

BEFORE THE INDEPENDENT HEARINGS PANEL

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of Proposed Plan Change (**PC**) 78: Intensification to the Auckland Unitary Plan Operative in Part (**AUP**)

AND

IN THE MATTER of related Proposed Plan Changes 79 and 80 to the AUP

STATEMENT OF EVIDENCE OF AMANDA COATS ON BEHALF OF NORTH EASTERN INVESTMENTS LIMITED ("NEIL")

PROJECT MANAGEMENT/PLANNING – TOPIC 001A PLAN MAKING AND PROCEDURAL - CONSULTATION AND ENGAGEMENT

AND

TOPIC 001D PLAN MAKING AND PROCEDURAL (CENTRAL GOVERNMENT PROCESS)

Dated: 15 March 2023

Wadham Partners

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Counsel Acting: **John Maassen**
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Summary

1. Hearing Topic 001A Plan Making and Procedural – Consultation and Engagement (Topic 001A) relates to submission (#836) and further submissions of North Eastern Investments Limited (“**NEIL**”) who raised concerns about the consultation and engagement process that occurred during the preparation of PC78.

Introduction

2. My name is Amanda Michele Coats and I reside in Palmerston North. I am a director of Proarch Consultants Limited, under whom I have been engaged by the submitter and through other successive arrangements since 2002 when I began working on their land use consents, regional consents, and related matters. I am familiar with the submitters’ land at 56 Fairview Avenue and 129 Oteha Valley Road, Albany.
3. I hold the following qualifications: Bachelor of Building Science, Bachelor of Architecture, Diploma of Business Administration, Post Graduate Diploma in Planning (with Merit), I am a Fellow of the New Zealand Institute of Architects, Registered Architect status under the Architects Act 2005 and Associate Member of the New Zealand Planning Institute.
4. My current role for NEIL (“**the submitter**”) is as Project Manager with a focus on implementing various Land Use and Regional Consents. I provide Project Management/Planning evidence in support of NEIL’s primary and further submissions on the Auckland Intensification Planning Instruments (**IPI**, being Plan Change 78 – Intensification (**PC78**), and non-IPI plan changes, being: Plan Change 79 – Amendments to the transport provisions (**PC79**) and Plan Change 80 – RPS Well-Functioning Urban Environments (**PC80**), to the Auckland Unitary Plan: Operative in Part (**AUP-OP**).

Code of Conduct

5. I have read and am familiar with the Code of Conduct for Expert Witnesses outlined in the Environment Court's Practice Note which came into effect on 1 January 2023. I have complied with the Code in preparing this evidence and agree to follow it when presenting evidence to the Hearing. This evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

Scope

6. My Planning/Project Management evidence on behalf of NEIL outlines NEIL's concerns:
 - a. about the plan-making process, and
 - b. about the consultation and engagement process
 - c. other

7. In preparing my evidence I have considered the following:
 - a. The advice by Auckland Council on the NEIL feedback #7834 for PC78. (Refer to Attachment 1 to this evidence, in relation to NEIL submission 836, paragraph [13])
 - b. The absence of the NEIL feedback #7834 from consideration by the Upper Harbour Board reporting
 - c. The submission point analysis or coding (by AC - Mr. E.Patience¹) of the NEIL submission #836 for further notification by AC
 - d. The Council's Summary of Decisions Requested Report (SDR), including errata which is relevant to the coding framework of the Independent Hearing Panel (the Panel) which constitutes Topic 001A.
 - e. The principal section 32 evaluation for PC 78: Overview Evaluation Report 2, including section 4.7 and particularly the pre-notification consultation and engagement summary report contained as Appendix 2 of that report.

¹ *PatienceE* on the majority, with one NEIL submission point at paragraphs [31] and [32] by *WallShC*

- f. Topic 001A Draft Parties and Issues Report issued by the Panel on 1 March 2023.
 - g. AC's submission #939 and its effect on the NEIL land
8. I have also read and considered the evidence of Mr. Ross Moffatt (Topic 001A Plan Making and Procedural - Consultation and Engagement) and Ms. Rebecca Greaves (Topic 001D Plan Making and Procedural) filed on behalf of the Council for the pre-hearing conference on 7 March 2023 in which the Council's overall approach to the IPI is set out.
9. With reference to NEIL Submission #836:
- a. NEIL's Paragraphs [6] – [9] outlined NEIL's concerns about the rushed process and the absence of specific s 32 analysis for the qualifying matters proposed through PC78, although other points were included in the notification summary, these points were excluded.
 - b. NEIL's Paragraphs [10] – [12] were excluded from the notification summary by AC "*The s32 for PC78 does not address the effects of PC78 on the unheard submitters on the PAUP process, in this case, NEIL.*" Ms. Greaves² records a reference to these submission points in the footnotes of her SOE. The inference from her evidence is that NEIL's PAUP Albany 5 Submission from 2014 is the last matter to be heard on the AUP OIP, she also recommends different coding submission #836.6³.

