

100 Halsey Street, Wynyard Quarter

Fast-track Approval Substantive Application

Assessment of Environmental Effects and Statutory Analysis

22 October 2026

B&A
Urban & Environmental

Prepared for:
NZ CRE 100 Halsey Limited

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1.0 Applicant and Property Details

To:	Environmental Protection Authority ('EPA')
Site Address:	100 Halsey Street, Auckland Central
Applicant Name:	NZ CRE 100 Halsey Limited
Address for Service:	Barker & Associates Ltd PO Box 1986, Shortland Street, Auckland 1140 Attention: Marne Cole
Legal Description:	Section 2 SO Plan 526051 and Lot 2 DP 80054 (refer to Records of Title as **Appendix 2**)
Site Area:	17,142m^2
Site Owner:	NZCRE 100 Halsey Limited (leaseholder) and Viaduct Harbour Holdings Limited (landowner)
Unitary Plan:	Auckland Unitary Plan ('AUP')
AUP Zoning:	Business – City Centre
AUP Precinct:	Wynyard Precinct, sub-precinct B
AUP 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
PC120 Zoning	Business - City Centre Zone
PC120 Landslide Susceptibility	Very High Shallow Landslide Susceptibility Very Low Large Scale Landslide Susceptibility
PC120 Flood Hazards	High Flood Hazard
PC120 Coastal Hazards	Coastal Inundation Hazard Area 2 and 3
Designations:	Airspace Restriction Designations - ID 8302, Satellite earth station transmission paths, Television New Zealand Ltd

Additional Limitations:	Overland flow paths, flood prone area, 1% AEP flood plain, 1% AEP Coastal inundation, contaminated land (HAIL site), high wind zone
Locality Diagram:	Refer to Figure 1 of this report
Brief Description of Proposal:	The Project is a significant urban development project in the city centre involving five new buildings with ground floor retail activities and offices on the upper levels. Building 2 contains a data centre. Associated underground car parking is also proposed under Buildings 3, 4 and 5.
Summary of Reasons for Consent:	The application seeks all resource consents that would have otherwise been applied for under the Resource Management Act 1991 necessary for the implementation and ongoing operation of the Project including groundwater dewatering and diversion, land disturbance, comprehensive development signage, construction noise and vibration infringement, transport standard infringements, electricity storage, discharge of contaminants, construction of new buildings subject to natural hazards, temporary construction activities, zone and precinct standard infringements. A change to conditions of a previously approved consent is also required. The required resource consents are (but not by way of limitation) the list of consents set out in Section 7 of this report.

2.0 Executive Summary

This report has been prepared in support of a substantive application by NZ CRE 100 Halsey Limited (the 'applicant') for resource consents for an urban development project in Auckland's city centre that will assist with the ongoing urban regeneration of Wynyard Quarter. The Project is located at 100 Halsey Street in Auckland's Wynyard Quarter and involves the construction of five new buildings built around a central plaza and a network of lanes. The Project provides 1,850m^2 of ground floor retail (including food and beverage), 62,935m^2 of office activities on upper levels, and a 6,189m^2 data centre within the Building 2 envelope. Basement carparking under Buildings 3-5 will provide for up to a total of 209 new car parks, with loading spaces located within the laneway network. Enabling works such as earthworks and underground infrastructure are also required.

The activities will be contained within buildings which achieve design qualities appropriate to their premium location. The Project constitutes a high-quality development in a unique and strategic location which will transform the currently under-utilised bus depot site into a well-considered, contextually appropriate environment to be experienced by the public. The Project will contribute positively to the City's urban form, in particular to Wynyard Quarter, and will generate significant regional economic benefits for Auckland and a national infrastructure benefit for New Zealand.

The development Site is subject to the City Centre Zone and Wynyard Precinct provisions which specifically contemplate mid-rise buildings for a wide range of uses, along with public spaces and laneways. The Project overall represents a high-quality addition to the Wynyard Precinct with five bespoke buildings that will positively contribute to the identity of Wynyard Quarter and the City Centre.

The Project is considered to be consistent with the Treaty settlements and iwi planning documents relevant to the Site, and the applicant has provided regular updates and offers to engage with iwi and mana whenua. The application is also considered to be generally consistent with, and will give effect to, the relevant objectives and policies of the New Zealand Coastal Policy Statement ('NZCPS'), National Policy Statement - Urban Development ('NPS-UD'), National Policy Statement for Natural Hazards ('NPS-NH') and Auckland Unitary Plan ('AUP').

Overall, it is considered that the Project meets the purpose of the FTAA as it will deliver a development project with significant regional benefits and a national infrastructure benefit. These benefits are summarised as follows:

- The Project will generate significant economic activity in the Auckland region. It is estimated to generate approximately $2.55 billion over the thirty-year assessment period, a total of 27,035 FTE-years of employment, and approximately $1.19 billion in wages. The Project will stimulate significant local business activity, particularly in the retail and hospitality sectors. The development will likely catalyse further private sector investment in the surrounding areas, enhancing Auckland's economic growth. The range of uses, comprising office, retail, food and beverage, and industrial (being the data centre), will deliver short and long-term economic benefits, including job creation during construction and operation, growth in tourism and hospitality activity, and support for city-centre business functions;
- Given the strategic location of the Project in the Wynyard Quarter, City Centre and Auckland waterfront, there is potential to unlock and accelerate the growth of this regionally and nationally significant Precinct (an opportunity which is unique to the project area and not

substitutable to another location within the region). The Project will assist in continuing to transform the urban form of Wynyard Quarter, replacing a currently inefficient land-use of an existing bus depot with a high-quality, architecturally designed mixed-use development. It introduces a central plaza, publicly accessible laneways and includes the activation of the street edges with retail and hospitality uses. The development will create a vibrant, pedestrian-oriented environment, significantly enhancing the public realm, legibility, and safety of Wynyard Quarter;

- A critical mass of permanent office space in this location will achieve a quality compact urban form, while enabling and supporting the continued functioning of existing regionally and nationally significant infrastructure in Wynyard Quarter, by making it conveniently accessible to a large number of people. The Project will contribute to a well-functioning urban environment in accordance with Policy 1 of the NPS-UD by providing a contextually sensitive, mixed-use development in Wynyard Quarter, being one of the most accessible areas of the city centre. By intensifying land use in a strategic, transit-accessible location, the Project aligns with the Auckland Plan 2050's compact city strategy and NPS-UD directives for efficient urban growth;
- A nationally significant infrastructure benefit will be provided by the Project. New Zealand has around 172 MW of live data centre capacity. Approximately 90% of national capacity is located within Auckland, however, almost no capacity is located within the city centre, where power-enabled sites are scarce. The proposed data centre (a 16 MW facility) is equivalent to almost a tenth of New Zealand's live capacity and will be located beside the country's largest concentration of financial, professional and technology firms, providing the low-latency compute capacity those firms increasingly need;
- The Project will contribute positively to Auckland's skyline and urban environment. The buildings and articulated upper-storey setbacks form a coherent composition that provides a visually distinctive design, whilst integrating with the city's broader built form. The development establishes active edges and enhanced street interfaces, creating a high-quality urban design outcome;
- Climate change mitigation will be supported by the Project. It will enable more people to work within one of the most accessible areas of the city centre, supporting a shift to public and active modes of transport and thereby contributing to a reduction in greenhouse gas emissions. The Project will enhance existing transport infrastructure by integrating the Site into Auckland's public transport network with proximity to key transport hubs, including Waitematā Station (and CRL), ferry terminals, and the Lower Albert Street bus interchange. Active mode facilities such as bicycle parking and end-of-trip facilities will reduce reliance on private vehicles and promote sustainable transport options;
- The Project will support climate change adaptation by integrating natural hazard adaptation measures into its design, which will have the effect of reducing the overall long-term risk to climate change hazards on the Site; and
- The Project is consistent with, and strongly aligned to, regional planning documents and spatial strategies. Such documents include the Auckland Regional Policy Statement, AUP, Auckland Future Development Strategy, Auckland Central City Masterplan, Waterfront Plan and Wynyard Quarter Urban Design Framework.

During the development of the Project, the applicant and its representatives have undertaken consultation with iwi authorities, Auckland Council, Healthy Waters, Auckland Transport and Watercare. The application has been refined in response to that consultation and feedback.

This report has been prepared in accordance with the requirements of the Fast-track Approvals Act 2024 ('FTAA'). The FTAA is intended to facilitate the delivery of a development project with significant regional or national benefits. The Project was referred under the FTAA by the Minister for Infrastructure on 1 July 2026. Through this application, NZ CRE 100 Halsey Limited is seeking all the necessary approvals to authorise the Project, being resource consents and changes of conditions of consent ordinarily sought under the Resource Management Act 1991 ('RMA'). The proposal requires resource consent under the Auckland Unitary Plan ('AUP'), a change of conditions of consent under Section 127 of the RMA, and consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ('NES-CS').

This application and Assessment of Environmental Effects ('AEE') have been prepared in accordance with sections 43 and 44 of the FTAA, Clauses 5-8 of Schedule 5 of the FTAA, and provide a description of the Project together with a summary of the assessment of actual and potential effects on the environment. The actual and potential adverse effects on the environment are assessed in detail through a comprehensive suite of technical reports included with the application. Proposed conditions of consent have been developed with input from technical specialists to ensure the adverse effects of the Project are appropriately managed. With the mitigation and conditions of consent proposed, it is concluded that any adverse effects will be appropriately avoided, remedied or mitigated to be no more than minor. Overall, any adverse impacts of the Project are not considered sufficiently significant to be out of proportion to the significant regional benefits and national benefit of this Project.

3.0 Structure of the Report

This resource consent application and Assessment of Environmental Effects (AEE) are provided in accordance with the requirements of Schedule 5 of the FTAA. The proposal does not involve any activities that are classified as prohibited under the AUP, RMA or any National Environmental Standards (NES).

A Schedule 5 checklist, which confirms that this application meets the requirements for an application to be accepted as complete, is provided at Appendix 1.

For ease of reference, information provided in this report can be found in the following sections:

Section 4: Introduction

Section 5: Site Context

Section 6: Proposal

Section 7: Planning Framework

Section 8: Consultation Undertaken

Section 9: Statutory Requirements Relating to Iwi Authorities

Section 10: Assessment of the Actual and Potential Environmental Effects

Section 11: Mitigation and Monitoring of Effects

Section 12: Proposed Consent Conditions

Section 13: Assessment of Relevant Statutory Considerations

Section 14: The Fast-track Approvals Act Decision Making Process

Section 15: Assessment of the Proposal Against the Fast-track Approvals Act Decision Making Framework

Section 16: Conclusion

As a referred project, this Substantive Application has been made in accordance with s42 of the FTAA and approval is sought for resource consents that would otherwise be sought under the RMA (s42(4)(a)) and a change of a resource consent condition that would otherwise be applied for under the Resource Management Act 1991 (s42(4)(b)).

4.0 Introduction

This resource consent application is submitted in relation to NZ CRE 100 Halsey Limited's proposal for a significant urban development in Wynyard Quarter ('Project'). The Project seeks to establish five buildings at 100 Halsey Street, Auckland Central (the 'Site'). The buildings will contain a total of 62,935m^2 of office, 1,850m^2 of retail/food and beverage, and 6,189m^2 of industrial activities, and up to 209 new ancillary basement car parking spaces.

The Project has been referred to an expert consenting panel under the Fast-track Approvals Act 2024 ('FTAA') and this AEE addresses the requirements of the FTAA. This substantive application and AEE are provided in accordance with the requirements of sections 42, 43 and 44 of the FTAA, Schedule 5, and the relevant provisions of the RMA.

The information provided in this application is sufficiently detailed to correspond to the scale and significance of the Project and the matters that will be assessed in considering whether to grant the approvals sought, including any adverse effects of the activities to which the approvals relate. The assessment of the adverse effects takes into account any proposal by the applicant to manage the adverse effects of an activity through the proposed conditions.

In accordance with Section 46 of the Act, the information provided in this application complies with Section 42, Section 43 and Section 44, relates solely to a referred project, and does not seek approval for an ineligible activity, as the proposed activity:

- Would not occur on identified Māori land;
- Would not occur in a customary marine title area;
- Would not occur in a protected customary rights area;
- Would not occur on Māori customary land or land set apart as a Māori reservation as defined in section 4 of Te Ture Whenua Māori Act 1993;
- Is an urban development project and is therefore not an aquaculture activity;
- Is not an activity that would require an access arrangement under section 61 or 61B of the Crown Minerals Act;

- Will occur on land and therefore does not involve any activity that would be prevented under section 165J, 165M, 165Q, 165ZC, or 165ZDB of the Resource Management Act 1991 which relate to activities in the coastal marine area;
- Would not occur on land that is listed in Schedule 4;
- Would not occur on a national reserve or other reserve land held under the Reserves Act 1977;
- Is not a prohibited activity under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 or regulations made under that Act; and
- Is not a prohibited activity under section 15B and 15C of the Resource Management Act 1991.

4.1 Statement of Qualifications and Experience

Gus Finlayson

I am an Intermediate Planner at Barker & Associates based in the Auckland Office. B&A is an independent planning, urban design and landscape consultancy with offices across New Zealand. I hold the Degree of Bachelor of Planning with Honours from the University of Auckland. I have over four years of experience in private practice. My experience includes the preparation of complex resource consent applications and the management of multidisciplinary teams.

I confirm that, in my capacity as co-author of this report, I have read and abide by the Environment Court of New Zealand's Code of Conduct for Expert Witnesses Practice Note 2023.

Marne Cole

I am a Senior Planner at Barker & Associates based in the Hamilton office. I hold the Degree of Bachelor of Environmental Planning from the University of Waikato, and I am an Intermediate Member of the New Zealand Planning Institute. I have over five years of experience in local government and private practice. My experience includes the preparation of complex resource consent applications and the management of multidisciplinary teams.

I confirm that, in my capacity as co-author of this report, I have read and abide by the Environment Court of New Zealand's Code of Conduct for Expert Witnesses Practice Note 2023.

Gerard Thompson

I am a Director at Barker & Associates based in the Auckland office. I hold a Master of Science Degree in Geography (Canterbury) and a Master of Resource and Environmental Planning (Massey). I have 23 years' experience in town planning and am a full member of the New Zealand Planning Institute. I have extensive experience in the preparation and management of a wide range of large-scale and complex resource consent applications, including involvement with a range of other fast track applications.

I confirm that, in my capacity as co-author of this report, I have read and abide by the Environment Court of New Zealand's Code of Conduct for Expert Witnesses Practice Note 2023.

4.2 Introduction to NZ CRE 100 Halsey Limited

The applicant and authorised person under Section 42 of the FTAA for this resource consent application is NZ CRE 100 Halsey Limited ('NZCRE'). NZ CRE 100 Halsey Limited (the leaseholder) is funded by RP Financial. RP Financial is an integrated asset manager with offices in Singapore,

Melbourne and Auckland, managing and investing capital across public and private investment platforms.

RP Financial's principals have spent decades delivering large-scale property and infrastructure projects across the Asia-Pacific region, with experience spanning private equity, funds management, real estate, capital markets and development throughout the Asia-Pacific region, including energy and infrastructure projects. The 100 Halsey Street masterplan is RP Financial's flagship New Zealand development.

The RP Financial team on this Project is led by Tim Russell, with over 33 years' experience in investment and development across Asia-Pacific, and Luke Kinney, the New Zealand Country Head, who has delivered development and rezoning projects across New Zealand.

5.0 Site Context

This section of the application is provided in accordance with clauses 5 and 8 of Schedule 5 of the FTAA.

Copies of Records of Title for the Site are attached at **Appendix 2**. In accordance with clause 5 of Schedule 5 of the FTAA, the names and addresses of owners and occupiers of the Site and land adjacent to the Site (where occupiers were identifiable after reasonable inquiry) are enclosed as **Appendix 3**. A summary of the Site and locality details is provided below.

5.1 Site Description

The Site is located at 100 Halsey Street, Auckland Central. It is legally described as Section 2 SO Plan 526051 and Lot 2 DP 80054, and has a site area of 17,142m^2.

The Applicant owns the leasehold interest in the Site for a term of 21 years commencing from 17 November 2014 (expiring 16 November 2035). This is a perpetually renewing lease. This ownership of the leasehold interest provides the applicant with the ability to redevelop the Site as part of its development agreement with Viaduct Harbour Holdings Limited (VHHL) as the landowner of the fee simple title.

An aerial image of the site and its context to Auckland city centre is provided in **Figure 1** below.



Figure 1: Locality Plan. Source: Auckland Council Geomaps.

Under the AUP, the Site is zoned Business – City Centre and is located within the Wynyard Precinct that applies to the north-western end of the city centre. The AUP describes the purpose of the Wynyard Precinct is to provide for the comprehensive and integrated redevelopment of this large brownfield area (historically used as an industrial area), while enabling the continued operation of marine and hazardous industries. The Site is located within sub-precinct B of the Wynyard Precinct as shown in Figure 2 further below.

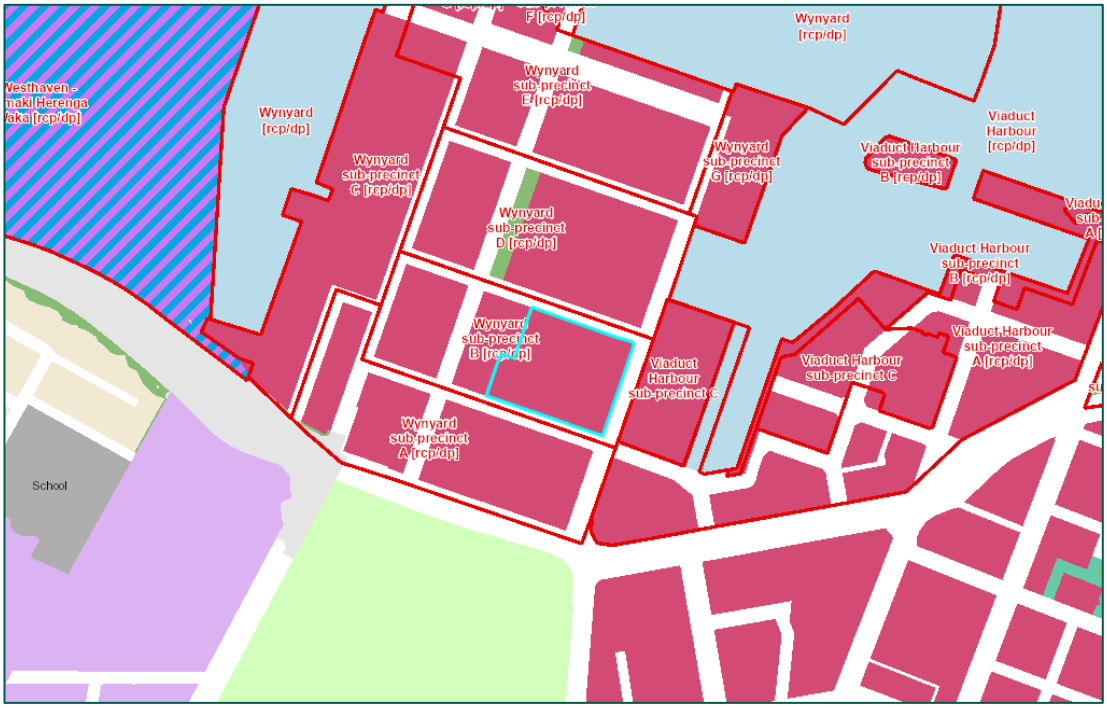


Figure 2: AUP zoning plan and sub-precinct boundaries (Source: Auckland Council Geomaps).

The topography of the Site is flat, and there is no protected vegetation and there are no other discernible features on the Site. The majority of the Site comprises paved impervious surfaces and is currently used for a bus depot. The bus depot utilises a number of existing vehicle crossings, including two double width crossings from Halsey Street, and a triple width crossing from Gaunt Street. The bus depot is primarily hardstand for bus charging and parking, staff parking, and a 1780m^2 building located along the southern boundary is used for the depot activity. The bus depot has been in operation since the 1990s and can be seen on Auckland Council's historical aerial imagery.

An eight-storey, 154-room hotel building ('Travelodge') is located within the north-eastern portion of the Site. A total of 366 consented parking spaces is provided on floors 2-7 of the building, accessed via a vehicle crossing to Pakenham Street West. The visitor accommodation units within Travelodge are primarily located on the building's northern and eastern facades (Pakenham Street West and Halsey Street respectively). The Travelodge is serviced by an existing service lane which runs along its southern façade. Service vehicles currently enter and reverse from the Site via a vehicle crossing at Halsey Street.

Precinct Plan 5 of the Wynyard Precinct sets out the maximum permitted height controls (noting resource consent can be sought to exceed those heights) of 60m on the western portion of the Site, 31m in the centre of the Site, and 25m on the eastern portion of the Site. No 'additional activity restrictions' under Precinct Plan 7 apply to the Site, providing opportunity for a wide range of potential land uses.

Two volcanic viewshafts pass over Wynyard Quarter, being E10 and E16, which protect views of Maungawhau on approach to the city from the North Shore on SH1, the Northern Motorway and Harbour Bridge. These volcanic viewshaft overlays are captured in the AUP and are identified as 'Natural Heritage: Regionally Significant Volcanic Viewshafts and Height Sensitive Areas Overlay' in the planning maps and relevant provisions. Notably, the Site is located within the Volcanic Viewshaft Overlay 'E10' as shown in Figure 3 below. At its most restrictive point within the Site the viewshaft has a height of 58m above ground level.

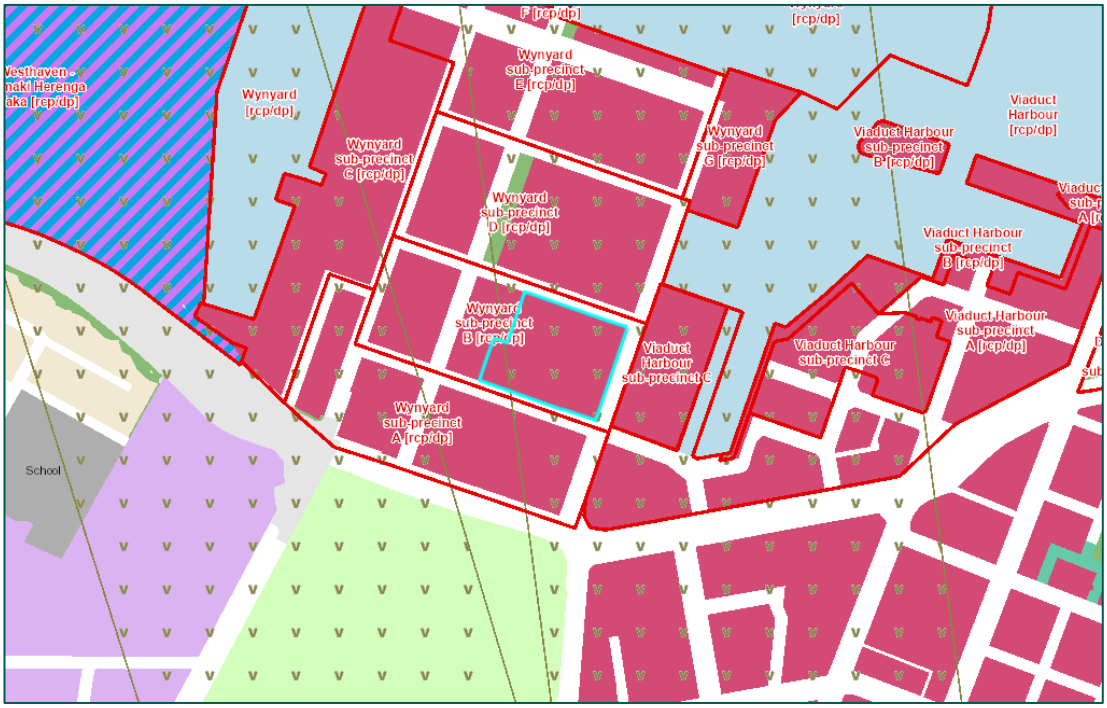


Figure 3: Extent of maunga viewshafts over Wynyard Quarter, and relationship to the Site (outlined in cyan). Source: Auckland Council Geomaps.

The Site is susceptible to natural hazards in terms of flooding and coastal inundation. These natural hazards are identified on Auckland Council's Geomaps viewer (refer to Figure 4 below). These natural hazards also apply to the balance of the Wynyard Precinct due to its proximity to the coastal marine area.

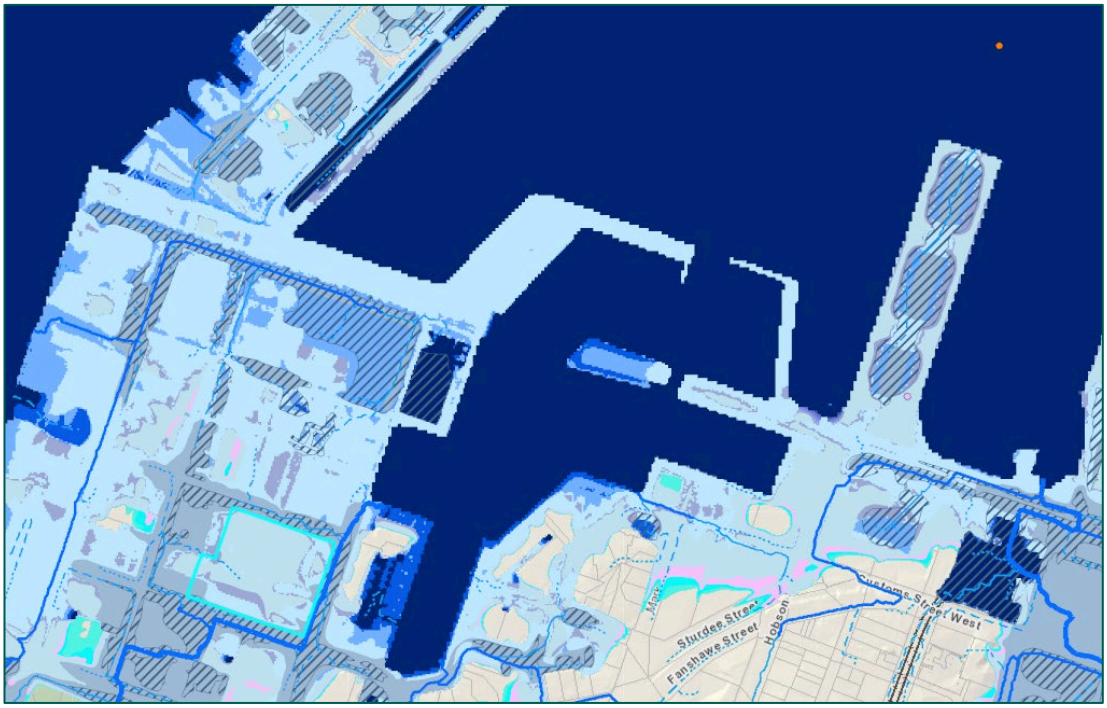


Figure 4: Location and extent of natural hazards on Site (outlined in blue) and in broader context of Wynyard Quarter and the Viaduct Harbour (Source: Auckland Council Geomaps).

The Wynyard Precinct maximum height controls (refer to I214.10.5 Wynyard: Precinct Plan 5) and maximum floor area ratio (refer to I214.10.3 Wynyard: Precinct Plan 3) as they apply to the Site are provided below as **Figure 5** and **Figure 6** respectively for reference.



Figure 5: Maximum height control relating to the subject Site (outlined in cyan).



Figure 6: Maximum FAR relating to the subject Site (outlined in cyan).

Directly to the west of the site sits Amey Daldy Park, and Amey Daldy linear park. While not forming part of the Site itself, the park has a significant influence over the Site and how the proposed development has been designed, as the park provides a large open space directly adjacent to the site, as well as pedestrian connections to the wider precinct.

5.2 Surrounding Locality

The Site is located in a mixed-use city centre precinct and is surrounded by a concentration of commercial and office buildings. Large, relatively new commercial office buildings form an

established corporate office enclave along Fanshawe Street. Occupants of office buildings immediately to the east across Halsey Street include Microsoft, Auckland Transport and KPMG. Further north within the precinct, a mix of apartments and office blocks – including offices for Beca, Warren and Mahoney, Mott MacDonald and the ASB head office reside within mid-rise buildings. Existing apartments to the east and north of the Site and consented (but not yet constructed) development sites within the wider Wynyard Quarter area (including Northbrook apartments to the west), also establish a residential presence in the surrounding environment.

In a broader context, Wynyard Quarter is considered to be the largest brownfield area in Auckland's city centre. It is a significant urban regeneration project which provides for a variety of development and activities including:

- High-quality open space areas, restaurants, offices and cafés;
- Office and residential activities; and
- A marine focus along the western edge of the Precinct.

Wynyard Quarter is located within one of the most connected parts of the city centre. It is well served by pedestrian and cycle linkages, with excellent accessibility within the precinct and to the city centre. It has close proximity to regionally and nationally significant transport infrastructure, including:

- The arterial road network, motorway network, and interchange;
- Britomart Ferry Terminal and transport hub;
- The City Rail Link (Waitematā and Te Waihorotiu Stations); and
- Bus routes along Lower Albert Street, Fanshawe Street and the downtown area.

A large number of regionally or locally significant facilities within or immediately adjacent to the City Centre Zone include:

- Auckland Hospital and Starship;
- Educational facilities (including the University of Auckland and Auckland University of Technology);
- Sporting facilities and venues (including Spark Arena, the Domain sports fields, Victoria Park sports fields, and Westhaven Marina);
- Cultural facilities and venues (including Auckland Town Hall, Auckland Art Gallery and Auckland War Memorial Museum); and
- Parks and open spaces (including Albert Park, Victoria Park, the Domain, the beaches and open spaces along Tāmaki Drive, and the promenades and open spaces within Viaduct Harbour and Wynyard Precincts).

5.3 Previously Approved Consents

With reference to the resource consent decision documents (provided as **Appendix 5**), the Site's recent consent history is summarised below.

