

In the Matter of: The Resource Management Act
1991

And

In the Matter of: Notices of Requirement to enable
the construction, operation and
maintenance of the City Rail Link

Between: **Auckland Transport**
Requiring Authority

And: **Auckland Council**
Consent Authority

Statement of Evidence of Jeffrey Andrew Brown

on behalf of

Samson Corporation Limited & Sterling Nominees Limited

(Submitters)

26 July 2013

STATEMENT OF EVIDENCE OF JEFFREY ANDREW BROWN

1 Introduction

1.1 My name is Jeffrey Andrew Brown. I have the qualifications of Bachelor of Science with Honours and Master of Regional and Resource Planning, both from the University of Otago. I am a full member of the New Zealand Planning Institute. I am also a member of the New Zealand Resource Management Law Association. I was employed by the Queenstown Lakes District Council (**QLDC**) from 1992 – 1996, the latter half of that time as the District Planner with responsibility for all resource consents, designations, plan changes and the then proposed district plan process. Since 1996 I have practiced as an independent resource management planning consultant, and I am currently a director of Brown & Company Planning Group Ltd, a consultancy with offices in Auckland and Queenstown. I have resided in Auckland since 2001.

1.2 I attach (marked **A**) a more detailed description of my work and experience.

1.3 I have prepared this evidence in accordance with the Code of Conduct for Expert Witnesses in the Environment Court Consolidated Practice Note (2006). This evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

1.4 I was engaged by Samson Corporation Limited and Sterling Nominees Limited (**Samson**) to prepare a submission on Auckland Transport's (**AT**) Notices of Requirement (**NoR**) for the City Rail Link (**CRL**). For the submission I read the NoR and some of the background material. On 17 May 2013 I attended a meeting with Samson's general manager and representatives of the CRL team to discuss Samson's submission. In preparing this evidence I have read the evidence of AT's witnesses Ms Blight, Mr Julyan, Mr Fellows, Mr Newns, Ms Godinet, Mr Clark and Mr Stevenson, and I have read the officers' section 42A report and the recommended modifications to the conditions for the designations.

1.5 My evidence is structured as follows:

Part 2 I provide a brief overview of Samson and its submission on the NoR;

Parts 3 – 6 I discuss Samson's submission points in more detail;

Part 7 I consider the NoR and submission in the context of the planning policy framework and Part 2 of the Act, and I conclude my evidence.

2 Samson and Samson's submission

2.1 Samson is a property acquisition and investment company. It owns the following properties which are sought to be designated or are affected by the designations for the CRL:

- 251 – 253 Karangahape Road;
- 259 – 281 Karangahape Road;
- 8 – 12 Beresford Street;
- 30 Mercury Lane (part of 2 Canada Street);
- 161 – 165 Symonds Street;
- 167 – 169 Symonds Street (part of 30 St Benedicts Street);
- 30 St Benedicts Street;
- 193 Symonds Street;
- 195 – 199 Symonds Street;
- 201 Symonds Street;
- 203 – 205 Symonds Street;
- 207 – 209 Symonds Street;
- 211 – 213 Symonds Street;

2.2 Samson also owns other properties in the vicinity of the land to be designated and which, although the land is not within the title boundaries of the land to be designated, may still be affected by the designations. These properties are:

- 259 – 281 Karangahape Road (part of);
- 30 Mercury Lane (part of 2 Canada Street);
- 2 Canada Street;
- 8 Canada Street.

2.3 These properties are shown on the designation plans attached (marked **B**). There are buildings and other improvements on the properties. Many of the structures are older “character” buildings.

2.4 Samson's submission supports the CRL, subject to resolving some concerns. These concerns are:

- (a) That although the CRL once constructed will be beneficial for businesses in the city and particularly in the vicinity of the stations, there may be significant adverse effects on some businesses during the construction period;
- (b) That specific geotechnical and other engineering reports submitted as part of the subsequent Outline Development Plan approval processes should be made available to Samson for peer review at AT's cost;
- (c) That NoR2 (the tunnels) and the supporting information do not provide sufficient certainty as to the shallowest depth of the NoR2 sub-strata designation, and hence Samson cannot fully ascertain the impact of NoR2 on its properties;
- (d) That NoR3 (the protection or "buffer" layer above the tunnels) and the supporting information do not provide sufficient certainty as to the shallowest depth of the NoR3 strata or "buffer" designation, and hence Samson cannot fully ascertain the impact of NoR3 on its properties. A broader concern is that the presence of the NoR3 layer could potentially disrupt development aspirations particularly if substantial and deep basements are proposed, and compensation for the loss of value if AT prevents such developments could be difficult to determine;
- (e) That NoR4 (the K Road Station), although in part labelled "sub-strata", will relate to surface land and sub-strata below the surface land, to the maximum depth of NoR2; there will be no NoR 3-type strata or "buffer" designation in relation to land affected by NoR4 alone or in combination with NoR2; and the presence of an undefined depth of NoR4 sub-strata for a long period of time may frustrate development opportunities involving substantial and deep basements.

