

## **I211. Viaduct Harbour Precinct**

### **I211.1. Precinct description**

The Viaduct Harbour precinct incorporates Viaduct Harbour and the land fronting the harbour (including Hobson Wharf), and the adjacent coastal marine area. The precinct is characterised by its enclosed water space, interesting water edge, proximity to the city core, and areas of low-rise character buildings close to the water edge and public spaces. Refer to Viaduct Harbour Precinct plan 1 for the location and extent of the precinct. Coordinates for the precinct boundary in the coastal marine area are shown on Precinct plan 6.

The purpose of the Viaduct Harbour precinct is to provide for a scale of development and a range of uses which reflect and complement the Viaduct Harbour as a special place of character within the city centre. Building height, bulk and design controls are intended to provide a framework which, while providing flexibility in building design, encourages well-defined edges to public spaces, a sense of enclosure at the built edges of public space and a visual transition in the height of built form extending from the water's edge of Viaduct Harbour to the established central commercial area.

To build upon and reinforce the Viaduct Harbour's attributes, provision is made for a wide range of activities. In particular, the establishment of a mix of recreation, leisure, retail, entertainment and community/cultural activities is encouraged along the water's edge, open spaces and certain roads where pedestrian activity is likely to be highest.

The open space network, identified as sub-precinct B, incorporates a range of different sizes, widths and shapes to cater for varying recreational needs. The width of space around the Basin perimeter is also sufficient for the coexistence of maritime-related activities, pedestrian promenades, open air cafe seating and similar activities.

The residential area, identified as Sub-precinct C, recognises the established high quality residential environment and the benefits that a permanent residential population provides to the character, vitality, safety and amenity of the precinct.

The zoning in the Viaduct Harbour Precinct is Business – City Centre Zone and Coastal – General Coastal Marine Zone.

### **I211.2. Objectives [rcp/dp]**

- (1) An attractive public waterfront and world-class visitor destination that is recognised for its distinctive character, quality buildings, public open spaces, recreational opportunities, community and cultural facilities and events.
- (2) Maintain and enhance the Viaduct Harbour land and adjacent water space as a special place of character in the City Centre and retain significant views of the water and areas within and adjacent to the precinct.
- (3) A safe, convenient and interesting environment, which optimises pedestrian and cycling use and improves connectivity within the precinct and to adjacent areas of the City.

- (4) An attractive place for business and investment is provided for marine and port activity, maritime passenger operations and commercial business activity which benefit from a high amenity waterfront location.
- (5) Adverse effects arising from activities and development are avoided, remedied or mitigated, in an integrated manner across mean high water springs.
- (6) A mix of activities is encouraged including residential, business, tourism and events that create a vibrant environment.
- (7) Maintain the residential character and amenity in Sub-precinct C as an attractive place for permanent residents.

The overlay, Auckland-wide and Business – City Centre Zone objectives apply in this precinct in addition to those specified above.

### **I211.3. Policies [rcp/dp]**

- (1) Enable the efficient operation and development of the precinct by providing for activities which have a functional need to locate in or adjacent to the coastal marine area.
- (2) Enable a diverse range of activities while:
  - (a) avoiding, mitigating or remedying potential adverse effects in an integrated manner across mean high water springs, including reverse sensitivity effects on marine and port activities; and
  - (b) maintaining and enhancing public access to the waters edge.
- (3) Provide for continued use of all berthage areas adjacent to public open spaces for commercial vessel activities and other marine and port activities and marina-activities.
- (4) Manage building height and bulk to:
  - (a) achieve an appropriate scale in relation to the street network and the precinct's prominent waterfront location;
  - (b) complement and maintain the distinctive low-medium rise character to achieve a sense of intimacy along streets and other public space frontages; and
  - (c) [deleted]
  - (d) provide a transition in height between the core city centre and the harbour.
- (5) Encourage the development of a diverse range of high-quality visitor experiences including promenading, coastal recreation, community and cultural activities and temporary activities.

- (6) Encourage the construction of a bridge for pedestrians, cyclists and local public transport connecting the Eastern Viaduct with Jellicoe Street to improve public connectivity between Wynyard precinct and the city centre.
- (7) Encourage an integrated network of attractive streets and lanes to increase pedestrian and cycling permeability and accessibility through the precinct.
- (8) Enable and maintain a network of different-sized public open spaces in key locations along the water's edge to cater for a range of recreational opportunities and provide vantage points.
- (9) Manage the land and coastal marine area to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on the water quality and ecology of the city centre coastal environment.
- (10) Limit the loss of significant public views from the city to the harbour and adjacent landscape features.
- (11) Maintain the residential character and amenity values in Sub-precinct C by avoiding activities that adversely affect the residential character and its related amenity values.
- (12) Provide for permanent residents in Sub-precinct C to:
  - (a) maintain and enhance the character and vitality of the precinct; and
  - (b) promote the safety and amenity for pedestrians through passive surveillance.

The overlay, Auckland-wide and Business – City Centre Zone policies apply in this precinct in addition to those specified above.

#### **I211.4. Activity table**

Table I211.4.1 Activity table specifies the activity status for land use and development activities pursuant to section 9(3) of the Resource Management Act 1991 and the activity status for works, occupation and use in the coastal marine area pursuant to sections 12(1), 12(2), and 12(3) of the Resource Management Act 1991, including any associated discharges of contaminants or water into water pursuant to section 15 of the Resource Management Act 1991, or any combination of all of the above sections where relevant.

- Within sub-precinct B, activities marked # in the activity table are limited to the area of the Eastern Viaduct shown on Precinct plan 1.
- Those activities marked with \* have the listed activity status only when that activity is located on a coastal marine area structure (e.g. a new building on an existing wharf). If that activity is located directly in the coastal marine area (e.g. a new wharf) a different activity status will apply.
- The activities in the Coastal – General Coastal Marine Zone and Business – City Centre Zone apply in the Viaduct Harbour Precinct unless otherwise specified in the activity table below.

- For parking on land refer to [E27 Transport](#), except where a more specific activity status applies in the table below.

**Resource Management (National Environmental Standards for Freshwater) Regulations 2020**

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 apply to any part of the coastal marine area that is upstream from the mouth of a river.

