

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2018-AKL-000078

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

A N D

IN THE MATTER of a direct referral of applications for resource consent for the necessary infrastructure and related activities associated with the holding of the America's Cup in Auckland

BETWEEN **PANUKU DEVELOPMENT AUCKLAND LIMITED**

Applicant

A N D **AUCKLAND COUNCIL**

Regulatory Authority

**NOTICE OF INTENTION TO BECOME AN INTERESTED PARTY PURSUANT
TO SECTION 274 OF THE RMA BY VIADUCT HARBOUR HOLDINGS
LIMITED**

**ELLIS GOULD
LAWYERS
AUCKLAND**

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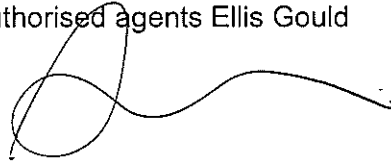
TO: The Registrar
Environment Court
AUCKLAND

1. **VIADUCT HARBOUR HOLDINGS LIMITED (“VHHL”)** gives notice pursuant to sections 87G(4) and 274 of the RMA that it wishes to be a party to these proceedings.
2. Panuku Development Auckland Limited has directly referred to the Environment Court its application for resource consents associated with the *“Wynyard Hobson Proposal”* for accommodating the 36th America's Cup Regatta (**“the Application”**). The Application seeks consents in relation to the construction, occupation, use and maintenance of permanent and temporary infrastructure and the undertaking of activities within the coastal marine area and on land associated with the America's Cup.
3. VHHL is entitled to be a party to these proceedings for the following reasons:
 - (a) VHHL lodged a submission on the application with Auckland Council on 28 May 2018 (**“the VHHL Submission”**). A copy of the VHHL Submission is **attached** to this notice.
 - (b) VHHL has an interest in the proceedings that is greater than the interest of the general public, as it is the owner of the fee simple interest in approximately 14 ha of land located in the Viaduct Harbour and Wynyard Precincts, which will be directly and adversely affected by the Application unless appropriate conditions are imposed as sought in the VHHL Submission.
4. VHHL is not a trade competitor of Panuku for the purposes of section 308C or 308CA of the RMA. In any event, VHHL considers its interests could be directly and adversely affected by effects of the Wynyard Hobson Proposal that:
 - (a) Adversely affect the environment; and
 - (b) Do not relate to trade competition or the effects of trade competition.

5. VHHL is interested in the Application in its entirety but is particularly concerned by the issues set out at paragraph 3 of the VHHL Submission.
6. VHHL seeks the relief set out in the VHHL Submission, for the reasons set out in the VHHL Submission.
7. VHHL agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED at Auckland this 2nd day of July 2018

**VIADUCT HARBOUR HOLDINGS
LIMITED** by its solicitors and duly
authorised agents Ellis Gould



D A Allan

ADDRESS FOR SERVICE: The offices of Ellis Gould Lawyers, Level 17, Vero Centre, 48 Shortland Street, PO Box 1509, Auckland 1140, DX CP22003, Auckland, Telephone: (09) 307-2172, Facsimile: (09) 358-5215. Attention: D A Allan, dallan@ellisgould.co.nz.

Attachment – Copy of the VHHL Submission

The Resource Management Act 1991

**Submission on resource consent applications
(AC36 Wynyard Hobson Proposal)**

**To: Auckland Council
Private Bag 92300
Auckland 1142**

By email: rcregulatorysupportcentral@aucklandcouncil.govt.nz

Name of submitter: Viaduct Harbour Holdings Limited ("VHHL"), c/ the address for service set out below.

1. VHHL makes this submission on the applications dated 13 April 2018 by **Panuku Development Auckland ("Panuku")**, c/ Simpson Grierson, Private Bag 92518, Auckland 1141 (for: Bill Loutit c/- Americas.cup36@simpsongrierson.com) to Auckland Council for resource consents associated with the *"Wynyard Hobson Proposal"* for accommodating the 36th America's Cup Regatta ("**AC36**"). The applications seek consents in relation to the construction, occupation, use and maintenance of permanent and temporary infrastructure and the undertaking of activities:
 - (a) Within the coastal marine area and on land at Hobson Wharf, Halsey Street Extension Wharf, Western Viaduct Wharf, the southern portion of Wynyard Wharf and Brigham Street;
 - (b) Within the water space in the Wynyard Basin and the Outer Viaduct Harbour;
 - (c) On public land areas within Wynyard Precinct and Viaduct Harbour Precinct;
 - (d) On private land to the west of Brigham Street; and
 - (e) On land within Jellicoe Street and Halsey Street, Auckland ("**the Wynyard Hobson Proposal**").
2. VHHL is not a trade competitor of Panuku and could not gain an advantage in trade competition through this submission. In any event, VHHL will be directly affected by effects of the Proposal that:
 - (a) Adversely affect the environment; and
 - (b) Do not relate to trade competition or the effects of trade competition.

