

# Notification report for resource consents under the Resource Management Act 1991(RMA)



Non complying activity under the operative plans

Non complying activity under the PAUP

## 1. Application description

<b>Application numbers:</b>	<b>R/LUC/2014/5383 (land use consent)</b> R/REG/2014/5396 (discharge permit) R/REG/2014/5398 (water permit)
<b>Applicant's name:</b>	New Zealand International Convention Centre Limited
<b>Site address:</b>	85, 91, 93, 97 – 101, 103 – 107, 109 – 117 Hobson Street, 79 – 81, 83, 85, 87, 89, 91 Wellesley Street West, 46 – 48, 50, 52 Nelson Street, ROAD Hobson Street, ROAD Wellesley Street West, ROAD Nelson Street (specifically the ROAD adjacent to the private land above)
<b>Legal description:</b>	Lot 1 DP 39058 CT 1041/140, DP 1273 CT 1874/26, Lot 1 DP 47977 CT 2034/97, Lot 1 DP 32654 PT ALLOT 8 SEC 23 AUCKLAND CITY CT 162/187 839/214, Lot 3 DP 198988 CT 127D/192, Lot 2 DP 60273 Lot 2 A LOT 10 SEC 23 AUCKLAND CITY CT 65/33 17B/648, Lot 1 DP 60273 PT ALLOT 11 SEC 23 AUCKLAND CITY SRS UP 189495 CT 119A/780, PT ALLOT 11 SEC 23 AUCKLAND CITY CT 343/182, Lot 1 DP 195519 SRS UP 198585 CT 127B/998, Lot 2 ALLOT 12 SEC 23 AUCKLAND CITY CT 77/220, PT ALLOT 12 SEC 23 AUCKLAND CITY CT 67C/827, Lot 4 ALLOT 12 SEC 23 AUCKLAND CITY CT 88C/600, Lot 2 DP 198988 CT 127D/191, Lot 1 DP 198988 CT 127D/190, Lot 1 DP 67298 CT 95C/235
<b>Site area:</b>	14,147m <sup>2</sup> / 1.41 hectares
<b>Operative plans:</b>	Auckland Council District Plan (Auckland City Central Area Section 2004) Auckland Council Regional Plan (Air, Land and Water) Auckland Council Regional Plan (Sediment Control)
<b>Strategic Management Area &amp; Precinct:</b>	Strategic Management Area 3 Private Sites = Victoria Quarter Roads = Public Open Space 3

**Proposed Auckland Unitary Plan  
("PAUP") Zoning & Precinct:**

**Special features, overlays etc:**

Private Sites = City Centre Zone

Roads = Unzoned

Operative District Plan

- Pedestrian-Orientated
- E10 Mt Eden View Protection Plane
- Designation 301 TVNZ Transmission Shaft
- Berlei Factory Category B Scheduled Building 73 – 52 Nelson Street
- Mercury Tunnel – Hobson Street
- Contaminated Sites – all identified except 103 – 107 Hobson Street

**PAUP**

- Infrastructure: Designation 8301 Microwave Transmission Corridor TVNZ
- Infrastructure: Designation 8841 Vector – Hobson Street
- Volcanic Viewshafts and Height Sensitive Areas – E10, Mt Eden
- Air Quality Transport Corridor Separation – Southern parts of Nelson and Hobson Streets
- Historic Heritage Place Berlei Factory - 52 Nelson Street
- Contaminated Sites – all identified except 103 – 107 Hobson Street

## Locality Plan



## Application documents (plans and reference documents)

The following information has been provided:

- Application Form, and Assessment of Effects prepared by Karyn Kurzeja of Barker & Associates, titled "*Resource Consent Application Assessment of Environmental Effects*" dated December 2014, with the following Appendices, all located at **Attachment A**:

Appendix Number	Report Title	Author	Dated
4	Architectural Design Statement	Warren and Mahoney Architects Ltd	2 December 2014
5	Urban Design Assessment	Boffa Miskell	9 December 2014
6	Urban Design Framework	Boffa Miskell	9 December 2014
7	Landscape and Visual Effects Assessment	Boffa Miskell	8 December 2014
8	Streetscape & Public Space Design Statement	Boffa Miskell	15 December 2014
9	Heritage Impact Statement	DPA	1 December 2014

10	A Heritage Assessment – Former Berlei House	DPA	November 2014
11	Heritage Peer Review	Sir Ian Athfield	15 December 2014
12	Arboricultural Assessment	Peers Brown Miller Ltd	4 November 2014
13	Integrated Transport Assessment	TPC Ltd	October 2014
14	NZICC Pedestrian Analysis	Beca Ltd	22 October 2014
15	Assessment of Noise and Vibration Effects	Marshall Day Acoustics	11 November 2014
16	Tolerance Controls between TVNZ and SkyCity		February 2014
17	Wind Tunnel Investigation	Auckland UniServices Ltd	26 September 2014
18	Civil Infrastructure Report	Beca Ltd	26 September 2014
19	Preliminary Site Investigation (Contamination)	Beca Ltd	26 September 2014
20	Contaminated Land Site Investigation Report	Beca Ltd	26 September 2014
21	Remedial Action Plan	Beca Ltd	26 September 2014
22	Geotechnical Interpretive Report	Beca Ltd	7 August 2014
23	Assessment of Settlement and Groundwater Effects	Beca Ltd	29 September 2014
24	Draft Construction Management Report	Beca Ltd	26 September 2014
25	National and regional impact of the National Convention Centre	NZIER	June 2011
26	Rules Assessment Table	Barker & Associates	
28	Consultation Schedule	Beca Ltd	Rev G - 17 December 2014
29	Consultation Correspondence	Various	
30	Written Approvals	Various	

- All of the above as amended by the section 92 response from Barker & Associates including the following information, located at **Attachment B**:

NZICC S92 Table – 20 February Response	Barker & Associates	20 February 2015
NZICC S92 Table – 24 February Response	Barker & Associates	24 February 2015
Heritage Impact Statement	DPA	23 February 2015
A Heritage Assessment – Former Berlei House	DPA	Amended version received 24 February 2015
NZICC Floor Area Calc 19 December 2014	Barker & Associates	Received 27 February 2015

Response to section 92 Request for Traffic Information by Auckland Council and Auckland Transport	TPC Ltd	March 2015
Nelson Street Vehicle Access Assessment	TPC	26 May 2015
NZICC – Resource Consent: S92 Response	Marshall Day Acoustics	30 March 2015
NZICC – Resource Consent: S92 Response including Wellesley Street Survey	Marshall Day Acoustics	20 April 2015
Email from Karl Cook to Council titled " <i>Re: NZICC – Heritage Assessment</i> "		29 April 2015
Supplementary Heritage Report	DPA	21 May 2015
Email with attachments from Karyn Kurzeja to Council titled " <i>NZICC – Preliminary Results from Albion Borehole</i> "		15 April 2015
Email with attachments from Sian France to Council, titled " <i>NZICC – Responses to Comments on Preliminary Borehole Results</i> "		1 May 2015
Email with attachments from Sian France to Council, titled " <i>Re: NZICC – Responses to Comments on Preliminary Borehole Results and Consent Conditions</i> "		15 May 2015

- The following plans prepared by Warren and Mahoney Architects Ltd, Moller Architects and Woods Bagot as amended following the s92 request for further information and located at **Attachment C**:

Plan Ref	Plan Title	Rev	Revision Dated
RC00-00	Cover Sheet	D	25.02.15
RC00-101	Existing Site Plan	B	26.09.14
RC020-201	Proposed Site Plan – Mean Street Levels	B	26.09.14
RC01-010	Level B5 – Sprinkler Tank Room	B	26.09.14
RC01-020	Level B4 – Car Parking	C	25.02.15
RC01-030	Level B3 – Car Parking	C	25.02.15
RC01-040	Level B2 – Car Parking	C	25.02.15
RC01-047	Level B2 – North East corner	C	03.12.14
RC01-050	Level B1 – Car Parking	C	25.02.15
RC01-057	Level B1 – North East corner	C	03.12.14
RC01-060	Level 01 – Floor Plan / Car Parking	E	25.02.15
RC01-067	Level 01 – North East corner	D	25.02.15
RC01-070	Level 02 – Floor Plan / Car Parking	F	25.02.15
RC01-077	Level 02 – North East corner	C	03.12.14
RC01-080	Level 03 – Floor Plan	E	25.02.15
RC01-087	Level H1 – Floor Plan	E	03.12.14

RC01-090	Level 3M – Floor Plan	B	26.09.14
RC01-097	Level H2 – Floor Plan	C	03.12.14
RC01-098	Level H3 & H5 – Floor Plan	B	03.12.14
RC01-100	Level 04 – Floor Plan	D	25.02.15
RC01-107	Level H4 – Floor Plan	E	03.12.14
RC01-110	Level 05 – Floor Plan	C	26.09.14
RC01-117	Level H6 & H7 – Floor Plan	E	03.12.14
RC01-120	Level 5M – Floor Plan	B	26.09.14
RC01-127	Level H8 & H9 Floor Plan	C	03.12.14
RC01-137	Levels H10 & H11 Floor Plan	E	03.12.14
RC01-138	Level H12 – Floor Plan	B	03.12.14
RC01-140	Level 06 – Roof Plan	C	25.02.15
RC06-010	Level B5 – Sprinkler Tank Room – GFA	B	26.09.14
RC06-020	Level B4 – Car Parking – GFA	C	25.02.15
RC06-030	Level B3 – Car Parking – GFA	C	25.02.15
RC06-040	Level B2 – Car Parking – GFA	C	25.02.15
RC06-047	Level B2 – North East corner – GFA	C	03.12.14
RC06-050	Level B1 – Car Parking – GFA	C	25.02.15
RC06-057	Level B1 – North East corner – GFA	C	03.12.14
RC06-060	Level 01 – Floor Plan / Car Parking – GFA	D	25.02.15
RC06-067	Level 01 – North East corner – GFA	D	25.02.15
RC06-070	Level 02 – Floor Plan / Car Parking – GFA	C	25.02.15
RC06-077	Level 02 – North East corner – GFA	D	25.02.15
RC06-080	Level 03 – Floor Plan – GFA	F	25.02.15
RC06-087	Level H1 – Floor Plan – GFA	D	03.12.14
RC06-090	Level 03M – Floor Plan – GFA	D	03.12.14
RC06-097	Level H2 – Floor Plan – GFA	D	03.12.14
RC06-098	Level H3 & H5 – Floor Plan – GFA	B	03.12.14
RC06-100	Level 04 – Floor Plan – GFA	B	26.09.14
RC06-107	Level H4 – Floor Plan – GFA	D	03.12.14
RC06-110	Level 05 – Floor Plan – GFA	B	26.09.14
RC06-117	Level H6 & H7 – Floor Plan – GFA	D	03.12.14
RC06-120	Level 05M – Floor Plan – GFA	B	26.09.14
RC06-127	Level H8 & H9 Floor Plan – GFA	D	03.12.14
RC06-137	Levels H10 & H11 Floor Plan – GFA	D	03.12.14
RC06-138	Level H12 – Floor Plan – GFA	B	03.12.14
RC08-001	Hotel Individual Plans Levels H1 – H12	B	03.12.14
RC20-001	Proposed East Elevation	D	03.12.14

RC20-002	Proposed South Elevation	F	25.02.15
RC20-003	Proposed West Elevation	E	03.12.14
RC20-004	Proposed North Elevation	D	03.12.14
RC20-005	Proposed North Elevation – Hotel	D	03.12.14
RC20-006	Proposed South Elevation – Hotel	D	03.12.14
RC25-001	Proposed Elevations – Nelson House	A	15.10.14
RC25-002	Proposed Elevations – Nelson House	A	15.10.14
RC29-001	Existing/Demo Elevations	B	26.09.14
RC30-001	Sections	B	26.09.14
RC30-002	Sections	C	03.12.14
RC30-003	Sections	C	03.12.14
RC30-004	Sections	E	03.12.14
RC30-005	Sections	C	25.02.15
RC30-006	Sections	D	25.02.15
RC30-007	Sections	E	25.02.15
RC30-008	Sections	E	25.02.15
RC30-009	Sections	D	25.02.15
RC30-010	Sections – Street Canopies	B	03.12.14
RC30-020	Part Sections – Nelson House	A	25.02.15
RC030-021	Nelson House – Existing vs Proposed	A	25.02.15
SK80-001	Air Bridge	B	26.09.14

- The following plans prepared by Boffa Miskell as amended by the s92 request for further information and located at **Attachment C**:

Plan Ref	Plan Title	Rev	Revision Dated
LS_099	General Arrangement Future Works Plan	H	14.04.15
LS_100	General Arrangement Location Plan	I	14.04.15
LS_101	General Arrangement Key Sheet	E	14.04.15
LS_102	General Arrangement Sheet 1 of 12	D	14.04.15
LS_103	General Arrangement Sheet 2 of 12	F	14.04.15
LS_104	General Arrangement Sheet 3 of 12	G	14.04.15
LS_105	General Arrangement Sheet 4 of 12	D	14.04.15
LS_106	General Arrangement Sheet 5 of 12	D	14.04.15
LS_107	General Arrangement Sheet 6 of 12	D	14.04.15
LS_108	General Arrangement Sheet 7 of 12	D	14.04.15
LS_109	General Arrangement Sheet 8 of 12	D	14.04.15
LS_110	General Arrangement Sheet 9 of 12	F	14.04.15

LS_111	General Arrangement Sheet 10 of 12	E	14.04.15
LS_112	General Arrangement Sheet 11 of 12	C	12.12.14
LS_113	General Arrangement Sheet 12 of 12	D	14.04.15
LS_115	Vehicle Tracking Plan Coach Drop Off	A	14.04.15
LS_306	Long Sections	A	29.09.14
LS_307	Long Sections	A	29.09.14
LS_310	Hobson Street Sections	B	14.04.15
LS_311	Nelson Street Sections	B	14.04.15
LS_312	Hobson Street Sections	B	14.04.15
LS_313	Nelson Street Sections Future Works	B	14.04.15
LS_435	Hobson Street Tree Pit Indicative Sections	A	14.04.15

The information has been reviewed and assessed by the following specialists:

- Adam Wild, Consultant Heritage Advisor, Archifact – Heritage
- Chelsea Gosden, Specialist Advisor – Earthworks
- Chad McMan, Principal Urban Designer – Urban Design, together with Leo Jew, Principal Landscape Architect – Visual and Landscape
- Howell Davies, Arboriculture and Landscape Advisor – Arboricultural
- Karl Hancock, Consultant Traffic Engineer, Flow Transportation Ltd – Traffic
- Marguerite Nakielski, Consents and Compliance Advisor – Regional Contamination
- Nick Hazard, Senior Consents and Compliance Advisor – Groundwater
- Richard Finley, Consultant Acoustic and Vibration Specialist, NDY Ltd – Acoustic & Vibration
- Ruben Naidoo, Environmental Health Specialist Contaminated Land - NES
- Scott Paton, Senior Development Engineer – Infrastructure
- Tim Fitzpatrick, Principal Landscape Architect – Streetscape

## 2. The proposal, site and locality description, and background

### Proposal

Karyn Kurzeja of Barker & Associates on behalf of the applicant has provided an accurate description of the proposal in a form and manner that is accepted by Council. The reader is referred to Section 4.0 (pages 5 – 29) of the AEE at **Attachment A** to this report. I concur with the agent's description of the proposal.

In summary, the application is for the construction and ongoing operation of the New Zealand International Convention Centre, an adjacent hotel, a public carpark and an air-bridge over Hobson Street.



The proposed six storey convention centre will be established on the southern part of the site, and contain an Exhibition Hall of approximately 8,600m<sup>2</sup>, a Plenary Theatre able to seat 3,000 people, and the associated facilities of meeting rooms, pre-function areas, breakout spaces, kitchen and back of house areas. The centre will be able to cater for a maximum of 6,000 people at any one time and able to host conventions of up to 3,000 delegates or concurrently with two separate conventions of 1,250 delegates. The four level basement will provide continued access to the main SkyCity site, loading and servicing facilities, coach and taxi waiting areas, and parking for up to 1,415 cars of which 414 are proposed to be for short term visitor parking and 200 for commuter/leased parking, the remaining 801 are for staff of NZICC and existing SkyCity parking. To facilitate the development the Berlei Factory/Nelson House scheduled building will be substantially demolished with the street frontage walls remaining, along with all other buildings on the site.

A public laneway adjacent to the northern edge of the convention centre is proposed. This will run along the southern boundary of Television New Zealand (TVNZ), and open into a plaza area adjacent to Hobson Street. The laneway is proposed to be activated with food and beverage activities.

