors. I agree in principle with aspects of this urban design assessment and consider that due to modelling of the built form there will be an appropriate transition here (refer to UDA pp 31 -32 including figures 2.17 and 2.18) and assessment relative to Policy H8.3(30) at UDA page 52.
8. Furthermore, the 52m maximum height provided for by the Operative (post-PC78) Unitary Plan on the northwest corner of the Viaduct Harbour Precinct will allow (subject to a resource consent process) future building there to rise to well above the height of the existing three-storey structure. This offers potential to in the future enhance transition to and from the Viaduct Harbour Precinct, supporting identified factors including the scale-moderating transitional volumes of the proposed podium.

² The extent and effects of this identified infringement have been identified and assessed at page 26-41 of the MUL Urban Design Assessment [UDA] with conclusions at page 62.

³ Memorandum of Planning Matters for Auckland Council: Paragraph 161 and footnote 39.

C. POTENTIAL VISUAL DOMINANCE OF STREETS AND “MONOLITHIC PRESENCE”

9. Council’s landscape architecture specialist writes:

“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.”⁴

10. Having considered relevant street level vantage points, while such a large development will be prominent in some views, I do not consider the proposal will be unduly visually dominant. Potential visual dominance at street level is addressed in detail in the UDA at pages 32-33 and in relation to assessment criteria for infringement of the HEHCP in detail at pages 40-41.
11. In relation to the concept of a monolithic presence, the matter of compound form is addressed in the UDA (at pages 34-35). I stand by detailed urban design analysis that leads to my conclusion:
- “The siting, variation in height and façade treatment means that the towers avoid coalescing into a single, visually dominant compound mass in any of the multiple views examined.” (UDA, page 62)*

D. DETAILED DESIGN AT GROUND LEVEL IN RELATION TO WIND, CANOPIES AND HOTEL DROP-OFF AREA

Amenity along Customs Street West

12. Council’s urban design specialist comments on a number of related matters particularly affecting the Customs Street West street edge:

“The most significant urban design concerns ...[include]... the outstanding wind impacts in some pedestrian areas, the lack of continuous veranda cover and less successful public realm outcome and pedestrian amenity along Customs Street West....”⁵

“The introduction of the hotel drop-off arrangement together with the exclusion of the earlier Albert Street and AON House interface upgrades, also reduces some of the public realm and legibility benefits achieved in the earlier scheme.”⁶

“Pedestrian comfort along this frontage [Customs Street West] is further compromised by the proposed hotel drop-of arrangement, which weakens the public edge and introduces a less resolved pedestrian environment.”⁷

⁴ Annexure 5, Landscape Architecture Specialist, paragraph 41.

⁵ Annexure 6 Urban Design Specialist, Section 3.0 Executive Summary / Principal Issues

⁶ Annexure 6 Urban Design Specialist, Section 3.0 Executive Summary / Principal Issues

⁷ Annexure 6 Urban Design Specialist, Section 5.4.3, regarding Verandah cover and Customs Street West interface

13. These are important matters of detail which should be addressed in an integrated manner by the design team and specialist wind consultant. Response to these concerns is identified at pages 18-21 of the MUL Urban Design Memo #15 (30 March 2026).

Hotel drop-off

14. Council expresses concern (quoted above) about the hotel drop-off as a negative influence. But with good planning and design it need not be so. The hotel front door with related entrance and departure functions including necessary vehicle drop-off provides activation. This is in principle inherently positive rather than negative. However, as is usual in situations such as this, success remains contingent on the detailed design of the facility to deliver the necessary qualities of street edge comfort and amenity. Aspects of addressing detailed design of the drop off area are listed in the MUL Urban Design Memo #15 at pages 18-19.

Level of quality at the Customs Street West edge

15. Notwithstanding the reduction in project geographical scope from a previous project and the consequent reduction in street edge upgrade, the proposal promises to deliver a high-quality edge, albeit with at this stage some matters of detail still to be optimised. I am confident that with further design interrogation and resolution of detail, a suitably high-quality street edge will be achieved here.
16. Notably, introduction along Customs Street West of two major building 'front doors' and lobbies, removal of major carpark entrances and provision of some shelter where there currently is none, all contribute to significantly enhancing the existing edge. This is assessed in detail in the UDA at pages 90-98.

