

BEFORE THE INDEPENDENT HEARINGS PANEL

In the matter of the Resource Management Act 1991 (**RMA**)

And

In the matter of Intensification Planning Instrument (**IPI**) Proposed Plan Change (**PC**) 78: Intensification to the Auckland Unitary Plan Operative in Part (**AUP**)

And

In the matter of Hearing Topic 001A Plan making and Procedural – Consultation and Engagement

And

In the matter of the submissions and further submissions set out in the Hearing Topic 001A Draft Parties and Issues Report 1 March 2023

**STATEMENT OF REBUTTAL EVIDENCE OF ROSS LINDSAY MOFFATT
ON BEHALF OF AUCKLAND COUNCIL**

**PLANNING – TOPIC 001A PLAN MAKING AND PROCEDURAL –
CONSULTATION AND ENGAGEMENT**

Date: 20 March 2023

1 INTRODUCTION

1.1 My full name is Ross Lindsay Moffatt. I am employed as a Senior Policy Planner by Auckland Council (**Council**) within the Plans and Places Department.

1.2 I have prepared a primary statement of evidence dated 7 March 2023.

2 QUALIFICATIONS AND CODE OF CONDUCT

2.1 My qualifications as an expert are set out in my primary statement of evidence dated 7 March 2023. I confirm that the issues addressed in this rebuttal statement of evidence are within my area of expertise and repeat the confirmation given in that statement that I have read and agree to comply with the Code of Conduct for Expert Witnesses.

2.2 I have read the evidence dated 14 March 2023 of Mr Brian William Putt on behalf of submitters Freemans Bay Residents Association (FS 429) and St Marys Bay Association (FS 437) (**the Associations**), the evidence of Ms Dianne Giles (1031.6), and the evidence dated 15 March 2023 of Amanda Michele Coats on behalf of North Eastern Investments Limited (**NEIL**) (836.17). I wish to respond in this rebuttal evidence to a number of matters raised by Mr Putt and Ms Coats.

3 EVIDENCE OF BRIAN PUTT ON BEHALF OF FREEMANS BAY RESIDENTS ASSOCIATION AND ST MARYS BAY ASSOCIATION DATED 14 MARCH 2023

3.1 In section 3 of his evidence, Mr Putt makes a number of observations regarding the adequacy of consultation and engagement in the preparation of the Council's IPI Plan Change 78 (**PC 78**).

- 3.2 At paragraph 3.2 of his evidence Mr Putt says that, although the Associations made it clear to their political representative (which I understand to be a reference to their ward councillor) and the Waitemata Local Board that they wanted to engage in early consultation, this never happened. It is correct that consultation did not happen at this stage of the process, however this was not part of the engagement strategy approved by the Council's Planning Committee in August 2021. See paragraph 6.3 of my primary evidence where the committee resolutions are included.
- 3.3 Further to this, in the period when Mr Putt suggests the Council should have consulted with the Associations (latter months of 2021 into early 2022), the Council was in the process of developing its approaches to, and preparing, the proposals that constituted the Council's preliminary response to the NPS-UD and RMA amendments, which was consulted on in April-May 2022. Therefore, no material had been prepared to consult with the Associations on at that stage.
- 3.4 At paragraph 3.8 of his evidence Mr Putt confirms that the Associations submitted feedback to the Council in response to consultation on its preliminary response. At paragraph 3.9 Mr Putt states that the Council failed to respond to stakeholders or those who had submitted feedback, suggesting (as I understand it) that this should have been part of the consultation process.
- 3.5 Paragraphs 6.26 to 6.29 of my primary evidence describe the process by which the Council assessed and considered the feedback received on its preliminary response. In my view, there was no obligation on, or commitment given from, the Council to subsequently directly respond to or engage with those who had submitted feedback at this stage in the process.
- 3.6 The feedback was assessed and considered in formulating PC 78 as notified. A report about feedback was reported to the Council's Planning Committee at its meeting on 30 June 2022. The draft

plan change was subsequently approved for notification at the Council Planning Committee's meeting on 4 August 2022.

3.7 In paragraphs 6.30 to 6.32 of my primary evidence I explain the process and timeframes for how the Council assimilated feedback into the draft and final proposed plan change. It is my view that this demonstrates that feedback was evaluated on its merits and did not require response or further engagement with those who provided the feedback. Paragraphs 8.12 and 8.13 of my evidence explains the process of feedback consideration and impact of feedback into the draft plan change that was compiled in June and July 2022 and approved for notification.

3.8 I also consider that the feedback received from the Associations and others on the Council's preliminary response was considered, and had an impact upon, the proposed plan change as it was drafted through June and July 2022 and presented to the Council's Planning Committee through workshops and in meeting reports. An example of this is changes to the extent of the city centre walkable catchment from what was proposed and consulted on in April-May 2022 and what was endorsed in the proposed plan change for notification in August 2022.

4 EVIDENCE OF AMANDA COATS ON BEHALF OF NORTH EASTERN INVESTMENTS LIMITED DATED 15 MARCH 2023

4.1 In paragraph 12 of her evidence, Ms Coats suggests that my evidence says that the feedback received (on the Council's preliminary response) was consolidated into summaries, one of which the Upper Harbour Local Board had to sign off as part of the process. This is not what my evidence is intended to say. By way of clarification, the feedback as received was published in volumes compiled by local board area, and an overall consultation summary document was produced that focused mainly on quantitative assessment of the feedback. Local boards (including the Upper Harbour Local Board) were invited to provide feedback on the Council's preliminary response by way of

resolutions at their June 2022 meetings, which was consolidated into a document that accompanied the PC 78 notification in August 2022. The local boards did not, and were not required to, sign off any consultation or feedback summaries.

4.2 In paragraph 13 of her evidence, Ms Coats says that the NEIL feedback #7834 (to the Council's preliminary response) was excluded from the summary to the Upper Harbour Local Board which appears inconsistent with the intent of the Council Resolution number PLA/2021/98 as part of the shared decision-making responsibility it has with the Council. My understanding is that the NEIL feedback #7834 was indeed not included in the volumes of feedback received from the local board area. However, the feedback was not, and was not intended to be, included in any detail in the consultation summary that was published summarising the Auckland-wide feedback received on the preliminary response.

4.3 In paragraph 16 of her evidence, Ms Coats disagrees with my evidence that the consultation and engagement was genuine and sufficient in terms of statutory requirements due to the lack of consideration of NEIL feedback #7834 in the preparation of PC 78 as notified in August 2022. I do not agree with Ms Coats assessment as, even though feedback #7834 was not published in the volume of feedback from the local board area as described above, it was considered (along with other feedback) during the preparation of PC 78.

5 CONCLUSION

5.1 Therefore, for reasons set out above and also in my primary evidence dated 7 March 2023, I disagree with Mr Putt that the consultation process that led to the preparation of PC 78 was seriously flawed for the reasons that he suggests, and I disagree with Ms Coats that the feedback provided by NEIL to the

Council's preliminary response was not considered in the preparation of PC 78.

Ross Lindsay Moffatt

20 March 2023