

Rules Assessment

Proposal: 188 Beaumont Street, Substantive Fast-track Approval Application

Address: 188 Beaumont Street, Auckland Central

Unitary Plan: Auckland Unitary Plan (Operative in Part)

| Auckland Unitary Plan Overview | |
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| Zone | Business – City Centre Zone |
| Site Area | 5,215m ² |
| Overlays/Controls | Controls: Coastal Inundation 1 per cent AEP Plus 1m Control - 1m sea level rise Controls: Macroinvertebrate Community Index - Urban |
| Designations | N/A |
| Precinct | Wynyard sub-precinct C [rcp/dp], Sub-precinct Wynyard sub-precinct E [rcp/dp], Sub-precinct |
| Natural Hazards | Flood prone area Flood plains Coastal Inundation (AEP) |
| Plan Change 120 Zone | Business - City Centre Zone <i>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.</i> |
| Spatially Identified Qualifying Matter/s | Flood Plains (i) Coastal Inundation (i) Coastal Environment |
| Management Layer/s | Walkable Catchments - Policy 3(c) |
| PC120 Natural Hazards | Coastal inundation hazard area 1 (1% AEP event with 0.5m sea level rise) Flood Plains (i): Immediate legal effect Low, Medium and High Flood Hazard Area |

| Rule | Compliance | Non-Compliance |
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| 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. | |
| E4 Other Discharge of Contaminants | N/A. | |
| E5 On-site and Small-Scale Wastewater Treatment and Disposal | N/A. | |

| Rule | Compliance | Non-Compliance |
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| E6 Wastewater Network Management | N/A. | |
| E7 Taking, Damming and Diversion of Water and Drilling | | <ul style="list-style-type: none"> • Dewatering or groundwater level control associated with a groundwater diversion authorised as a restricted discretionary activity under the Unitary Plan, not meeting permitted activity standards E7.6.1.6 and E7.6.1.10 is a restricted discretionary activity pursuant to Rule E7.4.1(A20); and • The diversion of groundwater caused by any excavation, (including trench) or tunnel that does not meet standards E7.6.1.6 and E7.6.1.10 is a restricted discretionary activity pursuant to Rule E7.4.1(A28): <ul style="list-style-type: none"> ○ Standard E7.6.1.6: Does not comply given temporary dewatering required to enable the construction of the core caps may exceed the permitted 30-day duration; and ○ Standard E6.1.10: Does not comply with E6.1.10(3) and (4) given the permanent core caps may extend marginally greater than 2m below the natural high-tide water level. <p>Please refer to Geotechnical Report prepared by Initia Geotechnical Specialists and included as Appendix 11 for further information.</p> |
| E8 Stormwater Discharge and Diversion | Complies – The proposal meets the requirements of the Regionwide Stormwater Network Discharge Consent. Refer to Infrastructure Report for further information. | |

| Rule | Compliance | Non-Compliance |
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| E9 Stormwater Quality – High Contaminant Generating Carparks and Roads | N/A – The proposal does not involve any uncovered parking or any building materials that meet the definition of a HCGA. Refer to 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 | | General earthworks greater than 2,500m ² (5,110m 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). |
| E12 Land Disturbance - District | | <ul style="list-style-type: none"> • General earthworks over an area of 5,110m² being greater than 2,500m² in the Business - City Centre Zone is a restricted discretionary activity pursuant to Rule E12.4.1(A6); and • General earthworks of 15,520m³ being greater than 2,500m³ is a restricted discretionary activity pursuant to Rule E12.4.1(A10). |
| E13 Cleanfills, Managed Fills and Landfills | N/A. | |
| E14 Air Quality | N/A. | |
| E15 Vegetation Management and Biodiversity | N/A. | |
| E16 Trees in Open Space Zones | N/A. | |
| E17 Trees in Roads | Will comply. | |
| E18 Natural Character of the Coastal Environment | N/A. | |
| E19 Natural Features and Natural Landscapes in the Coastal Environment | N/A. | |
| E20 Maori Land | N/A. | |
| E21 Treaty Settlement Land | N/A. | |
| E22 Artworks | N/A. | |
| E23 Signs | | The proposal involves the establishment of comprehensive development signage associated |

| Rule | Compliance | Non-Compliance |
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| | | with the retail tenancies on the ground floor of the proposed buildings which is a restricted discretionary activity pursuant to Rule E23.4.2(A53). |
| E24 Lighting | <ul style="list-style-type: none"> The proposal will meet general standards. A Lighting Plan will be conditioned and provided at a later stage. Permitted activity pursuant to Rule E24.4.1(A1); and Artificial lighting standards for access in residential zones is not required given the site is not residentially zoned. | |
| E25 Noise and Vibration | | <p>The proposed site enabling works are anticipated to exceed the permitted maximum construction noise and vibration limited under Standard E25.6.28 and E25.6.30 and is a restricted discretionary activity pursuant to Rule E25.4.1(A2).</p> <ul style="list-style-type: none"> Standard E25.6.28.2: 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 by up to 25 DB LAeq during the loudest activity (vibrated casing) at Orams Marine; and Standard E25.6.30: Construction vibration amenity levels during construction of the proposed building are predicted to exceed the vibration amenity limits in Standard E25.6.30(1)(b) to the adjacent site at 164 Beaumont Street. |
| E26 Infrastructure | Complies. | |
| E27 Transport | Refer below. | Refer below. |
| E28 Mineral Extraction from Land | N/A. | |
| E29 Emergency Management Area | N/A. | |