On the northern section of the site, adjacent to Hobson Street, a 12 storey, five star 300 room hotel is proposed. This will have direct access to the convention centre by a small bridge over the lane, as well as providing access to the Main SkyCity Site via an air bridge spanning Hobson Street. An exit only vehicle crossing from the basement is proposed at the northern boundary adjacent to TVNZ.

The application also proposes extensive streetscape upgrades directly outside the site on the adjacent roads of Hobson Street, Wellesley Street West and Nelson Street. In particular, Hobson Street will be narrowed by one lane allowing wider footpaths on either side of the road, and particularly on the west, to facilitate an on-street/footpath coach bay for the convention centre.

The applicant has applied for all regional and district resource consents associated with the project as part of the one application. A separate application has also been made to Auckland Transport for licenses/approvals for the following:

- Airbridge
- Canopies
- Street lighting
- Ground anchors
- Coach parking on Hobson Street

The applicant has also obtained the written approval of Heritage New Zealand Pouhere Taonga (HNZPT) in relation to the works to the Berlei Factory, and will obtain an Authority to Modify for the disturbance of pre-1900 archaeological material from HNZPT.

The application for assessment is that which was lodged on 19 December 2014 with various minor amendments through requests for further information. The proposed centre design released to the public on 26 May 2015 will be the subject of a separate section 127 application at a later date (see email dated 26 May 2015 in **Attachment B**).

## Site and surrounding environment description

Karyn Kurzeja of Barker & Associates on behalf of the applicant has provided an accurate description of the site and surrounds in a form and manner that is accepted by Council. The reader is referred to Section 3.0 (pages 4 and 5) of the AEE at **Attachment A** to this report. I concur with this description. I also note that Nelson Street is a one way street northbound and Hobson Street one way southbound. They provide direct access to and from the Southern and North-Western motorways to the south of the site.

Beyond the immediately adjacent sites the city centre slopes down to the west to Freemans Bay; this area of the site contains a variety of commercial, residential and light industrial activity, at a less intensive scale than the remainder of the city centre. It is anticipated that the area will regenerate with more intensive developments as is seen with the Manson commercial developments around Hardinge Street to the north-west.

The proposed site is highly visible from the Ponsonby area, as is the current Main SkyCity site.

## Background

Karyn Kurzeja of Barker & Associates on behalf of the applicant has provided a background to the proposal at Section 2.2 (page 3) of the AEE at **Attachment A** to this report.

As set out in Section 2.2 of the AEE there was a formal agreement in July 2013 between the Crown and SkyCity that has facilitated the development of the NZICC. NZICC Limited is a wholly owned company of SkyCity Entertainment Group Limited. As part of that agreement there has been a design brief that *"includes both aspirational goals for the quality of the architectural and urban design of the centre as well as clearly defined requirements for its size and operational flexibility"* (page 4, Appendix 4 of application material). Due to this agreement SkyCity has been engaging with the Crown through the concept and preliminary design phase to ensure that the proposal meets the requirements. I note this is a separate process to Auckland Council's regulatory assessment of the proposal.

The applicant has undertaken extensive pre-application discussions with various departments of Auckland Council and Auckland Transport as well as HNZPT and other interested parties as set out in Section 5 below.

In 2013 and 2014 various land use consents were granted on a non-notified basis for the demolition of all buildings on the site (excluding the Berlei Factory at 52 Nelson Street), none of which have been given effect to. The demolition was approved to slab level only and required submission of a demolition management plan, demolition traffic management plan and demolition noise and vibration plan for approval by Council prior to works commencing as well as protection of the various street trees during the works. The following consents were granted:

- 79-91 Wellesley Street – Council Ref R/LUC/2013/3176 – granted on 11 September 2013;
- 109-117 Hobson Street – Council Ref R/LUC/2014/1451 – granted on 14 May 2014;

- 97-101 Hobson Street & 46 – 50 Nelson Street – Council Ref: R/LUC/2014/1452 – granted on 14 May 2014;
- 85, 91, 93 & 103 – 107 Hobson Street – Council Ref: R/LUC/2013/3866 – granted on 21 October 2013.

### 3. Reasons for the applications

Resource consents are needed for the following reasons:

#### Land use consents (s9) – R/LUC/2014/5383

##### Auckland Council District Plan (Auckland City Central Area Section 2004) (“ACDP”)

- District land use consent to modify the Rooftop Control development control as projections exceed the height of the parapet, are neither enclosed and involve more than 3 structures (restricted discretionary activity under Rule 6.6).
  - District land use consent to modify the development control requirements for verandahs by not providing verandahs on part of Hobson Street and Wellesley Streets, and infringing the extent and height requirements on both streets (restricted discretionary activity under Rule 6.9).
  - District land use consent to exceed the standards for construction noise (non-complying activity under Rule 7.6.4 and Clause 15.5.1.1).
  - District land use consent to provide signage associated with a proposed development (restricted discretionary activity under Rule 7.12).
  - District land use consent to floodlight the facades of the buildings (restricted controlled activity under Rule 7.18.2).
  - District land use consent to infringe the Outdoor Artificial Lighting of a maximum of 150lux (restricted discretionary activity under Rule 7.18.3)
  - District land use consent to provide carparking for more than 100 vehicles relating to an activity (restricted controlled activity under Rule 9.6).
  - District land use consent to provide greater than the maximum number of ancillary parking spaces permitted, where 525 spaces are permitted on a Type 3 road, and 1,415 are proposed (discretionary activity under Rule 9.6).
- Note: 421 of the proposed parking spaces are replacing the existing SkyCity Nelson Street carpark.*
- District land use consent to modify the Bus and Coach Parking control by providing 3 spaces on site and 3 spaces on Hobson Street, where 6 spaces are required (restricted discretionary activity under Clauses 9.7.1 and 9.7.2 and Rule 9.6).
  - District land use consent to provide stacked parking (restricted discretionary activity under Clause 9.7.2.3 and Rule 9.6).

- District land use consent to provide vehicle accesses on Hobson Street and Nelson Street that are located within a defined road boundary (restricted discretionary activity under Clause 9.7.3.7 and Rule 9.6)
- District land use consent to make alterations and additions to a scheduled item (Berlei Factory) (restricted discretionary activity under Rule 10.9.11.a)).
- District land use consent to undertake earthworks of more than 10m<sup>3</sup> or 10m<sup>2</sup> within a scheduled item property (Berlei Factory) (restricted discretionary activity under Rule 10.9.11.b)).
- District land use consent to demolish part of a Category B item (Berlei Factory) (restricted discretionary activity under Rule 10.9.11.c)).
- District land use consent to provide street furniture, sculptures and utility provisions within Hobson Street, Wellesley Street West and Nelson Street roads (restricted controlled activity under Rule 12.6.3.1).
- District land use consent to remove trees on roads in public open spaces, being six trees on Hobson Street and two trees on Nelson Street (restricted discretionary activity under Rule 14.2B.5.1).
- District land use consent to work in the dripline of trees within public open space (including pruning), being the remaining trees on Hobson Street, Wellesley Street West and Nelson Street (restricted discretionary activity under Rule 14.2B.5.2).
- District land use consent to provide a vehicle crossing across the dripline of a tree in a road, being on Hobson Street (restricted discretionary activity under Rule 14.2B.5.3).
- District land use consent to provide a pedestrian overpass on Hobson Street (restricted discretionary activity under Rule 14.2C.2).
- District land use consent to provide short term public visitor parking and Non Ancillary commuter parking (discretionary activity under Rule 14.10.6.b).
- District land use consent for an activity that provides 25 or more car parking spaces on a site or results in an average daily traffic generation of 100 movements or more (restricted controlled activity under 14.10.6.1).
- District land use consent for erection of two new buildings (restricted discretionary activity under Rule 14.10.6.1).
- District land use consent to provide non-permanent accommodation (restricted discretionary activity under Rule 14.10.6.1).
- District land use consent to modify the outlook space development control for 109 rooms of the non-permanent accommodation where 6 metres of unimpeded outlook is required and the subject rooms rely on outlook over the adjacent northern site (restricted discretion activity under Rule 14.10.8.3.b)).
- District land use consent to modify the Street Frontage Alignment and Height development control on Hobson Street where the façade is setback

approximately 4 metres from the street frontage (restricted discretionary activity under Rule 14.10.8.4).

- District land use consent to modify the Street Frontage Alignment and Height development control on Wellesley Street as various points do not meet the minimum 19 metre height (restricted discretionary activity under Rule 14.10.8.4).
- District land use consent to modify the Street Frontage Storey Height development control on Nelson Street reducing the ground floor height to 2.8 metres where 4 metres is required (restricted discretionary activity under Rule 14.10.8.5.a)).
- District land use consent to modify the Street Frontage Storey Height development control on Hobson Street where the convention centre level 03 floor level is 34.70m and the hotel floor level is 33.0m being below the Mean Street Level of 35.075m (restricted discretionary activity under Rule 14.10.8.5.b)).
- District land use consent to modify the Street Frontage Storey Height development control on Nelson Street where Level 1 of the convention centre is at 27.20m which is below the 28.141 Mean Street Level of Nelson Street (restricted discretionary activity under Rule 14.10.8.5.b).
- District land use consent to provide 3 vehicle crossings that exceed the maximum one permitted per site in the Pedestrian Orientated area, with one on Nelson Street and 2 on Hobson Street (restricted discretionary activity under Rule 9.7.3.3.a) and Rule 14.10.8.8).
- District land use consent to provide vehicle crossings that exceed the maximum 4.5metre width, with the Nelson Street crossing being 15.5metres in width and a Hobson Street crossing being 14.5metres in width (restricted discretionary activity under Rule 14.10.8.8).

#### Auckland Council Regional Plan: Sediment Control ("ACRP:SC")

- Regional land use consent for earthworks of 1.4ha on soil outside of the Sediment Control Protection Area on land between 1.0ha and 5.0ha with a slope of less than 15 degrees (controlled activity under Rule 5.4.2).

#### Proposed Auckland Unitary Plan ("PAUP")

- District land use consent for the substantial demolition of a Category B place (Berlei Factory) (non-complying activity under Rule J.2.1).
- District land use consent for a new building on a Category B place (Berlei Factory) (discretionary activity under Rule J.2.1).
- Regional land use consent for earthworks in a Business Zone that exceed 2,500m<sup>2</sup> and 2,500m<sup>3</sup>, where 1.4ha or 200,00m<sup>3</sup> is proposed (restricted discretionary activity under Rule H.4.1.1).
- Regional land use consent for earthworks of more than 1000m<sup>2</sup> and 1000m<sup>3</sup> on land subject to historic heritage (non-complying activity under Rule H.4.1.2).

### National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ("NES")

- Resource consent as the land is subject to the provisions and consent is required as a full Detailed Site Investigation has not been undertaken (discretionary activity under Regulation 11).
- Resource consent as the land is subject to the provisions it is unknown if the underground storage tanks are present, if so they will require removal (discretionary activity under Regulation 11).

### Water permits (s14) – R/REG/2014/5398

#### Auckland Council Regional Plan: Air, Land & Water ("ACRP:ALW")

- Consent for the taking of groundwater for the purposes of groundwater diversion under Rule 6.5.77 (restricted discretionary activity under Rule 6.5.43).
- Consent for the diversion of groundwater not covered by Rule 6.5.76 (restricted discretionary activity under Rule 6.5.77).

#### Proposed Auckland Unitary Plan ("PAUP")

- Consent for the diversion of groundwater caused by any excavation, that does not meet the permitted activity controls or is not otherwise provided for (restricted discretionary activity under Rule H.4.17.1).
- Consent for the dewatering of groundwater where the water take is for a period of more than 30 days associated with a groundwater diversion authorised as a restricted discretionary activity (restricted discretionary activity under Rule H.4.17.1).

### Discharge permits (s15) – R/REG/2014/5396

#### Auckland Council Regional Plan: Air, Land & Water ("ACRP:ALW")

- Consent for the discharge of contaminants from land disturbance not meeting the permitted activity standards (controlled activity under Rule 5.5.44).

## **4. Status of the applications**

Under the Operative planning framework the following overall activity status' apply:

- ACDP – non-complying
- ACRP:SC – controlled
- ACRP: ALW – restricted discretionary
- NES – discretionary

Under the proposed planning framework the overall activity status is non-complying.

It is good practice to consider resource consent applications in an integrated and holistic manner and bundle the assessments together. In my opinion the matters for consent are

inter-related across each of the relevant operative Plans as in general one cannot occur without the other particularly when considering the construction phase of the project. Furthermore the reasons for consent under the PAUP are similar to those under the operative plans and thus similar effects need to be considered. I therefore am of the opinion it is appropriate in this instance to bundle the consents together to enable the development to be considered holistically.

Therefore the applications are considered together as a non-complying activity status.

## 5. Consultation

The applicant has undertaken consultation with various interested parties during the design of the project and preparation of the application including The Crown, Auckland Council, Auckland Transport, iwi, adjacent neighbours and utility providers. This consultation has been documented at Section 6.0 of the AEE and in Appendix 28 and Appendix 29 of the application material (see **Attachment A**). I note, in particular, the following consultation:

### *Mana Whenua Consultation*

Section 2.7.4.4 of the PAUP requires that for the take and diversion of groundwater consultation with local mana whenua be undertaken to determine whether the proposal may have adverse effects on mana whenua values and whether a cultural impact assessment is required. As set out at Section 7.11 of the AEE and Appendix 28 the applicant commenced consultation with the 13 iwi who have an identified interest in the Waitemata area on 23 June 2014. Following this initial consultation a further letter was sent on 9 September 2014 (refer Response 60 of s92 material in **Attachment B**) requesting confirmation of whether there would be any adverse effects of concern to mana whenua. Five iwi groups responded with Te Kawerau a Maki willing to defer to other iwi groups, Ngai Tai Ki Tamaki advising that a CIA was not required provided works were undertaken in accordance with the Beca report. Ngati Maru advised they wish to consider a CIA and Ngati Tamatera supported this position. The applicant met with Ngati Maru and sent further information, since that time there has been no response. Te Runanga o Ngati Whatua wished to be made aware of other iwi responses, a meeting was sought by the applicant but there was no response.

Further follow up emails were sent to Ngati Maru, Ngati Tamatera and Ngati Whatua on 13 March 2015 (see **Attachment B**), and no responses have been received.

### *Television New Zealand Consultation*

Consultation has occurred with Television New Zealand (TVNZ) regarding the proposal and in particular potential effects during excavation and construction, as well as the effect of the ongoing operation of the centre on the live recording activities at TVNZ. To date this has resulted in a set of tolerance controls to protect the operations of TVNZ during these times. It is understood that the technical standards of these tolerance controls have been agreed by the parties, and a range of conditions have been offered as part of the application to address these, at Appendix 16 of the application material. However, there is no signed agreement between the parties regarding the controls, as set out in the letter from TVNZ dated 24 December 2014, and located at **Attachment D**.

### *Local Board Consultation*

The application was referred to the planning spokespersons Christopher Dempsey, Shale Chambers & Vernon Tava of Waitemata Local Board for comment on 24 December 2014 and again on 29 January 2015. No response has been received from the Local Board to date. The applicant advises that they have met with the Waitemata Local Board on two occasions, the first being on 17 December 2014 in a meeting with the planning spokespersons named above and subsequently on 11<sup>th</sup> February 2015 they met with the entire Board.

### *Heritage New Zealand Consultation*

The applicant has undertaken extensive consultation with Heritage New Zealand (HNZPT) throughout the concept design phase of the project due to the project requiring significant work to, and substantial demolition of the Berlei Factory. The Berlei Factory is a Category II building listed by HNZPT. This consultation has included direct input by Robin Byron of HNZPT into the design of the interventions to the Berlei Factory. HNZPT have provided their written approval of the project (letter dated 23 January 2015 at **Attachment E**). The letter also confirms that there is agreement between HNZPT and the applicant that HNZPT will continue to have ongoing involvement in the project particularly during the detailed design stages and if there are any changes in design that impact on the Berlei Factory. As stated in Section 2 above the applicant will also be engaging with HNZPT to obtain an Archaeological Authority to Modify.

### *Albion Hotel Consultation*

The application has undertaken extensive consultation with the owner and occupier of the Albion Hotel, the adjacent corner building. This consultation has resulted in the provision of written approval and agreement regarding construction noise, vibration and methodology, see Appendix 30 of **Attachment A**.

## **Notification**

### **6. Public notification assessment (sections 95A, 95C-95D)**

The applicant has not requested public notification.

All further information requested (under s92) has been provided by the due date.

The following provides information on the various rules that require or preclude public notification or limited notification of an application.

