

Appendix B: AUP(OP) rule infringements for which consent is required

Source note: This schedule has been prepared from the materials submitted in relation to FTAA-2512-1158. It records the AUP(OP) and relevant Plan Change 120 consent matters for which consent is sought. It is intended as a decision appendix and should be read with the Panel's reasons and final conditions.

Plan chapter / topic	Sub-chapter / matter	Rule / standard reference	Activity status	Infringement / reason consent is required
Chapter D: Overlays				
D17 Historic Heritage Overlay	Historic Heritage Overlay - Auckland Harbour Board Workshops (former), 204 Quay Street	D17.4.1(A9)	Restricted discretionary	Modifications to the existing Category B historic heritage place, including demolition of the existing pedestrian bridge over Lower Hobson Street and removal of fixings to the existing facade.
Chapter E: Auckland-wide provisions				
E7 Taking, Damming and Diversion of Water and Drilling	Groundwater dewatering	E7.4.1(A20)	Restricted discretionary	Council identified this as an additional consent matter. Dewatering associated with groundwater diversion and excavation works is expected to exceed 30 days and consent is required under E7.4.1(A20).
E7 Taking, Damming and Diversion of Water and Drilling	Groundwater diversion	E7.4.1(A28)	Restricted discretionary	Diversion of groundwater caused by excavation and basement construction does not meet the permitted activity standards, including E7.6.1.6 and E7.6.1.10, and requires consent.
E11 Land Disturbance - Regional	Earthworks within Sediment Control Protection Area	E11.4.1(A9)	Restricted discretionary	Earthworks of approximately 100,000m ³ over an area of approximately 6,442 m ² , part of which is within the Sediment Control Protection Area. Earthworks exceed 2,500 m ² within that area.
E12 Land Disturbance - District	Earthworks in Business - City Centre Zone	E12.4.1(A6) and E12.4.1(A10)	Restricted discretionary	Earthworks of approximately 100,000m ³ over an area of approximately 6,442 m ² , exceeding the 2,500 m ³ and 2,500 m ² permitted thresholds.
E12 Land Disturbance - District (Plan Change 120)	Earthworks within flood prone area	C1.9(2), with reference to E12.6.2(11)	Restricted discretionary	Earthworks within a flood prone area do not comply with Standard E12.6.2(11), as identified under PC120.
E23 Signs	Comprehensive development signage	E23.4.2(A53)	Restricted discretionary	Comprehensive development signage is proposed in association with the development.
E25 Noise and Vibration	Construction noise	E25.4.1(A2), with reference to E25.6.28.2	Restricted discretionary	Construction activities may exceed the long-term construction noise limits of 75 dB LAeq and 90 dB LAFmax Monday to Friday 6.30am-10.30pm at identified receivers, including M Social, Aon, HSBC and The Sebel.
E25 Noise and Vibration	Construction vibration amenity - 29 Customs Street West / Aon Building	E25.4.1(A2), with reference to E25.6.30	Restricted discretionary	Council identified this as an additional consent matter. Construction vibration from vibratory sheet piling works may exceed the amenity limits at 29 Customs Street West / the Aon Building for a short period.
E25 Noise and Vibration	Mechanical plant noise	E25.4.1(A2), with reference to E25.6.10(3)(f)	Restricted discretionary	Standard E25.6.10(3)(f) requires mechanical systems to be controlled to 35 dB LAeq. Living areas within apartments are proposed to be controlled to 40 dB LAeq.
E27 Transport	Parking, loading, access and electric vehicle supply equipment as accessory activities	E27.4.1(A2)	Restricted discretionary	Accessory parking, loading and access do not comply with relevant parking/loading/access standards, as itemised below.
E27 Transport	Design of parking spaces	E27.6.3.1 and Table E27.6.3.1.1; E27.4.1(A2)	Restricted discretionary	Four small car parking spaces are proposed with 2.4 m width and 4.7 m length, not meeting the dimensional standard.
E27 Transport	Accessible parking	E27.6.3.2(A); E27.4.1(A2)	Restricted discretionary	21 accessible parking spaces are proposed where the A01 assessment records a minimum requirement of 55 spaces across the proposed activities.
E27 Transport	Access and manoeuvring / tandem spaces	E27.6.3.3; E27.4.1(A2)	Restricted discretionary	21 tandem spaces are proposed which could be allocated to office activity; only car parks for dwellings may be stacked.
