

Date: Thursday 20 February 2025
Time: 3.00pm
Meeting Room: St Chads Church and Community Centre
Venue: 38 St Johns Road
 Meadowbank

Ōrākei Local Board

OPEN MINUTE ITEM ATTACHMENTS

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Note: The attachments contained within this document are for consideration and should not be construed as Council policy unless and until adopted. Should Councillors require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.

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Aumoe Ave, walkway reserve



Item 9.1

Attachment A





Proposed Revocation of Reserve at Pt Lot 68 DEEDS 326 Aumoe Avenue, St Heliers

Public notice date: 11 December 2024

Closing date and time: 14 February 2025, 5 p.m.

Pursuant to section 24 of the Reserves Act 1977, Auckland Council hereby notifies its intention to revoke the reservation of public reserve over the land described in the schedule to this notice, situated at Pt Lot 68 DEEDS 326 Aumoe Avenue, St Heliers. The reserve is an unformed accessway that cannot be formed as a connection between Aumoe Ave and Tamaki Drive due to the contours of the land. It is not required to meet the council's provision for open space as there are no plans to develop a walkway access due to the topography of the land. It is proposed that the land may be sold to an adjoining owner with proceeds of sale to be allocated towards other local board priorities.

Any person wishing to object to the proposed revocation of reserve land may do so in writing and addressed to the Chief Executive, Auckland Council, Private Bag 92300, Auckland 1142, Attention: Property Review Team or by email to propertyreview@aucklandcouncil.govt.nz **no later than 5pm on 14 February 2025**.

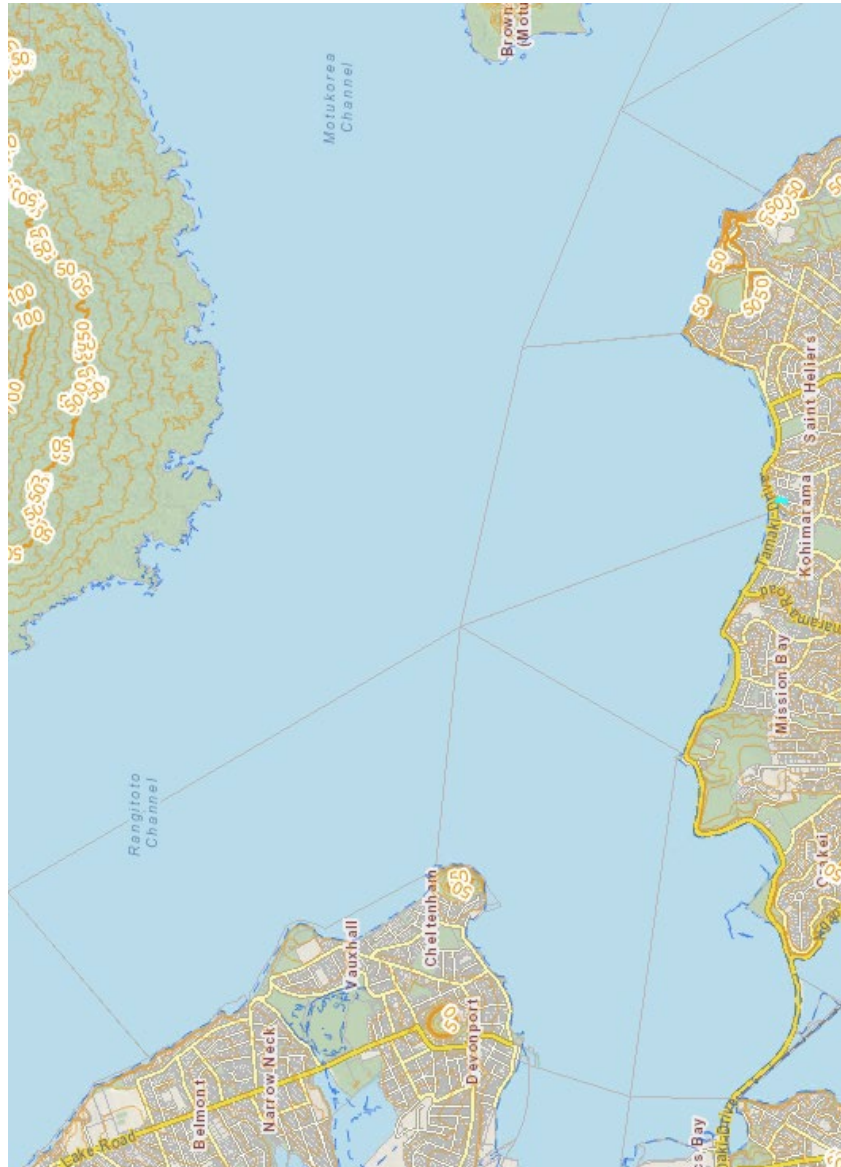
Any objector's information provided to the Council will become subject to the Local Government Official Information and Meetings Act 1987 and may be released by the Council under that act. The Council may, at its discretion, publish or disclose all or part of any objection.