2.5 I examine these points further in parts 3 – 7 below, in the context of AT's evidence, the s42A report and the recommended conditions.

3 Effects on businesses during construction

3.1 The issue is: although the CRL once constructed will be beneficial for businesses in the City and particularly in the vicinity of the stations, the designations will disrupt businesses in buildings that are either to be designated or are adjacent to or very close to the designated areas during the construction period (up to 6 years).

- 3.2 For example, Samson owns a cluster of buildings in the block between Beresford Square and Karangahape Road (251 – 253, 259 – 281 Karangahape Road and 8 – 12 Beresford Street). Some of the buildings are to be designated as **sub-strata** for NoR2 (tunnels) and for NoR4 (Karangahape Station) – see the NoR2, NoR3 and NoR4 plans attached (**B**).
- 3.3 The ground level premises of these buildings are tenanted by retailers. Retailers on the southern side of Beresford Square rely on passing foot and vehicle traffic, and may fail during the construction period because of the loss of foot traffic and loss of direct vehicle access (and potentially also from noise and vibration effects) due to the use of Beresford Square as part of the construction of the Karangahape Station. These premises may be very difficult to lease if they become vacant during the construction period.
- 3.4 Proposed conditions 18 and 36B go some way to remedying these potential adverse effects. Condition 18 requires that the Construction Environmental Management Plan (**CEMP**) includes a road network, transportation and access management plan that addresses how disruption to the use of private property located immediately adjacent to the surface designation with access onto Beresford Street will be mitigated through providing pedestrian and cycle access at all times particularly those businesses located at the eastern end of Beresford Street and the northern end of Mercury Lane, and providing vehicle access to private property.
- 3.5 Proposed condition 36B, recommended in the Council's s42A report, requires a Social Impact Management Plan (**SIMP**) that addresses, among other things, the disruption to access to businesses and residents during construction. The SIMP requires methods to confirm suitable access to businesses during construction, and the process for re-establishing and promoting normal business operations post-construction.
- 3.6 I support these conditions and I agree with the assessments of Mr Clark¹ and Ms Blight² However, although the conditions will assist in mitigating the effects, they do not (and cannot) go so far as avoiding or remedying the direct loss of business, or a business tenancy, as a result of the prolonged period of disruption, or the temporary relocation of the business during construction. I accept the conclusion in the s42A report (para 9.19.5.1) regarding the Public Works Act and compensation.

¹ Evidence of Ian Clark, dated 2 July 2013, paragraphs 108 - 111

² Evidence of Fiona Blight, dated 2 July 2013, paragraphs 110 – 112, 166

4 Effects on buildings during and post-construction

4.1 The issue is: when specific geotechnical and other relevant engineering reports are submitted for the purposes of obtaining Outline Development Plan approvals and the further resource consents required under the Regional Plans (for earthworks and so on), the reports should be available to building owners to obtain their own peer reviews and at AT's cost. This will enable Samson to obtain its own detailed advice on:

- (a) the specific effects on the structural integrity of Samson's land and buildings; and
- (b) the impact of the CRL's proposed structural works on the potential for redevelopment of Samson's properties.

4.2 I consider these two points below.

Specific effects on structural integrity

4.3 AT's proposed conditions 6, 6A, 6B, 8(h), 8A, 9, and 18 all relate in some way to the structural integrity of land and buildings, and the following conditions relate directly to it:

- condition 21 (noise and vibration);
- condition 21B (site specific construction vibration management plans);
- condition 39 (building damage from construction vibration);
- condition 40 (construction vibration);
- condition 41 (building condition survey).

4.4 Condition 21 requires building condition surveys for all properties identified in the vibration contour maps in Appendices A and B to the Structural Engineer Technical Report prepared by Aurecon. Some of Samson's properties are shown within the contours on the contour maps in Appendix A (for example the buildings on the southern side of Beresford Square) but are not then listed in Appendix B. Further, some listed in Appendix B are not within the contours on the contour maps (for example 251 – 253 Karangahape Road).