3. This submission relates to the Wynyard Hobson Proposal in its entirety but VHHL is particularly concerned by:
 - (a) The size of the extension to Hobson Wharf that is proposed to accommodate Base B.
 - (b) The adverse visual and urban design effects that will be generated by proposed Base B on Hobson Wharf.
 - (c) The flexibility proposed for syndicates to depart from base designs prepared by Moller Architects and incorporated into the application.
 - (d) The failure to record VHHL as a key stakeholder pursuant to the schedule of conditions suggested by Panuku.
 - (e) The implications of the Wynyard Hobson Proposal for VHHL's Viaduct Harbour and Wynyard Quarter investments with particular regard to:
 - (i) Construction effects (including traffic, noise and vibration) experienced at sites in the vicinity of the proposed works;
 - (ii) Traffic conditions and congestion and pedestrian connectivity, convenience and safety throughout the Viaduct Harbour and Wynyard Precincts; and
 - (iii) The manner in and extent to which the event operations will be integrated with the existing activities, open spaces and pedestrian routes through the Viaduct Harbour and Wynyard Precincts.
 - (f) Panuku's proposal to address most adverse effects by way of management plans which, in terms of Panuku's proposed schedule of conditions, will be drafted and certified after the consenting process is complete. This proposed process would result in members of the public, including VHHL, having limited (if any) involvement in the preparation and approval of these documents.
4. VHHL's submission is as follows:
 - (a) Unless the concerns set out by VHHL in this submission are appropriately addressed, the Proposal:
 - (i) Will generate significant short, medium and long-term adverse effects on the environment.

- (ii) Will be contrary to the sustainable management of natural and physical resources.
- (iii) Will not promote the efficient use and development of resources.
- (iv) Will otherwise be inconsistent with the purpose and principles in Part 2 of the Resource Management Act 1991.
- (v) Will be inconsistent with objectives, policies and other provisions in relevant national, regional and district planning instruments.

In particular, but without limiting the generality of the above:

- (b) VHHL supports the proposal to hold the AC36 event in Auckland and in particular to accommodate it within and around the Wynyard and Viaduct Harbour Precincts. VHHL considers that the Wynyard Hobson Proposal is a marked improvement on the proposal for which Panuku originally sought resource consent ("**the Original Proposal**") which involved extensive additions to the Western Viaduct Replacement Wharf and intensive use of that enlarged wharf for accommodating syndicates. VHHL considers that the Wynyard Hobson Proposal will generate far less adverse effects than would the Original Proposal.

VHHL's Interests

- (c) VHHL is the owner of the fee simple interest in approximately 14 hectares of land located in the Viaduct Harbour and Wynyard Precincts, immediately to the north of Fanshawe Street and occupied by extensive commercial office, food and beverage, marina and residential activities ("**the VHHL Land**"). The VHHL Land is identified by blue shading on the plan attached as **Annexure 1**. VHHL does not own any land that is subject to the Wynyard Hobson Proposal.
- (d) The Viaduct Harbour Waterspace and surrounding land provide a regionally important level of amenity and a unique degree of accessibility to the waterfront.
- (e) There is an extensive outlook from public and private spaces within and adjacent to the VHHL Land to the north towards the Waitemata Harbour, across the Viaduct Harbour Waterspace, Te Wero, Hobson Wharf and the Western Viaduct Replacement Wharf. Public access to and through the VHHL Land and the areas subject to the Wynyard Hobson Proposal is highly integrated and it is

desirable that the AC36 event be managed in a way that takes account of and complements activities in and access through and to the VHHL Land.

