

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

AND

IN THE MATTER **Intensification Planning Instruments Plan Changes (IPI) and related Regional Policy Statement and Plan Changes to the Auckland Unitary Plan – Operative in Part (AUP)**

MINUTE FROM THE INDEPENDENT HEARING PANEL – 9 NOVEMBER 2023

EDEN EPSOM RESIDENTIAL PROTECTION SOCIETY INCORPORATED – FURTHER SUBMISSION FS138

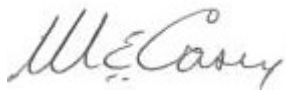
1. The Independent Hearing Panel has received correspondence from Suzanne Speer on behalf of Eden Epsom Residential Protection Society Incorporated (EERPS). Ms Speer has advised there was an error in EERPS’s further submission on Plan Change 78. This resulted in a topic allocation to Topic 016 Business – City Centre Zone provisions, instead of EERPS’s topic of interest, 015 Residential (particularly the Low Density Residential Zone and Mixed Housing Urban subtopics)¹.
2. The Panel has reviewed EERPS’s further submission and accepts that there was a typographical error. Notwithstanding the submission points identified, a fuller reading of the further submission shows that the substantive matter relates to Waka Kotahi’s requested changes to the Residential – Low Density Residential Zone and Residential – Mixed Housing Urban Zone.
3. The issues raised by EERPS’s further submission are already canvassed by other submitters, and the relevant hearings or alternative dispute resolution sessions have yet to take place. A minor correction at this stage to correct the typographical error will not prejudice other parties while also avoiding undue formality. The correction will give the participants in the relevant hearings certainty about who the parties are prior to the hearings commencing.
4. On this basis, the Panel will make the changes shown in the table below:

Eden Epsom Residential Protection Society’s Corrected Further Submission Points		
Original Submission Point	Corrected Submission point	Content of Further Submission
2049.3	2049.30	• remove “suburban character” from the zone description
2049.3	2049.35	• remove “established residential neighbourhood, suburban character, general spaciousness” from the zone policies at 3(1) and 3(2).

¹ Email dated 16 October 2023, see attachment 1 below.

2049.3	2049.39	• remove “intensity and scale of development” from the assessment criteria for RDAs [at H3A.8.2(1)(a)(i)]
2049.4	2049.45	– seeking amendment to the Activity Table in the LDRZ and MDUZ to expand non-residential activities
2049.5	2049.51	regarding the MDUZ and seeking removal of the words “neighbourhood character” from Matters of Discretion criteria [at H5.8.1(1)(b) and (2)(b)]
2049.5	2049.54	and also seeking removal of reference to “special character” in PC 78 FS138 Page 20 of 46 2 Assessment Criteria for MDUZ [at H5.8.2(2)(ad)]

5. These changes made to the further submission points will be included in updated Parties and Issues Reports.
6. Any enquiries regarding this Minute, or related matters, should be directed to the Senior Hearings Advisor, Mr Sam Otter by email at npsudhearings@aucklandcouncil.govt.nz



Matthew Casey, KC - Chairperson

9 November 2023

From: Suzanne
To: Sam Otter
Subject: Re: Plan Change 78 - City Centre Hearing notification - Eden Epsom Residential Protection Society Inc. (EERPS)
Date: Monday, 16 October 2023 4:25:14 pm

Thank you for your reply Sam.

Unfortunately the Society's further submissions do not relate to the 3 sub points of the Waka Kotahi submission that Council officers have categorised them against for the topic of City Centre hearing.

The Society did not make further submissions against these issues as given in the table below in your email.

The Society's further submissions clearly state the issues the Society has opposed. These do not relate to the City Centre height provisions.

The Society's further submission forms (x3 forms) have given the incorrect sub point numbers of 2049.3, 2049.4 and 2049.5.

However, alongside each of these incorrect sub points it is very clear what topic the Society opposes; this opposition relates to different sub points from the above and not the height limit topic for the city centre.

The Society's further submissions should be correctly categorised against the following sub points:

2049.30
2049.35
2049.39

and

2049.45

and

2049.51
2049.54

It is appreciated if this situation is rectified. Can you please confirm that:

1. The Society will be removed from the Central City Hearings and its topic, and
2. The Society will be included in the hearings on the LDRZ, non-residential activities in the LDRZ and MDUZ, and the MDUZ in terms of *neighbourhood character* in the Matters of Discretion and *special character* in the Assessment Character for this zone as outlined in the Society's further submissions.

Many thanks for your assistance.

Suzanne Speer
for the Eden Epsom Residential Protection Society Inc.

