

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2016-AKL-215

IN THE MATTER

of the Local Government
(Auckland Transitional
Provisions) Act 2010
("LGATPA") and the
Resource Management Act
1991 ("RMA")

AND

IN THE MATTER

of an appeal under section
156(1) of the LGATPA

AND

IN THE MATTER

of Proposed Auckland
Unitary Plan ("PAUP")
Hearing Topics 011 RPS
Rural and 064 Subdivision
(Rural)

BETWEEN

**MAN O'WAR FARM
LIMITED**

Appellant

AND

AUCKLAND COUNCIL

Respondent

**NOTICE BY SMITHIES FAMILY TRUST OF WISH TO BE A PARTY TO
APPEAL**

Dated 6 October 2016

To: The Registrar
Environment Court
Auckland

1. Pursuant to section 274 of the Resource Management Act 1991 ("RMA"), the Smithies Family Trust ("Trust") wishes to be a party to the appeal by Man O'War Farm Limited ("Man O'War"), ENV-2016-AKL-215.
2. The appeal concerns the Council's decision to include, in the Proposed Auckland Unitary Plan ("PAUP"), additional provisions not recommended by the Independent Hearings Panel ("IHP"), as well as the amendment and deletion of provisions recommended by the IHP, on rural subdivision.
3. The Trust made a submission on the PAUP regarding the rural subdivision provisions.
4. The Trust has also appealed the Council's decision regarding rural subdivision provisions: ENV-2016-AKL-212. Due to the overlap between Man O'War's appeal and the appeal lodged by the Trust, it is submitted that both appeals could efficiently be heard together.
5. The Trust is not a trade competitor for the purposes of s 308C of the RMA.
6. The Trust is interested in all of the Man O'War appeal.
7. The Trust supports the relief sought (or relief to similar effect, consistent with the Trust's appeal). The reasons for its position include, but are not limited to that the relief sought:
 - (a) Promotes the sustainable management of natural and physical resources in accordance with section 5 of the RMA.
 - (b) Enables the community to provide for its social and economic wellbeing in accordance with section 5(2) of the RMA.
 - (c) Enables the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna in accordance with section 6(c) of the RMA.
 - (d) Provides for the efficient use and development of natural and physical resources in accordance with section 7(b) of the RMA.
 - (e) Would appropriately have regard to the actual and potential effects of subdivision and associated activities on the environment.
 - (f) With respect to District Plan policies and methods, is the most appropriate means of achieving:
 - (i) The objectives of the proposed Regional Policy Statement; and
 - (ii) The purpose of the RMA.
 - (g) Would give effect to or have adequate regard to relevant planning documents, including the Auckland Plan.
 - (h) Would ensure that the PAUP's rural subdivisions are clear and workable (which is not the case with the provisions as currently drafted).

8. The Trust agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated at Auckland the 6th day of October 2016.

SMITHIES FAMILY TRUST by its solicitors
and duly authorised agents **BERRY SIMONS:**

H C Andrews

S J Berry / H C Andrews

ADDRESS FOR SERVICE OF APPELLANT

Berry Simons
PO Box 3144
Shortland Street
AUCKLAND 1140

Telephone: (09) 969 2300

Facsimile: (09) 969 2304

Email: simon@berrysimons.co.nz; helen@berrysimons.co.nz

Contact person: Simon Berry, Partner; Helen Andrews, Senior Associate