4.5 Also, none of Samson's buildings on Symonds Street in the block north of Newton Road are within the contours in Appendix A or the inventory list in Appendix B. They are all old character unreinforced masonry buildings, and are within the Upper Symonds Street character overlay (notation C08-31). I attach (marked **C**) a copy of the character overlay area, and have highlighted the Samson properties. Most of these are "character-defining" buildings, and some are "character-supporting".

- 4.6 The tunnels underneath these buildings are approximately 42m below ground level, and the buildings are close to the Newton Station. It is not clear from the NoR reports whether these buildings have been included in the initial risk assessments for the NoR. The report of Mr Stevenson³ states (my underlining):

Part 7.3 Effects and Risks on Impacted Buildings – Structural report

An assessment of the order of effects on buildings in the vicinity of the alignment has been undertaken on the basis of experience, visual walkovers, desktop analysis and general understanding of age, construction type and condition of each building. It is recognised that the applied damage criteria adopted by MDA is conservative in respect to the onset of damage. Exceedance of the threshold criteria may at worst, but not necessarily, result in some damage to buildings. It should be noted that a more detailed evaluation will be required at a later stage once the detailed design and technical construction aspects of the CRL have been finalised.

- 4.7 In his subsequent evidence Mr Stevenson states⁴ (my underlining):

33. *“Second stage” assessments were then undertaken for representative building types where settlement exceeded 10 mm, and on representative heritage type buildings near the outer edges of the settlement trough ... According to Rankin a building experiencing a settlement of less than 10mm and a maximum ground slope of 1:500 has a negligible effect of damage. The 10mm trigger represents the lower end of the settlement range of the “Slight” damage category of the damage assessment criteria that have been adopted for the “first stage” assessment purposes. In this category maximum ground slopes of 1:500 to 1:200 apply which are likely to be sufficient to cause extended cracking (albeit in the aesthetic range) in the more brittle unreinforced brick masonry buildings and older brick infilled concrete frame structures which are prevalent from Karangahape Road Station to Newton Station.*

- 4.8 Samson’s buildings within the C08-31 character overlay between the two stations are in the category of brittle unreinforced brick masonry buildings, and there are potential – albeit probably minor – effects on the structural integrity of these buildings.
- 4.9 Condition 22(a) (including modifications recommended in the s42A report) states (my underlining):

Built Heritage

To manage the adverse effects on built heritage that may result from associated works prior to, during, and after the construction of the City Rail Link, the following shall, as a minimum, be included in the CEMP as part of a historic heritage management plan (in consultation with the Council’s Heritage Unit:

- (a) *Confirmation of where and when building condition surveys (see also condition 41) will be undertaken. At a minimum building condition surveys will be undertaken on all buildings identified in Appendix A to the Built Heritage Report prepared by Salmond Reed Architects Ltd, including:*
- *All Heritage Buildings and Structures scheduled under the Historic Places Act 1993 or the Auckland Council District / Unitary Plan within the designation footprint (including above sub-strata designation) which are not being removed as a result of the construction works*

³ Structural Engineer Technical Report, Aurecon, dated August 2012

⁴ Evidence of Eric Stevenson, dated 2 July 2013, paragraphs 33, 35, 37

- *Where these still exist at the time of construction, those built heritage buildings and structures identified within the assessment included with the Notice of Requirement listed as being of “heritage significance” or “character supporting”; ...*

4.10 The inclusion of the words *As a minimum* and *at a minimum* highlights that there is still residual uncertainty in the assessments. Given Mr Stevenson’s assessments, this justifies inclusion of the Samson properties in the inventory of buildings in Appendix A to the Built Heritage, and hence to be subject to condition 22(a).

4.11 Mr Julyan states⁵:

... The designation effectively ‘permits’ the activity and such an activity must meet the conditions specified. The outline plan process is required to demonstrate compliance with those conditions (the outline plan includes any management plans). The use of management plan frameworks (sometimes referred to as adaptive management) is a system often employed for managing the effects of large projects where the nature and extent of those effects and/or the methods proposed to avoid, remedy or mitigate them is uncertain or could be variable. Adaptive management frameworks are commonly established through conditions (requiring the provision of management plans) which will manage the effects of the activities in a flexible and responsive manner ...

