

**BEFORE THE ENVIRONMENT COURT  
AT AUCKLAND**

**ENV-2016-AKL-000208**

**IN THE MATTER** of the Local Government (Auckland Transitional Provisions) Act 2010 ("LGATPA") and the Resource Management Act 1991 ("RMA")

**A N D**

**IN THE MATTER** of an appeal pursuant to section 156 of the LGATPA against a decision of the Auckland Council on a recommendation of the Auckland Unitary Plan Independent Hearings Panel ("Panel") on the proposed Auckland Unitary Plan ("Proposed Plan")

**BETWEEN** **MARIAN ISABEL KOHLER**

Appellant

**A N D** **AUCKLAND COUNCIL**

Respondent

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**NOTICE OF INTENTION TO BECOME AN INTERESTED PARTY PURSUANT  
TO SECTION 274 OF THE RMA BY HOUSING NEW ZEALAND  
CORPORATION**

7 October 2016

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**ELLIS GOULD  
LAWYERS  
AUCKLAND**

**REF: Dr C E Kirman / A K Devine**

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TO: The Registrar  
Environment Court  
**AUCKLAND**

1. **HOUSING NEW ZEALAND CORPORATION** (“**the Corporation**”) gives notice under section 274 of the RMA that it wishes to be a party to these proceedings, being *Kohler v Auckland Council* (ENV-AKL-2016-000208) (“**the Appeal**”).
2. The Appeal is in respect of the decision of the Auckland Council on a recommendation of the Panel on Proposed Plan Hearing Topic 031 – Historic Heritage and 032 Historic Heritage Schedules (“**the Decision**”).
3. The Corporation is a person who made primary and further submissions on the Proposed Plan about the subject matter of the proceedings.
4. The Corporation 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) The Proposed Plan sets the planning framework for enabling and managing future development as well as achieving sustainable development of the Auckland Region’s natural and physical resources.
  - (b) The Corporation is a major landowner in the Region and manages a portfolio of approximately 27,500 dwellings in the Region, providing housing to around 95,000 occupants.
  - (c) The Corporation’s housing assets form a major part of the Region’s social infrastructure, particularly its affordable housing infrastructure.
  - (d) It is essential that the Corporation is able to meet its responsibility of providing efficient and effective affordable and social housing for the most vulnerable members of our society, so as to deliver the social and economic wellbeing of both these people and the wider community generally.

- (e) The sustainable management of these housing assets will be strongly dependent on the direction, issues, objectives, policies, rules, zoning, overlays and other text contained in the Proposed Plan.
  - (f) The Corporation's ability to provide for the social and economic wellbeing of the Auckland region will be dependent on the reasonableness and appropriateness of the Proposed Plan provisions.
- 5. The Corporation is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
- 6. The Corporation is interested in the Appeal in its entirety. In particular, but without limiting the generality of the above statement, the Corporation has a particular interest in the wider implications of promulgating planning provisions which unnecessarily constrain the potential for growth within the Auckland Region and consider that an appropriate balance needs to be struck between the protection of historic heritage, and the wider issues of social and economic wellbeing (e.g. the provision of affordable housing).
- 7. The Corporation opposes the relief sought in the Appeal to the extent that it seeks recognition of an implied right to appeal under section 156(3) of the LGATPA because in the Appellant's view the recommendations and attendant decision by the Council were out of scope.
- 8. In that regard, if the relief sought in the Appeal is granted, and the Decision is disallowed or modified as sought in the Appeal, the Decision:
  - (a) Will be contrary to the sustainable management of natural and physical resources and otherwise inconsistent with the purpose and principles of the RMA; and
  - (b) Will in those circumstances impact on the ability of people and communities to provide for their social, economic and cultural wellbeing; and
  - (c) Will not represent the efficient use and management of natural and physical resources.

9. The Corporation agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**DATED** at Auckland this 7<sup>th</sup> day of October 2016

**HOUSING NEW ZEALAND  
CORPORATION** by its solicitors and  
duly authorised agents Ellis Gould



C E Kirman / A K Devine

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