E27 Transport	Vertical clearance	E27.6.3.5; E27.4.1(A2)	Restricted discretionary	Vertical clearance of the service lane between the basement car parking entrance and Quay Street is 3.6 m, where 3.8 m is required for loading. Accessible parking spaces on Level B03 will not have 2.5 m full vertical clearance.
E27 Transport	Vehicle access restrictions - new crossings / hotel PUDO	E27.6.4.1(2) and (3); E27.4.1(A5)	Restricted discretionary	Construction and use of two new vehicle crossings on Customs Street West to serve the hotel pick-up/drop-off area. A Vehicle Access Restriction applies due to arterial road frontage and proximity to an intersection. This matter was expressly confirmed in B01 para 2.1.
E27 Transport	Vehicle access restrictions - existing Quay Street service lane crossing	E27.6.4.1(1); E27.4.1(A8)	Non-complying	Council/AT identified this as an additional/different consent matter. Modification and use of the existing Quay Street service lane vehicle crossing is within the Vehicle Access Restriction - General Control and was considered by Council/AT to be not otherwise provided for under E27.4.1, requiring consent under E27.4.1(A8).

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E27 Transport	Width and number of vehicle crossings	E27.6.4.2; E27.4.1(A2)	Restricted discretionary	The Quay Street frontage is subject to a Vehicle Access Restriction General Control. Three crossings are proposed on Customs Street West where two are permitted for the approximately 80 m frontage. The hotel PUDO crossings exceed 3.5m width, with 4.1 m and 4.6 m proposed. The Quay Street service lane crossing exceeds 6 m width, with 7.6 m proposed.
E27 Transport	Off-site parking associated with M Social	E27.4.1(A16)	Discretionary	Up to 121 off-site parking spaces are proposed in association with M Social.
E30 Contaminated Land	Discharges and land disturbance on potentially contaminated land	E30.4.1(A7), with reference to E30.6.1.2, E30.6.1.4 and E30.6.2.1	Discretionary	Soil testing from surrounding land indicates some contamination may exceed permitted soil acceptance criteria. Volume and duration of disturbance are expected to exceed permitted thresholds. A detailed site investigation was not provided with the application and is proposed as a condition-supported requirement.
E31 Hazardous Substances	Diesel storage for backup power generation	E31.4.1(A7)	Discretionary	Approximately 20,300 L diesel storage is proposed. Diesel is a Class 3.1D flammable liquid of low volatility. Storage exceeds the controlled and restricted discretionary thresholds or is otherwise not provided for.
E36 Natural Hazards and Flooding	Basement parking in floodplain	E36.4.1(A26)	Restricted discretionary	Basement parking is proposed in part of the site affected by the 1% AEP floodplain.
E36 Natural Hazards and Flooding	Flood mitigation works	E36.4.1(A33)	Restricted discretionary	Flood mitigation works such as flood barriers are proposed in the 1% AEP floodplain.
E36 Natural Hazards and Flooding	New buildings in floodplain	E36.4.1(A37)	Restricted discretionary	New buildings are proposed within the 1% AEP floodplain.
E36 Natural Hazards and Flooding	More vulnerable activities in floodplain	E36.4.1(A38)	Restricted discretionary	New buildings are proposed to accommodate more vulnerable activities, including residential activity, within the 1% AEP floodplain.
E36 Natural Hazards and Flooding (Plan Change 120)	Activities sensitive / potentially sensitive to natural hazards in Low Flood Hazard Area	E36.4.1A(A79)	Restricted discretionary	Activities sensitive to natural hazards, including hotel accommodation and hazardous facilities, and activities potentially sensitive to natural hazards, including retail, office and commercial uses, have a default risk classification of potentially tolerable in the Low Flood Hazard Area.
E36 Natural Hazards and Flooding (Plan Change 120)	Surface / above-ground parking in flood hazard areas	E36.4.1A(A81)	Restricted discretionary	Surface parking and above-ground parking areas, including vehicle entry and exit points, are located in flood hazard areas, with parking areas and entry/exit points subject to moderate flood hazards.
E36 Natural Hazards and Flooding (Plan Change 120)	Below-ground parking in flood hazard areas	E36.4.1A(A82)	Restricted discretionary	Below-ground parking, including vehicle entry and exit points, is located within low and moderate flood hazard areas.
E36 Natural Hazards and Flooding (Plan Change 120)	Storage of hazardous substances in flood hazard areas	E36.4.1A(A84)	Restricted discretionary	Storage of hazardous substances is proposed in flood hazard areas. The A01 assessment records this as a residual risk given the proposed mitigation measures.
