

IN THE ENVIRONMENT COURT
AUCKLAND REGISTRY

I MUA I TE KOOTI TAIAO O AOTEAROA
I TAMAKI MAKAUROU ROHE

ENV-2020-AKL-000131

IN THE MATTER of the Resource Management Act 1991
("RMA")

AND

IN THE MATTER of an appeal pursuant to clause 29(6) of the
First Schedule to the Act in relation a decision
by Whangarei District Council on Proposed
Plan Changes 88A-I, 109 and 115 to the
Whangarei District Plan (Urban and Services)

BETWEEN **KIWIRAIL HOLDINGS LIMITED**

Appellant

AND **WHANGAREI DISTRICT COUNCIL**

Respondent

NOTICE BY COMMERCIAL CENTRES LIMITED OF WISH TO BE A PARTY UNDER S274 OF THE ACT

4 August 2020

ATLAS LEGAL LIMITED

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To: the Registrar
Environment Court
Auckland

1. **COMMERCIAL CENTRES LIMITED** ("CCL") wishes to become a party to the appeal filed by KiwiRail Holdings Limited ("KiwiRail") against a decision of Whangarei District Council in relation to Plan Changes 88-1, 109 and 115(Urban and Services).
2. CCL made a further submission on the matters which are the subject of the proceedings.
3. CCL is not a trade competitor for the purposes of s308C or s308CA of the Act.
4. CCL is directly affected by the appeal and has an interest greater than the public generally in relation to the proposed noise buffer of 100m as it owns a property which is adjacent to State Highway 1 at Southdale.
5. CCL is interested in the proposed setback from transport network (paragraphs 17-23 and Appendix A) of the appeal.
6. CCL opposes the relief sought by KiwiRail for the following reasons:
 - a. CCL owns a property at Southend which is adjacent to State Highway 1;
 - b. The imposition of a noise corridor would severely adversely impact CCL's site at Southdale, especially that part of the site which is zoned Medium Density Residential;
 - c. Further, it is unclear from the appeal what activities fall within the definition of "noise sensitive activities".
7. CCL agrees to participate in mediation or alternative dispute resolution of the appeal.

Date: 4 August 2020



JS Baguley
Solicitor for the s274 party

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