Item 9.1

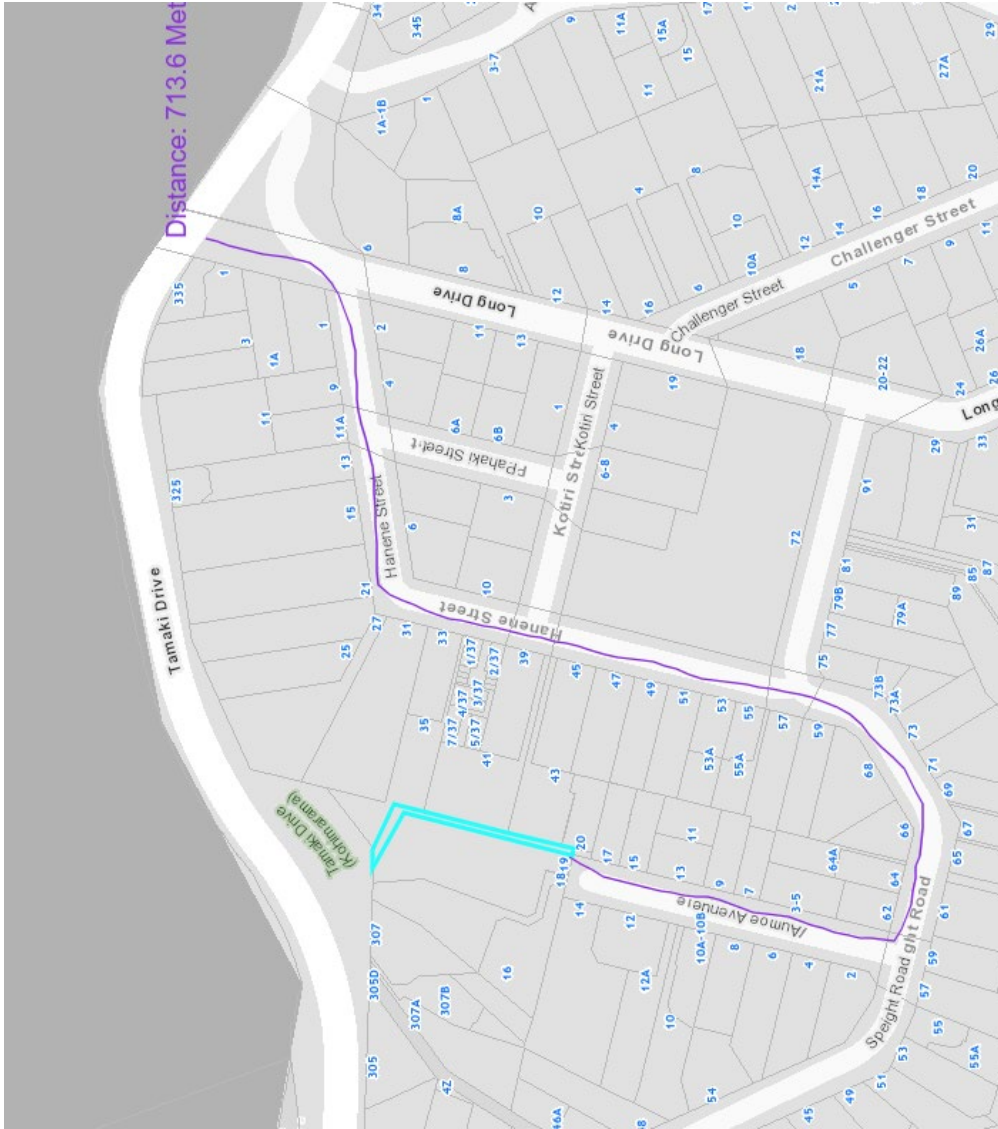
Attachment A





Item 9.1

Attachment A

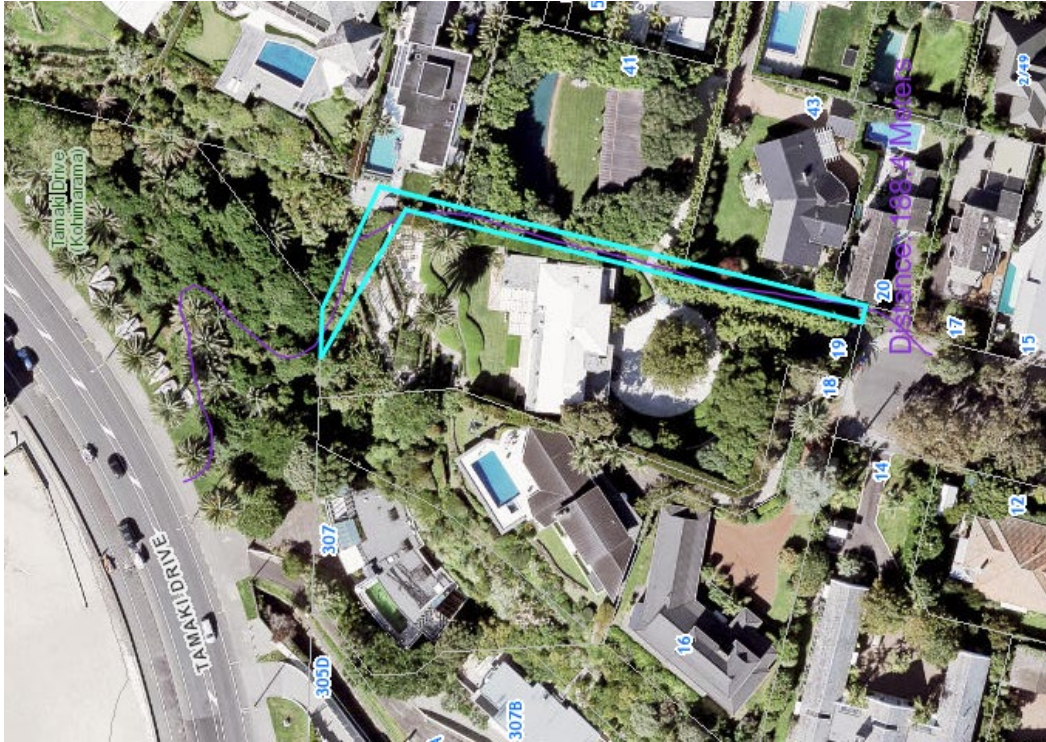




Item 9.1

Attachment A





Maybe not today,
but one day a
walkway through
this area would be a
real asset.

And the feedback I
received was
strongly in favour of
Council maintaining
ownership of the
land, especially for
future development.

Item 9.1

Attachment A



Future generations

Please consider future generations, retain this valuable access route and look forward to creating a great asset for all – one day

Red: More than 6 months old
Amber: More than 3 months old
Blue: More than 2 months
Yellow: Less than 1 month old
Purple: On Hold
Green: Completed

Resolutions in Progress

Meeting type:	Topic:	Resolutions:	Progress update:	Council department:	Status:
Business Meeting	Notice of Motion - Member David Wong - Update On The Process For Applicants Gaining Access To Public Reserves For Stormwater Infrastructure Development	<p>17 March 2022, item 12 That the Ōrākei Local Board: Resolution number OR/2022/24</p> <p>a) request a formal report from the Land Advisory team of the process for applicants to apply for installing stormwater (and wastewater) in reserve land and what is the point of difference if the land were privately held.</p> <p>b) request that a review of the fees and charges are undertaken to ensure that the applicant pays a charge to cover the cost of maintenance of infrastructure that is installed across local reserves.</p>	<p>March 2022: Resolutions have been sent to the Land Advisory team and the Regulatory Services team to bring advice to the board.</p> <p>May 2022: An initial meeting was held with the Regulatory Services team to discuss various options. Further discussions are needed with the Land Advisory team.</p> <p>March 2023: this topic was discussed at the Chair's Forum on 13/02/2023.</p> <p>April 2024: Local board staff seeking clarity and advice from organisational staff.</p> <p>May 3, 2024: Feedback submitted on allocation table of decision making for non-regulatory activities as part of long-term plan feedback. Board resolved a point on this in their long-term plan feedback in their extraordinary meeting on May 2, 2024.</p> <p>June 13, 2024: At the May 30 meeting, the Governing Body approved the allocation table of decision-making as part of the Long-Term Plan which gives delegation to Healthy Waters to make decisions with regard to stormwater infrastructure in local parks and reserves. Although, Healthy Waters will need to consult with local boards as part of their decision-making process. The local board also intend to set out a policy statement regarding landowner approvals to cover specific applications by developers for storm/waste water in local parks and reserves.</p> <p>July 1, 2024: Board resolved at June 20 meeting for Land Advisory / Healthy Waters to bring report to earliest possible business meeting. Resolutions regarding charging a possible fee to landowner approval applicants going through council land were circulated to all local boards and PEP committee.</p> <p>August 8, 2024: Staff have followed up with Land Advisory / Healthy Waters on the above requested report. A timeline for it to be received at a business meeting is yet to be advised.</p> <p>October 9, 2024: Healthy Waters is coordinating a memo to be circulated to the board. Healthy Waters has advised that Land Advisory will be drafting the report requested in the resolutions from the June 20 business meeting.</p> <p>November 5, 2024: Staff are yet to receive above report from Land Advisory. Report on having a delegated local board member to provide feedback in relation to stormwater activities will be received at the November 21 business meeting.</p> <p>December 3, 2024: Member David Wong was appointed as member lead to provide feedback in relation to stormwater activities with Chair Scott Milne as an alternate at the November 21 business meeting.</p> <p>February 17, 2025: The local board is pursuing assessment and guidance in regard to private developer contributions. The board is seeking the capability to charge for stormwater development and advocate for some contribution levy.</p>	Local Board Services	
Business Meeting	Notice of Motion - Member Troy Churton - Proposed Plan Change 78	<p>24 November 2022, item 12: That the Ōrākei Local Board: Resolution number OR/2022/115</p> <p>a) request that Auckland Council urgently prepare and notify a variation to Plan Change 78 (PC78) to include the area in Attachment A as a qualifying matter.</p> <p>b) note the significant majority of resident property owners of the special character area (shown in Attachment A) who support a variation to PC78, (100 per cent of those owners who were available when visited signed the submission and who between them represent more than 80 per cent of property owners in the area).</p> <p>c) request the Planning, Environment and Parks Committee to instruct officers to prepare a variation to that effect for consideration by the Committee at its first meeting.</p>	<p>February 2023: this has been referred to staff who are preparing a response. Member Troy Churton and Chair Scott Milne will present to the Independent Hearing's Panel regarding the Plan Change on 9 February 2023.</p> <p>March 2023: a formal memo is being prepared by the Plans and Places team to be provided to the whole board.</p> <p>April 2024: staff following up with Plans and Places team on above memo.</p> <p>May 6, 2024: Member Troy Churton has requested a local board input slot at the Planning, Environment and Parks Committee for their May 23 meeting. Governance Advisor has advised that this request has been declined in this point in time at the Planning, Environment and Parks Committee Chairperson's discretion.</p> <p>June 14, 2024: Member Troy Churton will request a status update of the various Plan Change 78 hearings being conducted. Then seek a local board resolution addressed for Council wide distribution, calling on central government to accelerate a Resource Management Act law change, especially Section 88, so that Council could even consider withdrawing Plan Change 78.</p> <p>July 8, 2024: Central Government has given advice on local boards having the option of implementing the Medium Density Residential Standards (MDRS). This was considered by the Governing Body in June, along with there being several hearings on Plan Change 78. Member Churton is pursuing avenues to discontinue the implementation of the MDRS in the Ōrākei Local Board area.</p> <p>September 4, 2024: Member Troy Churton will speak at the Local Board Chairs' Forum on Monday 9 September.</p> <p>October 9, 2024: Member Troy Churton has submitted a Notice of Motion to the October 17 business meeting requesting to present to the Planning, Environment and Parks committee on the full withdrawal of Plan Change 78 and upholding the Auckland Unitary Plan. Member Churton also presented to the Local Board Chairs Forum on September 9, 2024, on advocating that Council exercise an option to withdraw Medium Density Residential Standards from the Auckland Unitary Plan as implemented by Plan Change 78.</p> <p>November 5, 2024: Staff have forwarded Member Troy Churton's request to speak at the Planning, Environment and Parks Committee in the local board input section of their Thursday 14 November meeting. Approval from the PEP Committee Chair is yet to be received.</p> <p>December 3, 2024: Member Troy Churton's request to speak at the Planning, Environment and Parks Committee was declined, however his Notice of Motion and supporting information from the October 17, 2024 business meeting was appended to the Committee's monthly information report.</p> <p>February 12, 2025: Await response to the board's submission to the RMA (Consenting and Other System changes) Bill submission and seek a workshop discussion on that from the relevant policy person.</p>	Planning, Environment and Parks Committee	

