



22 April 2022

Berry Simons Environmental Law
C/- Andrew Braggins
Via Email (andrew@berrysimons.co.nz)

Dear Andrew

URBAN DESIGN PEER-REVIEW OF THE URBAN DESIGN ASSESSMENT FOR 20 MELIA PLACE, STANMORE BAY

Background and Introduction

Thank you for your instructions regarding the above matter and your request to undertake a peer-review of Mr Jason Evans' Urban Design assessment for the above application.

As I understand it, this application is being considered under the provisions of the Covid-19 Recovery (Fast Track Consenting) Act 2020 (Act). For the benefit of the Expert Panel, my name is Dr Lee Beattie, and I am an Urban Designer and Urban Planner with 27 years' experience. I am an independent consultant and a Hearing Commissioner. I am also employed as the Head of University of Auckland's School of Architecture and Planning and am the Director of the School's Urban Design programme, where I teach courses on urban design theory and practice, and master-planning. I have attached a copy of my CV for your information as **Attachment One**.

I also confirm that I am familiar with the Environment Court's Code of Conduct for Expert Witnesses (the Code). I confirm that I provide my opinions in this peer review to the EPA and the Expert Consenting Panel in accordance with the Code.

I have been asked to undertake a peer-review of Mr Jason Evans' Urban Design assessment and in doing so consider the comments received from Council's Urban Design expert Mr Andrew Henderson (Council's Principal Urban Designer) on the application. In particular, I have been asked to consider:

- The existing character of the area and the consistency of the proposal with that character;
- High level comments on the suitability of the density of the design in the context of the site and planning policy;
- The design strategy adopted, particularly locating larger built form towards the centre of the site;

- The relationship between Blocks F and D, J and Q; and
- Dominance and adverse amenity effects in light of the built form and design typology, particularly of blocks K, O and P and L, and M and R.

As part of this review, I have considered:

- The original plans dated 8 October 2021 and amended plans dated 13 April 2022, for the proposal. I note that the design response has been amended to reflect the comments from this peer-review;
- Mr Evans' Urban Design assessment dated November 2021;
- Mr Evans' responses to Mr Andrew Henderson comments on the application;
- Mr Henderson's Urban Design assessment on the plans dated 22 February 2022 ; and
- Views of and around the site taken when I undertook a site visit (12 March 2022).

I have endeavoured to limit my peer-review of Mr Evans' assessment to the relevant urban design issues for this application to ensure his comments and assessment are appropriate for this proposal in terms of the proposed scale and size in this location from an urban design point of view. In doing so, I understand that the site is zoned Residential - Single House Zone (SHZ) under the Auckland Unitary Plan: Operative in Part (AUP:OP) and that there is no disagreement that the application can be considered an Integrated Residential Development (IRD). Understanding the zoning and policy context is a relevant aspect of urban design assessments and I am also a qualified urban planner. Therefore, while I will endeavour to focus on urban design matters, there are areas where urban design overlaps with urban planning. I am qualified and experienced to comment on both as they relate to this peer-review.

These are relevant considerations as with any urban design assessment such as Mr Evans' or Mr Henderson's; this should be considered within the relevant planning provisions (plan character and future plan character setting out the desired future direction for the urban form) including the District Plan, Regional Policy Statement (RPS) and, if relevant, the appropriate National Policy Statement (NPS), which in this case would be the NPS: Urban Development. Noting that Mr Henderson's comments at length about the outcomes sought by the AUP:OP's IRD in the SHZ. As I will consider below, I do not support this approach and do not believe the IRD provision should be applied in the SHZ in this way from an urban design point of view.

I would also like to note at this stage, that the draft AUP changes designed to give effect to the Medium Density Residential Standards (MDRS) provisions and the NPS: UD released by the Council on 19 April 2022 show this site as Residential Mixed Housing Urban Zone (RMHUZ)¹. While this will be subject to an examination though the plan change progress this outcome accords with my understanding of the local environment. That is, as I considered below, there is no form of distinct underlying residential character that should limit this form of residential development from an urban design point of view.

