

Jacob Paget

From: Rebecca Perrett
Sent: Thursday, 23 March 2023 3:54 pm
To: Samantha Maxwell
Cc: Fast Track Consenting; Pip Lee
Subject: FW: [COMMERCIAL]Mansion Rear Limited - 8 Stevensons Crescent, Albany [BS-SAGA.FID10190]
Attachments: 17.02.2023 8 Stevensons Crescent Development - Cultural Consultation.pdf; Cultural Consultation Email 16 February 2023.pdf

Hi Sam,

For your awareness, an update from the applicant's agent on the status of their engagement with iwi authorities.

I'm following up with Simon Berry to respond to his process questions (which are better directed to the EPA). Do you have an update on your analysis of the application that I can pass on?

Rebecca

Rebecca Perrett (she/her)

Principal Analyst | Kaitātari Mātāmua

Ministry for the Environment | Manatū Mō Te Taiao

s 9(2)(a) | mfe.govt.nz

From: Simon Berry s 9(2)(a)
Sent: Thursday, 16 March 2023 8:34 am
To: Rebecca Perrett s 9(2)(a)
Cc: Adelaide Osborn s 9(2)(a); Mark Tollemache s 9(2)(a); Taylor Doyle s 9(2)(a)
Tallulah Parker s 9(2)(a)
Subject: [COMMERCIAL]Mansion Rear Limited - 8 Stevensons Crescent, Albany [BS-SAGA.FID10190]

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Kia ora Rebecca

- Many thanks for your assistance in relation to the Mansion Rear Limited ("MRL") referral application to date. You indicated on 3 March that an MfE analyst would be in touch in due course regarding this referral application. We have not heard from an analyst yet but we are very keen to make contact and discuss any further material that might be required.
- The purpose of this note is to:
 - Update MfE on the status of our consultation efforts with relevant iwi authorities; and
 - Seek some guidance as to what further action is considered necessary.
- On Thursday 16 February 2023 and Friday 17 February 2023, we sent an email and memorandum to the twelve relevant iwi authorities (**attached**) informing them of the proposal and seeking a response as to whether they have a cultural interest in the proposal. These iwi authorities contacted had been

identified by Auckland Council as mana whenua for the area surrounding the Site.^[1] The iwi authorities which were informed comprised:

- (a) Ngāi Tai ki Tāmaki Tribal Trust;
- (b) Ngāti Manuhiri Settlement Trust;
- (c) Ngāti Maru Rūnanga Trust;
- (d) Ngāti Paoa Iwi Trust;
- (e) Ngāti Pāoa Trust Board;
- (f) Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohū;
- (g) Ngāti Whanaunga Incorporated;
- (h) Ngā Maunga Whakahii o Kaipara Development Trust;
- (i) Ngāti Whātua Ōrākei Trust;
- (j) Te Ākitai Waiohū Iwi Authority;
- (k) Te Kawerau Iwi Settlement Trust; and
- (l) Te Rūnanga o Ngāti Whātua.

4. Paragraph 4.1 of the letter stated:

*“We understand that the location of the Site may be outside your identified area of interest. As such, we would appreciate it if you could please advise us of your cultural interest in the proposal within 15 working days, **by COB Thursday 15th March 2023**, indicating whether you would wish to engage in the fast-track process should the application of the Site’s development for referral to the EPA be successful.”*

- 5. On 20 February 2023, we received a response from Courtney Shaw on behalf of Manuhiri Kaitiaki Charitable Trust advising that they would like to express an interest in providing a cultural response. However,
- 6. No other iwi authorities who were contacted have provided a response.
- 7. We would be grateful for MfE’s guidance as to the extent we should seek to follow up iwi authorities from which we have had response. Perhaps you could get our analyst to follow this up with us.
- 8. Happy to discuss.

Again, many thanks.

Regards

Simon Berry
Partner



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From: Rebecca Perrett s 9(2)(a)
Sent: Monday, 6 March 2023 6:43 pm
To: Simon Berry s 9(2)(a)
Subject: Re: [COMMERCIAL] Following up on your interest in the Fast-track Consenting process - 8 Stevensons Crescent, Albany [BS-SAGA.FID10190]

Hi Simon,

Yes, that's correct (noting the 6 month period to 11Jan 2024 to lodge the substantive application to the EPA)

Regards
Rebecca

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From: Simon Berry s 9(2)(a)
Sent: Monday, 6 March 2023, 11:49
To: Rebecca Perrett s 9(2)(a)
Subject: RE: [COMMERCIAL] Following up on your interest in the Fast-track Consenting process - 8 Stevensons Crescent, Albany [BS-SAGA.FID10190]

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Rebecca,

Thanks so much for your email last Friday – I'm a bit embarrassed that we had missed those provisions but it does seem abundantly clear that an applicant only needs to be referred to the fast track (including the order in council) by 8 July 2023, and that the substantive application to the EPA can be made after that and process will take as long as it takes (subject to FTCA time restrictions). Just so that we're clear, that's how you see it – right?