5.3.1 Integrated Development Plan

In May 2016, resource consent (R/LUC/2016/1206, R/LUC/2016/1208 and R/REG/2016/1209) was approved at 100 Halsey Street and 31-79 Daldy Street for an integrated development plan (IDP) relating to the comprehensive development of 23,808m^2 of land in 'Quarter Area 2' of Wynyard Quarter. The IDP included two buildings containing hotel, entertainment and office activities and carparking. Concurrent development control modifications related to maximum height, site intensity, minimum street frontage alignment and height, and laneway requirements, together with the detailed design and construction of Buildings 1 and 2. Enabling works associated with the construction of the buildings and rearrangement of the existing bus depot facilities were also approved. Whilst a building resembling the form and use of the envisaged 'Building 1' was later consented and constructed under a fresh application as 'Travelodge' (refer to LUC60302182 below), the IDP, including the construction of Building 2, was never implemented and has since lapsed.

5.3.2 Travelodge

In August 2017, resource consent (LUC60302182) was approved for the eight-level Travelodge building at 100 Halsey Street (the Site) comprising an entertainment facility, visitor accommodation, and a non-accessory carpark, together with the discharge of contaminants during earthworks. Construction works were completed in 2022, and the building is currently located in the north-eastern part of Site. As noted in Section 5.1 above, a total of 366 consented parking spaces is provided on floors 2-7 of the building, accessed via a vehicle crossing to Pakenham Street West. Of these 366 parking spaces, 257 spaces are 'unallocated' and currently leased to commercial users within Wynyard Precinct.

5.3.3 Bus Depot Reconfiguration

In April 2019, resource consent (LUC60329785) was granted to reconfigure the existing bus depot, including relocating the wash bay and fuel tank and establishing a new electrical substation. The consent also authorised associated building and demolition works, hazardous substances storage, and soil disturbance. The works were intended to enable the ongoing operation of the bus depot while allowing for the provision of the Central and Linear Parks. This consent has been implemented.

5.4 Owners and Occupiers

As required under clause 5(1)(d) of Schedule 5 of the FTAA, the full names and addresses of the following are provided at **Appendix 3** in accordance with the following convention:

(a) each owner of the site and of land adjacent to the site must be listed; and

(b) each occupier of the site and of land adjacent to the site whom the applicant is able to identify after reasonable inquiry must be listed.

6.0 Proposal

This section of the application is a summary of the key elements of the proposal provided in accordance with clause 5(1)(a) of Schedule 5 of the FTAA.

The extent of the Project is shown on the drawings enclosed as **Appendices 6, 7 and 8**, prepared by Peddle Thorp Architects and Boffa Miskell landscape architecture team. Technical reports and drawings are contained in **Appendix 9 and 10** and were prepared by Tonkin + Taylor as the Project's primary engineering firm.

The following provides an overall summary of the proposal and is intended to be read alongside the drawings, visual material, and technical reports accompanying this application for a full understanding of the proposal.

6.1 Earthworks and Enabling Works

Except for the Travelodge building, which is to be retained, existing buildings and structures on Site will be demolished. The land disturbance for enabling works (including site scrape, basement and lift shaft excavation, piling and underground infrastructure) will comprise a total cut volume of 59,070m^3 over a total area of 14,598m^2. Of this total earthworks area, approximately 388m^2 of works will occur within the road reserve for road network infrastructure modifications.

No seasonal restrictions are proposed during the earthworks phase of the Project. However, additional erosion and sediment control measures will be implemented during the winter months to enable the subsurface excavations and substructure to be completed without temporary closing of the Site during the winter period. Refer to the Erosion and Sediment Control Plan (**Appendix 12**) for further detail.

Whilst the specific piling activity will be subject to further investigation at detailed design stage, presently, bored and cast in-situ piles founded on ECBF rock are considered to be the most suitable piling option. ECBF rock sits at a depth of between 7 and 18m below ground level and as such, piles for the building will be installed around this range of depth to support upper levels. Monitoring of groundwater levels has determined that groundwater is expected to be encountered between 1.5m to 3m below ground level (RL 1.5m-0m) across the building platform, with some tidal fluctuation of approximately 100-200mm. Temporary groundwater dewatering and permanent groundwater diversion will be required to construct the piles and basements. The building substructures will comprise basement slab and walls in a 'tanked' design so as to be fully sealed from groundwater.

6.2 Buildings and Activities

6.2.1 Building Overview

The Project involves the comprehensive redevelopment of the Site. The existing bus depot activity and associated structures will be removed and replaced with a mixed-use development comprising five new buildings (Buildings 1 to 5). See **Figure 7** and **Figure 8** below. The existing Travelodge building in the north-eastern corner of the Site is proposed to remain, with changes to the building's loading and servicing arrangements to be undertaken as part of this proposal.

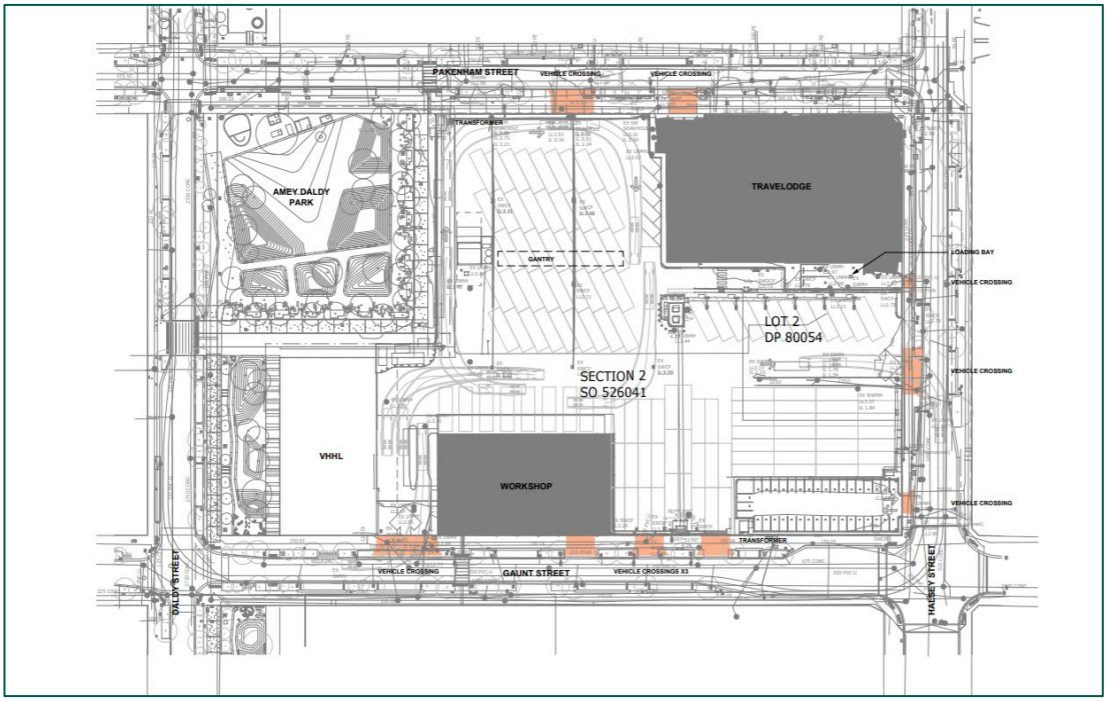


Figure 7: Existing Site layout. Source: Architectural Drawings (Appendix 7).



Figure 8: Proposed Site layout. Source: Architectural Drawings (Appendix 7).

The new buildings will be arranged around a central plaza and a network of lanes, providing mid-block permeability and connections within the Wynyard Precinct. Office space will be provided on upper levels of Buildings 1, 3, 4 and 5, with ground floor uses focused on active and service functions, including retail, building lobbies/entries, and servicing. Building 2 will contain a data centre.

The design and materiality of the buildings reflect the Site's marine industrial context, whilst supporting their commercial use. The Site's setting is also acknowledged through the 'water, estuary and shoreline' narrative that is reflected in the architectural design. Rooftop solar panels

are provided to each building. A detailed commentary regarding the architectural design and concept has been provided by Peddle Thorp in **Appendix 6,** and associated architectural drawings in **Appendix 7.**

6.2.2 Main Building Elements

With reference to the architectural drawings (**Appendix 7**), a summary of the buildings is provided below.

Building 1

Building 1 will be a nine-storey, 39.6m high building at the south-eastern corner of the Site and will contain 9,707.6m^2 of office GFA, 170.5m^2 of ground-floor retail GFA and 317m^2 of end-of-trip facilities. Building 1 is set back 5m from Halsey Street to provide for a public entrance plaza at ground floor on the corner of Gaunt and Halsey Streets, outside of the building envelope.

Building 2

Building 2 will be a seven-storey, 38m high building at the eastern part of the Site which will contain the data centre. The data centre facility comprises two data halls, each designed to accommodate approximately eight megawatts of IT load. One basement level floor is provided for operational purposes, including the storage of diesel for the back-up generators and sprinkler systems. The main pedestrian entry is located on Halsey Street, providing a clear street address to the building. Servicing and operational access is provided separately from the internal laneway network via Lane 2, including truck/loading access to facilitate the delivery, maintenance and replacement of data centre plant and equipment. Separate access is also provided to the fire pump room at the southern façade to support maintenance and emergency access requirements. A total of 231.4m^2 of office GFA (ancillary to the data centre use) will be provided.

Building 3 (3A and 3B)

Situated in the north-western part of the Site, Building 3A and 3B form one contiguous building composed of two separate tower podiums which are connected by an internal atrium. Building 3A is an 11-storey, 48m high building, and Building 3B is an eight-storey, 36.5m high building. Building 3 will contain 28,627.9m^2 of office GFA and 889.4m^2 of ground-floor retail GFA. End-of-trip facilities for Building 3 total an area of 1,213m^2 and are located at the basement and mezzanine levels. A large entrance foyer at the northern facade of Building 3B provides clear pedestrian access from Pakenham Street West. Building 3 contains one basement-level floor for parking, providing 74 new car parking spaces.

Building 4

Building 4 is a 12-storey, 52.2m high podium-style building in the south-western part of the Site. It will contain 12,703.5m^2 of office GFA, 419.2m^2 of ground-floor retail GFA, and 391.8m^2 of end-of-trip GFA. Buildings 4 and 5 contain two levels of basement parking, providing for 116 new car parking spaces. An entrance foyer is located on the building's southern facade, providing direct access from Gaunt Street.

Building 5

Building 5 is a 10-storey, 43.8m high podium-style building in the south-western part of the Site. It will contain 11,924.9m^2 of office GFA, 371.1m^2 of ground-floor retail GFA and 242.5m^2 of end-of-

trip facilities. Entrance is gained directly from Gaunt Street via an entrance foyer on the building's southern façade. Building 5 contains a two-level basement for carparking, as mentioned above, this is shared with Building 4.

Figure 9 below shows the massing of the proposed buildings.

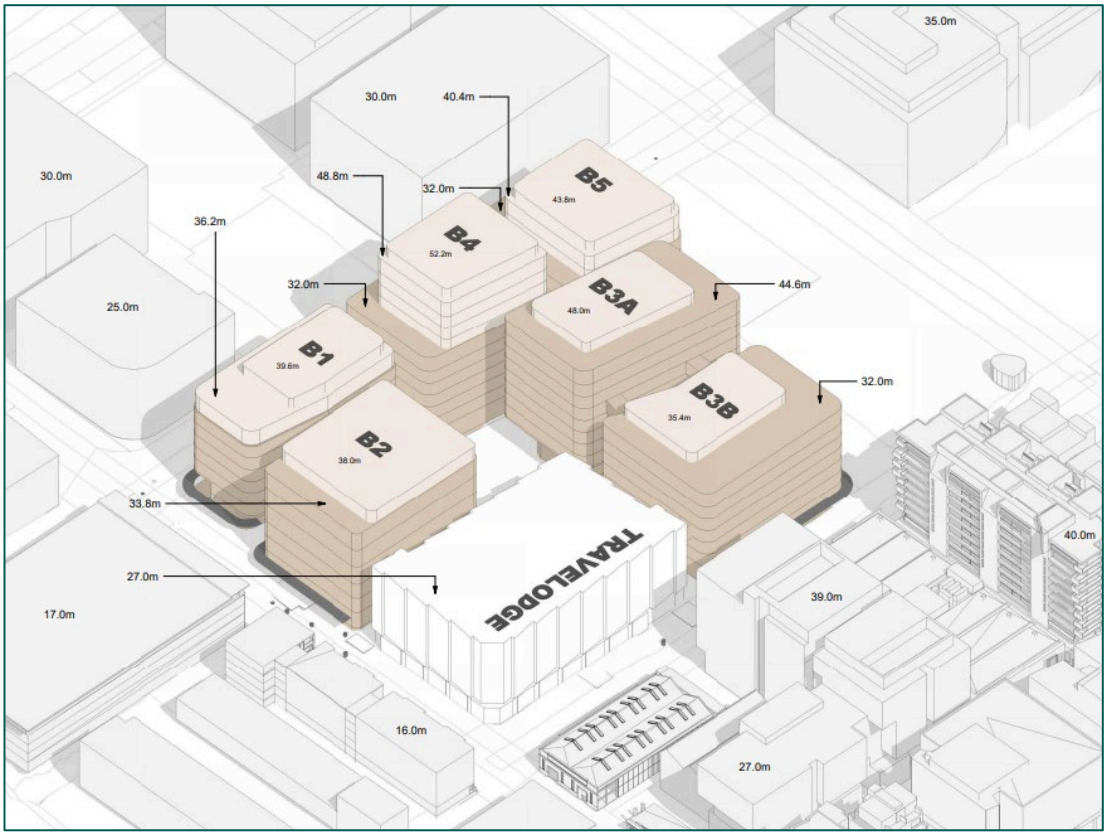


Figure 9: Proposed building arrangement and heights. Source: Architectural Drawings (Appendix 7).

The proposed building heights, number of floors, and GFA are summarised in Table 1 below.

Table 1: Building Summaries

Building	Maximum Height	Total Storeys	Total GFA
B1	39.6m	9	9,878m^2
B2	38m	7	10,832m^2
B3	48m	11	29,517m^2
B4	52.2m	12	13,122m^2
B5	43.8m	10	12,296m^2
Total			75,646m^2

Overall, a total of approximately 75,646m^2 GFA is proposed across the five buildings. Whilst all buildings can be classified as 'mid-rise', they range in height, from Building 3B (35.4m) to Building 4 (52.2m). A schedule of heights and relevant planning controls is set out in the Architectural Drawings provided as Appendix 7.

6.2.3 Ground Plane (Floor Levels)

The building levels have been designed to integrate with the street and pavement network so that steps are not required at primary pedestrian entrances. With reference to Sheet 2153-0-1-105 of the Architectural Drawings (**Appendix 7**), ground floor levels and critical flood levels at each building façade are shown in **Table 2** below. A principal finished level of RL 3.35 m is proposed for the central mid-block plaza and adjoining building areas. Local variations, including the Building 2 data centre and the Building 3 retail and northern lobby areas, are set out in **Table 2.**

Table 2: Proposed development levels (in RL).

Building	Floor Level	Critical Flood Level (Present Day)	Critical Inundation Level (2130)
1	3.35m (commercial and retail) 3.90 (service area)	3.10m	3.38m
2	3.9m (ancillary office) 3.90m (data centre) 3.35m (truck dock) 3.9m (raised entry to basement stairs)	3.00m	3.38m
3	3.20m (retail) 3.25m (northern lobby entrance) 3.35m (commercial) 3.90m (service area)	3.10m	3.38m
4	3.35m (commercial and retail) 3.90m (service area)	3.15m	3.38m
5	3.35m (commercial and retail) 3.90m (service area)	3.15m	3.38m

6.2.4 Development Staging

With reference to the draft Construction Management Plan (CMP) provided with the application as **Appendix 32,** construction is anticipated to be undertaken in an east-to-west direction. The bus depot will cease operations in 2035. As such, the area to the east of the depot will be developed first, with Buildings 1 and 2 (and associated laneways) established whilst the depot continues operations. Once the depot is decommissioned, the rest of the Site will be progressively established – most likely with Building 3, followed by Buildings 4 and 5 together.

Given the nature of the proposal, a strict staging regimen is not proposed, and the proposal has been designed so that the Project may be implemented in any sequence (subject to compliance with any relevant conditions).

6.2.5 Office Activities

A total of approximately 62,935m^2 of office GFA (not including the 231m^2 office space in Building 2) is proposed across the development. The office spaces have been designed so that they can be leased to either a single tenant or multiple tenants.

6.2.6 Retail and/or Food & Beverage Activities

The Project provides for ground floor retail and/or food & beverage activities to support street-level activation and contribute to the functioning and amenity of the Wynyard Quarter public realm. This is likely to comprise a mix of food & beverage (cafes and restaurants) and other retail (shops and services) but the exact mix and size of tenants is not yet known. Nominally, a total of nine retail spaces is provided on the ground floor across the buildings, with a breakdown provided below. Subject to compliance with any relevant AUP rules or conditions of consent, these tenancies may be varied to suit tenant demand.

Table 3: Retail space breakdown.

Building	Number of retail spaces	Total retail GFA
1	1	170.5m^2
2	Nil	Nil
3	4	889.4m^2
4	2	419.2m^2
5	2	371.1m^2
Total	9	1850.2m^2

6.2.7 Data Centre Activity

Building 2 contains a 16-megawatt data centre. The data centre will be supplied directly from the Hobson Street grid exit point by two new 22 kilovolt feeders so that the full load can be carried directly to the buildings, without the need for a new substation. The data centre is proposed to host approximately 49 battery cabinets, providing up to 2.51 MWh across 13 rooms on Levels 1 and 2 of the building, with 13 associated transformers. The upper levels will accommodate two data halls of around 310 racks each, power houses, plant and support spaces, with roof-mounted plant above. The facility is designed to provide approximately 16 megawatts of information technology (IT) load capacity, targeting a power usage effectiveness (PUE) of approximately 1.3, meaning total facility electricity demand is approximately 30% higher than the IT load. It is estimated that approximately 30 staff members will be required to manage day-to-day operations of the data centre.

The operational requirements of the data centre necessitate the storage of up to 190,000L of diesel across four bulk tanks in the basement for supply of fuel to the thirteen back-up generators on Level 5. Twelve air-cooled chillers circulating chilled water on the gantry (roof) level are required, with six buffer water tanks (42,000L each). Water demand for cooling is considered to be 'negligible' and is limited primarily to initial system fill and occasional make-up water associated with maintenance or minor system losses. This is because the cooling strategy is based on air-cooled chillers serving closed-loop chilled water systems, so there is no routine evaporative cooling water demand.

In order to ensure ongoing compliance with day and night-time noise levels, and to minimise noise to nearby sensitive receivers, the rooms housing the chillers will be surrounded by acoustic louvres or solid screening.

6.2.8 Site Access, Parking and Loading

Car Parking

A total of 575 car parking spaces is permitted across the Site, as the AUP maximum. This includes the existing 366 parking spaces provided by Travelodge, and the provision for up to 209 new basement parking spaces. Currently, the plans show 190 basement parking spaces. Consent is sought for up to 209 new spaces, with 19 additional spaces to be added as the layouts of the parking spaces are finalised through the detailed design process. A Parking Layout Plan will be submitted prior to building consent to finalise the parking layout.

Table 4: Proposed parking spaces

Building	Standard Parking spaces	Accessible Parking spaces	Total Parking spaces per building
Travelodge[1]	357	9	366
B3 Basement	70	4	74
B4 and B5 Basement	105	11	116
TOTAL	532	24	556 parking spaces (consent is being sought for 575 spaces, with 19 spaces proposed through detailed design).

New car parking is provided within the proposed basement areas beneath Buildings 3, 4 and 5 as follows:

- Buildings 4 and 5 will provide two levels of basement parking, accessed via a new vehicle crossing to Gaunt Street;
- One level of basement parking is proposed underneath Building 3, accessed via a new vehicle crossing to Pakenham Street West;
- All parking spaces on Site will be allocated for the use of commercial/retail occupiers only; and
- Consent is sought for up to 575[2] car parking spaces across the Site, comprising 366 existing spaces and up to 209 new basement spaces. The current plans show 556 spaces in total, including 190 new basement spaces. It is expected that through the detailed design process that additional carparking spaces will be provided, this is provided for in the parking layout condition.

[1] The existing 366 car parking spaces within the Travelodge building are consented for the use of the subject Site as it is developed. Refer to Conditions 41 and 42 of LUC60302182 (**Appendix 5**).

[2] Based on the maximum parking ratios within 'Table I214.6.1.1 Parking ratios', on a site-wide basis (including Travelodge GFA).

Active Modes

The development also encourages and supports the use of active transport modes through the provision of 219 secure bicycle parking spaces, 60 visitor bicycle parking spaces, and end-of-trip facilities. These are to be provided as shown in **Table 5** and **Table 6**, below.

Table 5: Total bicycle parking spaces.

Building	Bicycle visitor parking spaces	Bicycle secure parking spaces	Total bicycle spaces per building
B1	10	33	43
B2	4	4	8
B3	22	98	120
B4 & B5	24	84	108
Total	60 visitor spaces	219 secure spaces	279 spaces

Table 6: End of Trip Facilities

Building	Total showers	Total lockers	Total end of trip facilities per building
B1	9	132	9 showers, 132 lockers
B2	1	4	1 shower, 4 lockers
B3	20	402	20 showers, 402 lockers
B4 & B5	20	339	20 showers, 339 lockers
Total	50	877	50 showers, 877 lockers

6.2.8.1 Service Vehicle Access

A total of five loading spaces is proposed throughout the Site, as shown below as the orange lines in **Figure 10** from the Landscape Design package prepared by Boffa Miskell in **Appendix 8.**

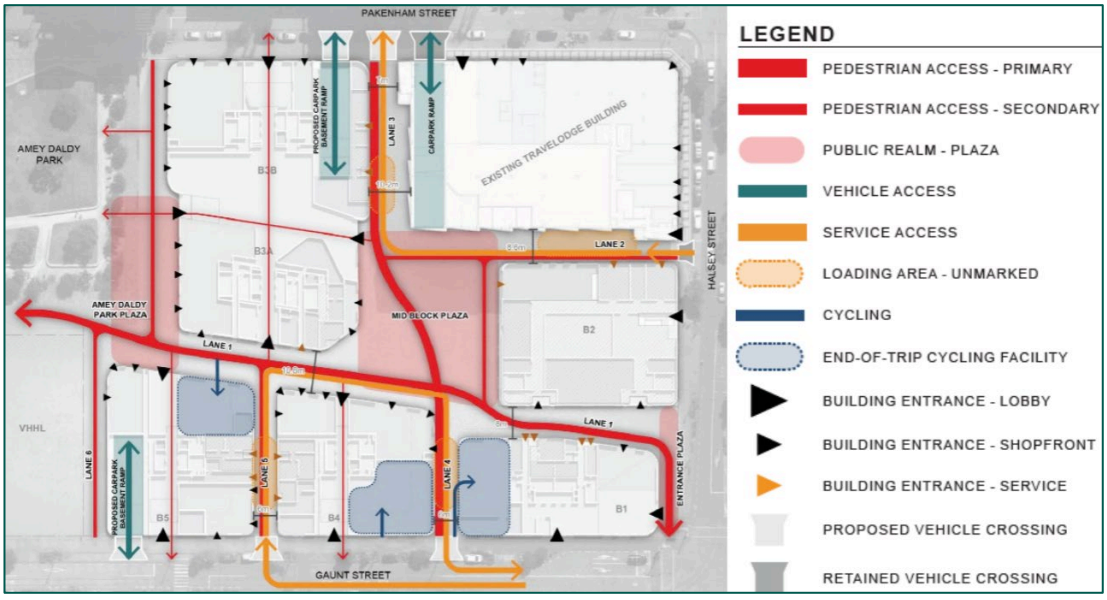


Figure 10: Vehicle, Servicing & Loading Map (Appendix 8)

All of the loading spaces and lanes have been designed so that service vehicles can enter and exit the Site in a forward direction. The two routes for service vehicles are described below.

Gaunt Street Route

A new entry-only vehicle crossing from Gaunt Street will provide service vehicles access to the Site via Lane 5. Service vehicles will travel through the Site via Lane 5, proceed clockwise around Building 4 and exit the Site using the new exit-only vehicle crossing to Gaunt Street from Lane 4.

Halsey Street to Pakenham Street West Route

The existing crossing at the south of the Travelodge building will be used as an entry-only vehicle crossing from Halsey Street, providing access to the Site via Lane 2. Service vehicles will travel clockwise around the Travelodge and exit using the new exit-only vehicle crossing to Pakenham Street West from Lane 3.

Waste Collection

The proposed development will utilise a private waste collection service. Waste storage will be provided within five dedicated refuse management areas on the ground floor of each of the buildings. The facilities have been designed to ensure that there is sufficient capacity for separation, storage, and manoeuvring of bins. Each waste room will have direct service access to a laneway. The waste rooms will be mechanically ventilated. The tables within the Waste Management Plan (**Appendix 31**) provide a breakdown of the proposed waste management bin collection frequencies, capacities, and types. In order to collect the waste from the refuse management areas, refuse vehicles will park in the designated loading spaces, which will be marked in accordance with consent conditions. The bins will then be wheeled to the loading bays, for collection by the refuse vehicles.

6.2.9 Works Within the Road Reserve

The existing layouts of the Pakenham Street West, Halsey Street and Gaunt Street road reserves are proposed to be modified as part of this application in order to optimise the size and location of raingardens, construct new vehicle crossings, and to provide for parking and other street furniture. Raingarden works are likely to require excavation to subgrade of approximately 1.5m, which will then be backfilled with an impermeable liner and vegetation. Vehicle crossings will require excavation of approximately 300mm and will tie into the respective laneways and surrounding footpath levels. Changes to the streetscape necessitated by construction access (such as stabilised entrances, installation of wheel wash areas) are illustrated in the Erosion and Sediment Control Drawings (**Appendix 12**).

The above modifications will require additional approvals to be sought separately to this application, including, but not limited to:

- Asset owner approval from Auckland Council;
- Encroachment licence(s); and
- Corridor access requests.

Plans showing areas of raingardens, footpaths, parking and trees to be altered are shown in the Landscape Design Drawings prepared by Boffa Miskell in **Appendix 8.**

6.3 Infrastructure

Investigations by Tonkin + Taylor ('T+T') confirm that the Site is connected to, and able to access, existing three waters infrastructure (water supply, wastewater and stormwater) within the surrounding road corridors.

The Project proposes the following connections to existing three waters infrastructure to enable the servicing of the Site:

- Stormwater: Plaza and outdoor areas will be treated by a series of perimeter channels, which will concentrate flow into new lined raingardens internal to the Site. Newly installed proprietary devices will operate as secondary filters, treating the stormwater flow before it discharges to the public stormwater network. Roof runoff will discharge directly to the public stormwater network without treatment. A draft Stormwater Management Plan (refer to Appendix 13) has been prepared by T+T. As noted above, modifications are proposed in order to facilitate changes to the raingardens located in the adjoining streets – these will continue to treat run-off from the existing roads;
- Wastewater: The Site is serviced by existing public wastewater infrastructure, with connections discharging to the wider network associated with the Amey Daldy Park Pump Station (Wynyard Quarter Pump Station) and the Fanshawe Street Pump Station catchments. Consultation with Watercare established that the Fanshawe Street Pump Station does not have available capacity to accommodate additional flows. Accordingly, the wastewater servicing strategy for this Site directs all discharge to the Wynyard Quarter Pump Station by way of a new connection to the existing 375mm public network pipe within Pakenham Street West. Flows to the Fanshawe Street catchment will not increase;
- Water Supply: The Site is serviced by an established reticulated potable water network, including 150mm, 20mm, and 300mm water mains located within Halsey Street, Gaunt Street, and Pakenham Street West. Five new 100mm connections are proposed for fire supply, and five new 80mm connections are proposed for potable supply. One new 40mm connection is proposed for irrigation. It is confirmed that sufficient capacity exists within the network to service the development; and
- Services: Sufficient electricity and telecommunications capacity are confirmed within Section 5 of the Civil Infrastructure Report (Appendix 9). New connections will be confirmed with the network utility operators (Vector and Chorus). The development will not connect to the gas network.

6.4 Landscape Design

The landscape design of the Project is comprehensively described within the Landscape Design Drawings (Appendix 8) and the Landscape Effects Assessment (Appendix 21). The intent of the landscape concept for the Project is to create a destination within the centre of the Site. The key landscape design elements are summarised below.

6.4.1 Mid-Block Plaza

The mid-block plaza is a privately owned, publicly accessible space (formalised by easements) which is located within the centre of the Site. The plaza has been intentionally designed to complement Amey Daldy Park, by being spatially enclosed (whereas Amey Daldy Park is

predominantly open). The mid-block plaza is predominantly paved, with green landscape elements within its centre including trees planted in accordance with the 'Forest Grove' planting strategy. The plaza space offers the opportunity for artwork to be incorporated at the next stage of design. This may include elements to express mana whenua narratives and contribute to the identity and experience of the public realm.

6.4.2 Laneways

A key feature of the Project is a fine-grained network of six lanes across the Site, which will be consistent with the established lane-based character of Wynyard Quarter. The laneway network includes an east-west connection and two north-south lanes, which will increase pedestrian permeability and encourage visitors to the new ground floor retail/food and beverage. New building facades are intentionally designed around the new laneway network, with lower-level stratification achieving a human scale. Informal seating is provided throughout the laneway network in the form of raised planter bed edges.

