

BEFORE THE ENVIRONMENT COURT
AT AUCKLAND

Lodgement: ENV-2016-AKL-000224

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

AND

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 SOUTH EPSOM PLANNING
GROUP INCORPORATED

First Appellant

A N D THREE KINGS UNITED
GROUP INCORPORATED

Second Appellant

A N D AUCKLAND COUNCIL

Respondent

NOTICE OF INTENTION OF THE MINISTER FOR THE ENVIRONMENT TO
BECOME AN INTERESTED PARTY PURSUANT TO
SECTION 274 OF THE RMA AND SECTION 156 OF THE LGATPA

TO: The Registrar
Environment Court
AUCKLAND

1. **THE MINISTER FOR THE ENVIRONMENT** (“**the Minister**”) gives notice under section 274 of the RMA that he wishes to be a party to these proceedings, being *South Epsom Planning Group Incorporated and Three Kings United Group Incorporated v Auckland Council* (ENV-AKL-2016-000224) (“**the Appeal**”).
2. The Appeal is in respect of the decision of Auckland Council (“**the Council**”) on a recommendation of the Panel on Proposed Plan Hearing Topics 080 and 081 - Rezoning and Precincts (“**the Decision**”), specifically the Decision to approve the Three Kings Precinct.
3. The Minister is a person who made a submission on the Proposed Plan, on behalf of the Crown.
4. The Minister 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 social, economic and environmental wellbeing of the Auckland Region is dependent on the appropriateness of the Proposed Plan provisions, particularly in terms of how they may increase or reduce housing supply and in turn affect housing affordability. The Minister has a direct interest in ensuring Auckland’s long term economic, social and environmental performance.
 - (c) The Crown has considerable landholdings adjacent to the Three Kings Precinct, and within the Three Kings area generally.
5. The Minister is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
6. The Minister is interested in the Appeal in its entirety. In particular, but without limiting the generality of the above statement, the Minister has a particular interest in the wider implications of promulgating planning provisions which constrain housing supply and affordability within the Auckland region.
7. The Minister opposes the relief sought in the Appeal because:
 - (a) If the relief sought in the Appeal is granted, and the Decision is disallowed or modified as sought in the Appeal, the Decision will be:

- (i) Contrary to the sustainable management of natural and physical resources and otherwise inconsistent with Part 2 of the RMA; and
 - (ii) Will in those circumstances impact on the ability of people and communities to provide for their social, economic and cultural wellbeing by (but not limited to) reducing housing supply in the Auckland region, thereby adversely affecting housing affordability.
8. The Minister agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED at Auckland this 7ⁿ day of October 2016

**THE HONOURABLE DR NICK
SMITH, MINISTER FOR THE
ENVIRONMENT** by his solicitors and duly
authorised agents Ellis Gould



C E Kirman

ADDRESS FOR SERVICE:

Counsel Instructed: Dr Claire Kirman, 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: C E Kirman, ckirman@ellisgould.co.nz.

Instructing Counsel: Rosemary Dixon, Crown Law, PO Box 2858, Wellington 6140, DX SP20208, Wellington Central, Telephone: (04) 472 1719, Facsimile: (04) 473 3482. Attention: R Dixon, rosemary.dixon@crownlaw.govt.nz.