BEFORE INDEPENDENT HEARINGS PANEL

AT AUCKLAND

IN THE MATTER	of the Resource Management Act 1991 (RMA)
AND	
IN THE MATTER	Intensification Planning Instrument (IPI) Proposed Plan Change 78 (PC 78): Intensification to the Auckland Unitary Plan (AUP) under the National Policy Statement - Urban Development (NPS-UD)
AND	
IN THE MATTER	of Topics 001A, 001D and 002

STATEMENT OF EVIDENCE OF BRIAN WILLIAM PUTT, TOWN PLANNER

ON BEHALF OF

- **FREEMANS BAY RESIDENTS ASSOCIATION (SUBMITTER 2201 AND FURTHER SUBMITTER 429)**
- **ST MARYS BAY ASSOCIATION (SUBMITTER 2193 AND FURTHER SUBMITTER 437)**

("THE ASSOCIATIONS")

Dated: 14 March 2023

STATEMENT OF EVIDENCE OF BRIAN WILLIAM PUTT

1.0 **Introduction – Background and Qualifications**

My name is Brian William Putt. I am a principal of Metro Planning Ltd. I am a qualified Town Planner with 49 years' experience in New Zealand and the United Kingdom. I hold the qualifications of Bachelor of Arts in History and Psychology and a Diploma in Town Planning, both from Auckland University. I also hold a Diploma in Accounting and Finance from Central London Polytechnic. I have been a full member of the New Zealand Planning Institute since 1977. **Annexure A** outlines my experience.

1.2 I am experienced in all aspects of New Zealand statutory and land use planning and have specialised in recent years in development co-ordination, social and environmental reporting on major projects, due diligence analysis for development project investment purposes and the analysis and presentation of applications for resource consents. I regularly appear as an expert witness before district councils, the Environment Court and less frequently, the High Court, in matters of town planning and resource management litigation.

1.3 I have been a regular user of the legacy Auckland Council District Plan and the legacy Auckland City District Schemes. I am very familiar with the contents of the Auckland Unitary Plan ("AUP"), having been involved in the process that led to the promulgation of the AUP from the time of the Auckland Spatial Plan to the adoption of the recommendations for the Independent Hearings Panel (AUP IHP). I have extensive experience in planning for heritage and special character buildings and features, particularly the Special Character Area Overlays ("SCA") of the AUP Chapter D18.

1.4 Over my planning career I have specialised in public consultation on planning issues. This has resulted in the detailed knowledge I have over the concept of "governance". For the last 16 years I have chaired an organization – ANCAD – which gives guidance and advice on governance issues to some 160 community and not-for-profit organizations. My detailed involvement in public participation can be seen in the work I completed from 1984-1987 as a secondment to the Prime Minister's office for the task known as Project Winddown. More recently I pioneered the concept of an Environment Court appointment known as "Friend of Submitters". This role was created under the guidance of Judge Newhook, at the time the Principal Planning Judge. That role was attached to the extensive hearings on the Waterview Motorway Tunnel project.

2.0 Overview

2.1 The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 ("The Amendment Act") came as a surprise to me, mainly because of the way it sought to implement a new permitted activity residential development regime, when in Auckland at least, that same development opportunity was already well managed and operating efficiently. The exception was the Single House Zone which, in my opinion, remained unfinished business from the decisions of the AUP IHP. I say that for two reasons. First, the Single House Zone covered large areas of urban South Auckland where infrastructure capacity functions efficiently and can absorb further development. The Single House Zone effectively isolated that development capacity because the density rules of that zone are so low. The second reason relates to the use of the Single House Zone as the underlying zone throughout the Special Character Areas. This was a device to ensure that the underlying zone did not unnecessarily encourage a development regime that would conflict with the purpose of the SCA notation.

2.2 There had been discussion in the preparation of the AUP that a more bespoke zone should be developed to underlie the Special Character Areas. It would be a zone that better reflected the intensity and spatial formation of the old inner city suburbs without necessarily creating an incentive for redevelopment. That arrangement never arose and effectively the use of the Single House Zone through the SCA left most of the residential building reliant on existing use rights.

Part 2 Relationship

2.3 In my opinion the primary concern about the Amendment Act should be that it does not integrate well with the Part 2 purpose of the RMA, which was not amended, yet has been treated in its implementation by the Council as if the Part 2 provisions are irrelevant.

2.4 A further issue is the way amendments to the AUP through PC78 aimed at implementing the Amendment Act have had little or no regard to the Operative Regional Policy Statement directions found particularly at Chapter B2 AUP. There will at future hearings, be considerable evidence given to these points. At this stage my brief of evidence simply identifies this macro planning conflict that, on reflection, need not have arisen from PC78.

2.5 I understand how the motivation for the Amendment Act has arisen out of frustration for alleged RMA hold-ups in the processing of development consents. While there is much hearsay commentary on this matter, overall it is fair to note that consent processing is running at a level never before experienced in Auckland.

2.6 The kneejerk reaction of the Amendment Act reminds me of British Prime Minister Margaret Thatcher's attempt in 1978 to take the same action with her 'General Development Orders'. These removed a large amount of discretion from the planning

authorities and created a new regime of permitted residential planning activities. I was working in England at the time that this occurred and experienced it first-hand.

2.7 Historically, we have been down this road before with the Town and Country Planning Act 1953 Regulations. These contained a model district scheme even determining the colours of zones on the planning maps. The difference was that the planning authority was free to make its own rules if it wished but out of convenience often adopted the model scheme. There was familiarity with those rules because they generally reflected an evolution from the building by-laws.

