

BEFORE THE ENVIRONMENT COURT
AT AUCKLAND

I MUA I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKAURAU ROHE

ENV-2024-AKL-000062

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

AND

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

BETWEEN **VAN DEN BRINK 652 LIMITED**

Appellant

AND

AUCKLAND TRANSPORT

Respondent

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

22 April 2024

Auckland Council

Legal Services
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AUCKLAND 1142

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To: The Registrar
Environment Court
Auckland

1. Auckland Council (**Council**) wishes to be a party to Van Den Brink 652 Limited's (**VDB**) appeal 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 (in the vicinity of Plunket Avenue).
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 it, 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 NoR 2 should be confirmed subject to conditions, and that the conditions in the Auckland Transport decision are appropriate, with the exception of the lapse condition. Notwithstanding this primary position, the Council acknowledges that some changes proposed to the conditions by VDB 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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