Appendix 35 - AUP Rules Assessment

Proposal: 100 Halsey Street, Substantive Fast-track Approval Application

Address: 100 Halsey Street, Auckland Central

Unitary Plan: Auckland Unitary Plan

Auckland Unitary Plan Overview	
Zone	Business – City Centre Zone
Site Area	1.7142 ha
Overlays/Controls	Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - E10, Mount Eden, Viewshafts Coastal Inundation 1 per cent AEP Plus 1m Control - 1m sea level rise Macroinvertebrate Community Index - Urban
Designations	Airspace Restriction Designations - ID 8302, Satellite earth station transmission paths, Television New Zealand Ltd
Precinct	Wynyard sub-precinct B
Natural Hazards	Overland flow paths Flood prone area 1% AEP flood plain 1% AEP Coastal inundation (1m, 1.5m and 2m SLR)
Other limitations	Contaminated Land High Wind Zone
Plan Change 120 Zone	Business - City Centre Zone *This site is excluded from intensification aspects of Plan Change 120 because this property is included in the now-operative section of Plan Change 78*
Spatially Identified Qualifying Matter/s	Airspace Restriction Designation Flood Plains

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	Coastal Inundation Regional Maunga Viewshafts and Height and Building Sensitive Areas Overlay
Management Layer/s	Walkable Catchments - Policy 3(c) - (City Centre (1200m))
PC120 Natural Hazards	Very Low to Very High Shallow Landslide Susceptibility Very Low Large Scale Landslide Susceptibility

NES-CS	
Regulation 10	Buildings 1 and 2: Contaminant concentrations within the B1 and B2 development area exceed SCS for commercial/industrial land use and therefore, consent under the NESCS is required on a restricted discretionary basis under Regulation 10.
Regulation 11	Buildings 3, 4 and 5: The site is a HAIL site and soil disturbance exceeding 25m^3 per 500m^2 is proposed. Proposed earthworks are not a permitted or controlled activity. A detailed site investigation for Buildings 3, 4 and 5 has not been provided under 10(2). As such, the proposed soil disturbance is a **discretionary activity** under 11(2).

Rule	Compliance	Non-Compliance
Chapter D Overlay		
D14 Maunga Viewshafts and Height Sensitive Areas Overlay	N/A – proposed buildings (maximum building height of 52.2m) will not intrude into the Mount Eden viewshaft (which has a most restrictive point of 58m applying to the site). Site is not subject to the Height Sensitive Area Overlay. Proposed cranes are proposed within the viewshaft for 18	

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Rule	Compliance	Non-Compliance
	months, and comply with the signage and lighting requirements. This is enforced with conditions of consent.	
Chapter E Auckland-Wide		
E1 Water Quality	Objectives and policies only.	
E2 Water Quantity, Allocation and Use	Objectives and policies only.	
E3 Lakes, Rivers, Streams and Wetlands	N/A – activities in, on, under or over the bed of lakes, rivers, streams and wetlands are not proposed.	
E4 Other Discharge of Contaminants	N/A – discharge of other contaminants not proposed.	
E5 On-site and Small-Scale Wastewater Treatment and Disposal	N/A – discharge of wastewater will be to the public network.	
E6 Wastewater Network Management	N/A – discharge of wastewater from the wastewater network onto land or water not proposed.	
E7 Taking, Damming and Diversion of Water and Drilling		Dewatering or groundwater level control associated with a groundwater diversion authorised as a restricted discretionary activity under the Unitary Plan, not meeting permitted activity standard E7.6.1.10 is a **restricted discretionary activity** pursuant to Rule E7.4.1(A20). The diversion of groundwater caused by any excavation, (including trench) or tunnel that does not meet standards E7.6.1.10 is a **restricted discretionary activity** pursuant to Rule E7.4.1(A28):

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Rule	Compliance	Non-Compliance
		Does not comply with E6.1.10(1)(d) as groundwater diversion will be longer than 10 days (permanent). E6.1.10(2) non-compliance given the maximum excavation depths will be greater than 6m below existing ground levels. Does not comply with E6.1.10(4) as the development will impede the flow of groundwater over a length of more than 20m, and the piling structure will extend more than 2m below pre-development levels for Buildings 2, 3, 4 and 5. Please refer to Geotechnical Report prepared by Tonkin + Taylor for further information.
E8 Stormwater Discharge and Diversion	The proposal involves the diversion of stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network that complies with Standard E8.6.2.1 because the impervious area will be lawfully established as part of this consent. This is a **permitted activity** under E8.4.1(A1). The proposal meets the requirements of the Regionwide Stormwater Network Discharge Consent. Refer to Infrastructure Report for further information.	

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E9 Stormwater Quality – High Contaminant Generating Carparks and Roads	N/A – The proposal does not involve any uncovered parking (parking will be located at basement level) or any building materials that meet the definition of a HCGA. Refer to Civil Infrastructure Report (Appendix 9) for further information.	
E10 Stormwater Management Areas Flow 1 and 2	N/A – site is not located within a SMAF area.	
E11 Land Disturbance - Regional	Table E11.4.2 is not relevant as diversion, damming and discharge of treated sediment laden water is not proposed Table E11.4.3 is not relevant as the site is not located within the Significant Ecological Areas Overlay or Water Supply Management Areas Overlay	General earthworks greater than 2,500m^2 (14,210m^2 proposed) within the Sediment Control Protection Area in the Business – City Centre Zone is a **restricted discretionary activity** pursuant to Rule E11.4.1(A9).
E11.6 Standards	E11.6.1 Accidental discovery rule – will comply, accidental discovery measures are conditioned	
E11.6.2 General standards	1) Land disturbance will not result in any of the listed effects on receiving waters 2) GD05 compliant erosion and sediment controls will be implemented for the duration of the land disturbance.	

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Rule	Compliance	Non-Compliance
	3) N/A - dewatering of trenches not proposed 4) Trenching not proposed 5) Only cleanfill material will be imported 6) N/A - proposed works not located within proximity of a kauri tree 7) N/A - earthworks within SEA Overlay not proposed 8) Earthworks within SEA Overlay not proposed	
E11.6.3 Standards for ancillary farming earthworks	N/A - ancillary farming earthworks not proposed	
E11.6.4 Standards for ancillary forestry earthworks	N/A - ancillary forestry earthworks not proposed	
E12 Land Disturbance - District	Table E12.4.2 Activity Table is not relevant because the site is not subject to any of the applicable overlays. Table E12.4.3 Activity Table is not relevant because the site is not subject to the Outstanding Natural Features Overlay.	General earthworks within the site over an area of 14,210m^2 being greater than 2,500m^2 in the Business - City Centre Zone is a **restricted discretionary activity** pursuant to Rule E12.4.1(A6). General earthworks of 58,770m^3 within the site being greater than 2,500m^3 is a **restricted discretionary activity** pursuant to Rule E12.4.1(A10).
E12.6 Standards	E12.6.1 Accidental discovery rule - accidental discovery measures are conditioned	
E12.6.2 General standards	1) N/A - Land disturbance within riparian yards and coastal	

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Rule	Compliance	Non-Compliance
	protection yards not proposed as not yard setbacks apply to the subject site 2) Land disturbance will not result in the instability of land at or beyond the property boundary – refer to Geotechnical Report. 3) Land disturbance will not result in damage to network utilities or change cover over network utilities. 4) Access to public footpaths, berms, private properties, network utilities will only occur where necessary to undertake the works. 5) Measures to ensure the discharge of dust beyond the boundary of the site is avoided or limited such that it does not cause nuisance includes controls within the ESCP and CMP. These include wheel washes, dust screens, water misting, hosing down of machinery/trucks and wheels, load covers. 6) N/A - burial of marine mammals not proposed. 7) N/A - land disturbance around Transpower NZ Ltd transmission poles not proposed	

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Rule	Compliance	Non-Compliance
	8) N/A - land disturbance around Transpower NZ electricity transmission lines towers not proposed. 9) N/A - land disturbance within 12m of a Transpower NZ Ltd electricity transmission line pole not proposed. 10) Complies – only cleanfill material will be imported onto the site for use as part of the land disturbance. 11) N/A - no fill proposed 12) N/A - mapped OLFP will be maintained 13) N/A - temporary land disturbance or stockpiling of soil within the 1% AEP flood plain or OLFP is not proposed. 14) N/A - earthworks on a site or place of Significance to Mana Whenua is not proposed 15) N/A - earthworks within Historic Heritage Overlay not proposed 16) Earthworks on a site or place of significance to Mana Whenua not proposed 17) Earthworks within the Historic Heritage Overlay not proposed.	

