

**In the Environment Court  
Auckland Registry  
I Mua I Te Kōti Taiao O Aotearoa  
Tāmaki Makaurau Rohe**

**ENV-2020-AKL-000047**

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

Between

**GP (Turnstone Capital) Limited**

Appellant

and

**Auckland Council**

Respondent

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**Notice of Auckland Transport's wish to be party to  
proceedings**

**16 June 2020**

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**BELL GULLY**

BARRISTERS AND SOLICITORS  
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**To:** The Registrar  
Environment Court  
Auckland

1. Auckland Transport wishes to be a party to the following proceedings:
  - (a) The appeal by GP (Turnstone Capital) Limited against part of a decision of Auckland Council on Private Plan Change 25 to the Auckland Unitary Plan (Operative in Part) for Warkworth North (**PPC25**).
2. Auckland Transport made a submission and a further submission on PPC25.
3. Auckland Transport is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991.
4. Auckland Transport is interested in part of the proceedings.
5. Auckland Transport is interested in the following parts of the proceedings (as described in the Appeal):
  - (a) The retention of the Future Urban Zone on the corner of Hudson Road and Falls Road; and
  - (b) Deficiencies in the provisions aimed at the timely delivery of the Western Link Road to collector road standard.
6. Auckland Transport is interested in the following particular issues:
  - (a) Rezoning the FUZ land on the corner of Hudson Road and Falls Road to Business: Mixed Use zone or Residential: Mixed Housing Suburban, as this is not supported by the Appellant's transportation assessments.
  - (b) Deletion of Policy 7 and the necessary timing element for the delivery of the Western Link Road in the policy framework.
  - (c) Amendments proposed to Standard I552.6.5 to remove the requirement to prepare a Traffic Impact Assessment for all

applications for subdivision and development in the Precinct. The reference to the Auckland Unitary Plan in Standard I552.6.5(1) also requires correction.

- (d) The amendment to Activity I552.4.1(A4) should include 'or' rather than 'and', as failure to meet any one of the standards should result in an application being classified as a non-complying activity.

7. Auckland Transport opposes the relief sought because—

- (a) Auckland Transport is the Road Controlling Authority responsible for the transport network in Auckland, together with Waka Kotahi NZ Transport Agency. Auckland Transport is part of the Supporting Growth Alliance Te Tupu Ngātahi (with Waka Kotahi), which has the role of identifying and providing for strategic transport connections through the wider Warkworth growth area, including the future form of the Western Link Road as an arterial transport corridor, included within PPC25;
- (b) The land on the corner of Hudson Road and Falls Road was identified in the Warkworth Structure Plan to be zoned Business: Light Industry. This proposed Light Industry zoning informed the Integrated Transport Assessment (**ITA**) undertaken on behalf of Auckland Transport as part of the Auckland Council's Structure Plan. The Auckland Transport ITA provides an understanding of the effects of light industrial land uses on the wider Warkworth transport network. The notified version of PPC25 proposed zoning this land Residential Mixed Housing Suburban. By submission, the Appellant (and plan change Applicant) sought a different zone again for this land, being Business: Mixed Use zone. No comprehensive transportation assessment has been undertaken to consider the potential transport effects of a Mixed Use or a Residential zone at this location. Without a comprehensive assessment, the effects are unknown and cannot be adequately provided for in the Precinct provisions.

- (c) The timing of the delivery of the Western Link Road must be linked to the development of adjacent land in the Precinct's policy framework. This inclusion is particularly important to support the non-complying status for applications failing to meet the staging standards.
- (d) The Council's decision found that the Appellant's proposal will result in additional traffic movements as compared to the Council's Structure Plan, and some of the effects may be significant if not adequately addressed through detailed design and network upgrades. The requirement to complete a traffic assessment as part of all applications for subdivision or development within the Precinct allows these effects to be adequately identified and for appropriate staging to occur and mitigation of any identified effects related to the staging.
- (e) Standard I552.6.5(1) incorrectly refers to the wrong Auckland Unitary Plan standard E27.6.1.(1)(b). The correct reference should be E27.6.1.(2)(b).
- (f) Failure to comply with any one of standards I552.6.1. I552.6.5 or I552.6.6A should result in an application being a non-complying activity. The 'and' in the activity description (A4) therefore needs to be replaced with an 'or'. We note that this error was also made in the Council's decision, although both standards at that time related to transport effects. The appeal seeks to add a stormwater standard to the non-complying activity, which emphasises the need for the use of 'or'. It would be an absurd outcome if an application failed to comply with the two transport standards but complied with the stormwater standard and therefore did not meet the activity description for a non-complying activity.

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



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J A Gregory / T M Crawford  
Counsel for Auckland Transport

Dated 16 June 2020

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**Advice**

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