

BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY

ENV-2016-AKL-000212

IN THE MATTER of the Local Government (Auckland
Transitional Provisions) Act 2010
(**LGATPA**) and the Resource
Management Act 1991 (**RMA**)

AND

IN THE MATTER of an appeal under section 156 of the
LGATPA

BETWEEN **SMITHIES FAMILY TRUST**

Appellant

AND **AUCKLAND COUNCIL**

Respondent

**NOTICE OF INTENTION TO BE PARTY TO PROCEEDING PURSUANT
TO SECTION 274 OF THE RESOURCE MANAGEMENT ACT 1991
7 OCTOBER 2016**

TO: The Registrar
Environment Court
AUCKLAND

AND TO: The Appellant

AND TO: The Respondent

1. Take notice that **OMAHA PARK LIMITED** requests to be heard under section 274 of the RMA in respect of the notice of appeal lodged by Smithies Family Trust in relation to a decision of the Auckland Council on a recommendation of the Auckland Unitary Plan Independent Hearings Panel on the proposed Auckland Unitary Plan (**Proposed Plan**).
2. **OMAHA PARK LIMITED** claims status to be heard as a person with an interest in the proceeding that is greater than the general public for the following reasons:
 - 2.1 It was a submitter (5779) and a further submitter (FS 2593) on the Proposed Plan in relation to matters that are the subject of the appeal;
 - 2.2 It owns land in the Rural Coastal Zone that will be affected by the outcome of the appeal, legally described as:
 - (a) Lot 1-2 DP 185859;
 - (b) Lot 1 DP 81363 and Section 1 and Section 3, Block I, Kawau Survey District;
 - (c) Lot 8 DP 207879;
 - (d) Lot 1-2 DP 44611;
 - (e) Lot 3 DP 211743;
 - (f) Lot 1 and Lot 5 DP 183199;
 - (g) Lot 1 DP 334670;
 - (h) Lot 1 DP 168459; and
 - 2.3 The Independent Hearings Panel made recommendations in relation to the Rural Coastal Zone that were supported by **OMAHA PARK LIMITED** in its submissions on the Proposed Plan. The Auckland

Council subsequently rejected the recommendations of the Independent Hearings Panel.

3. **OMAHA PARK LIMITED** is not a trade competitor for the purposes of section 308C of the Act.
4. **OMAHA PARK LIMITED** is interested in the appeal in its entirety.
5. **OMAHA PARK LIMITED** agrees to participate in mediation and other alternative dispute resolution of the proceedings.

DATED the 7th day of October 2016



D F Serjeant
For Omaha Park Limited

THIS NOTICE OF INTENTION TO BE HEARD is filed by **DAVID FREDERICK SERJEANT** for Omaha Park Limited. The address for service of Omaha Park Limited is at the offices of Merestone Limited, 2 Summer Street, Stanley Point, Auckland 0624.

Documents for service on the interested party may be left at the address for service or may be:

1. Posted to 2 Summer Street, Stanley Point, Auckland 0624.
2. Emailed to dave@merestone.co.nz.

Names and addresses of persons who have been served with a copy of this notice:

Smithies Family Trust

Helen Andrews, BerrySimons, PO Box 3144, Auckland 1140
helen@berrysimons.co.nz

Susan Simons, BerrySimons, PO Box 3144, Auckland 1140,
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Auckland Council

Christian Brown, Private Bag 92300, Victoria Street, AUCKLAND, 1142
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Mr Michael Wakefield, Auckland Council, Private Bag 92300, Auckland 1142,
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