

Date: Thursday 25 May 2023
Time: 9:35am
Meeting Room: Upper Harbour Local Board Office and via Microsoft Teams
Venue: 30 Kell Drive, Albany, Auckland 0632

Upper Harbour Local Board

OPEN MINUTE ITEM ATTACHMENTS

ITEM	TABLE OF CONTENTS	PAGE
18	Local Board Members' Reports - May 2023	
A.	25 May 2023, Upper Harbour Local Board: Item 18 - Local Board Members Reports - May 2023 - Letter received from Hon David Parker.	3
B.	25 May 2023, Upper Harbour Local Board: Item 18 - Local Board Members Reports - May 2023 - Letter to Hon David Parker 14 April 2023.	5

Hon David Parker BCom, LLB

Attorney-General
Minister for the Environment
Minister of Revenue
Associate Minister of Finance



COR4194

John Watson, Wayne Walker, Anna Atkinson and Uzra Casuri Balouch
Councillors' Office
Auckland Council
julie.lardner@aucklandcouncil.govt.nz

Dear John Watson, Wayne Walker, Anna Atkinson and Uzra Casuri Balouch

Thank you for your letter of 14 April 2023 regarding the number of referral applications that are being processed under the Covid-19 Recovery (Fast-track consenting) Act 2020 (FTCA) in the Whenuapai area.

There is no guarantee that projects I refer to an expert consenting panel for consideration under FTCA process will successfully gain their resource consents under the Resource Management Act 1991 (RMA). Before a panel grants any consent, it must, among other things, assess the proposal against relevant provisions in the documents listed in clause 9(2) of Schedule 6 of the FTCA. For projects in the Whenuapai area, this would include any relevant provisions of the Auckland Unitary Plan.

A panel must also assess the project's actual and potential effects and test these effects against the requirements of Part 2 of the RMA and the purpose of the FTCA. This would include consideration of the cumulative effects of any adverse effects, pursuant to the meaning of 'effect' as defined in section 3 of the RMA. As part of this process, the panel must consider comments from invited parties, which for projects in the Whenuapai area must include Auckland Council as the relevant local authority. Auckland Council would therefore have an opportunity to raise any relevant concerns they may have about a project directly with a panel.

I am confident that any expert consenting panel appointed to consider and determine resource consent applications for a project under the FTCA has the skills and ability to appropriately undertake this task, and that the process they are required to follow would include consideration of the types of issues that you have noted.

If you have any further queries about this, please feel free to contact our Ministerial Services team at: ministerials@mfe.govt.nz.

Yours sincerely



Hon David Parker
Minister for the Environment

Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand
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Councillors' Office

14 April 2023

To the Minister of the Environment
Hon David Parker

Via email: d.parker@ministers.govt.nz

Dear Minister Parker

As the elected members for both the Albany Ward and the Upper Harbour Local Board in the Auckland Council we would like to take this opportunity to express our concern at the increasing number of applications for the Whenuapai area that are being processed under the Covid-19 fast track legislation. In the last two months alone, council have received six applications for significant developments in the Whenuapai area through this legislation.

We are particularly concerned with the cumulative effect of such a significant number of applications in the one location, including parts of the Coastal Marine area. We believe it is now well and truly time to put these sorts of applications through the normal planning processes, including the ability for council to publicly notify.

It is our view that in the present circumstances the public scrutiny is not what it should be and that those with a legitimate interest in these applications are being cut out of the process. Given recent events in Auckland in respect of the January floods, this sort of democratic deficit in the planning process is even more inappropriate than was the case before.

In locations such as Whenuapai, the council's planning rule book, the Auckland Unitary Plan, is being undermined and indeed superseded by this process. While it may be fast-tracking developers' profits, in our view no such consequential gain is accruing to current and future residents. Indeed, quite the opposite as this unplanned, un-sequenced development cuts across previous planning regimes, much of which is of relatively recent vintage.

We therefore request that the Ministry of the Environment take into account the cumulative effect of these applications in the Whenuapai area. Whenuapai is currently zoned Future Urban and is sequenced for development in future decades. Many of the fast-track consent applications are for areas not intended to be developed for quite some time. The fast-track consent applications look only at their own parcel of land and not the cumulative negative impacts on infrastructure provision.

Considering the recent flooding events referenced above, council needs time to plan 'spongy' cities with appropriate hard and soft infrastructure. Out of sequence fast-track developments are allowing growth without appropriate thought to the receiving environment. There is a need for an integrated plan for the whole of this Future Urban Zone. Giving approval to out of sync development is effectively superseding any such integrated plan and leading to ad hoc development.

Objective 1 of the National Policy Statement on Urban Development 2020 (NPSUD) states that *"the NPSUD seeks to ensure that New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future"*. We believe that this is best served through the appropriate public notification processes and an integrated planning regime.

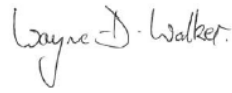
We would therefore request that any fast-track consents in the Whenuapai area be declined until such times as the appropriate planning and notification processes can be properly implemented.

135 Albert Street | Private Bag 92300, Auckland 1142 | aucklandcouncil.govt.nz | Ph 09 301 0101

Yours sincerely



John Watson
Auckland Councillor – Albany Ward



Wayne Walker
Auckland Councillor – Albany Ward



Anna Atkinson
Chair – Upper Harbour Local Board



Uzra Casuri Balouch
Deputy Chair – Upper Harbour Local Board

Item 18

Attachment B