

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**)

MEDIATION AGREEMENT IN RELATION TO:

Hearing Topic 020A I201 Britomart Precinct

Mediation held on	Tuesday 6 June 2023
Venue	Online
Time	9.30am – 2.45pm
Independent facilitator	Marlene Oliver
Secretariat staff	Clare Wall Shaw

1. Attendance

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

2. Authority to participate in mediation

2.1. The mediator confirmed with the submitters or their representatives that they have full authority to participate in the mediation sessions and where necessary can reach agreement on the matters being mediated for and on behalf of the submitters / further submitters that they represent.

2.2. In response to para 2.1 it was confirmed that: Campbell Williamson (Cooper and Company), Kay Panther Knight (Bledisloe Property Group Limited), confirmed they have authority to settle and sign the Mediation Agreement. John Duguid (Auckland Council), confirmed he has authority to settle technical changes, but any major policy shifts require confirmation from a sub-group of councillors who are on stand-by by phone.

2.3. Submitters and further submitters were reminded that they must follow their submissions and cannot act outside the scope of their submissions.

3. Matters considered at Mediation - agenda and outcomes

3.1. Britomart Precinct context overview and Parties' position summary

3.1.1. Vijay outlined the key issues for Cooper and Company, a number of new developments, including the East building, including adaptive reuse of heritage buildings, Barrington Sofrana, refurbishment of the CPO upper levels, and upgrade works of the Kiwi Building. The key new buildings for future redevelopment are the Seafarers Building (55m/35m height limits) and the Central Building (approving some increases in height and infringements of the view shaft). The role of the Britomart Precinct in implementing the NPS-UD recognising the key heritage buildings, opportunities to maximise development and reinforce connections between the city centre and the waterfront as well as east-west city centre connections. There are opportunities that exist to implement policy 3a of the NPS-UD as set out in the submission. This is particularly applicable to the Britomart Precinct given its location above Auckland's regional rail station.

3.1.2. Kay stated Bledisloe's view is limited. Bledisloe Property Group Limited own property at 2 Commerce Street, and given that property interest and Cooper and Company's position, Bledisloe made a further submission generally in support, having reviewed the submission further with Bledisloe and reviewed the agenda, the key issues of interest today are in understanding the Council's position on FAR in the precinct, and in respect of Cooper and Company's suggested amendments in respect of the regional rail station. As part of this mediation, Bledisloe does not need to comment on height any further or viewshafts.

3.1.3. Diana stated that Council considers that the Britomart precinct is a significant precinct in the city centre, it provides a transition to the harbour edge, and contains a significant number of scheduled buildings of national significance. The Council considers that the removal of basic FAR in PC 78 is an appropriate response to Policy 3a of the NPS-UD, and considers that the qualifying matters in PC 78 are justified. It is interested today in understanding what assessments have been undertaken by submitters in support of the relief sought in their submissions.

3.2. Retention or deletion of Precinct provisions relating to site intensity

<p>Summary of issue: whether to retain the operative site intensity standard I201.6.6, as well as I201.10.2 Britomart Precinct: Precinct plan 2 - Site intensity and Activity rule I201.4(A17) or remove the provisions as requested in the submission?</p>
<p>Auckland Council position:</p> <p>The Council does still see a role for site intensity, FAR allows for nuances in the building form.</p>
<p>Other parties' positions:</p> <p>Cooper and Company requests removal of the site intensity standard I201.6.6, Precinct Plan 2, Activity rule I201.4 (A17) (submission 2156.1).</p> <p>The existing site intensity standards within the Britomart Precinct do not provide any further protection in terms of controlling built form outcomes, than the existing height standards provide, with particular regard to the site specific height standards within the precinct. Given that the rest of the city centre (excluding other precincts) site intensity standards are being removed, it is not considered the most appropriate outcome to retain the site intensity standards for the precinct.</p>
<p>Matters discussed</p> <p>Modelling (in terms of floorspace, height, bulk and massing)</p> <p>Vijay, in response to the Council asking if further modelling or assessment had been carried out of development, explained that site intensity becomes an unnecessary control, it is limited by height. The FAR control is unnecessary. The only buildings able to be fully redeveloped that are under the control of Cooper and Company are the Seafarers Building, the Central Building and the Tyler Street Garage (22m maximum height). The height will control the scale of the building without the need for site intensity controls. For other sites that have maximum site intensity controls of 11:1, these would be controlled by the Harbour-Edge Height control standard.</p>

Where tall buildings are adjacent to heritage buildings, the Environment Court has previously found that this can be managed, subject to appropriate design-based provisions. There are 16 heritage/character buildings that are located within the precinct, and in combination with the detailed height standards and design criteria, the heritage/character values of these buildings will be appropriately protected. **Vijay** indicated a balanced approach was required in order to give effect to the NPS-UD.

