

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2016-AKL-000243

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 under section 156 of the **LGATPA** against a decision of the Auckland Council on a recommendation of the Auckland Unitary Plan Independent Hearings Panel ("**Hearings Panel**") on the proposed Auckland Combined Plan ("**Unitary Plan**")

BETWEEN **K Vernon**
Appellant

A N D **Auckland Council**
Respondent

**NOTICE OF WISH TO BE PARTY TO PROCEEDINGS UNDER
SECTION 274 OF RMA**

**KIWI PROPERTY GROUP LIMITED and KIWI PROPERTY HOLDINGS
LIMITED**

**Re: Topic 050–054 City Centre and Business Zones (height in relation to
boundary in Mixed Use zone)**

Dated this *3rd* day of *October* 2016

**ELLIS GOULD
LAWYERS
AUCKLAND**

REF: Douglas Allan

DAA-004282-186-147-V1

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

**Notice of wish to be party to proceedings under section 274 RMA by Kiwi Property
Group Limited and Kiwi Property Holdings Limited**

1. Kiwi Property Group Limited and Kiwi Property Holdings Limited (“**Kiwi**”), wish to be parties to that part of the Notice of Appeal ENV-2016-AKL-000243 dated 15 September 2016 by K Vernon to the Environment Court (“**the Appeal**”) against the decision of the Auckland Council on the Auckland Combined (Unitary) Plan (“**the Unitary Plan**”) that concerns Topics 050-054 – City Centre and Business Zones and in particular the Unitary Plan height in relation to boundary control in the Mixed Use zone, being paragraphs 1 to 6, 26 to 35, 44, 45 and 112 of the Appeal.
2. Kiwi has an interest in the proceedings that is greater than that of the general public in that:
 - (a) Kiwi owns and manages Mixed Use zoned land throughout the Auckland Region.
 - (b) The changes sought in the Appeal with regard to the Unitary Plan height in relation to boundary control in the Mixed Use zone will significantly alter the ability of Kiwi to develop its landholdings and reduce the flexibility available with respect to that zone.
3. Kiwi made submissions about the subject matter of the proceedings in that it lodged submissions on the Unitary Plan that, amongst other relief, generally supported the intensification within the Business zones, including the Mixed Use zone. The effect of the Appeal is contrary to the relief sought in Kiwi’s submissions because it seeks a reduction in the intensity of development anticipated in the Mixed Use zone.
4. Kiwi is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
5. Kiwi is interested in and opposes all aspects of the Appeal relief relating to the Unitary Plan height in relation to boundary control in the Mixed Use zone. Kiwi seeks retention of the Council’s decision regarding the Unitary Plan height in relation to boundary control in the Mixed Use zone.
6. The Council’s decision is appropriate in terms of section 32 of the RMA and is consistent with the purpose, principles and provisions of the RMA. Amending the Unitary Plan as sought in the Appeal is unnecessary and counter-productive, will compromise the sustainable management of resources and is contrary to the

Council's strategy for accommodating growth and for intensifying development in Auckland.

7. Kiwi agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**Signed for and on behalf of Kiwi Property Group Limited and
Kiwi Property Holdings Limited
by their solicitors and duly authorised agents Ellis Gould:**



D A Allan

Date: this *3rd* day of *October* 2016

Address for Service of Section 274 Party: The offices of **Ellis Gould, Solicitors**, Level 17, The Vero Centre, 48 Shortland Street, Auckland (PO Box 1509, Auckland, 1140), DX CP22003, Phone: 09 307-2172, Facsimile, 09 358-5215. **Attention: D A Allan**, Email: dallan@ellisgould.co.nz