

The following customer has submitted a Notice of Requirement online submission.

Contact details

Full name of submitter: Cooper and Company NZ

Organisation name:

Full name of your agent: Nicole Buxeda - Atkins Holm Majurey

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Contact phone number: 0211011697

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PO Box 1585
Shortland Street
Central Auckland
Auckland 1140

Submission details

Name of requiring authority: City Rail Link Limited NoR for Alteration of Britomart Transport Centre Designation 2501

The designation or alteration: City Rail Link Limited NoR for Alteration of Britomart Transport Centre Designation 2501

The specific provisions that my submission relates to are:
Please see attached submission

Do you support or oppose the Notice of Requirement? I or we oppose the Notice of Requirement.

The reason for my or our views are:
Please see attached submission - Cooper and Company's submission is that it does not oppose the Notice of Requirement subject to appropriate safeguards as set out above being incorporated and implemented in any consent/approval.

I or we seek the following recommendation or decision from Auckland Council:
Please see attached submission

Submission date: 9 August 2021

Supporting documents
Submission on variation to notice of requirement - Cooper and Company - 9 August 2021 .pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

I accept and agree that:

- by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public,
- I or we must serve a copy of the submission on the person who gave the notice of requirement as soon as reasonably practicable after submitting to Auckland Council.

SUBMISSION ON ALTERATION TO DESIGNATION THAT IS SUBJECT TO PUBLIC NOTIFICATION BY A TERRITORIAL AUTHORITY

Sections 169 and 181 of the Resource Management Act 1991

TO: AUCKLAND COUNCIL

SUBMITTER: COOPER AND COMPANY NZ

1. The following submission by Cooper and Company NZ ("**Cooper and Company**") is a response to a Notice of Requirement from City Rail Link Limited (**CRL**), for an alteration to a designation which was publicly notified on 13 July 2021.

Background

2. It is notable that the documents in support of the requested alteration virtually ignore the existence of the existing and future Britomart Precinct (**Precinct**). This is despite the proposed works having the potential for significant impacts on the environment, amenity, and efficient operation of the Precinct, in particular arising from the need to manage the impacts of construction, traffic, noise, and vibration.
3. The works will be undertaken in an important part of the Precinct: adjacent to the CPO; the western ends of both Tyler and Galway Streets; and the Commerce Street end of a thriving retail/pedestrian promenade.
4. The application documentation for the proposed Notice of Requirement proposes a hierarchy of environmental management plans which nowhere make any provision for the early involvement, consultation, or collaboration with Cooper and Company. This is a major oversight and raises serious questions concerning the inherent deficiencies of the Assessment of Environmental Effects submitted with the application.
5. While a representative of CRL has, in recent months, sought to consult with Cooper and Company, few specific details on the nature and duration of the works have been provided to Cooper and Company. There has been no detailed discussion of ways in which potential adverse effects can be the subject of early information/consultation, and where necessary, joint management of potential effects.
6. The Britomart Precinct is a unique downtown waterfront heritage precinct which has been meticulously reinstated over the past two decades in close consultation with Auckland Council (**Council**). Large areas of public spaces are jointly managed by Cooper and Company and the Council subject to

provisions of the 2004 Development Deed and re-stated in the Substitute and Restated Development Deed (29 March 2018).

7. In discussions with CRLI representatives Cooper and Company have indicated they have no fundamental opposition to the works now proposed subject to joint and comprehensive management of environmental effects to be ensured by both comprehensive consent conditions and related Environmental Management Plans.
8. Experience to date has demonstrated that without clear consent safeguards and controls project engineering organisations (such as CRLI and its consultants) will tend to independently pursue their own objectives without proper advance consultation and consequently with unpredictable and potentially detrimental effects on the amenity and operation of the Precinct.
9. A related concern is the potential for legal challenge and consequential unpredictability of the likely duration of works arising from the proposed alteration to Designation 2501. The alteration seeks to enable works outside the boundary of this designation and undertake the proposed works within the boundary of designation 2500-1. The submitter is keen to ensure that the proposed consenting approach is legally sound so that the works can be undertaken as quickly and efficiently as possible and are not delayed due to any legal technicalities or resulting challenges.
10. No Outline Plan is proposed, as would normally be expected and provided. Cooper and Company believe this requirement should be reinstated as a clear obligation followed by provision for close consultation with Cooper and Company on individual Environmental Management Plans. Conditions to ensure close collaboration and effective enforcement of Plan requirements should also be an integral part of any approval.
11. Given the direct interests likely to be impacted Cooper and Company reasonably expect to be informed and consulted (as well as provided with an opportunity to have meaningful input) prior to certification by Council of:
 - a. Traffic and parking management – particularly for heavier construction traffic movements;
 - b. Noise and vibration;
 - c. Ventilation management;
 - d. Environmental management of general construction activities;
 - e. Restoration of public space currently occupied by temporary Station Plaza Building following removal of that structure on completion of the construction works.