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E12.6.3 Standards for ancillary farming earthworks	N/A - ancillary farming earthworks not proposed	
E12.6.4 Standards for ancillary forestry earthworks	N/A - ancillary forestry earthworks not proposed	
E13 Cleanfills, Managed Fills and Landfills	N/A – discharges from cleanfills, managed fills or landfills are not proposed.	
E14 Air Quality	The site is located within a high air quality - dust and odour area for the City Centre Zone. The proposed data centre will include seven (7) diesel-fired gas turbine generators (GTGs) to provide emergency back-up electricity in the event of a mains power outage. These generators are not intended for routine electricity supply or load management and will only operate during emergencies or periodic maintenance testing. Emergency generators used for the purpose of generating electricity for premises during mains power unavailability (includes operation for the purpose of generator testing and maintenance) are a **permitted activity** under E14.4.1(A48). Compliance is ensured through the conditions of consent.	

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E14.6.1 Permitted Standards	E14.6.1.1 General standards The data centre emergency generators are expected to comply with general standards E14.6.1.1(1)-(4): 1) The discharge will not cause adverse effects on human health, property or ecosystems. The proposed emergency discharges will be well below emergency health guideline thresholds. 2) The discharge will not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke or ash. The proposed emergency particulate and nitrogen dioxide discharges will be below guideline thresholds. 3) The proposal will not generate dangerous, offensive or objectionable visible emissions. 4) There will not be spray drift or overspray. This will be enforced through conditions of consent.	
E15 Vegetation Management and Biodiversity	Table E15.4.1 Activity Table is not relevant as vegetation removal outside of the RUB or within	

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	riparian and coastal areas is not proposed. Table E15.4.2 is not relevant as vegetation and biodiversity management within the Significant Ecological Areas – Terrestrial, Outstanding Natural Features Overlay, High Natural Character, Outstanding Natural Character or Outstanding Natural Landscapes is not proposed.	
E16 Trees in Open Space Zones	Table E16.4.1 Activity Table is not relevant as works relating to trees within an open space zone is not proposed.	
E17 Trees in Roads	The removal of a dead Kohekohe is a **permitted activity** under E17.4.1(A2)	The proposal involves removal of a street tree greater than 4m in height and 400mm in girth (Lancewood). This is a **restricted discretionary activity** under E17.4.1(A10).
E18 Natural Character of the Coastal Environment	N/A – objectives and policies only, for activities within the coastal environment.	
E19 Natural Features and Natural Landscapes in the Coastal Environment	N/A – objectives and policies only, for activities within the coastal environment.	
E20 Maori Land	Table E20.4.1 Activity table is not relevant as the subject site is not Māori land.	
E21 Treaty Settlement Land	Table E21.4. Activity table is not relevant as the subject site is not Treaty settlement land.	

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E22 Artworks	N/A – objectives and policies only, relating to artworks.	
E23 Signs	Table E23.4.1 Activity Table is not relevant as no billboards are proposed.	The proposal involves the establishment of comprehensive development signage associated with the retail/commercial tenancies on the ground floor and top floor of the proposed buildings which is a **restricted discretionary activity** pursuant to Rule E23.4.2(A53). A signage plan is proposed to be prepared and approved per consent conditions. Indicative size and locations are shown in the elevations provided by Peddle Thorp in the Architectural Drawings.
E23.6 Standards E23.6.1 Billboards in zones	N/A as CDS is not listed as permitted in Table E23.4.1 Activity Table	
E23.6.2 Billboards on existing street furniture in a road reserve, or the replacement of billboards on existing street furniture in a road reserve with a billboard of the same, or substantially similar, size and shape	N/A as CDS will be located on building facades and not on existing street furniture	
E23.6.3 Billboards on new street furniture	N/A as CDS will be located on new building facades and not on new street furniture	
E24 Lighting	Activities that comply with all the relevant permitted activity standards are a **permitted activity** under E24.4.1(A1). A conceptual lighting plan is provided with the application. A comprehensive plan will be provided post-lodgement as part of detailed design works;	

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	the provision of this Lighting Plan has been conditioned.	
E24.6. Standards E24.6.1 General Standards	A Lighting Plan meeting the E24.6.1 General Standards (1)-(10) will be provided as a condition of consent.	
E24.6.2 Artificial lighting standards for access in residential zones	Artificial lighting standards for access in residential zones is not required given that the site is not residentially zoned.	
E25 Noise and Vibration		The proposed site enabling works are anticipated to exceed the permitted maximum operational and construction noise and vibration limited under Standards E25.6.8 and E25.6.28 and is a **restricted discretionary activity** pursuant to Rule E25.4.1(A2).
E25.6 Standards E25.6.1 General standards	1) Complies – noise levels arising from activities will be measured and assessed in accordance with the NZS 6801:2008 Measurement of environmental sound and the New Zealand Standard NZS 6802:2008 Acoustics - Environmental noise. Refer to the Noise and Vibration Assessment as Appendix 30. 2) N/A - the application of an adjustment for noise containing special audible characteristics is not proposed. 3) The noise from any construction work activity will be measured and assessed in accordance with the requirements of New Zealand	

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	Standard NZS6803:1999 Acoustics – Construction noise. Refer to the Noise and Vibration Assessment as Appendix 30. 4) N/A - emergency service sirens and callout sirens not relevant to application 5) N/A - insulation of a noise sensitive space from an external noise source is not required 6) Noted - where standards are provided for specific activities, the zone interface standards and the zone standards do not apply to that activity.	
E25.6.8 Noise levels in the Business – City Centre Zone The noise level and maximum noise level arising from any activity in the Business – City Centre Zone measured or assessed as the incident level on the façade of any building on any other site in the Business – City Centre Zone must not exceed the limits in Table E25.6.8.1 Noise levels		Noise levels to the car park facade of the Travelodge of approximately 62 dBA. This complies with the day-time operational noise limit but not the night-time limit by 2 dBA.
E25.6.9 Noise levels between units in the Business – City Centre Zone In situations where common building elements such as floors and walls connect two units in the Business – City Centre Zone, the noise level arising from any activity measured in any unit must not exceed the levels in Table E25.6.9.1 Noise levels between units.	N/A - proposed building walls are horizontally separated	
E25.6.10 Noise levels for noise sensitive spaces in the Business – City Centre Zone	N/A - no noise sensitive spaces (such as dwelling units) proposed	

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E25.6.10A Noise levels for noise sensitive spaces in the Business – City Centre Zone within 100 metres of the Strategic Transport Corridor Zone subject to a KiwiRail designation	N/A - site is not located within 100m of the Strategic Corridor Zone subject to a KiwiRail designation	
E25.6.19 Business zones interface The noise and maximum noise level from any activity in the business zones must not exceed the levels in Table E25.6.19.1 Noise levels at the business zone interface when measured within the boundary of a site in a residential zone or within the notional boundary of property in a rural zone.	Complies – noise generated by the proposed activities will not exceed the relevant noise levels when measured at the boundary of the nearest residential zone.	
E25.6.28 Construction noise levels in the Business – City Centre Zone and the Business – Metropolitan Centre Zone Construction activities in the Business – City Centre Zone must comply with Standard E25.6.27(1) above for any receiver not in a Business – City Centre Zone and must not exceed the levels in Table E25.6.28.1 Construction noise levels for construction less than 15 consecutive calendar days duration in the Business – City Centre Zone and Table E25.6.28.2 Construction noise levels for construction of 15 consecutive calendar days or more duration in the Business – City Centre Zone when measured for any 30 minute period 1m from the façade of any building in the Business – City Centre Zone that is occupied during the work.		The duration of the construction for the proposal will exceed 15 consecutive calendar days and it is likely that activities during construction will exceed the daytime noise limit of 75 DB LAeq as follows: Noise generated by piling will exceed the limit by 5 dB at 139 Pakenham Street West and 124 Halsey Street for a duration of 10 days; Noise generated by piling will exceed the limit by 5 dB at 21 Viaduct Harbour Avenue and 75-81 Halsey Street for a duration of 10 days; and Noise generated by piling will exceed the limit by 6 dB at 30 and 58 Gaunt Street for a duration of 10 days.
E25.6.29 Construction noise and vibration levels for work within the road Noise from any construction, maintenance and demolition activities in the road must comply with the relevant noise levels in Table E25.6.28.1 Construction noise levels for construction less than 15 consecutive	Will comply. A Draft CNVMP has been provided – refer to Appendix 31.	