Resolutions in Progress

Red: More than 6 months old
Amber: More than 3 months old
Blue: More than 2 months
Yellow: Less than 1 month old
Purple: On Hold
Green: Completed

Business Meeting	Deputation - Iain Laxon - Auckland Cricket	<p>16 March 2023, item 8.2: That the Ōrākei Local Board: Resolution number OR/2023/8 b) request officers work with Auckland Cricket to provide a written report as soon as possible ensuring the voices of Parks, Active Communities, Leasing and Community Facilities are incorporated</p>	<p>April 2023: This has been referred to Parks and Community Facilities.</p> <p>April 2024: Staff progressing Auckland Cricket proposal</p> <p>May 3, 2024: Joint meeting with Ōrākei Local Board members, representatives from Auckland Cricket, and Council staff to determine the current status of workstreams and agreed on next steps.</p> <p>June 7, 2024: Memo circulated from Council staff to elected members on May 30 outlining next steps. Staff anticipate receiving requested information from Auckland Cricket Association by 15 June. Staff will seek direction on the interim proposal from the local board at a workshop in July. A report will be presented to the local board at the September 2024 business meeting for a decision on the interim solution.</p> <p>July 8, 2024: Council staff are waiting on info from Auckland Cricket surrounding funding arrangements, the interim solution, and how the Local Board will be compensated for displaced games. Subject to receiving the aforementioned info, a workshop with the Local Board is aiming to be organised for August, along with Land Advisory aiming to bring a report to the September business meeting.</p> <p>August 8, 2024: Auckland Cricket will be presenting a deputation on their latest proposal for Colin Maiden Park at the August 15 business meeting.</p> <p>September 4, 2024: Stakeholder meeting to be scheduled, and staff will bring further advice to board after more analysis of new land owner approval application from Auckland Cricket.</p> <p>October 9, 2024: Awaiting advice from staff to clarify the scope of Auckland Cricket's proposal.</p> <p>November 5, 2024: Staff are to bring further advice to the board.</p> <p>February 19, 2025: Council staff are coming to a workshop on March 13 with next steps and further advice.</p>	Parks and Community Facilities	
Business Meeting	Deputation - The Dust Palace Charitable Trust	<p>16 May 2024, item 8.1: That the Ōrākei Local Board: Resolution number OR/2024/44 b) request customer and community venue officers review the proposal and provide feedback to the local board.</p>	<p>June 7, 2024: Council staff will provide advice as part of the FY 24/25 Leasing Work Programme. Council staff are liaising with Dust Palace representatives.</p> <p>August 30, 2024: Staff will present a memo the board in a workshop on September 12th.</p> <p>October 9, 2024: The board have given direction to begin the process of providing a lease to Dust Palace. Staff met with Dust Palace representatives to begin lease negotiations.</p> <p>November 5, 2024: Staff have outlined the board's preferred lease terms to Dust Palace and are yet to receive a response. The next step would be public and mana whenua consultation.</p> <p>December 3, 2024: Consultation closed December 11, 2024 and a report will come to the February 2025 business meeting regarding a lease.</p> <p>February 12, 2025: Council staff are bringing a report to the February 20 business meeting regarding granting a lease to Dust Palace for Ellerslie War Memorial Hall.</p>	Customer & Community Services	
Business Meeting	Public Forum - Buddy Carson - Bridge repairment and the outlet blockage at Dingle Dell Reserve	<p>19 September 2024, item 9.3: That the Ōrākei Local Board: Resolution number OR/2024/111 b) request staff to liaise with Community Facilities staff to provide the board with an update on the process as soon as possible. c) request an update from Healthy Waters on progress that has been made to reduce the likelihood of flooding at Dingle Road at the end of Dingle Dell.</p>	<p>October 9, 2024: Staff forwarded the customer's request to Watercare. Watercare have advised that they have applied for emergency approval to do repair works to the existing public wastewater pipe and manhole in Dingle Dell Reserve. Works are expected to start in early November 2024 and are expected to last 3 weeks. The response from Watercare has been forwarded to the customer.</p> <p>November 5, 2024: A public meeting will be held on November 13 by Healthy Waters/Watercare/Community Facilities to address this issue.</p> <p>December 3, 2024: Buddy Carson and Claudia Elze presented a deputation to the board on the status of Dingle Dell at the November 21 business meeting. Resolutions noting "officers present to the board a current report of the current management practice fo Dingle Dell and an outline of suggested change that may alleviate the challenges presented were circulated to Parks and Community Facilities staff". Advice is expected in 2025. An environmental and infrastructure management plan for Dingle Dell will potentially be added to the 2025/2026 work programme.</p>	Leases, Community Facilities	

Memorandum

9 January 2025

To: Policy and Planning Committee
Members of Houkura / Independent Māori Statutory Board
All local board members

Subject: Resource Management (Consenting and Other System changes)
Amendment Bill

From: Karryn Kirk, Principal Strategic Advisor

Purpose

1. To inform elected members on the introduction of the Resource Management (Consenting and Other System changes) Amendment Bill and note the deadline for submission is 10 February 2025.

