

Appendix M1

Whether the project would be likely to progress faster by using the processes provided by the Act than would otherwise be the case:

The proposal represents a substantial change to the existing character of the area. However, the Council has notified the rezoning to MHU-M under PC78. The Council therefore anticipates greater intensity of use and development on the Site than what currently exists or is possible under the current SHZ.

As this would be the first development to take advantage of the MDRS and the provisions of the SHZ have not yet been completely extinguished, it is expected that Auckland Council would publicly notify the application.

It is understood, based on feedback from the Ministry for the Environment, that the Ministry's 'best case' assessment of timeframes is now three months for the Minister's approval, and an additional four months for the EPA/Expert Consenting Panel process. Therefore, the fast-track consenting process is anticipated to take a total of approximately seven months.

Furthermore and separate to Auckland Council's delays discussed below, if this project is not fast-tracked Box would likely hold off further work on the resource consent application process until the MDRS and PC78 are resolved. That would result in a delay of around 12 months.

By contrast, under the RMA, based on recent experience with Auckland Council, the process would be expected to take at least 12-18 months as a conservative estimate with an application of this type within the locality.

As reference, the following are similar projects CIVIX have dealt with:

1 Garnet Road, Westmere (LUC60378850)

- Application for a four-storey mixed use building in the Neighbourhood Centre Zone infringing maximum height by a maximum of 4.4m. We note that this proposal is of a much smaller scale than this proposal, and the application was also lodged before Council had the significant backlog issues they currently face.
- The application was lodged in May 2021.
- A request for information was sent by the Council on 5 July 2021.
- The S92 Response was provided on 25 August 2021.
- A letter and email were provided from the Council planner on 19 November 2021 referring concerns raised by the neighbours, and a further response to that was provided on 6 December 2021 addressing these (in relation to sunlight and privacy concerns, and wastewater servicing. The response letter included an alternative design option possible under the same provisions with worse outcomes.
- Some time progressed without a decision on notification until over 5 months later when a decision was made by the Duty Commissioner on the 25 May 2022 to notify the application on a limited notified basis should the approval of the persons at Number 63 Old Mill Road not be obtained.
- This written approval from the persons at Number 63 Old Mill Road was provided in June 2022.
- The approval to the application was finally obtained on the 6 September 2022, some 14 months after lodgement of the application.

315A Glengarry Road, Glen Eden (BUN60391397)

- Application for a non-complying activity for 12 dwellings in the Single House Zone lodged on 22 November 2021.
- A partial s92 RMA request for information was received on 30 March 2022, noting comments were still required from Council stormwater and traffic specialists.
- The full s92 RMA request for information was received on 26 April 2022.
- Various responses were worked through which took some time between the applicant and the Council, noting that it had taken the applicant's team some time to resolve issues including street trees and stormwater matters.
- Due to the time taken to address these matters (in part due to the applicant's team requiring time to address items), notification of the MDRS was approaching such that the Council planner recommended suspending processing of the application in order to better align with the density provisions of the anticipated MDRS and re-zoning to MHUZ. This was because despite the adjacent development of the Nola Estate (now Selo) previously approved under Fast Track approval FTC000025 being under construction for 236 dwellings and a commercial node, it was considered the character of that site should be considered a vacant site. This was how the Council planner interpreted the 'receiving environment' – essentially ignoring the consented baseline and the fact the Selo development was under construction.
- It was accordingly advised by the Council planner that delaying until notification of PC78 would significantly assist considerations of effects on the character of the receiving environment under the more enabling provisions of the MDRS and notified re-zoning to MHUZ. This was reluctantly agreed to in order to assist what was at the time considered the path of least resistance to the processing of the application.
- An email was sent to the Council planner on 23 August 2022 seeking to proceed with the remaining S92 items relating mainly to stormwater and traffic matters. An addendum AEE was requested to be provided addressing the new provisions of the site notified under PC78 – as the planning Team Leader wanted planning justification as to how we saw the notified MDRS affecting the assessment of the proposal noting the re-zoning to MHUZ did not have legal effect. The addendum AEE was provided on 29 August 2022, setting out how the more enabling objectives and policies of the MHUZ had more weight than the Single House Zone objectives and policies, including Policy 5 seeking to *"provide for developments not meeting permitted activity status, while encouraging high-quality developments"*.
- No response to this addendum AEE has been received as at 18 October 2022.
- Further responses on the outstanding information items were provided on 20 September including stormwater items noting a Stormwater Management Plan (SMP) was the only stormwater item to be resolved.
- On 27 September 2022 an email response was provided from the Council planner accepting some items but passing on objections of the traffic engineer to the responses. We responded on the same day opposing the traffic engineer's comments, including his consideration that public waste collection was not considered appropriate, having to correct this point that private collection was only ever proposed. We opposed other matters raised by the traffic engineer also.
- On 4th October 2022 the Council planner advised:
 - The traffic responses are accepted and no further information was required.
 - The Council traffic engineer assessing the application had departed the role, and reallocation would occur with an update to be provided to us in due course.

- o That the application could not be supported on traffic grounds due to the width of the Commonly Owned Access Lot being less than 5m. This is despite Chapter E27 providing for a width of 2.75m with passing bays under Rule E27.6.4.3.2.
- Civix planner (Lance Hessel) responded seeking clarification of:
 - o Whether further responses were still required to traffic matters noting it was stated none were needed
 - o Whether the comments are based on the departed traffic engineer's comments, or whether these are the planner's own views based from a planning perspective.
 - o Whether we are going to have to wait for a new traffic engineer to review this application (under some unknown timeframe) and then potentially respond to new and additional matters.
 - o Whether if we have to re-design to accommodate the 5m COAL width and wider footpath, would the resulting infringements of landscaped area and impervious area require significant additional assessments and potential new reasons for opposition from the planner's perspective.
- To date as at 25 October 2022, no response to these matters has been obtained – with Mr Hessel likely needing to hold a meeting with the planner and Team Leader with the applicant in an effort to obtain clarity.

Therefore, while it is accepted that some of the delays are due to the applicant's team working through responses, and agreement to suspend the application to initiate this after notification of the MDRS over the site as recommended by the Council planner, this process is clearly inefficient in that:

- o The suspension of the application to assist the Council to process the application more efficiently as advised has clearly not resulted in that outcome, and the applicant's planner (Mr Hessel) is still working to resolve matters.
- o Traffic responses from the Council have to date proven slow and inaccurate and are now at a complete stand still with no indication when this will be resumed.
- o The applicant's team have still not been able to obtain resource consent approval despite following what was considered advice to assist this from the Council planner. This is at a point some 11 months after lodgment of the application.