

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2020-AKL-000046

IN THE MATTER of an appeal under clause 14 of
Schedule 1 of the Resource
Management Act 1991

AND

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

BETWEEN **GP (TURNSTONE CAPITAL)
LIMITED**

Appellant

AND

AUCKLAND COUNCIL

Respondent

**To: The Registrar
Environment Court – Auckland**

**Cc: Auckland Council
GP (Turnstone Capital) Limited**

NOTICE OF MIDDLE HILL LIMITED TO BE A PARTY TO PROCEEDINGS

19 June 2020

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SECTION 274 NOTICE

1. Middle Hill Limited, as trustee for the Tyne Trust (**Middle Hill**), wishes to be a party to the appeal lodged by GP (Turnstone Capital) Limited (**Appellant**) on 12 May 2020 (**Appeal**) against a decision of the Respondent, the Auckland Council, on the following matter (the **Decision**):

Private Plan Change 25 to the Auckland Unitary Plan – Operative in Part for Warkworth North, under Clause 21 of the 1st Schedule of the Act (**Plan Change**).

2. Middle Hill made a submission on the Plan Change (Submitter number 13) and has filed its own appeal on the Decision (ENV-2020-AKL-000047).
3. Middle Hill has an interest in the subject matter of the Appeal as a neighbouring property owner and because infrastructure, including the proposed roading network, and the provisions of the Plan Change, affect both properties.
4. The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (**Act**) and is directly affected by the matters being appealed.
5. The interest that Middle Hill has in the Appeal is to ensure that the final Plan Change provisions;
 - a) meet the purpose and principles in Part 2 of Act;
 - b) satisfy the requirements of s 32 and Schedule 1 of the Act;
 - c) give effect to the National Policy Statement - Urban Development Capacity and the Auckland Unitary Plan (**AUP**) – Regional Policy Statement section; and
 - d) enable Middle Hill to provide for its social and economic wellbeing.
6. The Appellant has identified numerous appeal points and provided a tracked changes version of the provisions for the relief that it is seeking. Middle Hill is interested in the those parts of the proceedings identified in the table below, which cross references to Attachment 1 of the Appeal;

Reference	Appeal Relief Sought	Middle Hill Interest	Reasons
I552.3 Policy 4 and Precinct Plan 3	Streams and wetlands identified for works in Precinct Plan 3 are able to be modified in accordance with that Plan	Support in part	<p>Middle Hill owns land within the Precinct Plan 3 but that Plan does not identify any stream works in the Warkworth North Precinct (only in Sub Precinct A).</p> <p>Therefore, the relief sought is only supported to the extent that it does not increase the requirements for stream works that would otherwise apply under the AUP for Warkworth North.</p>
I552.3 Policy 7	Delete the policy requiring the Western Link Road (WLR) to be delivered concurrently with adjacent built form	Oppose	<p>It achieves integrated management and is an efficient use of resources, for the WLR to be constructed in association with neighbouring land development.</p> <p>This policy is required to ensure that the Middle Hill land can be serviced by the completed WLR because its access has been compromised by the Northern Motorway extension.</p>
I552.4 - Note	Delete the Note referring to other parts of the AUP	Support	The application of all relevant parts of the AUP is a matter of law and is already covered by the first point in this section in any event.
Streams and wetlands (A6),(A7),(A8),(A9)	Changes to the activity table	Oppose	<p>The Precinct Plan 3 that the Appeal seeks to include in the AUP covers land owned by Middle Hill.</p> <p>The Appeal seeks to reintroduce provisions to the Activity Table that were deleted in the Decision and Middle Hill has an interest in these provisions regarding the development of the WLR, Collector Road, Other Road and its' own property.</p> <p>(A7) this provision needs to be broadened to not only provide for the construction of the WLR within Sub-precinct A as RD, but also include Warkworth North. This change is appropriate to facilitate the construction of the WLR.</p> <p>(A9) the Appellant's change appears to make WLR and development stream works in Warkworth North non-complying as they are not described in Precinct Plan 3 or meet the permitted standard. This would unnecessarily</p>

			impede the development of the Middle Hill land.
I552.5(1) Notification	Delete reference to controlled activities	Support	There are no controlled activities in the activity table.
I552.6 Standard – E3 exemptions	Introducing 2 further exemptions to section E3 of the AUP	Support	The relief sought will help to enable the construction of the WLR.
I552.8.1 Standard – WLR construction	Modifications to the standard regarding the relationship of land development and the WLR construction	Oppose	<p>As indicated above, and in its own appeal, Middle Hill is reliant on the construction of at least the Northern part of the WLR for development access.</p> <p>Middle Hill is also supportive of the WLR being completed for its full length from Falls Road to Great North Road.</p> <p>However, it would not enable Middle Hill to provided for its social and economic wellbeing if no development of its land could take place until the WLR was completed to at least collector road standard, for its full length.</p>
I552.6.5 Standards – for Staging	<p>Modifications to the standards for staging and requirement for a TIA and as referred to in Activity (A4)</p> <p>Staged occupation of built form development</p>	Oppose	<p>Middle Hill already has an appeal on this Standard and has an interest in the changes being sought by the Appellant.</p> <p>The reasons for Middle Hills interest in the timing of the construction of the WLR have been outlined above.</p>
I552.6.6A Standards – for Stormwater Activity table references	Introduction of a new Standard that provides for a Stormwater Management Plan to satisfy the requirements of the AUP and current NDC	Support and extend	<p>The Appellant has identified valid legal issues with the assumption in the Decision that the management of stormwater can be achieved through s 127 variations to the current Auckland Council NDC.</p> <p>The Appellant seeks to have the SMP it has developed for Sub Precinct A, in conjunction with PC25, adopted by reference in the final Plan Change.</p> <p>This approach is supported and a similar principle should be applied to the Warkworth North area with provision for future SMPs to satisfy the AUP and NDC requirements.</p>
Rezoning the FUZ on the corner of Hudson and Falls Road	The Appeal requests that the FUZ is rezoned to either Residential: Mixed Housing Suburban or Business: Mixed Use	Support in part	<p>Middle Hill supports the rezoning of the Appellant's land to MHS, or any other Residential zoning (e.g. MHU or THAB).</p> <p>The Decision records that there was contestable evidence regarding the impacts of BMU within PC25 as a</p>

			<p>whole and uncertainty about the effects that it would generate.</p> <p>Middle Hill supports a comprehensive planning approach to zoning allocations based on the evidence.</p> <p>Middle Hill would not support the rezoning of the FUZ to BMU on the Appellants land if further analysis indicated that it would have unacceptable adverse economic effects on the existing Warkworth Town Centre.</p>
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7. Middle Hill agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 19th day of June 2020



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