12. Cooper and Company has recently committed significant investment to the refurbishment and strengthening of the Barrington and Sofrana buildings (which are opposite the Station Plaza Accommodation) in anticipation of this temporary building being removed one year after completion of the originally proposed works. The extension of time now being sought by CRLI means the temporary Station Plaza Building will still be in place when newly opened retail and supermarket activities commence – including extended outdoor dining space along the Barrington and Sofrana building frontage to Galway Street. Given the potential impacts on these activities Cooper and Company seek to be closely consulted on the timing and methods of removal of the temporary building as well as the restoration of the remaining public space.
13. The required resource and building consents have been obtained for the refurbishment of the Barrington and Sofrana buildings and works have commenced. The refurbished heritage buildings will accommodate retail, food and beverage and office activities and are programmed to be completed shortly after the originally proposed designation works were to be completed, in mid-2022. The currently proposed designation alteration compromises this outcome, as the extended construction duration and presence will, unless carefully managed, potentially deter or disrupt tenants and customers following the opening, in mid-2022, of the new commercial operations (including a new supermarket).
14. Galway Street has been recently refurbished to a shared space and no construction traffic or other activities associated with the CRLI proposed construction activities should be permitted to utilise Galway Street.
15. In relation to construction traffic the CRLI documentation contains mention of construction traffic entering the site from Quay Street. However there is no mention of the requirements for traffic leaving the site. For example, page 21 of Appendix A shows that traffic will be entering and exiting the site via Customs Street as well as Quay Street.
16. Cooper and Company seek that entry and exit via Quay Street only be specified in relevant conditions and management plans.
17. Cooper and Company also seek to ensure that the traffic restrictions be specified in management plans to include a prohibition on construction related traffic using Britomart Place.
18. Although the CRLI documentation concludes there are no adverse effects arising, Cooper and Company seek a commitment in conditions that, should such effects arise, immediate remedial actions will be taken to address these such that there are no adverse or unexpectedly extended impacts on Cooper and Company (or the validity of the amended Designation).

19. In summary, to ensure robust and comprehensive control of CRLL's proposed works Cooper and Company seeks the following:
- a. Transparent and robust enforcement framework to ensure consent conditions and requirements in management plans are complied with and effective and timely remedial measures put in place if they are not.
 - b. Full protection of Galway Street frontage to the Barrington and Sofrana buildings that are being fully refurbished and seismically strengthened to accommodate new commercial activities which will begin operations in mid-2022.
 - c. The removal of the proposed additional wording to Condition 3.2: "**and any other contemporaneous works permitted under this designation**". This wording is too open-ended and does not provide any indication as to the nature, duration, or effects of such "other" works.
 - d. Remove "**upon completion of the Works**" in Condition 3.2 and insert an end date of 31 December 2022, with three further months to remove the structure providing a final completion and final removal date of 31 March 2023.
 - e. Specific provision that traffic associated with the works must only enter and exit via Quay Street.
 - f. Extension of traffic restrictions to include a prohibition on construction traffic using Britomart Place.
 - g. That there be no construction-related activities or parking on or utilisation of Galway Street by traffic associated with the works or any other construction-related or activities works on Galway Street.
 - h. Restoration plans for the public space currently occupied by the temporary Station Plaza Building be the subject of specific agreement between Cooper and Company, Auckland Council, and CRLL, in advance of the commencement of the proposed Works.
 - i. There be a clear connection between the proposed amended Works and the existing suite of conditions contained in Designation 2501 to ensure that the Works are subject to these conditions including but not limited to conditions 1, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15-28, 33.

PARTICULARS

20. Cooper and Company is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

Submission on entire Notice of Requirement

21. The specific provisions of the proposal that our submission relates to are:
- a. The entire Notice of Requirement.

Position on Notice of Requirement and general reasons

22. Cooper and Company's submission is that it **does not oppose the Notice of Requirement subject to appropriate safeguards as set out above being incorporated and implemented in any consent/approval.**

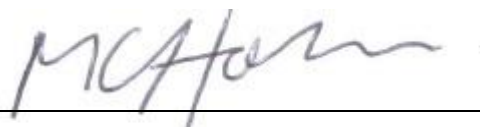
Relief sought and specific reasons

23. Cooper and Company seek the following recommendation from Auckland Council:
- a. That the Environment Court recommends to CRLI that it withdraws the Notice of Requirement unless CRLI modifies the Notice of Requirement to address the issues of concern to Cooper and Company, and imposes conditions and management plan requirements as requested in this submission; and
- b. That Auckland Council, as a signatory to the Britomart Development Deed with Cooper and Company, ensure that appropriate environmental management protections and requirements are put in place to ensure that the provisions of the Deed are not transgressed or compromised by CRLI's proposed construction works or related activities.

Hearing

24. Cooper and Company wishes to be heard in support of its submission.

DATE: 9 August 2021



Mike Holm / Nicole Buxeda

on behalf of **Cooper and Company NZ**

Address for service of submitter:

C/- Mike Holm / Nicole Buxeda
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PO Box 1585, Shortland Street
Auckland 1140

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Facsimile:

(09) 309 1821

Email:

nicole.buxeda@ahmlaw.nz

Contact person:

Nicole Buxeda
Senior Solicitor

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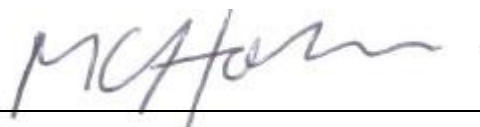
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Mike Holm / Nicole Buxeda

on behalf of **Cooper and Company NZ**

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