On 9/10/2023, at 9:52 AM, Sam Otter <sam.otter@ Aucklandcouncil.govt.nz> wrote:

Kia ora Suzanne,

It is because of your further submission opposing Waka Kotahi that you are here. See portion of table below. The council categorised some of it as against the City Centre height provisions.

Further Sub #	Further Submitter	support/oppose	sub/ point	Submitter name	Summary of Decisions Requested	Topic	Subtopic
F513B	Eden Epsom Residential Protection Society Incorporated	oppose	2049.5	Waka Kotahi	Remove height limits in the northern area between Nelson and Hobson Streets around Wyndham Street.	Business Zones	City Centre Zone - height provisions
F513B	Eden Epsom Residential Protection Society Incorporated	oppose	2049.3	Waka Kotahi	Remove height limits south-southeast of Wellesley Street to City Road and Symonds Street.	Business Zones	City Centre Zone - height provisions
F513B	Eden Epsom Residential Protection Society Incorporated	oppose	2049.4	Waka Kotahi	Remove height limits east of Eden Crescent south to Alten Crescent and western portion of Quay Park	Business Zones	City Centre Zone - height provisions

Ngā mihī

Sam Otter
(he/him)
Kaitiwhitohu Mataamua Whakawā - Senior Hearings Advisor

Ph 09 353 9587 | Mobile 021 196 2582
Auckland Council, Level 25, Te Wharau o Tāmaki – Auckland House, 135 Albert Street, Auckland
Visit our website: www.aucklandcouncil.govt.nz

Please note: if the matter is urgent and you need an alternative contact, you can email npsuhearings@aucklandcouncil.govt.nz

From: Suzanne <suzanne@speer.co.nz>
Sent: Friday, October 6, 2023 10:37 AM
To: Sam Otter <sam.otter@ Aucklandcouncil.govt.nz>
Subject: Re: Plan Change 78 - City Centre Hearing notification - Eden Epsom Residential Protection Society Inc. (EERPS)

Morning Sam,

With regard to your email below, we don't think that the Eden Epsom Residential Protection Society has made a submission or further submission to this topic of PC78.

The Society would appreciate you checking and let us know the outcome of your investigation.

Many thanks

Suzanne Speer
EERPS

On 5/10/2023, at 3:22 PM, Sam Otter <sam.otter@ Aucklandcouncil.govt.nz> wrote:

Tēnā koe,

I am emailing you because you have put in a submission or further submission on Plan Change 78. Your submission has been allocated to one of the topics included in the City Centre hearing. The full list of topics included is in the Notification letter.

City Centre Hearing Notification

The PC78 City Centre topics is proceeding to hearing. Please find attached the notification letter for this hearing. The Notification Letter contains all of the relevant information for this hearing and links to useful information.

IHP direction – Evidence exchange and Quay Park Precinct ADR

The evidence exchange dates for this hearing have been varied to take into account the holiday period. The IHP have issued the attached direction varying the standard evidence exchange dates. Expert conferencing was requested on the Quay Park Precinct and the IHP have directed that this takes place. For the full details please read the direction.

Hearing webpage

Please find the hearing webpage at this link. All of the information for this hearing will be made available here.
<https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/Hearing-documents.aspx?HearingId=724>

Hearing key dates

The key dates for this hearing are listed in the table below.

Key Dates for this hearing	
Council Evidence Due	Thursday 16 November 2023 by 12 noon
Submitter evidence due	Thursday 30 November 2023 by 12 noon
Additional Time Request Form due	Tuesday 5 December 2023 by 12 noon
Appearance Form due	Tuesday 5 December 2023 at 12 noon
Cross Examination Form due	Tuesday 5 December 2023 by 12 noon
Rebuttal Evidence due	Thursday 14 December 2023 by 12 noon
Legal Submissions due	Wednesday 14 February 2024 by 12 noon
Hearing commences	Tuesday 20 February 2024 at 9:30am

If you have any queries about this hearing please get in contact.

Ngā mihī

Sam Otter
(he/him)
Kaitiwhitohu Mataamua Whakawā - Senior Hearings Advisor

Ph 09 353 9587 | Mobile 021 196 2582
Auckland Council, Level 25, Te Wharau o Tāmaki – Auckland House, 135 Albert Street, Auckland
Visit our website: www.aucklandcouncil.govt.nz

Please note: if the matter is urgent and you need an alternative contact, you can email npsuhearings@aucklandcouncil.govt.nz

[Book your annual inorganic collection now.](#)



CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.
<Direction 5 October 2023 - City Centre Evidence Exchange and Quay Park ADR (002).pdf><City Centre - Notification Letter.pdf>