

Before the Board of Inquiry  
Waterview Connection Project

**IN THE MATTER OF      THE RESOURCE MANAGEMENT ACT 1991**

**AND**

**IN THE MATTER                      of a Board of Inquiry appointed under s.149J of the  
Resource Management Act to decide notices of  
requirement and resource consent applications by  
the NEW ZEALAND TRANSPORT AGENCY**

**Memorandum on behalf of Apartments Limited and Others on the Draft Report  
And Decision**

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## MEMORANDUM ON BEHALF OF APARTMENTS LIMITED AND OTHERS

1. This Memorandum is filed on behalf of Apartments Limited (Submission 72), Body Corporate 212138 (98), GTL Brown (149), Hallen Limited (106), R Fond (125), J and R Family Trust (117), CT Kwan and LS Yeoh (166), Stewart Holdings Limited (181), LH Teck (240), and Townscape Securities Auckland Limited (101).
2. The Board of Inquiry released its Draft Report and Decision on the Waterview Connection Proposal on 25 May 2011 and invited comments by 23 June.
3. Section 149Q (4) of the Resource Management Act 1991 enables submitters to “*send comments on minor or technical matters*” to the EPA.
4. There are three issues, from the ten submitters point of view, which warrant correction in the Draft Report. All three are in the minor category. The first is the names of the parties identified in para [1313] of the Draft Report which have been misspelled. “R Ford” should be “R Fond”, “Hellen Limited” should be “Hallen Limited” and “LH Tech” should be “LH Teck”.
5. Secondly, in para [1314], the Draft Report refers to Messrs Tauber and Richardson as speaking on behalf of “*all unit title owners in the block*”. This is not correct. Messrs Tauber and Richardson were speaking for 31 of the 35 unit title holders. They did not have authority to speak on behalf of 4 of the 35 owners at the residential village at 1510 Great North Road, Waterview. It is suggested that this sentence be re-phrased to read “*speaking on behalf of the majority of unit title holders in the block*”.
6. Thirdly, in para [1308] and following, the Board describes the residential village at 1510 Great North Road as a “*hostel*”. While this is no doubt for ease of reference, the description of the residential village as a hostel is not correct and the use of this term applying to the residential village could have unintended, serious and unfortunate consequences for the owners of the residential units.
7. The residential units at 1510 Great North Road are classed under the Building Act 2004 as household units. This term is defined in section 7 of the Building Act as follows:

**“household unit –**

**“(a) means a building or group of buildings, or part of a building or group of buildings, that is –**

**(i) used, or intended to be used, only or mainly for residential purposes; and**

**(ii) occupied, or intended to be occupied, exclusively as the home or residence of not more than 1 household unit; but**

**“(b) does not include a hostel, boardinghouse, or other specialised accommodation”.**

Emphasis added.

8. The units at 1510 Great North Road are residential units containing varying numbers of bedrooms. They are self contained apartments. There are common areas in the blocks but it is not correct to describe the units collectively as a hostel.
9. The description "*hostel*" appears in paras [1308], [1311] (4<sup>th</sup> bullet point), the heading **13.9**, [1313] and [1321]. It is suggested that the terms "residential village" or "residential accommodation" be used instead as this more correctly describes the complex at 1510 Great North Road.

Dated: 10 June 2011

AFJ Gallen  
For Apartments Limited and Others