

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 Topics 011 + 014L Qualifying Matters – Special Character: Special Character Residential; + Height – Transitions/height next to SCAR

SESSION 1 – 20/04/2023

| | |
|------------------------------------|----------------|
| Expert conferencing held on | 20/04/2023 |
| Venue | Online |
| Independent facilitator | Marlene Oliver |
| Secretariat planner | Beth Maynard |

1. Attendance

- 1.1. The list of participants is included in the schedule at the end of this Statement.
- 1.2. **Allan Matson** expert on behalf of Civic Trust Auckland is the President and a Board Member of Civic Trust Auckland. Allan Matson is also an elected member of the Waitemata Local Board.
- 1.3. **Brian Putt** and **John Hill** who are engaged as experts for the St Marys Bay Association are residents of St Marys Bay.
- 1.4. **Dave Serjeant** who is engaged by Devonport Heritage is a resident of Devonport.
- 1.5. **Robert Speer** and **Suzanne Speer** who are engaged by the Eden Epsom Residential Protection Society are residents of Epsom.
- 1.6. **Philip Brown** who is appearing for The Coalition for More Homes would clarify that he and his firm (Campbell Brown) are not members of the Coalition.

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

3.1. Record of concern to the Independent Hearing Panel:

Brian Putt and **John Hill** wish to record to the Independent Hearing Panel that they are concerned that expert conferencing on these topics is proceeding in advance of the further research and reporting that the Council is undertaking in relation to limitations on infrastructure, particularly in relation to St Marys Bay and Freemans Bay. Their concern is mainly related to the ability of parties to fund participation in expert conferencing if it is found to be unnecessary or has to be repeated at a later date when this new information becomes available.

Dave Serjeant concurs with the concerns expressed above, in relation to Devonport.

Robert Speer concurs with the concerns expressed above, in relation to the Eden Epsom area.

Alex Findlay concurs with the concerns expressed above, in relation to the Character Coalition's submission.

Graeme Burgess concurs with the concerns expressed above, in relation to Freemans Bay and any other areas covered by submitters who have engaged Graeme and have raised infrastructure limitations in their submission.

David Haines concurs with the concerns expressed above, on behalf of the Rosanne Trust, whose submission identifies infrastructure concerns in the Parnell East area.

Allan Matson concurs with the concerns expressed above.

3.2. Confirmation of agenda

Thursday 20th April

3.3. Topic 011 – Special Character as a qualifying matter

3.3.1. Can the Special Character Areas Overlay be a qualifying matter?

3.3.2. Should the Special Character Areas Overlay be a qualifying matter?

3.4. Topic 011 – Special character vs. historic heritage

- 3.4.1. Is special character the same as historic heritage? The description of special character areas in AUP Regional Policy Statement addresses this matter:

Special character areas include older established areas and places which may be whole settlements or parts of suburbs or a particular rural, institutional, maritime, commercial or industrial area. They are areas and places of special architectural or other built character value, exemplifying a collective and cohesive importance, relevance and interest to a locality or to the region. Historical heritage values may underlie the identification of special character areas and make a contribution to the character and amenity values of such areas, but the special character areas are dealt with differently from significant historic heritage identified and protected in terms of the separate policy framework for identifying and protecting Historic Heritage in B5.2. The attributes of the character and amenity values and the environmental quality of a special character area, including buildings and streetscape, might be derived from its historical legacy without being historic heritage.

3.5. Topic 011 – Add or extend beyond operative AUP maps Special Character Areas Overlay – Residential

- 3.5.1. To add or extend an area beyond the AUP maps a section 32 evaluation report must also address sections 77J, 77K and 77L of the RMA (intensification requirements in residential zones).
- 3.5.2. The onus is on the submitter seeking to add a new property or area or extend an existing area to provide sufficiently comprehensive information to address the requirements of the RMA
- 3.5.3. Where the submitter is not the landowner is there a risk that any person who may be directly affected by the addition to the special character area overlay has been denied an effective opportunity to respond to what the submission seeks?

Friday 21 April 2023 and Thursday 27 April

3.6. Topic 011 – Methodology for survey of special character areas

- 3.6.1. Does the methodology meet the tests in the RMA for a qualifying matter (sections 77I(j), 77J and 77L)?
- 3.6.2. Should another methodology be used to evaluate special character areas as a qualifying matter?
- 3.6.3. What are the implications of a new/amended methodology?
- 3.6.4. Is the threshold for 'high quality' special character as a qualifying matter within walkable catchments (75%) set at the right level?
- 3.6.5. Is the threshold for special character as a qualifying matter outside walkable catchments (66%) set at the right level?
- 3.6.6. How should individual properties that have consented alterations that meet the AUP standards for Special Character Areas Overlay – Residential be scored?
- 3.6.7. Should properties that scored 4 out of 6 in the site-specific survey be included within the thresholds?
- 3.6.8. Should the methodology be amended to consider Isthmus A, Isthmus B and/or Isthmus C areas together, where they are adjacent?
- 3.6.9. Should rear and vacant lots be included in or excluded from the scoring system used to determine the quality of a special character area?
- 3.6.10. Is Google Streetview an appropriate tool to use for the site-specific survey? Of the areas only surveyed by Google Street view which ones should/can be resurveyed.
- 3.6.11. Should landscape characteristics and features be included in or excluded from the scoring system used to determine the quality of a special character area?

Wednesday 26th April

3.7. Topic 011 – Chapter D18 Special Character Areas Overlay – provisions

Should amendments be made to Chapter D18 Special Character Areas Overlay provisions?

3.7.1. D18.2 Objectives and D18.3 policies

- 3.7.1.1. Do we need to include non-residential activities within the Special Character Areas Overlay objective D18.2(6) and policy D18.3(7C), or can

these be effectively managed via the underlying zone and the provisions within the overlay related to development? (949.8 and 949.9, 1543.25 and 1543.202, 1585.30 and 1585.31)

3.7.1.2. Should other amendments be made to the objectives and policies?

3.7.2. D18.4 Activity table

3.7.2.1. Above point also relates to activity table. Should the overlay include an array of non-residential activities such as home occupations, dairies, care centres etc?

3.7.2.2. Should restoration and repair to a building on a site in the SCA, as a permitted activity, be subject to standards for height, HIRB, yards, coverage etc? (812.40, 1199.8, 2021.37 and 2390.5)

3.7.2.3. Should other amendments be made to D18.4 Activity table?

3.7.3. D18.6 Standards

3.7.3.1. Should the Special Character Areas Overlay Residential have a height limit (of 8m)?

3.7.3.2. Should provision be made for integrated developments on large sites within Special Character Areas and, if so, what should the standards be?

3.7.3.3. Should other amendments be made to D18.6 Standards?

3.7.4. **Note:**

Paul Sousa is proposing some significant changes to enable a second dwelling and alternate front yard provision. Paul's proposed amendments will be pre-circulated to registered participants.

3.7.5. **Topic 14L – Height transitions/height next to Special Character Residential**

Should the plan change address interfacing issues between the SCAR and SCAB overlay and THAB and MHU zoning?

3.7.5.1. Could D18.6.1.2 HIRB and D18.6.1.4. Building coverage be amended to apply to all sites adjacent to or in the vicinity of the SCA overlay? (937.27, 1996.9)

- 3.7.5.2. Could the HIRB standard for all applicable zones be amended to apply a 3m + 45-degree recession plane to all sites adjoining the SCA overlay? (2021.27)
- 3.7.5.3. Could height transitions be applied to properties adjoining the SCA overlay to achieve an appropriate interface? (976.17, 989.4, 1264.2, 1844.3, 2032.5)
- 3.7.5.4. Could the application of the LDR zoning response extend to sites adjoining the SCA overlay? (1894.3)
- 3.7.5.5. Is the application of THAB and MHU zoning to sites adjacent / adjoining to or in the vicinity of the SCA overlay appropriate for managing effects on special character?
- 3.7.5.6. Should intensification be constrained adjacent / adjoining to or in the vicinity of the SCA overlays? (117.3, 117.4, 199.2, 1345.3, 1742.4, 1894.3, 1900.4, 1998.4, 1998.5, 2305.17, 2305.18, 2243.2, 2244.2 2245.2, 2246.2)
- 3.7.5.7. Is it appropriate to include assessment criteria which considers the design of properties adjacent to or in the vicinity of the SCA overlay? (2248.121)

Thursday 27th April – Methodology (continued)

Tuesday 2nd May and Monday 8th May

3.8. Request to the IHP:

Regardless of the outcome of the request recorded in item 3.1 in this JWS, the experts attending expert conferencing on 20th April 2023 consider that more time is required for discussing the following item 3.9 (Topic 011, being site and area specific requests) and accordingly request the panel to direct further time being made available for expert conferencing – until 8th June 2023.