2.8 The frustration of Parliament with the planning process has, in my opinion, largely occurred because of the increasing amount of discretion gathered in the hands of the planning profession through district plan rules. In my opinion, rulemaking has lost the objectivity of creating certainty that was usually available through the legacy district schemes under the former Town and Country Planning legislation. An example might be the virtual absence these days of a controlled activity because discretion on the consent is not available but because the Council wants to retain the discretion, so abandons that activity opportunity.

2.9 I do recall in my early planning career the extent of permitted activities that were available for stamping plans over the counter. In many residential zones meeting the spatial rules meant that your development was ready to proceed for building consent consideration. It might be for a single house, or four home units, or a block of 12 apartments, depending on the zone and the size of the site.

The purpose of planning

2.10 The PC78 situation tends to suggest that we have forgotten the purpose of planning. The old master, Sir Patrick Abercrombie, said –

> *Town and Country planning seeks to proffer a guiding hand to the trend of natural evolution as a result of careful study of the place itself and its external relationships. The result is to be more than a piece of skilful engineering or satisfactory hygiene, or successful economies; it should be a social organism and a work of art.* [1]

2.11 Not surprisingly, the wonderful Jane Jacobs in her definitive book *The Death and Life of Great American Cities* opens with a sharp reminder of why she is motivated to attack the destruction of her city. She says in the introduction –

> *My attack is not based on quibbles about rebuilding methods or hair-splitting about fashions and design. It is an attack, rather, on the principles and aims that have shaped modern orthodox city planning and rebuilding.*

[1] Town and Country Planning Third Edition, Sir Patrick Abercrombie pg 27

2.12 From my experience through Freemans Bay and St Marys Bay, Jane Jacobs' statement speaks for the thoughts and feelings of many I have spoken to since these matters first arose in August 2021.

2.13 Back to the purpose of planning in the basic text on planning theory – *A Reader in Planning Theory* by Andreus Faludi, the first essay (A Choice Theory of Planning by Davidoff and Reiner) says –

> *Planning is a set of procedures ..... We define planning as a process for determining appropriate future action through a sequence of choices.*

2.14 To remind us of where we have come from in devising an empirical methodology for planning the famous Scottish architect planner, Patrick Geddes, set out the rule of thumb –

> *Survey, analysis, plan and implementation.*

In New Zealand in the 1970's we worked this catchphrase into the idea of *planning by objectives.* Slowly this methodology found its way into the form of structure planning that we take for granted as the foundation methodology to apply to planning ideas and planning problems. The methodology is found reinforced in the AUP as a regional policy principle with considerable detail set out in Appendix 1 to the AUP.

Structure Planning

2.15 Interestingly, if the principles of structure planning had been applied to PC78 as they have been to every major plan change I can remember, the conflicts that have arisen would not have occurred and would have been simply answered with data and objective analysis.

2.16 The lack of fundamental research on infrastructure capacity for wastewater, stormwater and the road network would quickly have determined that areas promoted for intensification in PC78 lacked fundamental capability. Additional work on topography and the consequential demand for open space and public facilities like schools, would also have added to the matrix of land capability decision-making. This is the thoroughly understood and well exercised planning technique that has been totally ignored in the PC78 preparation.

2.17 Not surprisingly the outcome is that the s.32 RMA checklist cannot be answered positively, and the plan change should fail.

2.18 Belatedly the Council has decided to undertake the infrastructure capacity studies that ought to have been part of the original structure planning but were not. The wake-up call has been the extreme weather events of late January and early February that have thoroughly tested the old 19th century drainage systems of the inner city suburbs, particularly Freemans Bay and St Marys Bay.

2.19 My conclusion in this overview is that I have set the scene for the Panel to realise that PC78 fails significantly on many counts as a planning instrument because it has not followed the accepted and intellectually robust process of structure planning that has, over the past 30 years, become such an integral part of planning and development success. It is, in my opinion, this is the only process capable of answering the rigours of s.32 RMA when a paradigm shift in development promotion as envisaged by the National Policy Statement - Urban Development ("NPS-UD") and the Amendment Act are to be implemented. Structure planning is the only method that determines the appropriateness and capability of urban spaces to achieve intensification.

3.0 Topic 001A – Plan Making and Procedural – Consultation and Engagement

3.1 My involvement in consultation with the Council on the NPS-UD prior to PC78 began with a seminar organized by the Urban Design Institute New Zealand held in Ponsonby in August 2021. At that seminar I engaged the then local ward councillor, Pippa Coom, in discussion about the importance of ensuring that the historic heritage and historical character elements of the inner city suburbs were not lost in this exercise to achieve a higher intensification than was already available under the AUP.

3.2 Through the latter months of 2021 and into early 2022, the Associations regularly sought early liaison with the Council on how the NPS-UD could be successfully implemented across their historic suburbs. I acknowledge that this liaison was interrupted by the Covid-19 lockdowns but nevertheless the Associations made it clear to their political representative and the Waitemata Local Board that they wanted to engage in early consultation. Sadly, this never happened.

3.3 The evidence of Ross Lindsay Moffatt for the Council sets out the Council's record of consultation. The promulgation of the Amendment Act in December 2021 did not expose its broad planning implications for Auckland until early 2022. From my own experience, it took me several readings to understand the physical and three-dimensional implications of the Amendment Act contents, particularly in terms of the three-dimensional built form being promoted. My first thought was that this bulk and location outcome has been promoted by people who are not experienced in modern town planning development controls or the importance of inter-property physical relationships in the built environment. The rule package accompanying the Amendment Act was bereft of modern town planning sophistication, particularly in relation to the spatial arrangement of buildings and the protection and enhancement of solar access for living spaces.