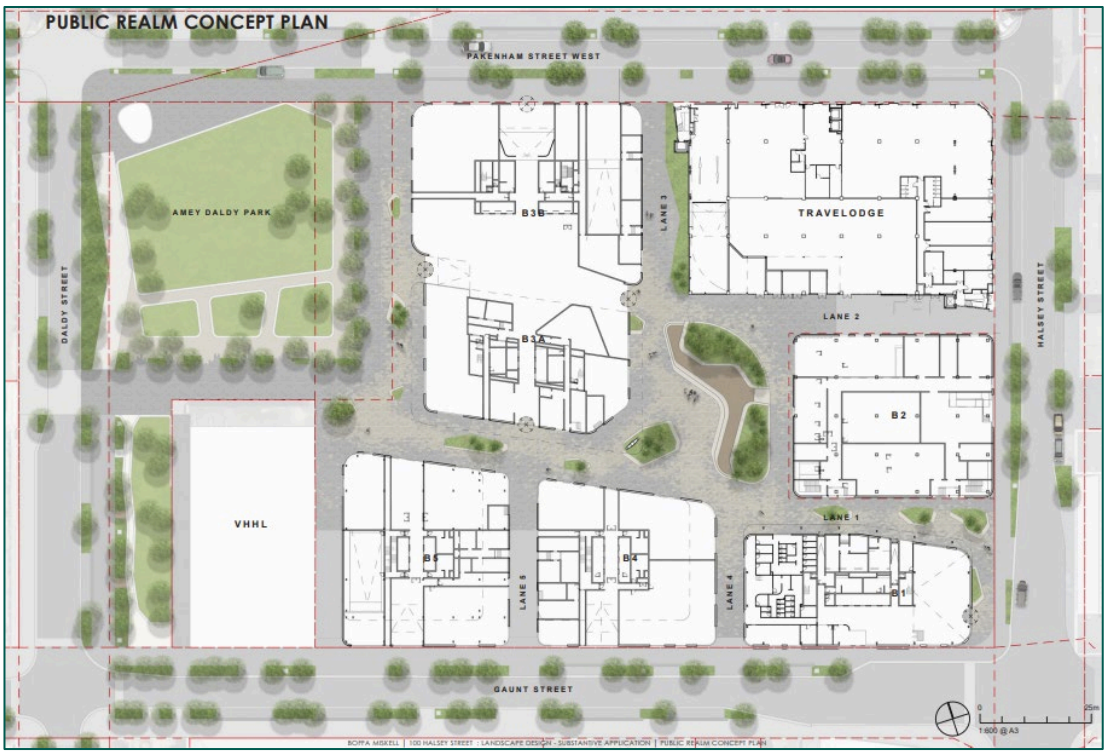


Figure 11: Proposed landscape plan. Source: Landscape Design Drawings (Appendix 8).

6.4.3 Entrance Plaza

The plaza at the corner of Gaunt Street and Halsey Street will function primarily as an arrival space for Building 1 and the Site. It will contain a planter bed next to B1's primary entrance foyer, providing informal seating. Outdoor seating associated with spill-out dining is anticipated at the intersection of Lane 1 and the entrance plaza.

6.4.4 Amey Daldy Park Plaza

To the west of proposed Building 3, an informal plaza space has been designed to integrate the proposal with Amey Daldy Park in a seamless manner. This includes hard and soft landscaping, with a consistent pavement material, 'slot' stormwater drains, and pockets of green landscaping.

6.4.5 Street Tree Works

The proposal will involve the removal of one Lancewood street tree (Tree 2) within the Pakenham Street West road reserve, and the removal of a dead Kohekohe tree (Tree 7) within the Gaunt Street road reserve. To compensate for the proposed removal of the Lancewood street tree canopy, seven new trees (including two within Pakenham Street West) are proposed to be planted. The proposed street tree works have been assessed in an Arboricultural Report provided by Peers Brown Miller, provided as **Appendix 23**. It is noted that tree owner approval for the works will be sought separately from this application.

6.5 Consent Condition Changes (s127)

Approval is sought under Section 42(4)(b) to change a resource consent condition that would otherwise be applied for under the RMA, to change the condition of consent. The proposal involves changes to Conditions 4, 40 and 41 of LUC60302182. This is a **discretionary** activity resource consent pursuant to section 87B in accordance with section 127 of the RMA, which specifies that a change to or cancellation of a condition of consent shall be processed in accordance with sections 88 to 121 of the RMA. The decision for this resource consent is attached as **Appendix 5**.

The existing parking allocations and restrictions reflect an earlier consent and would become redundant under the proposed shared parking arrangement. The existing Travelodge consent authorises 366 spaces and these car parks will service the wider development. Amendments to the consent conditions are therefore proposed to allow spaces to be shared and reallocated between activities, while retaining requirements to manage access, circulation, queuing and servicing.

Deleted text is ~~struck through~~ and added text is <u>underlined</u>. Condition numbering is retained:

Condition 4

The use of the non-ancillary (or unallocated) car parks is limited to a maximum of 1~~0~~<u>5</u> years from the date of this decision, or an earlier period due to further site development as set out in Condition 41 below.

Condition 40

The parking provision within the carpark shall comply with the following table

Parking Allocation: Building 1

Activity	Floor Area (m²)	Parking Rate (1 per xx m²)	Total
Visitor Accommodation	5,463	200	27
~~Entertainment Facility (All Blacks Experience)~~	~~2,242~~	~~105~~	~~21~~
Retail/office	56	150	0
~~NZ Bus~~			~~61~~
Non-accessory / Unallocated Parking			~~257~~<u>339</u>
Total			366

Condition 41

The non-ancillary car parks within the building being those not allocated as required by Condition 40 above are temporary only and shall be provided until such time as there is either further development on the site or the bus depot vacates the site and are only consented for up to a maximum period of 1~~0~~5 years. As the balance of Lots 1 & 2 DP 80054 are progressively developed the number of non-ancillary car parks within the building shall either be allocated to particular activities in accordance with the parking allowances of Standard I214.6.1 the Auckland Unitary Plan (Operative in Part) or removed accordingly if not required by a particular development.

7.0 Planning Framework

7.1 Overview

This section of the application is provided in accordance with Schedule 5, clause 5(1)(h) of the FTAA which requires an assessment of the activity be provided against relevant provisions of the following documents provided in Schedule 5, clause 5(2) of the FTAA:

(a) A national environmental standard.

(b) Other regulations made under the Resource Management Act 1991.

(c) A national policy statement.

(d) A New Zealand coastal policy statement.

(e) A regional policy statement or proposed regional policy statement.

(f) A plan or proposed plan.

(g) A planning document recognised by a relevant iwi authority and lodged with a local authority.

The Project has also provided for an assessment against the items listed in Schedule 5, clause 5 of the FTAA:

(a) any relevant objectives, policies, or rules in a document listed in subclause (2); and

(b) any requirement, condition, or permission in any rules in any of those documents; and

(c) any other requirements in any of those documents.

The application seeks all resource consents necessary for the construction and ongoing operation of the Project. The list of consents considered to be required is outlined below. For completeness, this application also seeks consent for any matters that are not listed below but which are subsequently identified as being necessary through the processing of this application.

In summary, the Project requires: non-complying activity consent overall under the AUP, discretionary activity for changes of consent conditions under the RMA, and discretionary activity overall under the NES-CS. Overall, the Project is assessed as a **non-complying activity.**

A detailed rules assessment against the applicable AUP standards is attached in **Appendix 35**.

7.2 Resource Consents Required

7.2.1 Auckland Unitary Plan

Reasons for consent under the AUP in accordance with clause 5(1)(f) of Schedule 5 of the Act are as follows:

D14 Maunga Viewshafts and Height Sensitive Areas Overlay

- The construction cranes are temporary construction structures which will all intrude the regionally significant maunga viewshaft (E10 Mount Eden/Maungawhau). The total construction period will exceed 24 months. This is a **non-complying activity** under D14.4.1(A6).

E7 Taking, using, damming and diversion of water

- 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).
- E7.4.1(A28) – The proposal will involve the diversion of groundwater caused by an excavation that does not meet permitted activity standards E7.6.1.10 because the diversion will be permanent, maximum excavation depths will exceed 6m below existing ground levels, 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. This is a **restricted discretionary activity**.

E11 Land Disturbance – Regional

- E11.4.1(A9) - The proposal will involve greater than 2,500m^2 of land disturbance (14,210m^2 proposed) within the sediment control protection area to facilitate construction of the proposed building in the City Centre zone. This is a **restricted discretionary activity**.

E12 Land Disturbance – District

- E12.4.1(A6) - The proposal will involve greater than 2,500m^2 of land disturbance (14,210m^2 proposed) across the Site to facilitate construction of the proposed buildings in the City Centre Zone. This is a **restricted discretionary activity**.
- E12.4.1(A10) - The proposal will involve greater than 2,500m^3 of land disturbance (total cut volume of 58,770m^3 proposed) across the Site to facilitate construction of the proposed buildings in the City Centre Zone. This is a **restricted discretionary activity**.

E17 Trees in Roads

- The proposal involves removal of one street tree (Lancewood) greater than 4m in height. This is a **restricted discretionary activity** under E17.4.1(A10).

E23 Signs

- The proposal involves the establishment of comprehensive development signage associated with the retail/commercial tenancies of the proposed buildings which is a **restricted discretionary activity** pursuant to Rule E23.4.2(A53).

E25 Noise and Vibration

- Construction activities are anticipated to exceed the permitted construction noise limits under Standard E25.6.28 as set out below. This is a restricted discretionary activity pursuant to Rule E25.4.1(A2):
    - [3]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 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 per building stage;
        - 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 per building stage; and
        - Noise generated by piling will exceed the limit by 6 dB at 30 and 58 Gaunt Street for a duration of 10 days per building stage.

E26 Infrastructure

- 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).

E27 Transport

- The proposal involves parking, loading and access which is accessory to an activity, but which does not comply with the standards for parking, loading and access. This is a **restricted discretionary activity** under E27.4.1(A2) as follows:
    - E27.6.2. Number of parking and loading spaces: A minimum of 36 bicycle parking spaces are required for the data centre (B2) where only 8 (four long term and four visitor) are provided;
    - E27.6.3.5 Vertical Clearance: The proposed basement parking for Buildings 3 and 4-5 does not provide 2.5m headroom for accessible parking spaces (clearance of 2.2m provided).
    - E27.6.3.6 Formation and Gradient: Proposed loading spaces will not be visually delineated within the laneways; they will be sign-posted instead.
    - E27.6.4.2 Width and Number of Vehicle Crossings: A minimum 6m separation width between vehicle crossings serving the same site is not provided at Pakenham Street West. The Lane 3 accessway and basement parking crossing for Building 3 are separated by 5.8m. The Lane 3 accessway and parking crossing for Travelodge are separated by 4.5m.
    - E27.6.4.4 Gradient of Vehicle Access: The proposed access ramp serving Building 4 and 5 will have a maximum gradient of 1:5 where 1:6 is required for non-residential activities.

[3] The Travelodge building is located within the subject Site and is held under common ownership.

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 polycyclic aromatic hydrocarbons (PaH) under E30.6.1.4 are 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).

E31 Hazardous Substances

- 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 are a **discretionary activity** under Table E31.4.1(A7) as follows:
    - 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); and
    - 109,500L 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).

E36 Natural Hazards and Flooding

- 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** under 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 are 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).
- Building walls (B1, B2 and B5) 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).

E40 Temporary Activities

- E40.4.1(A24) – 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 provided for in Table E40.4.1(A20). These temporary activities include construction of the Project and associated enabling works. This is a **restricted discretionary activity**.

H8 Business – City Centre

- New buildings are a **restricted discretionary activity** under 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):
    - H8.6.25 Building frontage alignment and height: Building 1 is set back in part from the Halsey Street frontage by 5m in order to provide the entrance plaza where a contiguous building height of 13m within a minimum depth of 6m from the frontage is required.
    - H8.6.26 Verandahs: Verandahs provided by B1, B2, B3, B4 and B5 have a height of 4m which is permitted. Building 1 is a corner site, and the verandah wraps around the corner of the building. As B1 is set back 5m from Halsey Street, it does not comply with Figure H8.6.26.1 because the verandah does not extend over the public footpath.
    - H8.6.28 Wind: 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 (non-compliance with (a)), and the development also causes the 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 (non-compliance with (b) and (c)).

I214 Wynyard Precinct

- Industrial activities (the proposed Data Centre in B2 is defined as an Industrial Activity) are a **discretionary activity** pursuant to (A16).
- Offices, retail, food and beverage greater than 100m^2 gross floor area per site are a **restricted discretionary activity** under I214.4.1(A34).
- The proposal will involve the demolition or removal of the bus depot building on site to enable construction of the proposed buildings. This 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** under I214.4.2(A56). The maximum office area permitted is 42,512.16m^2. The proposed development contains 62,934.9m^2 of office space (not including Building 2). This equates to an office activity ratio of 3.67:1 which exceeds 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 FAR control by 11,508.90m^2.
- Development that does not comply with I214.6.7(1) Maximum site intensity is a **non-complying activity** under I214.4.2(A58). The proposed floor area ratio ('FAR') for the development is 5.65:1 (94,187.6m^2) which exceeds the aggregated permitted maximum FAR of 4.55:1 (77,031.8m^2). Refer to the Architectural Drawings (refer Sheet 2153 0 1-107 of **Appendix 7**) for further information. The proposal exceeds the maximum FAR of 4.55:1 by 17,155.8m^2.

- 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):
    - Lane 3 will be used by service vehicles; it has a length of 43m and narrows to 7m where a minimum width of 10m is required;
    - Lane 4 will be used by service vehicles; it has a length of 32m and is 6m wide where a minimum width of 10m is required; and
    - Lane 5 will be used by service vehicles; it has a length of 38.7m and is 6m wide where a minimum width of 10m is required.
- Development that does not comply with I214.6.6. Building height is a **discretionary activity** under I214.4.2(A61). The Project includes the following proposed building heights:
    - The proposed height of Building 1 is 39.6m (to top of plant) where a maximum of 25m is permitted;
    - The proposed height of Building 2 is 38m (to top of plant) where a maximum of 25m is permitted;
    - The proposed height of Building 3 is 48m (to top of plant) where a maximum of 31m is permitted;
    - The proposed height of Building 4 is 52.2m (to top of plant) where a maximum of 31m is permitted; and
    - The proposed height of Building 5 is 43.8m (to top of plant) where a maximum of 31m is permitted.

7.2.2 AUP Plan Change 120

Proposed Plan Change 120 to the AUP was publicly notified by Auckland Council on 3 November 2025. PC120 addresses intensification and natural hazards. Certain rules regarding natural hazards have immediate legal effect from 3 November 2025.

Reasons for consent under PC120 in accordance with clause 5(1)(f) of Schedule 5 of the Act are as follows:

E36 Natural Hazards and Flooding

- Activities on land in coastal hazard area 3 where natural hazard risk is potentially tolerable in accordance with Table E36.3.1B.1 are 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 are 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).
- Construction of 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 are 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(A84).
- Construction of 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 are a **restricted discretionary activity** under E36.4.1A(A98).
- 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 of flood waters. This is a **restricted discretionary activity** under Rule C1.9(2).

7.2.3 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

A Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI) were undertaken for the project area, which identified that activities on the Hazardous Activities and Industries List ('HAIL') have occurred on the Site and contaminants remain above background concentrations. As such, this piece of land is deemed to have been used for HAIL activities, and the NES-CS applies.

The P/DSI and Contaminated Site Management Plan (CSMP) prepared by T+T in **Appendix 18** and **Appendix 19** respectively, address Buildings 1 and 2. A DSI, however, has not been prepared for the part of Site relating to Buildings 3, 4 and 5 (owing to bus depot access restrictions). As such, resource consent is required under the NES-CS regulations as follows:

- Contaminant concentrations within the B1 and B2 development area exceed the soil contaminant standard for commercial/industrial land use and therefore, consent under the NES-CS is required on a restricted discretionary basis under Regulation 10.
- 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 Regulation 10(2). As such, the proposed soil disturbance is a **discretionary activity** under Regulation 11(2).

7.3 Other National Environmental Standards

The proposal does not require resource consents under any of the other National Environmental Standards, including:

- National Environmental Standards for Freshwater;
- National Environmental Standards for Air Quality 2004;
- National Environmental Standards for Commercial Forestry;
- National Environmental Standards for Telecommunication Facilities;

- National Environmental Standards for Sources of Drinking Water;
- National Environmental Standards for Marine Aquaculture;
- National Environmental Standard for Storing Tyres Outdoors;
- National Environmental Standards for Detached Minor Residential Units 2025;
- National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat; and
- National Environmental Standards for Electricity Network Activities.

7.4 Permitted Activities

In accordance with clause 5(5)(a) of Schedule 5 of the FTAA the following permitted activities are part of the proposal to which the consent application relates such that a resource consent is not required for the activities under section 87A (1) of the RMA.

7.4.1 AUP

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).

E14 Air Quality

- The proposed data centre will include 13 generators 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. Air discharges associated with 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).

E17 Trees in Roads

- The removal of a dead Kohekohe is a **permitted activity** under E17.4.1(A2).

E24 Lighting

- Activities that comply with all the relevant permitted activity standards are a **permitted activity** under E24.4.1(A1). An indicative Lighting Plan is provided within the Landscape Plans (**Appendix 8**). A comprehensive plan will be provided post-lodgement as part of detailed design works; the provision of this Lighting Plan has been conditioned.

E26 Infrastructure

- Service connections are a **permitted activity** under E26.4.1(A3).
- Diesel or petrol electricity generators used for the emergency backup of any activities in Table E26.2.3.1 Activity Table are a **permitted activity** under E26.4.1(A13).

- Network utilities and energy storage within buildings where the network utilities or energy storage services that building are a **permitted activity** under E26.4.1(A15).
- Underground electricity lines are a **permitted activity** under E26.4.1(A22).
- Underground telecommunication lines and facilities are a **permitted activity** under E26.4.1 (A40).
- Underground pipelines and ancillary structures for the conveyance of water, wastewater and stormwater are a **permitted activity** under E26.4.1(A49).
- Manholes are a **permitted activity** under E26.4.1(A57).
- Stormwater treatment devices are a **permitted activity** under E26.4.1(A58).
- Small-scale electricity generation (solar panels) are a **permitted activity** under E26.4.1(A59).
- 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).
- Service connections in a Regionally Significant Volcanic Viewshaft are a **permitted activity** under E26.11.3.1 (A157).

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).
- Less than 2,000L 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).

E36 Natural Hazards and Flooding

- 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 are a **permitted activity** under E36.4.1A(A80).
- 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 comply with Standard E36.6.A1 are 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 are 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).

H8 Business – City Centre Zone

- The proposal involves public amenities in terms of landscaping and planting, seating and lighting on land zoned Business - City Centre which is provided for as a **permitted activity** under H8.4.1(A16).
- The proposal will be designed and constructed to comply with Standard H8.6.29 Glare so that the reflectivity of all external surfaces does not exceed 20% of white light. Conditions of consent are proposed to ensure compliance with this standard.

I214 Wynyard Precinct

- Food and beverage greater than 100m^2 gross floor area per site is a **permitted activity** under I214.4.1(A15).
- Offices located outside of the area shown on Precinct Plan 7 (where offices are a non-complying activity) are a **permitted activity** under I214.4.1(A22).
- The proposal involves public amenities in terms of landscaping and planting, seating and lighting within sub-precinct B of the Wynyard Precinct which are provided for as **permitted activities** under I214.4.1(A25).
- Retail, excluding marine retail, up to 1000m^2 gross floor area per retail tenancy or shop is a **permitted activity** under I214.4.1(A28).
- Commercial services are a **permitted activity** under I214.4.1(A31).

7.5 Overall Activity Status

Overall, the application requires **non-complying activity** consent under the AUP, **discretionary activity** consent for the section 127 variation of consent conditions 4, 40 and 41 of LUC 60302182, and **discretionary activity** consent under the NES-CS. The majority of the reasons for consent either have a controlled, restricted discretionary or discretionary activity status under the AUP.

Where there is a group of activities in an application which are closely associated with each other, or are directed towards one dominant use or purpose, they should be assessed as a single 'bundle', according to the most stringent activity status. Part C1.5 of the Unitary Plan (Applications for more than one activity) and Part C1.6. (Overall activity status) also inform this judgement. Accordingly, the application has been assessed overall as a **non-complying** activity.

A comprehensive assessment of the Project against the statutory framework is provided in Section 15.0 of this report.

7.6 Auckland Unitary Plan – Special Information Requirements

This section sets out the special information requirements relevant to the reasons for consent that are required under the AUP.

7.6.1.2 Auckland-wide – Special Information Requirements

Erosion and Sediment Control Plan

For regional earthworks, an erosion and sediment control plan must be provided. This has been provided as **Appendix 12**.

Hazard Risk Assessment

E36.9(1) of Chapter E36 of the AUP requires a hazard risk assessment to be undertaken when subdivision, use or development requiring resource consent is proposed to be undertaken on land which is subject to the 1 per cent annual exceedance probability (AEP) floodplain, coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise. T+T have undertaken a Hazard Risk Assessment for the Project, and this is provided as **Appendix 16**.

I214 Wynyard Precinct – Special Information Requirements

Section I214.9(5)(a) of the Wynyard Precinct requires a Site Travel Management Plan (STMP) corresponding to the scale and significance of the activity to be provided for retail and food/beverage retail activities and office activities that are greater than 100m^2 per site. The Project involves retail and food/beverage retail greater than 100m^2 on the Site. Parlane & Associates has prepared an STMP for the Project and this is provided as **Appendix 27** of the application material.

7.7 Plan Change 120 Special Information Requirements

This section sets out the special information requirements relevant to the reasons for consent that are required under PC120 to the AUP which have immediate legal effect.

Hazard Risk Assessment

E36.9(1) of Chapter E36 under PC120 requires a hazard risk assessment to be undertaken when subdivision, use or development requiring resource consent is proposed to be undertaken on land which is within one or more natural hazard areas. For coastal hazards, this should include consideration of the potential effects of climate change over at least a 100-year timeframe.

T+T have undertaken a Hazard Risk Assessment for the Project with respect to the flooding and coastal natural hazards that apply to the Site, and this is provided as **Appendix 16**.

Landslide Risk Assessment

E36.9(3) of Chapter E36 under PC120 requires a landslide risk assessment to be prepared by a suitably qualified and experienced person in accordance with Appendix 24 Landslide hazard risk assessment methodology to accompany a resource consent application for the subdivision, use or development of land within a landslide hazard area. The Site is mapped on Auckland Council's Geomaps viewer as being subject to 'very high' landslide susceptibility areas.

A Landslide Hazard Risk Assessment in accordance with the AUP Appendix 24 methodology is contained within the Geotechnical Report prepared by T+T in **Appendix 14**.

Geotechnical Report

E36.9(3) of Chapter E36 under PC120 requires a geotechnical assessment to be prepared by a suitably qualified and experienced person in accordance with Auckland Council Code of Practice

for Land Development and Subdivision, Section 2 (Earthworks and Geotechnical Requirements) to accompany a resource consent application for the subdivision, use or development of land within a landslide hazard area.

A Geotechnical Report prepared by T+T is provided in **Appendix 14**.

7.7.1 Summary

The special information requirements identified above are addressed in the accompanying technical reports.

7.8 Priority Projects and Staged Implementation

Section 43 of the FTAA requires the substantive application to:

- State whether the application relates to a priority project, and, if so, meet the specific requirements (s43(h));
- With reference to the requirements of s13(4), include a statement of whether the project is planned to proceed in stages and if so, an outline of the nature and timing of the stages.

This application does not relate to a priority project, and this is one project to be completed in a single stage. Only building construction is proposed to proceed in stages, as outlined in Section 6.2.4 and the draft CMP in **Appendix 32**. The sequence and timing remain subject to operational constraints and the applicable consent conditions.

7.9 Any Other Activities

This section is provided in accordance with clause 5(1)(e) of Schedule 5 of the FTAA. Separate asset owner, road corridor and building approvals will be required, as outlined in Section 6.2.9. These approvals are not sought through this FTAA application.

7.10 Other Approvals

In accordance with clause 5(1)(f) of Schedule 5 of the FTAA, separate asset owner, road corridor and building approvals will be required, as outlined in Section 6.2.9. These approvals are not sought through this FTAA application.

7.11 Information Requirements

7.11.1 Schedule 5, clause 5(1) of the FTAA

Clause 5 of Schedule 5 of the Act sets out specific information to be included in a substantive application for resource consent. These requirements are addressed throughout the consent application and supporting technical documents. A checklist is attached as **Appendix 1** which sets out how and where this information has been provided.

8.0 Consultation Undertaken

A record of consultation undertaken with the persons and groups referred to in section 11(1) of the FTAA (and in addition to the consultation undertaken at the referral stage) is provided in the

Consultation Summary Report in **Appendix 37**, and the attachments associated with that document.

It is noted that the Tūpuna Maunga Authority provided a written response on 20 October 2026. Since receiving this feedback, the project team have held discussions aiming to minimise effects relating to the intrusion of construction cranes into the Mount Eden/Maungawhau volcanic viewshaft. This is discussed further in Section 10.10.3 below. The project team have committed to engaging further with the Tūpuna Maunga Authority post-lodgement.

9.0 Statutory Requirements Relating to Iwi Authorities

9.1 Treaty Settlements and Redress

This section of the application is provided in accordance with clause 5(1)(i) of Schedule 5 of the FTAA, which requires an application to provide information about any Treaty settlements that apply in the project area, including:

(a) the identification of the relevant provisions in those Treaty settlements; and

(b) a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area.

There are no Treaty Settlement Statutory Acknowledgement Areas identified on Auckland Council's GeoMaps for the Site or any adjacent properties. All other iwi settlement Acts and Deeds have been reviewed and there are no other statutory acknowledgement areas, cultural redress properties or deeds of recognition that affect the Site. The assessment below in **Table 7** is therefore provided for completeness.

Table 7: Treaty Settlement and Relevance to the Project Area.

Treaty Settlement	Relevance to the Project Area
Te Kawerau ā Maki Claims Settlement Act 2015	Te Kawerau ā Maki and the Crown signed a Deed of Settlement on 22 February 2014. Te Kawerau ā Maki Claims Settlement Act 2015 gave effect to provisions of the Deed. The Deed acknowledges that Te Kawerau ā Maki suffered injustices that impaired the economic, social and cultural development of Te Kawerau ā Maki and records the matters required to give effect to a settlement of all the historical claims of Te Kawerau ā Maki. The Settlement seeks to provide redress to Te Kawerau ā Maki in the form of land, money, the right of first refusal of Crown lands, an agreed historical account, overlay classifications, statutory acknowledgements, statements of association, name changes to certain sites of interest, relationship agreements with government agencies, and an apology from the Crown. Te Kawerau ā Maki will also receive cultural redress through Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed. Only Crown assets are involved in the property redress offered to Te Kawerau ā Maki. The Site is unaffected by the redress offered.
Ngāi Tai ki Tāmaki Claims Settlement Act 2018	Ngā Tai ki Tāmaki Claims Settlement Act 2018 gave effect to certain provisions of the Deed of Settlement signed on 7 November 2015. Amendment deeds were signed in June 2016, July 2017 and June

	2018. The deed of settlement acknowledges that Ngā Tai ki Tāmaki suffered injustices that impaired the economic, social and cultural development of Ngā Tai ki Tāmaki and records the matters required to give effect to a settlement of all the historical claims of Ngā Tai ki Tāmaki. The Land Settlement provides redress to Ngā Tai ki Tāmaki in the form of land, money, the right of first refusal of Crown lands, an agreed historical account, imposition of overlay classifications and statutory acknowledgements/deeds of recognition placed over land sites recognising their interest, relationship agreements with government agencies, place name changes and an apology from the Crown. The coastal statutory acknowledgement area (OTS-403-128) over the adjacent coastal marine area (CMA) directly to the west of the Project area is a statutory acknowledgement under the Ngāi Tai ki Tāmaki Claims Settlement Act 2018. The Project does not extend into the CMA and is entirely on land. Only Crown assets are involved in the redress offered, and the statutory acknowledgments are over Crown owned land only or apply within the CMA (to which the application doesn't extend). Therefore, the Site is unaffected by the Deed in this regard.
Ngāti Pāoa Deed of Settlement 2021	The Ngāti Paoa Deed of Settlement 2021 was signed on 20 March 2021. The deed of settlement acknowledges that Ngāti Paoa suffered injustices that impaired the economic, social and cultural development of Ngāti Paoa and records the matters required to give effect to a settlement of all the historical claims of Ngāti Paoa. The Settlement seeks to provide redress to Ngāti Paoa in the form of land, money, the right of first refusal of Crown lands, an agreed historical account, overlay classifications, statutory acknowledgements, statements of association, name changes to certain sites of interest, relationship agreements with government agencies, and an apology from the Crown. It is noted that the settlement does not provide for redress in relation to the Hauraki Gulf. Agreement has been reached to address this relationship in the future. Only Crown assets are involved in the redress offered to Ngāti Paoa, and the overlay classifications, statutory acknowledgements, and statements of association are over Crown owned land only. Therefore, the Project Site is unaffected by the redress offered.
Te Ākitai Waiohua Deed of Settlement 2021.	The Te Ākitai Waiohua Deed of Settlement was initialled on 23 December 2020 and was signed on 12 November 2021. The deed of settlement acknowledges that Te Ākitai Waiohua suffered injustices that impaired the economic, social and cultural development of Te Ākitai Waiohua and records the matters required to give effect to a settlement of all the historical claims of Te Ākitai Waiohua. The Land Settlement provides redress to Te Ākitai Waiohua in the form of land, money, the right of first refusal of Crown lands, leaseback agreements, statutory acknowledgements, letters of introduction to certain Ministers/crown agencies, organisations and the Auckland Council, an agreed historical account, agreements with Ministry of Primary Industries with respect to fisheries, statements of association, relationship agreements with government agencies, and an apology

	from the Crown. It is noted that the settlement does not provide for redress in relation to the Manukau or Waitematā Harbours. Agreement has been reached to address this relationship in the future. Only Crown assets are involved in the redress offered to Te Ākitai Waiohua, and the statutory acknowledgements/statements of association/leaseback agreements are over Crown owned land only; therefore, the Project Site is unaffected by the redress offered.
Ngāti Whātua Ōrākei	Ngāti Whātua Ōrākei and the Crown signed a Deed of Settlement on 5 November 2011. The deed of settlement acknowledged that Ngāti Whātua Ōrākei suffered injustices that impaired the economic, social and cultural development of Ngāti Whātua Ōrākei and recorded the matters required to give effect to a settlement of all the historical claims of Ngāti Whātua Ōrākei. The Settlement provided redress to Ngāti Whātua Ōrākei in the form of land, money, the right of first refusal of certain Crown lands, facilitation of ongoing relationships with government agencies, imposition of overlay classifications and statutory acknowledgements placed over land sites, place name changes and an apology from the Crown. The Site is not impacted by the Act or Deed because only Crown assets are involved in the redress offered and because none of the statutory acknowledgement areas identified apply.
Te Patukirikiri deed	Te Patukirikiri and the crown signed a Deed of Settlement on 7 October 2018. The deed of settlement acknowledged that Te Patukirikiri suffered injustices that impaired the economic, social and cultural development of Te Patukirikiri and recorded the matters required to give effect to a settlement of all the historical claims of Te Patukirikiri. The Settlement provided redress to Te Patukirikiri in the form of financial and commercial redress, the return of several sites of cultural significance, statutory acknowledgement area, the conservation status of Motutapere Island from a scenic reserve to a nature reserve and a number of relationship agreements. The Site is not impacted by the Act or Deed because only Crown assets are involved in the redress offered, and because none of the statutory acknowledgement areas identified apply.
Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014	Ngā Mana Whenua o Tāmaki Makaurau signed a Deed of Settlement on 8 September 2012 and the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act subsequently came into effect on 17 January 2019. The Collective Redress Act provides shared redress to the iwi and hapū constituting Ngā Mana Whenua o Tāmaki Makaurau by restoring ownership of 14 maunga (volcanic cones) and motu. It also establishes a mechanism for iwi and hapū to exercise mana whenua and kaitiakitanga over the maunga and motu and provides a right of first refusal. The Site is not impacted by the Act or Deed because only Crown assets are involved in the redress offered, and because the statutory acknowledgement areas identified do not apply to the Site.