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calendar days duration in the Business – City Centre Zone; or Table E25.6.28.2 Construction noise levels for construction of 15 consecutive calendar days or more duration in the Business – City Centre Zone Vibration from any construction, maintenance and demolition activities in the road must comply with the relevant vibration levels in German Industrial Standard DIN 4150-3 (1999): Structural vibration – Part 3 Effects of vibration on structures; and Table E25.6.30.1 Vibration limits in buildings.		
E25.6.30 Vibration Construction and demolition activities must be controlled to ensure any resulting vibration does not exceed the limits set out in German Industrial Standard DIN 4150-3 (1999): Structural vibration – Part 3 Effects of vibration on structures when measured in accordance with that Standard on any structure not on the same site; and the limits in Table E25.6.30.1 Vibration limits in buildings in any axis when measured in the corner of the floor of the storey of interest for multi-storey buildings.	Will comply – refer to CNVA (Appendix 30).	
E26 Infrastructure	Service connections are permitted (A3) Diesel or petrol electricity generators used for the emergency backup of any activities in Table E26.2.3.1 Activity Table (A13) Network utilities and energy storage within buildings where the	Electricity storage facility (backup storage located within data centre) that is not a minor utility structure is a **restricted discretionary activity** under E26.4.1(A64)

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	network utilities or energy storage services that building (A15) Underground electricity lines (A22) Underground telecommunication lines and facilities (A40) Underground pipelines and ancillary structures for the conveyance of water, wastewater and stormwater (A49) Manholes (A57) Stormwater treatment devices (A58) Small-scale electricity generation (solar panels) (A59) E26.2.5.3 Specific activities within zones in Table E26.2.3.1 (22) For small scale and community scale electricity, solar panels on the roof of a building must not exceed 250mm in height above the existing roof: N/A – solar panels will be installed at same time that the roof is to be	

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Rule	Compliance	Non-Compliance
	constructed and not retrospectively	
E26.2.5 Standards		
E26.2.5.1. **Activities within roads and unformed roads** in Table E26.2.3.1 Activity table All activities listed as permitted in Table E26.2.3.1 Activity table must comply with the following permitted activity standards.	All activities listed as permitted comply with the standards below as follows.	
(1) Temporary network utilities All temporary network utilities and associated buildings and structures must be removed from the site on completion of the works The site must be reinstated in accordance with conditions specified in the National Code of Practice for Utility Operators' Access to Transport Corridors (2011).	N/A	
(2) Building area. The maximum aboveground building area for structures, excluding electricity and telecommunication support structures is 2m2. This excludes: (telecommunication cabinets permitted under NESTF; (distribution substations and gas distribution regulator stations provided they do not exceed 6m2; distribution substations that specifically connect between networks operating at different voltages or phase angles, and are located outside of urban areas provided they do not exceed 10m2; and pole mounted transformers provided the transformer does not exceed 2m3.	No aboveground structures within the road reserve proposed.	
(3) Height	N/A - no telecommunication support structures proposed.	

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The maximum height for structures, excluding electricity and telecommunication support structures, telecommunication devices, earth peaks, lightning rods, smart meters and GPS antennas is 1.8m; The maximum height for support structures for electricity lines, telecommunication lines, telecommunication equipment/devices, including telecommunication equipment/devices is 25m. This measurement of height of the structure excludes any earth peaks, lightning rods, smart meters, omni-directional whip antennas and GPS antennas.		
(5) Minor infrastructure upgrading All activities and works must be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).	N/A	
(6) Electricity transmission and distribution (Electric and magnetic fields)	N/A - network utilities that emit electric and magnetic field emissions are not proposed.	
(7) Radio Frequency Fields (RF fields)	N/A - network utilities will not produce radio-frequency fields.	
E26.2.5.2. **Activities within zones** in Table E26.2.3.1 Activity table All activities listed as permitted in Table E26.2.3.1 Activity table must comply with the following permitted activity standards.		
(1) Temporary network utilities All temporary network utilities, temporary electricity generation facilities and associated buildings and structures must be removed from the site on completion of the works.	N/A	

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(2) Building area The maximum aboveground building area for structures, excluding electricity and telecommunication support structures: 30m2. Excludes substations or telephone exchanges incorporated within a building complying with the rules for the relevant zone which are provided for as a separate activity.	N/A	
(3) Height The maximum height for structures, excluding electricity and telecommunication support structures, telecommunication devices, earth peaks, lightning rods, smart meters and GPS antennas, is 2.5m. Excludes substations and telephone exchanges incorporated within a building complying with the rules for the relevant zone or otherwise approved.	N/A	
(4) Yards	N/A - no electricity and telecommunication support structures located within 1m of a site zoned residential or Special Purpose – Māori Purpose Zone.	
(5) Pole mounted transformers	N/A - pole mounted transformers not proposed.	
(6) Electricity transmission and distribution	N/A - no network utilities that emit electric/magnetic field emissions are proposed.	
(7) Radio Frequency Fields	No network utilities that produce radio-frequency fields are proposed.	

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E26.2.5.3. Specific activities within zones in Table E26.2.3.1. The specific activities listed below are required to comply with the permitted activity standards in E26.2.5.1 and E26.2.5.2. Where a standard in E26.2.5.3 for a specified activity varies from a standard in E26.2.5.1 or E26.2.5.2, E26.2.5.3 shall apply.		
(1) Minor infrastructure upgrading of network utilities must comply with the following controls. Minor re-alignment, configuration, relocation or replacement of electricity, gas distribution, or telecommunication line, pipe, pole, conductors, cross arms, switches, transformers, cabinets or ancillary structures: o That is within 2m of the existing alignment or location; o That is within 5m of the existing alignment or location when associated with road widening reasons or road safety or electricity clearance reasons. The alteration, replacement or relocation of water, wastewater or stormwater structures (excluding pipes): o There must be no more than a 10 percent increase in the width, length and/or height of the structure; and o The structure must be located within the 2m of existing alignment or location. The alterations or replacement of water, wastewater, stormwater, gas pipes provided that: o Above ground pipes must not exceed 300mm increase in diameter of the pipe;	Complies	

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Rule	Compliance	Non-Compliance
○ Underground pipes must not exceed a 50 percent increase in the diameter of the pipe		
(2) Noise from substations must not exceed the following noise limits when measured within the boundary of a residential zone site or within the notional boundary of a rural zone site: 55 dB LAeq between Monday to Saturday 7am to 10pm and Sundays 9am to 6pm and 45 dB LAeq/75 dB LAmax for all other times	N/A - substation not proposed.	
(2A) Noise from electricity storage facilities must not exceed: The noise limits in E26.2.5.3(2) when the electricity storage facility is located on the same site as a substation and the noise levels are assessed cumulatively; or The following noise limits when measured within the boundary of a residential zone site or within the notional boundary of a rural zone site: ○ 50 dB LAeq between Monday to Saturday 7am to 10pm and Sundays 9am to 6pm and ○ 40 dB LAeq/75 dB LAmax for all other times.	N/A - site will not contain a substation.	
(3) Noise from substations and electricity storage facilities in other zones must not exceed the noise limits for the zone in which they are located as provided in E25 Noise and vibration.	N/A	
(20) For small scale and community scale electricity, solar panels on the roof of a building must not exceed 250mm in height above the existing roof.	N/A – no solar is proposed.	
E26.2.5.4. Standards for road network activities in Table E26.2.3.2	N/A - road network activities are not proposed.	
E26.2.5.5. Controlled activity standards	N/A	

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Rule	Compliance	Non-Compliance
Table E26.3.3.1 Activity table – Network utilities and electricity generation and vegetation management	N/A - tree works for network utilities and electricity generation not proposed.	
Table E26.4.3.1 Activity table - Network utilities and electricity generation – Trees in roads and open space zones and the Notable Trees Overlay	N/A - street tree works for network utilities and electricity generation not proposed.	
Table E26.5.3.1 Activity table - Earthworks all zones and roads Table E26.5.3.2 Activity table all zones and roads	Earthworks up to 2500m^2 (388m^2 of earthworks within the road reserve proposed) other than for maintenance, repair, renewal, minor infrastructure upgrading is a **permitted activity** under E26.5.3.1(A95). Earthworks up to 2500m^3 other than for maintenance, repair, renewal, minor infrastructure upgrading (300m^3 of earthworks within the road reserve proposed) is a **permitted activity** under E26.5.3.1(A96).	
E26.6.3. Activity table	N/A - earthworks for network utilities and electricity generation not located within specified overlays.	
Table E26.7.3.1 Activity table - Network utilities and electricity Generation – Earthworks Outstanding Natural Features Overlay	N/A - earthworks within ONF not proposed.	
Table E26.8.3.1 Activity table - Network utilities and electricity generation – Historic Heritage Overlay	N/A - network utilities and electricity generation within HHO not proposed.	

