COMMENT: Submission

This submission to the Environmental Protection Authority panel , EOP, is part of proceedings under the Fast Track Approvals Act 2025 to present the Trusts interests in this matter.

As a result of the designation and subsequent purchase by NZ Transport Agency via acquisition through the Public Works Act, the McGregor family will be bereft of a beloved historic home, of the current use of the land for income, and any future aspiration as to the land's development.

The necessity for a designation in gross over *the entirety* of the Trust's land for accommodating a motorway formation along NZTA's identified preferred route and proposed alignment has not been explained – and therefore we find the notice to be unreasonable;

(Refer NZTA aerial photograph, Attachment 1 to this submission).

The NZTA's consultation process provided a generic overview which included:

i) identifying the proposed new expressway corridor and,

ii) confirming that the Trust's property was located within the corridor, and'

iii) describing NZTA's preferred alignment of the motorway lies within the Trusts land.

However, we find NZTA has not explained the intent and the rationale for the department placing a comprehensive designation over the entire property.

Below we attach our arguments for limiting the designation for the proposed highway over the formation and that land required for access and maintenance.

(Refer Attachment 2 to this Submission).

The Trust is opposed in general to the NZTA Substantive Application and in particular:

Part C4.1 Indicative Overview;
Part C4.2 Design principles and Parameters;
Part C4.2.4 State Highway and local crossings.

Sought outcomes and proposed relief:

The outcome sought is the environmentally sustainable use of the Trust's land resource to remain for the present and future generations of the family.

The Trust seeks the following relief to the proposed Designation:

A. That the NZ Transport Agency Waka Kotahi **withdraws** the Notice of Requirement for a Proposed Designation for motorway purposes over all the land in Record of Title NA 26A / 257 lodged with the Environment Protection Authority, (EPA) for assessment under the Fast Track Approvals Act 2025:

B. That an amended Notice of Requirement for a Notice of Designation be lodged with the EPA for a Designation shown only over the land necessary for the motorway carriage formation and drainage works along the motorway;

C. That the temporary requirement for the stock piling of construction materials need not occur on land under permanent Designation but on land with access easements registered on title where land reinstatement can readily be achieved; and,

D. That, in the event of the eventual construction of said motorway, NZTA will provide the earthworks required to mitigate potential adverse environmental effects of the motorway upon the abutting balance of the property, such as bunding along the northern boundary of motorway construction, and any other measures as suitable and part of flood protection mitigation.

(Refer Attachment 2:- Designation sought by Submission).

Submission Plan of Proposed Designation over Trust's land held in Record of Title NA 26A / 257.

And:

Attachment 3: Proposed NZTA Preferred Motorway Alignment

Note: sourced from: NZ Transport Agency - Substantive Application, Road Drawing Aerial Photograph No.11, Vol.A – Appendix – D2 Roads.

Our arguments

Background and heritage of property

The subject property is the home of the McGregor family. Bain, the current owner is the fourth generation of the family to reside there. The property is a life-style block that has flat topography and is predominantly in pasture used for run-off livestock grazing and fodder crop production.

Located in the north western part of the property is the family homestead, built in 1902 and now 124 years old. The villa is in excellent condition and has been maintained by the family as originally built, bar modern renovations and additions to modernise the kitchen, bathroom and conservatory. The villa is of a Victorian architectural style popular in Waipu's post-colonial settlement period in the early 1900's.

Whilst not listed as a heritage building in the District Plan, the dwelling's heritage value relates to its being a well-known local fixture dating back to the early 1900s period in the Waipu District; and to its having been owned by the family for 124 years.

The property is bounded by the Ahuroa River along the north western property boundary. To better the land, several generations of McGregors have planted native totara along the riverbank which has served the dual purposes of stabilising the river bank and providing wood for fencing and building materials.

These measures have demonstrably improved the viability and residential amenity of the homestead, whilst simultaneously generating valuable building resources for the family throughout their tenure on the property.

The residential area also features a memorial garden in memory of Bain's late wife and mother to their three children, Helen McGregor, who passed away in June 2002. Helen is interred in a memorial garden created by the family, under a headstone and plaque, in the shade of a stand of totara.

Helen's memorial garden reinforces the strong historical and intergenerational bond the McGregors have to their home and land, and their visions and goals as to the family's future on the property. The loss of it will cause much unnecessary distress to Helen's family.

Finally, the property has historically been the site of a family blacksmith's workshop. There is a road-side stone marker referencing this site along Millbrook Road as part of a Heritage Trail established by the Waipu museum and the Trust.

The Heritage value of the site is apparent as outlined above. It is a heritage that this family are intent on maintaining as part of the distinctive historical character of the Waipu District - the primary one in New Zealand to be founded by Scottish Nova Scotian settlers.

Land Topography

The topography of the property is flat. There are no landscape features such as minor hills or depressions along the proposed motorway alignment.

It is therefore anticipated that there would be no significant earthworks for terrain landscaping required over the alignment other than that confined for the motorway formation including shoulder and associated drainage and stormwater control works, notwithstanding any in situ geotechnical conditions that may require more earthwork volumes during construction.