9.2 Planning Document Recognised by a Relevant Iwi Authority

Clauses 5(1)(h) and 5(2)(g) of Schedule 5 of the FTAA require an application to provide an assessment against a planning document recognised by a relevant iwi authority and lodged with a local authority.

The following iwi management plans are considered to be relevant:

Table 8: Relevant Iwi Management Plans

Iwi	Relevant Iwi Management Plan
Ngāti Whātua Ōrākei	Te Pou O Kāhu Pōkere Iwi Management Plan for Ngāti Whātua Ōrākei 2018
Te Kawerau ā Maki	Te Kawerau ā Maki Resource Management Statement 1995
Ngāi Tai ki Tāmaki Trust	Ngāi Tai ki Tāmaki: Trust: Management and Development Plan Stage One 1994 Ngāi Tai ki Tāmaki 'Resource Management Principles & Operational Policies 2002'
Ngāti Te Ata	Ngāti Te Ata: Tribal Policy Statement 1991
Ngāti Te Ata Waiohua	Ngāti Te Ata Waiohua Tribal Policy Statement Ngāti Te Ata Waiohua Issues and Values Statement 2011
Ngāti Tamaterā	Ngāti Tamaterā: Environmental Management Plan 2019
Ngāti Whanaunga	Ngāti Whanaunga Environmental Management Plan 2019

An assessment of the proposal against each Iwi Management Plan is provided below.

9.2.1 Ngāti Whātua Ōrākei

The Ngāti Whātua Ōrakei Management Plan 2018 (Te Pou O Kāhu Pōkere) is a document which outlines the interests and values of Ngāti Whātua Ōrakei in resource management matters through policy and implementation. The relevant outcomes sought by the management plan include:

- Incorporation of Mātauranga Māori values and active exercise of kaitiakitanga in ecological reporting and in the development and implementation of initiatives for environments in the rohe;
- Ecological restoration of land through native planting and incorporation of free design to maximise ecological and indigenous biodiversity values;
- Incorporation of sustainable design management and treatment of stormwater and avoidance of untreated stormwater from urban areas;
- Avoiding direct discharge of wastewater into the coastal marine area;
- Accidental discovery protocols are followed for all earthworks operations.

The following comments are made from a planning perspective with regard to the Project when taking into account the environmental outcomes sought by the management plan:

- The Project includes a comprehensive landscaping approach which will utilise a mixture of native and indigenous planting.

- The Project includes necessary connections to the public wastewater network so that direct discharge of wastewater into the coastal marine area will be avoided.
- Stormwater treatment is provided in the form of raingardens and proprietary devices meeting GD01 compliance; this will ensure flow to the network is treated appropriately and will reduce contaminant loads discharged to the receiving coastal marine area.
- In the event of any unlikely accidental discovery on the Site, works will follow the accidental discovery protocol set out in the proposed consent conditions and Iwi shall be notified.

It is considered that the proposed development can be constructed and operated in a manner that is consistent with the environmental and resource management outcomes identified by Ngāti Whātua Ōrakei in Te Pou O Kāhu Pōkere.

9.2.2 Te Kawerau ā Maki Resource Management Statement 1995

Te Kawerau ā Maki Resource Management Statement 1995 sets out the resource management interests of Te Kawerau ā Maki. The Statement seeks to address resource management issues by achieving balance between the maintenance of spiritual and cultural values, environmental and heritage protection and enhancement. In particular it seeks to:

- Ensure maintenance and enhancement of tikanga and spiritual well-being and recognising the need to re-establish a land and economic base for Te Kawerau;
- Protect and enhance native flora and fauna and their ecosystems while promoting sustainable management of land and protection of the cultural meaning, amenity and aesthetic values of the landscape; and
- Represent Te Kawerau heritage in the design of buildings, especially civic buildings.

It is considered that the Project is consistent with this document as:

- The Project outlines a comprehensive landscaping approach which will provide native planting.
- The Project will implement comprehensive landscaping that responds to the Site's waterfront and coastal context.

9.2.3 Ngāi Tai ki Tāmaki Trust

The relevant iwi management plan for Ngāi Tai ki Tāmaki Trust is the Management and Development Plan Stage One 1994 and Resource Management Principles & Operational Policies 2002 which reflect the aspirations of the iwi when dealing with significant resource management issues. In particular, the operational policies seek to:

- Encourage policies and procedures that avoid connection of stormwater and wastewater drainage systems;
- Support and encourage policies and practices that ensure stormwater systems (with the exception of clean rainwater collected from rooftops, etc.) discharge via land-based designs rather than directly into waterways;
- Support and encourage policies and practices that seek advice from kaumātua and longstanding community members on flood prevention measures, given the need for sound

local knowledge on the past behaviour of waterways in the rohe and ensure blocked waterways and drains are kept clear;

- Supports and encourages policies and practices that make the results of all archaeological investigations carried out within the rohe available to Ngai Tai. Report any artefacts of Māori origin found in the rohe to Ngai Tai Kaumatua immediately.

It is considered that the Project is consistent with this document as:

- The Proposal includes necessary connections to the public wastewater network so that direct discharge of wastewater into the stormwater network and coastal marine area will be avoided.
- Stormwater treatment is provided in the form of raingardens and proprietary devices meeting GD01 compliance; this will ensure flow to the network is treated appropriately and will reduce contaminant loads discharged to the receiving coastal marine area.
- The natural hazards affecting the Site will be managed through the engineering design.
- In the unlikely event there is an accidental discovery on the Site, works will follow the accidental discovery protocol under the Heritage New Zealand Pouhere Taonga Act 2014 and Iwi shall be notified.

9.2.4 Ngāti Te Ata Waiohua

Ngāti Te Ata Waiohua have a Tribal Policy statement that was prepared in 1991 and Ngāti Te Ata Waiohua Issues and Values 2011 which identified kaitiaki objectives for environmental management. The purpose of these documents is to set out the Kaupapa of Ngāti Te Ata Waiohua, to define procedures for negotiation between Ngāti Te Ata and external agencies, to articulate Ngāti Te Ata Waiohua tribal policy for external agencies and to identify obligations of external agencies to Ngāti Te Ata. The 1991 document covers a ten-year planning period which has since passed. However, the key principles and issues that are of importance to Ngāti Te Ata Waiohua remain relevant and are referred to in Ngāti Te Ata Waiohua Issues and Values 2011.

The key policies of relevance from these documents include a kaitiaki approach to environmental management, which provides for the following:

- Restoration of damaged ecological systems;
- Restoration of ecological harmony;
- Ensuring that resources and their usefulness increase;
- Reducing risk to present and future generations; and
- Providing for the needs of present and future generations.

It is considered that the proposal is consistent with the tribal policy statement for the following reasons:

- The proposed landscape planting scheme includes native planting.
- The Project will not adversely affect any sensitive features of the environment or affect the provision of kai for future generations.
- The natural hazards affecting the Site will be managed through the engineering design.

9.2.5 Ngāti Whanaunga

The Environmental Management Plan prepared by Ngāti Whanaunga in 2019 outlines objectives and priorities for resource management. In particular it sets out the following priorities:

- Setting out appropriate processes for environmental management including consultation, transparency, accountability for decisions, and adaptive and practical processes for environmental management.
- Sustaining and enhancing the mauri of ecosystems, habitats, species and natural resources under their care in the Ngāti Whanaunga rohe.
- Protecting wāhi tapu, cultural heritage sites, places and landscapes and associated traditional knowledge in the Ngāti Whanaunga rohe.
- Ensuring informed decisions are made about the environment and heritage of the Ngāti Whanaunga rohe in accordance with tikanga.
- The Treaty of Waitangi is upheld by central and local government, industry and local communities and reflected in the way they make decisions.
- Communities understand and value the contributions in environmental management and heritage protection

The Proposal is considered to be consistent with the objectives and outcomes anticipated by the Management Plan for the following reasons:

- Erosion and sediment control measures will be implemented to manage sediment loss across the Site and maintain water quality. Contaminated soils will be managed by a site management plan.
- Noise, odour and air pollution will be minimised as far as practicable with regard to the demolition of the existing bus depot building, and the construction of the new buildings.
- The natural hazards affecting the Site will be managed through the engineering design.
- The development includes energy-efficient design and construction and includes landscaping to incorporate native trees and vegetation into the landscaping elements.

9.2.6 Ngāti Tamaterā

Ngāti Tamaterā prepared an Environmental Management Plan 2019, which outlined environmental principles as kaitiaki of the land through the management of physical and natural resources. In particular it seeks to:

- Promote and enhance partnerships between Ngāti Tamaterā and central government, regional and district councils on all resource management issues e.g. management of natural hazards including flooding, wastewater treatment.
- Protect and enhance soil quality and advocate for the protection of culturally important areas susceptible to erosion and flooding that is induced by human activity.
- Protect other taonga from the adverse effects arising from odour, noise, and air pollution including increasing levels of greenhouse gases.

- Advocate for the protection of the mauri of wāhi tapu by preventing destruction and modification of land and upon an 'accidental discovery', works are to stop immediately until such a time that Tangata Whenua are contacted, and appropriate protocols are in place.
- Promote and protect land and aquatic biodiversity for the benefit of current and future generations.
- To manage natural hazard risks (e.g., defence structures) and events in a way that restores and maintains the mauri of the environment.

The proposal is considered to be consistent with the Environmental Management Plan for the following reasons:

- Stormwater treatment is provided in the form of raingardens and proprietary devices meeting GD01 compliance; this will ensure flow to the network is treated appropriately and will reduce contaminant loads discharged to the receiving coastal marine area.
- The landscaping palette will include indigenous species.
- The potential natural hazard risk has been considered and appropriately mitigated through the proposed design of the Site.
- In the unlikely event there is an accidental discovery on the Site, works will follow the accidental discovery protocol under the Heritage New Zealand Pouhere Taonga Act 2014 and Iwi shall be notified.

9.2.7 Summary

Overall, it is considered that the Project will be constructed and operated in a manner that is generally consistent with the environmental outcomes sought by planning documents recognised by relevant iwi authorities and lodged with Auckland Council.

9.3 Customary Marine Title, Protected Customary Rights and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou

This section of the application is provided in accordance with clause 5(1)(j) of Schedule 5 of the FTAA which requires:

> *a list of any relevant customary marine title groups, protected customary rights groups, ngā hapū o Ngāti Porou (where an application is within, adjacent to or directly affecting ngā rohe moana o ngā hapū o Ngāti Porou), or applicants under the Marine and Coastal Area (Takutai Moana) Act 2011; and*

The Site is not subject to customary marine title or protected customary rights (or claims for these) as the Site is not within the “common marine and coastal area” as defined in s9 of the Marine and Coastal Area (Takutai Moana) Act 2011 ("MACA").

There are no protected customary rights that relate to the Site and as such an assessment under Clause 6(1)(h) is not required.

The Site is not within or adjacent to, and would have no effect on, ngā rohe moana o ngā hapū o Ngāti Porou.

10.0 Assessment of Actual and Potential Environmental Effects

This section of the application is provided in accordance with clauses 5(4), 6 and 7 of Schedule 5 of the FTAA. These provisions require an assessment of the actual or potential effects on the environment. Clause 6 of Schedule 5 sets out information required to assess environmental effects. Clause 7 of Schedule 5 sets out the matters to be covered in the assessment of the environmental effects. **Appendix 3** identifies the owners and occupiers of the land adjacent to the Project area. The persons identified in **Appendix 3** are considered to be the same people who may be affected by the activity (with reference to clause 6(1)(e) of schedule 5) and are considered in the assessment of effects.

The actual and potential effects of the Project are assessed below and in the supporting technical reports submitted with this application. The following effects on the environment (including on the matters set out at clause 7 of Schedule 5) are considered to be relevant to the Project:

- Geotechnical and earthworks;
- Groundwater dewatering and diversion;
- Contamination;
- Noise and vibration;
- Servicing and infrastructure capacity;
- Discharge of hazardous substances and contaminants;
- Natural hazards;
- Traffic;
- Construction activities;
- Urban design, landscape and visual effects;
- Wind;
- Arboricultural effects;
- Waste management; and
- Positive effects.

These matters are set out and discussed below.

10.1 Geotechnical and Earthworks

The Erosion and Sediment Control Plan (ESCP) prepared by T+T in **Appendix 12** provides a detailed overview of the proposed earthworks methodology and specific erosion and sediment control methodologies in accordance with GD05 that are to be implemented.

The overall management strategy for the earthworks phase of the Project is outlined as follows:

- A series of erosion and sediment control measures will be established before earthworks activities commence.

- The earthworks sequence will start with a site strip, before basement excavation, foundations, piling, service utility trenching and amenity landscaping.
- For each stage, a similar ESCP sequence will be followed:
    - The ESCP sequencing includes establishing stabilised construction accesses at Gaunt Street, Halsey Street, and Pakenham Street West as the staging requires.
    - Wheel wash areas will be installed; portable water blasters or proprietary wheel wash systems will be used to clean vehicle wheels. Any sediment-laden runoff from these areas will be collected and pumped to secondary treatment devices.
    - A perimeter bund will be installed around the perimeter of the Site to prevent clean runoff from entering the earthworks area.
    - Stormwater inlet protection will be installed at catchpits adjacent to the construction area and at construction access points.
    - Dewatering of excavations for the basement and lift shafts will also be handled separately and treated due to the groundwater being contaminated and to avoid further contamination of water on Site. This is proposed to be achieved by the formation of a drainage trench at the low point of the excavations and then pumping runoff directly to a secondary treatment device which will allow sediment within the stored water volumes to settle out before discharging to stormwater network, or to trade waste.
    - Any dust effects arising from the earthwork activities can be suitably managed by spraying water where required, so that dust particles are dampened and suppressed to avoid spread in the surrounding environment.

A final set of erosion and sediment control plans will be further developed by the appointed contractor, per the proposed conditions of consent. Having regard to the above and noting that best practicable erosion and sediment control measures will be implemented on Site, it is considered that any adverse sedimentation effects will be mitigated to be less than minor.

10.1.1 Geotechnical and Site Stability

Earthworks and excavations across the Project area are proposed to establish the building platforms, construct basements and lift cores, undertake piling works and install local infrastructure to service the Project. The Geotechnical Report prepared by T+T in Appendix 14 provides a detailed analysis of subsurface conditions and also provides a suite of recommendations for the detailed design of the works. These recommendations are included in the proposed consent conditions.

Importantly, as part of the geotechnical assessment T+T has assessed the long-term stability of the Site and surrounding environment. T+T has noted that a Julian sea wall is located to the east of Halsey Street. An assessment on the lateral spread risk to Wynyard Quarter was carried out by T+T in 2012. This assessment found that the potential for lateral spread to affect the Site is low. As such, no further specific stabilisation measures are required along the eastern boundary.

Liquefaction is not expected to occur at Serviceability Limit State (SLS) seismic loads. Under Ultimate Limit State (ULS) seismic loads and existing effective stress conditions, liquefaction is indicated within isolated layers of hydraulic fill. The marine deposits, particularly the upper sandy layer, are likely to be susceptible to liquefaction. The estimated ULS liquefaction event ground

lurch is approximately 70mm. A review has also been undertaken by T+T in terms of the consequence of reduced effective stress conditions below the proposed basement level. In general, due to the very loose nature of the susceptible sand-like marine sediments, the extent of liquefaction below the basement is expected to be similar for a wide range of effective stress at ULS levels. The unloading effects of the basement excavation are not expected to significantly worsen the liquefaction potential below basement levels. T+T anticipate that this liquefaction will not affect the structures, as the piles supporting the buildings will be designed to accommodate the specific lateral effects of the liquefied soil profile. However, services, basement walls and slab are to be designed to accommodate the estimated induced settlements.

The Geotechnical Report concludes that there are no significant geotechnical hazards; by implementing the recommendations contained within the report, the development is unlikely to be affected by significant geotechnical hazards, nor will the development worsen, accelerate or result in material damage to the extent that the Site is considered to be suitable for the proposed development.

Based on the findings of the Geotechnical Report, it is considered that any adverse geotechnical and land instability effects will be avoided or mitigated to be less than minor.

10.2 Groundwater Dewatering and Diversion

Groundwater monitoring has indicated that the proposed pile excavations for all buildings, and basement excavations for B2, B3, B4 and B5 will extend below peak groundwater levels, thereby requiring groundwater dewatering during construction and permanent groundwater diversion. T+T have assessed the effects of the proposal on both the subject Site and surrounding properties in the Groundwater and Settlement Effects Report (Appendix 15). Their conclusions are presented below:

> *"For a 12-month dewatering period, predicted drawdown-induced settlement at the excavation edge is approximately 4mm for basement B2, 9mm for basement B3 and 11mm for basement B4/B5, and the total combined settlements (including mechanical settlement due to wall displacement) are 25mm for B2, 27mm for B3 and 39 mm for B4/B5. Estimated groundwater take ranges are between 2 and 20 m³/day for B2, 5 and 45 m³/day for B3, and 10 to 60 m³/day for B4/B5. Peak inflows are expected near the start of dewatering and will reduce as construction proceeds. The combined settlement assessment indicates that slight damage may be possible based on the total settlement criteria of 10mm at the north-west and south-east corner of Travelodge (although structural risk is considered to be low because the building is pile-supported). Settlement limits in relation to the Travelodge building will be agreed with the affected stakeholders. Predicted differential settlements for the assessed buried services are within the adopted tolerance criteria. Pakenham Street West, Gaunt Street and Halsey Street are also within the adopted road settlement criteria. Differential settlement remains within the adopted criterion, and any local pavement effects (typically just adjacent to the walls) are expected to be manageable by targeted repairs. Basement construction is to be staged, which will allow for groundwater levels to recover between excavations."*

In order to monitor and manage settlement effects, a construction monitoring and contingency plan will be implemented. This will include baseline condition surveys, groundwater and wall-movement monitoring, ground and building settlement monitoring, agreed trigger levels, and defined corrective actions. A proposed monitoring plan has been provided by T+T within the Groundwater and Settlement Effects Report and has been included in the proposed conditions of consent. Proposed basements will be constructed with a permanent 'tanked' basement design,

fully sealed against groundwater. The basement design will accommodate groundwater pressures with an appropriate margin of safety.

In reliance on the assessment provided by T+T, and noting the comprehensive monitoring and mitigation measures proposed, it is considered that any adverse groundwater dewatering and diversion effects will be less than minor.

10.3 Contamination

A Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI) have been prepared for the Project by Tonkin + Taylor and are included as **Appendix 18**. The associated Contaminated Site Management Plan (CSMP) is provided in Appendix 19. It is noted that due to operational constraints, a DSI for the development area of Buildings 3-5 cannot be undertaken until the bus depot and ancillary buildings are demolished. Once the bus depot buildings are demolished and a DSI has been undertaken, the CSMP will be updated to manage the proposed earthworks and remediate any soils that are identified above human health guidelines. This has been reflected in the proposed conditions of consent.

The Site was progressively reclaimed from the sea between 1905 and 1917 using dredged material from Waitematā harbour, excavated foreshore headland materials, demolition debris, gasworks waste, and incinerator ash. These materials have the potential to contain elevated concentrations of metals and other contaminants. Following its reclamation, the Site was used by Auckland Regional Holdings as a tram depot, and then by the Acetone Illuminating and Welding Company. The Site is currently used as a bus depot by Kinetic Group, and contains a refuelling bay, workshop and diesel storage tanks.

A review of the contamination ground conditions in the context of the proposed development for B1 and B2 (and associated construction works) indicates that the primary ground contamination risks include concentrations of metals, asbestos and PAH in fill material above human health and AUP permitted activity criteria. Several management measures are outlined within Sections 5 and 6 of the CSMP. These include dust controls, Class B asbestos controls, erosion and stormwater controls, hygiene practices, decontamination procedures, and appropriate personal protective equipment (PPE) protocols. A validation sampling report will be produced and provided to Auckland Council on completion of the soil disturbance works.

The development area relating to B3-B5 has been identified as being likely to be subject to contaminated soils. Limited soil data from prior investigations indicates widespread heavy metal and PAH contamination within fill materials, with concentrations of arsenic, copper, lead and BaP equivalent exceeding the NES-CS and AUP permitted activity criteria. The DSI report will be prepared once wider intrusive investigations are complete (post-demolition) and provided to Auckland Council alongside an updated CSMP. The updated CSMP will detail necessary procedures in dealing with non-clean fill material and any identified (or unidentified) contamination if it is encountered during the proposed earthworks. Specific details will be provided once a DSI is undertaken. It is considered that with the implementation of the CSMP, any adverse effects on human health and the receiving environment will be appropriately avoided or mitigated.

On the basis of the above, and subject to implementation of the CSMP (to be updated in future) and associated controls, it is concluded that potential adverse effects arising from ground contamination will be appropriately managed to a level that is less than minor.

10.4 Noise and Vibration

10.4.1 Construction Noise and Vibration

NDY has prepared a Noise and Vibration Assessment for the proposal, provided as Appendix 29.

In terms of construction noise predicted during the enabling works, earthworks and building construction phases of the Project, NDY has predicted that there will be some exceedances to the relevant construction noise standards during the bored piling construction phase of the Project (which will be the loudest activity). Construction noise has been assessed against the long-term limits in Standard E25.6.28 of the AUP. The noise modelling confirms that permitted noise limits can be met at most of the neighbouring receivers for most of the construction period; however, exceedances to the 75 dB LAeq construction noise limit are predicted at several properties during the piling construction phase. The specific properties include:

- 139 Pakenham Street West and 124 Halsey Street (offices), 5 dB exceedance for 10 days per building stage;
- 21 Viaduct Harbour Avenue and 75-81 Halsey Street (Sofitel Hotel and Lighter Quay Apartments), 5 dB exceedance for 10 days per building stage; and
- 30 and 58 Gaunt Street (offices), 6 dB exceedance for 10 days per building stage.

In terms of effects on the sensitive hotel/residential receivers at 21 Viaduct Harbour Avenue and 75-81 Halsey Street (Sofitel Hotel and Lighter Quay Apartments), piling works will only occur during a limited window (from 9am to 5pm, Monday to Friday), and a bored piling rig will be used, to minimise noise effects. The monitoring of these activities and proposed exceedances are reflected in the proposed conditions of consent, so as to ensure they do not exceed what is proposed.

It is considered that the proposed exceedances on buildings containing offices at 139 Pakenham Street West and 124 Halsey Street, and 30 and 58 Gaunt Street are acceptable, noting the city centre context, which anticipates large-scale development and provides for a higher noise threshold.

Effects on the bus depot within the subject Site are also considered, given that the depot will remain operational during the construction of Buildings 1 and 2. Construction hoarding and tall barriers are proposed in order to minimise noise impacts such that effects on the depot are considered to be acceptable.

All other receivers in the immediate and wider environment are predicted to comply with the relevant construction noise and vibration standards. As such, construction noise and vibration effects can be adequately managed by limiting the days and hours of construction with consent conditions, monitoring, and proactive management by the applicant (or its nominated contractors) as well as preparing and implementing the management framework of the Construction Noise and Vibration Management Plan ('CNVMP') which is proposed as a condition of consent.

Whilst the piling activities will result in small, short-term noise exceedances, it is noted by NDY that construction noise from all excavation activities will be able to comply with the AUP noise limits based on use of appropriate excavator sizes. Similarly, noise from construction activities such as truck arrivals and departures, concrete pump use, and the erection of structures are expected to be able to comply with the AUP noise limits.

Notwithstanding, affected neighbours will be advised when particularly noisy activities are to be carried out that may approach the permitted limits. Standard site hoarding constructed from plywood or similar will be erected around the Site boundary to minimise noise impacts to the lower levels of neighbouring sites and to the surrounding streets. Affected neighbours will also be given the contact details of the nominated person who will be responsible for the implementation of the CNVMP. Complaints procedures will be outlined within the final CNVMP.

The preparation and implementation of a CNVMP over the duration of construction is consistent with best practice to avoid unreasonable noise. The management framework for construction noise effects is considered to represent the best practicable option for enabling construction of the Project while avoiding and protecting people in the neighbourhood from the unreasonable emission of noise. By undertaking these mitigation measures, in accordance with the proposed consent conditions, it is considered that any adverse construction noise effects will be appropriately avoided, remedied or mitigated to be less than minor and temporary in nature.

In terms of vibration generated by construction, NDY consider that excavation and piling works will achieve compliance at all receivers. If vibratory rollers are required on site, minimum setback distances from sensitive receivers are provided in Table 3 of the Noise and Vibration Assessment to achieve compliance with the 2mm/s and 5mm/s limits. These setbacks include 22m for 13 tonne vibratory rollers and 10m for 3.7 tonne vibratory rollers for compliance with the 5mm/s limit. NDY consider that given most sensitive receiving locations are located on the other sides of surrounding roads (which already provide for separation distances of approximately 15m), managing vibration from compaction to these setbacks will be readily achievable. If any vibratory compaction works are required within shorter distances, works will:

- Adhere to the setback distances so as to achieve compliance with 5 mm/s PPV;
- Follow the required consultation as per E25.6.30(1)(b) for works which cannot comply with 2 mm/s PPV; and
- Will be confined to no more than 3 days.

Noting the above, it is considered that any adverse construction vibration effects will be appropriately avoided, remedied or mitigated to be less than minor and temporary in nature.

10.4.2 Operational Noise

It is noted by NDY that the proposed data centre within Building 2 will be the foremost source of operational noise from the subject Site. The operational requirements of the data centre necessitate twelve air-cooled chillers, located on the gantry level. The chiller plant area will be surrounded on all four sides by acoustic louvres or solid screening. With regard to the proposed chillers, noise levels to the car park facade of the Travelodge building within the subject Site (to the north of B2) will be approximately 62dBA. NDY confirms that Standard E25.6.8 does not apply to the Travelodge because it is on the same site as the development. The predicted car park noise level is considered as part of the effects assessment rather than as a breach of the operational noise limit. Noise levels to the nearest Travelodge guestrooms near the southeastern corner of the hotel (facing Halsey Street) are predicted to be well below 60 dBA, due to the angle of sound transmission and shielding from the corner of the building. In terms of effects generated on the Travelodge carpark by the predicted noise level, NDY note that the car park use is less sensitive to noise than typical buildings, as people only occupy the space transiently. The predicted noise level

of 62 dBA to the car park facade is not expected to interfere with the car park use. As such, any potential effects on this receiver are considered to be less than minor.

Noise levels to the nearest facade of the Lighter Quay apartments and Sofitel Hotel will be 55 dBA. This complies with the day-time and night-time operational noise limit.

Thirteen emergency generators are proposed to be located on level five of Building 2. The generator plant area will be enclosed by louvred screens to the east and west. To the north and south, the generators will have solid screening. Generator noise on the nearest sensitive receiver external to the Site (Lighter Quay Apartments) has been assessed under two scenarios, including cumulative chiller noise:

(1) One generator operating for testing during the daytime: 56 dBA at the nearest Lighter Quay and Sofitel Hotel facades, complying with the daytime operational noise limit.

(2) Ten generators operating during an emergency, at any time: 60 dBA at the nearest Lighter Quay and Sofitel Hotel facades, complying with the daytime and night-time operational noise limits.

(3) The assessment assumes a maximum of ten generators operating simultaneously during an emergency.

Noise levels at Lighter Quay apartments and the Sofitel Hotel are predicted to comply with the operational noise limits under the assessed emergency scenario of ten generators operating simultaneously. Compliance is achieved under the emergency scenario by way of the acoustic screening measures mentioned further above. In terms of the proposed office buildings within Buildings 1, 3, 4 and 5, NDY consider that the proposed equipment (including heat pumps, air fans, and air handling units) can all be selected during detailed design and that appropriate measures can be implemented to control noise to meet the AUP operational noise limits. Such treatments may include acoustic louvres, attenuators, appropriate bounding constructions, and sound-absorptive linings.

By undertaking the above mitigation measures, it is considered that any operational noise effects generated by the proposal will be appropriately mitigated to be less than minor.

10.5 Servicing and Infrastructure

10.5.1 Infrastructure Capacity

T+T have undertaken a detailed capacity assessment of the three waters infrastructure to service this Project. Their assessment is contained within Appendix 9 and summarised below.

Water

In terms of water supply, the potable water demand for the proposed development has been calculated in accordance with the Watercare Water Code of Practice for Land Development and Subdivision based on the amount of office and retail floor space in the Project. This calculation has estimated a peak hourly demand increase of 17.64 L/s which T+T concludes can be supported by the existing water supply network. This conclusion is based on the numerous water mains in the vicinity of the Site, with substantial pipe diameters and positive pre-application advice from Watercare, that the surrounding water network appears likely to have sufficient capacity to

accommodate the proposed development demand. Ongoing consultation with Watercare will be required, as outlined in the Consultation Summary report in Appendix 37.