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Rule	Compliance	Non-Compliance
Table E26.9.3.1 Activity table - Network utilities and electricity generation – Special Character Areas Overlay – Residential and Business	N/A - network utilities and electricity generation within SCA not proposed.	
Table E26.10.3.1 Activity table - Network utilities and electricity generation – Sites and Places of Significance to Mana Whenua Overlay	N/A - network utilities and electricity generation within Sites and Places of Significance to Mana Whenua Overlay not proposed.	
Table E26.11.3.1 Activity table - Network utilities and electricity generation – Volcanic Viewshafts and Height Sensitive Areas Overlay (**Regionally Significant Volcanic Viewshaft**)	Service connections in a Regionally Significant Volcanic Viewshaft is a **permitted activity** under E26.11.3.1 (A157).	
E26.11.5.1. Permitted activity standards		
(1) Height must be measured using the rolling height method.	Noted – height is measured using the rolling height method.	
(2) Minor infrastructure upgrading	N/A - upgrades to any existing above-ground structures not proposed.	
(3) Minor upgrading of road network activities must comply with the following standards: The alteration, replacement or relocation of ancillary structures for road network activities: o There must be no more than a 10 percent increase in the width, length and/or height of the structure; and o The structure must be located within 2m of the existing alignment or location o Any support structure or pole which replaces an existing support structure or pole: Must not have a diameter or width that is greater than 20 percent	N/A - not proposed.	

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Rule	Compliance	Non-Compliance
larger than the existing support structure or pole; and o Must not have a height greater than 25m or 10 percent in addition to the existing support structure or pole. All activities and works must only occur within the legal road or the formation width of the road.		
(4) Minor utility structures must not exceed a maximum height of 0.9m and a maximum area of 0.5m2	N/A - structures will be contained within the B2 footprint.	
(5) Antennas and aerials must not have a cross sectional dimension greater than 300mm	N/A - antennas and aerials not proposed.	
(6) Temporary construction and safety structures and signs must be removed within 30 days or upon completion of the construction works.	Will comply.	
(7) Road network activities must comply with the following standards: Maximum height of 25m for road lighting and associated support structures; and Maximum height of 5.3m for traffic and direction signs, road name signs, traffic safety and operational signals, traffic signals, traffic information signage and support structures including interactive warning signs, real time information signs, lane control signals, ramp signals, cameras, vehicle identification and occupancy counters.	Will comply.	
Table E26.12.3.1 Activity table - Network utilities and electricity generation – Auckland War Memorial Museum Viewshaft, Local Public Views, Ridgelines, Stockade Hill Viewshaft Overlays	N/A - network utilities and electricity generation within Auckland War Memorial Museum Viewshaft, Local Public Views, Ridgelines, Stockage Hill Viewshaft Overlays are not proposed.	

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Rule	Compliance	Non-Compliance
Table E26.13.3.1 Activity table - Network utilities and electricity generation – Outstanding Natural Landscapes Overlay (excluding outstanding natural features) and Outstanding Natural Character and High Natural Character Overlay	N/A - network utilities and electricity generation within ONL, ONC and HNC not proposed.	
Table E26.14.3.1 Activity table - Network utilities and electricity generation – Outstanding Natural Features Overlay (excluding outstanding natural landscapes)	N/A - network utilities and electricity generation within ONF not proposed.	
E27 Transport	Refer below.	Refer below.
E28 Mineral Extraction from Land	N/A – mineral extraction not proposed.	
E29 Emergency Management Area	N/A – the Wiri Oil Terminal, Wiri LPG Depot and high pressure Refinery to Auckland petroleum pipeline are not relevant to this proposal.	
E30 Contaminated Land		Discharges of contaminants into air, or into water, or onto or into land which exceed the permitted activity limits for heavy metals, cyanide and baP under E30.6.1.4 is a controlled activity pursuant to Rule E30.4.1(A6). Proposed land disturbance of a HAIL site will not meet controlled activity standard E30.6.2.1, as no DSI has been provided for earthworks relating to Buildings 3, 4 and 5. This is a discretionary activity pursuant to E30.4.1(A7). Standard E30.6.1.4: The site meets the definition of land containing elevated levels of contaminants, exceeding the permitted criteria. Refer to the PSI/DSI prepared by T+T included as Appendix 18 for further details.

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		All activities listed as a controlled activity in Table E30.4.1 Activity table must comply with the controlled activity standards.
E30.6.2.1. Discharges of contaminants into air, or into water, or onto or into land not meeting permitted activity standards E30.6.1.1; E30.6.1.2; E30.6.1.3; E30.6.1.4; or E30.6.1.5 (1) A detailed site investigation (contaminated land) must be prepared and submitted to Council for consideration. (2) A site management plan (contaminated land) must be prepared and submitted to Council for consideration. (3) A remedial action plan (contaminated land), relevant to the site and the proposed disturbance or remediation must be prepared and submitted to Council for consideration. (4) The report on the detailed site investigation (contaminated land) must state either that: The concentrations of soluble contaminants in: o Overland stormwater at the site boundary o Surface water within the site, or o Groundwater at the site boundary Must not exceed the guideline values specified in Table 3.4.1 Trigger values for toxicants at alternative levels of protection in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000 Guidelines) Discharges from the land are highly unlikely to cause significant adverse effects on the environment; or The contamination associated with the land must be contained beneath a continuous impervious layer and	(1) Complies – a Detailed Site Investigation (DS) has been prepared for Buildings 1 and 2 and submitted (refer to Appendix 18). (2) Complies – a Site Management Plan (CSMP) has been prepared and submitted (refer to Appendix 19). (3) N/A – a Remedial Action Plan (RAP) is not considered appropriate; a CSMP has been provided. (4) The DSI report confirms that discharges from the land are highly unlikely to cause significant adverse effects on the environment.	

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Rule	Compliance	Non-Compliance
must be located above the highest seasonal groundwater level beneath the site.		
E31 Hazardous Substances	14m^3 of hazardous class 2.1 is proposed. This is a **permitted activity** under E31.4.3(A52). Less than 2000kg of hazardous gases are proposed. This is a **permitted activity** under E31.4.3(A54). 500L of hazardous class 3.1A and 3.1B is proposed. This is a **permitted activity** under E31.4.3(A57). 16m^3 of hazardous class 5.1.2A is proposed. This is a **permitted activity** under E31.4.3(A66). 200L of hazardous class 8.1, 8.2A, 8.3 is proposed. This is a **permitted activity** under E31.4.3(A75). Less than 1,000L of hazardous class 8.2B, 8.2C is proposed. This is a **permitted activity** under E31.4.3(A76).	Hazardous facilities that store or use hazardous substances above the specified thresholds for controlled activity and restricted discretionary activity status in the activity tables or are not otherwise provided for is a **discretionary activity** under Table E31.4.1(A7). 190,000L of hazardous class 3.1D is proposed where up to 20,000L is permitted and more than 40,000L is a discretionary quantity under E31.4.3(A60). 203,900L of hazardous class 6.1C, 6.3-6.9 is proposed where up to 6,000L is permitted and more than 12,000L is a discretionary quantity under E31.4.3(A73). 190,500L of hazardous class 9.1B is proposed where up to 10,000L is permitted and more than 20,000L is a discretionary quantity under E31.4.3(A79).
E31.6.1. Hazardous facilities site design Any part of a hazardous facility involved in the manufacture, mixing, packaging, storage, loading, transfer, usage or handling	Complies - the tanks are appropriately located within the basement or L5, well separated	

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Rule	Compliance	Non-Compliance
of hazardous substances must be located designed, constructed and operated to ensure that: On-site facilities are set back from the more sensitive uses and watercourses to comply with the distances specified in the activity tables above; and Hazardous substances are stored to: o ensure that in the event of an unintended spill or release substances are contained within the intended areas of the site; and o prevent the accumulation of any solid, liquid, gas or vapour outside of the site area.	from sensitive uses on site to service the building utilities. All storage tanks are provided with double skinned containment and are kept indoors. All other storage of packaged substances on site will minimised and kept in closed containers in bunded storage areas where required.	
E31.6.2. Site drainage systems The site drainage systems (including for washwater) must be designed, constructed and operated to prevent the entry or discharge of hazardous substances into: The stormwater or sewerage systems unless authorised by the relevant network utility operator; and Air, land or water, including groundwater and potable water supplies, unless authorised by a resource consent or another rule in the Plan.	Complies - there will not be any washwater generated at the Site as part of the proposed data centre. All bulk storage tanks are provided with double skinned bunding within the building. Drainage plans prepared as part of detailed design will illustrate stormwater grates at the development. Small quantities of cleaning or maintenance products may be kept in closed containers within dedicated bunded storage areas internal to the building. Insulating	