3.4 In the period from February to May 2022 the public, including key stakeholders like the Associations were aware that engagement with Council organisations and mana whenua was underway but there was little or no public information available for review. Locally, the Associations were aware that a survey of historic and heritage houses was being undertaken by graduate students engaged as clipboard survey workers by the Council. On enquiry, it did seem that these data gatherers had a limited brief and were not skilled observers.

3.5 In my opinion it begged the question about why this survey was required given the extensive work undertaken in preparation for the AUP and during the AUP's IHP process under the knowledge or guidance of the Council's previous heritage manager, George Farrant, in association with the doyen of New Zealand built heritage, the late Jeremy Salmond. The work these gentlemen and their teams had already accomplished built on the earlier survey work they had undertaken for Plan Change 163 to the legacy Auckland District Plan in the 1990's. In a variety of ways I had been a participant in each of those assessment exercises that had led eventually to the promulgation of the SCA notations and the detailed, clear description of Historic Heritage in Chapter D17 and Special Character Historical Heritage in Chapter D18 of the AUP. This background was well known to the Associations, the members of which had been regular participants in the previous statutory consultations and processes.

3.6 While much time was spent in early 2022 encouraging liaison and consultation with the Council, the opportunity finally arose with the presentation of the draft IPI Plan Change which was released for public consultation from 19 April to 9 May 2022. This engagement involved some public meetings, one of which I attended. By that stage a clear understanding of the direction of the IPI and its assault on the historic heritage and special character of St Marys Bay and to a lesser extent Freemans Bay, was apparent.

3.7 I clearly recall at the main public meeting held in a room in the Aotea Centre in early May, I raised the fundamental planning concern that having identified over half the houses in St Marys Bay with an historic heritage rating of 5 or 6, the Council had failed in its obligation to meet the purpose of s.6F RMA with respect to the national significance of historic heritage. The planning manager, John Duguid, present at that meeting, acknowledged this was an important oversight. It led in the notified version of PC76 to the inclusion of SCA notations across large parts of the inner suburbs where the same notation had previously existed. The new overlay was less extensive and the relevant s.32 report provides no explanation about why the operative SCAs are reduced in size. This matter was of vital importance to St Marys Bay because the suburb had lost approximately 75% of its operative SCA protection. In Freemans Bay the loss was limited to some important streets and locations now clearly identified in the Association's submission No. 2201.

3.8 I have attached as **Annexure 2** the submission lodged for St Marys Bay Association to these preliminary IPI documents and maps. The content shows that the matter was taken seriously and involved considerable analysis and mapping. The submission set out a clear request to the Council related to the manner in which the SCA notation for St Marys Bay should be implemented as a qualifying matter under s.77I(j) RMA.

3.9 Contrary to the evidence of Mr Moffatt, it is my opinion that the Council has failed a vital step in the consultation process by not responding to any of the stakeholder and individual submissions it received on the draft IPI publication. Mr Moffatt raises the excuse of the compressed timeframe. In my opinion there was ample time between January and June 2022 to engage with the known stakeholders in this process. The Council, through its elected members and local board members, were fully aware of the stakeholders who had an intense interest in this matter.

3.10 I note Mr Moffatt's discussion of mana whenua consultation which was conducted through the Maori Statutory Board, an integral part of the governance of Auckland Council. I am not sure what advice the Board and the consulted iwi groups took in relation to the physical implications of the IPI built form, but in my experience there are two clear missing elements. First, the lack of an expression of concern for the potential loss of the kauri remnants that exist in the built form of the 19th century and Edwardian houses in the inner city suburbs. These dwellings continue to hold the *mauri* and *wairoa* of the ancient kauri trees of Tai Tokerau and Waitakere that built the Auckland City suburbs. When they are destroyed through demolition that link to the taonga of those forests is gone forever. At present it remains extant in the houses that carry the kauri timber.

3.11 The second issue that is surprisingly absent from the mana whenua response is questioning the capacity of the wastewater, stormwater and combined infrastructure systems to cope with additional intensification. The question is fundamental because if the infrastructure cannot cope then the Waitemata Harbour then becomes the receiving waters for the polluted overflow.

3.12 Neither of these two important spiritual issues have been examined. They are raised in the Association's submissions and will be the subject of later evidence. I raise them now because they are a further indication of the failure of consultation on this extensive change to the development scale of Auckland's residential areas.

3.13 There are other issues about the lack of consultation but they will be the subject of further hearing detail and evidence. The one example worth raising at this point because it is a good example of a simple issue where local knowledge informed the Council of an error of judgement, which was failed to be accepted or consulted, and has continued into the proposed form of PC78. The issue is the walkable catchment idea.

3.14 While there are many technical and objective problems arising from this concept, the practical error is the assumption in St Marys Bay that the famous Jacob's Ladder walkway was part of a walkable catchment route. The St Marys Bay Association had for some years been attempting to achieve a better public night-time lighting on Jacob's Ladder and along the walkway which runs parallel to the motorway from Fanshawe Street to Pt Erin. The Council's Parks Department in association with Waka Kotahi and Auckland Transport informed the Association that even with public lighting these walking routes could not be made safe in hours of darkness. Even with this information available, the planning department continued to use Jacob's Ladder as the basis for declaring a walkable catchment over the north-east portion of St Marys Bay, defying the advice from the Council's own public safety officers who had declared it inappropriate and unsafe. That serves as one of many examples you will hear of during the hearings process.

