

**IN THE ENVIRONMENT COURT  
AT AUCKLAND**

**ENV-2016-AKL-000243**

**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 the Proposed Auckland Unitary Plan hearing  
Topic 065 Definitions

**BETWEEN** **K VERNON**  
Appellant

**AND** **AUCKLAND COUNCIL**  
Respondent

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**NOTICE OF PORTS OF AUCKLAND LIMITED'S WISH TO BE PARTY TO  
PROCEEDINGS**

**7 OCTOBER 2016**

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**RUSSELL McVEAGH**

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

**And to:** the Appellants

**And to:** Auckland Council

**PORTS OF AUCKLAND LIMITED ("POAL")** wishes to be a party to an appeal by K Vernon ("**Appellant**") against the decision by Auckland Council ("**Council**") to reject a recommendation by the Independent Hearings Panel ("**Panel**") in relation to the Proposed Auckland Unitary Plan's ("**Unitary Plan**") definition of height.

#### **Nature of interest**

1. POAL owns and operates the Port of Auckland as well as a nationally and regionally significant network of integrated fast turnaround cargo handling facilities connected by road and rail, including inland port, and distribution and warehousing facilities.
2. POAL was a submitter and further submitter on Topic 065 Definitions. POAL presented evidence and submissions at the Topic 065 hearing, including on the definition of height.
3. POAL is not a trade competitor for the purposes of section 308C of the RMA.

#### **Extent of interest and reasons**

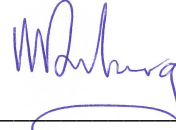
4. POAL is interested in the part of the proceedings that relates to the definition of height.
5. POAL opposes the part of the Appellants' appeal relating to the definition of height as the proposed relief:
  - (a) will not achieve the sustainable management purpose in Part 2 of the RMA;
  - (b) is not the most appropriate way to achieve the objectives of the Unitary Plan in terms of section 32 of the RMA, in particular, the proposed relief is inefficient and ineffective when compared to the definition of height in the Council's decision;
  - (c) is unworkable for some structures or infrastructure; and
  - (d) will likely have wide-ranging adverse consequences for a range of structures or infrastructure that have operational requirements that necessitate an exemption from usual height limits.

#### **Relief sought**

6. POAL opposes the relief sought by the Appellants and in particular, seeks that:
  - (a) the appeal is rejected; and
  - (b) the Council's decision is retained.

7. POAL agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**PORTS OF AUCKLAND LIMITED** by its solicitors and authorised agents Russell McVeagh:



**Signature:**

B S Carruthers / M J Doesburg

**Date:**

7 October 2016

**Address for Service:**

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**Advice**

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