

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2016-AKL- 000212

IN THE MATTER

of the Local Government (Auckland Transitional Provisions) Act ("**the Act**")

AND

IN THE MATTER

of an appeal pursuant to section 156(1) of the Act

BETWEEN

SMITHIES FAMILY TRUST

Appellant

AND

AUCKLAND COUNCIL

Respondent

**NOTICE OF WISH FOR MAN O'WAR FARM LIMITED
TO BE PARTY TO PROCEEDINGS UNDER SECTION 274 OF THE
RESOURCE MANAGEMENT ACT**

**TO: The Registrar
Environment Court
Auckland**

1. Man O' War Farm Limited (**Man O' War Farm**) wishes to be a party to the following proceedings, being an appeal regarding the proposed Auckland Unitary Plan ("**Unitary Plan**") lodged under s156(1) of the Act:
 - *Smithies Family Trust v Auckland Council* – ENV-2016-AKL-000212.
2. Man O' War Farm made submissions and further submissions about the subject matter of the appeal, and has an interest in the proceedings that is greater than the interest that the general public has (including for the reasons set out in paragraph 5 below).
3. Man O' War Farm is not a trade competitor for the purposes of s308C of the Resource Management Act ("**RMA**").
4. Man O' War Farm is interested in all aspects of the appeal.
5. Man O' War Farm supports the relief sought in the appeal, on the following grounds:
 - (a) Man O' War Farm owns an area of 2,364 ha of land on Waiheke Island and nearby Ponui Island which is currently used for a range of purposes, primarily associated with farming and horticulture.
 - (b) Some 480 ha of Man O' War Farm's Waiheke Island property is mapped as a Significant Ecological Feature under the operative Hauraki Gulf Islands District Plan, with various zones applied to the property, including Productive Land, Coastal Cliffs, and Regenerating Slope/ Forest and Bush Areas.
 - (c) Man O' War Farm made submissions to the Unitary Plan on the assumption that from the point at which the Hauraki Gulf

Islands are brought within the Unitary Plan, a Rural Production or Rural Coastal zone would be applied to its Island properties.

- (d) Specifically, and with that understanding, Man O' War Farm made submissions to various parts of the Unitary Plan including what are now parts B9 and E39 dealing with the Rural Environment (at Regional Policy Statement level) and Subdivision respectively. Man O' War Farm sought better provision for rural lifestyle or countryside living subdivision within the relevant parts of the Unitary Plan in those submissions, and supported other submissions to similar effect.
- (e) The Hearing Panel's recommendations regarding rural subdivision that are sought to be reinstated under the appeal are supported by Man O' War Farm as better achieving the purposes of RMA, and more appropriately (efficiently and effectively) achieving the objectives of the Unitary Plan in relation to rural land resources and subdivision, including for incentivising restoration of degraded landscapes, and protection of resources of significant ecological value which are not (or not as yet) mapped as Significant Ecological Areas under the Unitary Plan.
- (f) Conversely, Man O' War Farm opposes the decisions made by the Council at issue in the proceedings which were to reject aspects of the Hearing Panel's recommendations and include alternative provisions that would not have the same landscape, biodiversity and overall sustainable management benefits as the provisions recommended by the Hearings Panel.
- (g) Man O' War Farm also seeks to ensure that when the Hauraki Gulf Islands are brought within the Unitary Plan, the regulatory framework for rural subdivision associated with protection and restoration of landscapes and ecological resources is an

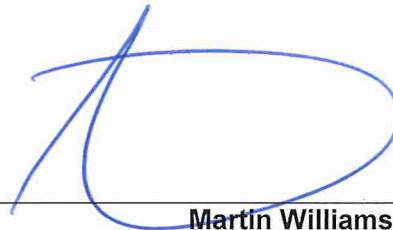
improvement on (and no less enabling than) the equivalent provisions of the operative Hauraki Gulf Islands District Plan.

(h) The relief sought in the appeal proceedings is therefore fully supported, including as being consistent with Man O' War Farm's appeal on the provisions of the Unitary Plan at issue.

6. Man O' War Farm agrees to participate in mediation regarding these proceedings.

Signature:

Man O' War Farm Limited by its counsel:



Martin Williams

Date:

28

September 2016

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