3.15 In conclusion on Topic 001A, it is my opinion that the consultation process was seriously flawed because it failed to undertake the accepted step of responding directly to all participants who provided detailed information on the draft IPI documentation.

4.0 Topic 001D – Plan Making and Procedural – Central Government Process

4.1 The evidence of Rebecca Ellen Greaves on behalf of the Council covers this topic. In my opinion the important issue under this heading is to separate the mandatory statutory instruction of the Amendment Act from the optional matters that arose in respect of the NPS-UD in designing the content of PC78. As an overall statement, I consider it is fair to say that in respect of Freemans Bay and St Marys Bay every optional choice which the Council took was contrary to the interests and wellbeing of those two communities.

4.2 Much evidence will be given on these matters at later hearings but in summary the key optional choices that have failed the St Marys Bay and Freemans Bay communities are:

(a) **Failure to continue** the full SCA Overlay from the AUP into PC78 – there is no s.32 reporting explanation for this action.

(b) **Walkable Catchments** – this planning measure has little to no intellectual foundation in planning theory. As it functions in PC78, it fails at many levels – sociological, psychological, physiological, culturally and is contrary to the wellbeing of the majority of the population. It contains serious challenges of ageism, sexism and fails to recognise those sectors of the community who suffer disability. It is not an objective or useful planning measure. Furthermore, the distances chosen under PC78 are at serious odds with the international literature on this subject.

(c) **NPS-UD Policy 3(d)** – the choice here was whether a town centre zoned area would benefit from the support of a walkable catchment bringing with it the six storey residential intensification model. This was an option that needed spatial and site-specific analysis on a centre-by-centre basis.

4.3 These are three of the examples where options were available to the Council that could have enhanced the existing protections available under the AUP. Instead, and without s.32 analysis, the Council decision under PC78 has degraded the existing environment contrary to Part 2 RMA and contrary to the Regional Policy Statement section of the AUP regarding heritage.

4.4 It is disappointing, in my opinion, that the evidence of Ms Greaves did not explain how the mandatory and the optional were made available by Parliament under the Amendment Act and the NPS-UD, and could have been used more flexibly by the Council to the benefit and wellbeing of the inner suburbs.

5.0 Topic 002 – Medium Density Residential Standards (MDRS) Response

5.1 The manner in which the MDRS enters the AUP is a further example of where the Council had available to it choices to ensure that the new development opportunity fitted the profile of environmental and amenity expectations in the residential areas of the city. The evidence of David William Arthur Mead covers this topic for the Council. At paragraph 12 Mr Mead clearly identifies where the Council could impose additional standards to the MDRS provisions provided the density outcome was not reduced. The methodology is found in s.80E RMA.

5.2 In the preparation of the AUP a lot of care was taken to ensure that the standards for development management, particularly in relation to site-by-site impacts, were effective. Following the Victoria State residential code, the Council adopted the alternative height in relation to boundary provision. It is a simple control that allows taller buildings closer to the boundary for a percentage of the length of the side boundary of the lot in order to enhance the streetscape modulation of built form. Accompanying this rule there are two criteria to be met. First, a measure of the solar access that remains available to adjoining properties and secondly, an assessment of the effect on the privacy of adjoining properties by avoiding some aspects of overlooking and dominance. The solar access measurement which in the AUP requires four continuous hours of solar access between the hours of 9.00 am and 4.00 pm at the equinox, is an objective measure not requiring any discretion. The privacy assessment, while largely objective, does contain an element of discretion.

5.3 The MDRS needs the solar access measure to meet the climate change initiatives being promoted in other parts of the AUP but it has not been included. In my opinion this is a serious oversight that can readily be placed as a permitted activity standard under the provision of s.80E RMA. This would assist the MDRS being in a form acceptable to the expectations of the AUP.

5.4 The MDRS has overtaken the Single House and Mixed Housing Suburban residential zones of the AUP. For the MDRS to be acceptable as a modern planning standard, the solar access test is essential. Without it, in my opinion, it will be contrary to the climate change initiatives being promoted in the Regional Policy Statement of the AUP.

5.5 Unfortunately Mr Mead has not undertaken an evaluation of the MDRS outcomes against the higher standards already operating under the AUP. This is a matter that will be the subject of further evidence under the appropriate hearings in the future.

5.6 The failure to integrate the MDRS into the more sophisticated controls of the AUP is, in my opinion, a serious disappointment. Because I took part in AUP hearings on this matter I do have a special interest in it. I also acknowledge the care with which the AUP IHP constructed the relevant rules for the alternative height in relation to boundary in the AUP. In my opinion this was a major step forward for future proofing residential development in a climate change environment by ensuring that every future property would ensure that a neighbour enjoyed direct solar access for a significant period of daylight hours.

5.7 At the time of the AUP IHP hearings I undertook a study with the Housing Commission of Victoria State to see how these rules worked in reality. It was a satisfying exercise to know that the solar access rule was practical and effective in the built form.

6.0 Conclusion

6.1 I hope that my frustration and dissatisfaction with PC78 has not clouded the importance of the criticisms I have set out above. In the macro planning sense, PC78 can still be rescued and meet the mandatory requirements of the Amendment Act and NPS-UD but continue to acknowledge the importance of Part 2 RMA, the Regional Policy Statement in the AUP and in particular the value of Chapters D17 and D18 AUP in respect of historic heritage and historical special character.