| Rule | Compliance | Non-Compliance |
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| E30 Contaminated Land | | <p>Discharges of contaminants into air, or into water, or onto or into land not meeting permitted activity E30.6.1.4 is a controlled activity pursuant to Rule E30.4.1(A6).</p> <ul style="list-style-type: none"> Standard E30.6.1.4: The site meets the definition of land containing elevated levels of contaminants, exceeding the permitted criteria. <p>Refer to Contamination Report prepared by Williamson Water & Land Advisory included as Appendix XX for further details.</p> |
| E31 Hazardous Substances | N/A. | |
| E32 Biosolids | N/A. | |
| E33 Industrial and Trade Activities | N/A. | |
| E34 Agrichemicals and Vertebrate Toxic Agents | N/A. | |
| E35 Rural Production Discharges | N/A. | |
| E36 Natural Hazards and Flooding | Refer below. | Refer below. |
| E37 Genetically Modified Organisms | N/A. | |
| E38 Subdivision – Urban | Refer below. | Refer below. |
| E39 Subdivision – Rural | N/A. | |
| E40 Temporary Activities | | <ul style="list-style-type: none"> 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 | | <p>Parking, loading and access which is an accessory activity but does not comply with the following for parking, loading and access.</p> <ul style="list-style-type: none"> E27.6.2(8) Loading; |

| Rule | Compliance | Non-Compliance |
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| | | <ul style="list-style-type: none"> E27.6.3.1 Design of Parking and Loading Spaces; E27.6.3.6 Formation and Gradient; E27.6.4.2 Width and Number of Vehicle Crossings; and E27.6.4.3 Width of Vehicle Access and Queuing Requirements. <p>Refer to the Integrated Transportation Assessment prepared by Parlane & Associates included as Appendix 19 for further details.</p> |
| <p>E27.6.1 Traffic Generation Standards</p> <ul style="list-style-type: none"> Assessment required for more than 100 dwellings | N/A – the proposal is within the Business – City Centre zone. | |
| <p>E27.6.2(1) Number of Parking and Loading Spaces</p> <p>The number of parking spaces must not exceed those set out in Table E27.6.2.1 for the Business – City Centre Zone.</p> <ul style="list-style-type: none"> Dwellings <75m² GFA: 0.7 per dwelling Dwellings ≥75 and < 90m² GFA: 1.4 per dwelling Dwellings ≥90m² GFA: 1.7 per dwelling Visitor spaces: 0.2 per dwelling All other activities: 1:200m² GFA | N/A – the Wynyard Precinct includes specific Standard I214.6.1 Parking that applies and is assessed below. | |
| <p>E27.6.2(6) Bicycle Parking Requirements apply to all residential developments.</p> <ul style="list-style-type: none"> Developments of 20 or more dwellings: <ul style="list-style-type: none"> 1 visitor per 20 dwellings 1 secure per dwelling without a dedicated garage Retail F&B: <ul style="list-style-type: none"> Greater than 350m² GFA: 1 visitor per 350m² GFA 1 secure per 300m² GFA | | Does not comply - Three secure bike rooms are proposed with spaces for 36 bikes, 66 bikes and 30 bikes, giving a total of 132 secure bike spaces in the bike rooms where 212 are required. |

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| E27.6.2(7) End-of-Trip Facilities | N/A. | |
| E27.6.2(8) Loading <ul style="list-style-type: none"> (T109) Retail activities for greater than 300m² up to 5,000m² requires a minimum of 1 loading space. (T112) All other activities (including residential) greater than 20,000m² requires 2 loading spaces. | | Does not comply: Three loading spaces are required (One for 624m ² of retail activity and two for all other activities greater than 20,000m ²) where two are provided. Note: Compliance with PC79 amendment is achieved. |
| E27.6.2(9) Fractional Spaces <ul style="list-style-type: none"> Note: Where parking is provided, parking spaces are to be provided for people with disabilities and accessible routes from the parking spaces to the associated activity or road as required by the New Zealand Building Code D1/AS1. The dimensions and accessible route requirements are detailed in the New Zealand Building Code D1/AS1 New Zealand Standard for Design for Access and Mobility – Buildings and Associated Facilities (NZS: 41212001). | Complies - Six accessible spaces are provided, complying with the minimum requirement of NZS4121:2001 which requires 2 spaces for the first 50 regular carparks and 1 per 50 spaces after that. All spaces have been designed to meet the requirements of AS/NZS2890.1. | |
| E27.6.3.1 Design of Parking and Loading Spaces Every parking space must: <ul style="list-style-type: none"> comply with the minimum dimensions given in Table E27.6.3.1.1 and Figure E27.6.3.1.1; Spaces must be located on the same site as the activity to which it relates; not be used for any other purpose; kept clear and available when the activity is in operation etc. Refer E27.6.3.1(1)(a)-(g). | | Does not comply – In some cases, the manoeuvring area falls short of the requirements of the AUP. On the ground floor some spaces are 2.4m wide with a manoeuvring aisle of 6.8m where 7.1m is required pursuant to E27.6.3.1.1(T117). |
| E27.6.3.2 Size and Location of Loading Spaces <ul style="list-style-type: none"> Minimum dimensions set out at E27.6.3.2.1 (T138) All other activities: 8m length by 3.5m width. | Complies. Loading area provides approximately 10.5m length and 3.9m width. | |

