

IN THE MATTER

of the Resource Management
Act 1991

AND

IN THE MATTER

of an appeal under clause 14
of Schedule 1 to the Act

BETWEEN

**THE UNIVERSITY OF
AUCKLAND**

ENV-2007-AKL-000431

Appellant

AND

AUCKLAND CITY COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge L J Newhook sitting alone under section 279 of the Act

IN CHAMBERS at Auckland.

CONSENT ORDER

Introduction

1. The Court has read and considered the appeal, and the memorandum of the parties dated 16 December 2008.
2. The Official Bay Heritage Protection Society Incorporated has given notice of an intention to become a party under section 274 and has signed the memorandum setting out the relief sought.
3. No other person has given notice of an intention to become a party under section 274.
4. The Court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:



- (a) All parties to the proceedings have executed the memorandum requesting this order;
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

Order

5. Therefore, the Court orders, by consent, that Auckland City Council is to amend five of the provisions as introduced by Proposed Plan Change 2 to the Auckland City Operative District Plan – Central Area Section 2004, shown below:

- (a) Amend Assessment Criteria 5.6.3.1(d): 10. Accommodation as follows:

10. Accommodation

a) *The extent to which the design of every accommodation unit complies with Appendix 12, Minimum Residential Apartment Guidelines, with the exception that Parts A, D, E, F, and G will not apply to student accommodation provided or operated by a tertiary institution, which the student is attending. A tertiary institution is that defined as an "institution" under Section 159 of the Education Act 1989. In particular, accommodation (including non permanent accommodation) should be designed to provide a good standard of amenity with regard to the size, purpose and design of residential units and accommodation.*

- (b) Amend Rule 5.5.5, as follows:

Activity	Consent Required
<i>Non Permanent Accommodation (except where located in the Tertiary Education Precinct)</i>	<i>Restricted Discretionary</i>
<i>Non Permanent Accommodation located in the Tertiary Education Precinct</i>	<i>Restricted Controlled</i>



(c) Amend Rule 5.5.5.1(iii) Standards for Non Permanent Accommodation, as follows:

(iii) ~~Non permanent accommodation located within the Tertiary Education Precinct includes student accommodation offered for the period of the educational calendar year that is provided or operated by a tertiary institution, which the student is attending, subject to compliance with the prerequisites listed as rule 5.5.5.1ii)b) – d) above, except where located on Crown land where rule 5.5.5.1ii) c) and d) shall not apply. A tertiary institution is that defined as an "institution" under Section 159 of the Education Act 1989.~~

(d) Amend Assessment Criteria 5.6.3.1(f), as follows:

Any proposal for new buildings or the conversion of floor space within existing buildings for non permanent accommodation shall be assessed against the criteria listed in clause 5.6.3.1(d).5 Activities, 5.6.3.1(d).10a-d) Accommodation and 5.6.3.1(d).123(a) Sustainability.

(e) Amend Development Control 6.15 Accommodation, as follows:

a) *For new building or the conversion of floor space within existing buildings to accommodation (excluding non permanent accommodation):*

...

6. The appeal is otherwise dismissed.

7. There is no order as to costs.

DATED at Auckland this

19th

day of

December

2008



L J Newhook
Environment Judge

