

**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**

**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

**ELLIS GOULD
LAWYERS
AUCKLAND**

REF: Douglas Allan

DAA-004282-186-145-V1

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

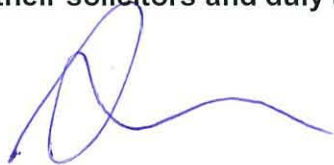
**Notice of wish to be party to proceedings under section 274 RMA by Kiwi
Property Group Limited and Kiwi Property Holdings Limited**

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:**



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