

Under the Resource Management Act 1991 (the Act)

In the matter of a direct referral of an application for resource consent for the necessary infrastructure and related activities associated with holding the America's Cup in Auckland

Between **Panuku Development Auckland Limited**  
Applicant

And **Auckland Council**  
Regulatory Authority

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**Notice of Auckland Theatre Company Limited's wish to be a party to proceedings under section 274 of the Act**

Dated 16 July 2018

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**KensingtonSwan** 

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**To:** The Registrar  
Environment Court  
Auckland

- 1 Auckland Theatre Company Limited ('**ATC**') wishes to be a party to the Environment Court proceeding ENV-2018-AKL-000078 between Panuku Development Auckland Limited ('**Panuku**') and Auckland Council in relation to the America's Cup Wynyard Hobson proposal ('**Proposal**').
- 2 ATC made a submission<sup>1</sup> to Auckland Council on the subject matter of the proceeding. ATC was served a copy of the direct referral application by Panuku's solicitors on 25 June 2018 to have the resource consent applications heard directly by the Environment Court rather than Auckland Council.
- 3 ATC has an interest in the proceedings that is greater than the interest that the general public has. ATC is a charitable organisation located in the heart of the Wynyard Quarter, at the ASB Waterfront Theatre, 138 Halsey Street ('**Theatre**'). The Theatre is situated in close proximity to the proposed site of America's Cup infrastructure, and the local street network that will be used to access the proposed syndicate bases both during construction and the events.
- 4 ATC is not a trade competitor for the purposes of sections 308C or 308CA of the Act.
- 5 ATC is interested in the proceeding, in particular:
  - a Transportation effects on ATC, including access, traffic and parking, in the construction, operational and event phases of the Proposal; and
  - b Consultation and communication with directly affected parties.
- 6 ATC supports the Proposal, subject to the following decisions from the Environment Court:
  - a That consent be granted subject to conditions providing that:
    - i Access<sup>2</sup> will be provided to the Theatre throughout the construction, operational and event phases of the Proposal;
    - ii Disruption to ATC's operations during construction, operational and event phases of the Proposal will be minimised;

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<sup>1</sup> Submission of Auckland Theatre Company Limited on the Wynyard Hobson proposal, dated 28 May 2018.

<sup>2</sup> Access includes all forms of transportation including vehicular, pedestrian and cycle access.

- iii There will be no reduction of the current carpark available to the staff and visitors of the Theatre;
  - iv There will be targeted consultation and communication with directly affected businesses, in addition to the wider Community Liaison Group; and
- b Such further and/or consequential relief to address the matters raised in this notice.
- 7 ATC seeks these amendments for the following reasons:
- a The Theatre is a community asset delivering arts, culture and education outcomes. As well as being used for ATC's productions, the Theatre is used by a wide range of other performing arts, conference, and community groups throughout the year, such as the New Zealand International Film Festival.
  - b Unlike many of the other businesses in the area, ATC is unique in that it operates through both day and night, seven days a week, and draws in large crowds at specific performance times. Access to and from ATC via the local street network is essential to ATC's operations.
  - c The majority of patrons attending the Theatre travel by private vehicle. As such, access to carparking is essential to ATC's operations.
  - d Concerns and interests of directly affected parties such as businesses located in the Wynyard Quarter should be prioritised over general public consultation and communication with the wider community. This will ensure that these issues are dealt with effectively and efficiently.
- 8 ATC agrees to participate in mediation or other alternative dispute resolution of the proceeding.

Dated this 16<sup>th</sup> day of July 2018



**Marija Batistich**  
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