

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

**I MUA TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

ENV-2024-AKL-000156

UNDER the Resource Management Act 1991 ("the Act")

IN THE MATTER of an appeal under section 174 of the Act in relation to the four Notices of Requirement for the North West Project being, NoR S2 – SH16 Main Road, NoR S3 – Rapid Transit Corridor, NoR KS – Kumeū Rapid Transit Station, NoR HS – Huapai Rapid Transit Station

BETWEEN **FUTURE-KUMEU INCORPORATED**
Appellant

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

**NOTICE OF INTENTION TO BECOME A PARTY TO PROCEEDINGS BY
BARRY FRANK BORIC, STEFAN BARRY BORIC AND BRENT JOHN WHATNALL AS
TRUSTEES FOR THE BARRY BORIC FAMILY TRUST AND MILENKO BARTUL BORIC,
ANTHONY FRANK BORIC, MICHAEL BORIC AND BRENT JOHN WHATNALL AS
TRUSTEES FOR THE MILENKO BORIC FAMILY TRUST**

1 AUGUST 2024

**ELLIS GOULD
LAWYERS
AUCKLAND**

REF: Douglas Allan (dallan@ellisgould.co.nz)
Alex Devine (adevine@ellisgould.co.nz)

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AUCKLAND**

NOTICE OF INTENTION TO BECOME A PARTY TO PROCEEDINGS

BARRY FRANK BORIC, STEFAN BARRY BORIC AND BRENT JOHN WHATNALL AS TRUSTEES FOR THE BARRY BORIC FAMILY TRUST AND MILENKO BARTUL BORIC, ANTHONY FRANK BORIC, MICHAEL BORIC AND BRENT JOHN WHATNALL AS TRUSTEES FOR THE MILENKO BORIC FAMILY TRUST (“the Boric Interests”) give notice under section 274 of the Resource Management Act 1991 (“**RMA**”) that they wish to be a party to the appeal ENV-2024-AKL- 000156 (“**Appeal**”) by Future Kumeū Incorporated (“**Future Kumeū**”) against the decision of Waka Kotahi New Zealand Transport Agency to confirm the following Notices of Requirement:

- (HS) Huapai Rapid Transit Station;
 - (KS) Kumeū Rapid Transit Station;
 - (S2) Alteration to designation 6766 State Highway 16 Main Road Upgrade (“**NoR S2**”); and
 - (S3) Rapid Transit Corridor.
1. The Borich Interests made a submission about the subject matter of the Appeal.
 2. The Borich Interests also have an interest in the Appeal that is greater than the interest the general public has because:
 - (a) They have also appealed¹ against the same or similar NoR S2 conditions that are the subject of the Appeal and therefore have a direct interest in the relief sought.
 - (b) As an appellant and owner of a site affected by NoR S2², the Borich Interests have the potential to be directly affected by amendments to the NoR S2 conditions arising from the Appeal.
 3. The Borich Interests are not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991. In any event, the Borich

¹ ENV-2024-AKL-000139.

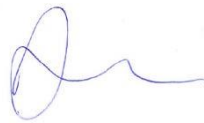
² 993 Waitakere Road, Kumeū.

Interests are directly affected by effects of the subject of the Appeal that adversely affect the environment and do not relate to trade competition or the effects of trade competition.

4. The Borich Interests are interested in the parts of the Appeal which relate to NoR S2 and which have the potential to have implications for the Borich Interests' site, including but not limited to the aspects relating to:
 - (a) The need for a comprehensive understanding of how Kumeū is to be developed in the future (including in particular the interface between the state highway, the railway line which is likely to be grade separated in the future, Access Road, and the proposed works);
 - (b) The adequacy and content of the assessment of alternatives;
 - (c) Lapse periods; and
 - (d) Flood mitigation.
5. The Borich Interests support the relief sought by Future Kumeū to the extent it is consistent with the relief sought by the Borich Interests' appeal and does not compromise the Borich Interests, for the reasons set out in the Appeal.
6. The Borich Interests agree to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 1st day of August 2024

BARRY FRANK BORIC, STEFAN BARRY BORIC AND BRENT JOHN WHATNALL AS TRUSTEES FOR THE BARRY BORIC FAMILY TRUST AND MILENKO BARTUL BORIC, ANTHONY FRANK BORIC, MICHAEL BORIC AND BRENT JOHN WHATNALL AS TRUSTEES FOR THE MILENKO BORIC FAMILY TRUST by their solicitors and duly authorised agents Ellis Gould



Douglas Allan / Alex Devine

ADDRESS FOR SERVICE: The offices of Ellis Gould Lawyers, Level 31, Vero Centre, 48 Shortland Street, PO Box 1509, Auckland 1140, DX CP22003, Auckland, Telephone: (09) 307-2172, Facsimile: (09) 358-5215. **Attention:** Douglas Allan / Alex Devine. dallan@ellisgould.co.nz / adevine@ellisgould.co.nz.

Copy to: Auckland Transport
And: The Appellant

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