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| <ul style="list-style-type: none"> Spaces must be located on the same site as the activity to which it relates; be available when the activity is in operation etc. Refer E27.6.3.2(1)(a)-(e). | | |
| <p>E27.6.3.3 Access and Manoeuvring</p> <ul style="list-style-type: none"> Must accommodate 85th percentile tracking curves for cars Loading must comply with the RTS 18 tracking curves Only car parks for dwellings may be stacked | Complies. Refer to tracking curves provided within the ITA. | |
| <p>E27.6.3.4 Reverse Manoeuvring</p> <p>Not permitted where:</p> <ul style="list-style-type: none"> 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 | Complies – no reverse manoeuvring is proposed. | |
| <p>E27.6.3.5 Vertical Clearance</p> <p>Minimum:</p> <ul style="list-style-type: none"> 2.1m for residential 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 | Complies – a vertical clearance height of 4.5m is achieved where the loading space is provided. | Does not comply – a vertical clearance height of 2.3m is provided but 2.5m is required where accessible parking is provided. |
| <p>E27.6.3.6 Formation and Gradient</p> <ul style="list-style-type: none"> 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 | | Does not comply – The access onto Beaumont Street exceeds a gradient of 1 in 20 for the first 4 meters, with a gradient of 1 in 12 proposed. |

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| Maximum 1:8 for manoeuvring | | |
| 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 | N/A - Not a residential zone however lighting in pedestrians' access will comply with requirements. | |
| E27.6.4.1 Vehicle Access Restrictions | N/A. | |
| E27.6.4.2 Width and Number of Vehicle Crossings <ul style="list-style-type: none"> • 1 crossing per 25m frontage • 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 • (T153) In centres, mixed use and all other zones serving 10 or more parking spaces: <ul style="list-style-type: none"> ○ Minimum width of 5.5m (two-way) ○ Maximum width of 6m (two-way) | Does not comply - with E27.6.4.3. The proposed vehicle crossing onto Beaumont Street exceeds the permitted 6m width with 6.6m width proposed. | |
| E27.6.4.3 Width of Vehicle Access and Queuing Requirements <ul style="list-style-type: none"> • Passing bay requirements apply to accesses over 50m in length under 5.5m width • (T153) In centres, mixed use and all other zones serving 10 or more parking spaces: <ul style="list-style-type: none"> ○ Minimum width of 5.5m (two-way) ○ Maximum width of 6m (two-way) | | The proposed vehicle crossing onto Beaumont Street exceeds the permitted 6.0m width with 6.663m width proposed. |
| E27.6.4.4 Gradient of Vehicle Access <ul style="list-style-type: none"> • (T157) Vehicle access serving any other residential activities (including rear sites) = maximum 1:5 (20%) | The gradient of the truck areas is level with a maximum of 1 in 8 near the ramp. The ramps for cars are 1 in 6 with 1 in 10 transitions. | |

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| <ul style="list-style-type: none"> (T158) Vehicle access used by heavy vehicles = maximum 1:8 (12.5%) (T159) Vehicle access serving all other activities = maximum 1:6 (16.7%) | | |
| 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. | |
| E36 Natural Hazards and Flooding | | |
| E36.4.1 Activity Table | | <ul style="list-style-type: none"> All other buildings and structures on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area is a restricted discretionary activity pursuant to Rule E36.4.1(A9); 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 (and external alterations to existing buildings) within the 1 per cent annual exceedance probability (AEP) floodplain is a restricted discretionary activity pursuant to Rule E36.4.1(A37); Use of new buildings to accommodate more vulnerable activities, and changes of use to accommodate more vulnerable activities within existing buildings located within the 1 per cent annual exceedance probability (AEP) floodplain is a restricted discretionary activity |

| Rule | Compliance | Non-Compliance |
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| | | <p>pursuant to Rule E36.4.1(A38); and</p> <ul style="list-style-type: none"> The proposal involves infrastructure (drainage and sewerage system) in the coastal storm inundation 1% AEP area, 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 | | |
| <p>E36.6.1.1. Habitable rooms in new buildings and additions of habitable rooms (greater than 25m²) to existing buildings in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area</p> <ul style="list-style-type: none"> 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 existing building | |
| <p>E36.6.1.5. Fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain</p> <ul style="list-style-type: none"> (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. | N/A – no fences and walls proposed in flood plain. | |
| E36.6.1.7. Surface parking areas and above ground parking areas within the 1 per cent annual | Complies. | |

