

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of Intensification Planning Instrument Proposed
Plan Change 78: Intensification (**PC78**) O to the
Auckland Unitary Plan Operative in Part (**AUP**)

JOINT WITNESS STATEMENT IN RELATION TO:

Hearing Topic 020G Precincts I211 Viaduct Harbour Precinct

Expert conferencing held on	Monday 3 July 2023
Venue	Simpson Grierson
Independent facilitator	Marlene Oliver
Secretariat officer	Sam Otter

1. Attendance

1.1. The list of participants is included in the schedule at the end of this Statement.

2. Basis of attendance and Environment Court Practice Note 2023

2.1. All participants agree to the following:

- a) The Environment Court Practice Note 2023 provides relevant guidance and protocols for the expert conferencing session;
- b) They will comply with the relevant provisions of the Environment Court Practice Note 2023;
- c) They will make themselves available to appear before the Independent Hearing Panel;
- d) This statement is to be filed with the Independent Hearing Panel and posted on the Council's website.

3. Matters considered at conferencing – agenda and outcomes

1. Application of NPS-UD Policy 3(a) to Viaduct Harbour Precinct in the city centre
 - E Laird - **Note:** Noted the following statement from a separate expert conferencing session on City Centre Zone provisions: *'The experts have identified that there is a difference in interpretation as to whether building heights and density of urban form can be modified 'to maximise benefits of*

intensification’ in NPS-UD Policy 3(a) separately from the application of Policy 4 qualifying matters.’

- J Duguid, E Laird and S Wong: consider that you do not need to apply QMs to restrict building height and density in the City Centre Zones under policy 3(a). However a section 32 analysis of any restriction will be required.
- N Roberts: considers that you do need to apply QMs to restrict building height and density in the City Centre Zones under policy 3(a) otherwise section 77 O would have explicitly excluded the city centre zone.

2. NPS-UD Policy 4 qualifying matters (QMs) that apply to the Viaduct Harbour Precinct

- Notified QMs
 - Regional Maunga viewshafts (and height in building sensitive areas)
 - Coastal inundation
 - Flood plains
 - 77O(a) (s6(d) - the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers)
 - 77O(a) (s6(f) - the protection of historic heritage from inappropriate subdivision, use, and development)
 - 77O(f) open space provided for public use
 - 77O(j) any other matter – City centre built form (City Centre Zone section 32, page 19, lists the principles that informed this qualifying matter including the following two that are most relevant to the Viaduct Harbour Precinct)
 - Protecting the relationship between the city centre and the Waitemata Harbour
 - Protecting amenity and retaining the “human scale” of streets
- Any other QMs to consider
 - No additional QMs are considered to be relevant
- Appropriateness of notified Qualifying Matters
 - M Wong, N Roberts, R de Lambert and G McIndoe: agree that QMs above numbered 1, 2, 3, 4, 5, 6 are relevant to the Viaduct Harbour Precinct. They seek confirmation from Council as to the status of the mapping of QM 2 as the coastal inundation information layer included in PC78 is ‘information only’ and not part of the plan change.
 - M Wong, N Roberts, R de Lambert and G McIndoe: consider that QM 7 could be a QM subject to further assessment and information being available to justify their inclusion. They consider further section 32 analysis is required on this matter.
 - B Putt and G Falconer consider that all 7 of the notified QMs are appropriate
 - P Ampanthong, S Brown and N McKay consider that all 7 of the notified QMs are appropriate
 - S Wong, E Laird and J Duguid consider that all 7 of the notified QMs are appropriate
 - M Walker considers item 5 is appropriate

- D Lee Sang considers that item 7 is appropriate
3. Adopting a principles-led approach to inform whether increased building heights and density of urban form are appropriate.

All experts agree that it is appropriate to adopt a principles led approach.

G McIndoe identified 9 key principles that have been used in formulating the VVHL submission (illustrated in attachment 3 to the submission). The responses to these principles were not specifically interrogated during this expert conference. These principles are on page 6 of the pre-circulated material date 20 June 2023. They are set out below with tracked changes to reflect amendments agreed during this expert conferencing session (except as noted by specific names below).