Summary

2. The Government has introduced the Resource Management (Consenting and Other System changes) Amendment Bill as part of its phase two resource management system reform. The deadline for submissions is 10 February 2025. The Bill is expected to be passed into law by mid-2025.
3. The Bill proposes further targeted changes to the RMA, grouped into five packages:
 - infrastructure and energy
 - housing
 - farming and the primary sector
 - natural hazards and emergency response
 - system improvements.
4. Staff have commenced a full analysis of the Bill and will present their advice for elected members' consideration at a workshop on 5 February 2025.

Context

5. The Government's phase two resource management reforms are intended to reduce regulation and unlock development and investment in infrastructure, housing and primary industries, while ensuring the environment is protected.
6. The Government released its second Resource Management Act 1991 (RMA) Amendment Bill on 9 December 2024. The Resource Management (Consenting and other system changes) Amendment Bill is intended to drive economic growth and increased productivity by making it easier to "get things done".
7. The Bill has been referred to the Environment Select Committee, which has invited submissions by 10 February 2025. The Bill is expected to be passed into law by mid-2025.
8. The Bill is a precursor to full replacement of the RMA next year. The changes are expected to be carried through to phase three of the Government's reforms, which includes new spatial planning and environmental protection legislation.

Discussion

9. The objective of the Bill is to amend the RMA to progress the Government's priorities relating to:
- making it easier to consent new infrastructure, including for renewable energy, building houses, and enhancing the primary sector
 - cutting red tape to unleash the investment in renewable energy for New Zealand to meet its emissions reduction targets
 - making the medium density residential standards (the MDRS) optional for councils, with the need for councils to ratify any use of the MDRS, including in existing zones
 - implementing the Going for Housing Growth policy to unlock land for housing, build infrastructure, and allow communities to share the benefits of growth
 - facilitating the development and efficiency of ports, and strengthening international supply networks
 - simplifying the planning system.
10. The Bill amends a range of existing RMA provisions across five themes:
- Infrastructure and energy**
11. This package includes a series of reforms to speed up and make it easier and cheaper to consent, build and maintain major infrastructure, including renewable energy projects.
12. The Bill is intended to deliver the Government's Electrify New Zealand reforms. The Bill aims to reduce delays in consenting for renewable energy generation by requiring one-year decision-making for renewable energy projects. It also increases default 35-year duration for renewable energy and for other long-lived infrastructure consents to increase certainty for and reduce costs for operators. The Bill increases consent default lapse periods for renewable energy from 5 years to 10 years.
13. The Bill extends coastal permits for 13 major ports by 20 years as their existing coastal port permits are due to expire in 2026 and enables requiring authority status for ports with landward operations. The Bill also increases designation lapse periods from 5 years to 10 years, and streamlines consenting and designation processes.
14. The Bill also provides clarity to councils and industry on how discharge rules should be managed to align with changes introduced by the Resource Management (Freshwater and Other Matters) Amendment Act 2024.
- Housing**
15. The Housing package includes reforms to enable the first pillar of the Government's Going for Housing Growth policy.
16. The Bill enables councils to opt out of the Medium Density Residential Standards (MDRS), if they can show they have provided for 30 years of housing growth in their district and unitary plans. A revised NPS Urban Development expected early this year will set out the growth targets. The Bill requires councils to use the Streamlined Planning Process (SPP) for removing or altering the MDRS or withdrawing an Intensification Planning Instrument (IPI), such as plan change 78.
17. The Bill provides new powers for the Minister for the Environment to require councils to amend part or all of any document to ensure compliance with national direction including Housing and Business Development Capacity Assessments under the National Policy Statement on Urban Development 2020. The Minister can direct councils on what type of plan change is used to give effect to national direction (for example, the SPP) in the event of non-compliance with national direction. The Minister can also appoint up to half the members of the independent hearings panel, and makes the council, instead of the Minister, the final decision-maker.
18. The Bill also simplifies the listing and delisting of heritage buildings and structures using the SPP rather than the standard plan making process.

Farming and the primary sector

19. The changes are intended to unlock primary sector productivity.
20. The Bill intends to reduce regulatory overlap and clarifies the interface between the RMA and the Fisheries Act 1996, to balance marine protection with fishing rights.
21. The Bill amends the plan certification and auditing process to make it more practical and cost-effective, by allowing industry organisations to deliver those services.
22. Proposals include timely consent processing for wood processing facilities (to be decided within 1 year) and enables national direction to facilitate aquaculture improvements.

Natural hazards and emergencies

23. The Bill provides an increased suite of tools to deal with natural hazards and emergency events, aiming for better decision-making and efficiency.
24. The Bill introduces new regulation-making powers to support emergency responses and recovery efforts.
25. The Bill enables councils to decline land-use consents, or impose conditions, where the natural hazard risk is significant. The Bill also provides that plan changes that introduce new natural hazards rules will now have immediate legal effect.

System improvements

26. The Government proposes a range of technical changes to make the resource management system function better.
27. The Bill amends the compliance regime by increasing penalties, prohibits insurance that indemnifies a person against financial penalties for RMA offences and enabling cost recovery for councils. It enables consideration of an applicant's compliance history in consent decisions.
28. The Bill makes changes to simplify the consenting regime by clarifying the scope of further information requests, allows applicants to review consent conditions before decisions, and enables cost recovery for consent reviews due to national direction. It also extends excessive noise directions from 72 hours to 8 days and simplifies the issuing of directive abatement notices.

Next steps

29. Auckland Council's varied RMA functions and duties means that the council group has a strong interest in amendments proposed by the Bill. Staff have commenced a full analysis of the Bill and are preparing advice for elected members.
30. Staff are working with subject matter experts across the council group to prepare a first draft of the submission. A Policy and Planning Committee workshop on 5 February 2025 will enable elected members to provide direction to staff on submission development.
31. A recorded briefing will be provided to local board members in the week beginning 27 January 2025. Local boards that wish to provide feedback will use their delegated authority process since the submission deadline is before February business meetings commence. Feedback to be appended to the council submission is due by 6 February.
32. Other aspects of phase two resource management reform will continue while the Bill progresses through the law-making process. This includes consultation on national direction in early 2025.

