

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

ENV-2024-AKL-000146

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

Between

Lendich Construction Limited

Appellant

and

New Zealand Transport Agency Waka Kotahi

Respondent

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

2 August 2024

BELL GULLY

BARRISTERS AND SOLICITORS
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To: The Registrar
Environment Court
Auckland

1. Auckland Transport wishes to be a party to the following proceedings:
 - (a) *Lendich Construction Limited v Waka Kotahi New Zealand Transport Agency* – ENV-2024-AKL-000146.
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 notices subject to these proceedings:
 - (a) NoR S1: Alternative State Highway; and
 - (b) NoR S3: Rapid Transit Corridor.
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 Lendich Construction Limited 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) Auckland Transport considers that the proposed lapse dates for NoRs S1 and S3 are appropriate. The proposed lapse dates of 20 years will provide NZTA time to secure the funding for future phases of the Project, which will then allow the Project to enter into the next phases (which include but are not limited to detailed design, property acquisition, obtaining resource consents, and construction);
 - (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 NoRs S1 and S3 is reasonably necessary to achieve the Project objectives.
8. Auckland Transport agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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

Dated 2 August 2024

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Advice

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