² SOE Rebecca Greaves on behalf of Auckland Council Topic 001D Plan Making and Procedural – (Central Government process), see paragraph 6.4 footnote 6 page 6 (PAUP NEIL Precinct 5 submission unheard).

³ SOE Rebecca Greaves on behalf of Auckland Council Topic 001D Plan Making and Procedural – (Central Government process), see paragraph 8.1 Table Topic 001D footnote 10 page 7 (other further submission points and a recommendation for reallocation to another hearing topic as set out in Ms. Greaves evidence), paragraph 8.18 National Planning Standards and 'height' on page 11, and in the table under 'other' on page 26 states NEIL did not request a relief. That is *incorrect*, NEIL relief is sought on all parts of its submission, see paragraph [42].

- c. NEIL's Paragraphs [13] in relation to PC78 consultation and feedback were also excluded from the notification summary.
- d. NEIL's Paragraph [36] included; *"The evidential basis to include natural hazards as a qualifying matter in accordance with sections 771(a) and 770(a) of the RMA in the AUP, has not been met to include it for notification, it is both unsound and unnecessary. All Stormwater mitigation and avoidance of flood risk are controlled by the Schedules of the Auckland Regionwide Network Discharge Consent (NDC)"* other parts of the submission point were summarised for further submission, but this part was excluded.

10. With reference to NEIL's further submission

- a. NEIL has opposed AC's submission #939 (NEIL paragraphs [20], [22], [27], [28], [29]) in their Further Submission. The AC submission #939 is contrary to the previous environment court decisions that relate to the AUP OIP, the Auckland Council Healthy Waters Network Discharge Consent (Environment Court Consent Order), and the agreement and Council resolution (consultation direct with NEIL⁴) in relation to PC78 to enable PC78 to be notified.

11. The SOE of Mr. Moffatt (Section 6) records the approach AC took for consultation and engagement in the preparation of PC78. Notwithstanding the tight timeframe, the Council sought feedback in accordance with clause 3 (2) of Schedule 1 of the RMA on PC78 as part of the consultation. The NEIL Feedback #7834 is part of the NEIL submission in Attachment Four (NEIL submission pages 38 to 84). NEIL provided AC with an assessment against the AUP OIP matters the Council had proposed as Qualifying Matters from the AC Planning Committee meeting minutes 2021 in Table 1, pages 68 - 69

⁴ [2022] AC IHP PAUP decision on NEIL Zoning for the land at 56 Fairview Avenue and 129 Oteha Valley Road, is dated 4 July 2022

of the NEIL submission. Based on the assessment NEIL provided to AC on the draft, NEIL agreed with AC that there were no qualifying matters in relation to the NEIL land and that the land was within the walkable catchment in terms of the NPS UD (consistent with AC's preliminary mapping).

12. I am advised through the evidence of Mr. Moffatt that part of the consultation process was that the feedback received was consolidated into summaries. One of which the Upper Harbour Board had to sign off on as part of the process. The Upper Harbour Board Resolution on the Feedback formed part of the notified material for PC78.
13. The NEIL Feedback #7834 was excluded from the summary to the Upper Harbour Board which appears inconsistent with the intent of the Council Resolution number PLA/2021/98⁵ as part of the shared decision-making responsibility it has with the Council⁶. With reference to paragraph 9c. above and the NEIL Submission #836 paragraph [13], the relevant evidence about NEIL's experience of the Feedback consultation process is contained in **Attachment One** and demonstrates my attempts as Project Manager for NEIL⁷ to ensure AC reviewed and included appropriate notified provisions for the land at 56 Fairview Avenue and 129 Oteha Valley Road in accordance with the National Policy Statement Urban Development 2020 and the recent Council resolution⁸ to confirm a split zoning to this land, as notified in PC78. As Project Manager I was asked to keep abreast of the plan making process and engage with Auckland Council early (and prior to notification).
14. Mr. Moffatt at paragraph 8.31 references NEIL AC summarised submission point 836.17 (the only NEIL point summarised and coded by AC from NEIL's submission on plan making and consultation) and recommends that NEIL

⁵ SOE of Mr. Moffatt, Paragraph 6.3, page 5

⁶ s10 of the Local Government (Auckland Council) Amendment Act 2010 ("**LGACAA2010**"), s7 of the Local Government (Auckland Council) Act 2009 ("**LGACA2009**") Local Board, and at 7 (1) (b) refers to Sections 14 and 23 of the Act

⁷ Proarch Consultants Limited engaged by Heritage Estates (2000) Limited to implement the consents held by North Eastern Investments Limited

⁸ [2022] AC IHP PAUP decision on NEIL Zoning for the land at 56 Fairview Avenue and 129 Oteha Valley Road, is dated 4 July 2022

#836.17 would be better considered in Topic 0011. The point in question relates to Te Reo translation to English and I do not disagree with Mr. Moffatt's recommendation for submission point 836.17. There were 100 further submissions in **opposition** to NEIL #836.17 submission.