Attachments

Resource Management (Consenting and Other System Changes) Amendment Bill – Key Proposals

Resource Management (Consenting and Other System Changes) Amendment Bill will progress targeted amendments to deliver objectives for Electrify NZ, Infrastructure for the Future, Going for Housing Growth, and the Primary Sector Growth Plan.				
Infrastructure (including energy)	Housing	Farming & primary sector	Emergencies and natural hazards	System improvements
<ul style="list-style-type: none"> Requires renewable energy generation consents to be decided within one year of application Requires default 35-year consent duration for renewable energy generation and long-lived infrastructure consents Extends the duration of port permits under section 384A of the RMA and extends requiring authority status to ports Increases the default lapse period for renewable energy consents from 5 to 10 years Increases the lapse period for designations from 5 to 10 years to allow more time to progress infrastructure projects Removes the requirement for designating authorities to consider alternatives where they are the sole land holder Amends the scope of discharge rules under section 70 to provide certainty and align with changes to section 107 delivered through the RM (Freshwater and Other Matters) Amendment Act 2024 	<ul style="list-style-type: none"> Introduces a ratification vote to allow relevant councils to opt-out of the Medium Density Residential Standards (MDRS), provided they demonstrate 30 years' worth of housing growth Provides an efficient, flexible pathway for councils to progress a plan change to remove or alter the MDRS and deal with consequential matters. This includes: <ul style="list-style-type: none"> requiring councils to use the Streamlined Planning Process (SPP) to progress plan changes to remove or alter the MDRS removing the requirement to apply to the Minister for the Environment to use the SPP when removing or altering the MDRS amending decision-making arrangements for any plan change using the SPP – noting this will include plan changes removing or altering the MDRS Provides the Minister for the Environment with new intervention powers to ensure compliance with national direction, including housing and business development capacity assessments 	<ul style="list-style-type: none"> Reduces regulatory overlap between the RMA and Fisheries Act 1996 by clarifying and constraining the extent to which councils can control fishing for biodiversity and related values protection purposes under the RMA Provides more flexibility and certainty for marine farms by enabling changes to consent conditions for aquaculture Amends Part 9A of the RMA to make farm plan certification and audit services more cost effective and practical by better enabling industry organisations to deliver these services Requires resource consents for wood processing facilities to be decided within one year of application 	<ul style="list-style-type: none"> Improves emergency provisions, including introducing a new regulation-making power for emergency responses to assist with recovery Clarifies and strengthens councils' ability to decline land use consents, or apply appropriate conditions, where there are significant risks of natural hazards Clarifies and strengthens councils' ability to decline land use consents, or apply appropriate conditions, where there are significant risks of natural hazards 	<ul style="list-style-type: none"> Amends the compliance regime to deter offences, including by: <ul style="list-style-type: none"> increasing penalties removing the ability to insure against penalties for non-compliance allowing electronic service of documents better enabling cost recovery for councils enabling consideration of a person's compliance history in consent decision making increasing the term of excessive noise directions aligning the scope of abatement notices with a minor drafting error on MPI enforcement officers other consenting improvements Makes technical amendments to DOC functions to improve their ability to manage discharges and ensure compliance and enforcement Provides clarity on the scope of further information requests and requirements for consents to ensure these are not overly onerous on applicants Enables applicants to request to review consent conditions prior to a decision being issued Enables councils to recover costs for reviewing consents when the review is result of national direction Enables councils to access the Streamlined Planning Process for listing and de-listing heritage buildings Aligning terminology with the Takutai Moana Act, and validating the payment



E mahi ana mātou i te mahi mō Tāmaki Makaurau

Resource Management (Consenting & Other System Changes) Amendment Bill

Name	Unanswered briefing question	Answer
Mike Turinsky (Howick Local Board)	How will the Government make sure the 1-year time frame on renewable energy consent decisions doesn't come at the expense of comprehensive environmental or cultural assessments, eg: projects involving iwi authorities, customary marine title groups?	<p>The Bill does not specifically address quality of renewable energy activities. However, there are existing and proposed mechanisms for ensuring the quality of applications are sufficient to allow a consent authority to comprehensively assess such applications within the specified timeframe.</p> <p>All resource consent applications are required to be assessed for completeness within 10 working days of lodgement. If a lodged application is determined to be deficient, a consent authority may return it to the applicant. Given the 1-year timeframe for renewable energy activities, it is possible that councils will have more stringent preliminary assessments, and more applications could be returned due to incompleteness.</p> <p>If it is determined that further information is required to understand the effects associated with a proposal (e.g. cultural effects), a request for further information is required. If the information is not provided within 3 months of the agreed date, the Bill now gives the consent authority ability to retrospectively determine that the application is incomplete and return it.</p>
Mike Turinsky (Howick Local Board)	Re: territorial authorities' ability to opt out of the Medium Density Residential Standards if they can supply evidence of how much new housing growth their plans will achieve over the next 30 years:	<p>IPI = Intensification Planning Instrument required to incorporate MDRS and implement NPS-UD Policy 3 intensification requirements.</p>

Local Board Recorded Briefing – Resource Management (Consenting & Other System Changes) Amendment Bill – Q&A from session



E mahi ana mātou i te mahi mō Tāmaki Makaurau

Name	Unanswered briefing question	Answer
	<p>- How will authorities decide if there's sufficient capacity for growth in the long run? Will this cause some authorities to avoid too early a selection?</p>	<p>The requirement for 30 years' land supply has been much talked about but is not actually included in the Bill although it may be included in the revised NPS-UD early this year.</p> <p>If a territorial authority wants to alter or remove MDRS, it must apply to the Minister for approval. The Minister must consider the progress that the TA has made in implementing the intensification policies of NPS-UD:</p> <ul style="list-style-type: none"> • 3(a) in the City Centre • 3(b) in the Metropolitan Centres • 3(c) in the walkable catchments extending out from rapid transit stations and the City and Metropolitan Centres – this extends into residential zones where MDRS is required to be incorporated. <p>If the Minister agrees MDRS could be removed or amended in a plan, the TA must then:</p> <ul style="list-style-type: none"> • prepare a new plan change called a 'housing planning instrument' to implement the revised NPS-UD • use the amended Streamlined Planning Process (SPP). <p>For TAs that have an IPI in progress (as does Auckland through PC78) and wants to withdraw the IPI, all of the above is also intended to apply. However, the timing clauses of the Bill mean there is no ability to apply to the Minister to withdraw the IPI (in whole or in part).</p> <p>The Government has signaled changes in the approach to assessing development capacity and the requirements for 30 years' development capacity in a revised NPS Urban Development. Consultation on a revised NPS-UD will occur in 2025 alongside many other changes to national direction but is unlikely to be gazetted until later in the year.</p>



E mahi ana mātou i te mahi mō Tāmaki Makaurau

Name	Unanswered briefing question	Answer
Mike Turinsky (Howick Local Board)	How will changes to penalty structures (namely, removal of insurance for fines) play out in practice for businesses and individuals, particularly those in industries that have had issues with RMA violations in the past? How will the Government make sure these amendments encourage people to follow the rules, while still allowing for innovation and growth?	<p>A consequence of mandatory use of the SPP following MDRS removal or amendment is that the Minister may include a statement of expectations about the quality and location of development capacity the TA is to deliver.</p> <p>Councils are obligated to implement all NPSs. If MDRS is not removed / altered Auckland Council could implement the revised NPS-UD without using the SPP and without the Ministerial statement of expectations regarding the quantity and location of development capacity.</p> <p>The Bill prevents clauses requiring MDRS decision-making coming into effect until one year after Royal assent. In theory, this provides time for the revised NPS-UD to be gazetted and TAs to consider its requirements before making their MDRS decisions.</p> <p>The inability to (partially) withdraw an IPI in-progress continues to be a significant challenge for relevant TAs such as Auckland. If the Bill is enacted in its present form, Auckland must continue with its IPI including MDRS. The ability to address natural hazards and/or some other plan changes is delayed. This is addressed in our submission.</p> <p>Local Board Member Churton's question, and the answers, may be of interest to you, too.</p> <p>We see this as providing a stronger incentive for compliance as any fines would now be coming out of their own pocket. If sites are compliant, there is no cause for concern.</p> <p>As further deterrence, prior non-compliances are now a factor that can be considered by councils (application able to be declined on this basis, option of imposing conditions to mitigate a risk that the resource consent may not be complied with in light of previous non-compliance by the applicant).</p>