Stormwater

In terms of stormwater, pre- and post-development flows from the Site are considered to be very similar because under both scenarios the Site is considered to be fully impervious (whilst the total post-development impervious area reduces from 100% to 96%, a conservative approach has been taken, which utilises the 100% figure). The stormwater approach has provisioned for the impacts of future climate change, with a 2.1°C climate change allowance applied as required in the Auckland Council Stormwater Code of Practice. By applying this climate change allowance, this equates to an estimated post-development increase of 58 L/s from pre-development flows of 337 L/s. Based on the calculations undertaken by T+T, the existing stormwater network has adequate capacity to service the Project (including the future climate change scenario) and this was confirmed in pre-application discussions and correspondence with Healthy Waters. Healthy Waters consider that continued discharge to the network is acceptable provided that the existing sub-catchment arrangement is maintained; this is achieved by the proposed stormwater strategy, which retains a similar post-development arrangement.

With respect to stormwater quality, the Project will be provided with treatment in accordance with the Draft Stormwater Management Plan (refer to Appendix 13). Presently, the Site is fully impervious and is a source of urban contaminants, including sediment, gross pollutants, metals and hydrocarbons. The proposed stormwater treatment approach can be broken down into two key areas:

- Ground-level impervious areas: Runoff from ground-level surfaces is to be treated via GD01 compliant bioretention devices (raingardens). Proprietary devices are to be installed for runoff treatment where the use of raingardens is not practical (such as in laneways); and
- Roof areas: Contaminant generation from roof areas is to be minimised by way of appropriate material selection, protective finishes and maintenance.

Further detail relating to stormwater treatment is contained within Section 2 of the Civil Infrastructure Report (Appendix 9). It is considered that the proposal can protect and enhance the receiving environment and provide for a stormwater system that will adequately service the Site.

Wastewater

In terms of wastewater, Watercare have noted during pre-application correspondence that the Fanshawe Street Pump Station does not have available capacity to accommodate additional flow. Accordingly, all wastewater discharge from the subject Site will be directed to the Wynyard Quarter Pump Station (within Amey Daldy Park, to the west of Site). A new private wastewater network will collect flows from all new buildings and discharge to a single connection point on the 375mm public pipe within the Pakenham Street West road reserve. Post-development flows will increase by 18.25 L/s. A capacity assessment for the public wastewater network downstream from the new connection has been undertaken by T+T in Section 3.5 of the Civil Infrastructure Report (Appendix 9). This assessment concludes that the local network between the Site and the Wynyard Quarter Pump Station has adequate capacity to service the proposed development.

Conclusion

Overall, in reliance on the advice of T+T and Watercare/Healthy Waters to date, it is considered that this Project will be adequately serviced. Accordingly, it is considered that adverse servicing and infrastructure capacity effects will be less than minor.

10.6 Discharge of Hazardous Substances and Contaminants

As there is an industrial and trade activity use associated with the operation of the data centre within Building 2, T+T has prepared a Hazardous Substance and Industrial and Trade Activity Assessment (HSITA Assessment) in **Appendix 17**. This assessment notes that it is very unlikely that hazardous substances will be released from the Site, and since the consequence of a release is less than minor, the operation of the data centre presents a low risk overall.

A Hazardous Substances Management Plan (HSMP) has been conditioned to support the Hazardous Substances Assessment. The purpose of the HSMP will be to provide for avoidance of discharges in the first instance, and where discharges are unavoidable, provide a robust mechanism to minimise the effects of potentially hazardous substances discharging from the Site. The HSMP will include a suite of site practices and procedures. It is therefore considered that with the future implementation of the HSMP, any adverse effects on the receiving environment associated with actual or potential discharge of hazardous substances and contaminants will be appropriately avoided and where these cannot be avoided, the discharge is minimised. With regard to the testing and operation of the emergency generators, a condition of consent has been proffered to ensure that the generators will comply with the permitted air quality (FIDOL) activity standards on an ongoing basis.

The Assessment concludes that the implementation of the proposed conditions of consent will ensure that the design and management of the proposed data centre with regard to hazardous substances will avoid or adequately mitigate any adverse effects, including risks to people, property and the environment.

10.7 Natural Hazards

T+T have prepared a Coastal and Flood Hazard Risk Assessment ("Risk Assessment") in **Appendix 16** which addresses natural hazards in the context of the AUP, PC120 and the National Policy Statement for Natural Hazards (NPS-NH). The assessment considers potential risks relating to coastal inundation and rainfall-induced flooding, based on a 'risk-based approach' using a semi-quantitative approach based on the templates included in Ministry for the Environment (2021) guide to local climate change risk assessments. With reference to this Risk Assessment, the key conclusions on each hazard are summarised below.

10.7.1 Flood Hazards

Discrete parts of the Site are subject to flood hazards in the form of flood plains and flood prone areas shown on Council's Geomaps viewer. Further analysis in the Risk Assessment reveals that this flood plain is determined by the topographic depression (i.e. flood prone area) and spillway level to the coast and therefore any increase in flood levels would simply cause more water to flow to the coast. As a result of this, the flood level on Site is insensitive to increased rainfall depth and the predicted flood level is unlikely to change as a result of a 3.8°C increase in temperature due to climate change. The Risk Assessment concludes that the Project will not create any new flood

hazards and will not result in the exacerbation of flood hazards either. Overland flow will maintain its discharge point, flowing west from the Site to the south of Amey Daldy Park via Lane 1. The slot drains will capture runoff in smaller rain events, but will not intercept the mapped OLFP, as the mapped OLFP will operate in events larger than the 10% ARI when the stormwater network is at capacity.

The Project will not create or increase flood hazards to other properties, infrastructure or the environment because the detailed flood assessment of the post-development scenario has identified that the flood level in vicinity of the Site is determined by the topographic depression and spillway level to the coast as explained above. By reducing the volume of the flood plain (by ~50m^3), there will be no increases to surrounding flood levels due to the overflow to the coast and no adverse effects arising from development in the flood plain. The Risk Assessment also concludes that catchment flood risk is low and does not pose a risk to life now or in the future. Catchment flooding including 3.8°C climate change and the maximum development scenario, results in flood depths of a 'low' flood hazard, meaning that over the next few decades safe egress can be achieved when considering rainfall-induced flooding alone. Where safe refuge is required, this can be provided within the buildings. The residual risk associated with refuge also identifies no risk to life, injury or significant property damage.

The Risk Assessment also identifies that the 3.2m RL level on the ground floor of Building 3 (retail only), and 3.35m RL level on the rest of Building 3's ground floor and ground floors of Buildings 1, 2, 4 and 5 is above the 1% AEP flood level (existing and future) but potentially affected by coastal inundation during storms between 2090 and 2130 (with no freeboard allowance). This highlights that the flood hazard is the likely determinant of the 1% AEP inundation level up to around 2080, after which the long-term coastal inundation increasingly becomes the dominant hazard, particularly under the higher emission scenarios.

10.7.2 Coastal Hazards

Coastal inundation is the dominant natural hazard applying to the Site. Similar to the conclusions for flood hazards, the Risk Assessment concludes that the Project does not create any new hazards and will not exacerbate existing coastal hazards either. In addition, the Project will not adversely affect any adjoining or surrounding properties' exposure to coastal inundation hazards because coastal inundation from the sea is time and level limited but is not volume limited and is therefore not mass-balanced like catchment flows (i.e. neighbouring areas that would be exposed to the same hazard will have the same exposure after the development is complete. Likewise, neighbouring areas that are not exposed will remain unexposed after this development is complete).

Presently, Buildings 1-2 and 4-5 meet the minimum freeboard guidance under 1% AEP flood levels (lower estimate) but not the upper estimate. It is considered appropriate by T+T that the uncertainty in the current 1% AEP flood level estimates can be included in the freeboard for these floor levels because they are less prone to vehicle induced wake (being located away from the road frontages). For floor areas which do not provide sufficient freeboard under GD13 guidance (but are still located above the 1% AEP level, this is limited to ground floor retail at Building 3 (3.2mRL)), mitigation is proposed in the form of flood-resistant products and materials. A non-exhaustive list of measures is contained within Section 6 of the Hazard Risk Assessment; such measures include (but are not limited to) flood doors, barriers, waterproof membranes, water resistant lining

material and raised electrical sockets. In terms of the basement spaces, ramp bumps above flood levels are provided at basement parking entrances.

The proposed design mitigates significant coastal inundation and catchment flooding risk through the design of ground floor levels and flood resistant materials where necessary, with the resultant risks being 'acceptable' for at least the next 80 years based on the proposed ground floor levels. However, after 80 years, 1% AEP coastal inundation is possible for floor levels lower than 3.4m RL (all buildings), with the resultant risk being 'significant'. An adaptation response (which is recommended in the assessment and included in the conditions of consent) is to raise floor levels on the ground floor of buildings where ground floor inundation is predicted to occur in future. This raising of ground floor levels can be achieved by placing a concrete slab overlay on relevant parts of the buildings. The proposed buildings have been designed to incorporate this adaptation response in terms of appropriate floor-to-floor heights and by providing a structural design to accommodate the additional future load.

A condition of consent (requiring a Flood Management Plan to be prepared) is proposed to ensure the implementation of an adaptation response. It is considered that this represents a sensible and practical solution that balances the competing requirements of achieving optimal urban design outcomes in terms of building designs (including effective engagement with the public realm, maintaining a relationship with the streetscape, and providing functionality by minimising the extent of stairs and ramps required to access the buildings) against the competing requirement of mitigation from natural hazards and the effects of climate change. For life safety risks, the Risk Assessment also concludes this to be low due to both safe egress/refuge in the short to medium term, with a transition to safe refuge in the longer term with the establishment of a stay in place protocol for upper floor occupiers, and vertical evacuation for ground floor occupants.

10.7.3 Summary

In summary, the Risk Assessment concludes that the proposed design mitigates significant coastal inundation and catchment flooding risk. Ground floor levels for all buildings will be above the predicted flood levels to at least 2110. The implementation of an adaptation plan results in an 'acceptable' risk over the next 100 years for the buildings. On the basis that risks are considered to be 'acceptable' for at least the next 80 years with the proposed design, and 'acceptable' over the next 100 years with the proposed adaptation response, it is considered that actual and potential effects on the environment will be less than minor.

10.8 Traffic

10.8.1 Traffic Design, Access and Parking

An Integrated Transport Assessment (ITA) has been prepared for the Project by Parlane & Associates and is attached as **Appendix 26**. The transport assessment highlights that the Site has excellent access to transport infrastructure in terms of being serviced by rapid transit bus services directly within Wynyard Quarter, being within a 10-minute walkable catchment to the Northern Busway services along Fanshawe Street and 15–20-minute walkable catchment to the regionally significant Waitematā Train Station and Auckland Ferry Terminal. In addition, the Site is served by an excellent and high-quality network of walking and cycling facilities. These attributes make the Site a highly desirable location for intensification and will support the uptake of active transport modes. An assessment of traffic effects was undertaken in the ITA and is summarised as follows.

The proposed development exceeds office GFA thresholds for the Wynyard Precinct (both on a per-site basis, and within Sub-precinct B). In terms of traffic generation effects on the local road network, during morning peak, for most lanes there is no noticeable change in traffic conditions. The changes to traffic conditions are noted as follows:

- Beaumont Street through and right turns south of Fanshawe Street shift from level of service (LOS) C to D;
- The right turn into Beaumont Street also shifts from LOS C to D; and
- The through lane northbound on Halsey Street at Gaunt Street shifts from LOS C to D.

The ITA considers that the additional traffic generated by the proposed development is still well within the carrying capacity of the local road network. At no time do any of the critical movements exceed a degree of saturation of 1.0 (where demand equals capacity) and at no time does an approach exceed the practical capacity limit of 0.95. In terms of the evening peak, the development results in some minor changes at the Beaumont Street intersection with Fanshawe Street, where the degrees of saturation increase from 79% to 82%. These are considered to be acceptable changes and reflect a situation where the development has less than minor effects.

The actual peak level of traffic assessed for this proposal is 207 vehicles per hour, where a limit of 312 vehicles per hour applies; as such, the development complies with the limit. Overall, the additional traffic generated by the proposed development is well within the carrying capacity of the local road network, maintaining appropriate levels of service and safety.

In terms of non-compliances with Transport activity standards under E27, the following is noted:

- A minimum of 36 bicycle parking spaces are required for the data centre, where only 8 have been provided. It is noted that the data centre is estimated to require 30 full-time employees and 8 bicycle parking spaces is considered sufficient, and as such, it is considered that any effects generated by this non-compliance will be negligible;
- The proposed vehicle crossings to Pakenham Street West do not provide the required 6m separation distance from each other. The middle vehicle crossing (Lane 3) is an exit-only crossing which will be used by a relatively small number of service vehicles. The other crossings serve the Travelodge carpark and Building 3 carpark respectively. Parlane & Associates consider that the visibility at each access meets current practice and the crossings have been designed to cater for the expected design vehicles. Their assessment concludes that the inter-visibility and sight distance provided by the crossings is acceptable, and that pedestrian amenity and safety will not be affected, given current and future traffic and pedestrian flows;
- Sufficient space is provided to the loading areas so that they comply with all of the access and dimension requirements of the AUP. However, the loading spaces will not be marked out/delineated on the ground. Instead, signs will be placed on buildings showing the location of the loading spaces, so as to maintain the landscape amenity of the laneways. This is considered to be an acceptable method of demarcating the loading spaces and is conditioned; and
- The ramp accessing the basement under Building 4 and Building 5 does not comply with the maximum permitted 1 in 6 gradient. Instead, because of the site design and minimal building

setback, a gradient of 1 in 5 is provided. The ITA considers that the ramp's gradient will have no impact on the safe or efficient operation of the road network, or on pedestrians.

Having regard to the above and the conclusions within the ITA, the potential adverse transport effects of the Project in this location are considered to be less than minor. All the necessary transport infrastructure to service this mixed-use Project in this location already exists. Good numbers of bicycle parking and end-of-trip facilities are proposed which will promote the use of active modes. No mitigation has been identified as being required to address adverse transport effects of the operation of the Project which are assessed as being less than minor overall.

10.8.2 Construction Traffic

Construction traffic effects in the ITA are assessed as being fewer than 60 trucks per day or 12 trucks per hour over the busiest part of the construction period, which is considered to be low and insufficient to have any noticeable impact on the existing transport network. At its peak phase of construction, traffic flows are estimated at 40 trucks per day which equates to just under eight trucks per hour. While there will be an increase in the number of trucks travelling to and from the Site, this level of traffic is not high enough to create any noticeable impacts on traffic capacity or safety. Any adverse construction traffic effects are therefore assessed as less than minor for the majority of the construction period or minor at the most during the peak construction period because such effects will be temporary in duration and localised in nature.

To manage potential construction traffic effects from the proposal, a draft Construction Traffic Management Plan (CTMP) has been prepared in **Appendix 28** and a final CTMP is proposed as a condition of consent. The draft CTMP is considered to provide an appropriate framework to ensure that operations of the surrounding road network and pedestrian safety will be appropriately managed and maintained to the extent that any adverse construction traffic effects arising from the proposal will be avoided or mitigated to be minor.

10.9 Construction Activities

A draft Construction Management Plan (CMP) has been prepared by LT McGuinness for the Project and is included as **Appendix 32**.

Given the scale and complexity of the Project, construction will be staged and undertaken progressively, with Buildings 1 and 2 programmed to be completed before 2035. Once the bus depot operations cease in 2035 and that facility is decommissioned, Buildings 3, 4 and 5 will be constructed. It is anticipated that the appointed contractor will prepare a final, detailed CMP prior to commencement of works. This document will confirm the final construction methodology, staging and programme, site access arrangements, construction laydown and storage areas, temporary hoarding and fencing required for health and safety purposes, and the specific best practicable options to be implemented to avoid or minimise adverse effects on the adjacent environment and the wider area.

To support the resource consent application, a draft CMP (**Appendix 32**) has been prepared. The draft CMP establishes the overarching principles, practices and procedures that will be implemented to manage, remedy and mitigate potential adverse effects during the construction phase. It provides a robust framework to ensure that construction activities are undertaken in a coordinated and environmentally responsible manner.

While construction will result in temporary changes to the public realm, including adjustments to pedestrian and vehicle movements, clear and safe alternative routes will be maintained at all times to ensure the continued efficiency and safety of the surrounding transport network. A draft Construction Traffic Management Plan (CTMP) in **Appendix 28** sets out appropriate measures to manage construction-related traffic effects, maintain pedestrian safety, and protect the amenity of surrounding properties.

Locations and numbers of cranes are outlined in the CMP, including heights, specifications, and the proposed durations. This is discussed further in section 10.10.3 below.

Overall, subject to the finalisation, certification and implementation of the CMP and CTMP (and any associated sub-management plans), it is considered that potential adverse effects arising from construction activities will be appropriately managed and mitigated, such that any residual effects will be temporary and no more than minor.

10.10 Urban Design and Landscape Visual

A comprehensive Urban Design Assessment by Graeme McIndoe of McIndoe Urban has been prepared for the proposal. This document is enclosed as **Appendix 20** and is summarised below.

10.10.1 Urban Design of the Public Realm

The design of the Project has been carefully developed to respond to and reinforce the key urban design framework attributes of this part of the Wynyard Precinct. The design is considered to respond to both its urban and geographic context with its 'water, estuary and shoreline' narrative as outlined in the architectural concept prepared by Peddle Thorp in **Appendix 6**. Each building has a solid one or two storey sandstone block base, referencing the sandstone geology of Auckland's coastal cliffs, and providing human scale and an anchor to the buildings.

The proposal provides a high-quality central plaza and fine-grained and legible laneway network, along with an entrance plaza which is spatially generous, to invite people into the Site. In terms of pedestrian amenity, good levels of sunlight throughout the development are achieved. A wind mitigation strategy ensures that the development avoids excessive wind velocity and turbulence in outdoor pedestrian spaces and the surrounding public realm.

The development will introduce a prominent and architecturally expressive built form in a location where premium quality is anticipated and appropriate. It will replace an under-utilised bus depot with a high-quality urban development, bringing vibrancy, activity, and passive surveillance to a part of the Precinct that currently lacks these qualities. The proposal establishes a defined and active built edge to both Halsey Street and Gaunt Street and positively engages with Amey Daldy Park and the public realm. Ground floor activation, including food and beverage tenancies, together with office occupation above, will contribute to a lively and well-used public interface throughout the day and evening. The addition of site-specific paving places water and cultural narratives at the centre.

Vehicular access for carparking is restricted to two sleeved parking entry points, with one new crossing from Pakenham Street West, and the other from Gaunt Street, providing access to the basement areas. No new vehicle crossings to Halsey Street (the existing crossing for Lane 2 will be retained for use by pedestrians, cyclists and service vehicles) ensures that Halsey Street remains free of new vehicular crossings and is dedicated to pedestrian movement.

The laneway network reinforces pedestrian priority and strengthens the relationship with Amey Daldy Park and the surrounding public realm. With respect to the overall scale and form of the buildings, the building heights relate in a coherent way to the context of existing and consented buildings, many of which also exceed the permitted height controls. The proposed buildings are visibly in keeping with the Precinct's built form and will not visually dominate the skyline. The highest building forms are located at the centre of the Site, and these are slightly lowered towards the coastal edges to provide for an appropriate height transition. The transitional, site-responsive forms, including tapered, 'podium' profiles of Buildings 4 and 5, and lower heights of Buildings 1 and 2 in relation to Buildings 3-5, provide height transition down towards the waterfront.

Overall, the Project will deliver a high-quality, architecturally distinctive development that reinforces the intended urban structure of the Wynyard Precinct, activates key public interfaces, enhances legibility within the wider cityscape, and contributes positively to pedestrian amenity. The resulting urban design effects are considered to be not only appropriate but demonstrably positive.

10.10.2 Landscape Effects

A comprehensive assessment of landscape effects has been undertaken by Rachel de Lambert of Boffa Miskell. By way of summary, the LEA (Appendix 21) notes the following:

> *"The five proposed buildings have modestly scaled footprints establishing a fine grain of development with associated quality public realm consistent with the established and anticipated quality of the Precinct's public realm and urban form. The varied building heights, which are appreciated at their parapet height in closer urban views, establish a varied skyline profile which provides diversity and interest contributing to the individual identity of each building. The architectural façade strategy with a varied height solid base and lighter middle/tops creates an overall unified precinct of buildings each with their individual qualities and identity.*
>
> *The Project will extend and enhance the established public realm of the Precinct with a fine grain of lanes and central plaza space complementing the established lane and open space framework of the Precinct. Proposed hard landscape materiality and soft landscape planting with associated raingardens for stormwater management will complement and diversify the well-established, high quality urban realm of the Precinct. The proposed concept lighting strategy will support evening use and safety for office workers and the start and end of the day.*
>
> *At a wider cityscape scale the Project fits well into the established height profile of the Precinct and, acknowledging exceedance of the relevant Precinct height standards, is not sufficiently tall to stand out or generate adverse dominance effects. The stepped height profile of the development reinforces the varied skyline of the Precinct avoiding a 'flat topped' multi-building addition."*

In overall landscape terms, relying on the assessment provided by Boffa Miskell, the Project is assessed as generating positive landscape outcomes. It will enhance the character and amenity of this part of the Wynyard waterfront, reinforce its evolving urban identity, and deliver on the intended outcomes of the Precinct's regeneration framework. Accordingly, adverse landscape effects will not be generated by the proposal.

10.10.3 Visual Effects

Boffa Miskell considers that at a wider cityscape scale, the proposed development fits well into the established height profile of the Precinct and, acknowledging exceedance of the relevant Wynyard Precinct height standards, is not sufficiently tall to stand out or generate adverse dominance effects. The stepped height profile of the development reinforces the varied skyline of the Precinct

avoiding a 'flat topped' multi-building addition. In order to assist in the analysis of potential visual effects, visual simulations from three publicly accessible viewpoints and model views from five viewpoints within the wider city context have been prepared by Boffa Miskell. These are assessed in detail within the Landscape Effects Assessment (**Appendix 21**) with the conclusion being that any visual effects will be low to very low.

Maunga Viewshaft Intrusion

The proposal involves the installation of cranes to construct Buildings 1 to 5. At any one time, a maximum of two cranes will be present on Site. The size and staging of the development effectively constitutes five separate building projects, which would be significant construction projects in and of themselves.

The maximum mast height varies relative to each building, as set out in the Draft Construction Management Plan (**Appendix 32**). The maximum crane mast height ranges between 62.6m (B1) to 115m (B4). The height to the 'floor' of the viewshaft varies across the Site, ranging from 57-58m in the northwest corner to 60-61m in the southeast corner. As such, all cranes will penetrate the viewshaft floor of E10 to Mount Eden/Maungawhau while being used to construct the proposed buildings. In accordance with the construction staging, the cranes will be erected, taken down and re-erected for each individual building (i.e. the cranes will not be fixed in one location for the total 10-year development duration). To minimise the potential for temporary adverse effects on views of Maungawhau within the viewshaft extent, all cranes will have an open lattice structure and yellow colour. No signage or lighting will be located on the crane (except that which is required for operational, health and safety, and aviation requirements).

On 15 October 2026 a letter was sent to the Tūpuna Maunga Authority which indicated that the cranes would be erected for a total period of 108 months under a probable scenario, and 132 months under a worst-case scenario. The table below (**Table 9**) was enclosed within the letter sent to the TMA.

Table 9: Duration of crane intrusions into viewshaft.

Building	Total cranes	Probable duration scenario (in months)	Worst case duration scenario (in months)
1	1	18	24
2	1	20	24
3	2	30	36
4	1	20	24
5	1	20	24
Total	**2 (at one time)**	**108**	**132**

The Tūpuna Maunga Authority provided a written response on 20 October 2026, which is attached as **Attachment 13** and discussed in the Consultation Summary Report in **Appendix 37.** Since receiving this feedback, the project team have held discussions with the contractor, aimed at reducing the length of time that the cranes will be located within the viewshaft. From these discussions, the following time reduction measures to be implemented include:

- The construction of buildings 4 and 5 concurrently; and
- A commitment not to exceed a crane duration of 24 months per building for Building 3.

This has resulted in a revised duration of intrusions into the viewshaft from 108 months to 78 months under the probable scenario, and from 132 months to 96 months under the worst-case scenario.

Table 10: Revised duration of crane intrusions into viewshaft.

Building	Total cranes	Probable duration scenario (in months)	Worst case duration scenario (in months)
1	1	18	24
2	1	20	24
3	2	20	24
4/5 (constructed concurrently)	2	20	24
Total	**2 (at one time)**	**78**	**96**

In addition to reducing the worst-case months from 132 to 96, discussions with the contractor involved exploring measures to minimise the effects of infringements. One measure includes locating the position of the crane base for Building 5's construction outside of the viewshaft (such that only the crane jib intrudes the viewshaft). The applicant is also willing to investigate crane selection and will look to refine its craneage strategy post-lodgement.

A Maunga Viewshaft Assessment has been prepared by Boffa Miskell which is included within the LEA (Appendix 21). Their assessment assesses the landscape and visual effects associated with the proposed temporary construction cranes and considers whether the temporary intrusions would materially affect the values of Viewshaft E10. Conclusions from the LEA are summarised as follows:

- The Wynyard Quarter is the city's most significant urban regeneration area with substantial urban redevelopment occurring since the introduction of the Precinct in 2007. Construction of medium-rise buildings within the Precinct over this period has required the temporary presence of multiple construction cranes (similar to those that will be required for the Project) at any one time. The presence of construction cranes for the duration of the construction period within the Maungawhau viewshafts has been a regular occurrence since the commencement of the Precinct's urban regeneration.
- The introduction of up to two cranes within the 100 Halsey Street Site at any one time infringing the viewshaft for a short duration (approximate period of 18 months per crane) over a ten-year period will have a minimal impact on the continued presence of the skyline profile of Maungawhau, juxtaposed against the urban form of the central city. Effects in respect of infringements to the E10 maunga viewshaft will be temporary and of relatively short duration, given the viewing distances involved, the lattice tower nature of the structures and their lack of illuminated signage.
- Overall, landscape and visual effects are assessed by Boffa Miskell to be low to very low (less than minor).

As noted above, the applicant is actively consulting mana whenua groups and also the Tūpuna Maunga Authority. As experts in their own values, only mana whenua can advise on the actual and potential effects on their values from the proposal. Consultation records are outlined further in Appendix 37, and the project team have committed to engaging further with the Tūpuna Maunga Authority post-lodgement. As the project progresses and the construction staging is better

understood, the project team will look to minimise effects and consult further with the Tūpuna Maunga Authority.

Signage

The signage proposed at all levels is considered to be suitably scaled and located, are architecturally integrated and are consistent with the relevant Unitary Plan assessment criteria. The form and type of signs (including any illumination) will be subject to further review prior to installation, as set out in the proposed conditions. In signalling the occupation of and activity within the buildings, signage is considered to have a beneficial legibility and wayfinding function. In terms of lighting, Boffa Miskell consider that the proposed concept lighting strategy will support evening use and safety for office workers at the start and end of the day.

10.10.4 Shading Effects

A comprehensive Shading Study has been undertaken by Graeme McIndoe of McIndoe Urban. This assessment is enclosed within the Urban Design Assessment (**Appendix 20**) and is summarised below.

The effects of additional shading vary, however, most of the shade from the proposed buildings is subsumed into existing shade within a heavily built-up city centre, and most additional shading effects are localised and fleeting. It is noted that for the purposes of this assessment, the effects of all shading generated by the proposed buildings are considered (under the Urban Designers Institute Aotearoa's *Systematic Shading Assessment Methodology (SSAM))*, and not just the shading created by the AUP maximum height exceedances. Except for Lighter Quay West (assessed further below), effects are at most 'moderate' but are generally rated 'low' or 'negligible' for most times through the year.

Shading effects on nearby public parks are assessed as follows. In terms of shading effects on Amey Daldy Park, most shading effects are assessed as 'low'. Shading at 9.30am in winter is classed as 'low'; this shading is limited in extent to the south-eastern corner of the park and is fleeting, with the remainder of winter shading assessed as having 'nil' significance. During spring, shading between 7.30am and 9.30am is classified as having 'moderate' significance, with shading cast over the south-eastern quadrant; most of the park remains in sun, and shading effects become 'low' from 10.30am onwards. Overall, the significance of additional shading effects on Amey Daldy Park is at most 'moderate,' and the recreational potential and amenity of the park remains, as when additional shade occurs (except for 7.30am at the summer solstice), most of the Park remains in the sun. There is no additional shade during lunch time and in the late afternoon when the park is most likely to be occupied. Regarding Bayley's Plaza (on the southern side of Gaunt Street), for the majority of the year, the shade cast over it is limited in extent and fleeting, or nil. At mid-winter, when the proposal briefly shades large portions of the space that would otherwise be in the sun, users have the opportunity to occupy other nearby public open spaces that are receiving sun at those times.

Shading effects on streets are limited and localised and, in the worst cases of when they occur, are at most of 'moderate' significance. Specifically, the impact of the additional shade on the surrounding streets is 'low' through most of the year, and at most 'moderate' during the winter. Excessive shade is avoided and good sunlight and daylight will be maintained in the public realm in and around the proposal. Adequate sunlight is therefore maintained to the surrounding street network. The proposal does not produce any shading effects on the waterfront.

In terms of shading cast on the nearby Northbrook Apartments to the west (200 Pakenham Street West)[4], any additional shade in the early morning is of a fleeting nature. Additional shading occurs at limited times of year, but overall good sun exposure is maintained, such that the significance of additional early morning shading on Northbrook Apartments is considered 'low'.

Regarding shading cast on the nearby Lighter Quay apartments to the east (75-81 Halsey Street), a comprehensive shading assessment has been undertaken and is summarised as follows.

