

**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

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**NOTICE OF WISH TO BE PARTY TO PROCEEDINGS UNDER  
SECTION 274 OF RMA**

**KIWI PROPERTY GROUP LIMITED and KIWI PROPERTY HOLDINGS  
LIMITED**

**Re: Topic 065 - Definition of "Height"**

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

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**ELLIS GOULD  
LAWYERS  
AUCKLAND**

**Level 17 Vero Centre  
48 Shortland Street, Auckland  
Tel: 09 307 2172 / Fax: 09 358 5215  
PO Box 1509  
DX CP22003  
AUCKLAND**

**REF: Douglas Allan**

**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 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. 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 retail and commercial developments or is intended to be developed to accommodate additional or enlarged developments in accordance with the underlying zonings.
  - (b) The changes sought in the Appeal to the definition of “*height*” will significantly alter the ability of Kiwi to include functional and aesthetic elements on its developments 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 Kiwi when developing or redeveloping landholdings.
3. Kiwi 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 Kiwi’s submissions because it seeks a reduction in the height limit practically available in the Business zones.
4. Kiwi is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
5. Kiwi 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. Kiwi 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. 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:**



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**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](mailto: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

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**NOTICE OF WISH TO BE PARTY TO PROCEEDINGS UNDER  
SECTION 274 OF RMA**

**KIWI PROPERTY GROUP LIMITED and KIWI PROPERTY HOLDINGS  
LIMITED**

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

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

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**ELLIS GOULD  
LAWYERS  
AUCKLAND**

**REF: Douglas Allan**

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AUCKLAND**

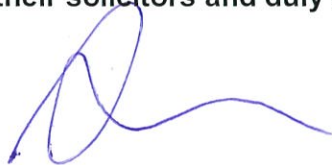
**Notice of wish to be party to proceedings under section 274 RMA by Kiwi  
Property Group Limited and Kiwi Property Holdings Limited**

1. Kiwi Property Group Limited and Kiwi Property Holdings Limited (“**Kiwi**”), wish to be parties to 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. 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 retail and commercial developments or is intended to be developed to accommodate additional or enlarged developments in accordance with the underlying zonings.
  - (b) The changes sought in the Appeal will impact directly on strategic and practical decisions by Kiwi in relation to development pursuant to the Unitary Plan.
3. Kiwi 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 Kiwi’s submissions.
4. Kiwi has lodged an appeal with the Environment Court regarding carparking rules addressed in Topics 043/044.
5. Kiwi is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
6. Kiwi 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 Kiwi in its own appeal relating to Topics 043/044.

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



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**D A Allan**

**Date:** this *3rd* day of *October* 2016

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**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

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**NOTICE OF WISH TO BE PARTY TO PROCEEDINGS UNDER  
SECTION 274 OF RMA**

**KIWI PROPERTY GROUP LIMITED and KIWI PROPERTY HOLDINGS  
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

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**ELLIS GOULD  
LAWYERS  
AUCKLAND**

**REF: Douglas Allan**

DAA-004282-186-147-V1

**Level 17 Vero Centre  
48 Shortland Street, Auckland  
Tel: 09 307 2172 / Fax: 09 358 5215  
PO Box 1509  
DX CP22003  
AUCKLAND**

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Group Limited and Kiwi Property Holdings Limited**

1. Kiwi Property Group Limited and Kiwi Property Holdings Limited ("**Kiwi**"), wish to be parties 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. Kiwi has an interest in the proceedings that is greater than that of the general public in that:
  - (a) Kiwi owns and manages Mixed Use zoned land throughout the Auckland Region.
  - (b) 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 Kiwi to develop its landholdings and reduce the flexibility available with respect to that zone.
3. Kiwi 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 intensification within the Business zones, including the Mixed Use zone. The effect of the Appeal is contrary to the relief sought in Kiwi's submissions because it seeks a reduction in the intensity of development anticipated in the Mixed Use zone.
4. Kiwi is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
5. Kiwi 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. Kiwi 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. 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

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