Addressing wind effects on Lower Hobson Street

17. I have viewed the 18 May 2026 memo from wind engineering expert Mr Pierre Verhaeghe regarding wind effect mitigation at the north-west corner of the site close to the edge of Lower Hobson Street and behind MSocial. This memo outlines potential for a suitably designed 5m high porous wind screen as an alternative to proposed trees in order to achieve wind mitigation here.
18. I consider that a porous wind screen may achieve a suitably high-quality urban design outcome subject to, in addition to wind mitigation, reconciling and resolving the following matters:
- a. a level of aesthetic quality that is compatible with and complements its proposed architectural context;
 - b. coordination with the proposed public realm concept and design including relating to the proposal's plan geometry, planting and other urban landscape elements, public movement patterns and views to and from the Urban Room; and
 - c. a degree of visual permeability, particularly at its Hobson Street end.
19. I consider that these matters can be addressed effectively with an appropriately worded condition of consent.

E. SHADING TO PUBLIC OPEN SPACES

20. Council's urban design specialist identifies some remaining shading concerns:

*"The most significant urban design concerns remain...the shading effects on the most valued public open spaces at certain times."*⁸

"The specific H8.6.3 non-compliance affecting St Patrick's Square is not considered significant, given the very limited duration, extent and edge location of the additional shade....However, broader public open space sensitivities remain relevant. In particular:

- *St Patrick's Square in mid-winter between 11.00am and 12.00pm*
- *Takutai Square at 5.00pm during the equinox*
- *Te Komititanga in mid-summer at 5.00pm."*⁹

21. Response to this has been previously identified in detail in the MUL Urban Design Memo #15 at pages 13-17 (30 March 2026). These spaces are either 'listed' in the Unitary Plan but the additional shading occurs outside the specified time; or outside both time and date; or as in the case of Takutai Square, the space is not 'listed' at all. In the case of each of these spaces:

The shade is fleeting and limited in extent. While these shading effects may remain the most significant, as they are outside identified times, their significance is rated in the range of 'negligible' to 'low' when applying the methodology and rating scale that is applied to all shading. (MUL Memo 15, page 13)

Achieving balanced shading assessment

22. Council's urban design specialist is of the view that the UDA shading assessment:

*"should be balanced against the qualitative public realm value of the affected space, the timing of use, and where the shading removes the last remaining sunlight."*¹⁰

23. I agree, but at the same time Council's implied criticism of the scope and weighting of matters considered in the UDA shading assessment is unfounded. To the contrary, the matters identified by Council were all thoroughly considered, a holistic assessment approach taken, and the sensitivity of the receiving environment factored in when rating the significance of shading effects. Council's perceived omissions and how they have all been addressed in the shading assessment are identified below.

24. **"Qualitative public realm value"**

- a. The qualitative public realm value of any public open space is first and foremost established by listing to apply sunlight controls in the Unitary Plan and that has been recognised when weighting effects in the UDA shading assessment.
- b. The significance of shading to different types of public open space is addressed in the shading assessment methodology statement (UDA page 65) and is taken through into assessment. For example, the rating of additional summer shading over Te Komititanga explicitly considers that this is *"over an area of identified*

⁸ Annexure 6 Urban Design Specialist, Section 3.0 Executive Summary / Principal Issues

⁹ Annexure 6 Urban Design Specialist, Section 5.4.4 Shading

¹⁰ Urban Design Specialist at Memo 6, section 5.4.4, relied on by Council Planner at paragraph 228

significance", notwithstanding it occurs only outside the season and time of day during that season when sunlight controls apply to this space. (UDA page 71)

- c. The methodology also considers predominant use. For example: *"Shading effects on footpaths are secondary as these are places that people tend to move along rather than occupy for extended periods of time."* (UDA, page 65)

25. ***"The timing of use"***

The timing of shading in relation to use is identified as a factor in the methodology statement (UDA page 64) and has been considered in the assessment.

26. ***"Where the shading removes the last remaining sunlight"***

- a. This matter has been integrated into shading assessment of the open space. The methodology statement identifies: *"Shading effects on a public open space are given a lesser weighting when other immediately adjacent parts of the open space receive sun at the same time and are available to occupy."* (UDA page 65). The corollary of this is that a greater weighting is given to the last remaining sunlight in a space.
- b. The UDA shading assessment of mid-winter shading effects at St Patrick's Square from 10.30am-12.00noon records application of this concern. That assessment explicitly considers the extent of both sunlight and shade at each time assessed. The extent of remaining sunlight– along with all other relevant factors including extent and duration - has been factored into the assessment for the time period under consideration. (Refer UDA pages 70,71 and analysis, for example, of shading at 10.45am when the complete shading of the space is recorded.)

