

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

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

ENV-2020-AKL-000048

UNDER the Resource Management Act 1991 ("Act")

IN THE MATTER of an appeal under clauses 29(6) and 14(1) of Schedule 1
of the Act

A N D

IN THE MATTER of Private Plan Change 25: Warkworth North to the
Auckland Unitary Plan (Operative in Part)

BETWEEN **MIDDLE HILL LIMITED AS TRUSTEE OF THE TYNE
TRUST**

Appellant

A N D **AUCKLAND COUNCIL**

Respondent

**NOTICE OF WARKWORTH PROPERTIES (2010) LTD'S WISH TO BE A
PARTY TO PROCEEDINGS**

12 JUNE 2020

**ELLIS GOULD
LAWYERS
AUCKLAND**

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REF: Douglas Allan / Alex Devine

**NOTICE OF WARKWORTH PROPERTIES (2010) LTD'S WISH TO BE A
PARTY TO PROCEEDINGS**

**TO: The Registrar
Environment Court
Auckland**

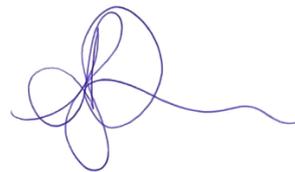
WARKWORTH PROPERTIES (2010) LIMITED (“WPL”) gives notice of its wish to be a party to the appeal by Middle Hill Limited, as Trustee for the Tyne Trust (“**Middle Hill**”) against the decision of the Respondent on Private Plan Change 25: Warkworth North (“**PC25**”).

1. WPL made submissions about the subject matter of the proceedings. Amongst other things, WPL’s submission and further submission on PC25 addressed the live zoning of land and the location and delivery of the proposed Western Link Road (“**Link Road**”).
2. WPL is also a person who has an interest in the proceedings that is greater than the interest the general public has on the grounds that:
 - 2.1 WPL will be directly affected by the relief sought in the appeal as the owner of a site on the north western corner of SH1 and Hudson Rd, legally described as Section 4 Survey Office Plan 476652 (“**Site**”). A map identifying the Site is attached as **Appendix 1**.
 - 2.2 The Appeal seeks to live zone part of the Site (as alternative relief). The Appeal also seeks amendments to the provisions related to the Link Road, the indicative route of which crosses the Site.
 - 2.3 The changes sought to the PC25 zoning and provisions therefore have the potential to adversely affect WPL’s interests.
3. WPL is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991. In any event, WPL is directly affected by an effect of the subject of the appeal that:
 - 3.1 Adversely affects the environment; and
 - 3.2 Does not relate to trade competition or the effects of trade competition.

4. WPL is interested in all aspects of the appeal relief, in particular those aspects that relate to the zoning of land and the Link Road provisions.
5. WPL supports the live zoning of all land within the PC25 area, but wishes to ensure that the final form of PC25 provides for development in an appropriate manner whilst ensuring that adverse effects on its Site are minimised, particularly insofar as it relates to:
 - 5.1 Zoning - WPL wishes to ensure that the zoning applied under any decision on this appeal takes proper account of the interface with WPL's property and the topographical and locational characteristics of those parts of WPL's land that are subject to PC25.
 - 5.2 The location and delivery of the Link Road – WPL supports the indicative route identified for the Link Road in the PC25 decision which does not encroach on the part of the WPL Site that has a General Business zoning.
6. WPL agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED at Auckland this 12th day of June 2020

**WARKWORTH PROPERTIES (2010)
LIMITED** by its solicitors and duly authorised
agents Ellis Gould



D A Allan / A K Devine

ADDRESS FOR SERVICE: Douglas Allan / Alex Devine, 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: D A Allan / A K Devine, dallan@ellisgould.co.nz / adevine@ellisgould.co.nz.

Copy to: The Appellant

And to: Auckland Council

And to: The Plan Change Applicant

APPENDIX 1

Appendix 1 - PC25 Zoning Map (Decision) showing WPL Site