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	oils and coolants within equipment are located in enclosed areas of the building. No pathway is anticipated for ecotoxic substances to escape the site. Any stormwater grates on-site will be clearly identified by markings.	
E31.6.3. Hazardous facilities spill containment system Any part of the hazardous facility site where a hazardous substance spill may occur must be serviced by a suitable spill containment system that is: Constructed from impervious materials resistant to all hazardous substances on-site; and For liquid hazardous substances: o Able to contain the maximum volume of the largest tank present plus an allowance for stormwater or fire water; o For drums or other smaller containers, able to contain half of the maximum volume of substances stored, plus an allowance for stormwater or fire water; o Able to prevent any spill or other unintentional release of hazardous substances, and any stormwater and/or fire water that has become contaminated, from entering the stormwater drainage system, unless authorised by the relevant network utility; and	Complies - All bulk storage tanks are provided with double skinned containment indoors. Re-loading of diesel is expected to occur infrequently. The connection to the tanks will be within the services lane and supervised by delivery contractors trained in emergency spill response and equipped with spill kits. The refuelling vehicle will use dry break coupling connections and remote fuel level gauges and overfill protection valves for the receiving tanks. Further internal distribution of diesel between bulk storage tanks and day tanks will be conducted via a system fitted with fuel level	

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○ Able to prevent any spill or other unintentional release of hazardous substances, and any stormwater and/or fire water that has become contaminated, from discharging into air, land or water, including groundwater and potable water supplies, unless authorised by a resource consent or another rule in the Plan.	sensor controls and interlocks to prevent overfilling. Secondary containment will be provided for dedicated hazardous liquid package storage associated with maintenance activities, such as storage of paints or water treatment chemicals.	
E32 Biosolids	N/A – biosolids are not relevant to the proposal.	
E33 Industrial and Trade Activities	N/A as follows: All storage and handling of environmentally hazardous substances are undertaken indoors at the proposed Data Centre. The air-cooled chiller systems on the roof use water as the coolant. The proposed activities associated with the Data Centre are not listed in Table E33.4.3, as such the activity is 'unlisted'.	
E33.6.1.1. Use of land for an industrial or trade activity		
(1) Wastewater and washwater produced by industrial or trade activities must be disposed of on-site via the sanitary sewer, subject to approval from Watercare, or it must be collected, either for recycling or disposal, to a system or facility with all the appropriate authorisations	Complies - there are no wastewater or washwater streams associated with the charger building facilities.	

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to accept wastewater of that type. For the purposes of this rule, wastewater or washwater also includes: Boiler blow down and condensate; All waste liquids generated or collected as part of an industrial or trade activity; Cooling tower water excluding vapour; and Condensate from air compressors.	Any waste collected in the event of a spill will be disposed of to an authorised waste facility.	
(2) A spill response plan is prepared where any environmentally hazardous substance is handled, used or stored on land at a quantity greater than used for domestic purposes. These plans must meet the requirements of Table E33.9.1 as relevant and be supplied to the Council on request.	Complies - A spill response plan is proposed to be included in the HSMP.	
(3) For environmentally hazardous substances in quantities covered by Part 4 of the Hazardous Substances (Emergency Management) Regulations 2001, a spill response plan prepared in accordance with those regulations will be considered to comply with Standard E33.6.1.1(2) provided the emergency spill response plan also explicitly addresses matters (vi) to (x) in Table E33.9.1.	N/A - Standard E33.6.1.1(2) will be met.	
(4) For environmentally hazardous substances not covered by Part 4 of the Hazardous Substances (Emergency Management) Regulations 2001, a spill response plan prepared in accordance with Council's factsheet 'Being Prepared for a Spill' will be considered to comply with Standard E33.6.1.1(2).	N/A - Standard E33.6.1.1(2) will be met.	
(5) When the quantity of environmentally hazardous substances stored above the ground exceeds that used for domestic purposes, it must be stored:	Complies - all environmentally hazardous substances will be stored appropriately as follows:	

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In a container and in a manner that prevents the entry of rainwater into the container; and Within a secondary containment device or within a containment system that is constructed of impervious materials that are resistant to chemical attack from the substances contained therein.	• Packaged substances will be stored in dedicated storage areas, such as a flammable liquids cabinet in the workshop. • Coolant will housed within closed systems within the covered chiller units • Transformer oil will be used within closed systems within the transformer, which are situated within the building in dedicated rooms retain any leaks. • All containment systems must be constructed of materials impervious to the substance contained within. Complies.	
(6) For environmentally hazardous substances in quantities covered by Part 4 of the Hazardous Substances (Emergency Management) Regulations 2001, storage requirements in accordance with those regulations will be considered to comply with Standard E33.6.1.1(5).	N/A - Standard E33.6.1.1(5) will be met.	
(7) For environmentally hazardous substances not covered by Part 4 of the Hazardous Substances (Emergency Management) Regulations 2001, storage requirements in accordance with council's factsheet 'Above Ground Storage' noting the following bund sizing criteria for secondary stage storage, will be considered to comply with Standard E33.6.1.1(5) where: (a) for tanks the bund has a storage capacity of at least 110 per cent	N/A - Standard E33.6.1.1(5) will be met.	

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of the capacity of the largest tank taking into account the volume displaced by any equipment and/or materials stored within the bund; and (b) for drums the bund has an effective storage height of at least 100mm, allowing for any sloping ground, and the bund is set back from the drums by a distance equal to half the height of the stacked or stored drums.		
(8) All secondary containment devices must be designed, constructed and managed so that uncontaminated rainwater and stormwater runoff is prevented from flowing into the contained area.	Complies - All storage activities are undertaken indoors within Building 2.	
(9) Weekly inspections must be undertaken and recorded to check that environmentally hazardous substances are stored and/or contained appropriately.	Complies - Inspections will be undertaken in accordance with procedures set in the HSMP. Inspections will be documented for storage of environmentally hazardous substances in the charger building. The data centre equipment (e.g. transformers, chillers) will be equipped with monitoring systems to alert staff of any potential leaks.	
(10) A regular reconciliation process must be undertaken for any environmentally hazardous substance stored in an underground storage tank that will identify any leakage or unaccounted losses of material from the tank	N/A – no underground tanks proposed.	
(11) Any waste compactors and bins must be located and operated in such a manner that prevents leachate or waste leaking from them.	Complies - Waste receptacles shall be located indoors within B2.	

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(12) All on-site vehicle re-fuelling areas must be segregated and housed under cover, and/or surrounded by a drain that drains to an appropriately designed and sized stormwater treatment and spill containment device fitted with a shut-off valve.	Complies - There are no vehicle refuelling areas proposed.	
(13) Operations must be undertaken in accordance with an environmental management plan specific to the industrial or trade activity. This plan must be prepared in accordance with Table E33.9.2, and supplied to Council upon request.	Complies - HSMP has been conditioned.	
(14) Where the industrial or trade activity is located within a sewage treatment facility then the wastewater generated on site by that industrial or trade activity may be disposed of within that facility.	N/A - ITA is not located within sewage treatment facility	
Permitted activity standards E33.6.1.2. Discharge from an industrial or trade activity area		
(1) The discharges of contaminants from an industrial or trade activity area must result in less than minor adverse environmental effects on the receiving environment without the need for stormwater treatment (with the exception of on-site vehicle refuelling areas requiring stormwater treatment and spill contaminant devices under the permitted activity Standard E33.6.1.1(12).	Complies - there are no ITA areas associated with the proposed data centre and no discharges of contaminants proposed.	
E34 Agrichemicals and Vertebrate Toxic Agents	N/A – agrichemicals and vertebrate toxic agents are not relevant to the proposal.	
E35 Rural Production Discharges	N/A – rural production discharges are not relevant to the proposal.	
E36 Natural Hazards and Flooding	Refer below.	Refer below.

