

BEFORE THE ENVIRONMENT COURT
AT AUCKLAND

I MUA I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKAURAU ROHE

ENV-2024-AKL-000060

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

AND

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

BETWEEN **BODY CORPORATE 316863
(RENAISSANCE APARTMENTS)**

Appellant

AND

AUCKLAND TRANSPORT

Respondent

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

22 April 2024

Auckland Council

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To: The Registrar
Environment Court
Auckland

1. Auckland Council (**Council**) wishes to be a party to Body Corporate 316863 (Renaissance Apartments)'s (**Renaissance**) 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 them, 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 Puhunui 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's position on the proposed amended conditions and relief sought by Renaissance for NoR 2 are set out as follows:

Condition Number & Topic	NoR	Renaissance's Proposed wording / relief sought	Auckland Council's Position
5 Lapse	NoR 2	<p>Lapse</p> <p><i>In accordance with section 184(1)(c) of the RMA, this designation shall lapse if not given effect to within 515 years from the date on which it is included in the AUP.</i></p>	The Council opposes; instead, supports a 10-year lapse date as recommended by the Commissioners.
12 Stakeholder Communication and Engagement Plan (SCEMP)	NoR 2	<p>Stakeholder Communication and Engagement Plan (SCEMP)</p> <p><i>(c) ... To achieve the objective of the SCEMP:</i></p> <p><i>(i) At least six (6) months prior to detailed design for a stage of Work, the Requiring Authority shall identify:</i></p> <p><i>A. a list of properties within the designation which the Requiring Authority does not own or have occupation rights to <u>and all directly affected and adjacent owners and occupiers of land.</u></i></p> <p>...</p> <p><i>(iii) The SCEMP shall include:</i></p> <p>...</p> <p><i>D. methods and timing to engage with landowners whose <u>pedestrian, cycle and/or vehicle</u> access is directly affected.</i></p>	Acceptable in principle as the amendments provide an additional level of clarity to the condition.

Condition Number & Topic	NoR	Renaissance's Proposed wording / relief sought	Auckland Council's Position
14 Urban and Landscape Design Management Plan (ULDMP)	NoR 2	<p><i>Urban and Landscape Design Management Plan (ULDMP)</i></p> <p><i>(f) To achieve the objective, the ULDMP shall provide details of how the Project:</i></p> <p>...</p> <p><i><u>(viii) Has responded to consultation undertaken in accordance with (d) [Key stakeholder participation] and how comments from Key stakeholders have been incorporated into the ULDMP. Where requests for changes by Key Stakeholders have not been agreed to, the Requiring Authority shall provide the request and the reason for rejection.</u></i></p> <p>...</p> <p><i>(h) The ULDMP shall include:</i></p> <p>...</p> <p><i><u>Details of property access – including how pedestrian and vehicle access to the site and adjacent sites is affected, what changes are proposed and what provision has been made to retain existing levels of amenity and functionality;</u></i></p>	<p>Amendments to the wording of condition 14(f)(viii) is acceptable in principle as it ensures the views of key stakeholders have been taken into consideration and if not, the reason for not accepting their changes.</p> <p>Acceptable in principle as recommended by the Commissioners in condition 14(h)(iv)H. with amendments to wording.</p>
16 Existing property access	NoR 2	<p><i>Existing property access</i></p> <p><i>(a) Where existing property <u>pedestrian and/or</u> vehicle access which exists at the time the Outline Plan is submitted is proposed to be altered by the project, the Requiring Authority</i></p>	Acceptable in principle.

Condition Number & Topic	NoR	Renaissance's Proposed wording / relief sought	Auckland Council's Position
		<p><i>shall consult with the directly affected landowner regarding the required changes. The Outline Plan shall demonstrate how safe access will be provided, unless otherwise agreed with the affected landowner.</i></p>	
<p>20 Construction Traffic Management Plan (CTMP)</p>	<p>NoR 2</p>	<p>Construction Traffic Management Plan (CTMP)</p> <p><i>(b) ... To achieve this objective, the CTMP shall include:</i></p> <p>...</p> <p><i>(vi) methods to maintain <u>pedestrian and vehicle</u> access to and within property and/or private roads where practicable, or to provide alternative access arrangements when it will not be. Engagement with landowners whose access is directly affected shall be undertaken in accordance with Condition 42(b)(iii)D <u>12(c)(i)D</u>;</i></p>	<p>Acceptable in principle.</p>
<p>New or Amended Condition</p>	<p>NoR 2</p>	<p>Add a new condition, or amend an existing condition, to confirm evidence given at the Council hearing that the final extent of the designation will not extend more than 1.3 metres into the Apartments' frontage and that full vehicle access to the Apartments will be maintained.</p>	<p>The Council neither opposes nor supports as it is a matter between Renaissance and Auckland Transport.</p>

8. The Council agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Date: 22 April 2024



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