| Rule | Compliance | Non-Compliance |
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| <p>exceedance probability (AEP) flood plain</p> <ul style="list-style-type: none"> Surface parking areas and vehicle entry and exit points to above ground parking areas in the 1 per cent annual exceedance probability (AEP) floodplain must be located where the depth of flood waters in a 1 per cent annual exceedance probability (AEP) event does not exceed 200mm above ground level. | | |
| 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 – The proposal complies with Standard E36.6.1.7. | |
| E38 Subdivision – Urban | | |
| E38.4 Activity Table | | |
| E38.4.1 Activity Table – Subdivision for Specific Purposes | | <ul style="list-style-type: none"> Unit title subdivision is a controlled activity pursuant to Rule E38.4.1(A4); Boundary adjustments which do not exceed 10 per cent of the net site area of each site are a controlled activity pursuant to Rule E38.4.1(A6); and Subdivision of land within the 1 per cent annual exceedance probability floodplain and coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area is a restricted discretionary activity pursuant to Rule E38.4.1(A11). |
| E38.4.3 Activity Table – Subdivision in Business Zones | | Subdivision in accordance with an approved land use resource consent complying with Standard E38.9.2.1 is a restricted discretionary activity pursuant to Rule E36.4.1(A33). |
| E38.6 General Standards for Subdivision | | |

| Rule | Compliance | Non-Compliance |
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| E38.6.1 Site Size and Shape | Complies: Subdivision is in accordance with an approved land use resource consent (b). | |
| E38.6.2 Access and Entrance Strips | Complies: The proposed site has legal and physical access to a road. | |
| E38.6.3 Services | Complies. Refer to Infrastructure Report and Drawings included as Appendix 9 . | |
| E38.6.4 Staging | N/A – boundary adjustment and then unit title subdivision (no actual staging of subdivision) | |
| E38.6.5 Overland Flow Paths | N/A – no overland flow paths on site | |
| E38.6.6 Existing Vegetation on the Site | N/A: The site is not subject to any Significant Ecological Area or any other areas of indigenous vegetation, wetlands, waterways, streams, rivers and lakes. | |
| E38.7 Standards for Subdivision for Specific Purposes | | |
| E38.7.1 Standards – Specific Purposes Permitted Activities | | |
| E38.7.1.1 Lease in excess of 35 years of a building or part of a building where a cross lease, company lease or unit title subdivision is not involved | N/A. | |
| E38.7.1.2 Subdivision for a network utility | N/A. | |
| E38.7.2 Standards – Specific Purposes Controlled Activities | | |
| E38.7.2.1 Boundary adjustments which do not exceed 10 per cent of the net site area of each site | Complies: The boundary adjustment involves the allocation of approximately 276m ² of land from the subject site (5,215m ² net site area) to the neighbouring property at 164 Beaumont Street (1.1ha net site area), which makes up 5.3% of the net site area of subject site and 2.5% net site area of neighbouring site. | |
| E38.7.2.2 Conversion of a cross-lease to a fee simple title | N/A. | |
| E38.7.2.3 Cross lease, company lease, unit title and strata-title subdivision; and Amendments to a cross lease or unit title, | Will comply. | |

| Rule | Compliance | Non-Compliance |
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| <p>including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners</p> <ul style="list-style-type: none"> • (1) All buildings must meet one of the following: <ul style="list-style-type: none"> ○ (a) have existing use rights; ○ (b) comply with the relevant Auckland-wide and zone rules; or ○ (c) be in accordance with an approved land use resource consent. • (2) All areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose. • (3) Subdivision consent affecting a building or any part of a building and any proposed covenant, unit or accessory unit boundary, must not result in any infringements of any relevant overlays, Auckland-wide and zone rules. • (4) Parking spaces must not be created as principal units, unless provided for by a resource consent. Instead parking spaces must be created as accessory units or common areas when associated with an approved use or activity. • (5) All service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism. | | |

E38.7.3 Standards – Specific Purposes Restricted Discretionary Activities

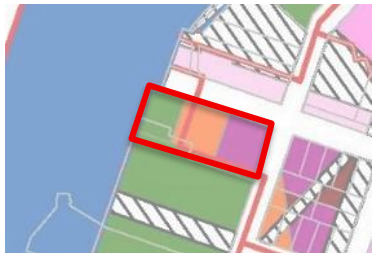
| Rule | Compliance | Non-Compliance |
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| E38.7.3.1 Subdivision of a site with two or more zones or subdivision along an undefined zone boundary | N/A. | |
| E38.7.3.2 Subdivision establishing an esplanade reserve | N/A – Standard E38.7.3.2 Subdivision establishing an esplanade reserve does not apply to subdivision or development within the Wynyard Precinct as described under Standard I214.6.5(2)(d). | |
| E38.7.3.3. Subdivision of a site within the one per cent annual exceedance probability floodplain | Complies: The proposed subdivision will be in accordance with a land use consent that authorises development of a building in the natural hazard areas that apply to the subject site. | |
| E38.7.3.4. Subdivision of land in the coastal erosion hazard area; or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area | | Does not comply: The entirety of the site is subject to coastal hazards and therefore the site cannot contain a rectangle in accordance with the specifications of the standard outside of a coastal inundation hazard area. |
| E38.9 Standards for Subdivisions in the Business Zones | | |
| E38.9.1 General Standards for Business Zones | | |
| E38.9.1.1 Site shape factor in business zones All vacant sites must be able to contain a rectangle with an area equal to half the area of the site where the longer sides are no greater than twice the length of the shorter sides to accommodate a building that complies with all applicable controls of the zone and is located outside all of the areas specified. | | Does not comply: The entirety of the site is subject to coastal hazards and therefore the site cannot contain a rectangle in accordance with the specifications of the standard outside of a coastal inundation hazard area. |
| E38.9.1.2 Parking areas <ul style="list-style-type: none"> Where parking spaces are permitted in association with a development or proposed as part of a development, where resource consent has been obtained and any such development is subdivided | Complies | |