The experts request a quick response having regard to the evidence exchange timetable.

Philip Brown's position in relation to these requests was neutral.

The experts anticipate that extending the expert conferencing timetable for the items in paragraph 3.9 below will require consequential changes to the hearing and evidence exchange timetable of those items.

3.9. Topic 011 – Reinstate or add back operative Special Character Areas Overlay – Residential and or remove property or area from Special Character Areas Overlay – Residential (by submitter)

3.9.1. Request

Prior to either meetings or expert conferencing on the following topics, the Council invites the experts/submitters to file a brief email confirming the nature of their requests and the evidence supporting it.

Email to be sent to rebecca.austin@aucklandcouncil.govt.nz

3.9.2. Submitters with general requests to amend or review the spatial extent of the overlay (e.g., Kāinga Ora, Waka Kotahi, Coalition for more Homes) should clarify the specific relief sought in their submission (e.g., how much change, location of change etc.).

3.9.3. The relief sought by following submitters is to be addressed. Note that the list below includes submitters whose experts have confirmed they are attending expert conferencing, rather than the full list of submitters seeking to reinstate properties or areas or to remove properties or areas from the overlay.

- Eden Epsom Residential Protection Society (submission #951)
- Character Coalition Incorporated (#2021)
- Remuera Residents' Group (#2087)
- Seaview Resident's Group (#2179)
- Alan Stokes & 41 signatories (#1972)
- Craig Anderson (#2208)
- Devonport Heritage (#937)
- Remuera Heritage (#948, FS 94)
- Civic Trust Auckland (#2286)
- St Mary's Bay Association (#2193)
- Herne Bay Residents' Association (#1950)
- MMBB Family Trust (submission #1380)

- Society of Mary Trust Board (#2390)
- The Ascot Hospital and Clinics Limited (#952)
- OneSixOne Medical Group Limited (#1269)
- Cornwall Park Trust Board (#898)
- Piper Properties Consultants Limited (#949)
- Bill Patterson, Ken Wickenden and Richard Wilburn (#1787)
- Parnell East Community Group (#838)
- Peter, Rolfe, Anatole and Joanna Masfen (#1644)
- Nicola Spencer (#1865)
- BeGroup Limited (#1112)
- Andrew and Sheridan Harmos (#1509)
- BLUM Investments Limited (#FS 173)
- Aken Yuan (#1174)
- Henry Hall (#1178)
- Jason Lin (#1181)
- Body Corporate 128255 (#1182)
- Lawrence Yuan (#1183)
- Xue Cao (#2335)
- Scrumptious Fruit Trust (#1616)
- The Roseanne Trust (#1762)
- Mayfair Owner's Committee (#104)
- Heritage New Zealand Pouhere Taonga (#872)
- HND Upland Limited (#1305)
- 73 Parnell Road Limited (#868)
- Richard Dunbar (#117)
- Catholic Diocese of Auckland (#897)
- Huiqiang Zhang (#1696)
- Southern Cross Healthcare Limited (#2067)
- Freemans Bay Residents Association (#2201)

Note from the facilitator:

A number of experts left the session at the completion of agenda item 3.9 above. This is recorded in the participation schedule in Section 4 of this JWS (below).

Agenda and outcomes – 20 April 2023

3.10. Topic 011 – Special Character as a qualifying matter

3.10.1. Can the Special Character Areas Overlay as notified in PC78 be a qualifying matter?

The experts agree that a Special Character Areas Overlay can be a qualifying matter, provided that it meets the requirements in NPS-UD subpart 6, 3.32(1)(h).

The experts consider that the Special Character Areas Overlay can be a QM and areas and provisions can be changed subject to PC78 submissions and evidence.

3.10.1.1. Special Character Areas Overlay as notified in PC 78:

Adam Wild considers that the Special Character Areas Overlay as notified in PC78 does not meet the requirements of NPS-UD subpart 6, 3.32(1)(h). Adam notes that 3.32(1)(h) states... “as directed by Policy 3...”.

Evan Keating, Matthew Lindenberg and **Daniel Shaw** consider that the Special Character Areas Overlay as notified in PC78 does not meet the requirements of NPS-UD subpart 6, 3.32(1)(h), as it refers to 3.33(3), which requires an evaluation of “...an appropriate range of options ...”. They consider that the Section 32 reports do not satisfy this requirement.

Philip Brown considers that the Special Character Areas Overlay as notified in PC78 does not meet the requirements of NPS-UD subpart 6, 3.32(1)(h), as it refers to 3.33.

Yu Yi notes the following: Given that SCA as a qualifying matter requires legal test of s77L, is it appropriate to consider the option of using the SCA overlay as it exists presently in the AUP without it being defined as a QM? Noting that not all overlays in the AUP are defined as QMs.

3.10.2. Should the Special Character Areas Overlay be a qualifying matter?

a) **Philip Brown** considers that even if the SCAOs could satisfy the legal requirements (as identified above), this is not the most appropriate planning outcome because the advantages are outweighed by the disadvantages.

b) **Evan Keating, Daniel Shaw, Adam Wild, Mark Vinall, Matthew Lindenberg, Tom Morgan** and **Kester Ko** consider that even if the SCAOs as notified or a similar level of control could satisfy the legal requirements (as identified above), this is not the most appropriate planning outcome

because the advantages are outweighed by the disadvantages. They consider that the notified version is too restrictive and a different more enabling set of provisions and refined spatial extent may produce an appropriate planning outcome.

- c) **Noel Reardon, Emma Rush, Lisa Mein, Rebecca Freeman, Robert Speer, Dave Serjeant, Allan Matson, Alice Morris, Graeme Burgess, Brian Putt and John Hill** do not agree with statements a) and b) above and consider that the retention of a SCAO is an appropriate planning response to the NPS-UD in terms of providing for housing capacity while limiting the application of MDRS in order to maintain and enhance important special character values and satisfy NPS-UD Objectives.
- d) **John Brown** considers that c) is one appropriate response and it satisfies NPS-UD Objectives.

3.11. Topic 011 – Special character vs. historic heritage

3.11.1. Is special character the same as historic heritage?

All experts agree that the description of special character areas in AUP Regional Policy Statement addresses this matter:

Special character areas include older established areas and places which may be whole settlements or parts of suburbs or a particular rural, institutional, maritime, commercial or industrial area. They are areas and places of special architectural or other built character value, exemplifying a collective and cohesive importance, relevance and interest to a locality or to the region. Historical heritage values may underlie the identification of special character areas and make a contribution to the character and amenity values of such areas, but the special character areas are dealt with differently from significant historic heritage identified and protected in terms of the separate policy framework for identifying and protecting Historic Heritage in B5.2. The attributes of the character and amenity values and the environmental quality of a special character area, including buildings and streetscape, might be derived from its historical legacy without being historic heritage.

3.12. **Topic 011 – Add or extend beyond operative 2016 AUP-OIP maps
 Special Character Areas Overlay – Residential**

All experts agree that the matters set out below relate to scope, which are legal issues. Parties who wish to add or extend SCA areas beyond the operative 2016 AUP-OIP maps need to satisfy the relevant tests as summarised below. This will be relevant when expert conferencing addresses area and site specific requests.

3.12.1. To add or extend an area beyond the 2016 AUP-OIP maps a section 32 evaluation report must also address sections 77J, 77K and 77L of the RMA (intensification requirements in residential zones).

3.12.2. The onus is on the submitter seeking to add a new property or area or extend an existing area beyond the 2016 AUP-OIP maps to provide sufficiently comprehensive information to address the requirements of the RMA.