If an activity provided for in rules I211.4.1 to I211.9, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

**Table I211.4.1. Activity table**

Activity		CMA [rcp]	Land [dp]
<b>Works in the coastal marine area</b>			
(A1)	Maintenance or repair of existing seawalls, reclamations or drainage systems	P	NA
(A2)	Minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation	RD	NA
(A3)	Reclamation or drainage not otherwise provided for	D	NA
(A4)	Declamation#	RD	RD
(A5)	Maintenance dredging	RD	NA
(A6)	Capital works dredging	RD	NA
<b>Use and activities and associated occupation</b>			
<b>Residential</b>			
(A7)	Dwellings and visitor accommodation within Sub-precinct C	NA	P
<b>Commerce</b>			
(A8)	Dairies, restaurants and cafes, hairdressers, drycleaning agents, retail and healthcare facilities on the ground floor of an existing building within	NA	RD

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	Area A of Sub-precinct C		
(A9)	Office activities within Sub-precinct C	NA	D
(A9A)	Swimming, exercising and leisure activities in the part of the site legally described as Lot 4 Deposited Plan 317103 within Sub-Precinct C by occupants of the site undertaking office activities	NA	P
(A10)	Maritime passenger operations, excluding freight movement and storage#	P*	P
(A11)	Parking accessory to marine and port activities, maritime passenger operations and events within Te Wero Island and the Eastern Viaduct in sub-precinct B	P*	NA
(A12)	Parking that is not accessory to marine and port activities and maritime passenger operations and events on coastal marine area structures	NC*	NA
(A13)	Short-term parking (non accessory) within sub-precinct B	NA	RD
(A14)	Aquaculture activities	Pr	NA
<b>Industry</b>			
(A15)	Permanent refuelling facilities for boats	RD	RD
(A16)	Marine and port activities except for permanent refuelling facilities for boats	P	P
(A17)	Industrial activities not specified as a permitted or restricted activity	D*	D
<b>Community</b>			
(A18)	Artworks, open air markets, kiosks, stalls, displays, tables and seating within Waitemata Plaza and Market Square, including those used in association with food and beverage activities located on adjacent sites	NA	P
(A19)	Marinas	P	P
(A20)	Marina berths	P	N/A
(A21)	Community facilities#	P	P
(A22)	Public amenities	P*	P
(A23)	Activities within sub-precinct B and C listed in the City Centre zone activity table and not specified in this activity table	NC	NC
<b>Development</b>			
(A24)	Marine and port facilities within sub-precinct A or B	NA	RD
(A25)	Marine and port facilities located outside of sub-precinct A and B	P*	P
(A26)	Marine and port accessory structures and	P	P

	services, excluding new pile moorings		
(A27)	Wave attenuation devices	RD	RD
(A28)	Observation areas, viewing platforms and boardwalks	RD	RD
(A29)	Pile moorings existing at 30 September 2013 including occupation and use by the vessel to be moored	P	NA
(A30)	New pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored	RD	NA
(A31)	Maimai	NC	NC
(A32)	A bridge across the Viaduct Harbour	RD	RD
(A33)	Minor cosmetic alterations to a building that does not change its external design or appearance	P*	P
(A34)	New buildings, and alterations and additions to buildings not otherwise provided for	RD*	RD
(A35)	Coastal marine area structures or buildings not otherwise provided for	D	NA
(A36)	Development that does not comply with Standard I211.6.10(1)-(3) or I211.6.11(1)-(2)	NC	NC

### I211.5. Notification

- (1) Any application for resource consent for an activity listed in Table I211.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

### I211.6. Standards

The standards in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Viaduct Harbour Precinct and the standards in the Business – City Centre Zone apply to land in the Viaduct Harbour Precinct unless otherwise specified below

#### I211.6.1. Temporary activities Events

- (1) Temporary activities within the Viaduct Harbour precinct must comply with the general noise limit in [E25 Noise and Vibration](#). Temporary activities may exceed the general noise limit (deemed to be a noise event) no more than 15 times in total within the Viaduct Harbour Precinct (regardless of venue) in any calendar year (1 January to 31 December inclusive).
- (2) The general noise levels in [E25 Noise and Vibration](#) may be exceeded for a cumulative duration of not more than 6 hours within any 24 hour period for a noise event.

- (3) For the purpose of this rule and except where otherwise stated, the Eastern Viaduct, Te Wero, Waitemata Plaza and Market Square as defined on Precinct plan 1, are all separate venues.
- (4) For the 15 noise events, the maximum noise levels must not exceed:
- (a) For no more than 3 of the 15 noise events and for a cumulative duration of not more than 3 of the total 6 hours permitted in I211.6.1(1) above (exclusive of one sound check of no more than one hour duration prior to each event):
- 82dB  $L_{Aeq}(15min)$   
90dB  $L_{A1}(15min)$   
76dB  $L_{eq}(15min)$  at 63Hz 1/1 Octave Band  
76dB  $L_{eq}(15min)$  at 125Hz 1/1 Octave Band  
(high noise event)
- At all other times during the 15 noise events:
- 72dB  $L_{Aeq}(15min)$   
80dB  $L_{A1}(15min)$   
76dB  $L_{eq}(15min)$  at 63Hz 1/1 Octave Band  
76dB  $L_{eq}(15min)$  at 125Hz 1/1 Octave Band  
(medium noise event)
- (5) Except as provided elsewhere in this rule, noise levels must be measured in accordance with the requirements of NZS6801:2008 Acoustics – Measurement of environmental sound and must be assessed in accordance with NZS6802:2008 Acoustics – Environmental Noise except that clause 6.3 must not be used.
- (6) Within Waitemata Plaza and Market Square as shown on Precinct plan 2 the following additional restrictions apply:
- (a) there must be no high noise events;
- (b) there must be no more than two noise events in any four week period;
- (c) of the total 15 noise events there must be no more than six in any one calendar year and the general noise level in in [E25 Noise and Vibration](#) of the Auckland-wide rules must not be exceeded for a cumulative duration of more than three hours for any one noise event.
- (7) For the purpose of the restrictions in I211.6.1(6) above, Waitemata Plaza and Market Square are counted as a single venue.
- (8) Noise levels exceeding the standard in [E25 Noise and Vibration](#) of the Auckland-wide rules including sound checks, must start no earlier than 9am and must finish no later than 10:30 pm Sunday to Thursday inclusive, 11pm Friday and Saturday and 1am New Year's Day.

