

**Before the Environment Court
At Auckland**

**I Mua I Te Kōti Taiao
Tāmaki Makaurau Rohe**

ENV-2023-AKL-000200

UNDER The Resource Management Act 1991 ("Act")

IN THE MATTER An appeal under clauses 14(1) and 29(6) of Schedule 1 of the Act

AND IN THE MATTER Of Private Plan Change 75: Mason Clinic to the Auckland Unitary Plan (Operative in Part)

Between **Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development**
Appellant

And **Auckland Council**
Respondent

And **Te Whatu Ora – Health New Zealand (Waitematā)**
Applicant

**Notice of Open Space for Future
Aucklanders Incorporated's wish to be a
party to proceedings**

Dated: 18 December 2023

Presented for filing by:

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TO: The Registrar
Environment Court
Auckland

AND: Auckland Council

AND: The Appellant

AND The Applicant

1. Open Space for Future Aucklanders Incorporated (**the Society**) wishes to be a party under s 274 of the Resource Management Act 1991 (**RMA**) to the following proceedings:

The appeal by Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development Auckland Transport (**MHUD**) against part of the decision of Auckland Council (**Council**) in respect of Private Plan Change 75: Mason Clini (**PC 75**) to the Auckland Unitary Plan (Operative in Part), ENV-2023-AKL-000200 (**the Appeal**).

2. The Council decision on PC 75 introduced a policy within the Wairaka Precinct (**Precinct**) provisions of the Auckland Unitary Plan Operative in Part requiring a minimum amount of private open space to be provided in the Precinct to mitigate the loss of open space in the Precinct resulting from approving PC 75. The Appeal seeks to delete that policy.
3. The Society is a person who has an interest in the proceeding that is greater than the interest that the general public has in terms of s 274(1)(d) of the Act:
 - (a) The Society is an incorporated society made up primarily of Mt Albert community members who own or occupy property close to the Precinct. The land rezoned by PC 75 is within the Precinct and PC 75 amends the provisions applying throughout the Precinct.
 - (b) The primary purpose of the Society is to represent its members in relation to planning applications in Auckland and specifically around Mount Albert and other central Auckland areas subject to high levels of planned intensification to ensure that proposals are far sighted and provide sufficient open space to serve the needs of existing and future residents and otherwise contribute to a well-functioning and high amenity urban environment.
 - (c) By Private Plan Change 94 (Wairaka Precinct) to the AUP (**PC 94**) MHUD seeks to (among other things) rezone additional land within the Precinct to Business Mixed Use, , enable up a minimum of 4,500 dwellings (possibly up to 6,000), and increase the number of people able to be accommodated within the Precinct from 8,200 to 12,000 (possibly to 18,000 based on some models), enable taller buildings throughout the Precinct (including 43-72m high buildings in part of the Precinct), remove building setbacks designed to better integrate future development and alter the configuration of open space in the Precinct.
 - (d) The Society has lodged a submission in opposition on PC 94. A key concern of the Society is that the level of open space in the Precinct needs to be significantly increased beyond that proposed to recognise the significant increase in population that would be enabled by PC94 and that the area

surrounding the Precinct is also proposed to be significantly intensified. As the surrounding suburbs of Mt Albert, Point Chevalier and Waterview are already established residential suburbs the Precinct presents the only realistic opportunity to provide sufficient open space for existing and future residents.

- (e) MHUD's appeal is directly relevant to the Society's purpose, and its interest in PC 94, as MHUD's appeal seeks to remove a requirement for open space in the Precinct.
 - (f) The members of the Society (and therefore the Society) would be materially disadvantaged if the Appeal were allowed.
4. The Society is a person who has made a submission about the subject matter of the proceedings in terms of s274(e) of the RMA having lodged a submission on PC 94 that seeks additional open space within the Precinct.
 5. The Society is not a trade competitor for the purposes of section 308C of the RMA.
 6. The Society is interested in the entire proceeding.
 7. The Society opposes the relief sought by MHUD.
 8. The Society opposes the relief sought by MHUD on the grounds that it:
 - (a) Will not promote the sustainable management of natural and physical resources and is otherwise inconsistent with the purpose and principles of the Act.
 - (b) Will generate significant adverse effects on the environment.
 - (c) Is inappropriate in terms of the requirements of section 32 of the Act and the relevant provisions of applicable planning instruments.
 9. The Society agrees to participate in mediation or other alternative dispute resolution.

Dated: 18 December 2023

OPEN SPACE FOR FUTURE AUCKLANDERS INCORPORATED by its solicitors and duly authorised agents Beresford Law



JL Beresford

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