

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 009C Significant Ecological Areas

Expert conferencing held on	27 April 2023
Venue	Online
Independent facilitator	Sarah Shaw
Secretariat planner	Fiona Sprott

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.

Conflicts = None

3. Matters considered at conferencing - agenda and outcomes

Unless otherwise stated – no name reflects a neutral position.

3.1. What is the most appropriate way to protect Significant Ecological Areas (SEAs), as identified in the AUP schedules from the intensification requirements of Policy 3 of the NPS-UD and the MDRS?

3.1.1. Should the SEAs be a qualifying matter?

3.1.1(A) All planners agree that SEAs should be a QM.

3.1.1 (B) All planners agree that SEAs as a QM should be mapped in the AUP GIS and tools that accommodate that QM should be able to be determined objectively on site.

3.1.2. Should new qualifying matters/tools to further protect SEAs including:

(i) Buffer areas around identified SEAs; (buffer areas being around the whole overlay regardless of whether the overlay extended onto a site)

**(ii) Land upstream of SEAs; and
(iii) Ecological corridors.**

be promoted?

3.1.2 (A) All planners agree that due to a lack of supporting information to undertake a s32 analysis and understand the implications, it is not possible to support these additional QMs at this stage.

3.1.2 (B):

DW and MC consider that any new QMs/tools should require a variation (or new plan change e.g. PCs 81-83) to be notified for submissions. (scope issue)

RS and JM and LD are neutral on this point.

3.2. What is the more appropriate method to accommodate SEAs?

3.2.1. Should the primary management tool be the operative Chapters D9 Significant Ecological Areas and E15 Vegetation and Biodiversity or, as notified, a combination of the overlay, Auckland wide rules and the relevant residential zones?

3.2.1(A):

LD – considers that, as notified, a combination of the overlay, Auckland wide rules and the relevant residential zones is the most appropriate method to accommodate the SEA QM.

DW, RS, MC, JM – consider that the operative Chapters D9 Significant Ecological Areas and E15 Vegetation and Biodiversity as the management tool is the most appropriate method to accommodate the SEA QM.

3.2.2. Is the methodology for the application of the LDR zoning to sites subject to an SEA overlay the most suitable planning response for managing the cumulative effect of development on these different elements?

3.2.2(A):

LD – Support the methodology of using 30% threshold for the LDRZ.

JM, MC and DW – Do not support the use of the LDRZ as a means of managing the SEA QM.

RS – Neutral on threshold because of answer to 3.2.1(A) above.

3.3. Are the notified objectives, policies and standards that specifically relate to SEAs necessary to accommodate the qualifying matter in in the:

- (a) LDR zone;
- (b) Residential - Mixed Housing Urban (MHU) and Residential - Terraced Housing and Apartment Building (THAB) zones; and
- (c) Chapter E38 - Urban Subdivision.

3.3(A) Given the planners answers to 3.2 above, the planners have not discussed the proposed provisions as the response to each provision would be in line with the opinions already expressed in 3.2 above.

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 para 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) As this session was held online, 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 online 27th April 2023

EXPERT’S NAME	PARTY	EXPERT’S CONFIRMATION (para 4.1(d) above)
David Wren (Planning)	Domain Gardens Development Limited Jeremy Adams Arkcon Ltd	Yes
Rebecca Sanders (Planning)	Fletcher Residential	Yes

Milan Covic (Planning)	Steven and Shirley Wang	Yes
John McCall (Planning)	Waka Kotahi and Kainga Ora	Yes
Lucy Deverall (Planning)	Auckland Council	Yes
Jane Andrews (Ecologist)	Auckland Council	Confirm that attended as observer given that all matters discussed were planning matters.

Expert Conference attendance sheet

Topic 009C: Significant Ecological Areas

Date: 27 April 2023

Facilitator: Sarah Shaw

Location: Online

Time: 9.30am finished at 12pm

Submission number	Submitter name	Representative at expert conferencing	Email	Notes
1055, 694, 1776	Domain Gardens Development Limited, Jeremy Adams, Arkcon Ltd	David Wren (Planning)	david@davidwren.co.nz	Attended full session
1080	Fletcher Residential	Rebecca Sanders (Planning)	rebeccas@barker.co.nz	Attended full session
1090	Steven and Shirley Wang	Milan Covic (Planning)	milan.covic@ckl.co.nz	Attended full session
2049	Waka Kotahi and Kainga Ora	John McCall (Planning)	John.McCall@beca.com	Attended full session
939	Auckland Council	Lucy Deverall (Planning)	Lucy.Deverall@boffamiskell.co.nz	Attended full session
939	Auckland Council	Jane Andrews (Ecologist)	Jane.Andrews@aucklandcouncil.govt.nz	Attended full session