

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2021-AKL-000014

IN THE MATTER of the Resource Management Act 1991 (“RMA”)

A N D

IN THE MATTER of Notice of Motion under Section 87G requesting the granting of resource consents for change or cancellation of condition of resource consent

BETWEEN **KRISTIN SCHOOL CHARITABLE TRUST**

Applicant

A N D

AUCKLAND COUNCIL

Respondent

**NOTICE OF INTENTION TO BECOME AN INTERESTED PARTY PURSUANT
TO SECTION 274 OF THE RMA BY THE MINISTRY OF EDUCATION**

12 March 2021

**ELLIS GOULD
LAWYERS
AUCKLAND**

REF: D J Sadlier

**Level 17 Vero Centre
48 Shortland Street, Auckland
Tel: 09 307 2172 / Fax: 09 358 5215
PO Box 1509
DX CP22003
AUCKLAND**

TO: The Registrar
Environment Court
AUCKLAND

1. **THE MINISTRY OF EDUCATION** (“**MOE**”) gives notice pursuant to sections 87G(4) and 274 of the RMA that it wishes to be a party to these proceedings, being *Kristin School Charitable Trust v Auckland Council* (ENV-2021-AKL-000014) (“**the Application**”).
2. The Application is in respect of a direct referral of an application for resource consent by Kristin School Charitable Trust (“**Trust**”) to cancel Condition 17 of its resource consent and thereby enable Kristin School’s staff, parents, school buses, students and visitors to use Bass Road to access the School subject to time restrictions.
3. MOE made a submission on the original application for resource consents by the Trust to the Auckland Council.
4. MOE is also a person who has an interest in the proceedings that is greater than the interest the general public has for a number of reasons, including (without limitation):
 - (a) MOE is the Government’s lead advisor on the education system, shaping direction for education agencies and providers and contributing to the Government’s goals for education.
 - (b) Amongst other matters, MOE is responsible for managing all education property owned by the Crown. This involves managing the existing property portfolio, upgrading and improving the portfolio, purchasing and constructing new property to meet increased demand, identifying and disposing of surplus State school sector property and managing teacher and caretaker housing. The Ministry is therefore a considerable stakeholder in terms of activities that may impact on existing and future educational facilities and assets in the region.
 - (c) Albany Primary School is located at 6 Bass Road, Albany, Auckland. The main entrance to Albany Primary School is located on Bass Road a short distance from its intersection with Albany Highway. The Kristin School access subject of the

Application is located approximately 580 metres away, at the end of Bass Road. All vehicle trips to and from Kristin School using the Bass Road access will pass the Albany Primary School main access.

- (d) The Application will generate potential traffic effects on Bass Road and the surrounding network, including on continued safe and efficient access to and from Albany Primary School. Additional traffic movements and congestion as a result of the Application may also have safety implications for Albany Primary School students on Bass Road.
 - (e) Unless appropriate conditions are imposed to manage the potential traffic effects on Bass Road and the surrounding network, MOE considers that the Application will:
 - (i) Not have had regard to the health and safety of people and communities; and
 - (ii) Will not have ensured that potential adverse environmental effects have been appropriately avoided, remedied or mitigated.
5. MOE is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
 6. MOE is interested in the Application in its entirety.
 7. Without limiting the generality of the above statement, MOE has a particular interest in:
 - (a) Potential traffic effects on Bass Road and the surrounding network, particularly any effects on safe and efficient access to and from Albany Primary School; and
 - (b) Potential effects on safety of students (of both Schools) on Bass Road.
 8. MOE opposes the relief sought in the Application insofar as it may have adverse traffic and/or safety effects, and because unless appropriate conditions are imposed on any consent granted to the Application to address MOE's concerns, the Application will:

- (a) be contrary to the sustainable management of natural and physical resources;
 - (b) be inconsistent with the purpose and principles of the RMA;
 - (c) in those circumstances impact on the ability of people and communities to provide for their social, economic and cultural wellbeing and for their health and safety; and
 - (d) not represent the efficient use and management of natural and physical resources.
9. MOE agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED at Auckland this 12th day of March 2021

MINISTRY OF EDUCATION by its
solicitors and duly authorised agents
Ellis Gould



Daniel Sadlier

ADDRESS FOR SERVICE: Daniel Sadlier, The offices of Ellis Gould Lawyers,
Level 17, Vero Centre, 48 Shortland Street, PO Box 1509, Auckland 1140, DX
CP22003, Auckland, Telephone: (09) 307-2172, Facsimile: (09) 358-5215.
Attention: D J Sadlier, dsadlier@ellisgould.co.nz.