E mahi ana mātou i te mahi mō Tāmaki Makaurau

Name	Unanswered briefing question	Answer
<p>Troy Churton (Ōrākei Local Board)</p>	<p>In terms of the MDRS following ‘Housing Growth’ Per TC previous - a clear cut, option to opt out and remove the MDRS provisions - whether this is only able to be done through the SPP process?</p> <ul style="list-style-type: none"> • and if so, what happens if the GB resolves to withdraw all/part of MDRS – does the Minister need to agree (appears so)... • so if the Minister disagrees, what options are there for local council.. • and if the Minister agrees, as far as the operative UP goes, do we just revert back to the existing planning provisions and UP Residential Housing Zones and all overlays pre PC78 – and would all SCA overlays be reinstated? 	<p>IPI = Intensification Planning Instrument required to incorporate MDRS and implement the NPS-UD Policy 3 intensification requirements.</p> <p>The Bill does not provide a clear-cut option to remove MDRS. The SPP is a subsequent process triggered by a council’s decision to opt out and the Minister’s agreement to the council opting out.</p> <p>The delayed commencement of key Bill clauses is problematic. Without amendment to the Bill, MDRS will endure until at least mid-2026. Although the NPS-UD will be amended, the requirement to enable intensification outside walkable catchments is expected to continue, albeit with different requirements.</p> <p>The Bill theoretically provides an opportunity for councils like ours, with an IPI in-progress, to apply to the Minister to withdraw all or part of the IPI. Because this option will not come into force until a year after the amendment Act comes into force (we estimate mid-2026) and the Minister requires Auckland Council to notify decisions on our IPI by 31 March 2026, there is no ability to withdraw.</p> <p>Every council that has finished its IPI and incorporated MDRS into its plan must decide whether to retain, alter or remove MDRS. The decision must be made within a year of the clause coming into force (estimated mid-2026). Because MDRS will be incorporated into the AUP by April 2026 this requirement will apply to Auckland Council. The relevant committee would decide sometime between mid-2026 and no later than mid-2027.</p> <p>If the council decided to alter or remove MDRS and the Minister agreed, the council would then be required to use the SPP to do</p>



E mahi ana mātou i te mahi mō Tāmaki Makaurau

Name	Unanswered briefing question	Answer
		<p>a plan change to implement the new NPS-UD – slated for revision as part of Phase 2 RMA reform in 2025.</p> <p>A consequence of mandatory use of the SPP following MDRS removal or amendment is that the Minister may include a statement of expectations about the quality and location of development capacity the TA is to deliver.</p> <p>If the Minister disagreed with a request to remove/alter MDRS, or if the council chose to retain MDRS, the council would keep MDRS in the AUP. When deciding whether to retain/amend/remove, staff will provide advice on other requirements, how they intersect with the mandatory MDRS decision-making and the likely consequences. For example, the requirement to review the AUP will be coming up plus all the new and amended NPSs and national environmental standards in Phase 2 reform this year must be implemented. Choosing to amend/remove MDRS locks the council into using the SPP and will impact other decisions. (This would also apply if the council initially decided to retain MDRS but then made a later decision to amend or remove it).</p> <p>Regarding the final bullet point – that outcome cannot occur unless the Bill is passed into law with changes to the relevant commencement dates to make applying for IPI (partial) withdrawal a possibility.</p> <p>The requirement to keep going with our IPI prevents notification of a plan change dealing with natural hazards (as it is impossible to have two changes amending the same provisions contemporaneously). In the event a (partial) withdrawal was possible and the Minister agreed the committee would need to decide what parts of the IPI to withdraw. The IPI amends dozens of AUP chapters and zoning across the city: it is a highly complicated plan change. Hearings have concluded for the City Centre so that would be an example of part of the IPI that could</p>

Local Board Recorded Briefing – Resource Management (Consenting & Other System Changes) Amendment Bill – Q&A from session

5



E mahi ana mātou i te mahi mō Tāmaki Makaurau

Name	Unanswered briefing question	Answer
Troy Churton (Ōrākei Local Board)	For farming aquaculture etc – can we feedback that the range of conditions be strengthened so run off can be more tightly managed...?	<p>be made operative, and potentially everything else withdrawn. Yes, what you have outlined is one option, however that reinstatement would only persist in the short-term, as the council would be required to use the SPP for a plan change to implement the revised NPS-UD. Intensification in residential areas outside walkable catchments will still be required by NPS-UD.</p> <p>A future policy setting without MDRS is simpler but regardless of the Bill, the requirement to implement the NPS-UD (and all the NPSs) is ongoing. Both the current and the future NPS-UD (will) require intensification in residential areas outside walkable catchments. The detail of changes to NPS-UD in Phase 2 reform will guide what and where those intensification requirements will be.</p> <p>Local Board Member Turinsky’s question, and the answers, may be of interest to you, too.</p>
	For farming aquaculture etc – can we feedback that the range of conditions be strengthened so run off can be more tightly managed...?	<p>That is a different matter from that proposed, which is more about how we treat applications from consent holders to change or cancel certain conditions on consents that they hold and are responsible for compliance with. So while not relevant to this proposal for inclusion in this theme’s response, I note that advocacy from the regional sector (including AC staff) has meant that as a system improvement, the improved penalty regime for certain discharges is intended to be reinstated in law. We achieved that outcome in the previous Natural and Built Environment Act 2023 (NBA, gazetted 23 August 2023), but that Act only lasted ~3 months before the new coalition government repealed it on 23 December 2023. So, in the System Improvements theme area, council staff have already noted our support for inclusion of improved compliance penalties, as that might help activities undertaken in the coastal marine area etc.</p>



E mahi ana mātou i te mahi mō Tāmaki Makaurau

Name	Unanswered briefing question	Answer
<p>Scott Milne (Ōrākei LB Chair)</p>	<p>Under the Bill Section 80GA Request for approval to withdraw intensification planning instrument, Council can request to the Minister to approve a withdrawal of all or part of its IPI – so OLB should feedback , aligned to what TC said earlier , to the GB that request needs to be made</p> <p>Further question to officers - is Council saying that as the Bill is currently drafted, the option to withdraw MDRS from Plan Change 78) is not possible?</p> <p>Need clarification on this?</p>	<p>Please note that the Bill does not provide a real opportunity to (partially) withdraw the IPI for the reasons outlined in the Members’ briefing Q&A sheet – see Member Churton’s MDRS question. Council cannot make the request until the relevant provision comes into force.</p> <p>Yes, that is correct. It will not be possible to withdraw other parts of the IPI either, or the whole IPI.</p> <p>Not every provision in the Bill will come into force the day after Royal assent (the final step in making a law). The commencement clauses in the Bill are critical. All the proposed MDRS provisions’ commencement are delayed for a year after the Act commences. The Government says the Bill will be enacted by mid-2025, meaning no council request before mid-2026 (or earlier if there is an Order in Council (meaning a Cabinet decision)).</p> <p>This means that by the time Auckland Council has the power to decide whether to progress PC78, or withdraw parts of it like MDRS, it will be mid-2026 or later.</p> <p>PC78 will already be finished (required by 31 March 2026). We cannot withdraw a completed plan change: by then all the changes will be included in the AUP.</p> <p>And a later decision to remove MDRS from the AUP would also trigger the SPP for a mandatory ‘housing planning instrument’ which is the replacement for the IPI.</p>
	<p>Why does Council not want to use the SSP process to remove the IPI?</p>	<p>The IPI would be removed by council decision + Ministerial agreement, not the SPP. (Note the Minister does not have to agree to the request).</p> <p>The SPP is mandatory for the replacement plan change required ‘housing planning instrument’ if the council chooses to amend/remove MDRS (or withdraw an IPI but, as discussed above, withdrawal isn’t actually possible due to timing). If MDRS is not amended or retained there is no requirement to use SPP, but the council must still implement whichever NPS UD is in force.</p>