Kay confirmed her agreement with **Vijay's** position.

Conclusion – matters agreed / disagreed:

Matters are not agreed.

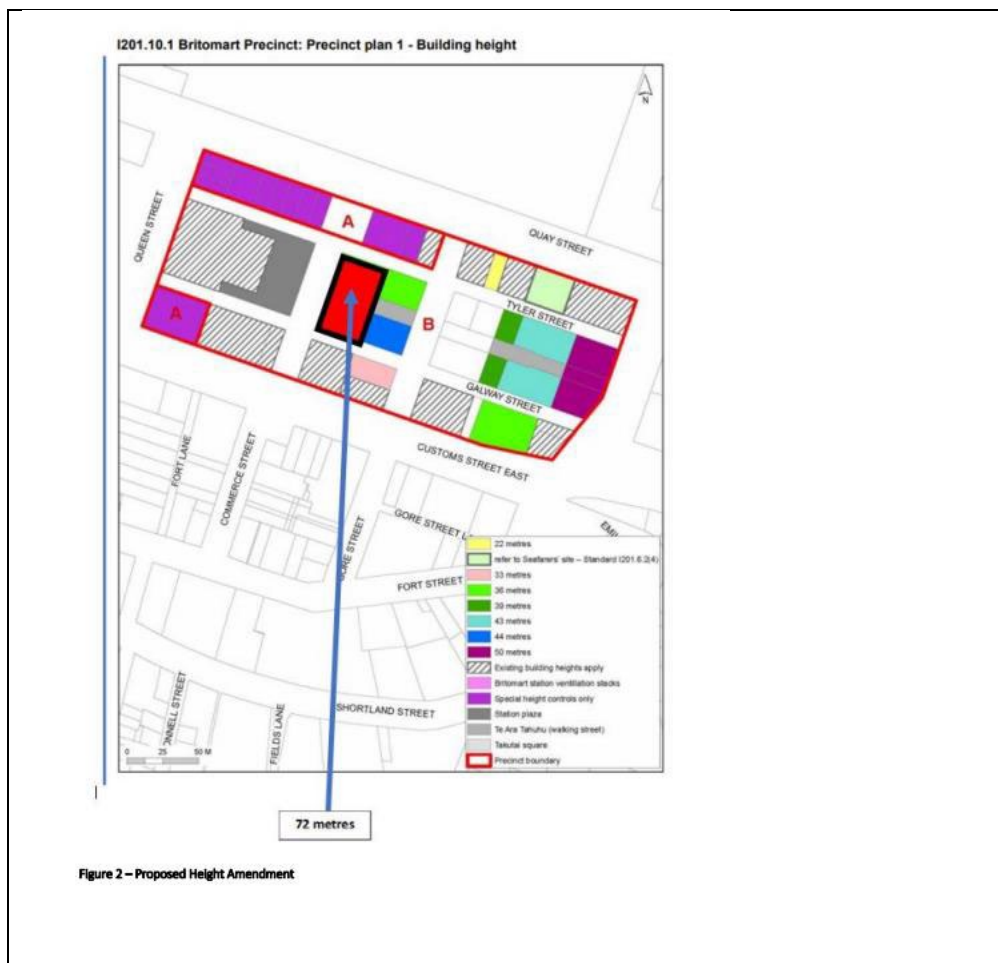
The parties agree that technical discussions will be held directly between experts for the three parties in this mediation session.

Recognising that this matter is set down for hearing in September, the parties agree to use their best endeavours to hold these discussions as soon as possible.

3.3. Building height control for central building site

Summary of issue: whether to retain the operative building height controls on I201.10.1 Britomart Precinct: Precinct plan 1 - Building height for the central building site or to increase the building height on the western half of the central building site on Precinct Plan 1 to 72m as requested in the submission.

Cooper and Company requests to increase the building height on the western half of the Central Building site on Precinct Plan 1 to 72m as per the figure below (submission 2156.2)



Conclusion – matters agreed / disagreed:

The Council does not support an increased height but is willing to review the analysis of a 72m height in terms of shadowing and visual relationships with nearby development, including heritage buildings, and open space.

Vijay will provide the information on a confidential and without prejudice basis and encourage the Council to engage in discussion on this material.

The conclusions reached in item 3.2 above also apply to this item.

Kay confirmed that Bledisloe Property Group Limited does not wish to participate in this topic.

3.4. Viewshaft provisions

Summary of issue: whether to retain operative standard I201.6.5. Viewshaft which seeks to manage development to maintain views from Britomart Place through to the Chief Post Office and the View shaft on I201.10.3 Britomart Precinct: Precinct plan 3 - Paving as well as Activity rule I201.4(A17) or to remove the provisions as requested in the submission?