6.2 I know that there is a long way to go in this process and my intention with this evidence was to simply outline at a broad level, the challenge which the Associations but forward and the remedies that are available.

Brian William Putt
Town Planner
14 March 2023

ANNEXURE A

STATEMENT OF EVIDENCE OF BRIAN WILLIAM PUTT, TOWN PLANNER

ON BEHALF OF

- **FREEMANS BAY RESIDENTS ASSOCIATION (SUBMITTER 2201 AND FURTHER SUBMITTER 429)**
- **ST MARYS BAY ASSOCIATION (SUBMITTER 2193 AND FURTHER SUBMITTER 437)**

("THE ASSOCIATIONS")

C.V. – STATEMENT OF EXPERIENCE

CURRICULUM VITAE

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BRIAN WILLIAM PUTT

DATE OF BIRTH:	18 September 1949
NATIONALITY:	New Zealander
PROFESSION:	Town Planner/Resource Management Consultant
PROFESSIONAL QUALIFICATIONS:	BA (History & Psychology), Auckland 1972; Diploma in Town Planning, Auckland 1974; Diploma in Accounting & Finance, Association of Certificate Accountants, U.K. and Central London Polytechnic 1979
PROFESSIONAL MEMBERSHIP:	New Zealand Planning Institute 1977
REFEREES:	- Judge Laurie Newhook, Principal Planning Judge (Retired). Contact - *newhook@courts.govt.nz* - Fiona Brennan CEO, ANCAD Contact - *Fiona@ancad.org.nz*
ELECTED/APPOINTED POSITIONS FOR COMMUNITY & PROFESSIONAL SERVICES:	- Councillor, Northcote Borough 1983-1989 - Member – North Shore High Technology Development Working Party 1986-1988 - Councillor, North Shore City Council 1989-1992, Chair, Policy & Resources Committee

- Chair, Awataha Marae Building Committee 1989-1992
- Member of Auckland Institute of Technology Council 1991-1993
- Chair & Patron Northcote Soccer Club 1992-1999
- Chair Northcote College Board of Trustees 1995-2003
- Chair Auckland North Community and Development Inc. 2006 - present
- Chair Birkdale Beachhaven Community Project 2010 –2015
- Trustee (Auckland Council appointee) of COMET (Community Education Trust) Auckland 2012 – 2020
- Chair Mahinepua Radar Hill Landcare Inc 2021 - present

PROFESSIONAL EXPERTISE:

- Project co-ordination and strategic feasibility reporting including development assessment and due diligence reporting
- Iwi, hapu and whanau adviser and consultant for development and due diligence advice (basic Te Reo knowledge)
- Resource management reporting, analysis and project presentation for development and heritage projects
- Marketing and public relations (for project purposes), meeting facilitation, community networking, press releases, media presentation and political lobbying
- Strategic planning for large or complex infrastructural projects (conceptual reporting, consultation co-ordination, statutory framework)
- Mediation and negotiation for resource or land use disputes and settlements

- Expert witness presentation of evidence and affidavits to planning hearings, Environment Court and High Court
- Experienced meeting facilitator and chairperson
- Governance adviser for Not- For-Profit sector

PROFESSIONAL EXPERIENCE:

1988 to present:

METRO PLANNING LIMITED
Self employed consultant and director

Offering wide ranging planning and resource management consultancy services in development assessment and co-ordination (especially coastal), urban and rural planning, environmental and social impact reporting, heritage/conservation planning and project public relations and marketing. Also specialist service offered in negotiation and mediation for planning, land use or resource allocation disputes and due diligence reporting for investment analysis. Environment Court appointee for public consultation on significant projects.

2006 to present:

VISITING LECTURER, SCHOOL OF ARCHITECTURE, UNITEC

Covering resource management and planning

1986 – 1988

MURRAY-NORTH LTD AUCKLAND
Senior Planner

1985 – 1986

PROJECT WINDDOWN
Co-ordinator

A major public consultation programme to identify community, social and economic pressures arising from the conclusion of the Marsden Point Expansion Project. Involved extensive public liaison, public relations (fronting fortnightly radio talkback, press releases, news interviews) and government departmental lobbying. Reporting at various government levels including Cabinet

and Prime Minister's Office to which the position was seconded.

1980 – 1985

MINISTRY OF WORKS & DEVELOPMENT – AUCKLAND
Senior Planner

1982 – 1984

ARCHITECTURE FACULTY UNIVERSITY OF AUCKLAND
Visiting part-time lecturer

1983 – 1990

DEPARTMENT OF TOWN PLANNING, UNIVERSITY OF AUCKLAND
External Assessor for Research Essays/Theses

1979 – 1980

AUCKLAND CITY COUNCIL
Employment Research Officer

1977 – 1979

THURROCK BOROUGH COUNCIL ESSEX, U.K.
Industrial Development Officer

1975 – 1977

MT EDEN BOROUGH COUNCIL AUCKLAND
Town Planner

1973 – 1975

AUCKLAND CITY COUNCIL
Town Planning Assistant

RECENT MAJOR PROJECT DIRECTORY:

