

**BEFORE THE ENVIRONMENT COURT  
AUCKLAND REGISTRY**

**ENV-2024-AKL-0000**

UNDER the Resource Management Act 1991  
IN THE MATTER of an appeal against the decision of Auckland Transport to  
confirm Notice of Requirement NOR 02-Woodcocks Road West  
Upgrade

**John Wynyard**

Appellant

**Auckland Transport**

Respondent

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

**Dated 31 July 2024**

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**Anthony Harper**  
Solicitor on record: Daniel Hughes  
Level 6, Chorus House  
66 Wyndham Street  
PO Box 2646, Auckland 1140  
Tel +64 9 920 6400  
Fax +64 9 920 9599  
[dan.hughes@ah.co.nz](mailto:dan.hughes@ah.co.nz)



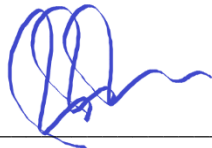
Counsel: P H Mulligan, Barrister  
Email: [patrick@mulliganlegal.co.nz](mailto:patrick@mulliganlegal.co.nz)  
Phone: +64 21 662 142

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**To:** The Registrar  
Environment Court  
Auckland

1. The Appellant appeals Auckland Transport's (**AT**) decision in respect of NOR 2 – Woodcocks Road West Upgrade – North (**NOR 2**).
  2. The Appellant made a submission in respect of NOR 2. The Appellant received notice of the decision on 12 July 2024. The decision was made by the Respondent, AT. The Appellant is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
  3. The decision appealed is the decision by AT to accept the decision to confirm NOR 2 and accept in part and reject in part the consent authority's recommendations on conditions in respect of NOR 2.
  4. The site or place to which NOR 2 applies is Woodcocks Road west from its intersection with Póhuehue Road including traversing parts of the property the Appellant has an interest in.
  5. The reasons for the appeal include:
    - a. The extent of the NOR 2, particularly as it affects land the Appellant has an interest in, is not reasonably necessary for achieving the objectives of the requiring authority for which the designation was sought;
    - b. There has been inadequate consideration of alternative designation boundaries (where it traverses the property the Appellant has an interest in) which better reflect:
      - i. the objectives of the requiring authority;
      - ii. the relevant planning documents guiding the growth of Warkworth, including the Future Development Strategy (**FDS**), and Warkworth Structure Plan (**WSP**); and
      - iii. reduce the adverse environmental effects of NOR 2;
    - c. The designation in its current form is not in keeping with Part 2 of the RMA and the relevant planning documents including the Auckland Council's FDS and WSP.
    - d. The length of the lapse period is not in keeping with the principles of sustainable management, Part 2 of the RMA and/or the relevant planning documents guiding the growth of Warkworth, including the Future Development Strategy (**FDS**), and Warkworth Structure Plan (**WSP**).
  6. The Appellant seeks the following relief:
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- a. The cancellation of the NOR 2;
  - b. In the alternative to cancellation of NOR 2, amendment of its boundaries to reduce the land required from the property Appellant has an interest in;
  - c. Any other relief or amendments consequential on granting the relief sought in sub-paragraphs a. and b. above.
  - d. In the event the Court decides to confirm NOR 2 on its current alignment or otherwise, reduce the lapse date of the designation to 10 years;
7. I attach the following documents to this notice:
- a. a list of names and addresses of submitters to be served with a copy of this notice.
  - b. a copy of the Appellant's submission.
8. A copy of AT's decision being appealed will be filed with the Court. Auckland Council will also be served with a copy of this notice.
9. The Appellant agrees to participate in mediation or other alternative dispute resolution steps in relation to these proceedings.



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**P H Mulligan**  
Barrister  
For and on behalf of the Appellant  
Date: 31 July 2024

**Address for service:**

C/- P H Mulligan, Barrister  
Telephone: 021 662 142  
Email: [patrick@mulliganlegal.co.nz](mailto:patrick@mulliganlegal.co.nz)

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## **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.

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## Submitters to be served with a copy of this Notice

NoR 2	1	Falls Rd Body Corporate Ltd	steve@haycocks.nz
NoR 2	2	Anne Ronaldson	glendanne9@gmail.com
NoR 2	3	Summerset Villages (Warkworth) Limited	shawn.thomson@summerset.co.nz
NoR 2	4	Kerry and Glenis Claydon	k.g.claydon@xtra.co.nz
NoR 2	5	Grange Ridge Limited	burnette@thepc.co.nz
NoR 2	6	Cameron McLay	cam_mclay@yahoo.com
NoR 2	7	One Mahurangi Business Association and Warkworth Area Liaison Group	ropeworth@gmail.com
NoR 2	8	Denise and Ian Civil	icivil@xtra.co.nz
NoR 2	9	Justin and Trudi Molloy	<a href="mailto:Burnette@thepc.co.nz">Burnette@thepc.co.nz</a> <a href="mailto:jessica@thepc.co.nz">jessica@thepc.co.nz</a>
NoR 2	11	Wynyard Family	<a href="mailto:Burnette@thepc.co.nz">Burnette@thepc.co.nz</a> <a href="mailto:jessica@thepc.co.nz">jessica@thepc.co.nz</a>
NoR 2	12	Watercare Services Limited	mark.bishop@water.co.nz
NoR 2	13	Heritage New Zealand Pouhere Taonga	amorris@heritage.org.nz
NoR 2	14	McDonalds Warkworth - All Businesses in the Grange complex	tammymilani1@gmail.com
NoR 2	15	Te Tāhuhu o te Mātauranga Ministry of Education	gemma.hayes@education.govt.nz
NoR 2	16	Equal Justice Project	rgre311@aucklanduni.ac.nz
NoR 2	17	Grant Hewison	grant@granthewison.co.nz
NoR 2	18	Mason Heights Gospel Church	diana@thepc.co.nz