

BEFORE THE ENVIRONMENT COURT  
I MUA I TE KOOTI TAIAO O AOTEAROA

ENV - 2021 - AKL - 000020

UNDER the Resource Management Act 1991

IN THE MATTER of an appeal under clause 14 of Schedule 1 of the Resource Management Act 1991 against the decision of the Auckland Council on **Plan Change 26** to the Auckland Unitary Plan

BETWEEN SOMERSBY TRUST

Appellant

A N D AUCKLAND COUNCIL

Respondent

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SECTION 274 NOTICE TO JOIN PROCEEDING

1 APRIL 2021

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**Instructing solicitor:**  
C E Kirman  
Special Counsel  
Kāinga Ora - Homes and Communities  
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**Counsel instructed:**  
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To The Registrar  
Environment Court  
Auckland

**KĀINGA ORA - HOMES AND COMMUNITIES** successor to **HOUSING NEW ZEALAND COPORATION (Kāinga Ora)** wishes to be a party to this appeal against certain decisions of Auckland Council (**Council**) on Plan Change 26 to the Auckland Unitary Plan (**PC26**).

1. Kāinga Ora made a submission on the matters to which the appeal relates.
2. Kāinga Ora is not a trade competitor for the purposes of s 308C or s 308CA of the Resource Management Act 1991.
3. Kāinga Ora is interested in the entirety of the relief sought by the Appellant.
4. Kāinga Ora opposes the relief sought in the appeal because Kāinga Ora requested the deletion of PC26 for the reasons set out in its appeal, including the original proposal set out within the notified PC26 to no longer apply a 'rear yard' standard within the Special Character Areas Overlay provisions. (In the event that Kāinga Ora's relief is not granted, Kāinga Ora is interested in any amendments to the provisions of PC26.)
5. By way of further reasons, Kāinga Ora does not oppose the inclusion of provisions within the Auckland Unitary Plan (**AUP**) to manage special character values, but rather seeks to ensure the appropriate management framework (in the context of section 7(c) of the RMA) is applied, and that appropriate plan provisions are only included where necessary to manage those special character areas, attributes and features which have been assessed and identified within Schedule 15 of the AUP.
6. 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:** 1 April 2021

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**TO:** The Registrar, Environment Court

**TO RESPONDENT:** Auckland Council - A Buchanan

**TO APPELLANT:** Somersby Trust - B Tree/ C  
Woodward (ENV - 2021 - AKL -  
000020)

**TO OTHER PARTIES:** The Ascot Hospital and Clinics  
Ltd - F Lupis/M Thomas (ENV -  
2021 - AKL - 000021)

St Mary's Bay Association - B Putt  
(ENV - 2021 - AKL - 000023)

*Advice*

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