4.12 I agree with this. Given that the stations have not yet been designed (the designs at hand are indicative, to aid in establishing the extent of the designations and the broad assessment of effects), there is, at this point, still sufficient uncertainty as to the potential effects (even if they are indeed slight or negligible), particularly in relation to the Symonds Street properties within the character overlay area, and it is appropriate to manage this pursuant to clear parameters.

4.13 Samson’s concern – one that I share – is that some of its properties affected by the designations will not be subject to the building construction survey process, and any actual effects on the integrity of the buildings could go un-checked unless Samson commissions its own surveys.

4.14 I consider that inclusion of Samson’s buildings in the relevant inventory (Appendices A and B of the Structural Engineer Assessment Report and Appendix A to the Built Heritage Report) is necessary, so that they are at least captured by condition 22(a). (I also consider that, for practical purposes, the Appendices should be included as a schedule to the CRL conditions rather than by reference to external documents).

4.15 In all other respects I consider that there are sufficient mechanisms in the conditions to enable Samson’s properties to be recognised in the outline development plan and subsequent resource consent processes, and for Samson to be informed about and able to meaningfully respond to AT’s further design and planning. These conditions include:

⁵ Evidence of Bryce Julyan, dated 1 July 2013, paragraph 117

- The Pre-construction Communication and Consultation Plan (condition 6B);
- The Communication and Consultation Plan (condition 8);
- Community Liaison Groups (condition 8A);
- Concerns and complaints management (condition 9);
- Construction Environmental Management Plan (condition 13);
- Management plans (general) (condition 14A);
- Construction Noise and Vibration Management Plan (condition 16);
- Site Specific Construction Vibration Management Plan (condition 21B);
- Historic Heritage Management Plan (condition 22).

4.16 I support these conditions, with the modifications recommended in the s42A report. With the inclusion of Samson's properties in the Inventories, I consider that the adaptive management approach (by way of the above management plans) will ensure that the effects on the structural integrity of Samson's buildings will be adequately considered before, during and after the construction period.

Impact of CRL on development potential of Samson properties

4.17 A good example of a new development by Samson is Ironbank, at 150 – 154 Karangahape Road. This is a six storey building with approximately 20m of basement depth (which accommodates a parking machine for 95 vehicles).

4.18 Potentially, Samson could seek to construct a building of this order of size on its properties that are affected by the CRL designations. An example is the cluster of Samson properties at Beresford Square / Karangahape Road. I attach (marked **D**) an assessment of the development potential of this group of properties. In summary the rules enable:

- A maximum building height of 35m (although potentially 27m under plan change 67 (volcanic viewshaft controls))
- A basic gross floor area (**GFA**) of 4:1 allowed (7,172m²); maximum GFA of 6:1 allowed (10,758m²);
- Between 47 and 71 on site carparks, provided access is from Beresford Street;
- Generally restricted controlled or restricted discretionary consents required for building demolition and subsequent development;

- Under the draft Unitary Plan the development controls are very similar however no carparks would be allowed.

4.19 The issue is whether such development rights could be hindered by the CRL. Hindrance could be in the following possible ways:

- the CRL structures underground physically hinder the construction of new buildings;
- the NoR3 buffer layer, and the NoR4 sub-strata layer (of yet undefined depth), hinder new development if AT exercises its right to not approve the new development.

4.20 Further, the 20 year lapsing period for the designations adds to the uncertainties for landowners who may wish to undertake below ground works.

4.21 Section 171(1)(b) of the Act requires that when considering a requirement and any submissions received, the territorial authority must, subject to part 2, consider the effects on the environment and have particular regard to various matters, including whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work.

4.22 An alternative method to achieve the “buffer” above the physical work areas (ie. an alternative method to NoR3 or the “unused” part of the NoR4 layer, both of which will not contain any physical works) is the inclusion in the Plan of a rule that requires, say, restricted discretionary activity consent for any structure that protrudes deeper than 5m below ground level, with the discretion restricted to the effects on the structural integrity of the CRL structures. AT would be an affected party, and written approval would be required, or the application would be limited notified. I consider that this is a better approach to protecting the CRL structures because it would give the landowner recourse to a process, rather than facing the possibility of outright refusal by AT with no further recourse. This will be further addressed in legal submissions for Samson.

4.23 A further alternative would be a much reduced NoR3 layer immediately above the other sub-strata designations and for a more defined NoR4 sub-strata depth, together with a rule as I have outlined above.

