

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

ENV- 2016 - AKL - 000185

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

AND

IN THE MATTER of an appeal under section 156(1) of the Local Government (Auckland Transitional Provisions) Act 2010

BETWEEN **VIADUCT HARBOUR HOLDINGS LIMITED**

Appellant

AND **AUCKLAND COUNCIL**

Respondent

**SECTION 274 NOTICE
TO BE PARTY TO PROCEEDINGS**

Dated 5 October 2016

HEIMSATH ALEXANDER

— Barristers and Solicitors —

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To: **The Registrar
Environment Court
Auckland**

1. The following parties jointly and severally (and collectively referred to as the **Body Corporates**) wish to be a party to the notice of appeal on the Proposed Auckland Unitary Plan (**PAUP**) by Viaduct Harbour Holdings Limited (**VHHL**) in respect of Topic 050 City Centre, Viaduct Harbour Precinct, rezoning Lighter Quay as sub-precinct C (**Notice of Appeal**):
 - a. Body Corporate 199318 being the body corporate of The Point residential apartments, located at 121 Customs Street West, Viaduct Harbour, Auckland Central;
 - b. Body Corporate 313742 being the body corporate of Viaduct Point residential apartments, located at 125 Customs Street West, Viaduct Harbour, Auckland Central;
 - c. Body Corporates 197236 and 192317 being the body corporates of the Latitude 37 residential apartments, located at 20-22 Pakenham Street East, Viaduct Harbour, Auckland Central; and
 - d. Body Corporates 378969, 383524, 338459, 336460, 321390, 321391, 321389, 321393 and 323876 being the body corporates of The Parc residential apartments, located at 132 Customs Street West, Viaduct Harbour, Auckland Central.
2. The Body Corporates lodged submissions on the PAUP seeking a new sub-precinct C in the Viaduct Harbour Precinct to recognise and provide for the existing residential areas in the Viaduct Harbour. At the hearing of the Viaduct Harbour Precinct provisions before the Independent Hearings Panel, the Body Corporates supported that sub-precinct C apply to Lighter Quay. The Body Corporates also have an interest in the subject matter of the proceedings that is greater than the public generally.

3. The Body Corporates are not a trade competitor for the purpose of section 308C of the Resource Management Act 1991.
4. The Body Corporates are interested in all of the Notice of Appeal.
5. The Body Corporates oppose the relief sought because:
 - a. Applying sub-precinct C to Lighter Quay is appropriate and consistent with sub-precinct C applying to the other residential apartment complexes at The Point, Viaduct Point, Latitude 37 and The Parc in the Viaduct Harbour;
 - b. Establishing a residential community was an essential component of the Master Plan for the Viaduct Harbour and this use was supported in the Operative District Plan - Auckland Central by providing for office activities as Non Complying outside the 'office' area along the Fanshawe and Sturdee Street boundaries of the precinct;
 - c. The residential development in the Viaduct Harbour is an exemplar of urban living. The clustering and critical mass of the residential apartments has anchored the Viaduct Harbour Precinct in terms of its character, urban design quality, liveability and safety;
 - d. Without appropriate controls in the PAUP there is a real risk that the residential use in the Viaduct Harbour will be displaced over time by office and other commercial activities;
 - e. This would have adverse effects on the neighbourhood character and amenity values that the residents currently enjoy, and the character and amenity of the Viaduct Harbour Precinct as a whole (in terms of vitality and amenity, public interface, and safety);
 - f. Deleting sub-precinct C would not promote the sustainable management of natural and physical resources, or enable the

Viaduct Harbour residential community to provide for their social, economic and cultural wellbeing and for their health and safety.

6. VHHL has also filed a notice of appeal in the High Court in respect of sub-precinct C, and the Body Corporates have filed a notice of intention to appear in respect of the High Court proceedings.
7. The Body Corporates agree to participate in mediation or other alternative dispute resolution of the Notice of Appeal, and requests that mediation or alternative dispute resolution be put on hold until the High Court proceedings have been determined.



BJ Tree
Counsel for the Body Corporates of
The Point, Viaduct Point, Latitude 37
and The Parc

Date 5 October 2016

Address for service of the Body Corporates:

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