- **Lagoon Valley, Wanaka** – 400 lot residential/commercial subdivision
- **Geotherm Group, Wairakei** – geothermal energy project, regional plan litigation
- **Man O'War Farm, Waiheke** – development and production strategy
- **Waitoto Developments, Russell** – commercial rezoning and 80 lot coastal subdivision
- **Krukziener Properties, Auckland CBD** – advice on district plan heritage issues
- **ASB Charitable Trust** – heritage protection
- **Whitford Landowners Group** – representation on Whitford plan change issues
- **Todd Capital** – due diligence analysis for pre-investment study
- **Ardmore Aerodrome** – development adviser to operators/tenants syndicate
- **Juken Nissho Ltd (JNZ), Northland** – adviser on district plan & forestry interests
- **Matauri Bay, Far North** – coastal residential subdivision – 140 lots
- **Madison Heights, Orewa** – retirement village – 300 apartments and facilities and Orewa West Structure Plan
- **Riverside Estates, Matakana** – tourist complex – 20 units
- **Emerald Hotels Ltd, Gisborne** – town centre redevelopment
- **Transtasman Properties, Takapuna** – 60 unit apartment development
- **Perron** – various multi-unit & apartment developments in Auckland
- **Mountain Landing, Bay of Islands** – development strategy & advice
- **Mapua Estates, Nelson** – 80 lot rural residential subdivision
- **Paewhenua Island, Far North** – coastal farm park – 26 lots & coastal facilities
- **Rimanui Farms, Kawau Island** – development advice on conservation, tourism & farm park
- **Quattro Apartments, Auckland City** – 70 unit apartment development
- **Arrigato Ltd, Pakiri** – coastal rural-residential subdivision
- **Di'Andre Estates, Omaha** – coastal rural-residential subdivision
- **Anzani Investments, North Shore** – retail & apartment developments
- **Tairua Marina Ltd** – establish district & regional plan provisions for marina and land based facilities
- **Park Point, Waiheke** – 35 lot coastal rural-residential subdivision
- **Westpark Marina, Hobsonville** – expansion & management plan
- **Gillespie Properties, Orewa** – Nautilus Apartments
- **Cabra Holdings** – Var 127 Huapai urban expansion
- **Mangere Gateway Airport Development**
- **Masonic Hotel** – protection and conservation
- **Plan Change 163 Auckland** – extensive involvement in heritage litigation
- **Silverdale North and South** – structure planning
- **Waterview Interchange and Tunnel** – public consultation adviser

ANNEXURE A

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("THE ASSOCIATIONS")

SUBMISSION OF ST MARYS BAY ASSOCIATION TO DRAFT IPI DOCUMENT

ST MARY'S BAY ASSOCIATION

SUBMISSION ON AUCKLAND COUNCIL'S PRELIMINARY RESPONSE TO NPS-UD AND MDRS – 9 May 2022

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1. St Marys Bay Association (SMBA)

1.1 SMBA is a community-based incorporated society that has been serving the physical, social, economic and cultural interests of the suburb of St Marys Bay since 1975. SMBA has existed continuously since that time and at present has over 200 financial members.

1.2 This submission covers the SMBA interests in the draft preliminary proposals prepared by the Council in response to the National Policy Statement on Urban Development (NPS-UD) and the Medium Density Residential Standards (MDRS). In addition, in our area, the intensification model for land within a "walking catchment" of a city centre is of vital concern.

2. History of St Marys Bay

2.1 St Marys Bay is on of the three oldest suburbs of Auckland dating from 1850. The other suburbs – Parnell and Grafton – have a similar history and cultural connection to the development and growth of Auckland as New Zealand's largest urban centre.

2.2 As a result of this early settlement pattern, St Marys Bay is a broad mixture of houses, business buildings, community buildings, open spaces, schools and religious institutions. The variety of housing is extensive and well recognised in the Council's records as set out in the report: *Summary Findings for Area 20 – St Marys Bay*.

2.3 The built environment and open space networks of St Marys Bay define its character. The mix is eclectic and historic. Together these two characteristics give our suburb a special quality like no other part of Auckland that is fundamental to the wellbeing of our community in physical, economic, social and cultural terms. Together these elements form the basis of any assessment under the Resource Management Act 1991 (RMA). These characteristics are fully recognised as being the basis for the sustainable management of urban life as defined by Part 2 RMA and in particular Section 5 and Section 6(f).

2.4 The history of St Marys Bay as a founding suburb of Auckland, is well documented and is without challenge.

3. Resource Management (Enabling Housing Supply and other matters) Amendment Act 2021

3.1 Through this Amendment Act, the NPS-UD has been implemented with a series of changes to the RMA to impose the MDRS and intensification policies across Auckland. Importantly, the Amendment Act did not alter the fundamental structure of the RMA, in particular its purpose and the identification of matters of national importance and significance set out in Part 2 RMA remain paramount. The management of these methods of achieving the sustainable management purpose of the RMA has been protected through the ability to identify "Qualifying Matters". This is the open door available to the Council to continue the legacy of protection and stewardship – kaitiakitanga - towards the historic heritage of Auckland as it exists in St Marys Bay as well as many other parts of Auckland. This opportunity must be grabbed firmly to protect a built heritage that, if it is lost, will never be replaced.

3.2 The heritage houses of St Mary's Bay are mainly constructed of kauri which was harvested in Tai Tokerau and milled in Freemans Bay. The remaining houses contain the mana and wairua of those ancient forests and to that extent they are taonga. Respect for this spiritual dimension is part of the kaitiakitanga/stewardship to be afforded the heritage houses.

3.3 This SMBA submission focuses on the means of using the Qualifying Matters opportunity as the appropriate planning mechanism to protect our heritage suburb remembering that the Amendment Act additions do not supersede the Part 2 purpose of the RMA.

