

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

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

ENV-2024-AKL-000156

IN THE MATTER the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of an appeal under section 174 of the RMA

BETWEEN **FUTURE-KUMEU INCORPORATED**

Appellant

AND **NEW ZEALAND TRANSPORT AGENCY WAKA
KOTAHI (NZTA)**

Respondent

**NOTICE OF FBL PROPERTIES LTD WISH TO BE PARTY TO
PROCEEDINGS PURSUANT TO SECTION 274 OF THE RMA
1 August 2024**

NZEnviro ◆ **Law**

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 Hamilton, 3216
 New Zealand

Counsel Acting:
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NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

Section 274, Resource Management Act 1991

To The Registrar
Environment Court
Auckland

FBL Properties Limited gives notice under section 274 of the Resource Management Act 1991 ("RMA") that it wishes to be a party to the appeal ("Appeal") by **Future-Kumeu Incorporated** against the decision of the respondent on the proposed decision on the notices of requirement for:

- (a) (HS) Huapai Rapid Transit Station;
- (b) (KS) Kumeū Rapid Transit Station;
- (c) (S2) Alteration to designation 6766 State Highway 16 Main Road Upgrade; and
- (d) (S3) Rapid Transit Corridor.

(together Designations)

2 FBL Properties Limited made a submission about the subject matter of the proceedings, specifically on the KS notices of requirement in the designation hearing.

FBL Properties Limited are directly affected as:

- (a) 299 Main Road, Huapai, is owned by Jim and John Francis through their family trusts.
- (b) The Francis brothers have owned the site since around 1990, after leasing it since before 1980.
- (c) The site houses two long-standing businesses: Kumeu Garden Centre and Carriages Café, which has been a local gathering spot.
- (d) For 40 years, the Francis brothers have maintained a grassed common area east of the Huapai Stream for community use.
- (e) They also created a large pond near this area for community enjoyment, with riparian vegetation shown in Figure 8-2 of the Assessment of Landscape Effects.

- (f) The large tarsealed car park between the Garden Centre and the bottle store, although privately owned, has always been left undeveloped for community benefit.
- (g) This car park is used for community events, including by touring car clubs, and serves as overflow parking for the historic Huapai Tavern.
- (h) The Francis brothers have sacrificed development opportunities to preserve these public spaces, which are among the only three available on Main Road Kumeu and Huapai.

Trade competition

- 3 FBL Properties Limited is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

The Proceedings

- 4 FBL Properties Limited is interested in all of the proceedings.

Particular Issues

- 5 FBL Properties Limited is interested in the following particular issues:
 - (a) location of the proposed routes;
 - (b) the assessment of alternatives;
 - (c) the lapse periods; and
 - (d) the conditions for flooding related to the Designations.

Relief sought

- 6 FBL Properties Limited supports that relief sought by Future-Kumeu Incorporated for the following reasons:
 - (a) Is inconsistent with the objectives and policies of the relevant planning documents, including the Unitary Plan and the Regional Policy Statement (RPS);
 - (b) does not adequately address the reasonably foreseeable needs of future generations;

- (c) does not support the social, economic, and cultural well-being of the Auckland community.
- (d) the Designations will have significant adverse environmental effects;
- (e) there is inadequate mitigation of flooding; and
- (f) the twenty-year lapse period for the Designation is unreasonable and imposes undue burdens on landowners, resulting in planning blight.

Dispute resolution

7 FBL Properties Limited agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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Joan Forret

Solicitor for FBL Properti

Date: 01/08/2024

Address for service of Person wishing to be a Party

Joan Forret

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NZEnviro Law

83 Howell Avenue, Riverlea, Hamilton 3216, New Zealand

Note to person wishing to be a party

You must lodge the original and 1 copy of this notice with the Environment Court within 15 working days after–

- the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- the decision to hold an inquiry, if the proceedings are an inquiry; or
- 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.