

**IN THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

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

ENV-2020-AKL-000107

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 **ADVANCE DEVELOPMENTS LIMITED**

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

BUDDLEFINDLAY
NEW ZEALAND LAWYERS

Solicitor Acting: **Patrick Mulligan / Mathew Gribben**
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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**"):

Advance Developments Limited v Whangarei District Council (ENV-2020-AKL-000107).

2. The proceedings concern an appeal lodged by Advance Developments Limited ("**ADL**") 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 and 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. In addition, the Transport Agency is responsible for managing State Highway 15, which is relevant the proceedings.
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 any part of the proceedings concerning any traffic or transportation effects including potential impacts on the safe and efficient operation of State Highway 15, and the Marsden Technology Park Precinct ("**MTPP**") provisions, specifically:
 - (a) ADL's request that the ADL land at the corner of McCathie Road and State Highway 15 be rezoned "Light Industrial" with a MTPP overlay, or alternative relief with similar effect.

7. The Transport Agency opposes the relief sought by the Appellant referred to above because:
- (a) the formation of a roundabout or alternative improvement at the McCathie Road/One Tree Point Road/State Highway 15A intersection is required to enable the MTPP to fully develop while ensuring the safe and efficient operation of State Highway 15;
 - (b) the MTPP should include some provision to address the sight distance issue at the Port Marsden Highway/McCathie Road intersection, towards the northeast; and
 - (c) it is critical that the MTPP provisions ensure the safe and efficient operation of the McCathie Road/State Highway 15 intersection.

Alternative Dispute Resolution

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

DATED this 5th 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:

Advance Developments Ltd
c/- Brett Hood
Reyburn and Bryant 1999 Ltd
PO Box 191
Whangarei

Phone: (09) 438 3563
Email: brett@reyburnbryant.co.nz

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

Email: sarah@sarahshaw.co.nz
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.