

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

AND

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

JOINT WITNESS STATEMENT IN RELATION TO:

Hearing Topic 020I Precincts I214 Wynyard Precinct

Expert conferencing held on	Tuesday 4 July 2023
Venue	Simpson Grierson office
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.

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

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. (Note from the Facilitator: This item was discussed in previous expert conferencing session, 3 July 2023, and the record below is a copy of the outcome of the session with no further amendments from the participants on the 4th of July)

Application of NPS-UD Policy 3(a) to Wynyard Precinct in the city centre

- E Laird - 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. (Note from the Facilitator: a similar item was discussed in previous expert conferencing session, 3 July 2023, and the record below shows further amendments from the participants on the 4th of July.)

NPS-UD Policy 4 qualifying matters (QMs) that apply to the Wynyard Precinct

- Notified QMs
 1. Regional Maunga viewshafts (and height in building sensitive areas)
 2. Coastal inundation
 3. Flood plains
 4. the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers) 77O(a) (s6(d) -
 5. any other matter - city centre character buildings
 6. open space provided for public use 77O(f)
 7. any other matter – City centre built form (City Centre Zone section 32, page 19, lists the principles that informed this qualifying matter) 77O(j)
- 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, G McIndoe, V Lala, M Campbell: agree that QMs above numbered 1, 2, 3, 4, 6 are relevant to the Wynyard 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, G McIndoe, V Lala, M Campbell: consider that QM 5 and 7 could be QMs subject to further assessment and information being available to justify their inclusion. They consider further section 32 analysis is required on this matter.

- P Ampanthong, V Moghe, 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
- E Barwell considers item 6 is appropriate
- S Soder considers items 1, 4, 6 and 7 are appropriate

3. Scope

- Approach to scope issues considering interim guidance issued by IHP (e.g. general discussion regarding merits but noting scope issues for IHP to determine)
E Laird advised that the evidence from the Council’s experts will note where experts consider issues are out of scope but will also address the merits.

- 4.** (Note from the Facilitator: This item was discussed in previous expert conferencing session 3 July 2023 and the record below is a copy of the outcome shows further amendments applicable to the Wynyard Precinct made by the participants on the 4th of July)

Adopting a principles-led approach to inform increased building heights and density of urban form

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 VHHL 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.

The version of the principles in the JWS dated 3 July 2023 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 realise as much development capacity as possible, to maximise 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 edge to the Waitemata Harbour (relates to Unitary Plan policy)
4. Have regard to the heights enabled in the adjacent parts of the city centre and waterfront (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 in relation to~~ the public realm. ~~including the linear park and 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)~~
12. Recognise the contribution of special character buildings and structures. N Roberts, M Wong, R de Lambert, G McIndoe and M Campbell consider that character buildings may be important (subject to robust section 32 analysis) but should be managed by other provisions of the plan (i.e. not height / density).
13. Provide a building height transition between the core of the precinct and the coastal edge with site specific opportunities for taller buildings (relates to Wynyard Precinct policy 3 (b)).

5. Maintenance of or increases to building heights and density of urban form:

Experts for Auckland Council, Eke Panuku, VHHL, Northbrook Wynyard Ltd, Willis Bond / Mansons and Orams support heights shown on **Attachments 1 and 2** where they vary from the notified heights. For some sites some of the experts have either reserved their position or have not expressed an opinion.

The attachments show Eke Panuku and VHHL submission heights. Where VHHL have proposed heights that vary from the notified height, the notified height is shown in brackets.

All experts support appropriate additional site intensity to enable the additional heights, and note that heights and intensity will need to be subject to other built form controls to manage outcomes such as street amenity and human scale.

Eke Panuku Proposed Height Wynyard Point – refer to attachment 1

Auckland Council experts agree with the Eke Panuku proposal but they reserve their position on the 39m height until P Kensington (landscape) has reviewed the proposal.

All other experts agree with the Eke Panuku proposal.

Balance of the Area – refer to attachment 2

Experts for Auckland Council do not support additional height on the Fanshawe Street edge (subject to shading assessments) or along the coastal edges (other than the two sites specified on the map – west end of Jellicoe St, and Swashbuckler's site). They support additional height on some of the marker building sites, as specified on the map. They reserve their opinion on heights across the rest of the precinct.

Experts for Orams support all of VHHL's proposed heights.

The expert for Northbrook Wynyard Limited is of the position is that while some additional height could be supported along the Jellicoe Street axis (as specified above), the changes proposed in the submissions need to form part of a full and comprehensive plan change for the entire Wynyard Precinct to be developed and publicly notified for submissions in order to enable a proper assessment of the precinct description,

objectives and policies, purpose of each sub-precinct, activity rules and development standards as well as matters of discretion and assessment criteria.

Shading in relation to Victoria Park

All experts agree that a more nuanced approach is required to sunlight admission on Victoria Park beyond the approach notified in PC78.

6. Open Spaces

- Re-zoning and rearrangement of open spaces as sought by Eke Panuku.

All experts support the merits of the proposed rezoning of open space in Wynyard Precinct and the proposed rearrangement of open space and development sites north of Jellicoe Street.

