

**Before the Environment Court
Auckland Registry**

**I Te Kōti Taiao O Aotearoa
Tāmaki Makaurau Rohe**

ENV-2024-AKL-

In the matter of the Resource Management Act 1991 (**RMA**)

And

In the matter of an appeal under section 120 of the RMA

Between

Enviro NZ Services Limited

Appellant

and

Auckland Transport

Respondent

Notice of wish to be party to an appeal against decision
confirming Notice of Requirement for a designation relating to the
Pukekohe South East Arterial Project

MinterEllisonRuddWatts.

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TO: The Registrar
Environment Court
Auckland

AND TO: Enviro NZ Services Limited
Auckland Transport

Notice of wish to be party to the following proceedings

1. Pukekohe Mega Trustees Limited (**PMT**) and Wrightson Way Limited (**WWL**) wish to be party to the following proceedings on a joint and severable basis:
 - (a) the appeal of Enviro NZ Services Limited (**Enviro NZ**) against the decision of Auckland Transport (**AT**) on a Notice of Requirement (**NOR**) for a designation (**NOR 5**) relating to the Pukekohe South East Arterial Project (**the Decision**).
2. PMT and WWL made a submission on a joint and several basis on two NORs by AT on behalf of the Supporting Growth Alliance (**SGA**) in relation to the Pukekohe Transport Network Work Project:
 - (a) NOR 5, being the Pukekohe South East Arterial Project to upgrade part of Pukekohe East Road and Golding Road and a new connection from Golding Road to Svendsen Road, Pukekohe across Station Road and the North Island Main Trunk Rail line including active mode facilities; and
 - (b) NOR 6, being the Pukekohe South West Arterial Project, to upgrade specific intersections and regrade specific driveways on Nelson Street, Ward Street, West Street and Helvetia Road for active mode facilities.
3. PMT and WWL are not trade competitors for the purpose of section 308C or 308CA of the RMA.
4. PMT and WWL are interested in all of EnviroNZ's appeal against the Decision.

Reasons for joining the appeal

5. PMT and WWL both own sites within the Pukekohe Mega Centre (**PMC**), a large format retail centre located on Wrightson Way in Pukekohe (together, **Sites**):
 - (i) PMT's Site is tenanted by Mitre 10; and
 - (ii) WWL's Site has smaller units tenanted by eight individual retail businesses.
6. The designation boundary as notified for NOR 5 encroached into the Sites and specifically affected the rear access service lane that services not only the Sites but the entire PMC. AT's primary evidence stated that the purpose of the designation over the service lane was for construction purposes only to facilitate construction of the proposed batter slopes, and that there was an opportunity for the designation boundary to be rolled back off the service lane at the completion of construction.
7. The designation boundary also captured the service lane access of Wrightson Way for the purposes of relocation and design, and the extent of the designation over the access encroached significantly into WWL's Site.
8. PMT and WWL filed expert and corporate evidence in support of their submission in opposition to NOR 5 as notified as there would be significant adverse effects on the Sites and operation of the PMC as the service lane is critical to the operation of the businesses in the PMC. The adverse effects addressed by PMT and WWL's evidence included:
 - (a) Potential loss of the service lane at least during construction which would compromise operations and the ability of some vehicles to access the service lane at all;
 - (b) Long term uncertainty arising from lack of delineation between construction works and permanent works corridor, and uncertainty that the service lane would not later be required for permanent works;
 - (c) Impacts on yard space including inward and outward goods storage and loading areas and reduction of yard space at the proposed relocated vehicle crossing; and

- (d) Adverse effects on pedestrian access, safety and connectivity resulting from the relocated service lane access.
9. In rebuttal evidence, AT amended the designation boundary of NOR 5 and provided evidence at the hearing shifting the designation boundary further north, which removed the designation boundary almost entirely off the service lane servicing the PMC. The designation was retained but reduced in area over the rear service lane vehicle access from Wrightson Way to enable reconstruction and relocation of the vehicle access.
 10. The amendment to the designation boundary of NOR 5 was supported by PMT and WWL as it resolved about adverse transport and operational effects, and it was accepted that the designation over the service lane vehicle access was required on a temporary basis for construction works.
 11. The amended designation boundary was confirmed by AT in its Decision.
 12. PMT and WWL support the NOR 5 designation boundary as approved by the Decision.
 13. Any alteration to the designation boundary as confirmed by the Decision as a result of this appeal may adversely affect the service lane for the PMC or access to and from the PMC.

PMT and WWL oppose the relief sought

14. Enviro NZ seek that the Decision be set aside and that the designation sought under NOR 5 be cancelled or substantially modified.¹
15. PMT and WWL oppose the relief sought by Enviro NZ as any alteration to the designation may adversely affect the service lane for the PMC or access to and from the Site. PMT and WWL support the location of the designation as confirmed by the Decision.
16. The relief sought by PMT and WWL is that NOR 5 be retained as confirmed by the AT Decision, and costs.

¹ Notice of appeal of Enviro NZ Services Limited at [7].

17. PMT and WWL agree to participate in mediation or other alternative dispute resolutions of the proceedings.

DATED at Auckland this 6th day of December 2024

Pukekohe Mega Trustees Limited and
Wrightson Way Limited by their
solicitors and duly authorised agents
MinterEllisonRuddWatts



Bianca Tree / Olivia Pahulu

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