- (9) The noise limits applying to noise events must be met when measured as the incident level 1m from any adjacent building outside the venue that is occupied during the event.
- (10) Not less than four weeks prior to the commencement of the noise event, the organiser must notify the council in writing of:
  - (a) the names and types of the acts and whether they are anticipated to be within the medium noise level or high noise level as defined in clause 4 above;
  - (b) the person(s) and procedures for monitoring of compliance with noise levels; and
  - (c) the nominated alternative date in the event of postponement due to the weather.
- (11) The council will keep a record of all noise events held and provide this information upon reasonable request.
- (12) Consultation must be undertaken with the majority freehold land owner within the Viaduct Harbour Precinct.

#### **I211.6.2. Parking**

- (1) There must be no parking on Hobson Wharf except for parking accessory to marine and port activities, including any short-term servicing requirements.
- (2) The number of parking spaces must not exceed the maximum rates specified in Table I211.6.2.1.

**Table I211.6.2.1. Maximum parking rates**

Activity/site			New development
(T37)	Dwellings	Dwellings <75m <sup>2</sup> GFA	0.7 per dwelling
(T38)		Dwellings ≥75 and < 90m <sup>2</sup> GFA	1.4 per dwelling
(T39)		Dwellings ≥90m <sup>2</sup> GFA	1.7 per dwelling
(T40)		Visitor spaces	0.2 per dwelling
(T41)	All other activities		1:150m <sup>2</sup> GFA

#### **I211.6.3. Public access**

- (1) Standard [E38.7.3.2](#) Subdivision establishing an esplanade reserve does not apply to subdivision within the Viaduct Harbour Precinct.



#### **I211.6.4. Building height**

Purpose: manage the height of buildings to achieve Policy I211.3(4) of the Viaduct Harbour precinct and respect the heritage values of specifically identified buildings.

- (1) Buildings must not exceed the heights specified on Precinct plan 3.
- (2) The height of buildings and structures on land will be measured in accordance with [H8.6.8](#) of the Business – City Centre Zone rules.
- (3) The height limit in Sub-precinct A and Sub-precinct C may be exceeded by no more than 2m for roofs, including any roof top projections, subject to the building complying with I211.6.5 below (site intensity).
- (4) Buildings must not exceed a height of 52m on the site legally described as LOT 1 DP 183125, except that buildings must be setback at least 15m from the northern facade and 5m from the eastern facades of the former Auckland Harbour Board Workshops building, referenced as 01969 in Schedule 14.1 Schedule of Historic Heritage, above 16.5m, measured above mean street level.

#### **I211.6.5. Site intensity**

Purpose: manage the scale, form and intensity of development to maintain the character and amenity of the precinct.

- (1) Buildings must not exceed the floor area ratios shown on Precinct plan 4.

#### **I211.6.6. Building coverage**

Purpose: manage the scale of development within Waitemata Plaza and Market Square to maintain their open space character.

- (1) Buildings, temporary tents, marquees, air supported canopies, structures and tables and seating must not occupy more than 20 per cent in area of Waitemata Plaza or Market Square as shown on Precinct plan 2.

#### **I211.6.7. Vehicle access restriction**

Purpose: ensure safe and efficient access from and to Sturdee Street and Fanshawe Street.

- (1) Vehicular access from and to Sturdee Street and Fanshawe Street (except 7-9 Fanshawe Street, being the land in Certificate of Title 7B/1437), must be for left turn manoeuvres only, provided that nothing in this clause will limit the Council's powers in relation to roads under the Local Government Act 1974 and, in particular, its powers to construct median strips in roads where it considers that such works are necessary for traffic safety reasons.

#### **I211.6.8. Special yard A**

Purpose: ensure that buildings do not restrict public access along the water's edge.

- (1) Buildings must not locate within special yard A shown on Precinct plan 5.
- (2) The yard applies from average ground level of the land affected to a height of 3m.

- (3) The yard must have a minimum width of 7m.

#### **I211.6.9. Special yard B**

Purpose: maintain unobstructed pedestrian access between Customs Street West and the water's edge in Waitemata Plaza.

- (1) Buildings, tents, marquees, air supported canopies, tables, seating and structures must not be located within 10m of special yard B shown on Precinct plan 5.

#### **I211.6.10. Public spaces and accessways**

Purpose: manage public spaces and accessways to achieve Policies I211.3(2), (3), (7) and (8) of the Viaduct Harbour Precinct.

- (1) The pedestrian accessway on the southern side of the eastern viaduct shown on Precinct plan 5 must be not less than 10m wide.
- (2) All public accessways within sub-precinct B must be available to the public at all times except when written approval has been obtained from the council to temporarily restrict access for security, safety or operational needs associated with port activities or events or where restricted for operational or safety reasons specified in the conservation covenants applying to the area.
- (3) Buildings or structures must not be located within the accessways. This standard does not apply to verandahs or lawful temporary buildings or structures.

#### **I211.6.11. Viewshafts**

Purpose: manage development to maintain significant views of the water and adjacent areas within, and to, the Viaduct Harbour precinct.

- (1) Buildings or structures must not be located within those areas of land identified as landward viewshafts on Precinct plan 5. This standard does not apply to the following:
  - (a) verandahs;
  - (b) lawful temporary buildings or structures;
  - (c) road lighting and support structures;
  - (d) traffic and direction signs and road name signs;
  - (e) traffic control devices, traffic signals and support structures, cabinets and other equipment accessory to traffic signals;
  - (f) parking meters, pay and display kiosks and traffic cameras; or
  - (g) cycle facilities.
- (2) Buildings and structures must not be located within or over those parts of coastal marine area structures and waterspace identified as viewshafts coastal marine area and viewshaft horizontal plane 5m above existing wharf deck

level on Precinct plan 4. This control does not apply to lawful temporary buildings or structures.

#### **I211.7. Assessment – controlled activities**

There are no controlled activities in this precinct.