#### Auckland Council District Plan (Auckland City Central Area Section 2004)

Rule 15.3.2.5 and 15.3.2.6 states that controlled and restricted discretionary activities in the District Plan will be considered without public notification, or the need to obtain written approval from affected parties, unless specifically identified that the notification rules apply or special circumstances exist. Therefore, the following reasons for consent are not subject to the normal tests of notification:

- Provision of floodlighting of buildings (Rule 7.18.2)
- Infringement of the outdoor artificial lighting standard (Rule 7.18.3)



- Provision of more than 100 parking spaces (Rule 9.6)
- Provision of stacked parking (Rule 9.6)
- Infringement of bus and coach parking standards (Rule 9.7.2)
- Provision of street furniture (Rule 12.6.3)
- Removal of street trees (Rule 14.2B.5.1)
- Works in the dripline of trees on roads and public open space (Rule 14.2B.5.2)
- Vehicle access over trees on roads (Rule 14.2B.5.3)
- Provision of an overpass (Rule 14.2C.3)
- Provision of more than 25 parking space/traffic generation of greater than 100 movements (Rule 14.10.6.b)
- Erection of a new building (Rule 14.10.6.1)
- Provision of non-permanent accommodation (Rule 14.10.6.1)

Rule 15.3.1.2.b states that the development controls of the Plan are subject to the normal tests of notification unless specifically specified. The following development control modifications are specified as not subject to the normal tests:

- Infringement of the outlook control (Rule 14.10.8.3.b)
- Infringement of the Street Frontage Storey Height control (Rule 14.10.8.5.a)

### Auckland Council Regional Plans

The following rules on notification exist in relation to the Operative Regional Plan controlled and restricted discretionary consent matters:

- Rule 5.4.2.3 of the ACRP:SC states that applications for controlled activities shall be considered without the need for notification or obtaining the written approval of affected persons unless special circumstances exist.
- Rule 5.5.44 of the ACRP:ALW states that controlled activities under the disturbance/remediation of contaminated land will be considered without public notification, unless special circumstances exist. However, limited notification to neighbouring properties is not precluded by this rule.
- Rule 6.5.77 of the ACRP:ALW states that restricted discretionary activities under this rule for the diversion of groundwater will be considered without public notification, or the need to obtain written approval from affected parties, unless special circumstances exist. *NB. This rule does not apply to the taking of groundwater under Rule 6.5.43 which is subject to the normal tests of notification.*

### Proposed Auckland Unitary Plan

Rule G.2.4 in the PAUP states that controlled and restricted discretionary activities will be considered without public or limited notification, or the need to obtain written approval from affected parties, unless otherwise specified in the Unitary Plan or special circumstances

exist in accordance with s. 95A(4) of the RMA that make notification desirable. However Rule H.4.17.2 states that all restricted discretionary activities for taking, using, damming and diversion of water and drilling will be subject to the normal tests for notification in the relevant sections of the RMA.

### Conclusion

In conclusion, there are a range of consent matters under the ACDP, the ARCP:ALW and the PAUP that can be considered without the need for a full notification assessment; and under the ARCP:SC notification requirements are waived. However, in my opinion there are significant inter-relationships between the consent matters for construction under all the Plans and separately the consent matters for ongoing operation of the facility under some of the Plans. I consider that the potential effects relating to these matters overlap. To enable a holistic assessment of the application I consider it appropriate to assess all potential adverse effects (except as specifically excluded by the permitted baseline or written approvals) together and overall as a non-complying activity.

## **7. Adverse effects assessment (section 95A)**

The following assessment addresses the adverse effects of the activities on the environment.

### **Effects that must be disregarded**

Effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land

The adjacent land includes the following properties:

**Table 1**

Address

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100 Victoria Street West
72 – 78 Victoria Street West
119 Hobson Street
72 Wellesley Street West
74 – 80 Wellesley Street West
84 Wellesley Street West
86 Wellesley Street West
61-87 Cook Street
103 Wellesley Street West
55 – 59 Nelson Street
51 – 53 Nelson Street
150 Victoria Street West

Any effect on a person who has given written approval to the applications

The following have provided their written approval:

**Table 2**

Address	Legal Description	Owner / Occupier
SkyCity Entertainment Group Ltd – 85, 91 and 93 Hobson St (part of subject site)	See page 1 of this report	Owner
SkyCity Auckland Limited – 50 Nelson St, 46-48 Nelson St, 97-101 Hobson St, 103-107 Hobson St (part of subject site)	See page 1 of this report	Owner
Capital Group (CRD) Ltd – 52 Nelson St, 109-117 Hobson St, 79-81, 83, 85, 87, 89, 91 Wellesley Street West (part of subject site)	See page 1 of this report	Owner
SkyCity Auckland Ltd – 72-78 Victoria Street West	See page 1 of this report	Owner
Albion Hotel – 119 Hobson Street	Pt Allot 10 Sec 23 Auckland City CT 25B/86	Owner & Occupier

Heritage New Zealand Pouhere Taonga (HNZPT) – re 52 Nelson Street, Berlei Factory (see **Attachment E**)

Map Showing Location of Adjacent Properties and Written Approvals



As required by sections 95D(a) and (e) of the RMA, in considering whether effects are more than minor for the purposes of public notification, I have disregarded effects on all persons who own or occupy the application site and adjacent land or have provided written approval.

## Effects that may be disregarded – permitted baseline assessment

The permitted baseline refers to the adverse effects of permitted activities on the subject site. The relevant permitted baseline is considered by consent type.

### Auckland Council District Plan (Auckland City Central Area Section 2004)

The District Plan provides for a range of permitted activities in this location including food and beverage, entertainment/gathering, offices, retail and services, as well as industry and industrial storage (not at ground level), community care facilities and accommodation. Entertainment/gathering specifically includes conference centres, and theatres and their ancillary activities.

The District Plan sets the maximum number of ancillary parking spaces that can be provided for activities on Type 3 roads, being 1 space per 150m<sup>2</sup> of GFA. For the GFA proposed of 78,691m<sup>2</sup> (including the convention centre and hotel), this allows a maximum of 525 spaces. The District Plan also specifies that one vehicle crossing per site of a maximum of 4.5 metres in width is permitted.

The erection of new buildings always requires land use consent, however the District Plan sets out a range of development controls for permitted height and bulk of buildings; these include a permitted height of 50 metres (providing there is also compliance with the special height controls including those of Mt Eden), a minimum street frontage height control of 19 metres on all boundaries, and a minimum of 6 metres of outlook for bedrooms of non-permanent accommodation. There are no controls in the District Plan requiring setbacks or controlling maximum site coverage on this site.

Any scale of earthworks is permitted under the District Plan, however as the sites are contaminated an NES consent for any earthworks greater than 25m<sup>3</sup> per 500m<sup>2</sup> is required. Construction works are also permitted, providing they comply with the relevant construction noise, vibration and sediment control standards of the District Plan.

The receiving environment is also relevant when considering the proposal. This includes the approved demolition consents for all buildings on the site excluding the Berlei Factory, as well as the existing vehicle access from Nelson Street to the Main SkyCity site and the various vehicle crossings existing on the site. The existing Nelson Street carpark building was lawfully established and in a 1994 resource consent was enabled for use specifically by SkyCity providing 421 parking spaces.

### Auckland Council Regional Plan: Sediment Control

There is no relevant permitted baseline as the site is over 1 hectare in area and earthworks are proposed, therefore at a minimum controlled activity consent is always required.

### Auckland Council Regional Plan: Air, Land and Water

There is no relevant permitted baseline in terms of effects on groundwater due to the significant extent of excavation. As all the sites except one are identified as being potentially contaminated and due to the extent of excavation proposed it is considered there is no relevant permitted baseline.

## Proposed Auckland Unitary Plan

There is no relevant permitted baseline attributed to the PAUP given the limited number of provisions with immediate legal effect and the untested nature of the entire planning document.

### **Adverse effects**

The applicant as part of their proposal has provided a range of mitigation measures (particularly at Section 4.17 of the AEE) and offered a number of conditions to avoid, remedy or mitigate potential adverse effects on both the environment and people.

Having regard to all of the above and after an analysis of the application, including any proposed mitigation measures and specialist reports, the adverse effects of the activity on the environment are identified and discussed below.

My assessment includes a number of conditions recommended by myself and Council specialists in order to avoid, remedy or mitigate adverse effects. Not all of these conditions have been accepted or offered by the applicant as identified in my assessment below. The recommending of conditions in this assessment does not preclude the ability for the applicant to provide further information in relation to these matters, and/or accept these conditions of consent; nor should it be taken as an indication of the outcome of the substantive assessment of the application.

### Earthworks and excavation-related effects

The proposal includes the removal of the existing foundation slabs of the buildings on the site, and excavation to accommodate four levels of basement across the site, as well as the upgrading of the adjacent streetscapes. It has been estimated that approximately 200,000m<sup>3</sup> of soil across an area of 1.4 hectares will be required to be removed from the site over a period of approximately one year. The extent of the earthworks and mitigation proposed (excluding traffic, acoustic and vibration effects) has been assessed by Council's Earthworks advisor, Chelsea Godwin, her assessment is located at **Attachment F**.

The applicant proposes to minimise adverse effects on the surrounding environment through the implementation of erosion and sediment control measures in general accordance with Auckland Council's Technical Publication 90 "*Erosion and Sediment Control; Guideline for land disturbing activities in the Auckland Region*" (TP90). In particular the controls to be put in place include clean-water diversion, silt fences, stabilised construction exit, truck wash, sediment retention tanks, and catch pit protection. The earthworks will be staged across the site, with only one quarter of the site open at any one time.

Ms Godwin considers that "*the proposed controls are in general accordance with TP90 and represent industry best practice for a large excavation with no watercourses on the site.*" As such she considers that any effects will be appropriately managed and mitigated. I accept this conclusion and consider that adverse effects in relation to earthworks will be less than minor and can be appropriately mitigated through the implementation of the various management plans proposed by the applicant.

### Contamination effects

All of the sites, except for 103 – 107 Hobson Street, are identified on Council records as being potentially contaminated due to previous activities on these sites. While all of the contaminated material will be removed as part of the basement excavation, it is necessary to ensure that the removal of this does not cause adverse effects on the environment, including through groundwater movement, nor on human health.

The proposed works and the assessments undertaken by Beca on behalf of the applicant have been assessed by Council's Regional Contaminated Land Advisor, Marguerite Nakielski, report at **Attachment G**; and in terms of the NES by Ruben Naidoo, Council's Environmental Health Officer, report at **Attachment H**. These assessments are relied on in their entirety when considering adverse contamination effects.

Due to the presence of existing buildings on the site the applicant has only been able to undertake limited testing of the soils on the site, however once the buildings are demolished more extensive testing will be undertaken. The applicant has submitted a draft Remediation Action Plan (RAP) which will be updated following the more extensive testing. A Works Completion Report is proposed by the applicant to confirm that the site works have been undertaken in accordance with the Site Management Plan.

Ms Nakielski identifies a number of measures proposed by the applicant to mitigate potential adverse effects from the contaminated soil, including the management of soil through dampening, covering of truck loads and disposal at a licensed managed facility. In Ms Nakielski's opinion these measures will control discharges to a point where they are acceptable. I accept this conclusion and consider there will be less than minor adverse effects on the wider environment.

Mr Naidoo's assessment also concludes that the draft RAP and draft Construction Management Plan (CMP) have identified risks that will adequately mitigate potential adverse effects from the contaminated material. Mr Naidoo also confirms that following the more detailed site investigation the RAP may need to be revised to address any further adverse effects that are identified. The applicant is accepting of this. I note that Mr Naidoo has raised concerns regarding potential asbestos within the buildings to be demolished. The demolition of the buildings has been approved under a separate resource consent and furthermore the health and safety of workers and the public potentially subjected to asbestos is controlled by separate legislation to the RMA.

Overall, from the assessment above, I consider that the adverse effects on the environment and human health from the contaminated soil will be less than minor.

### Effects from the taking and diversion of groundwater and structural stability

The extent of excavation proposed for the basement will have potential effects on the groundwater within the area and the structural stability of adjacent buildings. This aspect of the proposal has been extensively assessed by Beca on behalf of the applicant, at Appendices 22 and 23 of the AEE, **Attachment A** and the section 92 response at **Attachment B**. The assessment has been peer reviewed by Peter Miller of Tonkin & Taylor and Nick Hazard, Council's Senior Consents and Compliance Advisor, see **Attachment I**. Given the extent of works adjacent to the scheduled Albion Hotel, Mr Miller

also reviewed the geotechnical aspects of the proposal to ensure the stability of the adjacent buildings during construction.

From the initial review undertaken by Mr Miller it was determined *"the main issue was the risk of dewatering perched water levels beneath the Albion Hotel that could potentially cause adverse differential settlement inflicting significant damage on the building."* To address this a further borehole was taken outside the Albion Hotel and a staged monitoring programme to measure wall deflection adjacent to the Albion was proposed. This staged monitoring will ensure that *"any potential adverse site stability effects could be recognised early at each stage of construction. This would allow for appropriate mitigation options instigated to avoid any significant damage."*

Ms Sian France of Beca has confirmed the applicant's agreement to the proposed staged monitoring, and the conditions of consent that have been recommended by Council (see s92 response in **Attachment B**). Working in accordance with the conditions of consent particularly the Monitoring and Contingency Plan will ensure that any significant adverse effects resulting from the taking and diverting of groundwater will be avoided, remedied or mitigated.

Mr Hazard concludes from these extensive reviews that *"the proposed activity will not have any detrimental effect on any other groundwater users or on the groundwater resource as a whole. Potential settlement induced by groundwater level drawdown can be managed within acceptable limits. Therefore it is not likely to cause any damage to surrounding buildings, structures and services."*

I therefore accept the conclusions of Mr Hazard that the proposal, subject to compliance with the accepted conditions of consent, will have no more than minor adverse effects on the environment from the taking and diverting of groundwater, and particularly on the structural stability of the Albion Hotel.

### Effects on infrastructure capacity

The applicant has undertaken a comprehensive assessment of the existing infrastructure within the surrounding streets and the capacities. This assessment by Beca is located at Appendix 18 of the application (see **Attachment A**). As part of the assessment Beca have consulted with Watercare, Council's Stormwater Unit and other infrastructure providers such as power and telecommunications. From this it has been determined that there is sufficient capacity within the existing networks for the proposed development, however it is likely that some upgrade works will be required to the existing wastewater pipes given their current poor condition. In terms of stormwater capacity the entire site is currently impervious and this is not changing, as such there will be no increase in the amount of stormwater generated from the site.

Council's Senior Development Engineer, Mr Scott Paton, has reviewed the Beca report, see **Attachment J**. Mr Paton has also liaised with Watercare and Council's Stormwater Unit and agrees with the conclusions reached. I note that Watercare have proposed a range of conditions regarding works involving their infrastructure, these requirements are standard when dealing with water pipes and are considered to be outside the range of RMA considerations but can be appropriately addressed through the separate approval process with Watercare for such works. Overall, I consider from the specialist

assessments undertaken that the proposal will have less than minor adverse effects in terms of infrastructure capacity.

### Effects from flooding and inundation

There is currently some minor overland flowpaths operating on the site as identified by Beca in their Civil Infrastructure Report at Appendix 18 of the AEE at **Attachment A**. This has been reviewed by Council's Senior Development Engineer, Mr Scott Paton (see **Attachment J**), who considers that the reporting is reasonable and that the overland flow has been accounted for by the development. In particular, Mr Paton comments "*other properties are unlikely to be effected from any exasperation of overland flow/inundation*". As such I consider that there are less than minor adverse effects in terms of flooding and inundation on the surrounding environment.

### Acoustic and vibration effects

The proposal has the potential to result in a range of adverse effects in terms of acoustics and vibration, these can be separated out as during the excavation and construction process, and once the centre is operating. The applicant has engaged Marshall Day Acoustics to undertake a comprehensive assessment of the potential acoustic and vibration effects with particular regard to the adjacent properties of TVNZ and the Albion Hotel, see Appendix 15 of the AEE at **Attachment A** and additional information provided at **Attachment B**. These reports have been reviewed on behalf of Council by Richard Finley of NDY Limited, whose report is located at **Attachment K**.

#### *During Construction*

While both TVNZ and the Albion Hotel are considered as adjacent sites in terms of s95D of the RMA, the extent of, and proximity of, excavation works may have potential adverse vibration effects on the physical structures (ie not the persons).