Advantages of the Wynyard Hobson Proposal in comparison with the Original Proposal

- (f) VHHL supports the relocation of syndicate bases to the west pursuant to the Wynyard Hobson Proposal (in comparison with the Original Proposal). That relocation will:
- (i) Generate positive amenity effects by ensuring extensive public views across the waterspace of the bases on Bringham Street and the Team NZ base on Halsey Street.
 - (ii) Generate positive amenity effects with particular reference to the vitality experienced in public places, as a consequence of:
 - The location of a large number of bases in close proximity to each other; and
 - Jellicoe Street forming a key connection between the bases and an appropriate location for supporting entertainment and retail activities.
 - (iii) Take advantage of the extensive public and private investment in infrastructure and development on the Wynyard Quarter and in particular along Jellicoe Street.
 - (iv) Avoid the significant adverse effects on visual amenity and urban design as experienced from the Viaduct Harbour that would have arisen from the Original Proposal.
 - (v) Reduce the potential for adverse effects on public pedestrian congestion and safety that would have arisen from the Original Proposal, with particular reference to the area in the vicinity of and comprising the Halsey Street Extension Wharf, the Western Viaduct Replacement Wharf and the Viaduct Harbour Pedestrian Bridge.
 - (vi) Provide a long-term benefit to the city by facilitating the ongoing redevelopment and intensification of the Wynyard Quarter, in the same way that previous America's Cup events facilitated the redevelopment and intensification of the Viaduct Harbour area.

- (vii) Reduce the intensity of construction works and event activities on the constrained area comprising the Western Viaduct Replacement Wharf and, as a consequence, reduce the concentration of adverse effects on the Halsey Street / Jellicoe Street intersection.

Hobson Wharf Extension

- (g) The most significant advantage of the Wynyard Hobson Proposal in comparison with the Original Proposal is the removal of the extensions to the Halsey Street Extension Wharf and Western Viaduct Replacement Wharf proposed under the Original Proposal. There is, however, one significant wharf extension retained in the Wynyard Hobson Proposal, being the proposal to extend Hobson Wharf to the north by 72m.
- (h) This aspect of the Wynyard Hobson Proposal will result in a significant area of additional wharf space which will intrude visually and physically into the Waitemata Harbour in close proximity to the Viaduct Harbour, Te Wero and Princes Wharf. There is no functional need to extend Hobson Wharf in that way or benefit arising from such extension other than to provide for the temporary occupation of it by an AC36 syndicate for the purposes of the AC36 event.
- (i) VHHL considers it desirable to avoid or minimise the extent of long-term or permanent wharf structure in this vicinity, to the extent that is practicable. Doing so will minimise the adverse visual and urban design effects that the structure will have when viewed from the Viaduct Harbour Precinct, Te Wero, Princes Wharf, the Harbour and the commercial, residential, public and other buildings in those areas.
- (j) The northernmost 10m of the proposed 72m extension has been identified as public open space, for the purposes of pedestrian access.
- (i) VHHL considers that there is no functional need for or benefit arising from such access during the AC36 event as:
- The access will not provide views of the Base B operations.
 - The access is likely to be closed to the public on major event days because of the health and safety risk involved in allowing significant numbers of pedestrians along a lengthy but narrow cul-de-sac.

- (ii) VHHL considers that there is no functional need for or benefit arising from such access following completion of the AC36 event and any subsequent America's Cup event in Auckland that makes use of Base B as public access around the extension to Hobson Wharf can be catered for within the 62m extension that is proposed to accommodate Base B itself.
- (k) In the circumstances, VHHL considers that the northernmost 10m of the proposed 72m extension to Hobson Wharf should be deleted from the Wynyard Hobson Proposal. Alternatively, the northernmost 10m could be provided by way of temporary structure (e.g.: floating pontoons or cantilevered structures attached to the wharf) which should then be removed following completion of the AC36 event.

Base B Building

- (l) The Wynyard Hobson Proposal removes all but one of the syndicate base buildings that were to be placed intrusively into the Waitemata Harbour pursuant to the Original Proposal. The one remaining syndicate building that will have a significant adverse effect on visual amenity and urban design values is the Base B building on the extension to Hobson Wharf.
- (m) VHHL acknowledges the time pressures that apply to the AC36 event and for that reason does not oppose the construction of a temporary building for Base B, for use through the AC36 event. VHHL considers, however, that, in the event that the America's Cup is retained in New Zealand beyond AC36, there will be sufficient time to establish a replacement for Base B in a more appropriate location (eg: in Wynyard Precinct) and that, as a consequence, the Base B building on the Hobson Wharf Extension should be removed immediately on completion of the AC36 event.
- (n) The Base B building will be located in the most sensitive location on the Hobson Wharf Extension in terms of visual intrusion and adverse effects, as it will obstruct views across the Hobson Wharf Extension from the Western Viaduct, Te Wero, the Viaduct Harbour Precinct and Princes Wharf. A more appropriate location for any building on the Hobson Wharf Extension would be immediately to the north of the Maritime Museum building as that would minimise the intrusion of such a structure into views from the south, although would not remove intrusion into views from Princes Wharf.