#### **I211.8. Assessment – restricted discretionary activities**

##### **I211.8.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland-wide or zone provisions:

- (1) declamation:
  - (a) construction or works methods, timing and hours of construction works;
  - (b) location, extent, design and materials used;
  - (c) effects on coastal processes, ecological values, water quality and natural character;
  - (d) effects on public access, navigation and safety;
  - (e) effects on existing uses and activities;
  - (f) consent duration and monitoring; and
  - (g) effects on Mana Whenua values.
- (2) maintenance dredging and capital works dredging:
  - (a) effects on coastal processes, ecological values, and water quality;
  - (b) effects on other users of the coastal marine area, navigation and safety; and
  - (c) consent duration and monitoring;
- (3) wave attenuation devices:
  - (a) location and design of the wave attenuation device;
  - (b) effects on navigation, safety, and existing activities;
  - (c) effects on wave hydraulics;
  - (d) construction or works methods, timing and hours of operation; and
  - (e) consent duration and monitoring;
- (4) marine and port facilities within sub-precinct A or B:

- (a) The matters of discretion in [F2.23.1 of the Coastal - General Coastal Marine Zone](#) apply.
- (5) minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation:
  - (a) form and design of the reclamation;
  - (b) contaminated material;
  - (c) the safe and efficient operation of marine and port activities;
  - (d) effects on Mana Whenua values;
  - (e) construction or works methods, timing and hours of operation; and
  - (f) effects on natural hazards, coastal processes, ecological values and water quality.
- (6) short-term parking (non-accessory) within Sub-precinct B:
  - (a) location, extent, design and materials used;
  - (b) effects on existing uses and activities; and
  - (c) amenity, effects on views and visual amenity;
- (7) observation areas, viewing platforms and boardwalks
  - (a) The matters of discretion in [F2.23.1\(1\) of the Coastal – General Coastal Marine Zone](#) rules apply.
- (8) a bridge across the Viaduct Harbour:
  - (a) construction or works methods, timing and hours of operation;
  - (b) location, extent, design and materials used;
  - (c) effects on coastal processes, ecological values, water quality and natural character;
  - (d) effects on public access, navigation and safety;
  - (e) effects on existing uses and activities;
  - (f) amenity, effects on views and visual amenity; and
  - (g) consent duration and monitoring;
- (9) new buildings, and alterations and additions to buildings not otherwise provided for
  - (a) the matters of discretion in clause [H8.8.1\(1\)](#) of the Business – City Centre Zone rules apply; and

- (b) effects on public access, navigation and safety.
- (10) new pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored:
  - (a) the matters of discretion in [F2.23.1\(1\) of the Coastal - General Coastal Marine Zone](#) rules apply.
- (11) permanent refuelling facilities for boats:
  - (a) the matters of discretion in [F2.23.1\(1\) of the Coastal - General Coastal Marine Zone](#) apply;
- (12) infringing the building height standard:
  - (a) building scale, dominance and visual effects;
  - (b) effects on current or planned future form and character; and
  - (c) pedestrian amenity and function;
- (13) infringing the site intensity standard:
  - (a) building scale, dominance and visual effects;
  - (b) effects on current or planned future form and character; and
  - (c) effects on the transportation network including safety and efficiency;
- (14) infringing the building coverage standard:
  - (a) building scale, dominance and visual effects; and
  - (b) public use amenity and function of the Waitemata Plaza;
- (15) infringing the vehicle access restriction standard:
  - (a) effects on the transportation network (including safety and efficiency); and
  - (b) pedestrian amenity and function;
- (16) infringing the special yards A and B standard:
  - (a) effects on public open space and pedestrian access.
- (17) activities on the ground floor within Area A of sub-precinct C:
  - (a) effects on the residential character and amenity values; and
  - (b) noise, lighting and hours of operation.

### **I211.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, Auckland-wide or zone provisions:

(1) declamation:

- (a) whether the adverse effects of declamation are avoided, remedied or mitigated in respect of the effects of the final land/water configuration on:
  - (i) the marine environment including coastal processes, water quality, sediment quality and ecology of the coastal marine area
  - (ii) hydrogeology (ground water) and hydrology; and
  - (iii) sediment accumulation and the need for on-going maintenance dredging of the coastal marine area;
- (b) whether declamation works, including the construction of seawalls, avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated soils and groundwater, and other contaminants;
- (c) whether declamation is located and designed so that the adjacent land area can provide adequate public open space adjacent to, and public access along the water's edge whether on land or on the adjacent water space; and
- (d) The extent to which declamation will affect Mana Whenua values;

(2) maintenance dredging and capital works dredging:

- (a) whether measures are taken to avoid, remedy or mitigate adverse effects on coastal processes, ecological values, and water quality;
- (b) whether effects on other users of the coastal marine area during the dredging are avoided, remedied or mitigated;
- (c) whether consent duration is limited to the minimum duration reasonably necessary for the functional or operational needs of the activity;
- (d) whether monitoring may be required in order to demonstrate the extent and type of effects of the dredging, and the degree to which the effects are remedied or mitigated during and after the activity;

(3) wave attenuation devices:

- (a) whether the location and design of the wave attenuation device consider existing activities including marine related industries, other marine activities and/or adjoining coastal activities;
- (b) whether the location and design of the wave attenuation device consider the effects of wave hydraulics on other users of the coastal marine area;

- (c) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants;
- (4) marine and port facilities within sub-precinct A or B:
  - (a) the assessment criteria in [F2.23.2](#) of the Coastal – General Coastal Marine Zone rules apply;
- (5) minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation:
  - (a) whether reclamation, as far as practicable, mitigate adverse effects through their form and design, taking into account:
    - (i) the compatibility of the design with the location;
    - (ii) the degree to which the materials used are visually compatible with the adjoining coast;
    - (iii) the ability to avoid consequential erosion and accretion, and other natural hazards;
    - (iv) the effects on coastal processes; and
    - (v) the effects on hydrology;
  - (b) whether the use of contaminated material in a reclamation is avoided unless it is contained in a way that avoids, remedies or mitigates adverse effects on water quality, aquatic ecosystems and biodiversity;
  - (c) the extent to which the reclamation will affect Mana Whenua values; and
  - (d) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants;
- (6) short-term parking (non-accessory) within sub-precinct B:
  - (a) the extent to which the short-term parking is located and designed to:
    - (i) maintain safe public access to and along the edge of the coastal marine area and the perimeter of existing wharves;
    - (ii) avoid or mitigate and adverse amenity effects on public access areas and residents; and
    - (iii) avoid or mitigate effects on existing marine and port facilities;
- (7) observation areas, viewing platforms and boardwalks:
  - (a) the assessment criteria in [F2.23.2\(1\)](#) and [F2.23.2\(17\)](#) for coastal marine area structures and buildings in the Coastal - General Coastal Marine Zone rules apply in addition to the criteria below; and