E36 Natural Hazards and Flooding (Plan Change 120)	Accessways in flood hazard areas	E36.4.1A(A88)	Restricted discretionary	Accessways, primarily the internal laneway access, are located within flood hazard areas.
E36 Natural Hazards and Flooding (Plan Change 120)	Flood barriers / stormwater management devices	E36.4.1A(A92)	Restricted discretionary	Flood barriers associated with flood-prone areas and overland flow paths interacting with the site are proposed. This involves stormwater management devices or flood mitigation works in the 1% AEP floodplain and flood prone areas.
E36 Natural Hazards and Flooding (Plan Change 120)	Other buildings and structures in floodplain and flood prone areas	E36.4.1A(A98)	Restricted discretionary	New buildings and structures, including retaining walls, are proposed in the 1% AEP floodplain and flood prone areas.
E36 Natural Hazards and Flooding (Plan Change 120)	Diversion / capacity change to overland flow path	E36.4.1A(A102)	Restricted discretionary	Flood protection barriers have potential to divert overland flows from entering parts of the site, laneway and basement parking areas, including diverting the entry or exit point, piping or reducing capacity of part of an overland flow path.
E36 Natural Hazards and Flooding (Plan Change 120)	Activities sensitive / potentially sensitive to coastal hazards	E36.4.1A(A58)	Restricted discretionary	Activities sensitive to natural hazards, including hotel accommodation and hazardous facilities, and potentially sensitive activities, including retail, office and commercial uses, are located within Coastal Hazard Area 3 (1.0-1.5 m RSLR) and classified as potentially tolerable.
E36 Natural Hazards and Flooding (Plan Change 120)	Below-ground parking in Coastal Hazard Area 3	E36.4.1A(A61)	Restricted discretionary	Below-ground parking, where the site and associated entry and exit points are located within Coastal Hazard Area 3 (1.0-1.5 m RSLR).
E36 Natural Hazards and Flooding (Plan Change 120)	Wastewater underground storage tanks in coastal hazard area	E36.4.1A(A68)	Restricted discretionary	Five wastewater underground storage tanks with total capacity of 500,000L are proposed within basement level 04 to pump to the network at off-peak periods. This additional consent matter was confirmed in B01 para 2.1.
E36 Natural Hazards and Flooding (Plan Change 120)	Accessways in Coastal Hazard Area 3	E36.4.1A(A69)	Restricted discretionary	Accessways are proposed within Coastal Hazard Area 3 (1.0-1.5 m RSLR).
E36 Natural Hazards and Flooding (Plan Change 120)	New buildings and structures in Coastal Hazard Area 3	E36.4.1A(A77)	Restricted discretionary	New buildings and structures are proposed within Coastal Hazard Area 3 (1.0-1.5 m RSLR).
E36 Natural Hazards and Flooding (Plan Change 120)	Coastal hazard flood protection	E36.4.1D(A142)	Discretionary	Coastal hazard flood protection is proposed in the form of flood protection doors and barriers.

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E36 Natural Hazards and Flooding (Plan Change 120)	Permitted activity standards for coastal and flood hazard areas	C1.9(2), with reference to E36.6.1	Restricted discretionary	Activities may infringe aspects of E36.6.1 applicable to development within coastal and flood hazard areas, including vehicle entry and exit points associated with parking activities and storage of hazardous substances in Coastal Hazard Area 3, considering future relative sea level rise scenarios up to 1.5 m.
E40 Temporary Activities	Construction period temporary activities	E40.4.1(A24)	Restricted discretionary	Temporary construction activities, including construction of the proposed buildings and associated landscaping, are anticipated to last approximately 5.5 years, exceeding the 24-month period provided for under E40.4.1(A20).
Chapter H: Business - City Centre Zone				
H8 Business - City Centre Zone	Construction of new buildings	H8.4.1(A32)	Restricted discretionary	Construction of a new building comprising three podiums and two towers.
H8 Business - City Centre Zone	Demolition of buildings	H8.4.1(A32A)	Controlled	Demolition of the existing Downtown Carpark building.
H8 Business - City Centre Zone	Alterations and additions to buildings not otherwise provided for	H8.4.1(A36)	Restricted discretionary	Alterations to the existing podia of the Aon Centre and HSBC Tower.
H8 Business - City Centre Zone	Admission of sunlight to public places - St Patrick's Square	H8.4.1(A40), with reference to H8.6.3	Non-complying	The proposal casts additional shade over parts of the northern, Swanson Street edge of St Patrick's Square at mid-winter between 12.00 noon and 2.00 pm as identified by the Unitary Plan.
