

**IN THE ENVIRONMENT COURT  
AUCKLAND**

**ENV-2009-AKL-000357**

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

**AND**

**IN THE MATTER** of section 274 of the Act.

**BETWEEN** **A R POPE FAMILY TRUST AND CORY FAMILY  
TRUST**

**Appellant**

**AND** **AUCKLAND CITY COUNCIL**

**Respondent**

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**NOTICE OF PROGRESSIVE ENTERPRISES LIMITED  
WISH TO BE PARTY TO PROCEEDINGS**

**2 SEPTEMBER 2009**

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**RUSSELL McVEAGH**

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Auckland 1140**

**PROGRESSIVE ENTERPRISES LIMITED** ("Progressive") wishes to be a party to the following Appeal: A R Pope Family Trust and Cory Family Trust v Auckland City Council ("Pope Appeal").

#### **Nature of interest**

1. Progressive made a submission on 11 December 2006 and a further submission on 28 May 2007 in relation to the Proposed Hauraki Gulf Islands District Plan ("Proposed Plan").
2. Progressive also lodged an appeal on the Proposed Plan on 24 July 2009 ("Progressive Appeal").
3. The Progressive Appeal seeks amendments to the objectives, policies and rules of the Proposed Plan to better provide for supermarket activities, including controlled activity status for retail, with restricted activity status triggered by non-compliance with development controls.
4. The Pope Appeal seeks similar relief in relation to some of the development controls as the Progressive Appeal.

#### **Extent of interest**

5. Progressive is interested in all of the proceedings.

#### **Relief sought**

6. Progressive generally supports the relief sought by the Pope Appeal to the extent that it is consistent with its original submission, further submission and the Progressive Appeal on the basis that it:
  - (a) will promote sustainable management of resources and will achieve the purpose of the Resource Management Act 1991;
  - (b) is not contrary to Part II and other provisions of the Resource Management Act 1991;
  - (c) will meet the reasonably foreseeable needs of future generations;
  - (d) will enable social, economic and cultural well being;
  - (e) is necessary to avoid, remedy or mitigate adverse effects on the environment; and represents the most appropriate means of exercising the Respondent's functions, having regard to the efficiency and effectiveness of other available means and therefore is appropriate in terms of s32 and other provisions of the Resource Management Act 1991.

#### **Mediation**

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

**PROGRESSIVE ENTERPRISES LIMITED**  
by its solicitors and authorised agents  
Russell McVeagh:



**Signature:**

Christian Whata / Daniel Sadlier

**Date:**

2 September 2009

**Address for Service:**

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TO: The Registrar of the Environment Court at Auckland  
AND TO: Appellant  
AND TO: Respondent  
AND TO: Other s274 parties

**Advice**

1. If you have any questions about this notice, contact the Environment Court Unit of the Department for Courts in Auckland, Wellington, or Christchurch.