4.24 I acknowledge that these alternative methods would require plan changes, but the alternatives would have the benefits of:

- still allowing AT with sufficient “buffer” protection of the physical CRL structures from future underground works above; and
- allowing landowners with a clear process to achieve development aspirations.

5 The depth of tunnels (NoR2)

- 5.1 The issue is: the only specific reference to the depth of the tunnels in the vicinity of the Karangahape Station (ie NoR2 and NoR4) is in the Concept Design Report which indicates a depth of 33m from the ground surface to the railway lines in the Karangahape Station. Mr Newns indicates that the diameter of the platform tunnels will be around 12m, so the shallowest depth is therefore likely to be around 21m depending on the width of structure around the edge of the tunnel. This is approaching the level of depth of a potential development with a deep basement (not unlike the Ironbank building).
- 5.2 As I set out in paragraphs 4.15 – 4.16 above, I consider that the array of management plans required by the conditions will provide adequate avenues for communication of all matters to property owners in the vicinity of the CRL structures, and I support those conditions, and there are compensatory mechanisms for loss of development rights, although there is still the uncertainty arising from NoR3 and the NoR4 substrata, as I discussed in paragraphs 4.19 – 4.24 above.

6 NoR3 and NoR4 sub-strata – depth and potential effect on development rights

- 6.1 The issues are:
- there is intended to be a sub-surface stratum (NoR3) which is owned by the individual property owner and within which CRL works will not occur, but which AT will control by having a right to review and possibly refuse any redevelopment plans promoted by the owner. The depth of the sub-surface stratum is not clear from the documentation and the schematic plans; and
 - NoR4 (Karangahape Station) includes surface and sub-strata designations. The sub-strata layer extends to the maximum depth of NoR2 and there will be no intervening NoR3 “buffer” layer. The depth of the NoR4 sub-strata layer is not clear, and so it is difficult to ascertain the effects on the future development potential of affected properties.
- 6.2 I have addressed these issues in parts 4 and 5 above. NoR3 and the NoR4 sub-strata could potentially limit the owner’s development rights; the extent of this limitation will only be known when the designs are more developed (which may be 20 years away) or when a landowner promotes a development. Further, part 4 of the NoR4 application states that upon completion

of the construction of the CRL the NoR4 sub-strata designation may be drawn back to operational requirements. Until the designation is drawn back to the depth of the actually constructed tunnel or station, development rights could potentially be hindered.

7 POLICY FRAMEWORK / PART 2 OF THE ACT / CONCLUSION

- 7.1 Mr Julyan has provided a full assessment of the NoR under section 171 of the Act, and I broadly agree with his conclusions that the CRL is in accordance with the relevant planning policy framework, and that it assists in giving effect to the regional policies that generally seek to improve access and connections across the region⁶.
- 7.2 I also agree with Mr Julyan's conclusions regarding the "adaptive management" regime of management plans to address the effects of the project on the environment⁷. The array of management plans required by the s42A report's recommended conditions, subject to my recommended modifications to include Samson's properties in the inventories of buildings to be subject to the relevant conditions relating to structural integrity, will ensure that effects of the works and operations on landowners are avoided, remedied or mitigated.
- 7.3 As I have expressed in this evidence particularly in paragraphs 4.19 – 4.24, I have concerns about the NoR3 mechanism and the uncertainty around the NoR4 sub-strata depth, and the implications of these for the development rights of landowners.
- 7.4 Subject to the above, I consider that the CRL and the conditions as recommended in the s42A report will achieve the purpose of the Act.

J A Brown
26 July 2013

⁶ Evidence of Bryce Julyan, dated 1 July 2013, paras 33 – 65, 122

⁷ *ibid*, para 117 - 121

A**Curriculum vitae – Jeffrey Brown****Professional Qualifications**

1986: Bachelor of Science with Honours (Geography), University of Otago

1988: Master of Regional and Resource Planning, University of Otago

1996: Full Member of the New Zealand Planning Institute

Employment Profile

May 05 – present: Director, Brown & Company Planning Group Ltd (formerly Brown & Pemberton Planning Group) – resource management planning consultancy based in Queenstown and Auckland. Consultants in resource management/statutory planning, strategic planning, environmental impact assessment, and public liaison and consultation. Involved in numerous resource consent, plan changes/variations and designations on behalf of property development companies, Councils and other authorities throughout New Zealand.

