

**BEFORE THE ENVIRONMENT COURT  
AT AUCKLAND**

**I MUA I TE KŌTI TAIAO O AOTEAROA  
TĀMAKI MAKAURAU ROHE**

**ENV-2024-AKL-000052**

**IN THE MATTER** of the Resource Management Act 1991 (**RMA**)

**AND**

**IN THE MATTER** of an appeal under section 174 of the RMA

**BETWEEN** **PSPIB / CPPIB WAIHEKE INCORPORATED  
AND AUCKLAND BODY CORPORATE  
LIMITED**

Appellant

**AND**

**AUCKLAND TRANSPORT**

Respondent

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**NOTICE OF WISH TO BE PARTY TO PROCEEDINGS ON BEHALF OF  
AUCKLAND COUNCIL**

**22 April 2024**

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**Auckland Council**

Legal Services  
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**To:** The Registrar  
Environment Court  
Auckland

1. Auckland Council (**Council**) wishes to be a party to a joint appeal by PSPIB / CPPIB Waiheke Incorporated (**Waiheke Inc**) and Auckland Body Corporate Limited against the decision of Auckland Transport, dated 21 February 2024, on a notice of requirement for a designation in the Auckland Unitary Plan (Operative in Part) (**AUP(OP)**) relating to the Airport to Botany Bus Rapid Transit from Rongomai Park to Puhinui Station.
2. The Council is a local authority under section 274(1)(b) of the Resource Management Act 1991 (**RMA**).
3. The Council appointed Independent Commissioners (**Commissioners**) to consider the five Notices of Requirement for the Airport to Botany Bus Rapid Transit Project and submissions received on them, and to make a recommendation to Auckland Transport in accordance with section 171 of the RMA. The Commissioners recommended that the five Notices of Requirement be confirmed subject to conditions. Auckland Transport's decision on Notice of Requirement 2: Rongomai Park to Puhinui Station (in the vicinity of Plunket Avenue) (**NoR 2**) was notified on 8 March 2024 (**Decision**). The Decision accepted in part the Commissioners' recommendation in relation to NoR 2 and sets out the modifications made by Auckland Transport to the Notice of Requirement conditions recommended by the Commissioners on 18 December 2023 and the reasons for the modifications.
4. The Council is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
5. The Council is interested in all of the proceedings.
6. The Council wishes to participate in this appeal in light of its role as the recommending unitary authority responsible for the AUP(OP). The Council wishes to ensure that any resolution of this appeal results in clear, consistent and enforceable conditions to the designation.

7. The Council generally opposes the relief sought in the appeal and considers that the conditions for NoR 2 in the Auckland Transport decision are appropriate. Notwithstanding this primary position, the Council acknowledges that some changes proposed to the conditions by Waiheke Inc and Auckland Body Corporate Limited may be appropriate, but as these have not been specified it is not possible to support them at this stage.
  
8. The Council agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Date: 22 April 2024



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