*“NEIL **supports** a duplicate submission in English of all Te Reo submissions being approved by the original submitter (as a correct submitter-approved English translation) prior to further notification. NEIL **supports** the original Te Reo submission and the English translation of the original Te Reo submission being numbered as the same submission for further submission notification. NEIL **supports** the provision of an English interpreter for all Te Reo at hearings.”*

15. I consider NEIL's submission points in paragraphs 9, and 10 of my evidence are directly relevant to plan making, transparency and fairness.

16. Mr. Moffatt states at 9.2 of his SOE that; *“it is my view that the consultation and engagement was genuine and sufficient in terms of statutory requirements...”* I do not agree. If the NEIL Feedback #7834 in Attachment Four of the NEIL Submission #836 was used to inform the planning framework of the notified version of PC78, then no further qualifying matter or new designation would be applied to the NEIL land as part of the NPS-UD in the PC78 process, because there was no evidential basis notified for PC78 to include natural hazards as a qualifying matter in accordance with sections 771(a) and 770(a) of the RMA in the AUP. I consider that these matters have already been analysed by experts and confirmed by the Environment Court. The Stormwater mitigation and avoidance of flood risk are controlled by the Schedules of the Auckland Regionwide Network Discharge Consent (NDC), specifically Schedule 10 of the NDC 2019 for the NEIL land at 56 Fairview Avenue and Oteha Valley Road.

17. I consider the land at 56 Fairview Avenue and 129 Oteha Valley Road one of the most highly NSCC⁹, ARC¹⁰, AC¹¹, AT¹² and NZTA¹³ expert scrutinised¹⁴ areas of land in the Auckland Region, particularly in terms of flood analysis, topography, ecology, transportation, connectivity along with many other aspects. I refer to the experts involved in the multiple matters in relation to the land captured by the list of decisions and consent orders at **Attachment Two**.
18. As NEIL's Project Manager, I consider part of the consultation by AC to enable PC78 to be notified was the agreement between NEIL and AC, specifically, to zone the land at 56 Fairview Ave and 129 Oteha Valley Road with split zoning to resolve part of the NEIL 2014 PAUP submission, just prior to notification of PC78. NEIL has land use consent for development of the land for both Mixed Use Commercial (fronting Oteha Valley Road) and Intensive Residential (fronting Medallion Drive and Fairview Avenue) as confirmed by the Environment Court that matches the zoning in the AUP OIP. AC's submission #939 on PC78 seeks to remove the split zoning from the NEIL land is contrary to the Council resolution prior to PC78 notification. NEIL has opposed the Council submission and asked that it be declined.

Other

19. NEIL has proposed the *Waikahikatea Precinct* in PC78 as an option the Panel may consider for the land at 56 Fairview Avenue and 129 Oteha Valley Road. Auckland Council and NEIL both agree the land is within a walkable catchment and that buildings of at least 6 stories should be enabled across the land based on the information notified PC78 (NPS-UD Policy 3).

⁹ The former North Shore City Council ("**NSCC**")

¹⁰ The former Auckland Regional Council ("**ARC**")

¹¹ Auckland Council

¹² Auckland Transport

¹³ Waka Kotahi -New Zealand Transport Agency

¹⁴ Inclusive of analysis by NEIL's experts

Conclusion

20. The NEIL submission for the Land at 56 Fairview Avenue and 129 Oteha Valley Road has development capacity that is ***plan-enabled*** and ***infrastructure-ready*** it is within a walkable catchment of the Metropolitan Zone, as defined in the NPS-UD, prior to PC78 there were no qualifying matters AUP-OIP applicable to this land. I consider it would be efficient and beneficial for NEIL and AC to confer on a joint witness statement in relation the PC78 notified documents and AC's submission on PC78 as it relates to Topic 001A and Topic 001D for the for the Land at 56 Fairview Avenue and 129 Oteha Valley Road to assist the Panel in their recommendations.

Amanda Coats

ATTACHMENT ONE:

NEIL correspondence with Auckland Council in relation to the consultation and plan making process on Plan Change 78 for the land at 56 Fairview Avenue and 129 Oteha Valley Road

Amanda Coats

From: Amanda Coats
Sent: Wednesday, 17 August 2022 10:27 am
To: Eryn Shields
Cc: Unitary Plan
Subject: 5292 NEIL's Feedback 7834. Government's new housing rules + Pending Notification of AC Plan Changes 78-82
Attachments: [2022] AC Planning Committee Agenda - ALBANY -Pages from PLA_20220804_AGN_10162_AT-2.pdf; 2022 May- LB_Not_Supplied__Outside_AKL_Written_Feedback_Vol_5 (reduced file size).pdf

Hello Eryn,

Thanks for your email.

No. Both attachments were relevant to items 1 and 2 respectively, so both emails should be retained (we attach them again) and we clarify.