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 have read the Environment Court’s Practice Note 2023 and agree to comply with it; and
- c) The matters addressed in this statement are within their area of expertise; and
- d) 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 20/04/2023**

| Expert's Name and Expertise | Party | Expert's confirmation |
|---------------------------------------|-----------------------------------|---------------------------------|
| Adam Wild (Conservation Architect) | Samson Corp and Sterling Nominees | Yes, attended for items 1-3.11. |

Auckland Council PC78 – Joint witness statement Hearing Topics 011 + 014L Qualifying Matter Special
Character: Special Character Residential; + Height – Transitions/height next to
SCAR - 20/04/2023

| | | |
|---------------------------------------|---|--|
| Alex Findlay (Planning) | Character Coalition Incorporated / Eden Epsom Residential Protection Society / Remuera East Residents Group / Seaview Road Residents Group / Alan Stokes and 41 Signatories / Scrumptious Fruit Trust | Yes, attended for items 1 – 3.9, being confirmation of the agendas. |
| Alex Van Son (Planning) | 73 Parnell Road Limited | Yes, attended for items 1 – 3.9, being confirmation of the agendas. |
| Alice Morris (Planning) | Heritage New Zealand Pouhere Taonga | Yes |
| Allan Matson (Heritage and Character) | Civic Trust Auckland | Yes |
| Blair Hastings (Special Character) | Auckland Council | Yes, attended for items 1 – 3.9, being confirmation of the agendas. |
| Brian Putt (Planning) | St Marys Bay Association / Freemans Bay Residents Association | Yes |
| Craig McGarr (Planning) | Andrew and Sheridan Harnos / BeGroup Ltd / BLUM Investments Limited / HND Upland Limited / OneSixOne Medical Group Limited / The Ascot Hospital and Clinics Limited | Yes, attended for items 1 – 3.9, being confirmation of the agendas. |
| Daniel Shaw (Planning) | Southern Cross Healthcare Limited | Yes |
| Dave Pearson (Heritage Architect) | St Marys Bay Association | Yes, attended for items 1 – 3.9, being confirmation of the agendas. |
| Dave Serjeant (Planning) | Devonport Heritage | Yes |
| David Haines (Planning) | The Rosanne Trust | Yes, attended for items 1 – 3.1 only, being confirmation of the agendas. |
| Emma Rush (Planning) | Auckland Council | Yes |
| Evan Keating (Planning) | Waka Kotahi | Yes |
| Graeme Burgess (Heritage Architect) | Civic Trust Auckland / Craig Anderson / Devonport Heritage / Herne Bay Residents Ass / Remuera Heritage / Freemans Bay Residents Association | Yes |

Auckland Council PC78 – Joint witness statement Hearing Topics 011 + 014L Qualifying Matter Special
Character: Special Character Residential; + Height – Transitions/height next to
SCAR - 20/04/2023

| | | |
|--|---|---|
| John Brown (Heritage Specialist and Special Character) | Cornwall Park Trust Board / Nicola Spencer / Parnell East Community Group / Southern Cross Healthcare Limited | Yes |
| John Hill (Heritage Architect) | St Marys Bay Association | Yes |
| Kester Ko (Urban Design) | Remuera Project Ltd | Yes, attended for items 1 – 3.9, being confirmation of the agendas. |
| Lisa Mein (Planning and Special Character) | Auckland Council | Yes, attended for items 1-3.10. |
| Mark Benjamin (Planning) | Aken Yuan / Body Corporate 128255 / Henry Hall / Jason Lin / Xue Cao | Yes, attended for items 1 – 3.9, being confirmation of the agendas. |
| Mark Vinall (Planning) | Bill Patterson, Ken Wickenden and Richard Wilburn / Buchanan Family Trust / Cornwall Park Trust Board | Yes, attended for items 1 – 3.10.2. |
| Matthew Lindenberg (Planning) | Kāinga Ora | Yes, attended for items 1-3.11. |
| Nick Pollard (Planning) | Auckland Council | Yes, attended for items 1 – 3.8 (in part), being confirmation of the agendas. |
| Noel Reardon (Manager Heritage) | Auckland Council | Yes |
| Paul Sousa (Planning) | Craig Anderson | Yes, attended for items 1 – 3.9, being confirmation of the agendas. |
| Philip Brown (Planning) | The Coalition for More Homes / Catholic Diocese of Auckland / Huiqiang Zhang | Yes |
| Rebecca Freeman (Special Character) | Auckland Council | Yes |
| Richard Dunbar (Planning) | Richard Dunbar | Yes, attended for half an hour of item 3.10 discussion. |
| Robert Speer (Planning) | Eden Epsom Residential Protection Society | Yes |
| Shane Martin (Economics) | The Coalition for More Homes | Yes, attended for items 1 – 3.9, being confirmation of the agendas. |
| Susie Clemens (Planning) | Mayfair Owners Committee | Yes |

Auckland Council PC78 – Joint witness statement Hearing Topics 011 + 014L Qualifying Matter Special
 Character: Special Character Residential; + Height – Transitions/height next to
 SCAR - 20/04/2023

| | | |
|--|--|---------------------------------|
| Tom Morgan (Planning) | Bill Patterson, Ken Wickenden and Richard Wilburn / Buchanan Family Trust / Cornwall Park Trust Board / Piper Properties Consultants Limited | Yes, attended for items 1-3.10. |
| Veronica Cassin (Conservation Architect) | Samson Corp and Sterling Nominees | Yes |
| Yu Yi (Planning) | MMBB Family Trust | Yes, attended for items 1-3.10. |

Expert Conference attendance sheet

Topic 011 + 014L Qualifying Matters – Special Character: Special Character Residential; + Height – Transitions/height next to SCAR

Date: 20/04/2023

Facilitator: Marlene Oliver

Location: Online

| Submission number | Submitter name | Representative at mediation | Email | Notes |
|-------------------|------------------------------|-----------------------------|--|--|
| 104 | Mayfair Owners Committee | Susie Clemens | susie@formeplanning.co.nz | |
| 117 | Richard Dunbar | Richard Dunbar | richard@npr.co.nz | Arrived and left partway through session (see participant schedule in JWS) |
| 838 | Parnell East Community Group | John Brown | info@planheritage.co.nz | |
| 868 | 73 Parnell Road Limited | Alex Van Son | avs@planningfocus.co.nz | Left partway through session (see participant schedule in JWS) |

Plan Change 78 Intensification

| Submission number | Submitter name | Representative at mediation | Email | Notes |
|-------------------|-------------------------------------|-----------------------------|--|--|
| 872 | Heritage New Zealand Pouhere Taonga | Alice Morris | amorris@heritage.org.nz | |
| 873 | Kāinga Ora | Matthew Lindenberg | matt.lindenberg@beca.com | Left partway through session (see participant schedule in JWS) |
| 897 | Catholic Diocese of Auckland | Philip Brown | philip@campbellbrown.co.nz | |
| 898 | Cornwall Park Trust Board | John Brown | info@planheritage.co.nz | |
| 898 | Cornwall Park Trust Board | Mark Vinall | mark.vinall@tattico.co.nz | Left partway through session (see participant schedule in JWS) |
| 898 | Cornwall Park Trust Board | Tom Morgan | tom.morgan@tattico.co.nz | Left partway through session (see participant schedule in JWS) |
| 937 | Devonport Heritage | Dave Serjeant | dave@merestone.co.nz | |
| 937 | Devonport Heritage | Graeme Burgess | graeme.nz.burgess@gmail.com | |

Plan Change 78 Intensification

| Submission number | Submitter name | Representative at mediation | Email | Notes |
|--------------------------|--------------------------------------|------------------------------------|--|--|
| 939 | Auckland Council | Blair Hastings | heritage@blairhastings.co.nz | Left partway through session (see participant schedule in JWS) |
| 939 | Auckland Council | Emma Rush | emma.rush@aucklandcouncil.govt.nz | |
| 939 | Auckland Council | Lisa Mein | lisa.mein@mudp.co.nz | Left partway through session (see participant schedule in JWS) |
| 939 | Auckland Council | Nick Pollard | Nick.Pollard@boffamiskell.co.nz | Left partway through session (see participant schedule in JWS) |
| 939 | Auckland Council | Noel Reardon | Noel.Reardon@aucklandcouncil.govt.nz | |
| 939 | Auckland Council | Rebecca Freeman | Rebecca.freeman@aucklandcouncil.govt.nz | |
| 948 | Remuera Heritage | Graeme Burgess | graeme.nz.burgess@gmail.com | |
| 949 | Piper Properties Consultants Limited | Tom Morgan | tom.morgan@tattico.co.nz | Left partway through session (see participant schedule in JWS) |

Plan Change 78 Intensification

| Submission number | Submitter name | Representative at mediation | Email | Notes |
|--------------------------|---|------------------------------------|--|--|
| 951 | Eden Epsom Residential Protection Society | Alex Findlay | alex@expanseplanning.co.nz | Left partway through session (see participant schedule in JWS) |
| 951 | Eden Epsom Residential Protection Society | Robert Speer | Robert@speer.co.nz | |
| 952 | The Ascot Hospital and Clinics Limited | Craig McGarr | cmcgarr@bentley.co.nz | Left partway through session (see participant schedule in JWS) |
| 1079 | The Coalition for More Homes | Philip Brown | philip@campbellbrown.co.nz | |
| 1079 | The Coalition for More Homes | Shane Martin | smartin@mrcagney.com | Left partway through session (see participant schedule in JWS) |
| 1174 | Aken Yuan | Mark Benjamin | MarkB@mhg.co.nz | Left partway through session (see participant schedule in JWS) |
| 1178 | Henry Hall | Mark Benjamin | MarkB@mhg.co.nz | Left partway through session (see |