1. Urban form to ~~maximise~~ realise as much development capacity as possible, to maximise and benefits of intensification (NPS-UD)
 2. Maintain height transition between core City Centre and harbour (relates to Unitary Plan policy)
 3. A high amenity publicly accessible coastal edge to the Waitemata Harbour (relates to Unitary Plan policy)
 4. ~~Complement~~ Have regard to the heights enabled in the adjacent parts of the city centre and waterfront Downtown West, Central Wharves and Wynyard precincts (relates to Unitary Plan policy. The experts acknowledge that this policy has been deleted but consider that addressing the adjacent parts of the city is still relevant.)
 5. Maintain a distinctive character (relates to Unitary Plan objective)
 6. A varied and legible skyline
 7. Respect Regional Maunga Viewshafts
 8. Building height to complement street and open space width (relates to Unitary Plan policy)
 9. Maintain sun to major public open spaces.
 10. Maintain potential for a sense of human scale and sun on the public realm at the coastal edge.
 11. Building height to respect the historic heritage values of scheduled buildings (G McIndoe, R de Lambert, N Roberts and M Wong consider that heritage values are important and should be managed by other provisions of the plan as currently proposed)
- G Falconer and B Putt: do not agree with the principles and consider that QMs 1-7 need to be taken fully into account. The principles are too weighted on built form and there is insufficient recognition of factors such as amenity, human scale, existing built form, culture, heritage and resilience. These comments reflect the primary position of B Putt and G Falconer that generally they support the operative AUP provisions for the Viaduct Harbour Precinct.

4. Maintenance of or increases to building heights and density of urban form considering:
- Appropriateness to give effect to Policy 3(a)
 - Experts' view on notified approach to building heights and density
 - Any other planning mechanisms to manage building height and density.

Expert Positions on the appropriate maximum height limit in addressing the bullet points listed under item 4:

Experts for Auckland Council, Eke Panuku and Stratis propose heights shown on **Attachment 1** as alternatives to the notified heights being shown in brackets. Attachment 1 also shows the VHHL submission heights.

Note: Peter Kensington, landscape expert, for Auckland Council was not available to participate in expert conferencing.

Note: E Laird advised that experts for the Council are preparing shading assessments that will be shared with other parties as soon as possible.

Note: Map of VHHL proposed heights shows 25m height on Market Square, with operative height of 16.5m. The operative height is 5m and VHHL experts confirmed it would be retained at 5m.

5. Precinct Provisions
- Note: given the different positions expressed by experts under item 4 above – there was no point in discussing the detailed planning provisions at this expert conferencing.
- Precinct description
 - Objectives and policies
 - Activity table and activity statuses
 - Development standards and assessment criteria
6. Further matters
- Public viewpoints and photomontages – locations, methodology and preparation between landscape specialists including analysis and management of adverse effects on Victoria Park

The landscape experts for VHHL, Auckland Council, Eke Panuku and Stratis agreed visual simulations from 8 viewpoints would be prepared by an independent third party using the Architectus city model and these would form a common bundle.

Individual submitters may produce further material if necessary as part of their evidence.

4. PARTICIPANTS TO JOINT WITNESS STATEMENT

- 4.1. The participants to this Joint Witness Statement, as listed below, confirm that:
- a) They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and

- b) They agree to the introduction of the attached information – Refer to agenda item 3.4 above
- c) They have read the Environment Court’s Practice Note 2023 and agree to comply with it; and
- d) The matters addressed in this statement are within their area of expertise; and
- e) In the interests of efficiency, it was agreed that each expert would verbally confirm their position to the Facilitator and this is recorded in the schedule below.

4.2. **Confirmed 3 July 2023**

Expert’s name and expertise	Party	Expert’s confirmation (refer para 4.1)
Garth Falconer, landscape/urban design	Stratis Body Corporate	Yes
Brian Putt, planning	Stratis Body Corporate	Yes
Panjama Ampanthong, planning	Eke Panuku	Yes
Stephen Brown, landscape	Eke Panuku	Yes
Nick McKay, urban design	Eke Panuku	Yes
Rachel de Lambert, landscape/visual	Viaduct Harbour Holdings	Yes
Graeme McIndoe, urban design and architecture	Viaduct Harbour Holdings	Yes
Nick Roberts, planning	Viaduct Harbour Holdings	Yes
Mary Wong, planning	Viaduct Harbour Holdings	Yes
Deb Lee Sang, urban design	Auckland Council	Yes
Megan Walker, heritage	Auckland Council	Yes
Sarah Wong, planning	Auckland Council	Yes
Elisabeth Laird, planning	Auckland Council	Yes
John Duguid, planning	Auckland Council	Yes

