

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

ENV-2024-AKL-000142

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

Between

CDL Land New Zealand Limited

Appellant

and

Auckland Transport

Respondent

**Notice that New Zealand Transport Agency Waka Kotahi
wishes to be party to proceedings**

2 August 2024

BELL GULLY

BARRISTERS AND SOLICITORS
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To: The Registrar
Environment Court
Auckland

1. New Zealand Transport Agency Waka Kotahi (**NZTA**) wishes to be a party to the following proceedings:
 - (a) *CDL Land New Zealand Limited v Auckland Transport* – ENV-2024-AKL-000142.
2. NZTA 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 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 W5: Hobsonville Road; and
 - (b) NoR TRHIF: Trig Road Corridor Upgrade.
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 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 Auckland Transport and apply across the whole Te Tupu Ngātahi programme of work.
5. NZTA is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991 (the **Act**).
6. NZTA is interested in all of the proceedings and wishes to be heard on the appeal in its entirety.

NZTA's position on the proceedings

7. NZTA opposes the relief sought, including for the following reasons:
 - (a) NZTA considers the effects on CDL Land New Zealand 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 date for NoR TRHIF is appropriate. The proposed lapse date of 15 years reflects the anticipated timeframe for future growth in the North West area and 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 resource consents, and construction);
 - (c) NoR W5 is an alteration to an existing designation that has been given effect to, which means there is no lapse date and case law confirms that no lapse date is required;
 - (d) NZTA considers that the alternatives assessment process undertaken to support the Project was appropriate, robust, transparent and replicable; and
 - (e) NZTA considers that the Project and the extent of the designation boundary for NoRs W5 and TRHIF is reasonably necessary to achieve the Project objectives.
8. NZTA agrees to participate in mediation or other alternative dispute resolution of the proceedings.



A Beatson / L Ziegler / M Exton
Counsel for NZTA

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.