1. We meant to attach the agenda page 4 Aug Map with the first email in relation to item 2 of our email yesterday, that's clear from our second email. However, we attached **Councils Feedback Volume 5** which we (AC Eryn/PCL Amanda) discussed in the earlier chain below. In this document the NEIL feedback is listed in the index but not included in the published document on the website, so NEIL's feedback is invisible. We attach that document again to this email but have resaved it to reduce the size of it. You had indicated 28 June 2022 16:13 that you would check why AC had done this? We would like to know the outcome of that check. As per item 1 of both emails yesterday (and this email today). **Can AC respond to that and answer our question?**
2. We resent the email a second time as we had omitted to attach the Agenda plan Map (4 August 2022) and our 1st email may have been unclear without it. We attach a page from the AC Planning Committee Agenda dated 4 Aug 2022. We are aware AC is preparing to notify PC78-82 shortly (in the next day or so). The attached form agenda does not show the correct zoning for the land at 56 Fairview Avenue and 129 Oteha Valley Road.

Can Auckland Council confirm through the provision of ACs planned zoning map, what AC intends to notify for the land at 56 Fairview Ave and 129 Oteha Valley Road by return email, prior to notification?

We look forward to receiving answers to these questions and the copy of what AC intends to notify for the land at 56 Fairview Ave and 129 Oteha Valley Road on any and all upcoming plan changes that AC intends to notify.

Kind regards, Amanda



Amanda Coats On behalf of Proarch Consultants Limited
DIRECTOR

P: 06 356 9549

M: 021 517 955

facebook.com/proarch.nz A: 306 Church Street West, PO Box 1105, Palmerston North 4440, New Zealand

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From: Eryn Shields <Eryn.Shields@aucklandcouncil.govt.nz>
Sent: 17 August 2022 8:28
To: Amanda Coats <amanda@proarch.co.nz>
Subject: RE: 5292 NEILs Feedback 7834. Government's new housing rules + Pending Notification of AC Plan Changes 78-82

Hi Amanda

Thanks for your email I have two emails from you with two different attachments, sent at 5.1.5 and 5.17.

Should I discard this one that you identify as having the wrong attachment ?

5292 NEIL's Feedback 7834. Government's new housing rules + Pending Notific

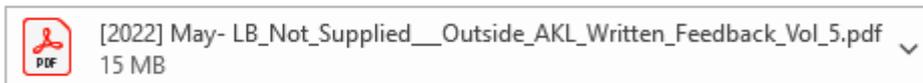


Amanda Coats <amanda@proarch.co.nz>
To  Eryn Shields;  Unitary Plan



 This message was sent with High importance.

[Click here to download pictures.](#) To help protect your privacy, Outlook prevented automatic download of some pictures in this r



Hello Eryn and the Unitary Plan Team

1. Regarding your email of 28 June 2022 (below) can you advise what your check on behalf of AC revealed?
2. We attach a page from the AC Planning Committee Agenda dated 4 Aug 2022. We are aware AC is preparin
The attached form agenda does not show the correct zoning for the land at 56 Fairview Avenue and 129 Ot

**Can Auckland Council confirm through the provision of AC's planned zoning map, what AC intends to not
Valley Road by return email, prior to notification?**

Kind regards, Amanda

N## noa, n.:o:p>

Eryn Shields (He/Him) | Team Leader
Regional, North, West, Islands
Plans and Places Department
Ph 09 3010101 | Mobile 021 246 3217
Auckland Council, Level 24, Te Wharau o Tīki, 135 Albert Street, Auckland
Pae tukutuku: www.aucklandcouncil.govt.nz
I often work from home Wednesday and Friday

From: Amanda Coats <amanda@proarch.co.nz>
Sent: Tuesday, 16 August 2022 5:15 PM
To: Eryn Shields <Eryn.Shields@aucklandcouncil.govt.nz>; Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: 5292 NEILs Feedback 7834. Government's new housing rules + Pending Notification of AC Plan Changes 78-

Importance: High

Hello Eryn and the Unitary Plan Team

1. Regarding your email of 28 June 2022 (below) can you advise what your check on behalf of AC revealed?
2. We attach a page from the AC Planning Committee Agenda dated 4 Aug 2022. We are aware AC is preparing to notify PC78-82 shortly (in the next day or so). The attached form agenda does not show the correct zoning for the land at 56 Fairview Avenue and 129 Oteha Valley Road.

Can Auckland Council confirm through the provision of ACs planned zoning map, what AC intends to notify for the land at 56 Fairview Ave and 129 Oteha Valley Road by return email, prior to notification?

Kind regards, Amanda



Amanda Coats On behalf of Proarch Consultants Limited
DIRECTOR

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From: Eryn Shields <Eryn.Shields@aucklandcouncil.govt.nz>

Sent: 28 June 2022 16:13

To: Amanda Coats <amanda@proarch.co.nz>; Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>

Subject: RE: 5292 NEILs Feedback is numbered 7834. Government's new housing rules: what it means for Auckland

Hi Amanda

I see what you are saying it is listed here but not included. Let me check

7823	Brian Putt	St Ma
7826	John Burns	Chara
		Nortl Inves Herit Limit
7834	Amanda Coats	
7835	Katherine de Courcy & Greg Smith	
		Freer

N# noa, n./span>

Eryn Shields (He/Him) | Team Leader
Regional, North, West, Islands
Plans and Places Department

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Auckland Council, Level 24, Te Wharau o T1ki, 135 Albert Street, Auckland

Pae tukutuku: www.aucklandcouncil.govt.nz

I often work from home Wednesday and Friday

From: Amanda Coats <amanda@proarch.co.nz>

Sent: Tuesday, 28 June 2022 3:49 PM

To: Eryn Shields <Eryn.Shields@aucklandcouncil.govt.nz>; Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>

Subject: RE: 5292 NEILs Feedback is numbered 7834. Government's new housing rules: what it means for Auckland

Hi Eryn,

No, we do not find the NEIL feedback in Volume 5 its absence led to the original query in this chain. NEILs feedback did state the Upper Harbour Board so it did not fall into the Councils not supplied category and should have been included in the Upper Harbour Board Written Feedback.

