

**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 PARTIES TO PROCEEDINGS UNDER SECTION  
274 RMA BY DRIVE HOLDINGS LIMITED AND UP MANAGEMENT LIMITED**

**3 October 2016**

---

---

**ELLIS GOULD  
LAWYERS  
AUCKLAND**

**REF: Julie Goodyer**

**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 PARTIES TO PROCEEDINGS UNDER SECTION  
274 RMA BY DRIVE HOLDINGS LIMITED AND UP MANAGEMENT LIMITED**

1. **Drive Holdings Ltd and UP Management Ltd (“the Parties”)**, wish to be parties to those aspects of the Notice of Appeal dated 15 September 2016 by **K Vernon (“the Appellant”)** to the Environment Court, being number **ENV-2016-AKL-000243**, against the decision of the **Auckland Council (“the Respondent”)** on the Auckland Combined (Unitary) Plan (**“the Unitary Plan”**) that concern Topic 065 – Definitions and in particular the Unitary Plan definition of *“height”*, being paragraphs 1 to 6, 75 to 98, and 112 of the Appeal.
  
2. The Parties have an interest in the proceedings that is greater than the interest that the general public has in that:
  - (i) They own and manage land in the Local Centre zone at Mission Bay that they intend to redevelop in accordance with the underlying Local Centre zoning.
  
  - (ii) The changes sought in the Appeal to the definition of *“height”* will significantly alter the ability of landowners and developers, including the Parties, to include functional and aesthetic elements on structures that exceed the nominal total maximum building height of 18 metres in the Local Centre zone.
  
  - (iii) The changes sought in the Appeal will therefore impact adversely on the flexibility available to the Parties in terms of development opportunities for their Mission Bay landholdings.
  
  - (iv) The Parties made a submission about the subject matter of the proceedings in that they lodged a submission on the Unitary Plan that, among other relief, generally supported the Local Centre zone objectives, policies and rules, including in relation to height. The effect of the Appeal is contrary to the relief sought in the Parties’ submission because it seeks a reduction in the height limit practically available in the Local Centre zone.

3. The Parties are not trade competitors for the purposes of section 308C or 308CA of the Resource Management Act 1991 ("**RMA**")
4. The Parties are interested in and oppose all aspects of the Appeal relief relating to the definition of "*height*", being the relief sought in paragraphs 94 to 98 and 112 of the Appeal and seek retention of the Council's decision regarding the definition of "*height*".
5. The definition of "*height*" in the Decision is appropriate in terms of the RMA.
6. The Parties agree to participate in mediation or other alternative dispute resolution of the proceedings.

**Signed for and on behalf of the Parties by their solicitors and duly authorised agents Ellis Gould:**



**J G Goodyer**

**Date:** 3 October 2016

**Address for Service of Section 274 Parties:** 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: J G Goodyer**, Email: [jgoodyer@ellisgould.co.nz](mailto:jgoodyer@ellisgould.co.nz)