

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

**I MUA I TE KŌTI TAIAO
TĀMAKI MAKAURAU ROHE**

ENV-2020-AKL-000132

UNDER the Resource Management Act 1991 ("RMA")
IN THE MATTER of an appeal under Clause 14(1) of Schedule 1 of the RMA
BETWEEN **NEW ZEALAND TRANSPORT AGENCY**
Appellant
A N D **WHANGAREI DISTRICT COUNCIL**
Respondent

**NOTICE OF 124 TAUROA STREET LIMITED'S WISH TO BE A PARTY TO
PROCEEDINGS**

5 AUGUST 2020

**ELLIS GOULD
LAWYERS
AUCKLAND**

REF: Daniel Sadlier / Alex Devine

**Level 17 Vero Centre
48 Shortland Street, Auckland
Tel: 09 307 2172 / Fax: 09 358 5215
PO Box 1509
DX CP22003
AUCKLAND**

NOTICE OF 124 TAUROA STREET LIMITED'S WISH TO BE A PARTY TO PROCEEDINGS

TO: The Registrar
Environment Court
Auckland

124 Tauroa Street Limited ("**124 Tauroa**") gives notice of its wish to be a party to the appeal ENV-2020-AKL-000132 by New Zealand Transport Agency ("**the Appellant**") against parts of the decision of Whangarei District Council on proposed Plan Changes 109 and 148 to the Whangarei District Plan ("**the Plan Changes**").

1. 124 Tauroa made a submission about the subject matter of these proceedings.¹
2. 124 Tauroa is also a person who has an interest in the proceedings that is greater than the interest the general public has on the grounds that it owns partly developed land at 124 Tauroa Street, Raumanga, to which the relief sought by the Appellant would apply. The property already contains a large trade supplier and service station, with smaller areas of undeveloped land. The relief sought by the Appellant may have implications for future changes to existing activities as well as any new activities established at the site.
3. 124 Tauroa is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 ("**RMA**"). In any event, 124 Tauroa is directly affected by an effect of the subject matter of the appeal that:
 - 3.1 Adversely affects the environment; and
 - 3.2 Does not relate to trade competition or the effects of trade competition.
4. 124 Tauroa is interested in those aspects of the proceedings that propose more onerous consent requirements on the basis of traffic

¹ Submission number 160, Further submission number X371.

generation, including in particular in relation to requirements for preparation of Integrated Transport Assessments (“ITA”).

5. 124 Tauroa:

5.1 Supports the primary relief sought by the Appellant in paragraph 18(a) of its notice of appeal, on the basis that the relevant proposed GFA “triggers” for preparation of an ITA are clear, readily understood and appropriate to the activities specified, and therefore are justified in terms of s32, and will achieve the purpose of the RMA;

5.2 Opposes the alternative relief sought by the Appellant in paragraph 18(b) of its notice of appeal, on the basis that the proposed thresholds based on predicted vehicles per hour generated are unclear and not readily understood by a potential applicant for resource consent. If the relief is granted, a potential applicant for resource consent would need to engage significant technical expertise simply to determine whether or not the threshold is met and therefore whether or not an ITA is required. 124 Tauroa considers this would unreasonably add to the time and expense involved in otherwise straightforward resource consent process. Accordingly, the relief sought in paragraph 18(b) is not justified in terms of s32 and will not achieve the purpose of the RMA; and

5.3 Neither supports nor opposes the consequential relief sought in paragraph 18(c) of the Appellant’s notice of appeal, on the basis that the relief is not specified in the notice of appeal, and accordingly 124 Tauroa cannot determine whether that relief is appropriate or not in terms of s32 and Part 2 of the RMA. 124 Tauroa therefore reserves its position in respect of any specific relief that the Appellant may later seek to pursue in relation to this aspect of its appeal.

6. 124 Tauroa agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 5th day of August 2020

124 TAUROA STREET LIMITED

by its solicitors and duly
authorised agents, Ellis Gould



D J SADLIER / A K DEVINE

ADDRESS FOR SERVICE: The offices of Ellis Gould, Solicitors, Level 17, Vero Centre, 48 Shortland Street, PO Box 1509. Auckland 1140, DX CP22003, Auckland. Telephone: (09) 307-2172, Facsimile: (09) 358-5215. **Attention:** Daniel Sadlier / Alex Devine; dsadlier@ellisgould.co.nz / adevine@ellisgould.co.nz.

Copy To: The Appellant
And To: Whangarei District Council
And To: Section 274 parties