Can Auckland Council please explain why Council receives NEILs Feedback, codes it but does not include it with other Feedback or in Summaries?

Kind regards, Amanda



Amanda Coats On behalf of Proarch Consultants Limited
 DIRECTOR

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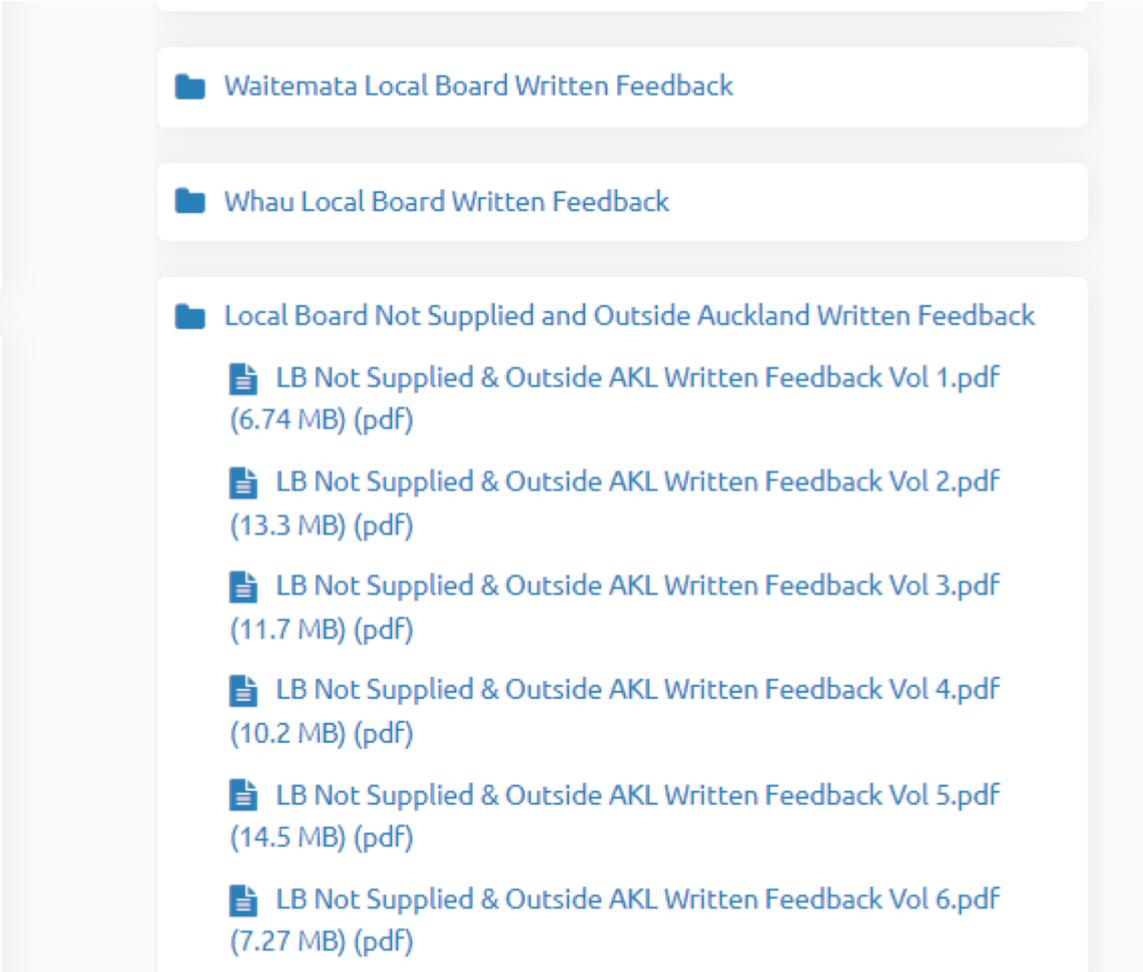
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From: Eryn Shields <Eryn.Shields@aucklandcouncil.govt.nz>
Sent: 28 June 2022 14:50
To: Amanda Coats <amanda@proarch.co.nz>
Subject: RE: 5292 NEILs Feedback is numbered 7834. Government's new housing rules: what it means for Auckland

Hi Amanda

Its here Volume 5 not in the late PDFs, apologies

responses



The screenshot shows a file explorer interface with a sidebar on the left containing the word "responses". The main area displays a hierarchy of folders and files:

- Folder: Waitemata Local Board Written Feedback
- Folder: Whau Local Board Written Feedback
- Folder: Local Board Not Supplied and Outside Auckland Written Feedback
 - File: LB Not Supplied & Outside AKL Written Feedback Vol 1.pdf (6.74 MB) (pdf)
 - File: LB Not Supplied & Outside AKL Written Feedback Vol 2.pdf (13.3 MB) (pdf)
 - File: LB Not Supplied & Outside AKL Written Feedback Vol 3.pdf (11.7 MB) (pdf)
 - File: LB Not Supplied & Outside AKL Written Feedback Vol 4.pdf (10.2 MB) (pdf)
 - File: LB Not Supplied & Outside AKL Written Feedback Vol 5.pdf (14.5 MB) (pdf)
 - File: LB Not Supplied & Outside AKL Written Feedback Vol 6.pdf (7.27 MB) (pdf)

N## noa, n.:/span>

Eryn Shields (He/Him) | Team Leader
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Ph 09 3010101 | Mobile 021 246 3217
Auckland Council, Level 24, Te Wharau o T1ki, 135 Albert Street, Auckland
Pae tukutuku: www.aucklandcouncil.govt.nz
I often work from home Wednesday and Friday

From: Amanda Coats <amanda@proarch.co.nz>
Sent: Tuesday, 28 June 2022 2:43 PM

To: Eryn Shields <Eryn.Shields@aucklandcouncil.govt.nz>; Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: RE: 5292 NEILs Feedback is numbered 7834. Government's new housing rules: what it means for Auckland

Giddy Eryn

Could you forward us a PDF of the document you refer to as Volume 5? Thanks

Kind regards, Amanda



Amanda Coats On behalf of Proarch Consultants Limited
DIRECTOR

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M: 021 517 955

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From: Eryn Shields <Eryn.Shields@aucklandcouncil.govt.nz>

Sent: 28 June 2022 14:36

To: Amanda Coats <amanda@proarch.co.nz>; Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>

Subject: RE: 5292 NEILs Feedback is numbered 7834. Government's new housing rules: what it means for Auckland

Good day Amanda

Thanks for your query

As your feedback was received after the deadline, it is included in the Late Feedback files on the Ak Have Your Say website it is in volume 5.

N## noa, n.:/span>

Eryn Shields (He/Him) | Team Leader
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Plans and Places Department

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Auckland Council, Level 24, Te Wharau o T1ki, 135 Albert Street, Auckland

Pae tukutuku: www.aucklandcouncil.govt.nz

I often work from home Wednesday and Friday

From: Amanda Coats <amanda@proarch.co.nz>

Sent: Wednesday, 22 June 2022 6:21 PM

To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>

Subject: RE: 5292 NEILs Feedback is numbered 7834. Government's new housing rules: what it means for Auckland

Hello Unitary Plan Team

We have not received a response to our email last week.

You confirmed that **NEILs Feedback is numbered 7834.**

- 1) Can you explain what happened to the NEIL Feedback and why it has not been included in the Feedback summary generally or under the Upper Harbor Feedback or anywhere on the Council's website for this project?

<https://akhaveyoursay.aucklandcouncil.govt.nz/housing>

Kind regards, Amanda



Amanda Coats On behalf of Proarch Consultants Limited

DIRECTOR

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From: Amanda Coats

Sent: 15 June 2022 11:54

To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>

Subject: 5292 NEILs Feedback is numbered 7834. Government's new housing rules: what it means for Auckland

Hello Unitary Plan Team

Thank you for confirming that **NEILs Feedback is numbered 7834.**

- 1) Can you explain what happened to the NEIL Feedback and why it has not been included in the Feedback summary generally or under the Upper Harbor Feedback or anywhere on the Council's website for this project?

<https://akhaveyoursay.aucklandcouncil.govt.nz/housing>

kind regards, Amanda



Amanda Coats On behalf of Proarch Consultants Limited

DIRECTOR

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From: Auckland Council <noreply@aucklandcouncil.uq.co.nz>

Sent: 10 June 2022 8:31

To: Amanda Coats <amanda@proarch.co.nz>

Subject: Government's new housing rules: what it means for Auckland

Having trouble viewing this email? [Click here](#).





Government's new housing rules: what it means for Auckland

Kia ora,

Thank you for taking the time to submit your feedback on *Government's new housing rules: what it means to Auckland*. We really appreciate it.

The council consulted with Aucklanders from 19 April - 9 May to understand whether some initial approaches to changing the Auckland Unitary Plan achieved the right balance between the government's requirements to enable more building height and density and protecting the things many Aucklanders value.

From a total of 7,860 submissions, there was majority support for the council's proposed walking distances around Auckland's city centre, 10 large metropolitan centres and rapid transit stops where apartments of 6 storeys or more must be enabled and for the council's proposed approach to identifying some special character areas.

Submitters gave strong backing (70 per cent) for having a qualifying matter, or an exemption, to limit required intensification in areas with long-term and significant infrastructure constraints, such as for transport, water, or wastewater.

An independent, and demographically representative, survey of over 2000 people was also carried out for the council by Kantar Public to ensure the views of a cross-section of Aucklanders were heard.

