

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 020I I214 Wynyard Precinct

Mediation held on	Thursday 8 June 2023
Venue	Simpson Grierson offices, Level 27, 88 Shortland Street, Auckland
Time	9.30am - 1pm
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: Vrinda Moghe (Eke Panuku Development Auckland), Nick Roberts (Orams Group Limited), James Burgess (Winton Land Limited), Angela Bull (Viaduct Harbour Holdings Limited), Evan Keating (Waka Kotahi), Paul Turnbull (Sanford Limited), Michael Campbell (Mansons TCLM and Willis Bond) and Clive Bennett (NZ Marine Industry

Association) 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.

3. Matters considered at Mediation - agenda and outcomes

3.1. Summary of parties' positions

<p>Summary of issue:</p>
<p>Auckland Council position:</p> <p>The Council's position is that the Wynard Precinct has a unique and distinctive character. The notified PC78 provisions for the Wynyard Precinct implement Policy 3(a) of the NPS-UD and will result in a well-functioning urban environment. The implementation of Policy 3(a) does not require unlimited heights and site intensity in every location and in that regard there are limits to the benefits of intensification.</p> <p>Policy 4 makes it plain that the Council is able to modify the relevant building height or density requirements under Policy 3 to the extent necessary to accommodate one or more qualifying matters as has occurred in the notified PC78 provisions.</p>
<p>Other parties' positions:</p> <p>Eke Panuku stated that the Wynyard Precinct has its own special and unique qualities that distinguish it from the wider city centre context. To that end, Eke Panuku generally supports the Council's identification of qualifying matters in relation to the Wynyard precinct. However, Eke Panuku considers that, on a site-by-site basis, there are some opportunities for limited increases in heights and density of built form at specific sites to the north of Pakenham Street (as indicated in its original submission). In regards to land to the south of Pakenham Street, Eke Panuku considers there may, on a site-by-site basis, be some potential opportunities for limited increases in development capacity subject to retention of appropriate controls on intensification (including a FAR regime). The approach will need to be informed by analysis of the effects of increased development capacity including impacts on public open space, shading, amenity and other characteristics of the precincts.</p> <p>Sanford stated that the imminent exit of fish processing activity from the Sanford site in Sub-precinct E has become public, a matter which was never envisaged when the Wynyard Quarter (now Precinct) masterplan and planning provisions were originally devised. There is an opportunity therefore to give effect to the NPS-UD in relation to the site, and surrounding parts of the Precinct. Sanford seeks to remove limitations on Accommodation, Non-permanent accommodation and Office activities within Sub-precinct E, linked to the exit of fish processing activities. It also seeks removal or uplift of limitations on intensity of activity and built form on the site to give effect to the NPS-UD.</p> <p>Winton stated that the Wynyard Precinct is a comprehensive and integrated masterplan. The precinct is a success story of great urban design and creates a jewel in the city. The plan already enables development aligned with the intent of</p>

the NPS-UD. Lower heights are based on a deeply considered rationale. There may be some opportunity for modest height uplifts in sub-precinct E but otherwise Winton does not support VHHL's relief.

Orams own the site in the western edge, south of Jellicoe Street, in the process of completing their marine environment precinct, they are seeking more height and GFA for a larger marker builder in response to the NPS-UD.

VHHL considers that changes to the Wynyard Precinct are required to give effect to the NPS-UD. To that end, VHHL has sought to increase the height standard and delete the site intensity controls with the Precinct (amongst other things). The relief sought by VHHL moderates the NPS-UD Policy 3(d) requirement for "as much intensification as possible" and has been derived with reference to key urban design principles in order to ensure good quality built form outcomes and retention of the key characteristics of the precinct. While VHHL considers that the site intensity controls (FAR/GFA) are unnecessary, it is open to discussing what an appropriate FAR control might look like if height were to be increased as per the VHHL submission and if the purpose of the FAR control were to be a means of assisting built form outcome rather than a constraint on floor area.

Mansons TCLM seek to delete the FAR and MTFAR controls that apply to Wynyard Quarter and increase the maximum height standard to 52 metres. Mansons supports the existing spatial allocation of enabled land use activities set out in the operative Wynyard Precinct.