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E37 Genetically Modified Organisms	N/A – GMOs are not relevant to proposal.	
E38 Subdivision – Urban	N/A – subdivision is not proposed.	
E39 Subdivision – Rural	N/A – not relevant to proposal.	
E40 Temporary Activities		The proposal will involve temporary activities associated with building and construction (including structures and buildings that are accessory activities) for a duration of more than 24 months as permitted in Rule E40.4.1(A20) which is a **restricted discretionary activity** pursuant to Rule E40.4.1(A24).
E27 Transport		
E27.4.1 Activity Table		Parking, loading and access which is an accessory activity but does not comply with the following for parking, loading and access is a **restricted discretionary activity** under E27.4.1(A2): E27.6.2. Number of parking and loading spaces E27.6.3.5 Vertical Clearance E27.6.3.6 Formation and Gradient E27.6.4.2 Width and Number of Vehicle Crossings E27.6.4.4 Gradient of Vehicle Access Refer to the Integrated Transportation Assessment prepared by Parlane Associates included as Appendix 18 for further details.
E27.6.1 Trip Generation • a new development or subdivision which exceeds the thresholds in Table E27.6.1.1; or • 100 v/hr (any hour) for activities not specified in Table E27.6.1.1	N/A – the proposal is within the Business – City Centre Zone and this standard does not apply	

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E27.6.2 Number of Parking and Loading Spaces	N/A – the Wynyard Precinct includes specific Standard I214.6.1 Parking that applies and is assessed below.	
E27.6.2(6) Bicycle Parking the activities specified in Table E27.6.2.5 must provide the minimum number of bicycle parking spaces specified; Offices greater than 200m^2 up to 10,000m^2 GFA: o 1 visitor space plus 1 visitor space per 1,000m^2 above 1,000m^2 o 1 secure space per 300m^2 of office • Offices exceeding >10,000m^2 GFA: o 10 visitor spaces, plus 1 visitor space per 2,000m^2 above 10,000m^2 o 1 secure space per 300m^2 of office • Food and beverage retail: o 1 per 350m^2 GFA • All other retail: o Between 500m^2 and 5,000m^2 GFA: 1 per 500m^2 GFA o Greater than 5,000m^2 GFA: 1 per 750m^2 GFA • for residential developments, the required secure long–stay bicycle parking must be located and designed in a manner that (is): o not part of any required outdoor living space o sheltered from the weather. o lockable and secure.	Otherwise, complies with both visitor and secure parking standards for each building.	36 bicycle parking spaces are required for the data centre (B2), where only 8 are provided.
E27.6.2(7) End-of-Trip Facilities	Complies - a total of 18 showers are required, and 50 showers are apportioned throughout the	

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• Offices greater than 500m^2 up to 2,500m^2: 1 shower and changing area with clothing storage • Offices greater than 2,500m^2 up to 7,500m^2: 2 showers and changing area with clothing storage • Every additional 7,500m^2: 2 additional showers and changing area with clothing storage	buildings. Changing areas are provided to each building with office space.	
E27.6.2(8) Loading • (T109) Retail greater than 300m^2 up to 5,000m^2: 1 space • (T110) Retail greater than 5,000m^2 up to 10,000m^2: 2 spaces • (T111) Retail greater than 10,000m^2: 3 spaces plus 1 space for every additional 10,000m^2 • (T113) All other activities greater than 20,000m^2 up to 90,000m^2: 2 spaces	Complies – 5 loading spaces required and 5 are provided throughout the site.	
E27.6.3.1 Size and Location of parking spaces	All parking spaces comply with the standard as follows: • Parking spaces within the basement areas will be 2.6m wide, 5m long and with 7m manoeuvring aisle.	
E27.6.3.2 Size and Location of Loading Spaces	All loading spaces comply with the standard as follows: • Loading spaces will be 3m wide and 8m long.	
E27.6.3.2(A) Number and Design of Accessible Parking • For residential developments where car parking is provided on site, accessible parking spaces must be provided for developments of 10 or more dwellings as set out in E27.6.3.2(A)(7).	Complies – 20 spaces are required, and 20 accessible spaces are apportioned throughout the basement parking areas	

Rule	Compliance	Non-Compliance
• For all non-residential developments, accessible parking must be provided when car parking is provided on-site as set out in E27.6.3.2(A) (6) • Accessible parking is not required to be provided where no car parking is provided on site, except for specified activities. • Accessible car parks must be marked as accessible and connected by an accessible route except: o For all non-residential developments, or non-residential components of mixed-use developments, standard accessible parking markings must be used.		
E27.6.3.3 Access and Manoeuvring • Must accommodate 85th percentile tracking curves for cars • Loading must comply with the RTS 18 tracking curves and Figure E27.6.3.3.3. for small loading spaces • Only car parks for dwellings may be stacked	Complies. The entry and exit to the carparking basements have been designed to cater for the B85 design vehicle. Refer to tracking curves provided within Appendix 27.	
E27.6.3.4 Reverse Manoeuvring Not permitted where: • Four or more spaces are served by a single access • There is 30m between the parking space and the road boundary • Access is from an arterial road or Vehicle Access Restriction • Heavy vehicles are required on a site in a residential zone	Complies – no reverse manoeuvring is proposed.	
E27.6.3.5 Vertical Clearance • 2.1m for residential	Otherwise, compliant vertical clearance for other parking and loading spaces	Non-compliance as follows:

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• 2.3m where access and/or parking for cars is provided for all other activities • 2.5m where access and/or accessible parking for people with disabilities is provided • 3.8m where loading is required		• The proposed basement parking for Buildings 3 and 4-5 do not provide 2.5m headroom for accessible parking spaces (clearance of 2.2m provided).
E27.6.3.6 Formation and Gradient • Parking and access must be formed, drained, provided with an all-weather surface and be marked out or delineated (except in some rural zones) • Maximum 1:25 for accessible spaces • Maximum 1:20 for other spaces • Maximum 1:8 for manoeuvring • Maximum 1:50 (2%) crossfall	Otherwise complies. All basement parking spaces will be delineated.	Non-compliance as follows: • Proposed loading spaces will not be visually delineated within the laneways.
E27.6.3.7 Lighting • Lighting is required where there are 10 or more spaces which are likely to be used during hours of darkness. The parking and manoeuvring areas and associated pedestrian routes must be adequately lit during use in a manner that complies with the rules in Section E24 Lighting. • Lighting must be provided during the hours of darkness and comply with E24.	Lighting in pedestrian access will comply with requirements. An indicative lighting plan has been provided; a comprehensive lighting plan will be prepared during detailed design and has been conditioned.	
E27.6.4.1 Vehicle Access Restrictions	N/A – proposed crossings not located within intersection or arterial VAR	
E27.6.4.2 Width and Number of Vehicle Crossings • 1 crossing per 25m frontage	Otherwise, the crossing widths and total number of crossings complies.	Non-compliance as follows: • A minimum 6m separation width between vehicle crossings serving the same site is not provided at Pakenham Street West (the laneway accessway is not separated by 6m from

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• Minimum 2m separation between crossings on adjacent sites, except that two crossings on adjacent sites can be combined to max 6m width • Minimum 6m separation between crossings servicing the same site • Must comply with E27.6.4.3		the basement parking for Building 3 and also the Travelodge accessway.
E27.6.4.3 Width of Vehicle Access, Queueing and Speed Management Requirements • Every on-site parking and loading space must have vehicle access from a road, with the vehicle access complying with Table E27.6.4.3.3 Speed management requirements	Compliant access is provided.	
E27.6.4.4 Gradient of Vehicle Access • (T157) Vehicle access serving any other residential activities (including rear sites) = maximum 1:5 (20%) • 4m long 1:20 platform where adjoining road boundary		Proposed access ramps serving Building 4 and 5 will have a maximum gradient of 1:5 where 1:6 is required for non-residential activities (commercial proposed in this case).
E27.6.4.5 Sightlines for Road/Rail Level Crossings	N/A	
E27.6.5 Design and Location of Off-Road Pedestrian and Cycling	N/A	
E27.6.6 Design and Location of Pedestrian Access in Residential Zones	N/A	
E27.6.7 Provision for Electric Vehicle Charging • For new dwellings with undercover car parking (with the exception of new detached dwellings) this must be demonstrated through space for the equipment on a plan or otherwise conditioned for this plan to be provided prior to lodgement of building consent. • Does not apply to new detached dwellings or visitor parking.	N/A – no dwellings proposed	

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Rule	Compliance	Non-Compliance
E27.6.8 Electric Vehicle Charging Stations • Maximum height – 3m • Comply with front yard and landscape buffer standards where more than 2 are proposed.	N/A	
E36 Natural Hazards and Flooding		
E36.4.1 Activity Table		Below ground parking or parking areas in the 1 per cent annual exceedance probability (AEP) floodplain is a **restricted discretionary activity** under E36.4.1(A26). Storage of hazardous substances in the 1 per cent annual exceedance probability (AEP) floodplain is a restricted discretionary activity pursuant to Rule E36.4.1(A29). Construction of other land drainage works, stormwater management devices or flood mitigation works in the 1 per cent annual exceedance probability (AEP) floodplain is a **restricted discretionary activity** pursuant to Rule E36.4.1(A33). All other new structures and buildings within the 1 per cent annual exceedance probability (AEP) floodplain is a **restricted discretionary activity** pursuant to Rule E36.4.1(A37). The proposal involves infrastructure (drainage and sewerage system) in the coastal storm inundation 1% AEP control plus 1m sea level rise and the 1% AEP flood plain which is a **restricted discretionary activity** pursuant to Rule E36.4.1(A56).
E36.6 Standards		
E36.6.1 Permitted Activity Standards		