In terms of the Albion Hotel, given this is a scheduled building and constructed of unreinforced masonry there is a high probability of vibration adversely affecting the structure unless excavation and construction is carried out in a careful and controlled manner. As such this matter has been carefully considered by Mr Finley, and he has also considered the potential effects on the Berlei Factory facade. Mr Finley has recommended additional conditions of consent to ensure that construction vibration is appropriately monitored particularly for the Albion Hotel and the Berlei Factory. I consider that should these conditions be accepted there will be less than minor adverse effects on the Albion Hotel and the Berlei Factory, otherwise there is the potential for minor or potentially more than minor adverse vibration effects during construction on the structural stability of these buildings.

Mr Finley has noted that the draft Construction Management Plan will need various updates to address missing vibration amenity limits for non-TVNZ spaces. As set out in Section 5 above, consultation with TVNZ has resulted in a specific and detailed set of Tolerance Controls during the construction period, see Appendix 16 of the AEE, to ensure that the day-to-day operations of TVNZ, in particular live broadcasts, are not adversely affected by the works. The applicant has requested that the proposed conditions of these Tolerance Controls form Conditions of Consent of the resource consent which I accept. Providing these Tolerance Controls are adhered to both Marshall Day and Mr Finley are of



the opinion that there will be less than minor adverse effects on the physical structure of the TVNZ building or day-to-day operations. I accept this.

Mr Finley confirms that the specific conditions proposed by the applicant at Section 13.0 of the AEE will help address construction vibration amenity concerns for surrounding properties and are greater than that required by the District Plan standards. Given the separation of the subject site from other physical structures and the vibration limits required for the adjacent structures, there will be less than minor adverse vibration effects on the wider environment. Furthermore, due to the separation distance from non-adjacent properties I consider that there will be less than minor adverse effects from construction noise.

The applicant has also offered a Construction Noise and Vibration Management Plan as a condition of consent to ensure that potential effects during this phase are considered and addressed up front so they can be appropriately managed during the construction process.

#### *During operation of the activities*

Marshall Day's report has extensively addressed the operational noise of the facility which are broken down to:

- *"Vehicle movements*
- *Mechanical services plant*
- *Mechanical services plant + Exhibition Hall set up*
- *Mechanical services plant + Exhibition Hall in rock concert mode"*

The assessment has concluded that during the operation of the facility there will be no adverse noise effects on the wider environment. Mr Finley has some concerns regarding the potential noise resulting from music events, noting that the applicant does not propose internal noise limits but instead is relying on building fabric to limit external amplification of music. Mr Finley has recommended that conditions be provided to ensure that the centre is built in accordance with the resource consent documentation. Given this is the proposal to be considered I am of the opinion that along with the other conditions of consent proposed by the applicant, there will be less than minor adverse noise effects on the wider environment.

#### *Summary*

In summary, I consider that the proposed excavation and construction activity will have less than minor to minor (if conditions not accepted) adverse vibration effects on the physical structures of the TVNZ buildings and the Albion Hotel. In terms of the wider environment, the excavation and construction phase, as well as the day-to-day operation of the facility will have less than minor adverse effects on the wider environment subject to the conditions of consent that have been offered by the applicant.

#### Transportation effects

The proposal has the potential to result in a range of adverse transportation effects, both during the excavation and construction phase on the surrounding road network, and from the operation of the centre. These effects include the operation of the surrounding road

network, and pedestrian and traffic safety. The applicant has submitted a number of draft management plans with the aim to mitigate potential adverse effects regarding traffic both during construction and the operation of the Centre. These plans include:

- a construction traffic management plan
- event management plan
- travel demand management plan

The applicant has also accepted that the following will also be required:

- A parking management plan (to restrict commuter parking from the surplus parking area)
- Shared coach/pedestrian zone management plan
- Wayfinding and signage plan (for directions to facilitates and destinations within and outside of the site)

The applicant has provided an Integrated Transport Assessment (ITA) prepared by Bryce Hall of TPC Ltd located at Appendix 13A of the AEE located at **Attachment A**, and updated by the s92 response of March 2015, located at **Attachment B**. This information has been reviewed on behalf of Council by Karl Hancock of Flow Transportation Ltd, see **Attachment L**, as well as Auckland Transport, see **Attachment L**.

Prior to the lodgement of the application there has been extensive consultation with Auckland Transport regarding the proposed development, the effect of the additional traffic on the roading network, and the reduction of Hobson Street by one lane width. Auckland Transport have advised that the base modelling for Hobson Street should be with a four lane width (see correspondence at Appendix 29 of the AEE) and thus the proposed four lane width of Hobson Street is accepted to occur as part of the proposed development.

#### *During Construction*

The construction period will be approximately 40 months, with the greatest traffic volume generated during the excavation period when up to 150 truck movements per day or 10 truck movements per hour will occur over approximately 12 months. Construction loading zones are proposed on the three site frontages, with the Hobson Street loading zone within the footpath and road reserve, permission for this use will be addressed by the asset owner, Auckland Transport. Pedestrians will be protected throughout the construction process by hoardings and gantries. Various warning signs as required by Auckland Transport and legislation requirements will warn of the construction area. The construction traffic management plan offered by the applicant will also provide appropriate mitigation measures to address these matters.

Construction is an anticipated activity within the urban environment. As with all construction activity there will be disruption to both pedestrians and traffic within the local area due to delays and the need to seek alternative routes. This disruption will be temporary, however given the scale of the project, the temporary nature is longer than usual, i.e. approximately 3.5 years. Providing the finalised construction traffic management plan that will also be approved by Auckland Transport is adhered to the

effects of construction traffic will result in minor temporary adverse effects on the surrounding roading and pedestrian environment.

#### *Traffic Generation, Parking and Roading Capacity*

It is proposed to provide 1,415 parking spaces within the development. All of these parking spaces will be accessed from the Nelson Street entrance, with exit being available from Nelson Street and through the basement porte cochere of the hotel on to Hobson Street. The Main SkyCity carpark will continue to gain access and egress from the same Nelson Street entrance as well as its existing Hobson Street entrance and exit points.

The parking spaces will in part replace the existing Nelson Street carpark building of 421 spaces. As part of the establishment of the Main SkyCity site conditions required a minimum of 2,500 spaces be provided for the activity, of which a minimum of 1,500 spaces were to be provided on the site and the remainder in the nearby vicinity. A further condition required a maximum of 2,776 spaces be provided on the site. The Nelson Street carpark was established in the late 1980's, in 1994 the original consent was varied to allow the building and its 421 spaces to be solely utilised by SkyCity to (in part) fulfil the parking requirements of the main site consent. As such this parking activity is accepted to be part of the consented environment and does not contribute to the overall parking requirement or demand for the NZICC.

SATURN modelling and SIDRA analysis has been undertaken by Auckland Transport on behalf of NZICC to determine the potential effects on the operation of intersections and the roading network around the area in 2021 based on:

- 1,450 parking spaces being provided of which 400 are commuter parking;
- Closure of the access and egress to the Main SkyCity carpark from Federal Street;
- a reduced width of Hobson Street, a mid-block crossing outside NZICC and no dedicated left turn from Hobson Street to Wellesley Street West;
- changes in lane operations and number on Nelson Street due to the cycleway; and
- the proposed bus route network.

Flow Transportation Ltd has provided a comprehensive review of the modelling undertaken and I accept this assessment in its entirety. Mr Hancock notes that he is in general agreement with the conclusions reached by the applicant. The activity will see an increase in delays at various intersections as well as increased vehicle queuing to access SH1 and SH16 on ramps partly due to NZICC and partly due to other network changes. In particular Flow's technical review comments that *"journey times taken from the SATURN model indicate that journey times are predicted to increase by some 10% to 20% or between 35 and 90 seconds as a result of the NZICC"*. Mr Hancock's review summaries that *"the traffic effects arising from the proposed development can be accommodated on the surrounding network, with only minor effects anticipated on the intersections in close proximity to the site. It is however noted that some of the effects likely to occur are as a result of intersection or network changes not necessarily attributable to NZICC."*

The 1,415 spaces are proposed to be allocated as follows:

Use	Number of Parking Spaces
Main site staff parking	421
NZICC staff	380
Visitor	414
Commuter/Leaseholder	200
<b>Total</b>	<b>1,415</b>

Of the proposed parking the applicant advises 380 spaces are specifically for NZICC staff, this is additional to the replacement of the existing 421 staff parking spaces for the main site. Staff of the main site generally work in shifts given the 24 hour nature of the operation, this means that the majority of staff arrive and depart work outside of the normal peak commuter hours. It is accepted that the NZICC operation will have a similar type of staffing. Mr Hancock considers that providing 801 spaces (being 380+421 spaces) are solely utilised by staff, there will be less than minor adverse effects on the surrounding roading network. However, the applicant does not wish to restrict these parking spaces solely to staff and therefore there is the potential for them to be used by others who would travel during the peak hours (ie commuter parking) thus affecting the capacity of the road network. It is understood this has not been considered in the SATURN modelling and therefore I consider that should these 801 spaces not be restricted to staff only there is likely to be a more than minor adverse effect on the roading network.

An additional 469 parking spaces are being provided above the permitted level of ancillary parking (not including the 421 spaces for the Main SkyCity site). The additional parking proposed above the permitted baseline is for short-term visitors (269 spaces) and commuters (200 spaces). Of the commuter spaces 100 are proposed for leaseholder parking and 100 for casual commuter (early bird) parking. The applicant advises that the pricing structure for these parking activities will be similar to that at the Main SkyCity site. Short-term visitor parking usually occurs outside of the commuter peaks, and given the nature of the activities at the site, eg late night concerts, is considered appropriate by the applicant. Commuter parking generates traffic in the commuter peaks and cause additional strain on the roading network when it is already at or near capacity. Furthermore, the provision of commuter parking also discourages the use of public transport and other forms of sustainable transport, such as cycling.

The proposed parking provision is significantly greater than that anticipated within the city centre, where both private visitor and commuter parking are discouraged and emphasis is placed on the use of public transport. While it is recognised that due to the late night activities associated with the NZICC some visitor parking is necessary, in my opinion I do not see the justification for commuter parking which would be available for the general public during the times that public transport is available. Furthermore both Mr Hancock and Auckland Transport are of the opinion that providing commuter parking is inappropriate. Mr Hancock notes that *"despite the traffic modelling suggesting only minor effects arising from the traffic generated by NZICC, these minor effects are to a network*

*that is already congested, thereby simply worsening the congestion.”* In addition, as set out in the Urban Design Assessment below, enabling the provision of more parking in the city reduces the on-street amenity and experience for pedestrians. I consider that not providing this additional commuter parking would not cause pressure on this congested network and therefore potentially reduce cumulative effects of traffic and parking during the peak hours. However, should the applicant choose to replace the commuter parking with short-term visitor parking, whilst still an excessive amount of parking, there would be less effects on the road network as the traffic generation associated with the parking is spread throughout the day rather than focused on peak times and this would reduce cumulative effects such that effects from this additional parking are likely to only be minor.

I am therefore of the opinion that the proposal as presented, ie no restriction on the 801 spaces for staff only and providing 200 commuter parking spaces, will cause more than minor adverse effects on the roading network. Cumulatively when considering these with other network changes and the effect on pedestrian amenity these transportation effects are more than minor. However, if the 200 parking spaces were to be used as commuter spaces the effects would be minor.

#### *Traffic and Pedestrian Safety*

The proposal reduces the current number of vehicle access points around the site to two, with the existing entry/exit on Nelson Street being retained and a new exit to the north of the hotel being established. The existing entry/exit point provides access to the Main Site carpark and will now also be the sole access for the NZICC, including the access point for loading and servicing, taxi marshalling and secondary coach facilities. This will see a large increase in the volume of traffic entering the access point. As part of the application as lodged a sliplane was proposed, however due to the approved and soon to be implemented cycleway on the western side of Nelson Street this sliplane design was no longer possible. As such the existing vehicular access is only slightly modified, see TPC letter dated 26 May 2015 at **Attachment B**. There is concern that the increased traffic volume through this access point may result in reduced pedestrian experience on Nelson Street with difficulties being able to cross the vehicle crossing resulting in minor adverse effects on pedestrian safety. If appropriate traffic calming devices were installed in the vehicle crossing area adverse effects on pedestrian safety would be reduced.

Pedestrian modelling has been undertaken by Beca as part of the application (see Appendix 14 of the AEE), this modelling has provided scenarios for a range and scale of activities within the Centre, taking into account the provision of an air bridge across Hobson Street and without. From the modelling undertaken, it is clear that there is a significant pedestrian capacity issue on Hobson Street at the end of large concerts if the air bridge is not provided. This is because the air bridge provides an alternative route for people to exit the convention centre and cross Hobson Street. Mr Hancock also notes that there is potential for jaywalking or people “falling” into live vehicle lanes. Therefore from a pedestrian (and subsequently traffic) safety perspective the provision of an air bridge is considered appropriate to help mitigate potential adverse pedestrians safety effects particularly after large scale events.

The new exit on Hobson Street may also adversely affect pedestrian safety, particularly after the completion of concerts, when there are likely to be a large number of pedestrians utilising the Hobson Street footpath, including with an air bridge (as shown in the

Pedestrian Modelling at Appendix 14 of the AEE). Mr Hancock considers that design measures such as vehicle calming devices, and pedestrian priority measures will need to be incorporated to ensure only minor adverse effects on pedestrian safety. Furthermore it is likely as part of the Event Management Plan marshals will be necessary in this area to force priority for pedestrians. The north eastern wall of the hotel will also need permeability so that drivers exiting the driveway have clear visibility of pedestrians and vice versa.

The applicant also proposes three on-street parking spaces directly outside the hotel, Auckland Transport has concern that particularly during events these spaces will be utilised by taxis and difficult to manage. As Mr Hancock has noted in his review these spaces could also cause an adverse effect on pedestrian safety. I note that as the road controlling authority Auckland Transport is the ultimate decision maker on whether to allow these spaces or not. However both Mr Hancock and I concur that these three parking spaces should not be provided.

Without the mitigation measures recommended by Mr Hancock there are potential adverse pedestrian safety effects that are likely to be more than minor, particularly at the completion of large scale events.

#### *Loading and Servicing*

The proposal has been designed so that all loading and servicing can occur within the building footprint. Every day loading and servicing for both the Centre and the hotel will occur within the Level 1 basement area with access from Nelson Street. Additionally as required for the pack-in and pack-out of events within the Exhibition Hall B-train trucks are able to directly access from Hobson Street onto the Exhibition Hall floor. Retractable bollards are proposed within the footpath to ensure that this access point is only used for loading at appropriate times.

Mr Hancock supports that the majority of loading is internal to the site. In terms of the loading into the Exhibition Hall, TPC propose this be limited to outside of the hours 7 to 9am and 4 to 6pm. However, due to the potential implications on the pedestrian environment, Mr Hancock also considers this should also be limited to not occur between 12 and 2pm. Providing there is appropriate management of this area and hours of use the loading from Hobson Street will have a less than minor adverse effect on the pedestrian environment.

#### *Bus and Coach Parking*

Given the nature of the activity coaches will require access to the site, it is envisaged this will generally be when day tours occur as part of conferences. The applicant has proposed to provide 3 on-street coach parks within an upgraded shared footpath space directly outside the Exhibition Hall on Hobson Street. This will provide safe and convenient access for delegates to and from the Centre and the coaches. Additional coach parking is also provided within the basement (Nelson St level) for inclement weather days, VIP arrivals, hotel coaches etc. The coach parking area on Hobson Street is located between an avenue of trees, there is sufficient width – originally proposed at 3.2 metres, now widened to 4.5 metres to ensure that the coaches can safely travel along the avenue without damaging the trees.

The applicant proposes that retractable bollards will be in place at the Hobson Street vehicle crossing so that it is only utilised by specific coaches (and specific loading vehicles), the movement through the area will also be managed by NZICC staff. In Mr Hancock's opinion providing there is appropriate management within this area when coaches are in use as proposed by way of the Shared Coach/Pedestrian Management Plan, there will be no more than minor adverse effects on pedestrian safety and activity.

### *Summary*

- The additional construction traffic will have a minor adverse effect on the capacity and functioning of the roading network, however this will only be temporary.
- Loading and servicing can be appropriately managed on site through the majority of deliveries occurring from Nelson Street and managed deliveries occurring to Hobson Street.
- The on-street coach parking will be appropriately managed so that there will be no more than minor adverse effects on pedestrian activity.
- The proposal is considered to adversely affect the operation of the roading network, particularly intersections, to a minor degree providing 801 spaces are for staff and there is no commuter parking.
- Providing there are appropriate traffic calming measures and small changes to the detailed design are made there will be minor adverse effects on traffic and pedestrian safety at the vehicle crossings.

In conclusion, the applicant has not offered the additional mitigation measures identified by Council specialists and therefore I consider that the proposal is likely to have more than minor adverse transportation effects.