- (o) VHHL is concerned that, if the Base B building is retained for a longer period of time, it could result in the long-term retention of that structure for a non-America's Cup purpose or its replacement with a structure of similar scale in a similar location.

Flexibility regarding Base Building Designs

- (p) The schedule of conditions proposed by Panuku in the application includes:
 - (i) Condition 23 that applies in the event that the syndicate bases are constructed in accordance with the Moller Architects drawings submitted with the application; and
 - (ii) Condition 24 that applies in the event that it is proposed to construct a syndicate base other than in accordance with the Moller Architects drawings submitted with the application.
- (q) Condition 24 envisages:
 - (i) The proponent of an alternative design submitting the drawings for that alternative design to a Council officer prior to construction for certification that the design complies with bulk and location requirements.
 - (ii) The drawings being accompanied by certification from a "*suitably qualified and experienced person*" that are "*in terms of the Wynyard Hobson Building and Public Space Design Guidelines dated 10 April, 2018*".
- (r) The Wynyard Hobson Building and Public Space Design Guidelines are high-level, lack specificity, are loosely framed and provide little comfort regarding the aesthetic qualities of any alternative design or its sensitivity to the surrounding environment.
- (s) In the circumstances, the certification processes envisaged in condition 24 are inadequate to ensure an appropriate outcome and the condition should be deleted in its entirety. In that case, any proposal for revised design will require a restricted discretionary resource consent. VHHL's expectation is that any well considered design for a temporary syndicate building that complies with the approved building envelope would receive consent on the basis the adverse

effects generated by it would be similar to or less than those generated by the design approved as part of the Wynyard Hobson Proposal.

Inclusion of VHHL as a Key Stakeholder

- (t) The schedule of proposed stakeholders proposed by Panuku (eg: proposed condition 36) lists parties with whom the consent holder is to consult. VHHL is not currently listed as one of those parties:
 - (i) Despite being the freehold owner of extensive areas of land and marina operations immediately to the south of the Panuku land on which the Wynyard Hobson Proposal will be located;
 - (ii) Notwithstanding the adverse effects that may be generated on the VHHL Land by any construction works for the Wynyard Hobson Proposal and by the management of vehicles, pedestrians and activities through the America's Cup events themselves; and
 - (iii) Notwithstanding the desirability of the America's Cup events being managed in cooperation and in conjunction with VHHL as the owner of land to the south.
- (u) It is essential and appropriate for Panuku or any subsequent consent holder to consult and work cooperatively with VHHL with respect to construction and operational matters relating to the Wynyard Hobson Proposal and the America's Cup event(s).

Adverse effects of the Wynyard Hobson Proposal on VHHL Land

- (v) The Wynyard Hobson Proposal has the potential to generate significant adverse effects on activities located on the VHHL Land and in the Viaduct Harbour Marina, including the matters discussed below.
- (w) *Construction effects (including traffic, noise and vibration) experienced at sites in the vicinity of the proposed works* - A large portion of the VHHL Land in the vicinity of the Viaduct Harbour is occupied by activities that are particularly sensitive to the noise and disruption that is likely to be created by the construction works relating to the Wynyard Hobson Proposal (e.g.: residential accommodation; visitor accommodation; food and beverage outlets). The conditions imposed will need to ensure that adverse effects on the amenity of residents, guests and occupants of visitor accommodation and patrons of food

and beverage outlets are appropriately identified, monitored and avoided, minimised or mitigated.

(x) *Traffic conditions and congestion and pedestrian connectivity, convenience and safety throughout the Viaduct Harbour and Wynyard Precincts* – The Wynyard Hobson Proposal will inevitably have significant effects on these matters. That will be a function of:

- (i) The extent to which and way in which construction activities affect traffic patterns and road carriageways;
- (ii) The effect on traffic patterns generated by vehicles relating to construction (e.g.: trucks delivering or removing material);
- (iii) Parking policies adopted with respect to construction workers, workers at and visitors to the syndicate bases, and event attendees;
- (iv) Any changes to the operation and management of Viaduct Harbour (including Wynyard Crossing); and
- (v) Any changes to traffic patterns (e.g.: road or footpath access closures; numbers of lanes; lane markings; allocation of parking spaces; allocation of pickup and drop-off zones; identification of taxi ranks; bus lanes and bus stops; and the implementation of any cycle lanes) that are implemented as part of or to support the construction or operation of the AC36 event.

