

**IN THE ENVIRONMENT COURT  
AUCKLAND REGISTRY**

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

**ENV-2020-AKL-000113**

**IN THE MATTER** of the Resource Management Act 1991 (“RMA”)

**AND**

**IN THE MATTER** of an appeal under clause 14(1) of Schedule 1 of the  
RMA

**AND**

**IN THE MATTER** of an application under section 274 of the RMA

**BETWEEN** **NORTHLAND DISTRICT HEALTH BOARD**

Appellant

**AND**

**WHANGAREI DISTRICT COUNCIL**

Respondent

---

**NOTICE OF INTENTION BY THE NEW ZEALAND TRANSPORT AGENCY TO  
BE A PARTY TO THE PROCEEDINGS UNDER SECTION 274**

**Dated 5 August 2020**

---

**BUDDLE FINDLAY**  
NEW ZEALAND LAWYERS

Solicitor Acting: **Patrick Mulligan / Mathew Gribben**  
Email: [mathew.gribben@buddlefindlay.com](mailto:mathew.gribben@buddlefindlay.com)  
Tel 64 9 358 2555 Fax 64 9 358 2055  
PO Box 1433 DX CP24024 Auckland 1140

**TO:** the Registrar  
Environment Court  
Auckland

1. The New Zealand Transport Agency ("**Transport Agency**") wishes to be a party to the following proceedings under s 274 of the Resource Management Act 1991 ("**RMA**"):

*Northland District Health Board v Whangarei District Council* (ENV-2020-AKL-000113).

2. The proceedings concern an appeal lodged by Northland District Health Board ("**NDHB**") against part of the decision of the Whangarei District Council ("**Council**") to approve the proposed plan changes – Urban and Services – to the Whangarei District Plan ("**Plan Changes**"). The Council's decision was publicly notified on 3 June 2020 ("**Decision**").

#### **Nature of interest in the proceedings**

3. The Transport Agency made a submission about the subject matter of the proceedings. It also lodged a further submission opposing the relief sought by the Appellant.
4. The Transport Agency also has an interest in the proceedings that is greater than the interest that the general public has because its statutory objective under the Land Transport Management Act 2003 is to undertake its function in a way that contributes to an effective, efficient and safe land transport system in the public interest. The Transport Agency has a general duty to ensure that all forms of land transport (not just State highways) operate in an effective and integrated manner.
5. The Transport Agency is not a trade competitor for the purposes of sections 308C or 308CA of the RMA.

#### **Extent of interest in the proceedings**

6. The Transport Agency is interested in part of the proceedings.
7. The Transport Agency is interested in the following particular issues:
  - (a) provision for the use of Integrated Transport Assessments ("**ITAs**");

- (b) issues relevant to the effective, efficient and safe operation of the State highway network, including matters relating to traffic generation and traffic connectivity; and
  - (c) the requested amendment or deletion of the following rules from the Hospital Zone (“**HOSZ**”) Chapter of the Decision:
    - (i) HOSZ-R18 (Controlled Activity ITAs);
    - (ii) HOSZ-R19 (Restricted Discretionary Activity ITAs);
    - (iii) HOSZ-REQ1 (Information Requirement – Controlled ITAs); and
    - (iv) HOS-REQ2 (Information Requirement – Restricted Discretionary ITAs).
8. The Transport Agency opposes the relief sought by the Appellant which generally seeks to delete or amend the ITA provisions from applying to the Hospital Zone. In addition, the Transport Agency considers:
- (a) the proposed amendments fail to recognise the need for robust and comprehensive provisions for ITAs (with appropriate triggers);
  - (b) retention of the ITA provisions referred to above in the HOSZ Chapter is critical to ensuring the safe and efficient operation of the State highway network;
  - (c) the proposed amendments do not encourage the integration of land use and transportation; and
  - (d) the relief sought is otherwise not the most appropriate way to give effect to the purpose of the RMA and the relevant higher order planning documents.

## **Alternative Dispute Resolution**

9. The Transport Agency agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**DATED** this 5<sup>th</sup> day of August 2020

**NEW ZEALAND TRANSPORT AGENCY**

by its solicitors and authorised agents

Buddle Findlay:



---

**Mathew Gribben**

### **Address for service of person wishing to be a party:**

New Zealand Transport Agency  
c/- Mathew Gribben  
Buddle Findlay  
Level 17  
188 Quay Street  
PO Box 1433, DX CP24024  
Auckland 1140

Phone: 64 9 358 2555  
Facsimile: 64 9 358 2055  
Email: mathew.gribben@buddlefindlay.com

### **Names and addresses of persons to be served with a copy of this notice:**

Northland District Health Board  
c/- Ian McAlley  
McAlley Group  
PO Box 1138  
Cambridge 3450

Phone: 027 221 2141  
Email: ian.mcalley@mcalleygroup.co.nz

Whangarei District Council  
c/- Sarah Shaw  
PO Box 4146, Kamo 0141

Email: [sarah@sarahshaw.co.nz](mailto:sarah@sarahshaw.co.nz)  
[mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz)

### **Note to person wishing to be a party**

You must lodge the original and one copy of this notice with the Environment Court within 15 working days after:

- (a) the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- (b) the decision to hold an inquiry, if the proceedings are an inquiry; or
- (c) the proceedings are commenced, in any other case.

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.

The notice must be signed by you or on your behalf.

You must serve a copy of this notice on the relevant local authority and the person who commenced the proceedings within the same 15 working day period and serve copies of this notice on all other parties within 5 working days after that period ends.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

### **Advice**

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