| Rule | Compliance | Non-Compliance |
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| <p>under the Unit Titles Act 2010, the parking spaces must be:</p> <ul style="list-style-type: none"> ○ held together with the principal units; or ○ form a part of the common property. <ul style="list-style-type: none"> ● Any parking spaces identified as a principal unit must be tied to the approved land use by way of a legal instrument on the title. ● Discretion may be applied where specific approval has been granted by resource consent for shared car parking with other development within close proximity to the site. ● This standard does not apply to buildings or land used exclusively for car parking. | | |
| <p>E38.9.1.3 Signs and billboards</p> <ul style="list-style-type: none"> ● Where signs or billboards have been approved on a building with resource consent and the development is subdivided under the Unit Titles Act 2010, the signs or billboards must not be created as principal units on the survey plan. The sign or billboard must be identified as an accessory unit or alternatively form a part of the common property. | N/A | |
| <p>E38.9.2 Standards – Business Restricted Discretionary Activities</p> | | |
| <p>E38.9.2.1 Subdivision in accordance with an approved land use resource consent</p> <ul style="list-style-type: none"> ● Any subdivision relating to an approved land use consent must comply with that consent, including all conditions and all approved plans. | Will comply. | |
| <p>E38.9.2.2 Subdivision around existing buildings and development</p> | N/A: Not proposed. | |

| Rule | Compliance | Non-Compliance |
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| E38.9.2.3 Vacant sites subdivision | N/A: Not proposed. | |
| H8 Business – City Centre Zone | | |
| H8.4.1 Activity Table | | <ul style="list-style-type: none"> • New buildings are a restricted discretionary activity pursuant to Rule H8.4.1(A32); • New buildings that do not comply with the following standards are a restricted discretionary activity pursuant to Rule C1.9(2); <ul style="list-style-type: none"> ○ H8.6.32 Outlook Space; ○ H8.6.25 Building frontage alignment and height; and ○ H8.6.26.Verandahs. • Demolition of buildings is a controlled activity pursuant to Rule H8.4.1(A32A). |
| H8.6 Standards | | |
| H8.6.25. Building frontage alignment and height | | Does not comply: The Jellicoe and Beaumont 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 the building is setback in part along both street frontages. |
| H8.6.26. Verandahs | | Does not comply: The Jellicoe and Beaumont Street frontages of the site are both 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. The proposal does not comply with this standard because the verandahs provided in the design of the new building are not continuous along both frontages. |
| H8.6.28. Wind | Will comply. Refer to Wind Tunnel Investigation of Level | |

| Rule | Compliance | Non-Compliance |
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| | Wind Conditions Report prepared by Fidelic Flow and included as Appendix 18 for further information. | |
| H8.6.29. Glare | Will comply and a condition is proposed to ensure this is the case. | |
| H8.6.32. Outlook space | | <p>Does not comply.</p> <p>Refer to Architectural Drawings Appendix I (within Appendix 5) Sheets RC11.101 – 107, RC11.202 – 221 and RC11.301 – 309.</p> <p>The 6m outlook space of dwellings on Levels 5-7- on the southern side of the Marina building will partially extend over the adjoining site at 164 Beaumont Street and Levels 4-22 of the Tower building. Written approval of the owner and occupier of this adjacent site has been obtained however, no legal instrument to maintain the outlook space in perpetuity is proposed.</p> |
| I214 Wynyard Precinct | | |
| I214.4.1 Activity Table – Land Use | | <ul style="list-style-type: none"> • The proposal involves 210 dwellings which are a non-complying activity in sub-precinct C and restricted discretionary activity in sub-precinct E pursuant to Rule I214.4.1(A1); • The proposal involves 624m² of retail space that may be occupied by some form of food and beverage activity exceeding 100m² GFA per site, which is a discretionary activity in sub-precinct C and restricted discretionary activity in sub-precinct E pursuant to Rule I214.4.1(A15); and • The proposal involves the provision of retail tenancies |

| Rule | Compliance | Non-Compliance |
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| | | <p>with sizes ranging between 195m² - 270m² across the ground level of the building. This is a non-complying activity in sub-precinct C and restricted discretionary activity in sub-precinct E pursuant to Rule I214.4.1(A28).</p> |
| <p>I214.4.1 Activity Table – Development</p> | | <ul style="list-style-type: none"> • Demolition or removal of any buildings or coastal marine area structures is a controlled activity pursuant to Rule I214.4.2(A47); • New buildings, and alterations and additions to buildings (not otherwise provided for as a permitted activity) is a restricted discretionary activity pursuant to Rule I214.4.2(A51); • New buildings, and alterations and additions to buildings (not otherwise provided for as a permitted activity) that does not comply with Standards I214.6.10 and I214.6.11 is a restricted discretionary activity pursuant to Rule C1.9(2); <ul style="list-style-type: none"> ○ I214.6.8. Building frontage alignment and height; ○ I214.6.10: Marine retail at ground level; and ○ I214.6.11: Vehicle Access. • Subdivision is a restricted discretionary activity pursuant to Rule I214.4.2(A53); • Development that does not comply with I214.6.7(1) Maximum site intensity is a non-complying activity pursuant to Rule I214.4.2(A58); and • Development that does not comply with I214.6.6. Building height is a discretionary activity |

