

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**

**KARAKA CENTRE LIMITED and KARAKA LAKES LIMITED**

Re: Topic 050-054 - Height in relation to boundary in Mixed Use zone

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 Karaka Centre Limited and Karaka Lakes Limited**

1. Karaka Centre Limited and Karaka Lakes Limited (“**KCL/KLL**”), 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. KCL/KLL have an interest in the proceedings that is greater than that of the general public in that:
  - (a) KCL/KLL own Mixed Use zoned land in 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 KCL/KLL to develop their landholdings and reduce the flexibility available with respect to that zone.
3. KCL/KLL made submissions about the subject matter of the proceedings in that they 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 KCL/KLL’s submissions because it seeks a reduction in the intensity of development anticipated in the Mixed Use zone.
4. KCL/KLL are not trade competitors for the purposes of section 308C or 308CA of the RMA.
5. KCL/KLL are interested in and oppose all aspects of the Appeal relief relating to the Unitary Plan height in relation to boundary control in the Mixed Use zone. KCL/KLL seek 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. KCL/KLL agree to participate in mediation or other alternative dispute resolution of the proceedings.

**Signed for and on behalf of Karaka Centre Limited and Karaka Lakes Limited  
by their solicitors and duly authorised agents Ellis Gould:**



**D A Allan**

**Date:** this 3<sup>rd</sup> 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)