

FORM 33

**Notice of person's wish to be party to proceedings
Section 274, Resource Management Act 1991**

To the Registrar

Environment Court

Auckland

e. EnvironmentCourt@justice.govt.nz

Section 274 Notice

Takanini Central Residential Limited wish to be a party to the following proceedings:

Wallace Group Limited v Auckland Council

[ENV-2016-AKL-000241]

Takanini Central Residential Limited made a submission to the Proposed Auckland Unitary Plan 2013 about the subject matter of the proceedings, being the zoning of its property located at 55 Takanini School Road, Takanini. Auckland Council's decision on that submission has recently be the subject of an appeal to the High Court [CIV-2016-404-2316] on whether the Council's decision was within the scope of submissions.

Takanini Central Residential Limited is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991.

Takanini Central Residential Limited is interested in the following particular issues:

- The Auckland Council's decision to accept the recommendations of the Independent Hearing Panel that the northern portion of its land at 55 Takanini School Road (to the north of Nancy Wake Street) be zoned as Residential - Mixed Housing Suburban ("MHS") under Hearing Topic 081 – Rezoning and Precincts General and Geographic Areas.
- The Appellant's opposition to that rezoning, which adjoins a portion of the Appellant's land at 296 Porchester Road zoned Business - Light Industrial.

Takanini Central Residential Limited opposes the relief sought because—

- Auckland Council's decision to accept and adopt the recommendations of the Independent Hearing Panel represents the most appropriate zoning of the subject land to the north of Nancy Wake Street, that recognises, amongst other things, the nature of consented activities on part of the land.
- The MHS zoning of the land best provides for its sustainable management in accordance with Part 2 of the Resource Management Act 1991.
- The Auckland Unitary Plan already contains suitable measures to manage the potential cross-boundary effects between the MHS zone and adjacent Light Industrial zone land.
- The MHS zoning of the land is consistent with zoning of adjoining land located to the west of Takanini School Road where MHS adjoins Light Industrial zoned land.

Takanini Central Residential Limited agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Status of the Appeal and need for Waiver

On 16 September 2016, Wallace Group Limited filed in the Environment Court the appeal to which this notice relates (“**Original Appeal**”).

The recent decision of the High Court [2017] NZHC 372 dated 8 March 2017 includes directions allowing the appellant a right of appeal to the Environment Court within 20 working days. Takanini Central Residential Limited is currently unsure whether Wallace Group Limited will ultimately:

- Continue with the Original Appeal; or
- Refile that appeal with the Environment Court (“**Replacement Appeal**”)

If Wallace Group:

- Continues with it’s Original Appeal, and if the Environment Court considers that the Original Appeal *when lodged* was a valid appeal, then Takanini Central Residential Limited may need to seek a waiver of time to file this notice.
- Refiles a Replacement Appeal, or if the Environment Court considers that the Original Appeal can simply be deemed to have been refiled on 8 March 2017, then no waiver of time would be necessary.

In the event a waiver of time is sought, Takanini Central Residential Limited respectfully says that:

- As owner of the land affected by the appeal it is immediately and directly affected;
- Granting the waiver would cause no prejudice to the Appellant, because the Appellant has not progressed any aspect of the Original Appeal pending the outcome of the High Court appeal; and
- If necessary, the appropriate formal application for waiver will be lodged.



James R Hook (Planning Consultant)
for and on behalf of Takanini Central Residential Limited

Date: 13 March 2017

Address for service of person wishing to be a party:

C/- Envivo Limited
Attn: James Hook, Planning Consultant
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Ph: (09) 630 9512/021 444 313

cc.

Wallace Group Limited
C/- Jeremy Brabant
Level 2, Broker House, 14 Vulcan Lane
PO Box 1502, Shortland St
E: jeremy@brabant.co.nz
Ph: (09) 306 2901

Auckland Council
C/- Buddle Findlay
Attn: Mathew Gribben
188 Quay Street, Auckland 1140
PO Box 1433, Auckland 1140
E: Mathew.gribben@buddlefindlay.com
Ph: (09) 363 0635

Note to person wishing to be a party

You must lodge the original and 1 copy of this notice with the Environment Court within 15 working days after—
the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
the decision to hold an inquiry, if the proceedings are an inquiry; or
the proceedings are commenced, in any other case.

Your right to be a party to the proceedings in the court may be by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

The notice must be signed by you or on your behalf.
You must serve a copy of this notice on the other parties to the proceedings within the same 15 working day period.
However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).