

**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**

THE NATIONAL TRADING COMPANY OF NEW ZEALAND 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

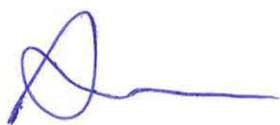
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AUCKLAND**

**Notice of wish to be party to proceedings under section 274 RMA by The National
Trading Company of New Zealand Limited**

1. The National Trading Company of New Zealand Limited (“**NTC**”), wishes to be a party 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. NTC has an interest in the proceedings that is greater than that of the general public in that:
 - (a) It owns and manages land throughout the Auckland Region subject to a range of Business zones that is variously occupied by existing supermarket developments or is intended to be developed or redeveloped to accommodate additional or enlarged supermarkets in accordance with the underlying zonings.
 - (b) The urban intensification envisaged by the Unitary Plan will necessitate the establishment of significant numbers of additional supermarkets within the existing urban areas of Auckland and to that end provision has been made for supermarkets to develop in the Mixed Use zone in conjunction with other activities.
 - (c) 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 NTC to develop their landholdings for mixed use activities.
 - (d) The changes sought in the Appeal will therefore impact adversely on the flexibility available to NTC when developing or redeveloping landholdings to accommodate supermarkets and broader mixed use developments.
3. NTC made submissions about the subject matter of the proceedings in that it lodged submissions on the Unitary Plan that, amongst other relief, supported the intensification of urban development including in the Mixed Use zone. The effect of the Appeal is contrary to the relief sought in NTC’s submissions because it seeks a reduction in the intensity of development anticipated in the Mixed Use zone.

4. NTC is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
5. NTC 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. NTC 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. NTC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Signed for and on behalf of The National Trading Company of New Zealand Limited by its 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