These issues will also be affected by decisions made by the NZ Transport Authority or Auckland Transport with respect to the road network in the vicinity of the Wynyard Precinct and Viaduct Harbour Precinct. It is essential that any decisions made with reference to the Wynyard Hobson Proposal are consistent with and complementary to works anticipated by NZ Transport Authority or Auckland Transport and it is desirable that those organisations take account of the AC36 event when planning such works.

(y) *The manner in and extent to which the event operations will be integrated with the existing activities, open spaces and pedestrian routes through the Viaduct Harbour and Wynyard Precincts* – The thoroughfares and open spaces in the Viaduct Harbour and Wynyard Precincts are connected and in practice any event that occurs in part of that area affects activities throughout it. Accordingly,

it is essential that any America's Cup events are planned in a way that takes account of activities and operations throughout the precincts and ensures that activities are well integrated and coordinated. Any planning in respect of the AC36 event needs to be undertaken in conjunction and cooperation with VHHL and other key interests in the Viaduct Harbour and Wynyard Precincts.

Management Plans

- (z) Panuku proposes to address most adverse effects that will be generated by the Wynyard Hobson Proposal by way of management plans which, in terms of Panuku's proposed schedule of conditions, will be drafted and certified after the consenting process is complete. As a consequence, Panuku's proposed schedule of conditions would deprive members of the public including VHHL of meaningful involvement in the preparation and approval of most of the management plans.
- (aa) VHHL considers that, given:
 - (i) The scale of works involved in this case;
 - (ii) The severity of the potential adverse construction and operational effects; and
 - (iii) The broad area over which those effects will be experienced

it is essential that all management plans required for the Wynyard Hobson Proposal be prepared, circulated for comment by submitters, considered by the decision maker, approved through the resource consenting process and incorporated directly into the resource consent by way of condition, rather than being the subject of a subsequent certification process. That will ensure that the content and effectiveness of management plans is addressed comprehensively through the hearing and that the decision maker and affected parties have comfort that the management plans will have the functionality required of them.

- (bb) VHHL acknowledges that there may be circumstances in which detailed provisions within the management plans may require amendment. In order to enable such amendments to occur without the formality of a formal resource consent application, VHHL considers that the conditions of consent should:

- (i) Specify comprehensively and in detail all objectives, outcomes, standards and thresholds that are to be achieved through the management plan.
- (ii) Establish a process through which changes may be incorporated into the approved management plans provided that:
 - The consent holder submits to Council a report recording the rationale for the change; the manner in which the amended provisions will continue to meet the outcomes, standards and thresholds relevant to the management plan; and any potential adverse effects on the environment including affected parties that might arise as a consequence of the change to the management plan;
 - The proposed changes are the subject of consultation with all potentially affected parties including VHHL, with those parties being given an opportunity to provide to the Council their written responses to the proposed changes; and
 - The Council is satisfied that the revised management plans continue to meet the outcomes, standards and thresholds specified in the conditions.

General Observations re Panuku Schedule of Conditions

- (cc) VHHL acknowledges that the detailed design of the Wynyard Hobson Proposal and Panuku's proposed schedule of conditions are likely to change through this submission and hearing process and for that reason has not proposed specific amendments to the currently proposed conditions of consent.
- (dd) VHHL wishes to be involved in any discussions regarding the terms and conditions on which consents are granted, to ensure that adverse effects on it and its tenants and occupiers are minimised and managed appropriately.
- (ee) VHHL reserves the right to raise issues relating to the detailed wording of the conditions but, without limiting that right, records in paragraph 5 below a number of particular matters that it considers should be incorporated into the schedule of conditions imposed on the resource consents for the Wynyard Hobson Proposal.

5. VHHL seeks the following relief:

- (a) That the Wynyard Hobson Proposal be declined consent in its entirety unless the concerns expressed by VHHL in this submission are addressed to its satisfaction. In that regard, VHHL seeks amendments to the Wynyard Hobson Proposal and to the schedule of conditions proposed by Panuku including, by way of example but not by way of limitation, the matters listed in items (b) to (k) below.
- (b) A reduction in the extent of works authorised under the Wynyard Hobson Proposal by deleting the northernmost 10m of the proposed extension to Hobson Wharf.
- (c) If the relief sought in item (b) above is not upheld, the imposition of conditions that:
 - (i) Require the northernmost 10m of the proposed extension to Hobson Wharf to be provided by way of temporary structure (e.g.: floating pontoons or cantilevered structures attached to the wharf); and
 - (ii) Require the removal of the northernmost 10m of the proposed extension to Hobson Wharf within 3 months of the completion of the 2021 AC36 event.
- (d) The imposition of conditions that:
 - (i) Prevent the use of the Base B building for any activity unrelated to the 2021 AC36 event.
 - (ii) Require the removal of the Base B building on the Hobson Wharf Extension within 3 months of the completion of the 2021 AC36 event.
- (e) The imposition of conditions that require the buildings in respect of all syndicate bases (ie: Bases A-G) to be constructed in accordance with the Moller Architects drawings, failing which any alternative design would need to obtain a separate resource consent.
- (f) The imposition of conditions that:
 - (i) Recognise VHHL as a key stakeholder;