Plan Change 78 Intensification

| Submission number | Submitter name | Representative at mediation | Email | Notes |
|--------------------------|---------------------------------|------------------------------------|--|--|
| | | | | participant schedule in JWS) |
| 1181 | Jason Lin | Mark Benjamin | MarkB@mhg.co.nz | Left partway through session (see participant schedule in JWS) |
| 1182 | Body Corporate 128255 | Mark Benjamin | MarkB@mhg.co.nz | Left partway through session (see participant schedule in JWS) |
| 1269 | OneSixOne Medical Group Limited | Craig McGarr | cmcgarr@bentley.co.nz | Left partway through session (see participant schedule in JWS) |
| 1305 | BeGroup Ltd | Craig McGarr | cmcgarr@bentley.co.nz | Left partway through session (see participant schedule in JWS) |
| 1305 | HND Upland Limited | Craig McGarr | cmcgarr@bentley.co.nz | Left partway through session (see participant schedule in JWS) |

Plan Change 78 Intensification

| Submission number | Submitter name | Representative at mediation | Email | Notes |
|--------------------------|-----------------------------------|------------------------------------|--|--|
| 1380 | MMBB Family Trust | Yu Yi | yu.yi@synergyplanningassociates.com | Left partway through session (see participant schedule in JWS) |
| 1509 | Andrew and Sheridan Harnos | Craig McGarr | cmcgarr@bentley.co.nz | Left partway through session (see participant schedule in JWS) |
| 1616 | Scrumptious Fruit Trust | Alex Findlay | alex@expanseplanning.co.nz | Left partway through session (see participant schedule in JWS) |
| 1696 | Huiqiang Zhang | Philip Brown | philip@campbellbrown.co.nz | |
| 1697 | Remuera Project Limited | Kester Ko | kester@rockhopper.co.nz | Left partway through session (see participant schedule in JWS) |
| 1762 | The Rosanne Trust | David Haines | david.haines@hainesplanning.co.nz | Left partway through session (see participant schedule in JWS) |
| 1765 | Samson Corp and Sterling Nominees | Adam Wild | | Left partway through session (see |

Plan Change 78 Intensification

| Submission number | Submitter name | Representative at mediation | Email | Notes |
|-------------------|---|-----------------------------|--|--|
| | | | | participant schedule in JWS) |
| 1765 | Samson Corp and Sterling Nominees | Veronica Cassin | | |
| 1787 | Bill Patterson, Ken Wickenden and Richard Wilburn | Mark Vinall | mark.vinall@tattico.co.nz | Left partway through session (see participant schedule in JWS) |
| | | Tom Morgan | tom.morgan@tattico.co.nz | Left partway through session (see participant schedule in JWS) |
| 1865 | Nicola Spencer | John Brown | info@planheritage.co.nz | |
| 1950 | Herne bay Residents Ass | Graeme Burgess | graeme.nz.burgess@gmail.com | |
| 1972 | Alan Stokes and 41 Signatories | Alex Findlay | alex@expanseplanning.co.nz | Left partway through session (see participant schedule in JWS) |
| 2021 | Character Coalition Incorporated | Alex Findlay | alex@expanseplanning.co.nz | Left partway through session (see |

Plan Change 78 Intensification

| Submission number | Submitter name | Representative at mediation | Email | Notes |
|--------------------------|-----------------------------------|------------------------------------|--|--|
| | | | | participant schedule in JWS) |
| 2049 | Waka Kotahi | Evan Keating | Evan.Keating@nzta.govt.nz | |
| 2067 | Southern Cross Healthcare Limited | John Brown | info@planheritage.co.nz | |
| 2087 | Remuera East Residents Group | Alex Findlay | alex@expanseplanning.co.nz | Left partway through session (see participant schedule in JWS) |
| 2179 | Seaview Road Residents Group | Alex Findlay | alex@expanseplanning.co.nz | Left partway through session (see participant schedule in JWS) |
| 2182 | Buchanan Family Trust | Mark Vinall | mark.vinall@tattico.co.nz | |
| 2182 | Buchanan Family Trust | Tom Morgan | tom.morgan@tattico.co.nz | Left partway through session (see participant schedule in JWS) |
| 2193 | St Marys Bay Association | Brian Putt | brian@metroplanning.co.nz | |

Plan Change 78 Intensification

| Submission number | Submitter name | Representative at mediation | Email | Notes |
|--------------------------|--------------------------|------------------------------------|--|--|
| 2193 | St Marys Bay Association | Dave Pearson | | Left partway through session (see participant schedule in JWS) |
| 2193 | St Marys Bay Association | John Hill | john@johnhillarchitect.co.nz | |
| 2208 | Craig Anderson | Graeme Burgess | graeme.nz.burgess@gmail.com | |
| 2208 | Craig Anderson | Paul Sousa | paulsousa@xtra.co.nz | Left partway through session (see participant schedule in JWS) |
| 2286 | Civic Trust Auckland | Allan Matson | allan.matson1@gmail.com | |
| 2286 | Civic Trust Auckland | Graeme Burgess | graeme.nz.burgess@gmail.com | |
| 2335 | Xue Cao | Mark Benjamin | MarkB@mhg.co.nz | Left partway through session (see participant schedule in JWS) |
| FS173 | BLUM Investments Limited | Craig McGarr | cmcgarr@bentley.co.nz | Left partway through session (see participant schedule in JWS) |

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 Topics 011 + 014L Qualifying Matters – Special Character: Special Character Residential; + Height – Transitions/height next to SCAR

SESSION 2 – 21/04/2023

| | |
|------------------------------------|----------------|
| Expert conferencing held on | 21/04/2023 |
| Venue | Online |
| Independent facilitator | Marlene Oliver |
| Secretariat planner | Beth Maynard |

1. Attendance

- 1.1. The list of participants is included in the schedule at the end of this Statement.
- 1.2. **Allan Matson** expert on behalf of Civic Trust Auckland is the President and a Board Member of Civic Trust Auckland. Allan Matson is also an elected member of the Waitemata Local Board.
- 1.3. **Brian Putt** and **John Hill** who are engaged as experts for the St Marys Bay Association are residents of St Marys Bay.
- 1.4. **Robert Speer** who is engaged by the Eden Epsom Residential Protection Society are residents of Epsom.
- 1.5. **Philip Brown** who is appearing for The Coalition for More Homes would clarify that he and his firm (Campbell Brown) are not members of the Coalition.

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

3.1. Topic 011 – Methodology for survey of special character areas

3.1.1. Does the methodology meet the tests in the RMA for a qualifying matter (sections 77I(j), 77J and 77L)?

Note:

This matter was discussed at expert conferencing on the 20th April 2023 (refer to the JWS). In summary, some of the experts consider that the published evaluation report does not satisfy all of the requirements under section 77L.

Noel Reardon and **Rebecca Freeman** advised that the Council's methodology included a property by property (street address) evaluation which was then aggregated on geographical areas where appropriate. This describes the Council's interpretation of "site-specific" and "geographic area" used in the legislation (section 77L(c)). The summary of area findings reports are available on Council's website. The raw data of property by property scores is available on request.

3.1.2. Should another methodology be used to evaluate special character areas as a qualifying matter?

Dave Pearson, Graeme Burgess, Alice Morris, John Hill, Allan Matson and **Robert Speer** consider that the Council's methodology does not cover all of the contributing aspects of character as set out in AUP Schedule 15.1.1. and B5.3.2. Factors that have not been included in the methodology include trees and vegetation, street layout, landscape. The Council's methodology focuses too strongly on the primary buildings and built elements. In addition the Council's PC78 methodology has too much emphasis on individual properties rather than describing the wider character of an area. These experts consider that the Council's methodology should have included the additional aspects identified in this paragraph.

Graeme Burgess considers that the last sentence of the paragraph above is too prescriptive and considers that some consideration of the additional aspects identified in the paragraph above should have been included in the methodology used.

Alice Morris is concerned if the basis for the SCA methodology has relied on the limitations under Policy 3 of the NPS-UD (height and density). Under 3.3.3(3)(b)(iii) requires an evaluation to achieve the greatest heights and density while managing the specific characteristics, these characteristics being determined through best practice in identifying SCA.

Daniel Shaw, Philip Brown, Susie Clemens, and Evan Keating do not consider that using the 2016 AUP-OIP Special Character Areas is appropriate because they were prepared under a different statutory framework and have no regard to the NPS-UD and the MDRS. The NPS-UD is the default position and analysis needs to be done from scratch.

Noel Reardon and Rebecca Freeman explained that the Council's methodology used the character statements in the AUP to identify the relevant values that apply to the particular areas and then surveyed whether these values remain. The survey focuses on elements that the AUP rules do manage, noting that the rules do not manage general trees and vegetation, street layout, or "the vibe". These matters can be changed/removed without Council consent. The Council's methodology has focused on the elements that limit height and density. It is acknowledged that the AUP objectives and policies do refer to a wider range of elements, but they are not followed through into rules that manage these wider characteristics. These experts consider that the Council's methodology complies with the requirements of the NPS-UD.

