

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

**I MUA I TE KOOTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

UNDER the Resource Management Act 1991

IN THE MATTER of appeals under clause 14 of Schedule 1 of the Resource Management Act 1991 against the decision of the Auckland Council on **Plan Change 50** to the Auckland Unitary Plan

BETWEEN **KIWIRAIL HOLDINGS LIMITED**

Appellant

A N D **AUCKLAND COUNCIL**

Respondent

**NOTICE OF KĀINGA ORA – HOMES AND COMMUNITIES' WISH TO BE A
PARTY TO PROCEEDINGS**

8 JULY 2022

Instructing solicitor:

C E Kirman
Special Counsel
Kāinga Ora - Homes and Communities
PO Box 14594
Central Auckland 1051
E: claire.kirman@kaingaora.govt.nz

Counsel instructed:

B J Matheson
Richmond Chambers
33 Shortland Street
PO Box 1008
Auckland 1140
E: matheson@richmondchambers.co.nz

To The Registrar
Environment Court
Auckland

KĀINGA ORA - HOMES AND COMMUNITIES (Kāinga Ora) wishes to be a part to the following proceedings:

- An appeal under cl 14 of Sch 1 of the RMA against the decision of the Auckland Council on Plan Change 50 to the Auckland Unitary Plan by KiwiRail Holdings Limited (“**KiwiRail**”).
1. Kāinga Ora made a submission on the matters to which the appeal relates.
 2. In addition, Kāinga Ora is a person who has an interest in the proceedings that is greater than the public generally. Kāinga Ora’s statutory objective is to contribute to sustainable, inclusive and thriving communities that, inter alia, provide people with good quality, affordable housing choices that meet diverse needs. Kāinga Ora’s statutory functions include initiating, facilitating or undertaking urban development; and providing a leadership or co-ordination role in relation to urban development, in addition to its housing functions.
 3. Kāinga Ora is not a trade competitor for the purposes of s 308D of the Resource Management Act 1991.
 4. Kāinga Ora is interested in all of the proceedings.
 5. Kāinga Ora supports the objective of PC 50, including the urbanisation of Drury in a coordinated and efficient manner. Kāinga Ora is particularly interested in provisions relating to the acoustic attenuation and setback of buildings to address noise generated by the use of the railway line, and the appeal by KiwiRail Holdings Ltd which seeks to include vibration standards within those provisions and the degree of any setback from the rail corridor (collectively, “**acoustic and vibration attenuation provisions**”).
 6. Kāinga Ora opposes the relief sought in the appeal because it:
 - a. will not promote sustainable management of natural and physical resources;
 - b. is not the most appropriate way to achieve the purpose of the RMA;
 - c. does not represent the most appropriate way of assisting the Council to carry out its functions to achieve the purpose of the Act, including (but not limited to) the Council’s obligations to:
 - i. ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the region; and
 - ii. achieve integrated management of the effects of use and development of land and natural and physical resources.

- d. does not give effect to the National Policy Statement on Urban Development 2020 or the Regional Policy Statement (Chapter B of the AUP); and
 - e. would not be the most efficient and effective means of achieving the objectives of the Auckland Unitary Plan.
7. Kāinga Ora agrees to participate in mediation or other alternative dispute resolution.

KĀINGA ORA - HOMES AND COMMUNITIES by its counsel
Bal Matheson:



Signature: BJ Matheson
Date: 8 July 2022

Address for Service: Claire Kirman
Special Counsel
Kāinga Ora – Homes and Communities
PO Box 14594
Central Auckland 1051
claire.kirman@kaingaora.govt.nz

Copy to counsel: Bal Matheson
Richmond Chambers
PO Box 1008
Shortland Street
Auckland 1140

Telephone: (09) 600 5500
matheson@richmondchambers.co.nz

Advice

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