It is clear to me that while there are some areas of disagreement between Mr Evans and Mr Henderson over this application and how it relates to the surrounding environment in

¹ Dated 19 April 2022, available at <https://akhaveyoursay.aucklandcouncil.govt.nz/housing>, viewed 20 April 2022.

urban design terms, they both accept that the site has the ability to accommodate a 'higher' form of density response than the traditional approach in the SHZ. Mr Evans is of the view that the amended proposal is acceptable in urban design terms; conversely, Mr Henderson does not accept this view, and has offered a range of suggested changes to the proposal to address his concerns. I note that Mr Henderson's comments are on the original application, not the amended design prepared to reflect some of his and my concerns about the proposal and not made in light of the Council's draft proposal to rezone the site RMHUZ, released on 19 April 2022.

In saying that, it appears to me that Mr Henderson supports increased density in this location subject to the changes he suggests. Mr Henderson appears to be concerned about the 'level of density' and how it relates to the surrounding SHZ sites, especially at the interface and beyond. He also raised concerns regarding the length of a number of the building forms (for example, Block K) and the level of site coverage, which in his view does not reflect the AUP:OP policy outcomes sought for the SHZ. Again, I wonder if he would be of the same view today in light of the Council's suggested changes to the AUP?

Finally, I note there is nothing wrong with professional disagreement of this nature and I respect both professional opinions. For consistency, I will undertake my assessment in line with the subject areas I was asked to consider and where appropriate relate these back to both Mr Evans' and Mr Henderson's views on the application.

In doing so, again I acknowledge that the application has been amended to address the concerns I raised about the application, which I will comment on as I move through this peer-review assessment. The application is now at a point where I can support Mr Evans' views on the application and support the amended design from an urban design perspective.

The existing character of the area and the consistency of the proposal with that character.

In my view, Mr Evans has provided a sound and appropriate contextual analysis of the site and the surrounding environment. This accords with my own impressions of the site and surrounds. In my view, it is extremely important from an urban design point of view to gain a detailed understanding of the sense of place and how the proposal would positively contribute to this area, both to the existing environment and the future planning policy outcomes sought. While the majority of the surrounding area is zoned SHZ, as Mr Evans points out, the local environment (and receiving environment) contains a wide range of housing forms (typologies), styles, building height, bulk, massing, age and materiality. For example, there is a significant 2 level terrace housing development present at 3 - 9 Melia Place. This, in my opinion, highlights the degree of diversity currently present in this area. This is common for areas such as this, reflecting the changing residential styles and preferences that have evolved through time as the area developed.

I would not say the local environment represents any particular form or distinct sense of residential character. It is in this context that the application, including its future planned character, must be considered in light of, especially as we move to give effect to the NPS: UD and MDRS provisions. It is interesting to note that currently the SHZ does enable the

conversion of the existing dwelling into two dwellings and the provision of minor dwellings as of right (permitted activity). So, in my view, it would not be appropriate to suggest that the zone is solely seeking to retain 'single household residential character' and does provide for increased density, intensity and changing building forms as the zone evolves, provided for in the IRD provisions. Again, I agree with Mr Evans' view on this matter and the receiving environment this application will be placed in.

High level comments on the suitability of the density of the design in the context of the site and planning policy

Mr Evans and Mr Henderson consider these matters. While Mr Henderson supports the increased density and acknowledges the site's topography and ability to accommodate further density, he is of the view that the proposal fails to meet the SHZ policy outcomes, especially Policies 1 and 2. I have set these out below for completeness:

SHZ: Policy 1 (H3.3.1):

Require an intensity of development that is compatible with either the existing suburban built character where this is to be maintained or the planned suburban built character of predominantly one to two storey dwellings.

SHZ Policy 2 (H.3.3.2):

Require development to:

- (a) be of a height, bulk and form that maintains and is in keeping with the character and amenity values of the established residential neighbourhood; or*
- (b) Be of a height and bulk and have sufficient setback and landscaped area to maintain an existing suburban built character or achieve the planned suburban character of predominantly one to two storey dwellings with a generally setting*

Before going further, I do note for completeness that the word *predominantly* in both Policy 1 and Policy 2 does not imply that the building forms in this zone are limited to single and two storeys. It is my view that this is not what these policies say, and the word *predominantly* cannot be considered as an absolute, nor does the term even reach towards an absolute or directive outcome seeking to prevent three-storey built form in the SHZ (such as may be the case where words like "avoid" are used). There are many examples of three storey dwellings within the SHZ throughout the city and the varied height adds to the richness of the urban form.