Auckland Council position:

The Council consider the existing provisions to be appropriate, and any variations from the provisions can be considered through resource consent applications.

<p>Other parties' positions:</p> <p>Cooper and Company requests to remove the Viewshaft standard I201.6.5, review Viewshaft from Precinct Plan 3 and activity rule I201.4 (A17) (submission 2156.3).</p>
<p>Conclusion – matters agreed / disagreed:</p> <p>Matters not agreed. Progresses to a hearing.</p> <p>Kay confirmed that Bledisloe Property Group Limited does not wish to participate in this topic.</p>

3.5. Retention or amendment of Policy I201.3(1)

<p>Summary of issue: whether to amend Policy I201.3(1) as requested in the submission?</p>
<p>Auckland Council position:</p> <p>Diana stated that the statement in the Britomart precinct:</p> <p><i>'The overlay, Auckland-wide and Business – City Centre Zone policies apply in this precinct in addition to those specified above.'</i></p> <p>means the City Centre policies remain relevant to the Britomart Precinct and that duplication should be avoided.</p> <p>The Council considers that the current Britomart Precinct, together with the City Centre Zone provisions, are appropriate.</p> <p>The Council reserves its position on scope in relation to the proposed amendment to Policy 7 (refer to notes below) proposed by Kay and Vijay.</p>
<p>Other parties' positions:</p> <p>Cooper and Company requests to amend Policy I201.3(1) to acknowledge the Precinct is above the train station and therefore needs to maximise scale to a level by adding <i>"while acknowledging the City Centre and Precinct are to provide for the most intensive level of development within the Auckland Region"</i> or similar words to give effect to this (submission 2156.4).</p> <p>Kay confirmed that Bledisloe Property Group Limited is supportive of a change to the precinct policies that captures the precinct's important role as a regional transport interchange in the NPS-UD context. That change might include the words <i>'recognising the precinct's important role as a regional transport interchange capable of supporting intensive development capacity'</i> in either Policy 7 or Policy 1, but the preference would be to amend Policy 7.</p> <p>Vijay agrees with Kay's proposed amendment.</p> <p>Kay and Vijay consider the proposed amendment to Policy 7 as within scope of the Cooper and Company submission.</p>
<p>Conclusion – matters agreed / disagreed:</p> <p>Matters not agreed. Progresses to a hearing.</p>

4. Parties to Mediation Agreement

4.1. The parties to this Mediation Agreement, as listed below, confirm that:

- a) They agree that the outcome(s) of the mediation are as recorded in this agreement; and
- b) As this session was held online, in the interests of efficiency, it was agreed that each party would verbally confirm their position to the Facilitator, and this is recorded in the schedule below.

4.2. Confirmed online 6 June 2023

Name of representative	Party	Representative's confirmation
Campbell Williamson	Cooper and Company	Yes
Kay Panther Knight	Bledisloe Property Group Limited	Yes
John Duguid	Auckland Council	Yes

Mediation attendance sheet**Topic 020A: I201 Britomart Precinct****Date: 6 June 2023****Mediator: Marlene Oliver****Location: Online**

Submission number	Submitter name	Representative at mediation	Email	Notes (include arrival and leaving time where different)
2156	Cooper and Company	Vijay Lala (Planning)	vijay.lala@tattico.co.nz	
2156	Cooper and Company	Campbell Williamson (Development Director)	campbell.williamson@cooperandcompany.org	
2156	Cooper and Company	Gavin Lister (Landscape/Visual Expert)	gavin.lister@isthmus.co.nz	Left at 12.59pm
1778, FS9	Bledisloe Property Group Limited	Kay Panther Knight (Planning)	kay@formeplanning.co.nz	
939	Auckland Council	Sarah Wong (Planning)	sarah.wong@aucklandcouncil.govt.nz	
939	Auckland Council	Megan Walker (Historic Heritage / Special Character)	megan.walker@aucklandcouncil.govt.nz	
939	Auckland Council	Elisabeth Laird (Planning)	elisabeth.laird@aucklandcouncil.govt.nz	

Plan Change 78 Intensification

Submission number	Submitter name	Representative at mediation	Email	Notes (include arrival and leaving time where different)
939	Auckland Council	Stephen Brown (Landscape architect)	stephen@brownltd.co.nz	
939	Auckland Council	Sheerin Samsudeen (Urban design/ Architecture)	sheerin.samsudeen@aucklandcouncil.govt.nz	
939	Auckland Council	John Duguid (General Manager, Plans and Places)	john.duguid@aucklandcouncil.govt.nz	
939	Auckland Council	Diana Hartley (Legal)	diana.hartley@dlapiper.com	
939	Auckland Council	Anne Buchanan (Legal)	anne.buchanan@dlapiper.com	