

In the Environment Court | I Mua I Te Kōti Taiao o Aotearoa
Auckland Registry | Tāmaki Makaurau Rohe
ENV -2024-AKL-000178

Under the Resource Management Act 1991 and in the matter of an application
under Section 274 of the Act

Between **John Wynyard**
Appellant

And **Auckland Transport**
Respondent

**Notice that New Zealand Transport Agency wishes to be
party to proceedings**

23 August 2024

BELL GULLY

N J Garvan / L M Lincoln
Counsel for New Zealand Transport Agency
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To: The Registrar
Environment Court
Auckland

1. New Zealand Transport Agency Waka Kotahi (**NZTA**) wishes to be a party to the following proceeding:
 - (a) *Wynyard v Auckland Transport* – ENV-2024-AKL-000178.
2. NZTA has an interest in the proceeding that is greater than the interest of the general public. The Warkworth Package (the **Project**) is one of the projects undertaken by Te Tupu Ngātahi Supporting Growth Alliance (**Te Tupu Ngātahi**), a collaboration between Auckland Transport and NZTA. The purpose of Te Tupu Ngātahi is to investigate, plan and designate land for 70 transport projects to support growth in Auckland over the next 30 years. There are eight notices of requirement for the Project, which include the following notices subject to these proceedings: NoR 8: Wider Western Link – North.
3. NZTA considers that its involvement will assist with resolution of the issues on appeal, some of which involve challenges to conditions that have been developed jointly with Auckland Transport and apply across the whole Te Tupu Ngātahi programme of work.
4. NZTA is also the requiring authority for the Ara Tūhono Northern Motorway Designation 6769 which is directly affected by the alternative relief sought by the Appellant in its appeal.
5. NZTA is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991 (the **Act**).
6. NZTA is interested in all of the proceeding and wishes to be heard on the appeal in its entirety.

NZTA's position on the proceedings

7. NZTA opposes the relief sought, including for the following reasons:

- (a) NZTA does not support amendment of the designation boundary to overlay the Ara Tūhono Northern Motorway Designation 6769. This may create a risk for future implementation of the Project as the requirements for the Ara Tūhono Northern Motorway Designation 6769 would take precedence under section 177 of the Act;
- (b) NZTA considers the effects on Mr Wynyard can be adequately mitigated by the comprehensive condition set for the Project, in particular, the mitigation measures contemplated by the suite of management plans provided for in those conditions;
- (c) NZTA considers that the proposed lapse date for NoR 8 is appropriate. The proposed lapse date of 20 years reflects the anticipated timeframe for future growth in the Warkworth area;
- (d) NZTA considers that the alternatives assessment process undertaken to support the Project was appropriate, robust, transparent and replicable; and
- (e) NZTA considers that the Project and the extent of the designation boundary for NoR 8 is reasonably necessary to achieve the Project objectives.

8. NZTA agrees to participate in mediation or other alternative dispute resolution of the proceedings.



N J Garvan / L M Lincoln

Counsel for New Zealand Transport Agency

23 August 2024

Address for Service

This document is filed by Natasha Garvan, of Bell Gully, solicitor for NZTA. The address for service of NZTA is Level 5, Deloitte Centre, 1 Queen Street, Auckland 1140.

Documents for service on NZTA may be left at that address or may be:

- (a) posted to the solicitor at PO Box 4199, Auckland 1140; or
- (b) emailed to the solicitor provided that the email is less than 25MB and sent to both natasha.garvan@bellgully.com and laura.lincoln@bellgully.com.

Documents served on NZTA should be marked for the attention of L M Lincoln.

Advice

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