3.1.3. What are the implications of a new/amended methodology?

Noel Reardon and Rebecca Freeman are concerned that there is limited time available to collect and evaluate new data that they consider would be required to support an amended methodology from the one that the Council has used.

Brian Putt considers that in relation to St Marys Bay and Freemans Bay the SCA overlay area should be the same as in the 2016 AUP-OIP.

Noel Reardon and **Rebecca Freeman** consider that to follow the suggestion from Brian Putt would not satisfy the new legislation (NPS-UD) as there is no survey data to date available to support Brian's position.

3.1.4. Is the threshold for 'high quality' special character as a qualifying matter within walkable catchments (75%) set at the right level?

Is the threshold for special character as a qualifying matter outside walkable catchments (66%) set at the right level?

Brian Putt, Noel Reardon, Rebecca Freeman, Graeme Burgess, Robert Speer, John Brown, and John Hill support the 66% threshold as an indicator of SCAR as a QM. Use of the word 'indicator' means that the threshold is not an absolute.

Brian Putt, Graeme Burgess and **John Hill** do not consider it logical to have a higher threshold within a walkable catchment as in effect it reduces the value of the SCA as a QM. These experts consider that the 66% should apply regardless of WC.

Daniel Shaw and **Mark Vinall** support there being two different thresholds as it better reflects the policy framework of the NPS-UD. They support there being an identifiable difference between the two thresholds. These experts have not considered a specific percentage threshold and would rely on expert advice to establish this.

3.1.5. How should individual properties that have consented alterations that meet the AUP standards for Special Character Areas Overlay – Residential be scored?

The experts agreed that a consistent approach to the PC78 survey method should be applied regardless of changes over time, consented or otherwise. Any issues arising with the assessment of alterations can be addressed on a site-specific basis during one-on-one discussions.

3.1.6. Should properties that scored 4 out of 6 in the site-specific survey be included within the thresholds?

Dave Pearson, John Brown, Noel Reardon, Rebecca Freeman and Daniel Shaw consider that the appropriate approach is to review the scoring of properties on an individual basis rather than to make a blanket change to the threshold cut-off.

Graeme Burgess, Dave Pearson, Allan Matson, Robert Speer and John Hill consider that sites that scored 4 should be considered to contribute to the special character of SCA areas.

3.1.7. Should the methodology be amended to consider Isthmus A, Isthmus B and/or Isthmus C areas together, where they are adjacent?

Noel Reardon, Rebecca Freeman, Daniel Shaw and John Brown consider that the constraint of section 77L(a) and (c)(ii) and the NPS-UD (3.33) relating to specific characteristics requires the consideration of these areas as distinct spatial entities. This matter may be able to be addressed through one-on-one discussion.

3.1.8. Should rear lots be included in or excluded from the scoring system used to determine the quality of a special character area?

Noel Reardon and Rebecca Freeman clarified that there was no blanket exclusion of all rear lots. Where the buildings on a rear lot could be seen from the street they were scored and included.

John Brown, Rebecca Freeman and Noel Reardon consider that this matter may be able to be addressed through one-on-one discussion.

3.1.9. Is Google Streetview an appropriate tool to use for the site-specific survey? Of the areas only surveyed by Google Street view which ones should/can be resurveyed.

Noel Reardon, Rebecca Freeman, John Brown and Graeme Burgess consider that Google Streetview was an appropriate tool to use due to the

circumstances that applied at the time (during lockdown). Some of the areas that were surveyed by Google Streetview have since been resurveyed in person. Further survey done by submitters may provide further information for consideration and this matter may be able to be addressed through one-on-one discussion.

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 have read the Environment Court’s Practice Note 2023 and agree to comply with it; and
- c) The matters addressed in this statement are within their area of expertise; and
- d) 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 21/04/2024

| Expert's Name and Expertise | Party | Expert's confirmation |
|---------------------------------------|---|------------------------------------|
| Alex Findlay | Character Coalition Incorporated / Eden Epsom Residential Protection Society / Remuera East Residents Group / Seaview Road Residents Group / Alan Stokes and 41 Signatories / Scrumptious Fruit Trust | Yes, attended for items 1 – 3.1.2. |
| Alice Morris (Planning) | Heritage New Zealand Pouhere Taonga | Yes |
| Allan Matson (Heritage and Character) | Civic Trust Auckland | Yes |
| Brian Putt (Planning) | St Marys Bay Association / Freemans Bay Residents Association | Yes |
| Daniel Shaw (Planning) | Southern Cross Healthcare Limited | Yes |
| Dave Pearson (Heritage Architect) | St Marys Bay Association | Yes, attended for items 1 – 3.1.6. |
| Evan Keating (Planning) | Waka Kotahi | Yes, attended for items 1 – 3.1.8. |

Auckland Council PC78 – Joint witness statement Hearing Topics 011 + 014L Qualifying Matter Special
Character: Special Character Residential; + Height – Transitions/height next to
SCAR - 21/04/2023

| | | |
|--|---|---------------------------------------|
| Graeme Burgess (Heritage Architect) | Civic Trust Auckland / Craig Anderson / Devonport Heritage / Herne Bay Residents Ass / Remuera Heritage / Freemans Bay Residents Association | Yes |
| John Brown (Heritage Specialist and Special Character) | Cornwall Park Trust Board / Nicola Spencer / Parnell East Community Group / Southern Cross Healthcare Limited | Yes |
| John Hill (Heritage Architect) | St Marys Bay Association | Yes |
| Mark Vinall (Planning) | Bill Patterson, Ken Wickenden and Richard Wilburn / Buchanan Family Trust / Cornwall Park Trust Board | Yes, attended for items 1 – 3.1.4. |
| Matthew Lindenberg (Planning) | Kāinga Ora | Yes, attended for items 1- 3.1.2. |
| Noel Reardon (Manager Heritage) | Auckland Council | Yes |
| Philip Brown (Planning) | The Coalition for More Homes / Catholic Diocese of Auckland / Huiqiang Zhang | Yes, attended for items 1 – 3.1.4. |
| Rebecca Freeman (Special Character) | Auckland Council | Yes |
| Robert Speer (Planning) | Eden Epsom Residential Protection Society | Yes |
| Susie Clemens (Planning) | Mayfair Owners Committee | Yes, attended for items 1 – 3.1.8. |
| Veronica Cassin (Conservation Architect) | Samson Corp and Sterling Nominees | Yes |
| Yu Yi (Planning) | MMBB Family Trust | Yes |

Expert Conference attendance sheet

Topic 011 + 014L Qualifying Matters – Special Character: Special Character Residential; + Height – Transitions/height next to SCAR

Date: 21/04/2023

Facilitator: Marlene Oliver

Location: Online

| Submission number | Submitter name | Representative at mediation | Email | Notes |
|-------------------|-------------------------------------|-----------------------------|--|--|
| 104 | Mayfair Owners Committee | Susie Clemens | susie@formeplanning.co.nz | Left partway through session (see participant schedule in JWS) |
| 838 | Parnell East Community Group | John Brown | info@planheritage.co.nz | |
| 868 | 73 Parnell Road Limited | Alex Van Son | avs@planningfocus.co.nz | Left partway through session (see participant schedule in JWS) |
| 872 | Heritage New Zealand Pouhere Taonga | Alice Morris | amorris@heritage.org.nz | |
| 873 | Kāinga Ora | Matthew Lindenberg | matt.lindenberg@beca.com | Left partway through session (see |

Plan Change 78 Intensification

| Submission number | Submitter name | Representative at mediation | Email | Notes |
|-------------------|---|-----------------------------|--|--|
| | | | | participant schedule in JWS) |
| 897 | Catholic Diocese of Auckland | Philip Brown | philip@campbellbrown.co.nz | Left partway through session (see participant schedule in JWS) |
| 898 | Cornwall Park Trust Board | John Brown | info@planheritage.co.nz | Left partway through session (see participant schedule in JWS) |
| 898 | Cornwall Park Trust Board | Mark Vinall | mark.vinall@tattico.co.nz | Left partway through session (see participant schedule in JWS) |
| 937 | Devonport Heritage | Graeme Burgess | graeme.nz.burgess@gmail.com | |
| 939 | Auckland Council | Rebecca Freeman | heritage@blairhastings.co.nz | |
| 939 | Auckland Council | Noel Reardon | Noel.Reardon@aucklandcouncil.govt.nz | |
| 948 | Remuera Heritage | Graeme Burgess | graeme.nz.burgess@gmail.com | |
| 951 | Eden Epsom Residential Protection Society | Alex Findlay | alex@expanseplanning.co.nz | Left partway through session (see |