Regards

Simon Berry
Partner



Berry Simons Environmental Law

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From: Rebecca Perrett s 9(2)(a)
Sent: Friday, 3 March 2023 12:08 pm
To: Simon Berry s 9(2)(a)
Cc: Mark Tollemache s 9(2)(a); Adelaide Osborn s 9(2)(a); Fast Track Consenting <fasttrackconsenting@mfe.govt.nz>
Subject: RE: [COMMERCIAL] Following up on your interest in the Fast-track Consenting process - 8 Stevensons Crescent, Albany [BS-SAGA.FID10190]

Kia ora Simon,

Clauses 1(6) and 4 of Schedule 1 of the FTCA are also relevant.

Happy to discuss

Rebecca

Rebecca Perrett (she/her)

Principal Analyst | Kaitātari Mātāmua

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From: Simon Berry <s 9(2)(a)>
Sent: Friday, 3 March 2023 10:27 am
To: Rebecca Perrett s 9(2)(a)
Cc: Mark Tollemache s 9(2)(a); Adelaide Osborn s 9(2)(a)
Subject: RE: [COMMERCIAL] Following up on your interest in the Fast-track Consenting process - 8 Stevensons Crescent, Albany [BS-SAGA.FID10190]

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Morena Rebecca,

Many thanks for that. However, I would have thought that the EPA application would need to be determined by the end of the savings period, or else the FTCA won't exist to determine it under. Or am I missing something? Does your position reflect Crown Law advice?

Happy to discuss.

Nga mihi

Simon Berry
Partner



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From: Rebecca Perrett s 9(2)(a)
Sent: Friday, 3 March 2023 10:11 am
To: Simon Berry s 9(2)(a)
Cc: Mark Tollemache s 9(2)(a); Adelaide Osborn s 9(2)(a)
Subject: RE: [COMMERCIAL] Following up on your interest in the Fast-track Consenting process - 8 Stevensons Crescent, Albany [BS-SAGA.FID10190]

Kia ora Simon,

1. Another busy week for 2023.
2. We have received your Fast-track referral application for Mansion Rear. The analyst will be in contact in due course.
3. The substantive resource consent/NOR application to the EPA can be lodged after 8 July 2023. The last day to lodge a complete application with the EPA is 11 January 2024. The savings provisions apply until 8 January 2024, 6 months from the date of repeal on 8 July 2023, extended to 11 Jan 2024 (as the next working day). We recommend early engagement with the EPA to ensure adequate timing for the EPA's completeness check of any application prior to the last day.

Enjoy the weekend

Ngā mihi
Rebecca

Rebecca Perrett (she/her)

Principal Analyst | Kaitātari Mātāmua

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From: Simon Berry s 9(2)(a)
Sent: Friday, 3 March 2023 7:52 am
To: Rebecca Perrett s 9(2)(a)
Cc: Mark Tollemache s 9(2)(a); Adelaide Osborn s 9(2)(a)
Subject: RE: [COMMERCIAL] Following up on your interest in the Fast-track Consenting process - 8 Stevensons Crescent, Albany [BS-SAGA.FID10190]

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Ata marie Rebecca,

1. I hope you have had a nice (and not too hectic!) week.
2. You might recall that we spoke on 7 February 2023 about the times frames for lodging FT referral applications, etc. Since then we have lodged (on 23 February 2023) an FT referral application for Mansion Rear Limited for a mixed use development at 8 Stevensons Cres., Albany.
3. I have another question for you concerning the correct interpretation of Clause 1(2) of Schedule 1 of the Covid-19 Recovery (Fast-track Consenting) Act 2020, which states:

"This Act, and any Order in Council made under this Act that is in force on the day before the Act is repealed, remains in force for the purpose of completing any matter commenced under the Act before its repeal or under the order before its revocation.

(3) The matters referred to in subclause (2) include, without limitation,—

(a) a panel's decision on a consent application or notice of requirement that is lodged with a panel, in accordance with clause 2 of Schedule 6, before the date that is 6 months after the repeal of this Act."

4. Our understanding is that as long as the relevant project has been referred to the fast track via the necessary Order in Council, the substantive resource consent application to the EPA can be lodged after 8 July 2023, being the date of repeal. (It has been suggested that the substantive application should also be lodged by the date of repeal but that does not make sense to me.)
5. I would be most grateful if you could confirm that our interpretation is correct as it affects our planning of timing for inputs into the AEE, etc.
6. Many thanks in advance for your assistance. Happy to discuss.

