

**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 041 – Earthworks and Minerals – Kauri Dieback

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 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 Topic 041 – Earthworks and Minerals – Kauri Dieback, .being paragraphs 1 to 6, 99 to 103 and 112 of the Appeal.
2. NTC made a submission about the subject matter of the proceedings and has lodged an appeal with the Environment Court on the topic. The relief sought in the Appeal is consistent with that sought by NTC.
3. NTC is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
4. NTC is interested in and supports all aspects of the Appeal relief relating to the matter identified above, for the reasons set out in its appeal on the same topic.
5. 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

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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 012 – RPS Infrastructure (Transport); Topic 013 - RPS Urban Growth; and Topic 043/044 - Transport

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 The
National Trading Company of New Zealand Limited**

1. The National Trading Company of New Zealand Limited ("**NTC**"), wishes to be a party to those parts 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 concern:
 - (a) Topic 012 – RPS Transport;
 - (b) Topic 013 – RPS Urban Growth; and
 - (c) Topic 043/044 – Transport;being paragraphs 1 to 6, 12 to 17, 23 to 25 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 centre and other 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 changes sought in the Appeal will impact directly on strategic and practical decisions by NTC in relation to development pursuant to the Unitary Plan.
3. NTC made extensive and detailed submissions about the subject matter of the proceedings. The Appeal seeks relief that is directly relevant to the relief sought in NTC's submissions.
4. NTC has lodged an appeal with the Environment Court regarding carparking rules addressed in Topics 043/044.
5. NTC is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
6. NTC is interested in and opposes all aspects of the Appeal relief relating to Topics 012 and 013 but supports the relief regarding Topic 043/044 to

the extent it is consistent with the relief sought by NTC in its own appeal relating to Topics 043/044.

7. The relief sought by NTC is appropriate in terms of section 32 of the RMA and is consistent with the purpose, principles and provisions of the RMA.
8. 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

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

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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 065 - Definition of "Height"

Dated this *31* 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 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 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. 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 centre and other 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 changes sought in the Appeal to the definition of “*height*” will significantly alter the ability of NTC to include functional and aesthetic elements on its supermarkets and other structures that exceed the nominal maximum heights in the relevant zones.
 - (c) 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 wider 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, generally supported the Business zone objectives, policies and rules, including in relation to height. The effect of the Appeal is contrary to the relief sought in NTC’s submission because it seeks a reduction in the height limit practically available in the Business zones.
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 definition of “*height*”, being the relief sought in paragraphs 94 to 98 and 112 of the Appeal. NTC seeks retention of the Council’s decision regarding the definition of “*height*”.
6. The definition of “*height*” in 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 definition 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

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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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48 Shortland Street, Auckland
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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