

**In the Environment Court of New Zealand
Auckland Registry**

**I Te Kōti Taiao O Aotearoa
Ki Tamaki Makaurau**

ENV-2023-AKL-000043

Under the Resource Management Act 1991 (the Act)

In the matter of an appeal under Clause 14(1) of the First Schedule of the Act

And in the matter of Decisions on Plan Change 5: Peacockes Structure Plan

Between **Woolworths New Zealand Limited**
Appellant

And **Hamilton City Council**
Respondent

**Notice of Cordyline Holdings Limited's wish to be party to
proceedings**

Dated 8 May 2023

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To The Registrar
 Environment Court
 Auckland

- 1 Cordyline Holdings Limited (**'Cordyline'**) wishes to be a party to an appeal by Woolworths New Zealand Limited (**'Appellant'**) against a decision of the Hamilton City Council (**'Respondent'**). The decision was in respect of a submission by the Appellant to rezone its land at 410 Peacockes Road (**'Site'**) from Medium Density Residential (**'MDR'**) to Local Centre zone.
- 2 Cordyline has an interest in the proceedings that is greater than the interest that the general public has because the land subject to the Appellant's rezoning request directly adjoins Cordyline's land, which is in the MDR zone. Annexure A shows Cordyline's land with a black and white border and the Site with a red border.
- 3 Cordyline is not a trade competitor for the purposes of section 308C or 308CA of the Act.
- 4 Cordyline is interested in all of the proceedings, being the amendments sought by the Appellant in to rezone its Site from MDR to Local Centre Zone, and any consequential amendments to the provisions of the District Plan and appendices as may be necessary to give effect to the relief sought.¹
- 5 Cordyline opposes in part the relief sought by the Appellant for the following reasons:
 - a The Site directly adjoins Cordyline's land on the eastern boundary.
 - b The Site was acquired by the Appellant after it identifying it as a potential location for a future supermarket.²
 - c If the Site was rezoned to the Local Centre Zone, various commercial activities including offices, retail, banks, restaurants and food and beverage outlets would be permitted activities. A supermarket would be a restricted discretionary activity (subject to standards) allowing a building to be constructed that is up to 16 metres high within 30 metres³ of the Cordyline land, with a height in relation to boundary control of 4 metres plus 60 degrees.⁴
 - d The establishment of commercial activities on the Site (e.g. a supermarket) could result in adverse effects on Cordyline's residential zoned land adjacent to the site. By way of example, a 4 metre plus 60 degree recession plane would allow a 16 metre high building consisting of a long, blank façade (concrete tilt slab panels) to be constructed approximately 7 metres from the boundary of Cordyline's land. If this occurred, it would result in adverse outlook and visual effects for residential development on Cordyline's land, particularly where it is oriented towards the Site. ⁵ There is also the potential for effects to occur such as noise and glare/light spill as a result of supermarket operations, in particular from delivery trucks and customers/vehicles.
 - e Finally, if the Site was rezoned to Local Centre Zone, it would result in the Local Centre Zone being 'broken up' or fragmented by the Peacockes/Whatukooruru Road intersection. The decisions version favours retaining the Local Centre zoning all within one cohesive,

¹ Refer paragraph 13 of the Appellant's Notice of Appeal dated 12 April 2023.

² Refer paragraph 9 of the Appellant's Notice of Appeal dated 12 April 2023

³ See LCZ- PREC1-PSP: R40.

⁴ See LCZ – PREC1-PSP: R41.

⁵ Note that landscaping requirements under LCZ – PREC1- PSP: P8 are only applicable to parking areas, and not visual dominance effects on adjacent residential zones.

uninterrupted area which makes more functional sense in relation to issues such as carparking and pedestrian access.

- 6 Cordyline agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated 8 May 2023



Christina Sheard

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Annexure A: Cordyline Holdings Limited Property Boundary

