

Form 33
Notice of person's wish to be party to proceedings

Section 274, Resource Management Act 1991

To the Registrar
Environment Court

Auckland, Wellington, and Christchurch

I, Molly Whittington, wish to be a party to the following proceedings:

An appeal under section 174 of the Resource
Management Act 1991 in relation to the four Notices of
Requirement for the North West Project being, NoR S2 –
SH16 Main Road, NoR S3 – Rapid Transit Corridor, NoR
KS – Kumeū Rapid Transit Station, NoR HS – Huapai
Rapid Transit Station

BETWEEN FUTURE-KUMEU INCORPORATED

Appellant

AND NEW ZEALAND TRANSPORT AGENCY WAKA

KOTAHI (NZTA)

I am a person who made a submission about the subject matter of the proceedings on behalf of the Kumeu Shopping Village.

I am not a trade competitor for the purposes of [section 308C](#) or [308CA](#) of the Resource Management Act 1991.

I am interested in all of the proceedings.

I am interested in the following particular issues:

The rejection by NZTA of the requirement for the Outline Plan to demonstrate how “on-site parking and manoeuvring” will be provided; and of the requirement for the Outline Plan to demonstrate how “safe efficient and effective access to the transport corridor” will be provided.

The rejection by NZTA of the recommended additions to Condition 16 relating to the Construction Traffic Management Plan (**CTMP**). Specifically, the rejection of the proposed references in the CTMP to “parking and manoeuvring” to and within property and/or private road where practicable, or to provide alternative “vehicle access, parking and manoeuvring” arrangements where the maintenance of access is not practicable.

Rejection of this part of the Recommended Condition undoes the clarity the Commissioners felt necessary. Arguably, NZTA may meet the requirement to “maintain access” if just the footpath is open, since the word “vehicle” is not included. And NZTA only have to provide “access”, not parking or manoeuvring space, as it is not specified. And, in fact, NZTA goes on to write:

“NZTA does not accept that the CTMP should require or indeed will be able to in all instances maintain parking and manoeuvring areas within private property. Any changes to internal parking and manoeuvring areas on sites will be considered where relevant as part of the PWA process where land acquisition is required. “

Parking and manoeuvring by customers is a vital everyday aspect of the Kumeu Shopping Village livelihood and it deserves certainty not provided by pushing it into the future “as part of the PWA process”. The commissioners evidently **did** accept that the CTMP should require and be able to in all instances maintain parking and manoeuvring areas within private property, and that’s why they recommended this condition. The Environment Court should reinstate this condition and if it cannot be met, as NZTA say, then the NOR S3 and NOR S2 should be declined.

Reduction of Designation Boundary: We agree with KCL that a reduction in the extent of the designation boundaries, on their site and also on ours, is appropriate as it is a more accurate representation of the extent of land which is reasonably necessary to achieve the project. This encroachment of the designation boundary into private land has major adverse implications for carparking areas, vehicle circulation and manoeuvring generally and all commercial operations on the KCL and Kumeu Shopping Village Sites.

I support the relief sought because the Kumeu Shopping Village share the same concerns. Landowners and tenants are a necessary part of the community and to remain viable we require certainty as to the ability for our site and its businesses to continue to operate now and in the future.

We would prefer that NOR S3 and NOR S2 are declined, or in the alternative, that the conditions recommended by the Commissioners Panel (relevant to this appeal) be upheld and NZTA’s decisions to reject in part these same conditions be overruled.

I agree to participate in mediation or other alternative dispute resolution of the proceedings.

.....
Signature of person wishing to be a party
(or person authorised to sign
on behalf of person wishing to be a party)

....30-07-2024.....
Date

Address for service of person wishing to be a party:
Telephone: Fax/email:
Contact person: [*name and designation, if applicable*]

Note to person wishing to be a party

You must lodge the original and 1 copy of this notice with the Environment Court within 15 working days after—

- the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- the decision to hold an inquiry, if the proceedings are an inquiry; or
- the proceedings are commenced, in any other case.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in [section 274\(1\)](#) and [Part 11A](#) of the Resource Management Act 1991.

The notice must be signed by you or on your behalf.

You must serve a copy of this notice on the relevant local authority and the person who commenced the proceedings within the same 15 working day period and serve copies of this notice on all other parties within 5 working days after that period ends.

However, you may apply to the Environment Court under [section 281](#) of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see [form 38](#)).