The question of scope in terms of PC78 remains unresolved.

- Experts agree that the major open spaces to be considered for shading analysis are:
 - Te Ara Tukutuku Waterfront Park (including the extension of the linear park along the eastern landward edge of Wynyard Point)
 - Silo Park including Tank Park
 - Karanga Plaza
 - Daldy Linear Park
 - Amey Daldy Park
 - Victoria Park

7. Further matters

- a. 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 Orams 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.

- b. The experts agree to produce a common bundle of shading drawings which show the shading effects of (at least):
 - i. the operative heights plus consented/existing buildings that go above the operative heights,
 - ii. PC78 heights on the east side of Halsey Street, and
 - iii. those heights requested in submissions.

The shading drawings will address the major open space areas. The Council will prepare the shading drawings. The relevant parties expert contact person for this work are S Soder (AKLC), G McIndoe (VHHL) and N McKay (Eke Panuku).

4. PARTICIPANTS TO JOINT WITNESS STATEMENT

4.1. The participants to this Joint Witness Statement, as listed below, confirm that:

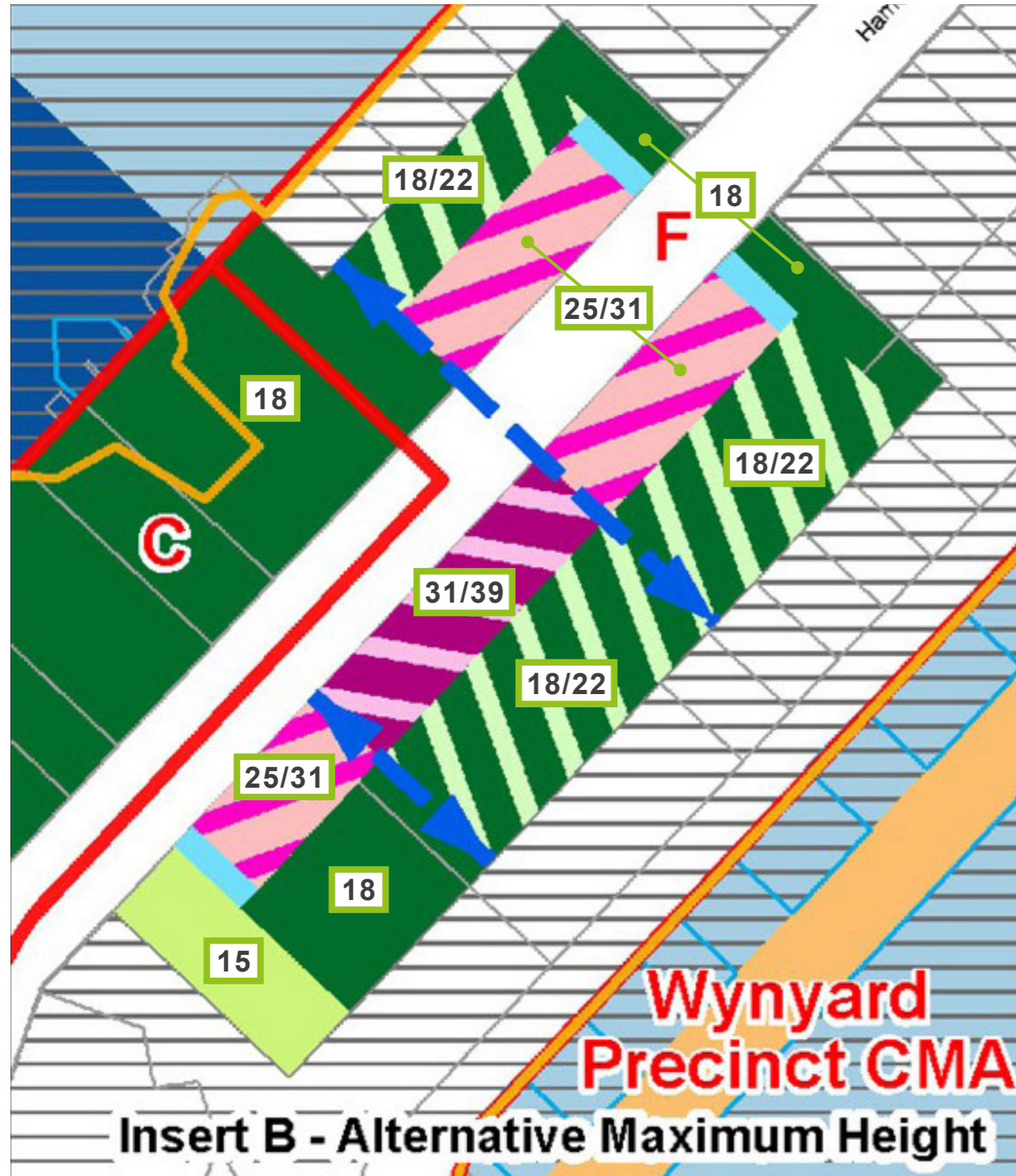
- a) They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and
- b) They agree to the introduction of the attached information – Refer to item 5 above; and
- c) They have read the Environment Court’s Practice Note 2023 and agree to comply with it; and
- d) The matters 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 4 July 2023**

