

**IN THE ENVIRONMENT COURT**

**ENV-2016-AKL-000243**

**AT AUCKLAND**

**UNDER THE**

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

**IN THE MATTER**

of an appeal under section 156(1) of the  
LGATPA

**AND**

**IN THE MATTER**

of section 274 of the RMA

**AND**

**IN THE MATTER**

of Hearing Topics 050-054 City Centre and  
Business Zones and 059-063 Residential  
Zones of the Proposed Auckland Unitary  
Plan

**BETWEEN**

**K VERNON**

Appellant

**AND**

**AUCKLAND COUNCIL**

Respondent

---

**NOTICE OF BUPA CARE SERVICES NZ LIMITED'S WISH TO BE PARTY TO  
PROCEEDINGS**

**2 NOVEMBER 2016**

---

**To:** the Registrar of the Environment Court at Auckland

**And to:** the Appellant

**And to:** Auckland Council

1. BUPA CARE SERVICES NZ LIMITED ("**Bupa**") wishes to be a party to an appeal by K Vernon ("**Appellant**") against the decisions by Auckland Council ("**Council**") on the Proposed Auckland Unitary Plan ("**Unitary Plan**").

**Nature of interest**

2. Bupa has an interest in the proceedings that is greater than the interest that the general public has.
3. Bupa has the property at 562 Richmond Road, Grey Lynn, under contract. The property is zoned Mixed Use under the Unitary Plan. The appeal will, if successful, significantly reduce the development potential of the property.
4. In addition, Bupa owns the property at 142 Whangaparaoa Road, Red Beach, and has the property at 562A Richmond Road, Grey Lynn under contract. These properties are zoned Single House. The appeal will, if successful, hinder the further development / redevelopment of these properties for retirement village purposes.
5. Bupa is not a trade competitor for the purposes of section 308C of the RMA.

**Extent of interest and reasons**

6. Bupa is interested in the following parts of the appeal:
  - a. Topics 050-054 City Centre and Business zones – relief sought in paragraph 44 of the appeal, namely the imposition of a height in relation to boundary standard that applies between sites within the Mixed Use zone and between the Mixed Use zone and the General Business zone.
  - b. Topics 050-054 City Centre and Business zones – relief sought in paragraph 45 of the appeal, namely the imposition of 13m height limit (11m occupied plus 2m roof form) on Mixed Use zone sites adjoining the Single House zone.
  - c. Topics 059-063 Residential zones – relief sought in paragraph 69 of the appeal, namely deletion of Rule H3.5(1) which allows Council to consider an integrated residential development on a non-notified basis.

7. Bupa opposes the relief sought by the Appellant in paragraphs 44 and 45 of the appeal for the following reasons:
  - a. The relief sought will not promote the sustainable management of natural and physical resources in accordance with Part 2 of the RMA.
  - b. The relief sought will hinder landowners seeking to provide for their wellbeing, and for the wellbeing of the wider community, through the redevelopment of their Mixed Use zone land.
  - c. The relief sought will significantly reduce the development potential of many sites within the Mixed Use zone and thereby hinder the ability of Auckland to meet the reasonably foreseeable needs of future generations and to achieve the efficient use and development of land within the zone.
  - d. The relief sought is contrary to the Unitary Plan strategy for accommodating growth and intensifying development within appropriate locations within Auckland as expressed through the Regional Policy Statement.
  - e. The imposition of a lower height limit on Mixed Use zoned land adjoining the Single House zone is unnecessary as the adjoining Single House zone is already adequately protected against shading and dominance by the 3m yard and 2.5m + 45 degree height in relation to boundary standards that apply to the Mixed Use zone along that zone interface.
  
8. Bupa opposes the relief sought by the Appellant in paragraph 69 of the appeal for the following reasons:
  - a. The relief sought will not promote the sustainable management of natural and physical resources in accordance with Part 2 of the RMA.
  - b. The relief sought will hinder the development of retirement villages within the Single House zone and thereby hinder retirement village operators from providing for the wellbeing of Auckland's increasing elderly population and meeting the reasonably foreseeable needs of future generations for retirement village accommodation.
  - c. The relief sought is not necessary to protect the amenity of adjoining sites as the discretionary activity status of integrated residential developments gives Council a broad discretion to ensure that development is consistent with the objectives and policies of the Single House zone. Council can also consider the extent of compliance with the various standards that apply to

development within the zone. This gives Council ample scope to refuse consent to developments that challenge the integrity of the zone or will have unacceptable adverse effects on the amenity of surrounding sites.

**Relief sought**

9. Bupa opposes the relief sought by the Appellant in paragraphs 44, 45 and 69 of the appeal.
10. Bupa agrees to participate in mediation or other alternative dispute resolution proceedings.

Signed for and on behalf of Bupa Care Services NZ Ltd by its authorised agent



Iain McManus

Civitas Ltd

2 November 2016

**Address for Service:**

Attn: Iain McManus

Civitas Ltd

Level 2, 125 Vincent St, Auckland 1010

PO Box 47020, Ponsonby, Auckland 1144

Ph: 09 360 8070

Mob: 021 360 866

Email: iain@civitas.co.nz

**Advice**

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.