In August 2022, there is another important opportunity to make your views heard when the council's proposed plan change is publicly notified for everyone to make a submission.

We encourage you to make a submission so you can have a say in what will ultimately be decided. All submissions will be considered by an independent hearings panel who will then make recommendations on changes to the Auckland Unitary Plan.

The full summary of the consultation feedback is available at akhaveyoursay.nz/housing.

What happens next

- All feedback will be reviewed to help inform our final proposed changes to the Auckland Unitary Plan.

- In August 2022, you can make a submission on the publicly notified plan change so that your views are considered during the statutory decision-making process. We must publicly notify the plan change by 20 August 2022.
- Once the submissions process has closed, an Independent Hearings Panel (IHP) will consider all submissions and hear directly from people who submitted. They will then make recommendations to us on the necessary changes to the Auckland Unitary Plan.
- We must then decide to accept or reject the IHP recommendations. If a recommendation is rejected, the Minister for the Environment makes the final decision.

Thank you again for participating in this process.

Ngāihi,

Auckland Council Planning Team

If you would like to receive updates covering proposals and changes to the Auckland Unitary Plan (or other Auckland Council newsletters) you can [subscribe to our newsletters](#).

AUCKLAND COUNCIL



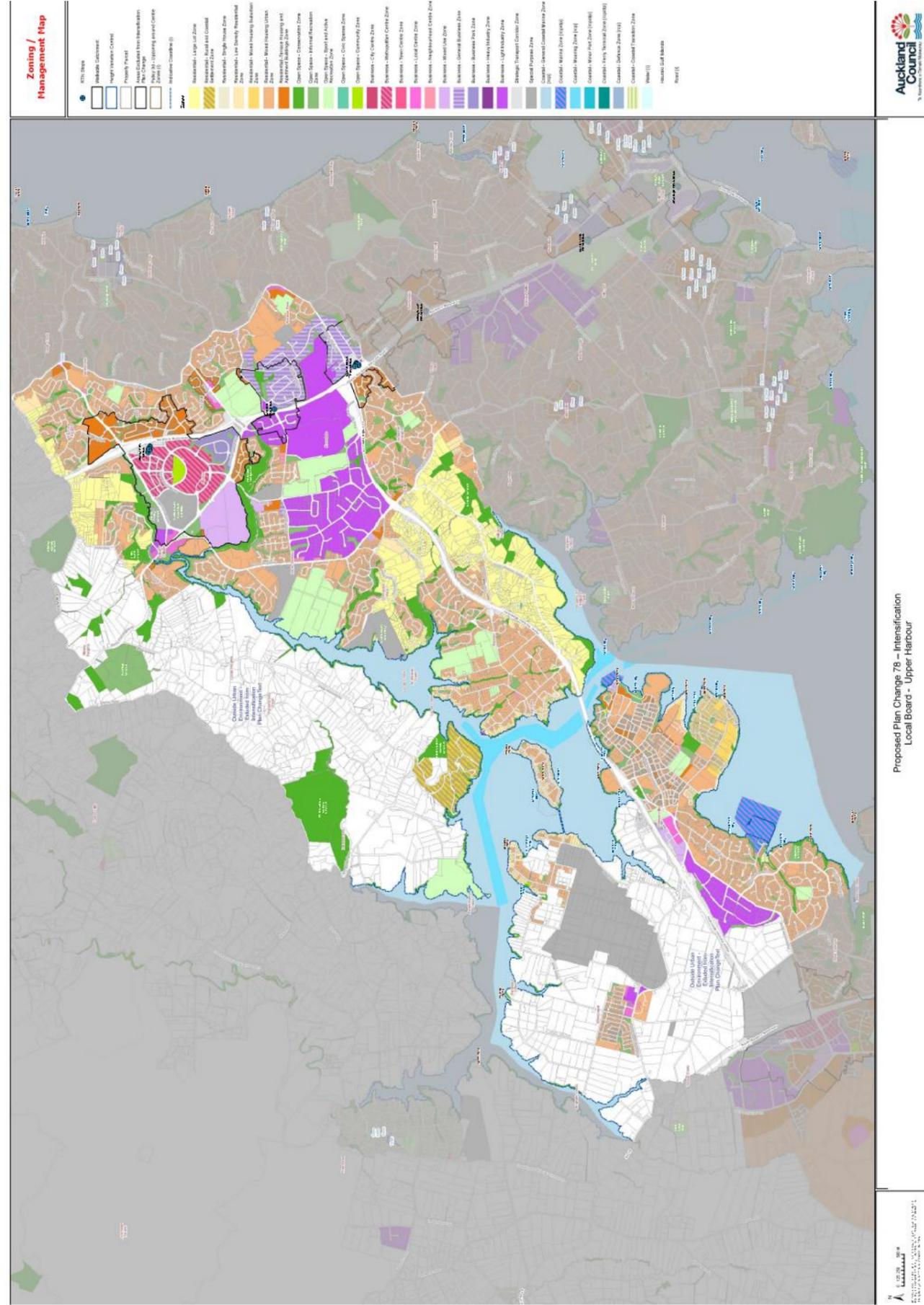
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ATTACHMENT TWO:

Caselow references relevant to former NSCC and AC planning Framework decisions including AUP OIP and Environment Court decisions and consent orders relevant to the Land at 56 Fairview Avenue and 129 Oteha Valley Road.