### Arboriculture effects

The proposal includes significant streetscape upgrading works including planting of a large number of new trees. These works have been designed in conjunction with the Council's Auckland Design Office by Boffa Miskell and a detailed assessment and plans provided as part of the application, see Appendix 8a and 8b (with amended drawings in **Attachment B**) and is addressed in Effects on the Streetscape below. However, the overall development proposes the removal of 8 trees from the street and will require works in the dripline and pruning of a number of the remaining street trees.

Simon Miller of Peers Brown Miller on behalf of the applicant has undertaken a comprehensive assessment of the existing street trees as well as proposed methodology and mitigation measures to ensure the ongoing health and vitality of the trees that remain, see Appendix 12 of the AEE at **Attachment A**. This has been reviewed by Mr Howell Davies, Council's Arboriculture and Landscape Advisor, see **Attachment M**.

The development will require the pruning and protection of a number of street trees that are adjacent to the site. As set out above the applicant has proposed a range of conditions and mitigation measures to ensure that the health, vitality and amenity of the trees are not adversely affected during the proposed works. Mr Davies agrees with the

proposed measures however notes that ongoing consultation with him will be necessary during the construction programme to ensure the appropriate protection of these trees.

The proposed works on Nelson Street as addressed in the Transportation Effects above no longer include a sliplane so the trees on this road are able to be retained and additional planting provided.

It is not proposed to remove trees from Wellesley Street, instead these trees are proposed to be protected during the construction works. Mr Miller identifies the condition of these Sycamores as of fair to average vigour, and Mr Davies confirms that these trees have not performed as well as anticipated and their health is monitored on an ongoing basis. Mr Davies considers that should the trees or the works be compromised during construction that it would be acceptable to remove these trees and replace with a more vigorous species. At this stage the applicant does not wish to do this.

Mr Davies notes that the proposed verandahs may conflict with the existing street trees on Wellesley Street. As such the applicant will need to ensure that the design and size of the proposed verandahs do not cause on going conflict with the street trees.

Significant works are proposed on Hobson Street mainly in relation to the streetscape upgrade proposed. However the construction works of the Centre will also require works in the dripline and pruning of various trees on Hobson Street, the most significant of which is a LiquidAmber that is located within the proposed coach bay. The proposed verandah in this location will also need to be appropriately designed to ensure no ongoing conflict with this tree; however Mr Davies is accepting and agreeable to pruning up to 20% of the tree canopy in accordance with accepted arboriculture practice to enable construction as it currently overhangs the private site.

The streetscape upgrades include the planting of a significant number of new trees on Hobson Street. Mr Davies has undertaken a careful assessment of the location of these trees in relation to proposed future infrastructure, street furniture and kerb locations. Mr Davies has a number of concerns regarding the location of these trees however considers that through the detailed design and construction drawings process that the location of the trees or conflicting furniture can be slightly modified to ensure reduced conflict. I consider this a practical approach. Ongoing liaison will be required with Mr Davies to ensure that the proposed tree pit planters and root plates are of an acceptable size and design for Council, Mr Davies also requests review and potential input into the Construction Management Plan and Construction Traffic Management Plan that are offered as conditions by the applicant, I support this to ensure that the street trees have sufficient protection.

Overall, from the assessment undertaken by the applicant and by Mr Davies, and should the mitigation measures proposed by Mr Davies be accepted by the applicant I consider that the proposal will have less than minor adverse effects on the existing and proposed trees, otherwise the adverse effects are likely to be minor on the health and visual amenity of the trees.

#### Effects of streetscape upgrade

The application includes significant streetscape works to Hobson Street and some works to Nelson Street. Wellesley Street is not proposed to be modified, apart from providing



and protecting the existing tree planter pits. This is because no decisions have been made yet on how Wellesley Street will operate in the future, i.e. if it will or won't be used as a major bus route. The applicant considers that the proposed streetscape works are necessary to provide an appropriate experience for delegates and visitors to the Convention Centre, however as the works are outside the private land they will need to be undertaken by Auckland Transport and Auckland Council.

Hobson and Nelson Streets have been identified in the Council's City Centre MasterPlan as streets that should be reduced in traffic carrying capacity and increase in pedestrian amenity through widened footpaths and more tree planting. A "Reference Design for Hobson and Nelson Streetscape" has been jointly prepared by Auckland Transport and Auckland Council as a street design study of the City Centre MasterPlan objectives and transport network planning. Auckland Transport will soon start construction of an Interim Cycleway on the western side of Nelson Street from the motorway interchange to Victoria Street West. This cycleway has been depicted on the updated streetscape plans from the applicant (see **Attachment B**). The effect of this cycleway is to reduce the number of traffic lanes on Nelson Street by one. Additionally Auckland Transport have agreed to reduce the width of Hobson Street by one lane (see Appendix 29 of **Attachment A**) which facilitates wider footpaths and the NZICC on-street coach parking.

The streetscape proposal on Hobson Street provides for four vehicle lanes and a significantly widened pedestrian footpath on the western side. This widened footpath will also provide for the on-street coach facility for NZICC. The eastern side will be widened slightly, which is shown to include realignment of the existing SkyCity carpark entrance and exit to provide a uniform width footpath. Trees will be planted at even spaces down both sides of the street, and on the western side this will generally be an avenue of two parallel tree lines.

Boffa Miskell, on behalf of the applicant, has provided a Streetscape and Public Space Design Statement at Appendix 8 of the AEE; the plans of which have been subsequently updated and are located in **Attachment B**. This report and plans have been reviewed by Council's Landscape Architect, Tim Fitzpatrick, whose report is located at **Attachment N**. Additionally, as the street tree asset owner, Council's Arborist, Howell Davies as also reviewed the project as addressed in the Arboriculture Effects assessment above.

Mr Fitzpatrick confirms that he supports the streetscape design proposed, the overall tree planting and removal strategy as well as the paving and street furniture approach. Additionally the mid-block crossing and reduction to four lanes are supported.

#### *During construction*

The extent of works proposed on Hobson Street are likely to cause adverse effects on the operation of the road during the construction period. This will need to be managed by the applicant with involvement of Auckland Transport as the roading asset owner. The applicant has offered conditions to require both a construction traffic management plan and construction management plan that will ensure that effects on the road can be appropriately managed. I therefore consider that while there will be minor adverse effects on the road operation during this period, they will be temporary.

#### *Character and Amenity*

The proposed streetscape upgrade on Hobson Street particularly will have a significant change to the character and amenity of this street, reducing the dominance of the vehicular traffic and providing a more pleasant pedestrianised space. The provision of on-footpath coach parking is not ideal for a pedestrian environment. However Mr Fitzpatrick comments this “...is both an undesirable use of the pedestrian realm, yet equally a positive innovation and thoughtful response to avoiding the far more disruptive traditional approach of a coach porte-cochere.” Mr Fitzpatrick considers that subject to some final detailed refinement at detailed design stage the proposed design limits the adverse impact of the coach facility. In particular, Mr Fitzpatrick recommends that to ensure that the coaches do not damage the proposed trees, given the narrowness of the space, low cost and easily replaceable bollards should be installed near the trees to protect them.

Originally three sets of trees were proposed in this coach area, however the south-eastern most one was subsequently deleted due to concerns regarding manoeuvring. Since that time and following further discussions the eastern row of trees have been moved closer to the kerb line which, in Mr Fitzpatrick’s opinion, means that the tree can now be reinstated. I consider that this would be beneficial and can be addressed through the detailed design phase.

The applicant has proposed to manage the coach area through appropriate management plans and staff, which will ensure that the area is not utilised to a significant degree and access through the space is controlled. I consider this will ensure less than minor adverse effects on pedestrian safety and amenity.

As noted by Mr Davies in his assessment, at **Attachment M**, there will need to be some refinement to the overall streetscape design to ensure that there is no conflict between the proposed location of trees, street furniture, lighting and traffic lights. I consider these can be appropriately addressed through detailed design phase and this will ensure that there are minor adverse effects caused by the final layout, as addressed in the Transportation Effects assessment.

### *Summary*

Overall, the proposed streetscape upgrades will have minor adverse effects on the traffic flows of Hobson Street during the construction works; the implemented concept will have less than minor effects on pedestrian amenity, and streetscape amenity if the matters identified by Council’s specialists are adopted. The provision of the coach parking within the footpath can be appropriately managed and will have minor adverse effects on the pedestrian safety and amenity within this area.

### Effects on heritage values

The subject site is bounded by the Category B scheduled Albion Hotel to the south-east and includes the Category B scheduled Nelson House/Berlei Factory. It is proposed to substantially demolish the Berlei Factory to enable the construction of the Exhibition Hall of the convention centre.

An amended Heritage Assessment and a Heritage Impact Statement in relation to the Berlei Factory have been prepared by Dave Pearson of DPA on behalf of the applicant, see **Attachment B**. The proposal has also been peer reviewed by the late Sir Ian Athfield (Appendix 11 of the AEE, **Attachment A**). These reports and the proposal have been

reviewed by Adam Wild of Archifact Limited on behalf of Council (see **Attachment O**). As part of this review Mr Wild has also met with the architects of Warren and Mahoney on a number of occasions to discuss the detailed design of the relationship between the new building and the Berlei Factory façade, both internally and externally. A response to Mr Wild's reviews has been provided by Mr Karl Cook of Barker & Associates and separately by Mr Pearson which are included in **Attachment B**.

### *Consideration of Effects*

Due to matters in the section 92 responses to heritage I have considered whether effects on the heritage values of a scheduled building are effects that are felt on the wider environment or just on the site itself; and if you retain those items of a building that are identified as having exceptional heritage value and remove the remainder if that causes effects on the wider environment or just the subject site. In other words: when considering whether there are adverse effects on a heritage building, is this a s95A assessment or a s95B assessment?

Historic heritage is defined in the RMA as:

*"Means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:..."*

A matter of national importance in the RMA at s6(f) is:

*"The protection of historic heritage from inappropriate subdivision, use and development."*

The PAUP Regional Policy Statement (Chapter B.4.1) states:

*"Historic heritage is important to Auckland because it helps us understand and appreciate our history, culture and identity. Our heritage contributes to Auckland's distinctiveness as a visitor destination and to its economic vitality. The protection, conservation and appropriate management of our historic heritage places will help future generations use and appreciate what these places meant to the development of our city. Our historic heritage is unique to Auckland: it cannot be duplicated or replaced."*

The District Plan states at the Introduction to Heritage Buildings (Part 10.9.1):

*"Central Auckland has a rich natural and cultural heritage. The heritage buildings, objects, properties and place of special value of the city are an important link with the past. They are a unique, non-renewable resource that should be protected and conserved for present and future generations."*

In my opinion these statements confirm that historic heritage is something that is significant for the wider environment (including people) as a whole and not something that is contained to the subject site only. I consider that when identifying effects on historic heritage consideration must be given to the significance of a place to the community; noting works affecting a historic heritage site have the potential to adversely affect the heritage values of a place. This effect can be so great that the heritage values are reduced to such a level the place is no longer considered to be historic heritage.

Heritage buildings are appreciated by the community as a whole, they provide a tangible link for the people of the present to their past, heritage places are something that are valued by New Zealanders and shape the character and places we live in today. The statements in the PAUP and the District Plan support this by confirming the significance of heritage places to the wider community.

A heritage building has a level of authenticity and quality that makes it special. It is only certain buildings that are scheduled and in terms of the subject District Plan this is done through a numerical points system, where only those buildings that display significant heritage qualities through such things as their historical context, architect, style, design or intactness, are able to achieve scheduling. The loss of such a building affects people as the community, as well as individuals who can be specifically identified on the subject site.

As required by sections 95D(a) and (e) of the RMA, in considering whether effects are more than minor for the purposes of public notification, I have disregarded effects on all persons who own or occupy the application site and adjacent land or have provided their written approval.

However, in my opinion, it is correct to consider the proposed works both to and adjacent to, the scheduled buildings as potentially adversely affecting the heritage values of that building as a whole which could result in a level of effect on the wider environment (including people).

#### *Surrounding Sites*

The proposal site is directly adjacent to the Albion Hotel, while to the south-east across the intersection is the Category A registered St Matthews in the City. Given the separation of the site from St Matthews, it is my opinion that there are no adverse effects from the proposed building on the heritage values of this building.

In terms of the Albion Hotel, the owners and occupiers of this building have provided their written approval to the proposal (see Appendix 30 of the AEE at **Attachment A** and the further information response at **Attachment B**).

However, in both mine (above) and Mr Wild's opinion (Sec 2, p5) being an adjacent site and the owners and occupiers having provided written approval does not preclude consideration of the proposal on the heritage values on this building, to the extent that there are effects on historic heritage viewed or perceived from beyond the Albion Hotel site.

As addressed previously in this report, detailed consideration has been given to the potential adverse effects on the stability and structural integrity of the Albion Hotel from the proposed works, particularly the basement excavation. The relevant groundwater and vibration experts confirm that subject to appropriate conditions of consent that will manage and mitigate the adverse effects, the proposed construction works will adversely affect the stability and structural integrity of the Albion Hotel to a no more than minor degree.

In terms of the proposed building design and its relationship with the Albion Hotel, the DPA report at Appendix 9 identifies the following features:

- The rhythm of the new entrance pavilion created by the vertical fins references the rhythm of the window joinery in the hotel;

- A horizontal band running above the fins on the pavilion aligns with the lower parapet of the Albion;
- On Hobson St the vertical stone clad element of the new building references the solidity of the Albion with its plastered walls; and
- The line of the entrance canopy along Hobson Street aligns with the stringcourse at first floor level on the hotel.

Mr Wild has reviewed the relationship of the proposed building with the Albion Hotel in his second memo of 2 April 2015, and considers that the interface *“has clearly benefitted from the consultation during the early design stage”* and is generally acceptable. The proposed building form of the convention centre will effectively wrap around the Albion Hotel and rise approximately 8 metres above the existing roof level. The design of these walls has to be cognisant of the fire requirements under the Building Code due to being a site boundary. In this instance the applicant has chosen to generally provide concrete sheer walls to address this with potentially some articulation on the southern wall. As noted below the urban design assessment has concerns regarding the potential adverse visual effect of these walls. Mr Wild also considers that further refinement of the sheer walls should be considered *“particularly with respect to the depth, texture and/or colour of the vertical panel abutting the Albion Hotel...”*. I concur with this and consider some form of textured, or otherwise, treatment of the walls would be appropriate, noting it also addresses the urban designers’ concerns.

As such from the assessment provided by DPA, and the comments made by Mr Wild, in my opinion the proposal will have minor adverse effects on the heritage values of the Albion Hotel.

#### *Berlei Factory/Nelson House*

The applicant’s Heritage Impact Assessment has provided a comprehensive review of the history of the building, its architecture and the people and activity associated with it. The report has also assessed the individual aspects of the building architecture in terms of heritage values.

The Berlei Factory is listed by Heritage New Zealand, who have been consulted through the design development of the project. HNZPT has *“agreed to accept the proposal in principle for the NZICC in regards to the integration of the Berlei Factory into the new development.”* (see **Attachment E**). HNZPT have confirmed by that letter they do not need to be treated as an affected person, however they also advise of a separate agreement whereby NZICC has agreed to the on-going involvement of HNZPT through the developed design stages.

The building has been scheduled under the District Plan for the reasons of Style, Architect, Design, Continuity, Landmark, Location, Intactness. Under the PAUP the building has been scheduled for Physical Attributes and Aesthetic. The interior and surrounds are not specifically scheduled in either Plan. The DPA Heritage Assessment at pages 41 – 44 of **Attachment B** provides a comprehensive assessment by of the building against these criteria and in conclusion Mr Pearson states that *“The Berlei building is assessed as having considerable overall significance for its physical characteristics, its history, its environment and its integrity.”*

In Sir Athfield's opinion "*both these listings [HNZPT and District Plan] confirm that the presence of Nelson House is important to the character of the area and that the values of which Nelson House extolls reflect the importance of its place in the history of Auckland.*"

The DPA report identifies the individual aspects of the building and their heritage value. The assessment concludes that the Wellesley Street elevation and the Nelson Street elevation both have Exceptional Heritage Value, while the North elevation (internal to the site but visible) has Considerable Value. Some of the internal areas of the building also have Considerable Value, particularly the original rooms and the mushroom columns, however I note that the interior of the building is not scheduled.

As part of the concept designs the applicant's architects have considered how to retain the Berlei Factory and at the same time provide the appropriate floor areas for the various facilities required by the convention centre as outlined at Section 4.2.3 of the AEE. However, as identified in the Architectural Design Statement (Appendix 4 of the AEE), and in the Section 92 Heritage Response (Response 39, **Attachment B**) the most appropriate location for the Exhibition Hall is with direct and level access from Hobson Street, which in turn means the majority of the Berlei Factory needs to be demolished to cater for this space and the structural components required to facilitate the Exhibition Hall, as well as the substantial depth of underground parking.