4. St Marys Bay – Historic Heritage and Special Character

4.1 The importance of retaining and protecting the Victorian and Edwardian housing stock of St Marys Bay has been a primary objective of Auckland's planning instruments (legacy district schemes and district plans) for almost 50 years. This planning technique has ensured that additions, alterations, and improvements to existing houses have been given a thorough examination by the Council's heritage team to ensure the compatibility and integration of any new built form with the streetscape context. Proactive planning management has provided for, not only the maintenance, but the enhancement and improvement of the St Marys Bay housing stock. This has been a highly successful focus of kaitiatikanga and stewardship provided through the AUP.

4.2 The result is that of the 409 separate properties in St Marys Bay, 226 are rated "6" or "5" under the Council's Historic Heritage and High-Quality Special Character ranking system. That is more than half of the suburb falls within the Historic Heritage category.

4.2 We challenge the ranking of many of the properties with a "4" rating. The time available to lodge this submission has not allowed us to apply our detailed expert and local knowledge over the whole suburb but we attach (Annexure A) as a cameo example an area based on Hackett Street where three "4" properties can be firmly analysed as falling within the "5" ranking. The identified Sub-area A then reaches the 75% threshold set by the Council. We intend to complete this analysis across St Marys Bay using the Council's Area 20 summary findings and will provide a complete review by the end of May 2022.

Review Purpose

4.4 The purpose of this review is to demonstrate that the Council's technique set out on the St Marys Bay map within the summary report for Area 20, depicting with a yellow outline, areas proposed for Historic Heritage and High-Quality Special Character protection as a Qualifying Matter, can be used as a technique identifying sub-areas across the entire St Marys Bay suburb. We accept that the balance of the suburb outside of the sub-areas is to be zone Mixed Housing Urban under the new regime.

4.5 We ask that the Council accepts this approach as an appropriate way of responding to the Auckland Unitary Plan (AUP) Regional Policy Protection for Historic Heritage and Special Character as set out in Chapter B5 AUP. This approach successfully updates the present *Special Character Area Overlay* system which ranks St Marys Bay as *Residential Isthmus A*.

RMA Section 6(f) Validation

4.6 SMBA **submits** that all properties identified with a ranking of "6" and "5" fall within the nomenclature of – *Historic Heritage* – and thereby are within the intention of s.6(f) RMA as a matter of national importance. This automatically lifts those properties into the Qualifying Matter definition provided in the Amendment Act.

5. Walkable Catchments

5.1 The NPS-UD stipulates that within walkable catchments of the City Centre the intensification model of six storey development should apply unless a Qualifying Matter prevents intensification. The SMBA knowledge of residents' activities (from discussions and surveys) confirms that St Marys Bay is **not** a walkable catchment in relation to the City Centre.

5.2 It is acknowledged that some St Marys Bay residents daily walk to work within the City Centre. It is important to note that many of them return home by bus if it is dark when they finish work. That is because the convenient route back to St Marys Bay from Fanshawe Street to the St Marys Bay walkway with access to Jacob's Ladder, St Marys Road, the Boylan Street staircase, and Pt Erin, are part of a public walking network that is **not** illuminated. This means to walk back to St Marys Bay safely, pedestrians must use Victoria Street/Beaumont Street leading to College Hill. The typography of this route is a challenge for anyone but active fit walkers.

5.3 The other important consideration in the walking catchment debate is the purpose of visiting the City Centre. For St Marys Bay residents who wish to make use of retail facilities, professional services, entertainment facilities, restaurants/cafés, or the transport hub at Britomart and the future Aotea Station, the walking time and distance is 30-40 minutes over 1.2-1.5 kilometres. It is not reasonable or realistic to suggest that this is a walkable catchment for the majority of the St Marys Bay population.

5.4 **SMBA submits** that the St Marys Bay suburb west of St Mary's College, is not within a walkable catchment as envisaged by the NPS-UD. The definition of walking catchment cannot be determined by the fittest cohort in the community ; it must embrace the majority.

5.5 This conclusion has important ramifications for the consideration of the clustering of Historic Heritage and Special Character properties where the threshold drops from 75% rated "6" or "5" down to 66%. Again, this outcome confirms that the majority of St Marys Bay falls to be treated as a Qualifying Matter and thereby exempt from the implications of the Amendment Act changes to the RMA and the NPS-UD except on properties where the Qualifying Matters do not apply.

6.0 Infrastructure

6.1 St Marys Bay is one of the old Auckland suburbs still relying on a combined sewer and stormwater infrastructure system. Funding has been approved to commence the separation of stormwater and sewerage reticulation in St Marys Bay. This project, firmly supported by SMBA, is designed to accommodate the existing development potential of the suburb under the operative provisions of the AUP.

6.2 If the intensification model is imposed across St Marys Bay, the design and capacity of the separation systems will need to be vastly increased which will therefore significantly increase the cost of construction. This will prevent the project from advancing under its present planning and funding arrangements. This matter has not been considered in the Council's preliminary proposals.

6.3 The **SMBA submits** that the outdated and inadequate wastewater and stormwater infrastructure in St Marys Bay is a limiting factor that must be considered as a Qualifying Matter.

7.0 Coastal Hazards

7.1 The north edge of St Marys Bay is formed by the old Waitemata Harbour coastal cliff geology. It is well known that these cliffs are fragile and development close to the coastal edge risks collapse. There is no recognition that this hazard has been taken account of in the Council's preliminary intensification promotion for St Marys Bay. If this matter is to be considered carefully as it has been in other parts of coastal Auckland, then a setback of 50 - 100 metres limited to two storeyed developments should occupy the coastal hazard risk area.

