

In the Environment Court
at Auckland

I Mua I te Kōti Taiao o Aotearoa
Tamaki Makaurau Rohe

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER an appeal to the Environment Court under
clause 14 of the First Schedule to the
Resource Management Act 1991

BETWEEN **The Neil Group Limited**
Appellant

AND **Auckland Council**
Respondent

**SECTION 274 NOTICE BY KĀINGA ORA - HOMES AND
COMMUNITIES**

11 October 2024

Solicitor:
C E Kirman
Special Counsel
Kāinga Ora - Homes and Communities
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**TO: THE REGISTRAR
ENVIRONMENT
COURT AUCKLAND**

1. Kāinga Ora – Homes and Communities (**Kāinga Ora**) wishes to be a party to this proceeding.
2. Kāinga Ora made a submission about the subject matter of the proceeding. Kāinga Ora has an interest in this proceeding that is greater than the interest of the general public.
3. Kāinga Ora is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
4. Kāinga Ora is interested in all parts of the proceedings.
5. Without limiting its interests, Schedule 1 to this notice outlines whether Kāinga Ora supports or oppose those aspects, and associated reasons, of the proceeding. In addition to those specific provisions, Kāinga Ora is interested in all related provisions and in all consequential amendments that might be required or proposed to be made (including to any objectives, policies, rules or assessment criteria).
5. Kāinga Ora agrees to participate in mediation or other alternative dispute resolution of the Proceedings.

Dated:

11 October 2024



**Dr Claire Kirman
Solicitor for Kāinga Ora – Homes and Communities**

Address for service of Kāinga Ora

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Advice to recipients of copy of notice of interest

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington or Christchurch.

SCHEDULE 1

Provision appealed	Relief sought	Oppose/Support	Reasons
Plan Change 79	Does not introduce minimum accessible carparking standards	Support	Kāinga Ora, support in part changes to minimum accessible parking standards recorded in the Council decision but does have concerns about how any required spaces will be allocated through subdivision of a development.
Plan Change 79	Does not introduce loading zone requirements for residential developments	Support	These new requirements are likely to add unnecessary complexity and expense to development, potentially compromising appropriate and efficient development of scarce residential land
Plan Change 79	Does not adopt a separated 1.8m standard width or pedestrian passing bays for pedestrian walkways and instead seeks to align pedestrian walkways with the same width standard (1.2m) as used for internal corridors	Support	These new requirements are likely to add unnecessary complexity and expense to development, potentially compromising appropriate and efficient development of scarce residential land
Plan Change 79	Makes use of design guidelines and development incentives to resolve concerns over accessways	Support	These new requirements are likely to add unnecessary complexity and expense to development, potentially compromising appropriate and efficient development of scarce residential land.
Plan Change 79	Does not adopt mandatory bike parking for residential developments	Support	This requirement is likely to add unnecessary complexity and expense to development, potentially compromising appropriate and efficient development of scarce residential land.
Plan Change 79	Does not adopt the proposed mandatory EV charging capacity rules	Support	This requirement is likely to add unnecessary complexity and expense to development
Plan Change 79	Does not adopt the proposed Heavy vehicle access provisions	Support	These new requirements are likely to add unnecessary complexity and expense to development, potentially compromising appropriate and efficient development of scarce residential land
E24.6.2	Delete the standards and address lighting safety requirements in the assessment criteria.	Support	Within the design process for development Kāinga Ora consider that this is best left to be addressed through assessment criteria and conditions of consent rather than prescriptive standards that may also generate nuisance in the residential environments.

New Matter for Discretion E24.8.1(3) and Assessment Criteria E24.8.2(1A)	Delete the standards and address lighting safety requirements in the assessment criteria within the relevant zones	Support	Within the design process for development Kāinga Ora consider that this is best left to be addressed through assessment criteria and conditions of consent rather than prescriptive standards that may also generate nuisance in the residential environments
E24.9(1)	Delete the lighting information requirements.	Support	Within the design process for development Kāinga Ora consider that this is best left to be addressed through conditions of consent rather than required information for application given the level of detail required.
New Objective E27.2(7)	Amend the objective as follows: <u>(7) Where practical and appropriate, provide electric vehicle supply equipment to facilitate use of electric vehicles.</u>	Oppose	Kāinga Ora supports the Council decision wording of this objective.
E27.3(3)	Delete wording relating to accessible parking.	Oppose	Kāinga Ora supports the Council decision wording of this policy.
E27.3(14)	Amend the policy as follows: (a) requiring <u>larger non-residential developments and all residential developments without a dedicated garage or basement car parking space to provide secure and covered bicycle parking.</u>	Support	This requirement is likely to add unnecessary complexity and expense to development, potentially compromising appropriate and efficient development of scarce residential land.
New Policies E27.3(20A), and E27.3(20B)	Delete the policies	Support	These new requirements are likely to add unnecessary complexity and expense to development, potentially compromising appropriate and efficient development of scarce residential land.
New Policies E27.3(30)	Delete the policy	Oppose	Kāinga Ora supports the Council decision wording of this policy.
E27.6.1	Retain the existing New Development Thresholds	Support	This amended requirement is likely to add unnecessary complexity and expense to development, potentially compromising appropriate and efficient development of scarce residential land.
E27.6.2	Amend the wording as follows: i) <u>provided in either:</u> <u>a) a non-habitable room; or</u> <u>b) a storage or garden shed or equivalent; or</u> <u>c) A dedicated cycle parking facility; or</u> <u>d) A secure back yard; or</u>	Support	Kāinga Ora considers that the retention of clause (iii) in the decision is likely to add unnecessary complexity and expense to development, potentially compromising appropriate and efficient development of scarce residential land. Kāinga Ora supports the other changes in the Council decision.

	<p>e) Any combination of the above.</p> <p>v) fully sheltered from the weather;</p> <p>x) mains outlets for charging electric bicycles at a minimum ratio of 1/10 bicycle parks;</p> <p>iii) not part of any outdoor living space or landscaped area</p> <p>vi) fully sheltered from the weather;</p> <p>xi) mains outlets for charging electric bicycles at a minimum ratio of 1/10 bicycle parks;</p>		
E27.6.2(8) and E27.6.3.2	Retain existing loading requirements.	Support	This new requirement is likely to add unnecessary complexity and expense to development, potentially compromising appropriate and efficient development of scarce residential land. Particularly when considered in conjunction with new rule E27.6.3.3(2A)
New Standard E27.6.3.2(A)	Retain existing accessible parking requirements.	Support	Kāinga Ora, support in part concerns raised in how these spaces will be allocated through subdivision of a development.
New Standards E27.6.3.3(2A) and E27.6.3.4A	Delete the proposed standards.	Support	This new requirement is likely to add unnecessary complexity and expense to development, potentially compromising appropriate and efficient development of scarce residential land.
E27.6.3.7	Delete the standards and address lighting safety requirements in the assessment criteria.	Support	Within the design process for development Kāinga Ora consider that this is best left to be addressed through assessment criteria and conditions of consent rather than prescriptive standards that may also generate nuisance in the residential environments
E27.6.4.3	Retain the current standards	Support	This new requirement is likely to add unnecessary complexity and expense to development, potentially compromising appropriate and efficient development of scarce residential land. Kāinga Ora supports the inclusion of amendments to note 1 to table E27.6.4.3.2 in the Council decision.

New Standards E27.6.4.3.3, E27.6.6, E27.6.6.2, E27.6.6.3, E27.6.7	Delete the proposed standards	Support	These new requirements are likely to add unnecessary complexity and expense to development, potentially compromising appropriate and efficient development of scarce residential land.
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