

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2016-AKL-000209

UNDER THE Resource Management Act 1991 ("**RMA**")
and the Local Government (Auckland
Transitional Provisions) Act 2010 ("**LGATPA**")

IN THE MATTER of an appeal under section 156(1) of the
LGATPA

AND

IN THE MATTER of section 274 of the RMA

AND

IN THE MATTER of Hearing Topics 080 Rezoning and
Precincts (General) and 081 Rezoning and
Precincts (Geographic Areas) of the
Proposed Auckland Unitary Plan

BETWEEN

NO. 12 LOMOND LIMITED

Appellant

AND

AUCKLAND COUNCIL

Respondent

NOTICE OF EL CALLAO LIMITED'S WISH TO BE PARTY TO PROCEEDINGS

7 OCTOBER 2016

To: the Registrar of the Environment Court at Auckland

And to: the Appellant

And to: Auckland Council

1. El CALLAO LIMITED ("**El Callao**") wishes to be a party to an appeal by No.12 Lomond Limited ("**Appellant**") against a decision by Auckland Council ("**Council**") to reject a recommendation by the Independent Hearings Panel ("**Panel**") in relation to the Proposed Auckland Unitary Plan ("**Unitary Plan**").
2. The appeal relates to the deletion of the Takapuna 2 precinct. The Panel recommended that the precinct be deleted. The Council "rejected" that recommendation insofar as it decided on an alternative solution that included deletion of the precinct (as recommended by the Panel) and insertion of a Height Variation Control (not recommended by the Panel) to continue in a new form one component of the deleted precinct. The Height Variation Control provides for greater height within parts of the precinct than would be permitted within the underlying Terrace Housing and Apartment Buildings zone.

Nature of interest

3. El Callao has an interest in the proceedings that is greater than the interest that the general public has.
4. El Callao owns the property at 56 Killarney Street, Takapuna. The property is within the (now deleted) Takapuna 2 precinct and its development potential will be significantly diminished if the precinct is reinstated as sought by the Appellant.
5. El Callao is not a trade competitor for the purposes of section 308C of the RMA.

Extent of interest and reasons

6. El Callao is interested in the entirety of the proceedings.
7. El Callao opposes the relief sought by the Appellant for the following reasons:
 - a. The reinstatement of the Takapuna 2 precinct will not promote the sustainable management of natural and physical resources consistent with Part 2 of the RMA.

- b. The reinstatement of the precinct will hinder landowners seeking to provide for their wellbeing, and for the wellbeing of the wider community, through the redevelopment of their land.
- c. The reinstatement of the precinct will significantly reduce the development potential of many sites within the precinct, by comparison with the Decisions Version of the Unitary Plan, and thereby hinder the efficient use and development of land within the precinct.
- d. The precinct is a remnant of the legacy Operative District Plan (North Shore Section) that conflicts with the Unitary Plan Regional Policy Statement and is inconsistent with the overall direction and balance of the rest of the Unitary Plan (Decisions Version).
- e. The requirement under the precinct provisions to amalgamate two or more sites in order to achieve a viable development site is unrealistic and inappropriate and will work against the achievement of the intensity of development that is appropriate in this location under the Unitary Plan Regional Policy Statement.
- f. The reinstatement of the precinct will result in a raft of additional objectives, policies, rules and assessment criteria applying to the development of sites within the precinct, that are unnecessary and unduly prescriptive.

Relief sought

- 8. El Callao opposes the relief sought by the Appellant and seeks that the Council's decision to delete the precinct, but include a Height Variation Control, be confirmed.

El Callao Limited



Iain McManus

Director

Date: 7 October 2016

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Advice

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