Alongside this observation, is the point that the AUP:OP's SHZ performance standards such as height, site coverage etc. do not apply to IRDs. This is to enable different forms of residential development to occur in the zone beyond traditional forms of development that densities of one dwelling per 600sqm would provide² (a point expressed by Mr Evans in this report and by the application). This is not to say that any form of development (in terms of bulk and mass, etc.) can be established in the zone to take advantage of these provisions. I agree with both Mr Evans' and Mr Henderson's views on this matter and

² In my view, a good example of the IRD in the Single Zone would be 11 Surrey Crescent, Grey Lynn.

note that the proposal needs to be considered in light of the plan's intended outcomes for the site.

I believe the key element from these policies in urban design terms is the phrase "*existing or planned suburban built character*". In my view, the proposal is suburban in character (if we can use this word) and could not be seen, in the Auckland context at least, as a medium to high density form of development. In my opinion, that kind of form would be more in line with 5 to 7 storey apartment buildings, commonly present in the Terrace Housing and Apartment Building Zone. In this regard, it is my view that it is how the building form reads and expresses itself around the periphery (edge) of the development that is important, not the overall density as I explain below. I do not support the view, as expressed by Mr Henderson, that the edge or the interface of the proposal with surrounding SHZ properties should be limited to single or two storey form of typology, nor is that reflected in the surrounding environment, as discussed above. I believe that the proposal has an effective strategy for these interface locations and that these issues have been addressed.

In my view, the issue is not density, and density should not be the determining factor in any urban design assessment, but the quality of the design outcome and its relationship with and contribution to the public realm within its context. Density, or how it has been expressed as number of houses per sqm as suggested, is a fundamentally coarse tool to measure or direct urban form and its outcomes (just as dwellings per hectare can be). The key issue is the outcome the development has on the urban form and the contribution the development provides to the public realm through the use of design responses, architectural treatments, use of materiality, and other features.

This is where I also agree with Mr Evans that the proposed density, site layout and building bulk and mass are appropriate to this context. I also agree that there are appropriate landscape response for the site. While I understand Mr Henderson's point of view, I do not think his concerns surrounding density and building heights are relevant in this particular context. This is because the local environment does not conform to a particular form of established residential character topography, which enables this form of development to come forward. I do, however, agree with Mr Henderson's view on Block K, which I address below.

Finally, in this section I would like to address the impact of the removal of the larger trees on the northern side boundary, required to enable the development of blocks K1, K2, L, M and N to proceed and its impact in urban design terms. In my view, while understanding and seeking to enhance the existing ecological and water (blue/green) networks should be the starting point in any urban assessment and sought to be achieved wherever possible, I do not believe that the retention of these trees should come at the expense of this form of development. In this regard I agree with Mr Evans' view on this matter. I also note that their removal is a permitted activity and would most likely happen as the northern site developed and evolved over time. I also think the trees loss is well compensated by the retention of the Olive Grove, which provides a significant level and interesting form of open space.

The design strategy adopted, particularly locating larger built form towards the centre of the site

Again, I understand Mr Henderson's concerns regarding the length of Blocks O and P and agree that these could have been 'broken up' to reduce their bulk and mass. However, in my view:

- The lack of a public access through the site needs to be taken into account when evaluating the interrelationship between the density of the development and the character of the area. That is, the viewing audience along this private road will be limited to residents and guests and so does not warrant the same level of intervention a public road would.
- Their location toward the centre of the site and the site's inherent topography, significantly reduces their visual impact from the adjacent SHZ sites and beyond.
- The design approach takes advantage of the site's topography (slope and contour) to address their front to back relationships (as they relate to Blocks Q, R and S) and provides these units with effective and functional private open space.
- The design provides a strong street presence in the streetscape (private road) that also reads as two storeys from the street.
- Architectural responses assist in addressing the bulk and massing issues.

I also do not believe these buildings will be read at the interface between SHZ sites as long unbroken blocks as suggested and I agree with Mr Evans on this point. Overall, it is my opinion that Blocks O and P as designed are appropriate and I support these from an urban design point of view.