Expert’s name and expertise	Party	Expert’s confirmation (refer para 4.1)
Panjama Ampanthong, planning	Eke Panuku	Yes, participated in items 1-4
Vrinda Moghe, planning	Eke Panuku	Yes
Stephen Brown, landscape	Eke Panuku	Yes
Nick McKay, urban design	Eke Panuku	Yes
Vijay Lala, planning	Northbrook Wynyard Limited	Yes
Rachel de Lambert, landscape/visual	Viaduct Harbour Holdings Limited and Orams	Yes
Graeme McIndoe, urban design/architecture	Viaduct Harbour Holdings Limited	Yes
Mary Wong, planning	Viaduct Harbour Holdings Limited	Yes
Nick Roberts, planning	Viaduct Harbour Holdings Limited and Orams	Yes
Severin Soder, urban design	Auckland Council	Yes to items 1, 2, 3, 4, 5, 6
Ezra Barwell, open space	Auckland Council	Yes to items 1, 2, 3, 4, 6
Megan Walker, special character	Auckland Council	Yes
Sarah Wong, planning	Auckland Council	Yes
Elisabeth Laird, planning	Auckland Council	Yes
John Duguid, planning	Auckland Council	Yes
Michael Campbell, planning	Willis Bond and Mansons TCLM	Yes

ATTACHMENT 1

EKE PANUKU PROPOSED HEIGHTS - WYNYARD POINT



Legend

- | | |
|--------------------------|------------------------------------------------|
| Sub Precincts | 18.5m |
| Indicative Coastline | 25m |
| Wharf | 27m |
| Max Height | 31m |
| 5m | 52m |
| 9m Above Wharf Deck | 2 Storeys Above Mean Street Level - Incl. Roof |
| 10m | 3 Storeys Above Mean Street Level - Incl. Roof |
| 10m Viewshaft & Lane | Open Space |
| 15m | Indicative Lanes |
| 15m Above Mean Sea Level | 22m |
| 15m Above Wharf Deck | 31m |
| 18m | 39m |
| 18m Above Mean Sea Level | 6m Setback |

ATTACHMENT 2

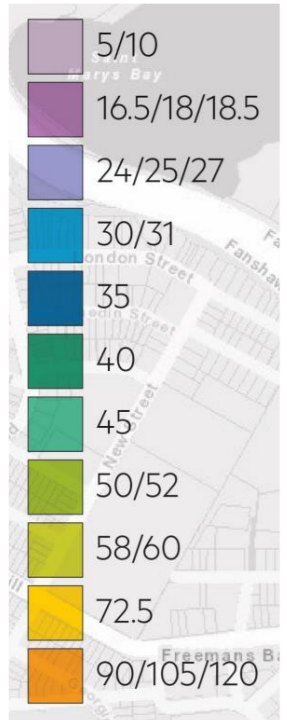
VHHL Proposed Optimum Intensity and Heights

Recommended height envelope

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

- AKLC
- EKE PANUKU
- ORAMS
- VHHL
- NORTHBROOK WYNYARD LTD (WINTON)
- WILLIS BOND / MANSONS

NO CHANGE PROPOSED BY ANY EXPERTS FOR THE ABOVE PARTIES, UNLESS INDICATED



Expert Conference attendance sheet

Topic 020I: Precincts I214 Wynyard Precinct

Date: Tuesday 4 July 2023

Facilitator: Marlene Oliver

Location: Simpson Grierson Office

Submission number	Submitter name	Expert at conferencing	Email	Notes
950	Eke Panuku	Panjama Ampanthong, planning		Left 1156am Agreed to items listed in expert's confirmation
950	Eke Panuku	Vrinda Moghe, planning		
950	Eke Panuku	Stephen Brown, landscape		
950	Eke Panuku	Nick McKay, urban design		
1543	Winton Land Limited	Vijay Lala, planning		
1088	Viaduct Harbour Holdings Limited	Rachel de Lambert, landscape/visual		
1088	Viaduct Harbour Holdings Limited	Graeme McIndoe, urban design/architecture		
1088	Viaduct Harbour Holdings Limited	Mary Wong, planning		
1088	Viaduct Harbour Holdings Limited	Nick Roberts, planning		

Plan Change 78 Intensification

Submission number	Submitter name	Expert at conferencing	Email	Notes
FS134	Orams Group Limited	Nick Roberts, planning		
939	Auckland Council	Severin Soder, urban design		Left early. Agreed to items listed in expert's confirmation
939	Auckland Council	Ezra Barwell, open space		Left 1235pm. Agreed to items listed in expert's confirmation.
939	Auckland Council	Megan Walker, special character		
939	Auckland Council	Sarah Wong, planning		
939	Auckland Council	Elisabeth Laird, planning		
939	Auckland Council	John Duguid, planning		
1975	Willis Bond	Michael Campbell, planning		
1782	Mansons TCLM	Michael Campbell, planning		