

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

**I MUA I TE KŌTI TAIAO
TĀMAKI MAKAURAU ROHE**

ENV-2020-AKL-000131

UNDER the Resource Management Act 1991
IN THE MATTER of an appeal under Clause 14(1) of Schedule 1 of the RMA
BETWEEN **KIWIRAIL HOLDINGS LIMITED**
Appellant
A N D **WHANGAREI DISTRICT COUNCIL**
Respondent

**NOTICE OF HERON CONSTRUCTION HOLDINGS LIMITED'S WISH TO BE
A PARTY TO PROCEEDINGS**

5 AUGUST 2020

**ELLIS GOULD
LAWYERS
AUCKLAND**

REF: Daniel Sadlier / Alex Devine

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

**NOTICE OF HERON CONSTRUCTION HOLDINGS LIMITED'S WISH TO BE
A PARTY TO PROCEEDINGS**

TO: The Registrar
Environment Court
Auckland

Heron Construction Holdings Limited ("**Heron**") gives notice of its wish to be a party to the appeal ENV-2020-AKL-000131 by KiwiRail Holdings Limited ("**the Appellant**") against parts of the decision of Whangarei District Council on proposed Plan Change 88H to the Whangarei District Plan ("**the Plan Change**").

1. Heron is a person who has an interest in the proceedings that is greater than the interest that the general public has on the grounds that it owns land at 279-289 Port Road, Whangarei, to which the relief is sought by the Appellant would apply. The property has a railway line located within the boundaries of its site. The relief sought by the Appellant may have implications for any future development at the site.
2. Heron made a submission about the subject matter of these proceedings.¹
3. Heron is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 ("**RMA**").
4. Heron is directly affected by an effect of the subject matter of the appeal that:
 - 4.1 Adversely affects the environment; and
 - 4.2 Does not relate to trade competition or the effects of trade competition.
5. Heron is interested in those parts of the proceedings that propose the setback of buildings and structures from a railway corridor boundary.
6. Heron opposes the relief sought by the Appellant in paragraph 15, and the alternative relief sought in paragraph 16, of its notice of appeal on

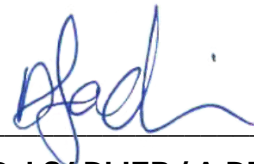
¹ Submission number 161, Further submission number 372.

the basis that if granted the provisions of the Plan Change will unnecessarily, unreasonably and inappropriately constrain existing and potential future development and use by Heron of its property, and are accordingly not the most efficient or effective approach to managing interface issues, are not justified in terms of section 32, and will not achieve the purpose of the RMA.

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

DATED this 5th day of August 2020

**HERON CONSTRUCTION
HOLDINGS LIMITED** by its
solicitors and duly authorised
agents, Ellis Gould



D J SADLIER / A DEVINE

ADDRESS FOR SERVICE: The offices of Ellis Gould, Solicitors, Level 17, Vero Centre, 48 Shortland Street, PO Box 1509. Auckland 1140, DX CP22003, Auckland. Telephone: (09) 307-2172, Facsimile: (09) 358-5215. **Attention:** Daniel Sadlier / Alex Devine; dsadlier@ellisgould.co.nz / adevine@ellisgould.co.nz.

Copy To: The Appellant
And To: Whangarei District Council
And To: Section 274 parties