E mahi ana mātou i te mahi mō Tāmaki Makaurau

Name	Unanswered briefing question	Answer
		<p>There are several major downsides to using the SPP for the housing planning instrument:</p> <ul style="list-style-type: none"> • <u>Central government oversight:</u> ○ the Minister appoints half the panel, and decides on the panel's composition and expertise ○ the Minister may include in the statement of expectations his/her expectations about the quantity and location of development capacity to be enabled • <u>Work-programming:</u> ○ being locked into a mandatory process over which council has little control is a major barrier to the other work council is already required to do. It's not possible to do two plan changes contemporaneously that change the same provisions (including zones). That is the reason why we have been unable to progress natural hazards. ○ there will be a lot of plan change work coming because the Government intends to amend/introduce more that 15 pieces of national direction: we are obliged to implement them all ○ the review of the AUP will be coming up soon, too <p><u>Key points</u></p> <ul style="list-style-type: none"> • Council must implement the revised NPS UD anyway, doing so without the foregoing constraints provides more flexibility and autonomy. • Although the revised NPS UD details are unknown, and MDRS won't be required, we are certain that enabling intensification will still be required. Some residential areas will still be required to have intensification enabled relative to the operative AUP.



E mahi ana mātou i te mahi mō Tāmaki Makaurau

Name	Unanswered briefing question	Answer
		<p>The relevant Committee will have to weigh up different factors at the time when it is required to make its MDRS decision.</p> <p>By that time there will be new factual settings and new policy settings (eg all of Phase 2 and possibly Phase 3: the repeal and replacement of the RMA).</p> <p>Staff will provide information and advice on all the available options.</p>

NOTICE OF MOTION

Recommendation for full withdrawal of Plan Change 78 and upholding Auckland Unitary Plan

In terms of clause 7.1 of the Ōrākei Local Board Standing Orders, please place the following Notice of Motion on the agenda for the Ōrākei Local Board's business meeting to be held on Thursday, 17 October 2024.

Executive summary:

1. The Ōrākei Local Board planning portfolio lead presented to the Local Board Chairs' Forum on the rationale for advocating that Auckland Council exercise an option to withdraw Medium Density Residential Standards (MDRS) from the Auckland Unitary Plan (AUP) as implemented by Plan Change 78 (PC78).
2. While Council's ability to exercise the 'option' to withdraw MDRS may not be technically possible until central government executes a further law change to the Resource Management Act (RMA), Council could still support the exercise of the option now - on an 'in-principle' basis - pending whatever legal technical timing for ratifying the position there is.
3. By making an 'in principle' resolution support for the withdrawal of MDRS, now Council can help send a strong message to central government, local ratepayers, and planners – and potentially help simplify and cost-save a lot of current hearing process relating to MDRS.
4. Council, ratepayers, developers, communities, and central government are NOT prejudiced by an in-principle support being formally resolved now. The AUP is up for statutory-required review in 2026.
5. Considering the need to impose MDRS density provisions is more prudently left to being part of that process to ensure a more sustainable and integrated approach to planning our city.

Recommendations:

That the Ōrākei Local Board:

- a) request Member Troy Churton as the Local Board planning portfolio lead to present to Auckland Council's Planning Environment and Parks Committee seeking in-principle support for exercising the option to withdraw MDRS from the AUP when it is technically possible.

Background:

6. Ōrākei Local Board planning portfolio lead presented a short paper to the Local Board Chairs' Forum in July (attachment B to the report) referencing the most recent housing forecasts and data relied upon by central government in a Cabinet paper : [Cabinet-Paper-Going-for-Housing-Growth-Implementing-the-First-Stage.pdf](https://www.hud.govt.nz/Cabinet-Paper-Going-for-Housing-Growth-Implementing-the-First-Stage.pdf) ([hud.govt.nz](https://www.hud.govt.nz))

7. This insight has been influential in central government’s proposal to allow Council to opt whether to have MDRS or not. The cabinet report is important because it confirms we can achieve ‘plan-enabled’ capacity that exceeds demand without needing MDRS in the AUP yet.

Council	Most recent council assessment of 30 year demand	Short-term plan-enabled capacity		Short-term plan-enabled, infrastructure ready, feasible and reasonably expected to be realised capacity	
		Pre-NPS-UD/MDRS	Post-NPS-UD/MDRS	Pre-NPS-UD/MDRS	Post-NPS-UD/MDRS
Auckland	197,100 (2023)	909,179	2,615,580	Unclear	271,000
Hamilton	44,400 (2023)	130,600	242,500 ¹⁴	4,300	12,400

8. A previous Council Housing and Building Authority (HBA) report (published by the Research and Evaluation Unit (RIMU)) provided much information/data on projected population growth and PC78-enabled housing supply.
9. For example, the HBA report demonstrated **demand** for dwellings **including** the National Policy Statement on Urban Development (NPS-UD) required margin is 23k, 85k, 227k over the short, medium, long term respectively.
10. It showed the **market-feasible** zoning adjusted for infrastructure-readiness had been reported at **297, 803k, 1034k** over the short, medium, long term.
11. The reasonable conclusions are:
- i) PC78 with MDRS provides much more capacity than the NPS-UD directs, and
 - ii) The AUP pre-PC78 enabled more than adequate feasible capacity to meet demand.
12. The statistics provided in the last 7-year build history in Auckland (*from a CCC data report*), outlined that 80259 homes were built/granted from the period 2016 to now. So, with 80259homes/7yr, equals to 11465 homes being reasonably being built in Auckland per year currently – and those have been enabled from predominantly non-MDRS unitary plan planning provisions.
13. The HBA report suggested 200,000 homes are required to be built by 2053 which equates to a requirement of 6667 homes to be built per year. Therefore, the AUP 2016, as it stands, without MDRS, has provided more than enough capacity (11,465 homes - just about double), to what is required.
14. On this basis alone it is fair and reasonable for Council to opt to withdraw the MDRS Plan as soon as possible, through the repeal of the RMA.
15. Most of the Council planners and communities canvassed seem aligned that MDRS will not deliver quality urban residential outcomes. It is prudent to test the need for a MDRS type of zoning when conducting the formal review of the AUP in 2026

Author and signatory:

Motion moved by:



30/09/2024

Troy Churton
Ōrākei Local Board Member

Seconded by:



30/09/2024

David Wong
Ōrākei Local Board Member

To: Local Board Chairs
From: Troy Churton – Orakei Local Board

Monday 9th September 2024

Medium Density Residential Standards, Plan Change 78 – exercising the option to opt out (withdraw MDRS) fully.

Exercising the option is not an anti-intensification issue. This is a better urban planning outcome issue.

