

**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 08 - Wider Western Link-
Warkworth

John Wynyard

Appellant

Auckland Transport

Respondent

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

Dated 31 July 2024

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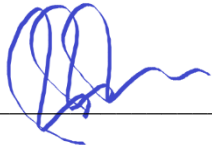


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To: The Registrar
Environment Court
Auckland

1. The Appellant appeals Auckland Transport's (**AT**) decision in respect of NOR 8 - Wider Western Link – North (**NOR 8**).
 2. The Appellant made a submission in respect of NOR 8. 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 8 and accept in part and reject in part the consent authority's recommendations on conditions in respect of NOR 8.
 4. The site or place to which NOR 8 applies is the western margin of Warkworth running between Póhuehue Road and the intersection of Wylie and Woodcocks Road including traversing the property the Appellant has an interest in.
 5. The reasons for the appeal include:
 - a. NOR 8, 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 alignments to the west of the proposed route (where it traverses the property the Appellant has an interest in) which better reflects:
 - 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 8;
 - c. There has been inadequate consideration of alternative planning methods to achieve the objectives of the requiring authority while best reflecting the relevant planning documents guiding the growth of Warkworth, including the FDS and WSP;
 - d. 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.
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- e. 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:
 - a. The cancellation of the NOR 8;
 - b. In the alternative to cancellation of NOR 8, amendment of its boundaries to take a more westerly designation alignment, one overlaying the New Zealand Transport Agency's Northern Motorway Designation (6769) to reduce the (additional) 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 8 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.



P H Mulligan

Barrister

For and on behalf of the Appellant

Date: 31 July 2024

Address for service:

C/- P H Mulligan, Barrister

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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.

Submitters to be served with a copy of this Notice

NoR	Sub #	Submitter Name	Address for Service
NoR 8	1	Kerry and Glenis Claydon	k.g.claydon@xtra.co.nz
NoR 8	2	One Mahurangi Business Association and Warkworth Area Liaison Group	ropeworth@gmail.com
NoR 8	3	The Wynyard Family	burnette@thepec.co.nz jessica@thepec.co.nz
NoR 8	5	Watercare Services Limited	mark.bishop@water.co.nz
NoR 8	6	Heritage New Zealand Pouhere T	amorris@heritage.org.nz
NoR 8	7	KA Waimanawa Limited Partnership, Christine and William Endean, and Stepping Towards Far Limited	felicity.wach@simpsongrierson.com
NoR 8	8	Te Tāhuhu o te Mātauranga Min	gemma.hayes@education.govt.nz
NoR 8	9	Equal Justice Project	rgre311@aucklanduni.ac.nz
NoR 8	10	Grant Hewison	grant@granthewison.co.nz