- (b) the extent to which the design and finish complement and enhance the coastal environment, open spaces and pedestrian linkages;
- (8) a bridge across the Viaduct Harbour:
- (a) whether the bridge contributes to a high quality maritime and urban environment and meet the following outcomes:
- (i) the bridge design avoids significant visual intrusion into views from public areas across the harbour, or from the harbour out to the wider Waitemata Harbour;
- (ii) the bridge contributes to the pedestrian character and amenity of the Viaduct Harbour and Wynyard precincts by:
- providing safe and pleasant pedestrian and cycle access east and west across the Viaduct Harbour;
  - having a landscape design, character and quality which integrates with existing pedestrian priority areas and other accessways around the Viaduct Harbour;
  - not causing significant adverse effects on the use and enjoyment of Te Wero Island as an area of pedestrian-oriented public space; and
  - ensuring the operation or use of the bridge, or lighting will not cause significant adverse effects on the operation of nearby activities or on the amenity values of surrounding land or water uses;
- (iii) the bridge is designed and operated to provide for:
- vessel access to and from the inner Viaduct Harbour without undue delay;
  - navigation and berthage by the existing range of vessels in the inner Viaduct Harbour;
  - any reduction in berthage area to be minimised as far as practicable;
  - convenient and easily accessible systems for communicating with vessel users regarding scheduled and unscheduled bridge opening/closing;
  - appropriate lighting, navigation aids, safety systems and fail-safe mechanisms; and
  - a minimum clearance height of 3m above mean high water springs for a 10m wide navigable channel;
- (iv) the ongoing viable use of the Viaduct Harbour (particularly the Wynyard Precinct mixed use sub-precinct) to accommodate marine



and port activities and marine events, such as boat shows and internationally recognised boating events such as the America's Cup event, is maintained;

(v) the bridge has a high quality design that:

- enhances the character of the Viaduct Harbour;
- is simple and elegant;
- is appropriate within the context of the Viaduct Harbour locality and Auckland's coastal setting;
- has an appropriate relationship with the Viaduct Lifting Bridge identified in the Historic Heritage Overlay; and
- utilises high quality and low maintenance materials and detailing;

(vi) the bridge is designed in a manner which may provide in the future for enhanced connectivity for the public between the Wynyard Precinct and the city centre; and

(vii) the bridge has no more than minor adverse effects on coastal processes including sedimentation within the Viaduct Harbour;

(9) new buildings, and alterations and additions to buildings not otherwise provided for:

(a) the assessment criteria in clause [H8.8.2\(1\)](#) of the Business – City Centre Zone rules apply in addition to the criteria below; and

(b) the building should avoid or mitigate effects on public access, navigation and safety;

(10) new pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored:

(a) the assessment criteria in [F2.23.2](#) of the Coastal – General Coastal Marine Zone apply in addition to the criteria below; and

(b) whether the new pile moorings avoid or mitigate effects on public access, navigation and safety;

(11) permanent refuelling facilities for boats:

(a) refer to the assessment criteria in [F2.23.2\(1\)](#) of the Coastal - General Coastal Marine Zone;

(12) infringing the building height standard:

(a) building height may be exceeded where it would provide an attractive and integrated roof form that also meets the purpose of the standard; and

- (b) where building height is exceeded, Policy I211.3(4) of the Viaduct Harbour Precinct and Policy [H8.3\(30\)](#) of the Business – City Centre Zone should be considered;

(13) infringing the site intensity standard:

- (a) the extent to which development is of a scale and form appropriate to the setting;
- (b) the extent to which the scale of the development is consistent with the current and future character of Viaduct Harbour as established through the objectives and policies for the Viaduct Harbour Precinct;
- (c) whether adverse effects on the transportation network are avoided, minimised or mitigated; and
- (d) whether development compromises marine and port activities;

(14) infringing the building coverage standard:

- (a) the extent to which the scale and form of development within Waitemata Plaza and Market Square maintains their open space character;

(15) infringing the vehicle access restriction standard:

- (a) whether access from and to Sturdee Street and Fanshawe Street is safe and efficient; and
- (b) unobstructed operation of the transportation network should be safe and efficient;

(16) infringing the Special Yards A and B standard:

- (a) whether unobstructed public access to and along the water's edge is maintained;

(17) activities on the ground floor within Area A of sub-precinct C:

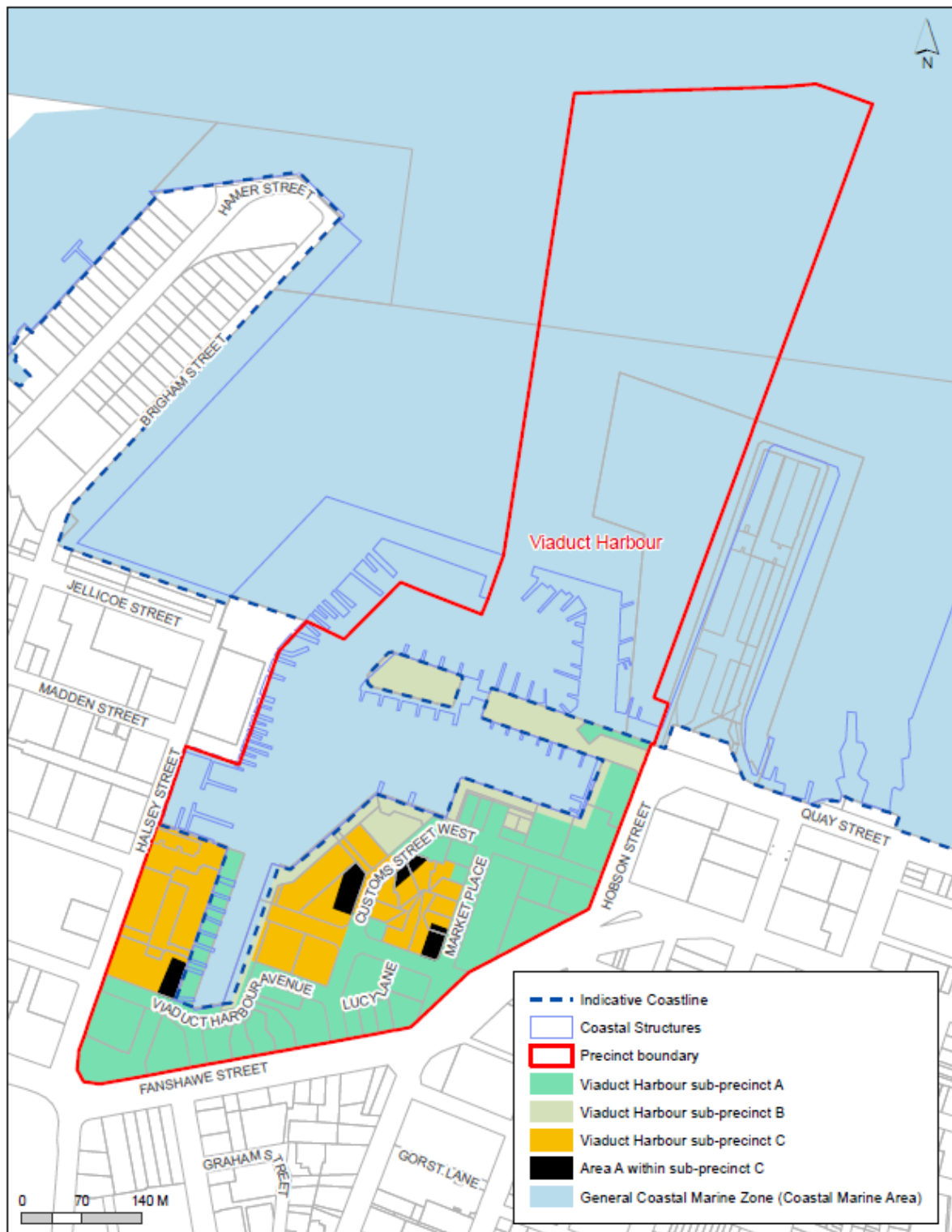
- (a) the extent to which activities are compatible with and do not detract from the residential character and amenity values of sub-precinct C; and
- (b) whether activities generate noise levels that would adversely affect residential amenity. The Council may impose conditions on the activity's hours of operation and/or permitted levels of low frequency noise.

**I211.9. Special information requirements**

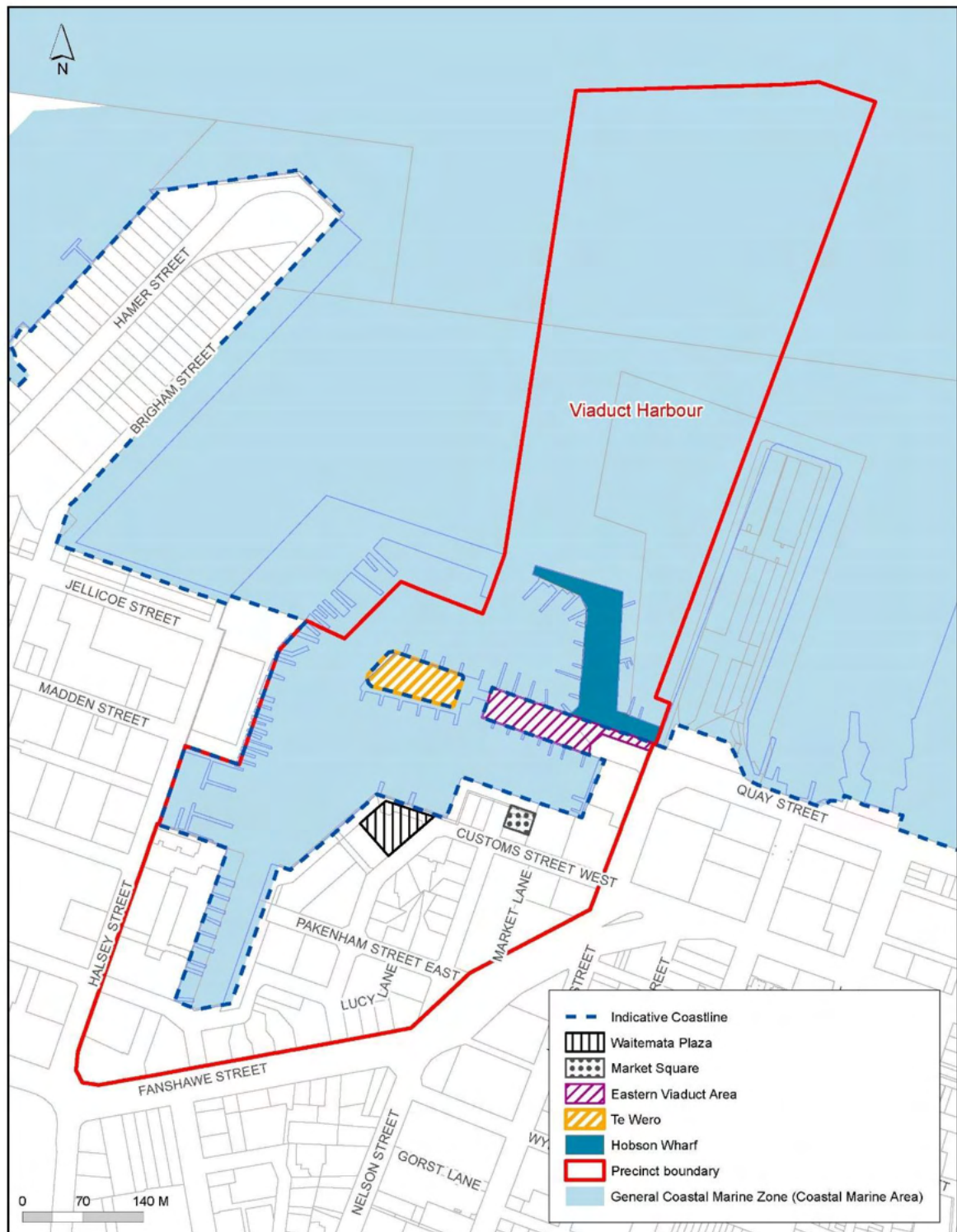
- (1) An application for marine and port facilities on land within the Viaduct Harbour area shown on Precinct plan 1 must be accompanied by a site management plan detailing operational procedures and physical measures to be put in place to avoid, remedy or mitigate public safety effects.