As set out in Mr Pearson's Heritage Impact Statement (HIS) report three options were considered for the building, full retention, full demolition or the retention of "*those parts of the building that were identified as having the highest heritage value, in essence the external walls fronting Wellesley and Nelson Streets*". In Mr Pearson's opinion this option of retention of the street façades of the building only is acceptable in terms of heritage values due to the lesser heritage values of the interior.

Mr Wild is of the opinion that the extent of demolition of the Berlei Factory can only be described as substantial, and I concur with this as only the two street frontage facades of the building remain. The applicant also accepts this, see correspondence email of 29 April 2015 from Mr Cook, in **Attachment B**. Mr Wild considers that the reasons for scheduling were based on the building as a whole three dimensional form. In particular he considers that removing all but the two front walls of the building is likely to reduce the heritage qualities of the building to such an extent it would no longer warrant scheduling. Mr Pearson in the DPA Supplementary Heritage Report (**Attachment B**) considers that the building would still warrant scheduling. Mr Pearson lists the points attributed to the various criteria. The total score for the building is 52 where 50 is the minimum for scheduling, "intactness" is currently at 12 points and Mr Pearson accepts this would be reduced by the proposal. Therefore in my opinion there is a high potential for the building to no longer meet the points criteria for scheduling.

In mine, and Mr Wild's, opinion the retention of just the street frontage walls of the building can only be described as facadism. It is recognised that the applicant has gone to significant effort to maintain some three dimensional quality of the building by recreating the side walls to a depth of 6 metres, retaining the floor levels as close to the existing as possible and providing a significant setback above the Berlei Factory and the new building to help make the Berlei Factory read as a separate entity. However, in my opinion given the extent of intervention both adjacent to the facades and around, particularly the upper

level of the Convention Centre sitting over the top of the facades it will be clearly obvious that the building no longer exists and that it has become part of the new building.

Mr Wild's opinion is that *"the proposed destruction of all but the Nelson and Wellesley Street facades risks a range of effects on the historic heritage resource which can only reasonably be described as "more than minor"*. I concur with this statement, the appreciation and values that are attributed to a scheduled building are due to the building as a whole and how it sits within its environment. Reducing the building to two facades significantly reduces the overall authenticity, richness and quality of the building and therefore in my opinion has more than minor adverse effects on its heritage qualities and thus more than minor adverse effects on the wider environment.

While I accept that the areas of the most significant heritage value are to be retained, i.e. the street frontage facades, they are part of a building that will no longer exist. As identified in Mr Wild's opinion it is likely these facades would no longer warrant scheduling, thus this shows the extent of heritage value lost. I am of the opinion that the various reasons for the heritage building are interrelated and when there is a significant effect on one matter this is also likely to affect the other reasoning for scheduling. I also note that this will result in the loss of the northern elevation which has Considerable heritage value in Mr Pearson's opinion, as well as all the interior of the building, some of which he identifies as having Considerable value as well.

The applicant makes reference to the retention of the Jean Batten building as part of the 80 Queen Street (BNZ tower) development and considers this to be a similar situation where a positive outcome has been achieved. I note that the Jean Batten building was not scheduled by the Council, and obtained controlled activity consent to demolish in December 2002 (Council Ref R/LUC/2002/7400196). Due to significant public outcry regarding the demolition of the building the Council worked with the applicant to achieve a compromise where the facades of the non-scheduled Jean Batten building could be incorporated into the design of the new tower building. A similar situation has occurred with the Wong Doo building on 164-168 Hobson Street, that building was not scheduled under the District Plan and controlled activity demolition consent was obtained in 2005 (Council Ref R/LUC/2005/394). A heritage order was placed on the building by the Council in 2011. The Council then worked with the landowner to achieve an outcome where the façade and ground floor spatial interiors of the building were retained, whilst still achieving the landowner's objective of a residential apartment building. As such the differences between the two mentioned buildings and the Berlei Factory, are that the Berlei Factory has been scheduled in the District Plan prior to the proposed development of the site.

The applicant considers through the Supplementary Memo of DPA (**Attachment B**) that it is only the reasons for scheduling that are the relevant parts of a building when considering its heritage value. As 'intactness' is only one of the seven reasons for scheduling under the District Plan and this criteria is given a lower overall value compared to others it is not seen as significant by Mr Pearson as the other criteria. He also considers that the other criteria will not be affected by the destruction of all but the front walls. Mr Wild comments *"that the building must be regarded as an aesthetic and functional entity, and it is invidious to identify individual features of particular significance over or in exception to others"*. As previously stated I consider that it is the building as a whole that has been scheduled, not the isolated parts. As only two facades of this building are to

remain, this results in the loss of the majority of this heritage building and affects the heritage value of the building. The DPA memo also considers that any loss of intactness *"will only be experienced within the site."* As previously stated, given the proposed design of the development with the new building wrapping around and over the existing, in my opinion, it will be clear from the street and thus general public, that only a part of the existing building remains.

The DPA HIS report provides a comprehensive description of the proposed works to the Berlei Factory, including the level of intervention required, the restoration work proposed and the new features proposed to enhance the remaining heritage values of the building. Mr Pearson identifies that considerable work has gone into ensuring that the proposed building does not dominate the qualities of the Berlei Factory, this is also addressed in the Architectural Design Statement at Appendix 4, **Attachment A**. Aspects include a glazed recessed element between the Berlei Factory and the Wellesley Street entrance gallery such that the reconstructed end wall of the Berlei Factory is visible, and setback of the of the upper levels of the new building, particularly the truss zone directly above. Mr Pearson also notes that through the detailed design phase careful consideration will need to be given to:

- *"Ensuring that the new structural grid and columns on the inside face of Nelson House align with the original structural elements.*
- *Treating the internal space adjacent to the Nelson Street façade in a clearly different manner from the remainder of the exhibition floor as a way of indicating that Nelson House originally had a different spatial quality and character."*

These are also key elements for Mr Wild in terms of ensuring some heritage values are retained and thus the applicant has confirmed that conditions of consent providing for the continued involvement of Council's Heritage team are appropriate.

I also consider that the restoration of the facades, including the painting of these, is considered to benefit the overall quality of the heritage value of the building. The lowering of some of the window sill levels on Nelson Street is considered acceptable as the intervention is of an appropriate scale and design as well as enabling greater interaction with the street and thus the ability for a more active use to locate in this part of the building. The works are considered to be able to be undertaken in a sensitive manner that will ensure that the remaining heritage values of the building are adversely affected to a minor degree.

Overall, in my opinion and having considered the various expert reports from both the applicant and Council, I consider that while there are a number of interventions to the Berlei Factory that will only result in minor adverse effects on the heritage values of the building. However, the fundamental matter of the substantial demolition of the building and retention of only the two street facades does result in more than minor adverse effects on the heritage value of the building particularly as the building no longer remains, which in turn results in more than minor adverse effects on the heritage values of the environment.



### Effects on cultural values

As set out in Section 4, above the applicant has undertaken consultation, including providing the applicant's groundwater report, with the 13 iwi who have an interest in the Waitemata Local Board area. This consultation has been undertaken to determine whether the taking and diverting of groundwater will result in an adverse effect on mana whenua values and whether a cultural impact assessment (CIA) is required. I note that consultation with the relevant iwi is necessary as it is only they who can determine whether their cultural values are affected.

As set out in the section 92 response at **Attachment B**, from the consultation undertaken to date 8 have not responded to the contact, Ngati Tamatera supports the position taken by Ngati Maru and Te Kawerau a Maki are happy to defer to other local iwi/hapu. Ngai Tai Ki Tamaki advised that no CIA was required providing NZICC proceed in accordance with the Beca report, however a meeting was also sought. Te Runanga o Ngati Whatua requested to be made aware of other iwi responses, the applicant requested a meeting and no response was received. Ngati Maru were to consider if a CIA was required and a meeting was held. Further contact was initiated with Te Runanga o Ngati Whatua, Ngati Maru and Ngati Tamatera and no responses were received.

Ngai Tai Ki Tamaki contacted the Council in January 2015 advising there were potential cultural concerns and they wished to review the application material which was sent to them. Since that time there has been no further correspondence.

Given the consultation undertaken, the method of works proposed in terms of groundwater, and the subsequent lack of responses I consider that the proposal will have less than minor adverse effects on cultural values.

### Amenity effects including visual, character and pedestrian amenity effects

The applicant has provided a suite of detailed assessments regarding the proposed building design, these being the Architectural Design Statement prepared by Warren and Mahoney at Appendix 4, the Urban Design Assessment prepared by Boffa Miskell at Appendix 5 and the Urban Design Framework prepared by Boffa Miskell at Appendix 6, as well as the Landscape and Visual Effects Assessment prepared by Boffa Miskell at Appendix 7 of the AEE in **Attachment A**.

The proposal has been comprehensively assessed in terms of urban design matters, by Council's Principal Urban Designer, Chad McMan, as part of that assessment, Mr Leo Jew, Council's Senior Landscape Architect has peer reviewed the Landscape and Visual Assessment, these reports are located at **Attachment P**.

The proposal has also been reviewed by the Auckland Urban Design Panel (AUDP) on four occasions, the first being an introduction to the project and the following three focusing on the spatial location of activities and design of the buildings. The minutes of these meetings are attached in Appendix 5 of **Attachment A** and Appendix 1 of **Attachment P**. In summary the AUDP support the overall design strategy of the convention centre and hotel particularly the hotel design and its relationship with the street and convention centre; the modelling of the building form of the convention centre, the proposed laneway, and that there is appropriate activity around its perimeter to engage with public space. However the AUDP did express concern regarding the proposed air

bridge design, some detailed design aspects, and the need to ensure the works around Nelson House and the Albion Hotel are more refined.

*Design and Appearance including bulk, dominance and effect on streetscape*

The proposed buildings will be larger in scale and taller than those presently existing, however they comply with the relevant height and site intensity controls of the District Plan. Furthermore there is nothing in the District Plan to stop the merging of sites to form a larger building site.

- Hotel

The applicant in their Urban Design Assessment comments that:

- the proposed hotel with its distinctive curvilinear form will be prominent on the skyline from various viewpoints;
- the ground floor of the building will provide active spaces to both Hobson Street and the laneway through the site;
- the architectural expression of the hotel is strong, and has materials that are clear and legible.

The proposed design has support from the applicant's specialists, AUDP and Council specialists as such I consider the building form and design will have less than minor adverse amenity effects on the wider environment.

- Convention Centre

The convention centre is an urban building fronting three streets that has "*been designed intentionally as a civic or public-minded piece of architecture*" (4.35 Urban Design Assessment), with pedestrian access points from all three streets. The applicant's architects have sought to develop a building that will positively contribute to the city centre, and to the goals of the City Centre MasterPlan. The applicant identifies that the proposed convention centre and associated hotel will be an area with high numbers of people coming and going throughout the day and night. When compared to the current characteristics of the area the proposal will result in significant change, which it is hoped by the applicants will represent a "*very significant catalyst to the wider reconnection and revitalisation of the western edge achieving the east-west stitch connecting the emergent Victoria Quarter with midtown.*" (4.36).

On Hobson Street the building will define the street to a much greater degree than exists. The main forecourt plaza entry is at the northern part of the site on Hobson Street which Mr McMan agrees relates well to where the main pedestrian activity of the city is. As set out in the Effects on the Streetscape assessment above, the recess of the convention centre building on Hobson Street is to enable sufficient room for an on-street coach parking bay and a footpath. Mr McMan states "*I support the recessed frontage at ground level as a means of de-escalating the visual presence of coach loading and unloading at the main entrance to the centre.*" I concur with this comment.

The Hobson Street frontage of the centre includes a truck dock access to enable deliveries, i.e. B-Train trucks, direct access onto the Exhibition Hall floor for pack-in and pack-outs. As set out in the Transportation Assessment the truck access will be

controlled. The access will be through the glazed façade of the building frontage Mr McMan and I consider that from what is shown it can be ensured the opening will not look like a truck dock but instead the glazed façade of the building. Mr McMan is accepting of the large expanse of glazed frontage though relying on the applicant to provide appropriate activity behind this, Mr Jew considers that the building is lacking at human scale, and the glazing will be of only limited transparency during the day. While I accept that there is extensive glazing and no specific active activity behind this, i.e. a retail or food and beverage outlet, pedestrians will still be able to look into this front area of the building and see whatever activity is occurring, there will also be depth to the space which I consider provide a level of interest compared to solid blank walls.

An area of concern for Mr McMan is the location of the proposed grilles on the spine wall of the convention centre, being directly adjacent the entrance plaza. These are necessary air intake and exhausts for the basement carpark, however should they be exhaust ducts I concur they would significantly detract from the usability and pleasantness of the front entrance area. I therefore recommend as conditions of consent that these be intake only to ensure this and also to ensure that the noise from these systems are suitably managed so that the plaza area is an attractive space to dwell, otherwise there is the potential for more than minor adverse effects on the amenity of this space.

The Wellesley Street frontage of the building has been designed as a glazed gallery space that sits between the two historic buildings. This is a change from the existing small grain focus of the street, however Mr McMan considers that one new building within this block is acceptable. The AUDP comment that this elevation indicates a high level of quality that should be developed further and that it relates successfully to the heritage buildings. The building has been designed to step down the street to reduce the extent of blank walls at ground level which Mr McMan is comfortable with. Like the Hobson Street frontage I consider that the extent of glazing is appropriate.

The Nelson Street frontage of the site is broken into the retention of the Berlei Factory façade, the large carpark entrance, and the pedestrian entrance/laneway. In terms of the hierarchy and location of the streets I accept that the most appropriate location for the main vehicle and loading entrance is on Nelson Street, Mr McMan also agrees with this.

To provide a strong separation between the Berlei Factory and the new building a large void/setback is proposed above the heritage building. The Boffa Miskell Landscape and Visual Assessment (Appendix 7 of Attachment A), considers that the stepped nature of the new building and the variety of materials *"will ensure that the building, whilst clearly large and legible as the city's convention centre facility, is not overly dominant within the streetspace, and that the visual integrity of the heritage building, as derived from its context, is not adversely affected"*. The separation of the two building forms is supported by the AUDP, Mr Wild and Mr McMan. Mr Jew is of the opinion that the new building creates *"an adverse visual impact from this viewpoint (VP08) on Berlei House"*. However, I agree with Mr McMan's assessment which notes that the location, size and massing of the new building will inevitably dominate the scale of the Berlei Factory below, however he considers this dominance acceptable in comparison to losing the heritage building. In my opinion, following review of the various specialist assessments, I consider this aspect of the proposal will have minor adverse effects in terms of visual amenity.

The proposal includes a laneway from Nelson to Hobson Streets on the northern part of the site adjacent to TVNZ and between the hotel and convention centre. The provision of this laneway is commended by Council's specialists and will serve to break up the large city block and provide an alternative pedestrian thoroughfare. The elevation of the laneway will be a spine wall containing the circulation spaces of the centre within it. At the ground level there will be various openings for food and beverage activities. However Mr McMan considers that *"the spine element requires a solid visual presence, including the northern edge where good solar access and views from the site are available."* Mr McMan considers that the lane does not maximise the opportunities available, however, I consider that through the detailed design process more could be done to this spine wall to enliven it and thus recommend this through a condition of consent to ensure less than minor adverse effects on the amenity of this space.

Mr Fitzpatrick in his assessment (see **Attachment N**) also considers the laneway is positive however notes that *"the approach adopted in arranging the levels along the lane is unfortunate as it reduces many of the stated benefits of the lane."* The stairs reduce accessibility and visual connection from one end of the lane to the other. Therefore there is less public value and a risk of safety. However in my opinion safety can be addressed through appropriate lighting of this space.

Mr McMan and Mr Jew both have concerns regarding the identity of the building and considers that the building does not provide sufficient sense of place both in its Auckland context and for Mr Jew as part of the South Pacific. In Mr McMan's opinion *"while the overall massing is varied and articulated, the design of the NZICC has not established a sense of place commensurate with its role within the city and beyond, the effect of which is more than minor. However it is possible that additional design refinement could enhance the concept of context/identity"*. Mr Jew goes further to say that *"the NZICC is unmemorable and depending on the viewing audience, the lack of response to its context will create adverse visual effects."* In my opinion a New Zealand identity can be appropriately explored through the detailed design phase of the project and the interiors of the building and therefore a condition of consent requiring the detailed design to be reviewed by the Council regarding this matter is recommended to ensure this.

