

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

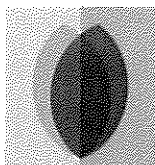
ENV-2020-AKL-000047

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

IN THE MATTER	of the Resource Management Act 1991
IN THE MATTER	of of an appeal under Clause 14 of the First Schedule to the RMA in relation to the decision on PRIVATE PLAN CHANGE 25: WARKWORTH NORTH
BETWEEN	GP (TURNSTONE CAPITAL) LIMITED Appellant
AND	AUCKLAND COUNCIL Respondent

NOTICE OF WISH TO BE PARTY TO PROCEEDINGS

Dated 17 June 2020



BERRYSIMONS
ENVIRONMENTAL LAW

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TO: The Registrar of the Environment Court, Auckland
PO Box 7147
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AND TO GP (Turnstone Capital) Limited

AND TO Auckland Council

1. **ATLAS CONCRETE LIMITED** ("Atlas") wishes to be a party to the appeal by GP (Turnstone Capital) Limited ("Turnstone") against part of the decision of the Auckland Council on Proposed Private Plan Change 25: Warkworth North ("PC25").
2. Atlas made a submission about the subject matter of the proceedings.
3. Atlas is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 ("RMA").
4. Atlas is opposed to the relief sought by Turnstone with regards to the zoning of land and the removal of Policy 7.

Background

5. On 4 June 2019, Auckland Council adopted the Warkworth Structure Plan, which proposed three new industrial areas, with two of these being adjacent to existing industrial areas. Atlas supported the proposed zoning under the Warkworth Structure Plan, particularly as regards the Business Light Industry zoning of the land adjacent on the western boundary of the existing Business Light Industry zoning on Hudson Road.

Atlas' submission on PC25

6. As notified, PC25 rezoned 99 hectares of Future Urban Zone land to the north of Warkworth to a mix of Business and Residential zones. In particular, it sought to rezone the land adjacent to the Atlas site from the Business Light Industry zoning to Business – Mixed Use zoning, and land proximate to the Atlas site to Mixed Housing Urban zoning.
7. Atlas lodged a submission in opposition to the proposed rezoning of the land on the basis that:
 - (a) The proposed zoning would not promote the sustainable management of existing land and improvements (being natural and physical resources); and

- (b) The objectives, policies and methods of PC25 did not represent the “most appropriate” way to achieve the purpose of the RMA and the objectives of the AUP in terms of section 32 of the RMA.

Reasons for joining proceedings

- 8. The Turnstone appeal seeks as relief that the land bounded by Hudson Road, Falls Road, the stream and the existing Business: Light Industry zone be live zoned as either Residential: Mixed Housing Suburban as proposed in the notified plan change, or Business: Mixed Use as sought in Turnstone’s submission on PC25.
- 9. Atlas’ position is that the zoning sought by the Turnstone appeal is inconsistent with the Warkworth Structure Plan and is contrary to the relief sought by Atlas in its own appeal (ENV-2020-AKL-000045), which seeks the reinstatement of the Light Industry Zoning, as it was zoned under the Warkworth Structure Plan.
- 10. Atlas opposes the zoning relief sought by Turnstone on the basis that it would:
 - (a) enable incompatible land uses and thus give rise to potential reverse sensitivity effects;
 - (b) be inconsistent with the policies and objectives of the Auckland Regional Policy Statement as set out in Atlas’ Notice of Appeal; and
 - (c) be inconsistent with the zoning provided for in the Warkworth Structure Plan; and
 - (d) not achieve the purpose of the RMA or represent the “most appropriate” planning regime in terms of section 32 of the RMA.
- 11. Atlas also opposes the relief sought by Turnstone in seeking to remove Policy 7, which requires delivery of the Western Link Road concurrent with development. Atlas’ position is that removing this policy may result in the construction of the Western Link Road lagging behind development. That is likely to have adverse effects on the use of Hudson Road, as traffic volume is likely to disproportionately increase, and will negatively affect Atlas’ operations.
- 12. Atlas agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 17th day of June 2020

ATLAS CONCRETE LIMITED by its solicitor
and duly authorised agents **BERRY SIMONS:**



S J Berry

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