The relationship between Blocks F and D, J and Q

I agree with Mr Evans on this matter for the rationale set out in this report. In essence, I do not have any concern from an urban design point of view about the relationship between these Blocks, nor how they relate with the new streetscene (private road).

Dominance and adverse amenity effects in light of the built form and design typology, particularly of blocks K, O and P and L, and M and R

As signalled above, I did have some concerns about the relationship between the interface of Blocks K, L, M and N and the adjacent sites. In particular, I did agree with Mr Henderson's concerns about the length of Block K, noting that Block K is located in the north of the site (as opposed to the more dense building forms being located towards the centre of the site) and has a direct interface with the surrounding SHZ properties.

In response to this concern, the application has now been amended to reduce the impact of Block K by breaking this block into two distinct building forms, being new Blocks K1 and K2, which is a positive change. This reduces adverse effects in terms of massing in this particular location within the site and improves the interface of these new blocks with the surrounding SHZ environment. In my view, these blocks are appropriate in terms of urban form for an IRD in this location.

In terms of the loss of existing vegetation, this is a permitted activity and likely to occur in any redevelopment of the site. Accordingly, I have not placed a lot of weight on it.

For completeness, I also agree with Mr Henderson's view that a sense of formal entry to the development should be provided. In saying this it is my understanding that this has been addressed in the final design.

Conclusion

In my view, the amended application is an appropriate IRD design response for this site and I support Mr Evans' view on the application.

Please let me know if you want me to cover anything else, or any issue in further detail. I am acknowledging that other relevant issues may arise through the development of this evidence.

Please let me know if you need any further information regarding this peer-review.

Yours sincerely



Dr Lee Beattie
PhD MNZPI MRSNZ
Urban Designer, Urban Planner, and Independent Hearing Commissioner
Urban Planning and Design Limited

Dr Lee Beattie PhD MNZPI MRSNZ
Urban Planning and Design Limited
64(0)21-2720775
l.beattie@auckland.ac.nz
www.urbanplanninganddesign.co.nz



SUMMARY

Dr Lee Beattie is an urban designer and urban planner with 27 years professional experience in an extensive range of complex urban design and urban planning matters including dealing with large scale housing and mixed used developments, infrastructure and transportation projects, and town center developments projects throughout New Zealand and England. He has qualifications in urban design, urban planning, and environmental science. Lee is currently the Director of Urban Planning and Design Limited, Head of the University of Auckland's School of Architecture and Planning and the Director of the University's Urban Design programme. He is also an Adjunct Professor of Urban Development at the University of Taipei, Taiwan (2019 to date).

Lee is an Independent Hearing and Duty Commissioner for the Auckland Council and Queenstown Lakes District Council and an Independent Hearing Commissioner for a number of councils throughout New Zealand. He has also been recently appointed to the EPA's fast track consenting panel. He is actively involved in the urban design professions and is a member of the NZPI's Auckland Branch and a member of the Auckland Council's Urban Design Panel Governance Board.

In 2018 he was awarded the NZPI's John Mawson Award of Merit for co-writing and editing (with Associate Professor Caroline Miller) *Planning Practice in New Zealand*, New Zealand's first planning textbook about planning and urban design in New Zealand, now in its second edition. In 2016 he was awarded the NZPI's Distinguished Service Award for his contribution to the profession in New Zealand.

Urban Planning and Design Limited is a specialist outcome focused urban planning and urban design consultancy specialising in providing strategic urban design advice and consultancy services, providing professional evidence and professional training, for a range of local and central government and private clients.

TECHNICAL EXPERTISE

- Independent Hearing Commissioner and Chair
 - Decision making and writing skills
 - Strategic urban design and urban planning policy and consultancy advice
 - Urban design, master planning and regeneration projects
 - Advice on complex resource consents
 - Management skills
 - Providing expert urban planning evidence in the Environmental and High Courts
 - Professional practitioner training (CPD)
 - Plan quality, policy effectiveness and outcome evaluation
 - Technical advice on s.32 development
 - Housing issues
 - Urban planning and urban design research
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PROFESSIONAL SOCIETIES

- Full Member of the New Zealand Planning Institute (1998)
 - Full Member of the Royal Society of New Zealand (2014)
 - Member of the Urban Design Forum (2009)
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EDUCATIONAL QUALIFICATIONS:

- PhD in Urban Planning: University of Auckland (2014)
 - Master of Science in Environmental Science: Birkbeck College, University of London (2003)
 - Graduate Diploma in Urban Design: University of Sydney (2016)
 - Bachelor of Planning: University of Auckland (1991)
 - Bachelor of Science majoring in Botany: University of Auckland (2000)
 - Diploma in Environmental Management: University of Auckland (2001)
 - Diploma in Front Line Management: New Zealand Institute of Management (2004)
-

PROFESSIONAL TRAINING

[Harvard University, John F. Kennedy School of Government, Executive Education.](#)

Awarded a Certificate of Completion for the Creating Collaborative Solutions program, (October 2009)

[Ministry for the Environment](#)

Accredited RMA (Planning) Hearing Commissioner (2004), with Chair's endorsement (2020)

[The University of Auckland](#)

Future Academic Leadership Programme (2012)

SIGNIFICANT DISTINCTIONS / AWARDS

Awards:

- New Zealand Planning Institute's John Mawson Award of Merit (2018) for co-edited *Planning Practice in New Zealand*
- New Zealand Planning Institute's Distinguished Service Award (2016) for service to the planning profession in New Zealand
- New Zealand Planning Institute's Wallace Ross Graduate Research Award (2014) for his PhD research
- New Zealand Planning Institute's Award of Merit (2007) for developing professional practitioner training programmes
- Auckland City Council's Excellence Award (2007) for developing professional practitioner training programmes

Professional Appointments:

- EPA's Fast Track Panel (Jan 2022 to date)
- Independent Hearing Commissioner, Kaipara District Council (June 2020 to date)
- Independent Hearing Commissioner, Whangarei District Council (Feb 2020 to date)
- Independent Hearing Commissioner, Queenstown Lakes District Council (Dec 2016 to date)
- Independent Hearing Commissioner, Auckland Council (Dec 2014 to date)
- Independent Duty Commissioner, Auckland Council (Oct 2016 to date)
- A member of the Auckland Council's Urban Design Panel (Oct 2014 to 2021)
- A member of the Salmon Resource Management Act 1991 Editorial Board (Oct 2013 to 2018)
- A New Zealand Planning Institute National Councillor from 2007 to 2012
- A member of the Planning Quarterly Editorial Board (Journal of New Zealand Planning Institute) 2011 to date
- Member and rotating Chair of the New Zealand Planning Institute's Membership Panel in Auckland (2008 to date)
- Member of the New Zealand Urban Design Awards Judging Panel (2012 to present)

Professional Roles Undertaken

- Head of School, School of Architecture and Planning, University of Auckland (2021 to date)
- Adjunct Professor of Urban Development at the University of Taipei, Taiwan (2019 to date)
- Director of the Urban Design Programme, School of Architecture and Planning (2018 to date)
- Deputy Head of School, School of Architecture and Planning (2017 to 2021)
- Deputy Head: Urban Planning and Design, School of Architecture and Planning (2012 to 2017)
- Director, Urban Planning and Design Limited (2009-present)
- Lecturer, School of Architecture and Planning, (2009 to 2012)
- Senior Specialist Planner/Principal Planner, Auckland City Council (2005-2008)
- Senior Projects Planner, London Borough of Croydon (2001 to 2003)
- Team Leader Major Projects/Planning Services, North Shore City Council (1999-2001)
- Senior Planner, North Shore City Council (1997 to 1999)
- Planner North Shore City Council (1995 to 1996)
- Student Planner, Manukau City Council (1988 to 1990)

Research and Key Publications:

Research interests include urban design policy development, implementation and evaluation, urban resilience and growth management issues. He is currently involved in a number of research projects considering the role that master-planning, transit orientated developments, and urban design panels play in ensuring urban design quality and built form outcomes in practice in a range of Pacific Rim (Australasian and North American) new world cities.