Nga mihi nui

Simon Berry

Partner



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From: Rebecca Perrett s 9(2)(a)
Sent: Tuesday, 7 February 2023 11:19 am
To: Simon Berry s 9(2)(a)
Subject: FW: [COMMERCIAL] Following up on your interest in the Fast-track Consenting process - 8 Stevensons Crescent, Albany [BS-SAGA.FID10190]

Kia ora Simon,

I am able to assist with your enquiry. My contact details are below. I'm available now until 11.30 and again between 12-1.

Rebecca

Rebecca Perrett (she/her)

Principal Analyst | Kaitātari Mātāmua

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From: Simon Berry s 9(2)(a)
Sent: Tuesday, 7 February 2023 10:43 am
To: Samantha Maxwell s 9(2)(a) >
Subject: RE: [COMMERCIAL] Following up on your interest in the Fast-track Consenting process - 8 Stevensons Crescent, Albany [BS-SAGA.FID10190]

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Ata marie Samantha,

I'm sorry it's taken a while to get back to you – I simply never got any instructions. However, they are still keen to use the Fast Track procedure. Can we have a discussion about timing before 1pm (when I have a videoconference with the client)? Do you mind if I call you? What's the best no. to call you on?

Cheers

Simon Berry
Partner



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From: Simon Berry
Sent: Wednesday, 9 November 2022 12:13 pm
To: Samantha Maxwell s 9(2)(a)
Cc: Bronwyn McConchie s 9(2)(a)
Subject: RE: [COMMERCIAL] Following up on your interest in the Fast-track Consenting process - 8 Stevensons Crescent, Albany [BS-SAGA.FID10190]

Kia ora Samantha

Many thanks for your note to Bronwyn. Olivia Manning is no longer with us and I am the partner responsible for the matter. I will follow up with our clients as to progress and will get back to you as soon as I can.

Nga mihi nui

Simon Berry
Partner



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From: Samantha Maxwell s 9(2)(a)
Sent: Tuesday, 8 November 2022 12:01 pm
To: Bronwyn McConchie s 9(2)(a)
Subject: [COMMERCIAL]FW: Following up on your interest in the Fast-track Consenting process - 8 Stevensons Crescent, Albany

Kia ora Bronwyn,

I am forwarding you this email re Olivia Manning's automatic reply.

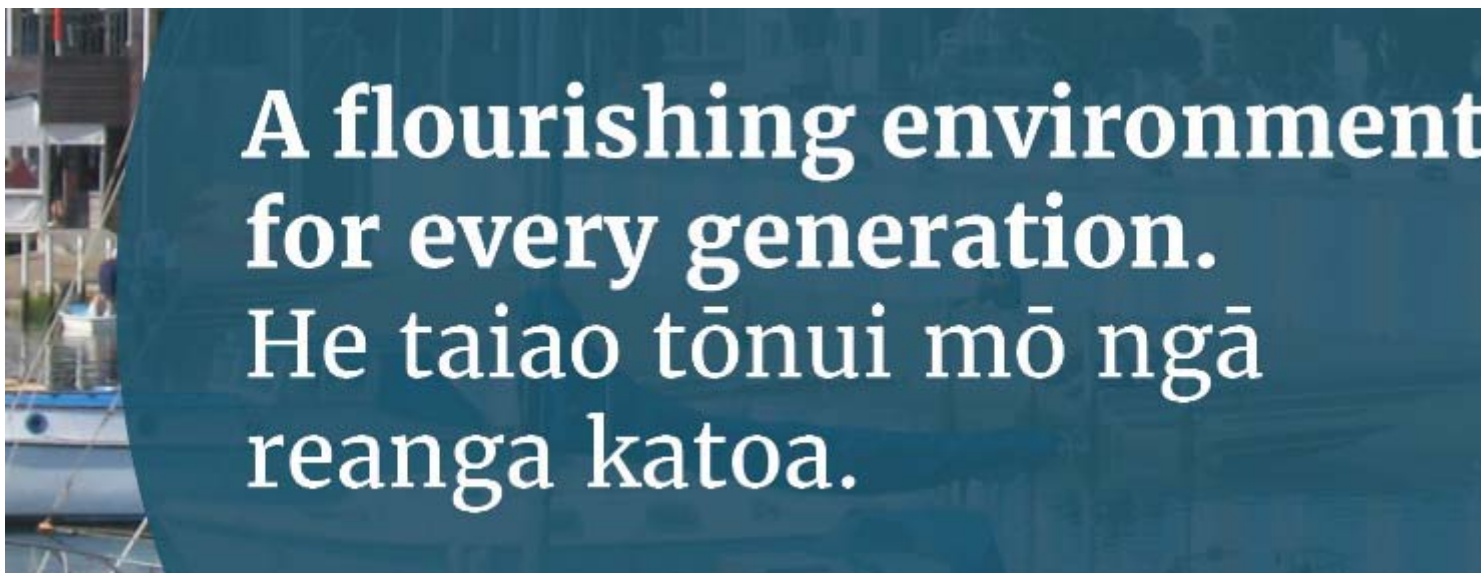
Ngā mihi nui,
Samantha Maxwell (she/her)
Analyst | Kaitātari
Fast Track Consenting Team