Willis Bond seek to delete the FAR and maximum floor total floor area controls that apply to the Wynyard Quarter. Add additional provisions which increase the maximum height standard of each area within Wynyard Quarter by no more than 15 metres on a restricted discretionary basis provided the applicant demonstrates the proposed development will achieve good design outcomes in keeping with the special character of the area and its waterfront location.

Waka Kotahi supports increased development within the precinct but seeks to understand the level of traffic generated and associated effects. Controls on parking may be required to manage effects of increased development capacity.

NZ Marine Industry support the Orams submissions and Eke Panuku with regard to the changes.

Sanford asked if any party had a fundamental issue with its relief point seeking deletion of notation(s) in Sub-precinct E making Accommodation, Non-permanent Accommodation and Office activity a Non-complying activity. These apply to the Sanford site, ASB Building and North Wharf. All parties except Mansons and Council agreed. Mansons did not have instructions at this stage. Council considers there is no scope to make this change as the submission point is not "on" the plan change. This matter will be considered at expert conferencing.

Conclusion – matters agreed:

Expert Conferencing

All parties agree to have technical expert caucusing involving urban design/architects, landscape/visual, open space, special character and planning. The agreed date is 4 July 2023 at Simpson Grierson offices, 88 Shortland Street, Level 28. Notice of expert conferencing will be circulated by the IHP Secretariat to all parties who are submitters/further submitters on the Wynyard Precinct.

All parties to confirm the names of experts attending expert conferencing by 22 June 2023.

Nick Roberts will circulate a draft agenda seeking input from experts from the other parties sufficiently in advance of conferencing. The agenda to be finalised and circulated by 27 June (IHP Secretariat will circulate the agenda).

The experts for VHHL, Eke Panuku, Sanfords and Auckland Council will prepare some material to be the basis of the discussions to be circulated by 27 June 2023.

Expert Conferencing - Transport

Auckland Council, Waka Kotahi and VHHL agree that expert conferencing could occur relating to maximum parking rates after the expert conferencing on height and intensity described above.

Note from Marlene Oliver (Facilitator): The following agenda items were not discussed:


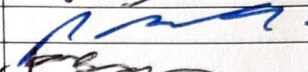

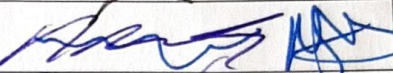

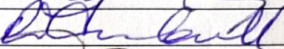
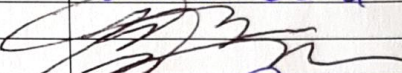
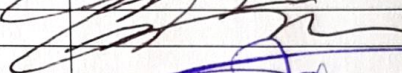

- 3.2. **Application of NPS-UD Policy 3(a)**
- 3.3. **Council's rationale for making no substantive changes to the Precincts**
- 3.4. **Implications of Council's review of infrastructure matters**
- 3.5. **Further information request**
- 3.6. **Table I211.4.1 Activity Table - Land Use**
- 3.7. **Precinct Plan 7 - Additional activity restrictions**
- 3.8. **Noise**
- 3.9. **Locations of open space and viewshafts**
- 3.10. **Re-zoning**
- 3.11. **Sub-precinct boundaries**
- 3.12. **Table I214.6.1.1 Parking ratios**
- 3.13. **Precinct height**
- 3.14. **Precinct site intensity / scale of development**
- 3.15. **Amend built form controls**
- 3.16. **Special character**
- 3.17. **Requirements relating to hazardous industry**

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

4.2. Confirmed 8 June 2023

Name of representative	Party	Representative's confirmation
Vrinda Moghe	Eke Panuku Development Auckland	
Nick Roberts	Orams Group Ltd	
James Burgess	Winton Land Limited	
Angela Bull	Viaduct Harbour Holdings Limited	
Evan Keating	Waka Kotahi	
Paul Turnbull	Sanford Limited	
Michael Campbell	Mansons TCLM	
Michael Campbell	Willis Bond	
Clive Bennet	NZ Marine Industry Association	
John Duguid	Auckland Council	