Plan Change 78 Intensification

| Submission number | Submitter name | Representative at mediation | Email | Notes |
|--------------------------|---|------------------------------------|--|--|
| | | | | participant schedule in JWS) |
| 951 | Eden Epsom Residential Protection Society | Robert Speer | Robert@speer.co.nz | |
| 1079 | The Coalition for More Homes | Philip Brown | philip@campbellbrown.co.nz | Left partway through session (see participant schedule in JWS) |
| 1509 | Andrew and Sheridan Harnos | Craig McGarr | cmcgarr@bentley.co.nz | Left partway through session (see participant schedule in JWS) |
| 1616 | Scrumptious Fruit Trust | Alex Findlay | alex@expanseplanning.co.nz | Left partway through session (see participant schedule in JWS) |
| 1696 | Huiqiang Zhang | Philip Brown | philip@campbellbrown.co.nz | Left partway through session (see participant schedule in JWS) |
| 1765 | Samson Corp and Sterling Nominees | Veronica Cassin | | Left partway through session (see |

Plan Change 78 Intensification

| Submission number | Submitter name | Representative at mediation | Email | Notes |
|-------------------|---|-----------------------------|--|--|
| | | | | participant schedule in JWS) |
| 1787 | Bill Patterson, Ken Wickenden and Richard Wilburn | Mark Vinall | mark.vinall@tattico.co.nz | Left partway through session (see participant schedule in JWS) |
| 1865 | Nicola Spencer | John Brown | info@planheritage.co.nz | |
| 1950 | Herne Bay Residents Ass | Graeme Burgess | graeme.nz.burgess@gmail.com | |
| 1972 | Alan Stokes and 41 Signatories | Alex Findlay | alex@expanseplanning.co.nz | Left partway through session (see participant schedule in JWS) |
| 2021 | Character Coalition Incorporated | Alex Findlay | alex@expanseplanning.co.nz | Left partway through session (see participant schedule in JWS) |
| 2049 | Waka Kotahi | Evan Keating | Evan.Keating@nzta.govt.nz | Left partway through session (see participant schedule in JWS) |

Plan Change 78 Intensification

| Submission number | Submitter name | Representative at mediation | Email | Notes |
|--------------------------|-----------------------------------|------------------------------------|--|--|
| 2067 | Southern Cross Healthcare Limited | John Brown | info@planheritage.co.nz | |
| 2087 | Remuera East Residents Group | Alex Findlay | alex@expanseplanning.co.nz | Left partway through session (see participant schedule in JWS) |
| 2179 | Seaview Road Residents Group | Alex Findlay | alex@expanseplanning.co.nz | Left partway through session (see participant schedule in JWS) |
| 2182 | Buchanan Family Trust | Mark Vinall | mark.vinall@tattico.co.nz | Left partway through session (see participant schedule in JWS) |
| 2193 | St Marys Bay Association | Brian Putt | brian@metroplanning.co.nz | |
| 2193 | St Marys Bay Association | Dave Pearson | | Left partway through session (see participant schedule in JWS) |
| 2193 | St Marys Bay Association | John Hill | john@johnhillarchitect.co.nz | |

Plan Change 78 Intensification

| Submission number | Submitter name | Representative at mediation | Email | Notes |
|--------------------------|-----------------------|------------------------------------|--|--------------|
| 2208 | Craig Anderson | Graeme Burgess | graeme.nz.burgess@gmail.com | |
| 2286 | Civic Trust Auckland | Allan Matson | allan.matson1@gmail.com | |
| 2286 | Civic Trust Auckland | Graeme Burgess | graeme.nz.burgess@gmail.com | |

Auckland Council PC78 – Joint witness statement Hearing Topics 011 + 014L Qualifying Matter Special Character: Special Character Residential; + Height – Transitions/height next to SCAR - 26/04/2023

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 Topics 011 + 014L Qualifying Matters – Special Character: Special Character Residential; + Height – Transitions/height next to SCAR

SESSION 3 – 26/04/2023

| | |
|------------------------------------|----------------|
| Expert conferencing held on | 26/04/2023 |
| Venue | Online |
| Independent facilitator | Marlene Oliver |
| Secretariat planner | Beth Maynard |

1. Attendance

- 1.1. The list of participants is included in the schedule at the end of this Statement.
- 1.2. **Allan Matson** expert on behalf of Civic Trust Auckland is the President and a Board Member of Civic Trust Auckland. Allan Matson is also an elected member of the Waitemata Local Board.
- 1.3. **Robert Speer** who is engaged by the Eden Epsom Residential Protection Society is a resident of Epsom.
- 1.4. **Alex Findlay** confirms that she is a submitter in the name of Expanse Ltd., of which she is the sole director, as well as an expert for other submitters.

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

Evan Keating records that his views relate to the concept of special character as a whole and these matters were discussed on Day 1. He considers that special character should be significantly reduced in extent and scale. Therefore, he does not consider it appropriate to address individual provisions as outlined in the following agenda.

3.1. Topic 011 – Chapter D18 Special Character Areas Overlay – provisions

Should amendments be made to Chapter D18 Special Character Areas Overlay provisions?

3.1.1. D18.2 Objectives and D18.3 policies

- 3.1.1.1. Do we need to include non-residential activities within the Special Character Areas Overlay objective D18.2(6) and policy D18.3(7C), or can these be effectively managed via the underlying zone and the provisions within the overlay related to development? (949.8 and 949.9, 1543.25 and 1543.202, 1585.30 and 1585.31)

Lisa Mein clarified that the general intent is for the SCAR overlay to manage built form and the special character values of the area as identified in character statements. The underlying zonings manage the activities and uses, other than development, which is managed in the overlay. Lisa recommends that D18 be reviewed in relation to non-residential activities to avoid duplication or provide clarity between the overlay and underlying zones. Lisa will coordinate preparation of track changes to D18 to better give effect to the intent described above. The proposed amendments will either be subject of a future expert conferencing session or included in evidence.

- 3.1.1.2. Should other amendments be made to the objectives and policies?

Lisa Mein recommends that objective D18.2 (4) be amended to read:

(4) ~~Existing~~ Residential buildings provide for and respond to housing needs and demand in a way that maintains and enhances the special character values of the area.

No other experts expressed disagreement.

Paul Sousa proposed amendments to the SCAR overlay to provide for up to two dwellings on large sites (minimum 1200 m² for two dwellings). Paul provided a suite of amendments including to the activity table and standards.

Graeme Burgess supports Paul Sousa's proposal.

Craig McGarr and **Alex Van Son** support amending the SCAR similar to discussions under item 3.1.1.1. further above to enable the underlying zoning to manage the number of dwellings per site. The SCAR overlay would continue to apply and would manage the built form.

Lisa Mein was not in a position to provide a detailed response to these suggestions but consistent with the undertaking of item 3.1.1.1. above she will review the provision for dwellings within SCAR overlay areas.

3.1.2. **D18.4 Activity table**

3.1.2.1. Should the overlay include an array of non-residential activities such as home occupations, dairies, care centres etc?

This will be addressed by **Lisa Mein's** review as outlined in item 3.1.1.1. above.

3.1.2.2. Should restoration and repair to a building on a site in the SCA, as a permitted activity, be subject to standards for height, HIRB, yards, coverage etc? (812.40, 1199.8, 2021.37 and 2390.5)

Lisa Mein clarified that the current drafting in the activity table for activity A1 (restoration and repair) includes some specific standards. It is proposed to delete the references to these standards for activity A1.

John Brown, Veronica Cassin and Blair Hastings suggest that the word 'restoration' be clarified such that the activity relates to maintenance and repairs within the limits of the existing building form. They note that in conservation terms the word 'restoration' can mean the reinstatement of a previously existing form. **Lisa Mein** will consider this as part of her review of the provisions.

3.1.3. **D18.6 Standards**

- 3.1.3.1. Should the Special Character Areas Overlay Residential have a height limit (of 8m)?

Veronica Cassin, John Brown, Kay Panther Knight, Alex Findlay and Daniel Shaw note that a maximum height of 8m included in the SCAR overlay does not reflect the maximum height of many existing buildings (for example two storey Victorian style buildings). They consider that a more nuanced approach would be appropriate to better recognise the existing building form and character in some areas (for example, Isthmus B). These experts consider that the maximum height should be increased.

Daniel Shaw noted that policy 4 NPS-UD states that building height can only be modified to the extent necessary to accommodate a qualifying matter in that area.

Lisa Mein advised that the Council's preference is to retain a maximum height limit in the SCAR overlay because that reflects the predominate character throughout the overlay (generally one- and two-storey buildings). However given the comments of the experts above and the submissions this will be reviewed.

- 3.1.3.2. Should provision be made for integrated developments on large sites within Special Character Areas and, if so, what should the standards be?

