

**Before the Environment Court
At Auckland
I Mua I te Kōti Taiao
Tāmaki Makaurau Rohe
ENV-2024-AKL-000157**

Under the Resource Management Act 1991 (**RMA**)

In the matter of an application under section 274 of the RMA

Between **FBL Properties Limited**
Appellant

And **New Zealand Transport Agency Waka Kotahi**
Respondent

**Notice of Auckland Council's wish to be a party to proceedings under
section 274 of the Resource Management Act 1991**

Date: 19 February 2025



Solicitor on the Record
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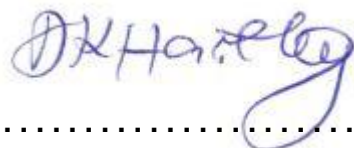
To: The Registrar, Environment Court, Auckland

- 1 Auckland Council (**Council**) wishes to be a party to the following proceedings: *FBL Properties Limited v New Zealand Transport Agency Waka Kotahi* ENV-2024-AKL-000157, against part of the decisions of the New Zealand Transport Agency Waka Kotahi (**NZTA**) on the notices of requirement for designations for the North West Project.
- 2 There are 19 notices of requirement for the North West Project, which include five NZTA notices of requirement that comprise part of the North West Project:
 - 2.1 NoR S1: Alternative State Highway;
 - 2.2 NoR S2: SH16 Main Road;
 - 2.3 NoR S3: Rapid Transit Corridor;
 - 2.4 NoR KS: Kumeū Rapid Transit Station; and
 - 2.5 NoR HS: Huapai Rapid Transit Station.
- 3 The Council made is a local authority under section 274(1)(b) of the Resource Management Act 1991 (**RMA**).
- 4 The Council appointed Independent Commissioners (**Commissioners**) to consider the 19 notices of requirement for the North West Project and submissions received on them, and to make a recommendation in accordance with section 171 of the RMA. The Commissioners recommended that the five NZTA notices of requirement that comprise part of the North West Project be confirmed subject to conditions. NZTA's decision on the five notices of requirement was notified on 20 June 2024 (**Decision**). The Decision accepted in part and rejected in part the Commissioner's recommendation and sets out the modifications made by NZTA to the notice of requirement conditions

recommended by the Commissioners and the reasons for the modifications.

- 5 The Council is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
- 6 The Council is interested in part of the proceedings. The Council wishes to participate in the proceedings in light of its role as the recommending unitary authority responsible for the Auckland Unitary Plan Operative in part. Specifically, the Council is interested in the following parts of the proceedings:
 - 6.1 How the relief sought through the appeal relates to, and impacts on, general flood risk.
 - 6.2 Whether the conditions relating to flooding mitigate the effects of flooding.
- 7 The Council neither supports nor opposes the relief sought. The Council's Commissioners recommended that the five NZTA notices of requirement that comprise part of the North West Project be confirmed subject to conditions. More recently, new information concerning flood risk reduction options in Kumeū-Huapai has become available that is highly relevant to the relief sought in the appeal. The Council also has a general interest in the conditions applying to the notices of requirement.
- 8 The Council agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Date 19 February 2025



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D K Hartley / A F Buchanan

Solicitors for Auckland Council

This document is filed by Diana Hartley of DLA Piper New Zealand, solicitor for the Auckland Council.

The address for service on the Auckland Council is at:

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Documents for service on the Auckland Council may be:

- left at the above address for service, or
- posted to the solicitor at PO Box 160, Auckland 1140, or
- emailed to the solicitor at both diana.hartley@dlapiper.com and anne.buchanan@dlapiper.com.

Please direct enquiries to:

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Advice

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