H8 Business - City Centre Zone	Harbour Edge Height Control Plane	H8.4.1(A42), with reference to H8.6.5	Restricted discretionary	Tower 1 exceeds the HEHCP by a maximum of 88.8 m along the northern facade, reducing to 44 m along the southern facade over a depth of 44.1 m. Tower 2 exceeds the HEHCP by a maximum of 49.2 m along the northern facade, reducing to nothing along the southern facade over a depth of 49.2 m.
H8 Business - City Centre Zone	Maximum tower dimension, setback from street and tower separation	C1.9(2), with reference to H8.6.24	Restricted discretionary	Tower 1 has a maximum tower dimension of 57.81 m above 28 m, exceeding the average 55 m standard by 2.81 m. Tower 1 provides no 6 m setback from Customs Street West from 28 m to 33-34.3 m, with 5.5 m setback above. Tower 2 provides no 6 m setback from Lower Hobson Street from 28 m to 30.7-31 m, with 4.5 m setback above. Separation between Tower 1 and Aon House is 11.2 m, 0.8 m below the 12 m standard.
H8 Business - City Centre Zone	Maximum east-west tower dimension	C1.9(2), with reference to H8.6.24A(1)(a)	Restricted discretionary	Parts of Podium 1 above 28 m have an east-west dimension of 53.48 m, exceeding the 45 m maximum by 8.48 m.
H8 Business - City Centre Zone	Building frontage alignment and height	C1.9(2), with reference to H8.6.25	Restricted discretionary	For frontages identified as 19 m, Podium 3 is approximately 15.3 m high, 3.7 m below the minimum contiguous frontage height. For frontages identified as 28 m, Tower 1 exceeds 28 m with no setback along Customs Street West from 28 m to 33-34.3 m, and Tower 2 exceeds 28 m with no setback along Lower Hobson Street from 28 m to 30.7-31 m.
H8 Business - City Centre Zone	Verandahs	C1.9(2), with reference to H8.6.26	Restricted discretionary	No verandah is provided along the Customs Street West frontage. A 1.8 m wide verandah is provided along Lower Hobson Street where 3 m is required, with setback of 700-800 mm from the edge of the road carriageway and 3.5 m height clearance from the footpath immediately below.
H8 Business - City Centre Zone	Minimum floor-to-floor height	C1.9(2), with reference to H8.6.27	Restricted discretionary	The ground floor has a minimum floor-to-floor height of 4.2 m where 4.5 m is required.
H8 Business - City Centre Zone	Wind	C1.9(2), with reference to H8.6.28	Restricted discretionary	Wind infringements identified in the Environmental Winds Report: Location 9 gust speed of 26 m/s exceeds the 25 m/s threshold; Locations 8, 9 and 42 on Lower Hobson Street have Category D conditions where Category C is required; Location 18 in the Urban Room has Category D conditions where Category C is required; Location 26 on Customs Street West has Category D conditions where Category C is required.
H8 Business - City Centre Zone	Minimum dwelling size	C1.9(2), with reference to H8.6.33	Restricted discretionary	Thirty Tower 2 one-bedroom apartments do not meet the 50 m ² minimum net internal area: Apartments 20.01-31.01 and 22.09-31.09 are 45 m ² ; Apartments 32.01-39.01 are 48 m ² .
Chapter I: Precincts				
I205 Downtown West Precinct - Subprecinct B	New buildings, alterations and additions	I205.4.2(A4)	Restricted discretionary	New buildings and alterations/additions to buildings are proposed within Subprecinct B.
I205 Downtown West Precinct - Subprecinct B	Open space	I205.4.2(A5)	Restricted discretionary	Open space is proposed within Subprecinct B.
I205 Downtown West Precinct - Subprecinct B	Vehicle, cycle and pedestrian access	I205.4.2(A6)	Restricted discretionary	Vehicle, cycle and pedestrian access is proposed within Subprecinct B.
I205 Downtown West Precinct - Subprecinct B	Pedestrian connections	I205.4.2(A7), with reference to I205.6.2	Restricted discretionary	Development does not comply with Standard I205.6.2. In particular, the proposed north-south connection is not at-grade and is not generally aligned with Federal Street.

Note: This schedule does not list provisions recorded as complied with, permitted or not applicable in the applicant's rules assessment. Abbreviations: RSLR = relative sea level rise; HEHCP = Harbour Edge Height Control Plane; AEP = annual exceedance probability; PUDO = pick-up/drop-off.