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From: Samantha Maxwell
Sent: Tuesday, 8 November 2022 11:55 am
To: Olivia Manning s 9(2)(a)
Cc: Simon Berry s 9(2)(a); Fast Track Consenting <fasttrackconsenting@mfe.govt.nz>
Subject: Following up on your interest in the Fast-track Consenting process - 8 Stevensons Crescent, Albany

Kia ora Olivia,

A while ago you made an enquiry regarding the Fast-track Consenting process and had a conversation and/or a meeting with one of our team and there was an indication that you might have applied by now.

We wanted to check in with you to find out if you intend to lodge before the Fast-track Consenting Act repeal date of 8 July 2023. The indicative cut-off date we are providing to allow time for an application to receive an order in council prior to the repeal date is mid-February. While you are still able to apply after February, there is increasing risk an application would not make it through the process.

To help us with workflow planning, it would be greatly appreciated if you could give us an update on your progress.

As always, the Fast Track Consenting team is happy to assist with any support you may need to help keep your potential fast-track application moving.

Ngā mihi nui,

Samantha Maxwell (she/her)

Analyst | Kaitātari

Fast Track Consenting Team

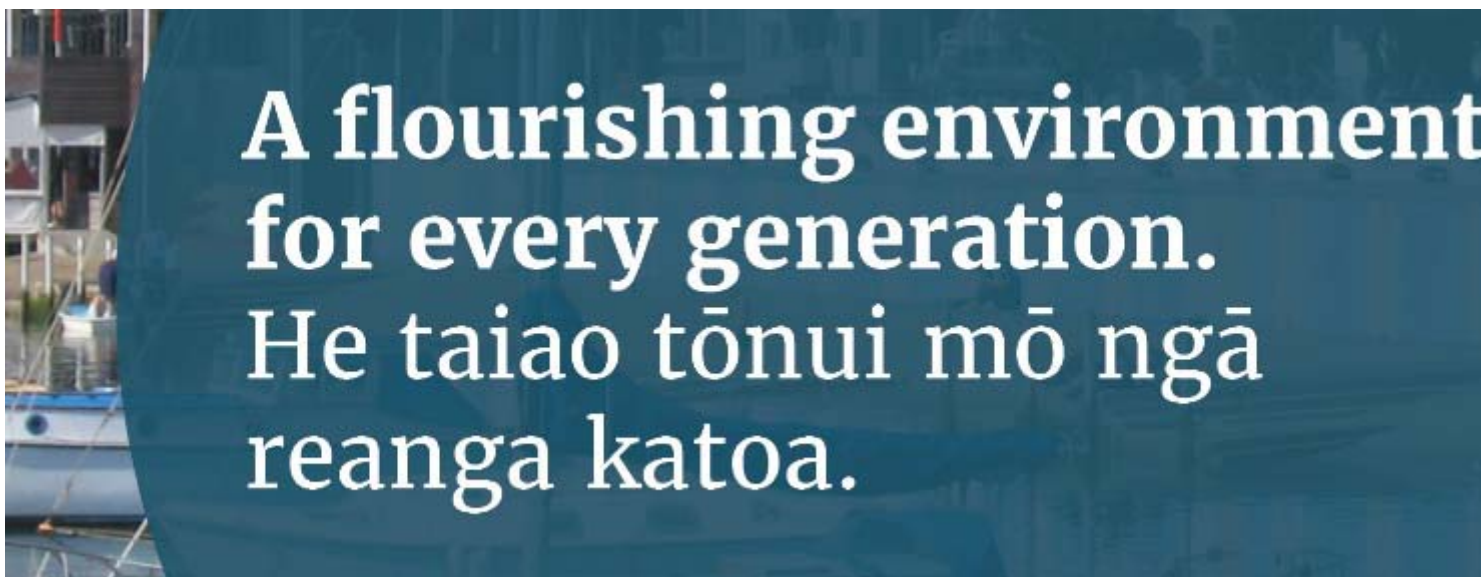
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^[1] <https://www.aucklandcouncil.govt.nz/building-and-consents/resource-consents/prepare-resource-consent-application/Pages/find-hapu-iwi-contacts-for-your-area.aspx>.