Alex Findlay requests that this item be included in the review outlined in item 3.1.1.1. above.

3.1.3.3. Should other amendments be made to D18.6 Standards?

Alex Findlay raised the following requests:

3.1.3.3.1. **D18.6.1A.2 (3) Minor dwelling standards** – suggest word
'existing' be deleted:

(3) Where the minor dwelling is a standalone building, it
must be sited to the rear of the ~~existing~~ principal dwelling.

Lisa Mein agrees.

John Brown and **Allan Matson** consider that there may be proposals that
appropriately site a minor dwelling unit in front of a principal dwelling and
the current default rule for non-compliance with a standard is a non-
complying activity (D18.4.1 Activity table AF1). The experts consider that
an RDA activity status would be more appropriate.

John Brown, Alex Findlay and **Allan Matson** consider that the same
situation as the paragraph above applies to D18.4.1 Activity table AD1 –
Conversion of principal dwelling.

Lisa Mein will consider these as part of the review identified in 3.1.1.1.

3.1.3.3.2. **D18.6.1.2. Height in relation to boundary** – suggests HIRB
for Residential Isthmus B be raised to 3.5m and 45 degrees.

John Brown supports the request for 3.5m and 45 degrees.

Blair Hastings and **Lisa Mein** support retaining the current standard of
3m and 45 degrees, noting that non-compliance defaults to an RDA.

3.1.3.3.3. **D18.6.1.2 (3) Exception for HIRB plane relating to entranceways** –

a) Amend the rule by the addition of the words underlined below:

(3) Where the boundary forms part of a legal right of way, entrance strip, or access site, Standard D18.6.1.2(1) applies from the farthest boundary of the legal right of way, entrance strip or pedestrian accessway for the first 20m from the road frontage.

Craig McGarr, Alex Van Son and Lisa Mein do not support the proposed amendment.

b) Amend the rule by the addition of the words underlined below:

(3) Where the boundary forms part of a legal right of way, entrance strip, or access site, Standard D18.6.1.2(1) applies from the farthest boundary of the immediately adjoining legal right of way, entrance strip or pedestrian accessway.

Craig McGarr, Alex Van Son and Lisa Mein do not support the proposed amendment. This is standard wording currently used throughout the AUP and in the MDRS.

3.1.3.3.4. **D18.6.1.3.1. Yards** – seek clarification where the wording suggests there is flexibility but the cross reference to table sets a specific standard.

Amend the rule by the deletion of the words struck through below and with the consequential deletion of Figure D18.6.1.3.1 Setback for buildings on rear sites.

(2) A building or parts of a building on a rear site in the Special Character Overlay – Residential must be set back a minimum depth of 3m from at least two boundaries and 1.2m from all other boundaries. ~~This is shown in Figure D18.6.1.3.1 Setback for buildings on rear sites in the Special Character Areas Overlay – Residential.~~

Lisa Mein agrees with the proposed amendment.

3.1.3.3.5. Paul Sousa proposes the amendments to **Table D18.6.1.3.1. Yards** below:

| Yard | Minimum depth |
|-------|---|
| Front | <p>The average of existing setbacks of dwellings on adjacent sites, being the three sites on either side of the subject site or six sites on one side of the subject site. <u>In the event that the average setback exceeds 5.0m from the front boundary then the required front yard setback shall be a maximum of 5.0m.</u></p> <p><u>For corner sites where only one street frontage is subject to a special character – residential overlay the average setback required above shall only apply along the special character frontage and the front yard setback of the underlying zone shall apply along the other road frontage.</u></p> |

Paul Sousa considers that the capping of the front yard at a maximum of 5m and the reduced secondary frontage for corner sites are consistent with the amended legislative framework with the introduction of the NPS-UD and MDRS requirements.

Paul Sousa's intent with the corner site provision is to have only the primary frontage of the site subject to the averaging front yard set back requirement, with the standard of the underlying zone applying to the secondary frontage. He acknowledges that his current drafting above does not accurately reflect this and he will provide alternate drafting either for future expert conferencing or in evidence.

John Brown supports the intent of the corner site amendment but reserves his position until amended wording is provided.

Blair Hastings, Allan Matson and Lisa Mein do not support the intent nor the wording of the corner site amendment.

John Brown and Blair Hastings do not support the maximum 5m front yard set back.

Lisa Mein does not support the maximum 5m front yard set back as she considers that the objectives and policies support the current wording for defining the minimum depth of front yards.

3.1.4. **Topic 14L – Height transitions/height next to Special Character**

Residential

Should the plan change address interfacing issues between the SCAR and SCAB overlay and THAB and MHU zoning?

David Wren, Daniel Shaw and Alex Van Son consider that within walkable catchments where there is an emphasis on enabling increased heights the PC78 as notified provisions (HIRB within the THAB zone and Mixed Use Zone) should be retained. The assessment criterion in the THAB zone for 4+ dwellings (H6.8.2(2)(ad)) has the effect of potentially extending SCAR into the adjoining THAB zone – and these experts do not support this.

Alex Van Son and Daniel Shaw consider that the purpose of HIRB controls at the interface with a lower density zoning is intended to protect the residential amenity of the adjoining lower density zone (not special character) and the application of those provisions would be inconsistent with the NPS-UD. Any controls required to protect the special character of a SCAR overlay area should be applied within the SCAR overlay.

Craig McGarr, Robert Speer, Alex Findlay, Allan Matson and Kay Panther Knight do not support David Wren's proposition and as a corollary support the reintroduction of the operative HIRB standards at the interface of the THAB and Mixed Use Zone boundaries with the SCAR overlay. These experts consider that reintroduction of HIRB standards that protect the residential amenity of adjoining lower density zones is appropriate relative to the SCAR.

Nick Pollard, Matt Riley, Madeline Sharpe, Lisa Mein and Blair Hastings support the management of special character values being maintained through the provisions within the SCAR overlay and they accept that there will be potentially significant change where development under the THAB and MHU zones adjoin the SCAR overlay. These experts support PC78 as notified in relation to this matter and the THAB, MHU and MU zones where they interface with the SCAR overlay. The experts note that a later expert conferencing session is scheduled to address the interface between the THAB, MHU and MU zones with the LDRZ.

Matt Riley, Nick Pollard and Alex Van Son note that the wording in the THAB and MHU Assessment criteria H6.8.2(2)(ad) and H5.8.2(2)(ad) could be reviewed to focus on managing form and detail rather than bulk and massing. These experts consider that the application of the assessment criteria should not be used to force changes to the standards such as HIRB, maximum height and yards.

Alex Van Son, Nick Pollard and David Wren consider that their comments above address the detailed requests listed below and they thus have nothing else to add to these requests.

Note from the facilitator: The experts have not addressed the details in the following seven sub-paragraphs as part of this expert conferencing session as there was not enough time. It is recorded earlier in this JWS that amended provisions will be coordinated by **Lisa Mein** (for the Council). These will either be addressed by scheduling additional expert conferencing sessions or through evidence. The following seven sub-paragraphs can be addressed in a similar manner.

- 3.1.4.1. Could D18.6.1.2 HIRB and D18.6.1.4. Building coverage be amended to apply to all sites adjacent to or in the vicinity of the SCA overlay? (937.27, 1996.9)**

- 3.1.4.2. Could the HIRB standard for all applicable zones be amended to apply a 3m + 45-degree recession plane to all sites adjoining the SCA overlay? (2021.27)**
- 3.1.4.3. Could height transitions be applied to properties adjoining the SCA overlay to achieve an appropriate interface? (976.17, 989.4, 1264.2, 1844.3, 2032.5)**
- 3.1.4.4. Could the application of the LDR zoning response extend to sites adjoining the SCA overlay? (1894.3)**
- 3.1.4.5. Is the application of THAB and MHU zoning to sites adjacent / adjoining to or in the vicinity of the SCA overlay appropriate for managing effects on special character?**
- 3.1.4.6. Should intensification be constrained adjacent / adjoining to or in the vicinity of the SCA overlays? (117.3, 117.4, 199.2, 1345.3, 1742.4, 1894.3, 1900.4, 1998.4, 1998.5, 2305.17, 2305.18, 2243.2, 2244.2 2245.2, 2246.2)**
- 3.1.4.7. Is it appropriate to include assessment criteria which considers the design of properties adjacent to or in the vicinity of the SCA overlay? (2248.121)**

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 have read the Environment Court's Practice Note 2023 and agree to comply with it; and
 - c) The matters addressed in this statement are within their area of expertise; and
 - d) 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 26/04/2023**

