

**IN THE ENVIRONMENT COURT
HELD AT AUCKLAND**

ENV-2025-_____

IN THE MATTER of an appeal under Sections 174,
181(2), 192(c) and 195A Resource
Management Act 1991

AND

IN THE MATTER of an appeal against the decisions
relating to **NoR1** – New Rapid
Transport Corridor (RTC) between
Albany and Milldale

BETWEEN **BENJAMIN GUY MARSHALL** and
KATHERINE LOUISE HILL

Appellant

AND **NEW ZEALAND TRANSPORT
AGENCY WAKA KOTAHI**

Respondent

AMENDED NOTICE OF APPEAL

24 February 2024

Counsel Acting:

R E Bartlett KC
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To The Registrar
Environment Court
Auckland

1. **BENJAMIN GUY MARSHALL** and **KATHERINE LOUISE HILL** appeal the decision on Notice of Requirement for a designation for NoR1 – New Rapid Transport Corridor (RTC) between Albany and Milldale.
2. The appellants made a submission on the Notice of Requirement.
3. The appellants received notice of the Decision on 23 January 2025.
4. The decision was made by NZ Transport Agency Waka Kotahi.
5. The appellants are not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
6. The decision is opposed in its entirety.
7. The site or place to which the requirement applies is 1559 Dairy Flat Highway, Albany.
8. The reasons for the appeal are as follows:
 - (a) The decision fails to give effect to the sustainable management purpose of the Resource Management Act.
 - (b) The Notice of Requirement is invalid as it relates to maintaining “*route protection*” options for the respondent rather than providing for scheduled projects which it as the Requiring Authority has approved, is committed to and for which it has accepted financial responsibility.
9. The appellants seek the following relief:
 - (a) That the decision to approve the Notice of Requirement and to impose the designation be set aside.

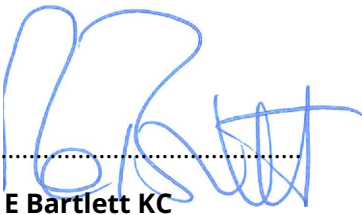
(b) That this Court refuses to approve the Notice of Requirement and refuses to impose the designation sought.

10. The appellants attach the following documents to this notice:

(a) a copy of our submission;

(b) a copy of the relevant decision;

(c) a list of names and addresses of persons to be served with a copy of this notice.



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R E Bartlett KC

Counsel for Appellants

24 February 2025

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Advice to recipients of copy of notice

How to become party to proceedings

You may be a party to the appeal if—

- (a) you made a submission on the matter of this appeal; and
- (b) within 15 working days after the period for lodging a notice of appeal ends, you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (c) within 20 working days after the period for lodging a notice of appeal ends, you serve copies of your notice on all other parties.

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.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (*see* form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the relevant submission (*or* recommendation) and (*or* or) the relevant decision (*or* part of the decision). These documents may be obtained, on request, from the appellant.

Advice

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

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