Overall, from the assessments undertaken by the applicant, the Council specialists and my own assessment I consider that the proposed built form is appropriate for this urban location, and will cause minor adverse effects in terms of amenity subject to the acceptance of the conditions of consent recommended. Alternatively if the conditions are not accepted to avoid or mitigate the effects identified, then these adverse effects are likely to be more than minor.

### *Lighting*

The applicant proposes to provide floodlighting of certain elements of the NZICC and hotel, in particular highlighting the entry and activity points from the main approaches, illuminate key architectural elements such as walls, soffits and heritage facades, and establish the civic presence of the site. In the applicant's opinion this will also *"add to the amenity, safety and activity of this central location."* Lighting is also proposed within the plaza and laneway providing an inviting and safe night-time environment. The applicant notes that the designs for lighting have yet to be developed in detail. However, they will generally meet the lux and brightness standards, and as advised in their section 92 response the

outdoor lighting may be up to 200lux. To ensure there are less than minor adverse effects on amenity and safety from light spill and glare the applicant proposes a condition of consent whereby Council would approve the final lighting plan. I accept this and consider that the proposed lighting will have less than minor adverse effects on the wider environment.

### *Signs*

The applicant has provided a signage strategy at pages 56 to 63 of the Urban Design Framework (Appendix 6 of the AEE). I note that the proposed signage strategy is indicative with only the areas of signs shown, furthermore these signage areas are not shown on the architectural plans or visual montages. The AUDP in their minutes of Session 4 noted that *"the intention to keep signage to the lower part of the building will avoid signage dominating the streetscape and skyline."*

The Architectural Design Statement sets out the three types of signs proposed:

- Permanent building signage ("Type 1")
- Temporary event signage ("Type 2")
- Permanent building entrance and way finding signage ("Type 3")

I also note that the Urban Design Framework proposes additional signage zones for the hotel naming, individual tenancies within the hotel and NZICC (eg cafes and bars) as well as carpark sign zones. Given the large number of signs proposed and the little detail given of these it is important to ensure that they do not detract from the architectural qualities of the building nor the amenity of the streetscape environment.

In terms of the temporary event signage, this is generally located within the building foyers and will be large scale digital screens that can be easily changed. I accept that is necessary and appropriate to advertise the events being held at NZICC. The applicant has accepted conditions that would control the luminance level and rate of change of these images to ensure less than minor adverse effects on traffic safety and pedestrian amenity.

The proposed Type 3 signs will need to be incorporated in the proposed Way Finding and Signage Plan to ensure that the signs are useful and logical for pedestrians within the area. These signs are at low level and of generally small scale when considering the size of the proposed buildings. However, it is unclear what the real purpose of these signs are given their close proximity to proposed Type 1 signs.

The proposed tenancy signs and carpark signs generally are appropriate for the activities that will utilise them. Projecting "tavern" signs particularly for the premises on the laneway are considered appropriate as they will advertise the presence of these activities to the passer-by on the street, and provide more interest within this environment. The key to ensuring less than minor adverse effects on the streetscape amenity will be that the signs are all of a consistent material and scale. This could be ensured through appropriate conditions of consent as a cluttered and varied nature of signage would reduce the amenity of the streetscape with at least minor adverse effects.

The majority of the proposed large scale permanent signs are shown to be flat wall-mounted signs. The scale, size and location of these is considered appropriate, providing identification of the building and given this will be the branding image of the centre I am

confident will not detract from the amenity of the streetscape. However, I have concern regarding two of these signs, both of which are shown to be projecting large scale signs (no dimensions given) one protruding over Hobson Street adjacent to the Albion Hotel and one in the setback area above the Nelson House facade. The Hobson Street sign given its unknown material or design and its scale and proximity to the Albion Hotel could potentially detract from the heritage values of this building. More notably the protruding sign above Nelson House will in my opinion detract from the whole reason of this part of the building being recessive to Nelson House and will instead be a dominating and competing structure. As such I consider a sign of such design in this location will detract from the heritage values and appreciation of Nelson House. Therefore I am of the opinion that this proposed sign is likely to have more than minor adverse effects on the heritage values of Nelson House. Given its highly visible location, both within the streetscape and on the building, I consider it will also detract from the streetscape amenity and overall design of the building to a more than minor degree. This is also supported by Mr McMan in his review of the application.

In summary, I consider that the proposed signage areas, in general, are appropriate, subject to conditions of consent to ensure consistent design, materials, and luminance levels and rate of change where appropriate. However I consider both Type 1A signs are inappropriate and will have more than minor adverse effects.

### *Roofscape*

As identified by both Mr Jew and Mr McMan the roof of the convention centre will be a visible element both on the skyline when viewed from the west and when looked down on from the Sky Tower. The roof of the centre will be varied with the plenary theatre shape set in the middle and its sides illuminated. I note that the AUDP supported the idea of the roof as an expression of the footprint of the plenary space below.

In response to the request for further information, the applicant has amended the rooftop by setting the plant further back from the southern parapet, this is to ensure the objective of not being able to view the roof plant from surrounding streets is achieved. I note some plant cannot be fully enclosed due to its operational requirements.

Both Mr McMan and Mr Jew consider that the roofscape is an important element of the NZICC building and Mr McMan notes it will be visible from a range of places, particularly the Sky Tower. Mr Jew considers the roofscape *"is visually broken and undistinctive covered with what appears to be unscreened plant"*. I note that neither have expressed concerns regarding the roof of the hotel building which will also be visible from the Sky Tower. It appears from my review of the cross-section plan of RC 30-009 Rev C that there will be a parapet edge around the roof of the hotel, with the lift shaft rising in the middle, no details of other mechanical plant, egg air conditioning systems is shown.

In my opinion the NZICC roof elevation is reasonable, the plenary roof provides an interesting architectural form, and also the roof plant has been located in a acceptable manner considering the scale of the building. I believe that further screening of the plant areas could be achieved, but this would also need to ensure that the impact of the architectural form of the plenary roof is not lost. This additional screening could form part of the detailed design drawings and be addressed through a condition of consent. Overall,

I consider that there will be minor adverse visual effects in terms of the proposed roofscape.

#### *Pedestrian amenity effects*

- Parking

As identified in the Transportation Effects assessment the proposal includes a significant excess of parking. Providing parking enables more cars to enter the city centre and utilise these spaces, the adverse effects on the transportation network are assessed above, however the increased traffic also has an effect on the pedestrian amenity and enjoyment of the street environment. This can be noticeable for pedestrians in their inability to cross vehicle crossings, as well as additional noise and pollution. Mr Hancock, has some concern over the volume of vehicles entering the site at Nelson Street (given this provides for both the NZICC and SkyCity car parks), with such a volume of traffic, pedestrians may be challenged in crossing this vehicle crossing thus reducing their safety and also amenity of this area.

Mr McMan in his assessment considers that *"the additional parking creates little public benefit to the City Centre, is detrimental to the wider environment, occurs in the most accessible part of the region, and in a location where greater pedestrian numbers are anticipated over time. Additional vehicle movements do not support desirable urban design outcomes within Victoria Quarter, and detract from the overall quality of the wider city centre that users pass through"*.

Mr McMan states that all the additional parking will be set aside for commuter/early bird use, however the application is set out as - 100 parking spaces for casual early birds, 100 spaces for leaseholders and the remaining 269 additional spaces are for short-term visitor parking. Furthermore as addressed in the Transportation Effects assessment I consider that the commuter parking should be changed to short term visitor parking only, and there be a restriction on staff carparking. With these changes the effect on pedestrian amenity is more likely to be spread throughout the day rather than compressed into peak periods. However, should these recommended conditions not be accepted then there will be more than minor adverse effects on pedestrian amenity.

- Verandahs

The proposed development does not provide verandahs along the full extent of Hobson or Wellesley Streets (noting that a verandah is not required on Nelson Street). This can reduce pedestrian amenity. In terms of Wellesley Street a verandah has been provided along the full extent of the new building, but not proposed as part of the Berlei Factory works.

Mr Jew and Mr McMan both consider further verandah coverage should be provided on Nelson Street, i.e. on the scheduled Berlei Factory. They consider without this coverage pedestrian amenity is affected. While I agree that the provision of verandahs is important and not providing them does create adverse effects on pedestrian amenity, I do not consider it appropriate to place a verandah on this scheduled building as it is likely to reduce the visual qualities and architectural merit of this building to a more than minor degree.

The proposed verandah outside the Hobson Street frontage of the NZICC will in reality be within the private curtilage of the building, this is due to the setback of the building frontage to accommodate sufficient space for the coach parking and pedestrian footpath. However a verandah is still provided and the space at ground level will appear public and as such I consider there will be less than minor adverse effects on pedestrian amenity. Due to the front entrance design, plaza space and hotel design, providing a verandah in this part of the site is unachievable. While this will reduce pedestrian amenity in this location I note that there are no verandahs on the TVNZ site thus there is no continuity of protection.

As such I consider the non-provision of verandahs in these locations acceptable and will result in less than minor adverse effects on pedestrian amenity.

#### *Non-permanent accommodation*

The proposal includes the establishment of a 12 storey, 300 bed hotel in the north-eastern corner of the site. The applicant has confirmed that the hotel will be held in one common ownership and that it will be designed to ensure compliance with the relevant acoustic controls. The proposed external design of the hotel has been addressed above, as well as the associated traffic, loading and coach facilities. The proposed location of the building, in close proximity to the boundaries with TVNZ mean that a number of the rooms on all levels of the hotel do not provide sufficient outlook. This potentially adversely affects the occupiers of the hotel rooms, but I consider there are no adverse effects on the wider environment.

#### *Summary*

From my assessment of the application material and the Council specialists reports, I am of the opinion that should the applicant accept the conditions of consent recommended above the proposal will have minor adverse amenity effects.

#### Effects of overpass/air bridge

The proposal includes an air bridge that will link the SkyCity main site into the proposed hotel over Hobson Street. A connection will also be provided through the hotel over a second smaller bridge over the proposed laneway to access the convention centre. The proposed air bridge would link in to the SkyCity main site, and through some proposed internal alterations provide a direct connection to the existing Federal Street air bridge, as well as the escalators to the SkyCity ground floor.

The applicant proposes a public access easement from ground level through a lift in the proposed hotel and through the air bridge over Hobson Street. The applicant also proposes to provide a public access easement through the main SkyCity and the existing elevators and escalators as well as connecting to the existing public access easement of the Federal Street air bridge. It is noted that currently there is no such public access easement through the SkyCity building, only in The Grand building and the existing Federal Street air bridge.

The proposed air bridge has been the subject of much consideration by the Council's Auckland Design Office and has also been considered by the AUDP on two occasions. I note the air bridge will require an airspace license from Auckland Transport and this is a separate process with separate assessment guidelines used for that process. The small



air bridge is not subject to this requirement and generally the design and activity is accepted by Council specialists as part of the overall project.

The applicant advises at Section 2.2 of the AEE that:

*“The NZICC proposal includes a pedestrian air-bridge over Hobson Street to connect the convention centres and allow the existing facility [the current SkyCity Convention Centre] to work concurrently with a major convention at the NZICC. The air bridge over Hobson Street, linking the NZICC and the existing SKYCITY Convention Centre, is therefore a key requirement to achieving the deliverables outlined in the NZICC agreement. It will also provide a direct linkage between the proposed convention centre and hotel, through the SKYCITY main site on the eastern side of Hobson Street and in turn connect with existing through site connections to the east in the form of the existing air bridge over Federal Street through the SKYCITY Grand Hotel and Convention Centre property to Albert Street.”*

#### *Visual and streetscape character effects*

The proposed air bridge has been assessed by the applicant particularly within the Urban Design Assessment by Boffa Miskell at Appendix 5 and the Landscape and Visual Assessment prepared by Boffa Miskell at Appendix 7 of the AEE. Council's Auckland Design Office have assessed the air bridge in the Urban Design Assessment prepared by Mr McMan and the appended Landscape and Visual Peer Review by Mr Jew both located at **Attachment P**.

The proposed air bridge has been designed to a height, location and scale to meet the design requirements of the District Plan. The Boffa Miskell Landscape and Visual Assessment states at Section 9.2:

*The air bridge is likely to have a range of effects on views and visual amenity, however generally these effects will be low or very low in significance. The structure is designed to avoid any excessive visual bulk, and is of the minimum width required for pedestrian circulation. Furthermore it will be constructed largely of glass to ensure that its overall prominence over the streetscape remains limited.*

The AUDP initially did not support the concept of an air bridge, however following further consideration determined that in principle an air bridge may be an acceptable structure. However, in making this statement there were a number of caveats, in particular that the air bridge would need to be “*sublime architecture*”, the bridge would be available for general public access at all times, the numbers using the bridge would not undermine the potential for street based regeneration; the streetscape upgrade works would be fully implemented at the same time, and the connection through the hotel was expressed through design. The AUDP in their final recommendation advised they did not support the air bridge as currently proposed and that the current design did not adequately respond to the criteria they had previously set.

Mr McMan and Mr Jew hold different opinions to the conclusions reached by Boffa Miskell and overall consider that the air bridge creates a more than minor adverse visual effect, and more than minor adverse effects on the public realm.

In particular Mr McMan considers that among other things the proposed air bridge obscures the image of the NZICC, fundamentally alters the perception of amenity, safety and social inclusion/exclusion for those at ground level, increases visual clutter within the streetscape, uses design language that is visually similar to overhead road signage structures found nearby thus not distinguishing from the car dominated environment; and does not suggest a strong street based permeability detracting from the legibility of the street network.

Mr McMan also considers that *"the expression of the elevated route is not sufficiently legible to define the length of the potential route for users"*, and that the current expression is episodic, being a series of individual links.

In summary Mr McMan considers that the air bridge *"creates mainly private benefits that outweigh any potential public benefit and in doing so create adverse effects on the public realm that are more than minor"*.

Mr Jew is of the opinion that the air bridge *"will create an adverse visual effect, primarily through visual dominance and the diminishment of harbour views along Hobson Street."* He considers that the surrounding buildings have a strong vertical form and the air bridge will contrast in dominance to this and that the visual dominance of the air bridge is *"likely to form a focus of the view from many locations."* In terms of landscape effects Mr Jew considers *"pedestrian activity enhances amenity through providing a greater sense of personal safety, activity and excitement. It acts as a catalyst for attracting activity and assist in converting it from a road to a street. Pedestrian displacement to the air bridge weakens this effect and I consider that the temporary landscape impact is likely to generate a moderately adverse effect."*

Mr Jew also considers that the pedestrian modelling shows that there is sufficient capacity in the footpaths to provide for the pedestrians from the centre, and that the air bridge will create pedestrian displacement thus generating a moderate adverse effect.

The applicant in the Urban Design Assessment states the *"bridge design that is relatively recessive and non-intrusive viewed from the public realm up close on Hobson Street as well as from afar."* Further *"the air bridge will have a level of three dimensionality and architectural design quality through its innovative structural solution and fine detailing of both structural and glazing element that will ensure it is a satisfying element within the public realm"*. The applicant also states *"on balance the air bridge is considered not to detract from the urban amenity of the public realm whilst providing important connectivity for NZICC delegates and a potentially useful alternative for the general public as a through site link over three east-west midtown blocks"*.

It is clear that there is a differing point of view on the qualities of the proposed air bridge between that of the applicant's specialists, and Council's specialists, including the AUDP. These differences include the potential visual effects of the air bridge, the usability of the structure, its architectural quality and effects on the streetscape.

In my opinion it is unlikely the majority of people will utilise the air bridge in preference to the street unless it is inclement weather or they are wishing to access the SkyCity properties. This is due to the need to vertically access the air bridge to the plenary theatre level when the upgraded streetscape will be at the level where the majority of pedestrians (i.e. exiting the Exhibition Hall) will be located. I also note the streetscape is proposed to

be upgraded and be of an enhanced quality, furthermore a mid-block pedestrian crossing is proposed directly outside the main entrance of the centre. The numbers of pedestrians on the street will be significantly greater than currently exist due to the overall proposal. Therefore in my opinion it is difficult to say that the upgraded street would be considered unsafe by the presence of an air bridge, nor would there be a decrease in the use of the street for pedestrians due to the presence of the air bridge.

The architectural merit of the structure is subjective, however its visual qualities and whether it causes adverse visual effects needs to be considered. I am of the opinion that the air bridge will have a visual effect on the streetscape, this is because it will be clearly visible being over a roadway. The view of the harbour is still retained and, generally, the structure is of clear glazing thus providing some transparency. However it will detract to some degree from the openness of the street and become a focal point of the view. Having considered all of the assessments, I am of the opinion that the proposed air bridge will have minor adverse effects on the visual amenity of the street and less than minor adverse effects on pedestrian amenity at street level.