Access to the motorway construction site is readily available off Millbrook Road. There is also sufficient land available alongside the proposed motorway to provide access to the abutting farm to the south if need be.

Access to both the Trust land and abutting to the south could be in total or in part augmented by creating access easements registered over the property Titles rather than by the Designation in gross.

We argue that these conditions further obviate that the proposed designation for motorway purposes need not require the acquisition of every part of our property. To confiscate it, furthermore, constitutes a waste of useful working land which the family could be using to generate some income viability to support itself.

Flood Risk & Ground Conditions

In the Whangarei District Plan, the property has an identified flood susceptible area along the north western boundary over and abutting the course of the Ahuroa River.

The family have in-depth historical memory of the impact of climate changes a upon the property. Of growing concern in recent years is the increased frequency of short duration high intensity rain storm weather events.

The latter has resulted in higher river levels and flow velocity which has caused river bank erosion along the Trust's river boundary, down catchment by the Millbrook Road bridge, and generally along the Ahuroa River catchment.

The Trust has planned remedial earthworks in the near future. The work is intended to future-proof flood protection of the homestead and grounds, maintaining the location for residential amenity whilst protecting the river bank environment.

It is anticipated that the proposed motorway formation will include a drainage and storm water management design that would,

i) mitigate any potential adverse effect on abutting land to the north of the motorway formation; and,

ii) mitigate any potential environmental effects of vehicular traffic and include bunding and associated native shrub planting as an appropriate means to do so.

Such measures would provide complementary mitigation and flood protection management of the existing dwelling and farm building sites. Thus we imagine NZTA and the family property should be able to exist harmoniously as neighbours without us having to surrender all our lands.

Retaining and Managing the Land use resource

The Trust has always anticipated the generation of income and the continuance of the family's rural way of life as the future for this land. The property is not large enough to be a viable stand-alone rural enterprise but could undoubtedly be used for rural support services in the foreseeable future.

There is an existing Transpower designation on the property for the National power supply grid and infrastructure for North Power. This has resulted in development restrictions on the property due to the traverse of the overhead power wires and access easements for maintenance.

The latter circumstance has already limited our development options. The recent placement of the designation and purchase notice by NZ Transport Agency now arbitrarily removes the family's opportunities to even investigate the potential for future development and income generation over the rest of the property.

As part of a strong rural community and workforce, we strongly believe it is better to have people on land to manage, to protect, and plan for the rural land resource. The designation unnecessarily removes all the land from rural use potential and the potential of other sustainable uses over time.

We therefore consider that the designation as it stands is contrary to the foundation Principle of the Resource Management Act 1991 Section 5 (1) (2) Which is as follows:

The **sustainable management of natural and physical resources**,

This means:-

“ managing the use, development and protection of natural and physical resources in a way, or at a rate which enables people and communities to provide for their economic and social well–being while safeguarding ecosystems, meeting the needs of future generations and avoiding or mitigating adverse effects on the environment”.

Compatible Land Use Development

A part of the Trusts land has been the subject of a development proposal by Vaco Investments (Waipu Project) Ltd, that of the site for a BP franchise service center. The proposed development is on the Trust land abutting the existing State Highway opposite the southern approach to Waipu Township.

The applicant, Vaco Investments Ltd, Waipu, has withdrawn the Resource Consent application for amendment to complete general discussions with NZTA that include the design of a proposed roundabout.

NZTA have now sent the applicant a written approval for the use of submitting an amended Resource consent application addressing NZTA design criteria, dated 25 June 2026.

The above development proposal would be consistent with supporting motorway use and strategies on safe motorway infrastructure, and therefore the proposed development would be compatible and consistent with land used for motorway purposes.

The land use will be managed for motorway purposes consistent with providing transport infrastructure whilst providing intersection improvements for the southern access to Waipu Township. This a development opportunity for NZTA and the wider Waipu community.

NZ Transport support is appreciated and appropriate. It is considered that the proposed designation sought by this submission will allow sustainable innovation in land use of the land and functional support to the future proposed motorway and would greatly advance the Vaco Investment proposal to proceed under Resource Management Act 1991 in the near future.

Refer Attachment 4: NZ Transport Agency letter to Vaco Investments (Waipu Project) Lt

Summary

In summary, the proposed designation captures land containing a family homestead established in 1902 and a family burial site dated from 2002. These features have substantial heritage, historical and personal significance. NZTA has not demonstrated that acquisition of the entire property is reasonably necessary for the construction, operation or maintenance of the motorway. The designation should therefore be modified to exclude all land not so required.

The McGregor Family Trust would appreciate your consideration of the above reasons for withdrawing the proposed Notice of Requirement and submitting an amended Notice of Requirement for a Notice of Designation only over the land as shown in Attachment 2 to this submission.

The amended Designation could be bounded by Access easements, in favour of NZTA, and registered on abutting Titles as shown in Attachment 2.

The Trust would welcome and appreciate presenting the above matters raised in the submission before the panel.

Bain F McGregor
McGregor Family Trust
Waipu

Trustees: Dereck McKay
Peter Hayward