

BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY

ENV-2024-AKL-000061

I MUA I TE KOOTI TAIAO O AOTEAROA
KI TAMAKI MAKAUURAU

In the Matter of the Resource Management Act 1991 (**Act**)

And

In the Matter of an appeal under section 174 of the Act

Between Mitre 10 Holdings Limited

Appellant

And

Auckland Transport

Respondent

**Notice of Intention on behalf of Van Den Brink 652 Limited to be a Party to
Proceedings under s 274 of the Act**

Dated 23 April 2024

Jeremy Brabant
Barrister
Level 4, Vulcan Building Chambers
PO Box 1502, Shortland St
Auckland City
021 494 506
Email: jeremy@brabant.co.n

To: The Registrar
Environment Court
Auckland

1. Van Den Brink 652 Limited (**VDB**) gives notice that it wishes to be a party to the following appeal:

Mitre 10 Holdings Limited v Auckland Transport (ENV-2024-AKL-000061)

The appeal by **MITRE 10 HOLDINGS LIMITED (Mitre 10)** under s 174 of the Act against parts of the decision by Auckland Transport (**AT**) to confirm Notice of Requirement 2 – Auckland Airport to Botany Rapid Transit Project – Rongomai Park to Puhinui Station (**NoR 2**).

2. VDB:
 - a. Made a submission on NoR 2; and
 - b. Has an interest in the proceeding that is greater than the interest the general public has as:
 - i. VDB has appealed against the same or similar NoR 2 conditions the subject of this appeal and therefore has a direct interest in the relief sought.
 - ii. As an appellant and affected landowner, VDB will be directly affected by amendments to the NoR 2 conditions arising from the Mitre 10 appeal.
 - iii. The appeals engage with the same substantive matters and are likely to be case managed together.
3. VDB is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

4. VDB is interested in the entirety of the appeal to the extent that the relief sought could:
 - a. Impact the VDB land either directly or as a consequence of any amendment to the designation boundary; and
 - b. Result in amendments to conditions which:
 - i. VDB has appealed directly; and
 - ii. Affect all landowners subject to NoR 2.

5. VDB generally supports the relief sought to the extent that Mitre 10's relief is the same or similar to VDB as:
 - a. It will promote the sustainable management of natural and physical resources;
 - b. Will achieve the efficient use and development of natural and physical resources;
 - c. Is the most appropriate way to achieve the purpose of the RMA;
 - d. Satisfies the requirements of s 171 of the RMA;
 - e. Gives effect to the relevant high order planning documents; and
 - f. Appropriately avoid, remedy, or mitigate adverse effects on the environment.

6. VDB agrees to participate in mediation or other alternative dispute resolution of the appeal.

Signature: **Van Den Brink 652 Limited** by its authorised agent:



Jeremy Brabant

Date: 23 April 2023

Address for service: Jeremy Brabant / Shannon Darroch
PO Box 1502, Shortland St
Auckland

Mobile: 021 494 506 / 021 077 8497

Email: jeremy@brabant.co.nz
shannon@brabant.co.nz

Advice

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