### *Pedestrian Safety*

The convention centre is anticipated to significantly increase the pedestrian numbers within this part of Hobson Street. At times after large scale concerts and events there will be a significant number of people exiting the venue at once and dispersing onto the street. The applicant has undertaken detailed pedestrian modelling to determine the effects of this number of pedestrians on the street environment. This has been prepared by Beca and is located at Appendix 14 of the AEE. The modelling shows that at these times there is significant pressure on the footpaths such that people are likely to spill onto the road. Providing a secondary means of dispersal by way of the air bridge, helps mitigate this potential safety effect.

Council's consultant traffic engineer, Mr Hancock has reviewed the pedestrian modelling and the air bridge (see Section 4.1 of **Attachment L**). He notes that the modelling has not taken into account the vehicles exiting from the proposed Hobson Street car park egress adjacent to the hotel which will cause additional delays and interruptions to pedestrians. Mr Hancock considers that the air bridge by providing an alternative route reduces the number of pedestrians on the street thereby improving the level of service and lessening safety concerns. While recognising Mr Jew's alternate opinion above, I accept Mr Hancock's conclusion and consider that without the air bridge, there is potential for more than minor adverse effects on pedestrian safety during these busy times, however the air bridge reduces these effects on safety to a minor degree.

### *Summary*

From the various assessments undertaken, I consider that the proposed air bridge will have minor adverse visual effects, less than minor adverse effects on pedestrian amenity and will not adversely affect pedestrian safety.

### Cumulative Effects

Cumulative effects are effects that arise over time or in combination with other effects. Given the scale of the proposal, and the wide ranging identified adverse effects there is the potential for adverse cumulative effects to exist. From the assessments undertaken by the

relevant experts as addressed above, I do not consider that the adverse effects during construction will cumulate in more than minor adverse effects providing the conditions of consent that have been offered by the applicant are implemented. I recognise that should this construction project occur at the same time as others in the city centre, for example, the CRL, and development at 106-108 Albert Street, there will be at least minor adverse effects on the operation of the roading network in the city centre due to the significant number of truck movements. However, it cannot be determined if the projects will occur at once and as part of the construction traffic management plans this will have to be carefully addressed by the relevant parties.

In terms of adverse cumulative effects over time, the proposed hotel and convention centre activities are permitted under the District Plan and activities that would be accepted and anticipated within this city centre locality. The potential for adverse cumulative effects is, in my opinion, in terms of traffic generation and the effect on the surrounding roading network, as identified by Mr Hancock in his peer review of the Transportation Assessment and touched on in the Transportation Effects assessment above. The NZICC parking activity will have minor adverse effects on the operation of the roading network, in combination with the other projects occurring, for example, the Nelson Street cycleway and its lane reconfigurations, changes to bus routes and the future Linear Park on Victoria Street, all of these combined have the potential to result in adverse cumulative effects on the operation and efficiency of the roading network. I consider this potential adds to the need to not provide commuter parking as part of the NZICC development thus reducing the amount of cars associated with NZICC that would be on the roading network during peak times and therefore cumulatively the adverse effects would be minor.

#### Adverse effects conclusion

Overall, from the assessment undertaken above the proposal will result in:

- less than minor adverse effects in relation to earthworks, contamination, infrastructure, flooding and inundation, noise during construction and noise and vibration during the operation of the centre, cultural values and the hotel building. If the conditions of consent identified by the Council specialists and above are accepted by the applicant there will be less than minor adverse effects from loading and servicing, arboriculture and streetscape; vibration during construction,
- minor adverse effects in relation to groundwater, construction effects, works adjacent to the scheduled Albion Hotel, works to Nelson House (excluding demolition), pedestrian amenity, the air bridge and the convention centre building;
- more than minor adverse effects in relation to substantial demolition of a scheduled building. If the conditions recommended in respect of excess parking and pedestrian safety are not accepted, adverse effects would also be more than minor in relation to these matters as well as cumulative effects.

#### **Special circumstances**

Despite the above, the council may publicly notify an application if special circumstances exist.

“Special circumstances” have been defined by the Court of Appeal as those that are unusual or exceptional, but they may be less than extraordinary or unique (*Peninsula Watchdog Group (Inc) v Minister of Energy* [1996] 2 NZLR 529). With regards to what may constitute an unusual or exceptional circumstance, Salmon J commented in *Bayley v Manukau CC* [1998] NZRMA 396 that if the district plan specifically envisages what is proposed, it cannot be described as being out of the ordinary and giving rise to special circumstances.

In *Murray v Whakatane DC* [1997] NZRMA 433, Elias J stated that circumstances which are “special” will be those which make notification desirable, notwithstanding the general provisions excluding the need for notification. In determining what may amount to “special circumstances” it is necessary to consider the matters relevant to the merits of the application as a whole, not merely those considerations stipulated in the tests for notification and service.

I consider there are no special circumstances for these applications as while the development is of a significant scale, the proposed building size and form, with its associated activities generally fall within the permitted activities of the District Plan. The various aspects requiring consent under the regional plans are in relation to the construction of the proposal and are fairly common consent matters for development. Furthermore, the adverse effects assessment above has been able to take into account all the potential effects of the proposal given its overall non-complying status; these effects are particularly regarding heritage, traffic and urban design. Overall, while the actual development is unusual it is reasonably anticipated by the statutory planning documents of the Council.

## General discretion to notify

Section 95A(1) states:

*“A consent authority may, in its discretion, decide whether to publicly notify an application for a resource consent for an activity.”*

Having regard to all of the effects discussed above, I do not consider that this application raises issue that would warrant Council exercising its general discretion under s 95A(1). I consider that the information supporting the application and the assessments by Council specialists are thorough and address all potential adverse effects in detail.

## Public notification assessment conclusion

The applications should be processed with public notification for the following reasons:

- The provision of excess parking is likely to cause more than minor adverse effects on the operation of the road network, including cumulative effects, and more than minor adverse effects on pedestrian amenity and safety as they utilise the street environment around the site, unless suitable mitigation is accepted by the applicant;
- The substantial demolition of the scheduled Berlei Factory such that only the two street front walls remain is considered to result in more than minor adverse effects on heritage values as the quality of the building as a whole is lost;

- The proposed convention centre building will have more than minor adverse amenity effects unless the conditions of consent recommended are accepted by the applicant due to the visual amenity of the building and signs proposed;

Overall, the adverse effects of the proposal are more than minor.

The resource consent applications under the NES, ACRP:SC and ACRP:ALW while resulting in less than minor adverse effects or in the case of ACRP:SC are not required to be considered for notification, are considered to overlap with those consents required under the ACDP and the PAUP. In particular, I am of the opinion that the reasons for consent and associated effects during the construction period are so interrelated and overlap that they should not be considered separately and thus they should be notified together.

## **8. Limited notification assessment (sections 95B, 95E-95G)**

While public notification has been recommended, an assessment of affected persons is undertaken below for the following two reasons:

- To assist the decision maker in case they are of a different opinion in regard to the conclusion on public notification; and / or
- the Resource Management (Forms, Fees, and Procedure) Regulations 2003, regulation 10, requires that notice is served on every person who is in the opinion of the consent authority is an affected person within the meaning of s95E. While this is an administrative decision for the council under those regulations, this has been done to expedite the administration of the public notification under the RMA.

### **Requirements of a rule or national environmental standard**

The Public Notification Assessment above sets out the various rules that require or preclude limited notification.

### **Limited notification / adversely affected persons assessment**

Table 2 lists the persons who have provided their written approval to the activity and effects on these people are disregarded.

The following assessment considers adverse effects on persons, including not only those who own or occupy the subject site, or those on the land adjacent to the subject site, it also considers any other person who is affected. The statutory threshold applied under s95E(1) is that adverse effects on a person must be minor or greater (but not less than minor).

### **Adverse effects on persons**

#### **Construction effects**

While construction is an anticipated temporary activity within the city given the scale of the project the potential effects from the construction activity will be longer than normally expected. In particular, the applicant has confirmed that construction noise and vibration will comply with the relevant standards at all properties except the Albion Hotel and TVNZ who have both given their written approval. However, there remains the nuisance effect of

ongoing noise from construction and it will be audible at surrounding sites, for example the southern side of Wellesley Street that contains a number of apartments. Furthermore the scale of earthworks proposed requires a significant amount of truck movements (approximately 150 movements per day for 12 months). I am therefore of the opinion that the people who are occupying premises on the opposite side of the road to the subject site will be adversely affected by the construction activity to a minor degree. Other persons, including those to the north of TVNZ will be affected to a less than minor degree due to the separation distances.

### Traffic effects

The proposal has a significant number of carparks proposed, all gaining access from the one entrance on Nelson Street. This entrance also serves the main SkyCity site. The additional traffic generated by the excess parking proposed will be noticeable for the persons particularly opposite the carpark entrance. The increased traffic on Nelson Street is also likely to cause adverse effects on the convenience and accessibility of persons adjacent the site as they walk in the local area. I consider this may result in minor adverse effects on these people being those directly opposite the site – as well as those people in the wider environment.

### Effects on character and amenity

The proposed development is of a bulk, height and scale that would be reasonably anticipated within the city centre and thus potential effects of bulk, dominance and shadowing are within the permitted baseline. However, there may be individuals who directly view the scheduled Berlei Factory that the extent of loss of the building would detract from the character and amenity of the area, to the point that this would adversely affect these people, particularly the properties at the intersection of Wellesley and Nelson Streets.

### Effects on human health

As set out in the Contamination assessment above there is proposed to be various management plans and appropriate working techniques in place to ensure that there will not be adverse effects on human health through the excavation of contaminated material.

### Effects of activities on the site

The proposed day-to-day activities, i.e. the convention centre, are permitted activities within this locality. The applicant has also confirmed that the activities will comply with noise levels, particularly during the night, however there is concern from Council's acoustic expert, Mr Finley, that if there is a lessening in building material quality this may not be the case. As such there is the potential for minor adverse effects on adjacent properties from the noise of late night events.

### Effects on customary rights and marine title groups

For protected customary rights groups and customary marine title groups the threshold is whether the activity may have adverse effects on the group on the respective protected right (ss 95F and 95G). There are no customary rights or marine title groups within the locality.

## Limited notification assessment conclusion

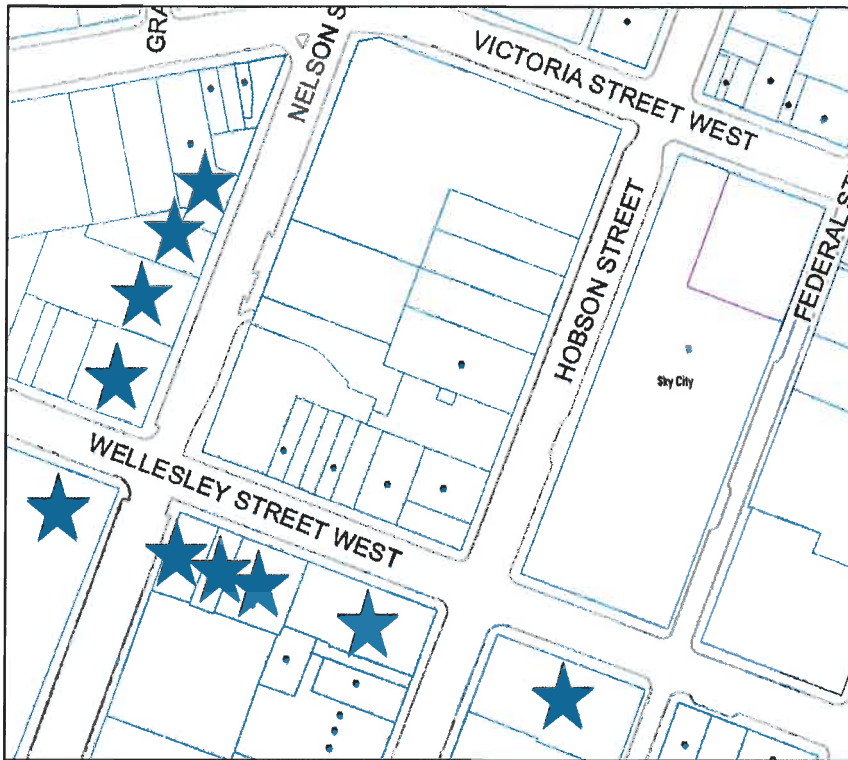
On the basis of the above analysis, notice of these applications should be served to the following persons:

**Table**

Address	Legal description	Owner and / or occupier
72 Wellesley Street West	Lot 1 DP 157227 SRS UP 159018, CT 95B/764, CT 93C/333	Owner and Occupiers
74 – 80 Wellesley Street West	Lots 1 & 2 DP 156320 SRS UP 161545 CT 97A/999	Owner and Occupiers
84 Wellesley Street West	Pt Allot 4 Sec 39 Auckland City, CT 18B/1219	Owner and Occupiers
86 Wellesley Street West	Pt Lot 1 DP 45541 CT 1574/3	Owner and Occupiers
103 Wellesley Street West	Lot 1 DP 93390	Owner and Occupiers
132 Hobson Street	Lot 1 DP 184578 CT 115B/292	Owner
61 – 87 Cook Street	Lot 1 - 4 DP 422053	Owner and Occupiers
55 – 59 Nelson Street	Lot 1 DP 72473 CT 28C/492	Owner and Occupiers
51 – 53 Nelson Street	Lot 1 DP 85571 CT 41C/1113	Owner and Occupiers
150 Victoria Street West	Lots 1 & 2 DP 44886, Lot 1 DP 50763	Owner and Occupiers

The relationship of these properties to the subject site are identified on the following map of the site and surrounds:





## 9. Notification recommendation

These applications should proceed with public notification because:

- The applicant has provided all further information by the required date.
- Under s95A(2)(c) the adverse effects on the environment will or are likely to be more than minor because
  - The applicant has proposed appropriate mitigation measures which are supported by Council's experts such that effects in relation to contaminated land and earthworks will be less than minor. The applicant has accepted appropriate conditions, particularly the Monitoring and Contingency Plan so that the effects of taking and diverting of groundwater are no more than minor;
  - Construction effects, particularly those relating to increased traffic movements will be temporary in nature and result in minor adverse effects on the surrounding area;
  - There is sufficient infrastructure capacity in the network thus the proposal will have less than minor adverse effects, and there will be less than minor adverse effects on from flooding and inundation;
  - The day to day operation of the centre will have less than minor acoustic and vibration adverse effects on the wider environment given the distance from these receivers, as well as construction noise.
  - The analysis undertaken has identified that the additional traffic generation will result in minor adverse effects on the roading network and in particular

the operation of the nearby intersections. Loading, servicing, coach activity and events can be undertaken in such a way through the use of appropriate management plans proffered by the applicant that adverse effects on traffic and pedestrian safety and amenity will be minor;

- The provision of excess parking is likely to cause more than minor adverse effects on the operation of the road network and more than minor adverse effects on pedestrian amenity and safety as they utilise the street environment around the site unless suitable mitigation is accepted by the applicant;
- The proposal will have less than minor adverse arboriculture and streetscape effects if conditions recommended are accepted due to the significant upgrading of the streets proposed, including tree planting, and providing that works around trees that are remaining will be undertaken in accordance with accepted arboriculture practice;
- Adverse effects on the Albion Hotel will be minor, specifically in relation to groundwater and settlement effects and vibration during the construction period as well as effects on the heritage values in relation to the proposed building design, subject to mitigation measures being adopted by the applicant;
- The substantial demolition of the scheduled Berlei Factory such that only the two street front walls remain is considered to result in more than minor adverse effects on heritage values as the quality of the building as a whole is lost;
- The consultation undertaken to date with mana whenua indicates less than minor adverse effects on cultural values;
- The hotel building will have less than minor adverse amenity effects on the wider environment due to its design and form;
- The proposed convention centre building will have minor adverse amenity effects providing the conditions of consent recommended are accepted by the applicant due to the bulk, visual qualities, signs, verandahs and elevation treatment proposed;
- The air bridge will have minor adverse visual effects, less than minor adverse pedestrian amenity effects and no effect on pedestrian safety; and
- There are potentially minor cumulative effects when considering the proposal in relation to other activities during the construction period and more than minor adverse cumulative effects in terms of roading capacity in the future unless conditions of consent are accepted regarding parking.
- There is no district or regional rule or national environment standard that requires public notification and the applicant has not requested it.
- Under s95A(4) there are no special circumstances to warrant notification, nor any reasons under s95A(1) to exercise broad discretion to notify.

Accordingly, I recommend that these applications are processed on a notified basis.



Jennifer Valentine

Lead Senior Planner, Resource Consents

Date 12/6/15

**Report reviewed and approved for release:**



Ian Smallburn

General Manager, Resource Consents

Date 12/06/15