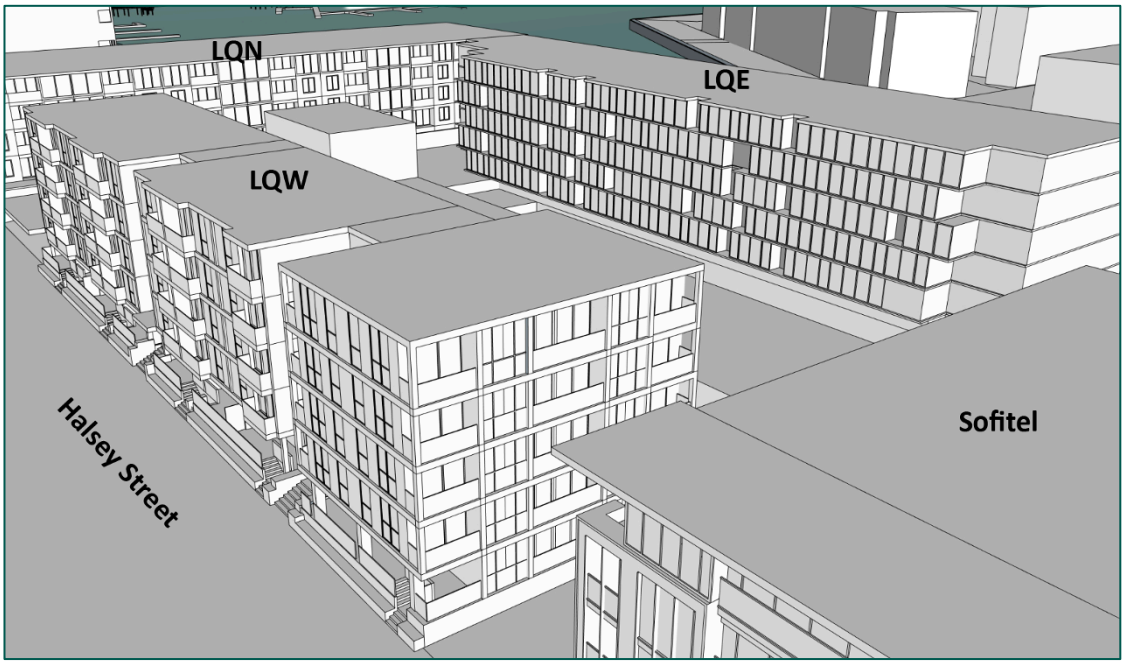


Figure 12: Lighter Quay Apartments, divided into 'west (LQW)', 'east (LQE)' and 'north (LQN)' for the purposes of this shading assessment. Source: Urban Design Assessment (Appendix 20).

The significance of shading effects on Lighter Quay East is considered 'moderate' due to the shading extent and duration, being limited to the hour close to sunset at both the summer solstice and equinox. The effect of some fleeting additional shading on the southern facades of a small number of Lighter Quay North apartments close to sunset at mid-summer is considered 'negligible'.

Shading effects on Lighter Quay West during the spring equinox are outlined by McIndoe Urban as follows.

- Additional shade begins to be cast on the south-west corner of this building just before 3.00pm. Because of the small number of affected units and the fact that they continue to receive sun through west-facing windows, the effect until 3.30pm is rated as 'low'. From 3.45pm - 4.15pm, when a further five units receive partial shade, the effect is rated 'moderate'.
- At 4.30pm and through to the last study at 5.15pm which is 62 minutes before sunset, the effects are rated as 'high'.

[4] This development has resource consent but has not yet been constructed.

- At the spring equinox, the Halsey Street façade will receive sun from approximately 11.30am. Access to approximately 3.0 hours of direct sun is gained before parts of its southern end begin to be shaded by the proposal.

No additional shade is cast on Lighter Quay West Apartments during the winter solstice.

In terms of the summer solstice, after 3.45pm, B2 will begin to cast additional shade onto parts of LQW. The significance of that shading effect is rated as 'moderate' until at 5.00pm, when due to the duration of additional shade and the number of apartments affected, its significance becomes 'high'. That rating of 'high' continues for another 2.75 hours through to the last study at 7.45pm. At the summer solstice, the Halsey Street façade will receive sun from approximately 1.00pm. It therefore receives approximately 2.75 hours of direct sun before parts of its southern end begin to be shaded by the proposal.

During the autumn equinox, additional shade begins to be cast on the south-west corner of the Lighter Quay West building at 4.00pm. Because of the small number of affected units and the fact that they continue to receive sun through west-facing windows, the effect from 4.00pm to 4.45pm is rated as 'low'. From 5.00pm - 5.30pm when a further five units receive partial shade, the effect is rated 'moderate'. At 5.45pm and through to the last study at 6.30pm which is 62 minutes before sunset, the effects are rated as 'high'. At the autumn equinox, the Halsey Street façade will receive sun from approximately 12.15pm. That is approximately 3.5 hours of direct sun before parts of its southern end start to be shaded by the proposal.

In summary, at the times when additional shade is cast on Lighter Quay West, its significance is initially 'low' or 'moderate' but becomes 'high' due to the number of apartments impacted and the extended duration of that additional shade. That 'high' significance rating applies for 2.75 hours at the summer solstice for the period ending one hour before sunset. At the autumn equinox, the rating of 'high' applies for 0.75 hours, with that period also ending one hour before sunset. The additional shade cast during summer is in the context of reasonable sun through the early to mid-afternoon.

Overall, the extent of additional shading effects on Lighter Quay West will be limited in calendar duration. The maximum effect shown at summer solstice is reduced come time of the equinox, and there is no additional shade at the winter solstice. Shading effects on Lighter Quay West are rated 'high' for extended periods of 2.75 hours at the summer solstice and 0.75 hours at the autumn equinox in the period leading up to sunset. This additional shading is in the context of the Halsey Street façade of Lighter Quay West receiving at the summer solstice, 2.75 hours, and at the equinox, 3 hours of direct sun before the facade begins to receive additional shade from the proposal. It is noted that the affected Lighter Quay West apartments have dual aspects, balconies facing both north and south, and are relatively closed off to the Halsey Street frontage. Overall, shading effects on Lighter Quay West are assessed as being not more than minor.

The City Centre Zone and Wynyard Precinct anticipate and provides for a reasonable level of intensification on the subject Site. Whilst a permitted baseline is not applicable in this instance, the context of the City Centre and Wynyard Quarter built environment provides an appropriate lens with which to view the shading effects generated by this proposal. Shading is an inevitable consequence of any development on the 100 Halsey Street Site. Effects on Lighter Quay West Apartments are limited in duration, and it is not considered that it materially compromises the use or amenity of the apartment units.

10.11 Wind

WSP have undertaken a Wind Assessment of the proposed development, and this is attached as Appendix 25. The assessment evaluates the potential effects of the development on pedestrian-level wind conditions and has been undertaken in accordance with Standard H8.6.28 (Wind) of the AUP. The relevant provisions of the AUP seek to ensure that development within the City Centre Zone avoids, remedies or mitigates adverse wind effects on public spaces, including streets and pedestrian areas.

The Wind Assessment has identified that there are four locations (out of 80 locations surveyed) which have a worsened post-development wind performance category and do not achieve the required wind performance relative to the performance space. The spaces are set out in Table 11 below and are spatially identified within Figure 8 of the Wind Assessment. It is noted that there are seven locations where the wind performance category is improved.

Table 11: Worsened wind performance areas not meeting the performance space requirement.

Location	Pre-development Wind Performance Category	Post-development Wind Performance Category	Performance Space Use Category
19 (Amey Daldy Park)	A	B	A
35 (South-east corner of B1/entrance plaza)	A	D	C
48 (Lane 4)	Not measured	D	C
58 (Eastern side of mid-block plaza)	Not measured	C	B

The development also causes the average annual maximum peak 3 second gust to exceed the permitted threshold of 25m per second (or worsens the wind speed where it already sits above 25 m/s) in the five locations outlined in Table 12.

Table 12: Locations exceeding or worsening the 25 m/s gust-speed threshold.

Location	Pre-development Wind Gust Speed (m/s)	Post-development Wind Gust Speed (m/s)	Wind Gust Increase (m/s)
26 (Pavement to west of 31-79 Daldy Street)	30	31	1
35 (South-east corner of B1/entrance plaza)	16	29	13
77 (Building 3 roof terrace)	Not measured	28	Not measured
78 (Building 3 roof terrace)	Not measured	27	Not measured
80 (Building 3 roof terrace)	Not measured	34	Not measured

With reference to Assessment Criteria H8.8.2(11)(a)(i)(ii), the following assessment is undertaken in relation to wind effects.

In terms of wind effects at Amey Daldy Park (location 19), WSP state that whilst the development increases wind conditions from Category A to Category B, pedestrians are unlikely to notice this change as existing wind conditions in Amey Daldy Park range from Category A to Category C. Planting within Amey Daldy Park for the purpose of wind mitigation was investigated by McIndoe Urban, however, it was considered that detrimental urban design outcomes would outweigh the effects generated by the increased wind at Amey Daldy Park.

In terms of the potential for mitigation measures to be incorporated into the development to minimise exacerbation of existing wind conditions, it is considered by WSP that wind conditions are mostly acceptable for the expected uses of the areas in which they occur, and consent is sought for those non-compliant areas. However, location 35 is an area which is not considered to have acceptable post-development wind conditions without mitigation. A wind mitigation strategy condition has been proposed to mitigate gust effects to comply with 25m/s, which would comply with the AUP. Wind mitigation is also detailed further in the Wind Assessment, with possible options such as hard and soft landscaping.

Noting that wind conditions at most locations are considered to be acceptable, and where they are not, a wind mitigation strategy will mitigate wind to acceptable levels at these spaces, the overall amenity impacts on pedestrians generated by increased wind speeds are considered to be acceptable and therefore less than minor.

10.12 Arboricultural

The Arboricultural Report prepared by Peers Brown Miller provided as **Appendix 23** to this AEE has assessed the proposed works and concludes the following:

> *"Provided the new planting is carried out to a high standard, it is assessed that there will be a net gain in tree cover/biodiversity adjacent to the site, into the future."*

> *"The considered design of the proposed 100 Halsey Street project impacts one Lancewood street tree. This tree removal activity triggers Restricted Discretionary E17 Trees in Road (A10). Tree 7 also requires removal; however, this tree is less than 4m in height and dead; therefore, it does not trigger resource consent. The mitigation planting of seven trees will significantly increase the urban forest canopy within the local area; therefore, its removal is considered a minor effect."*

For the reasons above, it is considered that the proposal will provide for the opportunity to enhance streetscape amenity and provide for a net gain in tree canopy, such that, overall, any adverse effects will be no more than minor.

10.13 Waste Management

The proposed development will utilise a private waste collection service. Waste storage will be provided within five dedicated refuse management areas which ensure adequate capacity for separation, storage, and manoeuvring of bins. Access for waste collection vehicles is provided through the laneways to the loading bay and refuse areas. As noted in Section 6 of the Waste Management Plan (**Appendix 31**), the proposed waste collection is considered by Green Gorilla to be operationally acceptable, subject to monitoring after occupancy and adjustment of the collection frequency if required. Overall, the proposed waste management system is appropriately designed to accommodate anticipated waste volumes and will operate efficiently without generating adverse environmental effects.

10.14 Positive Effects

The proposal has a range of positive effects amounting to significant regional and national benefits and economic and social benefits. The Economic Impact Assessment (EIA) prepared by Insight Economics in **Appendix 24** has quantified the economic benefits of this Project and includes a projected generation of economic activity in the Auckland region amounting to a Net Present Value (NPV) of approximately $2.55 billion to the regional economy over the thirty-year assessment period. It is also projected to generate a total of 27,035 FTE-years of employment and approximately $1.19 billion in wages over the assessment period.

A range of qualitative economic benefits that are likely to be achieved from the Project beyond the direct economic activity include:

- The Project will deliver nationally significant digital infrastructure in New Zealand's largest technology market, strengthening Auckland's role as a digital infrastructure hub and its attractiveness for technology investment. It improves competition and supply responsiveness in the city centre office market while reinforcing the city centre's role atop the centres hierarchy and enhances the public realm and signals confidence in the long-term role of the city centre.
- The Site is in a highly connected and desirable area of the city centre and therefore ideally placed to maximise the benefits of intensification due to its very high land costs plus its unrivalled ability to harness the wider benefits of agglomeration. Agglomeration can boost foot traffic for retailers and service providers, while helping to attract talent, investors, and tourists, thereby enhancing Auckland's local and global competitiveness. Given the very little vacant land left in the city centre, the taller nature of the buildings in this Project will maximise the economic benefits of intensification there.
- The increased local workforce base constitutes a net increase in the number of full-time equivalent employees able to work within Wynyard Quarter and the surrounding suburbs. In this regard, the Project represents enhanced employment and economic activity in the City Centre and the broader Auckland region by providing new workspaces.
- Growth from mixed-use development is expected to act as the catalyst for further growth in the area. The Project will provide critical mass and an increased working population which will result in increased demand for local business and services. This will be a net gain for the local economy and stimulate further growth and amenity improvements for the area. In effect, the Project may also create interest in additional residential/commercial development within the area, thereby further harnessing economic benefits.

Other positive effects of the Project contributing to the overall significant benefits of the Project include:

- The Project will be situated in a highly connected central city location within a 15-minute walking distance to several regionally and nationally significant transport facilities (Waitematā Train Station, Auckland Ferry Terminal and City Rail Link) that have been the subject of significant public investment for service upgrades and improvement. The Project provides for the introduction of critical mass in this location which will achieve a quality compact urban form while enabling and supporting the continued functioning of this existing regionally and nationally significant infrastructure by making it conveniently accessible to many workers and

visitors. In this respect, the Project also presents the opportunity of supporting that infrastructure investment to date and the more efficient use of those resources.

- The Project area in Wynyard Quarter is in one of the most accessible areas of the city centre providing good accessibility between the offices and retail to community services, natural spaces and open spaces including by way of public or active transport modes. The Site is located within a walkable catchment to the central city as the economic heart of Auckland offering more than 100,000 jobs; an extensive range of community facilities including regionally significant healthcare facilities such as Auckland Hospital and Starship; tertiary education facilities; and an extensive network of open spaces including Victoria Park, Myers Park and the Auckland Domain as well as public promenades along the Auckland waterfront. The Project will also provide excellent accessibility to open spaces in the immediate surrounding area.
- The Project will support climate change mitigation including the reduction or removal of greenhouse gas emissions. The Site is located within a highly accessible location within the City Centre with Britomart, the largest public transport interchange within the region less than a 15-minute walk away. Access to and from the outer fringe of the CBD and beyond is supported by the CRL, including new stations at Te Waihorotiu, Karanga-a-Hape and Maungawhau. In this respect, the Project will enable more people to work within one of the most accessible areas of the city centre, supporting a shift to public and active modes of transport and a reduction in greenhouse gas emissions. Further to this, the Project will also support climate change adaptation for the next 100 years through the design of the buildings, which integrates an adaptation response on the ground level of the buildings which allows the relevant floor levels to be raised in the future as required.

11.0 Mitigation and Monitoring of Effects

Clause 6(1)(d) of Schedule 5 of the Act requires that an assessment of an activity's effects on the environment must include:

> *"a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effects of the activity".*

The proposed mitigation measures are described in the technical assessments and consent conditions appended to this AEE. In summary, and in accordance with clause 6(1)(d) of Schedule 5 of the Act, the following mitigation measures are proposed to address actual and potential effects on the environment:

Table 13: Summary of Mitigation

Subject Matter	Summary of Mitigation and Condition Response
Bulk earthworks	Conditions require a final Erosion and Sediment Control Management Plan (ESCMP), in general accordance with the draft Erosion and Sediment Control Plan in **Appendix 12**. Erosion and sediment controls must be installed, certified and maintained during earthworks, with exposed areas stabilised following completion.
Geotechnical	Conditions require geotechnical supervision and works to follow the recommendations of the geotechnical, retaining wall and groundwater reports. A detailed earthworks methodology must be certified by Council,

	with subsequent engineering certification confirming that the works have been completed accordingly. A Groundwater and Settlement Monitoring and Contingency Plan (GSMCP), inspections and contingency procedures are also required.
Contamination	Conditions require an updated Contaminated Site Management Plan (CSMP), further investigation of untested areas before disturbance, and a site-specific health and safety plan. Contaminated land works must be supervised by a suitably qualified practitioner, with requirements for material disposal, imported fill, unexpected contamination and a Site Validation Report following earthworks.
Noise and Vibration	Conditions require a final Construction Noise and Vibration Management Plan (CNVMP), in general accordance with the draft in **Appendix 30**, and establish construction noise and vibration criteria, specified piling noise exceedances and restrictions on construction hours. Condition 90 requires operational noise testing and reporting for Building 2, including assessment of generator and chiller noise against the relevant AUP limits.
Servicing Infrastructure	The infrastructure design is addressed in the Civil Infrastructure Report and drawings in **Appendix 9** and **Appendix 10**, incorporated through Condition 1. Conditions require formal adoption of a Stormwater Management Plan under Auckland Council's Regionwide Network Discharge Consent before lodgement of the relevant Engineering Plan Approval.
Hazardous Substances	Conditions require a final Hazardous Substances Management Plan, including spill response and emergency procedures, together with confirmation of bulk diesel tank fire ratings, provision of spill kits and incident reporting. Conditions also control discharges from the data centre and require generator emissions to be minimised and associated emission-control equipment to remain operational.
Hazards	Conditions require a Flood Management Plan for each building before occupation, with owners and occupiers made aware of its requirements. Structural certification must confirm that ground floors identified for future raising can accommodate the additional loading.
Transport	Conditions require a final Construction Traffic Management Plan (CTMP), in general accordance with the draft in **Appendix 28**. A certified Parking Layout Plan must address parking, loading, access and manoeuvring for each building or stage. The Travel Management Plan in **Appendix 27** must be finalised, implemented and updated as development progresses. Conditions also require bicycle parking, completion of access and parking areas, vehicle crossing works and public access easements over the lanes.
Construction	Conditions require a final Construction Management Plan (CMP), in general accordance with the draft in **Appendix 32**, and pre-construction meetings for each building and its associated works. Conditions also address dust management, material storage, accidental discovery procedures and crane signage, lighting and finishes.
Urban Design, Landscape and Visual	Conditions require certified architectural details, materials specifications, landscape plans and a Lighting Plan. Landscaping must be implemented for each building or stage and maintained. Final signage details, consistent with the Architectural Drawings in **Appendix 7**, must be certified before installation and subsequently maintained.
Wind	Condition 86 requires a wind mitigation report to be submitted for Council certification before construction of Building 5. The report must address

	Location 35 at Halsey Street/Gaunt Street, seeking Category C wind conditions and targeting gust speeds no greater than 25 m/s. The identified mitigation must be implemented before occupation of Building 5.
Arboricultural	Conditions require tree works to follow the Arboricultural Assessment in **Appendix 23**. Certified landscape plans must provide at least seven new trees, including two within Pakenham Street. Off-site planting plans must provide at least one replacement street or reserve tree for the removal of Tree 2, which may form part of the seven new trees, with implementation and ongoing maintenance required.
Waste	Conditions require a final Waste Management Plan (WMP) for each building before occupation, in general accordance with the draft WMP in **Appendix 31**. The plan must address waste collection, access, storage, maintenance and management responsibilities.

Clause 6(1)(g) of Schedule 5 of the Act also requires that:

> *"if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved".*

The required monitoring is enclosed within the consent conditions (**Appendix 4**). In summary, the proposed monitoring includes, but is not limited to:

- Monitoring and maintenance of erosion and sediment controls;
- Geotechnical supervision, groundwater and settlement monitoring, and inspections of potentially affected neighbouring buildings and structures;
- Contamination sampling, monitoring and validation reporting under the CSMP;
- Construction noise and vibration monitoring under the CNVMP;
- Operational noise testing and reporting for the Building 2 data centre; and
- Travel surveys, reporting and review under the Site Travel Management Plan (**Appendix 27**).

12.0 Proposed Consent Conditions

This section of the application is provided in accordance with clause 5(1)(k) and clause 18 of Schedule 5 of the Act. These clauses require that an application provide conditions for the resource consent. The proposed conditions (attached as **Appendix 4**) have been drafted in accordance with Section 108 of the RMA. For the ease of the EPA, a condition register has been prepared and provided in Appendix 38, which outlines the structure of the proposed consent conditions, their origin, and reason for including them.

All conditions have been legally reviewed and reviewed or provided directly from the relevant specialist consultant.

In recommending the proposed conditions of consent for this application in accordance with Clause 5(1)(k) of Schedule 5, the conditions are considered to:

- Appropriately manage adverse effects, including providing mitigation to prevent or reduce adverse effects during and after construction in accordance with Clause 6(1)(d) of Schedule 5;

- Provide for monitoring as required by Clause 6(1)(g) of Schedule 5; and
- Give effect to those matters that the panel must consider under Section 81(2)(a).

The proposed conditions of consent have been developed following technical assessments which identified the potential adverse effects of the Project. The proposed conditions will ensure that potential adverse effects are appropriately avoided, remedied or mitigated.

In accordance with Clause 6(1)(d) and (g) of Schedule 5, the conditions include details of the proposed mitigation to be undertaken to manage the actual or potential effects of the activity and describe how the effects will be monitored (and by whom). The conditions are not considered to be more onerous than necessary, and it is considered that they meet the requirements of the FTAA, with reference to Section 83.

13.0 Assessment of Relevant Statutory Considerations

This section of the application is provided in accordance with clauses 5(1)(h), 5(2) and 5(3) of Schedule 5 of the Act. The Act requires that applications must include an assessment of the activity against the relevant provisions and requirements of those documents listed in clause 5(2) being:

(a) a national environmental standard:

(b) other regulations made under the Resource Management Act 1991:

(c) a national policy statement:

(d) a New Zealand coastal policy statement:

(e) a regional policy statement or proposed regional policy statement:

(f) a plan or proposed plan; and

(g) a planning document recognised by a relevant iwi authority and lodged with a local authority.

13.1 National Environmental Standards

13.1.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

The NES-CS came into effect on 1 January 2012. All territorial authorities are required to give effect to and enforce the requirements of the NES-CS in accordance with their functions under the RMA relating to contaminated land.

The purpose of the NES-CS is to provide a nationally consistent set of planning controls and soil contaminant values. It seeks to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed and, if necessary, the land is remediated or contaminants contained to ensure the land is safe for human use.

The Site is a HAIL site and is therefore 'land covered'. The proposed land disturbance is classified as a discretionary activity. The relevant consent matters identified for the proposal under NES-CS regulations have been identified in section 7.2.3 of this report and the potential effects on human health are assessed in section 10.3 of this report. In summary, the proposed soil disturbance is considered to be necessary for enabling and facilitating development of the Site and the PSI/DSI in

Appendix 18 and CSMP in Appendix 19 have appropriately identified the type and concentration of contaminants in the soil for the B1 and B2 development area.

These documents outline the suite of mitigation measures, and health and safety practices to be implemented on Site during the handling of contaminated soils and remediation actions required to ensure the land can be safely occupied for its intended commercial uses. Conditions of consent (refer to Part B of Appendix 4) are proposed to ensure that the mitigation measures will be implemented and that the works will not result in significant risks to human health (in accordance with the requirements of the NES-CS).

In terms of the B3, B4 and B5 development area, the PSI confirms that a DSI is required, and it is noted that this will be provided once the bus depot is decommissioned. The results of the DSI will inform an updated CSMP to manage or remediate contaminated soils as required. As such, it is considered that the proposal will not be inconsistent with the outcomes sought by the objectives and policies of the NES-CS.

Overall, it is considered that the Project will achieve the overarching purpose and objective of the NES-CS to protect human health.

13.1.2 Other National Environmental Standards

The proposal does not require resource consents under any of the other National Environmental Standards (listed in Section 7.3), and therefore an assessment against the intent of these is not required.

13.2 National Policy Statements

13.2.1 National Policy Statement on Urban Development 2020

The NPS-UD came into effect on 20 August 2020 with the overall purpose to ensure well-functioning urban environments that meet the changing needs of diverse communities. The NPS-UD requires a significant step change in how intensification is planned for, and enabled, within the urban areas of Auckland, particularly the City Centre. This places a very different lens on the appropriate approach to matters such as height, development capacity and amenity, including the Policy 3(a) requirement to realise as much development capacity as possible in city centre zones, to maximise the benefits of intensification. The proposal is considered to be consistent with the NPS-UD for the reasons below:

- The Project is for the development of new mixed-use buildings containing office and retail activities (and significant infrastructure in the form of a data centre). The development will be commercial-led with approximately 62,935m^2 of commercial GFA within a walkable catchment to public and active transport including Waitematā Train Station, CRL, rapid transit bus services, the Auckland Downtown Ferry and the high-quality networks of open spaces, cycleways and walkways in the Wynyard Precinct and broader city centre area. Providing considerably more workspace opportunities in a highly connected and walkable location of Wynyard Quarter will ensure that the Project will deliver and contribute to a well-functioning urban environment (Objective 1, Policy 1(c)).
- The Project will deliver approximately 62,935m^2 of office space and 1,850m^2 of new retail space, with variety in the size and types of spaces available; it will result in the provision of densities consistent with expectations of the City Centre zoning and Wynyard Precinct. The

Project will significantly contribute to the provision of appropriately located workspace because the Project area is already serviced with all the necessary civil and transport infrastructure to support it. The Project will overall enable increased business capacity in an area of the City Centre with high market demand, supporting competitive land and development markets (NPS-UD Objective 2 and Policy 3(a)).

- Wynyard Quarter is a highly accessible location within the City Centre that is within a walkable catchment to Britomart, CRL, rapid transit bus services, ferry services and other active modes. The Project will therefore enable more people to work within one of the most accessible areas of the City Centre, supporting a shift to public and active modes of transport and a reduction in greenhouse gas emissions (Objective 8, Policy 1(c) and policy 1(e)).
- The Project will deliver a mixed-use development providing employment opportunities of a range of offerings and sizes which will contribute to the emergence of a diverse and vibrant community. This will also assist in responding to the changing needs of people, communities and future generations (Objective 4).
- The building heights and density of the building in this Project have been designed to take account of and respond appropriately to design principles of the AUP, Wynyard Quarter Urban Design Framework and any potential adverse effects. The proposed building heights will also enable a greater quantity and variety of commercial space in the Precinct, achieved through an increase in building height (Policy 1(a) and Policy 3(a)).
- The height and development capacity are consistent with the planned built form of the City Centre Zone and provisions of the Wynyard Precinct (NPS-UD Policy 6). This will assist to improve the amenity values appreciated by the wider community and future generations by enabling further building variation and interest while allowing more people to work within the City Centre and enliven the Central City waterfront. In summary, it is considered that this Project will contribute to a well-functioning urban environment.

13.3 New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement (NZCPS) is a national policy statement under the RMA. The purpose of the NZCPS is to state objectives and policies in order to achieve the purpose of the Act in relation to the coastal environment of New Zealand.

The Project does not involve any works or structures within the coastal marine area. However, the broader Wynyard Quarter is reclaimed land that is surrounded on three sides by the sea and the coastal marine area. The Project is considered to be consistent with the NZCPS for the reasons below with reference to the relevant objectives and policies:

- The natural character of the Precinct relates primarily to the coastal marine area as the adjacent land has been urbanised and no longer has a “natural character”. The urban form and character of the wider Wynyard Quarter area already contain built elements such that the coastal environment in this setting is already highly modified. Therefore, the introduction of the proposed buildings in this location will not erode the natural character of the coastal environment but will be consistent with the surrounding character (NZCPS Objective 2 and Policy 13).
- The Precinct seeks to manage the relationship between the coastal marine area and the central commercial area through transitioning height down to the water edge. The Project

will ensure this policy approach is maintained within the Precinct through continuing to focus height further away from the harbour by the stepped height approach of the buildings which features the lowest height building closest to the water's edge along the eastern boundary (NZCPS Objective 2 and Policy 13).

- There are no outstanding natural features or outstanding natural landscape overlays that apply to the Site under the AUP. Having regard to the established and anticipated character of this part of the city's waterfront, the Project is considered to be compatible with the surrounding evolving coastal and urban landscape (NZCPS Policy 15).
- The Project indirectly provides for enhanced walking access to the coastal marine area by providing for public walkways within the Site, enabling enhanced connections to other Sites within the Wynyard Precinct (and therefore also to the CMA). The Project therefore indirectly provides the opportunity to restore and enhance public access to the coast (NZCPS Objective 4 and Policies 18 and 19).
- The Project has been designed to manage natural hazards and to take into account the effects of climate change with a proposed adaptation response. By incorporating this adaptation response that has been integrated into the design of the buildings, the risks from climate change and natural hazards will be reduced. The Project's natural hazard approach reduces exposure and incorporates resilience measures that reduce vulnerability (NZCPS Objective 5 and Policy 25).

13.3.1 National Policy Statement for Natural Hazards 2025

The National Policy Statement for Natural Hazards (NPS-NH) came into force on 15 January 2026 and applies to the natural hazards associated with flooding, landslips, coastal erosion, coastal inundation, active faults, liquefaction and tsunami.

In relation to the geotechnical natural hazards, the Geotechnical Report (Appendix 14) confirms that in context of the risk matrix table in Appendix 1 of the NPS-NH:

- ULS and SLS seismic settlement carries medium risk. Engineering controls to manage this risk include that the design will adopt seismic parameters in accordance with the building code.
- Problematic soils carry a medium risk. Specific assessments for groundwater effects have been undertaken, and mitigation measures include sealed basements and piled foundations.
- Acid sulphate soils have a medium risk. Mitigations have been identified and specific testing will be undertaken as part of detailed design to choose the appropriate design response.
- Landslides have a low risk and as such, mitigation is not required.
- Liquefaction carries a medium risk; T+T confirm that the design of foundation systems will accommodate identified liquefaction effects.

In relation to all other relevant natural hazards (flooding and coastal inundation), the Hazard Risk Assessment in Appendix 16 confirms that in the context of the risk matrix table in Appendix 1 of the NPS-NH, that the Project (with mitigation incorporated) carries an acceptable level of risk.

