

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

ENV- 2016 - AKL - 000185

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

AND

IN THE MATTER of an appeal under section 156(1) of the Local Government (Auckland Transitional Provisions) Act 2010

BETWEEN **VIADUCT HARBOUR HOLDINGS LIMITED**

Appellant

AND **AUCKLAND COUNCIL**

Respondent

**SECTION 274 NOTICE
TO BE PARTY TO PROCEEDINGS**

Dated 5 October 2016

HEIMSATH ALEXANDER

— Barristers and Solicitors —

Ph: (09) 929 0500
Fax: (09) 379 5385
Email: bianca@halaw.co.nz
Solicitor: B Tree

Level 1, Shed 22
Princes Wharf, 147 Quay Street
P O Box 105884, Auckland City
Auckland 1143

To: **The Registrar
Environment Court
Auckland**

1. The following parties jointly and severally (and collectively referred to as **Lighter Quay**) wish to be a party to the notice of appeal on the Proposed Auckland Unitary Plan (**PAUP**) by Viaduct Harbour Holdings Limited (**VHHL**) in respect of Topic 050 City Centre, Viaduct Harbour Precinct, rezoning Lighter Quay as sub-precinct C (**Notice of Appeal**):
 - a. Body Corporate 326496 being the body corporate of North residential apartments, located at 85-89 Halsey Street, Viaduct Harbour, Auckland Central;
 - b. Body Corporate 343562 being the body corporate of Stratis residential apartments, located at 83 Halsey Street, Viaduct Harbour, Auckland Central;
 - c. Body Corporate 358939 being the body corporate of Halsey residential apartments, located at 75 Halsey Street, Viaduct Harbour, Auckland Central;
 - d. Body Corporate 384911 being the body corporate of Sofitel hotel, located at 21 Viaduct Harbour Avenue, Viaduct Harbour, Auckland Central; and
 - e. The Lighter Quay Residents Society Incorporated being a society representing the owners of North, Stratis, Halsey and Sofitel, Viaduct Harbour, Auckland Central.
2. Lighter Quay has an interest in the subject matter of the proceedings that is greater than the public generally. The Notice of Appeal seeks to delete sub-precinct C from the location of the Lighter Quay development.
3. Lighter Quay is not a trade competitor for the purpose of section 308C of the Resource Management Act 1991.

4. Lighter Quay is interested in all of the Notice of Appeal.
5. Lighter Quay opposes the relief sought because:
 - a. Applying sub-precinct C to Lighter Quay is appropriate and consistent with sub-precinct C applying to the other residential apartment complexes at The Point, Viaduct Point, Latitude 37 and The Parc in the Viaduct Harbour;
 - b. Establishing a residential community was an essential component of the Master Plan for the Viaduct Harbour and this use was supported in the Operative District Plan - Auckland Central by providing for office activities as Non Complying outside the 'office' area along the Fanshawe and Sturdee Street boundaries of the precinct;
 - c. The residential development in the Viaduct Harbour is an exemplar of urban living. The clustering and critical mass of the residential apartments has anchored the Viaduct Harbour Precinct in terms of its character, urban design quality, liveability and safety;
 - d. Without appropriate controls in the PAUP there is a real risk that the residential use in the Viaduct Harbour will be displaced over time by office and other commercial activities;
 - e. This would have adverse effects on the neighbourhood character and amenity values that the residents currently enjoy, and the character and amenity of the Viaduct Harbour Precinct as a whole (in terms of vitality and amenity, public interface, and safety);
 - f. Deleting sub-precinct C would not promote the sustainable management of natural and physical resources, or enable the Viaduct Harbour residential community to provide for their social, economic and cultural wellbeing and for their health and safety.

6. VHHL has also filed a notice of appeal in the High Court in respect of sub-precinct C, and Lighter Quay have filed a notice of intention to appear in respect of the High Court proceedings.
7. Lighter Quay agrees to participate in mediation or other alternative dispute resolution of the Notice of Appeal, and requests that mediation or alternative dispute resolution be put on hold until the High Court proceedings have been determined.



BJ Tree

Counsel for the Body Corporates of
North, Stratis, Halsey and Sofitel and
the Lighter Quay Residents Society

Date 5 October 2016

Address for service of Lighter Quay:

Body Corporates of North, Stratis, Halsey and Sofitel, and the Lighter Quay
Residents Society

C/O Heimsath Alexander

Level 1, Shed 22, Prince's Wharf, 147 Quay Street, Auckland

P O Box 105884, Auckland 1143

Attention: Bianca Tree

Telephone: 09 929 0507

Fax: 09 379 5385

Email: bianca@halaw.co.nz