

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

**I MUA I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKAURAU ROHE**

ENV-2024-AKL-000065

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

AND

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

BETWEEN **AUCKLAND INTERNATIONAL AIRPORT
LIMITED**

Appellant

AND

AUCKLAND TRANSPORT

Respondent (for NoR 4a)

AND

**WAKA KOTAHI NEW ZEALAND
TRANSPORT AGENCY**

Respondent (for NoR 4b)

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

22 April 2024

Auckland Council

Legal Services
Private Bag 92300, Victoria Street
AUCKLAND 1142

Solicitor Acting: **C L Faesenkloet**
Mob: 021 605 896
Corina.Faesenkloet@aucklandcouncil.govt.nz

To: The Registrar
Environment Court
Auckland

1. Auckland Council (**Council**) wishes to be a party to the following proceedings:

Auckland International Airport Limited (**Auckland Airport**) appeals against the decisions of Auckland Transport and Waka Kotahi New Zealand Transport Agency (**Waka Kotahi**) on the proposed Notices of Requirement for designations in the Auckland Unitary Plan (Operative in Part) (**AUP(OP)**) being:

- a) Airport to Botany Bus Rapid Transit from the State Highway 20/20B Interchange to Orrs Road (NoR 4a); and
 - b) The intersection of Manukau Memorial Gardens (alteration to Designation 6717 – Waka Kotahi NZ Transport Agency) (NoR 4b).
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 4a: SH20/SH20B Interchange to Orrs Road (**NoR 4a**) and Waka Kotahi's decision on Notice of Requirement 4b: The intersection of Manukau Memorial Gardens (**NoR 4b**) were notified on 8 March 2024 (**Decision**). The Decisions accepted in part the Commissioners' recommendation in relation to NoR 4a and NoR 4b, and set out the modifications made by Auckland Transport and Waka Kotahi to the Notices 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 by Auckland Airport are set out as follows:

| Condition Number & Topic | NoR | Auckland Airport's Proposed Wording | Auckland Council's Position |
|--|---------------|---|--|
| <p>3 Land use Integration Process (LIP)</p> | <p>NoR 4a</p> | <p><i>Land use Integration Process (LIP)</i></p> <p><i>(a) The Requiring Authority shall set up a Land use Integration Process for the period between confirmation of the designation <u>and the commencement of any design for the designated works</u> Start of Construction. The purpose of this process is to encourage and facilitate the integration of <u>the design and construction of the designated works with</u> the master planning and land use development activity on land directly affected or adjacent to the designation.</i></p> <p><i>To achieve this purpose:</i></p> <p>...</p> <p><i>(ii) the nominated contact shall be the main point of contact for a Developer or Development Agency wanting to work with the Requiring Authority to integrate their development plans or master planning with the <u>design and construction of the designated works</u> i.e.n.</i></p> <p><u>(b) The requiring authority shall establish a process for updates to be provided to these persons advising them when any design is commencing for a Stage of Work and 24 months prior to the expected Start of Construction for a Stage of Work.</u></p> | <p>Amendments to the wording of condition 3(a) acceptable in principle.</p> <p>The Council neither supports nor opposes proposed new condition 3(b) as it is a matter between Auckland Airport and Auckland Transport.</p> |


| Condition Number & Topic | NoR | Auckland Airport's Proposed wording | Auckland Council's Position |
|---|--------|--|---|
| 3 Land use Integration Process (LIP) | NoR 4a | <p>...</p> <p><u><i>(f) Where a Developer or Development Agency wishes to advance development plans, the Requiring Authority shall:</i></u></p> <p><u><i>(i) Engage with the Developer or Development Agency in good faith to consider how the designation can integrate with the development plans;</i></u></p> <p><u><i>(ii) Use all reasonable endeavours to advance the design of the relevant part of the designation to understand how it can integrate with the development plans; and</i></u></p> <p><u><i>(iii) Use all reasonable endeavours to minimise the impact of the designation on development plans (including, but not limited to, considering design and construction methods to minimise the loss of land available for the development plans).</i></u></p> | The Council supports conditions 3(f)(i),(ii) and (iii) as recommended by the Commissioners |
| New Condition: Land Use Integration Management Plan (LIMP) | NoR 4a | <p>Land Use Integration Management Plan (LIMP)</p> <p><u><i>(a) A LIMP shall be prepared at least three months prior to the start any design commencing for a Stage of Work. The objective of the LIMP is to provide a framework to assist and encourage developers and development agencies of land directly affected by or adjacent to the Project to integrate their master planning and land use development activities with the designation prior to the Start of Construction, and to encourage appropriate integration of any design through to construction for the Project with those activities.</i></u></p> <p><u><i>(b) To achieve the objective, the LIMP shall include:</i></u></p> | The Council neither supports nor opposes the new condition as it is a matter between Auckland Airport and Auckland Transport. |