Projects include: residential and rural-residential subdivision; high density, mixed-use urban/village developments; golf course resort developments; commercial property planning; lodges, vineyards and wineries; airport planning; water-based transport planning; industrial, office and commercial developments.

1998 – May 2005: Director, Baxter Brown Limited – planning and design consultancy (Auckland and Queenstown, New Zealand). Consultants in resource management statutory planning, landscape architecture, urban design, strategic planning, land development, environmental impact assessment, public liaison and consultation.

1996-1998: Director, Jeffrey Brown Associates, Queenstown. Established a resource management consultancy in Queenstown, in conjunction with Davie, Lovell-Smith Ltd (Christchurch) with work throughout New Zealand.

1989 – 1996: Resource management planner in several local government roles, including Planner (1992 – 1994) and District Planner (1994 – 96), Queenstown-Lakes District Council. Held responsibility for all of this authority's responsibilities under the Resource Management Act, including policy formulation and administration of land use and subdivision consent procedures. Worked on numerous large scale consent and policy applications.

List of projects (selected examples only)

- Numerous applications/rezoning/designation requests for a variety of development projects throughout New Zealand.
- Housing New Zealand Corporation – analysis of housing stock and planning implications (2010).
- Samson Corporation Ltd / Sterling Nominees Ltd – inner city redevelopment projects, Auckland (2001 – present);
- Melview Developments Ltd – high density hotel and residential development (2005 – 2008);
- Equinox Group / Thomas & Adamson Ltd – high density affordable housing project, Flat Bush, Manukau (2012 – present);
- Milford Dart Limited – proposal for tunnel linking Routeburn Road with Hollyford Road – Department of Conservation concession application (2006 – present);
- Queenstown Lakes District Council – Aquatic Centre development – designation and associated consents (2004 – 2005);

- Wellington International Airport Limited – resource management advice, evidence and other reports and advice on property interests (2004 – 2006);
- Southern Alpine Recreation (nzski.com) – expansion of snow making facilities, Remarkables Ski Area (1999 – 2006); structures at Coronet Peak Ski Area (2005 – 2006); expansion of skifield areas (2019 – 2012);
- Mount Cardrona Station Limited – rezoning to create 1000 unit village and associated village centre and related activities (2005 – present) (**winner 2008 Resource Management Law Association Awards – Best Documentation**);
- Wanganui District Council – Industrial & Residential Strategic Plan for Wanganui (1998) and follow up strategic research and report (2005);
- Remarkables Park (100 ha residential/mixed-use, Queenstown) – key resource management advisor – up to 400 residential and visitor accommodation units, large format retail and shopping precinct and riverside village;
- Caughey Preston Home (Remuera, Auckland) – zone change to better enable expansion of established aged care facility (2009 – 2011);
- Whangarei District Council/NZ Fire Service – designations for new facilities (2002);
- Omaha Park Ltd – rezoning proposals for residential/visitor accommodation/recreation facilities at Omaha, Rodney District (2001 – present);
- Otahu Properties Ltd – coastal residential subdivisions, Coromandel Peninsula (2005 – 2006);
- Clearwater Estate, Christchurch – golf course/resort and residential development - strategic planning advice (2001 – 2002);
- Ngai Tahu Property Group Ltd – Wigram Aerodrome masterplan for redevelopment, incorporating mixed density residential and commercial development, including golf course and recreational facilities on 250 hectare site, Christchurch;
- The Hills Golf Course – sculpture park, golf course, residential development, Arrowtown (2004 – 2009) (**winner 2009 Resource Management Law Association Awards – Best Project**).
- Mt Rosa Partnership / Management Systems Ltd (100 hectares, vineyards, winery, rural residential, State Highway 6, Gibbston Valley 1998-1999, 2003);
- Terrace Downs Resort, Rakaia Gorge, Canterbury – masterplanning and rezoning proposals (2005 – 2006);
- Residential/commercial rezoning proposals – Christchurch City periphery and Selwyn District: Yaldhurst residential rezoning (90 hectares), Halswell East block (70 hectare residential masterplan and rezoning) Shands Orchard (masterplanning, rezoning for rural residential use), Styx/Belfast (120 hectares masterplanning/rezoning), Mair Orchard (rezoning for rural residential) (1997 – 2002);
- Waitiri Station Ltd (150 hectares, vineyards, rural residential and high density residential, State Highway 6, Gibbston Valley, 1999 - 2000);
- Blanket Bay Lodge (visitor accommodation, Wakatipu, 1998-1999);
- Matakauri Lodge (visitor accommodation, Closeburn, 1998 – 2000);
- Perron Developments – Sofitel Hotel, Queenstown (2002 – 2005);
- Columbia Pictures, Sony Entertainment/Tristar (Sound Stages for movie production/other movie locations (1999-2001);
- Witness in numerous Council hearings and Environment Court hearings since 1993.

