

Form 33
Notice of person's wish to be party to proceedings
Section 274, Resource Management Act 1991

BEFORE THE ENVIRONMENT COURT AT AUCKLAND - ENV-2025-AKL-000110

Under The Resource Management Act 1991 ("RMA")

In the Matter Private Plan Change 94 - Wairaka Precinct on Carrington Road, Mt Albert

And in the matter of an appeal pursuant to section 120 of the RMA against a decision of Auckland Council on an application by Ministry of Housing and Urban Development / Te Tūāpapa Kura Kāinga.

Between Open Space for Future Aucklanders Incorporated
Appellant

And Auckland Council
Respondent

To: The Registrar
Environment Court
Auckland

1. We, Friends of Oakley Creek Te Auaunga Inc, wish to be a party to the following proceedings:
The appeal by the **Open Space for Future Aucklanders Incorporated** against the decision of Auckland Council on an application by the Ministry of Housing and Urban Development / Te Tūāpapa Kura Kāinga on Private Plan Change 94 - Wairaka Precinct on Carrington Road, Mt Albert
2. Friends of Oakley Creek Te Auaunga made a submission about the subject matter of the proceedings.
3. Friends of Oakley Creek Te Auaunga is a community organisation working to ensure the best, possible outcomes for our freshwater and natural environment, not only for our local stream,

but also for the wider Auckland Region.

4. Friends of Oakley Creek Te Auaunga is not a trade competitor for the purposes of [section 308C](#) or [308CA](#) of the Resource Management Act 1991.
5. Friends of Oakley Creek Te Auaunga is interested in part of the proceedings, particularly the following issues:
 - *Open Space*
 - *Heritage Buildings / Places, Notable Trees and Significant Ecological Areas*
 - *Absence of Masterplan*

Open Space:

- a) The Decision fails to secure sufficient open space.
- b) The Decision did not zone any land for open space.
- c) Instead, the Decision applies 27m or 35m height limits on land indicated for public space on Precinct Plan 1.
- d) The Decision records that the Plan Change will increase the development enabled in the Precinct from 2,500 dwellings and 1,000 specialist accommodation units, with a population of 8,200 people under the AUP to 4,000 to 4,500 dwellings and a population of 11,200 to 12,600 people under the Plan Change, but these numbers are uncapped.
- e) The Decision only provides for just over 3ha of land out of 64.5 ha as indicative open space on Precinct Plan 1 if accessways and land for stormwater drainage are not included.
- f) The open space indicated does not contain sufficient quality, accessible and useable open space.
- g) The amount and quality of open space provided for by the Decision is inconsistent with Council open space and recreation policies and falls significantly below international standards.
- h) As such the Decision:
 - i. fails to meet the open space and recreational needs of incoming residents of the Precinct or existing residents in the surrounding area; and
 - ii. will generate significant adverse effects on existing open space and recreational facilities in the surrounding area.
- i) The Decision fails to include a mechanism to ensure that open space is secured, funded and delivered in a timely manner as the Precinct is developed over the next ten to fifteen years.
- j) The Decision provides no mechanism that links the area of open space that is required to the number of dwellings or people occupying the Precinct.
- k) The Decision fails to properly recognise that open space is additional infrastructure that the Respondent must be satisfied is likely to be available to service the development capacity in order to give effect to the NPS-UD.

- l) The Decision failed to properly consider and/or implement mechanisms for ensuring the delivery and funding of open space as recommended by Council officers at the hearing including in the s42A Addendum Report.

Heritage Buildings / Places, Notable Trees and Significant Ecological Areas

- o) The Applicant and Respondent failed to uphold their obligations or perform their statutory duties to assess Heritage Buildings and Places, Notable Trees and Significant Ecological Areas.
- p) The Decision wrongly dismisses as out of scope reasonable amendments sought by submitters and/or recommended in the Hearing Report to ensure that Heritage Buildings and Places (such as Penman House), Notable Trees and Significant Ecological Areas are protected, despite these matters being identified through the submissions and hearing process and expert evidence presented at the hearing as meeting AUP criteria for scheduling or protection.
- q) In that regard the Decision:
 - i. Fails to recognise the significance of the changes sought by the Plan Change.
 - ii. Fails to recognise that the Plan Change has wide scope.
 - iii. Fails to recognise that there is wide scope for mitigations to address the adverse effects on the environment of the Plan Change.
 - iv. Fails to properly take into the account the obligations on applicants for private plan changes and the Respondent to assess the effects on the environment.
 - v. Fails to properly take into account the obligations on applicants for private plan changes and the Respondent to appropriately mitigate the effects on the environment.
 - vi. Fails to recognise and provide for relevant matters of national importance under s 6 of the RMA, namely the portion of areas of significant indigenous vegetation and the protection of historic heritage from inappropriate subdivision, use, and development.
 - vii. Fails to ensure that the Precinct provisions are the most appropriate in terms of s32 of the RMA with respect to achieving the sustainable management purpose of the RMA and implementing the higher order heritage, biodiversity, landscape and visual and economic, social and cultural objectives and policies of the AUP.
 - viii. Fails to properly give effect to the public participation purpose of the RMA and s32AA of the RMA in addressing evidence arising from the submissions and hearing process.

Absence of Masterplan

- r) The Decision ought to have required master planning of the Precinct.
- s) The Decision results in the majority of the 64.5 ha Precinct having a blanket BMU zoning.
- t) In the absence of varied zoning across the Precinct or a comprehensive masterplan that shows indicative pedestrian, cycling and vehicle connections within developable areas, the locations of proposed land use types (e.g. retail / commercial, residential, education and

community facilities) across the Precinct, and that is secured by inclusion in the Precinct plans or provisions, the Decision does not enable well-functioning urban environments and fails to give effect to the NPS-UD.

6. In the absence of the relief sought by the Appellant to address the concerns in this appeal, the Plan Change:
 - a) will not promote or be consistent with the purpose and principles in Part 2 of the RMA;
 - b) will not be appropriate in terms of section 32 of the RMA;
 - c) will not be consistent with and give effect to the relevant national and regional planning instruments; and
 - d) will enable the generation of significant adverse effects on the environment (including the Precinct and surrounding residential areas).
7. Friends of Oakley Creek Te Auaunga supports the relief sort by the Appellant:
 - a) That unless the Plan Change is amended to address the concerns raised in this appeal and in the Appellant's original submission and further submission, then the Plan Change be declined.
 - b) Without limiting the generality of paragraph (a) above, the amendments proposed in the Report.
 - c) Such other orders, relief or other consequential amendments as is considered appropriate and necessary by the Court to address the concerns set out in this appeal.
 - d) Costs of and incidental to the appeal.
8. Friends of Oakley Creek Te Auaunga agrees to participate in mediation or other alternative dispute resolution of the proceedings.



Wendy John
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Date 30th May, 2025

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