- (ii) Require the consent holder to consult with VHHL with respect to the preparation of and changes to all management plans; and
 - (iii) Ensure that VHHL is involved in any processes relating to event management, and the management of vehicle and public access to the Viaduct Harbour and Wynyard precincts.
- (g) The imposition of conditions that address the following matters, to VHHL's satisfaction:
- (i) Traffic conditions and congestion throughout the Viaduct Harbour and Wynyard Precincts including:
 - Carparking policies adopted with respect to construction workers;
 - Carparking availability for workers at and visitors to permanent businesses in the Viaduct Harbour and Wynyard Precincts;
 - The extent to which and way in which construction activities affect traffic patterns, pedestrian access and road carriageways;
 - The effect on traffic patterns generated by vehicles relating to construction (e.g.: trucks delivering material or removing debris); and
 - Any changes to traffic patterns (e.g.: road and footpath closures; numbers of lanes; lane markings; allocation of parking spaces; allocation of pickup and drop-off zones; identification of taxi ranks; bus lanes and bus stops; and the implementation of any cycle lanes) that are implemented as part of or to support the construction or operation of the America's Cup event(s).
 - (ii) The operation and management of Viaduct Harbour (including Wynyard Crossing).
 - (iii) Noise, vibration and dust experienced at sites adjacent to the proposed works.
 - (iv) Pedestrian connectivity between the syndicate bases, Wynyard Quarter, Viaduct Basin and Auckland Central Business District.

- (v) Visual amenity and urban design.
- (h) The imposition of conditions that require any planning in respect of the America's Cup event(s) to be undertaken in conjunction and cooperation with VHHL with the goal of ensuring that event activities and operations are integrated with and complementary to activities elsewhere in the Viaduct Harbour and Wynyard Precincts.
- (i) Settling the terms and conditions of all and any management plans specified in the schedule of conditions through the preparation, consideration and approval of all management plans through the consenting process.
- (j) The imposition of conditions regarding any changes to the approved management plans that:
 - (i) Specify in detail in the conditions the matters to be addressed in all management plans including the objectives, outcomes, standards and thresholds to be met by the consent holder with respect to specified potential adverse effects on the environment.
 - (ii) Establish a process through which changes may be incorporated into the approved management plans provided that:
 - The consent holder submits to Council a report recording the rationale for the change; the manner in which the amended provisions will continue to meet the outcomes, standards and thresholds relevant to the management plan; and any potential adverse effects on the environment including affected parties that might arise as a consequence of the change to the management plan.
 - The proposed changes are the subject of consultation with all potentially affected parties (including VHHL) with those parties being given an opportunity to provide to the Council their written response to the proposed changes.
 - The Council is satisfied that the revised management plans continue to meet the outcomes, standards and thresholds specified in the conditions.

- (k) The imposition of an additional condition enabling the Council to review the conditions of consent within 6 months of the end of the 2021 AC36 event if New Zealand retains the America's Cup, to deal with any adverse effects on the environment that become apparent during the AC36 event as a consequence of the event operations.
 - (l) Such alternative or other relief or consequential amendments as are considered appropriate or necessary to address the concerns set out in this submission.
6. VHHL wishes to be heard in support of its submission.
7. If others make a similar submission, VHHL will consider presenting a joint case with them at a hearing.

DATED this 28th day of May 2018



VHHL by its chief executive and duly authorised agent, Angela Bull

ADDRESS FOR SERVICE: the offices of Ellis Gould, solicitors, Level 17, Vero Centre, 48 Shortland Street, PO Box 1509, Auckland 1140; DX CP 22003, Auckland. Telephone: (09) 307 2172; Facsimile: (09) 358 5215. Contact: Douglas Allan. Email: dallan@ellisgould.co.nz

ANNEXURE 1