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Rule	Compliance	Non-Compliance
E36.6.1.1. Habitable rooms in new buildings and additions of habitable rooms (greater than 25m^2) to existing buildings in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area • Finished floor levels of habitable rooms must be above the inundation level of the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre sea level rise area.	N/A – no habitable rooms proposed, no changes to existing Travelodge building proposed.	
E36.6.1.5. Fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain • (1) Fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain must be designed to allow for the passage of flood waters where those flood waters exceed 300mm in depth. • (2) Standard E36.6.1.5(1) above does not apply where the fence and wall design is controlled by a rule or standard elsewhere in the Plan.		Non-compliance as follows: • Building walls will be located within the 1% AEP floodplain and do not allow for the passage of flood waters. This is a **restricted discretionary activity** under Rule C1.9(2).
E36.6.1.7. Surface parking areas and above ground parking areas within the 1 per cent annual exceedance probability (AEP) flood plain	N/A – not proposed	
E36.6.2. Controlled activity standards		
E36.6.2.1. Surface parking areas and above ground parking areas in the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with Standard E36.6.1.7	N/A	
H8 Business – City Centre Zone		
H8.4.1 Activity Table	Public amenities in terms of landscaping and planting, seating	New buildings are a **restricted discretionary activity** under H8.4.1(A32).

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Rule	Compliance	Non-Compliance
	and lighting is a permitted activity (A16)	New buildings that do not comply with the following standards are a **restricted discretionary activity** pursuant to Rule C1.9(2): H8.6.25 Building frontage alignment and height; H8.6.26.Verandahs; and H8.6.28 Wind
H8.6 Standards		
H8.6.25. Building frontage alignment and height		Non-compliance as follows: • The Pakenham Street West, Halsey Street and Gaunt Street frontages of the site are identified on Map H8.11.5 as requiring new buildings to adjoin the entire length of the frontage and provide a minimum contiguous building height of 13m for a minimum depth of 6m from the frontage. The design of this Project does not comply with this standard because Building 1 is setback in part from the Halsey Street frontage by 5m in order to provide the entrance plaza.
H8.6.26. Verandahs All verandahs must: • Have a minimum height of 3m and a maximum height of 4m above the footpath immediately below; • be no closer than 700mm in plan to the edge of the road carriageway notwithstanding any other requirement of this standard • A verandah on a corner site must comply with Figure H8.6.26.1.	The verandahs provided have a height of 4m above the footpath where a maximum of 4m is required. The verandahs are 3m wide and therefore comply with the 700mm setbacks to all relevant frontages.	Non-compliance as follows: • The Pakenham Street West, Halsey Street and Gaunt Street frontages of the site are all subject to the verandah control on Map H8.11.6 of the City Centre zone which requires a new building to provide a continuous veranda along the full width of its building frontage. • B1 is a corner site, and the verandah wraps around the corner of the building. However as B1 is set back 5m from Halsey Street, it does not comply with Figure H8.6.26.1, as the verandah does not extend over the public footpath.
H8.6.28. Wind A new building and additions to existing buildings that increase the height of any part of the building must not cause:		Does not comply: • There are four locations which have a worsened post-development wind performance category and do not achieve the required wind performance relative to the performance space under (a), and the development also causes the

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Rule	Compliance	Non-Compliance
• the mean wind speed around it to exceed the category for the intended use of the area as set out in Table H8.6.28.1 and Figure H8.6.28.1 Wind environment control; • the average annual maximum peak 3 second gust to exceed the dangerous level of 25m per second; and • an existing wind speed which exceeds the controls of Standard H8.6.28(1)(a) or Standard H8.6.28(1)(b) above to increase.		average annual maximum peak 3 second gust to exceed the dangerous level of 25m per second (or worsens the wind speed where it already sits above 25m p/s) in five locations under (b)(c).
H8.6.29. Glare Buildings must be designed and built so that the reflectivity of all external surfaces does not exceed 20% of white light. This means that glass and other materials with reflectivity values that exceed 20% may only be used provided they are covered or screened in such a way that the external surfaces will still meet this standard.	Will comply, has been included in conditions of consent.	
H8.6.32. Outlook space	N/A – no dwellings are proposed.	
I214 Wynyard Precinct		
I214.4.1 Activity Table – Land Use	Food and beverage greater than 100m^2 gross floor area per site is permitted (A15) Offices located outside of the area identified for offices on Precinct plan 7 – permitted (A22) Retail, excluding marine retail, up to 1000m^2 gross floor area per	Industrial activities (the proposed Data Centre in B2 is defined as an Industrial Activity) is a **discretionary activity** pursuant to (A16). Office activity that exceeds the maximum office activity gross floor area in I214.6.2(1) below, subject to compliance with the maximum office activity gross floor area in I214.6.2(2) below is a **restricted discretionary activity** under I214.4.1(A23) Offices, retail, food and beverage greater than 100m^2 gross floor area per site is a **restricted discretionary activity** under I214.4.1(A34). Flexibility is sought for the use of the proposed

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Rule	Compliance	Non-Compliance
	retail tenancy or shop – permitted (A28) Commercial services are a permitted activity (A31)	F&B and retail spaces, and seek consent for 1,850.2 m² of either F&B or retail (and a mix) floor area across the five buildings: • Building 1: 170.5 m² • Building 2: 0 m² • Building 3: 889.4 m² • Building 4: 419.2 m² Building 5: 371.1 m²
I214.4.2 Activity Table – Development		Demolition of buildings on the site is a **controlled activity** under I214.4.2(A47) New buildings, and alterations and additions to buildings are a **restricted discretionary activity** under I214.4.2(A51). Roads or lanes are a **restricted discretionary activity** under I214.4.2(A52). Development that does not comply with Standard I214.6.2(2) Maximum office gross floor area is a **non-complying activity** (A56). The maximum office area permitted is 42,512.16m^2. The proposed development contains 62,934.9m^2 of office space. Development that does not comply with I214.6.7(1) Maximum site intensity is a **non-complying activity** (A58). A lane that does not meet the requirements of I214.6.12(5) Lanes and view shafts is a **non-complying activity** under I214.4.2(A60)

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<table>
<tr><th>Rule</th><th>Compliance</th><th>Non-Compliance</th></tr>
<tr><td></td><td></td><td>Development that does not comply with I214.6.6. Building height is a discretionary activity under I214.4.2(A61)

<table>
<tr><th>Building</th><th>Proposed maximum height</th><th>Unitary Plan height standard</th><th>Proposed exceedance</th></tr>
<tr><td>B1</td><td>39.6 m</td><td>25 m</td><td>14.6 m</td></tr>
<tr><td>B2</td><td>38.0 m</td><td>25 m</td><td>13.0 m</td></tr>
<tr><td>B3A</td><td>48.0 m</td><td>31 m</td><td>17.0 m</td></tr>
<tr><td>B3B</td><td>35.4 m</td><td>31 m</td><td>4.4 m</td></tr>
<tr><td>B4</td><td>52.2 m</td><td>31 m</td><td>21.2 m</td></tr>
<tr><td>B5</td><td>43.8 m</td><td>60 m / 31 m</td><td>No exceedance within the 60 m area; 12.8 m exceedance within the 31 m area</td></tr>
</table></td></tr>
<tr><td colspan="3">I214.6 Standards</td></tr>
<tr><td>I214.6.1. Parking
Parking ratios:
• Offices: Max 1 space per 150m^2 of GFA
• Retail: Max 1 space per 150m^2 of GFA</td><td>Complies – up to 575 parking spaces are proposed where a maximum of 575 are permitted.</td><td></td></tr>
<tr><td>I214.6.2. Maximum office gross floor area
• Sub-precinct B maximum: 69,300m^2
• Maximum permitted office activity ratio per site: 2.48:1
• It is a restricted discretionary activity to exceed the maximum office gross floor area rates, provided the amount of office gross floor area on a site does not exceed 14,700m^2 (3:1) for a total of 84,000m^2</td><td></td><td>Non-compliance as follows:
The proposal includes 62,934.90 m² of office GFA. Based on a site area of 17,142 m², this equates to an office activity ratio of 3.67:1. It exceeds both the permitted ratio of 2.48:1 and the restricted discretionary ceiling of 3:1 for Sub-precinct B. The proposal exceeds the 3:1 ceiling by 11,508.90 m².</td></tr>
</table>

