

BEFORE THE ENVIRONMENT COURT

IN THE MATTER of the Local Government (Auckland Transitional Provisions) Act 2010 (LGATPA) and the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of appeals under section 157 of the LGATPA against decisions of requiring authorities or the Auckland Council in relation to the designations or heritage orders included in the Proposed Auckland Unitary Plan (PAUP)

BETWEEN

TRAM LEASE LIMITED

(ENV-2016-AKL-000270)

Appellant

NEW ZEALAND TRANSPORT AGENCY

Respondent

AND

BUNNINGS LIMITED

(ENV-2016-AKL-000271)

Appellant

AUCKLAND TRANSPORT

Respondent

AND

MAWSON

(ENV-2016-AKL-000272)

Appellant

AUCKLAND TRANSPORT

Respondent

AND

HOUSING NEW ZEALAND CORPORATION

(ENV-2016-AKL-000273)

Appellant



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AUCKLAND INTERNATIONAL AIRPORT
LIMITED

Respondent

AND

ROCKFIELD TRUST

(ENV-2016-AKL-000274)

Appellant

KIWIRAIL HOLDINGS LIMITED

Respondent

AND

DILWORTH TRUST BOARD

(ENV-2016-AKL-000275)

Appellant

NEW ZEALAND TRANSPORT AGENCY

Respondent

AND

AUCKLAND COUNCIL

(ENV-2016-AKL-000276)

Appellant

KIWIRAIL HOLDINGS LIMITED

Respondent

AND

AUCKLAND TRANSPORT

(ENV-2016-AKL-000277)

Appellant

KIWIRAIL HOLDINGS LIMITED

Respondent

MINUTE OF THE ENVIRONMENT COURT



Introduction

[1] Eight appeals have been lodged with the Environment Court in relation to the designation appeals under the Proposed Auckland Unitary Plan (PAUP). Auckland Council has filed s 274 notices in relation to five of the eight appeals. Tram Lease Limited has lodged an interested party notice in relation to the *Dilworth Trust Board v New Zealand Transport Agency* appeal.

[2] Auckland Council filed the s 274 notices one day late. Tram Lease Limited filed their s 274 notice five days late. However, the Court is inclined to grant a blanket waiver and extend the period in which s 274 notices are to be filed due to the following reasons:

- (a) to "eliminate" [I would employ the term "mitigate"] the confusion between the two pieces of legislation;
- (b) the impact of the intervening Christmas holiday period; and
- (c) the want of undue prejudice concerning such a small waiver erodes.

Directions

[3] A blanket waiver is granted because I agree with the grounds advanced by the Council (with terminology as stated above), and the period to file s 274 notices is extended to **10 February 2017**.

SIGNED at Auckland this 31st day of January 2017



LJ Newhook
Principal Environment Judge