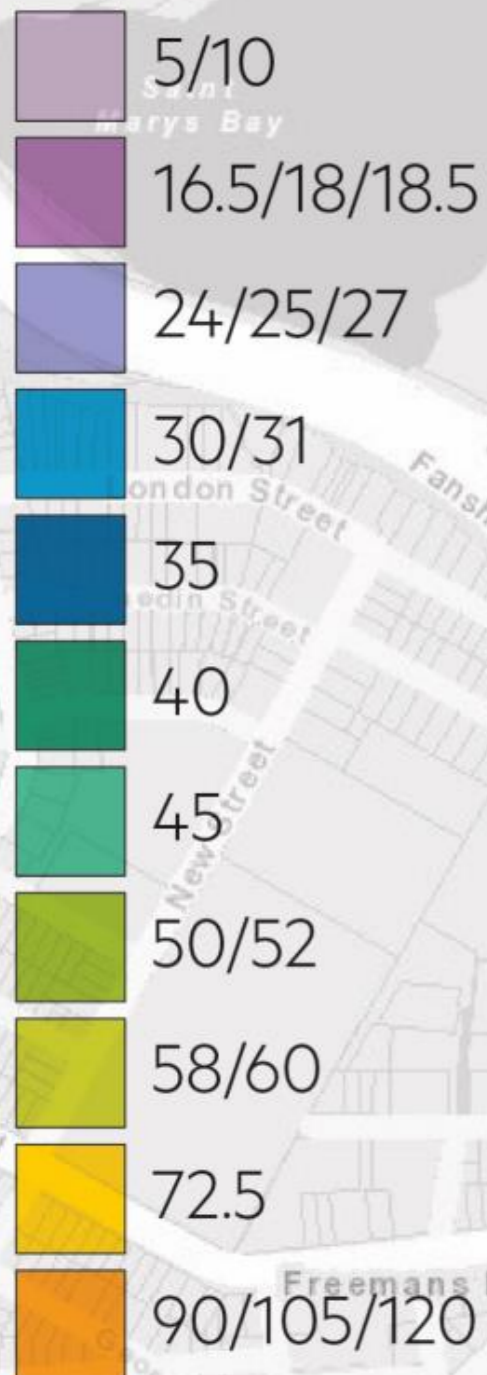
Attachment 1

VHHL

Proposed Optimum Intensity and Heights

Recommended height envelope

Note that there is no change to the Operative Unitary Plan heights on any site north of Pakenham Street West.



Expert Conference attendance sheet

Topic 020G: Precincts I211 Viaduct Harbour Precinct

Date: Monday 3 July 2023

Facilitator: Marlene Oliver

Location: Simpson Grierson

Submission number	Submitter name	Representative	Email	Notes
2240	Stratis Body Corporate	Garth Falconer, landscape/urban design	garth@reseturban.co.nz	
2240	Stratis Body Corporate	Brian Putt, planning	Brian@metroplanning.co.nz	Left just before the end but was able to confirm agreement to all items.
950	Eke Panuku	Panjama Ampanthong, planning	panjama.ampanthong@ekepanuku.co.nz	
950	Eke Panuku	Stephen Brown, landscape	stephen@brownltd.co.nz	
950	Eke Panuku	Nick McKay, urban design	nick.mckay@ekepanuku.co.nz	
1088	Viaduct Harbour Holdings	Rachel de Lambert, landscape/visual	Rachel.delambert@boffamiskell.co.nz	
1088	Viaduct Harbour Holdings	Graeme McIndoe, Urban Design and Architecture	Graeme@mcindoeurban.co.nz	
1088	Viaduct Harbour Holdings	Nick Roberts, planning	nickr@barker.co.nz	

Plan Change 78 Intensification

Submission number	Submitter name	Representative	Email	Notes
1088	Viaduct Harbour Holdings	Mary Wong, planning	MaryW@barker.co.nz	
939	Auckland Council	Deb Lee Sang, urban design	deb.leesang@isthmus.co.nz	
939	Auckland Council	Megan Walker, heritage	megan.walker@aucklandcouncil.govt.nz	
939	Auckland Council	Sarah Wong, planning	Sarah.Wong@aucklandcouncil.govt.nz	
939	Auckland Council	Elisabeth Laird, planning	Elisabeth.Laird@aucklandcouncil.govt.nz	
939	Auckland Council	John Duguid, planning	John.Duguid@aucklandcouncil.govt.nz	