With reference to these risk levels identified in the relevant technical reports, the Project is considered to be consistent with the objective of the NPS-NH, that "Natural hazard risk to people and property associated with subdivision use and development is managed using a risk-based proportionate approach" because:

- The natural hazard risk associated with use and development of the Site has been assessed using the risk matrix in Appendix 1 of the NPS-NH (Policy 1);
- The natural hazard risks associated with flooding and coastal inundation from the use and development of the Site will be managed by ensuring an appropriate building design and by implementing an adaptive response that is proportionate to the level of natural hazard risk over the next 50 to 100 years (Policy 2);
- Use and development of the Site have been assessed as having medium risks for geotechnical hazards and potentially tolerable for flooding and coastal hazards, and no very high natural hazard risks have been identified (Policy 3);
- The Geotechnical Report and Risk Assessment both conclude that use and development of the Site will not create or increase significant natural hazard risk on other sites (Policy 4);
- The hazard risk assessments have been prepared based on best available information (Policy 5); and
- The Risk Assessment has considered the potential impacts of climate change to 100 years into the future (Policy 6).

13.3.2 National Policy Statement for Renewable Electricity Generation

This NPS provides guidance for local authorities on how renewable energy generation (including the construction, operation and maintenance of structures associated with renewable energy generation) should be dealt with in RMA planning documents. The proposal includes the construction and operation of rooftop solar panels in order to provide energy to the buildings. The proposal is considered to be consistent with this NPS because it provides for small-scale renewable energy generation in an area where there is demand for electricity.

13.3.3 National Policy Statement for Electricity Networks

The National Policy Statement for Electricity Networks (NPS-EN) provides guidance for local authorities on how the electricity network is managed. The NPS-EN allows for the electricity network to provide services that are essential to support development, growth, and the economy.

The proposal includes new electricity connections to supply the development. The proposal does not involve the generation of electricity beyond the use of solar panels to meet some of the development's power needs. Building 2 contains a 16-megawatt data centre, supplied directly from the Hobson Street grid exit point by two new 22 kilovolt feeders so that the full load can be carried with one feeder, without the need for a new substation. The new direct arrangement within the data centre will provide for the safe storage and transfer of electricity. As such, it is considered to be consistent with the NPS-EN.

13.3.4 National Policy Statement for Infrastructure 2025

The NPS-I is relevant to the proposed stormwater and wastewater infrastructure, including new pipes, connections, raingardens and treatment devices. These works will service the development and connect to existing networks, consistent with the objective and Policies 1, 2 and 4.

The Civil Infrastructure Report (Appendix 9) assesses the servicing arrangements and network capacity. Construction effects and operational discharges will be managed through the proposed

design and consent conditions, consistent with Policies 7 and 9. On this basis, the proposed infrastructure works are generally consistent with the relevant provisions of the NPS-I.

13.3.5 Other National Policy Statements

The proposal does not require an assessment against the following National Policy Statements below for the reasons set out as follows:

- National Policy Statement on Highly Productive Land (NPS-HPL) – this NPS sets out the objectives and policies for the protection of highly productive land for land-based primary production. The Site is zoned Business – City Centre and therefore the NPS-HPL is not applicable.
- National Policy Statement for Freshwater Management (NPS-FM) – this NPS sets out the objectives and policies for freshwater management under the Resource Management Act 1991. In this case, the Project area is located within the City Centre which is a highly urbanised area which does not contain any streams or wetlands. The NPS-FM is therefore not applicable to the proposal and assessment is not required.
- National Policy Statement for Indigenous Biodiversity (NPS-IB) – this NPS sets out the objectives to protect, maintain and restore indigenous biodiversity requiring at least no further reduction. The Project area is almost fully impervious and does not contain any indigenous biodiversity. The NPS-IB is therefore not applicable, and an assessment is not required.

13.4 Regional Policy Statement, Regional Plan and District Plan

13.4.1 Auckland Unitary Plan 2016

The AUP combines the regional policy statement, regional coastal plan, regional plans and district plans into one combined plan. The Plan has a hierarchical policy framework with the regional policy statement at the top, then with regional and district plan provisions giving effect to the regional policy statement. The proposal has not been assessed against Chapters B5 Historic heritage and special character or B9 Rural environment because these sections of the RPS are not applicable to the proposal. All other relevant chapters of the RPS are assessed below.

13.4.2 Regional Policy Statement

13.4.2.3 Chapter B2 Urban Growth and Form

The Project is considered consistent with objective B2.2.1(1), which seeks to achieve a quality urban form within a high-quality urban environment. The development of the Site will include high-quality mixed-use buildings with a new public realm provided by the mid-block plaza. The Project will stimulate greater productivity and economic growth in this part of the Auckland city centre and support the effectiveness and success of public transport in this location. The Waitematā Train Station and ferry and bus services are within walking distance to the Site and the land use diversity of this Project in terms of commercial use (food and beverage and retail) and high-density office use will enable social and economic vitality. As such, the proposal gives effect to the policy framework of policies B2.2.2(4), (5) and (6) because such urban growth and intensification will be contained within the core of the city centre and higher commercial intensification is enabled within

Business City Centre Zone. The development of the Site will create increased employment and commercial opportunities for future demand consistent with objective B2.5.1.(1) and (2).

13.4.2.4 Chapter B3 Infrastructure, Transport and Energy

The objectives and policies for infrastructure under B3.2.1 and B3.2.2 are principally focused on ensuring that the importance of infrastructure is recognised, and appropriate provision of such infrastructure.

With respect to objective B3.2.1(5) in terms of infrastructure and land use planning being integrated to service growth efficiently, the Project is consistent with this objective by providing for an intensive form of mixed-use development in the city centre where there has been significant infrastructure investment to date. The critical commercial mass that this Project will introduce will make efficient use of this infrastructure investment. The data centre constitutes additions to the infrastructure grid which are considered to be positive additions to Wynyard Quarter. The integrated nature of the provision of this infrastructure, being alongside new commercial space and within close proximity to commercial uses, is considered to be an efficient and direct response to increasing demand for additional data storage and processing capacity within the City Centre. Through the provision of a data centre, the functional and operational need for infrastructure within Wynyard Quarter is being realised. In terms of natural hazard effects, Building 2 has been designed with lifted ground levels, which is considered to be appropriate design mitigation to minimise natural hazard risk on the industrial data centre activity.

In terms of transport infrastructure, new laneways are proposed which will support the movement of people, goods and services. These laneways are considered to provide appropriate uses and widths in the context of the proposed built environment. The proposed development is located in the city centre and is well supported by public and active transport networks. All on-site parking will be for occupants of the buildings and is supported by an ITA.

13.4.2.5 Chapter B4 – Natural Heritage

The AUP Regional Policy Statements (RPS), under Objectives B4.3.1(1-2) and Policies B4.3.2(1-6), addresses natural heritage and volcanic viewshafts. Chapter D14 has been prepared to give effect to this chapter of the RPS. The provisions of D14 have been competently prepared and there are no policy gaps which might otherwise warrant the need to refer to the RPS in detail. In light of this finding and the conclusions regarding Chapter D14 further below, the proposal is considered to be consistent with Chapter B4 of the AUP.

13.4.2.6 Chapter B6 Mana Whenua

The Project gives effect to objectives B6.2.1(1) and (2) and policy B6.2.2(1) due to the consultation and engagement with relevant iwi authorities that have occurred to date. This process also gives effect to policy B6.2.2(1) in terms of providing the opportunity for Mana Whenua to actively participate in the sustainable management of natural and physical resources and building and maintaining partnerships and relationships with iwi authorities. The applicant remains open to further engagement and feedback on the Project should relevant iwi authorities wish to engage further with NZCRE.

13.4.2.7 Chapter B10 Environmental Risk

The Proposal will be consistent with Objective B10.2.1(1)-(6) understanding that the Site is subject to identified flood and coastal hazards, and contaminated land. Assessments against the flood

hazards have been undertaken, and the design and layout of the buildings respond to and/or accommodate both the hazards so that the risk to people and property is avoided or otherwise managed.

While the Site is subject to both flooding and coastal hazards, the Risk Assessment concludes that the proposed design mitigates significant coastal inundation and catchment flooding risk through the design of ground floor levels and flood resistant materials where necessary, with the resultant risks being 'acceptable' for at least the next 80 years based on the proposed ground floor levels. After 80 years, 1% AEP coastal inundation is possible for floor levels lower than 3.4m RL (all buildings), with the resultant risk being 'significant'. An adaptation response is conditioned and will raise floor levels if required, which will reduce hazard risk to 'acceptable', thereby giving effect to policy B10.2.2(13).

With respect to contaminated land, the implementation of the CSMP (Appendix 19) will manage potential ground contamination effects on human health and the environment during ground disturbance activities associated with the proposed Site development, thereby meeting policies B10.4.2(1) to (3).

Overall, the proposal has taken into account the effects of climate change on natural hazards, including future climate change sea level rises, therefore meeting the objective and policies of B10.

13.4.3 Summary

Based on the foregoing, the proposal is considered to be generally consistent with the policy direction of the RPS. The proposal is strongly supportive of the provisions relating to urbanisation of the land (being the purpose of the zoning applied to the site).

13.4.4 Regional and District Objectives and Policies

13.4.4.8 Chapter D14 Volcanic Viewshafts and Height Sensitive Areas Overlay

The AUP sets out the relevant objectives and policies under D14.2(1-2) and D14.3(1-6). The objectives and policies give effect to the Regional Policy Statements under Chapter B4 of the AUP. Objective D14.2(1) makes clear that regionally significant views to and between Auckland's maunga, such as E10, are to be protected. D14.2(2) reinforces this policy direction in terms of locally significant views. Policy D14.3(1) explains that height sensitive areas and height limits are imposed to protect the visual character, identity and form of regionally significant volcanic maunga, together with local views to them.

In this case, whilst the cranes will breach the viewshaft floor, given the temporary nature of the activity and the wider metropolitan context in which it will be viewed, it is considered that the overall contribution of Mount Eden/Maungawhau to Auckland's landscape will be maintained. Mitigation includes the viewing distances involved, the lattice tower nature of the structures and their lack of illuminated signage. The Tūpuna Maunga Authority has expressed opposition to the proposed duration of crane intrusion, as recorded in Appendix 37. Further engagement is ongoing. Whilst consultation remains on-going, given the mitigating circumstances noted above and the temporary nature of the incursions, the landscape and visual effects are assessed by Boffa Miskell as low to very low; the effects on mana whenua values remain a matter for mana whenua to advise on. As such, the proposal is considered not to be contrary to the objectives and policies in Chapter D14 of the AUP.

13.4.4.9 Chapter E7 Taking, Using, Damming and Diversion of Water and Drilling

The objectives and policies of Chapter E7 are located in Chapters E1, E2, D3 and D8 of the AUP. Policy E2.3(23) relates to the diversion of groundwater and requires proposals to ensure that adverse effects are avoided, remedied and mitigated. With respect to scheduled historic places and Sites and Places of Significance to Mana Whenua, people and communities, flooding must not be caused or exacerbated, monitoring is to be incorporated where appropriate, and mitigation is to be incorporated where appropriate.

The Site is not located within proximity to a Site or Place of Significance to Mana Whenua and will not cause or exacerbate flooding. The combined settlement assessment undertaken by T+T indicates that slight damage may be possible based on the total settlement criteria of 10mm at the north-west and south-east corner of Travelodge (although structural risk is considered to be low because the building is pile-supported). Settlement limits in relation to the Travelodge building will be agreed with the affected stakeholders. Predicted differential settlements for the assessed buried services are within the adopted tolerance criteria. Pakenham Street West, Gaunt Street and Halsey Street are also within the adopted road settlement criteria. Differential settlement remains within the adopted criterion, and any local pavement effects (typically just adjacent to the walls) are expected to be manageable by targeted repairs.

In order to monitor and manage settlement effects, a construction monitoring and contingency plan will be implemented. This will include baseline condition surveys, groundwater and wall-movement monitoring, ground and building settlement monitoring, agreed trigger levels, and defined corrective actions. A proposed monitoring plan has been provided by T+T within the Groundwater and Settlement Effects Report (Appendix 15).

For the reasons noted above, the Project is considered to be consistent with the objectives and policies of Chapter E7.

13.4.4.10 Chapters E11 and E12 - Land Disturbance - Regional and District

The objectives and policies for land disturbance seek to ensure that land disturbance is undertaken in a manner where the safety of people is protected and adverse effects on the environment are avoided, remedied or mitigated. In our view, the proposal will give effect to these objectives and policies for the reasons below:

- The Site is within the E10 volcanic viewshaft overlay. Construction crane effects on that overlay are assessed separately in Section 10.10.3. Earthworks effects are addressed through the proposed geotechnical and erosion and sediment control measures (Policy E12.3(2));
- The geotechnical report provided with the application material confirms the Site is not subject to landslide instability and provides a suite of recommendations that are accepted by NZCRE to ensure the stability and safety of surrounding land, buildings and structures, thereby giving effect to Policy E11.3(6) and Policy E12.3(6);
- A suite of erosion and sediment control measures in line with GD05 will be implemented on Site and ensured by proposed consent conditions. This will ensure that adverse effects from land disturbance are avoided, remedied or mitigated (Objective E12.2(1)) and earthworks will be designed and implemented with specific engineering requirements (Policy E12.3(5)); and
- The land disturbance is necessary to facilitate development of the Project which will provide for the social and economic wellbeing of people and communities, by enabling the

development of high-quality mixed-use buildings that provide regionally significant economic benefits (Policy E12.3(3)).

13.4.4.11 Chapter E17 – Trees in Roads

The objectives of E17 seek to protect trees in roads that contribute to cultural, amenity, landscape and ecological values. They seek to increase the quality and extent of tree cover in roads. The policies reinforce the objectives and seek to balance the safe and efficient development of infrastructure and road network with the protection of trees in roads. They seek to encourage maintenance of trees to enhance roads whilst ensuring that tree selection and location recognises constraints and the functional requirements of the Site. Indigenous trees and vegetation are encouraged.

Whilst one Lancewood tree will be removed, the proposal will increase the extent of tree cover in roads, with a canopy coverage increase. All seven of the proposed trees to be planted are native species. Given this, the overall tree cover and biodiversity are considered to be increased by the proposal, whilst providing for the development and servicing of the Site.

As such, whilst the proposal will remove a Lancewood street tree, the proposed enhancement planting is considered to provide an outcome which is not inconsistent with the outcomes sought by the objectives and policies.

13.4.4.12 Chapter E23 - Signs

The objectives for signs seek to ensure that comprehensive development signage (CDS) contributes to the social and economic well-being of communities through place identification, and advertising goods and services (Objective E23.2(1)). They should also be managed to maintain traffic and pedestrian safety, historic heritage values and the visual amenity of the surrounding environment (Objective E23.2(2) and Policy E23.3(3)).

The CDS proposed is considered to be consistent with the outcomes sought. The elevations provided as part of the Architectural Drawings set demonstrate that the signs on the exterior of the buildings are modest in extent and do not visually dominate the façades on which they are located. The signage will not be flashing or contain variable messages that might cause potential traffic safety hazards; any illumination will be in compliance with permitted activity standards for lighting in the AUP. Content for signage is yet to be developed and is expected to be in collaboration with future tenants of the buildings. A condition of consent is proposed to ensure that the final design details of all signage are submitted to Council for approval. Overall, the proposed signage is considered to be in accordance with the relevant provisions.

13.4.4.13 Chapter E25 - Noise and Vibration

The objectives and policies for noise seek to ensure that people are protected from unreasonable levels of noise and vibration (Objective E25.2(1) and Policy E25.3(1) and (2)). Noise effects from construction activities are to be avoided, remedied or mitigated whilst having regard to the practicability of complying with permitted noise and vibration standards (Policy E25.3(10)). Construction activities that cannot meet noise and vibration standards are enabled while controlling duration, frequency and timing to manage adverse effects (Objective E25.2(4)).

It is considered that the proposal is consistent with these provisions. Construction noise is an inherent part of development in any environment, and the exceedances associated with piling activities will be limited in duration to ten days per building stage at each identified receiver. In

terms of effects on the sensitive hotel/residential receivers at 21 Viaduct Harbour Avenue and 75-81 Halsey Street, piling works will only occur during a limited window, and a bored piling rig will be used, minimising noise effects. It is considered that the proposed exceedances on buildings containing offices at 139 Pakenham Street West and 124 Halsey Street, and 30 and 58 Gaunt Street are appropriate (noting the city centre context, which anticipates large-scale development and provides for a higher noise threshold). Construction hoarding and tall barriers are proposed in order to minimise construction noise impacts on the bus depot. All other receivers in the immediate and wider environment are predicted to comply with the relevant construction noise and vibration standards. In terms of operational noise, noise levels to the car park facade of the Travelodge building within the subject Site (to the north of B2) will be approximately 62dBA, which is not expected to interfere with the car park use.

The proposal is considered to be consistent with, and not in tension with, the objectives and policies in relation to noise and vibration. Overall, having regard to the analysis above, it is considered that the proposal is consistent with the relevant objectives and policies for noise and vibration.

13.4.4.14 Chapter E26 – Infrastructure

The infrastructure objectives and policies seek to recognise and enable infrastructure (Objectives E26.2.1(1) and (2)) where it provides social, economic, cultural or environmental benefits (Policy E26.2.2(1)) and adverse effects are avoided, remedied or mitigated (Objective E26.2.1(9)). In particular, infrastructure is to be provided where there is a functional and operational need for it (Policy E26.2.2(2)).

It is considered that the proposal is consistent with the objectives and policies for infrastructure. The proposed data centre will be integrated with new commercial space and located in close proximity to neighbouring land uses which have increasing demand for data and energy; a functional need for such infrastructure within Wynyard Quarter is being realised. There are efficiency gains in locating data centres within close proximity to the end user. The data centre water demand for cooling is considered to be 'negligible' and limited primarily to initial system fill and occasional make-up water associated with maintenance or minor system losses. This is because the cooling strategy is based on air-cooled chillers serving closed-loop chilled water systems, so there is no routine evaporative cooling water demand. In terms of natural hazard effects, Building 2 has been designed with raised ground levels, which is considered to be appropriate design mitigation to minimise natural hazard risk posed by coastal inundation and rainfall events.

13.4.4.15 Chapter E27 - Transport

The transport objectives and policies seek to encourage that land use and transport (including public transport, walking and cycling) are integrated in a manner that enables adverse effects of traffic generation on the transport network to be managed while supporting urban amenity, efficient use of land and the functional requirements of activities. In addition, the objectives and policies ensure that parking and access is designed, located and accessed safely and efficiently for pedestrians and vehicles within and outside the Site. These objectives and policies are assessed where applicable below.

The proposal is considered to be consistent with these objectives E27.2(1), (2) and (5) and policies E27.3(2) and (3) as vehicular, cycling and walking transport modes (including accessible parking) are integrated into the development. The development has been comprehensively designed to

provide cycling and walking connections with the surrounding transport network and broader connections in the City Centre, including connectivity to the Waitematā Station.

Car parking is proposed within the applicable maximum, while bicycle parking is provided as described in Section 6.2.8. The Building 2 bicycle parking shortfall is assessed in Section 10.8.1.

This is consistent with Policy E27.3(3) and Policy E27.3(4), ensuring the safe, efficient and effective operation of the transport network, supporting the use of more sustainable transport options including public transport, cycling and walking, and the efficient use of land. Car parking has been designed to avoid adverse effects on the amenity of the streetscape consistent with Policy E27.3(17) by locating parking in basement levels. Locating multiple vehicle entry crossings on Gaunt Street and only one vehicle entry crossing to Halsey Street is consistent with Policy E27.3(20) because the pedestrian and cycling amenity on Halsey Street is higher, and the access has been designed and located to ensure that most of the traffic activity is occurring between the Site and Gaunt Street. Parlane & Associates considers that the design provides for safe, effective and efficient movement to and from the Site.

On this basis, it is considered that the safe and efficient operation of the transport network will not be unreasonably compromised, such that the proposal is consistent with the outcomes sought by the AUP and will be consistent with relevant objectives and policies that relate to transport.

13.4.4.16 Chapter E30 - Contaminated Land

The relevant objective and policies for contaminated land seek to manage discharges of contaminants to protect the environment and human health and enable land to be used for suitable activities now and in the future.

The proposal will meet these provisions as the discharge of contaminants from contaminated land into air, water or into land will be managed to protect the environment and human health via the measures outlined in the CSMP, consistent with Policy E30.3(2). Best practice contaminated land management has also been adopted for the identification, monitoring and remediation of contaminated land for this Project (Policy E30.3(2)(f)). Appropriate conditions of consent are proposed for the transport and disposal of contaminated material removed from the Site to prevent adverse effects on the environment consistent with Policy E30.3(2)(g). Overall, the relevant contaminated land objectives and policies will be met.

13.4.4.17 Chapter E31 – Hazardous Substances

The objective and policies for hazardous substances are contained in sections E31.2 and E31.3 of the AUP (OP). The objective seeks to minimise the risks of hazardous facilities to people, property and the environment to an acceptable level. The supporting policies reinforce this as they seek to manage hazardous substances by avoiding or adequately mitigating adverse effects, managing cumulative effects of hazardous facilities so they do not reach an unacceptable level, locating activities to minimise effects on road infrastructure, and requiring adequate separation between such facilities and sensitive activities.

With regard to the Hazardous Substances Assessment attached in **Appendix 17**, a range of measures will be included within a future Hazardous Substance Management Plan, including spill procedures, inspections, and management and storage requirements to ensure adverse effects are appropriately mitigated and managed. There are negligible potential adverse effects relating to neighbouring properties and overall, the risks present at the Site on people, property and the environment are considered to be low. Based on the assessment in the Hazardous Substances

Assessment, the proposal is considered to be consistent with the objectives and policies relating to hazardous substances.

13.4.4.18 Chapter E36 – Natural Hazards and Flooding

The proposal involves the construction of new buildings within the mapped extent of flood and coastal hazard areas. The proposed design and the location of activities (potentially sensitive and less sensitive to natural hazards) within the Site will ensure the risk to people within the Site is managed to acceptable levels. No significant risks are identified in relation to the proposal. Acceptable levels of risk to people are achieved through the provision of safe refuge from existing and future flood scenarios, including the effects of sea level rise, by integrating an adaptation response into the design of the buildings as explained in the Hazard Risk Assessment (**Appendix 16**).

Flood and coastal risk assessments have demonstrated that the proposal will not result in adverse effects or the exacerbation of flood hazards beyond the site or in relation to the adjacent road network. Geotechnical assessments have examined the suitability of the Site (located within historic reclamations) and the proposed built design.

The proposal is considered consistent with the objectives and policies of chapter E36, including those introduced through Plan Change 120. Specifically, the Risk Assessment in **Appendix 16** confirms that:

- With the appropriate risk treatment provided, the Project's hazard risk is considered to be 'acceptable' for the next 80 years. With the implementation of an adaptation plan, the proposed design levels for the Project avoid flood and coastal inundation over the next 100 years (Objective E36.2(3B));
- Development of the Site will occur in a way that avoids creating or exacerbating natural hazard risks on other properties, infrastructure and the environment (Objective E36.2(3C));
- The Risk Assessment undertaken has taken into account the long-term effect of climate change, with 3.8°C climate change used (Objective E36.2(7));
- All necessary matters to be considered in risk assessments have been assessed and considered by T+T in the context of this Project (Policy E36.3(3)); and
- The Project has been designed such that it reduces risk in natural hazard areas to a tolerable level by ensuring appropriate safe refuge and safe egress are provided. An adaptation response, which may include enabling floor levels on the ground floor to be raised to reduce the extent of flooding or inundation within the buildings, is provided for (Policy E36.3(4C) (f)).

13.4.4.19 Chapter E40 – Temporary Activities

The objectives and policies for temporary activities adopt an overall enabling approach but seek to ensure that adverse effects on the environment are minimised, managed and mitigated (Objective E40.2(3)). In summary, it is considered that the proposal will give effect to these provisions because:

- Adverse construction noise and traffic effects arising from the temporary construction activities will be appropriately managed with best practicable measures and will be minimised as far as practicable (Policy E40.3(1));

- Construction activities will be carried out within standard working hours to ensure that an acceptable level of amenity will be maintained. Given the city centre environment, noisy construction activities and temporary traffic management measures are anticipated but will be undertaken in a manner that minimises disruption as far as is practicable (Policy E40.3(3)); and
- A series of management plans in relation to construction management, construction traffic and noise are proposed as conditions of consent which will ensure that construction effects of this nature will be appropriately avoided where practicable, or mitigated and minimised where avoidance cannot be practically achieved.

Overall, the Project will be consistent with the relevant Temporary Activities objectives and policies.

13.4.4.20 Chapter H8 – Business City Centre Zone

The objectives and policies of the City Centre Zone are contained within chapters H8.2 and H8.3 of the AUP. In summary, the objectives seek to accommodate growth and the greatest intensity of development in the city centre, creating an attractive place for people to live, work, learn, and visit, whilst maintaining and enhancing identified special character areas, respecting its valley and ridgeline form and waterfront setting. The policies also aim to provide a range of commercial, entertainment, business and educational activities that contribute to the vibrancy and amenity of the city. The policies also aim to achieve development of high quality and design, enhance the amenity of activities along the waterfront, and make it a major gateway to Auckland.

A comprehensive assessment of the proposal against the objectives and policies for the City Centre Zone is provided in Appendix 36, and summarised below:

- The proposed development is of high quality and considered to fit appropriately within this part of the city centre, reinforcing the quality of development and sense of place (Objective H8.2(2));
- The proposed development will replace a bus depot site and provide additional commercial and retail floor space, and a publicly accessible plaza and laneway environment which will provide an attractive place to work, live and gather (Objective H8.2(6) and Policy H8.3(2));
- The location of the proposed development has good connections to public transport (notably Waitematā Station, noting the extension of the rail network through the City Rail Link), and is located within a highly walkable catchment to other services and amenities in the wider city centre area (Objective H8.2(11) and Policy H8.3(22));
- The proposed development retains acceptable wind environments to the surrounding public spaces that are appropriate for their intended uses and does not result in inappropriate shading of public spaces (Policy H8.3(30) and (31));
- The proposed buildings have been designed to respond to the different edge conditions and contribute to the planned future form and quality, creating a sense of place. Specifically, the Project is for a high-quality and site-specific development comprising five buildings in the Wynyard Precinct. The public realm amenity and activation of this part of the Precinct will be enhanced and public access in the form of plazas and laneways provided over private land. Architecturally, the buildings have bespoke designs that respond to the long-established

urban design framework of the Precinct's urban form: creating a distinctive, memorable environment worthy of its prime location (Policy H8.3(30)(c));

- Shading studies for the Project undertaken by McIndoe Urban demonstrate that limited shading will affect the public realm of Amey Daldy Park and Bayley's Plaza in spring and summer to the extent that adverse effects of shading of the parks are assessed overall to be low. The new buildings have been designed around the proposed public plaza within the centre of the Site, and 'good sunlight' is achieved at both the mid-block plaza and entrance plaza (Policy H8.3(31));
- Whilst the building heights of Buildings 1-5 encroach the maximum height controls as established on Wynyard Precinct Plan 5, and maximum site intensity requirement, the exceedances are not considered to be inappropriate in the context of the Wynyard Precinct, which anticipates mid-rise buildings which are complementary to existing open spaces within Wynyard Precinct and existing development form within the Viaduct Harbour Precinct. The proposal is not considered to detract from the skyline and views of the wider city; rather, the high-quality design, variation in roof elements, and recessive 'podium' built form is considered to provide for an appropriate transition to the street network and enhance the city skyline. Building scale effects are addressed with proposed stratification in the visual composition of the façade. This breaks the façade into sections, reducing apparent scale and eliminating visual dominance. This is complemented by the 6m setbacks above a height of 32m of Building 4 and Building 5 from street and lane edges, and the setback of the rooftop plant of Building 2 from Halsey Street. The setback of the 'tower' component of buildings 4 and 5 contributes to achieving a tower-podium form. The buildings, being designed around new public open space in the form of intimate laneways and large plazas, provide for a high-quality and well-considered interface at the human scale. Laneways and street-fronting built form will be provided at human scale, by way of upper-level setbacks, or stratification in the façade composition. Façade subdivision, in combination with upper-level setbacks of the highest parts of buildings B2, B3, B4 and B5, mitigates potential visual domination at the street edge. The proposed building heights are not considered to detract from any existing public open space. The height of the buildings will enable additional development capacity in an area earmarked for urban intensification and regeneration (Objective H8.2(13) and Policy H8.3(30), Policy H8.3(38)); and
- The building heights do not challenge the primacy of the Central City core, but their height, bulk and massing can be accommodated in the view as part of the established and further anticipated urban form of the city centre skyline (Policy H8.3(29)), a helpful visual of this has been provided in Appendix 22, the visual simulations prepared by Boffa Miskell.

Having regard to the above, it is considered the proposed development is in general accordance with the objectives and policies of the City Centre Zone.

13.4.4.21 Chapter I214 Wynyard Precinct

The Wynyard Precinct provisions of the Auckland Unitary Plan seek to guide the comprehensive redevelopment of Wynyard Quarter from its historic industrial and marine uses into a vibrant, mixed-use waterfront environment. The precinct framework supports a diverse range of activities, high-quality architecture and urban design, active public spaces, and the continued operation of marine and innovation-related activities.

Development is expected to contribute to a distinctive destination while maintaining compatibility with operational port, marine, and event activities. The proposed development comprises offices above ground-floor retail and food and beverage tenancies. This mix of activities is consistent with the intended evolution of Sub-precinct B toward a high-amenity, mixed-use neighbourhood. Office activity contributes to establishing a high-density workforce within Wynyard Quarter, supporting local businesses and services and reinforcing the precinct's role as a vibrant urban waterfront. Ground-floor retail and hospitality uses further support the precinct objectives by activating street edges, providing services for visitors and enhancing the pedestrian environment.