## I211.10. Precinct plans

### I211.10.1 Viaduct Harbour: Precinct plan 1 – Precinct and sub-precincts

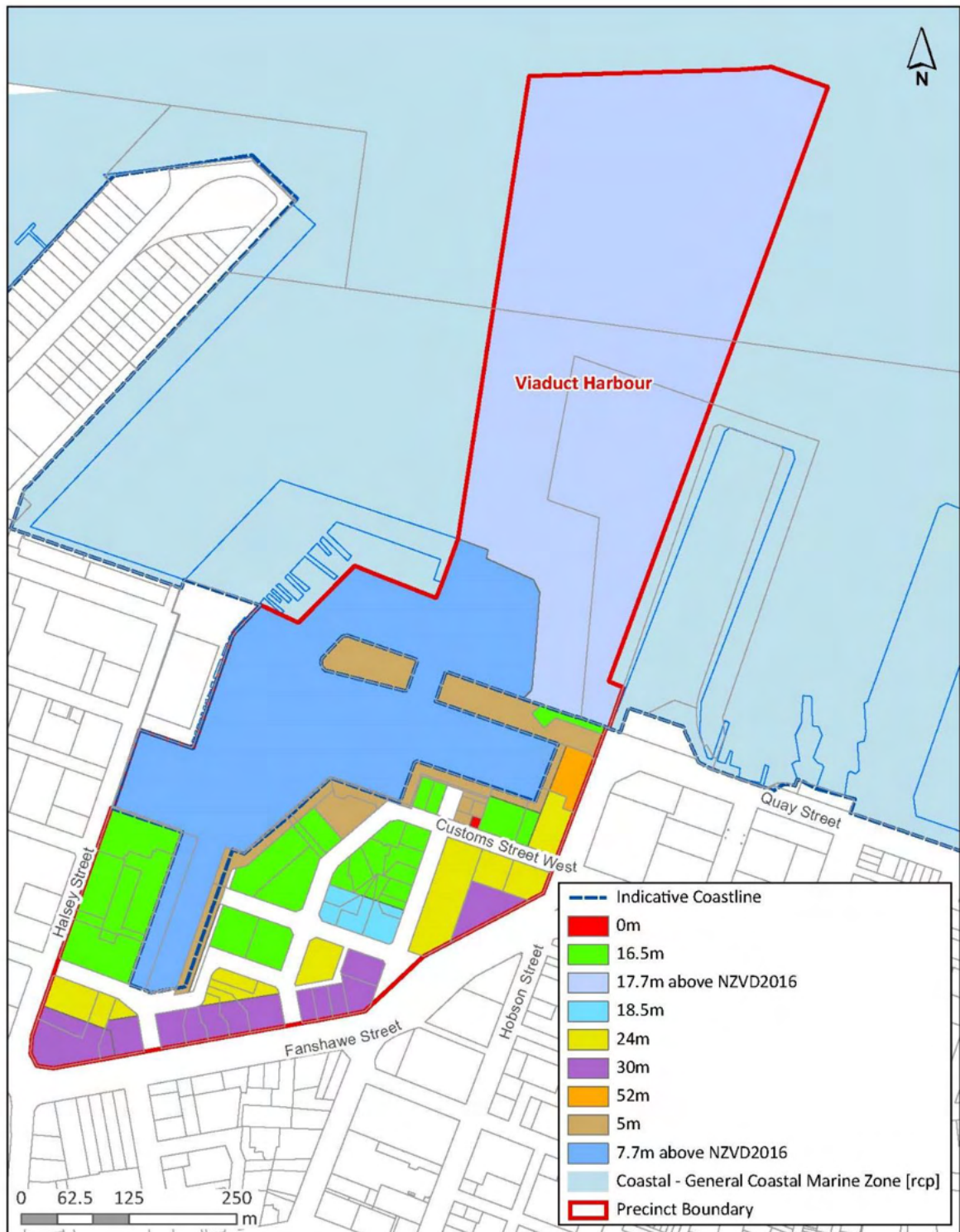


**I211.10.2 Viaduct Harbour: Precinct plan 2 - Wharves and open spaces**

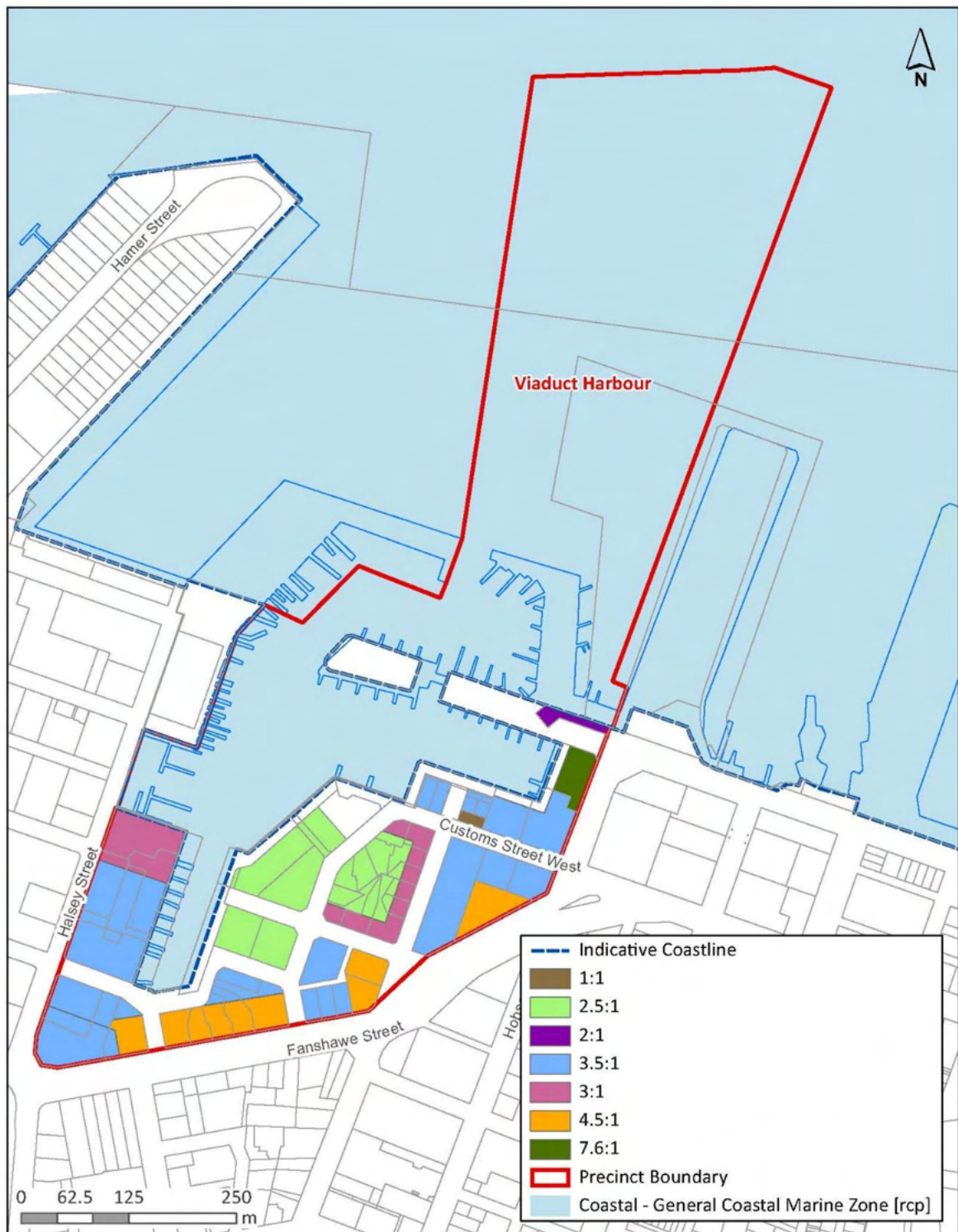




### I211.10.3 Viaduct Harbour: Precinct plan 3 - Building height