B

City Rail Link – Land Requirement Plans

NoR2, NoR3, NoR4

(see PDF attached, marked **Attachment B**)

C

Upper Symonds Street Character Overlay Area

(Samson properties highlighted)

(see PDF attached, marked **Attachment C**)

Karangahape Road/Beresford Square

Development potential of Samson properties under the District Plan

The land is located at 251–253 and 259-281 Karangahape Road (the latter contains the properties formerly identified as 10-12 Beresford Square). It is held in three certificates of title as follows: NA129/11, NA471/2 and NA449/164 with a total land area of approximately 1,793m².

The land is within the Central Area of the Auckland Council District Plan, Strategic Management Area 4 and the Karangahape Road Precinct. The land is also subject to the following overlays:

- a) Activities: Pedestrian - Orientated
- b) Specific Height Controls: View Protection Planes E10 Mt Eden; and
- c) Transportation Controls: Karangahape Road is a District Arterial Road (Type 1) and is subject to Vehicle Access Restriction, Beresford Street is a Collector Road (Type 3).

The activity rules of the District Plan require restricted controlled activity consent for the demolition of any building (Rule 5.5.1). The activity rules of the Karangahape Road Precinct require restricted discretionary activity consent for the demolition of any pre-1940 building and for the alteration or construction of the frontage of buildings (minor works are excluded).

The general development controls allow for a gross floor area of approximately 7,172m² (a basic floor area control of 4:1). With resource consent, bonus floor areas could allow for a gross floor area of approximately 10,758m² (a maximum total floor area control of 6:1) (Map: Site Intensity and Rule 6.7). The maximum allowable height for buildings on the land is 35 metres (Map: General Height Control and Rule 6.2.1). The E10 view protection plane sets a maximum allowable height above MSL of 91-93m. (PC 67 seeks to change this to a maximum allowable building height of 24-27 metres above ground level).

No car parking is permitted on the land with access from Karangahape Road. Between 47 and 71 car parking spaces (the former is for a GFA of 7,172m², the later is for a GFA of 10,758m²) can be provided on the land with access from Beresford Street.

The development controls of the Karangahape Road Precinct require that the frontages of the building must not exceed a height of 14m above mean street level and on the northern side of Karangahape Road the buildings must not project beyond an 30 degree recession plane (at 14 metres above street level) (Rule 14.11.8.1).

The land is within the City Centre zone and the Karangahape Road Precinct of the Draft Unitary Plan. The land is also subject to the following overlays:

- a) Landscape: Volcanic View shafts and Height Sensitive Areas - E10, Mt Eden, Viewshaft;
- b) Landscape: Volcanic View shafts and Height Sensitive Areas - E16, Mt Eden, Viewshaft;
- c) Heritage: Pre 1944 Demolition Control;
- d) Infrastructure: Vehicle Access Restriction – General; and
- e) Infrastructure: Noise Notification Areas - High Land Transport Noise.

The overlay rules of the Draft Unitary Plan require restricted discretionary activity consent for the substantial demolition of any building constructed prior to 1944 (Rule 4.4.3.5). Restricted discretionary activity consent is also required for both the construction and demolition of buildings and for all but minor building additions and alterations (Rule 4.3.4).

The general development controls of the City Centre zone provide for the same gross floor areas and height as the District Plan (as described above). The relevant rules are Rules 4.3.4.4.24, 4.3.4.4.25 and 4.3.4.4.36 (Site Intensity) and Rule 4.3.4.4.1 (Maximum Height). The E10 and E16 view protection planes set a maximum allowable building height of 24-27 metres above ground level.

No car parking is permitted on the land due to the vehicle access restriction control (Rule 4.2.1.2.3.1).

The development controls of the Karangahape Road Precinct require that the frontages of the building must not exceed a height of 14m above mean street level and on the northern side of Karangahape Road the buildings must not project beyond an 30 degree recession plane (at 14 metres above street level) (Rule 4.5.4.3.3.1).