

**BEFORE AN INDEPENDENT HEARINGS PANEL
OF THE AUCKLAND COUNCIL**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Plan Change 78:
Intensification to the
Auckland Unitary Plan

**SUBMISSIONS ON BEHALF OF EMERALD GROUP LIMITED IN IN RESPONSE TO
AUCKLAND COUNCIL'S MEMORANDUM REQUESTING A PAUSE OF ALL HEARINGS
AND ALTERNATIVE DISPUTE RESOLUTION PROCESSES**

1 MAY 2023

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MAY IT PLEASE THE PANEL:

1. Emerald Group Limited is Submitter No. 1812 on Plan Change 78.
2. The submission relates to the zoning of the "Promenade Block", being the land bounded by Hurstmere Road, Allison Avenue, Earnoch Avenue, and The Promenade.
3. The land has a lengthy and convoluted planning history going back to notification of the PAUP in 2013 which has only recently been resolved by Auckland Council acknowledging that the records of the IHP's decision did not include adequate reasoning for the mix of THAB and Residential Mixed Housing Urban zoning that was recommended and adopted by Auckland Council.
4. As a result of settlement of the litigation initiated by Franco Belgiorno-Nettis, Emerald Group "lost" the recommended THAB zoning for the southern and central portions of the Promenade Block, with all of the land defaulting to Residential MHU in terms of Mr Belgiorno-Nettis' original submission to the IHP.
5. Mr Belgiorno-Nettis is submitter 903 to PC78.
6. It is suggested that the submissions could proceed to a hearing with the parties, and perhaps Auckland Council relitigating what turns out to have been a compromised process in the AUP hearings.
7. Because the site abuts the North Shore Metro Centre it is not anticipated that any dispute will arise in relation to "*walkability*" issues.
8. In the event of the matter being set down for a hearing of evidence, it would remain open for the Panel to decide whether it had received sufficient information to determine the zoning or to await receipt of all evidence in the PC78 process.

A handwritten signature in blue ink, appearing to read 'R E Bartlett'. The signature is stylized and fluid, with the first name 'R' being particularly large and prominent.

R E Bartlett KC

Counsel for Emerald Group Ltd

1 May 2023