

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

**ENV-2024-AKL-000052**

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

Appellant

**AND** **AUCKLAND TRANSPORT**

Respondent

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

Dated: **23 April 2024**

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**BUDDLE FINDLAY**

Barristers and Solicitors  
Auckland

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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-000052 – PSPIB / CPPIB Waiheke Incorporated and Auckland Body Corporate Limited** 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.

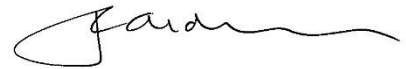
- 1.5 NZTA is not a trade competitor for the purposes of section 308C or 308A of the RMA.
- 1.6 NZTA is interested in all of the proceedings and wishes to be heard on the Appeal in its entirety.

## **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 PSPiB/CPPIB Waiheke Incorporated and Auckland Body Corporate 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 2 is 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 NoR 2 is 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



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**J Caldwell / N Summerfield**

Counsel for New Zealand

Transport Agency Waka Kotahi

**Address for service of New Zealand Transport Agency Waka Kotahi**

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**TO:** The Registrar, Environment Court, Auckland

**AND TO:** The parties by their solicitors