Auckland Council PC78 – Joint witness statement Hearing Topics 011 + 014L Qualifying Matter Special
Character: Special Character Residential; + Height – Transitions/height next to
SCAR - 26/04/2023

| Expert's Name and Expertise | Party | Expert's confirmation |
|--|---|--|
| Alex Findlay (Planning) | Character Coalition Incorporated / Eden Epsom Residential Protection Society / Remuera East Residents Group / Seaview Road Residents Group / Alan Stokes and 41 Signatories / Scrumptious Fruit Trust | Yes |
| Alex Van Son (Planning) | 73 Parnell Road Limited | Yes |
| Allan Matson (Heritage and Character) | Civic Trust Auckland | Yes |
| Blair Hastings (Special Character) | Auckland Council | Yes |
| Craig McGarr (Planning) | Andrew and Sheridan Harnos / BeGroup Ltd / BLUM Investments Limited / HND Upland Limited / OneSixOne Medical Group Limited / The Ascot Hospital and Clinics Limited | Yes |
| Daniel Shaw (Planning) | Southern Cross Healthcare Limited | Yes |
| David Wren (Planning) | Rutherford Rede / Colin Weatherall / Lawrie Knight | Yes, attended for item 3.1.4 only |
| Emma Rush (Planning) | Auckland Council | Yes |
| Evan Keating (Planning) | Waka Kotahi | Yes, attended for items 1 – 3.1.1.3. and part of 3.1.4. |
| Graeme Burgess (Heritage Architect) | Civic Trust Auckland / Craig Anderson / Devonport Heritage / Herne Bay Residents Ass / Remuera Heritage / Freemans Bay Residents Association | Yes, attended for items 1 – 3.1.1.2. |
| John Brown (Heritage Specialist and Special Character) | Cornwall Park Trust Board / Nicola Spencer / Parnell East Community Group / Southern Cross Healthcare Limited | Yes |
| Kay Panther Knight (Planning) | Mayfair Owners Committee | Yes, attended for items 1 – 3.1.1.3. and part of 3.1.4. |
| Kester Ko (Urban Design) | Remuera Project Ltd | Yes, attended for items 1 – 3.1.1.1. and re-joined session for item 3.1.4. |
| Lisa Mein (Planning and Special Character) | Auckland Council | Yes, attended for items 1 – 3.1.1.3. and part of 3.1.4. |

Auckland Council PC78 – Joint witness statement Hearing Topics 011 + 014L Qualifying Matter Special
 Character: Special Character Residential; + Height – Transitions/height next to
 SCAR - 26/04/2023

| | | |
|---|---|--------------------------------------|
| Madeline Sharpe (Architect – height transitions) | Auckland Council | Yes |
| Matt Riley (Urban design height transitions) | Auckland Council | Yes |
| Nick Pollard (Planning) | Auckland Council | Yes |
| Paul Sousa (Planning) | Craig Anderson | Yes, attended for items 1 – 3.1.3.3. |
| Richard Dunbar (Planning) | Richard Dunbar | Yes |
| Rob Pryor (Visual Landscape) | Southern Cross Healthcare Limited | Yes |
| Robert Speer (Planning) | Eden Epsom Residential Protection Society | Yes |
| Veronica Cassin (Conservation Architect) | Samson Corp and Sterling Nominees | Yes |
| Yu Yi (Planning) | MMBB Family Trust | Yes |

Expert Conference attendance sheet

Topic 011 + 014L Qualifying Matters – Special Character: Special Character Residential; + Height – Transitions/height next to SCAR

Date: 26/04/2023

Facilitator: Marlene Oliver

Location: Online

| Submission number | Submitter name | Representative at mediation | Email | Notes |
|-------------------|------------------------------|-----------------------------|--|---|
| 104 | Mayfair Owners Committee | Kay Panther Knight | kay@formeplanning.co.nz | Left partway through session; see JWS for details |
| 117 | Richard Dunbar | Richard Dunbar | richard@npr.co.nz | |
| 703 | Rutherford Rede | David Wren | david@davidwren.co.nz | Left partway through session; see JWS for details |
| 705 | Colin Weatherall | David Wren | david@davidwren.co.nz | Left partway through session; see JWS for details |
| 838 | Parnell East Community Group | John Brown | info@planheritage.co.nz | |
| 868 | 73 Parnell Road Limited | Alex Van Son | avs@planningfocus.co.nz | |

Plan Change 78 Intensification

| Submission number | Submitter name | Representative at mediation | Email | Notes |
|-------------------|---|-----------------------------|--|---|
| 898 | Cornwall Park Trust Board | John Brown | info@planheritage.co.nz | |
| 937 | Devonport Heritage | Graeme Burgess | graeme.nz.burgess@gmail.com | Left partway through session; see JWS for details |
| 939 | Auckland Council | Blair Hastings | heritage@blairhastings.co.nz | |
| 939 | Auckland Council | Emma Rush | emma.rush@aucklandcouncil.govt.nz | |
| 939 | Auckland Council | Lisa Mein | lisa.mein@mudp.co.nz | Left partway through session; see JWS for details |
| 939 | Auckland Council | Nick Pollard | Nick.Pollard@boffamiskell.co.nz | |
| 939 | Auckland Council | Madeline Sharpe | madeline.sharpe@jasmax.com | |
| 939 | Auckland Council | Matt Riley | Matt.Riley@boffamiskell.co.nz | |
| 948 | Remuera Heritage | Graeme Burgess | graeme.nz.burgess@gmail.com | Left partway through session; see JWS for details |
| 951 | Eden Epsom Residential Protection Society | Alex Findlay | alex@expansiplanning.co.nz | |

Plan Change 78 Intensification

| Submission number | Submitter name | Representative at mediation | Email | Notes |
|-------------------|---|-----------------------------|--|---|
| 951 | Eden Epsom Residential Protection Society | Robert Speer | Robert@speer.co.nz | |
| 952 | The Ascot Hospital and Clinics Limited | Craig McGarr | cmcgarr@bentley.co.nz | |
| 1269 | OneSixOne Medical Group Limited | Craig McGarr | cmcgarr@bentley.co.nz | |
| 1305 | BeGroup Ltd | Craig McGarr | cmcgarr@bentley.co.nz | |
| 1305 | HND Upland Limited | Craig McGarr | cmcgarr@bentley.co.nz | |
| 1380 | MMBB Family Trust | Yu Yi | yu.yi@synergyplanningassociates.com | |
| 1509 | Andrew and Sheridan Harnos | Craig McGarr | cmcgarr@bentley.co.nz | |
| 1616 | Scrumptious Fruit Trust | Alex Findlay | alex@expanseplanning.co.nz | |
| 1675 | Lawrie Knight | David Wren | david@davidwren.co.nz | Left partway through session; see JWS for details |
| 1697 | Remuera Project Limited | Kester Ko | kester@rockhopper.co.nz | Left partway through session; see JWS for details |

Plan Change 78 Intensification

| Submission number | Submitter name | Representative at mediation | Email | Notes |
|-------------------|-----------------------------------|-----------------------------|--|---|
| 1765 | Samson Corp and Sterling Nominees | Veronica Cassin | | |
| 1865 | Nicola Spencer | John Brown | info@planheritage.co.nz | |
| 1950 | Herne Bay Residents Ass | Graeme Burgess | graeme.nz.burgess@gmail.com | Left partway through session; see JWS for details |
| 1972 | Alan Stokes and 41 Signatories | Alex Findlay | alex@expanseplanning.co.nz | |
| 2021 | Character Coalition Incorporated | Alex Findlay | alex@expanseplanning.co.nz | |
| 2049 | Waka Kotahi | Evan Keating | Evan.Keating@nzta.govt.nz | Left partway through session; see JWS for details |
| 2067 | Southern Cross Healthcare Limited | John Brown | info@planheritage.co.nz | |
| 2067 | Southern Cross Healthcare Limited | Daniel Shaw | daniel@sfhconsultants.co.nz | |
| 2067 | Southern Cross Healthcare Limited | Rob Pryor | rob@la4.co.nz | |
| 2087 | Remuera East Residents Group | Alex Findlay | alex@expanseplanning.co.nz | |

Plan Change 78 Intensification

| Submission number | Submitter name | Representative at mediation | Email | Notes |
|--------------------------|------------------------------|------------------------------------|--|---|
| 2179 | Seaview Road Residents Group | Alex Findlay | alex@expanseplanning.co.nz | |
| 2208 | Craig Anderson | Graeme Burgess | graeme.nz.burgess@gmail.com | Left partway through session; see JWS for details |
| 2208 | Craig Anderson | Paul Sousa | paulsousa@xtra.co.nz | Left partway through session; see JWS for details |
| 2286 | Civic Trust Auckland | Allan Matson | allan.matson1@gmail.com | |
| 2286 | Civic Trust Auckland | Graeme Burgess | graeme.nz.burgess@gmail.com | Left partway through session; see JWS for details |
| FS173 | BLUM Investments Limited | Craig McGarr | cmcgarr@bentley.co.nz | |