

**IN THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

In the Matter of the Resource Management Act 1991 (RMA)

And

In The Matter of a direct referral application under section 87G of the RMA for resource consents for the necessary infrastructure and related activities associated with holding the America's Cup in Auckland

Between **PANUKU DEVELOPMENT AUCKLAND**
(ENV-2018-AKL-000078)
Applicant

And **AUCKLAND COUNCIL**
Regulatory Authority

**BRIEF OF EVIDENCE OF DAVID OLIVER RAMSAY ON BEHALF OF
THE COMBINED OWNERS AND RESIDENTS OF APARTMENTS IN
SHEDS 19, 20, 22, 23 & 24 PRINCES WHARF**

21 August 2018

Duncan Cotterill
Solicitor acting: Sarah Watson
PO Box 5, Christchurch

Phone +64 3 379 2430
Fax +64 3 379 7097
sarah.watson@duncancotterill.com



To: The Registrar
Environment Court
I Mua I Te Kooti Taiao O Aotearoa

1 My name is David Oliver Ramsay. I own two apartments, one located in Shed 23 and the other in Shed 19 on Princes Wharf. My wife and I live in the one located in Shed 23. I am also the Chairman of the Residents Committee of Shed 23, Princes Wharf and I am authorised to give this evidence on behalf of the Combined Owners and Residents of Apartments in Sheds 19, 20, 22, 23 & 24 Princes Wharf (the Princes Wharf Group or the Group). I have lived in my apartment in Shed 23 for five years.

2 Broadly, the Princes Wharf Group's key concerns are the:

2.1 noise and vibration produced during the construction period;

2.2 the potential for adverse effects on the amenity of residents during the America's Cup events themselves (including from noise events);
and

2.3 the retention and ongoing use of the Base B building and the Hobson Wharf extension post the America's Cup.

3 The Princes Wharf Group lodged a submission against the America's Cup 36 and I attended the three days of mediation on behalf of the group. The Group has also been involved in subsequent discussions with Panuku and other submitters with similar concerns (notably The Point Apartments and Viaduct Harbour Holdings Limited) regarding the proposed conditions of consent and the legacy use of the Hobson Wharf Extension.

4 The Princes Wharf Group, along with The Point Apartments and Viaduct Harbour Holdings Limited, has reached agreement with Panuku regarding appropriate conditions of consent (subject to some minor outstanding issues discussed below) and the manner in which legacy issues regarding Hobson Wharf will be addressed procedurally via a future plan change. The agreed conditions involve some changes to the text circulated with Panuku's evidence in chief. Those changes are identified in the annotated version of the conditions attached to the evidence of Vaughan Smith for Viaduct Harbour Holdings Limited.

5 The Princes Wharf Group supports the grant of the AC36 resource consents subject to the annotated version of the conditions attached to the evidence of Vaughan Smith for Viaduct Harbour Holdings Limited.

5.1 The Group's support of the proposal is dependent upon the package of conditions that has been worked through.

5.2 We acknowledge that the Court yesterday issued a minute identifying some changes to the Panuku conditions that it considers desirable. None of those changes appear problematic from the Group's perspective and we appreciate that the Court will ultimately decide the number and nature of conditions on which any consent is granted. The agreed conditions do, however, address a large number of concerns that the Group has had and we will want to be involved in any discussions regarding substantive changes to the conditions might affect our amenity.

5.3 The conditions use management plans to address many of the construction and operational effects that will arise from the consents. It has been important to the Group for those conditions to identify clearly the objectives of the management plans and the standards with which Panuku and its contractors will need to comply. Those objectives have become much clearer through the mediation process, which has also been assisted through the circulation of draft management plans. Our understanding is that the draft management plans are continuing to evolve and that a further iteration of them will be circulated with rebuttal evidence. It is important that the revised management plans continue to give effect to the objectives and provide additional detail with respect to the methods to be adopted, both during construction and during the event.

6 In addition to the conditions agreed with Panuku, the schedule of conditions attached to the evidence of Vaughan Smith for Viaduct Harbour Holdings Limited also identifies two matters that are currently outstanding between the Group and Panuku, which relate to:

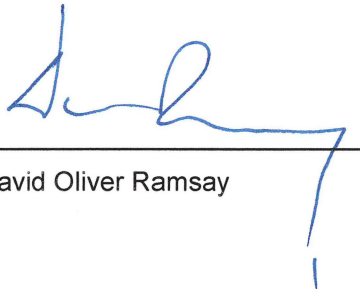
6.1 Detailed aspects of the amended design requirements proposed by Graeme McIndoe; and

- 6.2 The resolution of issues surrounding condition 183Q(b)(iii) relating to the proposed low frequency limit of 86dB L_{eq} for high noise events.
- 7 In relation to the design requirements, we rely on the evidence of Ian Munro for Viaduct Harbour Holdings Limited.
- 8 In relation to the issues surrounding high noise events:
 - 8.1 The Princes Wharf Group supports The Point's position regarding low frequency noise limits for high noise events and relies on the acoustic evidence for The Point.
 - 8.2 Our experience is that the effect of low frequency noise (63 and 125 Hz bands) on amenities is significantly greater than that of noise in the higher bands because the low frequency sound can travel significant distances and passes through structures more freely
 - 8.3 Rule I211.6.1 of the Auckland Council Unitary Plan sets maximum noise levels of 76db $L_{eq (15 min)}$ for the 63 Hz and 125 Hz bands for both medium noise and high noise events in the Viaduct Harbour precinct.
 - 8.4 In our opinion there is no justifiable reason why these levels should be increased for high noise events related to the America's Cup.
 - 8.5 We appreciate that the organisers of the on-shore aspects of the AC36 event will want to provide a mix of activities including live music to create an interesting atmosphere around the syndicate bases. Such music has commonly been staged in the Viaduct Harbour in the past to support other events (eg: the recent Volvo Ocean Race) but my understanding is that the music has historically complied with the district plan noise rules.
 - 8.6 It seems to us that there is a balance to be reached between the wishes of event promoters and the interests of residents. Te Wero Island, which is the proposed site of the Viaduct Harbour music events, currently has residential activities to the east (including Princes Wharf), the south (including The Point) and the south west. By the time the AC36 event is underway it will have a hotel a short distance to the west. The island itself is quite small and forms a

thoroughfare between Quay Street and Jellicoe Street. In the circumstances, while Te Wero is a suitable venue for relatively small scale and intimate musical events, it does not seem to us to be at all a suitable venue for larger and louder events which will inevitably impose themselves aurally on a very large residential audience, much of which may not welcome that intrusion.

- 8.7 We do not consider that live music events beyond those provided for in the Viaduct Harbour event controls are needed to create a vibrant and successful America's Cup event. To the contrary, loud music that can be heard well away from the venue where the stage is located is likely to detract from the experience for a large number of the public attending the celebrations.
- 9 We ask that the Court approves the Panuku application generally in accordance with the conditions attached to the evidence of Vaughan Smith for Viaduct Harbour Holdings Limited.

Dated 21 August 2018



David Oliver Ramsay