| Rule | Compliance | Non-Compliance |
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| | | pursuant to Rule I214.4.2(A61). |
| I214.6 Standards | | |
| I214.6.1. Parking Parking ratios: <ul style="list-style-type: none"> • Retail: 1 space per 150m² of gross floor area • Dwellings - excluding gross floor area of servicing and common areas within buildings: 1 space per 80m² of gross floor area | Complies – Up to 310 parking spaces are permitted and 261 will be provided. | |
| I214.6.2. Maximum office gross floor area | N/A – no office activity proposed. | |
| I214.6.3 Calculating office gross floor area | N/A – no office activity proposed. | |
| I214.6.4. Noise | Will comply. Refer to Acoustic Report, Section 5: Operational Noise Assessment, included as Appendix 22 . | |
| I214.6.5. Financial contributions | N/A | |
| I214.6.6. Building height Buildings must not exceed the following from Plan 5 (site shown red outlined)  <ul style="list-style-type: none"> • 18m (green) • 62m (orange) • 31m (purple) Sub-precincts C and E: 900m ² GFA and a maximum dimension of 30m by 30m for that part of the building exceeding a height of 31m. | | Does not comply as follows: <ul style="list-style-type: none"> • The proposed height of the Marina building is 34.56m (to top of plant) where a maximum of 18m is permitted; • The proposed height of the Tower building is 84.05m (to top of plant) where a maximum of 62m is permitted; • The proposed height of the Beaumont building is 40.97m (to top of plant) where a maximum of 31m is permitted. • The Tower and Beaumont Building all exceed the maximum 900m² GFA and maximum plan dimensions of 30m by 30m for that part of the building exceeding 31m as shown on the architectural plans in Appendix X. |

| Rule | Compliance | Non-Compliance |
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| <p>I214.6.7. Maximum site intensity</p> <p>Buildings on a site must not exceed the following from Plan 3 (site shown red outlined):</p>  <ul style="list-style-type: none"> • 4.6:1 (pink) • 1.5:1 (beige) | | <p>Does not comply¹: The proposed maximum floor area ratio ('FAR') for the development is 3.2:1 which exceeds the aggregated permitted FAR of 2.2:1.</p> <p>Refer to Architectural Drawings, Appendix II (Development Metrics Schedule), Sheet 4, included within Appendix 5 for further information.</p> |
| <p>I214.6.8. Building frontage alignment and height</p> | | <p>Does not comply - The proposal does not comply with Standard H8.6.25 Building frontage alignment and height, see above.</p> |
| <p>I214.6.9. Special industrial frontage</p> | <p>N/A.</p> | |
| <p>I214.6.10. Marine retail at ground level</p> | | <p>Does not comply: The proposal involves the provision of retail activities at ground level along the Jellicoe and Beaumont Street frontages of the site and dwellings above which will not be limited to marine and port activities and marine retail to a height of 18m above ground level as identified on Precinct Plan 7.</p> |
| <p>I214.6.11. Vehicle access</p> <ul style="list-style-type: none"> • (3) Vehicle entry or exit must not be established directly from Beaumont Street (south of Jellicoe Street), Daldy Street, Jellicoe Street or the western side of Halsey Street where alternative access via another road or service lane is available. • (4) Notwithstanding 214.6.11(1)-(3), the total crossing width for any front or | | <p>Does not comply: The proposal involves the establishment of vehicle entry and exit directly from Beaumont Street (south of Jellicoe Street) to service the proposed development. This standard does not allow for the establishment of vehicle access along Beaumont Street or Jellicoe Street.</p> |

¹ Note there is consent notice 11576335.4 on the Certificate of Title which requires Lot 1 (188 Beaumont St) and Lot 2 (164 Beaumont St) to form a single site in regards to the applicable site intensity standard of the AUP. An aggregated maximum site intensity of FAR/GFA has therefore been calculated on this basis.

| Rule | Compliance | Non-Compliance |
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| corner site must not exceed 50 per cent of the frontage to any road in which it adjoins. | | |
| I214.6.12. Lanes and view shafts | N/A. | |
| I214.6.13. Public access ways - wharves | N/A. | |
| I214.6.14. Buildings and structures on the Halsey Street extension wharf | N/A. | |
| I214.6.15. Temporary structures or buildings | N/A. | |

Plan Change 79 (Appeals Decision Version 6 March 2026)

