

**BEFORE THE ENVIRONMENT COURT OF NEW ZEALAND      ENV-2020-AKL-000132**  
**AUCKLAND REGISTRY**

**I MUA I TE KOOTI TAIAO O AOTEAROA**  
**TAMAKI MAKAUROU ROHE**

**In the Matter**                      of the Resource Management Act 1991 (**Act**)

**And**

**In the Matter**                      of an appeal under clause 14 of the First Schedule of  
the Act

**Between**                              New Zealand Transport Agency  
**Appellant**

**And**                                      Whangarei District Council  
**Respondent**

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**Notice of Port Nikau Joint Venture's (Marine Park Limited and Port Road Limited)  
Wish to be Party to Proceedings**

**Dated 5 August 2020**

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Jeremy Brabant  
Barrister  
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Auckland City  
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**To**           The Registrar  
                  Environment Court  
                  Auckland

1. Port Nikau Joint Venture (**PNJV**) wishes to be a party to the following appeal against part of the decision of Whangarei District (**Council**) on Proposed Plan Changes 109 and 148 Urban and Services to the Whangarei District Plan (**Proposed Plan**):

*New Zealand Transport Agency v Whangarei District Council* [ENV-2020-AKL-000132].

2. PNJV made a submission about the subject matter of the proceedings.
3. PNJV has an interest in the proceedings that is greater than the interest that the general public has because:
  - a. PNJV is an owner of land to which the bespoke Port Nikau Development Area (**PNDA**) applies. The PNDA provisions have been tailored to the specific intended use of the land;
  - b. PNJV made specific submissions on the Proposed Plan seeking the PNDA provisions include rules exempting the land to which it applies from the proposed district-wide infrastructure rules in PC 109 Transport (including TRA-R15) where they conflict with the relief sought by PNJV; and
  - c. PNJV has appealed the Council's decisions not to exempt PNDA land from the proposed PC 109 Transport provisions.
4. PNJV is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
5. PNJV is interested part of the proceedings.

6. The part of the proceedings PNJV is interested in relates to Integrated Transport Assessments, specifically:
  - a. NZTA's appeal against part of the Decision relating to triggers for when restricted discretionary activity consents are required in order to assess transport effects, including through Integrated Transport Assessments (ITAs) (TRA-R15).<sup>1</sup>
  
7. PNJV opposes the relief sought so far as the amendments:
  - a. Conflict with the relief sought by PNJV to exempt ITAs from the PNDA; and
  - b. Require the PNDA to comply with the district-wide provisions to require ITAs by reference to TRA-R14 and TRA-R15.
  
8. PNJV opposes the relief sought because:
  - a. The PNDA land has already been subject to comprehensive ITAs and capacity assessments;
  - b. It does not respond appropriately to the bespoke planning outcomes anticipated by the PNDA and fails to correctly assess the context and unique circumstances applying to Port Nikau; and
  - c. The proposed additional ITA triggers requiring discretionary consent has the potential to conflict with the relief sought by PNJV and the ITAs and capacity assessments already undertaken by PNJV.

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<sup>1</sup> NZTA Notice of Appeal, paragraph 7(b).

9. PNJV agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**Signature:** **Port Nikau Joint Venture (Marine Park Limited and Port Road Limited) by its authorised agent:**



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**Jeremy Brabant**

**Date:** 5 August 2020

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**Advice**

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