| Condition Number & Topic | NoR | Auckland Airport's Proposed wording | Auckland Council's Position |
|--------------------------|-----|---|-----------------------------|
| | | <p><u>(i) the contact details of the nominated contact who will be available to facilitate engagement between the Requiring Authority and the Developer or Development Agency at any time prior to the Start of Construction. Contact details for the nominated contact are to be included on the project website required by Condition (2)(b)(iii).</u></p> <p><u>(ii) details of a process by which a developer or development agency may request from the requiring authority:</u></p> <p><u>A. information on the status of the Project and any design being progressed, noting there may be reasons (e.g. a lack of design progress) why such information cannot be provided.</u></p> <p><u>B. technical review of or comments on any master planning process or development proposal advanced by the developer or development agency as it relates to integration with the Project;</u></p> <p><u>(iii) a list of all developers and development agencies who have indicated through the notice of requirement process that they intend to master plan or develop sites along the Project alignment that may require specific integration with the designation, and a process for updates to be provided to these persons advising them when any design is commencing for a Stage of Work, and 24 months prior to the expected Start of Construction for a Stage of Work;</u></p> <p><u>(iv) details of any requests made to the requiring authority that could influence detailed design, the results of any</u></p> | |

| Condition Number & Topic | NoR | Auckland Airport's Proposed wording | Auckland Council's Position |
|---|--------|--|---|
| | | <u><i>engagement and, where such requests that could influence design are declined, the reasons why the requiring authority has declined the requests.</i></u> | |
| 26 Network Utility Management Plan (NUMP) | NoR 4a | <p><i>Network Utility Management Plan (NUMP)</i></p> <p><i>(a) A NUMP shall be prepared at least three months prior to the Start of Construction commencement of any design for a Stage of Work.</i></p> | The Council neither supports nor opposes amendments to the wording of these conditions as this is a matter between Auckland Airport and Auckland Transport / Waka Kotahi. |
| 24 Network Utility Management Plan (NUMP) | NoR 4b | <p><i>(b) The objective of the NUMP is to set out a framework for protecting, relocating and working in proximity to existing network utilities. It is also to ensure appropriate integration with existing network utilities. To achieve the objective, the NUMP shall include methods to:</i></p> <p><i>(i) provide for the integration of network utilities and structures implemented for the Project with existing network utilities where practicable;</i></p> <p>...</p> <p><i>(iii) manage the effects of dust and any other material potentially resulting from construction activities and able to cause material damage to any network utilities, beyond normal wear and tear to overhead transmission lines in the Project area; and</i></p> <p>...</p> <p><i>(d) The development of the NUMP shall consider opportunities to coordinate future work programmes with other Network Utility Operator(s) (including Auckland International Airport Limited) during detailed design where practicable.</i></p> | The Council neither supports nor opposes amendments to the wording of these conditions as this is a matter between Auckland Airport and Auckland Transport / Waka Kotahi. |

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

Date: 22 April 2024



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C L Faesenkloet / F Y Cho
Counsel for Auckland Council

Address for service:

Auckland Council
Level 15, 135 Albert Street, Auckland
AUCKLAND 1010
Attn: Corina Faesenkloet / Frida Cho

Mobile: 021 605 896

Email: Corina.Faesenkloet@aucklandcouncil.govt.nz
Frida.Cho@aucklandcouncil.govt.nz