

BEFORE THE ENVIRONMENT COURT

AUCKLAND REGISTRY

ENV-2024-AKL-0000

UNDER the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER OF an appeal by Simon Papa in respect of a decision by the New Zealand Transport Agency confirming Notice of Requirement S1 Alternative State Highway between State Highway 16 near Foster Road and State Highway 16 at Brigham Creek Interchange

BY **Simon Papa**

Appellant

AND **New Zealand Transport Agency**

Respondent

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

Dated 12th of July 2024

P H MULLIGAN

Barrister

Level 15 Swanson House
12-26 Swanson Street
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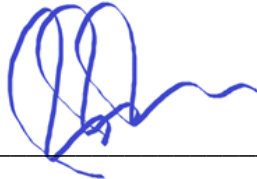
MULLIGAN

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To: The Registrar
Environment Court
Auckland

1. The Appellant appeals a decision on a notice of requirement for a designation for an Alternative State Highway between State Highway 16 near Foster Road and State Highway 16 at Brigham Creek Interchange (**Designation**).
2. The Appellant made a submission in respect of the notice of requirement.
3. The Appellant received notice of the decision on 20 June 2024. The decision was made by the Respondent, the New Zealand Transport Agency (**NZTA**).
4. The Appellant is not a trade competitor for the purposes of [section 308C](#) or [308CA](#) of the Resource Management Act 1991.
5. The decision appealed is the decision by NZTA to confirm the Designation subject to the conditions it confirmed.
6. The site or place to which the requirement applies is between State Highway 16 near Foster Road and State Highway 16 at Brigham Creek Interchange, including 63 and 73 Pomona Road, Kumeu.
7. The reasons for the appeal are as follows:
 - a. The designation, particularly as it affects Countryside Living zoned land, is not reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought, particularly given the adverse effects on landowners of a designation with such a long lapse period.
 - b. There has been inadequate consideration of alternative planning methods to provide for protection of the proposed roading corridor.
 - c. The length of the lapse period and associated delay in works commencing renders the Designation not in keeping with the principles of sustainable management or Part II of the RMA.
8. The Appellant seeks the following relief, *inter alia*:

- a. The cancellation of the requirement for the designation as it relates to some land, particularly Countryside Living zoned land;
 - b. In the event the Court decides to confirm the designation do so with:
 - i. A shorter lapse date;
 - ii. Conditions attached setting out a clear framework for decisions to acquire properties affected by the designation in advance of works where property owners' circumstances require sale.
9. I attach the following documents to this notice:
- a. a copy of my submission:
 - b. a copy of the relevant decision:
 - c. a list of names and addresses of persons to be served with a copy of this notice.
10. The Appellant agrees to participate in mediation or other alternative dispute resolution steps in relation to these proceedings.



P H Mulligan, Barrister
For and on behalf of Simon Papa
Date: 12 July 2024

Address for service of Simon Papa:

C/- P H Mulligan, Barrister
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Email: patrick@mulliganlegal.co.nz

Advice to recipients of a copy of this 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.
- d) 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](#)).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the relevant submission (*or* recommendation) and (*or or*) the relevant decision (*or* part of the 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.