Significance of additional shade on Te Komititanga

- 27. The matter of a 'balance' is further raised by Council in relation to Te Komititanga. *"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 Survey¹¹ identifies as the most intensively used public space in the city centre, with peak weekday movement occurring between 5 pm and 6 pm."¹²
- 28. The City Centre Public Life Survey [the Survey] identifies Te Komititanga as the most intensively used for "pedestrian movements" but not for "staying activity".¹³ However, spaces for movement are inherently less shade sensitive than those for occupation.
- 29. Sunlight is most important for those parts of public open spaces that are occupied for an extended period at the time they are most occupied. Those places are 'most

¹¹ Urban Good, Auckland Council Urban Design Unit. Tāmaki Makaurau City Centre Public Life Survey, Summer Edition 2024. Knowledge Auckland, 2024.

¹²Memorandum of Planning Matters for Auckland Council at paragraph 235, referencing text at Section 5.4.4 of Auckland Council Annexure 6 Memo – Urban Design.

¹³ Tāmaki Makaurau City Centre Public Life Survey 2024, pages 13 and 14 ("staying activity") and page 16 -21("pedestrian movements").

sensitive'. Footpaths if associated with shopfronts are 'moderately sensitive'.¹⁴ This opinion is informed by guidance from the Urban Designer's Institute Aotearoa (UDIA) *Systematic Shading Assessment Methodology* on rating the significance of shading effects:

Additional shade of the public realm:

5.16 *Additional shading on public open spaces identified in the relevant statutory plan as requiring sun at identified times is most significant. Otherwise, priority weighting is given to identified public open spaces that people may occupy for extended periods. In interpreting this:*

...

- c. *It is most important that central city parks and squares receive sun during the middle of the day and particularly around lunchtime as people are most likely to occupy these types of space during those times.*
- d. *Shade on spaces used predominantly for movement is of lesser significance:*
 - *Additional shading on footpaths and paths is secondary as these are places that people tend to move along rather than occupy for extended periods of time.*¹⁵

30. Having interrogated the City Centre Public Life Survey in detail I consider the extent of Council's concern about the significance of the area of additional shade at the north-east corner of Te Komititanga at 5pm-6pm at mid-summer to be misplaced. This is for the reasons identified below.

31. ***Te Komititanga is not the most heavily used public space for 'staying activity'***

The Survey records in relation to occupation ('staying activity') Te Komititanga:

- a. is not mentioned in the Survey findings for 'Staying Activity at a glance' during the weekday, and is rated at least third during the weekend; and
- b. on a Saturday its level of occupation for 'staying activities' is less than a third of that in the Viaduct Harbour.¹⁶

32. ***Additional shade occurs outside the time when most intensive activity is recorded***

On timing of maximum occupation for 'staying activities' the Public Life Survey records:

"During the morning and into the early afternoon, Takutai Square, Victoria Park and Te Komititanga showed steady signs of activity throughout the day." (Public Life Survey p14)

That is, the Public Life Survey's record of "steady signs of activity" in the "morning and early afternoon" is not when Te Komititanga receives additional shade, with that occurring in the hour from 5pm.

33. ***The Survey does not identify those parts of Te Komititanga where any activity, either 'movement' or 'staying' occurs***

Therefore, the Survey should not be used to justify significant concerns regarding additional shade to a specific corner of the space at a certain time.

¹⁴ This is confirmed as sound assumptions for assessment by the *Receiving Environment Shade Sensitivity Scale* in the Urban Designers Institute Aotearoa's [UDIA] *Systematic Shading Assessment Methodology*. [S-SAM] This is in UDIA Practice Note 2: Shading Analysis. (page 7)

¹⁵ UDIA S-SAM Practice Note 2, pages 9-10

¹⁶ Public Life Survey. This has been calculated from the comparative data recording observations of "staying activities" at page 118. (Viaduct Harbour: 1819 people vs Te Komititanga 566 people.)

Conclusion on shading of open spaces

34. I stand by the UDA assessment of the significance of shading effects on public open spaces.
35. Council appears to have introduced a degree of imbalance into its own assessment of the significance of shading on the identified open spaces. This is in my opinion due to:
 - a. Over-weighting the significance of the receiving environment, that is on open spaces when the sunlight standard either does not apply at the season and/or times when shading occurs, or does not apply at all;
 - b. What appears to be under-weighting the primary assessment matters of restricted duration and extent in favour of nuances which demonstrably were considered in the UDA assessment; and
 - c. In relation to Te Komititanga, reliance on the findings of a Public Life Survey which does not support conclusions on the significance of shading effects on that space.