

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 against a decision of the Auckland Council on a recommendation of the Auckland Unitary Plan Independent Hearings Panel (*Hearings Panel*) on the Proposed Auckland Unitary Plan (*Proposed Plan*)

and:

in the matter of: Proposed Plan Hearing Topics 011 – Rural environment, 056 and 057 Rural objectives and policies and Rural activities and controls, and 064 – Subdivision Rural

between: Smithies Family Trust
Appellant

and: Auckland Council
Respondent

Notice of Zakara Investments Limited's wish to be party to proceedings

Dated: 7 October 2016

NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

Section 274, Resource Management Act 1991

- To** The Registrar
Environment Court
Auckland
- 1 Zakara Investments Limited (*Zakara*) wishes to be a party to the following proceedings: *ENV-2016-AKL-000212 Smithies Family Trust v Auckland Council*.
 - 2 Zakara is a person who made a submission and further submissions about the subject matter of the proceedings (submission number 6534, further submission number 2607).
 - 3 Zakara is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
 - 4 Zakara is interested in all of the proceedings.
 - 5 Zakara is interested in all of the issues raised by the proceedings.
 - 6 Zakara has lodged a notice of appeal against Auckland Council's decision in respect of Hearing Topic 011 – Rural environment and Hearing Topic 064 – Subdivision Rural.
 - 7 Zakara supports the relief sought in paragraphs 7.5 of the appeal for the following reasons:
 - 7.1 Auckland Council's decision to reject the Hearings Panel's recommendations on Hearings Topics 011, 023, 056 and 057, and 064 does not accord with the relevant requirements of the RMA, and is contrary to Part 2 of the RMA. In particular, Council's decision:
 - (a) Does not promote the sustainable management of natural and physical resources;
 - (b) Does not safeguard the life-supporting capacity of air, water, soil and ecosystems;
 - (c) Does not recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
 - (d) Does not promote the ethic of stewardship;
 - (e) Does not result in the most appropriate plan provisions in terms of section 32 of the RMA;

- (f) Is contrary to the Auckland Plan;
- (g) Does not give effect to the Regional Policy Statement in the Proposed Plan; and
- (h) Is contrary to good resource management practice.

7.2 The specific reasons set out at paragraph 7.2 of Zakara's notice of appeal on the Proposed Plan and at paragraph 7.4 of the Smithies Family Trust's notice of appeal on the Proposed Plan.

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

Signed for and on behalf of Zakara Investments Limited by their solicitors and authorised agents Chapman Tripp



Catherine Somerville-Frost
Partner
7 October 2016

Address for service of person:

Zakara Investments Limited
c/- Catherine Somerville-Frost / Nicola de Wit
Chapman Tripp
Level 38
23 Albert St
Auckland
Email address: Catherine.Somerville-Frost @chapmantripp.com /
Nicola.deWit@chapmantripp.com
Telephone: + 64 9 358 9813 / + 64 9 357 9286

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.