

**DATE: 09 October 2018**

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## **Notice of Motion** (*Three Kings Fletcher Development*)

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In accordance with Standing Orders, please place the following Notice of Motion on the agenda for the Puketāpapa Local Board meeting being held on 18<sup>th</sup> October 2018.

### **Recommendations**

That the Puketāpapa Local Board:

- a) **note** that Plan Change 11 (PC11) amends the operative Three Kings Precinct to reflect the land exchange required to enable Fletcher Living Limited to develop the sports fields set out in its development plan
- b) **note** that PC11 only partially implements the settlement reached between Fletcher and South Epsom Planning Group and Three Kings United Group and is, therefore, a transitional measure until further parts of the settlement, including returning Western Park to Council ownership as Open Space, are completed,
- c) **note** that the community and the Puketāpapa Local Board consider, that among other things, securing the Western Park as open space and providing unifying links between the communities surrounding the quarry area are crucial to the settlement between these parties and the implementation of the objectives of the Three Kings Plan
- d) **note** that the Board considers that there is a risk that if these objectives are not dealt with seriously, or in a timely manner, it could potentially lead to outcomes that are not in keeping with the community and Board expectations as set out in settlement agreement
- e) **request** officers to urgently pursue the steps necessary to ensure that the settlement made between Fletcher and the Community Societies is implemented in full and to present to the Board an outline of the programme that will achieve this.

### **Background**

Fletcher Living Limited proposes to develop, for housing, the land made available by the filling of its quarry on Mt Eden Rd. To this end Fletcher submitted a Private Plan Change 372 to the former Auckland District Plan. This plan change was opposed by the South Epsom Planning Group, the Three Kings United Group, community members and the Puketāpapa Local Board. PC 372 was approved and then appealed by the Community Societies, and others, to the Environment Court. The



Environment Court, after a ten-day hearing, made a number of significant changes to the Three Kings Precinct plan in its interim decisions. However, the introduction of the Unitary Plan bypassed these decisions. This process was appealed further by the Community Societies to the High Court. A settlement agreement was subsequently reached between the Community Societies and Fletcher that incorporated many of the Environment Court's interim decisions including securing the Western Park as open space. This required two land exchanges and consequent plan changes. The first land exchange enables Fletcher to develop the playing fields set out in its development plan BUT also enables Fletcher to build on part of the Western Reserve. The plan change associated with this first land exchange is Plan Change 11 which is currently being made operative. A second land exchange and plan change is necessary to secure the Western Park as open space.

The Council agreed to a plan change to give effect to the settlement agreement on the condition that the High Court appeal was withdrawn. The Community Societies subsequently withdrew their appeal.

Full implementation of the settlement agreement is important to the Board and to the community and there is growing concern that this may not occur. Auckland Council needs to ensure that it is focussed on achieving this outcome. The Board requests officers to take an active lead in implementing the settlement agreement including achieving the second land exchange to secure the Western park as open space for the community.

**Signatories:**

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