

In the Environment Court
At Auckland

ENV-2023-AKL-000200

I te Kōti Taiao o Aotearoa
Ki Tāmaki Makaurau

Under the Resource Management Act 1991

In the matter of an appeal pursuant to Clause 14 of the First Schedule of the Resource Management Act 1991 (**Act**)

Between **TE TŪĀPAPA KURA KĀINGA - MINISTRY OF HOUSING AND URBAN DEVELOPMENT**

Appellant

And **AUCKLAND COUNCIL**

Respondent

NOTICE OF TE WHATU ORA – HEALTH NEW ZEALAND (WAITEMATĀ) WISH TO BE PARTY TO AN APPEAL

13 December 2023

**SIMPSON
GRIERSON**

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To: The Registrar
Environment Court
Auckland

1. Te Whatu Ora – Health New Zealand (Waitematā) (**Te Whatu Ora**) wishes to be a party to the appeal by Te Tūāpapa Kura Kāinga– Ministry of Housing and Urban Development (**Appellant**) against part of Auckland Council’s decision on Plan Change 75: Mason Clinic (**PC75**) (**Appeal**).
2. PC75 was approved by Independent Commissioners on 19 September 2023.
3. PC75 amends the Auckland Unitary Plan (**AUP**) to enable future development of the Mason Clinic on land at 3A, 81A and 119A Carrington Road, Mount Albert (**Site**), including:
 - (a) rezoning the land at 3A and 119A Carrington Road from Business – Mixed Use zone to Special Purpose – Healthcare Facility and Hospital Zone; and
 - (b) amending the Precinct provisions and Precinct Plans in the Wairaka Precinct Chapter I334.
4. Te Whatu Ora was the applicant of PC75.
5. Te Whatu Ora is not a trade competitor for the purposes of sections 308C or 308D of the Act.
6. Te Whatu Ora is interested in all aspects of the Appeal. Te Whatu Ora supports the relief sought in the Appeal and considers the new Policy 15A and related references to Policy 15A in the Wairaka Precinct provisions are:
 - (a) not necessary or appropriate to mitigate the effects of PC75, including the removal of 0.9ha of private open space from within the Mason Clinic part of the Wairaka Precinct; and
 - (b) can be otherwise appropriately addressed through the private plan change request being sought by the Appellant for the remainder of the Wairaka Precinct.

7. For completeness, Te Whatu Ora agrees with the Appeal that:¹
- (a) the scope of the Appeal is restricted to the inclusion of a new Policy 15A and related references to “Policy 15A” in the Wairaka Precinct provisions of the AUP; and
 - (b) all remaining aspects of the Council’s decision on PC75 should be treated as operative in accordance with section 86F of the Act.
8. Te Whatu Ora agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED at Auckland this 13th day of December 2023



Bill Loutit / Rachel Abraham
Counsel for Te Whatu Ora Health New
Zealand (Waitematā)

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1 Notice of Appeal by Te Tūāpapa Kura Kāinga to Environment Court dated 27 November 2023 at [12].