controls

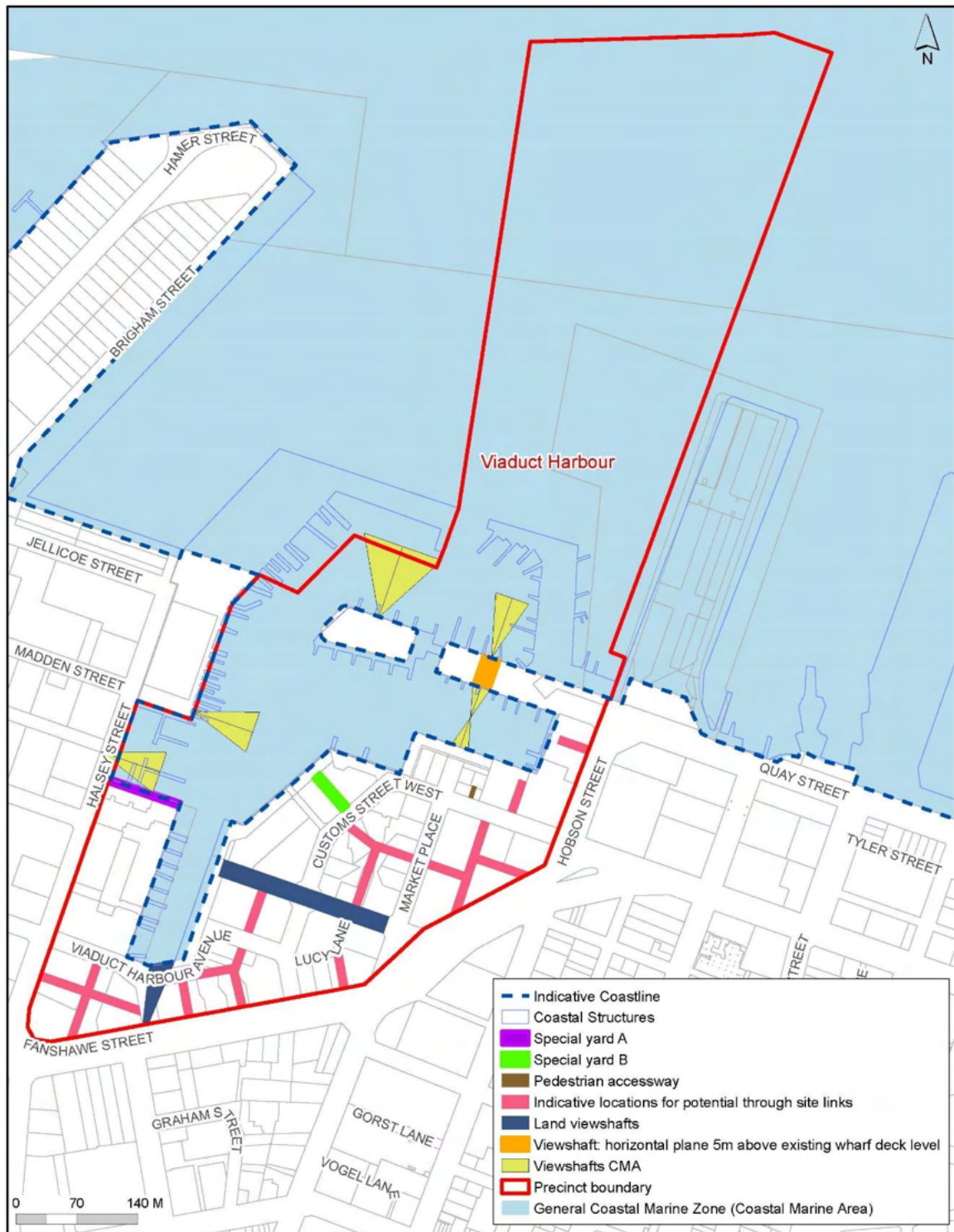


**I211.10.4 Viaduct Harbour: Precinct plan 4 - Site intensity controls**





## I211.10.5 Viaduct Harbour: Precinct plan 5 - Pedestrian accessways and viewshafts



**I211.10.6 Viaduct Harbour: Precinct plan 6 - Precinct boundary coordinates in the coastal marine area**

