

**In the Environment Court  
I Mua I Te Kōti Taiao O Aotearoa  
Auckland Registry  
Tāmaki Makaurau Rohe**

**ENV-2024-AKL-000139**

Under the Resource Management Act 1991  
And in the matter of an application under Section 274 of the Act

Between

**Barry Boric Family Trust & Milenko Boric Family Trust**

Appellant

and

**New Zealand Transport Agency Waka Kotahi**

Respondent

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**Notice of Auckland Transport's wish to be party to  
proceedings**

**2 August 2024**

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**BELL GULLY**

BARRISTERS AND SOLICITORS

A BEATSON / L ZIEGLER / M EXTON

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**To:** The Registrar  
Environment Court  
Auckland

1. Auckland Transport wishes to be a party to the following proceedings:
  - (a) *Barry Boric Family Trust & Milenko Boric Family Trust v Waka Kotahi New Zealand Transport Agency* – ENV-2024-AKL-000139.
2. Auckland Transport has an interest in the proceedings that is greater than the interest of the general public. The North West Project (the **Project**) is one of the projects undertaken by Te Tupu Ngātahi Supporting Growth Alliance (**Te Tupu Ngātahi**), a collaboration between Auckland Transport and New Zealand Transport Agency Waka Kotahi (**NZTA**). The purpose of Te Tupu Ngātahi is to investigate, plan and designate land for more than 70 transport projects to support growth in Auckland over the next 30 years.
3. There are 19 notices of requirement for the Project, which include the following notice subject to these proceedings:
  - (a) NoR S2: State Highway 16.
4. NZTA and Auckland Transport have worked together to prepare and lodge the notices of requirement and presented a joint case before the Hearing Commissioners appointed by Auckland Council. Auckland Transport's involvement in any appeals relating to NZTA's notices of requirement for the Project will ensure that its interest in the success of the overall Project will be better represented. Auckland Transport also considers that its involvement will assist with efficient resolution of the issues on appeal, some of which involve challenges to conditions that have been developed jointly with NZTA and applies across the whole Te Tupu Ngātahi programme of work.
5. Auckland Transport is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991 (the **Act**).
6. Auckland Transport is interested in all of the proceedings and wishes to be heard on the appeal in its entirety.

## **Auckland Transport's position on the proceedings**

7. Auckland Transport opposes the relief sought, including for the following reasons:
- (a) Auckland Transport considers the effects on Barry Boric Family Trust & Milenko Boric Family Trust can be adequately mitigated by the comprehensive condition set for the Project, in particular, the mitigation measures contemplated by the suite of management plans provided for in those conditions;
  - (b) NoR S2 is an alteration to an existing designation that has been given effect to, which means there is no lapse date;
  - (c) Auckland Transport considers that the alternatives assessment process undertaken to support the Project was appropriate, robust, transparent and replicable; and
  - (d) Auckland Transport considers that the Project and the extent of the designation boundary for NoR S2 is reasonably necessary to achieve the Project objectives.
8. Auckland Transport agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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A Beatson / L Ziegler / M Exton  
Counsel for Auckland Transport

Dated 2 August 2024

**Address for service:**

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***Advice***

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