1. Central government enables ACC GB to opt out of retaining MDRS in PC78. This option reflects widespread discontent with the idea of 3 x 3 built to 1m of boundaries and 11m in height indiscriminately across the city.
2. Existing annual development numbers (new builds) in ‘infrastructure-ready’ areas alone are already well within the forecast annual capacity / supply forecasts needed. (this is referenced in a Cabinet paper supporting the option for Councils to remove MDRS - [Cabinet-Paper-Going-for-Housing-Growth-Implementing-the-First-Stage.pdf \(hud.govt.nz\)](#))

Council	Most recent council assessment of 30 year demand	Short-term plan-enabled capacity		Short-term plan-enabled, infrastructure ready, feasible and reasonably expected to be realised capacity	
		Pre-NPS-UD/MDRS	Post-NPS-UD/MDRS	Pre-NPS-UD/MDRS	Post-NPS-UD/MDRS
Auckland	197,100 (2023)	909,179	2,615,580	Unclear	271,000
Hamilton	44,400 (2023)	130,600	242,500 ¹⁴	4,300	12,400

3. Auckland Unitary Plan already provides significant supply capacity to exceed forecast demand for over 30 years, and the existing THAB/MHU/ SHZ and overlays provide controls that will not inhibit supply.
4. The Auckland Unitary Plan, is up for statutory-required review in 2026. Considering the need to impose MDRS density provisions is more prudently left to being part of that process, to ensure more sustainable and integrated approach to planning our city. This process will enable collaborative outcomes that meet the need of all areas, and factor in advances in broadened provision of infrastructure.
5. Council planners support better urban planning design and outcomes achievable through existing zones and overlays, including upholding the SCA areas, future amenity provision etc.

I seek your Local Board Chair support for advocating to the GB / Planning Cmtee that Auckland Council opt out of having MDRS in the UP.

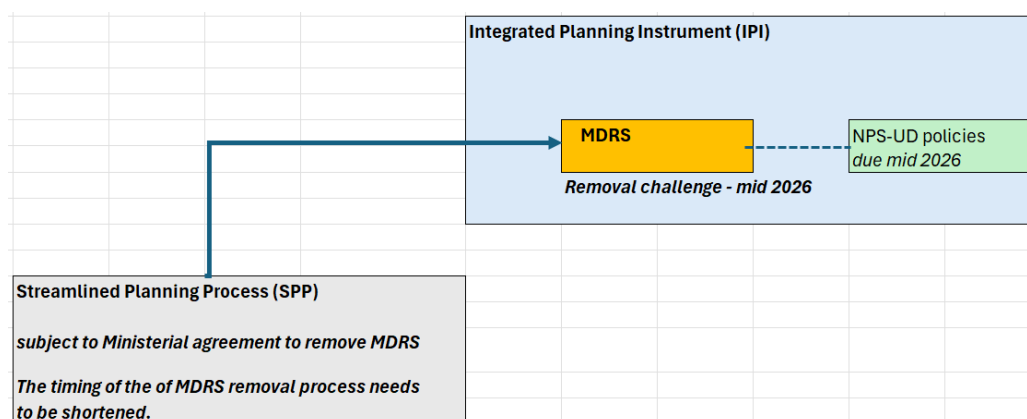
T.Churton
Orakei Local Board

Ōrākei Local Board



Ōrākei Local Board Resource Management (Consenting and Other System changes) Amendment Bill submission

- The timing provisions of the Bill must be amended to clearly enable Council to apply to the Minister for removal of MDRS now.
 - Advice suggests this power is 'unclear', and good legislative drafting should resolve this.
 - Advice suggests "the Bill theoretically provides an opportunity for Council with an IPI in progress to apply to the Minister to withdraw all or part of the IPI".
 - It is an unfair consequence to Council that it be unable to confidently manage having a MDRS or not until mid-2026.
- The Bill must be improved to explicitly state Council have the ability, now, to partially or wholly withdraw an IPI in progress.
 - Attachment C outlines Ōrākei Local Board (OLB) submissions demonstrating that Auckland has, and can, achieve progress implementing the NPS-UD and can continue to do so without widespread application of the MDRS.
 - Please see the below diagram explaining the urgent need for the proposed Bill to be amended:



Points of contention (per diagram):

- To remove MDRS - Local authorities are required to adopt the SPP process. This appears to be a 'landlocking' process to make the removal of MDRS extremely difficult.
- The SPP process can only occur if the Minister agrees MDRS can be removed/alterd. How can we lobby the Minister to understand the ramifications.
- The MDRS will only have the IPI withdraw process available one year after the Amendment Act comes to force (mid 2026); can this timeframe be reduced.
- The catch is that the Council must progress with the other NPS-UD standards (seemingly running concurrent from mid-2025 to 2026) - including PC78.

Ōrākei Local Board



- SPP will also trigger a mandatory 'Housing planning instrument' (HPI)- which is the replacement for the IPI. There is no clarity on how the HPI will be deployed.
- There needs to be a methodology to break the link between any intensification plan changes under NPS-UD standards and MDRS - so the standards are not affecting the decision to remove MDRS.
- Fundamentally - do Councils still have the ability to challenge plan changes that affect natural hazards (per Cyclone Gabrielle); it is not clear that the new NPS-UD standards have addressed this critical issue
- Regarding other system change proposals in the Bill:
 - OLB strongly opposes enabling applicants to review and scrutinise consent conditions pending a final decision. In the context of there being very limited broader public submission or third-party expert input, this nurtures consent conditions being a developer-bias outcome.
 - OLB strongly opposes any reduced scope for Council making further information requests of applicants. Council must retain full information gathering power to ensure the applicant evidence, which is paid and customised to suit, is subjected to the best testing possible.
 - On the basis that the Bill brings clarity to systems and processes, OLB contends penalties for breaches must be not only restorative but also truly penal and should be higher.
 - OLB is concerned that increasing consent lapse periods and default settings for larger projects is too administrative an approach to good environmental and resource management. We prefer to see consent times remain as they are and require applicants to demonstrate that the resources they have consent for are able to tolerate an extended period and take account of any new factors that may make the granting of an extension no longer suitable.

Ōrākei Local Board

Friday 7 February, 2025

Urgent Decision of the Ōrākei Local Board

This decision has been made under delegated authority by: Chairperson Scott Milne and Deputy Chairperson Sarah Powrie, on 07/02/2025.

Urgent Decisions delegation resolution:

Resolution number OR/2022/120

That the Ōrākei Local Board:

- a) **delegate authority to Chairperson S Milne and Deputy Chairperson S Powrie, or any person acting in these roles, to make urgent decisions on behalf of the local board, if the local board is unable to meet.**
- b) **confirm that the Local Area Manager, Chairperson S Milne, and Deputy Chairperson S Powrie (or any person/s acting in these roles) will authorise the use of the local board's urgent decision mechanism by approving the request for an urgent decision in writing.**
- c) **note that all urgent decisions made, including written advice which supported these decisions, will be included on the agenda of the next ordinary meeting of the local board.**

CARRIED

The use of the Urgent Decisions delegation was authorised by the Chairperson, Deputy Chairperson and Tristan Coulson, Local Area Manager. The authorisers are satisfied that the decision is required urgently, and it is not practicable in the circumstances to call an extraordinary or emergency meeting of the local board.

The following information was provided to the decision-makers to inform their decision:

Attachment A:

[Memorandum](#)

Attachment B:

[Q&A from Elected Members](#)

Attachment C:

[Notice of Motion - Member Troy Churton - Withdrawal of MDRS](#)

Attachment D:

[MDRS - Member Troy Churton submission to Chairs' Forum](#)

Attachment E:

[Ōrākei Local Board Feedback](#)

Subject: Resource Management (Consenting and Other System Changes) Amendment Bill submission

The Ōrākei Local Board:

- a) provide the attached feedback to the Resource Management (Consenting and Other System Changes) Amendment Bill submission, as outlined in Attachment E.



Scott Milne
Chairperson
Ōrākei Local Board



Sarah Powrie
Deputy Chairperson
Ōrākei Local Board



Tristan Coulson
Local Area Manager
Ōrākei Local Board