

In the Environment Court
At Auckland

ENV-2024-AKL-000201

I te Kōti Taiao o Aotearoa
KiTāmaki Makaurau

Under the Resource Management Act 1991 (RMA)

In the matter of an appeal under clause 14(1) of the First Schedule of the RMA

Between **NEW ZEALAND HOUSING FOUNDATION**

Appellant

And **AUCKLAND COUNCIL**

Respondent

**NOTICE OF NGĀTI WHĀTUA ŌRĀKEI INTENTION
TO BE A PARTY TO PROCEEDINGS (S274 of RMA)**

11 October 2024

To The Registrar
Environment Court
Auckland

1. Ngāti Whātua Ōrākei (NWŌ) wishes to be a party to the appeal by New Zealand Housing Foundation against the decision of Auckland Council dated 9 August 2024 on Plan Change 79: Amendments to the Transport Provisions to the Auckland Unitary Plan (Operative in Part) (PC79) (Appeal). The Appeal has been given the Environment Court reference ENV-2024-AKL-000201.

1.1 NWO is interested in all of the proceedings but is particularly interested in the following standards (and related assessment criteria) raised in the Appeal:

- (a) Artificial Lighting in Residential Zones: Standards E24.6.2, E24.9 and E27.6.3.7(2);
- (b) Small Loading Space Requirements: Standards E27.6.2(8), E27.6.3.2 and E27.6.3.3(2A);
- (c) Accessible Parking Spaces: Standard E27.6.3.2(A);
- (d) Speed Management Requirements: Standard E27.6.4.3; and
- (e) Pedestrian Access in Residential Zones: Standard E27.6.6.

2. NWŌ supports the relief sought in the Appeal.

3. NWŌ is not a trade competitor for the purposes of section 308C or 308CA of the RMA.

Status

4. NWŌ did not make a submission on PC79 but has an interest in the Appeal that is greater than the general public:¹
 - (a) NWŌ are the tangata whenua of Te Kahu Tōpuni o Tuperiri, central Tāmaki Makaurau, with collective land holdings of over 160 hectares across Tāmaki Makaurau. This land is owned and managed by Ngāti Whātua Ōrākei Whai Rawa (**Whai Rawa**), which is the commercial investment company of NWŌ. They are responsible for protecting and growing their land assets throughout Auckland which enable them to achieve tribal development aspirations, finance positive social services and deliver housing solutions for whānau within our papakāinga.
 - (b) PC79, particularly the provisions listed in paragraph 1.1 above, will have a significant impact on the way in which land can be developed. PC79 affects Whai Rawa’s ability to deliver commercially viable developments because it adds considerable complexity, cost and time to development, therefore negatively impacting NWŌ. In particular, NWŌ are undertaking papakāinga and kaumātua housing on their Ōrākei tribal land as well as significant residential developments in Ōwairaka | Mount Albert (former Unitec land) and Hauraki | Belmont (on Rutherford Street, Marsden Street, Roberts Road, and others) which will be affected by PC79.
 - (c) As a significant investor in and the manager of land, and as a developer in its own right, NWŌ therefore has an interest in the Appeal that is greater than the general public.

1 *Purification Technologies Ltd v Taupo DC* [1995] NZRMA 197; *Te Rūnanga o Ngāti Awa v Bay of Plenty Regional Council* [2018] NZEnvC 169.

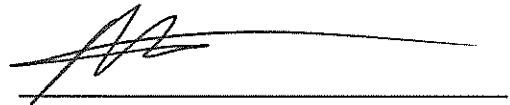
Reasons

5. NWŌ supports the relief sought in the Appeal. In general terms, it considers that the Decision:
- (a) is not the most appropriate way to achieve the purpose of the RMA;
 - (b) fails to promote the sustainable management of natural and physical resources and it otherwise inconsistent with Part 2 of the Act;
 - (c) will not give effect to the objectives or policies of the National Policy Statement on Urban Development or the Auckland Regional Policy Statement;
 - (d) will not contribute to well-functioning urban environments;
 - (e) is not the most efficient or effective method to achieve the purpose of the RMA, nor the objectives and policies of the AUP particularly when having regard to the provisions and their efficiency and effectiveness;
 - (f) will place significant additional costs on development proposals, which will risk limiting the supply of housing and compromising the city's ability to cater for housing demand;
 - (g) will compromise the efficient use of land and the achievement of an efficient urban form in Auckland; and
 - (h) is based on insufficient information and analysis.

Mediation

6. NWŌ agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 11 day of October 2024



Neil Donnelly

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