

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKAURAU ROHE**

UNDER the Resource Management Act 1991 (RMA)

IN THE MATTER of an appeal under section 174 of the Resource Management Act 1991 in relation to the Notice of Requirement for the North West Project being NoR KS – Kumeū Rapid Transit Station

BETWEEN **FRANCIS BROS LIMITED**

Appellant

AND **NEW ZEALAND TRANSPORT AGENCY WAKA KOTAHI (NZTA)**

Respondent

(Continued next page)

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION
CONCERNING REQUIREMENT FOR DESIGNATION
12 July 2024**

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**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION
CONCERNING REQUIREMENT FOR DESIGNATION**

Sections 174 Resource Management Act 1991

To The Registrar
Environment Court
Auckland

Name of Appellant and background

1 FRANCIS BROS LIMITED appeals part of a decision on the notice of requirement for designation:

(a) (KS) Kumeū Rapid Transit Station.

(Designation)

2 The Appellant made a submission on the notice of requirement.

3 The Appellant owns 299 Main Road, Kumeū. The site is home to two long-established iconic Kumeu-Huapai businesses, Kumeu Garden Centre and Carriages Café. There is extensive amenity with a man-made pond and grassed common area maintained by the Appellant.

4 The Appellant received notice of the decision on 20 June 2024.

5 The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

Part of the decision being appealed

6 The part of the decision being appealed relates to the (KS) Kumeū Rapid Transit Station notice of requirement (**Designation**).

7 The particular parts of the decision being appealed relate to the location of the proposed routes, the assessment of alternatives, the lapse periods and the conditions for flooding related to the Designation.

Reasons for appeal

8 The reasons for the appeal are that the Designation:

- (a) fails to promote the sustainable management of natural and physical resources, and therefore fails to meet the purpose and principles of the RMA;
- (b) fails to meet the reasonably foreseeable needs of future generations;
- (c) fails to enable the social, economic and cultural well-being of the Auckland community to be met;
- (d) is inconsistent with the purposes and provisions of the relevant planning documents, including the Unitary Plan and the Regional Policy Statement (“RPS”);
- (e) is inconsistent with Part 2 and other provisions of the RMA; and
- (f) has significant adverse effects on the environment;
- (g) will form a framework of transport infrastructure for future residential and commercial development that will be located on a flood plain in order to efficiently access that transport infrastructure.
- (h) incorrectly concludes that adequate consideration and investigation was given to alternative sites, routes, or methods for the Designation.
- (i) has a twenty (20) year lapse date for the Designation which is unreasonable and burdensome to landowners. The twenty year lapse date causes planning blight to property owners.
- (j) conditions relating to flooding do not mitigate the effects of flooding and there is an increased risk of flooding to surrounding properties from the Designation.

Relief

9 The Appellant seeks the following relief:

- (a) That the Designation be cancelled until master-planning for the Kumeu/Huapai townships has been undertaken, with consultation of all stakeholders;
- (b) That adequate assessment of alternative sites, routes, or methods is undertaken;

- (c) The lapse periods are for no more than the standard five (5) years provided for under the RMA;
- (d) That flooding is fully mitigated.

Attached documents

- 10 The following are documents to this notice:
- (a) a copy of the submission;
 - (b) a copy of the relevant decision and recommendations;
 - (c) a list of names and addresses of persons to be served with a copy of this notice;



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J B Forret

Solicitor for Appellant

Date: 12/07/2024

Address for service of Appellant:

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Private Bag 3077, Hamilton 3240

Telephone: 07 838 2399

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Contact person:

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Advice to recipients of copy of notice

How to become party to proceedings

You may be a party to the appeal if—

- (a) you made a submission on the matter of this appeal; and
- (b) within 15 working days after the period for lodging a notice of appeal ends, you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (c) within 20 working days after the period for lodging a notice of appeal ends, you serve copies of your notice on all other parties.

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.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

The copy of this notice served on you does not attach a copy of the relevant submission, recommendation and decision. These documents may be obtained, on request, from the appellant.

Advice

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

Schedule C – Persons to be served with a copy of this notice

Kumeū Rapid Transit Station (NoR KS)				
No R	Sub #	Submitter Name	Agents name	Address for Service
KS	1	Morris Chang		morris.chang502@gmail.com
KS	2	Christopher Penk - Member of Parliament for Kaipara ki Mahurangi		chris.penkmp@parliament.govt.nz
KS	3	John Martin Alexander		john.alexander@mbrands.co.nz
KS	4	Arlene Ross		arlene.ross2610@gmail.com
KS	5	Graham Ross		rosslifestyle1@gmail.com
KS	6	KiwiRail Holdings Limited	Pam Butler	Pam.butler@kiwirail.co.nz
KS	7	Roseanne Dassler		roseannedassler@hotmail.com
KS	8	Paul Joicey		paul@kumeudental.co.nz
KS	9	Kumeu Dental Surgery Ltd	Paul Joicey	paul@kumeudental.co.nz
KS	10	Michael Land		hermes@actrix.co.nz
KS	11	Charitha Lansage		05home.chohan@gmail.com
KS	12	Phelan Pirrie		pirrie@gmail.com
KS	13	Dave WATT		davew.apl@gmail.com
KS	14	Vincent La Rosa		vtlr100@gmail.com
KS	15	FBL Properties Ltd	David Heron	davidheron@xtra.co.nz
KS	16	Nicole Matthews		matthewsnc@gmail.com
KS	17	Atlas Concrete Limited	Attn: David Haines c/- Haines Planning	david.haines@hainesplanning.co.nz

			Consultants Limited	
KS	18	Price Properties Limited	Attn: Joan Forret and Charlotte Muggeridge c/- Harkness Henry Lawyers	joan.forret@harkness.co.nz; charlotte.muggeridge@harkness.co.nz
KS	19	Heritage New Zealand Pouhere Tanonga		PlannerNR@heritage.org.nz
KS	20	The Walker Family Trust	Keren McDonnell	keren@mhg.co.nz
KS	21	The Walker Family Trust and Sharon Walker Family Trust	Keren McDonnell	keren@mhg.co.nz
KS	22	Ross Roderick Spence and Adrienne Mayo Spence	Peter William Smith	peter.smith@smithpartners.co.nz
KS	23	Adrian Bullock		adrianbullock@gmail.com
KS	24	Watercare Services Limited	Mark Bishop	mark.bishop@water.co.nz
KS	25	Victoria Sydney Facooory		sandparkstables@hotmail.co.nz
KS	26	Bowring Properties Group	Matt Norwell	mattn@barker.co.nz
KS	27	T A S Ltd	Matt Norwell	mattn@barker.co.nz
KS	28	Telecommunications Submitters	Attn: Chris Horne c/- Incite	chris@incite.co.nz
KS	29	Christopher McGuire		cjmcguire@xtra.co.nz
KS	30	NZRPG	Attn: Campbell Barbour	cbarbour@nzrpg.co.nz
KS	31	Kāinga Ora Homes and Communities	Attn: Jennifer Chivers	developmentplanning@kaingaora.govt.nz