

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision [2023] NZEnvC 268

IN THE MATTER OF	an application under section 185 of the Resource Management Act 1991
BETWEEN	PMR PROPERTIES LIMITED (ENV-2023-AKL-000147) Applicant
AND	AUCKLAND TRANSPORT Respondent

Court:	Chief Environment Court Judge D A Kirkpatrick sitting alone under s 279 of the Act
Last case event:	2 October 2023
Date of Order:	12 December 2023
Date of Issue:	12 December 2023

CONSENT ORDER

A: Under section 279(1)(b) of the Resource Management Act 1991 (the Act) the Environment Court, by consent, orders that under s 185 of the Act, Auckland Transport acquires the interest of PMR Properties Ltd in the land at 122 Puhinui Road, Papatoetoe, Auckland, described in record of title 555805 under the Public Works Act 1981.

B: Under s 285 of the Act, there is no order as to costs.



REASONS

Introduction

[1] This proceeding relates to an application by PMR Properties Ltd (**PMR**) for an order under s 185 of the Act in relation to the land at 122 Puhinui Road, Papatoetoe, Auckland, described in record of title 555805 (**the Land**).

[2] The land is subject to a notice of requirement titled Rongomai Park to Puhinui Station (in the vicinity of Plunket Avenue) (**the Requirement**). The entire area of the land is subject to the Requirement. Auckland Transport is the requiring authority responsible for the Requirement.

Application under s 185 RMA

[3] PMR is the owner of the Land and was the owner of the land at the time Auckland Transport lodged the Requirement with Auckland Council on 9 December 2022.

[4] Since September 2022 PMR has tried but has been unable to enter into an agreement for the sale of the land at a price not less than the market value that the land would have had if it had not been subject to the Requirement.

[5] As there has been a genuine and serious attempt to sell the land as the owner of the Land, PMR has demonstrated that it meets the test in s 185(3) of the Act. PMR is therefore entitled to the order sought.

Agreement reached between the parties

[6] Since the Application was filed, Auckland Transport has considered the evidence filed in support and does not oppose the order sought.

[7] The parties agree that each party will meet its own costs.

Consideration

[8] The Court has read and considered the application and the memorandum of the parties dated 2 October 2023, which details the agreement reached by the parties to resolve this application.

[9] The Court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order; and
- (b) all parties are satisfied that all matters proposed fall within the Court's jurisdiction and conform to all relevant statutory requirements and objectives of the Act including, in particular, Part 2.

Order

[10] Therefore, under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that under s 185 of the Act, Auckland Transport acquires the interest of PMR Properties Ltd in the land at 122 Puhinui Road, Papatoetoe, Auckland, described in record of title 555805 under the Public Works Act 1981.

[11] There is no order as to costs.



D A Kirkpatrick
Chief Environment Court Judge

