

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

ENV-2020-AKL-000048

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

Between

Middle Hill Limited as Trustee of the Tyne Trust

Appellant

and

Auckland Council

Respondent

and

GP (Turnstone Capital) Limited

Applicant

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

16 June 2020

BELL GULLY

BARRISTERS AND SOLICITORS
A J L BEATSON / J A GREGORY
AUCKLAND LEVEL 22, VERO CENTRE, 48 SHORTLAND STREET
PO BOX 4199, AUCKLAND 1140, DX CP20509, NEW ZEALAND
TEL 64 9 916 8800 FAX 64 9 916 8801

To: The Registrar
Environment Court
Auckland

1. Auckland Transport wishes to be a party to the following proceedings:
 - (a) The appeal by Middle Hill Limited, as trustee of the Tyne Trust, against the 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 all of the proceedings.
5. Auckland Transport is interested in the following particular issues:
 - (a) Zoning of the Appellant's land, including to Business Mixed Use;
 - (b) The objectives, policies and rules relating to the provision for and delivery of the Western Link Road and other transport infrastructure;
 - (c) The northern connection of the Western Link Road to the existing State Highway 1.
6. Auckland Transport generally 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 Appellant's land 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 provided an understanding of the effects of light industry land use on the wider Warkworth transport network. By submission, the Appellant sought the land be zoned Business: Mixed Use zone. The Mixed Use zone provides for retail and residential activity that has different transport characteristics to Light Industry land uses. No comprehensive transportation assessment has been undertaken to consider the potential transport effects of a Mixed Use zone at this location. Without a comprehensive assessment, the effects are unknown and cannot be adequately provided for in the Precinct provisions.
- (c) The Appellant (in 6(c) of the appeal) seeks an extension of adjoining zonings (including Business Mixed Use) over land currently outside the plan change area, and therefore outside the scope of PPC25.
- (d) It is not clear what specific wording is sought by the Appellant, but Auckland Transport opposes any changes to:
 - (i) The objectives and policies related to the provision for and delivery of the Western Link Road and other transport infrastructure;
 - (ii) The delivery of the Western Link Road (including staging requirements) and other transport infrastructure with adjacent development;
 - (iii) The non-complying activity status of subdivision or development not meeting the relevant transport standards;

- (iv) The discretionary status of subdivision or development not in accordance with Precinct Plan 2 - Multi Modal Connections and Open Space;
 - (v) The assessment criteria for transport infrastructure; and
 - (vi) The provision for transport infrastructure on Precinct Plan 2 - Multi Modal Connections and Open Space.
- (e) For clarity, Auckland Transport does not oppose the Appellant's land being zoned Business Light Industry as signalled in the Council's Structure Plan and as set out in the notified version of PPC25, as that zoning is supported by the existing work undertaken by Auckland Transport on the Warkworth transport network. If the Appellant's land is zoned Business Light Industry, amendments will be needed to the PPC25 Precinct provisions, in line with the intent of the Council's decisions on the transportation provisions.

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



J A Gregory / T M Crawford
Counsel for Auckland Transport

Dated 16 June 2020

Address for service:

Auckland Transport
C/- Bell Gully
48 Shortland Street
PO Box 4199
Auckland 1140
Attention: Jill Gregory

Telephone: (09) 916 8800
Facsimile: (09) 916 8801
Email: jill.gregory@bellgully.com

Advice

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