A comprehensive assessment of the proposal against the objectives and policies of the Wynyard Precinct is provided in Appendix 36, and summarised below:

- The development supports the precinct's urban design and public realm outcomes. Active ground-floor uses can enhance pedestrian vitality, improve natural surveillance, and contribute to the attractiveness of streets and open spaces. The provision of retail and food and beverage tenancies at street level is consistent with the policy direction to encourage activity and interest at ground level, particularly along key pedestrian routes and near public spaces within Wynyard Quarter (Objective I214.2(1)(c));
- The proposed data centre is an industrial activity which will be managed by a Hazardous Substances Management Plan. In accordance with the conclusions made by T+T, it is considered that any environmental risks associated with the required storage of hazardous substances will be less than minor (Objective I214.2(7));
- Whilst the building heights of Buildings 1-5 exceed the maximum height controls, and floor areas exceed the maximum site intensity, the encroachments and site intensity exceedance are not considered to be inappropriate in the context of the Wynyard Precinct, which anticipates mid-rise buildings which are complementary to existing open spaces within Wynyard Precinct and existing development form within the Viaduct Harbour Precinct. The proposal is not considered to detract from the skyline and views of the wider city; rather, the high-quality design and transitional height is considered to provide for an appropriate transition to the street network and enhance the city skyline. These visuals of the development in relation with the city are provided by Boffa Miskell in Appendix 22. The buildings, being designed around new public open space in the form of intimate laneways and large plazas, provide for a high-quality and well-considered interface at the human scale. The proposed building heights are not considered to detract from any existing public open space (Objective I214.2(2)(b));
- The proposal involves the delivery of five new mid-rise buildings, providing 75,646m^2 of new commercial/retail GFA located around a new comprehensively designed laneway and plaza network. The Site's integration with the surrounding buildings and road network is well-considered and intentional. A comprehensive Urban Design Assessment has been undertaken by McIndoe Urban which concludes that the proposal provides for high-quality urban design outcomes. The proposal will integrate with the existing infrastructure networks and will upgrade the existing networks as required, in accordance with the outcomes of ongoing consultation with the network operators (Objective I214.2(12));
- New high-quality public open space in the form of two new plazas and six new laneways will assist in enhancing the urban core of the precinct for the public, residents, workers and local

occupants. The proposal will generate the shading effects on surrounding public open spaces assessed in Section 10.10.4 (Amey Daldy Park and Bayley's Plaza) (Policy I214.3(16)(d));

- Whilst the Site is subject to flooding and coastal hazards, sufficient mitigation has been provided for within the design so as to manage natural hazard risk caused by inundation and floodwaters to an acceptable level. Ground floor levels are located above the flood hazard for the next 80 years, and an adaptation plan has been prepared to raise ground floor levels in future as required; ramp humps above flood levels are provided at basement parking entrances. Refer to the T+T Hazard Risk Assessment (**Appendix 16**) for further detail (Policy I214.3(26)); and
- The proposal also aligns with the transport and accessibility outcomes sought for Wynyard Quarter. The precinct encourages reduced reliance on private vehicles and promotes walking, cycling, and public transport use. High-density workspaces within this highly accessible central location support a compact and walkable urban environment and contributes to the vitality of the precinct; food and beverage retail and well-lit open space areas encourage activity outside of typical business hours (Objectives I214.2(11) and Policies I214.3(34), (35) and (38)).

Overall, the proposed development is consistent with the objectives and policies of the Wynyard Precinct. The mixed-use configuration supports the creation of a vibrant waterfront neighbourhood, the active ground-floor uses enhance pedestrian amenity and public realm outcomes, and the high-density office workspace component contributes to a strong daily commuter population within Wynyard Quarter. Although the buildings exceed the standard height control, the encroachments are not considered to be inappropriate in the context of the Wynyard Precinct, which anticipates mid-rise buildings which are complementary to existing open spaces within Wynyard Precinct; the high-quality design and recessive 'podium' style form is considered to provide for an appropriate transition to the street network and waterfront which will enhance the city skyline. On the basis that the Project presents a high-quality architectural design, the proposal supports the strategic intent of the Wynyard Precinct and represents an appropriate form of development within Sub-precinct B.

13.5 Iwi Management Plans

Iwi management plans have been assessed in Section 9.0 above.

13.6 Other Plans

13.6.1 Auckland Plan 2050

The Auckland Plan is the key strategic document which sets the Council's social, economic, environmental and cultural objectives. A key component of the Auckland Plan is the Development Strategy which sets out how future growth will be accommodated up to 2050. In terms of the form of development, the Auckland Plan takes a quality compact approach to growth and development. The Auckland Plan defines this as:

- Most development occurs in areas that are easily accessible by public transport, walking and cycling;
- Most development is within reasonable walking distance of services and facilities including centres, community facilities, employment opportunities and open space;

- Future development maximises efficient use of land; and
- Delivery of necessary infrastructure is coordinated to support growth in the right place at the right time.

Under the Auckland Plan, achieving a quality compact approach for future development is twofold. There needs to be sufficient capacity for growth across Auckland, and good design needs to be embedded in all development.

This Project supports a quality compact urban form. The Project represents a significant opportunity to develop a site located within Auckland Central for a high-quality mixed-use development that is easily accessible by public transport, walking and cycling. The Project will also deliver a privately owned but publicly accessible and high-quality plaza and laneways which will provide a place for people to gather and enjoy. The data centre constitutes infrastructure which will serve an important function in the context of the proposed commercial demand and other commercial uses within Wynyard Quarter.

Overall, the Project is consistent with the strategic direction of the Auckland Plan and will contribute to achieving a quality compact approach to urban growth, while ensuring that good design is also delivered as part of the development. These strategic objectives of the Auckland Plan are reflected in the AUP objectives and policies, which are also assessed above.

13.6.2 Auckland Future Development Strategy 2023-2053

The Auckland Future Development Strategy 2023-2053 ('FDS') incorporates a strategic framework which identifies spatial outcomes and principles for growth within the Auckland region. The FDS identifies four main spatial environments, being existing urban areas, future urban areas, rural areas, and business areas, and also identifies spatial priorities where the greatest benefits of investment can be achieved. The FDS is underpinned by five key principles in order to achieve a well-functioning urban environment with a quality compact urban form:

- Principle 1: Reduce greenhouse gas emissions.
- Principle 2: Adapt to the impacts of climate change.
- Principle 3: Make efficient and equitable infrastructure investments.
- Principle 4: Protect and restore the natural environment.
- Principle 5: Enable sufficient capacity for residential and business growth in the right place at the right time.

Overall, the Project is consistent with these principles. In particular, the Site is located within an urban zoned area and will enable capacity for business growth within the Auckland CBD to be realised, while contributing to a reduction in greenhouse gas emissions due to the development's proximity to public transport and amenities. In addition, the FDS identifies the city centre to be the focus of business, tourism, educational, cultural and civic activities as well as an important residential centre. The proposed high-quality mixed use development including office space and retail spaces will contribute to this growth and investment within the city centre. The building designs also incorporate an adaptation response for the next 80-100 years and therefore the Project can adapt to the impacts of climate change.

13.6.3 Emissions Reduction Plan (ERP), Auckland Climate Plan and Transport Emissions Reduction Pathway (TERP)

The Emissions Reduction Plan supports the implementation of the Climate Change Response (Zero Carbon) Amendment Act 2019 and includes targets for reductions in transport emissions. To implement this at the local level, Auckland Council released the Auckland Climate Plan 2020 and the Transport Emissions Reduction Pathway.

Those documents seek to reduce transport emissions significantly through a shift to active and public transport modes and maintaining and upholding a quality compact urban form. The Project, being an intensive mixed-use development in Wynyard Quarter, will support the achievement of these goals by locating more workers in one of the most accessible locations within the City Centre close to existing services, jobs and amenities that can be accessed without a car.

13.6.4 Auckland Central City Masterplan 2020 ("CCMP")

The CCMP is Auckland Council's key guiding document setting out the strategic direction for the city centre over the next 15 years (to 2040) and includes Wynyard Quarter as a key area of the masterplan. The Project is located within the 'West Waterfront' of the CCMP which envisages ongoing redevelopment and regeneration of Wynyard Quarter, with mixed use development and green linkages leading to a new green space in Wynyard Point (now known as Te Ara Tukutuku).

A key feature and aspiration for Wynyard Quarter in the West Waterfront of the CCMP is for this area to continue to be a hotspot for development as remaining opportunities are realised on development sites between Fanshawe Street and Wynyard Point. The Project is considered to be consistent with the CCMP because it will enable the development of high-quality, mixed-use buildings on a future development site specifically identified in the CCMP as shown in **Figure 13** below.

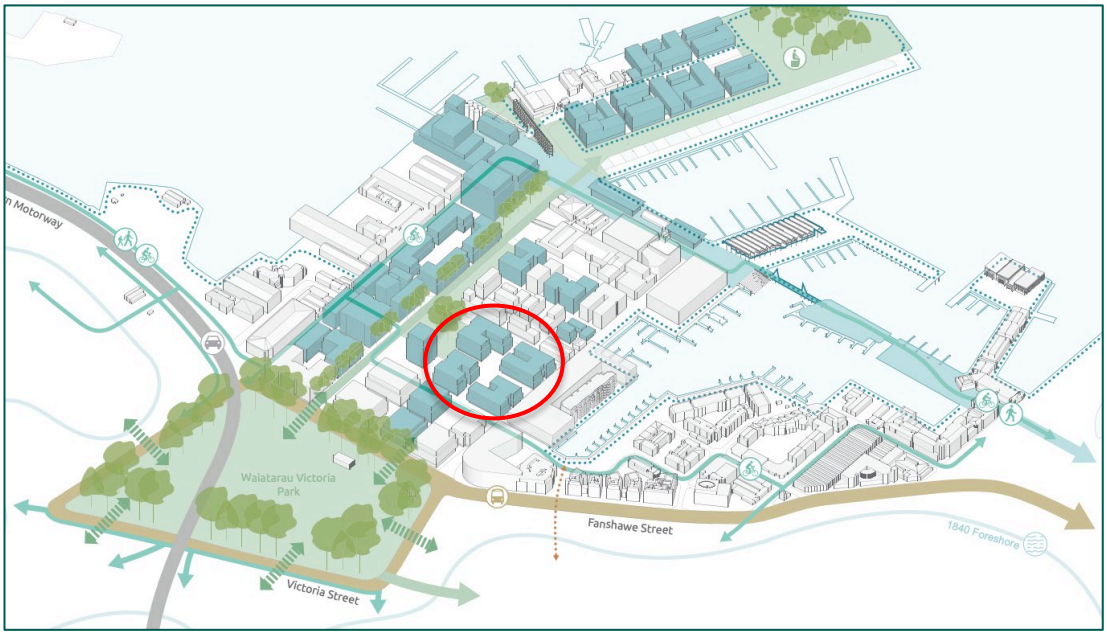


Figure 13: CCMP for West Waterfront with Project location identified in red circle.

13.6.5 Waterfront Plan 2012

The Waterfront Plan sets out the vision and goals for the long-term development of the city centre waterfront and a strategy for the delivery of projects and initiatives over the long term to help realise the vision for Auckland to be the world's most liveable city.

Wynyard Quarter is identified as one of the waterfront neighbourhoods in the Plan, which identifies it as New Zealand's largest urban revitalisation project. The vision for this area is a mix of residential, retail and commercial development to enable the growth of a strong, diverse, resilient and vibrant residential and business community, whilst retaining the existing successful marine and fishing industries. To achieve this, the Plan acknowledges that the Operative District Plan (now AUP) provides for mixed-use development (ground floor retail or hospitality, offices and apartments) at the southern end of Wynyard Point. Along with marine activity on the western edge, the purpose of this mix is to make the area vibrant and safe both day and night, with a sufficient critical mass of residents and workers to make it a comfortable, economically viable and lively neighbourhood to live and work.

The Project is consistent with this vision of the Waterfront Plan for Wynyard Quarter because it provides for a mixed-use development. The Project will deliver 62,935m^2 of office space GFA to provide the necessary critical mass of workers to support the economic viability and vitality of this waterfront neighbourhood.

13.6.6 Wynyard Quarter Urban Design Framework (WQUDF)

The WQUDF provides a robust and flexible framework to guide the development of Wynyard Quarter. The WQUDF defines urban design principles against which development proposals will be assessed and provides an indicative design framework for the Wynyard Precinct, as well as the rationale behind the approach taken for the precinct. The WQUDF contains four key urban concepts to integrate the precinct into its unique waterfront and CBD setting. These concepts are illustrated below in **Figure 14** and include:

- The Waterfront Axis;
- The Park Axis;
- The Wharf Axis; and
- Waterfront Precincts.

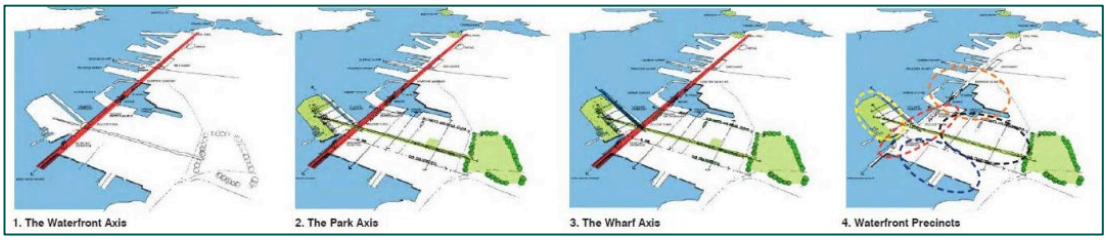


Figure 14: WQUDF urban design concepts.

The Site is located in the southeastern quadrant of the Waterfront Precincts, east of the Park axis/Daldy Street Linear Park. It interfaces with the eastern edge of Amey Daldy Park, a local neighbourhood park adjacent to the eastern edge of the axis.

Relevant urban design aspects of the WQUDF include:

- Maintaining views to and from the site;
- Establishing urban scaled streets and public spaces;
- Creating variety within the Wynyard Precinct and reinforcing the key precincts;
- Achieving appropriate orientation and solar access; and
- Achieving high-quality built form and urban design.

The proposal is considered to be consistent with the WQUDF, noting that a plaza space will be located to the west of proposed Building 3, so as to integrate the new development with the existing Amey Daldy Park in a seamless manner. Good levels of sunlight to Amey Daldy Park are maintained. The proposal delivers mid-rise buildings designed amongst a new network of intimate laneways and two new plazas, which are considered complementary to existing public open space. The buildings provide for a high-quality and well-considered interface at the human scale. Height variation is a key principle within the WQUDF. The high-quality design and tapered built form are considered to provide for an appropriate transition to the street network and enhance the city skyline.

13.6.7 Hauraki Gulf Marine Park Act 2000

Sections 7 and 8 of the Hauraki Gulf Marine Park Act (HGMPA) recognise the national significance of the Hauraki Gulf, and its life-supporting capacity. The natural, historic and physical resources of the Hauraki Gulf and its islands are to be protected and where appropriate, enhanced. The Site is not located within the Hauraki Gulf or the coastal marine environment; notwithstanding, stormwater discharge from the Site to the public network will ultimately discharge within the CMA. Ground runoff will be treated on the Site with raingardens and proprietary devices. Appropriate materials have been selected for building roofs to minimise contaminant generation. As such, it is considered that runoff will be appropriately treated before it enters the public network from the Site. As such, the application is not considered to have the capacity to reduce the national significance of the Hauraki Gulf.

13.7 Planning Instrument Considerations Summary

Overall, the application is considered to be consistent with, and not contrary to, the applicable provisions of the NES-CS, NPS-UD, NPS-NH and AUP, relevant iwi authority documents, and any relevant regional or local plans.

14.0 The Fast-track Approvals Act Decision Making Framework

In considering whether to grant the approvals sought in this application, the panel must meet the requirements of Section 81, which includes applying the specific decision-making clauses in Schedule 5.

14.1 Approvals Relating to Resource Consents Ordinarily Sought under the RMA 1991 – Schedule 5

Clause 17 of Schedule 5 outlines that when considering a consent application and setting conditions, the Panel must take into account the following:

- The purpose of the FTAA;
- The provisions of Parts 2, 3, 6 and 8 to 10 of the RMA that direct decision making on an application for a resource consent (but excluding s104D); and
- The relevant provisions of any other legislation that directs decision making under the RMA.

The Panel must give the greatest weight to the purpose of the FTAA. The reference to Part 2 excludes Section 8 of the RMA and the reference to Part 6 excludes Section 104D. Clause 18 of Schedule 5 outlines that Parts 6, 9 and 10 of the Resource Management Act 1991 relevant to setting conditions on a resource consent apply to the Panel.

14.2 Declining an Approval Under Section 85

The Panel must decline an approval if one or more of the situations in section 85(1) applies. The situations relevant to all types of approvals that can be sought under the FTAA are:

- The approval is for an ineligible activity;
- The Panel considers that granting the approval would breach obligations relating to Treaty settlements and recognised customary rights; and
- In the case of an approval for a resource consent, the approval must be declined where clause 17(5) of Schedule 5 applies.

The Panel may decline an approval if the Panel forms the view that:

- The activity or activities for which the approval is sought would have one or more adverse impacts; and
- Those adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the Panel has considered, even after taking into account any conditions that the Panel may set in relation to those adverse impacts, and any conditions or modifications that the applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.

In subsections (3) and (4), adverse impact means any matter considered by the Panel in complying with Section 81(2) that weighs against granting the approval.

15.0 Assessment of the Proposal Against the Fast-track Approvals Act Decision Making Framework

15.1 Information Considered

This AEE, and Section 13 in particular, has been prepared considering the information referred to in s 81(2)(a) of the FTAA to the extent it is currently available. Specifically:

- All of the technical reports supporting the application;
- Information from Ministry for the Environment relating to the referral application;
- The analysis of Treaty settlement and iwi planning documents as prepared for the application. This was prepared with reference to the comments about these matters in Ministry for the Environment's feedback on the referral application; and
- Feedback received from engagement.

15.2 Situations Where the Panel Must Decline an Approval

None of the situations under section 85 of the FTAA where the Panel must decline an approval apply to the application.

- The application does not seek approval for an ineligible activity as defined in Section 5 of the FTAA;
- Relevant Treaty settlements and redress are assessed in Section 9.1. That assessment must inform the panel's consideration of the obligations under Section 7 of the FTAA; and
- Clause 17(5) Schedule 5 does not apply to the resource consent approvals sought because they do not include an application for a coastal permit for aquaculture activities.

15.3 Situations Where the Panel May Decline an Approval

In this case, the preceding assessments of effects in the report above together with the collective technical assessments provided with this application all conclude that adverse effects of the proposal will be appropriately avoided, remedied or mitigated to largely be no more than minor. The Project will have significant regional benefits and a national infrastructure benefit as described in the report above (and in the Insight Economics EIA), and the adverse impacts of the Project are not sufficiently significant to be out of proportion to the Project's regional benefits and national benefit.

15.4 The Purpose of The Fast-track Approvals Act

Assessment of the proposal against the purpose of the FTAA is to be given the most weight by the Panel. The purpose of the FTAA is (Section 3 of the FTAA):

> *"The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits"*

What constitutes a significant regional or national benefit is not defined in the FTAA. However, the considerations in Section 22(2)(a) have been used as a reference point for the purposes of this analysis.

The approvals sought to enable the Project are considered to meet the purpose of the FTAA for the following reasons:

- This Project will directly contribute to increasing commercial space as it involves the construction and delivery of 62,935m^2 GFA of high-quality office space in a highly connected central city location where there is demand for workspace;

- The Insight Economics EIA in Appendix 24 estimates a $2.55 billion direct economic contribution into the Auckland economy, with 27,035 FTE-years of employment generated over the 30-year assessment period. The Project will stimulate significant local business activity, particularly in the tourism, retail, and hospitality sectors. The development will also catalyse further private sector investment in the surrounding areas, enhancing Auckland's economic growth;
- The data centre will deliver significant infrastructure. There is an efficiency gain in locating a data centre close to demand for server use; the surrounding commercial buildings in Wynyard Quarter have demand for, and are anticipated to benefit directly from, this aspect of infrastructure provided by the development. New Zealand has around 172 MW of live data centre capacity: 90% of capacity is located within Auckland, but almost none is located within the city centre, where power-enabled sites are scarce. The proposed data centre (a 16 MW facility) is equivalent to almost a tenth of New Zealand's live capacity and will be located beside the country's largest concentration of financial, professional and technology firms, providing the low-latency compute capacity those firms increasingly need;
- The proposal will transform the urban form of Wynyard Quarter, replacing the existing bus depot with a high-quality, architecturally designed mixed-use development. It introduces publicly accessible plaza and laneways and includes the activation of street edges with retail and hospitality uses. The development will create a vibrant, pedestrian-oriented environment, significantly enhancing the public realm, legibility, and safety of Wynyard Quarter;
- The Project contributes positively to Auckland's skyline and urban environment. The five buildings provide articulated podiums which form a coherent composition that provides a visually distinctive development, whilst integrating with the city's broader built form. The development establishes human-scale frontages, active edges, and enhanced street interfaces, creating a high-quality urban design outcome;
- The range of uses, comprising office, retail, food and beverage and data centre, will deliver short and long-term economic benefits, including job creation during construction and operation, growth in tourism and hospitality activity, and support for city-centre business functions. By intensifying land use in a strategic, transit-accessible location, the Project aligns with the Auckland Plan 2050's compact city strategy and NPS-UD directives for efficient urban growth;
- The Project will enhance existing transport infrastructure by integrating the Site into Auckland's public transport network with proximity to key transport hubs, including Waitematā Station (and CRL), ferry terminals, and the Lower Albert Street bus interchange. This transit-oriented development supports sustainable urban growth and reduces reliance on private car usage; and
- The Project contributes to climate change mitigation through its proximity to public transport hubs and provision of active mode facilities (bicycle parking and end-of-trip facilities), which reduce reliance on private vehicles and promote sustainable transport options.

15.5 Resource Consent and Change of Condition Approvals Sought: Parts 2, 3, 6 and 8 to 10 of the RMA and Relevant Provisions of Any Other Legislation Directing Decision-making Under the RMA

15.5.1 Part 2 of the RMA

This section of the application is provided in accordance with clauses 5(1)(g) and 17 of Schedule 5 of the Act.

Part 2 contains the purpose and principles of the RMA. Section 5 sets out the purpose of the RMA and requires a broad judgement as to whether a proposal would promote the sustainable management of natural and physical resources. The exercise of this judgement is informed by the principles in sections 6 to 8 and considered in light of the particular circumstances of each application.

Section 5 of Part 2 identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being and health and safety while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment. It is considered that the proposed development is complementary to these objectives. The overall Proposal involves high-quality mixed-use development within the city centre in a way that it will not unreasonably disrupt the amenity of the surrounding area and at the same time contribute to the city's economic development needs, thereby providing for community wellbeing. The location of the proposed activities within the city centre, and within close proximity to public transport infrastructure, will assist in achieving the city's broader goals of better integrating transport and land-use planning. The Proposal does not raise any issues with the potential of natural and physical resources to meet the needs of future generations and includes measures to safeguard the life-supporting capacity of air, water, soil, and ecosystems and avoid, remedy and mitigate adverse effects.

Section 6 of the Act sets out a number of matters of national importance including (but not limited to) the protection of outstanding natural features and landscapes and historic heritage from inappropriate subdivision, use and development. It is considered that the Proposal does not give rise to any issues with respect to matters of national importance, in particular sections 6(b), (c), (e), (f) and (g) as there are no outstanding natural features or landscapes, no indigenous vegetation or habitats, no historic heritage and no identified protected customary rights. In terms of section 6(a), the Site is in a highly modified environment, and the urban form of the wider Wynyard Quarter area already contains built elements such that the environment in this setting is already highly modified. The Project has also been designed to manage significant natural hazards under section 6(h) in terms of geotechnical, flood and coastal inundation hazards.

Section 7 of the RMA identifies a number of "other matters" to be given particular regard by Council and includes (but is not limited to) Kaitiakitanga, the efficient use of natural and physical resources, the maintenance and enhancement of amenity values, and maintenance and enhancement of the quality of the environment. The Proposal is considered to be consistent with the matters in section 7 as the development of the new mixed-use buildings in this location is an efficient use of land, and, as set out in this report, it is considered that the proposed development is such that amenity values of the surrounding area and the quality of the environment will be

enhanced. Regard is given to the effects of climate change through the location of development in a highly accessible location and assessment of natural hazards.

Overall, as the effects of the proposal are considered to be consistent with all of the above sections of the RMA, and the proposal generally accords with the relevant AUP objectives, policies, and assessment criteria, it is considered that the proposal will not offend against the general resource management principles set out in Part 2 of the RMA.

15.5.2 Part 3 of the RMA

Part 3 of the RMA relates to the duties and restrictions under the RMA. It is considered that the proposal meets Part 3 of the RMA because:

- The approvals sought are all approvals required under Sections 9 (land use consent), 14 (water permit), and 15 (discharge permit) of the RMA;
- Construction noise and vibration effects have been assessed in **Appendix 29** which identifies the effects will be managed by the CNVMP. The draft CNVMP in **Appendix 30** demonstrates that there is a range of specific methods available for managing noise and vibration on that property and the surrounding environment. As a result, Section 16 of the RMA has been complied with; and
- As has been set out in the earlier sections of this AEE, the development has been designed to minimise effects on the natural environment, and any effects that remain are proposed to be managed through a comprehensive suite of conditions. As a result, Section 17 of the RMA has been complied with.

15.5.3 Part 6 of the RMA

Part 6 of the RMA relates to resource consents. It sets out how decisions on applications for resource consents are considered if applied for under the RMA. The relevant sections in Part 6 are addressed below:

- The primary decision-making section applying to resource consents is Section 104 of the RMA. A comprehensive assessment against the relevant factors of Section 104 has been undertaken above. In short, it concludes that the resource consent approvals sought are consistent with all of the planning instruments to which regard must be had, and adverse effects will be no more than minor;
- Under Section 104(6A) of the RMA, a consent authority may decline an application for resource consent if the applicant has a record of significant non-compliance with a requirement of this Act. The applicant, NZCRE, has not been subject to significant non-compliance;
- Under Section 105 RMA when deciding an application for a discharge permit, the decision maker must have regard to the nature of the discharge and the sensitivity of the receiving environment to adverse effects; the applicant's reasons for the proposed choice; and any possible alternative methods of discharge, including discharge into any other receiving environment:
    - With regard to the discharge of contaminants from the disturbance of contaminated land, the nature of the discharge and sensitivity of the receiving environment are discussed in the DSI at **Appendix 18**. The discharge is required in order to remediate the

land, so it is safe for the intended commercial land uses and there are no possible alternative methods of discharge.

- Under section 106A of the Act, a consent authority may refuse to grant a land use consent, or may grant the consent subject to conditions, if it considers that there is a significant risk from natural hazards. The Geotechnical Assessment by T+T attached as **Appendix 14** confirms that the proposed development is suitable for the Site, provided the geotechnical recommendations outlined within the report are adopted. The Coastal and Flood Hazard Risk Assessment by T+T attached as **Appendix 16** confirms that the development can be carried out in such a way that appropriately avoids and mitigates any flood and coastal inundation risks. Based on the above, it is considered that there is no reason to refuse to grant land use consent under Section 106A of the RMA; and
- Section 107 specifies circumstances when a discharge consent cannot be granted. The Proposal is not anticipated to give rise to any of the matters listed. As detailed throughout this AEE, best practice erosion and sediment control will be in place to ensure discharge and stormwater runoff from the Project will not adversely affect freshwater environments. The Project will also work under a final Erosion and Sediment Control Management Plan to ensure dust emissions are minimised.

15.5.4 Part 8 of the RMA

Part 8 of the RMA relates to designations and heritage orders. No heritage orders apply to the Site. A Television New Zealand Limited Designation (ID 8302) for the satellite earth station transmission path applies to the southern portion of the Site. This designation applies a 500m building height limit contour (above existing ground level) to the site. The tallest proposed building is 52.2m, which will not encroach the 500m height restriction contour.

15.5.5 Part 9 of the RMA

Part 9 of the RMA relates to water conservation orders, freshwater farm plans and use of nitrogenous fertiliser. These matters are not relevant to any of the RMA approvals sought.

15.5.6 Part 10 of the RMA

Part 10 of the RMA relates to subdivision and reclamations. Neither subdivision nor reclamation are proposed.

15.5.7 Other Relevant Legislation

Other relevant primary legislation includes the Hauraki Gulf Marine Park Act 2000, assessed in Section 13.6.7, and applicable Treaty settlement legislation, addressed in Section 9.1. This requirement in clause 17(1)(c) also captures secondary legislation. All of the secondary legislation relevant to the application has already been addressed comprehensively in this AEE.

15.5.8 Conclusion

Based on the analysis above, it is considered that the application is consistent with the parts of the RMA relevant to decision making under the FTAA, and the documents to which they refer.

15.6 Decision Whether to Grant the Approvals Sought in the Application

15.6.1 Resource Consent Approvals

As set out in Section 15.2 above, none of the situations that require the Panel to decline an application apply to this application.

Assessment of the application against Sections 81 and 85 of the Act supports a decision to grant the approvals sought in the application.

The Project provides several benefits of regional significance, which are assessed in Section 15.0 above.

The potential adverse impacts of the Proposal have been appropriately avoided, remedied or mitigated through the design of the Proposal and the mitigation measures secured through conditions of consent, and the Proposal is generally in accordance with the relevant planning documents.

With regard to shading and sunlight admission, the effects generated by the proposed development are considered to be acceptable. Effects on Lighter Quay West are limited in duration and do not materially compromise the use or amenity of the dwelling units. Overall, it is found that the built form, landscape, visual, waterfront amenity and shading effects do not warrant refusal. They are not adverse impacts of such significance as to be out of proportion with the Project's regional and national benefits. To the extent that those effects reflect inconsistency with a planning control, section 85(4) confirms that such inconsistency alone cannot form the sole basis for a refusal decision. The above finding is based on physical effects, not solely on the legal status of the infringement.

The relevant test for when the Panel may decline an approval under section 85 of the FTAA is whether the adverse impacts of the proposal are sufficiently significant to be out of proportion to the Project's regional or national benefits, noting that a panel cannot form the view that an adverse impact meets this threshold solely on the basis that the adverse impact is contrary to a relevant planning or policy document.

In our view, the adverse impacts arising from the Project which have been assessed as no more than minor are far outweighed by the significant benefits that will be generated by the Project.

16.0 Conclusion

For the reasons set out in this AEE it is considered that the panel is required to grant the approvals sought, subject to appropriate conditions, in accordance with Sections 81 and 85 of the FTAA.