

**ENVIRONMENT COURT OF NEW ZEALAND
AUCKLAND REGISTRY
I MUA I TE KOOTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU**

ENV-2024-AKL-000056

UNDER THE Resource Management Act 1991 (**RMA**)

IN THE MATTER OF an appeal against the decision for a Designation for the
Airport to Botany Bus Rapid Transit Project under section
174 of the RMA

BETWEEN **BPG DEVELOPMENTS LIMITED**

Appellant

AND **AUCKLAND TRANSPORT**

Respondent

**NOTICE OF INTENTION BY NEW ZEALAND TRANSPORT AGENCY WAKA
KOTAHI TO BE A PARTY TO PROCEEDINGS**

Dated: **23 April 2024**

BUDDLE FINDLAY

Barristers and Solicitors
Auckland

Solicitor Acting: **Jennifer Caldwell / Natalie Summerfield**
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TO: The Registrar
Environment Court
AUCKLAND

1. NOTICE OF INTENTION TO JOIN PROCEEDINGS

1.1 New Zealand Transport Agency Waka Kotahi (**NZTA**) wishes to be a party to **ENV-2024-AKL-000056 – BPG Developments Limited v Auckland Transport** under section 274 of the RMA (the **Appeal**).

1.2 NZTA has an interest in the proceedings that is greater than the interest of the general public. The Airport to Botany Bus Rapid Transit 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 NZTA. The purpose of Te Tupu Ngātahi is to investigate, plan and designate land for more than 70 transport projects to support urban growth in Auckland over the next 30 years.

1.3 The notices of requirement for the Project include the following:

(a) For Auckland Transport:

- (i) NoR 1: Botany Town Centre to Rongomai Park;
- (ii) NoR 2: Rongomai Park to Puhinui Station in the vicinity of Plunket Avenue;
- (iii) NoR 3: Puhinui Station in the vicinity of Plunket Avenue and SH20/SH20B Interchange; and
- (iv) NoR 4a: SH20/SH20B Interchange to Orrs Road;

(b) For NZTA:

- (i) NoR 4b: Alteration to NZ Transport Agency Designation 6717 State Highway 20B.

1.4 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. NZTA's involvement in any appeals relating to Auckland Transport's notices of requirement for the Project will ensure that its interest in the success of the overall Project will be

better represented. NZTA also considers 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 Auckland Transport and applied across the whole Te Tupu Ngātahi programme of work.

1.5 NZTA is not a trade competitor for the purposes of section 308C or 308A of the RMA.

1.6 NZTA is interested in all of the proceedings and wishes to be heard on the Appeal in its entirety.

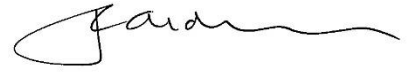
2. NZTA'S POSITION ON THE APPEAL

2.1 NZTA opposes the relief sought in the appeal in its entirety, for the following reasons:

- (a) NZTA considers the effects on BPG Developments 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) NZTA considers that the proposed lapse dates for NoRs 1 and 2 are appropriate. The proposed lapse date of 15 years will provide Auckland Transport 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 regional consents, and construction);
- (c) NZTA considers that the alternatives assessment process undertaken to support the Project was appropriate, robust, transparent and replicable; and
- (d) NZTA considers that the Project and the extent of the designation boundary for NoRs 1 and 2 are reasonably necessary to achieve the Project objectives.

2.2 NZTA agrees to participate in mediation or other alternative dispute resolution of the Appeal.

Dated 23 April 2024



J Caldwell / N Summerfield

Counsel for New Zealand

Transport Agency Waka Kotahi

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TO: The Registrar, Environment Court, Auckland

AND TO: The parties by their solicitors