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Rule	Compliance	Non-Compliance
I214.6.3 Calculating office gross floor area	Noted. No transfer proposed. Site does not contain any 'public open space inclusive of land subject to public access easement'. Office activity ratio includes 'indicative lane' land.	
I214.6.4. Noise	Will comply.	
I214.6.5. Financial contributions	N/A.	
I214.6.6. Building height Buildings must not exceed the following from Plan 5  Purple: 60m Dark pink: 31m Light pink: 25m		Does not comply as follows: • The proposed maximum height of Building 1 is 39.6m (to top of plant), or 36.2m to the street edge, where a maximum of 25m is permitted; The proposed maximum height of Building 2 is 43.3m (to top of plant), or 33.8m to the street edge, where a maximum of 25m is permitted; The proposed maximum height of Building 3 is 48.4m (to top of plant), or 32m to the street edge, where a maximum of 31m is permitted; The proposed maximum height of Building 4 is 52.5m (to top of plant), or 32m to the street edge, where a maximum of 31m is permitted; The proposed maximum height of Building 5 is 43.8m (to top of plant), or 32m to the street edge, where a maximum of 31m is permitted.
I214.6.7. Maximum site intensity Buildings on a site must not exceed the following from Plan 3:		Does not comply as follows: The proposed maximum floor area ratio ('FAR') for the development is 5.65:1 (94,187.6m^2) which exceeds the aggregated permitted FAR of 4.55:1 (77,031.8m^2). Refer to the Architectural Drawings (Sheets 2153-0-1-106 and 2153-0-1-107 of **Appendix 6**) for further information.

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Rule	Compliance	Non-Compliance
 Purple: 9.2:1 Orange: 4.5:1 Blue: 4:1 For the purpose of calculating maximum site intensity the subject land area of any proposed development may be considered as one site, provided the maximum total cumulative gross floor area across all sites within the subject land area is not exceeded.		
I214.6.8. Building frontage alignment and height		Non-compliance as follows: The proposal does not comply with Standard H8.6.25 Building frontage alignment and height, see above.
I214.6.9. Special industrial frontage	N/A.	
I214.6.10. Marine retail at ground level	N/A.	
I214.6.11. Vehicle access • Vehicle entry or exit must not be established directly from the western side of Halsey Street where alternative access via another road or service lane is available. • The total crossing width for any front or corner site must not exceed 50 per cent of the frontage to any road in which it adjoins.	Complies - the proposal will re-use an existing vehicle crossing to Halsey Street.	
I214.6.12. Lanes and view shafts Lanes must be provided at ground level, generally in the locations shown on Precinct plan 6	Otherwise, complies. Lane 6 is 50m long, for pedestrians and cyclists. It is 6 m wide, meeting the	Non-compliance as follows: Lane 1: Pedestrian and cycle sections are 8 m wide, meeting the 8m requirement for a lane over 100m long. The service vehicle

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Rule	Compliance	Non-Compliance
 They must comprise: • A minimum width of 10m where provided for pedestrians, cyclists and service vehicles; • A minimum width of 6m where lanes are 50m or less in length; minimum width of 7m where lanes are up to 100m in length; where provided for pedestrians and cyclists only • The minimum widths specified must be clear and unobstructed by buildings or structures from ground level upwards, except that verandahs may be provided where they meet H8.6.26 Verandahs of the Business – City Centre Zone rules • The lane must be available for public use at all times unless written approval has been obtained from the council. In all circumstances the lane must be available for public use between the hours of 7am and 11pm • The registration of an access easement on the title to which the lane applies is required to ensure preservation of the lane and its ongoing maintenance by the owner(s) of the land concerned	6 m requirement for a lane up to and including 50 m long. Complies. Lanes are provided as shown on Precinct Plan 6 (2 x north-south lanes and 1 x east-west lane). Lanes will be publicly accessible.	section is 10.8m wide (extending under B3A by 2.85 m), meeting the 10 m requirement. Complies. Lane 3: Approximately 43m long and used by service vehicles. It is approximately 7m wide near Pakenham Street and 9.785 m near the plaza, below the required 10 m. **Does not comply.** Lane 4: Approximately 32m long and used by service vehicles. It is 6 m wide, below the required 10 m. **Does not comply.** Lane 5: Approximately 38.7m long and used by service vehicles. It is 6 m wide, below the required 10 m. **Does not comply.**
I214.6.13. Public access ways - wharves	N/A.	
I214.6.14. Buildings and structures on the Halsey Street extension wharf	N/A.	

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Rule	Compliance	Non-Compliance
I214.6.15. Temporary structures or buildings	N/A.	

Plan Change 120		
E12 Land Disturbance - District		
E12.4.1 Activity Table	N/A - fill earthworks not proposed	
E12.6 Standards		
E12.6.2.(11) Earthworks (including filling) within the 1 per cent annual exceedance probability (AEP) flood plain and/or flood prone areas: • must not raise ground levels more than 300mm, to a total fill volume up to 10m3 which must not be exceeded through multiple filling operations; • and must not result in any adverse changes in flood hazard beyond the site.	N/A - fill earthworks not proposed	
E36 Natural Hazards and Flooding		
E36.4.1A Activity Table	Storage of hazardous substances in coastal hazard areas (Areas 2 and 3) is a **permitted activity** under E36.4.1A(A64). Activities where natural hazard risk is acceptable in accordance with Table E36.3.1B.1 and E36.3.1B.2 in the medium flood hazard area is a **permitted activity** under E36.4.1A(A80).	Activities on land in coastal hazard area 3 where natural hazard risk is potentially tolerable in accordance with Table E36.3.1B.1 is a **restricted discretionary activity** under E36.4.1A(A58). Activities on land in coastal hazard area 2 where natural hazard risk is potentially tolerable in accordance with Table E36.3.1B.1 is a **discretionary activity** under E36.4.1A(A58). Below ground parking (including vehicle entry and exit points) in coastal inundation areas is a **restricted discretionary activity** under E36.4.1A(A61).

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	Fences, earth bunds, and walls in flood hazard areas are a **permitted activity** under E36.4.1A(A87).	Construction of roads intended to be vested and accessways in coastal hazard areas is a **restricted discretionary activity** under E36.4.1A(A69). All other buildings and structures in the coastal hazard areas 2 and 3 are a **restricted discretionary activity** under E36.4.1A(A77). Activities where natural hazard risk is potentially tolerable in accordance with Table E36.3.1B.1 in flood hazard areas is a **discretionary activity** under E36.4.1A(A79). Below ground parking including vehicle entry and exit points in flood hazard areas are a **restricted discretionary activity** under E36.4.1A(A82). Storage of hazardous substances in flood hazard areas is a **restricted discretionary activity** under E36.4.1A(84). Construction of private roads, roads intended to be vested, and accessways in flood hazard areas is a **restricted discretionary activity** under E36.4.1A(A88). All other structures and buildings (including retaining walls) in the 1 per cent annual exceedance probability (AEP) floodplain and flood prone areas is a **restricted discretionary activity** under E36.4.1A(A98).
E36.4.1B Activity Table	On-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks (including rainwater tanks) or stormwater pipes or soakage fields, accessways private roads and roads intended to be vested in landslide hazard risk areas that	

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	comply with Standard E36.6.A1 is a **permitted activity** under E36.4.1B(A112). New structures and buildings associated with activities potentially sensitive and less sensitive to natural hazards in low (acceptable) landslide hazard risk areas is a **permitted activity** under E36.4.1B(A114). All other buildings and structures, including retaining walls, in landslide hazard risk areas that comply with Standard E36.6.A1 are a **permitted activity** under E36.4.1B(A128)	
E36.4.1C Activity Table	N/A	
E36.4.1D Activity Table	N/A	
E36.6.A1 General Standards		
All activities (except activities (A108), (A114) and (A115)) listed as a permitted activity, controlled activity or restricted discretionary activity in Table E36.4.1B, must comply with the following standards by being undertaken in accordance with: • geotechnical reports; and • hazard risk assessment reports • any conditions of consent	Complies. Refer to: • Geotechnical Report included as Appendix 9; and • A hazard risk assessment is included as Appendix 10.	
E36.6.1. Permitted activity standards		
E36.6.1.5. Fences, earth bunds, and walls in flood hazard areas		New building walls (B1, B2 and B5) will be located within the 1% AEP flood plain and flood prone area which do not allow for the passage

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• Fences, earth bunds and walls in the 1 per cent annual exceedance probability (AEP) floodplain and flood prone areas must be designed to allow for the passage of flood waters • Fences, earth bunds and walls located within an overland flow path must not obstruct the overland flow path. • Fences, earth bunds or walls must not exacerbate the depth, velocity or extent of flow of surface water beyond the subject site.		of flood waters. This is a **restricted discretionary activity** under Rule C1.9(2).

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