E27 Transport

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| E27.4.1 Activity Table | | <p>Parking, loading and access which is an accessory activity but does not comply with the following for parking, loading and access.</p> <ul style="list-style-type: none"> • E27.6.3.1 Design of Parking and Loading Spaces; • E27.6.3.5 Vertical Clearance • E27.6.3.6 Formation and Gradient; and • E27.6.4.2 Width and Number of Vehicle Crossings. • E27.6.4.3 Width of Vehicle Access and Queuing Requirements <p>Refer to the Integrated Transportation Assessment prepared by Parlane & Associates included as Appendix 19 for further details.</p> |
| E27.6.1 Traffic Generation Standards Assessment required for more than 40 dwellings. | N/A – the proposal is within the Business – City Centre zone. | |
| E27.6.2(6) Bicycle Parking <ul style="list-style-type: none"> • All residential developments: <ul style="list-style-type: none"> ○ 1 visitor (short stay) per 20 for developments of 20 or more dwellings ○ 1 secure (long-stay) per dwelling without a dedicated garage or | Complies – refer to section 6.3 of the ITA in Appendix XX. Three secure bike rooms are proposed with spaces for 36 bikes, 66 bikes and 30 bikes, giving a total of 132 secure bike spaces in the bike rooms. Additional bike storage is | |

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| <p>basement car parking space.</p> <ul style="list-style-type: none"> • Retail F&B: <ul style="list-style-type: none"> ○ Greater than 350m² GFA: 1 visitor per 350m² GFA ○ 1 secure per 300m² GFA | <p>available in the lockers available for residents on the parking levels. Each locker can accommodate a bike if required.</p> <ul style="list-style-type: none"> • | |
| <p>E27.6.2(8) Loading</p> <ul style="list-style-type: none"> • (T109) Retail activities for greater than 300m² up to 5,000m² requires a minimum of 1 loading space. • (T111B) No minimum small loading space requirements where residential activities only have vehicle access from an arterial road for GFA greater than 5,000m² | <p>The proposal involves 624m² of retail activity on the ground floor which requires one loading space. Two loading spaces are provided.</p> | |
| <p>E27.6.3.1 Design of Parking and Loading Spaces</p> <p>Every parking space must:</p> <ul style="list-style-type: none"> • (a) comply with the minimum dimensions given in Table E27.6.3.1.1 and Figure E27.6.3.1.1; except accessible parking dimensions and accessible route requirements must be designed in accordance with the New Zealand Building Code D1/AS1 New Zealand Standard for Design for Access and Mobility – Buildings and Associated Facilities (NZS: 4121- 2001); and • Spaces must be located on the same site as the activity to which it relates; not be used for any other purpose; kept clear and available when the activity is in operation etc. Refer E27.6.3.1(1)(a)-(g). | <p>Six accessible spaces are provided, complying with the minimum requirement of NZS4121:2001 which requires 2 spaces for the first 50 regular carparks and 1 per 50 spaces after that. All spaces have been designed to meet the requirements of AS/NZS2890.1.</p> | <p>Does not comply: Some accessible spaces will not have 2.5m headroom so the ability to hoist wheelchairs will be compromised in those spaces.</p> |
| <p>E27.6.3.2 Size and Location of Loading Spaces</p> <ul style="list-style-type: none"> • Minimum dimensions set out at E27.6.3.2.1 • Spaces must be located on the same site as the activity to which it relates; be available when the activity is in | <p>Complies. Loading area provides approximately 10.5m length and 3.9m width.</p> | |

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| <p>operation; have a maximum crossfall of 1:50 (2%) in all directions etc. Refer E27.6.3.2(1)(a)-(e).</p> <ul style="list-style-type: none"> • (T138) All other activities: 8m length by 3.5m width. | | |
| <p>E27.6.3.2(A) Number and Design of Accessible Parking</p> <ul style="list-style-type: none"> • (1) Accessible parking must be provided for all new buildings, extension to existing buildings and changes of activity from non-residential to residential land uses, in accordance with E27.6.3.2(A)(2) to (5). • (6) For non-residential land uses, the required number of accessible parking spaces is to be determined using Steps 1 to 3. | | <p>Does not comply. A total of 11 accessible parking spaces are required where a total of 5 spaces are proposed.</p> |
| <p>E27.6.3.3 Access and Manoeuvring</p> <ul style="list-style-type: none"> • For every small loading space required by Table E27.6.3.2.1.(T137A) the access and manoeuvring areas associated with that loading space must accommodate the 6.4m van tracking curves set out in Figure E27.6.3.3.3. • Must accommodate 85th percentile tracking curves for cars • Loading must comply with the RTS 18 tracking curves • Only car parks for dwellings may be stacked | <p>N/A – No small loading space required.</p> | |
| <p>E27.6.3.4 Reverse Manoeuvring Not permitted where:</p> <ul style="list-style-type: none"> • 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 | <p>Complies – no reverse manoeuvring is proposed.</p> | |