Key Publications

Liu, W., Beattie, L & Haarhoff, E. (2021). Outcome-focused plan discretion for facilitating residential intensification: Exploring the insights and experience of property developers and planners, *Land Use Policy*, 109, DOI: <https://doi.org/10.1016/j.landusepol.2021.105607>

Liu, W., Beattie, L & Haarhoff, E. (2021). Residential intensification through a new statutory plan in Auckland: outcome evaluation and stakeholders' experience, *Urban Research & Practice*, 14(2) pp 1-21. DOI: 10.1080/17535069.2021.1914151

Beattie, L. (2021). City Growth: Transformational Change for Urban Livability. In (Eds) *Kia Whakanuia Te Whenua* (pp.161-172). Auckland, New Zealand, Mary Egan Publishing.

- Beattie, L., Amirshkari, S., & Silva, C. (2019). What role do urban policies play in enhancing the satisfaction from neighbourhood open space in mixed-use city centres: Lesson from Auckland. In *Planning for Transition* (pp. 315-327). Venice: Association of European Schools of Planning. Retrieved from <https://www.aesop2019.eu/program/#1562081402042-a5ba0b31-2b1a>
- Allen, N., Haarhoff, E., & Beattie, L. (2018). Enhancing liveability through urban intensification: The idea and role of neighbourhood. *Cogent Social Sciences*, 4, 17 pages. doi:[10.1080/23311886.2018.1442117](https://doi.org/10.1080/23311886.2018.1442117)
- Beattie, L., & Haarhoff, E. J. (2018). Urban growth, liveability and quality urban design: Questions about the efficacy of urban planning systems in Auckland, New Zealand. *Journal of Contemporary Urban Affairs*, 2(2), 12-23. doi:[10.25034/jicua.2018.3667](https://doi.org/10.25034/jicua.2018.3667)
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- Haarhoff, E., Beattie, L. and Dupius, A (2016) Does higher density housing enhance liveability? Case studies of housing intensification in Auckland, *Cogent Social Science October 2016*, 2:1243289.
- Beattie, L. and L. Haarhoff, E. (2014) Delivering Quality Urban Consolidation on the UrbanFringe: A Case Study of University Hill, Melbourne, Australia. *The Journal of Urban Regeneration and Renewal*, vol 7, no.4, pp329-342.
- Beattie, L. and Haarhoff, E. (2013) Achieving Urban Consolidation in Auckland, New Zealand. *Proceedings of the 43 Conference of the Urban Affairs Association*, San Francisco, U.S.
- Haarhoff, E. and Beattie, L. (2013) Trading Suburbia for an Urban Lifestyle: Obstacles and Opportunities in Auckland, New Zealand, *Proceedings of the 43 Conference of the Urban Affairs Association*, San Francisco. U.S.
- Beattie, L. (2012) The State of Planning – A Potential Future Direction: A Working Group Discussion Piece, *New Zealand Planning Quarterly*, 181, June, pp. 5-9.
- Laurian, L., Crawford, J., Mason, G., Erickson, N., Kouwenhoven, P., Day, M. and Beattie, L. (2010) Evaluating the Outcomes of Plans. *Environment and Planning B*, vol, 37, no 4, pp. 740- 757.

Books:

- Miller, C., & Beattie, L. (co-editors), (2022), *Planning Practice in New Zealand (second edition)*, Wellington, New Zealand:Lexis Nexis
- Miller, C., & Beattie, L. (co-editors), (2017), *Planning Practice in New Zealand*, Auckland, New Zealand: Lexis Nexis
- Haarhoff, L., Hunt, J., Beattie, L., Manfredini, M. and Gu, K. (2013) At home in the City; Thinking through Urban Design challenges in New Zealand. *The School of Architecture and Planning*, University of Auckland, N.Z.

Technical Reports:

- Haarhoff, E., Allen, N., Austin, P., Beattie, L., & Boarin, P. (2019). *Living at Density inHobsonville Point, Auckland: Residents Perceptions* (01). Building Better Homes, Towns and Cities National Science Challenge. Retrieved from <https://www.buildingbetter.nz/resources/publications.html>
- Haarhoff, E., Beattie, L., Dixon, J., Dupius, A., Lysnar, P. and Murphy, L. (2012) Future Intensive: Insights for Auckland's Housing. A report for Auckland Council/University of Auckland/Transforming Cities, Auckland, N.Z.
- Beattie, L. and Hunter, P. (2010) The Implications of the Resource Management (Simplifying and Streamlining) Amendment Act 2009, Report for the New Zealand Planning Institute, Auckland, N.Z: New Zealand Planning Institute