7.2 The **SMBA submits** that the coastal hazard risk be recognised within an appropriate medium density development within 50 - 100 metres of the old St Marys Bay coastal cliff formations.

Provision for Growth

7.3 SMBA considers that there remains ample opportunity for growth in St Marys Bay in the ridgetop high density development zones unaffected by Historic Heritage or Special Character. The Terrace House

Zone penetrates parts of St Marys Bay along the Jervois ridge and to the west of Shelly Beach Road. Opportunities for intensification close to the City Centre exist through the business zones located to the east of St Mary's College from College Hill north to the motorway.

7.4 **SMBA submits** that the Historic Heritage and Special Character protection being sought across St Marys Bay will not adversely affect development capacity overall in the inner-city suburbs of Auckland.

8 Conclusion

8.1 In summary **SMBA submits**:

- Over half the houses of St Marys Bay have historic heritage status and should be protected as Qualifying Matters.
- Using the Council's sub-area system, SMBA requests the placement of sub-areas around clusters of Historic Heritage and Special Character properties throughout St Marys Bay based on the Council's 66% methodology.
- SMBA concludes that St Marys Bay is not a walkable catchment.
- SMBA considers that infrastructure limitations in St Marys Bay are a Qualifying Matter.
- SMBA submits that the coastal hazard of the St Marys Bay coastal cliff edge is a Qualifying Matter to be considered.

8.2 SMBA requests the opportunity to meet with the Heritage Team after SMBA has submitted final plans reconciling the heritage status of "4" rated properties across St Marys Bay.

8.3 SMBA remains open to any future consultation and discussion which the Council may wish to initiate.

8.4 SMBA thanks the Council for the opportunity to lodge these submissions for consideration in the preparation of a plan change to implement the Amendment Act and the NPS-UD.

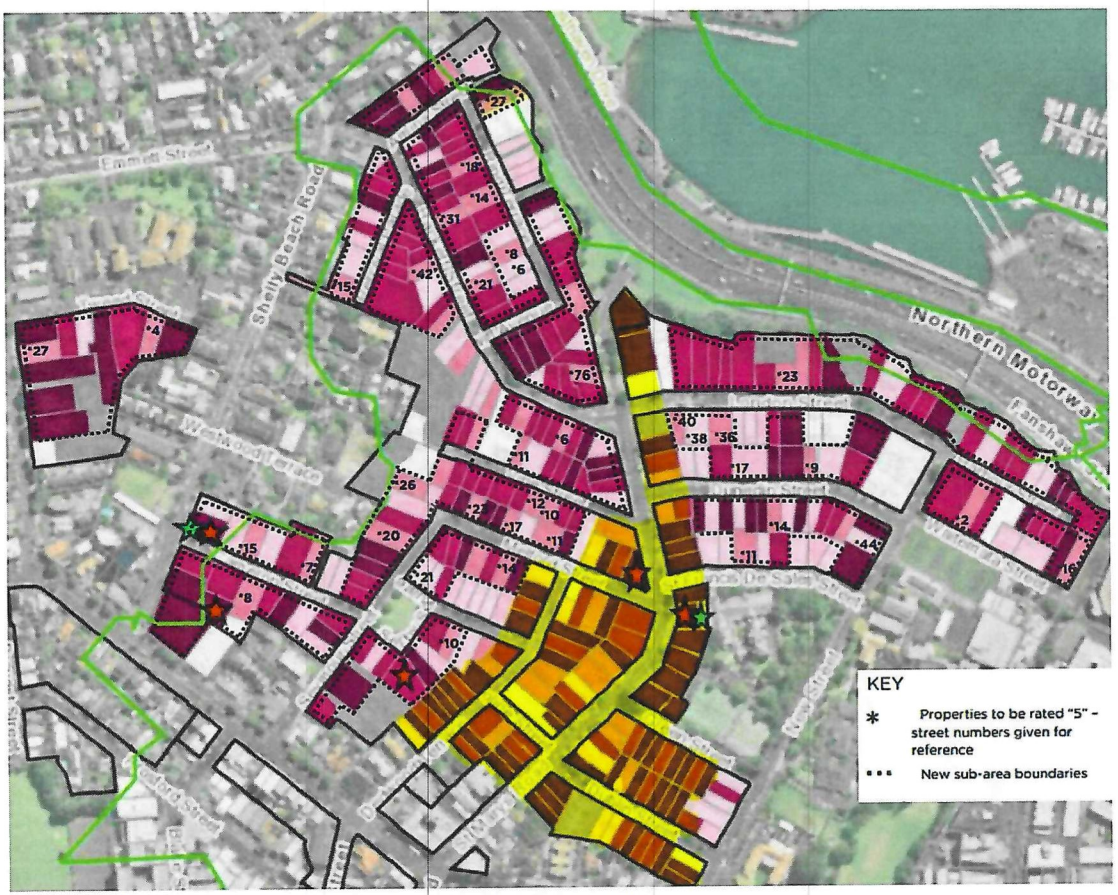
Submission prepared by Brian William Putt, Town Planner

And authorised by David Abbott, Chairperson, SMBA

5 May 2022

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Shelly Beach Road
Northern Motorway
KEY
* Properties to be rated "5" - street numbers given for reference
New sub-area boundaries