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| <ul style="list-style-type: none"> Where E27.6.3.4(1)(a), (b) or (c) requires a heavy vehicle to turn around within a site in a residential zone, to avoid reversing off the site or onto or off the road, sufficient space must be provided on the site so an 8m heavy vehicle can turn around with a maximum reverse manoeuvring distance of 12m | | |
| <p>E27.6.3.5 Vertical Clearance</p> <ul style="list-style-type: none"> Minimum 2.1m for residential activities Minimum 2.3 where access and/or parking for cars is provided for all other activities Minimum 2.5m where access and/or accessible parking is provided and/or required Minimum 2.8m where loading is required for residential activities denoted with an asterisk (*) in Table E27.6.2.7A Minimum 3.8m where heavy vehicle access in Standard E27.6.3(2) is provided Minimum 3.8m where loading is required in Table E27.6.2.7 | <p>Complies – a vertical clearance height of 4.5m is achieved where the loading space is provided.</p> | <p>Does not comply – a vertical clearance height of 2.3m is provided but 2.5m is required where accessible parking is provided.</p> |
| <p>E27.6.3.7 Lighting</p> <p>Lighting is required where there are 10 or more spaces which are likely to be used during hours of darkness</p> | <p>N/A – the site is not within a residential zone however lighting in pedestrians’ access will comply with requirements.</p> | |
| <p>E27.6.4.3 Width of Vehicle Access and Queuing Requirements</p> <ul style="list-style-type: none"> Passing bays are provided in accordance with Table E27.6.4.3.1; and meeting the minimum formed access width specified in Table E27.4.3.2.; and meeting the minimum speed management measure | | <p>The proposed vehicle crossing onto Beaumont Street exceeds the permitted 6m width with 6.6m width proposed.</p> |

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| spacing specified in Table E27.6.4.3.3 | | |
| E27.6.6 Design and location of pedestrian access in residential zones | N/A - the site is not within a residential zone. | |
| <p>E27.6.7 Provision for electric vehicle charging</p> <ul style="list-style-type: none"> • Any new dwellings with undercover car parking (with the exception of new detached dwellings) must provide each undercover car park with the capability to install Electric Vehicle Supply Equipment with sufficient space for the necessary conduit, circuit and metering between the car park and an electrical distribution board on the same building storey, or ground level if the undercover car park is at ground level. • For developments requiring resource consent, compliance with this standard may be through one of the following: <ul style="list-style-type: none"> ○ Resource consent drawings showing schematically the space identified for future Electric Vehicle Supply Equipment as required by (1); or ○ An appropriate condition of resource consent (offered by the applicant and agreed by the Council) requiring that a detailed plan or plans be provided and certified by Council prior to the lodgement of any building consent application, showing the space identified for future Electric Vehicle Supply Equipment as required by (1). | Complies – Each undercover space must be capable of having charging installed for electric vehicles. The development will be designed to make charging possible. A condition of consent is proposed to ensure compliance. | |

Plan Change 120

E12 Land Disturbance – District

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| E12.4.1 Activity Table | | The proposal involves earthworks within a flood prone area not complying with Standard E12.6.2.(11) which is a restricted discretionary activity pursuant to Rule C1.9(2). |
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E12.6 Standards

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| <p>E12.6.2.(11) Earthworks (including filling) within the 1 per cent annual exceedance probability (AEP) flood plain and/or flood prone areas:</p> <ul style="list-style-type: none"> • 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. | | Does not comply: The proposal raises the ground levels more than 300mm and the fill volume exceeds 10m ³ with 2,040m ³ fill proposed. |
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E36 Natural Hazards and Flooding

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| E36.4.1A Activity Table | | <ul style="list-style-type: none"> • (PC 120) Activities where natural hazard risk is significant in accordance with Table E36.3.1B.1 in coastal inundation hazard area 1 is a non-complying activity pursuant to Rule E36.4.1A(A57); • (PC 120) Surface parking and above ground parking areas (including vehicle entry and exit points) in coastal inundation hazard area 1 is a discretionary activity pursuant to Rule E36.4.1A(A60); • (PC 120) Stormwater pipes in the coastal inundation hazard area 1 is a restricted discretionary activity pursuant to Rule E36.4.1A(A68); • (PC 120) All other buildings and structures, including retaining walls and earth |
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| | | <p>bunds, in coastal inundation hazard area 1 is a discretionary activity pursuant to Rule E36.4.1A(A77);</p> <ul style="list-style-type: none"> • (PC 120) Activities where natural hazard risk is significant in accordance with Table E36.3.1B.1 in a high flood hazard area is a non-complying activity pursuant to Rule E36.4.1A(A78); • (PC 120) Surface parking and above ground parking areas (including vehicle entry and exit points) in a high flood hazard area is a discretionary activity pursuant to Rule E36.4.1A(A81); and • (PC 120) 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 pursuant to Rule E36.4.1A(A98). |
| E36.6 Standards | | |
| <ul style="list-style-type: none"> o Sweet, | <p>Complies. Refer to:</p> <ul style="list-style-type: none"> • Geotechnical Report included as Appendix 11; and • A hazard risk assessment is included as Appendix 12. | |
| E38 Subdivision – Urban | | |
| E38.4.1 Activity Table | | <p>Subdivision of land within a flood hazard area and coastal hazard area is a restricted discretionary activity pursuant to Rule E38.4.1(A11).</p> |
| E38.7.3 Standards – Specific Purposes Restricted Discretionary Activities | | |
| E38.7.3.3. Subdivision of land within flood hazard areas (excluding overland flow paths), coastal hazard areas, medium landslide susceptibility assessment areas or high landslide susceptibility assessment areas | <p>Complies: The proposed subdivision will be in accordance with a land use consent that authorises development of a building in the natural hazard areas that apply to the subject site.</p> | |

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| E38.7.3.4. [Deleted under PC 120] | N/A. | |
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