

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2016-AKL-000214

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 **Todd Property Group Limited**

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 013 – Urban Growth

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

**ELLIS GOULD
LAWYERS
AUCKLAND**

REF: Douglas Allan

**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 Notice of Appeal ENV-2016-AKL-000214 dated 16 September 2016 by Todd Property Group Limited to the Environment Court ("**the Appeal**") against the decision of the Auckland Council on the Auckland Combined (Unitary) Plan ("**the Unitary Plan**") concerning Topic 013 – Urban Growth.
2. Kiwi has an interest in the proceedings that is greater than that of the general public in that:
 - (a) Kiwi owns and manages land throughout the Auckland Region subject to a range of centre and other zones that is variously occupied by existing developments or is intended to be developed or redeveloped to accommodate additional or enlarged developments in accordance with the underlying zonings.
 - (b) The changes sought in the Appeal will alter the policy framework applying to the Business zones in the Unitary Plan and as a consequence could have strategically important implications for Kiwi's ability to develop or redevelop landholdings.
3. Kiwi made submissions about the subject matter of the proceedings and was involved in extensive mediations and hearings relating to the provisions affected by the Appeal. Kiwi supports the Council's vision of a quality compact city and considers that the wording changes proposed by Council give effect to that vision. Kiwi considers that 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.
4. Kiwi is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
5. Kiwi is interested in all aspects of the Appeal relief. Kiwi seeks retention of the Council's decision regarding the provisions subject to the Appeal but is prepared to consider alternative forms of relief provided they do not compromise the strategic vision embodied in the Unitary Plan.
6. 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