The following is a list of the planning framework decisions and consent orders that relate to the land at 56 Fairview Avenue and 129 Oteha Valley Road.

[2008] ENV-2008-AKL-000359 NEIL v NSCC Enforcement order to hold a hearing – Judicial Conference 26 November 2008, after that date ARC advised (3 December 2008) NEIL that ARC would notify the NEIL ARC Applications that they had received in February 2008.

[2009] Auckland Regional Council (ARC) Consents for NEIL to develop its land lodged in 2003 were all granted in 2004, these consents would be re-granted with minor amendments under s127 following a joint hearing with NSCC with a total of 6 Commissioners. The ARC decision was dated 14 September 2009. ARC consents were granted on 16 October 2009 but not released to NEIL until 6 April 2010 following ENV-2009-000460 and 461 Decision No [2010] NZEnvC104, a Decision on Interlocutory Application of 1 April 2010. NEIL appealed these decisions in November 2009 (in the absence of the decision). The ENV-2009-000460 Consent Orders were granted on the 11th and 16th of May 2011 all for instream works relating to these applications, except for part of one application declined in error as part of the NZEnvC266. The consent for the latter was re-applied for (essentially in an unchanged format) and granted by AC in accordance with the AUP OIP in April 2017.

[2010] NZEnvC104 NEIL v ARC Interlocutory Decision, it is unlawful for the Council to withhold its decision. [2010] NZEnvC181 NEIL v ARC Regional Consents (Costs)

[2011] ENV-2009-AKL-000452 NEIL v AC PC22 Consent Order dated 22 March 2011

[2011] ENV-2010-AKL-000242 NEIL v AC Declaration by Consent, it is an unlawful act for the Council to apply annotations on its planning maps to the NEIL land through its plan change, 15 July 2011

[2012] ENV-2009-AKL-000452 NEIL v AC PC23 and 24 Consent Order Dated 14 March 2012

[2012] NZEnvC082 NEIL (Thurlow Consulting Engineers & Surveyors Ltd) v AC, NZTA, CDL Land NZ Limited, and AT, 3 May 2012

[2012] NZEnvC185 NEIL v AC (Decline of waiver application -2.9 years late) -4 September 2012

[2012] NZEnvC266 NEIL v AC (HEW declined consent) -6 December 2012

[2013] ENV-2010-AKL-000186 CDL Land NZ LTD v AC (NEIL agreed to the consent order of CDL v AC to resolve the appeal)

[2013] NZHC 2468 NEIL (Thurlow Consulting Engineers & Surveyors Ltd) v AC, 20 September 2013 (costs). [2016] NZEnvC006 NEIL v AT & AC Interlocutory Decision NOR MDL

[2016] NZEnvC073 NEIL v AT Medallion Drive Link, first Decision NOR MDL

- [2016]** NZEnvC139 NEIL v AC NEIL land use consents granted.
- [2016]** NZEnvC216 NEIL v AT NOR MDL, Final Decision NOR MDL
- [2017]** NZEnvC47 NEIL v AT NOR MDL (costs)
- [2017]** NZEnvC52 NEIL v AC (costs) Court declined to award costs (land use)
- [2017]** ENV-2016-AKL-000243 Vernon v AC Consent order 25 July 2017
- [2017]** NZEnvC 120 Housing New Zealand Corporation v Auckland Council 11 August 2017
- [2017]** NZEnvC173 National Trading Company of NZ Ltd & Others v AC 20 October 2017
- [2017]** NZHC1557 NEIL v AC & AUP IHP & HNZN PAUP Zoning + Precinct
- [2017]** NZHC2355 NEIL v AT (costs)
- [2017]** NZHC2960 NEIL v AC & IHP & HNZN PAUP declined NEIL cannot cross-examine Brendon Liggett expert for the intervenor (Kāinga Ora)
- [2018]** NZHC 916 NEIL v AC & HNZN, PAUP Fairness (this decision was overturned by the Court of Appeal) [2018] NZCA 629 NEIL v AC (HNZN decision, PAUP decision, Fairness)
- [2018]** NZHC1805 NEIL v AC & HNZN PAUP Zoning, Precinct, Fairness (costs)
- [2019]** ENV-2019-AKL-000081 (Kāinga Ora), ENV-2019-AKL-000082 (Forrest & Bird), ENV-2019-AKL-000086 (Herne Bay Residents Association Incorporated, and The Saint Mary's Bay Association Incorporated), NEIL (s274 Party) and others v Auckland Council & Auckland Council Healthy Waters (Consent Order in relation to the Regionwide Network Discharge Consent).
- [2022]** AC IHP PAUP Rehearing request for recusal decision.
- [2022]** AC IHP PAUP decision on NEIL Zoning, the decision is dated 4 July 2022.