

**IN THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV- 2016-AKL-000220

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

IN THE MATTER of an appeal filed under section 156(3) of the Local Government (Auckland Transitional Provisions) Act 2010

AND

IN THE MATTER of Proposed Plan Hearing Topics 050 – 054 City Centre and Business Zones

BETWEEN **STRAND HOLDINGS LIMITED**

APPELLANT

AND **AUCKLAND COUNCIL**

RESPONDENT

**NOTICE OF NGATI WHATUA ORAKEI WHAI RAWA LIMITED'S WISH TO BE
PARTY TO PROCEEDINGS**

30 SEPTEMBER 2016

NOTICE OF WISH TO BE PARTY TO PROCEEDINGS

To: The Registrar
Environment Court
Auckland

Proceeding and standing

1. Ngati Whatua Orakei Whai Rawa Limited (**Whai Rawa**) wishes to be a party to these proceedings.
2. Whai Rawa made a number of primary and further submissions in the previous proceedings on the same matter and/or has an interest in the proceedings that is greater than the public generally because of its role as a commercial entity controlled by Ngati Whatua Orakei Trust and responsible for managing the commercial assets of Ngati Whatua Orakei including Quay Park, the land over which the Dilworth Terraces View Protection Plane (**Viewshaft**) originally covered.
3. Whai Rawa is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991 (**Act**).

Interest in proceeding

4. Whai Rawa is interested in all parts of the proceeding.
5. Whai Rawa opposes the appeal sought by Strand Holdings Limited because no right of appeal exists. Section 156 of the Local Government (Auckland Transitional Provisions) Act 2010 provides for a right of appeal against a decision by Auckland Council to accept a recommendation of the Auckland Unitary Plan Independent Hearings Panel (**Hearings Panel**) on the proposed Auckland Unitary Plan (**Unitary Plan**) only if the Hearings Panel has identified its recommendation as being beyond the scope of submissions. The Hearings Panel has not identified its recommendation on the proposed Viewshaft provisions as being beyond the scope of submissions.
6. If, in the alternative, the Hearings Panel's recommendation on the Viewshaft is held to be beyond the scope of submissions and there is a right to appeal

against Auckland Council's decision to accept that recommendation, Whai Rawa supports the specific relief sought by Strand Holdings Limited that the Viewshaft be deleted in its entirety for the following reasons:

- (a) The views to the Dilworth Terrace houses do not merit protection by way of a Viewshaft.
- (b) Removing the Viewshaft does not affect the heritage status of the Dilworth Terrace houses because whether the Viewshaft exists does not render them more or less significant in terms of their heritage value.
- (c) There are significant costs associated with the Viewshaft, and these outweigh the benefits of retaining it.
- (d) Removing the Viewshaft will achieve the Unitary Plan objectives and policies for the City Centre and specifically the Quay Park Precinct that provide for growth, development and further intensification in those areas.

Mediation / alternative dispute resolution

- 7. Whai Rawa agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 30th day of September 2016

NGATI WHATUA ORAKEI
WHAI RAWA LIMITED by its solicitors
and duly authorised agents
Minter Ellison Rudd Watts



R.Devine

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